

**Conservation Commission Minutes
January 12, 2017**

Attendees:

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

Absent: Tina Bianco-Leo, Associate Member; Mariah Jennings-Rampsi, Associate Member, and Dick Monteith, Chairman

Conservation Commission – Old Business

Enforcement Order – 0 Pleasant Street, Map 83, Lots 15 through 38 – SE116-1375

Ms. Marilyn MacDonald addressed the wetland violation in regards to the Order of Conditions SE116-1375, stating that the Commission is very disappointed to learn from citizen concerns that unauthorized work was being done at the site. Representatives for Claremont were present who explained their ignorance regarding the special conditions. The applicant was ordered not to do any further work until a specialist, or botanist or the person in charge goes to the site to assess what has happened and provides the Conservation Commission with a report. The special conditions for the project, as documented in the Order of Conditions, were reviewed and read into the record.

The Commission recommended that a fine be issued for the violation of Order of Conditions. Mr. Azu Etoniru stated that a fine is meant to induce compliance, and not meant to be punitive in nature. Ms. Melissa Desjardins, Member, motion to issue a \$1,000 fine for non-compliance of the Order of Conditions, and have the Botanist in charge document the work that has already been done, and provide a report to the Commission. Mr. Matthew Stoddard, Member, seconded the motion. Mr. Harry Bailey, member, abstained. VOTE: Three in favor, one abstained.

Notice of Intent – 7 Autumn Circle – SE116-1396

Ms, Marilyn MacDonald, Vice-Chair, opened the continued hearing. Mr. Azu Etoniru, Conservation Agent, stated that the original plans had a provision for the homeowner to come back with a pool. Mr. Etoniru also stated that the area has very little wetlands.

The Commission reviewed all the material as presented and there were no further comments or concerns, and no abutters present for comments. Mr. Robert Mello, Member, made a motion to close the hearing. 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. Mr. Larry Silva recapped the proposed project, stating that they had reflagged the area to be determined as a wetland. Mr. Bailey stated that he had an opportunity to do a site walk and it was his opinion that the water leak from the hydrant was fixed and he was fine with moving the wetland line.

Mr. Azu Etoniru, Conservation Agent, stated that there is a technical and procedural issue at hand that needs to be addressed. On the one hand, there is an existing Order of Conditions that establishes the wetland line has been established and valid and cannot be changed for three years. Mr. Etoniru stated that procedurally change the wetlands line, which is valid for three years. Mr. Etoniru and Mr. Silva discussed the validity of the current wetland line and if procedurally able to change the location of the line, and agreed to check with Mass DEP on the proper regulations. The histories of the various filings were reviewed in detail as well and the Commission requested that the previous records be retrieved for further review, as well as the wetland reports.

The Commission will to review the regulations to determine whether or not a change of the wetland line that has been established through an Order of Conditions that is valid for three years is allowed.

Mr. Robert Mello, Member, made motion to have the Commission go on a group site walk visit on Friday, January 20, 2017 at 3:30pm. Mr. Matthew Stoddard, Member, seconded the motion.

Mr. Robert Mello, Member, motioned to continue the hearing to January 26, 2017. Mr. Harry Bailey, 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. Silva updated the Commission on the status of the proposed 59 house lot cluster development approval process pending with the Planning Board. Mr. Silva explained the topography and phase one and two of the subdivision development. Mr. Silva Mr. Silva stated that most of the activity is outside the buffer zone with the exception of some of the drainage work and when into detail about the proposed drainage infrastructure.

Mr. Silva stated that he would stake out the parcel for the Commission to review the wetland line, and would advise the office when that has been completed.

The Commission reviewed all the material as presented and there were no further comments or concerns, and no abutters present for comments. Mr. Robert Mello, Member, made a motion to continue the hearing until February 23, 2017 at 7pm pending individual site walks. Ms. Melissa Desjardins, Member, seconded the motion. VOTE: All in favor, none opposed.

Conservation Commission – New Business

ANRAD – Lyman Place

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

Ms, Marilyn MacDonald, Vice-Chair, opened the hearing and read the public hearing notice for the Abbreviated Notice of Resource Area Delineation filed by JZ Realty LLC. The applicant sought approval of a delineated wetland line. The property is owned by JZ Realty LLC and Saw Realty Trust and is located off Lyman Place, Bridgewater, Map 111, Parcels 15, and 39, and Map 112, Parcel 2.

