



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [jthomas@nortonmaus.com](mailto:jthomas@nortonmaus.com)

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

**Monday May 22, 2023**

**6:30 pm**

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

RECEIVED  
NORTON TOWN CLERK  
2023 JUL 27 AM 11:02

Next  
Meeting:  
6-12-23  
6-26-23  
7-10-23  
7-26-23

<https://us02web.zoom.us/j/82366076052?pwd=RmRhaWEyRkVnZXU2OWICV0Z3a0FSUT09>

When prompted enter **Meeting ID: 823 6607 6052 Passcode: 204965**. 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.

Norton Media Center recording: Conservation Commission 05/22/23 - YouTube

**Minutes**

**Attending**

Julian Kadish, Chairperson  
Lisa Carrozza, Vice Chairperson  
Mark Fernandes  
Ron O'Reilly  
Dan Pearson  
Tamah Vest

John Thomas, Conservation Dir.

**Absent**

Megan Harrop,  
Conservation Secty.

**6:30pm Open Meeting**



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### I. NEW PUBLIC HEARINGS

N/A

### II. CONTINUED PUBLIC HEARINGS

#### A. DEP# 250-1127 NOI -192 Taunton Ave – Kevin Lobisser (Map 28, Parcel 29)

*The applicant proposes to construct two duplex structures, a common driveway, stormwater apparatus and a septic system.*

*(Continued from 4/8/23 for 3 meetings)*

Peter Lavoie of D & L Design Group, Inc., Milford spoke on behalf of the applicant. All four of the peer reviewer's comments have been addressed, and the file has been given a DEP#. Thomas: There is much waste and debris in the BZ that should be conditioned in an OOC. Among the waste that needs to be removed is, e.g., a trailer, roofing tiles, washing machines, air conditioning units, etc.

#### Motion to close the public hearing

- |             |                            | Aye       |          | Abstain | Nay |
|-------------|----------------------------|-----------|----------|---------|-----|
| 1. Carrozza | <i>carries unanimously</i> | Kadish    | O'Reilly | 0       | 0   |
| 2. Vest     |                            | Carrozza  | Pearson  |         |     |
|             |                            | Fernandes | Vest     |         |     |

#### B. DEP# 250-1126 ANRAD - 1 Dean Street- Rob Celberti (Map 27, Lot 181-0)

##### REQUESTED CONTINUANCE UNTIL 6/26

The applicant is seeking verification of onsite resource areas.

*(Continued from 4/24/23 for 2 meetings)*

#### Motion to continue until 6/26



### III. REQUEST FOR PARTIAL/ FULL CERTIFICATE OF COMPLIANCE

#### DEP #250-1032 – 213 Oak Street – Request for Certificate of Compliance

Nicole Hayes from Goddard did the final inspection. Hayes (echoing Thomas): "Everything's thriving." There is 95% wetland indicator coverage, surpassing the required 75%. Thomas: It meets all the requirements for a COC.



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### Motion to issue a full COC

1. Carrozza
2. O'Reilly

*carries unanimously*

### Aye

Kadish  
Carrozza  
Fernandes

O'Reilly  
Pearson  
Vest

### Abstain

0

### Nay

0

## IV. SIGN AND ISSUE ORDER OF CONDITIONS/ORDER OF RESOURCE AREA DELINEATION

**DEP# 250-1123 NOI - 13 Dean Street – Daniel Pires  
(Map 31, Lot 22)**

Kadish: There's no specific statement that anyone approved such-and-such work by such-and-such a person. Thomas: I'll check it out. Under condition 8, I can [and will] add language regarding the approved site Septic Upgrade and Repair with revised surveyor/engineer.

The completed condition 8. will read: "This permit authorizes the following activities within jurisdiction of the Conservation Commission per the approved Subsurface Sewage Disposal System Site plan prepared and stamped by Jamie Bissonnette P.E. Zenith Consulting Engineers revised 5/1/2023:

- construction associated with the installation of a subsurface sewage disposal system
- the site earthwork and grading."

### Motion to approve the OOC as discussed

1. Carrozza
2. O'Reilly

*carries unanimously*

### Aye

Kadish  
Carrozza  
Fernandes

O'Reilly  
Pearson  
Vest

### Abstain

0

### Nay

0

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

Kadish: Regarding the language of approval, same as above file. Thomas: I'll add to condition #10: "stamped by Level Design Associates...."

