



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



PUBLIC MEETING MINUTES
Monday, March 16, 2026

1. **Chairman's Welcome and Media Notification** - Brendan Estrella chair opened the meeting at 6:01pm. Mr. Estrella read the protocol for Zoom and open Public Meeting Law.

2. **Mission statement** - Stephen Theberge 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.

Quorum/Attendance - Brandon Estrella, Stephen Theberge, Wendy Drumm, Karen Goodhue, Karen Ferreira, Jake Galary, Tony Couto joined the Commission at 6:24pm

3. **Continuances**

- a. **CON 023-522, SE 023-1508: 0 Huttleston Avenue, Map 34A, Lot 21**

- Josh White from JDE Civil engineering questioned why 0 Huttleston Avenue, Map 34a, Lot 21 was being continued. Ms. Camara responded she thought she had an email stating they needed to continue.
- Commissioner Galary inquired whether they could still hear the matter given it had already been advertised and the Commission agreed they would discuss during public hearing but not vote.

- b. **CON 023-552, SE 023-1521: 184 Balsam Street, Map 43B, 041**

- c. **CON 023-546, SE 023-1519: 4 Earle Street, Map 31A, Lot 453**

4. **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 023-1369, CON 023-255: 10 Diamond Street, Map 29, Lots 46 & 72**– Continued from January 5, 2026

Amendment request filed by Jamie & Ruby Medeiros to pave 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 (EI.14').

- Ruby Medeiros, 10 Diamond Street spoke on her behalf and presented photographs for the Commission to review following the most recent snowstorm and stated there were no puddles afterwards.

- Ms. Medeiros stated they would like to put concrete instead of asphalt, they think it would be healthier for the environment.
- The commission expressed concern about increased runoff from an impervious surface within the 25–50-foot resource area, noting it's at least double that of a pervious surface and could carry pollutants to the wetlands.
- The property may already be near its 30% impervious surface limit. Mitigation measures like planting trees and bushes were proposed.
- The commission tabled the discussion, requesting a more detailed driveway plan and a formal stormwater management plan.
- Owner: Must provide a revised, exact, and correctly scaled site plan for the proposed driveway.
- Owner: Must consult with an engineer to develop and present a formal stormwater management plan.

Chair Estrella made a motion to table, the motion was seconded by Commissioner Galary and passed (7-0).

Requests for Determination of Applicability

b. CON 023-548: 1 Mina Street, Map 37A, Lots 612 & 615

Request for Determination of Applicability filed by William J. Alphonse Revocable Trust to install underground utilities & to fill and grade partially within the 100-foot Buffer Zone to a Bordering Vegetated Wetland. The work is associated with the proposed construction of a single-family dwelling, which will be located outside of the WPA jurisdiction. Work performed within maintained lawn area of a partially developed lot.

- Dave Davignon from Schneider, Davignon and Leone presented the site plan.
- The plan keeps development out of the 50-foot and 100-foot buffer zones, with only minor grading in the 50-foot offset.
- Property is not in flood zone.
- The driveway will remain gravel.

Chair Estrella made a motion Negative Determination the motion was seconded by Commissioner Drumm and passed (7-0).

c. CON 023-550: 4 Ruth Street, Map 43, Lots 140-142

Request for Determination of Applicability filed by Robert Bates to replace existing vinyl fence on north side of property (along Ruth Street) with masonry wall within Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (EI.18').

- Continue to the next meeting due to insufficient information and absent representation. Ensures party attendance and more information.

Chair Estrella made a motion continue, the motion was seconded by Commissioner Ferreira and passed (7-0).

d. CON 023-551: 3 Collin's Drive, Map 28C (Subdivision Lot #6), Portion of Lot 71 & 71A (Advertised in the Standard Times)

Request for Determination of Applicability filed by Windmill Acres, LLC to fill and grade an approximate 2,057 square foot area within the 100-foot Buffer Zone, which was cleared of

trees/brush and stumps under DEP File No. SE 023-1297. The existing erosion control depicted on the plan was installed under said file number.

- Dave Davignon from Schneider, Davignon and Leone presented the site plan for Windmill Acres LLC.
- Applicant seeks a negative determination, explaining site development is outside jurisdiction, with only minor grading and lawn work within buffer limits.
- Clarification on jurisdictional area is requested and provided, indicating the commission's jurisdiction area on the plan.
- Applicant notes future filings for adjacent grading and confirms no flood zone in the subdivision.
- Commission question on restoring natural vegetation adjacent to the resource area is addressed; applicant states this does not apply.
- Restoration not applicable due to distance (outside 50 feet).
- Public: Bob Espindola (zoom) 14 John Street, comment on advertising procedures and approved newspapers; commission and staff clarify options and authorization.
- Public inquiries about RDA notice requirements and 100-foot abutter notifications; commission confirms requirements and indicates notifications were sent if triggered.

