



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: jthomas@nortonmaus.com

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

RECEIVED
NORTON TOWN CLERK

2023 OCT 19 PM 3:42

Monday July 24, 2023

6:30 pm

****Remote Participation Only****

Next Meeting:

8-14-23

8-28-23

9-11-23

10-2-23

<https://us02web.zoom.us/j/83391991726?pwd=MGY0MW1vSW9JNWZ1ajkORUF3RmczUT09>

When prompted enter **Meeting ID:** 833 9199 1726 **Passcode:** 191129 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.

Conservation Commission 07/24/2023 - YouTube

MINUTES

Attending

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

John Thomas, Conservation Dir.
Megan Harrop, Conservation Secty.

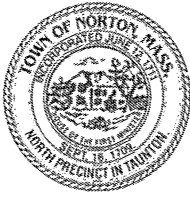
Absent

Tamah Vest

6:30pm Open Meeting

I. NEW PUBLIC HEARINGS

**A. DEP#250-TBD-NOI- 6 Mary Joe Road-Mark Mariano
(Map 35, Parcel 10-02)**



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Applicant proposes to construct a new single-family home, including a Title-5-compliant septic system, driveway, site grading, site cleanup, domestic well, associated clearing and driveway extension within 100ft of BVW and a NHESP zone.

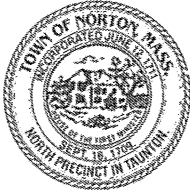
Mark Mariano represented himself before the Commission. The parcel in question was subdivided from a larger parcel in 2015. There are 13 acres of upland and a remaining 15+ acres of wetland. The property contains an existing 80' x 40' metal building. The land was possibly previously used for a construction operation. Pond dug for the benefit of gravel removal. Mariano would like to build a home in the center of the lot. The existing driveway meets Federal standards. Much BVW surrounds the property. The applicant has the original CAD from the ANRAD done in 2015. No additional clearing is proposed. The applicant would rather allow the buffer zone to revegetate; replace signage that was there with new, appropriate signage; and remove some earth, stockpiles (that have been pushed into the woods), RCP pipe, and Jersey barriers. He has put a turtle protection fence, running E to W, in the center of the site. The applicant would like to reuse a building formerly used for cold storage in the same capacity. A sandy, unvegetated zone in the center of the site would be left to a turtle population. Except for the applicant's well, almost all construction would be outside the 100' buffer. The proposed house is to be situated thus for the sake of passive solar power. Water from the roof of the house would infiltrate into the ground via a small depression in the sand. Carrozza: Do you intend to pave anything? You're not proposing any driveway connecting to the larger pavement? Mariano: No. Carrozza: The plan hasn't labeled lawn space, and perhaps you could do so with, e.g., a stipple pattern because when John [Thomas] goes out to enforce the COC we must be able to differentiate between area to be stabilized by lawn versus area left to nature, etc. Mariano: I will think about that. Carrozza: Re: NHESP, please delineate it more clearly (with a different placing of arrows—one off to the E). Is this outside the 100-year flood zone? Mariano: Yes. Thomas: Do you wish to do a conservation restriction on this property (which would also help on taxes)? You might wish to keep in the back of your mind that the governing authority likes to have such zones contiguous (including features such as turtle habitat, wetlands, etc.). Mariano: I do have a discontinuation because of the driveway. Thomas: Right, and that could be addressed by an easement. Kadish: Apparently everything but the DEP# is provided. Mariano: Also, the information guide from NHESP. Kadish: OOC? Thomas: I will have one drafted for review by the board by the next meeting. Kadish: If everything is completed as discussed, you [Mariano] might not even have to attend the next meeting.

|| Motion to continue to the 8/14 meeting ||

Aye ||

|| Abstain ||

|| Nay ||



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

II. CONTINUED PUBLIC HEARINGS

A. DEP# 250-1126 ANRAD - 1 Dean Street- Rob Celberti

(Map 27, Lot 181-0)

Applicant is seeking confirmation of onsite resource areas.

(Continued from 4/24/23 for 5 meetings)

Rob Celberti represented himself before the Commission. Thomas: Since the last meeting, I have asked that the onsite vernal pool be screened and we have agreed on flagging on the NE side, etc., of the site, as well as recognition of BVW, etc. I'm comfortable with the resource areas as delineated and comfortable with closing. Kadish asked about the delineation of buffer zones. Carrozza: ILSF? Thomas: The IBW did not meet the ILSF calculation criteria.

| <u>Motion to close the public hearing</u> | | <u>Aye</u> | | <u>Abstain</u> | <u>Nay</u> |
|---|----------------------------|------------|----------|----------------|------------|
| 1. Carrozza | <i>carries unanimously</i> | Kadish | O'Reilly | 0 | 0 |
| 2. Fernandes | | Carrozza | Pearson | | |
| | | Fernandes | | | |

B. DEP# 250-1128 - 36 Dean Street- Goosebrook Garage Recycle, LLC.

(Map 3, Lot 31-01)

Applicant proposes to replace a failed sewage disposal system and install a concrete pad with underground waste oil tank compliant with MassDEP Regulations, 310 CMR 80.4 – 80.22 within buffer zone to BVW and Riverfront area.

