



Norton Conservation Commission
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<https://www.nortonma.org/conservation-commission>

RECEIVED
NORTON TOWN CLERK

Monday, October 19, 2020 DEC -9 A 11: 16
6:30pm

Remote Participation Only

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

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, Conservation Secretary Melissa Quirk, Conservation Director Jennifer Carlino

Absent: Daniel Doyle, Jr.

WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS

Wetland hearings will be taken in order.

- A. Request for Determination of Applicability (DET #1101) Kathleen and Eric Wilbur, 186 North Worcester Street (Map 14, Parcel 35-01).** The proposed project is to install an inground pool and associated grading within 100 feet of wetlands. Files can be viewed here <https://tinyurl.com/DET1101-186NWorc>

Kathleen Wilbur attended the hearing. Wilbur explained they would like to install a 21 x 40 inground pool. There is existing conservation fencing up. The pool would not be outside of that boundary. It will be right off of the deck in the middle of the yard about 14-15 feet from that fence. It will be level with the highest grade. There will be no backwashing of the pool or the filter system.

Motion was made to close the public hearing for DET #1101 by Pearson, seconded by O'Reilly. Motion passes.

A roll call vote was taken:

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

Motion was made to issue a Negative 3 Determination for DET #1101 by O'Reilly, seconded by Pearson. Motion passes.

A roll call vote was taken:

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

B. Request for Determination of Applicability (DET #1102) Paul Wheeler, 5 Beverly Lane (Map 18, Parcel 93-06). The proposed project involves plans to remove trees within 100 feet of wetlands. Files can be viewed here <https://tinyurl.com/DET1102-5Beverly>

Paul Wheeler attended the hearing. Wheeler explained he is concerned with current and future risk to the property, septic, deck and his family from the trees shown on the plan. There would be pruning and stump removal, where appropriate. The pine trees he is looking to remove are failed pine trees.

Carrozza questioned the number of trees to be removed. Wheeler replied there are approximately 20 dead/failing trees. Carrozza stated the ConCom is not opposed to stumps being left in the ground since that minimizes earth disturbance.

Resident Julie Oakley of 6 Beverly Lane stated, as an abutter, she has no issues with any of the tree removal proposed. She thinks it is wise to remove dead trees that could fall on his property or an adjacent property.

Motion was made to close the public hearing for DET #1102 by O'Reilly, seconded by Pearson. Motion passes.

A roll call vote was taken:

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

Motion was made to issue a Negative 3 Determination for DET #1102 by Blood, seconded by O'Reilly. Motion passes.

A roll call vote was taken:

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

C. Notice of Intent (#250-1068) Valentine Tool & Stamping, Inc., Baker Street (Map 16, Parcel 2). The proposed project is to construct a single-family dwelling with subsurface sewage disposal system within 100 feet of bordering vegetated wetland. Files can be viewed here <https://tinyurl.com/BakerStNOI>

Brian Dunn, Tracy Duarte and Justin Williams of MBL Land Development and Permitting Corp. attended the hearing on behalf of the applicant. Duarte explained the proposed house, driveway and most of the utilities are located outside of the 100 foot buffer zone. However, a portion of the septic system and site grading are within 100 feet of the bordering vegetated wetlands. At its closest point, the septic system is 79.4 feet from the wetlands. The limit of grading and disturbance is 58.9 feet from the wetlands. They are proposing a filter mitt sediment control along the limit of work. Since receiving Carlino's comments, they will be revising the plans to move the No Disturb Zone to the limit of work and to note a split rail fence will be installed.

Carrozza questioned the sediment control appears to go to a public right-of-way. The filter mitt should be stopped at the property line. It should not go out into the public right-of-way. Also, a nominal size should be used. It is usually 9 or 10, and it should be noted on the plan for the contractor.

The applicant requested a continuance to 11/9/2020. Motion was made to continue the public hearing for DEP #250-1068 to November 9, 2020 by Carrozza, seconded by Pearson. Motion passes.

A roll call vote was taken:

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

D. Notice of Intent (#250-1067) Steve Scheidel, 116 Lincoln Street (Map 13, Parcel 6).

(continued from 9/28/2020) The proposed project is to construct a single-family home within 100 feet of bordering vegetated wetland.) Files can be viewed here:

<https://tinyurl.com/116Lincoln>

Motion was made to close the public hearing for DEP #250-1067 by Pearson, seconded by Blood. Motion passes.

A roll call vote was taken:

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

Motion was made to accept the Order of Conditions, as discussed, for DEP #250-1067 by Carrozza, seconded by O'Reilly. Motion passes.

