

**CONSERVATION COMMISSION  
REGULAR MEETING  
May 15, 2023**

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**REGULAR MEETING**

**Present: K. Kearney, N. Socha, R. Emlen, N. Braga, Brett Roberts, Adeline Bellesheim, Conservation Agent, and Lisa Caledonia, Interim Conservation Agent**

**7:00 p.m. Ch. N. Socha** opened the meeting of the Seekonk Conservation.

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**Public Meeting:**

The Commission welcomed Adeline Bellesheim as the new Conservation Agent. Adeline has a degree in Conservation Biology and has always wanted to work in the field of Conservation. She worked in consulting and has done 2 internships with the National Parks Service and the Nature Conservancy. Ms. Bellesheim also worked in New York City as a Forester doing urban forestry. When she moved to Massachusetts, she worked at the Lloyd Center as an Environmental Educator until it was phased out due to Covid. She returned to consulting for the past 3 years.

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**RDA; 187 Marnoch Dr (Map 2/Lot 92)**

Proposed raze of existing deck and construction of a 3-seasons room within jurisdictional wetland resource areas.

**Applicant: Chris & Krysstyne Clegg**

Chris Clegg explained the project for a 3-seasons room. He reported there is a tidal salt marsh in the back. He showed the Mean Annual High Water line, the flagged wetland line, and Top of Bank, and the 25' No Disturb. He reported his current 20-yr old deck is in disrepair. He proposed to remove the deck and construct a screened porch/3-seasons room in its location. The project comes within 40' of the 25' No Touch zone, within 60' of the Top of Bank, and approximately 150' from the Mean Annual High Water Mark. Construction access was discussed. Compost filter sock to be used for erosion control.

A site inspection was performed on 5/10/23; all work is outside the 50'; wetland line confirmed. The area is relatively flat; no impacts to resources.

**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 R. Emlen. Motion passed unanimously.**

**Vote: 5-0-0, approved.**

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**RDA; 15 Logan Ct (Map 6/Lot 504)**

Proposed chain-link fence in front of split-rail fence within jurisdictional wetland resource areas.

**Applicant: Arulanandan Rangaraju**

Property owner, Arul Rangaraju explained he purchased the home in April 2023, and would like to put a 5-ft. chain-link fence inside the split-rail for safety for his pets and children. Wildlife passage can get around by adjoining property. He will maintain both fences.

A site inspection was performed on 5/12/23; fence all within existing lawn; requested applicant fix broken split-rail fence.

**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:**

**Disturbed soils resulting from the Project action must be stabilized with grass that has grown to a "mowable" height and density.**

**Seconded by B. Roberts. Motion passed unanimously.**

**Vote: 5-0-0, approved.**

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**RDA; 1129 Newman Ave (Map 27/Lot 170)**

Proposed construction of an 8'x15' shed within jurisdictional wetland resource areas.

**Applicant: Troy Silvia**

Property owner, Troy Silvia explained he wants to put an 8' x 15' plastic Lifetime shed between the 50' and the 25'. There will be no hardscape, built in place, plywood on top of the base of 2x4's set on pavers. One section of fence to be repaired. He stated he will plant a few trees (Dogwood or Wolf Pine).

A site inspection was performed on 5/10/23; all work is outside of the 25'.

**B. Roberts 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:**

**Disturbed soils resulting from the Project action must be stabilized with grass that has grown to a "mowable" height and density. Replacement trees shall be planted within the wetland buffer zone to compensate for trees to be removed. The existing split-rail fence damaged from a fallen tree must be repaired.**

**Seconded by K. Kearney. Motion passed unanimously.**

**Vote: 5-0-0, approved.**

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**RDA; 20 Rosemarie Dr (Map 6/Lot 333)**

Proposed septic replacement within jurisdictional wetland resource areas.

**Applicant: Joseph Oliver**

**Representative: Landmark Site Design**

(Taken out of Agenda order)

Peter Lavoie, Landmark Site Design represented the applicant and explained the project for a septic replacement for a 3-bedroom house. Waterman Consulting flagged the wetlands; soil testing was done. He showed the existing system is within 50' to the wetland. We are proposing a new septic tank, pump chamber into Presby System on the side of the garage. Erosion controls of a mulch sock are proposed. No trees will be cut, all components are within lawn area and greater than 50' away from the wetland. The failed septic system located in the back yard is not functioning. The existing tank will be pumped out and filled with sand.

