

Town of Mansfield
Conservation
August 17, 2020

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MEETING HELD VIRTUALLY USING GOTOWEBINAR PLATFORM

Present: Michael Healey, Chair; Aaron Roth, Vice Chair; Diane Simms; Aaron Gallagher; Katelyn Gonyer, Environmental and Conservation 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. Conservation Meeting Called to Order at 7:36 pm.
2. Angela Browning: Discussion regarding Fulton Pond.

Ms. Browning, 96 Rumford Avenue, voiced her concerns, as well as the concerns of neighboring residents of Fulton Pond and its connecting waterways; vegetated buffer, education of residents who abut the waterways of Mansfield and the conservation and restoration of these areas as well as the health and safety of Fulton Pond and its park and a growing trend on the pond. Ms. Browning said, having seen the return of kingfishers as well as sightings of bald eagles, redtail hawks, white egrets, swans, blue herons and turtles and many other forms of wildlife, the residents of the pond have replanted gardens on their properties with native and pollinating butterfly plants to promote a productive ecosystem. She has also witnessed increasing destruction of land, bank vegetation and wildlife habitat as well as the removal of the vast majority of trees along Rumford Avenue during the improvements of the sidewalks, the streets and Fulton Pond Park in 2019. She said once these spaces are compromised it takes years for the damage to be corrected; the conservation and replanting of trees along Rumford Avenue did not occur after the restoration and improvement efforts were completed. She and the resident of 92 Rumford Avenue have discussed distributing flyers and donating saplings from their own yards to other residents. She said it is understood that trees need to be removed as they age and threaten properties but replanting is essential for soil retention, water runoff and also to provide a canopy to reduce heat, carbon dioxide and pollutants while providing noise pollution control and wind barriers for homes and habitat.

Ms. Browning said this spring the owners of 106 Rumford Avenue cleared 100+ feet of vegetated buffer and trees, not only to the water line but out into the water itself and onto the extended areas of vegetation that is at Fulton River neck. She said during the active clearing she reached out to Ms. Gonyer, who spoke with the homeowners. Ms. Browning noted it is possible they were unaware of the conservation laws of the State of Massachusetts surrounding vegetated buffers, but this is a clear signal that more education to selling agents and buyers of homes that abut the waterways of Mansfield is

needed. In addition, the owners of 90 and 110 High Street have cleared the buffer to the water line this season. While removal of purple loosestrife plants and other invasive species benefits the pond, weed whacking and discarding the brush into the pond is counter-productive. She said yesterday chain saws could once again be heard at the neck of Fulton River. She said the owners of 80 or 82 High Street were cutting the remainder of what appeared to be a fallen tree; unfortunately, they choose to throw the cut logs into the pond as well as limbs and brush. She said this is also repeat behavior that has now caused the water flow from the river into the pond to be obstructed and brush and debris to flow toward the dam at Fulton Pond Park.

Ms. Browning said the lack of water flow along with shallow water and the gates being opened on the dam during the drought last summer, combined with excessive heat, caused a bloom of blue green algae at the neck of Fulton Pond.

Ms. Browning said she understands property owners want to have full use of their properties, however, it cannot be at the expense of the health of the pond and its wildlife and in defiance of the conservation measures that are in place in the State of Massachusetts. She said nesting areas and wildlife are being threatened and the health of the pond compromised and once the damage is done it will take years for the trees and habitat to return. She said it is the responsibility of the Commission to educate the residents and open the conversation around how conservation can be maintained, while also giving the homeowners the access they desire. She said it is essential that homeowners understand we can work together to find a common ground for how they want to utilize their properties and proposed that each resident who abuts a waterway in the Town of Mansfield be given a letter of notice as well as the Massachusetts Buffer Manual; she asked that annually this letter be re-distributed in the event of new ownership or residency. Most importantly, she said, is the enforcement of these laws as well as fines that would deter landowners from violating these laws; she said often new homeowners destroy conservation areas before they can be educated.

