

**Fairhaven Conservation Commission**  
**April 7, 2014**

Present: Chairperson, Jay Simmons, Louise Barteau, Simone Bourgeois, Amy DeSalvatore (arrived at 6:41 p.m.), Janine Peccini, and Steven Perreira

Absent: Geoff Haworth

Also in attendance: John Rockwell (arrived at 6:39 p.m.) & Wayne Fostin

Meeting called to order at 6:31pm

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

Steve Perreira made a motion to approve the April 7, 2014 minutes, Simone Bourgeois 2<sup>nd</sup>. The motion passed unanimously.

**1. Request for Determination**, Applicant Katherine Groh, Location end of Morey Lane Plot 27 Lot 337 Purpose erect an osprey nesting platform within a salt marsh and a VE flood zone.

Ms. Groh was present to speak about a nesting platform that put up last year, and they wanted to do add a second one. They have a 20' long utility pole and they carry it out and dig by hand, so no machinery.

Louise Barteau said she had been in contact with John Rockwell (he was not present at this time as of yet) and he had a few concerns, Late in nesting season, and use of the salt marsh area. Ms. Barteau said that Town land was better to use than salt marsh.

Simone Bourgeois asked if the osprey come back to nest there after the first one went up.

Ms. Groh said they do. She did confirm that they would be putting it up more on beach area than the salt marsh.

Wayne Fostin said he had no issue with this.

John Rockwell arrived. Mr. Rockwell said it was a good project.

Steve Perreira made a motion for a -2 with the condition that it be located on uppermost beach and was seconded by Simone Bourgeois. The motion passed unanimously.

**2. Request for Determination** Applicant Joseph Casna Location 2 West Street Plot 13, Lot 24. Purpose install in ground pool within an AE flood zone.

Wayne Fostin said the pool would be in mostly lawn area.

Joseph Casna was present on behalf of the resident, Joanne Foote. He explained it was a pre-manufactured one piece fiberglass pool that would be on side of property. He said it would be well above the water table.

John Rockwell stated that the FEMA flood plain elevation in that area is 5' so this was just in the buffer zone and not in resource area.

Amy DeSalvatore asked if there was a plan in place to dispose of the soil they would be digging out.

Mr. Casna said it would be taken off site.

Steve Perreira made a motion for a -3 and was seconded by Louise Barteau. The motion passed unanimously.

**ENFORCEMENT ORDERS:**

None.

**RESCHEDULED PUBLIC HEARINGS:**

- 1. Request for Determination**, Applicant Jeanette Murphy Location Balsam Street Plot 43C lot 127, purpose perform perk test within an VE flood zone and verify wetland line.

Michael Ristuccia was present on behalf of the homeowner.

John Rockwell said they went out on an on-site and the flags were good, however not exactly what the plan said.

Mr. Ristuccia agreed and said they went out last week and re-flagged.

Steve Perreira asked if the Commission should consider going out to verify it again.

Discussion on the missing flag.

John Rockwell asked if the same person owned the two lots.

Mr. Ristuccia said no, he owns one of the lots.

John Rockwell said that he wouldn't agree to the wetland verification on Lot 85.

Steve Perreira made a motion for a 2(A) only applying to the wetland flags A1-A4 and a -2 and was seconded by Simone Bourgeois. The motion passed unanimously.

- 2. Notice of Intent**, Applicant Lauren L. Francis Location Scoticut Neck Road Plot 29, Lot 1B Purpose construct single family dwelling within 100' buffer zone to BVW.

Engineer, Ken Ferreira was present on behalf of Ms. Francis who was also present. He said a site visit was done and new plans were submitted April 10<sup>th</sup>. The wetland line is the same and more specific layout for a future house, which shows the proposed architectural plan.

John Rockwell questioned one of the flags, between 6 & 7. (Calling it 7A). Mr. Rockwell wanted to return and did today, he had no other changes. He said it won't make a difference to the plan, however it just needs to be on the plan.

Abutter, Gail Arruda was present. She had a quick question on mosquito control.

Steve Perreira made a motion to approve with the 3 standard conditions: EMC-1, REC-1, REC-3, DEB-1, WAS-1, and subject to received revised plan showing flag 7A; and was seconded by Louise Barteau. The motion passed unanimously.

**3. Notice of Intent**, Applicant Fairhaven Board of Public Works Location Scoticut Neck Road Plot 29 Lot 1 Purpose repair 2 12" RCP drainage pipe within a wetland area.

John Charbonneau of the BPW was present. He said they would go through an old clearing area.

