

Conservation Commission Minutes
June 28, 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

Request for Determination of Applicability – 690 Pine Street, Map 108, 98, and 94, Parcel 1

Ms. Marilyn MacDonald, Chair, opened the continued hearing. Eileen Prisco stated that she found junk carts and lawn mowers, near the front of the golf course. Mr. James Small stated that that was in the woods and not in the wetlands. The Commission disagreed and stated that it was in the buffer zone and will need to be removed.

Mr. James Small discussed the proposed work. The Commission asked if there were any plans for the proposed work. The Commission requested that they meet on site with Mr. Small to discuss the deficiencies found and the proposed work. No abutters were present to comment. Mr. Small agreed to contact the office with possible dates for a site visit.

Mr. Harry Bailey, Vice-Chair, motioned to continue the hearing to July 26, 2018. Ms. Eileen Prisco, Member, seconded the motion. VOTE: All in favor, none opposed.

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

Ms. Marilyn MacDonald, Chair, opened the continued hearing. Ms. MacDonald and Ms. Eileen Prisco disclosed for the record that on occasion they do work with Dyer Construction but that they had no financial investment or gain in this project. Nobody had a problem with them sitting on the project.

Lawrence P. Silva, P.E., S.E., President, Silva Engineering, Associates, Inc., made a presentation to the Commission reviewing the history, wetlands and topography of the parcel as depicted on the engineered plans presented dated June 28, 2018, entitled "Plan to Accompany Notice of Intent site: 'Lot 2, Lot 3' and Assessor's Map 74, Lot 39A, 0 South Street, Bridgewater, MA" as prepared for South Street Realty Trust". Mr. Silva also discussed the proposed wetland restoration plan, as noted on the plans, explaining that there is an increased area of replication than what was being shown from the original plans submitted. The existing wetlands and replication area was discussed, as well as the drainage. Mr. Silva stated that 13,262 square feet of restoration is proposed. Mr. Silva also discussed the adjustments to the site plans that were made based on findings at the site walk.

Ms. MacDonald, Chair, thanked the applicant for clearing up the safety issue on site with the piles of dirt. Mr. Arthur Leach, noted for the record, that it wasn't a safety issue, but rather done in public interest, although people were not allowed to trespass.

Ms. MacDonald, Chair, noted that the Commission will rely heavily on the Conservation Commission's expertise on the drainage aspects of the site, as that is the main concern of the abutters.

Mr. Azu Etoniru stated that typically only 5,000 square feet of replication is allowed to be disturbed and what they are proposing is a gray area. Mr. Etoniru stated that he will need to check with DEP to know what the proper way is to proceed.

Ms. Carol Lefebvre, an abutter at 566 South Street expressed her concerns regarding the wetlands and their location and the impact on her parcel. Mr. Silva explained in detail the flow of the wetlands and that it would be away from her property. Ms. Mae Doherty's email dated June 8, 2018 was reviewed by the Commission. Ms. Marilyn MacDonald, Chair, stated that once we hear back from DEP, then we can assess the project appropriately.

Ms. Anna Klimas, an abutter residing at 722 South Street, thanked the Commission for taking swift action; but expressed her concerns for the lack of compliance by the applicant. Ms. Klimas noted that the delineated wetland line seems to keep changing and is relieved that DEP will be consulted. Ms. MacDonald, Chairman, informed Ms. Klimas that the wetland line will be approved based on this filing. Ms. Klimas urged the Commission to look at all the wetland maps and information available to them prior to deciding.

Mr. Harry Bailey, Vice-Chair, motioned to continue the hearing to July 26, 2018 to allow sufficient time to review the restorative guidelines with DEP. Ms. Eileen Prisco, Member, seconded the motion. VOTE: All in favor, none opposed.

Notice of Intent – Definitive Subdivision – Crimson Heights, off Lyman Place – SE116-1413

Ms. Marilyn MacDonald, Chair, opened the continued hearing and reviewed a letter dated June 28, 2018 from Larry Silva, PE, from Silva Engineering Associates, PC. and read it into the record, it stated the following:

"On behalf of our client, Silva Engineering Associates (SEA) would like to request a continuation from your June 28, 2018 until the Commission's public hearing on July 26, 2018. The continuation will allow time for the Planning Board to review and render a decision on the project. If you have any questions, please feel free to contact the office."