Ms. Browning said in June of 1999 the Massachusetts Department of Health completed a health consultation for the Rumford River site as well as its connecting water bodies and in 2001 revisited environmental data for fish, water, surface soil and surface sediment that was submitted to EPA. Results released in 2001 showed high levels of dioxins as well as other chemicals. It also outlines the concerns and the risks of the toxins to children. Although the Department of Public Health has posted signs against swimming at the park, there are no signs posted informing people against consuming the fish, which was one of the recommendations within the report. She is proposing that we open the conversation around spraying of lawns that abut waterways in Mansfield for mosquitoes and ticks because these chemicals can be introduced into the water and cause damage to the health and wildlife of the pond. In addition, these sprayings can affect the bee and butterfly population.

Ms. Browning said the residents propose that conservation education efforts are made within the curriculum of Mansfield's students. These education activities could be linked to pond residents; students would create and implement the education strategies as a senior science project done in conjunction with the Commission and the Conservation Agent. Ms. Browning said Fulton Pond Park offers an amazing environment that can help shape future conservationists of this generation. She asked that the documents and photos she submitted be sent to the Commission in order to further their education on the current situations at Fulton Pond.

Ms. Gonyer said she did respond to the homeowners of 106 Rumford Avenue but said some people do not know the laws or may not understand what they can and cannot do within the confines of their properties. Ms. Browning said this is why it is so important to educate those who reside on waterways.

She noted there are properties that do have parts that are non-compliant to current regulations and things were done before the regulations were put in place and were grandfathered in. Ms. Gonyer agreed the biggest thing is education and she proposed a letter be sent out to all the residents of Fulton Pond to explain what is and is not permitted. She also suggested doing small workshops over the winter months for residents who live along ponds and wetland areas, as well as programs for the schools. Ms. Browning said she and the resident at 92 Rumford Avenue would happily donate their time for some of the workshops and other things she believes would benefit the town. She noted other towns and states provide information to new homeowners on what the restrictions and limitations are when purchasing a property.

Board Comments:

Mr. Healey said in the time he has been on the Commission, he has been out to Fulton Pond 3 or 4 times. He said the Commission put before Town Meeting an article to add to the by-law the ability to fine people; however having this ability and the by-law to do it, does not mean we have the means to levy fines. He agreed the first step would be to send out a letter to educate the residents abutting Fulton Pond. Ms. Browning said these are the laws of Massachusetts and if there is a roadblock in place for the town as far as issuing fines, than maybe residents and the Cómmission need to reach out to the state and ask for assistance and how we can enforce the laws.

Ms. Simms asked if the letter can stipulated that if a homeowner cuts down trees they can be made to pay for restoration. Ms. Simms asked if videos could be developed and a link to the videos be included in the letter to the residents; she said once things open up again, we can invite all residents of Fulton Pond to an in-person workshop. Dr. Roth said this is a good time for this and for the education side of this, a neighborhood association would be a good way to go. He said in the future when things open up, the Conservation Commission could set up a table at town events, such as the fishing derby and the duck race, which are held at Fulton Pond; he said he would be happy to do this. Ms. Browning will contact Dr. Roth. Ms. Gonyer suggested that once the volunteer group process has been worked out, it would be a great way to get residents, homeowners and neighborhood groups involved as well as students looking for community service projects.

Ms. Gonyer recommended a motion be made to draft a letter, to be sent to all of the properties abutting Fulton Pond.

Dr. Roth made the motion to draft a letter to be sent to the residents of Fulton Pond outlining responsibilities under the Wetland Protection Act and local laws as to what is and what is not allowed.

Ms. Simms seconded the motion.

Dr. Roth – in favor

Mr. Gallagher – in favor

Ms. Simms – in favor

Mr. Healey – in favor

Discussion ended at 8:14 pm.

