



## Norton Conservation Commission

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### Minutes

Monday, August 30, 2021

6:30 pm

Remote Participation Only

The Public Remote Participation Procedure is found at the end of this Agenda

6:32pm Open meeting

The meeting is called to order

Attendance: Lisa Carrozza, Julian Kadish, Ron O'Reilly, Dan Pearson, Dan Doyle, Eugene Blood

Absent: Kerry Malloy Snyder

### **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.

### **Agenda**

### **WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS**

Wetland hearings will be taken in order.

- **Request for Determination of Applicability (DET#1115) Hutchins-Trowbridge RPLS/CSE, 72 Reservoir Street (Map 10, Parcel 13, 14, 218 & 291).** The proposed project is an emergency repair of an existing water service at residential home, within 100 feet of bordering vegetative wetland and the Norton Reservoir. Files can be viewed here at <https://tinyurl.com/72Reservoir>

Julian Kadish recused

### **Document list**

1. RDA application prepared by Hutchins- Trowbridge Assoc. received 8-9-2021
2. Plans entitled, "Repairing existing water service", prepared by Hutchins – Trowbridge 8-9-21.
3. Map 10, Parcel 13,14,218 & 291
4. Abutters list

Michael Trowbridge- Water service leaking over many years, needs to replace 900 ft of water service, located back of property near isolated wetland and reservoir. Close to the reservoir and wetland, proposed silt sock installed and back fill immediately, Work needs to happen before winter, getting worse in certain areas. Maybe able to use directional drilling sleeve needed if he uses a directional drill. Notify commission if drill is used, as there will be entrance and exit pits. Need to continue as the plan needs more detail. If matters get worse, they may need emergency repair. This plan is to make a permanent repair. Needs worst case possibilities on plan. Most appropriate place to place the dewatering bag will be shown in the plan view. The 2-inch main, sleeve and cover over the pipe needs to be detailed in plan. Show 2 inch and 4-inch sleeves based on the construction method. Site visit, maybe premature, based on not knowing the construction method at this time. Owner is flexible with visit times.

Dan Pearson makes motion to continue to 9-13-21; seconded by Dan Doyle  
Aye- Eugene, Ron, Pearson, Doyle, Lisa

Julian Kadish abstained

- **Notice of Intent (DEP#250-10XX) Jeffrey O'Neill, 0 Leonard Street (Map 11 &12, Parcel 25, 25-01, & 15).** Proposed project is to build on site and extend previously approved public access road, within 100' of bordering vegetated wetland. Files can be viewed here at <https://tinyurl.com/LeonardStBlueStar2>.

#### Document List – 0 Leonard Street

- WPA Form 3 – Notice of Intent received 8/11/2021
- Plans entitled, "Notice of intent, Blue Star Business Park Phase 2, MA", prepared by DiPrete Engineering, signed and stamped by Jeffrey O'Neill, dated 7/26/2021
- Stormwater Management Report
- Construction Stormwater Pollution Prevention Plan Template
- Stormwater System Operation and Maintenance Plan
- Map of site
- Legal Notice
- Payment

Lisa Carrozza recused

Brandon Carr DiPrete Engineering speaking with Don and Jeff O'Neill applicants of project on call. . NOI for Phase II of Blue Star, developing two buildings and road extension, for work within the 100' buffer of BVW. No flood plain alterations, no work within riverfront area, no work within the area of vernal pool and no work within 25' of No Disturbance set back. Portion of the roadway was already approved with NOI, and an extension is being asked for. Existing condition plan, there are residents in North and east, Proposed development, continuing the road to cul-de-sac, and making building 9, a 200,000 sq. ft warehouse and distribution, building 12, 60,000 sq. ft warehouse, all work proposed within 100 foot buffer outside 25ft buffer zone. 26 acres of disturbance. Loading docks, for truck and van loading, parking for sales and office and retail components. 119 parking spaces. Future lot, auxiliary lot for future use, won't be built immediately but has been taken in to account for disturbance and in stormwater design. Fire connection/emergency access to Janet street, reinforced turf and fire lane. Proposed to be Yale Appliances distribution center, packaging and delivering appliances, active during the day. Building 12; smaller version of buildings 4 and 5, could hold 1-3 tenants trailer storage and loading in rear. Stormwater, building 9 large infiltration basin located at the rear of the building. 100 year only comes to 6 inches, and the pond complex handles parking lot and loading area and portion of building. Small underground infiltration system to handle portions of the route that couldn't get to other ponds. Site is considered Land use with higher potential pollutant loading, due to traffic that will be generated and this has been accounted for in the stormwater plan. Building 12, pond at the end of cul-de-sac that handles cul-de-sac

