



TOWN OF FAIRHAVEN, MASSACHUSETTS

**CONSERVATION  
COMMISSION**



PUBLIC MEETING MINUTES  
Monday, April 27, 2026 at 6:00pm

FAIRHAVEN TOWN CLERK  
RCUD 2026 MAY 21 PM12:11

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**

*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 (arrived 6:06PM), Wendy Drumm, Anthony Couto, Karyn Ferreira, Stephen Theberge, Jr. (arrived 6:21PM)

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

4. **Continuances**

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

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

- It was noted this item will also be heard at the Planning Board meeting on April 28, 2026 and the applicant requested the Conservation hearing occur after that meeting.

5. **Approval of the March 9, 2026, March 16, 2026 and April 6, 2026 meeting minutes**

- No comments or questions on meeting notes.

**Roll Call vote to approve minutes for 3/9/2026, 3/16/2026 and 4/6/2026  
commissioner Theberge was absent for the vote passed 6-0**

6. **Motion to accept care, custody, and control of Parcel ID 27-334, Washburn Avenue, Fairhaven, MA, pursuant to G.L. c. 40, s. 8C.**

- A motion was made to accept care, custody, and control of Parcel ID 27-334 on Washburn Avenue, Fairhaven, MA, pursuant to G.L. c. 40, § 8C.
- A signature was needed for a separate "signature project," which was being handled downstairs at the Select Meeting.
- It was confirmed that there were no outstanding taxes on the parcel.

7. **Variance proposal for Flood Zone Property Surfaces; Wendy Drumm to present fact-finding Summary** (Moved to end of meeting)

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 & site inspection.

- An update was provided, stating that Rick Forand had inspected the site and did not observe any oil or other substances leaking.
- Other interested parties have expressed a desire to speak about the property at the next meeting.

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.

- Action Item: @[Kelly] - Re-install the Cease-and-Desist sign on the property. Staff was advised to have someone (e.g., Rick or a commissioner) accompany Kelly for safety.

c. **0 Huttleston Avenue, Map 34A, Lot 21:** Clearing of trees and vegetation within the 100-foot Buffer Zone to the BVW. Owner working with engineer to submit NOI.

- The new owner of the property at 364 Huttleston Avenue (Map 34A, Block 022) recently contacted the office regarding clearing activity. They have not yet filed a Notice of Intent (NOI)
- The new owner apologized, claimed they were unaware the property was in a conservation area, and stated they would submit an NOI.
- It was noted that the new owner had removed the previously posted Cease and Desist sign, which is against the law.
- The engineering firm JDE, which worked with the former owner, is now working with the new owner on a plan with a smaller footprint that may be outside some of the buffer zones.
- Key Decision: The Commission will stay actively involved with the site, citing the continued unauthorized activity.
  - Action Item: Pull Map Master images of the site to document the extent and timeline of the clearing.
  - Action Item: @[Kelly] - Re-install the Cease-and-Desist sign on the property. Staff was advised to have someone (e.g., Rick or a commissioner) accompany Kelly for safety.
  - The Commission will recommend that the property boundary be flagged to prevent future encroachments.

**d. 97 Church Street, Map 06, Lot 178:** Clearing of vegetation within the 100-foot Buffer Zone to the BVW. Cease-and-Desist issued April 14, 2026. Discuss site visit findings from April 16, 2026.

- Chair Estrella recused himself and handed the gavel to Co-Chair Commissioner Drumm.
- The discussion concerns a violation at 97 Church Street, Map 6, Lot 1178, regarding the buffer zone to the Bordering Vegetated Wetland.
- Josh from BPW had previously stated the town was not clearing recently.
- The property owner visited the office for clarification on when the Cease and Desist would be lifted, stating a desire to take down additional trees.
- The owner was instructed to apply for a Request for Determination of Applicability (RDA) before proceeding further. The Cease and Desist can be lifted once the RDA is applied for.

