

**CONSERVATION COMMISSION
REGULAR MEETING
March 13, 2023**

REGULAR MEETING

Present: K. Kearney, N. Socha, R. Emlen, N. Braga, Brett Roberts, and Interim Conservation Agent, Lisa Caledonia

7:00 p.m. Ch. N. Socha opened the meeting of the Seekonk Conservation.

Public Hearings:

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

Proposed septic system replacement, additional bituminous pavement, and domestic drinking water well within jurisdictional wetland resource areas.

Applicant: Alfredo Dos Anjos

Continued from February 13, 2023.

Continued to April 10, 2023

Mark Mariano, Oakhill Engineering represented the applicant. This request to amend has been submitted because the Plan showed a proposed well and driveway that wasn't included in the NOI language. He stated this will filing will be continued to the April Conservation Commission meeting as they just got the stormwater review comments from WSP; he has a meeting with WSP tomorrow. He reported that since the Commission last saw this filing in August 2022, the only changes are a revised site for the infiltration basin that was up near the front.

Agent Caledonia said a site visit needed and asked the Commission if any of the members would like to attend. K. Kearney agreed to attend. It was discussed that an ANRAD was done almost a year ago; and the plan was revised to change to a Conservation Subdivision.

R. Emlen made a motion to continue NOI #SE69-0960; 355 Elm St to April 10, 2023 sometime after 7:00 p.m., B. Roberts 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 February 13, 2023.

Continued to April 10, 2023

Mark Mariano, Oakhill Engineering represented the applicant. He stated this will filing will also be continued to the April Conservation Commission meeting as it ties to the previous Agenda item.

Agent Caledonia said a site visit is also needed.

B. Roberts made a motion to continue NOI #SE69-0961; 355 Elm St to April 10, 2023 sometime after 7:00 p.m.; K. Kearney 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 February 13, 2023.

Continued to April 10, 2023

Kyle Varela, Roux Associates represented the applicant. He presented the Wetlands Replication Plan. He gave some background stating there is an isolated wetland identified during delineation in the middle of Oldcastle's laydown area which presents significant challenges to Oldcastle's operation. They are proposing to replace the wetland in kind at a 2-to-1 ratio located north on the property. They are proposing to turn some developed land back into a wetland further away from Wetland C. At the recommendation of the Commission, they also looked at filling in some area closer to Wetland D; but he stated that Oldcastle's preference is the first location as it is naturally lower and can receive/retain water.

N. Socha reported that MassDEP has just issued brand new guidelines for wetland replications.

Agent Caledonia suggested CEI review the wetland replication part of the project.

Note: CEI has performed separate reviews of both the delineation and the technical design of the stormwater for this project.

Mr. Varela reported that Roux is in the process of responding to CEI comments for the stormwater review; and they are also waiting for MassDEP regulatory interpretation.

A site visit with Commission was scheduled for Thursday March 23rd. at 3:00 p.m. with Mr. Varela to review the replication plans. Agent Caledonia said the 2 areas should be surveyed and staked unless Mr. Varela knows exactly where they are.

The Commission discussed they would like to see a 3rd Party Review of the Replication Plan.

N. Socha commented regarding wetland replication stating that he would like to see clusters of plants, and the addition of shrubs and trees. He also suggested Roux switch out proposed straw wattles with core logs. He spoke to the soil spec for the wetland replication. Mr. Varela reported the soils spec is from NE wetland plants.

N. Braga made a motion to Continue SE69-0958 for Stormwater Peer Review to be completed to April 10, 2023 after 7:00 pm., sometime after 7:00 p.m.; K. Kearney seconded. Vote: 5-0-0

SE69-0974; 3 Patricia Drive (Map 26/Lot 158)

Proposed construction of a single-family house, well, and septic system with associated grading within jurisdictional wetland resource areas.

Applicant: Michael Costa

Continued from February 13, 2023.

Continued to April 10, 2023

There was no representation present. David Bray, Caputo & Wick, Ltd. is away. Agent Caledonia noted that requested additional information must be received one week prior to the April meeting.

K. Kearney made a motion to continue SE69-0974; 3 Patricia Drive to April 10, 2023 sometime after 7:00 pm.; R. Emlen seconded. Vote: 5-0-0

SE69-0973; 454 Fall River Ave (Map 13/Lot 48)

Proposed construction of a single-family house, driveway, well, utilities and associated grading within jurisdictional wetland resource areas

Applicant: Brian Dumont

Continued from February 13, 2023.