Kadish: Do we have a representative? Thomas: It doesn't appear we do. Kadish: I seem to recall that one is required from the DEP, et al. Can we act without an applicant? Thomas: It's best for an applicant to be on the call. The applicant has submitted something. I have discussed this with a representative and have provided him with all of the information necessary to be on the zoom call. Carrozza: Perhaps we could view it and send any questions back to the applicant. Thomas presented the application. Thomas: Goosebrook Garage is on the right. DEP and the BoH have been involved for five years. The applicant needs to deal with an emergency failed septic system, which would possibly exempt the applicant from riverfront consideration. The applicant needs to take down trees to install a spill containment to safeguard their occupation of decommissioning oil tanks. Such work will be done on a pad. Unfortunately, previous work on the site was done prior to the RPA ([download \(mass.gov\)](https://www.mass.gov)) and the WPA. This area was degraded but trees have grown back. Debris, etc., "clutter" much of the site. DEP picked this site because it suspected they could decommission the tanks without the danger of leaks or contamination.



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Kadish: It looks like the site is fairly well-elevated. Thomas: It is. Kadish: Does the applicant show good faith and not contaminate? Thomas: They have a good understanding of what needs to be done to comply with standards and appear to be doing it. Kadish: It would seem that the pad on which the applicant proposes to do their work is in a depression. Thomas: Yes. Hopefully, in the event that there were a washout, it would converge at that low point. Kadish: It would appear they're not dealing with that much polluting liquid anyway. Thomas: Correct, but they must meet DEP standards anyway. Kadish: Do we have enough information to generate an OOC? Carrozza: Is there any chance of renovation, of replanting some trees. Thomas: I would like to see some "enhancement," "replanting" prior to the construction meeting. Kadish: This area is fairly steep and vegetated? Thomas: The edge of the wood is all revegetated after a 1960s clearing—a pine-dominated forest. Carrozza: Typically, we would be looking for a restoration point along with the NOI or we could just condition it. I'm not so much worried about the top of the hill, but to the east, what's the ground cover over the cesspool: I'm concerned with potential sediment washout from that area? Thomas: Right now, it's covered with refuse and trailers. Carrozza: I would like to see some sediment control in that area, perhaps at the tree line. Where is the access to the site. Thomas: From Dean Street. Thomas pointed out a roadway that has been around since perhaps the 1940s. Kadish: I'm skeptical about the need for a plan because the site is in the middle of a treed area in which the trees are just going to grow back. Carrozza reminded that we're always looking toward the end of the project. The applicant's cutting down trees and permanent stabilization is needed and must be shown. Kadish: John, will this be an ongoing "forever" project? Thomas: I don't know, but there should be a stabilizing condition. (Answering Kadish): Tanks will be brought to the location and decommissioned there. The applicant doesn't want to accept them for an "indefinite period of time. Correct." Carrozza: Add a condition that asks for a stabilization plan, permanent or temporary. Thomas: Yes. I suggest we continue to the next meeting.

| <u>Motion to continue to the 8/14 meeting</u> | | <u>Aye</u> | | <u>Abstain</u> | <u>Nay</u> |
|---|----------------------------|------------|----------|----------------|------------|
| 1. Carrozza | <i>carries unanimously</i> | Kadish | O'Reilly | 0 | 0 |
| 2. Pearson | | Carrozza | Pearson | | |
| | | Fernandes | | | |

III. REQUEST FOR CERTIFICATE OF COMPLIANCE/ EXTENSION/ AMENDMENT

A. Amended OOC- DEP#250-1072-44 Bay Road

Bill Buckley from Bay Colony Group represented the applicant before the Commission. Most of the lot is Zone AE and 80% of it lies within the 25% NDZ. Originally the file came before the Commission in January 2021. At that time, the house was gutted and the decks on the back of



