

**CONSERVATION COMMISSION
REGULAR MEETING
January 9, 2023**

REGULAR MEETING

Present: K. Kearney, N. Socha, R. Emlen, N. Braga, Brett Roberts, and Conservation Agent, J. Miller
7:00 p.m. Ch. N. Socha opened the meeting of the Seekonk Conservation.

Public Meeting:

RDA; 9 Jacoby Way (Map 24/Lot 687)

Proposed installation of wrought iron fencing and construction of an in-ground swimming pool and associated grading within jurisdictional wetland resource areas.

Applicant: Adam & Ann Lastrina

Continued from December 5, 2022.

Adam Lastrina, 9 Jacoby Way was present; he stated he emailed answers to the Commissions questions from the December meeting. A revised plan with more information regarding pool apron, filtration, and deck was submitted. Mr. Lastrina spoke to the placement of filter, the patio plan, and a backflushing upgrade. The material for patio and pool surround will be impervious concrete pavers.

Agent Miller had made a site visit; the wetland line is accurate and split rail fence in place as shown on plan. All work proposed outside 100' buffer to BVW, converting lawn to inground pool within 200' RA.

K. Kearney made a motion to approve a Negative 3, that the work described in the request is within the buffer zone as defined in the regulations, but will not alter an area subject to protection under the act. Therefore, said work does not require the filing of a Notice of Intent subject to the conditions:

The erosion and sediment controls have been installed as indicated on the approved plan and inspected by the Conservation Agent. These controls shall be left in place until the disturbed soil has been stabilized with grass that has grown to a "mowable" height and density."

Seconded by R. Emlen. Motion passed unanimously.

Vote: 5-0-0

RDA; 11 Berson Road (Map 28/Lot 187)

Proposed construction of a single-family house and associated grading within jurisdictional wetland resource areas.

Applicant: John & Nancy Rabbitt

Chris Andrade InSite Engineering represented the applicants for a proposed 3-bedroom single family home. A compost sock or straw wattle will be used at LOD and along drainage easement to protect detention ponds. Proposed is a driveway, septic, and grading in the front, a stone construction entrance. The big construction falls within the 100'; the LOD is just outside the 50' buffer.

Agent Miller stated there is another filing on the agenda this evening for the abutting property; it was filed as an NOI. Both have structures inside the 100'. She asked Mr. Andrade to explain the reasoning behind

NOI vs RDA. Mr. Andrade replied that the 11 Berson filing is outside of the 50' buffer. He understands the State jurisdiction for RDA's to be "as long as work is outside of the 50' buffer." He stated that is the guideline his firm follows.

Agent Miller explained that anything within 100' is regulated under the Wetlands Protection Act. She explained that typically for structures inside the 100', we would expect an NOI to be filed because an RDA does not have the same level of conditioning. RDA's can only make sure that erosion controls are put in and checked before work starts; other than checking those before work starts, the Agent cannot even ensure that it will be built according to the plan as a COC would not be required under the RDA.

K. Kearney stated she has concerns with oversight issues because the Commission has seen projects built quite considerably out of the original location.

Mr. Andrade stated that the limit of the 50' is inside the easement; they cannot encroach past the easement. Any work past that is previously disturbed during road construction. The limit of work for this house is within the easement.

Agent Miller commented that this whole 50-acre parcel was undisturbed before the subdivision was put in. There is a whole stream system that is potentially impacted beyond the drainage easement.

Mr. Andrade argued that the subdivision was approved under an NOI; and the work that is the closest/adjacent to the stream and wetlands is already approved and under jurisdiction of the Conservation Commission. At this point, we are talking about a buffer on the other side of a detention pond.

Agent Miller noted that another parcel, which is part of this same development, 750 Pine Street (an ANR lot/not part of the subdivision) came in as an RDA, she requested it be changed to an NOI, it stayed an RDA, and now the location of the house has changed, and there is nothing the Commission can do about that because it was filed under an RDA. That is the only bite at the apple. If it were an NOI, it would have come back for an As-built, and we would know that the house location had changed instead of finding out by chance. Agent Miller reported that RDA's are typically used for landscaping/grading only inside 100' adding onto an existing structure; this is new construction in a subdivision.

