

Conservation Commission

Minutes

March 9, 2026

CONSERVATION  
COMMISSION

March 9, 2026

1. **Chairman's Welcome and Media Notification:** Brandon Estrella Chair, opened the meeting at 6:00pm. Mr. Estrella 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:** Brandon Estrella, Wendy Drumm, Jake Galary, Tony Couto, Karen Goodhue  
**Absent:** Karen Ferreira, Stephen Theberge

Conservation and Sustainability Coordinator, Kelly Camara, was present.

4. **Approval of the January 5, 2026 Meeting Minutes:**  
**Motion:** Mr. Couto made a motion to approve the meeting minutes for January 5, 2026. The motion was seconded by Ms. Drumm and passed (4-0).
5. **Fort Phoenix Snow Pile Containment** – Highway Superintendent, Josh Crabb to provide details on the town's methods to mitigate sediment & debris contamination.

Mr. Crabb noted that there was 36 inches of snow in less than 24 hours, which required clearing. The state allowed emergency permits to dump snow in the waterways. The town did not exercise that right. The Highway Department, in conjunction with the Department of Conservation & Recreation (DCR) at Fort Phoenix permitted the snow to be piled at the East Parking Lot. This allowed the town not to need the use of any waterways. Straw walls were installed along the low point of the parking lot to control run off. Mr. Crabb noted this is being checked daily. The snow pile will be managed by taking snow down from the top as it starts to melt to help expedite the melting process. Any debris will be cleaned up by the Highway Department as the snow melts and brought to one of the designated dump areas for the Highway Department. The parking lot will be swept once all of the snow melts. The only other area that was used for snow depositing was Livesey Park, which is outside of resource jurisdiction.

Ms. Drumm thanked Mr. Crabb for not dumping snow in the waterways. Mr. Crabb thanked DCR for working with the town. Mr. Galary asked if the town dump was used, but Mr. Crabb noted the area was not ideal given the amount of mud and adjacent resource areas.

**6. Discussion of town bylaw proposed amendments –**

- a. Harbor Master, Tim Cox to discuss adding language that enforces the installment of Green Heart (non-chemically treated) wood pilings for all new docks (Rules & Regulations under § 192-7).**

Karen Goodhue arrived.

Mr. Cox noted that this was first presented previously by a former Conservation Agent, but was never finalized. Mr. Cox spoke with local marinas to see if they are using this material. It was noted that it can be very difficult to get Green Heart pilings. Mr. Cox noted that a project should not be held up if the Green Heart is not available. There are other towns that have a by-law to use the Green Heart.

Mr. Galary asked if this would be for new construction only or also repairs. Mr. Cox reviewed that this came up for discussion because a marina had damaged pilings during a recent storm. They were allowed to drive their existing pilings back in, but in the future prefers Green Heart. Mr. Couto noted the Green Heart is a higher cost than Creosote. Kevin McLaughlin spoke noting that they are more expensive, but are definitely stronger. The Green Heart is coming from Guyana. Creosote pilings are definitely more durable, so there are less trees being milled. Mr. McLaughlin suggested there may be other alternatives that the Commission could consider. Resident, Bob Pink noted there must be other materials that can be used that do not contain any harmful ingredients. Mr. Estrella asked Mr. Cox if there is any legislature regarding this under the DEP or EPA. Mr. Cox noted there is currently no legislature. Mr. Galary asked if all of the marinas in town could have a discussion on the use of Green Heart and if they could order together in bulk? Mr. Cox noted there is a Mass Shellfish Association meeting at the end of March and will ask if anyone has encountered this. Mr. Cox will have this put on the Marine Resources Agenda for the April meeting. Mr. Cox will collect the information from the marinas and docks in town to see what materials are being used and a map of the areas. Patrick Foley, a structure consultant, noted that the treatment has changed from HQ to McKenney. Mr. Cox will follow up with the Commission after getting more information.

- b. Commissioner, Wendy Drumm to discuss adding required Variance request for impervious driveways, building pads, walkways, play areas, patios, etc. within vulnerable Velocity Zones (additional language to Buffer Zone Regulation § 495-8: Variance Procedure).**

The Commission agreed to move this Agenda item to the end of the meeting.

Ms. Drumm presented research she compiled regarding the effects of impervious surfaces. Ms. Drumm reviewed that the FEMA flood plains are old and FEMA does not have the budget to update these guidelines. Ms. Drumm noted that impervious surfaces contribute to water volume, flooding, erosion, pollution etc. This variance request does not require any change to the existing bylaw or require a new bylaw. This variance will promote community ownership of the FEMA flood management. Ms. Drumm reviewed surrounding towns and what they currently doing regarding impervious surfaces. Additionally, Ms. Drumm presented a study done in Texas that directly shows a correlation with urbanization and flooding. The Town of Fairhaven Hazard Mitigation Plan includes regulations on impervious surfaces.

