

Minutes of the Taunton Conservation Commission May 16, 2016

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

Motion to approve minutes of the April meeting, LF, second MI, so voted.

Continued Certificate of Compliance

1. **700 Joseph Warner Blvd., Saint-Gobain Performance Plastics Corp., (COC), SE73-2558** Field report states that this project was for the expansion of the parking lot from 56 spaces to 78 and a stormwater management system in front along Joseph Warner Boulevard to include sediment forebays, a water quality swale, and an infiltration basin. The siltation barrier is still up and there is no indication of siltation into the adjacent wetlands. The swales were repaired and reseeded and are now stable. MR recommends that the TCC issue a COC for this project. Motion to continue, 6/20/16, NK, second RC, so voted.
2. **155 Duffy Drive, Butterfield, (COC), SE73-2464** Motion to continue to 6/20/16, MI, second LF, so voted.

Certificate of Compliance

1. **28 General Cobb Street, Browne, (COC), SE73-2542** Field report states that this project was for the installation of a 24' diameter above ground pool within the riverfront area of Cobb Brook but exempt from the Rivers Protection Act as the lot was in existence prior to 1996. All work has been done in significant compliance to the order of conditions issued on 7/18/13. MR recommends that the TCC issue a COC for this project. Motion to approve, RC, second NK, so voted.

Public Meeting

1. **County Street, City of Taunton/DPW, (RDA), DSE-1125** Field report states that this filing is for the proposed replacement of the water main within County Street from Williams Street to Linden Street and along Mozzone Boulevard to the intersection of County Street. Associated wetlands were delineated on 3/17/16. MR reviewed the wetland delineations on 5/9/16. The following areas were flagged: Wetland 1A- flags 1A-1 to 1A-24 and unnamed perennial stream (running from north to south through a culvert under County Street between houses #197 to #231 on the south side and between #210 and the Riverway on the north side (flags 1B-1 to 1B-12). Wetland 2A-1 to 2A-7 across from Mozzone Boulevard at the intersection of County Street.

Both wetland areas are considered palustrine forested wetlands with wetland 2 containing areas of palustrine scrub-shrub wetland. MR is in agreement with the placement of the flags. This work is part of a larger water main project that falls outside conservation jurisdiction. Within jurisdiction, there will be 1,100 linear feet of new 12-inch ductile iron pipes replacing the existing water main between Linden and Williams Streets. This segment will pass 1 ½ feet under the existing culvert which constitutes the stream crossing. There will be no impact to the culvert base or its foundation. A segment of water main along Mozzone Boulevard to County Street will also be replaced in the same manner. Sediment from the trenching activity will be backfilled daily at the end of each workday. All trenched areas will be repaved at the end of the replacement work. Approximately 750 square feet of work will occur within the WPZ on County Street between Williams Street and Linden Street, while 2,065 square feet of work will occur within the 100-foot buffer zone. Approximately 1,050 square feet of work will be within the 100-foot Riverfront Area while another 1,050 square feet of work will occur in the outer Riparian Area. There will be no work within the WPZ at Mozzone Boulevard, but approximately 390 square feet of work will be within the 100-foot buffer zone. These disturbed areas are all currently existing pavement and will not change the characteristics of the area. This project is considered an exempt activity under 310 CMR 10.02(2)(a)(2)- *“activities conducted to maintain, repair or replace, but not substantially change or enlarge an existing and lawfully located structure or facility used in the service of the public and used to provide electric, gas, water, sewer, telephone, telegraph and other communication services, provided said work utilizes the best practical measures to avoid or minimize impacts to wetland resource areas outside the footprint of said structure or facility”*. MR recommends that the TCC approve this project and issue a negative determination (B.2.). MR also recommends that the wetland delineation be approved for reference purposes only. Please include the attached special conditions. Amanda present from Tighe & Bond. Motion to issue a negative determination with special conditions¹, 2, 3, 5, 6, 14, 18, and 19, RC, second NK, so voted.