K. Kearney stated it is problematic because it would set a precedent for that when it has not been our precedent before for full house projects. It was discussed that the development contains 13 subdivision lots and 7 Form A lots. Mr. Andrade stated that the Commission has seen all of the ANR's on Cross Street (to the north). Agent Miller commented that they have come through the Conservation Office for a determination, but they do not have filings with the Commission because they do not involve wetlands on Cross Street.

The Commission discussed they would like to see an NOI filed so the Commission would have oversight. Agent Miller stated that if you look at the language for a Positive 3 Determination, it states "it could have an impact." She felt that with new construction with significant grading, there could be an impact. She commented that on occasion, a single-family house/new construction that is just grading/landscaping inside the 100' and all of the house construction is outside of the 100', that will come through as an RDA.

Mr. Andrade requested a continuance to speak to his client.

R. Emlen made a motion to continue the filing to February 13, 2023 sometime after 7:00 p.m., N. Braga seconded. Motion passed unanimously. Vote: 5-0-0

RDA; 39 John Alden Road (Map 15/Lot 233)

Proposed septic system replacement and associated grading within jurisdictional wetland resource areas.

Applicant: Ken Worthen

Brian Costa, Oakhill Engineering represented the applicant and summarized the project for a Title V septic repair. The field is outside the 50' and the 100'; a 1,500-gallon tank and pump chamber are between 50' and the 100'. Erosion controls are proposed in order to limit any disturbance. Existing underground electric and water lines will not be disturbed.

It was discussed that the wetland line is accurate and the lawn is established.

N. Braga made a motion to approve a Negative 3, that the work described in the request is within the buffer zone as defined in the regulations, but will not alter an area subject to protection under the act. Therefore, said work does not require the filing of a Notice of Intent subject to the conditions:

The erosion and sediment controls have been installed as indicated on the approved plan and inspected by the Conservation Agent. These controls shall be left in place until the disturbed soil has been stabilized with grass that has grown to a "mowable" height and density."

Seconded by R. Emlen. Motion passed unanimously.

Vote: 5-0-0

Public Hearings:

COC Request:

- Local Only (785 Taunton Ave) [Local Only because it is an Isolated Vegetated Wetland; does not have a State.]

Applicant: Rego

Chris Andrade, InSite Engineering represented the applicant, Jean Rego and Robert Rego. Mr. Socha about the impervious area designed vs. installed. The As-built was referenced.

Ms. Rego said dumpsters are located as you drive in to the left, as far from the wetlands as possible. Commission reminded the applicant that it was conditioned to be seeded with a meadow flower mix on disturbed slopes, and the Commission needs to see some growth.

Agent Miller reported that outside of the planting, the only other item that stood out to her was the septic area. The COC does not have topos/grades on it; OOC's indicate that an As-Built should include 1-ft. contours. C. Andrade said septic was based off of ground water table, and to get sufficient separation, it had to be risen.

The Commission questioned if the area had been seeded with the specified meadow mix. Robert Rego stated he has receipts for the seed mix he planted. It was discussed that the photos show annual grass, and he will need to re-seed with the conditioned seed mix April-May. He was asked to come back when sprouts, and have plan updated with contours/plan elevations, submit an As-Built with topos, and have the pile of material removed.

- SE69-0955; 115 Talbot Way
Applicant: Westbriar Properties
No representation present.
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NOI #SE69-0936; 100, 108 & 110 Old Fall River Rd (Map 3, Lots 37, 43 & 44)

Proposed construction of a commercial building with associated grading within jurisdictional wetland resource areas.

Applicant: Mike Albernaz (R&R Stone Products) Representative: InSite Engineering

Continued from December 5, 2022.

Continued to February 13, 2023

*Note: Only Commission members K. Kearney, N. Socha, and R. Emlen can participate in the vote for this project.
Drought conditions lifted.*

B. Roberts made a motion to accept the continuance request for NOI #SE69-0936; 100, 108 & 110 Old Fall River Road to February 13, 2023 sometime after 7:00 p.m.; K. Kearney seconded. Vote: 5-0-0

ANRAD #SE69-0941; 1530 Fall River Ave (Map 4/ Lot 5)

Verification of field-delineated wetland resource areas.

Applicant: Gary Mello Representative: LSC Environmental Consulting

Continued from November 7, 2022.

