



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

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Minutes

Monday, August 16, 2021

6:30pm

Open Meeting, 6:30pm

The meeting was called to order at 6:34pm

Attendance: Julian Kadish, Dan Pearson, Conservation Director Jennifer Carlino, Daniel Doyle, Jr., Kerry Malloy Snyder, Ronald O'Reilly

Absent: Gene Blood, Lisa Carrozza

Kadish read the names of the participating ConCom members and the public notice below.

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; the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place; and Section 20 of Chapter 20 of the Acts of 2021 signed by the Governor on June 16, 2021, 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.

Agenda

6:30pm Open meeting

WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS

Wetland hearings will be taken in order.

- **Request for a Determination of Applicability (DET#1113).** Dylan Ribiero. 8 Margaret Dr, (Map 27 Parcel 284-52). The proposed project is to repair and replace an existing septic system within 100 feet of wetland. Files can be viewed here <https://tinyurl.com/DET1113-8Margaret>

Document list

- *RDA application prepared by David Oberlander, received 7-27-21*
- *Plans entitled, "Upgrade of Subsurface Disposal System at 8 Margaret Dr, Norton MA", prepared by BDO Engineering., signed and stamped by David Oberlander, dated 7-13-21.*

Representative: Dave Oberland

Existing home for sale, failed septic inspection, increased distance from wetlands, goes from edge of driveway. Leaching field area 81 ft away, dipping into the driveway. Western side of the leaching area in driveway, underground water and electric which is why it's not 100ft. Existing tank is closer to wetlands than the new septic would be.

Motion to close Request for determination #1113

Julian motion to close- Dan Doyle makes motion/ Dan Pearson seconded / negative determination

O'Reilly -Aye, Kadish-Aye, Malloy Snyder – Aye, Pearson – Aye, Doyle- Aye

- **Request for a Determination of Applicability (DET#1114).** Dan Callahan. 13 Fordham Dr. (Map 27 Parcel 255-9) The proposed project is to repair and replace an existing retaining wall within 100 feet of wetland. The application can be viewed at <https://tinyurl.com/DET1114-13Fordham>

Document list

- *RDA application prepared by Dan Callahan, received 7-30-21*
- *Plans entitled, "Retaining Wall Plan", prepared by Dan Callahan, dated 7-30-21.*
- *Pictures of driveway at 13 Fordham Drive, Norton MA*

Representative: Dan Callahan

Existing retaining wall, wants to replace retaining wall. Area of wetlands seems to be in 50ft buffer zone, existing retaining wall. Siltation control, may not be required. The home owner will work with B&B landscaping, with a time frame of doing it in the fall or winter, a time frame of a few days perhaps. Concern of exposed soils, if it takes more than a few days and is stabilized then siltation controls are not needed.

Motion to close for determination 1114/ negative 3 determination

Ron O'Reilly motion to close, seconded by Dan Doyle

O'Reilly -Aye, Pearson-Aye, Doyle-Aye, Malloy Snyder- Aye, Kadish-Aye - Motion carries

Dan Callahan needs to inform conservation office a few days before project begins an inspection before and after project is needed.

- **Abbreviated Notice of Resource Area Delineation (ANRAD). Marcia Godfrey. 301 S Worcester St (Map 31 Parcel 36).** The application is for proposed plans to verify wetland resource areas. The application can be viewed at <https://tinyurl.com/301SWorcesterANRAD>

Document list

- *Notice of Intent application, prepared by Goddard Consulting, received August 5, 2021*
- *Plans entitled, "Confirmation of the Resource areas for portion of property at 301 S. Worcester Street, Norton", prepared by Goddard Consulting, LLC. Signed by Timothy McGuire on July 30, 2021.*
- *Maps of 301 S. Worcester Street*

- *Form 4A ANRAD*
- *Certified Abutters List*
- *Affidavit of Service*
- *DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form*

Representative: Tim McGuire- Goddard Consulting

Seeking confirmation of onsite resource areas, portions of the site have been flagged and only want to do work on only a portion of the site. Need an onsite site walk of resource areas. Inquire and hire consultant to review the site. Continuation needed to confirm with applicant that a consultant for the town is ok for applicant. Needs to be voted on at next meeting 8/30/2021. Communicate to Conservation that the applicant is ok with hiring a consultant. If the consultant can't get out by the 30th we can keep continuing.

