



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 MAY -4 PM 1:10

Next Meetings:

4-11-22

4-25-22

5-9-22

5-23-22

Monday March 28, 2022

6:30 pm

****Remote Participation Only****

<https://us02web.zoom.us/j/87559253806?pwd=eEJKUzNjQUUpUOHpTK25URkNEZW1tQT09> .When prompted, enter the **Meeting ID: 875 5925 3806** **Passcode: 642140. 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

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

II. CONTINUED PUBLIC HEARINGS

- A. (DEP# 250-1070) Notice of Intent - 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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Applicant has requested a continuance. John Thomas states there is hope that the peer review consultant will have sufficient time to make a peer review report.

Motion to continue till 4/11/2022 made by Kerry Malloy Snyder	Seconded by: Daniel Pearson Aye: Daniel Pearson, Kerry Malloy Snyder, Julian Kadish, Ronald O'Reilly Motion carries
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- B. (DEP 250-1093) – NOI – 70 Oak Street**
(Map 21, 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.
(Continued from 2/14/22, 2/28/22, 3/14/22)

Doc list

- NOI
- National Flood Hazard layer FIRMette
- Natural Heritage Map



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- 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

Applicant/ Representative	None Present
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Applicant has requested a continuance. John Thomas states he has spoken to them recently, the applicant plans on taking a look at the potential vernal pool on site. John Thomas stated at this point there are no signs of life in the vernal pool so far but it is still early in the season.

Motion to continue till 4/11/2022 made by Daniel Pearson	Seconded by: Kerry Malloy Snyder Aye: Daniel Pearson, Kerry Malloy Snyder, Julian Kadish, Ronald O'Reilly Motion carries
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**C. (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.

(Continued from 2/14/22, 2/28/22, 3/14/22)

Doc list

- ANRAD Form 4A
- Site plans titled ANRAD PLAN by Claudio Sala
- Site Narrative
- Certified abutters list
- Affidavit of service
- Notification to abutters



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- Wetland Resource Evaluation Report by Ecotec, Inc,
- Nation Flood Hazard Layer FIRMette
- Natural Heritage
- Supporting calculations for determination of ILSF

Applicant/ Representative	None Present
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Applicant has requested a continuation of hearing till 4/11/22.

Motion to continue till 4/11/2022 made by Kerry Malloy Snyder	Seconded by: Ronald O`Reilly Aye: Daniel Pearson, Kerry Malloy Snyder, Julian Kadish, Ronald O`Reilly 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.

(Continued from 2/28/22, 3/14/22)

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



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Checklist for Stormwater Report

Applicant/ Representative	Kevin Solli; Professional Engineer with Solli Engineering
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Kevin Solli states that he thinks they have been able to address all concerns brought up by the peer reviewer as well as the commission. Kevin restates that the proposed work is for the building of a 100,000 sq ft flex industrial warehouse. Kevin states that the site has been designed to have no impact to on or off-site resources, they have kept the 25ft no disturbance buffer and the stormwater requirements for the state and town have all been met. Kerry Malloy Snyder states that from her understanding it looks like there would still be an increase in volume, which could overtop the system in many storms. Kerry states that due to climate change 100-year storm events are much more frequent and an increase in volume is a concern. Kevin answers that on the plan it shows how all the stormwater on the site is collected, routed through the stormwater management system then cleaned before being discharged into two different infiltration areas on the property. The southern portion of the site is cleaned and renovated in an underground detention system, which provides for recharge. Kevin states the site has been designed to meet the state and town stormwater requirements. This is done in an underground detention system which will be under the parking lot, which will allow stormwater to be collected, routed into the system and then recharged into the soil. Then any larger storm events it will attenuate and hold back the stormwater prior to being discharged to the north of the site. Then there is a large above ground stormwater detention basin which has been designed to allow for exfiltration and infiltration into the soil. Kevin restates that they have followed the requirements of the state and the town. Stating they are required to recharge 6,000 cubic feet of stormwater and with their proposed plans they will be doubling the required amount of runoff to infiltrate into the soil. From a downstream standpoint Kevin says they have used the most conservative and aggressive data in regards to recent rainfall data. Kevin states they will be discharging to the north into an undeveloped wetland system, which then discharges across the street to the lake. Kevin speaks to the fact that they are decreasing the rate of runoff from the property from all storm events, they are also slowing down the water that will leave the site, as well as doubling the required recharge and discharging to already existing wetlands on undeveloped land. Kevin also states there are no adverse impacts to any of the surrounding properties, the land they are discharging to or the land across the streets. Kerry explains that from her understanding the stormwater was not being attenuated for larger storms. Kevin explains there is a slight increase in volume in overall water that leaves the site but the system is designed to have the water leave at a slower rate. Kevin states there is no requirement to reduce volume of runoff. Kevin explains the basins are designed to hold the stormwater back and slow down the discharge rate. Kerry asks if everything is going into the underground infiltration basins before it goes to the above ground basin. Kevin explains the site is split and some goes to the aboveground basin and some goes to the belowground basin, they are not connected. John



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Thomas explains that the only concern would be if there was a direct neighbor to the site the discharge to the property would potentially restrict them with greater wetlands potential for the property. For this project their neighboring lot is undeveloped. John explains if there is an excess over a two-year storm, the excess water would leave the site. Kevin rebuts that there are no requirements to reduce volume. John Thomas restates that we may see similar projects with the same concerns in the future.

