

PLYMOUTH CONSERVATION COMMISSION

508-747-1620 x 10139

Minutes

January 16, 2024

Present: Sean Anderson; Chair, Lucas Nichols: Vice-Chair, and Commissioners, Jamie Carpenter, Karen Edwards, Paul Churchill and Walter Morrison

Absent: None

Conservation Staff: Richard Vacca

Recording Secretary: Rachel St.Croix

This meeting may include topics not reasonably anticipated by the Chair 48 hours in advance of the meeting. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town's website, at <https://www.plymouth-ma.gov/conservation-commission>

EXTENSIONS:

228 Ryder Way

Parcel ID:037A-000-000S-000

SE57-3131

PCC-20-60

David Holton

Merrill Engineers & Land Surveyors

A Request for a 3-year extension for the razing and rebuilding of the existing home due to time constraints of permitting to ensure that the plantings are properly monitored and replenished in the Coastal Dune area.

The Commission received the following documentation for this review:

1. *Extension request form*
2. *WPA Form 7 – Extension Permit for Orders of Conditions*
3. *Copy of Order of Conditions*
4. *Plot Plan prepared by Merrill Engineers and Land Surveyors dated December 18, 2020, stamped by Thomas A. Pozerski, PE*

The Chairperson, Sean Anderson asked Staff, Rich Vacca if he had any comments on the issuance of a three-year extension. Mr. Vacca stated it is common practice to grant extensions in one-year increments. Mr. Vacca asked if someone was here to represent the case to explain why they are asking for a three-year extension. David Holton was present and explained that Covid slowed down the production schedule of the job and the project will not be completed by the expiration date of the Order of Conditions. Mr. Holton said he is asking for a three-year extension to be allowed to replant as he loses vegetation.

Staff Comments: Mr. Vacca asked Mr. Holton if he is asking for the extension to comply with the Order of Conditions. Mr. Holton agreed that he is.

Public Comment: None

Walter Morrison 1st motion to issue a 3-year extension
Paul Churchill 2nd motion
VOTE: 6-0 unanimous
7:07 p.m.

REQUEST FOR DETERMINATION OF APPLICABILITY:

174 Raymond Road

Parcel Id: 123-001P-900-000

Derek Margarit

Ilex Environmental, Inc.

RDA

PCC-23-30R

A Request for Determination of Applicability for the replacement of the existing wooden deck including expansion and the removal of old deck materials within 100' of the buffer zone.

The Commission received the following documentation for this review:

1. *Legal ad*
2. *Time Waiver Request*
3. *WPA Form 1 – Request for Determination of Applicability received December 14, 2023*
4. *Abutter Notification*
5. *Directions from Town Hall*
6. *Site Map showing Locus*
7. *Site Photographs*
8. *Assessor's Office Abutters List dated November 21, 2023*
9. *Plot Plan 174 Raymond Road prepared by Merrill Engineers, dated October 6, 2023, stamped by Deana Boumitri, PLS*

The RDA package was incomplete as there was a problem with the check used for the fees. Mr. Vacca suggested that the Commission should wait until later in the meeting when Ms. St. Croix is available to ask her if she received anything from Ilex before the meeting. Ms. St. Croix was having technical difficulties at the time and was unavailable due to internet connectivity.

7:09 p.m.

NOTICE OF INTENT

Continued from December 19, 2023

33 & 37 Manter's Point Road

Parcel Id: 037-000-020-000 & 039-000-009A-000

Connolly McManus Trust

Bracken Engineering, Inc.

SE57-3340

PCC-23-52

A Notice of Intent to demolish porch & deck, construct a 300-sf lateral addition, construct a covered porch, and remove and replace 1,500-gallon septic.

