

Minutes of the Taunton Conservation Commission June 20, 2016

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

Motion to approve minutes from the May meeting, RC, second NK, so voted. DB voted present.

Motion to go out of order to hear Other Business and 145 Thrasher Street, DB, second NK, so voted.

(RC stepped down)

Other Business

1. **Concurrence Extension-Former Paul A. Devers State School Property.** Motion to grant a three year extension, DB, second NK, so voted.

(RC in)

Continued Violation

1. **145 Thrasher Street.** Judy Camara, Noah Camara, and Joseph Morton all present. The pen for the animals must be 150 feet from either neighbor. TCC either denies her too or they work with her as far as being close to the wetlands. MR recommends fencing in, with fence just touching the wetlands. Asked the Camara's where animal waste goes? They clean it up and take it to the dump. RC does this put it in the WPA? MR said no because the property pre-exists the WPA. If it is moved back to the center they can just barely make the 150 feet for the neighbors and a couple feet clear of the wetlands. Currently they have 4 goats, 1 pig, and 20 chickens, by November they will only have 6 chickens and a pig. The rest will be leaving. DB wants 25 foot protection. MR said she has visited the site a few times, all surprise visits except today. There is no smell and the pen is kept clean. They re-do the bedding every 4-5 days. ST listens to MR on this and feels she has done her duty checking this out and he is ok with her recommendations. This is Noah's high school project that he created with the help of his family. They have created the pens and together take care of the animals. ST is ok with this. This area used to be a farm anyway. MR so if they meet the 150 feet of the neighbors they meet Board of Health and if TCC approves this they meet TCC and will be all set. Motion to remove violation, Wilbur the pig can stay and up to 6 chickens, 150 feet away from the neighbors' houses, send a letter to proper boards/persons letting them know this is a pre-existing lot for wetlands-farm animals can graze in the wetlands, DB, second RC, so voted.

Motion to revert back to the regular order of business, DB, second RC, so voted.

Continued Certificate of Compliance

- 1. 84 Bluegrass Circle, GAF Engineering, (COC), SE73-2589** Field report states that this project was for the construction of a single family home with deck, driveway, and associated grading. The rear of the house, deck and roof drain infiltration system fall within the 100 buffer zone of a BVW and 200 foot of Riverfront Area which were delineated prior to the road build out. This is MR's second visit to this site. The erosion and resulting furrows in the backyard remain and must be stabilized to close out this file. MR recommends that this filing be continued to our August 15th meeting. A re-visit fee of \$50 will be charged and payment due two weeks prior to the August meeting date. Motion to continue to August 15, 2016 and approve this \$50 re-visit fee, DB, second NK, so voted.
- 2. 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 except for two small areas that are minor along the southwest slope of the detention basin. These areas are in the process of recovering stability on their own. MR recommends that the TCC issue a COC for this project. Motion to approve DB, second RC, so voted.
- 3. 155 Duffy Drive, Butterfield, (COC), SE73-2464** Field report states that this project was for the construction of an in-ground pool with concrete apron and patio. This project has been continued for over a year in order to purchase a portion of the adjacent property upon which the fence, pool filter and concrete pad for propane were built. That process has been completed, which also clears up the side setback issue. Motion to approve COC, DB, second LF, so voted.

Certificate of Compliance

- 1. 440 Winthrop Street, Hamadeh, (COC), SE73-2576** Field report states that this filing was for the construction of an addition to an existing building within the 100 foot buffer zone of a BVW. MR did a site inspection on 6/6/16 and a second visit on 6/13/16 and found that the work was in significant compliance to the order of conditions issued on 4/15/14. All areas have been stabilized and no siltation is present in the wetlands. MR recommends that the TCC issue a COC for this project. Motion to approve, DB, second RC, so voted.

