



## Norton Conservation Commission

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**Monday, December 13, 2021**

**6:30 pm**

**\*\*Remote Participation Only\*\***

### Next Meetings:

01-10-22

01-24-22

02-14-22

2-28-22

<https://us02web.zoom.us/j/81284800201?pwd=SlMyeEVEKzEyUzFNei9YNEhHTGhaQT09>

When prompted, enter the **Meeting ID: 812 8480 0201** **Passcode: 797411**. 1-646-558-8656

### 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 \*9 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

**\*\*Public Hearings and possible Commission deliberations will be taken in order of this Agenda\*\***

### **6:30pm Open meeting**

<b>Members Present</b>	<ul style="list-style-type: none"><li>• Julian Kadish, Chairman</li><li>• Kerry Malloy Snyder</li><li>• Dan Doyle</li></ul>	<ul style="list-style-type: none"><li>• Lisa Carrozza, Vice Chair</li><li>• Daniel Pearson</li><li>• Ronald O'Reilly</li></ul>
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<b>Other Representatives</b>	<ul style="list-style-type: none"><li>• John Thomas, Conservation Agent</li><li>• Megan Harrop, Conservation Secretary</li></ul>
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## I. NEW PUBLIC HEARINGS

### A. DET#1117 – RDA- 4 Lagoon Lane- Michael and Lisa Fournier

(Map 3, Parcel 577) <https://tinyurl.com/4LagoonLane>

*The application is to build rear entrance stairs.*

Applicant/ Representative Present	Applicant -Michael Fournier  Representative- Craig Cygawnoski, RIM Engineering
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#### *Document list*

- *RDA application prepared by RIM Engineering Co, Inc.*
- *Plans entitled, "Proposed Rear Entrance Stairs", prepared by Craig Cygawnoski, 11-17-2021*
- *Map 3, Parcel 577*

*Craig Cygawnoski, RIM Engineering. The applicant is trying to convert a single-family home into a two family. They have permission from Planning and Zoning board. To make the duplex legal they need to have a second entrance to the top floor unit. There is already an existing deck off the top floor level that does not have a set of stairs. Looking to build a 4X4 landing, then a set of stairs to come down to the ground. The work would be done attached to existing deck, posts coming down from the deck to support the new landing, they would be set on footings that can be dug by hand. The work is proposed to be done by hand, where carpenters come in and do the work. Resource area at the back of the lot, closest point to landing post is 66ft. The entire rear yard is existing lawn area.*

*John Thomas: I would position that you have the erosion controls in place over the winter time. It usually works to your betterment.*

*Craig Cygawnoski: That's fine.*

Motion to close made by Lisa Carrozza	Seconded by: Daniel Pearson Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Lisa Carrozza, Julian Kadish, Daniel Doyle  Motion Carries
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### B. DEP#250-1089- NOI - 133 John Scott BLVD- Kevin and Lorrain Leroux

(Map 31, Parcel 26-04) <https://tinyurl.com/133JohnScottBlvd>

*The application is for the construction of a single-family home with related septic system*

Applicant/ Representative Present	Representative- Cameron Larson. ECR
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*Document list*

- *NOI application by Brad Holmes*
- *Plans entitled, "Septic System design and Building layout plan of land in Norton by Joseph E. Webby professional land surveyor and Richard Robert DeBenedictis, Professional Engineer. Received on 11/15/2021*
- *Map 31, Parcel 26-04*

*Undeveloped property off John Scott Blvd. ECR located BVW and a perennial stream to the west and north of the proposed work area on the site. They are proposing construction of new single-family home with driveway, utilities, small deck, septic and some grading. A portion of the work*

*and unless you did the calculations it's better to remove it. Lastly give a specific percentage of river front on the plan.*

*Cameron agrees to the changes Lisa suggests and will be submitting revised plans.*

Motion to close made by Lisa Carrozza	Seconded by: Daniel Doyle Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Lisa Carrozza, Julian Kadish, Daniel Doyle  Motion Carries
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**C. DEP# 250-1090-ANRAD- 1 Power Street- Patrick Larkin**  
(Map22, Parcel 2) <https://tinyurl.com/1powerstreetANRAD> .

*Proposed plans to verify wetland resource areas*

Applicant/ Representative Present	Representative: Michael Larkin
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*Document list*

- *ANRAD application, received 11/22/2021.*
- *Plans entitled, "Plan of Land in Norton", prepared by Craig Cygawnoski, 10-8-2021*
- *Map 22, Lot 2*

*Michael Larkin- We got approved an ORAD for 0 W. Main Street. There were some wetlands on the side of the property. We got permission to go out on the property to confirm wetland. We went out on 11/11/21. John Thomas went out on 12/8/21 to verify these lines. He did ask the we make a revision of line 45. Moved it back. We are trying to do a complete study of what may affect us on 0 W. Main Street.*

Motion to close made by Lisa Carrozza	Seconded by: Daniel Pearson Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Lisa Carrozza, Julian Kadish, Daniel Doyle  Motion Carries
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**D. DEP#250-XXXX-NOI-64/66 West Main Street- Norton High School**  
(Map22, Parcel 98/90) <https://tinyurl.com/NortonHighschoolNOI>

*The proposed project is the reconstruction of two athletic fields, a running track, and a tennis court. The area of work being located within 100ft of Bordering Vegetated Wetland.*

Applicant/ Representative Present	Applicant – Norton High School, Superintended Joe Baeta Representative- Bree Sullivan, GALE Associates and Ryan Thackery
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*Document list*

