

**Conservation Commission
September 16, 2024**

FAIRHAVEN TOWN CLERK
RCUD 2024 OCT 21 PM4:26

1. **Chairman's Welcome and Media Notification:** Karen Isherwood opened the meeting at 6:06p.m. Ms. Isherwood read the protocol for Zoom meetings and open Public Meeting Law.

Ms. Isherwood advised that the meeting was being conducted remotely, 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. 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.

2. **Quorum/Attendance:** Karen Isherwood, Wendy Drumm, Anthony Couto, Carrie Hawthorne
Absent: Ronnie Medina, Erik Baumann, Jake Galary

3. **Approval of the August 5th & August 19, 2024 public hearing minutes**

Carrie Hawthorne made a motion to accept the August 5 & 19, 2024 meeting minutes. The motion was seconded by Wendy Drumm and passed (4-0).

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**

- Continued to the October 7, 2024 meeting

- b. **SE 023-1334, CON 023-184: 15 James Street, Map 2, Lot 146**

Rick Charon addressed the Commission on behalf of Mr. Costa. He made the Commission aware of a slight change to the down spout recharge system.

Carrie Hawthorne made a motion to issue a Certificate of Compliance for a complete certification under the Wetlands Protection Act and Fairhaven Wetlands Bylaw for SE 023-1334, CON 023-184: 15 James Street, Map 2, Lot 146, with the following three deviations: (1) the relocation of the garage doors to the James Street side; (2) remove the shed off the property and; (3) only 3 out of 4 re-charge systems installed. The certificate will have the following ongoing conditions: CHM-2, DER-4, FZ-4, and Condition Number 43 (A roof recharge system shall be installed and maintained in perpetuity), and RUN-3 as listed in the order of conditions. The motion was seconded by Tony Couto and passed (4-0).

- c. **SE 023-1378, CON 023-266: 148 Main Street, Map 12, lot 12A**

Dave Davignon represented the owner, Diane Tomassetti, and described (3) deviations made to the plan.

Carrie Hawthorne made a motion to issue a Certificate of Compliance for a complete certification under the Wetlands Protection Act and Fairhaven Wetlands Bylaw SE 023-1378, CON 023-266: 148 Main Street, Map 12, Lot 12A, with the following three deviations: (1) the cantilever seating bench was installed along the southerly side of the pier versus the northerly side as depicted on the plan; (2) the proposed concrete replacement pad was not installed and; (3) the length of the pier is approximately 18 in longer landward where the concrete pad was proposed. The certificate will have the following ongoing conditions: Condition number 32, SDP-1, SDP-4, SDP-2 and DER-4 as listed in the order of conditions. The motion was seconded by Tony Couto and passed (4-0).

d. SE 023-1318, CON 023-142: 70 Reservation Road, Map 29B, Lot 7

Dave Davignon represented Jeffrey Lee to discuss the seawall repair project. They will not be reconstructing concrete pad on existing deck, so there will be less work to the area.

Carrie Hawthorne made a motion to issue a Certificate of Compliance for a complete certification under the Wetlands Protection Act and Fairhaven Wetlands Bylaw for SE 023-1318, CON 023-142: 70 Reservation Road, Map 29B, Lot 7 with the deviation that the existing deck was removed but not reconstructed, and with the following ongoing conditions: CHM-1 and DER-4 as listed in the order of conditions. The motion was seconded by Tony Couto and passed (4-0).

e. SE 023-1300, CON 019-055: 25 Abbey Street, Map 6, Lot 102

Karen Isherwood made a motion to issue a Certificate of Compliance for a partial certification under the Wetlands Protection Act and Fairhaven Wetlands Bylaw for SE 023-1300, CON 019-055: 25 Abbey Street, Map 6, Lot 102. The completed work subject to this partial certification include the razing of the existing dwelling and an elevated concrete foundation with the lowest horizontal structural member above the base flood elevation within FEMA Flood Zone VE (EI-15') with the following ongoing conditions: CHM-1, DER-4, and Condition Number 50 as listed in the order of conditions. The motion was seconded by Carrie Hawthorne and passed (4-0).

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

g. CON 023-452: 736 Sconticut 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.

