



Community & Economic Development Division
Conservation/Zoning Board of Appeals

Municipal Office Building
66 Central Square
Bridgewater, MA 02324
508-697-0950

**Conservation Commission Minutes – November 14th, 2024
at 5:30 PM via Zoom**

Disclosure: Pursuant to Section 20 of Chapter 20 of the Acts of 2021, An Act Relative to Extending Certain Covid-19 Measures Adopted During the State of Emergency, this meeting of the Conservation Commission for the Town of Bridgewater will be hybrid and accessible to the public through remote participation to the greatest extent possible. There will be no public attendance permitted.

Citizens who wish to tune in to the meeting may do so via Zoom.

Virtual Zoom Meeting to Attend Via Video, Click on the Link Below:

<https://us06web.zoom.us/j/83724672348>

To Attend Via Phone Dial: +1 646 876 9923

Meeting ID: 837 2467 2348

Attendees:

Present: Wendy Smith, Chair, Marilyn MacDonald, Vice-Chair, Eileen Prisco, Member, Mark Peterson, Member, Harry Bailey, Member, Bob Rulli, Director of Community & Economic Development

Chair Smith reads the Governors Order and shares how the meetings proceed.

Member MacDonald explains the Conservation Commission process and how the commission reaches decisions.

Public Hearings

Old Business

Notice of Intent– 0 Lakeshore Center —Map 83 Lot 85

Applicant/Representative: Claremont Lakeshore Bridgewater LLC. / Silva Engineering Associates, P.C.

DEP file #: SE116-1525

Chair Smith opens the hearing to the applicant.

Ed Brennan, the applicant's attorney, is present on behalf of the applicant. Mr. Brennan explains that the application was extended so neighbors could review the last report from LEC and have questions answered regarding the wells. Mr. Brennan describes wells and the relationship to the on-site stream. Mr. Brennan also lists all reports involved, and states that there are no further submissions. (Please refer to the Youtube recording for further detail).

Mark Manganello of LEC elaborates on the wells and stream in question. Mr. Manganello confirms that the commission can close the hearing while MEPA is still in progress. If anything changes as a result of the MEPA process, it must come back before the commission. Mr. Manganello also discusses stream monitoring plan, addresses comments on stream observations, and regional drought status. (Please refer to the Youtube recording for further detail).

Bob Rulli, Director of CED, discusses questions regarding trees and landscaping.

Conservation Commission Comments: (for full detail of comments provided please refer to the posted recording on the Town of Bridgewater Youtube page)

Member MacDonald goes over wetlands line, wells, stream flow, and lack of BVW town bylaw for ACEC areas.

Member Peterson further inquires about wells and stream.

Chair Smith reads ACEC information and opens for comments from the public.

Public Comments: (for full detail of comments provided please refer to the posted recording on the Town of Bridgewater Youtube page)

Jean DiBatista, 260 Lakeside Drive - raises points regarding fires, how this project will impact us all, buffer zone, alternative locations for building on property, water drawn down from wells, stream, MEPA, and concern of prejudice in favor of applicant.

Mr. Brennan reiterates well information.

Member MacDonald addresses prejudice in favor of the applicant comment.

Melissa Raemondetta, 317 Lakeside Drive - raises points regarding stormwater, conflict of interest with 3rd party review, Water Management Act, aquifer, drawn down from wells, town bylaws, concern of building location.

Member MacDonald stormwater and third-party review comments.

Bob Rulli elaborates on the third-party review comment.

Joe Callahan, President of the Taunton River Watershed Alliance, 1 Faria Farm Road, Berkley, MA - states that the group is in opposition of the project. Mr. Callahan also discusses the ACEC area and concern of lack of inspection on the upstream side of the culvert, and riparian areas.

Janet Hanson, 665 Pleasant Street - talks about not closing the hearing, wells, data on well draw down, concern about location of the building, tree clearing, ACEC area, stream monitoring, and MEPA.



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Sam Baumgarten, 60 Short Street - discusses concern about closing the hearing, wants answers to every question raised and to wait until all reports are in. Mr. Baumgarten raises questions regarding 100' buffer and 25' buffer, and concerns about the location of the project.

Bernice Morrissey, 150 Lakeside Drive - discusses the aquifer, ACEC concerns, the stream, infringing on wetlands, not respecting buffers, droughts, wells, and draw down concerns.

Brandon Faneuf from Ecosystem Solutions representing Melissa Raemondetta, Pat Neary, and Bernice Morrissey - discusses the stream, draw downs from wells, and keeping the project outside the riverfront area.

