

Conservation Commission**April 22, 2024**

1. **Chairman's Welcome and Media Notification:** Karen Isherwood opened the meeting at 6:03p.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, Caroline Hawthorne, Jacob Galary, Anthony Couto & Ronnie Medina
3. **Continuances in Advance**
4. **Allen Decker of the Buzzards Bay Coalition to discuss the Carvalho Woods and Douglass Farm Conservation Restrictions**

Allen Decker sought Conservation's approval as the grantee for property owned by the Buzzards Bay Coalition (BBC).

There will be an additional request for Community Preservation Committee (CPC) funds at the May Town Meeting.

Karen Isherwood made motion for the Conservation Commission to accept and approve the Conservation Restriction over Carvalho Woods as presented and to sign the acceptance page thereof. The motion was seconded by Carrie Hawthorne and passed (5-0).

BBC purchased Douglas Farm in 2023 and they are seeking a Conservation Restriction (CR) for a portion of the property. Currently, the Fairhaven Acushnet Land Trust (FALT) holds the CR in another portion of the site. This CR request is for 5.7 acres in the western portion (proximity to Goulart Memorial Drive in West Island). There will be no town meeting element to this property.

Karen Isherwood made a motion to accept and approve the Conservation Restriction over Douglass Farm II as presented and in addition to sign the acceptance page thereof. The motion was seconded by Caroline Hawthorne and passed (5-0).

5. **NOI Conditions to be Issued**

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

Caroline Hawthorne made a motion to approve the plan titled "Subsurface Sewage Disposal System" with the revised date March 26, 2024 and issue an Order of Conditions outlined in Attachment A dated April 22, 2024, for SE 023-1385, CON 023-279, 27 Silver Shell Beach Drive,

Map 41, Lot 54, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Jake Galary and passed (5-0).

- b) **SE 023-1440, CON 023-394: 833 Sconticut Neck Road, Map 42, Lot 15N**
Caroline Hawthorne made a motion to approve the plan titled "Sewage Disposal System – Site Plan" Sheets 1 and 2 with the revised date March 19, 2024 and issue an Order of Conditions outlined in Attachment A dated April 22, 2024, for SE 023- 1440, CON 023-394, 833 Sconticut Neck Road, Map 42, Lot 15N, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Jake Galary and passed (5-0).
- c) **SE 023-1439, CON 023-395: 831 Sconticut Neck Road, Map 42, Lot 15M**
Caroline Hawthorne made a motion to approve the plan titled "Sewage Disposal System – Site Plan" Sheets 1 and 2 with the revised date March 19, 2024 and issue an Order of Conditions outlined in Attachment A dated April 22, 2024, for SE 023-1439, CON 023-395, 831 Sconticut Neck Road, Map 42, Lot 15M, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Jake Galary and passed (5-0).
- d) **SE 023-1442, CON 023-397: Starboard Drive (Subdivision Lot #1), Map 42, Portion of Lot 9A**
Caroline Hawthorne made a motion to approve the plan titled "Site Plan Subdivision Lot #1 @ Starboard Drive Estates" with the revised date March 19, 2024 and issue an Order of Conditions outlined in Attachment A dated April 22, 2024, for SE 023-1442, CON 023-397, Starboard Drive (Subdivision Lot #1), Map 42, Portion of Lot 9A, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Anthony Couto and passed (4-0; 1 recusal).
- e) **SE 023-1443, CON 023-398: Starboard Drive (Subdivision Lot #2), Map 42, Portion of Lot 9A**
Caroline Hawthorne made a motion to approve the plan titled "Sewage Disposal System – Site Plan Subdivision Lot #2 at Starboard Drive Estates" Sheets 1 and 2 with the revised date March 19, 2024 and issue an Order of Conditions outlined in Attachment A dated April 22, 2024, for SE 023-1443, CON 023-398, Starboard Drive (Subdivision Lot #2), Map 42, Portion of Lot 9A, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Anthony Couto and passed (4-0; 1 recusal).
- f) **SE 023-1444, CON 023-399: Starboard Drive (Subdivision Lot #3), Map 42, Portion of Lot 9A**
Caroline Hawthorne made a motion to approve the plan titled "Sewage Disposal System – Site Plan Subdivision Lot #3 at Starboard Drive Estates" Sheets 1 and 2 with the revised date March 19, 2024 and issue an Order of Conditions outlined in Attachment A dated April 22, 2024, for SE 023-1444, CON 023-399, Starboard Drive (Subdivision Lot #3), Map 42, Portion of Lot 9A, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Ronnie Medina and passed (4-0; 1 recusal).
- g) **SE 023-1452, CON 023-400: Starboard Drive (Subdivision Lot #4), Map 42, Portion of Lot 9A**
Caroline Hawthorne made a motion to approve the plan titled "Site Plan Subdivision Lot #4 at Starboard Drive Estates" with the revised date March 19, 2024 and issue an Order of Conditions outlined in Attachment A dated April 22, 2024, for SE 023-1452, CON 023-400, Starboard Drive (Subdivision Lot #4), Map 42, Portion of Lot 9A, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Antony Couto and passed (4-0; 1 recusal).

- h) **SE 023-1448, CON 023-401: Starboard Drive (Subdivision Lot #5), Map 42, Portion of Lot 9A**
Caroline Hawthorne made a motion to approve the plan titled "Site Plan Subdivision Lot #5 at Starboard Drive Estates" with the revised date March 19, 2024 and issue an Order of Conditions outlined in Attachment A dated April 22, 2024, for SE 023-1448, CON 023-401, Starboard Drive (Subdivision Lot #5), Map 42, Portion of Lot 9A, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Antony Couto and passed (4-0; 1 recusal).
- i) **SE 023-1447, CON 023-402: Starboard Drive (Subdivision Lot #6), Map 42, Portion of Lot 9A**
Caroline Hawthorne made a motion to approve the plan titled "Site Plan Subdivision Lot #6 at Starboard Drive Estates" with the revised date March 19, 2024 and issue an Order of Conditions outlined in Attachment A dated April 22, 2024, for SE 023-1447, CON 023-402, Starboard Drive (Subdivision Lot #6), Map 42, Portion of Lot 9A, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Anthony Couto and passed (4-0; 1 recusal).
- j) **SE 023-1446, CON 023-403: Starboard Drive (Subdivision Lot #7), Map 42, Portion of Lot 9A**
Caroline Hawthorne made a motion to approve the plan titled "Site Plan Subdivision Lot #7 @ Starboard Drive Estates" with the revised date March 19, 2024 and issue an Order of Conditions outlined in Attachment A dated April 22, 2024, for SE 023-1446, CON 023-403, Starboard Drive (Subdivision Lot #7), Map 42, Portion of Lot 9A, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Anthony Couto and passed (4-0; 1 recusal).
- k) **SE 023-1445, CON 023-404: Starboard Drive (Subdivision Lot #8), Map 42, Portion of Lot 9A**
Caroline Hawthorne made a motion to approve the plan titled "Sewage Disposal System – Site Plan Subdivision Lot #8 @ Starboard Drive Estates" Sheets 1 and 2 with the revised date March 19, 2024 and issue an Order of Conditions outlined in Attachment A dated April 22, 2024, for SE 023-1445, CON 023-404, Starboard Drive (Subdivision Lot #8), Map 42, Portion of Lot 9A, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Anthony Couto and passed (4-0; 1 recusal).
- l) **SE 023-1449, CON 023-405: Starboard Drive (ANR #1), Map 42, Portion of Lot 9B**
Caroline Hawthorne made a motion to approve the plan titled "Sewage Disposal System – Site Plan ANR #1 at Starboard Drive Estates" Sheets 1 and 2 with the revised date March 19, 2024 and issue an Order of Conditions outlined in Attachment A dated April 22, 2024, for SE 023-1449, CON 023-405, Starboard Drive (ANR #1), Map 42, Portion of Lot 9B, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Anthony Couto and passed (4-0).
- m) **SE 023-1450, CON 023-406: Starboard Drive (ANR #2), Map 42, Portion of Lot 9C**
Agent confirmed Attachment A states this will be a 4-bedroom dwelling.

Caroline Hawthorne made a motion to approve the plan titled "Sewage Disposal System – Site Plan ANR #2 at Starboard Drive Estates" Sheets 1 and 2 with the revised date March 19, 2024 and

issue an Order of Conditions outlined in Attachment A dated April 22, 2024 R1, for SE 023-1450, CON 023-406, Starboard Drive (ANR #2), Map 42, Portion of Lot 9C, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Anthony Couto and passed (4-0; 1 recusal).

6. **Requests for Certificates of Compliance**

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

(45:00) Dave Davignon of Schneider, Davignon & Leone stated this request is for work consisting of an after-the-fact seawall repair; a majority of the work is underway.

In January, several coastal storm events caused damage to the backside of the seawall (adjacent to the house). A Notice of Intent was filed for this additional work. Given that the NOI proposes to address recent erosion, Mr. Davignon requested the Commission to close out the pending COC.

Caroline Hawthorne made a motion to issue a Certificate of Compliance for a complete certification under the Wetlands Protection Act and Fairhaven Wetlands Bylaw for SE 023-1421, CON 023-361, 2 Bayside Street, Map 42, Lot 34, with the following ongoing conditions, CHM-2 and DER-4 as listed in the order of conditions. The motion was seconded by Jake Galary and passed (5-0).

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

(49:44) Rick Charon summarized the changes made. He feels rocks on edge of dune were noted and removed under the Commission. Feels bad winter storms have given the property a beating. Does not believe the owner did anything intentionally. Will be working on the breakaway walls and will notify the office when ready for a site visit.

Karen Isherwood questioned Conditions 43: FZ-3. She would like to have another site visit when breakaway panels are complete.

The office received response form the Department of Marine Fisheries (DMF); they advised any restoration efforts to commence once horseshoe crab breeding season is over.

Caroline Hawthorne made a motion to continue SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207 to May 6, 2024 at the applicant's request. The motion was seconded by Jake Galary and passed (5-0).

c) **SE 023-____, CON 023-____: 52 Cottonwood Street, Map 43C, Lot 122**

(1:01:57) Bruce Webb applicant looking for COC for an OOC issued in 1989; only document from the time does not give description of work. No records in the building department. The owner believed OOC coincides with work to raze the dwelling. The property looks in compliance with the WPA and the bylaw. Unsure if work fell under FEMA requirements at the time. Agent reached out to state flood plain manger Joy Depault but has not received response at this time.

Stevie Carvalho of Farland Corp. confirmed there is no description of work on file. The owner requires a COC for a closing sale.

Karen Isherwood would like to determine if the house was raised to base level elevation.

Caroline Hathorne made a motion to continue SE 023-____, CON 023-____:52 Cottonwood Street, Map 43C, Lot 122 to the May 6, 2024 meeting at the applicant's request. The motion was seconded by Jake Galary and passed (5-0).

7. Request for Extension - ORAD

a) SE 023-1355, CON 023-227: 14 Plaza Way, Map 27, Lot 13

(1:17:31) Bruce Webb ORAD extension request. Feels comfortable approving this extension; no changes in hydrology.

Karen Isherwood made a motion to extend the resource area delineation for SE 023-1355, CON 023-227: 14 Plaza Way, Map 27, Lot 13 until July 1, 2027 under the WPA and the bylaw. The motion was seconded by Jake Galary and passed (5-0).

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:

Karen Isherwood made a motion to take 8.I out of order and was seconded by Jake Galary. The motion carried (5-0).

Requests for Determination of Applicability

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

Request for Determination of Applicability filed by Joyce Lopes to install 120 feet of FEMA compliant shadow box fencing along the south property line, consisting of approximately 15 cemented posts and 6 inches off the ground. Work to take place in Land Subject to Coastal Storm Flowage (LSCSF) and the 100-foot Buffer Zone to Coastal Dune at the property located at Assessor's Map 41, Lot 54.

CON 023-372: 29 Silver Shell Beach Drive, Map 41, Lot 53 continued to May 6, 2024 at the applicant's request.

b. CON 023-416: 5 Billy's Way, Map 29A, Lots 185 & 186

Request for Determination filed by Sharon Simmons to install a FEMA compliant, perimeter fence (up to 450') – 6" stockade or 50 percent passthrough. Posts will either be sonotubes or driven wooden posts. Work to take place within Land Subject to Coastal Storm Flowage (LSCSF), Buffer Zone to a Coastal Dune, and FEMA Flood Zone VE (El.16') located at Assessor's Map 29A, Lots 185 & 186.

Karen Isherwood made a motion to close the public hearing for CON 023-416, 5 Billy's Way, Map 29A, Lot 185 & 186, and issue a Positive 2b for Buffer Zone to Coastal Dune, and a Negative Determination 3, with the added conditions CAP-3, FZ-1, and the fence within the velocity flood zone shall be FEMA compliant and be at least 50% open using a shadowbox fence or equivalent. The entire fence shall have a gap of no less than 6 inches between the ground and the lowest horizontal part of the fence. The entire fence shall have a space of no less than 6 inches from both vertical sides to other structures such as but not limited to fences, sheds, garages. No object or structure may impede the primary function of the shadowbox fence which is to allow for coastal storm flowage and runoff, under the Wetlands Protection Act and Fairhaven Wetlands Bylaw. The motion was seconded by Jake Galary and passed (5-0).

c. CON 023-410: 168 Balsam Street, Map 43B, Lots 33 & 34

Request for Determination filed by Kirk & Rene Pinto to remove and replace a masonry foundation wall along the water side of the house and replace with concrete block wall; they also request to remove a concrete patio and replace with a post-supported timber deck. Work to take place within 100 ft. to the Buffer Zone of a Coastal Bank and Salt Marsh, Land Subject to Coastal Storm Flowage (LSCSF), and FEMA Flood Zone VE (El.16' & 17') at Assessors' Map 43B, Lots 33 & 34.

(1:44:40) Dave Davignon requested to continue the matter to allow the general contractor time to submit a plan depicting two rows of sonotubes that state "Independently supported deck."

Karen Isherwood made a motion to close the public hearing for CON 023-410, 168 Balsam Street, Map 43B, Lots 33 & 34, and issue a Positive 2b for Buffer Zone to Coastal Bank and Salt Marsh, and a Negative Determination 3, with the added conditions CAP-3, FZ-1, LOW-1, MAC-9, WAT-3, and WAS-2, under the Wetlands Protection Act and Fairhaven Wetlands Bylaw. The motion was seconded by Jake Galary and passed (5-0).

Notices of Intent

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

Notice of Intent filed by Shaun DeGrace 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 85.

Agent requested variance request form; work within 25 feet from the wetland boundary.

Karen Isherwood would like all water to flow properly and no impact the wetland.

Caroline Hawthorne made a motion to continue SE 023-14__, CON 023-371: 217 Alden Road, Map 36, Lot 85 to the May 6, 2024 at the applicant's request. 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. SE 023-1391, CON 023-291: Bridge Street, Map 36, Lot 15J to be continued to the May 6, 2024 meeting.

Action: Conservation office to send revised materials to peer reviewer John Rockwell.

SE 023-1391, CON 023-291: Bridge Street, Map 36, Lot 15J was continued to May 6, 2024.

f. 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 the May 6, 2024 meeting at the applicant's request.

g. 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.

Karen Isherwood made a motion to continue SE 023-1423, CON 023-364, Bridge Street, Map 30A, Lots 87 & 87A, to the May 6, 2024 meeting for lack of representation for this meeting. The motion was seconded by Jake Galary and passed (5-0).

h. 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.

(2:15:22) Attorney, James Marsh informed the Commission that wetland resources have been flagged by EcoSystems Solutions.

Action: Conservation Office to send James Marsh all peer review quotes.

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

i. 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.18' & 19') at Assessor's Map 43, Lot 201.

(2:20:58) Attorney Marsh stated final revised proposals were submitted and is confident the plans meet all performance standards for the resource areas.

Karen Isherwood made a motion to close the public hearing for SE 023-1395, CON 023-319, 0 Sconticut Neck Road, Map 43, Lot 201, known as 1 Island View Road, approving the plan titled "Plan to Accompany Notice of Intent" with the revised date April 9, 2024, and the plan titled "Subsurface Sewage Disposal System Lot 2 Island View" with the revised date December 13, 2023, and issue an Order of Conditions outlined in Attachment A dated April 22, 2024, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Jake Galary and passed (5-0).

j. 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 (El.18' & 19') at Assessor's Map 43, Lot 201.

Karen Isherwood made a motion to close the public hearing for SE 023-1396, CON 023-320, 0 Sconticut Neck Road, Map 43, Lot 201, known as 2 Island View Road, approving the plan titled "Plan to Accompany Notice of Intent" with the revised date April 9, 2024, and the plan titled "Subsurface Sewage Disposal System Lot 2 Island View" with the revised date December 13, 2023 and issue an Order of Conditions outlined in Attachment A dated April 22, 2024, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Caroline Hawthorne and passed (5-0).

k. 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.

SE 023-1453, CON 023-408: 29 Nakata Avenue, Map 43, Lot 119 continued to the May 6, 2024 meeting.

l. 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 FEMA Flood Zone VE (El.16') and a portion within Coastal Dune & Coastal Beach at Assessor's Map 28B, Cove Street Right-of-Way.

(1:22:00) Mike Carter of GCG represented the Board of Public Works (BPW).

The agent contacted CZM in regards to erosion on the beach area. GCG will add catch basin for easier maintenance.

The agent does not feel improvements will interfere with beach migration; no hindrance to the dune.

Caroline Hawthorne made a motion to continue SE 023-1451, CON 023-411, Cove Street, Map 28B, Cove Street Right of Way, to the May 6, 2024 meeting at the applicant's request. The motion was seconded by Jake Galary and passed (5-0).

m. SE 023-1454, CON 023-413: 188 Balsam Street, Map 43B, Lot 43

Notice of Intent filed by John Elander/Fairhaven Realty Trust to remove deteriorating concrete vertical seawall and replace with a precast block wall. Work to be performed on Coastal Beach, Land Containing Shellfish, Coastal Bank, Land Subject to Coastal Storm Flowage (LSCSF), and FEMA Flood Zone VE (El. 16' & 17') at Assessors' Map 43B, Lot 43.

The agent scheduled site visit with CZM on Wednesday, April 24, 2024.

Caroline Hawthorne made a motion to continue SE 023-1454, CON 023-413, 188 Balsam Street, Map 43B, Lot 43, to the May 6, 2024 meeting at the applicant's request. The motion was seconded by Jake Galary and passed (5-0).

n. SE 023-___, 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.

SE 023-___, CON 023-412: 21 Goulart Memorial Drive, Map 42, Lot 22 continued to May 6, 2024.

o. Se 023-1456, CON 023-414: 15 Wampanoag Drive, Map 29D, Lot 163 & 164

Notice of Intent filed Barbara Costello to remove the existing seawall and replace with a sloped stone rip-rap seawall. The entire site falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17). The site contains coastal resource areas; Coastal Bank and Coastal Beach at Assessor's Map 29D, Lot 163 & 164.

