

3.11.13 Conservation Commission Minutes

Minutes of the Taunton Conservation Commission March 11, 2013

Present: Chair Brian Marques, Vice Chair Debra Botellio, Commissioners Steven Turner, Ernest Enos, Neil Kelly, and Marla Isaac.

Absent: Commissioner Renwick Chapman

Motion to approve the minutes of 1-14-13, DB, second MI, so voted.

Motion to approve the minutes of 2-11-13, DB, second MI, so voted.

Certificate of Compliance

- **113 Craven Court, Meridian Custom Homes, Inc., (COC), SE73-2497** Field report states that this project was for the construction of a single family home, attached garage, back yard, utilities, and associated grading. The yard has not been loamed or seeded and therefore is not in significant compliance to the order of conditions issued on 4-26-12. MR recommends that the TCC continue this project to 5-13-13. Motion to continue to May 13, 2013, ST, second DB, so voted.

Continued Public Meetings

- **Middleboro Avenue, Division of Marine Fisheries, (RDA), DSE-1051** Field report states that this project is for the removal of trash and natural debris from the outlet stream from Lake Rico at Massasoit State Park to River Street, Raynham, where the stream meets the Taunton River. This project is part of a larger effort to improve fish passage and migratory habitat for river herring at the DCR Lake Rico and Massasoit Park property. The Fishway Crew will remove materials manually and will coordinate with DCR, Taunton DPW, and Taunton Conservation to remove the accumulated trash from the site as needed. The woody debris will be pulled from the stream and placed along the bank. No live vegetation will be removed unless it is found that it impedes fish passage. The crew will not alter the riparian or canopy vegetation and it is expected to take two to three half days to complete the task. The Crew will be working on the task during the months of February and March to prepare the stream for the spring herring run. This project should be considered a restoration effort relating to the maintenance of an anadromous fish run which is a protected resource under the Wetlands Protection Act. This work will not be altering the bank or dredging the streambed, and falls under 310 CMR 10.35(3) through (5). MR recommends that the TCC approve this project and issue a negative determination to include the attached special conditions. Motion to open the hearing, ST, second DB, so voted. Brad Chase from Division of Marine Fisheries. They will be restoring the herring run at Lake Rico. They will also be working with DCR to rehab the dam. Motion to issue a negative determination with conditions 1, 2, & 18, ST, second DB, so voted. Motion to close the hearing, ST, second MI, so voted.

Continued Public Hearing

- **437 Whittenton Street, Murphy/Jefferson Dev. Partners, LLC, (Anrad), SE73-2517** Final request for a continuance. Motion to continue to April 8, 2013, ST, second DB, so voted.

Public Hearings

- **85 Woodlawn Street, Stoevski, (NOI), SE73-2535** Field report states that this filing is for the a 14' x 22' garage addition to the existing home. A BVW was delineated by Seth Dufort, Outback Engineering Inc., on 10-22-12. MR reviewed the

wetland line and is in agreement with the placement of the flags, 1 through 8. The garage will be 42 feet from the wetland (at flag 5) at its closest point. The garage will be on a slab and a new driveway will be created to access it. The area is currently gravel and level with the house. MR recommends that the applicant use straw wattles to the side and rear of the project to protect the adjacent wetlands and mark off the limit of work. The work as proposed should not negatively impact the adjacent wetlands therefore MR recommends that the TCC approve the wetland delineation and approve the proposed construction of the garage addition and issue an order of conditions to include the attached special conditions. Motion to open the hearing, MI, second NK so voted. Niles Zager from Outback Engineering. They are making the current driveway larger. Motion to approve with conditions 1-5, 19, 21, & 25-27, ST, second DB, so voted.

Motion to close the hearing, MI, second DB, so voted.

