



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

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

RECEIVED  
NORTON TOWN CLERK

2022 MAR -1 PM 2:36

**Monday February 14, 2022**

**6:30 pm**

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

**Next Meetings:**

2-28-22

3-14-22

3-28-22

4-11-22

<https://us02web.zoom.us/j/84688989065?pwd=QTZDR09PdIU0ZytieDI5VzRCT0k4Zz09>. When prompted, enter the **Meeting ID:** 846 8898 9065, **Passcode:** 380052. 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**

**\*\*Public Hearings and possible Commission deliberations will be taken in order of this Agenda\*\***

**6:30pm Open meeting**

<b>Members Present</b>	<ul style="list-style-type: none"><li>• Julian Kadish, Chairman</li><li>• Kerry Malloy Snyder</li></ul>	<ul style="list-style-type: none"><li>• Daniel Pearson</li><li>• Ronald O'Reilly</li><li>• Tamah Vest</li></ul>
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<b>Members Absent</b>	<ul style="list-style-type: none"><li>• Lisa Carrozza, Vice Chair</li></ul>
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**Norton Conservation Commission**

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<b>Other Representatives</b>	<ul style="list-style-type: none"><li>• John Thomas, Conservation Agent</li><li>• Megan Harrop, Conservation Secretary</li></ul>
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**I. NEW PUBLIC HEARINGS**

**A. (DEP 250-1093) – NOI – 70 Oak Street**

(Map21, Parcel 254-01) <https://tinyurl.com/70OAKSTREET-NOI>

*The proposed project to construct a driveway and utilities to gain access to a proposed single-family home.*

Applicant/ Representative Present	Applicant: Steve LaCivita Representatives: Kenneth Thomson
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*Doc list – Lot 2 70 Oak Street*

- NOI
- National Flood Hazard layer FIRMette
- Natural Heritage Map
- Preliminary site plan, surveyed by Ribelin Land surveyors, inc.
- Impact/mitigation areas map
- Wetland mitigation plant schedule
- Project narrative
- Certified abutters list
- Affidavit of service
- Notification to abutters
- Indicators of hydrology

*Kenneth Thomson explains the proposed limited project is to gain access to the property on Oak Street. The previous owner of the land sold an easement to applicant Steve LaCivita and the new buyer was unaware there was an easement on the property. John Thomas requested a signature from the land owner to get permission to go onto the property. Kenneth Thomson mentioned that DEP had commented about coming in around the property through an existing driveway. Going through the already existing driveway involves other complications such as planning board rules for common driveways. The owner of the easement on 56 Oak Street was shown the*



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*staked-out easement limits. The limited project access includes two areas of impact totaling 1813 sqft of forested wetland. Proposed house is set outside the 100 ft buffer zone. The mitigation area is part of the property and is graded the same as the impacts. Quick growing vegetation is proposed. No FEMA flood in the area, using the same contours to take in any winter storage of water. The contouring follows existing wetland contouring. Commission hears that there is a possible alternative route that could be taken with less wetland impacts by going through an existing driveway. The representative needs clarification from the planning board as to Norton's bylaw on common driveways. The commission feels this is not yet a wetland issue until there is more clarification on how the access is going to be built. The owner at 56 Oak Street spoke stating his property had water issues and wanted the commission to be aware of any impacts this project could have on his property. He mentioned his willingness to work with the applicant if all other means of access are exhausted. John Thomas brought up, based on the owner of 56 Oak Street's description of the easement, that there could be a potential vernal pool located on the easement. Kenneth Thomson mentions that providing lower elevation should take up any water storage that ever occurs at the edge of the driveway that they build. Ken says he will double check the square footage of each elevation for the next meeting.*

Motion to continue till 3/14/22 made by Dan Pearson	Seconded by: Ronald O'Reilly Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Tamah Vest, Julian Kadish  Motion Carries
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**B. (DEP#250-1096)-ANRAD-93 Mansfield Ave, 0 Mansfield Ave, and 0 Reservoir Street-Residential DeNovaes**

(Map 16,9,9, Parcel 66,225,223) <https://tinyurl.com/93MansfieldANRAD>.

