

Town of Mansfield  
Conservation Commission Minutes  
June 15, 2020

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MEETING HELD VIRTUALLY USING GOTOWEBINAR PLATFORM

Present: Michael Healey, Chair; Aaron Gallagher; Diane Simms; Jonas Bruggemann; Sarah Joynes; Aaron Roth; 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 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](http://www.mansfieldma.com) and then clicking on today's date on the calendar.*

1. Conservation Meeting called to order at 6:07 pm.

2. Name a part of conservation area in town for Mr. Harry Chase as proposed by the Select Board:

Ms. Gonyer said in April the Select Board sent a letter to the Conservation Chair asking that a Conservation Area be named after Mr. Harry Chase, a well-known Mansfield journalist, naturalist and historian. Ms. Gonyer received a recommendation from Natural Resources Trust (NRT) President Lou Andrews recommending that Taylor's Hill be renamed "The Harry B. Chase, Jr. Memorial Wildlife Protection Area at Taylor's Hill, located off Judy's Lane, the northern portion of Great Woods.

Ms. Simms said she totally supports this. She said Mr. Chase was instrumental in starting conservation efforts in Mansfield and the protection of Great Woods. She asked if a new sign would be added at Taylor's Hill or if maps specific to Taylor's Hill would be printed.

Mr. Healey suggested a kiosk with a few of Mr. Chase's quotes from his writings. Ms. Gonyer said funds from the Wetland Protection account or from one of the gift funds can be used to publicize this and do a dedication/presentation; the funds can also be used to print new maps and maybe purchase a new kiosk. Ms. Simms said NRT has a map that is specific to Taylor's Hill.

Mr. Healey suggested allocating \$1,000.00.

Public Comment

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There were no public comments.

Ms. Simms made the motion to rename the Taylor's Hill area following the wording provided by Mr. Andrews and allocate a budget of \$1,000.00 for a kiosk and the printing of maps specific to Taylor's Hill. Mr. Roth seconded the motion.

Healey – In favor

Gallagher – In favor

Simms – In favor

Bruggemann – In favor

Joynes – In favor

Roth – In favor

Motion passed 6-0-0.

3. Request to Amend an existing Order of Conditions: Crugnale Properties, LLC, 10 & 30 Reservoir Street, Map 36, Lot 1 & 2. Work to include filling, grading and retaining of a slope within 100 feet of Bordering Vegetated Wetland and the 200-foot Riverfront Area. DEP SE 211-0976.

Ms. Gonyer read the public hearing notice.

Bob Rego, River Hawk Environmental, LLC, and Applicant Marco Crugnale were present.

Ms. Gonyer explained this Order of Conditions was issued two years ago and construction got under way for a hotel and retail office space a year later; a portion of the hotel and the office space are within Conservation jurisdiction. She said a new traffic light and an additional parking area are within jurisdiction also.

Mr. Rego said they permitted the original project minus the satellite parking area, an area added to get more parking in the proximity of the hotel. The satellite parking area will have 10 parking spots and is located on the easterly portion of the property. He said there is a steep slope to the right of this area that has been graded to a 2:1 slope. Mr. Rego said Geotechnical Services, Inc. did a slope design to make sure the slope was stable and would not cause any erosion into the wetland. He said this area is within the 100-foot buffer of Bordering Vegetated Wetlands but outside the 200-foot Riverfront.

Mr. Rego said they are proposing, as part of this project, and a requirement of the Planning Board, to install a traffic light at the intersection of Route 140, South Main Street, and Reservoir Street, which is a busy, un-signalized intersection. The only work within jurisdiction is the foundation for the mast arm of the traffic light; a small portion along the westerly side of Route 140 is within the 200-foot Riverfront Area of Rumford River.

Ms. Gonyer said it looks as if there is a gravity block wall in the additional parking area. Mr. Rego said this is correct, they are proposing a block wall around the perimeter. Ms. Gonyer said she was concerned about how they would keep everything out of the 25-foot area. Mr. Rego said mulch silt sock would be installed in appropriate locations. Ms. Gonyer said even though an on-site for pre-construction was done, it might be worth incorporating another on-site. She said her biggest concern is sedimentation.

Mr. Healey noted they are coming before the Board for a change in the Order of Conditions for additional parking, but it appears the work has been done, outside what was originally approved by Conservation. Ms. Gonyer said the parking was always part of the project.