Mr. Couto asked if a working group can be attached to the Commission. The purpose would be to not extend Conservation Commission meetings to discuss the parameters of the variance. Mr. Couto also recommended that there should be a list of communities that are comparable to Fairhaven for comparison. The Commission discussed organizing a working group and notifying the Select Board.

**7. Certificates of Compliance:**

**a. SE 023-1252: 4 Earle Street, Map 31A, Lot 453**

Ms. Camara reviewed this project consisted of a Notice of Intent to subdivide the lot in order to build another house. The original house built in 2017 never had the orders closed out. The original orders had an enforcement order attached regarding the vegetation plan. The original order would need to be closed out as an invalid order if they want to pursue the notice of intent. Ms. Camara noted there was no one there to represent 4 Earle Street.

**Motion:** Mr. Estrella motioned to issue an invalid COC for SE 023-1252: 4 Earle Street Map 31A Lot 453. Ms. Drumm seconded. The motion passed (5-0).

Mr. Galary asked how the owner should proceed. Ms. Camara noted there is a new Notice of Intent request, which will be presented at the next meeting.

**b. SE 023-1450: Scoticut Neck Road (Starboard Drive), Map 42, Lot 9C**

Ms. Camara reviewed that this was approved by the Commission last year, but the work was never completed. There is a new owner of the property, whom submitted new plans and will be heard at the April meeting. The original order needs to be closed out as an invalid order so a new notice of intent can be presented.

**Motion:** Mr. Estrella made a motion to issue an invalid COC for SE 023-1450: Scoticut Neck Road (Starboard Drive), Map 42, Lot 9C. Ms. Drumm seconded. The motion passed (5-0).

**8. 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 023-255, SE 023-1369: 10 Diamond Street, Map 29, Lots 46 & 72 – Continued from January 5, 2026**

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. Camara reviewed that the driveway leading to the garage is being proposed to change the gravel to asphalt or concrete. Discussion ensued regarding the 25 foot no touch area from the wetlands and the actual size of the proposed driveway. Ms. Camara noted there was no representative present at the meeting. The Commission noted there should be a

representative present to answer questions and an updated plan showing the exact layout of the driveway. To be continued at the next meeting.

#### **Requests for Determination of Applicability**

**b. CON 023-544: 32 Water Street, Map 7, Lot 1 – Continued from January 5, 2026**

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.

Patrick Rezendes of Foth Infrastructure & Environment, LLC represented the applicant and stated the applicant is seeking a negative determination in order to obtain a Chapter 91 license from the state for the 350 linear feet of bulkhead that was previously constructed. The bulkhead was constructed prior to the dredging to allow for the removal of an estimated 33,000 cubic yards of material. This was done as an extension of the Superfund Cleanup.

**Motion:** Mr. Estrella made a motion to grant the negative determination for CON 023-544: 32 Water Street, Map 7, Lot 1. Mr. Galary seconded. The motion passed (5-0).

#### **Notices of Intent**

**c. CON 023-522, SE 023-1508: 0 Huttleston Avenue, Map 34A, Lot 21 – Continued from August 4, 2025, August 25, 2025, September 15, 2025 & January 5, 2026**

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. Camara noted that the applicant requested a continuation.

**d. 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 (EI.6') and work within buffer to Coastal Bank & Land Under the Ocean.

Ms. Camara stated this was heard in January with an overview of the prior projects. The applicant is requesting a new barn, where the existing patio is currently located and a dock extension. The applicant noted the barn will be constructed of post and beam with cedar shingles; the dimensions will be 28' x 36'.

Ms. Drumm inquired the purpose for the barn?

The applicant noted it will be used as a workshop and for some agricultural uses.

Mr. Galary asked the Harbormaster, Mr. Cox, if the dock work can occur any time of year. Mr. Cox noted it will be determined by Chapter 91 after first receiving approval through Conservation. Discussion ensued regarding the size of the dock and room for the boats. Mr.

Gilbert of Farland Corp reviewed that in addition to the Conservation approval a variance is required from the Zoning Board due to being an oversized accessory structure.

**Motion:** Mr. Estrella made a motion to issue the Order of Conditions for CON 023-535, SE 023-1520: 1 Crow Island, Map 44, Lot 1. Ms. Drumm seconded. The motion passed (5-0).

**9. General Business**

- a. Next Scheduled Public Hearing Date: March 16, 2026

**10. Staff Updates**

- a. **Correspondence:** Buzzards Bay Coalition will facilitate annual monitoring of land held under Conservation Restriction in late March 2026 (including Nasketucket Fields, Weeden Road & Quahog Hill).

- 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**

Mr. Estrella made a motion to adjourn at 7:17 pm. Ms. Drumm seconded. The motion passed (5-0).

**Brandon Estrella, Chair**  
Fairhaven Conservation Commission