3. Request for a Certificate of Compliance: Jessica & Matthew Boudreau, 135 York Road, Map 2, P Parcel 200, SE 211-0979.

Ms. Gonyer said this filing was for the stabilization of a steep bank that supports an existing in-ground pool and patio within 100 feet of Bordering Vegetated Wetland, under DEP SE 211-0979; the Order was

issued February 15, 2019. She said a letter submitted from the Dempsey Group, Inc. dated August 4, 2020 stated following a final inspection of the helical pile supported, slope stabilization wall system recently completed in the rear yard at 135 York Road was constructed in accordance with drawings S1 and S2 dated 9/13/2018 and is deemed structurally adequate for support of the proposed finish grades. She recommended a full Certificate of Compliance be issued.

Public Comments:

The Chair read the following notice:

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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.

Ms. Sims made the motion to issue a full Certificate of Compliance to Jessica & Matthew Boudreau at 135 York Road, under DEP 211-0979, for the stabilization of a steep bank that supports an existing in-ground pool and patio within 100 feet of Bordering Vegetated Wetland. The Order of Conditions was issued February 15, 2019.

Dr. Roth seconded the motion.

Dr. Roth – in favor

Ms. Simms – in favor

Mr. Gallagher – in favor

Mr. Healey – in favor

Motion passed 4-0-0.

Hearing ended at 8:27 pm.

4. Request for Determination of Applicability: David Johnson, 120 Forbes Boulevard, Map 44, Parcel 217.

The RDA was filed for the construct of a loading dock within 100 feet of Bordering Vegetated Wetland.

David Johnson, Norwood Engineering Co., Inc., and Gary Langton, representing the Applicant, were present.

Mr. Johnson said this is an existing site located at 120 Forbes Boulevard and the Applicant is proposing to construct a loading dock with a roof on a currently paved area, within a larger paved parking area. He said in the 1990s, a site plan was approved to construct an addition to the existing building and the plan was approved with a drainage system and loading dock; the drainage system was installed according to the original plan but the loading dock was never constructed. Mr. Johnson said the addition of the loading dock will not create any additional runoff from the site. He said the stormwater system consists of a catch basin and discharges into an oil/water sediment separator, which then discharges into a rip rap apron and a swale; Mr. Johnson noted the stormwater system is adequate for this project. He said siltation sack will be installed in the catch basin area prior to the start of work to prevent erosion and sedimentation from entering the separator.

Ms. Gonyer said she had no issues with this project and this would be a Negative 3 Determination with the conditions that the erosion control be inspected prior to the start of work and the Agent be notified when the work is complete.

Board Comments:

Mr. Healey asked if the loading dock would be on footings below the frost line and where the excavated material would be stored. Mr. Johnson said the loading dock would be on footings and any material would be stockpiled on the existing pavement, but only for a short period of time and then the materials would be back filled. Mr. Healey asked that the stockpile be covered with a waterproof tarp at the end of each work day in case of a rain event. Mr. Johnson said this would be acceptable and said a row of straw hay bales could be placed on the downhill side of the stockpile to prevent any erosion. Mr. Healey said mulch wattles should be used.

Dr. Roth asked if the proposed roof over the loading dock would be flat or sloped. Mr. Johnson said this would be a rubber roof with a minimal pitch. Dr. Roth asked if there is a worry the velocity of the water coming off the roof would overwhelm the existing stormwater system. Ms. Gonyer said she did not think there would be an increase in velocity or infiltration on the site because it is going from pavement to pavement. Dr. Roth said the runoff would be coming off the roof faster than what is there now. Mr. Healey asked that a gutter with a downspout be installed to conduct water from the roof into the trench drain so the runoff would go directly into the stormwater system as opposed to increasing the sheet flow off the pavement. Mr. Johnson said this would be acceptable.

Mr. Gallagher said he had no issues with the project but said one of the conditions should be the oil/water separator be cleaned as soon as the project is done. Mr. Johnson agreed. Mr. Langton asked Mr. Gallagher to clarify what he would like done with the separator. Mr. Gallagher said the separator should be opened, vacuumed out and then cleaned and rinsed.

Public Comments:

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There were no public comments.