A roll call vote was taken:

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

E. Notice of Intent (#250-1060) Alice M. Dumenigo Realty Trust, 64 Elm Street (Map 17, Parcel 33). (continued from 8/10/20, 8/24/2020, 9/14/2020, 9/28/2020) The proposed project is to repair and replace the existing septic system with associated grading, utilities and tree removal within 100 feet of bordering vegetated wetland. Files can be viewed here <https://tinyurl.com/64Elmseptic>

Jamie Bissonnette of Zenith Consulting Engineers, LLC attended the hearing on behalf of the applicant. They are working with the Board of Health on a peer review and a meeting should take place in the few weeks.

The applicant requested a continuance to 11/9/2020. Motion was made to continue the public hearing for DEP #250-1060 to November 9, 2020 by Pearson, seconded by O'Reilly. Motion passes.

A roll call vote was taken:

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

F. DISCUSSION: Request for Amendment: (#250-1037). Next Grid Redwood LLC. 54 Plain Street (Map 18, Parcel 9). The request is to amend an existing Order of Conditions to modify the approved Stormwater Management System under DEP #250-1037. Files can be viewed here <https://tinyurl.com/250-1037-54Plain>

Sean Cooper of Amps Electric and Chris King of Atlantic Design Engineers, Inc. attended the hearing on behalf of the applicant. King stated the applicant is requesting a change to the project layout as shown on the resubmitted site plans. Reconfiguration to the array include the row to row spacing and panel size or count. Since performing soil test pits, it was determined the soil was not conducive to infiltration where the equipment pad was proposed. They are proposing to move that pad. It is still within the previously approved footprint outside of the buffer zones, but where the soil is conducive to infiltration. He believes the impact to stormwater is minimal.

The other change relating to stormwater is at the front of the site where there are existing residents. Per the Stormwater Report, they consider that portion of the project as a redevelopment. In order to meet certain parameters, they are reducing the amount of impervious area. Previously they proposed an infiltration area in the landscaped island. From the test pits performed, groundwater is high and the soils are not well draining soils. Technically they are asking for a waiver from the Stormwater Bylaw to allow them to eliminate that portion of the infiltration. They are not able to provide recharge due to soil conditions and groundwater. They are asking approval to provide treatment to the maximum extent practicable. Chessia recommended they keep the vegetated filter strip with the pea stone gravel strip instead of removing everything entirely.

Carrozza asked if the number of panels increased with the new layout. King stated he is not sure if the number of panels increased or decreased from what was originally permitted. He knows it still falls within the same prescribed setbacks, fence line and limit of clearing. The footprint is the same. Carrozza clarified the relief they are requesting from the local Bylaw in terms of stormwater treatment is just at the front of the parcel. King stated that is correct. It is just the redevelopment portion at the front of the parcel, not in the back where the panels are. Carlino stated Chessia is in agreement with this approach. They meet all of the stormwater standards in the rear portion. It is just the one section in the front where they could not infiltrate because of the soils.

Motion was made to close the public hearing for DEP #250-1037 by Carrozza, seconded by Pearson. Motion passes.

A roll call vote was taken:

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

Motion was made to issue an Amended Order of Conditions, as discussed, for DEP #250-1037 by Carrozza, seconded by O'Reilly. Motion passes.

A roll call vote was taken:

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

G. DISCUSSION: Request for Amendment: (#250-1032). Tom Braconi. 213 Oak Street (Map 15, Parcel 9). The request is to amend an existing Order of Conditions to modify the approved wetland crossing to be smaller. Files can be viewed here <https://tinyurl.com/213OakAMEND>

Tim McGuire of Goddard Consulting, Craig Cygawnoski of RIM Engineering and the applicant Tom Braconi attended the hearing. McGuire explained the applicant is requesting an Amendment to the OOC and plan to have a retaining wall through the culverts rather than the originally proposed slope. They are hoping to eliminate future problems with siltation and washout. It results in a decrease of approximately 1,200 sf of wetland impact. They will maintain the same size of the wetland replication area despite the decrease in impact. The original crossing was 24' x 200'. The vertical block wall would reduce the impact to 18' x 200'.

Carrozza requested they show these changes more clearly on the front page of the plans. She also asked about the status of the Conservation Restriction. King explained the applicant has retained Attorney Watsky who is preparing a draft. Carrozza stated that was supposed to be in place before work began as part of the OOC. Therefore, they are in violation. Work was started prior to the ConCom receiving the draft. She suggests they continue the Amendment until the ConCom receives the Conservation Restriction.

The applicant, Tom Braconi, stated he had just purchased the property. He apologizes for the delay of the draft. They started the draft as soon as he became aware of it. He asks if a vote can be done in favor of the wall subject to the draft. Carrozza explains that can not be done because they are currently in violation. They did not give the draft prior to starting work. Rather than giving him an Enforcement Order, the ConCom is allowing them to submit the draft. The wall is not the issue. Carlino stated she also needs to know the status of the replication area which was due June 1, 2020. They will need to provide a specific date for completion of the replication area to be considered by the ConCom in the Amendment. McGuire will be working on the replication area in the next few weeks and provide a new completion date to the ConCom. Carlino agrees to meet McGuire and Braconi on-site to discuss their proposal to save some existing trees and shrubs and possibly revise part of the replication area.