Chair Estrella made a motion Negative Determination the motion was seconded by Commissioner Theberge. Commissioner Couto was an abstention and passed (6-0).

e. CON 023-555: Phoenix Rail Trail

Request for Determination of Applicability filed by Town of Fairhaven/Highway Department for a pavement overlay on the existing rail trail. Improvements to include minor geometric realignment and ADA compliance at rail trail intersections; work to also include minor drainage modifications and signage installation.

- Improvements with minor changes.
- Intersections to be more ADA compliant.
- Same trail no changes to the actual trail.
- Josh Crabb (zoom) confirmed it is an overlay, adding another layer of pavement, bring compliance and safety to all modes of transportation for intersections and add raised tables for some key areas.
- Tripp St area will be realigned and pull the impervious area further from the wetland line.
- Equipment used will be narrow and do not anticipate and impact however are fully prepared any and all sedimentation control in the sensitive areas.

Chair Estrella made a motion Negative Determination the motion was seconded by Commissioner Galary and passed (7-0).

f. CON 023-556: 2 Elm Avenue, Map 13, Lot 066

Request for Determination of Applicability filed by Northeast Maritime Institute to demolish an existing storage building, and remove (2) inches of asphalt within the existing parking area (~11,625 S.F.), and replace asphalt with pervious stone aggregate (3/4th crushed stone/gravel) consistent with the property. A portion of the property is within Land Subject to Coastal Storm Flowage, FEMA Flood Zone AE (El. 6').

- Kelly stated there was a misprint of the address will need to be advertised again and vote will move to next meeting.

- Will be removing asphalt and demolishing a shed.
- Eleanor Chu 181 Main St spoke of the misprint and the commission validated the importance as well.
- Angela Dawicki (zoom) confirmed demolition has not begun.

Chair Estrella made a motion table, the motion was seconded by Commissioner Ferreira and passed (7-0).

Chair Estrella closed Public Hearing and reopened Public Hearing.

Notices of Intent

g. CON 023-547, SE 023-1522: 7 Pierce's Point, Map 28, Lot 32A

Notice of Intent filed by The John J. Behan & Cynthia A. Behan Revocable Trust to construct a 3-bedroom single-family house in compliance with the requirements of FEMA and Mass Building Code for construction within Land Subject to Coastal Storm Flowage VE (El.18') and to connect to municipal water system with the installation of approximately 68' of 1" diameter water service pipe from the house to the future new water main located within the Peirce's Point roadway layout.

- Dave Davignon from Schneider, Davignon and Leone presented the site plan for John J. Behan & Cynthia A. Behan.
- Resource areas contain saltmarsh to the east as well as to the west.
- Nothing proposed in the 50ft buffer zone on either side.
- House is proposed on elevation 14 on the peak.
- 3-bedroom single-family house and a crushed shell or stone driveway, installation of a septic, power line and water line.
 - Situated on the top of the hill above elevation 30.
 - Open concrete column foundation.
 - Septic completely outside the buffer zone.
 - Some minor grading for the driveway proposed along the westerly side will be pervious driveway.
- All will be located outside of the 50ft buffer zone of the saltmarsh.
- Maintaining the trees along the road and proposing to create the natural buffer of 25ft by stripping out the lawn and planting native species.
- Spoke of future intent for water line to come up in a couple months.
- Questions were asked about the bridge and will be looking to propose to remove and replace, an engineer has been secured and will come back with a site plan at a later date once plan is complete. Area will be flagged for the upcoming research of the area.
- Debbie Gabriel – Pierces Point, would it be contingent on the water main project approval.
- Commission has concerns there are 3 different projects discussed.
- There was confusion regarding the sequencing of approvals between the DPW and the Conservation Commission, with concerns about approving building permits before infrastructure (water line) is confirmed.
- Must be approved through all other departments and building is not confirmed until that is done.
- John Behan – 7 Pierces Point, looking to get the house plan approved with a contingency for the water main.

Chair Estrella made a motion approve and issue an order of conditions sign off from all other departments before occupancy certificate is given, the motion was seconded by Commissioner Drumm and passed (6-1).

h. CON 023-549: 450 Bridge Street, Map 38, Lot 16K (Bylaw only)

Notice of Intent filed by Brian Corey to construct single-family dwelling, septic system, utilities, and associated site work located within the Nasketucket River Basin overlay district.

- Rich Sharon from Sharon Associates. In Rochester presented the site plan on behalf of Brian Corey.
- No work is proposed in the buffer zone.
- Wants to have the ability to add an ADU in the future for family.
- Re-slope everything in the proposed area outside the 100 ft buffer of the Wetlands act however does fall within river basin.
- Commission questioned if was in the flood zone as a proposal is set for a paved driveway. Confirmed it is not in flood zone.

Chair Estrella made a motion approve, the motion was seconded by Commissioner Goodhue and passed (7-0).