*The proposed project is to verify on site resource areas.*

Applicant/ Representative Present	Applicant: Residential De Novaes  Representatives: Jim Burke, DeCelle-Burke-Sala & Associates, Inc; Art Allen, Wetland Scientist with Eco Tech
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*Doc list –93 Mansfield Ave, 0 Mansfield Ave, 0 Reservoir St*

- *ANRAD Form 4A*
- *Site plans titled ANRAD PLAN by Claudio Sala*
- *Site Narrative*



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

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

- Certified abutters list
- Affidavit of service
- Notification to abutters
- Wetland Resource Evaluation Report by Ecotec, Inc,
- Nation Flood Hazard Layer FIRMette
- Natural Heritage
- Supporting calculations for determination of ILSF

John Thomas has been out on site where he voiced some concerns. The applicant is looking to find out what the design standards would be for the site. John Thomas says there were a few areas they could review when there is more growing time. There's an area John Thomas mentions that seemed to retain water, located south of the ILSF and along the property boundary. He asks them to take a look at that. John Thomas walked the site with snow on the ground, specifically the areas along the reservoir and near the house and was able to get in there with an auger. John Thomas says he was comfortable with the flags and he didn't see any need in changing any flags. Julian Kadish asks if this is a time sensitive project, which Jim Burke replies no. Julian Kadish feels that it would be better to wait for all the snow to melt for a more accurate delineation. The ILSF calculation still needs to be done.

Motion to continue till 3/28/22 made by Daniel Pearson	Seconded by: Kerry Malloy Snyder Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Tamah Vest, Julian Kadish  Motion Carries
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**II. CONTINUED PUBLIC HEARINGS**

**A. DEP#250-1091-NOI-64/66 West Main Street- Norton High School**

(Map 22, Parcel 98/90) <https://tinyurl.com/NortonHighschoolNOI>

*The proposed project is the reconstruction of two athletic fields, a running track, and a tennis court. The area of work being located within 100ft of Bordering Vegetated Wetland. (Continues from 12/13/2021, 1/10/2022, 1/24/22)*



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

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

Applicant/ Representative Present	Applicant: Norton High School  Representatives: Bree Sullivan, GALE Associates; Steve Stanish, Horsley Witten
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*Document list-64/66 West Main Street*

- WPA 3-NOI
- Stormwater report
- Wetland Resource Area Analysis Report
- USGS Topographic Map
- Aerial Orthophoto Map
- FEMA Flood Insurance Rate Map
- MASSDEP BVW Delineation Field Data Form
- Geotechnical Engineering report
- Description of Field Exploration logs
- Laboratory Test Reports
- Pre and Post Development Condition Maps
- Pre and Post Development Hydrology
- Operation and Maintenance Plan
- Notification to abutters
- Certified abutters list
- Affidavit of Service
- Maps name "Athletic Campus Improvements Norton High School" by GALE

*Bree runs through the responses to the latest peer review. Bree reiterates the Wetland Protection Regulations to the commission. Bree mentions the burden of proof and refers specifically to GALE's 2/7/22 letter to the commission, pointing out in that letter that they go over the evidence provided to the board in previous meetings, and how it coincides with the Wetland Protection Regulations.*

- Protection of Public and Private Water Supply
  - o Project complies with Massachusetts Stormwater standards for a redevelopment project.



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

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

- o Narrative and presentation of the impact of synthetic turf and crumb rubber in peer reviewed studies; by Marie Rudiman.*
- *Protection of Groundwater Supply*
  - o Project complies with Massachusetts Stormwater standards for a redevelopment project.*
  - o Narrative and presentation of the impact of synthetic turf and crumb rubber in peer reviewed studies; by Marie Rudiman.*
- *Flood control*
  - o Project includes compensatory storage for area of work in Zone A flood zone, for no net loss in flood zone storage.*
- *Storm damage prevention*
  - o Project includes stormwater management components that prevent an increase in post construction runoff. Peak discharge.*
- *Prevention of pollution*
  - o Project complies with Massachusetts Stormwater standards for a redevelopment project.*
  - o Project will include work under EPA Nifty's general permit for construction period operations, which includes the submission of a stormwater pollution prevention plan by the contractor prior to the commencement of construction.*
- *Protection of land containing shellfish*
  - o N/A*
- *Protection of fisheries*
  - o Within the project area there are no cold-water fisheries.*
  - o Project will include work under EPA Nifty's general permit for construction period operations*
  - o Synthetic turf and infill will not adversely affect aquatic receptors*
- *Protection of wildlife habitat*
  - o The project is not within NHESP mapped habitat*
  - o The project will also include vegetation areas as mitigation areas. Mitigation ratio is 11:1.*
  - o Project complies with Massachusetts Stormwater standards for a redevelopment project.*

*John Thomas offers possible conditions the commission can ask for.*



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

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- Water quality testing
- That the cut in fill for the bordering land subject to flooding needs a table prior to construction.
- Swift compliance.

