

**Conservation Commission Minutes – September 10, 2020
at 6:30 PM via Zoom**

Attendees:

Present: Marilyn MacDonald, Chair; Harry Bailey, Vice-Chair; Eileen Prisco, Member, Steven Solbo, Environmental Planner, Jasmin Farinacci, Executive Assistant

6:30pm – Old Business

➤ Notice of Intent – Off Fruit Street, Map 83, Lot 84 (**Silva Engineering Associates**)

Present before the Commission: Ed Brennan, Attorney
Rebecca Baptista, Silva Engineering

The engineering questions raised previously have been answered by Silva Engineering. Chairman MacDonald stated that she felt she required more time to review the plans as she did not receive physical plans. Member Bailey states that working without plans is becoming very difficult.

Agent Solbo stated that a number of people are asking why the project doesn't use gravel instead of pavement, however, he states that pavement is preferable for a warehouse use to mitigate spills and to help prevent pollutants from leeching into the soil. Also, the Zone II aquifer in Raynham has been notified and the Commission has not received comment from them.

Ken Tomson, botanist, offered to visit the site with the Commission. The Commission will post a notice for a site walk.

Present before the Commission: Melissa Ramondetta, 317 Lakeside Drive

Ms. Ramondetta states that she sent a letter to the Commission regarding the area and the project is designated within an ACEC area and with regard to the 100' buffer she realizes they must go to Conservation. The parking lot area is of concern because they do not know who will be utilizing the building and what type of traffic to anticipate. Also, there is a 2.5-acre area of open space and wondered if those were meant to remain open. 11.7 acres of the site is upland, and 13 acres are wetland and are not being considered as part of their open space. The downslope will be loamed and seeded and that is what is considered the open space.

Mrs. Baptista states there are 13 acres of wetlands that are going to remain untouched,

Present before the Commission: Janet Hansen

Ms. Hansen said she is concerned with the 100' buffer as this is a very sensitive area and hopes it will be looked at very carefully.

Chair MacDonald states they will look at this very carefully.

Present before the Commission: Joe Callahan, Taunton River Watershed Alliance

Mr. Callahan asks if the applicant has an operations and maintenance plan, and asks if the building is to be used for storage or use of hazardous materials?

Agent Solbo states this is out of the Commission's jurisdiction and Mrs. Baptista confirms that an operations and maintenance plan has been submitted with the application.

Present before the Commission: Pat Neary, 225 Lakeside Drive

Ms. Neary states it is critical that a 100' no build buffer is maintained in this area. All buildings and parking are requested to remain outside of this buffer. Development in this district should protect wildlife and their habitats and feels this project should be reduced in size. The added vehicular traffic for this project adds to greenhouse gasses.

Present before the Commission: Joe Callahan, 1 Ferry Farm Road, Berkley, Taunton River Watershed Alliance
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Mr. Callahan states he believes since we have jurisdiction of stormwater standards that he believes we would also have jurisdiction over what is stored on the site.

Agent Solbo states he misread the question, he thought he had meant the potential chemicals to be stored in the warehouse.

Mr. Callahan states this is in a planned development district but he is not sure why this area was allowed to be in the district due to the wetland area and the significance of the site.

Mr. Brennan asks if the site walk will take place prior to the next scheduled meeting. Chair MacDonald states that the site walk will be completed prior to the next meeting. Mr. Brennan requests a continuance until September 24th.

MOTION: Member Prisco moves to issue continue the public hearing until September 24, 2020 at 6:30 PM. Member Bailey seconds.

**Roll Call Vote:
Marilyn MacDonald, Aye
Harry Bailey, Aye
Eileen Prisco, Aye**

➤ Notice of Intent – 1300 Vernon Street, Map 124, Lots 2, 6, 12, 81 **(Silva Engineering Associates)**

Present before the Commission: Rebecca Baptista, Silva Engineering

Mrs. Baptista states that 1:1 replication for the site has been shown on the plans, details on storage, and received comments from the Town Engineer this afternoon about the construction of the culvert and the wall and hydraulic capacity. Mrs. Baptista states that the wall is schematic as this time, as this wouldn't normally be completed for permitting purposes. Mrs. Baptista states she does not see issues with the culvert as it is proposed to be 14 feet wide, but can obtain those calculations but not with such short notice.

Chair MacDonald states that this project is complicated and there are multiple abutters who are concerned and has a large scope and proposes to the Commission to have a third party review. Member Prisco agrees that an outside opinion would be beneficial to the project. Member Bailey agrees that they have had a third party review in the past and feels it is appropriate for this project.

Mrs. Baptista asked if the Town Engineers review and comments are not enough for this project.

