



Norton Conservation Commission

70 East Main Street

Norton MA 02766

508-285-0275

Email: jthomas@nortonmaus.com

<https://www.nortonma.org/conservationcommission>

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NORTON TOWN CLERK

2024 JAN 12 AM 9:46

Monday November 27, 2023

6:30 pm

****Remote Participation Only****

Next Meeting

12-11-23

1-8-24

1-22-24

2-12-24

Google drive: <https://drive.google.com/drive/folders/1S23CGu21xRTnexxAAPRqNr9tHxok1mWI?usp=sharing>

Norton Media Ctr.: [Conservation Commission 11/27/2023 - YouTube](#)

Glossary

<u>term/abbrev.</u>	<u>meaning/citation (with hyperlink)</u>
BMP	a (stormwater) measure in keeping with the EPA's <i>best management practices</i>
HOA	homeowner's association (e.g., for a multi-residence development)
NHESP	MassWildlife's Natural Heritage & Endangered Species Program Mass.gov
Title 5	310 CMR 15.000: Septic Systems ("Title 5")-Compliant System
Zone 2	"The statewide datalayer contains DEP Approved Wellhead Protection Areas (Zone II). As stated in 310 CMR 22.02, a Zone II is: "That area of an aquifer which contributes water to a well under the most severe pumping and recharge conditions that can be realistically anticipated (180 days of pumping at safe yield, with no recharge from precipitation)."

MINUTES

Attending

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

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

Absent

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....")



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III. NEW BUSINESS

A. Proposed CR over 15.5 acres | 0 Reservoir Street

Ned Corcoran, attorney of Milton, MA represented the applicants. The site is a significantly wooded area that abuts the Norton Reservoir. Within each 60,000ft² lot, the applicant proposes to build on 20,000sf²–30,000sf². Kameron Campbell of Decelle-Burke-Sala & Associates (Taunton) joined the discussion. The Planning Board requested that the applicant work with an arborist. The HOA would take responsibility for the proposed internal roadway until the Town is ready to accept responsibility for it.

Kadish pointed out that the plan the applicant submitted to the Commission lacked any indication of buffer zones and asked if any of the lots bordered the BZ. Campbell told the Commission that lots 1, 5, and 14 (of 14) might be within the buffer zone.

Thomas pointed out that the applicant wished first to determine whether the CR could get approved and plan for the road. Then, in a second phase, the applicant would return to the Commission when it was ready to build individual lots. Campbell concurred.

Kadish highlighted the idea that the spaces colored green on the map posted (q.v.) are, by definition, not to be built on—but questioned whether homeowners would in fact do that. Carrozza concurred: Usually when you see a conservation restriction, there is a contiguous piece of land that doesn't give one the idea that one is walking through another's backyard—a greenspace that isn't impeded by housing. I have seen the "backyard" feel happen before around Arrowhead Drive, from which the public has felt excluded. What benefit would such a CR be to the Town? I would split the whole property in two and devote one part of it to the CR and one to residences. Campbell: The center portion isn't meant to be walked, rather to prohibit the clearing of trees. On the north side of the internal road there would be four parking spaces abutting a scenic loop consisting of grass to the east and completed—if one wished—by sidewalks next to the residences to the west.

Carrozza: What happens if, as at Arrowhead, the Town doesn't accept the responsibility for the internal road? Would public access then be prohibited? Campbell: No, the roadway would be open to the public though not accepted as a public street.

Thomas: The area would seem to add to the Town's experience of sightseeing and boating. Further discussion—Reservoir Street is without sidewalks. Carrozza: To launch a boat; would it feel like walking through someone's backyard?

Campbell noted that the Town had the option to purchase the property but did not do so. Thomas: If one looks toward the Reservoir, one gets a sense of the pristineness of New England before colonization.

Echoing an earlier comment, Vest added the question whether having public access to the site would encourage people to endanger themselves by walking on Reservoir Street, which has no sidewalks. In answering, Campbell noted that while there would be no sidewalks on Reservoir Street—part of which would complete the aforementioned loop—people could walk along Reservoir Street at their own risk. There would be buffers of trees between houses that would negate the *someone's backyard* feeling.



