



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

2022 MAY 31 AM 8:50

Next Meetings:

5-23-22
6-13-22
6-27-22
7-11-22

Monday May 9, 2022

6:30 pm

****Remote Participation Only****

<https://us02web.zoom.us/j/82558417151?pwd=QjhKeS80TUxPTU9HOTA4dTNVdDJrUT09> When prompted, enter the **Meeting ID: 825 5841 7151** **Passcode: 767012. 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• Marc Fernandes
Members Absent	<ul style="list-style-type: none">• Kerry Malloy Snyder	



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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 BUSINESS

- Island Brook – DEP#250-983 – Discussion & Deliberation

Applicant/ Representative	Representative: Mark Arnold; Goddard Consulting Council for Conservation Commission: Nathaniel Stevens
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A brief history of the project is given. It is explained that the project was for a subdivision of 56 homes that was denied by the conservation commission due, primarily to stormwater concerns. After the denial the applicant filed a superseding order of conditions request with MassDEP. MassDEP denied the project but the applicant then applied to adjudicatory hearing and since then a peer reviewer Chessia, MassDEP and the applicant have been in discussions. Based on MassDEP's review, which included some significant changes, specifically the reduction of houses, new plans have been developed. Mark Arnold shows the plans and the changes to the commission. Mark explains there was a reduction from 56 lots to 52 lots. The reduction of lots came as part of the project revisions with setbacks that also take into account onsite vernal pools, both potential and certified. Due to the reductions, there were revisions to the limit of work behind lots 14 to 17. Additionally, lots 6, 7, 11, 12, 16, and 17 no longer have work in the 25ft no disturb zone. As part of the process, there was an existing culvert which was restricting the wetland system along East Main Street, discussions were had about the best way to improve the culvert and whether the improvements impact the wetlands because the crossing would be made larger. Those possible improvement calculations were submitted to MassDEP and Chessia to decide whether those improvements would constitute a significant change. The existing 30 inch culvert will now be 3 ½ ft tall by 12ft wide box culvert, the skylights that were originally proposed are going to be removed because it now meets stream crossing standards and there is now enough light to pass through the structure itself. The original stream restoration proposed down gradient of the front entrance roadway is still in place. The water quality swale was moved from the east side to the west side of the road way and that was done to maintain hydrology. The wetland line was reviewed along with the vernal pool flagging, it was reviewed by MassDEP. There was a reduction in wetland impacts from 790sqft down to 170sqft of permanent impacts. Basin one and two also have a reduction in work. Basin, one has tightened work where basically all work is no longer done within 100ft of a vernal pool. Basin two has work tightened up to maintain 100ft of setback from the certified vernal pool. Other basins have been reconfigured, in the changing of grade in response to some comments made by MassDEP. This is to make sure



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discharges and volumes are being maintained. There were some minor roadway elevation changes that did occur and there was additional work to pull back from an isolated wetland, so it is no longer impacted. In a separate location there is still impact to a different isolated wetland and that is being made clear by MassDEP and the purpose of all the presented updates is to be able to compile the information to prepare an Order of Conditions. There was an update to the riverfront area invasive species management operation plan, which was put together with Natural Heritage, which has endangered species freshwater mussels mapped within the Rumford River. Part of the work is improving the riverfront in the area of the actual endangered species and that has been updated to reflect the current site plans, which has been reviewed by Natural Heritage. The applicant has provided revisions to MassDEP and Chessia and they believe that they have provided adequate revisions for them to be able to sign off on the project. The purpose of this presentation is to keep the commission apprised of the case and give the commission an opportunity to provide comments on the revisions to MassDEP before the final Order of Conditions is issued. Nathaniel Stevens speaks to the fact that the commission is waiting for MassDEP to issue a draft of the final Order of Conditions, for them to review. Nathaniel says the commission would include a condition that would keep things as far away as possible from the 25ft no disturb zone. He says that MassDEP and the applicant both seem willing to accommodate the local requirement of maintaining a 25ft no disturbance zone. Nathaniel estimates that within the next few weeks or month the commission should be receiving the drafted Order of Conditions to review. Lisa Carrozza asks that they be given time to review plans. Lisa has some questions about the plans. Firstly, Lisa asks whether the invasive species plan is just a narrative or if it includes site plans. Mark explains there is a written narrative along with a plan as to what will happen with the plantings. Lisa comments that though it is explained that most places were taken out of the 25ft no disturb area, there seems to be some grading within the 25ft no disturbance. Mark explains there are certain areas where it is impossible to pull back from the 25ft no disturb zone because it would hinder access to do so. Lisa comments on a specific area within the 25ft no disturbance and asks if the construction of a wall has been considered in this area to eliminate work in the 25ft no disturbance zone. Julian Kadish comments that the plans seem to be, in general, an improvement based on the original proposed plans. It is mentioned the commission has no vote on this matter at this time, this is just a discussion between the representative and the commission.

