

Town of Mansfield
Conservation Minutes
March 22, 2021

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MEETING HELD VIRTUALLY USING GOTOWEBINAR PLATFORM

Present: Michael Healey, Chair; Dr. Aaron Roth, Vice Chair; Aaron Gallagher; Kostas Loukos; Sarah Joynes; Diane Simms; Katelyn Gonyer, Conservation and Environmental Planner.

The Chair read the following notice:

Whereas both the Federal Centers for Disease Control and Prevention and the Massachusetts Department of Public Health have advised residents to take extra measures to put distance between themselves and other people to further reduce the risk of being exposed to COVID-19, Governor Baker has issued an order suspending certain provisions of the Open Meeting Law, Massachusetts General Law c. 30A, §20.

In order to satisfy the Open Meeting Law requirements, today's Town of Mansfield Conservation Commission meeting will be available to the public via GoToWebinar and Mansfield Cable. The instructions for joining via GoToWebinar are in the Meeting Notice on the Town's Website at www.mansfieldma.com and then clicking on today's date on the calendar.

1. Meeting called to order at 6:07 pm
2. Eagle Scout Project: Lauren Morley, Native Plant Ecosystem at the Oak Street entrance at Great Woods.

Ms. Morley said she will be creating an ecosystem of native plants to attract pollinators to conservation land. She noted that the number of native species is declining and by creating the ecosystem, she will increase the number of native plants and pollinators. She said the hope is that by beautifying the entrance, more people will be encouraged to walk the trails. She said the location of the project will be at the entrance of the Great Woods Trail and she will create a native garden landscaping design, clean and clear debris from the area, grind three existing stumps, prepare the soil and plant a variety of native plants; a bench will also be added to the area. She will fundraise to fund the project. She said her troop has agreed to maintain the area. She will start the project as soon as it is approved and the project will be done with the help of scout troops, friends, neighbors and family and completed by May 31, 2021.

Ms. Gonyer said the project location is at the Oak Street entrance to Great Woods and there was a garden there that was maintained by the Steve and Fran Pyne and the Garden Club but, over time, the area became very overgrown, making it hard for the Pynes to maintain the area. Ms. Gonyer said recently a large tree needed to be taken down by DPW. She said from the town's perspective, everything would be removed and either landscaped or reconfigured. She said this is a good area for this project and there are no wetlands to trigger any wetland jurisdiction. She will follow up with the Garden Club and DPW to make sure they do not have a different use for this area. She will help Ms. Morley through the process.

Ms. Simms said Ms. Gonyer should talk directly to the Pynes and the Garden Club as a courtesy. Ms. Gonyer said she has already reached out to the Pynes. She told Ms. Morley that the Pynes have been active in this area and they are excited about her project and they would help if Ms. Morley needed them. She said the Open Space Committee would also be a part of this.

Dr. Roth said this is a great project and asked if Ms. Morley had identified the experts she would be working with. Ms. Morley said she will work with Ms. Gonyer and might reach out to the Garden Club. She said DPW has offered to take care of the stumps but she also has another tree company that is willing to do the work.

Dr. Roth made the motion to support Lauren Morley's Eagle Scout project, to plant a native ecosystem at the Oak Street entrance at Great Woods.

Mr. Gallagher seconded the motion.

Mr. Loukos – in favor

Mr. Gallagher – in favor

Ms. Simms – in favor

Dr. Roth – in favor

Ms. Joynes – in favor

Mr. Healey – in favor

Motion passed 6-0-0.

Hearing ended at 6:18 pm.

3. Eagle Scout Project: Brendan P. Robinson, Covid-19 Memorial at Mill Pond.

Mr. Robinson said he will create a way for people to forever remember the lives of those in Mansfield who were taken by COVID-19 by placing a stone memorial in their honor at Mill Pond, adjacent to the Police/Fire station and Mansfield Fish and Game. The memorial will be made from stone provided by the Mansfield DPW. He said he believes this project will be a benefit to the town from the perspective that it will draw residents to appreciate an under-utilized piece of land. He said he wanted to engrave the names of those lost to COVID-19 on the monument; the names will not be included on the monument. He said he will start and complete the project in April - June 2021. Dr. Roth said this is a good idea but would like Mr. Robinson to follow up with Ms. Gonyer before disturbing any vegetation in this area. Ms. Gonyer said she will follow up with Mr. Robinson.

Dr. Roth made the motion to support Brendan Robinson's Eagle Scout project for a COVID-19 memorial at Mill Pond on East Street.

Mr. Loukos seconded the motion.

Mr. Gallagher – in favor

Mr. Loukos – in favor

Ms. Simms – in favor

Dr. Roth – in favor

Ms. Joynes – in favor

Mr. Healey – in favor

Motion passed 6-0-0.

