

**CONSERVATION COMMISSION
REGULAR MEETING
February 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 Meeting:

RDA; 11 Berson Road (Map 28/Lot 187)

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

Applicant: John & Nancy Rabbitt

Ryan DuVally, Heritage Realty, developer represented the applicant (as the engineer on the project was unable to attend this meeting) for a single-family house, driveway, septic, grading in the front, and a stone construction entrance. He stated this was presented as an RDA given all work is outside 50' buffer zone. (Construction falls within the 100'; the LOD is just outside the 50' buffer).

The engineer, C. Andrade had asked to continue from last meeting due to the discussion of the filing submission as an RDA vs. an NOI. Location of structures within the 100' was the concern of the Commission. It was noted that hard copies of the 1.20.23 plan were not submitted for the Commission to review. Mr. DuVally stated an electronic copy was submitted which added a note/condition to the plan stating an As-built would be submitted in order to clear certain inspections.

K. Kearney commented that the porch on piers is a permanent structure within the 100' buffer. She cited Massachusetts Law for activities within a buffer zone, "any activity other than minor activities requires a filing of Notice of Intent." She said it speaks to minor activities as unpaved pedestrian walkways, fencing, pruning, the conversion of lawn to uses accessory to residential structures such as decks, sheds, replacement of basement bulkhead. Ms. Kearney commented that something as permanent as proposed is not minor, and it is within 100'.

Mr. DuVally stated he felt that had not been common practice in the past. He referenced a filing for 3 Berson Road two houses up that had work within the 50' zone. Agent Caledonia referenced the flood zone. Mr. DuVally acknowledged that RDA's are discretionary to the Commission. He stated there are other structures (including a fence) in the 50' to 100' covered under an existing NOI for the subdivision.

Lisa Caledonia, Interim Agent explained that an RDA has no teeth as it is not recorded; and there is nothing to say that it will be constructed as shown on the plan without an NOI. Mr. DuVally said if he did not build it according to the approved plan, he would be in violation, and an enforcement order would be issued. He went on record stating he was opposed to refile as an NOI. Agent Caledonia said as someone who is going to enforce it, she is recommending an NOI.

Ch. N. Socha stated with information brought forward, best management practices as put forward by the standard in Massachusetts require an NOI to be submitted. K. Kearney commented it is not a minor activity, it is a full house filing and should be an NOI. She referenced MGL 310CMR 10.2 (2b) and the MACC Wetlands Buffer Zone Guidebook.

K. Kearney made a motion for a Positive Determination #3 & #5:

3) The work described on the referenced plan and documents is within the area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

5) The work and/or work described on referenced plan and documents is subject to review by Seekonk Conservation Commission.

N. Braga seconded.

Vote 5-0-0

RDA; 537 Central Ave (Map 34/Lot 102)

Proposed septic system replacement and associated grading within jurisdictional wetland resource areas.

Applicant: Maureen Lachapelle

Representative: Landmark Site Design

Peter Lavoie, Landmark Site Design represented the applicant and summarized the project for a septic replacement for a 3-bedroom house. He showed the location of the house, the existing cesspool next to the house, and the overflow cesspool on the other side of the driveway. The perennial stream running parallel to Central Avenue is flagged which is between two stone walls. There is a pond in the rear/south portion of the parcel and another perennial stream flowing down to the pond; the adjacent wetlands were flagged. Mr. Lavoie reported there is a flood plain shown in red which is Zoned AE. Most of the area is grassed, with a driveway that separates it. The cesspools have failed Title V. We are proposing a septic tank to replace the cesspool near the house, come across the driveway, and put in a Presby System on the opposite side of the driveway. Erosion controls are proposed around the septic area; the grade is not changing. We are outside the 100' buffer, but within the 100' to 200' offset to the perennial stream (within riverfront).

Agent Caledonia referenced the previous Conservation Agent, Jennifer Miller's notes that were sent to Mr. Lavoie: **[The pond & stream edges are accurate; missing BVW as noted on plan (need to revise), system located between 100' and 200' RA, but need to make sure outside 50' to BVW.]* Agent Caledonia noted that Ms. Miller identified an additional wetland on the plan that Mr. Lavoie missed.

Mr. Lavoie replied that he sent a botanist out to the site who flagged from the pond edge; Waterman Consulting, Westboro flagged the wetland. He showed the tree line and the wetland line (follows Zone AE). It was noted that the scale is incorrect on the submitted plan.

Commission was concerned that the wetland delineation was off. Mr. Lavoie stated the new system will go basically in the same location as the existing cesspool. He kept it out of the 100' RA; and this is the only location on the site it can be placed.

*Revised plan required: (limit of work)-eliminate straw wattles, change to silt sock; corrected scale reference in title block.

*Cut sheet not provided; Mr. Lavoie to provide proof of advertising via a cut sheet.

N. Braga made a motion to approve a Negative 3, that the work described in the request is within the buffer zone as defined in the regulations, but will not alter an area subject to protection under the act. Therefore, said work does not require the filing of a Notice of Intent subject to the conditions:

The erosion and sediment controls have been installed as indicated on the approved plan and inspected by the Conservation Agent. These controls shall be left in place until the disturbed soil has been stabilized with grass that has grown to a "mowable" height and density."

Seconded by B. Roberts. Motion passed unanimously.

Vote: 5-0-0

RDA; Public Road Layout

Proposed road maintenance program within jurisdictional wetland resource areas.

