

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
August 30, 2022 6:30 PM

ATTEST

A TRUE COPY:

PATRICIA A. MCNELLY
TOWN CLERK

A. ROLL CALL

Members Present:

Clayton Hutchinson
Clifford Bassett
Jillian Miller
Deb Cato

Members Absent:

Patricia Wash
Linsie Dillon
Steven Farquharson

Staff Present: Shannon Palmer, Conservation Administrator

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

1. Request for Determination (RDA), 362 Elmwood St., Eric & Cara Burdette, RDA #22-08:

The proposal includes the installation a 10' x 10' shed as well as the removal of six trees within the 100-foot buffer zone to Bordering Vegetated Wetlands. The Chair, Clay Hutchinson, read the legal notice into the record.

Greg LeCroix, Eco systems Solutions, representing the property owner, explained proposal to remove six trees in the back yard and install a 10ft. by 10ft. shed. Some of the work would encroach into the 25 ft. No Disturb Zone and the applicant is willing to mitigate via replacement plantings. The trees will be cut flush with the ground and not stumped. The trees are very close to the house, and there is worry for damage of life and or property.

Clay Hutchinson questioned if an arborist has examined the trees.

Greg LeCroix responded an arborist has not been consulted. The trees are not dead but there is a worry of the proximity in the event of a storm.

Deb Cato commented that dead trees do have useful wildlife value and asked if cutting branches would be a better solution. This house was built with the understanding that there was a wetland with a 25 foot No Disturb Zone so removing trees is not in best interest of the wetlands.

Greg LeCroix the plan is to add native trees of the same type of red oak or red maple but moved back into that 25 ft no disturb so in future years there is no fear of damage.

Jillian Miller stated the trees act as buffer between the lawn and the wetland and expressed concern about the lawn creeping into the wetlands and also if removal of the trees will lead to further

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consequences to other trees. She also questioned if the shed could be moved slightly closer to the house.

Greg Lecroix answered the placement of the shed is due to the lack for space and agrees the no disturb zone is important and valuable but moving the shed closer to the house would be an awkward placement in the backyard.

Clay Hutchinson asked would the applicant consider leaving any wildlife snags out of the existing trees by cutting 6 or 12 feet up off the ground, without posing a hazard, to maintain some the wildlife value.

Eric Burdette, property owner, responded with past storms the tops had come off the diseased trees in past storms and the real concern is the proximity to the garage and our neighbor's house. Mr. Burdette has no problem having a tree company coming in to clean up the other trees but asks that the two near the garage be removed.

The Commission deliberated on the trees to be removed.

Clay Hutchinson explained the Commission's preference right now is to keep as many trees as possible until getting an assessment from a Certified Arborist and addressing any hazardous trees that pose a risk and are in decline. He also mentioned that houses built close to wetlands must be aware of future activities encroaching into the 25-foot buffer even in the name of safety and it recommended to replace trees when in such close proximity to wetland.

Motion to issue a Negative #3 for 362 Elmwood St, Eric and Cara Burdette, to limit the number of trees to be removed to two in the area of the shed and the dead tree, and addition of 2-4 native shrubs made Jillian Miller and seconded by Debora Cato. Motion carried 4-0.

2. CONT. Notice of Intent (NOI), 71 Mary Kennedy Dr, Mark Hollowell, DPW, SE 243-0967:

Leyna Tobey, P.E., Woodard & Curran, presented the project at the August 16, 2022 hearing and were asked to present supplemental information to the Commission. Ms. Tobey had previously submitted Memorandum dated August 25, 2022 explaining project alternatives.

- Woodard & Curran was asked to consider a partial gravel access drive rather than a fully paved access drive to the treatment facility due to concerns about the amount of proposed pavement. The alternative would be to maintain the existing gravel that is currently on the site, regrade it to redirect stormwater to a 3-inch rip rap trench on the eastern side of the property, add gravel in the areas that are not currently gravel, and then maintain proposed pavement between the existing water treatment facility and the new PFAS treatment facility only.
 - The benefits of a paved access drive would be no increase in pollutant loads from turning into pavement. A curb could be added to the whole eastern side of the driveway and that would help redirect stormwater to the 3-inch rip rap trenches to remove some of the total suspended solids. Fully paved versus gravel would also decrease the amount of total suspended solids running off the site with easier maintenance.
 - The benefit of a partially gravel access drive concept is the potential to infiltrate some stormwater on the access drive which is ideal.
 - The disadvantage of gravel is a lack of space for full runoff treatment on the eastern side of the access drive because of the proximity to the Bordering Vegetated Wetland system and increased maintenance requirements.
 - The original proposal was for an addition of 12,600 square feet of pavement and the alternative concept would be an addition of about 4000 square feet of pavement.
- Clay Hutchinson asks how much traffic is anticipated in the area monthly.

Mark Howell, DPW Director, traffic is in relation to deliveries for chemicals and the workers who will be out there daily for sampling and other work out there. A lot of small trucks go out there but occasionally it can be a large delivery vehicle. The Adamsdale site is all gravel and our roads going out to our wells are gravel, so there will be no issue with maintenance.

