



## Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

sion

RECEIVED  
NORTON TOWN CLERK

2022 JUL 29 AM 9:57

**Monday July 11, 2022**

**6:30 pm**

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

Next Meetings:

7-25-22

8-8-22

8-22-22

9-12-22

[https://us02web.zoom.us/j/86336342489?pwd=TpeanwklbA5hRwmlL8-bZ20c\\_rAojM.1](https://us02web.zoom.us/j/86336342489?pwd=TpeanwklbA5hRwmlL8-bZ20c_rAojM.1). When prompted, enter the **Meeting ID: 863 3634 2489** Passcode: **805165** 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, Chair</li><li>• Lisa Carrozza</li><li>• Daniel Pearson</li><li>• Kerry Malloy Snyder</li></ul>	<ul style="list-style-type: none"><li>• Marc Fernandes</li><li>• Ronald O'Reilly</li><li>• Tamah Vest</li></ul>
<b>Conservation Office</b>	<ul style="list-style-type: none"><li>• Megan Harrop, Conservation Secretary</li></ul>	



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

**I. NEW PUBLIC HEARINGS**

**A. (DEP 250-1013)-OOC Extension- 9 Teepee Trail  
(Map 4, Parcel 116)**

*The proposed project is to build a single-family house.*

<b>Applicant/ Representative</b>	None Present
--------------------------------------	--------------

*Julian Kadish explains that this is in regards to an existing order of conditions for the construction of a single-family home. Julian explains that John Thomas's review suggests there are no issues that were found and a one-year extension is recommended.*

<b>Motion to close approve a one-year extension for DEP#250-1013 made by Lisa Carrozza</b>	<b>Seconded by:</b> Daniel Pearson  <b>Aye:</b> Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder  <b>Motion carries</b>
--	---

**B. (DET#1124)- RDA-38 John Scott Blvd**

**(Map 32, Lot 6)** <https://tinyurl.com/38JohnScott> .

*The work proposed is the installation of an inground pool, green house, and shed within buffer zone.*

<b>Applicant/ Representative</b>	Applicant: Richard Tula
--------------------------------------	-------------------------

*Richard Tula explains that the intent is to install a swimming pool, greenhouse and shed. He says he had originally applied and been approved to install the pool back in 2008 with the construction of the house, but that pool was unable to be built at that time. Richard is looking now to install the inground pool, a shed and a small greenhouse. Julian reads from the plans explaining only a portion of the proposed pool is in the buffer zone, the proposed greenhouse is 50ft from the wetlands and the proposed shed is about 76ft from the wetland border. Julian asks if these plans are all*



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

*within the original cleared footprint. Richard confirms they are with the exception of the shed, which he states is about 15ft from the cleared footprint. Julian points out that a portion of the shed is not in the buffer zone. Lisa Carrozza suggests that the shed be rotated to ensure there is less grading, Lisa asks if there is a reason for that placement. Richard explains that the purpose was to avoid having to take down larger trees. Richard does agree that the shed can be rotated to cut down on the grading like Lisa Carrozza suggests. Julian comments that if the shed is built too close to existing trees it may be in the best interest of the applicant to take down one of the trees to avoid future issues as the trees grow. Richard explains that with the plans he has there should be roughly 4ft on each side of the shed between each tree. Richard does comment though that he will be rotating the shed.*

<b>Motion to close public hearing for DET#1124 made by Lisa Carrozza</b>	<b>Seconded by:</b> Daniel Pearson  <b>Aye:</b> Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder  <b>Motion carries</b>
--	---

<b>Motion to issue a negative three determination made by Lisa Carrozza</b>	<b>Seconded by:</b> Tamah Vest  <b>Aye:</b> Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder  <b>Motion carries</b>
---	---

**C. (DET#1125)- RDA-47 Pine Street**

**(Map 23, Parcel 56)** <https://tinyurl.com/47PINESTREET>

The work proposed is to replace a failed septic system, with new leaching area being about 158 feet from the wetlands and 161 feet from the Rumford River.

