



## 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-commis>

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Next Meeting:

2-27-23

3-13-23

3-27-23

4-10-23

**Monday February 13, 2023**

**6:30 pm**

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

<https://us02web.zoom.us/j/87603453612?pwd=MW83Yzc4SG05YWRYZXllWWx2bIBKUT09> When prompted enter **Meeting ID:** 876 0345 3612 **Passcode:** 813780. 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	<ul style="list-style-type: none"><li>John Thomas, Conservation Director</li></ul>
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### NEW BUSINESS

- A. DEP#250-261 – 376 Old Colony Road; Response to Enforcement Order - Wetland Restoration and Mitigation Plan

*Ken Thomson, the representative of the project was unable to begin the discussion on 250-261, due to technical difficulties.*

### I. CONTINUED PUBLIC HEARINGS

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

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

*(Continued from 9/26/2022 for 8 meetings)*

Applicant/ Representative	Representative: Mitch Maslanka
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*Mitch Maslanka explains the revisions made to the project. He explains that previously the concept was to construct a single-family home on an interior upland island that was separated from East Hodges Street by extensive wetlands. The original plans involved a wetland crossing and after discussions with the applicant, it was decided to reduce the scope of the project and move all the construction and proposed structures up toward East Hodges Street to avoid the need for a crossing. On the revised plans the construction is completely outside of the 25ft no disturb zone, Mitch does mention that they have kept all of the same elements as the original plan with the pool, house, barn, and septic system. Due to the redesign Mitch explains that the disturbance is just below an acre and a lot of the stormwater features have been removed from the plans. Overall, there has been a reduction in BVW alterations and buffer zone impacts. John Thomas asks Mitch if he has been onsite recently, Mitch explains he was last on site over a month ago. John mentions that it would be best if he takes a look at the site now as it appears there is a high-water table on site based on the amount of water that is visible on the ground.*



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*John mentions that there could be potential issues with dewatering for the proposed pool, foundation, and septic system. John comments that he is aware there are plans to raise the grades 6' to 7', but based on his observations the property is going to at least need a sump pump. Julian Kadish asks if there will be a full basement in the house, Mitch confirms a basement was proposed. Lisa Carrozza asks if there is a sediment control line shown on the plan. Mitch confirms there is a sediment control line around the perimeter. Nick Facendola, engineer for the project also confirms the sediment control lines/ limit of work lines are listed on the plans. Lisa asks if there are any impacts to the riverfront. Mitch explains that the revisions took work outside of the riverfront area. Mitch explains he has provided an updated form stating that there are no riverfront impacts and no BVW impacts. Lisa asks what the length of the proposed driveway is in regards to future snow plowing and snow storage. Nick explains the driveway is about 200' to 250' long all the way wrapping up into the house. Lisa comments that snow plowing will most likely be pushed to contour 95. Nick explains that the area in front of the house is proposed to be cleared and be a lawn area and that the idea would be to stockpile snow in front of the proposed house. Lisa asks if all the disturbed area will be converted to lawn, within the limit of work. Nick explains that is correct except for the areas of the proposed structures such as the pool. Nick mentions that there will be a flat pathway in the area of the septic and leaching field and tanks will be easily accessible for pumping. Nick explains the area will be loamed and seeded and the applicant will come back to the commission if any additional work in that area was needed. It is also mentioned that the lawn area behind the pool is for leaf litter and to be used as a buffer for the pool so that the pool can get sun. Lisa asks John Thomas if there is any permanent barrier for the limit of work for the project. John mentions that this is something that can be conditioned, if the commission decides to issue an OOC for the project. Lisa comments that the barrier would most likely be placed around the majority of the site. John explains that if there are groundwater issues on site he would not recommend the stormtech, which has been proposed he would instead suggest a constructed wetland that is purposed for stormwater management. Nick mentions that they can look into that but mentions that as stated early they will be raising the grade by multiple feet, and they have witnessed title 5 testing in the area of the proposed house. John asks when the testing was done, Nick comments that it was done two years ago. John mentions that there needs to be more up to date information collected because there is surface water*



