

**CONSERVATION COMMISSION
REGULAR MEETING
September 11, 2023**

REGULAR MEETING

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

6:30 p.m. Ch. N. Socha opened the meeting of the Seekonk Conservation.

Public Hearings:

NOI #SE69-0984; 81 Wheaton Avenue (Map 4/Lot 308)

Proposed construction of an accessory structure, site grading, gravel driveway, and temporary ground disturbance within jurisdictional wetland resource areas.

Applicant: Scott Smith

Representative: Oakhill Engineering

Chair Socha read the filing into the record.

Mark Mariano, Oakhill Engineering represented the applicant and summarized the project for a single-family home within 100' of a BVW. This 7-acre site had an ANRAD done in the spring of this year. We have an influence from a perennial stream that falls onto the property, we have BVW and a vernal pool; both of which were delineated and approved in June 2023. We are proposing a 4-bedroom single-family home, septic, and well. The septic, house, driveway, and well are all out of the resource area. The barn, a gravel drive, some grading, and a future lawn are in the resource area. The site was delineated keeping out of the 200' Buffer Zone. An Alternative Analysis was done. A sliver of the 200' Riparian was taken, but a lot was given back. The current field is plowed and mowed to the south 40' setback line, all that space will be given back as well as the 100' buffer of the vernal pools. Mr. Mariano showed the location of the erosion controls and 3'x3' boulders along the potential vernal pool and wetlands offsite. He stated they are doing the NOI for the entire site. The entire site is currently a farm, and they are uncertain of future use in that area. He reported that the septic is to the north; it has good perc rates at 2 minutes. He noted that the water table is high in this area at 33"-36". The house will be a walkout. He noted that this project is a unique design with a drive-in and drive-out garage. Mr. Mariano showed the topo lines and stated he is pitching everything to the front and putting a depression to capture stormwater coming off of the impervious area going into the drainage area. The site has great sandy drainage. Project includes a temporary washout area for concrete which is out of all buffer zones, and a secondary slurry containment and a slurry containment pit found at the well.

This was a subdivided property from a property that continued all the way to Fall River Avenue. This is the rear farm where a barn is proposed; the front house still exists but under different ownership.

B. Roberts questioned the location of the barn asking if it could be moved further north. Mr. Mariano replied his reasoning for its location was that coming off the road, it is a straight line into it rather than curling into his backyard. He stated that the Riparian and Wetlands worked that line. The fence could be curled up a little bit creating a belly. The intention of the barn is for cold storage (equipment), no animals. It is not an automotive garage. Mr. Mariano reported that total Riverfront is 2,900 sq. ft.; total taking is 2,300 sq. ft. (that we are not allowing to revegetate). He noted that the lot was created after 1995 and is currently all disturbed to the tree line, so it isn't a true taking. If we didn't come before you for this project, it would still be getting plowed today. Everything southwest of the fence will be allowed to naturally revegetate. It will be a higher quality land than what currently exists between there and the wetlands.

B. Roberts asked if Mr. Mariano could round the southeast corner to give some back. Mr. Mariano agreed.

R. Emlen made a motion to close the public hearing for NOI #SE69-0984; 81 Wheaton Avenue, seconded by B. Roberts. Vote: 5-0-0

R. Emlen made a motion to approve the plan under the Seekonk Wetlands Protection By-law, conditioned with the corner of the fence rounded and the use of the barn, seconded by B. Roberts. Vote: 5-0-0

R. Emlen made a motion to approve the plan under the MA Wetlands Protection Act, 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.

NOI #SE69-0985; 144 Willard Avenue (Map 5/Lot 25)

Proposed septic system replacement within jurisdictional wetland resource areas.

Applicant: Curtis Lopes

Representative: Oakhill Engineering

Chair Socha read the filing into the record.

