



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: mharrop@nortonmaus.com

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

RECEIVED
NORTON TOWN CLERK
2023 MAR -3 AM 9:50

Next Meeting:

2-13-23

2-27-23

3-13-23

3-27-23

Monday January 23, 2023

6:30 pm

****Remote Participation Only****

<https://us02web.zoom.us/j/89439370504?pwd=ZjY4MjRTdHh4eTluQlVFeWpJY1Zzdz09>. When prompted enter **Meeting ID:** 894 3937 0504 **Passcode:** 945467. 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

6:30pm

Open meeting

Conservation Commission members present	<ul style="list-style-type: none">• Lisa Carrozza, Vice Chair• Daniel Pearson• Ronald O'Reilly	<ul style="list-style-type: none">• Marc Fernandes
--	--	--

Members Absent	<ul style="list-style-type: none">• Julian Kadish, Chair• Tamah Vest
-----------------------	---



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: mharrop@nortonmaus.com

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

Other representatives present	<ul style="list-style-type: none">• John Thomas, Conservation Director• Megan Harrop, Conservation Secretary
-------------------------------	---

NEW PUBLIC HEARINGS

I. CONTINUED PUBLIC HEARINGS

A. (DEP 250-1121) – NOI-70 & 78 East Main Street- Town Hall (Map 17, Parcel 50 & 51)

The applicant proposes to construct a new Town Hall, which would include driveways, parking areas, utilities, Title-5-compliant sewage treatment, and disposal system to replace existing systems, stormwater management features, and site landscaping. The proposed work would be within riverfront area. (Continued from 11/28/2022 for 4 meetings)

Applicant/ Representative	Representative: Scott Lindgren; VHB
------------------------------	-------------------------------------

Scott Lindgren informs the Commission that they have received the peer review responses. Lindgren: A majority of the comments seem to be easy to respond to, and one clarification may be needed with the Town's reviewing engineer on the rain garden. Lindgren asks the Commission how they would proceed now that they have received the second round of comments from the peer reviewer. Carrozza: It sounds like the preference would be to keep the hearing open until all the peer review comments have been resolved. Lindgren states that he believes all the comments can be resolved and asks if the Commission would prefer to keep the hearing open or address the remaining comments now or at a time closer to the order of conditions (hereafter OOC) being issued. John Thomas recommends that the applicant request a continuance until the February 13th meeting and, in the interim, he will work with the peer reviewer on the OOC. Lindgren concurs and adds that he believes they should be able to work through any lingering questions this week and get the plans finished in preparation for the OOC in a timely manner. Lindgren states that there were 8 general comments that the peer reviewer wanted the Commission to include in special conditions, and there were a few comments that relate to minor revisions to the plans, specifically pretreatment for the



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: mharrop@nortonmaus.com

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

rain gardens and general cleanup. Lindgren also mentions that the peer reviewer wanted to ensure the operation and maintenance plan (hereafter O&M) and other contractor-related stormwater prevention (hereafter SWP) filings be submitted to the office as soon as they are completed.

Motion to continue public hearing until February 13th made by Daniel Pearson	Seconded by: Ronald O'Reilly Aye: Daniel Pearson, Marc Fernandes, Ronald O'Reilly, Lisa Carrozza Motion Carries
--	--

B. (DEP#250-1113) NOI- 0 East Hodges

REQUESTED A CONTINUANCE UNTIL FEBRUARY 13th

(Map 36, Parcel 2-0)

The applicant proposes to construct a single-family house, barn, pool, and stormwater management infrastructure within 100-ft buffer zone to BVW, and the proposed barn within 200ft of a riverfront.

(Continued from 9/26/2022 for 8 meetings)

Applicant/ Representative	Representative: None Present
--------------------------------------	-------------------------------------

****Applicant has requested a continuance until February 13th****

Motion to continue public hearing until February 13th made by Daniel Pearson	Seconded by: Ronald O'Reilly Aye: Daniel Pearson, Marc Fernandes, Ronald O'Reilly, Lisa Carrozza Motion Carries
--	--

C. (250-1108) NOI-0 Hill Street

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

The applicant proposes to construct a single story 9,900ft² machine and fabricating facility with associated parking, drainage, and utility infrastructure within buffer zone.

