

Minutes of the Taunton Conservation Commission March 28, 2016

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

Motion to continue the minutes of March 21 until the meeting on April 11, 2016, DB, second MI, so voted

Extension

1. **Pratt Street (106-145), Fasolo, EXT, SE73-2538** Field report states that this project is for the construction of a holding reservoir and portion of a cranberry bog within the 100 foot buffer zone of a wetland at the above location. The applicant has not constructed any of the bogs or the reservoir and is requesting a three year extension to the order of conditions which was issued on 5/14/13. MR recommends that the TCC approve this request and issue an extension to the order of conditions to expire on 5/14/19. Motion to open, DB, second MI, so voted. Motion to approve the extension, DB, second RC, so voted.

Public Hearing

1. **1314 Somerset Ave., Foley/TMLP, ANRAD, SE73-2643** Field report states that this filing is for the approval of resource area delineations conducted by Robert Gray of Sabatia Inc., on 1/14/16. MR reviewed the delineations on 3/23/16 accompanied by Ken Motta, Field Engineering, Bob Gray, Sabatia, Inc., and Craig Foley, TMLP. Area B is along the northerly side of the drive just past the materials storage area and begins at the outfall at the fenceline and continues in a northerly direction with the railroad tracks and Walker-Blake Cemetery to the right. Pink flags numbered BVW2-1 to BVW2-13 defined this area. Area A is in the southerly section of the property behind the main power plant with a discharge channel leading to the Taunton River on the east. The area was flagged using pink flags numbered BVW1 to BVW16, started at the outfall and ended at the fence. The easterly portion of the property abuts the Taunton River and the 100 foot and 200 foot riverfront areas are depicted on the plan. MR is in agreement with the delineation and recommends that the TCC approve the delineation as presented above, and issue an order of resource area delineation. Motion to open, DB, second MI, so voted. Ken Mott present for the applicant. RC asked if MR was comfortable with the top of bank? Yes. Well defined? Yes. Motion to approve, RC, second DB, so voted.

- 2. 163 Worcester Street, Pelczarski, NOI, SE73-2644** Field report states that this project is for the construction of a two car garage within the 100 foot buffer zone of a BVW. The BVW was delineated by Walter Hewitson in 2010 and regressed by SFG Associates on 2/25/16. MR reviewed the wetland line and met with the homeowners on 3/22. MR is in agreement with the placement of the flags, 1-13, with 14 for reference purposes only. The garage will be 24' x 28' (the chimney bumps out and so this width cannot be altered). Grading falls within 2 feet of the wetland while the rear corner of the garage comes to within 16 feet of the wetland. The driveway will be widened in order to line up with the garage opening with most of it outside the 25 foot WPZ. A siltation barrier will be placed along the southerly side of the work area and will be considered the limit of work. There will be no alteration to the wetland. The applicant is limited in where he can place the garage. He is planning to stabilize the area next to the wetland with grass and some low plants. This house was built in 1983, prior to Taunton's Conservation By-Law. The Commission "...may grandfather lots in existence prior to enactment of the ordinance providing the applicant demonstrates, by a preponderance of evidence., the WPZ would represent a hardship and said hardship was not created by or with the consent and/or knowledge of the said applicant. MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Motion to open, DB, second RC, so voted. Brad Fitzgerald present for the applicant. RC asked why garage 28 feet? Brad said they lose 2 feet due to the chimney bump out and with lawn mower etc inside they wanted enough room to get in and out of cars. RC grading within 2 feet or so of the wetlands? Yes due to the 3:1 slope, they need to go 2 feet out to make it. RC built prior to TCC By-laws? Yes. DB going around side of the garage to reach the backyard right? Yes. Not with cars? MR no not enough room. Brad said it is too steep there. RC lawn there? Yes cleared right up to the fence which runs along the wetland. Motion to approve with special conditions 1, 2, 3, 4, 5, 19, 21, 25, 26, and 27, RC, second MI, so voted.

DB and MI will be stepping down for the next three hearings. For the appearance of a conflict due to her firm representing the applicant at one time, Debra Botellio must step down. Marla Isaac has to step down because she has done work for the applicant and was paid by the applicant.

- 3. Route 24 & 140 Interchange, Mashpee Wampanoag Tribal Gaming Authority, ANRAD, SE73-2647**

Motion to open the hearing, RC, second LF, so voted. Amanda Atwell and James Downing for the applicant. They need to update their info, etc. Motion to continue to 4/11/16, RC, second LF, so voted.

