

Minutes of the Meeting for the Halifax Conservation Commission December 13, 2022

Present at the Meeting: Kimberley King-Cavicchi, Colleen Fiumara and Steve Goodman.
Absent: Kathy Evans and Edward Lane.

The Conservation Commission meeting was opened at 7:04 pm by Secretary King-Cavicchi.

7:00pm: 359 Plymouth Street – NOI – Fill and replicate 1,170SF of BVW for commercial purpose.

- Member Goodman read the meeting notice into record. Paul Backus from Grady Consulting was present on behalf of the applicant. Proposed lot is vacant with a wetland in the northeast corner. Delineation was approved by the Conservation Commission in July 2018 and was extended to July of 2024. The proposed project is to put in a contractor storage warehouse for a landscaping company. They are proposing to alter and replicate a portion of the wetland in the northeast corner. By doing so, it will keep the impact out of the 50' buffer zone and will also keep a large majority of the impervious area outside of the 100' buffer. It is a little over a 1:1 replication. Erosion control will consist of a silt sock within the 100' buffer around the setback of the new proposed wetland. Copies of the replication bylaws were made and distributed to the residents in attendance. A stormwater report has been submitted to planning, Secretary King-Cavicchi asked to have a copy forwarded to the ConCom. Secretary King-Cavicchi asked how the wetland area would be protected from drainage and what the storage sheds would be used for. Mr. Backus replied that the main building will consist of 3 units and an office area for each unit. Construction equipment will be kept inside the rear of the building. General gravel areas will be used for outside storage of materials such as stone, loam and sand. Secretary King-Cavicchi stated that all of the outside materials need to be stored outside of the 100' buffer. Member Goodman asked if this material would be stored in a three-sided open type of design and if that is the case where is the runoff from the rainwater from that area proposed to drain? Secretary King-Cavicchi asked if there would be materials stored outside. Mr. Backus replied that there would generally be materials stored outside. There will be underground dry wells with oil separators as well as a grass swale and detention pond proposed for drainage and infiltration before being discharged towards the current wetland area, which will be changed once the replication is completed. The plans will be going in front of the Planning Board on Thursday night. A resident provided photos of a culvert and possibly clogged drainage pipe on the property that have caused standing water. The problem has become worse since the Dunkin Donuts project was completed. Secretary King-Cavicchi stated that the Board will contact Plymouth County Mosquito Control and they will clean the area out to be sure there is no clog. The culvert in question is located on Morse Bros. property so ConCom would need to gain permission to be on their property in order to actually inspect the issue. Resident Jeremy Gillespie expressed concern for replication that is not maintained being taken over by invasive species. Secretary King-Cavicchi indicated that there will be a maintenance requirement in the conditions if the project is approved. Mr. Gillespie also expressed concern about the trees on the property that create barriers. Mr. Backus indicated that a few would be removed to allow for safe exit from the property. Secretary King-Cavicchi indicated that issue will be addressed with the Planning Board to assure compliance with Chapter 253.

Motion was made to continue the hearing until after the Planning Board meeting, a new wetland delineation peer review is completed, and all other departments (Highway, Mosquito Control, Board of

Health and Planning) have been consulted. Proposed to continue to 12/27/22 meeting if the peer review can be completed in that amount of time.

Motion: Steve Goodman

Second: Colleen Fiumara

ALL IN FAVOR

7:05pm: 10 Twin Lakes Drive – RDA (CONTINUED) – Upgrade of existing multi-family septic system within 100' of BVW.

- Secretary King-Cavicchi opened the continuation at 7:59pm. Member Goodman read the public hearing notice into the record. Mr. Dave Clay from Collins Engineering was present to discuss the project. Secretary King-Cavicchi asked where the Board of Health stood on the project. The representative from Collins Engineering stated that he believed it was approved as it has been 18 days. Secretary King-Cavicchi disclosed that she used to live at 441 Twin Lakes Dr. She remembers there being many failed septic systems there over the years, therefore requiring different parameters from the town. Secretary King-Cavicchi asked if this is one of those cases. Mr. Clay stated that this project was requested by the applicant, so he is unsure whether the Board of Health is involved from that perspective. Mr. Clay also stated that this is a repair but is also a new system and involves three gravity fed tanks. It is a “no pump system” and will not be mounded. The wetland delineation was done in September of 2022 by Brooke Monroe of West Bridgewater. A Silt sock will surround the limit of work for proper erosion control. Conservation Secretary Ballem confirmed that the project was approved by the Board of Health. All construction vehicles will be kept outside of the 100' buffer.

Motion was made to approve the RDA as presented.

Motion: Steve Goodman

Second: Colleen Fiumara

ALL IN FAVOR

7:10pm: 416 Plymouth Street – Notice of Intent (CONTINUED) – Commercial activity within Halifax bylaw 50' No Touch.