Mr. Harry Bailey, Vice-Chair, motioned to accept the applicant's request and continued the hearing to July 26, 2018. Ms. Eileen Prisco, Member, seconded the motion. VOTE: All in favor, none opposed.

Notice of Intent – 1968 South Street, Map 125, Lot 17

Ms. Marilyn MacDonald, Chair, opened the continued hearing and Mr. Michael Koska from Koska and Associates, representative for the applicant, updated the Commission stating that test holes and perk tests were done to determine the wetland line, and there is no further progress at this point that can be offered on the wetland line itself. Mr. Koska stated that he has been out to the site with Mr. Ken Thompson, Botanist, to review all the aspects of the fill that is currently on site. Mr. Koska requested a continuance to the July hearing to allow time to establish the wetland line and have updated plans submitted for the Commission to review.

Mr. Harry Bailey, Vice-Chair, motioned to accept the applicant's request and continued the hearing to July 26, 2018. Ms. Eileen Prisco, Member, seconded the motion. VOTE: All in favor, none opposed.

Notice of Intent – Summit Drive, Map 96, Parcel 13 – SE116-1413

Ms. Marilyn MacDonald, Chair, opened the continued hearing. Mr. Larry Silva, PE, from Silva Engineering Associates, PC. updated the Commission on the status of the application and noted that the additional drainage information that was requested by the Conservation Agent at the last hearing was submitted.

Mr. Azu Etoniru, Conservation Agent, stated that he was fine with the drainage calculations, as submitted.

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

The Commission discussed the special conditions for the project, noting in particular: permanent markers for the wetlands, the foundation as-built for the additional work, and the certification of the staked erosion control barrier location.

Ms. Eileen Prisco made a motion to issue the Order of Conditions with the special conditions. Mr. Harry Bailey, Vice-Chair, seconded the motion. VOTE: All in favor, none opposed.

Conservation Commission – New Business

Notice of Intent – 327 Cross Street, Map 118, Parcel 73 – SE116-1424

Ms. Marilyn MacDonald, Chair, opened the hearing and read the public hearing notice for the Notice of Intent filed by Massachusetts Electric Company. The applicant proposed to construct a new soil absorption system consisting of a 1500-gallon septic tank, 1000-gallon pump chamber and a 15' x 29.6' leaching area, comprised of (20) C-100 contractors. Proposed activity falls within the 100' buffer zone and the 100' foot inner riparian zone to Snow's Brook. Activity is part of an SAS upgrade under Title V. The property is owned by Regina Mutereri, 10 Eskimo Way, North Billerica, MA 01862 and is located at 327 Cross Street, Bridgewater, MA as shown on Assessor's Map 118, Parcel 73.

Mr. Michael Koska, Project Manager, PE, from Koska and Associates, representing the applicant, made a presentation to the Commission, explaining the scope of the project as depicted on the engineered plans dated May 9, 2018 entitled "*Soil Absorption System Upgrade Plan*". Mr. Koska discussed the wetlands resource areas and wetland line as delineated and reviewed by Ken Thompson as reflected on the plans. Mr. Koska also noted that the red line on the plan represents the 100' distance from the well to the septic system as required by Title V. Mr. Koska stated that he had been out to the site with Eric Badger from the Board of Health and dug numerous test pits and did perk tests and it was determined that the best material that could be found is four feet of material located 58' from the Bordering Vegetative Wetlands to the gravel of the system, and the minimum state code is fifty feet. The plans have also been submitted to the Board of Health.

Ms. Marilyn MacDonald, Chairman, noted that it was a failed septic system that required repair and she had no problem with the project. The Commission reviewed and discussed all the facts as presented by the applicant and there were no further comments or concerns. There were no abutters present.

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

The Commission discussed proposed special conditions to include erosion control measures, and no stockpiling of excavating materials on site.

