



TOWN OF FAIRHAVEN, MASSACHUSETTS
CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

PUBLIC MEETING AGENDA

Monday, September 16, 2024 at 6:00 pm

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.

Access the meeting via remote means may do so in the following manner:

Join Zoom Meeting

<https://us06web.zoom.us/j/86264908157?pwd=ytFmu71bSL38AThvsbOqeVVuhEVXdl.1>

Meeting ID: 862 6490 8157

Passcode: 579710

In-person attendance is permitted for the public at Town Hall at 40 Center Street

1. Chairman's Welcome and Media Notification
2. Quorum/Attendance
3. Approval of the August 5 & August 19 meeting minutes
4. Continuances requested in advance:
 - a. CON 023-372: 29 Silver Shell Beach Drive, Map 41, Lot 53
 - b. SE 023-1436, CON 023-390: 6 Emerson Avenue, Map 29A, Lots 119-122
 - c. SE 023-1462, CON 023-430: 25 Shore Drive, Map 29C, Lots 615 & 616 – *Continued to November 4, 2024*
5. Requests for Certificates of Compliance
 - a. SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207
 - b. SE 023-1334, CON 023-184: 15 James Street, Map 2, Lot 146
 - c. SE 023-1378, CON 023-266: 148 Main Street, Map 12, lot 12A
 - d. SE 023-1318, CON 023-142: 70 Reservation Road, Map 29B, Lot 7
 - e. SE 023-1300, CON 019-055: 25 Abbey Street, Map 6, Lot 102
6. 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 023-452: 736 Scoticut Neck Road, Map 42, Lot 6
Request for Determination of Applicability filed by Ron Oliveira to replace existing fence around in-ground pool. Work to take place in land Subject to Coastal Storm Flowage, Bordering Vegetated Wetlands (BVW), Salt Marsh and Barrier Beach at Assessor's Map 42, Lot 6.

b. CON 023-455: 40 Point Street, Map 28B, Lot 119

Request for Determination of Applicability filed by Keith & Anke Kreisher to update an existing 400 square foot patio area with new pea-gravel and brick-paver borders. More than 150 square feet of existing concrete surface will be removed. No levelling is required, nor are any changes to the existing fence, walkways or foundations. Work to take place in Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El.16') at Assessor's Map 28B, Lot 119

c. CON 023-456: 6 Bay Street, Map 28A, Lot 494

Request for Determination of Applicability filed by John Whiteside to remove (5-8) diseased trees with insect infestations. Work to take place in Land Subject to Coastal Storm Flowage, FEMA Flood Zone AE and within Buffer to BVW at Assessor's Map 28A, Lot 494.

d. CON 023-457: 67 Nakata Avenue, Map 43, Lot 100

Request for Determination filed by Dupre, Inc. to excavate, grade area and install concrete slab on top of seawall. Work to take place in Land Subject to Coastal Storm Flowage, Buffer Zone to BVW and Coastal Beach at Assessor's Map 43, Lot 100.

e. CON 023-458: 69 Nakata Avenue, Map 43, Lot 99

Request for Determination filed by Dupre, Inc. to install concrete pad land side of seawall. Work to take place in Land Subject to Coastal Storm Flowage, Buffer Zone to BVW and Coastal Beach at Assessor's Map 43, Lot 99.

f. CON 023-459: 15 Hathaway Street, Map 28B, Lots 64 & 65

Request for Determination of Applicability filed by Nora Homsey to construct 100 square foot shed, with 6" gap under shed, secured to sonotubes with hurricane tees. Work to take place at Assessor's Map 28B, Lots 64 & 65.

g. CON 023-460: 270 Sconticut Neck Road, Map 29A, Lots 96 & 101

Request for Determination of Applicability filed by Jean & Al Easterday to install new gravel driveway to connect to existing paved driveway for added safety when pulling out of the driveway. Work to take place in Buffer Zone to BVW, Salt Marsh, Barrier Beach, Coastal Dune, Land Subject to Coastal Storm Flowage FEMA Flood Zone VE (El.16') at Assessor's Map 29A, Lots 96 & 101.

Notices of Intent

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.

