

Fairhaven Conservation Commission

February 10, 2014

Present: Chairperson, Jay Simmons, Geoff Haworth, Louise Barteau  
Simone Bourgeois, Steve Perreira

Absent: Janine Peccini

Also in attendance: John Rockwell & Wayne Fostin

Meeting called to order at 6:33pm

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

Geoff Haworth made a motion to approve the January 27, 2014 minutes, Simone Bourgeois 2<sup>nd</sup>. 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 and explained there is an existing dwelling with a garage and shed across the street. They were looking to do a perc test.

John Rockwell stated there was a pond and wetland resource area.

Mr. Hartman said there weren't any plans to do anything on that lot as of yet, they were looking to do something on Lot 2.

Jay Simmons asked if they should consider an on-site.

Mr. Rockwell said it was not needed for a perc test.

Steve Perreira stated that the applicant would be removing Lot 1B from the determination.

Mr. Perreira made a motion to approve as a -2, removing Lot 1B from the determination for boundaries, and using Lot 1 only and was seconded by Louise Barteau. The motion passed unanimously.

**2. Request for Determination**, Applicant Mark & Theresa Wright Location 6 Misty Bay Road Plot 43C lots 87 & 88. Purpose construct garage and alterations to drive way within 100' of BVW and within a VE flood zone.

Dave Davignon, Engineer was present on behalf of the applicants. He explained Misty Bay Road is a gravel road, Cottonwood Street is other and they are bordered by residents. It's a single family house with a shed in back corner. They were proposing a 24x29 garage.

Wayne Fostin said he had no concerns, it was a 2 car garage.

Jay Simmons asked for abutters, there were none.

John Rockwell had no concerns.

Steve Perreira made a motion for a -2 and was seconded by Geoff Haworth. The motion passed unanimously. Mr. Perreira stated that the plan does state sil & hay bales would be present.

**3. Request for Determination**, Applicant Christopher A Medeiros Location 4 Meadow Drive Plot 30 Lot 25B purpose construct 24x40 garage within the NRB only.

Christopher Medeiros was present and explained that he was replacing a 10x20 garage with a 24x40 garage.

Wayne Fostin stated it was in the NRB only with no wetland issues.

Louise Barteau made a motion as a -1 and was seconded by Steve Perreira. The motion passed unanimously.

**4. Request for Determination**, Applicant Jim Jackson Location 5 & 7 Seabreeze Ave. Purpose perform perk test within a VE flood zone.

Engineer, Rich Richio was present and explained two existing houses with separate septic systems. He showed on the plans three general areas for test pits.

Steve Perreira made a motion as a -2 and was seconded by Geoff Haworth. 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 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 applicants were also present. He said they visited site and had some discussions. Reviewing the plans and project they were proposing to fill around, slab elevation 6.3, raise existing shed and eliminate existing fence. He anticipates 100' dune and the dune to be reestablished with American Beach Grass.

John Rockwell asked if the slab will be enclosed.

Mr. Nicolosi said with the new flood insurance information enclosures increases premiums and he's not sure they were going to propose enclosure.

Steve Perreira asked if they were delineating the dune at all.

Mr. Nicolosi said they would be marking out the dune during construction with sil fence.

Mr. Perreira asked if there would be a permanent marker.

John Rockwell said that after the work was done they could add a condition that the sand be put back.

Resident, John Kobacheski said the plan was still proposing same heights and that he had same concerns . He said it seemed like there was total disregard under storm conditions.

Mr. Rockwell explained the Board only had to work under the wetland protection act. He said under those regulations they were meeting the FEMA requirements and that the plan would probably have to go to the Zoning Board of Appeals and that's where those other concerns would be spoken about.

Mr. Coppa asked if there was a concern to the neighbor's property, why Mr. Z didn't put fill in his yard if he's at a low point.

Jay Simmons brought the conversation back to the table and advised that was another conversation for another time.

Mr. Simmons said the board could not deny something that is allowable by the regulations.

Louise Barteau explained their points were valid, but they just have to take them up at ZBA.