The Commission received the following documentation for this review:

1. *Legal Ad*
2. *Project Narrative & Waiver Request from Bracken Engineering*
3. *WPA Form 3 – Notice of Intent received November 7, 2023*
4. *Proof of Abutter notification*
5. *Time Waiver request*
6. *USGS Topographic Map*
7. *Aerial Orthophoto*
8. *FEMA Flood Insurance Rate Map*
9. *Aerial- NHESP Map*
10. *Town of Plymouth Assessors Maps 37 & 39*
11. *Site Photographs*
12. *Affidavit of Service*
13. *Assessors Office Abutters List dated September 14, 2023*
14. *Site Photographs*
15. *Plan titled Proposed Site Plan In Plymouth Ma prepared by Bracken Engineering, Inc., dated November 2, 2023, stamped by Alan M. Grady, PLS, and Zachary L. Basinski, PE*

Zac Basinski was present as the representative for this project and presented the proposed plan to the Commission. The project involves demolishing the existing porch and deck areas, constructing a 300 square foot lateral addition to the dwelling, and removing and replacing the existing 1500-gallon septic tank. All landscaping, grading and utilities are included. Mr. Basinski is requesting a waiver to work within the 35' and 50' buffer zones. Erosion control is on site.

Staff Comments: Staff had no technical comments.

Public Comment: None

Jamie Carpenter 1st motion to issue a waiver to work with the 35 and 50' buffer zones

Paul Churchill 2nd motion

Voted 6-0 unanimous

Jamie Carpenter 1st motion to issue the standard Order of Conditions

Paul Churchill 2nd motion

Voted 6-0 unanimous

7:12 p.m.

101 Tihonet Road

Parcel Id:126-000-007-003

Renewable Energy Partners, LLC

Beals & Thomas, Inc.

A Notice of Intent to construct ground mounted solar canopies over approximately 2 miles of existing agricultural canals.

SE57- 3343

PCC-23-54

The Commission received the following documentation for this review:

1. *Legal Ad*
2. *DEP File Number 3343*
3. *Time Waiver*
4. *Letter from Beals & Thomas dated December 13, 2023*
5. *WPA Form 3 – Notice of Intent*
6. *Abutters Notification*
7. *Project Narrative*
8. *Certified list of abutters from Plymouth, Carver, and Wareham Assessor's Offices*
9. *Affidavit of Service*
10. *Notification to Abutters*
11. *Stormwater Management Information*
12. *Wetland Boundary documentation*
13. *Plan titled "Canning Solar Proposed Solar Canopy and Battery Storage Project, 101 Tihonet Road, Plymouth, MA 02360", prepared by Beals & Thomas, dated August 21, 2023, stamped by Robert J. Bukowski, PE*

Sarah Stearns from Beals & Thomas was present as the representative for this project and presented the proposed plan to the Commission. Ms. Stearns stated this is a collaborative project with Weston and Sampson Engineers. They are proposing to install solar canopies over existing cranberry bogs. A waiver is requested to work within the 35' and 50' buffer zone. Negligible work in previously disturbed areas will be done. The goal of the project is to pursue the installation of a renewable energy facility that is harmonious and does not disrupt the agricultural work. It is a very low impact methodology with minimal disturbance. There will be no excavation or footings proposed. All work will be done within the existing footprint of the cranberry bogs. Mr. Anderson asked where the energy would be going. Hank Ouimet of Renewable Energy Development Partners, LLC said the program will participate in the Massachusetts Smart Program and the energy will be sold to the grid. It's possible that this could be a community shared solar project. He stated that this will be the fourth project of its kind that they have created, and they are really excited about it because it is an efficient complementary use of land that is already in agricultural use.

Public Comment: None

Staff Comments: The applicant has met the performance standards under both the Wetlands Protection Act and our Local Wetlands Protection Bylaw.

Commission Comments: Karen Edwards asked if anyone had gone on a site visit. Mr. Morrison stated he visited the site and thinks it's a great idea. He stated it may lower the water temperature as the water is released which would be a positive attribute.

Walter Morrison 1st motion to issue a waiver to work within the 35' and 50' buffer zones.

Jamie Carpenter 2nd motion

Voted 6-0 unanimous

Jamie Carpenter 1st motion to issue the standard Order of Conditions
Paul Churchill 2nd motion
Voted 6-0 unanimous
7: 32 p.m.

DETERMINATION OF NON-SIGNIFICANCE:

Continued from December 5, 2023

73 Sea View Drive

DNS-23-6

Parcel Id: 049-004-454-000

North Hollow, LLC

Land Management Systems Inc.

