



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: conservation@nortonmaus.com

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

RECEIVED
NORTON TOWN CLERK
2021 DEC -2 PM 1:55

Monday, November 8, 2021

6:30 pm

****Remote Participation Only****

Next Meetings:

11-22-21

12-13-21

01-10-22

01-24-22

<https://us02web.zoom.us/j/86587628275?pwd=Z283bVdHY2VYZlJQzNtQkFSS2pTQT09> When prompted, enter the **Meeting ID: 865 8762 8275, Password: 945933. 1-646-558-8656**

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

****Public Hearings and possible Commission deliberations will be taken in order of this Agenda****

6:30pm Open meeting

Members Present	<ul style="list-style-type: none">• Julian Kadish, Chairman• Kerry Malloy Snyder	<ul style="list-style-type: none">• Lisa Carrozza, Vice Chair• Daniel Pearson• Ronald O'Reilly
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Members Absent	<ul style="list-style-type: none">• Daniel Doyle, Jr.• Eugene Blood
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Other Representatives	<ul style="list-style-type: none"> • John Thomas, Conservation Agent • Megan Harrop, Conservation Secretary
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I. NEW PUBLIC HEARINGS

A. **(DEP#250-1087)-NOTICE OF INTENT-** 53 Clapp Street- Steve Hansen (Map 23, Parcel 165).
<https://tinyurl.com/53ClappSt>

Proposed project to build a single-family home with associated driveway, septic system and retaining wall all within 100 feet of Bordering vegetative wetlands.

Applicant/ Representative Present	Applicant -Steve Hansen Representative- Tim McGuire, Goddard Consulting
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Document list

- NOI application by Tim McGuire, Goddard Consulting
- Plans entitled, "Sewage Disposal Plan for No. 53 Clapp Street", prepared by Ralph Maloon, Professional Engineer. Received on 10/25/2021
- Orthophoto of the Locus site
- USGS of the Locus site
- Priority Habitat in Vicinity of Locus site
- National Flood Hazard Layer FIRMette
- Affidavit of service
- Certified Abutters List
- DEP Bordering Vegetated Wetland Delineation Field Data Form

Tim McGuire: On site resource areas consists of one BVW. Proposed work for construction of new single-family house within buffer zone. No work proposed in the towns 25ft no disturb policy. Proposed house, septic system and reserve leech field with retaining wall located on eastern side of the property. Posting fence to be put as a visual barrier to be put at limit of work,

outside the 25ft buffer zone. Conservation agent agreed with wetland line as shown on the plans. 100 ft buffer zone bisects the reserve leach field and septic, the house as a whole is completely within buffer zone, some Grading and parts of the driveway fall outside of the buffer zone, but everything else is with the commission's jurisdiction.

The agent originally had some concerns about contiguous wetland but Tim McGuire showed the agent, with soil samples on site proof that the wetland is not contiguous and doesn't meet the requirements of the wetland protection act. Agent has no additional input besides potential concerns for septic system with which should be addressed by the BOH. May be looking at doing a raised septic system. Grading and parts of driveway falls within buffer zone. Get the proper local and state permitting to do the project would be the only special condition that the agent would suggest.

Motion to close made by Lisa Carrozza	Seconded by Kerry Malloy Snyder Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Lisa Carrozza, Julian Kadish Motion Carries
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B. (DEP# 250-1088)–NOTICE OF INTENT- 142 East Main Street- Emerson Martins (Map 17, Parcel 62). <https://tinyurl.com/142EMain>

Proposed project to expand existing stockyard near bordering vegetative wetlands.

Applicant/ Representative Present	Representative - Craig C. Emerson Martins-Applicant
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Documents list

- *NOI application prepared by Craig Cygawnoski, Land Surveyor received on 10/25/2021*
- *Plans entitled, "Proposed Stockyard Expansion", prepared by Craig Cygawnoski received 10/25/2021*
- *Map 17, Parcel 62*
- *NOI filing fee check #124*
- *Affidavit of Service*
- *Notification to Abutters*

- Certified abutters list
- Certified mail receipt
- FIRMETTE map
- Topographic map