Mr. Callahan - encourages the commission to inspect the upstream side of the culvert.

Pat Neary, 225 Lakeside Drive - discusses concern with the building location and size of the building.

Mr. Faneuf - references a letter from July 24, 2024 that was sent to the commission.

Member MacDonald - defers questions to Mr. Manganello.

Mr. Manganello - discusses BLSF elevation plans based on flood study.

Rebecca Baptista - elaborates on flood study submitted to FEMA.

Mr. Manganello - elaborates further on stream and water withdrawal comments.

Jean DiBaptista - repeats question about the 100' buffer, comments on draw down and drought.

Mr. Manganello – nothing else to add.

Council Member Adelene Ellenburg, 76 Aldrich Road – question regarding location of the project, can it be moved?

Mr. Brennan - explains that the project was moved around at the request of the planning board. The only "no touch" is the 25' buffer under the local bylaw.

Pat Neary – states this is the only area in the town that is ACEC.

Mr. Callahan – asks Mr. Manganello of LEC about irrigation wells/ draw down and how that may affect the aquifer. Mentions the property is in a Zone II public water supply.

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Mr. Manganello – did not find that to be significant to the decision on the withdrawal issue.

Janet Hansen – discusses moving the building and tree cutting.

Council Member Adelene Ellenburg- urges the commission to continue the hearing, developers should consider moving project out of the ACEC area and put it in uplands.

Bernice Morrissey - discusses buffer zone in ACEC, culvert, and DOT issue.

Chair Smith - explains that the DOT is a separate issue.

Ray Ajemian, Aldrich Road - discusses the moving of the hotel building, approved by Planning Board regulations, conservation commission should take their time in approving this project.

Conservation Commission Comments: (for full detail of comments provided please refer to the posted recording on the Town of Bridgewater Youtube page)

Chair Smith – questions regarding draw down and moving the location of project, defers to Member MacDonald.

Member MacDonald – 100' is allowed in a NOI filing, no special bylaw for the ACEC at this time. Asks Mr. Manganello to weigh in to address all questions. Comments about the stream and drought.

Mr. Manganello – addresses draw down, applicant is unwilling to move the project.

Member MacDonald – asks Mr. Manganello about hiring someone to calculate draw down.

Mr. Manganello – explains that a hydrogeologist could analyze water usage.

Chair Smith – asks the other members of the commission if they have any comments to add

Member Bailey – No comments.

Member Prisco – trouble getting off mute. Asks if we need draw down information.

Mr. Brennan – explains that issue will be analyzed through the MEPA process. If any changes occur, it can be brought back to the board. No indication at this time that the wells are affecting the stream.

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Mr. Manganello – any significant changes in the MEPA process, it will come back to the conservation commission.

Member Peterson – asks MEPA process phasing question and draw down question.

Mr. Brennan - defers the question, as he is not involved in the MEPA filing process.

Mr. Manganello – discusses certificate on the SEIR, refers to future withdrawal

Member Peterson – discusses gallons per day of usage from wells. Wants the location and withdrawal rates of all irrigation wells. Attempts to make a motion.

Mr. Rulli - states that Member Peterson can make comments but cannot make a motion on this project.

Member Peterson – hopes that the commission requests more information regarding the irrigation wells and withdrawal rates. Comments about USGS maps and the stream.

Chair Smith – All the work that has been done regarding the stream; it has been deemed intermittent.

Member Peterson – stresses the importance of getting the well data.

Mr. Brennan – states further information regarding the wells. Reiterates water usage is a part of the MEPA filing. Wells are seasonal and run on timers. Goes over locations of the wells.

Mr. Rulli - reads a comment from Janet Hanson about the stream monitoring plan being presented before closing the hearing.

Chair Smith – the stream monitoring will be part of the special conditions.

Council Member Adelene Ellenburg- wants Attorney Brennan to explain why the whole site is not moved. Draw down issue needs to be reviewed.

Mr. Brennan – explains that the project is on upland.

Melissa Raemondetta – MEPA will not answer your question about the stream. Commission needs a hydrogeologist to determine draw down.

Jean DiBatista – questions raised by commission member should be responded to, concern about what the MEPA report will cover.



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Mr. Faneuf – discusses groundwater withdrawal issue. A hydrogeologist would be the best source for withdrawal information.

Member MacDonald – believes we have the information we need, asks other members to weigh in.

