



**Plympton Conservation Commission
Minutes of Open Virtual Meeting – April 5, 2022**

Held over Zoom Conference Call:

zoom.us/j/8802901353

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

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

Guests: Rebecca Lipton, Ivan Lipton (abutters), Gary James, third-party reviewer from Beta Engineering and Mark Derby (applicant) (for 0 Prospect Road); Scott Fanara of Grady Consulting and Ivo Coll, applicant, Attorney Jeff Angley and Pierre Coll (Mayflower Rd); Caroline Lindy, Trevor William Holmes and Grant Snow from BU, serving as interns observing for the Old Colony Planning Council. Steve Kotowski of Webby (Prospect) (47 Mayflower)

- 1. Call to Order.** Chair, Rick Burnet called the meeting to order at 6:35 pm.
- 2. Notice of Intent (NOI) Hearing continuation for 47 Mayflower Road - Coll/Grady Consulting - single family home, SE266-0219.**

Scott Fanara of Grady Consulting presented the plan. It was noted the planned driveway would be gravel, and the pipe under the road would be a 12" culvert. Per the zoning requirements, the placement of the house for a retreat lot is 100' from the neighboring lot line; the Zoning Board of Appeals denied the appeal. The covenants for the lot require a certain square footage of living space.

Pretty much the entire house/garage is within the 100' BVW line (51' specifically). Major clearing would be done in the outer 50' line (according to Scott Fanara, there's 13,000 ft² of tree clearing and have various densities of trees). Additionally, it was questioned what type of precedent the Commission would be setting, by allowing development of most of the project in the outer 50 buffer zone; concerns were also raised about the impact once the person moves in (sunlight, wind, rain when disturbing the area). There were concerns about trees falling and needing to be removed; lack of shade; driveway water runoff to neighbors; so close to 50' line that could "dissolve" over time; ripple effects are a concern. The ecosystems would likely be disturbed that maintain the water for the Town and could impact the storm water when surrounded by wetlands. We have to protect the groundwater of the Town since we're all on private wells; we are the only town with no water back-up, so the water quality must be maintained without run-offs.

The attorney Jeff Angley noted that the public benefit is that the road would be improved and the stormwater runoff is improved. He also suggested that the Supreme Court has limited the authority of the local boards to require a benefit to be proportional to the impact.

Motion (Linda): Under the Massachusetts Wetlands Protection Act, for the Commission to approve with conditions the proposed single family house construction at 47 Mayflower

Road in accordance with the most recent submissions. Up to 350 s.f. of bordering vegetated wetland may be filled to provide access for residential construction in the outer 50' buffer zone. An area of wetland shall be replicated that is at least 700 s.f. in size with professional oversight, monitoring and reporting to ensure success. The gravel driveway shall be constructed and maintained as shown on the revised plans to ensure adequate stormwater management.

Second: Amy Cronin

Voted unanimously with roll-call vote: Rick Burnet: Aye, Linda Leddy: Aye, Amy Cronin: Aye.

Mike was not eligible for this vote.

Motion (Linda): Under the Plympton Wetlands Protection Bylaw, for the Commission to deny the proposed single family house construction at 47 Mayflower Road in accordance with the most recent submissions, including the alteration of up to 13,300 s.f. of tree clearing for grading, and construction of a driveway, septic system in accordance with Title V regulations, retaining walls, and residential structure. The Applicant has not met the Burden of Proof to provide clear and convincing evidence that the proposed work will have no adverse effect on the local wetland values. The Conditions cannot be added to ensure no alteration of the Inner 50' Buffer Zone with the close proximity of the active residential use and any "adverse effect of the form or function of the adjacent Bylaw resource area or the Inner 50' buffer zone. The Commission has found the waiver standards have not been met. The Applicant offered the tax revenue associated with a developed lot as a public interest, which the Commission rejected.

Second: Amy Cronin

Voted unanimously with roll-call vote: Rick Burnet: Aye, Linda Leddy: Aye, Amy Cronin: Aye.

Mike was not eligible for this vote.

As background, the NOI Hearing originally scheduled for April 6, 2021, August 3, 2021, August 17, 2021, November 2, 2021, and December 7, 2021, is continued to tonight. The public hearing is to consider a Notice of Intent, under the Wetlands Protection Act, M.G.L. c 131 §40 and the Town of Plympton Wetlands Protection Bylaw, General Bylaws, Chapter 290 (previously Article XXVIII) from Pierre Coll for the property at 47 Mayflower Road, Map 17, Parcel 6 & Lot 9-C. The NOI is a proposal to construct a Single-family dwelling with associated utilities, driveway, and site grading within 100 ft of a Bordering Vegetated Wetland (BVW).

3. NOI Hearing continuation for 0 Prospect Road - Derby/Webby Engineering - barn addition & utilities, SE266-0227.

Steve Kotowski presented the project, noting that the majority is outside the 100' buffer; the expansion of the indoor riding arena area was reduced. The culvert should help with any runoff. The roof runoff will be recharged (the roofline was changed) and the water will

be collected and absorbed into the ground. Gary James spoke of the run-off improvements made to the new plan. Rebecca Lipton asked about the square footage of the addition; it is 3800 ft² and the existing is 8700 ft² so 12500 ft² total roof space. Rebecca Lipton also expressed concerns about potential water problems for her organic farm that abuts the project. Gary James noted that the drainage is overdesigned for the volume of water. Gary James' report will be reviewed, and the meeting will be continued to April 19th at 6:41 pm.

As background, the NOI Hearing originally scheduled for December 7, 2021, February 15, 2022, and March 1, 2022, is continued tonight. The hearing is to conduct a public hearing to consider a Notice of Intent, under the Wetlands Protection Act, M.G.L. c 131 §40 and the Town of Plympton Wetlands Protection Bylaw, General Bylaws Chapter 290 (previously Article XXVIII) from Mark Derby for the property at 0 Prospect Road, Map 20, Parcel 1 & Lot 10. The original NOI was a proposal to construct a 72' x 96' addition to an existing barn, install underground utilities, and replace an existing culvert under the existing driveway within 100' of a Bordering Vegetated Wetland.

4. NOI Hearing continuation for 0 West Street - Stevens/Webby Engineering - single family home, SE266-0225. At the request of the applicant, this hearing has been continued to May 3, 2022 at 6:44pm.

5. NOI Hearing for 0 Maple Street - D'Angelo/Webby Engineering - single family home, SE266-0229, Map 7, Parcel/Lot Numbers 2-14 & 29. At the request of the applicant, this hearing has been continued to May 3, 2022 at 6:45pm.

6. Review new Building Permit Applications. No applications were discussed.

7. Sign Warrants. There was a warrant for payment to EcoTec for \$1,120 for the Bylaw review, and Express Newspapers for \$90 for 2 legal ads.

8. 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 for the ZBA. 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.

9. Minutes. The March 15th minutes were approved as written.

Motion (Linda): To approve the minutes from the March 15th meeting as written.

Second: Mike

Voted unanimously with roll-call vote: Rick Burnet: Aye, Linda Leddy: Aye, Amy Cronin: Aye, Mike Matern: Aye.

10. Next Meetings. The next meetings will be held on April 19th and May 3rd, 2022. 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 8:25 pm by a motion from Mr. Matern and seconded by Ms. Cronin and voted unanimously with a roll-call vote: Linda Leddy: Aye, Mike Matern: Aye, Amy Cronin: Aye.

Respectfully recorded and submitted by Amy Cronin