John Thomas also mentions that the closest drinking water well is at least 8,000ft from the site. Julian Kadish expresses his concern about conditioning water quality testing. John states it's just a recommended condition but not mandatory to add that condition, stating that sometimes water quality testing is conditioned when the project contains hazardous materials or contaminants. Dan Pearson asks Mr. Stanish, the peer reviewer, if all the issues have been resolved by his standards. John Thomas states that Horsley Witten has finished their peer review and to his knowledge Mr. Stanish had given his final approval. Steve Stanish states that a few comments had recommended conditions of approval, and two comments were deferred to the board. Dan Pearson also asks what happens when the control structure overflows? Will the crumb rubber be discharged to the wetlands? Bree explains that the crumb rubber doesn't float and it sinks to the bottom and will be held in the outlet control structure. Bree explains looking for sediment and crumb rubber in the outlet control structures and in the trench drain sumps, are all a part of the standard inspection items. John Thomas states to the commission should not be receiving any new material on this project and if there is any it would be minor.

Motion to close made by Kerry Malloy Snyder	Seconded by: Ronald O'Reilly Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Julian Kadish, Tamah Vest  Motion Carries
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**B. (DEP 250-1094) – NOI -Norton/Mansfield Rail Trail – Norton**

(Map 4,4,4,4,10,18, & 24, Parcel 311,141,137-01,139-02,140,522,191, & 8)

<https://tinyurl.com/RailTrailNOI>

*The proposed project is to extend existing two-mile Mansfield World War II Veterans Memorial Trail, through the towns of Mansfield and Norton. (Continued from 1/24/22)*

Applicant/ Representative Present	Applicant: Town of Norton  Representatives: Matthew Shute, Beta Group
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**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

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*Doc list – Rail Trail*

- NOI
- Plans labeled "Rail Trail Extension" By MassDOT
- Certified Abutters List
- Affidavit of Service
- Notification to Abutters
- Narrative
- Environmental Resource Map
- National Flood Hazard Layer FIRMette
- Photographic Documentation
- NRCS soils
- Stormwater BMP calculations
- Stormwater Management Report
- Order Of Resource Area Delineation
- Watershed map

*Matt Shute asks the commission if they have had a chance to review their responses, and if they have any questions on the responses. John Thomas says he has reviewed the information and he thinks they have addressed a lot of Lisa Carrozza's comments. He has gone out to the site and looked at the mitigation areas. John Thomas states he had a hard time locating the vernal pool on site. John thinks the areas would be sufficient to meet what is existing out there. John will also get in touch with MFN and ask them to stop mowing the area. John Thomas mentions DEP had some comments and they have been addressed. There were no comments from the commission or the public*

Motion to close made by  
Daniel Pearson

Seconded by: Kerry Malloy Snyder  
Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly,  
Daniel Pearson, Julian Kadish, Tamah Vest

Motion Carries

**C. (DEP# 250-1070) Notice of Intent - 0 Rear Eddy Street - Widak/Sher Corp. LTD**  
**CONTINUANCE REQUESTED BY APPLICANT UNTIL FEBRUARY 28TH**  
(Map 32, Parcel 31) <https://tinyurl.com/rearEDDYSherCorp>





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*(Continued from 1/25/2021, 2/8/2021, 3/8/2021, 3/22/2021, 4/12/2021, 5/10/2021, 6/14/2021, 7/26/21, 8/30/2021, 9/27/2021, 10/18/21, 11/8/2021, 11/22/21, 12/13/2021, 1/10/22, 1/24/22)*

*The proposed project is to construct a common driveway with associated stormwater management, septic system, utilities, retaining walls and grading for 4 duplex units within 100 feet of bordering vegetated wetland.*

Applicant/ Representative Present	Applicant: Sam Widak  Representatives: None Present
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Motion to continue till 2/28/22 made by Daniel Pearson	Seconded by: Kerry Malloy Snyder Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Julian Kadish, Tamah Vest  Motion Carries
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**III. REQUEST FOR PARTIAL/ CERTIFICATE OF COMPLIANCE**

**A. (DEP#250-1067) Partial COC- 116 Lincoln Street**

(Map 13, Parcel 6)

*The proposed project is to construct a single-family home within 100 feet of bordering vegetated wetland.*

Applicant/ Representative Present	Applicant: Steve Scheidel  Representative: Steve Scheidel
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*John Thomas states the driveway itself has not been finished. The purpose of the partial COC is for Steve to be able to obtain a certificate of occupancy from the building department. John Thomas did a drive by of the site and the septic system appears to be in and the house appears to be in the correct location. John Thomas does mention that the owner does seem to be having some drainage issues. John Thomas states that a partial COC is in order for him to utilize the house, but that Steve will have to come back and obtain a full COC from the commission once he meets all the criteria from the Order*