Mr. Lawrence Silva, PE, representing the applicant, made a presentation to the Commission, explaining the location of the wetland line and topography of the parcels as depicted on the engineered plans dated October 25, 2016 entitled "*Plan of Resource Area Delineation Site: Assessor's Map 111, Lots 15 and 39, Assessor's Map 112, Lot 2, Lyman Place, Bridgewater, MA*" as prepared by Silva Engineering Associates. Mr. Silva informed the Commission that the applicant was granted a variance from the Zoning Board of Appeals to allow the residential use. Mr. Silva stated that the applicant is seeking approval of the wetland line, and then will move forward with a subdivision plan. Mr. Silva stated that currently the land is involved in a court issue.

The Commission reviewed all the material as presented and there were no further comments or concerns. Ms. Melissa Desjardins, Commissioner, motioned to continue the hearing until January 26, 2017 pending a site walk. Mr. Harry Bailey, Member, seconded the motion. VOTE: Three in favor, one abstained. Mr. Harry Bailey, Member, abstained, present for quorum purposes only.

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

Ms, Marilyn MacDonald, Vice-Chair, opened the hearing and read the public hearing notice for the Notice of Intent filed by Trinity Covenant Church. The applicant sought approval to construct a residential subdivision with roadway, utilities and associates grading within the buffer zone to a wetland. A small area of wetland is proposed to be filled and replicated near the drainage basin. The property is owned by Trinity Covenant church and Thomas and Suzanne Bergeron and is located off Ashtead Road, Bridgewater, Map 87, Parcel 1542 and Map 100, Parcel 90.

Mr. Lawrence Silva, PE, representing the applicant, made a presentation to the Commission, explaining the scope of the project as depicted on the engineered plans dated December 14, 2016 entitled "*A Definitive Subdivision 'Trinity Circle', Assessor's*" as prepared by Silva Engineering Associates. Mr. Silva also discussed the existing topography and drainage at the site. Mr. Silva informed the Commission that the subdivision is also under review by the Planning Board, and gave a history of the parcel and ownership. Mr. Silva stated that the test pits will be done on January 20, 2017, and will be shown on revised plans, with an updated wetland line.

Mr. Michael Wells, abutter residing at 90 Forest Street, expressed concern about the water tables and wetlands.

Mr. Richard Benton, abutter residing at 210 Forest Street, expressed concern regarding the topography of the land and the wetlands.

Abutters at 130 Ashtead Road expressed concerns regarding the proposed project.

Ms. Terry Smith, representative from the Trinity Covenant Church explained to the Commission and the abutters present the intentions of the Church and explained the history of the parcel and ownership.

Ms. Marilyn MacDonald, Vice-Chair, informed the abutters present that the concern regarding the drainage on the site has been duly noted, and will be paid particular attention to during the Commission's site walk. Mr. Larry Silva, from Silva Engineering, requested a continuance. Mr. Robert Mello, Member, motioned to continue the hearing to February 9, 2017 pending a site walk visit. Ms. Melissa Desjardins, Member, seconded the motion. VOTE: All in favor, none opposed.

Notice of Intent – 785 Elm Street – SE116-1397

Ms. Marilyn MacDonald, Vice-Chair, opened the hearing and read the public hearing notice for the Notice of Intent filed by Copart. The applicant sought approval for grading and drainage to be constructed within the buffer zone to a previously approved wetland. The property is owned by NE District of the Christian and Missionary Alliance and is located at 785 Elm Street, Bridgewater, Map 30, Parcels 1, 2, 3, and 4.

Mr. Lawrence Silva, PE, representing the applicant, made a presentation to the Commission, explaining the scope of the project as depicted on the engineered plan set dated December 12, 2016 entitled "*Copart Site Plan, Town of Bridgewater Assessor's Map 30, Lots 1, 2, 3, and 4, 785 Elm Street, Bridgewater, Town of West Bridgewater, Map 72, Lot 3, Maple Street, West Bridgewater, MA*" as prepared by Silva Engineering Associates. Mr. Silva also discussed the existing topography and the proposed stormwater management and drainage system. Mr. Silva stated that the wetland line is still valid. Mr. Silva also informed the Commission that the applicant has also filed with the Planning Board for site plan review.