- Mr. Joe Webby from Webby Engineering and Mr. Dan Kennedy from Kennedy K9 were present to discuss the commercial activity in the 50' buffer zone. This hearing was continued from a previous meeting, so the public hearing notice was not read into the record. Secretary King-Cavicchi started off the hearing by stating that this project would be subject to the Clean Water Act as a result of the chemicals that would be used by the applicant. Mr. Webby explained that it is impossible to remain out of the 50' buffer as the paved parking lot extends to that point, however they have revised the project to stay 25' away from the wetland line. Member Goodman asked about drainage as far as animal waste was concerned. Mr. Kennedy explained that the outdoor portion would be on high drainage artificial turf, and they would dig 1' down and put in gravel underneath the turf. Mr. Webby added that the solid waste would be scooped and put into barrels. Member Goodman asked about runoff into the drainage basin from pressure washing and expressed concern regarding bacterial issues from the same. Member Goodman also asked what chemicals would be used during the cleaning and pressure washing process. Mr. Kennedy explained that he uses a hose attachment that is a natural form of bleach that has been diluted with water. It is EPA approved with a registration number. Secretary King-Cavicchi is still very concerned about any bleach use as the location is so close to the wetland line. Chair Evans previously expressed concerns with any digging at all going on in that area.

Motion was made to approve the NOI as presented.

Motion: Steve Goodman

Second: Colleen Fiumara

ALL MEMBERS VOTED NO; THE NOI WAS DENIED.

For Discussion:

- Status of wetlands violations and enforcement at 31 Ocean Ave. The property owner reached out and will be moving forward with the NOI through Grady Engineering. The hearing is still scheduled to go before the Clerk Magistrate on 1/9/23. Secretary King suggested a vote to continue the fines at \$300.00 per day as there is still one violation.

A motion was made to take action on 31 Ocean Ave. and make sure that a member of the Board is present in court on 1/9/23 and that the fines continue at \$300.00 per day as there is only one violation.

Motion: Steve Goodman

Second: Colleen Fiumara

ALL IN FAVOR

- Status of wetlands violations and enforcement at 22 Holmes St. Excessive amounts of trees have been cut down that may not have been on their property. Secretary King-Cavicchi suggested having all 3 property owners come in for a meeting as they all have approved NOI's with a specific number of trees being removed. It appears that additional trees have been removed.

Motion was made to have the property owners at 20 Holmes St., 22 Holmes St., 24 Holmes St. and 151 Plymouth St. come in for a meeting to clear up the tree situation.

Motion: Steve Goodman

Second: Colleen Fiumara

ALL IN FAVOR

- Status of stormwater issues on Carver Street. The issue originated at 63 Carver St. Per the EPA, they do not need a Stormwater Permit as the property is less than one acre in size. Secretary King-Cavicchi stated that Halifax's bylaws are more restrictive than those set by the EPA, so the property owner will need to file with ConCom for a Minor Stormwater Permit. They will also need a site visit. Mr Goodman will complete the site visit on a Saturday or Sunday.

A motion was made to have Mr. Alan Dias come in to file a Stormwater Permit for 63 Carver St. per the Town of Halifax Bylaws.

Motion: Steve Goodman

Second: Colleen Fiumara

ALL IN FAVOR

- 49 Carver St. has still not had a site visit conducted. There is an approval on file, but they have some drainage issues and other activities that may or may not be out of the scope of what was approved. Residents in the area expressed concerns about flooding at a previous Conservation meeting. Secretary King-Cavicchi will conduct a site visit.

A motion was made to continue the discussion to the meeting on 12/27/22.

Motion: Steve Goodman

Second: Colleen Fiumara

ALL IN FAVOR

- There has been a complaint to MassDEP RE: 0 Pine Street (North)/1 Snow Street. Research shows that this project goes back to 1990, but all that is on record is an RDA from 2021 for 0 Pine St. North. The property is owned by Mr. Alan Dias. There are a lot of very small lots in the same area that are also listed as 0 Pine St. North. The property in question is within Region 2 and abuts a public drinking water estuary. There are many piles of materials being stored that are concerning.

A motion was made to inform Mr. Dias that he is in violation of the Wetland Protection Act at 0 Pine St. and ask him to come in to the 12/27/22 meeting to discuss the issue. Also, a site visit at 0 Pine St. will be performed before said meeting.

Motion: Steve Goodman

Second: Colleen Fiumara

ALL IN FAVOR

A motion was made to accept Jeremy Gillespie as the new Associate Member of the Conservation Commission.

Motion: Steve Goodman

Second: Colleen Fiumara

ALL IN FAVOR

Review Interoffice Mail: *(Looking for any comments, questions, or concerns the Conservation Commissions might have on this property/project)*

- A letter of resignation from Debbie Ballem was read into the record.

A motion was made to accept the resignation letter of Ms. Ballem.

Motion: Steve Goodman

Second: Colleen Fiumara

ALL IN FAVOR

A motion was made to bring the issue of hiring a Conservation Agent to the Board of Selectmen.

Motion: Steve Goodman

Second: Colleen Fiumara

ALL IN FAVOR

Approval of Meeting Minutes:

- None to approve.

Bills:

- **Halifax Express \$45.00**

A motion was made to approve the bills as read.

Motion: Colleen Fiumara

Second: Steve Goodman

ALL IN FAVOR

Permits:

- N/A

Mail received:

- None received.

Open Comments:

- None received.

9:04 p.m. – Motion to Adjourn:

Motion: Steve Goodman

Second: Colleen Fiumara

ALL IN FAVOR

Respectfully typed and submitted by:
Kendra Kelly for the
Conservation Commission

Approved Date: 6-20-23

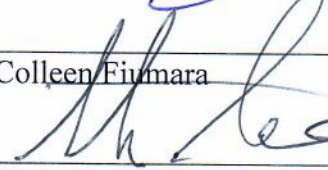
Kathy Evans



Edward Lane



Kimberley King-Cavicchi



Colleen Fiumara



Steve Goodman

Next Meeting: December 27, 2022