



Norton Conservation Commission

70 East Main Street

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

RECEIVED
NORTON TOWN CLERK
2021 MAR -4 AM 9:26

Monday, January 11, 2021

REVISED 1-7-21

6:30 pm

Remote Participation Only

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

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

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: Kerry Malloy Snyder

WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS

Wetland hearings will be taken in order.

- A. Request for Determination of Applicability (DET #1105) Felix Luyo, 2 Horton Drive (Map 4, Parcel 307).** The proposed project is to build an in-ground pool within 100 feet of wetlands. Files can be viewed here <https://tinyurl.com/DET1106-2HortonRDA>

Document List – 2 Horton Drive

1. *WPA Form 1 – Request for Determination of Applicability received 12/22/2020*
2. *Plans entitled, “Proposed Pool on 2 Horton Drive”, dated 12/15/2020*

Felix and Leslie Luyo attended the hearing and presented plans and photos of the project.

Motion was made to close the public hearing for DET #1105 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>O'Reilly– Aye</i>	<i>Kadish – Aye</i>

Motion was made to issue a Negative 3 Determination for DET #1105 by Carrozza, 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>O'Reilly– Aye</i>	<i>Kadish – Aye</i>

- B. Request for Determination of Applicability (DET #1106) Bay Colony Group, Inc., 44 Bay Road (Map 19, Parcel 91).** The proposed project involves plans to reconstruct decks and add a driveway and patio within 100 feet of wetlands. Files can be viewed here <https://tinyurl.com/DET1106-44BAy>

Document List – 44 Bay Road

1. *WPA Form 1 – Request for Determination of Applicability received 12/30/2020*
2. *Plans entitled, “Site Plans”, prepared by Bay Colony Group, Inc., signed and stamped by William Buckley, Jr., dated 12/11/2020*

Bill Buckley attended the hearing on behalf of the applicant William Sarro. He explained the existing house is on a lot that is about 356 feet long but mostly only 12 to 13 feet wide. At its widest point where the house is located, the lot is just 66 feet wide. All of the lot lies within the buffer zone

to an inland bank. It completely lies within BLSF. It abuts Winnecunnet which has a base flood elevation of 73.4 feet. The average elevation of the lot is 69 feet. The entire parcel is about 4 feet below the base flood elevation. The inland bank has been flagged by a wetland scientist. They would like to add a deck, change the gravel driveway to concrete and create a brick patio with a firepit. The stone wall that runs along the water now would remain. He explained the mitigation proposed. It includes infiltration chambers connected to the roof drains in the front, and a rain garden between the driveway and patio to contain the driveway run-off. The abutters are the Town of Norton, the Commonwealth and the Chateau.

Kadish asked if there were plans to bring the house up out of the flood plain. Buckley stated they would not be changing the first floor or basement elevation. They would not be changing the flood plain elevation. There would be no change in grading. The deck would be on columns. Carrozza requested the details of the concrete columns/tubes relative to the elevation be shown on the plan. She asked if fill would be needed to put in the patio. Buckley stated they would take out the material that is there and would meet the existing grade. Kadish questioned if the pavers are pervious or impervious. Buckley is not sure. Kadish stated pavers that could infiltrate the water would be preferred since it is in a flood zone. Pervious pavers may also be something to consider for the driveway.

Carrozza suggested Buckley review the regulations since abutters across the waterway must be notified. Carlino reminded the ConCom this is a Request for Determination of Applicability so abutters were not notified. Carrozza explained she was clarifying who the abutters would be if the ConCom were to ask for a Notice of Intent. She asked it be noted on the plan that the lot is located in a flood zone in its entirety and add the elevation. Carrozza clarified the condenser pads on the plan are proposed and the generator pad is existing. Carlino noted the condenser pads and generator pad all need to be above the base flood elevation. They all need to be elevated as part of the FEMA floodplain requirement. Buckley stated he will discuss, but the house is already in the floodplain.

Carrozza believes the project would require a Notice of Intent filing. The project would be conditioned because it is in a resource area.

