

Conservation Commission Minutes – September 24, 2019
at 6:30 PM in the Council Chambers on the Second Floor of the Municipal Office Building,
66 Central Square, Bridgewater, Massachusetts

Attendees:

Present: Marilyn MacDonald, Chair; Harry Bailey, Vice-Chair; Eileen Prisco, Member and
Azu Etoniru, Conservation Agent; Jasmin Farinacci, Executive Assistant

Absent:

Chairman MacDonald opens the public hearing at 6:35

6:30pm – Old Business

- Notice of Intent – Scotland Boulevard, Map 59, Lot 14 **(Collins Engineering Group, Inc.)** Requesting continuance

Present before the Commission: No one is present at this time

The applicant has requested a continuance until October 24, 2019.

MOTION: Member Prisco moves to continue the public hearing until October 24, 2019. Member Bailey seconds.

VOTE: (3-0-0)

Chairman MacDonald makes it known that there will be no quorum on Thursday October 10, 2019, the next meeting will be October 24, 2019.

- Notice of Intent – South Farm Estates, Map 125, Lot 89 **(Michael J. Koska & Associates)**

Present before the Commission: Milton Morris, Trustee of South Farm Estates

Mr. Morris states he feels the previous hearings have wandered from the focus of the filing and he would like to bring the focus back. This project focus is access to a lot with a driveway over wetlands and cites the State Code in which projects may be reached over wetlands when no reasonable access is available to the owner. The site has been perked in three separate areas, there is 8.52 acres of contiguous uplands surrounded by wetlands. There are substantial wetlands on the north and south of the site. To the west is a stream crossing and substantial wetlands. The entire east side of the site is blocked by wetlands as well. Mr. Morris states there was no way for any uplands to reach the site from any area without having to go through wetlands. When the Commission approves a new roadway, they must protect the interests of the Wetlands Protection Act. Mr. Morris states this application meets those performance standards. The application requests crossing the wetlands in an area that is to reach an area that is 375 times as large. There is also a remediation plan in place as well. The crossing and access are not detrimental to the interest of the act and can be conditioned. Mr. Morris states that 1750 feet in Forest Street was approved to reach a previous site, with no mitigation proposed. Mr. Morris states they are requesting 1,145 feet of roadway access.

Mr. Morris states that they are proposing 2,000 feet of drainage on the site, 1,000 feet on either side of the access to the site. In addition they are proposing two detention basins to treat the water prior to it reaching the wetlands. The Forest Street plan was allowed access between flags 6 and 7 and this project is requesting to cross at flags 6 and 7 as well. The applicant is offering mitigation factors outside of the Commissions jurisdiction. The applicant will provide a permanent notice in the title that any other crossing will not be qualified as a limited wetland crossing. There are 27 acres behind this site, by putting a limitation of no access on the title it will ensure these 27 acres will not be accessed from this site. This proposed limitation protects the surrounding projects.

Neighbors are concerned with water going in their direction. Mr. Morris states that from the street to the wetland area, and where the detention basins are, are pitched 8 feet down away from the neighbors and to the detention basin. The applicant is proposing review of the drainage before the first foundation is poured.

A preliminary as built would be submitted to the Conservation Commission showing that all stormwater, swales, and drainage, flows to the detention basin.

The applicant will voluntarily place a conservation restriction on the parcel shown as "Conservation A" behind Douglas Drive and Atkinson, and encompasses over 10 acres of land, and they will offer this property to the town at free of charge. If the Town cannot accept this piece, it will still remain in a Conservation Restriction

There is a parcel shown as "Parcel A" which is .5 acres, that will also have a conservation restriction. Everything on the right-hand side will be protected or deeded to the Town.

On the left-hand side "Parcel B" is .5 acres, and a Conservation Restriction is proposed for that site to only be used as yard or agricultural uses for abutters.

Behind the site there is a 5-acre parcel that is also proposed to have a Conservation Restriction on the property so that is protected as well.

