

**CONSERVATION COMMISSION
REGULAR MEETING
April 10, 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 Hearings:

COC Request:

• **#SE69-0955 (115 Talbot Way)**

Mark Mariano, Oakhill Engineering represented the applicant. The As-built matches approved plan; site work complete including removal of 2nd asphalt driveway and disturbed areas have been stabilized. A Partial COC was issued in February. The only outstanding issues were two hoses running past split rail, discharging directly into the 25' No Touch and BVW from the sump pump and gutters. These were to be removed prior to issuance of a Complete COC. Mr. Mariano conducted site visit on 4/6/23; the downspout pipes and the sump pump piping has been pulled back. Agent Caledonia recommended issuance of a COC.

R. Emlen made a motion to issue a Complete Certificate of Compliance for SE69-0955 (115 Talbot Way); B. Roberts seconded. Vote: 5-0-0

B. Roberts made a motion to take Agenda Item #3 out of order; K. Kearney 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 March 13, 2023.

Mark Mariano, Oakhill Engineering represented the applicant. He provided the Commission with updated plans. The main items were a stormwater evaluation and a site visit which was conducted on 3/24/23 with Agent Caledonia. Her comments were the same as Agent Miller's regarding the existing fence along the south end of the property moved. WSP Comments from March have been incorporated and submitted back to WSP. The only things changed on the plans were showing the 4 catchment areas; updated details on C-4 providing elevations, and incorporating pre-treatment of roof runoff; erosion controls were updated to compost tubes rather than straw wattles.

Stephanie, WSP presented the comments/report. She had comments on the delineation of the catchment areas, infiltration basin groundwater levels, and inverts. She stated after response to WSP's comments, all issues have been reconciled in some manner, and they are satisfied by the design. Stephanie stated she will write up a final memo.

K. Kearney made a motion to close the public hearing for NOI #SE69-0961; 355 Elm St. (subdivision); N. Braga seconded. 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.

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

Proposed septic system replacement, additional bituminous pavement, and domestic drinking water well within jurisdictional wetland resource areas.

Applicant: Alfredo Dos Anjos

Continued from March 13, 2023.

Mark Mariano, Oakhill Engineering represented the applicant. He stated this Request to Amend has been submitted because the Plan showed a proposed well and driveway that wasn't included in the original NOI language for the septic repair. He agreed to update the plans to show compost tube; slurry containment/ slurry will be blended; fence to be connected to adjacent lot; label Wetland A & B as BVW. Revised plan to be submitted prior to issuance of OOC's.

N. Braga made a motion to close the public hearing for NOI #SE69-0960; 355 Elm St. (septic); R. Emlen seconded. Vote: 5-0-0

N. Braga made a motion to approve the plan under the Seekonk Wetlands Protection By-law with revisions as noted; seconded by R. Emlen. Vote: 5-0-0

N. Braga made a motion to approve the plan under the MA Wetlands Protection Act with revisions as noted; seconded by R. Emlen. Vote: 5-0-0

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

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 March 13, 2023.

Continued to May 15, 2023

A signed continuance was received prior to tonight's meeting.

R. Emlen made a motion to Continue SE69-0958 to May 15, 2023 after 7:00 pm., sometime after 7:00 p.m.; B. Roberts seconded. Vote: 5-0-0

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

Continued from March 13, 2023.

Continued to May 15, 2023

Agent Caledonia conducted a site visit on February 8, 2023. She found no wetland flags present, and noted that the delineation is greater than 3 years old. Ms. Caledonia requested data forms.

David Bray, Caputo & Wick represented the applicant. He gave the Commission an update stating that Brandon Faneuf, Ecosystems Solutions will put data sheets together. The LOD has been staked and the building with 10-foot offsets. The wetlands flags have been reestablished; another site visit is needed for a better sense. The detention pond on the plan is as designed/proposed, but is slightly/actually different than proposed; and it has not been maintained by Mr. Tapalian. He noted that it is not accepted by the Town.

