

## 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:

3-27-23

4-10-23

4-24-23

5-8-23

**Monday March 13, 2023**

**6:30 pm**

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

<https://us02web.zoom.us/j/85621447093?pwd=Ri9lSjl3N3VjMjZtcDNDN1g0Wm1Jdz09> When prompted enter **Meeting ID: 856 2144 7093 Passcode: 143850. 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></ul>	<ul style="list-style-type: none"><li>• Marc Fernandes</li><li>• Ronald O'Reilly</li><li>• Tamah Vest</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#250-1123) –NOI- 13 Dean Street  
REQUESTED A CONTINUANCE UNTIL 3/27  
(Map 31, Lot 22)**

*The applicant proposes to repair a septic system, including site grading and disturbance within the 100ft buffer zone.*

<b>Applicant/ Representative</b>	<b>Applicant:</b> None Present
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*Julian Kadish opens the meeting for the public hearing. John Thomas explains to the Commission that he has some concerns about the project, specifically that the applicant needs to reflag the wetlands from flag 10 to the adjacent property because, as he sees it, the wetlands are closer to the house. He adds that he has a site visit set up with the applicant in order to reflag the area. Thomas also mentions that the status of the stream on site needs to be identified as either perennial or intermittent. Kadish asks if the dewatering basin is there to receive water from the front of the property. As Thomas understands it, the septic system will be placed in the front of the house and the current septic system in the back will be abandoned. Thomas is not sure what the dewatering basin is for and adds that the applicant should not be doing work in that area. One of Thomas's main concerns is that the applicant make sure to be in compliance with the Board of Health setbacks for the wetlands.*

<b>Motion to continue public hearing until March 27<sup>th</sup> made by Daniel Pearson</b>	<b>Seconded by:</b> Lisa Carrozza <b>Aye:</b> Daniel Pearson, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Tamah Vest <b>Motion Carries</b>
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**I. CONTINUED PUBLIC HEARINGS**

**A. (DEP#250-1113) NOI- 0 East Hodges  
REQUESTED A CONTINUANCE UNTIL 3/27  
(Map 36, Parcel 2-0)**



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*The applicant proposes to construct a single-family house, barn, pool, and stormwater management infrastructure within 100-ft buffer zone to BVW, and the proposed barn within 200ft of a riverfront area.*

*(Continued from 9/26/2022 for 10 meetings)*

<b>Applicant/ Representative</b>	<b>Applicant:</b> None Present
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*\*\*\*Applicant has requested a continuance until 3/27\*\*\**

<b>Motion to continue public hearing until March 27<sup>th</sup> made by Daniel Pearson</b>	<b>Seconded by:</b> Lisa Carrozza <b>Aye:</b> Daniel Pearson, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Tamah Vest <b>Motion Carries</b>
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**B. (DEP#250-1119) NOI- 0 S. Washington Street  
(Map 24, Parcel 62)**

*The applicant proposes to clear trees, grade, and lay gravel a within buffer zone to the BVW. (Continued from 1/09/2023 for 5 meetings)*

<b>Applicant/ Representative</b>	<b>Applicant:</b> Dave Pateuk <b>Representative:</b> Nicole Hayes; Goddard Consulting
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*Nicole Hayes states that Amazon requested from the applicant that parking spaces be increased from 9'x24' to 11'x24' and that the isle sizes be adjusted from 22' to 32', which would push some of the work into the outer riverfront area. The applicant proposes 1,310 sq ft of alteration. Hayes shows a plan to the Commission and states that the Commission had approved an ANRAD prior to the NOI being filed. Hayes shows that there will be a small back portion of the parking lot just inside the outer riverfront area. Hayes also explains that there was an alternatives analysis as well as a performance standards analysis. Thomas explains that the peer reviewer gave a response to the project and adds that they are comfortable with the design as it is proposed. Thomas asks Nicole if there is a grading plan for the proposed project, and if the parking lot will be built up. Carrozza comments that the plans imply that there will be seven feet of fill and a wall. Thomas also asks what the method of stabilization will be. Carrozza:*



