



Plympton Conservation Commission
Minutes of Open Virtual Meeting – November 21, 2023

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

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

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

Guests: Adam Brodsky, Attorney and Brad Holmes (55 Crescent representatives) and Ken Thompson (55 Crescent applicant); Melissa Toffoloni, Jessica Kinsman and Donald Nagle.

1. **Call to Order.** The Acting Chair, Linda Leddy called the meeting to order at 6:35 pm. Rick joined at 6:40 and continued the meeting as Chair.
2. **NOI Hearing continuation for 0 Maple Street - D'Angelo/Webby Engineering - single-family home SE266-0229.** Adam Brodsky and Brad Holmes appeared to request a continuance to December 5th at 6:40.
3. **NOI Hearing continuation for 55 Crescent Street - Thompson & Gardner/ECR - single-family house SE266-0236.** Brian Vasa read the legal advertisement and the following statement:

The current application and plans reflect many of the comments and discussion points made by the Conservation Commission and consultants during the hearings of two previous NOIs:

SE266-0221 - Opened 5/3/22. Closed and denied on 10/4/22. Not appealed.

SE266-0233 - Opened 3/21/23. Withdrawn by the Applicant on 9/18/23.

This hearing process included the plan titled: 'Conservation Slope Detail Plan', 55 Crescent Street in Plympton, Massachusetts prepared for Kenneth Thompson, dated 5/4/23, which was the support for the Inner Buffer Zone being expanded on the current plans to 65 feet for slopes over 5% (1.3x multiplier in the Regulations).

Attorney Adam Brodsky also sent a letter to Chair Burnet stating the connection between the current NOI to the previous two NOIs:

1. *Notice of Intent and Webby Engineering Associates, Inc. ("WEA") site plan dated March 10, 2022 (MassDEP File # SE266-0021);*
2. *Denial (MassDEP File # SE266-0221);*
3. *Notice of Intent and WEA plan dated 1/31/23 (MassDEP File #SE266-0233);*
4. *WEA revised plan dated 5/19/23 (MassDEP File #SE266-0233);*
5. *Environmental Consulting & Restoration, LLC ("ECR") replication plan and narrative dated 6/5/23 (MassDEP File #SE266-0233); and*
6. *ECR revisions to Notice of Intent dated 8/28/23, WEA plan dated 7/11/23, and ECR proposed mitigation plan dated 8/21/23 (MassDEP File #SE266-0233).*

Attorney Adam Brodsky gave an overview of the project with the new filing. He noted the highlights of the new plan include a narrower proposed house than the original filing, a pervious driveway, grading, and a split-rail fence to the street to prevent encroachment with

conservation markers.

Brad Holmes noted the septic work for the installation would be in the 65' buffer zone, completed with small machinery. The mitigation work would remove invasives and replace them with native species for 11,500 square feet and a Conservation Restriction is being offered for the 3-acre parcel off Main Street.

Concerning the septic area, it was questioned whether the existing stone wall would be used as a retaining wall. The existing stone wall will end the grading so there's no encroachment to the Isolated Vegetated Wetland (IVW).

It was noted that the stone wall behind the house would be formed from boulders/stones on the site to prevent encroachment into the buffer zone. It was suggested that the stones be at least three feet high and extended around the parking area/crushed stone driveway and that the stone driveway and split-rail fence would be maintained in perpetuity. It was also noted that the fence would need to be moved along the south edge adjacent to the yard area. It was noted that the house was narrowed, and it was questioned if the square footage was reduced; The Applicant noted that the house, deck, and garage are 1176 ft² but was not able to say if it was less square footage than previously proposed. It was noted that it was still a four-bedroom house. The representatives noted that the footprint is the issue, not the number of bedrooms.

The Commission stated that another site visit would be needed since it had been over a year since the previous site visit, the project has changed, and the Commission has a new member. The house needs to be staked as well as the 65' buffer zone line to the BVW. The 50' buffer zone line to the IVW should already be staked from the previous site visit.

