

TPMINUTES OF THE MEETING HALIFAX CONSERVATION COMMISSION

April 13, 2021

A meeting of the Halifax Conservation Commission was held on Tuesday, April 13, 2021 via ZOOM, And in-person, Member Kathy Evans opened the meeting at 7:00 p.m.

In Attendance: Kathy Evans, Chris Hadorn, Ed Lane, Gerry Fitzgerald

Absent: John Peck and Assoc. Colleen Fiumara

Appointments/Hearings:

7:00 p.m. RDA – Request for Determination of Applicability: 550 Monponsett St.

Present: George Latini, owner; Rep: Joe Webby, Webby Engineering

Mr. Webby presented the plan of land for 550 Monponsett St, which is Lakeside Villa and 550 Tavern. Presented plan and showed the BVW edge of ponds, the 50' and 100' buffer. There are seasonal weddings at the site, in [this] are he erects at tent, but there is about 3-foot difference in elevation within 50 feet. Would like to level it off an area. Because of existing landscaping can't bring a vehicle in [this way], so would like to build a temporary road (in orange) around back to the area (orange). Fill in and drag out when done.

C. Hadorn asked just raising it up, and what is the road made of?

Mr. Webby stated, just raising up and road is made of just gravel.

Mr. Latini stated they will be using a small bobcat, and a small track machine, stay on the same path and haul loam and level as close as possible, about 100 yards of loam.

C. Hadorn asked if there will be a retaining wall? Mr. Latini said no, will just grade it back down. May not be able to do this right now, may miss this season, because already have weddings coming up, would like to do in February when ground is harder. Leave silt fence up, seed it and have good 2 months to grow. Already have tents there and can get by,

Secretary asked about the patio. Mr. Latini stated that he came before the commission about 8 months to a year ago, had concrete pieces, want to want to break up and redo the concrete, to be the same as the BR's sub shop, just in the cove area. Will be able to do outside seating in the summer on both sides.

C. Hadorn asked if it was applied for last time. Mr. Latini stated he came in with drawings, before he got Joe wanted commissions thoughts. Decided to come in at once for patio and the leveling.

K. Evans asked about the silt fence. Mr. Latini said yes, it will be all along, especially with the road we have to do. The patio side, its already concrete there so it's just actually one side to form up and that is it. Silt fence will be right along the ponds edge.

Motion to approve 550 Monponsett St. to bring in dirt to level off area plus a new patio with removing of concrete, and the roadway along the water with a silt fence, temporary road. Neg 3 according to plans submitted.

Motion: Chris Hadorn

Second: Ed Lane

All in favor

7:10 p.m. continuance of Notice of Intent. Solitude Lake Management: Monponsett Ponds Treatment Present: Dominic Meringolo – 2 weeks ago presented the project and conditions are all set. Waiting on DEP file number. Also received review letter from NHESP, they are concerned with copper and peroxide based algaecides. They have chosen to withdraw the use of the algaecides from the NOI. There were also NHESP conditions of the herbicides specifically to the letter. Also, present NHESP with an annually treatment plans for approval. Some additional water quality plan and custom plan for maximum level of herbicides to be used. Have no conditions that NHESP have put in and are fine if the commission wants to either condition it identically with NHESP conditions and reference letter. (attach to Order of Conditions). Also, if want in writing withdrawing the algaecides to be used.

Commission would prefer both, in writing and the Conditions from NHESP. Mr. Meringolo asked if there are any other questions. None.

Motion to approve the Notice of Intent with the NHESP letter of conditions (memo) and the letter from Solitude.

Motion: Gerry Fitzgerald

Second: Ed Lane

All in favor

Secretarial: Bills

Motion to pay Plympton/Halifax Express for \$42.00 and Pitney Bowes for postage meter of \$100.00.

Motion: Gerry Fitzgerald

Second: Ed Lane

All in favor

Certificate of Compliance for 115 Elm St. - septic for new house, with Order of Conditions, several years ago, now selling, looking for cert. of compliance.

Motion for 115 Elm St. for Certificate of Compliance

Motion: Chris Hadorn

Second: Ed Lane

All in favor

Certificate of Compliance for 122 Brandeis Cr. –

Had cease and desist because they were cutting by water, ordered to do a NOI for replication back in 2008. They are all set with replication, now asking to put in an above ground pool. According to the plan submitted, they are at 100' buffer.

Motion for 122 Brandeis Cr. For the Certificate of Compliance for the replication area

Motion: Chris Hadorn

Second: Gerry Fitzgerald

All in favor

Members then discussed the pool permit. sent info via email- plan show property and location of pool. Advising 100 feet from water. (outside 50') C. Hadorn asked if it was staked out. Secretary did not know. Kathy suggested to stake out and take a look. Definitely outside the 50', its above ground pool. Members are ok with the pool. Kathy Evans signed building permit.

269 Franklin St. Solar field: previously discussed the weed control if it is underneath, anything else would have to come before the board. Then asked about a tree. Members discussed again, and Gerry wanted wants a percentage of the trees they potted own from 100 to 70 to 30 feet, how many are actually growing, as they said they would all grow. Would like info.

