

Fairhaven Conservation Commission

January 27, 2014

Present: Chairperson, Jay Simmons, Janine Peccini, Louise Barteau
Simone Bourgeois, Steve Perreira

Absent: Geoff Haworth

Also in attendance: John Rockwell & Wayne Fostin

Meeting called to order at 6:32pm

Jay Simmons advised everyone that the meeting was being televised and recorded.

Steve Perreira made a motion to approve the January 13, 2014 minutes, Simone Bourgeois 2nd. The motion passed unanimously.

1. Request for Determination, Applicant Stanley Palys Location 14 Nelson Ave Plot 43 Lot 32, 33, 66, 67. Purpose conduct perk test within 100' buffer to coastal beach and within a VE flood zone.

Engineer, Thomas Hartman was present representing the Applicant, however he did not know he had to send certified cards to abutters. Jay Simmons advised him the Commission could not hear his request, and Mr. Fostin advised they would put him on as a new hearing on the next scheduled meeting of February 10, 2014.

2. Request for Determination Applicant James F Stevens Fastook Location 74 Nakata Ave Plot 43 Lot 166. Purpose perform percolation test within a VE flood zone.

Tim Santos was present on behalf of applicant. He said there was an existing developed house and they were looking to do a perk test.

Steve Perreira made a motion to approve as a -2 and was seconded by Louise Barteau. The motion passed unanimously.

Enforcement Orders:

None

RESCHEDULED HEARINGS:

1. Request for Determination, Applicant Robert Ferreira Location 6 Newton Street, Plot 22B lots 292, 420, 429. Purpose remove old barn from lot 292. Vista prune knot weed from lots 420, 429 within 100' buffer zone of BVW, after the fact. **Continued to 2/24/14**

2. Notice of Intent, Applicant Timothy Powers Location Thompson Street Plot 2 Lot 2. Purpose construction single family dwelling within the 100' buffer zone to BVW.

3. Notice of Intent Applicant NSTAR Electric & Gas Corporation Location Thompson Street, Plot 2 Lots 37-38. Purpose construct single family dwelling within the 100' buffer zone to BVW and within a shaded X flood zone.

4. Notice of Intent Applicant NSTAR Electric & Gas Corporation. Location Thompson Street Plot 2/4 Lots 5/28. Purpose construct a single family dwelling within the 100' buffer zone to BVW and shaded X flood zone.

5. Notice of Intent, Applicant NSTAR Electric & Gas Corporation Location Doane Street, Plot 2 Lots 5.101.288. Purpose construct single family dwelling within the 100' buffer zone to BVW and within a shaded X flood zone.

6. Notice of Intent, Applicant NSTAR Electric & Gas Corporation Location Farmfield Street. Plot 2 Lot 4 Purpose construct single family dwelling within the 100' buffer zone to BE and with an AE flood zone.

7. Notice of Intent, Applicant NSTAR Electric & Gas Corporation. Location Farmfield Street Plot 4 Lots 105, 108, 114, 116, 161. Purpose construct a single family dwelling within 100' buffer zone to BVW and within a VE flood zone.

The Commission discussed the Timothy Powers & NStar properties. Engineer, Ken Conti was present. Jay Simmons thanked Mr. Conti for resending out the certified notifications to abutters. Wayne Fostin gave out revised plans.

Mr. Conti first started with #2, Thompson Street. He said since he last presented they have made substantial revisions to Lots, on-site observations to ground water and determined infiltration chambers were an overdesign, they have done a simpler solution to regrade. Mr. Conti said they regarded parcels and changed the direction flow on the plans that the water will drain towards the wetlands.

Abutter, Christopher Trapper expressed concerns about the water tables and asked who was going to guarantee him that the water won't go to his land, he expressed a high water table in that area.

Mr. Conti said that the water in that area won't change. He said that the issue was brought to them that the water shouldn't impact the streets and that's what they are preventing with swales around the lot to go into the grassy wetland area.

Mr. Trapper was concerned about his basement flooding.

John Rockwell expressed that he had been out there and reviewed this project. He said that in response of dry wells they looked at the elevation of the wetlands and dry wells. He noticed no street drainage on Thompson Street and tried to determine how to minimize the water on the street. He said they looked at the water table and the problem with underground recharge was it cost a lot of money, and if it's not working properly there was no way to know because it was underground. He said the applicant has met DEP requirements.

Steve Perreira asked about any issue with basements and water.

Mr. Rockwell stated that suds pumps would be required; and with suds pump it pushes the water into the ground. He said that he would be surprised if you could get a full basement in that area.

Mr. Conti said that the plan is done to the extreme if built this way.

Resident and Abutter, Jeffrey Lucas said he had concerns with the elevation on plans and didn't see any existing contours.

John Rockwell advised Mr. Lucas where on the plan, light grey, to look for the contours.

Mr. Tapper said he was concerned about the speed of the water and the water table.

Mr. Rockwell stated he reviewed the test pits they did about 30" down.

