

Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: jthomas@nortonmaus.com

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

RECEIVED
NORTON TOWN CLERK

2023 OCT 19 PM 3:42

Monday August 28, 2023

6:30 pm

****Remote Participation Only****

Next Meeting:

9-11-23

9-25-23

10-16-23

11-13-23

<https://us02web.zoom.us/j/81291132844?pwd=S205Z01sek1JdzZ0bHZVTEk5OFNMdz09>

When prompted enter Meeting ID: 812 9113 2844 Passcode: 442151 Phone: 1-646-558-8656

Chairperson to read about Public Meetings:

Pursuant to Governor Healey's March 29, 2023 bill extending several Covid era policies and programs by allowing virtual meetings to continue from March 31, 2023 to March 31, 2025, 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.

Conservation Commission 08/28/2023 - YouTube

MINUTES

Attending

Julian Kadish, Chairperson; Lisa Carrozza, Vice Chairperson;
Mark Fernandes; Ron O'Reilly; Dan Pearson; Tamah Vest

John Thomas, Conservation Dir.
Megan Harrop, Conservation Secty.

6:30pm Open Meeting

I. NEW PUBLIC HEARINGS

- A. **250-1136-NOI-0 Eddy Street- Sher-Corp LTD, (Map 32, Parcel 31)** The applicant proposes a 5.8-acre development that would include constructing four 2,200 sf Duplex Units, a 1,250'x20'-wide asphalt common driveway, and stormwater controls.



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Margaret Bacon, Principal at Civil Site Engineering, represented her firm before the Commission. The site was issued an ORAD 18 months ago. Her plan showed a reduction in the size of lots from an original plan and an improved stormwater plan. She is working with the NCC's peer reviewer, Pat Brennan. Thomas: Until there is a stormwater review by Pat Brennan, we won't really know how to respond.

Carrozza asked for Bacon to explain to the Commission the distinction between the buffer zone for [Meadowbrook] Pond and the riverfront and give riverfront impact data. Carrozza asked Thomas about how the Pond was measured. Carrozza pointed out to Bacon that the impact to a riverfront must be determined per entire lot. [For the whole lot] Bacon stated that a total of 24,500sf would be impacted, but only a small area—775sf (or 1.7%)—on the east of the site is within the 100' riparian zone. Three of the four lots aren't in the riverfront area at all. Carrozza: To keep residents from cutting down vegetation, we want not *multiple* but a *single* point of access to the pond. I recommend putting it near the retention basin, which will have to be maintained anyway. Put in signage, especially asking that people not cut beyond the lawn in question. Carrozza asked about snow storage and that it be identified on the plan. Bacon said that the applicant was looking into places along the driveway. Carrozza expressed her appreciation that the applicant's revised plan had been scaled back and noted that there were some very old pine trees onsite.

Kadish: Regarding the sign "20' no-clear-zone," will you be maintaining such a zone? Would it be suitable for snow storage? Carrozza: The applicant should avoid putting anything with salt there because it would destroy vegetation. Kadish: A 1200' road can accumulate a great deal of snow.

Catherine May Ryder represented Winslow Farm, which abuts the proposed construction and asked whether there would be a line of trees between the pond and the proposed construction? Bacon: Yes. Carrozza: While this plan looks fine on paper, a different situation will develop once residents move in. They won't be able to alter the size of their lawns. Perhaps the applicant should consider installing a split-rail fence to indicate to the owners that there should be no development beyond the proposed lawns.

Ann Guarino addressed the Commission: We live in a townhouse with approximately five times the space of the proposed work and don't believe that such a project would contain enough space on which to compile snow. Guarino also expressed concern for the location of the septic systems. Bacon pointed out their location toward the front (north) of the various plots.



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It was noted that the proposed development would be across Meadowbrook Pond from the existing Winslow Farm.

Johanna MacDonald of 30 Eddy Street asked whether leaching on the site would be handled with tight tanks and expressed concern that waste might leach into the pond. Bacon answered that there would be a Title-5-compliant leaching field; tight tanks are only used if there is no other option. Thomas/Kadish: Septic systems—and this one would be no different—are regulated by the BoH.

Guarino: How did the perk tests come back? Bacon: While we haven't done the official perk tests yet, we have done soil tests and found "loamy sand" and "sand/gravel," "beautiful material." Guarino: Have you done any tests closer to the structures? Bacon: We will have to when we go before the BoH.

Patrick Rivers, resident of Woodward Street, an abutter: Are these four-bedroom houses? Bacon: correct. [continuing off-topic...] Rivers: Who would be maintaining the pathway down to the pond you mentioned? Carrozza: Residents? Rivers: It's going to be left to trust the residents to stay within bounds? Bacon: Yes, the NCC could commission that. Rivers: Wouldn't it be better to have fewer duplexes? Carrozza: That's why the Commission was asking about the percentage of impact to the riverfront area. As long as the site meets WPA standards—which it's well below—we cannot ask that the applicant do anything else. (Kadish noted that Commission members R'OR and TV had joined the meeting.) Rivers: Are special permits involved? Kadish: No, this is a standard hearing and perhaps the "special permits" you mention fall within the purview of the Planning Board.

