

Norton Conservation Commission

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

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

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NORTON TOWN CLERK

2024 MAR 29 AM 11:22

Julian Kadish, Chair
Lisa Carrozza, Vice Chair
Daniel Pearson, Clerk
John Thomas, Conservation Director
Megan Harrop, Conservation Secretary

Mark Fernandes
Paxton Halsall
Ronald O'Reilly
Tamah Vest

Page 1 of 8

Norton Conservation Commission

MINUTES

for the remote-participation-only meeting of Monday February 26, 2024 at 6:30 pm

<https://us02web.zoom.us/j/86808376118?pwd=ZUZGRU9VaVRUQ0gvcnRjeE0zKzJEUT09MeetingID:86808376118Passcode:039248> Phone 1-646-558-8656

Next Public Meeting:	3-11-2 4	3-25-2 4	4-8-2 4	4-22-2 4
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Google drive: https://drive.google.com/drive/folders/1_s1qGuNISo0oZONyfJ2CF1-IPE3BD0a2?usp=sharing
Mtg. Video: [Conservation Commissson 02/26/2024 \(youtube.com\)](https://www.youtube.com/watch?v=02/26/2024)

Attending

Fernandes, Halsall, Harrop, Kadish, Pearson, Thomas

Absent

Carrozza, Vest

I. MEETING OPENED, 6:30 PM

II. REMEMBERING RON O'REILLY

Both Kadish and Thomas spoke of Ron O'Reilly's local "stewardship," specifically regarding Chartley Pond and its Dam. Thomas suggested that a plaque be placed on the dam memorializing Ron's service and dedication to the structure. Information regarding Ron's upcoming wake would be sent via NCC e-mail. For his many excellent qualities, Ron is greatly missed by the Commission in particular, and the surrounding area in general.

III. 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

IV. NEW PUBLIC HEARINGS

250-1149 | 183 Taunton Ave, Notice of Intent (Map 28, Parcel 151)

The applicant proposes constructing an RV garage and revised septic system. Craig Cyganowski of RIM Engineering addressed the meeting. Building permit issued in April of 1996, predating the Rivers Act (in effect August 8, 1996). In 2016 another permit was



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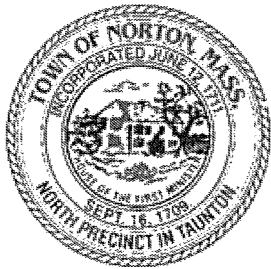
Page 2 of 8

obtained for the purpose of making improvements to the house. Subsequent improvements to the pool and driveway were also exempt from the Rivers Protection Act. The Wading River is to the back [southwest] of the site, which thus has BLSF but also an ILSF. Reflagged in 2021 by Goddard Consulting. Part of the garage, which is larger-than-normal size to accommodate an RV, would be inside the 200' riparian zone. The BoH has approved a new leaching field necessitated by the proposed construction. Adding up all modifications, etc. to the property, we have about "2%...[humanmade] impervious [surface] in the riverfront area." Sediment controls are proposed for the edge of the driveway to protect the wetland. A shed would have to be removed because of a pipe running under it and the pipe reconstructed. There would be slab on grade grading and no basement for the garage. Arborvitae would line the eastern side of the property. The as-built plan for the site came in January of 1997. The water table is 7' below. Materials could be stockpiled outside the 100' riverfront area. Kadish: So, all the planned construction would be on previously disturbed land? Cyganowski: Yes. Thomas: The work that was previously done wasn't subject to the WPA or Rivers Protection Act. Revise the plan to show the revised upgrade and septic area and reflect that in the accompanying table. I think we would be able to close this file at the next meeting.

<u>Motion to continue to 3/11/24</u>		<u>Aye</u>	<u>Abs</u>	<u>N</u>
1. Pearson		Kadish, Fernandes, Halsall, Pearson	<u>t.</u>	<u>o</u>
2. Fernandes			0	0
carries unanimously				

250-XXXX | 27 Power Street, Notice of Intent (Map 27, Parcel 33)

