

Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: mharrop@nortonmaus.com

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

RECEIVED
NORTON TOWN CLERK

2023 JAN 20 AM 9:54

Monday November 28, 2022

6:30 pm

****Remote Participation Only****

Next Meeting:

12-12-22

1-9-23

1-23-23

2-13-23

<https://us02web.zoom.us/j/85082969011?pwd=VkdIVVdvVXN6RWWhFY2RFYW1kM25Mdz09> . When prompted enter **Meeting ID: 850 8296 9011 Passcode: 183169. 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

Conservation Commission members present	<ul style="list-style-type: none">• Julian Kadish, Chair• Lisa Carrozza, Vice Chair• Daniel Pearson• Ronald O'Reilly	<ul style="list-style-type: none">• Marc Fernandes• Tamah Vest• Kerry Malloy Snyder
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Other representatives present	<ul style="list-style-type: none">• John Thomas, Conservation Director• Megan Harrop, Conservation Secretary
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(DEP#250- 1115) 0 King Philip - Requests that the commission allows them to present first

NEW PUBLIC HEARINGS

A. (DEP 250-XXXX) – NOI-70 & 78 East Main Street- Town Hall

(Map 17, Parcel 50 & 51)

The proposed project is the construction of a new Town Hall, which includes construction and installation of driveways, parking areas, utilities, Title 5 compliant sanitary sewage treatment and disposal system to replace existing systems, stormwater management features and site landscaping. The proposed work will be within riverfront area.

Applicant/ Representative	Representative: Scott Lindgren; VHB Civil Engineer Scott Hobson; Environmental Manager
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Scott Lindgren presents the project to the commission. Scott L. explains that the existing town hall will remain attached to the fire station, to the right of the current town hall there will be a parking lot put in for the public, and then behind and to the right of the old town hall the new town hall will be built. The new town hall will be roughly 14,400 sq ft with employee parking located to the left of the building. Scott L. explains that the new town hall will improve access to parking for the fire department, allowing them to have better accommodations for their vehicles. The main access for the new town hall will be off of East Main Street. Scott L. explains there will be a stormwater rain garden associated with the parking areas, and a proposed infiltration system for the employee parking lot. Scott L. also explains that the project does involve upgrading the septic system. Scott Hobson explains that the primary wetland feature for this project is the Rumford River. Scott H. explains that the project will stay outside of the 100 ft buffer zone and that only a portion of the project will be located within the 200 ft riverfront area. The secondary access road, upgrades to an existing drainage line, and the proposed leaching field will all be partially in the riverfront area. Scott H. explains that with the project filing they included the potential impacts to the riverfront area and how they meet the regulations. It is also mentioned that the applicant is also seeking



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authorization for the local stormwater permit. Lisa Carrozza asks Scott H. what the elevation in that area is for the figure that shows the flood zone as AE. Scott H. states he will have to look it up. Scott H. mentions that there is a floodway associated with the Rumford River and it stays within the AE zone. Lisa asks if the second access road is for public works access, Scott explains in addition it is also for emergency access. Lisa asks if they could use the existing access road from the police department, it is explained that for security reasons they cannot. Lisa asks if once the new septic system goes in if the old one will be taken offline. Scott L. explains that the old septic system will be abandoned in place, so as to not disturb the vegetation that has grown around it. Scott L. explains that it will be filled in and they will make sure that it is collapsed correctly. Lisa asks if there was any opportunity to remove any existing pavement around public works within the riverfront. Scott L. explains that the public works area is not part of the project and is only mentioned in regards to the connection to the septic system and to make sure there was no flooding concern for the drainage area. It is mentioned that a peer reviewer still needs to review the stormwater aspects of the project.

Motion to continue public hearing until December 12th made by Daniel Pearson	Seconded by: Lisa Carrozza Aye: Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder Motion Carries
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**B. (DEP 250-1117) ANRAD- 300 S. Washington Street
(Map 25, Parcel 8-12)**

The proposed plan is to verify onsite resource areas.

Applicant/ Representative	Representative: Eric Dias, Strongpoint Engineering
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Eric Dias explains the site to the commission. Eric explains that the site is completely vacant land that only hosts an old fashion billboard. The entirety of the site is located within an ACEC, and a small portion of priority habitat is located on the western side of the property. There is a BVW located in the middle of the western half of the site, which is delineated through A and B series flags. Eric mentions a large grade difference between the roadway and the wetland boundary, but aside from that the site is relatively flat. Along route 495 there is a resource area that is defined by a standing line.