Mark Mariano, Oakhill Engineering represented the applicant and summarized the project for a septic system replacement. He stated that currently there is a non-compliant cesspool within 100' feet of a well. It is a very small site; we have vegetated wetlands in the rear of the site. He showed the location of the erosion controls circling the property. He stated he sited the septic the furthest away. He noted he has two variances requested with the BOH; one being the setback to property line, and one being distance to his own well. We will not be influencing anyone else's well. The septic pipes leaves through the foundation in the rear of the property routing into the septic tank, and then to a pump chamber which will lift it to a field. Four trees will be taken down in the area where the septic will be installed to side of driveway; any tree within 10 feet influences the septic. A split-rail fence will allow the 25' buffer to be established. There is a note for human-manufactured debris to be hand removed in the buffer zone and wetlands.

Agent Bellesheim agreed that it is the only suitable location for the septic system on the property. She commented that there is debris in the wetland. Knotweed, an invasive species, walls the back of the site. There is a steep slope. The area that would become the landscaped yard area of the house needs general site cleanup from construction litter and miscellaneous debris.

The removal of the 4 trees was discussed as well as the site's topography. The Commission asked for 2 Red Maples on tree line at northeast corner of the property; 2" caliper in front of the split-rail.

B. Roberts made a motion to close the public hearing for NOI #SE69-0985; 144 Willard Avenue, seconded by K. Kearney. Vote: 5-0-0

B. Roberts made a motion to approve the plan under the Seekonk Wetlands Protection By-law, conditioned with the corner of the fence rounded and the use of the barn, seconded by K. Kearney. Vote: 5-0-0

B. Roberts made a motion to approve the plan under the MA Wetlands Protection Act, conditioned with the corner of the fence rounded and the use of the barn, 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.

Public Meeting:

RDA; 17 Sanctuary Lane (Map 29/Lot 84)

Proposed construction of an 18'x20' carport within jurisdictional wetland resource areas

Applicant: Wesley Grela

Applicant proposes to install a carport within 200-foot riverfront area on the opposing side of the intermittent stream behind house where there was previously an above-ground pool.

Wesley Grela, property owner presented a plantings proposal in collaboration with local nurseries, Little Tree Nursery and Evergreen Landscaping aimed at protecting and enhancing the ecological integrity of our community's natural resources. He proposed 3 species of plants on the same side as the proposed carport: **1) Clethra Alnifolia** (qty 3) [Sweet Pepperbush]; **2) Viburnum Denata** (qty 3); **3) Caryopteris Bluebeard** (qty 2). K. Kearney commented that Caryopteris is not a native plant species; she suggested Button Bush or Holly.

Agent Bellesheim stated the proposed carport will be installed in the gravel area where previously an above-ground pool was. It is within 25' of the resource area. In exchange for the carport being placed there, Mr. Grela is offering to put 8 plants, and replace deceased landscaping plants (Silvergrass) on the opposing side of the bank. B. Roberts noted that Silvergrass is not native and suggested a Switchgrass of Panicum Virgatum, which is much heartier.

It was discussed that the carport is intended for outdoor storage will be anchored; it will be temporary structure. K. Kearney suggested monitoring plants survival rate for 2 years.

Mr. Grela stated he has an agreement for access to the carport through a neighboring property.

Agent Bellesheim felt that this restoration plan adequately compensates for the carport to be installed in a previously disturbed area.

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:

Vegetation substitutions as discussed; approved as a temporary structure; 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 N. Braga. Motion passed unanimously. Vote: 5-0-0, approved.

RDA; 14 Richard Circle (Map 26/Lot 117)

Proposed construction of an in-ground swimming pool within jurisdictional wetland resource areas.

Applicant: Jesse Sherwood

Representative: Landmark Site Design

Peter Lavoie, Landmark Site Design represented the applicant and summarized the project for a 3-acre lot; he showed the existing house, driveway and detached garage, septic and well. The applicant wants to construct an in-ground pool in the maintained lawn area next to the garage; he will convert an area inside the garage to use as a pool house (adding a changing room and bathroom). In doing that, an E1 Pump and force main within the lawn area is necessary. They will need to tie in water via another water line along the side of the driveway into the garage; it will be done within the grassed area as well. Mr. Lavoie showed the wetland area in the back; he showed the 25', 50', and 100' buffers. He stated they are proposing mulch sock, all work done in lawn area, grade will not change. A pool will be constructed with a concrete pad; a 3' trench will be dug for the force main, and it will be backfilled. The pool (16 x 32) and 5' concrete apron will have a fence surrounding it; the fence would go along the tree line and tie into the garage.

