

Town of Mansfield Conservation
June 27, 2022
Minutes

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MANSFIELD
MASSACHUSETTS

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

1. The Conservation Commission meeting was called to Order at 6:08 pm.
2. Request to Extend Order of Conditions: Sara Dziedzic, Bungay Lake Associates, Inc.

Mr. Healey opened the hearing for the request to extend the Order of Conditions for Sara Dziedzic, Bungay Lake Associates, Inc., for the aquatic management program under DEP SE 211-0973.

Ms. Gonyer recommended the extension of the Order be issued. The Order will be extended for three years, to expire June 2025.

There were no virtual or public comments.

Dr. Roth made the motion to issue an extension of the Order of Conditions to Sara Dziedzic, Bungay Lake Associates, Inc., Greenwood Lake (also known as Bungay Lake) for the aquatic management program under DEP SE 211-0973.

Mr. Paten seconded the motion.
Motion passed 4-0-0 at 6:11 pm.

3. Request for Certificate of Compliance: Andrew Austin, 473 Bird Road, Map 39, Parcel 23.

Mr. Healey opened the hearing for a request for a Certificate of Compliance for Andrew Austin. The Order was issued for the construction of a garage/addition and relocation of the driveway within 100 feet of Bordering Vegetated Wetland under DEP SE 211-0986.

An As-Built plan, "DEP SE 211-0986 As-Built Garage Addition Plan at No. 473 Bird Road in Mansfield, MA" dated June 14, 2022 and a letter from RIM Engineering were submitted; the letter states all the work was completed in conformance with the approved design plan.

Ms. Gonyer recommended a full Certificate of Compliance be issued with the following on-going condition: no dumping of lawn debris within the 25-foot No Disturb Zone.

There were no virtual or public comments.

Mr. Paten made the motion to issue a full Certificate of Compliance to Andrew Austin, 473 Bird Road, Map 39, Parcel 23, for the construction of a garage/addition and relocation of the driveway within 100 feet of Bordering Vegetated Wetland under DEP SE 211-0986 with the on-going condition no dumping of lawn debris within the wetland or the 25-foot NDZ.

Ms. Joynes seconded the motion.
Motion passed 4-0-0 at 6:14 pm.

4. Request for Certificate of Compliance: Paul McInnes, 44 Cabot Boulevard, Map 44, Parcel 321.

Mr. Healey opened the hearing for a request for a Certificate of Compliance for Paul McInnes, 44 Cabot Boulevard. The Order was issued for the construction of a 60,000 square-foot warehouse with associated parking, utilities and drainage within 100 feet of Bordering Vegetated Wetland, an Isolated Vegetated Wetland and Inland Bank of a pond under DEP SE 211-0970.

Ms. Gonyer said she walked the line extensively with Mr. McInnes and everything looked great and the area was naturalized up to the gravity wall. She noted the "Environmentally Sensitive" discs were installed on the guardrail. She said a letter and As-Built plan, "Site As-Built Plan" dated June 27, 2022 was received from Bay Colony Group; the letter confirms that the work within the Commission's jurisdiction was done substantially in compliance with the issued Order of Conditions with the following exception; the electric transformer was moved from the west side of the south driveway to north of the driveway, further away from the wetland resource area. She recommended a full Certificate of Compliance be issued with the on-going condition of the Stormwater O & M Plan.

There were no virtual or public comments.

Dr. Roth made the motion to issue a full Certificate of Compliance to Paul McInnes, 44 Cabot Boulevard, Map 44, Parcel 321 for the construction of a 60,000 square-foot warehouse with associated parking, utilities and drainage within 100 feet of Bordering Vegetated Wetland, an Isolated Vegetated Wetland and Inland Bank of a pond under DEP SE 211-0970 with the Stormwater O & M Plan as an on-going condition.

Ms. Joynes seconded the motion.
Motion passed 4-0-0 at 6:19 pm.

5. Request for Certificate of Compliance: Paul McInnes, 44 Cabot Boulevard.

Mr. Healey open the hearing for Paul McInnes for the aquatic management program for an Inland Resource Area under DEP SE 211-0869.

Ms. Gonyer said this is an older Order of Conditions issued in March 2012. She said there is a pond on the property that was used for irrigation of the lawn areas surrounding the complex. Dr. Roth said this is a man-made pond that is now basically functioning as a wetland. He asked about the vegetated profile. Ms. Gonyer said they are no longer pumping out any water and it is actually standing water with cattails, autumn olive and bittersweet and the area around the pond has naturalized.

