



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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2024 FEB 29 AM 9:42

Monday January 22, 2024 | 6:30 pm

****Remote Participation Only****

Next
Meeting:
2-12-24
2-26-24
3-11-24
3-25-24

MINUTES

Google
drive:

<https://drive.google.com/drive/folders/12E7vhqO0t6mzNLrFl2kf4OGSnmrMuhz4?usp=sharing>

Mtg. Link:

<https://us02web.zoom.us/j/81613730794?pwd=YXdSeS9qTk9WbEVOT0hTcjUvNVRSUT09>

Meeting ID: 816 1373 0794 Passcode: 134650 Phone 1-646-558-8656

Mtg. Video:

[Conservation Commission 01/22/2024 \(youtube.com\)](https://www.youtube.com/watch?v=ConservationCommission01222024)

Attending

Julian Kadish, Chairperson, Lisa Carrozza, Vice
Chairperson, Mark Fernandes, Paxton Halsall,
Dan Pearson, Tamah Vest

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

Absent

Ron
O'Reilly

I. MEETING OPENED, 6:30 PM

II. READING OF REMOTE PARTICIPATION STATEMENT

A. ("Pursuant to Governor Healey's March 29, 2023 bill extending several COVID-era policies....")

B. **PUBLIC REMOTE PARTICIPATION PROCEDURE** to be found at end of original **AGENDA**

III. NEW PUBLIC HEARINGS

A. **250-1143-NOI-360 S. Worcester Street (Map 32, Parcel 10)** Construction of a 35,200-sf warehouse with parking lot (western side of the building) and loading docks (easterly side).

Karlis Skulte and Michael Tortora of Civil & Environment Consultants, Inc. represented the applicant. Per Thomas, the applicant will place more wetland flags. They would like to clarify how much area on their site is riverfront. Kadish: Will you be dividing your site in two? Skulte: There is just one phase. The are of work is to be 4.9 acres; roughly 85% of the 33-acre site will remain undisturbed. No work is to be within the 25-ft BZ, most of it will abut the 75-ft BZ and BVW. No vernal pools according to NHESP (?). Retaining walls, etc. are to be installed. (Right and left views being on separate pages may have been what made the site appear to have two phases.) Eleven test pits were dug in January 2023 and evaluated by the BoH. The groundwater turned out to be deep; the soil sandy; both good for infiltration. The applicant would like to implant catch basins below the pavement. After being caught, the water would be treated and reinfiltreated into the ground. At a stormwater meeting it was decided that subsurface catch basins were preferable to open catch basins. The roof areas would convey water to the basins via piping. Stable three-to-one vegetated slopes are proposed for the basins. The applicant proposes to locate a septic system to the northwest of the site. A dense mix of evergreen and deciduous trees would buffer the proposed construction to the west and south. Lighting would consist of street lighting and lights mounted on the site's buildings. Kadish: Comments? Thomas: We have contracted with a peer reviewer to review the site's stormwater plan. Carrozza: As the position of the Wading River was shifted [to



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accommodate railroad tracks], what has been your source of information regarding its delineation? Skulte: The site was flagged three years ago and noted a “former Wading River.” Carrozza: What about flooding? Skulte: North of the railroad tracks there is a floodzone. There is not [a 100-yr flood zone on the property]. Carrozza: Please delineate the walls of the structure and give their composition. Skulte: We would use a modular block system—either Redi-rock ([Redi-Rock | Integrated Wall Solutions](#)) or [other] gravity wall system. Carrozza asked about snow storage and removal. Skulte indicated places on the edges of parking lots. Kadish: Are you planning on using the space for manufacturing? Skulte: “We’re not proposing that...today.” Fernandes: Regarding the flags—perhaps posted last March—are they all going to be redone? Thomas: Because of seasonal difficulty, doing the whole lot would be problematic, and—remembering that this is an ANRAD and not an NOI—I would ask them to approximate their flagging.

