

Clayton Hutchinson, Chair
Linsie Dillon, Vice Chair
Patricia Wash, Secretary



Clifford Bassett
Deborah Cato
Jillian Miller
Steven Farquharson

Shannon Palmer, Conservation Administrator

Town of North Attleborough
CONSERVATION COMMISSION

43 South Washington Street, North Attleborough, MA 02760 | P (508) 699-0125 | www.nattleboro.com/conservation-commission

MINUTES
PUBLIC MEETING
49 Whiting Street, North Attleboro, MA
January 11, 2022 6:30PM

A. ROLL CALL

Members Present: Clayton Hutchinson
Linsie Dillon
Deb Cato
Patricia Wash
Jillian Miller
Clifford Bassett
Steven Farquharson

Members Absent:

Staff Present: Shannon Palmer, Conservation Administrator (via GoTo Meeting)
Sandra McCrory, Office Assistant

B. HEARING AND MEETING ITEMS (6:30PM)

1. Notice of Intent (NOI), Old Post Road, Melanie Bonin, SE 243-09--: The proposal is for the construction of a single-family home, attached garage, sewage disposal system, associated grading and utilities. Proposed work is within the 100-foot buffer zone to Bordering Vegetated Wetlands. The Chair, Clay Hutchinson, read the legal notice into the record. Certificates of mailing were presented to the Commission.

Clay Hutchinson explained due to an error the abutters were not properly notified, and the DEP file number has not been issued so this application will be continued.

Motion to continue public hearing for Old Post Road, Melanie Bonin, with consent of applicant to January 25, 2022, at 6:30PM, by Linsie Dillion and seconded by Patricia Wash. Motion carried 7-0.

2. Notice of Intent (NOI), New England Power Company, V148S Transmission Line ROW SE 243-0959: Proposed work includes replacement and relocation of aging wood structures, mowing, access road maintenance, and installing new overhead fiber-optic ground wires. Work will span approximately 0.6 miles from the state (MA/RI) border to the town line (north of Highland Ave) and will take place within Bordering Vegetated Wetlands (BVW) and the 100-foot Buffer Zone. The project is eligible to be treated as a Limited Project under 310 CMR 10.53(3)(d). The Chair, Clay Hutchinson, read the legal notice into the record. Certificates of mailing were presented to the Commission.

Mark Smith, BSC Group, addressed the Commission on behalf of the applicant. Mr. Smith explained the project is proposing replacement of seven structures and removal of two, with improvement to access roads and two trees will be removed at the site. They are replacing wooden H Frames with steel cased foundations for structures 59, 61 and 62. The de minimis impact to BVW is approximately 59 sq. ft. after the removal of the two structures and the 2 tree trees, with one being 12-inch ash and 14-inch a red maple. There will be matted access roads and work pads in the BVW and restoration to preconstruction conditions where possible.

Clay Hutchinson asked if there will be wetland replication after the work is complete.

Mark Smith responded no replication is proposed as it would cause more of a disturbance for such a small area.

Motion to close public hearing for New England Power Company, V148S Transmission Line Row SE 243-0959 made by Linsie Dillion and seconded by Patricia Wash. Motion carried 7-0.

3. Notice of Intent (NOI), 53 Donald Tenant Circle, Paul Martin Jr. SE 243-09--: The proposal is to construct an attached garage to a single-family home and expand existing driveway. Proposed work is within the 100-foot buffer zone to Bordering Vegetated Wetlands and 200-foot Riverfront Area. The Chair, Clay Hutchinson, read the legal notice into the record and certificates of mailing were presented to the Commission.

Larry Tilton, Tilton & Associates, representing the applicant. The lot is approximately 16,000 sq. ft., the house was built in 1965 and they propose to build a breezeway and attached two-car garage. The existing driveway is on the left of the house, and plan to build a 12 ft breezeway connection that then drops down into a 24 x 24 ft. garage and to widen the driveway to line up with the existing driveway. The proposed grading will match existing and ground disturbance will be minimal. A roof recharge unit is proposed. One tree on the left side of the house will be removed for the construction of the garage.

Clay Hutchinson asked if the 12-inch sassafras tree labeled on the plan where the erosion controls seem to run through will be removed.

Larry Tilton responded the erosion control can be moved, the line is arbitrary and can be moved in front of the tree.

Clay Hutchinson would like to see it pulled more in front to protect the tree.

Shannon Palmer stated the line cannot be arbitrary, it needs to be enforceable, and the plans should be revised. The buffer zone is not shown from the bank of the perennial stream. Ms. Palmer also stated a revised performance standards analysis was requested to document compliance with 310 CMR 10.58 (4) and that was submitted subsequently to the NOI filing.

Larry Tilton added he had no questions on the performance standards however on the buffer zones, those are shown on the existing conditions in different colors.

Clay Hutchinson asked for confirmation on if the runoff pitches towards the infiltration trench and if the trench will indeed catch the roof and driveway runoff.

Larry Tilton confirms and adds they pitched the driveway to collect the runoff and piped the downspouts over to the recharge area as shown on the plans.