and a bit of driveway, infiltration basin and large pond complex that handles the rest of the building and all of the pavement for building 12. Pond systems, majority of storm water goes to one of 6 or 7 pond systems, collecting in parking lot with catch basins pumped to sediment for bank, smaller storms go through pipes of spill over spill ways to a sand filter that treats the water. Larger storms over top into large infiltration basins. Have done 3 days 30-40 tests, they have required separation for all ponds. Some areas of higher ground water. Systems meet DEP, stormwater reg and conservation reg. Sewer, water, gas, and electric, all being extended up the road, through wetland crossings. Building 9 has a portion that is gravity sewer. Building 12 will need a small pump, not a lot of sewer flow. Landscaping - street trees, and to meet town shade requirements. Ornamental plants closer to building, plants to stabilize ponds for erosion. Building 9 northern line, along property line, abutters, 10-12-foot-high berm, buffer residences when building, and view. Berm will not totally block the view of the building. Perimeter, trees and wetland seed mixes for pond areas.

John Curtin, abutter from 7 Janet street, building 12 is far too close to Janet Street. too close to the house, disappointed that the plans don't show that the building is farther away. Says the building is bigger than originally told it would be. Why can't the building be shifted to its farther away from the cul-de-sac and away from residence? Can the building be moved away from the residents?

Brandon Carr- Building is where it should be to make it functional . They have done all that they can to make sure that it is as far as possible from residents. Moving it farther back would reduce the loading ability.

? Conservation Commission- A lot of issues brought up better suited to be answered by the planning and zoning board.

Brian Gallagher, abutter, 3 Carlton, and 0 Carlton construction easement, that this land was told to this person that the land was land locked. Is it a hard commitment that the 10-12ft Berm will be constructed?

Brandon Carr -It is on the plan and part of the project.

Brian Gallagher- Stormwater construction and plans, is it taking into account the abutters property? Has it been calculated?

Brandon Carr- It does take into account the abutter property. They have to show there is no more water running off their site pre-construction versus after construction.

Peer review needed by professional help,

Brian Gallagher, Height plan?

Brandon Carr- about 40ft per building

Brian Gallagher- both buildings will be about 40 ft tall- any plans to put evergreens on top of the berm?

Brandon Carr- a woody conservation seed mix may be placed to block view. Perhaps add evergreen vegetation in some spots.

Julian Kadish- Will you be consulting about what plants you will plant on the berm.

Brandon Carr- we have a landscape architect and wetland scientist that we can consult with.

John Curtin- space between berm and property line?

Berm- top will be flat, varies from 10-12 ft and height. 2:1 side slope. Foot of berm 10-15 off property line. Trees off site should be left alone, not much tree clearing needed from abutters. Full construction plan ,

*details sediment control, construction plan, erosion control, stockpile areas, soil erosion control plan, etc..  
Stormwater operation and maintenance plan, post construction*

*Enrique Nieves - 109 Burt street-abutter, concerned about his property wetlands*

*Julian Kadish- Wetlands are left untouched in general*

*Brandon Carr- 109 Burt street won't be touched, closest limit of work is probably a 1000ft away from that wetland*

*John Curtin: in terms of run-off, 12 ft property line, flooding possible.?*

*Brandon Carr- Not a lot of run off from the property in general and has been taken into account. Run off already happens, they will match run off predevelopment.*

