

**Conservation Commission  
May 6, 2024**

FAIRHAVEN TOWN CLERK  
ROUD 2024 JUN 18 AM 11:17

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, Jake Galary, Carrie Hawthorne, Ronnie Medina, Anthony Couto
3. **Approval of the April 10 & April 22, 2024 meeting minutes**

Caroline Hawthorne made a motion to accept the revised April 10, 2024 minutes. The motion was seconded by Jake Galary and passed (5-0).

Caroline Hawthorne made a motion to accept the revised April 22, 2024 minutes. The motion was seconded by Jake Galary and passed (5-0).

4. **Harbor Master to discuss Green Heart pilings versus pressure treated in the Fairhaven/New Bedford Harbor**

**Action:** Bruce Webb to find documented policy on Green Hearts

5. **Requests for Certificates of Compliance**
  - a) **SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207**

SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207 continued to June 3, 2024.

- b) **SE 023-\_\_\_, CON 023-\_\_\_:52 Cottonwood Street, Map 43C, Lot 122**

Karen Isherwood made a motion to issue an invalid order of conditions for 52 Cottonwood Street, Map 43C, Lot 122, due to a lack of documentation available from the applicant and at the Municipal, County, and State level, no other assertions concerning compliance with the original OOC can be made at this time, under the Wetland Protection Act and Town of Fairhaven Wetland Bylaw. The motion was seconded by Jake Galary and passed (5-0).

6. **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 023-372: 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 023-418: 16 Bayview Avenue, Map 28A, Lot 453

Karen Isherwood made a motion to continue CON 023-372, 29 Silver Shell Beach Drive, Map 41, Lot 53 to the June 3, 2024 meeting for lack of representation. The motion was seconded by Caroline Hawthorne and passed (5-0).

**b. CON 023-418: 16 Bayview Avenue, Map 28A, Lot 453**

Request for Determination of Applicability filed by Linda Marchand to construct a 14' x 9' 6" sunroom in the rear of the house. Work to take place within FEMA Flood Zone VE (El.16') at Assessor's Map 28A, Lot 453.

Caroline Hawthorne made a motion to close the public hearing for CON 023-418, 16 Bayview Avenue, Map 28A, Lot 453, and issue a Negative Determination 3, and a Negative Determination 6, with the added conditions CAP-3, and FZ-1, under the Wetlands Protection Act and Fairhaven Wetlands Bylaw. The motion was seconded by Jake Galary and passed (5-0).

**c. CON 023-419: 0 Goulart Memorial, Map 42, Lot 21C**

Request for Determination of Applicability filed by Robert Desroches to level waterfront lot with crushed shells in driveway area (15' in length). Work to take place within Barrier Beach, Salt Marsh, and Land Subject to Coastal Storm Flowage (LSCSF) at Map 42, Lot 21C.

Caroline Hawthorne made a motion to close the public hearing for CON 023-419, 0 Goulart Memorial, Map 42, Lot 21C, and issue a Positive 2b for Salt Marsh, Barrier Beach, and Coastal Beach, a Negative Determination 3, and a Negative Determination 6, with the added conditions CAP-3, and FZ-1, under the Wetlands Protection Act and Fairhaven Wetlands Bylaw. The motion was seconded by Anthony Couto and passed (5-0).

**d. CON 023-422: 23 Goulart Memorial Drive, Map 42, Lot 22B**

Request for Determination of Applicability filed by Chanda Kale to install dune fencing and plant native shrubs along the edge of the dune for erosion control. Work to take place along Coastal Dune, Coastal Beach, and Land Subject to Coastal Storm Flowage (LSCSF) at Assessor's Map 42, Lot 22B.

Karen Isherwood made a motion to close the public hearing for CON 023-422, 23 Goulart Memorial Drive, Map 42, Lot 22B, and issue a Positive 2b for Coastal Dune, Coastal Beach, and Barrier Beach, a Negative 3, and a Negative 6, with the added conditions CAP-3, FZ-1, and that dune fencing is not part of this determination, under the Wetlands Protection Act and Fairhaven Wetlands Bylaw. The motion was seconded by Jake Galary and passed (5-0).

