



## 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:

1-23-23

2-13-23

2-27-23

3-13-23

**Monday January 9, 2023**

**6:30 pm**

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

<https://us02web.zoom.us/j/84597901092?pwd=RlZZcU44bEwMWtWNTcwNTZDNkdU09>. When prompted enter **Meeting ID:** 845 9790 1092 **Passcode:** 963202. 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></ul>
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### Other representatives present

- John Thomas, Conservation Director
- Megan Harrop, Conservation Secretary

### NEW PUBLIC HEARINGS

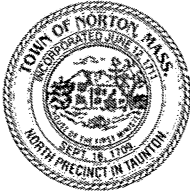
#### A. (DET#1130) RDA- 353 & 355 Old Colony Road (Map 26, Parcel 287 & 54-01)

*The proposed plan is the construction of two buildings with associated drive, parking, drainage, utilities and septic system within 100ft of BVW.*

#### Applicant/ Representative

**Representative:** Walter Hermenau. PE. LPS

*Walter Hermenau, representative, explains the project to the Commission. Walter explains that the applicant has requested a Request for Determination due to the limited impacts the project presents to the 100 ft buffer. It is explained that the impact is within an area that is pre-disturbed. The impacts would come from the construction and repair of the existing drive, asphalt would be added slightly off of the 100 ft buffer, all stormwater on the property would go towards an on site culvert and be retained onsite. It is explained that the overall impacts will be reduced at peak rate and volume. The area around the culvert will be improved with new pipe and a stormceptor will be added to reduce total suspended solids. Other BMPS for the project are underground infiltration and an open infiltration basin. It is mentioned that the entire roof runoff will be infiltrated on site. The current culvert design allows the pipe to become choked out rather quickly; the proposed work would hopefully prevent the pipe from getting full and obstructing flow. John Thomas explains that this project is being peer reviewed with the planning board which will review the stormwater plan for the project. The applicant has also submitted a stormwater permit which John Thomas says he will be reviewing once the peer review consultant has made comments on the stormwater plan. Julian Kadish asks if the Commission can close based on the plans given because the peer review is being done by the planning board. John confirms that the Commission can close if they choose to do so. Lisa Carrozza comments that it may be a good idea to keep the hearing open in case the peer reviewer suggests changes to the site plan, that way the applicant will not need to come back in front of the Commission in order to revise that plan. The representative agrees that continuing the hearing would be for the best in case any revisions are needed. Tamah Vest comments that*



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*the stormwater management report mentions that the report was done in development with the Town of Easton's stormwater regulations. Walter confirms that was an oversight and will have that stormwater report fixed.*

<b>Motion to continue public hearing until January 23<sup>rd</sup> made by Ronald O'Reilly</b>	<b>Seconded by:</b> Tamah Vest <b>Aye:</b> Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza <b>Motion Carries</b>
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**B. (DET#1131) RDA- 127 Burt Street**

**(Map 12, Parcel 6)**

*The proposed plan to raze an existing structure and construct a 3600sqft single family house with onsite septic system[DP2]*

<b>Applicant/ Representative</b>	<b>Representative:</b> Craig Cygawnoski; RIM Engineering
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*Craig Cygawnoski representative[DP3] explains the project to the Commission. Craig explains that there is a proposed house to be constructed on the existing wooded property. Craig explains the wetlands have been flagged[DP4], which give the potential construction site more than a 100 ft buffer from the wetlands. Craig explains that there is a 100 year floodplain that runs across elevation 74.5 down on the slope. The closest point of construction is 103 ft of clearing and the proposed house would be built at its closest point of 119.7 ft. Craig mentions that they did have an approved perc test witnessed by the board of health agent. Craig does mention that the runoff along the driveway will be directed into an infiltration basin that will run on the westerly side. John Thomas comments that he approves of the wetland flagging that was done on site. Lisa Carrozza asks if there is a note in the plan that references the flood elevation, if not if it could be added. Craig comments that he will add that.*

<b>Motion to close public hearing until 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, Lisa Carrozza <b>Motion Carries</b>
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<b>Motion to issue a negative three determination pending revisions 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, Lisa Carrozza <b>Motion Carries</b>
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**C. (DEP#250-1119) NOI - 0 S. Washington Street**

