



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, June 14, 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. Request for Determination of Applicability (DET #1110) Dylan Ribeiro, 53 North Worcester Street (Map 21, Parcel 122). (continued from 5/24/2021) 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>

Document List – 53 North Worcester Street

1. *WPA Form 1 – Request for Determination of Applicability received 4/28/2021*
2. *Plans entitled “Upgrade of Subsurface Disposal System”, prepared by BDO Engineering, signed and stamped by David Oberlander, dated 4/20/2021*
3. *Plans entitled “Upgrade of Subsurface Disposal System”, prepared by BDO Engineering, signed and stamped by David Oberlander, dated 4/20/2021, rev 5/26/2021*

Dave Oberlander of BDO Engineering attended the hearing on behalf of the applicant. Since the last meeting, Oberlander explained he and Carlino met in the field to rework the wetland line. Following that site visit, Oberlander submitted revised plans with minor revisions and notes.

Motion was made to close the public hearing for DET #1110 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>Snyder - Aye</i>
<i>Kadish - Aye</i>	

Motion was made to issue a Negative 3 Determination for DET #1110 by Doyle, 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>Snyder - Aye</i>
<i>Kadish - Aye</i>	

- B. Notice of Intent (#250-1076) Doug & Christine Thatcher, 14 Lagoon Lane (Map 3, Parcel 570).** (continued from 5/24/2021) 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>

Document List – 14 Lagoon Lane

1. WPA Form 3- Notice of Intent received 4/30/2021
2. Plans entitled "Proposed House Addition Plan", prepared by RIM Engineering Co., Inc., signed and stamped by Craig Cygawnoski, dated 4/26/2021
3. Plans entitled "Proposed House Addition Plan", prepared by RIM Engineering Co., Inc., signed and stamped by Craig Cygawnoski, dated 4/26/2021, rev 5/25/2021.
4. Cultec Separator Row Water Quality System Operation & Maintenance Guide

Craig Cygawnoski of Rim Engineering attended the hearing on behalf of the applicant. As requested at the last meeting, Cygawnoski added existing grades to the limit of work and noted the dewatering area on the plan. He also provided details of the cultec chamber so it can be properly maintained.

Motion was made to close the public hearing for DEP #250-1076 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>Snyder - Aye</i>
<i>Kadish - Aye</i>	

Motion was made to issue the Order of Conditions, as amended, for DEP #250-1076 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>Snyder - Aye</i>
<i>Kadish - Aye</i>	

C. 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, 4/12/2021, 5/10/2021) 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>

The applicant requested a continuance to 7/12/2021. Motion was made to continue the public hearing for DEP #250-1070 to July 12, 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>Snyder – 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, 5/24/2021) 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>

Snyder explained that she and Blood did a site visit by the first marker on Sunday with Lewis. At the last meeting, Lewis had explained how they know where the wetlands delineation is, and how they know where to spray and where to stop. He explained how the truck applies the herbicide. Snyder stated it is low to the ground and sprays 10 feet in either direction from the center line of the track. They stop 10 feet before the marker and restart 10 feet after the marker. She stated the marker is easily seen so the herbicide should not be misapplied.

Blood noted the Right-of-Way is a difficult area to walk because of the ballast. If the ConCom does another site inspection, he suggests they make arrangements to use the use the car to travel the rail. He and Snyder only saw by the first marker up to the river abutment. The sprayer sounds like it is very accurate spraying the space between the rails and only 5 to 7 feet on either side. Blood was happy with the explanation of the process of the spraying of the herbicide.

Tom Lewis of TEC Associates attended the hearing on behalf of the applicant. He noted another town had similar concerns that this ConCom has expressed regarding the confirmation of the delineation line. There was concern someone could take a delineation for vegetation management and try to use it for other unrelated work. Rather than making a Determination to confirm the boundaries, they made the proposal to issue a Negative Determination only for the purposes of vegetation management. He wondered if this ConCom would consider something similar.

Carlino noted the Regulations do require him to have the boundary verified with the Determination, so she thinks it's important to keep that on there. Also, she had requested he revise the Determination request at the last meeting. His letter asks for the ConCom to make a decision

about the work as well. The first page of the request needs to be revised so the ConCom can give a Determination on the vegetation boundaries and the work.

