

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
July 12, 2022 6:30 PM

A. ROLL CALL

Members Present:

Clayton Hutchinson
Linsie Dillon
Deb Cato
Clifford Bassett
Patricia Wash
Jillian Miller

Members Absent:

Steven Farquharson

Staff Present: Shannon Palmer, Conservation Administrator

B. HEARING AND MEETING ITEMS (6:31PM)

1. Request for Determination (RDA)/Local Pond Permit, 76 Wild Acres Road, Karen Vincent, RDA #22-05: The project is a proposal to install a 120 sq.ft. L-shape floating dock with a ramp for access on Falls Pond. The applicant has also filed a local pond permit application in accordance with the Conservation Commission's Rules and Regulations Governing Structures on Falls and Whiting's Ponds. The Chair, Clay Hutchinson, read the legal notice into the record.

Randy Vincent, owner, presented the proposal to the Commission and explained the aluminum dock will have six posts resting on the pond to support the dock with no other modifications. The dock will be removed in the winter.

Patricia Wash asks if there will be any clearing or removal of trees.

Randy Vincent there will be some brush cleared where the dock will be placed with no trees being removed.

Motion to issue a Negative #3 for 76 Wild Acres Road, RDA #22-05 with condition for coordination with Conservation Administrator prior to dock placement, made by Linsie Dillon and seconded by Patricia Wash. Motion carried 6-0

Motion to issue a Local Pond Permit for 76 Wild Acres Road, Karen Vincent made by Linsie Dillon and seconded by Patricia Wash. Motion carried 6-0

2. Request for Determination (RDA), 12 Chickadee Way, Gaurva & Rajeet Verma, RDA #22-07:

The proposal is to develop a single-family residential lot including residence, pool, tennis court, retaining wall, and associated grading and utilities. A portion of the proposed work is located within the 100-foot buffer zone to Bordering Vegetated Wetlands. The Chair, Clay Hutchinson, read the legal notice into the record.

Richard O'Brien, Builder, with the owner Rajeet Verma, explained the proposal for the construction of a new home on a lot that slopes twenty-two feet from side to side. The plan is to grade down the left side towards the driveway and add a stone wall which would encompass the pool. The construction of this house will be in tiers, the landscape engineer planned out the retaining walls in a tiered fashion with tennis courts at the bottom and the house at the top.

Shannon Palmer asks what the height of the stone wall is and if the wall is needed to support the tennis court or for the lot grading.

Richard O'Brien responded the height is approximately ten feet, and the wall is more for grading as the lot is steep to the point of a 45-degree angle and a retaining wall is needed to stabilize the lot.

Linsie Dillon asks how the wall will be engineered and what are the details of materials for construction of such a large retaining wall for stability purposes.

Richard O'Brien the wall will be made up of stone and will need to be engineered by a structural engineer and inspect by the Building Commissioner for stability.

Deb Cato asks what surface is being used for the tennis court.

Richard O'Brien responds the surface will be more of a sport court and the surface is typically a concrete base with a covering of interlocking grids of versa coat that can change from tennis to basketball to other sports.

Shannon Palmer asks about the drainage for the wall and expresses concern about the location on the property line.

Richard O'Brien the drainage will be directed toward the back of the property.

Linsie dillion asks if there are plans to bring in fill for the tennis court area.

Richard O'Brien responded no fill will be brought in as there will be fill taken out when they dig for the house and will use that soil on the property.

Clay Hutchinson points out the concerns over stability of the wall and drainage and points out for the record that any failure of the wall or migration of sediments during construction or post construction could result in a violation of the Wetlands Protection Act.

Motion to issue a Negative #3 for 12 Chickadee Way, RDA #22-07 which special conditions for erosion control during construction and staff review of the retaining wall specs prior to construction of wall made by Linsie Dillion and seconded by Patricia Wash. Motion carried 6-0

3. Request for Determination (RDA), 20 Jonathan Drive, Linda Kokoszka, RDA #22-06:

The Request is an after the fact application to remove 3-4 trees and a proposal to add a new concrete patio, transplant several arborvitaes, and widen the existing driveway to add new 20' x 20' driveway within the 100-foot buffer zone to Bordering Vegetated Wetlands. The Chair, Clay Hutchinson, read the legal notice into the record.

