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Town Clerk-Dighton, MA

OCT 21 2025



Town of Dighton
Conservation Commission Minutes
Regular Meeting
Thursday, June 26, 2025
Old Town Hall
Upper-Level Meeting Room
Dighton, MA 02715

Time: 10:26 AM
By: SC

Public Meeting Opens at 6:00 PM at the Old Town Hall, 1111 Somerset Ave. This meeting is video, and audio recorded for Cable Broadcast and Internet posting on "www.dighton-ma.gov", and YouTube.

Present- Jack Crawford, David Phillips, Paul Reynolds, Abel Mariano, Robert Rimmer, Agent Lisa Caledonia
Absent- Chairman Jim Digits

Meeting starts with the Pledge of Allegiance

HEARINGS & POSSIBLE DELIBERATIONS

Review/Discuss/ Act Continued Hearing: Notice of Intent (NOI) application from Carl Rebello of Bell Farm Estates, LLC at 0 Milk Street & 0 Council Oak Way (Map 17, Lots 109, 135, & 208) for the construction of a 26-lot subdivision with associated roadway and infrastructure- "Bell Farm Estates". A portion of the work falls within jurisdictional wetland resource areas (MADEP File# SE017-0520). Weston & Sampson provided a peer review. Motion to request a continuance until July put forth by Paul Reynolds, seconded by Jack Crawford – all present members in favor.

Review/Discuss/Act Continued Hearing: Notice of Intent (NOI) application from T&A Realty Trust Antonio Almeida, Trustee "Almeida Ridge Residential Subdivision" to construct roadway, stormwater infiltration basins, associated grading, and utilities at 0 Williams Street (Map 21, Lot 20). A portion of the work falls within the 100' buffer zone to a BVW (MADEP File# SE017-0522). Weston & Sampson provided a peer review. Bob Rego environmental engineer speaks; Weston & Sampson commented on the soil testing in infiltration basins which were sent to a laboratory and reported the wrong soil types. They adjusted their error. The basin by the front near Williams street on a small wetland resource area connects across the street by a culvert. Zero grading had to be done within the 25' buffer. The last comment that was addressed with W&S was how they delineated the buffer zone; this is a potential vernal pool which they are treating as if were a vernal pool, along with a second one on the property. They are outside of the 100' from the potential vernal pool and vernal pool resource area. Jim Riordan from W&S presents compliance review. Agent confirms that the stormwater reviews have been addressed except for the test pits. Paul Reynolds speaks about the issues of the wrong soils being tested and how this may impact the study. Bob Rego explains it did not change the size of basin nor do they believe it changes the finds in their study. Chairman Nancy Goulart of stormwater committee speaks; her and Mr. Ferry

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worked on waivers received to planning board. Nancy asks if they are aware that Dighton has its own stormwater bylaws and regulations? Proceeds to ask if Bob Rego has read them. He replies, yes. She brings up EPA has control over stormwater standards. Abel Mariano speaks; he would like to see the material in the basin tested. Bob Rego replies test pits on the site confirms it to be consistent with evaluation on a particular soil. He has done over 20 test pits on site. Agent would like to see W&S oversee the building of the basins. Nancy speaks again, telling Bob Rego stormwater committee will be ready to have a discussion with them once Conservation and Planning Board are done with their portion of the project. Motion to approve with conditions put forth by Abel Mariano, seconded by Jack Crawford – all present members in favor.

Review/Discuss/ Act Continued Hearing: Notice of Intent application from Zero Elm Street, LLC at 2231 Elm Street (Map 20, Lot 84-4) to construct a storage building with associated drainage, parking lot, grading and landscaping. A portion of the work falls within the buffer zone to a BVW (MADEP File# SEOI 7-0523). Weston & Sampson provided a peer review. Niles Zegar with Zenith Consulting Engineers speaks, he emailed plans to the board members. Planning board seems to be in agreement of plans but wanted conservation committee to look over the plan before moving forward. W&S presents their review and discusses with Agent having ground cover. W&S asks applicant to clarify details of the plan to the committee. Comments 9 & 10 reference long-term operation and maintenance along with stormwater management. Agent asks about the hay bale checks and if they were replaced with straw bales. Niles states they don't have hay bales currently. Nancy Goulart speaks on behalf of Stormwater perspective, she states that once W&S gets their report in, they will be hearing from Stormwater. Motion to approve Zero Elm Street with set conditions put forth by David Phillips, seconded by Jack Crawford - all present members in favor.

Review/Discuss/ Act Continued Hearing: Notice of Intent application from Kevin & Aleksandra Messier at 921 Williams Street (Map 8, Lot 18-2) to construct an approximate 22' x 32' studio complete with utilities, sidewalk, landscaping as well as to install a 24' diameter above ground pool complete with deck, stairs, utilities. A portion of the work falls within the buffer zone to a BVW (MADEP File# SEOI 7-0524). Bob Berube of Proline Engineering representing applicant speaks. Erosion controls were placed. Motion to approve NOI with conditions to put in erosion controls around the pool and to get pool water pumped out pout forth by David Phillips, seconded by Jack Crawford – all present members in favor.

