Minutes of the Taunton Conservation Commission April 13, 2020

Present: ST, DB, LF, JR, MI, RE (MH signed on shortly after meeting had begun)

Motion to table the minutes from March until the next meeting, DB, second, LF, so voted. Roll Call vote- all voted yes.

Continued Violation:
1. 208, 218, 228 Berkley Street. This will be continued until the meeting on May 18, 2020.

Continued Public Meeting:
1. Route 44 (Roadway), MA DOT Highway Div, Dist 5, (RDA), DSE-1219 See field report. Andrea Coates present District Environmental Engineer for MASS DOT. There is one waterway located in front of La Familia Restaurant. Motion to issue a negative determination with special conditions 1, 2, 3, 4, 5, 6, 7, 14, 18, and 19, DB, second RE, so voted. Roll call vote taken- all 5 voted yes (MH not on zoom meeting yet).

2. 600 County Street, Lamontagne, (RDA), DSE-1220 See field report. Julie Goodwin present from Prime Engineering, she is a wetlands scientist. Goodwin explained the clubhouse is in the cross-hatch area, the dashed line represents the erosion control and everything to the right of that is wetlands. ST so building is coming down, any future plans for this site? If they were to do anything else they will be back before Planning Board. DB will all of this be removed immediately from the site? Yes. Motion to issue a negative determination with special conditions 1, 2, 3, 4, 7, 8, 14, 18, and 19, DB, second LF, so voted. Roll Call vote taken- all 5 voted yes (MH not on zoom meeting yet).

3. 38 Lakeview Place, Potter, (RDA), DSE-1221 See field report. George Potter present, homeowner. DB how far is this from the edge of the water? 35 feet. Motion to issue a negative determination with special conditions 1, 2, 3, 4, 14, 18, and 19, DB, second MI, so voted. Roll Call vote taken- all 5 voted yes (MH not on zoom meeting yet).

(MH on Zoom meeting)

Continued Public Hearing:
1. 44 Dean Street, Ahmed, (ANRAD), SE73-2845 See field report. Nick Dufresne present for the applicant. ST asked about the two buildings in the rear, any future plans for those? Not any plans at this time. DB are they removing the building? Not sure just the wetland line right now. Motion to approve, JR, second LF, so voted. Roll Call vote taken- all 6 voted yes.

2. Whittenton Street (31-354), Bairos/ALE Realty Trust, (NOI), SE73-2840 See field report. John DeSousa present for the applicant. Limit of work is approximately 139 feet from the Top of Bank. DeSousa talked about all of the work being done in between the
1. 100 foot and 200 foot Inner Riparian Zones. Motion to approve with special conditions 1, 2, 3, 4, 5, 9, 16, 17, 19, 21, 25, 26, 27, LF, second JR, so voted. Roll Call vote taken- all 6 voted yes.

3. **38 Railroad Ave., Hebert, (NOI), SE73-2837** See field report. Present Nyles Zager for the applicant. This is just a garage for storage only. No utilities will be run to it. ST said he sees a shed on the plan, how long has that been there? Zager said as long as owner has been there. ST building permit for it? MR said she didn’t even check, it is so old she felt it was a non issue. DB asked if any snow would be pushed out towards the back? No, right now there is a driveway there and this garage will be put where the driveway is. Motion to approve with special conditions 1, 2, 3, 4, 5, 19, 21, 25, 26, and 27, DB, second MI, so voted. Roll Call vote taken- all 6 voted yes.

4. **9 Cape Road, Tree Market Taunton, LLC, (NOI), SE73-2842** See field report. Attorney Brennan and Jeff Tallman from SITEC. This is to resurface the parking lot which extends from rear of the building to the guardrail. They will resurface 3,485 square feet of it, keep a small portion of gravel for employee parking and the rest will be eliminated and loamed and seeded with a conservation mix and a small water treatment area. ST limit of work to the river? The guardrail, it is 8 feet from the Top of Bank, they will have a combination of silt sock and silt fence for erosion control. DB snow storage/removal? There is a turn around in the back where they can put it and a couple of spots in the employee parking area. DB will they use chemicals or salt? No. ST please put snow storage on the plan? Tallman said yes they will add it. ST asked how many employees are on at one time? Normally just a manager and two out on the front desk. DB asked that no salt or chemicals be added to the special conditions. ST agreed it should be added. Motion to approve with special conditions 1, 2, 3, 4, 5, 6, 17, 19, 21, 25, 26, 27, 28-snow removal/storage to be put on the plan, 29-no salt or chemicals to be used on the back area of the property, DB, second RE, so voted. Roll Call vote taken- all 6 voted yes.

