



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

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<https://www.nortonma.org/conservation-commission>

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**Monday, February 22, 2021**

**6:30 pm**

**Remote Participation Only**

**The Public Remote Participation Procedure is found at the end of this Agenda**

**Chairperson to read about Public Meetings:**

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the **Norton Conservation Commission** will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found at the end of this agenda.

Members of the public attending this public hearing/meeting virtually will be allowed to make comments if they wish to do so, during the portion of the hearing designated for public comment, by raising their hand virtually or pressing \*9 if participating by phone.

No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the **Norton Cable website** (<https://www.nortonmediacenter.org/>) an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

**Minutes**

6:30pm      Open meeting

*The meeting was called to order at 6:30pm.*

*Attendance: Julian Kadish, Lisa Carrozza, Gene Blood, Ron O'Reilly, Dan Pearson, Daniel Doyle, Jr., Kerry Malloy Snyder, Conservation Secretary Melissa Quirk, Conservation Director Jennifer Carlino*

*Kadish read the names of the participating ConCom members.*

**WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS**

Wetland hearings will be taken in order.

- A. Request for Determination of Applicability (DET #1108) Peter Berard, 121 Pine Street, (Map 23, Parcel 180).** The proposed project involves plans to repair an existing septic system

with associated grading within 100 feet of bordering vegetated wetlands. Files can be viewed here <https://tinyurl.com/DET1108-121PINE>

*Document List – 121 Pine Street*

1. *WPA Form 1 – Request for Determination of Applicability received 2/9/2021*
2. *Plans entitled, “A Septic System Repair in Norton, MA for Peter Berard”, prepared by Senna Fitzgerald Gilbert Associates, signed and stamped by Stephen Gilbert and Bradley Fitzgerald, dated 2/5/2021*
3. *Plans entitled, “A Septic System Repair in Norton, MA for Peter Berard”, prepared by Senna Fitzgerald Gilbert Associates, signed and stamped by Stephen Gilbert and Bradley Fitzgerald, dated 2/5/2021, rev 2/8/2021*
4. *Disclosure of Appearance of Conflict of Interest dated 2/22/2021*

*Carlino noted she had submitted a Disclosure Statement. There is not an actual conflict of interest, but she wanted to make sure it was noted in case there was any appearance of a conflict. Carlino is friends with the homeowner. However, that did not change how she would have reviewed the permit, or recommendations that she would have given to the ConCom.*

*Brad Fitzgerald of SFG Associates attended the hearing on behalf of the applicant. He explained the single-family house has an existing septic system in the front yard. The system is failing and needs to be replaced. After doing percs, they felt it was better to put the new system in the backyard. At the closest point, the pump chamber and tank would be just over 50 feet from the BVW. The leaching area would be about 86 feet from the BVW. The finished grading around the system will extend to about 75 feet from the BVW. They will not go into the existing tree line. A couple of trees would need to come down for the leaching area. There will be a poly-barrier around the leaching area to prevent break-out. They are proposing sediment control to run from the wall on the plan to the edge of where the tanks are going in. The system is contained within existing lawn area.*

*Carlino noted there is a small amount of compost that is very close to the wetland area. This previous clearing is within the 25-foot buffer zone. It is up to the ConCom if they want to require posting markers along that line*

*Motion was made to close the public hearing for DET#1108 by Doyle, seconded by Carrozza. Motion passes.*

*A roll call vote was taken:*

<i>Blood– Aye</i>	<i>Pearson – Aye</i>
<i>O'Reilly - Aye</i>	<i>Doyle - Aye</i>
<i>Carrozza – Aye</i>	<i>Kadish - Aye</i>
<i>Snyder– Aye</i>	

*Motion was made to issue a Negative 3 Determination for DET #1108 by Pearson, seconded by O'Reilly. Motion passes.*

*A roll call vote was taken:*

<i>Blood– Aye</i>	<i>Pearson – Aye</i>
<i>O'Reilly - Aye</i>	<i>Doyle - Aye</i>
<i>Carrozza – Aye</i>	<i>Kadish - Aye</i>
<i>Snyder– Aye</i>	

**B. Amendment to Order of Conditions (DEP #250-1025) Condyne Engineering Group (Map 11, Parcel 32).** (continued from 1/11/2021, 2/8/2021) For proposed plans to amend DEP#250-1025 to remove the approved building and replace with parking and changes to the stormwater system within Riverfront Area to Canoe River. Files can be viewed here <https://tinyurl.com/250-1025LOT3Amend>

*The applicant requested a continuance to 3/8/2021. Motion was made to continue the public hearing for DEP #250-1025 to March 8, 2021 by Pearson, seconded by Doyle. Motion passes.*

*A roll call vote was taken:*

<i>Blood– Aye</i>	<i>Pearson – Aye</i>
<i>O'Reilly - Aye</i>	<i>Doyle - Aye</i>
<i>Carrozza – Abstain</i>	<i>Kadish - Aye</i>
<i>Snyder– Aye</i>	