- Vote on signer for Executive Session when Chair and Vice Chair are not present



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Motion to have Daniel Pearson be the signer of minutes when the Chair and Vice Chair are not present made by Daniel Pearson	Seconded: Lisa Carrozza Aye: Daniel Pearson, Tamah Vest, Lisa Carrozza, Ronald O'Reilly, Marc Fernandes, and Julian Kadish
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II. NEW PUBLIC HEARINGS

A. (DEP# 250-1102) ANRAD - 0 S. Washington Street

(Map 25, Parcel 9) <https://tinyurl.com/OSWashingtonANRAD>

The proposed project is to verify on site resource areas.

Applicant/ Representative	Representative: Roy Messier; ES&M
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***Lisa Carrozza recuses for DEP#250-1102. ***

Roy Messier goes over the plans given to the commission. He explains the property owner is looking to have John Thomas and the commission review and confirm the flagging boundary. John Thomas states he has looked over the site and the delineation seemed conservative and he did not have any issue with the delineation. Julian Kadish mentions that the development that is looking to be placed on the property is mentioned on the site plans, which shows that the commission should be expecting a notice of intent at some point in the future. John mentions that the land owner and applicant are aware that any clearing without a permit may trigger the need for a stormwater permit. He explains that the applicant may come back if they feel the project will involve work within the buffer zone. Julian also comments that the clearing of the area also includes clearing in upland areas outside the buffer, which John affirms. John Thomas mentions he has generated a draft order for the commissions review.

Motion to close DEP#250-1102 made by Daniel Pearson	Seconded by: Ronald O'Reilly Aye: Daniel Pearson, Ronald O'Reilly, Tamah Vest, Marc Fernandes, and Julian Kadish Abstained: Lisa Carrozza Motion carries
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B. (DET# 1121) RDA-127 S. Worcester

(Map 27, Parcel 14) <https://tinyurl.com/DET1121>

The proposed project is to replace failing septic system within buffer zone.

Applicant/ Representative	Representative: Peter Lavoie; Landmark Site Design Applicant: Mark Mason
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Lisa Carrozza returns

Peter Lavoie explains the notice of intent and what it entails. Peter explains that there is an existing 3-bedroom house that flows into a cesspool in the backyard, which has failed. They are proposing a presby system in the front yard which is outside the 100ft buffer. The issue is the septic tank was supposed to be in the front but due to the electric panel in the corner they couldn't move the sewer from the back to the front, so the septic tank had to go in the back yard and come around the house, to the new leaching field. The septic is roughly 80ft from the wetlands, there are wattles in the backyard for some minor grading in the backyard. Julian Kadish asks if this is a pumped system. Roy explains it is a gravity system and because of the presby it can be closer to ground water, they have the ability to take the invert in the back and direct it to the front. Julian asks what the two solid lines on the plan are. Roy explains that in a presby design they need a high vent and a low vent, one line is for liquid going into the D-box and one line is a vent line that goes back to the septic tank that attaches to the vent in the house. The high vent in the house has a high vent and a low vent in the front yard. Roy explains there is only one liquid line leaving the tank. Julian asks about the liquid line having a sleeve. Roy explains that there are 10ft on both sides where the septic line crosses the water line, he needs to enclose that with a sleeve so no effluent can get to the water line. Julian comments that the driveway appears to have a mound on it and would ask if it would affect the driveway. Roy explains the driveway is going to be relocated and would not go over the field. Roy explains there is a small minor hump but it is not dramatic. Julian asks John Thomas if he feels the commission has enough information to close. John comments that there is enough information at the discretion of the commission.

Motion to close public hearing made by Lisa Carrozza	Seconded by: Daniel Pearson Aye: Daniel Pearson, Ronald O'Reilly, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza Motion carries
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Motion to issue a negative three determination made by Lisa Carrozza	Seconded by: Marc Fernandes Aye: Daniel Pearson, Ronald O'Reilly, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza Motion carries
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C. (DET# 1122) RDA- 40 Howard Street-Wheaton College

(Map 17, Parcel 14-02) <https://tinyurl.com/DET1122>

The proposed project is to install drainage pipe that will tie into an existing catch basin within 100ft of the wetlands.

