

Minutes of the Taunton Conservation Commission January 23, 2023

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

Motion to approve the minutes of January 23, 2022 JB, second MH, so voted.

A Moment of Silence was held for Juanita Gallagher who passed away on January 17, 2023. Juanita was dedicated to protecting the wetlands and a lover of animals that will be missed by many. Chair Steven Turner spoke a few words and expressed condolences to her family on behalf of the Commission.

CERTIFICATE OF COMPLIANCE:

- 1. Cape Road (Assessor's 71-38), McGee Family Limited Partnership, COC, SE73-2096** -to close out Order of Conditions – Work not done. Motion to approve COC JB, second MH, so voted.
- 2. 595 Winthrop Street, Farrell Advantage Taunton, LLC, COC, SE73-2758** -to close out Order of Conditions. Motion to approve COC JB, second MH, so voted.
- 3. 20 Constitution Drive, Berman/MCP III 20 Constitution, LLC, COC, SE73-2918** -to close out Order of Conditions. Motion to approve COC JB, second MH, so voted.

PUBLIC MEETING:

- 1. 567 Tremont Street, Williams, RDA, DSE-1316**-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, & 18-20 JB, second MH, so voted.

AMENDMENT:

- 1. 147 Winthrop Street, McClean, AMEND OOC, SE73-2912**-repair or replace front porch. Gary McClean, owner present. ST: this is to replace the original deck? GM: yes, just forgot to put it on the OOC. ST: same size? GM: smaller than the

original. ST: Are you going to be living there? GM: yes ST: how long before you move in? GM: 2 months. Motion to approve the Amendment with Original Special Conditions 1-5, 9, 10, 14, 16, 17, 19, 21, 25-27, 31, 36, 38, 41, 47, & 48 JB, second RE, so voted.

CONTINUED PUBLIC HEARING:

1. 100 Revolutionary Drive, Atkins/NorthBridge Partners, NOI, SE73-3022

-development of a 234,260 sf building and two way access. Matthew Costa, Beals & Associates, Jeff Sullivan, Northbridge Partners, Todd Morey, Beals & Associates, Amy Ball, Horsley Witten, present. JS gave overall presentation of project & discussed Peer Review comments and updates. AB: we haven't finished our 2nd review, construction documents will be updated as needed. ST: still answers and things to be worked out. JB: would like to make a special condition (#48) that no snow storage is within 75' of the wetlands. ST: Using a mix? JS: mix of sand and salt. AB: Lighting & wildlife disturbance noise has been addressed. TM: Mostly just traffic going in and out. ST: trucks overnight? TM: yes it's a 24 hour operation with some flexibility. ST: closest neighbor? TM: 500-600 feet away. ST: distance from Cotley Brook? JS: will let you know. LF: Natural Heritage? JS: does not apply. AB: not addressed LF: any other boards? JS: yes Planning Board MR: yes the conditions need to apply. JS: just some small items, need to remove +/- from plans. LF: any neighbor concerns? JS: no.

Public Input: Kevin Kalunian 195 Erin Road: Thank you for all the info and honesty. We don't know what the communal impact will be but looks like it is all shoe horned into the wetlands. There's more wet area than shown. Thank you for acknowledging our letter. We are also concerned about the noise. You did address it and we are hoping it all goes well. Anything that can be added to buffer the sound would be appreciated. Francis McGuinness, 2 Roundtable Lane: How far is the distance to the school? JS: 500-600 feet. FM: have concerns that the employees might go over to the school. Is there a fence? JS: not sure, there might be an existing fence.

JB: do you think this will be all wrapped up by the February meeting? MC: not sure. Motion to approve the Order of Conditions with the following Special Conditions 1-9, 11, 17, 19-21, 24-27, 29, 34, 35, 40, 42, 47, and added conditions :

48 – no snow storage within 75' of wetlands, 49 – provide construction documents & additional test pits, 50 – determine if project is outside riverfront area of the Cotley Stream, and 51 – approval pending final report from Amy Ball, Horsley Witten. JB, second RE, so voted.

2. 1141 County Street, Henry/Alliance Residential Co., ANRAD, SE73-3019

-resource area delineation. Motion to continue until 2/13/23 hearing JB, second RE, so voted.

PUBLIC HEARING:

1. 207 Hart Street, Magalhaes/Bristol-Plymouth Regional Technical School, NOI, SE73-3031

-demo of current high school building & athletic fields, following the construction of the new high school building, additional parking, and relocate athletic fields. Steve Garvin, Samiotes, Tina Stanislaski, principal architect, Chad Crittenden, project manager present. SG & TS gave overview of the project. MR: will the access road on Hart Street line up with Poole Street? We have had a lot of concerns regarding this. TS: there are no plans to change the entrance/exit on Hart Street. ST: is the exit on County Street being moved? CC: it's with MassDOT & they are working on that. It was asked that SWPPP (Storm Water Pollution Prevention Plan) be added as a special condition #49. Motion to approve the Order of Conditions with Special Conditions 1-9, 11, 19-21, 25-27, 29, & 49 JB, second MH, so voted.

