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Town Clerk-Dighton, MA

DEC 06 2023

Time: 3:34 PM

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- all members present

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 was 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 farmer's 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

repair to the existing system. Motion to approve septic repair put forth by Jack Crawford- vote unanimous

New Hearing- Request for determination of Applicability 1551 Somerset Ave for improvements at the park- to resurface existing parking area with new pervious asphalt paving, reconfigure existing park area to increase buffer to wetland area, implement additional stormwater BMPs. Work is proposed within the buffer zone to a bordering vegetated wetland and within land subject to coastal storm flowage. Kevin Smith from Dighton Parks and Rec department was present- this plan is for the parking lot area for the basketball and tennis courts- the picnic area will be made longer to make it more accessible from the parking lot. Currently the area is a stone dust area and the plan will restore a 25' grass buffer. They would also like to remove some invasive plants that are in the area- a site visit has been requested to make sure the correct plants are removed. Negative determination would allow them to start work right away Motion to submit a negative determination put forth by Jack Crawford- Vote unanimous

Request by Joseph Baptiste for a 1- year Extension amended order of Conditions at 2162 Horton Street DEP file # 017-0433, this was overlooked at the previous meeting- motion to issue an extension put forth by Jack Crawford approved- vote unanimous

Request by John-Paul Thomas for a certificate of Compliance at 0 Old Somerset Ave (Map 9, Lot 21-3) DEP File #017-0293 the order of conditions has lapsed and therefore is no longer valid and the work was never started. This site was previously approved in 2008 for a commercial development- client now wants to sell area and this certificate would need to be listed on the deed for the new owner- Motion to issue a certificate on compliance put forth by Jack Crawford- vote unanimous

Bills Payable

-Gay & Gay Invoice # 74363 in the amount of \$626.57 for Lot 2 Hart Street- Mr. Roderique refused to file a NOI after a violation so Gay & Gay professional services had to be involved. - Motion to pay invoice put forth by Jack Crawford - vote unanimous

-Invoice #1032 for Nover Environmental Consulting LLC, in the amount of \$1,423.36- for ANRAD review of 0 Old Horton Street- Motion to pay invoice put forth by Jack Crawford- vote unanimous

-LMB Constable Service Invoice #701 in the amount of \$60.00 for direct delivery of enforcement orders- motion to pay invoice put forth by Jack Crawford- vote unanimous

-Beta Invoice #1 in the amount \$3742.28 for professional service in strawberry fields appeal motion to pay invoice put forth by Jack Crawford- vote unanimous

-Beta Invoice #4 in the amount \$2,224.23 for professional services the ANRAD 1136 Brigg Street- motion to pay invoice put forth by Jack Crawford- vote unanimous

Commission- Agent updates and Discussion Section

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1566 Cedar Street- Enforcement Order Issued 12/7/2022- fines have been issued since incomplete plans were received from North County Group on 5/3/23 and they are not in compliance with wetland protection- validation needed to authorize agent (Lisa) to sign fine order- Motion to grant permission to Lisa to sign fine order 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 shouldn't 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 Oak hill 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

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