The applicant proposes constructing addition within 100' of BVW. Craig Cyganowski, and owners Lorna and Scott Carroll were on hand to address the meeting. Cyganowski: The property was built in 1960. NHESP has identified a potential vernal pool in the BVW adjacent to the river [Barrowsville Pond]. (While maps of Norton might suggest that the site borders ILSF to the north, Cyganowski believes that it is connected and therefore BVW.) Construction would be about 30' from the wetland. It would be "tight." Tom George, out of Norton, is the developer. George could enter the construction area with a small machine [earth mover] and attempt not to go over neighboring property. There would be a small, 3'-wide trench, which would be difficult to work in. Sediment controls would have to go right along the property lines and the applicant would probably have to use an orange snow fence to delineate the work area. Crushed stone with 4' PVC piping will be used for the septic system "because we know groundwater's going to be an issue out here." All the stockpiling will be in the front yard next to the driveway. And if dewatering is needed in the same area, the leach field presents an issue. The south-central part of the property could be used for dewatering. Thomas: You're going to have to service the septic tanks from the service detail area because you are otherwise cut off. I'm concerned about how trucks are going to access the back to pump out the septic tanks every three or four years. The neighboring property is a conservation restricted property. The encroachments thereon will need to be cleaned



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Page 3 of 8

up/removed. There is a potential vernal pool: We must be sure that there is no take [sampling?] made of the site that contains protected species. Keep in mind that species will be mating and migrating, etc. in the spring. Kadish: You'll have to have a septic pump in good shape to pump that: You'll need about 100' of hose.

<u>Motion to continue the public hearing to 3/11/24</u>	<u>Aye</u>	<u>Abs</u>	<u>N</u>
1. Pearson	Kadish, Fernandes,	t.	o
2. Halsall	Halsall, Pearson	0	0
carries unanimously			

250-1147 | 14 Lloyd Circle, Notice of Intent (Map 24, Parcel 7-07)

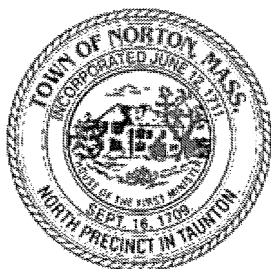
The applicant proposes constructing a single-family dwelling with associated grading, utilities, public water, and sewer. Greg Bunawicz of Borderland Engineering addressed the Commission. The 29th parcel on the lot is under consideration. Lot size 44,691ft². Much of the lot would consist of a drainage area to the rear, the easement of which was already approved by the Commission. Some of the lot would be within the 100' BZ. Kadish: So only a tiny part of the house is within the buffer? Bunawicz: Yes. Kadish asked about what a drainage easement appearing to empty into the wetland. Thomas also saw this but didn't think that the applicant would disturb the area. Thomas pointed out that most of the lots would be covered under one all-encompassing stormwater permit. Kadish asked about a drainage pipe on the eastern side of the plot. A stippled area represented a maintenance access path. Kadish: The buffer zone work would appear limited. Thomas concurred.

<u>Motion to close the public hearing</u>	<u>Aye</u>	<u>Abs</u>	<u>N</u>
1. Pearson	Kadish, Fernandes, Halsall,	t.	o
2. Fernandes	Pearson	0	0
carries unanimously			

250-1148 | 16 Lloyd Circle, Notice of Intent (Map 24, Parcel 7-08)

The applicant proposes constructing single-family dwelling with associated grading and utilities, public water and sewer. (This is lot 30, abutting the lot in the previous NOI, 250-1147, and involving similar matters.) Bunawicz again addressed the Commission. Thomas recommended putting a visual barrier along the site's drainage easement, on the north of the site, consisting of pressure-treated posts or other measures, split-rail fence, etc.

<u>Motion to close the public hearing</u>	<u>Aye</u>	<u>Abs</u>	<u>N</u>
1. Pearson	Kadish, Fernandes,	t.	o
2. Halsall	Halsall, Pearson	0	0
carries unanimously			



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Page 4 of 8

250-1092 | 0 S. Washington St, Amended OOC (Map 25, Parcel 8-11)

The proposed amendment is for selective minor tree trimming activities to enhance visibility of a billboard along Route 495 southbound. Claire Hooageboom of LEC Environmental represented the applicant Stephen Ross (also present) before the Commission. An arborist's report was included to indicate the extent of the tree-trimming layout within the highway plan. Kadish: The intent is to crop the trees at about 25'? Hooageboom: Essentially. Not sure of the exact height. The trees would still be able to grow laterally. Kadish: Equipment might get stuck in the wetland. Nor does the area provide much space to operate equipment. Is there a description in the plans of precautions taken not to damage sensitive areas? Ross: They would be using a bucket with a very long arm and for anything they could not reach beyond that climbers would be used. Kadish reminded the applicant that such trees may grow about 20" a year—and not just laterally—so this could be a recurring issue. Hooageboom: Understood. We recognize that this would have to be done every 10 years or so and that we would need permission both from MassDOT and the NCC to do so.

<u>Motion to close the public hearing</u>		<u>Aye</u>	<u>Abs</u>	<u>N</u>
1. Pearson		Kadish, Fernandes,	t.	o
2. Fernandes		Halsall, Pearson	0	0
carries unanimously				



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Page 5 of 8

V. CONTINUED PUBLIC HEARINGS

250-1129 | 0 Mansfield Ave. LOT C, Notice of Intent (Map 16, Parcel 93)

The applicant proposes constructing 24-unit apartment buildings per lot with associated grading and utilities, within 100' of a BVW. Nick Facendola of Level Design Group represented the applicant. Dan Campbell was absent. There have been no major design changes. Lots C&D and their associated 8-car garages and general parking configuration have been kept. Kadish: You have Town water going in and the sewage going out into the new town sewer. So, the only water generated on site would be from stormwater. Is the soil suitable for that? I would be interested in seeing that in summary form. Facendola: On the northwest of the site would be a surface infiltration basin, which would handle rooftop runoff from Lot C. Catch basins would be draining to subsurface stormwater units, Stormtech chambers (StormTech Products (adspipe.com)) with proprietary treatment units to clean the water. There would also be small drains with proprietary treatment, etc. The applicant has dug test pits. The soils aren't great but not all that bad. Thomas: They are also bringing in 5'-9' of fill for most of the site. Thomas wanted to make sure that there was enough room to move vehicles around the buildings. Have you checked with NFD? Facendola: I'm not sure. Kadish: So John Thomas, everything behind the proposed buildings, all the way up to Reservoir Street is wetland and nothing can be built behind it? Thomas: That's correct. Kadish: We are sensitized to this area because it's largely bedrock below and there is a limit to how much runoff it can handle. Thomas reminded the meeting of troubles we've had on Reservoir. Thomas asked Facendola how the applicant had been communicating with other Town government—Water and Sewer, e.g., had been having problems on Mansfield Avenue. (Please see below for motion.)

250-1130 | 0 Mansfield Ave. LOT D, Notice of Intent (Map 16, Parcel 93)

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

Motion to continue 1129 & 1130

1. Pearson
2. Halsall

carries unanimously

<u>Aye</u>
Kadish, Fernandes, Halsall, Pearson

<u>Abs</u>	<u>N</u>
<u>t.</u> 0	<u>0</u> 0

250-1136 | 0 Eddy Street, Notice of Intent (Map 32, Parcel 31)

REQUESTED A CONTINUANCE UNTIL MARCH 11th

The applicant proposes constructing a 5.8 acre +/- private development which includes the construction of four 2,200 sf Duplex Units, 1,250 linear foot - 20' wide asphalt common driveway with the appropriate storm water controls.

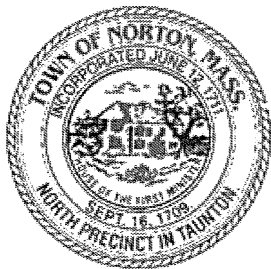
Motion to continue the hearing to 3/11/24

1. Pearson
2. Fernandes

carries unanimously

<u>Aye</u>
Kadish, Fernandes, Halsall, Pearson

<u>Abs</u>	<u>N</u>
<u>t.</u> 0	<u>0</u> 0



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Page 6 of 8

250-1143 | 360 S. Worcester Street, Notice of Intent (Map 32, Parcel 10) REQUESTED A CONTINUANCE UNTIL MARCH 11TH

Construction of a 35,200-sf warehouse with parking lot and loading docks.

<u>Motion to continue the hearing to 3/11/24</u>		<u>Aye</u>	<u>Abs</u>	<u>N</u>
1. Pearson		Kadish, Fernandes, Halsall,	<u>t.</u>	<u>o</u>
2. Fernandes		Pearson	0	0
<i>carries unanimously</i>				

250-1144 | 0 Reservoir Street, Notice of Intent (Map 9, Parcel 223) REQUESTED A CONTINUANCE UNTIL MARCH 11th

The applicant proposes constructing a roadway and utilities for a 14-lot subdivision.

<u>Motion to continue the hearing to 3/11/24</u>		<u>Aye</u>	<u>Abs</u>	<u>N</u>
1. Pearson		Kadish, Fernandes, Halsall, Pearson	<u>t.</u>	<u>o</u>
2. Halsall			0	0
<i>carries unanimously</i>				

250-1145 | 0 Crane Street, Notice of Intent (Map 29, Parcel 9-3)

The proposed project is to verify on-site resource areas.

<u>Motion to close the public hearing</u>		<u>Aye</u>	<u>Abs</u>	<u>N</u>
1. Pearson		Kadish, Fernandes,	<u>t.</u>	<u>o</u>
2. Halsall		Halsall, Pearson	0	0
<i>carries unanimously</i>				

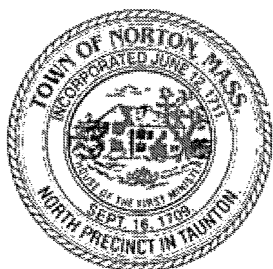
250-1146 | 38 Charlotte Ave REQUESTED A CONTINUANCE UNTIL MARCH 11TH

The applicant proposes razing and rebuilding an existing single-family house, with associated porch, two decks, walkway, pervious driveway and stormwater management system. A removable dock is also proposed.

<u>Motion to continue the hearing to 3/11/24</u>		<u>Aye</u>	<u>Abs</u>	<u>N</u>
1. Pearson		Kadish, Fernandes,	<u>t.</u>	<u>o</u>
2. Halsall		Halsall, Pearson	0	0
<i>carries unanimously</i>				

VI. REQUEST FOR CERTIFICATE OF COMPLIANCE/ EXTENSION

250-1115- 74 King Philip- Partial COC



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Page 7 of 8

(Map 19, Parcel 142)

The applicant proposes constructing a single-family residence with associated gravel access driveway, garage, utilities, and deck in the floodplain. The proposed work will occur within BLSF and the 100' BZ to BVW. Thomas: As FEMA has delegated authority for monitoring conservation restrictions to local public servants, I, as local CRs officer, am responsible for the large amount of paperwork that needs to be returned to FEMA. Information regarding the deck, wetland replication, and stabilization requirements is still wanting. The owner wishes to sell the house. As spring is coming, I have advised him to sow seed on his property.

<u>Motion to issue a PCOC provided that all requirements can be met for the FCOC</u>	<u>Aye</u>	<u>Abs</u>	<u>N</u>
1. Pearson	Kadish, Fernandes,	<u>t.</u>	<u>o</u>
2. Halsall	Halsall, Pearson	0	0
carries unanimously			

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

250-1145| 0 Crane Street, ORAD (Map 29, Parcel 9-3)

<u>Motion to issue the ORAD</u>	<u>Aye</u>	<u>Abs</u>	<u>N</u>
1. Halsall	Kadish, Fernandes,	<u>t.</u>	<u>o</u>
2. Fernades	Halsall, Pearson	0	0
carries unanimously			

VIII. REVIEW DRAFT MINUTES

- 1/22/2024

There was some discussion about the technicalities of the form of the minutes.

<u>Motion to accept the minutes with the amendments discussed</u>	<u>Aye</u>	<u>Abs</u>	<u>N</u>
1. Fernandes	Kadish, Fernandes,	<u>t.</u>	<u>o</u>
2. Halsall	Halsall, Pearson	0	0
carries unanimously			

- 2/12/2024

tabled to allow all members to read the minutes

VI. OLD BUSINESS/ NEW BUSINESS/ Discussion



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Page 8 of 8

- Report from Staff

MACC conference 4/2/24. Vernal Pool season is nigh: If interested in learning about wetland species, I am happy to instruct you.

- Review - DET#1136 | 280 West Main Street – RDA (Map 26, Parcel 114)

Thomas: The applicant will not be able to put in level spreaders, which would be too close to the wetlands. Kadish expressed his support for the approval.

VII. ADJOURNMENT

<u>Motion to adjourn</u>	<u>Aye</u>	<u>Abs</u>	<u>N</u>
1. Pearson	Kadish, Fernandes, Halsall,	<u>t.</u>	<u>o</u>
2. Fernandes	Pearson	0	0
unanimously carries			

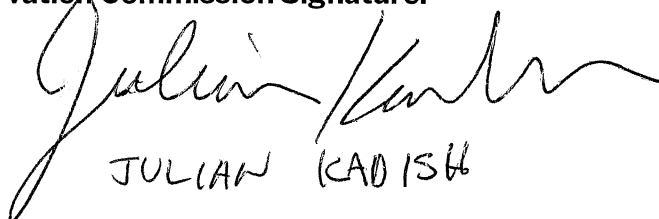
Glossary

<u>term/abbrev.</u>	<u>meaning/citation (with hyperlink)</u>
Rivers Protection Act	Rivers Protection Act Questions & Answers Mass.gov
arborvitae	Thuja occidentalis - Wikipedia
CRs (officer)	Conservation Restriction Review Program Mass.gov

Respectfully submitted by: Daniel Pearson

Approved on: 3/11/2024

Conservation Commission Signature:


JULIAN KADISH