

Fairhaven Conservation Commission
June 2, 2014

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

Also in attendance: John Rockwell & Wayne Fostin

Meeting called to order at 6:30pm

Jay Simmons advised everyone that the meeting was being televised and recorded. Mr. Simmons announced that Ms. DeSalvatore was now a full member and asked if she got sworn in, which she did not, so he advised her that she would be an Associate member until she goes to Town Clerk to get sworn in.

Janine Peccini made a motion to approve the May 19, 2014 minutes, Louise Barteau 2nd. The motion passed 4-1, with Geoff abstaining.

1. Notice of Intent Applicant Town of Fairhaven Highway Department Location Seaview Avenue parking lot. Plot 29C, lots 293-296 purpose rebuild stonewall within a VE flood zone and within 100' of coastal bank.

John Charbonneau of Town of Fairhaven was present and he said that Hurricane Sandy had taken out some wall on Seaview Avenue, and they were going to rebuild.

Geoff Haworth made a motion to approve with 3 standard conditions: REC-1, REC-3, EMC-1 and was seconded by Simone Bourgeois. The motion passed unanimously..

2. Notice of Intent, Applicant Jim Jackson location 5 Seabreeze Avenue plot 43, lots 143,146, 147. Purpose construct a replacement sewage disposal system within a VE flood zone.

3. Notice of Intent, Applicant Jim Jackson Location 7 Seabreeze Avenue Plot 43, lots 143, 146, 147 Purpose construct a replacement sewage disposal system within a VE flood zone.

Geoff Haworth made a motion to table these top two to the end of meeting as the applicant is running late, and was seconded by Louise Barteau. The motion passed unanimously.

4. Request for Determination, Michael Lepage location 19 Point Street Plot 28B, lot 256, 257 Purpose construct deck within a VE flood zone and within 100'.

Michael LePage was present as he described the project to access a ground level deck on his property.

Wayne Fostin said it was all lawn area and there was basic wetland to the South but a house in between.

John Rockwell said he sent everyone an aerial photograph and he doesn't think a NOI is warranted.

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

5. Request for Determination Applicant Ann Silvia Fairhaven COA location Green Street Grimshaw Park Plot 001 Lot 06A purpose install sideward and concrete platform for picnic tables within an AE flood zone.

Ann Silvia of the Fhvn. COA was present along with Derek Goff, a Senior at FHS in the fall he is working on his eagle badge for boy scouts. Mr. Goff designed the picnic tables and they are handicap accessible.

Wayne Fostin said it was all lawn area and he had no issues.

Geoff Haworth made a motion for a -3 and was seconded by Louise Barteau.

On the question, Simone Bourgeois thanked Mr. Goff for going for his eagle badge and congratulated him on this great accomplishment. Mr. Haworth also congratulated Mr. Goff.

The motion passed unanimously.

6. Request for Determination Applicant Gary & Barbara Mclacklan location 29 Alder Street plot 43a, lot 68 purpose construct two decks and within a VE flood zone.

Gary Mclacklan was present and he spoke of the project in wanting to put two decks size 10x24 and 10x16 and a 10x16 shed. Mr. Mclacklan was asked to initialize all the paperwork, as it said 10x14 on one of the deck plans.

John Rockwell stated he was concerned about FEMA regulations.

Wayne Fostin said that all sheds have to be anchored per FEMA regulations.

Geoff Haworth made a motion to approve as a -2 and was seconded by Simone Bourgeois. The motion passed unanimously.

7. Notice of Intent, Applicant New Phoenix Renovations LLC location 172 Bridge Street plot 26 lot 1, purpose maintenance of 1700 +/- linear feet of existing drainage ditches within BVW.

Christina Farland of Farland/Thompson Engineering was present and he said this was the old drive-in site. He said the applicant was looking to maintain drainage ditches. There is an existing gravel road with invasive species that applicant would like to get rid of it as well as the ditches. He stated that the town has a drainage system because of culvert in the property.

Jay Simmons said this came before them about a year ago through the Town.

John Rockwell asked if the wetlands have been delineated.

