



Norton Conservation Commission

70 East Main Street, Norton MA 02766

508-285-0275

Email: conservation@nortonma.us

[https://www.nortonma.org/conservation-](https://www.nortonma.org/conservation-commission)

[commission](https://www.nortonma.org/conservation-commission)

RECEIVED
NORTON TOWN CLERK

2021 MAR -4 AM 9:26

Monday, December 14, 2020

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, Daniel Doyle, Jr., Kerry Malloy Snyder, Conservation Secretary Melissa Quirk, Conservation Director Jennifer Carlino

Absent:

WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS

Wetland hearings will be taken in order.

- A. Request for Determination of Applicability (DET #1104) Dylan Ribeiro, 7 Young Avenue (Map 16, Parcel 39).** The proposed project is to replace an existing cesspool with a new septic system within 100 feet of wetlands. Files can be viewed here <https://tinyurl.com/DET1104-7Young>

Document List – 7 Young Avenue

- 1. WPA Form 1 – Request for Determination of Applicability received 12/3/2020*

2. *Plans entitled, "Upgrade of Subsurface Disposal System", prepared by BDO Engineering, signed and stamped by David Oberlander, dated 11/10/2020*

Dave Oberlander of BDO Engineering attended the hearing on behalf of the applicant. Oberlander explained the existing house is on an inlet with the Reservoir on one side and a brook on the other. A good portion of the lot is within the 100-foot buffer zone. They put the system outside of the 50-foot and put it as close to the house as they could. It is a straight forward septic system to replace an existing cesspool. Carlino questioned the sediment control which Oberlander showed on the plans. Kadish asked if the system is raised. Oberlander stated the new system is less than a foot over the existing grade. Carlino noted there is a pipe from the house to the bank which goes directly into the stream. Oberlander explained it is for a sump pump, but the basement appears dry. There is an irrigation well in the back that has not been used for years. Carrozza asked if the brook is intermittent. The homeowner told Oberlander that it does dry up. She questioned how it is shown on the quad map. It appears to be a perennial stream on the quad map which makes it Riverfront. She does not believe it changes anything, but asks that the perennial stream be noted on the plan with the 200-foot Riverfront Area. Oberlander explains the property is only 125 feet wide. Carrozza asks for a note to be added stating the lot, in its entirety, is within the Riverfront Area.

Motion was made to close the public hearing for DET #1104 by Pearson, seconded by Doyle. Motion passes.

A roll call vote was taken:

<i>Blood – Aye</i>	<i>Pearson – Aye</i>
<i>Carrozza – Aye</i>	<i>Doyle – Aye</i>
<i>Snyder – Aye</i>	<i>Kadish – Aye</i>
<i>O'Reilly – Absent at time of vote</i>	

Motion was made to issue a Negative 3 Determination for DET #1104 by Blood, seconded by Doyle. Motion passes. (Carlino stated it may be a Negative 2 Determination. She will verify the paperwork.)

A roll call vote was taken:

<i>Blood – Aye</i>	<i>Pearson – Aye</i>
<i>Carrozza – Aye</i>	<i>Doyle – Aye</i>
<i>Snyder – Aye</i>	<i>Kadish – Aye</i>
<i>O'Reilly – Absent at time of vote</i>	

- B. Notice of Intent (#250-1059) AR Building Company, Inc, 195 Mansfield Avenue (Map 9, Parcel 273).** (continued from 7/27/2020, 8/24/2020, 9/14/2020, 9/28/2020, 11/9/2020, 11/23/2020) The proposed project is to install stormwater management associated with

construction of a 40B apartment building within 100 feet of bordering vegetated wetland. Files can be viewed here <https://tinyurl.com/195-Mansfield>

Brian Madden of LEC Environmental Consultants and Brandon Carr of DiPrete Engineering attended the hearing on behalf of the applicant. Town Consultant, John Chessia, attended the hearing.

Madden explained there has been an extensive peer review since the last hearing which they are still working on.

Chessia stated there are just a few things left to be addressed. Parts of the basin have 2 to 1 side slopes. The DEP handbook requires 3 to 1 side slopes. Chessia witnessed the soil test pits. The system includes a portion of underground pipes in a detention area. The water would back up into these pipes because there is only a limited area for an open basin. From the soil testing, they know those pipes would be in the seasonal highwater table at times. They propose a water-tight pipe, but they are not really water-tight. There is a certain amount allowed for leakage. That would be a continuous source of flow at least in the spring. This could make drainage difficult and possibly change the characteristics of the soil. Also, there are recharge volume requirements under the DEP regulations. This is not very good soil. It is about ¼ inch above the impervious area. The depression within the basin would hold significantly more. Even an inch of run-off in the impervious area would take about 120 hours to drain. In his opinion, it would affect the function of the basin over time. It would become muddy and not work as proposed. One minor issue is the two catch basins linked together. However, that can be simply addressed by adding a manhole. Chessia does not agree with the way some of the calculations were done, which he explains. Carrozza questioned why the applicant is looking to get relief from the slope requirements. Carr responded they are no longer looking for that relief. They have made some changes to the plans due to requests from the ZBA. Part of that change is they will no longer have the 18-space parking area in the rear unless it is ever needed for the development. However, they left the Stormwater design as if that parking area could be constructed though they don't think it will be. They are also proposing the entire system be wrapped in a poly water-tight liner to address Chessia's concerns about the water tightness of the pipes. Carrozza asked if they are eliminating any and all access to the Reservoir. Carr stated the site does not abut the Reservoir. There is a small strip of land between the site and the Reservoir. They are proposing some fencing and signage to prevent residents from crossing on the abutter's property.

