



Norton Conservation Commission

70 East Main Street

Norton MA 02766

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Email: mharrop@nortonmaus.com

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

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2022 NOV -1 PM 1:46

Monday September 26, 2022

6:30 pm

****Remote Participation Only****

Next Meeting

10-11-22 -TBD

10-24-22

11-14-22

11-28-22

<https://us02web.zoom.us/j/85774228469?pwd=S2JxbDdHNHVVTZHZhU3pNQW1SazlFQT09> . When prompted enter **Meeting ID: 857 7422 8469, Passcode: 589269. 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.

AGENDA

****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• Daniel Pearson• Ronald O'Reilly	<ul style="list-style-type: none">• Marc Fernandes• Tamah Vest
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Member Absent	<ul style="list-style-type: none">• Lisa Carrozza, Vice Chair• Kerry Malloy Snyder
Other Representatives	<ul style="list-style-type: none">• John Thomas, Conservation Agent• Megan Harrop, Conservation Secretary

I. NEW PUBLIC HEARINGS

A. (DEP#250-1113) NOI- 0 East Hodges (Map 36, Parcel 2-0)

Proposed work is to construct a single-family house, barn, pool, stormwater management infrastructure within 100-ft buffer zone to BVW, and the proposed barn within 200ft of Riverfront area.

Applicant/ Representative	Representative: Mitch Maslanka; Goddard Consulting
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Mitch Maslanka presents the project at 0 East Hodges Street, which is located between 123 East Hodges Street and 137 East Hodges Street. Mitch explains to the commission that the general work will be happening in the northern portion of the parcel, with the access to the house coming off of East Hodges Street. Mitch comments that the parcel is located within an ACEC, and within priority habitat of rare species. It is mentioned that there is a certified vernal pool offsite with a few potential vernal pools located on site as well. The potential vernal pools have not been certified but they do meet the criteria to become certified, it is also explained that this is pointed out in a previous ORAD that was done in 2020. The ORAD from 2020 approved the resource area boundaries onsite for BVW, ILSF, riverfront area, and IVW. One thing that Mitch does point out is that in the previous ORAD the for the intermittent stream on site, bank was not field delineated at the time and has just recently been flagged and will be on future plans. Mitch mentions that because the parcel is associated with rare habitat, Natural Heritage has been contacted and they have responded with a letter saying that the project will not result in prohibiting Take of state listed rare species. Mitch explains to the commission the plans for the single-family house, stating that the proposed driveway will come off of East Hodges Street and due to the existing BVW on site the house is placed in an upland section that does not have any access to any public ways making it a limited project. The



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proposed driveway will crossover BVW and then connect to the upland portion of the site. The proposed house will have a three-car garage, 5 bedrooms, with a proposed in-ground pool, along with a proposed barn. The stormwater runoff will be managed in the storm tech systems that are located on either side of the house. There will be infiltration basins to collect and treat stormwater from the driveway, which will be located next to the proposed barn. Mitch explains that for the wetland crossing there is a small upland island located within the BVW that the engineers are taking advantage of by trying to minimize the impacts to any BVW. The replication area will be placed adjacent to the wetland crossing, and it is also mentioned that the stream is also located in the wetland crossing area. Mitch explains they have designed a stream crossing that meets stream crossing standards, which is shown as a box culvert with a three-sided bridge and wing walls. It is explained that DEP did comment that they wanted the applicant to quantify bank and land underwater impacts, which Mitch explains will be updated. It is also mentioned that there will also be a utility line that will need to go underneath the stream which will cause temporary impacts underwater and to the bank, this will be specifically for the septic system. An additional stormwater feature is shown on the plans, which is a sediment forebay basin located at the curve of the driveway as well as another located at the front of the parcel. It is explained that all of the structures minus the crossing are outside of the 25ft no disturb zone, and that the applicant will be submitting a letter and a waiver to work within the 25ft no disturb zone. For the wetland replication area an in-depth replication plan has been provided, and there are plans to have a wetland scientist on site to supervise the construction. There will be a small culvert put in to help maintain a hydrologic connection. Julian Kadish comments that it appears that the whole project is within the 100ft buffer zone, Mitch agrees. Julian also comments on the remoteness of the leaching field, Mitch explains it is a pump system which will help move the septic from the tanks to the leaching field. Mitch comments that the line for the septic will go along the driveway, underneath the stream and connect to the leaching field. Julian asks if putting the line underneath the stream will involve directional drilling. Mitch is unsure on how the utilities lines will be installed and comments that it can be something that is further discussed at the next meeting with the engineer. John Thomas confirms with Julian that the details regarding the utility crossing are necessary. John brings up the comment that the applicant needs to present their



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take on 310 CMR 10.55 4E, due to the fact that the act states you cannot destroy or impair any BVW within an ACEC.

