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AUG 28 2023

Dighton Conservation Commission
Public Meeting Minutes
Thursday 4/20/2023

Time: 2:09 PM

By: [Signature]

Public Meeting Opens at 7:00 PM at the Old Town Hall at 1111 Somerset Ave. This meeting is 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 led by Jim Digits, Chairman

Attendance: Jim Digits, Chairman, Bill Frenette, Jack Crawford, Charlie Mello, Paul Reynold, Associate member, Lisa Caledonia, Commission Agent

Minutes: Commission Members reviewed the minutes of our 3/16/2023 meeting. Jack Crawford motioned to approve the minutes as written, Charlie Mello 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. *D.I. Trust has requested a continuance to 5/18/23.* Jack Crawford motioned to continue the hearing to 4/20/23, Bill Frenette seconded, and the vote was unanimous.

Continued Hearing -- Reed Brothers Farm Limited Liability Partnership, DEP File # SE 017-0447. *Outback Engineering has requested a continuance to 5/18/23.* Jack Crawford motioned to continue the hearing to 4/20/23, Bill Frenette seconded, 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. Matt Tabares and his associate Elise from Beta informed the Commission that the resources area flags were reviewed and approved, and the plan was completed and approved. Jack Crawford motioned to close the hearing and issue an Order of Resource Area Delineation, Bill Frenette seconded, and the vote was unanimous.

Continued Hearing – ANRAD Application by Dean Smith of New Leaf, Dighton Energy Storage 1, LLC for 0 Maynard Lane, Map 1, Lots 82, 82-7, and 96. DEP File # SE017-0476.

Continued Hearing –ANRAD Application by RJR properties 0 Old Horton Street Map 7, Lots 36 & 36-1 DEP File # SE017-0475. *has requested a continuance to 5/18/23.* Jack Crawford motioned to continue the hearing as requested, Bill Frenette seconded, and the vote was unanimous.

Continued Hearing – Brook Street Solar – Request for Amended Order by Level Design on behalf of GHTJA03, LLC (Grasshopper Energy) and the owner, The Manual & Louise Andrews Trust, File # SE 017-0404. The request includes expansion of work to include site plan modifications to expand the approved limit of clearing, new 14' wide gravel driveway extension and 15" RCP drainage culvert. Additional work includes tree trimming within the 100' wetland buffer zone.

Jack Crawford recused himself from this hearing. Adam Brook of Grasshopper Energy presented the proposal to the Commission. Jim Digits noted that there was still unfinished work on the site required by the Stormwater Committee. He questioned tree removal. Lisa said no trees were marked and she said it would increase the stormwater problem existing on site. An abutter to the site was also concerned about unfinished retention areas. Bill Frenette motioned to continue the hearing to 6/18/23, Charlie Mello seconded, and the vote was unanimous.

New Meeting – Request for Determination of Applicability Application by Massachusetts Electric Company for Utility Pole Installation along Williams Street within the ROW. Peter Bachus of Tighe and Bond informed us that the utility needed to install a ground grid 3 or 4 feet away from a wetland area. Charlie Mello motioned to close the meeting and issue a Negative Determination of Applicability for the project, Bill Frenette seconded, and the vote was unanimous.

New Hearing – Notice of Intent Application by Heather Laperriere 2410 Cedar Street (Map 14, lot 1) for a proposed septic tank, leach field and associated grading within the 100' of a bordering vegetated wetland. Dep File # SE 017-0478. James Hall of Mount Hope Engineering presented the proposal. The repair would be made in the Buffer Zone 64 feet from a Vernal Pool. The system only requires maintenance twice a year by a trained technician. Jack Crawford motioned to close the hearing and issue an order of Conditions for the project, Bill Frenette seconded, and the vote was unanimous.

New Hearing – Notice of Intent Application by Robert J. Russell III at 0 Old Horton Street, Map 7, Lot 36 for construction of a single-family house with septic system. A portion of the work is within the buffer zone to wetland resources. Dep File # SE 017-0481. The applicant *has requested a continuance to 5/18/23*. Jack Crawford motioned to continue the hearing to 5/18/23, Bill Frenette seconded, and the vote was unanimous.

Conservation Commission Bylaw Hearing – Notice of Intent Application by Kevin Prarie at 2192 Maple Swamp Road, Map 1, Lot 4-1 for construction of a single family, 5-bedroom house with associated grading, septic system and well within jurisdictional resource areas. A portion of the work is within the regulated 200' vernal pool buffer zone. James Hall of Mount Hope Engineering presented the proposal. Lisa wants to make a site visit. Jack Crawford motioned to continue until 5/18/23, Charlie Mello seconded, and the vote was unanimous.

