



TOWN OF FAIRHAVEN, MASSACHUSETTS
**CONSERVATION
COMMISSION**



PUBLIC MEETING AGENDA
Monday, September 15, 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=VFdUQkhzdVYrNzJIQktiVi9XSzGppZz09>

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. 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. Approval of the August 4 & 25, 2025 meeting minutes

5. Discussions:

- a. Osprey Nest request – Resident, Eric James to discuss proposed osprey nest on Marsh Island. Buzzards Bay Coalition (BBC) holds the Conservation Restriction on the north half of Marsh Island, which is owned by the Fairhaven-Acushnet Land Trust (FALPT) and both organizations are in support of the osprey pole installation.
- b. CON 023-506: 732 (Rear) Sconticut Neck Road, Map 42, Lot 002: Discuss how to remedy unauthorized tree removal during septic repair under an issued Determination of Applicability within Conservation Restriction.
- c. Native Plant Trust – Non-profit plant organization partnered with the MA Natural Heritage Program is interested in conducting a survey of seaside knotweed populations located at West Island Town Beach.

6. Certificates of Compliance:

- a. SE 023-768: 1 Courtlyn Way, Map 37, Lots 21, 24, 28, 31, 35 & Map 37A, Lots 262, 279, 395, 402
- b. CON 023-542, SE 023-1418: 1 Pavillion Way, Map 29 & 41, Lots 41-60 & 60-67 & 74-81

7. **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 023-528: 0 Austria Avenue, Map 29A, Lot 037

Request for Determination of Applicability filed by John Castelot to clear vegetation in vacant lot for a 20' x 30' driveway; fill to grade (8-12" of gravel) and finish with a layer of asphalt. Property located within Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El.16').

b. CON 023-531: 3 Beachwood Street, Map 28B, Lot 073

Request for Determination of Applicability filed by Daniel & Theresa Hopkins to install a 16' x 12' side deck where previously removed stairs were located & to repave the existing asphalt driveway.

c. CON 023-532: 259 & 266 Huttleston Avenue (Nasketucket Cemetery), Map 28, Lots 004 & 005 / Map 30A, Lot 081

Request for Determination of Applicability filed by Riverside Cemetery to clear vegetation, including stump removal, grading and dirt pile removal from the west side / rear of the Nasketucket Cemetery in order to clear area of overgrowth and prepare site for landscaping and additional burials.

Notices of Intent

d. CON 023-490, SE 023-1496: 0 Perry Street, Map 31A, Lot 434 (*Earle Street*) – Continued from April 7, 2025 & April 28, 2025 & May 19, 2025 & August 25, 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.

e. CON 023-503, SE 023-1503: 17 Turner Avenue, Map 2, Lots 275-277 – Continued from June 16, 2025

Notice of Intent filed by Douglas & Kamryn Dubois to demolish existing cottage and construct a 32' x 56' 2-story single-family dwelling in compliance with FEMA and Mass Building Code. In addition, the applicant requests to construct a 28' x 32' (896 S.F.) 1-story guest house (ADU). Work to take place within LSCSF, FEMA Flood Zone VE (El. 15').

f. CON 023-522, SE 023-1508: 0 Huttleston Avenue, Map 34A, Lot 21 – Continued from August 4, 2025 & August 25, 2025

Notice of Intent filed by Teixeira's Construction to construct new single-family dwelling served by town water & sewer. Work to take place in the 50'-100' buffer to the Bordering Vegetated Wetlands.

g. CON 023-526, SE 023-1511: 110 Middle Street (Seaport Inn), Map 12, Lot 17 – Continued from August 25, 2025

Notice of Intent filed by Uday Patel to install floating docks and piles (~40 – 12-inch wooden piles to be installed to support 302 linear feet of six-foot-wide floats and 600 linear feet of 4-

foot-wide finger floats). Work to take place within Land Under the Ocean & Land Subject to Coastal Storm Flowage, FEMA Flood Zone AE (El.6').

h. CON 023-529, SE 023-1514: 903 Sconticut Neck Road, Map 43, Lots 150-151 & 154-155

Notice of Intent filed by David E. & Andrea Schwamb to construct a 9' x 21' in-ground swimming pool with associated patio on northerly and westerly sides & to convert porch into living space. The entire site falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zones VE (El.18' & 19').

i. CON 023-530, SE 023-1513: 2 Oxford Street, Map 13, Lot 001

Notice of Intent filed by Robert & Nina Weeks to propose construction of a 14' x 26' in-ground pool with perimeter concrete patio. The patio will contain 18"-wide x 12"-deep stone leaching trench, along west and south sides for groundwater recharge. A concrete leaching pit will be installed for end of season pool draining. Pool & patio will be 26.2' - 33' from the Coastal Bank. The shoreline portion of the site falls within Land Subject to Coastal Storm Flowage (LSCSF), FEMA AE (El.6'). A majority of the site falls within Coastal Bank.

8. Violations/Enforcement Orders/Cease and Desist Notices

- 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. Update on Notice of Violation.
- b. 29 Shore Drive, Map 29C, Lot 613:** Unauthorized & unpermitted driveway consisting of millings or Reclaimed Asphalt Pavement (RAP) in the buffer zone to coastal beach, coastal dune, and Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El.17'). Update on berm design proposals to mitigate stormwater runoff into Nasketucket Bay.
- c. 364 Huttleston Avenue, Map 34A, Lot 022:** Clearing of vegetation within 100 feet of the BVW.

9. Staff Updates

- a.** Fort Phoenix Beach Cleanup: Saturday September 20, 2025 from 9:00am-12:00pm
- b.** Huttleston Harborfest at Grimshaw Park: Medieval Renaissance Faire: Saturday September 20, 2025 from 11:00am-4:00pm

10. General Business

- a.** Next scheduled site visits: Tentatively scheduled for September 22, 2025
- b.** Next Scheduled Public Hearing Date: October 6, 2025

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

12. Motion to adjourn

Brandon J. Estrella, Chair

Fairhaven Conservation Commission

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