



TOWN OF FAIRHAVEN, MASSACHUSETTS
CONSERVATION COMMISSION
Town Hall · 40 Center Street · Fairhaven, MA 02719



PUBLIC MEETING AGENDA
Monday, May 19, 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=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 (2nd Floor Auditorium)

1. Chairman's Welcome and Media Notification

2. 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

4. Address site visit procedures & meeting protocol

5. Approval of the April 7, 2025 meeting minutes

6. Executive Session

- a. Pursuant to G.L. c.30A, § 21(a)(7) "to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements" ("Purpose 7"), citing to the Open Meeting Law, G.L. c. 30A, §§ 22(f), (g) (review minutes of executive sessions dated 1/10/2022, 9/5/2023, 9/25/2023, 11/6/2023, 11/13/2023, 12/11/2023, 11/4/2024, 1/27/2025).
- b. Pursuant to G.L. c. 30A, § 21(a)(1) to discuss complaint against Conservation Commission (Open Meeting Law complaint by Kevin Mullen dated May 5, 2025)

7. Discussion of executive session minutes and response to Open Meeting Law Complaint

8. Continuances requested in advance:

- a. SE 023-1503, CON 023-503: 17 Turner Avenue, Map 2, Lots 275-277

9. Requests for Certificates of Compliance

- a. SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207

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:

Request for Amended Order of Conditions

a. SE 023-1461, CON 023-425: 60 Highland Avenue, Map 28A, Lot 164 & 165

Request filed by Laura Tykodi for the following amendments: (1) pier placement locations have been revised; (2) pier count reduced from 22 driven piles to 12 concrete piers; (3) proposed 14' x 16' deck & stairs have been removed; (4) a 7' cantilevered deck has been added to the southwest and a portion of northwest sides of the dwelling; and (5) the driveway location moved northeast. Parcel located within Buffer Zone to BVW & LSCSF, FEMA Flood Zone VE (El.16').

b. SE 023-1290, CON 019-036: Torrington Road, Map 29B, Lot 128

Request filed by Christopher & Laurie A. Stevens for the following amendments: (1) house & driveway will now be outside the 50-foot Buffer Zone; (2) the 10-foot Buffer Zone between the limit of work and the BVW will increase by 25 feet; and (3) construction, staging & stockpile area will now be outside of the 100-foot Buffer Zone.

Requests for Determination of Applicability

c. CON 023-493: 55 Bayview Avenue, Map 28A, Lots 464 & 465 – Continued from April 28, 2025

Request for Determination of Applicability filed by Annette McDonald to construct an 8'x16' storage shed; concrete floor will not be used.

d. CON 023-501: 3 Saltmarsh Road, Map 43, Lot 46

Request for Determination of Applicability filed by Joseph Braga to install new 3000-gallon capacity sewage holding tank (tight tank) to replace the existing septic tank and leaching field. Work falls within Land Subject to Coastal Storm Flowage (LSCSF) and within the Buffer Zone to BVW & Saltmarsh.

e. CON 023-502: 1 Boulder Court, Map 2, Lot 6C

Request for Determination of Applicability filed by Sarajon Realty, LLC for the construction of a front entry stoop with steps to grade connected to an existing single-family dwelling. The stoop will be supported by two posts on diamond pier footings. An existing stone retaining wall will also be extended to accommodate the new stoop and steps. The proposed work will take place within the 100-foot Buffer Zone to a BVW and within LSCSF, FEMA Flood Zone VE (El. 15').

f. CON 023-505: 15 Robichaud Farm Lane, Map 35, Lot 2 (281 New Boston Road)

Request for Determination of Applicability filed by Steven Tallarida for the construction of a single-family dwelling, detached garage, well, driveway, and associated grading within Buffer Zone to BVW.

g. CON 023-506: 732 Sconticut Neck Road, Map 42, Lot 6

Request for Determination of Applicability file by ROSO Investment Realty Trust to install septic tank, pump chamber, and leaching area. Work to take place within LSCSF, Flood Zone VE (El. 19').

h. CON 023-507: 1 Pavillion Way, Map 29, Lot 004H

Request for Determination of Applicability filed by John & Sylva Collins to clear walking path (vegetation & rocks) within Coastal Beach & Saltmarsh.

