

Conservation Commission Minutes – October 25, 2018
at 7:00 PM 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

Absent: None

Conservation Commission – Old Business

Wetland Enforcement Notice – 119-121 Greenbrier Lane Common Driveway

Marilyn MacDonald, Chair, opened the hearing, and reviewed a letter included in an email from Eileen McNeil dated October 25, 2018 and read it into the record. It stated the following:

I have documented and provided irrefutable evidence to the ConComm in the form of a written complaint. The complaint details my attempts for two years to amicably work with the Danksewicz's in an effort to get this situation resolved properly. Furthermore, as the committee is aware, I have submitted a number of YouTube videos as supporting evidence of the location at issue. Anyone who views these videos can clearly see the erosion of the common driveway that has and continues to occur. The slope and ruts in the driveway are allowing sediment, as well high volumes of uncontrolled water, to flow directly into the wetlands. These videos further show the numerous dead trees and obligate wetland plant species that have been killed or damaged over the years as a direct result.

The Danksewicz's have proven, beyond any shadow of a doubt, that their total inaction (other than verbal agreements) to any of my dozens of texts, phones calls and face to face meetings that they have no respect for the McNeills as their neighbors, for our property or for the wetlands. The ConCom is also well aware that there have been other neighbors, although they no longer reside in the area, that have contacted the ConCom to complain about the water runoff at least a half dozen times.

Time and time again, even with the ConCom having been onsite numerous times as well as having issued an enforcement last year, nothing but a meager attempt to try to grade the ruts in the common driveway has been done. My second YouTube video shows that, during the most recent rain fall on October 11th, that their recent repair efforts were completely and utterly useless. The solution to the problem is very clear and they have known this for years:

- First, tar the common driveway with a curb on each side so the water flows into the drain that spans it;*
- Second, imperative to correctly addressing this situation is to repair the drain spanning the common driveway to new condition or replace it. The drain is severely damaged and is not working correctly;*
- Third, the surface should be sloped so it allows the water to travel directly into the drain spanning the common driveway but should also be recessed to avoid damage due to plowing during the winter season;*
- And finally, rip rapid should be installed into the basin located on Mr. Sweetman's property so it greatly reduces the velocity of the water leaving the basin and into the wetlands.*

The effects on the wetlands were raised in hearings prior to the building of the dwellings on those properties and we were assured that drainage would be built properly in 2006. Therefore, this is not the first time we have raised the concerns pertaining to the "common driveway" and its potential effects to the wetlands and our property.

Therefore, I am respectfully requesting that the ConCom be more closely involved with the actual repair of the road. Furthermore, damage that has been done to the wetlands over the years should be restored. The parties involved should provide a bi-weekly, if not weekly, update to the ConCom regarding the progress of the work for the sake of transparency but especially, to hold those directly accountable so that this situation is resolved once and for all. If not, the Danksewicz will not act to get this resolved. They have already demonstrated time and time again for years that they are not going to address the situation even if they stand before the ConCom and say they will. I would like to thank the ConCom in advance for its immediate attention to this matter. Sincerely, Sean and Eileen McNeill

Mr. Azu Etoniru, Conservation Commission Agent, stated that over the year the Commission has had to respond to concerns about the driveway that is constructed out of gravel, and the water that comes down from the Danksewicz to the common driveway and washes into the wetlands. In the past, the Commission has issued an enforcement order and that was addressed because, at the time, they installed a drainage across the driveway and a catch basin, but over the years, it has deteriorated and now they are back to where they were before, and they need to rectify the situation.

Al Danksewicz, Cindy Danksewicz, and Mr. Donald Sweetman were present to discuss the erosion problems. Mr. Danksewicz suggested that he would pave his part of the driveway and suggested that Mr. Sweetman pave his side.

Ms. Marilyn MacDonald, Chair, reviewed her site walk findings stated that the parties should ensure that the erosion control measures, ie., silt fencing and hay bales, are in place until the driveway could be paved.

Mr. Azu Etoniru stated that what is happening that now that there is gravel, when you plow it, it exposes more of the casting, so the water goes off to the sides of the catch basin. Those two lots are in the jurisdictional zone of the bvw, the grading should be done in such a manner, and a condition can be incorporated to ensure that the natural flow of water be maintained; and suggested a swale.

Mr. Azu Etoniru suggested that the Commission can impose fines if the issue is not addressed.

The Commission gave both parties 30 days to work together to come up with a resolution to the erosion problems. Both parties will be summoned back to update the Commission in 30 days.