An update was given on 0 Huttleston by Josh White – JDE Civil

- Submitted a letter with variance request.
- A site visit was done and flags added for potential of a vernal pool.
- Proposed a vegetation plan to remove all invasive from the wetland line to restore that area.
- All invasive would be removed from the house site as well.
- Stated the 100 ft buffer zone is not going to change and will not encroach.
- Josh is seeking additional feedback from the board regarding the plan.
- Kelly stated she was not part of the conversation when it started at the time of the site visit which took place with Bruce.
- The question was made by the commission if they were given the direction to do the work to find out about the Vernal Pools and when returned was informed it was the wrong time to do it.
- Josh stated a site visit to review with the commission and their own Botanist before any moneys were spent and that was done by the direction given.
- Commissioner Drumm verified the Vernal Pool concerns and bylaws. Need to be outside the 100 ft buffer of the Vernal Pools edge. Which needs to be done in the spring to know where they are.
- Kelly questioned if there was an opportunity to reduce the size of the lot to clear the 100ft buffer.
- Josh states would require to reduce ½ to ¾ the size to clear the zone.
- Karyn Ferreira (recused herself) stated her concern as a private citizen that the conservation is on her property and she did not want to be responsible.
- Josh stated the site is higher so their belief is it will not come onto the site.
- It was pointed out that work would actually run downhill and into a vernal pool and disrupt it.
- A decision to wait until the appropriate time to do the site visit with Brad, Kelly and someone from the commission regarding the Vernal Pool.

Chair Estrella made a motion to continue until Vernal Pool determination, the motion was seconded by Commissioner Galary, commissioner Ferreira recused herself, motion passed (6-0).

i. CON 023-553, SE 023-1523: 24 Kane Street, Map 31A, Lot 321

Notice of Intent filed by Jermaine Hurley for the re-construction of a single-family dwelling with associated utilities, driveway and landscaping within 100' of a bordering vegetated wetland.

- Jamie Zenith, Zenith Consulting Engineers presented the plan.
- Building department asked that the building be raised as the building was right up against a resource. The lot is tight and looking to use the same current dimensions.
- Showing erosion controls, temporary storage area and construction access.
- Proposing to show the dewatering and soil stabilization, erosion controls in the back with some grading, not in a flood zone.
- It is within the buffer zone right up to the resources.
- Kelly spoke with the building commissioner, cannot go by our bylaws as it is a non-conforming preexisting, Rick did order the demo and they have 2 years by right to build in the same footprint. The only change is a paved driveway which was not part of the existing so that is what the commission can vote on which would add to the impervious and is within the no-touch.
- The driveway is within the 50 ft buffer and closer to 20 ft and a concern about the stormwater management.
- Commission proposed giving some thought about adding some stormwater mitigation if asphalt or concrete were used for driveway.

Chair Estrella made a motion to continue to April 6, 2026 until driveway plan is solidified and then can proceed with a vote, the motion was seconded by Commissioner Couto, motion passed (7-0).

j. CON 023-554, SE 023-1524: 30 Brook Street, Map 31, Lot 154

Notice of Intent filed by Daniel & Jo-Anne Charette to construct an Accessory Dwelling Unit (ADU) with associated ancillary structures, sewer and water connections to the existing house and the replacement of the perimeter fence.

- All items have been submitted along with Narrative.
- Tim Avizeinas from Aziveinas Environmental Service.
- A question was raised on the sewer to the home instead of the road.
- Question was asked what the sq ft of the house is and that information was not available.

Chair Estrella made a motion approve with an order of conditions, the motion was seconded by Commissioner Theberge and passed (7-0).

Chair Estrella closed Public Hearing.

5. 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.
 - Kelly stated just needs a site visit and has been unable to connect to make that happen.
 - Kelly with partner with Building Inspector to enter property and connect with owner.
- b. **364 Huttleston Avenue, Map 34A, Lot 022:** Clearing of vegetation within 100 feet of the BVW. Update on Notice of Violation.
 - No updates at this time
 - A fine is being sent however the mail is not being accepted.
 - Conversation was discussed on sending an email and that being confirmation of receipt.
 - Decision made to issue a cease-and-desist

Chair Estrella made a motion to issue a cease and desist, the motion was seconded by Commissioner Drumm and passed (7-0).

6. General Business

- a. Next scheduled site visits: Tentatively scheduled for March 30, 2026
- b. Next Scheduled Public Hearing Date: April 6, 2026, 2026

8. Staff Updates

- a. **Public Forum: Hazard Mitigation & Open Space & Recreation Plan**
Residents invited and encouraged to participate in a public meeting to share feedback and input on key municipal plans. The event will be held **March 26th at the Fairhaven Council on Aging from 7:00pm – 9:00pm**. There will be food and refreshments for participants.

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

10. **Chair Estrella mad motion to adjourn, second Commissioner Galary and passed (7-0).**

Brandon J. Estrella, Chair

Fairhaven Conservation Commission