



## Halifax Conservation Commission Meeting Minutes September 05, 2023

A meeting of the Halifax Conservation Commission was held on Tuesday, September 05, 2023, at 7:00pm in the Great Hall at the Halifax Town Hall 499 Plymouth Street, Halifax, MA.

These minutes are an abstract of the Conservation Commission meeting held Tuesday, September 05, 2023, which are on file with the Conservation Department and posted on the Town of Halifax website and Area58 Halifax's YouTube page.

**Meeting Link:** <https://www.youtube.com/watch?v=vZMdfepOAEM>

Members Present: Chair Kathy Evans, Co-Chair Ed Lane, and Member Steve Goodman.  
Members absent: Secretary Kimberley King.

Chair Evans calls the Halifax Conservation Commission meeting into session at 7:07pm and states members present.

### Hearings/Appointments:

- **7:00pm: 101 Annawon Drive: RDA – *Hearing*:** Repair of a Septic System within 100' of a bordering vegetative wetlands (BVW). Dillon Brady, Grady Consulting present.
  - Mr. Brady updated and informed the Board regarding the septic system being presented tonight. They discussed the location and elevations of the septic system and erosion control measures.

Motion was made to approve the septic system for 101 Annawon Drive depending on Board of Health approval and erosion control measures.

**Motion:** Edward Lane

**Second:** Steve Goodman

**All in Favor:** (3-0)

- **7:05pm: 111 River Street: ANRAD – *Continued Hearing*:** Approval of Bordering Vegetated Wetlands (BVM). Peer Review, Ecosystems Solutions.
  - Request by applicant's representative, Silva Engineering, for hearing to be continued to Conservation 09/19/23 meeting at 7:15PM.

Motion was made to continue 111 River Street to Conservation 09/19/23 meeting at 7:15PM.

**Motion:** Edward Lane

**Second:** Steve Goodman

**All in Favor:** (3-0)

- **7:10pm: 359 Plymouth Street: NOI – *Continued Hearing*:** Salt Storage. Dillon Brady, Grady Consulting present.



- Mr. Brady updated and informed the Board revisions made to the plan per the Boards suggestion to remove the salt storage from the location and the Stormwater Management Plan regarding the drainage.
- Members of the public had question and concerns regarding future salt storage, monitoring wells, what will be stored in the outside area at the property (loam, mulch & gravel), proposed design and drainage such as trapped water, reduction of water to abutter's property, berm and stone along the property, probable insurance on design engineer's plans, tree line and possible trees dying, the adding of pervious surface and flooding, old culverts, underground drainage and natural waterways and run-off.

Motion was made to approve 359 Plymouth Street with the condition, Conservation will be contacted for an inspection if during construction old culverts, natural water drainage or anything of the like is discovered/uncovered.

**Motion:** Steve Goodman

**Second:** Edward Lane

**All in Favor:** (3-0)

- **7:15pm: 163 Plymouth Street: RDA – *Hearing*:** To allow Eversource Energy to provide natural gas service using the open-trench method within 100 feet of Monponsett Pond.
  - Owner Andrea Pandey informed the Board that she would like to convert from oil heat to gas. The Board sees no problem with an approval; however, Co-Chair Land has to recuse himself as an Eversource employee.
  - Administrative Assistant will check on scheduling a zoom meeting within the next week for a continued hearing to approve the open-trench method within 100 feet of Monponsett Pond at 163 Pond Street.
- **7:20pm: 20 Holmes Street: NOI – *Continued Hearing*:** Minor Modifications to DEP# 171-0549. To construct a retaining wall. Webby Engineering unable to attend. Owner **GT & CD** present.
  - Owners presented to the Board the minor modification, installation of a retaining wall and a seasonal dock. They discussed the location of the retaining wall, and the materials to be used.

A motion was made to continue 359 Plymouth Street to Conservation 09/19/23 meeting at 7:20PM to obtain more details/information on the materials to be used on the retaining wall.

**Motion:** Edward Lane

**Second:** Steve Goodman

**All in Favor:** (3-0)

#### **Discussions and Actions to be Taken:**

- **20 Holmes Street:** Complaint: Jeremy Gillespie stated in a complaint that both of the two main streams that feed the Class A Public Water Supply lake of Monponsett, are being polluted by sediment, nutrients, minerals, & who knows what else, thanks to activities occurring both on, and within 200 ft of these perineal streams. These activities are a violation of local, state & federal laws.