- WPA 3-NOI
- Stormwater report
- Wetland Resource Area Analysis Report
- USGS Topographic Map
- Aerial Orthophoto Map
- FEMA Flood Insurance Rate Map
- MASSDEP BVW Delineation Field Data Form
- Geotechnical Engineering report
- Description of Field Exploration logs
- Laboratory Test Reports
- Pre and Post Development Condition Maps
- Pre and Post Development Hydrology
- Operation and Maintenance Plan
- Notification to abutters
- Certified abutters list
- Affidavit of Service
- Maps name "Athletic Campus Improvements Norton High School" by GALE

*Bree: As it stands now the existing layout of the football field is where it's shown here on the plan, there is an existing track, and existing grand stand. The grandstand is directly adjacent to where the high school building is. There is a baseball field here in between the football field and field in the middle, that will remain untouched. The multi-purpose field which is a combination of baseball, softball, and soccer field, which you can see here directly adjacent to Yelle school, is going to be going in the same location as there's a multi-purpose grass field there now. And in the tennis courts here is a bank of five tennis courts proposed. Those are proposed where there currently is a grassed area, and that's not to be confused with the soccer field that's down to the east. Those tennis courts will replace the softball field or the practice field that that exists there now. Currently the football field and the multi-purpose field are currently turf grass, so natural grass. They are in fairly decent condition for grass fields that are used. Field number one which is the football field, we had LEC associates do a wetland delineation and characterization of the resource areas at the site. They actually hung flags along the bordering vegetated wetland, the flags were subsequently picked up by the survey and they're shown on the plans. The agent and I did a site visit about a week and a half ago to verify the line. He found that some of the flags should probably be moved. We moved flag A4 approximately 50 feet upland and actually then*

we drew the line from A3 to the A4 flag of relocated flag and we skipped right over flags A5 and A6 and connected it directly to A7. I sent a follow-up plan; I believe it was on Friday with a revised flag location and the updated buffers. Field number one has some proposed work within the 25 foot no disturb zone. I did quantify that and send it out in an email on Friday. Currently the existing field has a disturbed area in the 25-foot zone. The proposed field is going to require a little more encroachment into the 25-foot zone with a 12-and-a-half-foot offset to the actual BVW line. You can see it there on the right above the led athletic light typical for 12 and a half feet. That is the closest point to the BVW in that location. So, this wetland line continues from west to east the numbering continues to west to east across the whole southern portion of this site. This multi-purpose field is field two the one that's adjacent to the Yelle school. The wetland area in this part of the property actually extends up, in this projection here where wet flags 81 through 89, somewhere thereabouts, actually extends into the existing grassed area. The closest that we get to bordering vegetated wetland there is 31.4 feet as you can see the offset here. However, there's going to be some minor grading that grades down, so we're probably talking about 21 feet or so. So, we're slightly in the 25foot because we have an associated side slope grading. So that's the closest we get to in this field. The tennis courts are outside the 100 foot they're either outside the 50 or 100 ft so they're not in the jurisdictional area.

Dan Pearson: Before you go there could you just indicate to us where the edge of woods is now, with that multi-purpose field? How it compares, I remember that there was a lot of grass there behind the school, then a forest. The cloud looking line is the tree line?

John Thomas: That's not correct. The tree line's actually further south than what's shown on the plan. If you look at the aerial imagery, if you go onto google earth, you'll notice that that's the case as well.

Dan Pearson: So, you're not chopping trees down for this.

Bree: No, we are not.

John Thomas: That tree line has been like that since I think the 70s.

Lisa Carrozza: On the other field, are we taking down trees or is it just trimming? How much closer are we at, not to go back to there, but it kind of begs the question.

John Thomas: Yeah, I think a good thing would be to have that tree line reevaluated.

Bree: Okay, I mean we'll look at it. It was surveyed by the surveyor so that's actually news to me that it's not in the right location. We'll have to look at that again. If you could go back to field one, please so you can see that right now the tree line basically hugs the existing track. You can kind of see it on the left side going in we are encroaching further in into the tree line, so there is going to have to be some tree removal here.

Dan Pearson: It's not just that you're doing stuff within the track you're going beyond the track?

Bree: We are going slightly beyond the track as part of the project.

Lisa Carrozza: You're creating a walking surface around the perimeter of the existing track, where there is none today?

Bree: Right now, the existing track as you can see here there's an existing track and then there's a three-and-a-half-foot fence around the outside of the existing track. Then you can see there's

*a variable width, it's stone dust so it's a gravel path anywhere between eight to ten feet wide that currently exists around the outside of the existing track.*

*Lisa Carrozza: Why do you have to further encroach and you can't put it in the same foot print? Is the final track getting larger?*

*Ryan: I think we went from six to eight. I think the track is getting slightly bigger.*

*Bree: We're increasing the track so the reason why we're increasing from six to eight lanes is for certain competitions you're required to have eight lanes. Sometimes you can get away with eight lanes of the straight away but in this case, it wouldn't help us here if we just had eight lanes in the straight away, because we would still be wider and still encroaching.*

*Lisa Carrozza: The increased width of the formal track surface is pushing out the whole footprint that's why you have to. Okay I got it.*

*Bree: To quantify that in square footage so currently the existing encroachment of the 25-foot buffer and this is only for this this field is 157 square feet as it is today. Then the proposed encroachment within the 25-foot buffer which includes that 157 is a thousand eighty-two square feet.*

*Lisa Carrozza: The width of the swath of trees that has to come down is going to end right at that outer fence?*