****Tamah Vest joins the meeting****

Julian comments that further confirmation about the stream crossing needs to be given by the engineer at some point in the future. John restates that the applicant's biggest challenge will be ensuring that there is no impairment or destruction of wetland within an ACEC. It is also explained that it is up to the applicant to present information at the upcoming meetings to help solidify any potential project. Julian asks if an ACEC providing compensatory wetland installation would satisfy. John explains that it is not stated that it is an alternative, and it is up to the applicant to present that possibility to the commission if it is something DEP would allow for. John comments that it would be interesting for the applicant to look for similar case studies that would allow for this proposed work. Julian comments to the applicant that the basins and the leaching field on the map are not labeled, and asks the applicant to clarify the structures on the plan. Chris Polk; abutter to the property speaks to the commission regarding the project. Chris comments that the location of the project as well as surrounding parcels are subject to large amounts of water flow and flooding. Chris mentions that there is a nearby culvert and even if the culvert was opened up fully it leads to a dammed pond that causes flooding in large storm events. Chris also brings up that the leaching field is less than 100ft from his well, which he is concerned about. The sediment forebay in the corner of the driveway is also close to Chris's septic field, which his engineer explained to him could change the water levels and could impact his new potential septic system. Chris brings up to the commission that his property is designated as group C soil meaning the water is slow to absorb into the land, while O E. Hodges Street is designated group D soils which has a worse rate of absorption. Chris states that the plans appear to be getting rid of a lot of the land on the parcel that has some capacity to allow for water absorption, restating that large amounts of water that come through the area at fast rates. It is also mentioned that the driveway is going to be around 560ft of his property line and his priority is to make sure that the water that comes off of the property does not affect his property. Chris asks who would be responsible if his property starts flooding. Julian comments that the septic system issue being within 100ft of the existing well, is something that needs to be brought to the attention of the Board of Health. Julian asks the applicant why the septic system is not placed behind the house to avoid needing to



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put down a large amount of piping. John comments that the septic system has set back requirements, one of them being that it has to be more than 50ft away from a wetland. Another requirement is that it must be 100ft away from a certifiable vernal pool. John does state that the applicant will have to get the approval of the Board of Health for any septic system that is proposed. Julian asks if this is a project that requires a floodplain delineation. John explains that the property falls into the wetland protection district and the elevation is he believes 90 mean sea level and needs to be shown on the plan. John states that he believes the property is a frontage lot based on the requirements of the wetland protection district and they wouldn't need a recommendation letter from the commission, but he will provide all his comments to the applicant for them to revise their plans.. Julian asks if the applicant took note of Chris's concerns and if they could be addressed. Mitch states he took notes and that he will look into his concerns. David Delong, abutter to the project explains his concerns to the commission, specifying the issue of run off from the property. David also explains there is some protected wildlife in the area, specifically the spotted salamander, that he was told by other residents that due to the protected wildlife in the area it would limit the ability to build in the area. David also refers to the comment Julian made about the septic system being put in the back of the house, stating that it would be in line with his property in that case and he was not sure what affects that would have on his land. It is also brought up by David and Chris that during a large storm event back in either 2010 or 2013 East Hodges had to be shut down due to the large amount of flooding. David brings up the question that back in 2017 there had been an idea to put four houses on this property, and he asks if this house would be the first of many that could potentially be built. John explains to David and the commission that in the event the project goes through there could be potential restriction because it is a limited project and that would limit future development of the property. Crystal Kavanaugh, abutter to the property, comments to the commission about her concerns about the proposed project. Crystal states that she thought there would be a revised plan presented to the commission at this meeting because the abutters' information listed on the plans does not seem to be fully up to date, stating that the abutter Fernando Cabral has not lived at the property for years. Crystal also points out that the plans are actually missing a piece of land between her property and another abutters property. Crystal comments that she is extremely concerned about the water situation in that area, she explains that from what she knows there are sewer