Continued Amendment

- 1. 295 Broadway, Tucan, (Amend), SE73-2358** Karen Patenuade present for the applicant. The did go through the site plan review and it was said some work was not complete, drainage needs to be done, clean up the area. The applicant agrees not to start work until drainage is done. MR must be notified or will issue an enforcement order and issue tickets. Motion to approve with conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28-the infiltration system must be constructed immediately, 29-Conservation agent must be notified prior to construction of the infiltration system, 30-a signed stamped affidavit from a certified engineer must be submitted once the underground infiltration system has been built verifying it meets stormwater standards, RC, second NK, so voted.

Continued Public Hearing

- 1. Phyllis Road, TLC Development/Tutsch, (NOI), SE73-2646** Field report states that this project is for the construction of a single family home, driveway, utilities, grading, and a culvert to continue the link of an intermittent stream with the wetland. On Tuesday, 5/3/16, some of the commissioners and MR met with the engineer, Brian Dunn, and homeowners to discuss their concerns about the project and walk the property. The driveway, retaining wall and guardrail are all within the 25-foot WPZ but do not cause any permanent alterations to the wetland. Mr. Dunn submitted a revised plan addressing additional changes to address the neighbors' concerns. The revised plan, dated 5/10/16, now shows a six foot tall stockade fence and 5-6 foot tall arborvitaes along the driveway, then along the tree line in the rear of the proposed house. This measure will create privacy for the neighbors and new owners and create a screen for oncoming headlights. The boulder retaining wall in the front of the house was changed to a block retaining wall. MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. MR also recommends that the wetland delineation be approved as enumerated in the previous field report. Brian Dunn present for the applicant. RC has concerns with Mr. Matteson property. Fence will have room under it? 1 inch, it TCC wants can do 6 inches. RC would like the gap to be 6 inches at the bottom of the fence. RC pivot house? Brian can't deck would be into the setback, now a zoning issue puts house closer to other abutter. RC not concerned with that, concerned with the wetlands. RC said pivot house, bring deck to the setback line that's best for him. Brian said still closer to abutter, trying to address environmental as well as abutter concerns. RC minimize depth of excavation by switching water and sewer lines. Brian but still have to build wall so in there anyway. MI asked to be shown the retaining wall? Drainage? Salt on driveway? All shown, will not use salt. Abutters spoke: 1. Nelia & Manuel Elias-Phyllis Rd. they had concerns with snow removal and where it will be placed. They think they have room for storage in the circle. Who should they call if there is a problem? There shouldn't be, plenty of upland storage. They are also upset because when they bought they were told it was wetlands and there would be no building there and now this. Brian said no researched at registrar of deeds and it is buildable. RC what type of fence? Stockade. RC wouldn't vinyl be less maintenance. Brian depends on how its cared for. RC prefers vinyl. 2. Kurt Matteson does not want a stockade fence or arborvitaes, would rather see headlights. 3. Mr. Padelford 80 Duffy Drive, regarding snow plowing, there is no way they can move that much snow with a regular truck so how will this be done. He also stated that the site is land locked so how will they gain access currently? Brian Dunn says this is not true. He says access means frontage and both lots are owned by the same person and they have frontage so they do have access. It is a buildable lot, subdivision approved this in the 60's. These are all zone and planning issues not TCC stated Mr. Dunn. Mr. Padelford asked MR is they could view her files. She said yes just not really sure where this file would be located. It could have been in the fire, it could be in her office. Mention was made of fill out there but MR and RC said if done before the WPA then nothing can be done. Padelford brought forth a plan that states this particular lot is not buildable. Dunn disagrees say they have an NOI with an order of conditions so this has no bearing, the agent, zoning, etc all say it is buildable. Going back 30 years has no

bearing on this project and on issue an order of conditions. Brian Dunn requests a month to look into this. 4. Theresa Young 79 Duffy Drive, concerned with water after the trees are removed. She already has water in the basement with sump pumps running. Brian said the grading pitched away from her property. Yes less trees do take up less water. 5. 75 Duffy Drive, water constantly in the basement. This will increase with this house going in, it is too much work for him. TLC will relocate the sheds that are over property line. ST does understand the abutters issues. Brian said the house being built is higher for this reason. DB sent a letter that was read into the record. Stated that sand would be used not salt. Brian asked that this be closed and approved and there will be a \$50,000 insurance bond. Sayack present with Dunn said they have done what abutters asked, done all they can for TCC, let's move forward. Motion to continue to June 20, 2016, LF, second NK, so voted.