Motion to continue- till august 30th, 2021 meeting

Pearson motion to continue/ seconded by O'Reilly

Malloy Snyder-Aye, O'Reilly-Aye, Doyle-Aye, Pearson-Aye, Kadish-Aye- Motion Carries

- **Request for Determination of Applicability (DET #1112) Rachel McCann, 28 Eddy Street (Map 33, parcel 50)** (continued from 7-26-21). The proposed project is to construct an inlaw apartment, garage, expand the existing driveway, porch and grading within 100 feet of wetland containing a vernal pool. The application can be viewed at <https://tinyurl.com/DET1112-28Eddy>.

Document list

- *RDA application prepared by Tim Maguire, Goddard Consulting, received 7-12-21*
- *Plans entitled, "Conservation Plan 28 Eddy St", prepared by Hutchins Trowbridge Associates Inc., signed and stamped by Michael Trowbridge, dated 4-9-21.*
- *Map of 28 Eddy Street Rep: Tim McGuire*

Rep: Time McGuire-Goddard Consulting

Proposed project to construct in-law apartment garage, and extend existing drive way all within 100 ft of wetland containing vernal pool. Seeking confirmation that there is no work performed in Jurisdictional areas, as vernal pool/isolated vegetative wetland does not have applicable buffer zones. Work will still be done outside of 25ft buffer zones. They submitted plans to as per

conservation request that they put the dry well outside of buffer zone, plan have been submitted to place the drywell. The drywell will be placed completely outside the buffer zone. Wetland is off of the vernal pool, not directly part of the vernal pool, but part of the same system. All work is occurring outside the 25ft buffer zone (no disturbance zone) seeking confirmation that there is not jurisdictional zone but keeping buffer zone. Buffer zone non jurisdictional. A Lot of work is on the existing driveway only mildly going outside the current driveway. Confusion of legal status of plan. Needs a visit to the site and it be agreed that it is non jurisdictional, buffer zones removed then a RDA is needed. Need more information, need to continue and get more input on buffer zones. Site walk, needed but to figure out buffer zones. Jennifer is needed for feedback or someone with further knowledge. Vernal pool has been certified., but if it is isolated it may not be jurisdictional. Needs to be defined. Tim would be happy to do a walk through the site with whoever comes out to inspect and review the site.

David McDonald/Joanne McDonald- abutter to property. Raising concerns, onside of property with 250ft boundary line. Questions, adding an in-law apartment assuming 2 people will be living there, septic system is old over 23 years old and within 15ft from their property line, wondering if septic system can take added usage? Silt sock is it permanent or just during construction to prevent dirt running down during construction? If permanent it may lead to trees on their property not be viable if there was more of a water load. Will there be a barrier to keep the water out of their yard? The proposed dry well would be within 15ft of their property. They want any water load from construction to be dumped back into McCann's property. Wants her property to be preserved.

Tim- silt sock is not permanent, temporary erosion control; drywell is more like 60ft from McDonald property line; and no proposed work off site. And any issue with septic size should be addressed by building inspector.

Kadish-board of health would also address septic issues. Water from dry well will not damage trees as long as it is not long-term standing water.

Joanne McDonald- Vernal pool side has perhaps a standing water issue.

Kadish- Standing water from vernal pool area should be addressed during site walk.

Motion to continue till August 30th, 2021 - Doyle makes motion / seconded by O'Reilly

Doyle- Aye, O'Reilly- Aye, Malloy Snyder- Aye, Pearson- Aye, Kadish-Aye

Motion carries

- **Notice of Intent (#250-1079) Clare Lynch, Plain St (Map 18, parcel 73)** (continued from 7-26-21). The proposed project is to construct a driveway within 200 feet of a perennial stream. The application can be viewed at <https://tinyurl.com/Lynch-PlainST>

Document list

- *Notice of Intent application, prepared by Outback Engineering, received July 12, 2021*
- *Plans entitled, "Driveway Access Plan, 0 Plain St in Norton MA", prepared by Outback Engineering, signed and stamped by Jason Youngquist, dated June 30, 2021.*

Rep: Greg Drake from outback engineering

Order of conditions is needed. Site inspection needed (needs clarification) Indication of gas line(done) Fence (done), waiting on DEP#. (done) Provided with a revised plan.