**Commissioner Drumm made a motion for the owners of 97 Church Street to come to the conservation commission with a plan to remove trees via an RDA, at which time the commission will review the plan. Commissioner Ferreira seconded the motion and passed (6-0)**

**Chair Estrella resumed the gavel post discussion**

**e. Reservation & Gilbert Street Beach Access Way:** Vegetation clearing 100 feet of the beach / waterway. Residents looking for signage to educate boaters on the importance of eelgrass as a natural barrier to help prevent coastal erosion.

- Residents are requesting signage to educate boaters on the importance of "field grass" as a natural barrier to prevent coastal erosion.
- Photos from the previous year showed large sailboats being pulled in, which residents wish to avoid this year.
- It was mentioned the BPW will take action to replace some of the bulk to prevent larger boats from going through.
  - Action Item: Reach out to the community to double-check if the educational message has been delivered. - No Due Date Mentioned.

## **9. Certificate of Compliance**

**f. 12 Balsam Street, Map 43C, Lot 34 – Continued from April 6, 2026**

- The topic is a Certificate of Compliance (COC) for 12 Balsam Street (Map 43C, Block 34), continued from the April 6, 2026 meeting.
- The original approved plan from 2003 was missing at the previous meeting. Rich Reheume has since sent the 2003 plan for the house and seawall.
- The submitted "as-built" plan from the current month complies with the 2003 plan and Kelly now recommends a complete certification based on the new information.

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

**10. 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:**

- ❖ **Chair Estrella opened the Public Hearing @ 6:24PM**

**Request for Amended Order of Conditions**

**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')

- Owner wishes to pave a driveway that goes towards the garage. The original 2004 plan lacked width dimensions. Field Engineering submitted a new plan dated April 21, 2026, which provides an actual depiction of the paved driveway width (22 feet).
- The property is divided between upland (11,812 sq ft) and wetland (12,300 sq ft) portions, with the house built in the former footprint, which allowed construction within the buffer zone.
- The property owner, Ruby Medeiros, is present and handling the project herself. Her engineer from Field Engineering is hands-off but provided the drawing.
- The new plan includes plantings and proposes Caltech recharge chambers within the cul-de-sac as a stormwater mitigation solution for the impervious surface.
- The plan includes adding two new native habitat trees and 4-6 bushes (e.g., butterfly bushes) to attract pollinators and aid with water absorption.
- A key condition discussed is requiring the engineer to test the site before installation to ensure the proposed system is suitable for the location and meets standards.
- The owner expressed urgency, explaining that she and her husband, who previously had a stroke, are downsizing and wish to move into the apartment next to their son's home for support. An asphalt driveway would eliminate the need for her husband to shovel snow.

**Chair Estrella made a motion to approve amended conditions dated April 21st. Approval is contingent on the assessment and installation of the Caltech unit, with the Building Inspector to review and verify the engineer's findings. A second, by Commissioner Goodhue, vote passed (7-0).**

**Requests for Determination of Applicability**

- b. CON 023-558: 32 Nakata Avenue, Map 43, Lot 244 – Continued from April 6, 2026** 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.

- A site visit was conducted on April 21, 2026, with the owner to discuss their intentions.
- The owner wishes to slope the property from the house's foundation towards the salt marsh and install a fire pit in the middle of the frequently wet lawn.
- Commission suggested alternatives like plantings or other drainage solutions, noting that filling a wet area in New England is likely a recurring task.
- Kelly suggested plants are more effective at absorbing moisture, and the commission cannot strongly object to filling but believes it is not the best long-term solution.
- The property owner agreed that other new surfaces, such as another driveway and a patio, would be permeable rather than asphalt.

**Chair Estrella made a motion to table to allow further discussion at the May 18 meeting. A second, by Commissioner Theberge, vote passed (7-0).**

**c. CON 023-560: 8 Sunset Beach, Map 29, Lot 2B – Continued from April 6, 2026**

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.

- The property located at 8 Sunset Beach, Map 29, Lot 2B, and was continued from the April 6, 2026 meeting.
- The potential buyer of the property backed out of the sale, leading the applicant to request a withdrawal of the application.
- The commission noted this situation as a positive example of its role in protecting community citizens.