**(Map 24, Parcel 62)**

*Tree clearing, grading, and gravel within buffer zone to the BVW is proposed.*

<b>Applicant/ Representative</b>	<b>Applicant:</b> Dave Pateuk <b>Representatives:</b> Bob Crowell and Nicole Hayes
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*Bob Crowell explains the project to the Commission, stating that there is a 25 ft no disturbance zone that they are keeping based on Norton's policy. Bob explains that all grading will be outside of the 25ft no disturbance zone. The proposed parking lot should hold around 150 parking spots, mentioning that there will be three stormwater catch basins which all go to infiltration basins so that no runoff will go into the wetlands, which the peer reviewer seems to be satisfied with. Bob comments that the peer reviewer for the project also looked at the mounding calculations for the project and was satisfied with those as well. Bob mentions that the plans will be changed further based on planning board comments requesting a landscape buffer, which will pull the parking lot back 20ft from the street and reduce the paved area, losing 3 to 4 parking spots. Bob mentions that there will be slopes around the edge that they will put ground cover on. Julian Kadish asks if the only impact is that it is going to be built in a buffer zone? John Thomas comments that the peer reviewer for the project has been hired by [Conservation][DP5] to review the stormwater for the site. John mentioned to Bob that Pat the peer reviewer should review the plans once changes are made to make sure the site is still in compliance with stormwater requirements. Lisa Carrozza asks how the riverfront area was established and how [Wetland][DP6] B qualifies under the act. Nicole Hayes with Goddard Consulting explains that the riverfront area was reviewed and flagged in the field with Bob and John Thomas, the flagging shows that all the work is outside the 200 ft riverfront area. Nicole explains that Wetland B is a non-jurisdictional*



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isolated wetland and does not qualify as ILSF and is not regulated under a local by-law[DP7]. Nicole explains that this site has an ORAD that was previously approved by the Commission as well. John Thomas clarifies that the ORAD done the previous year confirmed Wetland B but did not confirm the riverfront, which is why Bob and John reviewed the flags in the field in preparation for this project. Lisa asks that the mean annual flag identification locations for the river be marked on the plans and that the Wetland B be labeled IVW on the plans. Lisa asks if there is a flood zone on the site, and Bob confirms there is not. Dylan Cleary, abutter to the project, asks for clarification on where Lopes Drive is located as it appears to him that it is located in the wrong area. It is confirmed that Lopes Drive is in the correct spot on the plans. Dylan also asks where they are planning to move the parking lot based on suggestions from the Planning Board. Dylan asks if they will be moving it closer to Lopes Drive. Bob comments that the entrance will stay where it is currently located; the pavement would just be shifted. Tracie DelGrosso, abutter to the project, mentions that she also believed that the plans are mismarked and that certain locations are not accurately depicted. John Thomas brings up a satellite image to give the public and the Commission a clearer view of the site and where everything is located.[DP8][MH9]. The satellite image confirms the plan's accuracy, and it is mentioned that a lot of possible plan corrections are items to be taken up with the Planning Board. Pam, an abutter to the project at 166 S. Washington Street mentions that she is unclear as to where the access point for the site is going to be located. Pam also mentions that she is concerned about the wetlands being impacted and mentions a potential vernal pool. Julian Kadish asks if the applicant would be willing to put in two stakes labeled "right side of the driveway" and "left side of the driveway" on site, so that any abutters to the property can get a clear image of where the access point for the site will be located. The applicant agrees to put in the stakes. Dave Pateuk comments that he has no wish to impact any of the abutters and is willing to work with the abutters to address their concerns. Tracie DelGrosso mentions that abutters have multiple concerns that an asphalt parking lot will be constructed in an area with wetlands and vernal pools—especially the impact such construction might have on the wildlife in the area. Tracie emphasizes that the site location is currently soaked and she does not see how anything can be built or constructed in that area. Bob comments that they will be infiltrating the water, and that the stormwater is collected in catch basins, which leads to a stormceptor which will separate the silt, dirt and oil prior to the water