Applicant: Town of Seekonk, DPW

Dave Cabral, Superintendent, DPW summarized the renewal of a previous RDA for town-wide road maintenance. He explained it is for Chapter 90 roadway improvements from mill and overlay to chip seal or rubberized chip seal. Projects will include cold plane and overlay, leveling, chips seal, crack seal, full-depth reclamation, berm and curbing, and drainage improvements, as well as roadside vegetation control and roadside treatments with loam and seed. Erosion control measures will be implemented as needed.

Prior to commencement of road work within resource areas or buffer zones, DPW will provide at least 7 days advance notice of to the Commission via the Conservation Agent. All work is subject to approval of the Commission and/or the Conservation Agent. Appropriate erosion and sediment controls must be installed by DPW and inspected by the Conservation Agent in advance as well.

B. Roberts made a motion to approve a Negative 3 & Negative 5-(Exempt Activity with the Exception that shall any work be within 50' of a wetland resource)-310 CMR: 10.02(b)2.p., that the work described in the request is within the buffer zone as defined in the regulations, but will not alter an area subject to protection under the act. Therefore, said work does not require the filing of a Notice of Intent subject to the conditions:

Prior to commencement of road work within resource areas or buffer zones, DPW will provide at least 7 days advance notice of to the Commission via the Conservation Agent. All work is subject to approval of the Commission and/or the Conservation Agent. Appropriate erosion and sediment controls must be installed by DPW and inspected by the Conservation Agent in advance as well. These controls shall be left in place until the disturbed soil has been stabilized with grass that has grown to a "mowable" height and density."

Seconded by R. Emlen. Motion passed unanimously.

Vote: 5-0-0

RDA; Public Road Layout

Proposed hazardous tree maintenance and removals related public safety within jurisdictional wetland resource areas.

Applicant: Town of Seekonk, DPW

Dave Cabral, Superintendent, DPW summarized the renewal of a previous RDA for annual tree removal work within Town Right of Way. He explained for the Town-wide hazardous tree removals and maintenance program, projects include tree removal, trimming, and stump grinding. This maintenance program will be implemented along public roads, conservation areas, public trails, and easement areas. Erosion control measures will be implemented as needed and stump grinding will be limited to instances where needed to address public safety concerns.

Agent Caledonia listed exempt activities including vegetated cutting for roadway safety maintenance, diseased trees, or removal of shrubbery or branches to maintain guardrails, or removal of branches to maintain site distances, cutting of shrubs and branches of mature trees, suitable for horticultural equipment in order not to further damage trees, prevent possible export of invasives. DPW shall reach out to the Conservation Commission and file NOI if necessary.

R. Emlen made a motion to approve a Negative 3 & Negative 5-(Exempt Activity with the Exception that shall any work be within 50' of a wetland resource)- 310 CMR: 10.02(b)2.n., that the work described in the request is within the buffer zone as defined in the regulations, but will not alter an area subject to protection under the act. Therefore, said work does not require the filing of a Notice of Intent subject to the conditions:

Prior to completing tree work within resource areas or buffer zones, DPW will provide at least 7 days advance notice of to the Commission via the Conservation Agent. All work is subject to approval of the Commission and/or the Conservation Agent. Appropriate erosion and sediment controls must be installed by DPW and inspected by the Conservation Agent in advance as well. These controls shall be left in place until the disturbed soil has been stabilized with grass that has grown to a "mowable" height and density."

Seconded by K. Kearney. Motion passed unanimously.

Vote: 5-0-0

RDA; Drainage easements and stormwater infrastructure, including stream culverts (town-side)

Proposed hazardous stormwater maintenance related public safety within jurisdictional wetland resource areas.

Applicant: Town of Seekonk, DPW

Dave Cabral, Superintendent, DPW summarized the renewal of a previous RDA for stormwater maintenance related public safety work within Town Right of Way. Town-wide stormwater maintenance program. Projects include tree/shrub trimming and removal with limited stump removal as needed to protect stormwater infrastructure, including culverts, headwalls, wingwalls, etc. Program will also include trimming and removing downed trees and shrubs that impede water flow within 100' upstream and downstream of culvert crossings. This maintenance program will NOT include soil disturbance in the stream/riverbed and/or major culvert maintenance and significant upgrades and/or changes, which would be covered on a case-by-case basis through individual RDA/NOI submittals. Erosion control and revegetation measures will be implemented as needed. DPW personnel will coordinate all work through the Conservation Office.

Prior to any work, DPW shall provide at least 7 days' notice to the Conservation Agent. All work is subject to approval of the Conservation Agent. For work outside the Town ROW, DPW shall be responsible for obtaining permission from private property owners. Appropriate erosion and sediment controls also must be installed by DPW and inspected by the Conservation Agent.

K. Kearney made a motion to approve a Negative 3 & Negative 5-(Exempt Activity with the Exception that shall any work be within 50' of a wetland resource)- 310 CMR: 10.02(b)3., that the work described in the request is within the buffer zone as defined in the regulations, but will not alter an area subject to protection under the act. Therefore, said work does not require the filing of a Notice of Intent subject to the conditions:

Prior to any work within resource areas or buffer zones, DPW will provide at least 7 days advance notice of to the Commission via the Conservation Agent. All work is subject to approval of the Commission and/or the Conservation Agent. Appropriate erosion and sediment controls must be installed by DPW and inspected by the Conservation Agent in advance as well. These controls shall be left in place until the disturbed soil has been stabilized with grass that has grown to a "mowable" height and density."

Seconded by N. Braga. Motion passed unanimously.

Vote: 5-0-0

RDA; 20 Spring View Court/Hill Road (Map 15/Lot 150)

Proposed broken pipe replacement withing jurisdictional wetland resource areas.

