



Norton Conservation Commission

70 East Main Street

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

RECEIVED
NORTON TOWN CLERK
2021 JUL -1 PM 2:30

Monday, May 24, 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 6:35pm.

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

Absent: Daniel Doyle, Jr.

Carrozza read the names of the participating ConCom members.

WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS

Wetland hearings will be taken in order.

A. **Discussion:** Request to construct tree house at Edith Read Conservation Area, Aidan Gilbert

Since there was no attendance for the discussion and Carlino has not heard from the interested parties, she will take this item off the agenda until she hears from them.

- B. Request for Determination of Applicability (DET #1110) Dylan Ribeiro, 53 North Worcester Street (Map 21, Parcel 122).** The proposed project is to replace an existing septic system with associated grading within 100 feet of wetlands. Files can be viewed at <https://tinyurl.com/DET1110-53NWorc>

Homeowner Peter Murphy and Dave Oberlander of BDO Engineering attended the hearing. Oberlander explained this is a septic system repair. He stated the wetlands are more of a drainage ditch. The owner told him it is man-made and does dry out at times. They have stayed away from it as best they could. At the closest point, it is 84 feet, but they are going where the existing leaching area is. They will keep the existing tank.

Carlino stated there is a second section of wetlands, and an area between the two wetlands was recently cleared. Oberlander is not aware of a second area of wetlands. He believes it may be part of the neighbor's sump pump. Carlino explained that may be, but if it has bank and hydric soil in the wetland plants, it would be considered a wetland. Carrozza suggested those wetlands be documented and added to the plans. Carlino showed photos where the area was cleared and grass was planted. Carrozza asked if he preferred to have the area flagged. It will not affect the approval of the septic, but it needs to be documented. Oberlander and Carlino agreed to meet on-site to mark the area and have the wetlands on the final plan.

Carrozza asked how the site would be accessed. Oberlander stated they would have to remove the fence and come up by the garage. Carrozza stated that area would have to be restored if it gets chewed up by equipment. Oberlander agreed that would be done even though it's outside the 100-foot buffer. Carlino stated they would also meet the Stormwater By-law by doing that restoration.

Carrozza asked what visual barrier would be used. It is usually a split-rail fence. Oberlander stated the homeowner would do whatever they have to, but would prefer to leave it as it is. He's been there for 35 years without a fence. Carrozza stated that resulted in mowing a wetland. She suggested they figure out where the wetlands are first. Then we can discuss what protective measures are needed in perpetuity going forward.

Murphy stated that Carlino was on the property with him 20 years ago when they put the septic and leaching field in. He commented that Carlino flagged the property back around 2004 when the system was installed. The mow line is exactly in front of that. The mow line is the original mow line. What he did further beyond that was him trying to spruce it up. He dragged out wood, moved branches and put grass seed down to make it look better. He apologized to the ConCom and will do whatever he has to in order to put it back to the way it was. The vegetation that Carlino had flagged back then is actually coming back. It looks nice, but it hinders the flow of the water if it rains. There is no drainage on North Worcester Street, and it all flows into his yard into that ditch. It ends up coming towards the house. He tries to keep it clean so the water can flow out. Murphy

believes the second area Carlino is referring to is a cleaned-out area for a drainage pipe on the neighbor's property. It was not flagged last time. Carlino stated the information was helpful. She does not remember the permit from 2004, but will check it.

The applicant requested a continuance to 6/14/2021. Motion was made to continue the public hearing for DET #1110 to June 14, 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>Snyder - Aye</i>
<i>Carrozza - Aye</i>	<i>Kadish - Aye</i>

C. Notice of Intent (#250-1076) Doug & Christine Thatcher, 14 Lagoon Lane (Map 3, Parcel 570). The proposed project is a 20 x 30 foot addition adjoining the existing house to the garage within 100 feet of bordering vegetated wetland. Files can be viewed at <https://tinyurl.com/250-1076-14Lagoon>