K. Kearney commented that the 50' and the 25' are in a heavily wooded area, and any split-rail fence would have to be at the tree line. Agent Bellesheim agreed it is heavily wooded and drops off. The wetland is in a low spot behind the tree line. B. Roberts suggested wooden posts with wetland placards every 25' along the tree line for notification. It was discussed that it would help prevent dumping in the wetland.

N. Socha questioned the difference between a bathroom in a garage for a pool house vs. a secondary residence on the property. Mr. Lavoie said for a secondary residence, the system would have to be upgraded. This project will not be adding any bedrooms, just a bathroom and changing area. Mr. Lavoie reported that after Conservation approval, this project will be submitted to the Board of Health. He commented that any work on the septic would be outside of the 100' buffer.

R. Emlen questioned if there would be a need for tree trimming to be done. Mr. Lavoie reported, and the Commission discussed, that some tree trimming needs to be done, but there will be no tree removal.

It was discussed that landscaping within the pool area is to either be kept as grass or have only native plants.

B. Roberts asked about the filtration system. Mr. Lavoie reported it will be a salt pond; there will be no backwash. The pump will be located in the back of the garage. N. Socha asked to have the pump, fence, etc. added to the plan. K. Kearney commented the Commission requests he capture all the accoutrements on a revised plan.

Revised plan to be submitted depicting: a note specifying tree trimming only, no tree cutting; 5-ft apron; entrance/maintenance gate to be on the front of pool fence (nothing along the tree line); posts with placards every 25' along the tree line; add pump, fence, etc. to plan.

N. Braga made a motion to approve a Negative 3 (pending revised plan), 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.

Public Hearings:

COC Request: [NOI #SE69-0891; 11 Wyatt Ct \(Map 16/Lot 204\)](#)

Applicant: RAD Associates, Inc.

Representative: InSite Engineering

Chris Andrade, InSite Engineering represented the applicant for a COC request for a filing for construction of a single-family home with patio within the buffer, house within the 100' buffer, decking and the leach field, driveway.

Agent reported that there were discrepancies with the As-built.

#1) There was a tree line that was supposed to be installed on the northern property line. Mr. Andrade stated that the original design for the lot above had removed all the trees that were native to that portion in order for the house to go in. The grading ended up having to come down across the two lots. They were initially going to clear within their lot; but when the tree line went away, we just matched the tree line. We basically cleared and matched where their trees were. N. Socha asked if that could be remedied; K. Kearney commented that there is no logic to that. Mr. Andrade reported that the lot above graded all the way to the property line and removed all the trees on that property line. We graded into it with our septic. He reported that the northern lot was done first under an RDA that was proposed to go all the way to the property line. K. Kearney asked if that was something he should have discussed with the Agent when they were deviating from the plan.

Mr. Andrade stated when looking at this lot individually, we designed it basically thinking the tree line used to be here, and we will show it on the plan. Ms. Kearney stated bottom line is that it was on the plan, and you didn't do it; so, the Agent should have been told. Mr. Andrade replied the tree line was gone. Ch. Socha asked again if it could be remedied and trees put back out there.

Agent Bellesheim stated she spoke to the property owner, Mr. Drohan about the tree line and he said he would look at the plan and if he needs to do it, he will do it. Agent showed the original approved plan to the Commission with the proposed tree line typ. Mr. Andrade said it was the proposed limit of where the trees would be cut. Now the trees didn't exist on that northern portion, so there is obviously no tree line. We were claiming we were going to clear all the way to the here, which we did. This tree line would have had to gone up to meet the lot above's tree line (which was cleared under an RDA, and the tree line went away). It's not like we were proposing we were going to plant trees; we were proposing we were going to meet the existing tree line that was there.