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*going into the infiltration system. Bob emphasizes that they will be cleaning the water before any of it goes into the wetlands and that they will be good stewards of the property. Nicole Hayes clarifies that there are no certified or potential vernal pools located on the property. It is clarified that the plans need to be revised based on Planning Board suggestions, the access point needs to be staked out on site, the riverfront flags need to be added to the plans, and the peer reviewer needs to provide a response to the revised plans stating that the revisions do not constitute any major change to the stormwater.*

<b>Motion to continue public hearing until January 23rd 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 <b>Motion Carries</b>
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### **D. (DEP#250-1120) NOI- 257 Plain Street**

#### **(Map 19, Parcel 8-02)**

*The proposed work is to construct a garage and breezeway attached to an existing single- family home within 100ft of BVW and 200ft of riverfront.*

<b>Applicant/ Representative</b>	<b>Representative:</b> Craig Cygawnoski; RIM Engineering
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*Craig Cygawnoski explains the project to the Commission. Craig explains that the site directly abuts Mulberry Meadow Brook to the west of the site. The resource areas are the mean annual high-water mark, which was flagged by Brad Holmes, as well as the BVW adjacent to the river bank. There is a 100-year floodplain that is at elevation 73 ft. The project is to add to an existing house a 28'x32' garage with a 8'x20' breezeway. Most of the garage will be sitting on the existing paved driveway and around 5 ft to 10ft along the edge of the paved driveway is the limit of tree line, the existing tree line is where the proposed siltation controls will go. No trees will be proposed to be cut. The entire area where the work will be performed is previously disturbed area. The proposed construction in the inter riparian [zone][DP10] is 480 sq ft. The garage, which won't have a full foundation, will meet the grade of the existing driveway, and no additional pavement will be added[DP11][MH12]. There will be an additional impervious area of about 280 sq ft. The roof water for the garage and breezeway will be connected to the CULTEC*



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chambers in the rear yard. The CULTEC chambers will be placed 20ft from the house in the existing lawn area. Julian Kadish asks if they are taking runoff from an impervious area that already exists and putting it in an infiltration system. Craig explains that they are replacing some existing pavement that is graded towards Plain Street: they will remove that pavement and then the [impervious][DP13] will go into the infiltration system in the back of the house, so the runoff going towards Plain Street will be reduced. Julian asked if the steep embankment going towards Mulberry Meadow Brook is wooded all the way down to the wetland. Craig explains that yes there is a fence and then around 10' of cleared area followed by a heavily wooded area. John Thomas confirms that based on his review of the site that CULTEC is an overall improvement to the site and the garage is overall within pre-existing pavement as part of a pre-existing permit from back when the house was built.

<b>Motion to close public hearing made by Lisa Carrozza</b>	<b>Seconded by:</b> Tamah Vest <b>Aye:</b> Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Lisa Carrozza <b>Motion Carries</b>
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**E. (DEP#250-XXXX) NOI - 0 West Main**

**(Map 21, Parcel 206)**

*The proposed work is the construction of a 4,000 sq ft mixed use building with associated grading, drainage, septic system, and utilities within the buffer zone.*

<b>Applicant/ Representative</b>	<b>Representative:</b> Greg Driscoll; JDE Civil
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Greg explains the project to the Commission. The applicant proposes to construct a 4,000 sq ft mixed use building, which is proposed to be two stories. The first story would contain a dentist office and the second four apartments. The site is located in Norton village commercial [district][DP14]. The resource areas, which were delineated by Brad Holmes in 2021, contains BVW, an intermittent stream, and 25ft no disturbance zone. Greg emphasizes that the Conservation Commission already issued an ORAD for this site DET#1126 regarding the drainage ditch on site. John Thomas and Brad Holmes went back out onsite prior to the filing of the NOI and reviewed flags that had been taken down in error and noted that there was a potential vernal pool located on site. For the