Homeowner Doug Thatcher and Craig Cygawnoski of Rim Engineering attended the hearing. Cygawnoski explained it is an existing single-family home with a detached garage that he intends to connect through a breezeway type addition. There is also a 600 sf proposed addition on the other side of the garage. He showed the wetland resource areas on the plan. The existing garage is approximately 12 and ½ feet from the bank. The proposed addition was moved as far towards Lagoon Road as they could. It is 28 feet from the top of the bank. The addition will be on a slab with frost walls. The remaining land will remain as a lawn. Mr. Thatcher would like to expand the existing driveway about 10 feet to add a second parking space. It would be a crushed stone parking area. There are cultec chambers for the roof water. The narrowest is 8 inches tall. With groundwater being down a couple of feet, they will be sitting just above groundwater. Hopefully, they will retain water and slowly infiltrate into the ground. The biggest issue with this lot is the height over groundwater. It is roughly about 2 and ½ feet.

Carlino asked Cygawnoski if he had provided detail on the Operation and Maintenance of the cultec chamber. Was it reviewed with the homeowner so he would know what was expected? Cygawnoski will send that information to Carlino and review it with the homeowner. Carlino asked where they will dewater since the groundwater is so high. Cygawnoski replied as close to Lagoon Lane as they can and furthest from Island Road so they are not spilling onto the Reservoir side. It will be between the existing driveway, the existing house and the existing lawn area. He will add the dewatering space to the plan. Any stockpiling will be along the existing driveway.

Carrozza asked why no topo was shown on the plan for when he does the As-Builts. He stated it is relatively flat between 104 and 105, but he can add that. Carrozza stated it is to show, in the end, that you didn't fill anything.

The applicant requested a continuance to 6/14/2021. Motion was made to continue the public hearing for DEP #250-1076 to June 14, 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>Snyder - Aye</i>
<i>Carrozza - Aye</i>	<i>Kadish - Aye</i>

D. Request for Determination of Applicability (DET #1109) Massachusetts Coastal Railroad, Massachusetts Coastal Railroad Right-of-Way. (continued from 4/12/2021, 4/26/2021, 5/10/2021) 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/MaCstlRR>

Tom Lewis of TEC Associates attended the hearing on behalf of the applicant. He explained that railroads in the Commonwealth manage their vegetation under the Rights-of-Way Regulations which are administered under the Department of Agricultural Resources. They must have a 5-year vegetation management plan. The most recent one expired at the end of last year. It is in the process of renewal. As part of that, he must go to each municipality and get a Determination of the boundaries of the resource areas. Lewis explained the different work areas and spray restrictions on the plans. Kadish asked how we can verify if those zones noted on the plans are correct. Lewis responded they are correct, but he knows this is different than what they are used to seeing for other types of activity. He stated that in the Rights-of Way Regulations, they define the mapping as 1 in 25,000 scale consistent with the USGS quad sheet. That is what was used for these plans. In order to know that these are correct, you need to go out and see it. They mark the site with permanent metal plates on the railroad ties so they know where to stop and resume spraying. Five years ago when this was renewed, Lewis went out with Carlino and looked at those markings. That could be done again to reaffirm the markings.

Pearson asked Carlino if other Commissions are requiring greater detail in delineating the wetlands. Carlino stated that is her understanding. Kadish asked if the placement of the plates is based on a plan that we can see. Lewis stated it is just from going out there and determining where the edge of the resource area is. Carrozza asked if that was performed by a wetland scientist and when was it done last. Lewis stated it was not done by a wetland scientist. He did it 5 years ago and Jennifer reviewed it. Since it wasn't field verified by a wetland scientist, Carrozza asked how it was done. Was it a visual observation of standing water? Lewis responded it was either standing water or top of bank. Because the entire Right-of-Way is a man-made facility, most of the resource areas are well defined. They are bridges or a culvert crossing that is a defined structure. Where

