



**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 26, 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 \*6 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. Abbreviated Notice of Resource Area Delineation (250-1073) Al Endriunas, 154 Pine Street, 0 Pine Street, 0 Wood Road, 126 Pine Street and 128 Pine Street (Map 24, Parcels

**7, 9, 13, 108, 109).** (continued from 3/22/2021) The proposed plan is to verify wetland resource areas. Files can be viewed here <https://tinyurl.com/PineStANRAD>

*Claire Hoogeboom of LEC Environmental Consultants attended the hearing on behalf of the applicant.*

*Since the March 22<sup>nd</sup> hearing, Hoogeboom has conducted a wetland boundary review and vernal pool assessment with Carlino. The engineer ran calculations for ILSF for all isolated features on-site. A supplemental report was provided. The plans were revised to address comments from the initial public hearing, depict any revisions from the field review done with Carlino, and to show approximate vernal pool boundaries. LEC submitted a report that summarizes the vernal pool assessment. It was confirmed that all 14 vernal pools identified on-site are certifiable by Natural Heritage. Carlino also brought to their attention that the M-series IVW was certifiable. Hoogeboom provided that information to the Heritage Hub Program, and Natural Heritage certified that vernal pool yesterday. That brings the total to 15 certifiable vernal pools on-site. She reviewed the revisions to the plans.*

*Hoogeboom reviewed the process for the ILSF calculations provided by Borderland Engineering. The engineer used the Hydrology Handbook steps in his report which Hoogeboom reviewed. Carrozza questioned if the engineer only ran the one-year to determine if it held the volume. If it did, the next step would be to run the 100-year to figure out what the lateral extent is. Hoogeboom will confirm if that step was done. Carlino also requested the vernal pool numbers be added back to the plan.*

*The applicant requested a continuance to 5/10/2021. Motion was made to continue the public hearing for DEP #250-1073 to May 10, 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 - Aye</i>	<i>Kadish - Aye</i>
<i>Snyder- Aye</i>	

**B. 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, 4/12/2021) 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>

*Document List – 253 Mansfield Ave*

1. WPA Form 3 – Notice of Intent received 7/6/2020
2. Plans entitled, “Proposed Residential Development”, prepared by Decelle-Burke-Sala & Associates, Inc., signed and stamped by Claudio Sala and James Burke, dated 6/29/2020
3. Chessia letter dated 2/16/2021 – Peer review
4. DeCelle-Burke-Sala & Associates, Inc. letter dated 3/1/2021 re response to peer review comments
5. Plans entitled, “Proposed Residential Development”, prepared by Decelle-Burke-Sala & Associates, Inc., signed and stamped by Claudio Sala and James Burke, dated 6/29/2020, rev 3/1/2021
6. Stormwater Operation & Site Maintenance Plan, prepared by Decelle-Burke-Sala & Associates, Inc., dated 6/29/2020, rev 3/1/2021
7. SWPPP prepared by Decelle-Burke-Sala & Associates, Inc., dated 3/1/2021
8. Plans entitled, “SWPPP for Proposed Residential Development”, prepared by Decelle-Burke-Sala & Associates, Inc., signed and stamped by Claudio Sala, dated 3/1/2021
9. Decelle-Burke-Sala & Associates, Inc. letter dated 4/21/2021 re Peer Review response
10. Stormwater Operation & Site Maintenance Plan, prepared by Decelle-Burke-Sala & Associates, Inc., dated 6/29/2020, rev 4/21/2021
11. Plans entitled, “Proposed Residential Development”, prepared by Decelle-Burke-Sala & Associates, Inc., signed and stamped by Claudio Sala and James Burke, dated 6/29/2020, rev 4/21/2021
12. Plans entitled, “Proposed Residential Development – Existing Watershed”, prepared by Decelle-Burke-Sala & Associates, Inc., signed and stamped by James Burke, dated 6/29/2020, rev 4/21/2021
13. Plans entitled, “Proposed Residential Development – BMP Locations”, prepared by Decelle-Burke-Sala & Associates, Inc., signed and stamped by James Burke, dated 4/21/2021

Kameron Campbell of DeCelle-Burke-Sala & Associates attended the hearing on behalf of the applicant.