Ms. Eileen Prisco made a motioned to issue the Order of Conditions with the special conditions. Mr. Harry Bailey, Vice-Chair, seconded the motion. VOTE: All in favor, none opposed.

Ms. Eileen Prisco made a motioned to have Commission members come into the office individually to sign the Order of Conditions when prepared. Mr. Harry Bailey, Vice-Chair, seconded the motion. VOTE: All in favor, none opposed.

Notice of Intent – Lot 16 Beth Terrace, Map 76, Parcel 143 – SE116-1425

Ms. Marilyn MacDonald, Chair, opened the hearing and read the public hearing notice for the Notice of Intent filed by Thomas Nelson who sought approval for the construction of a single-family home within 100' of the Bordering Vegetative Wetlands. The property is owned by Thomas E. and Lynn C. Nelson and is located at Lot 16 Beth Terrace as identified on Assessor's Map 76, Parcel 143.

Mr. John DeLano, PLS, RS from John W. Delano and Associates, Inc., representing the applicant, made a presentation to the Commission, explaining the scope of the project as depicted on the engineered plans dated May 17, 2018 entitled "*On-site Sanitary Sewage Disposal System (New Construction) Lot 16 Beth Terrace*". Mr. DeLano mentioned that the septic system is outside the 100' Bordering Vegetative Wetlands and about third of the house is within the boundary. Mr. DeLano noted that the grading was done in such a way that it would direct any runoff and/or water to flow northeasterly towards the wetlands to avoid any ponding on the Powers property adjacent to Lot 16. Mr. DeLano also noted that the details for the erosion control are noted on the plans.

Mr. Azu Etoniru, Conservation Agent, stated that he had already been out to the parcel and the wetland line is well define and suggested that the Commission members could go out to do a site walk visit to verify prior to the issuance of an Order of Conditions.

Ms. Diane Powers, an abutter residing at Lot 23 Beth Terrace, expressed her concerns regarding drainage.

APPROVED: October 25, 2018

Mr. Christopher Lipsett, an abutter residing at Lot 15 Beth Terrance, voiced his concerns regarding the project.

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

The Commission discussed the special conditions for the project, noting in particular: permanent markers for the wetlands, the foundation as-built for the additional work, and the certification of the staked erosion control barrier location.

Mr. Harry Bailey, Vice-Chair, made a motion to issue the Order of Conditions subject to site walk verification. Ms. Eileen Prisco, Member, seconded the motion. VOTE: All in favor, none opposed.

Request for Determination of Applicability – 80 Cross Street, Map 110, Lot 122

Ms. Marilyn MacDonald, Chair, opened the hearing and read the public hearing notice for the Request for Determination of Applicability filed by Collins Civil Engineering Group, Inc. The applicant proposed the upgrade of a residential septic system and requested 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 Anthony and Elaine Childs and located at 20 Mill Street, Bridgewater MA as shown on Assessor's Map 24, Parcel 12.

Mr. Peter Lyons from Collins Civil Engineering, representing the applicant, made a presentation to the Commission, explaining the scope of the project as depicted on the engineered plans dated May 29, 2018 entitled "*Plan and Details Subsurface Sewage Disposal System Upgrade*". Mr. Lyons explained that the applicant is in need of a septic repair for a 4-bedroom residential home. The existing system, in the front of the property, will be decommissioned in place, and filled in place, and then abandoned in place; the best scenario for the wetlands. The new system will be outside the 100' buffer zone. The plan reflects the erosion control measures outside the 50' buffer zone. The 500-gallon tank to a 1,000- pump chamber to a slightly elevated leaching field in the backyard.

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

The Commission discussed the special conditions, noting in particular: for haybales to be used for project, erosion control barrier shall be installed by the applicant and inspected by the Conservation Commission prior to the start of any site work.

Mr. Harry Bailey, Vice-Chair, made a motion to issue a Negative Determination. Ms. Eileen Prisco, Member, seconded the motion. VOTE: All in favor, none opposed.