The applicant requested a continuance to 11/9/2020. Motion was made to continue the public hearing for DEP #250-1032 to November 9, 2020 by Carrozza, seconded by Pearson. Motion passes.

A roll call vote was taken:

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

H. Notice of Intent (#250-1065) Leonard Street Phase II Owner, LLC, 0 Leonard Street (Map 11, Parcels 22, 25-0, 25-01 and Map 12, Parcel 15. (continued from 9/14/2020) The proposed project is the construction of road and associated utilities within Riverfront Area and 100 feet of bordering vegetated wetland. Files can be viewed here <https://tinyurl.com/LeonardSt-Condylne>

The applicant requested a continuance to 11/9/2020. Motion was made to continue the public hearing for DEP #250-1065 to November 9, 2020 by Pearson, seconded by O'Reilly. Motion passes.

A roll call vote was taken:

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

I. Notice of Intent (#250-1057) Ruscito Brothers LLC, 253 Mansfield Avenue (Map 3, Parcel 722). (continued from 7/27/2020, 9/14/2020) The proposed project is to convert a commercial building to a 40B multi-story, multi-unit residential apartment building, stormwater management, parking and utilities within 100 feet of bordering vegetated wetland. Files can be viewed here <https://tinyurl.com/253-mansfield>

The applicant requested a continuance to 11/23/2020. Motion was made to continue the public hearing for DEP #250-1057 to November 23, 2020 by Pearson, seconded by O'Reilly. Motion passes.

A roll call vote was taken:

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

J. 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 <https://tinyurl.com/250-1040BerniePhyl>

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

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

ADMINISTRATIVE APPROVAL

- 424 Reservoir St- hazard tree
- 25 Smith St- hazard tree

REVIEW DRAFT MINUTES

9/28/2020 - Motion was made to accept meeting minutes, as discussed, for 9/28/2020 by Carrozza, seconded by Pearson. Motion passes.

A roll call vote was taken:

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

NEW BUSINESS

OLD BUSINESS

Site Inspections -
Violations

S Worcester, m 27 pcl 193
122 W Hodges St.
184 W Main St.
77 Charlotte
68 Dean
211 Oak and 21 Kensington
4 Kensington

Reservoir Update -
Chartley Pond Update -
Barrowsville Dam
Report from Staff
Waterbodies Committee update
Grants
Town Meeting update

BILL SUMMARY

Summary list of bills signed – September 28, 2020 – October 19, 2020

FY21

National Grid Areas	\$10.00 pool meter	001-171-570-5308 – Maintenance of Conservation
Town of Norton Areas	\$115.50 water	001-171-570-5308 – Maintenance of Conservation
Chartley Landscape	\$200.00 Reservoir & Chartley	001-171-570-5315 – Professional Services
Chartley Landscape	\$225.00 Edith Read & Johnson	001-171-570-5315 – Professional Services
Chessia	\$250.00 54 Plain Street	243-171-100-5700 – Consulting
Chessia	\$1,060.00 Norton Crossing-195 Mansfield Ave	243-171-100-5700 – Consulting

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

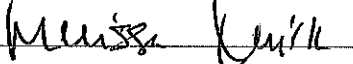
OPEN SESSION (TOPICS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE)

Carlino stated there are two people interested in the vacant seat on the ConCom.

Tamah Vest introduced herself and expressed her interest in the vacant seat. She has been a resident in Norton for about 6 years and abuts conservation land. She spends some of her time in environmental regulatory matters. Kadish asked if this would be her first involvement with regulatory structure of town government. Vest stated she has participated a little with the Land Preservation Society, but not much on the official Town side.

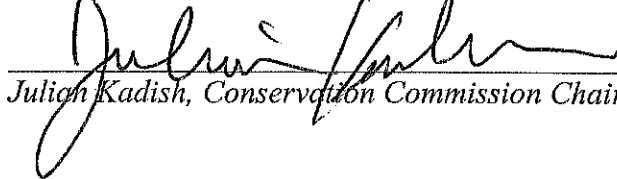
Pearson thanked Kadish and Carrozza for taking on the roles of Chairperson and Vice Chair.

Motion to adjourn by Pearson, seconded by O'Reilly. Motion passes and meeting closes at 8:00PM.

Respectfully submitted by: Melissa Quirk 

Minutes approved by the Commission on 11/9/2020


Conservation Commission Signature:


Julian Kadish, Conservation Commission Chairman

12/8/20
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/82994018033?pwd=U1lpeEpwUjVxZkxKMhphUFdKUDDdOZz09>
When prompted, enter the **Meeting ID: 829 9401 8033, Password: 880861.**
 - 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.