

Town of Mansfield
Conservation Minutes
March 28, 2022

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MANSFIELD
MASSACHUSETTS

Present: Michael Healey, Chair; Dr. Aaron Roth, Vice Chair; Jeffrey Paten; Sarah Joynes; Katelyn Gonyer, Environmental and Conservation Planner.

1. Meeting call to order at 6:01 pm.
2. Request for Certificate of Compliance: James Lazzara, 130 Spring Street, Map 28, Parcel 164 & 165.

Mr. Healey opened the hearing for an Order issued for the construction of a 12-unit Residential Building for an over-55 community with associated driveway, parking, drainage, water, sewer and utilities within 100 feet of Bordering Vegetated Wetland and the 200-foot Riverfront Area, Rumford River.

Lauren Gluck, Senior Environmental Scientist for Pare Corporation, representing Mr. Lazzara for the hearing, was present.

Ms. Gonyer said this was a previously disturbed area located north of Cabot Pond and adjacent to the Willowdale Subdivision and is a 55 and over community with one large structure with associated driveway and parking. She said part of the filing was an Invasive Species Management Plan, typical signage and stabilization of the disturbed areas. Ms. Gonyer said when the applicant was half way through the project it was discovered that a colony of Japanese Knotweed had taken over the entire site and a new mitigation plan was developed to eradicate the knotweed on the property. She said the area has been constantly mowed for three growing seasons and all reports have been submitted.

Ms. Gonyer noted the wetland on the property is doing fairly well and the system seems to be draining fine and all disturbed areas and side slopes have been well stabilized. She said the as built plan shows the building in the approved location and an on-going condition would be to continue to mow the knotweed. She recommended a full Certificate of Compliance be issued. She will write the on-going conditions, to include the Stormwater Management and Invasive Species Plans.

Board Comments:

Dr. Roth asked about the mowing of the knotweed. Ms. Cluck said the knotweed is being mowed every two weeks but is also being cut manually in the spring; she noted no chemicals are being used.

Public Comments:

Mr. Healey read the following script:

"It is important to us that you have a platform for your questions and comments during this meeting, therefore to ask questions or make public comments during tonight's virtual meeting you must have registered and joined the meeting via GoToWebinar where you now have the ability to use the raise your hand option to be allowed to speak.

As with any public meeting we ask you to be respectful of the Board members and the other residents who are making their comments by patiently and quietly waiting your turn. Thank you."

There were no public or virtual comments.

Dr. Roth made the motion to issue a full Certificate of Compliance to James Lazzara, 130 Spring Street, Map 28, Parcel 164 & 165, under DEP SE 211-0964 with the Stormwater Management and Invasive Species Plans as on-going conditions.

Mr. Paten seconded the motion.

Motion passed 4-0-0 at 6:11 pm.

3. Notice of Intent: Stephen and Lauren Rogers 163 Lawndale Road, Map 40, Parcel 28.

Mr. Healey opened the hearing for Stephen and Lauren Rogers for the construction of an addition, a two-car garage with an extension of the existing driveway and the removal of trees within 100 feet of Bordering Vegetated Wetland, ACEC, the Canoe River, Estimated Habitat of Rare Wildlife and a potential Vernal Pool at 163 Lawndale Road, Map 40, Parcel 28, under DEP SE 211-0993.

Craig Cygawnoski, RIM Engineering Co., Inc. and homeowners Stephen and Lauren Rogers were present.

Mr. Cygawnoski said the homeowners are planning to add two additions to the existing house. He said to the west of the property a small addition is proposed that would be partially in the 100-foot buffer zone and a row of existing pine trees will have to be removed. The area that is most closely to the wetlands is on the easterly side of the property where there is an existing driveway and a drainage easement for the Town of Mansfield for the drainage off Lawndale Road. Mr. Cygawnoski said there is an existing small addition with a deck which will be removed and a two-car garage will be added with the driveway extended on the existing lawn area to the back of the garage for a small turnout within twenty-seven feet of the wetland.

Mr. Cygawnoski said according to NHESP this property is within an area of Rare Species Habitat so there was a filing with MESA and they have received a letter from the Division of Fisheries and Wildlife and are not required to file with Rare Species.

Mr. Cygawnoski said a 36" twin oak tree, a 6" maple tree and an 8" oak tree that will be approximately ten feet from the proposed garage are within the 25-foot buffer zone and will have to be removed; the trees will be cut down to ground level but the root ball will not be removed.

Mr. Cygawnoski said for the driveway, everything drains towards Lawndale Road but the driveway also slopes toward the neighboring property so they are proposing a landscape wall, a 4" berm, to direct the water towards Lawndale Road, away from the neighbor's property.