Conservation Commission Business

Jake Broderick, Eagle Scout Presentation

Jake Broderick, Eagle Scout, made a presentation to the Commission requesting permission to create a boat launch area at the Taunton River Canoe Access located on Summer Street. Mr. Broderick proposed to install a kiosk, clear brush, and put down crushed stone. The Commission advised Mr. Broderick that the work would require a Request for Determination of Applicability filing, and that he should work with Mr. Harry Bailey as the liaison for the Commission to assist in accomplishing his goal.

Review of Order of Resource Area Delineation for Curve Street, Map 78/91, Lots 1, 2, 3, 4, 5/1, 2, 3, 6 and Map 77, Lot 18 (Duxburrow 40B) – SE116-1415

The Commission discussed and reviewed the Order of Resource Area Delineation for DEP File Number SE116-1415 for Curve Street, 0, Map 78, 91, and 77; Parcel 1, 2, 3, 4, and 5; 1, 2, 3, and 6; and 18 as presented.

Ms. Eileen Prisco, Member, made a motion to issue the Order of Resource Area Delineation for DEP File Number SE116-1415 for Curve Street, 0, Map 78, 91, and 77; Parcel 1, 2, 3, 4, and 5; 1, 2, 3, and 6; and 18. Mr. Harry Bailey, Vice-Chair, seconded the motion. VOTE: All in favor, none opposed.

APPROVED: October 25, 2018

Review of the Request for Extension for Order of Conditions for Off Plymouth St, Map 40, Parcels 9, 16, & 17

Ms. Marilyn MacDonald was present and voting for quorum purposes only, by the Rule of Necessity.

The Commission discussed and reviewed the Extension Request for Order of Conditions for SE116-1344 for Off Plymouth Street, Map 40, Parcels 9, 16, and 17 as presented.

Mr. Harry Bailey, Vice-Chair, made a motion to issue the Extension Request Order of Conditions for SE116-1344 for Off Plymouth Street, Map 40, Parcels 9, 16, and 17 for an additional three years, expiring on July 14, 2021. Ms. Eileen Prisco, Member, seconded the motion. VOTE: Two in favor, one abstained. None opposed.

Review of the Request for Extension for Order of Conditions for East Street, Map 54 and 39, Parcel 10 and 29

The Commission discussed and reviewed the Extension Request for Order of Conditions for SE116-1087 for East Street, Map 54 and 39, Parcel 10 and 29 as presented.

Mr. Harry Bailey, Vice-Chair, made a motion to issue the Extension Request Order of Conditions for SE116-1087 for East Street, Map 54 and 39, Parcel 10 and 29 for an additional three years, expiring on July 15, 2021. Ms. Eileen Prisco, Member, seconded the motion. VOTE: All in favor, none opposed.

Review of Minor Modification Request for Order of Conditions for Northfield Drive, Map 19, Lot 3 – SE116-1256

The Commission reviewed a letter dated May 16, 2018 from Ms. Margaret Malone, and read it into the record, it stated the following:

"Please find enclosed the signed and stamped Building Permit Plot Plan for our planned single-family dwelling for this property. There is an existing valid set of Orders of Conditions on the property. The dwelling we propose is different from that which was approved previously. We are requesting your approval of our amendment of the approval. Thank you for your assistance. Should you need any additional information, we have provided that as follows."

The Commission reviewed the plans dated May 21, 2018 entitled "Lot 3, Assessor's Map 19, Plot 90 Building Permit Plot Plan on Northfield Drive in Bridgewater, prepared for Dennie and Margaret Malone" as prepared by Professional Land Survey Associates, 25R Central Street, East Bridgewater. Mr. Harry Bailey, Vice-Chair, made a motion to accept the change as minor in nature not requiring a Notice of Intent filing, and to accept the updated plans into the record, as the plan of record. Ms. Eileen Prisco, Member, seconded the motion. VOTE: All in favor, none opposed.

Commissioner Harry Bailey, Vice-Chair, made a motion to adjourn the regular meeting at 9:00pm. Commissioner Eileen Prisco, Member, seconded the motion. VOTE: All in favor, none opposed. Ms. Marilyn MacDonald closed the meeting. Next meeting will be on July 26, 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