Town Consultant, John Chessia, reviewed his comments to the applicant. The first issue to discuss is on page 8, standard 2. He explained this is a redevelopment project with a decrease in total impervious area. They are allowed to do some things that would not be allowed under a new construction project. They are proposing an underground infiltration system. Some test pits were dug. Most of the site is filled land. It was filled with a gravel material, which is good material. There is about 8 feet of gravel-type fill where their system is proposed. It is closer than 50 feet to the wetlands in many places. Typically, an infiltration system is required to be 50 feet from wetlands. There are a couple of leaching catch basins in the back now slightly further away from the wetlands. In this case, where it is a redevelopment, the ConCom will need to determine if it's better to have more recharge closer to the wetlands or less recharge further away.

*Chessia reviewed the mounding calculations. This does take a certain volume of water. Based on their calculations, Chessia believes it holds about an inch of water. As a redevelopment, it would only be required to hold about 8/10 of an inch. Chessia got different mounding calculations. He got a higher mound. He believes water will be right about at the wetland edge. As a redevelopment, you have to decide if having more recharge is better than less and weigh the impacts. Carrozza asked Chessia the pros and cons of allowing that infiltration to be closer than 50 feet. Chessia stated the impact here is less than typical because it's sitting under what is currently pavement. Closer to wetlands means the water may weep out to the wetlands faster. This site is predominantly all paved today, so you're not really getting much recharge except for the two leaching catch basins in the rear parking lot. He does not believe they are maintained today and full of sediment. The negatives would be breakout at the wetlands and less time for it to travel through the soil to get to the wetlands. The pros of having it are more recharge is better than less. In this location, it will slowly soak through the ground into the wetlands and into the Reservoir. Carrozza asked if there is anything that could be done in that 50-foot strip to enhance the soil. Chessia stated they will not be taking out the gravel fill. He would have them leave it because it will disperse the water over a larger footprint. The soil underneath is a dense material. Right now, water is sitting on top of that soil in the spring. The gravel fill is a good filter. He does not see a place where it could be put further away. Campbell commented that before the water gets into the infiltration system, they have proposed down-stream defenders. They pre-treat the water before it enters the ground. It's meeting all the standards set forth by the Mass DEP Handbook and will infiltrate into the sand. It meets the TSS 80% removal for suspended solids that is required for redevelopment projects before it will meet the wetland or Reservoir.*

*Chessia stated he has recommended Conditions that are detailed in his letter. One is to change the divide between the two catch basins. Campbell stated they have already made the change. Chessia also recommends no construction until the SWPPP has been approved. The O&M Plan should be revised. It was initially done before the test pits were dug. There are several changes needed which he detailed in his letter. Carlino questioned the paved emergency access drive at the top. There had been discussions about extending that with the Fire Department. Campbell stated the Fire Department agreed to how it is shown on the plan.*

*Snyder questioned the 80% TSS removal. Is there a reason why they can not meet the 90% in the By-law? Under redevelopment, Campbell stated it is only required to do 80% for the Norton By-law. Chessia and Campbell agreed it would actually do better than 80 %.*

*After discussion, the ConCom agreed they are okay with having more infiltration that is less than 50 feet to the wetlands.*

*Motion was made to close the public hearing for DEP #250-1057 by Carrozza, seconded by O'Reilly. Motion passes.*

*A roll call vote was taken:*

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

Pearson – Aye  
Doyle - Aye  
Kadish - Aye

- C. **Notice of Intent (#250-1075) Massachusetts Department of Transportation, Three Mile River Bridge MP 6.84 (Map 33, Parcel 11).** (continued from 4/12/2021) 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>

