

Minutes of the Taunton Conservation Commission September 19, 2022

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

Motion to continue the minutes of August 15, 2022 until October 17, 2022. RE, second MH, so voted.

Moment of silence for Dale Glynn, Greg Glynn's wife who passed.

Girl Scout Troop 86107 Silver Award Project: A presentation was made by the Scouts in regards to their Flora & Fauna Identification project at the Gertrude Boyden Wildlife Refuge. Scouts, Arianna, BreyDann, Mary, Emilia, Felicity & Marisa each presented their slide in a power point presentation. They described the project from start to finish. In total 21 signs were installed. The Commission thanked them for all their hard work.

Motion to go into Executive Session DB, second RE, so voted. Roll call vote, all voted yes.

Motion to go out of Executive Session, DB, second MH, so voted. Roll call vote, all voted yes. Return to regular order of business. No votes taken in Executive Session.

Taunton Municipal Airport Discussion: Regarding filling and grading. Steven Rogers, Vice Chair of the Airport Commission present. MR: shows photos of disturbance. It is an isolated wetland, filling is not allowed & is under the jurisdiction of Conservation. This should have come before the Commission before doing the work. ST: MR will always take your calls and willing to work with you. SR: Asks MR to come & meet with him to figure out what they will do to proceed. RE: Will they need to do a filing? ST: Let's table this and have MR go to the site. Motion to continue until 10/17/22 MH, second RE, so voted.

CONTINUED CERTIFICATE OF COMPLIANCE:

1. 34 Railroad Ave., Malloch Group, COC, SE73-2798 -to close out Order of Conditions. Jose Rodrigues, home owner present & his Father. Father states that there was confusion with the mail and letters not received. MR: Certified letter

never picked up. MR: Also, we met in August and it was explained that you needed to do an Amendment for a shed and clearing. MR recommends that they do the Amendment, once the shed is built and stable we can issue the COC. Motion to continue until 10/17/22 MH, second DB, so voted.

2. 25 Edgewater Lane, Lopes, COC, SE73-2955 -to close out Order of Conditions. Daniel Lopes, homeowner present. ST has received 3 or 4 complaints of not being good neighbors to people on the lake. Those that complained did not wish to sign a letter of complaint and wished to remain anonymous. MH will not entertain anonymous tips. Motion to issue the Certificate of Compliance MH, second JR, so voted.

CERTIFICATE OF COMPLIANCE:

1. 67 Shore Drive, Conena & Hagan, COC, SE73-2610 -to close out Order of Conditions. Evan Watson, W Engineering, present. EW: The work was done and the client forgot to do the COC that came up in a title search. DB: Did you go closer to the wetland with the additional work that was done? EW: No. Motion to approve the Certificate of Compliance DB, second MH, so voted.

2. 183 Run Brook Circle (Lot 18), Run Brook Development, LLC, COC, SE73-2936 - to close out Order of Conditions. Chris Moniz, Run Brook Development, present. Motion to approve the Certificate of Compliance DB, second RE, so voted.

3. 145 Run Brook Circle (Lot 22), Run Brook Development, LLC, COC, SE73-2867 -to close out Order of Conditions. Chris Moniz, Run Brook Development, present. Motion to approve the Certificate of Compliance DB, second RE so voted.

Motion to go out of order RE, second MH, so voted.

AMENDMENT:

1. 194 Run Brook Circle, Run Brook Development, LLC, AMEND OOC, SE73-2951 -amendment requested by DEP in regards to compensatory storage as in accordance with the standards of 310 CMR 10.57(4)(a)1. Chris Moniz, Run Brook Development, & Stevie Carvalho, Farland Corp. present. DB: Is DEP ok with this? CM: yes MR: Yes, once filed DEP will withdraw their appeal.

Motion to return to order - all voted yes.

PUBLIC MEETING:

1. 181 Devon Street, Riendeau, RDA, DSE-1310 -septic system repair with associated grading. Brad Fitzgerald, SFG Associates, present. Motion to issue a Negative Determination with Special Conditions 1-4, 7, 8, 14, 18, & 19 DB, second MH so voted.

2. 105 Richmond Street, Tavares, RDA, DSE-1311 -18' round above ground pool with attached decking. Edward Tavares, homeowner, present. Motion to issue a Negative Determination with Special Conditions 1-4, 18, & 23 DB, second MH so voted.