Carrie Hawthorne made a motion to close the public hearing for CON 023-452: 736 Sconticut Neck Road, Map 42, Lot 6 and issue a Negative Determination 3 and 6, with the added conditions CAP-3 and FZ-1, under the Wetlands Protection Act and Fairhaven Wetlands Bylaw. The fence within the velocity flood zone shall be FEMA compliant and be at least 50% open using a shadowbox fence or equivalent. The entire fence shall have a gap of no less than 6 inches between the ground and the lowest horizontal part of the fence. The entire fence shall have a space of no less than 6 inches from both vertical sides to other structures such as but not limited to fences, sheds, garages. No object or structure may impede the primary function of the

shadowbox fence which is to allow for coastal storm flowage and runoff. The motion was seconded by Wendy Drumm and passed (4-0).

h. 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

Carrie Hawthorne made a motion to close the public hearing for CON 023-455: 40 Point Street, Map 28B, Lot 119 and issue a Positive Determination 2B for Bordering Vegetative Wetland, a Negative Determination 3 and 6 with the added conditions CAP-3 and FZ-1, under the Wetlands Protection Act and Fairhaven Wetlands Bylaw. The motion was seconded by Tony Couto and passed (4-0).

i. 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.

Carrie Hawthorne made a motion to close the public hearing for CON 023-456: 6 Bay Street, Map 28A, Lot 494 and issue a Positive Determination 2B for Bordering Vegetative Wetland, a Negative Determination 3 and 6, with the added conditions CAP-3 and FZ-1, under the Wetlands Protection Act and Fairhaven Wetlands Bylaw. The motion was seconded by Wendy Drumm and passed (4-0).

j. 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.

Karen Isherwood made a motion to close the public hearing for CON 023-457: 67 Nakata Avenue, Map 43, Lot 100 and issue a Positive Determination 1 and 2B for Coastal Beach and Coastal Bank, and a Positive Determination 3, 4, and 5 under the Wetlands Protection Act and Fairhaven Wetlands Bylaw. The motion was seconded by Wendy Drumm and passed (4-0).

k. 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.

Karen Isherwood made a motion to close the public hearing for CON 023-458: 69 Nakata Avenue, Map 43, Lot 99 and issue a Positive Determination 1 and 2B for Coastal Beach and Coastal Bank, and issue a Positive Determination 3, 4, and 5 under the Wetlands Protection Act and Fairhaven Wetlands Bylaw. The motion was seconded by Carrie Hawthorne and passed (4-0).

I. 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 ties. Work to take place at Assessor's Map 28B, Lots 64 & 65.

Carrie Hawthorne made a motion to close the public hearing CON 023-459: 15 Hathaway Street, Map 28B, Lots 64 & 65 and issue a Negative Determination 3 and 6 with the added conditions CAP-3 and FZ-1, under the Wetlands Protection Act and Fairhaven Wetlands Bylaw. The motion was seconded by Tony Couto and passed (4-0).

m. 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.

Bruce Webb stated this proposed curved driveway will be located on existing lawn.

Geraldine Kuss of 273 Sconticut Neck Road questioned the additional driveway.

Owner, Al Easterday explained the curved driveway is needed for safety measures. Mr. Easterday has spoken to the BPW and has applied for a curb cut.

Carrie Hawthorne made a motion to close the public hearing for CON 023-460: 270 Sconticut Neck Road, Map 29A, Lots 96 & 101 and issue a Negative Determination 3 and 6, with the added conditions CAP-3 and FZ-1, under the Wetlands Protection Act and Fairhaven Wetlands Bylaw. The motion was seconded by Wendy Drumm and passed (4-0).

Notices of Intent

n. 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.

SE 023-1391, CON 023-291: Bridge Street, Map 36, Lot 15J was continued in advance to the October 7, 2024 public hearing.

o. 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.

SE 023-1423, CON 023-364: Bridge Street, Map 30A, Lots 87 & 87A was continued in advance to the October 7, 2024 public hearing.

p. 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.

SE 023-1467, CON 023-442: 1 Stetson Avenue, Map 2, Lots 256, 262, 263 requested a continuance to the October 7, 2024 public hearing after the hearing was opened. A recess was held before the continuance request from 6:58pm to 7:05pm. No discussion ensued.

q. 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.

SE 023-1474, CON 023-412: 21 Goulart Memorial Drive, Map 42, Lot 22 was continued in advance to the October 7, 2024 public hearing.

r. 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.