4. Stevens Street, Mashpee Wampanoag Tribal Gaming Authority, NOI, SE73-2649

Field report states that this filing is for the proposed traffic improvements along Stevens Street to mitigate the potential impacts from the anticipated additional traffic generated by the proposed casino development. A portion of the project is considered a limited project under 310 CMR 10.53(3)(f) Road widening and substandard intersection improvements: ***“(3) Notwithstanding the provisions of 310 CMR 10.54 through 10.58 and 10.60, the Issuing Authority may issue an order of conditions and impose such conditions as will contribute to the interests identified in M.G.L. c. 131, 40 permitting the following limited projects (although no such project may be permitted which will have any adverse effect on specified habitat sites of Rare Species, as identified by procedures established under 310 CMR 10.53(3), the Issuing Authority shall consider the following factors: the magnitude of the alteration and the significance of the project site to the interests identified in M.G.L. c. 131, 40, the availability of reasonable alternatives to the proposed activity, the extent to which adverse impacts are minimized, and the extent to which mitigation measures, including replication or restoration, are provided to contribute to the protection of the interests identified in M.G.L. c. 131, 40. (f) Maintenance and improvement of existing public roadways, but limited to widening less than a single lane, adding shoulders, correcting substandard intersections, and improving inadequate drainage systems.”*** The traffic mitigation package includes the following:

- Improvements to the Route 24/140 Interchange;
- Widening Route 140 to fix a current traffic bottleneck;
- Signaling improvements and lane upgrades along Steven Street;
- And minor traffic improvements within the City of Taunton.

This filing is for the traffic improvements along Stevens Street. The Route 24/140 interchange and widening will be a later filing with the Conservation Commission. The wetland resource areas were delineated by Epsilon Associates, Inc. in January, 2015. MR reviewed all the delineations on March 23rd with Amanda Atwell from Epsilon Associates. There were a number of detention basins and drainage swales that were incorrectly flagged as wetlands. A number of changes were made in the field and the revised plans were submitted electronically today and the hard copies are presented tonight. Wetland Series “A” is north of the Stevens Street connector and was flagged A-1 to A-5 and A-515 to A-517. Series “E” is located at the northwest corner of Revolutionary Drive and Stevens Street with flags E-1-1 to E-1-15. Series “F” is flagged F-1-1 to F-1-7 and is outside the work zone on the east side of Stevens Street. Series “G” is adjacent to the east side of Stevens Street and is flagged G-1-1 to G-1-8. Wetland series “3” is on the west side of Stevens Street across from the East Taunton Elementary School and flagged 3-1 to 3-5. MR recommends that the TCC approve the flags for reference purposes only. Work on this project will fall within the 100 foot buffer zone in sections. At Exit 11A to the Stevens Street connector, in order to facilitate continuous flow from Route 140S to the Stevens Street connector, the proposal is to shift lanes, remark pavement and widen lanes along Stevens Street

and the ramps. Additional travel lanes will be added at O'Connell Way/Stevens Street and the Overpass Connector/Route 140N Ramps/Stevens Street. Stevens Street will be widened by 40 feet from Route 140 to O'Connell Way on the westerly side of the road. There will also be a 10 foot wide shared use path added on the west side of Stevens Street and a 6 foot sidewalk added on the east side of Stevens Street. To the north of O'Connell Way, sidewalks will be added to both sides of the road. The right turn out of O'Connell Way will be signalized for safety and two lanes will be provided to the driveway to prevent excessive onsite queuing. Traffic from the casino site onto Stevens Street will access the ramp via a double left turn onto the existing ramp. Intersection improvements will include updating and coordinating all traffic signal equipment. Stormwater management meets DEP's standards and peak runoffs will be diminished and water quality will be improved through the use of sediment forebays and deep sump catch basins. Some of the work will fall within the 25 foot WPZ and consists of work within previously disturbed or paved areas. The widening of Stevens Street is primarily on the westerly side, farthest from the wetlands, and is to facilitate safety. The work as proposed will increase safety along Route 140 and Stevens Street in anticipation of the expected increase in traffic for the proposed casino. It will also provide improved stormwater management and water quality within the area. MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Motion to approve on the basis of public safety and the knowledge that Mass Highway will have input as well, with special conditions 1, 2, 3, 4, 5, 6, 7, 11, 19, 20, 21, 25, 26, 27, RC, second LF, so voted.

