

CONSERVATION COMMISSION

April 27, 2020

Minutes

Mr. Simmons opened the meeting at 6:34p.m.

It was advised that the meeting was being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of COVID-19. The Governor's Order suspends the requirement of Open Meeting Law to have all meetings in a publicly accessible physical location.

For this meeting, the Conservation Commission convened by telephone and video conference via Zoom as posted on the Town's website identifying how the public may join. The meeting was recorded and televised live, and some attendees participated by phone and video conference.

The meeting was attended remotely by Jay Simmons, Gary Lavalette, Nick Sylvia, Amy DeSalvatore, Geoff Haworth, Dan Doyle, and Nick Carrigg. Also in attendance remotely was Conservation Agent, Whitney McClees.

Ms. McClees read the Remote Access Information in for the record.

1. Present: Chairperson, Jay Simmons, Geoff Haworth, Gary Lavalette, Nick Sylvia, Daniel Doyle, and Amy DeSalvatore, and Nicholas Carrigg were all present remotely through Zoom.

Conservation Agent, Whitney McClees was also present remotely.

2. Absent: None.

3. Minutes

- a) Approve the minutes of April 13, 2020 – Geoff Haworth made a motion to approve the minutes and was seconded by Gary Lavalette. Motion approved by roll call vote (6-0-1) with Nicholas Carrigg abstaining as he was not present for that meeting.

4. Action

- b) Vote to approve the Agent to sign documents
Ms. McClees went over the approval needed for electronic signatures for the Staff Person when a 'wet' signature is needed. Recommendation would be for the staff person, Whitney McClees to sign on the Commission behalf for the purposes of Registry of Deeds.

Mr. Haworth asked that instead of all the commission members signing separately, this would take place or votes that take place through the Commission.

Ms. McClees answered that it would only be used for a 'wet' signature. Electronic signatures would still occur.

Mr. Simmons asked if this only relates to recorded land, through Registry of Deeds.

Ms. McClees stated that this procedure only applies for recorded land, not registered land.

Amy DeSalvatore made a motion to authorize the Conservation Agent, currently Whitney McClees, to physically sign, on behalf of the Commission, documents issued by the Commission under the Wetlands Protection Act, M.G.L. c. 131, §40, and/or the Fairhaven Wetlands Bylaw, Chapter 192 of the Code of the Town of Fairhaven, including but not limited to orders of conditions, permits, extension permits, and certificates of compliance, in addition to the electronic signatures by the Commission. Geoff Haworth seconded the motion. Motion passed unanimously by roll call vote (7-0-0).

c) Vote to re-approve Order of Conditions for 130 Ebony Street

Due to the information released regarding registered land and electronic signatures, a vote does not need to be re-taken, but the signature document will need to be re-signed with wet ink signatures.

5. Discussion

a. May 18, 2020 Meeting – reschedule or cancel due to postponed Town Election?

Mr. Simmons stated there is no new public hearings that would be on the May 18, 2020 meeting.

Ms. McClees stated she only received a certificate of compliance request for the May 4 meeting and that she did not receive any new filings for the May 18 meeting.

Mr. Simmons says he thinks there may be another continuation of the Town Elections. He said it would be safe to postpone the May 18, 2020 meeting as there isn't much coming up on the agenda. The next meeting is scheduled for May 4, 2020 and then on June 8, 2020.

Ms. DeSalvatore asked about a continuation that is scheduled for May 18, 2020.

Mr. Simmons stated the applicant has been moved already to later than May 18, 2020.

Mr. Haworth also agreed that Hiller Avenue & Timothy Street would like to be pushed out as far as possible and that the Commission would like to have that one done in Public, where there is so many public residents that want to be present.

Ms. McClees reviewed what meetings have been pushed out per the applicant's requests. She stated that she was under the impression that Planning Board wasn't doing any hearings at this time.

Mr. Haworth stated that he had some concerns for the contractors that wouldn't be getting in on a meeting for at least June or later. He had some concerns that the Board shouldn't be holding any contractors up on hearings that were put through months ago.

Ms. DeSalvatore stated that she thinks that the May 18, 2020 meeting should still take place until they know exactly if the Selectboard is going to postpone the Town Election or not. The Commission decided to wait to make any changes at the May 4, 2020 meeting.

6. Public Hearings pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Code of the Town of Fairhaven Chapter 192, Wetlands:

Continued to Future Meeting

a. SE 023-1297, CON-19-051: **Hiller Avenue & Timothy Street, Assessors Map 28C, Lots 71 and 71A – continued to May 18**

Notice of Intent filed by Robert Roderiques for the construction of paved roadways and stormwater management systems and the installation of utilities including the placement of fill for the aforementioned work for a proposed 16-lot subdivision at the property located at Assessors Map 28C, Lots 71 and 71A. Work to take place within the Buffer Zone to Bordering Vegetated Wetland.

New Request for Determination of Applicability**b) CON 023-135: 2 Alcobia Drive**

Request for Determination of Applicability filed by John S. Santos for the construction of an 8' x 12' wood shed set on six (6) sonotubes in the rear of the house at the property located at 2 Alcobia Drive, Assessors Map 42, Lots 69-70. Work to take place in buffer zone to Salt Marsh and Land Subject to Coastal Storm Flowage.

Mr. John Santos, applicant, of 2 Alcobia Drive was present remotely for this hearing.

Mr. Simmons opened the hearing.

Ms. McClees reviewed her Staff Report dated April 21, 2020. She advised the shed would be located in the rear of the property, outermost area of the buffer zone with six sonotubes. She recommended closing out the public hearing and granting a Negative 3 and Negative 6 Determination with two conditions: CAP-3 and WAS-2.

Mr. Santos stated that the sonotubes would have proper foundation and being done by East Coast Sheds. He said it would be built off site and just erected at the site.

Ms. DeSalvatore asked if there was a stipulation of the wetland line.

Ms. McClees stated it was a RDA and an approval of the wetland line was not necessary.

Mr. Simmons opened up for public comment. No one responded.

Geoff Haworth made a motion to issue a Negative 3 and Negative 6 Determination with two conditions, CAP-3 and WAS-2 and was seconded by Amy DeSalvatore. The motion passed unanimously by roll call vote (7-0-0).

Continued Notices of Intent**c) SE 023-1296, CON-19-050: 46 Sconticut Neck Road – *request for continuance to June 8***

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.

Mr. Haworth made a motion to continue SE 023-1296, CON-19-050 to June 8, 2020 per the applicant's request and was seconded by Amy DeSalvatore. The motion passed unanimously by roll call vote (7-0-0).

d) SE 023-1299, CON 023-081: Bridge Street, Assessors Map 36, Lot 15 – *request for continuance to May 4*

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.

Mr. Haworth asked Ms. McClees to follow up with Mr. Foley to find out who's holding it up. He stated that he didn't want to see our peer reviewer hold anyone up.

Mr. Haworth made a motion to continue SE023-1299, CON 023-081 Bridge Street to May 4, 2020 at the applicant's request and was seconded Ms. DeSalvatore. The motion passed unanimously by roll call vote (7-0-0).

e) SE 023-1308, CON 023-095: Huttleston Avenue, Assessors Map 31, Lots 115A & 117C – *request for continuance to May 4*

Notice of Intent filed by Dana Lewis for the construction of four 3-unit residential buildings with ancillary earthwork and utilities, along with two storage buildings and a shed at the property

located on Huttleston Avenue near Gellette Road, Assessors Map 31, Lots 115A and 117C. Work to take place in Buffer Zone to Bordering Vegetated Wetlands.

Ms. McClees stated they were waiting for the peer review status from Planning Board to move forward.

Mr. Haworth made a motion to continue SE023-1308, CON 023-095 Huttleston Avenue per the applicant's request to May 4, 2020 and was seconded by Gary Lavalette. The motion passed unanimously by roll call vote (7-0-0).

- f) SE 023-1309, CON 023-110: **1 Bella Vista Island – request for continuance to May 4**
Notice of Intent filed by Heiam Alsawalhi for the reconstruction of an existing eastern groin, modification of the existing seawall, dredging the bridge channel, providing beach nourishment, a line of wooden posts and planting a lawn in the non-jurisdictional depressions, the construction of a ten-foot-wide crushed stone path to the beach, and an after-the-fact electric gate at the causeway bridge at the property located at 1 Bella Vista Island, Assessors Map 43B, Lots 326, 359, and 360. Work to take place in Land Under Ocean, Coastal Beach, Coastal Bank, Land Subject to Coastal Storm Flowage and buffer zone to Salt Marsh.

Ms. McClees stated she was waiting for information from the applicant.

Mr. Haworth made a motion to continue SE 023-1309, CON 023-110, 1 Bella Vista Island at the applicant's request to May 4, 2020 and was seconded by Amy DeSalvatore. The motion passed unanimously by roll call vote (7-0-0).

7. Violations/Enforcement Orders/Cease and Desist Notices

- a. 44 Torrington Road: revised restoration plan submitted
- b. 7 Waybridge Road

Mr. Simmons took both items together.

Ms. McClees stated she spoke to engineer and they were working together on a restoration plan. She advised there has been no revision since last meeting.

Mr. Haworth asked about the irrigation system. He also asked about wetland flag 6 and down if that was fill being removed.

Ms. McClees reviewed the area of fill to be removed. The fill does not encompass the entire cleared area.

Mr. Haworth asked about the stumps in that area.

Mr. Lavalette asked if it was mandatory that an irrigation system be put in.

Peter Therrien, Engineer for the applicant was present remotely.

Mr. Therrien was thinking something more temporary for the irrigation system. He said he would work with Ms. McClees on the restoration plan.

Mr. Haworth asked Mr. Therrien about the tree stumps in the area.

Mr. Therrien stated he would hope that the stumps not be removed; he didn't recall how deep the fill was.

Mr. Haworth thought there was approximately 12 stumps in that area and wondered how they wouldn't be affected.

Mr. Therrien said they would come up with a plan.

8. General Business

- a) Bills – none presented
- b) Next Meeting: May 4, 2020

9. Any other business that may properly come before the Commission not reasonably anticipated 48 hours in advance of the meeting.

Mr. Lavalette brought up a procedure is needed for addressing fines and permitting. He thinks that the Commission shouldn't be discussing the fines with the engineers, just the homeowners directly.

Mr. Simmons suggested they put a discussion on 'fines' at their future meeting.

Ms. McClees stated she will look at what other Towns are doing with fines and they can discuss at another meeting.

Mr. Haworth made a motion to adjourn and was seconded by Ms. DeSalvatore. The motion passed unanimously at 7:50p.m. by roll call vote (7-0-0).

Respectively submitted,

Patricia A. Pacella

Recording Secretary