



# 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>

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Next Meeting:

1-9-23

1-23-23

2-13-23

2-27-23

**Monday December 12, 2022**

**6:30 pm**

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

<https://us02web.zoom.us/j/83840714852?pwd=MXlVZUJMYzR1cmp1Q0k1cmtlVjNldz09> . When prompted enter **Meeting ID:** 838 4071 4852 **Passcode:** 500011. 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**

<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. (DEP#250-1118) NOI-9 Washburn Street

(Map 18, Parcel 157-7)

*Proposed work is to construct a pool, hot tub, patio and deck within buffer zone.*

<b>Applicant/ Representative</b>	<b>Applicant:</b> Christina & Matt Rovaldi
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*Christina explains that based on the plans they are conscious of the boundaries that their backyard allows them. They request that the commission allows them to put in an in-ground pool, hot tub, cabana, and existing deck, based on the plans shown. Julian Kadish comments that he sees the applicant has made an effort to stay out of the 25ft no disturb zone. Julian asks if the shown concrete block is existing, Matt Rovaldi explains that the concrete block would be done for this project to prevent erosion into the do not disturb zone. John Thomas explains that he talked to the applicants about adding an additional visual barrier, John also mentions that a majority of the area they are working in was part of an existing permit done back in the 1990's. Lisa Carrozza asks if there will be any tree clearing, it is confirmed that the limit of trees coincides with the limit of the wetlands. John Thomas explains that there may be one or two trees that need to be removed as part of the project. Lisa asks that the sediment control line between the western property line and where it heads south, be converted into a visual barrier once the project is done.*

<b>Motion to continue public hearing until January 9<sup>th</sup> 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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### I. CONTINUED PUBLIC HEARINGS



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**A. (DEP#250- 1115) NOI – 0 King Philip Road**

**REQUESTED A CONTINUANCE UNTIL JANUARY 9<sup>TH</sup>**

**(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 7 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> None present
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*Applicant requested a continuance until January 9<sup>th</sup>.*

<b>Motion to continue public hearing until January 9<sup>th</sup> 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-XXXX) – NOI-70 & 78 East Main Street- Town Hall**

**(Map 17, Parcel 50 & 51)**

**REQUESTED A CONTINUANCE UNTIL JANUARY 9<sup>TH</sup>**

*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.*

*(Continued from 11/28/2022 for 2 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> None present
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*Applicant requested a continuance until January 9<sup>th</sup>.*

<b>Motion to continue public hearing until January 9<sup>th</sup> 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
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	<b>Motion Carries</b>
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**C. (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 37 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> Tim McGuire; Goddard Consulting
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*It is reiterated that the NOI application is now just confirming some onsite resource areas, and no longer approving any work. Tim McGuire explains that they have sent the revised plans over to DEP and have not received any comments back. John Thomas confirms that the applicant is allowed to confirm resource areas through an NOI. The plan submitted for approval for the site is labeled "Existing Conditions" and solely addressed onsite resources.*

<b>Motion to close public hearing made by Lisa Carrozza</b>	<b>Seconded by:</b> Tamah Vest <b>Aye:</b> Daniel Pearson, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder <b>Abstained:</b> Marc Fernandes, Tamah Vest <b>Motion Carries</b>
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**D. (DEP 250-1093) – NOI – 70 Oak Street  
(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 20 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> None present
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*John Thomas explains that the applicant requested to withdraw the application. No motion is needed for a withdrawal.*

