

Conservation Commission

Minutes

January 5, 2026

CONSERVATION
COMMISSION

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1. **Chairman's Welcome and Media Notification:** Wendy Drumm Vice Chair, opened the meeting at 6:04pm. Ms. Drumm read the protocol for Zoom and open Public Meeting Law.
2. **Mission statement:** Wendy Drumm read the 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, Stephen Theberge, Karen Goodhue, Tony Couto, Karen Ferreira
Absent: Brandon Estrella, Jake Galary

Conservation and Sustainability Coordinator, Kelly Camara and Recording Secretary, Barbara Paczosa were present.
4. **Approval of the November 17, 2025 Meeting Minutes:**
Ms. Drumm made a motion to approve the meeting minutes for November 17, 2025. The motion was seconded by Mr. Theberge and passed (5-0).
5. **Minor Field Change:**
 - a. **CON 023-360: 30 Cherry Street, Map 15, Lot 047:**
The applicant requested adjustments to the approved Determination for a deck dated July 18, 2023; change will include (4) hand-dug wood posts for an additional 7-feet in length.

Ms. Drumm made a motion to approve the modification to the deck at CON 023-360: 30 Cherry Street, Map 15, Lot 047. The motion was seconded by Mr. Theberge and passed (5-0).
 - b. **CON 023-240, SE 023-1361: 11 Balsam Street, Map 43C, Lot 129:**
Adjust number of requested trees based on the ability to preserve (20) original trees

Ms. Drumm made a motion to adjust the number of trees based on the ability to preserve (20) original native species. The motion was seconded by Mr. Theberge and passed (5-0).

6. Certificates of Compliance:

a. CON 023-497, SE 023-1498: 2 Bayside Street, Map 42, Lot 34

This project consisted of an Order of Conditions for breakaway panels and post construction authorization for poured concrete pads. Representative, Dave Davignon stated the project has been completed and is in significant compliance with the order.

Ms. Drumm made a motion to issue a complete Certificate of Compliance for CON 023-497, SE 023-1498: 2 Bayside Street, Map 42, Lot 34. The motion was seconded by Mr. Couto and passed (5-0).

b. CON 023-196, SE 023-1342: 3 Hidden Drive, Map 39, Lot 27C

This Order of Conditions consisted of a restoration plan; they had 3 years of monitoring and the vegetation is now in compliance.

Ms. Drumm made a motion to issue a complete Certificate of Compliance for CON 023-196, SE 023-1342: 3 Hidden Drive, Map 39, Lot 27C. The motion was seconded by Ms. Ferreira and passed (5-0).

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:

Request for Amended Order of Conditions

a. CON 023-308, SE 023-1369: 10 Diamond Street, Map 29, Lots 46 & 72

Amendment request filed by Jamie & Ruby Medeiros to pave the garage driveway with asphalt or concrete. The proposed work to take place in a buffer zone to Bordering Vegetated Wetland (BVW) & Land Subject to Coastal Storm Flowage (LSCSF), FEMA Flood Zone AE (El.14').

This order was extended (2) additional years by the state's Extension Act and will expire on May 26, 2027. The approved plan proposed (2) driveways; one concrete leading to the house and one gravel leading to the garage.

Ms. Drumm explained how impervious surfaces impact erosion, flooding and runoff.

The Commission requested the property owners submit a revised plan to mitigate flooding and runoff.

Ms. Drumm made a motion to continue CON 023-308, SE 023-1369: 10 Diamond Street, Map 29, Lots 46 & 72 to the next public hearing. The Motion was seconded by Mr. Couto and passed (5-0).

Requests for Determination of Applicability

b. CON 023-544: 32 Water Street, Map 7, Lot 1

Request for Determination of Applicability filed by Old South Wharf Realty, LLC to obtain a waterways license for future uses at the facility & to authorize change in use for water dependent industrial & supporting uses on filled tidelands of the new Bedford Harbor, pursuant to Massachusetts Department of Environmental Protection, Chapter 91 regulations. No work is proposed as part of this submission.

Ms. Drumm made a motion to continue CON 023-544 32 Water Street, Map 7, Lot 1 due to lack of representation. The motion was seconded by Ms. Ferreira and passed (5-0).

c. CON 023-545: 6 Fisherman Road, Map 43A, Lot 115

Request for Determination of Applicability filed by Michael Bousquin to construct a 4'x 6' deck within Land Subject to Coastal Storm Flowage, FEMA Flood Zone, VE (EI.18').

Ms. Drumm made a motion to approve and issue a Negative Determination 3 & 6 for CON 023-545: 6 Fisherman Road, Map 43A, Lot 115. The motion was seconded by Mr. Theberge and passed (5-0).

Notices of Intent

d. CON 023-522, SE 023-1508: 0 Huttleston Avenue, Map 34A, Lot 21 – Continued from August 4, 2025, August 25, 2025 & September 15, 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.

Ms. Ferreira recused herself from this project.

Ms. Camara provided a background on the project and noted the Commission agreed to allow Brad Holmes of ECR to flag potential vernal pools just off the property line to the north and west. Ms. Camara stated they have submitted a Variance request to build within the 50-foot Buffer Zone; they have also submitted an invasive management plan.

Josh White from JDE Civil Engineering presented the new plan that depicts the 100-foot buffer zone for a potential vernal pool and a proposed vegetation management area consisting of 6,200 S.F.

Karyn Ferreira of 13 Jeannette Street raised concerns regarding the vernal pools and the potential impact of construction & traffic on the wetlands. Ms. Ferreira stated she would like to see some type of a fence that separates this lot from the Bordering Vegetated Wetlands and Vernal Pools.

Ms. Drumm provided information on the importance of vernal pools and their ecological benefits.

The Commission determined that further investigation is needed to confirm the presence and location of vernal pools, which cannot be definitively assessed until spring.

Mr. Couto suggested that the applicant contact the abutter for easement restrictions.

Ms. Drumm made a motion to continue CON 023-522, SE 023-1508: 0 Huttleston Avenue, Map 34A, Lot 21 and requested the applicant to provide an alternative design that does not encroach on the 50-foot No -Build Zone. The motion was seconded by Mr. Couto and passed (4-0).

Ms. Goodhue noted that the property has previously been denied approval and emphasized the importance of thorough due diligence before proceeding.

Ms. Ferreira returned to the Commission at 7:02pm.

e. CON 023-535, SE 023-1520: 1 Crow Island, Map 44, Lot 1

Notice of Intent filed by Kathryn Barnett for a proposed floating dock expansion as well as after-the-fact permitting of existing stone seawall, fixed dock with boat house and bulkhead within the Acushnet River for the purpose of obtaining a Chapter 91 license. Construction of a barn and associated grading within 100' buffer to a wetland resource area. Parcel located within Land Subject to Coastal Storm Flowage (LSCSF), FEMA Flood Zone AE (El.6') and work within buffer to Coastal Bank & Land Under the Ocean.

Ms. Camara stated this was originally submitted and advertised in September with a site visit for the pre-existing work. Ms. Camara believes the barn is an additional request and even though there is no DEP File Number, the representatives still wanted to present and give an overview of all work to take place.

Chris Gilbert from Farland Corporation presented the plans and gave a description of Crow Island. Proposed improvements include a new 26' x 38' barn, a 40' x 8'-foot floating dock extension and various after-the-fact filings for existing structures.

Ms. Drumm questioned if the work would create a change in currents or wildlife and if the barn will be on stilts? Mr. Gilbert responded that they will be removing one piling that will be a floating dock that is about two square feet of disturbance and the barn will be above the base flood elevation of six feet.

Ms. Drumm made a motion to continue CON 023-535, SE 023-1520: 1 Crow Island, Map 44, Lot 1 due to a lack of DEP File Number. The motion was seconded by Ms. Ferreira and passed (5-0).

f. CON 023-542, SE 023-1517: 1 Pavillion Way, Map 29, Lot 4H

Notice of Intent filed by John & Sylvia Collins to clear a 10-foot-wide walking path approximately 468 S.F. through vegetation to allow for access to the beach area. The construction of a 6-foot-high property boundary fence is also proposed as shown on the accompanying site plan. Work to take place within Land Subject to Coastal Storm Flowage, Coastal Dune, Coastal Beach, and the buffer zone to Salt Marsh and Bordering Vegetated Wetlands.

Ms. Camara gave a background on the project stating they changed the location of the walking path from what was proposed in the spring under a previous Request for Determination of Applicability. Ms. Camara stated she visited the site in December and the proposed path was staked and the wetland line was flagged.

Andrew Stackpole from Field Engineering presented the updated plans and stated they are proposing to clear an area for beach access that is mostly invasives.

Sylvia Collins stated they are also requesting a privacy fence on their property line abutting 29 Silver Shell Drive.

The Commission suggested adding a post-and rail fence along wetland border to prevent encroachment and installing signage in the conservation area to deter unauthorized access.

Nancy Blouin of 27 Silver Shell Beach Drive spoke in favor of the project.

Joyce Lopes of 29 Silver Shell Beach Drive stated that there is a strip on land between her property and 1 Pavillion Way that is owned by the town. She believes their proposed fence would be on town property.

Mr. Collins presented a survey showing the current property ownership and disputed Ms. Lopes claims of adverse possession.

Ms. Drumm made a motion to issue an Order of Conditions for CON 023-542, SE 023-1517: 1 Pavillion Way, Map 29, Lot 4H, with added special conditions to include a post-and-rail fence along the wetland line and conservation signage. The motion was seconded by Mr. Couto and passed (5-0).

g. CON 023-540, SE 023-1516: Ebony Street, Map 43A, Lot 322

Notice of Intent filed by Jake Galary (Relentless Real Estate Group) for the construction of a single-family dwelling & associated work. The septic system will be installed outside of the 100' buffer zone of the BVW. The portion of the proposed house, as well as filling & grading will take place ~70' from the existing BVW.

Ms. Camara stated this was continued at the November meeting when the Commission voted to have a wetland scientist delineate for an accurate wetland boundary on the abutting property. Ms. Camara stated the applicant submitted a project narrative and a buffer zone variance request, since the last hearing.

George Ayoub representing Relentless Real Estate Group presented changes since the last hearing.

Ms. Drumm mentioned the new wetland line has a septic within the 100-foot buffer. Mr. Ayoub responded that this wetland line is only for an Isolated Vegetated Wetland (IVW) and not a Bordering Vegetated Wetland (BVW). Mr. Ayoub stated that an IVW is only under jurisdiction of the town bylaw and not within the jurisdiction of the DEP.

Jay Simmons spoke in favor of the project stating it is a reasonable request.

Ms. Drumm suggested a fence at the 25 foot No Touch Zone to protect the wetlands. Ms. Camara raised concerns about the work zone and the heavy equipment.

Ms. Drumm made a motion to issue an Order of Conditions for CON 023-540, SE 023-1516: Ebony Street, Map 43A, Lot 322, with the added special condition of a fence along the 25 foot No Touch Zone and requiring a concrete washout. The motion was seconded by Mr. Theberge and passed (5-0).

h. CON 023-543, SE 023-1518: 483 Bridge Street, Map 31, Lot 6K

Notice of Intent filed by Donna Jackson-Motta to construct a single-family dwelling with gravel driveway, septic utilities, and limited landscaping. A small portion of the proposed on-site soil absorption system and associated grading is located in the outer riparian zone. The proposed house and gravel driveway is proposed outside the riparian zone.

Stevie Carvalho from Farland Corporation shared ariel footage of the property and the location of the proposed (3) bedroom single-family dwelling. Mr. Carvalho presented the plan to indicate where the applicant proposes to build in relation to the wetlands.

Mr. Carvalho stated a portion of the garage would be within the 100-foot buffer zone and the applicant agrees to clean up the wetlands.

Christian Gwozdz Silveira with Southcoast and Associates the contractor for Donna Jackson-Motta for the construction of the single-family home stated for the record that Donna did already start to clean up the wetlands that was littered with miscellaneous items and any sort of abandoned equipment off the property.

Mr. Couto questioned if the septic system placement had been approved and was a percolation test performed? Mr. Carvalho responded that they prepared the septic design for three bedrooms which meets Title V and Board of Health requirements.

Ms. Drumm made a motion to issue an Order of Conditions for CON 023-543, SE 023-1518: 483 Bridge Street, Map 31, Lot 6K , with the added special conditions to clean up the surrounding wetlands. The motion was seconded by Mr. Couto and passed (5-0).

8. Violations/Enforcement Orders/Cease and Desist Notices

- a. **Mill Road, Map 39, Lot 036:** 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.

Ms. Camara has not been able to get in touch with the owners. The Commission discussed fining the owners within 14 days if they do not respond to a certified letter.

- b. **364 Huttleston Avenue, Map 34A, Lot 022:** Clearing of vegetation within 100 feet of the BVW. Update on Notice of Violation.

Ms. Camara stated that the owners were in violation in 2024 and were in the process of submitting a Notice of Intent or a restoration plan, but began clearing wetlands again this fall. Ms. Camara will send a certified letter and if there is no response in 14 days, they will receive a fine.

9. General Business

- a. Next scheduled site visits: Tentatively scheduled January 20, 2026
b. Next Scheduled Public Hearing Date: January 26, 2026
c. Review 2026 Meeting Schedule Draft – Revised

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

Ms. Drumm made a motion to adjourn at 8:54 pm. The motion was seconded by Ms. Ferreira and passed (5-0).

Wendy Drumm, Vice Chair
Fairhaven Conservation Commission

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