Motion to close, Pearson/ Seconded Doyle

Doyle-Aye O'Reilly-Aye, Malloy Snyder-Aye, Pearson-Aye, Kadish -Aye- Motion Carries

Next meeting order of conditions

- **Notice of Intent (#250-1077) Ferrari Pools, 14 John Scott Boulevard (Map 32, Parcel 98).** (continued from 7-12-21, 7-26-21) The proposed project is to construct an in-ground pool with surrounding deck within 100 feet of bordering vegetated wetland. The application can be viewed at <https://tinyurl.com/14JSBlvd>

Document List

- *WPA Form 3- Notice of Intent received 6/17/2021*
- *Stormwater Report prepared by Land Planning, Inc., dated 6/14/2021*
- *Plans entitled, "Proposed Pool Site Plan", prepared by Land Planning, Inc., signed and stamped by Norman Hill, dated 6/15/2021*
- *Emails re: plan revisions and application questions dated 6-28-21*

Asked for continuation in meeting prior with no reason.

Rep: Steven Balcewicz

Andrews family, 7/12 meeting existing OOC on property, taken out in 2016, File 250-967. Fence installed; no disturbance signs were posted per older OOC. Pool off the southerly side of house, existing tree clearing Wetland is on either side of the pool. With 100ft buffers, the proposed rain

garden, to capture runoff from driveway, grasses and shrubs, no more than 5ft in height. If everything is in compliance. Generate order of conditions

Motion to close Pearson/ sec Doyle

Doyle-Aye, O'Reilly-Aye, Malloy Snyder-Aye, Pearson-Aye, Kadish-Aye

Motion carries close NOI and OOC to act on August 30th

- **Notice of Intent (#250-1078) Jaime Smith, A/Z Corporation. Wheaton College 26 East Main St (Map 17, parcels 14 & 93)** (continued from 7-12-21, 7-26-21) The proposed project is to install electrical conduits within 100 feet of bordering vegetated wetland. Files can be viewed here <https://tinyurl.com/Wheatonconduits>

Document List – Wheaton

- *WPA Form 3- Notice of Intent received*
- *Plans entitled, "Proposed Pool Site Plan", prepared by Land Planning, Inc., signed and stamped by Norman Hill, dated 6/15/2021*

Rep:

Extension of electric line

Draft order of conditions

Motion to close - Pearson/ sec O'Reilly

Doyle-Aye O'reilly-Aye Pearson-Aye Malloy Snyder-Aye, Kadish-Aye

Motion carries

Except order of conditions as drafted Doyle / sec Malloy Snyder

Doyle- Aye, O'Reilly-Aye, Pearson-Aye, Malloy Snyder-Aye, Kadish-Aye

Motion carries

- **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, 4/26/2021, 7-26-21) 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>

Plans entitled, "Document List

- *Notice of Intent application prepared by Hutchins-Trowbridge Assoc., dated April 2019*
- *Plans entitled, "Site Plan Bernie & Phyl's Furniture 306-308 East Main Street" prepared by Hutchins Trowbridge Associates, Inc. Signed and stamped by Michael Trowbridge and Ralph Maloon. Dated 11/18/2018*
- *Email from Carlino to Mike Trowbridge re: comments to NOI application 4-12-19*
- *Carlino letter to Mike Trowbridge dated 5/30/19 re NOI application, review comments, 5/9/19 inspection by Carlino and Chessia*
- *WPA Form 8A – Request for Certificate of Compliance received 10/7/19.*
- *Plans entitled, "Site Plan As-Built at 308 East Main Street in Norton, MA, prepared by RIM Engineering Co., Inc., signed and stamped by Craig Cygawnoski, dated 10/4/19.*
- *Goddard letter dated 6/12/2020 – supplemental information*
- *Storm Study for Bernie & Phyl's, prepared by Trowbridge Associates, Inc. signed and stamped by Ralph Maloon, revised 5/21/2020*
- *Plans entitled, "Existing Conditions Bernie & Phyl's. Furniture 306-308 East Main Street, prepared by Trowbridge Associates, Inc., signed and stamped by Michael Trowbridge, dated 11/18/18, rev 1/21/20*
- *Plans entitled, "Site Plans Bernie & Phyl's. Furniture 306-308 East Main Street, prepared by Trowbridge Associates, Inc., signed and stamped by Michael Trowbridge and Ralph Maloon, dated 11/18/18, rev 1/21/20*
- *Plans entitled, "Site Plans (sheet 3) Bernie & Phyl's. Furniture 306-308 East Main Street, prepared by Trowbridge Associates, Inc., signed and stamped by Michael Trowbridge and Ralph Maloon, dated 11/18/18, rev 1/21/20*
- *Plans entitled, "Pre-Development Drainage Bernie & Phyl's. Furniture 306-308 East Main Street, prepared by Trowbridge Associates, Inc., signed and stamped by Ralph Maloon, dated 11/18/18, rev 1/21/20*
- *Plans entitled, "Post-Development Drainage Bernie & Phyl's. Furniture 306-308 East Main Street, prepared by Trowbridge Associates, Inc., signed and stamped by Ralph Maloon, dated 11/18/18, rev 1/21/20*