**E. (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 7 meetings)*



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<b>Applicant/ Representative</b>	<b>Representative:</b> Mark Arnold; Goddard Consulting  Desheng Wang; Creative Land & Water Engineering
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*Desheng Wang, engineer for the project explains the revisions to the plans. Desheng starts to explain point by point the standards that have been met by the applicant in regards to stormwater. Due to the length of the meeting John Thomas suggests that Desheng try and address any major concerns to Janet Bernardo the peer reviewer. John also mentions to Desheng that it may be a good idea that once the stormwater issues are resolved that the applicant speak with the building department, planning board, and the fire department to make sure they are fully in compliance in that regard. Desheng mentions that he provided details for the most important aspects of the project, the erosion controls, the expansion of the plans, and included all the details recommended by the peer reviewer. Desheng asks Janet if there is a good time to reach out and discuss the project. Janet comments that the existing catch basin, that there was most likely not going to have any work done near it, Janet asks if there was an opportunity to improve the runoff and water quality coming off of that catch basin. Mark Arnold comments that because that catch basin is in compliance, they are less inclined to seek opportunities to improve it, as they meet the standards that are required for it. Janet asks how much the surface has been reduced, Desheng explains it was reduced to 715 sq ft. Desheng also explains that the area for that catch basin does not have much traffic as it is a loading dock. Janet explains that she just wants the commission to understand what the request was, that this catch basin in particular is in a watershed protection area with drinking water supply, and there is an existing catch basin that takes the pavement area that is a loading dock and discharges directly to a wetland. Mark explains that under the stormwater standards he does not believe it is under the commission's discretion to require the applicant to make adjustments to the existing catch basin that is in compliance. Mark also explains that there are many storm sceptors on the site. Lisa Carrozza asks if the catch basin has a deep sump, an oil grease hood, or anything for water quality. Desheng explains that there are a total of four stormwater sceptors on site and two existing infiltration basins that have no overflow. Mark explains that catch basin 1 and 2 are located in an area of three loading docks and catch basin 2 is taking a majority of the runoff. Janet asks how they know that catch basin 2 is taking a majority of the water. John comments that there seems to be some questions that still need to be addressed, and some additional topo shots may be helpful to show where the water is draining to in regards to catch basins 1 and 2. Lisa also comments that the main point for catch basin 1 is that it is one of the only catch basins*



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*that is directly contributing to a wetland with no water treatment. Lisa comments that the commission asks that the applicant update the catch basin to improve water quality as a direct discharge to the wetland. Desheng mentions that they will do calculations to prove that it is in compliance, and discuss it further.*

<b>Motion to continue public hearing until January 9th 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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### 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 100-ft buffer zone to BVW, and the proposed barn within 200ft of Riverfront area. (Continued from 9/26/2022 for 6 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> Ryan Roseen: Goddard Consulting  Nick Fascendola: Engineer
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*Ryan Roseen reiterates to the commission that they submitted updated site plans, revised page 3 of WPA form and also responses to comments from the commission and the abutters. Ryan explains some of the revisions to the site plan to the commission, stating that the intermittent stream bank was flagged, the crossing was enlarged to meet stream crossing standards, and the driveway was shifted over because of the angle of the intermittent stream. Ryan also points out that the septic leaching field was moved over because of the information given by an abutter, and the changes will ensure that they will be 100 ft away from a potential new well. John Thomas brings up issues with the crossing, specifically stating that the proposed culvert is also considered a crossing because it is located over a stream, which means it will need to meet stream crossing standards as well. John mentions that the site is located within an ACEC and that it may not meet the criteria for an exemption. John also mentions that the idea that was presented using trenching is still considered impacts and it would be best for them to*



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explore other options for crossings. John suggests to the applicant that they do a self-evaluation for the crossing and provide the commission with more information. Ryan asks if John thinks there is a stream bank there, John states there is a definitive channel which constitutes the bank. Ryan mentions that they did submit the responses saying it is a limited project and they would be able to do BVW fill within an ACEC. John mentions that they have to meet the impermeant threshold first because that is what is stated in the WPA. John mentions that there needs to be further review and investigation on the overall net benefits of the project for the wetland area, as well as how the project would affect potential species. Ryan mentions that they have submitted a MESA review and they gave back a no take letter stating that there would be no impacts to species. John also mentions that where the stream crossings are being proposed need to have the interior streams evaluated, and prove that there will not be impairment. Ryan does mention that the proposed crossing locations are the easiest areas to cross and allow for the least amount of fill. John explains that within an ACEC it is at the discretion of the conservation commission. John also recommends a perc test to get a sense of the infiltration rates for the soils, it is mentioned that they have already done some testing over the septic system. It is explained where they have done perc testing previously. The soils are good and the groundwater is about 36 inches in the area of the proposed septic system. It is mentioned that there will be mounding up in that area because they are required to provide a 5ft groundwater separation. John mentions that he observed during a site visit that the monitoring wells showed that the groundwater was at grade, which was cause for some concern. John asks that they take further testing done outside of a drought to ensure accurate testing. It is mentioned that they will be doing some additional testing, perhaps handhole testing for the rear systems that are being proposed. It is mentioned that there is a proposed shallow infiltration basin next to the barn and a rooftop stormwater infiltration system below grade near the proposed dwelling. John brings up that in regards to stormwater if the work is in excess of an acre it will trigger the stormwater by-law requirements that the states require. If they trigger the stormwater by-law, they will have to make sure that all stormwater BMPs are at least 100 ft away from any vernal pool areas, which means the stormwater system by the barn would have to be reevaluated because of a potential vernal pool that has been noted in that area. Nick Fascendola mentions that he will take a look at that and make sure to add to the plans that there is a 100ft setback from the vernal pool. Lisa Carrozza