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John Thomas speaks about the site walk he performed, stating that after checking the soils he was comfortable with the flag placement. Julian asks how much upland is on site, Eric states that he does not have an exact number but it appears to be an acre to 2 acres.

Motion to close public hearing made by Lisa Carrozza	Seconded by: Tamah Vest Aye: Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder Motion Carries
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I. CONTINUED PUBLIC HEARINGS

A. (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 for 6 meetings)

Applicant/ Representative	Representative: None Present
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Applicant has requested a continuance until 1/9/2023

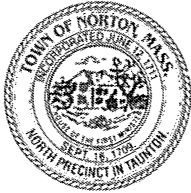
Motion to continue public hearing until 1/9/2023 made by Ronald O'Reilly	Seconded by: Lisa Carrozza Aye: Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder Motion Carries
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B. (DEP# 250-1070) Notice of Intent - 0 Rear Eddy Street - Widak/Sher Corp. LTD

(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 35 meetings)



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Applicant/ Representative	Representative: Tim McGuire; Goddard Consulting
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Tim McGuire explains to the commission that due to quorum issues they would like to withdraw all proposed work on the project and come back with a new submission at a later date. Tim does mention that they would like to change the scheme of the project and seek resource area delineation based on what has been submitted previously to the commission. Lisa Carrozza asks John Thomas if the applicant is allowed to request an ORAD when they did not file the proper paperwork for an ANRAD. John Thomas explains that there is a portion under an NOI that allows an applicant to confirm resource areas. John explains the applicant would receive an OOC with no work allowed and it would just confirm resource areas. John mentions that there are some modifications that he would recommend be made to previously submitted plans. John explains that on one plan sheet there is a label that says center of the pond and it is suggested that it be changed to the centerline of the historic Meadow Brook. Also, on the GIS map that was presented there should be the outline of the historical pond identified, then change where it says proposed location to historic location. Lisa asks if DEP has been provided with a plan set. Tim comments that he would have to check but he could send them to the DEP once the plans are revised. Lisa comments that the commission would want to give DEP the option to comment on the revised plans prior to closing the hearing. Lisa asks if DEP has had any comments on the project from prior plans, John Thomas states that he would need to look into that because it was before his time. John does mention that he does not believe that DEP has any comments regarding the riverfront area. Tim comments that DEP had not made any technical comments on previous plans. Lisa comments that DEP should be given the updated plans.

Motion to continue public hearing until 12/12/2022 made by Daniel Pearson	Seconded by: Lisa Carrozza Aye: Daniel Pearson, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder Abstained: Marc Fernandes, Tamah Vest Motion Carries
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C. (DEP 250-1093) – NOI – 70 Oak Street

REQUESTED A CONTINUANCE UNTIL DECEMBER 12TH

(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, for 19 meetings)

Applicant/ Representative	Representative: None present
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Applicant requested continuance until 12/12/22

Motion to continue public hearing until 12/12/2022 made by Daniel Pearson	Seconded by: Lisa Carrozza Aye: Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder Motion Carries
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D. (DEP#250-1114) NOI – 306-308 East Main Street

(Map 5, Parcel 38 & 252)

REQUESTED A CONTINUANCE UNTIL DECEMBER 12th

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 6 meetings)

Applicant/ Representative	Representative: None present
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Applicant requested continuance until 12/12/22

Motion to continue public hearing until 12/12/2022 made by Daniel Pearson	Seconded by: Kerry Malloy Snyder Aye: Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder Motion Carries
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E. (DEP#250-1113) NOI- 0 East Hodges

REQUESTED A CONTINUANCE UNTIL DECEMBER 12th

(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.



