

# Town of Stoughton Conservation Commission

Meeting Minutes, March 16, 2023

Please Note: The March 16, 2023 meeting was held remotely using Google Meets webinar format. On July 16, 2022, Governor Baker signed into law an Act Extending Certain COVID-19 Measures Adopted During the State of Emergency on March 12, 2020. Special Legislation was approved that relaxed certain requirements of the Open Meeting Law, specifically the requirement for in person public meetings.

Present: Gerald McDonald, Chair, William Francis, Vice Chair, John Morton, David Asack [joined late] John Malley, Michael Horan.

Also present: James Conlon, Environment Affairs Officer

Motion made by Mr. Francis to open the meeting, seconded by Mr. Morton. Motion passed with a roll call vote 5-0.

## **PUBLIC HEARINGS**

**DEP 298-0883: Culvert Repair Replacement Project; 1651 Washington St Eric Dias, PE of Strongpoint Engineering Solutions on behalf of Robert Mansfield, President of CW Welch Memorial Fish & Game Preserve.**

Motion made by Mr. Francis to open the hearing, seconded by Mr. Morton. Motion passed with a roll call vote 4-0 (Mr. Francis recused).

Chair read the Public Notice.

Eric Dias, Strongpoint, stated that in regard to a 36” corrugated pipe in culvert under emergency access road, collapse is imminent due corrosion. The existing culvert doesn’t meet Mass stream-crossing standards. Looking to make some improvements which will result in culvert meeting all six standards. Current culvert is perched, which impedes flow and doesn’t provide a substrate for amphibians. New pipe will be embedded at least two feet in the ground and create a wildlife-friendly substrate. Will also increase the span (currently one third of what is recommended). Trying to make this as compliant as feasible. Increasing openness ratio for amphibians. New pipe will meet openness ratio standard. Sediment will be removed to increase flow. Wants to do work under low-flow conditions. Will sandbag Whitman Brook and install pumps to dry area out while replacing culvert.

Mr. Conlon presented photos of the site.

Mr. Morton asked whether the solid base will go through culvert? The diagram suggests the pipe is narrowed.

Mr. Dias stated that it will be one continuous size pipe throughout with same substrate material throughout.

Mr. Conlon stated that he can work out details regarding erosion control with Mr. Dias.

Mr. Morton made a motion to approve the project subject to the inclusion of erosion control measures satisfactory to our agent and to specifications of the state and town by-laws with respect to water. Motion seconded by Mr Malley. Motion passed, 4-0.

**DEP 298-0882 62 Farnham Road Karen Skinner Catrone, Wetland Consultant, on behalf of Paul and Jaelyn Ann Giannakoulis, 62 Farnham Road, Stoughton. Construction of a 20' by 17' building addition attached to a residential home.**

[David Asack joined].

Motion to open public hearing made by Mr. Francis, seconded by Mr Morton, motion passed 5-0.

The Chair read the Notice.

Ms. Catrone, on behalf of applicants, explained that the planned addition is partially over the existing driveway. Actual work is 78' from the wetland line. Proposing removing two sheds. There will be erosion control around the work area. No trees will be removed. The permanent work within the 75-100 ft buffer will add 286 square feet of impervious surface to the area.

Paul DeSimone, on behalf of applicant, note that the work area is outside the flood plain by 4-5 feet, so is not in special flood zone.

Mr. Conlon requested certification that plan is for outside of the flood plain.

Mr. Malley noted that the existing sheds are in the no-touch zone, and asked whether there are any concerns regarding erosion control.

Mr. De Simone responded that the sheds will be removed by hand.

Mr. Conlon noted that both sheds were already removed.

The Chair requested revised plans with all updated information.

Applicant requested a continuance so as to be able to provide revised plans with erosion control detail and color coded.

Mr. Morton suggested adding markers at the 100-foot line.

Motion to continue to April 20 made by Mr. Francis, seconded by Mr. Malley; motion passed 6-0.

**DEP 298-0876: Town of Stoughton Department of Public Works, 950 Central St; Environmental Partners on behalf of the Town of Stoughton; Marc Tisdelle, PE Town Engineer; Parking and Access Stormwater Improvements, Continued.**

Continued.

**DEP 298-0869: Notice of Intent, 5563 Highland St, CEC Inc. on behalf of 563 Highland St., LLC Notice of Intent Temporary Access Road Construction for Test pit Explorations, Continued.**

Continued.

**DEP 292-0861: Notice of Intent of Anthony Escoto, Exteriorscapes, Coneco Engineers, 1823 Washington St, proposed 2 story building, Wetland Replication Area, Continued.**

Lorie McDonald, Coneco, responded to comments from Mr. Conlon. Still awaiting comments from Town Engineer.

Changes to plans include:

- Mean high water line, identified in February is most representative of limits of vernal pool on the site.
- Adjusted buffer zone lines for accuracy
- Now showing sedimentation control line
- Reconfigured access to site, moved away from wetland
- Added a covered salt shed, outside zone 2
- All bins labeled
- Larger storage tanks are within secondary containment
- Fleet vehicles stored in garage
- Ingress and egress now clearly labeled
- Retaining wall details provided
- Includes calculation of areas where vegetation will be removed outside 50' zone
- Mitigation area reduced (1:1)
- Increased slopes

- Added turtle nesting habitat
- No impacts to bank now
- Proposing as an enhancement cutting down dead and dying invasive species above water line
- Plan to cut down invasive species and to use herbicide on uplands only
- Decommissioning water monitoring well (capped 2/25/23)
- Have not done a wildlife impact evaluation as it does not appear to be required
- Requesting a waiver in regard to height of walls

Mr. MacDonald requested clarification in regard to the wetland replication area as shown on the map. He also asked whether the retaining wall was 75' from the buffer zone and from the mitigation area. Damien confirmed.