There were no virtual or public comments.

Ms. Joynes made the motion to recommend a full Certificate of Compliance be issued to Paul McInnes, 44 Cabot Boulevard, Map 44, Parcel 321.

Dr. Roth seconded the motion.
Motion passed 4-0-0 at 6:23 pm.

6. Request for Determination of Applicability: Alyssa Safer, 63 York Road.

Mr. Healey opened the hearing for Alyssa Safer for a Request for Determination of Applicability for the expansion of the back lawn area, addition of fill and grading associated with a single-family house within the boundary of Bordering Vegetated Wetland at 63 York Road, Map 002, Parcel 222.

Homeowner Alyssa Safer was present.

Ms. Gonyer said she met on site with Ms. Safer. She said the only lawn area that is flat on this property is at the back of the house, 15 to 20 feet off the house and 40 feet further it goes down a slope to the wetland. She said this is to correct the grade but she needs more information on the plan and said she can meet the landscaper and homeowner on site to mark where the extent of fill and grading would be. This area would be seeded and allowed to naturalize; no fill would be allowed in the 25-foot area.

Mr. Healey said the plan indicates from the existing lawn area, where the change in the slope occurs, would be covered with woodchips. He asked if they would be putting loam down once the project is completed. Ms. Gonyer said her only issue with woodchips is they end up at the bottom of the slope because of runoff. She said she would rather have filter fabric or jute netting in this area instead of the woodchips on the slope; she said woodchips can be used for temporary stabilization.

Dr. Roth said there is no real scope of work and the plan doesn't show how close the work is to the 25- and 100-foot buffer. He asked Ms. Safer when she wanted to start the work. Ms. Safer said she would like to start the work this summer and have the work completed before the winter months. Ms. Gonyer will meet on site with the landscaper and come back with more information.

Adrian LeCesne, 125 Highland Avenue, said to prevent the problem of woodchips entering the resource areas when you have a steep slope, you can interrupt the runoff with a triangular-based ladder in a zig zag pattern with native plantings. Ms. Gonyer said they would need a planting plan showing the spacing and species of plants.

Ms. Joynes asked if the wood chips are a temporary stabilization. Ms. Safer said this is what the landscaper recommended but she is opened to anything the Commission recommends. Ms. Gonyer asked if Ms. Safer would be willing to do plantings and disperse a wetland seed mix to secure the slope. Ms. Gonyer said if the design is going to change, a new plan would have to be submitted for the project. Mr. Healey said the narrative does not provide any information about the slope, such as loaming and seeding and said the preference would be some type of vegetation to stabilize the slope, in the interest of the Wetlands Protection Act.

There were no virtual or public comments.

Dr. Roth made the motion to issue a Negative Determination for reason #3, work will not cause impact to resource areas, to Alyssa Safer for the expansion of the back lawn area, addition of fill, and grading associated with a single-family house within the boundary of Bordering Vegetated Wetland at 63 York Road, Map 002, Parcel 222 with the following special conditions:

1. Agent to meet onsite with the contractor/landscaper to mark the limit of extent of fill.
2. Agent is to inspect erosion control. The erosion control shall consist of an 8" diameter biodegradable mulch-filled silt sock or one approved by the agent.
3. Submit a detailed planting plan to be approved by the agent on site with the landscaper.

4. Agent is to be notified when project is complete and all disturbed areas have been stabilized.

Ms. Joynes seconded the motion.
Motion passed 4-0-0 at 6:47 pm.

7. Request to Amend Order of Condition: Ron Nation, 265 Fruit Street.

Mr. Healey opened the hearing for the request to amend the Order of Conditions for the construction of a new airplane hangar "V" and the expansion of hangar "S" within 100 feet of Bordering Vegetated Wetland, approved under DEP SE 211-0929, for Ron Nation at 265 Fruit Street, Map 36, Parcel 15.

Ms. Gonyer said this request to amend the Order of Conditions is for the Quad 4.

Ms. Gonyer met on site with Rick Alves and the engineers for the project; she asked for an as built plan showing all of the existing buildings on the site and the stormwater upgrade. She said we are still waiting for this information so the Applicant has requested a continuation to the next meeting.

There were no virtual or public comments.

