

Plympton Conservation Commission
Minutes of Open Meeting – August 24, 2016

Present: Board Members Rick Burnet, Amy Cronin, Ami Dion, Linda Leddy, John Mathias and Marti Nover

Mr. Burnet called the meeting to order at 6:10 pm

Correspondence.

None

Old Business

- 1. Maple Street Update (DEP File #266-0139).** The Executive Session was cancelled because of comments from the applicant's attorney to Town Counsel. The developer of the Maple Street project agreed to contact the Conservation Commission. A letter from the developer's attorney was passed out (and is attached to the minutes) to propose next steps and closure.

There was discussion to get a 3rd party peer reviewer to certify that the gravel driveway meets the wetlands requirements. It was discussed to request that the applicant be assessed the fees to hire the 3rd party, MGL 53G. Additionally, there are certified vernal pools that must be considered.

3rd Party Peer Review. Marti Nover made a motion to hire a peer reviewer to review request for changes to the driveway under existing order of conditions through collected fees from the applicant. The motion was seconded by Linda Leddy. The motion passed.

Minimum Contents of 3rd Party Peer Review. Linda Leddy moved and Rick Burnet seconded that the peer review include, but not be limited to, wetlands impact, structural analysis of the road design to hold a fire apparatus, including, but not limited to, core samples to ensure structural feasibility, runoff, and to provide their assessment as to whether this field change requires a new NOI, if an amended order is sufficient or if no action is needed. The motion passed.

A quote for services for the 3rd party peer review will be obtained and passed on to the applicant in accordance with MGL 53G.

Enforcement Action. It was moved by Linda Leddy and seconded by Marti Nover that the Commission be ready to take enforcement action with permission from the BOS for enforcement litigation to bar and enjoin construction of the driveway, if that construction is undertaken at the Maple Street property without Conservation Commission approval. The motion passed 5 to 1.

- 2. Violation at 117 Lake Street.** In response to the cease and desist order issued by the

ConCom, the ConCom approved the proposed remediation plan that Blue Wave Solar Project representatives, Bill Gaudet, Brian Meserve, Tom Holt and Brad Holmes (wetlands scientist) presented. The plan requires a report as progression is made, with a minimum of twice a year. All of the 11 points suggested in the letter from the ConCom were incorporated into the written plan.

The violation was contractors putting approximately 2 feet in depth of debris (wood chips, rocks, etc.) in 2 areas of wetlands in areas measuring 3750 ft² and 750 ft².

Linda Leddy moved and Marti Nover seconded that the August 22nd Wetland Restoration Narrative is the plan by which work will commence. The motion passed unanimously. The cease and desist order is no longer in effect.

3. **NOI for 8-2-1a Ring Road New Home Construction.** A hearing will be held on September 7, 2016 at 7:30 pm.
4. **NOI for 8-2-1b Ring Road New Home Construction.** A hearing will be held on September 7, 2016 at 7:30 pm.
5. **RDA for 48 Oak Street New Home Construction.** A hearing will be held on September 7, 2016 at 7:30 pm.
6. **Update - 0 Spring Street Solar Array Project (DEP# SE266-0174).** Board member, Rick Burnet did another site visit and it was noted that clear cutting was done, not maintaining the required screening in *Screening*, §6.10.5.2.1 of Article 23 of the *Plympton Bylaws*. There was concern that the required screening was not selectively cleared in accordance with *Selective Screening*, §6.10.5.3.5.

New Business

Minutes Approval. The minutes from the August 16, 2016 meeting and Executive Session were approved with amendments.

Next Meeting: Wednesday, September 7, 2016 at 6 pm.

The meeting was adjourned at 8:10 pm by a motion by Mr. Mathias, seconded by Ms. Leddy with unanimous approval.