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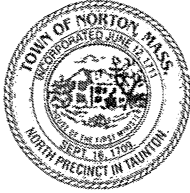
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pipes that were put in to help to drain water away from houses and with the proposed project it could increase the water going to those pipes and cause a flood. Crystal also mentions that she spoke to Diane at Level Designs, who told her that the project was not designed with the abutting properties in mind, specifically that there is no understanding of how the water will flow off the property and affect the abutters. Crystal asks who will be monitoring the systems on the property to make sure the systems are working properly. Crystal also brings up David DeLong's comment about the wildlife in the area, she reiterates that she is concerned about the wildlife in the area specifically the eastern painted turtles and the spotted salamanders, and would like the applicant to address those concerns. Julian asks the applicant what the water table on site is on average. Julian also asks if the house is on a slab and if the septic system is above the average water table. Mitch explains he will have to get back to the commission about that. John mentions that the septic system is something that will have to go in front of the Board of Health. John does comment that the proposed infiltration basins haven't had any exploratory testing done on site, and because of that he cannot comment on what the infiltration rates are at the locations of those proposed structures. John speaks to the commission stating that he believes most of the information provided was based on web soil survey, so he recommends field soil documentation to assist with the determination of the infiltration rates. Mitch comments that there were test pits done for the leaching field but there were no test pits done for basins in an effort to not disturb the area before it was seen by the conservation commission. Mitch asks if the commission would be okay with the Level Design group going in and doing those tests. John explains that it is definitely a conversation to have but that the most pressing issue is whether the project can even be done within an ACEC, once that is figured out then the next steps would be potential construction sequencing. Mitch explains that a limited project can be done in spite of the regulations for 10.54 to 10.58, stating that this will allow them to fill in the wetlands within the ACEC. Mitch comments that he can put it into a letter for the commission to lay out exactly how filling in an ACEC is allowed with a limited project. Chris Polk comments that from what he sees a lot of the abutters to the project have not been informed about this project. Chris also states that there are two streams on the property that converge near the culvert, which could be affected by any excess runoff from the site. Chris also reiterates that the forebay is a concern for him because it is so close to his property line, and he would like to see if it can be placed more than 10ft off



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of his property. Julian explains to the abutters that the commission has limitations and they cannot prohibit the project because it is in a buffer zone, however the commission can regulate the project as long as it is consistent with the WPA. David DeLong, asks the commission if any conservation information was worked out between Taunton and Norton because the Rama Street cul-de-sac does have a culvert/drainage basin that would empty out into the southern part of this property, which could cause additional impacts. Mitch asks David for clarification. An overhead view of the map is shown and David points out to Mitch the culvert and the basin that exist bordering the property. David also explained that on Connie Street in Taunton they are on a higher elevation and still roughly 10 years ago his neighbor's basements were starting to flood because of large amounts of rainfall. Mitch agrees that October 11th works for the next meeting time.

Motion to continue the meeting 10/11 made by Ronald O'Reilly

Seconded by: Daniel Pearson

Aye: Julian Kadish, Ronald O'Reilly, Marc Fernandes, Daniel Pearson
Motion Carries

II. CONTINUED PUBLIC HEARINGS

A. (DEP# 250-1070) Notice of Intent - 0 Rear Eddy Street - Widak/Sher Corp. LTD REQUESTED CONTINUANCE UNTIL OCTOBER 24TH

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

(Continued from 1/25/2021 for 31 meetings)

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**

Representative: None present

****Applicant has requested a continuance until October 24th. ****

Motion to continue the meeting until 10/24 made by Daniel Pearson

Seconded by: Ronald O'Reilly

Aye: Julian Kadish, Ronald O'Reilly, Marc Fernandes, Daniel Pearson, Tamah Vest

Motion Carries

B. (DEP 250-1093) – NOI – 70 Oak Street



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REQUESTED A CONTINUANCE UNTIL OCTOBER 24TH

(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, for 15 meetings)

Applicant/ Representative	Representative: None present
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***Applicant has requested a continuance until October 24th. ***

Motion to continue the meeting until 10/24 made by Ronald O`Reilly	Seconded by: Daniel Pearson Aye: Julian Kadish, Ronald O`Reilly, Marc Fernandes, Daniel Pearson, Tamah Vest Motion Carries
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C. (250-1108) NOI-0 Hill Street

