



Norton Conservation Commission
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NORTON TOWN CLERK
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Monday, September 23, 2019
6:30 pm
2nd Floor Conference Room
Norton Town Hall

Minutes

6:30pm Open meeting

The meeting was called to order at 6:30pm.

Attendance: Scott Ollerhead, Lisa Carrozza, Julian Kadish, Gene Blood, Dan Pearson, Conservation Secretary Melissa Quirk and Conservation Director Jennifer Carlino

Absent: Ron O'Reilly, Daniel Doyle, Jr.

Eagle Scout proposal- Franklin Copley, Osprey Nesting Platform on Norton Reservoir

Eagle Scout, Franklin Copley, presented his project to construct an osprey nesting platform on the Norton Reservoir. There is currently an osprey nest on a cell tower on Mansfield Avenue, and he is looking to provide a safer home for them. He will also be providing educational material about ospreys in a kiosk at the boat landing. Enthusiastically offering his support, Pearson noted the timely nature of the project, citing the Cornell Lab of Ornithology study that warns 'Nearly 3 Billion Birds Gone' since 1970 (<https://www.birds.cornell.edu/home/bring-birds-back>). The Con Com approved the project.

Enforcement Order - 68 Dean Street – Zachary Schleicher

The ConCom tentatively scheduled a site inspection for 10/3 at 2:30. Alternate date 10/10. Carlino will schedule with the owner.

6:45 pm Discussion of Open Meeting Law with KP Law

Janelle Austin of KP Law did a presentation on Open Meeting Law with the Con Com. She provided an overview of the law and answered questions from the commission.

7:45 pm WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS

Wetland hearings will be taken in order.

- A. Request for Determination of Applicability (DET #1087). CIL Realty of Mass Inc., 183 John Scott Blvd (Map 31, Parcel 144).** The proposed project involves plans to repair an existing septic system within 100 feet of wetlands.

Document List – 183 John Scott Blvd

1. *WPA Form 1 – Request for Determination of Applicability – received 8/5/19*
2. *Plans entitled, “Repair Sewage Disposal System”, prepared by Hutchins Trowbridge Associates, signed and stamped by Michael Trowbridge, dated 8/2/19*

Mike Trowbridge of Hutchins Trowbridge Associates and Bob Salvo, contractor, attended the hearing to update the commission on their progress.

At the last meeting, the ConCom signed an Emergency Certificate to repair the septic system since it had failed. Trowbridge provided a colored plan of the project and pictures. He states the septic has been installed and inspected. The front yard has been sodded. The As-built plans have been submitted to the BOH and they have approved it. Carlino states the old permit still needs to be addressed. Salvo clarified the remaining items of the old permit are the visual barrier and plantings. It is the same owner. Carlino states the old permit had the 25 foot NDZ and the visual barrier requirement, but it has been cleared all the way up the wetland boundary. We need as-built plans on the old permit, and the NDZ was altered without approval and not in accordance with the permit. Salvo states the visual barrier markings have been staked. Carlino requests it be marked all the way around the property since the visual barrier on the original plan is around the whole property. Salvo states he will do in the morning. He did not do the back of the house.

The ConCom will decide if they want the original 25 foot restored or if they will accept a smaller NDZ from the original project. Salvo would like to report back to the property owner. Ollerhead asks the commission if they want the 25 foot restored or allow a smaller NDZ. Kadish asks if the visual barrier will grow back fairly rapidly. Carlino says yes, it should grow back in. Carrozza states it's been 15 years. Carlino states the ConCom must decide if the old permit needs to be closed out before issuing the new permit. Carrozza stated we need the as-built for the current project first before closing out the old one. Kadish asks if that could be a condition of the new permit. Carlino states there are no conditions since this is a DET. The ConCom agrees that once they have the as-built, they can close both permits at the same time.

The applicant requested a continuance to 10/7/19. Motion was made to continue the public hearing for DET #1087 to October 7, 2019 by Pearson, seconded by Kadish. Motion passes.

B. Notice of Intent (#250-1048). Frank Fournier of the Town of Norton, Pine Street.
For proposed plans to install a water main along Pine Street within 100 feet of wetlands.

Document List – Pine Street Water Main Improvements

1. *WPA Form 3 – Notice of Intent received 9/9/19*
2. *Stormwater Report, signed and stamped by James Pearson, PE, dated 9/6/19*
3. *Wetland Delineation Report, prepared by Weston & Sampson, dated 12/2018*
4. *Plans entitled, “Town of Norton, Massachusetts Pine Street Water Main Improvements”, prepared by Weston & Sampson, signed and stamped by Leah Stanton, PE, dated 9/9/19*

Ollerhead recused himself.

