

Dighton Conservation Commission
Public Meeting Minutes
2/17/2022

Public Meeting Opens at 7:00 PM at the Old Town Hall at 1111 Somerset Ave.

Attendance: Bill Frenette, Chair, Jim Digits, Jack Crawford, Jim Souza, Charlie Mello, Clerk, Lisa Caledonia, Agent

Continued Hearing- Long Built Homes Notice of Intent for development of Hunters Hill Subdivision (SE 017-0441). Evan Watson P.E. has asked for a continuance to 3/17/2022 . Jim Digits motioned to continue the hearing to 3/17/22, Jim Souza seconded and the vote was unanimous.

Continued Hearing - Comprehensive Conservation Subdivision to construct 135 single family homes and 13,137 linear feet of associated roadway off Forest Street. Joshua Glass requested a continuance to our 3/17/22 meeting. Jim Digits motioned to continue the hearing to 4/21/22, Jim Souza seconded and the vote was unanimous.

Continued Hearing -- Reed Brothers Farm Limited Liability Partnership, File # Se 017-0447. The Commission voted to table at a previous meeting and continue until January 20, 2022 . Outback Engineering called Lisa and requested a continuance to 3/17/2022. .Jim Digits motioned to continue the hearing to 4/21/22, Jim Souza seconded and the vote was unanimous.

Continued Hearing - Notice of Intent request from Ross Boisselle, 170 Beach St., Dighton, MA, 02715 to replace an existing failed septic system in accordance with Title 5 regulations, and remove and replace an existing garage as well as a new driveway and associated grading all work is within the “Riverfront Area” and “ Bordering Land Subject to Flooding”. Bob Berube requested a continuance to 3/17/2022. Jim Digits motioned to continue the hearing to 3/17/22, Jim Souza seconded and the vote was unanimous.

Continued Hearing - Notice of Intent request from Simons Construction and Materials, Inc., 310 Elm St., Dighton, MA, 02715 to construct a single family dwelling and appurtenances at 0 County St., Assessors Map 24, Lot 94-3, SE 017-0448. A portion of the driveway lies within the wetland resource area” Bordering Land Subject to Flooding. Bob Berube requested a continuance to 3/17/2022. Jim Digits motioned to continue the hearing to 3/17/22, Jim Souza seconded and the vote was unanimous.

Continued Hearing - Notice of Intent request from Michael Binda of Binda Estate, LLC, P.O.Box 435, East Taunton, MA,02718 to construct a single household dwelling and appurtenances at 0 Brook St.,Map 170 Lt 160-1 SE 017-0451. Lisa Caledonia has recused herself. Stephen Chmiel the wetland consultant we chose to review the site has also recused himself for a potential conflict of interest that has been confirmed by the Mass Conflict of Interest Commission. Mr Chmiel had visited the site and submitted a summary of his observations prior to the conflict of interest determination. Brian Dunn addressed the Commission regarding the driveway construction and fact that the great majority of the work on this lot occurs outside of the Buffer Zone and the driveway only altered a small portion of the property, he lamented the delays to the project and urged that we approve the project and

close the hearing. After a brief discussion Charlie Mello motioned to close the hearing and issue an OOC for 0 Brook St., Jim Digits seconded and the vote was unanimous.

New Hearing - Notice of Intent request from Legacy North Properties, Inc., 3423 Sharps Lot Rd., Map 22 Lot 26 to repair a failed septic system with Bordering Vegetated Wetlands within the property Brad Fitzgerald, P.E of SFG Associates presented the proposal to the Commission and noted that this was the only location available on this lot that could be used for the system and even this location will be within 97' of an existing well and required a waiver from the BOH, he said the setback will be approved by the BOH after our decision. Jim Digits motioned to approve the project , Jim Souza seconded and the vote was unanimous.

The Commission discussed, approved and signed a request for a Certificate of Compliance at 2215 Maple St., File No. SE017-0428 provided by Lisa Caledonia our Agent. Jim Digits motioned to approve the COC , Jim Souza seconded and the vote was unanimous.

The Commission discussed a request to Extend an Order of Conditions for two years from Clearway Energy Group for 1420 and 1522 Williams St., Map 11, Map 11, Lots 9 and 8-1 File No. SE 017-0396. Jim Digits motioned to sign the extension as requested, Jim Souza seconded and the vote was unanimous. Members in attendance signed the document prepared by Lisa Caledonia.

Joseph Baptista new owner of 0 Horton St., Map 7 Lot 22 requested that the Commission consider amending the current Order of Conditions for SE 017-0433. Lisa said a new filing would be required because the plan changes were significant. She had visited the site and approved the wetland flag delineation Jim Digits motioned to approve the request, Jim Souza seconded and the vote was unanimous..

The Commission heard a request from SFG Associates to re-issue an Order of Condition we recently issued for 1008 Rowland Drive DEP File No. SE 017-0450. The registry of Deeds would not accept the document because it was printed on both sides of the sheets. Lisa prepared a one sided document for our signatures. Jim Digits voted to sign the replacement, Jim Souza seconded and the vote was unanimous.

BWC Greene Brook, LLC - Solar project on Tremont/Middle Streets, has some plan changes that we determined significant enough to require them to refile an Amended Order of Conditions. Jim Digits motioned that they would be required to file an Amended Order of Conditions, Jim Souza seconded and the vote was unanimous.