10. This permit authorizes the following activities per the Final Approved Plan Set stamped by Nicola Facendola P.E., Level Design Associates last revised 5/8/2023 within jurisdiction of the Conservation Commission:

- Installation and construction of a 5-Lot Subdivision with access off John Scott Blvd and Dean Street,
- Installation of stormwater management and drainage components;
- Removal of an existing culvert and replacement with Precast Open Bottom Bridge Culvert, grading and site work associated with the stream crossing,
- Construction and installation of a Bituminous Common Driveway; and
- Installation and construction of retaining walls, Soil Absorption Systems, in-ground wells.

Per Carrozza, some changes were to be made, i.e., on condition #14. She contended that without appropriate regulation, the plot in question would be open to the possibility of ongoing subdivision.



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14. The Project proposes 32,581 square feet of alteration within Riverfront Area associated with Goose Brook. As stated within the WPA, the NCC may allow for 5,000 sf or 10% of alteration whichever is greater, in the RFA. The NCC find the proposed land use project for:

*DEP# 250-1124, the proposed 301 S Worcester Street Subdivision Project (consisting of properties identified as 301 S Worcester Street, Dean Street – Lot 3, John Scott Blvd – Lots 4, 5, 6 & 7) contains 326,987 SF of Riverfront Area associated with Goose Brook. The Ten Percent Threshold for allowable Riverfront alteration on all properties associated with DEP# 250-1124 is 32,698 SF. Alteration of 32,581 SF of the RFA (9.96%) is proposed for DEP# 250-1124, the proposed 301 S Worcester Street Subdivision Project. Future allowable permittance of alteration within the RFA would be limited to 117 SF for all subdivided properties and remaining 301 S Worcester Street Parcel associated with this Permit.*

Thomas: Everything else—visual barrier, vernal pool—is “pretty straightforward.”

Carrozza asked about the wall and the culvert. Thomas: Condition #15C answers that concern: “Final construction plans (showing retaining wall detail and proposed visual barriers) for review and approval by the NCC.”

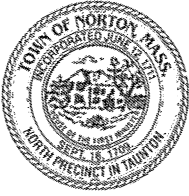
Carrozza: Regarding condition #16, “What does the O&M have to do with the construction of the wall?” The O&M is for stormwater. Thomas: There should be O&M for the box crossing as well. Carrozza: Do they? Thomas: They should. O&M should be a reference to stormwater features, not a wall. That’s why I’m confused. Kadish: How much maintenance does a box culvert crossing require? Carrozza: Is the box culvert part of the O&M? It should be: It’s a drainage feature. [And] if so, it should be part of the O&M. Thomas: I’ll strike the SWPPP and put in [the language] “per plan design.” Scott Goddard: I’ve never seen an O&M for a box culvert. Carrozza: But if a plan does have a culvert crossing, it should be part of the O&M. Kadish: If the box culvert has a problem, the road on top probably does, too. There should be a way to slide language into a condition to address the issue. Carrozza: This was not the condition on which to mention maintenance of the box culvert. Carrozza: We should probably include the language: “including the open box culvert.” Condition 16: At what point in the project is oversight by a wetland scientist required—during construction? During installation? The language we use should be specific about the time. Thomas: In my opinion, throughout the project. Carrozza: Usually it’s the civil, not the structural, engineer who is involved....

| Motion to issue the OOC as discussed and altered |                     | Aye       |          | Abstain | Nay |
|--|---------------------|-----------|----------|---------|-----|
| 1. Carrozza                                      | carries unanimously | Kadish    | O'Reilly | 0       | 0   |
| 2. Fernandes                                     |                     | Carrozza  | Pearson  |         |     |
|  |                     | Fernandes | Vest     |         |     |

## V. REVIEW DRAFT MINUTES

- 5/08/23

| Motion to accept the minutes | Aye | Abstain | Nay |
|------------------------------|-----|---------|-----|
|------------------------------|-----|---------|-----|



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|             |                            |                       |         |          |   |
|-------------|----------------------------|-----------------------|---------|----------|---|
| 1. Carrozza | <i>carries unanimously</i> | Kadish                | Pearson | O'Reilly | 0 |
| 2. Vest     |                            | Carrozza<br>Fernandes | Vest    |          |   |

Two other sets of minutes (below) were tabled to a time later in the meeting.