REQUESTED A CONTINUANCE UNTIL THE NEXT MEETING

(Map24, Parcel 62-02) <https://tinyurl.com/0HillStreetNOI>

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 for 4 meetings)

Applicant/ Representative	Representative: None present
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*** Applicant requested a continuance until the October 11th meeting ***

Motion to continue the meeting until 10/11 made by Daniel Pearson	Seconded by: Ronald O`Reilly Aye: Julian Kadish, Ronald O`Reilly, Marc Fernandes, Daniel Pearson, Tamah Vest Motion Carries
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D. (DEP#250-1105)-NOI- Pine Street Cluster

REQUESTED A CONTINUANCE UNTIL THE NEXT MEETING

(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



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Zone, along with grading and site development with 100ft Buffer Zone. (Continued from 7/11/2022 for 5 meetings)

Applicant/ Representative	Representative: None present
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****Applicant has requested a continuance until the October 11th meeting****

Motion to continue the meeting until 10/11 made by Ronald O`Reilly	Seconded by: Daniel Pearson Aye: Julian Kadish, Ronald O`Reilly, Marc Fernandes, Daniel Pearson, Tamah Vest Motion Carries
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E. (DEP#250-1112)-ANRAD-0 S. Washington

(Map 24, Parcel 62) <https://tinyurl.com/ANRAD0SWashington>

The proposed plan is to verify resource areas on the property.

(Continued from 8/22/2022 for 2 meetings)

Applicant/ Representative	Representative: None present
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****Applicant has requested a continuance until the October 11th meeting****

Motion to continue the meeting until 10/11 made by Daniel Pearson	Seconded by: Ronald O`Reilly Aye: Julian Kadish, Ronald O`Reilly, Marc Fernandes, Daniel Pearson, Tamah Vest Motion Carries
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F. (DEP#250-1114) NOI – 306-308 East Main Street

(Map 5, Parcel 38 & 252)

Proposed work is to add an addition to an existing warehouse, along with a detention basin and grading, all within 100ft of BVW.

(Continued from 9/12/2022)

Applicant/ Representative	Representative: Mark Arnold; Goddard Consulting Desheng Wang; Creative Land and Water Engineering
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John Thomas explains that he is still waiting for a response from the peer reviewer. John explains that it has taken so long because there was an issue securing an available peer reviewer. It is explained that the peer review group that will be working on this project is Horsley Witten and that as soon as John Thomas receives anything from the peer reviewer he will send it over to the applicant so that they may address any questions or concerns.

Motion to continue the meeting until 10/11 made by Ronald O'Reilly	Seconded by: Daniel Pearson Aye: Julian Kadish, Ronald O'Reilly, Marc Fernandes, Daniel Pearson, Tamah Vest Motion Carries
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**G. (DEP#250- 1115) NOI – 0 King Philip Road
(Map 19, Parcel 142)**

The proposed project involves the construction of a single-family residence with associated gravel access driveway, garage, utilities, and deck. The proposed work will occur within BLSF and the 100-Foot Buffer Zone to BVW.

(Continued from 9/12/2022)

Applicant/ Representative	Representative: Chris Lucas; Lucas Environmental Larry Tilton; Tilton Associates Elliot Brais; Attorney
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Chris Lucas explains the revisions done to the project based on the last meeting comments from the commission. Chris explains that attorney Brais has provided a letter to address the comments about the applicability of Article V, permitting associated with the planning board. In the letter attorney Brais demonstrates to the commission that Article V is not applicable to this project and that no filing would be required. Chris mentions the comments that abutters made claiming that there was fill on the property, specifically associated with the drain pipe and the stream that used to potentially flow on the property to the pond. Chris states that they reviewed available aerial imagery, and it appears that the drainage channel is in the same spot as it was in 2005 and in 1996, with no apparent change in location. Chris concludes that with the imagery available that there is no evidence that there was ever fill, stating that it may have been