Note: Only Commission members K. Kearney, N. Socha, and R. Emlen can participate in the vote for this project.

Stage 2 drought conditions have been lifted; site visits conducted documenting intermittent stream status.

Lisa Caledonia, LSC Environmental Consulting represented the applicant. She stated she flagged the BVW, vernal pools, intermittent stream including the pond and BVW in the summer of 2021. There was some question as to whether or not there was a stream/flow. The process of evaluation in the field was initially started without the Agent; but she was included at every site visit. In attendance, were Robert Peruzzi, PLS, Lisa Caledonia, Agent Miller, and at some visits Gary Mello, owner. It was determined there was no flow at numerous site visits; and it was then delayed because of the drought. April through June visits were omitted; we conducted four visits: March 2022, and three on December 8, 20, & 28. At each visit, photos were taken, and it was documented that there was no flow. They are requesting to accept the ANRAD as proposed on the Plan dated 2/4/2022 prepared by Mount Hope Engineering.

Gary Mello, owner asked if posts could be placed in lieu of a conservation fence for a few years until the next filing for construction comes through. A good visual and a fence to be placed at the time of the next filing. Agent Miller commented that if T-posts or wind posts are put outside the 100', he would not need a permit. Ms. Caledonia suggested survey stakes. Silt fence at the 100'. ESC's at the LOD once the project is defined.

K. Kearney made a motion to close ANRAD #SE69-0941; 1530 Fall River Ave; R. Emlen seconded. Vote: 3-0-0 (K. Kearney, N. Socha, & R. Emlen)

K. Kearney made a motion to approve the plan under the MA Wetlands Protection Act for ANRAD #SE69-0941; 1530 Fall River Ave; R. Emlen seconded.

Vote: 3-0-0 (K. Kearney, N. Socha, & R. Emlen)

K. Kearney made a motion to approve the plan under the Seekonk Wetlands Protection By-law for ANRAD #SE69-0941; 1530 Fall River Ave under the LOCAL; R. Emlen seconded.

Vote: 3-0-0 (K. Kearney, N. Socha, & R. Emlen)

There is a 10-day appeal period from the date of the issuance of the Order of Conditions.

NOI #SE69-0960; 355 Elm St (Map 16/Lot 11) - septic

Proposed septic system replacement within jurisdictional wetland resource areas.

Applicant: Alfredo Dos Anjos

Continued from December 5, 2022.

Continued to February 13, 2023

A continuance request was received prior to tonight's meeting to the February 13, 2023 hearing. *Plan shows proposed well that wasn't included in NOI language, so the applicant will be submitting request to amend.*

R. Emlen made a motion to continue NOI #SE69-0960; 355 Elm St to February 13, 2023 sometime after 7:00 p.m., N. Braga seconded. Vote: 5-0-0

NOI #SE69-0961; 355 Elm St (Map 16/Lot 11) - subdivision

Proposed construction of a roadway, utilities, and stormwater structures associated with proposed 4-lot subdivision within jurisdictional wetland resource areas.

Applicant: Alfredo Dos Anjos

Continued from December 5, 2022.

Continued to February 13, 2023

A continuance request was received prior to tonight's meeting to the January 9, 2023 hearing. *Definitive Plan to be submitted.*

N. Braga made a motion to continue NOI #SE69-0961; 355 Elm St to February 13, 2023 sometime after 7:00 p.m.; B. Roberts seconded. Vote: 5-0-0

NOI #SE69-0958; 0 Allen Ave (Map 3/Lot 16)

Proposed paved finished material lay-down area and associated stormwater management structures within jurisdictional wetland resource areas.

Applicant: Oldcastle APG Northeast, Inc.

Representative: Roux Associates, Inc.

Continued from December 5, 2022.

Continued to February 13, 2023

Kyle Varella, Roux Associates represented the applicant; he provided updated plans. He stated that for this project Oldcastle wants to install a stormwater management system. The first part was a wetland delineation. He reported the project is under peer review with CEI. He gave an update explaining 2 major changes: 1) There is an isolated wetland that was not previously delineated. With CEI and a wetlands specialist, the flags were placed and a PLS surveyed it; 2) A field delineation was added to the plan for the river based off of the MEHWL (based off of the field delineation; they had previously relied on MassDEP's GIS layer).