Ms. Joynes made the motion to continue the hearing for the request to amend the Order for Ron Nation for the construction of a new airplane hangar "V" and expansion of hangar "S" within 100 feet of Bordering Vegetated Wetland, approved under DEP SE 211-0929, at 265 Fruit Street, Map 36, Parcel 15, to July 25, 2022.

Mr. Paten seconded the motion.
Motion passed 4-0-0 at 6:47 pm.

8. Notices of Intent: Steve Hansen, 131 Old Elm Street, Lots 1, Lot 2, and 3.

Mr. Healey opened the hearing on the applications of Steve Hansen for the Notices of Intent for 131 Old Elm Street, Lots 1, 2 and 3.

Tim McGuire, Wildlife Biologist and Wetland Scientist, Goddard Consulting, Inc. and Steve Hansen, Hansen Associates, Inc. were present.

Ms. Gonyer said there are three Notices of Intent for this property. She said two of the lots, Lot 1 and Lot 3, will be sharing a common driveway under a limit project and there is also some mitigation on Lot 2.

Mr. McGuire explained the property is currently owned by Mary Bellavance and it is her intention to subdivide portions of the lot to construct two additional houses. He said there is an existing single-family house with a garage and a foundation for an old barn on lot 2. He said on this site the resource areas consist of a very large wetland system and an intermittent stream bank with a small portion of Lot 1 within the Riverfront Area (RFA) but they will be keeping all work outside the RFA. Mr. McGuire said he met on site with Ms. Gonyer last week and the wetland line was approved as shown on the plan.

Mr. McGuire said they are proposing two additional single-family houses (Lot 1 and Lot 3). Lot 1 will be facilitated through a shared driveway with Lot 3, and will require a stream crossing. For Lot 2, an attached garage and new septic system will be added to the existing house; Mr. McGuire said the septic system is

completely outside the 25-foot No Disturb Zone (NDZ) but there is some work associated with the removal of the existing barn foundation and the proposed garage, with all work completely within the foot print of existing impervious surfaces, which will be removed; this work will be occurring in the 25-foot but all work will now be moved slightly further from the 25-foot buffer zone in this area, with a net reduction of impervious surfaces within the 25-foot buffer zone; the area of existing impervious surface, that will not be developed, will be allowed to revert back to natural conditions, past the limit of work there.

Mr. McGuire discussed the intermittent stream crossing and the box culvert. He said there is a need for some wetland filling and the replication area on Lot 2 will also compensate for some of the disturbances in the 25-foot buffer zone. He said they are also proposing the removal of some sheds and general yard waste and junk, etc. and this area will be allowed to naturally revegetated.

An 8" silt sock is proposed along the down gradient of limit of work for the entirety of the project.

Ms. Gonyer asked about the limit of lawn and said everything within the limit of work is to be seeded as lawn. She said there is a restoration plan included and some language about invasive species. She said they need to make sure over the course of the mitigation and the temporary disturbances during the construction that invasive species do not colonize. She said the crossing is a limited crossing because it is accessing the upland area. She noted they have met all the performance standards of the Mass Stream Crossing Standards. She said there is a point where the grading gets close to the 25-foot NDZ so the erosion control would have to be reviewed before the start of work. She said since these are individual Notices of Intent, if there are any substantial changes to the houses and appurtenances, they would have to come back to amend the Notices and an as built plan will be needed for the issuance of a Certificate of Compliance. She said where the plan says 25-foot wetland buffer she would like a 10-15-foot swath on each side of the stream to be allowed to naturalize along the stream edge within the limit of work; she said this would be for Lot 3 where the main crossing is located. Mr. McGuire said they selected the driveway location to minimize the impact to the wetlands while still maintaining the required footage for zoning. Ms. Gonyer said she was happy to see they did take into account the area of impact within the 25-foot area when they created the area of mitigation; she noted this is something we should be doing on all projects.

Dr. Roth said this is one of the best filings he has seen in his time on the board. He asked if there was a plan for the area where the shed and debris would be removed. Mr. McGuire said they did not specifically call out wild flowers or a New England conservation seed mix to be planted in this area. Ms. Gonyer said the seed mix would be good for this area.

Mr. Healey asked if the Town Engineer would have to look at the crossing design. Ms. Gonyer said no but he can. Mr. Healey asked if surface water from the driveway would go to a stone riprap. Mr. McGuire said yes as shown on the plan in two locations.