Rick Charon, of Charon Associates represented the applicant and discussed the revised plan dated September 16, 2024. The new plan breaks down the marsh and dune Buffer Zones. The new proposed dwelling will be pushed back beyond the 100' buffer Zone. A soil evaluation determined no area classified as Barrier beach.

Corey Bracken of Sabatia, Inc. and Sam Haines of CZM felt the dune delineation was accurate.

Karen Isherwood expressed concern for the concrete slab and inquired if the 50-100% will be impervious?

The agent stated CZM were concerned about breakaway walls on impervious slab due to over wash.

Carrie Hawthorne made a motion to continue SE 023-1464, CON 023-424: 23 Eaton Road, Map 29B, Lot 110 to the October 7, 2024 public hearing at the applicant's request. The motion was seconded by Tony Couto and passed (4-0).

s. **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.

SE 023-____, CON 023-387: 251 Sconticut Neck Road, Map 29, Lot 032 was continued in advance to the October 7, 2024 public hearing.

t. **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.

Andrew Stackpole of Field Engineering presented the revised plan which depicts concrete slab and driveway dimensions

Sandra Hermenau, of 3 Frederick Avenue questioned stormwater responsibilities.

The Commission clarified that stormwater decisions would need to be discussed with the Planning Board.

Carrie Hawthorne made a motion to grant the "Buffer Zone Regulations Variance Request" under the Fairhaven Wetlands Bylaw, Chapter 192, Section 8, of the Buffer Zone Regulations for SE 023-1472, CON 023-449: 0 Frederick Avenue, Map 29A, Lots 151-152. The motion was seconded by Tony Couto and passed (4-0).

Carrie Hawthorne made a motion to close the public hearing for SE 023-1472, CON 023-449, 0 Frederick Avenue, Map 29A, Lots 151-152, approving the plan titled "Proposed Site Improvements Michael Livingstone" dated July 23, 2024, with a Revised date of September 9, 2024, and issue an Order of Conditions outlined in Attachment A dated September 16, 2024, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Tony Couto and passed (4-0).

u. **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.

Karen Isherwood made a motion to partially lift the Cease and Desist issued on August 1, 2024 for 25 Abbey Street, Map 6, Lot 102, allowing work to commence above the Base Flood Elevation only. No work is allowed below FEMA Flood Zone VE (EL.15') until such time as the Cease and Desist is fully lifted. The motion was seconded by Carrie Hawthorne and passed (4-0).

Action: Farland Corp. to submit revised plan for the next hearing.

Carrie Hawthorne made a motion to continue SE 023-1473, CON 023-453: 25 Abbey Street, Map 6, Lot 102, to the October 7, 2024 meeting at the applicant's request. The motion was seconded by Tony Couto and passed (4-0).

v. 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.

SE 023-1476, CON 023-454: 27 Silver Shell Beach Drive, Map 41, Lot 54 continued in advance to the October 7, 2024 public hearing.

w. 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.

Carrie Hawthorne made a motion to continue SE 023-1475, CON 023-461: 6 Charity Steven Lane, Map 31, Lot 1A to the October 7, 2024 meeting at the applicant's request. The motion was seconded by Wendy Drumm and passed (4-0).

x. 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.

Carrie Hawthorne made a motion to close the public hearing for SE 023-1477, CON 023-462: 39 Weeden Road, Map 31B, Lot 298A, approving the plan titled "Site Plan 39 Weeden Road Assessors Map 31B Lot 298A Fairhaven, Massachusetts" dated August 22, 2024, and issue an Order of Conditions outlined in Attachment A, dated September 16, 2024, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Wendy Drumm and passed (4-0).

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.

– Continued to the October 7, 2024 meeting.

- b. EO 023-022: 344-346 New Boston Road, Map 40, Lots 023B & 023C:** No restoration has started; Commission to discuss fines.

Christian Farland of Farland Corporation stated a third-party wetland scientist with EcoSystem Solutions, Inc. was in possession of the wetland delineation and plan. He asserts that Farland was unaware of the wetland boundaries in 2018, when Farland Corp. conducted the percolation tests. At the April 24, 2023 meeting, Farland presented the restoration proposal prepared by Environmental Consulting & Restoration, LLC dated March 13, 2023, with a revised date of

March 29, 2023. The commission deliberated and concluded the replication guideline standards were sufficiently met. The commission then voted to approve the restoration plan prepared by Farland Corp., dated March 3, 2023, with the addition of clusters of trees being planted in clusters of 4.