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building there will be proposed parking for the rear and side a total of 28 parking spots as required by zoning. The drainage plan shows the water will flow over two sediment forebays in order to get proper TSS removal before the proposed infiltration basin. They could not get the entire site to flow back so there is a high point and a catch basin located along the property line that catches a small portion of the area which goes into a small infiltration basin located in the west. There is a reserved area for the septic system that may require further soil testing from the Board of Health. Another drainage area, which is located on the easterly side of the property, goes into the swale to make sure there is no runoff to the neighboring properties. Greg mentions that the soils in the area are very good and water is absorbed into the ground readily. All the water on the property flows from the ridge line to the edge of the pavement, and just off the property into the wetlands. Greg explains that the way the drainage basin in the rear is designed, it filters all the water and is not an outlet control structure: In this area the valve is normally closed and water flows through it only for maintenance purposes and as an emergency spillway. Greg also states that pond 1A at the front of the site is also infiltrating all the water and there is an overflow area for an emergency spillway. Greg explains that the basin hatched out in the rear portion of the property will be planted with deer resistant meadow seed mix to replicate the type of runoff characteristics of the existing wooded area. It is also mentioned that there is a flush curb at the edge of the pavement to protect the pavement from breaking, and a five-foot-wide sawed strip. In addition, they will be putting in roof drains under the ground and distributing those directly into the rear basin. A construction entrance and exit are proposed to make sure sediment isn't tracked into the road, as well as a dewatering area and separate stockpiling areas outside of the 100ft buffer. John Thomas comments that a peer reviewer has been obtained to review the project's stormwater plan. John also comments that the applicant may come back with revisions regarding the rear basin being located too close to a potential vernal pool. Lisa Carrozza asks what is being used for sediment controls along the perimeter. Greg explains they will be using a compost filter sock. Lisa asks that Greg strike hay bales from the notes because hay bales are no longer allowed. Lisa also asks if there is any way to rotate pond 1A out of the buffer zone. Greg comments that they will look into it. Kelly Murphy, abutter to the project, asks for clarification about the buffers labeled on the plans, asking if there is 175 ft of buffer zone. It is explained that the 25 ft no disturb zone, 50 ft buffer zone, and 100 ft





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buffer zone are shown, but that those zones are just markers for the project and the buffer is based on the delineation of the wetlands. Kelly asks if the basin will have a railing around it for safety. Greg explains that a railing is not required. It is mentioned that the basin is just over 2 ft deep. Kelly also asks for more information on the use of the building. It is explained that there would be a dentist office on the first floor and residential housing on the second. The dentist office has an agreement on the land subject to permits. Annie Schuster, abutter to the project, asks how much of the water will flow into the stream and whether it will become an issue. Julian Kadish comments that it appears the design will either cause no runoff or less runoff than at present. Greg also explains that the WPA has stormwater standards that require a project to meet the 10 standards of the WPA with regards to drainage and stormwater management. Annie also asks whether the whole property is going to be clear cut or replanted (with trees) to provide a visual buffer. Greg comments that they will not be clearing past the 25ft no disturbance zone, also mentioning that they will be revegetating some of the area with a meadow seed mixture that will not be mowed and will be left to grow wild. Freddie Moskowitz, abutter to the project, asks about the parking lot and the lighting. It is explained that those issues need to be taken up with the Planning Board. Greg notes that there will be a lighting design prepared and typically zero light pollution is allowed at the property line. Freddie asks if it is possible for a tree to be planted for each tree taken down for development. John Thomas explains that the Town does not currently have any stipulations or regulations regarding the ratio of replanting trees that have been taken down for construction.

**Motion to continue public hearing until January 23<sup>rd</sup> made Lisa Carrozza**

**Seconded by:** Daniel Pearson  
**Aye:** Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza  
**Motion Carries**

### I. CONTINUED PUBLIC HEARINGS

#### A. (DEP#250-1105)-NOI- Pine Street Cluster

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

The project proposes 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.



