

**September 5, 2023
Minutes**FAIRHAVEN TOWN CLERK
RCUD 2023 OCT 11 PM12:08

1. Chairman's Welcome and Media Notification: Acting Chair's Welcome and Media Notification. Ms. Isherwood opened the meeting at 6:15p.m. Karen 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, Jay Simmons, Andrew Saunders, Anthony Couto, Caroline Hawthorne, Ronnie Medina and Jacob Galary

3. Reorganization of the Board

Jay Simmons nominated himself for Chair of the Commission.

Carrie Hawthorne nominated Karen Isherwood as the Chair.

Andrew Saunders made a motion to approve Jay Simmons as Chair. The motion was seconded by Anthony Couto and passed via roll call vote (7-0)

Jay Simmons nominated Karen Isherwood as Vice Chair. The motion was seconded by Caroline Hawthorne and passed via roll call vote (7-0).

Jay Simmons nominated Jake Galary to be Clerk. The motion was seconded by Caroline Hawthorne and passed via roll call vote (7-0).

4. Appoint Community Preservation Committee (CPC) Representative

Karen Isherwood was nominated as the Community Preservation Committee (CPC) representative. The motion was seconded by Caroline Hawthorne and passed via roll call vote (7-0).

5. Approval of the August 7, 2023 meeting minutes

Karen Isherwood made a motion to approve the August 7, 2023 meeting minutes. The motion was seconded by Carrie Hawthorne and passed via roll call vote (7-0).

6. Continuances requested in advance

- a) **SE 023-1385, CON 023-279: 27 Silver Shell Beach Drive, Map 41, Lot 54 (NOI)**
- b) **SE 023-1389, CON 023-284: Ebony Street, Assessor's Map 43C, Lots 389-400 (ANRAD)**
- c) **SE 023-1410, CON 023-347: Bonney Street, Assessor's Map 28B, Lots 488 & 489 (NOI)**
- d) **SE 023-1413, CON 023-351: Cove Street Improvement, Assessor's Map 28B, Lot Cove Street Right-of-Way**

7. Executive Session

Karen Isherwood made a motion to go into Executive Session under General Law, Chapter 30A, Section 21(a)(3) to meet with Town Counsel and discuss pending litigation (Mullen V. Conservation Commission, 2373 CV00201) Bristol Superior Court and to reconvene in an open session at the conclusion of the Executive Session. The motion was seconded by Jake Galary and passed (6-0; 1 abstention).

G.L. c. 30A, s. 21(a)(3): meeting with counsel to discuss pending litigation (Mullen v. Conservation Commission, 2373CV00201 (Bristol Superior Court))

Jay Simmons reconvened the public hearing at 7:35pm and read roll call of all present (7-0).

8. Discuss outstanding Enforcement Order 023-022: 344-346 New Boston Road, Assessor's Map 40, Lot 23B & 23C

Karen Isherwood made a motion to continue (item 8) the outstanding Enforcement Order 023-022: 344-36 New Boston Road, Assessor's Map 40, Lot 23B and 23C to the September 18 2023 meeting. The motion was seconded by Caroline Hawthorne and passed (6-0; 1 abstention).

9. Request for Certificate of Compliance

a) SE 023-1359, CON 023-232: 238 Alden Road, Map 23, Lot 175W

Bruce Webb addressed the Certificate of Compliance (COC) for lot 175W. The lot directly adjacent to the interstate was created as a subdivision with the original being 240 Alden Road; eventually this parcel was subdivided into (3) lots. According to DEP guidance, when a lot is subdivided into smaller lots, all resulting subdivided lots have to file for a COC. Mr. Webb visited the site and located the original wetland delineation flags, performed soil samples, observed vegetation, and found the delineation was accurate. Mr. Webb measured 120 feet from the flag to the edge of fill with no impact on the Buffer Zone or Wetland resource areas.

Karen Isherwood stated COCs consist of 4 options: (1) complete certification; (2) partial certification; (3) invalid Order of Conditions; and (4) ongoing. Ms. Isherwood does not believe this filing falls under any one of those categories. When subdivided, each lot must file for a separate COC. She believes this is an invalid COC and recommended they come back with a request for an amendment to CON 023-232, SE 023-1359. Once the house is built, the address will be for 242 Alden Road.

Bruce Webb stated that because no work on 175W is located in the Buffer Zone and the application was specifically for 238 Alden Road then the Commission can in fact issue a COC specific to 238 Alden Road (175W). There was no construction within a jurisdictional area.

Karen Isherwood suggested this request be withdrawn and the OOC amended. She also asked for a plan with an accurate wetland line.

Bruce Webb does not believe that issuing a COC for 175W will remove the conditions on the other properties within the subdivision.

Jake Galary made a motion to issue a Certificate of Compliance for 238 Alden Road, Map 23, Lot 175W, SE 023-1359, CON 023-232, under the Wetlands Protection Act and the Town of Fairhaven Bylaw. The motion was seconded by Ronnie Medina and passed via roll call vote (5-2).

Jake Galary amended the motion to include the conditions outlined in Attachment A. The motion was seconded by Ronnie Medina and passed via roll call vote (5-2; Karen Isherwood and Jay Simmons opposed).

10. Request for Extension

- a) **SE 023-1314, CON 023-117: 15 Grinnell Street, Map 31A, Lot 97**

Bruce Webb conducted wetland site visits to the east and north of the lot.

Dave Davignon of Schneider, Davignon, and Leone added it has been a challenge to find contractors. This has been previously permitted and does not need a variance.

Karen Isherwood expressed concern with shed being 20 feet from the wetland line.

Jake Galary approved the request for an extension for SE 023-1314, CON 023-117: 15 Grinnell Street, Map 31A, Lot 97 and was seconded by Ronnie Medina.

Jake Galary made an amendment to the motion to issue an Extension to the Amended Order of Conditions for 15 Grinnell Street: Map 31A, SE 023-1314, CON 023-117 under the Wetlands Protection Act and the Town of Fairhaven Bylaw, and extend validity until June 4th, 2026. The motion was seconded by Ronnie Medina and passed via roll call vote (4-3; Caroline Hawthorne, Jay Simmons and Karen Isherwood opposed).

- 11. 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:**

Requests for Determination of Applicability

- a) **CON 023-349: 128 Balsam Street, Assessor's Map 43A, Lot 069 - *Applicant requested to Withdraw without Prejudice***

Request for Determination of Applicability filed by Matthew Brodo to add second floor master bedroom suite eliminating a first-floor bedroom which will convert to a stairwell. This project will require 8 concrete footings and piers to elevate and create a freestanding second floor above and out of the FEMA elevation criteria. Additionally, the request is for 4 smaller piers for a first-floor porch to create a second point of egress. Work located at Assessor's Map 43A, Lot 069.

Karen Isherwood made a motion to accept the Withdrawal without Prejudice at the applicant's request for CON 023-349: 128 Balsam Street, Assessor's Map 43A, Lot 069. The motion was seconded by Caroline Hawthorne and passed via roll call vote (7-0).

- b) **CON 023-362: 61 Nakata Avenue, Map 43, Lot 103-104**

Request for Determination of Applicability filed by Jinny Kimball to re-install 5-foot fence with steel posts to property boundaries on south and north sides. Work to take place within FEMA Flood Zone VE (El.20') at Assessor's map 43, Lots 103-104.

(1:20) Agent, Bruce Webb, stated this is an after-the-fact for a 6-foot stockade fence. The original fence, in the same location was knocked down by a winter storm. The property owner had chosen something similar to their previous fence to protect their dogs. In the past, the Commission has suggested shadow boxes and 6-inch gaps under the fence for velocity zones. Mr. Webb reached out to both DEP and Coastal Zone Management and both agencies stated their

guidance would not prohibit a 6-foot privacy fence in a Velocity Zone. Currently, there is no site plan, but considering this is an after-the-fact filing and in the same location as the previous fence, Mr. Webb did not have any issues approving.

Karen Isherwood stated fences in Velocity Zones need to be 50 percent open. She also considers this application incomplete without the waiver.

Karen Isherwood made a motion to continue CON 023-362: 61 Nakata Avenue, Map 43, Lot 103-104 to the September 18, 2023 meeting for the application to be completed. The motion was seconded by Caroline Hawthorne and passed via roll call vote (7-0).

c) CON 023-365: Charity Stevens Lane, Map 38, Lot 8B

Request for Determination of Applicability filed by Oliveira Investment Inc. to allow for the drinking water well & piping, intended to service the proposed single-family dwelling which falls outside the jurisdiction area. The wall and associated pipe appear to fall within a 100' Buffer Zone to a BVW located on a property opposite of Bridge Street. In addition, there is a Perennial Stream in which the well falls within the 200' River Front area. Work to take place at Assessor's Map 38, Lot 8B.

(1:34) Bruce Webb informed the Commission that the application is for a well already constructed, which is located in the outer riparian. The well and associated plumbing is the only disturbance in the jurisdictional resource area.

Karen Isherwood was concerned about wetland vegetation.

Bruce Webb affirmed vegetation consisted of was red clover, white clover, grass species, fescue species, and he did not witness any visible redox visible in the soil.

Mr. Webb stated the exiting well is at the outer edge of the 200-foot riparian.

Karen Isherwood to close the public hearing for CON 023-365, Charity Steven, Map 38, Lot 88, and issue a Positive 2b for, 100-foot buffer zone to Boarding Vegetative Wetland and 200-foot river front area, Negative Determination 3, and a Negative Determination 6, with the added condition CAP-3 under the Wetlands Protection Act and Fairhaven Wetlands Bylaw. The motion was seconded by Caroline Hawthorne and passed via roll call vote (7-0).

d) CON 023-366: 449 Bridge Street, Map 30, Lot 021B

Request for Determination of Applicability filed by Kevin Kobza to pave existing driveway with asphalt surface. The finished size of the footprint will be the same size as the existing footprint. Work to take place within Bordering Vegetated Wetlands (BVW) at Assessor's Map 30, Lot 021B.

Applicant, Kevin Kobza, would like to asphalt an existing driveway. The southernmost portion would be 30 feet from the wetland.

Bruce Webb agreed that there is 30 plus feet between the lawn and the edge of the driveway

Karen Isherwood made a motion to close the public hearing for CON 023-366, 449 Bridge Street, Map 30, Lot 021B, and issue a Positive 2b for the 100-foot Buffer Zone to the Bordering

Vegetative Wetland, Negative Determination 3, and a Negative Determination 6, with the added condition CAP-3 under the Wetlands Protection Act and Fairhaven Wetlands Bylaw. The motion was seconded by Caroline Hawthorne and passed via roll call vote (7-0).

Notices of Intent

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.

(1:59-2:03) John Rockwell addressed the Commission regarding this filing. This is an ongoing project for a building in what is now a parking lot area. He recommended that hydrology issues be redone from the original submittal and reviewed by a professional engineer. The Commission requested Mike Carter of G.C.G. to review, who is also the Planning Board reviewer. There is an area within the parking lot that infringes on the 25 no-build, 20-foot no disturbance and a portion of the building is proposed in the 50-foot no build zone. These areas were not flagged as wetlands when they did the ANRAD. Wetland hydrology was altered in the past and the Commission may want to consider hydrology taken back to the original flow. Mr. Rockwell supplied a memo to the Commission and Mr. Gioiosa.

(2:04-2:13) Steve Gioiosa, one of the consultants working with Fairhaven Properties had a discussion with Mr. Rockwell and agreed to meet again to review his report. Currently, he is addressing clean up items and looking for a drainage consultant. He agreed with using same consultant as the town planner to streamline the project and timeline. There are some follow up meetings with the BPW to confirm utility details. Mr. Gioiosa requested a 4-week continuance.

Karen Isherwood made a motion to continue SE 023-1391, CON 023-291: Bridge Street, Map 36, Lot 15J to the October 10, 2023 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed via roll call vote (7-0).

f) SE 023-1415, CON 023-354: 837 Sconticut Neck Road, Assessor's Map 42, Lot 015R

Notice of Intent filed by Marc & Donna Oliveira to install a 28' x 26' carport with associated grading. This area is currently a paved driveway and part landscaped area. Work to take place within Land Subject to Coastal Storm Flowage (LSCSF) and located at Assessor's Map 42, Lot 015R.

(2:20-2:21) Bruce Webb gave an overview of the proposed carport on the existing driveway, which is within the 25–50-foot Buffer Zone of the BVW. The applicant changed the design several times to address the Commission's concerns. A drain and a pollutant capture system was added to the design and plan.

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 023-1415, CON 023-354, 837 Sconticut Neck Road, Map 42, Lot 015R. The motion was seconded by Caroline Hawthorne and passed via roll call vote (7-0).

Karen Isherwood made a motion to close the public hearing for SE 023-1415, CON 023-354, 837 Sconticut Neck Road, Map 42, Lot 015R, approving the plans titled "Oliveira Car Port" sheets 1 and 2, dated 8-30-2023, sheet 3 dated 10-25-2022, and issue an Order of Conditions outlined in Attachment A dated September 5, 2023, with the 45 conditions under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Ronnie Medina and passed (7-0).

g) **SE 023-1419, CON 023-357: 28 Welcome Street, Map 31B, Lot 1D**

After-the-Fact Notice of Intent filed by Armand Rebello to construct a 20'x60' paved driveway with associated grading and placement of a 10'x16' shed in the Buffer Zone and Riverfront Area in an area of existing lawn located at Assessor's Map 31B, Lot 1D.

(2:30-2:35) Bruce Webb gave an overview and stated the proposed activities are subject to the WPA and the Bylaw, work will impact the 0-100' and 100'-200' Riverfront Areas, 0-25' Buffer Zone, 25-50-foot Buffer Zone, and the 50-100-foot Buffer Zone Resource Areas. The stream was not included in previous applications, but the applicant has recently supplied photos of dry conditions for (4) consecutive days, which labels the stream as intermittent.

Andrew Saunders made a motion to accept the affidavit for SE 023-1419, CON 023-357: 28 Welcome Street, Map 31B, Lot 1D of no flow conditions, and view the stream as intermittent. The motion was seconded by Jake Galary and passed via roll call vote (6-1)

Andrew Saunders made a motion to approve SE 023-1419, CON 023-357: 28 Welcome Street, Map 31B, Lot 1D conditional on the applicant returning the restoration area to an unmaintained/unmowed state. The motion was seconded by Ronnie Medina and passed (6-0; with 1 abstention).

Andrew Saunders withdrew the previous conditions.

Andrew Saunders made a motion to close public hearing SE 023-1419, CON 023-357: 28 Welcome Street, Map 31B, Lot 1D approving the plan titled "Plan to Accompany Notice of Intent" with the date of May 31, 2023 and issue an Order of Conditions outlined in Attachment A with the staff report dated September 5, 2023, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. This approval is contingent on the recreation of the replication area shown on the previous approved plan titled "Site Layout", Grading and Utilities Plan" with the revision date of April 12, 2020 being completed and maintained as wetland replication area. The motion was seconded by Anthony Couto and passed via roll call vote (6-1).

Andrew Saunders made a motion to approve the variance request (192.8 under Buffer Zone regulations) for SE 023-1419, CON 023-357: 28 Welcome Street, Map 31B, Lot 1D under the Fairhaven Wetlands Bylaw, Chapter 192, Section 8, of the Buffer Zone Regulations, for SE 023-1415, CON 023-354, 28 Welcome Street, Map 31B, Lot 1D. The motion was seconded by Ronnie Medina and passed via roll call vote (6-1).

h) **SE 023-1422, CON 023-363: 41 Nakata Avenue, Map 43, Lot 113**

Notice of Intent filed by Catherine Freitas to upgrade existing failed septic system; existing cesspool will be removed from the site and a new 2000-gallon monolithic h-20 loading concrete tight tank will be installed to meet title 5 requirements. The proposed work falls approximately 5'

from Coastal Beach and Coastal Dune and falls completely within the FEMA flood zone VE-20 located at Assessor's map 43, Lot 113.

(3:10) Bruce Webb added the tight tank is within F.E.M.A. Flood Zone (2000-gallon capacity). The plan indicates this will be outside the 0-25-foot Buffer Zone. The plan also shows calculations to ensure buoyancy in flood conditions with the weight of the tank greater than the buoyancy of the tank. There are no issues with grade or deflection or refraction of waves.

Jamie Bissonnette from Zenith Consulting added a ballast will be placed on top of the tank to ensure buoyancy. The existing system, located in the backyard, is being replaced in a similar location.

Karen Isherwood made a motion to close the public hearing for SE 023-1422, CON 023-363, 41 Nakata Avenue, Map 43, Lot 113, approving the plan titled "Tight Tank Design" revision dated 08/21/2023 and issue an Order of Conditions outlined in Attachment A dated 9-5-2023 under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Caroline Hawthorne and passed via roll call vote (7-0).

i) **SE 023-1424, CON 023-367: 11 Alexander Lane, Map 30, Lot 045U**

Notice of Intent filed by Thomas Ferreira and Nicole Bourgeois to remove previously placed debris (i.e., yard and household items) within the Buffer Zone to a Bordering Vegetated Wetland (BVW) located on the southerly portion of the site; and the construction of an addition onto the existing single-family dwelling that will be within the Buffer Zone to the BVW. All work located at Assessor's Map 30, Lot 045U.

Bruce Webb gave an overview on the restoration plan and will conduct a site visit within the next week. He recommended to continue to the September 18, 2023 meeting for further details.

Karen Isherwood made a motion to continue SE 023-1424, CON 023-367, 11 Alexander Lane, Map 30, Lot 045U, to the September 18th, 2023 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (7-0).

j) **SE 023-1423, CON 023-364: Bridge Street, Map 30A, Lot 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 at Assessor's Map 30A, Lots 87 & 87A.

(3:27) Bruce Webb added the area is previously disturbed; not maintained and overgrown with upland vegetation. There is a detention basin to the south of the lot, which will be expanded to accommodate an increase in stormwater. Mr. Webb asked for stormwater report and additional reports addressing the intermittent status of the Nasketucket Bay River.

Jamie Bissonnette of Zenith Engineering added the site is comprised of about 3.3 acres. They did not re-delineate the wetland; they used an approved plan. The project is located in Flood Zone X, which is outside any flood hazard, and not in Natural Heritage jurisdiction. There will be an outlet

control structure, which will be placed in a drainage manhole that will overflow into the modified drainage basins.

Ronnie Medina offline at 10:27pm.

Andrew Saunders recused himself from SE 023-1423, CON 023-364: Bridge Street, Map 30A, Lot 87 & 87A.

Karen Isherwood recommended stormwater peer review.

Karen Isherwood made a motion to continue SE 023-1423, CON 023-364, Bridge Street, Map 30A, Lot 87 & 87A, to the October 10th, 2023 meeting at the applicant's request. The motion was seconded by Jay Simmons and passed (5-0; 1 abstention).

k) **CON 023-368: 43 Reservation Road, Map 29A, Lot 351**

Notice of Intent filed by Natalie Caetano for a retroactive approval of a paved driveway and to construct a circular area approximately 16'x16' landing for sitting and bird watching. Work to take place in Land Subject to Coastal Storm Flowage (LSCSF), FEMA Flood Zone VE (El.16'), Buffer to BVW, Coastal Dune, Salt Marsh, and Coastal Beach all at Assessor's Map 29A, Lot 351.

CON 023-368: 43 Reservation Road, Map 29A, Lot 351 continued to September 18, 2023

l) **SE 023-1426, CON 023-369: Goulart Memorial/Causeway, Map 43A**

Notice of Intent filed by James Clancy of Eversource Energy for the construction, reconstruction, and maintenance of the following structures associated with and essential to an electric generating facility. Work to take place within Land Under the Ocean (LUO), Coastal Beach, Coastal Dune, Coastal Bank, Salt Marsh, Land Containing Shellfish, Isolated Land Subject to Flooding (ISLF), and Land Subject to Coastal Storm Flowage (LSCSF) at Assessor's Map 43A.

SE 023-1426, CON 023-369: Goulart Memorial/Causeway, Map 43A continued to September 18, 2023

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

Notice of Intent filed by Christopher and Donna Braga to complete seawall maintenance by pouring a 6" thick steel reinforced concrete cap. Additionally, will pour a 4" thick concrete face and top on the existing upper-level vertical wall. Work to take place within Coastal Storm Flowage, Flood Zones VE (El. 20 & 23). The stone/concrete seawall to be repaired is the Coastal Bank. The site also contains Coastal Beach between the face of the seawall and mean low water. The entire site falls within the 100-foot Buffer Zone of the top of the Coastal Bank located at Assessor's Map 42, Lot 34.

Karen Isherwood made a motion to close the public hearing for SE 023-1421, CON 023-361, 2 Bayside Street, Map 42, Lot 34, approving the plan titled "Seawall Repair Plan" with the revised date 08/31/2023 and issue an Order of Conditions outlined in Attachment A dated 9-5-2023, with the added condition the construction activity, including staging of construction material and equipment, as well as equipment transit to and from the construction site, should avoid intertidal habitat to the greatest extent practicable. Any work in the intertidal zone should be limited to low tide; such work is conducted in the "dry" zone under the Wetlands Protection Act and the

Fairhaven Wetlands Bylaw. It is contingent upon the Shellfish Warden to determine the fee to be paid prior to the issuance of the order. The motion was seconded by Caroline Hawthorne and passed (6-1).

n) **SE 023-1425, CON 023-370: 24 Smith Street, Map 29B, Lots 19-22 & 32-35**

Notice of Intent filed by Albert & Bernice Gaudreau to pave gravel driveway and install a sewer and water service pipe to the existing garage. Work to be performed within the 100 ft. Buffer Zone of a Bordering Vegetated Wetland and within Land Subject to Coastal Storm Flowage, Flood Zone AE, (El.14') at Assessor's Map 29B, Lots 19-22 and 32-35.

Bruce Webb stated this application is for a concrete driveway and sewage, associated with the driveway. The project will consist of additional work, but will be outside the jurisdictional area. He recommended approval of the driveway and added it is on the very edge of AE Flood Zone (slopes to the east of driveway and wave generated debris unlikely).

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 023-1425, CON 023-370, 24 Smith Street, Map 29B, Lots 19-22 and 32-35. The motion was seconded by Caroline Hawthorne and passed (6-0).

Karen Isherwood made a motion to close the public hearing for SE 023-1425, CON 023-370, 24 Smith Street, Map 29B, Lots 19-22 and 32-35, approving the plan titled "Site Plan" with the revised date of 8/28/2023 and issue an Order of Conditions outlined in Attachment A dated 9-5-2023, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw with the revision to add condition 7, ADD-4a and to change the revised plan date to 8-28-2023. The motion was seconded by Caroline Hawthorne and passed (6-0).

o) **CON 023-371: 217 Alden Road, Map 36, Lot 085**

Notice of Intent filed by Shaun DeGrace for a concrete patio (13'x47') with drainage in the back of the house, an extension of the asphalt driveway (30'x15') and add a 6' fence within 100 ft. to the Bordering Vegetated Wetlands (BVW). Work to take place within Buffer Zone to BVW at Assessor's Map 36, Lot 085.

CON 023-371: 217 Alden Road, Map 36, Lot 085 to be continued to September 18, 2023

12. Violations/Enforcement Orders/Cease and Desist Notices

a) **EO 023-019: 6 Jeannette Street, Map 34A, 62K:** BVW Delineation Spring 2023; Commission awaiting restoration plan; Conservation Agent to discuss fines and progress

Bruce Webb informed the Commission that the owners retained an expert in the field. Michael Sites and a wetland scientist with Environmental Consulting & Restoration, LLC. Mr. Webb is awaiting a delineation, and receiving regular updates from Mr. Sites

Karen Isherwood made a motion to put a stay on ticketing for 6 Jeannette Street, Map 34A, 62K Enforcement Order 023-019, Map 34A, Lot 62K until the September 18, 2023 meeting. The motion was seconded by Caroline Hawthorne and passed via roll call vote (6-0).

- b) **EO 023-020: 8 Jeannette Street, Map 34A, Lot 62P:** BVW Delineation Spring 2023; Commission awaiting restoration plan; Conservation Agent to discuss fines and progress

Karen Isherwood made a motion to put a stay on ticketing for 8 Jeannette Street, Map 34A, Lot 62P Enforcement Order 023-020, Map 34A, Lot 62P until the September 18, 2023 meeting. The motion was seconded by Caroline Hawthorne (6-0).

13. General Business

- a) Bills

\$215.00 – Fairhaven Neighborhood News Legal Notices

\$41.49 – Verizon

Karen Isherwood made motion to accept the bills as presented. The motion was seconded by Caroline Hawthorne and passed via roll call vote (6-0).

- b) **SE 023-1395, CON 023-319: 1 Island View Drive and SE 023-1396, CON 023-320: 2 Island View Drive:** Discuss the letter responding to the Department of Environmental Protection (MassDEP)

Karen Isherwood made a motion to send the Site Visit Response Letter for 1 Island View Road, SE 023-1395, CON 023-319, Map 43, Lot 201 and 2 Island View Road, SE 023-1396, CON 023-320, Map 43, Lot 201 to Nate Corcoran at the Department of Environmental Protection, James Marsh, Stephen Carvalho, Peter Armanetti, Thomas Ferreira, Samuel Haines, and Heather White with the Amendment of changing the acting Chair to Jay Simmons as Chair. The motion was seconded by Caroline Hawthorne and passed via roll call vote (6-0).

- c) Next Meeting: September 18, 2023

- d) Next site visit date: Tuesday, September 12, 2023 at 12:00pm

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

Andrew Saunders made a motion to adjourn at 11:38pm. The motion was seconded by Karen Isherwood and passed via roll call (6-0).

Jay Simmons, Chair

Fairhaven Conservation Commission

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