



Norton Conservation Commission
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RECEIVED
NORTON TOWN CLERK
2020 AUG 20 P 12:12

Monday, June 8, 2020
6:30 pm
Remote Participation Only
Zoom Meeting ID: 886 3666 3757 Password: 353819

Chairperson to read:

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.

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

6:30pm Open meeting

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

Attendance: Julian Kadish, Lisa Carrozza, Ron O'Reilly, Gene Blood, Dan Pearson, Daniel Doyle, Jr., Conservation Secretary Melissa Quirk, Conservation Director Jennifer Carlino

Absent: Scott Ollerhead

WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS

Wetland hearings will be taken in order.

Chairperson to read about Public Hearings:

No in-person attendance of members of the public will be permitted, but the public can listen to/view this public hearing/meeting while in progress by logging into the Zoom conference meeting listed 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.

ConCom member Dan Pearson addressed the audience.

"I would like to ask for a few moments of silence in memory of Dr. Myrna S. Pearson, Professor of Chemistry and Environmental Science at Wheaton College, who passed on three Sundays ago at age 83. During a life distinguished by great determination and industry, Dr. Pearson lived by the adage "Think globally; act locally": It was under her auspices that Wheaton College's program in Environmental Studies was founded; and she directed Wheaton students in the study of the effects of pollution on the Norton Reservoir. Importantly for this Commission, data from her research was used in support of Commission objectives. Finally, I have vivid memories from decades ago of going to the Reservoir dam with my parents to lower sample containers into the water. Thank you for all your efforts, Mom."

[a few moments of silence, followed by:]

"Thank you all for your consideration."

DISCUSSION: *Matt Ladewig of ESS Group, Inc provided an update on this year's treatments for all of the ponds, lakes and reservoir. The annual Sonar treatment approval was just received from National Heritage for Winnecunnet Pond. The town is under contract with Solitude Lake Management for treatment which will begin as soon as possible. The pre-treatment mapping was just completed for Norton Reservoir which will be used to guide the herbicide treatments and hand pulling for this year. Exotic fanwort, milfoils and water chestnut were present. Water chestnut will also be pulled in Chartley Pond.*

Carlino opened the discussion to the audience:

ConCom member and resident Ron O'Reilly asked if they should stop using the water that they pump from the pond to their lawn for a period after the treatment. Ladewig stated there are irrigation restrictions with most of the treatments. It does vary depending on the herbicide applied, but he can provide that information. O'Reilly asked if there is any effect on animals. Ladewig replied they have not seen any. They limit the levels to minimize the effect on aquatic life. O'Reilly asked about deer drinking the water. Ladewig stated there are no drinking water restrictions with the chemicals they use.

Audience member, Mr. Smith, asked if the contract for treatments continues into next year or is there a renegotiation period? Carlino stated the contract is signed for this year. Next year would

probably need funding approval at town meeting. As far as she knows, we do have funding approval for this year.

A. DEP# 250-980 - Amendment to Order of Conditions - Chartley Pond invasive plant treatment -request to allow additional chemical treatment options like Sonar (fluridone), flumioxazin and ProcellaCOR (florpyrauxifen-benzyl). File can be viewed here: <https://tinyurl.com/250-980ChartleyAmendReq>

Matt Ladewig of ESS Group, Inc. gave a presentation on the additional treatment options they are requesting to be allowed. He explained Chartley Pond's primary issue is the fanwort that did not exist when the NOI was previously submitted. In 2019, there was more than 2.5 acres of fanwort in the pond. If not addressed, more expansion is likely for 2020. Ladewig gave a year by year summary of the treatments used under the existing OOC. With the fanwort expanding, a new tool is needed. They are requesting to add flumioxazin and fluridone (Sonar) to address the fanwort infestation. Both are currently used in the Norton Reservoir. Both chemicals will also treat the milfoil. They would also like to add ProcellaCOR as an option which can be applied in low doses to treat milfoil.

Pearson asked where these chemicals have been used. Ladewig stated the flumioxazin and fluridone have been used in the Norton Reservoir. The ProcellaCOR was approved for use in Massachusetts last year.

Carlino questioned the SDS sheets, dosages and sampling/monitoring protocols for each chemical. Ladewig will provide updated SDS sheets and dosages for each chemical. He does not anticipate any specific monitoring requirements for most of the herbicides except for Sonar.