- Jeremy Gillespie addressed his concerns regarding the tree removal and the erosion on the banks and presented pictures from 2020 to present of the property. They discussed erosion of the banks, tree clearing, bobcat close to the lake, retaining walls, lack of erosion control, the water level of the lake and natural retaining of the shore. The owners stated that they went through MassDEP and the Town and received permission to remove the trees due to rot. The owners stated they received a demo permit and used silt barriers.
- The Chair thanked the owners and reminded them that their hearing for the retaining wall and seasonal dock was continued to 09/19/23 at 7:20pm.
- Hilda Lane: Submitted to Planning Board (Form C) Application for Approval of Definitive Plan/Subdivision Modification Amendment to Amendment. The owner, Scott Burgess, will be in attendance.
  - At the Planning Board's 08/03 meeting the Board agreed unanimously that they would like Conservations Commentary prior to their approval to move forward with the project.
  - Abutter Elaine Bradford was present. The board quickly reviewed the plan and discussed with the abutter, Ms. Bradford, street flooding, a possible wildlife study, small streets, berms, and sidewalks. The probability of a new delineation. The Board is not comfortable moving forward at this time due to the fact it has been several years.
- 7 Old Ocean Avenue: Renovations and repairs to home. NOI or RDA? Owner's present **MP**.
  - The Board discussed with the owners the renovations and repairs they want to have done on the property. The Board requested an RDA (Request for Determination of Applicability) with all the details and erosion control measures being taken.
- Hemlock Lane Landfill: Repairs needed. RDA required?
  - The Board is comfortable with and RDA (Request for Determination of Applicability) outlining the erosion repairs to be done by Tighe & Bond, the current monitoring company contracted with the town for the landfill. Administrative Assistant will have Board of Health complete the RDA and Chair Evans will do a site-visit.
- Solitude: Monponsett Ponds: NOI: Extension request.
  - On behalf of their client "The Friends of Upper Mystic Lake", Solitude Lake Management, would like to request a three-year extension to the current Order of Conditions for the continued maintenance of the aquatic vegetation in Upper Mystic Lake. This Order is due to expire on September 2nd, 2023.
  - The Board would like to have continuity with an updated materials list. They are not inclined to approve an extension. Board requested a resubmission of the NOI (Notice of Intent).
- 285 Holmes Street: (Maverick Designs Inc/Furniture Storage) Complaint:
  - An anonymous Complaint to Board of Health. The caller stated that the building is being used as a car/auto repair shop and not furniture storage and that there is stripped land which falls under Conservation Stormwater Management/MS4.



- Administrative Assistant updated the Board on the complaint and informed them that she spoke to the owner and his attorney, and they stated that as far as they know, nobody is in the building at this time. They will be submitting soon to the planning Board a change of tenant and a change of use for the property, and they are currently in the process of installing a flood drain. The Board requested the Administrative Assistant reach out to the owner and ask more about the outside drain.
- 23 Richview Avenue: Resident believes more conditions should be added to the approved DOA from 2022.
  - The Board discussed the fact that this has already been approved and they can't change the current approved order of conditions.
- 0 Pine Street & 1 Snow Street: Complaint/Update: Ongoing operation and storage. With Town Counsel.
  - Original complaint update: Chair Evans, Co-Chair Lane and Agent Valery did a site-visit with owner, Alan Dias on Friday
  - New Complaint from Jeremy Gillespi: Surface Water Supply Protection Zone A which he states extends 200 ft (not 100 ft) from a Class A Public Water Supply Tributary. He stated Stetson Brook is a perennial stream as well, so the buffer zone is 200 ft horizontal. He stated, nevertheless, the entire site is in violation of the Wetlands Protection Act, in addition to the provisions of 310 CMR 22.00.
    - The Board discussed the site visit with the Health Agent and owner, Mr. Alan Dias. It was determined that no bogs were filled in, there is a stormwater drain and he tests the water, the machines are running machines and he does pay taxes on then, it is a non-active bog. The Board stated Mr. Dias was very helpful and forward.
- 130 Fuller Street: Complaint Update: Flooding.
  - Site-visit scheduled for Thursday, 08/24/23 at 6:30pm with owner and Conservation. Administrative Assistant posted a meeting for that date and time.
    - The Board discussed the fact that they have been to the property on several occasion and nothing has changed. Unless something drastic happens the Board does not see themselves visiting the property again.
- Docks: Update: Draft "Dock Policy" sent to Town Administrator for review.
  - Administrative Assistant updated the Board that they are still working on a possible dock policy. There are pros & cons to both, policy may decrease cost to residents, however, it may add more responsibility and liability on the town.
- 413 Plymouth Street: Question: Tenant would like to pave an area (yellow area) and clear an area (orange area). What does he need to submit to Conservation, RDA or NOI?
  - The Board discussed the tenants request to clear and pave certain areas on the property at 413 Plymouth Street. Preliminarily, the Board is not inclined to give permission, he is the renter, not the owner. If the owner comes in they can file a NOI (Notice of Intent) as would be required.
- Winnetuxet River: Darryl Torres, does volunteer work for Towns associated with the Taunton river water shed alliance. He was told there was a tree blocking the Winnetuxet



river about 500 ft. off of the Taunton river. He is asking for permission to take care of the removal of the tree.

