

TOWN OF FAIRHAVEN, MASSACHUSETTS



CONSERVATION  
COMMISSION



PUBLIC MEETING MINUTES  
5/18/2026

1. **Chairman's Welcome and Media Notification**

- Chair Estrella opened the meeting @ 6:03PM and read the Media Notice.

2. **Mission statement**

- Read by Commissioner Drumm

3. **Quorum/Attendance**

- Present -Brandon Estrella, Karen Goodhue, Karyn Ferreira, Jake Galary, Wendy Drumm
- Zoom - Anthony Couto
- Absent -Stephen Theberge

Kelly Camara Conservation Coordinator and Danielle Kirkwood Recording Secretary were also present in Town Hall.

4. **Approval of the April 27, 2026 meeting minutes**

**Motion to approve minutes by Chair Estrella and second by Commissioner Galary, approved (6-0)**

5. **Field Change:**

- a. **CON 023-543, SE 023-1518: 483 Bridge Street:** Eversource requests to install underground service down the center of the current dirt road (off New Boston Road) crossing wetlands.
- Eversource request to install underground electrical service along an existing dirt road near wetlands; proposed PVC conduit (~4-inch), trench ~1.5–2 feet wide to transformer and then underground to house.
  - No wetland disturbance proposed; work contained within roadway; erosion controls along both sides offered and required; backfill to restore grade.
  - Property ownership includes roadway; commissioners referenced prior boulders blocking access.

**Motion to approve minor field change with erosion controls and restoration to grade by Chair Estrella second Commissioner Drumm approved (6-0).**

6. **Conservation Restrictions (CRs):**

- a. **Weeden Road/DeNormandie Farm West:** The Buzzards Bay Coalition (BBC) is requesting the Commission to consider accepting an assignment of BBC's interest in the CR such that the town would become the sole holder of the CR when the Coalition acquires the property from Mr. DeNormandie.
- Mark Rasmussen (Buzzards Bay Coalition) online with maps.
  - Coalition presented assignment of its co-held CR on Weeden Road (~32 acres) to the town, as the Coalition is under contract to purchase Weeden Road and adjacent Nulands Neck (~117 acres) and cannot both own and hold the CR.
  - Chair supportive in concept but prefers established process.

- Funding history, buildable lots elimination on adjacent parcel, and perpetuity clarification.
- The board agrees to bring the request before the TA and Town Council without needing a formal motion at this time.

**b. Boys Creek Marsh:** BBC to discuss a draft of the CR and plans to submit the CR to the Executive Office of Energy and Environmental Affairs (EEA) in order to initiate the required state review process.

- Four acres to Fort Phoenix; six acres of salt marsh behind Atlas Tack; town contributed \$15,000 CPA; Boyce Creek parcels deeded to town.
- CPA-required conservation restriction for Boys Creek parcels (August 21, 2021 purchase) drafted and under state review; will return for approval.
- Concerns about enforcement responsibility for CRs; why assign enforcement to a non-town entity?
- CPA compliance requires an outside CR holder; Buzzards Bay Coalition to keep town compliant.
- Action Item noted to review upon return.

## **7. 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.

- Resident testimony (Linda) on Mill Road/Yankee Lane: longstanding nuisance and environmental concerns; unclear annual inspection responsibilities.
- Descriptions of water, junk; prior cleanup assistance; annual inspections lapsed; well water concerns.
- Clarifies multiple access and structures; impacts on neighbor's property.
- Recent photos and zoning: photos from two weeks prior; area residential, historically used as gear yard; not business-zoned.
- Planned site visit; resident urges visit; describes debris and conditions.
- Only Rick has authority to enter; proximity concerns reiterated.
- Accumulation timeline, prior enforcement; resident plans to test well; board underscores accountability.
- Key Decision and Action Item recorded for mapping and imagery review.
- MassMap/Google Earth and wetlands overlays planned; ponding noted.
- Photo evidence contradicts prior reports; potentially hazardous conditions including vehicles.

**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.

- Owners told no further clearing; must submit application for a fence and a planting plan; suggestions given; no submission yet.
- Suggestion to reach back out.