Mr. Fostin said about 12 to 14 years ago.

John Rockwell asked Mr. Farland which section of the regulations he's putting this under.

Mr. Farland said it was considered a restoration project to clean up drift areas.

Jay Simmons the Board did the same for West Marine a few years ago without question to trench the stumps.

Louise Barteau suggested a site visit where this is work in the wetlands.

Geoff Haworth asked why they were trying to maintain, whether or not there was some future building endeavor.

Mr. Farland said it was a long term solution plan with a maintenance plan with perhaps a future plan to clean up pavement plan.

Mr. Rockwell said that he remember its very wet in there.

Mr. Farland stated that if it was buildable in the future it wouldn't be until it was completely dry and about 10 years later.

Louise Barteau made a motion for an on-site and was seconded by Geoff Haworth.

On the question, resident Jeffrey Lucas asked where does the water leave the property.

Mr. Farland said there is drainage all around the property.

Simone Bourgeois confirmed that the applicant wanted to improve the water flow not change it.

Mr. Farland said yes.

Amy DeSalvatore asked where the water came from.

Mr. Farland stated a Town water pipe from the culvert.

Louise Barteau made a motion for an on-site and was seconded by Geoff Haworth. The motion passed unanimously.

Amy DeSalvatore asked if they could change the on-sites for Saturday, it will be discussed at end.

8. Notice of Intent, Applicant Michael Ristuccia Location 20 Bass Creek Road Plot 43C lot 403-413 purpose fill in 300 sq ft of isolated wetlands.

Geoff Haworth made a motion to table per applicant's request and was seconded by Simone Bourgeois. The motion passed unanimously.

9. Notice of Intent, Applicant Max Isaksen location 5 Wildermarsh Beach Way plot 29 lot 33L. Purpose construct timber pier and boat hoist system within a VE flood zone and on a beach.

Susan Nielsen of CLE and her colleague, Dan Gagne were present. Ms. Nielsen explained the project that the property was on Nasketucket Bay and they were looking to construct a timber pier approximately 95' length for recreational boating. Timber ramp and concrete landing.

Wayne Fostin reported that the Shellfish Warden would like a continuation as he has some concerns.

John Rockwell stated that the shellfish warden should weigh in, but it was a pretty standard project.

Louise Barteau recommended an on-site.

Simone Bourgeois asked how high the pilings would be.

Ms. Nielsen said the minimum would be 15' penetration below sub grade.

Louise Barteau made a motion for an on-site and was seconded by Geoff Haworth. The motion passed unanimously.

Louise Barteau made a motion to continue the public hearing so that the shellfish warden could attend and weigh in to June 16th and was seconded by Geoff Haworth. The motion passed unanimously.

10. Notice of Intent Applicant Jose Cordeiro Location 28 Fort Street plot 03 lot 4 purpose construct a ramp and float system within a AE flood zone and on a beach.

Susan Nielsen of CLE spoke of this project. She said that there is currently a floating dock and they are looking at doing a 50' aluminum gangway that the applicant owns.

Wayne Fostin said that this project still requires the shellfish warden to weigh in and that he spoke to the harbormaster and the current floating dock was never permitted.

Susan Nilsen confirmed that was correct, but she didn't know if it was inherited or the current owner did it illegally.

John Rockwell recommended an on-site.

Louise Barteau made a motion for an on-site and was seconded by Geoff Haworth. The motion passed unanimously.

Louise Barteau made a motion to continue the public hearing to June 16th and was seconded by Geoff Haworth. The motion passed unanimously.

Geoff Haworth made a motion to remove from the table Mike Ristuccia's public hearing and was seconded by Simone Bourgeois. The motion passed unanimously.

8. Notice of Intent, Applicant Michael Ristuccia Location 20 Bass Creek Road plot 43C lot 403-413. Purpose fill in 300 sq ft of isolated wetlands.

Mike Ristuccia was present and he explained the fill in of 300 sq ft of wetlands. He explained he had been before the Conservation a year ago or so and was told when he was ready he would be able to fill in the wetlands because it was an isolated area.

