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Town of Dighton
Conservation Commission Minutes
Regular Meeting
Thursday, October 16, 2025
Old Town Hall
Upper-Level Meeting Room
Dighton, MA 02715

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- Chairman Jim Digits, Jack Crawford, David Phillips, Abel Mariano, Paul Reynolds Via Zoom, Agent Lisa Caledonia

Absent: Robert Brimmer

Meeting starts with the Pledge of Allegiance

Chairman's Address

Jim Digit's announces that the conservation commission has been doing their job properly and are receiving threats, along with lie's being spread on the internet.

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# SE01 7-0520). Weston & Sampson provided a phase D peer review. Motion to continue until November 20, 2025 meeting put forth by Paul Reynold, seconded by Jack Crawford – all present members in favor.

Review/Discuss/ Act Continued Hearing: Notice of Intent (NOI) application from Dighton Boatworks, LLC d/b/a Shaw's Boat Yard, Inc. at 86 Main Street (Map 17, lot 1) 86 Main Street for the proposed construction of a boat storage building and appurtances within 100 ft of a bordering vegetated wetland 200 ft of the Taunton River and within land subject to coastal storm flowage (MADEP File# SE017 0526). Weston & Sampson provided a peer review. Motion to continue until November 20, 2025 meeting put forth by Abel Mariano, seconded by Paul Reynolds – all present members in favor.

Review/Discuss/Act Continued Hearing: Notice of Intent (NOI) application from John-Paul Rossi

of Zeneca, Inc at Elm Street/Muddy Cove Pond (Map 20, lot 106) for lowering the water level of Muddy Cove Pond. The work falls within inland wetland resources including: bordering vegetated wetlands, land under waterbodies/waterways and bordering land subject to flooding (MADEP File# SE017-0531). A peer review proposal was received from Weston & Sampson. Bruce Thompson with Demaximus Incorporated speaks, he is the project manager for Astrozeneca for their former site at 333 Main Street. Dan Bordeaux will be speaking on dropping the water level behind the dam. He states it is a safety issue and will lead into future discussion and permitting of what happens afterward. Dan from Geosyntec Consultants presents on the Project Purpose, Dam Overview, Status of Dam, Project Description and Wetland Resources Impacts. They want to lower the level of the pond to reduce dam seepage and risk to human health and the environment. They will follow state and federal guidelines during this project. Dam was constructed in the 40's to provide clean water supply to Zeneca manufacturing. The facility was demolished in the 80/90's. The dam and impoundment no longer serve its intended function. Seepage was observed in March 2023, EAP was activated, IRRMS are being implemented and maintained to minimize risk associated with seepage. LEC did a wetland delineation around the property of Muddy Cove Pond. Adjacent to the pond along the southwest and north edges there are thin strips of bordering vegetated wetlands. The primary purpose of the project is to decrease the hydraulic pressure on the dam and reduce seepage. Process will take 24 days dependent on precipitation. The water level will be lowered to expose sediment while maintaining flow of Muddy Cove Brook. Unavoidable impacts to resources areas include BVW will be altered and reestablished along the new perimeters of the lowered water surface elevation. Flow will be maintained by the original pathway before the dam was built, increase in flood storage capacity and a restored area along the Brook through the former impoundment. Protection and Mitigations will include guidance from local and state agencies. Protective measures, gradual drawdown, visual monitoring for invasive species. If observed ISMP will be developed to address species in the newly created habitat. The ISMP will be submitted to Conservation commission for review prior to implementation. Abel Mariano speaks; he asks about the removal of the Dam after the project. Bruce speaks and right now they are focused on lowering the water level due to seepage. The decision to remove the dam has not been made. Pressure is being built from the amount of water going through the dam which causes channeling. This will start to decompose the dam resulting in dam failure. Abel asks if they plan on maintaining the property afterwards. Bruce believes his client would maintain the land if rehabilitated and if the dam is removed and is an open space he believes his client would likely be interested in donating the land. Jim Digits asked if it is also leaking on the earthen portion. Primarily the earthen portion is leaking. Jim Digits received a verbal report that it has been leaking since the mid 70's and seemingly been fine. Bruce explains Dam safety has been more involved at looking at these no longer utilized dams. Since they reported the leaking, they need to take action to maintain safety. Jim asks about the town's offer to accept land in the past but there were conditions, he asks if they have knowledge on this. Bruce doesn't know anything about that; Chairman asks him to look into that to find out. Chairman asks in the future would the entire dam be removed and free flowing water with slight waterfall or fish ladder be installed. Bruce explains if they go the path of removal the spillway is gone and from his experience you would want fish passage. Paul Reynolds states that he would like to see W&S review to understand the property and said project more before voting on lowering the dam. Abel Mariano clarifies that there is no immediate concern otherwise they would bypass Conservation and Dam Safety would direct you to lower the water level. Bruce explains that they have to do something because the seepage will not be acceptable on a state level. Reconstruction would look like a bigger spill way to comply with