**C. Notice of Intent (#250-1065) Leonard Street Phase II Owner, LLC, 0 Leonard Street (Map 11, Parcels 22, 25-0, 25-01 and Map 12, Parcel 15.** (continued from 9/14/2020, 10/19/2020, 11/9/2020, 11/23/2020, 12/14/2020, 1/11/2021, 2/8/2021) The proposed project is the construction of road and associated utilities within Riverfront Area and 100 feet of bordering vegetated wetland. Files can be viewed here <https://tinyurl.com/LeonardSt-Condyne>

*The applicant requested a continuance to 3/8/2021. Motion was made to continue the public hearing for DEP #250-1065 to March 8, 2021 by Pearson, seconded by Doyle. Motion passes.*

*A roll call vote was taken:*

<i>Blood– Aye</i>	<i>Pearson – Aye</i>
<i>O'Reilly - Aye</i>	<i>Doyle - Aye</i>
<i>Carrozza – Abstain</i>	<i>Kadish - Aye</i>
<i>Snyder– Aye</i>	

**D. Notice of Intent (#250-1057) Ruscito Brothers LLC, 253 Mansfield Avenue (Map 3, Parcel 722).** (continued from 7/27/2020, 9/14/2020, 10/19/2020, 11/23/2020, 1/25/2021) The proposed project is to convert a commercial building to a 40B multi-story, multi-unit residential apartment building, stormwater management, parking and utilities within 100 feet of bordering vegetated wetland. Files can be viewed here <https://tinyurl.com/253-mansfield>

*The applicant requested a continuance to 3/8/2021. Motion was made to continue the public hearing for DEP #250-1057 to March 8, 2021 by Pearson, seconded by O'Reilly. Motion passes.*

*A roll call vote was taken:*

<i>Blood– Aye</i>	<i>Pearson – Aye</i>
<i>O'Reilly - Aye</i>	<i>Doyle - Aye</i>
<i>Carrozza – Aye</i>	<i>Kadish - Aye</i>
<i>Snyder– Aye</i>	

#### **SIGN AND ISSUE ORDER OF CONDITIONS/ORDER OF RESOURCE AREA DELINEATION**

**E. Notice of Intent (#250-1071) Mansfield Municipal Airport Commission, 265 Fruit Street, (Map 3, Parcel 428 and Map 4, Parcels 133, 139-02, 140, 142 and 191).** (continued from 1/25/2021) The proposed project is to remove obstructive vegetation within wetland, a certified vernal pool and within 100 feet of wetland. Files can be viewed here <https://tinyurl.com/MansAirportVEG>

*This hearing was closed at the last meeting, 2/8/2021.*

*Motion was made to issue the Order of Conditions for DEP #250-1071, as discussed, by Doyle, seconded by Pearson. Motion passes.*

*A roll call vote was taken:*

<i>Blood– Aye</i>	<i>Pearson – Aye</i>
<i>O'Reilly - Aye</i>	<i>Doyle - Aye</i>
<i>Carrozza – Abstain</i>	<i>Kadish - Aye</i>
<i>Snyder– Aye</i>	

#### **REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE**

- **Partial Certificate of Compliance DEP #250-468, 46 Charlotte Ave Map 19, Parcel 29** for installation of 12,930 linear feet of sewer line.

*Motion was made to issue a Full Certificate of Compliance for DEP #250-468 by Pearson, seconded by O'Reilly. Motion passes.*

*A roll call vote was taken:*

<i>Blood– Aye</i>	<i>Pearson – Aye</i>
<i>O'Reilly - Aye</i>	<i>Doyle - Aye</i>
<i>Carrozza – Aye</i>	<i>Kadish - Aye</i>
<i>Snyder– Aye</i>	

- **Partial Certificate of Compliance DEP #250-570, 46 Charlotte Ave Map 19, Parcel 29** for proposed residential and two commercial sewer tie-ins.

*Motion was made to issue a Partial Certificate of Compliance for DEP #250-570 for 46 Charlotte Ave only by Carrozza, seconded by O'Reilly. Motion passes.*

*A roll call vote was taken:*

<i>Blood– Aye</i>	<i>Pearson – Aye</i>
<i>O'Reilly - Aye</i>	<i>Doyle - Aye</i>
<i>Carrozza – Aye</i>	<i>Kadish - Aye</i>
<i>Snyder– Aye</i>	

### **REVIEW DRAFT MINUTES**

*2/8/2021 - Motion was made to accept the meeting minutes, as discussed, for 2/8/2021 by Carrozza, seconded by Doyle. Motion passes.*

*A roll call vote was taken:*

<i>Blood– Aye</i>	<i>Pearson – Aye</i>
<i>O'Reilly - Aye</i>	<i>Doyle - Aye</i>
<i>Carrozza – Aye</i>	<i>Kadish - Aye</i>
<i>Snyder– Aye</i>	

### **NEW BUSINESS**

Town Manager, Michael Yunits, is requesting the ConCom consider transferring \$5,000 from the Wetland Protection Fund to the FY22 Town of Norton operating budget.