5. **14 First Ave., Moniz/Aspen Property Dev., LLC, (NOI), SE73-2836** See field report. Present Josh Borden and Chris Moniz. ST asked what the compensatory storage was? 1:1. ST spoke with abutters, the Sabina’s, they had some concerns. He asked Moniz if he had reached out to them? Moniz said he had. They had some concerns with the property line, privacy, etc. They reached an agreement to put up a 6 foot stockade fence along the property line. ST was happy to hear this but did say they were also concerned that the fence would be too high near the road and obstruct their driveway. Moniz said they cannot have a high fence obstructing the view so it will decrease in height when it reaches that point. An abutter call came in from Nadene Martin 15 Second Ave. She called in because she has concerns with water ending up on her property. She said they are raising their property and the water will run onto her land. Josh Borden said there is no real change to the grading. He said the compensatory storage will catch the water and sheet it back to the wetlands. Chris Moniz said there should be no runoff onto any other property. ST asked how deep the compensatory storage is? 6 inches. ST then explained to Ms. Martin that what will happen is the compensatory storage will catch the water, and send it back to the wetlands and not
onto her property. It will not necessarily make it better but they cannot make it any worse. The calculations do not show it going onto her property. Josh said he has gone over the calculations and does not see an increase onto her property at all. It will all flow left to right, as it always has. They even took a look at the floodplain line, showing where the ACOE 100 year storm mark would be and they are fine. ST asked Josh if there was anywhere else this could go? Josh said not really. Moniz said they could do a larger berm. ST asked if that sounded good to Ms. Martin and she said yes. ST then checked with MR on her thoughts. Did she think this is the best place for flood storage? Is it safe to say with this placement water should not go onto the Martin property? MR said as it is shown it should not send any water onto her property, it is following the contours. This will not stop her flooding, they cannot make it any worse or totally better. Moniz said he will go over and speak with Ms. Martin personally. Ms. Martin said she just wanted to voice her concerns and let the TCC know she is opposed to this project. Motion to approve with special conditions 1, 2, 3, 4, 5, 8, 9, 16, 17, 19, 21, 24, 25, 26, 27, 28-submit a copy of the alternative analysis to Conservation, LF; second MI, so voted. Roll Call vote taken- 5 yes, DB no, motion carries.

6. **1069 Somerset Ave., Malloch Group, Inc., (NOI), SE73-2838** See field report. Nyles Zager present for the applicant. This is for a 24 X 36 colonial, wetlands are north of the property. There will be a deck, 16 X 16 on the easterly side, utilities, a driveway, and the yard will be loamed and seeded. DB asked how close to the wetlands will this be? Zager said at its closest point the house will be about 50 feet away. DB asked if there was anything proposed for out back near the wetlands? There is nothing proposed and if they ever wanted to they would have to come before TCC. DB is concerned with the future homeowner wanting to put in a shed, pool, garage, etc. DB asked if we can put in the special conditions that no shed, garage, pool or other structure be allowed. Motion to add into the special conditions that no further structures can be put up behind the house such as a pool, shed, garage, DB, second MI, so voted. Motion to approve with special conditions 1, 2, 3, 4, 5, 8, 9, 16, 17, 19, 21, 24, 25, 26, 27, 28-no additional structures behind house in perpetuity, LF, second JR, so voted. Roll Call vote taken- all 6 voted yes.

7. **36 Allison Ave., Burek/Burek, LLC, (NOI), SE73-2843** See field report. Present Josh Borden. This is for a 50 X 50 addition. It is almost 90 feet from the wetland, the new pavement will be 35 feet from the wetland. ST asked if there would be a replication area? No. ST a berm there? Yes. DB asked where snow storage/removal would be? Josh Borden said it would be towards the Mozzone Blvd. end, away from the wetlands. DB asked if there would be salt or chemicals used near the wetlands? Borden said no. Motion to approve with special conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 19, 20, 21, 25, 26, 27, 28-clear trees and wooded vegetation from the basin, DB, second RE, so voted. Roll Call vote taken- all 6 voted yes.