They are now working on relocating the stormwater management system because it was in the 50' buffer. They are also working on a plan to do wetland mitigation for the February meeting. The isolated wetland in the middle of the proposed laydown area presents a lot of operational challenges for Oldcastle. We believe we can replicate it with greater than a 2-to-1 ratio. It would be done in the notch for Wetlands Series C which offers a better-quality wetland.

Agent Miller commented that in looking to expand a wetland area, it would have a 25' No Touch area as well. Agent Miller suggested two options as a cursory look of using the area towards the property line in the B Series, and the area up towards Wetland D where the area is getting cleared out of concrete over time.

Submittal timing was discussed. Agent Miller reported that with minor adjustments they can use the non-jurisdictional part of the laydown area. K. Varela described the stormwater system stating there will be line to drainage channels going into a sediment forebay and then wet basins (like a constructed wetland). He showed the erosion control for the non-jurisdictional area (silt sock and a silt fence). Jeff Olenic, Oldcastle spoke to the wetland replication. K. Varela to draw up both possibilities discussed; Commission to make a site visit. It was noted that there will be a dual peer review with Planning and Conservation. K. Varela will present the stormwater plan (including RTN) at the same time.

B. Roberts made a motion to Continue SE69-0958 to February 13, 2023 after 7:00 pm., sometime after 7:00 p.m.; K. Kearney seconded. Vote: 5-0-0

NOI #SE69-TBD; 135 Taunton Ave & 176 Fall River Ave (Map 14/Lots 80, 81, 82, & 95)

Proposed raze and rebuild of commercial car dealership with associated stormwater structures within jurisdictional wetland resource areas.

Applicant: Bocada Enterprises, LLP

The following was read into the record and opened the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** at the Seekonk Town Hall on **MONDAY, January 9, 2023 after 7:00 p.m.** on a **Notice of Intent** made by **Bocada Enterprises, LLP** for **135 Taunton Avenue & 176 Fall River Avenue (Map 14/Lots 80, 81, 82, & 95)** for proposed raze and rebuild of commercial car dealership with associated stormwater structures within jurisdictional wetland resource areas.

Agent Miller reported that DEP communication states additional documentation is needed in order to provide a file number.

Brian Thalmann, DiPrete Engineering represented the applicant. The proposed plan is to raze the existing Mazda dealership and build a 16,000 sq-ft structure in order to conform to Mazda's rebranding. They are on the Planning agenda tomorrow, then will move on to Mass Highway. He reported what is proposed is a significant improvement. There is a dually functioning entrance on Taunton Avenue currently; we intend to take that and make a single entrance point, and at the rear, create a buffer. The existing drainage easement has active drainage pipes from Taunton Avenue. We are dealing with managing the stormwater on the eastern part of project in the lower corner. Everything else is proposed to significantly upgrade with an underground infiltration system which will have pre-treatment through a series of stormceptors and then isolator rows. There is a slight reduction in overall pavement (approx. 10,000 sq ft). There will be lawn in the island. Mr. Thalmann reported there is no designated snow storage, it will be trucked away; the revised plan to show language for snow removal. He reported that there will be a dual peer review with Planning, performed by Field Engineering. He stated part of the stormwater report shows there is a watershed designated DP4 (some of the stuff in the landscape island that goes to Taunton Ave.); that will remain in effect. There does show a little increase in DP4; since the dealership was built, there has been a change in intensity rate from original system to now, but we maintain parameters as they were in 2006, 2008, & 2013. The stone wall as you turn down Fall River Avenue is to remain.

Tasca is concerned with aesthetics, a very ornate landscape plan, including a series of street trees, has been submitted to the Planning Board. K. Kearney commented the Commission likes to see native plants.

Agent Miller commented that site visit photos were taken today; she expressed concern with items not covered in the redesign, such as site usage, mostly impervious. She stated the chain link fence keeps debris out of the wetlands; she was comfortable with keeping the chain link vs. going to a split-rail. She reported there are a couple of areas of concern. There is storage up against chain-link fence with dumpsters, car parts, and hazardous substances; we want to see those relocated further from the wetland in site reuse. In the redesign, those dumpster areas/hazardous storage (labeled shed) need to be called out and relocated further from the wetland. There is car washing running off into the wetland; curbing would be a big help. It would be preferable for all of this to drain into a stormwater treatment. She questioned if oil filtration is proposed. K. Varela stated he will look at the one to the south; everything to the north is going through a series of stormceptors, recharging everything. He stated the plan does call out the curbing.