Mr. Malley believed that the 50' no-touch line passed directly through the mitigation zone.

Mr. Morton is not certain as to what the mitigation area consists of (how many feet added, and at what depth?).

Ms. McDonald noted that the mitigation area will be 3,600+ feet, just north of the wetland flags.

Mr. Morton asked whether intent was to fill wetland along the road.

Damien Dmitruk, Coneco engineer, attempted to clarify the location of existing and planned 50 and 75' zones.

Mr. MacDonald pointed out that that the plan calls for building in the new 50' zone.

Mr. Dmitruk replied that it is their belief that any planned activity in the 75' zone will not have any detrimental impact.

Mr. Morton stated that salt storage will be adjacent to the 75' area—one of the worst things to store that close; that you can't eliminate invasive plants by simply cutting them down; that there needs to be a maintenance plan; that using herbicides in the uplands contaminates the downgradient water and represents a threat to the wetlands; and that he is also concerned with the washing of vehicles on site.

Mr. Dmitruk explained that the mitigation area is a large cut out of the existing buffer zone but is a far more beneficial wetland than the existing one within what was an existent structure. In regard to salt storage, it will be contained under a covered storage bin, outside of zone 2, and stormwater will move away from any wetland resources.

Mr. Francis noted that we have salt restrictions elsewhere, but this plan calls for a large salt storage facility, along with soil debris and construction hardscape debris; we also had a situation with that pond and fined an upgradient applicant \$15k. Commissioners need to visit the site.

George Hailer, attorney for applicant, noted that certifying vernal pools is a "gray area."

Mr. Morton is uncertain as to the relevance of vernal pools.

Chairman MacDonald referred to earlier comments and asked from whom the applicant would be requesting a waiver in regard to a retaining wall. Mr. Dmitruk responded, from the Commission, per the town's bylaws.

Mr. Francis asked whether retail sales at this location required a different permit. Mr. Conlon stated this this resides with a different authority.

Applicant requested a continuance. Motion to Continue to April 20 made by Mr. Francis , seconded by Mr Morton; motion passed 6-0.

## **CORRESPONDENCE/DISCUSSION**

### **DEP 298-0881: Request for Final Certificate of Compliance, 562 Canton St, Notice of Intent, Septic System Repair Collins Engineering.**

Mr. Conlon performed a site inspection and has no objection to issuing a Certificate of Compliance.

Mr. Francis proposed tabling until applicant showed up. Mr. Conlon opposed as there was supposed to be a closing on the property the next day.

Mr. MacDonald found it unfortunate that applicant did not show up given the apparent sense of urgency.

Mr. Malley made a motion to issue a Certificate of Compliance, seconded by Mr. Asack. Motion passed, 4-2.

### **DEP 298-0747: Ames Pond Ecological Restoration Program, Aquatic Weed Management program, Extension of Order of Conditions.**

Mr. Conlon advised granting an extension. He suggested extending the program for the same length of time it was originally granted.

Motion to grant made by Mr. Morton, seconded Mr Malley; motion passed 6-0.

### **DEP 298-0763: Harris Pond, AKA Pinewood Pond, Ecological Restoration program, Aquatic Weed Management program, Extension of Order of Conditions.**

Mr. Conlon advised granting an extension. He suggested extending the program for the same length of time it was originally granted.

Motion to grant made by Mr. Morton, seconded Mr. Malley; motion passed 6-0.

## **Stoughton Conservation Commission Internal Policy, Use of and or work on Conservation Lands.**

Mr. Francis noted that there has been concerning activity on conservation land, notably making new trails without the permission of the Commission.

Mr. Morton feels that as written, the regulation goes too far, and that some people are actually making minor improvements, and that we shouldn't forbid all activity.

Mr. Francis would distinguish between maintaining existing trails and creating new trails. He noted a new trail that had been cut off Palisades.

Mr. Morton believes that we can selectively enforce.

Mr. MacDonald suggested that this provides a framework, though he isn't certain how the Commission would enforce it.

Mr. Francis suggests publicizing by placing signage at trailheads, including properties being torn up by four-wheelers (e.g., at Ryan Road).

Mr. Asack stated that he believes we already have the right to enforce, and that we don't need a new policy—just signage.

Mr. Morton would like to see signage as well as boulders capable of preventing access by ATVs.

Mr. Francis made a motion to adopt this policy as written, seconded by Mr. Malley. Motion passed, 6-0.

**DEP 298-0819: request for Final Certificate of Compliance Map 55, Lot 144 Britton Avenue, ECR on behalf of Cathal Walsh, Topline Masonry.**

**DEP 298-0554: Merrill Engineers and Land Surveyors, 1150 turnpike St, North East Tank Service; John O'Brien; Continued to a future meeting.**

## **Minutes**

1-26-2023: Motion to approve made by Mr. Morton, seconded by Mr. Francis; motion passed 6—0.

2-16-2123, Motion to approve made by Mr. Morton, seconded by Mr. Francis, motion passed.

Motion to adjourn made by Mr Morton, seconded by Mr Malley. motion passed 6-0. Meeting adjourned at 9:12 pm.

Minutes taken by Michael Horan

APPROVED: 5/4/23 (6-0)