Mr. Tapper explained he was not there to give anyone a hard time. He said that he built his house and had to burden the expense to eliminate water. He said that this project with the water scares him.

Louise Barteau reiterated that the present situation of matured trees in the area need to remain.

Discussion ensued on vegetated zone and the ground water.

Mr. Tapper asked who he would turn to once developed and is property can't handle the water.

Mr. Rockwell sympathized in saying that these type of issues, drainages are contentious and he's aware of that.

Abutter, Robert Dugas said that he concurred with Mr. Tapper. He said that he doesn't hear anything about the ledge on Thompson Street, how are they going to address the natural ledge that is there.

Mr. Conti stated that there was no deep testing on the ledge, but they were studying the ground water and where it settles. Mr. Conti explained if this was a 40 lot subdivision there would be a tremendous impact, however it is not and there won't be much of a significance in the water.

The Commission then spoke about #3.

Mr. Tanner expressed same concerns.

More discussion about water flow, curved swales perhaps may be better?

Mr. Tanner asked if the Board hears anything about mosquitoes.

Jay Simmons advised that was not under their purview.

Commission spoke about #4: Mr. Conti said they developed a Birm at an elevation of 18' along Doane Street and Thompson Street that will act as a barrier to the water. It will control the water on-site, and increased flow path all the way around.

Jeffrey Lucas asked about the birms depth and the maintenance.

Mr. Conti said it would be 1' high and maintenance part of the homeowners.

Discussion ensued.

Amy DeSalvatore said that if neighbors saw working being done in area that wasn't supposed to happen they could come in front of the Board with a complaint.

John Rockwell said that he would recommend on all lots an Order of Conditions language outside of hay baled area (nothing), and that the plans would be recorded with the Order of Conditions. As built plan specified elevations.

Discussion ensued on the other lots as well.

Ken Conti said that Lot 5 did not have wetlands on the property.

Jeffrey Lucas asked Mr. Conti to confirm a buffer zone on one of the lots and Mr. Conti confirmed.

Mr. Conti said that he also spoke to an abutter directly, who had more concerns about the easements to the property.

John Rockwell stated they wanted to minimize as much absorption.

Jeffrey Lucas asked about a lot with a proposed wooden fence. He asked who was responsible for putting it in, would it be a condition for approval.

Ken Conti said it was a "proposed" wooden fence.

Janine Peccini stated that they have not discussed the Order of Conditions as of yet.

Jeffrey Lucas said he was concerned about the water and asked about existing contours.

Mr. Lucas asked about the suds pump discharge.

Ken Conti said that it should be a requirement for all of the lots.

Mr. Lucas asked about the concrete washout.

Mr. Conti said that it was just temporary.

Mr. Tanner asked if there was a benchmark in regards to the water and the neighbor where the Commission has jurisdiction to say it's not going to happen.

John Rockwell stated that the State has a storm water policy; and that DEP does not look at residential but business and industrial only.

Louise Barteau said that the neighborhoods do have rights under Open Space Recreation if they wanted to pursue further.

Mr. Lucas discussed Washburn Street and the water that happens there.

Kathy Lopes, of 100 Cedar Street said that there was a fence on the plan at Washburn Street and yet Washburn Street has no fence on the property.

Jay Simmons asked Mr. Rockwell if he felt the project was permissible with all the information presented tonight.

Mr. Rockwell said it was. But he said that with the complexity of the project that he wouldn't mind writing up an Order of Conditions for review at the next meeting whereas the Commission could vote on it at that time.

Jeffrey Lucas strongly asked that the Board comes back to a public meeting format to list all the Order of Conditions to the public, whereas if they closed the meeting the public wouldn't be able to comment.

John Rockwell advised the process of 21 days, and that they could close the public hearing to set the Order of Conditions, and they would have to get the applicant's permission to keep the hearing open.

Louise Barteau made a motion to close the public hearing on the 6 Nstar Properties as well as Tim Powers, and was seconded by Janine Peccini. The motion passed unanimously.

John Rockwell advised that he would have an Order of Conditions to be reviewed at next meeting.

Jay Simmons asked for a 5 minute recess at 8:08p.m., and made a motion to that effect and was seconded by Steve Perreira. The motion passed unanimously.

The meeting was called back to order at 8:18 p.m., and Steve Perreira made a motion to reopen the meeting and was seconded by Janine Peccini. The motion passed unanimously.

8. Request for Determination, Applicant Roger Deshaies Location 10 Hacker Street. Plot 28A lot 051. Purpose install 10x12 shed within the 100' buffer zone to BVW and within a VE flood zone.

John Rockwell explained he went to the property and Mr. Deshaies was actually there and they had a nice discussion. He said the dimensions are not set in stone for the shed, and Mr. Deshaies said that it was going to be a custom made shed.

Discussion on fill that had already been done, along with the potential size of the shed, encroachments and if he fails they could issue an enforcement order.