We reviewed invoice No. 75591 in the amount of \$1,647.50 from Nitch Engineering for services rendered from 11/28/21 to 12/25/21 reviewing storm water requirements at Hunters Hill Subdivision. Jim Digits motioned to approve payment, Jim Souza seconded and the vote was unanimous.

We reviewed Invoice No. W21-1526-2 from Ecosystem Solutions, Inc. In the amount of \$1,338.75 for peer review of Hunters Hill Subdivision from 8/19/21 to 1/20/22. Jim digits motioned to approve payment of that amount, Jim Souza seconded and the vote was unanimous.

The Commission reviewed the fiscal year 2023 budget request prepared by Lisa Caledonia. Jim Digits motioned to approve the budget request, Jim Souza seconded and the vote was unanimous.

Commission - Agent updates and discussion.

2732 Park St. Enforcement Order - Brandon Faneuf of Eco-system Solutions, Inc presented a cleanup proposal concerning site alterations on this site. He presented a plan that he prepared by using a drone on 1/25/22 he wanted the plan to accurately represent current site conditions. He noted that the Isolated Wetland he flagged as shown on the plan did not meet wetland act requirements but was enforceable under our Bylaw. He also spoke to the amounts of junk that would be removed at various locations on the property and outlined the planned restoration and plantings and seeding requirements in the plan. He also posed a request that all the restoration and trash removal be done as part of the restoration required in the Enforcement Order. Lisa argued against that request and suggested it should require an NOI. We did allow the scattered trash to be removed prior to the filing. Jim Digits motioned that he restore and prepare a Notice of Intent, Jim Souza seconded and the vote was unanimous

0 Hart St. Map 19 Lot 1. Enforcement Order. Lisa visited the site and stated that no further alteration were viewed and no other activity was noted, she recommended no current action by the Commission

2050 Horton St., Map 7, Lot 26-2. Lisa and Jim visited the site and determined that the area had been altered 14 years ago the vegetation had regrown to the point that restoration was not needed. She reported her observations to EPA.

Oil Spill cleanup at Clubhouse Lane, Hunters Hill Subdivision. Lori Bowman Environmental Consultant of Civil Environmental Consultants showed a plan of the spill area and the steps taken to repair the contaminated area and stated they would continue monitoring the site and agreed to send Lisa copies of their reports to DEP.

578 Hart St, Enforcement Order/Expired OOC (DEP # 017-0370)/Request for RDA and As-Built Plan has been received and Lisa is waiting for Bob Berube to send her a report of exactly what is or is not done on the property. Bill recused himself and Jim Digits assumed the Chair. Bill addressed the Commission and noted that siltation occurred during rainstorms in January and February of this year. Nancy Duarte chair of the Stormwater Committee joined the conversation from the floor and addressed the commission and Bill Frenette. She pointed out that on various rain events that she, or Todd Pilling Board of Health Agent, or Tom Ferry-Street Supt. or Lisa Caledonia our Agent had viewed the silt laden water flow but were unable with certainty to determine which of the adjoining properties was at fault. Neither of the properties owners would allow any of them on their properties to determine who was at fault. She pointed out that her Committee could not take any legal action without proof positive nor could Conservation. Bill returned to the chair. Jack Crawford offered that the Highway Dept. should rework the length of drainage swale with stone as done on state highways and reminded everyone that all the homes on that side of Hart St. are built on a huge ledge formation and ground water flows were subject to the rock formations below and laws of gravity required water to flow downhill.

2006 County St, David DeRosa Enforcement Order & Letter issued 4/1/21. Lisa determined that no action was needed and this would be removed from future agendas.

1566 Cedar St Letter Issued, A Site restoration Plan has been prepared by Zenith Land Surveyors, LLC. The property owner addressed the Commission and said that he had dismissed Wetland Consultant Steven Chmiel and hired a new consultant, John DeSouza, to represent him before the Commission. Lisa was not happy with the change in consultants and further delay, and insisted he have something ready by the 3/17/22 meeting.

2371 County St, Enforcement Order Issued on 4/1/21. Stormwater chairman Nancy Duarte explained that no actions have been taken by her Committee yet because two more properties were identified and notified and are scheduled for discussion at their March meeting.

2560 Elm St. A complaint was received. Lisa mentioned they would do some seeding in the spring.

1035 Williams Street. Letter issued 4/28/21 (DEP #017-0403) Lisa notified the property owner reminding him that he needed to follow through with agreed restorations. She read a response from the property owner that he was currently too busy with business interests at the moment but had not forgotten about the changes required.

2396 Pleasant St., David Berdos Notice of Intent filing. - Lisa reported the engineers are determining the compensatory flood storage amounts the addition was built on cement piers rather than a solid foundation. Steven Chmiel is working on details

Lisa discuss a complaint referred by DEP regarding the Maris Lane subdivision. She found the complaint was not credible after her site visit and reported her findings to DEP.

Public Input:

The Eagle Scout who is in the process of constructing an Observation Stand at Broad Cove which was approved by the Commission recently appeared in order to answer a complaint about the project from an abutter. He showed us photos of the project under construction and we determined he was constructing what he proposed and we approved. He should be finished in few weeks.

Correspondence:

Adjournment: Jim Digits motioned to adjourn at 9:21 PM Jack Crawford seconded and the vote was unanimous.