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Thomas, noting the examples of other Town CRs—which also made use of narrow spaces—he did not think that the residential aspect of the proposed CR would deter the public from using the area designated it. Kadish asked that the applicant confirm that the night's presentation was merely "informational" and that the applicant awaited the approval of the Planning Board. Campbell: Yes. Thomas: This site would be comparable to that at Barrowsville Pond. The informality of the presentation precluded a vote of any sort, but the applicant was advised that the next step would be to file an NOI. Pearson agreed with Carrozza. Kadish: There is currently no access to the site. If done properly, the site could be great. Thomas: This site could be considered comparable to the widely-used site at Barrowsville Pond. Ned Corcoran pointed out that 15.5 acres of the habitat would be preserved.

IV. NEW PUBLIC HEARINGS

A. NONE

V. CONTINUED 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)

Requested a continuance until 12/11

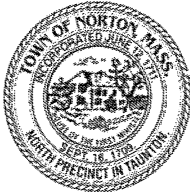
The easternmost end of Parcel 93 (at the intersection of Reservoir Street and Rte. 140) is divided into eight lots. The northwesternmost two of these are owned by another party. The applicant proposes constructing a 24-unit apartment building, with associated grading and utilities, on each of three lots (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.

<u>Motion to continue to the 12/11/23 meeting</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Vest	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. Pearson		Carrozza	Pearson		
		Fernandes	Vest		
		Halsall			

D. 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 5, driveway, site grading, site cleanup, domestic well, associated clearing and driveway extension within 100ft of BVW and NHESP zone. Thomas: The applicant requested a continuation pending a reply from NHESP.

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



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

The applicant proposes constructing a 5.8(+/-)-acre private development that would include four 2,200 ft² duplex units, 1,250 linear foot x 20' wide asphalt common driveway including appropriate stormwater controls.

<u>Motion to continue to 12/11</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Vest	<i>carries unanimously</i>	Kadish	O'Reilly	0	0
2. Pearson		Carrozza	Pearson		
		Fernandes	Vest		
		Halsall			

F. 250-1140, 237 East Main | (Map 11, Lot 34)

The applicant proposes constructing a 32,400(+/-)-ft² building for industrial/warehouse use with parking and stormwater infrastructure.

<u>Motion to close the public hearing</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Halsall	<i>carries</i>	Kadish	O'Reilly	Carrozza	0
2. Vest	<i>unanimously</i>	Fernandes	Pearson		
		Halsall	Vest		

G. DEP#250-1142- NOI- 0 West Main Street | (Map 22, Parcel 2-1,2-2, & 2-3)

The applicant proposes constructing two new residential buildings with multiple rooms and accompanying infrastructure, stormwater, and utilities.

<u>Motion to continue to 12/11/23</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Pearson	<i>carries</i>	Kadish	O'Reilly	Carrozza	0
2. Carrozza		Fernandes	Pearson		
		Halsall	Vest		

VI. REQUEST FOR CERTIFICATE OF COMPLIANCE/EXTENSION

A. 250-1033- Request for Partial COC- 65 Plain Street | (Map 18, Parcel 7)

The applicant proposes constructing a single-family home.

(Tabled for lack of action.)

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

B. DEP# 250-1141- ANRAD - 0 Mansfield Ave | (Map 3, Parcel 721-02)

The applicant proposes verifying onsite resource areas. Carrozza made some suggestions.

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



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C. DEP#250-1119- Requested Amended OOC- 0 S. Washington | (Map 24, Parcel 62)

The amendment proposes to eliminate 98% of the paved surface and remove the retaining walls. In addition, adding a 40'X100' metal building for dry storage with a 20'X100' apron, with an infiltration trench for the roof runoff.

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

David Pateuk, the applicant, was present. Thomas highlighted the changes to the OOC. Carrozza made some suggestions.