Hearing ended at 7:04 pm.

4. New Business: Adopting Stormwater Regulations for the requirements of the MS4 (Municipal Separate Storm Sewer System) permit-review draft.

Emily Scerbo, Tighe Bond, with a power point presentation, discussed the MS4 By-law, which became effective on July 1, 2018 and will expire July 1, 2022, with the Commission.

5. Discuss policy to adopt additional Agent site visit fee: this agenda item was tabled until the April meeting.

Discuss procedures for donating land: this agenda item was tabled until the April meeting.

Schedule of basic wetland review- virtual meeting: this agenda item was tabled until the April meeting.

6. Old Business: Approval of the February 22, 2021 minutes.

Mr. Loukos made the motion to approve the February 22, 2021 minutes.

Ms. Joynes seconded the motion.

Dr. Roth – in favor

Ms. Simms – in favor

Mr. Gallagher – in favor

Ms. Joynes – in favor

Mr. Healey - in favor

Mr. Loukos – in favor

Motion passed 6-0-0

7. Request for Determination of Applicability: Paul Anastasia, 750 Ware Street, Map 35, Parcel 2.

Mr. Healey opened the hearing for the proposed 20'X26' addition within 100 feet of Bordering Vegetated Wetlands and Intermittent Stream.

Homeowner Mr. Anastasia said he is proposing to build an addition on the west side of the house with a crawl space, not a full foundation. He said the addition will be within the 50-foot buffer.

Ms. Gonyer said there is a small intermittent stream with a fringe wetland on the side of the property. She said erosion control, to be inspected prior to the start of work, all disturbed areas stabilized immediately and the submittal of an as built plan once the project is complete will be part of the conditions for this project.

Board comments.

Mr. Healey asked where the excavated soils would be stored, noting they should not be stored in the 50-foot area. He suggested the materials be stored on the right side of the existing driveway. He said the erosion controls and the storage location will need to be shown on the plan of record.

Dr. Roth asked about the roof runoff from the proposed addition. He said the runoff should be collected or diverted into a drywell or stone trench around the roof drip line.

Public Comments:

The Chair read the following notice:

"It is important to us that you have a platform for your questions and comments during this meeting, therefore to ask questions or make a public comment during tonight's virtual meeting you must have registered and joined the meeting via GoToWebinar where you now have the ability to submit your question or comments through the questions option in your control panel, or you can use the raise your hand option to be allowed to speak.

*For those who have joined the meeting via telephone who would like to ask a question or make a comment, you are now welcome to unmute your phone. We ask that you only have your phone unmuted while you are asking your question. Please mute when you are no longer live. You can unmute your phone by pushing *6.*

*Please then state your name and address, and when acknowledge by the Chairperson you can then state your question or comment. When you are done with your comment please mute your phone again by pushing *6.*

As with any public meeting we ask you to be respectful of the Board members and the other residents who are making their comments by patiently and quietly waiting your turn. Thank you."

There were no public comments.

Dr. Roth made the motion to issue a Negative Determination for reason #3, work will not impact the resource area, to Paul Anastasia, 750 Ware Street, Map 35, Parcel 2, for the proposed 20'x26' addition within 100 feet of Bordering Vegetated Wetlands and Intermittent Stream with the following conditions: Agent is to be notified of start of work; Prior to the start of work the Agent is to inspect the siltation control (per plan). Erosion control shall consist of 8" diameter (min.) biodegradable mulch-filled silt sock and must remain in place until all disturbed areas have been seeded and stabilized; All roof runoff is to be directed to a dry well to allow for more infiltration of runoff in the event of rain; All disturbed areas must be stabilized as soon as possible; If there is a change in the plan, the Applicant must come back to the Agent or the Commission; Agent is to be notified when the project is completed and all disturbed areas have been seeded and established; email with photos acceptable; An as built plan must be submitted once the project is complete.

Mr. Loukos seconded the motion.

Ms. Simms – in favor

Mr. Gallagher – in favor

Dr. Roth – in favor

Ms. Joynes – in favor

Mr. Healey – in favor

Mr. Loukos – in favor

Motion passed 6-0-0.

Hearing ended at 7:20 pm.

8. Notice of Intent: Andrew Austin, 473 Bird Road, Map 39, Parcel 23.

Mr. Healey opened the hearing, which was continued in March, for a Notice of Intent for Andrew Austin for the construction of a garage/addition and relocation of a driveway within 100 feet of Bordering Vegetated Wetland, ACEC, Canoe River, and NHESP Estimated and Priority Habitats under DEP SE 211-0986.

