

MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
July 26, 2010

The meeting was called to order on July 26, 2010 at 6:30 p.m. at the Town Hall. Present were Chairman Tyler Macallister, Board Members Kenneth Dawicki, Jim O'Dowd, Carmelo Nicolosi, and Gary Brackins, Code Enforcement Officer Andy Bobola, Conservation Agent Rene Drouin, and recorder Marcia Perry.

Chairman Tyler Macallister announced that the scheduled meeting for the Notice of Intent filed by Timothy & Greta Fox to build a subdivision at Pine Island Road was continued to August 23, 2010.

Opened scheduled hearing for the Request for Determination of Applicability filed by NSTAR for minor grading to fill, remove boulders, level mounds on North Street to Crystal Spring Road. Eric Thomas of Beals & Thomas, Inc. represented the applicant.

MATTERS DISCUSSED: The representative discussed the sequence of the work to be completed in October and informed the Board that a Notice of Intent will be filed by the end of the week. The representative also answered the Board's questions about the status of the stream and plans for erosion control, filing with Natural Heritage, and use of fill for grading.

LIST OF DOCUMENTS USED: Request for Determination of Applicability, site plan dated 7/30/10, DEP wetland delineation forms and memorandum, updated copy of Sheet 2.1 of the plan, USPS forms 3877 for abutter notification, site inspection report, public notice, Determination of Applicability.

MOTION: Kenneth Dawicki moved to accept the plan and issue a Negative 3 determination with the condition that no work is done in the resource area.

AMENDED MOTION: Kenneth Dawicki moved to accept the plan and issue a Negative 5 Determination.

SECOND: Jim O'Dowd.

ACTION: Carried unanimously.

Opened scheduled hearing for the Request for Determination of Applicability filed by Harry & Bobbi O'Hare to build an 11' x 13.5" shed at 3 Oyster Lane. The Board voted unanimously to waive reading of the public notice. Bruce Rocha Jr. of Fisher & Rocha represented the applicant and submitted photographs of the area. **MATTERS DISCUSSED:** The representative discussed work in an AE15 zone with no bordering vegetated wetlands involved.

LIST OF DOCUMENTS USED: Request for Determination of Applicability, copy of a 1986 subdivision plan, photograph of the site, forms 3877 for abutter notification, site inspection report, public notice, Determination of Applicability.

MOTION: Kenneth Dawicki moved to accept the plan and issue a Negative 2 Determination.

SECOND: Carmelo Nicolosi.

ACTION: Carried unanimously.

Opened scheduled hearing for the Notice of Intent filed by the Town of Mattapoisett for Mattapoisett River footbridge rehabilitation/replacement. Susan Nilson of CLE represented the applicant and submitted the response from the Division of Marine Fisheries. Abutters James Hubbard and John Rommelfanger were present to discuss their concerns about the project.

MATTERS DISCUSSED: The representative discussed using the existing abatement for this part of the Bike Path project and will widen the foot bridge to 14', as required by the Department of Transportation. Other matters discussed included work at anchor points, grading, staging area location, and emergency vehicle access.

LIST OF DOCUMENTS USED: Notice of Intent, site plan with final revision date of 6/21/10, USPS forms 3877 for abutter notification, Site Inspection Report, Notification of Wetlands Protection Act File number, four 8.5 x 11" photographs, public notice, notice of waterways license application dated 8/2/10, correspondence from the Division of Marine Fisheries and the Division of Fisheries & Wildlife, Order of Conditions.

MOTION: Kenneth Dawicki moved to accept the plan and issue an Order of Conditions with the condition that trucks be cleaned offsite.

SECOND: Carmelo Nicolosi.

ACTION: Carried unanimously.

Opened scheduled hearing for the Notice of Intent filed by Dorothy Egan for a deck at 3 Woodlawn Avenue. Kevin Fogue of GAF represented the applicant.

MATTERS DISCUSSED: The representative discussed using sonotubes for the deck support.

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LIST OF DOCUMENTS USED: Notice of Intent, site plan with final revision date of 7/19/10, Site Inspection Report, one 8.5 x 11" photograph, Notification of Wetlands Protection Act File number, forms 3877 for abutter notification, Order of Conditions.

MOTION: Kenneth Dawicki moved to accept the plan with no special conditions.

SECOND: Jim O'Dowd.

ACTION: Carried unanimously.

Opened scheduled hearing for the Request for an Amended Order of Conditions filed by Lawrence Oliveira for pier modifications at 0 Starboard Way. Susan Nilson of CLE represented the applicant.

MATTERS DISCUSSED: The representative discussed the two modifications to the plan: a seven-foot reduction in pier size and timber stairs to comply with Chapter 91 requirements, noting these modifications would cause less impact to the resource area. The representative also noted that the number of piles would not be reduced and the Army Corps license had been received and appealed. The Board informed the representative that the addition of stairs would be considered an increase in the scope of the work and require a new Notice of Intent. The Board noted that the original Order of Conditions had not been appealed. Abutter Christian Hicks of 11 Shoreview Avenue discussed how the shortening of the pier would have more impact on the quahogs because the vessels would be in 2.3' to 2.6' of water and asked the Board to allow an expert to address them. The representative requested a continuance to September to have a rebuttal expert present.

LIST OF DOCUMENTS USED: Notice of Intent, site plan with final revision date of 5/21/10, USPS forms 3877 for abutter notification, Site Inspection Report, Notification of Wetlands Protection Act File number, two 8.5 x 11" photographs, public notice

MOTION: Kenneth Dawicki moved to continue the hearing to the first meeting in September.

SECOND: Jim O'Dowd.

ACTION: Carried unanimously.

Opened scheduled hearing for the ANRAD filed by the Livingstone Plymouth Nominee Trust for Mattapoisett Neck Road, Map 12 Lot 3. Al Ewing of Alan Ewing Engineering, Inc. represented the applicant.

MATTERS DISCUSSED: The representative discussed the delineation by Bob Gray of Sabatia, identification of the fresh and salt water areas on the plan, total square feet and percentage of upland. The Board reviewed the plan and asked if the other brook was perennial. The representative offered to change it on the plan. The Board agreed to arrange for an onsite visit to determine whether any historic fill is present. The hearing was continued for two weeks pending receipt of a revised plan showing the whole parcel in a riverfront area.

LIST OF DOCUMENTS USED: ANRAD, site plan with final revision date of 7/21/10, USPS forms 3877 for abutter notification, Notification of Wetlands Protection Act File, public notice

Opened continued hearing for the Notice of Intent filed by James & Dale C Barnes to demolish and rebuild a garage at 69 Mattapoisett Neck Road.

LIST OF DOCUMENTS USED: Notification of Wetlands Protection Act File number.

MOTION: Carmelo Nicolosi moved to accept the plan as presented.

SECOND: Jim O'Dowd

ACTION: Carried unanimously.

The Board signed a Certificate of Compliance requested by Robin Lepore (SE44-669) for 6 Seabreeze Lane .

MOTION: Kenneth Dawicki moved to issue a Certificate of Compliance.

SECOND: Jim O'Dowd

ACTION: Carried unanimously.

WALK-INS: Al Ewing approached the Board to discuss filing a Notice of Intent for an upcoming project.

Minutes:

MOTION: Kenneth Dawicki moved to accept the 7/26/20 minutes.

SECOND: Jim O'Dowd

ACTION: Carried unanimously.

Meeting adjourned.