Agent Bellesheim commented that she is happy to see the septic pulled out of 50'; she questioned if split-rail is needed, and expressed concern that the owner is dumping yard compost into buffer zone and needs to pull that out and discontinue that practice.

Agent Caledonia expressed concern regarding the catch basin in the street. She requested they keep silt sock in and maintained for the project.

**K. Kearney 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:**

**Lawn clippings be removed from wetland buffer & dumping practice discontinued.  
Prior to ground disturbing activities, erosion and sediment control must be installed as indicated on the approved plan, including catch basin protection, and inspected by the Conservation Agent. The ESCs 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, approved.**

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**Public Hearings:**

**COC Request:**

- **#SE69-0959 (8 Westdale Ave)**

Previous property owner, Alan Jackson was present to close out the filing (in order to release escrowed funds for grass stabilization).

A site inspection was performed on 5/11/23; grass is stabilized. Straw wattle mesh to be removed or cut in order to avoid impacts to wildlife upon issuance of COC.

**K. Kearney made a motion to issue a Complete Certificate of Compliance for SE69-0959; 8 Westdale Ave; N. Braga seconded.**

**Vote: 5-0-0**

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**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 April 10, 2023.*

*Continued to June 12, 2023.*

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

**N. Braga made a motion to Continue SE69-0958 to June 12, 2023 sometime after 7:00 p.m.;**

**R. Emlen seconded.**

**Vote: 5-0-0**

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**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 April 10, 2023.*

*Continued to June 12, 2023.*

David Bray, Caputo & Wick represented the applicant. He gave the Commission an update stating that previously requested Data Sheets for this parcel have been provided by Brandon Faneuf, Ecosystems Solutions. Mr. Bray reported that he has staked the house with 10' offsets, erosion controls are installed and flags have been re-established. He pointed out a detention basin constructed as part of the subdivision, a stormwater line that spills into a small grass swale and into the detention pond. There are 2 overflow pipes out of the basin that control storm events, and there is an overflow. He stated that the house has been in front of the Commission before, and was previously approved in 2014; that order has expired. We are keeping within the same footprint of that previous project; the septic system and well position are the same as that previous project. There is a new owner, and because it was expired, we are filing for a new Order of Conditions.

Elevations were discussed. K. Kearney expressed concern that with the size of the footprint of the house, there is really no lawn area. Mr. Bray reported that lawn is just on top of the system and a very small area at the back of the house. He showed the split-rail fence depicted.

Agent Caledonia said there is a Wetland 25' closer at the bottom of bank. Delineation needs to be accurate. She stated Agent Bellesheim and she have concerns with no backyard and future impacts.

Mr. Bray said there is a detention pond right behind it; there is no way they will have a lawn in that detention pond. Some people don't want backyards. A large home with virtually no back yard is what his client desires. The property owner, Mike Costa stated this is a spec house. Mr. Bray stated that this house is already slimmed down compared to the other houses in this neighborhood (less than half the size). It was very specific as to how this house can be built; the garage has to be in the front. The house is 1,100 sq. ft. with the bedrooms on the 2<sup>nd</sup> floor. None of the structure is within 50' of the wetland (even with the flags moved closer).

Mr. Bray stated the detention basin is a Constructed Stormwater Structure, and by MA regulations has to be maintained.

N. Socha questioned if the detention basin is designed according to the approved plans; it appeared to be different. Mr. Bray stated that the detention basin depicted on the plan in front of the Commission is how it was designed for the subdivision; we have not done an as-built, so I don't know if it was constructed as designed. Mr. Socha expressed concern with there being wetlands vegetation. Agent Caledonia said there was evidence of hydrology and staining. There were no concrete outfalls, just flared stone. Mr. Bray stated that there should be two pipes installed with a riprap overflow.

Agent Caledonia requested a site visit with the Conservation, the engineer, and DPW Superintendent to lock down the line of the important wetland.

Br. Bray stated that eventually the Town will own this detention basin because there is no HOA for this subdivision. This subdivision was tied up in Land Court for several years. It was approved, then it was appealed, went through Land Court, abutters' appeal was denied. The Planning Board approved two modifications to their approval based upon the judgement; and construction of subdivision started in 2007. It is not a Town accepted road.

There was discussion about re-flagging with a fresh delineation vs. re-establishing flags with the 10+-yr. old delineation. Agent Caledonia stated that Ecosystems Solutions was to verify the delineation accuracy. Mr. Bray stated he will check with Mr. Faneuf.

