

Minutes of the Meeting for the Halifax Conservation Commission May 09, 2023

These minutes are an abstract of the Conservation Commission meeting held Tuesday, May 23, 2023, which are on file with the Conservation Department and posted on the Town of Halifax website and Area58 Halifax's YouTube page. <https://www.youtube.com/watch?v=EazRL8vghFQ>

Present at the Meeting: Kathy Evans, Chair, Edward Lane, Co-Chair, Kimberley King, Secretary, Steve Goodman, Member and Peggy Selter, Administrative Assistant.

Absent: None

Vice Chair Evans calls the Halifax Conservation Commission meeting into session, states members present and announces that the meeting is being recorded by Area 58 and can be viewed on YouTube.

The Conservation Commission meeting opened at 7:00PM.

Hearings Begin at 7:00pm:

- 7:00pm: NOI Hearing Continued: 359 Plymouth Street: Grady Consulting – Fill and replicate 1,170SF of BVW for commercial purpose.
 - Eco Systems, Peer Review.
 - Copy of Stormwater Report: Requested by Kim King-Cavicchi at 12/13/22 meeting.
 - Grady Consulting requested the hearing be continued to the 05/23/23 meeting.

A motion was made to continue to Conservation's 05/23/23 meeting at 7:15pm.

Motion: Edward Lane

Second: Kimberley King

ALL in favor: 4-0

- Public Comment: Member of the public discussed their concern of the bogs and the wetlands in the back of the property that need dredging.
 - The Board stated this can be discussed at the hearing on 05/23/23.
 - Secretary King stated that it was discussed in great detail and is in the works between Morse Bros. and the Plymouth County Mosquito Control Project and asked the Board to allow her to follow-up with the Plymouth County Mosquito Control Project and Highway Department and update everyone at the next meeting.
- 7:15pm: NOI Hearing: 98 Holmes Street: Steve Wry, Land Planning and Joseph Clapp, owner were present.
 - To tear down of existing single-family home and construction of a new single-family home and in-ground swimming pool, minor stormwater management

application with request for waiver of Operations & Management (O&M) Plan for minor stormwater management permit.

- Land Planning presented the plan for the teardown of existing single-family home, construction of a new single-family home with an expansion from the existing home, garage & existing patio on concrete bed will remain, and an in-ground swimming pool to be installed. Land Planning also discussed the minor stormwater management application and the request for a waiver of an Operations & Management (O&M) Plan for the minor stormwater management permit.

A motion was made to approve the Notice of Intent (NOI) for 98 Holmes Street with the condition that once erosion control is in place, Conservation Commission will be notified prior to any work being started for a site-visit, the pool will not back-wash onto the lawn and will be tied into the roof run-off system to avoid chemicals entering the groundwater/ponds. The minor stormwater management waiver of an Operations & Management (O&M) Plan for the minor stormwater management permit was approved.

Motion: Edward Lane

Second: Kimberley King

ALL in favor 4-0

- 7:30pm: NOI Hearing Continued: 314 Plymouth Street: Rebecca Baptista, Silva Engineering Associates and
 - Proposal to construct an Urgent Care, Starbucks and Auto Zone with parking, utilities, and associated grading.
 - Stormwater Management Proposal for the development of 2.46+/- acre lot B for commercial use (retail, restaurant, and medical office.)
 - Board requested property be re-delineated at their 04/25/23 meeting.
 - Silva Engineering discussed the Boards request to have the property re-delineated and presented the Board with the valid Order of Conditions with a 1-year grant wetland approval for delineation for the entire property 0, 312 & 314 Plymouth Street which is valid until October 2023.
 - Casco representative present to the Board the proposal to construct an Urgent Care, Starbucks and Auto Zone with parking, utilities, and associated grading and Stormwater Management Proposal for the development. The Board had concerns about the amount of pavement and drainage, run-off, sediment, salt and protecting the wetlands.

A motion was made to continue to the 06/06/23 meeting.