<u>Motion to continue to the 2/12/24 meeting</u>		<u>Aye</u>	<u>Abst.</u>	<u>No</u>
1. Vest		Kadish, Carrozza, Fernandes, Halsall,	0	0
2. Carrozza		Pearson, Vest		
<i>carries unanimously</i>				

B. 250-1144-NOI-0 Reservoir Street (Map 9, Parcel 223) The applicant proposes constructing a roadway and utilities for a 14-lot subdivision. Ned Corcoran, attorney in Milton, and Cameron Campbell of DeCelle-Burke-Sala and Associates, engineers, who is the project engineer, represented the applicant. The applicant submitted their case to the Executive Office of [Energy and] Environmental Affairs ([Executive Office of Energy and Environmental Affairs | Mass.gov](#)) for review. Campbell: The rear of the site fronts the Norton Reservoir for 320’. There are passive walking trails and a young forest on the site. There are BVW on the North, East and West. The site would have 2600’ of 26’-wide paved road with 5’ sidewalks on either side. The grading of the roadway is made to match the site as best possible and then slopes off the edges before meeting back up with the lots at a 3:1 slope.[?] Retaining walls would separate the construction from the 25’ BZ. the applicant proposes to construct a wetland and rain garden at the south of the site. Twenty-four catch basins, four manholes, five water quality tanks, and associated filters would handle stormwater. Piped coverts would “shoot” into the existing wetland to the east.

To the north, a catch basin and filtration tank would handle stormwater. Because the soils are poor, because there is high groundwater, and some “ledge” (bedrock) throughout the site, the applicant asks for a waiver on the 1” rainwater retention regulation.

An 8” water line would tie residential utilities into the water supply and 2” forced line sewer and gravity pump into the Reservoir Street gravity sewer line. The applicant would need to bring a sewer line—now under review—1300’ up Reservoir Street.

Street trees would be placed every 40’. Light posts placed every 100’ would be “zero-dark-sky” compliant (glossary).



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Kadish: Does the proposed roadway—with its impervious surface—have to meet stormwater standards?

Thomas: Yes. I see this as a two-phased project: The first part is the roadway; the second, an overarching permit for the individual lots. We should keep in mind that in a project like this, applicants tend toward using a roadway to try to compensate for the effects of stormwater runoff from housing units.

Campbell: Each unit will have its own stormwater system, which would deal with runoff from the roof of the house.

Kadish: But because of the impervious underlying ledge, you wouldn't be able to build septic systems (as you've noted). That seems a conflict to me, one necessitating that, as John Thomas suggested, you would have to compensate by making your road stormwater system stronger.

Campbell: Compensation might also come through individual houses having rain gardens, which would offset water accumulating at peak "through rates," [i.e., peak water flow].

Carrozza: Having the front half of a lot and roof water, etc., processed by road stormwater measures is unconventional.

Campbell: The house gutters would face the rear—

Carrozza (disagreeing): The proposed units would cause a sheet flow of water directly into the street. I suggest that you rethink your stormwater approach by estimating the total amount of your construction per lot; then run your stormwater model taking into account half the roof and the entirety of the driveway: This will guarantee that your street stormwater measures will be able to handle the runoff from the individual lots. The area you must consider is not just the total acreage of the site, but also includes the construction you place on the site.

Campbell: Driveways can be graded to rain gardens in such a way as to retain runoff before reaching the street. Thomas pointed out that Reservoir Street is prone to flooding, e.g., the last rainstorm brought flooding rendering the street "almost impassible in some locations."

The construction you propose would only exacerbate such conditions, and I recommend that your planning be "a little bit more on the conservative side": Round up rather than down. Plan for a larger stormwater/sewer system.

Campbell: We did that originally and the Planning Board asked us to "remove the houses" from the site.

Carrozza: Why? Campbell: The PB felt that the label we used for the houses, "conceptual," was "deceiving."

Carrozza: But that shouldn't influence stormwater plans.

Campbell: We can do different modeling. Thomas concurred.

Carrozza, Thomas, and Kadish asked that the nature of the aforementioned "waiver" for 1" stormwater retention, of which no one in the NCC had any knowledge, be clarified.

Campbell: The water is treated then released; it meets the 90% TSS removal for new development in Norton and 60% phosphorus.

Carrozza: The Commission can't just grant such a thing.

Campbell: The Norton bylaw 133-10 A2 asks for 1" water on the site.

Thomas: It does; it's a bit stricter.

Carrozza: I would refer then to John Thomas.

Thomas: Why would you need the waiver.

Campbell: The soils.

Kadish: Where will the release occur?

Campbell: Northeast of the site.

Kadish expressed concern about the release in the front of the site. Can you prove that the wetland you would create at the front of the site isn't going to outflow onto a neighboring resident?

Campbell: I've dug five test pits on site, and the soils are very "tight."

Groundwater is 2.5' below the surface.

Carrozza saw a problem in saying that there would be no infiltration but then allowing it to devolve on the homeowners to have to worry about infiltration individually.

Thomas pointed out that that most of the extant houses in this part of the neighborhood have needed to be raised up and suggested that those of the proposed development would as well.

The ledge is an issue. Thomas advised the applicant to think of the effect the final project would have on Reservoir Street. Such caution would help avoid future infractions and complaints from neighbors.

