



Norton Conservation Commission
70 East Main Street • Norton MA 02766 • 508-285-0275
Email: conservation@nortonmaus.com
Site: <https://www.nortonma.org/conservation-commission>

Next meetings:
11/8/21
11/22/21
12/6/21
NORTON TOWN CLERK
2021 DEC -2 PM 1:55

Monday, October 18, 2021, 6:30 PM

Remote Participation Only

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

Minutes

Attending

Julian Kadish, Chairman
Lisa Carrozza, Vice Chairperson
Eugene Blood
Dan Doyle
Ron O'Reilly
Dan Pearson
Kerry Malloy Snyder

John Thomas, Conservation Dir.

Absent

Megan Harrop,
Conservation Secty.

6:30pm Open meeting

Just after the meeting opened, Chairman Kadish welcomed new Conservation Director John Thomas to the Norton Conservation Commission.

WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS

A. (DEP#250-1084) Abbreviated Notice of Resource Area Delineation. Pine St. (map 23, parcel 66 and 158 and map 24, parcel 95) The application is for proposed plans to verify wetland resource areas. Files can be viewed here at <https://tinyurl.com/PINEANRAD>

Doc List

- *WPA Form 4A*
- *Flood Plain Designation*
- *Certified list of Abutters*
- *Affidavit of Service*
- *Soil Analysis*
- *Check for application fee*
- *Map names "Wetland Delineation Plan Pine Street" by Borderland Engineering Inc.*

The peer review of the site by Art Allen of EcoTec was, at the time of the meeting, still pending. Applicant had not requested a continuance. Responding to audience concerns, Kadish emphasized that the applicant had merely requested an ANRAD and defined it for them. Carrozza added that audience members had been notified because they were abutters to the



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applicant's property. Michael Fiore, 135 Pine Str., an abutter: Is the applicant developing the property? Kadish: While an ANRAD may precede development, it is sometimes used merely to make an assessment of the applicant's property vis-à-vis the WPA. Fiore expressed concern that it would be difficult to determine water levels "year round," specifically after such a rainy season. (Representing the applicant) Claire Hooeboom (Wetland Scientist, LEC Environmental Consultants, Inc., Pawtucket, RI): To determine water levels, one must take into account multiple indicators, e.g., standing water, vegetation, etc. Kadish: We should focus just on the potential resources of the property, but the pertinent information hasn't yet been submitted. Bob Butler, 133 Pine Str., an abutter: Could you build much on that land? Kadish: While such questions are not the focus of the present hearing, the applicant could potentially return with a further application containing a proposal to do relevant work on the property. Butler: The land in question contains wetlands wider than vernal pools. Thomas expressed confidence in the peer reviewer's ability to delineate the land in question. Butler noted that the confluence of the Rumford River and the Wading River into the Three-Mile River near the property should make this an area of special concern.

Motion to continue the public hearing:	Aye		Abstain	Nay
1. Pearson	Blood	O'Reilly	0	0
2. Carrozza	Carrozza	Pearson		
	Doyle	Snyder		
Motion carries unanimously	Kadish			

B. (DEP#250-XXX) Abbreviated Notice of Resource Area Delineation. West Main Street. (Map 22, Parcels 2-1, 2-2 and 2-3). The application is for proposed plans to verify wetland resource areas. Files can be viewed here at <https://tinyurl.com/WMain-ANRAD>

Doc List

- *Abutters list*
- *Map "Plan of Land in Norton, MA" by Craig E. Cygawnoski*
- *WPA Form 4A*

Kadish mentioned that there were items relevant to the application that hadn't made it into the agenda, etc. Michael Larkin, RIM Engineering addressed the hearing and posted a topographic map of the site. Carrozza: The plan should be numbered according to the NCC assessment of the site, i.e., 2-1, 2-2, 2-3. What address is on file with the Assessor? Larkin: The applicant will do that. Thomas: I will be going out to the site. Larkin: OK. (to Kadish, clarifying): There are, in fact, three parcels making up one site. Thomas: Is the ownership shared or separate? Larkin: Shared. Carrozza: Why are the three parcels being shown as a single lot? Larkin: An error on the side of the applicant made early in planning. Thomas: The existing lot lines should be indicated. [Err on the side of comprehensiveness.] Kadish: What is the zoning on the upland, admittedly non-jurisdictional, part of the property? Larkin: Commercial.



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The following are required of the applicant to proceed:

1. Appropriate delineation of the site's three (3) parcels
2. A DEP file number
3. A confirmation of the site address on the plan

Motion to continue the public hearing:	Aye		Abstain	Nay
1. Pearson	Blood	O'Reilly	0	0
2. Doyle	Carrozza	Pearson		
	Doyle	Snyder		
Motion carries unanimously	Kadish			

- C. **(DEP#250-1082) Notice of Intent. Jeffrey O'Neill, 0 Leonard Street (Map 11 & 12, Parcel 25, 25-01, & 15).** (Continued from 8/30/2021, 9/13/2021, 9/27/2021) 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

Carrozza recuses. An update is delivered by Brandon Carr, PE, LEED AP, DiPrete Engineering: the applicant is "working through" Horsley Witten's peer review, but can already say that there will be "no game changers" in the updated application: There is not much in the area in question that comes within the Commission's purview. Save for the design of the pond on the SW side of the site, Pond Complex E, "there will be no difference in size."