*Carozza and Doyle recused themselves.*

*Kyle Purdy of Jacobs Engineering attended the hearing on behalf of the applicant. Purdy and Carlino walked the site last Wednesday to see the existing conditions and boundaries of the wetland resources. Purdy stated there are three edits to be made to the NOI. It has been adjusted to show there are no BVW impacts. He resubmitted site plans with corrected wording for sediment controls that were received in the comments. He also highlighted the BLSF 100-year floodplain line on the site plans.*

*Motion was made to close the public hearing for DEP #250-1075 by Pearson, seconded by Snyder. Motion passes.*

*A roll call vote was taken:*

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

Pearson – Aye  
Doyle - Abstain  
Kadish - Aye

- D. **Request for Determination of Applicability (DET #1109) Massachusetts Coastal Railroad, Massachusetts Coastal Railroad Right-of-Way.** (continued from 4/12/2021) 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/MaCstIRR>

*The applicant requested a continuance to 5/10/2021. Motion was made to continue the public hearing for DET #1109 to May 10, 2021 by Pearson, seconded by Carrozza. Motion passes.*

*A roll call vote was taken:*

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

Pearson – Aye  
Doyle - Aye  
Kadish - Aye

**E. Discussion: (#250-0612) Red Mill Village, Gary Perkins, Discussion of Turtle Nesting Requirements in the Operation and Maintenance Plan**

*Blood recused himself.*

*Gary Perkins, Chairman of the Board of Trustees at Red Mill Village, and Steve Bernstein, Chairman of the Conservation Commission for Red Mill Village, attended the hearing. They are requesting the ConCom relax the requirement that they maintain or do certain work on the spotted turtle nesting area. In 2004, the developer had to agree to certain conservation restrictions. After the construction was completed, the developer turned Red Mill Village over to the Red Mill Village Trust. They have assumed responsibility of maintaining Red Mill Village including the conservation requirements. In 2004, the spotted turtle was on the Endangered Species List. One of the requirements in the Order of Conditions is to maintain the turtle nesting area. The area is 0.6 acres of the 18.5 acres they maintain. The requirement maintains that they completely remove all of the vegetation within the nesting area with hand tools once every 5 years. He showed a photo of the area. Perkins stated the spotted turtle was removed from the federal Endangered Species List in 2006. The turtles are considered uncommon, but not rare, in Massachusetts. The spotted turtle is no longer considered endangered or considered of special concern in Massachusetts. Since the spotted turtles are no longer on the Endangered List, they are asking for relief from this requirement to continually clear the area. They understand they would still take care of the 18.5 acres. They provide annual reports as required by the Order of Conditions.*

*Carrozza asked why he is considering the maintenance onerous. Perkins explained their landscaper must go through homeowner's yards to get to the area. They must dig by hand and can not bring equipment in per the Order of Conditions. It takes a lot of time and costs a lot of money. They must do it every 5 years, but regrowth starts within 5 months.*

*Carlino stated she understood it to be woody vegetation every 5 years, not all vegetation. It was the Division of NHESP that required that in the comprehensive management plan. It's not the Order of Conditions. The NHESP would have to release that.*

*Pearson commented the spotted turtle could be referred to as a regional treasure. Even if it is not on the Endangered Species List, his wish is to do what we can to protect it. Perkins stated he has never seen a turtle in the seven years he has lived there. Pearson asked how that had been investigated. Perkins stated they have not investigated it, but they do walk the area. Bernstein*

*agreed they have not done an official investigation. However, he has spoken with the abutters of the conservation area. Nobody has seen any turtles. Carlino noted the turtles are elusive and are not likely to be seen.*

*Carrozza noted the ConCom does not have much say in this. The developer agreed to this. The NHESP is the first stop. Carlino noted the Conservation Restriction will also have to be looked at. Kadish stated it may be a misunderstanding of what this maintenance is about. That could be clarified with NHESP.*

