

Minutes of the Taunton Conservation Commission July 18, 2016

Present: Chair Steven Turner, Vice Chair Neil Kelly, Commissioners Marla Isaac, Renwick Chapman, Luis Freitas.

Absent: Commissioners Debra Botellio and Ernest Enos

Motion to approve the minutes of June 20, RC, second NK, so voted.

Motion to go out of order to acknowledge Commissioner Renwick Chapman's departure from the TCC, ST, second NK, so voted. We thank him for his time served here on the Commission and wish him the best.

Certificate of Compliance

- 1. 414 West Water Street, COT-OECD/Kevin Shea, (COC), SE73-2317** Field report states that the location of this project is along the Taunton River and on the property previously housing the FB Rogers Silver Company, once makers of silver plate articles. This area is within the City of Taunton Densely Developed Area and as such has a riverfront area of 25 feet. This project originally consisted of converting historic mill buildings into modern condos with parking and stormwater management structures. The plan also consisted of razing two buildings and was approved under DEP file SE73-2309. On 3/2/15, an Amendment to the Order of Conditions was issued to raze the remaining two structures on the property as they are not safe and will not be converted to condos. The applicant received an Extension to the order of conditions which expired on 5/15/16. All buildings have been razed and the work completed in significant compliance to the order of conditions. MR recommends that the TCC issue a COC for this project. Kevin Shea present. Motion to approve, RC, second NK, so voted. Motion to go out of order to hear 414 West Water Street under Public Hearings, MI, second NK, so voted.

Public Hearing

- 1. 414 W. Water Street, COT-OECD/Kevin Shea, (NOI), SE73-2665** Field report states that this filing is for the proposed remediation of an environmental site-the old FB Rogers Silver Company site-and the creation of a passive recreation area with boat ramp, floating dock, boardwalk, walking paths, and public shade trees. The property abuts the Taunton River and is within the 25-foot Densely Developed Area. The proposed work falls within the 200-foot Riverfront Area, BLSF, and LUW. The site is approximately 320 yards long and 25 yards wide and the former buildings have all been razed. There are two phases proposed-the first is for environmental cleanup and the second is the park development. In 2005, an ESA was conducted in which metals and VOCs were detected. It was determined that the source of the contamination was intermittent releases during historic site operations. A Phase II ESA was conducted in April and May of 2016 and it was found that conditions were generally unchanged. The applicant anticipates that a regulatory closure can be obtained through limited soil hotspot removal and soil cap construction. Phase I will consist of excavation and removal of contaminated soils and disposal at an approved site per DEP regulations. The area will then be capped, with the cap forming the sub-base of the park. Phase II, park development, will occur at the southern edge of the property where on and off parking as well as boat launch and dock will be constructed (plan page L3.01). The boat launch will be constructed within the existing seawall with a small amount of dredging to provided water access during low tide. The dock will be a floating dock moored to pylons in the river. In addition, shade trees and walking paths will be installed during this phase. All areas will be ADA accessible. The boat ramp is the only section of the project that will impact the bank, with an impact of 75 linear feet. The bank is a manmade vertical seawall and the associated upland is a disturbed MCP site. There are no wildlife functions provided by the area that will be altered, and a Wildlife Habitat Evaluation will not be required. As far as BLSF, direct impacts total 67,105 square feet and will be associated with the construction of the parking lot, boat ramp, and passive recreation improvements. A total of 45,900 cubic feet of flood storage will be added to the site due to excavation efforts. This additional storage is considered an improvement to the BLSF area. There will be minimal disturbance to LUW associated with the excavation and removal of the retaining wall. The installation of the pylons will take place within NHESP Habitat and we are awaiting a letter from them regarding this work. Erosion control methods include the installation of straw wattles between the work areas and the Taunton River and a silt curtain within the river to prevent any sediment from migrating downstream. The work will take place within a disturbed riverfront area and with the proposed changes will decrease stormwater runoff and increase wildlife habitat with the area. The work as proposed offers an improvement to the riverfront area and will increase