Chris Hadorn asked about the turtle crossing on the Monponsett solar, does this have the same? What are they using? Secretary advised it is supposed to be all natural.

K. Evans say no to taking down tree.

Motion to not allow them to cut the tree(s) down.

Motion: Gerry Fitzgerald

Second: Ed Lane

All in favor

How often will they do the control of weed growth?

Discussion: 17 White Island Road: owner want to put in a natural gas line, Eversource requested that Conservation is okay with it as within 100' BVW. Secretary presented plan, where the line will go from the street. Commission says very minimal, with no impact. Member decided no filing is required, but no open trenches allowed. (send letter to owner)

Correspondences:

Div. of Fisheries of Wildlife: Land swap with town on Aldana Road. Parcel B to Div. of Fi

And parcel would be donated to town (swap)

Public hearing notices – special permits with Zoning Board: trench permit; Abutters list for 22 Carver St, needs a new septic. (will be receiving a NOI) Road opening on Monponsett St for a gas main. 640

Plymouth St. – Curtin oil site plan, underground to above ground fuel storage – no wetlands, CC has no jurisdiction – reply with no concerns.

7:30 p.m. - VHB representative Nick Cohen. Work with town on Storm Water compliance. [Slide presentation: see Zoom meeting] Worked with Halifax in context of MS4 compliance, colleagues also present. Met in 2019 to discuss bylaw that passed in 2019. Tonight, is for regulations to be implemented by June of 2021 - 2 main topics.

Post construction and during construction run-off. Sediment not managed/run-off during construction and Managing storm water, post construction sites.

Threshold would be if greater than 1 acre of disturbed land. (not for small additions, new homes that do not disturb 1 acre) background: update: and regulations; [first meeting of two]

Refresher: run off, melting snow, flows off in catch basins... etc. storm water pollution, untreated that gets into public system. Includes catch basins, storm water treatment, drainpipes, swales, anything that moves water from the street and into a water body. Halifax has private septic systems, separate from public systems, and doesn't get into the public systems. Water quality issues, bacteria, algae, invasive plants, localized flooding, can impact the ponds. Most importantly the health of the water bodies in Halifax. Federal and State protections, MS4 permit is municipal storm system permit – requires reducing pollution into water bodies. Different from the wetland Protection act. Mr. Cohen showed a map of those areas [Mass] this will be applied Town wide, not specific to wetlands. Permit requires 6 minimum controls measures. 1) public education & outreach, 2) public involvement 3) illicit discharge, detection elimination 4) construction site runoff control 5) post-construction site runoff control 6) good housekeeping. Different responsibilities given to the specific areas. Town or city [public] has responsibilities as well as private.

3 bylaws or regulatory: Local regulations –. IDDE passed in 2020. This is about public drainage systems, but also if private system feeds into public. During and post construction bylaw passed in 2019 Applicable bylaw for construction of greater than 1 acre of land disturbance- The bylaw /regulation should include *sediment & erosion control *controls for construction site waste *enforcement. The bylaw much be applicable to all new and redevelopment sites, again that disturb 1 acre and discharge into MS4.

Along with ongoing management to achieve water quality standards. MA stormwater standards to be included, with wetlands rules. 1) area threshold 2) new development 3) redevelopment.

Mr. Cohen then reviewed the current Halifax Stormwater bylaw – summary, passed in 2019 and meets requirements. Conservation is the authority for MS4 permits. Regulations will be more specific and detailed to go with the current bylaw. Regulations can be changed within the commission; other specifics will have to go to town meeting for adoption. Mr. Cohen went thru the presentation and went over what needs to be added, implementation details: content required for submittal, submittal procedures, process for review and approval, review criteria: possible fees for review, create account. (members briefly advised a revolving fund is active and to put into regulations)

How should the process work – responsibilities. How review will work, approvals, inspections and enforcement, what ongoing review with O&M approaches. This is a federal permit, so it is in jurisdiction of EPA, DEP is also involved in Mass with national compliance.

Reviews:

*generally, will follow process for public notice, abutters notified and advertisements.

Project has to be identified if more than an acre is going to be disturb. Now have to incorporate process to review projects if it meets guidelines another filing fee – separate filing if MS4 applies. Commission will have to be advised if MS4 is required, should be included with any Notice of Intent.

To clarify this includes projects that would not necessarily be submitted for the wetland's protection act. Even if its uplands, if disturbing more than 1 acre you have to submit an application for Storm Water Management permit. Some might only be for MS4 and not for wetlands permit. If not within 100' BVW no notice of intent, so depending on what they file, in what department they file the project – building department or planning board for site plan review: Town should put process in place for review – filter out Bldg. or Planning – to see if it meets MS4; Depending on type of project would depend on which department it is submitted to. Planning board has process to send out to all department for comments, review, or questions. Implement review and conservation would only review if project met criteria. Peer review can also be considered.