B. Roberts made a motion to continue SE69-0974; 3 Patricia Drive to May 15, 2023 sometime after 7:00 pm.; K. Kearney 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

Continued from March 13, 2023.

Continued to May 15, 10, 2023.

Agent Caledonia conducted a site visit conducted on March 22 with ESI; awaiting revised plan. A signed continuance was received prior to tonight's meeting.

B. Roberts made a motion to continue SE69-0972, 181 Hope St, to April 10, 2023 sometime after 7:00 p.m., N. Braga 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

Continued from March 13, 2023.

Continued to May 15, 10, 2023.

Agent Caledonia conducted a site visit conducted on March 22 with ESI; awaiting revised plan. A signed continuance was received prior to tonight's meeting.

K. Kearney made a motion to continue SE69-0969, 163 Hope St, to May 15, 2023 sometime after 7:00 p.m., N. Braga 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

Continued from March 13, 2023.

Continued to May 15, 10, 2023.

Agent Caledonia conducted a site visit conducted on March 22 with ESI; awaiting revised plan. A signed continuance was received prior to tonight's meeting.

K. Kearney made a motion to continue SE69-0970, 143 Hope St, to May 15, 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

Continued from March 13, 2023.

Continued to May 15, 10, 2023.

Agent Caledonia conducted a site visit conducted on March 22 with ESI; awaiting revised plan including flood zone as well as MADEP Data forms. A signed continuance was received prior to tonight's meeting.

K. Kearney made a motion to continue SE69-0971, 655 Ledge Rd, to May 15, 2023 sometime after 7:00 p.m., N. Braga seconded. Vote: 5-0-0

ANRAD #SE69-0978; 375 Walker St (Wheeler School) (Map 23/Lot 5)

Abbreviated Notice of Resource Area Delineation for verification of field-delineated wetland resource areas.

Applicant: The Wheeler School

Continued from March 13, 2023.

Continued to May 15, 10, 2023.

Ian Moorhouse was not present to discuss the Peer Review Proposal provided by LEC. The Proposal sent to applicant; awaiting approval/funding for 53G account.

No representation present; ANRAD SE69-0978, 375 Walker St, was continued to May 15, 2023 sometime after 7:00 p.m.

NOI #SE69-TBD; 375 Walker St (Wheeler School) (Map 23/Lot 5)

Proposed construction of 3 docks around Run-of-the-River Pond within jurisdictional wetland resource areas.

Applicant: The Wheeler School

Filing on hold based on ANRAD submission and peer review. *MassDEP file number not issued yet.*

No representation present; NOI #SE69-TBD; 375 Walker St (Wheeler School) for docks project, was continued to May 15, 2023 sometime after 7:00 p.m.

NOI #SE69-0979; 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

Representative: InSite Engineering

The filing was read into the record and opened.

Chris Andrade, InSite Engineering represented the applicant and summarized the project and stated compost sock is proposed along the existing drainage easement.

Agent Caledonia reported that she conducted a site visit on April 5, the old compost filter sock should remain (for the whole subdivision) and are in need of replacement. She expressed concern stating that at the time of the site visit, the infiltration basin bottoms were silted in. They are not draining/functioning; they are completely full of water.

Mr. Andrade stated that GPI should be monitoring as the subdivision is built. Agent Caledonia will send a message to Planning Board who oversees GPI. It was noted that the HOA would be responsible once the road has been accepted.

N. Braga made a motion to close the public hearing for NOI #SE69-0979; 11 Berson Road; R. Emlen seconded.

Vote: 5-0-0

N. Braga made a motion to approve the plan under the Seekonk Wetlands Protection By-law; seconded by R. Emlen.

Vote: 5-0-0

N. Braga made a motion to approve the plan under the MA Wetlands Protection Act; seconded by R. Emlen.

Vote: 5-0-0

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

NOI #SE69-TBD; 42 Emily Way (Map 26/Lot 147)-Subdivision Record Lot 7

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

Applicant: Michael Costa

Representative: Caputo & Wick, Ltd.

The filing was read into the record and opened.