There were no virtual or public comments.

Mr. Healey opened the hearing for the application of Steve Hansen, for a Notice of Intent for the construction of a single-family house, associated septic system and two roof water recharge systems within the boundary of Bordering Vegetated Wetland at 131 Old Elm Street, Lot 1, Map 6, Parcel 49. A common driveway will be shared with Lot 3.

Mr. Paten made the motion to issue the Order of Conditions to Steve Hansen for the construction of a single-family house, associated septic system and two roof water recharge systems within the boundary of Bordering Vegetated Wetland at 131 Old Elm Street, Lot 1, Map 6, Parcel 49, with a common driveway shared with Lot 3, under DEP SE 211-0997 with the following Special Conditions under the 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 "Proposed House Location Plan at No. 131 Old Elm Street in Mansfield, MA" dated May 27, 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 side 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 germinate 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 into 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. 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.
10. Wetland flagging must remain in place until the project has been completed and the Certificate of Compliance issued.
11. 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.
12. 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.
13. Prior to receiving a Certificate of Compliance, the Applicant must install three (3) permanent "Environmentally Sensitive Area" signs on the subject lot. The location of the signs are to be designated by the 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 the Conservation Department.

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

Dr. Roth seconded the motion.

Motion passed 4-0-0 at 7:16 pm.

Mr. Healey opened the hearing for the application of Steve Hansen, for a Notice of Intent for the construction of a septic system associated with an existing single-family house, construction of an attached garage, and removal of an existing barn, with a stream crossing within the boundary of Bordering Vegetated Wetland and an Intermittent Stream at 131 Old Elm Street, Lot 2, Map 6, Parcel 49, under DEP SE 211-0995.

Dr. Roth made the motion to issue the Order of Conditions to Steve Hansen for the construction of a septic system associated with an existing single-family house, construction of an attached garage, and removal of an existing barn and wetland mitigation within the boundary of Bordering Vegetated Wetland and an Intermittent Stream at 131 Old Elm Street, Lot 2, Map 6, Parcel 49, under DEP SE 211-0995 with the following Special Conditions under the 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 “Proposed House Location Plan at No. 131 Old Elm Street in Mansfield, MA” dated May 27, 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 side 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 germinate 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. 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.

10. Wetland flagging must remain in place until the project has been completed and the Certificate of Compliance issued.
11. 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.
12. 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.
13. Prior to receiving a Certificate of Compliance, the Applicant must install three (3) permanent "Environmentally Sensitive Area" signs on the subject lot. The location of the signs are to be designated by the 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.
14. No synthetic fertilizer, herbicides, pesticides or fungicides can be used; only organic products may be used.
15. The replication area plantings shall be 75% successful within the first two growing seasons. If that is not the case then recommendations for additional plantings shall be proposed to the Mansfield Conservation Commission. A full Certificate of Compliance cannot be issued until the two growing seasons have passed AND 75% survival rate has been achieved.
16. Debris, trash and the existing sheds on the property are to be removed by hand and the disturbed areas seeded with a conservation seed mix. OR left to return to a natural state. No mowing.
17. Dumping of lawn clippings and/or yard debris into a wetland and/or the 25-foot No Disturb Zone is prohibited. Storage is prohibited in these areas as well.

Ms. Joynes seconded the motion.

Motion passed 4-0-0 at 7:18 pm.

Mr. Healey opened the hearing for the application for Steve Hansen, for a Notice of Intent for the construction of a single-family house, associated septic system and two roof water recharge systems within the boundary of Bordering Vegetated Wetland and Intermittent Stream at 131 Old Elm Street, Lot 3, Map 6, Parcel 49. A common driveway with a stream crossing will be shared with Lot 1.

Ms. Joynes made the motion to issue an Order of Conditions to Steve Hansen, for the construction of a single-family house, associated septic system and two roof water recharge systems within the boundary of Bordering Vegetated Wetland and Intermittent Stream at 131 Old Elm Street, Lot 3, Map 6, Parcel 49, a common driveway with a stream crossing will be shared with Lot 1, under DEP SE 211-0996, with the following Special Conditions under the 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 "Proposed House Location Plan at No. 131 Old Elm Street in Mansfield, MA" dated May 27, 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. 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.
10. Wetland flagging must remain in place until the project has been completed and the Certificate of Compliance issued.
11. 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.
12. 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.
13. Prior to receiving a Certificate of Compliance, the Applicant must install three (3) permanent "Environmentally Sensitive Area" signs on the subject lot. The location of the signs are to be designated by the 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.
14. No synthetic fertilizer, herbicides, pesticides or fungicides can be used; only organic products may be used.
15. Dumping of lawn clippings and/or yard debris into a wetland and/or the 25-foot No Disturb Zone is prohibited. Storage is prohibited in these areas as well.

