

# Minutes of the Meeting for the Halifax Conservation Commission December 27, 2022

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**Present at the Meeting:** Edward Lane, Kimberley King-Cavicchi and Steve Goodman.

**Absent:** Kathy Evans, Colleen Fiumara and Jeremy Gillespie.

**The Conservation Commission meeting was opened at 7:00 pm by Temporary Chair Lane.**

**7:00pm: 0 Highland Circle – NOI – Commercial development / wetland fill and replication.**

- Temporary Chair Lane opened the hearing at 7:00 pm. Joe Webby from Webby Engineering was present to discuss the project at 0 Highland Cir. on behalf of Mr. Naja Nessralla. Mr. Nessralla owns a parcel of land off of Highland Circle and he would like to access the upland at the rear of the property through his parent's property on Summit St. Once the Nessralla's Summit St. property ends, Mr. Nessralla would need to traverse 450 linear feet of BVW to access his upland hill. They are proposing a crossing of approx. 4500 sq. ft. on the Highland Circle property which would be replicated at the rear of the Summit St. property. All alterations are being requested so that a single-family dwelling may be constructed on the Highland Circle property. Member Goodman asked how close the structure would be to the wetland line. Mr. Webby stated that it would be located outside of the 50' buffer. Temp Chair Lane asked where the vegetation water would be draining. Mr. Webby stated that there would be two pipe crossings installed to avoid a 'dam type' situation. Secretary King-Cavicchi asked where the application for a Stormwater Permit was. Mr. Webby stated that the Stormwater Permit is only applied for once they apply to build the home. They will not be constructing the crossing until the land becomes a lot with frontage approved by the Zoning Board of Appeals. Temporary Chair Lane asked if the replication would consist of the same species that were being removed. Mr. Webby stated that Brad Holmes is preparing a planting plan to outline what species are currently there and what is proposed. Secretary King-Cavicchi suggested a peer review and Member Goodman agreed. Resident Gordon Andrews of 244 Elm St. asked where the reclamation would be and how would it effect the neighbors. Mr. Webby stated that the replication would be made on the Summit St. property. Mr. Andrews stated concern for the other neighbors that had property within the 50' and the 100' buffer zones. Secretary King-Cavicchi explained that is one of the reasons having a peer review done by an expert in the field would be very helpful. They can address all of the potential issues so the Conservation Commission can make an informed decision. A resident asked if the access would be through a legal right of way and if it would be through the previously approved solar project on the Summit St. property. Mr. Webby stated that the access would be by roads already approved to go around the solar project and they would be applying to make that a legal right of way. Resident Amy Troup asked about the bylaw concerning shared driveways. Secretary King-Cavicchi stated that would be a Zoning Board of Appeals decision. Resident Mary Gravinese asked who would pay for the peer review and if it would in fact be paid from a town account, why does the town have to pay to find out if something is legal. Secretary King-Cavicchi replied that the payment would be funded from the Wetland Delineation account that consists of Town funds. Secretary King-Cavicchi asked for Mrs. Gravinese to leave her contact information and she would ask the Town Accountant/Interim Town Administrator to contact her to discuss. Ms. Troup stated that the Planning Board does not pay for any peer review, it is all the responsibility of the applicant. Resident Mrs. Smith stated that the complete replication plan should be part of the application that was submitted.

Motion was made to continue to January 18, 2023, at 7:30pm pending the completion of the peer review.

**Motion: Steve Goodman**

**Second: Kimberley King-Cavicchi**

**ALL IN FAVOR**



**7:10pm: 275 Wood Street – NOI – Home addition within 200 feet of Winnetuxet River**

- Temporary Chair Lane opened the hearing at 7:21 pm. Joe Webby from Webby Engineering was present to discuss the project at 275 Wood St. on behalf of property owner, Kurt Marble. The property abuts the Winnetuxet River, and the mean high-water line was delineated by Brad Holmes along with the bank and inner 100' riparian and outer 200' riparian zones. An RDA was filed in the summer of 2022 and at the time of that hearing, the Commission asked that an NOI be filed. A riverfront analysis has been conducted. The work within the outer riparian zone is about 1626 sq. ft., which is 3.6% of the total riverfront area and is within the 10% allowed. Mr. Marble has been granted an appeal from the Zoning Board of Appeals to keep the addition closer than 50' to the existing dwelling so that it can be kept as far away as possible from the riverfront. The leaching area is already existing.

Motion was made to approve the NOI as presented.

**Motion: Steve Goodman**

**Second: Kimberley King-Cavicchi**

ALL IN FAVOR

**7:20pm: 26 Richview Ave – Septic upgrade within 100' BVW**

- Temporary Chair Lane opened the hearing at 7:28pm. Joe Webby from Webby Engineering was present to discuss the project at 26 Richview Ave. on behalf of property owner, Richard Lopez. There is an existing leaching field that was built in the 1990's that they would like to dig up and replace as it failed Title V. The property abuts the Monponsett Pond. The project has not been approved by the Board of Health yet. They will be able to stay away from the 50' no touch and remain 50' from the water. Siltation barriers will be used.

Motion was made to approve the NOI as presented pending Board of Health and other Board approvals.

