

**MATTAPOISETT CONSERVATION COMMISSION
RECORD OF PROCEEDINGS
10/26/20**

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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: October 26, 2020 06:30 PM Eastern Time (US and Canada)

Mattapoisett Conservation is inviting you to a scheduled Zoom meeting.

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

These people who were signed in were Dan White, John Cavanero, Val, Bill Guss, Bill Madden, JJH, John Clifford, Eric Las, Richard/Michelle LaCasse, Rick Charon, Shirley Amoruso, Bob, Andrew Bishins, Caroline Booth, Dennis Dimas, Jadine, JC, Nick Pilleri, Mike Bachstein, Rich Riccio, WW Masson, Shirley and Louis Amoruso Carolyn Rees, Joe Thorn, Kathleen & Bill, Jack Cinquegrana, Jim Marsh, Marilou Newell, Steve Mach, Charissa Ruel, Hugh Kelly, Christine Medeiros, Daves IPAD, Dave Davignon, 17170280, Marks iphone

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.

MOTION: Trevor Francis made a motion to approve -3 determination with Standard special Conditions to notify office at the commencement of the project.

SECOND: seconded by David Lawrence

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

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

SECOND: seconded by David Lawrence

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

MOTION: Trevor Francis made a motion to continue to next meeting on September 14, 2020.

SECOND: seconded by David Lawrence

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

PUBLIC HEARINGS:

Request for Determination of Applicability filed by John J. Grant Jr. & Lizabeth Hunter, Trustees of the The Grant Family Trust. The address is 9 Cedar Street, as shown on Assessor's Map 4, lot 150. The applicant proposes to tie into existing municipal sewer line. Proposing approximately 35 – 40 feet of excavation. *The Representative is Rick Charon, P.E. of Charon Associates, Inc. - Engineers*

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

SECOND: seconded by David Lawrence

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

Rick Charon presented the project to replace cesspool with Title V System. Property is in the flood zone.

Questions – Board

Questions Public – no

MOTION: Trevor Francis made a motion to approve -3 determination with Standard special Conditions to notify office at the commencement of the project.

SECOND: seconded by David Lawrence

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

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Request for Determination of Applicability filed by John Clifford. The address is 36 Cove Street, as shown on Assessor's Map 1.0, lot 79. The applicant proposes to install a new title 5 septic system for existing house. *The Representative is John Grant*

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

SECOND: seconded by David Lawrence

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

Tie in to existing sewer. John Clifford spoke about the project.

Question Board – no

Questions from Public – no

MOTION: Trevor Francis made a motion to approve -3 determination with Standard special Conditions to notify office at the commencement of the project.

SECOND: seconded by David Lawrence

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

Request for Determination of Applicability filed by Thomas M. & Lisa M. Pilleri. The address is 26 Centre Street, as shown on Assessor's Map 4, lots 91 and 103. The applicant proposes to expand the lawn by clearing vegetation, to fill and grade the site with loam and seed. The area of proposed activity is approximately 10,000 sq. ft. in size. Two stone leaching trenches to be installed along the property lines to recharge stormwater back into the groundwater. *The Representative is David M. Davignon, PE of Schneider, Davignon & Leone, Inc.*

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

SECOND: seconded by David Lawrence

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

Dave Davignon presented the project as minor work, and has support from abutters.

Questions Board – Dave Lawrence made a comment that the fragmites that are present are an invasive species and good to get rid of.

Questions from Public – Louis Amoruso neighbor supporting project

MOTION: Trevor Francis made a motion to approve -3 determination with Standard special Conditions to notify office at the commencement of the project.

SECOND: seconded by David Lawrence

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

Request for Determination of Applicability filed by Andrew & Sarah Bishins. The address is 20 Winnatuxet Beach Road, as shown on Assessor's Map 5, lot 60. The applicant proposes to perform maintenance on boardwalk replacing deck boards and handrail. *The Representative is David M. Davignon, PE of Schneider, Davignon & Leone, Inc.*

Dave Davignon presented the project described that this is phase 3 of a boardwalk project from lawn to beach. Concrete supports are in excellent condition. Project is to remove and replace decking and rails. No impact on wetland resource area.

Questions Board – Dave Lawrence commented that the board for the deck are heavy and will be strong.

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MOTION: Trevor Francis made a motion to approve -3 determination with Standard special Conditions to notify office at the commencement of the project.

SECOND: seconded by David Lawrence

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

Request for Determination of Applicability filed by Michael Bachstein. The address is 124 Acushnet Road, as shown on Assessor's Map 22, lot 13. The applicant proposes to install a 16' x 32' inground pool within Riverfront Area, flood zone and buffer zone to bordering vegetated wetland. *The Representative is Robert M. Field, PE 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, eye, Trevor, eye, John, eye, Mike, eye 4-0-0

Richard Riccio presented the proposed project. This is an in-ground pool With wetland to rear River front.

Questions Board – no

Questions Public – no

MOTION: Trevor Francis made a motion to approve -3 determination with Standard special Conditions to notify office at the commencement of the project.

SECOND: seconded by David Lawrence

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

Request for Determination of Applicability filed by John M. & Tricia O'Reilly. The address is 6 Pearl Street, as shown on Assessor's Map 9, lot 234. The applicant proposes to install an addition, screened in porch and deck withn Land Subject to Coastal Storm Flowage. *The Representative is David M. Davignon, PE of Schneider, Davignon & Leone, Inc.*

Dave Davignon presented the project and described the work of removing an porch and putting on an addition..He said that the project is barley in the flood zone andsd there are no other wetlands within 100'.

Questions Board – no

Questions Public – no

MOTION: Trevor Francis made a motion to approve -3 determination with Standard special Conditions to notify office at the commencement of the project.

SECOND: seconded by David Lawrence

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

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Request for Determination of Applicability filed by Laura and John Hartnett. The address is 6 Ocean View Avenue, as shown on Assessor's Map 14A, lot 118. The applicant proposes to modify existing building within Land Subject to Coastal Storm Flowage and within 100' of Coastal Bank. *The Representative is John Cavanaro, P.E. of Cavanaro Consulting, Inc.*

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

SECOND: seconded by David Lawrence

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

Mr Cavanaro presented the project.

Questions Board –no

Questions Public – no

MOTION: Trevor Francis made a motion to approve -3 determination with Standard special Conditions to notify office at the commencement of the project.

SECOND: seconded by David Lawrence

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

SE44- Notice of Intent filed by Antassawamock Club, Inc. c/o Michael Harrington, President The address Samoset Road as shown on Assessor's Map 147. The applicant is proposing to repair a a damaged storm drainage outfall pipe. *The Representative is David M. Davignon, P.E., of Schneidere, Davignon & Leone, Inc.*

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

SECOND: seconded by David Lawrence

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

Dave Davignon presented the project which is the repair of a damaged storm drainage pipe. The Board does not proceed with a Permit if there is no DEP#. However the Chairman suggested that the Board vote on the project subject to getting the DEP#.

MOTION: Trevor Francis made a motion to approve -3 determination with Standard special Conditions to notify office at the commencement of the project subject to receiving the DEP#

SECOND: seconded by David Lawrence

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

SE44-1386 Request to Amend Notice of Intent for an existing vegetation management plan filed by James & Sharlene Craig. The address is Aucoot Road, as shown on Assessor's Map 3, lot 156. The applicant is proposing to approve the eradication of Phragmites within the Wetland and Salt Marsh resource areas. *The Representative is David M. Davignon, P.E. of Schneider, Davignon & Leone Inc.*

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

SECOND: seconded by David Lawrence

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

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Dave Davignon presented the Plan for the Board. There are 2 active OOC's one for construction of pier and one for clearing of trees and fragmites for and future home. Agent asks once the Phragmites are eradicated, what next? Mr Davignon stated that the salt marsh should regenerate.

MOTION: Trevor Francis made a motion to approve amendment to NOI #SE44-1386 with Special Conditions.

SECOND: seconded by David Lawrence

Rollcall vote: Dave, eye, Trevor, eye, John, eye, Mike, eye 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: Trevor Francis made to waive the reading of the legal ad.

SECOND: seconded by David Lawrence

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

Eric Las and Caroline Booth gave a short overview of the project. The wetlands have been delineated. Part of the proposed work is within 200' Riverfront area along Bordering Vegetative wetlands. 100' of array is in upland area. Site visit yesterday with Planning Board. The current property is Agricultural. They have no intention to do anything with the house and barn that are on the property. The Chairman stated that the project will have to address concerns from DEP, but to make sure there is minimal impact, and no impact on Mattapoissett River Basin. The Agent stated that the scope of review is beyond what current time allows and that an ANRAD might be the first step. There should be a Riverfront Analysis and feedback from the abutters.

Questions Board – Dave Lawrence stated that he walked the site yesterday and he agrees there should be a third party as there is lots of ground to cover.

Questions Public – Yes

One of the abutters has retained Counsel, Attorney Marsh. He stated tht he represents Victoria and Chris Broadwell at 13 Randall Ln. They hired GAF and there are concerns that they would like addressed. Wetlands policy, overlap of 16' roadway, filling has not been addressed. There is the location of a perennial stream and the way the array is located on the site are concerns. The electrical equipment area will be gong over their battery storage. The underground conduit passes underneath the culvert.

The Chairman stated that the Board will take the contents of this letter under advisement.

Josh Charpentier 19 New Boston RD Fairhaven. He is an abutter and would like to know how many feet there would be from to remain as is. Thee answer was 890'. The Chairman stated that the Board will reach out to Planning Board to dovetail 53G consulting work.

Continued to November 9th

CONTINUED PUBLIC HEARINGS:

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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 November 9th

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.*

Bill Madden from GAF Client wants to do some other improvements, adding a small recreation garden feature within 100' of buffer zone. Make a landscaped area with minor grading and selective pruning and removing 1 tree. The original COC was not followed and there was a cease and desist order in place. The Chairman stated that they will take what has been presented under advisement and will consult with building department with an eye toward resolution.

Continued to November 9th

REQUEST FOR EXTENSIONS OR CERTIFICATE OF COMPLIANCE:

SE44-0838 **Request for a Extension of Order of Conditions filed by Bruce Cobb.** The address is 204 Acushnet Road as shown on Assessor's map 24, lot 19.

MOTION: Trevor Francis made a motion to Extend the OOC

SECOND: seconded by David Lawrence

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

SE44-0936 **Request for a Certificate of Compliance filed by Southcoast Design & Construction Group, Inc.** The address is 20 Oliver Street as shown on Assessor's map 5A, lot 43.

The Chairman stated that the Applicant submitted evidence that the work has been completed.

MOTION: Trevor Francis made a motion to Approve the COC

SECOND: seconded by David Lawrence

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

SE44-1370 **Request for a Certificate of Compliance filed by Outback Engineering, Inc.** The address is 27 Fieldstone Drive, as shown on Assessor's map 27A, lot 108.

The Commission received a letter that the work was completed according to the COC

MOTION: Trevor Francis made a motion to approve the Certificate of Compliance

SECOND: seconded by David Lawrence

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

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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.

Continued to Nov. 9

OTHER BUSINESS:

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

❖ **Enforcement Orders**

○ **37 Water follow up**

▪ **Mark Maganello**

A plan was submitted and looks like a good plan according to the Agent. The Chairman wants the Agent to make sure that the abutters are aware of the process.

○ **42 Marion follow up**

The agent did a site visit and the site looks good . Needs a barrier or post rail fence to be used as a permanent marker.

❖ **Next meeting date – Nov. 9, 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

Agent will draft a letter to suggest that the land owners would benefit by working together to resolve the issue.

4 Dyar Rd – Enforcement order for owner to come in to apply for an 'after the fact' permit. The homeowner has done some clearing, woodchips and put in a new driveway. Reach out to Mary Crain to get one consultant if possible, there are flag location concerns. The agent suggests that the permit should require a wetlands professional

❖ Review draft minute(s) for approval. - none

MOTION: Trevor Francis made a motion to adjourn at 7:13p.m.

SECOND: seconded by David Lawrence

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