



TOWN OF DIGHTON

STORMWATER COMMITTEE MINUTES
Regular Meeting
Wednesday, March 15, 2023
Old Town Hall, Upper-Level Meeting Room
1111 Somerset Avenue
Dighton, MA. 02715

RECEIVED
Town Clerk-Dighton, MA
JUL 26 2023

Time: 1:53 PM
By: Re

Agenda Item 1.) Call to Order

The meeting was called to order by Nancy Goulart, Chairman, at 1:14 p.m. Chairman Goulart stated that this was a hybrid meeting of the Stormwater Committee (SWC), read the ZOOM link address, meeting identification number, passcode number, and phone number. She stated that this is a public meeting being video and audio recorded for posting on YouTube.

Agenda Item 2.) Pledge of Allegiance was recited.

Agenda Item 3.) Attendance – Present Nancy Goulart, Robert Woods Jr., Todd Pilling, Thomas Ferry, James Aguiar Jr., Lisa Caledonia

Absent: Charles Mello

Also Present: Elizabeth Moreira; Mrs. Lauren Beausoleil, 1680 Pine Street; Nick Facendola, P. E.; Kenneth Araujo, 1420 Williams Street

It was moved by Todd Pilling, seconded by James Aguiar, and VOTED UNANIMOUSLY ON A ROLL CALL VOTE to take Agenda Item 4. d.) out of order.

Agenda Item 4. d.) 1420 Williams Street Soil Stockpiles

Todd Pilling and Lisa Caledonia visited the site following phone calls from residents who expressed concerns about large piles of dirt near a pond. Kenneth Araujo was invited to the meeting today to discuss the stockpiles of dirt close to the pond. A map identified the pond as a vernal pool but Mr. Araujo stated that it was not a vernal pool but a man-made irrigation pond dating back to the 1950-60s. There is a spring in the pond. The plan is to move the dirt piles and have a survey done. A berm of woodchips was placed around the pond to prevent runoff. A copy of the work plan will be given to Mrs. Caledonia. Mr. Pilling stated that it appears there will be less than 35,000 square feet of disturbance so a Stormwater Permit will not be required. The proposed work will be reviewed by the Conservation Commission (Con. Com.). Mrs. Caledonia will make another site visit once the plans are reviewed and work takes place.

Agenda Item 5. a.) – Brook Street Solar

It was moved by Todd Pilling, seconded by Robert Woods, and VOTED UNANIMOUSLY ON A ROLL CALL VOTE to take Agenda Item 5. a.) out of order.

Nick Facendola, P. E., representing Grasshopper, the owner of the solar farm, reviewed the work that has been done since the basins were dug up, ground up stumps and boulders removed, and

the two basins reconstructed according to the original plans approved by the Planning Board (PB). Mr. Pilling said he had received as built plans. The two basins still do not drain within seventy-two (72) hours. The SWC voted at its last meeting to request a third-party review of the as built plans. Mr. Pilling added that there were discrepancies such as, the bottoms of the basins were a little lower than planned. The spillway was a little higher in one place and the berm was a little lower in another place. A third-party review will determine if the basins as currently constructed are in compliance with the approved project plans or if modifications need to be made.

Mr. Pilling asked Mr. Facendola if he knew how deep the stone is in either of the basins because it seems a lot lower than just a few inches. It was supposed to be six inches (6") initially but some additional stone was added. They leveled it off. As far as exact depths, Mr. Facendola could not say for sure what the depth is throughout the basin. It probably varies from four to nine inches (4"- 9") throughout the bottom of the basins. Mr. Pilling said he visited the site yesterday during the rainstorm and both basins had water in them.

Ms. Goulart asked Mr. Ferry if he knew how much rain fell yesterday. Mrs. Caledonia responded that we got just under 4 inches. Mr. Pilling stated that when he was at the site yesterday, the water was not up to the spillway. It was not at the top of the concrete structure and the water level was about four inches (4") from the top.

Ms. Goulart asked if the third-party review was going to look at the areas under the panels where there are berms that were supposed to channel water to the basins. Mr. Pilling responded that there were several items that they were going to inspect. Part of the third-party review would include many areas where neither grass nor other vegetation was growing. He mentioned some washout from one of the berms; silt accumulation on the stone in one of the basins; and berm elevations. They are going to be looking at everything on the site to see if the whole thing is in compliance.

Ms. Goulart asked Mr. Aguiar for his opinion or comments from his visit to Brook Street Solar. Mr. Aguiar said he agreed with everything Mr. Pilling stated based on their walk-through. All of the issues are of concern but the site not being vegetated is extremely concerning. He said that we have other projects in town that have vegetated at a much faster pace. Considering how much time has passed and the amount of seeding that has been done, it is bothersome. Mr. Aguiar stated for the record, that the third-party review has not come back. Mr. Pilling responded that we are still waiting for a cost estimate

Mr. Aguiar stated that he is working with the developer to move towards permitting for the battery storage. He asked if a Stormwater Permit will be required for the land clearing for the fire break on the adjacent property west of the solar farm site. Mr. Pilling replied that he did look at the plan and at the last SWC meeting, he said a Stormwater Permit was not needed. He notified Mrs. Kerrie Easterday at the PB that a Stormwater Permit was not needed. Mrs. Easterday confirmed that she had received the email from Mr. Pilling. The area is less than 20,000 square feet.

