

Plympton Conservation Commission

Minutes of Open Virtual Meeting – December 7, 2021

Held over Zoom Conference Call:

<https://us02web.zoom.us/j/8802901353?pwd=QXVJWmtRdWFHejN0L243R0E1MXhyd09>

By Telephone: (646) 558-8656 Meeting ID: 880 290 1353; Password: 948488

Present: Board Members, Rick Burnet, Amy Cronin, Linda Leddy, Mike Matern and Conservation Agent, Brian Vasa

Guests: Rebecca Lipton; Ivan Lipton; Kevin Fallis; Joshua Green; Dana Altobello; Scott Fanara of Grady Consulting (47 Mayflower); Walter Zaverucha and Paul Louderback of Merrill Engineers and Brad Holmes of ECR (77 Spring Street); Joe Webby (171 Palmer and 0 Prospect); and Mark Derby (0 Prospect).

1. Call to Order. Chair, Rick Burnet called the meeting to order at 6:35 pm.

2. 47 Mayflower Notice of Intent (NOI) Hearing Continuation Single Family home SE266-0219. Scott Fanara presented the project for owner, Pierre Coll. There were two third-party reviews: Art Allen of EcoTec reviewed the wetlands delineation and Andrea Langhauser for a general review. The Zoning Board of Appeals denied their request for a variance of the 100-ft setback distance for retreat lots; they were asking for 50'.

It was represented by Mr. Fanara that some of the reviewer's comments were not feasible to incorporate, including parcel covenants which prevent a smaller home or changing the location of the home; and tree clearing cannot be altered because that would result in trees right next to the house. Mr. Fanara noted that the wetlands crossing is an existing path, and they are proposing a replication area. The Commission noted that there would be work between the 25' and 50' buffer line of the bordering vegetated wetlands (BVW). Mr. Fanara asserted that the benefits include that the dirt path will be upgraded and that the new house will provide taxes to the town and increase surrounding property values. Two Commissioners noted that there are many studies documenting that new houses can have a detrimental financial impact on a community, especially in rural areas with little infrastructure and that the applicant's contention that the wetlands crossing would be a benefit to traffic was not related to the fact that there would be relatively no traffic going back to the new lot.

Commissioner Leddy questioned if the Commission could go back to the Zoning Board of Appeals to reconsider the first proposal; Mr. Fanara said that any proposal to the ZBA would largely be the same and couldn't be resubmitted. Mr. Fanara asked if a post and beam fence could be erected to keep the grass from expanding; it was noted that it is a very sensitive area and we've seen the fences removed in another project. The quality of water and groundwater concerns were discussed. Discharges from the gravel road to the inner buffer zone were noted in the third-party report. It was questioned if the covenants for house size could be changed. A neighbor, Kevin Fallis noted that the existing neighbors had to modify their homes to adhere to the covenants, so this would be an unlikely occurrence.

Mr. Fallis also noted concerns about the impact of cutting trees to clear the lot, resulting in wetter yards for the neighbors.

It appears that the project will have a detrimental effect on the wetlands areas and buffer zones. The entire project is within the 100' buffer, sunlight to the wetlands will negatively impact the wetlands. It was questioned if the limits of work on two sides could be compacted, but it was noted many of the same issues would remain. It was requested to continue the hearing so Mr. Fanara could confer with the client, Pierre Coll. The hearing will be continued to January 4th.

3. NOI Hearing for 0 Prospect Road, 72 x 96' existing barn addition with underground utilities. Joe Webby of Webby Engineering presented the project. The project will be 74' from the BVW. The utilities will be moved underground and add a larger culvert based on the size of the tributary going through that point (3.5 times the capacity of a 12" pipe and is better for elevation). Commissioner Burnet noted that the pond on the property would also need to be considered during large storms. Drip edges are proposed on the barn. Two dry wells on the existing barn will be added and another drywell on the addition will be added. The road service will be the existing (loose sandy gravel) and adding 3/4" crushed stone mixed with dust.

Neighbor Rebecca Lipton noted she believed that there are Eastern box turtles in the area, as well as vernal pools. She said that previous owners have been fined for filling wetlands on the north side of the property.

The Commission voted to have a third-party review completed for stormwater issues and reviewing the wetlands delineation. Gary James of Beta has submitted proposals. The hearing will be continued to January 4th.

4. NOI Hearing for 171 Palmer Road, commercial building (SE266-0224). Paul Goyette is the applicant and property owner. This has already been before the Planning Board and it was determined that John Chessia will review the stormwater review, and noted that it would be helpful to have the BVW line confirmed first. The DEP is interested in getting the report. It was voted that Art Allen of Eco-Tec will be retained to review the wetlands delineation. The hearing will be continued to January 18, 2022 at 6:43 pm.

5. Request for Determination of Applicability (RDA) Hearing for 77 Spring Street. The applicant and owner is Walter Zaverucha of Duxbury. Paul Louderback of Merrill Engineers presented the 2+/- acre property. There is a perennial stream with concrete sluiceway on the property as well as wetlands. There is no specific project proposed at this time. Commissioner Burnet noted that the riverfront is separated by the road, and wondered if the river is applicable. A Commission site visit was scheduled for Friday, December 10th at 8:30 am. The hearing is continued to January 4th at 6:34 pm.

6. Certificates of Compliance - 0 Prospect - SE266-0050, SE266-0132. Since the property is being sold, certificates of compliance were requested for the 1992 bog building

and a roadway to a canal in 2005. Commissioner Burnet noted that the riverfront erosion needs to be controlled. A letter will be sent alerting the new owner of the unique waterfront concerns. This was voted affirmatively with a roll call vote: Rick Burnet: Aye, Linda Leddy: Aye, Mike Matern: Aye, Amy Cronin: Aye.

7. 21 Cushman's Landing - Information on tree cutting. A resident sought to cut around 30 trees (near a pond). It will be recommended that she get a wetlands delineation done to see where the trees are in relation.

8. 122 Main Deed Restriction. The Commission reviewed the deed restrictions at the request of K&P Law's Jonathan Eichman, and approved of the draft with no further comments.

9. 138 Center Street. As a result of the Commission's walk-through, a letter will be sent detailing our discussions with deadlines for response.

10. Review new Building Permit Applications. Linda Leddy signed off on the following building permit applications:

- 11 Lake Street - single family home

11. Sign Warrants. None

12. Parking Lot issues.

- a. An inventory of the vernal pools in town will be created; add the last few years of annual reports to the website.
- b. Create a checklist of best practices for flood plain management.
- c. Center Street Dumping. It appears landscape and cement refuse are being dumped on a property. The K&P lawyer wrote a cease-and-desist enforcement order. The Commission asked if there were any wetlands on the property; an RDA needs to be done.
- d. Contact Eversource to check on the protocols regarding cutting trees; this was as a result of tree cutting near 7 Brook Street.

13. Minutes. The minutes from the November 2nd meeting were approved with amendments.

14. Next Meetings. The next meetings will be held on January 4th and January 18th, 2022. The December 21st meeting will not be held. The typical meetings schedule (1st and 3rd Tuesdays of each month) is subject to be modified, and will be posted.

The meeting was adjourned at 9:11 pm by a motion from Mr. Matern and seconded by Ms. Leddy with unanimous approval.

Respectfully recorded and submitted by Amy Cronin