

Conservation Commission  
MINUTES  
Monday, August 26, 2019 at 6:30 pm  
Town Hall, 40 Center Street  
Fairhaven, Massachusetts

1. Jay Simmons opened the meeting at 6:38 p.m. and advised the public that the meeting was being televised and recorded.
2. Quorum/Attendance: Chairman Jay Simmons, Amy DeSalvatore, Geoff Haworth, and Nick Carrigg. Nick Sylvia arrived at 6:39pm. Absent: Dan Doyle  
The Conservation Agent Whitney McClees was also present.
3. Approval of Minutes of the meeting of August 12, 2019.  
Geoff Haworth made a motion to table the minutes of the August 12, 2019 to the next meeting, seconded by Nick Carrigg. Motion passed unanimously.
4. **Requests for Extensions:** None
5. **Requests for Certificates of Compliance:** None

**Continued Public Hearings**

Jay Simmons read continued hearings into the record

- a) SE 023-1286, CON-19-029: **200 Mill Road – continued to September 16, 2019**
- b) SE 023-1297, CON-19-051: **Hiller Avenue & Timothy Street, Assessors Map 28C, Lots 71 and 71A – continued to September 16, 2019**
- c) SE 023-1302, CON-19-066: **6 Emerson Avenue – continued to September 16, 2019**
- d) CON-19-055: **25 Abbey Street – continued to August 26, 2019**  
Notice of Intent filed by Agostinho Pinto for the razing of the existing dwelling and garage and construction of a new flood zone-compliant single-family dwelling at the property located at 25 Abbey Street, Assessors Map 6, Lot 102. Work to take place in Land Subject to Coastal Storm Flowage/Zone VE and Buffer Zone to Bordering Vegetated Wetland.

Agostinho Pinto was present

Whitney McClees addressed the changes that needed to be made regarding permitting from DEP for the driveway and went into detail regarding the reduction of impervious surfaces. Ms. McClees explained that she sees no reason not to approve at this time.

Nick Sylvia and Geoff Haworth were in agreement that the proposed project looks like a well thought out project.

Geoff Haworth made a motion to close the public hearing and approve the plans dated June 5, 2019 with conditions that were outlined in the staff report on August 21, 2019. Seconded by Nick Carrigg, this motion passed unanimously.

- e) SE 023-1296, CON-19-050: **46 Sconticut Neck Road – continued to August 26, 2019**  
Notice of Intent filed by Joshua Alves, Alexander Grey Development LLC, for the construction of an 8-house subdivision, roadway, stormwater facility, and utilities and for wetland mitigation of historical impacts at the property located at 46 Sconticut Neck Road, Assessors Map 28, Lot 24. Work to take place within Bordering Vegetated Wetland and Buffer Zone to Bordering Vegetated Wetland.

Geoff Haworth made a motion to continue 46 Sconticut Neck Road at the applicant's request seconded by Nick Carrigg this motion passed unanimously.

f) SE 023-1303, CON 023-075: **240 Alden Road – continued to August 26, 2019**

Abbreviated Notice of Resource Area Delineation filed by Jeff White requesting confirmation of all the jurisdictional resource areas under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw at the property located at 240 Alden Road, Assessors Map 23, Lots 175A, 175D, and 175E.

Geoff Haworth made a motion to continue 240 Alden Road until September 16, 2019 seconded by Nick Carrigg, this motion passed unanimously.

g) CON 023-078: **12 Howland Road – continued to August 26, 2019**

Notice of Intent filed by Nye Lubricants, Inc. for the removal and replacement approximately 25,326 square feet of aggregated material (asphalt) at the property located at 12 Howland Road, Assessors Map 19, Lot 100. Work to take place within Riverfront Area, Buffer Zone to Coastal Beach, and Land Subject to Coastal Storm Flowage/Zone AE.

John McAllister representing NYE Lubricants explained the concept of the changes that were to be made. Mr. McAllister explained that revised documents were provided were revised.

