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SEP 27 2023

Time: 7:41 AM

By: S.C.

Dighton Conservation Commission
Public Meeting
Thursday, May 18th 2023
Old Town Hall
1111 Somerset Ave

Video and audio of the meeting is recorded for Cable Broadcast and Internet posting on "www.dighton-ma.gov" and YouTube.

Meeting was called to order at 7:02 pm- the Pledge of Allegiance was recited

Attendance- Jim Digits, Jack Crawford, Paul Reynolds, David Phillips

First item on the agenda was to approve the minutes for 4/20/20- vote unanimous

Continued Hearing- DI Trust Comprehensive Conservation Subdivision has requested a continuance to 6/22/23- in regards to construction of 135 single family homes and 13,137 feet of associated roadway off Forest Street- DEP File # SE 017-0443- Motion to continue hearing put forth by Jack Crawford -vote unanimous

Continued Hearing- Reed Brothers Farm Limited Liability Partnership- DEP File SE 017-0447 requests a continuance to 6/22/23 - Motion to continue hearing put forth by Jack Crawford -vote unanimous

Continued Hearing- ANRAD application by Dean Smith of New Leaf, Dighton Energy Storage. DEP File SE 017-0476, New Leaf has requested a continuance to 6/22/23- Motion to continue hearing put forth by Jack Crawford - vote unanimous

Continued Hearing- ANRAD Application by RJR properties- Old Horton Street Map 7, Lots 36 & 36-1 DEP File 017-0475, Nover Environmental submitted a Scope Amendment for peer review- Brandon Faucet, Chris Capone and Matt the intern were present to argue against Nover's findings. Brandon went to the site to look at the wetland boundary and noticed a new wetland was added. Whole property is in a surface water protection zone (drinking water). Tonight Brandon is disputing a stream that is marked on the property. If the area stays classified as a stream it would make the lot unbuildable- Brandon is arguing that the "stream" is actually an old farmers ditch, there is no flow of water and is just standing water. Brandon is requesting the commission come out and see the "stream." Lisa has been out to see their area and claims there is water flow and also tadpoles were observed. Lisa also noted that new paperwork needs to be submitted to cover everything on the property- streams, vernal pools etc. Chairman Jim Digits mentioned that he wishes for Marty Nover and Brandon Fad to come to meet on site and come to a decision- motion to continue to 6/22/23 put for by Jack Crawford - vote unanimous

Continued Hearing- Brook Street Solar- Jack Crawford recused himself. Request for Amended Order by Level Design on behalf of GHTJA03, LLC (Grasshopper Energy) and the owner, The Manuel & Louise Andres Trust- DEP File SE 017-0404. Request includes expansion of work to include site plan modifications to expand the approved limit of clearing, new 14' wide gravel driveway extension and 15" RCP drainage culvert. Additional works would include tree trimming within the 100' wetland buffer zone. Nick Fasindowel was present on behalf of the applicant- there is a need to clear out some more trees to create a fire buffer zone around the battery. The culvert would be built to help send any runoff into a stream- the concrete pipe just hits the 100' wetland buffer zone. Lisa requests more specifics for the trees that need to be removed and concerns for the site to be stabilized- Nick agreed to remove that part from the application and Lisa requested an amended plan. Concom has added conditions about site stabilizations per requests from members of the community in the area. Motion to submit an amended orders of conditions (no tree cutting on the South side) put forth by Jack Crawford - revised plan needs to be received by Concom and Stormwater by May 29th- vote unanimous

Continued Hearing- NOI application - by Robert J Russell III at 0 Old Horton St. for SF septic system- DEP File # SE 017-0481 continuance requested by ADE systems to 6/22/23- Motion to continue hearing put for by Jack Crawford- vote unanimous

Continued Hearing- NOI Application by Kevin Prairie at 2192 Maple Swamp Rd, Map 1, Lot 4-1- for construction of SF 5 bedroom house with associated grading and septic system- James Holmes is project manager is presenting a revised plan to meet the 200' buffer zone requirement from a vernal pool- Lisa drafted orders to move forward with project as everything is within the jurisdiction. - Motion to issue order of conditions put forth by Jack Crawford- vote unanimous