the railroad crosses a wetland or a resource area and it was filled, it's a defined top of bank. Most of the resource areas are pretty easy to establish. They are not disturbing anything. They are just locating the man-made facilities that are there. Carrozza stated you are asking us to verify the edge of the wetlands through this RDA. But we could never do it at this scale. You would always have a wetland scientist go out in the field and flag the wetlands. That would be put on an aerial, and then you have your established base maps that you can use moving forward every 5 years. Why was the investment to make those plans never done? Lewis can see her point, but the Rights-of-Way Regulations are pretty specific. However, Carrozza stated we are administering the Wetlands Protection Act. She understands they are trying to get this approved by applying the Rights-of-Way Regulations, but we can't confirm those boundaries without a delineation by a wetland scientist as we do with all other projects that come before us. There's a bit of a disconnect between the two sets of Regulations. Lewis agreed there is some overlap with the application and the two Regulations, but it has been established in the past. They have a Superseding Determination in another town where the DEP upheld the maps they use and the standards applied to delineate that. Carrozza asked if he could tell us the town and the region so we can follow-up with DEP. Lewis stated it was Oxford in the DEP central region. Carlino read a section of the Regulations stating, "Such Request for Determination shall be submitted prior to the filing of the Vegetation Management Plan, as required by 333 CMR 11.00: Rights of Way Management, on maps of a scale which will enable the issuing authority to find and delineate those Areas Subject to Protection". This doesn't say anything about using the USGS topo for that purpose. Carrozza asked Lewis, what is the reference to the topo map? That's in the Right-of-Way management? Lewis reads a definition of maps based on the Rights-of-Way Regulations. "Maps: USGS maps of a scale of 1 in 25,000, or other maps as determined by the Department, which are of such accuracy and scale to provide sufficient details so that sensitive areas can be delineated". This has been upheld by the DEP that the USGS scale is adequate. Carrozza believes it is adequate in terms of establishing a Vegetation Management Plan, but not for the approval of an RDA to delineate a wetland. She suggests to Carlino that we check with DEP. Carlino also noted the application only checks off that they are looking for approval of the wetland boundary. His letter asks that the ConCom approve work, so the first page needs to be modified. Lewis invited the ConCom to visit the site with him to look at the delineation.

The applicant requested a continuance to 6/14/2021. Motion was made to continue the public hearing for DET#1109 to June 14, 2021 by Pearson, 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>Snyder – Aye</i>
<i>Carrozza – Aye</i>	<i>Kadish – Aye</i>

E. #250-1032 Braconi, 213 Oak Street, Signing the Conservation Restriction

Motion was made to sign the Conservation Restriction for DEP #250-1032 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>Snyder - Aye</i>
<i>Carrozza – Aye</i>	<i>Kadish - 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.

Motion was made to issue a Full Certificate of Compliance for DEP #250-0943 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>Snyder - Aye</i>
<i>Carrozza – Aye</i>	<i>Kadish - Aye</i>

- **Full Certificate of Compliance DEP#250-0612 Red Mill Village Trustees, White and Newland Streets (Maps 5 & 11, Parcels 34 & 19).** The proposed plan is to construct 156 houses, roads and stormwater appurtenances within 100 feet of wetlands in the ACEC.

Motion was made to issue a Full Certificate of Compliance for DEP #250-0612 by Pearson, seconded by Carrozza. Motion passes.

A roll call vote was taken:

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

Snyder - Aye
Kadish - Aye

- **Full Certificate of Compliance DEP#250-0625 Red Mill Village Trustees, Newland Street.** The proposed project is to extend the sewer main on Newland Street within 100 feet of wetlands.

Carlino noted we do not have As-Built plans for the sewer lines. We have checked with other departments within the Town. Nobody has As-Built plans.

Gary Perkins, Chairman of the Board of Red Mill Village spoke. He explained he has plans from 2017 that Thorndike sent him which they consider As-Builts which he forwarded to Carlino. He is not sure what is missing from those plans that you want. It came to his attention today that the Town took over the Red Mill sewer system. He would think the Town would have As-Built plans since it's their sewer system. Carlino stated she would have to look into that information with the Water Department. The As-Built plans that he submitted show the construction of Red Mill Village, not the sewer. Perkins asked if the Town would be responsible for supplying the As-Built plans if his information is accurate. Carlino stated it is typically the property owner or developer that is responsible for the As-Built plans in order to get the Certificate of Compliance, but she will have to check with the Water/Sewer Department.