**F. Notice of Intent (#250-1040). Michael Trowbridge of Hutchins-Trowbridge Assoc. 306-308 East Main Street. (Map 5, parcel 38 and 252).** (continued from 4/29/19, 6/10/19, 7/8/19, 7/22/19, 8/12/19, 10/7/19, 11/18/19, 12/2/19, 12/16/19, 1/27/2020, 2/24/2020, 4/13/20, 11/23/2020, 1/25/2021, 3/22/2021) The proposed project is to construct an addition to warehouse, detention basin and grading within 100 feet of BVW. Files can be viewed here <https://tinyurl.com/250-1040BerniePhyl>

*The applicant requested a continuance to 6/28/2021.*

*It was discussed that this has been going on for two years with very little discussion. Carlino stated they say they are getting plans that should be ready by the end of the week. They know they must re-notify abutters to be on the next agenda.*

*Motion was made to continue the public hearing for DEP #250-1040 to June 28, 2021 by Carrozza, 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 – Aye</i>	<i>Kadish - Aye</i>
<i>Snyder – Aye</i>	

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

**G. Order of Conditions (#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>

*Motion was made to issue the Order of Conditions, as submitted, for DEP #250-1074 by Doyle, seconded by Snyder. Motion passes.*

*A roll call vote was taken:*

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

*Pearson – Aye  
Doyle - Aye  
Kadish - Abstain*

**H. Order of Conditions (#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-Condynes>

*Motion was made to issue the Order of Conditions for DEP #250-1065, as submitted, by Doyle, seconded by Snyder. Motion passes.*

*A roll call vote was taken:*

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

*Pearson – Aye  
Doyle - Aye  
Kadish - Aye*

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

- **Full Certificate of Compliance DEP#250-1026, Condynes Engineering Group, 15 Leonard Street A.K.A. Lot 4. (Map 11, Parcel 33 and portions of lots 32 and 35).** The proposed plans are to construct one 125,000 sf warehouse building, parking, grading, utilities and stormwater management within 100 feet of wetlands.

*The ConCom is waiting for additional information. Motion was made to table any action until the additional information is received for DEP #250-1026 by O'Reilly, seconded by Doyle. Motion passes.*

*A roll call vote was taken:*

*Blood– Aye  
O'Reilly - Aye*

*Pearson – Aye  
Doyle - Aye*



*Carrozza – Abstain  
Snyder– Aye*

*Kadish - Aye*

- **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.

*The ConCom is waiting for additional information. Motion was made to table any action until the additional information is received for DEP #250-0943 by O'Reilly, seconded by Doyle. Motion passes.*

*A roll call vote was taken:*

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

*Pearson – Aye  
Doyle - Aye  
Kadish - Aye*

### **REVIEW DRAFT MINUTES**

*4/12/2021- ConCom members did not receive their copies of the minutes until today. It was agreed to table until the next meeting.*

### **NEW BUSINESS**

### **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

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

Grants  
Town Meetings

**BILL SUMMARY**

**Summary list of bills signed – April 6, 2021 – April 12, 2021**

Comcast Business	\$118.44	001-171-570-5308 – Maintenance of Conservation
Areas	Edith Read	
MACC	\$165.00	001-171-570-5716 – Educational
	Annual Conference – Kerry	
Chessia	\$225.00	243-171-100-5700 – Conservation Outside Fees
	253 Mansfield Ave	
Chessia	\$225.00	243-171-100-5700 – Conservation Outside Fees
	0 Rear Eddy Street	
Chessia	\$1,180.00	243-171-100-5700 – Conservation Outside Fees
	Leonard Street	
McGregor & Legere	\$220.50	242-171-100-5700 – Wetland Protection Fund
	Island Brook appeal	

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

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

*Motion to adjourn by Doyle, seconded by Pearson. Motion passes and meeting closes at 8:00PM.*

*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/87236407624?pwd=a2FSeDY5VnJMKzd4YWNPam1YR2w4Zz09>

When prompted, enter the **Meeting ID: 872 3640 7624, Password: 287547.**

- 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.