Motion was made to close the public hearing for DET #1106 by Pearson, seconded by Doyle. Motion passes.

A roll call vote was taken:

Blood- Aye	Pearson - Aye
Carrozza - Aye	Doyle - Aye
O'Reilly- Aye	Kadish - Aye

Motion was made to issue a positive 3 Determination for DET #1106 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>Doyle - Aye</i>
<i>O'Reilly– Aye</i>	<i>Kadish – Aye</i>

C. 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, 12/14/2020) 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>

The applicant requested a continuance to 2/8/2021 Motion was made to continue the public hearing for DEP #250-1059 to February 8, 2021 by Pearson, seconded by Blood. 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>O'Reilly– Aye</i>	<i>Kadish – Aye</i>

D. 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, 12/14/2020) 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-Condyne>

Carrozza recused.

The applicant requested a continuance to 2/8/2021 Motion was made to continue the public hearing for DEP #250-1065 to February 8, 2021 by Pearson, seconded by Doyle. Motion passes.

A roll call vote was taken:

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

E. Amendment to Order of Conditions (DEP #250-1025) Condyne Engineering Group (Map 11, Parcel 32). For proposed plans to amend DEP#250-1025 to remove the approved building

and replace with parking and changes to the stormwater system within Riverfront Area to Canoe River. Files can be viewed here <https://tinyurl.com/250-1025LOT3Amend>

Mark Dibb of Condylne Engineering attended the hearing.

Carrozza recused herself.

Dibb explained they are getting a tenant in Building #4 that needs additional car and van parking. They are proposing replacing the approved Building #3 with a parking lot. They originally proposed 7,700 sf of redevelopment in the jurisdictional Riverfront Area. Of that, 2,000sf was restoration only. The rest of it was redevelopment that was approved in the OOC. With the proposed change, there would only be about 2,000sf of redevelopment instead of over 5,000sf. The limit of work line was left in place. The drainage design was modified slightly to a more standard system that does meet stormwater regulations. Calculations were provided. It actually has more drainage capacity than previously approved. They are seeking a special permit revision with the Planning Board.

Carlino clarified the reduction in work is in the permanent alteration. The temporary work would still be done to restore. Dibb agreed. He stated the overall footprint is still 7,700sf, but the restoration is now approximately 5,000sf vs 2,000sf. Dibb will send the new information to Chessia to review the stormwater.

The applicant requested a continuance to 2/8/2021 Motion was made to continue the public hearing for DEP #250-1025 to February 8, 2021 by Pearson, seconded by Doyle. Motion passes.

A roll call vote was taken:

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

F. Amendment to Order of Conditions (DEP #250-1031) Robert Burk, 49 John Scott Blvd:
Request to amend DEP#250-1031 to add a retaining wall. Plans can be viewed here <https://tinyurl.com/250-1031AMEND49JSblvd>

Alexander Burke attended the hearing. He explained this is an Amendment to the OOC to include a 3-foot high retaining wall. It is 28x6x3. It was done to prevent runoff from entering the turtle nesting area as well as the tree planting restoration area. Kadish clarified the wall was not on the original plan. Carlino is not sure what the wall has to do with runoff. The grading does not match the top of the wall elevation that was given. Carrozza asked how the wall prevents runoff. It's at the edge of a deck. Burke explained there is a gutter under the retaining wall now. If the

wall were not installed, water would slope down and protrude through the turtle nesting area. The water is stabilized in the retaining wall area. Kadish asked where the water goes now. Burke explained the water goes through a pipe to the side of the house. Carrozza asked Carlino how runoff influences a turtle nesting habitat. Typically, if there is gutter runoff going where you don't want it to go, you would put in an infiltration trench or dry well. Carlino believes they are desiring to have a retaining wall to level off that area. It's not an issue other than it needed to be approved first and shown on the final approved plan with the correct grading and come in for an Amendment. Carrozza requested a detail of the wall and how the grading ties into the wall be correctly shown on the plan.

