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Town Clerk-Dighton, MA

JUN 20 2023

Dighton Conservation Commission

Public Meeting Agenda

Thursday 6/22/2023

Rescinded - 6/20/23

Time: *3:27 pm*

By: *[Signature]*

Public Meeting Opens at 7:00 PM at the Old Town Hall at 1111 Somerset Ave. This meeting is video, and audio recorded for Cable Broadcast and Internet posting on "www.dighton-ma.gov", and You Tube.

Meeting starts with the Pledge of Allegiance

Chairman's address

1. Acceptance of Charles (Charlie) Mello's retirement/resignation
2. Review, Act, Discuss- Recommendation to the Board of Selectman for Paul Reynolds from Associate to become Full Member of Dighton Conservation Commission.
3. Request by Citizens to become Associate Members
4. Request for Citizens to become Associate Members/*Members*
5. Review, Discuss, Act - Recommendation to Board of Selectmen to appoint Paul Reynolds to Community Preservation Committee and remove James Digits
6. Review, Act, Discuss Recommendation to Board of Selectman to appoint Dave Phillips, Jr. to Stormwater Committee.

Minutes: Approve minutes of previous meetings

Continued Hearing – DI Trust Comprehensive Conservation Subdivision seeks to construct 135 single family homes and 13,137 linear feet of associated roadway off Forest Street DEP File # SE 017-0443. *D.I. Trust has requested a continuance to 7/20/23.*

Continued Hearing -- Reed Brothers Farm Limited Liability Partnership, DEP File # SE 017-0447. *Outback Engineering has requested a continuance to 7/20/23.*

Continued Hearing – ANRAD Application by Dean Smith of New Leaf, Dighton Energy Storage 1, LLC for 0 Maynard Lane, Map 1, Lots 82, 82-7, and 96. DEP File # SE017-0476. *New Leaf has requested a continuance to 7/20/23.*

Continued Hearing –ANRAD Application by RJR properties 0 Old Horton Street Map 7, Lots 36 & 36-1 DEP File # SE017-0475. Nover Environmental Submitted a Scope Amendment for the Peer Review.

Continued Hearing – Notice of Intent Application by Robert J. Russell III at 0 Old Horton Street, Map 7, Lot 36 for construction of a single-family house with septic system. A portion of the work is within the buffer zone to wetland resources. Dep File # SE 017-0481.

Continued Hearing – Notice of Intent Application by Robert Martin at 1035 Williams Street for after the fact permit for garage, site improvements including a driveway, landscaping, above ground pool, clearing and grading of dead trees as well as some invasives, a new fence and

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restoration plantings. A portion of the proposed work is within the regulated wetland buffer zone. Dep File # SE 017-0480.

New Hearing – Notice of Intent Application by James Logan at 0 Prospect Street Map 4, Lot 370 for single family house, with amenities which include a garage, gravel driveway and sewer and water connections at the street. A portion of the project is within the regulated 100' buffer zone to a bordering vegetated wetland and an intermittent stream. A portion of the project is within an Estimated Habitat of Rare Wildlife as designated on the Natural Heritage and Endangered Species Program (NHESP) map. A Massachusetts Endangered Species Act (MESA) application was filed by the applicant to NHESP. Dep File # SE 017-0483.

New Hearing – Notice of Intent Application by Robert Brimmer 2050 Horton Street (Map 7, lot 26-02) for a proposed corrective action plan and after the fact filing. Proposed corrective action plan to address a previous violation. The corrective action is permitting existing constructed structures within resource area, establishing post with signs and allowing for a re-vegetation plan. Corrective action to be performed within 100 FT of a vegetated wetlands and within 200 FT of a perennial stream within an Outstanding Resource Water Protection Area. DEP File # SE 017-TBD

New Hearing – Notice of Intent Application by Mary Wilczek 1341 Center Street (Map 12, lot 16-02) for a proposed title V Septic System Repair to a failed Title V System including but not limited to excavation, tree and brush removal, installation of septic system, site grading and restoration, within 100' of a bordering vegetated wetland. DEP File # SE 017-0484

Request for a Certificate of Compliance by Gary & Susan Adams for property at 2675 Park Ave. DEP File # SE 017-0474.

Request from Paul Duarte for a Certificate of Compliance at 578 (formerly 0) Hart Street (Map 20, lot 3). DEP File # 017-0370.

Bills Payable –

- Gay & Gay File # 791.259 in the amount \$400
- Nover Environmental Consulting, LLC Invoice #1035 in the amount \$3,312.50
- Dan Lowney Constable Service Invoice in the amount \$50
- BETA Invoice # 10852 for Strawberry Fields Consulting \$3,742.87

Review, Discuss, Act – Request by Justin Pratt at *CMP 013-215.DFW, NHESP 04-16530*, 14 Maris to remove 5 Eastern White Pine (*Pinus strobus*) trees.