K. Kearney asked the Agent about the value of putting trees back. Agent Bellesheim stated with them being within the 50' and 100' Buffer Zone, there is value in that sense. It is grass. She reported that when she spoke with Mr. Drohan about it, he stated it was a privacy planting issue.

N. Socha was concerned with water running off and suggested trees at the border be put in: six 2 1/2" caliper of trees that grow fast (Red Oaks) spaced 20' on center.

#2) Walkway portion of the patio and the deck are technically constructed within the 50' and not depicted on the original approved plan. Agent Bellesheim noted that the deck is raised and has a porous gravel underneath it. N. Socha commented it is a structure within the 50' that was not permitted.

#3) Agent Bellesheim said rain garden has not been maintained and was silted up. K. Kearney stated the levels are not correct, tags were left on the plants which choke them; she suggested a professional with a green infrastructure certification be hired to re-construct the rain garden with native soils and healthy plants.

N. Socha commented that the biggest issue is the structure that exists without permitting. The Commission discussed adding plantings to compensate for the structure. Ms. Kearney stated for the record that this does not in any way mean that people can put unpermitted structures in and then add plantings.

N. Socha commented that the difference between the coefficient of runoff between a grassed area vs. a forested area is substantial. The rain garden is not being maintained.

The Commission discussed COC would be conditioned upon planting a few trees and reconstruct the rain garden to specs.

Mr. Andrade commented the rain gardens might fall under the purview of the whole subdivision, so we have that benefit. For the Subdivision COC, we have to come back with calculations for the total impervious area for this subdivision; the rain gardens were intended to manage the runoff the patios in the back. He reported design calculations were done on all the houses in the subdivision; calculations were done for 40x70 houses, and the houses for the subdivision are actually smaller.

B. Roberts spoke to the pop-up emitter (*downspouts go into the pipe, and when it fills with water, it pops up and disperses over the ground*) in the rain garden and expressed concern that all the rain from roofs is going directly to the rain garden. He questioned if this rain garden was designed to handle that much of flow from the house. He felt from his experience that part of the reason the rain garden failed is because it appears to be too much flow for it. Mr. Andrade stated it was designed to handle the flow. He reiterated that when the contractor submits for the final COC for the entire subdivision, they will have to get approval for functionality of rain gardens and stormwater. The Commission discussed that the COC could be out several years and they were not comfortable with a non-working rain garden.

The Commission asked Mr. Andrade for photos of the rehabilitated rain garden and for him to provide the Rain Garden Maintenance Plan so the Commission can see how it is supposed to be taken care of and determine if it meets the qualifications as laid out.

#4) Agent Bellesheim stated Mr. Andrade needs to depict the 100' buffer zone on the final As-Built.

Mr. Andrade to come back before the Commission when conditions discussed are met: six 2 1/2" caliper of trees (Red Oaks) spaced 20' on center; rain garden reconstructed and its maintenance plan submitted; 100' buffer zone added to As-Built.

NOI #SE69-TBD; 8 Wyatt Ct (Map 16/Lot 205)

Proposed construction of a single-family dwelling with associated grading and landscaping within jurisdictional resource areas.

Applicant: Applicant: RAD Associates, Inc.

Representative: InSite Engineering

Ch. Socha read the filing into the record.

Chris Andrade, InSite Engineering represented the applicant and summarized the project for a 4-bedroom single-family house with grading, driveway, and septic within the resource buffers. We are proposing a split-rail fence and straw wattles along the 25' No Touch Zone. We will also maintain the split-rail fence installed for the drainage system with straw wattles along the inside edge of the fence. The system is outside the 100' buffer, the tank falls within the 100'; the majority of the work falls outside the 50' except for lawn area at grade within the 50' to 25'. A rain garden is proposed at back of house to handle roof drains and patio, and any other future features to come about.

Agent reported that she visited the site, and the existing split-rail fence in the southwestern corner is quite overgrown and in need of maintenance. The ANRAD for this property was approved in 2017. The delineation flags are no longer there or not visible, so she could not assess the current status of the delineation. Mr. Andrade stated he will re-stake the flags. Agent reported that the site in general is dirty with stockpiling and debris and rubble which erodes into the roadway, goes into catch basins and into the wetland. The Commission discussed erosion controls to be put around the piles. N. Socha commented that should be covered in a SWPPP for the subdivision.

