



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [mharrop@nortonmaus.com](mailto:mharrop@nortonmaus.com)

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

RECEIVED  
NORTON TOWN CLERK

2022 DEC 18 PM 3:50

**Monday November 14, 2022**

**6:30 pm**

**\*\*Remote Participation Only\*\***

Next Meeting:

11-28-22

12-12-22

12-27-22- TBD

1-9-2023

<https://us02web.zoom.us/j/81998998380?pwd=YjM4cENQNUNxMM0Yva29wR1BsWE8rZz09> . When prompted enter **Meeting ID:** 819 9899 8380 **Passcode:** 139102. 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**

**6:30pm**

**Open meeting**

<b>Conservation Commission members present</b>	<ul style="list-style-type: none"><li>• Julian Kadish, Chair</li><li>• Lisa Carrozza, Vice Chair</li><li>• Daniel Pearson</li><li>• Ronald O'Reilly</li></ul>	<ul style="list-style-type: none"><li>• Marc Fernandes</li><li>• Tamah Vest</li><li>• Kerry Malloy Snyder</li></ul>
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<b>Other representatives present</b>	<ul style="list-style-type: none"><li>• John Thomas, Conservation Director</li><li>• Megan Harrop, Conservation Secretary</li></ul>
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**NEW PUBLIC HEARINGS**

**A. (DET#1129)- RDA-29 Newcomb Street  
(Map 10, Parcel 523)**

*The proposed plan is to repair an existing residential septic system 76 feet from BVW.*

<b>Applicant/ Representative</b>	<b>Representative:</b> Michael Trowbridge
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*Michael Trowbridge, representative for the project explains the project to the commission. Michael explains that they are seeking approval to repair the septic system, which is in failure, the nearby resource areas included riverfront to the east and BVW. Michael states all work will be outside the 100ft riverfront area and outside the 50ft BVW. It is mentioned the actual septic system is going to be 76 ft outside of the BVW. There is a proposed 12-inch silt sock in the area, Michael mentions that the area is flat with a low chance of runoff. Michael also explains that there are no plans to change the grading in the area. Julian Kadish asks if the area for the leeching area is lawn currently. Michael states that it is an existing grassed area, where the previous system was located. Lisa Carrozza asks Michael to add the 200ft inner riparian zone to the plans, Michael agrees to add that. John Thomas explains that the entire project is in the riverfront as it is being proposed, Michael confirms that to be true.*

<b>Motion to close public hearing made by Daniel Pearson</b>	<b>Seconded by:</b> Ronald O'Reilly <b>Aye:</b> Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder <b>Motion Carries</b>
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<b>Motion to issue a negative three determination made by Lisa Carrozza</b>	<b>Seconded by:</b> Tamah Vest <b>Aye:</b> Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder <b>Motion Carries</b>
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**I. CONTINUED PUBLIC HEARINGS**

**A. (DEP# 250-1070) Notice of Intent - 0 Rear Eddy Street - Widak/Sher Corp. LTD**

**REQUESTED A CONTINUANCE UNTIL NOVEMBER 28TH**

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

*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.*

*(Continued from 1/25/2021 for 33 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> None present
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<b>Motion to continue public hearing until 11/28 made by Daniel Pearson</b>	<b>Seconded by:</b> Ronald O'Reilly <b>Aye:</b> Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder <b>Motion Carries</b>
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**B.(DEP 250-1093) – NOI – 70 Oak Street**

**REQUESTED A CONTINUANCE UNTIL DECEMBER 12<sup>TH</sup>**

**(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 18 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> None present
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<b>Motion to close continue public hearing made by Daniel Pearson</b>	<b>Seconded by:</b> Marc Fernandes <b>Aye:</b> Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder <b>Motion Carries</b>
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**C. (DEP#250-1105)-NOI- Pine Street Cluster**



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**REQUESTED A CONTINUANCE UNTIL NOVEMBER 28TH**

**(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 for 8 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> None present
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<b>Motion to continue public hearing until 11/28 made by Daniel Pearson</b>	<b>Seconded by:</b> Ronald O'Reilly <b>Aye:</b> Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder <b>Motion Carries</b>
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**D. (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 for 4 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> None present
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*Applicant requested a continuance until the 11/28 meeting.*