*Bree: That's correct.*

*Lisa Carrozza: Is there any tree trimming, are there any overhanging branches in addition to that? I'm just trying to make sure you captured it all, because you have the footprint of itself. Any overhanging branches that will have to be taken down or trimmed? Or is the extent of trimming and clearing everything to do with tree removal, pruning the limit of the fence?*

*Bree: That's correct yeah it is the limit of the fence. There really isn't any reason that you would have to trim a tree if its overhanging. The construction doesn't require that. The bulk of our 25-foot encroachment here is to the right where the wetland comes very close to the track. In the other areas you can see, it's minor encroachment into the tree line. We don't anticipate there be many trees removed, maybe a half a dozen or so. Many of the trees in this area are small there aren't many large diameter trees up close to the fence. They're fairly small maybe anywhere between four inches three inches, it's basically new growth. We did a pre and post analysis as required by the wetland's protection act, for drainage. The report lists the parameters that we used and as a result of the pre and post analysis we have no increase in runoff from any of these locations. The way we handle storm water with a synthetic turf field, so these fields are synthetic turf, and the way we handle stormwater runoff with synthetic turf fields is the field itself acts as a detention basin. So, the synthetic turf field is constructed of basically a layer of stone anywhere between 10 to 12 inches depending on where you are in the field. But then the for lack of a better term we call it carpet, because it's very often the manufacturers are actually carpet manufacturers, the artificial turf carpet on top of the laser-graded stone. The laser-graded stone has an under-drain system. The under-drain system collects the runoff, brings it to discharge structures on either end of the field. Those discharge structures actually have a riser in them which allows the water to basically stage up under the field and is stored such that it can*

infiltrate into the ground below the field. In larger storm events the water will overflow the riser so this is all underground. It's all in outlet control structures. It will discharge to two existing discharge points for field one. In field two the discharge points are actually an overflow with a beehive grate so when the storm exceeds the capacity of the stone under the field it will all overflow these two structures in field two. So, there is sufficient storage under the field to attenuate any runoff increase from the field. Essentially turf fields are like porous pavement they basically let the water right through into the stone, to the stone reservoir below so that's how we handle stormwater.

Lisa Carrozza: Could you just point out the points of discharge. They're existing to be reused it sounds like.

Bree: They are existing to be reused.

Lisa Carrozza: Or do you have a grading and drainage plan?

Bree: We do have a grading and drainage plan. You can see here to the east and the west we have the outlet control structures and these invert outs. They're existing. We're connecting to the existing pipe that comes out of the existing catch basins on the field.

Lisa Carrozza: Okay so that manhole covers going to be at grade on that on that walking path.

Bree: That's correct.

Lisa Carrozza: Okay is that ADA compliant?

Bree: It is.

Lisa Carrozza: It is with the manhole cover in the middle of the path?

Bree: Yep, compacted gravel as long as you don't have any sort of, they call it lippage, where the manhole cover sticks up above. Now a view of the under-drain system and then the under-drain system goes to a collector pipe that goes around the fields. Then that's collected by the outlet control structure and it discharges at the higher storm events. The lower events are wholly retained under the field. You will not see any discharge out of the pipes from the field. So, you can see these dashed lines that are sort of like a chevron pattern, those are the under-drains. They collect the water, under the field and convey it to the perimeter drainage pipe. The perimeter drainage pipe is perforated to allow percolation into the surrounding soil. Then they eventually terminate at the outlet control structures. So, the track is graded towards the field, everything's graded towards the field so we don't have any discharge off the field. This stormwater runoff is considered clean, it's like roof runoff that you're typically used to seeing in drainage projects. There's no vehicular loading on this property it's all direct runoff like a sidewalk. So, we treat it as clean, it doesn't have total suspended solids in it. Or whatever total suspended solids it would have would be minimal. So, if you could go to field two. So, field 2 is similar in design for stormwater handling. We have the storm reservoir with an under-drain system, the under-drain system conveys it to a perimeter pipe and the perimeter pipes go to actually three discharge locations .so the three discharge locations are essentially just a vertical pipe with a beehive grate on top. you may have seen them they fit on top of the pipe and once the stormwater reaches a certain elevation in the stone it'll overflow the pipe and then flow towards the resource area through overland flow. Now this area also has a bordering land



subject to flooding. The rest of the project is buffer zone only with the exception of the 25foot no disturb. There is blsf here, it's a zone A blsf, so there's no elevation provided. We kind of had to do an overlay from the flood map to determine where in the fields we're encroaching into the zone. There is a slight encroachment I did a quantity takeoff. Ryan did a quantity take off. We have about 1680 square feet of blsf we didn't have that on the original form, so that will have to be added to the order of conditions. The 1680 square feet approximately will result in so it occurs approximately between 108 and 109. it's hard to tell because we don't know exactly where it is. The volume is expected to be 840 cubic feet of fill in the flood zone. As a point of contrast, I looked at the volume and the weight of stormwater runoff post conditions and we actually have a reduction of runoff volume from the field. For this field only of 880 cubic feet. So we're actually reducing the volume of stormwater runoff in a 100 year storm by 880 cubic feet, which is greater than the 840 cubic feet that we're filling to construct the field. We also wanted to make sure that in constructing this field that we're not going to create a condition where it gets flooded out. Because we're raising the elevation there, we are not concerned with the likelihood of it being flooded out is small.

Lisa Carrozza: You're not providing compensatory flood storage on incremental foot by foot basis per the regs. Can you address that?

Bree: We are not. The reason why is that it's difficult to estimate how much we're filling. But because the offset mitigation factor is the amount of runoff that we're discharging during the hundred-year storm, which is what the zone A is, is greater than the amount we're filling in the flood zone.

