



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

FAIRHAVEN TOWN CLERK
RCUD 2025 JAN 23 PM2:19

PUBLIC MEETING AGENDA

Monday, January 27, 2025 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

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. Announce Commission Resignations
3. Quorum/Attendance
4. Approval of the November 18, 2024, December 2, 2024 & January 6, 2025 meeting minutes
5. **Executive Session - Pursuant to G.L. c.30A, § 21(a)(3)**
Meeting with Town Counsel in Executive Session Pursuant to Massachusetts General Laws, Chapter 30A, Sections 21(a)(3) to discuss strategy with respect to litigation that would have a detrimental effect in an open meeting with respect to (Christian & Feck Development Corporation and Stanley B. Feck v. Town of Fairhaven Conservation Commission (Docket Number: 2473CV00735).
6. **Josh Crabb – Highways Department**
Discuss the permitting process for pavement repair, resurfacing, and reclamation of existing roadways within the right-of-way identified in 310 CMR § 10.02(2)(2)(p)
7. **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-____, CON 023-480: 17 Shore Drive, Map 29C, Lots 619 & 620
 - d. SE 023-1492, CON 023-482: 10 Wilbur's Point Drive, Map 43, Lots 81-83
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 023-1456, CON 023-414: 15 Wampanoag Drive, Map 29D, Lots 163 & 164
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 023-481: 29 Shore Drive, Map 29C, Lot 613
After-the-fact Request for Determination of Applicability filed by Brian Reis to raise flooded driveway area with gravel located within Flood Zone VE (El.17') at Assessor's Map 29C, Lot 613.**Notices of Intent**
 - b. 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.

c. 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.

d. 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.

e. SE 023-1493, CON 023-483: Intersection of Mill Road ROW to 280 Bridge Street

Notice of Intent filed by Karen Goodhue to extend an existing sewer line of approximately 880 L.F. from the intersection of Mill Road to service 3-house lots at 280 Bridge Street. The proposed work falls and within the Buffer Zone of a Bordering Vegetated Wetland and within the public right-of-way.

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 Restoration Plan. Commission to approve conditions associated with EO.
- 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. 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.
- d. SE 023-309, 023-1101, 023-1127, 023-1161: 1 Bella Vista, Map 43B, Lot 326, 359 & 360:** Provide updates on monitoring efforts.
- e. 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.
- f. 28 Whisper Lane, Map 42A, Lot 178:** Unpermitted clearing in Buffer Zone to Salt Marsh/LSCSF; in process of scheduling site visit.
- g. 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.
- h. 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.
- i. SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207:** Noncompliance with OOC; Revising Restoration Proposal with CZM suggestions.
- j. 51 Cedar, Map 4, Lot 155:** Unpermitted clearing in the BVW; wetland restoration report submitted November 5, 2024, prepared by Stephen Chmiel.

8. Correspondence

- a. CON 023-440: 8 Nelson Avenue: Owner requested Commission review of revised work under existing Determination of Applicability for work relating to a damaged concrete apron.

9. General Business

- b. Next scheduled site visits: February 10, 2025
- c. New members and appointments
- d. Next Scheduled Public Hearing Date: February 24, 2025

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

Jake Galary, Acting Chair

Fairhaven Conservation Commission

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