<b>Applicant/ Representative</b>	Representative: David Oberlander
----------------------------------	----------------------------------

*David Oberlander explains that the existing house has a cesspool and an overflow cease pool on the southeast of the lot, which is the closest point to the river. He*



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

*explains that they are improving the site because the plan is to run the pipe from the house to the other side of the driveway, which is a relative highpoint. The tank and the leaching area will be placed on the side of the driveway. David explains that the only digging in the inner riparian zone will be to get the pipe over towards the driveway. This will involve shallow trench digging for the building sewer, David explains that the major work will happen on the other side of the driveway, away from the river. David explains that due to the lot size and the proximity of the river that they were unable to get out of the outer riparian zone. He does explain that most of the work is done outside of the buffer zone with the exception of where the start of the building sewer, where they will connect. David also explains that the elevation is higher than that of the river. Julian Kadish comments that it seems to be a very standard repair. Lisa Carrozza asks if John Thomas reviewed the flagging, David confirms that John Thomas did review the flagging. Lisa asks why the applicant's signature is not on the application. David explains that he has checked with DEP and he has been told that he can sign them as a representative. John Thomas's notes state that he has no concerns about the plans and recommended a potential negative determination after deliberation.*

<b>Motion to close public hearing for DET#1125 made by Lisa Carrozza</b>	<b>Seconded by:</b> Ronald O'Reilly  <b>Aye:</b> Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder  <b>Motion carries</b>
--	--

<b>Motion to close issue a negative three determination for DET#1125 made by Lisa Carrozza</b>	<b>Seconded by:</b> Tamah Vest  <b>Aye:</b> Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder  <b>Motion carries</b>
--	---

**D. (DEP#250-1106)-NOI- 1 Gilberts way**  
**(Map 32, Parcel 132) <https://tinyurl.com/1GilbertWay>**



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

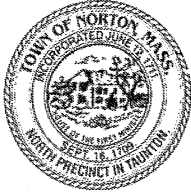
<https://www.nortonma.org/conservation-commis>

sion

*The proposed project includes the construction of a front porch, an all-season room with a new deck and moving an existing pool within the 100 ft Buffer Zone and an ACEC.*

<b>Applicant/ Representative</b>	Homeowner: James Fleming
--------------------------------------	--------------------------

*James Fleming shows the plans for the proposed work. The plan shows the front proposed porch on the front of the house, which is just outside the vernal pool but it is within the 100ft buffer. James also shows on the plans an existing deck off the back of the house which is rotting and they would like to convert it to a three-season room, then off of that install a new deck and a new staircase. James explains that there is an existing pool near the back deck and for construction purposes they want to temporarily remove the pool and then once construction is done, put it back. Julian asks if the pool would go back exactly where it was. James states if anything it would be further away from the vernal pool. Julian explains that some of the notes from John Thomas the conservation agent is that the building inspector needs to be involved with this project. Julian also asks if the efforts to minimize roof run off with efforts to ensure infiltration, such as dry wells and french drains, has been addressed. James explains he has spoken to his architect about aligning aluminum gutter systems, they will be tying them into their existing drainage system. Lisa Carrozza asks that the silt sock control be labeled by the engineer. Lisa also asks why sediment controls go so far back into the yard. Lisa explains that the controls should be closer to the pool and limit of work. James mentions that he is not sure why the engineer made it so large, but that he was most likely trying to give them enough room. James agrees that they can install fewer silt socks and have them closer to the pool. Lisa agrees that is the best course of action. It is also mentioned for the applicant to provide the new plan with the silt sock labeled. Julian comments that John Thomas's recommendation is to continue the project. James agrees to continue the project to the next meeting.*



## Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

<b>Motion to continue public hearing until the 7/25 meeting made by Daniel Pearson</b>	<b>Seconded by:</b> Lisa Carrozza  <b>Aye:</b> Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Kerry Malloy Snyder, Lisa Carrozza  <b>Motion carries</b>
--	--

### E. (DEP#250-1107)-ANRAD-0 Pine Street

(Map 23, Parcel 64 & 186) <https://tinyurl.com/OPINEANRAD>

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

<b>Applicant/ Representative</b>	Representative: Claire Hoozeboom; LEC
----------------------------------	---------------------------------------

