

Town of Stoughton Conservation Commission

Meeting

5/23/2023

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

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

Also present: James Conlon, Environmental Affairs Officer

Motion made by Mr. Francis, second by Mr Horan to open the meeting 7:10 PM, Motion passed with a roll call vote.

***Public Hearings:***

**RDA -2023-03 Trail Repair, signage Bird St Conservation area**

Motion to open the hearing by Mr. Malley, second by Mr. Asack. Motion passed unanimously.

Hearing notice read into the record by Mr. McDonald.

Mr. Morton asked about cost and if we can do it all. Mr. McDonald advised is will go to bid to determine cost. We will do what we can with money provided by Trail Grant and Town Meeting article. Anything we cannot will need to await another grant.

Cynthia Walsh supports the RDA because it is a benefit to families and towns people to get out in nature.

Mr. Asack made a motion to approve with a Negative 3, second by Mr. Francis Passed unanimous

**Dep 298-XXX – NOI Sewer Connection Chateau Restaurant 1165 Park St**

Motion by Mr. Asack, second by Mr. Horan to open the hearing. Passed Unanimously

Hearing notice read into the record by Mr. McDonald.

Brian Dundan, Christopher Lucas and Barry Crimmins for the applicant. Mr. Dundan gave a background on the situation of a failed septic system and need to replace. Project will tie into the sewer system through a private line across Isaac's Moving & Storage land and over to the sewer at Campanelli Parkway. Current condition is a tight tank system being pumped weekly.

Mr. Conlon advised his review of the plan is not done yet and no DEP number yet. Concerned that the Force Main is being installed within 10 feet of the flag and that needs to be changed due to the wildlife concerns. Also, would like a 3<sup>rd</sup> party review.

Mr. Lucas advised he will look at options to move it as requested. Will be crossing 2 intermittent streams, but are not perennial. Following along cart paths and not changing grades. Will maintain flows of streams with bypass.

Mr Asack wants to know why the Force Main will be abandoned when the Park Street sewer extension comes through.

Mr. Dundan advised that is the agreement with the easement as it is temporary until main line project comes through.

Mr. Morton asked about the size of the line.

Mr. Dundan advised it is mainly 2 inches.

Mr. Morton asked if the PVC is subject to cracking and damage was advised it is a line built to last 75 years.

Mr. Morton asked if the line will be flushed when abandoned, was advised it will.

Mr. Morton would like to see more about the route and wetlands impact.

Mr. Francis asked if the old system is being taken out. Was advised it will be abandoned in place, but the infrastructure will remain and be used in the new Force Main.

Cynthia Walsh – resident and Cedar Hill Golf Course trustee. Advised the bond is used for golf course irrigation and they need to insure the quantity and quality of the pond water. Also noted she owns the farm across the street and wants to know where the pipe would go through.

Mr. Lucas advised that all the erosion control and sediment controls would be in place while main is input and then put pack to same grade.

Ms. Walsh is concerned about animals on her farm and needs notice prior to construction to keep the have the opportunity to move the animals as they are sensitive. She wants to make sure the pond, farm and animals are appropriately protected.

Mr. Dundan will look at maximizing distance away from pond. And it will not have impact on the pond. Will accept Ms. Walsh's requests in the order of conditions.

Mr. Morton asked if there is a power failure, is there a back-up system to avoid issues with the wetlands.

Mr. Dundan advised that there is no back-up system and if power is out the restaurant shuts down. So additional water use would be minimal unto power is restored.

Mr. Asack asked for timeline once approved by Con Com.

Mr. Dundan advised goal is to complete spring 2024.

Motion by Mr. Asack, second by Mr. Horan to continue to June 15<sup>th</sup>, passed unanimously.

**DEP 208-0888 NOI Retaining Wall repair IKEA – 1 Ikea Way**

Motion by Mr. Francis, second by Mr. Horan to open the hearing. Passed Unanimously.

Hearing notice read into the record by Mr. McDonald.

Christopher Lucas for the applicant reviewed the project.

Mr. Conlon advised he reviewed the plan with town Craig Horsfall and recommends board issue approval.

Motion by Mr. Asack and Second By Mr. Horan to issue order of conditions. Passed Unanimously.

**Dep 287-889 – 1305 Washington St – Huggard & Ewing Septic Repair**

Motion by Mr. Asack, second by Mr. Francis to open hearing. Passed unanimously

Hearing notice read into the record by Mr. McDonald.

Frank Gallagher for the applicant. Reviewed the project. Noted Mr. Conlon provided some items that they need to address.

