

Minutes of the Taunton Conservation Commission September 12, 2016

Present: Steven Turner, Chair; Neil Kelly, Vice Chair (arrived 7:15pm); Marla Isaac; Debra Botellio; Luis Freitas; Ernest Enos; and Richard Enos

Motion to approve Minutes from July 18, 2016 – MI, LF seconded, so moved.

Motion to approve Minutes from August 15, 2016 – DB, MI seconded, so moved.

Certificate of Compliance

1. **Paige Way (Lot 1) SE 73-2623:** This project was for the construction of a single family home with garage, utilities, and associated grading. All work was completed in significant compliance to the Order of Conditions issued on October 28, 2015. The lawn area is stable and there is no evidence of siltation within the wetland. The stakes holding the wattles can be removed. MR recommends issuing a COC for this project. DB, MI second. So moved.
2. **80 Rama St. SE 73-2655:** This filing was to replace the existing septic system with a system meeting Title 5 standards. This included abandoning the flow diffusers by filling them and removing the existing tank. All work was completed in significant compliance to the Order of Conditions issued on May 18, 2016. All areas are stable and there was no negative impact to the adjacent BVW. MR recommends issuing a COC for this project. DB, MI second. So moved.
3. **96 Old Colony Ave. SE 73-2496:** This filing was for the removal of a 20' x 50' gunite pool, concrete skirt, and chain link fence, and was replaced with an 18' x 40' salt water pool with fitted pavers, and a new shed added. The area was also landscaped and enclosed with Victorian style fencing. All work was completed in significant compliance with the Order of Conditions issued on April 11, 2012. All areas are stable and there was no incursion into the river. MR recommends issuing a COC for this project. DB, MI second. So moved.
4. **60 Phyllis Rd. SE 73-2548:** This filing was for the construction of a patio and deck as well as tree removal and grading within the 100-foot buffer zone of a BVW. All work has been completed in significant compliance of the Order of Conditions issued on July 17, 2013. All areas are vegetated and stable and there is no evidence of siltation into the wetland. MR recommends issuing a COC for this project. DB, MI second. So moved.
5. **Bassett St. SE 73-2594:** This project was for the construction of a 2,150-foot access road, Dever Drive, including utilities and stormwater management structures to service 7 industrial businesses within the 70-acre property. MR inspected the property on August 22nd and found that all work had been completed in significant compliance to the Order of Conditions issued on December 11, 2014. All grassed areas are stable, the roadway has been top-coated, catch basins are clean, and the detention basin is functioning as planned. MR recommends issuing a COC for this project. DB, MI second. So moved.

NK arrives.

Public Meeting

- 1. 1300 S. Precinct St. DSE-1136:** This filing is for the proposed septic system replacement to include removal of the existing system and replacing it with a 1,500 gallon septic tank and Infiltrator Quick4 leach field. MR recommends that a siltation barrier be placed along the edge of the driveway. MR recommends that the Commission approve the project and issue a Negative Determination with attached Special Conditions 1-4, 14, 18, & 19. Motion by DB, 2nd MI, so moved.
- 2. Mello's Farm Road DSE-1137:** This filing is for work that falls within the 100-foot buffer zone of a BVW associated with the construction of a single family home on Lot 116-96 Mello's Farm Road. The wetland was approved on August 15, 2015 under DEP file # SE 73-2085. Work within jurisdiction includes a portion of the driveway and associated grading. A siltation barrier is depicted 72 feet from the BVW and is the limit of work. A drainage easement follows the westerly property line and falls under the Order of Conditions for Lot 6, DEP file # SE 73-2639. MR recommends that the Commission approve the project and issue a Negative Determination with the following Special Conditions – 1-4, 14, 18, & 19. Motion by DB, 2nd LF, so moved.
- 3. 241 Tremont Street DSE-1138:** This filing is for a septic system repair with associated grading and abandonment of the existing system per Board of Health Regulations. The property is located on the north side of Tremont Street (just before the bridge) and a portion of the project falls within the outer riparian zone of the Three Mile River and 100-foot buffer zone of a bordering vegetated wetland that was delineated by Earth Services on August 16, 2016. MR reviewed the wetland line and agrees with the placement of the flags, WF1 to WF5. MR recommends that the Commission approve the wetland line and issue a Negative Determination with the following Special Conditions – 1-4, 14, 178, & 19. Motion by DB, 2nd NK, so moved.
- 4. 70 Weir Street DSE-1139:** This filing is for a proposed food truck to be situated on the existing gravel area located at 70 Weir Street and within the 100-foot Densely Developed Area riverfront to the Mill River. The food truck will be a self-contained unit similar to Kinfolks on Cape Road and the Hot Dog stand in front of Big Lots. The only possible change in the area is to create the handicap parking space. Everything else will remain gravel. Trash will be placed in the dumpster behind Bobby's Place. There will be no eating area; all business will be take-out. The delineation follows the high water mark along the river. MR states that the project does not pose any impacts to the river and recommends that the Commission approve the plan and issue a Negative Determination with Special Conditions #1 and #20 (any trash found along the chain link fence is to be picked up daily. Motion by NK, 2nd MI, so moved.