He explained the maintenance plans and the plans were designed to comply with the waste water management and DEP as well as the Wetland Protection Act. Mr. McAllister explained that they are reducing the amount of impervious area.

Ms. McClees explained that the applicants addressed all the changes and points directed by the peer reviewer, they recommended removing the pavement eastward. She read aloud the recommendations that were provided by the peer reviewer.

Discussion regarding any extra permits that may be needed by other boards.

Geoff Haworth made a motion to close the public hearing and approve the plans that are dated Aug. 26, 2019 along with the conditions that are listed in the staff report also dated August 26, 2019, seconded by Nick Carrigg, this motion passed unanimously.

h) CON 023-079: **88 Fort Street – continued to August 26, 2019**

Geoff Haworth made a motion to table 88 Fort Street, seconded by Nick Carrigg, this motion passed unanimously.

i) CON 023-081: **Bridge Street, Assessors Map 36, Lot 15 – continued to August 26, 2019**

Notice of Intent filed by Craig Lutz, Carapace LLC for the construction of an auto dealership with ancillary paved parking on vacant lot at the property located at Bridge Street, Assessors Map 36, Lot 15. Work to take place in Bordering Vegetated Wetland.

Geoff Haworth made a motion to continue CON 023-081: Bridge Street, Assessors Map 36, Lot 15 until September 16, 2019 at the applicant request, seconded by Nick Carrigg, this motion passed unanimously.

j) CON 023-085: **68 Winsegansett Avenue**

Geoff Haworth made a motion to table 68 Winsegansett Avenue  
Seconded by Nick Carrigg, this motion passed unanimously.

k) CON 023-087: **6 Treasure Bay Lane**

Request for Determination of Applicability filed by Alain Lachat for the installation of a shed on sonotubes at the property located at 6 Treasure Bay Lane, Assessors Map 29A, Lots 181-182. Work to

take place in Land Subject to Coastal Storm Flowage Zone VE and Buffer Zone to Coastal Dune and Coastal Beach.

Green cards were given to agent at this time.

Alain Lachat was present for the installation of sonotubes under shed.

Discussion regarding shed encroaching on the neighbor's property.

Geoff Haworth questioned the size of the shed, in which was 10x14

John Pierre and Susan Lachat were also present

Board members further discussed the matter

Geoff Haworth made a motion to close the public hearing with a Negative 2 determination, seconded by Nick Carrigg, this motion passed unanimously.

Geoff Haworth made a motion to un-table 88 Fort Street, seconded by Nick Carrigg, this motion passed unanimously.

**a) CON 023-079: 88 Fort Street – *continued to August 26, 2019***

Due to not enough members present who are able to vote on the hearing, the commission discussed continuing the public hearing until September 16, 2019.

Geoff Haworth made a motion to continue 88 Fort Street until September 16, 2019 at the applicant's request, seconded by Nick Sylvia. This motion passed unanimously.

Geoff Haworth made a motion to un-table 68 Winsegansett Avenue due to the engineer's arrival, seconded by Nick Carrigg, this motion passed unanimously.

**b) CON 023-085: 68 Winsegansett Avenue**

Notice of Intent filed by Black Rock Investment Trust to demolish the existing dwelling and garage and construct a replacement 2-story single-family dwelling and install a Title 5 Septic System at the property located at 68 Winsegansett Avenue, Assessors Map 42A, Lot 258. Work to take place Land Subject to Coastal Storm Flowage Zone VE and Buffer Zone to Coastal Beach and Barrier Beach.

Dave Davignon was present and explained that 90% of the property will be redone. The property is located in a velocity zone and buffer zone but not proposing to alter bank. Mr. Davignon provided an updated and highlighted plan to the board in which represented a 2 -story single family home. He further explained the poor condition of the home and that these updates will positively impact the neighborhood.

