

Meeting

1-12-2023

The meeting was held in person and using Google Meets webinar format, in compliance with MA legislation.

Present: Gerald McDonald, Chair; John Malley; Michael Horan; John Morton; Lionel Lucian, William Francis; David Asack

Also present: James Conlon, Environmental Affairs Officer

Motion made by Mr. Francis, seconded by Mr. Morton to open the meeting 7:03 PM, Motion passed with a roll call vote.

Enforcement Order – EO 2022-10 275 Plain St –

Property owner not present.

Mr. Morton asked if there is an immediate threat to the resource area.

Mr. Conlon advised not an immediate crisis.

Motion by Mr Francis and seconded by Mr. Morton to ratify the EO. Passed Unanimously.

Enforcement Order – EO 2022-11 17 – Campanelli Parkway , Franklin Sports

Multiple infractions at the wetlands area and Mr. Conlon contacted Franklin sports with no response.

Property owner not present.

Mr. Morton asked if there is an immediate need at the site.

Mr. Conlon advised that they were informed of the need to cease and desist and install erosion control. No response from property owner.

Mr. Lucian asked what was done and was advised by Mr. Conlon that grading was done and a pickle ball court was installed up to the wetlands.

Peter Murphy advised concerns with what Franklin Sports has done regarding fill put next to Turnpike Street. Including what will happen with run off including drainage.

Mr. Conlon advised it would have to be reviewed by another department to determine what the situation is.

Motion made by Mr. Asack to ratify enforcement order seconded by Mr. Lucien. Passed Unanimously.

Motion by Mr. Francis, seconded by Mr. Morton to take DEP 298-0874 out of order. Passed Unanimously.

Public Hearing DEP 298-0874 – 400 Prospect St – Continuation

For the applicant Marissa Valentino presented plan.

Mr. Morton asked about driveway location in relation to 100' buffer.

Ms. Valentino advised there is an increase in impervious but did not have amount of increase.

Mr. Morton asked about protecting resources in the changes being done where there is already impervious area that is being reconstructed.

Mr. Conlon advised that over-all there will be better water quality as a result of the construction.

Mr. Morton asked if they will be required to use ecologically safe de-icing.

Mr. Conlon advised that this will be the case and will be in perpetuity.

Ms. Valentino advised on the various mitigation measures being installed.

Mr. Lucien asked about culvert pipe to maintain integrity.

Ms. Valentino advised how they were protecting the pipe.

Mr. Peter Banis – provided handout to Chairman.

Ms. Joanna Riley – Trees were butchered. Asked if Dorchester Brook water been tested. Concerned about deicers. Concerned about paving near wetlands.

Ms. Valentino responded that sediment controls will be in place during all construction. Water run off from paved areas will also be directed to water treatment system and explained how system works.

Mr. Morton asked about oil and dirt from trucks will be dealt with.

Ms. Valentino advised that there is a system in the drains to deal with oil etc.

Chief Michael Carroll advised that the detergents used in cleaning are biodegradable and environmentally friendly.

Mr. Peter Murphy asked about the buildable area and how much room is left outside wetland buffer if they want to expand.

Ms. Valentino advised there is room outside the buffer zone behind the building to expand - about another 15,000 sq. ft.

Ms. Peg Sewitt – Concerned about density. Concerned about fire trucks accessing Park Street. Concerned about site. Also concerned about costs.

Mr. Greg Pokraka concerned about putting project in wetland area. Asked the role of Conservation Commission.

Mr. McDonald and Mr. Conlon explained the role including construction within 100' of wetlands.

Mr. Pokraka asked about the size of the impervious area that will be added.

Mr. Conlon advised that there is additional stormwater treatment system that will more than offset additional impervious surface.

Ms. Valentino advised that they reviewed existing site stormwater treatment making sure that new system does not increase peak rates vs existing. Look at up to 100 year storm.

Mr. Morton advised that we rely on advice of engineers for advice.

Mr. Conlon advised that the engineering department reviewed and advised that the new stormwater system and advised it was going to provide a betterment to the run off in the wetlands.

Mr. Pokraka feels it is not appropriate place for the fire house.

Mr. Asack explained how the project works that we need to be convinced the project

Mr. Murphy - asked if on town sewer and what wildlife is there.