Agent Miller asked if there would be a need for similar storage and vehicle washing areas. Mr. Varela stated there will be a water-tight waste oil fluid system just outside the service area which will be pumped periodically. It is called out on the Planning set of plans on Sheet 7. He was asked to have it called out on the plans submitted to Conservation to help the peer reviewer.

He reported that a 2nd “future building” shown on the plan will be a separate filing. The car wash station was taken out; there are no outbuildings. He stated where the service area is located, there is a 2nd floor allowing for much greater storage area. Mr. Varela stated for the record that the Chemical shed needs to be addressed.

The width of the drive isle was discussed. Mr. Varela stated that what is driving that wider isle is the outcome of the (TRC) Technical Review Committee; the Fire Chief said the isle must accommodate the new apparatus which is 42 feet in length. Another change likely is the proposed entrance which is offset from to opposite shopping center will be moved 50’ to align. This will alleviate conflicting turning movements from vehicles coming out of the plaza turning east on Taunton and those coming out of the dealership heading west.

N. Socha recuse himself from the filing as Paul Banna prepared the plan; Mr. Socha works with him.

Agent Miller summarized the Commission’s comments on the filing: Dumpster locations to be called out, snow, chemical storage. A Plan note is to be added “there shall be no storage in any other location other than the locations designated on this plan;” this note is also to be part of OOC conditions.

R. Emlen made a motion to Continue SE69-0968 to February 13, 2023 after 7:00 pm., sometime after 7:00 p.m.; N. Braga seconded. Vote: 4-0-0

SE69-0966; 7 Berson Road (Map 28/Lot 186)

Proposed construction of a single-family house and associated grading within jurisdictional wetland resource areas.

Applicant: Mendelleh & Amanda Kokeh

Ch. Socha read the following into the record and opened the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** at the Seekonk Town Hall on **MONDAY, January 9, 2023** after **7:00 p.m.** on a **Notice of Intent** made by **Mendelleh & Amanda Kokeh** for **7 Berson Road (Map 28/Lot 186)** for proposed construction of a single-family house and associated grading within jurisdictional wetland resource areas.

Chris Andrade, InSite Engineering represented the applicant for proposed construction of a 3-bedroom single-family house, with a retaining wall, and a patio at the rear of the lot adjacent to 50' buffer. He stated the majority of work in 50' buffer is grading. Erosion controls are proposed to encapsulate up to the westerly side up to the 100, and the easterly side wraps up to the tip of the drainage easement. There is a stone construction entrance proposed to prevent tracking onto pavement.

Mr. Andrade reported that the existing fence was approved under the subdivision filing.

K. Kearney commented the applicant should make sure the deck does not go into the 50' on the as-built.

N. Braga made a motion to close #SE69-0966; 7 Berson Rd; B. Roberts seconded. Vote: 5-0-0

B. Roberts made a motion to approve the plan under the MA Wetlands Protection Act for #SE69-0966; 7 Berson Rd; K. Kearney seconded. Vote: 5-0-0

K. Kearney made a motion to approve the plan under the Seekonk Wetlands Protection By-law for #SE69-0966; 7 Berson Rd; R. Emlen seconded. Vote: 5-0-0

There is a 10-day appeal period from the date of the issuance of the Order of Conditions.

SE69-TBD; 437 North Wheaton Avenue (Map 3/Lot 12)

Michael Dobridnia for proposed septic repair, existing unpermitted well and shed within jurisdictional wetland resource areas.

Applicant: Michael Dobridnia

Ch. Socha read the following into the record and opened the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** at the Seekonk Town Hall on **MONDAY, January 9, 2023** after **7:00 p.m.** on a **Notice of Intent** made by **Michael Dobridnia** for **437 North Wheaton Avenue (Map 3/Lot 12)** for proposed septic repair, existing unpermitted well and shed within jurisdictional wetland resource areas.