Because of the closeness to the 25-foot buffer, Ms. Gonyer said she would like to see trees replanted and suggested six maple saplings, especially in the buffer strip. She asked about the positioning of everything on the property and said she would like to see all structures away from the resource areas as much as possible. She asked if there was a reason why the garage cannot be turned to face the road, if the garage could be moved back and turned toward the street; she said she would rather see the back side of the garage at the 25-foot buffer instead of at the turning radius. Mr. Cygawnoski said there is a twenty-foot easement where you are not allowed to place any structures and the septic system is located behind the house. Drywells are shown on the plan.

Mr. Healey mentioned there is a shed within the 25-foot area. Ms. Gonyer said because of the amount of work being done on the property she would like the shed relocated; she noted this would be an environmental benefit and said the by-laws do not allow for any structures in the 25-foot buffer zone. She asked if the lawn goes up to the wetland line. Mr. Rogers said yes and then it drops down to the wetland area. She would like plantings in this area.

Board Comments:

Mr. Healey asked what should be done with the shed. Dr. Roth asked what the shed is used for. Mr. Rogers said lawn equipment and gasoline are being stored in the shed. Ms. Gonyer asked what the shed is on. Mr. Rogers said it is sitting on gravel. Dr. Roth said the shed should be removed from the 25-foot area. Ms. Gonyer agreed and said she would let the homeowners know where the shed can and can't go. Mr. Rogers said once the garage is finished, all equipment and gasoline will be removed from the shed and stored in the garage. He said they would replace the trees. Ms. Joynes said in addition to removing the shed the gravel should also be removed. Ms. Gonyer said the gravel should be scrape out and the area re-seeded. She said she will give the homeowners a list of trees; she suggested red maples but said there are other species that would be fine as long as they are native.

Dr. Roth asked if any fill and construction materials would be stored at the front of the house. Mr. Cygawnoski said any excavated soils would be removed the same day and all materials would be stockpiled on the front lawn area near the existing westerly driveway.

Public Comments:

Mr. Healey read the following script:

"It is important to us that you have a platform for your questions and comments during this meeting, therefore to ask questions or make public comments during tonight's virtual meeting you must have registered and joined the meeting via GoToWebinar where you now have the ability to use the raise your hand option to be allowed to speak.

As with any public meeting we ask you to be respectful of the Board members and the other residents who are making their comments by patiently and quietly waiting your turn. Thank you."

There were no public or virtual comments.

Ms. Joynes made the motion to issued an Order of Conditions to Stephen and Lauren Rogers for the construction of an addition, a two-car garage with an extension of the existing driveway and the removal of trees within 100 feet of Bordering Vegetated Wetland, ACEC, the Canoe River, Estimated Habitat of Rare Wildlife and a potential Vernal Pool at 163 Lawndale Road, Map 40, Parcel 28, under DEP SE 211-0993 with the following Special Conditions under the Mansfield Wetland Protection By-law:

1. No work can be started until the Order of Conditions has been recorded with the Bristol County Registry of Deeds and the receipt of the Order is returned to the Commission filled in by the Registry.
2. All work must conform to the plan dated, February 22, 2022, referenced as "the plan of record" in this Order.
3. All limits of work and erosion controls shall be installed prior to any construction, clearing, or excavation. The erosion controls shall consist of an 8" diameter biodegradable mulch-filled silt sock with wooden stakes every 10 feet on each sides of sock or equivalent (do not pierce silt sock with stakes). In addition to the silt sock, trenched-in silt fence may be required depending on the specific site conditions. See the Conservation Agent (Agent) for specific erosion control design standards. The Applicant shall notify the Agent when any such devices or measures are installed so that a site visit can be conducted prior to the commencement of work.
4. The Commission reserves the right to require additional mitigation or erosion control devices or measures if mitigation or erosion control devices are not adequately installed or maintained on site.
5. The Applicant shall ensure that all demarcation (i.e. limits of work) and erosion control devices will remain in place and be maintained throughout the construction process and until all disturbed areas are stabilized. Stabilization shall be achieved once a complete vegetative cover is reached. Seeded areas shall be covered with a suitable protective cover to allow the seed to germinated and become established. All side slopes greater than 3:1 (but less than 2:1) are to be covered with jute mesh and seeded. At no point shall erosion occur resulting in sediment entering the wetland areas. If erosion occurs, the Agent is to be contacted to review the extent of the erosion and determine follow-up actions.
6. All roof runoff is to be directed in drywells or equivalent drainage components approved by the Commission. The Commission or its agent shall review the locations of the drywells.
7. A construction sequence is to be submitted to the Commission prior to the start of work.
8. The Conservation Commission or its agent is to be notified of the starting date of the work prior to its commencement.
9. Prior to the commencement of work, a pre-construction meet shall be held with the Agent, the Engineer and/or Representative, and the General Contractor to review the Order of Conditions, scope of work and construction sequencing.
10. The Applicant shall be responsible to ensure that all contractors on site during the construction have received and reviewed the Order of Conditions and all plans of record.
11. Wetland flagging must remain in place until the project has been completed and the Certificate of Compliance issued.
12. The Certificate of Compliance shall be requested in writing upon completion of the project. At the same time, the applicant or any successor shall, upon completion of the project; submit an as-built plan and letter signed by a professional engineer, certifying that the work has been done in accordance with the approved plan.
13. Any modifications or revisions to the plan(s) referenced in this Order must be submitted to the Commission for review. For single family lots, this Order is for the structures shown on the plan of record only. Any additional structures including, but not limited to, decks, patios, sheds, pools, walkways and/or any hardscape features must be reviewed by the Commission.