Chair MacDonald states there is a lot of work on the site and wants to ensure that nothing is being missed.

Mrs. Baptista asks if they could obtain three quotes.

Chair MacDonald states they will receive three quotes.

Present before the Commission: Manny Bugginga

Mr. Bugginga states that this is for 4,000 feet of wetlands, that this project is simply a wetland crossing. But feels more botanists and engineers seems redundant as this 4,000 s.f. is allowed under the regulations.

Chair MacDonald states it is a large project and that the Commission reserves the right to request a third party review.

Mr. Bugginga states that with the amount of time that has passed since he submitted the application and the additional request of a third party review that this project is becoming a hardship both in terms of time and financially. Mr. Bugginga also states that there might reach a point where this project doesn't become financially viable anymore and may consider constructing a development instead.

Chair MacDonald asks for no more comments on this project at this time and that the concern with this project is ensuring everything meets the appropriate standards and having all information required in front of the Commission, not about time or money.

MOTION: Member Prisco moves to approve an outside wetland specialist come in to review the project.
Member Bailey seconds.

Roll Call Vote:
Marilyn MacDonald, Aye
Harry Bailey, Aye
Eileen Prisco, Aye

Agent Solbo states he had spoken with Azu that morning about the specs regarding the wetland crossing. Agent Solbo states he was concerned with the footing on the culvert, but only because engineering is outside of his scope. Agent Solbo does agree with the applicants proposal, that it meets the standards of the wetland protection act and the Bridgewater by-law. Agent Solbo states that the Commission would like a second set of eyes to review the project, which he understands, The flood zone storage capacity are incorporated within the tanks within the structure.

Present before the Commission: Kevin Newton, 1370 Vernon Street

Mr. Newton states he is a Conservation Agent for another town. Mr. Newton states he disagrees that this project is limited to only accessing the uplands as in the application it states that the applicant proposes to build a single-family home and that the proposed house should be shown on the plan. Mr. Newton doesn't believe the plan has been entirely delineated because grades and buffer zones are not being shown. Mr. Newton was curious if the agent has been to the site to verify the wetland line.

Agent Solbo states he has been on site to confirm this.

Mr. Newton states the site plan differentiates with the plan for the driveway location and is shown differently on two separate plans. Also, he believes there is a 25' no touch zone for BVW and believes this project impacts this and wonders if replication is enough or if there should be some type of variance required for this.

Mrs. Baptista states that the idea of the limited project is still within this scope. The topography has not done for 24+ acres if they do not know they will receive approval for the project, and have not shown the grading and home for that reason. The overall site plan does differ than the plan for the Conservation Commission because a conceptual plan was created for the ZBA for the application required by them. Then the site was flagged and they were very specific about the flags are area for review to cross the wetlands. Mrs. Baptista states she does not know how the commission would want to handle the 25' no touch zone.

Mrs. Baptista requests a continuance for the application. Ken Tomson agrees to meet the Commission on site for this project. Chair MacDonald asked if they could hold the site walk for Vernon Street and Fruit Street for the same day, Ken Tomson confirms this would be appropriate.

MOTION: Member Prisco moves to continue the public hearing until September 24, 2020 at 6:30.
Member Bailey seconds.

Roll Call Vote:
Marilyn MacDonald, Aye
Harry Bailey, Aye
Eileen Prisco, Aye

6:30pm – New Business

➤ Request for Determination of Applicability – Rail Road Right of Way (**Fair Dermody**)

Present before the Commission: Claire Ecoutu, Keolis
Matt Donovan, Keolis

Mr. Donovan shares a vegetation management website for the MA Railroad. The 5-year vegetation plan and annual vegetation plan is listed on the website. The requirements are part of a five-year vegetation plan to keep pedestrians and the railway safe. The plan is regulated on state and municipal levels. The yearly vegetation plan is an integrated management approach. Chemical application as well as physical management are being used. Chemical application is

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attempted to be reduced as much as possible. USGS and MassGIS are used to determine the layers and identify wells. The maps do not change frequently due to the nature of the maps themselves, but they are update as required. There are areas depicted as limited spray zones and no spray zones, the railroad and the field are marked and correspond with the same colors on the map. There is an environmental monitor who accompanies the applicator with these maps in hand as they work down the track to ensure compliance. The areas will not be sprayed more than each area allows, either one or two years. The chemicals being used come from the Department of Agriculture and those are the only chemicals utilized, and these are found on the Department of Agriculture website and the vegetation management plan.

Agent Solbo states this is very consistent with maintenance of this type. This is a well thought out vegetation management plan.