The applicant requested a continuance to 2/8/2021 Motion was made to continue the public hearing for DEP #250-1031 to February 8, 2021 by Pearson, seconded by Carrozza. Motion passes.

A roll call vote was taken:

Blood– Aye	Pearson – Aye
Carrozza – Aye	Doyle - Aye
O'Reilly– Aye	Kadish – Aye

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

REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE

Carlino stated the wetland boundary and buffer zone were confirmed to be in Taunton only, not in Norton for DEP #250-0816 and DEP #250-1015 discussed at the last meeting There is no jurisdiction in Norton.

G. Certificate of Compliance (DEP #250-816) Thomas Sullivan, 312 Taunton Avenue (Map 33, Parcel 32)

Motion was made to issue a Full Certificate of Compliance for DEP #250-0816 by Carrozza, seconded by Blood. Motion passes.

A roll call vote was taken:

Blood– Aye	Pearson – Aye
Carrozza – Aye	Doyle - Aye
O'Reilly– Aye	Kadish – Aye

H. Certificate of Compliance (DEP #250-1015) Thomas Sullivan, 312 Taunton Avenue (Map 33, Parcel 32)

Motion was made to issue a Full Certificate of Compliance for DEP #250-1015 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>Doyle - Aye</i>
<i>O'Reilly- Aye</i>	<i>Kadish - Aye</i>

I. Release of Enforcement Order (DEP #250-0203) Roger and Paul Precourt, Precourt Lane, (Map 20, Parcel 22)

Carlino explained there was a wetland permit that was issued and recorded. There was an Enforcement Order that was issued and recorded. There is a refinance for one of the units. The Enforcement Order was because they did not finish the drainage work. We do not have As-Built plans for the drainage work or for the entire condo development. There was also a Conservation Restriction that was supposed to have been recorded with the condo development that has not been completed. Carlino did walk the site. It does look like there are 13 or 14 catch basins as shown on the plan. There are also infiltration trenches on the plan that she could not confirm. The outfall is at the wetland area. The approved plan has a retention area that she does not see on the final plan. It looks like everything was discharged to the wetland. It looks like there is old debris in the wetland area and possibly a culvert that was installed without a permit. The OOC require that the replication area be done and a pipe be removed. At the site inspection, it looks like the pipe is still there and they may have dug out the replication area, but it is now full of compost and lawn debris. It is an ongoing violation that would have to be addressed. We will need to get in touch with the management company of the condo association to address the whole development and close out the permit so titles will be clear.

A resident in Building 2 is trying to refinance. Kadish suggested releasing this Enforcement Order and opening conversation with the condo association. A new Enforcement Order could be issued if there was no movement on the issues. Carlino stated a Partial Certificate on the Order could be done for this one building since there are no As-Built plans. The Enforcement Order is specific to the stormwater. It is not tied to this one building.

Resident Jim DeMeo stated his mortgage insurance company spoke with someone at the Conservation office who said they would remove the Enforcement Order from public record so he could get a mortgage. He was supposed to close on Friday and this came up from 1991. You would still maintain your interest in the Enforcement Order, but take it off of public record. Carlino is not sure what they are saying, but a Partial Certificate of Compliance would allow Mr. DeMeo to go ahead with his refinancing and not penalize one owner for the entire association. We would

to contact the entire condo association and the management company and start getting the whole project back into compliance and closed out. Carrozza asks what if another resident comes in a month from now from a different building and asks for the same thing. How many partials can we issue? Carlino stated the Wetland Protection Act doesn't say anything about giving partials. We do it as a courtesy. Carrozza asked if we can do the partial specific to the unit, not the building. Carlino stated we can.

Motion was made to issue a Partial Certificate of Compliance for Unit #13 only for DEP #250-0203 by Pearson, seconded by Carrozza. 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>O'Reilly– Aye</i>	<i>Kadish – Aye</i>

REVIEW DRAFT MINUTES

12/14/2020 – Motion was made to accept the draft minutes, as discussed, by Pearson, seconded by Carrozza. 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>O'Reilly– Aye</i>	<i>Kadish – Aye</i>

NEW BUSINESS

Mansfield Airport Vegetation Management Plan- Files can be viewed here <https://tinyurl.com/11-30-20MansAirportVegMaint>

Carlino stated she received a notice that they would be doing their vegetation management, but the exemption is only for herbicide maintenance not for mechanical harvesting. We need to send a letter stating they need to file for a wetland permit if they intend to do that work. Carrozza asked who the applicant was. Carlino stated it was Stantec, therefore, Carrozza must recuse.

