

Minutes of the Taunton Conservation Commission August 15, 2022

Present: Chair Steven Turner, Vice Chair Debra Botellio, Commissioners Joshua Borden, Matthew Haggerty, & Jan Rego. Commissioners Richard Enos & Luis Freitas absent. Conservation Agent, Michele Restino & Recording Secretary, Denise Irving also present.

EXECUTIVE SESSION: MEET WITH LAW DEPARTMENT REGARDING LITIGATION

Motion to continue to 9/19/22 with City Solicitor, Matthew Costa present. DB, second MH, so voted.

Motion to approve the minutes of July 18, 2022. DB, second JR, so voted.

CONTINUED CERTIFICATE OF COMPLIANCE:

1. 34 Railroad Ave., Malloch Group, COC, SE73-2798 -to close out Order of Conditions. No one was present and no Amendment was filed as the Commission had requested. Motion to continue to 9/19/22, owner or representative must be present or there will be no more continuances granted & project will be denied. Also fines will begin as of 8/15/22 for the unauthorized clearing. DB, second JB, so voted.

CERTIFICATE OF COMPLIANCE:

- 1. 557 Tremont Street, Hawthorne Development, Inc., COC, SE73-2942**-to close out Order of Conditions. Motion to issue Certificate of Compliance DB, second JB, so voted.
- 2. Lois Lane (Roadway), Hawthorne Development, Inc., COC, SE73-2784**-to close out Order of Conditions. Motion to issue Certificate of Compliance DB, second MH, so voted.
- 3. Katherine Drive (Roadway), Sousa, COC, SE73-2247** -to close out Order of Conditions. Motion to issue Certificate of Compliance DB, second MH, so voted.
- 4. 25 Edgewater Lane, Lopes, COC, SE73-2955** -to close out Order of Conditions. ST has received 3 or 4 complaints of not being good neighbors to people on the lake. ST requests that this be continued, ask owners to be present because we have some questions. MH asks ST to share the email complaints with the Commission. Motion to continue to 9/19/22 with owners present DB, second JB, so voted.

5. 115 Eldridge Street, DaSilva, COC, SE73-2505 -to close out Order of Conditions – No Work Done. Motion to issue Certificate of Compliance as no work done DB, second JB, so voted.

PUBLIC MEETING:

1. 212 Plain Street, Biayemi, RDA, DSE-1305 - install a 12' x 16' shed. Seibatu Biayemi, owner present. ST: What will you be storing in the shed? SB: mower, kids bikes DB asks MR: 50' away? MR: yes DB: any gas storage will be in the proper containers? SB: yes Motion to issue a Negative Determination with Special Conditions 1,3, 4, & 18 DB, second JB, so voted.

2. 7 Mechanic Street, Levin, RDA, DSE-1306 -replacement of existing septic system. David Oberlander, BDO Engineering present. DO: keeping it out of the 50' old system was within 50'. Motion to issue a Negative Determination with Special Conditions 1-4, 7, 8, 14, 18, & 19 DB, second JB, so voted.

3. 438 Tremont Street, Dunn, RDA, DSE-1307-septic system repair with associated grading. Matthew Holtz, SFG Associates present. MHO: keeping it out of the 50' & 25'. ST: How close to the pool? MHO: 20' MHO: existing tank stays ST: How many gallons? MHO: 2500 Motion to issue a Negative Determination with Special Conditions 1-4, 7, 8, 14, 18, & 19 DB, second MH, so voted.

MH requests the Commission take a moment to speak to Maria Lopes, 25 Edgewater Lane who just arrived to the meeting. ST: I have received several emails that have stated your family's disrespect of the lake. ML: No that is not true! Are they trying to get us to move? ST: No, we are not saying you are guilty. We will address the issues at the next meeting. Just want you to respect the lake and your lake neighbors.

4. 585 Burt Street, Hurley, RDA, DSE-1308-replace existing septic system & existing in ground pool to remain. Nyles Zager, Zenith Consulting Engineers present. Clients have decided to keep the pool. Motion to issue a Negative Determination with Special Conditions 1-4, 14, 17-19 JB, second DB, so voted.

5. 32G Davis Street, Himes, RDA, DSE-1309 -above ground pool. Joel Himes, owner present. DB: you will just be covering the pool and not draining? JH: yes that is correct. ST: what type of filter will you be using? JH: Carbon ST: This is an

after the fact filing no Special Conditions apply. Motion to issue a Negative Determination DB, second JB, so voted.

CONTINUED PUBLIC HEARING:

1. Winthrop Street (Assessor's 103-28), D.I. Trust II, NOI, SE73-2921-for one infiltration basin in association with a proposed 135 SFH lot subdivision on parcels in Dighton. Joshua Glass, DI Trust present. JG responded to questions from the last hearing and concerns that BETA Group had raised. Test pits were done last week and not expected to change the design. Plans need to be revised so would like to request a 3 month extension so as to not clog up the Conservation agenda. Motion to continue to 11/14/22 and if no progress by then request an additional continuance DB, second JB, so voted. Public Input: Nancy Goulart, Dighton Storm Water Committee. They have not set a date yet with the Storm Water Committee.