Rick Prattis representing Linda Kokska who could not attend. The proposed patio is a circle of sand and there is a 12 x 12ft gazabo off to the side with the proposed transplant of arborvitaes along the driveway which will be planted along the gazebo. The driveway needs to be widened to accommodate the number of vehicles needed for health aids. The start of a stone wall has not been completed and 4 trees need to be removed along the fence there should be no impact on wetlands as the wetlands are behind the stone wall.

Shannon Palmer shows the originally approved plan the Commission for the house which shows the wetland boundary. There has been a Violation Notice issued to the owners for removal of trees and activity in the backyard. Shannon asked them to begin with the RDA so the Commission could make a determination on how to proceed.

Rick Prattis maintains the stone wall has been there for many years and goes through the neighbor's yard.

Clay Hutchinson states given the uncertainty of the present site conditions in comparison to the original wetland line delineation from 2000, he would be in favor of a site visit before going forward.

Motion to continue the public meeting for 20 Jonathan Drive, RDA #22-06 until August 16, 2022 made by Linsie Dillion and seconded by Patricia Wash. Motion carried 6-0.

4. CONT. Notice of Intent (NOI), 461 East Washington Street, Michael Gazdacko, SE243-09--

Danielle Dufault, Esq., Adler Pollock and Sheehan representing the applicant Colbea Enterprises, LLC updates the Commission on the proposed redevelopment of the site and the peer review conducted by Horsley Witten. The first letter was received on June 28, 2022, and Colbea has provided a response dated July 7th both of which have been provided to the Commission.

Mark Hollis, PE, DiPrete Engineering, reviewed the responses to the peer review report:

- The original plan greatly exaggerated the Riverfront Area on the property of approximately 34,000 sq.ft. Janet Bernardo of Horsley Witten provided an exhibit from the Massachusetts Association of Conservation Commissioners (MACC) which helped clarify what the limits should be.
- If a river is within a culvert for more than 200 ft, that 200ft riverfront area no longer applies. Plans now indicate a new riverfront line and the alterations have been reduced to approximately 1,500 square feet.
- Other resource area is Bordering Land Subject to Flooding which HW agreed with the calculations and methodology that related to the flood zone impacts.
- The project was designed to comply with the town Stormwater Bylaw and Massachusetts Stormwater Handbook.
- HW requested the plan show where the pipe connections from municipal drainage structures connect to the Ten Mile River (added to sheet 5).
- The project is only required to comply with the recharge requirements of the bylaw to the maximum extent practical. Because of that, HW also concurred that infiltration is not appropriate for this site due to site constraints and the contaminated soils.
- HW requested a pretreatment device be installed prior to discharge to the catch basin that goes out through the shopping center.
- BMP's on-site including detention system, jellyfish filter, and three oil/grit separators for TSS Removal.
- HW also requested an O&M plan to verify that the party responsible for future maintenance understands the stormwater system and accepts the plan. That was provided in recent materials.

Janet Bernado, PE., Horsley & Witten Group, addressed the Commission. The Riverfront Area boundary issue was brought up by Amy Ball, HW Wetland Scientist. In determining the extent of the RA, she wanted to reinforce the fact that the applicant is also doing some work on the abutting property. Ms. Bernardo continued:

- The abutting property has a lot of Riverfront Area, so even though this project is only impacting a small portion, the applicant is increasing the impervious area in that small portion of the riverfront by 15 square feet. The Performance Standards require no increase impervious area.
- The amount of Riverfront Area on the adjacent property is significant and all the numbers are very clear, and everything is documented.
- The applicant is reducing impervious surface overall and improving stormwater management, but she recommends including in the findings that technically the project is not supposed to be increasing impervious area on the abutting property.
- This is a land use with higher potential pollutant loads (LUHPPL) and are proposing a jellyfish as a proprietary separator device which is being used more frequently these days, but it does require a lot more maintenance than your standard catch basin.

Clay Hutchinson asked for more information on the additional oil/grit separators and shut off valve that has been identified whether it is manual or automatic.

