

**Conservation Commission Minutes
February 23, 2017**

Attendees:

Present: Marilyn MacDonald, Vice-Chair, Harry Bailey, Member; Melissa Desjardins, Member; Azu Etoniru, Conservation Agent; Robert Mello, Member and Matthew Stoddard, Member

Absent: Azu Etoniru, Conservation Agent; Mariah Jennings-Rampsi, Associate Member; Robert Mello, Member

Conservation Commission – Old Business

Notice of Intent – Off Ashtead Road, Map 87 and 100, Parcels 142 and 90 – SE116-1400

Ms. Marilyn MacDonald, Vice-Chair, opened the continued hearing and read a letter dated February 22, 2017 from Lawrence P. Silva, P.E., S.E., President, Silva Engineering, Associates, Inc., into the record. It stated the following:

"On behalf of our client, Trinity Covenant Church, Silva Engineering Associates would like to request a continuance from your February 23, 2017 meeting until your next meeting on March 9, 2017. Drainage changes per the Town Engineer's comments are being finalized for his review in advance of the next Planning Board meeting on March 1, 2017. If you have any questions please feel free to contact"

Mr. Harry Bailey, Member, motioned to continue the hearing to March 9, 2017. Ms. Melissa Desjardins, Member, seconded the motion. VOTE: All in favor, none opposed.

Notice of Intent – 30 Colonial Drive – SE116-1397

Ms. Marilyn MacDonald, Vice-Chair, opened the continued hearing and read a letter dated February 22, 2017 from Lawrence P. Silva, P.E., S.E., President, Silva Engineering, Associates, Inc., into the record. It stated the following:

"As a result of the discussion that occurred during the previous public hearing and at the site walk last Friday January 20, 2017, I contacted the DEP to get guidance on how to proceed. This letter is a summary of my discussion with Gary Makuch of the Southeast Regional District in Lakeville. I explained to him the details of our situation with Lot 8, and he indicated that the line can be utilized as shown on the new NOI plan if the first approved design and OOC is closed out prior to the issuance of a new OOC. Since the subdivision roadway OOC was already closed out, the line shown for Lot 8 will be the only one open. Alternatively, in his opinion, a new notice of intent was not necessary and the Commission could have handled it as an amended order. We also discussed a recent court case that dealt with a subdivision where a Certificate of Compliance was issued and the court determined that the line was still good for three years. That decision has no bearing on this issue, Gary said, because it only stipulated the life of the line still carried past the compliance if it benefited the owner. In that case a new NOI could be presented with a different line if they wanted."

Ms. Marilyn MacDonald, Vice-Chair, then read the confirming email dated February 22, 2017 from Gary Makuch from Mass DEP, into the record. It stated the following:

"Hi Larry, if work is closed out by a Certificate of Compliance, but the Order of Conditions is still valid [within three years of issuance date or extension time], the wetland line is still valid. If you are filing a Notice of Intent for individual lot development within a subdivision, in this case the subdivision wetland line is still valid [less than three years old or extension time], the wetland line may be revised by the Notice of Intent filing for the individual lot. I believe this confirms our discussion, but if you or the Conservation Commission has any additional questions, feel free to forward to my attention."

Ms. Marilyn MacDonald, Vice-Chair, stated that she wanted to ensure that the Commission is following the regulations and deferred to the Conservation Agent for direction. Mr. Azu Etoniru, Conservation Agent, stated that the applicant can submit a Certificate of Compliance request for the previous Order of Conditions. The wetland line as approved under the previous Order of Conditions is valid for three years. Mr. Etoniru stated that he spoke with Dan Gilmore and Mr. Gilmore stated that the wetland line would still be valid even if the Certificate of Compliance was issued.

Mr. Matt Stoddard, Member, motioned to close the hearing. Ms. Melissa Desjardins, Member, seconded the motion. VOTE: All in favor, none opposed.

ANRAD – Lyman Place

Mr. Harry Bailey recused himself from sitting on this hearing.

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

Ms. Melissa Desjardins, Member, motioned to continue the hearing until March 9, 2017. Mr. Matthew Stoddard, Member, seconded the motion. VOTE: Three in favor, one abstained. Mr. Harry Bailey abstained, present for quorum purposes only.

Notice of Intent – 785 Elm Street – SE116-1397

Ms. Marilyn MacDonald, Vice-Chair, opened the continued hearing and read a letter dated February 22, 2017 from Lawrence P. Silva, P.E., S.E., President, Silva Engineering, Associates, Inc., into the record. It stated the following:

"On behalf of our client, Copart Inc., Silva Engineering Associates would like to request a continuance from your February 23, 2017 meeting until your meeting on April 13, 2017. In the interim a draft Operations and Maintenance manual will be provided for review. At the meeting on April 13th, Joe O'Leary, Copart's Senior Director of Equipment, Safety & Environmental Compliance will be on hand to review the procedures that are utilized to protect groundwater and Stormwater. On behalf of Copart, I hereby grant the Commission a time extension to April 13th to complete the public hearing process and an additional two weeks to issue a decision and Order of Conditions. If you have any questions please feel free to contact me."

