

RECEIVED
Town Clerk-Dighton, MA

SEP 27 2023

Time: 7:41 Am

By: S.C.

Dighton Conservation Commission
Public Meeting
Thursday, August 17, 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 previous meeting- motion to accept minutes put forth by Jack Crawford -vote unanimous

-Interviews for Positions of At-large member, Conservation Commission

-Jason La Chance was present at the meeting- Jason currently owns a tree business in town. He has experience with conservation- he is interested in the position because he believes he could contribute to the board because he understands both sides. He thinks he could be beneficial because he has a good understanding of laws surrounding conservation

-William Frenette has been on the commission for 50 years- he enjoys working for the town and has a good working knowledge of conservation and environmental concerns. William has helped with various projects including the herring run and osprey protections- Motion to accept 1 of the applicants for the 5th seat on commission put forth by Jack Crawford seconded by David Phillips- vote was unanimous to accept Jason La Chance as 5th member.- His name will be submitted to the board of selectman for approval/to be sworn in, email will be sent to let Leanne and Karin know that Jason was selected

Interviews for Position of Office Assistant- Review/Discuss/Act - The commission would like to appoint Chairman Digits as the interviewing hiring authority - interview will be held the following monday for a clerk for both conservation and the sewer department- Lisa will also be present at interview- Motion to appoint Jim as hiring authority put forth by Jack Crawford- vote unanimous

Review/Discuss/Act- Recommendation of the removal of James Sousa as a member of commission- Mr. Sousa has missed over 12 meetings- Jim has gotten a new job and has been ignoring attempts from Chairman Digits to reach out to him. Motion to removed James Sousa because he has missed 12+ meetings by Jack Crawford- vote unanimous, note will need to be sent to Board of Selectman as well

Review/Discuss/Act- Letter to the Dighton USPS regarding certified Letters- Lisa has received complaints that people have not been able to sign off on their certified letters- Lisa spoke to Postmaster but will also be sending a letter

Bilis Payable-

-Gay & Gay File Invoice #74567 for \$588.29 (Strawberry Fields Appeal)- Motion to Pay invoice by Jack Crawford- vote unanimous

-Gay & Gay File Invoice #74700 for \$2,027.73 (Strawberry Fields Appeal)- Lisa got an update from Beta, there is a new DEP Chief who is looking more closely at the stormwater issues at Strawberry Field- this is an ongoing issue that will be addressed at a meeting in November -Motion to pay invoice by Jack Crawford- vote unanimous

-MACC Annual Dues for \$305.00- motion to pay invoice by Jack Crawford- vote unanimous - Chairman Digits will need to sign off on that

-Nover Environmental Consultants for \$924.16 for Horton Street- Motion to pay Invoice by Jack Crawford- vote unanimous

Continued Hearings-

DI Trust Comprehensive Conservation Subdivision, DEP File # 017-0443- seeks to construct 135 SF homes and 13,137 linear ft of associated roadway off Forest Street- DI Trust has requested a continuance to 9/21/23- motion to continue put forth Jack Crawford - vote unanimous

Reed Brothers Farm Limited Liability Partnership, DEP File # SE 017-0447- Outback Engineering has requested a continuance 9/21/23 - Motion to continue put forth by Jack Crawford- vote unanimous

ANRAD Application by Dean Smith of New Leaf, Dighton Energy Storage 1, LLC for 0 Maynard Lane (Map 1, Lots 82, 82-7 & 96) DEP File # SE 017-0476, New Leaf has requested a continuance to 9/21/23- Motion to Continue put forth by Jack Crawford- Vote Unanimous

ANRAD application By RJR Properties, (Old Horton Street (Map 7, Lots 36 & 36-1) DEP File # SE 017-0475. Nover Environmental Submitted a scope amendment for Peer Review- ESI Requested this be tabled until 9/21/23- Motion to Continue put forth by Jack Crawford- Vote Unanimous

NOI application by Robert J Russell III at 0 Old Horton Street (Map 7, Lot 36) for construction of SF home with septic system- a portion of work is within buffer zone to wetland resources. DEP File # SE 017-0481. ADE has requested a continuance to 9/21/23- motion to continue put forth by Jack Crawford- vote unanimous

** Chairman Digits questioned whether or not there was a limit to how many continuances are allowed - this is in reference to DI Trust who have had about 7 continuances- Lisa noted that as long as it is done within 2 years and new information is being provided that this is allowed

NOI application from Charles Robert Federal National Mortgage Co at 1969 Horton Street, N. Dighton. Work would include updating failed septic systems with tank, pump, retaining walls, leach field and associated grading. A portion of the work falls within the buffer zone bordering vegetative wetland and riverfront area. The applicant also proposes to restore a portion of the

riverfront and buffer zone that was disturbed by the previous owner to its pre-existing state. DEP File # 017-0487. A rep from Foresight Engineering is present. Darin has been working with Lisa to adjust the wetland line. They are proposing to remove some sheds on the property to help restore the wetland. The septic can really only be in one place and that will be 42' off of the buffer zone. There will have to be some trees removed from the property but the engineer is willing to replace the trees that have been removed based on the recommendation from either the commission or a wetland scientist. The plan will adjust to include the trees. The Fuji system (treatment system that goes into the tank to clean the water) was recommended but doesn't seem reasonable with the plans the engineer has for the client. -Motion to accept NOI and order of conditions- to include a revised plan with modification to the restoration plan put forth by Jack Crawford. - vote unanimous

