



TOWN OF FAIRHAVEN, MASSACHUSETTS

# CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

## PUBLIC MEETING AGENDA Monday, October 3, 2022 at 6:00 pm

*Pursuant to Chapter 22 of the Acts of 2022, the meeting/public hearings will be conducted via remote means. Members of the public who wish to access the meeting may do so in the following manner:*

<https://us06web.zoom.us/j/86953155076?pwd=VFdUQkhzdVYrNzJlQktiVi9XSgppZz09>

or CALL 1-929-205-6099

Meeting ID: 869 5315 5076

Passcode: 633695

*No in-person attendance of members of the public will be permitted, and public participation in any public hearing conducted during this meeting shall be by remote means only.*

1. Chairman's Welcome and Media Notification
2. Quorum/Attendance
3. Approval of August 29, 2022 Meeting Minutes
4. **Requests for Certificate of Compliance**
  - a. SE 023-816, CON 023-298: **28 Whisper Lane, Map 42A, Lot 178**
5. **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 Abbreviated Notice of Resource Area Delineation

- a. SE 023-1389, CON 023-284: **Ebony Street, Assessor's Map 43C, Lots 389-400 – Continued from August 8, 2022**  
Request for Abbreviated Notice of Resource Area Delineation filed by Michael Ristuccia to delineate wetlands located at Ebony Street, Assessor's Map 43C, Lots 389-400.

### Requests for Determination of Applicability

- a. CON 023-309: **165 Balsam Street, Map 43B, Lot 131**  
Request for Determination of Applicability filed by Kim Hyland to replace existing seashell driveway and walkway with stamped concrete, covering 784 square feet. The proposed work is located at Map 43B, Lot 131, with the work to take place in Zone AE-14.
- b. CON 023-310: **104 Fir Street, Map 43A, Lot 325**  
Request for Determination of Applicability filed by Lev Bronstein and David Hirsh to resurface existing gravel driveway and walkway located at Map 43A, Lot 325.

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TOWN OF FAIRHAVEN, MA  
ROAD 2022 SEP 29 AM 10:09

### Notices of Intent

- a. SE 023-1391, CON 023-291: **Bridge Street, Map 36, Lot 15J** – *Continued from August 8, 2022*  
Notice of Intent filed by Fairhaven Properties, LLC for proposed redevelopment work located at Map 36, Lot 15J, Bridge Street. Fairhaven Properties proposes 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. *The applicant has requested a continuance until the November 1<sup>st</sup> meeting.*
  
- b. SE 023-1385, CON 023-279: **27 Silver Shell Beach Drive, Ma 41, Lot 54** – *Continued from July 25, 2022*  
Notice of Intent filed by Nancy Blouin to upgrade the existing septic system to a Title 5-compliant system and associated site work at the property located at 27 Silver Shell Beach Drive, Assessor's Map 41, Lot 54. Work to take place in Land Subject to Coastal Storm Flowage and the 100-foot buffer zone to Coastal Dune.
  
- c. SE 023-1393, CON 023-304: **2 Melpen Way, Map 29, Lot 002D** – *Continued from September 19, 2022*  
Notice of Intent filed by Andrew & Cheryl Shackett for razing an existing dwelling and constructing a new residence on a flood-compliant foundation with a septic system, utilities, and associated site work located at Map 29, Lot 2D. Work to take place within the Flood Zone (VE), Salt Marsh, Coastal Dunes, and Land Subject to Coastal Storm Flowage and Buffer Zones of Bordering Vegetated Wetland and Coastal Beach.
  
- d. SE 023-1392, CON 023-300: **83 Pleasant Street, Map 08, Lot 094** – *Reopened from August 29, 2022*  
Notice of Intent Filed by Tetra Tech for the permanent closure in-place of an existing sand-filled underground fuel storage vault located on the former Atlas Tack property at 83 Pleasant Street, Assessor's Map 08, Lot 094. Work will occur within Land Subject to Coastal Storm Flowage or the 100-year coastal flood zone. The hearing was reopened for consideration of NHESP's suggested conditions pertaining to adjacent Priority Habitat, citing 5 species of state-listed waterbirds.

### Amended Order of Conditions

- a. SE 023-1369, CON 023-308: **10 Diamond Street, Map 29, Lot 048**  
Request for Amended Order of Conditions filed by Ruby and Jaime Medeiros for a two-foot expansion along the rear of the house located at Map 29, Lot 046. The proposed work to take place in a buffer zone to Bordering Vegetated Wetland (BVW), Land Subject to Coastal Zone Flowage (LSCSF), and Zone AE-14.

### Request for an Extended Order of Conditions

- a. SE 023-1274: **2 River Avenue, Map 17, Lot 16**

Request for an extension of an Order of Conditions that expired on June 25, 2021. Work to take place in LSCSF, Land Containing Shellfish, Land Under Ocean, Coastal Bank, and Buffer Zone to Salt Marsh.

REC'D 2022 SEP 29 AM 10:10

**6. Violations/Enforcement Orders/Cease and Desist Notices**

- a. **1 Pavilion Way, Map 29, Lot 004H:** restoration plan in place that is not overseen by wetland scientist; wetland vegetation mowing; diversion of hydrologic flow.
- b. **344 & 346 New Boston Rd, Map 40, Lots 023B & 023C:** unpermitted vegetation clearing in a wetland by Farland Corporation.
- c. **3 North Street, Map 15, Lot 43:** restoration progress update and fence construction.
- d. **Morey Lane Map 04, Lot 081:** concrete washout on soil, lack of erosion control maintenance, uncovered stockpile of soil without siltation barrier, and disturbances to soil outside of the limit of work.

**7. Correspondence**

- a. Letter from James Clancy of Eversource, dated September 26, 2022, informing the Commission of maintenance work that will be performed on Brookview Street and Brook Drive, involving the replacement of an existing natural gas main. Beginning on October 17th, 2022, this project will likely require 4-6 weeks to complete.
- b. Letter from The Department of the US Army Corps of Engineers New England District outlining conditions for the project located at 2 Winslow Court, regarding the new construction of a privately owned pile-supported pier.

**8. Ongoing Projects**

- a. **18 Point St, Map 28B, Lot 207:** project manager is addressing existing conditions to ensure compliance with Order of Conditions.
- b. **39 Nelson Ave, Map 43, Lot 224:** demolition of existing single-family dwelling to build a new flood zone-compliant structure with a Title 5-compliant septic system, associated grading, and driveway.

**9. Upcoming Projects**

- a. No new upcoming projects have been filed.

**10. General Business**

- a. Land Donation: **Washburn Ave, Map 27, Lot 334**
- b. Land Donation: **Shore Drive, Map 29C, Lot 606**
- c. Discussion about Staff Reports, Enforcement Letters and SOP.

- d. Discussion about status of the Conservation Commission Office priorities.
  - e. Discussion about adding an additional meeting.
  - f. Target Year: The year specified by the Conservation Commission for projections of sea level rise and flood risk for the new change in the bylaw Chapter 192-8 Definitions: Target Year
  - g. Bills
  - h. Budget Overview
  - i. Next Meeting: Tuesday, November 1, 2022
11. **Any other business** that may properly come before the Commission not reasonably anticipated 48 hours in advance of the meeting.
12. **Motion to adjourn**

**Geoff Haworth, Chair**  
Fairhaven Conservation Commission  
Posted by the Town Clerk: [www.fairhaven-ma.gov](http://www.fairhaven-ma.gov)