



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

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

RECEIVED
NORTON TOWN CLERK
2022 MAR 16 PM 2:16

Monday February 28, 2022

6:30 pm

****Remote Participation Only****

Next Meetings:

3-14-22

3-28-22

4-11-22

4-25-22

<https://us02web.zoom.us/j/85148694652?pwd=bFFDYUZiVlhtVlFVbVhWbVZleXFFZz09> When prompted, enter the **Meeting ID: 858 3051 9800, Passcode: 210325**. 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, Chair• Lisa Carrozza, Vice Chair• Daniel Pearson	<ul style="list-style-type: none">• Ronald O'Reilly• Tamah Vest
Members Absent	<ul style="list-style-type: none">• Kerry Malloy Snyder	
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. (DET#1119)- RDA- 0 West Main Street

(Map 21, Parcel 206) <https://tinyurl.com/0WestMainRDA>.

The project involves confirming the parcel is not subject to the riverfront area.

Applicant/ Representative	None Present
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Applicant has withdrawn application. Per John Thomas they withdrew because they haven't provided documentation in line with the Wetland Protection Act, on how to distinguish between a perennial or intermittent stream. They are withdrawing in hopes to refile at a later date once all the information has been gathered. Once they refile, they will have to renotify abutters.

B. (DET#1120)-RDA-172 West Main Street

(Map 22, Parcel 127) <https://tinyurl.com/172WestMain>

The project involves replacement of failed septic within Riverfront Area and resource buffer areas.

Applicant/ Representative	Representative: Davide Oberlander, BDO Engineering
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David Oberlander explains the proposed project is installing a new septic system at a two-bedroom residential residence. They are using a singular system which he compares to a treatment plant, saying the effluent that comes out of it is a lot cleaner and keeps the leaching area smaller, which was a necessity in this case. Lisa Carrozza brings up the concern of how the equipment will get on to the site, and any possible tracking that could happen. John Thomas explains that the access around the site is all paved and sediment controls will be set up all around the site to prevent runoff into the wetlands and stream. Lisa Carrozza reasserts that sediment controls are difficult to use on pavement and to be mindful of runoff possibly washing under the controls. Julian Kadish brings attention to the fact that the total project is within a Riverfront resource area. John Thomas mentions they are replacing an already existing septic system and the work being proposed is the furthest extent practicable from the resource areas based on the site location. Julian Kadish asks about a project time estimate between completion and stabilization. David estimates that if they wait a month or so to do the work, it should be fairly quick. Julian Kadish mentions that it should be a quick project if they can loam and seed it right away. Julian Kadish mentions if it takes a while to stabilize, they may have to keep the sedimentation controls in place until it is stabilized.

Motion to close made by Lisa Carrozza	Seconded by: Dan Pearson Aye: Dan Pearson, Tamah Vest, Ronald O'Reilly, Lisa Carrozza, Julian Kadish Motion Carries
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Motion to make a negative three determination made by Lisa Carrozza	Seconded by: Tamah Vest Aye: Dan Pearson, Tamah Vest, Ronald O'Reilly, Lisa Carrozza, Julian Kadish Motion Carries
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C. (DEP#250- XXXX)-NOI-295 West Main Street

(Map XX, Parcel XX) <https://tinyurl.com/295WestMain>

The proposed project includes resurfacing a pre-existing gravel driveway and gravel parking area.

Applicant/ Representative	Representative: Mark Mariano; Oak Hill Engineering Applicant: Paul Fournier; YMCA
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Mark Mariano speaks about rehabbing the existing gravel driveway and parking lot. Mark Mariano explains the main concern with the existing driveway is that it is surrounded by wetlands and it is also within the Riverfront. Currently there is sedimentation that rolls off the road and the maintenance required for the existing road causes disturbance. The proposal is to install two inches of bituminous pavement on the existing roadway and provide washed crushed stone shoulders on each side to catch runoff and filter it down the road. Also, there is intent to pave the travel path loop in the parking area. The compacted loam will be removed and replaced with crushed stone over separation fabric, which will help control vehicle weights, then topped. On the edge they have created certain areas to allow water to get into an infiltration basin. A small rain garden has been created to help with collecting water. Ground water in most areas is around 2ft, the current area is so compacted it doesn't allow any water drainage. On the site there is an existing tennis court that they plan to change into a playground with pervious surface. They cannot raise the grade to get drainage to work, the goal is to capture sheet flow and put it through the stone shoulders, also reducing the amount of sediment produced because of the bituminous top. The bituminous top versus the current surface is negligible as far as drainage capabilities. Lisa Carrozza asks if there is any intention of widening the opening to the parking lot. Mark Mariano says there are intentions to widen it to a 20ft wide opening, they will be working with MASSDOT on it. Lisa Carrozza also asks if the two-foot shoulder is wide enough. Mark Mariano states he is open to making it wider; the goal was to match the existing tree clearing. The sediment on the road way after the project would be minimal, especially because they don't salt or sand the roads in the winter. Lisa Carrozza mentions the flood zone elevation and Mark Mariano shows the elevation as 95. John Thomas suggests having the plans reflect the proper FEMA flood zone. Lisa Carrpzza states once the flood zone is on the plan, then it needs to be assessed as to whether the placement of crushed stone would constitute fill. It may mean that compensatory storage mitigation may be needed. It is explained to the commission



