

Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: mharrop@nortonmaus.com

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

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2023 JUL 27 AM 9:29

Next Meeting:

4-10-23

4-24-23

5-8-23

5-22-23

Monday March 27, 2023

6:30 pm

****Remote Participation Only****

<https://us02web.zoom.us/j/85465928093?pwd=OGkwOVY5MG84ajhHcVhtcGo0TEIEUT09> When prompted enter **Meeting ID: 854 6592 8093 Passcode: 405896. 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.

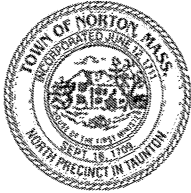
Minutes

6:30pm

Open meeting

Conservation Commission members present	<ul style="list-style-type: none">• Julian Kadish, Chair• Lisa Carrozza, Vice Chair• Daniel Pearson	<ul style="list-style-type: none">• Marc Fernandes• Ronald O'Reilly
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Absent members	<ul style="list-style-type: none">• Tamah Vest
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Other representatives present	<ul style="list-style-type: none">• John Thomas, Conservation Director• Megan Harrop, Conservation Secretary
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NEW PUBLIC HEARINGS

**A. (DEP#250-1124)- NOI- 301 S. Worcester Street
(Map 31, Parcel 36)**

Proposed work is the construction of five single family dwellings with associated driveway, and stormwater management features within buffer zone to BVW and Riverfront area. A stream crossing is also proposed to facilitate upland areas of the site.

Applicant/ Representative	Applicant: Scott Goddard; Goddard Consulting
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Scott Goddard, wetland scientist for the project presents to the commission. Scott explains to the commission that there have been three sets of comments given to the applicant from DEP, John Thomas, and the peer review consultant. Scott states that having just received all of the responses he has been unable to address them with a letter or revised plans. Goddard explains that the project is for five proposed houses four of which have frontage off of John Scott Blvd and one has it off Dean Street. Scott states that the homes coming off of John Scott Blvd will have a common driveway in order to reduce any impact to wetland resource areas. Scott explains that this site has already come before the commission and has an approved ORAD. Scott explains there is an existing farm crossing with a restricting culvert to an intermittent stream, which picks up street drainage from the road and meets with wetland across the street. Scott explains that the project is limited under new construction standards for work within a riverfront, due to the fact that the applicant is not proposing any work within 100ft of the inner riparian zone. Also stating that they are also limited with work within 100 ft to 200 ft of riverfront, with only being able to alter 10% of the riverfront. Scott states that the plans are to stay 25ft from the wetland in accordance with local policy and stay largely out of the outer riparian zone, only disturbing the allowable 10%. Scott brings up that there was potential to have the project as a whole come off of Dean Street, however it was not possible because they would have to move further into the riverfront in order to avoid the wetlands. The house off of Dean Street is proposed to be a single-family home with a septic system in the rear, the house will be partially within the 200ft outer riparian zone. The septic system would fall within the 200 ft outer riparian zone but that is allowable under title 5 and the wetlands protection act. The houses that come off of John Scott will have one single access point utilizing the existing crossing. The existing crossing would be torn out and replaced with a new box culvert that will open the openness ratios and bankfull width spanning for the single