Commission discussed adjustments on the plant selection for the rain garden. Mr. Roberts suggested that since all downspouts seem to be brought to the rain garden, if a pop-up emitter is used, rip rap is needed or some type of forebay to slow the water down for the functionality. N. Socha discussed locating the raingarden behind the split-rail fence with a gate for maintenance and add large caliper trees.

Mr. Andrade stated they are proposing lawn area up to the 25'. Conditions were reiterated: Erosion controls around piles, stake wetland flags, relocate rain garden/adjust split-rail fence; adjust plant selections, some type of forebay for drainage coming in from downspouts; pop-up emitter in the forebay, an earthen weir/berm along the edge to keep it from washing out. N. Socha suggested a placard for the raingarden to specify what it is and that the property owner is responsible for maintaining it in perpetuity as it exists. N. Socha asked if there will be a deck or patio off the back of the house that it be depicted on the plans now. K. Kearney stated everything needs to be captured on the plan and asked that Mr. Andrade ensure that the calculations still work. Revised plan to be submitted.

R. Emlen made a motion to continue NOI #SE69-TBD; 8 Wyatt Ct to October 16, 2023 sometime after 6:30 p.m.; seconded by B. Roberts. Vote: 5-0-0

Public Meeting:

Enforcement

- **NV #2023-07 (44 Ledge Rd): Ratify**
Agent Bellesheim reported the property owner reached out to her regarding a tree removal on their property; she informed her that they would need to file an RDA after speaking with someone else at Seekonk Tree. They informed her that they did not believe it was a Conservation tree, so the Agent measured the tree 60 feet from the wetland. She had a conversation about in a maintained lawn, over 50 feet from the wetland, it could be done without an RDA; and it was a dead tree in the maintained lawn area. The Agent reported that in driving by Ledge Road, it caught her attention that the tree company was there cutting down a different larger Maple tree about 5 to 10 feet from the wetland edge. This is just a miscommunication of which tree would be removed.

KJ Dias from Seekonk Tree Service represented the property owner. He stated it was a huge miscommunication. Seekonk Tree has a new secretary. They have since switched out their process; moving forward he will be personally onsite reviewing the project with the Agent instead of marking the area leaving for miscommunication. This is the first time he has run into this situation in doing business in Town for 15 years; he does not plan to ever run into it again.

Agent Bellesheim stated that Seekonk Tree has been completely forthcoming and communicative. When she asked them onsite to cease, they did so immediately. She discussed taking the shaft of the tree down to 20 feet in order to leave habitat (standing butt). She reported that the tree was a healthy maple very close to the wetland.

K. Kearney said it is a healthy tree with sprouts and will rebound so it doesn't necessarily have to be replaced. She suggested to give it a chance to resprout and check on it in a year.

Mr. Dias commented that the tree taken had a heavy lean to it with a long gangly upper canopy. It was discussed the NV will remain open for a year and revisited. Both Mr. Dias and the Conservation Agent agreed to monitor.

B. Roberts made a motion to ratify NV #2023-07 (44 Ledge Rd), K. Kearney seconded. Vote: 5-0-0

- **NV/EO #2018-03; Old Fall River Road (Map 3/Lot 3)** – proposed revised mowing regime
[Note: For the purpose of issuance of the "Certificate of Compliance for Enforcement Order," an official mowing regime was sent to Mr. Marsh and consultant on May 30th, 2023 with a request that a letter of agreement be sent to the Conservation office.]

