



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 AUG 31 AM 9:08

Monday August 8, 2022

6:30 pm

****Remote Participation Only****

Next Meetings:

8-22-22

9-12-22

9-26-22

10-17-22

<https://us02web.zoom.us/j/83766115834?pwd=c04zODR4c1N3bkROR1U5SjEwWGhldz09> When prompted, enter the **Meeting ID: 837 6611 5834** **Passcode: 029107. 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• Tamah Vest	<ul style="list-style-type: none">• Marc Fernandes• Ronald O'Reilly• 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 PUBLIC HEARINGS

II. CONTINUED PUBLIC HEARINGS

- A. (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, 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, 5/9/2022, 5/23/2022, 6/13/2022, 6/27/2022, 7/11/2022, 7/25/2022)

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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The applicant has requested a continuance to the next meeting. Lisa Carrozza asks that the applicant be requested to attend the next meeting to provide an update on the project status. Julian Kadish also mentions the potential issue of having a quorum because of how long the project has been continued. It is agreed to request the applicant attendance at the 8/22/2022 meeting.

Motion to continue public hearing to 8/22 made by Lisa Carrozza	Seconded by: Kerry Malloy Snyder Aye: Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder Motion carries
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- B. (DEP 250-1093) – NOI – 70 Oak Street**
Requested a continuance to September 26th
(Map21, Parcel 254-01) <https://tinyurl.com/70OAKSTREET-NOI>



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The proposed project to construct a driveway and utilities to gain access to a proposed single-family home. (Continued from 2/14/2022, 2/28/22,3/14/2022,3/28/22, 4/11/2022,4/25/2022,5/9/2022,5/23/2022, 6/13/2022, 6/27/2022, 7/11/2022, 7/25/2022)

Applicant/ Representative	None Present
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Applicant asked for a continuance until September 26th.

Motion to continue to 9/26/2022 made by Ronald O'Reilly	Seconded by: Daniel Pearson Aye: Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder Motion carries
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C. (250-1108) NOI-0 Hill Street

(Map24, Parcel 62-02) <https://tinyurl.com/OHillStreetNOI>

The proposed plan is to construct a single story 9,900 square foot machine and fabricating facility with associated parking, drainage, and utility infrastructure within buffer zone. (Continued from 7/25/2022).

Applicant/ Representative	Representative: Michael Dryden; Allen Engineering Applicant: Joseph Kessler
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Michael Dryden explains that revisions have already been made to the original application. Michael presents the original plans to the commission to give them a sense of the revisions that have been made to the plans. Michael does mention the building program has not been changed at all based on the original plans. Michael explains that the building is planned to be constructed in two phases firstly, 7400 sq ft and the secondly at 2500 sq ft. On site there will be 13 Parking spaces, 11 in the front and 2 in the back. Michael mentions that water and power service is readily available but there is no sewer access to this site. Michael mentions that some of the original plans showed basins within 100ft of a vernal pool, which has been revised. Michael brings up the revised plans and mentions the size of the building and the building program has not



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changed on the revised plans. Michael mentions that he got rid of the open basin, removed the subsurface basin, put it under the parking lot and added a second infiltration system. The new plans show there are no longer any stormwater BMPS located within 100ft of the vernal pool. Michael explains that the stormwater management system is designed in accordance with the local conservation regulations. Michael also mentions that the drainage system will be fully peer reviewed. It is also pointed out that they comply with the 25ft no disturbance zone and the closest the work gets to the BVW is 58ft. It is also mentioned that DEP has not supplied any comments about this project at this time. John Thomas comments that John Chessia will be peer reviewing this project for stormwater, with the hope to have comments available in time for the next meeting. Lisa Carrozza comments that the GC BVW series at the top of the plans seems to be cut off and that in any potential order of conditions it should be noted that the 100 series in the corner has not been confirmed. John Thomas mentions that Michael can take that off the plan for the next rendition and write language in a potential order consistent with the flags shown on the plan. Lisa asks if the vernal pools should be labeled with their individual certified vernal pool number. John mentions that if they have numbers, they should be labeled but that Natural Heritage is a bit backed up at this time and these vernal pools may not have received their numbers yet. Lisa asks that the consultant put the numbers on the plan once they are available. Lisa also asks if they will have to do any additional test pits due to the changes made to the plans. Michael confirms that Lisa is correct and that new test pits will be required. Michael asks that if the commission is amendable that it be conditioned that they can do the testing during the time of construction. It is also mentioned that system one in the front is almost 4ft above ground water, and system two in the back is 3ft above ground water. Lisa brings up that this project will be constructed in two phases, and asks how phase two will be left after phase one is complete. Michael mentions that they will probably install a temporary bituminous curb and then it will be left as grass. Lisa comments that it should be put on the plan so that the contractor knows how to leave the site. John asks if the commission would like to request contracting plans. Lisa comments that it isn't needed as long as it is mentioned on the plan set. Lisa also asked if there will be any outdoor storage or any activities taking place outside. Michael mentions that it is his understanding that everything will be taking place inside the building and that there will be no outside storage. The applicant Joseph Kessler confirms that there will be no