Review/Discuss/ Act New Hearing: Request for Determination of applicability from Michael Rodrigues at 1824 Smith Street (Map 14, Lot 16-2A) to construct a garage with driveway and associated site grading, within the 100' buffer zone of an isolated vegetated wetland. Brad Fitzgerald from SFG Engineering speaks. The client would like to construct a 35' by 40' garage with expanding the driveway up to the garage. The garage would be 103' from IVW and 127' from the BVW, with the driveway with 65' of IVW. Minumual grading and erosion controls will be put in prior to any work done. Agent asks to place posts and placards along the IVW. Nancy Goulart asks how much area will be disturbed. Bob answers 0.15 acres. Motion to determine a negative type three determination of applicability put forth by Abel Mariano, seconded by Jack Crawford – all presents members in favor.

Review/Discuss/Act New Hearing: Request for Determination of Applicability application from

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Nina & John Mourau at 1070 Smith Street (Map 10, Lot 15-02) for an after the fact filing to widen an existing driveway, place gravel for parking, re-locate existing shed onto new gravel area, construct retaining wall, construct playground, restore disturbed area with a conservation seed mix, re-direct roof drains into a subsurface drain pipe and re-loam and seed all disturbed areas. Most of the work falls within a regulated wetland buffer zone. Motion to continue until July 17, 2025 put forth by Jack Crawford, seconded by David Phillips – all present members in favor.

CERTIFICATE OF COMPLIANCE

None

ENFORCEMENT

Motion to take 2134 Horton Street out of order put forth by Jack Crawford, seconded by Abel Mariano – all present members in favor.

Review/Discuss/Act-2371 County Street (Map 20, Lot 65) Proposed Mitigation Plan by Northcounty Group, Inc. revised 8/6/24. Received revised mitigation plan on 1/16/2024. Reviewed revised mitigation plan on 1/22/25. Some edits remain to comply with earlier requests. Consultant met with Agent and member to review plan. Further edits are necessary to comply with the agreed upon edits. Site visit with MassDEP scheduled for 3/6/2025, the result of the site visit is as follow: John DeSousa will deliver a revised plan by March 31st, 2025; The revised plan will undergo review at the April 17 Conservation Commission hearing; and Implementation (work begins) within two weeks of the final plan approval (Mid-April). Implementation shall begin within two weeks of the April 17 Conservation Commission hearing. The plan revisions were emailed to the consultant again on 3/12/2025. A revised plan was received on 3/28/2025. At our 4/17/2025 meeting we reviewed and approved the plan with conditions as shown on plan notes. Work was to commence within 2 weeks of approval. Email from Northcounty Group received on 6/23/2025.

2470 Pleasant Street (Map 20, Lot 55) - Previous filling made to wetland on property. Agent sent a second certified letter on 4/10/2025. Email from owner received on 5/13/2025. The owner responded on 5/15/2025 that he has entered into an agreement with Outback engineering to conduct the initial engineering and planning for work.

710 Center Street (Map 9, Lot 154)- Violation (cutting & clearing) on the Conservation Restriction land observed. Follow-up letter sent out on 12/30/2024. Phone conversation on 6/18/2025. The owner Matt speaks and gives the commission photos of pine tree's growing. Post and placards will be put in.

880 Hart Street (Map 19, Lot 2) -Multiple violations - Existing Conditions & Mitigation Plan by Northcounty Group, Inc. dated 10/16/24, revised 12/16/24 Site visit on 1/8/2025. MassDEP contacted us on 2/6/2025 to set up a site visit. Site visit with MassDEP scheduled for 3/6/2025, the result of the site visit is as follow: it was discussed John DeSousa will deliver a revised plan by April 30th, 2025; The revised plan will undergo review at the May Conservation Commission hearing; and Implementation (work begins) within two weeks of the final plan approval. John will

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deliver a revised plan by April 30th, 2025. A new plan was received on 5/7/2025 and approved at our 5/15/2025 meeting and work was to commence within two weeks of the final plan approval.

1070 Smith Street (Map 10, Lot 15-2) Wetland violation (cutting & clearing) Follow-up letter sent out on 12/30/24. Zenith Consulting contacted me on 1/2/2025 that they are working on a filing coming to us soon. Agent observed earthwork on the property on 5/7/2025. Agent emailed owner and consultants on 5/7/2025 to stop work. Site visit on 5/29/2025. RDA with proposed plan submitted 6/9/2025. Abutters received wrong address, this will be address in July's meeting.

1030 Oak Street (Map 6, Lot 27) Wetland violations (clearing, cutting, filling) Site visit with new owner (Oliveira Investments c/o Ronald Oliveira) on 11/12/24. NOV sent on 2/10/2025 via certified mail. Site visit scheduled for 3/18/24. Restoration work with erosion controls is underway. Abel Marlano speaks; it is all set. All graded off and silk sacks are still in place, everything looks great.