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access shared driveway that will include temporary bank alteration with some bank restoration once the work is completed. The stormwater management features off of John Scott Blvd would be for the four houses with a common driveway. Scott also mentions that outside of the limit of work there is a large agricultural field on the property that will be largely left intact. Going on Scott explains that for the four clustered single-family homes each one has a perked and designed septic system that satisfies the Board of Health and title five requirements for new construction septic systems. On the plans Scott explains the spurs that are shown, starting they are temporary alterations for well access, surrounded by erosion controls that would later be restored, Scott states that he would consider those temporary riverfront area alterations. There is a stormwater management feature, which is a berm that encroaches slightly into the riverfront area, that they have taken into account with the riverfront calculation. The berm's purpose is to hold back the backwater temporarily and slowly release the water on site. Scott points out that throughout the site the 25ft no disturbance zone has been respected except for in the area of the crossing, which is only proposed to utilize the existing crossing. Scott reiterates that they are expecting to prepare written responses and adjustments as needed in response to the comments from DEP, the peer reviewer and John Thomas, prior to the next meeting. Julian Kadish asks why the spurs were needed for some of the proposed houses but not others. Scott explains that the spurs were needed because there needs to be 100ft separation between a well and a septic system to be in compliance. Lisa Carrozza asks for Scott to go over the status of the ILSF on site as well as the vernal pools on site, and asks if the site is located in an ACEC. Scott confirms that the site is located in an ACEC. Scott points out that there is an area that is mapped PVP and he has plans to evaluate it and expects that it will function as a vernal pool. Scott explains that it was determined with a prior ORAD that it is non-jurisdictional and that it doesn't hold a sufficient amount of water to qualify as ILSF. Scott explains that even though the area is non-jurisdictional the design was made to avoid any direct alteration to the area because it was assumed to be a wildlife habitat feature. Scott also points out that there was a small IVW that is proposed for filling and is not expected to function as a vernal pool, however that was one question that was raised by John Thomas. Lisa asks if the PVP will be certified. Scott states that he will go out on site and get a better understanding of the PVP and should be able to present those findings at the upcoming meetings. Lisa raises some concerns about the future of the already existing house on 301 S. Worcester Street, and if there is a possibility that that house would be precluded from expanding in the future because the riverfront development has been maxed out. Lisa asks that the full calculations for the riverfront are provided and a letter be drafted to the owners of 301 S. Worcester letting them know that there may be restrictions for any expansion in the future. Scott agrees with Lisa's point and states he will look into it. Lisa also asks that the grading for the Dean Street lot be checked as it appears that there is excessive grading fill, and asks if there is any way to re-configure the house to allow for less grading fill. It is asked if there are any provisions for snow storage, and also what the plans are for the former agricultural field onsite. Scott explains that there are no



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plans at this time for the field and states that the field is something that can be talked about in regards to long term plans as the project develops. Lisa comments that future homeowners may want to make the field into lawn and that should be taken into account in future discussions. Lastly Lisa asks if the crossing will meet the stream crossing standards in full, which Scott states that it will. John Thomas states that if the representative can address all the comments presented to them then at the next meeting there will be more information for John to comment further on.

Motion to continue public hearing until April 10th made by Ronald O'Reilly

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

I. CONTINUED PUBLIC HEARINGS

A. (DEP#250-1123) –NOI- 13 Dean Street

REQUESTED A CONTINUANCE UNTIL 4/10

(Map 31, Lot 22)

Proposed work is a septic system repair, with associated site grading and disturbance within the 100ft buffer zone.

Motion to continue public hearing until April 10th made by Lisa Carrozza

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

B. (DEP#250-1113) NOI- 0 East Hodges

REQUESTED A CONTINUANCE UNTIL 4/10

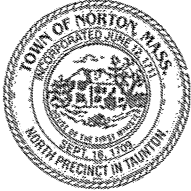
(Map 36, Parcel 2-0)

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 10 meetings)

**Applicant/
Representative**

Representative: Scott Goddard; Goddard Consulting



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Though the applicant had requested a continuance prior to the hearing, Chris Polk abutter to the project addressed the commission with some concerns that he had about the project. Chris stated that at the beginning of the month the applicant had been on site for a perc test, which failed due to the large amount of groundwater water onsite. Christ states that his concern is that the applicant will keep postponing everything until they receive the conditions they want. Chris states that he has to come to all of the meetings because he is a direct abutter to the project, and he comments that it seems unfair that the applicant continues to put off presenting anything to the commission, stating that this project should be completed in a timely fashion. John Thomas states that soils are indicative and the applicant waiting for better conditions will not change the results for the soils, they will still show whether there is high groundwater and if the soils are good for the purpose of the proposed project. Chris states that he understands but reiterates that this project is not happening in a timely fashion. John states that three continuances in a row and the applicant will have to present something to the commission to give an update. Scott Goddard who is part of the project chimes in to give an update based on the comments Chris Polk made. Scott states that there had been talk about flipping where the septic and house are proposed from the original design. Scott confirms that there was some soil testing done in the location of where the proposed house would be located to see if it would be able to accommodate septic. When the testing was done Scott states that the soil conditions were decent but the water was high. Scott also mentions that the Board of Health does prohibit dewatered perc tests. Scott comments that because of this the project will likely remain unchanged and they will keep the septic where it has already been approved by BOH. Scott also comments that because of all of the revisions made to the project and how much it has been reduced that he believes the project will be coming to a close shortly. John Thomas states that he is expecting to receive something from the applicant for the next meeting. John also states that on the posted Agenda typically will state whether the applicant has requested a continuance, if the office is informed in a timely fashion.