Tara McManus of Weston & Sampson Engineers attended the hearing on behalf of the applicant.

McManus explained the Norton Water Dept. is proposing to install 6,100 feet of 12-inch ductile line pipes to replace the existing cast iron water main along Pine Street from Plain Street down to well #1. She showed on the plan where the work will all be within previously disturbed area. They have installed 12 inch straw wattles throughout the resource areas and along the sides of the road. Their intent is to excavate the water main. The trenches are roughly 5 feet wide by 6 feet deep. Immediately after the single pipe is installed, it would be backfilled. Their intent is to pave at the end of each week. At the end of the project after there has been at least one winter, they will come back in to pave curb to curb. There is catch basin protection installed. They do anticipate there will be some ground water in the culvert. During those periods of time, they will be dewatering. Discharge will be identified to go back naturally into the ground as well as catching any sediment.

At the culvert crossings, they do have a couple of other pipes in the crossing. For the most part, they will be going under these pipes. However, at the perennial stream near well #1, they will go over due to the depth. They are hoping to get about 100 feet a day or more depending on the contractor’s progress. After receiving the OOC, they will go out to public bid for this project. They hope to go to bid this winter with potentially starting work in November or December and then come back in the spring. They would start by Plain Street working down to well #1. Carlino clarifies the water line is going under the culverts. McManus says yes, except by the perennial stream. Carlino asks is there no concern of the weight on the culvert being on the water line? McManus says no. It is just the pipe itself. They are not crossing any box culverts. These are existing pipelines. The Highway Department indicates they have been recently maintained.

Carlino asks about the Natural Heritage area. McManus states they have not received their official letter yet. However, once they indicated they were in previously disturbed area and there

would be no change in elevation or existing conditions, Natural Heritage did not have any major concerns.

Carlino questioned the type of sediment control. McManus states they have the 12 inch wattles along the sides of the roadway as well as silt sacs for any catch basins. Carlino questioned staging and stockpiling areas. McManus does not anticipate much staging within the resource areas. They do require the contractor to remove that at least 100 feet outside so they will not be in the buffer zone at all. They do not anticipate dirt on the roadway. Carlino asks about the pipes stockpiled on the side of the road. How will the contractor know if they are in the floodplain or the riverfront area? McManus states they have their flagging and their inspector will be on site daily to monitor. Carlino asks if there will be line flushing. McManus states typically with a new water main, you have to pressurize it and chlorinate. They will be dechlorinating the water as they go through different segments and flush into the dewatering basin or they would also put a burlap or silt sac at the end of the pipeline for dechlorination and minimization of erosion. They do not anticipate any erosion. They would monitor daily and check before and after construction starts to make sure the areas are well protected and ready to receive any flushing. Hopefully, the flushing only occurs one time. It is based on where the hydrants are located. Carrozza states to Carlino that we will need an order of conditions for the inspections. Carrozza asks if the dewatering detail or notes will be put on the plans where that would be located. McManus states it depends where they hit groundwater. It would be designated prior. The contractors are required to submit a formal submittal to them for location and the actual material they are using which would be reviewed with Carlino in the field to make sure the locations are adequate. Carrozza questions that if you are doing this as needed as you go, you might not know where you need them. McManus states the contractor will provide a dewatering plan. Carrozza questions any provisions for street sweeping. McManus states the contractor would be required to keep dust down. They would not be using any calcium chloride. Just a water spray down with either a hand or mechanical street sweeper. Each Friday, they should be paving. Carrozza asks if there is an open crossing. McManus states it is all paved. Carrozza question a river on the plan? McManus states it is all underground water shown on sheet C2. Carrozza asks if the inspector will be there all the time or only when they are working in certain areas. McManus states full time during the construction period. Carrozza asked if a SWPPP was submitted. McManus says no. Carlino states that is for over an acre of alteration. McManus states this is less. Carlino states we need the letter from Natural Heritage before closing.

The applicant requested a continuance to 10/7/19. Motion was made to continue the public hearing for DEP#250-1048 to October 7, 2019 by Carrozza, seconded by Pearson. Motion passes.

C. Notice of Intent (#250-1049). Charles Conant IV. 148 North Washington Street (Map 4, Parcel 186). For proposed plans to construct an inground pool within 100 feet of bordering vegetated wetland.