Kadish asked what effect discharge would have on immediate abutters. Thomas noted that there are four



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residences directly across the street. Campbell: The proposed system is designed to handle 8" rain/24 hrs. The recent 3"–4" rain was equivalent to a 10-yr. storm; our system is designed to deal with a 100-yr storm, the piping in the streets a 25-yr storm, which is a typical engineering practice. Carrozza and Thomas reminded the applicant of back-to-back storms and snowmelts. Thomas emphasized to prepare for the worst scenario. Answering an attempted summary of the situation by Corcoran, Kadish asserted that discharge directly into the Reservoir would be preferable to what is currently proposed. Thomas reminded the meeting that the effects of heavy rain are exacerbated by Reservoir Street not having the typical catch basic drainage system. Moreover, stormwater from Reservoir Street would itself empty into the proposed artificial wetland. Carrozza commented on the northwest of the site: While the project calls for temporary sediment basins, your plan would wall them off during road construction. Regarding catch basins, each lot will have to be considered separately. The prospective builder should avoid allowing soil exposed during construction to flow back into the basins. There is a danger that if you go about construction piecemeal, you will also have to extract sediment from the basins piecemeal: You don't want to rely on the catch basins for construction runoff. Thomas: From the point of view of stormwater, you'll have to do your construction in two phases [1) road construction and 2) the individual housing lots considered collectively]. [1:13] Carrozza: and individually. Regarding the catch basin in question, grading and depth should be indicated: Please consult the EPA handbook. The contractor needs such information regarding the cost. The sizing of the basin can't be left up to the contractor. Campbell: It won't be. Campbell said that such information would show up on consequent construction plans, but Carrozza answered that the NCC should be shown something prior to that to make sure the basin is correctly sized. Do not stake your wattles: This immediately compromises them. Bolster wattles on either side at a 45° angle. Regarding the crushed stone exit, the stone size should be 3"–5": 1" stone won't shake sediment off a tire: The sediment will rather become rapidly compacted in the stone interstices. The stone should also be refreshed and backbladed, etc., when it becomes clogged. It is common for contractors to think that job is over once the stone is laid. Neither the EPA nor the NCC allow haybales (cf. your note 4) in a construction site. Campbell: We could replace it with a mulch wattle— Carrozza: or straw bale. Hay invites invasive species. We could also use greater detail regarding seeding on at least one plan. Campbell directed Carrozza to plan notes 3 and 4. Carrozza asked that Campbell confirm that the development would be private not public. Campbell: If it is not "accepted," then it stays in a HOA and the HOA is responsible. Kadish reiterated that a defective design could have negative consequences for neighbors and that the underlying ledge could contribute to any problems.

<u>Motion to continue to the 2/26/24 meeting</u>		<u>Aye</u>	<u>Abst.</u>	<u>No</u>
1. Pearson		Kadish, Carrozza, Fernandes, Halsall,	0	0
2. Halsall		Pearson, Vest		
<i>carries unanimously</i>				

C. 250-1145-ANRAD-0 Crane Street (Map 29, Parcel 9-3) The applicant has requested the verification of resource areas on an 11.8 acre site between Crane Street and Pine Street.



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Evan Watson of W Engineering represented the applicant. Brian T. Madden, Senior Wildlife/Wetland Scientist of LEC Environmental "delineated" the site, which consists of a "pit and mound." The soils are sandy and deep. The site is outside the 100' BZ and 200' from the floodplain. Thomas had visited the project, but expressed a desire to do so again after winter conditions had lessened. Kadish asked about the NHESP area in the south of the site. Watson said that he would file it along with the NOI. It was noted that turtles would probably be the protected species. Abutter Niel Dion, 171 Pine Street, addressed the meeting. He asked whether the wetland had been evaluated. Carrozza asked Evans about the state of that evaluation, but then suggested that it might simply be easier to have NHESP identify any relevant species before presenting the relevant plan. Perk tests were done in said area. Evans shared that the testing area had been accessed via both an existing cart path and space to the south of the site. Louis Tenore, abutter of 54 Crane Street objected that he could drive his (apparently wide) truck down the path made by the applicant. Thomas: How big *was* the clearing created? Evans: We just moved in with an excavator and then dug the test pits. Thomas: I'll take a look at it, but be aware that you should inform me before commencing on any such activities in sensitive areas.

Motion to continue to the 2/12/24 meeting

1. Pearson
2. Carrozza

carries unanimously

Aye

Kadish, Carrozza, Fernandes, Halsall,
Pearson, Vest

Abst.

