



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

RECEIVED  
NORTON TOWN CLERK  
2021 OCT -5 AM 11:06

**Minutes**

**Monday, September 13, 2021**

**6:30 pm**

**Remote Participation Only**

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

*Open Meeting 6:35pm*

*Attending: Julian Kadish, Lisa M. Carrozza, Ronald O'Reilly, Daniel Pearson, Eugene Blood, Daniel Doyle, Jr., Kerry Malloy Snyder*

*Absent: N/A*

**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 \*6 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.

**Agenda**

6:30pm Open meeting



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

**WETLAND HEARINGS AND POSSIBLE COMMISSION DELIBERATIONS**

- **Request for Determination of Applicability (DET#1115) Hutchins-Trowbridge RPLS/CSE, 72 Reservoir Street (Map 10, Parcel 13, 14, 218 & 291).** (Continued from 8/30/2021.) The proposed project is an emergency repair of an existing water service at residential home, within 100 feet of bordering vegetative wetland and the Norton Reservoir. Files can be viewed here at <https://tinyurl.com/72Reservoir>

*Document list*

1. *RDA application prepared by Hutchins- Trowbridge Assoc. received 8-9-2021*
2. *Plans entitled, "Repairing existing water service", prepared by Hutchins – Trowbridge 8-9-21.*
3. *Map 10, Parcel 13,14,218 & 291*
4. *Abutters list*

*Julian recuses as chair and makes comments as owner of project. Making plans to use directional drilling. Continuation needed as they need to make revisions to their plans.*

*Dan Pearson makes motion to continue to September 27th, seconded by Dan Doyle-roll call vote Aye: Kerry Malloy Snyder, Dan Doyle, Dan Pearson, Ron O'Reilly, Eugene Blood, Lisa Carrozza*

*Abstained: Julian Kadish*

*Motion Carries*

- **Notice of Intent (DEP#250-1082) Jeffrey O'Neill, 0 Leonard Street (Map 11 &12, Parcel 25, 25-01, & 15).** (continued from 8/30/2021) Proposed project is to build on site and extend previously approved public access road, within 100' of bordering vegetated wetland. Files can be viewed here at. <https://tinyurl.com/LeonardStBlueStar2>.

*Document List – 0 Leonard Street*

- *WPA Form 3 – Notice of Intent received 8/11/2021*
- *Plans entitled, "Notice of intent, Blue Star Business Park Phase 2, MA", prepared by DiPrete Engineering, signed and stamped by Jeffrey O'Neill, dated 7/26/2021*
- *Stormwater Management Report*



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

- *Construction Stormwater Pollution Prevention Plan Template*
- *Stormwater System Operation and Maintenance Plan*
- *Map of site*
- *Legal Notice*
- *Payment*

*\*\*Lisa Carrozza is recused\*\**

*Brandon Carr asked for a continuance till September 27<sup>th</sup>, waiting on peer review.*

*Julian returns as chairman, Lisa recuses from public hearing*

*Brandon Carr requested a continuance until September 27<sup>th</sup>, waiting on peer review.*

*Motion to continue Dan Doyle, seconded by Dan Pearson. Roll call vote*

*Aye; Ron O'Reilly, Kerry Malloy Snyder, Eugene Blood, Dan Pearson, Dan Doyle, Julian Kadish*

*Abstained: Lisa Carrozza*

*Motion Carries*

- **Abbreviated Notice of Area Delineation (DEP#250-1081) DASUCO AZA Realty Trust, 0 Barrows Street (Map 27/Parcel 125).** (Continued from 8/30/2021) Request for review and confirmation of the greatest horizontal limit of jurisdictional Bordering Vegetated Wetland on the property. The application can be viewed at <https://tinyurl.com/BarrowsANRAD>

*Document List – 0 Barrows Street*

- *WPA Form 4A*
- *Plans entitled, "0 Barrows Street ANRAD Plan of Land in Norton MA", prepared by Legacy Engineering, signed and stamped by Daniel J. Merrikin, P.E. dated 8/11/2021*
- *DEP BVW Delineation Field Data Form*
- *USGS Topographic Quad*
- *National Flood Hazard Layer FIRMette*
- *Soil Map*
- *Legal Notice*



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonma.us](mailto:conservation@nortonma.us)

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

- *NHESP Priority and Estimated Habitats of Rare Species*
- *Certified Abutter list*
- *Notification to abutters*
- *Affidavit of Service*

*Barrows street requested a continuation to the September 27th meeting, waiting on peer review.*

