

**Conservation Commission Minutes
August 23, 2018**

Attendees:

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

Absent: Tina Bianco, Associate Member

Conservation Commission – Old Business

Notice of Intent – 0 South Street, Map 74, Parcel 39

Marilyn MacDonald, Chair, opened the continued hearing. Mr. Azu Etoniru, Conservation Agent, updated the Commission on his communications with the DEP regarding the replication requirements. Mr. Etoniru stated that he spoke with Ms. Bernadette DeBlander from DEP and she advised that she would consult with the section chief and get back to us. Based on her assessment and looking at the plans, the Commission cannot only approve a wetland in excess of 5,000 square feet without water quality certification and that the application does not qualify for a limited access project. Mr. Etoniru gave an example of what a limited access project. Mr. DeBlander stated that she would send a correspondence to the Commission. Mr. Etoniru stated that the Commission does not have the discretion to approve something that is not statutorily allowed. Mr. Etoniru stated that he also informed the DEP that in 1999/2000 the wetlands on the site were flagged, and part of the water is part of the drainage on the west side of South Street – prior to 2008 what was constructed back then, and they have a connection it is considered a Bordering Vegetative Wetlands, even though it is a culvert under the street.

Ms. Marilyn MacDonald, Chair, stated that they are at a standstill, based on the information from DEP. Ms. MacDonald opened the hearing to abutter comments. Mr. Arthur Leach, 38 Harvest Lane, and South Street Realty Trust asked for clarification regarding the DEP position. Mr. Azu Etoniru restated the DEP position and clarified what made it a Bordering Vegetative Wetlands. Mr. Leach also wanted clarification as to where the water is coming from.

Ms. Mae Doherty, abutter residing at 756 South Street, read her email, dated June 8, 2018 into the record, it stated the following: *"My name is Mae Doherty and I live at 756 South Street. My property is next to the proposed building project by South Street Realty Trust. I am sending this so you will have a chance to see my concerns before the meeting to be held on June 28th. Included is a letter I sent to Jane Brown on January 2, 2018. I sent the same letter at that time to Azu Etoniru, Steven Solari, Michael Dutton, and Leslie Dorr. The letter addressed my concerns. I have copied it at the end of this letter and also in the attachment. Item #4 addresses the HomeNook project. The Planning Board held Public Hearings on Sept. 18, 2000 and Oct. 27, 2000. One of the issues addressed was the proposal of a pipe to be installed to go **under** South Street to connect a proposed basin (swale) that would be built on one side of South Street and drain through the pipe **under** South Street into the wetland on the other side of South Street. My lot is an abutter to the wetland. South Street Realty Trust addressed the issue because they owned the land on both sides of South Street, the land involved in the proposed basin and the **wetland**. I would think one of the reasons the detention basin proposal passed at that time was because it was emptying into wetland. In the recently proposed building project, a new area of concern for me is the proposed relocation of the drain line. Since it looks as if it would be relocated right next to my property, I have concerns as anyone would. I am concerned about the amount of fill already deposited, its potential to affect the natural flow of stormwater and how the relocation of a drain line will add to that impact, taking into consideration the designated wetlands and the exact number of houses to be built. As noted on the attached Notice of Violation letter from the Bridgewater Conservation Commission from December 27, 2017, "the fill deposits have the potential of altering and impeding/impounding existing natural flow of stormwater runoff by the abutting land of Beth Evers Doherty Tr. at 756 South St." Specifically, I would like to know: 1) **Why would the drain be relocated?** 2) **Where exactly would it be relocated?** 3) **How is the water collected?** 4) **How is the water supposed to flow during a storm? Where and how does it empty out?** 5) **Is the drainage easement with a swale, basin, or pipe?** 6) **How many homes would be using the relocated drain?**" At least 5 feet of fill has been added to the property next to me since December. How will that affect the water flow? The gradation of the land has changed significantly. My home has a walkout cellar, which has always been a bonus for working outside. However, the yard is at a low level. If I have flooding in the back, the water will come right into my cellar. I have never had a problem with that and I have lived in this home for 50 years. I surely do not want to begin having problems now. Because the proper procedures and rules have not been followed since the beginning of this project, I have major reservations about the plans and the resulting detrimental impact on my land. Thank you for your time and consideration."*

APPROVED: October 25, 2018

Ms. Patricia Cassidy, Conservation Agent in Middleboro, MA, representing Mae Doherty, abutter residing at 756 South Street, asked the Commission several questions regarding the project regarding the type of project, drainage, and if it is a Chapter 61A parcel. Ms. MacDonald informed Ms. Cassidy that the bulk of the project is still under review, pending clarification from DEP.

Mr. Leach noted for the record that South Street Realty Trust reserving the right to maintain the land as agriculture. Mr. Azu Etoniru, Conservation Commission Agent, stated that the Commission can only speak to the application in front of them.

Ms. Rebecca Baptista from Silva Engineering requested the hearing be continued. Ms. Eileen Prisco, Member, motioned to continue the hearing to September 27, 2018. Mr. Harry Bailey, Vice-Chair, seconded the motion. VOTE: All in favor, none opposed.

Notice of Intent – 1221 Bedford Street, Map 111, Parcel 38 – SE116-1426

Ms. Marilyn MacDonald, Chair, opened the continued hearing and stated that the filing fees were insufficient, and the Commission did not perform a site walk.

Ms. Briony Angus from Tighe and Bond, representing the applicant, provided the shortage in fees, and requested a continuance. Ms. Angus stated that the flagging has been redone at the site and is ready to have the Commission to visit the site, and provided updated engineered plan set, dated August 16, 2018, entitled "Bridgewater Landfill Solar Project, Permit Application Set, Bridgewater, Massachusetts, July 2018, Revised August 2018" for the Commission's review.