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*Based on the site's contours, the plans will need a wall detail. Carrozza: The plans should also indicate a limit of work detailing how much area will need to be disturbed to get behind the wall when building it. Thomas suggested that the applicant give themselves at least 15 ft off the 25ft buffer in order to construct the wall and also maintain it should it need repair. Carrozza asks Hayes to add the riverfront numbers to the plan. Carrozza What alternatives were tried in order to avoid the riverfront area? Hayes explains that previously the plan did not include riverfront area, but having to change the size of the parking spots and the isles pushed it into the outer riverfront area. Dave Pateuk, applicant for the project, explains to the Commission the brick wall that will be located at the back of the parking lot. Pateuk states that the wall will be made from concrete bricks. Carrozza comments that the proposed wall would need to be detailed on the plans. Thomas explains that the Commission needs all the previously stated information in order to make an informed decision. Carrozza also explains that the work zone on the east side of the project may not have enough room to build the wall without trespassing on the property east of the site. Carrozza comments that the parking spaces needing to be larger does not mean that there has been an attempt to avoid the riverfront, and there needs to be some evidence showing that there has been an attempt at avoidance. Carrozza brings up the point of have some parking spaces made smaller, stating that not all the parking spaces may need to be made as large as shown or perhaps some parking spots can be removed. Mentioning that some spots may be able to be made compact. Thomas mentions that he would like to see some sort of maintenance corridor along the wall to allow access if needed. the applicant is told emphatically that such concerns are being brought up out of a wish to comply with the WPA. Robert Crowell, the engineer for the project, joins the meeting via phone. It is brought to Crowell is told that that there are some concerns with how the wall will be built and maintained so close to the 25ft no disturbance zone. Crowell explains that there is no footing, that the walls will be dug out, and that gravel will be put down. In other words, the inside will be hollow and then filled with stone. Pateuk explains that all the work for the wall will be done inside of the footprint with an excavator. Carrozza asks for a detail of the existing and proposed wall and its elevations. Carrozza: There are points in the plans that have the wall at the 25ft no- disturbance zone with no room for sediment controls. Thomas: Because of the size of the project and how close it is to a sensitive area; it will likely need a visual barrier. Carrozza also asks that the sediment controls and their placement outside the 25ft NDZ be added to the plans. Carrozza: The plans should indicate trash barrels or other receptacles. Pateuk asks that the Commission provide an OOC so that he may start on the work. Thomas: The OOC cannot be issued until all the comments provided by the Commission, which are not minor, are addressed.*



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<b>Motion to continue public hearing until March 27<sup>th</sup> made by Lisa Carrozza</b>	<b>Seconded by:</b> Daniel Pearson <b>Aye:</b> Daniel Pearson, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Tamah Vest <b>Motion Carries</b>
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**II. REQUEST FOR PARTIAL/ FULL CERTIFICATE OF COMPLIANCE**

**A. (DEP#250-1058) COC- 12 S. Highland Street  
(Map 3. Parcel 718)**

*The applicant proposes to demolish/rebuild an existing house/garage, install a dock, and restore buffer area within 100 feet of BVW, bank and floodplain.*

<b>Applicant/ Representative</b>	<b>Applicant:</b> None Present
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*Thomas: The applicant is in compliance with both the permit and additional work that the previous Conservation Agent had allowed. Carrozza asks if the site has reached final stabilization. Thomas: Yes.*

<b>Motion to issue full certificate of compliance made by Lisa Carrozza</b>	<b>Seconded by:</b> Tamah Vest <b>Aye:</b> Daniel Pearson, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Tamah Vest <b>Motion Carries</b>
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**III. SIGN AND ISSUE ORDER OF CONDITIONS/ORDER OF RESOURCE AREA DELINEATION**

**A. (DEP#250-1122) NOI – 0 West Main  
(Map 21, Parcel 206)**

*The applicant proposes to construct 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 4 meetings)*

<b>Motion to OOC for DEP#250-1122 as</b>	<b>Seconded by:</b> Tamah Vest
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<b>amended made by Daniel Pearson</b>	<b>Aye:</b> Daniel Pearson, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Tamah Vest <b>Motion Carries</b>
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### V. REQUEST FOR SIGNATURES

### VI. REVIEW DRAFT MINUTES

- 2/27/2023

<b>Motion to approve minutes as revised made by Daniel Pearson</b>	<b>Seconded by:</b> Lisa Carrozza <b>Aye:</b> Daniel Pearson, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza <b>Abstain:</b> Tamah Vest <b>Motion Carries</b>
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### VII. OLD BUSINESS/ NEW BUSINESS

- Report from Staff  
*John Thomas reports that the office has some new projects coming in and also that the LPS, YMCA, GSA and BSA might add trails to Edith Read. Thomas: The trail connection project is just in its preliminary stage, at which its participants are trying to plot out the best path to take. Kadish asks if anyone has inquired about joining the Conservation Commission. Thomas: He has made it known that the Commission is looking for another member, and he is waiting for a response.*
- Discussion of a potential Conservation By-Law
- Fee Schedule 2023

### 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)

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

*Ken Thomson shows the Commission plans, including the overall site plan, for 376 Old Colony Road. In the restoration area, where there is a culvert crossing, they will use steel plates in order*



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*to gain access to the rear of the property. The plans also show the area where timber mats will be laid out. Ken shows the Commission the plans for the siltation and erosion controls. The second plan Ken provides shows the restoration notes and procedures, which includes what plant species are being used and how they will be planted. Ken mentions that if the Commission were to approve the work, the next steps would be to place the erosion controls and have Thomas review them prior to other work commencing. Carrozza asks Thomas if the notes and sequencing provided are in line with what the Commission would require. Thomas explains that the plans are in line with what has previously been asked of the applicant. The Commission accepts the plans provided and confirms that the work can proceed under the supervision of the Conservation Agent.*

### **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/85621447093?pwd=Ri9ISjl3N3VjMjZtcDNDN1g0Wm1Jdz09> When prompted enter **Meeting ID:** 856 2144 7093 **Passcode:** 143850. 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.



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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.

**Respectfully submitted by:** Megan Harrop

**Minutes approved by the commission on:** 3/27/2023

**Conservation Commission Signature:**