Mr. McDonald asked about raised leeching field and if it is rated to park cars, was advised it is.

Mr. Conlon advised that on his site visit he noted a lot of debris on the site and that it needs to be cleaned up. Recommends approval of order of conditions subject to a final plan and board of health review.

Mr. Asack noted that the plan has the leaching field move into the buffer zone when there is plenty of place outside the buffer zone.

Mr. Conlon noted that it needs to be elevated, because of the high water table.

Mr. Gallagher advised it is meeting title 5 requirements with the Board of Health.

Motion by Mr. Francis second by Mr. Malley for approval including order of conditions. Approved unanimously.

Mr. McDonald asked if we need an enforcement order for the cleanup.

Mr. Conlon advised we issue request before we issue an enforcement order.

Mr. Gallagher advised he will work with Mr. Conlon to clean up area within 2 weeks.

Motion by Mr. Asack, second by Mr. Francis to have Mr. Conlon Issue a warning for cleanup. Passed unanimously.

**DEP 298-0876 – Town of Stoughton Public Works 950 Central St (Con't)**

**DEP 298-0886 – NOI – MAP 60, Lot 60 & 61 Atkinson Ave Ext Mixed Use Apt (con't)**

Mr. Eric Dias for the applicant. Reviewed changes to the plan, including storm water management. Has to send revised plans to Engineering based on Mr. Conlon's comments.

Mr. Conlon advised that Mr Horsefell reviewed the changes to the stormwater design. Has no objection for approval. No issues with the wetland impacts. Current system discharges into a stream and culvert under Washington St. It is not a river front area. Wetlands are across paved street from site and site has n site stormwater management which will offer an improvement to the site based on plans.

Mr. Morton asked about the final plan, since we have not received it.

Mr. Dias reviewed the changes updated May 10<sup>th</sup> 2023. Changes are additional soil test pits. Layout plan remains same. Transformer pad moved and a parking space and landscaping was increased. Some other changes may be done after review by engineering.

Mr. McDonald noted that we do not have May 10<sup>th</sup> plan nor the additional revisions that will be coming.

Mrs. James E Small Jr. 20 Lucas Drive. Feels that housing on that lot is not appropriate. Also creates driving hazards and congestion. Lacks outdoor play area. She thinks the wetlands shouldn't support something of that magnitude and is against it.

David Petersile 235 Daly Dr Extension. Advised that the plan is still under planning board review and should be continued indefinitely. Asked for letter from Planning board requiring us to read letter into record.

Mr. McDonald advised that we do not have the letter. But Mr Conlon advised he has opinion from Town Council.

Mr. Conlon read response from town council regarding whether we are obligated to await approval from other boards prior to our approval.

Town Council Brian Winner advised we can request all permits before we issue an order of conditions, but it is not required. We can proceed at our discretion.

Mr. Asack commented on the fact we can exercise discretion, but should be decided on a case-by-case basis.

Mr. Morton asked to review the plan on line and asked Mr. Dias to point out the relevant buffer zones. Only place in the 50' zone is the connection to the water main that is in the 50' zone. 30' wide curb cut is within the 100' buffer. No change to Atkinson Ave and no change to drainage. Mr. Morton said we can only focus on those areas in looking at approval or not.

Motion by Mr. Asack, second by Mr. Malley to issue an order of conditions subject approval of the May 10<sup>th</sup> plan subject to approval of Mr. Conlon of revisions by Mr. Dias. Motion fails 3-3.

Mr. Dias requested a continuance to next meeting.

Motion by Mr. Francis, second by Mr. Horan to continue. Motion passes unanimously.

**DEP 298-0887 – NOI – MAP 60, Lot 60 & 61 Atkinson Ave Ext Onsite Sewage Disposal (con't)**

Peter Lyons – Collins Engineering for the applicant. Tried to hare 5-17-2023 plan, but unsuccessful.

Motion by Mr. Asack and seconded by Mr Francis to continue to next meeting. Motion passed unanimously.

**DEP 298-0885 – Abbreviated Notice of Resource Area Delineation 0 Turnstone Terr. (con't)**

Rich Kirby LEC environmental for the applicant. Reviewed the project.

Mr. Conlon advised he has inspected and is comfortable with the wetland line and OK with approval of an ORAD. Question about access of parcel through neighboring property.

Mr. Kirby advised they have approval to use roads.

Mr. Conlon advised that any crossings within 100' require filings, which applicant advised they understood.

Mr. Morton asked if the bedrock depression was a potential vernal pool and was advised it was not.

Mr. Conlan recommends an ORAD

Motion by Mr. Asack and seconded by Mr Francis to issue an ORAD on the ANRAD. Motion approved unanimously.