Respectfully recorded and submitted by Amy Cronin

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ADAM J. COSTA
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Via E-mail
By First-Class Mail

August 24, 2016

Jeff Smith, Chairman
Conservation Commission
Town of Plympton
5 Palmer Road
Plympton, Massachusetts 02367

Re: Notification of Change in Plans
Order of Conditions
Land Off Maple Street, a.k.a. Assessor's Map 6-Block 3-Parcel 6
DEP File No. 266-0139

Dear Mr. Smith and Members of the Commission:

Reference is made to the above-captioned matter. In that connection and as you are aware, I represent Joseph Poillucci, as Manager of Plympton Maple Street, LLC (the "Developer"), relative to the development of a five-bedroom group home (the "Residence") at property off Maple Street in Plympton, identified in the Town Assessor's records as Map 6-Block 3-Parcel 6 (the "Premises") (collectively, the "Project"). The Developer's predecessor-in-interest was the recipient of the above-referenced Order of Conditions for the Project, as subsequently supplemented by a further Order restricted (per the Commission's instruction) to the site of the Residence. It is the former Order that includes the driveway to the Residence and, consequently, the wetlands crossing that is a part thereof; and it is the plan approved by said Order which the Developer now seeks to change, as hereinafter described.

It should be said that what prompts the Developer's modification to the plan is the instruction received from the Town itself, namely its Fire Chief, that the driveway's one-foot shoulders in the area of the wetlands crossing be constructed so as to be able to safely support the weight of the Fire Department's heaviest piece of equipment, at 69,000 GVW (including a full tank of water). The Fire Chief requires that the driveway provide 12 feet of passable width; but the Commission only approved a 10-foot-wide driveway constructed of bluestone, where it passes through the wetlands. (The Fire Chief cites the updated Fire Code as the basis for the aforesaid requirement, which Code became effective on January 1, 2015.) To satisfy the Fire Chief and the interests of public safety while also avoiding an

extension of the bluestone itself (to which the Commission previously objected), the Developer has been asked to extend the driveway's six-inch gravel base (but not the driveway itself) one-foot beyond the driveway's shoulders and to install a variable depth of gravel above the same in lieu of loam and seed. See the as-designed and modified cross-sections, affixed hereto as Exhibit A.

Insofar as the above change requires Commission approval, General Condition No. 13 of the Order of Conditions authorizes the Commission to permit it; said Condition "require[s] the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent." The change now suggested by the Developer is far from significant; it does not extend the limit of disturbance approved by the Order, the slopes alongside the driveway are unaffected thereby; and it will have no effect on the interests protected by the Wetlands Protection Act. I ask that the Commission confirm the same, so that the Project may move forward without further delay.

Be advised that to satisfy the Commission relative to the manner in which the Project will proceed if confirmation is given as aforesaid, the Developer offers the following commitments:

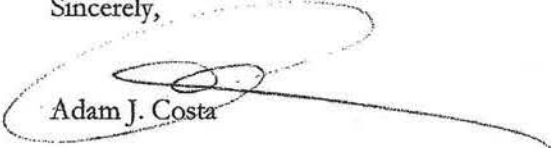
- (i) that the Residence itself will be a five-bedroom (nor four-bedroom) home constructed in accordance with the later Order of Conditions, i.e. DEP File No. SE 266-0172;
- (ii) that any significant changes to the Project will require the filing of a Request for Determination of Applicability (RDA);
- (iii) that construction of the Residence itself will not occur until the driveway (but not necessarily the entirety of the parking area at the end thereof) is installed, i.e. with bluestone or binder course, as applicable;
- (iv) that the Developer will comply with all requirements of the Division of Fisheries & Wildlife's Natural Heritage and Endangered Species Program (NHESP), including any protections necessary to avoid adversely affecting the actual habitat of the Eastern Box Turtle, if applicable, or any other rare or endangered species identified by the NHESP;
- (v) that, if so directed by the Commission, the Developer will consider substituting a different material, e.g. bituminous pavement, for the bluestone driveway (in the area of the wetlands crossing); and
- (vi) that, if so directed by the Commission, the Developer will consider substituting the construction of a 20-foot by 20-foot vernal pool for

the wetlands replication required by the Order of Conditions.[†]

Thank you in advance for your consideration. Should you have questions or concerns relative to the foregoing, please do not hesitate to contact me.

