

Town of Mansfield
Conservation Minutes
October 30, 2023

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

2023 DEC -1 A 8:46

MANSFIELD
MASSACHUSETTS

Present: Michael Healey, Chair; Dr. Aaron Roth, Vice Chair; Aaron Gallagher; Dr. Jeffrey Paten; Robert Smith-MacDonald; Ryan O'Hara; Katelyn Gonyer, Conservation and Environmental Planner

Jonathan Hedlund was not present.

1. Open Meeting

Mr. Healey opened the meeting at 6:07 pm.

2. Request for Determination of Applicability: Mike and Amanda Mitchell, 821 Maple Street, Map 040, Parcel 276.

Mr. Healey opened the hearing for Mike and Amanda Mitchell for the construction of an in-ground pool within 100 feet of Bordering Vegetated Wetland and Intermittent Stream.

Homeowner Michael Mitchell was present. Nadia Wright of Juliano's Pools attended virtually.

Mr. Healey asked if Ms. Gonyer had visited the site. Mr. Mitchell said she had been out previously when the back yard was raised. Mr. Healey said the erosion control is to be mulch silt sock.

All work will be done on the established lawn area.

Comments from the Board:

Mr. Gallagher asked if Ms. Gonyer had reviewed the edge of the wetland. Mr. Mitchell said she did. Mr. Healey asked about the pool infiltration system. Mr. Mitchell said it will be a standard DE system. Mr. Healey asked about the disposal of the backwash water. Mr. Mitchell said it will be collected and trucked off site; Mr. Healey suggested a drywell be installed for the backwash. Mr. Healey asked that frog logs or a similar product be installed in the pool. Ms. Wright said with the pool infiltration system, the cartridge would be removed and cleaned with a hose. She said this system does not backwash each time the cartridge is washed. Mr. Healey said one of the conditions would be that any liquid generated from the cartridge being washed should be allowed to soak into the ground and not flow into the wetlands.

There were no virtual or audience comments.

Dr. Roth made the motion to issue a Negative 3 Determination for reason #3, the work will not impact resource areas, to Mike & Amanda Mitchell, 821 Maple Street for the installation of an in-ground pool within 100 feet of Bordering Vegetated Wetland and Intermittent Stream with the following conditions:

- Erosion control must be an 8" mulch silt sock and is to be inspected by Agent prior to the start of work.
- Agent is to be notified when work starts.

- Pool O&M Conditions:
 1. All new in-ground pools shall use a cartridge filtration system or a filtration system. The water used for cleaning the cartridge filter should **NOT** be discharged into the wetland.
 2. All pool water is to be de-chlorinated before it is drained from the pool. All drained water is to be drained over the land/lawn of the same property.
 3. Frog Logs or a similar product are to be used in the pool.

Mr. Gallagher seconded the motion.

Motion passed 6-0-0 at 6:19 pm.

3. Notice of Intent: Keith Signoreillo, 889 Maple Street, Map 040, Parcel 091.

Mr. Healey opened the hearing for Keith Signoreillo for the razing of an existing abandoned dwelling and the construction of a single-family home with associated grading and utilities within 100 feet of Bordering Vegetated Wetland and the 200-foot Riverfront Area, under DEP SE 211-1007.

William R. Buckley, Jr., Bay Colony Group, Inc., was present.

Mr. Buckley said currently there is a single-family home on the 4.5-acre property, probably dating back to 1936. He said the Applicant will remove the existing house to build a single-family home with a garage; he noted the driveway will be located on the right side of the property. He said the resource areas on the property are a stream, which is shown on the USGS Map as a perennial stream and the 200-foot Riverfront Area. He said there is also a Bordering Vegetated Wetland as well as an Isolated Wetland within a buffer zone on the east side of the property. He said they are within the 200-foot Riverfront Area but there will be no significant adverse impact to the Riverfront Area. He said there will be approximately 21,000 square feet of disturbance. He said most of the upland area of the property is located to the east of the Riverfront Area. Erosion control will consist of mulch silt socks. He said all roof run off will be recharged directly into the ground on the lot. He said most of the lot lies within the Natural Heritage Priority Habitat but no work will be done in this area. Mr. Buckley said he and Ms. Gonyer walked the site and she approved the wetland line.

Board Comments:

Mr. Gallagher said he would rather see the recharge for the roof runoff as shown on the plan instead of in the upland area. Mr. Smith-MacDonald asked if the old shed would be removed. Mr. Buckley said there are three old farm structures on the property that could be removed. He said the shed in question is right next to the wetland edge and in the Natural Heritage area. He said plans show the sheds and barn are to be removed. Mr. Gallagher said a split rail fence should be installed at the edge of disturbance.

There is a large stand of Japanese Knotweed at the entrance to the site and a management plan explaining how these invasive plants will be removed from the site needs to be submitted.

There were no virtual or audience comments.

Mr. Gallagher made the motion to issue an Order of Conditions to Keith Signoreillo, 889 Maple Street, Map 040, Parcel 091, under DEP 211-1005 for the construction of a single-family home with associated grading and utilities within 100 feet of Bordering Vegetated Wetland and NHESP Priority Habitat of Rare

Species with the following special conditions under the Mansfield Wetland Protection By-law, Chapter 220:

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 October 31, 2023, 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 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.
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. A split rail fence is to be installed at the edge of disturbance to demarcate the limit of lawn area.
18. Submit Knotweed Management Plan.
19. Remove all farm structures and debris and stabilize these areas.

