

Fairhaven Conservation Commission

March 24, 2014

Present: Chairperson, Jay Simmons, Louise Barteau,
Simone Bourgeois, Amy DeSalvatore, Geoff Haworth, Janine Peccini, and Steve Perreira

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 February 24, 2014 minutes, Geoff Haworth 2nd. The motion passed unanimously.

1. Request for Determination, Applicant Old South Wharf Realty LLC, Location 24 Water Street plot 7 Lot 1 Install foundations and or pilings to support a barrier wall within an AE flood zone.

Kevin McLaughlin who owns Fairhaven Shipyard and Old South Wharf was present to speak on the project.

Mr. Rockwell said this was in a AE5 flood zone, 5' elevation to 100 year storm and does require filing under wetlands act, he doesn't see an issue.

Steve Perreira asked Mr. Rockwell if there were velocity considerations; and Mr. Rockwell said no.

From abutters, Beth Luey of 33 Middle Street said that there was a petition that the neighborhood and abutters put together, mostly for Zoning Board of Appeals but she read for the Conservation Commission the feelings of the abutters and neighbors on said project.

John Rockwell explained to the public the Conservations authority under the alteration, wetlands protection act.

Faye Bartlow asked a question regarding the resource area.

Mr. Rockwell said that if the 1% chance (100 year storm occurs), is when it would affect the resource area.

Steve Perreira explained how the Commission addresses what's before them subject to the wetland act, and this was for pilings only, not the wall or anything else. He said they can only go by what's in their jurisdiction.

Specific questions to Mr. McLaughlin regarding how many and the depth of the pilings were not answered by him specifically.

Resident, Garth Rowe of 16 Middle Street asked why the plans were so vague and why it was being broken down into pieces, concurring that it was easier to slide the project as a whole.

Simone Bourgeois asked if the owner would have to come back once he enters the next phase of the project.

John Rockwell said that because the wetlands act says if a resource area is altered or further activity is done in that area that they would have to come back in front of Conservation.

Donna David of 38 Middle Street asked why Mr. McLaughlin couldn't say how many pilings he was going to have.

John Rockwell determined with Mr. McLaughlin that the RDA was actually written up that the pilings are to support a barrier wall. With that being said, he said that in fact the Commission would need to know more specific information.

Mr. Rockwell explained that design specifications would be required.

Mr. McLaughlin asked how that relates to the Wetlands Act.

Mr. Rockwell explained it was a statutory interest. He said they wouldn't want any secondary damage and the portion of this project is in a flood plan they would want to know is it structurally sound. Mr. Rockwell said that the Commission looks at storm damage and they need a bit more detail in the application.

Steve Perreira said they look at storm flowage and have a concern of the flow of water.

Mr. McLaughlin requested a two week continuance.

Janine Peccini asked Mr. McLaughlin to be clear on plan what he was requesting.

Mr. McLaughlin said he was not aware that these specifics were needed and that's why he didn't come in with them.

Geoff Haworth made a motion to continue the hearing to April 7, 2014 and was seconded by Janine Peccini. The motion passed unanimously.

2. Notice of Intent, Applicant William Cloutier (The Steamship Authority) Location 14 Main Street, Plot 7 Lots 14, 15, 103, 103A. Purpose demo two buildings and construct a pre engineered warehouse/shop building within an AE flood zone.

Mr. Cloutier explained the project as to remove two buildings and then constructing a pre fabricated two story building about 30-33" high. He said the new building will be outside of the flood zone.

Louise Barteau asked the Engineer a few questions specific to the plans.

Amy DeSalvatore asked if the regulations are same for new construction.

John Rockwell said that this was commercial property and there is no size threshold; mostly the Commission reviews residential.

Mr. Coultier said they were proposing a storm sceptor.

Wayne Fostin said it was a pretty straightforward project.

John Rockwell said it was a very well done proposal.

Janine Peccini made a motion to close the Public Hearing and it was seconded by Geoff Haworth. The motion passed unanimously.

Geoff Haworth made a motion to move to the next meeting which is April 7th for an Order of Conditions that Mr. Rockwell would make up for the Commission's approval and for an approval on the project and was seconded by Janine Peccini. The motion passed unanimously.

3. Notice of Intent, Applicant James F Stevens Fastook Location 74 Nakata Ave Plot 43 Lot 166. Purpose install sewage disposal system within a VE flood zone.

Engineer, Timothy Santos was present of TMS. He said that the septic system has failed and they will remove old system and tank and install new. The site has been perked.

Wayne Fostin said he didn't see any issues and Mr. Rockwell concurred that it was a system upgrade.

Louise Barteau made a motion to approve plan as presented for 74 Nakata Ave to install new septic system with three standard conditions: EMC-1, REC-1, REC-3 and was seconded by Janine Peccini. The motion passed unanimously.