Jay Simmons questioned the grading

Everette Lacerta expressed that he was for the project

Jane Rish expressed that she was in favor of the project.

Whitney McClees questioned the how the seawall will be patched and if there will be variances for the driveway as well as erosion control.

Discussion ensued.

Geoff Haworth made a motion to close the public hearing and approve the plans dated July 30, 2019 with the outlined conditions in the staff report dated August 22, 2019, seconded by Nick Carrigg, this motion passed unanimously.

At this time Jay Simmons recused himself as chair and took a place in the audience as an abutter.

- c) CON 023-088: **130 Ebony Street** Request for Determination of Applicability filed under the Fairhaven Wetlands Bylaw only by John Hinds for the determination of whether the property is subject to the jurisdiction of the Wetlands Bylaw at the property located at 130 Ebony Street, Assessors Map 43A, Lots 235-237. No work is proposed with this filing.

Geoff Haworth Vice-Chair opened the public hearing

John Hinds and engineer Jon Connell explained that the wetlands were recently flagged as well as flag indicators for native soils in adjacent parcels.

Discussion regarding whether this property will be considered an isolated wetland or part of the local bylaw instead.

Whitney McClees recommended that a site visit be done in order to further inspect the property.

Mr. Connell explained the lack of vegetation on the parcel and that it has been viewed as a cleared lawn for some time. There is a limited source of wetland hydrology on the property and does not contribute to the wetland bylaw.

Discussion regarding standing water and concluded that there was none at this time.

Nick Carrigg expressed concerns whether the wetlands have been disturbed.

Geoff Haworth explained that parcel 237 is an undisturbed area.

Discussion regarding if the parcel should be considered a wetland.

At this time the commission provided recommendations on the matter.

Jay Simmons abutter questioned the catch basins and that this seems to be a unique situation due to the road already being paved.

Discussion ensued

Geoff Haworth made a motion to close the public hearing and issue a Positive 6 determination that parcel 237 falls under the Wetland Protection Act/ Bylaw. Seconded by Nick Carrigg, this motion passed unanimously.

At this time Chairman Jay Simmons rejoined the Commission as Chair.

#### 6. **Violations/Enforcement Orders/Cease and Desist Notices:**

- a) Town Beach on West Island – waiting for \$300 fine

Discussion regarding nothing being received regarding a payment for fine. Ms. McClees explained that letters have been sent out for payment.

Jay Simmons explained that until payment is received that violation should be kept on agenda.

b) 28 Cherry Street

Ms. McClees explained that report has been received and that two sections of fence has been installed in Buffer Zone. A permit is needed for such fences however there was no permit issued at this time. Jay Simmons explained that the applicant has 90 days to get a permit issued.

Discussion ensued.

Jay Simmons recused himself as chair.

c) North Street Marsh, Assessors Map 15, Lot 43  
Mr. Lee Miguel was present

Discussion regarding clearing on Lot 43 that was presumed done by neighbor.

Board discussed next site visit as well as cease and desist sign to be posted.

Discussion ensued.

**7. General Business:**

a) Bills- None

Discussion regarding canceling November 12, 2019 meeting due to Special Town meeting.

Geoff Haworth made a motion to cancel November 12, 2019 meeting, seconded by Nick Carrigg, this motion passed unanimously.

The Commission expressed their gratitude to Ed Dorschied for his service on the Conservation Commission. The board did discuss the fact that there is currently a vacant seat on the commission.

Discussion regarding MassDEP/MACC Forum: Thursday, September 26 at 6:00pm at DEP Lakeville

Discussion regarding an Offer to Donate Land: Akin Street

Geoff Haworth spoke about 9 Goulart Street and a possible site visit . He asked which board members would be willing to meet with the applicant in order to speak with him regarding removing more trees.

Geoff Haworth made a motion to adjourn meeting at 8: 24 p.m. seconded by Nick Sylvia, this motion passed unanimously.

**Respectfully Submitted**

**Shallyn Rodriguez**