*Claire Hoozeboom shares the plans for the ANRAD application. Claire explains the wetland resource area that have been identified are BVW, one in the northern portion of the site; this BVW is associated with an intermittent stream that forms closer to Pine street and that flows through a culvert beneath Pine Street and flows to the south. The second BVW is located on the eastern portion of the site and that too is associated with an intermittent stream located off site, that flows south to a culvert that is located beneath Pine Street. The wetland delineation was done late April of 2022 and on June 30<sup>th</sup> John Thomas went out and confirmed the wetland delineation. The site is mapped within an ACEC and in a zone two wellhead protection area which is noted in the application. Lisa Carrozza asks that whoever prepared the plan label the prospective lots, Lisa asks that they be labeled by map and parcel as both lots are considered 0 Pine Street. Lisa also asks that each lot has its own acreage labeled as well, because they are two separate lots. Lisa asks if an intermittent stream on the wetland to the Northwest was flagged. Claire explains it was not because it is contained within the wetlands that were already flagged. Claire also points out that the culvert that the stream flows to is labeled on the plans. Lisa asks about the potential vernal pool that is mentioned in the narrative. Lisa mentions the possibility of putting in the findings that the area may contain a vernal pool and that the commission would ask the applicant to confirm it next season. Claire agrees that it is fair to request, and could be put in the ORAD to note that there is an*



## Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

observed depression within the wetland, and that if they come forward with a NOI and it's at the right time of the season that they can share the results of the survey at that point. Bob Butler, abutter to Pine Street asks if they know what the project is that will be going on this site. Julian mentions that the commission has no information about that. Claire says that that question is outside of the scope of this application, but she understands the concerns of the other neighbors and it is in her interest to keep everyone involved as much as she can with projects going forward. Claire mentions if something does come to fruition, she would like to find the avenues to discuss it with the abutters. Bob Butler mentions that the owner of these parcels seems to be the same as another parcel which has plans to be developed on the same road. Bob asks if Germain Trust is still the owner of these parcels. Claire mentions she is not aware what is happening with the purchase sale currently but that she knows the other parcels he is referencing are not under Germain Trust at this point. Julian mentions that those questions are outside the scope of the conservation commission. Fran Turner, abutter to Pine Street, asks for clarification on what an ACEC is. Julian explains that the ACEC stands for an Area of Critical Environmental Concern. Claire explains that the ACEC comes into concern with this site for the three-mile watershed, which means it will receive additional protections and review criteria when it comes to development. Fran asks if there will be any specific studies that will be done related to this project. Claire says at this point this is just a confirmation of resource area boundaries but with any future development it will be taken into consideration. Daniel Pearson suggests Fran search Mass.gov for more specifics on what studies may be conducted. Fran also asks if the zone two wellhead protection will require any additional studies for development. Lisa Carrozza answers and says that classification will more likely be dealt with by the Planning Board or Zoning Board. Lastly Fran asks about a potential Army Corps of Engineers study, and how the splitting up of parcels may affect the triggers for the Army Corps of Engineers. Lisa explains that the Army Corps of Engineers only gets involved if there are alterations directly to wetlands above a certain threshold. Paul Beneger, abutter speaks in regards to a letter he received from LEC about the potential for temporary or permanent damage to the BVW on site. It is discussed that Paul is actually speaking about a different project. Julian asks if there are any other



## Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

*questions. Julian mentions there is no DEP number available so that the hearing needs to be continued to the July 25<sup>th</sup> meeting.*

<b>Motion to continue public hearing until the 7/25 meeting made by Lisa Carrozza</b>	<b>Seconded by:</b> Daniel Pearson  <b>Aye:</b> Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Kerry Malloy Snyder, Lisa Carrozza  <b>Motion carries</b>
---	---

### F. (DEP#250-1105)-NOI- Pine Street Cluster

**(Map 24, Parcels 7,9,13,108 &109)** <https://tinyurl.com/PineStreetNorton>

*The proposed project includes the construction of a residential subdivision including a paved roadway crossing within Bordering Vegetated Wetland and the 100 ft Buffer Zone, along with grading and site development with 100ft Buffer Zone.*

<b>Applicant/ Representative</b>	Representative: Claire Hoozeboom; LEC
----------------------------------	---------------------------------------