Continued Hearing- NOI Application by Robert Martin at 1035 Williams for an after the fact permit for garage with site improvements including a driveway, landscaping, above ground pool, removal of dead trees and invasives, new fence, and restoration planting- DEP file # Se 017-0480- Continuance requested- Motion to continue to 6/22/23 put forth by Jack Crawford- vote unanimous

New Hearing- NOI by Charles Rudolph 2696 Pleasant St (Map 24, Lot 22-4) for a septic upgrade on land bordering vegetated wetland as well as land subject to coastal storm flooding- Rainy Gagnoa from Zenith Consulting engineers was present- entire property is off of the taunton river which can flood- all work is within the buffer zone. This will be a standard system using plastic arches and a stone bed- Board of Health has approved the design- this would be a repair to the existing system. Motion to approve septic repair put forth by Jack Crawford- vote unanimous

Leonard Hull from board of selectman met with Mike Mullen and is present to advise concomm that the party before them has retained legal counsel and they believe that their 14th amendment right to due process has been violated- Mr Hull and Mr. Mullen advised the conservation commission to proceed with caution. Ed DeSousa from North County Group is present to argue that his client (Mr. Murtusa) has not had due process and that the conservation commission has not upheld their order of conditions. Ed is claiming that Lisa has refused to sign off on their building permit and has issued violations. Permission was granted by conservation for the building but Mr. DeSousa is claiming they are unable to build because of the lack of Lisa's signature. Lisa has not signed off because an approvable restoration plan was never received. Lisa granted Paul Digits permission to sign off for her. Lisa was also addressing the mitigation for the wetlands on the property. Ed DeSousa is arguing that his client shouldnt be responsible for issues with the wetland on his property that were the responsibility of the previous owner. Lisa is arguing that the restoration proposal is not adequate for the area. Mr. Digits proposed the paddock be moved 50' from the wetland zone but Mr. DeSousa is arguing that it's not possible, they could move 10 ft. Mr. Digits also proposed that more than 50 plants need to be planted to cover the 7,500 sq ft (it should have 80% covered according to the DEP). Mr. Digits also wants a new plan drawn up, which Mr. DeSousa agreed. After discussion with the other members of the commission it was decided

- a new map/plan be drawn and a site visit with stakes in the area be put in place
- the paddock to be shown on the map
- more vegetation to be planted
- compost pile to be moved
- Lisa has also requested a narrative to go along with the plan
- and an engineer monitoring the restoration

Motion to suspend fines until next meeting 6/22 put forth by Jack Crawford- Vote unanimous

0 Horton St (Map 20, Lot 65) Enforcement Order issued 11/28/2022- site has been flagged. Expect restoration plan asap. Site visit 3/9- Motion to issue a letter put forth by Jack Crawford- vote unanimous

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 4/26/23

1035 Williams Street, letter issued 4/28/21 (previous file # SE 017-04030) Site visit with Outback Engineering/owner on 3/15- Public hearing opened 4/20/23

2050 Horton St (Map 7, Lot 26-2) Enforcement order issued 3/24/22- site is flagged, communications with oakhill Engineering - no new update

0 Williams Street (Map 21, Lot 34-2) letter sent on 6/2/22- Notice of violation- met with owner and stormwater agent- no new update

1861 Somerset Ave (map 17, Lot 27-2) went to the site and owner is doing what was asked

771 Hart Street(Map 23, Lot 7-2) removed the fill and seeding so they are now in compliance

1940 County Street- 508 Customs (Map 17, Lot 79) Letter sent on 3/23/23- Outback is preparing a site visit

880 Hart Street(Map 19, Lot 2)- owner determined they don't really have any room for their cattle- they were advised by Lisa to allow the vegetation to grow back and they would revisit- owner is cooperating with Conservation Commission at this time

700 Main Street(Map 17, Lot 300) New Complaint of wetland/Bank Alterations- certified notice of violation sent 2/22/23- returned unclaimed. 2nd letter sent 3/30 requiring response by 3/10 and attendance at 4/20 meeting. Site visit 4/18- no updates

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 and attendance at April Meeting- Site Visit 3/1/23- no new update

Mr. Digits talked to Paul about being a representative for CPC- Paul agreed and that will be added to the agenda for next month.

Last Month the commission requested that Mr. Mello write a letter to the Board of Health on holding off on issuing permits without letting Conservation look at them first- the Board of Health has requested that the Conservation Commission attend their next meeting to discuss this further. 6/20/23