Public Meeting

- 1. 230 Paul Revere Terrace, Rose, (RDA), DSE-1126** Field report states that this filing is for a septic system repair and associated grading within the 100 foot buffer of a BVW and Riverfront Area of the Taunton River. The edge of the wetland is at the toe of a very steep slope. The river is at least 50 feet from the bottom of the slope. The existing septic tank will be decommissioned in accordance with the Board of Health regulations and a new 1500 gallon septic tank will be installed 12 feet from the rear of the house. The leaching field will be 60 feet from the edge of the wetland with grading within 55 feet. A siltation barrier is depicted on the plan and is at least 35 feet from the BVW. All work is outside the inner riparian zone (first 100 feet of riverfront). The project as presented will not negatively impact the wetland, therefore MR recommends that the TCC approve this project and issue a negative determination to include the attached special conditions. Brad Fitzgerald present representing the owner. Motion to issue a negative determination with conditions 1, 2, 3, 4, 14, 18, and 19, RC, second DB, so voted.
- 2. 81 Dunbar Street, Hamel, (RDA), DSE-1127** Field report states that this filing is for a septic system repair and associated grading within the 100 foot buffer zone of a BVW. The wetland was flagged by SFG Associates, Inc., on 5/20/16 using flags 1, 2, 4, & 5. Flag WHa6 was located and was set by Walter Hewitson. MR reviewed the wetland line and agrees with the placement of the flags. The new system will be replacing an existing cesspool, and septic tank and soil absorption system will be pumped, crushed and abandoned according to Board of Health regulations. The new septic tanks will be located near the old tanks's location while the new SAS will be behind and southeast of the garage, and 73 feet from the wetland. Grading will occur 62 feet from the wetland. A siltation barrier is depicted at least 53 feet from the edge of the BVW. The proposed work will not negatively impact the wetland therefore MR recommends that the TCC approve the project and issue a negative determination to include the attached special conditions. MR also recommends that the wetland delineation as described above also be approved. Brad Fitzgerald present for the applicant. Motion to issue a negative determination with special conditions 1, 2, 3, 4, 7, 8, 14, 18, and 19, RC, second DB, so voted.
- 3. 118 Seaver Street, Hart, (RDA), DSE-1128** Field report states that this filing is for the construction of a shed, 8'x12', within the 100 foot buffer zone of a BVW. The shed will be on blocks and located 63 feet from the edge of the wetland. This project as presented will not negatively impact the wetland, therefore MR recommends that the TCC approve this project and issue a negative determination. No special conditions are required for this project. Present John J. Hart owner was present. DB asked what was to be kept in shed? Snow blower and lawnmower only. Motion to issue a negative determination, RC, second DB, so voted.
- 4. 50 Princess Kate Circle, Perkins, (RDA), DSE-1129** Field report states that this project is for the proposed extension of lawn area in the back yard, creation of a redi-rock retaining wall, and moving an existing shed further away from the side line. The wetlands are located in the rear of the property and were delineated by Zenith Consulting Engineers, LLC. MR reviewed the wetland line and agrees with the placement of the flags. The house and lot were in existence prior to the Conservation By-Law and therefore exempt from the 25 foot WPZ. A siltation barrier is shown on the map hugging the wetland edge in the northwest, and wraps around to

the east. The retaining wall will be 3 ½ feet high and 47 feet long. The proposed lawn area will be filled with loam and seeded and will have a final elevation of 13 (addition of 3 feet of loam, approximately 1500 cubic yards). A chain link fence is proposed around the interior of the rock wall and will meet the existing fence on the west and connect to the new location of the shed on the east side of the backyard. The shed will be moved 12 feet to the west and will be on concrete pilings. The work as proposed should not negatively impact the adjacent wetland. The redi-rock will provide stabilization to the slope and once the lawn is mature, it too will provide stabilization. MR recommends that the TCC approve this project and issue a negative determination to include the attached special conditions. Dennis Perkins owner was present. Mr. Perkins wants a 40-50 foot wall and shed on pylons, not a 60 foot wall or shed on slabs as recommended by his contractor. He wants this done easiest and least expensive way. Also was asked if deck will be any bigger than it is, he said same or might be smaller, not any bigger. Motion to approve with stipulations, with special conditions 1, 2, 3, 4, 14, 18, 19, 20-no chemicals to ever be used on the lawn, 21-no fuel ever to be stored in shed, NK, second RC, so voted.