Amendment

Lot 82 Bluegrass Circle, SE 73-2440: This site is a 15.8 acre lot (Map 49, Lot 82). The original filing was for the proposed excavation and creation of a pond within an upland area at the western section of this lot. The pond will be approximately 2 acres and will be close to a trio of

smaller wetlands (possible vernal pools) to the south and a larger BVW to the north. A single family home was also part of the entire lot development and is outside jurisdiction.

The Applicant is now requesting the following changes:

- Converting 2.5 acres of the land over to agricultural use in order to grow hops; and
- Providing crop irrigation via a portable irrigation pump and underground piping and drip tape originating from the man-made pond.

A portion of the agricultural field will fall within the 25-foot WPZ – at flag WF109, while the pump will be within 25 feet of the man-made pond. The outer edges of the field to the north and west fall within the 100-foot buffer zone while the majority of the field is outside jurisdiction. No work on the agricultural field falls within the riverfront area.

Grading for the house falls within the outer Riparian Zone and a portion of the 100-foot buffer zone to the BVWs (82 and 85 feet distance). The crossing at the beginning of the gravel drive is preexisting and no work is proposed for this area. The gravel road must remain gravel or will require an Amendment if that is changed in the future.

Abutter Donna Perry had questions about the use of pesticides and fertilizer. Wanted to know if this was a commercial farm – MR said No.

DB motioned that a representative be at the next meeting and to continue to October 17, 2nd MI, so moved.

Continued Public Hearings

- 1. Route 24 & 140 Interchange, SE 73-2668:** This filing was continued from the August 15th meeting due to a lack of quorum. **DB and MI step down.** This filing is for geotechnical borings to investigate the subsurface conditions related to roadway improvement and traffic mitigation measures associated with the proposed First Light Casino Project. These borings are necessary to evaluate the subsurface conditions as they relate to the proposed roadway alignment, drainage basins, and signage. The data collected will allow the design plans to move forward in order to improve the geometry, safety conditions, and traffic operations. The proposed boring activities will involve minor work within bordering vegetated wetlands (BVWs), with equipment staged on construction mats and the areas restored to existing conditions once the work is completed. No work will occur within isolated vegetated wetlands, bordering lands subject to flooding, inland bank, or land under water bodies and waterways. Some of the borings will occur within the 100-foot buffer zone and Riverfront Area.

Under 310 CMR 10.02(2)(b)(1) in part, and 10.58(6)(b), the work is an exempt activity, particularly “*activities that are temporary in nature, have negligible impacts, and are necessary for planning and design purposes (e.g....exploratory borings, sediment sampling and surveying...*” and that “*notwithstanding the provisions of 310 CMR 10.58(1) through (5), certain activities or areas are grandfathered or exempted from requirements for the Riverfront Area...*”.

The wetland delineations were approved under DEP # SE 73-2647 and an ORAD issued on April 12, 2016.

The Wampanoag Tribe Gaming Authority (Applicant) negotiated infrastructure and mitigation improvements with MassDOT. These traffic improvements include improvements to the Route 24/140 interchange, widening Route 140 to remove a current bottleneck, signal improvements and lane upgrades along Stevens Street, and minor traffic improvements elsewhere within the City of Taunton. Improvements will mostly be conducted within the existing MassDOT ROW and include lane widening of less than a single lane, correcting multiple substandard intersections, and improving stormwater management. Seven borings are proposed within BVW #18 and #34, 8 are proposed within the 25-foot WPZ and 100-foot buffer zone, and 4 are proposed within only the 100-foot buffer zone. One boring will be located within the 200-foot Riverfront Area of the Cotley River. Work is planned to take place in frozen ground conditions when possible to avoid the need for Terra Mats. When this is not possible, the 4' x 8' mats will be placed and moved along with the equipment. Borings within wetlands will be confined by siltation barriers. Mats will be in place less than 48 hours at any given location. Each boring will be conducted to a depth of 35 feet and any wash water generated will be directed to sedimentation basins or a frac tank. When completed, any disturbed areas will be stabilized. The work as proposed is temporary and is minimized within resource areas. MR recommends that the Commission approve the project and issue an Order of Conditions with the following Special Conditions – 1-3, 5, 8, 9, 21, 25-27. Motion by NK, 2nd LF, so moved.

