Minutes of the Taunton Conservation Commission May 18, 2020

Present: ST, DB, MI, RE, LF, and JR. MH was absent.

Motion to approve the minutes of March, JR, second ST, so voted. DB voted present.
Motion to approve the minutes of April, DB, second LF, so voted.

Continued Violation:

1. **208, 218, & 228 Berkley Street.** Present Bob Pirozzi Building Dept., Mike Patenaude City Engineer, Jeff Tardanico owner, Lisa Dasilva abutter, and Brian & Alexandra Estrella abutters. ST stated the roadway has been taken care of, they corrected the drainage issue and fixed the sidewalk. The wetlands were fixed on the Estrella's property as requested. ST spoke with Attorney Mark Gould from the Law Dept. and he recommended removing the violation regarding the wetlands because it was corrected. ST said the roadway was also taken care of, the water flows to the correct drain. On 3/9/20, Mike Patenaude said the Earth Removal Board met. They discussed the fact that lots of materials have been removed from the site behind these addresses, the hill out back. There were no permits for this removal. The board asked the property owners (Tardanico and Fisher) to come up with a remediation plan and asked that it be submitted to the Earth Removal Board by 4/18/20. Nothing was ever submitted so this has been sent to legal. Bob Pirozzi stated he had also sent a letter to Jeff Tardanico on 3/9/20 letting him know about the violation, that this needed to be fixed, and that he could not remove any more fill. ST asked Jeff about this. He said there was an original permit on this property prior to the foreclosure. It was dismissed because it was under a different owner. ST recommended Tardanico get in contact with Attorney Gould at the City of Taunton Law Department to work this out. ST recommends that the TCC remove the violation and the next step would be for Mr. Tardanico to go through the Earth Removal Board. Attorney Gould recommended the violation be removed because Tardanico has met with all of the TCC’s requests. ST told Tardanico to call MR on Tuesday, 5/19/20 for clarification. Abutter Lisa DaSilva asked how the earth removal issues will ever get cleared up if the TCC removes the violation? ST stated this would only be to remove the violation from the TCC regarding the wetlands. This does not dismiss the issues with the earth removal, that would still need to be corrected and permits would need to be properly in place. This would just now refer Tardanico to the Earth Removal Board. Ms. DaSilva said the road is actually not fixed. It is sinking. ST stated he was out there with DPW-Tony Abreu, MR, himself, and Hyde Paving when the correction was being done on the curb and roadway. It was all working fine. Ms. DaSilva said the drain is working but the road is sinking in and there are still some issues. ST said the TCC needs to refer the road issues to the DPW. Motion to remove the violation, refer applicant to the Earth Removal Board to handle their issue and refer road issue to the DPW, JR, second RE. Abutter Alexandra and Brian Estrella wanted to speak regarding their issues on Berkley Street. Alexandra said their land has not been fixed. ST said TCC wanted to go closer to their house and her husband did not want
them to. They did exactly what the Estrella’s asked of them, Jeff did what he was told but did say this would all end up going back to where it was. Brian Estrella said they put rip rap in and all the sand has washed away. ST said to be honest the Estrella’s land was 12-15 feet longer than their original plan for the house showed. The Estrella’s say they bought the house and land that way, with more land than showed on plan. Estrella says this was just a bandaid and it was done before the sidewalk was corrected so it had already washed away before the road corrections. It is ruined again and the TCC just wants to walk away from the problem. They made the slope at a sharper drop and it is all washed away now. ST stated the slope was made further than it should have been and that makes it harder for the water to get to the wetlands. Brian Estrella said everything they put in, the whole 8 feet, is now gone. He just wants this fixed once and for all. ST said when he was out there, as they finished the road, their yard was fine. Tony Abreau had them make the sidewalk curbing higher in that spot to keep water off of their property and their yard was intact and fine. Lisa DaSilva said they all keep saying the road is fixed but only a small part of it was fixed. ST said the road has been fixed as far as where the conservation issue was. The other road issues are new, they need to be the ones to deal with that by contacting the DPW. Lisa DaSilva asked how do they ensure that this will be followed up on? Now with the conservation violation removed, how can they (abutters) make sure this doesn’t just get dropped? She said there is water that flows under the street that is causing the sinking and other issues. ST told her if there is water running under the street and causing issues, that is a street department issue and they need to contact the DPW. The TCC will refer this to them so it will be on record. DB said these abutters have been dealing with this for so long, can the TCC put off removing the violation for one more month so we can go out there and check out the situation? JR what are the abutters looking for? Brian Estrella said it is all washing away again, they are not asking for more land they just want this fixed. They appreciate all the TCC has done for them but removing the violation now will result in nothing getting fixed. Motion to withdraw the previous motion, JR, second RE. RE asked if the Estrella’s could be made to move the fence that is out there right now, as it is on the additional land that was not on the plan? ST said not sure, maybe and they could lose some of their land too but he’s not sure. The slope is steep so that may happen. Motion to continue to June meeting, have TCC members go out for a site visit, DB, second MI, so voted. Roll Call vote-all yes. Brian Estrella asked that they notify him so he can be home. ST made sure MR has their number. ST asked if Mike Patenaude and Bob Pirozzi would come out too? They both agreed to go. ST asked Jeff Tardanico, and he agreed too.