recreational opportunities along the river as well as enhance a previously unattractive, contaminated industrial site. MR recommends that the TCC approve this project and issue an order of conditions, once the NHESP letter is received, to include the attached special conditions. Kevin Shea present. 2 Phases, excavation to begin in August, 1st Phase late August/September (boat ramp, etc). Total public access-free. Motion to approve as a conditional approval subject to letter granting approval with conditions 2, 3, 4, 5, 7, 10, 19, 21, 25, 26, and 27, MI, second RC, so voted.

Motion to revert to the regular order of business, ST, second NK, so voted.

Certificate of Compliance

- 2. 1141 County Street, RJ Kelly Co., Inc., (COC), SE73-2031** Field report states that the applicant is requesting a COC to close out this filing. No work was ever started on the site and everything remains in place. MR recommends that the TCC issue a COC to close out this project. Motion to approve, RC, second NK, so voted.

Public Meeting

- 1. 4 Wintergreen Lane, Caissie, (RDA), DSE-1133** Field report states that the applicant would like to cut 3-4 pine trees in order to get some sun on his garden which is along a small pond behind his home. In addition, he would like to place field stone along the banks in order to keep them secure and decrease the erosion. MR visited this property on June 13th, saw that work was done without a permit and issued a violation letter. The applicant came to our June meeting where the violation was resolved and the RDA submitted. The applicant will be replacing some of the trees cut with fruit trees. The garden remains about 2 feet from the edge of the pond. The request to cut trees, plant fruit trees, and maintain a vegetable garden will not negatively impact the pond or wetland. We spoke about not using fertilizers, which he does not use now. MR recommends that the TCC approve this filing and issue a negative determination to include the attached special conditions. Motion to issue a negative determination with conditions 1, 2, 4, and 20, RC, second MI, so voted.

Continued Public Hearings

1. **Duffy Drive, TLC Development/Tutsch, (NOI), SE73-2645** Motion to continue to August 15, 2016, MI, second LF, so voted.
2. **Phyllis Road (68-157), TLC Development/Tutsch, (NOI), SE73-2646** Motion to continue to August 15, 2016, MI, second NK, so voted.
3. **17 Williams Ave., Westcoat Realty Trust, (NOI), SE73-2662** Field report states that this project is for the construction of a 44' x 28' single family home with attached garage, 12'x 12' deck, driveway, utilities, and associated grading on a lot in existence since at least 1920, and upon which a dwelling once stood up until 2012 according to aerial photos. The lot is bounded on the north side by an unnamed perennial stream which was delineated by John Delano on 6/29/16 using flags WF1 to WF8. MR is in agreement with the placement of the flags. A siltation barrier is depicted on the plan and is situated 2 feet from the edge of the wetland/top of bank in the northeast corner of the lot (right side). The house will be located 27 feet from the wetland with grading 22 feet at the closest point. The area along the bank of the stream was once lawn and is now mostly poison ivy and overgrown shrubs. This project will have lawn up to the edge of the siltation barrier. All impervious surfaces will be within the riverfront area but outside the 25-foot WPZ. There is an existing garage located in the rear of the property and no indication as to whether this building will remain or be razed. Access would be restricted by the new house and attached garage. Under 310 CMR 10.58(d)1.a."...the issuing authority may allow the alteration of up to 5,000 square feet or 10% of the riverfront area within the lot, whichever is greater, on a lot recorded on or before 10/6/97 or lots recorded after 10/6/97 subject to the restrictions of 310 CMR 10.58(4)©2.b.vi., or up to 10% of the riverfront area within a lot recorded after 10/6/97, provided that: a. at a minimum, a 100 foot wide area of undisturbed vegetation is provided. This area shall extended from mean annual high-water along the river unless another location would be better protect the interests identified in M.G.L. c. 131 40. If there is not a 100 foot wide area of undisturbed vegetation within the riverfront area, existing vegetative cover shall be preserved or extended to the maximum extent feasible to approximate a 100 foot wide corridor of natural vegetation." In addition under 310 CMR 10.58(d)3.a.b. "...the issuing authority shall allow the construction of a single family house, a septic system if no sewer is available, and a driveway, on a lot recorded before 8/7/96 where the size or shape of the lot within the riverfront area prevents the construction from meeting the requirements of 310 CMR 10.58(4)(d)1. Or 2., provided that: a. the lot can be developed for such purposes under the applicable provisions of other municipal and state law; and b. the performance standards of 310 CMR 10.58(4)(d) are met to the maximum extent feasible. In difficult siting situations, the maximum extent of yards around houses should be limited to the area necessary for