Carrozza asked Ladewig how they will determine if the new chemical is needed. Is it a step by step process? Ladewig responded the ProcellaCOR would only be used if the fanwort was under control, but the milfoil was not. It may not be needed at all, but they want to be prepared. Carrozza asked if the ConCom would be notified if the new chemical was used. Ladewig stated they provide the ConCom a report each year on what chemicals were used. They also provide monitoring findings and give treatment recommendations for the following year. Carlino stated notice of the treatment is provided one week prior in the newspaper, in an email to the ConCom and is posted at the pond. Carlino asked Ladewig to notify in the email if the ProcellaCor is to be used. Carrozza asked if they anticipate using the ProcellaCOR this year. Ladewig does not. He believes they will be focusing on the fanwort this year. However, Ladewig clarified the notifications are done by the treatment contractor which is Solitude Lake Management.

Carlino noted that all projects will be continued for 2 additional weeks to allow public comments to come through regular email. They can then be closed at the next hearing.

The applicant requested a continuance to 6/22/2020. Motion was made to continue the public hearing for DEP #250-980 to June 22, 2020 by Carrozza, seconded by Blood. Motion passes.

A roll call vote was taken:

<i>O'Reilly – Aye</i>	<i>Pearson - Aye</i>
<i>Carrozza – Aye</i>	<i>Doyle - Aye</i>
<i>Blood – Aye</i>	<i>Kadish - Aye</i>

- B. Request for Determination of Applicability (DET #1095) Edward and Rosemary Hargreaves, 418 Reservoir Street (Map 3, Parcel 12).** The proposed project involves plans to remove trees within 100 feet of wetlands. Files can be viewed here <https://tinyurl.com/DET1095-418-reservoir>

Ed Hargreaves attended the hearing to explain his project. He would like to remove 2 trees which he considers to be dangerous. One tree is 15 feet from the house and has caused damage to the roof from high winds. The second tree is leaning towards a parking area for apartments and a neighbor's driveway. Kadish noted they appear to be substantial trees at risk for coming down. Have they considered additional plantings after these trees are removed? Hargreaves stated he will definitely replant trees. Carlino can provide suggestions on types of trees that would be desirable.

The applicant requested a continuance to 6/22/2020. Motion was made to continue the public hearing for DET #1095 to June 22, 2020 by O'Reilly, seconded by Pearson. Motion passes.

A roll call vote was taken:

<i>O'Reilly – Aye</i>	<i>Pearson - Aye</i>
<i>Carrozza – Aye</i>	<i>Doyle - Aye</i>
<i>Blood – Aye</i>	<i>Kadish - Aye</i>

- C. Notice of Intent (#250-1052) Scot & Joan Stormo, South Worcester Street (Map 26, Parcel 103 & 103-1)** (continued from 12/2/19, 12/16/19, 1/13/2020, 1/27/2020, 2/24/2020, 3/9/2020, 4/13/20). For a proposed project to construct 2 Triplex units and 5 Six-Family units with an associated roadway and 2 infiltration basins within 100 feet of bordering vegetated wetland. Files can be viewed here <https://tinyurl.com/250-1052-Stormo-SWorcester>

Brian Dunn and Tracy Duarte of MBL Land Development attended the hearing on behalf of the applicant. Duarte presented revised plans for the project. She stated there is no change in the number of units and the layout changes are not significant. They performed test pits on site. There were originally 2 infiltration basins to the rear of the site on the west. When the test pits were done, they did not find conducive soils for recharge. They did further tests on the east side of the site where they found pure sand. They revised the plans to have one large basin on the east side rather than two basins on the west. The new basin is partially located within the 200 foot riverfront area. There is approximately 6,792 sf of grading for this basin. The total riverfront area on site is

542,000 sf. It is approximately 1.25%. Duarte stated a revised NOI was submitted to quantify the riverfront disturbance. An alternatives analysis was also submitted. Duarte noted this was a previously approved conventional subdivision which had substantially more disturbance to the buffer zones and riverfront area. Dunn stated this was scaled back quite a bit. This was a 40B subdivision (Strawberry Fields). After discussing this project with the town's engineer, John Chessia, the limit of work was greatly reduced.