0

No

0

IV. CONTINUED PUBLIC HEARINGS

A. 250-1129-NOI-0 MANSFIELD LOT C | (Map 16, Parcel 93)

The applicant proposes constructing one 24-unit apartment building with associated grading and utilities per lot, all within 100' of a BVW. *Please see below.* **CONTINUANCE REQUESTED (2/12/24).**

B. 250-1130-NOI-0 MANSFIELD LOT D | (Map 16, Parcel 93)

The applicant proposes constructing one 24-unit apartment building with associated grading and utilities per lot, all within 100' of a BVW. **CONTINUANCE REQUESTED (2/12/24).**

Motion to continue 1129-1130 (items A. & B.) to the 2/12/24 meeting

1. Pearson
2. Halsall

carries unanimously

Aye

Kadish, Carrozza, Fernandes, Halsall,
Pearson,
Vest

Abst.

0

No

0

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

The applicant proposes constructing a 5.8 acre +/- private development including four 2,200 sf Duplex Units, 1,250 linear foot - 20' wide asphalt common driveway with the appropriate storm water controls. **CONTINUANCE REQUESTED (2/26/24).**



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Motion to continue to the 2/26/24 meeting

1. Pearson
2. Halsall

carries unanimously

Aye

Kadish, Carrozza,
Fernandes, Halsall,
Pearson, Vest

Abst.

0

No

0

V. REQUEST FOR CERTIFICATE OF COMPLIANCE/EXTENSION

A. 250-1033 COC-65 Plain Street (Map 18, Parcel 7) Construct a single-family house.

Thomas: They have put in the visual barrier fence and placards. The site looks good and 75% of it is covered with grass (albeit under snow).

Motion to issue the COC

1. Carrozza
2. Vest

carries unanimously

Aye

Kadish, Carrozza, Fernandes, Halsall,
Pearson, Vest

Abst.

0

No

0

B. 250-1097-COC – 196 Mansfield Ave (Map9, parcel 278-17 & 278-18) The applicant proposes constructing a commercial warehouse, parking lots, and associated stormwater management systems within proximity to jurisdictional wetland resource areas. Hydroseeding and other stabilization procedures are complete and the applicant has done “a good job.” While perhaps 25% of the work still needs to be completed, visual barriers are in and the appropriate documentation has been turned in.

Motion to issue the COC

1. Vest
2. Carrozza

carries unanimously

Aye

Kadish, Carrozza, Fernandes, Halsall,
Pearson, Vest

Abst.

0

No

0

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

A. 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. Carrozza requested corrections to the OOC, which were corrected in real time by Thomas. Carrozza noted that the findings appeared to be excised and cautioned Thomas that to do so prevents posterity from understanding the thought process behind having acted in a certain way. Thomas countered that there are other commissions that do not retain their findings. Carrozza stated that she found findings “extremely helpful”: project plans, she noted, aren’t recorded at the Registry of Deeds—only the OOC. Putting findings on an OOC could save a trip to Town Hall. Conceding that a findings section would contain redundant information, Thomas agreed to insert a “Findings” section above “Special Conditions.”



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Motion to issue the OOC as discussed

1. Carrozza
2. Halsall

carries unanimously

Aye

Kadish, Carrozza, Fernandes, Halsall,
Pearson, Vest

Abst.

0

No

0

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

Thomas: Based on discussions of findings, I am considering adding information regarding natural heritage, etc. Carrozza suggested that Thomas should reference the MassGIS ([MassGIS \(Bureau of Geographic Information\) | Mass.gov](#)) polygon ID number. If a conservation and management plan applies, also include that in the findings. Thomas: In this case it would trigger a turtle protection plan. Kadish commented that the way Thomas is now ordering OOCs is much better than the previous method and would contribute to a higher rate of being read by contractors. They only write it in if they haven't given it to the NCC before the pre-construction meeting. They must provide us with such information before they disturb any land. Carrozza noted that conditions 13 and 14 of an OOC are standard DEP conditions and that conditions 15 and on are special (even if the NCC considers them "boilerplate").

Motion to issue the OOC as discussed

1. Carrozza
2. Halsall

carries unanimously

Aye

Kadish, Carrozza, Fernandes, Halsall,
Pearson, Vest

Abst.

0

No

0

VII. REVIEW DRAFT MINUTES

A. 12/11/2023

Carrozza suggested the glossary might be put at the end of the minutes.

Motion to accept the draft minutes

1. Carrozza
2. Vest

carries unanimously

Aye

Kadish, Carrozza, Fernandes, Halsall,
Pearson, Vest

Abst.