(Continued from 7/25/2022 for 12 meetings)

Applicant/ Representative	Representative: Michael Dryden; Allen Engineering
--------------------------------------	--



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: mharrop@nortonmaus.com

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

--	--

Michael Dryden addresses the Commission, stating that John Chessia recommended five conditions be added to the OOC. Dryden: The applicant disagrees with one of the five, which regards mounding calculations. Dryden explains that there has been a "back and forth" between himself and the peer reviewer about the required recharge volume for preparing a mounding analysis. Dryden: The stormwater handbook states the required recharge volume and how to calculate it; however, the peer reviewer has suggested that they should be modeling much more infiltration in the mounding analysis. Dryden Understands that the peer reviewer may have more experience where it pertains to mounding calculation, but points out that he and the applicant are following the MassDEP stormwater handbook guidelines, which call for less infiltration modeling than the peer reviewer is requesting. Dryden: What the peer reviewer suggests is far above what Massachusetts requires of the applicant. Dryden: Based on the [Massachusetts Stormwater] Handbook [and Stormwater Standards] (hereafter Handbook), the applicant would be required to model 1700 ft³ of volume in the groundwater mounding, and the peer reviewer is suggesting just under 20,000 ft³, which is twelve times what is required under Massachusetts stormwater management policy. Michael asks that the Commission agree that they have complied with the regulations as stated by the handbook. Carrozza asks if the peer reviewer offered a reason why he is requesting such a large volume. Dryden explains that the peer reviewer had pointed to an email he received in 2015 from USGS that in part agreed with his approach. Dryden also explains that if they were to size the BMPs as Chessia suggests, the applicant would have to choose between raising the entire site 2ft or doubling the site's amount of infiltration. Carrozza: What is the design standard set forth by MassDEP? Dryden: shows (1) the required recharge volume required by MassDEP and (2) how the required recharge volume is defined and calculated. Dryden: They are basing their calculations on a ten-year storm, which is more than the handbook requests. Carrozza: As a compromise perhaps John Thomas could, for the record, lay out in the findings of the OOC what Chessia had requested of the applicant, but not make it a condition. Dryden agrees with putting Chessia's mounding comments in the findings.

Motion to continue public hearing until February 13th made by Daniel Pearson	Seconded by: Marc Fernandes Aye: Daniel Pearson, Marc Fernandes, Ronald O'Reilly, Lisa Carrozza Motion Carries
--	---



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: mharrop@nortonmaus.com

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

D. (DET#1130) RDA- 353 & 355 Old Colony Road

REQUESTED A CONTINUANCE UNTIL FEBRUARY 13th

(Map 26, Parcel 287 & 54-01)

The applicant proposes to construct two buildings with associated drive, parking, drainage, utilities, and septic system within 100ft of BVW.

(Continued from 1/09/2023 for 2 meetings)

Applicant/ Representative	Representative: None Present
--------------------------------------	-------------------------------------

****Applicant requested a continuance until February 13th****

Motion to continue public hearing until February 13th made by Daniel Pearson	Seconded by: Ronald O'Reilly Aye: Daniel Pearson, Marc Fernandes, Ronald O'Reilly, Lisa Carrozza Motion Carries
--	--

E. (DEP#250-1122) NOI – 0 West Main

REQUESTED A CONTINUANCE UNTIL FEBRUARY 13th

(Map 21, Parcel 206)

The applicant proposes to construct a 4,000ft² mixed use building with associated grading, drainage, septic system, and utilities within the buffer zone. (Continued from 1/09/2023 for 2 meetings)

Applicant/ Representative	Representative: None present
--------------------------------------	-------------------------------------

****Applicant Requested a continuance until February 13th****

Motion to continue public hearing until February 13th made by Daniel Pearson	Seconded by: Ronald O'Reilly Aye: Daniel Pearson, Marc Fernandes, Ronald O'Reilly, Lisa Carrozza Motion Carries
--	--

F. (DEP#250-1119) NOI- 0 S. Washington Street

(Map 24, Parcel 62)

The applicant proposes to clear trees, grade, and gravel within buffer zone to the BVW.

(Continued from 1/09/2023 for 2 meetings)



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: mharrop@nortonmaus.com

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

Applicant/ Representative	Representative: None Present
--------------------------------------	-------------------------------------

Applicant Requested a continuance until February 13th

Motion to continue public hearing until February 13th made by Daniel Pearson	Seconded by: Ronald O'Reilly Aye: Daniel Pearson, Marc Fernandes, Ronald O'Reilly, Lisa Carrozza Motion Carries
--	---

II. REQUEST FOR PARTIAL/ CERTIFICATE OF COMPLIANCE

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

A.DEP#250-1105)-NOI- Pine Street Cluster

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

The applicant proposes to construct a residential subdivision including a paved roadway crossing within BVW and the 100 ft Buffer Zone, along with grading and site development within the 100ft Buffer Zone.

(Continued from 7/11/2022 for 12 meetings)

Carrozza comments on the OOC and asks whether the applicant will have to submit an open space plan to the registry? Thomas: That is up to the Planning Board as part of the cluster development, and it seems the decision as to who is going to be in charge of managing the designation of the open space is still up in the air. Carrozza: Typically when open space is mentioned the Commission requires proof of the plan and how it will be executed. Thomas agrees to add a condition requiring a confirmation of the open space designation. Such a confirmation would be needed prior to any work being started.