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(Continued from 9/26/2022 for 5 meetings)

Applicant/ Representative	Representative: None present
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Applicant requested continuance until 12/12/22

Motion to continue public hearing until 12/12/2022 made by Daniel Pearson	Seconded by: Kerry Malloy Snyder Aye: Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder Motion Carries
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F. (250-1108) NOI-0 Hill Street

(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 9 meetings)

Applicant/ Representative	Representative: None present
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Applicant requested a continuance until 12/12/2022

Motion to continue public hearing until 12/12/2022 made by Ronald O'Reilly	Seconded by: Daniel Pearson Aye: Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder Motion Carries
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G. (DEP#250-1105)-NOI- Pine Street Cluster

(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 10 meetings)*



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Applicant/ Representative	Representative: Bob Forbes; Zenith Consulting Engineers Amy Ball; Horsley Witten
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Bob Forbes explains that Claire Hooeboom sent a response letter to the peer reviewer Horsley Witten. Bob explains that in the letter Claire provided more information about the wetlands crossing and the associated wetlands culvert. There was a culvert analysis done on the crossing as well as several site visits conducted by Claire Hooeboom, where she looked for stream channels on site. Amy Ball, peer reviewer with Horsley Witten, explains that she received the letter last week and based on a brief viewing it seems a majority of their original comments have been addressed. Amy explains that they had suggested a couple of findings or conditions that the commission may consider when issuing an order. Amy explains that the issue of the stream stats reports and the culvert crossing appear to still be unclear based on what has been reviewed. Amy mentions that there was a virtual meeting between herself, Claire, and John Thomas and that it may benefit the project to have another clarifying call, or perhaps schedule a site visit with the applicant and the representatives. Amy clarifies that it is still unclear as to the context of down gradient 12-inch culvert that is referenced, leading them to believe that that condition has perhaps changed the hydrology of what could be an intermittent stream. Amy states that more information will be needed to fully understand the design of the culvert. Amy notes that the size of the culvert was increased from 24 inch to 36 inch. Bob agrees with Amy that a site walk would be helpful. Lisa Carrozza asks Amy about a potential no-touch to the BVW within the ACEC, and that various DEP regions had weighed in differently and if there has been any clarification on it. Amy explains that because DEP is not the issuing authority, they kept their response general, but they cannot tell the commission how to handle the project. What they did advise was that it is a discretionary call on behalf of the commission, and that under circumstances where you have a project that does not meet the performance standards under the normal provisions a consideration can be made for another limited project. Amy explains that their recommendation is that if the commission chooses to issue an Order of Conditions for this project the commission will want to weigh in on the protection of the resource areas and the stream crossing would come into play for consideration. Also, in a potential Order of Conditions it would be beneficial to incorporate some findings about the protective nature of an ACEC. Amy comments that the perched culvert could be



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creating a dam situation where water is backed up and it could have changed the pattern of hydrology. Lisa asks Amy if they would recommend spanning the stream instead of a culvert. Amy explains that the stream stats indicate that a span of about 6 or 7 ft would accommodate what the stream stat output has generated. Though there are questions as to whether or not the contributing watershed to that area is accurate, which could be clarified through a site visit. Bob Butler, abutter to project asks if the army corps of engineers has gotten involved yet. Bob Forbes mentions that the army corps would only get involved if the proposed project involved impacting more than 5,000 sq ft of upland. Paul Beneger, abutter to the project, asks about the upkeep of the wetland crossing culvert. Bob Forbes explains that the 12 inch culvert that is mentioned is not on the project site so the applicant does not have the right to maintain it. Bob explains as far as the crossing goes it will be the responsibility of the HOA to maintain it, they would also be responsible for maintaining the entire infrastructure of the project. Bob does mention that the DPW in Norton has mentioned that in the future there could be circumstances where the Town would want to take control of roadways, however that has not been decided on. Paul asks how long the land bridge will be? Bob explains that he will have to look up the length and will bring that information to a future meeting. It is mentioned that the abutters are concerned about the project being over 5,000sqft. Bob assures the abutters that all the calculations have been done conservatively and as precisely as possible so as to not go over the limit and trigger additional review. Sharon Donovan, abutter to the project, asks whether or not a wildlife study has been performed. Bob explains that Claire Hoogeboom did a wildlife study and it has been submitted to the commission and can be viewed by the public. An abutter asks how comprehensive the wildlife study is. It is mentioned that at the next meeting Claire can go over in more detail the wildlife study, in order to address any concerns.

