

# Fairhaven Conservation Commission Minutes

December 5, 2011

Present: Andy Jones, Joe Taylor, Cora Peirce, Steve Pereira, Jay Simmons. Agent Wayne Fostin,  
Absent: Logan Wood.

Meeting called to order by Chairman Jones at 6:32pm. No one recording proceedings.

Motion made by Joe Taylor 2<sup>nd</sup> Jay Simmons to accept minutes 11/20/00

1. NOI Alice Yeaton of 4 Bayside, Dave Davignon engineer for applicant. No abutters present. National Heritage, DEP file #, Waterways Dept. has been advertised. Motion to approve plans as presented with following conditions; EMC1,REC1,REC3,MAC3,DEB1,ADD1,WAS2,BCC1. Motion made by Joe Taylor 2<sup>nd</sup> Steve Pereira, All in favor, Andy Jones abstained.

2. RFD Antonio & Valentina DaCunha 8 Windward Way. No abutters present. Jeff Tallman-engineer from SITEC. Board of Health approval for septic in 1994. Motion made by Joe Taylor and 2<sup>nd</sup> by Cora Peirce to do an on-site 12/18/11. Vote unanimous.

3. ANRAD Town of Fairhaven Wood School 60 Sconicut Neck rd. plot 28 lot 24b. Joe made motion to accept line as presented, connecting flags as accurate. 2<sup>nd</sup> by Steve Pereira

Andy Jones abstained, vote unanimous.

4. NOI Bella Vista Island- Engineer Richard Regihm for applicant, Lenore White Wetland Strategies for Commission. Mark Martow from State DEP has been consulted.

Previous Order of Conditions is good for 3 years. Lenore White went out last Wednesday 11/30/11, Joe Taylor went as well. Replication from previous order has not been complied with and further work has taken place. Lenore believes this should be denied and recommended to DEP for enforcement, (25k per day).

Mr. Rehilm- rebuttal; directives from order of conditions from previous order- sand removed from drive way stock pile allowed. (Lenore states this was where a dune was and that they were to submit a plan on how it would be moved and to where, once bridge was dredged for passage. Also restoration work has not been completed.

Commissioners were concerned by amount of vegetative clearing (after hurricane Irene) which will now allow for erosion and fragmitti will increase. Lenore feels that the depression that was cleared is a salt pond with brackish water- having barrier beach

features. Mr. Rhellim disagreed as he had made a topographic map...which has yet to be presented to the board. Comments about the drive way a dune which was leveled by a float did not have plans. Discussion among board members, Joe Taylor made a motion against, which had no second. Motion failed. Anwar Alsawhil the owner- asked commission to visit island, he felt that his workers had notified BPW after hurricane Irene about removing a roof top from the shore, as well as brush that was killed by the salt. Motion made by Cora Peirce to perform an on-site 12/18/11 and continue hearing until 12/19/11. Jay Simmons 2<sup>nd</sup> vote. Vote unanimous.

5. NOI Jose DeMederios 25 Bayview Ave plot 28a lot 475

Engineer Rich Rellhm stated that he didn't know who cleared the neighbor's beach lot, after commission asked why. A picture from this year was shown that showed vegetation and not a sandy dune. Abutter Mr. Herbert of 27 Bayview stated that it was a summer long process of clearing the dune. Commissioners' very concerned, Cora Peirce wants an enforcement order issued against beach property owner, so he can hold this neighbor accountable. Concerns also raised by Mr. Jones of the stones on the beach and the creosote bars that were within the velocity zone. Jay Simmons made a motion to do another on-site on 12/18/11 and continue hearing until 12/19/11 2<sup>nd</sup> by Joe Taylor, vote unanimous.

6. Request for Amended Order of Conditions SE-23-1054

Washburn Ave. plot 4, lot 29 SITEC engineer Steve reviewed previous order and stated that the Planning Board and BPW requested change in utilities placement, sewer and water pipes. Also Fire Dept. requested a hydrant be placed. A request for an E1 pump on sewer line, the home owners would have an alarm that would sound when not draining properly. Also BPW wanted them to use a 3 layer process on the dirt road called chip seal, Mr. Jones asked about binder being needed. Commission not in favor of :Chip seal" for this delicate eco system, which has wetlands surrounding roadway. Abutter Tony Burke of 36 Washburn Ave, clarified that there would be no widening of road, no curb or berm as his house floods enough as it is. Agent Fostin clarified previous plan that no run off would be allowed from drive way into road.

Motion made by Andy Jones and 2<sup>nd</sup> Cora Peirce to allow utility changes and fire hydrant. However roadway surface to remain gravel and not "chip seal". Vote was unanimous.

7. 475 Bridge Street Dennis Sequin engineer was present with new wetland/as is survey. Will withdraw without prejudice and submit new plan/ new application. Motion made by Andy Jones and 2<sup>nd</sup> by Joe Taylor vote unanimous.

Other business:

Motion to pay \$135 to the Neighborhood News. Andy Jones 2<sup>nd</sup> Steve Pereira

Motion to Adjourn 8:40