Mr. Bray reported that the easement to get to the detention basin is on top of the drain line (20 feet over the pipe/10 feet each side). The size/position of the house was discussed; Mr. Bray reported that it meets the zoning setback requirements. The roof runoff is intended to spill onto the ground (that was part of drainage computations for the subdivision). The Commission discussed adding a drywell.

**R. Emlen made a motion to continue SE69-0974; 3 Patricia Drive to June 12, 2023 sometime after 7:00 pm.; B. Roberts seconded. Vote: 5-0-0**

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### **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 April 10, 2023.*

*Continued to June 12, 2023.*

Peter Lavoie, Landmark Site Design represented the applicant. He reported that the wetlands have been reflagged, and Brandon Faneuf, Ecosystems Solutions met with Agent Caledonia and Board Member Kristin Kearney. The new wetland line is substantially different (87 feet). The revised plan shows the 25', 50', and the 100'. The house has been reduced in size (26' x 40') with no garage, driveway on the side of the house. The proposed septic is in front and pushed towards the street. It will be a split-level; it will not have a full foundation. The reasoning for that they don't have the distance to meet the Title V 20' requirements from the structure to the reserve area. Slab elevation is above breakout, and that is how he is able to push the house all the way up. The closest point of house is 54'.

Mr. Lavoie stated he proposing to recharge the roof runoff in 2 recharge areas made up of 4 underground Cultec units per area. When chambers fill, it will overflow near the house and sheet flow across the lawn area. A split-rail fence is proposed along the 25'; the Limit of Clearing is shown on the plan. Grade will be brought up to the road grade. The site is very flat. Flood Zone A has been added to the plan (in red). There is a very big right side yard.

Agent Caledonia commented the Commission needs to do its due diligence and walk the new delineated wetland line and review the recently received data sheets (*received on Friday after the cutoff*).

**N. Braga made a motion to continue SE69-0972, 181 Hope St, to June 12, 2023 sometime after 7:00 p.m., R. Emlen seconded. Vote: 5-0-0**

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**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 April 10, 2023.*

*Continued to June 12, 2023.*

Peter Lavoie, Landmark Site Design represented the applicant. He stated this is the next lot down the street from the previous filing for 181 Hope Street. The wetlands have been reflagged by Brandon Faneuf, Ecosystems Solutions. Mr. Lavoie showed the new wetland line and 25', 50', and 100' buffers. He adjusted the house; 2 recharge areas are in the back yard made up of 4 underground Cultec units per area (designed for 2-yr storm event); the septic is in the front; front entrance driveway. This is a walkout; closest point to the wetland is the back of the garage which is 52'; 56' to the wetland line on the other side of the house.

Data forms were received after cutoff date; requires additional site visit.

**N. Braga made a motion to continue SE69-0969, 163 Hope St, to June 12, 2023 sometime after 7:00 p.m., R. Emlen seconded. Vote: 5-0-0**

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**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 April 10, 2023.*

*Continued to June 12, 2023.*

Peter Lavoie, Landmark Site Design represented the applicant. He stated this is the next lot down from the previous filing for 163 Hope Street. It is next door to the existing house at 135 Hope Street. This lot did not change, and the wetland line stayed the same. Flood Zone A was added to the plan; he pulled back Wetland Flags 30-36. There were no new data sheets for this Dev Lot #3 as the lines did not change (lines changed only for Lots 1 & 2).

**Lauren Walsh, 150 Hope Street** expressed concern with the setbacks for the septic tank at the end of the driveway on the adjacent Lot #4 with the existing house. It was discussed that this area is out of the jurisdiction of the Commission, and it was suggested her question be directed to the Board of Health.

Note Data forms were received after cutoff date; requires additional site visit.

**R. Emlen made a motion to continue SE69-0970, 143 Hope St, to June 12, 2023 sometime after 7:00 p.m., B. Roberts seconded. Vote: 5-0-0**

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**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.*

Peter Lavoie, landmark Site Design represented the applicant. He stated he revised the layout of this lot on the plan; he flipped the driveway to the high side of the lot. The house remained in the same location, just got mirrored. The driveway is on the high side to allow for a walkout on the low side (right side of house). This house has 2 drywells in the back of the house; septic system moved away from the adjacent neighbor and is just within the 100' buffer. Zone A Flood Plain was added to the plan. He showed the wetland line, the 25, 50, 100' buffers, and the 200' offset from the perennial stream. He showed the Limit of Clearing, and stated the split-rail fence (at 40') was brought to the street; at the tree-line forward of the 25'. This parcel is on a well. Grading slopes left to right; the front yard will come up a foot or foot and a half. Because it is a walkout, you will have minimal grading on back right side. The back yard will be cleared and remain at grade.