Lisa Carrozza: I'm not sure that meets the performance standards of bordering lands subject to flooding. I'm going to ask you to look at that. Did you address conformance with the standards in the documents?

Bree: I addressed it in the email I sent out on Friday for additional information.

Lisa Carrozza: John Thomas did you have a chance to review that yet?

John Thomas: I've been scrambling around for this meeting I haven't had real much time to look at all that.

Lisa Carrozza: Okay we'll take a look at that.

John Thomas: It's actually another thing I wanted to ask the commission if they want to have a peer review consultant take a look at this project?

Lisa Carrozza: Yes.

Dan Pearson: I don't see why not.

Kerry Malloy Snyder: Yes.

Lisa Carrozza: Whoever the peer review consultant is we can ask them to review compensatory storage.

John Thomas: Okay I have a couple proposals I'll send them to the commission.

Julian Kadish: All right Bree have you completed your comments.

Bree: Well, I'd just like to speak to the impact to the 25-foot zone no disturbance. So, what we're proposing to mitigate the additional encroachment to the 25-foot, so that the encroachment is

*in field one. What we're proposing to do is to create a vegetation management area to the south of field two. You can see it here which is around the buffer of this piece of wetland that comes into the field. That will approximately be an 11 to one mitigation to impact ratio and so it'll allow this area to go back to natural vegetation and it'll be delineated by signs saying vegetation management area. What we've done is we've actually not put a walkway around this part of the field. We want to discourage people from using the area or from walking in the area to maintain the growing conditions to protect the resource area.*

*Lisa Carrozza:* *You're not planting anything you're just going to let it naturally revegetate*

*Bree:* *That's correct.*

*Lisa Carrozza:* *How are you going to corner it off or you're going to surround it with a fence or something to allow it to vegetate.*

*Bree:* *We could we could put a temporary fence in there or a permanent fence whichever. We could do a post and rail fence. I don't want to discourage any sort of wildlife passage in the area if the commission has a preferred method of donating that in addition to signs, we certainly would be amenable to suggestions.*

*Dan Pearson:* *Wouldn't you imagine there'd be a lot of people wandering off the site to the south, during, after, or in the middle the game? Maybe it will be nothing serious and not that big deal I don't know cigarette butts.*

*Lisa Carrozza:* *Well maybe we can ask john to make a recommendation since the tree line here is going to be adjusted anyway. We'll think about how much of an area. What width we want and how we want to keep people from wandering in until it revegetates.*

*John Thomas:* *It will also preclude from any disposal of litter trash debris landscape material whatever you might find out there. So, I think it's definitely a positive thing for everybody.*

*Dan Pearson:* *If we had some sort of barrier or fence or something a significant barrier or fence.*

*Bree:* *I mean if that's the best way to do it we can. We can certainly do that. I know it's pretty wet in there. Anybody who goes back they're going to get their feet wet, so I think that automatically discourages and once the vegetation establishes, I wouldn't be going back there. But it's certainly something that we are willing to want to do.*

*Julian Kadish:* *All right well, the way it sounds it's almost if the area is not maintained as an open grass area that within a short time, there's going to be a lot of vegetation that will naturally invade and it grows very quickly.*

*Bree:* *If the commission feels that it would be better managed as a pasture then we would have to have some sort of O & M with you know twice a yearly or once yearly mowing. I've seen pasture management plans that typically have twice a year, with the special equipment and that will prevent the brush layer from growing and the tree layer from growing to keep it as a pasture. I mean that might be something that's worthwhile. I guess, it's something we can look at to see what would be best suited here. Otherwise, you know I think eventually we'd need to see a tree layer established here. Maybe that's what we wanted to do.*

*Julian Kadish:* *But I thought some of the information submitted indicated that part of that open area is in fact wetland.*

Bree: It is.

Julian Kadish: I don't see the benefit of maintaining it as managed grass.

Bree: Well, I'm only referring to the area in the 25-foot zone that we're proposing to use as mitigation. So not the wetland area of course it would be the border to that.

John Thomas: It sounds to me that would be a good idea to have it hatched out on a plan. That way you can kind of distinguish the different boundaries. I think what Julian's trying to get at is he doesn't want to compile this in with areas that are already wetlands. If we could have areas that are designated outside the wetlands identified on a site plan as a management area that would be very beneficial for this project.

Bree: Okay we can do that.

Julian Kadish: Any further questions or comments from commission members. So Bree you've completed your presentation is that correct?

Bree: I have, if there's no further questions

Dan Pearson: Well, we didn't really go into the question of tennis courts.

Bree: The courts are outside the resource area and outside the buffer.

Julian Kadish: There was discussion of the proposed stormwater management plan being reviewed by a consultant. So, I don't know if that's something we take up in the process of the public hearing or outside of it but it sounds like we need to have a continuation so that we can address that.

Lisa Carrozza: I also have many comments so I'm thinking the most efficient way for me might be to put together a list give it to John Thomas and then the applicant can address my comments maybe at the next hearing, in an effort to not drag this on for another hour if that's okay.

John Thomas: I think everyone would appreciate that.

Lisa Carrozza: All right. One question I do have and I can't continue my comments unless I know the answer to this, is the very top layer of the field, is it those rubber pellets, is it the coconut the coir fibers, what is the very top layer? I didn't see that on the detail it just kept saying synthetic. So can you describe what the top layer is going to consist of.