Mr. Morris states that there will be homes in the woods, with minimum of 3-acre parcels, that have good perc tests, and there will be a restriction of access to any of the surrounding properties. All of the restrictions proposed are voluntary and are restrictions that cannot be imposed on someone without their consent

Mr. Morris hopes the Commission will look at this project in conjunction with DEP policy and not with emotion.

Present before the Board: Michael J. Koska

Mr. Koska states that one of the three test pits fell short .7 feet. Drainage on the site has been revised since the original filing. Along the North side of the road the drainage will pick up anything that is incidental to the slope of the road or the property of the north. The road is designed to have a north to south slope to direct drainage into the swales on the south of the road. A grass swale is proposed to be installed to filter out the storm water and a detention basin is proposed on the north and southwest portion of the proposed site. Revised stormwater calculations have been revised since the previous hearing. The detention basins were also increased in size.

Mr. Etoniru states that he has reviewed the plans and there are a few items that need to be completed with the Planning Board review so the decision can be more comprehensive so the decision with the Commission and the Planning Board can be married. Mr. Etoniru states that the drainage design is consistent with the Town of Bridgewater requirements under the Wetland Protections Act, which is required by the Planning Board regulations and not necessarily for this filing with the Commission. Mr. Etoniru states that it would behoove the Commission to process the information that has been presented here and to ensure the numbers that are being proposed are accurate. If the proposed Conservation restrictions are verified, he feels that this would in some level assuage some of the concerns in terms of disturbance.

Mr. Etoniru states that in comparison to the road that was proposed for agricultural use, that was used as an example, was not proposed to be paved and is not an even comparison. In the spirit of 310 CMR 10 he does feel this will meet the consideration for wetland crossing, but consideration does not guarantee approval. Mr. Etoniru recommends reviewing not just the roadway, but also the area around the homes in regard to stormwater and believes this is a step in the right direction.

Mr. Etoniru states he is not prepared to recommend approval at this time as he feels the Commission should have time to review the information that was presented to them at this time. Mr. Etoniru also recommends an open-berm box column so as to displace less soil and to avoid brining in fill if the Commission were to approve the project.

Member Bailey agrees that the project is headed in the right direction but also agrees the Commission needs time to review the information.

Present before the Board: Robert Mullen, 1905 South Street

Mr. Mullen states that he believes the applicant had previous upland access to the property prior to constructing a house on the upland site. Mr. Mullen states he is unsure why the Commission would approve a project to cross wetlands when it previously had upland access. Mr. Mullen states that the house constructed on the upland lot has drainage that should be reviewed.

Chairman MacDonald asks if prior to construction of the house on the upland lot if there was upland access to the site.

Mr. Morris states that there was no upland crossing prior to the abutting house being built. Mr. Morris states that the crossing must be a dry crossing through dry land, which was not available. Mr. Morris states that denial for access must be due to a project hurting the protection of the act.

The project that was discussed in question was not part of the jurisdiction of the Commission.

Chairman MacDonald states that they will take a site visit to the property.

The applicant requests a continuance until the next public hearing.

MOTION: Member Prisco moves to continue the public hearing until October 24, 2019. Member Bailey seconds.

VOTE: (3-0-0)

➤ Notice of Intent – 81 Crescent Drive, Map 47, Lot 42 **(Silva Engineering Associates, Inc.)**

Present before the Commission: Rebecca Baptista, Silva Engineering

Ms. Baptista has submitted revised plans to the Commission showing the patio that was in question at the last hearing.

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

VOTE: (3-0-0)

6:30pm – New Business

➤ Notice of Intent – 561 Forest Street, Map 99, Lot 3 **(Foresight Engineering)**

Present before the Commission: Darren McHale, Foresight Engineering

The applicant is proposing to convert an existing garage structure into a single-family dwelling with a septic system. The applicant is proposing this to avoid additional impact by performing a tear-down and re-build. There is a new portion of driveway proposed to be paved. The proposed septic tank is shown on the site. The well on site is proposed to be decommissioned and they will be tying into Town Water. There is an existing fence to protect the wetlands and resource areas.