Certificate of Compliance:
1. Route 140/Norton Ave., Marc-Aurele/Taunton Dev/Mass Dev, Corp., (COC), SE73-2750 See field report. Motion to issue COC, DB, second MI, so voted. Roll call vote taken- all vote yes (JR trying to log back into zoom)
2. **1099 Bay St., Anderson, (COC), SE73-2800** See field report. Motion to issue COC, DB, second RE, so voted. Roll Call Vote- all voted yes.

**Public Meeting:**

1. **Crowley Lane Lot #1 (34-140), Crowley, (RDA), DSE-1222** See field report. Brad Fitzgerald and Evan Crowley present. There will be some clearing and grading in the backyard, 75 feet from the edge of the wetland. They will have a conservation restriction area which will have signage. Motion to issue a negative determination with special conditions 1, 2, 3, 4, 7, 8, 14, 17, 18, 19, 20-a copy of the NHESP letter to be part of the permanent record and cross referenced on the deed, 21-the boundary markers or signs for the conservation restriction must be kept in place in perpetuity, and 22-no future disturbance can be done within the conservation restriction area, DB, second RE, so voted. Roll Call Vote taken- all voted yes.

2. **224 Plain Street, Taunton Land Co., LLC, (RDA), DSE-1223** See field report. Greg present. DB asked how close is this to the wetlands? 42 feet with the grading, septic 65 feet. Motion to approve with special conditions 1, 2, 3, 4, 6, 7, 8, 18, and 19, DB, second MI, so voted. Roll Call Vote taken- all voted yes.

3. **20 Squire Lane, Caffrey, (RDA), DSE-1224** See field report. Amanda Caffrey present. The TCC recommended she have an earth filter for the pool and warned her that when backwashing, do so away from the wetlands. DB asked applicant if she was planning to empty any water into the wetlands? She said no. ST told her if for any reason they ever have to drain the pool, do not do it towards the wetlands. Motion to issue a negative determination 1, 2, 3, 18, and 19, DB, second MI, so voted. Roll Call Vote taken- all voted yes.

**Continued Public Hearing:**

1. **Fisher Street (75-22), Rich, (NOI), SE73-2849** John DeSousa present for the applicant. Letter read into the record from abutter Patricia Wilbur 102 North Walker Street. She has concerns with the wetlands and this rural setting being ruined. Also a concern with water coming onto her property. John DeSousa said her property is higher and water will not be an issue. Abutter Margaret LaPierre 93 Fisher Street called in. She is surprised that they were allowed to put in 7 houses, other contractors in the past had a difficult time with the amount of houses allowed and issues with sewer. They were all told they needed to bring tie-ins to every house they passed. She is also concerned with water ending up on her property. Abutter Patty Cabral called in from 65 Fisher Street. She is sad to see this destroyed by all of this building. She is also worried about the septic systems. ST said all city sewage, no septic. John DeSousa also said they will be running the sewer from the roadway back to the bridge at the Three Mile River, tie in there on Fisher Street and run along the shoulder of the roadway, not under it. It will run about 800 feet. ST asked what about stubs to tie in for the abutters? Yes every house they cross in front of will have a stub put in and they could tie in. This means every
Continued Violations:

1. 110 Country Way. Present Brandon Phaneuf Ecosystem Solutions, Attorney Jim Marsh representing the owner, Fred Abraham, owner. Phaneuf spoke stating that the channel had been holding stagnant water and Mr. Abraham filled in a portion of it. He would like to correct the issue and has a few requests for the TCC. Mr. Abraham would like to

Amendment:

1. Westcoat Drive (110-124), Taunton Municipal Airport Commission, (AMEND), SE73-2799 See field report. Motion to approve the relocation of the sewer line, keep expiration date and conditions the same, JR, second DB, so voted. Roll call vote taken- all said yes.