Motion: Edward Lane

Second: Kimberley King

ALL in favor 4-0

Discussions and Actions to be Taken:

- 503 Monponsett Street: Stairs to Pond Question.
 - The Board discussed the proper paperwork to be filed for construction of a stairway from property/slope of land to the pond. It was determined that a Notice of Intent (NOI) should be filed. Administrative Assistant will inform owner.

- 21 Richview Avenue: Certificate of Compliance request.
 - Chair Evans updated the Board members that a Certificate of Compliance (COC) was being requested for an Order of Conditions (OOC) from 2009. Chair Evans did a site-visit on 05/03/23 and everything was done in accordance with the OOC and requested the Board sign the COC.

A motion was made to approve and sign the Certificate of Compliance.

Motion: Edward Lane

Second: Kimberley King

ALL in favor 4-0

- 3 Sixth Avenue: Update
 - At 04/06/23 Meeting owners were told they should send a letter to the Selectmen's office regarding a tree on town property leaning toward their house.
 - Chair Evans updated the Board that the owners of 3 Sixth Avenue submitted the letter suggested at Conservations 04/06/23 Meeting regarding the tree on town property leaning toward their house to the Selectmen's Office and Highway Department.
- 20 Holmes Street: Follow-up: Cease & Desist letter from owner. Not their property.
 - Administrative Assistant updated Board that a letter was received from the owner of 20 Homes Street stating that the trees clearing, and work being done is not their property.
- 22 Holmes Street: – Cease & Desist Letter: Update. John Burris, owner in attendance.
 - Mr. Burris explained that trees blew down during a storm on to his house. He had Tom McDonough, arborist come out and they found dying trees that were a safety issue. The Board and Mr. Burris discussed the 100' buffer zone and emergency and after-the-fact paperwork should have been filed prior to work being done. Mr. Burris presented pictures of the dying/sick trees to the Board that were taken the day the trees were cut down. The Bord and Mr. Burris discussed leaving the roots and stumps of the trees for erosion purposes, replanting trees once the house is rebuilt, adding the clearing of the trees to his Notice of Intent along with the retaining wall and stairs to pond he would like constructed/reconstructed. The Board and Mr. Burris scheduled a site-visit for Thursday, May 11, 2023, at 9am.
- 24 Holmes Street: – Complaint.
 - Clearing & cutting from 22 Holmes Street continues over to 24 Holmes Street.
 - Board discussed the clearing & cutting from 22 Holmes Street that continues over to 24 Holmes Street. Board requested Administrative Assistant send cease and desist to owners with request to come into a meeting.
- 32 White Island Road: Update
 - Administrative Assistant updated Board that owner submitted the Emergency RDA and paid the fee. Administrative Assistant will do a Determination of Applicability.

- 265 Monponsett Street/Halifax Trails: Complaint – Box turtles concerns.
 - Administrative Assistant drafted a letter requesting permission for a site-visit on the box turtle concerns. Chair Evans signed letter.
- River Street Solar: Certificate of Compliance Request
- Levy Break at Robbins Pond: Update
 - Board signed Determination of Applicability.
- Carver Street Flooding: Update
 - Halifax Highway is waiting on scheduling with Hanson Highway on getting the auger.
- 250 Lingan Street: Morse Bros. Update
 - Board is waiting for a copy of DEP's Report.
 - Member Goodman discussed his opinion of his findings during the 04/24/23 site-visit at the 250 Lingan Street property. It appeared that the letter Member Goodman submitted was not a complete submission, he will resend his report.
- 0 Pine Street North/Snow Street: Update.
 - The Board discussed Town Counsels suggestion to resend a friendly letter to the owners of 0 Pine Street North and 1 Snow Street asking for a site-visit. Board agreed with Town Counsels suggestion.
- Cedar Street: (Halifax (M131, L1B)/Middleboro (M7, L3254) Complaint Follow-up.
 - The Board discussed a site-visit to Cedar Street on the Halifax/Middleboro line and reaching out to the Middleboro Conservation Agent for an update.
- Monponsett Ponds: Homeowner Erosion Grants and Erosion Idea(s)
 - The Board quickly mentioned erosion grants and erosion ideas for the homeowner.
 - Administrative Assistant updated Board that Mr. Gillespie requested and was given the names of the places mentioned at the last meeting to for state grants.
- Agent/Consultant Discussion. Continued from 04/25/23 meeting.
 - The Board discussed the possible approval at Town meeting to hire a part-time Conservation Agent for the smaller, everyday things and to have the ability to hire a consultant for bigger issues/projects.
- Discuss and possibly vote to revise Conservation Fees: (*Including but not limited to wetlands fee, Filing fees, stormwater management fees, etc...*) Continued from 04/25/23 meeting.
 - The Board discussed the possibility of small increase in fees. Administrative Assistant will get a copy of surrounding town fees to Board Members.
 - Continue to the 05/23/23 meeting.