**Motion: Steve Goodman**

**Second: Kimberley King-Cavicchi**

ALL IN FAVOR

**7:25 PM: 550 & 560 Monponsett St – Request for Certificate of Compliance**

- Temporary Chair Lane opened the hearing at 7:31pm. Mr. Brian Flaherty, Engineer on the project, and Mr. George Latini, property owner were present to discuss the COC request. The project is complete, and a COC has been requested. Secretary King-Cavicchi asked if the changes indicated in the letter to the Commission to the were approved and the NOI was amended. Mr. Flaherty stated that they are trying to clear up a COC that has been open since 2011. Mr. Latini is trying to sell the property and needs to tie up loose ends. Mr. Flaherty has been out to the property to inspect it and provided photographs. The project was scaled down to just include a dock and two tail ends on it. The proper paperwork was filed with the Police Chief for the dock.

Motion was made to approve the COC.

**Motion: Steve Goodman**

**Second: Kimberley King-Cavicchi**

ALL IN FAVOR

**For Discussion:**

- 63 Carver Street – A Cease and desist has been issued and is an ongoing investigation. Secretary King-Cavicchi has pulled previous meeting minutes and is now approaching other boards. Need to find out if there is a culvert that could be responsible for the flooding. Owner of the property, Stacy Villiard was present and addressed the Board. Ms. Villiard stated that she has never been advised of an issue. From what she understands, all communications have been addressed to Mr. Alan Dias. Mr. Dias has nothing to do with the property other than being hired by Ms. Villiard to do some work. Ms. Villiard stated that when Secretary King-Cavicchi arrived on her property she



mis-represented herself by claiming that she was with the State and that the State was sending officials to the property. Ms. Villiard stated that Secretary King-Cavicchi discussed many different issues with workers inside of the home along with Mr. Dias and has great concern that these issues were not discussed with her as the owner of the property. Ms. Villard has approved site plans and approval from all boards and the EPA and indicated that all of her paperwork is in order. Secretary King-Cavicchi replied that 63 Carver St. is in violation of the Isolated Land subject to flooding, 164-3 and should not have been approved by either Zoning or Planning. There is no RDA or NOI on file for this property. Ms. Villiard stated that in the botanist report from Brad Holmes there was nothing found and therefore had no reason to seek permission from the Conservation Commission. Ms. Villiard reports that the flooding in question is coming from a pipe that runs under Plymouth St and discharges onto her property. Member Goodman stated that if the elevation map is correct, then he would agree and there is no way that the flooding is coming from the basin on her property. Temporary Chair Lane advised Ms. Villiard that someone would be in touch with her directly regarding the removal of the Cease and Desist. Resident Mr. Alan Dias spoke regarding the Cease and Desist that was issued on this property and claims that it was done incorrectly and because it is not on the agenda for the meeting cannot be ratified. Member Goodman believes that the property owner was acting in good faith and does believe that the Board needs to do whatever necessary to remove the Cease and Desist; however, the investigation needs to be ongoing to correctly determine the source of the flooding. The enforcement order will be added to the next agenda so that it can be discussed and voted on if necessary.

- 359 Plymouth St. NOI and pending peer review – status of reflagging. At the 12/13/22 hearing, the Board asked that this property be reflagged because it had been done so long ago. Paul Backus from Grady Engineering was present to discuss the new flagging. The flags were re-hung on December 21, 2022. The flags were put in as shown on the original plan and appear to still be accurate. The map from the reflagging will be submitted. Secretary King-Cavicchi stated that the culvert was found to be on a different property, and they are waiting to hear back from the state to find out if it is under the prevue of Plymouth County Mosquito Control to clean out. There is still a concern about any salt or sand/salt mixture being stored on the property and Member Goodman stated that any salt mixture of any kind would be required to be stored inside. The peer review has not been scheduled at this time.
- Educational forum- Secretary King Cavicchi will be sitting down with the BOH Agent to come up with some public education plans.
- Conflict of Interest Laws – being updated currently. The Town Clerk will be sending updates on the new training.
- Halifax Trails – No one was present to discuss this property. David Rossini, 6 Deer Run Rd. asked about the 40B project and the possibility of it taxing the already poor water system in town. Member Goodman said that it hasn't come before Conservation yet, but they are going to have to take a hard look at the effects on our town.

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

- None to discuss.

#### **Approval of Meeting Minutes:**

- None to approve.

#### **Bills:**

- Ecosystem Solutions, Inc –1,375.00
- Express Newspapers Advertising Fees - \$135.00
- WB Mason - \$62.69

A motion was made to approve the bills as read.

**Motion: Steve Goodman**

**Second: Kimberley King-Cavicchi**

ALL IN FAVOR

**Permits:**

- N/A

**Mail received:**

- None received.

**Open Comments:**

- Cheryl Howell, 42 Second Ave. would like to speak about the culvert across from the beach on Lingan St. Can anyone find out why it is not being addressed? Secretary King-Cavicchi suggested possibly finding funding from grants. Resident Gordon Andrews suggested if the public has an issue with anything in the town, please bring it to the Selectmen so that they can direct it to the correct board, and it can go on an agenda for a thorough discussion.

**8:38 p.m. – Motion to Adjourn:**

**Motion: Steve Goodman**

**Second: Kimberley King-Cavicchi**

ALL IN FAVOR

**Respectfully typed and submitted by:**

Kendra Kelly for the  
Conservation Commission

**Approved Date:** 6-20-23

  
Edward Lane

  
Kimberley King-Cavicchi

  
Steve Goodman

**Next Meeting:** January 10, 2023