- i. **CON 023-508: 3 Beachwood Street, Map 28B, Lot 073**
Request for Determination of Applicability filed by Amanda Rader to install push piers to stabilize sinking foundation. Property located within FEMA Flood Zone VE (El.16').
- j. **CON 023-509: 24 Forestview Avenue, Map 31A, Lot 600K**
Request for Determination of Applicability filed by Richard Vincent to remove existing asphalt driveway & replace with new asphalt, approximately 1,700 S.F. Work to take place within Buffer Zone to BVW.

Notices of Intent

- k. **SE 023-1504, CON 023-504: 46 Goulart Memorial Drive, Map 42, Lot 19**
Notice of Intent filed by Anthony David to remove existing foundation and construct a new single-family dwelling in compliance with FEMA and Mass Building Code. Work to take place within LSCSF, FEMA Flood Zone VE (El.17').
- l. **SE 023-1494, CON 023-485: Ebony Street, Map 43C, Lot 389-400 – Continued from April 7, 2025**
Notice of Intent filed by Mike Ristuccia for proposed septic with wastewater denitrification system. Property contains Bordering Vegetated Wetlands, Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El. 17'), and NHESP Priority Habitats at Assessor's Map 43C, Lots 389-400.
- m. **SE 023-1496, CON 023-490: 0 Perry Street, Map 31A, Lot 434 (Earle Street) – Continued from April 7, 2025 & April 28, 2025**
Notice of Intent filed by David Vermette to construct a single-family home with associated driveway, grading, and utilities. The applicant also proposes to stabilize a portion of the lot previously disturbed and cleared. The parcel contains NHESP Priority Habitat and Buffer Zone to Bordering Vegetate Wetlands at Assessor's Map 31A, Lot 434.

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

- a. **EO 023-022: 344-346 New Boston Road, Map 40, Lots 023B & 023C:** Completed restoration walkthrough with Christian Farland on April 29, 2025. Commission to approve the completed restoration project.
- b. **364 Huttleston Avenue, Map 34A, Lot 22:** Cease & Desist issued July 20, 2024 for unpermitted work in the Buffer Zone to Bordering Vegetated Wetland. Discuss possible Enforcement Order.
- c. **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'). Discuss possible Enforcement Order.
- d. **EO 023-014: 20 Yankee Lane, Map 39, Lot 16:** Update on plantings for Restoration Phases 3, 4, & 5.
- e. **0 Perry Street, Map 31A, 434 (Earle Street):** Unpermitted clearing, disturbance, and foundation installation in parcel located within the Buffer Zone to Bordering Vegetated Wetlands and NHESP Priority Habitat. Owner submitted an after-the-fact Notice of Intent on March 17, 2025 to a construct single-family dwelling, driveway, and associated utilities. A Cease and Desist was issued on April 7, 2025 when there was evidence of continued work and additional fill brought to the site.

- f. **138 Alden Road, Map 24, Lot 007:** Unpermitted clearing the Buffer Zone to BVW; office sent certified notice of violation on March 13, 2025. Owner working with Board of Public Works regarding drainage issues.
- g. **Mill Road, Map 39, Lot 36:** Notice of Violation sent out April 1, 2025 for multiple abandoned vehicles, construction equipment/machinery, and diesel/oil containers dispersed throughout the wetlands. Owner in contact with the office and has hired a delineator for the property.

12. Staff Updates

- a. Update on the 2025 Planned Roadwork List submitted by the Highway Department
- b. Discuss modifications to the design and location of the proposed bioretention basins at the Wastewater Treatment Plan (WWTP) that were approved for the Order of Conditions dated May 31, 2023 (SE 023-1403)

13. General Business

- a. Next scheduled site visits: June 2, 2025
- b. Next Scheduled Public Hearing Date: June 16, 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

Brandon Joseph Estrella, Chair
Fairhaven Conservation Commission

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