



Norton Conservation Commission
70 East Main Street • Norton MA 02766 • 508-285-0275
Email: mharrop@nortonma.us
Site: <https://www.nortonma.org/conservation-commission>

Next meetings:
4-24-23
5-8-23
5-22-23
6-12-23

Monday, April 10, 2023, 6:30 PM
****REMOTE PARTICIPATION ONLY****

<https://us02web.zoom.us/j/83037919537?pwd=MFBGYjVPYko5dTFzMHVvdGE3RkQ4dz09> When prompted enter **Meeting ID: 830 3791 9537 Passcode: 979203**. Phone: 1-646-558-8656

Chairperson to read about Public Meetings:

Pursuant to Governor Healey's March 29, 2023 bill extending several Covid era policies and programs by allowing virtual meetings to continue from March 31, 2023 to March 31, 2025. 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.

The Public Remote Participation Procedure is found at the end of this Agenda.

Minutes

Attending

Julian Kadish, Chairman
Mark Fernandes
Ron O'Reilly
Dan Pearson

John Thomas, Conservation Dir.

Absent

Lisa Carrozza, Vice Chairperson
Megan Harrop, Conservation Secty.
Tamah Vest

6:30pm Open meeting

NEW PUBLIC HEARINGS

- A. (DEP#250-1125) NOI, 237 Mansfield Ave.** The Mass Department of Fish and Game Office of Fishing and Boating Access (hereafter, for this file, the "applicant") proposes to regrade and re-gravel an



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existing kayak launch and construct a bituminous concrete staging area to improve public paddle craft access to Norton Reservoir.

Ryan McCoy of Collins Engineers addressed the meeting with an accompanying video presentation on behalf of the applicant. McCoy showed slides of the relevant site, which included views of a gravel kayak launch, muddy at the base; a stone fireplace; and a site plan. The regrading would provide access to an existing building, which “looks like a split-level residential structure.” Just behind a building there will be transitioning to the bituminous paving of the site’s staging area, which would include access for about 12 vehicles and a handicapped space closest to the ramp. There wouldn’t be that much regrading in the staging area. Riprap and grass swales will be positioned on the north and south sides of the sites to curb runoff “from the impervious area.” Traffic bollards would be used to provide “car-top access” to the project for canoes and kayaks. The proposed plan includes changes to the bank as well as consideration of BLSF and the 100-yr FP. The 100ft. BZ comes about a third of the way up the site’s staging area.

McCoy opened the floor to questions. Kadish: Clarified that the WPA has jurisdiction over only a small portion of the project and asked that McCoy return to the site plan to demonstrate his point: The 100ft. BZ goes through the center of the project, etc. Kadish continued that the project, which would stabilize the area against future erosion or degradation of the access point, was fairly straightforward. Thomas: DEP had comments. The legal notice for the project hadn’t been paid at the time of the meeting. McCoy: Colin from our office dropped off the check just before the office closed. Thomas: If so and if the Commission is comfortable with doing so, they should be able to close the hearing on the file. Thomas: From my investigation, the swales look pretty good. I don’t believe the work in the flood zone will exceed the FEMA limit of 5000 ft²—is that correct, Ryan or Allie [last name?]? Ryan: That’s correct, yeah.

Kadish: But you’re not changing the elevations in that flood zone, correct? Thomas: No, the elevation should be matched, as the as-built drawings should indicate. Kadish: I doubt peer review is needed.

Dave Lennon, 90 Maple Street, Norton, Director of Norton Kayak Company, which has been operating for 18 seasons and is licensed by the NCC and has been leased to do so through October 2023: The layout doesn’t leave much space to continue to accommodate NKC business. Could the lines of the plan be “shifted” to increase the size of the area, which is also used for various projects like “the Norton rec, the Wounded Warrior Project, and local colleges and our Kayak Camp”? Lennon asserted that he is uniquely able to understand the worth of an expansion. Did the engineers and the state take into account that we’ve used the property for 18 years in good faith...? Adding automobile access will deny some boat access.... Some clients don’t have boats when they arrive at the site. Some clients arrive at the site having been dropped off (i.e., not having driven vehicles to the site). If NKC should go out of business, it will limit who can access the site. Kadish: I don’t think there would be any intent to do that.

