

**Plympton Conservation Commission**  
**Minutes of Open Virtual Meeting – December 15,**  
**2020**

**Held over Zoom Conference Call: [zoom.us/j/8802901353](https://zoom.us/j/8802901353)**

**By Telephone: +1 646 558 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:** Nathaniel Stevens of McGregor and Legere P.C. and Dan Orwig of Orwig Associates (Maple Street); Francis Penney (19 Main Street); Pat Jackson, Evan Watson, and Greg Sampson (0 Main Street); Dana Galgana (117 Old Farm Road); Joe Webby of Webby Engineering, (122 Main Street and 117 Old Farm Road); Mary Murphy for Chiuppi Construction (122 Main Street); and Sabatina Leggiero and Scott Harrington (122 Main Street abutters).

**1. Call to Order.** Mr. Burnet called the meeting to order at 6:30 pm and read the suggested statement to be made by the Chair of a public body at the start of any public meeting conducted “virtually”, prepared by KP Law:

“Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Plympton Conservation Commission is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings as provided for in the Order.”

**2. Extension Permit for Order of Conditions - 19 Main Street - SE266- 0185.** Francis Penney attended the hearing. The only change to the project design was lowering the roof height to conform to the new zoning bylaw, no other changes in footprint, setbacks, etc. It is a pre-manufactured home that has to be modified and it’s in the State approval process. The well has been installed and the silt fence is still up.

It has been years since the Conservation Commission has walked the property. There were questions if the property has changed affecting the wetlands. It was requested that Mr. Penney come in to discuss the project plans and any changes. He expects to start construction within 6 months, as soon as the state provides approval. A site walkthrough will be completed to view the erosion controls before work starts; Mr. Penney will notify the Commission. The 1-year extension was granted unanimously.

**3. Request for Modifications: 0 Main Street Solar Project- SE266-0207.** Greg Sampson from Brown Rudnick LLP, Counsel to Sunraise Development presented changes in the plans. For the southern arrays, the bog owner requested that the chain link fence be

shifted from the roadside to the bog-side of the berm. The fence would be further away from the wetlands by a few feet. They noted that they failed to identify on the plans a temporary staging and laydown area, but they noted that it will be in an area previously approved for clearing. The 7' stockade fence was shifted to be along the bog road. A second staging/laydown area was also identified, shifting the gate. Also present were Evan Watson from Prime Engineering and Pat Jackson from the applicant, Sunraise. The changes were approved and a formal modification is not requested nor needed.

**4. MBTA Keolis – Request for Determination of Applicability (RDA) Vegetation Management Plan.** A negative determination was approved unanimously.

**5. Hearing - Notice of Intent (NOI) Hearing continuation on 0 Maple Street - house construction (7:00 pm).** It was noted that Commissioner Mike Matern recused himself from voting on this issue, and spoke as a member of the public regarding the project.

The NOI Hearing was originally scheduled for September 17, 2019, October 8, 2019, November 5, 2019, January 7, 2020, and April 21, 2020 and is continued to be heard tonight.

The NOI is being considered under the Town of Plympton Wetlands Municipal Bylaw Section XXVIII from Gregory S. Black for the property at 0 Maple Street, Map 6, Parcel & Lot numbers 2-3a. The NOI is a proposal to construct a single-family 3-bedroom residence with driveway, septic system, lawn area and utilities with wetland enhancements.

Since the last meeting, a list of questions from the Commission had been provided to Mr. Stevens for response. Mr. Orwig went through the answers that have been appended to their NOI application.

Speaking as an abutter, Mike Matern noted that historically that area has been very wet. On December 6, 2020, a day after a rain, Mr. Matern took a video (noting he was on public land) and saw running water, and questioned the boundary markings of the vernal pool. The video was shown during the meeting showing the water was beyond the median high water boundary markings. The Commission will ask the Commission's third-party expert, Art Allen of EcoTec to clarify how the median high-water markings were established; staining sometimes shows indications not otherwise observed at a single point in time. The evaluation from Mr. Allen was completed during a particularly dry year.