Dam Safety. Agent asks about the spillway being raised. Abel Mariano intervenes and says it would mean the concrete structure would get wider and more substantial. The structure would get taller and the challenge could be that the bridge constructed in 1959 over the top of the back outlet of the spillway would create complications. Jack Crawford mentions that the state will not back up keeping the dam, they are taking them out all over the state. Currently it's private property and he doesn't believe the Town can take up the expense of it if they wanted to keep it. Terry Zurawell of 498 Marion Ave speaks, she asks if the land will remain wetlands, and if they sell it could someone build on it. Chairman speaks up to address the questions, stating it would be like marsh lands with natural vegetation. If they were to donate to conservation nothing would ever happen to it, it would remain protected. Drew Harris of 474 Marion Ave speaks, he says by draining the water you will alter a huge ecosystem of fish, turtles, snakes, deer and much more wild life. He questions how that state's wetlands act sees this as ok to do with no concerns of the ecosystem and wildlife. He asks about the water accumulated at the bottom of the hill, sometimes there is water and other times it is dry. Dan speaks on the ecosystem and the natural stream corridor with a riparian system is another type of ecosystem. He says they both have their values but the big picture is the division of ecological restoration in MA promotes water lowering, reducing the pond to a stream system. This is promoted from the state to enhance habitat for fisheries and wildlife. The second concern of the seepage is that under the dam emergency action plan there are annual inspections with an engineer. In 2023 a separate consultant doing the dam inspection and observed the seepage. While he was out there today on the left side, he could clearly see iron flock and a manganese sheen on the water suggesting it's coming up through the ground. These are signs of seepage through the dam. Drew Harris is very concerned about making the ecosystem smaller and why in the summertime the areas are very dry and asks why. Agent answers, hydrologic periods during the year, making wetlands not constantly wet all year long. Dan speaks on the fact in the summer time the water level lowers and reduces the hydraulic pressure. He asks if they reduce the pond a few feet this would help the issue, Bruce and Dan explain it is not allowed under the law and would be like putting duct tape on the problem. Chairman also mentions the trees can be dying out the water in the summertime. Bruce explains they have to address the situation due to liability and the law. Gwen of 525 Main Street asks about the historic level to bring it down. Bruce corrects her and says that stated target level. She asks how much would it be drawn down to. Dan answers, the target elevation is 15'. She asks about the guidelines from the town, state and federal levels. She also confirms that she would be able to look at these plans at the town hall. Resident clarifies Bruce and Dan's role with Zenica for her own knowledge. She also asks where the water that comes down originates from, growing up she heard it was spring fed. Jack Crawford says Richmond Hill and the old dairy farm is where the water comes from. Nancy Goulart of 631 Gray Terrace, Chairman of Stormwater committee speaks and former member of BOS. She wants to correct this once again and states they keep coming back with the same error. She states there is no Muddy Cove Brook and it is the Richmond Brook with the long name of Sally Richmond Brook referring to map from the 1800's. She also states it's not a pond and that it's a reservoir, which would have different rules. She states she researched the reservoir with historical and fact-based data. It was created as reservoir. Nancy states at the last selectmen meeting the former chairman of Con Com Mr. Bernette spoke up and talked about the spring fed water that comes from a swamp. The water that rose from the springs is what created the Sally Richmond Brook. She is happy the town engineers are getting involved and doing their own review. In 2020 the BOS met with Beth Talbot from the Department of Recreation and Reclamation and nick named her the Dam lady. As a result of this meeting in November 2020, Nancy drafted a two-page memo to Elmdorf at

