

Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: jthomas@nortonmaus.com

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

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2023 OCT 19 PM 3:41

Monday August 14, 2023

6:30 pm

****Remote Participation Only****

Next
Meeting:
8-28-23
9-11-23
9-25-23
10-16-23

<https://us02web.zoom.us/j/83287425073?pwd=NHB2eExuYzRDSW1sMERKSjQ5Q0RsUT09> When prompted enter Meeting ID: 832 8742 5073 Passcode: 881562 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.

Direct link: <https://youtu.be/cFhrC1TVVE>

MINUTES

6:30pm Open Meeting

Attending

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

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

Absent



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I. NEW PUBLIC HEARINGS

A. DEP#250- 1133-ANRAD- 55 Newland Street

(Map 2/5, Parcels 1/6,9 & 96)

The applicant requests verification of on-site resource areas.

Andrew Gorman of Beals & Thomas addressed the Commission on behalf of the Daggett-Crandall-Newcomb Home. Ken Christafoli, on behalf of the applicant, and Dan Gagne of Beals & Thomas were also on the call. Turning to Mass Mapper, Gorman showed the meeting the four separate parcels—some forested, some with open fields—on which potential work would sit. They lie not far south and west of the Canoe River and include part of DCN Home and the Red Mill Trail. The site also contains not less than 47 “depressions”: a number of BVWs, some directly abutting the Canoe River, and a number of ILSF sites not subject to the WPA, and IVW sites. Gorman moved on to BLSF sites. The site’s “G-series” area is subject to the WPA.

Kadish: Questions? Thomas had “no issues” with the resource area delineation, flags were well-placed, and the site visit went well. The site does have standing water and PVPs. The applicant presented information regarding ILSFs to the [Conservation Director]. Carrozza: The FEMA map [depicts the site as] an A zone [in which no elevation is determined], not an AE. You [the applicant] must show how the elevation has been established, possibly by HEC-RAS simulation to show how flooding is associated with the river. The elevation hasn’t been established. Gorman (answering): We’re concerned with determining whether the BLSF would exceed the wetland boundary or 100’ buffer zone and continue into the “non-jurisdictional upland.” We digitized the FEMA Zone A line. Carrozza (recapitulating): “There’s no way we can align whether it goes into an upland area because you haven’t assigned an elevation to it: Correct?” Gorman: Yeah.... We wouldn’t be able to seek a definitive flood evaluation from the Commission. Carrozza: “We can’t issue an ANRAD because [this plan] does not disclose all the resource areas on site. We’re not just going to leave off a flood zone.... We can’t issue [an ANRAD] unless we know definitively where the flood zone is.” Gorman: We’ve had other interactions where we’ve taken the BLSF out of the application and would be willing to do that now. Carrozza: John Thomas, we’re going to have to talk about this from a “regulatory perspective” because I don’t think [the Commission] “has ever issued an ORAD for BVW, ILSF, riverfront, but not flood zone.” Thomas: “If the applicant is asking not for confirmation of the resource area itself, we would obviously condition that this resource area has not been confirmed in an ANRAD. If the application were to enter a “next phase,” delineation of the flood zone would have to be revisited, “fleshed out.” Carrozza: In that case, I would ask you to remove from the application any reference to the 100-year flood zone and BLSF so that when we do the ORAD it will just include the set and not BLSF. Kadish: I would second that and question whether that purple line was established by a much courser technology [than is now available]. Carrozza: But what it means is that FEMA hasn’t established an elevation of the flood zone, an A Zone, which is just a 100-year flood line. When there’s only an A Zone, the applicant is obliged to report that measurement. Kadish agreed 100%. The application offers conflicting information, and it must be noted that it does not establish land subject to flooding. Thomas: The applicants also wish to define both ILSF and BLSF. Gorman: Correct. The place in question is the “G-series.” Kadish: So what you’re saying is that that [the G-series] doesn’t have a hydrological connection but it is subject to flooding and non-jurisdictional with regard to the buffer? Gorman: Correct. Kadish: But establishing the floodplain is a



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different process. Gorman (agreeing) pointed out that one of the areas of concern was an ILSF and other ones BLSFs. Carrozza: Do we want an application returned to us, John Thomas with all the references to BLSF deleted? Thomas: They could label zone A as “approximate” but specify in the application that the BLSF would be defined prior to any NOIs or other applications. Prior to issuing, the application will also contain which areas contain PVP habitats as well. Gorman asked whether the application could include information from a springtime evaluation. Thomas: Correct. Kadish: John [Thomas], do you have adequate information to approve the application minus the flood zone? Thomas: I have looked at the flags [which are good], PVP areas, ILSF calculations. Area IBWG looked as if it is ILSF. There were areas that didn’t seem to match the groundwater modeling. But other than that, I think I could get information ready for the next meeting. Carrozza: Yes, it’s just that we wouldn’t issue the ORAD until a note about the LSF were appended to it. Is that OK, Andrew [Gorman]? Gorman: Yes.