Mr. Gallagher asked how the satellite parking lot is drained and where the runoff goes. Mr. Rego said runoff would go back to the main parking area. Mr. Gallagher asked where the snow is going to be stored. Mr. Rego said snow would be plowed over by the guardrail. Mr. Gallagher said he would prefer a fence in this location instead of the guardrail so

snow can't be plowed over the edge and into the wetland area. Mr. Rego said the guardrail is probably needed for safety but they can add a fence to this location. Mr. Gallagher said a 6-foot fence would be fine. Ms. Gonyer said snow removal should be in the main parking area and outside the buffer zone, and should be part of the Order. Mr. Gallagher was concerned about the 2:1 slope and asked about adding rip-rap. Mr. Rego said rip-rap can be added to the slope. Ms. Gonyer said they could incorporate plantings along the slope, on top of the bank by the guardrail and in the area by the traffic mast arm to help with erosion; plantings would be determined with agent on site. Mr. Bruggemann said there are native plant mixes that can be sprayed on. Ms. Gonyer said there should be a meeting with the contractor on site and there will have to be some oversight during construction. Mr. Healey said at this time, the parking lot is pretty much constructed and this area should be stabilized. Ms. Gonyer said Rick Alves, Town Engineer, has review the Geotechnical Services Inc. report.

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There were no public comments.

Mr. Gallagher made the motion to approve the amendment to the original Notice of Intent with the following Special Conditions:

- The revised site plan dated January 8, 2020 submitted by River Hawk Environmental shall include the parking area expansion and the traffic light and, along with the slope stability Analysis Report dated February 18, 2020 submitted by Geotechnical Services, Inc. shall be included with this Order;
- The memo from The Town Engineer, Rick Alves, P.E, shall be included with this Order. Per the memo, the Geotechnical Engineer must be onsite to inspect and certify that the slope and wall were constructed according to plan of record;
- A mulch silt sock (min. 8") shall be maintained along the revised limit of work (revised January 8, 2020) until the entire site is stabilized;
- The Applicant shall incorporate native buffer zone plantings around the perimeter of the parking lot expansion, around the drainage outfall. A planting plan shall be submitted to the Agent for review;
- A 6-foot (min.) fence shall be installed around the perimeter of the parking lot expansion to prevent people from pushing snow over the slope. A sign stating "no snow dumping or storage" must be installed in this area. A snow storage location (located outside of the 100' buffer zone) shall be shown on the plan of record;
- Slope on backside of expanded parking lot shall be re-stabilized by rip-rap (8-12 inch minimum) and geo-textile fabric. A detail showing this shall be submitted with the plan of record;
- The site plan dated (April 2020) showing the installation of a traffic light at the intersection of Reservoir Street and Route 140 shall be incorporated into the Order of Conditions;
- Prior to the start of this work, the Agent, the engineer and the contractor shall meet onsite for an additional pre-construction meeting for the traffic light and the parking expansion.

Mr. Roth seconded the motion.

Healey – In favor

Gallagher – In favor

Simms – In favor

Bruggemann – In favor

Joynes – In favor

Roth – In favor

Motion passed 6-0-0

Hearing ended at 7:26 pm.

4. Request to Amend an existing Order of Conditions: AGS Development, 310 West Street, Map 11, Parcel 21. Proposed amendment to include an addition, deck, fencing, restoration planting area and associated drainage for a single family dwelling within 100 feet of a Bordering Vegetated Wetland and Intermittent Stream. DEP SE 211-0980

Ms. Gonyer read the public meeting notice.

Owners Elliot Schneider and Amy Hughes and Elyse Tripp, Outback Engineering Incorporated, were present.

Mr. Healey said the basement is wet because of the high water table. He said he is not agreeable to having the sump pump discharge in the wetlands.

Ms. Tripp asked if there would be a discussion tonight or would the Commission vote to hire a consultant. Ms. Gonyer said tonight the Commission should make a motion to go forward with hiring a third party consultant.

Mr. Gallagher asked what the scope of work would be. Ms. Gonyer said the consultant would review the site as it currently is, look at the wetland line and respond accordingly with proposed conditions for the addition and deck and then follow through with a Certificate of Compliance. The consultant would also review the current restoration plan, make sure it is appropriate for the site and make any counter recommendations.