Ms. Eileen Prisco, Member, motioned to continue the hearing to September 27, 2018 pending site walk visits. Mr. Harry Bailey, Vice-Chair, seconded the motion. VOTE: All in favor, none opposed.

Abbreviated Notice of Resource Area Delineation – 0 Pleasant Street, Map 71, Lot 67 – SE116-1428

Mr. Azu Etoniru recused himself from sitting on this hearing and left the room.

Ms. Marilyn MacDonald, Chair, opened the continued hearing.

Mr. Ken Thompson, Wetland Scientist, provided the Commission with updated engineered plans dated August 1, 2018, entitled "*Abbreviated Notice of Resource Area Delineation Plan in Bridgewater, MA Plymouth County, 0 Pleasant Street, Assessors Map 71, Lot 67*" as prepared by E.T. Engineering Enterprises, Inc. 481 Bedford Street, Routes 18 and 28) Bridgewater, MA, that depicted updated wetland flags.

Ms. MacDonald stated that the Commission was out to the site for a site walk and didn't find any problems with the wetland line.

Ms. Eileen Prisco, made a motioned to close the hearing. Mr. Harry Bailey, Vice-Chair, seconded the motion. VOTE: All in favor, none opposed.

Ms. Eileen Prisco, Member made a motioned to issue an Order of Resource Area Delineation. Mr. Harry Bailey, Vice-Chair, seconded the motion. VOTE: All in favor, none opposed.

Conservation Commission – New Business

Amended Order of Conditions – 37 Birch Hill Road, Map 82, Lot 36

Ms. Marilyn MacDonald, Chair, opened the hearing and read the public hearing notice into the record for review of a request for an amendment to the Order of Conditions. The proposed work includes the maintenance of a dock and bulkhead. The property is owned by Charles Efremidis and located at 37 Birch Hill Road, Bridgewater, Map 82, Parcel 36.

Ms. Rebecca Baptista from Silva Engineering, representing the applicant, made a presentation to the Commission, explaining the scope of the project as depicted on the engineered plans dated July 16, 2018 entitled "*Maintain Dock and Bulkhead, Site: Assessor's Map 82, Lot 36, 37 Birch Hill Road on Lake Nippenicket, Bridgewater, MA*".

The Commission reviewed the history of the parcel and outstanding Order of Conditions work that has not been done appropriately and the wetland violations. Mr. Harry Bailey, Vice-Chair, stated that he would not approve any additional work at the site until trees are planted. Mr. Azu Etoniru, Conservation Commission Agent, stated that they would still need a Chapter 91 license to have a dock on a great pond.

Mr. Brian Robbins, abutter residing at 33 Birch Hill Road, expressed his concerns regarding this project. Mr. Anthony Oliveira, abutter residing at 35 Birch Hill Road, expressed his concerns regarding this project. Mr. Frank Cannizzaro, abutter residing at 25 Birch Hill Road, expressed his concerns regarding the proposed bulkhead.

The Commission will need to go out to the parcel to do a site walk visit. Ms. Rebecca Baptista, Silva Engineering, asked the Commission to continue the hearing. Ms. Eileen Prisco, Member, motioned to continue the hearing to September 27, 2018 pending site walk visits. Mr. Harry Bailey, Vice-Chair, seconded the motion. VOTE: All in favor, none opposed.

Conservation Commission Business

Review of the Request for Extension for Order of Conditions for Colonial Post Drive, Lot 17A – DEP SE116-1296

The Commission discussed and reviewed the Extension Request for Order of Conditions for SE116-1296 for Colonial Post Drive, Lot 17A, Map 46, Parcel 66 and 17 as presented.

Mr. Harry Bailey, Vice-Chair, made a motion to issue the Extension Request Order of Conditions for SE116-1296 for Colonial Post Drive, Lot 17A, Map 46, Parcel 66 and 17 for an additional three years, expiring on September 8, 2021. Ms. Eileen Prisco, Member, seconded the motion. VOTE: All in favor, none opposed.

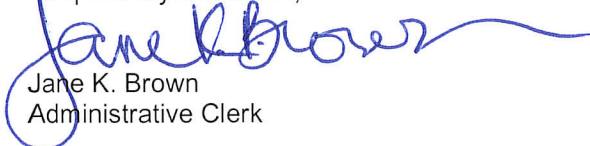
Homenook Complaint

Azu Etoniru, Conservation Commission Agent, informed the Commission that the Department received a complaint regarding quad use in the open space of the Homenook Subdivision, which has created a corridor from Grange Park to Homenook. Mr. Etoniru suggested that the Commission authorize the agent to send a letter to the Trustees as well as all the abutters notifying them of the conditions that are on record and an order that the signs were required to be posted on all entry points to the open space, as well as the potential for fines to be assessed. Mr. Etoniru suggested that the Commission put up the signs and bill the Trustees.

Ms. Eileen Prisco, Member, made a motion to direct the Agent to send a letter to the Trustees of Homenook regarding the Open Space and to install signs and bill them. Mr. Harry Bailey, Member, seconded the motion. VOTE: All in favor, none opposed.

Commissioner Harry Bailey made a motion to adjourn the regular meeting at 8:30pm. Commissioner Eileen Prisco, seconded the motion. VOTE: All in favor, none opposed. Ms. Marilyn MacDonald closed the meeting. Next meeting will be on September 27, 2018 at 7:00pm in the Council Chambers located on the second floor of the Municipal Office Building, 66 Central Sq, Bridgewater.

Respectfully submitted,


Jane K. Brown
Administrative Clerk