Martin owns the property as well as the property directly to the west. Looking to expand the area shown on the plan of an existing stockyard. Stockyard surrounded by stockade fence, is anywhere for 5 to 25ft from property line. Looking to expand 25ft behind existing fence. removing the existing fence, where you enter the property. Goddard has flagged the wet lands. At closest point of expansion 45ft from wetlands flags and the new fence would be a 48ft of wetlands. Clearing 4 trees out of the area. remove top soil and replace with gravel and crush stone mix. Entire site is gravel, no pavement on property. Replacing the existing core material that is behind the fencing area and would be used for the stockyard and replacing it with approximately 311 cubic yards of gravel. expansion area is just under 6000 sqft. They are calling for a landscape wall or what is behind the existing fence is a roll berm that is wrapped in filter fabric material but that can collapse over time. They want a berm that would keep the gravel from running off towards the wetlands area that would be graded towards the existing building at a slight slop at 2-3% about 10ft from edge of expanded area. Calling for stone line trenches that would contain 2 four-inch pvc pipes that would be perforated to allow water to drain in and filter through and infiltrate into existing parking lot. Once that is done the new stockade fence would be put at the end of the extension.

John conservation agent has no concerns regarding the delineation. The agent does have concerns about invasive species and historic debris. Prior to doing work the agent recommends the removal invasive species and debris before the expansion. Japanese knotweed and oriental bittersweet in area of concern. The agent suggested a scientist or someone who knows how to deal with invasives and hear how they would recommend they would remove them. The applicant plans to be working on the project as soon as possible and has agreed to remove the invasive species.

Lisa recommends perhaps adding as a condition that they submit the removal of the invasive species for review and approval before the start of work. Lisa asks what the landscape retaining wall consists of. The retaining wall will only be around 3ft tall, 1.5ft in height above surface and 1.5ft below the surface, will be constructed with the landscaping materials already on site. No DEP # has been issued yet. Need to continue and perhaps in next meeting the method of removing the invasive species can also be addressed at that time.

Motion to continue till 11/22 for lack of DEP # made by Lisa Carrozza	Seconded by: Daniel Pearson Roll Call Vote: Aye- Lisa Carrozza, Ronald O'Reilly, Kerry Malloy Snyder, Daniel Pearson, Julian Kadish
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C. (DEP# 250-1085) – NOTICE OF INTENT – Lot 2, 131 John Scott Blvd. – Megan Leroux

(Map 31, Parcel 26-03). <https://tinyurl.com/NOIJohnScottBlvd>

Proposed site improvements consist of clearing vegetation and creation of a yard within the Riverfront Area. This proposed project is associated with a single-family home.

Applicant/ Representative Present	Representative - Brad Holmes Applicant - Megan Leroux
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Document list

- *NOI application prepared by Brad Holmes, received on 10/25/2021*
- *Plans entitled, "Septic System Design and building layout plan of land", prepared by Joseph Webby, Land surveyor received 10/25/2021*
- *Map 31, Parcel 26-03*
- *USAGS site Locus Map*
- *FEMA Map*
- *NHESP Estimated and Priority Habitat Map*
- *DEP BVW Field Data Sheets*
- *Abutter's list*
- *Affidavit of service*
- *Notification to Abutters*

Site located at 131 John Scott Blvd; site contains serval wetland resource areas. Goose Brooke is located to the north of the site and with it come with it BVW, bordering land subject to flooding and 200ft river front area. Small IVW located at the south west corner of the site, no alteration proposed to that area, and no buffer one associated with that area. Wetland resource areas to thew north falling into the site. Project is proposed outside river front and other wetland resource areas and buffer zones. Proposed work small portion of work consisting of creation of yard within the outer river front area. And it is less than 10% of the river front area and complies with the river front regulations. Prior to start of work, install erosions controls, clear vegetation and clear vegetation loom as needed and seed with environmentally friendly lawn seed. No other proposed activities other than the yard. The Plans now include FEMA elevation as well to show flood zones.

Lisa looking for a visual barrier to prevent land owner from disturbing additional area than what is proposed. Agent agrees with putting a visual barrier, most likely with a split rail fence. Brad suggests conservation markers on posts; however, Lisa suggests the split rail fence as it is more permanent and less likely to be tampered with. A barrier that is not easy for vehicles to get through. Also recommended that a continuing condition be added to prevent future disturbance, such as storing lawn clippings near river front. The owner also said they were planning on putting up a fence either way so they can put it up on the lines if necessary.

Motion to close public hearing made by Lisa Carrozza	Seconded by: Daniel Pearson Roll Call Vote: Aye - Daniel Pearson, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder, Julian Kadish Motion carries
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II. CONTINUED PUBLIC HEARINGS

D. (DEP# 250-1084) – ANRAD – 0 Pine St. – Al Endriunas

(Map 23, Parcel 66 and 158 and Map 24, Parcel 95) <https://tinyurl.com/PINEANRAD>
 (Continuation requested – 10/18/2021)

The application requests verification of wetland resource areas.

Applicant/ Representative Present	None present
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Document list

- WPA Form 4A
- Flood Plain Designation
- Certified list of Abutters
- Affidavit of Service
- Soil Analysis
- Check for application fee
- Map names "Wetland Delineation Plan Pine Street" by Borderland Engineering Inc.

Applicant has asked for continuance till 11/22

Motion to continue to 11/22 made by Daniel Pearson	Seconded by: Lisa Carrozza Roll Call Vote: Aye - Daniel Pearson, Lisa Carrozza, Ronald O'Reilly, Kerry Malloy Snyder, Julian Kadish
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E. (DEP# 250-1086) – ANRAD – 0 West Main Street – Patrick Larkin

(Map 22, Parcels 2-1, 2-2 and 2-3). <https://tinyurl.com/WMain-ANRAD>
(Continuation requested – 10/18/2021)

The application requests verification of wetland resource areas.

Applicant/ Representative Present	None Present
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Document List

- Abutter's list
- Map "Plan of Land in Norton, MA" by Craig E. Cygawnoski
- WPA Form 4A

Per the conservation agent he has agreed that there is enough information to close the hearing. No comments made by commission.

Motion to close hearing made by Kerry Malloy Snyder	Seconded by: Daniel Pearson Roll Call Vote: Lisa Carrozza, Ronald O'Reilly, Kerry Malloy Snyder, Daniel Pearson, Julian Kadish Motion carries
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F. (DEP# 250-1082) – Notice of Intent – 0 Leonard Street – Jeffrey O'Neill

(Map 11 & 12, Parcel 25, 25-01, & 15). <https://tinyurl.com/LeonardStBlueStar2>.
(Continuation requested – 8/30/2021, 9/13/2021, 9/27/2021, 10/18/2021)

Proposed project is to build on site and extend previously approved public access road, within 100' of bordering vegetated wetland.

Applicant/ Representative Present	Representative - Brandon Carr
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****Lisa is recused****

Document List

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

The project is to extend the previously approved the road way as well as constructing two additional building 9 and 12 and parking lots. A few areas within the 100ft buffer throughout the area. No work within the 25ft no disturb zone. Peer review being done by Horsley- Whitten. No major changes came from peer review, just clarification of the storm water. Some comments made about outfalls, overflow and clarified some elevations. More detail given but no changes to the limit of work or overall density. Changes to the outfall design. No changes within 100ft buffer.

Agent is waiting on response from the other peer review consultant stating that the applicant is in compliance with the standards. Once that is received the commission can look into closing the public hearing. Until the comments are received the applicant asks for a continuation until 11/22/2021.

Motion to continue till the 11/22 meeting made by: Daniel Pearson	Seconded by: Kerry Malloy Snyder Roll Call Vote: Julian Kadish, Dan Pearson, Kerry Malloy Snyder, Ronald O'Reilly Abstained: Lisa Carrozza Motion carries
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G. (DEP# 250-1081) – ANRAD - 0 Barrows Street - DASUCO AZA Realty Trust

(Map 27, Parcel 125). <https://tinyurl.com/BarrowsANRAD>

(Continued from 8/30/2021, 9/13/2021, 9/27/2021, 10/18/21)

Request for review and confirmation of the greatest horizontal limit of jurisdictional Bordering Vegetated Wetland on the property.

