



**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>

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**Monday October 16, 2023**

**6:30 pm**

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

Next Meetings:

11-13-23

11-27-23

12-11-23

01-08-24

<https://www.youtube.com/watch?v=x4hQoLIHbKw>

**MINUTES**

**Attending**

Julian Kadish, Chairperson; Mark Fernandes; Paxton John Thomas, Conservation Dir.  
Halsall; Ron O'Reilly; Dan Pearson; Tamah Vest Megan Harrop, Conservation Secty.

**Absent**

Lisa Carrozza

**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. DET# 1134 | 376 Old Colony Road (Map 26, Parcel 16) RDA, Steve LaCivita**

The applicant proposes to replace a cesspool on a retail property with a septic system.

Craig Cyganowski (RIM Engineering) and Steve LaCivita's partner, Brian Donohue, represented the applicant before the Commission. Wetlands and a potential vernal pool border the site, the front of which is too close to the road to allow a septic system. The system would thus be built in the back of the site over 50 ft from any wetlands. Due to high groundwater, it would be a pump system. Sediment controls are planned. Kadish: How much fill would you be using? Cyganowski: We're at elevation 109' going up to 112' (i.e., raising it 3'). Kadish: So, less than 100 yds<sup>3</sup> [of fill will be used]? Cyganowski: "Oh, definitely." Kadish: Questions? John? Thomas: This is an administrative project to bring the applicant in compliance with Title 5.

**Motion to close the public hearing**

- |              |                |
|--------------|----------------|
| 1. Vest      | <i>carries</i> |
| 2. Fernandes |                |

**Aye**

Kadish  
Fernandes  
Halsall

Pearson  
Vest

**Abstain**

0

**Nay**

0

**Motion to issue a -3 determination**

- |              |                |
|--------------|----------------|
| 1. Vest      | <i>carries</i> |
| 2. Fernandes |                |

**Aye**

Kadish  
Fernandes  
Halsall

Pearson  
Vest

**Abstain**

0

**Nay**

0



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*Ronald O'Reilly joins meeting*

### **B. DEP# 250-1138 | 14 Guy Street (Map 20, Parcel 160) NOI, Michael Durant**

The applicant proposes to demolish and reconstruct a single-family house with associated subsurface septic system, utilities driveway, and final grading.

David Klenert from Collins Civil Engineering Group represented the applicant before the Commission. Water table close to the surface. Applicant plans to keep development 1.5' above the water table. Proposed septic system would be in the northeast of the site outside the 100' buffer. A silt fence would go down to 31' from the container, which was delineated by Brooke Monroe (Carver, MA). Foundation to be raised 2' to keep it out of the water. The house, per Thomas' query, could be moved "forward and...over" (to the east). It would seem there would be more disturbances (i.e., trees affected). Fernandes: What would be the elevation of the slope in the backyard area? David Klenert: All 3:1 slopes. We were considering adding a small landscaping wall—indicated in the as-built plans—to create less impact. Fernandes: Has there been consideration of a fence in the backyard to mark the 25' NDZ? David Klenert: The 25' NDZ only has a small footprint on the site. There is currently a fence roughly delineating disturbed and undisturbed land. [The applicant] could maintain it.

#### Motion to continue the public hearing 11/13 meeting

- |            |                            |
|------------|----------------------------|
| 1. Pearson | <i>carries unanimously</i> |
| 2. Vest    |                            |

<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
Kadish	O'Reilly	0	0
Fernandes	Pearson		
Halsall	Vest		

### **C. DEP# 250-1139 | 0 Dean Street (Map 35, Parcel 11) NOI, Strongpoint Engineering**

The applicant requests that resource areas be verified and proposes constructing a 4-lot residential subdivision off Dean Street.

Eric Dias, PE, CPESC, President of Strong Point Engineering, represented the applicant before the Commission. Brad Holmes, Environmental Consulting and Restoration, delineated the wetland. There is a potential vernal pool on the east of the site; the applicant assumes that it is a VP. The only part of the site that borders the buffer zone is a stormwater discharge on the southeast of the site. Dias cautioned that although the project is presently 100' from the vernal pool (and 25' from the NDZ), changes could be made to the "layouts" of the final structures (e.g., turning one or more into duplexes). Structures on the site will have both underground and rooftop infiltration systems. Pat Brennan reviewed the site's stormwater plan, with which the applicant has no disagreements. Thomas reviewed the site and didn't see the need to change any flags. The PVP might indeed be a CVP. Kadish: So the entry roads to the side slope up to the structures and then down to the wetland in the back of the site. Roughly how high above Dean Street is the cul de sac connecting to it? Dias: A 5' slope runs then through the existing 121' contour: so we are



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matching grades. We're at about 116' at the road. Kadish: A gentle slope, then? Dias: Yes. Thomas: I could draft an OOC while waiting for other Town departments.

<u>Motion to continue the hearing until 11/13</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Pearson	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. Vest		Fernandes	Pearson		
		Halsall	Vest		

#### IV. CONTINUED PUBLIC HEARINGS

A. DEP# 250-1129 | 0 Mansfield Ave. (Map 16, Parcel 93) NOI, Applicant

B. DEP# 250-1130 | 0 Mansfield Ave. (Map 16, Parcel 93) NOI, Applicant

C. DEP# 250-1131 | 0 Mansfield Ave. (Map 16, Parcel 93) NOI, Applicant

The applicant proposes constructing 24-unit apartment buildings per lot with associated grading and utilities within 100' of a BVW.