New Hearing – Notice of Intent Application by Tony Roderick at 0 Hart Street Map 19, Lot 1 & Map 20, Lot 100 Hart Street (Lot 2) for construction of single-family home with associated landscaping and grading within 100' of a bordering vegetated wetland. Dep File # SE 017-04799. Tom Morris of Zenith Engineering presented the proposal. There was some discussion concerning the foundation, it was installed before the hearing was scheduled and wetland lines. The dwelling is within the Buffer Zone and the septic system is 100' from a wetland. There was a questions runoff the plan showed all runoff directed to the wetland area. Charlie Mello motioned to close the hearing and issue an Order of Conditions, Bill Frenette seconded, and the vote was unanimous.

New Hearing – Notice of Intent Application by Robert Martin at 1035 Williams Street for after the fact permit for garage, site improvements including a driveway, landscaping, above ground pool, clearing and grading of dead trees as well as some invasives, a new fence and restoration plantings. A portion of the proposed work is within the regulated wetland buffer zone. Dep File # SE 017-0480. Greg Drake of Outback Engineering presented the plan. Commission members were concerned with many aspects of the proposal, especially the extremely large driveway, incursions into the 25' Undisturbed Vegetation Zone with fencing, etc. Jack Crawford motioned to continue the hearing to 5/18/23, Charlie Mello seconded, and the vote was unanimous.

Request by Northeast Building Company current developer of Center St. Woods subdivision on Maris Lane for the Town to accept a Conservation Restriction as shown on the Conservation Restriction Plan dated July 12, 2008, as part of the NHESP Permit No. 013-215 DFW for the Maris Lane subdivision. The developer informed us that the signage required is installed as required by NHESP. Charlie Mello motioned to accept the Conservation Restriction Area, Jack Crawford seconded, and the vote was unanimous.

Request by Joseph Baptista for an Amended Order of Conditions at 2162 Horton Street DEP file # 017-0433. Changes are as follows:

1. The locations of the actual structure as depicted in the Final Septic Design Plan (Exhibit A).
2. Wetland Restoration Plan (Exhibit B).
3. Replication Plan (sent via email on 2/9/2023). The plan prepared by Mr. Tunison and approved by USACOE differs from the replication plan approved by the Dighton Conservation Commission and MA DEP. Mr. Tunison's plan is more extensive as well as the plantings were expanded to provide additional species found within native wetland areas (Exhibit C).
4. Driveway alteration after the bridge culvert at the request of Chief Maguy. (Exhibit D)
5. Elimination of the gravel turnaround for fire access due to the final driveway layout. (Exhibit E)
6. Minor alteration on the driveway before the bridge culvert at the location of the large rock outcropping. (Exhibit F)
7. Reduction of the driveway width (asphalt) from 16' to 14'. (Exhibit E)
8. Installation of replication and restoration areas in the Fall of 2023.

Mr. Baptista also noted some changes he has made:

1. He has moved his house location out of the Buffer Zone
2. He has repaired some minor disturbances along the driveway caused by the crane employed to place the concrete bridging over the perennial stream.
3. Hydroseeding will take place this spring and planting in restoration areas this fall.
4. The driveway is straighter in some locations as requested by the Dighton Fire Chief.

Charlie Mello motioned to issue the Amended order of Conditions, Jack Crawford seconded, and the vote was unanimous.

Request by Stonegate Landing, LLC for a partial Certificate of Compliance at 983 Stonegate Landing (Map 9, Lot 2S) DEP File # SE 017-0445. Lisa visited the site. The property owner requested a partial COC until the house is sold and she will then have enough funds to finish the required restoration. Charlie Mello motioned to issue the partial Certificate of Compliance, Jack Crawford seconded, and the vote was unanimous.

Request by Maris Development, LLC for a Certificate of Compliance for Map 9, Lot 57-2, 7 Maris Lane, SE 017-0437. The developer explained that he needed the certificate because the house was sold. Jack Crawford motioned to issue the Certificate of Compliance, Charlie Mello seconded, and the vote was unanimous.

Request by Maris Development, LLC for a Certificate of Compliance for Map 9, Lot 57-8, 18 Maris Lane, SE 017-0438. The developer explained that he needed the certificate because the house was sold. Jack Crawford motioned to issue the Certificate of Compliance, Charlie Mello seconded, and the vote was unanimous.

We discussed changing the date of our June meeting. Lisa will not be available for that meeting; it is her son's graduation night, and she plans on being there. Jack Crawford motioned to change our meeting date to 6/22/23, Bill Frenette seconded, and the vote was unanimous.

We discussed requesting that the Board of Health notify the Conservation Commission time to review Septic System permits prior to issuing them. After a brief discussion it was determined that we send a letter asking them to honor our request. Jack Crawford motioned to send the letter, Bill Frenette seconded, and the vote was unanimous.

Invoice from Town Counsel Gay & Gay in the amount of \$3,500.37 for legal services rendered in the Conservation Commission appeal of DEP's Superseding Order of Conditions for Strawberry Fields. DEP File No. SE17-436. Charlie Mello motioned to pay the invoice of \$3,500.37, Bill Frenette seconded, and the vote was unanimous.

