



TOWN OF FAIRHAVEN, MASSACHUSETTS

# CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

## PUBLIC MEETING AGENDA

Monday, December 12, 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=VFdUQkhzdVYrNzJIQktlVl9XSzppZz09>

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. Continuances requested in advance
4. Approval of the October 24, 2022 & November 7, 2022 meeting minutes
5. **Executive Session**
  - a. Meeting with Town Counsel in Executive Session Pursuant to Massachusetts General Laws, Chapter 30A, Sections 21(a)(3), (6) and (7), Public Records Law, G.L. c. 4, s. 7(26), and Suffolk Construction v. DCAM, 449 Mass. 444 (2007) to discuss privileged legal opinion concerning damage to wetlands located at 344-346 New Boston Road.
  - b. Meeting with Town Counsel in Executive Session Pursuant to Massachusetts General Laws, Chapter 30A, Section 21(a)(7), Public Records Law, G.L. c. 4, s. 7(26), and Suffolk Construction v. DCAM, 449 Mass. 444 (2007) to discuss privileged legal opinion regarding peer review fees.
6. **Requests for Certificates of Compliance**
  - a. SE 023-920, CON 023-326: **10 Jeannette Street, Map 34A, Lot 062Q** – *Continued from November 21, 2022*
7. **Requests for Extensions of Order of Conditions**
  - b. **SE 023-1318, CON 023-142, 70 Reservation Road, Map 29B, Lot 007**
8. **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

- b. CON 023-313: **74 Seaview Avenue, Map 29C, Lots 086, 087, 088, & 089** – *Continued from November 21, 2022*  
Request for Determination filed by Mark Rego for the replacement of 2 existing sheds with a single shed on a 12'x16' concrete pad located at 74 Seaview Avenue, Assessor's Map 29C, Lot 86, 87, 88, 89. Work to take place within Land Subject to Coastal Storm Flowage, Flood Zone VE-17.
- c. CON 023-327: **90 Raymond Street, Map 29D, Lot 083**  
Request for Determination of Applicability filed by Michael Powis to remove an existing 11'x30' deteriorating asphalt driveway and replace with an 11'x30' concrete driveway, located within the footprint of the present driveway, at the property located at 90 Raymond Street, Assessor's Map 29D, Lot 083. Work to take place within Land Subject to Coastal Storm Flowage, Zone VE-17.
- d. CON 023-331: **342 New Boston Road, Map 40, Lot 023**  
Request for Determination of Applicability filed by Gary Fisher to erect a wire fence within the 0-25-foot Buffer Zone to Bordering Vegetated Wetlands, located at 342 New Boston Road, Assessor's Map 40, Lot 023.

### Notices of Intent

- e. CON 023-330: **Rear Arsene Street, Map 28, Lot 008**  
Notice of Intent filed by Vincent Furtado (Board of Public Works) for various improvements to the Water Pollution Control Facility to replace aging infrastructure and install additional treatment to comply with regulatory nitrogen limits, issued by the EPA and the current NPDES permit requirements, located at Rear Arsene Street, Assessor's Map 28, Lot 008. The proposed activities are subject to the Town of Fairhaven Wetlands Bylaw, work to impact Bordering Vegetated Wetlands (BVW), 0-25 Foot Buffer Zone, 25-50-foot Buffer Zone, and the 50-100 Foot Buffer Zone Resource Area.
- f. SE 023-1385, CON 023-279: **27 Silver Shell Beach Drive, Map 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.
- g. 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.

- h. 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-20), Salt Marsh, Coastal Dunes, and Land Subject to Coastal Storm Flowage and Buffer Zones of Bordering Vegetated Wetland and Coastal Beach.
- i. SE 023-1395, CON 023-319: **1 Island View, Map 43, Lot 201** – *Continued from November 7, 2022*  
Notice of Intent filed by Peter Armanetti to construct a single-family dwelling with associated gravel driveway, grading and utilities located at Map 43, Lot 201. Work to take place within 100 feet of a Bordering Vegetated Wetland (BVW) and Bordering Land Subject to Flooding – VE-18 & 19
- j. SE 023-1396, CON 023-320: **2 Island View, Map 43, Lot 201** – *Continued from November 7, 2022*  
Notice of Intent filed by Peter Armanetti to construct a single-family dwelling with associated gravel driveway, grading and utilities located at Map 43, Lot 201. Work to take place within 100 feet of a Bordering Vegetated Wetland (BVW) and Bordering Land Subject to Flooding – VE-18 & 19.
- k. SE 023-1398, CON 023-315: **2 Starboard Drive, Map 42, Lots 9A, 9D, & 9E** – *Continued from November 7, 2022*  
Notice of Intent filed by Dennis Asrenault for the construction of a residential 8-lot subdivision, including the demolition of 1 existing dwelling, a paved roadway, and grading and site development within the 100-foot Buffer Zone and Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE-20, located at Map 42, Lots 9A, 9D, and 9E.
- l. SE 023-\_\_\_\_, CON 023-328: **58 Fort Street, Map 5, Lot 15**  
Notice of Intent filed by Wilson & Kathy Lopes to construct a Redi-Rock precast, concrete, block (retaining) seawall, at the property located at 58 Fort Street, Assessor's Map 5, Lot 15. Work to take place within Land Subject to Coastal Storm Flowage, Zone AE-6, with adjacent Coastal Bank.
- m. SE 023-\_\_\_\_, CON 023-329: **8 Morey Lane, Map 4, Lot 81**  
Notice of Intent filed by Madeira Construction to construct a single-family dwelling with gravel driveway, and shed in addition to the installation of a propane tank and underground utilities and associated placement of fill, including the alteration and replication of a Bordering Vegetated Wetland (BVW), LSCSF VE-15.

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

- a. **CON 19-007, SE 023-1269: 20 Yankee Lane, Map 39, Lot 016:** Discussion on phase 2 timeline

- b. **EO 023-015: 217 Alden Road, Map 36, Lot 085:** Timeline to be established for the commencement of fill removal (Phase 1)
- c. **EO 023-019: 6 Jeannette St, Map, 34A, Lot 062K:** Ratification of new Enforcement Order timeline.
- d. **EO 023-020: 8 Jeannette St, Map 34A, Lot 062P:** Ratification of new Enforcement Order timeline.
- e. **CON 023-181, SE 1333: 18 Point St, Map 28B, Lot 207:** alteration of coastal engineering structure
- f. **10 Point St, Map 28B, Lot 211:** Disappearance of dune
- g. **344 & 346 New Boston Rd, Map 40, Lots 023B & 023C:** unpermitted vegetation clearing in a wetland. Received Proposed Restoration Plan on 12-7-22 for further discussion.
- h. **SE 023-1302, CON 19-066: 6 Emerson Ave, Map 29A, Lot 119:** unpermitted deviation from approved plan, awaiting restoration plan

9. **Correspondence**

- a. Notices to Appear Sent
- b. Notice of Exemption for BPW Force Main Sewer Phase 1

10. **General Business**

- a. Proposal of 2023 Meeting Schedule
- b. Bills
- c. Next Meeting: Monday, January 9, 2023

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

11. **Motion to adjourn**

**Geoff Haworth, Chair**

Fairhaven Conservation Commission

Posted by the Town Clerk: [www.fairhaven-ma.gov](http://www.fairhaven-ma.gov)