



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: conservation@nortonmaus.com

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

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NORTON TOWN CLERK

2022 APR 13 AM 11:45

Monday March 14, 2022

6:30 pm

****Remote Participation Only****

Next Meetings:

3-28-22

4-11-22

4-25-22

5-9-22

<https://us02web.zoom.us/j/82261633771?pwd=OFhaempXYIN0ZkZiN1k5OHJndUtpZz09> When prompted, enter the **Meeting ID: 822 6163 3771 Passcode: 775816 Phone number: 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.

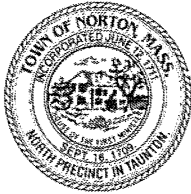
No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the **Norton Cable website** (<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****

6:40pm Open meeting

Members Present	<ul style="list-style-type: none">● Julian Kadish, Chair● Lisa Carrozza, Vice Chair● Daniel Pearson	<ul style="list-style-type: none">● Ronald O'Reilly
Members Absent	<ul style="list-style-type: none">● Kerry Malloy Snyder● Tamah Vest	



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

A. (DEP# 250-1037) AOOC -54 Plain Street- Madison Energy Investments

(Map 18, Parcel 9) <https://tinyurl.com/54PlainStreetAOOC>

The amended order of conditions is in regards to proposed plans to install a ground mounted solar array, driveway, stormwater, utilities within 100 feet of wetland in the Canoe River Area of Critical Environmental Concern.

Applicant/ Representative	Tim McGuire, Goddard Consulting
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Tim McGuire speaks to the OOC that was previously approved by the Conservation Commission. Tim brings up that they would like an amendment to the previous order that would allow a tree cutting zone within 50ft of the solar field. The 50ft area would represent a relevant vicinity in which trees could die and fall down, causing damage to the solar field. The proposed zone would be surveyed each year, as long as the OOC is open. Upon completion of the proposed yearly survey, a report would be submitted to the commission citing any trees that would be recommended for removal. This request would also approve the removal of currently dead trees or trees that would pose a threat to the solar fields. Some of the trees are currently located within a buffer zone. John Thomas has already gone out on site to look at the trees that were already surveyed and has agreed with the assessment. Tim explains there was no specific clarification in the original OOC that allowed for tree removal in the future for trees that posed a threat. Lisa asked if the 25ft no disturb area was honored. Tim states that the trees are all accessible by foot and it is the intention of the applicant to have them all removed by hand. Lisa asks for clarification on how trees would be taken down in the future? Would the applicant have to come back in front of the commission, for further approval? Tim states yes, the 50ft zone would just be used for the applicant to create a report similar to the one submitted stating at each request, showing which trees would be taken down and where specifically they were located. The 50ft zone is just meant to facilitate an easier review for the commission moving forward, to approve or deny any specific tree removal.

Motion made by Lisa Carrozza to close hearing 250-1037	Seconded by: Daniel Pearson Aye: Lisa Carrozza, Ronald O'Reilly, Daniel Pearson, Julian Kadish Motion carries
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II. CONTINUED PUBLIC HEARINGS

A. (DEP# 250-1070)- NOI- 0 Rear Eddy Street - Widak/Sher Corp. LTD

(Map 32, Parcel 31) <https://tinyurl.com/rearEDDYSherCorp>

(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, 2/28/22)

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	None Present
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The applicant has requested a continuance till 3/28/2022. John Thomas also states the conservation office is waiting for funds from the applicant for the peer review work.

Motion made by Lisa Carrozza to continue hearing till 3/28/22	Seconded by: Daniel Pearson Aye: Lisa Carrozza, Daniel Pearson, Ronald O'Reilly, Julian Kadish Motion carries
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B. (DEP 250-1093) – NOI – 70 Oak Street

REQUEST FOR CONTINUANCE UNTIL 3/28/2022

(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.

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



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- Notification to abutters
- Indicators of hydrology

Applicant/ Representative	None Present
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Applicant has requested a continuance

Motion made by Lisa Carrozza to continue hearing till 3/28/22	Seconded by: Daniel Pearson Aye: Lisa Carrozza, Daniel Pearson, Ronald O'Reilly, Julian Kadish Motion carries
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C. (DEP#250-1096)-ANRAD-93 Mansfield Ave, 0 Mansfield Ave, and 0 Reservoir Street-Residential DeNovaes

REQUESTED A CONTINUANCE UNTIL 3/28/2022

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

The proposed project is to verify on site resource areas. (Continued from 2/14/22)

Applicant/ Representative	None Present
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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
- 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

Applicant requested a continuance till 3/28/2022



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Motion made by Daniel Pearson to continue hearing till 3/28/22	Seconded by: Lisa Carrozza Aye: Lisa Carrozza, Daniel Pearson, Ronald O'Reilly, Julian Kadish Motion carries
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D. (DEP#250-1097)-NOI-196 Mansfield Ave

(Map 9, Parcel 278-17 & 278-18) <https://tinyurl.com/196MansfieldAveNOI>

The proposed project includes the construction of a commercial warehouse, parking lots, and associated stormwater management systems within proximity to jurisdictional wetland resource areas.