Mark Hollis explained the shut off valve would be used in case of a fuel spill. The site operator would go out there turn that valve to isolate all that fuel within that structure itself, so it does not get downstream.

Shannon Palmer asked how long it takes for the spill to be realized and how long to shut it off.

Eric Simpson, LSP, for Colbea, explained he would be called in the event of a spill. DEP has a 2-hour notification requirement if there is a spill more than 10 gallons. Typically the phone call comes to me within about 15-20 minutes. Corporate trains all of the district managers for all the stores and go over spill response, with a checklist posted at the store.

Motion to continue public hearing for 461 East Washington Street, Michael Gazdacko to August 16, 2022 at 6:30PM made by Linsie Dillon and seconded Patricia Wash. Motion carried 6-0.

5. Agnew Drive, James Scanlon, AER Realty, LLC., SE 243-09--

The proposal is for development of a parking lot and a 9,375 square foot metal warehouse 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 in accordance with abutter notification requirements.

Jeff Plant, Environmental Strategies and Management representing AER Realty:

- The Fire Department made comments regarding turning radius and comments from DPW will also need to be addressed. The water meter pit will be moved closer to the road and DPW asked to have a camera inspection of the existing sewer line prior to tying in. The sleeve on the site over the waterline can be removed as there is sufficient clearance between the water line and sewer line.
- This lot was delineated by LSC Environmental Consulting as part of the development on the adjacent property.
- The proposal is for a warehouse which will be outside the 100-foot buffer. There will be some parking that is within 100 feet, but everything is clearly outside of the 25 foot No Disturb Zone.

- The building is 9,375-9,400 square feet and is required to have one parking spot per thousand, so we have 10 parking spots here to satisfy the Zoning requirements.
- The development is roughly 80% Open Space with 50 % remaining undisturbed
- A Stormwater Management Report was submitted that does not have any net increase in runoff.

Motion to obtain peer review and approve quote from Beals and Thomas in the amount of \$3850.00 for 50 Alice Agnew Dr., James Scanlon made by Linsie Dillon and seconded Patricia Wash. Motion carried 6-0.

Motion to continue public hearing for 50 Alice Agnew Drive, James Scanlon to August 16, 2022, at 6:30PM made by Linsie Dillon and seconded Patricia Wash. Motion carried 6-0.

C. COMMISSION BUSINESS:

1. CONT. Workshop/Property Owner Permission, 3 Diamond Street, Rami Sidani

Motion to authorize filing of Notice of Intent for proposed work at 3 Diamond Street/Falls Pond and authorize Town Representative as signatory on NOI application made by Linsie Dillon and seconded Patricia Wash. Motion carried 6-0.

2. Request for Certificate of Compliance, 29 Weona Road, James Martel, SE 243-0945

Motion to issue Certificate of Compliance for 29 Weona Road, SE 243-0954 made by Linsie Dillon and seconded Patricia Wash. Motion carried 6-0.

3. Request for Certificate of Compliance, 76 Wild Acres Road, Karen Vincent, SE 243-0930

Motion to deny the request for Certificate of Compliance, 76 Wild Acres Rd., SE 243-0930 until the site is adequately stabilized made by Linsie Dillon and seconded Patricia Wash. Motion carried 6-0.

D. OTHER BUSINESS:

1. Vote to appoint two members to NAIDC Trust (3-year term)

Motion to appoint Linsie Dillon as a member to NAIDC for a 3 year term made by Clay Hutchinson and seconded Patricia Wash. Motion carried 6-0.

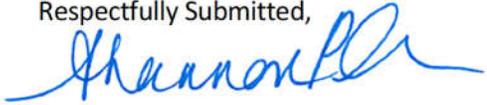
Motion to appoint Clay Hutchinson as a member to NAIDC for a 3-year term made by Deb Cato and seconded Patricia Wash. Motion carried 6-0.

2. Approval of Minutes

Motion to approve minutes for June 7, 2022, made by Patricia Wash and seconded Linsie Dillion. Motion carried 6-0

ADJOURNMENT

Motion to adjourn public meeting at 8:19PM made by Linsie Dillon and seconded Patricia Wash. Motion carried 6-0.

Respectfully Submitted,

 For: Patricia Wash, Secretary