5. 82 Stevens Street, Mashpee Wampanoag Tribal Gaming Authority, NOI, SE73-2650 Motion to open, RC, second LF, so voted. Amanda Atwell and James Downing present for the applicant. Field report states that this filing is for the proposed relocation of the driveway access to 82 Stevens Street from Stevens Street to Revolutionary Drive in order to fix a current traffic bottleneck and lane upgrades along Stevens Street as part of a traffic mitigation package between Mass Department of Transportation Highway Division and the Mashpee Project First Light. The wetlands were delineated by Epsilon Associates, Inc. in January of 2015. Three areas were identified within the project area. Series "C" connects to Series "B" which is outside this project location. It was presumed that this drainage swale functions as an intermittent stream and was flagged using C-1-1 to C-1-11 and C-1-1A to C-1-13A. Series "D" is a small wetland on the southwest side of Revolutionary Drive and opposite the entrance to Greenscape Landscaping. Series "E" is on the northern side of Revolutionary Drive opposite the project area. MR reviewed the wetlands on March 23rd and although MR felt that the southern reach of Series "C" was really drainage, it was decided to leave the designation as an intermittent stream. As such, MR agrees with the delineation as presented in the report. This project will involve the closing of the Stevens Street entrance to the facility and constructing a new driveway entrance from Revolutionary Drive. The new driveway will be 230 feet long and 50 feet wide, and will connect to the southeasterly end of the parking lot of the facility. Two 12" diameter RCP will be installed across the existing swale to maintain hydrology. The existing sediment forebay will be relocated just south of its current position. The work will impact 120 linear feet of Inland Bank with the installation of the culvert. This project complies with the Performance Standards

regarding the intermittent stream/culvert. The swale/intermittent stream does not provide any important wildlife habitat functions such as breeding habitat, cover, or food for fishes. The work involved will not impair the stability of the bank and the culverts will provide a hydrologic connection to both sides of the swale. The stormwater management system meets the stormwater standards. Siltation barriers will be installed and considered the limit of work (see sheet 5). The stockpiling area is outside the 100 foot buffer zone and will be encircled by a siltation barrier. MR recommends that the TCC approve this roadway project and issue an order of conditions to include the attached special conditions. MR also recommends that the wetlands as described above be approved. Motion to open, RC, second LF, so voted. Amanda Atwell and James Downing present for the applicant. RC widening almost nothing to about 40 feet? A few hundred feet of 40 foot widening. About 240-250 feet all on the western half of the street from the 140 ramp to O'Connell Way. RC drainage improvements relatively minimal? Yes RC spoke with MASSDOT? Yes working with them and they've included everything that was requested by them, into the design. RC when will they get final approval from MASS Highway? May. NK you think that you are not within 25 feet of any wetland? Comes close but not sure if in or not. MR said right now not in but comes close. Amanda said it is isolated and small. The determining factor will depend on the flashing yellow conduit. Motion to approve with special conditions 1, 2, 3, 4, 5, 6, 7, 11, 19, 20, 21, 25, 26, 27, RC, second LF, so voted. RC keeping existing driveway but no left turn? Correct. Public Input: David Matton from Howard, Stein, & Hudson spoke in favor. Stating this will allow trucks to come out onto Revolutionary Drive and access Stevens Street through a traffic light. It will be much safer now.

MI has returned to the meeting.

Other Business

1. Boyden: Kevin Scanlon received an email regarding dog owners being yelled at for dogs being off leash. Someone is passing themselves off as the TCC president, a female. Response was that they would look into it, that there is no president of TCC and the description does not even sound like anyone on the commission. MR received an email from Betty Gregg of Friends of Boyden. It was regarding dogs not leashed disturbing wildlife, other dogs and their owners. Sometimes it has gotten out of hand and some dogs have required vet attention after an incident with an unleashed dog. The issue is people are saying it is not dog friendly but Boyden is not a dog park. Also MR received a call from the sheriff's department today. They asked about Boyden and the hours of operation. MR explained they are open dawn to dusk. The department is getting GPS signals going on at night from there. MR gave them permission to enter the park to try to take care of this situation at anytime.

Motion to adjourn, NK, second LF, so voted. Meeting ended at 7:45pm