

Conservation Commission

Minutes

March 24, 2025

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1. **Chairman's Welcome and Media Notification:** Brandon Estrella opened the meeting at 6:00p.m. Mr. Estrella read the protocol for Zoom meetings and open Public Meeting Law.

Mr. Estrella 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. **Mission statement:** Wendy Drumm read the new mission statement.
Conservation by definition is the careful maintenance and upkeep of our natural resources to prevent them from disappearing. A natural resource being the physical supply of something that exists in nature, such as soil, water, air, plant and animal. Any perceived or plausible endangerments to these areas and sites shall fall before The Conservation Commission under the laws of Fairhaven and The State. We as a Committee will strive to make mindful and educated decisions with the assistance of our appointed conservation agents.

3. **Quorum/Attendance:** Wendy Drumm, Jake Galary, Karyn Ferreira, Diane Tomassetti, Brandon Estrella. Karen Goodhue joined a few minutes after rollcall.
Zoom- Anthony Couto

Conservation and Sustainability Coordinator, Kelly Camara and Recording Secretary, Barbara Paczosa were present in Town Hall.

4. **Appoint a Commission member as the liaison for the Community Preservation Committee:** Brandon Estrella discussed with the board the need to appoint a member liaison. The vote was tabled to the April 7, 2025 meeting.
5. **Approval of the February 24, 2025 meeting minutes:** Brandon Estrella made a motion to approve the minutes from February 24, 2025. The motion was seconded by Jake Galary and passed unanimously (7-0).
6. **Josh Crabb – Highways Department**
 - a) 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)

Josh Crabb, Highway Superintendent provided packets with information on how to move forward with resurfacing existing roadways located within the buffer zone. Mr. Crabb requested feedback

from the Commission in terms of a NOI versus an RDA. The Commission felt these decisions could be made between Mr. Crabb and Ms. Camara.

- b) Request for ditch maintenance and pipe clearing work on Cottonwood Street (between Misty Bay and Bass Creek Road).

Josh Crabb stated stormwater is not draining out with the tidal influence and he is having trouble keeping the road sound and passable. Mr. Crabb thinks the next step is drainage ditch maintenance. Mr. Crabb explained he would like to reshape the drainage ditch for better flow, which will protect the roads with less maintenance in the long term. Mr. Crabb also stated he would like permission to find the failed collapsed cross pipes and then proceed with permitting to re-establish the culverts.

The Commission is in agreement with Ms. Camara making decisions for minor or exploratory activity and collaborating with Mr. Crabb.

7. Consider acceptance of care, custody, and control of Parcel ID 27-334, Washburn Avenue, Fairhaven, MA pursuant to M.G.L. c. 40, Section 8C.

Attorney Marsh stated this parcel was approved for the town to accept through the Select Board. Attorney Marsh disseminated information to all the board members to show where the parcel is located and explained that the owner purchased the parcel in 1946. This land is marshland and not buildable.

Ms. Drumm inquired about the size of the lot and if there is public access. Mr. Estrella responded that the parcel is 0.6 acres with a private footpath.

Attorney Marsh stated the owner will be giving a quitclaim deed to the town conveying interest in the property.

Ms. Tomassetti inquired about the taxes on the property. Attorney Marsh responded that all taxes have been paid up to date and totaled \$3000 to \$3500, since 1997. Attorney Marsh added that it fits in perfectly with the surrounding conservation land that's already in the town's name.

Attorney Marsh will be back on the April 7, 2025 meeting to present the boundary lines and address any additional concerns.

8. Camel Street Conservation Restriction:

Allen Decker, Director of Land Protection with the Buzzards Bay Coalition (BBC) requested the Commission's approval to hold the Conservation Restriction (CR) at Camel Street, which adjoins the Wide Marsh Farm. A letter of support for the holding of the CR was signed and approved by Bruce Webb dated July 8, 2024.

Mr. Decker discussed the matter with the Commission and distributed information and maps for review. Mr. Decker explained he is seeking the Commission's vote to approve the CR and hold it in partnership with the BBC when they acquire the property.

Mr. Estrella questioned the environmental and cultural sensitivity of the property. Mr. Decker responded there is a reserved right to allow for indigenous cultural practices on the property.