<b>Motion to continue public hearing until 11/28 made by Ronald O'Reilly</b>	<b>Seconded by:</b> Daniel Pearson <b>Aye:</b> Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder <b>Motion Carries</b>
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**E. (DEP#250- 1115) NOI – 0 King Philip Road**

**(Map 19, Parcel 142)**



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*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 for 4 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> None present
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*Applicant requested a continuance until the 11/28 meeting.*

<b>Motion to continue public hearing until 11/28 made by Daniel Pearson</b>	<b>Seconded by:</b> Lisa Carrozza <b>Aye:</b> Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder <b>Motion Carries</b>
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**F. (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 the 100-ft buffer zone to BVW, and the proposed barn within 200 ft of the Riverfront area. (Continued from 9/26/2022 for 3 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> Peter Lyons; Collins Civil Engineering Group
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*Applicant requested a continuance until the 11/28 meeting.*

<b>Motion to continue public hearing until 11/28 made by Daniel Pearson</b>	<b>Seconded by:</b> Lisa Carrozza <b>Aye:</b> Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder <b>Motion Carries</b>
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**G. (DEP#250-1116)- NOI-9 Pratt**

**(Map 21, Parcel 264)**

*The proposed work is to construct a pool and patio area within 100 ft of Bordering Vegetated Wetlands.*

<b>Applicant/ Representative</b>	<b>Representative:</b> Chris Vandenberghe; Civil and Environmental Consultants
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Mark Moses; Applicant

*Chris Vandenberghe representative for the applicant explains the project to the commission. Chris states that the project is for a proposed pool with a patio around it within the 100ft buffer. Chris states that they have flagged the wetlands and has the flags confirmed by the conservation agent John Thomas. Currently the proposed patio is located roughly 48ft from the edge of the wetlands. Chris also mentions that there is potential for a pool operation and maintenance plan as part of the condition of approval, which the applicant has some documents that they would be willing to share with the commission. John Thomas mentions that the area where the disturbance is proposed is currently maintained lawn, which would generally be activities that could be accepted as previously disturbed areas in the lawn. John explains that the boulders on site will have to be moved back. John also mentions that the area out back is under a conservation restriction and the applicant will be putting up a visual barrier as part of the project. Tamah Vest asks if there are any proposed trees being taken out. Chris states that some may be taken out as necessary, Chris shows a picture of the trees that have the potential to be removed, which includes one large tree and a few saplings. Mark Moses the home owner explains that the intent is only to provide enough room for the patio, and is not to remove as many trees as possible. Lisa Carrozza asks about a note that mentions the relocation of a shed. Mark explains that the plans are to potentially move the shed to the left of where it is now or moving behind the right corner where the proposed patio will be. John mentions that they will have to consider the set backs that are required by the building department. Mark Moses states he will keep those setbacks in mind. Lisa asks if they will see the shed location in the as-built, John confirms that that is the case. Julian Kadish asks if all everything has been received in order to close the hearing, John agrees that if the commission sees fit, they can close the hearing with the information provided. John states that he can work on the Order of Conditions to include aspects such as the operation and maintenance plan for the pool.*

**Motion to close public hearing made by Ronald O'Reilly**

**Seconded by:** Lisa Carrozza

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

**Motion Carries**

**H. (250-1108) NOI-0 Hill Street**

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



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*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 7 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> Michael Dryden; Representative John Chessia; Peer Reviewer
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*Michael Dryden, project manager from Allen Engineering, states that he did not receive the revised peer review from John Chessia. Michael Dryden requests a continuance from the commission.*

<b>Motion to continues hearing until the 11/28 meeting made by Lisa Carrozza</b>	<b>Seconded by:</b> Ronald O'Reilly <b>Aye:</b> Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Kerry Malloy Snyder, Tamah Vest <b>Motion Carries</b>
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**II. REQUEST FOR PARTIAL/ CERTIFICATE OF COMPLIANCE**

**III. SIGN AND ISSUE ORDER OF CONDITIONS/ORDER OF RESOURCE AREA DELINEATION**

**V. REQUEST FOR SIGNATURES**

**VI. REVIEW DRAFT MINUTES**

- 10/24/2022

<b>Motion to accept the minutes has drafted made by Ronald O'Reilly</b>	<b>Seconded by:</b> Marc Fernandes <b>Aye:</b> Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly <b>Abstained:</b> Lisa Carrozza, Kerry Malloy Snyder <b>Motion Carries</b>
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- 10/18/2022- Executive session