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*(Continued from 7/11/2022 for 12 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> Claire Hoozeboom; LEC Environmental Consultant
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*Claire Hoozeboom quickly goes over the revised plans for the project, explaining that a report has been sent with the new proposed culvert sizing, which will indicate that the culvert will now be 4ft wide by 3ft tall, an open bottom box culvert, and located on the lowest point within the wetland system. It's design was based on a revised drainage area that was agreed upon by the peer reviewer. The revised design was run with stream stats that generated a predicted bankfull width of a little under 3ft, which is above the recommended bankfull width for the culvert crossing. Amy Ball, peer reviewer with Horsley Witten, comments that the most recent peer review letter buttoned up the outstanding comments from the peer review specific to the wetlands. Amy states that the applicant has revised the culvert of the wetland crossing and it is sized properly based on requirements. Amy states there is neither an intermittent nor a perennial stream indicated (which in some cases could determine whether the applicant has met the stream crossing standards. Amy states that she is pleased that the applicant has generated a culvert opening that is bigger than what would necessarily be designed from an engineering standpoint and offers a mitigation factor for a crossing located within an ACEC. Amy mentions that in the field visit there had been a mention of potential off-site mitigation of a culvert that is located on Town property. The culvert off site is currently elevated above the wetland and is fairly undersized. It was suggested that the applicant assist the Town in designing and replacing the culvert with something more open that would allow for more free flow in the area. It is mentioned that if the Commission agrees to ask for the mitigation of the offsite culvert, the recommendation is that work on the offsite culvert be done under a separate filing. Julian Kadish asks if the offsite culvert will affect the functioning of the upstream wetland system. John Thomas comments that an undersized culvert downgradient of a large system does have the potential to cause issues, but that is something that would need to be proven. Julian asks if the Town is obligated to fix the culvert. John mentions that he is asking for a CMRA grant for the culvert that the property is owned by the Water Department, and that their sign off would be needed prior to any work. Julian asks if the cart path that the culvert is under is used for anything and whether the culvert could then just be removed.*



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*John mentions that if the cart path was removed then a bridge-like structure should be put in for public access as it is an area well trafficked by the public. Lisa Carrozza asks how the Commission would condition the offsite culvert: Would the applicant design it, or evaluate it? Julian asks if the developer could be held responsible if it is not located on their property. Lisa comments that the developed could be held responsible because they are potentially impacting something downstream. Lisa asks Claire if they evaluated what would happen downgradient now that the size of the culvert has been enlarged onsite. Claire comments that it's something the engineers from Zenith would have looked into, and generally when they ran the HydroCAD they ran it with the thought of what is draining to the wetland crossing and what size culvert they would need that would not impede any downgradient flow, which is why the 24-inch is culvert is larger than needed. Claire explains if they make the culvert larger than needed, it won't add flow to the offsite culvert; it just won't impede flow any further. Claire also states that after speaking with the applicant about the potential to use the offsite culvert in mitigation, the applicant now prefers not to do so because there are difficulties with the land being (1) Town-owned and (2) not included in this application. John comments that the developer is responsible for ensuring all stormwater generated on site remains on site or the volume of water generated remains the same. If the volume of water generated on site is changed, that could take the project out of compliance. The Commission decides that they will not ask the applicant to participate in replacing or repairing the offsite culvert owned by the Town, but may ask the applicant to provide additional access to the culvert for any future work to ensure minimal land disturbance. Lisa also comments that the Commission should condition that the structural engineer will provide design plans for the box culvert. Fran Turner, abutter to the project, comments that the 12-inch culvert that is owned by the Town could be the cause for the low water over the course of the summer. Fran comments that he believes the Town culvert plays an important part in the area's waterflow, and wanted to bring attention to the water flow issue with the Conservation Commission. Claire shows a graphic of the drainage direction on the site: What was determined by the plans is that drainage areas A and B are contributing towards the onsite wetland crossing and towards the 12-inch culvert, so the water is flowing away from the project site and towards the Town culvert. It is also pointed out that there is a watershed divide that drains east towards the wetland crossing. It is determined that the Town culvert does not appear to be a cause of the low water levels*