2134 Horton Street (Map 7, Lot 26-1) New wetland violation observed when on-site for a pre-application site visit for a shed. Owner will attend meeting. Site visit scheduled for 3/18/24. At our 4/17/2025 meeting we reviewed and approved the restoration plan. Robert Brimmer recuses himself. The owners are asking for an emergency replacement of their deck due to rotting. The plan currently in place is to remove one tree that is closet to the home and do some trimming. Motion to allow owners to commence work and follow up next meeting with RDA to give an update put forth by David Phillips, seconded by Jack Crawford – all present members in favor. Motion to take 710 Center out of order put forth by David Phillips, seconded by Abel Mariano – all present members in favor.

260 Country Hill Drive (Map 9, Lot 17-19) Complaint received. New buffer zone violation observed on 4/9/2025. A site visit was conducted on 5/5/2025. Evergreens were installed, removed fill that was close to the wetlands and agreed to put seed down.

662 Somerset Ave (Map 9, Lot 18) Complaint received. New wetland violations observed on 4/23/2025 at site visit. The owner's son was willing to do restoration work on the property, will follow up with owners for September's meeting.

2365 Elm Street (Map 20, Lot 9D) Violations observed when Agent was on-site for site visit. Follow up should be done to check where the shed was built.

2625 Lewis Street (Map 21, Lot 47C) New buffer zone violations observed on 5/8/2025. Agent asked if the owner was going to remove fill and seed. Agent will follow up with the owner.

700 Main Street Site visit conducted earlier this week. Agent and Dave noted that small area of grass clipping are within the 100' buffer zone. There was an agreement to move clippings.

OTHER BUSINESS

Review/Discuss/Act-Proposed warrant article for Conservation Revolving Fund Paul Reynolds speaks, he would like to see the commission go to BOS to create a revolving fund so that

conservation is able to keep some of those funds. He also speaks on violations and how much of the Agents time is taken up with these violations. He would like to propose any violations fees go towards any additional time the Agent may need to work due to continuous violations.

Review/Discuss/Act- Meeting Minutes (March 20, 2025, April 17, 2025, May 15, 2025) March final minutes are done. April's need to be reviewed. Motion to accept March minutes put forth by David Phillips, seconded by Jack Crawford – all present members in favor.

Bills Payable - Review Bills, Payable since last meeting Agent will be submitting bills following Monday.

Encumber funds for FY 2026 Motion to approve Agent, Jim or Paul on behalf of the commission to prepare encumbrances for any expenses that are accrued in fiscal 25 but not payable until fiscal 26 put forth by David Phillips, seconded by Abel Mariano – all present members in favor.

Review/Discuss/Act- SRPEDD red-lined version of the Conservation Subdivision Bylaw Paul Reynolds has concerns with cluster housing. Plans to review this and follow up next month is agreed upon.

CORRESPONDENCE

Review/Discuss/Act: BOH Meetings 5/20/2025 & 6/17/2025 & complaint regarding 1901 Milk Street A resident came into Town Hall and came up to the treasure's collectors window and asked for Agent. Agent was not in at the time. Paul Reynolds noted the residents concerns of failed septic that had been going on over a year. The owner of the property had an open septic tank hat has been failed and they put a pump into and ran a hose into the woods behind their house. Agent attended BOH meeting, the owners stated they shut the pump off. Agent spoke during the meeting and requested a copy of their plan is received that they forward it to Conservation Commission. Agent believes there is isolated wetlands in the property and stated the land is in a water protection zone (2). Agent plans on working with BOH to keep up to date on issue.

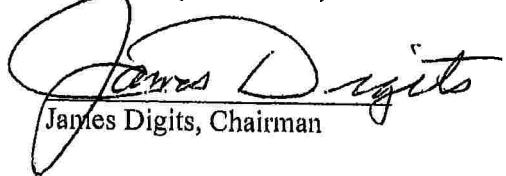
PUBLIC INPUT

Town resident asks about Muddy Cove plans. The commission states that there in definite plan currently but talks of how AstraZeneca doesn't want liability of the damn anymore which would lead to draining the pond. Nancy Gouliart speaks; she describes her time while on BOS 2021 and her experience with AstraZeneca. She asked the company to donate the three lots by the damn property to the town. They accepted the agreement to donate the three lots to the north of Main Street. It was last left that the town would be willing to accept the property with the damn if an engineering study was done at AstraZeneca's expense to bring the damn up to the next level. The town paid for the pond bottom to be tested and it come back with no contamination. Bath Lambert advised the BOS on this issue. If the intent is to take the damn down there would have to be public hearings and discussion especially with the property owners who currently have waterfront property. The town of Dighton was willing to accept the damn if certain expense conditions were met.

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ADJOURNMENT

Respectfully Submitted,



James Digits

James Digits, Chairman

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