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that the contractor will be removing the surface and filling the surface to keep the same elevation of the current road surface. Lisa Carrozza asks Mark Mariano to make sure that they add details showing the same for the shoulders of the road, to show no increase of elevation on the plan. Julian Kadish asks if Stormwater management is required for this. John Thomas states that if they are claiming it as a redevelopment project then Stormwater is a requirement. Mark Mariano understands that he needs to provide a Stormwater report. Lisa Carrozza mentions that a transition is needed where they transition from pavement. Lisa Carrozza states she is concerned about a possible washout coming down the slope. Mark Mariano suggests an 8ft wide runoff pad with crushed stones and filter fabric to catch anything that could travel down. The existing culverts will be staying in place. The office is still waiting on a DEP number for this project, updated plans, and a Stormwater narrative.

Motion to continue to 3/14/2022 made by Dan Pearson	Seconded by: Lisa Carrozza Aye: Ronald O'Reilly, Tamah Vest, Dan Pearson, Lisa Carrozza, Julian Kadish Motion Carries
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D. (DEP#250-XXXX)-NOI-196 Mansfield Ave

(Map 9, Parcel 278-17 & 278-18) <https://tinyurl.com/196MansfieldAveNOI>

The proposed project includes the construction of a commercial warehouse, parking lots, and associated stormwater management systems within proximity to jurisdictional wetland resource areas.

Applicant/ Representative	Representatives: Scott Goddard, Goddard Consulting; Kevin Soli, Civil Engineer
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Kevin Soli explains that Scott Goddard went out on site and delineated the wetlands. He explains there are minimal wetlands on the site. He also explains that there is no flood zone on the property, no rare habitat on the property and no wellhead protection zone. The proposed work is the construction of a 100,000 sq ft flex industrial warehouse building, including 96 parking spaces, 20 loading docks, all while maintaining the 25ft no disturbance buffer around the whole site. Proposed loading activities and heavy vehicles would happen on the South side of the site. Stormwater management requirements have been taken into account in the site plans. There are catch basins with sumps and hooded outlets to provide maximum water treatment. Stormwater is collected and routed through hydrodynamic separators before being discharged to detention basins. An above ground detention basin on the North-East side of the proposed building will handle roof runoff and the majority of the impervious runoff. Additionally, an underground detention system is proposed to the South of the building, which will provide



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additional stormwater attenuation to make sure they are able to provide a reduction of runoff for all stormwater events. The stormwater will be running through treatment before discharging to the underground detention system. There will be additional water quality treatment before it gets discharged to the above ground basin. Both systems outlets are towards the North- East corner of the site, which is consistent with the current drainage patterns on the property; it flows to the existing wetland system to the North. The sediment control plan has been designed in two phases, the site clearing activities, and the proposed building construction. All the activities have been designed in accordance with the SEC manual provided by MassDEP. The proposed utility system is a full loop system all around the building. The landscape design packet includes planting around the building and the plants for the retention basin and buffer around the property. The proposed lighting plan shows they don't have any lights spilling over into wetland areas. They are still waiting on their DEP file number. The applicant plans to have a formal response letter to the peer reviewer prior to the next meeting. Julian Kadish asks if the plantings for the berm have enough room and if they will interfere with the function of the detention basin. Kevin Soli explains that the plants won't interfere and that there is enough room to accommodate the plants. Lisa Carrozza asks Kevin Soli to walk the commission through the grading plan and what is in conservation's jurisdiction. Kevin Soli explains they are about 5ft from the 25ft no disturbance area. Lisa Carrozza states the sediment controls should be on the grading plan, sheet 221. Lisa Carrozza asks for clarification on the plans for the temporary control provisions for stormwater management of the temporary basin with a temporary sediment trap. Specifically asking for clear directions to clean them out after construction and have it witnessed. It is mentioned that Pat Brennan from Armory Engineers is doing the peer review, and they are doing it based on the wetland protection act. Scott Goddard mentions that John Thomas did an informal review of the site and states that the boundaries were mutually agreed upon. Julian Kadish asks how much fill will need to be brought in on the site. Kevin Soli states that there will be fill in order for the elevations to be high enough, he says he thinks 6,000 yards of import is required to get to the full finished elevation.