Applicant: Town of Seekonk, DPW

Dave Cabral, Superintendent, DPW explained some history on this project. He stated DPW was out to this property about 8 years ago for a previous water problem stemming from storm drains/catch basins coming off of Route 44. This area of Hill Road off of Route 44 ends up backing up when the end of the culvert gets blocked. It backs up and floods out the driveway with about 6 inches of water and goes across the roadway. In the wintertime, it turns to ice and is a hazard. Mr. Cabral submitted photos to aid in the explanation. He reported that 8 years ago, with the Conservation Agent's permission, DPW had jetting services done, and got the water to flow, so it was no longer flooding the driveway or the roadway until this year. With the Conservation Agent's permission, DPW jetted it again this year and discovered a broken pipe. Compost silt sock was placed across the channel, and six five-gallon pails of debris were removed by hand to expose the pipe to assess its condition. The water is flowing well, however, it does need some repair. It is not known where the pipe originally ended.

Mr. Cabral reported a clean cut will need to be made on the damaged pipe to extend it. The pipe originates across the street at a catch basin, runs through 2 properties, and outlets in the backyard at 20 Spring View Ct. Agent Caledonia noted the pipe goes under a cart path. Mr. Cabral showed photos and reported that the pipe is under water. The grade stake where the broken 12" RCP pipe is 32" to top of the pipe, plus another foot (*down 44 inches to the bottom of the pipe*). The pipe comes through at a very steep wall that is caving in. Downstream 20 feet in the riverbed is a 1' differential from the bank. The width across the broken pipe runs 5 feet (60 inches). Downstream 20 feet you are looking at a 3- to 4-foot span with a 12-inch depth. He felt it was appropriate for a 12" high density pipe (HDPE *smooth lined*) with flared end and rip rap. The flow would be diffused and not likely to scour. The pipe would extend 20 feet. He pointed out the undermined area to the right of the grade stake in the photo. He explained DPW would use coupling from RCP existing pipe to HDPE extended pipe.

The work consists of 20-foot of extension of exposed pipe with a flared end and rip rap; extend beyond the embankment to level slope, backfilling pipe, loam and seed. Mr. Cabral stated he has been coordinating with the property owner of 20 Spring View, they are aware and in favor of it.

N. Socha was opposed to a 20-foot extension; he felt it was more effective with 5 feet of pipe and 15 feet more of rip rap to reduce tepidity. Mr. Cabral suggested stone in the riverbed and commented the pipe needs to be at least 10 feet. Mr. Socha preferred to have it daylighted with rip rap on the sides to stabilize the slope. The commission discussed flared end at end of pipe, rip rap to bank, 6-inch rip rap in the stream bed.

Agent Caledonia noted this project is working within the BVW which requires an NOI; she recommended a Positive #3 & #5.

N. Braga made a motion to approve a Negative 3, that the work described in the request is within the buffer zone as defined in the regulations, but will not alter an area subject to protection under the act. Therefore, said work does not require the filing of a Notice of Intent subject to the conditions:

Prior to any work within resource areas or buffer zones, DPW will provide at least 7 days advance notice of to the Commission via the Conservation Agent. All work is subject to approval of the Commission and/or the Conservation Agent. For work outside the Town ROW, DPW shall be responsible for obtaining permission from private property owners. Appropriate erosion and sediment controls must be installed by DPW and inspected by the Conservation Agent in advance as well.

Seconded by B. Roberts. Motion passed unanimously.

Vote: 5-0-0

Public Hearings:

COC Requests:

- SE69-0799; (3 Patricia Dr)
Applicant: Costa Development, LLC

David Bray, Caputo & Wick represented the applicant for a COC, invalid as project never commenced. A new NOI has been filed and will be opened this evening.

A site visit was made by K. Kearney and Agent Caledonia on 2/8/23; it revealed some site work had been done including some earth work in the buffer zone. This lot contains a built drainage basin. She recommended issuance of a COC.

B. Roberts made a motion to approve a Certificate of Completion, invalid as project never commenced; R. Emlen seconded. Vote: 5-0-0

- SE69-0565 (91 Allen Ave) – Map 3/Lot 54
- SE69-0566; (103 Allen Ave)- Map 3/Lot 55
Applicant: Laura Smith, Oakdale Farm

Hearing for both properties was taken together as they are adjoining lots.

David Bray, Caputo & Wick represented the applicant for a COC, invalid as project never commenced. Only land clearing had occurred. A new NOI covering both lots for the proposed field/converting to agriculture has been filed and will be opened this evening.

A site visit was made by the previous Conservation Agent, Jennifer Miller. The Conservation Commission has been waiting on the filing for the proposed field/converting to agriculture. She recommended issuance of a COC.

R. Emlen made a motion to approve a Certificate of Completion, invalid as project never commenced; K. Kearney seconded. Vote: 5-0-0

OOO Extension Requests:

- SE69-0873; (Roadway improvements @ intersection of Rte 114A (Fall River Ave) & County St. (Luther's Corner)
Applicant: Town of Seekonk, DPW

Dave Cabral, Superintendent, DPW explained history of the project and asked for an extension. He stated it was a Massachusetts State project and they completed the work for the traffic light and extension of the roadway. One of the Conservation Commission requirements was that a water quality pre-treatment (it was not part of the State's contract). It was scheduled to be installed by the Contractor two summers ago. It was not installed due to excessive rain. They were up against the paving deadlines for MassDOT and dropped the ball last minute. DPW is now looking to install it themselves. The drainage structure is on lower County Street on main trunkline. We are running out of time; thus, GPI filed this extension. Some of the intersection roadway will need to be torn up. Mr. Cabral reported that this will go before the BOS to cut the roadway (the road is in its 3rd year of moratorium) asking for a waiver to cut the roadway, pavement edge to pavement edge, mill & overlay. It was discussed the extension would be to May 2024 due to Covid.