Motion to continue public hearing until 12/12/2022 made by Daniel Pearson

Seconded by: Ronald O'Reilly

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

II. REQUEST FOR PARTIAL/ CERTIFICATE OF COMPLIANCE



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

A. (DEP#250-1116)- NOI-9 Pratt

(Map 21, Parcel 264)

The proposed work is to construct a pool and patio area within 100ft of Bordering Vegetated Wetlands. (Continued from 10/24/2022 for 2 meetings)

**Motion to issue OOC for
DEP#250-1116 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

V. REQUEST FOR SIGNATURES

VI. REVIEW DRAFT MINUTES

- 11/14/2022

**Motion to accept the
minutes as revised 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
- Discussion of a potential Conservation By-Law
- Fee Schedule 2023
- Norton Ponds Annual Monitoring Report- Presentation

Matthew Ladewig presents a report to the commission regarding the lakes and ponds in Norton and the treatments they have been receiving. Matt explains that overall, the treatments have been effective in managing the invasive plant growth in the water bodies. Matt does state that there are two new invasive plants that had not been previously observed. Brittle Naiad was found in Winnecunnet Pond where it had not been previously observed, and Curly- leaf Pondweed was also found in Winnecunnet, both newly discovered invasive species treatable with the sonar method that was already in use to treat the water bodies. Matt recommends that the management/treatment methods for Chartley Pond and Norton Reservoir stay the same as it appears to be effective in



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preventing the spread of invasives. Matt does mention that the treatment at Winnecunnet for Variable-leaf Milfoil did not work as well this year as it has in the past. Matt mentions that the ineffectiveness for the treatment could be due to flow of the water in some areas that dilutes the treatment or it could be a sign that the plant is becoming resistant to the treatment. Matt mentions that there is another herbicide that could be used at Winnecunnet called ProcellaCOR that is very effective on Variable- leaf Milfoil but is not as effective on most other plants. Matt does comment that Natural Heritage would have to approve the use of this herbicide in Winnecunnet. Marc Fernandes asks how the new invasives were introduced into the pond. Matt explains that it could be from boats that were not properly cleaned prior to being placed in the water. Other sources Matt mentions are upstream sources which are just when plans flow downstream and start to populate, which is difficult to control. Lisa Carrozza asks if there are signs posted about cleaning the boats prior to placing a boat into the water, John Thomas states that there are signs for that but there is no guarantee that people will follow the signs.

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

The conservation commission votes to approve the renewal of the License Agreement between the Conservation Commission and Norton Kayak Company.

Motion to approve the renewal of the License Agreement with Norton Kayak made by Ronald O'Reilly	Seconded by: Daniel Pearson Aye: Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder Motion Carries
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- Conservation Fund

The commission discusses the option of starting a conservation fund with the intent to use the money generated by a future fee schedule, to fund maintenance and management of conservation properties. This fund would also allow the community to offer donations that would be used to better the conservation properties. Kerry Malloy Snyder asks how the conservation commission pays for maintenance at the moment. John Thomas explains that it's mainly through grants and at the moment most of the existing funds are only allowed to be used towards Edith Read. John explains that there are really no funds for the maintenance of other properties or conservation restrictions. Lisa Carrozza asks if the



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select board would be able to take money from the conservation fund if need be. John explains that the select board would not be to touch this fund. The conservation fund would allow the conservation department to be more self-sufficient, and would lessen the need for the department to ask for additional money from the town every year. It would also give the commission and the department the ability to decide which conservation properties in town need maintenance or improvements and be able to invest the money into those properties.

Motion for John Thomas to proceed with moving forward to establish a conservation fund made by Kerry Malloy Snyder

Seconded by: Daniel Pearson

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

VIII. BILL SUMMARY


11/14/2022-11/28/2022			
Name	Amount	Account number	Account name
McGregor & Legere, P.C.	\$ 980.00	242-171-100-5701	Wetland Protection Fund

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)

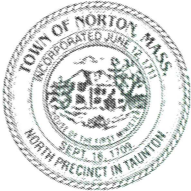
XI. PUBLIC REMOTE PARTICIPATION PROCEDURE

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/85082969011?pwd=VkdIVVdvVXN6RWWhFY2RFYW1kM25Mdz09> . When prompted enter **Meeting ID:** 850 8296 9011 **Passcode:** 183169. 1-646-558-8656



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- 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 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: _____ 12/12/2022 _____

Conservation Signature:

Lisa Carrozza LISA CARROZZA 12023

Name

Date