0

No

0

B. 1/8/2024

Motion to accept the draft minutes as discussed

1. Carrozza
2. Vest

carries unanimously

Aye

Kadish, Carrozza, Fernandes,
Halsall, Pearson, Vest

Abst.

0

No

0

VIII. OLD BUSINESS/NEW BUSINESS/Discussion

A. Report from Staff



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Heavy precipitation has caused “havoc” in town, especially at Barrow’s Court. We don’t own the dam but there are worries about effects to property owners downstream. There will have to be consideration given to Chartley Pond.

B. Dam Inspection Report

The NCC has been provided with a 74-pp report.

C. Thomas met with the people killing aquatic flora on Norton’s ponds: They will be coming before the Commission with a five-year action plan because their contract is up this year.

D. Enforcement order: 102 & 106 Pine Street

This is on the docket because of the coming storm, and Thomas said that he would be checking the matter out. The applicant has been uncooperative regarding discharge into wetland, nor seems to understand that such discharge contains not just run-off, but also sediment. As this is a state-controlled enforcement order, penalties could be higher.

Carrozza mentioned that she has been observing contractors becoming lax in implementing erosion control: They’re using wattle and other perimeter control—which should be thought of as the minimum amount of control and a last line of defense—as a sort of “default.” They should rather have in mind that erosion control should prevent matter from reach the silt fence in the first place. In the case in question, contractors should have been hydroseeding the site last fall. Thomas concurred: He had told them that. The perpetrators also require that Thomas spend time going out to the site to get photographic evidence of the infraction.

<u>Motion to authorize an enforcement order should the party concerned fail to control their discharge</u>		<u>Aye</u>	<u>Abst.</u>	<u>No</u>
1. Carrozza		Kadish, Carrozza, Fernandes, Halsall, Pearson, Vest	0	0
2. Kadish				
<i>carries unanimously</i>				

Carrozza noted that there is a 50-acre lot at 97 Crane Street for sale. Thomas: That property is part of the Riley Family Trust. Thomas began to explain the agricultural restriction governing the property when Joseph Carvahlo of Second Nature Farm, LLC, vegetable grower, addressed the Commission. He had been informed of the APR that very day and made offers to purchase the land. Thomas listed the Town properties under APRs. General discussion centering on the nature of APRs and economics followed. Thomas: Because the property is protected by APR there is no need to add it to its open space property. Thomas welcomed an investigation of the land off Barrows Street with the intent of it being used by the Town. Carvahlo: In concert with other parties.

E. Thomas will be taking vacation this year.

IX. ADJOURNMENT

<u>Motion to adjourn</u>		<u>Aye</u>	<u>Abst.</u>	<u>No</u>
1. Pearson		Kadish, Carrozza, Fernandes, Halsall, Pearson, Vest	0	0
2. Vest				
<i>carries unanimously</i>				



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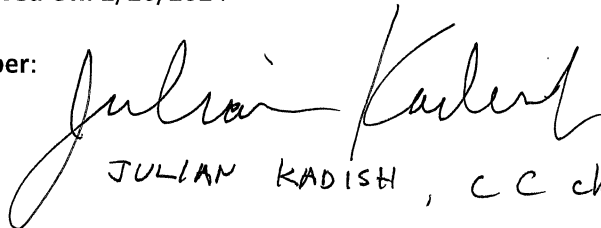
Glossary

<u>term/abbrev.</u>	<u>meaning/citation (with hyperlink)</u>
Dark Sky Compliance	Dark Sky Compliance refers to the practice of minimizing light pollution from outdoor lighting fixtures ¹ . To achieve dark sky compliance, an outdoor lighting fixture must receive the IDA (International Dark-Sky Association) Seal of Approval ¹ . Here is a comprehensive list of requirements for Dark Sky compliant lighting ² : <ul style="list-style-type: none">• Full cutoff fixtures• Fully shielded outdoor lights• Flush mounted fixtures• Side shielded under canopy fixtures• Low color temperatures of 3,000K or lower• Fixtures that are able to either be used with dimmers or be set on a timer (Source: BING)
Polygon	Polygon Feature Class - GIS Wiki The GIS Encyclopedia
MassGIS	(MassGIS (Bureau of Geographic Information) Mass.gov)
APR	agricultural preservation restriction (General Law - Part II, Title I, Chapter 184, Section 31 (malegislature.gov))
OPAP [?] restriction	To purchase land at fair market value

Respectfully Submitted By: Daniel Pearson

Commission Approved On: 2/26/2024

Commission Member:


JULIAN KADISH, CC chair