- Vote to change the Conservation Commission meeting day/dates. Continued from 04/25/23 meeting.

A motion was made to Change the Conservation Commission meeting from the 2nd & 4th Tuesday to the 1st and 3rd Tuesday of each month beginning 06/06/23.

Motion: Edward Lane

Second: Steve Goodman

ALL in favor 4-0

Bills to be Approved and Signed: Board Approved and Signed Bills.

- Express Newspaper – Legal Ad# 14278 – 98 Holmes Street - \$45.00
A motion was made to Express Newspaper – Legal Ad# 14278 for 98 Holmes. \$45.00
Motion: Kimberley King
Second: Edward Lane
ALL in favor 4-0

Signatures:

- Levee Break at Robbins Pond: Determination of Applicability (*All*)
 - Board signed Determination of Applicability for the Levee Break at Robbins Pond.
- 3 Sixth Avenue: Determination of Applicability (*All*)
 - Board signed Determination of Applicability for tree removal at 3 Sixth Avenue.
- 0 & 314 Plymouth Street: Order of Conditions (*KE*)
 - Chair Evans signed Order of Conditions approved at a previous meeting.
- River Street Solar Project: Certificate of Compliance (*All*)
 - Site-visit required and scheduled for Saturday, 05/20/23 prior to signing of Certificate of Compliance. Administrative Assistant will post a meeting for this day and time for all Board Members to attend.

Meeting Minutes to be Approved and Signed:

- January 11, 2022, Meeting Minutes – Board Approved and Signed January 11, 2022, Meeting Minutes.
- February 08, 2022, Meeting Minutes – Board Approved and Signed February 08, 2022, Meeting Minutes.

Interoffice Memos & Site Plans:

- **Planning Board:** 416 Plymouth Street – Kennedy K9 Camp. (*Outside area removed, only going to be indoor*) – Member Goodman recuse himself.
 - Site Plan Review for a commercial dog kennel, dog daycare, training, boarding, and grooming to be in a building located at 416-432 Plymouth Street.
 - Administrative Assistant updated Board that Kennedy K9 Camp was given the Animal Waste Abatement Regulation and will submit a waste management plan to the Board of Health.
 - Secretary King asked for an updated sketch/drawing of where the gravel area will go on the waste management plan.

Mail & Other Correspondence: *All Correspondence is emailed to Board individually.*

- **Zoning Board of Appeals:** *(Emailed 04/21/23)*
 - Decision Letters
 - 0 & 314 Plymouth Street – Building for self-storage with parking and associated grading & draining.
 - Approved: Special permit special to allow light industrial/storage use in a Business zone.
 - 416 Plymouth Street – An open-air business outside sales and a special permit for agricultural use for a green house in a business zone.
 - Approved: Waived the onsite inspection and granted your special permit.
 - 21 Plymouth Street: An In-law addition
 - Approved: Waived the onsite inspection and granted your special permit.

Adjournment:

- 8:30pm

A motion was made to adjourn at PM.

Motion:

Second:

ALL IN FAVOR

Next Meeting: May 23, 2023


Respectfully typed and submitted by:
Peggy Selter, Administrative Assistant
Conservation Commission

Approved Date: June 06, 2023

Kathy Evans, Chair



Edward Lane, Co-Chair



Kimberley King, Secretary



Steve Goodman, Member