Ms. Marilyn MacDonald, Vice-Chair, expressed her concern about the potential for the site becoming a 21E situation. Mr. Silva explained the remediation process for any leaks. Commissioner Robert Mello expressed his concern regarding leakage into the town river. Ms. Marilyn MacDonald, Vice-Chair, stated that it is the Commission's responsibility to protect the environment and we will work with the applicant on the appropriate environmental factors. The Commission also expressed their concerns regarding the site not being paced and the contaminants causing a health program and leaking into the ground and the water.

Mr. Azu Etoniru, Conservation Agent, stated that he looked into the stormwater management regulations and stated that the proposed use is a high pollutant use, and a MEPA filing and serious stormwater management would need to be considered.

Mr. Silva stated that he would inform the applicant of the Commission's position regarding the proposed project and have a representative come to the next meeting, and requested a continuance.

Mr. Robert Mello, Member, motioned to continue the hearing to January 26, 2017. Ms. Melissa Desjardins, Member, seconded the motion. VOTE: All in favor, none opposed.

Notice of Intent – 62 Ashtead Road, Map 100, Lot 187

Ms. Marilyn MacDonald, Vice-Chair, opened the hearing and read the public hearing notice for the Notice of Intent filed by Kaitlin MacLean and Robert Silva who proposed to construct an in-ground pool. The property is owned by Kaitlin MacLean and Robert Silva and is located at 62 Ashtead Road, Bridgewater, MA as identified on Assessor's Map 100, Parcel 187.

Ms. Kaitlin MacLean made a presentation to the Commission, explaining the scope of the project as depicted on the engineered plans dated December 16, 2016 entitled "*Proposed Pool Plan*" as prepared by Silva Engineering Associates. Ms. MacLean also reviewed the history of the house and informed the Commission that the original silt barrier was still intact.

Mr. John Norden, an abutter residing at 1211 South Street, expressed his concern regarding tree removal.

Mr. Azu Etoniru, Conservation Agent, stated that the house was already outside the 25' no touch buffer, and made a recommendation to issue an Order of Conditions with a special condition that cartridge filters be used. Ms. Melissa Desjardins, Member, motioned to close the hearing and accept the recommendation of the Agent. Mr. Robert Mello, Member, seconded the motion. VOTE: All in favor, none opposed.

Request for Determination of Applicability – 15 White Pines Road

Ms. Marilyn MacDonald, Vice-Chair, opened the hearing and read the public hearing notice for the Request for Determination of Applicability filed by Bernie Hunnewell, 15 White Pines Road who proposed to construct an in-ground pool and requested a determination from the Commission whether the work is subject to the jurisdiction under the Wetland Protection Act and the Town of Bridgewater Wetland By-laws. The property is owned by Bernie Hunnewell and is located at 15 White Pines Road, Bridgewater as identified on Assessor's Map 97, Parcel 83.

Mr. Bernie Hunnewell made a presentation to the Commission, explaining the scope of the project to install an in-ground pool as depicted on the engineered plans dated November 1, 2016 entitled "*Proposed Pool Location Plan*" as prepared by Michael J. Koska and Associates, Inc., 98 Broad Street, Bridgewater, MA

Ms. Melissa Desjardins, Member, motioned to continue the hearing to January 26, 2017 pending individual site walks. Mr. Robert Mello, Member, seconded the motion. VOTE: All in favor, none opposed.

Conservation Commission Business

Review of Certificate of Compliance for 8 Fireworks Circle, Map 88, Parcel 76 – SE116-1307

The Commission reviewed the Certificate of Compliance for DEP File Number SE116-1307 for 8 Fireworks Circle, Map 88, Parcel 76 as presented. Ms. Melissa Desjardins, Member, made a motion to issue the Certificate of Compliance. Mr. Robert Mello, Member, seconded the motion. VOTE: All in favor, none opposed.

Commissioner Melissa Desjardins made a motion to adjourn the regular meeting at 9:30pm. Commissioner Robert Mello seconded the motion. VOTE: All in favor, none opposed. Chair Marilyn MacDonald closed the meeting. Next meeting will be on January 26, 2017 at 7:00pm in the Council Chambers located on the second floor of the Municipal Office Building, 66 Central Square, Bridgewater.

Respectfully submitted,

Jane K. Brown
Administrative Clerk