Mark Rodrigues, Analysis & Design Engineering represented the applicant for a proposed septic repair in 100' buffer. He explained the AdvanTex Ax20-RT pre-treatment system is a nitrogen reduction innovative alternative technology. There is a 2-compartment septic tank in advance of the pre-treatment unit which discharges to a bipump to a bottomless sand filter which provide for the minimal footprint which allow the system to be directed away from jurisdictional limits of the wetlands and wells.

Mr. Rodrigues showed where he cited the septic and the current cesspool to be abandoned; he showed 25' No Touch line, the 50' line, and stated the entirety of system is outside 50'. The entire lot is in 100' buffer zone. He noted that inorganic debris in wetland will be removed by hand. He noted that there is a previously disturbed area with debris, which he instructed the property owner to cease and desist until an OOC is issued. What is proposed is to install the new septic system replacing the cesspool, remove debris by hand, re-establish a 25' No Touch, and reseed. Ultimately place a split-rail fence to re-establish and maintain the 25' No Activity. Erosion controls are proposed. The existing parking will be established and well defined outside the 25'. The new septic will be installed, and they will re-establish a lawn area in the existing developed area. He reported that the existing well and shed existing within the 25'-50' buffer; records indicate a shed was permitted in 1970, but we do not know if that is the existing shed.

A variance request was submitting to permit the existing well and existing shed. He reported that there is also a hand-dug abandoned 1940 well which will be filled in.

Photos were shown of gravel placed where lawn previously was; the engineer was clearly not aware of this. He was disappointed to see the photos. He stated he had told the property owner stop all activity.

Agent Miller said usually when a curb cut is pulled from DPW, the DPW Director will insist on a stone construction pad and temporary orange fencing (usually put up with t-posts) to cordon off any other access points that are not allowed. She stated both along the driveway side that they don't have access to where the truck is parked and along any area where there is not construction access. N. Socha suggested giving a 5-ft opening to have 360 access around the house.

Agent Miller spoke to sequencing: erosion controls get set, debris gets removed, split-rail fence installed, in that order before signoffs/permit from BOH.

K. Kearney explained the Commissions concern with having a gravel area stating gravel compresses the wetlands soil when driven over, and this is something very hard to recover from. People assume gravel areas are driving areas. The Commission discussed that the newly placed gravel is to be removed from lawn area and pulled up to the driveway space for off-street parking. The plan is to be revised to show a boarder around parking area (wood timbers) and called out as gravel only, show a stone construction pad (*not with current gravel*), identify the 25' No Touch as a revegetation one, and remove gravel from the existing lawn area. The Commission agreed to approve this evening pending a revised plan. Agent Miller commented the project needs a curb cut as there is not an existing driveway.

R. Emlen made a motion to close #SE69-0967; 437 N. Wheaton Ave; N. Braga seconded. Vote: 5-0-0

R. Emlen made a motion to approve the variance from Section 2.2.2.2 of the Seekonk Wetland By-law Regulation as noted on the plan and in the submittal for NOI #SE69-0967; 437 N. Wheaton Ave; N. Braga seconded. Vote: 5-0-0

R. Emlen made a motion to approve the plan under the MA Wetlands Protection Act for #SE69-0967; 437 N. Wheaton Ave; N. Braga seconded. Vote: 5-0-0

N. Braga made a motion to approve the plan under the Seekonk Wetlands Protection By-law for #SE69-0967; 437 N. Wheaton Ave; B. Roberts seconded. Vote: 5-0-0

There is a 10-day appeal period from the date of the issuance of the Order of Conditions.

Public Meeting:

Enforcement:

NV/EO: #2022-03 (Old Fall River Rd; Map 3/Lot 22)

Impacts include grading/removal of topsoil and stockpiled road grindings/millings as well as vegetation clearing and grubbing dating back to 2016, without permitting from the Conservation Commission.

Note: In reviewing Google Earth historic imagery and previous filings for the site, it appears unpermitted work has taken place at the site. There is only one previous filing and it allowed for the installation of a drainage swale at the rear of the parcel (does not cover alterations on greater extent of parcel). Whole parcel is a wetland resource area between BLSF, RA, & BVW.