Cliff Bassett prefers this alternative being in an aquifer district and allowing for infiltration into the ground. With the groundwater elevation, roof infiltration is not feasible for recharge, so this is a better proposal.

Jillian Miller prefers the proposal, seeing existing material retained and not replacing it with more asphalt.

Cliff Bassett questioned the work on the foundation, what plans they have to address for the groundwater.

Leyna Tobey explained the seasonal high groundwater table is located 3 1/2 feet below grade but when doing borings for the building foundation the groundwater was observed at 7 to 9 feet below grade. The hope would be when installing the foundation to go down to 4 ft below grade and if come across groundwater there is a dewatering specification package on what the contractor is to do to get the proper approvals.

Motion to close public hearing for 71 Mary Kennedy Drive, Department of Public Works, SE 243-0967 made Jillian Miller and seconded by Debora Cato. Motion carried 4-0.

3. CONT. Notice of Intent (NOI), 50 Alice Agnew Dr., James Scanlon, AFR Realty, LLC, SE 243-0969:

Motion to continue public hearing for 50 Alice Agnew Dr, SE 243-0969, at request of applicant to September 30, 2022, at 6:30PM made Jillian Miller and seconded by Debora Cato. Motion carried 4-0.

4. CONT. Notice of Intent (NOI), Luther Reservoir, Paul Heroux, City of Attleboro, SE 243-0970:

DEP File number received. Motion to close public hearing for Luther Reservoir, City of Attleboro, SE 243-0970 made Debora Cato and seconded by Jillian Miller. Motion carried 4-0.

5. CONT. Notice of Intent (NOI), 81 Dodge Avenue, Robert Rodrick, SE 243-0971: The proposal is for construction of a single-family dwelling, onsite sewage disposal system, and associated grading and utilities 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 the abutter notification requirements.

Scott Rolfe, Senior Project manager O&I Engineering, addressed the Commission and explained the proposal:

- The wetlands were flag by Brad Holmes, PWS
- Proposing a single family, four-bedroom home with a two-car garage, a deck in the back and the covered porch on the front.
- A traditional septic system on the left side of the property consisting of a septic tank, distribution blocks in three trenches, all the work is outside the 25-foot buffer.
- The placement of the septic system is 55 ft from the BVW and will be going to the Board of Health for a waiver as the town requires 75 ft of separation and the state requires 50 ft.
- A ledge outcropping in the front left-hand corner of the property caused the placement of the system and test holes are right in front of the trench.

- Behind that system is a Poly barrier to stop any breakouts from the system working toward the wetland

Shannon Palmer questioned the stonewall that is existing along the rear of the property and will it remain or is that being removed. She also recommended roof recharge be added to the plan if feasible, consistent with the stormwater regulation requirements.

Scott Rolfe responded they can roof recharge either in the front or rear yard or perhaps toward the right side of the property. He was unaware of the stone wall.

Clay Hutchinson stated if the plans are to have lawn up to the 25-foot, they should remove the existing ornamental bamboo.

Motion to continue public hearing for 81 Dodge Ave, SE 243-0971, with consent of applicant, to September 30, 2022, at 6:30PM made Debora Cato and seconded by Jillian Miller. Motion carried 4-0.

6. CONT. Notice of Intent (NOI), 3 Diamond Road, Weder Pereira, SE 243-09-- (No File Number)

The proposed project is to raze and rebuild the existing concrete pad and second floor rear deck. The concrete pad will be replaced with a pressure treated lumber deck utilizing existing footings on Falls Pond. Proposed work will impact Land Under Waterbodies (Falls Pond). The Chair, Clay Hutchinson, read the legal notice into the record. Certificates of mailing were presented to the Commission in accordance with the abutter notification requirements.

Rami Sidani, North County Group, representing owner Weder Pereira, addressed the Commission. He explained the previously presented plan showing the existing concrete pad encroaching on town property has been revised to encompass all work on the subject property. The only work done outside of the property will be to place the turbidity curtain during construction. Since last hearing the rear deck has fallen apart and collapsed with the concrete pad deteriorating even more. The homeowner would like to remove the entire concrete pad and replace with a smaller pressure treated wood deck. Underneath the existing concrete pad are concrete peers from when the house was built, and they proposed to have pressure treated columns sit on the existing peers. The rear deck will be rebuilt only in the southern part of the house, the northern part will not have a deck. The stairs would be on the eastern side of the house.

Shannon Palmer asks about the existing footings and if they have been evaluated to determine if they are sufficient to support the new decking.

Rami Sidani responded if footings need to be replaced then we would come back to the Commission. The footings should be sufficient for support of the new deck and will be using 2 by 10ft in the span and allow up to 16 ft.

Clay Hutchinson asked if the current footings are under the concrete and how is the concrete proposed to be removed.

Rami Sidani answered the footings are under the concrete pad and the concrete will be jackhammered and removed in small sections then hauled off site to minimize any debris or concrete falling into the pond.

Cliff Basset expressed concern about how they plan to stop the concrete from going into the pond and recommended a net on the ground to catch pieces and something in writing to address how they are going to prevent that from happening.