Public Hearing:

1. 15-17 Winthrop Street, Bastis/NASAP Bastis, LLC, (NOI), SE73-2851 See field report. Present John DeSousa for the applicant and the applicant, Robert Bastis. ST said it looks beautiful over there. He thanked Mr. Bastis for helping so many people that need help, we appreciate it. LF looks great down there, thank you. Motion to approve with special conditions 1, 2, 3, 4, 5, 21, 26, and 27, LF, second JR, so voted. Roll call vote taken- all said yes.

2. 375 Tremont Street, Lynch, (NOI), SE73-2850 See field report. Present Brad Fitzgerald. Motion to approve with special conditions 1, 2, 3, 4, 5, 16, 17, 19, 21, 24, 25, 26, and 27, DB, second MI, so voted. Roll call taken- all voted yes

3. 0 Glebe Street, Brophy, (NOI), SE73-2852 See field report. Brad Fitzgerald present. DB asked how long ago was this lot purchased? Brad said about 15 years ago. Motion to approve with special conditions 1, 2, 3, 4, 5, 7, 8, 9, 17, 19, 21, 24, 25, 26, 27, LF, second MI, so voted. Roll call vote taken: all said yes.

4. 0 North Walker Street, Lima/AM & JJ Construction, (ANRAD), SE73-2853 See field report. Present Brad Fitzgerald and Antonio Lima, applicant. Motion to approve, DB, second LF, so voted. Roll Call taken- all voted yes.

Continued Violations:

1. 4. 3. 2.

house they pass on either side of the street. MI has a few concerns. She is concerned with the floodplain and how much water is near that bridge. She is worried about water running downhill and pooling. MI asked does the wetland absorb all of this? It is very wet there and the floodplain does include most of the wetlands. John said the City Engineer did approve it, they know they cannot put water on someone else’s property. He said he cannot touch the street at all, not sure this will make it better but it cannot make it worse. ST asked John to please speak with the abutters. Motion to approve with special conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 16, 17, 19, 20, 21, 24, 25, 26, 27 and 28-copy of Natural Heritage letter for the file, LF, second RE, so voted. Roll call taken- all voted yes.
plant some shrubs along the channel banks to stabilize the slopes and they wanted to put in a footbridge from their land to the island. Attorney Marsh said the work would take place in July and August, this is so they can work while the water levels are low. Mr. Abraham would like to hire someone but it is very expensive so they are going to do some of the work on their own. They will be in contact with MR. ST asked MR if she was ok with the TCC removing the violation and she said yes. She will monitor the work. Motion to remove the violation, JR, second LF, so voted. Roll call vote taken- all said yes.

2. **16 Park Street.** Scott Carter present, property owner. MR said this has all been resolved per Board of Health and MR’s inspection. There was trash and mattresses. Owner was notified and it was all cleaned up. ST asked Mr. Carter how often they go by the property. They live out of town so not very often, they do have a real estate agent checking on it sometimes. They are not sure how this happened. Motion to remove the violation, JR, second RE, so voted. Roll call taken- all said yes.

3. **238 Maple Leaf Drive.** MR met with Mr. Bryan this morning. There have been no other issues, he has removed what he put out there and has not added anymore. MR would like to see the violation removed. DB asked if he removed all of the stuff? MR said yes he has been bagging up and removing all of the debris. ST said he did take a look out there and it was looking much better. Motion to remove the violation, DB, second JR, so voted. Roll call vote taken- all voted yes.

4. **50 Partridge Circle.** Attorney Thomas is requested a continuance on behalf of his client, the property owner. He is requesting a second continuance to July. MR said there is a lot going on out here and this could be a long process. Motion to continue for two months, DB, second RE, so voted. Roll call vote taken- all voted yes.

5. **E. Whitehill & Brook Street (City Property)** MR did go out there today and did not see him cutting but he has added tires along the brook. There are atv tracks and a spot where it looks like an atv may have gotten stuck. An abutter did say they saw him cutting. ST said they may have to get him in on a zoom meeting for this. Motion to continue to 6/22/20, DB, second MI, so voted. Roll call vote taken- all voted yes.

**Other Business:**

1. Anyone who needs plans can go to MR or meet up somewhere to get them. Motion to have printed plans available, DB, second LF, so voted. Roll call vote- all voted yes.

2. MR will go around for signatures on anything that needs signing.

3. Agendas good to have on hand for meeting nights.

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

Meeting ended at 9pm.