Applicant/ Representative	Kevin Solli; licensed engineer with Soli Engineering
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Doc list –196 Mansfield Ave

- *NOI WPA Form 3*
- *Site plans titled "Proposed Flex Warehouse Development" by Kevin M. Solli, P.E. , CPESC, LEED Ap BD+C*
- *Abutter's list*
- *Affidavit of service*
- *Abutters Notice*
- *Orthophoto View*
- *Distance from Nearest Priority Habit*
- *Off- Site FEMA Flood Zone*
- *USGS of Site*
- *Project narrative*
- *Checklist for Stormwater Report*

Kevin Solli speaks to the fact that they have spoken to the peer reviewer and have addressed most of their comments. Kevin brings up the comment the commission made in regards to the planting around the detention basin. The question asked was if there was enough room for the plantings to grow and be sustained. Kevin reaffirms that the plants do have adequate room. He also brings up the discussion about adding the soil



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erosion and sediment controls measures to the grading and drainage plan which has been done. Kevin states they are able to demonstrate that there is sufficient room to implement those measures, such as grading slopes and retaining walls, all while avoiding the 25ft no disturbance zone. Another item addressed is that the SEC plan calls out the sedimentation basins and sedimentation traps, also showing calculations in compliance with the state and the town. Kevin also states that they have addressed the comment of showing their overall earth work activity, they added that information to their grading and drainage plan. On the draining and grading plan, it shows that it will require around 1200 yards of import material in order to satisfy the stormwater requirements. The peer reviewer had comments about some test pits and verifying that they fully evaluated them. Kevin states that they have done additional testing last week and were able to confirm some of the assumptions but they are making some minor modifications to their underground detention system in response to the additional testing. Kevin states there were about four more comments that need to be addressed by the peer reviewer. John Thomas asked if they anticipate changing the proposed basin as they do their reconfiguration? Kevin states they may make it larger but it would not get any closer to the wetlands. John Thomas states that they still need to present some more information in regards to the new information they have gathered.

Motion made by Daniel Pearson to continue hearing till 3/28/22	Seconded by: Lisa Carrozza Aye: Lisa Carrozza, Daniel Pearson, Ronald O`Reilly, Julian Kadish Motion carries
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E. (DEP#250- 1098)-NOI-295 West Main Street

(Map 26, Parcel 292) <https://tinyurl.com/295WestMain>

The proposed project includes resurfacing a pre-existing gravel driveway and gravel parking area.

Applicant/ Representative	Mark Marino, Oak Hill Engineering
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Doc list –295 West Main Street

- NOI WPA Form 3*
- Three Site plans titled NOI – Emergency Repair of Entry Driveway at Camp Finberg, two different scales*
- Abutter's list*



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- Affidavit of service
- Abutters Notice
- Wetland Evaluation Report
- Nation Flood Hazard Layer FIRMette
- GIS Maps

Mark Marino speaks to the revisions made to the proposed plans. The revisions include showing the stone shoulder showing it level with the road, so there are no raised edges or vertical fills. The elevations on the site have been updated. The north part of the site has an 8ft long washed stone housekeeping pad to collect any siltation that could come from the upper road that could get onto the new pavement. Mark also mentions the DEP number has been received which had not been received at the time of the last meeting. Mark states that a storm water report and checklist have also been submitted. Julian Kadish asks if John Thomas has everything needed for this project. John Thomas mentions that the FEMA floodplain had been requested to be shown on the plans and seemed to be superimposed on the updated plans. He mentions one of the concerns with projects such as this, is to make sure there is no net increase of fill material in the area of the floodplain. John Thomas states that it is important to make sure that whatever is placed on site mimics the previous grade on site, that way there is no net increase for any disturbance. John states the as built plan, once the project is completed, will help provide surety that the elevations conform to the preexisting conditions. Mark states the current elevation of the flood zone is 95.3. Lisa Carrozza asks John Thomas to add a condition showing no change of elevation within the flood zone. Mark does mention that there is a small change of elevation from 95.3 to 95 in some areas. Mark assures the commission that on site at every 50ft the contract would have a spot elevation and a station, for the contractor to grid themselves, as well as benchmarks at every telephone pole. Lisa Carrozza asks John Thomas to stress the importance of not changing the elevations at the pre-construction meeting. John Thomas states that he plans to do that, as well as possibly asking for an elevation certificate for the road way to ensure the area is outside any areas of concern.