Agent Caledonia recommend the Commission issue an extension through 5/14/2024.

K. Kearney made a motion to grant an extension to the Orders of Conditions for SE69-0873 through May 14, 2024; N. Braga seconded. Vote: 5-0-0

NOI #SE69-0936; 100, 108 & 110 Old Fall River Rd (Map 3, Lots 37, 43 & 44)

Proposed construction of a commercial building with associated grading within jurisdictional wetland resource areas.

Applicant: Mike Albernaz (R&R Stone Products) Representative: InSite Engineering

Continued from January 9, 2023.

Tabled to June 12, 2023.

Note: Only Commission members K. Kearney, N. Socha, and R. Emlen can participate in the vote for this project. Drought conditions lifted.

Agent Caledonia recommends tabling this to a specific date. Application missing information. No new information has been received in over 6 months. A new legal notice and notification to abutters will be required.

B. Roberts made a motion to table NOI #SE69-0936; 100, 108 & 110 Old Fall River Road to June 12, 2023 sometime after 7:00 p.m.; K. Kearney seconded. Vote: 5-0-0

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

Proposed septic system replacement within jurisdictional wetland resource areas.

Applicant: Alfredo Dos Anjos

Continued from January 9, 2023.

Continued to March 13, 2023

A continuance request was received prior to tonight's meeting to the March 13, 2023 hearing. *Plan shows proposed well that wasn't included in NOI language, so the applicant will be submitting request to amend.*

K. Kearney made a motion to continue NOI #SE69-0960; 355 Elm St to March 13, 2023 sometime after 7:00 p.m., N. Braga 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 January 9, 2023.

Continued to March 13, 2023

A continuance request was received prior to tonight's meeting to the March 13, 2023 hearing. *Definitive Plan to be submitted.*

N. Braga made a motion to continue NOI #SE69-0961; 355 Elm St to February 13, 2023 sometime after 7:00 p.m.; B. Roberts 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 January 9, 2023.

Continued to March 13, 2023

Ch. N. Socha reported that Peer Review (by CEI) is underway, and they are working to resolve unanswered questions.

B. Roberts made a motion to Continue SE69-0958 to March 13, 2023 after 7:00 pm., sometime after 7:00 p.m.; R. Emlen seconded. Vote: 5-0-0

NOI #SE69-0968; 135 Taunton Ave & 176 Fall River Ave (Map 14/Lots 80, 81, 82, & 95)

Proposed raze and rebuild of commercial car dealership with associated stormwater structures within jurisdictional wetland resource areas.

Applicant: Bocada Enterprises, LLP

N. Socha recuse himself from the filing and left the meeting.

Continued from January 9, 2023.

Continued to February 13, 2023

Roux Associates requested a continuance for purposes of Peer Review. In addition, a special meeting of the Conservation Commission was requested in order for the applicant to meet desired time lines of their corporate offices.

B. Roberts made a motion to continue SE69-0968 to March 13, 2023 at 7:00 pm.; R. Emlen seconded. Vote: 5-0-0

After discussion of the date of the special meeting, B. Roberts retracted his motion.

Agent Caledonia commented that a Stormwater Permit Application as well as a Soil Erosion and Sedimentation Application will be required (per the By-law). Category 20C & 20B will need to be addressed for the February 27th meeting.

B. Roberts made a motion to continue SE69-0968 to February 27, 2023 at 7:00 pm., contingent upon paperwork being ready, otherwise continue to March 13, 2023; N. Braga seconded. Vote: 5-0-0

N. Socha re-entered the meeting.

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

Ch. Socha read the following into the record and opened the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** at the Seekonk Town Hall on **MONDAY, February 13, 2023** after **7:00 p.m.** on a **Notice of Intent** made by **Michael Costa** for **3 Patricia Drive (Map 26/Lot 158)** for proposed construction of a single-family house, well, and septic system with associated grading within jurisdictional wetland resource areas.

David Bray, Caputo & Wick, Ltd. represented the applicant and summarized the project. He explained this filing is a new NOI for the previous SE69-0799 NOI that was closed out this evening as “Invalid Orders” as the project never commenced and the permit had expired. He stated the project is the same house footprint, system, driveway, and well location. Erosion controls are proposed as well as a split-rail fence. The septic system will be located outside the 50’ setback. The dwelling, at its closest point, will be 51.4 feet from Wetland Flag #W5.

Agent Caledonia reported she went out to the site, and there were no wetland flags at all. D. Bray stated he would replace flags. There has already been site disturbance, and she questioned if the wetlands have changed. It was discussed that it has been a long time since the wetlands have been delineated, and the wetland line was not clear when walking the site. D. Bray said he would check with his former Wetland Scientist, Scott Hobson to see if he could review/re-delineate them.

K. Kearney noted the soil there is rocky and it is hard to take a core. She asked to see data sheets on the plants.

R. Emlen made a motion to continue SE69-0974; 3 Patricia Drive to March 13, 2023 sometime after 7:00 pm.; K. Kearney seconded. Vote: 5-0-0

SE69-0976; Oakdale Farm - 91 & 103 Allen Ave f/agricultural use (Map 3/Lots 54 & 56)

Proposed for proposed development of an agricultural field for farming and associated grading within jurisdictional wetland resource areas.

Applicant: Laura Smith

Ch. Socha read the following into the record and opened the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** at the Seekonk Town Hall on **MONDAY, February 13, 2023** after **7:00 p.m.** on a **Notice of Intent** made by **Laura Smith** for **91 & 103 Allen Avenue (Map 3/Lots 54 & 56)** for proposed development of an agricultural field for farming and associated grading within jurisdictional wetland resource areas.

