

**Conservation Commission
October 7, 2024**

FAIRHAVEN TOWN CLERK
ROD 2024 OCT 19 PM 11:51

1. **Chairman's Welcome and Media Notification:** Karen Isherwood opened the meeting at 6:08p.m. 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, Carrie Hawthorne, Ronnie Medina, Erik Baumann, Jake Galary

Absent: Wendy Drumm & Anthony Couto

3. Approval of the September 16, 2024 meeting minutes

Carrie Hawthorne made a motion to approve the September 16, 2024 meeting minutes. The motion was seconded by Jake Galary and passed (6-0).

4. Continuances requested in advance:

- a. **CON 023-372: 29 Silver Shell Beach Drive, Map 41, Lot 53**
- b. **SE 023-1462, CON 023-430: 25 Shore Drive, Map 29C, Lots 615 & 616**

Carrie Hawthorne made a motion to go into Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Sections 21(a)(3) to meet with Town Counsel to discuss strategy with respect to potential litigation (Robert Roderiques v. Town of Fairhaven) and to reconvene in an open session at the conclusion of the Executive Session. This discussion will have detrimental effect if heard in a public forum. The motion was seconded by Jake Galary and passed (5-0).

5. Executive Session

"Pursuant to G.L. c. 30A, § 21(a)(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. Meeting with Town Counsel in Executive Session Pursuant to Massachusetts General Laws, Chapter 30A, Sections 21(a)(3) to discuss strategy with respect to potential litigation (Robert Roderiques v. Town of Fairhaven)."

Carrie Hawthorne made a motion to reconvene in open session returned at 7:00pm. The motion was seconded by Wendy Drumm and passed (5-0).

6. **Request for Minor Activity**

- a. **Little Bay Conservation:** Board of Public Works requests a memorial bench on the Little Bay Bike Path secured on concrete pad.

Karen Isherwood made a motion to approve the installation of a memorial bench on a concrete pad by the Board of Public Works on the Little Bay Bike Path, Map 28, Lot 8. The motion was seconded by Jake Galary and passed (5-0).

- b. **CON 023-299: 8 Chambers Street, Map 41, Lot 58:** Owner requests minor change to the rear door landing to accommodate the installation of a 6" width slider door from a 3' door. The agent stated the owners are looking to resurface the steps

Carrie Hawthorne made a motion to approve the resurfacing of a 6 foot by 8-foot step in the rear of the property with new wood for CON 023-299: 8 Chambers Street, Map 40, Lot 58. Any additional work will require a Notice of Intent application. The motion was seconded by Jake Galary and passed (5-0).

7. **Request for Emergency Certification**

- a. **SE 023-1257, CON 023-201: 2 Union Wharf, Map 7, Lots 7 & 9** – Work required to stabilize the marine/port infrastructure to render safe and prevent further collapse.

Carrie Hawthorne made a motion to approve an Emergency Certification for SE 023-1257, CON 023-201: 2 Union Wharf, Map 7, Lots 7 & 9 for work required to stabilize the marine/port infrastructure to render it safe and prevent further collapse. The motion was seconded by Erik Baumann and passed (5-0).

8. **Request for Extension**

- a. **SE 023-1365, CON 023-250: 86-88 Middle Street, Map 11, Lots 6D, 6E & 7**

Carrie Hawthorne made a motion to extend the Order of Conditions for SE 023-1365, CON 023-250: 86-88 Middle Street, Map 11, Lots 6D, 6E & 7 to November 3, 2025, under the WPA and the Fairhaven Wetlands Bylaw. The motion was seconded by Ronnie Medina and passed (5-0).

9. **Requests for Certificates of Compliance**

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

- Continued to the October 21, 2024 meeting

Karen Isherwood made motion to ratify the enforcement order dated October 7, 2024 for failure to comply with conditions associated with the project permitted under SE 023-1333, CON 023-181, 18 Point Street, Map 28B, Lot 207 and for violations of the Wetlands Protection Act and the Fairhaven Wetlands Bylaw and have it sent certified to the property owner. The motion was seconded by Wendy Drumm and passed (5-0).

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

- Continued to the October 21, 2024 meeting

- c. **SE 023-1292, CON 019-041: 12 Gilbert Street, Map 29A, Lot 221**

Karen Isherwood made a motion to issue a Certificate of Compliance for a Complete Certification for SE 023-1292, CON 019-041: 12 Gilbert Street, Map 29A, Lot 221, under the WPA and the Fairhaven Wetlands Bylaw, with the notation that the existing 10 foot by 20 foot shed,

approved May of 2022, is not reflected on the As-Built plan. The motion was seconded by Carrie Hawthorne and passed (5-0).

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

Carrie Hawthorne made a motion to issue a Certificate of Compliance for a partial certification under the WPA and the Fairhaven Wetlands Bylaw for SE 023-1453, CON 023-408: 29 Nakata Avenue, Map 43, Lot 119. The work subject to this partial certification that has been completed and is released from this order is the removal of a previously unpermitted concrete patio. All of the work and conditions under this order remain open and active. The motion was seconded by Jake Galary and passed (5-0).

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

Requests for Amended Order of Conditions

a. SE 023-1384, CON 023-277: 39 Nelson Avenue, Map 43, Lots 224 & 225

Request to amend the Order of Conditions filed by Stephen Taylor by adding stone retaining walls that were not included on the original plan. Lot falls within FEMA Flood Zone VE (EI.19') at Assessor's Map 43, Lots 224 & 225.

Bob Field of Field Engineering represented Stephen Taylor. Mr. Field proposed a 5:1 slope in front of the retaining wall and will submit a revised plan.

Carrie Hawthorne made a motion to continue SE 023-1384, CON 023-277: 39 Nelson Avenue, Map 43, Lots 224 & 225 to the October 21, 2024 public hearing at the applicant's request. The motion was seconded by Jake Galary and passed (5-0).

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

Request to amend the Order of Conditions filed by John Mathieu to omit Condition number 40, which forbids modifying the structures to increase the design load of the septic system beyond a 2-bedroom dwelling. The lot falls within Land Subject to Coastal Storm Flowage, Flood Zone VE (EI.17' & EI.19') at Assessor's Map 42, Portion of Lot 9.

Karen Isherwood made a motion to close the public hearing for SE 023-1398, CON 023-315: Starboard Drive, Map 42, Portion of Lot 9, and issue an Amended Order of Conditions under the Wetlands Protection Act and Fairhaven Wetlands Bylaw, amending Special Condition number 40 to state as follows: any future work in the subdivision on any particular lot that is serviced by and connected to the existing community septic system shall not result in an increase in the daily load to said septic system greater than the current 10-bedrooms, until such time as the properties are connected to the municipal sewer system and number 12 in Findings, Plans and Documents, to strike out the language in the last sentence "two bedrooms per dwelling" and replace with "no greater than the current 10-bedrooms." The motion was seconded by seconded by Jake Galary and passed (5-0).

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

Request to amend the Order of Conditions filed by John Mathieu to omit Condition number 58, which forbids modifying the structures to increase the design load of the septic system beyond a

2-bedroom dwelling. The lot falls within Land Subject to Coastal Storm Flowage, Flood Zone VE (El.17' & El.19') at Assessor's Map 42, Portion of Lot 9A, Subdivision Lot #1.

Karen Isherwood made a motion to close the public hearing for SE 023-1442, CON 023-397: Starboard Drive, Map 42, Portion of Lot 9A, Subdivision Lot #1, and issue an Amended Order of Conditions under the Wetlands Protection Act and Fairhaven Wetlands Bylaw, amending Special Condition number 58 to state as follows: any future work in the subdivision on any particular lot that is serviced by and connected to the existing community septic system shall not result in an increase in the daily load to said septic system greater than the current 10-bedrooms, until such time as the properties are connected to the municipal sewer system. The motion was seconded by Jake Galary and passed (5-0).

Notices of Intent

d. SE 023-1467, CON 023-442: 1 Stetson Avenue, Map 2, Lots 256, 261, 262, 263

Notice of Intent filed by Wendy Drumm to remove a row of boulders, landscape timbers, fences, and a garden/utility shed for the purposes of constructing a sloped stone rip-rap revetment to mitigate erosion. The property falls within Land Subject to Coastal Storm Flowage, Flood Zones VE (El. 15' & 18') and the site contains a Coastal Bank and Coastal Beach along its southeasterly side at Assessor's Map 2, Lots 256, 261, 262 & 263.

Carrie Hawthorne made a motion to grant the "Buffer Zone Regulations Variance Request" under the Fairhaven Wetlands Bylaw, Chapter 192, Section 8, of the Buffer Zone Regulations, for SE 023-1467, CON 023-442: 1 Stetson Avenue, Map 2, Lots 256, 262, 263. The motion was seconded by Jake Galary and passed (5-0).

Carrie Hawthorne made a motion to close the public hearing for SE 023-1467, CON 023-442: 1 Stetson Avenue, Map 2, Lots 256, 262, 263, approving the plan titled "Site Plan for Property Located at 1 Stetson Ave in Fairhaven MA Prepared for Wendy Drum" with the revised date September 30, 2024, and issue an Order of Conditions outlined in Attachment A dated October 7, 2024, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Jake Galary and passed (5-0).

e. 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.

- Continued to the October 21, 2024 meeting

f. 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.

Carrie Hawthorne made a motion to continue SE 023-1423, CON 023-364: Bridge Street, Map 30A, Lots 87 & 87A to the October 21, 2024 public hearing, due to lack of quorum. The motion was seconded by Karen Isherwood and passed (5-0).

g. 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.

Carrie Hawthorne made a motion to continue SE 023-1436, CON 023-390: 6 Emerson Avenue, Map 29A, Lots 119-122, to the October 21, 2024, meeting at the applicant's request. The motion was seconded by Eric Baumann and passed (5-0).

h. SE 023-1474, CON 023-412: 21 Goulart Memorial Drive, Map 42, Lot 22

Notice of Intent filed by David & Jayne Lynch to redeposit sand that migrated during a storm and place crushed shell on the driveway. Proposing to install 165 ft. of dune fencing on the southeast side of the driveway. Work to take place within Barrier Beach, Coastal Dune, riverfront, and FEMA Flood Zone VE (El. 20') at Assessor's Map 42, Lot 22.

Carrie Hawthorne made a motion to continue SE 023-1474, CON 023-412: 21 Goulart Memorial Drive, Map 42, Lot 22 to the October 21, 2024 meeting, due to a lack of a quorum. The motion was seconded by Karen Isherwood and passed (5-0).

i. SE 023-1464, CON 023-424: 23 Eaton Road, Map 29B, Lot 110

Notice of Intent filed by Michael & Hayden Linley to raze existing house and construct a new residence on FEMA Flood Zone compliant foundation, sewer & water connections and associated site work. Work to take place within Coastal Dune, Barrier Beach, Coastal Beach, BVW, Land Subject to Coastal Storm Flowage and FEMA Flood Zone VE (El. 20') at Assessor's Map 29B, Lot 110.

- Continued to the October 21, 2024 meeting

j. SE 023-____, CON 023-387: 251 Sconticut Neck Road, Map 29, Lot 032

Notice of Intent filed by Robert Faria for an after-the-fact shed within FEMA Flood Zone AE (EL.16') located at Assessor's Map 29, Lot 032.

Bruce Webb confirmed that they did receive a building permit and the anchors are in compliance. They now need conservation approval and a 6-inch gap underneath for stormwater.

Carrie Hawthorne made a motion to continue CON 023-387: 251 Sconticut Neck Road, Map 29, Lot 032 to the October 21, 2024 meeting, due to insufficient information and no MA DEP file number. The motion was seconded by Erik Baumann and passed (5-0).

k. SE 023-1473, CON 023-453: 25 Abbey Street, Map 6, Lot 102

Notice of Intent filed by Agostinho Pinto to raze existing dwelling and construct single-family dwelling and driveway with arborvitae plantings on three sides of the property and the addition of a crushed stone area between the existing driveway and fence. Work to take place in Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El.15') and Buffer Zone to Bordering Vegetated Wetland at Assessor's Map 6, Lot 102.

Carrie Hawthorne made a motion to close the public hearing for SE 023-1473, CON 023-453, 25 Abbey Street, Map 6, Lot 102, approving the plan titled "Site Plan 25 Abbey Street Assessor's Map 6 Lot 102 Fairhaven MA" with the revised date September 17, 2024 and issue an Order of Conditions outlined in Attachment A dated October 7, 2024, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Jake Galary and passed (4-0); 1 abstention.

l. SE 023-1476, CON 023-454: 27 Silver Shell Beach Drive, Map 41, Lot 54

Notice of Intent filed by Nancy Blouin to place u-shaped driveway in front yard with a garden in the center. Work to take place in Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El.19'), Buffer to Coastal Dune and Buffer to Coastal Beach at Assessor's Map 41, Lot 54.

Attorney Nicholas Gomes represented Nancy Blouin and gave a brief overview of the project. The project is within the Buffer Zone to Coastal Dune, which goes through the septic system. He does not anticipate any adverse impact to the Coastal Beach. Attorney Gomes did reach out to the DEP questioning the proximity to the Coastal Dune and provided the DEP with a memorandum detailing those criteria. This project is low impact; there will be no raised structures aside from the rain garden depicted on the plan and there are no driveway features lifted from the ground. There will be a drainage directly to the south of the driveway to capture runoff from the driveway.

Karen Isherwood requested the plan have more accurate locations for the Buffer Zone to the Coastal Dune with total square footage depicted on the plan.

Carrie Hawthorne made a motion to continue SE 023-1476, CON 023-454: 27 Silver Shell Beach Drive, Map 41, Lot 54 to the October 21, 2024 meeting at the applicant's request. The motion was seconded by Jake Galary and passed (5-0).

m. SE 023-1475, CON 023-461: 6 Charity Steven Lane, Map 31, Lot 1A

Notice of Intent filed by JA Realty Properties, LLC to repair sewage disposal system in the Buffer Zone and Riverfront area at Assessor's Map 31, Lot 1A.

Karen Isherwood made a motion to grant the "Buffer Zone Regulations Variance Request" under the Fairhaven Wetlands Bylaw, Chapter 192, Section 8, of the Buffer Zone Regulations, for SE 023-1475, CON 023-461: 6 Charity Steven Lane, Map 31, Lot 1A. The motion was seconded by Carrie Hawthorne and passed (4-0; 1 abstention).

Karen Isherwood made a motion to close the public hearing for SE 023-1475, CON 023-461: 6 Charity Steven Lane, Map 31, Lot 1A, approving the plan titled "Septic System Repair Plan" with the revised date of September 23, 2024 and issue an Order of Conditions outlined in Attachment

A, dated October 7, 2024, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Carrie Hawthorne and passed (4-0, with 1 abstention).

n. SE 023-1480, CON 023-464: 67 Nakata Avenue, Map 43, Lot 100

Notice of Intent filed by Joseph Dupre to excavate, grade area at seawall & install 90' x 10' x 6" concrete slab with pitch; slab to be poured on top of existing sea wall. Lot falls within Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El. 19'), Buffer Zone to BVW and Coastal Beach at Assessor's Map 43, Lot 100.

Joseph Dupre represented the applicants of 67 and 69 Nakata Avenue. There has been severe erosion on the landward side of the seawall and the applicant is proposing a concrete pitching back towards the ocean. This would run along the entire wall (approximately 90 feet).

Karen Isherwood had concerns and would prefer something to break the waves or catch them to mitigate and damage to the neighbor's property.

Bruce Webb recommended rosa rugosa plantings (4-foot-wide row) for extra protection to deflect wave energy and to hold material in place.

Karen Isherwood expressed concerns with increased erosion.

Action: Agent to check with CZM on planting recommendation.

Carrie Hawthorne made a motion to continue SE 023-1480, CON 023-464: 67 Nakata Avenue, Map 43, Lot 100 to the October 21, 2024 meeting at the applicant's request. The motion was seconded by Karen Isherwood and passed (5-0).

o. SE 023-1481, CON 023-465: 69 Nakata Avenue, Map 43, Lot 99

Notice of Intent filed by Joseph Dupre to excavate, grade area at seawall & install 90' x 10' x 6" concrete slab with pitch; slab to be poured on top of existing sea wall. Lot falls within Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El.19'), Buffer Zone to BVW and Coastal Beach at Assessor's Map 43, Lot 99.

Carrie Hawthorne made a motion to continue SE 023-1481, CON 023-465: 69 Nakata Avenue, Map 43, Lot 99, to the October 21, 2024 meeting at the applicant's request. The motion was seconded by Karen Isherwood and passed (5-0).

p. SE 023-1478, CON 023-466: Starboard Drive, Map 42, Portion of 9A, Subdivision Lot #1.

Notice of Intent request filed by John Mathieu to allow the placement of an on-site septic system. The applicant is proposing to install a 1,300-gallon septic tank with a denitrification system, a 1,000-gallon pump chamber and raised Eljien In-drain chamber pressure dosed leaching area. The lot falls within Land Subject to Coastal Storm Flowage, Flood Zone VE (El.17' & El.19') and does not have any other resource areas on it or within 100 feet at Assessor's Map 42, Portion of 9A, Subdivision Lot #1.

Dave Davignon, of Schneider, Davignon, and Leone represented Starboard Drive Nominee Trust. Subdivision Lot 1 was recently permitted for a dwelling, driveway, roof system, and shed in rear of the property. Percolation tests were performed this year and passed; A Title 5 design in full

compliance for a 3-bedroom home has been obtained. The necessity to create a slightly mounted field would increase the scope of work for the original order. Mr. Davignon decided on a separate NOI filing. The grading will consist of a 5:1 slope in the north east corner, which lies within the flood zone (10 contour in northeast corner and 9 in the southwest corner).

Carrie Hawthorne made a motion to continue SE 023-1478, CON 023-466: Starboard Drive, Map 42, Portion of Lot 9A, Subdivision Lot #1 to the October 21, 2024 meeting at the applicant's request. The motion was seconded by Jake Galary and passed (5-0).

11. Violations/Enforcement Orders/Cease and Desist Notices

- a. **EO 023-019 & 023-020: 6 & 8 Jeannette Street, Map 34a, Lots 62K & 62P:** Agent to provide update on 7-29-2024 site visit with Attorney Marsh and Steven Chmiel; Zenith Land Surveyors provided revised plan to accompany RDA.

Office waiting on survey; continued to the next meeting.

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

Continue discussion and updates to the October 21, 2024 meeting.

- c. **17 Diamond Street, Map 29, Lot 45:** Unpermitted clearing in the Buffer Zone to Land Subject to Coastal Storm Flowage (LSCSF) – Notice of Violation sent May 2024

Karen Isherwood made a motion to ratify the Enforcement Order dated October 7, 2024 for 17 Diamond Street, Map 29, Lot 045 and have it sent certified mail to the property owner for violations of the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Jake Galary and passed (5-0).

- d. **EO 023-014: 20 Yankee Lane, Map 39, Lot 16:** Agent to provide updates on phases 1 & 2 and correspondence with the peer reviewer

BSC Group submitted proposal for peer review consulting serves dated September 4, 2024.

- e. **SE 023-309, 023-1101, 023-1127, 023-1161: 1 Bella Vista, Map 43B, Lot 326, 359 & 360:** Agent to provide updates on monitoring efforts

Action: Contact Rich Rheaume for site visit.

- f. **20 Bass Creek Road, Map 43C, Lot 403:** Unpermitted vegetative clearing in the Buffer Zone to the Bordering Vegetated Wetlands.

Agent has a scheduled meeting with the property owner to discuss violation and plans forward.

- g. **SE 023-1296, CON 023-307: Alves Way, Map 28, Lot 24:** The developer has been notified in July of the Operation and Maintenance Plan and monitoring requirements in accordance with the issued Army Corps of Engineers General Stormwater Permit.

- h. **EO 023-017: 29 Mangham Way, Map 31A, Lots 300 & 300A:** Contacted the owner to let them know a Spring 2024 inspection of the restoration area is required before the EO is lifted; owner available for a site visit August 12th.

Site visit conducted and new plantings were mowed within 25 no touch. A revised restoration plan is now required.

- i. **350 New Boston Road, Map 40, Lot 21:** Unpermitted clearing in the Buffer Zone to BVW. Letter of Violation and Notice to Appear sent out August 2024. Owner contacted the office on August 21, 2024 and was given the RDA application packet to complete. Corey Bracken of Sabatia to do delineation onsite.

Office awaiting revised restoration plan.

- j. **19 Hacker Street, Map 28A, Lot 132:** Notice of Violation and letter to appear was sent out August 2024. Ratify Enforcement Order.

Karen Isherwood made a motion to ratify the Enforcement Order dated October 7, 2024, for 19 Hacker Street: Map 28A, Lot 132 and have it sent certified to the property owner for violations of the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Carrie Hawthorne and passed (5-0).

- k. **28 Whisper Lane, Map 42A, Lot 178:** Unpermitted clearing in Buffer Zone to Salt Marsh/LSCSF; discuss observation from site visit.

Owner, Dave Andre stated he would like to create a gravel driveway.

Karen Isherwood would like to determine the buffer zone before approval of any work.

- l. **364 Huttleston Avenue, Map 34A, Lot 22:** Cease & Desist issued July 20, 2024 for unpermitted work in the Buffer Zone to Bordering Vegetated Wetland; discuss observations from site visit.

EO drafted; discussion on site with owner who is amenable to working with conservation; agent to oversee removal of debris.

- m. **59 Reservation Road, Map 29B, Lot 59:** Verbal Cease & Desist on July 22, 2024 for unpermitted work in the Buffer Zone to Bordering Vegetated Wetland, Coastal Dune, and VE (El.20').

Owner working with the office.

12. Correspondence

SE 023-1461, CON 023-425: 60 Highland Avenue, Map 28A, Lots 154 & 165: Discuss the owner's concern with condition #59, which states, "At no point shall the supporting columns/piers of the foundation be enclosed with breakaway walls or any other enclosure and at no point shall concrete or any other solid material be placed at ground level."

CZM only reviews projects after the Commission makes a determination. DEP stated performance standard for Coastal Dune states that if within 100 feet then you do not enclose (pursuant to CMR

10.2, Section 3). The owner or applicant would need a new delineation to verify the Coastal Dune and Buffer Zones.

Karen Isherwood recommended a delineation by a coastal geologist.

Karen Isherwood stated condition 59 was triggered due to work within the 25–50-foot Buffer Zone. If the design shifted with the foundation outside the 25-50 then the Commission review an amendment.

Mark Sullivan of 54 Highland Avenue stated the lot is in a low area and storm surges make the road unpassable.

13. General Business

- a. Next scheduled site visits: October 8, 2024 (tentative)
Staff to set up new site visit date next week.
- b. Next Scheduled Public Hearing Date: October 21, 2024
- c. Discuss 2025 Meeting Schedule
Staff to present schedule at the October 21, 2024 meeting.
- d. Appoint Buzzards Bay Water Quality Working Group representative

Karen Isherwood made a motion to appoint Wendy Drum to the Buzzards Bay Water Quality Working Group as a representative of the Fairhaven Conservation Commission. The motion was seconded by Jake Galary and passed (5-0).

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

15. Motion to adjourn

Jake Galary made a motion to adjourn at 10pm. The motion was seconded by Erik Baumann and passed (5-0).

Karen Isherwood, Chair

Fairhaven Conservation Commission

Posted by the Town Clerk: www.fairhaven-ma.gov