**B. Roberts made a motion to close the public hearing for SE69-0971, 655 Ledge Rd;**

**K. Kearney seconded.**

**Vote: 5-0-0**

**B. Roberts made a motion to approve the plan under the Seekonk Wetlands Protection By-law;**  
**seconded by K. Kearney.**

**Vote: 5-0-0**

**B. Roberts made a motion to approve the plan under the MA Wetlands Protection Act;**  
**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.**

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**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 April 10, 2023.*

*Continued to June 12, 2023.*

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

**K. Kearney made a motion to continue ANRAD SE69-0978, 375 Walker St to June 12, 2023  
sometime after 7:00 p.m.; N. Braga seconded.**

**Vote: 5-0-0**

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**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

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

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

**K. Kearney made a motion to continue NOI #SE69-TBD; 375 Walker St (Wheeler School) for docks project to June 12, 2023 sometime after 7:00 p.m.; N. Braga seconded. Vote: 5-0-0**

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**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.

David Bray, Caputo & Wick represented the applicant and summarized the project. It was discussed the boulder wall is at 50'; the split-rail fence is at the 25'. Septic is in the front by the road, and the well is on left side of lot in the rear close to the 15' setback (opposite the end of the driveway on the lot next door).

Agent Caledonia stated Data Forms were received from Mr. Faneuf, Ecosystems Solutions on Thursday, after the deadline. It was discussed the filing would be continued to June 12 to agree on the delineation. Mr. Bray noted that there is no drainage easement on this lot; it is on the adjacent lot to the west owned by David Agostini.

**R. Emlen made a motion to continue SE69-0981; 42 Emily Way, to June 12, 2023 sometime after 7:00 p.m.; B. Roberts seconded. Vote: 5-0-0**

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**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

*Continued from April 10, 2023.*

*Continued to June 12, 2023.*

A site visit was scheduled for May 24<sup>th</sup>, 2023 with K. Kearney, the Agents and applicant's representative.

**B. Roberts made a motion to continue ANRAD #SE69-0980; 81 Wheaton Ave, to June 12, 2023 sometime after 7:00 p.m.; K. Kearney seconded. Vote: 5-0-0**

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**NOI #SE69-0912; 8 Patricia Dr (Map 26/Lot 176)**

Request to amend Orders of Conditions to include the construction of a pool, deck, & patio within jurisdictional wetland resource areas

Applicant: Francisco & Suzie Figueiredo

Representative: Caputo & Wick, Ltd

**Chair 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 Bylaws will open a **PUBLIC HEARING** at the Seekonk Town Hall on **MONDAY, May 15, 2023** after **7:00 p.m.** on a **Notice of Intent** made by **Francisco & Suzie Figueiredo** for **8 Patricia Drive (Map 26/Lot 176)** for a Request to Amend the Orders of Conditions on **Notice of Intent #SE69-0912** to include construction of a pool, deck, & patio and associated grading within jurisdictional wetland resource areas.

David Bray, Caputo & Wick represented the applicant for a request to amend the Orders of Conditions. He stated the property was before commission a few years ago; they have built the house and would like an above-ground pool, decorative patio pavers. The deck is roughly 2 feet on the sides and about 5-6 feet at the end with stairs. The pool itself is 12'x 20'; it is outside the 50' setback, and 26' off split-rail fence inside existing lawn area. Backwash will go into a drywell 50' away.

Agent Bellesheim commented that the split-rail fence needs to be repaired and the area along fence line into the buffer zone needs to be stabilized; a vegetative strip along fence would be a fair compromise. Deck is at pool height. Access was discussed; be mindful of the location of the septic system. The applicant will come forward for a COC after pool is installed.

**K. Kearney made a motion to close the public hearing for SE69-0912A, 8 Patricia Dr;  
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.**

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**COC Request: Local Only; 8 Lindsey Ct (Map 26/Lot 165) – 2014 filing**

David Bray, Caputo & Wick represented the applicant to close out the expired 2014 filing.