**Chair Estrella made a motion to accept the application withdrawal without prejudice a second, by Commissioner Drumm, vote passed (7-0).**

**d. CON 023-563: 76 Balsam Street, Map 43C, Lot 002**

Request for Determination of Applicability filed by Matthew Brodo to construct new 7' x 16' porch. Parcel falls within Buffer Zone to Coastal Beach, Coastal Dune; work to take place within Land Subject to Coastal Storm Flowage, FEMA Flood Zone, VE (El.20').

- Construction will involve two sauna tubes in the ground with minimal impact and no concrete foundation underneath the porch.

**Chair Estrella made a motion to approve the application with a negative determination. Motion seconded by Commissioner Ferreira passed (7-0).**

**e. CON 023-564: 266 Sconticut Neck Road, Map 29A, Lot 95**

Request for Determination of Applicability filed by Mark & Amy Knox to remove approximately 1,800 S.F. of brush and invasive vines (Bittersweet) in order to do minor grading and install a FEMA compliant fence. Parcel falls within Barrier Beach, Salt Marsh; work to take place within Land Subject to Coastal Storm Flowage, FEMA Flood Zone, VE (El.16').

- **Mark Knox – 266 Sconticut Neck Rd**-The immediate plan is to remove a collapsed cedar stockade fence along the left side of the property line, which is overgrown with invasive species like English ivy and bittersweet.
- The owner intends to install a chain-link fence in its place, clear a lawnmower's width beyond the fence line, install a siltation barrier, and then grade and reseed the area.
- The current request is strictly for the fence replacement to contain their dogs.
- **Jean Easterday**, the abutting property owner, expressed confusion about the proposed fence location based on the submitted documents, fearing it might be placed on the paper street between the properties.
- The primary concern was ensuring the fence was correctly sited relative to the property line and the wetlands.
- The property owner, Mark Knox, confirmed the new chain-link fence will be installed in the exact same location as the old, collapsed fence, which is on his lot and not on the paper street.
- The property owner also expressed a desire to coordinate with the neighbor on a future restoration project to address invasive species in the area with their permission.
- **Al Easterday** (zoom, using the display name John Smith), voiced support for the applicant after confirming their questions were already addressed by his wife.
  - **Action Item: @ [Mark Knox]** - Conduct a property survey to delineate the property line before installing the new fence.
  - This action was confirmed to be in process, satisfying the neighbor's main concern.

**Chair Estrella made a motion to approve the application with a negative determination. Motion seconded by Commissioner Drumm passed (7-0).**

**f. CON 023-565: 0 Monondach Avenue, Map 42A, Lots 327 & 328**

Request for Determination of Applicability filed by Samer Alamrat to request temporary recreational campsite with removable RV, gravel parking area, small removable deck, and minimal site improvements, including removal of vegetation and plantings. Parcel & work to take place within Barrier Beach & Land Subject to Coastal Storm Flowage, FEMA Flood Zone, VE (El.23').

- A site visit was conducted on April 21, 2026, revealing dense vegetation. The proposal involves removing vegetation, grading, and potentially hydrologic engineering.