Wayne Fostin advised that DEP had sent a letter stating there was incomplete information on the application.

Mr. Ristuccia said that he had not received the letter as of yet.

Mr. Rockwell recommended the Board continue it as there is no DEP file number and an on-site was recommended.

Louise Barteau made a motion for an on-site to view the proposed replication area and was seconded by Geoff Haworth. The motion passed unanimously.

Louise Barteau made a motion to continue the Public Hearing to June 16th and was seconded by Geoff Haworth. The motion passed unanimously.

John Rockwell stated he would be in that area this week and take a look at it.

RESCHEDULED PUBLIC HEARINGS:

1. **Abbreviated Notice of Recourse** area delineation applicant Thomas F & Barbara Ferreira location island view road plot 43, lot 201 verify wetland line.

Wayne Fostin stated at the request of the applicant that it be rescheduled.

Geoff Haworth made a motion to continue this notice at the applicant's request to June 16th and was seconded by Janine Peccini. The motion passed unanimously, with Simone Bourgeois abstaining.

2. **Notice of Intent**, Applicant Jose Valentim Location 8 Hathaway Street Plot 28B, lots 5,8,9. Purpose construct single family dwelling within 100' of BVW and within a VE flood zone.

An on-site was done and John Rockwell had questions of the replication wetland off site.

Mr. Moniz gave the commission a revised plan. He said basically they modified the crown around the property.

John Rockwell stated there was a tiny replication area. He agreed to draft up an order of conditions for the next meeting.

Louise Barteau made a motion to close the Public Hearing, and that John Rockwell will write up an order of conditions for the Commission's review for the next meeting and was seconded by Geoff Haworth. The motion passed unanimously.

OTHER BUSINESS:

Alan Decker of the Buzzards Bay Coalition was present regarding the conservation restrictions on the property. He stated that the Nasketucket field has been corrected with the NW corner not to be included, which is approximately 3 acres.

John Rockwell stated that Mr. Decker was not on tonight's agenda so therefore per the open meeting law, they weren't able to discuss or vote anything further.

Mr. Decker thought he had made it clear that he was coming back and to be put on tonight's agenda. He asked to assure that he would be put on the agenda in 2 weeks.

Mr. Rockwell asked if the baselines had been done.

Mr. Decker said that it would be done by the project ending, which is how they always do it.

In other business, Louise Barteau did a site visit to 53 Goulart Memorial Drive (Mr. Taylor, of Taylor Seafoods) and she said that she doesn't feel what he did was an adequate response. The shells were moved further down the beach and put behind the building. The shells down the beach were covered in old netting (but are still visible). Ms. Barteau suggested a letter be written to the Board of Selectman.

Wayne Fostin said that Mr. Taylor called him today to have someone do a review of the shells.

Jay Simmons also agreed it was time to put a letter into the Selectman.

Geoff Haworth stated that the BOS have held the renewal of Mr. Taylor's agricultural farm contract and that they will continue to hold it until it's in compliance.

Louise Barteau said it look like a fair amount of dumping as well in that area.

Resident, Frank Coelho argued that Mr. Taylor was still not in compliance and how was the Board going to correct it, or prevent him from throwing it on a barge and out to sea.

Jay Simmons stated that the Board is working with Mr. Taylor to better address the situation.

Mr. Haworth told Mr. Coelho that the Selectman was holding up Mr. Taylor's license and that he could come to the next Selectman's meeting if he wanted.

Also, in other business, John Rockwell showed aerial google maps of the wildermarsh beach way that was heard earlier and he said that it definitely looks like there was unpermitted work done there.

The applicant's for #2 & #3 on regular public scheduled meetings never arrived.

Geoff Haworth made a motion to untable and continue to the June 16th meeting and was seconded by Louise Barteau. The motion passed unanimously.

Geoff Haworth made a motion to adjourn and was seconded by Simone Bourgeois.

On the question, there was a brief discussion when the on-sites would be. Everyone after discussion, agreed to Saturday, June 7th at 9:00 a.m.

The motion passed unanimously at 8:11 p.m.

Respectively submitted,

Patricia A Pacella
Recording Secretary