Scott Morrison - Microtech– advised typical wildlife, but invasive knotweed reduces the wildlife that habitat as it blocks out native species. Mitigation will be part of project to expand that habitat. Also advised that all was in compliance with wetland protection act and Stoughton by-laws. Only work being done within 100' is redoing existing driveway

Ms. Joanna Riley commented on wildlife in her yard. Wanted to make sure they will be able to still wander around.

Mr. Pokraka about invasive species. Said that there was rat problem and that taking out the invasive knotweed may cause rat problem.

Mr Morrison Was advised that rats were from abandoned building not from removing invasive species

Mr. Pokraka – questioned us voting on it and whether we has all the info

Mr. Asack moved to close hearing seconded by Mr. Lucien - Unanimous

Mr. Morton moved to approve 2nd by Mr. Lucien. Unanimous

Public Hearing Fine Hearing George Dolbany

Mr. Dolbany Present.

Mr. Conlon reviewed advising multiple enforcement orders. Deck was allowed to be finished. Property owner hired contractor to build retaining wall and driveway without permission from Conservation Commission. Was given enforcement order to stop and did not.

Mr. Dolbany advised that project completed.

Mr. Francis mad a motion to open fine hearing – seconded by Mr. Asack – Unanimous

Mr. Morton asked about location of wall and deck and asked if encroachment on wetland besides these.

Mr. Conlon advised 50' from wetlands.

Mr. Francis asked how far into the wetlands it was built.

Mr. Conlon - Advised 12 feet into wetlands.

Motion by Mr. Asack to fine violator \$1,500. Seconded by Mr. Francis. Passed 6-1.

Motion by Mr. Francis to take 35 Wildwood out of order – 2nded by Mr. Asack. Unanimous.

Stephen Sera – asked about us advising on potential building.

Mr. McDonald advised we need a filing to review a project.

Discussion

Motion by Mr. Francis to take 35 Wildwood out of order. Discussion with property owner Mr. Sera about the proper way to file an NOI with the board.

Public Hearing DEP 298-0876 and DEP 298-867 continued no action tonight

Public Hearing DEP 298-0875 – 0 Turnpike St – ORE

Eric Dias for applicant. Advised he reviewed the letter and would provide complete response. Asked if we can close matter and leave up to Mr. Conlon's purview.

Mr. Conlon advised there were lots of issues with previous owners going back years. Also looking for adjustments to wetland line. He feels we are on the right track. Awaiting some revisions to plan.

Mr. Asack OK with closing plan subject to Jim's discretion.

Mr. Morton said we cannot approve a plan we don't yet have.

Mr. Dias will have a plan back in the next week or so.

Motion by Mr Asack to continue to next meeting. 2nd by Mr. Lucien – Passed unanimous

Public Hearings DEP 298-0869 DEP 292-0861 continued no action tonight

Fine Hearing 1515 West Street and 53 Spallus Rd continued – no action tonight

Public Hearing DEP 298-0849 – 180 Corbett Rd

Motion by Mr Francis, to issue final cert of compliance 2nd by Mr Asack. Passed Unanimous

Public Hearing DEP 298-0691 – Central St Apts – The Sto

Mr. Conlon advised everything requested was done

Motion by Mr. Francis, to issue final cert of compliance 2nd by Mr Asack. Passed Unanimous

Public Hearing DEP 298-0554– 1150 Turnpike

Deb Keller Merrill Engineers reviewed project for us. Not in packet to vote on.

Mr. Francis asked if there was an enforcement order.

Mr. Conlon advised there was and applicant has worked with Town to comply.

Mr. Conlon said that Certificate of Compliance could be issued and he could work with them to make sure complete.

Mr. McDonald said we need to review the plan before we can release enforcement order and then issue certificate of compliance.

Will take up on 26th.

Additional Correspondence/Discussion-

Minutes of Dec 1, 2022 motion by Mr. Lucien and seconded by Mr. Morton to approve. Motion approved.

Minutes of Dec 15, 2022 motion by Mr. Lucien and seconded by Mr. Morton to approve. Motion approved.

Motion to adjourn by Mr. Francis 2nd by Mr. Asack- 9:33 PM passed 6-1.