2. **Duffy Drive, SE 73-2645:** Brian Dunn, engineer for the project, was present and requested that the filing be withdrawn without prejudice. Motion to honor request to withdraw without prejudice by NK, 2nd DB, so moved.
3. **Phyllis Road, SE 73-2646:** Brian Dunn representing the Applicant. Letters from John Delano read into the record. Letter from 6/17/16 to Kirk Matteson: discussed how his office had prepared a NOI for #60 Phyllis Rd and that his flagging did not match the current delineation done for this project. **BD:** we met in the field on 8/11/16 and did a topo of the neighbor's yard, and work done. On 8/30/16 JD, BD, MR, and Lisa Caledonia (botanist who did line for Applicant) met to review wetland line and proposed driveway. Letter from 9/07/16 to Kirk Matteson: It was determined that an area where the driveway was proposed is a transitional area where both upland and wetland plants grow. As a means of compromise the idea of the Applicant providing a small area of mitigation was discussed. In regard to drainage issues, the engineer agreed to obtain additional elevations and stake the edge of the proposed driveway. Once the staking was done, JD met with his client to review the location. He was also provided a revised plan. Two culverts are proposed under the driveway to drain water from the abutter's property to the wetland on the Applicant's site. JD wrote "As a result of our work, we have been able to provide you with assurances that the design is now based on reliable information. In addition, we have been able to provide you with reasonable protection from the adverse impacts of the proposed construction." **BD:** met with Mr. Matteson regarding the revised plan. "We did what we said we were going to do. Provided crossing, topo, tie rods. Letter from 9/12/16 to Kirk Matteson: "After reviewing the site plan and writing our review letter to you

dated September 7, 2016, we reviewed the property line information shown on the applicant's site plan. The property line appears to be incorrectly shown for the owner of #79 Duffy Drive. The land is owned by Theresa J. Young. Her deed reference is found in the Bristol County Registry of Deeds N.D. in Book 12136, Page 217. It is our opinion that Ms. Young owns part of the land that the applicant is showing on their plan as part of his proposed house site. The result of this discovery will require the applicant to revise the site plan. We recommend that you request that the public hearing be continued by the Taunton Conservation Commission so that the engineer can provide the Commission with the correct plan." **BD:** did the research – reconfirm deed and plan. Definitive subdivision plan comes after the deed referenced in the letter. Need to go to Registry – plan dated 1985, and a second plan in 1987. If letter is right, then they don't have to do anything. **BD** will do the research – doesn't affect them anyway.

COMMENTS: Kirk Matteson: ruins my home value, ruins my yard. No one wants this. I've taken good care of the wetlands.

Leman Padelford: What were the changes? **BD:** RR ties, sheds, topo, added crossings, regraded back based on elevations per Delano's requests. **LP:** Driveway elevation higher 19 to up to 23, 2 ½ feet above back yard – change from being on grade.

BD: Doing what their consultant requested.

LP: re property line for Theresa Young – remove 1300 sf from plan, part of Form A

Rose Sanchez: in support of Phyllis Rd residents.

Theresa Young: whole thing scares her – putting house in her back yard

Nelia Elias: was told that nothing was ever going to be built on next to her. In winter where is the snow going? How will driveway be plowed? Fire truck?

LP: Doesn't meet fire standard.

BD: grass pavers – can support emergency apparatus. 8' between driveway and fence. They would be under the grass and up to the property line. Need to review fire code.

BD: Request 1 month continuance.

MI: Concern with snow removal. Turning radius would not be big enough.

DB: NHESP? MR – no.

Donald Williams: Question on fence – **BD:** white vinyl fence and arborvitaes. **DW:** How far? **BD:** entire length of the property.

Steve Mateo: wildlife. Concerns with possible water issues. Doesn't seem a very good plan.

KM: Delano asked if fire trucks can use his driveway. He said yes but it's inappropriate.

BD: We never discussed emergency vehicles using his driveway.

NK: Requests that John Delano be at the next meeting.

LP: Previous meeting there was a discussion of wildlife habitat...they will not have access with the fence.

MI: unfair to deer but they are resourceful and will find a new route. Turtles and amphibians can go under the fence which must be 6" above the ground.

Motion: **DB:** Research fire code and subdivision plan and submit a revised plan **5 business days before the meeting.** 2nd – **NK.** So moved

Motion: **DB:** continue to 10/17 with any new correspondence into office by 10/07/16 and that Mr. Delano be present at the meeting. 2nd – **NK.** So moved.

Public Meeting

1. **Hamlen Street, SE 73-2670.** Scott Faria for the Applicant. They are constructing the road for future development. DB: is it an accepted road? SF: yes. DB: Where does the catchbasin at the top of the road go to? SF: Connects to the existing system. LF: Have you spoken to the neighbors? SF: no.

Motion to approve NK, 2nd LF on discussion.