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filled prior to the regulations being put in place but there is no proof that any unauthorized fill occurred. Chris moves on to the changes that have been made to the plans based on comments from the last meeting, specifically the split rail fence to provide a barrier with signage and they changed the labeling on the plans from erosion control barrier to erosion and sedimentation control barrier. Tilton Associates also changed the plans to address comments made by DEP which related to flood plain, specifically if the garage was in compliance with 310CMR 10.57 and clarification on where flood storage was being lost and replaced. Chris says he followed up with DEP as to why they felt the garage was not in compliance and they responded stating that they felt that it was unclear on the plans and they just wanted clarification. Chris explains that if you exclude the garage from all compensatory storage there is a deficit of 47 cubic feet, so the applicant has adjusted the grading in the back to provide an additional 50 cubic feet which is at elevation 71 to 72. As of now the flood storage proposed with the grading, the grades are all being dropped and the applicant provided net cubic feet per foot from elevation 70.5 to 73, meeting the 1:1 ratio required by 310CMR 10.57. Chris also points out the additional large volume if the garage subfloor is included, where vents are located so that structure can flood where it is below grade. It is also brought up that the tables on the plans have also been updated, documenting each elevation clearly related to the grading versus the garage and the volume for the house. Julian Kadish brings up elevation 68 for the basement which falls below the floodplain, asking Chris about flood waters entering the basement. It is explained that water can enter the house through the panels into the cellar and also through the garage. Julian asks why the basement is being built if it cannot be used for storage longer term without the fear of the area being flooded out. Larry Tilton explains that the house will be equipped with pumps to make sure the water can be pumped out of the house in the event of a flood. Chris explains that they meet the performance standard and it is the preference of the home owner whether they store anything in the basement with the risk of flooding. Julian voices the concern that a future homeowner could store material in the basement unaware of a flooding risk, if it is not properly explained to the buyer that the basement could flood. Chris explains that if a homeowner has a mortgage and lives in a floodplain then they are required to have flood insurance which comes with a lot of paperwork for the homeowner to look through and become informed. John Thomas does comment that there will be a flood elevation certificate required as it goes through the



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building department if the commission approves the project. The applicant will have to provide all of the necessary NFIP criteria and regulatory code for the house. The question brought up is if the basement is necessary or if the house could be built on a slab. Chris explains that the applicant is looking for the commission to approve the plan as shown, as it is not changing the footprint or the impact, and any additional material removed will be stockpiled and then removed from the site. John explains that whatever vents that are planned to be put in should be shown on this plan because they are considered a restriction under the performance standard due to not meeting the unrestricted flow standard. Julian asks what the thought process is for securing all the extra space that cannot be securely used. Larry Tilton states the logic is that they have the ability to do it, they are well above the groundwater table and they have the required 18 inches from ground water to the basement floor, and if water comes in then it can be pumped out. Larry explains that in regards to the conservation commissions purview they are in compliance. Larry further explains any potential homeowners will have to have flood insurance on their home and acknowledge that they are in the floodplain. Julian comments that the commission has a responsibility to the residents of Norton to look out for their best interest, further explaining his belief that the house is being misrepresented. Julian explains that he believes the house would be misrepresented to a potential buyer as the basement being a part of the house that would be useful despite the flood risks. Larry explains they do this time and time again and build millions of dollars of homes in places like Nantucket, flood break out panels are routinely supplied to all other homes. Larry explains that there is no misrepresentation going on and that it is just routine business. Chris also mentions that realtors are required to tell a potential buyer that the property is in floodplain because it is the law. Chris also explains that there will be an elevation certificate and the elevation will be well documented. John also brings up that there will need to be an As-Built for the property, the building commissioner will be involved and paper will be submitted to FEMA to make sure it is in compliance. John points out to the commission that the applicant needs to present their findings to show that there is no unrestricted hydrologic connection. John asks Chris to explain how they will have the availability and surplus to compensate for the floodgates. Chris explains that with the information provided shows that they do not need the additional storage inside the house and the garage to be compliant, the flood vents will allow the water to pass through the structure freely. Chris suggests that the commission