The applicant requested a continuance to 6/28/2021. Motion was made to continue the public hearing for DET #1109 to June 28, 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>Snyder – Aye</i>
<i>Kadish – Aye</i>	

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

REQUEST FOR AN EXTENSION

- **Three-Year Extension (#250-1017) Dana Junior, 21 Samoset Street. (Map 25, Parcel 29).** The proposed project is to construct a single-family house, driveway, utilities and associated grading within the 100-year floodplain.

Carlino explained the applicant has not responded to some questions that were sent out. It was agreed to table this discussion until the next meeting.

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

- **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 stated we have spoken to the Water Department, Planning and Highway. Nobody has As-Built plans. We were trying to assist Red Mill Village, but as the owners of the property, it is ultimately their responsibility to get As-Built plans. If they have an agreement or disagreement with the Water Department, it is between those two parties. Carlino has a phone call scheduled for tomorrow to review this with them. Carrozza asked if anyone had reached out to the contractor. Carrozza stated the proposed plans could possibly be used. Since the road is constrained by utilities, it limits where the sewer line could be installed. Carlino believes Red Mill Village has reached out to the contractor and had no response. Carrozza suggests reaching out to the contractor.

No action was taken.

- **Full Certificate of Compliance DEP#250-0169 Attorney Robert Luciano, 19 Margaret Drive ONLY.** The proposed project is to construct a residential subdivision, roadways, drainage, utilities, etc., portions of which are within bordering vegetated wetlands, banks, floodplains and within the 100-foot buffer zone of vegetated wetlands and banks associated with the Wading River.

Carlino explained this is an old subdivision. A Certificate of Compliance could be issued for this house lot only, but not for the whole subdivision. We do not have documentation that the road and stormwater management have been installed correctly.

Motion was made to issue a Full Certificate of Compliance for DEP #250-0169 for 19 Margaret Drive ONLY 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>	

REVIEW DRAFT MINUTES

5/24/2021 - Motion was made to accept the meeting minutes for 5/24/2021 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 – Abstain</i>
<i>Carrozza – Aye</i>	<i>Snyder - Aye</i>
<i>Kadish - Aye</i>	

NEW BUSINESS

***** DEP# 250-1036 Superseding Order of Conditions for NextSun Energy-cranberry bog solar project Bay Rd.**

Carlino explained DEP did issue an approval for the project, crossing out virtually all of the Conditions that we had set on their approval. We had approved the project with conditions. The applicant appealed it. Carlino is not sure where things stand with the Planning Board, but she was

subpoenaed and has to give a deposition on the Planning Board lawsuit. She is meeting with Town Council this week.

Sign Eagle Scout letter- Franklin Cropley

A thank-you letter will be sent to Franklin Cropley for the osprey pole he created in the Reservoir along with educational materials. Cropley's Eagle Scout ceremony will be June 27th at 2PM.

Discussion: Public Meetings - Temporary Protocols in Response to COVID-19

Carlino noted the Executive Order for the State of Emergency which allows remote hearings ends June 15th. She received temporary protocols from the Town, but will clarify with Town Council.

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 24, 2021 – June 14, 2021

Verizon	\$36.49	242-171-100-5700 – Wetland Protection Fund
cell phone		
Home Depot	\$116.66	001-171-570-5308 – Maintenance of Conservation
Areas	Edith Read	
National Grid	\$10.00	001-171-570-5308 – Maintenance of Conservation
Areas	pool meter	
National Grid	\$16.96	001-171-570-5308 – Maintenance of Conservation
Areas	lodge meter	

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

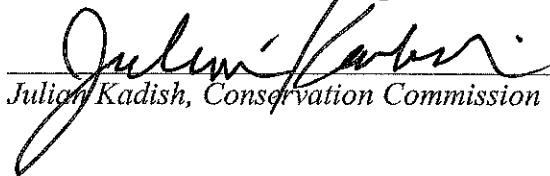
OPEN SESSION (TOPICS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE)

Motion was made to adjourn the public meeting by Doyle, seconded by O'Reilly. The meeting closes at 7:20PM.

Respectfully submitted by: Melissa Quirk _____

Minutes approved by the Commission on _____ *6-28-21* _____


Conservation Commission Signature:


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.