5. **618 Crane Ave. South, Brownstone Realty Group, LLC, (RDA), DSE-1130** Field report states that this project involves the removal of an existing pool and cabana, construction of a single family home with garage, driveway, utilities, septic system, and associated grading. Work that falls within jurisdiction is the removal of the pool and a portion of the cabana. All other work falls outside the 100 foot buffer zone of a BVW. The wetlands were delineated by John Delano on 10/23/15. Flags were not depicted on the plan and there was no request to approve the line. MR does agree with the location of the wetlands as they relate to the overall plan. A siltation barrier is shown on the plan and will be considered the limit of work. This barrier is at least 40 feet from the wetland edge. The pool is 50 feet from the wetland and is the closest disturbance to the buffer zone. The work as presented will not negatively impact the BVW, therefore MR recommends that the TCC approve the project and issue a negative determination to include the attached special conditions. Nick Dufrene present representing the applicant. RC grades will return to natural state after the pool filled in? yes. Motion to issue a negative determination with special conditions 1, 2, 3, 4, 18, and 19, RC, second DB, so voted.
6. **RR Row, TEC Associates, (RDA), DSE-1131** Field report states that this project is for vegetation control along the MCRR right of way along the Middleborough Branch, Dean Street Spur, and the New Bedford Secondary Branch. MCRR assumed the maintenance responsibilities on portions of the Middleborough Branch in 2015. MR reviewed the lines with Tom Lewis from TEC and Mark from MCRR on Wednesday, 6/15/16. Markers separating no spray zones were replaced as needed for added visibility for sprayers. No Spray zones are marked as yellow on the provided maps. All other spray zones are two-year interval Limited Spray zones. On page 1 of 3 for the Middleborough Branch the No Spray Zones are located at tributaries to the Three Mile River between mile markers 7 and 9. On page 2 of 3, the No Spray Zones are where the tracks cross over the Taunton River. On 3 of 3, the No Spray Zones are located along the Taunton River, and along areas where the wetlands are within 20 feet of the tracks. There are a few cranberry bogs between mile markers 16 and 17. An area at the Lakeville line was changed to Limited along the New Bedford Secondary Branch at the Berkley town line as it is a buffer

zone only. The No Spray Zones along the Dean Street Spur are located where the tracks ride over the Taunton River and along the side track at the Longmeadow Road location behind Ventura Grain. This work conforms to guidelines set forth in Massachusetts Right of Way Management Regulations (333 CMR 11.00) and the preface to the WPA (310 CMR 10.00). This means that no herbicides will be applied on or within 101-00 feet of any wetland, tributary, or river. No work falls within any wetland resource areas. MR recommends that the TCC issue a negative determination #2a and #3 (buffer zone) and #5 (exempt activity within the Riverfront Area-310 CMR 10.58 (6)(a) for this project and to include the attached special conditions. Tom Lewis from TEC Assoc was present. Any work in buffer zone? One time per year application. They use the sensitive area material everywhere, not just at the buffer zone. Motion to issue a negative determination with the attached special conditions 1, 2, RC, second DB, so voted.

- 7. 15 Mechanic Street, Milka, (RDA), DSE-1132** Field report states that this project is for a septic system repair, tree removal, and associated grading within the 100 buffer zone of a BVW and 200 foot Riverfront Area to an unnamed perennial stream. The stream is a tributary to the Taunton River, and thus exhibits tidal characteristics. The resource areas were flagged by Earth Services, Corp. on 5/16/16 using flags ESC1 to ESC 7 to define the top of bank and wetland. MR reviewed the delineation and agrees with the placement of the flags. The new system will be replacing an existing cesspool, and will be pumped, crushed, and abandoned according to Board of Health regulations, 310 CMR 15.354. The new septic tank will be located 10 feet from the back of the house while the new SAS will be 21 feet behind the house and 73 feet from the wetland. Grading will occur 71 feet from the wetland. A siltation barrier is depicted at least 50 feet from the edge of the BVW. The proposed work will not negatively impact the wetland therefore MR recommends that the TCC approve the project and issue a negative determination to include the attached special conditions. MR also recommends that the wetland delineation as described above also be approved. Karen Patenaude present for the applicant. Motion to issue a negative determination with special conditions 1, 2, 3, 4, 7, 8, 14, 18, and 19, RC, second DB, so voted.

Extension

- 1. 34 ½ Briggs Street, Wells, (EXT), SE73-2402** Field report states that this filing was for the construction of 4 single family homes with a common driveway and utilities. The applicant is requesting a three year extension because of the economic times, he has not been able to complete the project. MR recommends that the TCC issue a three year extension for this project. Motion to issue a three year extension, DB, second RC, so voted.

Continued Public Hearing

1. **Duffy Drive, TLC Development/Tutsch, (NOI), SE73-2645** Request for a continuance. Motion to continue to 7/18/16, TCC wants to be notified of continuances by the Thursday prior to a meeting, DB, second RC, so voted.
2. **Phyllis Road, TLC Development/Tutsch, (NOI), SE73-2646** Request for a continuance. Motion to continue to 7/18/16, TCC wants to be notified of continuances by the Thursday prior to a meeting, DB, second RC, so voted.