Ms. Eileen Prisco, Member, motion to have both parties to have it repaired in 30 days and inspected and have them return to the Commission for approval. Mr. Harry Bailey, Vice-Chair, seconded the motion. VOTE: All in favor, none opposed.

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

Marilyn MacDonald, Chair, opened the continued hearing.

Mr. Lawrence Silva, Professional Engineer, from Silva Engineering Associates, P.C., representing the applicant, made a presentation to the Commission, explaining in detail the grading changes and addition of trees to the north as depicted on the updated engineered plans dated October 23, 2018 entitled "*Plan to Accompany Notice of intent, Site: Assessor's Lot 1, 2, 3 and 4 and Map 74, Lot 39, 0 South Street, Bridgewater, MA*".

Mr. Lawrence Silva, Professional Engineer, from Silva Engineering Associates, P.C., also provided Wetland and Buffer Restoration and Enhancement Plan report prated by Pinebrook Consulting dated October 22, 2018, along with a engineered plan dated October 22, 2018 entitled "Wetland and Buffer Restoration". The documentation and plans detail proposed work to offset the work that was being proposed in the 25' no touch.

The Commission along with Azu Etoniru, Conservation Commission Agent, reviewed and discussed the sitewalk findings with the applicant, stating that they are clearly moving forward towards addressing the wetlands area that has been altered. Mr. Azu Etoniru stated that the wetland areas on Lot 2 should not be impacted and should be fully restored before any development activity takes place. Mr. Etoniru stated that Lot 1 and Lot 3 are in the jurisdictional buffer of the Bordering Vegetative Wetlands, and the grading must be conducted in such a manner that the natural flow of stormwater be maintained, and a swale should be constructed first before any construction can be done, closest to the abutter property.

Mr. Azu Etoniru, Conservation Agent, stated for clarification purposes that under the Wetland Protection Act, stormwater management guidelines, promulgated and put out by DEP, states that any development of one to four residential units, or one to four residential single-family subdivisions do not require stormwater management – that is a threshold. We are not asking for stormwater calculations because it is not required under the Wetland Protection Act, that is why you have rules, so when you have rules you expect them applicants to comply with the rules and you also expect the Commission to not overreach – so the issue then is how will they do the work – the Commission's function is to make sure that the wetlands are restored and fully functioning before the house is constructed. This can be incorporated into the Order of Conditions, and then notices are given to the Building Inspector to not give a permit for that lot.

Mr. Larry Silva, Professional Engineer, Silva Engineering Associates, stated that the drainage system shown on Lot 3 proposes a recorded easement that will separate it from the abutting property. Azu agreed that the easement has to be to the beneficiary of the abutter, because the person who buys the property is not going to enforce an easement against themselves, and once the property is sold, the Leaches will no longer have control over it. Mr. Silva stated that the goal of the easement is to make sure that the owner of the property never alters that area, to ensure the drainage continues to go down. Mr. Etoniru stated that the conveyance of the easement must be done to any construction, that way we can ensure that it is secured.

Mr. Harry Bailey, Member, stated that his position has always been to enforce the 25' no touch, and he would continue to do so and will not set a precedent. Mr. Bailey stated that it was a self-imposed problem and suggested that the engineer design it away from the wetlands.

You have already extended the property out back and if you have to extend this property, extend it. It is not up to me to tell you how to do it. Stay away from the wetlands. You have a 25' no touch, and that's exactly what it means. There is no buffer enhancement with me, no. because I can already tell you, I have been on here for ten years – any project that has come in here after this, if we approve this, is going into the wetlands – we've been through it once, and I'm not going through it again.

Mr. Etoniru agreed with Mr. Bailey, stating that ordinarily approval would not be given; however, you can allow a temporary activity in that area to make sure that the wetlands that they are restoring are actually going to function and be protected, so there has to be a temporary disturbance of that buffer.

Ms. Carol Lefebvre, 566 South Street, expressed concern regarding any potential impacts the proposed construction may have will have on her property; specifically, in regards to the existing catch basin, and drainage pipes in that location.

The Commission and Agent discussed the location of the catch basin and drainage pipes in said area, along with Mr. Larry Silva and determined that the catch basins and drainage system need to be noted on the plans.

Ms. Mae Doherty, 756 South Street, direct abutter to Lot 3 wanted clarification of the proposed easement, swale, and the steps being taken to protect her property. Further, Ms. Tricia Cassidy, representative for Ms. Doherty, asked some procedural questions that were addressed by the agent and Commission.

