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Time: 2:09 pm

By: 

**Dighton Conservation Commission
Public Meeting Minutes
Thursday 2/16/2023**

The Public Meeting Opened at 7:00 PM at the Old Town Hall at 1111 Somerset Ave. This meeting was video, and audio recorded for Cable Broadcast and Internet posting on "www.dighton-ma.gov", and You Tube.

Meeting started with the **Pledge of Allegiance**

Attendance: Jim Digits-Chair, Bill Frenette, Jack Crawford, Dave Phillips, Charlie Mello-Clerk, Paul Reynolds-Associate Member, Lisa Caledonia-Agent

Review and approve minutes of our 1/19/23 and 2/2/23 meetings. Bill Frenette motioned to approve the minutes of our 1/19/23 and 2/2/23 meetings, Jack Crawford seconded, and the vote was unanimous.

Annual Re-Organization of Commission. Charlie Mello motioned for Jim Digits to continue as Chairman of the Commission, Dave Phillips seconded, and the vote was unanimous. Bill Frenette motioned to approve Paul Reynolds as an Associate Member of the Conservation Commission, Jack Crawford seconded, and the vote was unanimous.

Continued Hearing – DI Trust Comprehensive Conservation Subdivision seeks to construct 135 single family homes and 13,137 linear feet of associated roadway off Forest Street DEP File # SE 017-0443. *Outback Engineering requested a continuance to 3/16/23.* Jack Crawford motioned to continue the hearing to 3/16/23, Dave Phillips seconded, and the vote was unanimous.

Continued Hearing -- Reed Brothers Farm Limited Liability Partnership, DEP File # SE 017-0447. *Outback Engineering requested a continuance to 3/16/23.* Jack Crawford motioned to continue the hearing to 3/16/23, Bill Frenette seconded, and the vote was unanimous.

Continued Hearing – Abbreviated Notice of Resource Area Delineation (ANRAD) Leopold Specht, 1130 Briggs Street, Map 8 Lot 6-2. Resources include but are not limited to BVW, 100' Inner Riparian and 200' Outer Riparian Zones and Mean Annual High Water of the Segreganset River. DEP File # SE017-0465. *Holmgren Engineering LLC. requested a continuance to 3/16/23.* Jack Crawford motioned to continue the hearing to 3/16/23 Bill Frenette seconded, and the vote was unanimous.

New Hearing – Request for Amended Order of Conditions- Clearway Energy Group 2050 Williams St Map 11, Lots 8-1 & 9 DEP File # SE017-0396. Joseh Bertherman of TRC presented the proposal for the utility pole installation he explained that the pole was required because the existing span between utility poles was to great. The installation would disturb approximately 12 inches within the buffer zone of the vernal pool. Chris Ryan representing the site contractor explained alterations outside of Commission jurisdiction resulted from comments by Beta comments and changes required by Todd Pilling BOH agent. Dave Phillips motioned to accept the pole installation, Bill Frenette seconded, and the vote was unanimous.

New Hearing – ANRAD Application by Dean Smith, Dighton Energy Storage 1, LLC for 0 Maynard Lane, Map 1, Lots 82, 82-7, and 96. DEP File # SE017-0476. Mr. Smith explained that there were wetland resources on the site that have been identified and delineated. A Battery Storage facility is proposed for the site. Charlie Mello motioned to hire Beta as our consultant and establish a 53G account for the project, Bill Frenette seconded, and the vote was unanimous. Charlie Mello motioned to continue to 3/16/23, Jack Crawford seconded, and the vote was unanimous.

New Hearing –ANRAD Application by RJR properties 0 Old Horton Street Map 7, Lots 36 & 36-1 DEP File # SE017-0475. Brendon Faneuf of Ecosystem solutions, Inc. presented the ANRAD plan to the Commission. The property had been delineated years ago and Brandon reflagged for this application. He explained that a perennial stream flowed through the wetlands and was beyond jurisdiction and the Riverfront was also beyond jurisdiction. Jim asked for a motion to seek proposals for peer review. Bill Frenette said Lisa could do the review. She replied that her workload was heavy, and she did not have time to do the review. Dave Phillips motioned to seek estimates for a peer reviewer, Charlie Mello seconded, and the vote was unanimous.

New Hearing -Request for Amended Order of Conditions –Sweets Knoll State Park, MAP# 76, LOT#s 005-066, 005-103 and 005-104 MA Division Conservation and Recreation DEP File # SE017-0469. Paul Autier presented the amendment request to the Commission. DCR needs to do an Archeological survey on the site, they will be digging 100 plus 20'x20' hand dug test pits at random locations within the ROW to determine if artifacts are in the site. Each test pit will be examined, and soil replaced. Bill Frenette motioned to approve the amendment to the OOC, Jack Crawford seconded, and the vote was unanimous.

Review and discuss invoice #78997 from Nitsch Engineering for services rendered from 8/28/22 through 9/24/22 on the Hunters Hill project in the amount of \$2,105.00. Jack Crawford motioned to pay the invoice in the amount of \$2,105.00, Dave Phillips seconded, and the vote was unanimous.

Request from Carl Rebello for an Extension of an Order of Resource Area Delineation off Milk Street issued 11/18/16 due to expire 2/23/23. DEP File # SE017-0372. Agent Caledonia felt that the wetland areas had increased since the original ORAD was issued and recommended that the Commission deny the extension request. Dave Phillips motioned to deny the extension, Jack Crawford seconded, and the vote was unanimous.