Mr. Schneider said they have agreed to have a consultant work with the Board. He said he would like to continue the hearing to the next meeting, July 13, 2020.

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There was no public comment.

Mr. Roth made the motion, under MGL Chapter 44b Section 53G, that the Commission hire a third party consultant to review and amend the wetland delineation and scope of work associated with DEP SE 211-0980. The Owner of 310 West Street shall be responsible for the payment of said consultant. The hearing will be continued to July 13, 2020.

Mr. Gallagher seconded the motion.

Healey – In favor

Gallagher – In favor

Simms – In favor

Bruggemann – In favor

Joynes – In favor

Roth – In favor

Motion passed 6-0-0.

Hearing ended at 7:54 pm.

5. Request for Determination of Applicability: Lacerta Realty, LLC, 50 Suffolk Road, Map 44, Parcel 503. Construction of a 1,140 square-foot addition and eight (8) storage silos to existing building within 100 feet of Bordering Vegetated Wetland, Isolated Wetland and Intermittent Stream associated with Hodges Brook.

Ms. Gonyer read the public meeting notice.

William Buckley, Bay Colony Group, Inc. was present.

Mr. Buckley said a 1,140 square-foot addition will be added to an existing building located at 50 Suffolk Road and eight material storage silos will be built on this site. He said there is an existing building on the 8.25 acre site, which contains Lacerta's facility. He said the new addition will house the new equipment. He explained they take raw material, which is basically shredded plastics, and melt it into rolls of plastic, which is then heated and shaped into containers, etc. He said right now the material comes in by truck in large bags, but the addition of the silos will allow the facility to take advantage of the railroad spur located next to the property. Mr. Buckley said the addition will be done first and then in the near future the silos will be built on existing pavement so there will be no increase in impervious.

Mr. Buckley said the existing catch basin will be removed and replaced with a new catch basin, an improvement in the existing conditions. There will be new gutters, which will be tied into a drain to recharge runoff coming off the roof. The drainage outfall will be cleaned out and new rip-rap will be added. Mr. Buckley said the silos will be on a continuous concrete pad. He said the project has been reviewed by the Town Engineer. Mulch silt sock will be installed in the area of the silos and will remain in place until the project is complete.

Mr. Buckley said the addition does not fall within the buffer; it is the new drainage and silos that are in the buffer zone.

Mr. Healey asked what will be stored in the silos. Mr. Buckley said shredded plastic cans, bottles, etc. He said it is not liquid and it is a closed system.

Ms. Gonyer was on site with Mr. Buckley and said this is basically an improvement on the stormwater and the catch basin, resulting in an increase in filtration on the site. She said this is not a huge wild life habitat and she has no issues with the project.

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There was no public comment.

Mr. Roth made the motion to issue a Negative Determination by Reason #3, work will not alter an Area Subject to Protection, to Lacerta Realty, LLC, 50 Suffolk Road, Map 44, Parcel 503 for the construction of a 1,140 square-foot addition and eight (8) storage silos to existing building within 100 feet of Bordering Vegetated Wetland, Isolated Wetland and Intermittent Stream associated with Hodges Brook.

Ms. Simms seconded the motion.

Healey – In favor

Gallagher – In favor

Simms – In favor

Bruggemann – In favor

Joynes – In favor

Roth – In favor

Motion passed 6-0-0.

Hearing ended at 8:13 pm.

6. Notice of Intent: Steve Chorney, Community Gardens, LLC, 500 School Street, Map 6, Parcel 116. Construction of a 78,000 square-foot building within 100 feet of Bordering Vegetated Wetland. DEP SE 211-0983

Ms. Gonyer read the public hearing notice.

Scott Goddard, Goddard Consulting and Applicant Steve Chorney, Community Gardens, were present.

Mr. Goddard said they have received a DEP file number and DEP had no comments.

Mr. Goddard said this is a Notice of Intent application that follows an ORAD issuance. He said what the ORAD plan did not show, is the Bordering Vegetated Wetland across the street at the road side edge, but the wetland is shown on the plan presented tonight. He said there are some existing structures on the property and the entirety of the property is currently developed or altered. He noted there are numerous fill piles on the property and invasive species. He explained the Applicant is proposing a Marijuana Grow Facility; the proposed industrial building, which is referred to as 500 School Street, will be placed within the existing compacted areas, with access off School Street with parking in front. The building footprint will be about one acre and the balance of the area will be landscaped. He said a small Isolated Wetland on the site will be lost, but it is located outside the buffer and he does not believe it will trigger any additional permitting. He said the Applicant is proposing to preserve the 25-foot buffer zone. The fill piles will be removed, the area regraded and planted with native landscape plantings. There will be a split-rail fence installed at the access road. Mr. Goddard said the project will meet the stormwater standards; a stormwater report was submitted with the Notice of Intent. Erosion Control will be placed at the toe of the slope.