<u>Motion to the 11/13 meeting</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Pearson	<i>carries</i>	Kadish	O'Reilly	0	0
2. Fernandes	<i>unanimously</i>	Fernandes	Pearson		
		Halsall	Vest		

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

The applicant proposes constructing a new single-family home including a Title 5-compliant septic system, driveway, site grading, site cleanup, domestic well, associated clearing and driveway extension within 100' of BVW and NHESP zone.

<u>Motion to continue to the 11/13 meeting</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Vest	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. Fernandes		Fernandes	Pearson		
		Halsall	Vest		

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

The applicant proposes constructing four 2,200 sf Duplex Units, 1,250 linear foot - 20' wide asphalt common driveway with the appropriate storm water controls.

Thomas: The applicant said that their absence at the meeting was tantamount to a request for a continuation.

<u>Motion to continue to the 11/13 meeting</u>		<u>Aye</u>	<u>Abstain</u>	<u>Nay</u>
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1. Pearson	<i>carries</i>	Kadish	O'Reilly	0	0
2. O'Reilly	<i>unanimously</i>	Fernandes	Pearson		
		Halsall	Vest		

### F. DEP# 250-1119 | 0 South Washington St. (Map 24, Parcel 62) AOOC, David Pateuk

The applicant requests to AOOC to eliminate 98% of the site's paved surface and remove its retaining walls. In addition, the applicant seeks to construct a 40'X100' metal building for dry storage with a 20'X100' apron and infiltration trench for the roof runoff.

Thomas: The applicant awaits a meeting with the Planning Board to complete their plans.

<u>Motion to continue to the 11/13 meeting</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Fernandes	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. O'Reilly		Fernandes	Pearson		
		Halsall	Vest		

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

### A. DEP# 250-1082 | Leonard Street Ext. (Map 11 & 12, Parcel 25, 25-01 & 15) COC, Condylne

Kadish noted that this is the site with the buildings on it. Thomas: They've done a great job; there was a minor area hedging compliance which I expect to comply in the future. I recommend issuing an FCOC.

<u>Motion to continue to issue an FCOC</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. O'Reilly	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. Fernandes		Fernandes	Pearson		
		Halsall	Vest		

### B. DEP# 250-0871 | 135 Bay Road (Map 12, Parcel 30) COC, East Coast Site Development, Inc.

Thomas: This is the old Bayview Heights project, which was before the Commission in the mid-2000s. The owner hasn't worked on the expired project and wishes now to close out all permits and obtain a COC to facilitate selling the house. Kadish: No as-built plan? Thomas: There is none to be provided because no work has been done on the site.

<u>Motion to issue the COC on the basis of compliance through no work being done</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Pearson	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. Vest		Fernandes	Pearson		
		Halsall	Vest		



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### C. DEP# 250-0872 | 135 Bay Road (Map 12, Parcel 30) COC, East Coast Site Development, Inc.

Thomas: This is part of the same project as DEP#250-0871.

<u>Motion to issue the COC on the basis of compliance through no work being done</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. O'Reilly	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. Fernandes		Fernandes	Pearson		
		Halsall	Vest		

## VI. SIGN AND ISSUE ORDERS OF CONDITIONS/ORDERS OF RESOURCE AREA DELINEATION

### A. DEP# 250-1137 | 299 S Washington Street (Map 25, Parcel 93) COC, Adventure Properties, LLC

The applicant has proposed constructing a ~55,000 sq ft industrial building with 13 loading docks, parking areas, utilities and stormwater management structures within 100' of a bordering vegetated wetland.

Kadish noted the rubber roof design. Thomas: Rich Riccio suggested that possibility.

<u>Motion to approve the OOC as submitted</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. O'Reilly	<i>carries</i>	Kadish	O'Reilly	Halsall	0
2. Vest		Fernandes	Pearson		
			Vest		

## VII. REVIEW DRAFT MINUTES

### A. 9/11/25

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

### B. 9/25/23

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

## VIII. OLD BUSINESS/NEW BUSINESS/DISCUSSION

### A. Report from Staff



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- B. New Appointed Conservation Member Paxton Halsall
- C. Town Meeting 10/23
- D. Recommendation for Daniel Pearson to be nominated Conservation Clerk


<u>Motion to elect Daniel Pearson as Conservation Clerk</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. O'Reilly	<i>carries unanimously</i>	Kadish	O'Reilly		0
2. Fernandes		Fernandes	Pearson	0	
		Halsall	Vest		

Kadish asked Halsall if he had any questions about being a ConCom commissioner and noted that there are courses to educate one in conservation.

### IX. ADJOURNMENT

### X. 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:

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.)

1. **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=cFdKblgwNk1nSzJlSEw0WmorMWMrZz09> 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.
2. 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.
  3. 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.



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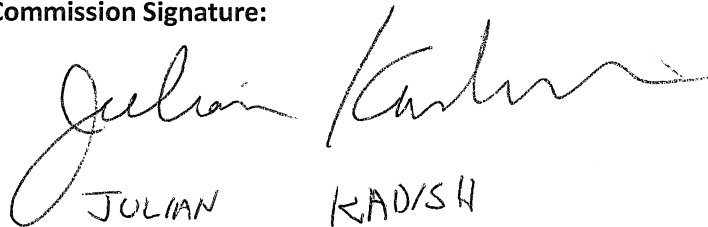
<https://www.nortonma.org/conservation-commission>

4. 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: 11/13/2023**

**Conservation Commission Signature:**

  
JULIAN KADISH