- A commissioner described the area as a salt marsh with a sand dune, and altering it would be a "travesty" in terms of runoff, pollution, and impact on native wetland plants.
- It was emphasized that the "non-buildable" designation also applies to disturbing the land itself, not just constructing a permanent building.
- Commissioners discussed the ecological sensitivity of the Monondach Avenue lots, highlighting the interconnectedness of the marsh area and the history of land changes.
- It was confirmed the property was purchased at a town auction. A question was raised as to why the town would sell such a sensitive lot.
- In response to a direct question, the owner stated that no one from the town had told him he could put a trailer on the lot. He clarified he is just trying to put the land to some use that the board agrees with.
- **Linda Badwey - 50 Winona Ave** - described the two lots as a "barrier of dune" for the marsh and stated it would be very sad to see the trees removed, as they form an evident barrier.
- **Chair Estrella** read excerpts from 3 letters received from concerned neighbors voicing their objections.
  - **Chair Estrella made a motion to enter the letters into record with a second from Commissioner Goodhue, vote passed (7-0)**
- **Maxine McLaughlin - 21 Winona Ave**, a resident for over 70 years, testified about her nearby property. She stated her land, purchased in 1950, is now mostly marsh, with its topography changing constantly due to natural forces.
- She and other residents are baffled by the perceived inconsistencies, where different landowners seem to be given different rules and allowances.
- The commission and residents discuss the need for clearer town processes and greater buyer due diligence to protect conservation land.
- A commissioner explained that land use is determined by property owners coming before the commission in good faith; unauthorized work relies on neighbors or the agent to report it, creating a "gap" in enforcement.
- A resident's question about neighbor notification was addressed.
- Kelly confirmed that notifications were sent based on a list from the assessor's office.

**Chair Estrella made a motion for a positive determination. It was seconded by Commissioner Drum, passed (7-0).**

**g. CON 023-566: 1 Calumet Road, Map 29A, Lots 630, 629, 584, 583, 54, 55, 156, 157**  
Request for Determination of Applicability filed by Geoffrey Wheeler to construct FEMA compliant 4' perimeter fence. Work to take place within Land Subject to Coastal Storm Flowage, FEMA Flood Zone, VE (El.20').

- The site was observed to be pre-flagged for the fence, which is located entirely within the existing lawn.

- **Geoff Wheeler 1 Calumet Road** - the owner, explained the fence is needed to contain his late son's Labrador. An existing electric fence is ineffective.
- The fence will be installed by All Season Fence, who are familiar with FEMA regulations.
- Black chain link (2-inch by 9-gauge) will be used to match a neighbor's fence and will extend on the east side.
- A standard white vinyl spindle fence will be used on the west side for aesthetics.
- **Kathy Smith 4 Jerusalem Road** - expressed they had not been able to discuss the plans with the applicant.
- She questioned whether the applicant's prior attempt at an electric fence was of sufficient quality.
- The applicant, Geoff Wheeler, clarified the fence would be on his own property and described the layout relative to the Smiths' wooden fence.
- Ms. Smith reported that she received the notification but could not find the application sketch online and a message she left was not returned.
- A commission member noted that all application materials, including sketches, are available on the town website with the agenda.
- The applicant and a commission member reassure the concerned neighbor that the fence design mitigates view obstruction and is FEMA compliant.
- The applicant, Geoff Wheeler, offered to speak with his neighbor, Kathy, at any time.

**Chair Estrella made a motion for a negative determination. It was seconded by Commissioner Drum, passed (7-0).**

**h. CON 023-568: Alden Road, Map 28, Lots 22B & 22D**

Request for Determination of Applicability filed by Cornuguy Realty Trust to cut and remove trees and stumps for the purpose of future development. Work to take place within the 100-foot Buffer Zone to the approved Bordering Vegetated Wetland line (wetland line approved under Order of Resource Area Delineation SE 023-1482).

- Dave Davignon from Schneider, Davignon and Leone presented the site plan.
- The property's zoning was changed last year to 40R, consistent with adjacent plazas, which allows for hybrid development (business on the ground level, housing above).
- The client intends to build an apartment building with businesses on the lower level.
- Based on preliminary layouts, the current RDA requests permission to clear trees within a proposed "limits of clearing" line.
- The plan shows a 25-foot line and a 50-foot line (orange), with the 50-foot line proposed as the location for erosion control.