David Bray, Caputo & Wick represented the applicant and summarized the project. Erosion controls and a split-rail fence are proposed. There is no proposed work in the wetland. He showed aerial photography indicating the location of the house and the field in the back.

Agent Caledonia performed a site visit on April 7, 2023, and reported that the wetland delineation is inaccurate. There is definitely water staining and wetland vegetation above the flagging. She expressed concern that the site appears to be disturbed quite a bit (with old fill). Soils mapping show a wetland 100' off the road. It was noted it is a tight lot. MADEP Data Forms are needed.

Mr. Bray stated that B. Faneuf, Ecosystems Solutions will compete the Data Sheets. Ms. Kearney asked to schedule a site visit with Mr. Faneuf. It was discussed that there is No MassDEP file number assigned yet.

R. Emlen made a motion to continue SE69-0TBD, 42 Emily Way for a MassDEP file number, to May 15, 2023 sometime after 7:00 p.m., B. Roberts seconded. Vote: 5-0-0

NOI #SE69-0930; 16 Patricia Dr (Map 26/Lot 174)

Request to Amend the Orders of Conditions for construction of a single-family dwelling; to modify house location, extend the deck, fill around a proposed pool with patio/apron, and associated grading and structures within jurisdictional wetland resource areas.

Applicant: Joseph & Linsey Casamassima

Representative: Caputo & Wick, Ltd.

The filing was read into the record and opened.

David Bray, Caputo & Wick represented the applicant and explained this plan was in front of the Commission in 2021. The house was constructed further from the wetland and closer to the street than was previously proposed. They want to wrap deck around from the back of the house to connect to the porch, and would like to add a pool. The split-rail fence was actually placed closer to the house and 25' setback.

Agent Caledonia conducted a site visit on April 7, 2023. She reported that the house appears to be a shown as it is on the revised plan submitted for the amendment; a portion of the 25' No Touch fence needs to be repaired. She noted that there should be another length or two; headed southwest it needs to be extended as shown on the plan. She noticed that on the southern side of driveway, a gradual slope/grading is shown on the plan, but there is a boulder retention wall in place instead. They seemed to be moved closer to the driveway. The wall will need to be shown it on the As-built. The erosion controls are disintegrating and need to be replaced. The site is dirty/trash that needs to be cleaned up.

B. Roberts made a motion to close the public hearing for NOI #SE69-0930; 16 Patricia Dr; K. Kearney seconded. Vote: 5-0-0

B. Roberts made a motion to approve the plan under the Seekonk Wetlands Protection By-law with the conditions: clean up debris, fix and extend split-rail fence, replace esc's; seconded by K. Kearney. Vote: 5-0-0

B. Roberts made a motion to approve the plan under the MA Wetlands Protection Act with the conditions: clean up debris, fix and extend split-rail fence, replace esc's; seconded by K. Kearney. Vote: 5-0-0

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

ANRAD #SE69-0980; 81 Wheaton Ave (Map 4/Lot 308)

Abbreviated Notice of Resource Area Delineation for verification of field-delineated wetland resource areas.

Applicant: Scott Smith

Representative: Oakhill Engineering, LLC

The filing was read into the record and opened.

Mark Mariano, Oakhill Engineering represented the applicant. A site visit is needed with the Conservation Agent, so he asked for a continuance to the May 15th meeting. Site visit is set for Friday, April 14th at 9:00 a.m.

Mr. Mariano explained the site is an agricultural field with a perennial stream onto the south, with a BVW also found on the site, and there are various potential vernal pools found on the site. He reported the site was flagged a year ago, and flags have been re-hung.

Public Comment:

Bob Butler, 42 South Wheaton Ave. questioned the one-sided bank. He stated he has witnessed turtles and wildlife using the pond and laying eggs in the field. He reported the previous owner had placed a fence conducive to wildlife; they had a violation for using the water to irrigate the fields. A section had been dug out.

Agent Caledonia explained the applicant is not proposing any work at this time, he is just coming to the Commission to confirm the wetland boundaries. Resources include: BVW, 2 vernal pools, perennial streams, BLSF. We are ensuring these things are accurate so they can design their project to stay as far away from resources as possible. If we see turtles or habitat, we could potentially ask for a habitat study. After delineation is agreed on, a project can be proposed and abutters noticed.