Lauren Francis, the actual property owner, was present and she stated that she didn't want to see the Conservation Commission restrain the BPW for just 12" if they got in there and it required more work.

Steve Perreira made a motion to permit the repair with the following conditions: 1) within Plot 29, Lot 1, (2) boundary delineations of the following resource area described on the referenced plan(s) are confirmed as accurate. Therefore the resource area boundaries confirmed in the Determination are binding as to all decisions rendered pursuant to the Wetland Protection Act and its regulations regarding such boundaries for as long as this Determination is valid. And (3) DEB-1 and was seconded by Simone Bourgeois. The motion passed unanimously.

#### **OTHER BUSINESS:**

3 Hidden Drive, Sub lot division #2

Abutter, Brian Wotten of 2 Hidden Drive was present and he said this was the third time this was in front of the Board.

Steve Groso of Sitech Engineering was present and he explained this falls within the NRB and not within the wetlands. He said it's off Mill Road, on the West side. He explained the lot had been before the Commission with previous owners in the past. He said the home was previously going to be a 4 bedroom and much larger; but now is going to be a 3 bedroom, less fill, smaller septic. Smaller dwelling. Mr. Groso said he got the BOH's approval stamp.

John Rockwell said it was all good.

Brian Wotten had some concerns about the water and drainage flow problem in that area. He showed a video with the Commission that shows his property under water in a rainstorm of 2". He said this had never been a problem before. Mr. Wotten said he wasn't oppose to the house being built, but the water.

Simone Bourgeois asked what could be done to help eliminate the water runoff.

Mr. Wotten suggested a retention wall.

Discussion ensued.

John Rockwell explained that the Commission didn't have a wetlands act jurisdiction on this project, just an NRB issue. He explained this would go in front of the ZBA and they would address a lot of the conditions.

Mr. Gioso said that he has buffer space to pronounce swails to move the water consistently. He agreed to have a discussion with Brian Wotten and revise the plans to show such.

### **8 & 10 Janette Street**

James Dillon 10 Janette Street was present.

John Rockwell asked if Mr. Dillon was aware there was an order of conditions existing on the home. And Mr. Dillon said he did not.

Mr. Rockwell explained that in 2005 there was a permit pulled to construct the home and there was a set of conditions put on at that time. He said there were alterations done in the wetland area and that if they wanted to sell the home, they would need Conservation commission to sign off on it.

James Dillon explained that his neighbor cuts the grass in his area in the wetland area. He said that he has never put any fill in so shouldn't have to replicate an area.

Mr. Rockwell advised that he would need to see Mr. Fostin for copy of the plans and the list of conditions that are on this property.

Re: 8 Janette Street

Mr. Rockwell explained there is a lot of violations to that property and there was nothing ever permitted. He said that he would be able to draw up paperwork for the next meeting to send an enforcement order to the owner.

Simone Bourgeois asked what could be done immediately.

Mr. Rockwell said they could send an enforcement order, but it seems like there are a lot more issues.

Mr. Dillon explained with pictures the water in his yard and in a retention pond, and that the neighbors put a pipe from their yard to his to push the water into his yard. He said the pipe was very concerning to him.

Mr. Rockwell said he would have to write an extensive letter and will write it up to send to 8 Janette Street and he will work on a draft enforcement order.

### **EO: 4 Newton Street**

Salim Kaliff was present regarding this EO. He said the house was built for his cousin, actually not built but remodeled about a year ago. He said they cleaned some brush but did not fill anything.

John Rockwell recommended a site visit.

Jay Simmons asked if brush and trees were cleared.

Mr. Kaliff said, "Yes."

The Commission agreed to an on-site on May 4, 2014 at 9:00 a.m.

**BILLS:**

Neighborhood News - \$150.00

Steve Perreira made a motion to pay the Neigh News \$150.00 and was seconded by Simone Bourgeois. The motion passed unanimously.

**CERTIFICATE OF COMPLIANCE:**

182 Ebony Street – Garage that was built

Janine Peccini made a motion to issue the certificate of compliance for 182 Ebony Street and was seconded by Steve Perreira. The motion passed unanimously.

74 Nakata Avenue – installation of septic

Steve Perreira made a motion to issue the certificate of compliance and was seconded by Janine Peccini. The motion passed unanimously.

Janine Peccini made a motion to adjourn and was seconded by Louise Barteau. The motion passed unanimously.

Meeting adjourned at 8:12 p.m.

Next meeting on May 19, 2014.

Respectively submitted,

Patricia A Pacella  
Recording Secretary