

## 11.17.14 Conservation Commission Minutes

Minutes of the Taunton Conservation Commission November 17, 2014

Present: Chair Steven Turner, Vice Chair Debra Botellio, Commissioners Ernest Enos, Luis Freitas, Renwick Chapman, Neil Kelly, and Marla Isaac.

Motion to approve minutes of October meeting, RC, second NK, so voted.

### Certificate of Compliance

1. 8 Davis Street, Levesque, (COC), SE73-2540 Field report states that this project was for the installation of an 18' x 35' metal shed onto a concrete slab at the above address. This property is within the 100-foot buffer zone of a BVW, the Three Mile River ACEC, and NHESP Priority Habitat of Rare Species and Estimated Habitat of Rare Wildlife. All work has been completed in significant compliance to the order of conditions issued on June 12, 2013. All lawn areas are stable and there is no indication of sedimentation within the wetland. MR recommends that the TCC issue a COC for this project. Motion to approve DB, second MI, so voted.

2. 587 Tremont Street, Hopgood, Clarewood Homes, (COC), SE73-2550 Field report states that this project was for the construction of a single family home with driveway, utilities, and associated grading within the 100-foot buffer zone of a BVW. All work has been completed in significant compliance to the order of conditions issued on July 17, 2013. The lawn is growing in and there is no indication of siltation within the resource area. MR recommends that the TCC issue a COC for this project. Motion to approve, DB, second RC, so voted.

3. Lot #1, Berkley Street, Kostka, KLK Enterprises, (COC), SE73-2560 Field report states that this filing is for a single family home, driveway, septic system, utilities, and associated grading. The house was constructed smaller than proposed (34' x 26' rather than 42' x 26') and is further back from the street than proposed as well. The driveway is on the left side of the house, making it further from the wetland. The rear corner of the house is 2 feet closer (32') to the wetland. The lawn area has grown in quite well but there is a small area of erosion at the east corner of the lot where the siltation barrier bends to go along the side of the bank (there is a headwall just below this point). MR recommends that the area be reseeded and the siltation barrier be reinforced at this point until stable. MR recommends that this filing be continued to the December 8, 2014 meeting in order for the area in the front to become stabilized.

Motion to approve, work with MR, RC, second DB, so voted.

(MI stepped out)

### Public Meeting

1. Wilson Street, Aspen Properties Group, LLC, (RDA), DSE-1092 Craig Hershall present from Thompson Farland. RC appreciates the test pit info. Field report states that this project is for the construction of a single family home with associated utilities, driveway, and grading. This property is entirely within the Priority Habitat of Rare Species and Estimated Habitat of Rare Wildlife as mapped by the NHESP. It is also within 100 feet of a BVW located across the road to the northeast. We received a letter from NHESP stating that the construction will not result in a "take". The lot was divided and the Form A was approved on August 28, 2014 and recorded on September 3, 2014. The wetland was not flagged as it was not adjacent to the Applicant's property but was approximately located and a 100 foot buffer depicted on the plan and will be approximately 63 feet from the BVW. The northern portion of the

proposed home falls within the buffer zone and the end of the house is 36 feet from the northern property line. An erosion control barrier is depicted on the plan and is to be the limit of work. Test pits were performed and redox (reduction and oxidation) occurs at 24 inches, or elevation 94.5. The basement floor will be at elevation 94.5 with top of foundation at 102.0. There will be two sets of roof recharge units (Cultec Recharger) at the north and south sides of the house. The base level of the roof recharge system will be around elevation 95.2-about 8 inches above seasonal high groundwater. The project as presented should not negatively impact the adjacent BVW. MR recommends that if the TCC approves this project and issues a negative determination, that the attached special conditions be included. Motion to approve with conditions 1, 2, 3, 4, 7, 8, 12, 14, 17, 18, 19, RC, second NK, so voted. Abutters- Marla Isaac, Wilson Street representing her mother the homeowner. She was questioning if water is going into the units how will they accept more water? It will infiltrate into the soil above ground level.

(MI back in)

(RC stepped out)

#### Continued Public Hearing

1. Lake Sabbatia, COT/MA DCR DAM Safety, (NOI), SE73-2592 Field report states that this filing is for the approval of an annual drawdown of Lake Sabbatia for invasive aquatic weed control and protection of shoreline and structures from ice damage. See Field Report 1 for detailed summary of project which was read at the October 6, 2014 Hearing. We received the NHESP letter which states that the work will not result in a “take” of any endangered species and that there will be no adverse affect on the actual resource area habitat of state-protected rare wildlife species. MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Waited for DEP #, now in. It will take about a month to draw down and a month to bring it back up. Abutter- Renwick Chapman wants to know if this is an impact or not? MR stated the growing season is late spring to summer. When light filters in so this won't impact it. This is just the beginning, manually and with herbicides this is a multi year project with multi levels. In winter the homeowners can manually pull out weeds up to where water is. Motion to approve with conditions 1, 2, 3, 21, 25, NK, second MI, so voted.