**N. Braga made a motion to issue a Certificate of Completion, as “Invalid Order of Conditions” for a Local Only; 8 Lindsey Ct., as the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid; R. Emlen seconded.**

**Vote: 5-0-0**

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NOI #SE69-**TBD**; Local Only; 8 Lindsey Ct (Map 26/Lot 165) – 2023 filing

Proposed construction of a single-family house, well, septic, & driveway and associated grading within jurisdictional wetland resource areas.

Applicant: Oladipo & Sheri Solola

Representative: Caputo & Wick, Ltd.

**Chair Socha read the following into the record and opened the filing:**

In accordance with the Seekonk Wetland Protection Bylaw, the Conservation Commission will open a **PUBLIC HEARING** at the Seekonk Town Hall on **MONDAY, May 15, 2023** after **7:00 p.m.** on a **Notice of Intent** made by **Oladipo & Sheri Solola** for **8 Lindsey Court (Map 26/Lot 165)** for proposed construction of a single-family house, well, septic, and driveway and associated grading within jurisdictional wetland resource areas.

David Bray, Caputo & Wick represented the applicant for a new set of Orders of Conditions for a previously permitted project in 2014. This parcel has ISLF behind it which falls under the Town of Seekonk Local By-law requiring an NOI (*not subject under the State*). The house footprint has changed from what was originally proposed. Septic, well, and split-rail fence are in the same locations. The driveway has changed and comes across the front of the house now.

Agent Caledonia commented that technically with potential vernal pools and vernal pools, the 100' is the resource itself (as creatures need 100' of upland to live). So the 25' would be the No touch. You need 125' off of a vernal pool. She asked Mr. Bray to revise the plan to depict the 125'.

Mr. Bray said the definition of a vernal pool is the 100' from that edge. The 25' is inside the area we locked down. Agent Caledonia said to show it inside, call it 25' No Touch to the vernal pool setback.

N. Socha stated that the 100' is a buffer zone, but per the Local By-law the buffer zone is considered resource area.

Agent Caledonia stated that the delineation was accurate, and the erosion controls and the split-rail fence were staked out. The project has previously been approved by the Commission; Agent recommended approval.

**R. Emlen made a motion to close the public hearing for a Local Only filing for 8 Lindsey Ct;  
B. Roberts seconded. Vote: 5-0-0**

**R. Emlen made a motion to approve the plan under the Seekonk Wetlands Protection By-law;  
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.**

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NOI #SE69-**TBD**; 893 County St (Map 5/Lot 18)

Proposed water service repair/replacement withing jurisdictional wetland resource areas.

Applicant: John Yando

Representative: InSite Engineering

*K. Kearney recused herself from the filing.*

**Chair Socha read the following into the record and opened the filing:**

In accordance with Mass. Gen. Law Ch. 131, §40 and the Seekonk Wetland Protection Bylaw, the Conservation Commission will open a **PUBLIC HEARING** at the Seekonk Town Hall on **MONDAY, May 15, 2023** after **7:00 p.m.** on a **Notice of Intent** made by **John Yando** for **893 County Street (Map 5/Lot 18)** for proposed water service repair/replacement within jurisdictional wetland resource areas.

Revised plans needed; filing continued to next Conservation Commission meeting.

**B. Roberts made a motion to continue SE69-TBD; 893 County St. to June 12, 2023 sometime after 7:00 p.m., N. Braga seconded. Vote: 5-0-0**

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## Public Meeting:

### Enforcement

- **NV/EO #2018-03; Old Fall River Road (Map 3/Lot 3), End of Year Report**  
(to close out the restoration and lift the Enforcement)

Brandon Faneuf, Ecosystems Solutions represented Mr. Venditti. He presented his Wetland Replication Area Progress Report (Season 2) and stated the restoration area has been restored better than its original state. There is a vernal pool habitat in the middle. It was noted that a split-rail fence was required to be constructed at the 25' mark.

N. Socha asked why the vegetation was so low between the water and the split-rail fence (25' No Disturb area). The Commission commented that it appears to be being mowed. Mr. Faneuf said the best he could do was inform Mr. Venditti to stop mowing it.

Attorney James Marsh stated he understands the Commission wants to keep the grass from being mowed, but he is concerned that if it grows wild, the dead grass will be a fire hazard.

Ms. Kearney replied, but it is a wetland/vernal pool. The Commission discussed 1 mowing a year will be allowed to keep trees from growing.