*Claire Hoozeboom shows the plans for the cluster development. The construction project includes the construction of two paved subdivision roadways, associated clearing, grading utilities and storm water management features. There is a proposed wetland crossing for one road and a proposed water main installation which will be directionally drilled beneath a wetland. Due to the fact the project is a cluster development it does require a special permit from the Planning Board. Horsley and Whitten is doing the peer review for both the Planning Board and the Conservation Commission. LEC went through the ANRAD process last year with the conservation commission to get the wetland resource boundaries for the site; an ORAD was issued on May 11<sup>th</sup>, 2021. The ORAD confirmed the boundaries of the BVW, which there is an expansive system through the center of the site. There are small amounts of BVWs that enter the Northwestern portion of the site, another BVW in the Southernmost portion of the site, along with a series of IVW throughout the site. During the ANRAD review process it was confirmed with the previous conservation agent, Jennifer Carlino, that there are 15 vernal pools in total that are certifiable. Meaning the vernal pools contained the evidence of breeding activity of obligate vernal pool species. All of the vernal pools are shown on the plans, and are all contained within BVW or the IVW throughout the site. The site is fully in an ACEC and because of this the wetland crossing that is being proposed is being presented as a limited project. LEC is requesting that the conservation commission use their discretion when reviewing the wetland*





## Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

crossing because it is located in an ACEC. Julian Kadish asks what that IWPA line on the plans mean, Lisa Carrozza comments that she believes it stands for interim wellhead protection area. Lisa mentions that that may have more to do with the Planning Board. Claire makes the comment that she will have a note put on the plans to explain what each abbreviation stands for. Claire shows the plans for Germain Way and Lloyd Circle. Claire points out that with the previous conservation agent it was requested that LEC consider an alternate route which was less disruptive to the migration of vernal pool species. A wetland crossing was suggested in part because it would cause the least impact to the vernal pool species. Claire also mentions that the conservation commission had been given the opportunity to voice their informal opinions of the plans. Julian Kadish clarifies that the discussions were extremely general. Claire discusses Germain Way, which will hold 22 proposed lots and 4 detention basins. Germain Way is limited to buffer zone alterations in which no work in this area is any closer than 50ft. The plans also depict erosion controls to prevent erosion or sedimentation from going into the wetlands. Claire also mentions directional drilling to facilitate the installation of a water main. The water main will extend from Germain Way and turn and be directionally drilled under the wetlands system and resurface on the other side, to avoid any permanent or temporary impacts all together. The entrance and exit points are proposed 50ft from the wetland edge in an effort to avoid any issues with entering or exiting that wetland system. Claire then presents Lloyd Circle; the proposed road enters from Pine Street. The wetland crossing on itself including permanent and temporary impacts is going to be 4670sqft. Which does keep the project under the 5,000sqft threshold for BVW impacts. Permanent impacts are going to be 4,146sqft. The crossing was designed with vertical retaining walls in an effort to minimize the amount of impact to the wetlands. There are 5 stormwater basins for Lloyd Circle and the stormwater basins and associated grading are no closer than 50ft to the wetlands. There are erosion controls along all the work to protect the wetlands from erosion and sedimentation. The crossing is going to provide access to eight lots, and to mitigate any permanent alterations to the wetland crossing to access the homes, there is proposed wetland replication. The replication area is a little over 6,000sqft, which is a 1:1.45 ratio to the permanent alterations for the crossing. Any temporary alterations will be restored in place. LEC is proposed to be on site for any activity that is occurring at the wetland crossing. LEC will also continue to monitor the replication area but also the buffer zone planting that restore the buffer zones, the restored portions or the wetlands from the crossing as well. Julian mentions that there have been discussions in the past about the replication areas and how there is no guarantee that they will function identically to what was disturbed. Julian points out that having a higher ratio of replication may not be the most appealing option because it may disrupt more upland without the benefit of guaranteeing the success of the manufactured wetlands. Claire agrees that it is a good point to make, but that



## Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

making a replication area at a higher ratio does sometimes account for areas where it may not function exactly as intended. The WPA requires a 1:1 ratio, so creating a replication area with a higher ratio than required could increase the chance of success. Lisa Carrozza asks if the vernal pools are going to be certified. Claire explains they have been and that she submitted the vernal pool report last year and is not sure why they have not been updated on Mass mapper. Claire confirms the vernal pools are being treated as certified even without being assigned numbers yet. Lisa comments that in the plans she will be looking for the vernal pools to be identified by the certified vernal pool numbers, once the numbers are received. Lisa comments that the wetland replication area needs to be given detailed plans for the optimum place to put the area and should not be left up in the air or deferred. Lisa asks if the open space will be open to the public or just the residents of the community. Claire says that is a question that has been coming up a lot and it depends on if the Town is going to take ownership of the space or if it will go to the HOA of the development. Lisa asks that if it is open to the public that signage be put up to direct the public to the areas where they have the right to access the open space. Claire agrees that it is a good idea, the team is just waiting to hear of the Town's decision on whether they want the property. Lisa mentions that a lot of the notes the engineer put on the plans are out of date and need to be adjusted with up-to-date information. Lisa mentions that the plans presented will require phase construction and asks to see phasing plans with specifications for each phase of construction. It is also pointed out that the horizontal directional drilling plans are not clear. It is asked that a separate plan be made to show the drilling in its entirety. Lisa asks why the culvert is only using a 24-inch pipe and for LEC to provide details in regards to why that size piping was chosen. Lisa also mentions that LEC will have to revisit their temporary impact numbers to represent a realistic work space, because the numbers provided are unrealistic. Lisa brings up the question of why limited project status was invoked, the project does not go over 5000 sqft, which they don't meet the performance standards for the crossing, and another point made is that in the narrative given it is mentioned many times that there is no other possible access point, however Lisa points out that there is clear access from Briggs Street. Claire points out that the limited project provisions are pointed out at the end of their reports, that an access from Briggs Street would cut off the potential vernal pool from any migratory path. Lisa comments that the regulations for a limited project require there being absolutely no access except through the wetland. If another access exists it can't be claimed to be a limited project. If it is being reviewed as fragmenting versus a wetland crossing there needs to be a better alternative analysis and to weigh that against the functions and values of the wildlife habitat. Janet Bernardo, civil engineer with Horsley Whitten goes over the review of the stormwater aspect of the project. The applicant is required to meet the Mass Stormwater Handbook, as well as the local requirements which require the MS4 permit requirements. Janet goes over the



## Norton Conservation Commission

70 East Main Street

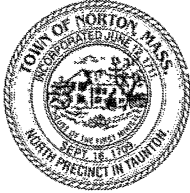
Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

requirements that the applicant has to meet. Standard one is that the applicant does not cause any erosion to a wetland, any water going to a wetland needs to be treated and cannot cause erosion. Janet comments that this standard has been met by the applicant, with the proposed large infiltration basins. Standard two is that they are not allowed to increase the peak flow of wetlands going to any of these different design points, specifically off the property or to a wetland system. Janet points out upon the review of this standard there are some minor discrepancies, which have been sent over to LEC for review and to be dealt with. Standard three the applicant is required to recharge a significant amount of stormwater, associated with the amount of impervious area that they have added to the property. The applicant does meet that standard with the basins on the property as well as with the soil that is on the property. Standard four involves managing the total suspended solids. Janet did note some comments about the management of the suspended solids removal rate, as well of the removal rate of phosphorus. The applicant needs to provide Horsley Whitten with the calculations for removing phosphorus. Standard five involves land uses of higher potential pollutant loads, which is not applicable to this project. Standard six involves the discharge to critical areas which is zone two, the interim wellhead protection area. The applicant is discharging to a critical area which means that they have to have specific types of practices similar to infiltration basins. Because there is clean water going into that area there is the want to replenish that aquifer so the applicant needs to meet certain criteria and provide the proper documents showing that to comply with standard six. Standard seven involves redevelopment which is not applicable to this project. Standard eight has to do with erosion control. Janet mentions that they have multiple comments regarding what they should be showing with the SWPP and making sure they are meeting the erosion controls providing significant robust protection to protect the wetlands. Standard nine has to do with the operation maintenance and exactly who will be maintaining it on a regular basis. Janet comments that that is something they will need to make sure is clearly laid out in a plan. Standard ten has to do with an illicit discharge statement, which is a property owner saying they understand that they cannot discharge anything besides stormwater into the systems. It is just information for the property owner to sign off on, so that they understand. Janet comments that they have provided a letter and they expect the applicant to be able to respond to the stormwater pieces. Lisa asks if there was any consideration given to LID. Janet explains that because they have 9 basins all separated throughout the site that it is low impact. Janet does comment that they have made some suggestions to the Planning Board for example only adding one side walk, and reducing the roadway width, and perhaps putting a permeable area inside the cul-de-sac. Amy Ball with Horsley Whitten speaks about the wetlands onsite. Amy mentions that a lot of the comments are about the substantial factor that the proposed project and wetland crossing is located within the three-mile river ACEC. There is a strict reading



## Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

*prohibition of any wetland alteration within an ACEC, which is something Horsley Whitten has pointed out in a letter to the conservation commission. Amy explains that it is thought that the applicant has presented this project as a limited project due to the fact that it involves a wetland crossing within an ACEC. Amy points out that the regulations are very strict for alterations within an ACEC and it provides for only a few discrete allowances. Amy points out that the limited crossing that the applicant has proposed under 10.53 E is something that the applicant needs to further explore. Amy comments that in the project narrative it is noted that there has been another crossing somewhere in Southeast Mass that allowed for this, and that is something for the commission to consider. Amy points out that the 10.53 L provision that allows for the limited ability to alter wetlands in an ACEC is specific for water dependent projects. Water dependent projects are defined in the regulations and Amy does not believe that this project meets those standards. Amy comments that the first and foremost comments regarding wetland alteration within the three-mile river ACEC is that they need more clarification on how the subdivision would meet the standard. There are several comments regarding the proposed mitigation area, it was mentioned briefly that the applicant is preparing a wetland replication plan for about six thousand square feet which provides greater than a 1:1 ratio. Some of the reasoning behind making a larger mitigation area does have its merits but Amy points out that they would like to see some additional details presented on the wetland replication plan. Specifically, that it should show that it is following the Massachusetts Inland Wetland Replication Guidelines that DEP has put out. Specifically, asking for an explanation on how the proposed wetland hydrology will be achieved. Amy also suggests that monitoring health would be important to incorporate in the replication area, and there should also be a plan addressing invasive species that may occur. Amy also questioned how the sizing of the culvert was designed. Amy also points out that they are questioning whether where the wetland is being crossed may have a stream, and whether Massachusetts Stream crossing standards may apply there. If that is the case it brings up the option of perhaps needing a more substantial design of a bridge. With respect to the wetland crossing Amy points out that the commission has the discretion to seek a wildlife habitat evaluation for the proposed crossing. With regards to the 8-inch ductile water line, Amy had asked that the applicant clarify the potential for the maintenance of vegetation in the buffer zone. The other comments brought up come into play with additional permitting that would have to happen with the current design proposed. There would be another state issued permit which could cause a need for MEPA review. Horsley Whitten asks that the applicant include the conservation commission with any wetland or environmental permits that need to be issued. MassDEP made some comments as well and Horsley Whitten is recommending the applicant respond to the DEP comments. Amy does speak to some abutter comments that they were forwarded, pointing out that a lot of the abutter questions mention an additional site on Pine*



## Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

Street that have the same developer and Amy makes that comment that if they are related and it would be construed as project segmentation from a regulatory perspective and is generally not acceptable, particularly where additional wetland alterations would be posed. Bob Butler, abutter to the project mentions that one of the concerns is that this Notice of Intent is being shown as a complete project but Bob brings up the same landowner who also purchased another 51 acres on the west side of Pine Street and another 18 acres on the East side of Pine Street. Bob says this brings the total acreage to 205 acres on Pine Street, which would impact all calculations. Bob mentions he is worried that the applicant is splitting up the project to avoid the Army Corps of Engineers being involved. Bob also mentions that in the last Planning Board meeting that there is a discrepancy in the total acreage of the parcels, the application is claiming 105 acres and the Planning Board director had concurred with Bob that it should be 136 acres, based on the assessor maps. Bob mentions that he brings this up because it would affect the open space calculations. Julian Kadish makes the comment to Claire that that seems to be a key issue and to make a note for it to be resolved. Claire mentions that they will speak to the engineer to go over the numbers and also provide the calculations of wetland versus upland for the open space. Bob also mentions that there is a large priority habitat on another parcel which abuts a brook that connects to this parcel, and wants the commission aware. Bob also mentions that the applicant had proposed an 8-inch water line which Bob comments seems to mean that they need additional permitting. Lisa explains that they may not need additional permits per se, what they need is to provide more details of the work, such as a frac contingency plan. Bob goes on to mention that by his home there is a stream which is fed by the storm and ground water that comes from the east side of Pine Street. Bob mentions that the stream that has been referenced in the plans has been named as an intermittent stream and he wants to point out that even now in a drought that stream is still flowing. Claire tries to show Bob a map showing that what he may be referencing is a perennial stream. Bob also notes that there is a pond on the site that is not shown on the map the Claire presents. Janet speaks to the stormwater concerns that Bob has. Janet mentions that the applicant is required to either reduce or not exceed the existing flow at any point off their property. Janet also points out that the proposed basins should help with the infiltration of water into the ground and prevent additional flow off site. The question is raised however about whether the mentioned stream is within 200ft of the site and is it functioning as a perennial stream. Claire agrees to look into that issue. Brad Jones abutter, asks that the commission take everything into consideration carefully when looking at this project. Sharon Donovan, abutter to the project, speaks to ask if they will be doing the wildlife habitat study as well as the environmental impact study? Claire comments that they will be performing the impact study and Lisa mentions that the commission would like to see the habitat study done as well as a review of the fragmentation of the vernal pools.



## Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

Sharon asks why they will be filling in the wetlands to add another 8 homes. Claire shows the original design prior to requesting a special permit which could have accommodated 44 homes, she explains that those original plans are what all subsequent plans are based on. Sharon also brings up the fact that the project will be done in a wellhead protection area, and the concerns with the well water on Pine Street. Sharon also mentions that it may be prudent for the conservation commission to make a site visit. Lisa agrees that it would be best for the commission to do a walk of the site. Karen Duhamal, abutter to Pine Street, makes a comment about Lloyd Circle being longer than the Planning Board bylaw allows. Julian explains that is outside the purview of the commission, so it is not prudent for the commission to comment on. Brenda Carroll, abutter to the project, asks how the applicant got the 44 homes buildable on the site. Lisa comments that that is something that the Planning Board and Zoning Board come up with. It is agreed upon that the applicant would like to continue the hearing to August 8<sup>th</sup>, 2022.

<b>Motion to continue public hearing until the 8/8/2022 meeting made by Kerry Malloy Snyder</b>	<b>Seconded by:</b> Daniel Pearson  <b>Aye:</b> Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Kerry Malloy Snyder, Lisa Carrozza  <b>Motion carries</b>
---	---

## II. CONTINUED PUBLIC HEARINGS

### A. (DEP# 250-1070) Notice of Intent - 0 Rear Eddy Street - Widak/Sher Corp. LTD REQUESTED CONTINUANCE UNTIL JULY 25TH

(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, 2/14/2022, 2/28/22, 3/14/2022, 3/28/22, 4/11/2022, 4/25/2022, 5/9/2022, 5/23/2022, 6/13/2022, 6/27/2022)

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.

<b>Applicant/ Representative</b>	None Present
----------------------------------	--------------

\*\*\*Applicant asked for a continuance to 7/25\*\*\*



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

<b>Motion to continue public hearing to 7/25 made by Daniel Pearson</b>	<b>Seconded by:</b> Marc Fernandes  <b>Aye:</b> Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder  <b>Motion carries</b>
---	---

**B. (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. (Continued from 2/14/2022, 2/28/22,3/14/2022,3/28/22, 4/11/2022,4/25/2022,5/9/2022,5/23/2022, 6/13/2022, 6/27/2022)*

<b>Applicant/ Representative</b>	None Present
----------------------------------	--------------

\*\*\*Applicant asked for a continuance to 7/25\*\*\*

<b>Motion to continue public hearing made by Lisa Carrozza</b>	<b>Seconded by:</b> Daniel Pearson  <b>Aye:</b> Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza, Kerry Malloy Snyder  <b>Motion carries</b>
--	---

**C. (DEP#250-1104)-NOI-199 Plain Street- Norton Water and Sewer**

(Map 19, Parcel 3) <https://tinyurl.com/NOI199PLAINST>

*The proposed project is to replace production well 4, with a 48-hour pump test and connect to existing infrastructure all within 100ft of a Bordering Vegetative Wetland.*