Carrozza asks if the applicant will owe the Commission an invasive species management plan for review and approval. The Commission agrees that if the invasive species management plan is implemented, in the event of an invasive species growth, the matter needs to come before the Commission for review and approval. Regarding a wetland mitigation timetable, the mitigation would be tied to the roadway construction and the roadway would be defined by the binder course. The Commission requests that under



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: mharrop@nortonmaus.com

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

conservation findings there be a finding that specifies what exactly is included within the permit. Thomas adds a condition which indicates that there was no stream channel depicted on the USGS map and none observed in the wetland crossing. The area of 1.2 bankful width was determined using a drainage area confirmed by a survey and USGS stream stats, which Claire and the peer review consultant spoke about at length. Carrozza asks Thomas to specify the exact replication ratio in the order.

Motion to issue OOC for file 250-1105 made by Ronald O'Reilly

Seconded by: Marc Fernandes

Aye: Daniel Pearson, Marc Fernandes, Ronald O'Reilly, Lisa Carrozza

Motion Carries

B.(DEP#250- 1115) NOI – 0 King Philip Road

(Map 19, Parcel 142)

The applicant proposes to construct a single-family residence with associated gravel access driveway, garage, utilities, and deck. The proposed work would be within BLSF and the 100-Foot Buffer Zone to BVW. (Continued from 9/12/2022 for 8 meetings)

Mark Fernandes asks Thomas where the plan indicates the no disturbance zone. Fernandes wants to make sure that the conditions require that the plan show the project's exact limit of work. Thomas: The condition states that the no disturbance zone shall be demarcated in the field with a visual barrier at the limit of work precisely at 56ft. Carrozza: This condition needs to specify that the plan indicates precisely where the visual barrier should be placed. Thomas: The visual barrier should be placed at the erosion control barrier set as the limit of work and constitute the no disturbance zone (which should be marked off in the field). Thomas agrees to insert an image into the order of conditions depicting exactly where the visual barriers should be placed: from the split rail fence and following the erosion control barrier up the driveway and offset from the force main. It is clarified there would be a split rail fence from WF A- 6 to the street and a split rail fence from the marked split rail fence at the back of the house to WF A-12. In between would be two posts placed roughly 50 ft apart, from WF A-12 to WF A-6, to show the continuation of the visual barrier.



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: mharrop@nortonmaus.com

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

Motion to issue OOC for file 250-1115 made by Ronald O'Reilly	Seconded by: Daniel Pearson Aye: Daniel Pearson, Marc Fernandes, Ronald O'Reilly, Lisa Carrozza Motion Carries
--	---

**C. (DEP#250-1114) NOI – 306-308 East Main Street
(Map 5, Parcel 38 & 252)**

The applicant proposes to add to an existing warehouse, including a detention basin and grading, all within 100ft of BVW.

(Continued from 9/12/2022 for 8 meetings)

Carrozza: The reference for using the easterly entrance drive should stipulate that it is to be used solely for construction activities. The applicant's representative, Mark Arnold, says that the applicant is willing to propose fencing as a barrier, in a manner that is amenable to the Commission. Arnold: The applicant has no issue putting up a barrier along the limit of work that would protect a lot more of the buffer zone, that would be wildlife friendly, and that would not impede any wildlife traffic. Additionally, there will be a stipulation to the OOC that prior to the issuance of a COC, the barrier be evaluated to ensure that it does not impede wildlife.

Motion to issue OOC for file 250-1114 made by Ronald O'Reilly	Seconded by: Marc Fernandes Aye: Daniel Pearson, Marc Fernandes, Ronald O'Reilly, Lisa Carrozza Motion Carries
--	---

**D. (DEP#250-1120) NOI- 257 Plain Street
(Map 19, Parcel 8-02)**

The applicant proposes to construct and attach a garage and breezeway to an existing single-family home within 100ft of BVW and 200ft of riverfront.

Motion to issue OOC for file 250-1120 made by Ronald O'Reilly	Seconded by: Marc Fernandes Aye: Daniel Pearson, Marc Fernandes, Ronald O'Reilly, Lisa Carrozza Motion Carries
--	---



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: mharrop@nortonmaus.com

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

V. REQUEST FOR SIGNATURES

VI. REVIEW DRAFT MINUTES

- 1/09/2023

Motion to accept minutes as revised made by Daniel Pearson

Seconded by: Marc Fernandes

Aye: Daniel Pearson, Marc Fernandes, Ronald O'Reilly, Lisa Carrozza

Motion Carries

VII. NEW/OLD BUSINESS

- 376 Old Colony – Response to Enforcement Order (circa 1990s) - Proposed Wetland Mitigation