### VI. OLD BUSINESS/ NEW BUSINESS

- Report from Staff

Discussion of 0 South Washington Street veered into territory of interest to the Town—specifically to the Planning Board, town revenue collection, the Town's legal costs dealing with Amazon (which would be greater than the revenue the project would ever raise), and the morality of letting Amazon into the Town at all—but outside the purview of the WPA (and has thus been abbreviated). Thomas: The Planning Board denied the Amazon project on South Washington Street because it did not provide a financial benefit to the Town. The applicant (Amazon) has presented a larger plan and a building to make the site taxable. Carrozza: The issue was that the applicant had to get construction out of the riverfront. Vest: Was the change made just to include a taxable building? Carrozza: Is it just a building? Thomas: I don't know. Office space? I think Amazon wanted to put in a guard shack, but the planning board denied it. Carrozza (to Thomas): Would you communicate to the Planning Board that the project is not in compliance with the WPA? Thomas: I am against the applicant's current plan because it contravenes WPA regulations to a greater extent than did the previous one. Discussion of car spaces in the plan. Kadish: Clearly, we can't approve this plan.... Vest asked about the Commission's role in such a project. Should the Commission be helping [the applicant? The Planning Board?]? Kadish: The Commission must uphold the WPA—and we have. Thomas: We should look at the Planning Board's decision as a point of comparison. Carrozza: This [the applicant's latest plan] is a "cartoon": A plan needs to take into account water, SWPPP, sewer, buildings....

Carrozza mentioned that the applicant might consider giving a gift to the Town, which prompted Pearson to suggest that if the applicant were to do such a thing, they might consider buying untouched land on Main Street where construction might have been denied or held up and giving it to the Town to be left as is (e.g., by handing it over to the LPS).

Thomas (moving on): There are some projects before the Town, but nothing that has reached critical mass.

The rest of the minutes to be approved were now considered.

- 4/10/23



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|                              |                |           |          |          |     |
|------------------------------|----------------|-----------|----------|----------|-----|
| Motion to accept the minutes |                | Aye       |          | Abstain  | Nay |
| 1. Pearson                   | <i>carries</i> | Kadish    | O'Reilly | Carrozza | 0   |
| 2. O'Reilly                  |                | Fernandes | Pearson  | Vest     |     |
| • 4/24/23                    |                |           |          |          |     |
| Motion to accept the minutes |                | Aye       |          | Abstain  | Nay |
| 1. Pearson                   | <i>carries</i> | Kadish    | O'Reilly | Carrozza | 0   |
| 2. O'Reilly                  |                | Fernandes | Pearson  | Vest     |     |

The 5/22/23 NCC meeting adjourned at 7:26.

### VII. 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/82366076052?pwd=RmRhaWEyRkVnZXU2OWICV0Z3a0FSUT09> When prompted enter **Meeting ID: 823 6607 6052 Passcode: 204965.** Phone: 1-646-558-8656



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- 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. Please make sure your computer's video/audio is on.
  - If you cannot hear, you may need to phone in by calling 1-646-558-8656, same meeting ID and password as above. If it asks for a participant id you can just hit #. Please put your phone on mute until the Chairman asks for your comments.
  - Everyone will be placed on mute at the beginning of the meeting as you sign in but you should be able to hear. We will unmute you when we reach the public question and answer portion of our meeting.
3. If, for some reason, neither option is working for you, you can email the Conservation Commission at [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com) to ask your questions. We will read your email address, name and comments into the public record.
  4. The standard procedure for a public hearing is a presentation by the applicant's representative, questions and comments by the Conservation Commission and Director, then opening questions and comments to the abutters. Please be patient and wait for your turn to participate.
  5. If there are no additional questions by the Conservation Commission or Director, the hearing would typically close; however, to ensure adequate opportunity for public participation, those specific hearings will be continued until the next meeting. This will be announced. You will have until the next 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:** 6/12/23

**Conservation Commission Signature:**