Jillian Miller asked about the condition of the area surrounding those peers and also expressed concern about how the concrete will be removed and need for a mitigation plan.

Clay Hutchinson agrees with the concerns about the concrete removal and would like to have a more formal plan that is easy for a contractor to follow.

Rami Sidani stated if the Commission approves this project before any work begins the Commission would be notified on the day of construction to evaluate all those footings.

Pamela Woodie, abutter, 1 & 5 Diamond Street, stated the deck has been completely down on the backside of the house all through the summer and a pole that's partially in the water. That cement area is in extremely poor condition and questioned the stability of the whole structure of the house. Also questions the equipment to get anywhere near to remove that foundation.

Clay Hutchinson it was stated tonight the plan is for a mini excavator, but we should have a better idea what the expectation will be at the next hearing with some type of a concrete removal plan.

Motion to continue public hearing for 3 Diamond Street, Weder Pereira, with consent of the applicant, to September 13, 2022, at 6:30PM made Debora Cato and seconded by Jillian Miller. Motion carried 4-0.

COMMISSION BUSINESS:

1. Workshop-Waterston Estates Update (Harold K. Waterston Lane), Shawn Jorde:

Shawn Jorde, Developer of Waterston Estates (2005), was before the Commission to discuss finalizing the subdivision requirements and closing out project. The approved plans included a small weir or impounded farmers pond that was never constructed. The weir was picked up in the as-built plan review, however by that time the land had gone to private hands. Also, there was a 48-inch concrete pipe that was to be removed but he is concerned about damage that may be caused by the removal. Mr. Jorde is asking the Commission on whether to remove the culvert and construct the weir that was required 17 years ago.

Shannon Palmer stated she was out at the subdivision today with Mark Hollowell, Director of DPW and Joe Nihill, PE, to evaluate the condition of the culvert. The DPW has an easement and once the road is accepted the town would be responsible for the culvert. Ms. Palmer explained the culvert itself is in good shape and DPW was not concerned about maintenance. The area around the culvert does need to be cleaned up but she recommends it be left in place to avoid impacts to the stream channel which is currently dry.

Clay Hutchinson stated he would be okay with the culvert remaining if the DPW agreed. He explained leaving the culvert at this point is far less disturbance than trying to remove it. He also agreed that there is quite a bit of debris to clog up that pipe and recommended machinery stay out of the stream channel itself.

Shawn Jorde stated the weir built on the purpose of the weir was to drain the area and hold back the water but the plan is now 2 decades old.

Shannon mentioned she will need to do more research on the weir component and only viewed the culvert during her site inspection.

Motion to eliminate requirement to remove 48-inch culvert as shown on approved plans for Waterston Estates prepared by Tilton and Associated dated revised 11/10/2004 with condition to remove all fallen vegetation and obstructions by hand from either side of culvert (30-40 feet). Work shall be completed no later than November 1, 2022, made Debora Cato and seconded by Jillian Miller. Motion carried 4-0.

2. Vote to issue Order of Conditions, 461 East Washington Street, Michael Gazdacko, SE 243-0966 (closed August 16, 2022): Shannon Palmer reviewed recommended final conditions for pre-construction meeting, submittal of SWPPP, final revised plan set, stormwater O&M, annual maintenance report, and final as-built plan.
 Motion to issue Order of Conditions for 461 East Washington St, SE 243-0966 with special conditions as noted made Debora Cato and seconded by Jillian Miller. Motion carried 4-0

3. Vote to issue Order of Conditions, Luther Reservoir, SE 243-0970:
 Motion to issue Order of Conditions for Luther Reservoir, City of Attleboro, SE 243-0970 with special conditions for work notification including equipment used and submittal of an annual report made Debora Cato and seconded by Jillian Miller. Motion carried 4-0.

OTHER BUSINESS:

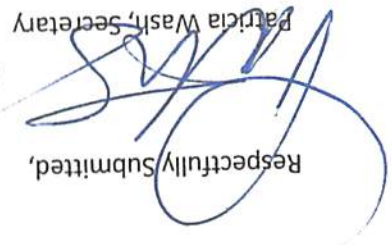
1. Minutes
 Motion to approve minutes for July 12, 2022, made by Clay Hutchinson and seconded Deborah Cato. Motion carried 4-0.

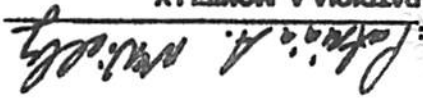
2. Acceptance of town land for Conservation (AP 16-29, AP 30-66)

Motion to accept transfer of town lands (Assessors Map 16 Parcel 29 and Assessors Map 30 Parcel 66) for conservation purposes pursuant to M.G.L. Chapter 40 Section 8C made Debora Cato and seconded by Jillian Miller. Motion carried 4-0.

C. ADJOURNMENT

Motion to adjourn public meeting at 8:25pm made Debora Cato and seconded by Jillian Miller. Motion carried 4-0.

Respectfully Submitted,

 Patricia Wash, Secretary

ATTEST
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 PATRICIA A. MCNELLY
 TOWN CLERK