*Motion to continue made by Dan Pearson seconded by Lisa Carrozza, Roll call vote*

*Aye: Lisa Carrozza, Ron O'Reilly, Kerry Malloy Snyder, Eugene Blood, Dan Doyle, Dan Pearson, Julian Kadish*

*Motion Carries*

- **Abbreviated Notice of Resource Area Delineation (DEP#250-1080). Marcia Godfrey. 301 S Worcester St (Map 31 Parcel 36) (continued from 8/16/21, 8/30/21).** The application is for proposed plans to verify wetland resource areas. The application can be viewed at <https://tinyurl.com/301SWorcesterANRAD>

*Doc list*

- *Notice of Intent application, prepared by Goddard Consulting, received August 5, 2021*
- *Plans entitled, "Confirmation of the Resource areas for portion of property at 301 S. Worcester Street, Norton", prepared by Goddard Consulting, LLC. Signed by Timothy McGuire on July 30, 2021.*
- *Maps of 301 S. Worcester Street*
- *Form 4A ANRAD*
- *Certified Abutters List*
- *Affidavit of Service*
- *DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form*
- *Legal Notice Wetlands Hearing*

*Tim McGuire is ok to continue till 9/27/2021. Waiting for peer review.*

*Motion to continue: Dan Pearson, second Dan Doyle, Roll call vote*



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

*Aye: Ron O'Reilly, Lisa Carrozza, Kerry Malloy Snyder, Eugene Blood, Julian Kadish, Dan Doyle, Dan Pearson.*

*Motion carries.*

- **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, 11/23/2020, 1/25/2021, 3/22/2021, 4/26/2021, 7/26/21, 8/16/2021) 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>

*Plans entitled, "Document List*

- *Notice of Intent application prepared by Hutchins-Trowbridge Assoc., dated April 2019*
- *Plans entitled, "Site Plan Bernie & Phyl's Furniture 306-308 East Main Street" prepared by Hutchins Trowbridge Associates, Inc. Signed and stamped by Michael Trowbridge and Ralph Maloon. Dated 11/18/2018*
- *Email from Carlino to Mike Trowbridge re: comments to NOI application 4-12-19*
- *Carlino letter to Mike Trowbridge dated 5/30/19 re NOI application, review comments, 5/9/19 inspection by Carlino and Chessia*
- *WPA Form 8A – Request for Certificate of Compliance received 10/7/19.*
- *Plans entitled, "Site Plan As-Built at 308 East Main Street in Norton, MA, prepared by RIM Engineering Co., Inc., signed and stamped by Craig Cygawnoski, dated 10/4/19.*
- *Goddard letter dated 6/12/2020 – supplemental information*
- *Storm Study for Bernie & Phyl's, prepared by Trowbridge Associates, Inc. signed and stamped by Ralph Maloon, revised 5/21/2020*
- *Plans entitled, "Existing Conditions Bernie & Phyl's. Furniture 306-308 East Main Street, prepared by Trowbridge Associates, Inc., signed and stamped by Michael Trowbridge, dated 11/18/18, rev 1/21/20*
- *Plans entitled, "Site Plans Bernie & Phyl's. Furniture 306-308 East Main Street, prepared by Trowbridge Associates, Inc., signed and stamped by Michael Trowbridge and Ralph Maloon, dated 11/18/18, rev 1/21/20*



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

- Plans entitled, "Site Plans (sheet 3) Bernie & Phyl's. Furniture 306-308 East Main Street, prepared by Trowbridge Associates, Inc., signed and stamped by Michael Trowbridge and Ralph Maloon, dated 11/18/18, rev 1/21/20
- Plans entitled, "Pre-Development Drainage Bernie & Phyl's. Furniture 306-308 East Main Street, prepared by Trowbridge Associates, Inc., signed and stamped by Ralph Maloon, dated 11/18/18, rev 1/21/20
- Plans entitled, "Post-Development Drainage Bernie & Phyl's. Furniture 306-308 East Main Street, prepared by Trowbridge Associates, Inc., signed and stamped by Ralph Maloon, dated 11/18/18, rev 1/21/20
- Bernie & Phyl's letter dated 3/9/2021 re policies implemented to upkeep the outside of 308 East Main Street facility.