Harrop: "Justin's Iphone" asked whether snow can be stacked on the leaching fields? Thomas: BoH issue. Bacon: Not a good idea. MacDonald: How will the pine trees be protected from salt? Bacon: All the runoff will go into basins. Carrozza: Any runoff toward the pine trees and the back of the lots [i.e., to the south] would only come from the lawn. The pavement is toward the front of the lots. Runoff should make its way into the subsurficial detention basin. Kadish: But it brings up the question of (recommending) non-sodium de-icers. Carrozza: You typically do that for drinking waters. Thomas: Perhaps a condition should be added. Carrozza: Once the owners are there, we have no control over what they do [regarding de-icers].

Kathryn Ryder: Who owns [Meadowbrook] Pond and its damn? Bacon: Sher-Corp, I believe. Sam Widak confirmed that Sher-Corp is the owner. It was brought out that there had been ideas of dividing ownership of the culvert dam between residents per an HoA agreement. Carrozza: We will need a copy of that agreement. Thomas had already spoken to Widak about it.



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Ryder: Wildlife? Box turtles? Are there any reassurances that Sher-Corp can give regarding that wildlife? Bacon: Because most of the development is over 100' away from wetland areas, wildlife agreements aren't "triggered." Carrozza: We're going to ask that the sediment control be converted into a barrier. Common wildlife isn't protected under State law.

Scott Smith, who works for the property managers, asserted that the site is being used as a dumping ground—boats, TVs, saunas, drugs, even a car—and that development would improve such a situation. Eric Paulus, resident of Eddy Street, noted that this has long been a beautiful area. There has been talk about acquiring it for the Town. It would be nice if the Town could take care of it in the same manner as the Edith Read property. Kadish: Every decision we make is bound by the WPA, and we cannot exceed it, etc.

Harrop: Deborah Rosenbaum: Will there be ways to mitigate fertilizers, etc. from the lawn?

Kadish: When they take up residence, this devolves upon the homeowners, and is beyond NCC control.

Carrozza: If Meadowbrook Pond were contributing to a Town water supply or in a wellhead area, we would probably condition it, but the Town—which is supplied by driven water—doesn't use this pond as a supply. Bacon confirmed this assertion.

Harrop: Guarino: Landscaping plans? Carrozza: We have no landscaping requirements. The Planning Board might.

Sherry Widak, owner of SherCorp, who has owned the property for 40 years, spoke about financial matters—beyond the purview of the NCC—regarding the site.

MacDonald expressed her concern for wildlife. Carrozza: Although the site's wildlife is precious to us, it's what's known as "common wildlife" and therefore beyond the jurisdiction of the Commission and Director, who have inspected the site, and determined that it contained no protected wildlife.

<u>Motion to continue the hearing to the 9/25/23 meeting</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Pearson	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. Carrozza		Carrozza	Pearson		
		Fernandes	Vest		

At this point the Director mentioned that there were spaces open for membership on the Open Space Committee. Kadish added that the NCC likewise still has one membership vacancy.



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B. 250- 1135-NOI-84 Leonard Street – J. Williams Construction Corp (Map 11, Parcel 79-2)

The applicant proposes to construct a 28'x30' garage, a portion of which would be within the 100' buffer zone. The application also includes an after-action filing for an existing shed, carport, tree work, and asphalt paving, portions of which were done within 100' buffer.

REQUESTED CONTINUANCE UNTIL 9/11

Motion to the 9/11/23 meeting		Aye		Abstain	Nay
1. Carrozza	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. Pearson		Carrozza	Pearson		
		Fernandes	Vest		

II. CONTINUED PUBLIC HEARINGS

- A. **DEP#250-1132-NOI- 6 Mary Joe Road-Mark Mariano, (Map 35, Parcel 10-02)** The applicant proposes to construct a new single-family home including a Title-5-compliant septic system, driveway, site grading, site cleanup, domestic well, and associated clearing and driveway extension within 100' of BVW and in NHESP zone. **REQUESTED CONTINUANCE UNTIL 9/11**

Motion to continue the 9/11/23 meeting		Aye		Abstain	Nay
1. Pearson	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. O'Reilly		Carrozza	Pearson		
		Fernandes	Vest		

- B. **DEP#250-1134-NOI-S. Worcester & E. Hodges Street** The applicant proposes to replace 4500' of watermain and 2130' of watermain on E. Hodges.

Kadish: Was it the case that we only needed a file number and can we then close? Thomas: Yes.