Public Hearings

1. **Briggs Street Lot 1, Hopgood/Clarewood Homes, Inc., (NOI), SE73-2657** Field report states that this project is for the construction of a single family house with attached garage, deck, utilities, and associated grading. The wetlands were approved and issued an ORAD on 10/19/15. All work within the lot falls outside the Commission's 25 foot WPZ. The siltation barrier is depicted at least 25 feet from the wetland and is considered the limit of work. The rear deck is 27 feet from the BVW and grading falls 32 feet from the edge of wetland. The concrete washout area and dewatering area are shown at the front of the property, the farthest they can be from the wetland. Roof drains are shown at each corner of the house. The garage floor will be 2.5 feet higher than the original grade and the top of foundation will be 8 feet higher than the grade of the wetland. The finished project will have a very small rear yard (from 11-13 feet of lawn leaving at least 25 feet of untouched buffer). There should be no further changes made to the 25 foot buffer zone (perpetual conditions). The work as proposed should not negatively impact the adjacent BVW, therefore, MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Karen Patenuade present for the applicant. Project was denied, revised design-no grading at all, 3 foot slab in front pulled house forward now. RC soils are what out there? Sandy. Motion to approve with conditions 1, 2, 3, 4, 5, 8, 15, 16, 17, 18, 19, 20, 21, 25, 26, 27, 28-no further changes to the 25 foot WPZ, in perpetuity, RC, second LF, so voted.
2. **101 Prince Henry Drive, Lopes/New England Recycling, (NOI), SE73-2658** Field report states that this filing is for the proposed construction of a 32,500 square foot transfer building and rail spur from the existing rail line. This rail line will split into three spurs on the site. One spur will enter the transfer building for loading cars and the other two will be used for full cars waiting for train service and for empty cars waiting to be filled. The applicant received an ORAD on 6/16/15. The letter from NHESP states that the proposed project will not result in a "take" of state-listed rare species. The applicant filed an ENG with the Massachusetts Executive office of Environmental Affairs and received a determination from the Secretary that the ENG sufficiently defined the projects parameters and that no further MEPA review is required. The transfer building will be within an existing paved area and outside the buffer zone of the adjacent

wetland and the Riverfront Area. All work within the buffer zones and resource areas will be due to the construction of the rail spur. Due to space constraints, the rail spur must be located in the area of an existing stream. A culvert will be placed to carry the stream under the rail spur and the addition of the 42" drain pipe will allow the stream to be filled. The existing 36" drain, to which the new 42" drain will be connected, and the existing stone drain will be directed to a new 12' drain pipe which will flow to the new manhole in the access road. The project meets the stormwater management requirements under Mass DEP. A 2,950 square foot replication area will be constructed southwest of the stream and adjacent to the existing wetland. Large mature trees will be preserved within the replication area. The proposed replication area will be greater than the 2:1 ratio required under the By-Law. There will be no net increase in impervious area and all runoff will be directed to the existing detention basin to the west. MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Present Whitney Hall engineer and owner Gilbert Lopes. DB what kind of trash? Solid waste, pre-recycled, no hazardous waste. RC would like a peer review for such a large project. Hall said yes large project but building is still within the existing paved surface. They are filling 795 square feet of BVW. Hall says no way around that spur has to come through that way. Motion to submit application and plans out for peer review, RC, second DB, Chair asked for a show of hands, 3 for, 3 against, motion does not pass. Motion to approve as presented, NK, second LF, Chair asked for show of hands, 3 for, 3 against, motion does not pass. MR field trip could be taken out to the area, this may be helpful. ST Mr. Lopes does many projects and work for the city, he has always been honest and does right by the City of Taunton. More discussion was had and some questions asked. It was determined that a peer review would not be needed. Motion to approve as presented with conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 14, 19, 21, 25, 26, 27, NK, second LF, so voted.

3. **149 E. Water Street, Pillsbury, (NOI), SE73-** Field report states that this filing is for the construction of a duplex within the outer riparian zone of a property located on the Taunton River. The work includes construction of the duplex, grading, utilities, driveways, and decks. This lot was in existence prior to the Rivers Protection Act and the Taunton Conservation By-Law. The edge of the river and the adjacent wetland were delineated by Earth Services Corp. on 6/1/16. MR reviewed the line and is in agreement. The scale on this filing is actually 1" = 20'. A siltation barrier is located at least 100 feet from the river's edge and is the limit of work. Grading will fall within 120 feet of the river, while the stairs to the decks will be 122' and 125' respectfully. The house duplex will be 135' at the closest point. City utilities are shown on the plan. An existing driveway is the access drive to the river put in. Two existing docks jut out into the river, as well. A sewer line runs under the property approximately 50 feet from the water's edge and there is a permanent 30' easement. The work as proposed should not negatively impact the river or adjacent properties. MR recommends that the TCC approve this project and, upon receipt of a DEP file number, issue an order of conditions to include the attached special conditions. MR also recommends approving the delineation. ESC2-ESC6, with ESC1 for reference purposes only. Karen Patenaude present for the applicant. Motion to approve with conditions 1, 2, 3, 4, 5, 8, 9, 16, 17, 19, 21, 23, 24, 26, and 27, RC, second DB, so voted.

