



**Norton Conservation Commission**

70 East Main Street

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

RECEIVED  
NORTON TOWN CLERK  
2021 MAY 17 AM 9:23

**Monday, April 12, 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:    Gene Blood, Ron O'Reilly, Dan Pearson, Daniel Doyle, Jr., Kerry Malloy Snyder, Conservation Director Jennifer Carlino*

*Absent: Julian Kadish, Lisa Carrozza, Melissa Quirk, Conservation Secretary*

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

**WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS**

Wetland hearings will be taken in order.

- A. **Notice of Intent (#250-1074) YMCA Attleboro/Norton, 295 West Main Street (Map 26, Parcel 292).** The proposed project is to construct a camp pavilion, replace septic system and install water line utilities with associated tree clearing and grading within 100 feet of wetlands. Files can be viewed here <https://tinyurl.com/250-1074YMCA>

*Mark Mariano of Oakhill Engineering attended the hearing on behalf of the applicant in addition to CFO, Paul Fournier, of the YMCA.*

*Mariano explained the YMCA is looking to build a 60 x 100 foot one-season pavilion to provide the kids shelter in inclement weather. It would be built on a large paved area that was supposed to be a tennis court, but was never built. They would reduce their impervious footprint on the site as they build the structure and remove the remaining pavement. Restrooms would be added in the pavilion which would require infrastructure upgrades. They include a service line and septic system. Mariano showed the site and where the project would take place. It is approximately a 200-acre site. The pavilion would be in the center. The septic tank and pump chamber will be outside the 100-foot buffer. Most of the work for the utility upgrades would fall between the 50 to 100-foot area from the wetlands. The grading and tree clearing for the septic system would fall within the 50-foot buffer. This site was chosen after other test pits had poor material and high groundwater. The existing tree line will also allow the system to be somewhat visually shielded. The system itself will be partially raised due to the high groundwater. All of the work is less than one acre*

*Carlino questioned the detail for the culvert, earth bridge and post and rope fence. Mariano stated the detail is on page C4 of the more recent plans he submitted. He will submit a new page of the plan showing the posts on the edge of the clearing.*

*Motion was made to close the public hearing for DEP #250-1074 by Doyle, seconded by Blood. Motion passes.*

*A roll call vote was taken:*

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

*Pearson - Aye  
Doyle - Aye*

- B. **Notice of Intent (#250-1075) Massachusetts Department of Transportation, Three Mile River Bridge MP 6.84 (Map 33, Parcel 11).** The proposed project is to widen the existing track embankment/ballast and replace the existing bridge within 100 feet of bordering vegetated wetland and within 200 feet of the Three Mile River. Files can be viewed here <https://tinyurl.com/DOT3MileBridge>

*Kyle Purdy and Tom Cabana of Jacobs Engineering attended the hearing on behalf of the applicant. Purdy explained the railroad embankment is located between Harvey Street and*

*New Taunton Ave. It will be crossing the Three Mile River. This is associated with the Attleboro secondary line. Pursuant to Section 24 of the Transportation Bond Bill, the bridge replacement work is exempt from the WPA. However, with their Notice of Intent, they have proposed widening of existing embankment or ballast of the railroad tracks for physical stability. They would like to widen the tracks and fill in gaps that have developed over time. There is a municipal line to the east, so they are also filing a Notice of Intent with Taunton. Next to the heightened embankment, there is BVW on both sides. The widening will take place within the 100-foot buffer zone to BVW and Bank as well as the Riverfront Area. There will be no impact to wetlands, waterbodies or the Bank. Purdy showed the impact areas on the plan. He gave detail of the bridge replacement being done through DEP to help the ConCom understand the purpose and need of the project. They would like to show these impacts of the track widening to DEP since that will require water quality certification. Permanent impacts total 5,365 sf within the 100-foot buffer zone and 634 sf within Riverfront Area. Carlino asked Purdy to revise page 3 of the NOI since that shows BVW being impacted. Purdy explained they are outside of BLSF. There was no flood impact study done for this segment of the Three Mile River. This is about 1 and ½ miles north of where the study was done. They calculated the elevation off of the 100-year storm event. All of their work is done above that elevation. Purdy stated their calculations have been done according to the Regulations. They are actually extending the bridge to get out of the impacts. Even though this segment is exempt from WPA, Carlino suggested they may want to show the elevation for the floodplain on the plan to show that they are actually outside of the floodplain. Purdy stated those calculations are also included in the Stormwater Report, but he will also provide the plans with the floodplain elevation detail.*