Mr. Paten seconded the motion.

Motion passed 4-0-0 at 7:20 pm.

9. New Business:

- 505 West Street Enforcement Order: Ms. Gonyer said she and Mr. Healey went to the site in response to an enforcement at 505 West Street. She said the Enforcement Order has been issued.

Attorney Adrian LeCesne said he is representing the property owner (Dominique Chester) who was present at the meeting and also the owner of the landscaping business on the property. Attorney LeCesne said they need to delineate to figure out where the property lines fall and where the wetland boundary actually is. He said the dotted line shown on the GIS at tonight's meeting is a potential intermittent stream, which may be dry six months out of the year but may or may not be wet from time to time. He said this could be a feature of the road where the water from the road is draining and collecting; he noted this may or may not be a stream. He said they have retained LEC Environmental Consultants, Inc. and Mark Manganello, will be doing the first site walk either on June 28th or the 30th.

Attorney LeCesne said he wrote a letter acknowledging there are issues, but they want to gather more information. He said the stream is under some material that was introduced into an area that is indisputable at least in the 100-foot buffer and disputable within the 25-foot buffer. He said some work was started without a proper Notice of Intent and all work has stopped pending the submission of a new NOI. He said they would like to figure out a good way to comply in terms of the restoration plan and determine what is the 25-foot NDZ and what is in the 100-foot zone.

Ms. Gonyer said the date for the Enforcement Order is March 31, 2022. She said this is a mixed-use residential area so currently the landscaping business is allowable but impacts to the resource areas are not. Attorney LeCesne said Ms. Chester is the owner of the property and the owner of the landscaping business is her partner. He said for the purposes of the violation, the landscaper is the owner of the property.

Ms. Gonyer said there are two other lots involved and the second lot was cleared. She said there is also a paved basketball court where the intermittent stream is located. She showed a GIS of the site, showing a berm and the pond. She said when she was on site there was a hole in the ground with a large pile of larger sized gravel and smaller gravel and this area was saturated. She said the owner of 130 Forbes has not been notified yet. Attorney LeCesne said he will send a copy of the original letter sent by Ms. Gonyer to the owner at 130 Forbes and will also reach out to 120 Forbes.

Attorney LeCesne said he is asking for a ninety-day continuance so they can get the wetland delineation done. He will submit the delineation report and the Notice of Intent for the September meeting. Ms. Gonyer said there is no time limit on this now.

- Trail Management Updates: Volunteers. This agenda item will be addressed at the July meeting.
- OCA (Organizational Capacity Assessment):

Ms. Gonyer said a grant was received from the EPA to do an assessment of the department and the town to look at the capacity of our stormwater management and climate change resiliency. A six-page report was received that gives recommendations to expand the department to get some help and a mitigation plan. She worked with the team from Syracuse that specializes in this type of work and they did a very extensive review of all the different objectives of the town for Open Space and Conservation and evaluated the work load and gave recommendations. She said it is similar to the Master Plan which recommends having more staff dedicated to land management. She will meet with Mark Cook to get a plan for better management of the trail systems.

- Site Visits with the Commission:

Ms. Gonyer said there are some sites that the Commission would not have to go to because they are very straight forward and can be explained through GIS and pictures, but there are sites that are worth visiting. She asked if they would like to go out with her or as a group on their own for site visits. She said if they choose to go on their own it would be best to have a badge that shows you have the authority to go on the property.

10. Old Business:

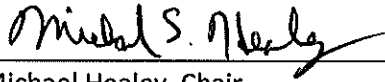
- Approval of May 9, 2022 minutes.

Motion to approve the May 9, 2022 minutes (Joynes/Paten). Motion passed 3-0-1 (Dr. Roth abstained).

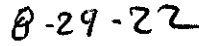
- Conservation Updates.

11. Adjournment

Motion to adjourn at 7:57 pm (Dr. Roth/Ms. Joynes). Motion passed 4-0-0.



Michael Healey, Chair



Date