A Determination of Non-significance request for the repair of a stone revetment to its original design.

The Commission received the following documentation for this review:

- 1. Engineer Letter from Land Management Systems, Inc. requesting a Determination of Non-Significance for the repair of the existing revetment*
- 2. Site photographs*
- 3. Map of parcel with drawing*

Randy Parker from Land Management, Inc. was present as the representative for this project and presented the proposed plan to the Commission. Mr. Parker explained that this is a revetment repair. They will return the revetment to its original design. They will use the Indian Brook Association ramp as access to the revetment. Mr. Parker stressed that they would use the same material, but they will not disturb any compacted, embedded base.

Staff Comments: Mr. Vacca offered, “at the Commissions discretion”.

Commission Comments: Walter Morrison asked if they put fabric behind the revetment. Mr. Parker shared that they only put fabric if it was part of the original design.

Paul Churchill 1st motion to issue the Determination of Non-Significance
Walter Morrison 2nd motion
Voted 6-0 unanimous
7: 36 p.m.

ADMINISTRATIVE DUTIES:

MISCELLANEOUS:

Mail: DEP Letter regarding 72 Warren Avenue. Mr. Vacca explained to the Commission that the Department of Environmental Protection decided to appeal the Order of Conditions that was approved by the Commission and overturn the decision. All parties are aware of it and the project will not be going forward. Mr. Morrison asked Mr. Vacca if the language in the letter meant that we did something wrong with the filing. Rachel St.Croix explained that the DEP just informed Staff that the Orders must be sent via Certified Mail. Mr. Vacca explained they received the information, just not in the same fashion that they required.

7:38 p.m.

Public Comment: James Kelleher of 135 Sea View Drive had technical difficulties when the project at 73 Sea View Drive was being heard earlier in the meeting and requested to ask a few questions regarding the project. Mr. Andersen allowed him to speak briefly. Mr. Kelleher asked when work will be starting for 73 Seaview Drive. Mr. Andersen advised him to contact the Engineer, Randy Parker of Land Management Systems Inc. for the answer. Mr. Kelleher was questioning who to speak to regarding whether a building permit was obtained. Mr. Andersen advised him he could contact Inspectional Services. Mr. Kelleher had additional questions and Mr. Vacca explained the procedure of a Determination of Non-Significance and the Commission has been treating these cases like repair permits. He also explained that the repair must adhere to the original plan. Mr. Kelleher asked to speak to Mr. Vacca via telephone later in the week. Mr. Vacca agreed.

7:44 p.m.

Staff's Comments: None

Commission's Comments: None

ACTION ITEMS:

Minutes from November 14, 2023

Jamie Carpenter 1st motion to approve the minutes from November 14, 2023

Walter Morrison 2nd motion to approve the minutes from November 14, 2023

Vote: 6-0 unanimous

7:44 p.m.

Minutes From December 19, 2023

Lucas Nichols 1st motion to approve the minutes from December 19, 2023

Paul Churchill 2nd motion to approve the minutes from December 19, 2023

Vote: 6-0 unanimous

7:45 p.m.

OTHER:

Mr. Andersen stated that he would be absent for the next three weeks due to work commitments.

Mr. Andersen asked Ms. St.Croix if a new check was received for the hearing at 174 Raymond Road. She stated she sent an email stating their packet was incomplete and was awaiting a response.

Mr. Morrison asked Mr. Vacca a question about the project and Mr. Vacca advised not to discuss it without a representative present and then advised that they should perhaps issue a positive determination.

Morry 1st motion to issue a Positive Determination of Applicability

Karen 2nd motion to issue a Positive Determination of Applicability

6-0 unanimous

7:51

Mr. Morrison stated that the ongoing discussion about vertical building permits will be held up for some time due to the lack of a full Commission. Karen Edwards noted there was a member from the public, using the chat feature who wanted to ask a question. Sean stated they would have to email staff to be added to a future agenda.

ADJOURN MEETING:

Lucas Nichols 1st motion to adjourn the meeting

Vote: 6-0 unanimous

7:53

These minutes approved on: February 6, 2024
--