N. Socha said it is a vernal pool, so the presumption is that 100' out there is turtle habitat and creatures living in that 100'. K. Kearney commented that the Commission is looking for maintaining meadow habitat in New England for wild birds; 1 cut in the fall is usually good for that. That is what is advised by the Audubon Society.

B. Faneuf stated that early successional habitats in New England are rapidly disappearing. Keeping this habitat or a wet meadow is great if you allow it.

Mr. Marsh stated there are no plans to develop this land. It is boxed in by corn field and the flea market which is fenced in. It was discussed it could be cut 1 time per year up to the 100' after at least July 1st to protect ground nesting birds and rabbits (specifics to be obtained from the Audubon Society). Mowing dates will be included in the COC issued.

**K. Kearney made a motion to approve a Complete Certification (to lift Enforcement Order #2018-03 recorded with the Bristol County Registry of Deeds), subject to receipt of a written document from the property owner outlining that the mowing regime is agreed upon, N. Braga seconded. Vote: 5-0-0**

- **NV #2023-03 (5 Sanctuary Lane) – restoration plan**

Property owners, Mark & Bethany Force were present to discuss a restoration plan as was discussed at the April ConCom meeting.

Agent Caledonia stated after receiving a complaint back in March, a Notice of Violation was issued. March 27<sup>th</sup> a site visit was conducted with the Superintendent of DPW to consult on the portion with a Town drainage easement (limited jurisdiction at the beginning of it). The property owners constructed a walking bridge over to the other side of the stream and a shed. What has since been discovered is that a weedy plant, Japanese Knotweed is growing on the property. K. Kearney commented that it is one of the most invasive plants in the United States.

Mr. Force stated he has been pulling the Knotweed out for 35 years with a pickaxe. He reported that he asked the Town to extend the Newman Avenue drainage pipe 30'-40'. He said the Bliss family informed him that the drainage from Newman Ave was built by the State of Massachusetts when Sunset and Hiller drives were built. They pump 24/7 because their basements have water due to the ledge up there. That water becomes drainage going into the street and flows into his backyard. He stated he put a shed on his pie-shaped land on the other side of the easement, and his neighbor has 2 sheds. They both have well-built, aesthetically pleasing Trex composite bridges. There is not anything inside the easement; it spans it to get to his land on the other side.

Agent Caledonia stated the Commission's concern is not the bridge, it is that the lot is a jurisdictional resource (100' off of the stream bank on either edge). The stream is considered a wetland.

Mr. Force stated he took down 4 trees (to the left). He provided photos. He reported that because the easement is on an angle, 35 trees have been blown down because of the shallow roots. He said it poses a hazard to his septic system and possibly his deck. He showed photos of tree stumps with rot and stated the trees come down in pieces. Mr. Force explained the Town does nothing, and he deals with all the refuse.

Agent Caledonia showed photos from 2021 with a lot more vegetation than is currently present. Now there are no trees, and a lot of alae blooms are present. Mr. Socha stated the reason the Force's are here is because cutting the trees and putting a bridge over a resource are is not permitted; no cutting of trees or construction of structures within 50' of the resource area. K. Kearney stated it must first be discussed with the Commission to see if it has a dangerous impact. She further stated that the V-shaped piece on the other side of the stream may be owned but they do not necessarily have the right to access it if that is going to impact the wetland area.

Mr. Force expressed concern that the easement is a focal point for the collection of nip bottles, cans, and refuse coming off from Newman Ave. It goes through both his and Mr. Grela's property as well as Mr. Demers property and veers off to the right (at the Hess property). He stated there is a road over the stream there; the pipe becomes clogged with the refuse, and the Town does not want to address it.

Mr. Socha stated from the Commission's perspective, the issue is infiltration/ecological and stormwater.

Mr. Force stated that Ms. Caledonia has recommended he plant trees; he agreed to comply.

Knotweed removal was discussed. 3 ways were discussed: mowing consistently (not a viable option because it is on a bank; poison it (not a viable option because of drinking water); cover with a heavy-duty black tarp for 3 years.

B. Roberts informed Mr. Force that pulling up Knotweed (breaking it up) actually spreads it.

Agent Caledonia suggested the Forces and his neighbors consider working with a consultant who specializes in Knotweed removal or a landscape consultant. Mr. Force expressed concern with the cost of eradicating the Knotweed.