**Amended Order of Conditions****e. SE 023-1387, CON 023-288: 5 Sippican Street, Map 42A, Lot 261**

Request for an Amended Order of Conditions by Clarisse Fairbanks to install aluminum staircase, which will be anchored to the new boulder seawall. Work to take place within Rocky Intertidal Shore, Coastal Bank, Land Containing Shellfish, and Land Subject to Coastal Storm Flowage (LSCSF) at Assessor's Map 42A, Lot 261.

Karen Isherwood made a motion to close the public hearing for SE 023-1387, CON 023-288, 5 Sippican Street, Map 42A, Lot 261, and issue an Amended Order of Conditions under the Wetlands Protection Act and Fairhaven Wetlands Bylaw, approve the plan titled Seawall "As Built Plan" stamped and dated April 15, 2024 that reflects the proposed changes, and amend the conditions outlined in the Attachment A dated August 24, 2022 by adding, in Finding, Plans, and Documents #3 and Section A General Conditions #7 ADD-2 the following language "the additional installation of an aluminum staircase anchored to the new boulder seawall" and in Findings, Plans, and Documents # 5 and Section A General Conditions #8 ADD-4a add the plan titled Seawall "As Built Plan" stamped and dated April 15, 2024. The motion was seconded by Anthony Couto and passed (5-0).

**Notices of Intent****f. SE 023-1458, CON 023-420: Rear Sycamore Street, Map 20, Lots 4 & 325**

Notice of Intent filed by Bennett Amos of RemBac Environmental LLC to conduct a study in East Zone 4 (EZ4) of the New Bedford Harbor Superfund Site (NBHSS). The two-year study aims to evaluate the efficacy of a cost-effective and environmentally sustainable technology that employs activated carbon and PCB-degrading microorganisms to both sequester and degrade sediment-associated PCBs in situ. Work to take place within EZ4, parcels 20-4 and 20-325.

Bennett Amos of RemBac plans on sampling sediment.

Jamie Bogart and the Division of Marine Fisheries (DMF) would still like to add comments before the Commission issues the Order of Conditions.

Caroline Hawthorne made a motion to continue SE 023-1458, CON 023-420, Rear Sycamore Street, Map 20, Lots 4 & 325, to the June 3, 2024 meeting at the applicant's request. The motion was seconded by Jake Galary and passed (5-0).

**g. 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.

Caroline Hawthorne made a motion to continue CON 023-412, 21 Goulart Memorial Drive, Map 42, Lot 22 to the June 3, 2024 meeting at the applicant's request. The motion was seconded by Anthony Couto and passed (5-0).

**h. 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.

Caroline Hawthorne made a motion to continue CON 023-371, 217 Alden Road, Map 36, Lot 085, to the June 3, 2024 meeting at the applicant's request. The motion was seconded by Jake Galary and passed (5-0).

**i. 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.

Karen Isherwood made a motion for a \$3,540 to be deposited for storm water peer review funds for GCG Associates for Bridge Street, Map 36, Lot 15J, SE 023-1391, CON 023-291. The motion was seconded by Caroline Hawthorn and passed (5-0).

Caroline Hawthorne made a motion to continue SE 023-1391, CON 023-291, Bridge Street, Map 36, Lot 15J, to the June 3, 2024 meeting at the applicant's request. The motion was seconded by Jake Galary and passed (5-0).

**j. 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.

Caroline Hawthorne made a motion to continue SE 023-1410, CON 023-347, Bonney Street, Map 28B, Lots 488 & 489, to the June 3, 2024 meeting at the applicant's request. The motion was seconded by Karen Isherwood and passed (5-0).

**k. 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.

Mike Carter of GCG to review report from Zenith Consulting Engineers.