What do you do know regarding layout? Lennon: Just to the left of the fireplace is an 8’x20’ storage unit. [McCoy: relevant slide.] Lennon: We wouldn’t need much more than 1400ft². In recent years, attendant to a new lease agreement with the BoS, we have been able to store our gear over the winter and hence made other investments on the site. Kadish: Are you saying that the proposed parking area would be prohibitive? Lennon: Yes, it could potentially cause us to have to move our gear to the staging area behind the house to the left of the parking. The swales would also alter access. Kadish: So, none of your kayaks have rollers? Lennon: Typically, the Town doesn’t make too many improvements, but pea-sized gravel and mulch don’t create that much wear on the boats. Using a dolly or kayak cart to transport



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boats would be detrimental [to our business]. With the summer programs, come kids, and the plan would cause unwanted congestion at such a time. It would be a great deal more work to move “that unit” closer to the house. Kadish: What would be your proposed solution? Lennon: Could the lot be shifted to one side or the other [e.g., “closer to the Alberto’s property line”] or could there be a drop-off area with a turn-around? Cars get stuck trying to back in and out of the mulchy area, sometimes necessitating the services of a tow truck. Lennon asked for a “more direct, natural path, as opposed to the pavement.” Kadish: Dollies aren’t feasible? Lennon: Well, we’re potentially going 200 ft over pavement and then when there are kids and summer programs in the morning, the kids would have to walk through a parking lot with no path. Lennon would like a way to access the launch without having to go through the parking lot or jumping the swale. Kadish: Reiterating NCC jurisdiction, said that most of what Lennon was proposing was outside of it. Lennon: You could create a turnaround and improve the water upfront. Pearson suggested separating the parking lot with a dashed yellow line to differentiate parking areas from walking areas. Kadish: The issue is that the macadam surface will scrape the bottoms of the paddle boats. Is putting a mulched path around a parking lot an option? Thomas: I’ve spoken to the Town Manager to see if there is financial support for the mulch from the Town. We’d like to continue the joint venture we have with Mr. Lennon’s company. We could accommodate Mr. Lennon with a minor change to the plans. Lennon: Could you shift the parking spaces to the left of where they are now and have an open space down by the water’s edge? Kadish: The plan as it is now only shows where the contractor will make changes—I assume, then, that normal vegetation will grow back. Is that correct, Ryan? McCoy: Yes. Lennon: If the parking lot were shifted farther back from the water...it would allow some space... Thomas: If you shift the parking lot to the left, you’re just going to lengthen the distance to the water. Lennon: Under this type of plan, it would be difficult to know where to operate. McCoy confirmed that Collins would like to work together to “tweak” the plan. A current mulched area will return be restored to wetland terrain. Lennon: Even if Norton Kayak were to the north or south of the drainage swales, we would still have to go over them. Kadish: There’s space between the 25ft line and the parking lot where something could be installed...pending review by John Thomas. Could we continue this or is the timeline urgent. Thomas: We could vote to close: Any change would not be that “significant.” I could work on it with Mr. Lennon. Kadish: Questions from Commission or audience? If not, we could consider a motion to close. [Allie]: Regarding the DEP comment we had received, John [Thomas], they had asked whether there would be temporary impact to the land underneath the reservoir? No, there will not. Thomas: That was probably because of turbidity curtains on the plan. [Allie]: The turbidity curtains were there out of an abundance of caution. Kadish: Motion? O’Reilly: So moved. Pearson: Second. Thomas: David, why don’t we meet on site this week? Lennon: Yes.

Motion to continue the public hearing:	Aye		Abstain	Nay
1. O’Reilly	Kadish	O’Reilly	0	0
2. Pearson	Fernandes	Pearson		
Motion carries unanimously				

- B. (DEP# 250-XXXX)-NOI-192 Taunton Ave.** The applicant proposes to install utilities serving units. Associated grading will fall within the 100’ buffer of BVW.



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Mitch Maslanka of Goddard consulting presented the applicant's proposal to the Commission. The applicant requested a continuation. Kadish: Yes, but we need to have an explanation of the project, which would seem to involve four residences, is that correct? Maslanka: I do not know. Kadish: The plans I receive indicate that involves four residences, but NCC jurisdiction only extends to a small part of the plan, including utilities access. John? Thomas: Two lots on the plan will be subject to NCC jurisdiction. When I did a site visit, I identified other resource areas omitted from the plans. So I've asked the applicants to ask Goddard Consulting to revisit the site. The four-lot project will require determining the proximity of areas under review for stormwater issues to wetlands. Hopefully the applicant will come in within the next two weeks with revised plans. Kadish: Questions? Motion? O'Reilly: So moved. Pearson: Second.