Public Input: **William Andrade**, #6 Hamlen St: over the years they have tried to extend the road in the past. Concerned over value of the house. Need a through road like we need a hole in the head. Continue to protect the area. What about the utilities under the road? **SF**: sewer will go via high pressure – pumps at individual homes. Need sewer extension permit through DEP and approved by the City (DPW). By providing stormwater management, it improves the area and protects the wetland. We are taking all the stormwater and putting it into the detention basin.

Carlos Gonsalves, 640 Cohannet St: What about privacy?

Joe Arruda, 1 Hamlen St: concern regarding water, wildlife, vegetation. Hydrant? **SF**: a hydrant is proposed and on the plan.

LF: When are you going to Planning Board? **SF**: Immediately. Conservation was first.

Motion to deny project DB, 2nd MI. 4:2, project denied.

2. **Woodbine Street, SE 73-2671.** Nick Dufresne for the Applicant. This filing is for the improvement and extension of Woodbine Street, which is currently 402 feet long and, at most, 30 feet wide, and the removal of the abandoned roller rink. The proposed upgrade will include a 100-foot diameter cul-de-sac at the end of the proposed new road with a total length of 540 feet and width of 26 feet. The wetland line at the end of the road was approved under DEP file #SE 73-2654 and an ORAD issued on May 18, 2016. The area that falls into Conservation jurisdiction is located within the cul-de-sac, which amounts to 5,033 sq. ft. of the 7,857 sq. ft. of the proposed cul-de-sac. All work will be outside the 25-foot Wetland Protection Zone (WPZ). The closest work (grading) will be 29 feet from flag #WF23. A siltation barrier is depicted at least 29 feet from the wetland and runs from in front of the proposed cul-de-sac and easterly along the southerly extent of the work.
MR recommends that straw bales or large-diameter wattles be used instead of the haybales presented in the narrative. The Applicant is presenting this as a redevelopment project stating that it meets Standards #2, #4, #6, #7 of the Stormwater Management Standards. The Project Narrative states that they will be removing 17,850 sq. ft. of impervious area for a 48% reduction and reducing off-site runoff rate and volume. **MR says “Considering this is a roadway project, the removal of the former skating rink and pavement located on lots 65-486 & 487 cannot be included in this calculation. The current paved area vs new paved area may be a “wash”, but the cul-de-sac is new pavement and adds 7,857 sq. ft. of impervious area.”** The Stormwater design shows that stormwater will be captured via deep sump catch basins which will direct the flow to the City’s drainage system on Oak Avenue. An Operation and Maintenance Plan has been submitted with the filing and will remain in the file of record. MR recommends that the amount of impervious vs. pervious be specifically analyzed and discussed as it pertains to

the roadway and that the Stormwater Management Standards be revised. *Pre and post construction should be depicted on the plan.*

MR recommends that the filing be continued to October 17th. **DB motions to continue and that revised plans be submitted, 2nd MI. so moved.**

Brian Madden, LEC, was present to discuss the Conservation Restriction (CR). This site is home to the spadefoot toad according to NHESP. The plan shows the proposed CR. They would like the Conservation Commission to hold the CR (similar to the Westville Conservation site). Also there would be habitat enhancement with input from NHESP. They would be donating about 80% of the land.

There would be public sewer and water on Woodbine Street.

Molly Coti, Sage Environmental: spoke about the Oak St site – environmental cleanup. Borings were done and have come up clean.

Continued Violation

- 1. 165R Hart Street.** Shawn is a no-show again. Mr Rego, abutter on Briarwood was in attendance.

Motion to start up the violation and fining again and to issue a Cease & Desist, starts today **DB, 2nd LF. So moved.**

There has been no satisfaction. Need him here at the next meeting and to ask the City Solicitor what needs to be done regarding the fines. Also talk to Mary Jane (Building Dept.). Give Steve T. a copy of the Cease & Desist. Put it in plain language within the letter.

Put this at the beginning of the meeting.

DB: Back to Public Meeting

- 1. 1300 South Precinct St., DSE-1136.** Mike Moreshead, contractor. This filing is for the proposed septic system replacement to include removal of the existing system and replacing it with a 1,500 gallon septic tank and Infiltrator Quick4 leach field. A perennial stream flows along the western part of the property and is 65 feet from the new leaching field. The minimum requirement for the Board of Health is 50 feet. The field and tank will be located in the front of the house and one pine tree will be removed. The old system will be decommissioned per Board of Health regulations. MR met with the contractor on site and discussed where the siltation barrier should be placed but it is not shown on the plan. MR recommends that it be placed along the edge of the driveway and that she be called when it is installed.

MR recommends that the Taunton Conservation Commission approve this project and issue a Negative Determination to include the attached Special Conditions. Motion DB, 2nd MI. So moved.

Other Business

MR to go down to 792 Staples Street and look at site. Is it too close to the bogs?

Adjourn at 9:40pm

Submitted by Michele Restino, Conservation Agent