- The applicant is requesting a waiver for the 25-foot "no cut" zone, proposing a 10-foot variable-width buffer along the wetlands in certain areas.
- The approved wetland line (light green on the plan) was established via a previous ANRAD filing. The area in darker green represents natural vegetation that will remain.
- The applicant details the phased approach, beginning with tree clearing and followed by a full Notice of Intent for construction.
- The Commission questions the necessity of encroaching on the wetland buffer, which the applicant attributes to stormwater management requirements.
- Initial concern was raised about cutting into the wetlands themselves, but it was clarified that the proposed work is within the 25-foot buffer zone, not the wetland boundary.
- The applicant is requesting a waiver to clear and cut vegetation within the 25-foot buffer zone as shown on the plan.
  - Action Item: @[Applicant] - Stake out the limits of clearing for orange snow fencing and have it installed.

**Chair Estrella made a motion to approve the variance for work within the 25-foot buffer zone, as specified in the plan dated April 1, 2026, seconded by Commissioner Galary and passed (7-0).**

**Chair Estrella made a motion for a negative determination. It was seconded by Commissioner Ferreira, passed (7-0).**

### **Notices of Intent**

- i. 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.

- The applicant submitted a request to withdraw the project without prejudice and intends to return with a new plan.

**Chair Estrella made a motion to accept the application withdrawal without prejudice a second, by Commissioner Theberge, vote passed (7-0).**

- j. CON 023-567, SE023-1526: 0 Fisherman's Road, Map 43A, Lot 189**

Notice of Intent filed by Matthew Pike to construct single-family home & subsurface sewage disposal system with associated grading. Work to take place within Land Subject to Coastal Storm Flowage, FEMA Flood Zone, AE (El.18').

- **Matt Pike (zoom) owner** presented the plan for a single-family dwelling with a septic system.

- The project is for a new construction on a 6,000 sq ft corner lot.
- Approximately half of the lot (2,800 sq ft) is in a FEMA flood zone (Zone A), raising concerns about runoff into the neighboring lot.
- The proposed dwelling will have a 900 sq ft footprint with a garage underneath. The garage floor elevation (19.6) is above the flood zone elevation.
- Erosion controls will be placed at the limits of grading before work begins.
- The applicant presented a zoning determination letter stating the lot is "grandfathered" under 1922 zoning regulations (MGL 40A, Section 6) because it is over 5,000 sq ft with 50 feet of frontage and has never been owned in conjunction with adjacent lots.
- The septic system design has been approved by the Board of Health. Its placement is feasible because there are no wells on West Island, allowing more flexibility.
- The house will be built with a garage underneath, not on stilts. The garage floor elevation of 19.6 feet is above the base flood elevation of 18 feet.
- The proposal is for 21% total lot coverage (including driveway and roof) and 15% building coverage, which is within current limits.
- It was stated a site visit is required and the footprint must be flagged out before moving forward.
- **David Hirsch (zoom)**, who owns property to the east of the proposed development, outlined three primary concerns related to the project.
  - **Concern 1:** Water Runoff from the Roof. The new building's roof will be significantly higher than the adjacent property, and without a clear plan for gutters and downspouts, there is a concern that water will run directly into their yard.
  - **Concern 2:** Damming Effect. The project plans to raise the grade of the lot by 2 to 2.5 feet to meet septic test requirements (from an existing 17 ft to a proposed 19.6 ft at the garage). This will create a damming effect, trapping rainwater coming down Fisherman Road on both the new development's lot and the neighbors' properties.
  - **Concern 3:** Steep Grade and Impermeable Surface. The development is proposed to be built 10 feet from the property line, a reduction from the standard 30-foot setback from a street. This short distance will necessitate a very steep downward grade, which will not provide enough horizontal space for water to be absorbed into the ground, causing it to flow onto the neighboring property.
- They also raised questions about the implications of planting hedges for privacy near the property line, given the proximity of the new system.
- **David Hirsch** noted that his issue is a specific example of a wider problem on West Island, where many older, grandfathered single lots are being developed.
- **Cheryl Donnell**, a resident of Fisherman and Dogwood since childhood, stated that water runs down Fisherman Road and will turn to solid ice in the winter, making the road undriveable.
- She predicts that Cottonwood will flood, which will then flow into the property at the corner of Cottonwood and Fisherman.