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condition in the order that the architectural plans be submitted to the conservation commission. Larry agrees that the detail for the flood vents should be on the detail sheet for the plans submitted to the commission. John then brings up that there are comments that he provided Chris that need to be addressed on the final plans, Chris mentions that the applicant was looking to close the hearing tonight and condition that the minor revisions be made. Julian asks John whether there is adequate information to close the hearing. John explains that this is a twofold project and they have met all the requirements for the state for the compensatory flood storage, the grades are going to be lowered so there won't be additional fill on site, any fill that will be there has been compensated for. The only question that remains is for work within the 25ft no disturbance zone local policy which needs to be decided on by the commission. Julian mentions that a statement is made that the additional flood storage into the basement is not required to meet the flood storage. John explains that to his knowledge it is necessary for the construction of buildings. Chris confirms that he does believe it is required to prevent any hydraulic issue because flood water is supposed to be able to pass through the site freely as they do now. Julian asks if it is only required during construction, Chris responds saying it has to be able to pass through unobstructed permanently. Julian mentions that he thinks putting it on a slab would be a better approach and more cost effective than putting in a basement that could potentially flood. Chris asks if there are concerns regarding the WPA because the issues brought up seem to be more economic, stating that the impact does not change whether they have a basement or a slab. John asks Chris in his professional opinion would a slab or a basement cause more impact to surrounding resource areas. Chris explains that he thinks the impacts are equal because the footprint is the same. John asks if Chris thinks that both a slab and a basement would share the same operation and maintenance requirements. Chris says yes because the flood vents are the same. Julian asks why a homeowner wouldn't just seal up the flood vents. John explains that the homeowner would have to make sure they meet the building code requirements. John informs the applicant that the commission's conditions will state that they have to get all necessary approval from all the necessary boards. Larry comments that they do not need Planning Board approval for this project. John asks if the applicant has approached the Planning Board at all and they replied that they have not as it is not necessary. John reiterates that the Planning Board does regulate the zoning bylaw. John also mentions that he



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would like the Wetland Protection District to be put on the plan. Chris asks the commission if they are open to conditioning the minor plan changes in order to close the hearing tonight. John mentions that it is possible and if the applicant has to come back in front of the commission due to an in fracture or any issue with another board then they will have to come back for an amended order. Marc Fernandes asks what precedent the commission has for waiving the 25ft no disturbance zone requirement, especially in this case where there is a substantial amount of work in the 25ft no disturb zone. Chris explains that they did provide a specific and detailed waiver request for the 25ft no disturbance zone. Chris also states that this lot is a pre-existing non-conforming lot which existed prior to the WPA and the 25ft no disturbance zone policy. Chris further explains that the lot is extremely constrained and that there is no way to avoid work within the 25ft no disturbance zone because of the way the lot was created. Marc states his understanding of the policy is that it is based per project not necessarily based on how the lot was carved out. Julian explains that the commission has not discussed that item in detail and there hasn't been a project, regardless of when the lot was made, that has such extensive disturbance within the 25ft no disturbance zone. John explains that this is an intricate project and there should be a lot of time and thought put into how to handle this project because a lot of the work is happening within sensitive areas. Julian explains that a lot of the projects seen before the commission have very limited work within the 25ft no disturbance zone, and because of the extensive work proposed it is something that needs further discussion. Larry explains that the no disturbance area shown in blue, most of the work from the apron of the house to the street is the revegetation and replanting on the area. Larry states that that area shown as revegetation can be eliminated from the plan and the disturbance would limit to the driveway area and part of the area in the backyard, which would cut a large portion of the disturbance down. John asks if that complicates the CFST. Chris asks Larry if they could leave that portion of the plans as is because with discussion with the applicant and the contractor, they needed that area in order to create the driveway, which is why it would be restored after construction. Attorney Brais comments that it may be best for Larry Tilton, Chris Lucas, John Thomas and himself to talk prior to the next meeting to see what the options are for this site, he states that the lot is a difficult project with many constraints on it. John explains that he can give the applicant advice as to what



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the commission may be looking for but any changes made need to be presented before the commission for them to decide.

Motion to continue the meeting until 10/11 made by Ronald O'Reilly	Seconded by: Tamah Vest Aye: Julian Kadish, Ronald O'Reilly, Marc Fernandes, Daniel Pearson, Tamah Vest Motion Carries
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Motion to authorize John Thomas to carry out discussions with the applicants to address issues with the project made by Marc Fernandes	Seconded by: Daniel Pearson Aye: Julian Kadish, Ronald O'Reilly, Marc Fernandes, Daniel Pearson, Tamah Vest Motion Carries
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III. REQUEST FOR PARTIAL/ CERTIFICATE OF COMPLIANCE

A. (DEP#250-1037) 54 Plain Street

(Map 18, Parcel 9)

Proposed work was to construct a solar field.

Applicant/ Representative	Representative: Tim McGuire; Goddard Consulting
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John Thomas explains that the solar field has been completed as well as stabilized and is in compliance with the order of conditions. Tim explains that the applicant is looking to get the solar field online, and to do that they need to close out the existing order of conditions. John recommends the full issuance of a certificate of compliance.