PUBLIC HEARING:

1. Lot 2 (Assessor's 37-47) Willis Pond Subdivision Road, Aspen Property Investments, LLC, NOI, SE73-3003 -construction of roadway for a proposed 14 lot Inclusionary Cluster Subdivision. Tracy Duarte, MBL & Chris Moniz, Aspen Properties, present. TD did a presentation of the project. JB: how close to the wetlands? TD: majority is outside. DB: within 25' on the roadway? TD: 2 points about 13' DB: Road is only impact? TD: yes Motion to open Public Input JB, second DB, so voted. Charles Fitzsimmons 59 Powderhorn Drive concerned about future development on the open space? TD: no CF: Is well near filtration system to be abandoned? TD: There are two wells and both will be abandoned. CM: BOH has a process that has to be used. CF: Federal Land Bank has restrictions on some of the open space area. Will the Association be notified of cart paths or easements? CM: Attorney will consult on easements and open space. Home Owners will also be part of that. Motion to approve the Order of Conditions with Special Conditions 1-9, 11, 17-21, 24-29, 31, 35, 47, & 48 JB, second JR, DB votes No, ST votes Yes, motion carries 4-1.

2. Willis Pond Roadway Redevelopment, Aspen Property Investments, LLC, NOI, SE73-3002 -roadway improvements consisting of widening a portion of the road to 20' wide & looping the water main to Barry Drive. Tracy Duarte, MBL & Chris Moniz, Aspen Properties present. TD: this is for paving and to extend the water

line. DB: disturbance? TD: 6' with replacement. Public Input: Steve Orcutt 135 Malibu Drive. SO: Will construction start before the new road? CM: start with the water main, culvert depends on the construction schedule. SO: Concerned because the road is so narrow that two cars cannot pass. CM: Planning Board had a motion to have the City Engineer take a look at it. SO: near wetlands when widening the road? TD: 6' away CM: erosion control will be in place SO: will any disturbance be replaced? MR: yes it will be replaced SO: concerned if road is not widened before construction begins. Charles Fitzsimmons, 59 Powderhorn Drive. CF: concerned with the culvert. ST: Culvert will be replaced before any construction. Motion to approve Order of Conditions with Special Conditions 1-9, 19-21, 25-27, & 31 JB, second JR, DB votes No, ST votes Yes, motion carries 4-1.

3. 78 Dunbar Street, Melo, NOI, SE73-3004 -septic system repair Matthew Holtz, SFG Associates present. Motion to approve Order of Conditions with Special Conditions 1-5, 9, 19, 21, 25-27. DB, second MH, so voted.

4. Lot 6 Johnny Mac Way (Assessor's 38-11), Whitney/ASW Group, LLC, NOI, SE73-3005-construction of a residential duplex with driveways & utilities. Justin Whitney/ASW Group present. DB: on slabs? JW: foundation MR: garages only are on slabs. Motion to approve Order of Conditions with Special Conditions 1-9, 11, 17-21, 25-27, & 35 MH, second DB, so voted.

5. Lot 7 Johnny Mac Way (Assessor's 38-11), Whitney/ASW Group, LLC, NOI, SE73-3006 -construction of a residential duplex with driveways & utilities. Justin Whitney/ASW Group present. Motion to approve Order of Conditions with Special Conditions 1-9, 11, 17-21, 25-27, & 35 JB, second DB, so voted.

6. Lot 8 Johnny Mac Way (Assessor's 38-11), Whitney/ASW Group, LLC, NOI, SE73-3007-construction of a residential duplex with driveways & utilities. Justin Whitney/ASW Group present. DB: Is this further away from the wetlands? JW: yes Motion to approve Order of Conditions with Special Conditions 1-9, 11, 17-21, 25-27, &35 JB, second DB, so voted.

OTHER BUSINESS:

1. Discussion regarding email from Chris Coute on lot 15 Run Brook Circle:

DEP appealed the Commission's decision in regards to the compensatory storage. MR: DEP needs a letter from the Commission in order to withdraw their appeal (SE73-2951) CM: gave some background history. Motion to approve with revised

plan and MR will submit letter to DEP & rest of the Board. DB, second JB, so voted.

2. Discussion North Walker Street parcel: Email from Atty. Winters states parcel is not owned by the City. DB: We should not get involved in any private litigation. JB: why can't we use funds to survey? MR: it must be City owned. ST: Table this for now. DB: should not be using funds for a private matter.

3. Sabbatia Lake & Filing Fees Management: ST reads letter from Law Department stating allowed use of filing fees. \$25,000 a year beginning 7/1/22 for next five years from the Wetland filing fees. Motion to approve JB, second JR, so voted. MH: Voices concerns to make sure we have the funds to cover this. ST requests last three years of filing fees. DB: would like to know what expenses are paid out from the filing fee account. DB: would like to see the spreadsheet first before committing. MR will prepare this for 9/19/22 meeting.

4. Inspection Monitoring Procedure MR will prepare for 9/19/22 meeting.

Motion to adjourn 7:47 pm JB, second JR, so voted.