Agent Caledonia explained that legally it is an intermittent stream that only flows a portion of the year.

R. Emlen commented that 3 things are going on here: 1) Japanese Knotweed, 2) revegetate with trees, and 3) bridge and shed. It was discussed the Knotweed will outcompete and kill; trees should not be planted until the invasives are eradicated. Agent Caledonia mentioned a possible after-the-fact filing with the Commission.

Agent Bellesheim commented that is where there is room for compromise in terms of mitigation. The Commission agrees to allow the bridge to stay, but the bank needs to be mitigated correctly with consulting a landscape architect. You need to make sure you are planting the right things; we want to see riparian and riverfront vegetation, as opposed to things that will just get outcompeted by the Knotweed.

It was discussed that fall is the best time to eradicate. The Commission's goal is to have the property owners submit something within 60 days/August timeframe giving them time to do research, consult with professionals, and come up with a plan for eradication in fall.

The Commission to send instructions/draft minutes to Mr. & Mrs. Force as well as list of Knotweed removal consultants.

Mr. Force said all his neighbors have sheds and bridges and spoke about a collapsed pipe. N. Socha said the options are replacing, cleaning, or removing the pipe. He stated from a Conservation perspective the preferred method is daylighting it.

- **NV/EO #2023-02 (286 Taunton Ave) – restoration plan**

No representation present. Agent Caledonia reported A Notice of Violation on March 10, 2023 was hand delivered by Constable as well as sent certified/return receipt (signed for on March 15, 2023 requiring a response and attendance at the April 10 Conservation Commission meeting. As of today, no response has been received. An Enforcement Order was issued on April 24, 2023 with no response; the certified/return receipt was returned "unclaimed." In the letter, we asked for a restoration plan to be filed with the Conservation Commission by June 24, 2023. The Enforcement Order itself orders restoration of the cut and cleared regulated BVW, Riverfront Area to the Runnins River, regulated buffer zone including 25' No Touch Area. It specifies that failure to comply with the EO shall result in fines and/or penalties of \$300/day.

Agent Caledonia referenced Section 10.08 of 310 CMR, Enforcement Orders under the Wetlands Protection Act. It is one page and tells exactly why the Commission can write an EO under the Act. The restoration plan must comply with the Wetland Protection Act 310 CMR Bordering Vegetated Wetland General Performance Standards 10.55, Section 4, (B)1-7, as well as with Section 11 of Seekonk Conservation Commission By-law specific to enforcement.

She recommended the Commission follow up with Mr. Medeiros with specific language including fines at \$300/day.

**N. Braga made a motion to ratify Enforcement Order #2023-02 (286 Taunton Ave);  
R. Emlen seconded. Vote: 5-0-0**

*(Note: The Enforcement Order was since delivered by Constable on May 24, 2023)*

- **NV/EO #2022-04 (86 Greenwood Ave):** Update

Agent Caledonia reported the Commission asked for a few things from the property owner at the last meeting, specifically why they felt they met the agricultural exemption (erosion controls and no dumping signs). They have not responded. Ms. Caledonia recommended Agent Bellesheim get familiar with this EO (as it will be long term) and draft an email to them. It was discussed Ms. Bellesheim should consult Town Council (with prior permission from the TA's Office). Update at the next meeting.

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**Other Business:**

- Recognition of Kim Lallier for completing 8 units of the Massachusetts Association of Conservation Commissions (MACC) Fundamentals for the Massachusetts Conservation Commissioners training program and has been awarded with a Certificate of Achievement for that accomplishment.  
Agent Caledonia and Agent Bellesheim congratulated Ms. Lallier on her achievement.
- Discuss other topics not reasonably anticipated by the Commission 48 hours before the meeting.  
No votes to be taken.
- Community Speaks/Public Input.  
There was none.

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**Approval of Minutes:** April 10, 2023

**K. Kearney made a motion to approve the April 10, 2023 minutes, R. Emlen seconded. Vote: 5-0-0**

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**N. Braga made a motion to adjourn the meeting at 9:45 p.m.; B. Roberts seconded. Vote: 5-0-0**

Respectfully submitted,  
Kim A. Lallier  
Conservation Secretary

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*Formally accepted on 6/12/2023 5 in favor, 0 against, 0 abstention*

**[Full Video available to view on TV9 Seekonk Community Access Television](#)**

**Link:** <http://tv9seekonk.com/>