*Closed for inadequate information and lack of communication from the applicant.*

*Motion to close made by Lisa second by Dan Doyle, Roll call vote*

*Aye: Ron O'Reilly, Lisa Carrozza, Eugene Blood, Kerry Malloy Snyder, Dan Doyle, Dan Pearson, Julian Kadish*

*Motion carries*

**DISCUSSION**

- Woodland Green, Steve Bishop, Maintenance of the retention pond

*They have been going over how to apply the products, Algae Defense and a herbicide, safely and with the least disturbance. It has to be applied based on instruction of the product. The pond has permanent standing water in it. It is privately maintained and owned. The pond may not be jurisdictional. The conservation agent needs to weigh in on the right process.*

- Informal Discussion regarding potential cluster development project on Pine Street – LEC Environmental, plans can be viewed here <https://tinyurl.com/PineStClusterDvp>



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

*Mark Manganiello, environmental consultant- Wetland boundaries have been approved. First plan has no direct impact on the wetland, it would be a buffer zone project. Jen suggested looking into alternative plans, eliminating the activity close to vernal pools. Adding a wetland crossing less than 5000 sq. ft. They want the commission's thoughts on the original plan versus the second option with the crossing. Bob Forbes the engineer. Lisa Carrozza says the first plan could have indirect impacts on 4-5 vernal pools with people converting to lawns. Seems the better option would be the second plan with the wetland crossing. The crossing would have less ecological disturbance to the area. Took into account to some degree topography, grading and stormwater management. Likely equalizer pipes will be placed on the wetland crossing. Buffer zone impact on the second plan and intrudes into lots that about the vernal pools.*

**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.

Supreme Judicial Court decision upholding Conservation Commission's Enforcement Order for 138 West Main Street, Norton. (SJC-13058 - CONSERVATION COMMISSION OF NORTON vs. ROBERT PESA & another). The decision can be viewed here <https://www.mass.gov/files/documents/2021/08/31/s13058.pdf>

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

**REQUEST FOR PARTIAL/FULL CERTIFICATE OF COMPLIANCE**

**REVIEW DRAFT MINUTES**

**7-26-21**

*Continuances need explanation. Go back into the executive session minutes, explain why they were continued. List out what is expected from them for the next meeting if they are being continued. Table for the next meeting, need to be a discussion with conservation agent*

**7-26-21 Executive Session**



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

*Table for next meeting, need to be a discussion with conservation agent*

**8-16-21**

*Motion to approve minutes made by Lisa Carrozza, seconded by Kerry Malloy Snyder,*

*Roll call vote Eugene Blood abstained, was not present at this meeting so could not vote to approve minutes*

*Aye- Kerry Malloy Snyder, Julian Kadish Dan Doyle, Dan Pearson, Lisa Carrozza, Ron O'Reilly*

**8-30-21**

*Motion to approve minutes, made by Lisa Carrozza, seconded by Eugene, roll call vote*

*Aye- Lisa Carrozza, Ron O'Reilly, Eugene Blood, Dan Pearson, Dan Doyle, Julian Kadish*

*Kerry Malloy Snyder abstained was not present for this meeting so could not vote on minutes*

**NEW BUSINESS**

**OLD BUSINESS**

**BILL SUMMARY**

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

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

*Come to the end of the regular meeting, we will be closing the regular meeting and not returning.*

*Motion to close regular meeting made by Dan Pearson seconded by Ron O'Reilly*

*Aye: Ron O'Reilly, Dan Pearson , Kerry Malloy Snyder, Lisa Carrozza, Eugene Blood, Dan Doyle, Julian Kadish*

*Signing off to rejoin in executive session*

*Close 7:22pm*





**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

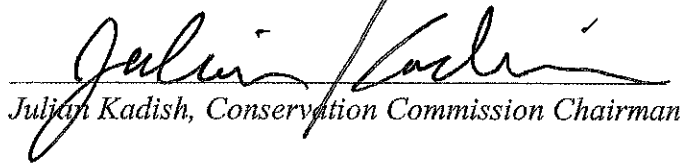
Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

Respectfully submitted by: Megan Harrop

Minutes approved by the Commission on 9-27-2021

Conservation Commission Signature:

  
Julian Kadish, Conservation Commission Chairman

Oct 1, 2021  
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:

- 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.)
- 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/89854186252?pwd=eUhxZlVSVFp6SDM5ZFdNS0h4cDMxQT09>

**Meeting ID:** 898 5418 6252 **Passcode:** 191245 **Phone:** 1-646-558-8656

- 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.



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

- 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.
- If, for some reason, neither option is working for you, you can email the Conservation Commission at [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com) to ask your questions. We will read your email address, name and comments into the public record.
- 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.
- 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.