Mr. Brennan – clarifies that there are 5 landscaping wells, not 4.

Chair Smith – does not think the wells will cause any major draw down from the stream.

Member Prisco – sufficient evidence that the wells are not drawing down significant amounts of water from the aquifer.

Chair Smith – question about the riparian barrier

Rebecca Baptista – drainage basin berms to keep water in basin until it discharges into riprap. The basin will recharge and provide more water into the ground.

Mr. Rulli – Reads Bearnice Morrissey's comment about not being heard regarding the drought study. Reads Janet Hansen's comment about water draw down. Reads Mr. Faneuf's comment about qualifications to determine withdrawal.

Motion to close to the hearing made by Member MacDonald, Seconded by Member Prisco

Roll call:
Member MacDonald: YES
Member Prisco: YES
Member Peterson: ABSTAIN
Member Smith: YES
Member Bailey: NO

Member Peterson - advises we hire an expert

Mr. Rulli – states that Member Peterson cannot comment any further.

Member Bailey states that he voted no due an agreement between the Chair and Lakeshore Center that they wouldn't interfere in anymore wetlands.

Member MacDonald goes over special conditions. Key points include on site monitoring at all times, monitoring plan for water quality prior to construction, maintenance of culvert.



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Chair Smith - adds to condition - water quality monitoring plan preconstruction, during construction, and post construction.

Mr. Manganello – can take the construction monitoring condition to a higher level. Recommends that a SWPP be submitted and reviewed by someone with a high level of expertise to conservation commission prior to construction.

Chair Smith – asks who is qualified to review the SWPP

Mr. Rulli – Greg Tansey the Town Engineer is qualified to review

Mr. Manganello – third party hired for construction monitoring would be able to review as well. Explains the filing process for a SWPP. Suggests adding a condition stating that any significant changes to the scope of work or resource area classification as a result of MEPA, the applicant needs to come back to the conservation commission.

Member MacDonald – any changes in planning board, the applicant should come back to conservation.

Motion to approve made by Member MacDonald, Seconded by Member Prisco

Roll call:
Member MacDonald: YES
Member Prisco: YES
Member Peterson: ABSTAIN
Member Smith: YES
Member Bailey: NO

New Business

Notice of Intent – 0 Bedford St – Map 75 Lot 57
Applicant/Representative: Grady Consulting, LLC
DEP file #: SE116- 1552

Chair Smith reads the legal ad into the record.

The filing was asked to be continued to the next meeting, December 12, 2024, so plans can be redone.

Motion to continue to the December 12th meeting made by Member MacDonald, Seconded by Member Peterson

Roll call:
Member MacDonald: YES
Member Prisco: YES
Member Peterson: YES



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Member Smith: YES

Member Bailey: YES

Request for Determination of Applicability – 333 Water Street – Map 50 Lot 83

Applicant/Representative: Michael Horton

DEP file #: SE116-

Chair Smith reads the legal ad in for the record.

Mr. Rulli explains that several large trees pose a danger to the house on the property. Proposing to top the trees, no disturbance to the ground or removal of trunks.

Member MacDonald describes the trees of concern observed on site with the conservation Agent. Conservation Agent will meet the tree company on site before work begins.

Member Peterson asks further about the trees, snags or dead trees.

Member MacDonald clarifies that some trees are dead, some are alive. No trees will be uprooted, just taking the tops off. Not touching any brush.

Commission asks agent to be contacted prior to the work on site.

Motion for a negative determination made by Member MacDonald, Seconded by Member Prisco

Roll call:
Member MacDonald: YES
Member Prisco: YES
Member Peterson: YES
Member Smith: YES
Member Bailey: YES

Notice of Intent – 25 Stonybrook – Map 118 Lot 108

Applicant/Representative: Homestead Consulting Engineers

DEP file #: SE116- 1558

Chair Smith reads the legal ad in for the record.

Matt Collins and Josh Green with Homestead Consulting Engineering are present on behalf of the applicant. Mr. Collins presents plans for the proposed addition and leaching field.

Chair Smith inquires about erosion control.



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Mr. Collins states that they are proposing erosion control installation and maintenance throughout construction along the wetlands.

Member MacDonald states there was a negative determination in 2013 for the pool that encroaches the 25' no touch.

Member MacDonald requests the staking of the deck prior to going out to the site check the wetlands line.

