



**Plympton Conservation Commission
Minutes of Open Virtual Meeting – January 17, 2023**

<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 and Mike Matern; and Conservation Agent, Brian Vasa

Absent: Mark Derby

Guests: Brandon Smith of New Leaf Energy (formerly the development arm of Borrego) for 61 Upland Road Solar project.

1. **Call to Order.** Chair, Rick Burnet called the Open meeting to order at 6:31 pm.
2. **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 February 21, 2023 at 6:41pm.
3. **NOI Hearing continuation for 0 Maple Street - D'Angelo/Webby Engineering - single-family home SE266-0229.** At the request of the applicant, this hearing has been continued to February 7, 2023 at 6:42pm.
4. **NOI Hearing continuation for 0 Prospect Road - ADGA Realty, LLC/Outback Engineering – single-family home SE266-0230.** At the request of the applicant, this hearing has been continued to February 21, 2023 at 6:43pm.
5. **NOI Hearing continuation for 171 Palmer Road - Goyette/Webby Engineering – commercial building SE266-0224.** The applicant has requested that this hearing be continued to February 21, 2023 at 6:43pm. It was noted that it has been over a year since the last 171 Palmer Road hearing and no new materials have been submitted. The applicant was given the option of withdrawing but chose to continue. The Commission will see if new materials are provided in February, and if not, the Commission may decide not to continue the hearing.
6. **Modifications - 61 Upland Road - habitat enhancement - SE266-0213.** Due to the reduction in the size of the solar project, the Conservation Restriction (CR) and habitat have also been reduced. They would like the Commission to find these changes to be minor. From Brandon Smith (New Leaf Energy, formerly Borrego):

“An amendment to the Conservation Management Permit was recently approved by NHESP. The purpose of this modification was to reduce the impacts and required conservation areas due to the reduction in the project size. The reduction in project size was previously presented and approved by the Commission on September 8, 2021 for the solar OOC (MassDEP 266-0196). However, we have not modified the Restoration OOC (MassDEP SE 266-0213). Attached are the revised Habitat Restoration Plans. The changes between these new plans and what was originally approved are:

Reduction in Conservation Restriction from 59.3 acres to 38.1 acres

Reduction in habitat creation areas of about 1.7 acres. This is due to the removal of habitat creation areas originally located northeast of the site, which needed to be removed due to title issues of the underlying land.

We would like to respectfully request the Commission find these changes to be minor in nature and update the

Commission's records with this attached plan and the amended CMP as issued by NHESP."

It was noted by Mr. Smith that the construction will be done by Green Backer, not New Leaf Energy.

Motion (Linda): To accept the modifications that are considered to be moderate in nature, and have been approved by Natural Heritage.

Second (Mike)

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

7. **BOH Regulations.** Amy Cronin reported that the BOH is in the process of revising its Regulations since they are also writing the Regulations for the "Pay as You Throw" Program for the transfer station. They are proposing to delete (b) and (c) below:

Percolation tests will be scheduled after the following have been received:

- a. all outstanding fees and taxes owed to the Town of Plympton are paid
- b. Conservation Commission Site Review
- c. Wetlands are flagged (if necessary) by a certified botanist

Their logic for removal is that there's no enforcement for this requirement and the potential delay for applicants introduced into the process. It was decided that the flowchart shows that they should go to the Conservation Commission first on any projects. Line 'c' should read "Wetlands are flagged (if necessary) by a qualified wetlands scientist." Any perc tests can be destructive to wetlands, and perc tests typically consist of more than one location. It is important for the applicant to know where the wetlands are so their project does not run into any complications further in the permitting process that would incur extra costs or possible denials. Cathy Ferguson currently sends all perc applications to Brian. Amy will attend the next BOH meeting next Tuesday, January 24, 2023.

Linda brought up that there are some projects coming in proposing septic systems on neighbors' adjacent lots. It is theoretically allowed per DEP, but this should be prohibited in the BOH regs in order to protect Plympton's water.

8. **0 Main Street [21-3-11] Clearing.** Art Allen viewed the project from the road, and it appears that work has been done in the wetlands. Brian called the owner (from Middleboro) and work has been ceased for now until they talk to the Commission. Brian will send another letter saying all work must cease and desist until a wetlands delineation is completed, confirmed by the Commission, and it is determined that there are enough uplands for the project to proceed.
9. **Angel's Auto update.** Kris Lawson, the owner has hired River Hawk Environmental to do some evaluation and engineer plans to include the wetlands delineation to be performed by Brad Holmes.
10. **Conservation Commission Regulations.** Consultant, Andrea Langhauser has been working on the Conservation Commission Regulations, specifically the buffer zone section (outer 50' buffer zone); the State has a buffer zone handbook as a resource. A draft is forthcoming. The goal is to clarify the Regs and make them more user-friendly.
11. **Review new Building Permit Applications.** The following building application was signed off between the 01/03/23 and 1/17/23 meetings:

- None

10. Sign Warrants. None.

11. 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 floodplain management.

12. Minutes. The January 3rd minutes from the Executive Session were approved as amended. The Open Session minutes were approved as written.

Motion (Linda): To approve the Executive Session minutes from the January 3rd meeting as amended.

Second (Mike)

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

Motion (Linda): To approve the Open Session minutes from the January 3rd meeting as written. Second (Mike)

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

13. Next Meetings. The next meetings will be held on February 7th, and 21st, 2023. 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 8:00 pm by a motion from Ms. Leddy and seconded by Mr. Matern and voted unanimously with a roll-call vote: Rick Burnet: Aye, Amy Cronin: Aye, Linda Leddy: Aye, and Mike Matern: Aye.

Respectfully recorded and submitted by Amy Cronin