*After discussion, motion was made to transfer \$3,000.00 from the Wetland Protection Fund to the Town's General Fund by Carrozza, seconded by Doyle. Motion passes.*

*A roll call vote was taken:*

*Blood– Aye  
O'Reilly - Aye  
Carrozza – Aye  
Snyder– Aye*

*Pearson – Aye  
Doyle - Aye  
Kadish - Aye*

## **OLD BUSINESS**

### **Site Inspections - Violations**

Freeman St, 3 addresses, potential wetland violations  
Kensington, 2 addresses CR violation  
S Worcester, m 27 pcl 193  
122 W Hodges St.  
184 W Main St.  
77 Charlotte

*Carlino discussed 213 Oak Street. They were doing a Conservation Restriction to permanently preserve the rest of the wetland and a good chunk of the upland area. As part of the application package for the Conservation Restriction to the State, we have to fill out a Municipal Certification Form.*

*Motion was made to sign the Municipal Certification Form for the Conservation Restriction package for 213 Oak Street by Carrozza, seconded by Snyder. Motion passes.*

*A roll call vote was taken:*

*Blood– Aye  
O'Reilly - Aye  
Carrozza – Aye  
Snyder– Aye*

*Pearson – Aye  
Doyle - Aye  
Kadish - Aye*

**Reservoir Update -  
Chartley Pond Update -  
Barrowsville Dam  
Report from Staff  
Waterbodies Committee update-  
Grants  
Town Meetings**

## **BILL SUMMARY**

**Summary list of bills signed – February 8, 2021 – February 22, 2021**

McGregor & Legere \$1,127.00 Island Brook	242-171-100-5700 – Wetland Protection Fund
John Parker Plumbing \$180.00 Areas Edith Read	001-171-570-5308 – Maintenance of Conservation
Town of Mansfield \$12,000.00 MVP Grant	367-171-100-5700 – MVP Grant Funds – SRPDD
Comcast Business \$118.44 Areas Edith Read	001-171-570-5308 – Maintenance of Conservation
Jennifer Carlino \$61.41 Michael's	001-171-570-5716 – Education
W.H. Riley & Sons \$694.89 Areas Edith Read – propane	001-171-570-5308 – Maintenance of Conservation

**RATIFY LAST MEETING'S OPEN SESSION (TOPICS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE)**

**OPEN SESSION (TOPICS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE)**

*Carlino asked ConCom members to let her know this week if they would be interested in attending the annual MACC conference. It begins virtually Saturday, March 6<sup>th</sup> and continues through the week. She will need approval from the Town Manager, but we have allotted funds in our budget for this.*

*Motion to adjourn by Pearson, seconded by Doyle. Motion passes and meeting closes at 7:20PM.*

Respectfully submitted by: Melissa Quirk Melissa Quirk

*Minutes approved by the Commission on 3/22/2021.*

Conservation Commission Signature:

Julian Kadish  
Julian Kadish, Conservation Commission Chairman


3/25/21  
Date





## **PUBLIC REMOTE PARTICIPATION PROCEDURE**

For this meeting, members of the public who wish to participate in the meeting may do so in the following manner:

1. To participate in the meeting, we recommend downloading the zoom app  before the meeting. (This may not be necessary because you can click the link below but we have found that this makes logging in to the meeting easier.)
2. **Join the Zoom Meeting at 6:30pm.** Using your computer or smart phone go the Zoom app and click "join a meeting" or click on:

<https://us02web.zoom.us/j/85148694652?pwd=bFFDYUZiVlhtVlFVbVhwSVZJeXFFZz09>

When prompted, enter the **Meeting ID:** 851 4869 4652, **Password:** 600734.

- The site can be a little tricky so if it doesn't work the first time, try again. Try copying and pasting the link into a google chrome browser if internet explorer or another browser doesn't work for you.
  - Using "connecting to video and audio through the computer" has been the easiest method. So make sure your computer's video/audio is on.
  - If you cannot hear, you may need to phone in by calling 1-646-558-8656, same meeting ID and password as above. If it asks for a participant id you can just hit #. Please put your phone on mute until the Chairman asks for your comments.
  - Everyone will be placed on mute at the beginning of the meeting as you sign in but you should be able to hear. We will unmute you when we reach the public question and answer portion of our meeting.
3. If, for some reason, neither option is working for you, you can email the Conservation Commission at [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com) to ask your questions. We will read your email address, name and comments into the public record.
  4. The standard procedure for a public hearing is a presentation by the applicant's representative, questions and comments by the Conservation Commission and Director, then opening questions and comments to the abutters. Please be patient and wait for your turn to participate.
  5. If there are no additional questions by the Conservation Commission or Director, the hearing would typically close; however, to ensure adequate opportunity for public participation, those specific hearings will be continued until the next meeting. This will be announced. You will have until the next meeting to provide your comments and questions before the Commission closes the hearing and makes a decision.