Motion to continue to the December 12th meeting made by Member MacDonald, Seconded by Member Prisco

Roll call:
Member MacDonald: YES
Member Prisco: YES
Member Peterson: YES
Member Smith: YES
Member Bailey: YES

Request for Determination of Applicability – 233 Broad Street – Map 21 Lot 156

Applicant/Representative: McDonald's USA, LLC. / Bohler Engineering

DEP file #: SE116-

Jared Walsh from Bohler Engineering is present on behalf of the applicant.

Mr. Walsh reads in the legal ad for the record then presents project plans.

Member MacDonald requests a revision of the plan due to an incorrect address on the site plan.

Chair Smith inquires about erosion.

Mr. Walsh explains that they will show erosion controls at the limit of work line.

Motion to continue to the December 12th meeting made by Member MacDonald, Seconded by Member Bailey

Roll call:
Member MacDonald: YES
Member Prisco: YES
Member Peterson: YES
Member Smith: YES
Member Bailey: YES



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Administrative Items

Certificate of Compliance- 365 Elm Street – Map 58 Lot 33
Applicant/Representative: Fredy Arriola / Silva Engineering Associates, P.C.
DEP file #: SE116- 1382

Motion to approve made by Member MacDonald, Seconded by Member Prisco

Roll call:
Member MacDonald: YES
Member Prisco: YES
Member Peterson: YES
Member Smith: YES
Member Bailey: YES

Certificate of Compliance- 100 Norlen Park – Map 73 Lot 34
Applicant/Representative: Michael Junior / Silva Engineering Associates, P.C.
DEP file #: SE116- 1514

Motion to approve made by Member MacDonald, Seconded by Member Prisco

Roll call:
Member MacDonald: YES
Member Prisco: YES
Member Peterson: YES
Member Smith: YES
Member Bailey: YES

Certificate of Compliance- 900 Bedford Street – Map 88 Lot 133
Applicant/Representative: NPSSA Bridgewater, LLC. / Bohler Engineering
DEP file #: SE116- 1510

Motion to approve made by Member MacDonald, Seconded by Member Prisco

Roll call:
Member MacDonald: YES
Member Prisco: YES
Member Peterson: YES
Member Smith: YES
Member Bailey: YES

Lakeshore – Cease and Desist

Mr. Rulli suggests that the office issues a certificate of non-compliance and have the applicant file a new NOI and establish a new OOC and vegetated management plan. This would get rid of the old filing number.



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Mr. Brennan, Attorney, is fine with the proposed procedure.

A certificate of non-compliance to be voted on at the December 12th meeting.

DOT/ Vernon Street Bridge – Clearing & Dumping Discussion

Conservation Agent to send letter to DOT on behalf of the town raising the concerns make aware of the conditions in place on the property.

Chair Smith mentions DOT may not know an intermittent stream is present on the property where they were storing woodchips. DOT must stop clearing and dumping.

Member Peterson mentions invasive plants and plant plan.

0 Bedford (Map 112 Lot 9) -Enforcement Order

Fill was dumped on the property and many trees were cut down. The Conservation Commission put a cease and desist in place that was sent to the owner.

Member Bailey went to the property and had the workers on site call the owner. Member Bailey explained no more activity was to occur on the property. Member Bailey also met the owner on site and talked to him in person later on.

Member MacDonald went down to the property and reiterated the same thing to the workers and stated that they must come before conservation.

Murphy's Landing – Conservation Restriction

Peter Freeman, Attorney from Moriarty and Malloy, is representing the applicant. Mr. Freeman gives background on the conservation restriction for approximately 2.31 acres of land. Mr. Freeman lists the benefits of the conservation restriction.

Conservation Commission to fill out a municipal certificate form that expresses the proposed conservation restriction is in the public interest.

Chair Smith asks about who would be monitoring this

Mr. Rulli states that Wildlands Trust would monitor this restriction



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**Motion to recommend the conservation restriction be signed by the town made by Member Bailey,
Seconded by Member MacDonald**

Roll call: **Member MacDonald: YES**
 Member Prisco: YES
 Member Peterson: YES
 Member Smith: YES
 Member Bailey: YES

0 State Prison Road – Rainbow’s End Discussion

MassDEP was looking to cross wetlands instead of the soccer fields to access area to be excavated due to elevated levels of arsenic in soil. Conservation Commission suggestion is to place trucking mats on the soccer field to avoid disturbing the fields instead of crossing the wetlands. Conservation Agent was in contact with the state. The Conservation Commission will do a site visit with MassDEP to get on the same page.

Minutes

None

Adjournment

Motion to adjourn made by Member MacDonald, seconded by Member Prisco.