Astrozenica. She is unsure of their response but knows they have been good to the town when asked for land and easements they gave it to the town. They also donated \$60,000 to help pay for the drainage line that was needed. She wants a response to the November 2020 letter from the new ownership. The letter outlines what the town was looking for in order to accept the property. This was after she made the offer of the dam property and the three lots on Main Street. Everything was tested by W&S and came back clean. She says if the property on Elm Street would have come back any other way it would have ended that discussion. She asks what the current rating from the State on the Dam. Representatives of Astrozenica state it's a high hazard because of the potential impacts downstream. She asks when did it go from fair to high hazard. They state it could be fair condition, high hazard. Nancy states in 2020 it was fair and had been for a number of years. She says as far as the state goes the governor recently announces \$11 million has been set aside of dam repairs and replacement. Nancy served as the town's rep of the Mass Municipal Association policy committee on energy and the environment for 18 years. She mentioned that this was not a dam created for power it is a reservoir for clean water supply. At the BOS meeting former Con Com Chairman stated when you have the chance to get clean water supply to hang onto it. She asks if the fire chief has been involved, he has been on the committee and involved in the plans. Nancy concludes her statement with wanting to receive the correct name of the Brook. She iridates that W&S report should be involved and that the town should demand an answer to the proposal to figure out the best solution. John Paul Rossi is who replaced the former owner Mr. Elmundorf. The representatives will look into this and follow up. Motion to accept peer review by Weston and Sampon put forth by Paul Reynolds, seconded by David Phillips – all present members in favor. This will get paid from the 53G account, \$11,100 for peer review. Motion to continue until November 20, 2025 meeting put forth by Jack Crawford, seconded by David Phillips– all present members in favor. Abel Mariano asks if the W&S review bind them to a discission. Chairman states it's their vote that will determine what happens. He also says if this has to be drained and refilled it is going to be a shock to the ecosystem. Although he agrees with Nancy that having a clean water source is valuable for the town, they also need to look at liability.

Review/Discuss/Act Continued Hearing: Notice of Intent (NOI) application from Tyla Gooch at 553 Center Street (Map 13, Lot 42A) to demo existing trailer home/construct new 4-Bay Garage with associated parking, utilities, and septic system. A portion of the work falls within jurisdictional wetland resource areas (MADEP File# SE01 7-0527). Weston & Sampson peer review- awaiting funds. Motion to continue until November 20, 2025 meeting put forth by Abel Mariano, seconded by Jack Crawford – all present members in favor.

CERTIFICATE OF COMPLIANCE

NONE

ENFORCEMENT

Review/Discuss/Act-2371 County Street (Map 20, Lot 65) Attorney John's Zajac speaks for resident. He states he is aware of the contract with Mr. Enos and a company to do the proposed work. Some of the equipment may have been mobilized within the past week. The hay sock was supposed to be delivered earlier in the week, weather prevented delivery. He has been advised by

engineer John DeSousa and the contractor that once the work begins it will estimate about three weeks. Chairman speaks on the fines that have been instituted, he states if this gets done in a timely manner they may consider dropping fines.