Motion to continue the public hearing to 4/24/23:	Aye		Abstain	Nay
1. O'Reilly	Kadish	O'Reilly	0	0
2. Pearson	Fernandes	Pearson		
Motion carries unanimously				

CONTINUED PUBLIC HEARINGS

- A. (DEP#250-1123) –NOI- 13 Dean Street. (Map 31, Lot 22). The applicant proposes to repair a septic system, including associated site grading and disturbance within the 100ft buffer zone.

(Continued from 3/13/2023 for 2 meetings)

REQUESTED CONTINUANCE UNTIL 4/24

Thomas: I issued a violation to the representative and the landowner who were doing exploratory testing on the riverfront, an area wherein there are no exemptions regarding notifying the NCC. The applicant failed to do so. The applicant is at the meeting tonight to discuss the work that they have done. Mark Arnold with Goddard Consulting addressed the Commission. To "preserve surface vegetation," the consultant used existing cart paths from John Scott Blvd that were in the buffer zone but not the wetland to access the riverfront. Once there, the consultant tested soils to collect information to address WPA stormwater regulations. The last test pit was on the "fringe" of the riverfront area, but outside the riverfront itself. We have no plans to bring additional equipment out to do testing. Thomas: The area in question isn't just an area of concern regarding stormwater management, but it's also ACEC and a wildlife habitat. There are two vernal pools in the area. Pearson agreed emphatically with the issuance of a violation. Thomas: Does the Commission feel there should be additional overview of the project, possibly bringing in an outside consultant? Kadish: Is there a sedimentation problem there now? Arnold: No. "The soils were very sandy, but nothing like silt or till, that would erode."

Motion to continue the public hearing to 4/24/23:	Aye	Abstain	Nay
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1. Pearson	Kadish	O'Reilly	0	0
2. O'Reilly	Fernandes	Pearson		
Motion carries unanimously				

- B. (DEP#250-1113) NOI- 0 East Hodges (Map 36, Parcel 2-0)** The applicant proposes to construct a single-family house, barn, pool, and stormwater management infrastructure within 100 ft of the BVW, and the proposed barn within 200ft of Riverfront area.

(Continued from 9/26/2022 for 12 meetings)

REQUESTED CONTINUANCE UNTIL 4/24

Thomas: At the last meeting, the applicant, Scott Goddard, said that Goddard consulting would have information and it does not and so he questioned whether the board [Commission] should even grant what would be a fourth continuance. Kadish: Well, based on the leniency we've shown past applicants, "it would be hard to deny this." Thomas: The continuance is not a "right," but a "courtesy." Should we institute a deadline or have to wait "because the soils aren't right"? Kadish: This sight is inherently "non-ideal," but we have generally operated with flexibility, courtesy, and an openness to hearing an applicant's full presentation as by-words. What does the WPA say, if anything, regarding a time limit? Thomas: The WPA asks whether a project is "viable" and "feasible" and I question whether...waiting for soils. Pearson: What happens if we deny their continuation? Thomas: We could ask them to withdraw the application (on the grounds of not having provided the information) or the Commission could simply close the hearing (on same grounds). Pearson: Does the WPA provide the Commission with a way to stimulate the applicant into action? Thomas: We can tell Mr. Maslanka that if given the continuation, he must provide the information or an "update" in a timely fashion. Kadish (to Thomas): You feel the soils are inappropriate? Thomas: I don't believe the soils are feasible or viable, but the applicant must provide any information to the contrary. Fernandes: The Commission will, in time, forget the facts of the project and a deadline should be set. Would continuing the file especially add to the Director's workload? Thomas: No. But if an applicant can't provide information justifying it, it's not a viable project. Kadish advocated for more time for the applicant. We don't know what sort of pressure they are under. Pearson: We must also consider the pressure the Conservation Director is under. Kadish: ...obligation to the Town of Norton...and out-of-town residents. Maslanka: We sent in a revised plan today. Pearson: If the soils aren't right, are we wasting time? Maslanka: Presented to the Commission using a map. He showed the locations of house, barn, and test pits. Disturbance would be below an acre. A swale is proposed to direct water away from Hodges Street. Kadish: Thomas should be given time to review the plans. Questions? Fernandes: Does the plan identify an area to be used in future when the septic system is replaced? Maslanka: Yes. There are two reserve and two primary trenches. Kadish: Motion? Pearson: Yes. O'Reilly: Second.