Motion to continue hearing to the 3/14 meeting made by Dan Pearson	Seconded by: Ronald O'Reilly Aye: Lisa Carrozza, Ronald O'Reilly, Tamah Vest, Daniel Pearson, Julian Kadish Motion Carries
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II. CONTINUED PUBLIC HEARINGS

- A. (DEP# 250-1070) NOI - 0 Rear Eddy Street - Widak/Sher Corp. LTD
(Map 32, Parcel 31) <https://tinyurl.com/rearEDDYSherCorp>



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(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, 11/8/2021, 11/22/21, 12/13/2021, 1/10/22, 1/24/22, 2/14/2022)

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	None Present
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Applicant has requested a continuance till the 3/14 meeting.

Motion to continue to the 3/14 meeting made by Dan Pearson	Seconded by: Ronald O'Reilly Aye: Lisa Carrozza, Ronald O'Reilly, Tamah Vest, Daniel Pearson, Julian Kadish Motion Carries
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B. (DEP 250-1093)- NOI- 70 Oak Street

(Map21, Parcel 254-01) <https://tinyurl.com/70OAKSTREET-NOI>

The proposed project to construct a driveway and utilities to gain access to a proposed single-family home. (Continued from 2/14/2022)

Applicant/ Representative	Representative: Kenneth Thomson
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Ken Thomson explains they have been working with the property owner at 56 Oak Street, because they have an easement on the property. They need a signature from the owner of 56 Oak Street to be able to go out on the property. John Thomas explains his concerns that there is a possible vernal pool on the property that needs to be confirmed. John Thomas suggests it would be best to table the hearing until vernal pool season when it can be assessed. Ken Thomson also says they have increased the size of the mitigation area to accommodate more flood storage for the landowner. Ken Thomson asks when they should wait till. John Thomas states that the end of March would be best and if Ken Thomson doesn't find any evidence of the site having a vernal pool, John Thomas would still like to go out there for a supplemental visit.



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Motion to continue till the 3/28 meeting made by Dan Pearson	Seconded by: Ronald O'Reilly Aye: Lisa Carrozza, Ronald O'Reilly, Tamah Vest, Daniel Pearson, Julian Kadish Motion Carries
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**C. (DEP#250-1096)-ANRAD-93 Mansfield Ave, 0 Mansfield Ave, and 0 Reservoir
Street-Residential DeNovaes**

REQUESTED A CONTINUANCE UNTIL 3/28/2022

(Map 16,9,9, Parcel 66,225,223) <https://tinyurl.com/93MansfieldANRAD>.

The proposed project is to verify on site resource areas. (Continued from 2/14/22)

Applicant/ Representatives	None Present
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Applicant has requested a continuance till the 3/28 meeting.

Motion to continue till the 3/28 meeting made by Dan Pearson	Seconded by: Ronald O'Reilly Aye: Lisa Carrozza, Ronald O'Reilly, Tamah Vest, Daniel Pearson, Julian Kadish Motion Carries
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III. REQUEST FOR PARTIAL/ CERTIFICATE OF COMPLIANCE

A. (DEP#250-382)-Partial COC - 4 Keith Drive

*Request for compliance for work on a single lot associated with the Maple Commons
subdivision project.*

Applicant/ Representatives	None Present
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*John Thomas explained that he went out to the site and based on what was constructed
previously from the permit, within the jurisdiction of the conservation commission, everything
looks to be in compliance. The as-built received complies with what was done originally. The
tree house on site was not permitted by conservation but is not within the jurisdiction of the*



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conservation commission. John Thomas recommends that the commission issue a partial COC for this property. This DEP file is for a subdivision so the COC issued would only be partial.

Motion to issue Partial COC for DEP#250-382 4 Keith Drive made by Lisa Carrozza	Seconded by: Dan Pearson Aye: Lisa Carrozza, Ronald O'Reilly, Tamah Vest, Daniel Pearson, Julian Kadish Motion Carries
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B. (DEP#250-1044)-COC-20 Margaret Drive

Request for compliance for work associated with the construction of garage and driveway extension within riverfront and buffer zone.

Applicant/Representatives	None Present
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John Thomas explains this project was for a garage expansion and replanting mitigation area within proximity to the Wading River. John Thomas states based on what was originally proposed he has no issues. John Thomas recommends issuing a full certificate of compliance.

Motion to issue COC made by Lisa Carrozza	Seconded by: Dan Pearson Aye: Lisa Carrozza, Ronald O'Reilly, Tamah Vest, Daniel Pearson, Julian Kadish Motion Carries
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IV. SIGN AND ISSUE ORDER OF CONDITIONS/ORDER OF RESOURCE AREA DELINEATION

A. (DEP#250-1091)-NOI-64/66 West Main Street- Norton High School

(Map22, Parcel 98/90) <https://tinyurl.com/NortonHighschoolNOI>

Applicant/Representatives	Representative: Bree Sullivan, GALE Applicant: Joseph Baeta; Superintendent
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Julian Kadish speaks to the public and the commission stating that because there is no overwhelming data showing that the material that will be used is harmful, it comes as a personal choice whether people want to use that material. Julian states that he feels the public, through the public hearing process, has been fully informed and can draw their own conclusions in regards to the infill. He states he will not vote against the field because of a lack of evidence



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proving it is harmful. Lisa Carrozza makes comments on the order of conditions, the changes made clarify the conditions.

Motion to issue OOC as discussed made by Lisa Carrozza	Seconded by: Tamah Vest Aye: Lisa Carrozza, Ronald O'Reilly, Tamah Vest, Daniel Pearson, Julian Kadish Motion Carries
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B. (DEP 250-1094)- NOI -Norton/Mansfield Rail Trail – Norton

(Map 4,4,4,4,4,10,18, & 24, Parcel 311,141,137-01,139-02,140,522,191, & 8)

<https://tinyurl.com/RailTrailNOI>

Applicant/Representatives	Representative: Jonathan Niro, Beta Group; Matthew Shute, Beta Group
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Lisa Carrozza speaks to some of the drafted conditions. John Thomas states he has updated some of the conditions based off of talks with the applicant he asks if the commission finds the changes acceptable. Lisa Carrozza asks if we are allowing work during the vernal pool season which was not previously discussed with the commission. John Thomas says based on communication with the applicant they explained they may need to do work during that time. Lisa Carrozza expresses her concern for the surrounding habitat of the vernal pools and the species that rely on the area. John Thomas speaks to the fact the work is going to be done within the area of the vernal pools and its best to try and condition it to ensure minimal disturbance. Lisa Carrozza points out that the project is linear and there should be other places where the applicant can work at least until after the vernal pool season. Lisa Carrozza suggests that condition 2 be changed to request that the contractor must provide us a schedule to try to avoid vernal pool areas during vernal pool season. It is discussed that the normal breeding cycle of vernal pool species is March to May, and it is important to try and avoid any disturbances during that critical time. Lisa Carrozza mentions that she thinks that it is important to have the contractors avoid being active near those pools. John Thomas mentions that's the end goal but it is not realistic for this project to completely avoid the area. Lisa Carrozza states that with the linear project they can construct in other locations during the vernal pool season in order to preserve the habitat. John Thomas also mentions that whether they can work around the vernal pool habitats is based on where the pools are located and their dispersal. Jonathan Niro states there are a number of certified vernal pools within the length of the project. Jonathan Niro also states that the majority of the vernal pools are located outside of the right of way, within the footprint of the work being performed. Jonathan Niro states the proposed condition might



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create construction scheduling issues. Lisa Carrozza states that the contractor will have to work with the commission and provide a schedule. Julian Kadish mentions that it may be too idealistic of a condition to prevent the contractor from working during certain times. Lisa Carrozza states the schedule would just be a footprint for John Thomas to use when he is on site, so he can go out during peak vernal pool times and monitor them. Lisa Carrozza also poses the question whether there will be an environmental monitor for the project or not. John Thomas changes the condition for the contractor to provide a project schedule. Matt Shute asks that the commission provide a specific distance when referencing proximity. Julian offers up the distance of 25ft which is Norton's no disturbance distance. John Thomas makes the suggestion of using proximity within 100ft of the certified vernal pool areas. John Thomas gets confirmation that the other conditions he had adjusted are ok with the commission. Julian Kadish gets clarification that these conditions are only in effect within conservation jurisdiction and not for the whole of the project. John Thomas brings up snow storage on site, and Matt Shute states that as of right now there are no plans to remove snow from the site. It is also stated that the Town of Norton is going to be maintaining the rail trail corridor and it will be in their best interest to prevent the spread and dispersal of exotic and invasive species.

Motion to issue OOC as discussed made by Lisa Carrozza	Seconded by: Ronald O'Reilly Aye: Lisa Carrozza, Ronald O'Reilly, Tamah Vest, Daniel Pearson, Julian Kadish Motion Carries
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V. REVIEW DRAFT MINUTES

- 2/14/2022

Motion to accept minutes as correct made by Daniel Pearson	Seconded by: Ronald O'Reilly Aye: Ronald O'Reilly, Tamah Vest, Daniel Pearson, Julian Kadish Abstained: Lisa Carrozza Motion Carries
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VI. UPCOMING NEW/OLD BUSINESS

Project Specific

- Island Brook Submitted Materials
Still waiting on information from DEP; Conservation cannot move forward until they receive comments from DEP.
- 162 West Main Street Discussion – Executive Session – March 2, 2022



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Executive session with Select Board on March 2, 2022 unsure of what time that will be at the moment. The Executive session on the agenda for tonight cannot happen due to open meeting law requirements.

- 54 Plain Street- AOOC- DEP# 250-1037

Will be coming in with a formal amended OOC request for the next meeting.

Conservation Events/Items

- Earth Day Event – Edith Read

The Conservation Commission in conjunction with the Select board will be hosting a Cookout and Scavenger hunt at Edith Read. The Select Board will be hosting the Town of Norton Clean up that day until about noon then people can meet at Camp Edith Read for a cookout and scavenger hunt. The Conservation Commission would like to have their own executive session at some point.

- In-Person Meetings and Scheduling – Zoom extended until July 2022

Zoom meetings have been extended until July by the Governor. When the conservation commission has to go back in person a potential meeting place would be the Norton Library. The commission expressed an interest in continuing virtual meetings for as long as possible, for the convenience of everyone.

Executive session

An Executive session for the conservation commission did not happen due to open meeting law requirements.

VII. BILL SUMMARY

Fiscal Year 2023 Requests



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2/14/2022- 2/28/2022			
Name	Amount	Account number	Account name
W.B. Mason	\$ 13.25	001-171-570-5420	Office supplies
W.B. Mason	\$ 19.69	001-171-570-5420	Office supplies
Horsley Witten	\$ 2,950.00	243-171-100-5700	Outside Consulting Fee
National Grid	\$ 24.38	001-171-570-5308	Maintenance of Conservation Areas
Sun Chronicle	\$ 133.40	242-171-100-5700	Wetland Protection Fund
W.B. Mason	\$ 8.75	001-171-570-5420	Office supplies
Chessia Consulting	\$ 67.50	242-171-100-5700	WPF - Island Brook Appeal
McGregor & Legere, P.C.	\$ 330.75	242-171-100-5701	WPF - Island Brook Appeal

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

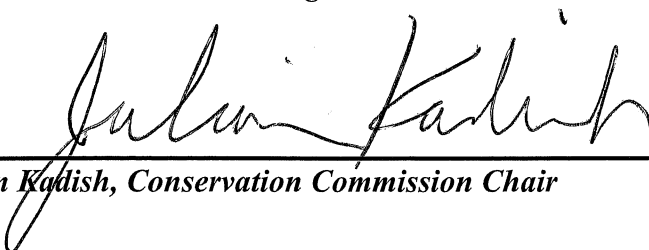
IX. OPEN SESSION (TOPICS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE)

Meeting closed at 8:33pm

Respectfully submitted by: Megan Harrop

Minutes approved by the commission on: 3/14/2022

Conservation Commission Signature


Julian Kadish, Conservation Commission Chair

3/16/22
Date



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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/85148694652?pwd=bFFDYUZiVIhtVlFVbVhwSVZJeXFFZz09> When prompted, enter the **Meeting ID: 858 3051 9800, Passcode: 210325.** 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.
 - 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.