Caroline Hawthorne made a motion to continue SE 023-1423, CON 023-364, Bridge Street, Map 30A, Lots 87 & 87A, to the June 3, 2024 meeting at the applicant's request. The motion was seconded by Jake Galary and passed (5-0).

**Action:** Agent to verify if a Buffer Zone variance is required.

**I. 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.

Zenith Consulting Engineers submitted an updated plan with flagged resource areas.

Caroline Hawthorne made a motion to continue SE 023-1436, CON 023-390, 6 Emerson Avenue, Map 29A, Lots 119-122 to the June 3, 2024 meeting at the applicant's request. The motion was seconded by Jake Galary passed (5-0).

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

Karen Isherwood made a motion to close the public hearing for SE 023-1451, CON 023-411, Cove Street, Map 28B, Cove Street Right of Way, approving the plan titled "Cove Street Utilities Improvement Notice of Intent" sheets 1 through 4 with the revised date February 21, 2024 and issue an Order of Conditions outlined in Attachment A dated May 6, 2024, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Jake Galary and passed (5-0).

**n. 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 a Coastal Bank and Land Subject to Coastal Storm Flowage at Assessors' Map 43B, Lot 43.

Caroline Hawthorne made a motion to close the public hearing for SE 023-1454, CON 023-413, 188 Balsam Street, Map 43B, Lot 43, approving the plan titled "Seawall Reconstruction Plan" dated March 15, 2024 and issue an Order of Conditions outlined in Attachment A dated May 6, 2024 under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Jake Galary and passed (5-0).

**o. 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 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 023-1455, CON 023-415, 2 Bayside Street, Map 42, Lot 34. The motion was seconded by Jake Galary and passed (5-0).

Caroline Hawthorne made a motion to close the public hearing for SE 023-1455, CON 023-415, 2 Bayside Street, Map 42, Lot 34, approving the plan titled "Site Plan" dated April 29, 2024 and issue an Order of Conditions outlined in Attachment A dated May 6, 2024, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Jake Galary and passed (5-0).

**p. SE 023-\_\_\_, CON 023-417: 27 Nakata Avenue, Map 43, Lot 120**

Notice of Intent (after-the-fact) filed by Katie Medeiros for concrete repair on patio, replace existing deck, restore grass area to grade, convert driveway to crushed shell, install 75 feet of shadowbox style fence, and repair 50 feet of existing post and beam fence. Work to take place within Land Subject to Coastal Storm Flowage (LSCSF) – FEMA Flood Zone VE (El.20') and Buffer Zone to Salt Marsh and Coastal Beach at Assessor's Map 43, Lot 120.

Bruce Webb suggested dune vegetation.

Ronnie Medina offline at 9:15pm

Caroline Hawthorne made a motion to continue CON 023-417, 27 Nakata Avenue, Map 43, Lot 120 to the June 3, 2024 meeting at the applicant's request. The motion was seconded by Anthony Couto and passed (4-0).

**q. SE 023-1457, CON 023-421: 93 Raymond Street, Map 29D, Lots 94 & 95**

Notice of Intent filed by James & Kathleen Grace to demolish existing cottage and build FEMA compliant 2-story single family dwelling with an enclosed porch and second floor deck. Project to include removal of approximately 373 sq. ft. of paved driveway and replace with 268 sq. ft. of paved driveway to relocate lost parking space. The site falls within Land Subject to Coastal Storm Flowage (LSCSF), with northerly portion within Flood Zone VE (El.17'), and southerly portion within Flood Zone AE (El. 14'), located at Assessor's Map 29D, Lots 94 & 95.

Caroline Hawthorne made a motion to continue SE 023-1457, CON 023-421, 93 Raymond Street, Map 29D, Lots 94 & 95 to the June 3, 2024 meeting at the applicant's request. The motion was seconded by Anthony Couto and passed (4-0).

**r. 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.

Kelly Moura of 25 Nakata Avenue inquired how the patio will be removed and who will supervise?