Ms. Anna Klimas, 722 South Street, expressed her concern for the lack of accountability, and the time frame in which the enforcement order has taken to be resolved, as the initial enforcement order was issued in November of 2017. Ms. Klimas suggested that the Commission schedule timeframe for the work to be completed. Ms. Marilyn MacDonald, Chair, stated that nothing has been approved as of yet. Mr. Azu Etoniru, Conservation Commission Agent stated that the applicant has been cooperative and taking the necessary steps and going through the process to address the concerns of the Commission, and when Order of Conditions is issued it will be valid for three years.

Mr. Larry Silva requested that the meeting be continued. Ms. Eileen Prisco, Member, motioned to continue the hearing to November 15, 2018. Mr. Harry Bailey, Vice-Chair, seconded the motion. VOTE: All in favor, none opposed.

Notice of Intent – 85 Plymouth Street, Map 34, Parcel 240 – Burrill Place Apartments 40B – 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.

Conservation Commission – New Business

Notice of Intent – 75 Fireworks Circle, Map 88, Parcel 84

Ms. Marilyn MacDonald, Chair, opened the hearing and read the public hearing notice into the record for review of a Notice of Intent filed by William McCarthy, 1042 north Main Street, Raynham, MA. The applicant proposes to construct a 50' x 60' commercial building with related parking, drainage and grading within the 100' buffer zone. The property is owned by William McCarthy, 1042 North Main Street, Raynham, MA and is located at 75 fireworks Circle, Bridgewater, Map 82, Parcel 36.

Mr. Michael J. Koska, Professional Engineer from Michael J. 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 September 6, 2018, Sheet 1 entitled "Existing Conditions Plan – Proposed Site Plan, Map 88, Lot 84, Fireworks Circle, Bridgewater, MA", Sheet 2 entitled "Proposed Parking and Building Layout Plan – Proposed Site Plan, Map 88, Lot 84, Fireworks Circle, Bridgewater, MA", Sheet 3 entitled "Proposed Grading and Utility Plan – Proposed Site Plan, Map 88, Lot 84, Fireworks Circle, Bridgewater, MA", and Sheets 4-5 entitled "Detail Sheet – Proposed Site Plan, Map 88, Lot 84, Fireworks Circle, Bridgewater, MA".

The Commission requested that the parcel be flagged and staked out. Mr. Koska asked the Commission to continue the hearing. There were no abutters present for comment.

Ms. Eileen Prisco, Member, motioned to continue the hearing to November 15, 2018 at 7pm pending site walk visits. Mr. Harry Bailey, Vice-Chair, seconded the motion. VOTE: All in favor, none opposed.

ANRAD – 857B High Street, Map 13, Parcel 94

Ms. Marilyn MacDonald, Chair, opened the hearing and read the public hearing notice into the record for review of an Abbreviated Notice of Resource Area Delineation filed by John and Elaine Coyman, 857 High Street. The applicant seeks approval of a delineated wetland line. The property is owned by John and Elain Coyman and located at 857 High Street, Bridgewater, Map 94, Parcel 13.

Mr. Robert Crowell, representing the applicant John and Elaine Coyman, made a presentation to the Commission, explaining the scope of the project, topography and location of the wetland flags as depicted on the engineered plans dated October 2, 2018 entitled "ANRAD on 857 High Street in Bridgewater, MA". Mr. Crowell indicated that the flags have been staked out for the Commission's review.

John Coyman, 857 High Street, proponent for the application spoke on his behalf as well.

Ms. Eileen Prisco, Member, motioned to continue the hearing to November 15, 2018 at 7pm pending site walk visits. Mr. Harry Bailey, Vice-Chair, seconded the motion. VOTE: All in favor, none opposed.

ANRAD – 0 Plymouth Street, Map 24, Parcel 4

Ms. Marilyn MacDonald, Chair, opened the hearing and read the public hearing notice into the record for review of an Abbreviated Notice of Resource Area Delineation. The property is owned by Barnfield, Inc. and is located at 0 Plymouth Street, Bridgewater, Assessor's Map 24, Parcel 4.

Mr. Lawrence Silva, Professional Engineer, from Silva Engineering Associates, P.C., representing the applicant, made a presentation to the Commission, explaining the scope of the project, topography and location of the wetland flags as depicted on the engineered plans dated September 4, 2018 entitled "*Plan of Resource Area Delineation, Site: Assessor's Map 24, Lot 4 Plymouth and Whitman Street, Bridgewater, MA*".

Ms. Eileen Prisco, Member, motioned to continue the hearing to November 15, 2018 at 7pm pending site walk visits. Mr. Harry Bailey, Vice-Chair, seconded the motion. VOTE: All in favor, none opposed.