Dr. Roth seconded the motion.

Motion passed 6-0-0 at 6:39 pm.

4. Notice of Intent: Munal Salem, 235 Central Street, Map 018, Parcel 436.

Mr. Healey opened the hearing for Munal Salem, 235 Central Street for the extension of an existing building and new parking area within 100 feet of a Bordering Vegetated Wetland under DEP SSE 211-1006. This hearing was continued from September 25, 2023.

Craig Cygawnoski, RIM Engineering Co., Inc., and Anthony Grassi, Project Manager, were present.

Mr. Cygawnoski said the handicapped parking space located at the 25-foot buffer of the wetland has been moved away from the 25-foot area, shown on Sheet 2 of the revised plan dated October 13, 2023. He said the 19 parking spaces have been reduced to 18 spaces as required, based on the building's square-footage. He noted 30 % of the parking lot is to be for sub-compact cars, allowing the proposed nine-foot spaces to be reduced to eight-foot spaces, with a gain of five feet. Also, he said the handicapped space with a van loading area has been moved into the parking lot and all proposed pavement in the 25-foot buffer area has been removed. Mr. Cygawnoski said they also looked into the run-off for the emergency overflow from the drainage system. He said the 100-year storms will be completely contained within this system. There is still a break in the curbing but there is now a two-foot wide paved runoff area that runs parallel to the driveway to direct the water towards the back to an existing depression located behind the parking lot. He said the original handicapped parking space area is slightly vegetated now and Ms. Gonyer agreed that after construction is completed she would work with the builder to determine what vegetation would be best to enhance this area; this area is to be left as natural as possible. Mr. Gallaher asked if the town engineer had reviewed the drainage. Mr. Cygawnoski said the drainage was reviewed by Mr. Alves prior to the filing of the Notice of Intent.

Public Comments:

Patrice Travis, 12 Perkins Avenue, asked about the changes to the plan, shown on Sheets 2 and 3. Mr. Cygawnoski said Sheet 3 shows the detail of the drainage system and Sheet 2 shows the limit of disturbance and the parking lot. She asked about the parking lot lighting. Mr. Cygawnoski said the lighting for the parking lot would be based on a light study and the Town of Mansfield's lighting regulations, which does not allow light from a neighboring property to shine on an abutting property. He noted the lights will not be on all night.

Nancy Thayer, 235 Central Street, said currently the lights are on all night. Mr. Healey said this should be addressed through the Planning Board.

Dr. Roth made the motion to issue an Order of Conditions to Munal Salem, 235 Central Street, Map 018, Parcel 436 for the extension of an existing building and new parking area within 100 feet of a Bordering Vegetated Wetland under DEP SSE 211-1006 with the following special conditions under the Mansfield Wetland Protection By-law, Chapter 220:

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 October 13, 2023, 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 the 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. Prior to the commencement of work, a pre-construction meeting 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, 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 Applicant must install 12" x 18" metal signs on a permanent metal post. The quantity and location of the signs are to be designated by the Commission or the Agent on a case by case basis. Contact the Conservation Department for signage details, sign vendors and method of installation.
15. No synthetic fertilizer, herbicides, pesticides or fungicides can be used; only organic products may be used.
16. All the terms and conditions set forth in the Stormwater Management Plan for "Proposed Dentist Office Expansion", prepared by RIM Engineering Co., Inc., submitted on August 1, 2023, are to be included with this Order of Conditions. All on-going O & M plan activities are to be recorded as on noted.
17. Contractor will meet with Agent to determine plantings for buffer enhancements or berm to protect area where pavement is closest to the steep slope that leads to the wetland area.
18. Dumping of lawn clippings and/or yard debris into the wetland and/or 25-foot No Disturb Zone is prohibited. Storage is prohibited in these areas as well.

Dr. Paten seconded the motion.

Motion passed 6-0-0 at 6:53 pm.

5. New Business:

130 Stearns- This agenda item was continued to November meeting

Kevin Boyden – 37 Lakeview Avenue complaint: Mr. Boyden came before the Commission to discuss

what has happened in the last five years that has created a problem of sediment build up in the corner of his property because of the use of aqua thrusters in the lake. He said he has made numerous calls to Natural Heritage, EPA and DEP because the aqua thrusters have caused sediment, siltation, algae, weeds and a constant wave of water across his property and noise. He said there are no longer any fish or spawning beds in the lake where before there were large mouth bass, pickerel, pumpkin seeds, blue gill and catfish. Mr. Healey asked if the lake had ever been stocked in the past. Mr. Boyden said the lake has not been stocked recently. Mr. Healey said the Wetland Protection Act has no jurisdiction over the surface of the water in any lake in Mansfield. Mr. Healey noted he and Ms. Gonyer have told Mr. Boyden many times the Commission does not have jurisdiction. Mr. Healey said dredging of the lake is jurisdictional. He said the Commission needs more information about the dredging or excavation of soil from the lake.

