

2023 MAY 24 P 7:31

**MEETING HELD IN PERSON IN MEETING ROOM 3 A/B
AND VIRTUALLY USING GOTOWEBINAR PLATFORM**
MANSFIELD
MASSACHUSETTS

Present: Michael Healey, Chair; Dr. Aaron Roth, Vice Chair; Aaron Gallagher; Dr. Jeffrey Paten; Jonathan Hedlund; Robert Smith-MacDonald; Ryan O'Hara.

Katelyn Gonyer, Conservation and Environmental Planner.
Jane Doucette, Administrative Secretary

1. Open Meeting

Mr. Healey called the meeting to order at 6:05 pm.

2. Request for Certificate of Compliance: Steve Hansen, 135 Old Elm Street (formerly 131 Old Elm Street, Lot 1). DEP SE 211-0997

Steve Hansen, Hansen Associates Inc. was present.

Ms. Gonyer said an as built plan was submitted showing everything in the approved location and all disturbed areas stabilized. Ms. Gonyer said a letter was not submitted with the request for the certificate of compliance but she met with Craig Cygawnoski, RIM Engineering, Co., Inc., and a letter will be generated.

Mr. Hansen said there is a replication area that will be checked to see how the plantings did over the winter.

There were no comments from the board.

There were no virtual or audience comments.

Mr. Hedlund made the motion to issue a full Certificate of Compliance to Steve Hansen, 135 Old Elm Street (formerly 131 Old Elm Street, Lot 1) under DEP SE 211-0997, pending the submittal of the letter of compliance.

Mr. Gallagher seconded the motion.

Motion passed 7-0-0 at 6:12 pm.

3. Request for Certificate of Compliance: Craig Cygawnoski, RIM Engineering, Co., Inc., 230 Plain Street, Map 004, Parcel 75. DEP SE 211-0992

This Order was issued in March 2022 for the installation of an in-ground pool within 100 feet of the inland bank of Greenwood Lake.

The hearing was continued from January 30, 2023

Ms. Gonyer said this project was for a shallow pool within the buffer of Greenwood Lake. She said an as built plan was submitted however, there were plantings the board had asked for that were not done so she will be meeting on site with the homeowners. She asked that the hearing be continued to the next meeting until the final plantings have been done.

There were no board comments.

There were no virtual or audience comments.

Mr. Gallagher made the motion to continue the request for a Certificate of Compliance for Craig Cygawnoski, RIM Engineering, Co., Inc., 230 Plain Street, Map 004, Parcel 75 ,under DEP SE 211-0992, to the May 22, 2023 meeting.

Dr. Roth seconded the motion.

Motion passed 7-0-0 at 6:14 pm.

4. Request for Determination of Applicability: Adam Moitoso, 12 Angelina Lane, Map 034, Parcel 263.

Mr. Healey said this filing is for the removal of debris and regrading and seeding of a new lawn area and planting native trees and shrubs within 100 feet of the inland bank of an intermittent stream, Back Bay Brook.

Mr. Moitoso and Kate Herring were present.

Ms. Gonyer said she met with the homeowner several times on site. She said there were a lot of dead trees on the property and the homeowner was allowed to remove the trees through an Administrative Review. She said the homeowner will follow up with the grading and seeding of the new lawn. She said all the work is well out of the 25-foot area but she noted there has been a lot of historical dumping on the bank from the previous owners. She said Mr. Moitoso will have to find another place to stockpile lawn debris out of the 25-foot area.

There were no virtual or audience comments.

Dr. Roth made the motion to issue a Negative Determination for reason #3, no work will impact the resource area, to Adam Moitoso, 12 Angelina Lane, Map 034, Parcel 263 with the following special conditions.

1. Erosion control is to be installed and inspected by Agent prior to the start of work.
2. Agent shall be notified when project is complete.
3. Removal of all lawn debris out of the 25-ft. No Touch Area.
4. All lawn clippings/yard debris must be stored outside the 25-ft. No Touch Area.

Dr. Paten seconded the motion.

Motion passed 7-0-0 at 6:23 pm.

5. Request for Determination of Applicability: Brian Kelley, 27 Smith Road, Map 009, Parcel 090.

Mr. Healey said this filing was for the removal of approximately twenty-five trees for safety reasons within the 100-foot buffer of Bordering Vegetated Wetlands.

Ms. Gonyer said she met with the homeowner on site and said all the trees definitely needed to be taken down. She said the trees behind the fence should be left within the system, everything within the lawn area should be removed and all debris within the 25-foot No Disturb Zone should also be removed. She recommended that a Negative Determination for reason #3 be issued.

There were no Board Comments:

There were no virtual or audience comments

Dr. Paten made the motion to issue a Negative Determination for reason #3, no work will impact the resource area, to Brian Kelley, 27 Smith Road, Map 009, Parcel 090, with the following special conditions:

1. The Agent is to be informed when the work begins and when work is completed.
2. The trees behind the fence to be left in the system except for, in this case, the tree that if it falls and blocks the animal trail, will be removed.
3. Trees within the fenced-in area will be taken away.
4. Relocate landscape piles of debris outside the 25-ft. No Disturb Zone.

Dr. Roth seconded the motion.