CONTINUED PUBLIC HEARING:

1. 147 Winthrop Street, McClean, NOI, SE 73-2912-Removal of concrete patio, rebuild porch, parking. Gary McClean, homeowner & Atty. Benjamin Dowling present. BD: Thought the City was going to purchase the property by eminent domain but they have changed their minds. Letter from Attorney Gay is made part of the record. BD: There is no intention to make this a 3 family now and the illegal pumping issue has been resolved. MR: where is it pumping to now? GM: pumping out into the yard. MR: Should not be pumping to the brook or other properties. ST: DPW needs to inspect that it is plumbed properly. MR: Will make appointment with Tony Abreau/DPW in regards to the pumping. DB: What about the third floor? What are you are doing with that floor? BD: Went to the ZBA and wasn't successful for a three family. DB: It was a two family, now the third floor will also be utilized as part of the 2nd floor apartment? DB: What guarantee does the board have that you don't make it a three family? GM: The kitchen was removed on the third floor and will not be putting it back in. ST: We want you to succeed Mr. McClean. This property has been on our plate for 17 years. We are hoping that you become a great neighbor. How many bedrooms for the second floor apartment? GM: Six bedrooms. ST: How will you ever park that many cars? The lot cannot hold that many cars. The porch also looks like it needs to come down. LF: How many electric meters? GM: There are two now. DB: How will the tenants have company? There isn't enough room for even the people that will live there to park. MH: This is definitely a problem property but we need to look at what is before us and limit our discussion to the wetlands. Parking and bedrooms

are not our jurisdiction. ST: Would like to see a chain link or aluminum fence in the back instead of a post and rail fence. BD: Ok with that. Motion to accept Attorney Gay's letter as part of the record DB, second RE so voted.

Public Input: Juanita Gallagher, 145 Winthrop Street – We have ponds in our yards. We can't even mow. 26 years you haven't worked with us. Had a meeting with Atty. David Gay and 4 former conservation agents signed an affidavit that states this is a problem property. Took 4 years to get the fence down for mosquito control. Everything is sinking. Had to remove vehicles from her yard because they were sinking. Spoke with Atty. David Gay on 9/12/22 to reach out again and have the City make another offer to take this property. You're worried about the house and we (the neighbors) are worried about living. Maybe the neighbors will have to file suit. This house needs to come down. You never even collected any fines. ST: The court said no to fines. I can't tell them to knock the house down. DB: Who attended the meeting with Atty. Gay? JG: Former Councilor Debbie Carr. We don't want to live like this. We don't want to move from our homes. We can't even sell them. We're stuck. Everything wrong with our houses is due to 147 Winthrop Street. LF: We are here for three things, if you want to appeal or sue so be it. We should take a vote on this. You should explore other avenues. Motion to approve Order of Conditions with Special Conditions 1-5, 9, 10, 14, 16, 17, 19, 21, 25-27, 31, 36, 38, 41, 47, & 48 pending MR & DPW visit to site (to make sure no water is being pumped into the toilet) LF, second RE so voted. DB votes No. MH: Admires that you continue to fight. We can only assess what's before us. Doesn't feel that we have a reason to deny the project.

PUBLIC HEARING:

1. 0 West Water Street (Walker Park Renovations), COT/William Roth (OECD), NOI, SE73-3011 -redevelopment & new development of Walker Park to include removal of existing band stand, installation of new sidewalks, seating areas, gazebo structure & new irrigation system throughout the park. Bill Roth, COT/OECD & Mike Carter, GCG Associates, present. MC gave overview of the project. DB: What's under the gazebo? MC: concrete slab. Motion to approve the Order of Conditions with Special Conditions 1-5, 7, 19, 21, 25-27, & 31 DB, second MH so voted.

2. 0 West Water Street (Municipal Parking Lot), COT/William Roth (OECD), NOI, SE73-3010 -redevelopment of the West Water Street Municipal Parking Lot and installation of bus stop. Bill Roth, COT/OECD & Mike Carter, GCG Associates, present. BR did a presentation of the project. DB: will the charging stations be free to everyone to charge their cars? BR: yes for now but will be charging for the service in the future. Motion to approve the Order of Conditions with Special Conditions 1-7, 21, 25-27, & 29 JR, second DB so voted.

