

**Conservation Commission  
June 17, 2024**

**FAIRHAVEN TOWN CLERK  
RCUD 2024 AUG 14 PM2:41**

1. **Chairman's Welcome and Media Notification:** Karen Isherwood opened the meeting at 6:04p.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, Carrie Hawthorne, Erik Baumann, Anthony Couto, Ronnie Medina  
**Absent:** Jake Galary and Wendy Drumm
3. Approval of the meeting minutes for the June 3, 2024 meeting  
Carrie Hawthorne made a motion to approve the minutes for the June 3, 2024 meeting. The motion was seconded by Anthony Couto and passed (4-0).
4. Continuances requested in advance:
  - a. **CON 023-372: 29 Silver Shell Beach Drive, Map 41, Lot 53**
5. Attorney, Marc Deshaies to discuss the Conservation Restriction at the G. Bourne Knowles property

Karen Isherwood made a motion to accept a Conservation Restriction from G. Bourne Knowles Co. Inc. on approximately 19 acres of land north and south of Bike Path as set forth in said conservation restriction. The motion was seconded by Carrie Hawthorne and passed (4-0).

Karen Isherwood made a motion to accept a Conservation Restriction from Leslie P. Knowles on approximately 6.2 acres (easterly of Peirce Point and Weeden Road) set forth on the plan in said conservation restriction. The motion was seconded by Carrie Hawthorne and passed (4-0).

6. **Requests for Extension**

- a. **SE 023-1361, CON 023-240: 11 Balsam Street, Map 43C, Lot 129**

Karen Isherwood made a motion to extend the Order of Conditions for SE 023-1361, CON 023-240: 11 Balsam Street, Map 43C, Lot 127-130 to September 8, 2026 under the Wetlands Protection Act and Fairhaven Wetlands Bylaw. This extension is for work only and does not extend the approval of the wetland line. The motion was seconded by Carrie Hawthorne and passed (4-0).

7. **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 July 1, 2024*

**b. SE 023-1428, CON 023-368: 43 Reservation Road, Map 29A, Lot 351**

Carrie Hawthorne made a motion to continue SE 023-1428, CON 023368: 43 Reservation Road to the July 1, 2024 meeting due to lack of representation. The motion was seconded by Anthony Couto and passed (4-0).

**c. SE 023-1437, CON 023-389: 1 Crow Island, Map 44, Lot 001**

Carrie Hawthorne made a motion to continue SE 023-1437, CON 023-389: 1 Crow Island, Map 44, Lot 001 to the July 1, 2024 meeting due to lack of representation. The motion was seconded by Anthony Couto and passed (4-0).

**d. SE 023-1432, CON 023-380: 18 Almond Street, Map 43B, Lot 12**

Carrie Hawthorne made a motion to continue SE 023-1432, CON 023-380: 18 Almond Street, Map 43B, Lot 12 to the July 1, 2024 meeting to conduct a site visit. The motion was seconded by Anthony Couto and passed (4-0).

**8. Public Hearings pursuant to the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, s. 40) and/or the Code of the Town of Fairhaven Chapter 192, Wetlands:****Requests for Determination of Applicability****a. CON 023-426: 5 Bay Street, Map 28A, Lot 409**

Request for Determination of Applicability filed by Clint Wilson to install new asphalt driveway with same footprint as current dirt/gravel driveway. Property located in land Subject to Coastal Storm Flowage and FEMA Flood Zone VE (El.13') at Assessor's Map 28A, Lot 409.

Karen Isherwood made a motion to close the public hearing for CON 023-426: 5 Bay Street, Map 28A, Lot 409 and issue a Negative Determination 3 and Negative Determination 6, with the added conditions CAP-3, FZ-1, and that the slope of all exposed surfaces of the driveway shall not be constructed steeper than a 5:1 slope (1 unit vertical to 5 units horizontal) under the Wetlands Protection Act and Fairhaven Wetlands Bylaw. The motion was seconded by Anthony Couto and passed (4-0).

**b. CON 023-428: 39 Nelson Avenue, Map 43, Lot 224**

Request for Determination of Applicability filed by Kathleen Taylor to replace existing fence and replace with a FEMA compliant fence. Work to take place within FEMA Flood Zone VE (El.18') at Assessor's Map 43, Lot 224.

Karen Isherwood made a Motion to close the public hearing for CON 023-428: 39 Nelson Avenue, Map 43, Lot 224 and issue a Negative Determination 3 and a Negative Determination 6, with the added conditions CAP-3, FZ-1, and that 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 Carrie Hawthorne and passed (4-0).

**c. CON 023-429: 25 Alder Street, Map 43A, Lot 71 (0 Balsam Street)**

Request for Determination of Applicability filed by Mark Silverman to mechanically remove invasive plants and vines, dead trees and fallen limbs in vacant lot at the intersection of Alder and Balsam Street; plan to spread 2-3 inches of processed wood chips as a base, plant several native trees and shrubs to prevent soil erosion. Property includes Land Subject to Coastal Storm Flowage at Assessor's Map 43A, Lot 71.

