

Town of Stoughton Conservation Commission  
Meeting Minutes, January 26, 2023

APPROVED 3-16-23 6-0

Please Note: January 26, 2023 meeting was held both in-person and remotely using Google Meets webinar format. On July 16, 2022, Governor Baker signed into law an Act Extending Certain COVID-19 Measures Adopted During the State of Emergency on March 12, 2020. Special Legislation was approved that relaxed certain requirements of the Open Meeting Law, specifically the requirement for in person public meetings.

**Present:** Gerald McDonald, Chair, William Francis, Vice Chair, J. Lionel Lucien, John Morton, David Asack [joined at 7:46 pm], John Malley, Michael Horan.

**Also present:** James Conlon, Environment Affairs Officer

**Motion to Open Meeting**

Motion to Open Meeting made by Mr. Malley, seconded by Mr Horan. Motion passed 5-0.

OLD BUSINESS

Mr. Francis made a motion that we issue a Duplicate Order of Conditions at 19 Camden St. Seconded by Mr. Morton. Motion passed 5-0.

**Public Hearings:**

**298- 0880: MASSDOT, LEC Consultants, Rt. 138 Roadway Layout Construction Improvements;**

Motion to open hearing made by Mr. Francis, seconded by Mr. Morton, passed 6-0.

Andrea Kendall, manager at MASSDOT, provided a summary of the project focusing on run-off to a vernal pool. Ms. Kendall noted that installing new sidewalks and improvements along the York St Corridor requires regrading, sloping into the buffer zone. In regard to impact on wetlands, south of York St., there will be sidewalks on both sides, but North of York St there will be a reduction in the plan so as to reduce the ratio of the slope and eliminate one sidewalk to reduce any impact on wetlands. Some impact remain unavoidable,

Mr. Conlon note that he has visited the site and reviewed the project. He believes it is a good project that will improve the vernal pool due to better infiltration and treatment, and there is compensatory flood storage.

Mr. Morton called this a terrific plan, but would like to see trees planted from York St to downtown.

Mr. Francis asked how wide the sidewalks are; Ms. Kendall responded that they are planned for 6', but sometimes narrowed to 4'.

Mr. Francis made a motion to approve the project as planned, seconded by Mr. Morton,, with the usual conditions. Motion passed 5-0.

**298-0879: Notice of Intent 563 Highland Street, New Fence, CEC, Inc. on behalf of 563 Highland Street, LLC;**

Motion to open hearing made by Mr Francis, seconded by Mr. Morton, passed 5-0.

Erin Wilson, on behalf of the applicant, explained that applicant wants to install a a fence within 50' of wetlands.

Mr. Conlon did not have any issues with the fence.

Mr. Morton asked why it was needed.

Ms. Wilson noted that it was to serve as a pet enclosure, and the lawn currently extends beyond the planed fence.

Mr. Morton asked whether there was standing water in the wetlands, as he is concerned with safe passage for amphibians.

Mr. Conlon stated that a small passage for amphibians would be a good idea.

Ms. Wilson stated that owners can accommodate that request.

Mr. Morton requests markers at the 100' line.

Mr. Horan asked what kinds of pets would be kept, and recommended that the fence allow for a 2" as opposed to 4" passage.

Stirling Buxbaum, resident, asked whether the proposed fence would affect the Highland St. project.

The Chair note that that is a separate matter.

Mr. Conlon noted that since there is a continuance on that matter it should not be discussed.

Roseanne, resident, state that she lives next door, and wants the fence to adhere to the B-Laws.

Mr. Conlon reiterated that he does not see any issue with the current plan.

Motion to approve subject to markers at 100' on both sides of project and 2" wide passage under fence for amphibian ingress and egress made by Mr. Morton, seconded by Mr. Francis. Motion passed 5-0.

**DEP 298- 0869: Notice of Intent, 563 Highland Street, CEC, Inc. on behalf of 563 Highland Street, LLC Notice of Intent Temporary Access Road Construction for Test Pit Explorations, Continuance;**

Motion to continue upon request of applicant made by Mr. Francis, seconded by Mr. Morton; motion passed 5-0.

**DEP 298-0875: 0 Turnpike Street, Assessors Map 95 Parcel 013; Map 96, Parcel 002, Abbreviated Notice of Wetlands Resource Area Delineation Continuance;**

Eric Dias of Strongpoint provided a revised plan and addressed Mr. Conlon's concerns.

[Note: Davis Asack joined the meeting in person at 7:46].

Mr. Conlon indicated that he is satisfied with the changes, and that, due the presence of many invasive species, this site is a good candidate for development.

Mr. Morton asked about the current use of the site.

Mr. Conlon noted that it so not being used, but has a high wildlife value, and serves a corridor

Mr, Morton made a motion to approve ORAD, seconded by Mr. Francis. Motion passed 6-0.