- **Bob Plnk, neighbor**, noted that developing increasingly smaller lots (e.g., 6,000 sq ft) provides less buffer for neighbors.
- Changes made on these small lots, such as raising the grade for a septic system or adding impervious surfaces, can have a much more dramatic negative impact on the quality of life and property value of adjacent neighbors.
- The sentiment was that while the town supports the right of individuals to develop compliant lots and needs the revenue, it should not be done in a way that negatively impacts existing residents.
- A commission member proposed a site visit after the lot is flagged to get a better understanding of the proposed footprint of the septic system and foundation.
- In response to neighbor concerns, Mr. Pike stated he is willing to work with neighbors to prevent additional runoff and can provide a full stormwater plan.
  - He explained that his plan shows the 17-foot elevation being maintained on the east side via a shallow swale to preserve current flow paths, with infiltrators to catch roof water.
  - He offered to add a trench drain along the property line if deemed necessary.
  - ❖ Action Item: @ [Mr. Pike] - Flag the corners of the proposed foundation and septic system and paint the ground where the swale will be, in preparation for the site visit.

**Chair Estrella made a motion to table and reassess the site after the proposed site visit. A second, by Commissioner Galary, vote passed (7-0).**

**Variance proposal for Flood Zone Property Surfaces:** Wendy Drumm to present fact-finding Summary (Moved to end of meeting)

- A list of interviewed towns was compiled to be similar to Fairhaven in terms of coastal proximity and economic factors.
  - Nantucket, despite its different economic status, was included because it has "terrific bylaws" and an exemplary conservation program. The agent from Nantucket provided specific language regarding impervious surfaces.
  - All interviewed towns have relevant bylaws or policies, except for Westport and Mattapoissett.
  - Marion also lacks specific bylaws. The agents from Marion and Mattapoissett reported that they inform property owners of their location within a flood zone and provide recommendations for impervious surfaces, stating they receive little to no pushback.
  - These towns without specific bylaws rely on state laws for more significant issues, such as a 100-foot setback from a river in Mattapoissett.
- The discussion covered how to handle homeowner concerns and the introduction of a proposed variance for Fairhaven's regulations.

- The specific text and timeline for the proposed variance on impervious surfaces were detailed.
- A suggested timeline was proposed for moving forward:
  - **Step 1:** The commission provides feedback on the variance language.
  - **Action Item: @ [Commission Members]** - Review proposed variance language and provide questions or feedback via email
  - **Step 2:** Assuming agreement at the next meeting on May 18, 2026, the language would be sent to a lawyer for review.
  - **Step 3:** Pending lawyer approval, the Conservation Commission would vote to enact the bylaw variance on June 8, 2026.
- A member questioned the difference between the proposed variance and the current process, noting that the town currently has no regulations specifically addressing impervious surfaces. Commissioner Drumm explained the variance would educate property owners on the issues and the need to apply for a variance before installing such surfaces.
- **Action Item: @[Wendy]** - Research and compile a list of viable, permeable alternatives to common impervious surfaces (e.g., for tennis courts, play areas) to provide to homeowners
- A member expressed concern that creating a formal bylaw (or a variance to one) would restrict the commission's flexibility to find unique solutions for each case, which they feel is a strength of the current process.
- It was clarified the intent is not to prohibit asphalt but to require a conversation and variance application.
- The discussion revealed a critical dependency: Fairhaven's Conservation commission currently relies on Zoning's 25% maximum lot coverage rule, as it does not have its own specific percentage.
- The consensus shifted towards the idea that creating a specific Conservation bylaw for lot coverage might be a more effective long-term solution, giving the commission its own authority to address impervious surface issues directly.

## 11. General Business

- a. Discuss date & times for the next scheduled site visits
- b. Next Scheduled Public Hearing Date: May 18, 2026

## 12. Motion to adjourn 9:30PM

**Brandon J. Estrella, Chair**

Fairhaven Conservation Commission

Posted by the Town Clerk: [www.fairhaven-ma.gov](http://www.fairhaven-ma.gov)