Mark Mariano, Oakhill Engineering, represented the applicant and updated the Commission stating that Agent Caledonia went out to the site and reviewed the wetland line with their representative and scientist. Mr. Mariano made adjustments: shifted the well, tightened up the edge of the stone wall to the building, changed erosion control from straw wattle to filter sock, rehung Flag #4, identified an intermittent stream. A note is to be added for domestic rubbish to be removed from buffer zone by hand (no cutting of trees).

Kristen Lyons, 25 Mill Road lives upgradient of the property and stated that the open lot frequently has deer and wildlife. She stated she has enjoyed the view of the woods for 22 years. She reported that when she put an addition on her home 15 years ago, there was an ongoing issue because of slope on Mill Road. Frequently the previously owner of 454 Fall River Ave would call Town complaining about the Lyons shedding water onto his property; which she states they have not done. She was required to put one underground retention tank (drywell) on her property, but she put two, for stormwater.

Agent Caledonia explained as long as the property owner meets the performance standards of the Wetlands Protection Act, the Commission cannot deny a project because it is deer habitat. N. Socha commented that Mr. Mariano has to maintain current runoff between the two properties, no additional water can shed. Mr. Mariano showed the note on the plan specifying this. He showed the natural topography as well as how the water will be diffused so it doesn't rush into the wetlands. He spoke to the seasonal high groundwater and the perc rate stating water leaches very fast in that soil. He showed the ANR Plan and stated the Property was split in 1978.

Motion to close the public hearing by R. Emlen, seconded by B. Roberts. Vote: 5-0-0

Motion made by R. Emlen to approve the plan under the Seekonk Wetlands Protection By-law (pending submission of a revised plan), seconded by B. Roberts. Vote: 5-0-0

Motion made by R. Emlen to approve the plan under the MA Wetlands Protection Act (pending submission of a revised plan), seconded by B. Roberts. Vote: 5-0-0

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

SE69-0972; 181 Hope St (Dev Lot 1) (Map 18/Lot 211)

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

Applicant: George Murphy

Continued from February 13, 2023.

Continued to April 10, 2023

A signed continuance was received prior to tonight's meeting.

B. Roberts made a motion to continue SE69-0972, 181 Hope St, to April 10, 2023 sometime after 7:00 p.m., N. Braga seconded. Vote: 5-0-0

SE69-0969; 163 Hope St (Dev Lot 2) (Map 18/Lot 212)

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

Applicant: George Murphy

Continued from February 13, 2023.

Continued to April 10, 2023

A signed continuance was received prior to tonight's meeting.

B. Roberts made a motion to continue SE69-0969, 163 Hope St, to April 10, 2023 sometime after 7:00 p.m., N. Braga seconded. Vote: 5-0-0

SE69-0970; 143 Hope St (Dev Lot 3) (Map 18/Lot 213)

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

Applicant: George Murphy

Continued from February 13, 2023.

Continued to April 10, 2023

A signed continuance was received prior to tonight's meeting.

B. Roberts made a motion to continue SE69-0970, 143 Hope St, to April 10, 2023 sometime after 7:00 p.m., N. Braga seconded. Vote: 5-0-0

SE69-0971; 655 Ledge Rd (Dev Lot 5) (Map 18/Lot 214)

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

Applicant: George Murphy

Continued from February 13, 2023.

Continued to April 10, 2023

A signed continuance was received prior to tonight's meeting.

B. Roberts made a motion to continue SE69-0971, 655 Hope St, to April 10, 2023 sometime after 7:00 p.m., N. Braga seconded. Vote: 5-0-0

ANRAD #SE69-0978; 375 Walker St (*Wheeler School*) (Map 23/Lot 5)

Abbreviated Notice of Resource Area Delineation for verification of field-delineated wetland resource areas.

Applicant: The Wheeler School

N. Socha read the filing into the record:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** at Seekonk Town Hall on **MONDAY, March 13, 2023 after 7:00 p.m. on an Abbreviated Notice of Resource Area Delineation made by The Wheeler School at 375 Walker Street, (AP 23, Lot 5)** for verification of field-delineated wetland resource areas.