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*in the locations for the proposed house, barn and the septic system. Nick agrees to do some additional testing in the area, and mentions that they are going to be scheduling more witnessed title 5 test holes for the proposed plan. Nick also mentions that the grading shown on the plan is with the worst case scenario grading, if the groundwater was at the surface, the septic system would technically work with the amount of fill proposed. Nick mentions that the hope is that it won't be such a dramatic mound, and mentions that they will likely be doing the testing within two weeks. Nick mentions when they go out to do the testing they will do additional test holes to gather more data for the site, and perhaps do further groundwater monitoring in the area. John also mentions that it appears based on the site plans that the project is very close to the one acre threshold and it would be best for the project to minimize the disturbance to make certain the project is under one acre for compliance with the towns stormwater management by-law. Chris Polk, abutter to the project, asks how many feet under the one acreage threshold the proposed project is. Mitch comments that it is 10 sq ft under the one acreage threshold that would trigger the stormwater by-law. Chris also asks if the barn will have a cement floor or dirt floor, and also comments on the proposed gravel driveways have the potential to be impervious surfaces that could cause issues with infiltration. Mitch comments that he is not sure what the floor of the barn will be, but Nick mentions that in his design it was assumed that the barn would have a concrete floor, but there are no building plans specifying the type of floor. Chris mentions that based on the plans the proposed septic is pitched right to his property line, and that has the potential to cause water flow to his property, and asks if they will be putting in a swale to avoid runoff to his property. Chris also mentions that based on the grading changes all the water is designed to be pushed back to the wetlands. Nick comments that that is correct, the system design is going to be a mound with the septic in the middle and a small area graded towards the northern property line, which Nick points out that there is no by-law prohibiting the grading as displayed. Nick also reiterated that the grading shown on the plans is the worst case scenario and they have every intention of not having the grading be drastic if it can be helped. Chris asks if they are required to put up some type of component that prevents the water from draining onto his property. Lisa comments that Chris has a point and that under stormwater standards the applicant is not supposed to impose sheet flow onto someone else's property. Lisa mentions that it does appear that the current design would warrant a swale or a level spreader, because*



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*the applicant is basically grading to the property line and not leaving room for infiltration prior to the property line. Nick mentions that they will review it further but they don't want to put more fill in the necessary or clear more than necessary. Nick mentions he will also review the requirements for grading up to a property line for new construction. Chris comments that he has had water come onto his due to the fact that there has been development in Taunton that has pushed water towards his property, and has triggered his sump pump, commenting that the water is at the surface already prior to any building on the proposed site. Chris also mentions he sent John Thomas photos of the flooding that has been coming into his property from the potential project site. Lisa asks Nick to show to the commission and Chris the existing drainage patterns and then the proposed drainage. Nick mentions that everything grades towards the wetland areas. It is mentioned that the driveway will be raised and that the new proposed driveway will be raised higher than Chris's driveway and maybe made of impervious material. Nick mentions that the grading on the driveway will have the water flow going to the wetland that will stay on the property. Nick mentions he will add extra spot grades to be sure the water is directed around the barn. Chris also mentions that due to the excess of rain that has happened this winter the groundwater levels have stayed at the surface and have been that way for months. Julian Kadish asks what the slope on the septic mound is, it is confirmed it is 3:1. Julian explains to Chris that based on the WPA the mounding that is being done on site has the potential to cause runoff to Chris's property and is not in compliance and will need to be adjusted. Chris also brings up the fact that the proposed septic is within 100ft of his well, which is not allowable and needs to be adjusted. Julian comments that that issue is more geared towards the Board of Health. Lisa asks if the project has BOH approval yet, which it is confirmed that they do not have approval yet. Lisa asks if the plan of the applicant is to keep the hearing open until they have received BOH approval. Nick comments that it makes the most sense to proceed that way, because the grading of the leaching field could change and because they will be doing additional testing. Dave abutter to the project asks about the snow removal process. Specifically asking if the water will affect Chris by flowing to his property, and how it will affect him if the driveway or snow has been treated with salt. John Thomas comments that for this specific project there would most likely be no deicing chemicals allowed due to the sensitivity of the site. John also mentions that the potential snow mounds that could come from the site need to be taken into*



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*consideration by the applicant. It is mentioned that perhaps there should be two snow storage location instead of one. John Thomas mentions that the applicant should be more conservative with their approach, also stating that he has some concerns with the access to the septic system as it seems to be a bottleneck and the applicant should review if the proposed space will provide them enough room to work.*