Request from Laurel Jones for a Certificate of Compliance 1859 Smith Street Map 15, Lot 13 DEP File # SE017-103. Dave Phillips motioned to issue a certificate of compliance as requested, Jack Crawford seconded, and the vote was unanimous.

Request from New England Power Company (NEP) for a Certificate of Compliance C181S & D1825 115kV Transmission Line Structure Replacement Project. DEP File # SE017-0444. Charlie Mello motioned to issue the certificate of compliance as requested, Jack Crawford seconded, and the vote was unanimous.

Discuss and vote to approve funding for the purchase of brochures promoting the Conservation Commissions Wetland Protection responsibilities and mission. There was a discussion between Nancy Goulart and Jim Digits about the amount of brochures to print and the probable cost of the brochures. Jim explained that he had contacted the shop teacher and student that would handle the printing at DR. Jack Crawford motioned to approve the funding and printing of the brochures, Charlie Mello seconded, and the vote was unanimous.

Discuss and vote to approve using available funds from our Roll Back account to appeal DEP's Superseding Order of Conditions approving the Strawberry Fields subdivision. We discussed the issue and approval by Town Counsel for use of this account for the appeal of DEP's Superseding Order of Conditions approving construction of this 40B Subdivision. Charlie Mello motioned to use available funds as necessary from the Rollback Fund account, Dave Phillips seconded, and the vote was unanimous.

Commission - Agent updates and Discussion Section

880 Hart Street (Map 19, Lot 2)–Notice of Violation letter sent 2/1/23 & Site Visit 2/15/23- Lisa asked to take this item out of order. Bill Frenette motioned to take it out of order, Jack Crawford seconded, and the vote was unanimous. *Chris Whitmore, the owner of the property addressed the Commission and expressed his concerns with the decision he and his family in attendance expressed their displeasure with having to file with the Commission. However he is seeking estimates from wetland consultants..*

0 Horton St. (Map 10 Lot 53) Enforcement Order issued 11/28/2022 - *Update.* - Lisa asked to take this item out of order. Bill Frenette motioned to take it out of order, Jack Crawford seconded, and the vote was unanimous. Lisa explained that the property owner stopped cutting in the wetland area as ordered and has hired a wetland consultant to prepare a filing with the Commission.

1566 Cedar Street (Map 15, Lot 4-1 & 2) Enforcement Order Issued 12/7/2022, *See Order* required owner to submit restoration plan by 2/2/2023 – nothing received. Lisa informed the Commission that the property owner has not filed a restoration plan as promised and required. She is displeased with the lack of cooperation displayed by the applicant and asked how we wanted to proceed. It was decided to send them a certified letter expressing the Commission intent to require the restoration plan by March 9, 2023.

2371 County Street (Map 20, Lot 65) Enforcement Order issued 4/1/21, DEP visited site on 4/27/22- *Update. DEP has taken control of this alteration but has not acted to date nor have they responded to her many phone calls. Nancy Goulart the Stormwater Commission Chairman suggested the Commission ask the Board of Selectmen to send a letter requesting what actions the DEP has or will take to resolve this wetland alteration. Jack Crawford motioned that we send a letter to the Selectboard with our request for information, Dave Phillips seconded, and the vote was unanimous.*

1035 Williams St., letter issued 4/28/21 (previous File No. SE 017-04030). *Update. Lisa updated the Commission on the alterations made on the property and the lack of response from the property owner. Outback Engineering was contacted by the homeowner but no action has been taken to date. It was decided that she issue an Enforcement Order requiring restoration.*

0 Horton St. (Map 7, Lot 26) Enforcement Order/Restoration. *Update. The property owner has made attempts to perc parts of the property, but none have passed inspection.*

2050 Horton St. (Map 7, Lot 26-2) Enforcement Order Issued 3/24/2022 – *Update. The property owner has hired Mike Mariano as their wetland consultant.*

0 Williams St (Map 21, Lot 34-2) letter sent 6/2/22 – Notice of Violation – *Update. Lisa has had conversations with the property owner And the building commissioner and Board of Health agent have spoken to the property owner. Proline Engineering has ben hired.*

1861 Somerset Ave (Map 17, Lot 27-2) – *Update. The property owner met with Lighthouse consultants on 2/15/23.*

771 Hart Street (Map 23, Lot 7-2) – Notice of Violation Letter sent 1/5/2023 – *Update. Dave Phillips met the property owner and suggested erosion barrier installation.*

1940 County Street - 508 Customs (Map 17, Lot 79)– *Update. Outback Engineering has reached out to the property owner.*

700 Main St. (Map 17, Lot 3). Complaint concerning Wetland/Bank alterations. NEW. We discussed whether the area had been approved in the past, it was determined that a bridge over the stream behind the house was approved years ago to allow access to land owned on the other side of the stream. Lisa has concerns about the condition of the banks of the stream. She will send a letter to the owner and visit the site.

Mike Mullen will meet with Lisa and Jim for a review of our 2023-2024 budget.

Nancy Goulart spoke with the chairman of the Parks and Recreation Committee about the EPA's requirement that municipalities reduce impervious areas as much as possible a makeover of the areas around the former Highway and Police building will be one of those areas, she also mentioned several other possible areas that could be converted to pervious areas.

Correspondence: none

Adjournment: Bill Frenette motioned to adjourn at 9:15 PM, Dave Phillips seconded, and the vote was unanimous.