



Norton Conservation Commission  
70 East Main Street  
Norton MA 02766  
508-285-0275

Email: [jthomas@nortonmaus.com](mailto:jthomas@nortonmaus.com)  
<https://www.nortonma.org/conservation-commission>

RECEIVED  
NORTON TOWN CLERK

2023 OCT 19 PM 3:42

**Monday September 25, 2023**

**6:30 pm**

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

Next Meetings:

10-16-23

11-13-23

11-27-23

12-11-23

Conservation Commission 09/25/2023 - YouTube

## **MINUTES**

### **Attending**

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

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

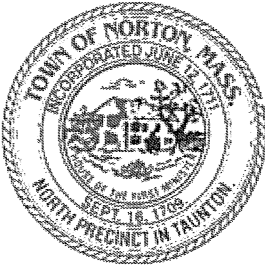
### **Absent**

Tamah  
Vest

- I. **Meeting Opened, 6:30 PM**
- II. **Reading of Remote Participation Statement** ("Pursuant to Governor Healey's March 29, 2023 bill extending several COVID-era policies...")
- III. **NEW PUBLIC HEARINGS**
  - A. **250-1129-NOI-0 MANSFIELD LOT C (Map 16, Parcel 93)**
  - B. **250-1130-NOI-0 MANSFIELD LOT D (Map 16, Parcel 93)**
  - C. **250-1131-NOI-0 MANSFIELD LOT E (Map 16, Parcel 93)**

The easternmost end of Parcel 93 (at the intersection of Reservoir Street and Rte. 140) is divided into eight lots. The northwesternmost two of these are owned by another party and were not further discussed at the meeting. The applicant proposes constructing a 24-unit apartment building, with associated grading and utilities, on each of three lots (actually the remaining six lots combined into three units of two—Lots C, D, and E), all within 100' of a BVW at the corner of Mansfield Ave and Reservoir Street. Files 250-1129–250-1131, all owned by Picerne Real Estate Group, were addressed simultaneously as if one file.

Jack Jacobi, attorney of Coogan Smith (Attleboro) introduced Nick Ryder, Picerne; Scott Goddard, Goddard Consulting; and Dan Campbell, Level Design Group, who would be "the presenter."



## Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

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

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

Lots C & D are contiguous and drain to the rear of the property. Lot D also catches drainage from the Mass Highway Division. The catch basins on Mansfield Ave currently drain to a headwall “overland”; the applicant would catch that drainage and deposit it in the rear of their proposed grading.

Campbell talked about wetland flags and what they represented. He noted that on lot E, the front of the lot would catch drainage, but drainage would overflow to the rear.

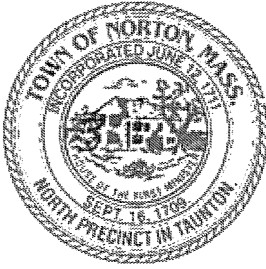
Campbell: At the advice of the Norton Water and Sewer Commission, the site would tie in with the sewer at the intersection of 123 and 140 (rather than on Reservoir Street), as the portion of Mansfield Ave in question doesn’t abut wetlands. Subsequent to a meeting with the Building Cmte., the applicant would be presenting a new site plan.

Thomas directed the Commission to notes in his latest “COR” and to the Stormwater Handbook. This project depends on a new sewer line being laid. Kadish (to Thomas): Is it now the position of the Town to align sewers in favor of development rather than critical need? Campbell offered to answer the question and did: The Sewer Dept. allows private developers to extend the sewer at their own cost, as would here be the case. Kadish: When there’s a critical need for a septic upgrade, residents are obliged to connect to a Town system. So even if one claims that there is no cost to the Town, individual residents would nevertheless need to pay to connect to the Town system, a subject on the periphery of the WPA. Campbell: The Town by-laws don’t require residents to connect to the Town sewer system (nor does the Commonwealth, unless a resident’s private septic system should fail).

Carrozza: Please go over for the meeting what work is planned within the 100’ and 25’ no-build zones, etc., and what you have done to minimize intrusion into the buffer. Campbell started with Lot C: The applicant plans to construct gravity retaining walls with Redi-Rock ([Gravity Retaining Walls with Large Precast Modular Blocks | Redi-Rock](#)), which Campbell noted doesn’t require as large a construction equipment footprint as, e.g., Allan Block walls ([allanblock.com](http://allanblock.com)).