Mr. Goddard said the original Notice of Intent was amended to include a sewer line extension that will go into the right-of-way of the street, over the street and connect to the fire station. He said there is a buffer zone restoration plan.

Ms. Gonyer walked the site back in January and said she agreed with the wetland line on the site. She asked if the limit of work could be re-established once the fill piles have been removed. Mr. Goddard said once the work is done and the area has been regraded and planted, a secondary erosion line could be put where the split rail fence is located and at the edge of the access road until this area is re-established. Mr. Goddard said any modifications could be done in the field with Ms. Gonyer.

Ms. Gonyer said the hearing can be closed but the Commission would still need an approval memo from the Town Engineer, Richard Alves, regarding the Stormwater Management Plan.

Mr. Healey said he agreed the fill piles need to be removed to improve the environment on the site. He asked how the stormwater would be handled. Mr. Goddard said the stormwater would be handled sub surface. Ms. Gonyer noted this would be outside the 100-foot buffer.

Ms. Simms disclosed she is on the Natural Resources Trust board, one of the abutters notified. She said NRT has no issues with the project.

Mr. Gallagher said he was curious about the stormwater design because, if the Commission is going to issue an Order tonight even though it is pending Mr. Alves' review of the stormwater management, he would want to know where the outfalls are. He said if we issue the Order of Conditions tonight and there are material changes, he would want the approval of Mr. Alves first. Mr. Chorney said he has worked with Mr. Alves on site regarding the stormwater management. Ms. Gonyer said the entire stormwater management would be off the left side of the property, an area that is not under the jurisdiction of Conservation. Mr. Gallagher noted the overflow is not shown on the plan; Mr. Goddard said this is correct. Ms. Gonyer said Mr. Alves has been involved with this entire site for the drainage plan and she will follow up with Mr. Alves regarding the overflow. Mr. Gallagher said there has to be an overflow; he said the overflow would go into the wetlands. He said he would be more comfortable having Mr. Alves' review done before the Board signs off on this.

Ms. Gonyer will work on a draft Order of Conditions for the July 13, 2020 meeting. Mr. Healey said the Board should wait for any outstanding issues before issuing the Order of Conditions.

Mr. Bruggemann said there is Japanese Knotweed on this site and asked if there is any long term management plan for this invasive species. Mr. Goddard agreed some management will be necessary, which could be referenced in the Order; he said if the Commission would like to have an invasive species management protocol, he will submit a plan prior to the next meeting. Ms. Gonyer said normally the Commission would monitor the site for three growing seasons to see how established the Japanese Knotweed is and asked Mr. Goddard to integrate into the planting plan a management plan, outlining the different ways to manage the invasive species. Mr. Roth asked if the organic material would be contained in the building. Mr. Chorney said no material would be compacted on site. Ms. Simms had no questions. Ms. Joynes asked if it would make sense to extend the planting around the whole perimeter of the site.

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There was no public comment.

Mr. Gallagher made the motion to continue the hearing for Steve Chorney, Community Gardens, LLC, 500 School Street, Map 6, Parcel 116, for the construction of a 78,000 square-foot building within 100 feet of Bordering Vegetated Wetland, DEP SE 211-0983, to July 13, 2020.

Ms. Joynes seconded the motion.

Healey – In favor

Gallagher – In favor

Simms – In favor

Bruggemann – In favor

Joynes – In favor

Roth – In favor

Motion passed 6-0-0.

Hearing ended at 9:00 pm.

**7. Adjournment:**

Motion to adjourn at 9:01 pm. (Gallagher-Bruggemann)

Healey – In favor

Gallagher – In favor

Simms – In favor

Bruggemann – In favor

Joynes – In favor

Roth – In favor

Next meeting will be July 13, 2020 at 7:30 pm.

Michele S. Healey  
Chair

7-15-2020  
Date