Attorney Don Nagle, representing Dr. Eubanks at 54 Crescent Street, asked about the repetitive submittals of the NOIs; at least one was rejected and one withdrawn, and then there is this one. He said that it appears to be the same project that was denied over a year ago. There are more details and stone walls, but it is still a 4-bedroom house next to the inner buffer zone with little room to maneuver. This house is in the buffer on a slope. He stated that the reasons for the original denial still apply. There are dry wells for the stormwater run-off and the gravel driveway and the walls/fences, but he believed that it was the same project and that it could not be adequately conditioned to meet the Bylaw. It would also need a waiver under the Bylaw. It was urged that the project be denied and denied with prejudice as it has been going on for several years with essentially the same project.

Attorney Brodsky responded that the project has changed, that they are within their rights to refile, and that it meets the performance standards under the Act. Application of the local Bylaw is the issue, and a waiver can be issued, and nothing regarding this project will impact Dr. Eubanks. He does not think that Dr. Eubanks would have standing to oppose.

Attorney Nagle noted that it is against the 65' buffer zone and he had questions about the sequencing of construction, such as how the house can be built without room to maneuver between the foundation and the stone wall. He believed that they would have to do construction before the wall was erected and it would have a significant impact on the buffer zone and would not meet the performance standard.

Attorney Brodsky said they could construct the house from the roadside of the stone wall.

It was clarified that the new member, Tim Ferraro will be able to vote on this issue.

It was noted that the Applicant will attempt to have the property staked at the 65' line to the BVW, 50' line to the IVW, and the house corners, and have the Commission perform a site walk on December 2nd at 9 am. The hearing will be continued to December 5, 2023 at 6:40.

Motion (Amy): To continue the hearing to December 5, 2023.

Second (Tim)

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

- 4. Endorsement of Conservation Restriction.** This item was tabled until the next meeting. There are 185.6 acres up for discussion.

5. Extension of Order of Conditions.

- a. SE266-0213 - 61 Upland Road - habitat enhancement.** A one-year extension was requested to December 1, 2024.

Motion (Linda): To approve the one-year extension to December 1, 2024.

Second (Amy)

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

- b. SE266-0214 - 17 Old Farm Lane - barn/storage building.** A three-year extension was requested to January 20, 2027.

Motion (Mike): To approve a two-year extension to January 20, 2026.

Second (Linda)

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

- 6. Open Space Committee updates.** The Town purchased 240 acres of Turkey Swamp from Amanda Monti; 40 acres are expected to be donated as a condition from the Natural Heritage and Endangered Species Program from work in Halifax.

Motion (Amy): The Commission approves the proposed terms of the letter of acceptance of the 40-acre land donation with the terms noted in the email from KP Law dated 11/20/23.

Second (Mike)

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

- 7. Review new Building Permit Applications.** The following building applications were signed off between the 09/19/23 and 11/21/23 meetings:

- 96 Lake - 30x60' garage
- 137 County - swimming pool
- 11 Annasnappitt - music shed - 14x22'
- 6 Soule - house addition
- 158 Main - garage/mudroom addition
- 59 Parsonage - pole barn 36x32 to hold lumber

- 7. Sign Warrants.** On 11/7/23, a warrant was signed to pay \$45.00 to Express Newspapers (55 Crescent Legal Ad), \$75.00 to EcoTec, Inc. (0 Center ANRAD - follow-up), and \$2,311.35 to

ADL Consulting (55 Crescent, 0 Maple)

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 floodplain management.

9. Minutes. The September 19, 2023 minutes were approved as written.

Motion (Linda): To approve the minutes from the September 19th meeting as written.

Second (Mike)

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

The November 7, 2023 minutes were approved as written.

Motion (Mike): To approve the minutes from the November 7th meeting as written.

Second (Tim)

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

10. Next Meeting. The next meetings will be held on December 5, 2023 and January 2, 2024. 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 8:10 pm by a motion from Mr. Ferraro and seconded by Mr. Matern 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