(RC back in)

#### Public Hearing

1. Cohannet Street, James Wells Construction LLC, (NOI), SE73-2595 Field report states that this filing is for the construction of a single family home with utilities, driveway, and associated grading as well as to construct driveway for an existing home on an adjacent lot (64-530). The lots are located on Cohannet Street and were once part of 1 General Cobb Street. Cobb Brook is located west of the property with one house, #464 Cohannet Street, between this lot and the brook. The brook was delineated by Wetland Strategies, Inc., in 2012 and re-delineated by Earth Services Corp on July 23, 2014. When MR visited the site on November 3<sup>rd</sup>, all the flags were gone. MR reported this to Earth Services but told them not to bother putting them back out as the channel is well defined and that the neighbor would probably take them down again. So for the sake of the plan, MR recommends that the delineations, flags TB1AA-TB6AA, and TB1BB-TB5BB be approved for reference purposes only. The floodplain is at elevation 29, encompasses the entire property to the west and falls within 20 feet of the proposed house according to the FEMA map. All work on the lot falls within the riverfront area with temporary disturbance within the 100 foot inner riparian area. Straw wattles are depicted on the plan and will be at least 80 feet from the brook, with temporary disturbance at 82 feet distant. The disturbed area will be loamed and seeded upon completion of work. A concrete washout area and dewatering area are located outside the 100 foot inner riparian line. The house will fall 101 feet from the brook. Roof drains will run into drywells. The project will alter 5300 square feet of riverfront area, with 1500 square feet as temporary alteration.

Under 310 CMR 10.58(4)(d)3., the Commission "...shall allow the construction of a single family house, sewer and driveway on a lot recorded before August 7, 1996 where the size or shape of the lot within the riverfront area prevents the construction from meeting the requirements of 5000 sf maximum alteration and a 100 foot undisturbed naturally vegetated buffer". As stated earlier, there is an existing house between the brook and this proposed house. The work as presented should not negatively impact the resource or adjacent properties, therefore MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Representative Paul Patnaude and James Wells. RC asked if driveway shown directly in front of new house is existing or proposed? No this is the new driveway. MR its written for both lots, same owner for both. RC put hay bales along Cohannet Street so nothing runs down Cohannet to Cobb Brook-100ft along property line. Motion to approve with conditions 1, 2, 3, 4, 5, 8, 17, 19, 21, 23, 24, 25, 26, 27, and 28- add siltation barriers along Cohannet Street as well RC, second DB, so voted.

2. 427 Winthrop Street, Feodoroff, Trustee of the Fenway Realty Trust, (NOI), SE73-2596 Field report states that this filing is for the construction of a recreational area (basketball court, swing set) and drainage swales within the 100' buffer zone. This project is the former Fielder's Choice lot. Original wetlands were delineated and approved under file # SE73-2259 and subsequently SE 73-2391. The wetland line was expanded and delineated by Earth Services Corp. on February 21, 2014 to include an additional conveyance of a portion of the adjacent property. MR reviewed the delineation on November 3<sup>rd</sup> and agrees with the placement of the flags. While walking the line, MR observed piles of excess granulated rubber and gravel that will need to be removed. The original detention basin at the north end of the building is proposed to be expanded by 225 cubic feet. There is an existing drain outlet just to the east of this which will need to be cleaned out as part of the project. The existing swale along the east side of the building will be moved further east and south. Two swales will replace it; the one furthest to the front will convey storm water to the front of the property, while the middle swale will convey water to the south. The existing swale to the northeast will be reconfigured to collect storm water and convey it to the northwest toward the existing drain area and expanded detention basin. The plan depicts all the swales as rain gardens but does not show a planting plan to support that proposal. The proposed basketball court will be to the northeast of the building and will be 61 feet from the wetland (flag 5). Grading for the swale near the court will be 33 feet away from the wetland and the new work on the detention basin will be 15 feet away. The proposed swing set with slide will be situated on a pervious surface and is transected by the 100 foot buffer line. The sandbox, picnic area, and gazebo will be outside the buffer zone. Straw wattles will be set 6 feet from the wetland at its closest point in the north and will be considered the limit of work. If needed, the concrete washout area and dewatering area can be located outside the 100 foot buffer zone. The work as proposed should not negatively impact the adjacent wetland or the adjacent properties. MR recommends that the TCC approve with wetland delineation, flags WF34, WF36-WF39, FL#5, and FL#1-FL#4, and FL36 for reference purposes only. MR also recommends that the project be approved and an order of conditions be issued to include the attached special conditions. MR said she did receive a plan showing a planting guide. RC asked if it is specific plantings? Yes it shows exact. RC grass-should show exact grass. ST we've always given applicant choice along with MR's approval. RC it doesn't say how many of each either. ST how big of an area? 2 pretty good sized areas. Fedoroff asked if at planting time, he could ask MR to direct him. RC would rather have a botanist plan. Fedoroff asked what MR's recommendation would be. MR is ok with this if not then they will need to see what's available. RC should provide what's proposed, not do it after. Fedoroff said it is not to be done until Spring so he can work with Dr. Hewitson and MR. ST can continue this to January and have an actual planting plan. MR specifically what plants and where. Fedoroff would like to get the silt fence up and clean up debris before winter starts, stabilize first. MR can put siltation and clean up debris now, MR is ok with that and come back on December 8<sup>th</sup> with planting plan. MR gravel can wait, rubber etc can be done by shovel, no excavating. Motion to continue to December 8, 2014, come back with a planting plan, allowed to go out and clean up and put up the siltation barrier but not allowed to excavate or use any machinery on site, DB, second MI, so voted.