Review, Discuss., Act – Letter to the Board of Selectman

Review, Discuss, Act – Job Description clerical/office person

Commission - Agent updates and Discussion Section

1566 Cedar Street (Map 15, Lot 4-1 & 2) Enforcement Order Issued 12/7/2022 -

Restoration of Freshwater Wetland and the 0-50' No Build Zone. All work shall be done in accordance with the DCC approval of the restoration plan and conditions issued by DCC (Dighton Conservation Commission). The restoration plan must comply with the Wetlands Protection Act 310 CMR Bordering Vegetated Wetland General Performance Standards 10.55 (4) (B) 1-7. The 25' No Touch and the 50' No Build must be staked in the field. The wetland flagging by the Wetland Scientist as flagged in June, 2021 must be present and legible. The restoration plan must also comply with the DCC Bylaw by removing unpermitted structures and to outside of the 50' No Build Area and revegetating areas within the 25' No Touch Area. The restoration plan must be approved by the DCC and no work shall commence on this restoration project until it is approved and conditioned by the DCC – after nothing was received by the DCC– Certified Letter Sent 2/23/23 required response by 3/13/23 & attendance at March meeting. No response, therefore per DCC, we issued fine letter on 3/23/23 notifying them of fining to begin on 4/24/2023. Fines began on 4/24/2023.- Incomplete Plan received from Northcounty Group, Inc. on 5/3/2023. Plan not complete and does not meet the performance standards of Bordering Vegetated Wetlands under the WPA. Per the DCC. the fines have been issued by the Conservation Agent and must be ratified by a vote by the Conservation Commission at the next scheduled meeting. Agent met with applicant's representative on 6/14 and new draft received.

0 Horton St. (Map 10 Lot 53) Enforcement Order issued 11/28/2022 – Site has been flagged. Site visit 3/9 -Letter Sent on 6/1/23 Requesting an approvable Restoration Plan by 7/15/23 - Update

2371 County Street (Map 20, Lot 65) Enforcement Order issued 4/1/21, DEP visited site on 4/27/22- Request for letter to be sent by the BOS to DEP/Letter sent to DEP by TA Mr. Michael Mullen on 4/26/2023 - Update

1035 Williams St., letter issued 4/28/21 (previous File No. SE 017-04030) – Site Visit with Outback Engineering/owner on 3/15 – Public hearing opened 4/20/2023

0 Horton St. (Map 7, Lot 26) Enforcement Order/Restoration - No New Update

0 Williams St (Map 21, Lot 34-2) letter sent 6/2/22 – Notice of Violation – Met with owner and Stormwater Agent on 2/16 – No new Update

1861 Somerset Ave (Map 17, Lot 27-2) – Met on-site with owner and Lighthouse Engineering on 2/15- Boulders Removed, site seeded, and “No Disturbance” Placards installed on posts.

771 Hart Street (Map 23, Lot 7-2) – Notice of Violation Letter sent 1/5/2023, site visit 3/23 – Erosion Controls in place as requested, removal of fill, grading and seeding complete. Area of disturbance is stabilized.

1940 County Street - 508 Customs (Map 17, Lot 79) –letter sent on 3/23/23. Outback is preparing a site plan. Emailed Outback and Owner on 6/14 - Update

880 Hart Street (Map 19, Lot 2) – Notice of Violation letter sent 2/1/23 & Site Visit 2/15/23 & 4/11/2023. Area of disturbance (cutting) re-establishing.

700 Main Street – (Map 17, Lot 300) New Complaint of Wetland/Bank Alterations - *Certified Notice of Violation Sent 2/22/23. Returned to us as unclaimed. 2nd Letter sent on 3/30, requiring response by 3/10 and attendance at our 4/20 meeting. Site visit 4/18. No New Update*

670 Main Street (Map 17, Lot 133) & 0 Main Street (Map 17, Lot 130) – Complaint received involving bank and land under water to Muddy Cove Brook. Letter sent on 3/8/22. Requested response by 3/18 & attendance at April meeting. *Site visit 3/1 /23. No New Update*

1420 Williams Street (Map 11, Lot 9) – New violation discovered on this property when conducting site visit at Clearway Solar. Letter hand-delivered on 3/8/22. Requested response by 3/18 & attendance at April meeting. *Site visit 3/6/23. No New Update*

Public Input:

Correspondence:

Adjournment:

Our Next Meeting is Thursday, July 20th.