Owner, Mark Silverman spoke regarding his project on the vacant lot. He has contracted with G.B. Knowles to clear the lot of garbage, dead trees, and invasive species, while preserving native species. There is a post and rail fence to be replaced as well as cedars to be planted. G.B. Knowles will be utilizing a natural approach to keep the weeds from reestablishing while preserving existing trees.

Karen Isherwood made a motion to close the public hearing for CON 023-429: 0 Balsam Street, Map 43A, Lot 71, and issue a Negative Determination 3 and a Negative Determination 6, with the added condition CAP-3 under the Wetlands Protection Act and Fairhaven Wetlands Bylaw. This determination does include the installation of a post and rail fence. The motion was seconded by Carrie Hawthorne and passed (4-0).

**d. CON 023-431: 178 Balsam Street, Map 43B, Lot 38**

Request for Determination of Applicability filed by Patricia Roberts to install FEMA compliant fence along the back of the property in existing grass. Property within Bordering Vegetated Wetland, Salt Marsh, Land Subject to Coastal Storm Flowage, and FEMA Flood Zone VE (El.16') at Assessor's Map 43B, Lot 38.

Carrie Hawthorne made a motion to close the public hearing for CON 023-431: 178 Balsam Street, Map 43B, Lot 38 and issue a Positive 2b for Buffer Zone to Bordering Vegetative Wetland and Salt Marsh, a Negative Determination 3 and a Negative Determination 6, with the added conditions CAP-3, FZ-1, and that 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 Anthony Couto and passed (4-0).

**e. CON 023-434: 4 Jeannette Street, Map 34A, Lots 62D & 62N**

Request for Determination of Applicability filed by Jacob Fleurent for an after-the-fact installation of a concrete apron around an existing inground pool. The area of work is in existing maintained lawn; closest point of the apron to the pond is 51 feet. Work has taken place within Bordering Vegetated Wetlands at Assessor's Map 34A, Lots 62D & 62N.

Karen Isherwood made a motion to close the public hearing for CON 023-434: 4 Jeannette Street, Map 34A, Lots 62D & 62N and issue a Positive Determination 2b for Bordering Vegetative Wetland, a 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 Anthony Couto and passed (4-0).

**f. CON 023-435: 35 Nakata Avenue, Map 43, Lot 117**

Request for Determination of Applicability filed by Erica Souza to replace existing 4' picket fence that was destroyed by a winter storm. Work to take place within FEMA Flood Zone VE (El. 20') at Assessor's Map 43, Lot 117.

Carrie Hawthorne made a motion to close the public hearing for CON 023-435: 35 Nakata Avenue, Map 43, Lot 117 and issue a Positive 2b for Coastal Beach, a Negative Determination 3, and a Negative Determination 6, 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 Anthony Couto and passed (4-0).

**Notices of Intent**

**g. SE 023-1465, 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.

Carrie Hawthorne made a motion to continue SE 023-1465, CON 023-371: 217 Alden Road, Map 36, Lot 85 to the July 1, 2024 meeting due to lack of a DEP number. The motion was seconded by Anthony Couto and passed (4-0).

**h. 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 continued to the July 1, 2024 meeting.*

**i. 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.

Jamie Bissonnette represented the applicant and was available to respond to Commission comments/questions. He is not proposing changes to the operation or maintenance, only

modifications to the drainage basin. Mr. Bissonnette anticipates presenting the final stormwater and drainage report at the next meeting.

Karen Isherwood questioned the location of the replication area. She requested an additional site visit to determine successful completion.

Owner, Alex Carrigg stated there is an intermittent stream from lot 86b to the current driveway crossing.

**Action:** Commission to plan another site visit.

Carrie Hawthorne made a motion to continue SE 023-1423, CON 023-364: Bridge Street, Map 30A, Lot 87 & 87A to the July 1, 2024 meeting at the applicant's request. The motion was seconded by Antony Couto and passed (4-0).

**j. 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.

Carrie Hawthorne made a motion to continue SE 023-1436, CON 023-390: 6 Emerson Avenue, Map 29A, Lots 119-122 to the July 1, 2024 meeting at the applicant's request. The motion was seconded by Anthony Couto and passed (4-0).

**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.

Karen Isherwood recommended to reach out to the agent regarding CZM comments and design changes.

Kelly Moura of 25 Nakata Avenue questioned the status of the illegal patio and thought removal would happen before construction. She also inquired on the location of the septic system.

Carrie Hawthorne made a motion to continue SE 023-1453, CON 023-408: 29 Nakata Avenue, Map 43, Lot 119 to the July 1, 2024 meeting at the applicant's request. The motion was seconded by Anthony Couto and passed (4-0).

**l. 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.

Carrie Hawthorne made a motion to continue SE 023-\_\_\_, CON 023-412: 21 Goulart Memorial Drive, Map 42, Lot 22 to the July 1, 2024 meeting due to lack of representation and the lack of a DEP file number. The motion was seconded by Anthony Couto and passed (4-0).

**m. 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, specifically parcels 20-4 and 20-325.

Karen Isherwood made a motion to close the public hearing for SE 023-1458, CON 023-420: Rear Sycamore, Map 20, Lots 4 & 325 and approve with conditions to follow. The motion was seconded by Carrie Hawthorne and passed (4-0).

