



CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

PUBLIC MEETING AGENDA

Monday, November 4, 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/86953155076?pwd=VFdUQkhzdVYrNzJIQktiVi9XSGppZz09>

Meeting ID: 869 5315 5076

Passcode: 633695

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 October 7 & 21, 2024 meeting minutes
4. Continuances requested in advance:
 - a. CON 023-372: 29 Silver Shell Beach Drive, Map 41, Lot 53
5. Executive Session

"Pursuant to G.L. c. 30A, § 21(a)(3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares. Meeting with Town Counsel in Executive Session Pursuant to Massachusetts General Laws, Chapter 30A, Sections 21(a)(3) to discuss strategy with respect to potential litigation (Robert Roderiques v. Town of Fairhaven)."
6. Request for Minor Field Change
 - a. SE 023-1434, CON 023-388: 127 Balsam Street
7. Emergency Certification
 - a. Washburn Avenue (between #36 & #47)
8. Requests for Certificates of Compliance
 - a. SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207
 - b. SE 023-1385, CON 023-279: 27 Silver Shell Beach Drive, Map 41, Lot 54

- c. **SE 023-1373, CON 023-260: 182 Ebony Street, Map 43B, Lot 260, 262, 264, 268**

9. Request for Amended Order of Conditions

- a. **SE 023-1384, CON 023-277: 39 Nelson Avenue, Map 43, Lots 224 & 225**

Request to amend the Order of Conditions filed by Stephen Taylor by adding stone retaining walls that were not included on the original plan. Lot falls within FEMA Flood Zone VE (El.19') at Assessor's Map 43, Lots 224 & 225.

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

Request to amend the Order of Conditions filed by Gail Rebello to move the approved 16' x 32' in-ground pool 4 feet away from the rear of the property to be in compliance with the 10-foot setback located at Assessor's Map 22B, Lot 75A.

10. 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:

Abbreviated Notice of Resource Area Delineation

- a. **SE 023-1482, CON 023-472: Alden Road, Map 28, Lots 22B & 22D**

Abbreviated Notice of Resource Area Delineation filed by Dennis Arsenault to confirm the location and classification of wetland resource areas on the site as identified on the ANRAD plan. This application is being submitted in accordance with the Massachusetts Wetlands Protection Act and the Town of Fairhaven Wetlands Bylaw. Property located at Assessor's Map 28, Lots 22B & 22D.

Requests for Determination of Applicability

- b. **CON 023-463: 25 Shore Drive, Map 29C, Lot 615**

Request for Determination of Applicability filed by Judith Pacheco-Young to confirm the limits of the Coastal Beach & Coastal Dune Resource Areas as depicted on the plan. The entire site falls within Land Subject to Coastal Storm Flowage, FEMA Flood Zones VE (El.17') & VE (El. 19') located at Assessor's Map 29C, Lot 615.

- c. **CON 023-469: 6 Charity Stevens Lane, Map 31, Lot 1A**

Request for Determination of Applicability by JA Realty Properties to replace two existing stone wall retaining walls with concrete on either side of the driveway. Install concrete paver walkway and pave driveway. Work to take place in the Buffer Zone and Riverfront area at Assessor's Map 31, Lot 1A.

Notices of Intent

- d. **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.

- e. **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.

f. 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.

g. 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.

h. 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.

i. 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.

j. 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.

k. 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.

l. SE 023-1480, CON 023-464: 67 Nakata Avenue, Map 43, Lot 100

Notice of Intent filed by Joseph Dupre to excavate, grade area at seawall & install 90' x 10' x 6" concrete slab with pitch; slab to be poured on top of existing sea wall. Lot falls within Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El. 19'), Buffer Zone to BVW and Coastal Beach at Assessor's Map 43, Lot 100.

m. SE 023-1481, CON 023-465: 69 Nakata Avenue, Map 43, Lot 99

Notice of Intent filed by Joseph Dupre to excavate, grade area at seawall & install 90' x 10' x 6" concrete slab with pitch; slab to be poured on top of existing sea wall. Lot falls within Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El.19'), Buffer Zone to BVW and Coastal Beach at Assessor's Map 43, Lot 99.

n. SE 023-1479, CON 023-468: 240 Alden Road, Map 23, portion of Lots 175A, 175D, 175E

Notice of Intent filed by Jeff White to construct single-family dwelling with ancillary grading, driveway, lawn and utilities. Some improvements fall within 100 feet of Bordering Vegetated Wetlands at Assessor's Map 23, Lots 175A, 175D, 175E.

o. SE 023-1483, CON 023-470: 4 Wilbur's Point Drive, Map 43, Lots 77 & 78

Notice of Intent filed by Ruth McCawley Geoffroy Trust to modify, repair and extend existing revetment and add anti-scour strip and plantings; raze existing house and re-build new residence in flood-zone-complaint foundation, as well as associated site work and connections to town water supply and existing septic system at Assessor's Map 43, Lots 77 & 78.

p. SE 023-____, CON 023-471: 167 Balsam Street, Map 43B, Lot 133

Notice of Intent filed by Lisa & Mark Gervais to raze existing single-family dwelling and construct a new single-family dwelling above Flood Zone AE (El.14') at Assessor's Map 43B, Lot 133.

11. Violations/Enforcement Orders/Cease and Desist Notices

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

b. EO 023-022: 344-346 New Boston Road, Map 40, Lots 023B & 023C: Violations notices have been sent to EO recipients; fines mailed out to EO recipients. Discuss any updates from MA DEP.

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; EO sent October 2024.

d. EO 023-014: 20 Yankee Lane, Map 39, Lot 16: BSC Group peer review proposal for phases 3, 4, and 5 received September 4, 2024; proposal was agreed and signed by Bruce Webb on October 22, 2024.

e. SE 023-309, 023-1101, 023-1127, 023-1161: 1 Bella Vista, Map 43B, Lot 326, 359 & 360: Updates on monitoring efforts. Update any correspondence with Rich Rheume.

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

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. **EO 023-017: 29 Mangham Way, Map 31A, Lots 300 & 300A:** Last site visit conducted October 2, 2024.
- i. **19 Hacker Street, Map 28A, Lot 132:** Notice of Violation and letter to appear was sent out August 2024; EO sent out October 2024.
- j. **28 Whisper Lane, Map 42A, Lot 178:** Unpermitted clearing in Buffer Zone to Salt Marsh/LSCSF; in process of scheduling site visit.
- k. **364 Huttleston Avenue, Map 34A, Lot 22:** Cease & Desist issued July 20, 2024 for unpermitted work in the Buffer Zone to Bordering Vegetated Wetland.
- l. **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').
- m. **SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207:** Noncompliance with the permit for SE 023-1333, CON 023-181.
- n. **2 Bayside Street, Map 42, Lot 34:** Unpermitted work beyond the approved permit for SE 023-1421, CON 023-361.
- o. **10 Bayside Street, Map 42, Lot 30:** Unpermitted work around the foundation piers and unpermitted crushed shells against the seawall with the use of heavy machinery.

12. General Business

- a. Next scheduled site visits: November 12, 2024
- b. Next Scheduled Public Hearing Date: November 18, 2024
- c. 2025 Meeting Schedule discussion

13. Any other business that may properly come before the Commission not reasonably anticipated 48 hours in advance of the meeting.

14. Motion to adjourn

Karen Isherwood, Chair

Fairhaven Conservation Commission

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