Carrozza asked once they knew the impacts to riverfront were unavoidable, what did they do to reduce the footprint of the basin within riverfront? She questioned why the basin must be located in the riverfront. Duarte explained this was the only area on the site where soils were conducive for recharge for the basin other than where the septic system will go. They did 24 test pits with Chessia to find the most suitable site for the basin and septic and to minimize impacts.

Doyle asked if there would be any no disturbance signs by the river's edge. Dunn states they will do whatever the ConCom would like.

Carlino requested the vernal pool habitat be shown on the plan.

Carrozza asked if the back slope by the wetland would be just loam and seed. Duarte stated it is 3:1 grass and they are designating a slope stabilization blanket. Carrozza suggests to Carlino to prohibit application of pesticides or fertilizer which could run into the vernal pool in the O&M plan.

Carlino notes the existing conditions have a large area that is a turtle nesting habitat. A portion will now be the infiltration basin. Could the remaining area stay open and be managed and signed as a turtle nesting habitat? Dunn states they can do that. Carlino notes the landscaping plan has a lot of arborvitaes. There are a lot of deer here that will eat the arborvitaes. They may want to consider a different plant. Also, they could consider using a native grass instead of the Kentucky bluegrass. Dunn asks Carlino to provide a list. Carlino clarifies the chain link fence. Duarte states it is going around the basin. Carlino states they will need to clarify if they can fence a basin in the riverfront area. Carlino questions having signage regarding access to the river once people move in.

Carrozza questions snow storage areas. Duarte states there are multiple locations noted on the layout plans that are outside of the resource areas and the buffer zones. Carrozza questioned access to the swale and if there are O&M measures to maintain the swale. Duarte stated it is in the O&M map and the drainage report. Carrozza suggests adding a gate for access.

Kadish questioned the need for the chain link fence by the basin. Duarte replied it is often requested by commissions for safety. Carlino notes the area by the river can not be fenced. After discussion, it is decided to take the fence off of the plan.

The applicant requested a continuance to 6/22/2020. Motion was made to continue the public hearing for DEP #250-1052 to June 22, 2020 by O'Reilly, seconded by Pearson. Motion passes.

A roll call vote was taken:

<i>O'Reilly – Aye</i>	<i>Pearson - Aye</i>
<i>Carrozza – Aye</i>	<i>Doyle - Aye</i>
<i>Blood – Aye</i>	<i>Kadish - Aye</i>

DISCUSSION to Clarify Order of Conditions: DEP 250-1054: New England Power Company, 315 & 327 Transmission Line ROW. Order of Conditions can be viewed here: <https://tinyurl.com/250-1054OOC>

Alison Milliman of BSC Group attended the hearing on behalf of the applicant to clarify expectations and discuss concerns regarding easement activities along private land.

Milliman expressed her concern with the term “in perpetuity” used in Condition #61 due to the fact that much of the land in the ROW is privately owned land. New England Power is just operating within the easement.

Motion was made to strike Condition #61 from the OOC issued for DEP 250-1054 by Carrozza, seconded by Blood. Doyle abstained. Motion passes.

A roll call vote was taken:

<i>O'Reilly – Aye</i>	<i>Pearson - Aye</i>
<i>Carrozza – Aye</i>	<i>Doyle – Abstain</i>
<i>Blood – Aye</i>	<i>Kadish - Aye</i>

HEARINGS CONTINUED TO A DATE NOT MORE THAN 45 DAYS FROM THE END OF THE STATE OF EMERGENCY PURSUANT TO CHAPTER 53 OF THE ACTS OF 2020 “AN ACT TO ADDRESS CHALLENGES FACED BY MUNICIPALITIES AND STATE AUTHORITIES RESULTING FROM COVID-19”, SECTION 17(b)(v)

D. Notice of Intent (#250-1040). Michael Trowbridge of Hutchins-Trowbridge Assoc. 306-308 East Main Street. (Map 5, parcel 38 and 252). (continued from 4/29/19, 6/10/19, 7/8/19, 7/22/19, 8/12/19, 10/7/19, 11/18/19, 12/2/19, 12/16/19, 1/27/2020, 2/24/2020, 4/13/20) The proposed project is to construct an addition to warehouse, detention basin and grading within 100 feet of BVW. Files can be viewed here

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

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

Request for Duplicate Certificate of Compliance. (File #250-375). J&R Enterprises, Inc, 141 Pine Street, (Map 24, Parcel 89). Ratify issuance.