The applicant requested a continuance to 1/11/2021 Motion was made to continue the public hearing for DEP #250-1059 to January 11, 2021 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>Doyle – Aye</i>
<i>Carrozza – Aye</i>	<i>Kadish – Aye</i>

Snyder – Aye

C. 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, 10/19/2020, 11/9/2020, 11/23/2020) 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>

Mark Dibb and Scott Smeyers of Condylne Engineering attended the hearing.

Dibb noted there was a successful site walk with the ConCom Saturday, December 12th.

He reviewed resident Steven Novick's previously submitted questions:

Steven Novick's comments and questions below:

- Is there specific information in the context of the report that describes in detail how the access road will bridge the wetlands. The access road does not bridge the wetlands. There is contiguous upland throughout the roadway layout. The access road is best fit and centered on the upland where the wetlands are the closest on both sides. Grading on the east side includes a retaining wall, while grading on the west side is within the footprint of the existing cart path. (The grading on the west is being reviewed as a result of suggestions from the site walk on Sat the 12th).*
- Currently it is my understanding that the existing dirt road can be submerged during various times of the year and during high rain events. Does the developer provide specific information on the construction of the road, the final width, elevation above current grade, and water management. If so, do they conform to the requirements currently set forth by your office. The roadway profile that is included within the plans shows the proposed grades and where the elevated areas are. The lowest points of the existing cart path are being raised between 3 - 6 feet to make the vertical alignment work as required and to be able to implement drainage design that meets stormwater management standards.*
- Are the proposed road setbacks from the wetlands in compliance with both town and state requirements. A wetland permit is required for the work but the buffer-zone work as proposed will meet requirements.*
- Has the developer or the town evaluated the ecological impacts and the risk of a hazardous cargo accident in this aquifer which is immediately upgradient of the Town wells. The drainage systems are designed to meet the regulations for the use when sited within the aquifer. However, as a result of the site walk some elements are being reviewed. One element is the use of a more standard catch basin and pipe system versus the LID style systems proposed in a few areas. A closed pipe system with Deep Sumps, and proprietary separators that capture oil/sediment, may be more appropriate design to provide structural storage that would ensure emergency containment. Again, the final*

design will meet the rules and regulations for stormwater management within a zone 2/aquifer.

Dibb stated, as far as a catastrophic hazardous spill, there are no additional measures beyond the normal pre-treatment and treatment that are required. Through that area in the Riverfront, there could possibly be a more standard system which would reduce the footprint of tree removal and possibly provide an added level of safety. They are certainly open to discussing that. Carlino clarified with Dibb the proposal is not for buildings that would have any hazardous waste. The proposal is for office and mixed- use building. Dibb stated the limit of work could be reduced on both sides of the entrance if a couple of catch basins were added that would drain to the bio-retention and the infiltration system.

Dibb discussed the area where there are wetlands on both sides. There is a retaining wall proposed on the east side. They did not do a retaining wall on the west side because there was grading in that area of the cart path. It was already cleared. They would not be removing any trees.

Kadish questioned if the entrance of the roadway were moved, would it preserve Riverfront. It looks to him as though the current design minimizes impact. Carlino stated the economic alternatives analysis would require them to look at putting the soil on the opposite side of the road, and whether or not that is feasible. Dibb stated they would respond to that in their next submission with narrative and sketches.

The applicant requested a continuance to 1/11/2021 Motion was made to continue the public hearing for DEP #250-1065 to January 11, 2021 by Pearson, seconded by Doyle. Motion passes.

A roll call vote was taken:

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

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

D. Duplicate Order of Conditions (#250-1015) Thomas Sullivan, 312 Taunton Avenue (Map 33, Parcel 32)

Ken Thomson attended the hearing on behalf of the applicant. He is working with Rob Sullivan who wants to purchase the property. In order to do that, they need to close out the original Order of Conditions. He is requesting a Duplicate because a Notice of Intent was filed and permitted in 2018, but never recorded. They want to register the property and do the required work so they can then get a Certificate of Compliance. Carrozza questioned that the wetland is

no longer in Norton. Thomson explained he is a wetland scientist. He reviewed the site and flagged the property. He has a different wetland line than what was originally approved. His line is 420 feet to the east in Taunton. He filed an ANRAD with Taunton which was approved. He is looking on how to proceed here. Does he submit an ANRAD, an RDA or request the Agent to look at the line? He believes, in the past, it was a vegetation only survey. The wetland, buffer zone and flood plain are all located in Taunton. Carlino stated she has not visited the site since the new information came in, but they do have an approved line from the Taunton ConCom. Carrozza stated Norton needs to confirm there are no wetlands in Norton. After discussion as to whether Taunton's RDA could be used, Carlino agreed to visit the site and use the RDA filed with Taunton. Thomson requested the Duplicate Order of Conditions be issued to allow them to proceed with the work permitted. After the wetland line is confirmed, the Certificate of compliance can be addressed separately.