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outside storage. Lisa comments that the Natural Heritage mapping is dated as July 7th, 2022 and instead it should have been dated as the day of the published data which was August 2021. Michael explains that some of the information that is presented in the plans such as the vernal pools is not reflected on that Natural Heritage map, which is why he dated it to coincide with the plans. Tamah Vest asks why the building cannot tie into the municipal system. Michael explains that it's not really a viable option as it would need over 600ft of sewer construction. Julian mentions that there are not many areas in town that have access to sewer. James Carter, whose wife is the trustee of the hill street trust, which manages the property directly across from the proposed project, mentions that at this time he would like to reserve his right to pass judgment at a later date. Julian clarifies that conservation only has jurisdiction over work being done in the buffer zone. Julian mentions that there will be a peer review of this project done by John Chessia.

Motion to close public hearing made by Ronald O'Reilly	Seconded by: Daniel Pearson Aye: Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder Motion carries
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D. (DEP#250-1105)-NOI- Pine Street Cluster'

Requested a continuance until August 22th

(Map 24, Parcels 7,9,13,108 &109) <https://tinyurl.com/PineStreetNorton>

The proposed project includes the construction of a residential subdivision including a paved roadway crossing within Bordering Vegetated Wetland and the 100 ft Buffer Zone, along with grading and site development with 100ft Buffer Zone. (Continued from 7/11/2022, 7/25/2022)

Applicant/ Representative	None Present
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The applicant asked for a continuance until August 22nd.

Motion to close public hearing made by Ronald O'Reilly	Seconded by: Kerry Malloy Snyder
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	Aye: Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Kerry Malloy Snyder, Lisa Carrozza Motion carries
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E. (DET#1126) RDA- 0 West Main Street

(Map 21, Parcel 206) <https://tinyurl.com/DET1126>

The proposed plan is to verify onsite resource areas, specifically if the plans are subject to Riverfront requirements. (Continued from 7/25/2022)

Applicant/ Representative	Gregory Driscoll <i>Julian Kadish asks John Thomas why the applicant filed a Request for Determination instead of an Abbreviated Notice of Resource Area Delineation. John mentions that the applicant is just trying to confirm the status of the stream which they are allowed to do through an RDA. John mentions that it is presumed that the applicant will next come in with a Notice of Intent and at that point will confirm resource areas. John Thomas comments that based on the last meeting the commission along with his observations agree that the stream does not have associated mean annual high water and therefore does not have perennial status, and therefore does not have an associated riverfront area. John mentions that the applicant has revised the plan based on all the previous comments, and that the information is sufficient for the commission to issue a determination. Lisa Carrozza comments that the BVW is not being confirmed with the determination and that the determination will only confirm whether the stream is intermittent or perennial. Gregory Driscoll shows the revised plans showing that the BVW is no longer on the plans as well as notes explaining that the plan does not depict all the wetland resource areas on the property and within jurisdictional distance to the subject property. Lisa comments that she just wants the wording of the determination to be clear. John Thomas confirms that based on the plans provided that he is comfortable with the commission voting on them.</i>
Motion to close public hearing made by Lisa Carrozza	Seconded by: Ronald O'Reilly Aye: Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder Motion carries



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Motion to issue a negative determination with regards to the stream status on site made by Lisa Carrozza

Seconded by: Ronald O'Reilly

Aye: Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder

Motion carries

III. REQUEST FOR PARTIAL/ CERTIFICATE OF COMPLIANCE

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

V. REVIEW DRAFT MINUTES

- 7/25/2022

Motion to accept minutes as revised made by Tamah Vest

Seconded by: Lisa Carrozza

Aye: Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder

Motion carries

VI. NEW/OLD BUSINESS

- Site Inspections
- Report from Staff
 - *John Thomas comments that there will be quite a few new projects coming in for the next agenda on 8/22.*
- Pond Treatment
 - *John Thomas comments that there will be a treatment at Chartley Pond this week, however the scheduled treatment with Norton Reservoir has been postponed until an undetermined date. Also, the annual Chartley Pond dam inspection is occurring this week as well.*

VII. BILL SUMMARY



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

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/83766115834?pwd=c04zODR4c1N3bkROR1U5SjEwWGhldz09> When prompted, enter the **Meeting ID: 837 6611 5834** **Passcode: 029107.** 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: 8/22/2022

Conservation Signature:

Julian Karlson
Name