Chris Andrade, InSite Engineering represented the applicant. He stated he filed an ANRAD for the Wheeler School property because it encompasses BVW, a vernal pool, a mean annual high water line (MAHWL) with associated Riverfront protection zone. There is roughly 2,000 linear feet of delineation performed by Brandon Phaneuf, Ecosystems Solutions. Wheeler School has also concurrently filed an NOI for a project on the pond. Mr. Andrade stated that due to the number of wetlands on the site, Wheeler School has filed this ANRAD to delineate all wetlands for any future use.

The Commission discussed the wetland resources include a Vernal Pool, BVW, Riverfront, Flood Plain, BLSF. The delineation must be complete before anything is approved.

Agent Caledonia reported the Conservation Office has reached out to LEC for a peer review proposal request should the Commission decide to require one. She recommends sending the ANRAD out for Peer Review as it is a large lot, and as Interim part-time Agent has limited time.

N. Braga made a motion to continue ANRAD SE69-0978, 375 Walker St, to April 10, 2023 sometime after 7:00 p.m., K. Kearney seconded. Vote: 5-0-0

NOI #SE69-TBD; 375 Walker St (Wheeler School) (Map 23/Lot 5)

Proposed construction of 3 docks around Run-of-the-River Pond within jurisdictional wetland resource areas.

Applicant: The Wheeler School

The filing was read into the record.

Chris Andrade, InSite Engineering represented the applicant. He noted this project will wait for the delineation of the entire Wheeler School site. The proposed plan is for three 8' x 12' peerless floating docks, (comprised of 4' x 8' sections) held down by chains and anchor blocks in the water. It includes three hand-cleared 6' gravel paths (for stability); gravel will be brought in with the use of a Gator through existing paths and unloaded by wheelbarrow. He reported that there will be minimal disturbance to the existing grade; and only a 2' x 2' disturbance at the six anchor points. Docks will be removed every winter.

It was discussed this project will require a variance as they are disturbing into the buffer. The Commission required the Variance be put on the Plan. Mr. Andrade explained he is proposing filter sock around the base of it. He reported that the docks will not be ADA accessible. N. Socha stated the Commission would want to accommodate all abilities to the greatest degree possible as required by law.

Agent Caledonia asked if Mr. Andrade looked into Chapter 91 for the docks (waterway license). Mr. Andrade replied no, because it is for school purposes and not for boats. The Commission asked him to check into licensing. Mr. Socha asked for more information including detail of the dock, notes on the plan regarding hand wheelbarrowing the gravel, specs on the 2 sizes of gravel, selective cutting, existing larger trees to be shown on the plan. Mr. Andrade reported that the disturbed land area is 783 sq ft. total; disturbed under water (the 2'x2' blocks) is 24 sq ft; disturbed water area is 288 sq ft.

K. Kearney commented burnish bush seedlings on the slopes in the 50' are suggested to be removed as they are invasive (Buckthorn as well). N. Socha suggested a seating area on the path for children waiting their turn on the dock.

Agent Caledonia questioned if it is possible to have only 2 docks. Ian Moorehouse, COO Wheeler School said they considered 2 docks, but need 3 as they have a pretty extensive Environmental Science Program at the High School level. He stated they would like to do an ADA dock if the Commission agreed. They would need a fixed dock with helical piles, and the path would have to be changed. The shortest route in was discussed; and it would need to be flat. Sun coverage for the docks was discussed.

Moorehouse reported that they met with Runnins River Watershed twice to get their input.

Richard Wallace, 475 Woodward Avenue, asked Mr. Andrade about the dam to the south that creates that pond, and if work was going to be done. Mr. Moorehouse said at some point the dam will need to be redone. Mr. Wallace said another issue is there are yellow spotted salamanders and blue spotted salamanders in the area. He also expressed concern for another issue with the field that is illuminated at night when nobody is on the field (till 1:00 am). Grey Horned Owls have been running/migrating/mating in that area; the lights should be shut off when people leave. Mr. Moorehouse apologized and will have the app running the Moscow lighting corrected. Mr. Wallace pointed out that the bridge has never been approved by the Commission. Mr. Moorehouse stated that he is new with Wheeler school and joined 10 months ago. He reported that a graduating senior built the bridge as a senior project a number of years ago. Mr. Wallace reported that students use it when they run.