Motion was made to issue a Duplicate Full Certificate of Compliance for DEP #250-375 by Carrozza, seconded by Doyle. Motion passes.

A roll call vote was taken for electronic signatures:

<i>O'Reilly – Aye</i>	<i>Pearson - Aye</i>
<i>Carrozza – Aye</i>	<i>Doyle - Aye</i>
<i>Blood – Aye</i>	<i>Kadish - Aye</i>

Request for Duplicate Certificate of Compliance. (File #250-894). David Worthley, 19 Fairlee Lane (Map 6, Parcel 68). Ratify issuance.

Motion was made to issue a Duplicate Full Certificate of Compliance for DEP #250-894 by Carrozza, seconded by Doyle. Motion passes.

A roll call vote was taken for electronic signatures:

<i>O'Reilly – Aye</i>	<i>Pearson - Aye</i>
<i>Carrozza – Aye</i>	<i>Doyle - Aye</i>
<i>Blood – Aye</i>	<i>Kadish - Aye</i>

REVIEW DRAFT MINUTES

5/11/2020 - *Motion was made to accept meeting minutes for 5/11/2020 by Carrozza, seconded by Pearson. Motion passes.*

NEW BUSINESS

OLD BUSINESS

Site Inspections -
Violations

NEW- S Worcester/Old Colony – *Carlino stated she received a plan with proposed landscaping and the existing paved area would be redone. She showed photos that do not appear to show a paved area. It would require grading, repaving and there is no stormwater management.*

NEW- S Worcester, m 27 pcl 193

122 W Hodges St.

184 W Main St. – *The ConCom had agreed to their plan for restoration of the riverfront area. Carlino received an email requesting they be allowed to plant in the fall rather than by June 1st which is typical. The ConCom agreed to allow the fall planting.*

77 Charlotte

68 Dean

211 Oak and 21 Kensington

4 Kensington

ADMINISTRATIVE APPROVALS

- 156 N Washington – hazardous tree removal
- 298 S Worcester- hazardous tree removal
- 5 Bullock Dr- construct car port

Reservoir Update -

Chartley Pond Update -

Barrowsville Dam

Report from Staff

Waterbodies Committee update

Grants

BILL SUMMARY

Summary list of bills signed – May 12, 2020 – June 8, 2020

FY2020

Vendor	Amount	Town Account #
Item		
Chessia	\$322.50	243-171-100-5700 – Consulting
Wheaton College		
Chessia	\$435.00	243-171-100-5700 – Consulting
54 Plain St		
Chessia	\$685.00	243-171-100-5700 – Consulting
Wading River		

J&D Handymen Fund Carpentry	\$1,365.00	001-171-613-6087-19-10-Edith Read Capital Imp.
Pare Corporation Leonard St Culverts	\$9,209.75	367-171-100-5700 – SRPDD – MVP Grant
Comcast Areas Edith Read	\$119.59	001-171-570-5308 – Maintenance of Conservation
Forestry Suppliers Areas Supplies	\$14.59	001-171-570-5308 – Maintenance of Conservation
National Grid Areas pool meter	\$10.00	001-171-570-5308 – Maintenance of Conservation
National Grid Areas lodge meter	\$16.91	001-171-570-5308 – Maintenance of Conservation
Zoom Zoom monthly fee	\$29.98	242-171-100-5700 – Wetland protection Fund

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

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

Carlino noted she has applied for two grants. One is a tech grant for Edith Read. The second is The Division of Ecological Restoration's culvert replacement grant program for design work for Wading River at Walker Street.

Motion to adjourn by O'Reilly, seconded by Doyle. Motion passes and meeting closes at 8:25PM.

Respectfully submitted by: _____Melissa Quirk _____
Melissa Quirk

Minutes approved by the Commission on _____6/22/2020_____


Conservation Commission Signature:

Scott M. Ollerhead
Scott Ollerhead, Conservation Commission Chairman

6/20/20
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. On the meeting date and time, turn to Norton Cable Station Channel 15 to simply watch the meeting.
2. 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.)
3. 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/81164529944?pwd=NWQraDNON2RlM3ByZFpKWmljcXF0UT09>

When prompted, enter the **Meeting ID: 811 6452 9944, Password: 010444.**

- 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.
4. If, for some reason, neither Zoom option is working for you, you can watch the cable station live feed and 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.
 5. 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.

6. 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.