

11.18.13 Conservation Commission Minutes

Minutes of the Taunton Conservation Commission November 18, 2013

Present: EE, DB, ST, NK, LF, MI, and RC.

Moment of silence for Brian Marques Taunton Conservation Commission Chair.

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

Certificate of Compliance

1. 97 Ingell Street, Wilding, (COC), SE73-2452 Field report states that this project is for the construction of two handicap ramps, one at the rear of the building and the second in the front; removal of a portion of the building in the front as well as the walkway; removal of the garage in the rear of the main building; resurfacing of the paved parking areas, and re-grading of existing fill piles and spreading washed stone on an existing gravel driveway in the rear of the building. All work has been completed in significant compliance to the order of conditions issued on August 24, 2011. No evidence of siltation was observed within the adjacent wetlands and all areas are stable. The filter sock and stakes can be removed to finalize the project. MR recommends that the TCC issue a COC for this project. Motion to approve COC RC, second NK, so voted.

Public Meeting

1. Worcester Street, (27-5), Perry, (RDA), DSE-1063 The field report states the applicant has filed this request in order to determine whether or not an area within the lot qualifies as an ILSF either under state law or Taunton's Conservation By-Law. This lot is a triangular piece of property on the west side of Worcester Street at the boundary line between Norton and Taunton. It is 1.5 acres with approximately 296 feet of frontage. The area in question is a depression located at the northern corner of the lot. There is staining at elevation 37 to establish the high water mark for calculation purposes. According to calculations done by Paul Patneau, the applicant's engineer, the total volume for the depression is 5,573 cubic feet. The state definition for an ILSF is "an isolated depression or closed basin without an inlet or outlet. It is an area which at least once a year confines standing water to a volume of at least ¼ acre feet and to an average of at least six inches." An ILSF under the Taunton By-Law is jurisdictional if it holds "less than ¼ acre feet of water unless it can be demonstrated that" it does not have a minimum of 1000 square feet in surface area or contain 100 cubic feet of water at any time of the year. ILSFs do not have a buffer zone or WPZ and altering may be allowed if the applicant can demonstrate a legitimate hardship and an appropriate mitigation plan is proposed. The ILSF in question is not jurisdictional under the state WPA but does qualify as an ILSF under Taunton's By-Law. This means that the ILSF is protected but has no buffer zone. The commission may allow the altering of this area or building within a few feet of the depression. Because there is evidence of flood abatement during the wet seasons, MR would recommend that the area not be filled or altered. There is enough upland south of the ILSF to afford the applicant or future owner to build on this property without the need to file with the Conservation Commission. MR recommends that the TCC agree that this area is not bound by a buffer zone, and that there will not be a need to file with the Commission in the future. MR would also recommend that the TCC agree that the ILSF not be altered or filled at any time in the future. MI asked if it was a potential vernal pool? MR said no. RC said no fill should be placed below elevation 38. NK asked if no fill below elevation 38 poses any problems to the engineer and applicant? Paul Patneau said no. Motion to issue a negative determination, with the addition that no fill be placed below elevation 38, NK, second RC, so voted.

Public Hearing

1. Short Street, Aboukheir, (NOI), SE73-2562 Field report states that this project is for the construction of a single family home with septic system, driveway, utilities, and associated grading on a lot created in 2005. A BVW was delineated by Beth Halah in October/November of 2012. MR visited this site on November 13th to review the wetland flags. There is a marked channel through the middle of the delineation which appears to be an intermittent streambed. MR is in agreement with the placement of the flags A5 through A67. A siltation barrier is depicted on the plan and is at least 36 feet from the BVW. This will be the limit of work. The house meets all zoning setbacks. The house will be set back from the front 165 feet and 26 feet from the side. A paved driveway will lead to the house and will have a turnaround area. The septic system will be placed in the front and the tank and leaching field will be 80 feet and 84 feet from the BVW respectively. The closest grading will be 61 feet from the wetland and the closest corner of

the house will be 53 feet away. The work as proposed will not negatively impact the BVW therefore MR recommends that the TCC approve the project and issue an order of conditions to include the attached special conditions. MR also requests that the Commission approve the wetland line as depicted on the plan (flags A5 to A67). Motion to open the hearing, ST, second MI, so voted. NK no silt fence shown on the plan. RC will be ok approving, but have them show MR when set up on site. From now on have it on the plan and labeled. Motion to approve with special conditions 1, 2, 3, 4, 5, 17, 19, 21, 25, 26, and 27, RC, second NK, so voted. Motion to close, ST, second MI, so voted.

2. 221 Berkley Street, Repair, Kostka/KLK Enterprises, (NOI), SE73-2561 Field report states that this filing is for a septic repair with associated grading at the above address. Wetlands were approved and an ORAD was issued on April 10, 2013 under file DEP SE 73-2537. The existing cesspool will be pumped, collapsed, and filled with clean fill and a 1500 gallon septic tank will be installed in the same vicinity and outside the 100-foot buffer zone. The soil absorption system and grading fall within the buffer zone and will be 72 feet and 60 feet from the wetland, respectively. The plan depicts a siltation barrier at least 40 feet from the wetland and will be the limit of work. The project as presented will not negatively impact the BVW, therefore MR recommends that the TCC approve the project and issue an order of conditions to include the attached special conditions. Motion to open the hearing, NK, second MI, so voted. Motion to approve with special conditions 1, 2, 3, 4, 5, 8, 19, 21, 25, 26, and 27, RC, second MI, so voted. Motion to close, MI, second RC, so voted.

3. 221 Berkley Street, New Construction, Lot 1, Kostka/KLK Enterprise, (NOI), SE73-2560 Field report states that this filing is for a single family home, driveway, septic system, utilities, and associated grading. Wetlands were approved and an ORAD was issued on April 10, 2013 under file DEP SE 73-2537. All work falls within the 100-foot buffer zone to an adjacent BVW. The plan shows a siltation barrier at least 25 feet from the wetland that is designated as the limit of work. A dewatering station is shown 30 feet from the BVW if needed. The rear (northeast) corner of the proposed house will be 34 feet from the wetland (flag 9). Grading will fall within 30 feet and the soil absorption system will be within 63 feet of the BVW. Grading is minimal as the lot is fairly flat in the front. There is a chainlink fence running along the front that MR assumes will be taken down as it is connected to the current house and runs along the front of the proposed driveway. The project as presented will not negatively impact the BVW, therefore MR recommends that the TCC approve the project and issue an order of conditions to include the attached special conditions. Motion to open, NK, second MI, so voted. DB asked if the chain link fence is coming down? Yes. RC silt fence, we will have to assume its on the plan because its so small you can't read it. It should be full scale. Motion to approve with special conditions 1, 2, 3, 4, 5, 8, 9, 16, 17, 19, 21, 25, 26, and 27, RC, second NK, so voted. Motion to close, NK, second MI, so voted.

Other Business

1. 2014 Meeting Schedule. Decide on January and take the rest of the dates home to check schedules. RC suggests first Monday of the month. It was decided to confirm January 2014 and do the rest of the year tentatively so everyone has a chance to go home and check their schedules. Motion to approve the first meeting of the year to be held on January 13, 2014, DB, second RC, so voted.

2. Arthur Cleveland Bent Award. Motion for Brian Marques to receive the Arthur Cleveland Bent Award for 2013, DB, second ST, so voted.

3. Motion to nominate DB to Chair for rest of 2013, RC, second MI, so voted.

4. Motion to nominate ST to Vice Chair for rest of 2013, DB, second RC, so voted.

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

Meeting ended at 7:37p.m.