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*that Fran Turner mentioned. Annie Schuster, Norton resident, states that she is opposed to developers creating new problems that the Town will have to pay to fix. Julian comments that as long as the owner of the land is following Town regulations, it is not up to anyone to decide what else they can or cannot do on the property. The Commission can only comment on matters regarding the WPA. Bob Butler, abutter to the project, asks whether the Commission will require a bond for any future issue that may occur with stormwater management. John answers that it all depends on what the Town's stance is on taking over the roads and whether they will be public or private. That is a determination decided on by The Planning Board would need to determine that in consultation with the highway superintendent. Lisa asks if these plans are the most updated ones before the Planning Board. Claire mentions that there is a potential for the Water Commission to ask the applicant to remove a second water connection that is currently shown on the plans; however, that change would only constitute a reduction of the alterations appropriate[DP16][MH17] to non-jurisdictional isolated wetlands. Lisa asks if the applicant would want to keep the hearing open in case the Planning Board requests a major plan change. Claire responds that any plan changes the Planning Board suggests should be minor in regard to conservation jurisdiction. In regard to Janet Bernardo's comments on the stormwater plan, Amy states that Janet did not appear to have any outstanding items.*

<b>Motion to close public hearing 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 <b>Motion Carries</b>
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**B. (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 8 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> Chris Lucas; Lucas Environmental Elliot Brias; Attorney
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Chris Lucas addresses the Commission regarding the project and its [DP18] site revisions. The applicant provided a floodplain and compensatory storage analysis that looked at the fill for the proposed house in terms of [DP19] a foot-by-foot elevation increment. The proposed project revisions call for a total of 221.3 cubic yards of new storage and 85.2 cubic yards of fill. Chris comments that the proposed basement was removed from the design in favor of a FEMA-compliant 4 ft crawl space. The house is no longer being used as [DP20] compensatory storage. The previous limit of work at the back of the house was changed because the compensatory storage changed, and now some of the area will require grading. Upon completion, the grading will be restored with vegetation and no longer used. There has also been an updated mitigation table. Chris states that he believes that he is in full compliance with floodplain regulations. Lisa Carrozza asks what the red crosshatching indicates, and Chris states that it is an area that will not be touched and will remain in its natural state. Lisa asks if DEP had any comments. Chris stated they originally had comments about flood storage, but believes them all to have been addressed. Lisa asks if DEP has been sent the revised plans, and Chris states that they have been sent the new plans but they typically don't comment a second time. Lisa asks John Thomas if he should reach out to DEP to see if they have any comments on the project. John Thomas says that he feels this design meets the standards for the WPA and the Town's stormwater management by-law. John Thomas mentions that he did issue a violation to the applicant in regard to a nearby property at 75 King Philip Road. John mentions that the Building Commissioner has also issued the applicant a violation and that there are currently some compliance issues with the site. John further comments that he hopes the applicant will be willing to comply with the WPA as well as local [DP21] stormwater policy; if not, he recommends issuing an enforcement order. Marc Fernandes points out that there is still a significant amount of work being done within the 25 ft no disturbance zone and that there will be a permanent structure built 8.8 ft from the wetlands boundary. Marc asks if the applicant has any comments on any of the above points. Elliot Brias comments that he has drafted a comprehensive letter for the Conservation and Building Departments in regard to 75 King Philip Road and that the applicants have indicated a willingness to comply with regulations, but also that there are a few items from the letter that they are still trying to research. Elliot further replies that if there were a wetland by-law, they would be handling the project differently; however, the Commission only has policies, and, despite such a constrained site, the



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*applicant has done everything in his power to comply with the requests of regulatory bodies. Marc states that if the house was reshaped[DP22], then the applicant might be able to better accommodate the 25ft no disturbance zone policy. Elliot also comments that because the site[DP23] is a pre-existing and non-conforming, they have to work within the constraints of the site, also stating that, unlike a by-law, Conservation Commission's policy alone cannot prohibit their activity. Elliot mentions that they could have a legal peer review and have the Town's legal counsel look at the project. Julian Kadish comments that the applicant has a legal basis for putting the house on this property; however, he is concerned that the future owner of the house could have issues with flooding. Elliot responds that potential issues with flooding are why the proposal of a basement was abandoned and, as Chris has pointed out, the project meets the requirements for compensatory flood storage. Chris comments that because the lot is both qualifies as both pre-existing and non-conforming, there is no way to avoid the work within the 25 ft no disturbance zone. Chris also states that the work in the 25 ft no disturb zone is just under 8700 sq ft and there is proposed 6993 sq ft of restoration of the 25 ft no disturb zone. Lisa asks John to reach out to DEP to make sure they are satisfied with the revision the applicant has submitted.*