Craig Cygawnoski, RIM Engineering Co., Inc. and homeowner Andrew Austin were present.

Mr. Cygawnoski said they have redesigned the project; the proposed garage will no longer have a side entry and the driveway will not be relocated. The proposed addition will be behind the new garage and a deck and a screened-in porch will be located to the left of the addition. He said there will be a roof water recharge area on the right side of the driveway up near the road. He said all excavated soils will be removed from the site on the same day the soils are excavated and they will no longer be clearing trees or working within the 25-foot buffer zone. Mr. Cygawnoski said they filed with MESA because the property is within Estimated and Priority Habitats; the work in the lawn area and driveway would be exempt but the clearing of trees and a new driveway cut would need further review by MESA. Mr. Cygawnoski said because this project no longer requires any trees to be cut and a new driveway is not proposed, the MESA review is probably not needed; he said he sent a letter last week but has not received a response.

Ms. Gonyer said the letter from MESA (dated March 3, 2021) stated there would be no adverse impact to the Estimated Habitat. She said there may be some issues with Priority Habitat but, because the project has changed, they might be exempt from review. She will follow up with MESA and NHESP. She said there is an existing shed and chicken coop within the 25-foot No Touch Zone. Mr. Austin said the shed was existing when he purchased the house. Ms. Gonyer said the shed is a pre-existing, non-conforming structure but removing the shed and chicken coop out of the 25-foot area would be worse than leaving them where they are currently located.

Board Comments:

Dr. Roth said he was concerned about potential fecal matter getting into the stormwater system and the wetlands. He said if someone came before the Commission to permit a chicken coop and shed in the 25-foot area, the Commission would deny the request. Ms. Gonyer said the chicken coop needs to be moved out of the wetland but the shed can stay. Dr. Roth said he also was concerned about the chicken feed as well. Mr. Austin said the total square-footage of the chicken coop that is in the wetland is approximately 12 square-feet. Mr. Healey said because the Commission needs to apply the By-law and the 25-foot No Touch Area fairly, the chicken coop and run need to be moved. Dr. Roth agreed. Mr. Austin asked about making the chicken coop smaller and moving it closer to the shed, which would take it out of the wetlands but still within the buffer. Mr. Healey said no because of the By-law. Ms. Joynes read 220-2 E of the By-law regarding activities permitted within the 25-foot area, which would not include chicken coops. Dr. Roth said he still has an issue with the increased organic material within the 25-foot area. Mr. Healey said to minimize the impact to the 25-foot No Touch Area, the chicken coop should be moved to the west side

of the shed and, either move or attach the nesting boxes to the shed, with the run extended toward Bird Road. Dr. Roth agreed.

Public Comments:

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*For those who have joined the meeting via telephone who would like to ask a question or make a comment, you are now welcome to unmute your phone. We ask that you only have your phone unmuted while you are asking your question. Please mute when you are no longer live. You can unmute your phone by pushing *6. Please then state your name and address, and when acknowledge by the Chairperson you can then state your question or comment. When you are done with your comment please mute your phone again by pushing *6.*

As with any public meeting we ask you to be respectful of the Board members and the other residents who are making their comments by patiently and quietly waiting your turn. Thank you."

There were no public comments.

Dr. Roth made the motion to issue an Order of Conditions to Andrew Austin, 473 Bird Road, Map 39, Parcel 23. Construction of a garage/addition within 100 feet of Bordering Vegetated Wetland, ACEC, Canoe River and NHESP Estimated and Priority Habitats. DEP SE 211-0986 the following Findings and Special Conditions: RECORD THE ORDER: No work may start until the Order of Conditions has been recorded with the Bristol County Registry of Deeds and the receipt of the Order is returned to the Commission filled in by the Registry; SITE PLANS: All work must conform to the plans "Proposed Conditions Garage Addition Plan at 473 Bird Road in Mansfield, MA" dated March 10, 2021, referenced as "the plan of record" in this Order; LIMIT OF WORK/START WORK: All limits of work and erosion controls shall be installed prior to any construction, clearing or excavation. The Applicant shall notify the Agent when the erosion controls have been installed (at least 5 business days in advance of the proposed start work date). Once the erosion control has been inspected, the Agent may authorize the start work date; EROSION CONTROLS: The erosion controls, to be installed at limit of work as per the plan, shall consist of an 8" diameter (min.) biodegradable mulch-filled silt sock with wooden stakes every 10 feet on each side of sock or equivalent (do not pierce silt sock with stakes). See the Conservation Agent (Agent) for specific erosion control design standards; ORDER ON SITE: The Applicant shall be responsible to ensure that all contractors have received and reviewed the Order of Conditions (along with all associated site plans, documents, maps, etc. approved by the Commission); WETLAND FLAGS: Wetland flagging must remain in place until the project has been completed and the Certificate of Compliance issued; ADDITIONAL MITIGATION: The Commission reserves the right to require additional mitigation or erosion control devices or measures if mitigation or erosion control devices are not adequately installed or maintained on site; LIMIT OF WORK MAINTAINED: The Applicant shall ensure that all demarcation (i.e. limits of work) and erosion control devices will remain in place and be maintained throughout the construction process and until all disturbed areas are stabilized; START WORK: The Conservation Commission or its agent is to be notified of the starting date of the work prior to its commencement; STABILIZATION: Stabilization shall be achieved once a complete vegetative cover is reached. Seeded areas shall be covered with a suitable protective cover to allow the seed to germinated and become established. All side slopes greater than 3:1 (but less than

