

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
11/9/20**

**Topic: Mattapoissett Conservation's Zoom Meeting
Time: November 9, 2020 06:30 PM Eastern Time (US and Canada)**

Members included Chairman Mike King, Trevor Francis, David Lawrence, John Jacobsen, Chapman Dickerson, Agent Liz Leidhold and Secretary Marianne DeCosta.

These people who were signed in were; Brandon Pfneauf, cljsj, William Straus, Judith Selwyn, Alexi Makkas, Bill Madden, bclapp, Mattapoissett Town Hall, Bertram Zarins, Bob, Bruce Sammis, Caroline Booth, Chris Brockwell, Clinton Schwamb, Daves ipad, David Behenna, Eric Las, George, Jim Marsh, Korrin Peterson, Lee Selwyn, Marilou Newell, Michael Lorenzo, Mike, Mike Huguenin, Rich Riccio-Field Engineering, newuser, 5082693280, Paul Downey, Melissa Gregoire, Dan Craig, N Douglas Schneider.

Chairman King brought the meeting to order at 6:35 pm.

Before opening the Public Hearings, the Chairman explained that the RDA's can be voted on the night of the hearing. However, the NOI's will be continued until the following meeting to allow adequate public input.

PUBLIC HEARINGS:

Request for Determination of Applicability filed by Judith E. Selwyn. The address is 47 Mattapoisset Neck Road, as shown on Assessor's Map 11, lot 137A/138. The applicant proposes to remove a portion of an existing deck footprint to expand den. Existing deck supported on sonotubes, new space to be supported on sonotubes. *The Representative is Judith E. Selwyn, Trustee.*

MOTION: David Lawrence made to waive the reading of the legal ad.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye Mike, aye 5-0-0

Judith Selwyn presented the project. The Chairman mentioned that the excess materials are to be removed offsite. Mrs Selwyn agreed.

Questions Board – no

Questions Public – no

MOTION: Dave Lawrence made a motion to approve with a negative 3 determination with the condition to notify office at the commencement of the project.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye, Mike, aye 5-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

11/9/20

Request for Determination of Applicability filed by 20 Ned's Point LLC. The address is 20 Ned's Point Road, as shown on Assessor's Map 7, lot 116. The applicant proposes to construct a 9' x 16' in ground swimming pool, 15' x 12' open front pool house and various patio and landscaped areas. The project will require filling and grading as depicted on the associated plans. The work will be performed partially within Land Subject to Coastal Storm Flowage by approximately 300 feet from the top of bank. *The Representative is N. Douglas Schneider, P.E., P.L.S.*

MOTION: Trevor Francis made to waive the reading of the legal ad.

SECOND: seconded by David Lawrence

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye Mike, aye 5-0-0

Dave Davignon presented the project for the in-ground pool, pool house and landscape improvements.

Questions Board – no

Questions Public – no

MOTION: Dave Lawrence made a motion to approve with a negative 3 determination with the condition to notify office at the commencement of the project.

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye, Mike, aye 5-0-0

SE44- 1411 Notice of Intent filed by Donna J. Downey, Trustee, 16 Water Street Nominee Trust.

The address 16 Water Street as shown on Assessor's Map 9, lot 189. The applicant is proposing to construct a 74' – 14' expansion on to an existing single-family dwelling located within a mapped FEMA Flood Zone VE (El. 18) and within 70 feet of a coastal beach. *The Representative is Robert M. Field, P.E. of Field Engineering Co., Inc.*

MOTION: Trevor Francis made to waive the reading of the legal ad.

SECOND: seconded by David Lawrence

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye Mike, aye 5-0-0

Rich Riccio from Field Engineering presented the project of the expansion of deck area on water side of the property. This is located in the velocity zone and there were no technical comments from DEP.

Questions Board – no

Questions Public – no

The Chairman reiterated that there will be no votes on NOI the original hearing date in order to leave time for review by the board, the abutters and anyone from the public who would like to look at the project plans. This hearing will be continued to the next meeting, November 23rd.

MOTION: Trevor Francis made a motion for a continuance

SECOND: seconded by David Lawrence

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye, Mike, aye 5-0-0

CONTINUED PUBLIC HEARINGS:

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

11/9/20

SE44-1409 Notice of Intent filed by Randall Lane Solar, LLC. The address is 29 Randall Lane as shown on Assessor's Map 21, lots 6,7,and 40. The applicant is proposing the construction of a solar photovoltaic array and associated features within the buffer zone to bordering vegetated wetlands, riverfront area, and bordering land subject to flooding. *The Representative is Eric J. Las, PE, LEED, AP of Beals and Thomas.*

Eric Las presented a short update on the project. This is before the planning board and they expect to hire a 3rd party consultant. They are hoping that when it comes to the time that they will do a site walk with the Conservation Commission as well. Chairman will consider a motion to request funds to confirm wetlands delineation.

Eric Las commented that there is a revised set of plans being developed for the Planning Board

Questions Board – no

Questions Public – yes

Attorney Jim Marsh represents the abutters, the Brockwells at 13 Randall Ln. He is happy to hear about the peer review, and he will be responding to comments from a letter sent from Bill Madden at GAF. Mr. Madden indicated that they are waiting for a response to his letter.

Eric Las agreed that this will require a continuance to the next meeting on November 23rd

MOTION: John Jacobsen made a motion to request funds for a 53B consultant

SECOND: seconded by David Lawrence

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye Mike, aye 5-0-0

SE44-1404 Notice of Intent filed by Alexander Bauer. The address is 7 Nashawena Road as shown on Assessor's Map 15A, lot 140. The applicant is proposing to reconstruct a single-family dwelling with deck to the rear and concrete slab under the house to drain storm water away from structure and towards a natural low area to rear of the lot. *The Representative is N. Douglas Schneider, P.E., P.L.S.*

The representative from Schneider, Davignon and Leone is not present on the Zoom meeting. Mr. Schneider came on later in the meeting and asked for the hearing to be continued until November 23rd meeting.

Continued to November 23rd

SE44-1287 Request to Amend Notice of Intent filed by Jesse Davidson. The address is 22 Pine Island Road as shown on Assessors Map 4, lot 79 to permit changes to original plan. These include changes to house, driveway and garage, and grading. *The Representative is William Madden of G.A.F. Engineering.*

This application was to remedy an enforcement Order. Mr. Madden of GAF Engineering presented the plan. The applicant proposes some small alterations, including a small shallow pond, some grading and wood chips. The building Inspector would like to see a Post Construction Elevation Certification, this is scheduled to be done.

Questions from the Board- The Chairman asked how they intended to protect the replicated area. Mr. Madden stated that there will be a future permanent barrier at the wetland line. The Agent suggested 4x4 posts and Mr. Madden stated that he thinks that the applicant knows now what they can and cannot do, so he doesn't think that should be a requirement.

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

11/9/20

The Chairman suggested polling the Commission, and that he thought there shouldn't be a requirement.

Mr. Dickerson agreed with the Chairman

Mr. Jacobsen disagreed saying that the Board has required posts on previous projects and he doesn't find that unreasonable

Mr. Francis agreed that the Agent thinks that some demarcation should be in place

Mr. Lawrence agrees with Mr Francis

Mr. Madden agreed that they will put one post at each flag station.

Questions from the Public – no

MOTION: Trevor Francis made a motion that a permit be approved to replant 25' no touch, remove wood chips, re-grade lot, posts to delineate wetlands

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye, Mike, aye 5-0-0

The Chairman asked for a motion to close the public hearings

MOTION: Trevor Francis made a motion to close the hearings

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye Mike, aye 5-0-0

REQUEST FOR EXTENSIONS OR CERTIFICATE OF COMPLIANCE:

SE44-327 Request for a Certificate of Compliance filed by William Slater. The address is 8 Marston Court, as shown on Assessor's Map 5A, Lot # 170.

A letter was received from Schneider, Davignon and Leone saying that the work has been completed in compliance with the Order of Conditions.

MOTION: David Lawrence made a motion to approve the Certificate of Compliance

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye Mike, aye 5-0-0

SE44-1094 Request for a Certificate of Compliance filed by Susan & Alan Fine. The address is 1 Waterman Street, as shown on Assessor's Map 5A, Lot # 218.

A letter was received from Rick Charon of Charon and Associates that the proposed work was never commenced.

The Agent recommended that the Board approve an invalid finding to closeout the project.

MOTION: David Lawrence made a motion that the project permit be determined invalid and to closeout the project.

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye Mike, aye 5-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

11/9/20

SE44-780 Request for a Certificate of Compliance filed by Alexander Makkas. The address is 16 Island View Avenue, as shown on Assessor's Map 14A, Lot # 41.

A letter was received from Rich Riccio of Field Engineering that the project has been substantially completed in accordance with the Order of Conditions.

MOTION: David Lawrence made a motion to approve the Certificate of Compliance

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye Mike, aye 5-0-0

OTHER BUSINESS:

- **Walk Ins/Oral briefings – no action**

- **Enforcement Orders**

- **Request to lift Enforcement Order for 4 Seabreeze Lane**

Comments were made by Attorney George Pucci, who represents the Town of Mattapoisett. He said that it is pretty clear that the Enforcement Order was upheld by the court by the courts.

The DEP cannot order a superseding OOC. As of the last meeting with the judge the Court ordered that the matter be brought to conclusion.

Opposing council asserted that there was a conflict interest and that the Agent works for the Coalition, which is not the case.

The Court ordered that the Agent and soil expert visit the site by 5:00 on Nov. 6th. As far as Mike King knows it went smoothly. Needs to know what more to do on enforcement order.

The Chairman says there are two conditions that he'd like to bring up and that is the two year growing seasons and the 'As Built Plan'.

The Chairman noted that this is separated into two orders-the Enforcement Order and the Contempt Order.

The Rockwell Report raises questions relative to work that was done.

The Chairman would like to pole the Board on whether to stop the Contempt proceedings

Mr. Jacobson – yes

Mr. Lawrence – yes

Mr. Dickerson – yes

Mr. Francis. – yes

Mr. King – yes

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

11/9/20

In regard to the Enforcement Order the Chairman suggests that they be allowed time to read the report from Mr. Rockwell, and the response from Mr. Pfneuf. The Board would also like to visit the site.

A member of the Public asked to speak. This was Korrin Peterson from the Buzzards Bay Coalition. Ms. Peterson said that the Coalition partnered with the town in the lawsuit five years ago and she feels that if the order of contempt is lifted then the property owner will not adhere to the Order of Conditions. Chairman King said that the Conservation Commission feels that they have reached a point where litigation is no longer necessary to resolve the issue. Attorney Pucci clarified that the Buzzards Bay Coalition is a separate party to the case.

Mr. Craig made a statement. He said that he has made several attempts to resolve the case, he has been trying to get it settled for the last three years. He would like to put it behind all of us now.

The Conservation Commission will take the time to review the Rockwell Report, the Pfneuf Response, the original enforcement order and plan and to do a site visit.

The enforcement order requires 2 growing seasons before the enforcement order can be lifted. It also requires an 'as built' plan to be submitted.

Brandon Phaneuf asked for a waiver to the 2 year growing season part of the order.

The Chairman said that it would be taken under advisement.

Mike Lorenzo, the Town Administrator said that Mr. Rockwell is not a 53G advisor and that he was hired by the Town as a Soil Expert.

Chairman King said that he was originally one and was paid for by the applicant.

Mr. Lorenzo said that the Selectmen has pursued litigation for five years which has been paid for by taxpayers and they would like to see the Enforcement Order completed according to the Order of Conditions.

- **37 Water follow up**

- Mark Maganello has written an email to the Commission confirming that the neighbors are working together with the restoration plan

- **42 Marion follow up**

The Conservation Commission has agreed with the extent of grading and would like Mahoney's mix and wet seed mix added. There have been boulders placed as a permanent barrier

- **Next meeting date – Nov. 23, 2020**

- **Agent's Report:** Follow up re: from the end of "Old Road" off Mattapoissett Neck as shown on Assessor's Map 15, lots 36 - 43
 - The Agent heard from Mr. Clapp and he prefers to work on his own with Mark Maganello.
 - Melissa Gregoire- site #40 property owner said that she has been maintaining the road and parking area. She said that the Cabrals site#38 have been clearing the land.
 - Mr. Cabral site#38 was present and said that he comes down here once a year and mows grass

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

11/9/20

- The Chairman stated that the property is a jurisdictional area and that they can't do anything on the property without the proper permit.
- Bill Clapp stated that he is working with Schneider, Davignon and Leone, Inc. to do plan preparation.
- Melissa Gregoire said that the Cabral site has been cleared somewhat and has been maintained not a lot
- Chairman King stated that Google Earth exists and we can see what work has/hasn't been done. He also said that they are entitled to the 'quiet enjoyment' of their property and he would hate to see someone be subject to enforcement orders.
- Mr. Cabral said that he is trying to maintain and be a good steward of the land
- The Chairman stated that all are aware of the situation and that there be permit applications for anything you want to do.

The Agent said that she'd sent a letter to Dyar Road but has not gotten any response yet. The landowner, Clinton Schwamb was present and said he's like to meet with the Agent to discuss remediation of the area.

MOTION: Chapman Dickerson made a motion to adjourn at 8:21 p.m.

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, Chapman, aye, Trevor, aye, John, aye, Mike, aye 5-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
11/22/21**

Join Zoom Meeting

Topic: Conservation Commission

In accordance with the Governor's March 12 Order suspending provisions of Open Meeting Law and to promote public health and social distancing, the Town of Mattapoisett is working to ensure that all members of the public have adequate access to all public meetings.

Questions regarding any Conservation or Resource Area issues or emergency situations will be addressed on a case by case basis. The Commission may be contacted by email through the Commission's Email at bohclerk@mattapoisett.net.

Members present included: **Mike King, Dave Lawrence, Chapman Dickerson, John Jacobsen (via Zoom)** Brandon Faneuf, Greg LaCroix, Dan White, Marianne DeCosta

These people who were signed in were: Molly Giordano, Mark Efstratiou, Ann Gustafson, 16174297971, Wanderer, Karl Pothier, Janice Brockman, James Marsh, Genia Griffiths,

In person: Sheila Ryan-Macie, Rene Macie, Faith Ball, Dave and Andrea Ricci, Don Middleton, Christen McCullough, Barbara Poznyse, Catherine Wood, Charles Motta, Bob Field, David Davignon

Chairman King brought the meeting to order at 6:30 pm.

Brandon Faneuf mentioned that the Commission has to vote on amending the fee schedule to reflect that there is no fee for a shed in an area of Coastal Zone Flowage.

MOTION: Chapman Dickerson made a motion to adopt a new policy to no charge a fee for shed in an area of Coastal Zone Flowage. Continue the hearing until April 12, 2021

SECOND: seconded by Dave Lawrence

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

PUBLIC HEARINGS:

Request for Determination of Applicability filed by Mark Efstratiou. The address is 15 Waterman Street, Assessor's Map #5.A, Lot #189. The applicant proposes to demo an existing 10x12 shed and to build new 10x12 shed on helical piles. *The Representative is Christian McCullough from Southcoast D&C.*

MOTION: Chapman Dickerson made a motion to waive the reading of the legal ad.

SECOND: seconded by Dave Lawrence

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
11/22/21

Christian McCullough presented the project.

Questions Board – none

Questions Public – none

MOTION: David Lawrence made a motion to approve - determinations and to notify office at the commencement of the project.

SECOND: seconded by John Jacobsen

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

Request for Determination of Applicability filed by Rene Macie, Sheila Ryan-Macie and Kenneth & Catherine Wood. The address is 1 & 3 Pinebrook Lane, Assessor's Map #5, Lots #224 & #224A. The applicant proposes to pave the existing gravel roadway/common driveway from the paved apron at Pine Island Road to the cul-de-sac.

MOTION: Dave Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by Chapman Dickerson

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

Question from the Publicout of order but the Chairman allowed it
Charles Motta – 26 Holly Lane

Mr. Motta wanted to know if Chairman King is going to recuse himself from this hearing as he did some work for the previous owner. Mr. King said that that does not have anything to do with this project and he will not be recusing himself from this hearing.

The Chairman read 2 letters from abutters in support of the project.

One from Robert and Molly Giordano and one from Richard and Barbara Poznysz. These letters will be attached to these final minutes for the record.

Rene Macie, Sheila Ryan-Macie and Catherine Wood presented the project. They would like to finish paving the road. The retention ponds are sized for asphalt and there will be no adverse effects to the wetlands.

Questions Board – Chairman King stated that there was a visitor to the office who said that they remembered that the previous Order of Conditions specified that this area is not to be paved. The office shared the OOC with the Commission and there was no condition prohibiting such thing.

Mr. Faneuf concurred.

Questions Public – Charles Motta 26 Holly Lane

He stated he has no problem with paving and asked if there would be bluestone to capture sediment.

Chairman King stated that the DEP affirmed design plan as is. If there is a stormwater issue that is an issue for Planning and DEP. Ms Ryan-Macie asked the board about garbage pick up and plowing. It is a private road. Chairman King suggested that they contact the Highway Department.

MOTION: David Lawrence made a motion to close the public hearing

SECOND: seconded by Chapman Dickerson

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
11/22/21**

MOTION: David Lawrence made a motion to approve -3 determinations and to notify office at the commencement of the project.

SECOND: seconded by Chapman Dickerson

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

CONTINUED PUBLIC HEARINGS:

SE44-1453 **Notice of Intent filed by Karl & Elizabeth Pothier** The address is 2 Holmes Street as shown on Assessor's Map 5A, lot 138. The applicant is proposing to build a single-family dwelling. *The Representative is David Davignon, P.E. from Schneider, Davignon and Leone, Inc.*

Dave Davignon presented the project. This is for a proposed single-family dwelling that has town sewer and water and complies with current zoning. There were no comments from DEP.

Questions from Board – Dave Lawrence asked if they were using the trench for roof runoff.

Dave Davignon said that they were not proposing gutters.

Questions Public – Donald Middleton – 2 West Silvershell Ave

24 Years ago he need to create a flood storage basin. He has a general concern about water flow.

Faith Ball- 10 Atkinson Way – the water stays on their property

MOTION: David Lawrence made a motion to close the public hearing

SECOND: seconded by Chapman Dickerson

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

MOTION: David Lawrence made a motion to approve the Order of Conditions with Standard Special Conditions and to notify office at the commencement of the project.

