

Plympton Conservation Commission
Minutes of Open Meeting – October 18, 2016

Present: Board Members Rick Burnet, Amy Cronin, Ami Dion, Linda Leddy & Marti Nover

Not Present: John Mathias

Mr. Burnet called the meeting to order at 6:33 pm

Correspondence.

None

Old Business

1. **0 Spring Street Solar Facility.** Dean Smith of Borrego Solar submitted a restorative plan as a result of the clear cutting in an area that should've only been selectively cleared. Additional taller species of plantings were requested by the Commission to protect the vernal pools from sunlight. These revisions will be shown at the next meeting.
2. **134 Brook Street Solar Project.** Dean Smith of Borrego Solar indicated that he will be submitting a plan that will include a drain swale that can hold 900 ft³ of storage. On September 20th, Dean Smith of Borrego Solar committed to withdrawing the existing RDA and submitting a new RDA. The Commission has not yet received this new RDA and a hearing has not been scheduled.
3. **23 Ring Road Potential Violation.** There was discussion about work completed without coming to the Commission; the work may impact the wetlands. A letter will be drafted asking the owners to come into the Commission meeting on November 1st.
4. **364 Main Street (gun shop) work.** It was reported that clearing is to take place for a gun range; there are wetlands in the vicinity. Contact will be made with the owners to notify them of the procedures for Commission consideration.
5. **373 Main Street Hearing.** The owner, Dean Jaffarian did not attend. The Commission will contact him and the hearing will be continued.
6. **50 Elm Street.** A letter was sent to the owners regarding yard work potentially in wetlands, asking them to check in with the Commission. There has been no response. There will be a follow-up phone call or visit.
7. **Center Street Complaint.** The Health Department received a complaint that Wolf Rock Farm was doing clearing and manure dumping near a well and near wetlands. The Health Department notified the Commission about the complaint, and that they were doing a site visit and would report back to the Commission.
8. **Ring Road (Lot 8-2-1a) Construction NOI Hearing Continuation.** Joe Webby of Webby Engineering made a presentation. Mr. Webby was accompanied by Walter Sullivan, attorney and Steve Ivas of Ivas Environmental; he was representing the Arrowsmith Family Trust. Mr. Webby questioned the need for a topography study.

Members of the public speaking included: Christopher Utt of 49 Ring Road and Robert Peters of 45 Ring Road. Issues raised include how the distances are measured – the edge not the center of the vernal pool and other vernal pools that may intersect with

the property. Mr. Ivas asked for a copy of the Natural Heritage Vernal Pool Certification data; this will be provided to Joe Webby. After a brief review of the plan, the hearing was continued to April 1st, 2017.

9. **41 Ring Road (Lot 8-2-1b) Single-Family Home Construction NOI Hearing**

Continuation. Joe Webby of Webby Engineering and Steve Ivas of Ivas Environmental presented the project. They were accompanied by Walter Sullivan, attorney and potential buyer Andy Bulman. The Commission noted that during their walk-through that the flagging was not sequential and some were missing; it was requested that the area be reflagged. Mr. Ivas presented his findings regarding the vernal pools and provided the Commission with a report. Walter Sullivan, Attorney alleged Commission bias. Two members of the Board requested clarification regarding the term "bias". Mr. Sullivan noted that it could be possible that the Commission may have been predisposed to consider the area a complex wetland and may have had a predisposed opinion about whether the lot was buildable. The Commission noted that they do not have a bias and that the Commission is simply seeking information.

Members of the public speaking included: Christopher Utt of 49 Ring Road. The Commission members noted that the preponderance of the evidence is on the applicant, and no definitive determination about the vernal pool status has been made due to the time of year.

The applicants will appear on November 1st to give an update. It was requested by the applicant and that the hearing be continued for 30 days.

10. **99 Main Street RDA (Map 7 Lots 2 and 9).** Bob Andrews appeared before the Commission. Guidelines were provided to Mr. Andrews giving suggestions about what is needed for the Commission to determine if the area proposed for work would get a negative determination; a negative determination means the area would not be subjected to wetlands protection. The guidelines can be found in Attachment A to the minutes. The Commission notes that with Mr. Andrews' permission, the RDA will be extended beyond the required 21 days.

11. **19 Main Street House Construction.** The Zoning Inspector determined the property is a buildable lot. As a result, the NOI hearing will be scheduled for November 1, 2016.

12. **Maple Street Update (DEP File #266-0139).** In the absence of any updated information from the applicant, the Commission voted to have John Chessia complete a desk review of the project.

New Business

Minutes Approval. Minutes of the October 11th meeting were approved with one amendment.

Next Meeting: Tuesday, November 1, 2016 at 6 pm

The meeting was adjourned at 9:20 pm by a motion by Ms. Nover, seconded by Ms. Leddy with unanimous approval.

Respectfully recorded and submitted by Amy Cronin

Attachment A

**Plympton Conservation Commission
Plympton Town House**

**Request for Information
Map 7 Lots 2 & 9
Main Street**

Request for Determination of Applicability – Andrews

Based on the RDA application's lack of sufficient existing conditions information to adequately determine if the area labelled "Proposed Work Area – Upland" is NOT area Subject to Protection, the Commission requires the following:

1. Obtain sufficient detailed soils description by a qualified professional from within the existing cranberry bog to document whether existing soils are hydric or non-hydric and general bog construction.
2. Provide documentation that the cranberry bog was NOT constructed in wetland resource area including but not limited to:
 - a. Historical photographic documentation
 - b. Historical aerial photographs
 - c. Historical USGS topographical maps
 - d. Site plans documenting construction of the bogs from upland.
3. Existing hydrology of the cranberry bog supporting that if not irrigated, the area would revert to upland.

Currently, the MassGIS Wetland Change Orthophoto Layer depicts the bog as former wetland resource area indicating that a wetland area was altered without obtaining an Order of Conditions under the Mass WPA.