David Bray, Caputo & Wick, Ltd. represented the applicant and summarized the project. He explained this filing is a new NOI (2 parcels) for the previous SE69-0565 & 0566 NOIs that were closed out this evening as “Invalid Orders” as the projects never commenced and the permits have expired. He explained that these 2 lots were permitted in 2005 for single-family houses. He took photos and had documented an intermittent stream in the previous filing in 2005. Mr. Bray gave some history on the properties stating Developer Gary White purchased the parcels from the Widett family, started to clear the land, and then moved to Florida; his company went defunct. Mr. Bray stated that at that time, Caputo & Wick’s biologist, Scott Hobson checked/confirmed the flagging, and Caputo & Wick designed a new layout. Gary White, because he let his company go defunct, could not sign a deed; he let the property go. The Town took it tax title, auctioned it off, and Laura Smith purchased it. She wants to farm it and has a lot of farm land around that area. She wants to clear a field (along blue line on the plan) outside the 25’ setback from the wetland. She proposes to plant some grass, and in a few years, plant blueberries/strawberries. They want to prepare the land to cultivate it. Mr. Bray reminded the Commission, he had come before the Commission in October 2022 (for an enforcement issue), and this plan is similar to the plan presented in October, with the exception of a mulch berm added at the suggestion of the Commission and sign posts with placards at 25’ intervals.

Agent Caledonia asked for a note on the plan regarding additional streams shown in the aerial photos as well as a schedule of work, so whoever is performing the work will know where the limit of work is. Mr. Bray stated he will stake where the compost filter sock will go. He confirmed there will be just 4x4 wooden posts every 25 feet with placards because there is already a berm. He stated ¾ acre will be cleared. It was discussed there is to be a note, in white the area on the plan, that there are intermittent streams within the BVW found within the site.

N. Braga made a motion to close the public hearing, seconded by B. Roberts. Vote: 5-0-0

N. Braga made a motion to approve the plan under the Seekonk Wetlands Protection By-law, with conditions as discussed; seconded by B. Roberts. Vote: 5-0-0

N. Braga made a motion to approve the plan under the MA Wetlands Protection Act, with conditions as discussed; 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.

SE69-0977; Arcade Ave at Ledge Rd (within ROW)

Proposed improvements including: installation of new traffic signal controls, and construction of sidewalks and pedestrian curb ramps within jurisdictional wetland resource areas.

Applicant: Town of Seekonk, DPW

Ch. Socha read the following into the record and opened the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** at the Seekonk Town Hall on **MONDAY, February 13, 2023** after **7:00 p.m.** on a **Notice of Intent** made by **Town of Seekonk, DPW** for **Arcade Avenue at Ledge Road (within right-of-way)** for proposed improvements including: installation of new traffic signal controls, and construction of sidewalks and pedestrian curb ramps within jurisdictional wetland resource areas.

Samuel Campbell, GPI, Environmental Scientist represented the applicant Town of Seekonk. Dave Cabral, DPW Superintendent for the Town was also present to answer questions.

Mr. Campbell summarized the project for intersection improvements. Currently most of the signage, signal equipment, and markings at the intersection are outdated. The new sidewalk on Arcade is ADA compliant; the existing ones are not. We do not have crosswalks at all 4 legs of the intersection; the crosswalks we do have dead-end at a lawn. We are seeking to address connectivity and outdated equipment; we propose a traffic signal. Currently Arcade Avenue operates free-flow with no stop sign or signal; and Ledge Road is stop control. He stated so now the whole intersection will be under signal control, including pedestrian phases. All the new landings will be constructed with ADA & AAB (Architectural Access Board) compliant pedestrian curb ramps. You will come to a hard surface and not someone's lawn or the roadway shoulder. Erosion controls of compost filter tubes will delineate the area of work and protecting down-gradient resource areas.

Mr. Campbell said a discussion was initiated with the previous agent who indicated it would be most appropriate as an NOI and they should respect the same wetlands boundaries established by MassDEP filing #SE69-0909 (Arcade Avenue Sidewalk Project). He explained the plan showing the stream bank, adjacent BVW, 25' No Disturb, 50', the 100' Inner Riparian area, and the 200' Riverfront. He spoke to temporary impact areas (vegetated surfaces that due to foot traffic during construction could be disturbed), and permanent impact to riverfront areas (which is associated only with the construction of the sidewalks). He emphasized this project will not widen the roadway. There will be a net reduction of impervious (14 sq ft) within the project limits. The total area of riverfront impact is 734 sq ft (only 8% of total riverfront on site); this complies with performance standards. As far as Municipal Regulations, there is 8 sq ft of temporary impacts within the 50' due to where we tie in the erosion control to the existing edge of roadway; it is unavoidable where we tie in existing impervious. He reported they will tighten the road up resulting in a net reduction.

Agent Caledonia questioned where the laydown of materials and port-a-potty would be for the project. The Commission and Mr. Cabral discussed that it will be staged on the opposite side of the road. The Orders will be conditioned as such. Mr. Campbell stated they will restore all temporarily impacted areas with loam and seed mix; there is a net reduction in impervious cover, construction phase erosion controls will be utilized. He reiterated that the majority of intersection is previously developed or degraded. He stated it is a significant improvement both for public accessibility and safety and achieved with minimal impact to resource area.

K. Kearny commented that this helps tie in trails on both sides of Arcade Avenue. Mr. Cabral spoke about the mid-block crossing placed closer to the Runnins River and reported that DPW has been performing trail work clearing behind high school the past 2 weeks. He said the project will not take long, but the big lead item is the Mast Arm; it was ordered and has quite a lead-time. We are hoping to have the light up and running by the start of School in September.