Motion to close hearing made by Lisa Carrozza	Seconded by: Daniel Pearson Aye: Lisa Carrozza, Daniel Pearson, Ronald O'Reilly, Julian Kadish Motion carries
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III. REQUEST FOR PARTIAL/ CERTIFICATE OF COMPLIANCE



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A. (DEP#250-34)- COC- 185 N. Washington Street

<https://tinyurl.com/185NWashington>

Request for certificate of compliance for Galloway Farms, LLC.

Applicant/ Representative	None Present
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John Thomas explains that the permit had to do with the development of Route I-495. They proposed a pond at the location, though when the property was sold there was no pond. John Thomas states the permit has far expired and based on the plans shown a pond was proposed but never constructed. The other issue stated is that there is a lack of documentation stating the intent of property, with no documentation proving that the pond was ever built, or the reason why the pond/basin would have been constructed. It is discussed with the commission that the applicant for the original plan was the Commonwealth of Massachusetts. John Thomas states that currently there are no issues with the property now, that it was upland at the time of the permit being filed. It is guessed that the permit was part of a larger project. It is stated that because there aren't any current issues with the site, that the commission is comfortable issuing a COC stating the permit is expired and the work was never started.

Motion made by Lisa Carrozza to issue COC	Seconded by: Daniel Pearson Aye: Lisa Carrozza, Ronald O'Reilly, Daniel Pearson, Julian Kadish
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B. (DEP#250-903)-COC-241 Mansfield Ave

<https://tinyurl.com/241MansfieldAve>

Request for a certificate of compliance.

Applicant/ Representative	None present
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John Thomas states that this permit also was not completed. The prior owner at the time proposed the expansion but he passed away and the work was never started. John Thomas spoke to the landowner and informed him that if he wanted to do any work in the future he would need to come before the commission again with a new filing. John also mentioned that he spoke to some of his staff in regards to picking up



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the trash and debris that has gone into the wetland. John Thomas mentions that they have cleaned up the trash as he recommended, and the area is now clean. He also mentioned the wetland seems to have expanded compared to what is shown on the original permit plan. The enforcement order for this site was brought up, but based on the wording of the OOC the enforcement order was released with the issuance of the OOC permit. The question of whether or not this project was proposed as mitigation but John Thomas states topic of mitigation is not mentioned anywhere in the file in the original Notice of Intent. It is mentioned that if someone would like to do work in this area in the future the whole site would have to be reflagged as the wetlands have changed since the proposed plans were drafted. This COC will be issued stating the permit is expired and the work was never started.

Motion made by Lisa Carrozza to issue COC	Seconded by: Daniel Pearson Aye: Lisa Carrozza, Daniel Pearson, Ronald O'Reilly, Julian Kadish Motion carries
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IV. SIGN AND ISSUE ORDER OF CONDITIONS/ORDER OF RESOURCE AREA DELINEATION

V. REVIEW DRAFT MINUTES

- 2/28/2022

Motion to accept minutes as revised made by Lisa Carrozza	Seconded by: Daniel Pearson Aye: Lisa Carrozza, Daniel Pearson, Ronald O'Reilly, Julian Kadish Motion carries
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- 3/2/2022 Executive Session
 - No quorum to review minutes, continued to 3/28/2022 meeting
- 3/7/2022 Executive Session
 - No quorum to review minutes, continued to 3/28/2022 meeting



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VI. NEW/OLD BUSINESS

- Site Inspections
- Report from Staff

VII. BILL SUMMARY


2/28/22- 3-/14/2022			
Name	Amount	Account number	Account name
Comcast	\$ 118.44	001-171-570-5308	Maintenance of Conservation Areas
verizon Wireless	\$ 29.84	242-171-100-5700	Wetland Protection Fund
MACC	\$ 150.00	001-171-570-5716	operating - educational
Horsley Witten	\$1,750.00	243-171-100-5700	Outside Consulting Fee

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

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/82261633771?pwd=OFhaempXYIN0ZkZiN1k5OHJndUtpZz09> When prompted, enter the **Meeting ID: 822 6163 3771** **Passcode: 775816**

- 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.



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- 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: Megan Harrop

Minutes approved by the commission on: _____

Conservation Commission Signature

Julian / Kachin 4/12/22
Signature *Date*