John Rockwell agreed to draft up an order of conditions.

Steve Perreira made a motion to close the Public Hearing while Mr. Rockwell drafted an order of conditions for the next meeting. The motion was seconded by Geoff Haworth. The motion passed unanimously.

**OTHER BUSINESS:**

**BILLS:**

Fairhaven Neigh News - \$50.00 & \$35.00

Geoff Haworth made a motion to pay the Fhvn. Neigh News for \$50.00 & \$35.00 and was seconded by Steve Perreira. The motion passed unanimously.

**Certificate of Compliance:** None

32 Nakata Ave. Wayne Fostin needed to be resigned & sent out again; Engineer didn't receive first copy.

## **1 Bella Vista**

John Rockwell explained that a NOI was filed back in April '13 for minor work and dock, and there were deficiency's in the plan. Mr. Rockwell reviewed his memorandum to the Board. Engineer promised to get back to the Commission and never did. Mr. Rockwell said the plan is lacking information and his recommendation would be to deny because of lack of information. He said that would make the project not denied but just have to come back with information.

Geoff Haworth made a motion pursuant to 310 CMR 10.05(6)(c) 'if the conservation commission finds that the information on the interests....' To deny the project without prejudice with the 7 recommendations as listed in Mr. Rockwell's memo, and was seconded by Steve Perreira. The motion passed unanimously.

## **8 Windward Way**

John Rockwell reviewed his Order of Conditions with the Commission, recommending that Wayne Fostin do a final inspection.

Steve Perreira recommended an as-built.

Louise Barteau asked if the Commission should care about a re-vegetated spot.

John Rockwell said no, they are not proposing to fill or put structures in that area.

Louise Barteau made a motion to approve 8 Windward Way's Notice of Intent, prior to the commencement of work, the owner or assigns shall receive and file with the Conservation Commission, certification from the Building Inspector of the following and special conditions:

1. That the erosion control barrier has been correctly installed;
2. The rock pile between wetland flags A14 and A15 have been removed.
3. The construction debris south of the A13 to A14 line has been removed from the wetland;
4. All demolition and construction debris has been removed from the excavation in the back yard.
5. The Commission has not reviewed or accepted any depiction of any resource area pursuant to the Mass Wetlands Protection Act or the Town of Fairhaven Wetland Protection Bylaw, by this Order of Conditions other than that shown on Lot 002C and as noted herein. The edge of Bordering Vegetated Wetland (310 CMR 10.55) is depicted by flags A11, A12, A13, A14, A,B,C,D,E, and F, and as shown on the Plan of Record. The edge of Salt Marsh (310 CMR 10.32) is at elevation 3.5 feet NAVD88, which has not been correctly located on the Plan of Record.
6. The Plan of Record shall be recorded with this Order of Conditions at the appropriate office of the Bristol County Registry of Deeds.
7. COC-1
8. REC-1
9. REC-3
10. EMC-1
11. ADD-1
12. DEB-1

The motion was seconded by Steve Perreira. The motion passed unanimously.

## **NStar Properties**

John Rockwell reviewed his Order of Conditions for the Nstar Properties to the Commission.

Wayne Fostin advised that he added all three standard conditions to each order: EMC-1, REC-1, REC-3, and the Commission added DEB-1 to added conditions.

Steve Perreira made a motion to approve the Nstar Properties 1-6 with the conditions as outlined by John Rockwell, adding the 3 additional standard conditions and DEB-1 as well and was seconded by Louise Barteau. The motion passed unanimously.

Louise Barteau is asking Wayne Fostin to make some copies and include in everyone's packet information from the Town of Wellesley and just would like the Board members to think about it and encouraged all to read it.

Jay Simmons also said that he has asked Mr. Fostin to add the Open Meeting Law information on a future agenda, whereas there are new members.

Geoff Haworth made a motion to adjourn and was seconded by Steve Perreira. The motion passed unanimously.

The meeting adjourned at 7:48 p.m.

Next meeting on February 24, 2014.

Respectively submitted,

Patricia A Pacella  
Recording Secretary