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*comments that if they are over the acre, they will trigger a need for a SWPPP under the EPA CGP as well. Lisa also asks if there are any provisions for snow plowing and storage, and comments that that is something that should be considered. Lisa also brings up the replication area and requests that they evaluate if that area is the best place for it, and if they will have to remove any trees in order to create the replication area. Ryan explains that the main reason for the placement for the replication area is that it is situated right next to the impacted area, which is what DEP prefers to see. Ryan mentions that a few trees may have to come down, but they can evaluate the area to see if there would be a better area to have the replication. Lisa asks if the stream channels on site are perennial. John Thomas confirms that the stream channels are not perennial, and that they exhibited intermittent criteria when he was onsite. Chris Polk, abutter to the project, asks if the applicant can still use the same test pits even though the septic system has been moved. Ryan explains that they can still use the original test pits. Chris Polk asks about the sediment forebays, and explains that his own engineer stated that the addition of the forebay could possibly change water levels underground and could impact his new septic system. Chris asks that they do soil testing where the proposed sediment forebay will go. Chris also asks how close to a property line a sediment forebay can go, and if there are any setbacks. Chris comments that at the time test pits were being done there was a drought and he mentions that now that it has been raining, he can see puddles forming where the septic system is going to be located on the property. Chris asks who will be accountable if he is impacted, and who will cover any damages caused because they are adding impervious surfaces. Nick comments that there is a minimum 50 ft set back between a stormwater management facility to a leaching field. Nick also mentions that Chris's property grades towards the project site, and there is no proposed fill that would change the drainage patterns that currently exist. Nick does confirm that there will be additional testing in the locations of the proposed basins. Nick explains that the ORAD for the property was approved in 2000 so that was prior to the drought that Chris mentions, and the test pits in the proposed leaching field were done in 2001 which again was done prior to the drought. John mentions that the project would be in noncompliance if stormwater runoff went onto someone else's property, and any damages would need to be fixed by the applicant or the land owner at the time. John mentions that the responsibilities would be listed in the O&M plan and in the OOC, in case of runoff going off site. Nick also comments that in the design plan they have swales*





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directing stormwater runoff, treatment areas which are infiltration areas with sediment forebays, doing everything possible to prevent water from leaving the site. There seemed to be some discrepancy about when the test pits were done for the septic system, the representative states it was done in 2001 and Chris explains that they were in fact done in 2020. Chris restates that he has major concerns about the potential for runoff coming onto his property due to lack of maintenance of the stormwater systems. John Thomas reiterates that if the stormwater systems are not maintained according to the O&M plan then there is a potential for an enforcement order due to non-compliance. Dave Delong, abutter to the property asks about the plowing and salting of the driveway and what provisions are there to prevent salt from washing into the wetland. Dave also asks if his comments from the previous meeting have been addressed, specifically if there have been any talks with the town of Taunton because there is drainage that is connected to Rama Street to help keep that area dry and has investigated how runoff from the project location could affect Rama Street. Dave also mentions that there are species of concern on the property, specifically Dave mentions observing spotted salamanders in the area. John Thomas mentions there are vernal pools on this site and south of the site and the applicant has to prove that they will not impair the wetland and the migratory pathway. John mentions that the issues with the salting of the road would be laid out in a potential OOC which would prohibit the use of those types of chemicals within an ACEC. Dave asks if the pool would be listed in the OOC because if the pool needs to be pumped out the water would be chlorinated going into the wetlands. John mentions that they would have to have a pool management plan and an emergency action plan, that the pool company will most likely supply. In the plan it will lay out how they will access the area, and how the pool water will be removed, whether it will be from a truck because the commission does not want the water to be dispersed into the wetlands or areas within the ACEC. Crystal Kavanaugh, abutter to the property mentions her concerns regarding how the project may impact her property. Crystal comments that the applicant has mentioned previously that an inspection of her property was not done because they did not have permission to go onto the property, but Crystal states that she has reached out on several occasions to set up meetings on her property. Crystal asks who would be available to meet with her to discuss her property. Crystal's specific questions revolve around the grading of the property and how it will slope once everything is finished. Crystal also reiterates what Dave said and asks if Taunton was contacted at all in regards