Review/Discuss/Act-2470 Pleasant Street (Map 20, Lot 55) & 2421 County Street (Map 20, Lot 64-2). Resident's are seeking contractors for restoration project.

Review/Discuss/Act-880 Hart Street (Map 19, Lot 2) In previous meeting delayed work being done until November 30th 2025. Chairman states whatever happens after this date fine will be put on the property owners due to lack of prior urgency to get this resolved. Attorney Zajac did get messages this evening saying the work is progressing.

Review/Discuss/Act-1070 Smith Street (Map 10, Lot 15-2) Owners have not installed the erosion controls yet. There was some ground disturbance in the buffer zone. Agent reminded them and their engineers of erosion controls needed. The engineers staked out the area where the placards would be located. The work is planned for next year. Motion to take Cameron Siok Eagle Scout Project out of order put forth by David Phillips, seconded by Jack Crawford – all present members in favor.

Motion to take hunting at Broad Cove out of order put forth by Abel Mariano, seconded by Jack Crawford – all present members in favor.

Review/Discuss/Act-260 Country Hill Drive (Map 9, Lot 17-19) Seed has been purchased, update will be provided on the land that was disturbed.

Review/Discuss/Act-662 Somerset Ave (Map 9, Lot 18) Last meeting it was noted that the owner was looking to purchase aquatic plants for the pond and shrubs to restore the disturbed wetlands. Agent provided native choices.

Review/Discuss/Act-2625 Lewis Street (Map 21, Lot 47C) No update but they still have an open building permit, work will continue. David Phillips noted there is still a dumpster in the buffer zone that conservation will address.

Review/Discuss/Act-1861 Somerset Ave (Map 17, Lot 27-2) The owner sent in an RDA application.

Review/Discuss/Act- 0 Prospect Street (Map 4, Lot 370), DEP File# 017-0483 The owner is working with Outback Engineering to amend Order of Conditions. Agent updates Jack on the retaining wall that was built without permission. Owner took down trees and had to reseed wetlands due to his children riding quads through the area.

Review/Discuss/ Act -0 Horton Street (Map 10, Lot 29) While erosion control inspection was being done Agent and Tom Ferry noticed additional clearance in the buffer zone. Stormwater committee will need to be involved. The owner follows up with an email stating they have installed erosion controls and agreed to seed and plant some trees. Agent is concerned of the placement of the erosion controls. Agent asks if the owner plans on keeping the barn or if they plan to disturb

area for yard. Nancy Goulart speaks on behalf of stormwater committee; they have received a proposal from W&S for a peer review. Stormwater approved services be done.

Review/Discuss/ Act- 700 Main Street (Map 17, Lot 300) Agent and David Phillips did a follow up on two complaints, they have received a third complaint from the same individual that was present during August's meeting. The owners have been responsive to every complaint and agreed to restore.

Motion to take public input out of order put forth by David Phillips, seconded by Abel Mariano – all present members in favor.

OTHER BUSINESS

Review/Discuss/ Act - Proposed warrant article for Conservation Revolving Fund will be continued to next meeting.

Review/Discuss/ Act- Meeting Minutes (5/15/2025, 6/26/2025, & 9/18/2025) Motion to accept May 15, 2025 meeting minutes put forth by Jack Crawford, seconded by David Phillips - all present members in favor. Motion to accept September 18, 2025 meeting minutes put forth by Abel Mariano, seconded Jack Crawford – all present members in favor. Motion to accept June 26, 2025 meeting minutes with small edits to be made put forth by David Phillips, seconded by Jack Crawford - all present members in favor.

Review/Discuss/ Act - Bills Payable -Review Bills Payable since last meeting

Review/Discuss/ Act - SRPEDD red-lined version of the Conservation Subdivision Bylaw

Review/Discuss/Act - Town of Dighton Application Flow Chart Planning board voted unanimously to adopt town of development application chart.