Ms. Simms made the motion to issue a Negative Determination, for reason #3, work will not impact the resource area, to David Johnson, 120 Forbes Boulevard, Map 44, Parcel 217 for the construction of a loading dock within 100 feet of Bordering Vegetated Wetland, with the following Special Conditions: 1. Cover the soil stockpile with waterproof sheeting at the end of each work day and install wattles or similar around the pile; 2. Provide a roof drain to go directly into the catch basin to slow the sheet flow off the pavement; 3. Oil/water separator to be cleaned at the end of construction; 4. Erosion control, 8" minimum mulch silt sock, to be inspected by Agent; 6. Agent to be notified when work is complete.

Mr. Gallagher seconded the motion.

Dr. Roth - in favor

Mr. Gallagher - in favor

Ms. Simms - in favor

Mr. Healey - in favor

Motion passed 4-0-0.

Hearing ended at 8:49 pm.

5. Request for Determination of Applicability: Clay Coutu, Keolis Commuter Services, Director of ENV, land adjacent to MBTA Railroad Right-of-Way.

The RDA was filed for the renewal of the five-year Vegetation Management Plan (VMP), which will expire December 31, 2020, for work to be done along the railroad right-of-way to eliminate, control and manage vegetation.

Tim Dermody, Fair Dermody Consulting Engineers, representing Keolis Services, said they are submitting the new five (5) year MBTA VMP plan and each town has to approve the submitted maps. He said at this time, Keolis is not the operator of a ½ mile of track, which abuts the Rumford River; Mr. Dermody said this section of the track was included in the VMP submitted by TEC Associates on behalf of MASS Coastal Railroad in 2016, which will expire December 31, 2020. He said this portion of the track will probably be taken over by Fair Dermody in two years. Mr. Dermody said they will be using an intergrated management program, which will help reduce the application of herbicides, and there will

be an environmental monitor employed by Keolis on site to make sure that no areas with standing water or buffer zones gets sprayed. The Yellow Zones are "no spray" zones and the Blue Zones are the buffers, which will only receive the spray once a year. He said the maps submitted tonight are for the five (5) year plan, 2021-2025. Mr. Dermody said they will use various herbicides that are approved by the Department of Agricultural Resources; he noted the VMP is submitted to them every five years as well as the YOP. He said they are looking for a Negative Determination for reason #2 or #5.

Ms. Gonyer asked about the YOP. Mr. Dermody said they work with the Department of Agricultural Resources to make sure nothing has changed such as new wells, habitat for endangered species, etc., and the YOP is submitted every year with updates to the maps. He noted this is heavily regulated under CMR 10 and 11.

Ms. Gonyer said this would be a Negative 5 Determination and would be for a five year plan instead of the normal three years. She said she has no issues with the plan.

Public Comments:

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There were no public comments.

Dr. Roth made the motion to issue a Negative Determination, for reason #5, to Clay Coutu, Keolis Commuter Services, for the renewal of the five-year Vegetation Management Plan for work to be done along the railroad right-of-way.

Ms. Simms seconded the motion.

Dr. Roth - in favor

Mr. Gallagher - in favor

Ms. Simms - in favor

Mr. Healey - in favor

Motion passed 4-0-0.

Hearing ended at 9:06 pm.

6. Request for Determination of Applicability: Amazon, 560 West Street, Map 44, Parcel 901.

The RDA was filed for modifications to the existing parking layout within 100 feet of Bordering Vegetated Wetland.

Suz King, BL Companies, and the engineer for the project, said this is the future Amazon site and the filing is for modifications to an existing parking lot. She said the parking area will be revised in order to accommodate trucks and large vans; this work would be within the 100-foot buffer of Bordering Vegetated Wetland but the disturbance in the buffer would be within the existing development footprint. She said the existing stormwater system will be maintained. She said the impervious areas will also be maintained, but, where they are adding small amounts of pavement, they will offset with landscaping areas throughout the truck court area. She said the only change to the layout would be on the right side of the property where they will be adding a flat pad and a prefab ramp on the left side of the existing building to allow the vans to enter and exit the building. Ms. King said because there is a four-foot grade difference between the finished floor and the roadway, this area will need to be regraded and fill added. She noted some of the impervious areas would become pervious areas and a grassed area would be added to offset the impervious areas. She said the plan has been before the Planning Department and a memorandum from Shaun Burke, Director of Planning and Development, dated May 28, 2020, was submitted; the impervious surface remains the same even though parking and landscaping areas will be altered, access for this site will remain the same, and the site plan conforms to the Town of Mansfield site plan submission requirements and purpose.