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**Motion to continue
public hearing until April
10th made by Daniel
Pearson**

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

**C. (DEP#250-1119) NOI- 0 S. Washington Street
(Map 24, Parcel 62)**

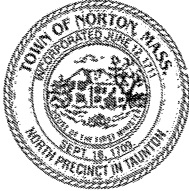
*The proposed work is to do tree clearing, grading, and gravel within buffer zone to the
BVW. (Continued from 1/09/2023 for 5 meetings)*

**Applicant/
Representative**

Applicant: Dave Patuek

Representative: Robert Crowell, Engineer; Adam Costa, Lawyer

Adam Costa addresses the commission firstly apologizing for the show of frustration at the last meeting and stating that the frustration stemmed from the applicant's side not being fully prepared for the meeting. Adam confirms that there have been revisions made to the plans that he is sure will satisfy the commission, as well as having multiple people present at the meeting ready to answer the commission's questions. Robert Crowell explains the revised plans to the commission, stating firstly that the wall details have been added to the plans showing how the wall will be constructed and how it works. Robert explains that once the project is approved the wall details will go to a manufacturer to construct the wall based on the site's specific requirements. Robert explains that the blocks of the wall are 3' tall and are stacked on top of each other and as they go up they set back 2" and from the base of the wall to the top of the wall it's going to step back about 1'. Robert explains that the building inspector requires a fence along the guardrail and there is a guardrail up against the wall, so the parking is very close to the edge of the wall. Where there isn't a guardrail there is a fence and they fit right into the wall, which is a requirement of the building department. The applicant's contractor explains to the commission that the wall is designed by a structural engineer from the manufacturer, they will instruct the builder as to which block goes where to best support the weight that is pushed up against it. He explains when the wall is built from the side going down about six inches to 18 inches depending on the grade of the block, then they take the next stone and put it on top of that stone and they go back and fill in with loam, from there they build up the wall in a staggered pattern, from the inside. It's explained that all the blocks used will be filled up with stone on the inside for drainage. The top of the wall will be covered with loam or stone depending on preference. The contractor restates that all the work is being done from the



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interior of the wall and that they do not approach the wetland while doing the work. Lisa Carrozza asks if they need any exterior access for operation and maintenance of the wall. Al explains that blocks weigh anywhere from 6 to 9 thousand pounds apiece and once the wall is constructed it will not need any maintenance. He explains that the most maintenance needed may be to mow the top of the wall if there is any grass. Lisa asks Adam what the reason was that the project was able to be pulled out of the 200ft riverfront area. Adam explains that in earlier versions of the plans showed larger parking spaces to accommodate electric vehicles, which were later removed from the plans as Amazon stated that there would be no EVs used at this site. With the removal of the EV parking spots it allowed the project to be pulled back from the riverfront area. Daniel Pearson comments about the irony of the removal of EV parking spots in order to preserve the environment. Adam explains that he is aware of the irony, however the applicant did not go to Amazon requesting the removal of the EV parking spaces; it just came up naturally in the course of conversation about how to go about getting approval from the conservation commission. Adam also states that the lot may have to be adjusted in the future if EVs become a necessity as the laws change, but for current purposes the lot doesn't need to accommodate them. Bob also adds to the discussion stating that he also believes there is a difficulty manufacturing enough EVs for what Amazon needs and that contributes to the decision that the parking lot does not need to accommodate them. Adam shows the newer plan showing the revised snow storage area, Bob explains that if there is a storm and they do not have a full hundred cars in the parking lot they would also store snow at the back of the parking lot which will be graded towards the catch basin. Adam also comments that Amazon plans to regularly use 60 of these spaces. Lisa asks if there will be any no idling signs posted; Adam comments that yes there will be internal signs posted. Lisa asks if they would like to leave the hearing open, if they are expecting any changes to come through the planning board. Adam states that for the most part the planning board was waiting to make sure con com was satisfied with the plans prior to them issuing a decision. Adam states that the only requirement outstanding with the planning board is that the applicant is not meeting the internal landscaping requirements of the internal islands. The applicant has requested waivers for some of the landscaping requirements from the planning board and there also plans to make a more robust landscape buffer at the front of the site to meet planning board requirements. Julians Kadish asks about the photometric plan that was presented, it is explained it shows the illumination on the lot and is a requirement of the planning board. John Thomas explains that at the next meeting there should be a drafted OOC ready for review from the commission for this project.