<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. Vest		Carrozza	Pearson		
		Fernandes	Vest		

B. DEP#250-TBD-NOI-S. Worcester & E. Hodges Street

The applicant proposes to replace 4,500 linear feet of cast iron water mains on S. Worcester and 2,130 linear feet of cement water main on E. Hodges.

Devin Herrick, Tara McManus, and Jordan [?] of Weston & Sampson represented the Town of Norton before the Commission. The Town” proposes “to replace the existing 6-inch through 10-inch unlined cast iron water mains along South Worcester Street and the 8-inch asbestos cement water mains along East Hodges Street.” Herrick showed slides indicating wetlands and waterbodies close to both streets. Perennial stream crossing would not be impacted by the proposed construction. The main on S Worcester would be replaced with a 12-inch ductile iron water main with an additional 400’ of structural liner; the 2,130’ on E Hodges would be replaced by an 8-inch ductile water main. Water services would be replaced from the new main to the existing curb stop. (For details about excavation, backfill, repaving, sediment control, etc., see Weston & Sampson’s Powerpoint presentation.) No NHESP regulation is expected as the work is to be confined to roadway, but the DEP considers the area within the local ACEC.

Kadish: You didn’t mention any difficulties with the stream crossings: Any comments? McManus: There are no expected issues with the stream. Test pits have been bored, but the applicant proposes simply to reuse the piping already in the ground. Thomas asked for the impact to be shown on the screen because he said that there would be less of an impact than the apparently excessive calculations would suggest. McManus emphasized that there would be little impact to the riverfront.

Kadish: I assume the material you excavate will go directly into trucks and not be stockpiled on the road? McManus: While we plan to stockpile on the road during the working day, we plan to clean it up so that none of the excavated material will remain at the end of the day. The work would be similar to



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other roadwork done in Norton and we would be using silt socks and don't anticipate any "issues" with runoff.

Carrozza: Flood zones? Herrick pointed them out. Carrozza: Thomas, please add a condition forbidding stockpiling in the flood zone. There doesn't seem to be any room for dewatering: Where would you do that? The Commission could condition that in an OOC. McManus: We've had, as you know, significant rainfall recently...if you'd like to put the onus on the contractor, we agree. Carrozza: Are there any viable locations that the Town might use in the vicinity for stockpiling. You could reflect the information in the spec[ifications]. McManus: Stockpiling will only happen for 20–30 minutes. Carrozza: I'm concerned about a flash flood that could occur over the weekend. McManus: There won't be stockpiling on this site and a lay-down yard will be located elsewhere. Carrozza: Thomas, would you condition a lay-down sight? Thomas: Yes.

Herrick moved on to a presentation of E. Hodges. Carrozza (Regarding E. Hodges)), we don't like to see strawbales because they degrade when they are saturated with water, which is especially troublesome when they are picked up. Would you substitute compost filters for the proposed haybales? McManus: Yes. Carrozza: Is there curbing along either street? McManus: No, for the most part it's country drainage, I believe. Carrozza: All the more reason.... So if you could just replace that with a compost filter tube or equivalent. McManus: Okay. When will the work start? Herrick: Not until we get permits...hopefully this fall and probably completed in a six-month period of time. Kadish to Thomas: Enough information to close? Thomas: We need a DEP number. Carrozza: We cannot close without it. Thomas: In the interim I could start drafting an OOC. Kadish: It won't delay things if we're continuing to the next meeting anyway.

<u>Motion to continue to the 8/28/23 meeting</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Pearson	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. Carrozza		Carrozza	Pearson		
		Fernandes	Vest		

II. CONTINUED PUBLIC HEARINGS

A. DEP#250-1132-NOI- 6 Mary Joe Road-Mark Mariano (Map 35, Parcel 10-02) REQUESTED CONTINUANCE

The applicant proposes to construct a new single-family home, including a Title V septic system, driveway, site grading, domestic well, associated clearing, driveway extension, and site cleanup within 100' of BVW and an NHESP zone.