Mr. Estrella made a motion to accept the conservation restriction at the Camel Street property. The motion was seconded by Ms. Drumm and passed (7-0).

9. Continuances requested in advance:

- a. **SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207**
- b. **SE 023-____, CON 023-480: 17 Shore Drive, Map 29C, Lots 619 & 620**
- c. **CON 023-484: 2 Oxford Street, Map 13, Lot 001**
- d. **SE 023-1494, CON 023-485: Ebony Street, Map 43C, Lot 389-400**

10. Requests for Certificates of Compliance

- a. **SE 023-1085: 18 Bernese Street, Map 29A, Lot 287**

Ms. Camara stated the home was constructed in 2010 and the current owner is trying to close out the Order of Conditions to sell the home. Ms. Camara stated the order was in compliance and recommended a complete certificate of compliance.

Mr. Estrella made a motion for a complete Certificate of Compliance for 18 Bernese Street, Map 29A, Lot 287. The motion was seconded by Ms. Tomassetti and passed (7-0).

11. 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 – *Continued from January 27, 2025 & February 24, 2025***

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.

Ms. Camara stated this has been presented the last two hearings; it was first thought to be asphalt, but the owner clarified this is recycled reclaimed asphalt. Although pervious, there is concern of runoff into the bay. Commission members recommended plantings as a buffer to mitigate runoff.

The applicant has not yet provided abutter notices to the Commission.

Mr. Estrella made a motion to continue on 29 Shore Drive, Map 29C, Lot 613 to the April 7, 2025 public hearing due to a lack of information. The motion was seconded by Ms. Tomassetti and passed (7-0).

- b. **CON 023-487: 6 Charity Stevens Lane, Map 31, Lot 001A**

Request for Determination of Applicability filed by Ann Marie Almeida to install a 5-foot-high vinyl fence (31 feet) in backyard located at Assessor's Map 31, Lot 001A.

Ms. Camara stated this is a request for a perimeter chain link fence with a vinyl front gate. There was a recent septic install on the property, so erosion controls were already in place.

Mr. Estrella made motion to grant a Negative Determination 3 & 6 for 6 Charity Stevens Lane, Map 31, Lot 001A, under the WPA and the Fairhaven Wetlands Bylaw. The motion was seconded by Ms. Drumm and passed (7-0).

c. CON 023-488: 63 Nakata Avenue, Map 43, Lot 102

Request for Determination of Applicability filed by Joseph & Grace Riccardi to install a new 2000-gallon capacity sewage holding tank (tight tank) to replace existing cesspool. The work lies within Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El.17'), and within the Buffer Zone to Coastal Bank at Assessor's Map 43, Lot 102.

Rick Charon of Charon Associates spoke on behalf of his clients, Mr. & Mrs. Riccardi. Mr. Charon stated the current cesspool located under the house needs frequent pumping and maintenance. Mr. Charon stated the new tight tank will be on the north side of the house with siltation controls. The neighbor is very receptive and has no issues. The tank is fully ballasted for complete immersion due to the flood zone.

Mr. Estrella made a motion to grant a Positive 2b Determination for Buffer Zone to Coastal Bank and a Negative Determination 3 & 6 for 63 Nakata Avenue, Map 43, Lot 102, under the WPA and the Fairhaven Wetlands Bylaw. The motion was seconded by Ms. Tomassetti and passed (7-0).

Notices of Intent

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.

Attorney Nicholas Gomes distributed photographs of the site to the Commission. The proposed driveway is to allow easy access for his client and her family members to access the property.

Currently, the property is serviced by a stone driveway which is just east of the garage and accessible by Chambers Street. Attorney Gomes stated the Commission had concerns of adding just under 2,000 S.F. of impervious surface.

Attorney Gomes provided information to the Commission on porous asphalt from PJ Keating.

Ms. Drumm questioned the objection to alternatives such as gravel or shells. Attorney Gomes responded that his clients are worried about winter storms.

The Commission further discussed alternative driveway materials.

Chris Augenti of 8 Chambers Street stated Chambers Street experiences frequent flooding. He also expressed concern with limited street parking, due to two additional driveway aprons.

