



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

PUBLIC MEETING AGENDA Monday, August 19, 2024 at 6:00 pm

REVISED

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. In person attendance will be at 40 Center Street, and 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.

Join Zoom Meeting

** Zoom link has changed from link printed in the August 8, 2024 legal notice*

<https://us06web.zoom.us/j/86953155076?pwd=VFdUQkhzdVYrNzJIQktiVi9XSgppZz09>

or CALL 1-929-205-6099

Meeting ID: 869 5315 5076

Passcode: 633695

In-person attendance is permitted for the public at Town Hall at 40 Center Street (Second Floor)

1. Chairman's Welcome and Media Notification
2. Quorum/Attendance
3. Continuances requested in advance:
 - a. CON 023-372: 29 Silver Shell Beach Drive, Map 41, Lot 53
 - b. SE 023-1391, CON 023-291: Bridge Street, Map 36, Lot 15J
 - c. SE 023-1436, CON 023-390: 6 Emerson Avenue, Map 29A, Lots 119-122
 - d. **SE 023-1467, CON 023-44: 1 Stetson Avenue, Map 2, Lots 256, 262 & 263**
 - e. **SE 023-1423, CON 023-364: Bridge Street, Map 30A, Lots 87 & 87A**
4. Request for Minor Activity
 - a. **James Street Right-of-Way:** Discuss possible demarcation of the border for shared access.
5. Emergency Certifications
 - a. 95 Balsam Street, Map 43, Lot 129: Water main repair
 - b. 30 Monondach Avenue, Map 42A, Lot 226: Water main repair
6. Requests for Certificates of Compliance
 - a. SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207
 - b. SE 023-1347, CON 023-210: 1 Boulder Court, Map 2, Lot 6C
 - c. SE 023-1334, CON 023-184: 15 James Street, Map 2, Lot 146
 - d. SE 023-1084: Raymond Street, Map 29D, Lot 117
 - e. CON 023-071: SE 023-1273: 3 North Street, Map 13, Lot 4

f. **CON 023-194, SE 023-1341: North & Cherry Street, Map 15, Lot 43**

7. Requests for Extension

a. **SE 023-1344, CON 023-207: 10 Nelson Avenue, Map 43, lot 30**

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 023-450: 60 Maitland Street, Map 22B, Lot 75B**

Request for Determination of Applicability filed by Albert Santos to replace an existing patio and driveway with new asphalt and pavers. Property located 100 feet of an offsite BVW at Assessor's Map 22B, Lot 75B.

b. **CON 023-451: 12 Goulart Memorial Drive, Map 42, Lot 15C**

Request for Determination of Applicability filed by Sandra Pietruska for additional cobblestone pavers on driveway (10'x2') and a shed (6'x8'). Property located within Buffer Zone to BVW, Land Subject to Coastal Storm Flowage and FEMA Flood Zone VE (El.17') at Assessor's Map 42, Lot 15C.

Notices of Intent

c. **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.

d. **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 Coastal Dune, Barrier Beach, Coastal Beach, BVW, Land Subject to Coastal Storm Flowage and FEMA Flood Zone VE (El. 20') at Assessor's Map 29B, Lot 110.

e. **SE 023-1461, CON 023-425: 60 Highland Avenue, Map 28A, Lots 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.

f. **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.

g. **SE 023-___, CON 023-387: 251 Sconticut Neck Road, Map 29, Lot 032**

Notice of Intent filed by Robert Faria for an after-the-fact shed within FEMA Flood Zone AE (EL.16') located at Assessor's Map 29, Lot 032.

h. SE 023-1466, CON 023-438: 0 North Street, Map 15, Lot 43

Notice of Intent filed by Lee Miguel to install fence along the property line along the discontinued Cooke Street to match the existing fence along property line; stockade fence with 6-inch gap beneath on north and south property line, with a maximum height of 48" adjacent to the road (approximately 16' from the curb). Work to take place within the Buffer Zone to Bordering Vegetated Wetlands at Assessor's Map 15, Lot 43.

i. SE 023-1468, CON 023-445: 62 Maitland Street, Map 22B, Lot 75A

Notice of Intent filed by Gail Rebello to construct garage addition with in-law apartment and pool with patio and fence within 100 feet to an offsite Bordering Vegetated Wetland (BVW) at Assessor's Map 22B, Lot 75A.

j. SE 023-1472, CON 023-449: 0 Frederick Avenue, Map 29A, Lots 151-152

Notice of Intent filed by Michael Livingstone to construct a 38'x38' single-family dwelling with a 272 square foot cantilever deck and an additional 70 square foot cantilever deck. The property is located within the 100-foot Buffer Zone to a Bordering Vegetated Wetland (BVW) and FEMA Flood Zone VE (El.16') at Assessor's MAP 29A, Lots 151-152.

