



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

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

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

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Next Meeting:

3-13-23

3-27-23

4-10-23

4-24-23

**Monday February 27, 2023**

**6:30 pm**

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

<https://us02web.zoom.us/j/83623320333?pwd=QzBiWUZzK1NZSHkxc3A1dUwremx0QT09> When prompted enter **Meeting ID:** 836 2332 0333 **Passcode:** 451511. 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**

<b>Conservation Commission members present</b>	<ul style="list-style-type: none"><li>• Julian Kadish, Chair</li><li>• Lisa Carrozza, Vice Chair</li><li>• Daniel Pearson</li></ul>	<ul style="list-style-type: none"><li>• Marc Fernandes</li><li>• Ronald O'Reilly</li></ul>
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<b>Absent members</b>	<ul style="list-style-type: none"><li>• Tamah Vest</li></ul>
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### Other representatives present

- John Thomas, Conservation Director
- Megan Harrop, Conservation Secretary

### NEW BUSINESS

#### A. (DEP#250-261) 376 Old Colony Road; Response to Enforcement Order - Wetland Restoration and Mitigation Plan

*Ken Thomson explains how the applicant plans to address the long-standing enforcement order. Thomson: There were two major areas of impact, one just behind the buildings and the other further back on the property. They have done some soil augers and test pits as part of the road construction. In the middle of the project Thomson has found 3ft of muck with 18–24 inches of fill on top. Thomson recommends going onto the site through the back, and if they need to build a road on top of what is already there to support equipment brought on site, they will. Thomson proposes to remove all the fill material and truck it off site, then restore the area by exposing the muck existing on site, and finally re-grading it and replanting. Thomson shows the Commission the proposed planting plan for the restoration. In the rear of the property there is a hard case road that he plans to backfill with a compost loam mixture to prevent it from draining into an excavated hole on site that has become a wetland. Thomson explains there will be 2200 LF of silt fence to protect the road. A culvert behind the buildings will provide access to the rear of the property and metal plates and timber mats will be put down to get the dump truck over it. Kadish asks if this plan addresses the lingering enforcement order. Thomas believes this enforcement order has been on the site since the late 80s or early 90s and looking at the site one can tell that the gravel road consists of decades-old fill. Thomas: Thomson's proposal addresses the major areas of the enforcement order. Thomson: To address the enforcement order he plans to later file an NOI to better utilize the entire site and address any smaller areas of concern. Carrozza: Has the applicant submitted a plan stamped by an engineer? Thomson agrees to submit one to the Commission. Carrozza: Will a wetland scientist in the field observe the proposed pit and mound? Thomson explains that he will be in the field observing. Carrozza asks that as part of the sequencing for the plan that it be made clear that Thomson needs to be contacted to oversee the work. Carrozza asks if there will be any tree clearing required. Thomson: There will not be. Carrozza asks when the work will begin. Thomson says he would like to remove everything immediately, cover any exposed area with straw, and then replant the site in the spring. Carrozza asks that that detail be added to the plans. Pearson: Will the site's multiflora rose, which is an aggressive invasive species, be removed? Thomson: It will. As the Commission is awaiting updated plans from Thomson, it continues the discussion to the 3/13/2023 meeting.*



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<b>Motion to continue discussion of DEP#250-261 made by Daniel Pearson</b>	<b>Seconded by:</b> Ronald O'Reilly <b>Aye:</b> Daniel Pearson, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza <b>Motion Carries</b>
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**I. CONTINUED PUBLIC HEARINGS**

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

**(Map 36, Parcel 2-0)**

**REQUESTED A CONTINUANCE UNTIL 3/13/2023**

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

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

<b>Applicant/ Representative</b>	<b>Applicant:</b> None Present
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*\*\*\*Applicant has requested a continuance until 3/13/2023\*\*\**

<b>Motion to continue public hearing until March 13<sup>th</sup> made by Daniel Pearson</b>	<b>Seconded by:</b> Lisa Carrozza <b>Aye:</b> Daniel Pearson, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza <b>Motion Carries</b>
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**B. (DEP#250-1122) NOI – 0 West Main**

**(Map 21, Parcel 206)**

*The applicant proposes to construct a 4,000 sq ft mixed use building with associated grading, drainage, septic system, and utilities within the buffer zone. (Continued from 1/09/2023 for 3 meetings)*

<b>Applicant/ Representative</b>	<b>Representative:</b> Driscoll Driscoll; JDE Civil
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*Driscoll believes he has addressed all the peer reviewer's comments. Driscoll explains that John Thomas and Brad Holmes identified a potential vernal pool between wetland flags A18 and A20.*