Agent Caledonia questioned if the curbing is critter-friendly. Mr. Cabral reported the curbing is granite at the intersection with a handicap ramp.

Public comment:

Lucy Provazza, 344 Ledge Rd, asked about how far the extension of sidewalk would go. Mr. Campbell replied that the sidewalk on Ledge Road will really just be a landing, not full sidewalks. She expressed concern stating that the road already feeds water onto her property. Mr. Campbell stated they are not proposing major changes to the drainage patterns; they will adjust some existing structures at the intersection as needed. There will be a MassDot pole with a mast arm on the High School property.

K. Kearney stated cleaning the culverts may help with the water shedding onto Ms. Provazza's property.

N. Socha suggested and discussed a possible bike lane when they mill and overlay from Newman to Route 44 in future through grants that have been applied for.

Gerry Lupien, 365 Ledge Rd, stated he is the owner of the corner of Ledge Road out to Arcade Avenue that everyone parks in at the corner. He expressed concern stating that when the Arcade sidewalks were put in last year, and they regraded that corner lot, he was never notified that they would be working on his property. He stated that for this project, if trucks and equipment will be brought onto his property, he asked to be notified as well as provided with a letter holding him harmless if any town employees are injured, and provided a statement that the Town will restore the land to its previous condition.

Mr. Cabral said Mr. Lupien will be noticed this time. He will communicate with Mr. Lupien and get legal paperwork to him to sign. It was discussed that nothing will be staged on Mr. Lupien's property for this project; it is adjacent to wetlands.

K. Kearney made a motion to close the public hearing, seconded by N. Braga. Vote: 5-0-0

K. Kearney made a motion to approve the plan under the Seekonk Wetlands Protection By-law; seconded by N. Braga. Vote: 5-0-0

K. Kearney made a motion to approve the plan under the MA Wetlands Protection Act; seconded by N. Braga. Vote: 5-0-0

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

Public Meeting:

RDA; 20 French Dr (Map 25/Lot 214)

Proposed septic system replacement and associated grading within jurisdictional wetland resource areas.

Applicant: Raul Dasilva

Representative: Oakhill Engineering, LLC

Mark Mariano, Oakhill Engineering represented the applicant and summarized the project for a failed noncompliant cesspool; the site does have higher groundwater. He stated he is proposing a septic replacement; the site will be protected with erosion controls; 1500-gal septic tank, 1000-gal pump chamber, leaching field. There will be no tree disturbance, just vegetation, and it will be revegetated with grass. The system is 81', 3" off the wetland. Agent Caledonia commented on an existing shed in the buffer zone, and it was noted that it was before the WPA. N. Socha also noted there is an existing chain-link fence in the 25'.

Agent Caledonia recommended a Negative determination as the Commission has allowed septic systems to be built and cesspools to be removed within the 100' BZ with an RDA only.

N. Braga made a motion to approve a Negative 3, that the work described in the request is within the buffer zone as defined in the regulations, but will not alter an area subject to protection under the act. Therefore, said work does not require the filing of a Notice of Intent subject to the conditions:

The erosion and sediment controls have been installed as indicated on the approved plan and inspected by the Conservation Agent. These controls shall be left in place until the disturbed soil has been stabilized with grass that has grown to a "mowable" height and density."

Seconded by B. Roberts. Motion passed unanimously. Vote: 5-0-0

Public Hearing:

COC Request:

- SE69-0955; 115 Talbot Way
Applicant: Westbriar Properties

Mark Mariano, Oakhill Engineering represented the applicant and summarized the project. The house was built in the early 1970's; a septic replacement was done as well as hazardous tree removal; a lawn was established within 200' of a perennial stream. We also did removal of driveway within close proximity to BVW and stream; that pavement was removed and restored. A split-rail fence was also installed. Vegetation has been established.

A site visit was made by Agent Jennifer Miller. Her comments were: *As-built matches with approved plan. Site work complete, including removing 2nd asphalt driveway and disturbed areas have been stabilized. Only outstanding issue is two hoses running past split rail, discharging directly to 25' no touch and wetland from sump pump and gutters. These should be removed or set back within lawn area prior to issuance of COC.*

B. Roberts made a motion for a Partial COC with corrective action (all work completed with the exception of the PVC discharge pipes); R. Emlen seconded. Vote: 5-0-0

Public Meeting:

RDA; 448 Fall River Ave (Map 13/Lot 13)

Proposed driveway modifications and associated grading within jurisdictional wetland resource areas.
Applicant: Brian Dumont Representative: Oakhill Engineering, LLC

Mark Mariano, Oakhill Engineering represented the applicant this evening for both this RDA for 448 Fall River Ave. and for a separate agenda item for an NOI for 454 Fall River Ave. as the projects are connected; they share the same wetland resource, and the 100' buffer extends into 448 Fall River Ave. The RDA's associated work is driveway work and ground disturbance. The NOI's associated work is driveway, septic, house, well, and wetlands are found on 454 Fall River Ave. The intention is to provide access through a shared driveway found on 448 Fall River Ave to a proposed single-family home on 454 Fall River Ave. The proposed home has to be accessed this way because there is a moratorium on the recently paved portion of Fall River Ave. and there is a guardrail along the front of 454 Fall River Ave. There will be a shared access easement. Mark stated that the RDA is exclusive to work happening on 448 Fall River Ave; the NOI is exclusive to work on 454 Fall River Ave.