**DEP 298-0876 –Town of Stoughton Public works 950 Central St Storm water improvements. (con't)**

Continued – not ready

**DEP 298-0869 – NOI 563 Highland St . (con't)**

Karlis Skulte for the applicant. Reviewed summary of changes. Proposed project is temporary project only. All test pits but 1 are now outside the wetlands buffer zone.

Mr. Conlon advised that there were a number of test pits done years ago prior to housing on either side. Test pits at that time were not able to find suitable sites. Mr. Conlon felt applicant is providing adequate protection for the crossing of the stream and wetlands and would be OK with approval.

Mr. Morton asked about the project noting almost all of access is in the protected area. Project plans note replication would be in the wetland area itself. But would be cutting trees outside of

the wetland area and would work with contractor to minimize removal of larger trees. Noted that we are disturbing the forest without opportunity to restore since it cannot be restored, and since the prior test pits were not successful, seems like a big loss for unlikely outcome of success.

Lisa Russell 143 Highland Rock Dr. Noted that restoring the wetlands to prior conditions after the project is unlikely. We need to protect the wetlands.

Michael O'Neil – Attorney for abutters. With regard to restoration – no formal plan to plant anything, project owner is just letting it grow back. Regarding trees, mature trees will be replaced with saplings. Only committing to replacing trees in wetland crossing.

Brandon Faneuf Working with attorney O'Neil presented info regarding the drainage issues. Recommends denial of project.

Mr. O'Neil – advised it is a discretionary project, not a matter of right and perk tests in the past have failed. Removal of trees etc will also contribute to the drainage issues already there.

Robert Ansolom 553 Highland St – wants to know what the mission statement of the Conservation Commission is. Also noted that all the flora in the area makes a difference to wildlife and runoff. Read some info from State regarding preserving endangered wildlife and habitats.

Sterling Bauxman 575 Highland St – only difference in opposition letter is who signed on. Reviewed the fact that the excavation of 12,000 feet will cause more runoff as it decreases the drainage capacity. Stated that Marc Tisdale said to him that with drainage issue the project should not continue. Increase in standing water can infiltrate wells which is their only source of water since town water is not in the area.

Lauren Connolly 41 Highland Rock Drive. Noted that there is a rock noting there is conservation area there. Also noted that a berm installed on West St sends water into the pond.

Maryann Elkwood 589 Highland – Drainage issue on the road. Town installed PVC pipe to help with drainage but it doesn't work.

Mr. Ansolom noted that the town is concerned about road salt that is running into the pond to fix the already bad freezing runoff.

Brandon Faneuf – Ground water Flood Control, erosion control, storm damage, water pollution and wild life habitat are all going to be affected.

Rosemary Sabby – concerned with well contamination and flooding.

Karlis Skulte – said the work at the site is not going to affect ground water. Not going to affect runoff.

Mr. Morton summarized where he is. Regarding restoration as well as the lack of siltation control for disturbed surfaces. Noted that our job is not to protect the land but to protect resource areas.

Motion to close the hearing by Mr Asack, second by Mr. Francis – based Unanimously.

Motion to deny by Mr Malley Seconded by Mr Horan – Motion to deny, due to the nature of the project and the sensitivity of the site, it is deemed the project does not meet the interests of the State Wetlands Protection Act, 301 CMR and also the Stoughton Wetlands Protection bylaw c191 of the Stoughton code.

Specifically:

It is the commission's determination that the proponent cannot adequately protect the "interest" of "Protection of Public and Private Water Supplies". The proponent's plans, as reported to the commission, will very likely impact neighboring private water supplies by flooding.

It is the commission's determination that the proponent cannot adequately protect the "interest" of "Protection of ground Water Supplies". The proponent's plans, as reported to the commission, will disturb a significant amount of steep upland area, steep buffer zone and directly impact a high value wetland area. The work will likely also impact an adjacent vernal pool.

It is the commission's determination that the proponent cannot adequately protect the "interest" of "Protection of Wildlife Habitat". The proponent's plan will greatly impact an on-site Vernal Pool. The vernal pool and wetland resources areas to be crossed are very valuable wildlife habitat that will be altered long term even by this limited project. The site is in close proximity to Ames Pond and other Stoughton Conservation lands. The wildlife, especially vernal pool using creatures will be severely impacted by the plans.

Motion passed 5-1.

Motion to adjourn by Mr Francis Second by Mr Asack Passed unanimously – 10:30 PM

*Minutes submitted by John Malley*

*APPROVED 6-15-2023 (7-0)*