Joyce Lopes of 29 Silver Shell Beach Drive expressed concern that this project will come up to her boundary line and will hinder access to her mailbox and trash pickup. She concurred with Mr. Augenti that two driveway entrances decrease available street parking.

Mr. Estrella made a motion to continue 27 Silver Shell Beach Drive, Map 41, Lot 54 to the April 7, 2025 public hearing. The motion was seconded by Mr. Galary and passed (7-0).

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; top of slab will be equal height to existing seawall. 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. - Was continued by the applicant

SE 023-1480, CON 023-464: 67 Nakata Avenue, Map 43, Lot 100 continued to the April 7, 2025 public hearing.

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; top of slab will be equal to existing seawall. 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. -Was continued by the applicant

SE 023-1481, CON 023-465: 69 Nakata Avenue, Map 43, Lot 99 continued to the April 7, 2025 public hearing.

12. Violations/Enforcement Orders/Cease and Desist Notices – Updates

- a. EO 023-022: 344-346 New Boston Road, Map 40, Lots 023B & 023C:** Bruce Webb to provide an update on the March 11, 2025 court hearing regarding fines imposed on violators.

Owner, Patrick Mullen offered to provide background on the matter noting the Commission's previous discussion of enforcement challenges.

Ms. Camara provided an update on the court proceedings involving Bruce Webb and background on the contract related to property access to commence restoration.

Action: Mr. Webb to provide board a refresher on the proceedings with this property at the April 7, 2025 meeting.

- b. 28 Whisper Lane, Map 42A, Lot 178:** Unpermitted clearing in Buffer Zone to Salt Marsh/LSCSF; in process of scheduling site visit. Staff is still attempting to coordinate site visit with the owner.
- c. 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 has met with staff and is in the process of filing an RDA.
- d. 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. Staff to contact the owner to see if he will apply within the next month.
- e. 51 Cedar, Map 4, Lot 155:** Unpermitted clearing in the BVW; wetland restoration report submitted November 5, 2024, prepared by Stephen Chmiel. Commission to conduct a site inspection spring 2025.

- f. **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. Goddard Consulting to present the restoration plan for phases 3, 4, & 5 dated January 20, 2025.

Chris Frattaroli from Goddard Consulting provided an update on Phases three, four and five.

Mr. Estrella made a motion to complete Phases three, four and five for 20 Yankee Lane, Map 39, Lot 16. The motion was seconded by Ms. Drumm and passed (7-0).

- g. **SE 023-1127 & SE 023-1340: 1 Bella Vista, Map 43B, Lot 326, 359 & 360:** Provide updates on monitoring efforts. Commission to conduct a site inspection in spring 2025. Ms. Camara has contacted Rich Rheaume's office and has scheduled a site visit on April 10, 2025.
- h. **SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207:** Restoration proposal submitted January 3, 2025; revised restoration plan expected early March 2025. Ms. Camara stated Rick Charon submitted a restoration proposal in January with revisions submitted early March. He requested to hold off until the April 7, 2025 meeting to present the proposed restoration.
- i. **0 Perry Street, Map 31A, 434:** Unpermitted clearing, disturbance, and foundation installation in parcel located within the Buffer Zone to Bordering Vegetated Wetlands and NHESP Priority Habitat. Property owner submitted an after-the-fact Notice of Intent on March 17, 2025 to construct a single-family dwelling, driveway and associated utilities. The contractor agreed with the Building Commissioner to not do any further work until they are issued an Order of Conditions.
- j. **138 Alden Road, Map 24, Lot 007:** Unpermitted clearing the Buffer Zone to BVW; office sent certified notice of violation on March 13, 2025.

13. General Business

- a. Next scheduled site visits: March 31, 2025
- b. Next Scheduled Public Hearing Date: April 7, 2025
- c. Discuss adopting a Conservation Commission seal stamp to be used for official municipal purposes and documentation, along with the town seal to promote the Commission's history and mission.
- d. Announcement - Fairhaven Sustainability Eco Fair, April 12, 2025

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

15. Motion to adjourn:

Mr. Estrella made a motion to adjourn at 9:00pm. The motion was seconded by Ms. Tomassetti and passed (7-0)

Brandon Estrella, Chair

Fairhaven Conservation Commission

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