Mr. Mariano summarized the RDA project for 448 Fall River Ave for driveway work and ground disturbance within 100' of a BVW. The wetlands are found on neighboring property 454 Fall River Ave. The intention is to provide access to both properties via a shared driveway. The driveway is a 12' wide paved surface with 4' edging to provide the 20' wide NFPA fire access road required to access 454 Fall River Ave. because the proposed house is over 150 feet from the roadway. Activity with sedimentation controls would be controlled on 454 FRA because there are no wetlands on 448 FRA.

Mr. Mariano stated he will address some housekeeping items on the plan that were brought to his attention after Agent Caledonia conducted a site visit on February 10: Flag #4 missing; identify intermittent stream (has no influence on buffer) & culvert on or off property. Plan needs to label wetland as BVW, label intermittent stream, and change straw wattles to compost filter sock.

N. Socha questioned stormwater provisions, and Ms. Caledonia stated that the project is redevelopment so there is no bite at stormwater. This is a pre-existing house. The driveway has 12' of impervious and 4' of gravel on either side, totaling 20 feet. It was discussed that the limit of work is delineated clearly on the plan; and the RDA should reference the NOI on the other lot in the conditions.

R. Emlen made a motion to approve a Negative 3, that the work described in the request is within the buffer zone as defined in the regulations, but will not alter an area subject to protection under the act. Therefore, said work does not require the filing of a Notice of Intent subject to the conditions:

The erosion and sediment controls have been installed as indicated on the approved plan and inspected by the Conservation Agent. These controls shall be left in place until the disturbed soil has been stabilized with grass that has grown to a "mowable" height and density."

Seconded by K. Kearney. Motion passed unanimously. Vote: 5-0-0

Public Hearing:

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

Ch. Socha read the following into the record and opened the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** at the Seekonk Town Hall on **MONDAY, February 13, 2023** after **7:00 p.m.** on a **Notice of Intent** made by **Brian Dumont** for **454 Fall River Avenue (Map 13/Lot 48)** for proposed construction of a single-family house, driveway, well, utilities and associated grading within jurisdictional wetland resource areas.

Mark Mariano, Oakhill Engineering, GPI represented the applicant (*referenced the RDA just passed on 448 FRA*). He summarized the project for the construction of a 4-bedroom single-family dwelling, utilities, and associated grading, well installation, and driveway within 100' of BVW. The associated soil absorption system is found outside the 100' buffer; domestic well found within the 100', but outside the 50'. Proposed driveway will connect in with the driveway found on 448 Fall River Avenue. Utilities will run outside the 50' buffer. Other features added to the plan: a dedicated concrete washout area; erosion controls circle the delineated areas on the site, additional erosion controls around the well for soil protection. Perc was 2 minutes per inch; higher groundwater found here (highest at 30"). There will be a site walk, rehang Flag #4, identify culvert location and intermittent stream. There will be discussion on Flags #32-40. The plan will be updated after the site walk.

K. Kearney expressed concern for the concrete retaining wall and how close the steps are coming to the 50'. Mr. Mariano stated the concrete retaining wall is found between the house and the steps, and then there will be boulders beyond that. He will reduce the angle of slope as it is steep on that corner. He noted that it is outside the 50'.

N. Socha asked about the elevation of the leaching field and the sloped reserve area of the leaching field. Mr. Mariano said the reserve is just to show that they have another place to put the septic on site; there is no grading. He shows a stone retaining wall around the septic to make sure they terminate the toe of the slope >5 feet from the edge of the property line; that would provide natural flow to occur as it is today (we have 8 feet). It is grading to a swale. The reserve area matches where the current septic size is. The proposed propane tank will be filled from the back of the house with a 150-ft hose. A revised plan is required.

K. Kearney made a motion to continue SE69-0973; 4454 Fall River Ave, to March 13, 2023 sometime after 7:00 p.m., N. Braga seconded. Vote: 5-0-0

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

Ch. Socha read the following into the record and opened the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** at the Seekonk Town Hall on **MONDAY, February 13, 2023 after 7:00 p.m.** on a **Notice of Intent** made by **George Murphy** for **181 Hope Street (Map 18/Lot 211)** for proposed construction of a single-family house and associated grading within jurisdictional wetland resource areas.

Peter Lavoie, Landmark Site Design represented the applicant. He reported that the wetlands were flagged by Ecosystems Solutions. He summarized the project for a 3-bedroom single-family house with a walkout basement and the septic system located in the front. The grade will rise because the ground water is at 30"; no grading in the rear as it will use existing topography. The roof will drain into 2 recharge areas. There are proposed erosion controls around the development; it is also the limit of clearing. A construction entrance is proposed to prevent tracking onto Hope Street. A post & rail fence is proposed at the rear. The closest work is the 50' (post n rail); the house and septic are out of the 100' buffer; inside the 100' buffer will be back yard and 1 recharge basin.

Agent Caledonia asked Mr. Lavoie to provide the data forms as they were not included in the NOI application as indicated. She reported that at the site visit she and Ms. Kearney found dominant wetland vegetation and wetland soils above the flag line (grey, spice bush). Ms. Caledonia and K. Kearney discussed that the wetland could come up substantially, 25' or more. It was concluded that a site visit is needed with the applicant's wetlands scientist. Data forms were requested prior to that site visit.

K. Kearney stated that Spice bush is facultated wet, which means that 60% or more chance that it would be a wetland plant. The dominant tree cover there is red maple swamp; virtually no oak. Agent Caledonia stated that the Flood Zone (indicating BLSF) needs to be shown on the plan for all 4 lots proposed this evening that were ANR'd out of 135 Hope Street. Ms. Kearney noted there was mossy hummocking around the base of trees, which is indicative; lots of wetland ferns as well as Pittenmom. Agent Caledonia stated they were surprised to see the wetland flags where they were located. K. Kearney stated she was confused about the location of some flags with regard to the vegetation found.