Motion to continue the public hearing to 4/24/23:	Aye	Abstain	Nay
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1. Pearson	Kadish	O'Reilly	0	0
2. O'Reilly	Fernandes	Pearson		
Motion carries unanimously				

- C. (DEP#250-1124)- NOI- 301 S. Worcester Street (Map 31, Parcel 36)** The owner proposes to construct five single-family dwellings with driveways and stormwater management features within the buffer zone to BVW and riverfront area. A stream crossing to facilitate access to upland areas of the site is also proposed. (Continued from 3/27/2023 1 for meeting)
REQUESTED CONTINUANCE UNTIL 4/24

Motion to continue the public hearing to 4/24/23:	Aye		Abstain	Nay
1. Pearson	Kadish	O'Reilly	0	0
2. O'Reilly	Fernandes	Pearson		
Motion carries unanimously				

REQUEST FOR EXTENSION/ REQUEST FOR PARTIAL/ FULL CERTIFICATE OF COMPLIANCE

- A. (DEP# 250-1054) Request for Extension- New England Power Company, 315 & 327 Transmission Line right-of-way (ROW).** The applicant proposes to include general utility maintenance activities and improvements including structure replacements, access road upgrades and work pad construction at existing structures within Bordering Vegetated Wetland, 200 feet of riverfront area and BLSF.

Thomas: I looked at the site. Their project slowed by the COVID pandemic, the applicant has requested a three-year extension to complete restoration work to the site. Allison Milliman of BSC Group addressed the Commission. Milliman: Most of the work on the project is complete. Planting was not completed in time for the site to grow to have grown the desired vegetation. Three years if very conservative. Vegetation might come this year and the replication part of the project has already achieved the required standards. It remains observe whether the site stabilizes and then have the contractor remove erosion and sediment controls. Kadish: A three-year extension seems very reasonable. Motion?

Motion to accept a three-year extension:	Aye		Abstain	Nay
1. O'Reilly	Kadish	O'Reilly	0	0
2. Pearson	Fernandes	Pearson		
Motion carries unanimously				



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

- A. (DEP#250-1119) NOI- 0 S. Washington Street. (Map 24, Parcel 62).** The applicant proposes to clear trees, grade, and lay gravel within buffer zone to the BVW. (Continued from 1/09/2023 for 6 meetings)

Kadish, finding nothing to object to in the draft OOC, asked the Commission for its input. Motion?

Motion to accept the draft OOC as submitted:	Aye		Abstain	Nay
1. O'Reilly	Kadish	O'Reilly	0	0
2. Pearson	Fernandes	Pearson		
Motion carries unanimously				

REVIEW DRAFT MINUTES

• **3/27/2023**

Motion to accept the minutes as revised by Pearson:	Aye		Abstain	Nay
1. Fernandes	Kadish	O'Reilly	0	0
2. O'Reilly	Fernandes	Pearson		
Motion carries unanimously				

OLD BUSINESS/ NEW BUSINESS

Report from Staff: Thomas invited the meeting to "take a gander" on the Edith Read Trails, newly-improved by NHS students, NHS teacher Poppy Cuddington, and the Norton Land Preservation Society, and Boy Scouts. He further showed the meeting a GIS-generated map of the trail and extensions, including a boardwalk spanning the wetland.

Thomas informed the commission that Lisa Carrozza has volunteered to work for the Open Space Committee (renewal of funding from the state depending on local membership). Pearson asked whether Carrozza would bring the number of members to the requisite five, and Thomas answered that he intended to have a meeting with people he had considered for the Committee. Kadish asked Thomas if there had any progress on finding another member for the Commission. Thomas has found that now is not the easiest time to find recruits; the Director might have to resort to talking to Town government about the possibility of write-in candidates. Pearson asked about asking employees of Wheaton College residing in Norton whether they would like to join. Thomas: Yes, but he hasn't heard back.

Kadish: Adjournment?

The meeting adjourned at 7:23.




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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/86971583614?pwd=RHVpaJZREUzeElzd3NSMEoxY3dHQT09>

When prompted, enter the **Meeting ID: 869 7158 3614 Passcode: 759587**

- 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: Daniel Pearson

Minutes approved by commission on: 5/22/23

Conservation Commission Signature:

