

Conservation Commission

Minutes

July 7, 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

Conservation 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. Commission Resignations

Ms. Camara confirmed that Ms. Diane Tomassetti has resigned from the Conservation Commission and confirmed Mr. Stephen Theberge has been appointed to the Commission.

4. Quorum/Attendance

Present: Brandon Estrella, Stephen Theberge, Wendy Drumm, Karyn Ferreira, Jake Galary.

The Conservation Agent, Kelly Camara, and Recording Secretary, Hailey Hemingway was present at the Town Hall.

5. Discuss appointment to Community Preservation Committee

The Commission discussed Mr. Theberge being appointed to the Community Preservation Committee.

6. Approval of the May 19, 2025 meeting minutes & May 19, 2025 Executive Session minutes

Motion to approve the minutes for the meeting on May 19, 2025 made by Mr. Estrella, seconded by Mr. Galary. Motion passed unanimously (6-0). Ms. Goodhue was not present for this vote.

7. Highway Department, Joshua Crabb to provide an update on 2025 planned roadwork

Mr. Joshua Crabb, the Board of Public Works Highway Superintendent was present on zoom to present to the Commission the planned roadwork for 2025.

Mr. Crabb mentioned there were fifteen roads that were worked on recently. Mr. Crabb is waiting to hear from Eversource to plan more roadwork.

Mr. Crabb stated the Water Department is finishing a water line installation on Spring Street. The Highway Department is going to be working on Spring Street next year.

Mr. Estrella reminded Mr. Crabb to notify Ms. Camara before commencing on any roadwork within sensitive resource areas.

8. Continuance requested in advance:

- a. SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207 (Certificate of Compliance)
- b. CON 023-503, SE 023-1503: 17 Turner Avenue, Map 2, Lots 275-277 (Notice of Intent)
- c. CON 023-490, SE 023-1496: 0 Perry Street, Map 31A, Lot 434 (*Earle Street*) – Continued from April 7, 2025 & April 28, 2025

9. Requests for Certificates of Compliance

- a. SE 023-1414, CON 023-353: 51 Balsam Street, Map 43C, Lots 89, 90, 93, 94 & 95

Mr. Dave Davignon, from Schneider, Davignon, and Leone, was present on zoom to speak to the Commission.

Mr. Davignon stated this proposal is for a two-story accessory garage with a new driveway and drainage. Mr. Davignon mentioned there is no water or sewer proposed. This proposal is out of the fifty-foot Buffer Zone, but within the one-hundred-foot Buffer Zone.

Motion to issue a Certificate of Compliance for SE 023-1414 Con 023-353: 51 Balsam Street, Map 43C, Lots 89, 90, 93, 94, & 95 made by Mr. Estrella, seconded by Mr. Galary. Motion passed unanimously (7-0).

- b. SE 023-1477, CON 023-462: 39 Weeden Road, MAP 31B, Lot 298A

Ms. Camara stated this proposal is for a detached garage looking for a Certificate of Compliance.

Motion to issue a Certificate of Compliance for SE 023-1477 CON 023-462: 39 Weeden Road, Map 31B, Lot 298A made by Mr. Estrella, seconded by Ms. Drumm. Motion passed unanimously (7-0).

10. Issue Order of Conditions

a. CON 023-510, SE 023-1505: 7 Silver Shell Beach Drive, Map 41, Lot 47

Motion to issue an Order of Conditions with the added special conditions outlined in Attachment A dated August 4, 2025 for CON 023-510 SE 023-1505: 7 Silver Shell Beach Drive, Map 41, Lot 47. The motion was made by Mr. Estrella, seconded by Ms. Ferreira and passed unanimously (7-0).

b. CON 023-511, SE 023-1506: 51 Association Road, Map 29, Lot 33B

Motion to issue an Order of Conditions with the added special conditions outlined in Attachment A dated August 4, 2025 for CON 023-511 SE 023-1506: 51 Association Road, Map 29, Lo 33B. Motion made by Mr. Estrella, seconded by Mr. Galary and passed unanimously (7-0).

11. Emergency Certification Requests

a. Pierce's Point: Install replacement of existing +/- 1.25" water line beginning at/near Shawmut Street (Public Way) to Weeden Road across (under bed of) Nasketucket Creek to connect to water system on Pierce's Point. – *Continued from June 16, 2025*

Mr. Jeffrey Furtado, the Board of Public Works Water Superintendent, spoke to the Commission.

Mr. Furtado mentioned that this line inevitably does need to be replaced. There are concerns with this water line breaking and possible leakage. Mr. Furtado stated that there are issues with the water pressure in that location. Plans have not been submitted at this time.

The Commission discussed pipe size for possible fire hydrant access and expressed concerns with cost of the water pipe replacement.

Mr. Furtado confirmed there is no possibility for an overhead feed if the water line breaks.

Mr. Furtado mentioned the project is going to be brought to Special Town Meeting for this repair.

Mr. Dave Davignon, from Schneider, Davignon, and Leone, spoke to the Commission regarding the possibility of an Emergency Certification. Mr. Davignon stated he is working on a site plan to accompany an official Notice of Intent that will be submitted in the near future.

Motion to issue an Emergency Certification request for 7 Peirce's Point to install and replace an existing 1.25" water line to a 2" water line. Motion made by Mr. Estrella, seconded by Ms. Drumm and passed unanimously (7-0).

b. Sandy Beach Association, Map 29D, Lot 117: Placement of coir logs along the top and edge of the dune to prevent further erosion. An NOI to follow that will include a long-term solution.

Bruce Webb conducted a site visit for Sandy Beach and recommended issuing an Emergency Certificate for this property.

The Commission discussed concerns with the integrity of the dune, possible erosion, breaching of the pond, and the types of wildlife in the area.

Ms. Camara mentioned adding a condition on sand sourcing.

Motion to issue an Emergency Certification for Sandy Beach Association, Map 29D, Lot 117 with the added condition of sand sourcing made by Mr. Estrella, seconded by Mr. Theberge. Motion passed unanimously (7-0).

c. 20 Yankee Lane, Map 39, Lot 016 & 016B: Removal of trees affecting utilities.

Ms. Camara mentioned Mr. Webb spoke with the owner and requested the owner to submit further information. No further information has been received at this time.

This item was tabled to the next meeting.

12. 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, March 24, 2025, April 7, 2025 & April 28, 2025 & June 16, 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.

The Commission mentioned applying for an NOI and requesting a survey. Ms. Camara mentioned the owner does not currently have space for plantings. The Commission mentioned this work was done by the owner himself.

Mr. Estrella mentioned he feels like this is a situation where the driveway needs to be removed.

Motion to issue a positive determination for CON 023-481: 29 Shore Drive, Map 29C, Lot 613 made by Mr. Estrella, seconded by Ms. Goodhue. Motion passed unanimously (6-0).

b. CON 023-512: 2 Mark Drive, Map 32, Lot 19G – *Continued from June 16, 2025*

Request for Determination of Applicability filed by Tyler Bates to install new 15' x 50' concrete driveway in existing front lawn area. Parcel falls within Buffer Zone to BVW.

Ms. Camara mentioned no proper plan has been submitted to Conservation. Ms. Camara recommended to the Commission continuing this item.

Motion to continue CON 023-512: 2 Mark Drive, Map 32, Lot 19G to the next meeting made by Mr. Estrella, seconded by Mr. Couto. Motion passed unanimously (7-0).

c. CON 023-513: 15 School Street, Map 24, Lot 161 – Continued from June 16, 2025

Request for Determination of Applicability filed by William Ryan to install fence on west side of property. Parcel located within Buffer Zone to BVW.

Ms. Camara mentioned there is an issue with the drainage ditch behind property. Ms. Camara reached out to BPW and confirmed the fence would not disrupt the drainage ditch.

Motion to approve CON 023-513: 15 School Street, Map 24, Lot 161 made by Mr. Estrella, seconded by Ms. Goodhue. Motion passed unanimously (7-0).

d. CON 023-514: 0 Point Street, Map 28B, Lot 131 – Continued from June 16, 2025

Request for Determination of Applicability filed by Heather Skrutski to permit existing camper and gazebo on property. Parcel located within Buffer Zone to Coastal Beach & FEMA Flood Zone VE (El.16').

Ms. Camara and Ms. Drumm went out for a site visit to this property. There was confirmation that the site has been cleaned up.

Ms. Heather Skrutski, the owner of 0 Point Street, was present to address the Commission.

The Commission discussed the 17" anchors for the gazebo. Three anchors have been placed. The Commission requested one more anchor for sufficient security. Ms. Skrutski confirmed another anchor will be installed.

Motion for a negative determination for CON 023-514: 0 Point Street, Map 28B, Lot 1310 made by Mr. Estrella, seconded by Mr. Couto. Motion passed unanimously (7-0).

e. CON 023-517: 501 Nasketucket Way, Map 30B, 139

Request for Determination of Applicability filed by John & Helen Graves to remove 6 trees on the lot abutting the north side of the Nasketucket Townhouse Condominium property that pose a threat to the condos. Work to be completed by a licensed & insured tree service using a combination of heavy trucks and spider crane equipment.

Mr. John Graves, owner of 501 Nasketucket Way, was present on zoom to address the Board.

Ms. Drumm and Ms. Camara did a site visit to this property.

Motion to issue a negative determination for CON 023- 517: 501 Nasketucket Way, Map 30B, Lot 139 made by Mr. Estrella, seconded by Ms. Goodhue. Motion passed unanimously (7-0).

f. CON 023-518: 3 Rockland Street, Map 28B, Lot 258

Request for Determination of Applicability filed by Elizabeth Camara for the following projects: front & back stairs with landing and railings; side deck; small shed; and outdoor shower.

Motion to issue a negative determination for CON 023-518: 3 Rockland Street, Map 28B, Lot 258 made by Mr. Estrella, seconded by Mr. Couto. Motion passed unanimously (7-0).

g. CON 023-519: 27 Alder Street, Map 43A, Lot 70

Request for Determination of Applicability filed by Christine Smith to install 20' x 24' asphalt driveway where there is now grass/stone.

Motion to issue a negative determination for CON 023-519: 27 Alder Street, Map 43A, Lot 70 made by Mr. Estrella, seconded by Ms. Drumm. Motion passed unanimously (7-0).

Notices of Intent

h. CON 023-516, SE 023-1507: 10 Oxford Street, Map 13, Lot 2

Notice of Intent filed by James Novakoff to remove and replace accessory dwelling unit within the same general footprint together with associated site work. The work will be performed within the 100 ft. Buffer Zone of a Coastal Bank, Coastal Beach and Salt Marsh.

Mr. Dave Davignon, from Schneider, Davignon, and Leone, was present on zoom to address the Commission.

Mr. Davignon mentioned the new proposed building would match the existing footprint. The project would require a waiver for work within 25 feet of wetlands. The area is not in a flood zone. The building will have a crawl space below and crushed stone driveway. The existing house is connected to sewer and water. A roof runoff trench will go to northeast part of dwelling.

Ms. Camara mentioned there will need to be a buffer zone variance request form submitted to the office.

Motion to close CON 023-516, SE 023-1507: 10 Oxford Street, Map 13, Lot 2 and issue an Order of Conditions with outlines and attachment A dated July 7, 2025 made by Mr. Estrella, seconded by Mr. Theberge. Motion passed unanimously (7-0).

Motion to approve the Buffer Zone Variance for CON 023-516, SE 023-1507: 10 Oxford Street, Map 13, Lot 2 made by Mr. Estrella, seconded by Ms. Ferreira. Motion passed unanimously (7-0).

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

- a. 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.

- b. 0 Beachwood, Map 28B, Lot 122:** Resource area fill and disturbance recorded August 2023. LAM Ecological provided a restoration report dated September 19, 2023. During the June 23, 2025 inspection, the area was determined to not be restored to the restoration specifications set forth by LAM Ecological.

There was limited vegetation growth and evidence of remaining fill.

14. General Business

- a. Next scheduled site visits: July 21, 2025
- b. Next Scheduled Public Hearing Date: August 4, 2025

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

16. Motion to adjourn

Brandon Estrella made a motion to adjourn at 7:50pm. The motion was seconded by Jake Galary and passed (7-0).

Brandon J. Estrella, Chair

Respectfully submitted,

Hailey Anne Hemingway