

Dighton Conservation Commission
Public Meeting Minutes
1/20/2022

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

Meeting opened at 7:00 PM

Attendance: Bill Frenette Chair, Jim Digits, Charlie Mello Sec., Lisa Caledonia Agent

Continued Hearing- Long Built Homes Notice of Intent for development of Hunters Hill Subdivision (SE 017-0441). Evan Watson P.E. represents the applicant he addressed the Commission about a difference in the plans submitted to the Commission and the Stormwater Committee and asked for a continuance to 2/17/2022 . Jim Digits motioned to continue the hearing to 2/17/2022, Charlie Mello 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 2/17/22 meeting. Jim Digits motioned to continue the hearing to 2/17/2022, Charlie Mello 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 2/17/2022. Jim Digits motioned to continue the hearing to 2/17/2022, Charlie Mello 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”. Continued to 1/20/22. Bob Berube informed Lisa that he required a continuance to 2/17/2022. Jim Digits motioned to continue the hearing to 2/17/2022, Charlie Mello 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. A portion of the driveway lies within the wetland resource area” Bordering Land Subject to Flooding. Continued to 1/20/22. Bob Berube informed Lisa that he required a continuance to 2/17/2022. Jim Digits motioned to continue the hearing to 2/17/2022, Charlie Mello seconded and the vote was unanimous.

Continued Meeting - Request for a Determination of Applicability 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 rear of the property. Continued to 1/20/22. SFG Associates has requested a Continuance to 2/17/2022. Jim Digits motioned to continue the hearing to 2/17/2022, Charlie Mello 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 family dwelling, driveway, site grading, utilities and onsite sewage disposal system at 0 Brook St., Map 77, Lot 160-1. SE 017-0451. Continued to 1/20/22. Lisa officially has recused herself . I contacted Brian Dunn of MLB who represents the applicant and explained that we contacted Stephen Chmiel a wetland consultant to review the application and required a check in the amount of \$2,000 to fund a 53G consultant account. Mr. Dunn addressed the Commission and expressed his displeasure with the circumstances that caused his client to lose another month, he explained in detail that all they were altering was 347 S. F. of flood storage for a driveway. He wanted assurance that the consultant would review the site promptly and an OOC would be ready and signed prior to the next meeting. We agreed that Mr. Chmiel would start work immediately after we received word that the 53 G account was set up.

New Hearing - Notice of Intent Request from Stonegate landing, LLC, P.O. Box 306, East Taunton, MA 02718 to construct a single family dwelling within Lot 37-S, Map 9, Stonegate Landing. Mr. Feodoroff , 98 Brookside Circle, Raynham, MA 02767 presented the proposal to the Commission Lisa and Jim had questions that were answered to their satisfaction. Jim Digits motioned to close the hearing and issue an OOC for the project, Charlie Mello seconded and the vote was unanimous.

New Meeting - Request for a Determination of Applicability from Michael Rodrigues, 65 Holly Tree Lane, New Bedford, MA 02745 to construct a single family dwelling and appurtenances on Lot 16-2A, Map 14 Smith Street. Ray Francisco presented the project to the Commission he explained that the filing involved part of the driveway and some grade changes within the Buffer Zone. Jim Digits motioned to close the hearing and issue a Negative Determination of Applicability for the project, Charlie Mello seconded and the vote was unanimous.

Bristol County Mosquito Control has notified the Commission that they will be restoring drainage ditches to maintain adequate water flow at 2696 Pleasant St. And 2682 Elm St. Under Mass. General law 252 they do not have to file with the Commission to maintain existing drainage ditches, they do have notify the Commission to see if we have any concerns that should be addressed prior to their ditch maintenance. Lisa read the proposals to the Commission for the record members present had no issues with the project. Informational no motion required.

Lisa asked that we vote to approve and sign a Certificate of Compliance request for 1605 Wheeler St. DEP File #SE 017-0442. Jim Digits motioned to issue a COC for the property, Charlie Mello seconded and the Vote was unanimous. The Commission members signed the document.