Brandon Faneuf, Ecosystem Solutions presented a plan and gave an update regarding existing conditions done by drone on December 21st, 2022. It was delineated on December 8th: The plan shows Torrey Creek to the north and the BVW associated with it; the drainage ditch (mapped as a blue line on USGS) was flagged on site (ditch flows through several properties). He showed the 100' mark from the BVW line, the 100' buffer zone, and 100' from ditch that runs the perimeter, and the (red-line) 200' line. You can see the cleared areas and a giant mound of miscellaneous woody debris and compost and Japanese Knotweed from clearing scrub brush material along the edge.

Attorney Jim Marsh also represented the property owner and gave some historic background information. Said this is a recorded lot before August 1996, and said when dealing with riverfront, we will keep that in mind with what is presented to the Commission. He felt there was some grandfathering with the clearing visible on the aerial photos which plays into what they present. He stated the ditch area is likely perennial, but need a little time for an opportunity to study it. B. Phaneuf stated worked on that ditch (upstream) over 10 years ago, and it was changed to intermittent in that area. J. Marsh looking to do a study over the summer (*normal summer, not drought conditions*); need ditch to dry up in non-drought period and perform 4 days of observation through August. B. Phaneuf stated that after the study, the property owner would come in with an after-the-fact NOI and restoration.

Agent Miller reported that some previous erosion controls are in place, and grindings were removed. The erosion controls should be checked to see if they need maintenance, and a control gate established. It was discussed that it is a BLSF and a resource area. B. Phaneuf stated an Alternatives Analysis would need to be done. He stated the standard is 5,000 sq. ft or 10% of the total square footage of the riverfront, whichever is greater. The standards of BLSF have to do with the displacement of flood waters.

Agent Miller stated with regard to the BLSF, if you are going to use the property, you have to create compensatory flood storage elsewhere on the same parcel. She questioned where that would be done on a parcel like this. The majority of it is mapped as a 100-yr. flood zone, and she could not see where the compensatory flood storage would be created. B. Phaneuf said it has to be contiguous. It is about the volume and has to be about the same elevation.

The Commission discussed this enforcement item is to be on the September ConCom Agenda. K. Kearney went on record stating she would not want to see this go into another full year.

NV/EO: #2021-05 (0 Taunton Ave; Lynch)

Baghouse fines from asphalt plant dumped over slope and accumulated at toe of slope in buffer zone and wetland areas.

Chris Andrade, InSite Engineering summarized the revised restoration plan (minor plan changes to vegetation). He addressed two comments from the Commission at the previous meeting:

- 1) stabilized material (they will dig out 2 ft of topsoil, and bring in 1.5 ft of suitable subsoil, topped with a couple inches of topsoil).
- 2) 200 plugs for catching seed have been added to the plan. Agent Miller commented they need to be bunched in groups of 4-5 plugs (note to be added to the plan). B. Roberts commented the plugs should go in the open areas where there is less dense.

Restoration work not to occur until after the baghouse fines are removed over the winter. It was discussed that a Commission member is to perform inspection when plantings occur. It is required to have 2 years of monitoring by botanist, likely LEC (it was discussed this needs to be called out on the plan in the sequencing section since there are no OOC's); 75 % success rate monitored through 2 growing seasons (90 days, 1-year, 2- year increments).

Mr. Andrade stated he would get the revised plan in the next day in order for the memorandum Access Agreement for accessing Town property (which references the revised plan, once approved) to be put in place so they can come onto Town property to do the work; most of the impacts are on Town property. The plan will be referenced in the Access Agreement, and restoration activities can commence.

NV/EO: #2022-04 (86 Greenwood Ave)

Substantial clearing/grubbing of vegetation and soil disturbance w/motorized equipment in a wetland resource area & buffer zone, including USGS blue-lined drainage channel, pond edge and wet meadow.

Note: Pond appears in historical aerials in 1980's (after Local By-law in place), but no permit for creating manmade pond or clearing surrounding areas for agricultural purposes

B. Faneuf, Ecosystem Solutions and Bo Acres, Brainsky Levinson represented the property owner. It was discussed erosion controls need to be put in place. B. Faneuf promised to have an Existing Conditions Plan for the February ConCom meeting.

