



# CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

## PUBLIC MEETING AGENDA

Monday, December 2, 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=VFdUQkhzdVYrNzJlQktiVi9XSGppZz09>

**Meeting ID: 869 5315 5076 Passcode: 633695**

Or call 1-929-205-6099

*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. Continuances requested in advance:
  - a. CON 023-372: 29 Silver Shell Beach Drive, Map 41, Lot 53
  - b. SE 023-\_\_\_\_, CON 023-387: 251 Sconticut Neck Road, Map 29, Lot 032
  - c. SE 023-1462, CON 023-430: 25 Shore Drive, Map 29C, Lots 615 & 616
4. Requests for Certificates of Compliance
  - a. SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207
  - b. SE 023-1308, CON 023-095: Huttleston Avenue, Map 31, Lot 115A & 117C
  - c. SE 023-1385, CON 023-279: 27 Silver Shell Beach Drive, Map 41, Lot 54
  - d. SE 023-53: 10 Wilbur's Point Drive, Map 43, Lot 81
5. Issue Order of Conditions
  - a. SE 023-1464, CON 023-424: 23 Eaton Road, Map 29B, Lot 110
  - b. SE 023-1486, CON 475: 164 Main Street, Map 12, Lot 7
  - c. SE 023-1488, CON 023-471: 167 Balsam Street, Map 43B, Lot 133
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:

### Abbreviated Notice of Resource Area Delineation

- a. SE 023-1482, CON 023-472: Alden Road, Map 28, Lot 22B  
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, Lot 22B.

### **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.

### **Notices of Intent**

**c. 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.

**d. 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.

**e. 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.

**f. 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.

**g. SE 023-1490, CON 023-478: 110 Middle Street, Map 11, Lot 2**

Notice of Intent filed by Uday Patel to repair a portion of an existing parking lot. Approximately 2,730 sq. ft. of existing pavement will be removed to a depth of 12" below existing grade and as required to remove unsuitable material. Work to take place within Land Subject to Coastal Zone Flowage, FEMA Flood Zone AE (El.6') at Assessor's Map 11, Lot 2.

**h. SE 023-\_\_\_\_, CON 023-479: 11 Delmont Street, Map 28B, Lot 715**

Notice of Intent filed by Mark Blouin to construct a new 28'x28' garage, replace existing gravel driveway & walkways with proposed shells, and Buffer Zone enhancement. Work to take place within the Buffer Zone to Bordering Vegetated Wetlands and Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El.16') at Assessor's Map 28B, Lot 715.

## **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:** Violations notices have been sent to EO recipients; fines mailed out to EO recipients; Magistrate's hearing November 26, 2024.
- 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. Owner reached out for site visit.
- d. **EO 023-014: 20 Yankee Lane, Map 39, Lot 16:** Agent to provide updates on phases 1 & 2 and correspondence with the peer reviewer; proposal for Phases 3,4 & 5 submitted. Proposal was agreed upon 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:** Provide updates on monitoring efforts.
- f. **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.
- g. **EO 023-017: 29 Mangham Way, Map 31A, Lots 300 & 300A:** Site visit conducted October 2, 2024; Site visit conducted on November 25, 2024.
- h. **28 Whisper Lane, Map 42A, Lot 178:** Unpermitted clearing in Buffer Zone to Salt Marsh/LSCSF; in process of scheduling site visit.
- i. **364 Huttleston Avenue, Map 34A, Lot 22:** Cease & Desist issued July 20, 2024 for unpermitted work in the Buffer Zone to Bordering Vegetated Wetland; owner in process of filing with the office.
- j. **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 to file spring 2025.
- k. **SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207:** Noncompliance with OOC; waiting on restoration plan.
- l. **51 Cedar, Map 4, Lot 155:** Unpermitted clearing in the BVW; wetland restoration report submitted November 5, 2024, prepared by Stephen Chmiel.

## **8. General Business**

- a. Next scheduled site visits: December 17, 2024
- b. Next Scheduled Public Hearing Date: January 6, 2025

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**

**Karen Isherwood, Chair**

Fairhaven Conservation Commission

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