Motion passed 7-0-0 at 6:30 pm.

6. Land Disturbance Application, Mansfield Housing Authority, Bicentennial Court and Hawthorne Court, Map 030, Parcel 017

Present: Ronald Mendez, Graves Engineering, Inc., attended the meeting virtually.

Mr. Healey said this is a land disturbance application for the Mansfield Housing Authority at Bicentennial Court and Hawthorne Court, Map 030, Parcel 017, for parking, pavement and stormwater improvements.

Ms. Gonyer said this filing is under the town's Stormwater By-law, not under the wetland By-law because the Commission is the Stormwater Authority Committee. She noted the Stormwater plan and the Operation and Maintenance Plan will be recorded at the Registry of Deeds.

Mr. Mendez said for Bicentennial Court they will be removing all the existing pavement and will redo the parking area as well as the associated walkways. He said this will increase the number of parking spaces by seventeen to provide adequate spaces for the residents. He said they will also be doing improvements to the stormwater unit and noted the amount of disturbance would be approximately 70,000 square feet. For Hawthorne Court, they will be resurfacing the existing pavement area but the number of parking spaces will not change. Mr. Mendez mentioned they are still in the application process with the Planning Board. He noted this was presented at the March Planning Board meeting for approval of the site plan. He said there were some conditions attached to the approval that weren't discussed at this meeting so they will go back to the Planning Board to address these conditions; he said he would like to obtain waivers for some of the conditions that were presented and they will go back to the Planning Board on April 26th.

Ms. Gonyer said typically any stormwater plan is reviewed by the town engineer, Richard Alves, and his comments will be addressed at the April 26th Planning Board meeting. Ms. Gonyer said the only condition to be attached to this project is that after the Planning Board hearing, if they grant the waivers from Mr. Alves' comments, a letter would have to be generated stating he approves the project. Ms. Gonyer said the land disturbance permit can be issued pending approval by the town engineer.

Mr. Gallagher noted Mr. Alves reviewed the stormwater for content and he will provide comments to the applicant but asked what the Commission's role is regarding this permit. Ms. Gonyer said the Commission is going to be the governing body for this plan. Mr. Gallagher said if the Commission is the arbitrator of the Stormwater Management Plan and the land disturbance permit, then the waivers should come through the Commissioners not the Planning Board.

Ms. Gonyer said the Commission can't approve this until the town engineer's comments have been addressed.

There were no virtual or audience comments.

Dr. Roth made the motion to continue the hearing for the land disturbance application for the Mansfield Housing Authority, Bicentennial Court and Hawthorne Court, Map 030, Parcel 017, to the May 22, 2023 meeting.

Mr. Hedlund seconded the motion.

Motion passed 7-0-0 at 6:44 pm.

7. Old Business:

493, 505, and 509 West Street, Enforcement:

Attorney Adrian LeCesne, representing the property owner, was present.

Mr. Healey said he and Ms. Gonyer were at this property last week and noted the property owner has continued to do work even though they were issued a stop work order; Mr. Healey noted this is based on his observations when he was on site one year ago.

Attorney LeCesne talked about actions previously taken by the homeowners as they attempted to get a survey done and he described some of the work already done as well as recent work. He said the homeowner went to RIM Engineering for a new plan. Attorney LeCesne said he called Scott Goddard, Goddard Engineering, regarding the wetland flagging and noted the flags have been removed. Attorney LeCesne told the homeowner the survey still needs to be done but the homeowner would likely need to apply for a 404 permit for dredging and filling.

Mr. Healey asked Attorney LeCesne if his client would be ready for the May meeting. Attorney LeCesne said no contracts are in place at this time.

Mr. Healey noted the homeowner has continued to work and has not kept the Commission informed. He said he recommended the Commission take legal action. Ms. Gonyer said her recommendation would be to move forward with town counsel to discuss the next steps to be taken. She will also be recommending this be brought to the attention of DEP as well as the property owner on Forbes Boulevard.

Mr. Gallagher said he is less concerned about the contract piece of this issue than if we give them more time are they just going to continue to do work.

Attorney Le Cesne asked if the action of town counsel is on the homeowner or against her partner. Ms. Gonyer said it is on the homeowner right now; she noted the violation is attached to these three properties along West Street but also on Forbes Boulevard. She said the Commission has not issued enforcement to any company. Ms. Gonyer said she will be in contact with town counsel and DEP on how to proceed.

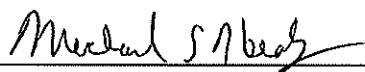
Approval of January 30, 2023 and February 27, 2023 minutes:

Dr. Roth motioned to approve the January 30, 2023 minutes
Mr. Gallagher seconded the motion.
Motion passed 7-0-0 at 7:22 pm.

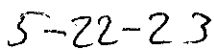
Mr. Gallagher motioned to approve the February 27, 2023 minutes.
Dr. Paten seconded the motion.
Motion passed 4-0-3 (Dr. Roth, Ryan O'Hara, Robert Smith-MacDonald abstained) at 7:22 pm

8. Adjournment:
Motion to adjourn at 7:24 pm (Gallagher/Paten). Motion passed 7-0-0

Next meeting will be May 22, 2023 at 6:00 pm.



Michael Healey, Chair



Date