*Snyder noted the project is characterized as a limited project as a water-dependent use. What is the water dependent-use? Purdy explained the bridge replacement and the widening of the embankment/ballast is needed for stability of the replacement. Carlino provided a definition for water-dependent use showing how they qualify for that. Carlino then questioned the project being a limited project. Is it because they are above threshold in the Riverfront Area? Purdy stated it is also because it is a maintenance activity of an existing rail.*

*The applicant requested a continuance to 4/26/2021. Motion was made to continue the public hearing for DEP #250-1075 to April 26, 2021 by O'Reilly, seconded by Blood. Motion passes.*

*A roll call vote was taken:*

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

*Pearson – Aye  
Doyle – Aye*

**C. Request for Determination of Applicability (DET #1109) Massachusetts Coastal Railroad, Massachusetts Coastal Railroad Right-of-Way.** The proposed plan is to confirm wetland boundaries and approve vegetation management activities along the Ma Coastal Railroad Right of Way. Files can be viewed here <https://tinyurl.com/MaCstlRR>

*The applicant requested a continuance to 4/26/2021. Motion was made to continue the public hearing for DET #1109 to April 26, 2021 by Blood, seconded by O'Reilly. Motion passes.*

*A roll call vote was taken:*

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

*Pearson - Aye  
Doyle - Aye*

**D. 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, 2/22/2021, 3/8/2021, 3/22/2021) 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-Condylne>

*Mark Dibb of Condylne Engineering attended the hearing. Since the last meeting, Dibb stated he responded to the Town's Consultant, John Chessia, and resubmitted a full set of plans. He has not heard back and believes they have met the review comments*

*Carlino stated she did receive a revised page 3 of the NOI. Carlino questioned the retaining wall that was discussed for the existing cart path during the site-walk. Dibb discussed the area on the plan and explained that he responded to Chessia's comments in January. Since this is already in the area of the cleared gravel driveway, they are requesting to maintain the grading as shown on the plan. They would not be disturbing any additional vegetation. There will be a double row of silt fence there during construction. A retaining wall would be costly, and they could only pull the limit of work in about 4 feet. The road was centered at the highest point possible. There is a retaining wall on the other side. This was summarized in his January 18<sup>th</sup> letter, and he did not receive any feedback. Doyle commented, after walking the site, he did not see any problem with keeping the existing grade and not doing a retaining wall. He asked if the post and rail fence would just go along the access road where the wetland is. Carlino replied it would be at the limit of work within resource areas.*

*Motion was made to close the public hearing for DEP #250-1065 by O'Reilly, seconded by Blood. Motion passes.*

*A roll call vote was taken:*

Blood– Aye  
O'Reilly - Aye  
Snyder - Aye

Pearson – Aye  
Doyle - Aye

**E. 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, 2/22/2021, 3/8/2021, 3/22/2021) 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>

**\*\* requested continuance to April 26, 2021**

*The applicant requested a continuance to 4/26/2021. Motion was made to continue the public hearing for DEP #250-1057 to April 26, 2021 by Blood, seconded by Doyle. Motion passes.*