Agent Miller said the wetlands are larger than what is shown (goes out into the field area) and the pond was expanded without a permit quite a while ago; there has been extensive work into areas that are a wet meadow. B. Phaneuf stated he will do soil probes in the area. Agent Miller stated no further work can be done out there; erosion controls need to be installed around the pond. She reported there is some good aerial imagery of how the use around the pond has changed over time. The pond has changed shape and changes as you go back in time. Agent Miller showed an aerial photo showing a blue line running through a subdivision and across. Heavy equipment was used in that area to attempt to improve the drainage out of that intermittent stream to the pond so the roadway would not be as flooded. The way it was done is not going to be helpful; it actually made it worse. They did not carve it out more, they basically took a brush hog through the area.

The Commission gave direction that there should be no more clearing and erosion controls are to be installed around the pond. They discussed disruption of the pond and effect on turtles, frogs and their laying of eggs. Agent Miller reported that part of area on backside of the pond does lie in a power easement, so that area gets cleared. She stated we have no permits on file for the pond or for agricultural use, but perhaps the applicant can provide anything that can prove use before the Wetland Protection Act and Seekonk Local By-law. She questioned if there are longer periods of dormancy where that would mitigate that.

Agent Miller stated that some areas will likely have to be restored; and if the property owner is looking for an agricultural permit, it would come in as a separate NOI.

B. Faneuf said he would ask “is this land in agricultural production per the Act (310CMR10)?” He stated he would need to look into. Land is allowed to go fallow for up to 5 years to let it rest.

It was discussed the Existing Conditions Plan would be done for February (with current impacts, and also historic imagery). Erosion controls are to be installed and inspected.

NV/EO: #2022-01 (91 & 103 Allen Ave)

Note: David Bray of Caputo & Wick, representative for the property owner, sent in a proposed plan showing agricultural use, but we are waiting for an NOI filing for the agricultural use.

Agent Miller reported that the NOI has been submitted and she has gotten no response from the engineer, Caputo and Wick for 2 months in a row.

Other Business:

- **Discussion Item:** Consider signing letter of support for Save The Bay for CRMC’s CEHRTF Grant Program.

K. Kearney made a motion to vote to have N. Socha sign on behalf of the Conservation Commission; N. Braga seconded. Vote: 5-0-0

- **Discussion item:** Conservation Agent vacancy; permitting coverage, etc.

It was discussed that without an Agent, funding is available to pay a consultant/interim agent from the Commission’s Revolving fund which pays for a 40% portion of Agent/Secretary salaries (*April thru June*); 60% is paid by the Town. The question was raised, “What will that interim person cover/ number of hours per week?”

The Commission has control over how revolving funds are utilized. The rate for the Permanent Agent is controlled by the Union contract. The Commission asked if the Conservation secretary could work additional hours in the interim. N. Socha reported there will be potential efforts for the short-term and the long-term. Short term we will hire a part-time interim agent. Long-term we will seek a full-time candidate. There are currently 5 applicants; 3 finalists to be interviewed.

The Commission discussed functions that need to be covered by an interim agent (determinations, site visits, permitting/issuing Orders of Conditions, advertisements, application/plan reviews). Agent Miller informed the Commission that all other departments with permits with “ground disturbance” get filtered to Conservation Office for a “determination” through e-permitting (that system is down since the upgrade at New Year’s). Paper copies can be routed as in prior years; no site visits are usually needed for determinations.

- **Discuss other topics not reasonably anticipated by the Commission 48 hours before the meeting. No votes to be taken:**

~K. Kearney asked if there was an update on the Firefly golf course property since the Commission approved a permit for the crossing for the Runnins River for septic for a large development on that property. Agent Miller reported that the permit on that property has expired. Piping for sewer was put in within the Commission's jurisdiction near grist mill.

~The Commission discussed necessary follow up for current open permits (going back 200 NOI filings plus RDA filings) to see where they are at (required COC's, etc.).

Approval of Minutes: December 5, 2022

K. Kearney made a motion to approve the December 5, 2022 minutes, R. Emlen seconded.

Vote: 5-0-0

R. Emlen made a motion to adjourn the meeting at 10:12 p.m., K. Kearney seconded.

Vote: 5-0-0

Respectfully submitted,
Kim A. Lallier
Conservation Secretary

Formally accepted on 2/13/2023 5 in favor, 0 against, 0 abstention

[Full Video available to view on TV9 Seekonk Community Access Television](#)

Link: <http://tv9seekonk.com/>