**DEP 298-867 Notice of Intent Stoughton Logistics Park, Page Street, Maple Street, Turnpike Street, Assessors Map 93, Lots 7, 11, 12, 14, 16, 17 and Map 94, Lot 50, Continuance;**

A motion to table this hearing was made by Mr. Asack, seconded by Mr, Francis. Motion passed 6-0.

**DEP 292- 0861: Notice of Intent of Anthony Escoto, Exteriorscapes, Coneco Engineers 1823 Washington Street, Proposed 2 Story Building, Wetland Replication Area, Continuance;**

Motion to continue at request of the applicant made by Mr. Francis, seconded by Mr. Asack. Motion passed 6-0.

**DEP 298- 0876: Town of Stoughton Department of Public Works, 950 Central Street; Environmental Partners on behalf of the Town of Stoughton; Marc Tisdelle, PE Town Engineer; Parking and Access Stormwater Improvements, Continuance;**

Motion to continue at request of applicant made by Mr. Francis, seconded by Mr. Asack. Motion passed 6-0.

**Correspondence/Discussion:**

**Enforcement Order: International Metals 150 Old Page Street, Illicit, Discharge of Industrial Waste Water to Municipal Separate Storm Water System and Culvert to Beaver Brook;**

Mr. Conlon explained that the CC issued an Enforcement Order due to the discharge of MS-4 into a stream at Beaver Brook which flowed into a public water supply. There has been a series of complaints by residents and DPW staff. When reviewed after pulling manholes saw a milky white liquid. saw no dissolved liquid after the last manhole. It didn't appear that it was coming from Intl Metals at that time. That was in 2019, and it could not be verified that the source of the discharge was International Metals.

A complaint was received on November 30 2022, at which point he saw a milky liquid out of the overflow from stormwater system at International Metals. We have some photos. They were very cooperative and allowed inspection. There is a dewatering process on the site. There are other discharges into the manhole.

Originally advised that drain be plugged. Concerned that the town could be liable could be liable for any discharge, hence, a stop and desecration order was issued. Advised they have installed a canopy where metal is stored. Town engineer advised against plugging. Next alternative is to sample that line next time any contamination occurs.

Recommends allowing Mr. Balder to execute any changes and to provide a sample of stormwater on a quarterly basis to prevent any further discharges at expense of the applicant to ensure successful mitigation.

Mr. Asack asked whether anyone knew what the discharge was and where it came from.

Mr. Conlon noted that there are photos of overflow from Intl Metals discharging into our town's drainage system. Belief is that the material is not toxic.

Mr. Horan asked whether there was any alternative explanation as to where this discharge may be coming from?

Mr. Conlon replied not that he could see and that he does not believe it came from anywhere else. This is the only part of our stormwater system that is not mapped, and should be looked at by a stormwater consultant.

Mr. Horan asked whether Mr. Conlon was certain it was non-toxic.

Mr. Conlon responded that confirming toxicity or absence thereof would require additional study, especially as there is a possibility of commingling with other sites.

Mr. Morton stated that the question of toxicity was pretty important and wants specific testing as drinking water could be impacted.

Mr. Conlon stated that the samples he took displayed no high levels of toxicity at the culvert (not source point) but that further study would be needed on that issue.

Attorney Francis Crimmins, for respondent, stated that the property encompasses 4.8 acres and that this was the first time in thirty years that there has been a complaint. He noted that no processing is done at the site, that respondent is in the busy of wholesaling scrap metal. They weigh, wrap, and ship—no fabrication is involved at the site.

Mr. Crimmins further noted that when the first complaint was lodged in November 2022 and was brought to the attention of Michael Shera, the general manager, that he cooperated with town officials.

Mr. Crimmins introduced a batch of documents he requested be entered into the record as exhibits.

Mr. Crimmins did allow that when work is done with aluminum, there will always be shavings.

Mr. Crimmins stated that this was a one-time, isolated event. Mr. Crimmins state that “some things” in the EO were allegations, not facts, as the sample was taken on Nov 30, and testing was done on December 27.

Mr. Morton stated that there was evidence of contamination resulting in a basis for findings.

Mr. Morton inquired as to whether there was point source for the discharge.

Mr. Crimmins responded that there is no other source for the clear water.

Bruce Balder, President, International Metals, state that that Intl Metals collect metals from manufacturers only, separate by allow, packages, and ships—aluminum windows,, copper pipes, razor blades, etc. There was an He also stated that a new employee had left some water soluble coolant outside, the tub overflowed, so we think the solution to the problem is to install two more buildings 6000 and 9000 ft enclosures.

Mr. Horan noted that respondent claims that this was a one-time event, the result of a new employee’s problems with a coolant, but we’ve also heard that this discharge was identified in 2019. Mr. Conlon concurred is aware of three times the stream was running white.

Mr. Asack asked for clarification as to what the CC is being asked to do.

Mr. Crimmins reiterated his position that some findings of fact in the EO were not yet substantiated when issued and would like that redacted.

Mr. Morton suggested another two to three months of more testing.