Ms. Gonyer said an Operation and Maintenance Plan was submitted with the Notice of Intent filing and a memorandum dated May 26, 2020 from Joshua Reinke and Richard Alves, Engineering Department, as well as a Stormwater Memo dated May 7, 2020 were submitted, stating they have reviewed the site plan for the improvements located at 560 West Street and they have no comments but noted a final stamped As-Built Plan would have to be submitted and approved prior to occupancy. Ms. Gonyer said the stormwater system on site is not changing and there is no increase in infiltration and no illicit discharge issues offsite. She said the erosion control should be 8" (min.) mulch socks, to be incorporated into the plan and inspected prior to the start of work and the Agent should be notified when work is done.

Board Comments:

Dr. Roth asked about the parking spaces on the southern side that are being turned back to pervious, and if there was a reason this area has to be lawn and if they are planning to use the area for anything; he asked if it would be possible to put native plantings in this area for restoration. Ms. King said they would put some plantings in this area. Ms. Gonyer suggested this area could be seeded with a conservation/erosion control mix and the area allowed to be naturalized with herbaceous and woody shrubs, but as a condition, this area would not to be maintained, for habitat value, especially in the 495 corridor. Dr. Roth said this would be fine. Ms. Gonyer will work with Ms. King for suggestions for the plantings.

Mr. Gallagher asked about the reconfigured pocket pond and said that one of the conditions should be an As-Built Plan for the grading and contour of the pocket pond be submitted.

Public Comments:

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There were no public comments.

Mr. Gallagher made the motion to issue a Negative Determination, for reason #3, work will not impact the resource area, to Amazon, 560 West Street, Map 44, Parcel 901, for modifications to the existing parking layout within 100 feet of Bordering Vegetated Wetland with the following Special Conditions: 1. Agent is to be notified of start of work; 2. Agent is to inspect the siltation control prior to the start of work; 3. Erosion Control shall be installed as shown on the plan ("Land Development Plans Issued For Site Plan Approval", revised July 22, 2020, BL Companies). Erosion control shall consist of an 8" (min.) diameter biodegradable mulch-filled sock; 4. Erosion Control must remain in place until areas have been stabilized; 5. The lawn area on the south side of the property shall be allowed to naturalize and not maintained. Agent is to review the list of potential plantings for this area; 6. If there is a change in the plan, the Applicant must come back to the Agent or the Commission; 7. As-Built plan is required for grading and contours of the reconfigured pocket pond; 8. Agent shall be notified when project is complete and all disturbed areas have been seeded and established.

Dr. Roth seconded the motion.

Mr. Roth - in favor

Mr. Gallagher - in favor

Ms. Simms - in favor

Mr. Healey - in favor

Motion passed 4-0-0.

Hearing ended at 9:31 pm.

Continued Hearing:

7. 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 said because the Applicant is still working with the Engineering Department regarding the stormwater design, at this time the Applicant has requested the hearing be continued to the September 14, 2020 meeting.

Public Comments:

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There were no public comments.

Dr. Roth made the motion to continue the hearing for the Community Gardens, LLC, 500 School Street, Map 6, Parcel 116, DEP SE 211-0983, to September 14, 2020.

Ms. Simms seconded the motion.

Gallagher – in favor

Roth – in favor

Healey – in favor

Simms - in favor

Motion passed 4-0-0.

Hearing ended at 9:36 pm.