Kadish: NHESP has not responded? Thomas: They would like a turtle habitat study done. Harrop: The applicant requested that the file be continued to the Commission's scheduled September 11 meeting.

<u>Motion to continue the 9/11/23 meeting</u>	<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>
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1. Carrozza	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. Pearson		Carrozza	Pearson		
		Fernandes	Vest		

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.

Kenneth Paul Gilchrist and Daniel Orwig of Orwig Associates represented themselves before the Commission. Carrozza expressed an interest in seeing stabilization plans included: We need the plan to show what ground cover will be like when the work is completed—that there will be significant recovery. That was missing from the plan. Orwig: We can include that information in the plan. Except for the trees being removed from the location where we will place the concrete pad on which we would work, the area is devoid of vegetation. We would seed the area after the construction. Thomas: I would add the following condition to the OOC: "Prior to the issuance of any order [the applicant] would send over the revised plan and I would put that as the final date pending the okay from the Commission for that just so that everybody's aware." Carrozza agreed.

<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. Vest		Carrozza	Pearson		
		Fernandes	Vest		

III. REQUEST FOR CERTIFICATE OF COMPLIANCE/ EXTENSION/ AMENDMENT

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

Thomas: The applicant requested a continuance to the next meeting, and we're waiting to hear back from NHESP.

<u>Motion to continue the public hearing until 8/28/23 meeting</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Carrozza	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. Vest		Carrozza	Pearson		
		Fernandes	Vest		

B. Invalid COC- DEP#250-800- 73 West Main

Kadish: Wherein lies the "invalid" nature of this COC? Thomas: The COC was issued by the Commission for land partially under the hotdog stand, but that land was then converted back to join an existing lawn.



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Even though the OOC expired without a COC, the spot was converted back to lawn: The whole area was cleaned up and is now grass. Even though the site has been returned to pre-existing conditions, the COC is technically invalid because the OOC expired and the Conservation Director cannot approve something for work not completed as it had been proposed—that doesn't show the work that was done. But he will indicate in the comments that the site has been transformed back to its original condition. Carrozza: What motion are we to make? Fernandes (requesting clarification): Essentially the work was done and then undone? Thomas: Yes. Fernandes: So, we're going to issue the COC to reflect that the work was done and then undone? Thomas: Yes. Kadish: We should make a motion to approve the administrative action as described by Thomas.

Motion to issue a COC recognizing that the work was done and that the area has been restored satisfactorily in keeping with the WPA

1. Carrozza *carries*
2. Vest

Aye

Kadish
Carrozza
Fernandes

Pearson
Vest

Abstain

O'Reilly

Nay

0

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

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)

Motion to issue an ORAD for the file with a minor grammatical correction

1. Vest *carries unanimously*
2. Fernandes

Aye

Kadish
Carrozza
Fernandes

O'Reilly
Pearson
Vest

Abstain

0

Nay

0

[B.] DEP# 250-1128 (Crystal Garage.)

Thomas: While this file was not on the agenda, we told the applicant that if they were present, the Commission would issue the OOC. And they showed up. Thomas pointed out that the proposed project would affect less than the 10% riverfront allowed to be affected by the project. Carrozza: Would you add a condition saying that "all areas disturbed by construction activity" should be seeded and, if so, where would you add it? Thomas: Yes. Where would you like the condition placed? "Other Relevant Conditions"? Carrozza: Yes.

Motion to accept the OOC as discussed

Aye

Abstain

Nay



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

V. REVIEW DRAFT MINUTES

- 7/10/2023

Motion to accept the minutes

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

- 7/24/2023

Motion to accept the minutes

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

VI. OLD BUSINESS/ NEW BUSINESS/ Discussion

- Report from Staff


Thomas reported that he was encouraging people keeping their projects in compliance despite the high volume of rain the area has been having. Kadish: Has anyone shown any interest in the open commissioner position? Thomas: Some people have, and I have requested that they send a letter expressing interest to me and to the Town Manager. I haven't heard back from anyone.

- Code of Conduct

<u>Motion to adjourn the meeting</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Pearson	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. Carrozza		Carrozza	Pearson		
		Fernandes	Vest		

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:

- 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.)



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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/83287425073?pwd=NHB2eExuYzRDSW1sMERKSjQ5QORsUT09> When prompted enter Meeting ID: 832 8742 5073 Passcode: 881562 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: 8/26/2023

Conservation Commission Signature:


JULIAN RADISI