Sincerely,

Adam J. Costa



AJC/fhs

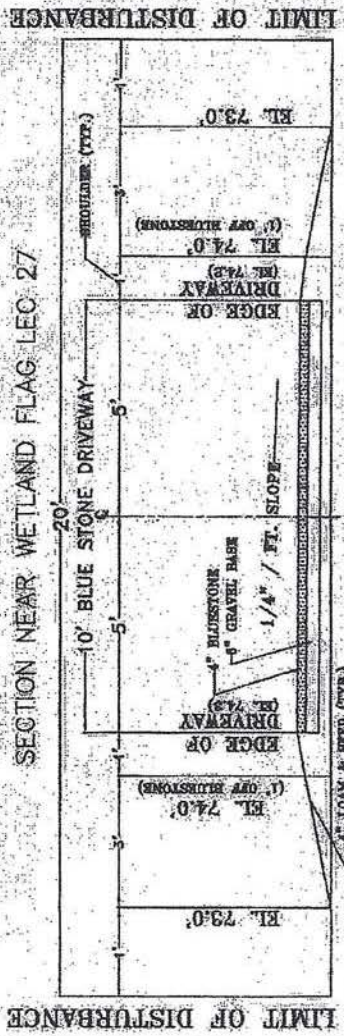
Enclosure

cc: I. Quirk, Esq. (via e-mail only, w/ encl.)

Client (via e-mail only, w/ encl.)

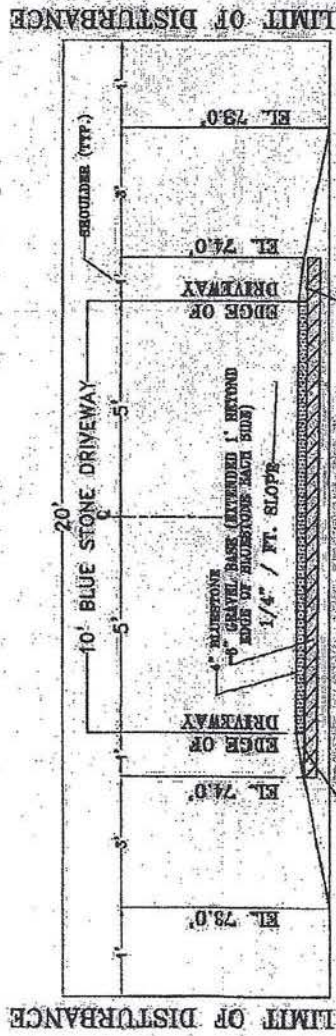
[†] These are among the commitments suggested to me by Plympton's Town Counsel, with whom I have been in contact from time-to-time with respect to the Project and with regard to the Developer's efforts to satisfy the requirements of different Town officials and agencies en route to development thereof.

Exhibit A



AS-DESIGNED DRIVEWAY CROSS SECTION (TYP.)

NOT TO SCALE



AS-DESIGNED DRIVEWAY CROSS SECTION WITH EXTENDED GRAVEL SHOULDERS (TYP.)

NOT TO SCALE

NOTE: THIS REVISION WILL REPLACE ALL PREVIOUS PRESENTATIONS OF THE TYPICAL DRIVEWAY SECTIONS.

TYPICAL DRIVEWAY SECTIONS
 MAP 6, BL 3, PL 6
 MAPLE STREET, PLYMPTON, MA
 PREPARED FOR
 GLOBAL PROPERTY SERVICES
 PLYMPTON MAPLE STREET, LLC
 PREPARED BY
 P.M.P. ASSOCIATES, LLC
 200 NO. BEDFORD ST., E. BRIDGEWATER, MA
 508-376-3421
 www.pmpassoc.com
 SCALE: NONE
 PROJECT NO: 100800
 DATE: 6/7/16 REVISED 8/5/16