

Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: conservation@nortonmaus.com

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

RECEIVED
NORTON TOWN CLERK
2022 AUG -9 AM 11:26

Monday July 25, 2022

6:30 pm

**In person meeting at
Norton Public Library**

Next Meetings:

8-8-22

8-22-22

9-12-22

9-26-22

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• Lisa Carrozza• Daniel Pearson• Kerry Malloy Snyder	<ul style="list-style-type: none">• Marc Fernandes• Tamah Vest
Members Absent	<ul style="list-style-type: none">• Ronald O'Reilly	
Conservation Office	<ul style="list-style-type: none">• John Thomas, Conservation Agent• Megan Harrop, Conservation Secretary	

I. NEW PUBLIC HEARINGS

A. (DET#1126) RDA- 0 West Main Street

(Map 21, Parcel 206) <https://tinyurl.com/DET1126>

The proposed plan is to verify onsite resource areas, specifically if the plans are subject to Riverfront requirements.

Applicant/ Representative	Applicant: Douglas King Representative: Gregory Driscoll; Jacobs Driscoll Engineering
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Gregory Driscoll speaks to the project that is proposed on 0 West Main Street. Gregory states that this request for the determination of applicability is to confirm whether the drainage ditch on the westward side of the property is a drainage ditch or an intermittent stream. The application does not propose any work as part of the request. Gregory notes that a stream is classified as intermittent unless the stream has a



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watershed size of at least half a square mile, with a flow rate greater than or equal to .01 cubic feet per second at the 99% flow duration using USGS stream stat method. The stream stat report included the ultimate discharge point which is the Wading River, which is located past the limit of the subject property. According to the report the watershed area for the drainage basin is 0.18 square miles less than half of the half square mile required. The flow duration statistics flow report identifies that the 99% duration flow for the stream is .00331 so that's well below the .01 cubic feet per second. Gregory states that the stream should be classified as intermittent and not be subject to the river areas under that Wetland Protection Act. The resource areas that were flagged on the property were the BVW associated with the stream, as well as the 25ft no disturb, a 50ft wetlands buffer and a 100ft wetlands buffer. Gregory also points out that there is another BVW off the site which was also flagged. John Thomas comments that the applicant hired Brad Holmes and he performed 4 contiguous site visits and took photographs. Gregory comments that Brad did the flagging. John comments that he has done several site visits to check on the stream, and he confirms that the stream did stop flowing prior to the drought that started in May. John does comment that he was hoping to have the confirmation as well from the site evaluators. The pictures presented to the commission showing lack of flow for the stream were taken in June during a drought. Gregory mentions they had been unaware at the time that the drought status had been updated. Gregory mentions they have an affidavit from a previous property owner in regard to the ditch in question. In the affidavit it is mentioned that it takes drainage from catch basins from the street at the north portion of the site. John mentions that this area had seen a lot of improvements in the 90's and at the time he does not believe that area had been identified as riverfront. John does comment that the Rivers Protection Act did not come into effect until 1996. There is also the mention that the drainage ditch could have been used as a form of mosquito control. It is also mentioned that in the affidavit from Henry Sousa mosquito control is also mentioned. Lisa Carrozza asks that the applicant properly call out what the application is asking for, which is if the stream is perennial or intermittent. Lisa asks if this stream is providing a hydrological connection. John comments that based on historic aerals it seems that hydrology has changed. Lisa asks if the USGS shows the stream as perennial. John confirms that it is shown as perennial but that the onus is on the applicant to provide data to verify the state of the stream. Lisa brings up the fact that there was a drought in



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June, which is when the pictures of the site in question were taken. John mentions that at the time the photos were taken it was within a significant drought. Lisa asks what DEP's guidance would be in regards to verifying stream status in a drought. It is specifically asked if the level of drought status comes into effect. John explains that for DEP they mention extended drought status under advisory or under a severe drought, which does not seem to provide clarification. Lisa asks if DEP has any guidelines on looking back and determining at what point the commission should be focusing on reviewing the stream status. Whether it needs to be prior to the drought advisory or if a determination can be made during certain levels of drought advisories. Lisa comments that if the applicant had gone out and taken pictures prior to the drought there would be less ambiguity. Lisa makes the statement that this is a question for DEP. Gregory comments that the stream stats calculations show that they are well below the calculations. Julian comments that he believes that they are looking at an intermittent stream, and that he is unsure how the state would weigh in on this determination. Lisa comments that the state should be able to weigh in on how far back the commission goes for the definition of drought, whether they should accept any information from the advisory period or does it start with the severe drought. Lisa believes that the information will help the commission make an informed decision. Gregory comments that Henry Sousa's affidavit goes into the history of the ditch. Lisa asks if based on historic aerals was the ditch man-made. John mentions that most of the areas in that location have been subjected to farming, and a lot of the streams and bypasses are man-made. John mentions that he was out on site in February, March, April and May and it did not appear to be a perennial stream. Julian asks if based on the topography could a perennial stream even be supported. Lisa comments that it's important to know what is feeding the stream. If it is wetland fed it theoretically could be a perennial stream. Lisa does mention that the fact that John Thomas was out pre-drought is helpful information, even though the applicant does not have evidence pre-drought. John does mention in this case that because data is lacking, he is willing to support his opinion to provide the commission all the necessary information to make a decision. Lisa asks the applicant to remove the word ditch from the plans and replace it with intermittent stream. It is also asked that all the buffer zones and extra information from the plans, that does not involve the intermittent stream be removed. This application would just be approving the



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intermittent stream and no other resource on site. A continuance is recommended in order for the commission to receive the revised plans.