Mr. Mariano explained that the BVW is found at the top of the bank. The other bank is offsite. It was flagged in February 2022.

Theresa French, 1685 Fall River Ave, stated she felt this property's address is confusing. She stated that Mr. Smith has purchased a 7-acre parcel; Torrey Creek runs through it and has a lot of vegetation and wildlife. She finds it cumbersome coming to Zoning/Planning/BOS and Conservation meetings to do her due diligence.

Agent Caledonia explained the 1st step with wetlands is to avoid any impacts; if you can't avoid, you then minimize, & stay as far away as possible. There is no proposal for a project at this point.

Mark explained the ANR (splitting of a lot into 2 lots) that happened. He stated there are influences from the parcel in the front. Through the development process, we get validation from the Town and wetlands are agreed upon, engineers evaluate what projects can be done on the property. Abutter's within 300' will be notified for each project when/if the (7-acre) lot is subdivided into 4 individual lots. K. Kearney explained to Ms. French that there are multiple layers of review to protect the wetlands and the stormwater.

K. Kearney made a motion to continue ANRAD #SE69-0980; 81 Wheaton Ave, to May 15, 2023 sometime after 7:00 p.m., N. Braga seconded. Vote: 5-0-0

Public Meeting:

Enforcement

- NV #2023-01 (2 Pine Meadow Dr) *B. Roberts recused himself and left the meeting.*
No New Updates. Last meeting it was left it that it will get done during this growing season.
B. Roberts re-entered the meeting.
- NV #2023-03: (5 Sanctuary Lane)
Agent Caledonia stated a Notice of Violation was issued for cutting of bank of river. She stated she conducted a site visit on 3/27/23 with DPW Superintendent David Cabral because there are drainage issues in that area as well as an easement. The property owner is willing to comply and invited all his neighbors to the site visit. He is willing to come to the May meeting and work with a landscaper for restoration plan in the meantime.
Agent Caledonia noted that there is a bridge there as well as on the neighbor's property, and a shed.
- NV #2023-04: (171 Greenwood Ave)
Mr. Devaney could not be present this evening and submitted a photo of the dry-well.
Agent Caledonia stated a Notice of Violation was issued for a pipe shedding water onto an abutting property. She conducted a site visit on 3/24/23 with Health Agent Brian Darling. Discharge from the house's filtration system will recharge into the soil. No Enforcement Order necessary/issue rectified.
- NV #2023-02: (286 Taunton Ave)
Agent Caledonia updated the Commission on the Notice of Violation letter sent 3/10/23 and delivered by constable for clearing wetlands. There has been no response or new updates. She stated she recommends issuing an Enforcement Order as there is an enormous amount of disturbance/cutting and alteration. The next step is to issue an enforcement order with deadlines to comply. A discussion with the property owner at a Conservation Meeting is necessary before fines are discussed. The Commission discussed and voted to issue an Enforcement Order, requesting the property owner come to the next meeting, provide a restoration plan – within 45 days; and update the Commission with substantial progress on restoration.

R. Emlen made a motion to issue Enforcement Order #2023-02; B. Roberts seconded.

Vote: 5-0-0.

- NV #2022-04: (86 Greenwood Ave): Update w/Existing Conditions Plan
Beau Akers, Brainsky & Levinson represented the property owner. He updated the Commission that since March 31, erosion controls have been installed, and B. Faneuf has completed the Existing Conditions Report. He stated that it is their position that this enforcement should be withdrawn immediately. He provided packets (showing historical aerial imagery, recorded property deed, case law) and explained his case stating the historical photos show the enforcement concerns are for disturbances that happened somewhere between 1996 and 2001, prior to his client's ownership of the property. Since his client purchased the property, it has remained in the same condition since 2002. Mr. Akers reported that pursuant to MGL Ch. 131, Section 40, there is a Statute of Repose (Paragraph 30) when it comes to subsequent purchases of property.