8. **101 Prince Henry Drive, Tutsch, (NOI), SE73-2846** See field report. Attorney John Zajac present for the applicant. ST residents across the tracks, will they be impacted by more trucks? Will it just be commercial or regular traffic too? Attorney Zajac said there will be more trucks but yes commercial. ST asked if a buffer would be put in to help with
the sound? Attorney Zajac said the buffer will not change from what is currently there now. Motion to approve with special conditions 1, 2, 3, 4, 5, 6, 7, 19, 21, 25, 26, 27, LF, second MI, so voted. Roll Call vote taken- all 6 voted yes.

9. North Walker Street, Aspen Property Holdings, LLC, (NOI), SE73-2844 See field report. Present Chris Moniz from Aspen Properties and Jeff Tallman from SITEC. This is for a 28 unit mixed use condo, 23 residential and 5 commercial. MI had a question regarding the turtle fence, she wanted to know if there was a consultant on this and if they can hear what they reported first? Jeff Tallman said that the turtle fence is actually outside of the TCC jurisdiction and is required by Fish and Wildlife, like part of a permitting process. DB asked about snow removal/storage? Jeff explained where they had available space for that. DB asked if chemicals would be used to treat during snow storms? Jeff does not believe so. DB stated the turtles are a concern to her as well as keeping people out of the conservation area. Jeff said the Turtle Protection Plan is only in place during construction. From what he has been told, after construction is over the turtles will not want to be in any developed areas, they will avoid them. As far as the conservation area and the TCC concerns with that, the grade is such that it would deter people from entering in there. Motion to approve with special conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, 19, 20, 21, 24, 25, 26, 27, 28- Turtle Protection Plan per NHESP, RE, second JR, so voted. Roll Call vote taken- NO-DB and MI, YES-MH, JR, RE, LF, motion carries.

10. Bassett Street (24-64 & 30-71), Bassett Street Development, SE73-2841 See field report. Present for this project Matthew Falconeiri, Bob Rego, Brad Holmes, and Attorney William Rounds. This is a 110 unit manufactured home park. DB asked about how much of the wetlands would be destroyed to get out to Bay Street? They are filling 2,764 square feet, 2 vertical retaining walls, 24 inch box culvert from one side to the other for the wildlife to cross. DB will it still come out onto Bassett Street, as well? Yes. DB will this be private roads? Yes and it will always remain that way, 100% private. DB asked about snow storage/removal? It will be plowed like a regular roadway, through road in wetlands area and pushed past it and out along the roadway, away from the wetlands. DB will they use any chemicals or salt on the roadways? They can put in no salt areas. DB has concerns with all of this. ST there is a lot of roadway through the wetlands, he would suggest a peer review of this project. Motion to have a peer review due to the concerns with the wetlands, TCC would like to have MR request 3 bids and go with the lowest priced but one who will do a full and complete review, DB, second JR, so voted. Roll Call vote taken- All 6 voted yes. The only request by the applicant was that they have some say in who is chosen for the peer review to avoid any conflicts they may have with whoever is chosen. Abutters called in regarding this project. Mr. Koteck was confused with how the entrances will be used. He was under the impression one was for emergency use only and the other would be the main entrance. Now tonight it sounds totally different than what was said at Planning. He was also told there would be a deeded restriction for Partridge Circle and Paula Drive, so they could never put an access on either of those streets. ST said he felt the same, there were too many inconsistencies and he feels a peer review will clear all of this up. Debbie Carr called in.
She is an abutter and is in favor of this project. She said people are excited for it, some have been waiting a while for a place like this to open up. She said this will be totally private and that includes all of the services, like trash, putting no extra burden on the city. She said she thinks the confusion with the entrances is that at Planning there was no final recommendations made yet so nothing has been set in stone. ST would also like to see a motion that before they meet next, TCC has any and all paperwork pertaining to this project, from other boards they have gone before in the city. Motion that all paperwork from planning, zoning, and any other board they have been before be brought or sent to the Conservation Commission for the next meeting, DB, second JR, so voted. Roll Call vote taken- all 6 voted yes. Motion to continue to June 22, 2020, DB, second RE, so voted. Roll Call vote taken- all 6 voted yes.