Applicant/ Representative	Representative: Alex Horgan; Polar Engineering
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Alex Horgan explains the project. The project involves minor drainage improvements on the Wheaton College Campus, near Gebbie Hall. The overall plan proposed is to install additional drainage pipes to help with some flooding issues. There is an existing pump station that these pipes will be tied into that will help outfall water in larger storm events, and drain down to the existing wetlands. There is an existing catch basin roughly inside the 100ft buffer zone that will be tied into with the proposed pipe. There will be no grading changes within the buffer zone and no proposed structure and the drainage pattern will remain the same as they do with the existing conditions. The project itself has grading changes outside the buffer zone. In the buffer zone they will be using minimal erosion control devices for proposed work, as well as inlet protection. Lisa Carrozza asks with the project what they are trying to alleviate the flooding from? Alex explains that there is an existing pump station near Gebbie Hall and in that area there are some ponding issues at the station and up towards the building. Alex explains they regrade slightly away from the building. Lisa asks if it is flooding both the lawn and the parking. Alex explains the main flooding issue is happening on the lawn. Lisa asks if there are any existing stormwater quality features near the pump station. Alex explains she is not sure at the moment and would need to look into it. Lisa asks what is being collected at the pump station and whether it is campus wide. Alex explains she isn't sure the full extent of what exactly the pump station collects. Zach Richards chimes in that he is the project manager for this proposed plan, he explains the area there is a small catch basin structure/ trench drain near the grassed area. He explains the ponding is due to a mixture of roof runoff, and some paved area runoff and collects on the lawn during large storm events, because there is nowhere for the water to overflow. It overflows also due to the grading in the area and the size of the pump in the area during extreme storm events.



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He explains he doesn't believe there is any water quality treatment in the area and they can add a hood on the outlet pipe as an extra measure for treatment. Where they are tied in the existing catch basin has a hood as well. Lisa Carrozza states that it doesn't seem that it is a significant pollutant generating flow.

Motion to close made by Lisa Carrozza	Seconded by: Daniel Pearson Aye: Daniel Pearson, Ronald O'Reilly, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza Motion carries
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Motion to issue a negative determination made by Lisa Carrozza	Seconded by: Marc Fernandes Aye: Daniel Pearson, Ronald O'Reilly, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza Motion carries
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III. CONTINUED PUBLIC HEARINGS

A. (DEP# 250-1070) Notice of Intent - 0 Rear Eddy Street - Widak/Sher Corp. LTD REQUESTED A CONTINUANCE TO JUNE 13th

(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, 11/8/2021, 11/22/21, 12/13/2021, 1/10/22, 1/24/22, 2/14/2022, 2/28/22, 3/14/2022, 3/28/22, 4/11/2022, 4/25/2022)

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 until June 13th, 2022.

Motion to continue until June 13th made by Daniel Pearson	Seconded by: Ronald O'Reilly Aye: Daniel Pearson, Ronald O'Reilly, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza Motion carries
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B. (DEP 250-1093) – NOI – 70 Oak Street

NO NEW MATERIAL RECEIVED

(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 2/14/22, 2/28/2022, 3/14/2022, 3/28/2022, 4/5/2022, 4/25/2022)

Applicant/ Representative	No Representative Present
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Applicant has requested a continuance until June 13th

Motion to continue until June 13th made by Lisa Carrozza	Seconded by: Daniel Pearson Aye: Daniel Pearson, Ronald O'Reilly, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza Motion carries
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C. (DEP#250-1096)-ANRAD-93 Mansfield Ave, 0 Mansfield Ave, and 0 Reservoir Street-Residential DeNovaes

NEW MATERIAL RECEIVED MAY 3, 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, 2/28/2022, 3/14/2022, 3/28/2022, 4/5/2022, 4/25/2022)

Applicant/ Representative	Representative: Cameron Campbell; DeCelle-Burke-Sala & Associates
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Cameron Campbell goes over the site plans. Cameron mentions that John Thomas during a site visit pointed out a new isolated area. Cameron explains some flags have been revised by John Thomas, the specific flags were located on 93 Mansfield. John had them move flags 54-61 and had them moved in. Cameron mentions that an isolated area on the property was investigated to determine if it fell under a jurisdictional area for the Town of Norton or for MassDEP. Cameron states that the isolated area in question was calculated to have an area 5,348 sq ft and it needs an average of 2ft of water to determine that the area is a jurisdictional ILSF. The lowest elevation in the isolated area is 110.28 and at 112.7 is when it stops holding water. Cameron states that the isolated pocket 4,474 cubic feet of water which is below the 10,890 cubic feet of water which makes it non-jurisdictional under DEP standards. Cameron