NOI Application from Tom Ferry, Town of Dighton DPW Director for a municipal Main street roadway project including the construction of a 5' wide sidewalk and drainage improvements along the existing 1.8 mile section of Main Street from the intersection of Williams Street to the intersection of Elm. A portion of the works falls within the buffer zone of a Bordering vegetative wetlands, Riverfront area and within bordering land subject to flooding. DEP File # 017-0485- Evan Watson was present from W Engineering- Evan claims there will be minimal impact to protected areas. A stormwater report was also submitted. Dpw will be cleaning out the attached basin that will be gathering stormwater and soil runoff. The plan will try to utilize some of the existing structures and any drain with discharge will add in silt socks. Jason LaChance and Selectman Hull Street were concerned about culverts and sidewalks - No modification to the current culverts, they utility poles will not be on the sidewalks and will either be on the grass. Beth And Kathryn Parchesco of 1224 Main Street mentioned that there is a wetland lot with missing trees that have never been replaced, Tom is aware of that area and all of his work will be outside of that area. Motion to accept the NOI put forth by Jack Crawford- Vote unanimous

New Public Hearing- Request for determination of Applicability from Michael Cordeiro of 1879 Smith Street. to construct a pergola with solar arrays on the roof at the south side of the existing home. All work is proposed within yard at least 80' of the (off-site) bordering vegetated wetland and a portion will be within the 100' buffer zone of Bordering Vegetated Wetland- Michael was present the house is not able to hold the solar panels due to it being so old so his solution it to build the pergola. Lisa has already drafted the negative determination. Motion to issue a negative determination put forth by Jack Crawford- vote unanimous.

Commission- Agent Updates and Discussion Section

0 Horton St (Map 10, Lot 53) Enforcement Order issued 11/28/22- site has been flagged- site visit 3/9, we're told to expect restoration map asap. Letter sent on 6/1/23 sent via certified letter, fines at a rate of \$300/day began on 7/15/23 and will continue until we receive a satisfactory restoration plan - Update** The Oliverias were present- their engineer had told them that everything was being taken care of. The Oliverias have contacted Zenith Engineering per the recommendation of Steven Schmiel and now everything is moving forward. The commission is

willing to suspend further fines if plan is received by 9/15/2023. They will also need a copy of the new contract.

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 and on 7/17/23 - Update** Commission is recommending a \$300/day fine until they have a plan for the restoration of that lot- This has been an ongoing case for the past 2 years- Russell Enos is the owner- Motion to fine the owners of the property for non action on an enforcement issue beginning 8/21/23 put forth by Jack Crawford- Vote Unanimous

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 closed with a denial on 7/20. Site visit conducted on 7/6/23- Commission would like to issue the enforcement order and give the owner 30 days for a restoration plan.

0 Horton St (Map 7, Lot 26) Enforcement order/ restoration - Agent spoke with Wetland Consultant on 7/11/23 & site visit 7/19/23- restoration plan received for review- Tom Schutz of Goddard Environmental Consulting was there on behalf on the applicant- Tom is presenting a revised plan for restoration, a lot of the shrubs and plants have started to grow back on there on so they don't believe they need to re plant the shrubs but they do intend to plant 25 new trees and that can be done immediately upon approval from the commission. They also plan to put in a silt sock and remove concrete that has been left out there. Lisa wants conservation seed mix added. Motion to accept the revised restoration plan along with new seed mix put forth by Jack Crawford- vote unanimous

0 Williams Street (Map 21, Lot 34-2) letter sent on 6/2/22- Notice of violation- met with owner and stormwater agent on 2/16. Restoration plan received for review- per discussion in the field with the owner- they are reviewing the plan sent and will be making some changes to restore what they can and submit a NOI

1940 County Street- 508 Customs (Map 17, Lot 79) Letter sent on 3/23/23- Outback is preparing a site visit- 2nd certified letter on 7/19/23. No response received -NOI should have been submitted by 8/16/23- Motion to issue an enforcement order put forth by Jack Crawford- vote unanimous

880 Hart Street(Map 19, Lot 2)- Notice of violation letter sent 2/1/23 & site visit 2/15/23 & 4/11/23- agent spoke with Attorney Mitchell on 7/5/23 and provided him with the information. Agent will follow up with inspections through the fall and spring- the owner has figured out a place to keep their cattle and have since allowed the wetland to grow back. Lisa will monitor

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. Site 3/6/22- wetland consultant should be out in the next month

981 Stonegate Landing N. Dighton- Owner contacted me before he proceeded with the removal of a half dead tree. I conducted a site visit with Mr. Phillips and Owner on 6/26/23- Shed and fill to be removed from 25' No disturb zone. Tree to be flushed cut.

485 Tremont Street (Map 9, Lot 16) extensive clearing- a portion may be in a buffer zone to a regulated wetland and in NHESP mapped priority habitat. Notice of violation sent on 8/3/23. Lisa has received a response from the owner of the property, he is willing to cooperate with the conservation commission.

1033 Oak Street (map 7, Lot 20-2) un-permitted large garage observed within regulated buffer zone. Letter sent 8/10/23- Garage is 40' by 60' and has been finished, The owner will need to hire a wetland scientist to see how they can mitigate the disturbance. Owner has until 8/24 to respond- town issued the permit to build without consulting conservation - owner needs to apply for an after the fact permit.