G. Fitzgerald asked about farmland... is it exempt:

Mr. Cohen stated the application of Bio-soils is included in local bylaw, and Halifax specific detail because of potential concerns. That piece would apply, and included more broadly, agriculture, unless a huge house that meets that disturbance threshold probably wouldn't to this level. What about farming, til 50+. Sarah stated that she thinks agriculture is exempted in that respect.

Ed Lane asked about solar panels taking large acres... they advised yes would have to file. Land disturbance as defined in the bylaw would trigger the permit MS4 filing. Therefore, solar fields would have to file for MS4 permit. They can file as long as they meet the performance standards.

Approvals: Conservation would have an approval process.... Engineer, sign off. Commission usually hires review engineer; applicants pay for review. Commission would like the bylaw/regulations for Storm Water Management to co-inside with the wetland's rules, process, fees. Etc. No not need anything different that what is being done now. Possibly put in provisions for construction site inspections for compliance and on-going reviews for post-construction, should be within operations. How would commission review. Every year have an inspection review submitted to the commission. It is on the applicant to provide reports. Commission can-do on-site inspection to ensure the report is correct. Also have a provision if commission gets complaint, that the commission can get additional information.

Specifics: other regulations the commission requests: Off-site compliance. If a development site, rather than meet the compliance for storm water standards can choose to have it on another site. It allows flexibility for redevelopment on another site. Make it more complicated. Off-site compliance standards can be more restrictive than on-site, this would deter developers and therefore comply with Storm Water Management on-the site of development. If the only area where development can occur is

redevelopment it is really tricky, may not have enough space, due to utilities, etc. Therefore, would treat water somewhere else (on a different site). Would depend on local needs. Commission is in agreement that they do not want off-site compliance for developers within the regulations. Believe it not to be an issue in Halifax. Won't draft with off-site regulations. Anything else specific for Halifax. VHB will write up draft, if anything comes up can add in later. Will be back to present to Commission.

Discussion & Extension of Order of Conditions for 0 Monponsett St. Dep 171-0504

Present: Property owner: Amanda Monti, and Dan Mulloy – Site Design Engineering (representing)

Request an extension of the order of conditions: expired Oct. 2020, due to Governor's State of Emergency act, (due to Covid) also put a stop order of permit expiration. Similar to 2008 Permit Extension Act. This is the same thing, basically the permits don't expire, effectively, the Order of Conditions is still valid, therefore we are asking for a 3-year extension from its previous expiration date.

The commission asked if there are any changes in the plan from 2017? Mr. Mulloy said No.

Mr. Fitzgerald stated that it is not unusual to extend and order of conditions.

Mr. Hadorn asked if there was anything within the 100 foot (BVW) everything outside.

Secretary asked if the crossing, culvert pipe been completed.

Ms. Monti said no, it is not.

Ms. Evans asked that "you need the extension to complete that?"

Ms. Monti: yes please.

Motion to grant the permit extension for 3 years for this project.

Motion: Gerry Fitzgerald

Second: Ed Lane

All in favor

Ms. Evans said the extension is for 3 years to complete the project. Ms. Monti thanked the Commission.

Discussion continued regarding the complaint for this same property 0 Monponsett St. Mr. Fitzgerald would like to make a comment about a lot of emails going back and forth and some inaccuracies, some people in town saying they did certain things, which they did not, contact our office regarding anything at 0 Monponsett St. as far as we are concerned. Stating that we didn't do anything about it, it is just amazing to me how certain people are impacted in this Town by things that aren't completed, that are legally permitted. I just want to say as a citizen, I wonder what the resident of Halifax, I wonder what the cause of this is, is it because some on going litigation with this family that they are trying to harass them.

Ms. Evans stated: I guess there was a question, was there anything going on in the wetlands on that property. That was the concern.

Mr. Fitzgerald: anything they are doing is well outside the 100.

Ms. Evans: I guess we could as Dan or Amanda.

Ms. Monti: No, everything is outside wetlands.

Ms. Evans: everything is outside the 100 there.

Ms. Monti: that is correct.

Ms. Evans: It appeared when I went out there and looked at it, it did appear to be outside, I did not actually measure it, but it did appear to be inside the 100' (buffer zone)

Mr. Fitzgerald: You're hauling in stumps and all kinds of stuff and processing things...

Ms. Evans: that is all outside the 100 foot, so whatever you do. Ms. Monti: that's correct.

Ms. Evans: that's outside our jurisdiction

Ms. Monti: Yes. thank you.

Chairperson asked if there were any questions from anybody else.

None noted

Motion to adjourn:

Motion: Ed Lane

Second: Gerry Fitzgerald

All in favor.

Documents: *Agenda, general notes,

*emails: Aldana Rd. land swap' trench permit; abutters lists (2); road opening; MACC conference notification, Ed Lane follow up to 20 Holmes St.; 241 Franklin St.-weed control;

*ZBA public hearing notices; site plan for 640 Plymouth St.

*follow-up letter to Shari Harris

Please note some documents above have been filed in the office of the Conservation Commission in the respective file folders.

Respectfully submitted

Digitally recorded by
Terri Renaud for
Conservation Commission

Date Approved: 5/11/21

Signatures: 