Public Hearing

1. Pinehurst Street (Lot 1B), Couto/Pinehurst Properties Development, LLC, (NOI), SE73-2656

Field report states that this filing is for the proposed construction of a single family home with 10' x 12' deck, attached garage, driveway, utilities, and associated grading within the 100 foot buffer of a BVW. Flags FLA1 through FLA16 were approved under DEP file SE73-2620. Flags ESC17 to ESC34 were delineated by Earth Services Corp. on 12/4/15. MR walked the line and agrees with the placement of the flags. A siltation barrier is depicted at least 25 feet from the wetland. ****At flag 14, the WPZ line is at 24 feet rather than 25 feet while the siltation barrier is at 25 feet.*** Grading falls within 26 feet of the wetland. Grading meets the proposed grade at the adjacent lot (Lot 4, 91-285) and is level with the street surface. The grading shows descending slopes to the right of the house that lead to the wetland while the grading in front slopes to the front of the garage and then off to the left of the house. MR was concerned that this could lead to stormwater collecting at the front of the garage entrance, but after discussing it with the engineer it seems that it will go off to the left of the house without collecting. The grades match the grades of Lot 4 so that stormwater flows to the wetland and not the house. The plan shows that the dewatering area and concrete washout area are outside the buffer zone. Roof runoff connects to drywells. The work as proposed should not negatively affect the wetland or adjacent properties. MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. MR also recommends that the wetland line not previously reviewed be approved as follows: flags ESC17-ESC21, ESC29-ESC34, and for reference purposes only, flags ESC18-ESC28. Present Karen Patenaude and Chris Coute. Motion to approve with conditions 1, 2, 3, 4, 5, 8, 9, 17, 19, 21, 24, 25, 26, and 27, RC, second NK, so voted.

- 2. N. Walker Street (Lot 4C), Lima, (NOI), SE73-2651** Field report states that this is one of two lots created under Form J plan and approved under Zoning and Planning. Lot 4C is for a 28' x 42' house with 24' attached garage, 12' x 14' deck, septic system, utilities, and grading within the 100 foot buffer zone of a BVW. The wetland delineation was approved and issued an ORAD on 2/24/16. A siltation barrier is depicted on the plan, dated 4/4/16, and is at least 26 feet from the BVW and is considered the limit of work. The closest disturbance to the wetland will be grading at 33 feet while the garage will be 60 feet from the edge of the wetland. Grading will channel stormwater to the rear of the property toward the BVW. Dewatering and concrete washout areas will be outside the buffer zone in the southwest corner of the property. Drywells for roof runoff are depicted on the plan. The work as proposed should not negatively impact the adjacent wetlands or neighboring properties, therefore MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Karen Patenaude present. Motion to approve with conditions 1, 2, 3, 4, 5, 8, 9, 17, 19, 21, 24, 25, 26 and 27, RC, second NK, so voted.
- 3. N. Walker Street (Lot 4D), Lima, (NOI), SE73-2652** Field report states that this is one of two lots created under a Form J plan and approved by Zoning and Planning. Lot 4D is for a 28' x 42' house with 24' x 26' attached garage, 12' x 14' deck, septic system, utilities, and grading within the 100 foot buffer zone of a BVW and an ILSF. The wetland delineation was approved and issued an ORAD on 2/24/16. A siltation barrier is depicted on the plan, dated 4/4/16, and is at least 25 feet from the ILSF and is considered the limit of work. The closest disturbance to the wetland will be grading at 29 feet while the deck will be 41 feet from the BVW and 32 feet from the ILSF. A retaining wall is proposed along the front right side of the proposed house. The septic system will be located in the front of the property and 77 feet from the ILSF. Dewatering and concrete washout areas will be outside the buffer zone in the southwest corner of the property. Drywells for roof runoff are shown on the plan. The work as proposed should not negatively impact the adjacent wetlands or neighboring properties, therefore MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Karen Patenaude present. Motion to approve with conditions 1, 2, 3, 4, 5, 8, 17, 19, 21, 24, 25, 26, and 27, RC, second MI, so voted.
- 4. 233 Scaddings Street, Mason, (NOI), SE73-2653** Field report states that this project is for the proposed paving of an existing gravel driveway on the left side (north) of the house leading to an existing garage, and to cut and remove (not stump) 13 trees that are dead or dying and endangering the Applicant's child (many large limbs have fallen from these trees). This house has been in existence since 1955 and is grandfathered from the WPA, TCC Bylaws, and Rivers Protection Act. The wetland is to the north of the existing gravel drive and at its closest is 33 feet away. The closest tree proposed to be cut is 26 feet from the edge of the wetland. The applicant will be planting a variety of trees and shrubs to replace the trees that will be removed. The work as proposed will not negatively impact the adjacent wetland, therefore MR recommends that the TCC approve the project and issue an order of conditions to include the attached special conditions. Shannon and Matt Mason present. Briggs Nursery is helping them with a planting plan. A consultant will come out to house to help with design. They will bring plan to MR when finished so she can approve. Motion to approve with special conditions 1, 2, 3,