*A roll call vote was taken:*

Blood– Aye  
O'Reilly - Aye  
Snyder - Aye

Pearson – Aye  
Doyle - Aye

**F. Notice of Intent (#250-1070) Widak/Sher Corp. LTD, 0 Rear Eddy Street (Map 32, Parcel 31).** (continued from 1/25/2021, 2/8/2021, 3/8/2021, 3/22/2021) The proposed project is to construct a common driveway with associated stormwater management, septic system, utilities, retaining walls and grading for 4 duplex units within 100 feet of bordering vegetated wetland. Files can be viewed here <https://tinyurl.com/rearEDDYSherCorp>

**\*\* requested a continuance to May 10, 2021**

*The applicant requested a continuance to 5/10/2021. Motion was made to continue the public hearing for DEP #250-1070 to May 10, 2021 by Doyle, seconded by Blood. Motion passes.*

*A roll call vote was taken:*

Blood– Aye  
O'Reilly - Aye  
Snyder - Aye

Pearson – Aye  
Doyle - Aye

## **EXTENSIONS**

- G. Request for a Three-Year Extension on the Amended Order of Conditions (250-0978) Town of Norton, Mansfield Avenue/Norton Reservoir Aquatic Plant Management Program (Map 9, Parcels 229 and 230; Map 3, Parcel 733; Map 10, Parcel 525; Map 16, Parcel 65.** The proposed project is to treat and remove aquatic invasive plant species using a variety of methods in the Norton Reservoir.

*Matt Ladewig of ESS Group attended the hearing on behalf of the applicant. He stated ESS Group has been assisting the Town of Norton with managing the Norton Reservoir for the last few years. They have had much success controlling the invasive species there using a variety of methods. It is an ongoing challenge. He shared the results in the various ponds and reservoirs with each of the invasive species found. They are requesting a three-year extension to continue to implement this management program using the same tools approved by the ConCom.*

*Pearson asked if there are any fish species that would eat the invasive plants. Ladewig stated there are, but none are native to Massachusetts.*

*Doyle asked about the curly-leaf pondweed. It looks like it is increasing in the Reservoir, but there was no management action taken in 2018 or 2019. Ladewig explained they did treat Norton Reservoir during those years, but it was too late in the season to affect curly-leaf pondweed. That plant has a very short life cycle that starts early in the season. They are not specifically targeting the curly-leaf pondweed. It is difficult to treat and is only in the Reservoir for a short period of time. The Sonar application does affect it because it's done early in the year. They view it as an incidental plant that is being impacted by some of the treatments they do.*

*Motion was made to approve a three-year extension for DEP #250-0978 by Doyle, seconded by Snyder. 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>Snyder - Aye</i>	

- H. Request for a Three-Year Extension on the Amended Order of Conditions (#250-0980) Town of Norton, South Worcester Street/Chartley Pond (Map 26, Parcel 8).** The proposed project is an aquatic plant management program at Chartley Pond to treat and remove aquatic invasive plant species using a variety of methods.

*Motion was made to approve a three-year extension for DEP #250-0973 by O'Reilly, seconded by Blood. 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>Snyder - Aye</i>	

- I. **Request for a Three-Year Extension on the Amended Order of Conditions (250-0973) Town (Map 19, Parcel 183).** The proposed project is to treat and remove aquatic invasive plant species using various methods in Lake Winnecunnet.

*Motion was made to approve a three-year extension for DEP #250-0980 by O'Reilly, seconded by Blood. 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>Snyder - Aye</i>	

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

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

- **Full Certificate of Compliance DEP#250-0943 Town of Norton, Off Plain Street (Map 19, Parcels 2 & 3).** The proposed plan is to construct a new water treatment plant with associated water piping within 100-year floodplain, Riverfront and within 100 feet of wetlands.