Motion to issue a COC to DEP#250-1037 made by Ronald O'Reilly	Seconded by: Daniel Pearson Aye: Julian Kadish, Ronald O'Reilly, Marc Fernandes, Daniel Pearson, Tamah Vest Motion Carries
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IV. SIGN AND ISSUE ORDER OF CONDITIONS/ORDER OF RESOURCE AREA DELINEATION

A. (DEP#250-1109)-NOI- 120-116 Mansfield Ave-Senior Center

(Map 16, Parcel 12) <https://tinshoyurl.com/NOISeniorCenter>



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Proposed work to demolish all existing residential structures on the property and to construct a new Senior and Community Support Center. Included as part of the project will be the construction/installation of associated driveways, parking areas, Title 5 compliant sanitary sewage treatment and disposal system, and stormwater management features. (Continued from 8/22/2022)

Motion to issue an OOC to DEP#250-1109 made by Ronald O'Reilly	Seconded by: Daniel Pearson Aye: Julian Kadish, Ronald O'Reilly, Marc Fernandes, Daniel Pearson, Tamah Vest Motion Carries
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B. (DEP#250-1111) – NOI- 56 Leonard Street

(Map 11, Parcel 24-01) <https://tinyurl.com/56LeonardStreetNOI>

Proposed work is installation of a site clearing, ground disturbance, and installation of a water line and overhead & underground utility lines, driveway clearing, title v septic system and single-family home.

(Continued from 8/22/2022)

Motion to issue an OOC to DEP#250-1111 made by Ronald O'Reilly	Seconded by: Marc Fernandes Aye: Julian Kadish, Ronald O'Reilly, Marc Fernandes, Daniel Pearson, Tamah Vest Motion Carries
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V. REQUEST FOR SIGNATURES

•(DEP#250-203) Precourt Conservation Restriction

John Thomas explains to the commission that DEP#250-203 is looking to obtain a certificate of compliance, however the conservation restriction was never recorded with the registry. John states he spoke to the applicant and stated that the minimum requirement that the conservation commission would have would be that the CR needs to be recorded. John also explains that he looked it over and it looks to be on par with what they would be looking for in a CR as a minimum requirement to solidify that the conservation department has quitclaim covenants over the property. John goes on to explain that one of the requirements is to have wet ink signatures from the commission and the select board accepting the restriction.

VI. REVIEW DRAFT MINUTES



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- 9/12/2022

Motion to accept minutes made by Ronald O'Reilly	Seconded by: Marc Fernandes Aye: Julian Kadish, Ronald O'Reilly, Marc Fernandes, Daniel Pearson, Tamah Vest Motion Carries
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VII. NEW/OLD BUSINESS

- Site Inspections
- Report from Staff

John Thomas informs the commission that the conservation commission owns Everett Leonard and it was purchased with a self help grant back in the 1970's.

- October 11th meeting

Motion to hold a special meeting on October 11th at 6:30pm made by Ronald O'Reilly	Seconded by: Tamah Vest Aye: Julian Kadish, Ronald O'Reilly, Marc Fernandes, Daniel Pearson, Tamah Vest Motion Carries
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VIII. BILL SUMMARY

9/12/2022-9/26/2022			
Name	Amount	Account number	Account name
national grid	19.61	001-171-5701-5308	Maintenance of Conservation Areas
McGregor & Legere, P.C.	\$ 428.75	242-171-100-5701	Wetland Protection Fund
MACC	\$ 130.00	001-171-570-5716	operating - educational
Chessia	\$ 810.00	243-171-100-5700	Outside Consulting Fee
W.B Mason	75.95	001-171-570-5420	Office supplies
Chessia	\$ 1,815.00	243-171-100-5700	Outside Consulting Fee
Comcast	129.94	001-171-5701-5308	Maintenance of Conservation Areas

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



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

VII. 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/85774228469?pwd=S2JxbDdHNHVVTZHhU3pNQW1SazlFQT09> . When prompted enter **Meeting ID:** 857 7422 8469, **Passcode:** 589269. 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.
 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



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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: 10/11/2022

Conservation Signature:

Name: Julian Kadish, Chair

Julian Kadish

Date:

10 / 28 / 22