construction.” The applicant has proposed constructing a single family home on this lot and has placed it in an area that meets the setbacks under the ZBA requirements. The lot was in existence prior to the WPA, RPA and the Conservation By-Law. The Commission can allow this project to go forward. MR recommends that the TCC approve this project and issue an order of conditions to include the attached special conditions. MR also recommends the approval of the wetland delineation as stated above. David Westcoat present. RC had made some recommendations regarding grading between house and bank of brook, lot of disturbance. MR stated there is already lawn there and it is not subject to WPZ. RC retaining wall would eliminate some of the grading. John Delano minimized grading and does not agree with RC on retaining wall. Motion to approve plan as presented with special conditions 1, 2, 3, 4, 5, 8, 9, 17, 19, 21, 24, 25, 26, and 27, show of hands on vote, 3-1 it passes. Public Input: Thelma DaCosta 21 Williams Ave and Joyce Terry 19 Williams Ave. they have concerns over the size of the house increasing. It is now bigger and closer to brook. They were told it does have to meet the new zoning setbacks though not the old or original. RC also told abutters the grading as shown will not add water to their property.

Public Hearing

- 2. 588 Crane Avenue South, Barbara, (NOI), SE73-2663** Field report states that this filing is for the proposed upgrade of a septic system and all grading associated with this upgrade. Work will occur within the 100-foot buffer zone of a BVW located in the rear of the property and delineated by Sabatia Inc. on 6/16/16. MR reviewed the placement of the flags and is in agreement with the delineation as follows: flags WF-2 to WF-5, with flags WF-1, WF-13, and WF-14 for reference purposes only. A siltation barrier is depicted on the plan at least 34 feet from the BVW. The new 1500 gallon septic tank will be located 12 feet from the rear of the house and the leaching field will be constructed behind the tank. The leaching field will be 55 feet from the edge of the BVW, while grading will come to within 42 feet of the wetland. The work as proposed should not negatively impact the wetland, therefore MR recommends that the TCC approve the project and issue an order of conditions to include the attached special conditions. MR also recommends that the wetland delineation be approved as described above. Darren McHale present for applicant. RC fine with design, add straw wattles along the siltation fence, not as limit of work area. Motion to approve with special conditions 1, 2, 3, 4, 5, 8, 9, 19, 20, 24, 25, 26, and 27, MI, second NK, so voted.
- 3. 107 Woodview Drive, Antunes-Kenyon, (NOI), SE73-2661** Field report states that this project is for the construction of a 24' x 26' garage to be built atop a 4 foot foundation