Attorney James Marsh represented Mr. Venditti, property owner and proposed a different mowing regime than was discussed at the May 15, 2023 meeting. He stated this enforcement action has been in place for several years. The area has been restored and we came before the Commission for a COC (*not issued yet*). There has since been a discussion about mowing in and around the vernal pool. It was Mr. Venditti's suggestion that some mowing be allowed. He suggested the following responses to Agent Bellesheim's May 30, 2023 email:

- Bullet Point #3 (mowing must be performed 7-12") be changed to 5"
- Bullet Point #4 (landscaping equipment should be washed before and after each mowing...) they will do the best they can to do that.
- Bullet Point #1 (mowing of the site must be limited to once a year-Oct 15th - Dec 20th ...) Mr. Marsh submitted a photo with the 100' marked with red lines. Proposed his client wait till June 1st to mow area adjacent to flea market and roadway, and mow a 2nd area July 31st.

K. K. spoke about nesting birds in the meadow and stated June is awfully early to mow; most birds have 2 to 3 broods. Typical meadow management protocol is 1 cut in the fall to keep trees from getting in. She commented that there is no line of sight is needed to get in here. Agent Bellesheim added that this is habitat for species that have nowhere else to go due to development on either side.

Mr. Marsh stated that Mr. Venditti is concerned about high dead grass and fire risk. He doesn't want the low-lying plantings to be choked out by long grasses. Mowing a path around plantings was discussed.

Agent Bellesheim stated this is the MassDEP standard for mowing regimes and is pretty widely accepted. There is a lot of reasoning and scientific evidence behind why they do it. K. Kearney commented that if you cut it low all the time, you are likely to have more invasives seed in there.

It was discussed that the Conservation Agent, with the Fire Department, will go out and look at Mr. Marsh's points and make a determination.

B. Roberts suggested that mowing a path around the fence and plants for maintenance purposes is acceptable; the Commission was in agreement. It was clarified that it will be mowed once a year along the fence line within the Oct-Dec timeframe. A site visit was scheduled for September 20th at 9:00 a.m. with K. Kearney, Agent Bellesheim, Mr. Marsh, and the Fire Department. They will look at pathways to the plantings that were put in as part of the restoration for the vernal pool, as well as whether or not some portion of it needs to be cut for fire risk.

- **NV #2023-05: (0 Olney St, Rear)** – Update and photos

David Bray, Caputo & Wick represented the property owner. He stated he visited the site today and provided photos as well as historic photos from Google Street Maps showing Japanese Knotweed appears to have been growing in the same spot there for years.

Agent Bellesheim agreed there is already an establishment of Japanese Knotweed. She reported that she visited the site to assess the current conditions of the site 6 months after the Notice of Violation was sent. She reminded everyone that “No Dumping” signs were to be put up per a discussion with Agent Caledonia at the April 2023 Conservation Commission meeting. It was noted that there is evidence that the site is still being used to dump grass clippings, likely by neighbors. The Commission discussed putting a metal “No Dumping” sign on a 4x4 post in the center of the path.

Mr. Bray agreed to speak to the property owners and update the Agent with a plan.

N. Braga asked if the clippings should be removed; B. Roberts commented that would be worse, the clippings should be raked out.

- **NV/EO #2023-02 (286 Taunton Ave):** Restoration Plan / Update

Agent Bellesheim reported Mr. Medeiros could not be here this evening; he notified her ahead of time. She stated TRC Companies was contracted for the following work:

- ~Correspondence with Mr. Medeiros and the Town of Seekonk regarding the issue
- ~Site investigation
- ~Memo and photo log regarding findings at the site
- ~Attendance at a Town of Seekonk Conservation Commission meeting

Agent Bellesheim reported she has been in direct contact with the consultant. This is moving slow and steady; the area is revegetating; trees are sprouting. Lines of communication are open.

Other Business:

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

Approval of Minutes: August 14, 2023

N. Braga made a motion to approve the August 14, 2023 minutes, K. Kearney seconded. Vote: 5-0-0

R. Emlen made a motion to adjourn the meeting at 8:21 p.m.; K. Kearney seconded. Vote: 5-0-0

Respectfully submitted,
Kim A. Lallier
Conservation Secretary

Formally accepted on 10/16/2023 4 in favor, 0 against, 0 abstention

[Full Video available to view on TV9 Seekonk Community Access Television](http://tv9seekonk.com/)

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