**n. SE 023-1460, CON 023-423: 9 Goulart Memorial Drive, Map 42, Lot 15G**

Notice of Intent filed by Fernando & Diane Lemos to construct a 20'x6' cantilever deck extension, with a 16'.5"x16'.5" elevated sunroom, and a 9'.5"x11' elevated screened porch with proposed footings, in addition, the applicant proposes a 9'.5"x5' grill deck and an 18'x9'.5" deck attached to the existing single-family dwelling. Work proposed within the 25'-50' Buffer Zone and property within Land Subject to Coastal Storm Flowage and FEMA Flood Zone VE (El.20') at Assessor's Map 42, lot 15G.

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 023-1460, CON 023-423: 9 Goulart Memorial Drive, Map 42, Lot 15G. The motion was seconded by Carrie Hawthorne and passed (4-0).

Carrie Hawthorne made a motion to close the public hearing for SE 023-1460, CON 023-423: 9 Goulart Memorial Drive, Map 42, Lot 15G approving the plan titled "Proposed Site Improvements for Fernando Lemos" with the revised date May 28, 2024 and issue an Order of Conditions outlined in Attachment A, dated June 17, 2024 under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Karen Isherwood and passed (4-0).

**o. SE 023-1464, CON 023-424: 23 Eaton Road, Map 29B, Lot 110**

Notice of Intent filed by Michael & Hayden Linley to raze existing house and construct a new residence on FEMA Flood Zone compliant foundation, sewer & water connections and associated site work. Work to take place within the Buffer Zone, BVW, Coastal Dune, Barrier Beach, Coastal Beach, Land Subject to Coastal Storm Flowage and FEMA Flood Zone VE (El. 20') at Assessor's Map 29B, Lot 110.

*SE 023-1464, CON 023-424: 23 Eaton Road, Map 29B, Lot 110 was continued to the July 1, 2024 meeting.*

**p. SE 023-1461, CON 023-425: 60 Highland Avenue, Map 28A, Lot 164 & 165**

Notice of Intent filed by Stan Feck to construct a single-family dwelling on a pile foundation within the Buffer Zone to a Bordering Vegetated Wetland and within Land Subject to Coastal Storm Flowage. The house will be serviced with municipal water and sewer at Assessor's Map 28A, Lots 164 & 165.

**(2:20:00)** Robert Rogers of G.A.F. Engineering presented the proposed plan for the new single-family dwelling. There was a house on the property up until 2007, so this will be built on previously disturbed. There is a 30-foot-wide easement for a future municipal sewer line. A pile-support foundation is required since the property falls within the Flood Zone (VE El.16'). The lowest horizontal structural membrane will be at elevation 18'. Construction will be within 100 feet to a Coastal Dune. Mr. Rogers recommended Brad Holmes of Environmental Consulting & Restoration, LLC (ECR) and Bruce Webb meet on site to verify the Coastal Dune.

Brad Holmes spoke of his involvement in helping to minimize site disturbance. The surface under the house will be maintained as pervious with crushed stone. There will also be removal of invasive vegetation and native species replanting.

Carrie Hawthorne made a motion to continue SE 023-1461, CON 023-425: 60 Highland Avenue, Map 28A, Lots 164 & 165 to the July 1, 2024 meeting at the applicant's request. The motion was seconded by Anthony Couto and passed (4-0).

**q. SE 023-1462, CON 023-430: 25 Shore Drive, Map 29C, Lots 615 & 616**

Notice of Intent filed by Young Family Trust to construct a single-family dwelling with a 10' wide crushed shell driveway on the westerly side of the house and install a shadow box privacy fence along a portion of the northerly property line. Work to take place within Coastal Beach, Coastal Dune, FEMA Flood Zone VE (El.17') at Assessor's Map 29C, Lots 615 & 616.

*SE 023-1462, CON 023-430: 25 Shore Drive, Map 29C, Lots 615 & 616 continued to July 1, 2024*

**r. SE 023-1463, CON 023-433: 101 Balsam Street, Map 43A, Lots 123 & 124**

Notice of Intent filed by Bryan & Marie Esposito to demolish the existing cottage and build a 2-story single-family dwelling with an elevated deck on 3 sides, and a detached garage in compliance with FEMA and MA Building Code. The entire lot falls within Land Subject to Coastal Storm Flowage (LSCSF) and Flood Zone VE (El.18') at Assessor's Map 43A, Lots 123 & 124.

**(2:52:00)** Dave Davignon represented the applicant and gave a brief overview of the project.

Carrie Hawthorne made a motion to continue SE 023-1463, CON 023-433: 101 Balsam Street, Map 43A, Lots 123 & 124 to the July 1, 2024 meeting at the applicant's request. The motion was seconded by Anthony Couto and passed (4-0).

**9. General Business**

- a. Next scheduled site visits: June 24, 2024
- b. Next Scheduled Public Hearing Date: July 1, 2024

**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**

Carrie Hawthorne made a motion to adjourn at 9:27pm. The motion was seconded by Anthony Couto 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)