Mr. Akers spoke about the Statute of Limitation vs. the Statute of Repose and stated that applying to this case the Statute of Repose would have terminated in 2005. No enforcement order was brought in that time period. Further bolstering this argument is that his client had a subdivision off of Chelsea Drive between 2001 and 2005 which went through the Town and the Conservation Commission. This parcel would have been reviewed with that subdivision. He requested that this enforcement order be withdrawn immediately. He said his client will continue to use Best Management Practices with the property, but will not be moving forward with this enforcement order.

K. Kearney stated with the packet just given to the Commission, she would need time to review the information, take it under advisement, and consult Town Counsel

Agent Caledonia asked if this was a Commercial Farm, how long they have been in existence, and why they believe they are exempt (agricultural exemptions).

B. Akers did not know if it was a Commercial Farm, and reiterated he believed the Statute of Repose applies. He would research the requested information.

Agent Caledonia requested photos to be sent to the Commission of the installed erosion controls.

B. Akers reported that B. Faneuf stopped drone work as part of their position with Best Management Practices. He reiterated that his client will not be moving forward with this Enforcement Order.

Phoebe Lee Dunn, 660 Fall River Ave. commented that Mr. Bray did the plan for the Chelsea Drive development, and there was a problem with water in the basement of one of the houses. She said it turned out that there was an error in measuring the water table; they were several feet off. Those 2 ½ feet created much grief.

- NV #2023-05: (0 Olney St, Rear) -Opposite 190 Mohawk Dr.
Agent Caledonia updated the Commission on the Notice of Violation letter sent 3/16/23 for Clearing in a wetland/dumping of yard waste. She stated that she spoke with the owner who reached out to David Bray, Caputo and Wick.

Mr. Bray represented the property owners Mr. and Mrs. Albuquerque. He stated they have owned the property for 5 years, and have not really done anything with it. Over the years, the power company trims limbs around wires. There was a storm took within the last couple months where one of the trees snapped and was partially in the road. A neighbor cleans the parcel on a regular basis, as people dump on the property. The neighbor saw the tree in the road, thought it was a safety hazard, and cut the rotted tree down not thinking he was doing anything wrong. Mr. Bray stated that the ground is not disturbed; the area has elephant grass in it, and suggested the Commission look at it in a couple of months to see if any further action is required. It was discussed the property owner will come back in July with photos and commission to make a site visit then.

Mr. Bray said in an effort to stop the dumping, the Albuquerque will put up a “no dumping sign”.

Agent Caledonia addressed the Albuquerque asking if they realize the property is a BVW (Bordering Vegetated Wetland) and is regulated by the State and the Local authorities.

Mr. Albuquerque replied that is why they have never touched it.” He reiterated that they will put signs up No Dumping, Private Property.

Other Business:

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

K. Kearney reported that 3 interviews have been conducted. An amazing candidate was chosen. Adeline Bellesheim was interviewed by the Town Administrator, Assistant Town Administrator, and K. Kearney (N. Socha viewed the recording). Ms. Kearney stated that Ms. Bellesheim stood out as she is confident, has much experience, and has done thousands of acres of delineations. It was noted that her coaching background would be helpful.

N. Socha discussed a transition plan including retaining the Interim Agent Caledonia for a period to ensure a seamless transition. Ms. Caledonia agreed to stay on at least through May and help with training.

K. Kearney made a motion that the Commission recommend Adeline Bellesheim be conditionally appointed on Wednesday April 12 (pending background checks, etc); N. Braga seconded. Vote: 5-0-0

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

- **Public Input.**
There was none.

Approval of Minutes: February 13, 2023, February 27, 2023, & March 13, 2023

N. Braga made a motion to approve the February 13, 2023, February 27, 2023, & March 13, 2023 minutes, R. Emlen seconded. Vote: 5-0-0

N. Braga made a motion to adjourn the meeting at 8:55 p.m.; B. Roberts seconded. Vote: 5-0-0

Respectfully submitted,
Kim A. Lallier
Conservation Secretary

Formally accepted on 5/15/2023 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/>