Bree: The top layer is in fact SBR rubber which is a common ground post-consumer rubber recycled. That they use in the vast majority of these fields. It's the infill, it keeps the fibers of the turf standing up and there are alternative infills, they're about twice the cost of the SBR rubber. They've been using rubber for 20 years; we've used it in GALE designs for 20 years it's been used everywhere.

Lisa Carrozza: It's those little tiny rubber pellets that any time the ball hits the surface they become dislodged they become airborne there's hundreds of thousands of little tiny rubbers black pellets, is that right?

Bree: That's correct.

Lisa Carrozza: I don't think you've ever played on that surface because you end up with it in your cleats, in your shoes, in your clothes, on your dog, end up with it in your house. From everything I've read about it's actually has carcinogenic properties. They recommend that children not sit

on the sidelines and touch it and then put their fingers into their mouth. I've seen both type of fields and I would never recommend this type of field. The other thing is, if it's going to be subject to flooding, you're going to have floating material. I think if the superintendent hasn't seen both of these fields they should absolutely go and visit both types of fields, cost aside, it's an obnoxious media to put on a field, I think. After having been to dozens and dozens of field hockey games on this type of field it is obnoxious.

Bree: So that is a common issue with all in fill. So, whether you have an alternative in fill, or you have SBR rubber, which is what most fields have, the infill gets in everything. It's part of how it works.

Lisa Carrozza: The coconut fiber was not nearly as messy and disturbing. You end up tracking them everywhere in your car, in your house. They're in my house now and my daughter hasn't played in five years. I want the town, as a superintendent, to be aware of they should probably go and look at fields that have both. I would encourage you to do that because it's not a pretty sight. I would ask you to look at the spec sheet in the MSDS sheet for these, because I believe they have carcinogenic properties like I said. And they said if you take your children to the field don't plunk them down to sit there, because they will inevitably want to pick this stuff up and put them in their mouth.

Bree: We can provide you with lab studies that show that it's not carcinogenic.

Lisa Carrozza: It's up to the superintendent. I just want them to be informed.

Bree: I mean if it's the concern of the commission for safety, we have documentation that has in fact been tested by labs and that it's not unsafe.

Lisa Carrozza: I've done a lot of research and it ended up in my house. So that's up to the superintendent and the towns taxpayer dollars. I would not recommend it. But in the end, it's not my call I'm just here to permit the field. So, I would refer to the superintendent.

Dan Pearson: Well could I say if it's going to end up potentially in kids mouths what is going to keep it away from the wildlife.

Dan Doyle: I used to play lacrosse on an artificial field in high school and there's no way around it, it does get in your face.

Lisa Carrozza: I mean is there any chance in a flood of that being carried off into the running off during a rain event. I've seen it accumulate in piles after major events. It ends up in the corner and you have to re-sweep it and continuously keep it up. But again, I'm going to defer to the superintendent.

Bree: Part of the field maintenance is to groom the field on a regular basis it's part of the operation and maintenance of the field. It does build up in areas. It builds up in front of the nets you'll see a bit of it that builds up there. It has to be redistributed it's part of the maintenance of the field. The field has a slot drain all the way around the outside perimeter so any sort of infill, no matter what kind of infill it is, that gets carried to the edge of the field in a flashy storm and we see it occasionally it has to be a very flashy storm. The permeability of this carpet or turf is exceptionally high. We use the same carpets in Florida we do designs in Florida where the rainstorms are much more intense and it's not common that you see migration of the infill, it

doesn't float. It may float under a flashy storm and in windy condition but it's not common to do that. Anything that would be carried to the edge of the field would go into the trench drain and be caught by the sump. So, the sump catches it, it's a piece that you take out, you can empty. We've seen that it does. So that is the first line of defense from it getting into the wetland. The second line of defense is the under-drain system that it goes through. It's not going to reach the outlet control structures, there are several barriers between the two. We have seen a little bit of carryover but typically what that is, is the granules on top of the track surface sometimes some of them get carried over but that is EPDM rubber which doesn't have the same type of composition that the SBR rubber does. That's a different thing altogether. I've seen a lot of these and it doesn't carryover too often but it would be impossible to say that it wouldn't in some degree but it's small.

Lisa Carrozza: As long as the town knows, if they've never seen this before they need to go see one. All right I can put all my notes together and send him a John Thomas.

Bree: We will do what the town wants to do.

Lisa Carrozza: There's all kinds of top coat media for this. There're all kinds of solutions this one just happens to be the cheapest.

Bree: We have done many of the alternative infills we've done every alternative infill that there's able to be used. We've specified on jobs we have experience with them, they have other requirements. Several of the alternative infills require a watering system which means you have to wet them down on a periodic basis otherwise they dry out and they fly away. So, there are pros and cons for every system. We certainly can discuss those options with the school if they're willing. We have experience with them and we'd be glad to discuss that.

John Thomas: Like any other project there's an O & M plan for this there's going to be a storm water report, there's going to be inspections, there's going to be requirements in the future order of conditions. We could put a condition in there saying that they need to provide your reports on these outlet control structures to make sure that they're clean and free of all this material. If not then we need to know when it's being cleaned out. So, it's kind of like any sort of stormwater management, pollution prevention plan. You got to weigh the options for the overall maintenance and then the initial construction costs and see which one outweighs whatever. If it's more of a hassle to do the cheaper option and then have more maintenance in the long term obviously, it might be worth investigating at other opportunities.

Julian Kadish: I'm assuming we're going to need to select a consultant or at least start that process to assess the design and any potential recommendations that the consultant might make. I'm assuming the applicant would be amenable to that.