Document List – 148 North Washington Street

1. *WPA Form 3 – Notice of Intent received 9/9/19*
2. *Plans entitled, "Proposed In-Ground Pool Location Plan at NO. 148 North Washington Street in Norton, MA" prepared by RIM Engineering Co., Inc., signed and stamped by Craig Cygawnoski, dated 8/27/19*

Glenn Krevosky of EBT Environmental Consultants attended the hearing along with the applicant Charles Conant.

Krevosky states Carlino visited the site today. They are aware of the policy of the 25 foot zone. There are a couple of brush piles on the plan that were on the property when it was purchased and some that has blown in. Mr. Conant has owned the property for 6 years. He has been hand removing the brush. At least ½ has been removed. There is also a shed that is rotting that they would like to remove. There is a defunct pool they want to fill and install a patio. He discussed how sand was apparently taken out when the rail line was put in causing wetland pools. The original discharge pipe connecting all wetlands is now clogged. He notes that some of the pools are deep enough that they could qualify as ponds, meaning he would have ponds and not bordering.

He noted it is a steep slope because it had been excavated. He states work is 81 ½ feet to the pool. 70 feet to the sediment control line. Excessive material would not be left within the 100 foot buffer zone. Carlino states when they were doing the rail line inspections, a lot of the areas on that property were identified as potential vernal pools. There was some ATV use, filling of wetland and cutting and clearing of vegetation. Conant acknowledged the previous owner did ATV riding and had made some paths on the property, but not him. Carlino stated she would meet with the owner on the site to go over some of the debris that he is clearing. No compost is to go in the vernal pool. Conant states he just found out there is a waste disposal site in Norton he plans to use. Carlino will meet with him to go over how much needs to be removed and she will provide markers for the barrier. Is typically a post and rail fence.

Motion was made to close the public hearing for DEP#250-1049 by Carrozza, seconded by Kadish. Motion passes.

- D. Notice of Intent (#250-1037). Next Grid Redwood LLC. 54 Plain St. (Map 18, parcel 9).** (continued from 1/28/19, 2/25/19, 3/11/19, 4/8/19, 4/29/19, 5/20/19, 6/10/19, 6/24/19, 7/22/19, 9/9/19) For proposed plans to install a ground mounted solar array, driveway, stormwater, utilities within 100 feet of wetland in the Canoe River Area of Critical Environmental Concern.

The applicant requested a continuance to 10/7/19. Motion was made to continue the public hearing for DEP#250-1037 to October 7, 2019 by Kadish, seconded by Pearson. Motion passes.

- E. Abbreviated Notice of Resource Area Delineation (#250-1030). John Quattrochi. East Hodges Street (Map 36 Parcel 2-0)** (cont. from 10/22/18, 11/19/18, 12/17/18, 1/28/19, 2/11/19, 2/25/19, 3/11/19, 3/25/19, 4/8/19, 4/29/19, 6/10/19, 6/24/19, 7/8/19, 7/22/19, 9/19/19). For proposed plans to verify wetland resource areas.

The applicant requested a continuance to 10/7/19. Motion was made to continue the public hearing for DEP#250-1030 to October 7, 2019 by Pearson, seconded by Kadish. Motion passes.

- F. Notice of Intent (#250-1032). Albert Faxon. Oak Street (Map 15 Parcel 9).** (cont. from 10/22/18, 11/19/18, 12/17/18, 2/11/19, 2/25/19, 3/11/19, 3/25/19, 4/8/19, 4/29/19, 6/10/19, 6/24/19, 7/8/19, 7/22/19, 9/9/19). For proposed plans to construct a driveway associated with a new single-family house within 100 feet of wetlands.

The applicant requested a continuance to 10/7/19. Motion was made to continue the public hearing for DEP#250-1032 to October 7, 2019 by Kadish, seconded by Pearson. Motion passes.

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

Notice of Intent (#250-1035). Condyne Capital Partners Leonard Street reconstruction (Rte 123 to west of house #54). (continued from 1/28/19, 2/11/19, 2/25/19, 3/11/19, 3/25/19, 4/8/19, 4/29/19, 5/20/19, 6/10/19, 6/24/19, 7/8/19, 7/22/19, 8/12/19, 9/9/19) for proposed plans to widen Leonard Street, install utilities, replace culverts and stormwater management. Project involves alteration of 4,607sf wetland, 12,918 sf of 100-year floodplain and 2600 sf of Riverfront area within Canoe River Area of Critical Environmental Concern.