<b>Motion to close public hearing 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 <b>Motion Carries</b>
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**C. (DEP#250-1121) – NOI-70 & 78 East Main Street- Town Hall**

**REQUESTED A CONTINUANCE UNTIL JANUARY 23<sup>rd</sup>**

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

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

*(Continued from 11/28/2022 for 3 meetings)*

<b>Applicant/ Representative</b>	<b>Applicant:</b> None Present
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\*\*\*Applicant has requested a continuance until January 23<sup>rd</sup>\*\*\*

<b>Motion to continue public hearing until January 23<sup>rd</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 <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 would 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 8 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> Mark Arnold; Goddard Consulting Desheng Wang; Clearwater Engineering
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*Mark Arnold comments that the peer review letter states there are no outstanding issues with the stormwater standards. Mark comments specifically on an existing catch basin that discharges directly into the wetlands: The applicants are going to sever a connecting pipe and run it to the stormceptor to treat outflow before it discharges into the wetlands. From a stormwater standpoint, this would improve the treatment under current conditions. John Thomas explains that it appears most of the stormwater concerns have been addressed. Mark comments that there were just some suggested conditions for the Commission to place in a potential order of conditions. It is mentioned that the O&M plan has also been reviewed by the peer reviewer and signed by the applicant.*

<b>Motion to close public hearing made by Tamah Vest</b>	<b>Seconded by:</b> Lisa Carrozza <b>Aye:</b> Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Ronald O'Reilly, Lisa Carrozza <b>Motion Carries</b>
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## **E. (DEP#250-1113) NOI- 0 East Hodges REQUESTED A CONTINUANCE UNTIL JANUARY 23<sup>rd</sup>**



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### (Map 36, Parcel 2-0)

*Proposed work would 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 7 meetings)*

<b>Applicant/ Representative</b>	<b>Applicant:</b> None present
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*\*\*\*Applicant has requested a continuance until January 23<sup>rd</sup>\*\*\**

<b>Motion to continue public hearing until January 23<sup>rd</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 <b>Motion Carries</b>
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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 11 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> Michael Dryden
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*Michael Dryden comments on the project's peer reviewer. In Dryden's opinion the project has been put under an unfounded level of scrutiny. He explains that at this point in the peer review process he has worked diligently and professionally to address all the peer reviewer's comments. Dryden's main concern is that the peer reviewer is focusing on aspects of the project that have a de minimis effect on the design, and are inconsequential to the resource areas. Dryden informs the Commission that the applicant will revise the plans one last time, even though they feel they have already more than adequately addressed the reviewers' comments. Dryden further asks that the Commission begin drafting an order of conditions in preparation to close the file at the next meeting. John Chessia, the project's peer reviewer, mentions that some of his comments can be easily addressed; others indicate items of mutual disagreement.*





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*Chessia points specifically to the oil grit separators needing to be offline. Regarding the which the Commission had previously agreed can happen after the order of conditions is issued, John points out that—regarding testing—the applicant has one system with exactly 2ft of separation and the nearest test pit 60 ft away downgradient: In his experience, there can be compliance issues if the testing is done at a later date. John also mentions a modeling issue where the applicant used an orifice instead of a culvert, which could be fixed by inserting a larger pipe and having an opening the size of the orifice. John also brings up the mounding calculations: When there is less than 4ft of separation and the applicant is using the proposed systems for controlling runoff rates, the mounding is done to determine if the mound is going to impact the system during a bigger storm. John comments that he does not think the mounding calculation has been done correctly, which could lead to inadequate safeguarding against a 100-year storm. Finally, John comments that even though the site is under an acre in size, the applicant should still provide a detailed SWPP for it. Dryden comments that it is important to keep in mind that his is a gravel site with virtually zero flow, and that the majority of the reviewer's comments[DP24][MH25] are inconsequential.*