Mr. Moorehouse stated when they need to renew the Dam, it is not ADA compliant, but really should be at this point. He noted they are not ready to do that now. Mr. Socha asked for the bridge to be put on the plan to capture its current existence. Mr. Andrade stated he will expand the plan and show both bridges (including the new one near the dam). Mr. Moorehouse reported that the School with InSite has done a complete site analysis in the last 10 months; they have satellite images of the entire property; all wetlands have been identified.

Mr. Socha asked Mr. Moorehouse if the Dam a potential hazard to health or safety. It was not believed to be. Mr. Wallace reported that the dam had washed out in 1998 and becomes submerged in a heavy snow season and a quick thaw; water comes up to the top of the road. The whole Runnins River flows through the dam.

It was discussed that the material brought in for walkways would be pre-washed (no stone dust). N. Socha noted that Massachusetts has a specification for a dense graded gravel that compacts well. Mr. Wallace asked if they had any other projects that need to be done in the next 3 years (as ANRADs are valid for 3 years), and suggested they put those projects on that property on the ANRAD.

Wayne Singleton, 427 Woodward Ave expressed concern stating that the pond should not be impacted at all. He felt gravel paths should have a spec. If material is to be dug out, clean fill should be brought in. He also had concern regarding the construction access, especially for the two on the west side of the Runnins River. He asked what kind of equipment is required to navigate the bumpy paths. Mr. Andrade responded that it will be done old school with a lot of hand work with wheelbarrows. It will be done on existing paths.

It was discussed the docks will be made of 4" of aluminum with bracing underneath and with plastic underneath as a floating mechanism, and with chain anchors and 2' x 2' blocks.

It was discussed that the ADA compliant dock will need ramping rather than gravel (pervious pavers). A minimum of 5' x 5' for a wheelchair, a bumper along the edge, an accessible route, and relatively flat. A peer review will help identify the products and identify which dock should be ADA.

N. Socha commented that there are 2 exceptions where projects are granted in a buffer zone or wetland area; 2 being "Public betterment". The Commission could grant a variance if replication were needed. It was noted that Wheeler School keeps the land open to members of the community. Mr. Moorehouse said they will identify the paths they are using. No big trees are to be taken down.

Agent Caledonia recommended requesting a continuance on this filing until the ANRAD is approved. Mr. Andrade requested a continuance.

K. Kearney made a motion to continue NOI #SE69-TBD; 375 Walker St (Wheeler School) for docks project, to April 10, 2023 sometime after 7:00 p.m., R. Emlen seconded. Vote: 5-0-0

Public Meeting:

Enforcement

- NV #2023-01 (2 Pine Meadow Dr) *B. Roberts recused himself and left the meeting.*
Agent Caledonia summarized the violation from follow up of a complaint regarding tree clearing received by the Conservation office. A letter of possible wetland violation was sent to the property owner on 2/17/2023. A response was received from the owner on 3/1/2023.

Agent Caledonia reported she made a site visit on 3/8/2023 and witnessed clearing 100 Buffer Zone of the Certified Vernal Pool, as well as moved fencing. She asked them to determine the disturbance area and proposed some restoration. It was noted that Owner previously came before the Commission and requested to remove the dead trees and grade 250 sf of the 100' regulated buffer zone. The Commission denied that application.

Marino Leitao, property owner and representation were present. Mr. Leitao stated that trees fell during a windstorm and broke the belly of the fence. A tree also hit his home. He brought photos of existing trees that need to come down (some inside the buffer zone). He spoke to neighbors for their consent; and went in with a machine, took 4 panels of fence out and disturbed the area. He reported that he put fence back in and took a little of the belly out to make additional lawn area. He stated he knew it was wrong, but it was a tight area for the kids.

Steven Choquette, 123 Cameron Way, Rehoboth was present to help represent Mr. Leitao. He gave some background on himself stating that he has a degree from URI in Plant and Soil Science, a minor in Chemistry and Civil Engineering. He has been in the Construction business for 43 years. He is serving his 4th term on the Rehoboth Conservation Commission.