Mr. Asack agrees with Mr. Crimmins that the Order should be modified and portions redacted.

Mark Zamanian, resident, noted that the owners has two new buildings, and asked about how potential spills are managed.

Mr. Shea explained that spills go nowhere near stormwater.

Mr. Morton asked why, in that case, didn't this "white stuff" go into drains as opposed to manholes?

Mr. Shea explained that it was a mistake on the part of a new employee.

Joe Mokrisky, resident and Selectperson, noted that he has been following this incident and was asked to look around. He stated that this an incident involving human error, and that there is a plan to prevent future occurrences.

Chairperson McDonald summarized: there is a plan for testing going forward, in addition to on-site improvements.

Mr. Morton moved to continue this matter until the first meeting in June, with respondent providing some indication they've been testing. Motion seconded by Mr. Asack, passed 6-0.

**DEP 298- 0554: Merrill Engineers and Land Surveyors; 1150 Turnpike Street, North East Tank Service; John O'Brien; Request for a Final Certificate of Compliance;**

[Taken out of order]. Motion to open hearing made by Mr. Francis, seconded by Mr. Morton.

Merrill Engineering provided a summary and update.

Mr. Conlon advised that all necessary items have been addressed, and advises that the Commission issue a Certificate of Compliance.

Mr. Conlon also explained that the Order of Conditions in this case was from many years ago, and that respondent had not complied, so the Commission had issued an EO resulting in a new plan. The resulting as-built should look like the plan.

Mr. Morton stated that we can accept what Respondent is proposing as a plan.

Mr. Asack inquired to the timeline.

John O'Brien, on behalf of applicant, stated that they will likely commence with a two-week project in March.

Motion to approve the Restoration Plan made by Mr. Malley, seconded by Mr. Morton. Motion passed 6-9.

Mr. Conlon added that this project being allowed to continue under the existing EO.

**DEP 298-867 Notice of Intent Stoughton Logistics Park, Page Street, Maple Street, Turnpike Street, Assessors Map 93, Lots 7, 11, 12, 14, 16, 17 and Map 94, Lot 50, Continuance;**

Mr. Francis made a motion to take this matter off the table. Seconded by Mr. Morton. Motion passed, 6-0.

R.J. Lyman, attorney, for applicant, provided a summary and recognized that outstanding issues remain to be dealt with, including enhanced planting.

Hillary Holmes noted that in Project Area 1, additional IVW were identified, and have been added to the plan.

The new plan will address working around the 50' and 75' zones by eliminating trailer park places.

Mr. Morton asked whether the December plans are final. Mr. Lyman and Ms. Holmes both said no.

Ms. Holmes discussed Project Area 2, where an environmental peer review consultant sought clarification, stated that this not part of the filing, and stated that the Order should indicate that the boundaries of the wetland in this area are off-site.

In regard to Area 3. Ms Holmes described a proposed conduit, putting a road in to maintain to hydro connectivity where a pipe now connects the upper and lower wetlands.

Mr Morton inquired as to whether wildlife is moving through the culvert.

Mike Howard, on behalf of applicant, responded that it is very dry, and can't identify any wildlife migration.

Mr Howard described Area 4, noting the existence of an upland wetland in the middle of the site; applicant is looking to create a better wetland than what exists right now, and will treat the area as an IVW w jurisdiction. His proposal to mitigate will create twice as much wetland. They can't expand the BVW, so are looking to create an isolated wetland with an emphasis on maintaining wildlife.

Mark Zamanian, resident, asked what the new number of trailer spaces will be and whether there will ne an operational maintenance plan.

Richard Parolin, resident, state that water across the street doesn't go anywhere, but backs up and floods Pleasant St, and affects houses on Pleasant and Turnpike Sts. all the way to Avon.

Ms. Holmes stated that as part of their report, they looked at run-off and determined that their proposed design will cut run-off to Turnpike St by 90%, as it will go east to west. She also noted that this is largely out of the purview of the project.

Mr. Zamanian asked how the upgrade can be shifted to allow for this.

Ms. Holmes noted that the site is being upgraded, so that any discharged will be fed by a pipe to the wetland.

Mr. Asack made a motion to continue to February 16<sup>th</sup>. Motion seconded by Mr. Malley . Passed 6-0.

Branden Mahase, Sumner Street Enforcement Order Follow up, request for consideration;

**Accounting:**

**Permanent Wetlands Boundary Markers;**

Motion made by Mr. Francis for \$969.03 from the Revolving Fund for markers, seconded by Mr. Malley, passed 6-0.

Motion made by Mr. Morton to raise the cost of markers to \$20, seconded by Mr. Malley, passed 6-0.

**Old Business:**

**New Business:**

**Minutes:**

1-12-2022

**Adjournment:**

Motion to adjourn made by Mr. Francis, seconded by Mr. Malley. Passed 60. Meeting adjourned at 9:35.

*Minutes submitted by Michael Horan*