- The Board discussed the request from Darryl Torres, volunteer, for permission to take care of the removal of the tree. The Board is acceptable to this. Administrative Assistant will contact Mr. Torres with the ok to move forward.
- 137 Wood Street: Plymouth County Mosquito Control Project: Ditch Maintenance.
  - The Board discussed the Plymouth County Mosquito Control Ditch Maintenance Project and is acceptable to this. .

#### **Admin. Report:**

- Records Housekeeping:
  - Administrative Assistant updated the Board on the internal records keeping according to the Public Records Retention.

#### **Bills to be Approved and Signed:**

- Express Newspaper:
  - Invoice# A12497CL for 101 Annawon Drive Legal Ad# 14582 - \$45.00.
  - Invoice# A12516CL for 163 Plymouth Street Legal Ad# 14657 - \$45.00.
- WB Mason:
  - Invoice# 240291774 – Frame, Metal Desk 2x8 - \$22.00. ○ Invoice# 240264713 – Protector Sheets - \$17.98 and Frame, Metal Desk 2x8 - \$20.00.

Motion was made to pay the bills.

**Motion:** Steve Goodman

**Second:** Edward Lane

**All in Favor:** (3-0)

**Signatures:** The Board approved and signed 22 Holmes Street OOC denial and 314 Plymouth Street 90-day extension.

- 22 Holmes Street: Signatures required for 06/20/823 OOC denial.
- 314 Plymouth Street: Extension Permit for Orders of Conditions.

#### **Meeting Minutes to be Approved and Signed:**

- September 13, 2022, Meeting Minutes.

Motion was made to approve the September 13, 2022. Meeting Minutes.

**Motion:** Steve Goodman

**Second:** Edward Lane

**All in Favor:** (3-0)
- September 27, 2022, Meeting Minutes.
  - Carry -over to next meeting.
- March 28, 2023, Meeting Minutes.

Motion was made to approve the March 28, 2022. Meeting Minutes.

**Motion:** Steve Goodman

**Second:** Edward Lane

**All in Favor:** (3-0)

- August 01, 2023, Meeting Minutes.
  - Carry -over to next meeting.

**Interoffice Memos & Site Plans:**

- 6 & 8 Hilda Lane: Planning Board Distribution Letter. Submitted to Planning Board (Form C) Application for Approval of Definitive Plan/Subdivision Modification Amendment to Amendment. Mail & Other Correspondence:
  - The Board is not comfortable moving forward at this time due to the fact it has been several years and the probability of new wetland delineation.
- 25 A Street: Signature for a 4'x6' Road Cut. Other Business:
  - The Board affirmed Chair Evans approval of a 4'x6' Road Cut at 25 A Street.
- Talent Bank Form: Melanie Martin-Plant.
  - The Board and Ms. Martin-Plant discussed her interest in becoming a Conservation Commission Board Member. The Board was in favor of adding Ms. Martin-Plant as the newest Board Member. Administrative Assistant will send a memo to the Selectmen's office with a recommendation as their fifth full member and suggested she attend the Selectman's 09/12/23 meeting to be appointed.

Motion was made to formally approve the Board Member position of Melanie Martin-Plant.

**Motion:** Steve Goodman

**Second:** Edward Lane

**All in Favor:** (3-0)

**Other Business: None**

**\*\*Any other unscheduled business following posting of this Agenda.**

- 383 Monponsett Street: Administrative Assistant updated the Board that she has not received a response from the owner regarding their request for an after-the-fact RDA (Request for Determination of Applicability). The Board suggested sending a certified letter.
- 111 Lake Street: Homeowner within 50' of buffer zone pushing piles and clearing of brush into the pond. Letters sent in June and July with no response.
  - The Board suggested sending a certified letter.

**Next scheduled meeting:** September 19, 2023

**Adjournment:** Motion was made to adjourn at 8:40pm.

**Motion:** Steve Goodman

**Second:** Edward Lane

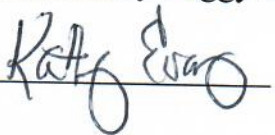
**All in Favor:** (3-0)



Respectfully typed & submitted by Peggy Selter,


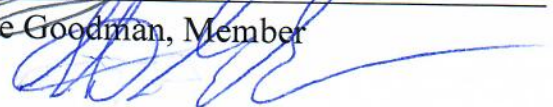
**Date Submitted:** 09/19/2023.

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Kathy Evans, Chair



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Edward Lane, Co-Chair

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Steve Goodman, Member

The Halifax Conservation Commission