Bree: I do want to mention that I don't know what the timeline looks like. Preferential pricing for bids is best done early in the year. This is a time sensitive process the longer we get into the bid season the higher the prices go for contractors.

John Thomas: We received one proposal. I can send that over to you to see if you and your client are willing to accept that. I'm still awaiting two more proposals back. But if you're willing to

accept that proposal, we can move forward with the process as of tomorrow provided that the commission accepts that.

Julian Kadish: We have a specific list of questions going to be submitted through John Thomas. We can consider unless there are other issues to be brought up right now a motion to continue our next meeting is January 10<sup>th</sup>, which I'm presuming that the consultant will be very much involved and maybe even have a report by then.

Motion to continue made by Lisa Carrozza	Seconded by Ronald O'Reilly Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Lisa Carrozza, Julian Kadish, Daniel Doyle  Motion Carries
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## II. CONTINUED PUBLIC HEARINGS

### A. (DEP# 250-1070) Notice of Intent - 0 Rear Eddy Street - Widak/Sher Corp. LTD

(Map 32, Parcel 31) <https://tinyurl.com/rearEDDYSherCorp>

(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, 10/18/21, 11/8/2021, 11/22/21)

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.

Applicant/ Representative Present	Applicant – Sam Widak  Representative- Tim McGuire, Goddard Consulting and Scott Goddard, Goddard Consulting
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Tim McGuire: Since our last hearing we, today, submitted further supplemental information. We further looked into the pond versus river status. The outlet control structure was put in place prior to the wetland protection. We show aerial photography from the 60s showing the pond. We also have a plan sheet from the department of transportation from 1965 which shows the outlet control structure and the pond created by it. In addition to that we found a similar project in Norton in 2008 on Fairlee Lane. We have the USGS for that project that shows a pond in between a perennial stream that flows out of the pond, from an outlet control structure, similar to Meadow Brook. The wetland resource boundaries to confirm that perennial stream stopped where the pond began and only a 100ft buffer zone was drawn off that pond.

Scott Goddard: I was the wetland scientist for the project, I walked the site and discussed the status of the pond. The pond was created to hold back water to service cranberry bogs. The flow was 100% controlled by removable wood boards. If the boards were removed then this stream

would very quickly revert to a center line of the stream channel. This is a very similar type of plan to the Meadow Brook as well as it shows independent validation from the department.

Lisa Carrozza: On historic aerals it appears between 1888-1940, there was a pond. However, it was by my estimation 600-800ft West of 140. It was clear that there was a river that emptied into a pond. But the pond did not extend as far back as we are showing it today. Sometime in 1944 they started showing a larger area, but you can clearly see the sinuosity on those historic aerals. As well as on the 2010 google earth image, when the flow was low, you can still see the center line of the stream. There was always a pond there, but on the site between 1888-1940, it was very clear there was a river that entered into the pond. At the point where the river empties into the pond is where the river front ends.

Julian Kadish: All impoundments that aren't natural in the state of Massachusetts would have that feature. So, are you saying that there has to be river front for the whole pond?

Lisa Carrozza: At the point it enters the pond then that is where riverfront would stop.

Kerry Malloy Snyder: You have to look at the primary characteristics. I am not sure we have seen that it doesn't have riverine characteristics. I have seen a SRAD from another town where it is considered a river by Mass DEP even though USGS says it's a pond. I am just not sure we have been shown this is truly a pond.

Lisa Carrozza: We are doing what we can as a commission but at this point, I would probably like to refer this to DEP.

Scott Goddard: Lisa, to clarify for my purposes. Where are you suggesting the riverine characteristics may potentially cease?

Lisa Carrozza: I would say where it looks like a mini delta, where it spills into the low point in the pond and that's about where the historic topos have it. Roughly 600-650 ft from 140.

Scott Goddard: Before we bring this to DEP. Understanding what you are suggesting, giving us an opportunity to trace that center line so that it's more where that channel is and see how that would affect the project. If it could still work. I will say going back to that Fairlee project again, that also had a channel that was very visible during the drawdown. We did draw our data one point to see what would happen and there was a clear as day a channel going right from one end the other. DEP's position was the top board of the weir and where that back water was the design elevation of the pond and that's therefore what the pond should be. It's not the low water condition that we're looking at that defines where the pond is. I think it's the normal high level, not the extremely high level but the normal high level. In other words where that water would top over the weir. And maybe another thing we could look at that what's the elevation of the top of that weir in this pond and chase that elevation back and see where that puts us for a water surface. That might be a useful piece of data too. If the commission is willing to use the same logic that was applied 15 years ago at the Fairlee project.

Kerry Malloy Snyder: There are other DEP decisions that don't agree with the Fairlee project. So, I just think we need more evidence. I've looked at projects also nearly identical. It's in Walpole it's bird pond, it's called a pond on USGS, but it's been considered a river by DEP and it has a

riverfront area attached to it. It looks very similar to Meadow Brook in fact Meadow Brook is actually more sinewy. We just need to be able to defend our decision.

Scott Goddard: I am curious to hear other opinions from members of the commission. So, we can make a decision on how best to move forward.

Dan Doyle: I have been back and forth on this a couple times. Right now, I would say its river front.

Scot Goddard: Through its entire course, or up to the point Lisa was referring to.

Dan Doyle: Up to the point Lisa was referring to.

Julian Kadish: The decision by the regulations was we don't apply river front definition to areas where the water is not flowing rapidly. This is the first time I have heard this kind of ambiguity in trying to decide what an area represents. I'm going to have to say this is a pond, it doesn't merit apply riverfront definition. Any other members want to weigh in.