8. New Business: "No Dogs Allowed" signs at the Otis Street ball field Sweet/Kalnins.

Ms. Gonyer said "No Dogs Allowed" signs were placed on the Otis Street ball fields, which abuts Sweet/Kalnins Conservation Area. She said Mansfield Youth Baseball is trying to keep dogs off the playing field and she has talked with them about changing the language of the signs to "no dogs on the playing field and/or dogs must be leashed". She said she does not want people to think dogs are not welcome in conservation areas; she said they can restrict dogs being on the playing fields but not from the conservation areas. She said she had the sign taken down at the entrance to the ball field but two

signs remain. She said once there is a new contact for Mansfield Youth Baseball, she would like to again discuss the signs.

Ms. Simms asked that the sign close to the trail head also be removed. Ms. Gonyer said this sign would be removed.

9. Old Business:

- Update from Open Space and Recreation Committee:

Ms. Simms said the tree safety issues have been addressed at all five conservation properties but there are still two safety issues that are infrastructural related. At Marie Strese, there are large holes and the boards are rotting on the bridge close to the trail head. She said a scout troop leader reached out to her about an Eagle Scout project and she referred the troop leader to Ms. Gonyer. Ms. Simms asked how these safety issues can be handled. Ms. Gonyer said, without getting into permitting, the structure can be replaced in kind, to get the panels replaced and take care of the immediate safety issues but if the structure is modified, the project would have to go before the Commission for approval because it would be a crossing. Ms. Simms said the other safety issue is in Great Woods on the White Trail; approximately 10-15 feet of logs have been placed after the bridge to fill the wet areas and when the logs get wet they become slippery. Ms. Gonyer will follow up with Mark Cook and Jay Beckett, DPW, to see what can be done in house but, if necessary, the work will be sub-contracted out. She will also be meeting with Ms. Simms this Thursday to discuss this issue.

Ms. Simms said OSRC had discussed guidelines for volunteer groups at their last meeting and this will be on the next OSRC agenda but she would like to talk with Ms. Gonyer first. Ms. Simms said once there is a draft, the guidelines will be presented to the Conservation Commission for review.

Ms. Simms said one of the Committee members put together a scavenger hunt and a PDF was posted on the Open Space portion of the town's web site and was promoted on Natural Resources Trust, Keep Mansfield Beautiful, and Positively Mansfield Facebook sites.

Ms. Simms said the Committee has reviewed its goals for 2020:

- Prepare and Implement a Mansfield Trail Management Plan.
- Collaborate with town committees and certain community organizations. Ms. Simms said committee members have been assigned to each of the committees;
- Enhance Community Outreach; the scavenger hunt is part of the outreach;
- Proposed revised committee charge for review by stakeholders;
- Semi-annual oversight of objectives of the 2016 Open Space and Recreation Plan.

Ms. Simms asked about the trespass issue at National Lumber. Ms. Gonyer said everything was forwarded to Town Counsel and is still pending review. She said she is also waiting for deeds to be reviewed and drafted.

Ms. Simms asked about the Mansfield Trail Management Plan. Ms. Gonyer said she met with Jonas Bruggemann and went over his review of the document Ms. Simms provided along with Trail Management Plans that were created for other towns. Ms. Gonyer said these plans are very different from the Mansfield plan and she and Ms. Simms will discuss the plan this Thursday. Ms. Gonyer said they will have to decide if structurally we want the document to be a narrative with a drafted written plan or a check list for a maintenance plan. She said Mr. Bruggeman and Mass Audubon recommended it be a full trail assessment; Ms. Gonyer said this would be sub-contracted out to a private consultant.

Mr. Healey said this is an evolving process and he appreciates all the work the Open Space and Recreation Committee has done.

- July 13, 2020 minutes:

Motion to accept the minutes of July 13, 2020 as written (Gallagher/Roth).

Motion passed 4-0-0.

Mr. Healey – in favor

Dr. Roth – in favor

Mr. Gallagher – in favor

Ms. Simms – in favor.

10. Adjournment:

Motion to adjourn at 10:00 (Simms/Gallagher)

Motion passed 4-0.

Mr. Healey – in favor

Dr. Roth – in favor

Mr. Gallagher – in favor

Ms. Simms – in favor.

Next meeting will be September 24, 2020 at 6:00 pm.

Michael S. Heag

Chair

9-30-2020

Date