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the house were replaced, pervious pavers installed, and landscaping was done on the lake. Buckley shared a site plan with the meeting. The applicant would like to put in a temporary dock with wheels at one end anchored to a boulder. Kadish: While I have no problem with the proposal as such, but unless the dock is lashed down, it could be rendered into debris. Carrozza: Is this a rare-mussel habitat? Buckley: NHESP has asked us to file separately and we will be talking to them tomorrow. Carrozza: How is the dock to be anchored to the bottom? Buckley: It would sit on the wheels, which would be in the water, but anchored to the stone wall on land. So a part would be cantilevered over the wall? Buckley: Yes. The dock would be pulled out in the winter. Carrozza: How do you pull something like this out. Buckley: "I guess with several guys." Carrozza: Did NHESP ask for anything besides a copy of the NOI? Buckley: Yes, but I don't know yet what. The email came this afternoon. They want a separate application. Carrozza: Are the boulders landscaping? Buckley: Yes. Carrozza: Do any of the boulders need to be replaced to accommodate the dock? Buckley: No. Kadish: Is this on the downwind side? Buckley: It's on the east side. Kadish emphasized his skepticism that the dock would stay still. Carrozza: In the past Carlino has requested that such docks get nameplates. Thomas: We're starting to give them to all such docks. Thomas shared a picture with a maple tree branch. Carrozza: Does vegetation need to be cut down? I wanted to make sure you're not cutting down, e.g., the maple tree (branch in the slide). Buckley: No. Grass.

| <u>Motion to continue the file to the 8/14 meeting</u> | | <u>Aye</u> | | <u>Abstain</u> | <u>Nay</u> |
|--|----------------------------|------------|----------|----------------|------------|
| 1. Carrozza | <i>carries unanimously</i> | Kadish | O'Reilly | 0 | 0 |
| 2. O'Reilly | | Carrozza | Pearson | | |
| | | Fernandes | | | |

B. COC - DEP# 250-0070 – 172 W Main Street

Kadish: This file first came before the board 40 years ago? Thomas: Yes. Only the lack of quorum has held us back? Thomas: Yes.

| <u>Motion to issue the COC</u> | | <u>Aye</u> | | <u>Abstain</u> | <u>Nay</u> |
|--------------------------------|----------------------------|------------|----------|----------------|------------|
| 1. O'Reilly | <i>carries unanimously</i> | Kadish | O'Reilly | 0 | 0 |
| 2. Carrozza | | Carrozza | Pearson | | |
| | | Fernandes | | | |

C. EXT – DEP# 250-1023 – 0 Leonard Street, LOT 1

| <u>Motion to issue a three-year extension</u> | | <u>Aye</u> | | <u>Abstain</u> | <u>Nay</u> |
|---|----------------------------|------------|----------|----------------|------------|
| 1. O'Reilly | <i>carries unanimously</i> | Kadish | O'Reilly | Carrozza | 0 |
| 2. Fernandes | | Fernandes | Pearson | | |
| | | | | | |



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D. EXT – DEP# 250-1024 – 0 Leonard Street, LOT 2

Motion to issue a three-year extension

1. Pearson *carries unanimously*
2. O'Reilly

Aye

Kadish O'Reilly
Fernandes Pearson

Abstain

Carrozza

Nay

0

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

V. REVIEW DRAFT MINUTES

- 6/26/2023

Motion to accept the minutes

1. Carrozza *carries unanimously*
2. Fernandes

Aye

Kadish Fernandes
Carrozza Pearson

Abstain

O'Reilly

Nay

0

- 7/10/2023

Motion to accept the minutes tabled

1. *carries unanimously*

Aye

Kadish Pearson
Fernandes

Abstain

Carrozza
O'Reilly

Nay

0

VI. OLD BUSINESS/ NEW BUSINESS/ Discussion

- Report from Staff

The Town has submitted a grant application to the Narragansett Bay Estuary Program for improving access to Norton Reservoir. Three large-scale projects coming up, etc.

- Code of Conduct

Thomas: Any changes to it you would like? I thought we could just have an amendment to agendas addressing it. We haven't been given a deadline for it.

- DEP#250-1092; Billboard

The applicant would like to talk about "trimming" the vegetation (on the Musto property). Any vegetation needs to be demarcated. The question is will this need to come before the Commission at all? Carrozza: Do they have an O&M plan? Thomas: No.

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:



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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/83391991726?pwd=MGY0MW1vSW9JNWZ1ajk0RUF3RmczUT09>

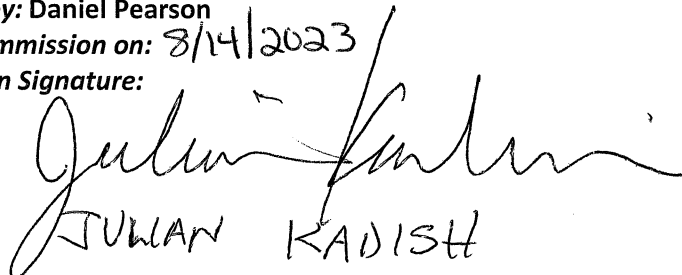
When prompted enter **Meeting ID:** 833 9199 1726 **Passcode:** 191129 Phone: 1-646-558-8656

- 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. 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 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: 8/14/2023

Conservation Commission Signature:


JULIAN KADISH