Applicant/ Representative Present	Representative – Ron Strohsahl
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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
- NHESP Priority and Estimated Habitats of Rare Species
- Certified Abutter list
- Notification to abutters
- Affidavit of Service

Art Allen has peer reviewed this project, and reviewed the wetland line. Some adjustments have been made to the plan. Art requested that flags be added to a small area that contained vegetation, two flags were added on the E series. On the C series there were 15 flags added to the area where a small spring is located that flows down into the wetland area. FEMA line was added in the E series, which is associated with an intermittent stream. Upland D was flagged in a small portion on the property. Potential vernal pool was flagged with peer reviewer with limit. Some spotted salamander egg masses were observed near the potential vernal pool.

Lisa wants confirmation of the flood plain.

Agent suggested saying the FEMA flood area was based off information provided by MassGIS overlay. This plan wouldn't be confirming the flood plan and if there is proposed work in the future then there would have to be further investigation. This just approximates the flood plain.

Lisa wants Art Allen to look over the new plans and give his comments about the flood plain.

Because the new plans were given to the agent and Art Allen today 11/8/2021, the applicant requests a continuance of the hearing until the revised plans can be further reviewed.

Motion to continue till 11/22 made by Lisa Carrozza	Seconded by: Kerry Malloy Snyder Roll Call Vote: Daniel Pearson, Lisa Carrozza, Kerry Malloy Snyder, Ronald O'Reilly, Julian Kadish Motion carries
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H. (DEP# 250-1070) Notice of Intent - 0 Rear Eddy Street - Widak/Sher Corp. LTD

(Map 32, Parcel 31) <https://tinyurl.com/rearEDDYSherCorp>

(Continued from 1/25/2021, 2/8/2021, 3/8/2021, 3/22/2021, 4/12/2021, 5/10/2021, 6/14/2021, 7/26/21, 8/30/2021, 9/27/2021, 10/18/21)

The proposed project is to construct a common driveway with associated stormwater management, septic system, utilities, retaining walls and grading for 4 duplex units within 100 feet of bordering vegetated wetland.

Applicant/ Representative Present	Representative- Tim McGuire
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Applicant has asked for a continuance to 11/22

Motion to continue to 11/22 made by Daniel Pearson	Seconded by: Ronald O'Reilly Roll Call Vote: Aye- Ronald O'Reilly, Lisa Carrozza, Daniel Pearson, Kerry Malloy Snyder, Julian Kadish Motion carries
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III. REQUEST FOR PARTIAL/ CERTIFICATE OF COMPLIANCE

(DEP# 250-1025) - Request for COC- Lot 3 – Leonard South Subdivision

Jeffrey O'Neill c/o Condyne Capital Partners. (Map 11, Parcel 33, Portions of lots 32 and 35)

<https://tinyurl.com/Lot3Condyne>

Applicant/ Representative Present	Representative – Brandon Carr Applicant – Jeffrey O'Neill
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****Lisa recused****

Per agent project is in compliance with stipulations from original order of conditions. Agent recommends motion to issue Certificate of compliance.

Motion to issue certificate of Compliance made by Daniel Pearson	Seconded by: Ronald O'Reilly Roll Call Vote: Aye- Ronald O'Reilly, Kerry Malloy Snyder, Daniel Pearson, Julian Kadish Abstained: Lisa Carrozza Motion carries
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(DEP# 250-1028) - Request for COC- Lot 6 – Leonard South Subdivision

Jeffrey O'Neill c/o Condyne Capital Partners. (Map 11, Portion of parcel 32)
<https://tinyurl.com/Lot6Condyne>

Applicant/ Representative Present	Representative – Brandon Carr Applicant – Jeffrey O'Neill
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Lisa is recused

Agent says he is waiting on flood certificate and grassland management report.
Jeffrey O'Neil comments that the grassland management was submitted and that the elevation certificates are only needed for buildings. The agent asks the commission if they would be ok with proceeding to issue a certificate of compliance on the agreement that he will receive the necessary reports.

Motion to issue Certificate of compliance pending agent has proper documents made by Daniel Pearson	Seconded by: Ronald O'Reilly Roll Call Vote: Aye- Daniel Pearson, Kerry Malloy Snyder, Ronald O'Reilly, Julian Kadish Abstained: Lisa Carrozza
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IV. OPEN DISCUSSION ITEMS

54 Plain Street – Mitigation Plan – Goddard Consulting

Applicant/ Representative Present	Representative – Tim McGuire
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54 plain street- approved solar project that was already approved by conservation commission. This plan would be to revegetate the area with native shrubs and herbaceous layer and seed mix. This area had been cleared in error by a previous contractor. All in buffer zone and no impact to the wetlands.