- **Bluegrass Circle, Lot #6, TLC Development, Inc., (NOI), SE73-2536** Field report states that this filing is for the construction of a single family home with deck, septic system, utilities, and associated grading. The wetlands were approved by this commission on 11-2-04 under file #SE73-1982. The house will be located on the west side of Bluegrass Circle and within the Riverfront Area of a perennial stream as well as the 100-foot buffer zone of a BVW. The house and deck will be outside the buffer zones but a portion of the septic tank and the leaching field will be within the bounds of the buffer zone to the BVW and the Riverfront Area. The chambers of the leaching field will be 85 feet from the wetland (flag 261) while grading will be 62 feet from the wetland edge and 173 from the perennial stream. The total proposed alteration within the Riverfront Area will be 2,160sf, well within the 5,000 sf limit set by the WPA. A siltation barrier is depicted and is to be considered the limit of work. MR recommends using an alternative, such as straw wattles, rather than silt fence and hay bales. The current grade of the property is between contour 94 and 96. The finished grade of the house and lawn area will be 100 grading down to 94, with the majority of the lot built up level to the top of the leaching field. A retaining wall is proposed along the south side of the house and north side of the driveway. Grading in the south will direct sheet flow from the property south and west toward the wetland system. The flow of any sheet flow on the north side will direct the flow to the north and thus to the adjacent property. MR spoke with Brian Grady about her concerns regarding this. He stated that there will be a swale running along the property line but that it is undefined because they do not yet know the details of this development. They agreed that a swale be depicted to show the intent even though the actual contours may change once the sites are developed. A revised plan showing the corrected name (should be Circle not Lane) and the proposed swale will be presented at the meeting. The project as proposed should not negatively impact the adjacent resource areas or lots, 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, ST, second DB, so voted. Brian Grady present from GAF Engineering. He is ok with using straw wattles. Motion to approve with conditions 1-5, 17, 19, 21, 23, & 25-28-use straw wattles, ST, second DB, so voted. Motion to close, DB, second MI, so voted.
- **Burt Street, LeFleur, (Anrad), SE73-2534** Field report states that this filing is for approval of a wetland delineation for parcels 61-10 and 61-11 Burt Street. Walter Hewitson performed the delineation on 12-4-10. Flags were refreshed within the last two weeks. MR reviewed the delineation on 3-6-13. At that time, the stream was flowing and she questioned whether or not it was intermittent or perennial. Dr. Hewitson deemed it intermittent; after reviewing it on MassGIS OLIVER, and USGS, it does not seem to be intermittent. MR disagrees with the placement of flags 62 to 66-this area is near the stream and it looks as though the wetland extends about 30 feet or more to the east, roughly following contour 103. MR recommends that this flag sequence be pushed back 30 feet to encompass this area. There may also be a potential vernal pool slightly north of flags 52-55. There were some other possible pockets throughout the site as well. According to MassGIS, this area is also an ACEC within the Segreganset River Watershed. MR spoke with the applicant's engineer and explained her concerns. He will speak with the applicant and if the applicant is okay with the recommendations, will bring in a revised plan. MR would recommend that the TCC approve the revised delineation with flags 1-79 and the revised location of flags 62 to 66. Steve Farland from Thompson Farland Engineering. Bruce LeFleur property owner. No issues with MR's recommendations, did revisions and submitted a revised plan. Abutters are here, MR did explain to them this is only to do with the wetland line and confirming wetlands. Applicant has no plans right now. Motion to approve the wetland line as delineated and issue ORAD, NK, second MI, so voted. Abutters were allowed to speak/ask questions. Rich Davenport just wanted to know what the plan was for this area? Where are they allowed to build? No plan at this time, and they cannot build in 100 foot buffer zone. They can build outside of it and

would not need to even come before TCC for that. ST strongly suggest that the applicant meet with the neighbors before anything is done. Keep them in the loop, it makes things go more smoothly. Tom & Kathy Angeley asked if it was only the 16 acres that they are dealing with, it won't get any bigger? Applicant said he only owns the 16 acres, his son owns the abutting property. Kathy asked if the TCC was saying yes to building on this land? No just the flags at this time.

Other Business

- **Discuss 480 John Hancock Road.** The work was not completed, letter was sent requesting the owners presence tonight but did not show. Currently in violation did not complete the plan. MR asking what TCC wants to do? Violation was removed but she was supposed to have the paperwork today to close the COC and begin the NOI process to fix the deficiencies. Motion to continue to April 8, 2013, send a letter that TCC disappointed that the owner was not present tonight, they anticipate the COC filed by the meeting on 4-8-13 to complete this process, ST, second NK, so voted.
- **Use of Boyden.** Silver City Baptist Church sunrise vigil on 3-31-13, motion to approve, DB, second MI, so voted.
- **Use of Weir Riverfront Park.** Birthday party with petting zoo, etc. Use on 8-17-13 with a rain date of 8-24-13, motion to approve, DB, second MI, so voted.

Motion to adjourn, DB, second ST, so voted. Meeting ended at 7:45pm