Mr. Choquette stated there was a disturbed area, and Marty asked him to help. He showed the area of the fence taken out on the plan as well as the disturbed area. He gave measurements: 45 ft of the fence was removed; a total of 705 sq. ft. of damage. He asked for feedback and proposed plantings (brought copies of proposed plants). He reported that the damage was to tree whips. Trees here are heavily canopied; some of it is old. He showed the hazardous trees ready to come down on the house and fence; he showed the direction of the trees. He showed the proposed restoration plan.

Agent Caledonia stated the trees are Pine and Oak; it is not a wetland. Plantings were discussed: Red Dogwood, Red Maple, for infill he chose common Winterberry, Red Twig Dogwood, High Bush Blueberry to encourage birds back to this area; he noted it is also aesthetically pleasing.

Ms. Kearney stated that the fence must be put back to its original location; and he cannot reclaim that section of yard. The Commission explained that it is protecting a Certified Vernal Pool. A native seed mix is to be added to the disturbed area to stabilize it; and a wildflower mix to be planted behind the fence. It is okay to top the hazardous tree; no stumping.

Mr. Leitao questioned clearing work done on his neighbor's property.

B. Roberts re-entered the meeting.

- **Discussion Item:** (5 Sanctuary Lane)

Agent Caledonia summarized the violation from follow up of a complaint regarding cutting of bank of river received by the Conservation office. She stated she looked at it in February; the cutting warrants a Notice of Violation letter to be issued, and the property owner should come to the April meeting to discuss findings.

R. Emlen reported he witnessed an 18” stump from a Maple tree and the building a shed along the stream. He drove down the other side of Route 152 and you can see all neighbors have built sheds along the bank.

Agent Caledonia recommended the Commission send out a Notice of Violation giving them 10 days to respond to the Commission allowing us to walk the property and requiring them to attend the April meeting to discuss findings.

- **Discussion Item:** (171 Greenwood Ave)

Agent Caledonia summarized the violation for discharging of water on abutting property. A site visit will be scheduled at the abutter’s affected property. The Commission discussed the pipe out letting onto the abutter’s property should be capped or a cement plug placed as well as the hose from the house should be disconnected.

Agent Caledonia recommended the Commission send out a Notice of Violation giving the property owner, Mr. Devaney 10 days to respond to the Commission allowing us to walk the property and requiring him to attend the April meeting to discuss findings.

Other Business:

- **Discussion item:** Storybook Trail Spring feature
The book “Compost Stew” was chosen as the Spring feature. The hope is to have the story boards installed in time for Earth Day.
- **Discussion item:** Conservation Agent vacancy; permitting coverage, etc.
N. Socha gave an update stating there were 2 potential applicants, but they are not the correct fit. The position has been advertised.
- **Discuss other topics not reasonably anticipated by the Commission 48 hours before the meeting. No votes to be taken.**

↪ **286 Taunton Ave;** NV for clearing of wetlands issued on 3/10/2023. The entire lot was cleared, but the bank of the river was not cut and is stable. Agent Caledonia reported she was sent out with the Building Official to the site. The owner was belligerent and insisted on a written letter. With the assistance of a constable, the property owner was delivered a letter to cease and desist and has 10 days to respond. The Building Department has posted a “Stop Work Order” on the shed on the property.

↪ **0 Olney St. Rear** (Opposite 190 Mohawk Dr.)

N. Braga reported that in her neighborhood, there is a lot that has had tree clearing and yard clippings dumped in a mapped wetland. Photos were shared. The Commission discussed a letter of Violation will be sent.

↳ **Behind FedEx**

A complaint was received that someone is making a trail system in the wetlands behind FedEx. It was reported that it is believed to be the residents of 10 Barrington River Way in Swansea. Our Conservation Office has reported it to Swansea Conservation Commission as the system is on both Towns. Agent Caledonia believes the system is in the regulated area.

K. Kearney she was involved in the original filing for FedEx property so she will investigate, contact FedEx for permission to allow us on the property.

- **Public Input.**
There was none.

Approval of Minutes: February 13, 2023

Continued to the April 10, 2023 Conservation Commission Meeting.

K. Kearney made a motion to adjourn the meeting at 9:30 p.m., R. Emlen seconded. Vote: 5-0-0

Respectfully submitted,
Kim A. Lallier
Conservation Secretary

Formally accepted on 4/10/2023 5 in favor, 0 against, 0 abstention

[Full Video available to view on TV9 Seekonk Community Access Television](http://tv9seekonk.com/)

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