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.

j. SE 023-1467, CON 023-442: 1 Stetson Avenue, Map 2, Lots 256, 262, 263

Notice of Intent filed by Wendy Drumm to remove a row of boulders, landscape timbers, fences, and a garden/utility shed for the purposes of constructing a sloped stone rip-rap revetment to mitigate erosion. The property falls within Land Subject to Coastal Storm Flowage, Flood Zones VE (El. 15' & 18') and the site contains a Coastal Bank and Coastal Beach along its southeasterly side at Assessor's Map 2, Lots 256, 262 & 263.

k. SE 023-1474, 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.

l. 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.

m. 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.

n. 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.

o. SE 023-1473, CON 023-453: 25 Abbey Street, Map 6, Lot 102

Notice of Intent filed by Agostinho Pinto to raze existing dwelling and construct single-family dwelling and driveway with arborvitae plantings on three sides of the property and the addition of a crushed stone area between the existing driveway and fence. Work to take place in Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El.15') and Buffer Zone to Bordering Vegetated Wetland at Assessor's Map 6, Lot 102.

p. SE 023-1476, CON 023-454: 27 Silver Shell Beach Drive, Map 41, Lot 54

Notice of Intent filed by Nancy Blouin to place u-shaped driveway in front yard with a garden in the center. Work to take place in Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El.19'), Buffer to Coastal Dune and Buffer to Coastal Beach at Assessor's Map 41, Lot 54.

- q. **SE 023-1475, CON 023-461: 6 Charity Steven Lane, Map 31, Lot 1A**
Notice of Intent filed by JA Realty Properties, LLC to repair sewage disposal system in the Buffer Zone and Riverfront area at Assessor's Map 31, Lot 1A.
- r. **SE 023-1477, CON 023-462: 39 Weeden Road, Map 31B, Lot 298A**
Notice of Intent filed by Frank Motta III to construct a 22'x22' detached garage with concrete apron within Land Subject to Coastal Storm Flowage and FEMA Flood Zone AE (El.14') at Assessor's Map 31B, Lot 298A.

7. 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 to accompany RDA.
- b. **EO 023-022: 344-346 New Boston Road, Map 40, Lots 023B & 023C:** No restoration has started; Commission to discuss fines.
- 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. Agent to give update on fill removal and restoration plan.
- e. **EO 023-014: 20 Yankee Lane, Map 39, Lot 16:** Phases 1 & 2 complete; Peer reviewer changed from Goddard Consulting to BSC Group. Agent working with consultant on Phases 3, 4 and 5.
- f. **SE 023-309, 023-1101, 023-1127, 023-1161: 1 Bella Vista, Map 43B, Lot 326, 359 & 360:** Agent in contact with LEC and engineer.
- g. **SE 023-1296, CON 023-307: Alves Way, Map 28, Lot 24:** The developer has been notified in July of the Operation and Maintenance Plan and monitoring requirements in accordance with the issued Army Corps of Engineers General Stormwater Permit.
- h. **350 New Boston Road, Map 40, Lot 21:** Unpermitted clearing in the Buffer Zone to BVW. Letter of Violation and Notice to Appear sent out August 2024. Owner contacted the office on August 21, 2024 and Engineering firm reached out August 28, 2024.
- i. **19 Hacker Street, Map 28A, Lot 132:** Notice of Violation and letter to appear was sent out August 2024.
- j. **0 Hacker Street, Map 28A, Lot 130:** Notice of Violation and letter to appear was sent out August 2024.
- k. **28 Whisper Lane, Map 42A, Lot 178:** Unpermitted clearing in Buffer Zone to Salt Marsh/LSCSF

- l. 364 Huttleston Avenue, Map 34A, Lot 22:** Cease & Desist issued July 20, 2024 for unpermitted work in the Buffer Zone to Bordering Vegetated Wetland; Agent requested erosion control.
- m. 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 VE (El.20'). Owner working on application packet.

8. General Business

- a. Next scheduled site visits: September 30, 2024
- b. Next Scheduled Public Hearing Date: October 7, 2024
- c. Fence policy
- d. Discuss Conservation text for Permittees checkbox
- e. Commission representative for the Buzzards Bay Water Quality Working Group
- f. Discuss 2025 meeting schedule options

9. Correspondence

SE 023-1461, CON 023-425: 60 Highland Avenue, Map 28A, Lots 154 & 165: Discuss the owner's concern with condition #59, which states, "At no point shall the supporting columns/piers of the foundation be enclosed with breakaway walls or any other enclosure and at no point shall concrete or any other solid material be placed at ground level."

- 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

Karen Isherwood, Chair

Fairhaven Conservation Commission

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