2. Myricks Street (Assessor's 138-11), Higgins/788 Boston Road, LLC, NOI, SE73-3026

-construction of nine self-storage buildings (84,775 SF) with associated parking & storm water mgmt. Kenny Motta, Field Engineering, present. JB: snow storage? KM: upper portion just outside the paved area. Second space would be access aisles & basin. Motion to approve Order of Conditions with Special Conditions 1-6, 8, 9, 11, 17, 19-21, 25-27, & 29 JB, second LF, so voted.

3. 198 Fremont Street (Lot B), Anslow, NOI, SE73-3027

-construction of a SFH with attached garage, driveway, utilities & associated grading. Duncan & Alicia Anslow, homeowners present. Motion to approve Order of Conditions with Special Conditions 1-6, 16, 17, 19, 21, 25-27 LF, second RE, so voted.

4. 100 Field Street, Abreau, NOI, SE73-3028

-construction of a 16' x 40' in-ground pool. Anthony Abreau, homeowner present. JB: Is this going in an existing lawned

area? AA: yes Motion to approve Order of Conditions with Special Conditions 1-5, 8, 9, 19, 21, 25-27 JB, second LF, so voted.

5. 2 Roundtable Lane, McGinness, NOI, SE73-3029-construction of a 20'x40' in-law addition to existing home. Francis McGinness, homeowner, Jason Youngquist, Outback Engineering present. Motion to approve the Order of Conditions with Special Conditions 1-5, 19, 21, 25-27 JB, second RE, so voted.

JB steps down

6. Norton Ave. Lot 2 (Assessor's 45-1 & 16), Moniz/MRH Development, LLC, NOI, SE73-3032-construction of a SFH. Arthur Borden, Arthur Borden & Associates present MR: DEP questioned the perennial stream to the left of the parcel – approximately 234 feet. ST: Make this part of the record.

Public Input: Robert Lucius, 325 Norton Ave.: passed out photos to the Commissioners. He is concerned for the wildlife in the area. MR: it's outside the 25' buffer & 200' from a stream. RL: It will be funny when it floods.

Motion to issue an Order of Conditions with Special Conditions 1-6, 8, 9, 17, 19, 21, & 25-27 MH, second RE, ST votes yes also, so voted.

7. Willis Pond Road Lot 1 (Norton Ave.) (Assessor's 45-1), Moniz/MRH Holdings, LLC, NOI, SE73-3030-construction of a SFH. Arthur Borden, Arthur Borden & Associates, present. Motion to approve Order of Conditions with Special Conditions 1-5, 8, 9, 17, 19, 21, 25-27 LF, second, RE, ST votes yes also, so voted.

JB steps back in

CONTINUED VIOLATION:

1. 6 West Summer Street Attorney Dan DeAbreu, Brennan, Recupero & Dr. Jacky Fils, owner present. The property is a legal four family attached to City Sewer. Before and after photos shown. JB: deck removed and replaced with landing on plans DD: yes JB: walkways not shown on previous plans & closer to the wetlands. Walkway could come out? MR: Originally was supposed to be an overhang. ST: the pavers are not a problem. Just his thoughts on them. LF: Let's try to move on from here. RE: thinks it would be worse to remove them. MR: this deck is huge and only 11' from the river. This was NOT on the original plan. ST: I'm ok with the pavers but would like to see the deck cut back. RE: We would be setting a

precedent if something isn't done. JB: What size is the deck now? JF deck is now 15x25. RE: is there a building permit for this? DD: No. We are not here for that tonight. ST: if we leave it we don't know if he will even get a building permit and may have to tear it down. MH: Not in favor of taking it down. Feels there would be more disturbance to the river area with the removal of the deck and pavers. Plus the fact people would be then sitting in the riverfront area and creating disturbance. Less disturbance with them sitting on the deck instead of the ground area. MH makes motion to dismiss the violation based on this. MH, second LF, RE opposed votes no, motion carries.

VIOLATION:

1. 27 Blinn's Court Mike Binda, owner & John DeSousa, Northcounty Group present. ST: Just some background, the Commission denied this project, you appealed it to DEP and they issued a Superceding Order. MB: yes MB: Currently work is ceased. JD has contacted DEP & waiting for the manufacture of the culvert which is due next month. ST: Why didn't you put in the culvert that DEP requested? JD: they have to be manufactured. Plans had to be modified and sent to DEP to be reviewed. MR- there's a dispute on water quality. JD is disputing with DEP – it's still a subdivision. MR agrees with DEP on this. ST: JD why isn't DEP saying you're right? It hasn't happened. Maybe you're not right. JD: I had email conversation with DEP today. ST: why did you wait so long? You shouldn't wait until the day of the meeting. ST: why were you out there working when you weren't supposed to be? MB: thought it was going to be taken care of. MR: you filled in and started work the next day after I visited site & that wasn't done per the plan. You don't just do stuff. MB: Of course. ST: Did you receive Gilmore's letter from DEP? And other letters...They are suggesting on site supervision. You need to cease and desist. You're not making friends here.... You don't want to be that guy. ST: DEP approved this – we didn't. It was too wet back there. DEP needs to own this and oversee it – not us. MB you screwed this one up and feel bad for the neighbors. MR: The Commission needs to know what's going on. The neighbors are frustrated. DEP is in charge here. We are also overseers of this. Neighbors need a voice as well. JB: We are caught in the middle. Can we have them remove work? MR: he can't do anything right now and may require a specialist there every day? JB: They need to remove the pipe and fill. Only the

culverts that DEP approved should be there. There is not adequate access. DEP should receive an email from us regarding this. LF: DEP needs to resolve this. RE: should our legal department be involved? MR: No this should all be handled by DEP. Motion to have someone from DEP at the next meeting. Need to discuss this and to get the pipes and fill removed immediately. JB, second MH so voted. ST: I would ask Gary McCutch JD says he always talks with him. We can put them first on the agenda. MR: Andrew Poyant is our local person at DEP. Not sure who will come.

Public Input: Katelyn Gonyer, Wetland Scientist: this has so many impacts, MB needs oversight every step of the way. Erosion control is rotted and gone.

Stockpiling in the resource area, one ton truck sitting on that stream. You have the authority to issue an Enforcement Order. This definitely needs oversight.

JB: do we have the powers to force oversight? ST: yes.

Zack Rebey, 31 Blinn's Court: he's very frustrated. MB utter contempt with everything – total disregard for the rules. He received a stop work order and continued to work. Waited for City Offices to be closed or when he knew people were on vacation and continued to work. There are no erosion controls and it's just bleeding into the street. I have video. Thanks for listening.

ST: on 12/29/22 MB was told to stop work at the site. 12/21/22 DEP issued the stop work order but feels there was some lack of communication between DEP and the Commission.

Brad Gonyer, 30 Blinn's Court: have no objection to house across the street but was supposed to have regular communication with MB & JD and there has been nothing since May. ST: DEP is in charge right now. BG: Why aren't we seeing any of these updated plans?? MR: the most recent plan was received late today from JD. BG: the property is a pond now... very frustrated. Doesn't object to the building being there it's the actions that have been taken and total lack of communication from JD and MB. Just a way to get in there. Hasn't been backed up by any decent actions.

ST: where do we stand on the motion? Motion by JB, second MH, so voted to send a strongly worded email to dep requesting MB remove the unapproved pipes and fill and someone from their office that has knowledge of this project be at our next meeting on February 13, 2023 at 6 pm to discuss this. Will put this first on the Agenda unless there is an Executive Session and then they would be

second. MB: In regards to the amended plan I would like to get a ruling from DEP before removal takes place. MR: On the plan we just received today?? MB: yes and if he doesn't rule on it by February we could just continue it. ST: Hopefully they will be here in February. JB: Do we want to authorize MR to get an oversight on the project or is that premature? LF: think it's premature and this is DEP's problem to deal with.

2. 155 Field Street – Linda Mackinaw, Trustee, 913 Ash Street, Brockton, MA, Devin Hathaway (resides at 155 Field Street with his Mother, Patricia Hathaway) present. Brought a machine in to do some clearing of trees and was staying 100' from the wetlands or so he thought. A verbal warning from MR in May was given to his Uncle. Was going to do some replanting. In December he came in with another machine to pile the trees up but again went too close to the wetland. No trees removed since then. ST: a lot of trees have been torn down. What did you want to accomplish? DH: Wants to culvert it, maybe 61A agricultural or commercialize the property. ST: that's a beautiful piece of property and also want to say you are very well spoken. It's a huge violation out there. ST: I don't know how to remedy this? MR: When I talked with Ms. Mackinaw I told her I would help with a plan to make it less intrusive in the wetland area. ST: It's your yard but there are rules you need to follow. DH: Will plant new trees whatever we need to do. ST: the Hathaway family has always respected the land. JB would like to make a motion to continue this until May 1, 2023 and they will work with MR to come up with a restoration plan that can be presented at that meeting. Motion as stated JB, second, MH, so voted.

OTHER BUSINESS:

1. Voting – for 2023 Chair & Co-Chair Motion to continue voting until 2/13/23 meeting JB, second RE, so voted.

2. Sign CR for Short Street – signature completed

3. Executive Session - Motion to discuss pending litigation with Attorney Costa at 2/13/23 meeting JB, second MH, so voted.

Motion to adjourn pending all signatures on paperwork has been signed
9:21 pm JB, second RE, so voted.