Mr. Etoniru states when the prior homeowner passed away a company had gone out and delineated the wetlands and separated the lots. The wetland by-law requires all structures be 50-feet from the wetlands but since this project is currently existing and will be constructed in the same footprint, so it is protected, however, they do require a Variance from the Board of Appeals for the reconstruction.

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

VOTE: (3-0-0)

➤ Request for Determination of Applicability – Route 24 **(MassDOT)**

Present before the Commission:

The applicant is proposing to trim trees along Route 24. The applicant is before the Commission to see if this project requires a Notice of Intent. Mr. Etoniru recommends closing the public hearing and issuing a Negative Determination.

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

VOTE: (3-0-0)

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

VOTE: (3-0-0)

- Notice of Intent - Trinity Circle, Map 100, Lot 99 **(Silva Engineering Associates, Inc.)**

Present before the Commission: Rebecca Baptista, Silva Engineering

The applicant is proposing to construct a single-family house with driveway, and supporting infrastructure within the buffer zone. The house has proposed septic in the front yard. There is a pool house proposed within the 50-foot setback. The irrigation well is proposed at the 50-foot setback. The applicant is also proposing to install a pool.

Mr. Etoniru states there are no comments on this filing as most issues were discussed during the subdivision.

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

VOTE: (3-0-0)

- Request for Determination of Applicability – 30 Ashtead Road, Map 100, Lot 110 **(Silva Engineering Associates, Inc.)**

Present before the Commission: Rebecca Baptista, Silva Engineering

The applicant is requesting a septic repair via RDA because they are outside of the 50-foot no touch zone. This is a failed septic system.

Mr. Etoniru does not have an issue with this project with the condition that they install erosion control at the 50-foot line.

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

VOTE: (3-0-0)

MOTION: Member Prisco moves to grant a Negative Determination with the condition of erosion control at the 50-foot line. Member Bailey seconds.

VOTE: (3-0-0)

6:30pm – Conservation Commission Business

- Other Business: As deemed appropriate by the Commission
- Certificate of Compliance – 140 College Road **(Silva Engineering Associates, Inc.)**

Mr. Etoniru states this is an old project and he recommends approval.

MOTION: Member Prisco moves to grant a Certificate of Compliance. Member Bailey seconds.

VOTE: (3-0-0)

- Review Order of Conditions for 1400, 1420, 1425 High Street **(Stantec Consulting Services)**

MOTION: Member Prisco moves to grant the Order of Conditions with the condition of no discharge of untreated processed water into the wetlands. Member Bailey seconds.

VOTE: (3-0-0)

- Review Order of Conditions for 1030 Elm Street **(Silva Engineering Associates, Inc.)**

MOTION: Member Prisco moves to grant the Order of Conditions. Member Bailey seconds.

VOTE: (3-0-0)

- Review Order of Conditions for 86 Spring Street **(Michael J. Koska & Associates)**

MOTION: Member Prisco moves to grant the Order of Conditions with the condition that two or three signs with 2.5 inch letters posted on the site that there be no salt on the site, the condition that no salt be used as ice management, and that a fence be installed at the rear of the site. Member Bailey seconds.

VOTE: (3-0-0)

- MS4 - Conservation Commission as Stormwater Authority **(BETA)**

Present before the Commission: Phil Paradis, BETA

Mr. Paradis is before the Commission to discuss their role as the Stormwater Authority as recently appointed by Town Counsel. Mr. Paradis gives a presentation This is in regard to the state MS4 requirements. One of the requirements was to have three sets of ordinances in regard to stormwater. Prior to 1996 there were essentially no stormwater standards in place. Due to this there is a large pollutant load going into the waters of the United States. This became effective in July of 2018. Some of the basics for MS4 permit include minimum control measures.

Mr. Paradis reviews some of the issues that will be difficult for the Town and the impact associated with the program.

- Discussion: Community Preservation Act Funds **(JM Goldson – Anna Callahan)**

Present before the Commission: No one is present at this time

- Memorial Bench
- Review of Meeting Minutes from August 30, 2019 and September 12, 2019

MOTION: Member Prisco moves to approve the meeting minutes of August 30, 2019 and September 12, 2019. Member Bailey seconds.

VOTE: (3-0-0)