ENFORCEMENT ORDERS: None.

OTHER BUSINESS:

Timothy Cox, Shellfish Warden was present to speak to the Commission. He explained he was getting an upweller that was donated and wanted to put it at Hoppy's Landing. He said it is a lobster tank that holds silos with mesh that holds 300,000 quahog seeds. He said he wants to put a chain link fence around it and wasn't exactly sure where to put in on Hoppy's Landing, but it needed to be close to the water, because of the filtration in from the ocean.

Steve Perreira said that Mr. Cox needed to first figure out where it was going to go on the property.

John Rockwell said that he would need to file a RDA and get specifications of its location.

Louise Barteau reiterated that specifications were needed.

Mr. Cox was going to meet with Wayne Fostin to start the paperwork, and Mr. Rockwell agreed to work with him as well for the best placement.

RESCHEDULED HEARINGS:

1. Request for Determination, Applicant Jimmy Papas Location Cedar Street Plot 4 & 27 Lots 81, 123-125, 159 and 22, 341-344 purpose verify wetland area.

Dave Davignon of Schneider Associates was present along with Mr. Papas. He explained revised plans for Plot 81 – Cedar Street. He was asking for an approval tonight and a follow up discussion on developing Plot 81.

John Rockwell said he went out with the environmental LLC and made observations, he said the wetland line is accurate on plans and they would need to be careful to write up approval for wetland line not the other resource area.

Mr. Davignon said they were trying to establish the upland area to build a house.

Mr. Papas explained the situation.

Steve Perreira made a motion to close the public hearing and come back with John Rockwell's recommendation on April 7, 2014 and was seconded by Geoff Haworth.

On the question, Mr. Haworth explained that the April 7th meeting is election night in Town and if the board were to meet in the banquet room, they would have to be out by 7:45. There was a brief discussion on holding the meeting another night or an earlier time. The Board agreed to meet in the East Room on that day.

The motion passed unanimously.

Dave Davignon continued a discussion on this site to build a house, he said it was a discussion only. He said they would propose a future NOI, possible retaining wall and a fill of wetlands.

John Rockwell explained due to open meeting law and notice requirements he advised the Board they would be pre-judging this project and therefore they shouldn't be discussing until it formally has a NOI or RDA.

Geoff Haworth thought it was okay to have a discussion because the agenda lists the Lot 81 on the agenda.

Mr. Rockwell said that was for the wetland line and not for proposal to fill wetlands.

Louise Barteau agreed that with the Open Meeting Law they should not be discussing.

The only thing Mr. Rockwell did advise was to say that usually DPW likes to see a road improvement.

Ms. Barteau again asked that the Board stop discussing the matter.

BILLS:

Neigh News - \$30.00 – Janine Peccini made a motion to pay the Neighborhood News \$30.00 and was seconded by Geoff Haworth. The motion passed unanimously.

Wayne Fostin advised the Board there was a complaint that came in on Jannette Street for someone filling in wetlands and diverting water to a pond that wasn't there's.

John Rockwell asked if we could get the owner's permission to go on the property to take a look.

Mr. Fostin said it was two sisters who have had years of feuding. Mr. Fostin was to ask permission to do an on-site. Everyone agreed that was a good start.

Amy DeSalvatore advised the Board there was a training coming up on 4/14 – DEP Training in Lakeville and she will forward the email to everyone.

There was a discussion on increasing fees.

Jay Simmons asked if a charge per unit could be increased.

Louise Barteau asked if we know what other Towns charge. Are we competitive.

Mr. Fostin said we didn't know what other Towns charge.

John Rockwell said that the Board needs to look at what it costs the Town for processing in order to increase fees; and to look at the existing application.

Discussion ensued.

Wayne Fostin explained the process of the fees going into the 'General Fund' not just the Conservation Commission's budget.

More discussion ensued.

Jay Simmons asked Mr. Fostin to add this to the agenda in two meetings so more discussion could occur.

Steve Perreira made a motion to put this topic on the agenda in two meetings and was seconded by Janine Peccini. The motion passed unanimously.

118 Howland Road.

An on-site was done with John Rockwell and two other members. Mr. Rockwell said they were unaware of an additional cleared field, there was fill on both sites and activity was done more than was allowed on the lot in between.

Janine Peccini explained what was seen at the site.

Wayne Fostin said the original request included both lots.

John Rockwell said he met with the Consultant for the job and Mr. Rockwell requested a replication plan.

In other business, Simone Bourgeois asked Mr. Rockwell what he could offer as far as free seminars to the Board. Mr. Rockwell said he wouldn't mind doing a seminar on Wetland Soils and Vegetation, they would just need to work on a date.

Louise Barteau said she would like to see a seminar in the fall around regulations and laws.

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

Meeting was adjourned at 8:34 p.m.

Respectively submitted,

Patricia A Pacella
Recording Secretary