Karen Isherwood requested extensive conditions on machinery to mitigate any negative effects on the neighboring properties.

Katie Medeiros from 27 Nakata Avenue expressed concerns that patio is connected to the seawall of 25 Nakata Avenue.

Caroline Hawthorne made a motion to continue SE 023-1453, CON 023-408, 29 Nakata Avenue, Map 43, Lot 119 to the June 3, 2024 meeting at the applicant's request. The motion was seconded by Karen Isherwood and passed (4-0).

## 7. Violations/Enforcement Orders/Cease and Desist Notices

- a. **4 Jeannette Street, Map 34A, Lot 062D:** Agent to provide update on application process

Attorney James Marsh met with the client and inspected the concrete pool apron on the existing lawn area. Attorney Marsh recommended his client file a Request for Determination with the Conservation office and will coordinate a site visit with the owner and the commission.

- b. **EO 023-019 & 023-020: 6 & 8 Jeannette Street, Map 34a, Lots 62K & 62P:** Agent to provide update

Attorney Marsh is coordinating a site visit with Steven Schmiel and the Conservation Agent on Friday, May 10, 2024.

- c. **EO 023-022: 344-346 New Boston Road, Map 40, Lots 023B & 023C:** Discuss another site visit

The Agent spoke with Patrick Mullen regarding a site visit.

- d. **17 Diamond Street, Map 29, Lot 45:** Unpermitted clearing in the Buffer Zone to Land Subject to Coastal Storm Flowage (LSCSF)

Applicant came into the conservation office and understands they need to submit a restoration for the clearing.

Additional updates will be addressed at the next meeting.

- e. **26 Rivet Street, Map 31A, Lot 51:** Unpermitted work in the Buffer Zone to BVW – Notice of Violation sent March 2024

- f. **0 Beachwood Street, Map 28B, Lot 122:** Agent to provide update on unpermitted work in the form of vegetative clearing and depositing of fill in the Isolated Vegetative (IVW) and LAND Subject to Coastal Storm Flowage (LSCSF) – Notice of Violation sent July 2023

Still awaiting a restoration plan.

- g. **EO 023-014: 20 Yankee Lane, Map 39, Lot 16:** Agent to provide updates on current conditions

Mattew Burne of BSC Group is in communication with Goddard Consulting.

- h. **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

Reached out to LEC Environmental Consultants and will review monitoring efforts at the next meeting.

- i. **29 Shore Drive, Map 20C, Lot 613:** Agent to discuss

Agent to go to the site and inspect seawall.

- j. **32 Point Street, Map 28B, Lot 132:** Agent to discuss

This lot bisects 0 Beachwood; brought to the Commission's attention late 2023. Enforcement Order to be issued, if no response by June 2024.

- k. **12 Goulart Memorial Drive, Map 42, Lot 15C:** Unpermitted driveway within the Buffer Zone to the BVW – Notice of Violation sent October 2023

Owners stated they applied for a permit with the Building Department 3 years ago. They recently added more cobblestone and were unaware they needed additional permitting with Conservation.

The Commission agreed that the owner file a Request for Determination.

8. **General Business**

- a. Next scheduled site visits: Tuesday, May 28, 2024

- b. Next Scheduled Public Hearing Date: June 3, 2024

- c. MACC Fundamentals Certificate Training Courses scheduled for June & July

Carrie Hawthorne requested enrollment in course 102 and 103

Karen Isherwood would like to take any refresher courses.

- d. Discuss approved newspapers for legal notices

Karen Isherwood made a motion that legal ads as of May 6, 2024 are allowed to be posted in the Neighborhood News and the Standard Times. The motion was seconded by Jake Galary and passed (4-0).

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**

Caroline Hawthorne made a motion to adjourn at 10:39pm. The motion was seconded by Karen Isherwood and passed (4-0).

**Karen Isherwood, Vice Chair (Acting Chair)**

Fairhaven Conservation Commission

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