MOTION: Member Prisco moves to issue a Negative Determination. Member Bailey seconds.

Roll Call Vote:
Marilyn MacDonald, Aye
Harry Bailey, Aye
Eileen Prisco, Aye

➤ Notice of Intent – 165 Hayward Street, Map 38, Lot 12 **(W. Engineering, LLC)**

Present before the Commission: Evan Watson, W. Engineering

The applicant is proposing to repair an existing septic system. The system is a failed system and they would like to replace the system as soon as possible. To the east there is a wetland resource area and stream, there is a 100' buffer zone and 200' riverfront area. The project is within 100' of the riverfront area and 50' within the buffer zone. The proposed system will be replaced in the same area as the existing system. All of the work is in existing lawn area and no trees will need to be removed with the exception of one ornamental tree and hay bales will be installed for erosion control. Mr. Watson requests that the system be repaired immediately due to it being failed.

Agent Solbo feels that replacing the septic as soon as possible is the best practice and would need to go out to inspect the erosion control prior to construction. It should also be observed to ensure that the failed system isn't polluting the existing stream.

Member Bailey said he went to the site and spoke with the health agent Mr. Badger and does not have issues with this project.

MOTION: Member Prisco moves to close the public hearing. Member Bailey seconds.

Roll Call Vote:
Marilyn MacDonald, Aye
Harry Bailey, Aye
Eileen Prisco, Aye

MOTION: Member Prisco moves to issue an Order of Conditions with the special condition that the erosion control will be inspected prior to construction and the emergency situation requires immediate construction. Member Bailey seconds.

Roll Call Vote:
Marilyn MacDonald, Aye
Harry Bailey, Aye
Eileen Prisco, Aye

6:30pm – Conservation Commission Business

- Other Business: As deemed appropriate by the Commission
- Notice of Intent – Pleasant Street, Map 96, Lots 13M, 14, 23 **(Silva Engineering Associates)**

This project was closed at the last hearing and the project was for sidewalk upgrades.

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MOTION: Member Prisco moves to issue an Order of Conditions. Member Bailey seconds.

Roll Call Vote:
Marilyn MacDonald, Aye
Harry Bailey, Aye
Eileen Prisco, Aye

- Notice of Intent – 2, 4, 6, 7, & 8 Crimson Way, Map 111, Lots 44, 15, 47, 49, 48 respectively **(Silva Engineering Associates)**

MOTION: Member Prisco moves to issue an Order of Conditions. Member Bailey seconds.

Roll Call Vote:
Marilyn MacDonald, Aye
Harry Bailey, Aye
Eileen Prisco, Aye

- Notice of Intent – 218R Auburn Street, Map 78, Lot 56 **(Foresight Engineering)**

MOTION: Member Prisco moves to issue an Order of Conditions. Member Bailey seconds.

Roll Call Vote:
Marilyn MacDonald, Aye
Harry Bailey, Aye
Eileen Prisco, Aye

- Notice of Intent – 425 Bedford Street, Map 62, Lot 9 **(Silva Engineering Associates)**

MOTION: Member Prisco moves to issue an Order of Conditions. Member Bailey seconds.

Roll Call Vote:
Marilyn MacDonald, Aye
Harry Bailey, Aye
Eileen Prisco, Aye

- Notice of Intent – 71 Oldfield Road, Map 52, Lot 13-C18 **(Prime Engineering)**

MOTION: Member Prisco moves to issue an Order of Conditions. Member Bailey seconds.

Roll Call Vote:
Marilyn MacDonald, Aye
Harry Bailey, Aye
Eileen Prisco, Aye

- Notice of Intent – 56 Erbeck Circle Extension, Map 52, Lot 13-C25 **(Prime Engineering)**

MOTION: Member Prisco moves to issue an Order of Conditions. Member Bailey seconds.

Roll Call Vote:
Marilyn MacDonald, Aye
Harry Bailey, Aye
Eileen Prisco, Aye

- Notice of Intent – 50 Erbeck Circle Extension, Map 52, Lot 13-C26 **(Prime Engineering)**

MOTION: Member Prisco moves to issue an Order of Conditions. Member Bailey seconds.

Roll Call Vote:
Marilyn MacDonald, Aye

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Harry Bailey, Aye
Eileen Prisco, Aye

MOTION: Member Prisco moves to issue an Order of Conditions. Member Bailey seconds.

Roll Call Vote:
Marilyn MacDonald, Aye
Harry Bailey, Aye
Eileen Prisco, Aye

MOTION: Member Prisco moves to adjourn the public hearing. Member Bailey seconds.

VOTE: (3-0-0)

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