Steve Perreira made a motion for a -3 with the following conditions:

1. Shed foundation must be a slab as referenced by plan submitted.
2. RES-7
3. WAS -2
4. ADD-1

Wayne Fostin would also be attaching this plan with the determination.

The motion was seconded by Louise Barteau. The motion passed unanimously.

2. Request for Determination, Applicant Ronald & Linda Templeton Location 196 Dogwood Street, Plot 43B lot 206 Purpose construct addition within an AE flood zone.

Mike Ristuccia was present on behalf of the applicants.

Steve Perreira made a motion for a +2a for boundaries and a -2 for as work described; and was seconded by Simone Bourgeois. The motion passed unanimously.

10. Notice of Intent, Applicant Michael & Sheryl Coppa location 24 Point Street, plot 28b, lot 203. Purpose construct single family dwelling within the buffer zone to a coastal beach, coastal dune, and coastal bank and within a VE flood zone.

Engineer, Carmelo Nicolosi was present. He said the plans had been revised. He said the house has been moved closer to the street, and proposing a deck over the dune section and a proposed recharge system, 3 chambers on each side of the house. A stone swale has also been proposed and they were going to loam and seed the disturbed area.

John Rockwell said he didn't have an opportunity to meet Mr. Nicolosi at the property. He felt there may be some dune alteration though.

Louise Barteau asked about what loam and seed they would use there.

Mr. Nicolosi said they would use the same kind of material that is there now.

Ms. Barteau described that some plants have a function at dunes. Specifically American beach grass she mentioned among others. She said there's a better way to handle that area.

Mr. Nicolosi said that he doesn't disagree that there are better plants, but he anticipates the owner will want to utilize that grassy area closer to the beach.

Ms. Barteau asked to Mr. Rockwell if there was any concern about the grassy area.

Mr. Rockwell said they may want to condition not to impede the dune.

Steve Perreira asked if the shed on plans is there currently.

Mr. Nicolosi said it was.

Mr. Perreira asked if there was any option of moving the shed away from the dune because he would like to see limited work around the dune.

Mr. Nicolosi said they were proposing a sil fence around the dune.

Mr. Perreira said that's only temporary however.

Abutter, John Zalotas said he was concerned about the water in that area and keeping the flooding to a minimum.

Abutter, John Kobacheski said he was looking at recharge system and discussed concrete piers.

Mr. Nicolosi said they would designing the foundation with 20' wide footings and he described them.

Discussion ensued.

Because of the time constraint to the Town Hall (alarm goes on at 10pm), Jay Simmons asked to continue the hearing whereas there were still a lot of discussion. It was presently 9:22 p.m.

Steve Perreira made a motion to continue the hearing to their next meeting of February 10, 2014 and was seconded by Janine Peccini. The motion passed unanimously.

OTHER BUSINESS:

3 Hidden Drive

Engineer, Rich Richio was present.

John Rockwell had a question on the house placement.

Wayne Fostin stated that an abutter to the North had some water issues, they did put up the sil fences; and there is still a review from the BOH that is still needed.

Steve Perreira made a motion to approve the plan with the corrected 2014 date, and that the minor changes made are not required to refile; and was seconded by Janine Peccini. The motion passed unanimously.

OTHER BUSINESS:

Wayne Fostin brought everyone's attention to an email from William Roth re: Welcome Street and escrow so that the owners of Welcome Street could go forward on the street acceptance this year.

John Rockwell said that the Welcome Street owners have not complied with the Order of Conditions. Mr. Rockwell asked Mr. Fostin to send Mr. Roth a copy of the letter they sent to Welcome Street. He said it would be difficult to take the escrow money, where they are not in compliance.

Geoff Haworth made a motion to not accept the escrow money, and was seconded by Steve Perreira. The motion passed unanimously.

BILLS:

Wetland Strategies, for the final review of Washburn Street. \$1,260.00

Steve Perreira made a motion to pay the bill to Wetland Strategies and was seconded by Simone Bourgeois. The motion passed unanimously.

Staples (ink) - \$102.22

Simone Bourgeois made a motion to pay the Staples bill for \$102.22 and was seconded by Janine Peccini. The motion passed unanimously.

Certificate of Compliances:

Wayne Fostin advised there were 2 for 21 Shaw's Cove. One if for the perc test and one for the septic system.

Steve Perreira made a motion to send the Certificate of Compliance for 21 Shaw's Cove for the perc test completed and was seconded by Janine Peccini. The motion passed unanimously.

Janine Peccini made the motion to send the Certificate of Compliance for 21 Shaw's Cove for the completed septic system and was seconded by Louise Barteau. The motion passed unanimously.

In other business, Louise Barteau advised everyone that the phone number listed in the Conservation Commission book was not hers and Wayne Fostin was going to update it for everyone.

Steve Perreira made a motion to adjourn and was seconded by Louise Barteau. The meeting was adjourned at 9:42 p.m.

Next Meeting scheduled for February 10, 2014.

Respectively submitted,

Patricia A Pacella
Recording Secretary