D. DEP#250-1139- NOI- 0 Dean Street | (Map 35, Parcel 11)

The applicant proposes verifying resource areas and constructing a 4-lot residential subdivision off Dean Street.

Carrozza asked about condition 21. Regarding this, Thomas used a similar condition from another file as a template.

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

E. DEP#250-1140—OOC for 237 East Main | (Map 11, Lot 34)

The applicant proposes constructing a 32,400(+/-)ft² building for industrial/warehouse use with parking and stormwater infrastructure.

Thomas: The main difference from last meeting is that the plan was approved. Thomas: The building itself is not with the Commission's jurisdiction. Kadish: Was there any concern about the roofing for this building? Thomas: Correct, and there were no specific comments from the peer reviewer. Kadish: Maybe we could add a condition stating that if there were a metal roof, there would need to be additional treatment. Thomas: I would need to check because their stormwater is outside our jurisdiction. On the other plot [of you are thinking] the applicant was within a Zone 2—hence the need for more regulation there.



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

VIII. REVIEW DRAFT MINUTES

A. 11/13/23

Not yet done. By Wednesday.

IX. OLD BUSINESS/NEW BUSINESS/DISCUSSION

A. Report from Staff

The Planning Board has contracted with someone to revise their by-law. Thomas is working with the Open Space Committee.

B. Discussion of Planning Board by-law

Thomas: Similar to Carrozza's comment earlier in the meeting, we should try to have contiguous spaces conserved. Vest: Any idea of when the by-law would be implemented? Thomas: The PB are preparing to get it before the next town meeting. It would perhaps be implemented a year from now.

C. Open Space Committee

Places that have changed, e.g., Houghton's farm, would be removed from the plan. Could a person be on two committees? Fernandes asked what membership on the OSC would involve. Planning, then acting. Thomas asked that people fill out the Open Space Committee survey online.

D. Planning Board by-law

(See minutes for 11/13/23.)

Certain towns are to be examined by Commission members regarding the size of the buffer zones. Carrozza noted that Western Mass, "where they want to keep it rural," has large, zealously enforced buffer zones. Halsall noted that some towns—Acton, Amherst, Bedford, Belmont, Brewster—have 50' BZs on top of 100' NDZs. Thomas: We don't regulate ILSFs; someday we'll have to. Carrozza added that the NCC lacked jurisdiction over IBWs, for which one is supposed to go to the DEP. But realistically, who does that? No one. She further noted that the Commonwealth had a town, unnamed, with a paradisiacal (Pearson's word) 350' buffer zone (!). The Commission should be able to protect any wetland, including all vernal pools and LSFs. Carrozza estimated from work experience that 80% of towns in the Commonwealth have a conservation by-law. Thomas emphasized that the Commission doesn't want to deter development, rather to prevent it in *sensitive areas*. A by-law should state that we know certain



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areas have empirically proven more sensitive and the Town should recognize that with regulation. When Pearson, emboldened by Carrozza's 350' BZ, once again raised the idea of a 125' BZ (settling for a 100'), Thomas countered that the Commission, if it wants to get things done, should do them incrementally. Thomas reiterated that the Commission was trying to bring the NCC in line with what is being done in other towns of the Commonwealth. Thomas suggested looking at towns in a 5-mile radius; Carrozza, a ten-mile or more radius.

X. Adjournment

<u>Motion to adjourn</u>		<u>Aye</u>		<u>Abstain</u>	<u>Nay</u>
1. Carrozza	<i>Carries unanimously</i>	Kadish	O'Reilly		0
2. Vest		Carrozza	Pearson		
		Fernandes	Vest		
		Halsall			

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/83877828849?pwd=MFU3ekRJYUNPUeIpNHRhZFBENTVtZz09> When prompted enter **Meeting ID: 838 7782 8849 Passcode: 518417** 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.



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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: Daniel Pearson

Minutes approved by commission on: 12/11/2023

Conservation Commission Signature:


JULIAN KADISH