*Julian Kadish- They are adding more plants that will be absorbing more water that will be more likely to improve the issue of possible flooding.*

*Brian Gallagher, 40ft building Does that include HVAC systems?*

*Brandon Carr- HVAC will add height to the building., will be on the loading dock side. Trying to keep activity and mechanics away from residents. Try to keep to the south side.*

*Brian Gallagher- When will construction starts?*

*Brandon Carr- Current phase 2 construction hopes to be started this fall.*

*Peer review of stormwater management, Continuation needed to wait for peer review- Conservation commission will help chose peer review*

*Motion to continue till 13th of September- Motion to continue made by Dan Pearson, seconded by Dan Doyle*

*Aye- Doyle, O'Reilly, Blood, Kadish, Pearson.*

*Abstained- Lisa Carrozza*

- **Abbreviated Notice of Area Delineation (DEP#250-1081) DASUCO AZA Realty Trust, 0 Barrows Street (Map 27/Parcel 125).** Request for review and confirmation of the greatest horizontal limit of jurisdictional Bordering Vegetated Wetland on the property. The application can be viewed at <https://tinyurl.com/BarrowsANRAD>

*Document List – 0 Barrows Street*

- *WPA Form 4A*
- *Plans entitled, "0 Barrows Street ANRAD Plan of Land in Norton MA", prepared by Legacy Engineering, signed and stamped by Daniel J. Merrikin, P.E. dated 8/11/2021*
- *DEP BVW Delineation Field Data Form*
- *USGS Topographic Quad*
- *National Flood Hazard Layer FIRMette*
- *Soil Map*
- *Legal Notice*
- *NHESP Priority and Estimated Habitats of Rare Species*
- *Certified Abutter list*
- *Notification to abutters*
- *Affidavit of Service*

*Ron Strohshal from Oxbow Associates- rep for David levy; 24-acre lot off of Barrows street. 5 wetland series flagged in April of 2021. ConCom recommended for Peer Review by EcoTtech. Potential of vernal pool. Neighboring property, wet meadow, drainage ditch recently dug, man-made deep channels capturing surface runoff the flows off of the property. Lisa- mention of 100-year flood zone, needs to update plan with FEMA flood zone info. We need full topo. Certifying vernal pool? Property line wetland series B, we need to see it on the plan. We are approving the wetland in its entirety. We need to see everything, PVP, wetlands, flood plan. Need to vote on peer review, outside the public meeting in executive meetings.*

*Motion to request applicant to engage in peer review to delineation of wetlands - made by Pearson, seconded by Carrozza. Aye- O'Reilly, Doyle, Pearson, Carrozza, Blood, Kadish*

*Motion to continue to September 13th-made by Carrozza, and Pearson. Aye- O'Reilly, Doyle, Blood, Kadish, Carrozza, Pearson*

*Motion carried*

- **Abbreviated Notice of Resource Area Delineation (DEP#250-1080). Marcia Godfrey. 301 S Worcester St (Map 31 Parcel 36)** (continued from 8/16/21). The application is for proposed plans to verify wetland resource areas. The application can be viewed at <https://tinyurl.com/301SWorcesterANRAD>

*Doc list – 301 S. Worcester*

- *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*
- *Legal Notice Wetlands Hearing*

*Continues for 8/16/2021*

*ConCom requires a peer review from EcoTech, fee submitted. Bvw system isolated vegetated wetland, potential vernal pool. Isolated wetland, no topo, east side. Need more information with topography, need to contact surveyors.*

*Motion to peer review - Lisa seconded by Pearson. Aye- Carrozza, Kadish, Pearson, Blood, Doyle, Pearson*

*Motion to continue - sept 13th - motion made by Pearson; second O'Reilly. Aye O'Reilly, Pearson, Carrozza, Doyle, Kadish, Blood*

- **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, 6/14/2021, 7/26/21) 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>