Review/Discuss/Act- MS4 Email from Weston & Sampson Nancy Goulart speaks on behalf of stormwater. The town asked W&S to do a complete review of stormwater program. The last review was done in 2009. A grant paid for this review. The engineer Jarice Swartz performed outfall inspections, mapping and testing to bring everything up-to-date. The next phase was a regulatory review of the bylaws, report was completed September 16, 2025. The engineer is still working on the overall review. When this is completed, a meeting will be scheduled with con com, planning, zoning, building and stormwater. They are proposing to amend the bylaw and take it to town meeting next June. The only major change she is aware of is to go from 35,000 square feet to the federal requirement of one acre of land disturbance before stormwater permit is required. The plan is to make stormwater committee a stand-alone committee separate from BOH. Once the next report comes out with the marked-up bylaw regulations it will be sent out to the commission.

Review/Discuss/Act- Conservation Agent Benefited Time BOS voted against the extra 5 hours proposed for Agent. The concern is the administrative work that needs to be done exceeds her time. She will receive comp time but she is never able to use said time due to overflow of work. Chairman expresses his frustration with BOS decision because it is clear more hours need to

allotted to Agent to be able to keep up with the work load. He says to dedicate one hour of administrative work a week because conservation need her out in the field doing her job she was hired to do. Chairman suggests keeping a record of comp time so that it is being accounted for and used.

Review/Discuss/Act- 833 Williams Street Pere was done without permission and land was disturbed 6,000 square feet into buffer zone. The owners reseeded the area. Peer review is needed if they do another perc it needs to be done on untouched land. ANRAD was previously filed and withdrawn, and perc was not authorized prior. When agent did a site visit, she noticed six perc's in a cleared area. Owners are requesting another perc, Agent will let them know another ANRAD will be needed.

CORRESPONDENCE

Review/Discuss/Act- Applications for Pere Location Test & Preliminary Sign-offs with BOH TA has agreed that conservation commission should be signing off on perc location to be informed of what is going on. Letter will be sent to BOH saying all location of perc tests must be approved by conservation prior to being issued.

Agent speaks on new information of the lantern fly that has been reported in Dighton. They need to be reported if seen.

Review/Discuss/Act-Cameron Siok Eagle Scout Project This involves building various park benches around the town to promote community engagement along with accessibility to trails and recreational spaces. He is looking to install one more bench in Broad Cove, along the red trail. Location would be half way mark on the trail abutting a field. Brush, leaves and sticks would need to be cleared, none of the trees or wildlife will be disturbed. Pouring of the concrete will be handled off site. This is located at the west entrance on County Street. Motion to allow Cameron to add a bench onto conservation land put forth by Abel Mariano, seconded by Jack Crawford – all present members in favor.

Review/Discuss/Act-Hunting Broad Cove Resident asks what the rules and regulations are when it comes to hunting. He observed stands and ropes while on a hike. Chairman explains in the state handbook it says stands should be removed at the end of the season. In this area hunters need to be careful because of the trails, hikers should be wearing orange but this is always the case. Resident is concerned about one of the stands that looks like it's been up for year off the trail and observes it is choking the tree. He proceeds to ask where else in town are good hunting. Agent suggests that the scouts build a box to hold orange vests for people to sign out to increase safety measures.

PUBLIC INPUT

Resident at 1798 Horton Street explains she was told to come to this meeting regarding an abatement due to her lands being wetlands. Agent has been in communication with the assessor's office and they have their own process of assessing and abatements. Agent states that there are clearly wetlands when she looks at the mapping and soil in this area. Resident owns 2.52 acres. Agent states all her land other than the yard is wetlands. Nancy Goulart is on the board of

assessors; she states the resident doesn't need anything from conservation to file for an abatement. Assessors accept applications after January 1st, she suggests she goes to the office to receive help file the application. They have accurate maps and ariel software to examine the property. If the board needs more information on property that conservation will be contacted.

ADJOURNMENT

Respectfully Submitted,


James Digits, Chairman