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Motion to close public hearing made by Lisa Carrozza

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

II. REQUEST FOR PARTIAL/ FULL CERTIFICATE OF COMPLIANCE

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

V. REQUEST FOR SIGNATURES

VI. REVIEW DRAFT MINUTES

- 3/13/2023

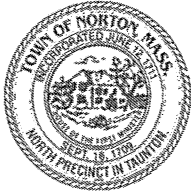
Motion to approve minutes as revised made by Lisa Carrozza

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

VII. OLD BUSINESS/ NEW BUSINESS

- Report from Staff

John Thomas states to the commission that he is in search of a member to volunteer for the open space committee. Lisa Carrozza states that if someone does not want to do it then she would take the position, Marc Fernandes states the same. John explains that he is looking at properties in town and seeing what options there are for them in regards to trail continuity and passive recreation, which is why he is trying to re-establish the open space committee. John Thomas also mentions that Governor Healey is going to be signing a bill extending the provisions for Zoom meetings until 2025. Lisa Carrozza mentions that the MACC also issued a new BVW Delineation Manual. The commission discusses administrative approvals, and the proper way to go about it. Lisa suggests a one page form that can be filed in the office if the work is minor and does not warrant a public hearing. John gives the example that anything less than 20,000sqft has the potential to be an administrative approval provided that it is also outside of the jurisdiction of the Con



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Com. John explains that he can confirm boundaries of the project and he can make the determination whether the project will need to go in front of the Con Com due to the impacts that project could have on resource areas. Julian Kadish mentions that abutters to properties that receive admin approval may have an issue with being overlooked because there is no public hearing for them to voice concerns. Lisa comments that in the past specifically with septic projects, that have very minimal impacts there is often no comments from residents or abutters. Lisa mentions to John that there should be a notice on the Town website stating that an applicant should contact the office to see if the project can be administratively approved. Examples of administrative approvals would be, tree cutting/removal and septic replacements with minimal impacts. It is agreed upon that John Thomas will put together the requirements of projects that would require/allow administrative approval.

- Discussion of a potential Conservation By-Law
- Fee Schedule 2023
- In person meetings

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)

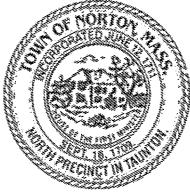
A. (DEP#250-1085)-Request for a Partial COC- 131 John Scott Blvd

John Thomas explains that the applicant came at the last minute requesting a partial COC in order to get a certificate of occupancy. John states that all the work is done aside from the installation of the pool.

Motion to issue partial coc made by Lisa Carrozza	Seconded by: Marc Fernandes Aye: Daniel Pearson, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza Motion Carries
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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:



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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/85465928093?pwd=OGkwOVY5MG84ajhHcVhtcGo0TElEU09> When prompted enter
Meeting ID: 854 6592 8093 Passcode: 405896. 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 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 commission on:

4/10/23

Conservation Commission Signature:

