

**Norton Conservation Commission**  
70 East Main Street • Norton MA 02766 • 508-285-0275  
<https://www.nortonma.org/conservationcommission>

RECEIVED  
NORTON TOWN CLERK

Julian Kadish, Chair | Mark Fernandes  
Lisa Carrozza, Vice Chair | Paxton Halsall  
Daniel Pearson, Clerk | Tamah Vest  
John Thomas, Conservation Director | Megan Harrop, Conservation Secretary

2024 APR -9 PM 3:28

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## **Norton Conservation Commission Meeting**

### **MINUTES ● March 11, 2024**

**(remote-participation-only)**

<b>Next Public Meeting:</b>	<b>3-25-2</b>	<b>4-8-2</b>	<b>4-22-2</b>	<b>5-6-2</b>
	<b>4</b>	<b>4</b>	<b>4</b>	<b>4</b>

Zoom link: [Launch Meeting - Zoom](#)  
Google drive: [https://drive.google.com/drive/folders/1xLiOzD98e93lCmfdB2VvCUhvw\\_EYRrW8?usp=drive\\_link](https://drive.google.com/drive/folders/1xLiOzD98e93lCmfdB2VvCUhvw_EYRrW8?usp=drive_link)  
Mtg. Video: [Conservation Commission 03/11/2024 \(youtube.com\)](#)

#### **Attending**

Carrozza, Fernandes, Halsall, Kadish, Pearson, Thomas, Vest

#### **Absent**

Harrop

### **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**

**NONE**

### **IV. 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. Jack Jacoby, Attny. of 144 Bank Street, Attleboro, introduced Dan Campbell, of Level Design, who spoke on behalf of the applicant. Regarding questions the NCC had regarding grading on the northwest part of the site, the applicant proposes to build swales next to the retaining wall. The stormwater line would drain to a basin for greater TSS removal. Water would be "swaled off," as TSS sheets from reviewer Horsely-Whitten required. Very minor additions have been made to contours, etc., since the beginning of the project. Kadish: How close is the bottom of the wall to the property boundary (to the west and north [and east?]? Campbell: We are 1.5'-2' from the bottom of the wall. The front wall, which is 2'-3' high, is closest (a question touching on zoning/planning.) Carrozza: Did you provide for snow removal? Campbell: Yes. There are



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spaces adjacent to the parking lot, the central islands in the parking lot, next to dumpsters, and primarily behind the sidewalks. Carrozza: Does MassDOT have jurisdiction along the Rte. 140, and have you communicated with them? Campbell: Yes, we have asked them for an access permit, but until we have NPB approval, they won't grant it. "We can get to the 75%-of drawings and then have to submit our approval through the Planning Board." They are satisfied with the drainage along the roadway. Carrozza: Theoretically, you're going to have 48 residential units without any open space in their backyards: We don't want people to intrude into the remainder, which is basically the wetland. Campbell: We put the buildings farther apart and would expect people to congregate in the 200' between the residences. Carrozza brought the discussion back to the wetland and whether the wall would serve as a sufficient barrier thereto. Campbell responded that the wall varied in height from 1'-7'. Jacoby: Other towns have required us to post a sign saying "Environmentally Sensitive Area: Do Not Enter." We would have no objection to posting signs periodically. Carrozza: Yes, that would be helpful: We don't want (1) renters going into that area or (2) landscapers dumping leaves in the area. Kadish: Thomas? Thomas: Stormwater review is incomplete. I can draft something for signage in the interim. It might be good, per Campbell's suggestion, to specifically add words saying "no dumping." Bill Rotondi, 17 Reservoir Avenue, expressed concern that a 1' wall wouldn't discourage people from environmental infractions in the wetland. Thomas: We will fine infractions and begin to put up posts. Carrozza suggested that it would be easier to condition a more significant barrier sooner (i.e., now), while the site is undergoing construction, rather than later. Kadish reminded the meeting that a person can step into but not alter a wetland, e.g., putting in a firepit. (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. Bill

#### Motion to continue 1129 & 1130 to 3/25/24

1. Pearson
2. Fernandes

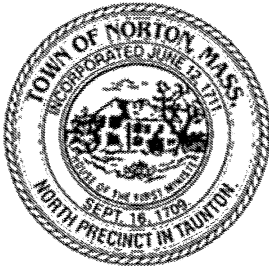
Aye  
Kadish, Carrozza, Fernandes,  
Halsall, Pearson, Vest

<u>Abs</u>	<u>N</u>
<u>1</u>	<u>0</u>
0	0

carries unanimously

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

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. Margaret Bacon and Sam Widek of Civil Site Engineering represented the applicant. Bacon: An ANRAD was filed in 2022 and reflected in the plan. A common driveway was moved northward 80' to avoid the wetland as much as possible. Stormwater features have been submitted to a peer reviewer. Single family houses have replaced duplexes, which were not accepted by the PB. Bacon indicated various snow storage areas, including abutting the common driveway. Access to Meadowbrook Pond via a walking path was added. Guard rails were added to the edge of the driveway. Thomas: You're keeping the stormwater system from the previous design, which would result in less runoff than in your previous design? Bacon: Yes. Carrozza: Is the



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frontage from Taunton Ave or the common driveway. Bacon: Taunton Ave. Carrozza: So, the owners would own narrow lots that go down to the pond? Bacon: Yes. Carrozza: Thomas, we're going to have to get creative regarding limiting access and tree removal. Why is the sediment control barrier not abutting the lawn? Could you "tighten up" the sediment control barrier to meet the lawn wherever possible. Carrozza asked about river impact. Bacon: Only the first lot, etc. are within the riverfront area. The impact percentage is 1.6%. Carrozza: Can the parcel be developed any further? Bacon: No: Only four lots have been approved by the PB. Carrozza: If the owner owns more than these parcels, we have to assess the whole site together. Thomas: They won't legally be able to develop more land on the property: They are landlocked. We can state the facts in the order we issue. Thomas: Please put the pathway leading all the way to the edge of Meadowbrook Pond on the map—it will require special concern regarding its maintenance. Paths tend to be 3'–4' wide and require additional consideration if boat or canoe use, e.g., is planned. Bacon: The original A&R plan had the original common driveway—where the easement is—running through the driveway. We must revise the easement to reflect the new location. Bacon pointed out that an area abutting the path (in the SW of the site) was not to be disturbed. Carrozza: Please have a sign that notes access to the pond. Thomas: It would say something like "Meadowbrook Pond Access Here," every lot would have signage at the end of its lawn, and you should plan on putting 4" cedar posts with placards on the edge of the wetland 50'–70' apart. You can pick them up at the NCC office. Thomas: I recommend conditioning the adjacent dam to make sure it's clear of debris. The question is how formal you want the plan. Carrozza: Can this be done with the O&M plan? Who will own the dam: All four homeowners? Thomas: That is my understanding right now. Carrozza: Then I would emphatically advocate having a relevant O&M plan. I'm not comfortable closing with the amount of work the applicant still needs to submit (including the path details). Kadish agreed. Thomas, would you work on an OOC? Thomas: I can do that. I would like to see them submit forms from other Town departments. If the house layouts do change, the applicant should return to the NCC for an amendment.

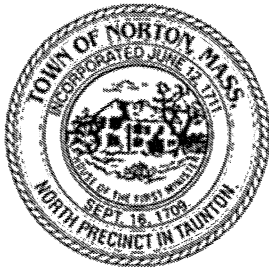
<u>Motion to continue the hearing to 3/25/24</u>		<u>Aye</u>	<u>Abs</u>	<u>N</u>
1. Carrozza		Kadish, Carrozza,	<u>t.</u>	<u>o</u>
2. Fernandes		Fernandes, Halsall,	0	0
carries unanimously		Pearson, Vest		

### 250-1143 | 360 S. Worcester Street, Notice of Intent (Map 32, Parcel 10) REQUESTED A CONTINUANCE UNTIL 4/8

Construction of a 35,200ft<sup>2</sup> -warehouse with parking lot and loading docks.

<u>Motion to continue the hearing to 4/8/24</u>		<u>Aye</u>	<u>Abs</u>	<u>N</u>
1. Pearson		Kadish, Carrozza, Fernandes,	<u>t.</u>	<u>o</u>
2. Vest		Halsall, Pearson, Vest	0	0
carries unanimously				

### 250-1144 | 0 Reservoir Street, Notice of Intent (Map 9, Parcel 223)



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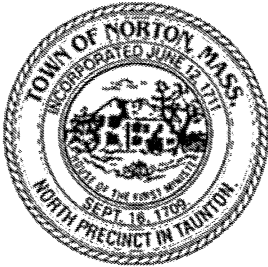
### REQUESTED A CONTINUANCE UNTIL 4/8

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

Motion to continue the hearing to 4/8/24		Ave	Abs	N
1. Pearson		Kadish, Carrozza, Fernandes,	t.	o
2. Carrozza		Halsall, Pearson, Vest	0	0
carries unanimously				

### 250-1146 | 38 Charlotte Ave, Notice of Intent (Map 19, Parcel 133)

The applicant proposes razing an existing single-family house and rebuilding, with associated porch, two decks, walkway, pervious driveway and stormwater management system, all within the 100-yr flood zone. A removable dock is also proposed. Tom Schutz of Goddard Consulting represented the applicants, Eric and Judy Wensley. They proposed to provide additional grading to compensate for flood storage around the garage, part of the driveway, and underneath the house. Schutz said they would provide 1644ft<sup>3</sup>+ additional flood storage area. Carrozza: Is there any grading interior to the storage so that the water will flow back out. Schutz: It will flow from 68'–67'. Carrozza: But how will it flow out? If the entire area is a level 68', then the inflow of water will result in a stagnancy. There will be water against the foundation if you do not add at least a slight grade. It differs from a coastal environment, where one can rely on tides to move water. The 67' at the mouth is lower, but over the surface is flat. Kadish: So, it needs to be graded in a way similar to that in which a parking lot is graded. Carrozza: Yes. Moreover, back-to-back floods could have a cumulative impact on that space. I recommend you talk to an engineer about the matter. Kadish: And the space under the garage? Schutz: It's all going to be filled. Thomas: I suggested updating the impacts for the fill table to reflect the effects of the garage and foundations. Thomas suggested that the information provided was insufficient. Carrozza: The table is wrong. I suggest reconsulting the [Massachusetts Stormwater Handbook and Stormwater Standards](#) | [Mass.gov](#)—which would probably be better for this issue than the MACC Hydrology Handbook for Conservation Commissioners ([Microsoft Word - a cover 2-25-02.doc \(mass.gov\)](#))—to tell us how much of the area you are filling: It will give you a step-by-step guide. Carrozza asked about the calculations for the amount of fill. Kadish: Does some of the confusion have to do with your filling in a preexisting area? Schutz: Yes. Carrozza: You need to show fill volumes on an incremental basis: Carrozza explained her comment with an example. Schutz: Will correspond with Thomas if need and work it out. Kadish: I think that's all that's missing from the table. Kadish and Thomas suggested that there wasn't much left to do on the plan. Carrozza reiterated her suggestion that the applicants confer with an engineer. Thomas: Make sure you have foundations, etc. regarding the BLSF recorded. Eric Wensley asked what the Commission thought about the foundation (structurally). Thomas: I think all we need are minor adjustments. Kadish reminded the applicant that this is an area prone to flooding and that one would need to build a house on piers, which, unlike the previous structure, is being proposed now—and which I am now satisfied with. Thomas: I will work on an OOC for the next meeting.



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Motion to continue to continue to 3/25/24

1. Pearson
2. Vest

carries unanimously

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

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

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

The applicant proposes constructing a 52'x28' RV garage and revised septic system on a lot abutting the Wading River. Craig Cyganowski of RIM Engineering represented the applicant, recounting the history of changes to the site. The applicant would put in a new leaching system. Septic system didn't go in until 1997, after the Rivers Act. The total area of riverfront disturbance would be 3120ft<sup>2</sup> (or 3.92% of the lot). Kadish: So that completes the information we needed. Thomas: Yes, we got the DEP's comments regarding the septic system. Carrozza: So, the Rivers Act isn't cumulative? Thomas: Correct. The original house is exempt.

Motion to close the public hearing

1. Vest
2. Carrozza

carries unanimously

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

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

**250-1150 | 27 Power Street, Notice of Intent (Map 27, Parcel 33)**

The applicant proposes constructing an addition within 100' of BVW. Craig Cyganowski of RIM Engineering represented the applicants, Lorna and Scott Carroll. The property line and sediment controls staked prior to construction. The contractor has been informed of it. The contractor would access the site via a driveway on the west side of the house. The addition would include a roof water recharge system. Cyganowski added some details about the leaching field. Thomas: Last meeting I asked that waste materials abutting adjacent properties be removed prior to the pre-construction meeting and that a visual barrier be put up along the 25' DNZ. Be prepared for such conditions in an OOC. Cyganowski agreed to talk to the Conservation Director if necessary regarding the waste and potential barrier(s).

Motion to

1. Carrozza
2. Halsall

carries unanimously

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

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

**V. REQUEST FOR CERTIFICATE OF COMPLIANCE/ EXTENSION**

**250-976 | 26 East Main Street | COC (Map 17, Parcel 14-03)**

Removal of invasive plant life from Peacock Pond. Thomas recommended that, because of the uniformity of ongoing treatments, the applicant, Wheaton College, close out the COC in



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*favor of a perpetual condition on the OOC. Colin Gosselin represented the applicant and noted that this would be the applicant's third extension.*

Motion to issue an FCOC with a perpetual condition

1. Carrozza
2. Halsall

*carries unanimously*

<u>Aye</u>	<u>Abs</u>	<u>N</u>
Kadish, Carrozza,	<u>t.</u>	<u>o</u>
Fernandes, Halsall,	0	0
Pearson, Vest		

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

**250-1147 | 14 Lloyd Circle, Notice of Intent (Map 24, Parcel 7-07)** *The applicant proposes constructing a single-family dwelling with associated grading and utilities, public water and sewer. This file is essentially identical to the following one.*

Motion to issue the OOC as written

1. Carrozza
2. Halsall

*carries unanimously*

<u>Aye</u>	<u>Abs</u>	<u>N</u>
Kadish, Carrozza,	<u>t.</u>	<u>o</u>
Fernandes, Halsall,	0	0
Pearson, Vest		

**250-1148 | 16 Lloyd Circle, Notice of Intent (Map 24, Parcel 7-08)** *The applicant proposes constructing a single-family dwelling with associated grading and utilities, public water and sewer.*

Motion to issue the OOC

1. Carrozza
2. Halsall

*carries unanimously*

<u>Aye</u>	<u>Abs</u>	<u>N</u>
Kadish, Carrozza,	<u>t.</u>	<u>o</u>
Fernandes, Halsall,	0	0
Pearson, Vest		

**250-1092 | 0 S. Washington St, Amended OOC (Map 25, Parcel 8-11)** *The applicant proposes an amendment for selective, minor tree trimming activities to enhance visibility of constructed billboard. Thomas added a small section under amendment giving the applicant the right to do what they wanted with the trees. Kadish: Even if debris fell from the cutting, that is what would normally happen due to the workings of the wind. Carrozza: Thomas, have they designated exactly what they wish to clear? Yes, they have submitted a plan. Carrozza: They have access that avoids the wetlands and know their responsibilities? Thomas: Yes. They are going to use tree-climbers and (long) lifts.*