Motion was made to issue a Duplicate Order of Conditions for DEP #250-1015 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>Doyle – Aye</i>
<i>Carrozza – Aye</i>	<i>Kadish – Aye</i>
<i>Snyder – Aye</i>	

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

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

ADMINISTRATIVE APPROVAL

90 Mansfield Ave-hazard tree
250-1058 - 12 S Highland – additional hazard tree removal

Carlino also noted a request for 20 Talbot Drive. The owner, Lisa Foley, attended the hearing. She is requesting to remove a tree that has grown significantly in the 23 years she has owned the house. It is behind her fence which abuts the Rumford River. Kadish asked if the tree is hazardous. Foley stated it could be, but it blocks a lot of sun in the backyard. Carlino stated it is not really a hazard. It's not diseased or in danger of falling down. It's more of an aesthetic issue. A Request for Determination of Applicability is probably appropriate.

REVIEW DRAFT MINUTES

11/23/2020 - Motion was made to accept meeting minutes for 11/23/2020 by Carrozza, seconded by O'Reilly. Motion passes.

A roll call vote was taken:

Blood- Aye
O'Reilly - Aye
Carrozza - Aye
Snyder - Aye

Pearson - Aye
Doyle - Aye
Kadish - Aye

NEW BUSINESS

Carlino noted both of the Emergency Action Plans for the Norton Reservoir Dam and Chartley Dam were submitted. It is an annual update that is required. The Community Rating System Program is another annual event that Carlino must certify. There is a bigger certification that is done every 5 years which must be done this year. She is almost done with that. By doing this program, everybody in the floodplain that has to buy insurance gets a 5 percent discount.

OLD BUSINESS

Site Inspections -

Violations: Carlino sent out 6 letters today.

NEW: 36 Harvey

S Worcester, m 27 pcl 193

122 W Hodges St.

184 W Main St. - *They did not start the restoration last week. The ConCom may need to revise the EO to give them the time they need to do the planting. Carlino spoke with the company today and they are supposed to be starting this week.*

77 Charlotte

68 Dean

211 Oak and 21 Kensington

4 Kensington

Reservoir Update -

Chartley Pond Update -

Barrowsville Dam

Report from Staff

Waterbodies Committee update- Annual report

Grants - *Carlino received \$2,000 from the Cable Access Grant for the drones for part of the boating access Master Plan. At Town Meeting, she got \$19,000 from Southeast Regional Planning and Economic Development District to help us come up with a Master Plan for boating access all around Norton. Town Council is doing the deed research. She also got \$10,000 from Taunton River Stewardship Council for an engineer to do survey plans. The \$2,000 for the drones is part of what SRPDD was proposing to do, so they can help with pictures, story maps, having information on-line with our plans and brochures in addition to helping with survey work.*

Town Meetings - *Spring Town Meeting will be Saturday, May 8th. Articles are due February 1st.*

BILL SUMMARY

Summary list of bills signed – November 23, 2020 – December 14, 2020

FY21

Comcast Business	\$118.44	001-171-570-5308 – Maintenance of Conservation
Areas	Edith Read	
B&B Landscaping	\$5,000.00	001-171-614-6087-20-08 – Edith Read Capital
Improvements	Parking Lot – Edith Read	
Verizon	\$36.49	242-171-100-5700 – Wetland Protection Fund
	Agent cell phone	
Chartley Landscape	\$200.00	001-171-570-5315 – Professional Services
	Reservoir & Chartley	
Chartley Landscape	\$225.00	001-171-570-5308 – Maintenance of Conservation
Areas	Edith Read & Johnson	
King's Mobil	\$35.00	001-171-570-5243 – Repair Vehicle
	Truck Inspection Sticker	
TMG Carpentry	\$10,200.00	001-171-614-6087-20-08 – Edith Read Capital
Improvements	Carpentry Repairs	
Jennifer Carlino	\$48.84	001-171-570-5308 – Maintenance of Conservation
Areas	Wire Rope – Home Depot	
National Grid	\$20.00	001-171-570-5308 – Maintenance of Conservation
Areas	pool meter	
Amazon Capital	\$1,145.49	364-171-100-5700 – Edith Read Revolving Fund
	camera and projector	

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

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

Motion to adjourn by Doyle, seconded by Pearson. Motion passes and meeting closes at 7:40PM.

Respectfully submitted by: Melissa Quirk 

Minutes approved by the Commission on 1/11/21


Conservation Commission Signature:


Julian Kadish, Conservation Commission Chairman

3/3/21
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=U1lpeEpwUjVxZkxKMhphUFdKUDdOZz09>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.