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 023-1456, CON 023-414, 15 Wampanoag, Map 29D, Lots 163 & 164. The motion was seconded by Caroline Hawthorne and passed (5-0).

Karen Isherwood made a motion to close the public hearing for SE 023-1456, CON 023-414, 15 Wampanoag, Map 29D, Lots 163 & 164, approving the plan titled "Site Plan Lots 163 & 164 on Assessor's Map 29D" dated March 25, 2024 and issue an Order of Conditions outlined in Attachment A dated April 22, 2024, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw with two added conditions to Section A General Conditions: DRG-7 and the limit of work for this project shall be the area shown on the Plan of Record titled "Site Plan Lots 163 & 164 on Assessor's Map 29D", dated March 25, 2024, and to add to the following language missing in Condition #13 "This order shall be weatherproofed and affixed to the job site sign. The necessary replacement and maintenance of these postings shall be the sole responsibility of the applicant." The motion was seconded by Carrie Hawthorne and passed (5-0).

p. SE 023-1455, CON 023-415: 2 Bayside Street, Map 42, Lot 34

Notice of Intent filed by Bayside LLC to remove and replace existing concrete slab inside garage and to remove and replace the existing concrete driveway within the same footprint. Applicant proposes to construct a ground level composite patio and to extend the existing seawall. The proposed work will be performed within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone (El. 20) at Assessor's Map 42, Lot 34.

Caroline Hawthorne made motion to continue SE 023-1455, CON 023-415, 2 Bayside Street, Map 42, Lot 34, to the May 6, 2024 meeting at the applicant's request. The motion was seconded by Jake Galary and passed (5-0).

9. Violations/Enforcement Orders/Cease and Desist Notices

a. 4 Jeannette Street, Map 34A, Lot 62D: Agent to provide update

Resident provided permit documentation for the westerly portion of the lot. Owner to submit new application for the pool deck.

Attorney, James Marsh represented the owner.

b. EO 023-019-020: 6 & 8 Jeannette Street, Map 34A, Lots 62K & 62P: Agent to provide update on delineation of BVW and scheduling a spring site visit.

Agent to work with Steve Schmiel – to remain on the May6, 2024 agenda.

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

Town Counsel still reviewing material.

d. EO 023-014: 20 Yankee Lane, Map 39, Lot 16: Agent to provide updates on connecting the Representative with the Peer Reviewer for transitioning Phases 1 & 2 to Phases 3, 4 & 5.

Will follow up at the May 6, 2024 meeting.

e. SE 023-1309, 023-1101, 1127, 1161: 1 Bella Vista, Map 43B, Lot 326, 359 & 360: Agent to provide updates on monitoring efforts

Located consent agreement with DEP and owner; office to contact LEC to continue monitoring efforts.

f. 29 Shore Drive, MAP 29C, Lot 613: Agent to provide update

Office still awaiting restoration plan.

g. 26 Rivet Street, Map 31A, Lot 51: Unpermitted work in the Buffer Zone to BVW

Action: Agent to follow up. If no response by May 6, 2024 will consider issuing an EO.

- h. **7 Forestview Drive, Map 31A, Lot 600T:** Update on progress clearing material in the Buffer Zone to BVW

Agent and homeowner working on plan to clear material; owner was present in meeting and open to resolving any issues.

10. **General Business**

- a. Next scheduled site visits: April 29, 2024
Site Visits will begin at 2pm
- b. Next Scheduled Public Hearing Date: May 6, 2024
- c. Discuss in-person meeting requirements

Awaiting policy initiated by the Select Board.

- d. Discuss updated stormwater standards

BPW, Planning, and Conservation are currently reviewing and updating stormwater standards. Departments are attempting to incorporate a singular stormwater authority to administer stormwater reviews.

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**

Jake Galary made a motion to adjourn at 9:54pm. The motion was seconded by Carrie Hawthorne and passed (5-0).

Karen Isherwood, Vice Chair (Acting Chair)

Fairhaven Conservation Commission

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