Dan Pearson: I am with Lisa and Kerry

Ronald O'Reilly: I am as well.

John Thomas: The date on the dam is 1964.

Scott Goddard: If that weir structure predates the wetlands protection act, then the status of the pond at that picture moment in time is what we are looking at. Just because there is remanence of a channel that existed there, to me short of having unidirectional flow being extremely evident in that pond, which it's not. Just because you have a pond now doesn't mean that what is under the pond automatically fills up. It can take years for it to fill up.

Lisa Carrozza: I think DEP needs to weigh in on this.

Scott Goddard: Well, if the majority of the commission's sentiment is that it is a river, I would like the opportunity prior to giving this to DEP, to see if I can review the proposed project with a hypothetical riverfront, to the point we have discussed. If the limits work and the proposed standards can be satisfied then maybe that is a way forward. If it is a deal breaker for this project then I may have to consent that we get denied and go to DEP. I am going to try and get compliance with a partial river front area on the site. I will try and extrapolate the channel as a line under the pond and go 200ft from the visible channel, stopping at the delta. See where that puts us for impact areas, and then bring it back for discussion.

Lisa Carrozza: Why won't you use mean annual.

Scott Goddard: Mean annual is the flooding of the river. You still have to follow the channel. Otherwise, I could just go take out the boards and say ok now this is where the river is.

John Thomas: I would refrain from taking out the boards.

Scott Goddard: The point being the only reason its flooded along the banks is because of the presence of the boards.

John Thomas: I think, how you are going to establish your riverfront area, to figure out what the center line of the historic stream channel is. Then extrapolate a 200ft river front area off of that, and see how much that impacts your project. I think that is a valid and safe approach for this project.



Scott Goddard: Ok, so we will request a continuance for this project, to discuss further at the next meeting.

Motion to continue till 1/10/22 made by Lisa Carrozza	Seconded by Kerry Malloy Snyder Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Lisa Carrozza, Julian Kadish, Daniel Doyle  Motion Carries
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**B. (DEP# 250-1084) – ANRAD – 0 Pine St. – Al Endriunas**

(Map 23, Parcel 66 and 158 and Map 24, Parcel 95) <https://tinyurl.com/PINEANRAD>

(Continued from 10/18/2021, 11/8/2021, 11/22/21)

The application requests verification of wetland resource areas.

Applicant/ Representative Present	Representative - Claire Hooageboom
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*Document 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.

There was a peer review on 12/5/21 that went over everything. Plans were revised and received on 12/8. From the agent's perspective it looks like everything is ok to close.

Lisa Carrozza: Can you confirm the IVW, can you confirm which flag series that is?

Claire Hooageboom: well, it was a B series flagging series. But the peer reviewer determined that it did not meet the standards for federal jurisdiction. Based on hydric indicators and the soil profile not meeting any hydric indicators. At his suggestion we removed it entirely from the plans, because it was non jurisdictional at local state, and federal level.

Lisa Carrozza: John Thomas is that going to be correct in the ORAD. Is that coming out now because there is no IVW.

John Thomas: That's an error on my part.

Motion to close made by Lisa Carrozza	Seconded by Kerry Daniel Doyle Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Lisa Carrozza, Julian Kadish, Daniel Doyle  Motion Carries
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**C. (DEP# 250-1082) – Notice of Intent – 0 Leonard Street – Jeffrey O'Neill**

(Map 11 & 12, Parcel 25, 25-01, & 15) <https://tinyurl.com/LeonardStBlueStar2>

(Continuation requested – 8/30/2021, 9/13/2021, 9/27/2021, 10/18/2021, 11/8/2021, 11/22/21) Proposed project is to build on site and extend previously approved public access road, within 100' of bordering vegetated wetland.

Applicant/ Representative Present	Applicant -Steve Hansen  Representative- Tim McGuire, Goddard Consulting
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\*\*\* Lisa Carrozza recused\*\*\*

*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

Everything has been submitted. Agent states everything is in good standing. But asks the commission if the visual barrier posts are sufficient or if they would like to make it a split rail fence. Commission agrees that posts and sign is sufficient for a visual barrier.

Motion to close made by Ronald O'Reilly	Seconded by Kerry Malloy Snyder Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Daniel Doyle, Julian Kadish  Abstained: Lisa Carrozza  Motion Carries
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**III. REQUEST FOR PARTIAL/ CERTIFICATE OF COMPLIANCE**

**A. DEP #250-1018- COC-465 S Worcester Street -Matthew Fernandes**

(Map 32, Parcel 188-03) <https://tinyurl.com/250-1018>

*Proposal was to construct a single-family house with associated driveway within rare species and 100 feet of wetland.*

Applicant/ Representative Present	Applicant – Matthew Fernandes
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\*\*\*Lisa Carrozza returns\*\*\*

*John Thomas: Went out to site, looked at site. Site has been stabilized, visible barrier post has been installed, the work appears to be within the parameters of the work proposed. Minor modification, nothing major to report.*

*The as built plan does not have flag numbers and they need to be added to the plan.*

Motion to issue full certificate of compliance made by Lisa Carrozza	Seconded by: Daniel Pearson Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Lisa Carrozza, Julian Kadish, Daniel Doyle  Motion Carries
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**IV. SIGN AND ISSUE ORDER OF CONDITIONS/ORDER OF RESOURCE AREA DELINEATION**

**A. (DEP# 250-1088)–NOTICE OF INTENT- 142 East Main Street- Emerson Martins**

(Map 17, Parcel 62). <https://tinyurl.com/142EMain> (continued from 11/8/2021,11/22/21,)