4. **Middleboro Secondary RR Line, Belfield/MassDOT, (NOI), SE73-2659** Field report states that this filing is for proposed test borings within Richmond Brook (a tributary of the Taunton River) under the railroad bridge located at mile post 15.95. this bridge is in need of repairs to the timber bents according to MassDOT and Transit bridge inspectors. MR was at this location during the review of spray zones and wetland areas for the MCRR VOP along this Branch. Two 4-6 inch diameter borings are proposed using a track-mounted drill rig. The borings are fully encased and all work will take place within the casings. Plain water is re-circulated within the borehole from the rig's water tank and the return water is captured in a tub and re-circulated. The depth of the borings will be approximately 80 feet, 10 feet into the bedrock. The drill cuttings and sediment within the tub will be returned to the borehole at the end of the boring. All excess cuttings and water will be placed in a 55-gallon drum and disposed of off-site. Spill kits will be present and sheets of plywood will be placed on top of the railroad ties to intercept any fluids. The borings will be performed at low flow conditions and straw bales will be placed downstream to prevent any sedimentation downstream in the event of a discharge of mud or turbid water. The work, with its accompanying safety precautions, should not impact the Land Under Water or any adjacent resource areas. MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. Michael Tergin present. Motion to approve with conditions 1, 2, 3, 21, 27, DB, second RC, so voted.
5. **17 Williams Avenue, Westcoat Realty Trust, (NOI), SE73-** MR recommends continuing as she had requested flags but they are not complete yet. Motion to continue to 7/18/16, DB, second RC, so voted.

Continued Violation

1. **5 Riverside Avenue.** Been kept clean since March. There was someone dumping trash, etc onto someone else's property. Motion to close and follow up in the late fall with an update, DB, second LF, so voted.

Violation

1. **165R Hart Street.** MR told owner to be at meeting for 7:30, no show. Abutters are present. ST this is Green Pines Condos, MR went out after call, ST went out later too. Violation of WPA, damage to stream, dumping rocks, etc on Briarwood Drive, on property when should not be, swearing at MR etc, had words with ST as well. Shawn Telsi is the owner they are speaking of. MR taped the paperwork for his cease & desist, fines, etc onto his machine on site, sent if regular and certified mail as well. He did receive the one taped to the machine as it was seen in his hands by ST. Fines are now up to \$21,750.00 as of 6/20/16. LF recommended having him served by constable. Telsi told abutters to meet him here at 6 to discuss things, never showed.

He had promised them he would tie them in for free. Present abutters Kimberly & Jerry Greenburg and Mr. Rego. They told MR there are trees and branches blocking the stream on his property, she will check this out. MR will call Tony at DPW and have them take a look too. Motion to continue to the next meeting on 7/18/16, fines will continue, DB, second LF, so voted.

2. **4 Wintergreen Lane.** Michael Case present, homeowner. MR went out, he showed her work he did, gardens on both sides of stream, clearing of smaller pines for more sun. He is in the process of filing an RDA. Motion to remove the violation, DB, second RC, so voted.
3. **45 Tania Drive.** Carlos Madeira present, homeowner. He was parking construction vehicles (bobcats, 2 pallets of bricks, and a snowplow) on city property. He was spoken to and cleaned it up the next day. There are grass clippings on the site but they are not his. Motion to remove the violation, DB, second LF, so voted.

Other Business

1. **MACC dues.** \$534.00, for online subscriptions of MACC handbook. Motion to approve, DB, second NK, so voted.
2. **Richmond Street.** Elderly woman has roots at the top of her driveway that need to be removed. DB will get a name for MR. ST feels it would be good to have someone on hand for things like this that come up.
3. **Girl Scouts.** Use of Boyden on 6/25/16. Motion to approve, DB, second RC, so voted.
4. **MR will be meeting with Wayne Walkden regarding Boyden.**
5. **Boyden Presentation by DB.** Put on agenda for next meeting.
6. **ST to sign letter.**
7. **Leman Padelford-copy re: Duffy Drive.** MR will ask Law Dept to look at it to see if it is official.

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

Meeting ended at 8:45.

