

**Plympton Conservation Commission**  
**Minutes of Open Meeting – April 17, 2018**

**Present:** Board Members Rick Burnet, Amy Cronin, Ami Dion, Linda Leddy and Marta Nover

**Not Present:** John Mathias and Mike Matern

Mr. Burnet called the meeting to order at 6:35

**Old Business**

**1. Correspondence.** None.

**2. 117 Lake Street Solar.** Kevin Flaherty appeared before the Commission to request a certificate of compliance. A site walk was scheduled for Tuesday April 24 at 8 am at the gate.

**3. 0 West Street Single Family Home Construction.** Since the NOI was approved by the Commission, the building permit was submitted with plans and approved.

**4. NOI Hearing Continuation for 138 Center Street, Map 11, Parcel 2, Lot 14: Single Family Home Construction.** Joe Webby of Webby Engineering presented the plans, along with the developer, Amanda Monti and potential buyers, Ned and Deb Brown. Joe noted the project will be completed beyond 200' from the river except the well. Marta gave a summary of the walk-through with the third-party reviewer, Art Allen of EcoTec, Inc. She noted hydric soils (wetland soils) were found, as discussed in the report of April 10, 2018. Other areas showed high seasonal groundwater. The site has Sudbury soil, which is wet (one step up from wetland soil), as described on the report. Test pit 3 showed wetland soils. In guidance from the MA DEP, it was noted that agricultural soils that have been churned up may require additional test pits or need to be dug deeper. Joe noted that the 75 ft<sup>2</sup> could be replicated; it was questioned by the Commission where the replication would be done. It was noted in the report that in Test Pit #2 couldn't be properly read due to the temperature. It was noted that the Commission doesn't have the ability to ignore the Bylaw. Alan Dias, developer representative noted that during the walk-through, there were many holes dug.

Attorney James W. Marsh representing several neighbors noted that there was no notice given to one neighbor and the building is within 100' of the property line; Dave Campbell of 126 Center Street received no notification. Mr. Campbell was present. It was noted that Mr. Campbell wasn't on the official list from the Assessor. He notes that the report from EcoTec, Inc. falls within the Bylaw for flooding by surface water. He noted the project will impact the area.

Joe Webby requested for a two-week continuance to address the 10' diameter depression that was determined as an isolated wetland. We will inquire with Art Allen if the temperature was higher, how would the soil readings be impacted. The hearing will be continued until May 1<sup>st</sup>.

**5. 61 Upland Road Borrego Solar Hearing, Map 13, Parcel 2, Lot 29D.** It was discussed that the third-party reviewer needs to be a multi-disciplinary firm, including stormwater, erosion control, wetlands and wildlife biology. The specifications will be revised to be more

site specific, and review potential construction related impacts to potential resource areas. The plan regarding the utility upgrades required for this project needs to be more specific. As noted during the March 20<sup>th</sup> meeting, there were concerns expressed by the Commission regarding the amount of clearing being done that would affect the Eastern Box Turtle. The Natural Heritage Commission is doing an assessment and the Commission would like to see that assessment before any further consideration. It was also noted that the DEP has 12 flagged areas of concern that should also be cleared up before Commission consideration. A site walk will be scheduled for April 25<sup>th</sup> at 5 pm. Borrego Solar did not appear, so the hearing will be continued to May 1<sup>st</sup> at 7:05.

**6. 11 Maple Street Barn Construction, Map 7, Parcel 1, Lot 10.** Joe Webby of Webby Engineering and Applicant, Rick Olivier, owner appeared. There will be solar panels for LED lighting for the barn. The home will be built in May. The barn will be used for storage. More detail is needed regarding elevation in the barn area. A site walk-through will be done on Tuesday, April 24<sup>th</sup> after the Lake Street walkthrough around 9 am.

**7. NOI Hearing continuation for Single Family House Construction at 15 Winnetuxet Road, Map 21, Parcel 1, Lot 14A.** Joe Webby of Webby Engineering and Applicant John Mathias presented plans to the Commission. It was noted in 2005, there was a penalty assessed to the previous owner for violations to the Wetland Protection Act. A fine was paid and the material removed in 2005 and was considered in compliance. An order will be drafted and the hearing will be continued until May 1<sup>st</sup> at 7:15.

**8. Request from Borrego Solar to expand 0 Brook Street.** They are planning a new phase that reportedly doesn't impact any areas within the authority of the Conservation Commission and requested confirmation that the work can commence. The Commission voted that an RDA must be filed before the Commission makes a ruling.

**9. Letter Regarding Work Near Wetlands - Property on Rt. 58 near town line.** There has been no response to the letter was written from the Conservation Commission to Amanda Monti reminding her that any work within 100' of the bordering vegetated wetlands (BVW) or 200' of a river must be first approved by the Commission. It was noted that clearing had been done, and the Commission requested a site walk to review the work.

**10. NOI Consideration 129 County Road – Dan Gazzola.** On 3/20/18, it was voted unanimously to deny the NOI of 129 County Road. The Commission denied the issuance of an Order of Conditions allowing the cleanup of disturbed area, as described in Attachment A to the Order of Conditions. An enforcement order will be drafted during the next meeting.

**11. Earth Removal Bylaw.** The Conservation Commission received the comments from the Koppelman and Paige Town Counsel. The Commission was disappointed that the attorney didn't actually review the draft, but simply provided a portion of Lakeville's bylaw that he apparently had helped write. It was disappointing that all the work was put in and the attorney couldn't review it.

### **New Business**

**12. 57 Upland Road Above Ground Pool.** There was no plan submitted so more information is needed.

**13. 51 Cedar Street NOI for Single Home Construction.** The hearing will be held on May

15<sup>th</sup>.

**Minutes.** No minutes were considered.

**Next Meetings:** The next meetings will be held on Tuesday, May 1<sup>st</sup>, 2018 and Tuesday, May 15<sup>th</sup> at 6:30 pm. The meetings are typically held on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of month.

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

Respectfully recorded and submitted by Amy Cronin