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*of Conditions. John Thomas mentions that the conditions that are not yet complete are the visual barriers and they have not achieved stabilization yet.*

Motion to issue Partial COC made by Daniel Pearson	Seconded by: Kerry Malloy Snyder Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Julian Kadish, Tamah Vest  Motion Carries
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**IV. SIGN AND ISSUE ORDER OF CONDITIONS/ORDER OF RESOURCE AREA DELINEATION**

**V. REVIEW DRAFT MINUTES**

- 1/24/2022

Motion made to approve minutes as revised made by Daniel Pearson	Seconded by: Ronald O'Reilly Roll Call Vote: Aye - Kerry Malloy Snyder, Ronald O'Reilly, Daniel Pearson, Julian Kadish, Tamah Vest  Motion Carries
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**VI. UPCOMING NEW/OLD BUSINESS**

- Madison Energy Investments – 54 Plain Street – Completed revegetation area
  - Tim McGuire spoke about 54 Plain Street and how the previous plans for revegetation had been implemented unbeknownst to Goddard Consulting, due to a change in ownership of the property. John Thomas has taken a walk out to the site and said he was comfortable with it. John Thomas says he does not believe that 2 years of monitoring is required and if there is an issue, he can address it with Maddison Energy, the new owner. Tim also brings up a point of trees that they believe need to come down due to potential future damage to the existing solar field. Tim informs the commission that he has submitted the request for an amended order of conditions to include the removal of hazardous trees within 50ft of the limit of work. Any future tree removal would still need to be approved by the commission.
- Walker Street Culvert – CRMA Project Grant Discussion – Town of Norton/DER/Pare
  - Conservation is looking into options for replacing the Walker Street Culvert.



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- Barrowsville Dam – Project Discussion – Town of Norton/Landowner/Pare
  - Conservation is speaking with the landowner who manages the dam. The landowner wants to do something to alleviate the restriction. Conservation has reached out to PARE engineering to assist with opportunities to alleviate the restrictions. This may happen through a grant program, and may be done in conjunction with the Walker Street Culvert.
- B & B Landscaping- Donation of Service Letter- Conservation Signatures Requested
  - B&B Landscaping is looking for a letter signed by members of the commission showing he has volunteered his services to assist with the management of Edith Read.
- Earth Day Event – Edith Read
  - A potential Earth Day event at Edith Read, perhaps planting a tree or scavenger hunt.

### **Project Specific**

- 162 West Main Street Site Visit Feb. 14th – Legal Counsel Request for Exec. Session Feb. 28<sup>th</sup>
  - The meeting on the property was canceled due to the snow. Conservation will be meeting with the Board of Selectmen at an undetermined time, waiting on site visit before the meeting.
- Island Brook Submitted Materials for Feb. 28<sup>th</sup> Meeting – Chessia In-Progress Review
  - Island Brook has submitted new material. Conservation is waiting back to hear from the DEP.
- 303 E. Main Street refiling of NOI - Commercial Development - to be submitted Feb. 28th
- 196 Mansfield Street NOI – Commercial Development - to be submitted Feb. 28<sup>th</sup>
- 0 S Washington Street NOI – Commercial Development - to be submitted Feb. 28th
- 0 S Washington Street NOI – Commercial Development - TBD
- 0 Commerce Way NOI – Commercial Development - TBD

### **VII. BILL SUMMARY**

1/24/2022- 2/14/2022			
Name	Amount	Account number	Account name
McGregor & Legere, P.C.	\$1,461.46	001-171-570-5315	Professional Services
Comcast	\$ 118.44	001-171-570-5308	Maintenance of Conservation Areas
verizon Wireless	\$ 29.84	242-171-100-5700	Wetland Protection Fund
MACC	\$ 15.00	001-171-570-5716	operating - educational

### **VIII. RATIFY LAST MEETING'S OPEN SESSION (TOPICS NOT ANTICIPATED 48 HOURS IN ADVANCE)**



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766


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**IX. OPEN SESSION (TOPICS NOT REASONABLY ANTICIPATED 48 HOURS IN ADVANCE)**

**X. 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/84688989065?pwd=QTZDR09PdIU0ZytieDI5VzRCT0k4Zz09> . When prompted, enter the **Meeting ID: 846 8898 9065, Passcode: 380052. 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](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.