<b>Motion to continue public hearing until February 27, 2023 meeting 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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**B. (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 12 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> Michael Dryden; Allen Engineering
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*Julian Kadish asks for clarification about the mounded groundwater that was mentioned in the previous meeting. Michael Dryden, representative of the project explains that at the last meeting they addressed the fact that the peer reviewer was asking for the applicant to model and infiltrate into the basin a stormwater volume twelve times greater than what the regulations require. Michael states that they have met the requirements per the regulations and they do not feel as though they need to model the infiltration per the peer reviewers recommendation. Michael brings up some comments about the drafted OOC, stating that he is in agreement with the peer reviewer's findings being documented in the Order but was to clarify that they are just findings and not conditions that must be adhered to. Michael specifically references 9D in the drafted OOC. Lisa clarifies to the public and the commission that the applicant met the burden of proof based on stormwater standards, and the compromise that was suggested was to articulate the difference in the order, stating what the peer reviewer suggested and what the applicant actually proposed. Lisa agrees with Michael that the condition 9D should be modified. Amy Conley, abutter comments that she is unsure why the applicant is not*



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*following the peer reviewer's recommendations and wants to know why the peer reviewer used such conservative estimates. John Thomas explains to Amy that the commission does not have the authority to deny a project if they have met all the minimum requirements. Stating that if a peer reviewer asks for a more conservative approach than what is required the applicant is not required to meet that approach. Julian Kadish comments that based on the final design he sees no issues with the project just meeting the minimum requirements. Lisa Carrozza also states that John Chessia, the peer reviewer, did mention in his letter that the applicant did meet the standards, even though he recommended a more conservative approach. Amy mentions that based off of reading John Chessia's review of the project, it doesn't appear to her that Chessia explained well why he was taking a conservative approach and that it seemed that there was some standard that was not met based on his evaluation. Amy also states that she is not in agreement with last week's comments that the commission would note Chessia's comments in the findings, while also stating any future issues that could arise from the site the town would not be liable for. Lisa explains to Amy that all decisions made by the commission are made by volunteers who adhere to the law and regulations, stating that if every standard is met it is the commission's obligation to approve the project. Lisa also comments that if something on a project site fails, it is the Massachusetts licensed professional engineer for the project that has the liability. Julian also mentions that there is a lot of science that goes into all the laws and regulations, regarding runoff, and storm events, that the commission must adhere to and the project has met those requirements. John Thomas mentions that the project is under the acre requirement but in the drafted order there is a stipulation for a courtesy SWPPP, because it is close to the acre threshold, but the applicant is not required to provide one. Lisa comments that the commission should require a robust set of erosion control plans instead of a courtesy SWPPP. Michael agrees with Lisa stating that sheet 7 of 7 is an extensive erosion control plan. Lisa asks that the applicant add a concrete washout detail and sequencing to their erosion control plans sheet. Lisa also asks that on the erosion control sheet the applicant states that they shall take action to initiate soil stabilization immediately when it is known that construction activities are halted and/or will not resume within a 14 day period. Lisa explains with the additional information the erosion control plan can take the place of a SWPPP.*





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<b>Motion to close the 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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**C.(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.*

*(Continued from 1/09/2023 for 3 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> Frank Ribelin
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*Frank Ribelin, representative of the project, explains a majority of the project is located outside of the buffer zone. Frank states that currently there are no wetlands located on site and the only wetlands nearby are located across the road. Frank explains that the plans have been finalized with the planning board and the required stormwater management permit has been filed. Frank comments that some siltation control barriers were added as the only changes to the plan within the 100ft buffer, along with some landscaping features. John Thomas comments that the project has gone through peer review and stormwater and the commission may issue a determination if they choose.*

<b>Motion to close the public hearing made by Tamah Vest</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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<b>Motion to issue a negative three determination 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 <b>Motion Carries</b>
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**D.(DEP#250-1122) NOI – 0 West Main  
(Map 21, Parcel 206)**





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**REQUESTED A CONTINUANCE UNTIL 2/27/2023**

*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.*

*(Continued from 1/09/2023 for 3 meetings)*

<b>Applicant/ Representative</b>	<b>Applicant:</b> None Present
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*\*\*\*Applicant has requested a continuance until 2/27/2023\*\*\**

<b>Motion to continue public hearing until February 27<sup>th</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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**E.(DEP#250-1119) NOI- 0 S. Washington Street  
(Map 24, Parcel 62)**