<b>Motion to continue public hearing until January 23<sup>rd</sup> 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 <b>Motion Carries</b>
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### **G. (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.  
(Continued from 12/12/2022 for 2 meeting)*

<b>Applicant/ Representative</b>	<b>Applicant:</b> None present
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<b>Motion to close public hearing made by Daniel Pearson</b>	<b>Seconded by:</b> Tamah Vest <b>Aye:</b> Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Lisa Carrozza
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	<b>Motion Carries</b>
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### II. REQUEST FOR PARTIAL/ CERTIFICATE OF COMPLIANCE

#### A. (DEP#250-1049) COC-148 N. Washington Street (Map 19, Parcel 8-02)

*The proposed project was to demolish an existing in-ground pool as well as construct a new one with an adjacent patio.*

*John Thomas confirms that everything is in order for this project and that he just needs to drop off the placards to the applicant.*

<b>Motion to issue a full COC made by Lisa Carrozza</b>	<b>Seconded by:</b> Tamah Vest <b>Aye:</b> Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Lisa Carrozza, <b>Motion Carries</b>
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### III. SIGN AND ISSUE ORDER OF CONDITIONS/ORDER OF RESOURCE AREA DELINEATION

#### 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>Motion to issue an OOC made by Ronald O'Reilly</b>	<b>Seconded by:</b> Tamah Vest <b>Aye:</b> Daniel Pearson, Marc Fernandes, Tamah Vest, Julian Kadish, Lisa Carrozza, Ronald O'Reilly <b>Motion Carries</b>
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### V. REQUEST FOR SIGNATURES

### VI. REVIEW DRAFT MINUTES

- 12/12/2022



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

**Seconded by:** Tamah Vest

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

**Motion Carries**

### VII. NEW/OLD BUSINESS

- Report from Staff

*John Thomas reiterates the violation on 75 King Philip Rd. John also mentions that he will be on vacation February 2<sup>nd</sup> through the 9<sup>th</sup> and that the Conservation Secretary will be on maternity leave starting around April 13<sup>th</sup>. Daniel Pearson plans to take over the meeting minutes while the Secretary is on maternity leave. Julian Kadish informs the Commission that Lisa Carrozza may need to intermittently act as chair while he addresses some health concerns.*

- Discussion of a potential Conservation By-Law

- Fee Schedule 2023

- Potential in person meetings, times and location

*John Thomas mentions that meeting time frames may need to change if the Commission has to start meeting in person.*

- New bill/payroll signer

*Because the sometime payroll signer Kerry Malloy Snyder resigned from the Commission, there needs to be a new secondary payroll signer for when Daniel Pearson is not available. Lisa Carrozza volunteers to be that secondary signer.*

### VIII. BILL SUMMARY

12/12/2022-1/09/2023			
Name	Amount	Account number	Account name
National Grid	\$ 34.89	001-171-5701-5308	Maintenance of Conservation Areas
Horsley Witten	\$ 200.00	243-171-100-5700	Outside Consulting Fee
Amazon	\$ 38.97	001-171-570-5420	Office supplies
Amazon	\$ 57.22	001-171-570-5420	Office supplies
McGregor & Legere, P.C.	\$ 85.75	242-171-100-5701	Wetland Protection Fund
Chessia	\$ 67.50	243-171-100-5700	Outside Consulting Fee
Chessia	\$ 412.50	243-171-100-5700	Outside Consulting Fee
comcast	\$ 129.94	001-171-5701-5308	Maintenance of Conservation Areas

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



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

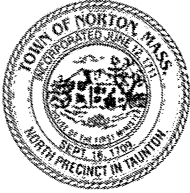
### XI. PUBLIC REMOTE PARTICIPATION PROCEDURE

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/84597901092?pwd=RlZZcU44blEwMWtWNTcwNTZDNjdnUT09> . When prompted enter Meeting ID: 845 9790 1092 Passcode: 963202. 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



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meeting to provide your comments and questions before the Commission closes the hearing and makes a decision.

Respectfully submitted by: \_\_\_\_\_

Minutes approved by the commission on : 1/23/2023

Conservation Signature:

JULIAN KADISH

2/28/23

Name

Date