Motion to issue

1. Carrozza
2. Vest

*carries unanimously*

<u>Aye</u>	<u>Abs</u>	<u>N</u>
Kadish, Carrozza,	<u>t.</u>	<u>o</u>
Fernandes, Halsall,	0	0
Pearson, Vest		

## VII. REVIEW DRAFT MINUTES

- 2/12/2024

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



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Motion to accept the minutes with  
the amendments discussed

1. Carrozza
2. Fernandes

*carries unanimously*

<u>Aye</u>	<u>Abs</u>	<u>N</u>
Kadish, Carrozza,	<u>t</u>	<u>o</u>
Fernandes, Halsall,	0	0
Pearson, Vest		

- 2/26/2024

*There was some discussion about the technicalities of the form of the minutes. Pearson accordingly agreed to change the heading of the minutes.*

Motion to accept the minutes with  
the amendments discussed

1. Fernandes
2. Halsall

*carries*

<u>Aye</u>	<u>Abst.</u>	<u>N</u>
Kadish,	Carrozz	<u>o</u>
Fernandes,	a	0
Halsall, Pearson	Vest	

## VI. OLD BUSINESS/ NEW BUSINESS/ Discussion

- Report from Staff

There is flooding everywhere and the Director has accordingly been busy with emergencies. Joe Carvahlo has spoken to the Public School Committee and all has gone well. Carvahlo wants to get more research done before another NCC meeting.

- Dedication Plaque—Chartley Dam

Thomas would like to speak to both the Commission and the O'Reilly family after an appropriate time for grieving. Thomas asked if those who had worked with Ron longer had any input regarding what might be written on his memorial plaque. Kadish spoke about Ron's excellent qualities, among them, military service. Exposure to agent orange led to Ron's demise. Fernandes reminded the Commission that the road intersection by the Chartley Dam was already slated for change and, Carrozza added, MassDOT would probably do something about it in the near future. Carrozza suggested the Commission might, in time, speak to Ron's widow, Janet O'Reilly.

In writing up these minutes, Pearson points out a connection that Julian Kadish might have assumed that everyone would make regarding Ron O'Reilly: The sad irony of his having been done in by an *environmental* crime. It can only make Ron's service on the Commission the more appreciated.

## VII. ADJOURNMENT





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### Motion to adjourn, 8:23 PM

1. Carrozza
2. Pearson

*carries unanimously*

<u>Aye</u>	<u>Abs</u>	<u>N</u>
Kadish, Carrozza,	<u>t</u>	<u>o</u>
Fernandes, Halsall,	0	0
Pearson, Vest		

### Glossary

#### term/abbrev.

#### meaning/citation (with hyperlink)

(N)PB

Norton Planning Board

Rivers (Protection)  
Act

Rivers Protection Act Questions & Answers | Mass.gov

TSS removal refers to the process of **eliminating total suspended solids (TSS) from water or wastewater**. TSS are particles that are larger than 2 microns and can cause turbidity, odor, and health problems. TSS removal can be achieved by various methods, such as <sup>12345</sup>.

TSS (removal)

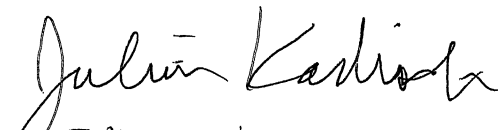
- Media filters, which use sand, gravel, or other materials to trap solids.
- Vegetated filters, which use plants to filter and absorb solids.
- Biological systems, which use microorganisms to degrade organic solids.
- Filtration and membrane systems, which use physical barriers to separate solids from water.

(Source: MS Bing)

Respectfully Submitted By: Daniel Pearson

Approved on: 3/25/2024

Conservation Commission Signature:

  
JULIAN KADISH