9. Violations/Enforcement Orders/Cease and Desist Notices

a. EO 023-019 & 023-020: 6 & 8 Jeannette Street, Map 34A, Lots 62K & 62P: Agent to provide update on 7-29-2024 site visit with Attorney Marsh and Steven Chmiel; Zenith Land Surveyors provided revised plan on July 24, 2024 to accompany RDA.

b. EO 023-022: 344-346 New Boston Road, Map 40, Lots 23B & 23C: Agent to provide an update.

c. 17 Diamond Street, Map 29, Lot 45: Unpermitted clearing in the Buffer Zone to Land Subject to Coastal Storm Flowage (LSCSF) – Notice of Violation sent May 2024.

d. 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); discuss possible EO – Notice of Violation sent July 2023.

e. EO 023-014: 20 Yankee Lane, Map 39, Lot 16: Agent to provide updates on phases 1 & 2 and correspondence with the peer reviewer.

f. SE 023-309, 023-1101, 023-1127, 023-1161: 1 Bella Vista, Map 43B, Lots 326, 359 & 360: Agent to provide updates on monitoring efforts.

g. 32 Point Street, Map 28B, Lot 132: Agent to discuss issuing an EO.

h. 20 Bass Creek Road, Map 43C, Lot 403: Unpermitted vegetative clearing in the Buffer Zone to the Bordering Vegetated Wetlands.

i. SE 023-1296, CON 023-307: Alves Way, Map 28, Lot 24: The developer has been notified of the Operation and Maintenance Plan and monitoring requirements in accordance with the issued Army Corps of Engineers General Stormwater Permit; notice sent out July 2024.

- j. **EO 023-017: 29 Mangham Way, Map 31A, Lots 300 & 300A:** Contacted the owner to let them know a Spring 2024 inspection of the restoration area is required before the EO is lifted; Commission site visit was conducted August 12, 2024.
- k. **350 New Boston Road, Map 40, Lot 21:** Unpermitted clearing in the Buffer Zone to BVW; notice of violation sent out August 2024.
- l. **19 Hacker Street, Map 28A, Lot 132:** Notice of Violation sent out July 2024.
- m. **0 Hacker Street, Map 28A, Lot 130:** Notice of violation sent out July 2024.
- n. **0 Point Street, Map 28B, Lot 131:** Unpermitted fence and structure in the Buffer Zone to BVW and LSCSF; Notice of violation sent out August 2024.
- o. **734-736 Sconticut Neck Road, Map 42, Lot 6:** Unpermitted installation of a fence. A partial RDA application was submitted on August 5, 2024. Conservation agent issued a Cease and Desist on August 12, 2024.
- p. **25 Abbey Street, Map 6, Lot 102:** Owner notified of expired Order of Conditions (SE 023-1300); Received NOI application on August 7, 2024; application incomplete until the office receives updated site plan.
- q. **28 Whisper Lane, Map 42A, Lot 178:** Unpermitted clearing in Buffer Zone to Salt Marsh/LSCSF; Notice of violation sent out August 2024.
- r. **346 Huttleston Avenue, Map 30B, Lot 144:** Cease & Desist issued July 20, 2024 for unpermitted work in the Buffer Zone to Bordering Vegetated Wetland.
- s. **59 Reservation Road, Map 29B, Lot 59:** Verbal Cease & Desist on July 22, 2024 for unpermitted work in the Buffer Zone to Bordering Vegetated Wetland, Coastal Dune, and FEMA Flood Zone VE (El.20').

10. General Business

- a. Next scheduled site visits: September 9, 2024
- b. Next Scheduled Public Hearing Date: September 16, 2024
- c. Discuss fence policy

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

Karen Isherwood, Vice Chair (Acting Chair)

Fairhaven Conservation Commission

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