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does mention that the isolated area is still considered a potential vernal pool. John Thomas speaks to the spot elevations taken, and explains that there don't seem to be enough spot elevations shown that would accurately contour the ILSF. John comments that when it comes to the ILSF calculations the additional contours within the pool need to be documented as proof that a surveyor went out and inspected the area. John states he has no reservations about ILSF but he did find vernal pool species, specifically salamander egg masses which will trigger Natural Heritage. John recommends that it is investigated as to whether it is or is not a vernal pool. Cameron comments that they understand that the calculations only prove whether or not the area is ILSF and that it still has the potential to be a vernal pool. John says that under Natural Heritage it appears to be a certifiable vernal pool. Lisa Carrozza states that it doesn't appear that the applicant can prove that it isn't a certifiable vernal pool so it may be best for the commission to ask for it to be shown on the plans as a certifiable vernal pool. John Thomas makes the statement that the Army Corp of Engineers will have interest in this project based on the findings. Lisa agrees with John Thomas that there needs to be more spot shot elevations mapped out on the plans to prove the area is not ILSF. John Thomas comments that other potential vernal pools onsite are mostly dried up and show no signs of egg masses in that location. John Thomas recommends to the commission that the plan be updated with more spot shots to truly prove that area is not ILSF, to prove it is not a locally or state protected resource area. John also mentions it might be helpful to put in an order of conditions that the Army Corp of Engineers and other presiding agencies may need to get involved if the applicant does work within 100ft of the vernal pool. Lisa also comments that the potential vernal pool is also protected under DEP's water quality certification regulation under antidegradation provisions.

Motion to continue until the May 23rd meeting made by Lisa Carrozza	Seconded by: Daniel Pearson Aye: Daniel Pearson, Ronald O'Reilly, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza Motion carries
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D. (DEP#250-1101) NOI-173 S. Worcester Street

NO NEW MATERIAL RECEIVED

(Map27, Parcel 194-0) <https://tinyurl.com/173SWorcester>

The proposed project involves the construction of an addition conjoining the existing residence and garage within 100 feet of a wetland resource area. (Continued from 4/11/2022, 4/25/2022)

Applicant/ Representative	Representative: Robert Marini; NATIVetec
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Robert Marini speaks to the changes to the plan based on the commission's comments. Robert explains the shed on the property is in poor condition so it is proposed now to be removed with sedimentation controls. He explains the area that contains the shed, once it is removed will be loamed and seeded and



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been scaled down. Robert also mentions he added contour numbers onto the plans. The contours angle down to promote drainage to the gravel driveway and then to the drainage trench. Robert explains the septic system will not be changed. It is also mentioned any disturbance will also be loomed and seeded with hydro-seed. Lisa Carrozza asks Robert to add a note to the plan that explains to any contractor who works the project, that all disturbed areas be hydro-seeded. John also agrees to add that information as a condition.

Motion to close made by Lisa Carrozza	Seconded by: Daniel Pearson Aye: Daniel Pearson, Ronald O'Reilly, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza Motion carries
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IV. REQUEST FOR PARTIAL/ CERTIFICATE OF COMPLIANCE

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

A. (DEP#250-1099) ANRAD- 68 Leonard Street

(Map 11, Parcel 24) <https://tinyurl.com/68LeonardStANRAD>

The proposed project is to verify on site resource areas. (Continued from 4/11/2022)

The commission had some minor grammatical changes to the drafted ORAD.

Motion to issue ORAD as discussed made by Lisa Carrozza	Seconded by: Marc Fernandes Aye: Daniel Pearson, Ronald O'Reilly, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza Motion carries
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VI. REVIEW DRAFT MINUTES

- **3/10/2022 executive session**

No quorum, continued until 5/23/2022



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- **4/5/2022 executive session**

No quorum, continued until 5/23/2022

- **4/11/2022**

Motion to accept 4/11/2022 minutes as drafted made by Lisa Carrozza	Seconded by: Tamah Vest Aye: Daniel Pearson, Ronald O'Reilly, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza Motion carries
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- **4/25/2022**

Motion to accept 4/11/2022 minutes as drafted made by Lisa Carrozza	Seconded by: Tamah Vest Aye: Daniel Pearson, Ronald O'Reilly, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza Motion carries
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VI. NEW/OLD BUSINESS

- Site Inspections
- Report from Staff

VII. BILL SUMMARY

Name	Amount	Account number	Account name
Comcast	\$ 168.44	001-171-570-5308	Maintenance of Conservation Areas
W.B. Mason	\$ 40.28	001-171-570-5421	Office supplies
W.B. Mason	\$ 0.92	001-171-570-5421	Office supplies
MACC	\$ 15.00	001-171-570-5716	operating - educational
John Thomas; Mileage Reimbursement	\$ 93.60	242-171-100-5700	Wetland Protection Fund
John Thomas; Reimbursement; Earth Day supplies	\$ 17.98	001-171-613-6087-21-08	Edith Read Improvement Fund
Megan Harrop; Reimbursement; Earth Day Supplies	\$ 68.98	001-171-613-6087-21-08	Edith Read Improvement Fund



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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)

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:

<https://us02web.zoom.us/j/82558417151?pwd=QjhKeS80TUxPTU9HOTA4dTNVdDJrUT09> When prompted, enter the **Meeting ID: 825 5841 7151 Passcode: 767012. 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.
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.



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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.

Respectfully submitted by: *Megan Harrop*

Minutes approved by the commission on: *5/23/2022*

Conservation Commission Signature: