



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION
COMMISSION



PUBLIC MEETING MINUTES
Monday, April 6, 2026

1. **Chairman's Welcome and Media Notification:** Chair Brandon Estrella opened the meeting at 6:00pm. Chair Estrella read the protocol for Zoom meetings 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, Jake Galary, Karen Goodhue, Wendy Drumm, Anthony Couto, Karyn Ferreira, Stephen Theberge, Jr.

Conservation and Sustainability Coordinator, Kelly Camara and Recording Secretary, Danielle Kirkwood were present.

4. **Certificates of Compliance**

- a. **SE 023-580: 871 Sconticut Neck Road, Map 43, Lot 180**

- Order of Conditions expired; construction built in 1987; property owners seek to sell and close out.
- Limited documentation; site visit conducted.

Chair Estrella made a motion to approve as Invalid the motion was seconded by Commissioner Drumm and passed (7-0).

- b. **SE 023-797: 12 Balsam Street, Map 43C, Lot 34**

- Order dated 2003; property being sold.
- Reported compliance but requested partial certificate; some plans missing; majority of work appears completed.
- Motion to declare "partially completed" and allow sale closure with return if further work occurs; confirm formal vote record.
- Retracted motion, general discussion on terminology: "partial" vs "invalid" for incomplete records; plan to continue item where needed to verify archives.
- Rich Rheaume (Zoom) stated an as-built shows permitted construction completed; approved plans by Field Engineering (sheets 1 and 2) to be emailed to Kelly Camara; item tabled to next meeting (April 27, 2026) to verify records.

Chair Estrella made a motion to Table the motion was seconded by Commissioner Galary and passed (7-0). Will add to the April 27, 2026 agenda.

5. **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:
Public Hearing opened @ 6:14pm

A change in the order was presented by Chair Estrella to move NOI Item I to be heard next.

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

Notice of Intent filed by Robert Sullivan to dredge and remove approximately 97 cubic yards of material under existing dock. Work to take place within Land Under Ocean and Land Containing Shellfish.

- Proposal to dredge under/around an 8x32 dock; dredge area 72x26 (1,872 sq ft).
- Potential to coordinate with town causeway maintenance dredging (“piggyback”).
- Shellfish mitigation fee based on area disturbed, not volume; baseline discussed at \$15/sq ft (estimated \$28,080).
- Considerations include pre-dredge shellfish relocation, consistency with town practices (mitigation fees vs. planting), and rate fairness; no final decision; further review planned.
- Continued due to pending information; engineer availability in May; reconvene end of May or early June.

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

Return to Public Hearings @ 6:44pm

Request for Amended Order of Conditions

a. SE 023-1369, CON 023-255: 10 Diamond Street, Map 29, Lots 46 & 72 – Continued from March 16, 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’)

- Applicant to pave driveway; commission requested revised drainage plan; Engineering to submit; case continued.

Chair Estrella made a motion to Continue the motion was seconded by Commissioner Galvary and passed (7-0)

A change in the order was presented by Mr. Estrella to move RDA Item F up in the agenda.

f. CON 023-559: 41 Elizabeth Street, Map 27, Lot 8J

Request for Determination of Applicability filed by Patrick Robinson to install perimeter fencing. Property located within the 100-foot Buffer Zone to a BVW.

- Patrick Robin (homeowner) 41 Elizabeth St took the floor.
- Not in flood zone.
- Perimeter fencing request; Confirmed work to be with minimal vegetation to be removed.

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

**b. CON 023-405, SE 023-1449: Scenticut Neck Road, Map 42, Lot 9B
(Starboard Drive: ANR Lot 1)**

Request for Amended Order of Conditions filed by Robert & Joyce Cummings for the approved construction of a single-family dwelling, impervious driveway, the installation of a sewage disposal system, roof runoff recharge system and underground utilities with grading. Work to take place within Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El. 17' & 19').

- Dave Davignon from Schneider, Davignon and Leone presented the site plan.
- Changes: reduced house footprint by 1.8% and deck by 65.4%.
- Applicant prefers paved driveway due to age: with rain garden mitigation; grass depression with plantings, winterberry and highbush blueberry throughout the basin. Small collection basin with a sump where the water will drain off from the pavement into that sump.
- Eliminate the pump system and eliminate the propane tank.
- Discussion on reviewing/removing some perpetual conditions (e.g., breakaway walls, fertilizer/pesticide bans, buyer disclosure).
- Motion passed to amend order with caveat to review conditions and possibly adjust ongoing conditions.

Chair Estrella made a motion to approve the amendment request for Order of Conditions, the motion was seconded by Commissioner Goodhue and passed (7-0).

Requests for Determination of Applicability

c. CON 023-550: 4 Ruth Street, Map 43, Lots 140-142 – Continued from March 16, 2026

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 (El.18').

- Tyler Bates (Zoom) 4 Ruth St
- Replacing existing vinyl fence about two hundred feet long by three foot high.
- FEMA flood openings not required if wall perpendicular to water.
- Project area clarified.

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

d. CON 023-556: 2 Elm Avenue, Map 13, Lot 066 – Continued from March 16, 2026

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').

- Morgan Dawicki (Zoom)
- Corrected advertisement from previous listing address of Elm Street.
- Plan to remove asphalt in the parking lot on the south side and replace with stone.
- Remove dilapidated storage shed.

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

e. CON 023-558: 32 Nakata Avenue, Map 43, Lot 244

Request for Determination of Applicability filed by John Afonso to bring in natural grade materials to pitch water run-off away from dwelling and garage. Property located within Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El. 20') and within 100 feet to a Salt Marsh.

- Kelly Camara went for a site visit the owner was not available. She did reach out to him to try to coordinate to go on site and discuss the extent, but has not heard back.
- Request to table.

Chair Estrella made a motion for to Table the motion was seconded by Commissioner Ferreira and passed (7-0).

g. CON 023-560: 8 Sunset Beach, Map 29, Lot 2B

Request for Determination of Applicability filed by Duarte Couto to construct a 28' x 38' single-family dwelling with 44' x 30' garage, 12' x 16' deck, walkway with utilities and associated grading. Parcel located within 100-foot Buffer Zone to a BVW.

- Duarte Couto (purchaser) 44 Bridge St Dartmouth took the floor.
- Neighbors raised concerns about an "abandoned septic" still active.
- Applicant intends to decommission septic and tie into sewer upon purchase.
- Utility and delineation details discussed; verification needed.
- Septic for Lot 10's house leaching field crosses Lot 8; easement status unclear.
- Jeffrey Osuch spoke on behalf of neighbor at 10 Sunset Beach who currently is in Florida until late May.
- Greg Burns (Zoom) Florida) 10 Sunset Beach discussed concerning details of property that are not valid regarding septic and utilities.
 - Mr. Burns is willing to work with Mr. Couto and amenable to come up with a solution.
- Commissioner Goodhue recommended to Mr. Couto to do his due diligence at Registry of Deeds to ensure lot is buildable.

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

h. CON 023-561: 2 Oxford Drive, Map 13, Lot 001

Request for Determination of Applicability filed by Robert & Nina Weeks to construct a 15' x18' pool house within a previously approved concrete patio. The construction of patio was approved together with the adjacent in-ground pool approved under dep File No. SE 023-1513. Proposed work will occur within the 100-foot Buffer Zone of the top of a Coastal Bank. The shoreline portion of the site falls within Land Subject to Coastal Storm Flowage (LSCSF), FEMA AE (El.6').

- Dave Davignon from Schneider, Davignon and Leone presented the site plan.
- 15x18 pool house >50 feet from coastal bank over approved concrete area; asphalt area to be replaced with gravel; no increase in impervious; ZBA variance obtained; seeking negative determination.

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

i. CON 023-562: 165 Balsam Street, Map 43B, Lot 131

Request for Determination of Applicability filed by Kim & Martha Hyland to replace 48 feet of existing old stockade fence with a 6' white, privacy fence along the backyard & property line (leaving 6" off the ground for FEMA compliance). Also, to replace 41' of post & rail with 4' spaced baluster-paneled fence including gate (5' wide by 4' high). Property within Land Subject to Coastal Storm Flowage, FEMA Flood Zone AE (EI.14').

- RDA for pipe replacement within flood zone; fence compliance noted (6-inch ground clearance suggested)

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

Notices of Intent

j. 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 6, 2026 & March 16, 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 Zone to the BVW

- Suggested to continue and discuss under violations

Chair Estrella made a motion to Continue per request from the representative, the motion was seconded by Commissioner Galary and passed (7-0).

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

Notice of Intent filed by Joel Cordero to construct a single-family house, garage, raised deck, driveway and the extension of an existing gravel road within the 100-foot Buffer Zone to a BVW.

- Alfons Koka with KBM Design Group for the project; presented revised plans for a new house
- Changes include a "hammerhead" driveway turnaround for fire trucks, a stormwater infiltration system, and shifting the house footprint.
- The proposed house is located almost entirely within the 50 -100-foot buffer zone, raising commission concerns.
- Sandy Almeida (zoom) confirmed the homes footprint as 55x30 with the 14ft garage included
- The commission determined a site visit is essential.
- The project team confirmed they used "record wetland flagging" from a previous plan, as they were unable to get permission to access the neighboring property to place new flags. (SITEC Inc delineation was done April 2025)
- Nicole Hayes (zoom) Goddard Consulting, verified the flags A17-A21 were placed by her last year.
- A neighbor, Scott Messier, 5 Jenney Street raised concerns about flooding on his property, disputed the legal status of "Earl Street" vs. "Benson Street," and reported previous unmitigated water discharge into the wetlands from the property.
- The project team stated the new house would not need a sump pump as the basement will be above the groundwater table, and they will mitigate roof runoff.
- Commission asked about vernal pools and Nicole stated there were no mapped pools or none seen when visually checked during the fall.

- Joel Cordero (zoom) Stated he is following all requirements to move forward. States requested permission via email from neighbor requesting to enter property to flag and the home owner refused.
 - Project Team: flag 25-, 50-, 100-foot buffers.
 - Commission: Conduct site visit for Earl Street;
 - Confirm plan date/book/page references (SITEC April 2025).
 - Coordinate with Kelly for scheduling of site with Nicole.
 - Verify street status/records (Earl, Benson)
 - Project Team: Provide stormwater management details and discharge mitigation; investigate legacy pipe discharge.
 - Project Team: Develop updated stormwater plan focusing on roof runoff infiltration/recharge
 - Project Team: Attend April 28 planning board agenda; provide fire/DPW recommendations and updated plans.

m. CON 023-553, SE 023-1523: 24 Kane Street, Map 31A, Lot 321 – Continued from March 16, 2026
 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 BVW.

- Nyles Zager (zoom) presented a revised plan including a one-foot-deep stone trench along the driveway to filter and channel stormwater runoff.
- Nyles explained an underground culvert system was not feasible due to a high-water table (one foot below surface). The surface trench is the best alternative.

Chair Estrella made a motion to Approve and issue Order of Conditions, the motion was seconded by Commissioner Drumm and passed (7-0).

n. CON 023-557, SE 023-1525: Starboard Drive, Map 42, Lot 9C (Starboard Drive: ANR Lot 2) -
 Notice of Intent filed by Lance Martin to construct a single-family dwelling with septic system, utilities and associated site work. Project located within Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El. 17' & 19').

- The new application for Starboard Drive (Map 42 Lot 9C) is smaller than a previously approved project, omitting a pool and barn.
- The plan includes a stone driveway, individual stormwater recharge units, and an Elgin AI septic system.
- The commission questioned why the new plan does not include a nitrogen-reducing septic system, which was required in the original Order of Conditions.
- The applicant's representative stated the new owner did not want the high-cost system and argued it wasn't required as the property is over 1,000 feet from open water.
- After confirmation that the Board of Health approved the plan, a motion for approval was made.

Chair Estrella made a motion to Approve and issue Order of Conditions, the motion was seconded by Commissioner Theberge and passed (7-0).

6. 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 & site inspection.

- Building Commissioner Rick Forand reported that the new owners are receptive and making progress on cleanup.
 - The owners plan to submit an application to build a barn, which may help keep the property cleaner. No fines have been issued.
 - A previous cleanup in 2016 addressed more severe issues, including diesel oil in wetlands.
 - The board decided to give the new owners more time to show progress.
 - The board decided to give the new owners more time to show progress.
 - Action Item: Kelly & Rick - Conduct a joint site visit to the Mill Road property to assess what, if anything, is currently in the wetlands before considering fines.
- b. 364 Huttleston Avenue, Map 34A, Lot 022:** Clearing of vegetation within 100-foot Buffer Zone to the BVW. Update on Notice of Violation & site inspection.
- c. 0 Huttleston Avenue, Map 34A, Lot 21:** Clearing of trees and vegetation within the 100-foot Buffer Zone to the BVW.

- The new owner, who was seemingly unaware of restrictions, has been conducting unpermitted clearing on the lot.
- A cease-and-desist order posted by Kelly on March 30th was torn down, a violation of state law.
- The owner also allegedly used a false address (364 Huttleston) to obtain a burn permit.
- Commissioners noted extensive damage, including to a vernal pool, and stated that remediation will be required.
- Action Item: Kelly - Meet with the new owner/prospective buyer of 0 Huttleston Avenue to discuss the violations, the need for remediation, and the process for submitting a new plan. Brandon and/or another commissioner should be present.
- Action Item: Kelly - Re-post a cease-and-desist sign on the 0 Huttleston Avenue property.
- Action Item: @New Owner of 0 Huttleston Avenue - The property will need to be re-surveyed and re-flagged at the owner's expense.

7. General Business

- a. Discuss date & times for the next scheduled site visits**
- A planned site visit for Monday, April 20th, falls on Patriots' Day, a holiday.
 - Tuesday, April 21st, was proposed as an alternative for the site visits.
- b. Next Scheduled Public Hearing Date: April 27, 2026**

A resident raised concerns about a trend of parking seasonal trailers on sensitive coastal lots, and the commission discussed regulatory challenges and solutions.

- Bruce Biddle from Monadnock Ave reported a pending application to park a seasonal trailer on a lot that is directly on the ocean or marsh, the second such request in eight months.
- He warned that buyers are receiving incorrect information and that the fragile lots are at risk from increased activity and erosion, especially during hurricane season.
- The commission acknowledged that buyers must perform due diligence, as lots sold at town auctions are not always buildable.
- A process improvement was proposed to have the building department refer all seasonal camper permit applications to the Conservation Commission for review.

- Action Item: Commission - Conduct a site visit to the Monadnock Ave area to assess the lots in question for the pending trailer application. Bruce Fiddle will host and Kelly and Brandon will coordinate.
- Action Item - Inform Rick about the proposal to have the building department cross-reference seasonal camper permits with the Conservation Commission.

8. Staff Updates

- a. Fairhaven Conservation Commission: Earth Day weekend celebration, Saturday, April 18th from 10:00am-1:00pm at Cushman Park. A day to appreciate, protect, and commit to a greener future and healthier community.
- b. Vernal Pool Presentation: *The Sights and Sounds of Wetlands*, Wednesday, April 22, 2026 (school vacation week) at 10:00 am in the Town Hall Auditorium followed by Field Identification at the Little Bay Conservation Area (12 Little Bay Road).

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

10. Motion to adjourn @ 9:16PM

Brandon J. Estrella, Chair

Fairhaven Conservation Commission

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