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*Due to this finding, Driscoll added the potential pool itself and a buffer 100ft from it to the plans. Driscoll: The stormwater basin was adjusted and the grading pulled back because of the vernal pool. The basin still holds all the volume for runoff. Driscoll: Neither basin has an outlet control structure. If needed, they do have an emergency spillway and a pipe to draw down the basin for maintenance. Driscoll: Both the sediment control plan and the landscape plan have been revised. Driscoll addresses some of Horsley Witten's comments: Regarding the rip rap setting calculation in the drainage report, it has been addressed on the detail sheet. Regarding phosphorus removal, all parties are now in agreement. Horsley Witten also asked Driscoll to add quarterly inspections of the catch basins to the O&M plans, which he has done. Horsley Witten also had some recommendations for any OOC the Commission would potentially approve. Thomas recommends that the Commission add the HW conditions in any such order. Thomas: Save for potential minor revisions that might be set in place with the OOC, this project meets all the stormwater standards. Carrozza: Why is the small infiltration basin to be located where it is? Driscoll: It needs to be a certain distance from the septic system.*

<b>Motion to close public hearing for DEP#250-1122 made by Lisa Carrozza</b>	<b>Seconded by:</b> Daniel Pearson <b>Aye:</b> Daniel Pearson, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza <b>Motion Carries</b>
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**C. (DEP#250-1119) NOI- 0 S. Washington Street  
(Map 24, Parcel 62)**

**REQUESTED A CONTINUANCE UNTIL 3/13/2023**

*The applicant proposes to clear trees, to grade, and to lay gravel within the zone buffering the BVW. (Continued from 1/09/2023 for 3 meetings)*

<b>Applicant/ Representative</b>	<b>Applicant:</b> None Present
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\*\*\*Applicant has requested a continuance until 3/13/2023\*\*\*

<b>Motion to continue public hearing until March 13<sup>th</sup> made by Lisa Carrozza</b>	<b>Seconded by:</b> Daniel Pearson <b>Aye:</b> Daniel Pearson, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza
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	<b>Motion Carries</b>
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**II. REQUEST FOR PARTIAL/ CERTIFICATE OF COMPLIANCE/ REQUEST FOR EXTENSION**

**A. (DEP#250-1033) Request for a one-year extension- 65 Plain Street  
(Map 18, Parcel 7)**

*The applicant proposes to construct a single-family house.*

*Kadish asks if any work has been done on the site yet. Thomas: While some prep work, such as erosion controls, has been done, the applicant is requesting an extension because of some delays with materials and contractors.*

<b>Motion to issue a one-year extension for DEP#250-1033 made by Lisa Carrozza</b>	<b>Seconded by:</b> Daniel Pearson <b>Aye:</b> Daniel Pearson, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza <b>Motion Carries</b>
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**III. SIGN AND ISSUE ORDER OF CONDITIONS/ORDER OF RESOURCE AREA DELINEATION**

**V. REQUEST FOR SIGNATURES**

**VI. REVIEW DRAFT MINUTES**

- 1/23/2023

<b>Motion to approve 1/23 meeting minutes as revised made by Lisa Carrozza</b>	<b>Seconded by:</b> Ronald O'Reilly <b>Aye:</b> Daniel Pearson, Marc Fernandes, Ronald O'Reilly, Lisa Carrozza <b>Motion Carries</b>
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- 2/13/2023

<b>Motion to approve 2/13 meeting minutes made by Lisa Carrozza</b>	<b>Seconded by:</b> Ronald O'Reilly <b>Aye:</b> Daniel Pearson, Marc Fernandes, Julian Kadish, Ronald O'Reilly, Lisa Carrozza <b>Motion Carries</b>
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### VII. OLD BUSINESS

- Report from Staff

*Thomas: The Town of Norton has requested transferring \$5,000.00 from the Wetland Protection Fund to the Town's general fund, which would go towards paying for the Conservation Department's salaries. Drawing attention to the unusual language of the request, Pearson asks whether there was some money/ies besides the WPF [i.e., monies from the Town and not the WPF] having to do with the Commission? In the past, as Carrozza pointed out, the Commission was asked whether it wished to return to the Town \$5,000 [that resulted from the Commission's running under budget]. The Commission votes in favor of transferring the money.*

- Discussion of a potential Conservation By-Law
- Fee Schedule 2023
- Update on potential in-person meetings
- Edith Read

*Thomas: At Edith Read, Vandals have burned picnic tables and removed a post from the ground. Thomas: Preventative action will be taken: Security cameras and signs will be installed and the Highway Department will place additional boulders to prevent unauthorized vehicle access. Thomas also mentions that the Conservation Department plans to hold an Earth Day event on April 22<sup>nd</sup> at Edith Read.*


### VIII. BILL SUMMARY

### 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)

### 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.)



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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/83623320333?pwd=QzBiWUZzK1NZSHkxc3A1dUwremx0QT09> When prompted enter **Meeting ID: 836 2332 0333** **Passcode: 451511. 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.



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***Respectfully submitted by:*** Megan Harrop

***Minutes approved by the commission on:*** 3/13/2023

***Conservation Commission Signature:***

*Julian Kadish*  
JULIAN KADISH