Motion to continue DET#1126 made by Daniel Pearson	Seconded by: Lisa Carrozza Aye: Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza, Kerry Malloy Snyder Motion carries
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B. (250-XXXX) NOI-0 Hill Street

Requested a continuance until August 8th

(Map24, Parcel 62-02) <https://tinyurl.com/0HillStreetNOI>

The proposed plan is to construct a single story 9,900 square foot machine and fabricating facility with associated parking, drainage, and utility infrastructure within buffer zone.

Applicant/ Representative	None Present
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Applicant has requested a continuance until August 8th.

Motion to continue DEP#250-XXXX made by Daniel Pearson	Seconded by: Kerry Malloy Snyder Aye: Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza, Kerry Malloy Snyder Motion carries
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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, 2/14/2022, 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, 7/11/2022)



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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 until August 8th.

Motion to continue DEP#250-1070 made by Lisa Carrozza	Seconded by: Daniel Pearson Aye: Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza, Kerry Malloy Snyder Motion carries
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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, 7/11/2022)

Applicant/ Representative	None Present
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Applicant has requested a continuance until August 8th.

Motion made to continue DEP#250-1093 to the September 26th meeting made by Daniel Pearson	Seconded by: Lisa Carrozza Aye: Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza, Kerry Malloy Snyder Motion carries
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C. (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. (Continued from 7/11/2022)



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Applicant/ Representative	None Present
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John Thomas comments that revisions have been made to the plans per comments from the commission. The changes requested were to label the acreage for each parcel and label the potential vernal pool. John Thomas comments that it appears all the revisions requested from the previous meeting seem to have been made.

Motion to close DEP# 250-1107 made by Lisa Carrozza	Seconded by: Marc Fernandes Aye: Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza, Kerry Malloy Snyder Motion carries
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D. (DEP#250-1106)-NOI- 1 Gilberts way

(Map 32, Parcel 132) <https://tinyurl.com/1GilbertWay>

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. (Continued from 7/11/2022)

Applicant/ Representative	Applicant: James Fleming
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It is agreed that the revised plans have addressed all of the commission's comments from the previous meeting.

Motion to close DEP#250-1106 made by Lisa Carrozza	Seconded by: Kerry Malloy Snyder Aye: Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza, Kerry Malloy Snyder Motion carries
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E. (DEP#250-1105)-NOI- Pine Street Cluster

Requested a continuance until August 8th

(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. (Continued from 7/11/2022)



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Applicant/ Representative	None Present
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Applicant as asked for a continuance until August 8th.

Motion to continue DEP#250-1105 made by Lisa Carrozza	Seconded by: Tamah Vest Aye: Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza, Kerry Malloy Snyder Motion carries
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III. REQUEST FOR PARTIAL/ CERTIFICATE OF COMPLIANCE

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

(Map 13, Parcel 6)

The application was to build a single-family home with associated driveway, septic system and retaining wall all within 100 feet of Bordering vegetative wetlands.

Applicant/ Representative	None Present
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Applicant had not presented As Built plans to the conservation agent.

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

A. (DEP#250-1106)-NOI- 1 Gilberts way

(Map 32, Parcel 132) <https://tinyurl.com/1GilbertWay>

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. (Continued from 7/11/2022)

Motion to issue OOC made by Lisa Carrozza	Seconded by: Kerry Malloy Snyder Aye: Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza, Kerry Malloy Snyder Motion carries
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B. (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. (Continued from 7/11/2022)

Motion to issue ORAD made by Lisa Carrozza	Seconded by: Kerry Malloy Snyder Aye: Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza, Kerry Malloy Snyder Motion carries
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V. REVIEW DRAFT MINUTES

- 7/11/2022

Motion to accept minutes as revised made by Lisa Carrozza	Seconded by: Kerry Malloy Snyder Aye: Daniel Pearson, Tamah Vest, Marc Fernandes, Julian Kadish, Lisa Carrozza, Kerry Malloy Snyder Motion carries
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VI. NEW/OLD BUSINESS

- Remote Meeting Extension through March 31, 2022
 - The commission agrees to continue meeting via Zoom going forward based on the extension granted by the state.
- Site Inspections
 - Commission agrees to meet on site for DEP#250-1105 in two groups. One group on 7/29 and one group on 7/30.
- Report from Staff

VII. Bill Summary



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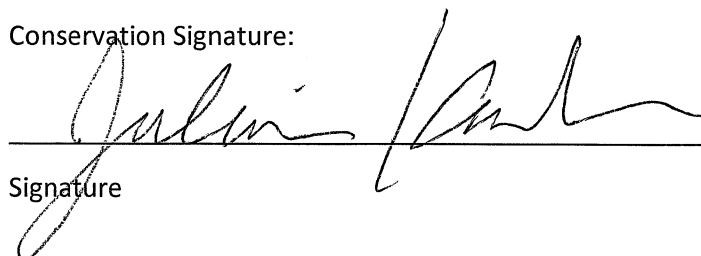

7/01/2022- 7/25/2022			
Name	Amount	Account number	Account name
McGregor & Legere, P.C.	\$ 183.75	242-171-100-5701	Wetland Protection Fund
Verizon Wireless	\$ 29.84	242-171-100-5700	Wetland Protection Fund
Comcast	\$ 129.94	001-171-570-5308	Maintenance of Conservation Areas
MACC	\$ 523.00	001-171-570-5730	Dues
Horsley Witten	\$ 100.00	243-171-100-5700	Outside Consulting Fee

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

Respectfully submitted by: _____ Megan Harrop _____

Minutes approved by Commission on: _____ 8/8/2022 _____

Conservation Signature:

  8/9/22

Signature

Date