Mr. Farland asserts that the restoration never began, since the Mullen's prevented Farland from entering the property and would not sign the release in exchange for the work. Documentation from Farland's attorney was provided stating Farland is willing to complete restoration, once Patrick Mullen signs the offer of settlement. The letter from Morrison Mahoney, LLP, dated August 5, 2024 claims Farland Corp. has been compliant with the order of the commission and has taken an active role in the formulation of a restoration plan.

Patrick Mullen denies granting permission for the percolation tests to be performed on the property during September 2022. There was an application for the purchase and sale approved by the Board of Health and was not signed by the Mullen's. Mr. Mullen sent Farland's lawyer complete permission to enter the property and complete the restoration, but Farland insisted upon a settlement agreement stating the Mullen's would not sue Farland for further damages. Mr. Mullen acknowledges the Settlement Agreement and Mutual Release proposed by Farland, but does not agree to the terms. Mr. Mullen believes the Mullen family is owed money for the removal of trees and the unpermitted trespass on the Mullen's property. Mr. Mullen believes the Enforcement Orders addressed to Christ Gilbert and Farland Corporation were not appealed and are fully enforceable by the commission under the Wetlands Protection Act.

Christian Farland stated the Health Agent was present during the Percolation test, which was approved by the potential buyers Benny Almeida and Patrick Walsh. Mr. Farland asserts he did not know there were wetlands on the property and would not have authorized his company to do soil testing if he was aware of this information.

Karen Isherwood made a motion to issue fines of \$300.00 per day to Not the Violator, LLC, Chris Gilbert, and Farland Corporation for failure to comply with Enforcement Order 023-022 for 344-346 New Boston Road, Map 40, Lots 23B & 23C, pursuant to the Fairhaven Wetlands Bylaw: Chapter 192-11 of the Code of the Town of Fairhaven and the Wetlands Protect Act, until such time as the property is in compliance with Enforcement Order. The motion was seconded by Carrie Hawthorne and passed (4-0).

- 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

– *Continued to the October 21, 2024 meeting.*

- 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.

– *Continued to the October 21, 2024 meeting.*

- 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.

Staff reached out to Rich Rheaume for a site visit.

- 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.

Developer, Tony Alves came into the office for questions and will apply for a COC.

- 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.

Corey Bracken of Sabatia to do an onsite delineation and site visit with Andrew Stackpole of Field Engineering.

- i. **19 Hacker Street, Map 28A, Lot 132:** Notice of Violation and letter to appear was sent out August 2024.

Commission to ratify Enforcement Order on October 7, 2024.

- j. **0 Hacker Street, Map 28A, Lot 130:** Notice of Violation and letter to appear was sent out August 2024.

Owner, Charles Motta stated town put in sewer main through property causing disturbance. He also stated the neighbor has placed items on his property.

Action: Violation to be closed; contingent on Bruce Webb's inspection.

- k. **28 Whisper Lane, Map 42A, Lot 178:** Unpermitted clearing in Buffer Zone to Salt Marsh/LSCSF

Commission members conducted a site visit on September 23, 2024 and the owners agreed to contact the office.

- 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.

Commission to perform site visit on September 23, 2024; ratify Enforcement Order on October 7, 2024.

- 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 actively working on submitting an application to the conservation office.

8. General Business

- a. Next scheduled site visits: September 23, 2024
- b. Next Scheduled Public Hearing Date: October 7, 2024
- c. Fence policy – *continued to a later date*
- 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."

Michael Feck stated work would be taking place in the 25–50-foot Buffer Zone of a pre-existing, non-conforming lot. He disagrees with the deed's wording and classifies the condition as a taking. The house is in the 50-foot Buffer and he believes enclosing the structure will not have detrimental effect on the wetland.

Agent suggested that the foundation not to be enclosed due to flooding during winter storms.

Commission agreed to continue discussion on October 7, 2024.

Agent: Reach out to DCR Flood Plain and MassDEP.

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

Carrie Hawthorne made a motion to adjourn at 9:54pm. The motion was seconded by Tony Couto and passed (4-0).

Karen Isherwood, Chair

Fairhaven Conservation Commission

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