Resident Oren Siegal spoke of an Easement Deed that was granted to the Town and recorded in book 20295, page 175 7/13/2012. In addition to giving you control of Red Mill Village, this particular Certificate of Compliance deals with the extension down Newland Street. That was deeded to the Town by this document. Attached to the document was an agreement to transfer the sewerage forced main system from the Trustees to the Town dated 3/21/2012. He believes they needed it for Norton Glen at the time, as they needed access. At that time, they conveyed whatever is in Newland Street to the Town.

It was agreed to put this on the next agenda.

- **Full Certificate of Compliance DEP#250-0396 Mark Mobilia, 1 Fuller Drive only (Map 12, Parcel 177).** The proposed project is to construct a cranberry bog, canals, dike road and associated site grading within a buffer zone to a bordering vegetated wetland.

Motion was made to issue a Full Certificate of Compliance for DEP #250-0396 by Pearson, 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>Snyder - Aye</i>
<i>Carrozza – Aye</i>	<i>Kadish - Aye</i>

- **Full Certificate of Compliance DEP#250-0851 Mark Mobilia, 1 Fuller Drive (Map 12, Parcel 177).** The proposed project is to construct a garage and extend a driveway within 100 feet of a bordering vegetated wetland.

Motion was made to issue a Full Certificate of Compliance for DEP #250-0851 by Pearson, 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>Snyder - Aye</i>
<i>Carrozza – Aye</i>	<i>Kadish - Aye</i>

- **Duplicate Full Certificate of Compliance DEP#250-0168 Creative Homes, 77 South Washington Street (Map 18, Parcel 93-07).** The proposed project is to construct a residential dwelling and separate septic system within the 100-foot Buffer Zone of a bordering vegetated wetland associated with a tributary to the Canoe River.

Motion was made to issue a Duplicate Full Certificate of Compliance for DEP #250-0168 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>Snyder - Aye</i>
<i>Carrozza – Aye</i>	<i>Kadish - Aye</i>

REVIEW DRAFT MINUTES

5/10/2021 - Motion was made to accept the meeting minutes for 5/10/2021 by Carrozza, seconded by O'Reilly. Motion passes.

A roll call vote was taken:

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

*Pearson – Aye
Snyder - Abstain
Kadish – Aye*

NEW BUSINESS

End of the state of emergency on June 15, 2021, Town Hall reopens to public on June 1, 2021

Carlino noted she received a \$6,000 grant for forestry to be finished before June 30th.

OLD BUSINESS

Site Inspections -
Violations

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 – May 10, 2021 – May 24, 2021

W.B. Mason	\$117.62	001-171-570-5420 – Office Supplies
	office supplies	
National Grid	\$10.00	001-171-570-5308 – Maintenance of Conservation
Areas	pool meter	
National Grid	\$25.30	001-171-570-5308 – Maintenance of Conservation
Areas	lodge meter	
SRPEDD	\$3,723.65	344-171-100-5700 – TRSC
	Norton Water Access Plan	
Chessia Consulting	\$65.00	243-171-100-5700 – Conservation Outside Fees
	0 Rear Eddy Street	

Chessia Consulting \$985.00
253 Mansfield Ave

243-171-100-5700 – Conservation Outside Fees

Comcast Business \$118.44
Areas Edith Read

001-171-570-5308 – Maintenance of Conservation

C&B Pest Control \$455.00
Areas Edith Read

001-171-570-5308 – Maintenance of Conservation

McGregor & Legere \$1,274.00
Island Brook appeal

242-171-100-5700 – Wetland Protection Fund

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

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

The meeting closed at 8:00PM.

Respectfully submitted by: Melissa Quirk Melissa Quirk

Minutes approved by the Commission on 6/14/2021.


Conservation Commission Signature:

Julian Kadish
Julian Kadish, Conservation Commission Chairman

7/1/21
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/85322163575?pwd=N3dIeGFJTlBVd0NUZS9nZktKMUNUdz09>

When prompted, enter the **Meeting ID: 853 2216 3575, Password: 348771.**

- 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 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.