Professional Consultant Services Inv.# 1033 in the amount of \$2,343.75 for Professional Services from 2/20/2023 to 4/6/2023, for the Conservation Commission appeal of DEP's Superseding Order of Conditions for Strawberry Fields. DEP File No. SE17-436. Charlie Mello motioned to pay the invoice in the amount of \$ 2,343.75, Bill Frenette seconded, and the vote was unanimous.

Professional Consultant Services \$1,423.36 for services rendered peer reviewing the wetland lines of the ANRAD request from RJR Properties at 0 Horton St. Charlie Mello motioned to pay the invoice in the amount of \$ 1,423.36, Bill Frenette seconded, and the vote was unanimous.

Beta Group Inc. Invoice No. 3 for Specht 1130 Briggs St., ANRAD review, services rendered 10/29/2022 to 2/24/2023, \$681.35. Charlie Mello motioned to pay the invoice in the amount of \$ 681.35, Bill Frenette seconded, and the vote was unanimous.

Commission - Agent updates and Discussion Section

The Cable Committee member video recording the meeting advised the Commission that he could only record up to 10:00 PM. Lisa chose the items she felt were important to take Out of Order, they are listed below.

1. 0 Horton St. (Map 10 Lot 53) Enforcement Order issued 11/28/2022 – Site has been flagged. Expect restoration plan asap. Site visit 3/9 -*Update*. Mr. Ribeiro was present and addressed the restoration issues. He said the restoration required would take place this month he said he was out of the country until recently and that was the cause of the delay.

2. 700 Main Street – (Map 17, Lot 300) New Complaint of Wetland/Bank Alterations - *Certified Notice of Violation Sent 2/22/23. Returned to us as unclaimed. 2nd Letter sent on 3/30, requiring response by 3/10 and attendance at our 4/20 meeting.* Mr. Elderken addressed the Commission he explained he had filed with the Commission years ago, Lisa corroborated his statement and read the conditions issued by the commission in 2010, she is concerned with the bank erosion, Mr. Elderken+ countered that the erosion is caused by stream flow and not the result of the bridge that was installed to access the back of his property. He showed the commission photos of the back yard and stream. Lisa will make a site visit with Dave Phillips.

3. 670 Main Street (Map 17, Lot 133) & 0 Main Street (Map 17, Lot 130) – New Complaint received involving bank and land underwater to Muddy Cove Brook. Letter sent on 3/8/22. Requested response by 3/18 & attendance at April meeting. An abutter and Ken Araujo addressed the commission about the debris that has been dumped next to the Muddy Cove Brook.

4. Williams Street (Map 11, Lot 9) – New violation discovered on this property when conducting site visit at Clearway Solar. Letter hand-delivered on 3/8/22. Requested response by 3/18 & attendance at April meeting. Ken Araujo is developing a vernal pool restoration plan.

5. 1420 176 Cobbs Lane (Map 17, Lot 12)– Complaint received regarding potential violation. Agent took drive by on 3/13/23 and 4/3/23, no violations observed from the street. Lisa and Jim both visited the site and did not find any violation.

6. 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 – *Certified Letter Sent 2/23/23 required response by 3/13 & attendance at this meeting. No response issued fine letter on 3/23/23, fining will begin on 4/24/2023.* Lisa said the property owner visited the office after receiving the fines notice and was very upset. She said that fines could be issued for each violation per our bylaw up to a total of \$25,000, Jim said to issue them weekly.

2371 County Street (Map 20, Lot 65) Enforcement Order issued 4/1/21, DEP visited site on 4/27/22- Request for letter to be sent by the BOS to DEP – *Update*.

1035 Williams St., letter issued 4/28/21 (previous File No. SE 017-04030) – Site Visit with Outback Engineering/owner on 3/15 – *Update*.

2050 Horton St. (Map 7, Lot 26-2) Enforcement Order Issued 3/24/2022 – Site is flagged, communications with Oakhill Engineering – *Update*.

0 Williams St (Map 21, Lot 34-2) letter sent 6/2/22 – Notice of Violation – Met with owner and Stormwater Agent on 2/16 – *No new Update*.

1861 Somerset Ave (Map 17, Lot 27-2) – Met on-site with owner and Lighthouse Engineering on 2/15- *No new Update.*

771 Hart Street (Map 23, Lot 7-2) – Notice of Violation Letter sent 1/5/2023, site visit 3/23 – Erosion Controls in place as requested, will begin removal of fill, grading and seeding asap.

1940 County Street - 508 Customs (Map 17, Lot 79) –*letter sent on 3/23/23.*

880 Hart Street (Map 19, Lot 2) – Notice of Violation letter sent 2/1/23 & Site Visit 2/15/23- *No new Update.*

Public Input: none

Correspondence: none

Adjournment: Charlie Mello motioned to adjourn at 10:01PM, Jack Crawford seconded, and the vote was unanimous. a