Commission - Agent updates and Discussion Section

2732 Park St. Enforcement Order - Lisa will update the the Commission on the discussions held with our Town Administrator and Building Official. The property owners children are involved for their parents and a chain of emailed questions from them resulted in the Town Administrator becoming involved with this property. Brandon Faneuf of Eco-system. Solutions, Inc represented the Franco family tonight and explained how he was proposing to file with the Commission using aerial topography to delineate the wetlands for this site.

Mandi Bleau daughter of the Franco's addressed the Commission and expressed her dissatisfaction with the process and hoped it was on the right track now. Commission member Mello presented Mr. Franco with a copy of the OOC issued by the Commission in 2010 when a septic repair was installed to service two homes on their properties. He explained to Mr. Franco that the Order contained a Perpetual Condition that required any owners of the property to file with the Commission prior to any alteration a second perpetual condition concerned periodic maintenance and written reports on the newly installed septic system.

2050 Horton St. Complaint. Lisa and Jim updated the Commission on their site visit. Bob Brimmer the property owner addressed the Commission and admitted that he had widened the stream and created two pools 14 years ago and related to the Commission that he had informed Mr. Ribeiro the abutting complainant that the cutting and grading and tree removal on the Ribeiro property required a filing with the Commission and was told to mind his own business. The Commission had already issued an Enforcement Order to Ribeiro for wetland alterations without a valid permit and that apparently triggered his written complaint on Brimmer. Mr. Ribeiro also informed the EPA and that Agency had communicated with Lisa Commission and she informed Mr. Brimmer she had no idea how they would proceed against him.

Oil spill cleanup at Clubhouse Lane , Hunters Hill Subdivision. Jim Digits visited the site and reported that the gasoline spill had been removed and it was difficult to trace any remaining odor. Lisa showed us photos of the barriers that had been installed to contain the spill.

0 Hart St. Map 19 Lot 1. Enforcement Order. Lisa tried communicating with the property owners but her Certified letter was returned as not deliverable.

0 Horton Street, Map 7, Lot 26 Enforcement Order. Mr. Ribeiro sent a letter to the Commission stating he had done nothing wrong and elaborated on the reasons that he thinks caused the confusion and his actions in the work he was doing that triggered the Enforcement Order(EO) we issued. He considers the EO to be unjustified because he has done "nothing wrong". However he has been advised by his professional team that he must respond to the EO so he proposes to prepare and submit a restoration plan as required in the EO in sixty days and allow another 90 days for restoration.

578 Hart St, Enforcement Order/Expired OOC (DEP # 017-0370)/Request for RDA and As-Built Plan. The Storm Water Committee has officially become involved following a complaint from an abutter about a siltation problem from this Hart St. property. Bill prepared to recuse himself and address the Commission from the floor until Nancy Goulart interceded that if he recused himself the Commission would be without a Quorum and no action could be taken. There was no action taken on the commission and we moved to the next item on the agenda.

2006 County St, David DeRosa Enforcement Order & Letter issued 4/1/21. Lisa stated that she has had no contact with the property owner.

1566 Cedar St Letter Issued, The owners are in the process of filing. Lisa mentioned that Steve Chmiel was in the process of preparing a plan for the project that could be ready to present for our next meeting. Stephen Chmiel will represent the owners.

2371 County St, Enforcement Order Issued on 4/1/21. Their has been no response from the homeowner, Lisa suggested we begin fining process as allowed by our bylaw.

2560 Elm St. A complaint was received. .

1035 Williams St Letter issued 4/28/21 (DEP #017-0403) Lisa advised that the homeowner responded to her that he was was busy and did not have time to make any corrections.

2396 Pleasant St., David Berdos Notice of Intent filing. - Stephen Chmiel is preparing to file for the property owners.

Additional Discussion: Nancy Goulart Chair of the Stormwater Committee addressed the Commission on their meeting with Hunter Hill. Apparently the applicant submitted a plan that was different than the plan before the Commission. Todd Pilling the Board of Health Agent question elevations on the plan that were not correct at two drainage locations and their Committee would not act on their application until both the Commission and Committee had the same plan proposal.

Lisa discussed the possibility on meeting virtually Jim was not in favor of virtual so no vote was taken.

Adjournment: Charlie Mello motioned to adjourn at 9:15, Jim Digits seconded and the vote was unanimous.