N. Braga made a motion to continue SE69-0972 for submission of Data Forms (need to be submitted prior to the site visit so there is ample time to review them), Revised plan including colored buffer zone lines, and the date the site was flagged; 181 Hope St, to March 13, 2023 sometime after 7:00 p.m., B. Roberts 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

Ch. Socha read the following into the record and opened the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** at the Seekonk Town Hall on **MONDAY, February 13, 2023** after **7:00 p.m.** on a **Notice of Intent** made by **George Murphy** for **163 Hope Street (Map 18/Lot 212)** for proposed construction of a single-family house and associated grading within jurisdictional wetland resource areas.

Peter Lavoie, Landmark Site Design represented the applicant; he summarized the project for single-family house with a walkout basement on a 30,000-sq ft lot. The proposed septic is in the front yard; recharge is proposed in the rear. Erosion controls are proposed around the disturbance, and a post & rail fence at the 50'

K. Kearney stated there are the same issues with this filing as on SE69-0972; 181 Hope St (Dev Lot 1). It was noted that a cut sheet for the advertisement needs to be provided. Data Forms and a site visit are needed; BLSF needs to be shown on the plan.

R. Emlen made a motion to continue SE69-0969; 163 Hope St (Dev Lot 2) for submission of Data Forms, Revised plan including colored buffer zone lines, and the date the site was flagged; to March 13, 2023 sometime after 7:00 p.m., K. Kearney 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

Ch. Socha read the following into the record and opened the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** at the Seekonk Town Hall on **MONDAY, February 13, 2023** after **7:00 p.m.** on a **Notice of Intent** made by **George Murphy** for **143 Hope Street (Map 18/Lot 213)** for proposed construction of a single-family house and associated grading within jurisdictional wetland resource areas.

Peter Lavoie, Landmark Site Design represented the applicant; he summarized the project for single-family house with a walkout basement, leech field also in front yard, recharge area in the back, and post & rail fence. He stated all 4 houses will be raised up because it is 30" to groundwater.

K. Kearney expressed concern with the back corner of the garage right at the 50' line. Mr. Lavoie stated the foundation will be staked and pinned in the hole. The will have to certify the location.

It was noted that Data Forms that were referenced, but not included in the NOI, are needed. The Flood Zone needs to be added to plan. Agent Caledonia asked if the applicant would consider gravel driveways on these 4 ANR lots. Mr. Lavoie stated front entries were done to minimize impervious.

K. Kearney made a motion to continue SE69-0970; 143 Hope St (Dev Lot 3) for submission of Data Forms, Revised plan including Flood Zone and colored buffer zone lines, erosion controls changed to filter sock, and the date the site was flagged; to March 13, 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

Ch. Socha read the following into the record and opened the filing:

The Conservation Commission, in accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, will open a **PUBLIC HEARING** at the Seekonk Town Hall on **MONDAY, February 13, 2023 after 7:00 p.m.** on a **Notice of Intent** made by **George Murphy** for **655 Ledge Road (Map 18/Lot 214)** for proposed construction of a single-family house and associated grading within jurisdictional wetland resource areas

Peter Lavoie, Landmark Site Design represented the applicant; he summarized the project for single-family house with a walkout basement. It is the same setup as the other 3 proposed houses on Hope Street this evening; front entry driveway, leech field in front yard, recharge area in the back, and post & rail fence. The proposed house is 64' from the garage to the wetland. Closing the fence in to the resource area was discussed. Mr. Lavoie said wetlands had been flagged twice.

It was noted that Data Forms that were referenced, but not included in the NOI, are needed. The Flood Zone needs to be added to plan.

Marsha Mello, 660 Ledge Road expressed concern about building in that area because it is wet, floods, and her driveway is virtually a lake when it rains. She stated it has running water in areas. The buffer zones and Conservation jurisdiction were explained. The Commission is tasked with making sure the wetland line is accurate on the plan. Agent Caledonia asked if there is compensation for the Flood Zone. It was noted that the previous Conservation Agent, Jennifer Miller performed a site visit.

David St. Laurent, 665 Ledge Road expressed concerns with the effect this project will have on well water. This property is very close to his and his yard will be affected by debris. He said that area cannot support a second house, stating his water pressure is minimal. He asked the Commission to consider that there is lots of wildlife here, turtles, frogs, deer, turkeys, coyotes. He stated that the area floods a lot. He felt that digging and disruption from this project will disturb his lot.

Agent Caledonia stated the Commission is working with the applicant to ensure the project meets the Performance Standards of the Wetland Protection Act and Seekonk's Local By-law.

N. Braga made a motion to continue SE69-0971; 655 Ledge Rd (Dev Lot 5) for submission of Data Forms, Revised plan including Flood Zone and colored buffer zone lines, and the date the site was flagged; to March 13, 2023 sometime after 7:00 p.m., K. Kearney seconded. Vote: 5-0-0

Public Meeting:

Other Business:

- **Discussion item:** Conservation Agent vacancy; permitting coverage, etc.

No update at this time.

Discuss other topics not reasonably anticipated by the Commission 48 hours before the meeting. No votes to be taken.

There were none.

- **Public Input.**

There was none.

Approval of Minutes: January 9, 2023

B. Roberts made a motion to approve the January 9, 2023 minutes, R. Emlen seconded. Vote: 5-0-0

K. Kearney made a motion to adjourn the meeting at 10:43 p.m., N. Braga 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/>