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*to the project because residents in Taunton will also be affected. Crystal asks if the project is approved and the home is sold will the conditions transfer over to the new owner. John answers a majority of Crystal's questions, stating that the property drains to the west and through some stream channels to a larger wetlands system so everything down gradient would flow to the stream and then under East Hodges Street for the North. John mentions that Crystal's properties would be at a higher elevation. John also explains that all owners and future owners will be required to follow the OOC. Crystal asks Ryan if when he can come onto her property and walk through the area, Ryan mentions that Mitch at Goddard will be able to reach out if she is still interested in setting up the meeting. Crystal asks if a special permit would be needed, John mentions that they typically request a waiver for work within the 25ft no disturbance zone but there would be no additional cost to the applicant. Chris comments that once the ground of the site gets saturated water will travel over the surfaces and that in the past has caused major flooding on East Hodges. John mentions that the applicant will be doing testing and the applicant will need to reassess the wetland crossing as that is the main concern that needs to be addressed prior to moving further with the project. Dave Delong asks what steps are in place during the construction process to ensure the protection of the wetlands in case of unforeseen problems. John mentions that prior to work they need to sort out the crossing and make sure they have the soils to accommodate the septic and stormwater, without having those aspects being approved the project can not move forward. Dave asks how incremental is the spot checking for this site? Lisa Carrozza comments that the construction sequencing for the plan needs to be rewritten to acknowledge the points of the infiltration areas, the crossings and the replication area, more details about each is needed. Ryan explains that there is a construction sequence for the stream crossing. Lisa explains that there needs to be a construction sequencing to direct the contractor of the overall order of sequencing which should explain each step as they progress into the site. John restates that further investigation is needed to have a better sense of the format of the project because they even get to the construction sequencing. Lisa suggests the commission visit the site to get a better understanding of the resources. It is also suggested that if the commission goes out that the limits of the crossing are identified along with key elements of the project.*



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<b>Motion to continue public hearing until January 9<sup>th</sup> made by Lisa Carrozza</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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**G. (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 10 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> Michael Dryden; Senior Project Manager
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*Michael Dryden explains to the commission what has been done up to this point. Michael explains that they issued a second round of comments to the peer reviewer John Chessia. Michael brings up to the commission some comments that the peer reviewer continues to make, explaining that they have shown in detail that they are under 1 acre of disturbance and therefore not subject to the local by-law. Michael also brings up the original because of the open basins proposed the project was over 1 acre of disturbance, but now based on the comments from the peer reviewer the plans were reworked in order to have the project be under the 1-acre threshold. Michael explains that as far as testing goes because the basins have been moved back from the resource areas the project is now well above groundwater levels. Michael does mention that the peer reviewer has been pushing for additional testing, though it was discussed back in August with the commission that additional testing would be done prior to construction just as a confirmation and report the finding to the commission. Michael also explains that now they are just waiting for John Chessia to respond to the second round of comments that have been submitted. Amy Conley, abutter to the project asks why a habitat evaluation is not required. John Thomas explains that the project is no longer being proposed within vernal pool habitat and therefore no wildlife habitat study is required. Amy also asks if the testing was done during a drought, and would it have had an impact on the testing results. Michael explains that the testing was all witnessed by an agent of the town, and*



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*also explains that when the testing is down, they are not looking specifically for groundwater, instead they are looking for indications of historic high ground water.*

<b>Motion to continue public hearing until January 9<sup>th</sup> 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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### H. (DEP#250-1105)-NOI- Pine Street Cluster

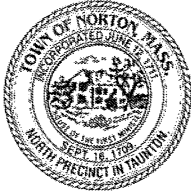
**(Map 24, Parcels 7,9,13,108 &109)** <https://tinyurl.com/PineStreetNorton>