Carrozza: Were there not outstanding questions about lay-down area/yard? Thomas: The Water and Sewer Dept. suggested that the applicant use a site at 166 John Scott Blvd. for that purpose. Carrozza: We should ask the applicant in the conditions for language about staging and lay-down and a specific dewatering plan—a specific “deliverable”—prior to the start of construction. Thomas: I will include what you stated verbatim.

Motion to issue the order as discussed		Aye		Abstain	Nay
1. Carrozza	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. Pearson		Carrozza	Pearson		
		Fernandes	Vest		

III. REQUEST FOR CERTIFICATE OF COMPLIANCE/ EXTENSION/ AMENDMENT



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A. Amended OOC- DEP#250-1072-44 Bay Road

Kadish: We were awaiting NHESP approval. Carrozza: Thomas, could we include the Boating and Waterways bylaw in the conditions? Thomas: The bylaw is on our website...but I can include language from it regarding maintenance. The applicant has a copy of the bylaw, but I will include it as well.

Motion to approve the AOC as amended		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Carrozza	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. Fernandes		Carrozza	Pearson		
		Fernandes	Vest		

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

- a. **DEP#250- 1133-ANRAD- 55 Newland Street (Map 2/5, Parcels 1/6,9 & 96)** The applicant requests verification of onsite resource areas.

Kadish pointed out item four, regarding ILSF. Carrozza: Thomas, I would add that this ORAD does not include confirmation of BLSF. Thomas: I will add that.

Motion to approve the ORAD as discussed		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Carrozza	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. Fernandes		Carrozza	Pearson		
		Fernandes	Vest		

C. REVIEW DRAFT MINUTES

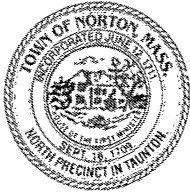
- 8/14/2023

Responding to Pearson's question, Carrozza suggested that Pearson consider the formats of other conservation commissions' minutes as models. Kadish advocated for more detailed notes—drawing an analogy to medical records—should they ever need be consulted.

Motion to accept the minutes as amended		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Carrozza	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. Pearson		Carrozza	Pearson		
		Fernandes	Vest		

VI. OLD BUSINESS/ NEW BUSINESS/ Discussion

- Report from Staff



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Thomas asked the Commission to prepare for a lengthy meeting on 9/11. Kadish noted an instance of the West Nile Virus in town. He asked Thomas about the Naragansett Bay Grant? Thomas: The grant would determine whether a boat launch would be feasible or viable. More habitat improvements are suggested. But a checklist wasn't provided. Carrozza: How often would the Open Space Cmte meet. Thomas: It must meet a few times a year to be certified as such. I have enhanced the website of the Open Space Committee.

The meeting was then adjourned.

VII. 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/81291132844?pwd=S205Z01sek1JdzZ0bHZVTEk5OFNMdz09>
When prompted enter Meeting ID: 812 9113 2844 Passcode: 442151 Phone: 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. Please make sure your computer's video/audio is on.
 - If you cannot hear, you may need to phone in by calling 1-646-558-8656, same meeting ID and password as above. If it asks for a participant id you can just hit #. Please put your phone on mute until the Chairman asks for your comments.
 - Everyone will be placed on mute at the beginning of the meeting as you sign in but you should be able to hear. We will unmute you when we reach the public question and answer portion of our meeting.
3. If, for some reason, neither option is working for you, you can email the Conservation Commission at conservation@nortonmaus.com to ask your questions. We will read your email address, name and comments into the public record.
4. The standard procedure for a public hearing is a presentation by the applicant's representative, questions and comments by the Conservation Commission and Director, then opening questions and comments to the abutters. Please be patient and wait for your turn to participate.
5. If there are no additional questions by the Conservation Commission or Director, the hearing would typically close; however, to ensure adequate opportunity for public participation, those specific hearings will be continued until the next meeting. This will be announced. You will have until the next



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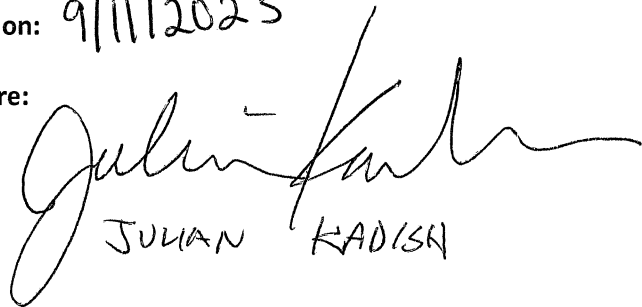
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meeting to provide your comments and questions before the Commission closes the hearing and makes a decision.

Respectfully Submitted by: Daniel Pearson

Minutes approved by commission on: 9/11/2023

Conservation Commission Signature:


JULIAN KADISH