Ms. Goulart reviewed the minutes from the January 18, 2023 meeting that indicated that the plan for tree clearing for the fire break would provide a 100-foot buffer zone from the battery storage

units to the woods. Mrs. Caledonia replied that she did a site visit but it was not to review the delineation. It was specifically to review the additional work to see if it met the performance standards of the Wetland Protection Act and the bylaw. Ms. Goulart asked if they were required to mark the wetland delineation area on that piece of property in order to clear enough area for the fire break. Mrs. Caledonia replied that it was done so they could figure out the area of disturbance.

Ms. Goulart asked Mr. Facendola if grass will be able to grow there on the site. Mr. Facendola said he was told by the developer that the plan is to do the seeding work in early spring. He does not know what the scope of the work is but it should happen in the next couple weeks. Ms. Goulart asked if the company that is doing the work is the same as the one that rebuilt the basins. Mr. Facendola replied, no, it is Grasshopper doing the work. They are well aware of the concerns and the issue of the site not being stabilized. If they do not get the site stabilized, they are going to have issues with the basins long term.

Mr. Aguiar asked if the vegetation work does happen as it was just described and we have an ongoing review from a third party, how does that line up with the schedule. He also asked if vegetation does not start to grow soon, can a fall vegetation planting be done. Mr. Aguiar would like to have a bond in place if the vegetation planting does not occur but they meet other criteria which would allow him to energize the system.

Mr. Pilling stated that if the vegetation does not grow, the site is not stabilized, and dirt gets into the basin, we would need some kind of bond to pay for digging up the basin, removing and replacing stone until the site is stabilized. Mr. Pilling told Mr. Facendola about getting estimates for the trees that would need to be planted on the site because that would be part of the bond.

Ms. Goulart read more from the January minutes. Mr. Aguiar stated that he would require a tree planting bond if the trees that needed to be planted in various areas were not planted prior to turning on the panels. Mr. Aguiar asked Mr. Ferry if the spring planting attempt is unsuccessful, can a fall planting be done. Mr. Ferry replied, yes, early fall.

Robert Woods stated that there is a landscape bond in place. Mr. Aguiar stated that it does not include the vegetation needed to manage stormwater runoff. Mr. Aguiar said he thinks the soil at the site is not conducive with growing grass, and for the record, if we go the bond route, we will get an outside vendor to assess the site and give us a price for whatever they think is necessary to make sure the ground gets vegetated. Mr. Woods did not recall ever talking about growing grass. It has always been about the bushes. Mr. Facendola stated that they were originally looking to get into the pollinator program at UMass Amherst. He said it is a group of scientists from UMass who would visit the site and develop a seed mix specifically for the site. He will have to confirm with the developer if that is still the plan or just a standard stabilization mix. From what he has experienced, it takes months with multiple attempts with the right conditions to get vegetation to grow. Mr. Facendola will contact Mr. Ahmed Hafez at Grasshopper and send information to Mr. Pilling.

Mrs. Lauren Beausoleil, an abutter from 1680 Pine Street, stated that following work done on the basins since December, 2022, they have been pumped and are in need of pumping again. She asked about the land that will be cleared for the fire break and was advised by Mr. Pilling that the

Agenda Item 4. a.) Committee Business: Review/Discuss – FISCAL YEAR 2024

Budget Meeting Date - Ms. Goulart stated that the meeting date has been set for March 28 at the Prime Time building.

b.) Professional Services for Stormwater Program

Messrs. Ferry, Mullen, and Ms. Goulart had a conference call with Jaurice Williams, P.E., from Weston & Sampson regarding the need for professional assistance for testing outfalls. The proposal will include review of our Stormwater Bylaw and Regulations, recommendations for updates, a five-year plan for updates, cost for services, and a timetable. Ms. Goulart received a proposal from Ms. Williams this morning but has not had a chance to review it with Messrs. Ferry and Mullen. Cost estimates were as follows: Municipal Separate Storm Sewer System (MS-4) Implementation Plan - \$6,400; Stormwater Regulations Review - \$9,700; Dry and Wet Weather Outfall/ Interconnection Mapping Screening and Sampling \$25,700.00. Mr. Mullen will include this as part of the FY24 Budget discussions. Mr. Ferry said the proposed work can be done in steps. During our initial meeting, Mr. Mullen said ARPA funds might be used for this work. Mr. Aguiar asked if the funds for the MS-4 work is an annual expense to which Ms. Goulart said it was not. Ms. Williams looked at historical data and it was recommended for work to be done. She said if we can do the first two items, then the five-year plan of action can be developed including an estimate to cover that time period.

Mr. Aguiar asked if the mapping portion would give the town the data needed to create another layer of GIS. Mr. Ferry said the mapping could create this layer if that is wanted.