If, after their review, the Commission finds that the changes are not significant enough (minor modifications) to warrant an Amended Order or new Notice of Intent, then the revised plans shall be considered the new plan of record. If the changes are significant enough to warrant an Amended Order or new Notice of Intent, then the applicant is required to file accordingly.

14. Prior to receiving a Certificate of Compliance, the Applicant must install permanent "Environmentally Sensitive Area" signs on the subject lot. The quantity and location of the sign are to be designated by Commission or the Agent on a case by case basis. The 4" discs (reading "Environmentally Sensitive Area, Do Not Disturb"), hardware and method of installation are available at Conservation Department.

15. No synthetic fertilizer, herbicides, pesticides or fungicides can be used; only organic products may be used.

16. Dumping of lawn clippings and/or yard debris into wetland and/or 25-foot No Disturb Zone is prohibited. Storage is prohibited in these areas as well.

17. Replant trees within the 25-foot No Touch Zone. Agent will meet on-site to determine type and number of trees to be planted.

18. The existing shed is to be removed and relocated outside the 25-foot No Touch Zone. Gravel is to be removed from the 25-foot zone and the area reseeded.

Mr. Paten seconded the motion.

Motion passed 4-0-0 at 6:32 pm.

4. New Business:

2022 Trail Stewardship Program:

Ms. Gonyer said a part of the annual Trail Management Plan is to do an assessment of the trails in the spring and fall each year but Conservation and DPW do not have the staff to maintain the trails so she drafted the 2022 Trail Stewardship Program with Nancy Griffin's help. She said she will be hosting a training session on how to become a trail steward so people can walk through a designated area and report back any vandalism, signage issues, and downed trees. She said they are working with the ARC GIS online and she will be doing a PSA to get people to sign up for the program. She said once the information has been recorded, hopefully it will generate a bigger budget to maintain the trails. She will be reaching out to the COA, the schools and the scout troops to let them know about the program.

Ms. Gonyer said she has two eagle scout projects, one at Corporal Hardy for benches for the new parking area and one to create a way point system for all the trails for reporting emergencies and issues on the trails.

5. Old Business:

- Updates:

SNEP Canoe River Aquifer Resilience Pilot Project: Ms. Gonyer said this project with EPA is going very well and involves six communities to find correlating projects between the towns to work together to become more climate resilient. She said they are looking to fund about ten projects between the six communities to restore the hydrology of the watersheds.

Ms. Gonyer said she has been asked to represent Mansfield on the environmental work group for the SRPPED Regional Resilience Plan.

Ms. Gonyer said a future project to come before the Commission will be the Attleboro PFAS system, to be done under an emergency certification.

Ms. Gonyer said there is an Enforcement Order, which she has not acted on yet, for an illegal, elevated walkway through the woods and wetlands on a residential property.

Mr. Paten asked about the "first right of refusal" discussed previously for a parcel of land. Ms. Gonyer said there was an issue with how the original proposal was done and they will have to go through the process again. Mr. Healey said they did not procedurally follow the requirements for the donation of the land.

Approval of January 31, 2022: Motion to approve the January 21, 2022 minutes (Paten/Joynes). Motion passed 4-0-0 at 6:47 pm.

6. Adjournment:

Motion to adjourn at 6:49 pm (Roth/Joynes). Motion passed 4-0-0.

The next meeting will be May 9, 2022.

Michael S. Healey
Michael Healey, Chair

5-9-22
Date