Notice of Intent – 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 a Notice of Intent. The proposed work includes the completion of the single-family dwelling and replacement of the dock. The property is owned by Ace Investment, LLC and is located at 37 Birch Hill Road, Bridgewater, Map 82, Parcel 36.

Mr. Lawrence Silva, Professional Engineer, from Silva Engineering Associates, P.C., representing the applicant, made a presentation to the Commission, explaining the scope of the project as depicted on the engineered plans dated September 20, 2018 entitled "*Maintain Dock and Bulkhead, Site: Assessor's Map 82, Lot 36 Plymouth and Whitman Street, Bridgewater, MA*". Mr. Silva stated that the proposed dock will be removable and provided the dock detail with the filing.

Mr. Azu Etoniru stated the Commission will need a copy of the paperwork submitted for the Chapter 91A license.

It was also noted that a request for a certificate of compliance must be submitted for the old order of conditions.

Mr. Frank Cannizzaro, 25 Birch Hill Road, expressed concern regarding the dock being dragged along the protected area, and his opposition to the project as a whole. Mr. Cannizzaro also expressed his concern for safety vehicles accessing the road. Mr. Cannizzaro also brought to the Commission's attention that the maintenance of the silt fencing has not been taken care of and is in the mud, since the wall issue and never got fixed throughout construction and allot of erosion.

The Commission will do a site walk.

Mr. Lawrence Silva will provide further clarification on the specifications for the proposed dock and how it will be removed, as well as a copy of the Chapter 91 license, and will also ensure that the silt fencing is functioning properly.

Ms. Eileen Prisco, Member, motioned to continue the hearing to November 15, 2018 pending site walk visits. Mr. Harry Bailey, Vice-Chair, seconded the motion. VOTE: All in favor, none opposed.

RDA – First Street, Map 58 & 71, Parcels 34-40, 7, 26, 48-52, 54-58, 64, 70 and 75

Ms. Marilyn MacDonald, Chair, opened the hearing and read the public hearing notice into the record for review of a Request for Determination of Applicability filed by Michael Dutton, Town Manager, Town of Bridgewater. The applicant proposed to install approximately 2,500 feet of new sewer main within an easement in the right-of-way of First Street, Bridgewater, MA.

Mr. Lawrence Silva, Professional Engineer, from Silva Engineering Associates, P.C., representing the applicant, made a presentation to the Commission, explaining the scope of the project as depicted on the engineered plans dated August 6, 2018 entitled *"Proposed Sewer and Roadway Improvements, First Street, Bridgewater, Massachusetts – Limit of Improvements within Wetland Buffer"*.

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

Conservation Commission Business

Review of Tree Letter for 37 Birch Hill Road – SE116-1296

Ms. Marilyn MacDonald, Chair, read a letter dated October 15, 2018 from Rebecca Baptista, Senior Civil Engineer, Silva Engineering, Associates into the record. It stated the following: *"On May 13, 2014 the applicant requested an Amendment to the Order of Conditions for SE116-1296. The request was to remove two trees located on the left side property line with roots extending into the proposed driveway area. Please find attached photos of the replacement trees installed at 37 Birch Hill Road. If you have any questions or require further information, please contact our office."*

Mr. Harry Bailey, Vice-Chair, stated that special conditions for the Order of Conditions SE116-1296 have been satisfied and the applicant can apply for a Certificate of Compliance.

Review of Certificate of Compliance for 370 Spruce Street, Map 116, Lot 1, SE116-1417

The Commission discussed and reviewed the Certificate of Compliance for SE116-1417 for 370 Spruce Street, Map 116, Lot 1 as presented. Mr. Harry Bailey, Vice-Chair, made a motion to approve the Certificate of Compliance for SE116-1417 for 370 Spruce Street, Map 116, Lot 1 as presented. Ms. Eileen Prisco, Member, seconded the motion. VOTE: All in favor, none opposed.

Review of Meeting Minutes

The Commission reviewed the meeting minutes from the January 11, 2018, January 25, 2018, February 8, 2018, February 14, 2018, February 22, 2018, March 8, 2018, March 22, 2018, April 12, 2018, April 26, 2018, May 10, 2018, May 24, 2018, June 14, 2018, July 26, 2018, August 23, 2018, and September 27, 2018 meetings.

Mr. Harry Bailey, Vice-Chair, made a motion to approve the minutes for January 11, 2018, January 25, 2018, February 8, 2018, February 14, 2018, February 22, 2018, March 8, 2018, March 22, 2018, April 12, 2018, April 26, 2018, May 10, 2018, May 24, 2018, June 14, 2018, July 26, 2018, August 23, 2018, and September 27, 2018 as presented. 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 November 15, 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