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**Motion to accept the minutes has drafted made by Lisa Carrozza**

**Seconded by:** Ronald O'Reilly

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

**Motion Carries**

### VII. NEW/OLD BUSINESS

- **Report from Staff**

*John Thomas mentions that the enforcement order has been issued for the illicit work that has been done on LPS property as well as Commonwealth property.*

- **Fee Schedule 2023**

*Tamah Vest asks if the Select Board will have to approve the fee schedule. John Thomas states that it needs to be approved by the conservation commission first and then it goes to the Select Board for approval. John mentions he would like to have the new fee schedule in place for next year. Tamah asks for a copy of the current fee schedule to compare and contrast.*

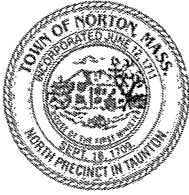
- **Vote on whether to have a 12/27/22 meeting**

*The commission decides not to hold a 12/27/2022*

- **Discussion of a potential Conservation By-Law**

*John Thomas mentions that he would like to have something to present to the Town for the next town meeting. John asks the commission to review the by-law and make any comments that they deem necessary. John mentions to the commission that there should be a healthy balance with the by-law where it protects the environment but is not overly restrictive. By-laws from other towns are discussed as a source for ideas for Norton. Administrative requirements and approvals are also mentioned as possible additions to the by-law. Kerry Malloy Snyder mentions that it would be best for the by-law to be simple and within it give the commission power to promulgate regulations which would cut back on the length of the by-law. Julian Kadish points out that it would be important to distinguish between new and old development, and make sure that the by-law would not be hindering development on pre-existing structures. Daniel Pearson comments that he agrees with Julian Kadish about making sure not to impede upon pre-existing structures. It is also mentioned that within the by-law there could be added protection for IVW and vernal pool, and it could also address the commissions 25 ft no disturbance policy. There are questions as to whether the no disturbance policy should stay at 25 ft or be increased. The commission does voice the concern of making the by-law too strict, and states that it*





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*will take time to look through the by-law and come up with rules that would be both in the best interest of conservation and not too restrictive for the town.*

- Vote whether to renew License Agreement with Conservation Commission and Norton Kayak Company.

*Julian Kadish asks whether this is the first year a fee has been required as part of the renewal. Lisa Carrozza states that she believes each year there has been a fee. Julian mentions that the fee seems to be larger than previous years. Julian mentions that the fee could be too costly coupled with the cost of the mandatory insurance. It is explained the Norton Kayak Company pays the Town to launch boats off of town property and for use of the Norton Reservoir. John mentions if the commission agrees that the fee is too high then it can be modified. Tamah Vest comments that because Norton Kayak Company has already signed the agreement, they must be okay with the fee. Julian makes the argument that the fee could strongly affect the profit of the business. Julian asks if the commission can review the lease from last year to make sure that it is the same. John Thomas mentions that he will have to get the files from the office. Julian states he understands and would like to review it and discuss the lease at the next meeting.*

### VIII.BILL SUMMARY

Name	Amount	Account number	Account name
McGregor & Legere, P.C.	\$ 24.50	242-171-100-5701	Wetland Protection Fund
National Grid	\$ 36.60	001-171-5701-5308	Maintenance of Conservation Areas
verizon	\$ 29.84	242-171-100-5701	Wetland Protection Fund
PARE	\$ 1,680.00	001-171-614-6071-17-08	Chartley Reservoir Dam Investigation Report
Megan Harrop-Reimbursement	\$ 74.95	001-171-5701-5308	Maintenance of Conservation Areas
National Grid	\$ 32.54	001-171-5701-5308	Maintenance of Conservation Areas

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

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



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### **XI. 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/81998998380?pwd=YjM4cENQNUxMM0Yva29wR1BsWE8rZz09> . When prompted enter **Meeting ID:** 819 9899 8380 **Passcode:** 139102. 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](mailto: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 meeting to provide your comments and questions before the Commission closes the hearing and makes a decision.



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Respectfully submitted by: \_\_\_\_\_ Megan Harrop \_\_\_\_\_

Minutes approved by the commission on: \_\_\_\_\_ 11/28/2022 \_\_\_\_\_

Conservation Signature:

\_\_\_\_\_  
Name JULIAN KADLSTH Date 12/8/22