*Tara McManus and Mel Higgins of Weston & Sampson attended the hearing on behalf of the applicant.*

*McManus reviewed the project and the three Conditions Carlino had questioned last week. She stated the work concerning Conservation was actually completed in 2018 and restoration of the disturbed areas is complete. The monthly reports referred to in Condition #36 were submitted in 2018. In 2019, grass seed was planted. In 2020, they checked to make sure the grass and disturbed areas were grown. They were waiting for As-Built plans from their contractor in order to request the Certificate of Compliance. Carlino had questioned Condition #44 stating the directional drilling should only occur during a period of low flow (July and August). McManus stated reports were submitted in August and September. In August, they identified that they would be into September before they completed the drilling work. Carlino also questioned Condition #64 stating all wetland resources areas would be kept clean of rubbish, debris and*

construction materials. McManus stated that after the directional drilling was completed across the wetland area, everything was restored. There was no rubbish, debris or construction material left on site. Any material there now may be due to pedestrians that use that area as a cross route. Carlino asked about the Condition for pre and post photos. McManus stated post-construction photos were submitted. She will submit pre and post photos to show the work has not expanded beyond what the permit allows per Carlino's request.

Carlino will do a site inspection.

No action was taken.

### **REVIEW DRAFT MINUTES**

3/22/2021 - Motion was made to accept the meeting minutes for 3/22/2021 by Doyle, seconded by Blood. Motion passes.

A roll call vote was taken:

Blood- Aye	Pearson - Aye
O'Reilly - Aye	Doyle - Aye
Snyder - Aye	

### **NEW BUSINESS**

- **Right of First Refusal – Daggett-Crandall-Newcomb Home, Portions of Newland and Newcomb Street, Map 5, Lot 29.**

Motion was made to NOT recommend exercising our Right of First Refusal for the property at Map 5, Lots 29 by Snyder, seconded by Doyle. Motion passes.

A roll call vote was taken:

Blood- Aye	Pearson - Aye
O'Reilly - Aye	Doyle - Aye
Snyder - Aye	

### **OLD BUSINESS**

Site Inspections -  
Violations

Freeman St, 3 addresses, potential wetland violations  
S Worcester, m 27 pcl 193  
122 W Hodges St.  
184 W Main St.



77 Charlotte

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

**BILL SUMMARY**

**Summary list of bills signed – March 22, 2021 – April 6, 2021**

Merrill Engineers	\$2,815.00	344-171-100-5700 – TRSC Grant
Property Line Stakeout		
Verizon Wireless	\$36.49	242-171-100-5700 – Wetland Protection Fund
cell phone		
Home Depot	\$925.71	001-171-570-5308 – Maintenance of Conservation
Areas	Edith Read	
W.H. Riley	\$412.63	001-171-570-5308 – Maintenance of Conservation
Areas	Edith Read	
Amazon	\$59.99	364-171-100-5700 – Edith Read Revolving Fund
Edith Read		
Town of Norton	\$115.60	001-171-570-5308 – Maintenance of Conservation
Areas	water	
National Grid	\$10.00	001-171-570-5308 – Maintenance of Conservation
Areas	pool meter	
National Grid	\$35.63	001-171-570-5308 – Maintenance of Conservation
Areas	lodge meter	
MACC	\$300.00	001-171-570-5716 – Educational
Annual Conference – Lisa and Dan		

**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 reminded the ConCom that wood sculptor, David Cavannah, will be sculpting Mother Nature from a large oak tree at Edith Read Monday through Wednesday. There will be a presentation Thursday at noon for Earth Day. It is open to the public.*

*Motion to adjourn by O'Reilly, seconded by Doyle. Motion passes and meeting closes at 7:50PM.*

*Respectfully submitted by: Melissa Quirk* *Melissa Quirk*

*Minutes approved by the Commission on 5/10/2021.*


*Conservation Commission Signature:*

*Julian Kadish*  
*Julian Kadish, Conservation Commission Chairman*

*5/14/21*  
*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/87923953926?pwd=TVQ4Zm9kanI1QXZBa1NOWmlMVUIzZz09>

When prompted, enter the **Meeting ID:** 879 2395 3926, **Password:** 585333.

- 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.