Carrozza asked about the retaining wall in Lot C. Campbell responded that its based would be 6”–8” from the 25’ NDZ. Carrozza further asked whether such a wall could be both built *and* maintained within the proposed space (without going into the 25’ NDZ). Campbell: “Absolutely.”

Carrozza: Regarding the adjacent unit: When the proposed building corner would be right on the 25’ NDZ, how would people be able to walk around the building? Campbell: We would add grass pathways of at least 3.5’ or 4’ in between in the final plan we submit for your approval.



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

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

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

Carrozza: So, these units would have no backyards? Campbell: We have planned that a space between Lots C and D would be used as a common “greenspace.” The building units will have paths and backyards in the final plans.

Carrozza asked about the height of the wall at C & D. Campbell: At the highest point it would be 8’ at the back. (Compare the wall of 9’-10’ at the Plainville YMCA.)

Lot E. Campbell spoke about the creation of swales for drainage purposes. Carrozza wished to revisit Lot D: I would ask you to consider exchanging (“flipping”) the proposed location of the building for that of the retaining wall, a move that could situate the building at a greater distance from the 25’ NDZ. Campbell: The Planning Board asked us to put the parking lot closer to the wetland. Carrozza: You might consider not building the units at exact 90° angles from the street so as not to work against the preexisting site grading.

Kadish opened the presentation to questions from the audience. Jane Rotondi, 17 Reservoir Street, expressed concern her basement floods and none of the proposed units would have basements. Campbell: The upcoming peer review would show that the proposed construction would “not increase[e] any of the peak flows or volumes off the property.” The applicant’s study uses the volume of the wetlands—rather than the wetland border—as a control. Kadish: Should the project go through, not increasing the flow would become the owner’s responsibility. Campbell agreed. Carrozza: I think [the neighbors] are concerned about groundwater intrusion.

Carrozza asked what provisions the applicant planned to make for snow plowing and storage. She pointed out that there would be no place to put the snow: The site would prevent a plow from going to the right. Would the site be plowed by a homeowners’ association. Campbell: No, Picerne, out of Rhode Island. Carrozza emphasized that she thought the plan was unrealistic. Nick Ryder said that snow removal was an important priority for Picerne. Jack Jacobi: Lot E is going to look different. Carrozza asked for a barrier all around the wetland, some type of visual barrier. The space between the building and wetland is really tight. Campbell agreed.

Jane Rotondi: If 72 units, all of which are going to discharge water, are built, it’s going to negatively impact the local homes. Kadish: The unit usage will go into the sewer. Bill Rotondi, 17 Reservoir Street, expressed similar concerns and noted that such disturbances of “nature” were bound to affect neighbors adversely. Campbell: We’re going to mitigate things to match preexisting hydrology. The applicant would meet State requirements “to a degree.” Pearson criticized Campbell, emphasizing that the applicant should follow regulations “entirely.”



**Norton Conservation Commission**

70 East Main Street

Norton MA 02766

508-285-0275

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

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

Jacobi said that requirements would be followed entirely.

<u>Motion to continue to all three files to 10/16/23 mtg.</u>		<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			

**IV. CONTINUED PUBLIC HEARINGS**

**A. DEP#250-1132-NOI- 6 Mary Joe Road-Mark Mariano, (Map 35, Parcel 10-02)**

The applicant proposes constructing a new single-family home including a title five system, driveway, site grading, site cleanup, domestic well, associated clearing and driveway extension within 100ft of BVW and NHESP zone.

Without certain parties present, it was decided to continue the hearing until they could be present.

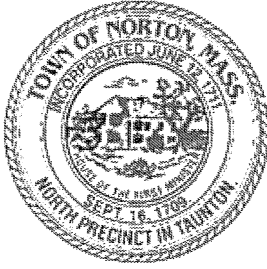
<u>Motion to continue hearing to 10/16/23 mtg.</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Carrozza	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. Pearson		Carrozza	Pearson		
		Fernandes			

**B. DEP#250-1137- NOI-299 S. Washington, (Map 25, Parcel 93)**

The applicant proposes constructing an approximately 55,000ft<sup>2</sup> industrial building with 13 loading docks, parking areas, utilities and proposed stormwater management structures within 100ft of a bordering vegetated wetland.