Lisa is looking for an overall site plan, and a call out box for the plan to show the area that is affected clearer. The area of work is approximately 6,600 sqft.

Julian has some concerns about the number of trees shown on the plan. With the fact that there will be several types of large growing trees that would require more room than shown on the plan. Agent and commission advise cutting the number of large trees to be planted in half, in order to give each tree adequate room to grow and thrive. Decreasing the number of trees but leaving the number of plants that would be good for under growth and add more herbaceous plants to fill in. All plants will be hand planted.

Tim will come back to the commission to show a new plan with less tree, more herbaceous plants and show more of an overall site plan.

Plan monitoring for viability 2 yrs. standard

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

(DEP# 250-1085) – NOTICE OF INTENT – Lot 2, 131 John Scott Blvd. – Megan Leroux

Motion to issue order of conditions with changes as discussed made by Lisa Carrozza	Seconded by: Kerry Malloy Snyder Roll Call Vote: Aye- Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder, Daniel Pearson, Julian Kadish Motion carries
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Order of conditions will be amended with the condition "delineating the barrier, possibly with a split rail fence, will be at the limit of disturbance"

(DEP# 250-1086) – ANRAD – 0 West Main Street – Patrick Larkin

Motion to issue order of conditions with changes as discussed made by Lisa Carrozza	Seconded by: Daniel Pearson Roll Call Vote: Aye- Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder, Daniel Pearson, Julian Kadish Motion carries
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Changing number two in order of conditions from, "the commission scheduled two public hearings", to "the commission held two public hearings".

VI.REVIEW DRAFT MINUTES

- **9/27/2021**

Minor changes to be made

Motion to accept minutes 9/27/2021 as amended made by Daniel Pearson	Seconded by: Kerry Malloy Snyder Roll Call Vote: Aye- Ronald O'Reilly, Kerry Malloy Snyder, Daniel Pearson, Lisa Carrozza, Julian Kadish
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- **10/18/2021**

Need to review recorded meeting to correct typed meeting minutes. Continue till 11/22 meeting to apply revisions.

VII.NEW/OLD BUSINESS

- Site Inspections
 - *Agent has been trying to get a feel for the area and going out to sites and seeing if everyone is in compliance.*
- Reservoir Update
 - *EAP was done by Pear and they are in the process of completing that.*
- Chartley Pond Update
 - *Nothing to report on Chartley.*
- Barrowsville Dam
 - *Received a call from someone, in regards to this dam. Waiting to hear back from owner. A while back the owners of this damn tried to get the town to take ownership of the dam, and the town decline. They may be looking to see if someone wants to take owner ship of the damn, or perhaps breech it.*
- Report from Staff
 - *No comments from agent*
- Grants
 - *Agent has a few potential grants he will be trying to acquire. Needs to check deadlines for the grants. Will be working closely with planning board for joint grants.*
- 10/25 Town Meeting
 - *No comments from agent*

VII.BILL SUMMARY

10/18/2021-11/8/2021			
Name	Amount	Account number	Account name
McGregor & Legere, P.C.	\$ 1,568.00	242-171-100-5700	WPF - Island Brook Appeal
Chessia Consulting	\$ 1,170.00	242-171-100-5700	WPF - Island Brook Appeal
Comcast	\$ 118.44	001-171-570-5308	operation-maintenance of Conservation area
W.B. Mason	\$ 14.91	001-171-570-5420	Office supplies
Verizon Wireless	\$ 29.84	242-171-100-5700	Wetland Protection Fund

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

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

Motion to close at 8:30pm	Roll Call Vote: Aye- Ronald O'Reilly, Kerry Malloy Snyder, Daniel Pearson, Lisa Carrozza, Julian Kadish
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Respectfully submitted by: Megan Harrop

Minutes approved by the commission on: 11/22/2021


Conservation Commission Signature


Julian Kadish, Conservation Commission Chair

12/1/21
Date

X. 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:
3. <https://us02web.zoom.us/j/86587628275?pwd=Z283bVdHY2VYZlJQzNtQkFSS2pTQT09> .When prompted, enter the **Meeting ID: 865 8762 8275, Password: 945933**.
 - 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 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.
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.