Ms. Goulart attended a demonstration of the new “Near Map” software the assessors’ office acquired to look at properties, The software does a very good job zeroing in on a site. The software is available to all town departments and it can be updated as needed for an additional fee. Mr. Woods said the program can go back several years and show what a property looked like at that time up to the current time.

Regarding the MS-4 template for the 2023 Reporting Year, she is waiting to hear from Newton Tedder at the Environmental Protection Agency (EPA) regarding what information will be required and also for updates to post-construction stormwater regulations. This will be an item on future agendas.

4. c.) Wheeler Street Repairs – Mr. Ferry said there was nothing new to report.

Agenda Item – 5. Active Project Updates

b.) Clearway – Araujo Farms – Mr. Pilling reported that representatives from Clearway met with the PB and will meet with the Con. Com. tomorrow night. Once the restoration plan is approved, work can be resumed.

5. Active Project Updates:

c.) Tracking Storm Water Site Visits

Ms. Goulart asked everyone to please make note of the location, time and date whenever they make a site visit even if it is only to take a quick look at the current conditions. She will ask for this information after June 30 when she will prepare data for the MS-4 report. In the past, more work has been done by the SWC than has been reported. She wants to get data that more accurately reflects all of the committee's work. Regular site visits by the SWC should not be included in this individual data because it is captured elsewhere.

d.) Hart Street Drainage – Mr. Ferry reported that this work is moving along.

e. Tremont and Middle Streets Solar Projects

Ms. Goulart said she had to move the site visit to tomorrow morning, March 16, at 11:00 a.m. We will meet at 903 Tremont Street. Its important for all to attend. It is a public meeting but it will be held on private property in an active construction zone, so only town officials, construction crew, and property owners are allowed to attend..

f.) Pleasant Street Bridge - Mr. Ferry reported that the design should be approaching completion for Chapter 85 review. Ms. Caledonia reported that this project will be discussed at the Con. Com. meeting tomorrow night. A meeting was held with all utilities and they are moving forward. Bids are expected to be solicited in March, 2024, pending Chapter 85 review.

g.) Forest Hills

Mr. Woods reported that the developer has been denied a special permit. Ms. Goulart asked if they have appealed the decision and what the timeline is for an appeal. Mrs. Kerrie Easterday who joined the meeting via ZOOM responded that the PB anticipates and appeal of its decision. The developer has twenty (20) days to file an appeal and the deadline is March 22, 2023. Mrs. Caledonia stated that the developer delivered a check to satisfy funding for Beta to continue its review to be paid from the 53G account that Con. Com. set up for this work.

h.) Main Street Reconstruction - Tom Ferry reported they are continuing to move along. Utility poles were delivered today. They have to cross three culverts which is the biggest challenge. The Dighton Water District Water said the work is ahead of schedule.

Agenda Item 6. Agent reports

a.) Hunters Hill – Mr. Woods said the developer will meet with the PB tonight. Thy have permission to start clearing trees. Mr. Aguiar said they can build one (1) more house on the existing septic system. They have asked if they can build a model home but they need clarification from the PB before they are allowed to do that.

b.) 508 Customs – Conservation Commission Update – Mrs. Caledonia said the owner is still looking for someone to do the work. Mr. Aguiar said the PB reached out to him and as of March 8, the owner notified the PB that he is working with Outback Engineering.

- c.) **2371 County St - Department of Environmental Protection (DEP) Response** – The Con. Com. asked the selectmen to send a letter to DEP but does not know if it was sent. Mrs. Caledonia said she would check with Mrs. Leanne Kerwin in the selectmen's office.

Agenda Item 7. Public Input

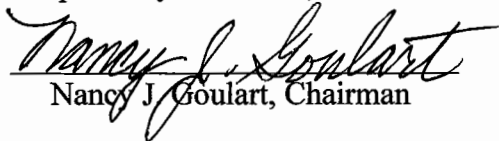
Mr. Pilling said he would send a letter to different town departments regarding Stonegate Landing because it is a Chapter 40b development and he is not sure what waivers have been granted. Mr. Aguiar said the plan is a major modification and he encouraged everyone with comments to attend the Zoning Board of Appeals (ZBA) meeting or send a letter to the ZBA with comments. Ms. Goulart asked for the name of the new owners/developers. Mr. Pilling responded that it is Able Landing, LLC and in the packet of information is a letter from MA Housing approving the conveyance. Ms. Goulart said Stonegate Landing will be on future agendas.

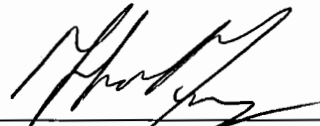
Agenda Item 8. Correspondence - None

Agenda Item 9 - Approval of Minutes – It was moved by James Aguiar, seconded by Robert Woods, and VOTED UNANIMOUSLY ON A ROLL CALL VOTE to approve the minutes for the meeting of January 18, 2023.

Agenda Item 10. Adjournment - It was moved by Todd Pilling, second by Robert Woods, Jr., and VOTED UNANIMOUSLY ON A ROLL CALL VOTE to adjourn the meeting at 2:50 p.m.

Respectfully submitted,


Nancy J. Goulart, Chairman


Thomas C. Ferry, Clerk