Rich Riccio and Chris Parnock of Venture Properties, the owner, were before the Commission. Riccio: The main issue concerning us after the last meeting was the retaining walls. No work will be done beyond the 25' buffer zone. The applicant expressed confidence that the work could be completed from the high side of the embankment. We would try to place sediment traps in lower areas. Grading questions were addressed. There would be bituminous roofing materials for the water run-off. The stone pads were lengthened and extended 50 feet.

Thomas: I have drafted an OOC. Carrozza thanked Riccio for taking account of the Commission's notes and asked that Thomas site the stormwater regulations regarding metal roofing in the OOC and specify what kind of roof the applicant would use prior to the start of construction.



## Norton Conservation Commission

70 East Main Street  
Norton MA 02766  
508-285-0275

Email: [jthomas@nortonmaus.com](mailto:jthomas@nortonmaus.com)  
<https://www.nortonma.org/conservation-commission>

<u>Motion to close the public hearing</u>		<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			

### C. 250-1136-NOI-0 Eddy Street- Sher-Corp LTD, (Map 32, Parcel 31)

#### REQUESTED CONTINUANCE UNTIL OCTOBER 16<sup>th</sup>

The applicant proposes a 5.8-acre +/- private development of four 2,200 sf duplex units sharing a 1,250' long x 20' wide asphalt driveway and appropriate storm water controls.

Thomas noted that the applicant would be before the Planning Board on the following night.

<u>Motion to continue public hearing to 10/16/23</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			

## V. REQUEST FOR CERTIFICATE OF COMPLIANCE/EXTENSION/AMENDMENT

### A. Amended OOC- DEP#250-1119- 0 S. Washington

<u>Motion to continue to 10/16/23</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Carrozza	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. O'Reilly		Carrozza	Pearson		
		Fernandes			

### B. COC 250-1079-145R Plain Street, Residential Project

Thomas: The applicant had to install a barrier for a lot only partially under NCC jurisdiction (and did so).

<u>Motion to issue a full COC</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Carrozza	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. O'Reilly		Carrozza	Pearson		
		Fernandes			

### C. REQUEST FOR EXTENSION -250-1068- 3 Baker Street

<u>Motion to issue a two-year extension</u>		<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			

Thomas: The permit's about to expire, but no ground has been broken because of COVID, etc.



Norton Conservation Commission  
70 East Main Street  
Norton MA 02766  
508-285-0275

Email: [jthomas@nortonmaus.com](mailto:jthomas@nortonmaus.com)  
<https://www.nortonma.org/conservation-commission>

**VI. SIGN AND ISSUE ORDERS OF CONDITIONS/ORDERS OF RESOURCE AREA DELINEATION**  
**A. DEP#250- 1135-NOI-84 Leonard Street – J. Williams Construction Corp, (Map 11, Parcel 79-2)**

The applicant proposes constructing a 28'x30' garage, with a portion of the garage within the 100' buffer zone. Also included is an after-action filing for existing shed, carport, tree work, and asphalt paving, portions of which were done within 100' buffer.

Kadish noted that the file was more or less “boilerplate.”

<u>Motion to issue the order of conditions</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Carrozza	<i>Carries unanimously</i>	Kadish	O'Reilly		0
2. Fernandes		Carrozza	Pearson		
		Fernandes			

**VII. REVIEW DRAFT MINUTES**  
**A. 9/11/23**

**VIII. OLD BUSINESS/NEW BUSINESS/DISCUSSION**  
**A. REPORT FROM STAFF**

Thomas introduced prospective Conservation Commission member Paxton Halsall. Julian welcomed him, told him the good things about working for the NCC, and then he and Thomas suggested some *pro forma* administrative steps Halsall might next take.

Carrozza noted that local press have referred to the construction represented by files 250-1129–250-1131 as located at “0 Mansfield Ave,” a designation that while formally accurate doesn’t offer the public a clear understanding of the site’s location. She asked Thomas if he could address the problem, and he responded in the affirmative. Harrop mentioned that newspapers charge per word. Commission members gave various expressions of support for revised language, which might consist of phrases such as “in the vicinity of” (Carrozza).

**IX. 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:



**Norton Conservation Commission**


70 East Main Street

Norton MA 02766

508-285-0275

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

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

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/84409693431?pwd=cFdkbGwNk1nSzljSEw0WmorMWMrZz09> When prompted enter Meeting ID: 844 0969 3431 Passcode: 494100 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](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.

**Respectfully Submitted by: Daniel Pearson**

**Minutes approved by commission on:** 10/16/23

**Conservation Commission Signature:**

  
JULIAN RADISH