4, 5, 19, 21, 25, and 27, also make sure plan is brought to MR and approved before construction, RC, second NK, so voted.

5. **80 Rama Street, Anderson-Martin, (NOI), SE73-2655** Board of Health said today to use the higher which is actually the lower, 40 x 16 instead of 40 x 10. Motion to approve with special conditions 1, 2, 3, 4, 5, 8, 9, 17, 19, 21, 25, 26, and 27, RC, second MI, so voted.
6. **Woodbine Street, Rose-Nixon, (ANRAD), SE73-2654** Present Nick Dufrene engineer and Chris Coute property buyer. In that triangle area to get the building down, may not go into the wetland. Already flagged onto another property. MI asked if MR went out? RC no approve as is then when file NOI, they've been warned by MR better find out where line is. Abutter: Juanita Gallagher 145 Winthrop Street, letter with her that she is in a hazardous waste site. Why would they build there, do they know the history? Yes but that is not the purpose of this meeting. Chris said these lots are outside the disposal site. Map by Geosyntec to check the disposal area, they were hired by the city. The left side of Woodbine Street was checked and tested clean. Gallagher told by DEP that nothing could be done out there until it was all cleaned up. Coute his lots are not in the disposal site. Hired Sage Environmental, did 4 wells behind the rink, all came back clean. RC asked to move along. Motion to move this along, not part of the Anrad, RC, second LF, so voted. Abutter: Kara Claudio 39 Bellevoir Ave, concerned about water, animals, and any other endangered species out there. MI said yes there are endangered species out there. Natural Heritage must be notified MR stated. Motion to approve the ANRAD, RC, second LF, so voted.

Violations

1. **5 Cape Road.** This is the Globe Liquors site. The dumpster is unfenced, trash is on river bank and in river. Owner/Renter said its always been unfenced, not sure how long it has been that way, has since he bought it. Board of Health wants it fenced in and locked at all times, and on a concrete pad moved as far away from the river as possible. It would need to be moved further away anyway to fit a fence. It's always unlocked and outsiders have been dumping. RC concrete pad? MR said it all depends on what Board of Health wants. Also MR said he may need it dumped more frequently, now its every two weeks. Site is grandfathered from WPA. MR see what Board of Health requests. May have to file if a concrete pad is needed, owner advised to check with Board of Health and get back to MR. Motion to dismiss, MR, second LF, so voted.
2. **145 Thrasher Street.** Had an animal pen in the wetland. Moved pen from wetland, farm animals held in pen. They are currently going through zoning. They have goats, pigs, and chickens. Motion to

Other Business

1. **TRWA.** May 22, 2016. Motion to approve, NK, second MI, so voted.
2. **Use of Boyden.** Graduation party 6/11/16. Motion to approve, NK, second MI, so voted.

3. **195 Seekell Street.** Cutting trees, hold off still waiting to see who needs to deal with this.
4. **Green Pines, 165R Hart Street.** Failed to comply with superseding conditions from DEP, did not notify TCC on commencement of work, silt into wetlands due to poor barrier, rude to city employees and neighbors. MR told to issue level 3 fines, \$50 increasing daily going forward. ST wants fines started. Motion to start fines, MR will send this out, fines start today, continue this to 6/20/16, ST, second LF, so voted.

Motion to adjourn, ST, second LF, so voted. Meeting ended at 8:50pm.