Questions were asked about the benefits to the public regarding this property. Mr. Orwig and Mr. Stevens referred to their letter from April outlining these benefits. Commissioner Cronin noted that the public benefits cited would still be there if the project wasn't completed, and that the project added no additional "benefit" that would otherwise not be there except for the presence of the project. The proponents noted that there would be some additional wetlands replicated and there would be a turtle habitat.

The Commission unanimously voted to close the hearing. Mr. Stevens (with Mr. Orwig's agreement) offered to extend the 21-day period until January 20, 2021 for the Commission's decision.

The Commission will discuss the proposal at an advertised meeting on December 22<sup>nd</sup> at 5:00 pm.

Under the 12/11/17 WPA Order of Conditions, the permit for 0 Maple Street was extended for one year unanimously.

**6. Hearing - Notice of Intent (NOI) Hearing continuation on 17 Old Farm Lane -barn/shed construction (7:04pm).** The NOI hearing originally scheduled for November 10, 2020 was continued to be heard tonight.

The NOI is being considered under the Wetlands Protection Act, M.G.L. c 131 §40 and the Town of Plympton Wetlands Municipal Bylaw Section XXVIII from MKMDRG Realty Trust for the property at 17 Old Farm Lane, Map 14, Parcel/Lot number 1-25B. The NOI is a proposal to construct a 50' x 60' barn/storage building within 100' of bordering vegetated wetlands.

Joe Webby of Webby Engineering presented the project. There is a bordering vegetated wetland (BVW) in the project area; 103' from the rear wetlands line and 63' from the other wetlands line. The entrance to the door side and the vehicle entrance will not be paved. The project is staked out and ready for a site-walkthrough to take place 12/16/20 at 9 am. The hearing is continued to January 5, 2021 at 7:02pm.

**7. Hearing - 122 Main Street - house construction - Request for Determination of Applicability (RDA).** This is a vacant parcel of land where the wetlands were delineated in July 2019. According to Mr. Webby, all work would be beyond the BVW. It was noted there was a potential vernal pool; Mr. Webby had no knowledge of a vernal pool. It was noted by Commissioner Burnet that during a previous project, a vernal pool with eggs was observed by the Commission. It was also noted that wetlands were across the road from this project. The Commission voted for a positive determination. The boundaries of the wetlands are not confirmed (2b), and the area is subject to the Plympton Wetland Bylaw (6) as noted on the Wetlands Protection Act (WPA) Form 2 for RDAs. As a result of this positive determination, a Notice of Intent (NOI) must be submitted.

Scott Harrington, abutter noted that the vernal pool was on their property. Their house was constructed in 2018.

**8. Budget.** The Town Administrator has informed all committees that the budget will remain the same. Linda is authorized to sign for the Commission.

**9. Warrants.** None.

**10. Building Permits.** Chair, Rick Burnet signed off on the following permits that were not within the jurisdiction of the Commission:

- 122 Center Street, applicant Mark Laramée for a 24 x 32 home addition for a handicap bedroom

**11. Parking Lot issues.** An inventory of the vernal pools in town will be created.

**12. Minutes.** The minutes from the December 1, 2020 meeting were approved as amended.

**13. Next Meetings.** The next scheduled meeting will be a special meeting focusing on the

0 Maple Street proposal to be held on December 22<sup>nd</sup> at 5:00 pm; The next regularly scheduled meetings will be on January 5<sup>th</sup> and January 19<sup>th</sup> at 6:30 pm. The typical meetings schedule (1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month) is subject to be modified, and will be posted.

The meeting was adjourned at 9:05 pm by a motion from Mr. Matern and seconded by Ms. Leddy with unanimous approval.

Respectfully recorded and submitted by Amy Cronin