SECOND: seconded by Chapman Dickerson

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

SE44-1450 **Notice of Intent filed by David Ricci** The address is Cove Street as shown on Assessor's Map 1, lots 4 & 5. The applicant is proposing to construct a 980 sf family dwelling on Lot 5, and a parking area on Lot 4. Both parcels are located within a mapped FEMA Flood Zone VE (EL 17) *The Representative is Robert M Field, P.E. of Field Engineering Co., Inc.*

Bob Field represented the owners. He has separated the Lot 4 from this NOI and will present it separately at the next meeting. Lot 4 is for the parking, and this will be just for the house lot. This is because had to file with Natural Heritage and has been sent.

Bob Field stated that he's still working on the plan. There is a 6' access to the beach in the plan, and there was a discussion of plantings under the house and eradication of the invasive species knotweed.

Brandon Faneuf stated that there should be replication of all beach grass.

Bob Field expressed that the plating of beach grass will meet or enhance performance standards.

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

11/22/21

Questions Board – Dave Lawrence asked if the concrete slab was big enough for a propane tank and shower. Chapman Dickerson asked about the replanting of the beach grass. Will they replant the whole eradication zone? This is one of the things that will be gone over when there is a meeting with Brandon Faneuf and Bob Field as Bob is adding more details to the plan. He feels that they are moving in the right direction.

Point of Order: Chairman King asked John Jacobsen if he watched the last meeting and feels he is up to speed on the project. Mr. Jacobsen stated that yes he feels caught up. Chairman King stated that it is also important to have Trevor Francis weigh in as well. Chairman King stated that they should review all materials and it might be possible to close the Public Hearing at the December 13, 2021 meeting.

MOTION: Chapman Dickerson made a motion to continue the hearing until December 13, 2021.

SECOND: seconded by Dave Lawrence

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

Continued to 12/13/2021 meeting

SE44-1409 **Notice of Intent filed by Randall Lane Solar, LLC.** The address is 29 Randall Lane as shown on Assessor's Map 21, lots 6,7, and 40. The applicant is proposing the construction of a solar photovoltaic array and associated features within the buffer zone to bordering vegetated wetlands, riverfront area, and bordering land subject to flooding. *The Representative is Eric J. Las, PE, LEED, AP of Beals and Thomas.*

Continued to December 13, 2021 meeting

REQUEST FOR EXTENSIONS OR CERTIFICATE OF COMPLIANCE:

SE44-1352 **Request for a Certificate of Compliance filed by The Preserve at Bay Club, LLC.** The address is Lot 122 & 123 Split Rock Lane, as shown on Assessor's Map 27A, Lots 122 & 123.

Awaiting Metal Wetlands signs

Continued to December 13, 2021 meeting

OTHER BUSINESS:

Enforcement Order for DuPont Drive - Brandon Faneuf stated that a Cease and Desist letter was sent to the Brendan Talty, the homeowner. He installed a shed in a Coastal Flood Plain-no Building Permit. The letter asks the homeowner to attend the next meeting. John Jacobsen asked if they could just send the cover letter, with no Enforcement Order to see if the homeowner is compliant. They decided not to ratify the Enforcement Order and just to send the letter for the homeowner to appear at the next meeting.

Agents Fees- Vote from the discussion earlier in the meeting regarding changing the fee schedule and not charging the \$450.00 for a shed built in the Land Subject to Coastal Storm Flowage as long as it is the only wetland resource area present. This was voted on at the beginning of this meeting.

MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
11/22/21

Atkinson Way Site Inspection Report – Mr Ruel put in for a site inspection. Mr Faneuf researched the project and asked the Chairman if he visited the site. Mike King and Dave Lawrence went to the site and the Chairman thinks that Mr Ruel's solution will fix the problem. Chairman King noted that Mr Ruel should be advised to apply for an RDA.

- ❖ **Walk Ins/Oral briefings – none**
- ❖ **Enforcement Orders - none**
- ❖ **Next meeting date**

December 13, 2021
- ❖ **Agent's Report: - none**
- ❖ **Review draft minute(s) for approval.**

Minutes dated 11/9/21 MTD- cannot be voted on as Trevor Francis is not at this meeting

MOTION: Dave Lawrence made a motion to adjourn at 7:56 pm

SECOND: seconded by Chapman Dickerson

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

9 Tupola Lane

Mattapoisett, MA. 02739

November 22, 2022

Mattapoisett Conservation Commission

Town Hall, Mattapoisett, MA. 02738

Dear Commission Members,

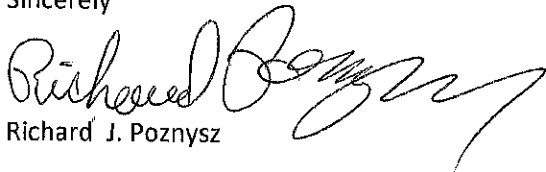
We understand that the Commission is to hold a Public Hearing on November 22, 2022 to study a Request for a Determination of Applicability regarding plans by the owners of Numbers 1 & 3 Pinebrook Lane.

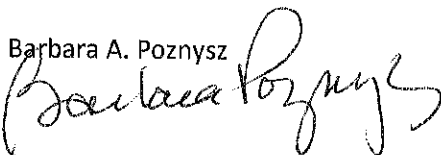
We are abutters to both of those properties.

We further understand that the Applicants propose to pave the existing gravel Road leading to both of those properties.

Please be advised that we have no objection to paving the subject road as proposed.

Sincerely


Richard J. Poznysz

Barbara A. Poznysz


Board of Health Clerk

From: Marianne DeCosta
Sent: Monday, November 22, 2021 10:57 AM
To: Board of Health Clerk
Subject: Fwd: 1&3 Pinebrook Lane-Paving application.

Letter of Support

Sent from my iPhone

Begin forwarded message:

From: Con Comm <ConComm@mattapoisett.net>
Date: November 22, 2021 at 8:42:25 AM EST
To: Marianne DeCosta <mdecosta@mattapoisett.net>
Cc: Michael King <wyandottefarm@icloud.com>
Subject: FW: 1&3 Pinebrook Lane-Paving application.

Marianne,

Please print this email and put it in the file for the record. If they don't come in tonight to say this themselves, it should be read into the record.

Thank you,

Brandon

From: wldwoodfarm
Sent: Sunday, November 21, 2021 4:32 PM
To: Con Comm <ConComm@mattapoisett.net>
Subject: 1&3 Pinebrook Lane-Paving application.

Dear Mattapoisett Conservation Committee,

Robert and Molly Giordano
24 Holly Lane

We live directly abutting the properties on 1 & 3 Pinebrook Lane. We have been here before and since the construction of the two homes on this street. We have noticed absolutely no adverse effects since these homes were built. We have had no issues with water in our yard, our home or on Holly Lane. Landscaping has guaranteed our privacy. We see absolutely no reason why paving the existing gravel roadway would adversely effect us or the neighborhood.

Thank you

Robert and Molly Giordano

Sent from the all new AOL app for iOS

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
1123/20**

**Topic: Mattapoisett Conservation's Zoom Meeting
Time: November 23, 2020 06:30 PM Eastern Time (US and Canada)**

Members included Chairman Mike King, David Lawrence, John Jacobsen, Agent Liz Leidhold and Secretary Marianne DeCosta.

These people who were signed in were; Mike Lorenzo, Mattapoisett Town Hall, Aaron, Jake Carmody, Cameron Govonlu, Peter (Field Engineering), call-in-user-1, Andrea Hanley, David Behenna, Debra Lezama, Jennifer Capobianco, Marilou Newell, Paul Downey, Rich Riccio (Field Engineering, rrheaume06@gmail.com), Scott Jarvis, Tim Seeberger, Waynes ipad, David Walega, iphone, Mike Hugeunan, Korrin Peterson, MW White, Robert Lapore, Andy

Chairman King brought the meeting to order at 6:35 pm.

Before opening the Public Hearings, the Chairman explained that the RDA's can be voted on the night of the hearing. However, the NOI's will be continued until the following meeting to allow adequate public input.

PUBLIC HEARINGS:

Request for Determination of Applicability filed by Aaron R. Bates. The address is 9 West Hill Road, as shown on Assessor's Map 12, lot 133. The applicant proposes to construct a new open porch on the front of an existing dwelling. to remove a portion of an existing deck footprint to expand den. *The Representative is William Madden of G.A.F. Engineering, Inc.*

MOTION: David Lawrence made to waive the reading of the legal ad.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

Mr Madden was not on call. The owner Aaron Bates presented the project, consisting of a new porch, removal of existing deck and footprint to expand for den.

Questions Board: No

Questions Public: No

MOTION: Dave Lawrence made a motion to approve with a negative 3 determination with a condition to notify office at the commencement of the project.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

1123/20

Request for Determination of Applicability filed by Karl Dlugosinski. The address is 11 Crystal Spring Road, as shown on Assessor's Map 18, lot 175. The applicant proposes to install a new septic system to replace existing failed system. *The Representative is Richard R. Riccio III, P.E. of Field Engineering Co., Inc.*

MOTION: David Lawrence made to waive the reading of the legal ad.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

Rich Riccio presented the project to replace existing septic system.

Questions Board: No

Questions Public: No

MOTION: Dave Lawrence made a motion to approve with a 3 determination with a condition to notify office at the commencement of the project.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

SE44-1414 Notice of Intent filed by Sheelagh Beaulieu of Luna III, LLC. The address is 2 Beach Street, as shown on Assessor's Map 5A, lot 202. Applicant propose construction of a single-family home on land subject to coastal storm flowage. *The Representative is Richard Rheume of Prime Engineering, Inc.*

MOTION: David Lawrence made to waive the reading of the legal ad.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

The project was presented by Rich Rheume. There was discussion about the existing concrete structure, demolition debris.

Comments from Agent regarding the construction debris to be removed daily.

Questions Board: The Chair confirmed that there is a threshold that the construction can't go over 50% of the value of the property. The construction has to comply with FEMA Flood regulations.

Questions/Comments from Public: Yes

Debra Lezama 33 Angelica Ave identified herself as the president of the Crescent Beach Improvement Association. How far into the wall does the plan rebuild?

Mr. Rheume answered that about 1/3 of the wall will come down. Nothing will block the right of way to the beach, the plan shows the beach path.

Scott Jarvis Lot 102 identified himself as a neighbor. He wanted to know if there was a need for Board of Appeal approval. The answer is no. Mr. Jarvis made a comment that there was a parking easement between the two previous owners but that is no longer in force as the lots have changed ownership. Mr. Rheume asked for Mr. Jarvis's phone number so he could communicate with him directly.

MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
1123/20

MOTION: David Lawrence made a motion for a continuance to the December 14,2020 meeting

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

SE44-1413 Notice of Intent filed by Michael Lorenzo – Town of Mattapoisett. The address is Industrial Drive, as shown on Assessor's Maps 16,26,27. Applicants propose the construction of a 1-1/2 mile shared use path from the North Street Park & Ride to Industrial Drive, along Industrial Drive to Bay Club Drive and along the existing gravel railbed to the Marion Town Line. *The Representative is Jake Carmody of TEC, Inc.*

MOTION: David Lawrence made to waive the reading of the legal ad.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

Mr. Carmody presented a PowerPoint to explain the improvements along Industrial drive to Bay Club Drive then along former railroad bed into Marion Line. There will be a crossing at Industrial Drive and Boat Rock Rd. This will be a 'high visibility' crosswalk. There is money from a Mass Trails Grant for the portion of the project from Bay Club Drive to the Marion Line, and the rest of the project from North St to Bay Club Dr has not yet been funded.

There was discussion of the replication area of 5,300 sf, drainage improvements, some of runoff to be directed to drainage swales. There will be a Turtle Protection Plan as the area is a habitat for the Eastern Box Turtle.

Questions/Comments from Public: Yes

Robin Lapore 6 Seabreeze Ln is a representative from the 'Friends of the Bike Path' and commented that the Friends group is pursuing grants for the rest of the project.

MOTION: David Lawrence made a motion for a continuance to the December 14,2020 meeting

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

SE44-1412 Notice of Intent filed by Bart O'Brien of Whitman Homes. The address is 36 Prince Snow Circle as shown on Assessor's Map 23A, lot 26. The applicant is proposing to construct a single-family home, utilities installation, driveway construction and site grading within the 100' buffer zone to wetlands. *The Representative is Steven Wry, Land Planning, Inc.*

Steven Wry not present on call. There were comments from DEP that the applicant send to DEP to confirm that work is consistent with CMP on file. Hopefully, there will be someone there at the December 14th meeting

MOTION: David Lawrence made a motion for a continuance to the December 14,2020 meeting

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
1123/20**

CONTINUED PUBLIC HEARINGS:

SE44- 1411 Notice of Intent filed by Donna J. Downey, Trustee, 16 Water Street Nominee Trust.

The address 16 Water Street as shown on Assessor's Map 9, lot 189. The applicant is proposing to construct a 74' – 14' expansion on to an existing single-family dwelling located within a mapped FEMA Flood Zone VE (El. 18) and within 70 feet of a coastal beach. *The Representative is Robert M. Field, P.E. of Field Engineering Co., Inc.*

This was continued from the November 9th meeting, and there were no more questions from the Board.

Questions from Public: No

MOTION: David Lawrence made a motion to approve with the Commission's standard special conditions with an additional condition that the construction debris be removed daily.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

SE44-1409 Notice of Intent filed by Randall Lane Solar, LLC. The address is 29 Randall Lane as shown on Assessor's Map 21, lots 6,7,and 40. The applicant is proposing the construction of a solar photovoltaic array and associated features within the buffer zone to bordering vegetated wetlands, riverfront area, and bordering land subject to flooding. *The Representative is Eric J. Las, PE, LEED, AP of Beals and Thomas.*

Applicant requested a continuance to the Dec. 14th meeting.

MOTION: David Lawrence made a motion for a continuance to the December 14,2020 meeting

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

SE44-1404 Notice of Intent filed by Alexander Bauer. The address is 7 Nashawena Road as shown on Assessor's Map 15A, lot 140. The applicant is proposing to reconstruct a single-family dwelling with deck to the rear and concrete slab under the house to drain stormwater away from structure and towards a natural low area to rear of the lot. *The Representative is N. Douglas Schneider, P.E., P.L.S.*

The applicant's representative has requested a continuance to December 14th.

MOTION: David Lawrence made a motion for a continuance to the December 14,2020 meeting

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
1123/20**

REQUEST FOR EXTENSIONS OR CERTIFICATE OF COMPLIANCE:

OTHER BUSINESS:

- **Walk Ins/Oral briefings – no action**

- **Enforcement Orders**

Discussion of the Enforcement Order for Craig/Seabreeze Ln. Enter into the record a letter from the Board of Selectmen, and a letter from the Buzzards Bay Coalition.

There will be no further discussion of this Enforcement Order until the December 14, 2020 meeting

- **37 Water follow up**
 - **Mark Maganello starting next week with restoration**
- **42 Marion follow up – Mahoneys mix is coming in and boulders are in place**

Dyar Rd- Agent met with property owner. He has removed all of the pine chips from the salt marsh area and will apply for an RDA for the Driveway work which has already been completed.

- **Next meeting date – Dec. 14, 2020**
- **Agent's Report: - none**
- **Review draft minute(s) for approval.**

MOTION: John Jacobsen made a motion to adjourn at 7:41 p.m.

SECOND: seconded by David Lawrence

Rollcall vote: Dave, aye, John, eye, Mike, eye 3-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
12/14/20**

**Topic: Mattapoisett Conservation's Zoom Meeting
Time: December 14, 2020 06:30 PM Eastern Time (US and Canada)**

Members present included Chairman Mike King, David Lawrence, John Jacobsen, Trevor Francis, Chapman Dickerson, Agent Liz Leidhold and Secretary Marianne DeCosta.

These people who were signed in were; Mike Lorenzo, Mattapoisett Town Hall, Brenda McCarthy, Krocha, Marilou Newell, Rob Braman, scott, Aiden Pollard Sippican Week, Clinton Schwamb, Caroline Booth, Galery A51, rrheaume06@gmail.com. Robin LePore, Mike Huguenins ipad, Rickcharon, Brandon Faneuf, Jake Carmody ipad, James iphone, Karl Pothier, Korrin Peterson, Bku Freder ws, ozzie ipad, John Rockwell

Chairman King brought the meeting to order at 6:30 pm.

Before opening the Public Hearings, the Chairman explained that the RDA's can be voted on the night of the hearing. However, the NOI's will be continued until the following meeting to allow adequate public input.

PUBLIC HEARINGS:

Request for Determination of Applicability filed by Clinton L. Schwamb, Jr. The address is 4 Dyar Road, as shown on Assessor's Map 12A, lot 29. The applicant proposes to construct a new gravel driveway within bufferzone to wetlands and flood zone. *The Representative is Clinton L. Schwamb Jr.*

MOTION: David Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

Agent explained that this is an 'after the fact' filing and that Mr. Schwamb was very cooperative in restoring the areas in question.

MOTION: Dave Lawrence made a motion to approve with a negative 2 determination

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

Request for Determination of Applicability filed by Douglas & Claire King. The address is 12 Union Street, as shown on Assessor's Map 5.A, lot 302. The applicant proposes to expand the existing elevated deck, construct a stone walk and replace existing shell driveway with crushed stone and cobble border. *The Representative is Robert Braman, Jr., Braman Surveying & Assoc., LLC.*

MOTION: David Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by Chapman Dickerson

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

12/14/20

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

Robert Braman presented the project. He stated that the wetlands across the street slopes from the coastal bank and there is no runoff anticipated.

Questions Board – no

Questions Public – no

MOTION: Dave Lawrence made a motion to approve with a negative 3 determination with the condition to notify the office at the commencement of the project.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

Request for Determination of Applicability filed by Chapman Dickerson & Melanie Dixon. The address is 6 River Road, as shown on Assessor's Map 17, lot 285. The applicant proposes to construct a new Title 5 septic system and construct an inground pool within riverfront to Mattapoisett River. *The Representative is Rick Charon, P.E. of Charon Associates, Inc.*

Commission member Chapman Dickerson recused himself

MOTION: David Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Trevor, aye, Mike, aye 4-0-0

Rick Charon presented the project. He noted that there is a very limited area for placement of the system.

Questions Board – no

Questions Public – Kenneth Rocha – 4 Kyla Way

Mr Rocha said he'd like to make a general comment to the Board for the record. He said that this house has been in violation of the Title V system for the past 15 years. Chairman King made a comment that this is not in the purview of the Conservation Commission and that it should be an issue for the Board of Health. Mr. Rocha says he fully supports upgrade of the system to protect resources, he has 30 years working in environmental system as a biologist.

MOTION: Trevor Francis made a motion to approve with a negative 3 determination with the condition to notify office at the commencement of the project.

SECOND: seconded by David Lawrence

Rollcall vote: Dave, aye, John, aye, Trevor, aye, Mike, aye 4-0-0

Request for Determination of Applicability filed by Scott Kruger. The address is 6 Pine Street, as shown on Assessor's Map 6, lot 92 parcel B. The applicant proposes a kitchen addition, roof deck and second bathroom *The Representative is Scott Kruger.*

MOTION: David Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

12/14/20

Scott Kruger presented the project. He noted that there is 40' to the wetlands resource area.

Questions Board – no

Questions Public – Rick Price 4 Bayview asked where roof deck is going. West or SW? Mr. Kruger said that it would be SW and accessed through the attic.

MOTION: Dave Lawrence made a motion to approve with a negative 3 determination with the condition to notify the office at the commencement of the project, and submit a plan showing erosion control and dewatering.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

Request for Determination of Applicability filed by Mattapoissett Land Trust. The address is Angelica Avenue, as shown on Assessor's Map 5.A, lot 5. The applicant proposes a parking lot and trail improvements at the O.W. Holmes, Jr. Preserve. *The Representative is Mike Hugenin, President of Mattapoissett Land Trust.*

MOTION: David Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

Mike Hugenin presented the project. This is the remains of the Oliver Wendell Holmes barn property so there will be some improvements

Chairman King stated that the Agent and the Board support the project and Mr. Lawrence said that it will be good to have some parking there.

MOTION: Chapman Dickerson made a motion to approve negative 3 determination with the condition to notify the office at the commencement of the project.

SECOND: seconded by David Lawrence

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

SE44-1415 Notice of Intent filed by Craig & Elaine Bovaird. The address is 2 Oliver Street, as shown on Assessor's Map 5A, lot 167. Applicants propose various improvements to house and site, including reconstruct deck, add patio, gravel driveway, connect to municipal sewer. *The Representative is David M. Davignon, P.E. of Schneider, Davignon & Leone, Inc.*

MOTION: Chapman Dickerson made a motion to waive the reading of the legal ad.

SECOND: seconded by David Lawrence

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

Dave Davignon presented the project. He stated that there are many components to this project. Reconstruct deck, the existing shed with deck extends 5' over property line. This will be removed. Install pervious patio, expand gravel driveway, install 6' sewer pipe to stub at Marston Ct. Proposed propane tank to be tied down, ballasted, concrete pad. There were no DEP comments.

Questions Board – no

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

12/14/20

Questions Public – Brendan McCarthy from 1 Oliver St wanted clarification of the 5’ extension that was mentioned that goes into Oliver St. Mr Davignon said that on the existing shed there is a deck on the West side that extends over the property line into Oliver St. That will be removed in the reconstruction. How many stories will the structure be? Mr. Davignon responded that there will be one and a half and a fence.

MOTION: Chapman Dickerson made a motion for a continuance to the December 28,2020 meeting

SECOND: seconded by Dave Lawrence

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

CONTINUED PUBLIC HEARINGS:

SE44-1414 **Notice of Intent filed by Sheelagh Beaulieu of Luna III, LLC.** The address is 2 Beach Street, as shown on Assessor’s Map 5A, lot 202. Applicant proposes construction of a single-family home on land subject to coastal storm flowage. *The Representative is Richard Rheume of Prime Engineering, Inc.*

Richard Rheume presented the project. The Chairman stated that there were no DEP comments and asked the Agent if there were any comments from the abutters. There were none.

There was discussion about the debris being removed daily and the silt fence being left up during construction.

MOTION: Trevor Francis made a motion to close the public hearing

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

MOTION: Dave Lawrence made a motion to approve with the Commission’s standard special conditions and to notify office at the commencement of the project and that all construction debris be removed daily.

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, John, aye, Trevor, aye, Chapman, aye, Mike, aye 5-0-0

SE44-1413 **Notice of Intent filed by Michael Lorenzo – Town of Mattapoisett.** The address is Industrial Drive, as shown on Assessor’s Maps 16,26,27. Applicants propose the construction of a 1-1/2 mile shared use path from the North Street Park & Ride to Industrial Drive, along Industrial Drive to Bay Club Drive and along the existing gravel railbed to the Marion Town Line. *The Representative is Jake Carmody of TEC, Inc.*

Jake Carmody stated that they are still working on the TURTLE Protection plan, they don’t yet have the NHESP language approved. Chairman King said that usually they like to have all of that submitted before the OOC, but they can make this subject to.

MOTION: Chapman Dickerson made a motion to approve the OOC with no construction to begin without approved Turtle Protection Plan.

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

12/14/20

Subject to the following additional conditions:

- Restoration plan be added to the Orders as a Special Condition
- Recommend adding conditions from NHESP
- Add Construction period Pollution Prevention and Erosion and Sedimentation Control Plan in the Orders
- Add Construction Sequence and Stormwater Management plan to Orders
- The flags to be renumbered prior to the start of work

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

SE44-1412 **Notice of Intent filed by Bart O'Brien of Whitman Homes.** The address is 36 Prince Snow Circle as shown on Assessor's Map 23A, lot 26. The applicant is proposing to construct a single-family home, utilities installation, driveway construction and site grading within the 100' buffer zone to wetlands. *The Representative is Steven Wry, Land Planning, Inc.*

Neither Bart O'Brien or Steven Wry were present

Continued to December 28th meeting

SE44-1409 **Notice of Intent filed by Randall Lane Solar, LLC.** The address is 29 Randall Lane as shown on Assessor's Map 21, lots 6,7,and 40. The applicant is proposing the construction of a solar photovoltaic array and associated features within the buffer zone to bordering vegetated wetlands, riverfront area, and bordering land subject to flooding. *The Representative is Eric J. Las, PE, LEED, AP of Beals and Thomas.*

The Board has to decide on a company as the 53G Consultants for the project. The Planning Board is using Beta Engineering (\$5,000) the other proposal is from Horsley Whitter Group (\$3,800) The Chairman suggested that we go with Beta so they do the whole thing, the others agreed.

MOTION: Trevor Francis made a motion to hire Beta as the 53G Consultant on this project.

SECOND: seconded by David Lawrence

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

SE44-1404 **Notice of Intent filed by Alexander Bauer.** The address is 7 Nashawena Road as shown on Assessor's Map 15A, lot 140. The applicant is proposing to reconstruct a single-family dwelling with deck to the rear and concrete slab under the house to drain stormwater away from structure and towards a natural low area to rear of the lot. *The Representative is N. Douglas Schneider, P.E., P.L.S.*

The applicant's representative requested a continuance to December 28th meeting

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

12/14/20

REQUEST FOR EXTENSIONS OR CERTIFICATE OF COMPLIANCE:

SE44-1331 **Request for a Extension of Order of Conditions filed by William and Annemarie Fredericks.** The address is 30 Holly Woods as shown on Assessor's map ----, lot ----.

The Chairman stated that the owner had recently had a heart attack and that is why he is asking for an extension of his OOC.

MOTION: David Lawrence made a motion to Extend the OOC on this project.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

OTHER BUSINESS:

❖ **Board of Selectmen Response to Enforcement Order Compliance at 4 Seabreeze Lane**

The Chairman stated that the meeting that was held between the Agent Mr. Faneuf and Mr. Rockwell was to have them all be on the same page. Plants will be delivered later this week. There is a letter from Mr. Rockwell summarizing progress. Mike Lorenzo, the Town Administrator, stated that it appears that everyone is working together and that they can always reach him by phone or email. Mr. Lorenzo stated that the Town Attorney, Mr. Pucci was working with the Craigs legal team directly. He thanked Mr. Faneuf, the Commission, and the Agent.

Continued to December 28th meeting

❖ **Walk Ins/Oral briefings – no action**

❖ **Enforcement Orders**

- **37 Water follow up** – planting is imminent
- **Next meeting date – Dec. 28, 2020**
- **Agent's Report:** - none
- Review draft minute(s) for approval.

MOTION: Chapman Dickerson made a motion to adjourn at 7:58 p.m.

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, John, aye, Trevor, aye, Chapman, aye, Mike, aye 3-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
12/28/20**

**Topic: Mattapoisett Conservation's Zoom Meeting
Time: December 28, 2020 06:30 PM Eastern Time (US and Canada)**

Members present included Chairman Mike King, David Lawrence, John Jacobsen, Chapman Dickerson, and Secretary Marianne DeCosta.

These people who were signed in were; Bernadette Hanks, Mike Colageo, Dave Davignon, Roberts iPad, Bobrien, Marilou Newell, Steven Wry

Chairman King brought the meeting to order at 6:30 pm.

Before opening the Public Hearings, the Chairman explained that the RDA's can be voted on the night of the hearing. However, the NOI's will be continued until the following meeting to allow adequate public input.

PUBLIC HEARINGS:

Request for Determination of Applicability filed by Charles Howard III & Jane Howard. The address is 10 Third Street, as shown on Assessor's Map 2, lot 165. The applicant proposes to upgrade an existing cesspool and install a new 1,500 gallon septic tank and 1,000 gallon pump chamber. *The Representative is David M. Davignon, P.E. of Schneider, Davignon and Leone, Inc.*

MOTION: David Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

David Davignon presented the project. This is an upgrade to a septic and cesspool. Some tree removal. No erosion controls needed.

Board questions – no

Public questions – no

MOTION: Dave Lawrence made a motion to approve with a negative 3 determination with the condition to notify the office at the commencement of the project.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

Request for Determination of Applicability filed by Aucoot Properties, LLC c/o Charles Cederburg The address is 98 Indian Cove Road (Marion and Mattapoisett), as shown on Assessor's Map 3, portion of lot 61. The applicant proposes requesting that DEP – Waterways Program issue a new Chapter 91 Waterways License for the pier ramp and floating dock structures. No work is proposed at this time. *The Representative is David M. Davignon, P.E. of Schneider, Davignon and Leone, Inc.*

MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
12/28/20

MOTION: David Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

Dave Davignon presented the project. The applicant applied to Chapter 91 Waterways License Program to legalize existing pier ramp and floating dock structures, not proposing any work.

Board questions – no

Public questions – no

MOTION: Dave Lawrence made a motion to approve with a negative 2 determination.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

SE44-1417 **Notice of Intent filed by Raymond Hanks.** The address is 18 Crystal Spring Road, as shown on Assessor's Map 18, lot 81. Applicants proposes to construct a 28' x 30' garage addition to the existing single-family dwelling. *The Representative is Robert M. Field, of Field Engineering Co., Inc.*

MOTION: David Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

Bob Field presented the project. Add garage addition to existing dwelling.

Board questions – no

Public questions – no

MOTION: David Lawrence made a motion for a continuance to the January 11, 2021 meeting

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

CONTINUED PUBLIC HEARINGS:

SE44-1415 **Notice of Intent filed by Craig & Elaine Bovaird.** The address is 2 Oliver Street, as shown on Assessor's Map 5A, lot 167. Applicants propose various improvements to house and site, including reconstruct deck, add patio, gavel driveway, connect to municipal sewer. *The Representative is David M. Davignon, P.E. of Schneider, Davignon & Leone, Inc.*

Dave Davignon presented the project. There were no technical comments from DEP.

Board questions – no

Public questions – no

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

12/28/20

MOTION: Chapman Dickerson made a motion to close the public hearing

SECOND: seconded by David Lawrence

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

MOTION: David Lawrence made a motion to approve the project with standard special conditions and the removal of construction debris at the end of each day.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

SE44-1412 **Notice of Intent filed by Bart O'Brien of Whitman Homes.** The address is 36 Prince Snow Circle as shown on Assessor's Map 23A, lot 26. The applicant is proposing to construct a single-family home, utilities installation, driveway construction and site grading within the 100' buffer zone to wetlands. *The Representative is Steven Wry, Land Planning, Inc.*

Steven Wry presented the project. They have the NHESP letter.

Board Questions – no

Public Questions – no

MOTION: David Lawrence made a motion to approve Order of conditions, with standard special conditions and to add the NHESP comments to Orders, add 4" x 4" permanent posts at limit of work stating "wetlands", that wetland flags should be renumbered, visible and legible at site, and that silt socks be added in catch basins

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

SE44-1409 **Notice of Intent filed by Randall Lane Solar, LLC.** The address is 29 Randall Lane as shown on Assessor's Map 21, lots 6,7,and 40. The applicant is proposing the construction of a solar photovoltaic array and associated features within the buffer zone to bordering vegetated wetlands, riverfront area, and bordering land subject to flooding. *The Representative is Eric J. Las, PE, LEED, AP of Beals and Thomas.*

Continued to Jan. 11, 2021 at the applicant's request

SE44-1404 **Notice of Intent filed by Alexander Bauer.** The address is 7 Nashawena Road as shown on Assessor's Map 15A, lot 140. The applicant is proposing to reconstruct a single-family dwelling with deck to the rear and concrete slab under the house to drain stormwater away from structure and towards a natural low area to rear of the lot. *The Representative is N. Douglas Schneider, P.E., P.L.S.*

Continued to Jan. 11, 2021 at the applicant's request

REQUEST FOR EXTENSIONS OR CERTIFICATE OF COMPLIANCE:

SE44-1352 **Request for a Certificate of Compliance filed by The Preserve at Bay Club, LLC.** The address is Lot 122 & 123 Split Rock Lane, as shown on Assessor's Map 27A, Lots 122 & 123.

MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
12/28/20

There is a letter from the Engineer that work has been done in substantial compliance with the Order of conditions. The Agent suggests

- *A new asbuilt be submitted at 1:30 scale, which was the scale used for the original plan of record*
- *Wait till the grass has grown enough to stabilize the yard. There is evidence of run-off from around the foundation.*
- *Is the house the same as that depicted on the plan of record?*
- *Add the 4" x 4" posts stating "wetlands" at the wetland line per the Orders of Conditions*

The Board would like the Agent to send a letter to the Engineer advising them of the deficiencies in the Agent notes before the Certificate of Compliance is issued, prior to January 11th, 2021.

MOTION: Dave Lawrence made a motion for the Agent to send a letter to the Engineer addressing the deficiencies noted by the Agent

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

OTHER BUSINESS:

❖ **Walk Ins/Oral briefings – no action**

❖ **Enforcement Orders**

- **Next meeting date** – January 11, 2021
- **Agent's Report:** - none
- Review draft minute(s) for approval.

MOTION: Dave Lawrence made a motion to adjourn at 7:07 p.m.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
1/11/21**

**Topic: Mattapoissett Conservation's Zoom Meeting
Time: January 11, 2021 06:30 PM Eastern Time (US and Canada)**

Members present included Chairman Mike King, David Lawrence, Trevor Francis, John Jacobsen, Liz Leidhold, Town of Mattapoissett, Mike Lorencio and Secretary Marianne DeCosta.

These people who were signed in were; Tom, Marilou Newell, jyoung, Brandon Faneuf, Korrin Peterson, Raymond Hanks, Daves iphone, Bob, Lillian Fenner, N Douglas Schneider, Dan Wells, Dan Craig, Clarke Fenner, Bernadette Hanks, Mike Hugenin

Chairman King brought the meeting to order at 6:30 pm.

Before opening the Public Hearings, the Chairman explained that the RDA's can be voted on the night of the hearing. However, the NOI's will be continued until the following meeting to allow adequate public input.

PUBLIC HEARINGS:

Request for Determination of Applicability filed by William and Lisa Mueller. The address is 89 Mattapoissett Neck Road, as shown on Assessor's Map 12, lot 47. The applicant is proposing to remove and maintain undergrowth and invasive species within wetland with use of brush hog equivalent. *Representative is Peter Westover of Conservation Works, LLC.*

MOTION: David Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, John, aye, Trevor, aye, Mike, aye 4-0-0

Tom Lanagan has been retained to do the work, and has a video showing the scope of the project. Vines are overtaking the area and there is a stand of dead trees. Dave Lawrence stated that he was at the site and that all the clearing is in the uplands. The Chairman noted that the land is still subject to coastal storm flowage. Mr. Lanagan stated that this area is being choked out and this can save the bigger trees. Mr. King said that from his visit he thinks that it is a good project that will benefit resources in the area.

Questions Board no

Questions Public – no

MOTION: Trevor Francis made a motion to approve with a negative 3 determination with a condition to notify office at the commencement of the project.

SECOND: seconded by Dave Lawrence

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

1/11/21

Rollcall vote: Dave, aye, John, aye, Trevor, aye, Mike, aye 4-0-0

SE44-1418 Notice of Intent filed by Christos Kuliopulous, The Preserve at Bay Club, LLC. .

The address is Lot 121 Split Rock Lane, as shown on Assessor's Map 27A, lot 121. The applicant is proposing to construct a single-family home with associated garage, deck, utilities installation, driveway construction and site grading within the 100' buffer zone to wetlands. *The Representative is Jason Youngquist of Outback Engineering, Inc.*

MOTION: David Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, John, aye, Trevor, aye, Mike, aye 4-0-0

Mr. Youngquist started to present the single-family home project, but mentioned that there is no DEP number yet, and so this hearing cannot be resolved tonight. Chairman King asked if this work was proposed under the original Bay Club Permit, and Mr. Youngquist said that it was.

Questions Board – no

Questions Public – no

MOTION: David Lawrence made a motion to continue the hearing until January 25, 2021

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Trevor, aye, Mike, aye 4-0-0

SE44-1416 Abbreviated Notice of Resource Area Delineation filed by Aaron Halimi, property owned by Gerald Randall. The address is 0 Route 195 North of; 0 Fairhaven Line North, as shown on Assessors Map 21, lots 8 & 9. The applicant is requesting that the Commission verify wetland delineation at the site. No other work is proposed at this time. *Representative is Dan Wells of Goddard Consulting, LLC.*

MOTION: Trevor Francis made a motion to waive the reading of the legal ad.

SECOND: seconded by Dave Lawrence

Rollcall vote: Dave, aye, John, aye, Trevor, aye, Mike, aye 4-0-0

Mr. Dan Wells, from Goddard Consulting presented the project. This is an undeveloped site which was surveyed in 2018 by N Douglas Schneider.

Chairman stated that a project this large would be too much for the Part-time Agent due to the size and number of flags and that he should advise applicant that this project probably qualifies for a 53B Consultant. The Board will take this under advisement and continue the hearing until next meeting.

Questions Board – yes – David Lawrence stated that if the flags were put there in 2018 they are probably all gone by now. Mr. Schneider said the flags were refreshed this summer to confirm resource area delineations.

Questions Public – no

MOTION: Trevor Francis made a motion to continue the hearing until January 25, 2021

SECOND: seconded by Dave Lawrence

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

1/11/21

Rollcall vote: Dave, aye, John, aye, Trevor, aye, Mike, aye 4-0-0

CONTINUED PUBLIC HEARINGS:

SE44-1417 Notice of Intent filed by Raymond Hanks. The address is 18 Crystal Spring Road, as shown on Assessor's Map 18, lot 81. Applicants proposes to construct a 28' x 30' garage addition to the existing single-family dwelling. *The Representative is Robert M. Field, of Field Engineering Co., Inc.*

Bob Field presented the change to the project. He met Elizabeth at the site and added to the line to extend to Crystal Spring Road.

Questions Board – Chairman King asked if Mr Field feels that double erosions controls should be warranted in that area where the proposed grading is close to the wetlands.

Questions from the public – no

MOTION: David Lawrence made a motion to approve the permit with standard special conditions and to double erosion controls on limit of work on the area described by Mr. Field.

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, John, aye, Trevor, aye, Mike, aye 4-0-0

SE44-1409 Notice of Intent filed by Randall Lane Solar, LLC. The address is 29 Randall Lane as shown on Assessor's Map 21, lots 6,7,and 40. The applicant is proposing the construction of a solar photovoltaic array and associated features within the buffer zone to bordering vegetated wetlands, riverfront area, and bordering land subject to flooding. *The Representative is Eric J. Las, PE, LEED, AP of Beals and Thomas.*

Chairman King stated that the check for the 53B consultant has been received and that peer review will commence

Continued to January 25, 2021 at the request of the applicant

SE44-1404 Notice of Intent filed by Alexander Bauer. The address is 7 Nashawena Road as shown on Assessor's Map 15A, lot 140. The applicant is proposing to reconstruct a single-family dwelling with deck to the rear and concrete slab under the house to drain stormwater away from structure and towards a natural low area to rear of the lot. *The Representative is N. Douglas Schneider, P.E., P.L.S.*

Continued to January 25, 2021 at the request of the applicant

REQUEST FOR EXTENSIONS OR CERTIFICATE OF COMPLIANCE:

SE44-1352 Request for a Certificate of Compliance filed by The Preserve at Bay Club, LLC. The address is Lot 122 & 123 Split Rock Lane, as shown on Assessor's Map 27A, Lots 122 & 123.

Continued to January 25, 2021 at the request of the applicant

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

1/11/21

OTHER BUSINESS:

❖ **Brandon Faneuf in to discuss future requirements for 4 Seabreeze Avenue under the Enforcement Order**

Mr Faneuf presented pictures of the work that has been done at the site to comply with the plan of record. The original topsoil was found and filled with water, and compost mulch was brought in to raise the level.

Questions from the board –

Mr King asked what kind of water it was, fresh salt, brackish? Mr Faneuf said that John Rockwell gave him a source for plantings that will prosper in brackish water.

Mr Craig bought 100 plugs of salt water tolerant plants, and took planting from there and put them into buffer zone.

SC Creation reseeded wetland mix. Mr Faneuf pointed out some water in the photos but said he is confident of it's success. He asks again for leniency regarding the two year wait on lifting the enforcement order.

Questions Public –

Mike Heugenin asked if the work is finished

Mr Faneuf stated that all that has to happen is for it to grow

Mr Faneuf stated that he'd like to have the Enforcement Order lifted tonight.

Chairman King told him that the Board would take it under advisement.

Korin Peterson from BBC (Buzzards Bay Coalition) comments that this is good to see and thanked the Craigs for their efforts. Korin asked if there will be an asbuilt.

Mr Faneuf stated that the applicant followed John Rockwell's recommendations and even went above and that he doesn't think an as built should be needed at this point.

Chairman King said that he'd spoken directly with Mr. Craig who feels like his name was ruined during these past few years and asked Mr. King if there was something he could do to help the Town as a public way to make amends. He is willing to donate \$1000 to the Town to help with the Natural Resources Department with re-seeding clams.

Dave Lawrence stated that he thought Mr Faneuf did a good job and went above and beyond

Chairman King stated that the Commission will take the matter under advisement and that it had to consult with the Town Fathers and the Town Counsel, and it will be on the next Agenda.

Brandon Faneuf thanked him for consideration.

David Lawrence stated that he'd like to get this behind them

Trevor Francis said that he understood wanting to drop the 2 year waiting period but doesn't agree

John Jacobsen agreed that they don't usually make exceptions for that requirement and would not lift prematurely

❖ **Walk Ins/Oral briefings – no action**

❖ **Enforcement Orders**

❖ **Next meeting date – Jan. 25, 2021**

❖ **Agent's Report:**

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

1/11/21

Review draft minute(s) for approval

Chairman King stated that Mr. Lawrence had composed a 'wish list' of equipment that he thinks the Commission should have. Those include a range finder, a back tracker etc.. Mike Lorenzo, the Town Administrator interjected that the Town would work with the Commission on some of these items.

MOTION: Trevor Francis made a motion to adjourn at 7:36 p.m.

SECOND: seconded by Dave Lawrence

Rollcall vote: Dave, aye, John, aye, Trevor, aye, Mike, aye 4-0-0

Board of Health Clerk

From: Michael King <wyandottefarm@icloud.com>
Sent: Monday, January 11, 2021 9:30 PM
To: Elizabeth Leidhold
Cc: Trevor Francis; chapman.dickerson@gmail.com; Clawrence141@comcast.net; johnjacobsen22@gmail.com; Board of Health Clerk
Subject: Re: January 11, 2021 Conservation Commission Meeting

So. As I said, I was on Teams for work all afternoon and I am just seeing this email now, but, I clearly see a path to compromise between the lines here that will serve the interests of all parties involved.

I wish I had seen it or heard about it....

Michael D King
Sent from my iPhone
508-758-8230

On Jan 11, 2021, at 2:52 PM, Elizabeth Leidhold <ELEidhold@mattapoissett.net> wrote:

Sent from Mail for Windows 10

From: Korrin Petersen
Sent: Monday, January 11, 2021 2:43 PM
Subject: January 11, 2021 Conservation Commission Meeting

Dear Elizabeth,
Please forward this email to the Conservation Commission members ahead of tonight's meeting. The Coalition also requests that this correspondence be made part of the official record.
Thank you,
Korrin Petersen

Dear Mattapoissett Conservation Commission –

Following the December 14, 2020 Conservation Commission hearing, the Coalition was heartened that the matter at 4 Seabreeze Lane was headed towards resolution. It appeared that Mr. Fanuef and Mr. Rockwell had achieved agreements as outlined in Mr. Rockwell's December 10, 2020 report (attached) including:

- Moving the needed expansion of the restoration area to the south side only.
- Fill the existing replication area with composted and semi-composted organic material to the level of adjacent wetland.
- Modification of the species to be planted.
- Reduce the number of plants to 100 plugs.

We understand that the Commission will be considering the status of the Enforcement Order during this evening's meeting. If the work has been completed in accordance with the agreement between Mr.

Fanuef and Mr. Rockwell in the December 10, 2020 report, the **Coalition urges the Conservation Commission to issue a Certificate of Compliance and include as explicit on-going conditions that 1) at least 75% of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons and 2) a permanent no build/no disturb zone within 75 feet upland of the wetlands line.**

The Coalition welcomes a resolution to this matter. However, the Coalition will continue to track this property to ensure compliance with the Wetlands Protection Act and the protection of Mattapoissett's natural resources is achieved.

Sincerely,
Korrin Petersen

Korrin N. Petersen, Esq., Senior Attorney
BUZZARDS BAY COALITION
114 Front Street, New Bedford, MA 02740
508-999-6363 x.206
www.savebuzzardsbay.org

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<Craig Report_12-10-20_jr.pdf>

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
1/25/21**

Join Zoom Meeting

<https://us02web.zoom.us/j/86909775514>

Meeting ID: 869 0977 5514

One tap mobile

+19292056099,,86909775514# US (New York)

+13017158592,,86909775514# US (Germantown)

Dial by your location

+1 929 205 6099 US (New York)

+1 301 715 8592 US (Germantown)

Meeting ID: 86909775514

Find your local number: <https://us02web.zoom.us/j/86909775514>

In accordance with the Governor's March 12 Order suspending provisions of Open Meeting Law and to promote public health and social distancing, the Town of Mattapoisett is working to ensure that all members of the public have adequate access to all public meetings.

**Questions regarding any Conservation or Resource Area issues or emergency situations will be addressed on a case by case basis. The Commission may be contacted by email through the Commission's Agent at
Eleidhold@mattapoisett.net.**

Topic: Mattapoisett Conservation's Zoom Meeting

Time: January 25, 2021 06:30 PM Eastern Time (US and Canada)

Mattapoisett Conservation is inviting you to a scheduled Zoom meeting.

Topic: Mattapoisett Conservation's Zoom Meeting

Time: January 25, 2021 06:30 PM Eastern Time (US and Canada)

Members present included Chairman Mike King, David Lawrence, John Jacobsen, Chapman Dickerson, Liz Leidhold, Town of Mattapoisett, Mike Lorenzo and Secretary Marianne DeCosta.

These people who were signed in were; Elizabeth Ward, Bob, Jeff, jyoung, Williasipad, Marilou newell, Tom Reidy, Dan Wells, Ayobami, Jackie Firsty, Rich Riccio, Korrin Peterson, Joshua Lariscy, Mike Marsch, Lillian Fenner, Clarke Fenner, 17742180645, Dan Craig, Jamesiphone

MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
1/25/21

Chairman King brought the meeting to order at 6:30 pm.

Before opening the Public Hearings, the Chairman explained that the RDA's can be voted on the night of the hearing. However, the NOI's will be continued until the following meeting to allow adequate public input.

PUBLIC HEARINGS:

Request for Determination of Applicability filed by William and Lisa Mueller. The address is 89 Mattapoisett Neck Road, as shown on Assessor's Map 12, lot 47. The applicant is proposing to remove and maintain undergrowth and invasive species within wetland with use of brush hog equivalent. *Representative is Peter Westover of Conservation Works, LLC*

MOTION: David Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

This was not advertised and there were no abutter's notifications, so this hearing was postponed until this meeting.

Robert Field presented the project. The proposed clearing of brush in a buffer zone, hand clearing along two stone walls, and removal of some dead trees.

The work is being done by Tom Lanigan and was walked with Dave Lawrence and Mike King

Questions Board – no

Questions Public –Yes

Elizabeth Ward -78 Mattapoisett Nk Rd

Ms Ward wanted to know how far away from the road this proposed work is. Mr Field stated it is 400' from the road.

MOTION: David Lawrence made a motion to approve -3 determinations with Standard special Conditions to notify office at the commencement of the project, and at the conclusion of the work so the Agent can do a walk-thru.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

Request for Determination of Applicability filed by Jeffrey Hayward. The address is 18 Nashawena Road, as shown on Assessor's Map 15A, lot 111. The applicant is proposing to adding a small deck off the back of the house. *Representative is Jeffrey Hayward.*

MOTION: David Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
1/25/21

Jeffrey Hayward, the owner, presented the project. The proposal is to relocate the door and add an 8x8 deck. He will put in 3 Sono tubes. There is a ditch near the driveway that is maintained by the Plymouth County Mosquito Control.

MOTION: David Lawrence made a motion to approve -3 determinations with Standard special Conditions to notify office at the commencement of the project. Also to remove excess materials off-site daily. The Agent to inspect siltation controls once installed.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

SE44- Notice of Intent filed by Jackie Firsty, BWC Mill pond, c/o Blue Wave Solar . The address is 61 Long Plain Road, as shown on Assessor's Map 25, lot 8A and 30. The applicant is proposing to improve an existing gravel driveway to provide access to a proposed solar array on parcels of land located in Acushnet, MA within 100-feet of a bordering vegetated wetland. Improvements will include temporary and permanent wetland alterations to provide adequate driveway width for emergency and maintenance access to the proposed array. *The Representative is Richard R. Riccio III, P.E. of Field Engineering Co., Inc.*

MOTION: David Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

Rich Riccio presented the project on behalf of BWC Mill Pond c/o Blue Wave Solar.

Chairman King explained that the Solar Project itself is in Acushnet and that it has been approved through the Acushnet Conservation Board, this is just improvements to an 18' gravel access Road that goes off of Long Plain Rd. The proposal includes full wetlands replication area with a 2.5 to 1 ratio. The comments from DEP do not require 401 as it is less than 5000 sf.

Questions Board –yes- Is this the only access point to the property? – Yes

Chairman King asked if there will be on-site battery storage. – Yes

Chairman King asked Rick Riccio to reach out to Elizabeth Leidhold, the Agent about a couple of the flags prior to the next meeting.

MOTION: David Lawrence made a motion to continue the hearing until February 8, 2021

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

CONTINUED PUBLIC HEARINGS:

SE44-1418 Notice of Intent filed by Christos Kuliopulous, The Preserve at Bay Club, LLC. .

The address is Lot 121 Split Rock Lane, as shown on Assessor's Map 27A, lot 121. The applicant is proposing to construct a single-family home with associated garage, deck, utilities installation, driveway construction and site grading within the 100' buffer zone to wetlands. *The Representative is Jason Youngquist of Outback Engineering, Inc.*

MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
1/25/21

Mr Youngquist stated that a revised plan was dropped off at the office on January 21st. He will drop it off at the Office tomorrow. Poll Board if anyone has issues with the Board approving the project subject to approved revised plan? No Dave Lawrence, no- Chapman Dickerson, no- John Jacobson, no- Chairman King.

Questions Public – no

MOTION: David Lawrence made a motion to close the Public Hearing

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

MOTION: David Lawrence made a motion to issue a permit subject to an approved revised plan.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

SE44-1416 **Abbreviated Notice of Resource Area Delineation filed by Aaron Halimi, property owned by Gerald Randall.** The address is 0 Route 195 North of; 0 Fairhaven Line North, as shown on Assessors Map 21, lots 8 & 9. The applicant is requesting that the Commission verify wetland delineation at the site. No other work is proposed at this time. *Representative is Dan Wells of Goddard Consulting, LLC.*

Dan Wells presented the project. The Chairman said that the Committee are volunteers and the Agent is P-T so he asked if Mr Wells had discussed the need for a Third Party Review of the project with the applicant. Mr Wells stated that he had and they were amenable to that. The chairman will reach out and get three bids and he will have those for the next meeting. Dave Lawrence said that he thought Mr Schneider would be on and he just wanted to let him know that he went and walked some of the property and to let him know that the flags were very well marked along 195 corridor.

MOTION: David Lawrence made a motion to hire a 53B Consultant for this project.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

SE44-1409 **Notice of Intent filed by Randall Lane Solar, LLC.** The address is 29 Randall Lane as shown on Assessor's Map 21, lots 6,7,and 40. The applicant is proposing the construction of a solar photovoltaic array and associated features within the buffer zone to bordering vegetated wetlands, riverfront area, and bordering land subject to flooding. *The Representative is Eric J. Las, PE, LEED, AP of Beals and Thomas.*

MOTION: David Lawrence made a motion to continue the hearing until February 8, 2021

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
1/25/21

Chairman King updated that the BETA fieldwork is completed; there should be a comment letter by February 1, 2021. This should be presented during the February 8th meeting. Chairman King also noted that he spoke with a neighbor and that there may be a public safety issue with the River Rd bridge. There are pictures that there is damage done by a truck to the stone wall. Chairman King said that this should be brought to the attention of the Fire chief.

SE44-1404 Notice of Intent filed by Alexander Bauer. The address is 7 Nashawena Road as shown on Assessor's Map 15A, lot 140. The applicant is proposing to reconstruct a single-family dwelling with deck to the rear and concrete slab under the house to drain stormwater away from structure and towards a natural low area to rear of the lot. *The Representative is N. Douglas Schneider, P.E., P.L.S.*

MOTION: David Lawrence made a motion to continue the hearing until February 8, 2021
SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

REQUEST FOR EXTENSIONS OR CERTIFICATE OF COMPLIANCE:

SE44-1022 Request for a Certificate of Compliance filed by Christopher Jaskolka. The address is 21 County Road, as shown on Assessor's Map 16, Lot 100.

Mr Joskolka provided a stamped 'as built' and the project is at least in 75% compliance.

MOTION: David Lawrence made a motion to approve a Certificate of Compliance.
SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

SE44-1352 Request for a Certificate of Compliance filed by The Preserve at Bay Club, LLC.
The address is Lot 122 & 123 Split Rock Lane, as shown on Assessor's Map 27A, Lots 122 & 123.

We have not received a letter from an engineer or an as built for this project. Chairman King asked the Agent to reach out to the applicant. The Agent said that they made a large order for posts so they ask for a partial COC.

OTHER BUSINESS:

❖ . 4 Seabreeze Avenue under the Enforcement Order

Chairman King read two letters from Korrin Peterson into the record (attached to these minutes) The latest letter suggesting the Enforcement order be lifted but amended confirming that the Enforcement Order requirements have been met, subject to 75% of the surface of the replication area be reestablished with indigenous wetland plant species within two growing seasons. Chairman King said that he thought the Enforcement Order was recorded at the Registry, but Ms Peterson said that it is not. Chairman King polled the Board to see who would like to lift the Enforcement Order. Mr Dickerson agreed that the Order should be lifted. Mr Lawrence stated that he was not on the Board until recently but he feels that the homeowner has complied and he is in favor of

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

1/25/21

lifting the Enforcement Order. Mr Jacobsen asked what the advantage was to lifting it. Mr Jacobsen said he agreed that there has been substantial progress but he doesn't understand. Is there some sort of burden placed on the homeowner? Chairman King replied no.

The Chairman stated that if the re-growth fails the Board can issue another Enforcement Order.

MOTION: David Lawrence made a motion to lift the Enforcement Order

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, no, Chapman, aye, Mike, aye 4-1-0

The Chairman directed the Agent to draft a letter lifting the Enforcement Order to be signed.

❖ **Walk Ins/Oral briefings – no action**

❖ **Enforcement Orders**

❖ **Next meeting date – Feb. 8, 2021**

❖ **Agent's Report:**

The Agent reported that she is working with the applicant on the flags at the Solar Array on the Landfill. She will meet with them next week.

❖ **Review draft minute(s) for approval.**

MOTION: David Lawrence made a motion to adjourn at 7:41 p.m.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

Board of Health Clerk

From: Elizabeth Leidhold
Sent: Monday, January 11, 2021 2:52 PM
To: Michael King; Trevor Francis; chapman.dickerson@gmail.com; Clawrence141@comcast.net; johnjacobsen22@gmail.com
Cc: Elizabeth Leidhold; Board of Health Clerk
Subject: FW: January 11, 2021 Conservation Commission Meeting
Attachments: Craig Report_12-10-20_jr.pdf

Sent from Mail for Windows 10

From: Korrin Petersen
Sent: Monday, January 11, 2021 2:43 PM
Subject: January 11, 2021 Conservation Commission Meeting

Dear Elizabeth,
Please forward this email to the Conservation Commission members ahead of tonight's meeting. The Coalition also requests that this correspondence be made part of the official record.
Thank you,
Korrin Petersen

Dear Mattapoisett Conservation Commission –

Following the December 14, 2020 Conservation Commission hearing, the Coalition was heartened that the matter at 4 Seabreeze Lane was headed towards resolution. It appeared that Mr. Fanuef and Mr. Rockwell had achieved agreements as outlined in Mr. Rockwell's December 10, 2020 report (attached) including:

- Moving the needed expansion of the restoration area to the south side only.
- Fill the existing replication area with composted and semi-composted organic material to the level of adjacent wetland.
- Modification of the species to be planted.
- Reduce the number of plants to 100 plugs.

We understand that the Commission will be considering the status of the Enforcement Order during this evening's meeting. If the work has been completed in accordance with the agreement between Mr. Fanuef and Mr. Rockwell in the December 10, 2020 report, **the Coalition urges the Conservation Commission to issue a Certificate of Compliance and include as explicit on-going conditions that 1) at least 75% of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons and 2) a permanent no build/no disturb zone within 75 feet upland of the wetlands line.**

The Coalition welcomes a resolution to this matter. However, the Coalition will continue to track this property to ensure compliance with the Wetlands Protection Act and the protection of Mattapoisett's natural resources is achieved.

Sincerely,
Korrin Petersen

Korrin N. Petersen, Esq., Senior Attorney

BUZZARDS BAY COALITION

114 Front Street, New Bedford, MA 02740

508-999-6363 x.206

www.savebuzzardsbay.org

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Board of Health Clerk

From: Elizabeth Leidhold
Sent: Monday, January 25, 2021 4:28 PM
To: Michael King; Trevor Francis; Clawrence141@comcast.net;
chapman.dickerson@gmail.com; johnjacobsen22@gmail.com
Cc: Board of Health Clerk; Elizabeth Leidhold
Subject: Fw: 4 Seabreeze Lane

Follow Up Flag: Flag for follow up
Flag Status: Flagged

From: Korrin Petersen <petersen@savebuzzardsbay.org>
Sent: Monday, January 25, 2021 4:11 PM
To: Elizabeth Leidhold <ELeidhold@mattapoissett.net>
Cc: Michael Lorenzo <Mlorenco@mattapoissett.net>
Subject: 4 Seabreeze Lane

Elizabeth –

Please forward the following email to the Commission members ahead of this evening's meeting.

Dear Chairman King,

I write to you this evening with a potential solution to the outstanding Enforcement Order at 4 Seabreeze Lane. It appears that substantial compliance with the Enforcement Order has been achieved, apart from the requirement that 75% of the surface of the replacement area be reestablished with indigenous wetland plant species within two growing seasons.

In order to ensure that the long sought after restoration efforts endure, I request that you consider amending the enforcement order confirming that the Enforcement Order requirements have been met, subject to 75% of the surface of the replacement area be reestablished with indigenous wetland plant species within two growing season.

Thank you for your consideration.

Best,
Korrin

Korrin N. Petersen, Esq., Senior Attorney
BUZZARDS BAY COALITION
114 Front Street, New Bedford, MA 02740
508-999-6363 x.206
www.savebuzzardsbay.org

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**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
2/8/21**

**Topic: Mattapoissett Conservation's Zoom Meeting
Time: February 8, 2021 06:30 PM Eastern Time (US and Canada)**

Members present included Chairman Mike King, David Lawrence, John Jacobsen, Liz Leidhold, Dan White, and Secretary Marianne DeCosta.

These people who were signed in were; Andrea Dave Ricci, Sharon Thompson, Bill Guss, Bob, Mac, Rich Riccio/Field Engineering, Reagan, N Douglas Schneider, Carole Clifford, Brent Spooner, Chris Demakis, Marilou Newell, Peggy Hurley, Ann Gustafson, David Davignon, Joshua Lariscy, David Behenna, Mike Marsch, William Straus, Mary Beth Cosgrove Leiphart

Chairman King brought the meeting to order at 6:30 pm.

Before opening the Public Hearings, the Chairman explained that the RDA's can be voted on the night of the hearing. However, the NOI's will be continued until the following meeting to allow adequate public input.

PUBLIC HEARINGS:

Request for Determination of Applicability filed by Stephen Vaitses. The address is 5 Dyar Road, as shown on Assessor's Map 12A, lot 21. The applicant is proposing to construct 20' x 40' garage addition within FEMA flood zone. *Representative is Robert M. Field, P.E.*

MOTION: David Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

Bob Field presented the project. This is a garage that will be moved to this location.

Questions board- Dave Lawrence asked how deep the crushed stone will be in the trenches. 2"

Questions from the public – none

MOTION: David Lawrence made a motion to approve with a negative 3 determination with a condition to notify office at the commencement of the project.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

SE44- Notice of Intent filed by Daniel R. & Kimberlee L. Nashold . The address is Snow Fields Road, as shown on Assessor's Map 28, north portion of lot 26, (subdivision lot 1). The applicant is proposing to construct a single-family home with associated site work including

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

2/8/21

construction of a driveway and installation of a septic system, well and underground utilities. *The Representative is David M. Davignon of Schneider, Davignon & Leone, Inc.*

MOTION: David Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

Dave Davignon presented the project. This is Lot #1 in a 2-lot subdivision. Proposing a 4 bedroom house with attached garage, elevated leaching field, and walkout basement. The well is proposed in the front of the house.

There is no file # yet from DEP.

There is a comment from the Agent that there has been clearing along the stream. Mr. Davignon noted that the clearing was done by Mosquito control in the fall and they are exempt from the Wetland Protection Regulations.

Questions from the board – none

Questions from the public – none

MOTION: David Lawrence made a motion to continue the hearing until February 22, 2021

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

SE44-1420 **Abbreviated Notice of Resource Area Delineation filed by Pamela Spooner, Trustee – The Martin Family Trust.** The address Cove Street, as shown on Assessor's Map 1, lots 4 and 5. *The Representative is Robert M. Field, P.E. of Field Engineering Co., Inc.*

MOTION: David Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

Bob Field presented the project. The applicant is looking to determine the developability of the parcels. There were no DEP comments. The Agent asked how the top of coastal bank determined. Mr. Field stated that based on the 1st break in topography referred to on the map.

Questions from the board – none

Questions from the public – none

MOTION: David Lawrence made a motion to approve the ANRAD

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

CONTINUED PUBLIC HEARINGS:

SE44-1419 **Notice of Intent filed by Jackie Firsty, BWC Mill pond, c/o Blue Wave Solar.** The address is 61 Long Plain Road, as shown on Assessor's Map 25, lot 8A and 30. The applicant is proposing to improve an existing gravel driveway to provide access to a proposed solar array on

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

2/8/21

parcels of land located in Acushnet, MA within 100-feet of a bordering vegetated wetland. Improvements will include temporary and permanent wetland alterations to provide adequate driveway width for emergency and maintenance access to the proposed array. *The Representative is Richard R. Riccio III, P.E. of Field Engineering Co., Inc.*

Rich Riccio presented the project. He stated that he met on site with the Agent to walk the site. Following the meeting he made modifications to the plan. Chairman King asked if the proposed replication was 2.6 to 1, and the answer was in the affirmative. The Agent suggested that the compost waddles be doubled along the roadway and left in place and to include the Wetlands Replication Plan in the Orders.

MOTION: David Lawrence made a motion to close the Public hearing

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

The conditions called out by the Chairman were, submit a full set of revised plans, some mitigation work parallel to the road, replication area as on plan, Rip wrap 5x5 pad with fabric at entrance to pipe, more formalized Construction Schedule Methodology Plan.

MOTION: David Lawrence made a motion to approve the Permit subject to special conditions called out by the Chair.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

SE44-1416 **Abbreviated Notice of Resource Area Delineation filed by Aaron Halimi, property owned by Gerald Randall.** The address is 0 Route 195 North of; 0 Fairhaven Line North, as shown on Assessors Map 21, lots 8 & 9. The applicant is requesting that the Commission verify wetland delineation at the site. No other work is proposed at this time. *Representative is Dan Wells of Goddard Consulting, LLC.*

This has been continued until February 22, 2021 as the Fairhaven abutters were not notified. The Chairman noted that there were five proposals received for the 53B Consultant and that they will be reviewed by the Commission.

SE44-1409 **Notice of Intent filed by Randall Lane Solar, LLC.** The address is 29 Randall Lane as shown on Assessor's Map 21, lots 6,7,and 40. The applicant is proposing the construction of a solar photovoltaic array and associated features within the buffer zone to bordering vegetated wetlands, riverfront area, and bordering land subject to flooding. *The Representative is Eric J. Las, PE, LEED, AP of Beals and Thomas.*

Continued to February 22, 2021 as requested by applicant's representative

SE44-1404 **Notice of Intent filed by Alexander Bauer.** The address is 7 Nashawena Road as shown on Assessor's Map 15A, lot 140. The applicant is proposing to reconstruct a single-family dwelling with deck to the rear and concrete slab under the house to drain stormwater away from structure and towards a natural low area to rear of the lot. *The Representative is N. Douglas Schneider, P.E., P.L.S.*

MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
2/8/21

N Douglas Schneider stated that after the Public Hearings they revised the plans because of neighbors concerns. The driveway was reduced and the runoff concerns were addressed. The Chairman stated that they will take between now and the next meeting to study the plan and to have any neighbors who want to see the revised plans and if they have questions to reach out to Mr. Schneider.

Questions board – no

Questions Public – yes

David Behenna 31 Antassawamock-He wanted to Thank the Board for continuing the hearing as he has an engineer that will be looking at it for him.

William Straus abutter across the street- wants to know if we should take up questions for the next meeting? The Chairman encouraged him to reach out to Mr. Schneider.

MaryBeth Cosgrove 8 Nashewena thanked the Board for continuing the meeting

MOTION: David Lawrence made a motion to continue the hearing until February 22, 2021

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

REQUEST FOR EXTENSIONS OR CERTIFICATE OF COMPLIANCE:

SE44-0980 Request for a Certificate of Compliance filed by MMT Management. The address is lot 85A Split Rock Lane, as shown on Assessor's Map 27A, Lot 85.

Chairman King noted that the office is in receipt of a letter from Outback Engineering that they are asking for a partial release in order to facilitate a Real Estate closing.

MOTION: David Lawrence made a motion to approve the Partial Certificate of Compliance.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

SE44-0981 Request for a Certificate of Compliance filed by MMT Management. The address is lot 86A Split Rock Lane, as shown on Assessor's Map 27A, Lot 87.

Chairman King noted that the office is in receipt of a letter from Outback Engineering that they are asking for a partial release in order to facilitate a Real Estate closing.

MOTION: David Lawrence made a motion to approve the Partial Certificate of Compliance.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

SE44-1352 Request for a Certificate of Compliance filed by The Preserve at Bay Club, LLC. The address is Lot 122 & 123 Split Rock Lane, as shown on Assessor's Map 27A, Lots 122 & 123.

The Chairman asked the Agent if she has heard from the applicant and she has not. She stated that she will call them this week and the Board took no action at this time.

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

2/8/21

OTHER BUSINESS:

- ❖ **Walk Ins/Oral briefings – no action**
- ❖ **Enforcement Orders**
- ❖ **Next meeting date – Feb. 22, 2021**
- ❖ **Agent's Report:** Next meeting will be very large.

Review draft minute(s) for approval.

MOTION: David Lawrence made a motion to adjourn at 7:24 p.m.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
2/22/21**

**Topic: Mattapoissett Conservation's Zoom Meeting
Time: February 22, 2021 06:30 PM Eastern Time (US and Canada)**

Members present included Chairman Mike King, David Lawrence, John Jacobsen, Chapman Dickerson, Trevor Francis, Liz Leidhold, Dan White, and Secretary Marianne DeCosta.

These people who were signed in were; David MASSDot, Rachal Mcourty, Katy Feurman, A Marklin, spooner,Donald, owner, Dave Davignon, Davidsipad, Jennifer Szabo, Kathy Eklund, Alan Loomis, Michael Harrington, Debra Pickup, Mike Huguenonipad7, Mattapoissett Historical Commission

Chairman King brought the meeting to order at 6:30 pm.

Before opening the Public Hearings, the Chairman explained that the RDA's can be voted on the night of the hearing. However, the NOI's will be continued until the following meeting to allow adequate public input.

PUBLIC HEARINGS:

Request for Determination of Applicability filed by Tim Dexter, MA DOT. The address is Fairhaven Road and River Road. The applicant is proposing to remove HMA and Portland cement concrete sidewalks and wheelchair ramps and install sidewalks and wheelchair ramps, granite curbing, thermoplastic crosswalks, pavement markings, utility adjustments, drainage adjustments, signage, and other incidental items. *Representative is David Goldstein of MA DOT.*

MOTION: David Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, 5-0-0

The project was presented by David Goldstein from MA Dept. of Transportation (MA DOT). This project is a District wide retro-fit project. It should be completed by Fall 2023.

Questions from the board- Chapman Dickerson asked if River Road will be closed, and David answered no. Will the changes be wheelchair accessible? David answered that there will be sidewalk access.

Questions from the public Marilou Newell addressed the Commission as a member of the Mattapoissett Historical Commission. The Commission has a plaque and some commemorative bricks at the site. Will these be protected. David answered that these will be addressed. The Commission is not sure if the project will interfere with the area where the plaque and bricks are located.

Bob Spooner from 18 River Road brought to the Commission's attention that there is a drain in the middle of the intersection, and will that be taken care of? David said that he will notate this for DOT but that it looks like it will be on the plan.

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

2/22/21

MOTION: Chapman Dickerson made a motion to approve the project with a negative 3 determination and the condition that the office is to be notified at the commencement of the project

SECOND: seconded by Dave Lawrence

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

SE44-1422 **Notice of Intent filed by Armand Cortellesso/Brandt Point Road Builders, LLC.** The address is Nantucket Drive as shown on Assessor's Map 13, lot 106.16. The applicant is proposing the construction of a single-family dwelling with associated grading and infrastructure (driveway, underground utility connections, etc.) within 100 ft. buffer to bordering vegetated wetlands. *Representative is Alan Loomis of McKenzie Engineering Group, Inc.*

MOTION: Chapman Dickerson made a motion to waive the reading of the legal ad.

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

Alan Loomis presented the project. The original plan was done in 2009, and they will maintain the same drainage pattern.

Question from the board- The signs stating "Conservation area" are still facing the wrong way, and the silt fence needs to be reestablished

Questions from the public – none

MOTION: Trevor Francis made a motion to continue until March 8, 2021

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

SE44-1424 **Notice of Intent filed by William H. Saunders.** The address is 50 County Road as shown on Assessor's Map 58C, lot 9. The applicant is proposing removal and replacement of parking lot and stormwater management system maintenance. *Representative is David M. Davignon, P.E. of Schneider, Davignon & Leone, Inc.*

MOTION: Chapman Dickerson made a motion to waive the reading of the legal ad.

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

Dave Davignon represented the Saunders Dwyer Home for Funerals, in Mattapoisett. This was developed in 1996. It borders Rte 6, a wooded wetland area, paved parking lot and the Condos. This project includes repaving the parking lot within the current footprint and to make improvements to the retention pond, and to reestablish the wetland line. This is a buffer zone project only. The detention pond has not been draining due to needed maintenance. DEP technical comments were to comply with stormwater management regulations.

Questions from the board- The Chairman asked if the catch basin will give better drainage and keep pond clean and dry. David Davignon answered "yes". David Lawrence asked if the muck will be hauled off-site. Mr. Davignon answered "yes". David Lawrence mentioned that they did a great job flagging. Trevor Francis stated that it seems like a good upgrade.

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

2/22/21

Questions from the public –

Katy Feurman of 7 Pepperbush Lane stated that the condos have their own retention pond, are you accounting for that? Mr. Davignon answered that they were.

Husband David Feurman asked About the Arborvitaes along the back of the berm. Since they will be cut down there will be no sound barrier there. He would like protection put back. Since there has been no maintenance on the pond, how can he be guaranteed that it will be maintained now. He asked if there is a mechanism in place for applicant to maintain the pond as it will be visible and more easily maintained going forward.

The Chairman mention that the Commission has no purview of a guarantee but that Mr Davignon should speak with his client, and the Chairman will look into it for next meeting. Mr. Davignon mentions that when it comes to the COC they can make it a condition.

MOTION: Trevor Francis made a motion to continue until March 8, 2021

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

SE44-1423 **Notice of Intent filed by Matthew Considina and Alex Monreal.** The address is 20 North Street as shown on Assessor's Map 68, lot 9. The applicant is proposing landscape improvements; removal of various trees, install a 12" earth berm to contain stormwater runoff from the yard, cedar posts with signs as permanent markers at each wetland flag, a groundwater recharge basin upgradient of the earth berm.

Representative is David M. Davignon, P.E. of Schneider, Davignon & Leone, Inc.

MOTION: Chapman Dickerson made a motion to waive the reading of the legal ad.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

Dave Davignon represented the project. The DEP technical comments were to define the alterations in wetlands. Mr. Davignon answered that the only wetlands would be the removal of a couple of dead trees.

No questions from the Board and no questions from the public.

MOTION: Trevor Francis made a motion to continue until March 8, 2021

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

CONTINUED PUBLIC HEARINGS:

SE44-1421 **Notice of Intent filed by Daniel R. & Kimberlee L. Nashold.** The address is Snow Fields Road, as shown on Assessor's Map 28, north portion of lot 26, (subdivision lot 1). The applicant is proposing to construct a single-family home with associated site work including

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

2/22/21

construction of a driveway and installation of a septic system, well and underground utilities. *The Representative is David M. Davignon of Schneider, Davignon & Leone, Inc.*

Dave Davignon represented the project. There were no DEP technical comments.

No questions from the Board and no questions from the public.

MOTION: Trevor Francis made a motion to issue a permit with standard Special Conditions

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

MOTION: Dave Lawrence made a motion to close the Public Hearing

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

SE44-1416 **Abbreviated Notice of Resource Area Delineation filed by Aaron Halimi, property owned by Gerald Randall.** The address is 0 Route 195 North of; 0 Fairhaven Line North, as shown on Assessors Map 21, lots 8 & 9. The applicant is requesting that the Commission verify wetland delineation at the site. No other work is proposed at this time. *Representative is Dan Wells of Goddard Consulting, LLC.*

Continued to March 8

SE44-1409 **Notice of Intent filed by Randall Lane Solar, LLC.** The address is 29 Randall Lane as shown on Assessor's Map 21, lots 6,7,and 40. The applicant is proposing the construction of a solar photovoltaic array and associated features within the buffer zone to bordering vegetated wetlands, riverfront area, and bordering land subject to flooding. *The Representative is Eric J. Las, PE, LEED, AP of Beals and Thomas.*

Continued to March 22

SE44-1404 **Notice of Intent filed by Alexander Bauer.** The address is 7 Nashawena Road as shown on Assessor's Map 15A, lot 140. The applicant is proposing to reconstruct a single-family dwelling with deck to the rear and concrete slab under the house to drain stormwater away from structure and towards a natural low area to rear of the lot. *The Representative is N. Douglas Schneider, P.E., P.L.S.*

Continued to March 8

REQUEST FOR EXTENSIONS OR CERTIFICATE OF COMPLIANCE:

SE44-1352 **Request for a Certificate of Compliance filed by The Preserve at Bay Club, LLC.**

The address is Lot 122 & 123 Split Rock Lane, as shown on Assessor's Map 27A, Lots 122 & 123.

Continued to March 8

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

2/22/21

OTHER BUSINESS:

- ❖ **Walk Ins/Oral briefings – none**
- ❖ **Enforcement Orders**
- ❖ **Next meeting date – March 8, 2021**
- ❖ **Agent's Report:** The Chairman directed the Agent to send a letter to Andrew Murray, the Fire Chief regarding the access to Randall Lane being about 200' long and that there are some old stone boundaries on either side. The point is to get the Fire Chief recommendation on Fire Engine access.

Review draft minute(s) for approval.

MOTION: Chapman Dickerson made a motion to adjourn at 7:41 p.m.

SECOND: seconded by Trevor Francis

Roll call vote: Dave, aye, John, aye, Trevor, aye, Chapman, aye and Mike, aye 3-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
3/8/21**

**Topic: Mattapoissett Conservation's Zoom Meeting
Time: March 8, 2021 06:30 PM Eastern Time (US and Canada)**

Members present included Chairman Mike King, David Lawrence, John Jacobsen, Chapman Dickerson, Trevor Francis, Liz Leidhold, Dan White, and Secretary Marianne DeCosta.

These people who were signed in were; Alan Loomis, Dave Davignon, Marilou Newell, Christian McCullough

Chairman King brought the meeting to order at 6:30 pm.

NEW PUBLIC HEARINGS: none

CONTINUED PUBLIC HEARINGS:

SE44- 1422 Notice of Intent filed by Armand Cortelleso/Brandt Point Road Builders, LLC.

The address is Nantucket Drive as shown on Assessor's Map 13, lot 106.16. The applicant is proposing the construction of a single-family dwelling with associated grading and infrastructure (driveway, underground utility connections, etc.) within 100 ft. buffer to bordering vegetated wetlands. *Representative is Alan Loomis of McKenzie Engineering Group, Inc.*

Allen Loomis presented the project with the issues from the last meeting. The reverse signage and silt fence restoration will be addressed.

Questions board – no

Questions Public – no

MOTION: David Lawrence made a motion to close the Public hearing

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

MOTION: Chapman Dickerson made a motion to approve the permit with the Standard Special Conditions and to add the language from NHESP - "will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species, provided all conditions of the Conservation & Management Permit are adhered to" as a special condition

SECOND: seconded by Dave Lawrence

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

SE44-1424 Notice of Intent filed by William H. Saunders. The address is 50 County Road as shown on Assessor's Map 58C, lot 9. The applicant is proposing removal and replacement of parking

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

3/8/21

lot and stormwater management system maintenance. *Representative is David M. Davignon, P.E. of Schneider, Davignon & Leone, Inc.*

David Davignon presented the project update from last meeting. The client will provide arborvitae screening for the neighbors to the SW, along with an Operation and Maintenance Plan.

Questions Board – no

Questions Public – yes

Caty Feurman – 7 Pepperbush Lane Where are the Arborvitae going? Answer SW corner of property. Could they go down further to screen neighbors too? Mr. Davignon said he'll consult with his client. Will he maintain the upkeep? Mr. Davignon stated that his experience with the owner is that he understands and will maintain it this time around.

MOTION: David Lawrence made a motion to close the Public hearing

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

MOTION: Chapman Dickerson made a motion to approve the permit with the Standard Special Conditions with the addition of the Stormwater Operations and Maintenance Plan

SECOND: seconded by Dave Lawrence

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

SE44-1423 **Notice of Intent filed by Matthew Considina and Alex Monreal.** The address is 20 North Street as shown on Assessor's Map 68, lot 9. The applicant is proposing landscape improvements; removal of various trees, install a 12" earth berm to contain stormwater runoff from the yard, cedar posts with signs as permanent markers at each wetland flag, a groundwater recharge basin upgradient of the earth berm.

Representative is David M. Davignon, P.E. of Schneider, Davignon & Leone, Inc.

Mr Davignon presented the project 2 weeks ago and is just looking for the hearing to be closed.

Questions Board – no

Questions Public – no

MOTION: Dave Lawrence made a motion to approve the permit subject with Standard Special Conditions and in addition to add a pre-construction meeting onsite prior to the commencement of work.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

SE44-1416 **Abbreviated Notice of Resource Area Delineation filed by Aaron Halimi, property owned by Gerald Randall.** The address is 0 Route 195 North of; 0 Fairhaven Line North, as shown on Assessors Map 21, lots 8 & 9. The applicant is requesting that the Commission verify wetland delineation at the site. No other work is proposed at this time. *Representative is Dan Wells of Goddard Consulting, LLC.*

Dan Wells stated that the abutters on the Fairhaven side have been notified of the hearing and he is waiting for the Board to select a company for the Peer Review.

The Chairman stated that any questions that the Public may have should be directed to Mr Wells.

There were 5 proposals.

LEC - \$4800

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

3/8/21

Chmiel - \$4000
Sabatia \$3000-3400
Ecosystem Solutions - \$3520
Oxbow - \$7500

The board discussed the options and chose Ecosystem Solutions. The Chairman told Mr. Wells that they would need a check made out to the Town of Mattapoisett.

MOTION: David Lawrence made a motion to continue the hearing until March 22, 2021

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

SE44-1409 **Notice of Intent filed by Randall Lane Solar, LLC.** The address is 29 Randall Lane as shown on Assessor's Map 21, lots 6,7,and 40. The applicant is proposing the construction of a solar photovoltaic array and associated features within the buffer zone to bordering vegetated wetlands, riverfront area, and bordering land subject to flooding. *The Representative is Eric J. Las, PE, LEED, AP of Beals and Thomas.*

Continued to March 22

SE44-1404 **Notice of Intent filed by Alexander Bauer.** The address is 7 Nashawena Road as shown on Assessor's Map 15A, lot 140. The applicant is proposing to reconstruct a single-family dwelling with deck to the rear and concrete slab under the house to drain stormwater away from structure and towards a natural low area to rear of the lot. *The Representative is N. Douglas Schneider, P.E., P.L.S.*

Continued to March 22

REQUEST FOR EXTENSIONS OR CERTIFICATE OF COMPLIANCE:

SE44-1341 **Request for a Certificate of Compliance filed by Christian McCullough.** The address is 12 Oliver Street, as shown on Assessor's Map 5A, lot 51.

Christian McCullough presented a letter from the Building Inspector that the addition was built in accordance with the Building Permit.

MOTION: Dave Lawrence made a motion to approve the Certificate of Compliance

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Mike, aye 4-0-0

SE44-1352 **Request for a Certificate of Compliance filed by The Preserve at Bay Club, LLC.**
The address is Lot 122 & 123 Split Rock Lane, as shown on Assessor's Map 27A, Lots 122 & 123.

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

3/8/21

Continued to March 22

OTHER BUSINESS:

- ❖ **Walk Ins/Oral briefings – none**
- ❖ **Enforcement Orders - none**
- ❖ **Next meeting date – March 22, 2021**
- ❖ **Agent's Report: none**
- ❖ **Review draft minute(s) for approval.**

9/14/20 MTDJ

MOTION: David Lawrence made a motion to accept the minutes of 9/14/20

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

9/28/20 MTDJ

MOTION: David Lawrence made a motion to accept the minutes of 9/28/20

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

10/26/20 MTDJ

MOTION: John Jacobsen made a motion to accept the minutes of 10/26/20

SECOND: seconded by Dave Lawrence

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

11/9/20 MTDJC

MOTION: David Lawrence made a motion to accept the minutes of 11/9/20

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, Chapman, aye, Mike, aye 3-0-0

11/23/20 MDJ

MOTION: David Lawrence made a motion to accept the minutes of 11/23/20

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

12/14/20 MDJTC

MOTION: David Lawrence made a motion to accept the minutes of 12/14/20

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, Chapman, aye, Mike, aye 3-0-0

12/28/20 MDJC

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

3/8/21

MOTION: John Jacobsen made a motion to accept the minutes of 12/28/20

SECOND: seconded by Dave Lawrence

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

1/11/21 MDTJ

MOTION: David Lawrence made a motion to accept the minutes of 1/11/21

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

1/25/21 MDJC

MOTION: Chapman Dickerson made a motion to accept the minutes of 1/25/21

SECOND: seconded by Dave Lawrence

Rollcall vote: Dave, aye, Chapman, aye, Mike, aye 3-0-0

2/8/21 MDJ

MOTION: David Lawrence made a motion to accept the minutes of 2/8/21

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, John, aye, Mike, aye 3-0-0

2/22/21 MDJCT

MOTION: David Lawrence made a motion to accept the minutes of 2/22/21

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, Chapman, aye, Mike, aye 3-0-0

MOTION: Chapman Dickerson made a motion to adjourn at 7:01 p.m.

SECOND: seconded by Dave Lawrence

Roll call vote: Dave, aye, John, aye, Chapman, aye and Mike, aye 4-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
3/22/21**

In Accordance with the Governor's March 12 Order suspending provisions of Open Meeting Law and to promote public health and social distancing, the Town of Mattapoisett is working to ensure that all members of the public have adequate access to all public meetings.

**Questions regarding any Conservation or Resource Area issues or emergency situations will be addressed on a case by case basis. The Commission may be contacted by email through the Commission's Agent at
Eleidhold@mattapoisett.net.**

**Topic: Mattapoisett Conservation's Zoom Meeting
Time: March 22, 2021 06:30 PM Eastern Time (US and Canada)**

Mattapoisett Conservation is inviting you to a scheduled Zoom meeting.

**Topic: Mattapoisett Conservation's Zoom Meeting
Time: March 22, 2021 06:30 PM Eastern Time (US and Canada)**

Members present included: Chairman Mike King, John Jacobsen, Chapman Dickerson, David Lawrence, Trevor Francis and Elizabeth Leidhold and Dan White

These people who were signed in were; Christine Hicks, Chris, Dave Davignon, ecollins, Edward/Diane Normand, Nicole Bathelzar, Tim Kelley, Wanderer MLN, Nicole, David Wordell, Christopher Cudmore, Jason Marsh, Anne Fenton, Christian Hicks

Chairman King brought the meeting to order at 6:30 pm.

Before opening the Public Hearings, the Chairman explained that the RDA's can be voted on the night of the hearing. However, the NOI's will be continued until the following meeting to allow adequate public input.

PUBLIC HEARINGS:

Request for Determination of Applicability filed by Bruce E. Rocha, Sr. The address is Lot #6 Park Place, Assessor's Map 16, lot 510. The applicant is proposing to install two drainage manholes and 163 ft. of drainage pipe within an existing drainage ditch for the purposes of extending the existing three (3) outfall pipes closer towards the existing detention pond. *Representative is David M. Davignon, P.E of Schneider, Davignon & Leone, Inc.*

MOTION: David Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
3/22/21

Dave Davignon presented the project. This lot is in a subdivision known as Park Place. Discussion of retention pond, draiage, grade and erosion controls.

Question from Agent- Is it currently in compliance with DEP drainage regulations? Yes

Will drainage lines be buried? Yes

Does detention Pond have it's own Order of Conditions? Yes- SE44-798. It has been closed out.

Questions from Public? No

MOTION: Chapman Dickerson made a motion to close the public hearing

SECOND: seconded by David Lawrence

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

SE44-1426 **Notice of Intent filed by CJC Construction Corp.** The address is corner of Shore View Avenue and Windward Way as shown on Assessor's Map 12, lot 31. The applicant is proposing to construct a single-family dwelling and associated site work on a vacant residential lot within land subject to coastal storm flooding. *Representative is David M. Davignon, P.E of Schneider, Davignon & Leone, Inc.*

Dave Davignon presented the project. There are two lots in question, Lot 30 and Lot 31. This is lot 31. They've changed the driveway to crushed stone in the design and roof runoff to 4' trenches 24' long. Carve into landscape at a lower grade. Mr Davignon stated that it will improve existing conditions of water in the neighborhood, mitigate storm-water issues and connect to town sewer. There was no DEP comments. Mike King asked if there was a proposed grass depression to deal with storm-water coming of the roadway. Yes

Questions from Board – yes

David Lawrence asked if the slab elevation was 7.1'? Yes, the center will be slightly lower

Questions from Public? Yes

Nicole Balthazar – 12 Shoreview Ave – Ms Balthazar read a written statement to be attached for the record

This development of these lots will have a negative impact on her home and the homes of her neighbors and the changes that were made today just hours before the meeting are suspect. The issues of flooding is already there, and she suggests that the Commission get an outside consultant to review before voting on the project.

Ms Balthazar said that she was speaking for neighbors as well.

Ron Ward – 68 Mattapoisett Nk Rd

Mr Ward stated that he has lived at his property for 46 years and there are real problems with drainage there. This has been used as a skating rink in the past.

Tim Kelley- 2 Winward Way

He has submitted pictures. Hopefully the engineering will address everyone's concerns. Mr Davignon stated that he hops that this project will help with the entire neighborhoods issues. The problem is the entire neighborhood is completely flat. He said that the entire neighborhood should install leaching basins to alleviate part of the problem.

MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
3/22/21

Christian Hicks – 11 Shoreview Ave

Mr Hicks asked for an outside peer review before voting on the project.

Mr. King encouraged Mr Davignon to reach out to the neighbors before the next meeting

MOTION: Chapman Dickerson made a motion to continue the hearing until April 12, 2021

SECOND: seconded by Dave Lawrence

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

SE44- 1425 **Notice of Intent filed by CJC Construction Corp.** The address is Corner of Mattapoisett Neck Road and Windward Way as shown on Assessor's Map 12, lot 30. The applicant is proposing to construct a single-family dwelling and associated site work on a vacant residential lot within land subject to coastal storm flooding. *Representative is David M. Davignon, P.E of Schneider, Davignon & Leone, Inc.*

MOTION: Chapman Dickerson made a motion to close the public hearing

SECOND: seconded by David Lawrence

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

Mr Davignon stated that this lot is directly to the SW of Lot 31, and has similar drainage features.

Mike King asked if with the advancement of the sewer, if he had any idea how many people in the area have sewer and how many with septic? Mr Davignon said he didn't know that.

Questions from the Board- yes Mr King asked Trevor Francis if there were sewer stubbs there? He answered yes

Questions Public-yes

Nicole Balthazar read her prepared statement reiterating that she represents some of the neighbors and calls for a peer review before the Commission votes on the project.

Chris Hicks stated again that he is in favor as Ms Balthazar stated that he also calls for a peer review before the Commission votes on the project

Tim Kelley stated that this lot is a lot worse than Lot 31. He asked what the builders are going to do to make sure that it won't make it worse? Mr King said that the Board will take the comments under advisement, and will meet in two weeks. He again encouraged Mr Davignon to reach out to the neighbors.

MOTION: Chapman Dickerson made a motion to continue the hearing until April 12, 2021

SECOND: seconded by Dave Lawrence

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
3/22/21**

CONTINUED PUBLIC HEARINGS:

SE44-1416 **Abbreviated Notice of Resource Area Delineation filed by Aaron Halimi, property owned by Gerald Randall.** The address is 0 Route 195 North of; 0 Fairhaven Line North, as shown on Assessors Map 21, lots 8 & 9. The applicant is requesting that the Commission verify wetland delineation at the site. No other work is proposed at this time. *Representative is Dan Wells of Goddard Consulting, LLC.*

Continued to April 12th meeting

SE44-1409 **Notice of Intent filed by Randall Lane Solar, LLC.** The address is 29 Randall Lane as shown on Assessor's Map 21, lots 6,7,and 40. The applicant is proposing the construction of a solar photovoltaic array and associated features within the buffer zone to bordering vegetated wetlands, riverfront area, and bordering land subject to flooding. *The Representative is Eric J. Las, PE, LEED, AP of Beals and Thomas.*

Continued to April 12th meeting

SE44-1404 **Notice of Intent filed by Alexander Bauer.** The address is 7 Nashawena Road as shown on Assessor's Map 15A, lot 140. The applicant is proposing to reconstruct a single-family dwelling with deck to the rear and concrete slab under the house to drain stormwater away from structure and towards a natural low area to rear of the lot. *The Representative is N. Douglas Schneider, P.E., P.L.S.*

Continued to April 12th meeting

REQUEST FOR EXTENSIONS OR CERTIFICATE OF COMPLIANCE:

SE44-1352 **Request for a Certificate of Compliance filed by The Preserve at Bay Club, LLC.** The address is Lot 122 & 123 Split Rock Lane, as shown on Assessor's Map 27A, Lots 122 & 123.

Continued to April 12th meeting

OTHER BUSINESS:

- ❖ Walk Ins/Oral briefings – no action
- ❖ Enforcement Orders - none
- ❖ Next meeting date – April 12, 2021

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

3/22/21

- ❖ **Agent's Report:** Things are getting busy in the building department
- ❖ **Review draft minute(s) for approval.**

MOTION: Chapman Dickerson made a motion to adjourn at 7:20 pm

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, John, aye, Chapman, aye, Trevor, aye, Mike, aye 5-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
7/26/21**

Join Zoom Meeting

Topic: Mattapoissett Conservation Commission

Time: Jul 26, 2021 06:30 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/96761681110>

Meeting ID: 967 6168 1110

One tap mobile: +1 646 876 9923 US

In accordance with the Governor's March 12 Order suspending provisions of Open Meeting Law and to promote public health and social distancing, the Town of Mattapoissett is working to ensure that all members of the public have adequate access to all public meetings.

Questions regarding any Conservation or Resource Area issues or emergency situations will be addressed on a case by case basis. The Commission may be contacted by email through the Commission's Email at bohclerk@mattapoissett.net.

Members present included: Chairman Mike King, John Jacobsen, David Lawrence, Trevor Francis, Dan White and Marianne DeCosta

These people who were signed in were: Brandon Faneuf, Joseph Cosgrove, David Behenna, Marilou Newell

Chairman King brought the meeting to order at 6:30 pm.

PUBLIC HEARINGS:

CONTINUED PUBLIC HEARINGS:

SE44-1404 Notice of Intent filed by Alexander Bauer. The address is 7 Nashawena Road as shown on Assessor's Map 15A, lot 140. The applicant is proposing to reconstruct a single-family dwelling with deck to the rear and concrete slab under the house to drain stormwater away from structure and towards a natural low area to rear of the lot. *The Representative is N. Douglas Schneider, P.E., P.L.S. of Schneider, Davignon & Leone, Inc.*

Continued to August 9, 2021 meeting

SE44-1409 Notice of Intent filed by Randall Lane Solar, LLC. The address is 29 Randall Lane as shown on Assessor's Map 21, lots 6,7,and 40. The applicant is proposing the construction of a solar photovoltaic array and associated features within the buffer zone to bordering vegetated wetlands,

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

7/26/21

riverfront area, and bordering land subject to flooding. *The Representative is Eric J. Las, PE, LEED, AP of Beals and Thomas.*

Continued to August 9, 2021 meeting

REQUEST FOR EXTENSIONS OR CERTIFICATE OF COMPLIANCE:

SE44-1352 Request for a Certificate of Compliance filed by The Preserve at Bay Club, LLC.

The address is Lot 122 & 123 Split Rock Lane, as shown on Assessor's Map 27A, Lots 122 & 123.

Awaiting Metal Wetlands signs

Continued to August 9, 2021 meeting

OTHER BUSINESS:

❖ **Walk Ins/Oral briefings – no action**

❖ **Enforcement Orders**

Pease's Point Improvement Association. There was a site visit by Mike Knig and Trevor Francis. The Association had an NOI SE44-1129 from 2012 but they were in violation of that Order of Conditions. They did not have a DEP sign posted, the work being done with the machine worked below the high water mark, and the spoils were dumped on the Coastal Bank. Also, the office is supposed to be notified at the commencement of the work. The Association all wanted to do the right thing. Trevor Francis asked if it should be left the way it is.

Chairman King stated that there is less damage if it stays in place. A letter will be drafted with the things they should do so the Enforcement order is lifted.

There were multiple complaints about unpermitted beach nourishment operation at Brandt Beach.

MOTION: Trevor Francis made a motion to send an Enforcement Order that the Brandt Beach Association comply with the Conservation Commission policy for unpermitted beach nourishment activity.

SECOND: seconded by David Lawrence

Rollcall vote: Dave, aye, John, aye, Trevor, aye, Mike, aye 4-0-0

❖ **Next meeting date – August 9, 2021**

❖ **Agent's Report:**

❖ **Review draft minute(s) for approval.**

MOTION: Dave Lawrence made a motion to adjourn to Executive Session at 7:06pm

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, John, aye, Trevor, aye, Mike, aye 4-0-0

875 Central Road
P.O. Box 534
Rye Beach, New Hampshire 03871
603-828-2065

September 27, 2021

Via Hand Delivery

Town of Mattapoisett
Conservation Commission
16 Main Street
Mattapoisett, MA 02739
Attn: Chairman Michael King

Re: DEP File No. SE 44-1404
Site Address: 7 Nashawena Road

Dear Mr. Chairman and Commission Members,

I am writing with respect to the site plan submitted to the Conservation Commission by Alexander Bauer (Applicant) for the property located at 7 Nashawena Road.

I own the abutting property at 31 Antassawamock Road, directly west of the subject property.

I am writing to express my concern with the water recharge system proposed by Applicant. Specifically, I believe Applicant and his engineers have failed to demonstrate to the Commission that the rainwater recharge system will successfully capture excess rainwater without causing flooding on my property. I believe that the system as designed will actually increase the likelihood of water running off the subject property onto my property.

I have previously shared with the Commission photographs showing standing water on the easterly border of Applicant's property as well as standing water on the southerly portion of my property.

On September 21, I sent to Applicant a letter (the Commission received it as well). In that letter I requested additional information. This morning, I also attempted to contact Doug Schneider, Applicant's engineer.

At the last meeting of the Commission, Mr. Schneider stated that the recharge system was designed to handle up to 2.5" of rainfall collected from the roof. It also re-channels that runoff to the recharge system which is located on the west side of the subject property, in other words, nearest my property. Mr. Schneider's letter notes:

"A seasonal high-water table of 16" was observed. This will reduce the anticipated effectiveness of the recharge basin during the time of season high ground water, often experienced in the winter and spring time. The basins are sized to capture and recharge 2.5 inches of rainfall from the proposed roof area during the dryer seasons. ..."

His statement implicitly recognizes that the system will not work during the high water season. In fact, it is apparent that during the high water season the system will be substantially underwater. The result will be a backup of the runoff and an eventual overflow of the system – but now, by design, that overflow will be directed toward my property.

Mr. Schneider fails to address the effectiveness of the system during the high water months, or the volume of the anticipated overflow, or how that overflow will be handled to avoid inundating my property.

Applicant's proposed rainwater recharge system is important to me for safety and property value reasons. Should Applicant's proposed water recharge system be incapable of absorbing the rainwater to be channeled and concentrated in two small locations, I'm concerned the unabsorbed water will flood the yard area that provides entry to my kitchen door, and will cause problems (and possible damage) elsewhere on my property.

Based on Applicant's failure to provide engineering analyses that support the proposed water recharge system, the Commission should find the site plan incomplete with respect to the water recharge system and possible effects on abutting properties.

Best regards,



David Behenna

cc: Alexander Bauer (via email)
Robert Field, P.E. (via email)
N. Douglas Schneider, P.E. (via email)

8 Nashawena Road
Mattapoisett, MA 02739

September 27, 2021

Town of Mattapoisett
Conservation Commission
16 Main Street
Mattapoisett, MA 02739

Attn: Chair Michael King

Re: DEP File No. SE 44-1404
Applicant/Owner: Alexander A. Bauer
Site Address: 7 Nashawena Road
Assessors Lot #140, Map #15A

Dear Chair King and Commission Members:

I am writing with regard to the above file number as an abutting property owner who received original notice of the matter in 2020. Please consider this summary as part of your public hearing record.

I appreciate the Commission's recent decision to continue the matter for two weeks from the last Commission meeting where the most recent plan modification by the applicant dated September 3, 2021 was before you.

During the virtual hearing you held during presentation of the March 30, 2021 plan revision, I spoke to the commission regarding the discrete issue of the applicant proposing driveway and vegetation removal work outside of the applicant's property boundary to the north. I am referring specifically to a portion of Nashawena Road (depicted as a private way 30' wide on the plan) which is immediately abutting the applicant's property to the north of a line identified as "N 68'29'10" E" on the current revised plan. Nashawena Road is a private way with ownership and easement interests of all residents of the Antassawamock neighborhood and also exercised through the Antassawamock Club, Inc.

As I stated in the spring virtual hearing and describe again here, your legal jurisdiction to approve work through issuance of an Order of Conditions under both the Wetlands Protection Act and the applicable regulations is limited to the area boundaries of the applicant/owner's property. As a result, the described driveway work and vegetation removal which was shown in the March 30, 2021 plan (and remains unchanged in the September 3, 2021 revision) cannot be

properly included as part of or approved by the Conservation Commission in an Order of Conditions.

As best I recall in response to my comments, Chair King agreed that work beyond the applicant's own property could not be approved. Nevertheless, as the commission members are no doubt aware, comments made at a hearing do not have the same legal significance as what is actually written in a signed Order of Conditions.

I am, as a result, concerned that any Order of Conditions you approve and sign would create an unfortunate legal ambiguity on this question if the usual language is included which simply makes reference to the engineer's submitted plans.

To avoid any legal ambiguity in your possible Order of Conditions approving work on the site, I would respectfully suggest that specific language be included making it clear that the commission does not have jurisdiction to (and therefore cannot) approve work outside of the 50' x 70' boundaries of Lot 140 which is the only parcel of land identified for work in the Notice of Intent. Language such as this would avoid the need for any corrective appeal.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'W. Straus', with a stylized, flowing script.

William M. Straus

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
11/9/20**

**Topic: Mattapoissett Conservation's Zoom Meeting
Time: November 9, 2020 06:30 PM Eastern Time (US and Canada)**

Members included Chairman Mike King, Trevor Francis, David Lawrence, John Jacobsen, Chapman Dickerson, Agent Liz Leidhold and Secretary Marianne DeCosta.

These people who were signed in were; Brandon Pfneauf, cljsj, William Straus, Judith Selwyn, Alexi Makkas, Bill Madden, bclapp, Mattapoissett Town Hall, Bertram Zarins, Bob, Bruce Sammis, Caroline Booth, Chris Brockwell, Clinton Schwamb, Daves ipad, David Behenna, Eric Las, George, Jim Marsh, Korrin Peterson, Lee Selwyn, Marilou Newell, Michael Lorenzo, Mike, Mike Huguenin, Rich Riccio-Field Engineering, newuser, 5082693280, Paul Downey, Melissa Gregoire, Dan Craig, N Douglas Schneider.

Chairman King brought the meeting to order at 6:35 pm.

Before opening the Public Hearings, the Chairman explained that the RDA's can be voted on the night of the hearing. However, the NOI's will be continued until the following meeting to allow adequate public input.

PUBLIC HEARINGS:

Request for Determination of Applicability filed by Judith E. Selwyn. The address is 47 Mattapoissett Neck Road, as shown on Assessor's Map 11, lot 137A/138. The applicant proposes to remove a portion of an existing deck footprint to expand den. Existing deck supported on sonotubes, new space to be supported on sonotubes. *The Representative is Judith E. Selwyn, Trustee.*

MOTION: David Lawrence made to waive the reading of the legal ad.

SECOND: seconded by Chapman Dickerson

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye Mike, aye 5-0-0

Judith Selwyn presented the project. The Chairman mentioned that the excess materials are to be removed offsite. Mrs Selwyn agreed.

Questions Board – no

Questions Public – no

MOTION: Dave Lawrence made a motion to approve with a negative 3 determination with the condition to notify office at the commencement of the project.

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye, Mike, aye 5-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

11/9/20

Request for Determination of Applicability filed by 20 Ned's Point LLC. The address is 20 Ned's Point Road, as shown on Assessor's Map 7, lot 116. The applicant proposes to construct a 9' x 16' in ground swimming pool, 15' x 12' open front pool house and various patio and landscaped areas. The project will require filling and grading as depicted on the associated plans. The work will be performed partially within Land Subject to Coastal Storm Flowage by approximately 300 feet from the top of bank. *The Representative is N. Douglas Schneider, P.E., P.L.S.*

MOTION: Trevor Francis made to waive the reading of the legal ad.

SECOND: seconded by David Lawrence

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye Mike, aye 5-0-0

Dave Davignon presented the project for the in-ground pool, pool house and landscape improvements.

Questions Board – no

Questions Public – no

MOTION: Dave Lawrence made a motion to approve with a negative 3 determination with the condition to notify office at the commencement of the project.

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye, Mike, aye 5-0-0

SE44- 1411 Notice of Intent filed by Donna J. Downey, Trustee, 16 Water Street Nominee Trust.

The address 16 Water Street as shown on Assessor's Map 9, lot 189. The applicant is proposing to construct a 74' – 14' expansion on to an existing single-family dwelling located within a mapped FEMA Flood Zone VE (El. 18) and within 70 feet of a coastal beach. *The Representative is Robert M. Field, P.E. of Field Engineering Co., Inc.*

MOTION: Trevor Francis made to waive the reading of the legal ad.

SECOND: seconded by David Lawrence

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye Mike, aye 5-0-0

Rich Riccio from Field Engineering presented the project of the expansion of deck area on water side of the property. This is located in the velocity zone and there were no technical comments from DEP.

Questions Board – no

Questions Public – no

The Chairman reiterated that there will be no votes on NOI the original hearing date in order to leave time for review by the board, the abutters and anyone from the public who would like to look at the project plans. This hearing will be continued to the next meeting, November 23rd.

MOTION: Trevor Francis made a motion for a continuance

SECOND: seconded by David Lawrence

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye, Mike, aye 5-0-0

CONTINUED PUBLIC HEARINGS:

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

11/9/20

SE44-1409 Notice of Intent filed by Randall Lane Solar, LLC. The address is 29 Randall Lane as shown on Assessor's Map 21, lots 6,7,and 40. The applicant is proposing the construction of a solar photovoltaic array and associated features within the buffer zone to bordering vegetated wetlands, riverfront area, and bordering land subject to flooding. *The Representative is Eric J. Las, PE, LEED, AP of Beals and Thomas.*

Eric Las presented a short update on the project. This is before the planning board and they expect to hire a 3rd party consultant. They are hoping that when it comes to the time that they will do a site walk with the Conservation Commission as well. Chairman will consider a motion to request funds to confirm wetlands delineation.

Eric Las commented that there is a revised set of plans being developed for the Planning Board

Questions Board – no

Questions Public – yes

Attorney Jim Marsh represents the abutters, the Brockwells at 13 Randall Ln. He is happy to hear about the peer review, and he will be responding to comments from a letter sent from Bill Madden at GAF. Mr. Madden indicated that they are waiting for a response to his letter.

Eric Las agreed that this will require a continuance to the next meeting on November 23rd

MOTION: John Jacobsen made a motion to request funds for a 53B consultant

SECOND: seconded by David Lawrence

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye Mike, aye 5-0-0

SE44-1404 Notice of Intent filed by Alexander Bauer. The address is 7 Nashawena Road as shown on Assessor's Map 15A, lot 140. The applicant is proposing to reconstruct a single-family dwelling with deck to the rear and concrete slab under the house to drain storm water away from structure and towards a natural low area to rear of the lot. *The Representative is N. Douglas Schneider, P.E., P.L.S.*

The representative from Schneider, Davignon and Leone is not present on the Zoom meeting. Mr. Schneider came on later in the meeting and asked for the hearing to be continued until November 23rd meeting.

Continued to November 23rd

SE44-1287 Request to Amend Notice of Intent filed by Jesse Davidson. The address is 22 Pine Island Road as shown on Assessors Map 4, lot 79 to permit changes to original plan. These include changes to house, driveway and garage, and grading. *The Representative is William Madden of G.A.F. Engineering.*

This application was to remedy an enforcement Order. Mr. Madden of GAF Engineering presented the plan. The applicant proposes some small alterations, including a small shallow pond, some grading and wood chips. The building Inspector would like to see a Post Construction Elevation Certification, this is scheduled to be done.

Questions from the Board- The Chairman asked how they intended to protect the replicated area. Mr. Madden stated that there will be a future permanent barrier at the wetland line. The Agent suggested 4x4 posts and Mr. Madden stated that he thinks that the applicant knows now what they can and cannot do, so he doesn't think that should be a requirement.

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

11/9/20

The Chairman suggested polling the Commission, and that he thought there shouldn't be a requirement.

Mr. Dickerson agreed with the Chairman

Mr. Jacobsen disagreed saying that the Board has required posts on previous projects and he doesn't find that unreasonable

Mr. Francis agreed that the Agent thinks that some demarcation should be in place

Mr. Lawrence agrees with Mr Francis

Mr. Madden agreed that they will put one post at each flag station.

Questions from the Public – no

MOTION: Trevor Francis made a motion that a permit be approved to replant 25' no touch, remove wood chips, re-grade lot, posts to delineate wetlands

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye, Mike, aye 5-0-0

The Chairman asked for a motion to close the public hearings

MOTION: Trevor Francis made a motion to close the hearings

SECOND: seconded by John Jacobsen

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye Mike, aye 5-0-0

REQUEST FOR EXTENSIONS OR CERTIFICATE OF COMPLIANCE:

SE44-327 Request for a Certificate of Compliance filed by William Slater. The address is 8 Marston Court, as shown on Assessor's Map 5A, Lot # 170.

A letter was received from Schneider, Davignon and Leone saying that the work has been completed in compliance with the Order of Conditions.

MOTION: David Lawrence made a motion to approve the Certificate of Compliance

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye Mike, aye 5-0-0

SE44-1094 Request for a Certificate of Compliance filed by Susan & Alan Fine. The address is 1 Waterman Street, as shown on Assessor's Map 5A, Lot # 218.

A letter was received from Rick Charon of Charon and Associates that the proposed work was never commenced.

The Agent recommended that the Board approve an invalid finding to closeout the project.

MOTION: David Lawrence made a motion that the project permit be determined invalid and to closeout the project.

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye Mike, aye 5-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

11/9/20

SE44-780 Request for a Certificate of Compliance filed by Alexander Makkas. The address is 16 Island View Avenue, as shown on Assessor's Map 14A, Lot # 41.

A letter was received from Rich Riccio of Field Engineering that the project has been substantially completed in accordance with the Order of Conditions.

MOTION: David Lawrence made a motion to approve the Certificate of Compliance

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, Trevor, aye, John, aye, Chapman, aye Mike, aye 5-0-0

OTHER BUSINESS:

- **Walk Ins/Oral briefings – no action**

- **Enforcement Orders**

- **Request to lift Enforcement Order for 4 Seabreeze Lane**

Comments were made by Attorney George Pucci, who represents the Town of Mattapoisett. He said that it is pretty clear that the Enforcement Order was upheld by the court by the courts.

The DEP cannot order a superseding OOC. As of the last meeting with the judge the Court ordered that the matter be brought to conclusion.

Opposing council asserted that there was a conflict interest and that the Agent works for the Coalition, which is not the case.

The Court ordered that the Agent and soil expert visit the site by 5:00 on Nov. 6th. As far as Mike King knows it went smoothly. Needs to know what more to do on enforcement order.

The Chairman says there are two conditions that he'd like to bring up and that is the two year growing seasons and the 'As Built Plan'.

The Chairman noted that this is separated into two orders-the Enforcement Order and the Contempt Order.

The Rockwell Report raises questions relative to work that was done.

The Chairman would like to pole the Board on whether to stop the Contempt proceedings

Mr. Jacobson – yes

Mr. Lawrence – yes

Mr. Dickerson – yes

Mr. Francis. – yes

Mr. King – yes

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

11/9/20

In regard to the Enforcement Order the Chairman suggests that they be allowed time to read the report from Mr. Rockwell, and the response from Mr. Pfneuf. The Board would also like to visit the site.

A member of the Public asked to speak. This was Korrin Peterson from the Buzzards Bay Coalition. Ms. Peterson said that the Coalition partnered with the town in the lawsuit five years ago and she feels that if the order of contempt is lifted then the property owner will not adhere to the Order of Conditions. Chairman King said that the Conservation Commission feels that they have reached a point where litigation is no longer necessary to resolve the issue. Attorney Pucci clarified that the Buzzards Bay Coalition is a separate party to the case.

Mr. Craig made a statement. He said that he has made several attempts to resolve the case, he has been trying to get it settled for the last three years. He would like to put it behind all of us now.

The Conservation Commission will take the time to review the Rockwell Report, the Pfneuf Response, the original enforcement order and plan and to do a site visit.

The enforcement order requires 2 growing seasons before the enforcement order can be lifted. It also requires an 'as built' plan to be submitted.

Brandon Phaneuf asked for a waiver to the 2 year growing season part of the order.

The Chairman said that it would be taken under advisement.

Mike Lorenzo, the Town Administrator said that Mr. Rockwell is not a 53G advisor and that he was hired by the Town as a Soil Expert.

Chairman King said that he was originally one and was paid for by the applicant.

Mr. Lorenzo said that the Selectmen has pursued litigation for five years which has been paid for by taxpayers and they would like to see the Enforcement Order completed according to the Order of Conditions.

- **37 Water follow up**

- Mark Maganello has written an email to the Commission confirming that the neighbors are working together with the restoration plan

- **42 Marion follow up**

The Conservation Commission has agreed with the extent of grading and would like Mahoney's mix and wet seed mix added. There have been boulders placed as a permanent barrier

- **Next meeting date – Nov. 23, 2020**

- **Agent's Report:** Follow up re: from the end of "Old Road" off Mattapoisett Neck as shown on Assessor's Map 15, lots 36 - 43

- The Agent heard from Mr. Clapp and he prefers to work on his own with Mark Maganello.
- Melissa Gregoire- site #40 property owner said that she has been maintaining the road and parking area. She said that the Cabrals site#38 have been clearing the land.
- Mr. Cabral site#38 was present and said that he comes down here once a year and mows grass

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

11/9/20

- The Chairman stated that the property is a jurisdictional area and that they can't do anything on the property without the proper permit.
- Bill Clapp stated that he is working with Schneider, Davignon and Leone, Inc. to do plan preparation.
- Melissa Gregoire said that the Cabral site has been cleared somewhat and has been maintained not a lot
- Chairman King stated that Google Earth exists and we can see what work has/hasn't been done. He also said that they are entitled to the 'quiet enjoyment' of their property and he would hate to see someone be subject to enforcement orders.
- Mr. Cabral said that he is trying to maintain and be a good steward of the land
- The Chairman stated that all are aware of the situation and that there be permit applications for anything you want to do.

The Agent said that she'd sent a letter to Dyar Road but has not gotten any response yet. The landowner, Clinton Schwamb was present and said he's like to meet with the Agent to discuss remediation of the area.

MOTION: Chapman Dickerson made a motion to adjourn at 8:21 p.m.

SECOND: seconded by Trevor Francis

Rollcall vote: Dave, aye, Chapman, aye, Trevor, aye, John, aye, Mike, aye 5-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
11/22/21**

Join Zoom Meeting

Topic: Conservation Commission

In accordance with the Governor's March 12 Order suspending provisions of Open Meeting Law and to promote public health and social distancing, the Town of Mattapoisett is working to ensure that all members of the public have adequate access to all public meetings.

Questions regarding any Conservation or Resource Area issues or emergency situations will be addressed on a case by case basis. The Commission may be contacted by email through the Commission's Email at bohclerk@mattapoisett.net.

Members present included: **Mike King, Dave Lawrence, Chapman Dickerson, John Jacobsen (via Zoom)** Brandon Faneuf, Greg LaCroix, Dan White, Marianne DeCosta

These people who were signed in were: Molly Giordano, Mark Efstratiou, Ann Gustafson, 16174297971, Wanderer, Karl Pothier, Janice Brockman, James Marsh, Genia Griffiths,

In person: Sheila Ryan-Macie, Rene Macie, Faith Ball, Dave and Andrea Ricci, Don Middleton, Christen McCullough, Barbara Poznyse, Catherine Wood, Charles Motta, Bob Field, David Davignon

Chairman King brought the meeting to order at 6:30 pm.

Brandon Faneuf mentioned that the Commission has to vote on amending the fee schedule to reflect that there is no fee for a shed in an area of Coastal Zone Flowage.

MOTION: Chapman Dickerson made a motion to adopt a new policy to no charge a fee for shed in an area of Coastal Zone Flowage. Continue the hearing until April 12, 2021

SECOND: seconded by Dave Lawrence

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

PUBLIC HEARINGS:

Request for Determination of Applicability filed by Mark Efstratiou. The address is 15 Waterman Street, Assessor's Map #5.A, Lot #189. The applicant proposes to demo an existing 10x12 shed and to build new 10x12 shed on helical piles. *The Representative is Christian McCullough from Southcoast D&C.*

MOTION: Chapman Dickerson made a motion to waive the reading of the legal ad.

SECOND: seconded by Dave Lawrence

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
11/22/21

Christian McCullough presented the project.

Questions Board – none

Questions Public – none

MOTION: David Lawrence made a motion to approve - determinations and to notify office at the commencement of the project.

SECOND: seconded by John Jacobsen

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

Request for Determination of Applicability filed by Rene Macie, Sheila Ryan-Macie and Kenneth & Catherine Wood. The address is 1 & 3 Pinebrook Lane, Assessor's Map #5, Lots #224 & #224A. The applicant proposes to pave the existing gravel roadway/common driveway from the paved apron at Pine Island Road to the cul-de-sac.

MOTION: Dave Lawrence made a motion to waive the reading of the legal ad.

SECOND: seconded by Chapman Dickerson

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

Question from the Publicout of order but the Chairman allowed it
Charles Motta – 26 Holly Lane

Mr. Motta wanted to know if Chairman King is going to recuse himself from this hearing as he did some work for the previous owner. Mr. King said that that does not have anything to do with this project and he will not be recusing himself from this hearing.

The Chairman read 2 letters from abutters in support of the project.

One from Robert and Molly Giordano and one from Richard and Barbara Poznysz. These letters will be attached to these final minutes for the record.

Rene Macie, Sheila Ryan-Macie and Catherine Wood presented the project. They would like to finish paving the road. The retention ponds are sized for asphalt and there will be no adverse effects to the wetlands.

Questions Board – Chairman King stated that there was a visitor to the office who said that they remembered that the previous Order of Conditions specified that this area is not to be paved. The office shared the OOC with the Commission and there was no condition prohibiting such thing.

Mr. Faneuf concurred.

Questions Public – Charles Motta 26 Holly Lane

He stated he has no problem with paving and asked if there would be bluestone to capture sediment.

Chairman King stated that the DEP affirmed design plan as is. If there is a stormwater issue that is an issue for Planning and DEP. Ms Ryan-Macie asked the board about garbage pick up and plowing. It is a private road. Chairman King suggested that they contact the Highway Department.

MOTION: David Lawrence made a motion to close the public hearing

SECOND: seconded by Chapman Dickerson

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
11/22/21**

MOTION: David Lawrence made a motion to approve -3 determinations and to notify office at the commencement of the project.

SECOND: seconded by Chapman Dickerson

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

CONTINUED PUBLIC HEARINGS:

SE44-1453 **Notice of Intent filed by Karl & Elizabeth Pothier** The address is 2 Holmes Street as shown on Assessor's Map 5A, lot 138. The applicant is proposing to build a single-family dwelling. *The Representative is David Davignon, P.E. from Schneider, Davignon and Leone, Inc.*

Dave Davignon presented the project. This is for a proposed single-family dwelling that has town sewer and water and complies with current zoning. There were no comments from DEP.

Questions from Board – Dave Lawrence asked if they were using the trench for roof runoff.

Dave Davignon said that they were not proposing gutters.

Questions Public – Donald Middleton – 2 West Silvershell Ave

24 Years ago he need to create a flood storage basin. He has a general concern about water flow.

Faith Ball- 10 Atkinson Way – the water stays on their property

MOTION: David Lawrence made a motion to close the public hearing

SECOND: seconded by Chapman Dickerson

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

MOTION: David Lawrence made a motion to approve the Order of Conditions with Standard Special Conditions and to notify office at the commencement of the project.

SECOND: seconded by Chapman Dickerson

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

SE44-1450 **Notice of Intent filed by David Ricci** The address is Cove Street as shown on Assessor's Map 1, lots 4 & 5. The applicant is proposing to construct a 980 sf family dwelling on Lot 5, and a parking area on Lot 4. Both parcels are located within a mapped FEMA Flood Zone VE (EL 17) *The Representative is Robert M Field, P.E. of Field Engineering Co., Inc.*

Bob Field represented the owners. He has separated the Lot 4 from this NOI and will present it separately at the next meeting. Lot 4 is for the parking, and this will be just for the house lot. This is because had to file with Natural Heritage and has been sent.

Bob Field stated that he's still working on the plan. There is a 6' access to the beach in the plan, and there was a discussion of plantings under the house and eradication of the invasive species knotweed.

Brandon Faneuf stated that there should be replication of all beach grass.

Bob Field expressed that the plating of beach grass will meet or enhance performance standards.

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS**

11/22/21

Questions Board – Dave Lawrence asked if the concrete slab was big enough for a propane tank and shower. Chapman Dickerson asked about the replanting of the beach grass. Will they replant the whole eradication zone? This is one of the things that will be gone over when there is a meeting with Brandon Faneuf and Bob Field as Bob is adding more details to the plan. He feels that they are moving in the right direction.

Point of Order: Chairman King asked John Jacobsen if he watched the last meeting and feels he is up to speed on the project. Mr. Jacobsen stated that yes he feels caught up. Chairman King stated that it is also important to have Trevor Francis weigh in as well. Chairman King stated that they should review all materials and it might be possible to close the Public Hearing at the December 13, 2021 meeting.

MOTION: Chapman Dickerson made a motion to continue the hearing until December 13, 2021.

SECOND: seconded by Dave Lawrence

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

Continued to 12/13/2021 meeting

SE44-1409 **Notice of Intent filed by Randall Lane Solar, LLC.** The address is 29 Randall Lane as shown on Assessor's Map 21, lots 6,7, and 40. The applicant is proposing the construction of a solar photovoltaic array and associated features within the buffer zone to bordering vegetated wetlands, riverfront area, and bordering land subject to flooding. *The Representative is Eric J. Las, PE, LEED, AP of Beals and Thomas.*

Continued to December 13, 2021 meeting

REQUEST FOR EXTENSIONS OR CERTIFICATE OF COMPLIANCE:

SE44-1352 **Request for a Certificate of Compliance filed by The Preserve at Bay Club, LLC.** The address is Lot 122 & 123 Split Rock Lane, as shown on Assessor's Map 27A, Lots 122 & 123.

Awaiting Metal Wetlands signs

Continued to December 13, 2021 meeting

OTHER BUSINESS:

Enforcement Order for DuPont Drive - Brandon Faneuf stated that a Cease and Desist letter was sent to the Brendan Talty, the homeowner. He installed a shed in a Coastal Flood Plain-no Building Permit. The letter asks the homeowner to attend the next meeting. John Jacobsen asked if they could just send the cover letter, with no Enforcement Order to see if the homeowner is compliant. They decided not to ratify the Enforcement Order and just to send the letter for the homeowner to appear at the next meeting.

Agents Fees- Vote from the discussion earlier in the meeting regarding changing the fee schedule and not charging the \$450.00 for a shed built in the Land Subject to Coastal Storm Flowage as long as it is the only wetland resource area present. This was voted on at the beginning of this meeting.

MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
11/22/21

Atkinson Way Site Inspection Report – Mr Ruel put in for a site inspection. Mr Faneuf researched the project and asked the Chairman if he visited the site. Mike King and Dave Lawrence went to the site and the Chairman thinks that Mr Ruels solution will fix the problem Chairman King noted that Mr Ruel should be advised to apply for an RDA.

❖ **Walk Ins/Oral briefings – none**

❖ **Enforcement Orders - none**

❖ **Next meeting date**

December 13, 2021

❖ **Agent's Report: - none**

❖ **Review draft minute(s) for approval.**

Minutes dated 11/9/21 MTD- cannot be voted on as Trevor Francis is not at this meeting

MOTION: Dave Lawrence made a motion to adjourn at 7:56 pm

SECOND: seconded by Chapman Dickerson

VOTE: John Jacobsen aye, rest of Commission aye 4-0-0

9 Tupola Lane

Mattapoisett, MA. 02739

November 22, 2022

Mattapoisett Conservation Commission

Town Hall, Mattapoisett, MA. 02738

Dear Commission Members,

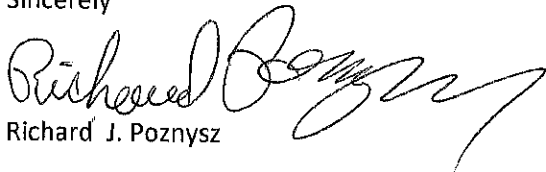
We understand that the Commission is to hold a Public Hearing on November 22, 2022 to study a Request for a Determination of Applicability regarding plans by the owners of Numbers 1 & 3 Pinebrook Lane.

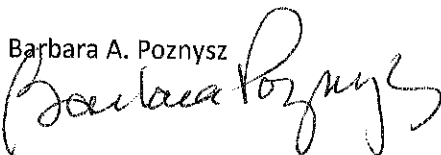
We are abutters to both of those properties.

We further understand that the Applicants propose to pave the existing gravel Road leading to both of those properties.

Please be advised that we have no objection to paving the subject road as proposed.

Sincerely


Richard J. Poznysz

Barbara A. Poznysz


Board of Health Clerk

From: Marianne DeCosta
Sent: Monday, November 22, 2021 10:57 AM
To: Board of Health Clerk
Subject: Fwd: 1&3 Pinebrook Lane-Paving application.

Letter of Support

Sent from my iPhone

Begin forwarded message:

From: Con Comm <ConComm@mattapoisett.net>
Date: November 22, 2021 at 8:42:25 AM EST
To: Marianne DeCosta <mdecosta@mattapoisett.net>
Cc: Michael King <wyandottefarm@icloud.com>
Subject: FW: 1&3 Pinebrook Lane-Paving application.

Marianne,

Please print this email and put it in the file for the record. If they don't come in tonight to say this themselves, it should be read into the record.

Thank you,

Brandon

From: wldwoodfarm
Sent: Sunday, November 21, 2021 4:32 PM
To: Con Comm <ConComm@mattapoisett.net>
Subject: 1&3 Pinebrook Lane-Paving application.

Dear Mattapoisett Conservation Committee,

Robert and Molly Giordano
24 Holly Lane

We live directly abutting the properties on 1 & 3 Pinebrook Lane. We have been here before and since the construction of the two homes on this street. We have noticed absolutely no adverse effects since these homes were built. We have had no issues with water in our yard, our home or on Holly Lane. Landscaping has guaranteed our privacy. We see absolutely no reason why paving the existing gravel roadway would adversely effect us or the neighborhood.

Thank you

Robert and Molly Giordano

Sent from the all new AOL app for iOS