Ken Thomson, the representative for the owner of 376 Old Colony, explains the plans the property owner has to address the enforcement order placed on the property. Thomson: There will be an "Army-Corps-of-Engineers-style" (hereafter USACE) mitigation: i.e., 50% trees and 50% a one to one ratio of trees to shrubs. Thomson explains that they will need to make soil for the rear restoration area, and later a mitigation area for a culvert crossing that will be filed under an NOI. In the two restoration areas the fill will be removed and the area then stabilized using erosion controls. To mitigate the permanent impacts of the culvert crossing, they will create a mitigation area by creating soils, do the USACE planting and stabilize and monitor it. There will be 1600ft² of permanent impact at the end and 5,000ft² mitigation area. Carrozza asks if all such locations are represented on topographic maps. Carrozza mentions that the owner will be coming up with a restoration plan to remove the fill and a planting plan. Thomson confirms that that is the plan and mentions that he hopes to do the bulk of the work under the enforcement order. Carrozza asks what activities prompted an enforcement order rather than an NOI. Thomson: The new owner is aware of the enforcement order and is willing to comply. Thomson adds that the applicant is aware that much—e.g. a septic system and stormwater management—will need to be done before the site complies. The site currently has an existing cesspool. Thomson will need to store the fill somewhere, and he recommends putting it toward the back of the site, outside of NCC jurisdiction. Thomson: They will need steel plates and timber mats to do the second crossing, which will give



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: mharrop@nortonmaus.com

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

them the access needed to remove the fill. Thomson: The landowner may sell or reuse the fill that is excavated if it is usable. Thomas tells Thomson to send over the plans and procedures so that Thomas might start working the enforcement order. The NCC may then review the order informally at the Commission meeting.

- Report from Staff
- Conservation By-Law & Fee Schedule 2023

John Thomas hopes to work on a proposed conservation by-law in preparation for the 2023 Fall Annual Town Meeting. Thomas adds that he will be revising the fee schedule to align it with those of nearby towns.

- Potential in-person meetings, times and location

After discussion about a potential for in-person meetings, it is decided that the Conservation Secretary will look into the availability of Town Hall, a potential alternative to the Norton Public Library.

- Vote for bill signer (Primary)

Commission votes to make Daniel Pearson primary bill signer.

Motion to appoint Daniel Pearson primary bill signer made by Ronald O'Reilly

Seconded by: Marc Fernandes
Aye: Daniel Pearson, Marc Fernandes, Ronald O'Reilly, Lisa Carrozza
Motion Carries

VIII. BILL SUMMARY

1/09/2023- 1/23/2023			
Name	Amount	Account number	Account name
verizon	\$ 29.84	242-171-100-5701	Wetland Protection Fund
Water Department	\$ 139.76	001-171-5701-5308	Maintenance of Conservation Areas
Amory Engineers	\$ 468.00	243-171-100-5700	Outside Consulting Fee
National Grid	\$ 30.69	001-171-5701-5308	Maintenance of Conservation Areas
Megan Harrop- Reimbursement	\$ 87.54	242-171-100-5701	Wetland Protection Fund

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

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

A. (DEP#250-1079) Partial COC- 145R Plain Street



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: mharrop@nortonmaus.com

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

(Map 19, Parcel 8-02)

The proposed project is to construct a driveway within 200 feet of a perennial stream.

Thomas: He and the applicant put in the visual barrier and placards, per the plan.


Thomas states that he has no issues with the placement of the gravel drive or anything regarding the project. As construction on the house is not yet finished, the applicant is only requesting a partial COC.

Motion to issue Partial COC for file 250-1079 made by Ronald O'Reilly

Seconded by: Marc Fernandes
Aye: Daniel Pearson, Marc Fernandes, Ronald O'Reilly, Lisa Carrozza
Motion Carries

XI. 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/89439370504?pwd=ZjY4MjRTdHh4eTluQlVFeWpJY1Zzd09>. When prompted enter **Meeting ID:** 894 3937 0504 **Passcode:** 945467. 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.



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: mharrop@nortonmaus.com

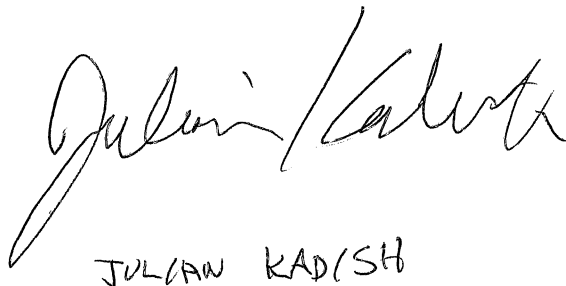
<https://www.nortonma.org/conservation-commission>

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: *2/27/2023*

Conservation Commission Signature:


JULIAN KADISH