2:1) are to be covered with jute mesh and seeded. At no point shall erosion occur resulting in sediment entering the wetland areas. If erosion occurs, the Agent is to be contacted to review the extent of the erosion and determine follow-up actions; ROOF RUN OFF: All roof runoff is to be directed into a drywell or equivalent drainage component approved by the Commission. The Commission or its agent shall review the locations of the drywells. All drainage components are to be maintained; CERTIFICATE OF COMPLIANCE: The Certificate of Compliance shall be requested in writing upon completion of the project. At the same time, the applicant or any successor shall, upon completion of the project submit an as-built plan of all approved structures and a letter signed by a professional engineer, certifying that the work has been done in accordance with the approved plan; MODIFICATIONS TO ORDER: Any modifications or revisions to the plan(s) referenced in this Order must be submitted to the Commission for review. For single family lots, this Order is for the structures shown on the plan of record only. Any additional structures including, but not limited to, decks, patios, sheds, pools, walkways and/or any hardscape features must be reviewed by the Commission. If, after their review, the Commission finds that the changes are not significant enough (minor modifications) to warrant an Amended Order or new Notice of Intent, then the revised plans shall be considered the new plan of record. If the changes are significant enough to warrant an Amended Order or new Notice of Intent, then the applicant is required to file accordingly; SIGNAGE: Signage for single family lots: Prior to receiving a Certificate of Compliance, the Applicant must install permanent "Environmentally Sensitive Area" sign(s) on the subject lot. The quantity and location of the sign(s) will be designated by the Commission or the Agent on a case by case basis. The 4" discs (reading "Environmentally Sensitive Area, Do Not Disturb"), hardware and method of installation are available at Conservation Department; NO SYNTHETIC CHEMICALS: No synthetic fertilizer, herbicides, pesticides or fungicides can be used; only organic products may be used; NO DUMPING OF LAWN CLIPPINGS: Dumping of lawn clippings and/or yard debris into wetland and/or 25-foot No Disturb Zone is prohibited. Storage is prohibited in these areas as well. All lawn clippings and debris must be stockpiled as far as possible from all protected wetlands as allowable within the subject property; WETLAND DELINEATION: The Wetland Delineation was done by RIM Engineering Co., Inc.; EXCAVATED SOILS: Soils will be removed from site on same day excavated; AS BUILT PLAN: As Built plan must be submitted upon completion of the project; Remove the chicken coop and run from the wetland area and the 25-foot No Touch Zone; the existing shed may remain.

Ms. Simms seconded the motion.

Mr. Gallagher – in favor

Mr. Loukos – In favor

Mr. Healey – in favor

Ms. Joynes – in favor

Dr. Roth – in favor

Ms. Simms – in favor

Motion passed 6-0-0.

Hearing ended at 8:00 pm.

A motion was made to close the public hearing at 8:03 pm by Ms. Joynes and seconded by Mr. Loukos.

Ms. Simms – in favor

Dr. Roth - in favor

Ms. Joynes – in favor

Mr. Healey – in favor

Mr. Loukos – in favor
Mr. Gallagher – in favor

Motion passed 6-0-0

Mr. Loukos discussed agenda items for the April meeting.

He said there are a couple of potential enforcement issues that need to be addressed. He also said he has been working with a group of people in town to create a heritage trail in East Mansfield off Mill Street. He said there is a small burial ground near the Canoe River area at this site where Ephriam Leonard and his family are buried as well as former slaves. He said this is conservation land with a flushed-out trail so they would like to make this a new trail area. He said the existing trail would have to be marked and cleaned up.

9. Adjourn:

Motion to adjourn at 8:06 pm. (Joyne/Gallagher) Motion passed 6-0.

Next meeting will be April 26, 2021 at 6:00 pm.

Michael S. Healey
Michael Healey, Chair

June 20, 2021
Date