

Conservation Commission

Minutes

March 18, 2024

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1. **Chairman's Welcome and Media Notification:** Karen Isherwood opened the meeting at 6:06pm. Ms. Isherwood read the protocol for Zoom meetings and open Public Meeting Law.

Ms. Isherwood advised that the meeting was being conducted remotely, pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and via remote means, in accordance with applicable law. This means that members of the public body as well as members of the public may access this meeting in person, or via virtual means. It is possible that any or all members of the public body may attend remotely, with in-person attendance consisting of members of the public. MGL, Ch. 30a, § 20(f) requires anyone that intends to record any portions of a public meeting, either by audio or video, or both, to notify the Chair at the beginning of the meeting.

2. **Quorum/Attendance:** Karen Isherwood, Caroline Hawthorne, Ronnie Medina, Andrew Saunders, Anthony Couto & Jake Galary

Ms. Isherwood announced the Chair, Jay Simmons has resigned. Vice Chair, Karen Isherwood, has stepped in as Acting Chair until reorganization occurs in May.

3. Continuances requested in advance

- a. **CON 023-372: 29 Silver Shell Beach Drive, Map 41, Lot 53 (April)**

Karen Isherwood made a motion to take 7. x and 7. y out of order. The motion was seconded by Carrie Hawthorne and passed (6-0).

- b. **Causeway Drive/Goulart Memorial**

(32:25) Bruce Webb stated the Department of Public Works has filed for an Emergency Certification for repairs to fill voids and sinkholes along the walkway.

Karen Isherwood made a motion to approve the BPW Emergency Certification for road work on Causeway Drive/Goulart Memorial Drive with conditions to follow. The motion was seconded by Jake Galary and passed (6-0).

4. Attorney, Marc Deshaies to discuss the Conservation Restriction at the G. Bourne Knowles property
- *Postponed until state decision has been made*

5. **Requests for Certificates of Compliance**

- a) **SE 023-1421, CON 023-361: 2 Bayside Street, Map 42, Lot 34**

SE 023-1421, CON 023-361: 2 Bayside Street, Map 42, Lot 34 continued to April 1, 2024.

- b) **SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207**

SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207 continued to April 1, 2024.

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

Request for Amended Order of Conditions

a. SE 023-1369, CON 023-255: 10 Diamond Street, Map 29, Lots 46 & 72

Amended Order of Conditions filed by Ruby & Jaime Medeiros to shift the previously approved paved driveway in closer proximity to the dwelling (depicted on revised plan). Work to take place in Land Subject to Coastal Storm Flowage (LSCSF) at Assessor's Map 29, Lots 46 & 72.

(40:00) Bob Field of Field Engineering presented the current plan; he was open to discuss questions or concerns with the Commission. During the last meeting, the Commission requested to quantify the gravel driveway area and revise the plan to depict additional plantings. All concerns have been addressed.

Karen Isherwood requested another revised plan identifying driveway and walkway lengths.

Caroline Hawthorne made a motion to continue SE 023-1369, CON 023-255: 10 Diamond Street, Map 29, Lots 46 & 72 to the April 1, 2024 meeting at the applicant's request. The motion was seconded by Anthony Couto and passed (6-0).

b. SE 023-1398, CON 023-315: Starboard Drive, Map 42, Lot 9

Request for an Amended Order of Conditions filed by Starboard Drive Nominee Trust, John P. Mathieu, Trustee to revise the language of Special Condition No. 40 to be changed from Subdivision Lot #3 to Subdivision Lot #1 (relative to the bedroom restriction). Lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 19' & 20'), and a portion of the southwesterly corner falls within the 100-foot Buffer Zone of a Salt Marsh at Assessor's Map 42, Lot 9.

Jake Galary recused himself from Starboard Drive.

(1:00:00) Dave Davignon presented this amendment to an existing Order of Conditions, which was issued in June 2023. The work authorized a paved roadway known as Starboard Drive with work for infrastructure, including sewer, drainage pipes, a hydrant, and a stormwater management system. Additionally, there were upgrades to a 10-bedroom community leeching field. With the exception of loam seeding the project is complete.

Within the order there are perpetual conditions and one conflicts with the recent Notices of Intent for subdivision lots 1 & 3. Lot 3 was originally connected to community septic system and has an existing cottage. Lot 1 has not passed percolation tests, so proposing to flip lots one and three.

Karen Isherwood requested another stormwater report.

Karen Isherwood made a motion to close the public hearing for SE 023-1398, CON 023-315: Starboard Drive, Map 42, Lot 9 and issue an amended OOC under the Wetlands Protection Act

and the Fairhaven Wetlands Bylaw approving Attachment A dated March 18, 2024 with the Amendment to condition number 40 in section D. Perpetual Conditions by substituting Subdivision lot 3 with subdivision lot 1 and adding the language "until such time as the properties are connected to the municipal sewer system." The motion was seconded by Andrew Saunders and passed via roll call vote (5-0; 1 recusal).

Requests for Determination of Applicability

c. CON 023-409: 2 West Street, Map 13, Lot 22 & 24

Request for Determination filed by Lars Olson to add a 16' x 5' addition to an existing dwelling, with a 16' x 10' walkout basement area under the addition, and to include a set of stairs to the existing patio. Work to take place within 100 feet of a river and Buffer Zone to Coastal Bank at Assessors' Map 13, Lot 22 & 24.

(1:10:49) Dave Davignon spoke on the applicant's behalf. The applicant is proposing to excavate for new floor area poured at a lower grade; roof will extend over patio.

Karen Isherwood made a motion to close the public hearing for CON 023-409: 2 West Street, Map 13, Lot 22 & 24 and issue a Positive 2B for Coastal Bank and Buffer Zone to a Coastal Bank a Negative Determination 3 and Negative Determination 6, with the added condition CAP-3, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Andrew Saunders and passed (6-0).

Notices of Intent

d. SE 023-14___, CON 023-371: 217 Alden Road, Map 36, Lot 85

Notice of Intent filed by Shaun DeGrace to construct reinforced concrete patio (13' x 47' x 7") with drainage/infiltration (French drain) in the back of the house. Add section of asphalt driveway (15' x 30'). Install 6' vinyl fence along front of the house in 2 sections of 25' and 50'. Add aluminum frame gazebo (12' x 12') to concrete patio area. Add 3 wood planters (4' x 6'). Add hot tub (8' x 8') on rubber pad by existing basement door. Move existing shed farther away from the house towards the back of the lot to just outside the 25' no touch area. Add 6' vinyl stockade fence in front of house 75' total length (two sections: 25' north side and 50' south side respectively). Move 500 sq ft of wetland fill to front yard adjacent to driveway for landscaping. Work to take place within Buffer Zone to BVW at Assessor's Map 36, Lot 85.

(1:19:54) Owner, Shaun DeGrace told the Commission that he has been working with Agent, Bruce Webb.

Bruce Webb discussed the updated plan. The current patio is within the no touch zone, but in an area that is currently lawn. The applicant is requesting a variance for the corner of the patio to go from pervious to impervious.

Caroline Hawthorne made a motion to continue SE 023-14___, CON 023-371: 217 Alden Road, Map 36, Lot 85 to the April 1, 2024 meeting at the applicant's request. The motion was seconded by Andrew Saunders and passed (6-0).

e. SE 023-1385, CON 023-279: 27 Silver Shell Beach Drive, Map 41, Lot 54

Notice of Intent filed by Nancy Blouin to upgrade the existing septic system to a Title 5-compliant system and associated site work. Work to take place in Land Subject to Coastal Storm

Flowage (LSCSF) and the 100-foot Buffer Zone to Coastal Dune located at Assessor's Map 41, Lot 54.

(1:32:43) Bruce Webb stated he received a late submission of the revised plan. The delay is to determine the slope around the system to maintain separation from ground water. The system must have a bottomless filter and elevated above existing grade.

Attorney, Nick Gomes stated that the next step is to have Board of Health approval.

Caroline Hawthorne made a motion to continue SE 023-1385, CON 023-279: 27 Silver Shell Beach Drive, Map 41, Lot 54 to the April 1, 2024 meeting at the applicant's request. The motion was seconded by Andrew Saunders (6-0).

f. SE 023-1391, CON 023-291: Bridge Street, Map 36, Lot 15J

Notice of Intent filed by Fairhaven Properties, LLC to redevelop the site into a two-building self-storage facility. Development includes landscaping, as well as stormwater and utility infrastructure improvements. A portion of the proposed work is located within 100 feet of a wetland resource area, previously delineated and approved under an Order of Resource Area Determination (ORAD), issued in January 2022. Work located at Assessor's Map 36, Lot 15J.

SE 023-1391, CON 023-291: Bridge Street, Map 36, Lot 15J continued to April 1, 2024.

g. SE 023-1410, CON 023-347: Bonney Street, Assessor's Map 28B, Lots 488 & 489

Notice of Intent filed by David Menard to construct a single-family residence, sewer and water connections and associated site work located within the 100-year flood plain (F.E.M.A. Zone VE, El.16') and partially within the Buffer Zone of Bordering Vegetated Wetlands (BVW) located at Assessor's Map 28B, Lots 488 & 489.

SE 023-1410, CON 023-347: Bonney Street, Assessor's Map 28B, Lots 488 & 489 continued to April 1, 2024.

h. SE 023-1423, CON 023-364: Bridge Street, Map 30A, Lots 87 & 87A

Notice of Intent filed by Carricorp Industries, Ltd. proposing a 5,850-sf commercial style building. A driveway and parking lot with approximately 34 parking spaces to service the proposed building. Stormwater from all proposed paved areas will be collected by deep sump catch basins sent to a subsurface infiltration system. Other proposed utilities include municipal water and sewer and an enclosed dumpster with pad. Work to take place within 100 feet of a wetland resource area at Assessor's Map 30A, Lots 87 & 87A.

SE 023-1423, CON 023-364: Bridge Street, Map 30A, Lots 87 & 87A continued to April 1, 2024.

i. SE 023-1436, CON 023-390: 6 Emerson Avenue, Map 29A, Lots 119-122

An after-the-fact Notice of Intent filed by Natalie Reis for the construction of 12'x16' breezeway between the house and garage, an outdoor shower (approximately 70' from the limit of Coastal Beach and in Land Subject to Coastal Storm Flowage (LSCSF), capping the existing stonewall, an outdoor fireplace, a 36'x15' flagstone patio area with new walkways to beach, artificial turf area, regrading, and a gravel driveway larger than proposed on original plan. Work to take place within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 16'), and work has

occurred in Coastal Beach, Barrier Beach, and possibly the Marsh, located at Assessor's Map 29A, Lots 119-122.

(2:00:35) Attorney Jim Marsh represented the property owner. He reached out to several consultants and one has been retained. The Commission can expect work to be done within the next week.

Caroline Hawthorne made a motion to continue SE 023-1436, CON 023-390: 6 Emerson Avenue, Map 29A, Lots 119-122 to the April 1, 2024 meeting at the applicant's request. The motion was seconded by Andrew Saunders and passed (6-0).

j. SE 023-1440, CON 023-394: 833 Sconticut Neck Road, Map 42, Lot 15N

Notice of Intent filed by Nazem & Kathleen Abdalla to construct a 4-bedroom single family house in compliance with the requirements of FEMA and Mass Building Code for construction within a Velocity Zone. The house will be located within Flood Zone VE (El.17) and work to take place within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El.17, 19 & 20), and a Bordering Vegetated Wetland (BVW) in the southerly and easterly portion at Assessor's Map 42, Lot 15N.

(2:03:33) Dave Davignon stated there are no current concerns, but is aware the agent would like an additional site visit. The wetland is located in the southeast portion of the property; no work proposed within 100 feet.

Dave Davignon will update plan to include the shed on sonotubes and underground propane tank.

Andrew Saunders made a motion to continue SE 023-1440, CON 023-394: 833 Sconticut Neck Road, Map 42, Lot 15N to the April 1, 2024 meeting at the applicant's request. The motion was seconded by Jake Galary and passed (6-0).

k. SE 023-1439, CON 023-395: 831 Sconticut Neck Road, Map 42, Lot 15M

Notice of Intent filed by A.M.K. Trust c/o Nazem & Kathleen Abdalla to construct a 4-bedroom single family house in compliance with the requirements of FEMA and Mass Building Code for construction within a Velocity Zone. The house will be located within Flood Zone VE (El.17') and Land Subject to Coastal Storm Flowage (LSCSF) at Assessor's Map 42, Lot 15M.

Karen Isherwood would like a revised narrative for this property and a plan that depicts elevation above the base flood elevation.

SE 023-1439, CON 023-395: 831 Sconticut Neck Road, Map 42, Lot 15M Continued to April 1, 2024.

l. SE 023-1395, CON 023-319: 1 Island View Road, Map 43, Lot 201

Notice of Intent filed by Peter Armanetti to construct a single-family dwelling with associated gravel driveway, grading and utilities. Work to take place within 100 feet of a Bordering Vegetated Wetland (BVW), and borders Land Subject to Flooding - FEMA Flood Zone VE (El.20') at Assessor's Map 43, Lot 201.

(2:11:57) Bruce Webb spoke with Attorney Marsh regarding the Commission's concerns and it has been confirmed that every abutter within 100 feet received notification. Additionally, according to the Natural Heritage database there is no Priority Habitat on the site.

The applicant has provided a plan showing elevation above base flood elevation. They have met the Free of Obstruction requirements for the septic system and provided updated NOI information.

Kelly Moura of 25 Nakata Avenue read letter into the record. The abutters feel that due to Wilbur's Point within a VE Flood Zone, removing vegetation for this project will increase storm and rain flooding.

Karen Isherwood informed the neighbors that they can appeal the Commission's decision. She inquired from the agent what portion is impervious?

Bruce Webb stated there will be a gravel driveway and stone around house for runoff; these infiltrations are not required, but the applicant added these measures to address concerns. This project is outside the 0-25 and 0-50 Buffer Zones. The Commission cannot prevent building in a Velocity Zone, according to the Wetlands Protection Act.

Karen Isherwood made a motion to continue SE 023-1395, CON 023-319: 1 Island View Road, Map 43, Lot 201 to the April 1, 2024 meeting at the applicant's request. The motion was seconded by Andrew Saunders and passed (5-0).

m. SE 023-1396, CON 023-320: 2 Island View Road, Map 43, Lot 201

Notice of Intent filed by Peter Armanetti to construct a single-family dwelling with associated gravel driveway, grading and utilities. Work to take place within 100 feet of a Bordering Vegetated Wetland (BVW), and borders Land Subject to Flooding - FEMA Flood Zone VE (El.20') at Assessor's Map 43, Lot 201.

Karen Isherwood made a motion to continue SE 023-1396, CON 023-320: 2 Island View Road, Map 43, Lot 201 to the April 1, 2024 meeting at the applicant's request. The motion was seconded by Jake Galary and passed (5-0).

n. SE 023-1442, CON 023-397: Starboard Drive (Subdivision Lot #1), Map 42, Portion of Lot 9A

Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 2-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.

Andrew Saunders made a motion to continue SE 023-1442, CON 023-397: Starboard Drive (Subdivision Lot #1), Map 42, Portion of Lot 9A to the April 1, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0, 1 abstention).

- o. SE 023-1443, CON 023-398: Starboard Drive (Subdivision Lot #2), Map 42, Portion of Lot 9A**
Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 3-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes a denitrification septic system and will place fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.

Andrew Saunders made a motion to continue SE 023-1443, CON 023-398: Starboard Drive (Subdivision Lot #2), Map 42, Portion of Lot 9A to the April 1, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0, 1 abstention).

- p. SE 023-1444, CON 023-399: Starboard Drive (Subdivision Lot #3), Map 42, Portion of Lot 9A**
Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 3-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes a denitrification septic system and will place fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.

Andrew Saunders made a motion to continue SE 023-1444, CON 023-399: Starboard Drive (Subdivision Lot #3), Map 42, Portion of Lot 9A to the April 1, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0, 1 abstention).

- q. SE 023-1452, CON 023-400: Starboard Drive (Subdivision Lot #4), Map 42, Portion of Lot 9A**
Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 2-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.

Andrew Saunders made a motion to continue SE 023-1452, CON 023-400: Starboard Drive (Subdivision Lot #4), Map 42, Portion of Lot 9A to the April 1, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0, 1 abstention).

- r. SE 023-1448, CON 023-401: Starboard Drive (Subdivision Lot #5), Map 42, Portion of Lot 9A**
Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 2-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), and within the 100-foot Buffer Zone to the Salt Marsh at Assessor's Map 42, Lot 9A.

Andrew Saunders made a motion to continue SE 023-1448, CON 023-401: Starboard Drive (Subdivision Lot #5), Map 42, Portion of Lot 9A to the April 1, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0, 1 abstention).

- s. **SE 023-1447, CON 023-402: Starboard Drive (Subdivision Lot #6), Map 42, Portion of Lot 9A**
Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 2-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), and within the 100-foot Buffer Zone to the BVW at Assessor's Map 42, Lot 9A.

Andrew Saunders made a motion to continue SE 023-1447, CON 023-402: Starboard Drive (Subdivision Lot #6), Map 42, Portion of Lot 9A to the April 1, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0, 1 abstention).

- t. **SE 023-1446, CON 023-403: Starboard Drive (Subdivision Lot #7), Map 42, Portion of Lot 9A**
Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 2-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), and the 100-foot Buffer Zone to the BVW at Assessor's Map 42, Lot 9A.

Andrew Saunders made a motion to continue SE 023-1446, CON 023-403: Starboard Drive (Subdivision Lot #7), Map 42, Portion of Lot 9A to the April 1, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0, 1 abstention).

- u. **SE 023-1445, CON 023-404: Starboard Drive (Subdivision Lot #8), Map 42, Portion of Lot 9A**
Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 4-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes a denitrification septic system and will place fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.

Andrew Saunders made a motion to continue SE 023-1445, CON 023-404: Starboard Drive (Subdivision Lot #8), Map 42, Portion of Lot 9A to the April 1, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0, 1 abstention).

- v. **SE 023-1449, CON 023-405: Starboard Drive (ANR #1), Map 42, Portion of Lot 9B**
Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 4-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes a denitrification septic

system and to place fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9B.

Andrew Saunders made a motion to continue SE 023-1449, CON 023-405: Starboard Drive (ANR #1), Map 42, Portion of Lot 9B to the April 1, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0, 1 abstention).

w. SE 023-1450, CON 023-406: Starboard Drive (ANR #2), Map 42, Portion of Lot 9C

Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 4-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes a denitrification septic system and to place fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9C.

Andrew Saunders made a motion to continue SE 023-1450, CON 023-406: Starboard Drive (ANR #2), Map 42, Portion of Lot 9C to the April 1, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0, 1 abstention).

x. SE 023-1453, CON 023-408: 29 Nakata Avenue, Map 43, Lot 119

Notice of Intent filed by Omar Halabi for demolition and removal of an existing dwelling and construction of a new flood zone compliant single-family dwelling, along with an after-the-fact filing for a concrete patio. The project is located within Buffer Zone to a Salt Marsh, Land Subject to Coastal Storm Flowage, and FEMA Flood Zone VE (El.20') at Assessors' Map 43, Lot 119.

(05:55-16:51) Bob Rogers of G.A.F. Engineering spoke on behalf of the owner and gave a summary. He was hired to respond to an Enforcement Order and has had the opportunity to make improvements to the property within the Flood Zone. He has submitted a two-part plan and presented the existing plans.

Action: Karen Isherwood had concerns with the size of the concrete pad and would like Bruce Webb to reach out to CZM for further advice.

Caroline Hawthorne made a motion to continue SE 023-1453, CON 023-408: 29 Nakata Avenue, Map 43, Lot 119 to the April 22, 2024 meeting at the applicant's request. The motion was seconded by Jake Galary and passed (6-0).

y. SE 023-1451, CON 023-411: Cove Street, Map 28B, Cove Street Right-of-Way

Notice of Intent filed by Vincent Furtado (Fairhaven Board of Public Works) to install two new catch basins, convert an existing drop inlet structure for drainage improvement, install a new water main to loop into the existing water network, along with a new hydrant with associated water services. Project located within Flood Zone VE (El.16') and a portion within Coastal Dune & Coastal Beach at Assessor's Map 28B, Cove Street Right-of-Way.

(21:42-27:48) Mike Carter of GCG presented the project. Originally filed last fall now modified plan. Withdrew paving due to coastal dune and coastal beach. Strictly utility project. Town proposing a new water main and provide fire protection. New 6-inch water main and drainage improvements – currently risk of collapsing. Hathaway to Beechwood.

Caroline Hawthorne made a motion to continue SE 023-1451, CON 023-411: Cove Street, Map 28B, Cove Street Right-of-Way to the April 22, 2024 meeting at the applicant's request. The motion was seconded by Anthony Couto and passed (6-0).

7. Violations/Enforcement Orders/Cease and Desist Notices

- a. 14 Oxford Street, Map 13, Lot 3:** Report of vehicles and materials stored within the Buffer Zone to a Salt Marsh

(2:45:20) Bruce Webb updated the Commission that he has still not gained access to the site. He requested a vote from the Commission to pursue an administrative warrant to gain access.

Attorney, Nick Sylvia requesting continuing to the next meeting.

Karen Isherwood read email that the Conservation office received.

Nick Gomes updated the Commission and insisted there is no reason for a cease and desist; the fire department confirmed there were no urgent issues or direct hazards.

Andrew Saunders questioned who each Attorney is representing.

Nick Sylvia represents Jay Simmons individually and Nick Gomes represents Anthony Simmons Living Trust, with the trustee being Jay Simmons.

Nick Gomes requested Conservation to only go on site once all other departments are satisfied. Attorney Gomes did not want the occupant's position on the board influencing the process.

Karen Isherwood would like to know if the 100-foot Buffer Zone is clear of violation.

Tony Couto requested an update from the health inspector on the progress. He questioned official documentation from the Health Inspector or the Building Commissioner.

Bruce Webb received an update from the Building Commissioner on the volume of material, which was substantial.

Jake Galary is concerned other properties will now deny access when the Commission feels there may be a potential violation.

- b. 4 Jeannette Street, Map 34A, Lot 62D:** Ratify Enforcement Order

Bruce Webb stated the property owner has been to the office and the office has been reviewing previous documents and permits. The owner is open to the Commission gaining access to his property.

- c. **EO 023-022: 344-346 New Boston Road, Map 40, Lots 023B & 023C:** Agent to provide an update on restoration efforts

Bruce Webb updated that the Southeast Regional office responded to his request and they declined to take over the situation. He will discuss alternative options with the Select Board.

- d. **293 Mill Road, Map 39, Lot 22C:** Outstanding restoration plan

The property is under an administrative consent order. Only the Building Commissioner is allowed one annual inspection.

- e. **251 Sconticut Neck Road, Map 29, Lot 32:** Agent to provide update

Bruce Webb stated calls and letters were made; if there no response by April 1, 2024, then will investigate fines.

- f. **0 Egypt Lane, Map 27, Lot 183:** Agent to provide update on the BPW /Highway Department's progress on obtaining a restoration plan

The agent explained this is a vacant lot with a salt marsh where somebody built a road and dumped materials. The Town is responsible to resolve the issue and will submit a restoration plan.

- g. **5 Shore Drive, Map 29C, Lot 624:** Unpermitted fence and seawall/patio work

Bruce Webb updated the Commission; next step is to visit site for current conditions.

- h. **EO 023-014: 20 Yankee Lane, Map 39, Lot 16:** Agent to provide updates on current conditions

Mr. Lopes and Goddard Consulting went on property; site visit needed to see the work in progress.

Action: Contact Matthew Burne of BSC for a restoration plan.

- i. **Any other Enforcements/ Violations**

The agent discussed 26 Rivet Street and 7 Forestview Drive for alterations encroaching on the BVW.

8. General Business

- a. Next scheduled site visits: March 21, 2024
Karen Isherwood is available March 22, 2024 for site visits.
- b. Next Scheduled Public Hearing Date: April 1, 2024
Discuss meeting in the building at the April 1, 2024 meeting.

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

10. Motion to adjourn

Jake Galary made a motion to adjourn. The motion was seconded by Andrew Saunders at 9:30pm and passed (6-0).