Motion to continue the public hearing to the 11/8/21 meeting of the NCC:	Aye		Abstain	Nay
1. Pearson	Blood	O'Reilly	Carrozza	0
2. O'Reilly	Doyle	Pearson		
Motion carries	Kadish	Snyder		



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- D. (DEP#250-1081) Abbreviated Notice of Area Delineation. DASUCO AZA Realty Trust, 0 Barrows Street (Map 27/Parcel 125).** (Continued from 8/30/2021, 9/13/2021, 9/27/2021)
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

Thomas: The applicant has requested a continuation.

Motion to continue the public hearing to the 11/8/21 meeting of the NCC:	Aye		Abstain	Nay
1. Pearson	Blood	O'Reilly	0	0
2. Doyle	Carrozza	Pearson		
	Doyle	Snyder		
Motion carries unanimously	Kadish			

- E. (DEP#250-1070) Notice of Intent. 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, 8/30/2021, 9/27/2021) 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>.

Tim McGuire of Goddard Consulting addressed the audience on behalf of the Widak/Sher Corporation. He had not had a chance to review some of John Chessia's comments. In response to NCC comments, the plan now indicates that Meadowbrook Pond (hereafter “MBw”) flows



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less than 200' underground. There are indications on the plan of its inner and outer riparian zones. Of the entire onsite riverfront area of 1,500,000ft², only 6,106ft² is to be impacted. (A pond is a body of water greater than 10,000ft².) McGuire alluded once again to the banana peel and stick test Goddard used to determine that MBw was a pond and not a river. Only one of the site's houses is to be within the 100' buffer zone; all the site's work is to be outside the 25' no disturbance zone. Carrozza: While the applicant may claim MBw is a pond, it has riverine characteristics. McGuire: USGS calls MBw a pond. Carrozza: The applicant should consult Historic Aerials which indicates that MBw is a river and displays riverine characteristics. Thomas: The USGS's topoView feature is also worth consulting. Snyder expressed skepticism about the banana-stick test and asked whether the applicant tested the current of the MBw with flowmeters. Does the NCC own flowmeters? McGuire: We found that even the NCC agreed with previous filing identifying MBw as a "pond." Kadish suggested that John Chessia's peer review comments would call for detailed discussion at the next NCC meeting and asked Chessia, who was present, if he cared to comment now. Among the concerns Chessia had for the plan were these:

1. The place intended for building was originally designed as a roadway.
2. In 30 years as an engineer, Chessia had never seen—as the applicant has alleged—a 0.2% flow rate.
3. The applicant hasn't consulted the DEP guidelines well enough.
4. No draft SWPPP has been submitted.
5. The peer reviewer couldn't read the applicant's watershed plan.
6. The applicant should consult the DEP handbook with an attitude toward distinguishing between "guidance" and "specifications," the latter of which are required by law.
7. How is the floodplain determined?

McGuire: The floodplain is determined by average annual mean highwater (AAMHW), conservatively estimated to be 62.5'. There is no work within 26' of the wetlands. Carrozza: Where is 62.5' mapped? McGuire: Interior of the wetland line? (annual highwater=61.9', mean annual spillway average=61.7'). Chessia/Carrozza: No, you need to consider volume, not height. Chessia: What's the 100-year floodplain height? Thomas: Nowhere near.... Carrozza: A spillway has nothing to do with affirming a floodplain. The burden of proof lies on the applicant to show the floodplain. Thomas: The phrase "mean annual highwater" shouldn't be used when considering a riverfront; use rather "bank of pond." Chessia: [After examining the plan,] I don't know the relation of the wetland to the edge of the pond. Thomas: The previous, abnormally rainy season might skew results. Carrozza: But what matters is the day the sample is taken. In summary, Kadish and Chessia confirmed that the applicant's plan still needed much work. Sam[uel T.] Widak of Widak/Sher Corporation: We're having problems with our engineer. Thomas, affirming NCC's purview: Anything within 100' of a pond is the concern of the NCC; beyond that is a planning board/ZBA matter. Thomas: advises trying to gather everything online and then give us an estimated time frame when they think they will be ready, as long as it two weeks before the meeting. Julian mentions that they need to say when they want the continuance till in order to keep continuity and not have to start the process over again.