*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 11 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> Claire Hoozeboom; LEC Environmental Consultant
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*Claire Hoozeboom explains to the commission that there was a site visit with the project team, peer reviewer and conservation agent, the goal of the site visit was to review on the ground conditions and the context of the response on the Horsley Witten comments to the stream crossing standards on the wetlands crossing location. Claire explains what was observed at the site visit, Claire comments that ultimately what was determined was that the hydrologic gradient within the larger system really discharged towards the pond, and that it was agreed that the drainage areas A and B are contributing to the crossing location and there is the potential to exclude the larger area from the drainage analysis for the culvert beneath the wetland crossing. A 12- inch culvert located off site owned by the Town was also discussed during the site visit, it was discussed that the applicant considers removing the 12- inch culvert as part of mitigation, which would allow for more hydrologic flow through the area, and then install a crossing. Another discussion point brought up during the site visit was that Horsley Witten requested that the applicant considered a box culvert instead of a round culvert in the crossing. Lisa Carrozza asks if there was any information gathered as to why the town put in the 12-inch culvert originally. John Thomas comments that there is the potential that the culvert could have been put in prior to the town purchasing the land. Lisa asks if as part*



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*of the analysis of the culvert will it be examined for any potential issues if the culvert is removed, specifically any potential of high flow. Claire explains that it has not been discussed because the idea of the culvert being removed was only just mentioned during the site visit. Claire explains that the removal of the culvert is something the applicant is open to consider but there needs to be a discussion with the town on whether it is something they would agree to. Lisa explains that it would be beneficial to know from a hydrologic perspective if the removal would do more harm than good and also what the implications are downstream if the restriction is moved. Julian Kadish comments that due to the culvert's age it may be plugged which could be part of the reason for the restriction. Claire explains that roughly the width of the culvert is blocked by organics, John Thomas explains that based on the location of the culvert it is undersized. Lisa comments that more information is needed to make an informed decision. Claire asks if it is agreed that the culvert be removed and that the project be permitted separately so that it is not necessarily associated with the cluster development. John comments that he thinks that would be something that would be conditioned and that with the help of the applicant it would potentially be the town that would be in charge of making sure that all the necessary permits are obtained. John also mentions that because the culvert is undersized there is the potential that it could cause issues for this project going forward or in the future due to restricted flow. Daniel Pearson asks if the town does not agree to the removal of the culvert that impedes the ability for the applicant project to continue. John restates that if the culvert is not addressed there is potential for it to cause problems in the future, due to flow restriction. Claire points out that the removal of the culvert would not be the only mitigation that the applicant would supply, this was just an option that the applicant was open to. For example, without the removal of the culvert the applicant is proposing a replication area and a larger culvert than what is required. Julian comments that the town needs to meet their obligation to maintain the structure on their land or to remove it due to the restriction of flow, and that if the applicant is willing to remove the culvert would only help the town meet that obligation. Claire clarifies that they are filing a self-verification notification with the army corps of engineering, which is a notification letting them know they have approval from the conservation commission to do a project that would result in less than 5000 sq ft of alteration, so the army corps will be notified but they will not be involved or providing comments for the project. Claire also mentions that LEC produced a wildlife habitat*



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elevation report in response to a request from the commission due to the wetland crossing. Claire explains that the report is geared towards the bordering vegetated crossing, and the goal is to evaluate the alteration to the BVW and the resource area for the important habitat feature that should be avoided, and if they cannot be avoided should be incorporated into any mitigation. The evaluation did not find any important habitat features that were going to be impaired, however they did note that the work would be located in mapped "Habitat of Potential Regional or Statewide Importance", as well as that the installation of structures could prevent animal movement. It was determined that the wetland crossing was ultimately not going to result in an adverse effect or impairment of the resource areas capability to continue to provide wildlife habitat. Claire also points out that there is still viable wetland and upland habitat that remains on site that is not going to fragment the migratory passage of wildlife species. Claire states that part of the wetland replication mitigation will be done at a 1.45:1 ratio of the area lost, which will also provide a diverse plant community in the wetland replication area with fruit and berry producing plants. It is also pointed out that the additional mitigation of increasing the culvert would allow for more wildlife habitat movement. Bob Butler, abutter to the project asks if there is any concern with the wildlife impact during construction, Claire explains that while the wildlife habitat evaluation report specifically addressing the wetland impact is limited the habitat continuity was looked into. Also provided was a brief wildlife evaluation for the Briggs Street alternative, which proved to be a far less preferred alternative in the context of wildlife continuity, because it would have resulted in development in a terrestrial upland. Claire does mention that in regards to utility installments there is the potential to work out a time of year construction schedule to avoid any potential terrestrial over wintering that would conflict with important species. With the scheduling the work footprint would be generally limited to the trench footprint that would be required to install that, and the contractor would follow best management practices. Bob also asks about the logistics of plowing and salting the potential roads, and whether there will be protections for the wetland crossing. John Thomas mentions that there will be conditions pending approval because the work would be done in an ACEC. Bob also asked if there is a potential for there to be a bond in the event that stormwater is not managed or maintained correctly and impacts abutters. John mentions that typically if it is a private road, it is typically the HOA that would be in charge of managing all the facilities and stormwater BMPS on site.