<b>Applicant/ Representative</b>	Alexandra Gaspar; Weston and Sampson
----------------------------------	--------------------------------------

*Julian mentions that the applicant was only waiting on the DEP number before closing out the hearing. The DEP number was received.*



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

<b>Motion to close public hearing made by Daniel Pearson</b>	<b>Seconded by: Ronald O'Reilly</b>  <b>Aye:</b> Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Kerry Malloy Snyder  <b>Abstained:</b> Lisa Carrozza  <b>Motion carries</b>
--	--

**III. REQUEST FOR PARTIAL/ CERTIFICATE OF COMPLIANCE**

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

**A. (DEP#250-1104)-NOI-199 Plain Street- Norton Water and Sewer**

(Map 19, Parcel 3) <https://tinyurl.com/NOI199PLAINST>

*The proposed project is to replace production well 4, with a 48-hour pump test and connect to existing infrastructure all within 100ft of a Bordering Vegetative Wetland.*

<b>Motion to issue OOC for DEP#250-1104 made by Ronald O'Reilly</b>	<b>Seconded by: Marc Fernandes</b>  <b>Aye:</b> Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Kerry Malloy Snyder  <b>Abstained:</b> Lisa Carrozza  <b>Motion carries</b>
---	---

**V. REVIEW DRAFT MINUTES**

• 6/27/2022

<b>Motion to approve minutes as revised made by Ronald O'Reilly</b>	<b>Seconded by: Marc Fernandes</b>  <b>Aye:</b> Daniel Pearson, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Kerry Malloy Snyder
---	---





# **Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

	<b>Abstained:</b> Lisa Carrozza, Tamah Vest
	<b>Motion carries</b>

## **VI. NEW/OLD BUSINESS**

- Site Inspections

*It is mentioned that at the 7/25 meeting the Conservation Commission will discuss a visit to the Pine Street Cluster project.*

- Report from Staff

*It is mentioned that the Commission would like to speak with John Thomas about the treatments done at the water bodies in Norton, specifically Lake Winnecunnet, Norton Reservoir and Chartley Pond.*

## **VII. BILL SUMMARY**

6/27/22/2022-6/30/2022			
Name	Amount	Account number	Account name
Verizon Wireless	\$ 29.84	242-171-100-5700	Wetland Protection Fund
McGregor & Legere, P.C.	\$ 302.96	242-171-100-5701	Wetland Protection Fund
McGregor & Legere, P.C.	\$ 432.04	001-171-570-5315	Professional Services- Island Brook
W.B. Mason	\$ 1.86	001-171-570-5421	Office supplies
Comcast	\$ 122.64	001-171-570-5308	Maintenance of Conservation Areas
Home Depot	\$ 128.91	001-171-613-6087-21-08	Edith Read Improvement Fund
Horsley Witten	\$ 452.20	243-171-100-5700	Outside Consulting Fee
John Thomas Reimbursement-mailing	\$ 5.31	242-171-100-5700	Wetland Protection Fund
John Thomas Reimbursement-clothing	\$ 404.81	001-171-570-5309	clothing allowance
John Thomas Reimbursement -mileage	\$ 133.38	242-171-100-5700	Wetland Protection Fund
Water Department	\$ 63.53	001-171-570-5308	Maintenance of Conservation Areas
Water Department	\$ 63.53	001-171-570-5308	Maintenance of Conservation Areas
Encumbered National Grid	\$ 25.86	001-171-570-5308	Maintenance of Conservation Areas

## **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)**



## Norton Conservation Commission

70 East Main Street

Norton MA 02766


508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

### **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/86336342489?pwd=TpeanwklbA5hRwmL8-bZ20c\\_rAoiM.1](https://us02web.zoom.us/j/86336342489?pwd=TpeanwklbA5hRwmL8-bZ20c_rAoiM.1) .When prompted, enter the **Meeting ID: 863 3634 2489 Passcode: 805165** 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.



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

Email: [conservation@nortonmaus.com](mailto:conservation@nortonmaus.com)

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

Respectfully submitted by: \_\_\_\_\_ Megan Harrop \_\_\_\_\_

Minutes approved by Commission on: \_\_\_\_\_ 7/25/2022 \_\_\_\_\_

Conservation Signature:

Julian Kaderi 7/28/22

Signature

Date

