



Plympton Conservation Commission
Minutes of Open Virtual Meeting – September 19, 2023

<https://us02web.zoom.us/j/8802901353>

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

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

Absent: Rick Burnet

1. **Call to Order.** Acting Chair, Linda Leddy called the meeting to order at 6:33pm.

2. **Extension of Order of Conditions - 0 Ring Road - dual-use solar project, SE266-0210 and SE266-0211.** The applicants have requested one additional year, as it is currently set to expire on October 16, 2023. They expect to have it completed within that time.

1st Motion (Amy): To extend the Order of Conditions for 0 Ring Road, SE266-0210, for one year to October 16, 2024.
Second (Linda)
Voted with roll-call vote: Amy Cronin: Aye, Tim Ferraro: Aye, Linda Leddy: Aye, Mike Matern: Aye.

2nd Motion (Amy): To extend the Order of Conditions for 0 Ring Road, SE266-0211, for one year to October 16, 2024.
Second (Linda)
Voted with roll-call vote: Amy Cronin: Aye, Tim Ferraro: Aye, Linda Leddy: Aye, Mike Matern: Aye.

3. **NOI Hearing continuation for 171 Palmer Road - Goyette/Webby Engineering – 6,000ft² commercial building with associated stormwater structures, pavement, utilities, SE266-0224.**

As background, the project was opened in December 2021; a third-party reviewer Art Allen of Eco-Tec performed a site review and submitted a report on January 18, 2022, noting a wetland violation, and extensive hydric soils, indicating wetlands, throughout a majority of the site, in direct contrast to the site plans and the wetland delineation performed by Michele Grenier. The Applicant did not submit any new materials for over a year, until March 2023, when the Applicant's new wetland scientist, Michael DiBona, submitted a new wetland delineation and memo that lacked any documentation. On May 11, 2023, the Commission's third-party reviewer, Art Allen of EcoTec, Inc. visited the site with both of the Applicants' wetland scientists, where he confirmed his original report's comments on the extent of the wetlands on the site. On August 8th, the project's original wetland scientist, Michele Grenier, provided the Applicant's first report with any documentation. She noted the presence of some upland vegetation and provided soil profiles by digging test pits in a disputed wetland, which is another violation. In response, Mr. Allen noted in his

August 17th report, that in historically disturbed areas, such as this previous agricultural field, vegetation cannot be relied on and soils need to be used. Mr. Allen disputed the data in the report, saying that all of Ms. Grenier's soil profiles should be discounted as incorrect, and the descriptions should not be relied upon to form the basis for a decision. The Applicant did not provide any response to Mr. Allen's report in the month before this meeting.

The Agent sent an e-mail to the project representatives noting that, since no one responded to the Commission's third-party reviewer's latest report, he will be recommending that the Commission close the hearing at that evening's meeting and vote on the information provided. They were asked to join the meeting if they wanted to discuss anything further. but no one from the project attended. The Commission allowed the applicant approximately 19 months to provide documentation refuting third-party reviewer Art Allen's report, but the only documentation submitted was inaccurate and was obtained by committing another wetland violation, in addition to the initial violation of clearing and filling a section of the wetland swale. Since the Commission and the Applicant could not agree on a wetland line over 21 months after the hearing was opened, the Commission closed the hearing.

1st Motion (Amy): To close the hearing for 171 Palmer Road.

Second (Mike)

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

Tim Ferraro was not eligible to vote on this project.

2nd Motion (Mike): Since this hearing has been open for over 21 months with the Applicant only providing one report showing inaccurate documentation, and the wetlands line was disputed by the Commission's wetlands expert, it was moved to deny the application for the Notice of Intent for 171 Palmer Road under the Wetlands Protection Act and the Town of Plympton Wetlands Protection Bylaw for lack of information. The Commission determines that the application will need to be denied since the information submitted by the applicant was not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act and the Town of Plympton Wetlands Protection Bylaw.

Second (Amy)

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

Tim Ferraro was not eligible to vote on this project.

Work cannot go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures that are adequate to protect the Act's and Bylaw's interest and a final Order of Conditions is issued.

- 4. NOI Hearing continuation for 0 Maple Street - D'Angelo/Webby Engineering - single-family home, SE266-0229.** At the request of the Applicant, this hearing will be continued to October 17, 2023 at 6:40pm.

- 5. NOI Hearing continuation for 55 Crescent Street - Thompson/Gardner/Webby Engineering/Environmental Consulting; Restoration - single-family home, SE266-0233.** The Applicant withdrew this NOI application on 9/18/23.

Motion (Amy): To accept the NOI application withdrawal for 55 Crescent Street.

Second (Mike)

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

Tim Ferraro was not eligible to vote on this project.

- 6. NOI Hearing continuation for 106 County Road - B2B-SP1/Grady Consulting - storage units.** At the request of the Applicant, this hearing will be continued to November 7, 2023 at 6:40pm

- 7. Review new Building Permit Applications.** The following building applications were signed off between the 09/05/23 and 09/19/23 meetings:

- 29 Spring Street - 40x30' garage where there is an existing shed
- 50 Prospect Road - Replace existing section of the house with a 6x24' addition

- 8. Sign Warrants.** None

- 9. 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.

- 10. Minutes.** The September 5, 2023 minutes were approved as amended.

Motion (Mike): To approve the minutes from the September 5th meeting as written.

Second (Tim)

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

- 11. Next Meeting.** The next meetings will be held on October 3, 2023, October 17, 2023 and November 7, 2023. The typical meeting schedule (1st and 3rd Tuesdays of each month) is subject to be modified and will be posted.

The meeting was adjourned at 7:34 pm by a motion from Mr. Matern and seconded by Mr. Ferraro and was voted unanimously with a roll-call vote: Rick Burnet: Aye, Amy Cronin: Aye, Tim Ferraro: Aye, Linda Leddy: Aye, and Mike Matern: Aye.

Respectfully recorded and submitted by Amy Cronin