(RC out)

3. 1380 Bay Street, Henderson, Taunton DEV/MA DEV, Corp, c/o Alan Delaney, (NOI), SE73-2594 Motion to open the hearing and continue until December 8, 2014, DB, second MI, so voted.

(RC back in)

4. 201 Alfred Lord Boulevard, Davis, Varsity Wireless, LLC, (ANRAD), SE73-2593 Field report states that this filing is for the approval of wetland delineation done at the above address which is situated on two lots, 44-5 and 44-71. The wetland boundaries were delineated by Lucas Environmental LLC on April 29, 2014. Areas identified were Inland Bank, BVW, a locally regulated isolated wetland, BLSF, and Riverfront. The entire property falls with the Three Mile River ACEC and the northwest corner is within Natural Heritage Endangered Species Program Priority Habitat of rare Species and Estimated Habitat of Rare Wildlife. A small area to the north is within the floodplain and the 200 foot Riverfront Area of the Three Mile River. The wetlands on the property fall between the river and existing buildings and will prevent any work falling within the riverfront. Confirmation of the Mean Annual High Water line is not requested for this ANRAD. One BVW, wetland E, is located off property and will be used for reference only. This property is located on the north side of Alfred Lord Boulevard and extends to the Three Mile River to the north. It exhibit's a great deal of disturbance throughout the site, making the delineations a challenge. A dog performance business was the most recent use of the industrial buildings. There is evidence throughout the land of abandoned tires, iron works, and automotive parts. It was noted within the project narrative that this was once a gravel pit many years ago. Following is a list of the wetland

resource areas:

Wetland A (WFA100-WFA111)- is a BVW that surrounds a swale that connects to the Three Mile River

Wetland B (WFB100-WFB117)- is an ILSF and is protected under Taunton's Conservation By-Law, only as it does not meet state requirements for ILSF. This area is southwest of Wetland A

Wetland C (WFC100-WFC118)- is a BVW to the northwest of Wetland B that has a swale that connects to an intermittent stream in the north

Wetland D (WFD100-WFD117)- is west of Wetland C and north of the existing buildings on the site. A potential vernal pool is identified by NHESP within this wetland. The applicant's wetland scientist observed egg masses within an inundated area of this wetland but a vernal pool assessment was not performed. A second inundated area was also observed which may function as a vernal pool

Wetland E (WFE100-WFE117)- is primarily located on adjacent land to the south and may contain vernal pool habitat. It connects to the river via a swale.

Three Mile River (BF1-BF25)- was delineated along the mean annual high water (MAHW) line using blue tape. This area does have a small wetland associated with it which was not delineated as it was further than 100 feet from the possible work zone. The bank is very steep and well defined. MR recommends that the TCC approve the wetland delineations and approve the lines as follows: WFA100-WFA111, WFB100-WFB117, WFC100-WFC118, WFD100-WFD117, WFE102, WFE103, WFE114-WFE116, with WFE104-WFE113, WFE117, and BF1-1 to BF-25 for reference purposes only.

Representative Chris Lucas-Lucas Engineering. RC any project thought about there? Nothing known or certain yet. RC WPZ could expand so just wanted him aware. Motion to issue an ORAD, DB, second RC, so voted. Abutters- Stanley Johnson 235 Alfred Lord Blvd. He would like to see it stay natural, doesn't want to see it disturbed. Abutter- Dean Rodericks-also concerned with keeping it natural and is worried about what the proposed project would be.

#### Continued Violation

1. 30 Briggs Street Greenhouse is down-ST. ST said he spoke with homeowner and greenhouse is down. He did tell him to come to the meeting. Motion to continue to December 8, 2014, presence is required, DB, second RC.

#### Other Business

1. Plots 300, 301, and 302 Shores Street, Frank Gallagher. Frank Gallagher and Rui ? Present. Parcel 302 could be set aside, sufficient mitigation and will release the other 2. Want to set it in a conservation trust-per NHESP. DB letter from them stating this? Has an email stating this from Misty Marold. MI said she is more comfortable with an actual letter from them. DB needs something in writing. MR council would like to hear about this too. Frank was told to go to TCC and get letter stating yes then go to council. MR can write the letter to council regarding land on Shores Street being offered to city. Motion to continue December 8, 2014 DB, second NK, so voted.

2. Set 2015 Meeting Schedule

3. Don Greg. DB nominates him for the Arthur Cleveland Bent Award. All in favor-Yes.

Motion to adjourn, DB, second NK, so voted.

Meeting ended at 8:20pm.