OLD BUSINESS

250-983 – Island Brook, DEP Superseding Order of Conditions DENIAL can be viewed here <https://tinyurl.com/250-983islandDEPdenial>

Carlino stated DEP made the Superseding Order which was a denial. Today, she received a request for an adjudicatory hearing from the applicant.

Site Inspections -

Violations

Freeman St, 3 addresses, potential wetland violations

Carlino sent out the 3 letters. One is looking to do a site inspection. One she is calling back. One person did not want a site inspection. She tried to explain it was just a site inspection to see if there was a wetland violation or not. It was from a complaint.

Kensington St, 3 addresses, CR violation

Carlino received 2 addresses from a complaint. It was for a violation of the Conservation Restriction on the abutting property. She met with both last week. Everyone was amicable and they agreed to remove what was needed and stop doing the work they were doing.

S Worcester, m 27 pcl 193

122 W Hodges St.

184 W Main St.

Carlino met with the consultant about the restoration area in the Riverfront. The area has been planted. He sent her new information on invasive species controls which she needs to review before she gives the final approval.

77 Charlotte

Reservoir Update -

Chartley Pond Update -

Barrowsville Dam

Report from Staff

Waterbodies Committee update-

Grants

Town Meetings

BILL SUMMARY

Summary list of bills signed – December 15, 2020 – January 11, 2021

RoadSafe Traffic Areas	\$550.00 Norton waterbodies signs	001-171-570-5308 – Maintenance of Conservation
Chessia	\$187.50 Leonard Street	243-171-100-5700 – Outside Consultant Fees
Chessia	\$625.00 Norton Crossing	243-171-100-5700 – Outside Consultant Fees
Home Depot Areas	\$48.84 Edith Read	001-171-570-5308 – Maintenance of Conservation
Verizon	\$36.49 Agent cell phone	242-171-100-5700 – Wetland Protection Fund

Pare	\$1,330.00	001-171-570-5315 – Professional Services
	Chartley Dam – Phase 1	
Comcast Business Areas	\$118.44	001-171-570-5308 – Maintenance of Conservation
	Edith Read	
Town of Norton Areas	\$115.50	001-171-570-5308 – Maintenance of Conservation
	water	

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

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

J. Full Certificate of Compliance (DEP #250-0587) Vernon and Sally Ferrini, 241 Old Taunton Ave (Map 29, Parcel 108)

Motion was made to issue a Full Certificate of Compliance for DEP #250-0587 by Doyle, seconded by Carrozza. 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>O'Reilly– Aye</i>	<i>Kadish – Aye</i>

EXECUTIVE SESSION

Executive Session. Discuss strategy in executive session with respect to 162 West Main Street litigation, related the enforcement order issued by the Commission (DEP File No. 250-38), pursuant to G.L. c. 30A, §21(a)(3), if discussing the matter in open session will have a detrimental effect on the Town's litigating position and the chair so declares; votes may be taken.

****The commission will not be going back into the regular meeting after Executive Session.**

A roll call vote was taken to enter into Executive session:

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

Motion was made to adjourn the public meeting by Pearson, seconded by Doyle. The public meeting closes at 8PM.

A roll call vote was taken:

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

Respectfully submitted by: Melissa Quirk *Melissa Quirk*

Minutes approved by the Commission on 2/8/2021.


Conservation Commission Signature:

Julien Kadish
Julien 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. 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/85172465824?pwd=ZkhBVGtTa1hDZFZsZjFZV1JOazR0QT09>

When prompted, enter the **Meeting ID:** 851 7246 5824, **Password:** 214813.

- 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 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.