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*John explains that the planning board typically is the board that would request a bond. Claire mentions that the concerns over stormwater management in general and who would be the issuing authority has been brought up at planning board meetings as well, and John Thomas confirms that it would go through the stormwater authority, then it would go through the approval process of either the planning board or conservation commission depending on jurisdiction. Amy Ball, peer reviewer explains that the site visit helped with clarification of the project and the layout of the site. Amy explains that they need to run a few more calculations to see what makes sense in regards to culvert size. Amy did mention that it was recommended that the applicant make the culvert a little bigger than necessary, as a mitigation measure because it is a crossing in an ACEC.*

**Motion to continue public hearing until January 9<sup>th</sup> 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**

**II. REQUEST FOR PARTIAL/ CERTIFICATE OF COMPLIANCE**

**A. (DEP#250-1046) COC-461 S. Worcester Street  
(Map 32, Parcel 182)**

*The proposed project was to construct a dwelling, septic, driveway, grading and utilities within 100 feet of bordering vegetated wetland.*

*\*\*\*Marc Fernandes recuses himself\*\*\**

*John Thomas confirms that he reviewed the site and all the visual barrier posts are put in per the OOC and all the natural heritage information that was requested was received as well. John confirms that the site is in compliance per the OOC.*

**Motion to issue a full COC for DEP#250-1046 made by Lisa Carrozza**

**Seconded by:** Tamah Vest

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

**Abstained:** Marc Fernandes

**Motion Carries**



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

#### A. (DEP 250-1117) ANRAD- 300 S. Washington Street

(Map 25, Parcel 8-12)

*The proposed plan is to verify onsite resource areas.*

*(Continued from 11/28/2022 for 2 meetings)*

\*\*\* Marc Fernandes returns to meeting\*\*\*

<b>Motion to issue ORAD for DEP# 250-1117 made by Lisa Carrozza</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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#### 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 37 meetings)*

<b>Motion to issue ORAD to DEP#250-1070 made by Ronald O'Reilly</b>	<b>Seconded by:</b> Lisa Carrozza <b>Aye:</b> Daniel Pearson, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder <b>Abstained:</b> Marc Fernandes, Tamah Vest <b>Motion Carries</b>
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### V. REQUEST FOR SIGNATURES

### VI. REVIEW DRAFT MINUTES

- 11/28/2022





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**Motion to approve minutes  
as revised made by Lisa  
Carrozza**

**Seconded by:** Ronald O'Reilly

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

**Motion Carries**

### VII. NEW/OLD BUSINESS

- Report from Staff

*John Thomas explains to the commission that the DEP has rejected all conditions suggested by the conservation commission in regards to the Island Brook project. John asks that if the commission would want to pursue the conditions that a special agreement would have to be put in place and would accrue additional costs, and see if the applicant would be willing to agree to a side agreement. Lisa Carrozza asks why the conditions were not upheld and the DEP stated that it was not in their jurisdiction. The commission agrees that they would not pursue action to try and get a side agreement with the applicant. It is explained that the commission is conceding that they do not want to pursue any additional conditions and DEP can be the authority for the project.*

- Discussion of a potential Conservation By-Law
- Fee Schedule 2023
- Potential in person meetings, times and location
- Norton Kayak signatures

### VIII. BILL SUMMARY

11/28/2022-12/12/2022			
Name	Amount	Account number	Account name
Horsley Witten	\$ 305.80	243-171-100-5700	Outside Consulting Fee
Plumbing	\$ 325.00	001-171-5701-5308	Maintenance of Conservation Areas
verizon	\$ 29.84	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



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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/83840714852?pwd=MXlVZUJMYzR1cmp1O0k1cmtlVjNldz09> . When prompted enter **Meeting ID: 838 4071 4852 Passcode: 500011. 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: 1/9/2023

Conservation Signature:

Lisa Ceryza LISA CARROZZA 1 20 23

Name

Date