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Motion to continue the public hearing to the 11/22 meeting of the NCC:	Aye		Abstain	Nay
1. Carrozza	Blood	O'Reilly	0	0
2. Pearson	Carrozza	Pearson		
	Doyle	Snyder		
Motion carries unanimously	Kadish			

F. (DEP#250-1080) Abbreviated Notice of Resource Area Delineation. Marcia Godfrey.
301 S Worcester St (Map 31 Parcel 36) (continued from 8/16/21, 8/30/21, 9/13/2021, 9/27/2021). The application is for proposed plans to verify wetland resource areas. The application can be viewed at <https://tinyurl.com/301SWorcesterANRAD>

Doc 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
- Legal Notice Wetlands Hearing
- Check 3951 for \$987.50
- Check 4098 for \$1012.50

Tim McGuire, Goddard Consulting, for the applicant: Minor revisions have been made to the plan to appropriately identify E-series (E-46, MAHW 36) flags. Kadish: Have you submitted all pertinent information to the NCC? McGuire: Yes, the ORAD has been sent over.

Motion to close public hearing	Aye		Abstain	Nay
1. Carrozza	Blood	O'Reilly	0	0
2. Doyle	Carrozza	Pearson		
	Doyle	Snyder		
Motion carries unanimously	Kadish			

Thomas noted that as the WPA *modus operandi* is per plan not per site, the applicant should revisit the Commission if other work were planned.



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G. (DEP#250-1083) Notice of Intent. 60R Reservoir Street (Map9, Parcel 220). (Continued from 9/27/2021) The proposed project is to install an inground pool within 100 feet of wetland. Files can be viewed here <https://tinyurl.com/60R-Reservoir>.

Document list

- 60R Reservoir Street plan maps, created by Nyles C. Zager
- Certified abutters receipt
- Certified mail to DEP
- WPA Form 3
- Filing fee check paid for \$67.50

Kadish began the hearing by recusing and turning the meeting over to Carrozza, who had walked the site with Matt Collins of Apollo Pools and Spas. There had been some discrepancies in the plan regarding the pool and fence, which were consequently adjusted on the plan. Carrozza suggested that either mulch or a permeable surface cover the path and the applicant chose the latter. Thomas agreed that the application is ready for an OOC.

Motion to close the public hearing:	Aye		Abstain	Nay
1. Doyle	Blood	O'Reilly	Kadish	0
2. Blood	Carrozza	Pearson		
	Doyle	Snyder		
Motion carries				

DISCUSSION

- Woodland Green, Steve Bishop, Maintenance of the retention pond

Kadish echoed the comments of Thomas that the pertinent herbicide be applied by a certified practitioner.

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

Motion to issue an ORAD for DEP#250-1080:	Aye		Abstain	Nay
1. Carrozza	Blood	O'Reilly	0	0
2. Doyle	Carrozza	Pearson		
	Doyle	Snyder		
Motion carries unanimously	Kadish			



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Motion to issue an ORAD for DEP#250-1083 with the addition of 3' permeable paver pathway to the pool and removal of landscaping debris:	Aye		Abstain	Nay
1. Pearson 2. Snyder Motion carries	Blood Carrozza Doyle	O'Reilly Pearson Snyder	Kadish	0

REQUEST FOR AN EXTENSION

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

REVIEW DRAFT MINUTES

9-27-2021: Tabled per request of Carrozza.

NEW BUSINESS

OLD BUSINESS

Edith Read

Snyder told the Commission that she had done a site walk of the Edith Read conservation land with the Girl Scouts to determine which trails should be opened and which closed. Pearson asked about the status of renaming the property after Jennifer Carlino. Carrozza pulled up a rough draft of a sign that she would circulate to the Commission via e-mail. Pearson: Were there to be multiple signs? Perhaps some of the trails, etc. could also be named after Carlino.

Bernie and Phyl's

BILL SUMMARY

9/27/2021-10/18/2021			
Name	Amount	Account number	Account name
Chessia Consulting	\$ 1,170.00	242-171-100-5700	WPF - Island Brook Appeal
McGregor & Legere, P.C.	\$ 465.50	242-171-100-5700	WPF - Island Brook Appeal
Comcast	\$ 118.44	001-171-570-5308	Operation- Maintenance of Conservation area
Verizon	\$ 29.84	242-171-100-5700	Wetland Protection Fund
Sun Chronicle	\$226.80	001-171-570-5716	Opertation - Educational
National Grid	\$ 10.00	001-171-570-5308	Maintenance of Conservation Areas
National Grid	\$ 33.71	001-171-570-5308	Maintenance of Conservation Areas
Norton Water Department	\$ 127.20	001-171-570-5308	Maintenance of Conservation Areas



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

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

Respectfully submitted by: Megan Harrop


Minutes approved by the commission on: 11/22/2021

Conservation Commission Signature

Julian Kadish 12/1/21
Julian Kadish, Conservation Commission Chair *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/86971583614?pwd=RHVpalJZREUzeElzd3NSMEoxY3dHQQT09>

When prompted, enter the **Meeting ID: 869 7158 3614 Passcode: 759587**

- 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.



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- 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.

8:28pm. Motion to adjourn the meeting:	Aye		Abstain	Nay
Motion carries unanimously	Blood Carrozza Doyle Kadish	O'Reilly Pearson Snyder	0	0