Mr. Harry Bailey, Member, motioned to continue the hearing until March 9, 2017. Ms. Melissa Desjardins, Member, seconded the motion. VOTE: All in favor, none opposed.

Notice of Intent – Oldfield Estates, Off Cherry Street – SE116-1395

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

Mr. Harry Bailey, Member, made a motion for a group site walk on Saturday, March 4, 2017 at 1pm.

Mr. Matthew Stoddard, Member, seconded the motion. VOTE: All in favor, none opposed.

Mr. Harry Bailey, Member, motioned to continue the hearing to March 9, 2017. Ms. Melissa Desjardins, Member, seconded the motion. VOTE: All in favor, none opposed.

Conservation Commission – New Business

Request for Determination of Applicability – 20 Mill Street, Map 24, Parcel 12

Ms, Marilyn MacDonald, Vice-Chair, opened the hearing and read the public hearing notice for the Request for Determination of Applicability filed by Massachusetts Electric Company. The applicant proposed to conduct a modification project to a transformer within the pre-existing Mill Street Substation and requests a determination from the Commission whether the work depicted on the plan is subject to jurisdiction under the Wetlands Protection Act and Town of Bridgewater Wetland By-Law. The property is owned by Massachusetts Electric Company d/b/a National Grid (MEC) and located at 20 Mill Street, Bridgewater MA as shown on Assessor's Map 24, Parcel 12.

Mr. Adam Rosenblatt, Project Manager, PE, from VHB, representing the applicant, made a presentation to the Commission, explaining the scope of the project as depicted on the engineered plans dated January 20, 2017 entitled "Mill Street Substation Modification Project, 20 Mill Street, Bridgewater, MA" as prepared by VHB. Mr. Rosenblatt explained that the applicant will be upgrading the wiring in the substation yard to support the MBTA turbine project. Mr. Rosenblatt explained the dewatering plan, the need for additional cables in the existing paved driveway. There will be no vegetation clearing and erosion control will be installed. Ms. Melissa Desjardins required that the applicant extend the erosion control for the conduit work.

Mr. Harry Bailey, Member, motioned to close the hearing and issue a negative determination with a special condition to install hay bales for the additional area of work. Mr. Matthew Stoddard, Member, seconded the motion. VOTE: All in favor, none opposed.

Notice of Intent – Fireworks Circle, Lot 15, Map 88, Parcel 83 – SE116-1403

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

Ms, Marilyn MacDonald, Vice-Chair, opened the hearing and read the public hearing notice for the Notice of Intent filed by Kris Fabroski who sought approval for the development of a 3,000 square foot warehouse building and other site work within the buffer zone to a wetland. The property is owned by PAD Corp. and is located at Fireworks Circle as identified on Assessor's Map 88, Parcel 83.

Ms, Marilyn MacDonald, Vice-Chair, stated that the soils that have been stockpiled shall be removed within the 25' no touch and erosion control placed back.

The Commission reviewed all the material as presented and there were no further comments or concerns, and no abutters present for comments. Mr. Harry Bailey, Member, motioned to continue the hearing to January 12, 2017. Mr. Matthew Stoddard, Member, seconded the motion. VOTE: All in favor, none opposed.

Conservation Commission Business

Review of Order of Conditions for 62 Ashtead Road, Map 100, Lot 187 – SE116-1402

The Commission reviewed the Order of Conditions for DEP File Number SE116-1402 for 62 Ashtead Road, Map 100, Lot 187 as presented. Mr. Harry Bailey, Member, made a motion to issue the Order of Conditions. Mr. Matthew Stoddard, Member, seconded the motion. VOTE: All in favor, none opposed.

Review of Certificate of Compliance for Laurel Heights Subdivision – SE116-1065

The Commission reviewed the Certificate of Compliance for DEP File Number SE116-1065 for Laurel Heights Subdivision, Map 64, Parcels 28, 29, 44, 45 as presented. Mr. Harry Bailey, Member, made a motion to issue the Certificate of Compliance. Mr. Matthew Stoddard, Member, seconded the motion. VOTE: All in favor, none opposed.

Commissioner Melissa Desjardins made a motion to adjourn the regular meeting at 7:52pm. Commissioner Robert Mello seconded the motion. VOTE: All in favor, none opposed. Acting Chair Harry Bailey closed the meeting. Next meeting will be on March 9, 2017 at 7:00pm in the Hearing Room located on the second floor of the Municipal Office Building, 66 Central Square, Bridgewater.

Respectfully submitted,



Jane K. Brown
Administrative Clerk