Motion to continue public hearing for 53 Donald Tenant with consent of applicant to January 25, 2022, at 6:30PM. Made by Linsie Dillion and seconded by Patricia Wash. Motion carried 7-0.

C. COMMISSION BUSINESS

1. Review Conservation Restriction (CR), Gregory Manor, 109 Mt Hope Street

Larry Tilton, Tilton & Associates, representing the applicant for Gregory Manor, briefly explains the Conservation Restriction (CR) required by the Division of Fish and Wildlife for the development of the subdivision. The Commission is being asked to be holders of the restriction and to be the authority representing the Mass Wildlife.

Shannon Palmer adds the CR is strict on what can be done in the restricted area and references the section regarding marking, clearing, mowing, or maintaining of foot paths. Ms. Palmer asked if there were existing trails on the property.

Larry Tilton responds there are existing footpaths on the site and they were not all mapped, and one path goes well into the Attleboro area, beyond the applicant's property.

Ms. Palmer asked about signage (location and number) and expressed concerns regarding the potential future encroachment by property owners. She also asked about access and noted there is no easement or access point for the Commission without going through private property. Ms. Palmer expressed support for the CR however maintained enforcement may be difficult due to location and lack of access. She also recommended split rail fence at the CR boundary in addition to the signage.

Deb Cato questions the ability to enforce any infractions that may arise in the future by the Conservation Commission rather than having to report to Mass Wildlife, the enforcing authority.

Darius Gregory responded the intent is to keep the property privately owned for tax purposes, the Commission is not taking responsibility of the land, just enforcing the land on behalf of the state Mass Wildlife, and believes it is customary and has happened in other areas of the state.

Deb Cato questioned the existence of vernal pool habitat on the property.

Clay Hutchinson recommended the applicant consider split rail fencing at the boundary.

Motion to approve and accept the Conservation Restriction from Darius Gregory on land located at 109 Mount Hope Street pursuant to Section 32 of Chapter 184 and Section 8C of Chapter 40 of the Mass General Laws made by Linsie Dillion and seconded by Steven Farquharson. Motion carried 7-0.

2. Request for Certificate of Compliance, 2 Houde St., Eileen and Bruce Bellemore, SE 243-0740

Ms. Palmer summarized the proposal and indicated the restoration has been completed as documented in letter from the wetland scientist. The previous Request for COC filing had provided documentation regarding house construction, wetland fill, etc. The remaining issue was the restoration.

Eileen and Bruce Bellemore, property owner, presented the final letter from the wetland scientist certifying all work was complete per the approved plan.

Motion to issue Certificate of Compliance for 2 Houde Steet, SE 243-0740 made by Linsie Dillion and seconded by Steven Farquharson. Motion carried 7-0.

3. Vote to issue Order of Conditions for 0 Mt. Hope Street, Robert & Sharon Fontaine, SE 243-0954

Motion to issue Order of Conditions for 0 Mt Hope Street, SE 243-0954 with special conditions as noted by Conservation Administrator, made by Linsie Dillion and seconded by Steven Farquharson. Motion carried 7-0.

4. Vote to issue Order of Resource Area Delineation (ORAD), Towne Street, SE 243-0958

Motion to issue Order of Resource Area Delineation for Towne Street, SE 243-0958, confirming boundary of Bank, Bordering Vegetated Wetland and Bordering Land Subject to Flooding, and incorporating Findings of Fact as noted made by Linsie Dillion and seconded by Steven Farquharson. Motion carried 7-0.

5. Request for Certificate of Compliance, 11 Sully Lane (Lot 4), Sioux City Realty Trust, SE 243-0153

Motion to issue partial Certificate of Compliance, 11 Sully Lane, Lot 4, SE 243-0153 made by Linsie Dillion and seconded by Steven Farquharson. Motion carried 7-0.

6. Request for Certificate of Compliance, New England Power Co., V148S, SE 243-0946

Motion to issue Certificate of Compliance for New England Power Co., V148S, SE 243-0946 by Linsie Dillion and seconded by Steven Farquharson. Motion carried 7-0.

D. OTHER BUSINESS:

1. Approval of Minutes

Motion to approve minutes for November 9, 2021, made by Patricia Wash and seconded by Linsie Dillion. Motion carried 7-0.

Motion to approve minutes for November 23, 2021, made by Patricia Wash and seconded by Linsie Dillion. Motion carried 7-0.

2. Virtual Meetings

Due to recent surge of Covid-19 Conservation Commission meetings will move back to on-line platform for the next few meetings.

3. Budget FY 2023

Shannon Palmer gave a brief overview of the draft FY23 budget for the Conservation Commission. A draft of the budget was sent to all Commissioners to review.

4. Commission updates

Shannon Palmer briefed the Commission on the appeal of the Determination of Applicability issued for Bryan Drive filed by the applicant.

E. ADJOURNMENT

Motion to adjourn public meeting at 8:08PM, made by Patricia Wash and seconded by Steven Farquharson. Motion carried 7-0.

Respectfully Submitted,

Patricia Wash, Secretary