and attached to an existing house. The BVW was flagged by John Delano on 5/11/16. MR reviewed the delineation and is in agreement with the placement of the flags-flags WF2 to WF14 with WF1 for reference purposes only. There is also a detention basin, with a drainage easement, along the western property line in the front of the lot. The area where the garage is proposed is currently the end of the existing driveway and existing lawn. A rain garden to the north and east of the detention basin is proposed. A siltation barrier is shown surrounding the garage site and is 13 feet from the wetland line. The closest point of the garage to the wetland is 21 feet. The rain garden will be five feet from the wetland and a siltation barrier is shown along the edge of the wetland as protection during construction of the rain garden. The lot has been in existence since 1996 and the house was built in 1997, thus the work is exempt from the conservation by law as it pertains to the 25 foot WPZ. Approximately 40 square feet of the garage will be within the WPZ. The applicant has made an effort to stay as far away as possible from the wetland in order to make the least impact. 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 TCC approve the wetland delineation as described above. RC along silt fence put straw wattles and designate the limit of work. Motion to approve with RC's conditions of straw wattles and designated limit of work, with special conditions 1, 2, 3, 4, 5, 8, 19, 21, 24, 25, 26, and 27, NK, second RC, so voted.

4. **75 Round Street, Andersen, (NOI), SE73-2664** Field report states that this filing is for the demolition of an existing garage and the construction of a 1505 square foot addition at the above address. The BVW along the southerly sideline was originally delineated by George Collins in 2009 and the flags were refreshed by Mount Hope Engineering on 7/14/16. MR reviewed the flags which were hanging but not numbered and agrees with the placement. The flags are: RPB to RPM, with RPA for reference purposes only. This house and lot have been in existence since 1975 and thus exempt from the conservation by law. The addition will come to within 18 feet of the BVW on the south side and the majority of the building will be within the 50 foot buffer zone. A filtermitt is depicted on the plan and runs along the treeline to the south and out to the rear lawn and will be the limit of work. The closest point of the siltation barrier is 4 feet to the BVW. The area in which the addition is to be built is established lawn along the south, and the area where the current garage is located and a portion of the driveway. The work as shown should not negatively impact the BVW or neighboring properties, therefore MR recommends that the TCC approve the project and issue an order of conditions to include the attached special conditions. MR also recommends that the wetland line be approved as described above. RC garage included in addition? Yes. RC why not shorter addition more in garage? Want more room in bonus room. Engineer does not want to

Speak for applicant who is not present. MR its minimal and have built before like this. Motion to continue this so changes can be made to the plan, take 5 feet off addition and that brings it out of wetland, RC, second MI, 3-2 motion fails. Motion to approve plan as presented with special conditions 1, 2, 3, 4, 14, 17, 18, and 19, NK, second LF, vote 3-2, motion passes.

Violation

- 1. 165R Hart Street.** Shawn Telsi property owner present. He claims misunderstanding out there, notified all regarding crossing the wetland. He bought this from Ron and was afraid things would expire so he claims he hurried to get things done. Misunderstanding with MR, he did notify and do work. He has settle things with neighbor Jerry, does not remember seeing agreement with previous owner and Jerry but all set anyway. He says pipes are in, MR asks with no permits, no DPW present, no easements? Now he will get permits for to do work on Briarwood. There is a signed letter with Jerry the abutter and Telsi to get the work done. Police went out Sunday when he was not supposed to be working. Telsi said he left back messy wanted to fix it. ST right but cease and desist was still in effect. TCC told you not to do a thing out there and he did not listen. Shawn said well not construction just landscaping. ST not ready to forego fines just yet. He has started to do good but has a long way to go. LF way he spoke to MR was unacceptable. LF Telsi wouldn't go to Newton where hes from and pull this. RC agrees not all fines should go away, a portion should stay after all this. MI agrees some fines should remain. NK in agreement too. Shawn meet with MR out there Thursday. ST told him to stay in contact with MR, work with abutters of easement. ST report in August on what is going on out there. MR will visit site. ST if he comes back and its all good TCC can be favorable but not bringing fines to 0. MR if finds a problem will shut him down immediately. Motion to remove cease and desist, freeze violation, start adding again if anything goes wrong out there, report to MR monthly so she can keep TCC up to date, MR will go out and inspect before work begins, NK, second MI, so voted.

Other Business

- 1. Change in MACC fees. ST signed.**

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

Meeting ended at 8:05