3. 115B Summer Street, Cabral, NOI, SE73-3009 -construct a sewer main & sewer service, along with abandonment of the existing cesspool. Brad Fitzgerald, SFG Associates present. Motion to approve Order of Conditions with Special Conditions 1-5, 17, 19, 21, & 25-27 DB, second MH so voted.

4. 120 Christine Lane, Barchard, NOI, SE73-3008-construction of a 32'x16' in-ground pool. Matthew Marro, Marro Environmental Consulting & Marcelo Ferreira, MF Design Group present. MF: Install a salt water in-ground pool. DB: how do you maintain? MF: the water will stay in, it's never drained so easier to maintain. If drain is needed will be by truck only. (This to be added as Special Condition #47) Motion to approve Order of Conditions with Special Conditions 1-5, 17, 19, 21, 25-27, & 47 DB, second MH so voted. Public Input: Steve Krockta, 108 Christine Lane has concerns about the backwash MM: no backwash SK: doesn't want any vehicles driving on his property during construction & doesn't want any excavated materials stock piled. MF: Excavated material will go on a truck and be removed from the site.

VIOLATION:

1. 391 Winthrop Street – paving gravel areas that were to remain pervious, any plan changes required a filing. Michael Strojny, owner, 83 Partridge Street, present. MS: The State removed the plantings on the left & the stripping of the lot has not been done. ST: Riverfront area is gravel still. Motion made to remove violation LF, second RE so voted.

2. 1330 Glebe Street – failure to file Notice of Intent for tree clearing in a wetland, constructing a garage within 100 feet of a wetland without a Notice of Intent or Building Permit. Jason Astin, owner & Laurie Blanchard, fiancé, 1330 Glebe Street, present. JA: Had a lot of storm damage so took the trees down and decided to landscape the area and make the driveway wider. Wasn't aware he

needed to come before Conservation and he did not get a building permit for the garage. ST: you need to come to the Conservation Commission when you do things because of the wetlands. MR: you want to protect your property, but if you fill in the wetlands it can affect yours and others properties. JA: I had the land surveyed. MR: you will need to make sure everything is ok for zoning purposes also. ST: Motion to remove the violation, do filing with Conservation Commission and continue until 11/14/22. All in favor, so voted.

3. 579 Whittenton Street – dumping loam within 100 feet of a wetland Mike

Giroux, Owner, present. MG: The loam was from a site he just sold and the guy just dumped it. Figured he was already in violation so he might as well just do it. MR: he also has a container in the wetlands with no filing & no accessory structure permit plus a gazebo with no building permit. MG: the container is temporary it gets moved in and out. ST: How many time a year do you move it? MG: maybe twice ST: MR told you no work was to be done and you were doing work on Saturday with a backhoe. I came by and saw you working. You know the rules – you complained about others so you know. You were disrespectful to MR by doing work after she asked you to stop. You need to file a building permit for the gazebo, a Conservation filing for the container and an accessory structure application if approved or you can choose to remove the container. MG: I wasn't trying to be disrespectful. MR: I also hand delivered a letter saying to stop the work. MG: I didn't read it. MH: You need to do the filing and apply for the permits needed. MG: I will go to the office and pick up whatever I need. Motion to continue to 10/17/22 hearing MH, second DB so voted.

OTHER BUSINESS:

1. Lake Sabbatia & filing fees management – Letter from the Mayor stating that the Finance Team will fund the initial project with ARPA funds. City of Taunton Wetlands Funds will not be necessary at this time. Motion to remove motion of filings fees being used for the Lake project DB, MH second so voted.

2. Inspection Monitoring – MR has been working with MH on adding additional tasks/categories for monitoring such as the Bent Awards, etc. DB: MR is a great Agent. MH: Thanks for putting this together.

3. DEP Training – DEP has reached out to see if the Commission has any interest in training sessions. Discussion included that yes training would be good, hold it

the same night as the meeting maybe a half hour in advance of the meeting. ST:
yes we are interested and we should maybe put a list together of topics we are
interested in.

4. Public Input – Motion made to limit public input to five minutes per person LF,
second MH so voted.

**Motion to adjourn once all paperwork has been signed 9:15 pm DB, second MH,
so voted.**