*Proposed project to expand existing stockyard near bordering vegetative wetlands.*

Lisa Carrozza: *Are we not looking for a deliverable report for the invasive species plan? Is the onus going to be on the agent after two years to go out and make sure that the site is good? Typically, we ask the applicant to hire someone to issue a report.*

John Thomas: *When asking for a certificate of compliance, I am going to ensure that the area is taken care of. If it is not, I would ask that they fix it prior to getting a certificate of compliance for the work.*

Lisa Carrozza: *We should tie it to the OOC. They owe us a deliverable. Do you want to see it after the first year or the second year?*

John Thomas: *I'm fine with the second year.*

Lisa Carrozza: *We need to be direct and say the applicant should provide, however, you want to word to the agent for review and approval.*

John Thomas: *That's fine*

Lisa Carrozza: *Then in the meeting minutes it says we are going to request the name and contact of the licensed applicator. So, we are not going to approve their vendor? We just want to know after the fact? Typically, we approve the vendor.*

John Thomas: *Ill change that to the name.*

Motion to issue OOC as discussed made by Lisa Carrozza	Seconded by Kerry Malloy Snyder Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Lisa Carrozza, Julian Kadish, Daniel Doyle  Motion Carries
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**B. DET#1117 – RDA- 4 Lagoon Lane- Michael and Lisa Fournier**

(Map 3, Parcel 577) <https://tinyurl.com/4LagoonLane>

*The application is to build rear entrance stairs.*

*Negative three determination.*

Motion to issue negative three determination by Lisa Carrozza	Seconded by Daniel Doyle Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Lisa Carrozza, Julian Kadish, Daniel Doyle  Motion Carries
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**C. DEP#250-1089- NOI - 133 John Scott BLVD- Kevin and Lorrain Leroux**

(Map 31, Parcel 26-04) <https://tinyurl.com/133JohnScottBlvd>

*The application is for the construction of a single-family home with related septic system  
Only things that is going to change is for the construction entrance, sediment tracking. Also, to put the actual percentage, and add the address on the plan. Issue pending receipt of updated plan.*

Motion to issue OOC as discussed by Lisa Carrozza	Seconded by Kerry Malloy Snyder Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Lisa Carrozza, Julian Kadish, Daniel Doyle  Motion Carries
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**D. DEP# 250-1090-ANRAD- 1 Power Street-Patrick Larkin**

(Map 22, Parcel 2) <https://tinyurl.com/1powerstreetANRAD> .

Motion to issue ORAD by Lisa Carrozza	Seconded by Daniel Doyle Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Lisa Carrozza, Julian Kadish, Daniel Doyle  Motion Carries
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- E. (DEP# 250-1084) – ANRAD – 0 Pine St. – Al Endriunas**  
 (Map 23, Parcel 66 and 158 and Map 24, Parcel 95) <https://tinyurl.com/PINEANRAD>  
*(Continued from 10/18/2021, 11/8/2021, 11/22/21)*  
*The application requests verification of wetland resource areas.*

Motion to issue ORAD as discussed by Lisa Carrozza	Seconded by Kerry Malloy Snyder Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Lisa Carrozza, Julian Kadish, Daniel Doyle  Motion Carries
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- F. (DEP# 250-1082) – Notice of Intent – 0 Leonard Street – Jeffrey O'Neill**  
 (Map 11 & 12, Parcel 25, 25-01, & 15) <https://tinyurl.com/LeonardStBlueStar2>  
*(Continuation requested – 8/30/2021, 9/13/2021, 9/27/2021, 10/18/2021, 11/8/2021, 11/22/21) Proposed project is to build on site and extend previously approved public access road, within 100' of bordering vegetated wetland.*  
*\*\*\*Lisa leaves meeting\*\*\*\**

Motion to issue OOC as discussed made by Daniel Doyle	Seconded by Ronald O'Reilly Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Julian Kadish, Daniel Doyle  Abstained: Lisa Carrozza  Motion Carries
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## V. REVIEW DRAFT MINUTES

- 11/22/21

Motion to approve minutes as is made by Ronald O'Reilly	Seconded by Kerry Malloy Snyder Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Julian Kadish, Daniel Doyle  Motion Carries
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#### VI. NEW/OLD BUSINESS

- Site Inspections
- Reservoir Dam
- Chartley Pond Dam
- Barrowsville Dam
- Report from Staff
  - Website improvements
  - Hunting on Conservation land/ Posting signs- Edith Read, Johnson Acres, etc.
  - Bill signer  
*Daniel Pearson volunteers as a second bill signer.*
  - Land Use Opportunities

#### VII. BILL SUMMARY

11/22/2021-12/13/2021			
Name	Amount	Account number	Account name
W.B. Mason	\$ 15.90	001-171-570-5420	Office supplies
Eco Tech	\$ 2,600.00	243-171-100-5700	Outside Consulting Fee
National Grid	\$ 7.33	001-171-570-5308	Maintenance of Conservation Areas
Verizon Wireless	\$ 29.84	242-171-100-5700	Wetland Protection Fund
Hatrick Sports Wear	\$ 65.00	001-171-570-5309	clothing allowance


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

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

*Meeting adjourns at 9:00pm*

#### X. 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/81284800201?pwd=SlMyeEVEKzEyUzFNei9YNEhHTGhaQT09>

When prompted, enter the **Meeting ID:** 812 8480 0201 **Passcode:** 797411. 1-646-558-8656

- 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](mailto: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.