11. **409 Somerset Ave., Binda, (NOI), SE73-2796** See field report. Present Tracy Duarte, Brian Dunn, Attorney William Rounds, and property owner, Michael Binda. Dunn stated that Mr. Binda held an abutter’s meeting and was able to have discussions and listen to their concerns. Binda said he held the meeting on 3/14/20, sent out invitations to all abutters. Everyone attended except two abutters, he showed them the plan and they had a chance to voice their concerns and opinions. Binda said the same two concerns came up, parking and traffic. He did answer every question he could, the meeting lasted about an hour. ST asked about snow issues? There is a recreational area and an area to the left of the 13 spots on the left, where they could store it. ST asked about the grading issue, they went over it. ST said it isn’t the greatest but it is better. ST mentioned the retaining wall and that has been addressed, and the last concern was who will oversee the replication area? Dunn said they do have someone and he will get the information to MR right away. LF said his concern with this whole project was the abutters and their issues. Mr. Binda did a good job on his end, nobody called and so lets move forward. Motion to approve with special conditions 1, 2, 3, 4, 5, 7, 8, 9, 14, 17, 19, 21, 24, 25, 26, 27, 28- name of person who will be overseeing the replication area is to be sent to MR, JR, second LF, so voted. Roll Call vote taken- All 6 said yes.

**Public Hearing:**

1. **446 Winthrop Street, St. Germain/MAJK Realty Trust, (NOI), SE73-2847** See field report. John DeSousa present for the applicant. Abutter call in, Judy DeAbreau from Arbor Lane called in with concerns. This is the lot behind Loftus Auto and she has concerns that the proposed building will affect the ecosystem out there. There is a vernal pool there she stated, as long as the owner, Mr. St. Germain, hasn’t filled it in. Ms. DeAbreau wants to know why they cannot send all of this water into the drainage on 44, all of this water will affect her property. ST asked John DeSousa where the water will go? John said it will infiltrate right into the ground on the property itself. ST asked if there was a vernal pool out on the property? DeSousa has not seen any. ST asked MR and she didn’t see one either. If there is one out there it would have to be more than 100 feet from the proposed building. Ms. DeAbreau said it is all wetlands but since he raised the level, there is a whole new river out there now, they didn’t have it before. ST
asked DeSousa if he had any comments on this? DeSousa said the lot is 17,000 square feet and it doesn’t produce a ton of stormwater. Their stormwater is all contained on the property with extra capacity besides. ST asked where does the roof runoff go? It goes into their infiltration system. Ms. DeAbreau asked why they can’t send the water to the street and into the drainage there? They cannot use the drainage in the street because it is MASS Highway and they will not allow anyone to tie in. She asked about sewer and water? They will tie into that, but that is city. Motion to approve with special conditions 1, 2, 3, 4, 5, 6, 7, 16, 17, 19, 20, 21, 23, 25, 26, and 27, LF, second RE, so voted. Roll Call vote taken- all 6 said yes.

2. **16B Mechanic Street, DeAngelis, (NOI), SE73-2848** See field report. Present homeowner Peter DeAngelis present. This is for a 16 X 24 deck, 165 feet from the wetlands, 180 feet from the stream. Motion to approve with special conditions 1, 2, 5, 21, 25, 26 and 27, DB, second RE, so voted. Roll Call vote taken- all 6 vote yes.

3. **Fisher Street (75-22), (NOI), SE73-2849** See field report. Present John DeSousa for the applicant. MR said the NHESP letter is needed for this. DeSousa said he has contacted them and hasn’t heard back yet. ST looked at the lots all around this and it seems the average is 60-75,000 square feet. This is a concern to him. Motion to continue this to May 18, 2020, DB, second JR, so voted. Roll Call vote taken- all 6 vote yes.

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

Meeting ended at 10:10 pm.