Document list

- 1. Notice of Intent (NOI) application prepared by Condyne Engineering Group LLC, received January 14, 2019.*

2. *Plans entitled, "Blue Star Business Park – Leonard Street Improvements", prepared by Condyne Engineering Group LLC, signed and stamped by Mark Dibb, P. E., dated 1/11/19, rev 3/15/19*
3. *Condyne letter dated Jan 14, 2019 project narrative, rev. 3/15/19*
4. *Carlino letter to Condyne dated 2-14-19 comments to NOI*
5. *Plans entitled "Blue Star Business Park – Leonard Street Improvements", prepared by Condyne Engineering Group, signed and stamped by Mark Dibb, P.E., dated 1/11/2019, rev 4/19/2019*
6. *Condyne letter dated 4/22/19 – response to HW comments 4/8/19*
7. *Highway dept letter dated 4/16/19*
8. *SWPPP prepared by Condyne 3/18/19*
9. *Condyne project review summary: (Project narrative, CEG'S response to comments, ECR'S response to comments, Wetland replication narrative with soil profiles), dated 1/14/19, revised 6/10/10*
10. *Plans entitled, "Blue Star Business Park Leonard Street Improvements", prepared by Condyne Engineering Group, dated 1/11/19, rev 6/10/19*
11. *Summary of changes made to plans and documents for Leonard Street widening dated 6/27/19*
12. *Plans entitled "Blue Star Business Park Leonard Street Improvements" prepared by Condyne Engineering Group, signed and stamped by Mark Dibb, dated 1/11/19, rev 6/27/19.*
13. *Horsley Witten Peer Review Letter 3 dated 7/8/19*
14. *Condyne letter dated 9/6/19 – response to HW comments 8/9*
15. *Horsley Witten Peer Review Letter #5 dated 9/20/19*

Jeff O'Neill and Don O'Neill of Condyne attended the meeting.

Carrozza recused herself.

Carlino noted the public hearing was closed at the last meeting. She reviewed the 9/20 Horsley Witten review letter and draft OOC with the ConCom. Carlino confirmed with Jeff O'Neil that numbers and dates needed for the OOC will be confirmed with Dibb. The ConCom discussed and agreed to modifications. They agreed the applicant had met the stream water crossing standards to the maximum extent practical.

Motion was made to accept the order of conditions with modifications as discussed for DEP#250-1035 by Kadish, seconded by Blood. Motion passes

OLD BUSINESS

DEP# 250-1036 Next Sun appeal of OOC

Carlino stated DEP onsite was held 9/18/19. Town Counsel, our consultant and abutters attended. MEPA review is required before DEP can issue a Superseding OOC.

Ollerhead asked Carlino if there will be a new OOC from DEP. Does DEP take into consideration that there are already an OOC in place. Carlino states they may or may not take our OOC. Carlino will write a draft letter from the site inspection and about their appeal. She will copy Town Counsel.

DEP# 250-983 Island Brook appeal of OOC

Carlino stated Chessia has been contracted to review the latest plan and stormwater. DEP had requested additional information from the applicant and to revise the plans as we had requested. Carlino will have a draft letter.

NEW BUSINESS

Edith Read Conservation Land Open House and Fun Walk is Saturday 9/28/19 at 11:00am.

The ConCom scheduled a meeting to break down the MACC Guidance Handbook into sections for review for 10/17 at 6:30.

Site Inspections

Violations

10 Dean St

211 Oak and 21 Kensington

68 Dean and 4 Kensington

Reservoir Update

Chartley Pond Update

Barrowsville Dam

Report from Staff

Waterbodies Committee update

Grants

BILL SUMMARY

Summary list of bills signed period – September 9 – September 19, 2019 FY2020

Vendor	Amount	Town Account #
Item		
EcoTec, Inc	\$937.00	243-171-100-5700 – Outside Consultant Fees
Review & Site walk 5/28-East Hodges		
Horsley Witten	\$3,960.00	243-171-100-5700 – Outside Consultant Fees
250-1035 Leonard St review/letter		
The Garrett Group	\$500.00	243-171-100-5700 – Outside Consultant Fees
250-2032 219 Oak St		
Quill LLC	\$24.78	001-171-570-5420 – Office Supplies
Office Supplies		

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

Carlino did receive a complaint on Sportsman's today but drove by and did not see any cutting.

Carlino notified the ConCom that she submitted our town report.

Motion to adjourn by Kadish, seconded by Pearson. Motion passes and meeting closes at 8:54pm.


Respectfully submitted by: _____Melissa Quirk_____

Minutes approved by the Commission on _____10/7/19_____ (Date)

Conservation Commission Signature:



Scott Ollerhead, Conservation Commission Chairman



Date