Tim McGuire requested a continuance via email to continue till the September 27<sup>th</sup> meeting. Motion made to continue- Carrozza Seconded by O'Reilly. Aye- Carrozza, Doyle, O'Reilly, Pearson, Bloody, Kadish  
Motion Carries

- **Request for Determination of Applicability (DET #1112) Rachel McCann, 28 Eddy Street (Map 33, parcel 50)** (continued from 7/26/21, 8/16/2021). The proposed project is to construct an in-law 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

Tim McGuire, no work required under the jurisdictional zone. Remove dry well from the buffer zone. IVW, ILSF, delineation. It is large enough to be ILSF and needs to be added to the plans. Recommended to be negative one and negative 4.

Motion to close- made by Carrozza seconded by Doyle. Aye- Doyle, Carrozza, O'Reilly, Blood, Pearson, Kadish

Vote on determination for negative 4 determination (does not require a filing of NOI): made by Doyle second Blood. Aye- Carrozza, Doyle, O'Reilly, Blood, Kadish, Pearson

Maguire will send revised plans

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

Algae defense- contains copper

Shoreline Defense

Need to determine how it will be applied,

Continued to next meeting no rep at meeting to discuss

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

- **Notice of Intent (#250-1079) Clare Lynch, Plain St (Map 18, parcel 73)** (continued from 7/26/21, 8/16/2021). 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>

Motion to approve OOC- Carrozza, seconded by Blood. Aye- Carrozza, Doyle, Blood, O'Reilly, Pearson, Kadish

Motion Carries

- **Notice of Intent (#250-1077) Ferrari Pools, 14 John Scott Boulevard (Map 32, Parcel 98).** (continued from 7/12/21, 7/26/21, 8/16/2021) 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/14JSBldv>

Why did they do a stormwater report for the pool - single family houses are exempt from stormwater.

Motion for OOC - Lisa seconded by Doyle. Aye- Doyle, O'Reilly, Pearson, Kadish, Bloody, Carrozza

### **REQUEST FOR AN EXTENSION**

**I. Determination of Applicability (DET#1075) Matthew Picket, 3 Eddy Street (Map33/ Parcel 6-03).**  
Owner would like to be granted an extension to 2/25/23 (per COVID tolling period).

*Motion to issue extension to 2/25/23. Motion issue extension-Carrozza seconded by Pearson. Aye- O'Reilly, Doyle, Blood, Kadish, Pearson, Carrozza*

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

### **REVIEW DRAFT MINUTES**

### **NEW BUSINESS**

### **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

### **BILL SUMMARY**

Bill Summary			
8/16/2021 to 8/30/2021			
Name	Amount	Account number	Account name
Comcast	\$ 118.44	001-171-570-5308	Maintenance of Conservation Areas
Island Brook Appeal	\$ 698.25	242-171-100-5700	Wetland Protection Fund
Home Depot Credit			
Services	\$38.63	001-171-570-5308	Maintenance of Conservation Areas
Verizon Wireless	\$36.49	242-171-100-5700	Wetland Protection Fund

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

**J. Request for Certificate of Compliance (DEP#250-967) James D.& Mackenzie Andrews of 14 John Scott Boulevard.** On May 26,2021 site inspection found that all surfaces had been stabilized and construction of the new house is complete.

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

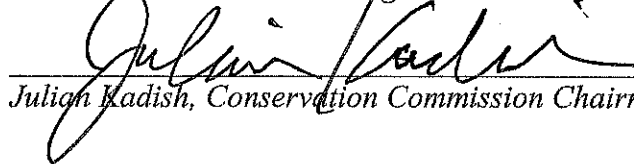
*Motion to issue full certificate -Carrozza seconded Doyle. Aye- O'Reilly, Doyle, Blood, Kadish, Pearson, Carrozza*

*Motion to close at 8:48pm*

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/85479322478?pwd=TVFhaWJZZS9ZSkVQNFN0RTILTDdqQT09>

- **Meeting ID:** 854 7932 2478 **Passcode:** 659961 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](mailto: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.