*The proposed work is to do tree clearing, grading, and gravel within buffer zone to the BVW.  
(Continued from 1/09/2023 for 3 meetings)*

<b>Applicant/ Representative</b>	<b>Applicant:</b> None Present
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*\*\*\*Applicant has requested a continuance until 2/27/2023\*\*\**

<b>Motion to continue public hearing until February 27<sup>th</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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**F. (DEP 250-1121) – NOI-70 & 78 East Main Street- Town Hall  
(Map 17, Parcel 50 & 51)**

*The proposed project is the construction of a new Town Hall, which includes construction and installation of driveways, parking areas, utilities, Title 5 compliant sanitary sewage treatment and disposal system to replace existing systems, stormwater management*



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*features and site landscaping. The proposed work will be within riverfront area.  
(Continued from 11/28/2022 for 5 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> Scott Lindgren; VHB
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*Julian Kadish clarifies that based on the last meeting the applicant was still waiting to make revisions based on the peer review. Scott Lindgren comments saying that all the revisions have been made and the peer reviewer is satisfied which is shown in their final peer review letter. John Thomas comments that everything looked okay based on what was received.*

<b>Motion to close the 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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**II. REQUEST FOR PARTIAL/ CERTIFICATE OF COMPLIANCE**

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

**A. (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 12 meetings)*

*Condition #9 is revised by the commission specifically stating that the applicant shall provide a final erosion control plan for review and approval prior to the start of construction. It is also mentioned that there will be a similar condition stating that the applicant shall provide an O&M plan. Lisa Carrozza asks what the specifics are for the two additional test pits that the applicant needs to do at a later date. John Thomas mentions that the test pit data should be reviewed and approved prior to construction and if there are any issues with the test pits the peer reviewer can be reached out again*



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*to review the new findings. It is decided by the commission that they will not be adding John Chessia's findings on the mounding calculations into the order of conditions. It is also mentioned that all the final site plans need to have all the information the representative needs to deliver to the commission prior to construction. Other minor administrative changes are made to the OOC.*

<b>Motion to issue OOC for 250-1108 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.(DEP 250-1121) – NOI-70 & 78 East Main Street- Town Hall**

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

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

*(Continued from 11/28/2022 for 5 meetings)*

<b>Motion to issue OOC for 250-1121 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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### **V. REQUEST FOR SIGNATURES**

### **VI. REVIEW DRAFT MINUTES**

- 1/23/2023

*Minutes are tabled for review at the 2/27/2023 meeting*

### **VII. OLD BUSINESS**

- Report from Staff

*John Thomas mentions that there are potential grants that are being looked into for the conservation department. It is also mentioned that the Rail Trail project should be having a preconstruction meeting by the end of February early March.*

- Discussion of a potential Conservation By-Law



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- Fee Schedule 2023
- Potential in person meetings update


### VIII. BILL SUMMARY

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

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

### XI. PUBLIC REMOTE PARTICIPATION PROCEDURE

For this meeting, members of the public who wish to participate in the meeting may do so in the following manner:

1. To participate in the meeting, we recommend downloading the zoom app  before the meeting. (This may not be necessary because you can click the link below but we have found that this makes logging in to the meeting easier.)
2. **Join the Zoom Meeting at 6:30pm**. Using your computer or smart phone go the Zoom app and click "join a meeting" or click on:

<https://us02web.zoom.us/j/87603453612?pwd=MW83Yzc4SG05YWRYZXIIWWx2bIBKUT09> When prompted enter **Meeting ID:** 876 0345 3612 **Passcode:** 813780. 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.



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4. The standard procedure for a public hearing is a presentation by the applicant's representative, questions and comments by the Conservation Commission and Director, then opening questions and comments to the abutters. Please be patient and wait for your turn to participate.
5. If there are no additional questions by the Conservation Commission or Director, the hearing would typically close; however, to ensure adequate opportunity for public participation, those specific hearings will be continued until the next meeting. This will be announced. You will have until the next meeting to provide your comments and questions before the Commission closes the hearing and makes a decision.

***Respectfully submitted by:*** ***Megan Harrop***

***Minutes approved by the commission on:*** ***2/27/2023***

***Conservation Commission Signature:***

JULIAN KADISH