- *Bernie & Phyl's letter dated 3/9/2021 re policies implemented to upkeep the outside of 308 East Main Street facility.*

Another request for continuation till sept 13th

Motion of continue Pearson/ sec Malloy Snyder

Doyle-Aye O'Reilly-Aye Pearson-Aye Malloy Snyder-Aye, Kadish-Aye

Motion carries

DISCUSSION: Woodland Green, Steve Bishop, Maintenance of the retention pond.

*rep: Steve bishop: wants to cut down cat nine tails, wants to manage overgrown cat nine tails, treatment shore line defense, it is a liquid aquatic herbicide. RDA or NOI may be needed. Retention pond, standing water, dry season still a pond. Need further research on the chemical. They would be open to use anything that would be okayed by the conservation. Send the information to the chemical conservation office. Maybe be covered under a stormwater management plan. Specifics needed. May not need a permit. **Clarify the process after review of the chemical***

Continuation till August 30,2021

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

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

Request for Full COC- DEP# 250-1061. Judge Rotenberg Educational Center, 31 Shelley Rd, Map 21, parcel 164) This project was for a septic system replacement.

Certified and recommended to be issued as a full

Motion to issue C.O.C - Doyle/ sec Malloy Snyder

Doyle-Aye, O'Reilly-Aye, Pearson-Aye, Malloy-Aye, Kadish -Aye

Motion to issue C.O.C passes

Request for Full COC- DEP# 250-1050. Judge Rotenberg Educational Center, 31 Shelley Rd, Map 21, parcel 164) This project was for removing concrete and paving the existing driveway.

Certified and recommend issue as full motion Doyle/ sec Malloy Snyder

Doyle-Aye O'Reilly-Aye Pearson-Aye, Malloy Snyder-Aye Kadish-Aye

Motion to issue full C.O.C passes

REVIEW DRAFT MINUTES

July 26th, Pearson, should they be amended? We have the original recording. Needs to be read over, Continuation to review 7/26 minutes.

Executive minutes review next session 8/30

No action on the minutes- to be addressed in detail at the next meeting.

NEW BUSINESS

Authorization letter to sign bills and payroll

Kerry Malloy Snyder to sign bills if Eugene Blood is not able, review and sign for account payable, payroll

Motion to authorize Kerry as alternate bill signer Pearson/sec Doyle

Malloy Snyder- Abstains; Doyle- Aye, O'Reilly Aye, Pearson-Aye, Kadish- Aye

Motion carries

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

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

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

Where is the file for the zoom meeting to be viewed and how do I send them to commission?

Motion p/ o

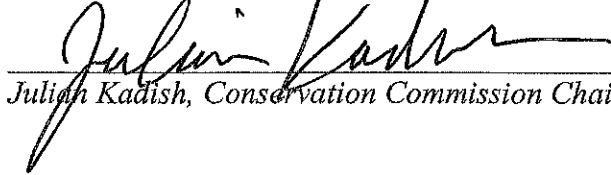
A motion was made to adjourn the meeting at 8:11pm by Pearson, seconded by O'Reilly, roll call vote was taken.

Motion Passed unanimously.

Respectfully submitted by: Megan Harrop

Minutes approved by the Commission on 9-13-2021

Conservation Commission Signature:


Julian Kadish, Conservation Commission Chairman

Oct 1, 2021
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:

- 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.)
- 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/85936068889?pwd=V3ROWDJYbGRCL2l5bzlkY0VrcWJtUT09> When prompted, enter the **Meeting ID:** 859 3606 8889, **Password:** 310946.

- 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.
- 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.

- 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.
- 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.