Motion to continue to close made by Kerry Malloy Snyder	Seconded by: Daniel Pearson Aye: Daniel Pearson, Kerry Malloy Snyder, Julian Kadish, Ronald O'Reilly Motion carries
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III. REQUEST FOR PARTIAL/ CERTIFICATE OF COMPLIANCE

A. (DEP#250-1042) COC- 8 Agoritsa Lane

(Map 11, Parcel 57)

The proposed project involved the upgrade of an existing subsurface disposal system within 100 feet of the wetland area.

Applicant/ Representative	None Present
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John Thomas states he has been out on site and has no issue with this project.

Motion to issue full certificate of compliance made by Daniel Pearson	Seconded by: Kerry Malloy Snyder Aye: Daniel Pearson, Kerry Malloy Snyder, Julian Kadish, Ronald O'Reilly Motion carries
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IV. SIGN AND ISSUE ORDER OF CONDITIONS/ORDER OF RESOURCE AREA DELINEATION

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

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



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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
<i>John Thomas mentions that one of the stipulations in the OOC would be that the commission would allow them to work in that zone provided they provide the commission an annual notice report or an annual letter as recommended. John Thomas states that the condition of the vegetative management zone would be advantageous for this project. John Thomas states that there is an enforcement order associated with this project, which John Thomas states he put in a clause that the applicant would keep the area protected in perpetuity for the tenure of the project, or it would be subjected to additional enforcement in the future. Another condition is that the applicant will issue an annual notice report or letter to the commission, which would include requests for the removal of any hazardous/dead trees within the vegetative management zone. On the report they will mark out any hazardous trees on a site plan for review and approval, and then arrange an annual site visit with a conservation agent to review the management area. In the event the tree's health and hazard are in question the applicant may seek council from a certified arborist to present their finding to the commission. The vegetative management area will be valid until the issuance of the certificate of compliance. John Thomas states at this time the site is not fully in compliance at the moment, the site requires stabilization.</i>	
Motion to issue amended order of conditions made by Daniel Pearson	Seconded by: Kerry Malloy Snyder Aye: Daniel Pearson, Kerry Malloy Snyder, Julian Kadish, Ronald O'Reilly Motion carries

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.

Doc list –295 West Main Street



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- NOI WPA Form 3
- Three Site plans titled NOI – Emergency Repair of Entry Driveway at Camp Finberg, two different scales
- Abutter's list
- Affidavit of service
- Abutters Notice
- Wetland Evaluation Report
- Nation Flood Hazard Layer FIRMette
- GIS Maps

Applicant/ Representative	None present
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There are no questions or concerns in regards to the drafted Order of Conditions for DEP#250-1098.

Motion to issue order of conditions made by Daniel Pearson	Seconded by: Kerry Malloy Snyder Aye: Daniel Pearson, Kerry Malloy Snyder, Julian Kadish, Ronald O'Reilly Motion carries
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V. REVIEW DRAFT MINUTES

- 3/07/2022 executive session
 - No quorum to vote on minutes; continued to the next meeting.
- 3/10/2022 executive session
 - No quorum to vote on minutes; continued to the next meeting.
- 3/14/2022
 - No quorum to vote on minutes; continued to the next meeting.

VI. NEW/OLD BUSINESS

- Site Inspections
- Report from Staff
- Conservation Bylaw
 - John Thomas mentions to the commission that members of the community seem to show an interest in accepting a by-law. Kerry Malloy Snyder also mentions that



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she has heard people may be favorable to a by-law. John Thomas goes into depth of what could be placed in a by-law. Julian Kadish makes the comment that any by-law would only affect new projects and not any that have already gone through the commission.

- New Conservation member

- *Marc Fernandes is a new member who will be appointed to the commission on 3/30/2022. Julian reminds Marc to get sworn in at the town clerk's office so he can be a voting member.*

- 154 Pine Street- Violation

- *John Thomas mentions that there is a violation on site. The applicant will be filing an after-action stormwater permit with the commission. They will be installing erosion controls around the area they have been disturbing. Bob, an abutter to Pine Street asks what the status of the project on Pine Street is. Bob mentions that he was told that the former conservation agents supposedly okayed a project to be done. John Thomas states to Bob that the director does not make decisions and it is up to the conservation commission to ok a project. John Thomas walks Bob through the process that the applicant will have to go through to get a permit with the commission. Julian makes the comment that the applicant had informally asked the commission preference, but no formal application was presented to the commission. John explains that the applicant is fully aware what they need to do going forward to be in compliance. An abutter Fran Turner asks who to contact if they see any work being done on the property that is unusual. John Thomas states that if someone sees anything they would like to report in regards to this site they can call him.*

VII. BILL SUMMARY

3/14/22- 3/28/2022			
Name	Amount	Account number	Account name
National Grid	\$ 23.44	001-171-570-530 8	Maintenance of Conservation Areas
McGregor & Legere, P.C.	\$ 196.00	001-171-570-531 5	Professional Services



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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/87559253806?pwd=eEJKUzNjQUUpUOHpTK25URkNEZW1tQT09> .When prompted, enter the **Meeting ID:** 875 5925 3806 **Passcode:** 642140. 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 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



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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: 4/25/2022

Conservation Commission Signature

Julian K. K... 4/30/22
Signature *Date*