**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.

- Cease and desist issued 2026-03-30; prior NOI withdrawn; new NOI expected with smaller footprint; engineer aware.
- Signage remains posted; ensure restoration planning included.

- 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 recuses; gavel to vice chair.
  - Owner intends additional removal; must appear before conservation; application sent, not received.
  - Sketch to show removed and planned removals.
  - Owner testimony Patricia Estrella (97 Church): long-term clearing; increasing wetness/vernal pool; seeks restoration; board asks for next steps.
  - Buffer zone encroachments raised; board/staff discuss involvement, enforcement options, wetland delineation uncertainty.
  - TA and police visited; if representative doesn't attend, enforcement may escalate; wetland boundary not precisely delineated; within buffer/jurisdiction.
  - Past certification resources; consultant stopped shed; later moved.
  - Maintain 97 Church C&D; no motion required.
- 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.
- Reservations/Gilbert Street Beach Access Way—vegetation clearing; neighbors report damage, erosion, flooding; seasonal differences noted.
  - Larger boats/trailers suspected of widening path; seasonal variation acknowledged.
  - Boulder spacing and potential movement; 2018 Select Board decision on 4-foot gaps.
  - Current spacing near 4 feet; growth/perspective may vary.
  - Potential mitigation: "No clearance" signage; rock reconfiguration while preserving accessibility; wheelchair access considerations.
  - Key Decision: Pursue signage as initial mitigation; motion initiated to investigate signage requirements.
  - Debra Panek (22 Reservation Rd): past neighbor clearing widened path; growth has narrowed; flooding not common; small boats on dollies not an issue; question about moving rocks.
  - Some non-locals reportedly use access; clarify it is public; Key Decision to investigate signage for public access clarity.
- f. 22 Reservation Road, Map 29A, Lot 237:** Cleared vegetation in vacant lot & began construction of wooden platform within Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El. 16') and 200 feet of Coastal Stream.
- Site observations: clearing, green starter beds, pallets; platform started; Building stopped work; applicant applied.
  - Applicant (Andrew Panik) non-compliance acknowledged;
  - Clearing, raised beds, camping, proposed yurt platform; FEMA compliance and debris hazards raised.
  - Cease-and-desist handling and removal of posted signs; admonition issued.
  - Applicant removed posted items; warned about fines and respect for notices.
  - Tent not a dwelling; garage likely infeasible due to wetlands/FEMA; native tree removal questioned.
  - Environmental rationale: preserve coastal vegetation; fire risks; board notes extensive clearing likely should not have occurred.
  - Procedural disposition; anchoring inquiry (helical piles) for flood-prone installations.

- Board emphasizes pre-review necessity.
- RDA filed; assessor's abutter list incomplete; cannot approve yet; applicant to return next meeting.
- Wants to know if the use will be allowed; if not, will remove items.
- Query about returning on June 15; board indicates decision pending additional information before a determination can be made.
- FEMA compliance required; seasonal cease-and-desist needs to be re-posted.

**g. 10 Wilbur's Point, Map 43, Lot 081:** Current construction in non-compliance with the approved Order of Conditions (SE 023-1492); silt fence not installed, straw wattles on top of rocks and not stabilized on the ground, and concrete washout area does not look to be lined.

- Compliance issues; winter impacts; contractor to reset; reinspection planned.
- DEP sign down; erosion controls misplaced; contractor apologizes; Action Item for reinspection by 2026-05-22.

**h. 52 Oliver Street, Map 37B, Lot 043:** Unpermitted camper with potential sewer drainage leading into yard; letter sent to owner on April 1, 2026 with no response.

- Owner claimed gray water; Health attempted contact; Rick confirmed conditions; right of entry for public health.
- Action Items for joint site visit and coordination/report; Board of Health to consider C&D if warranted.

#### **8. Certificate of Compliance**

**a. CON 023-479, SE 023-1491: 11 Delmont, Map 28B, 715:** (alternate planting areas to discuss)

- Avoid crossing marsh with machinery; maintain planting area/quantity; staff site visit/photos support.
- Compliance status confirmed;

**Motion to approve certificate of compliance by Chair Estrella second Commissioner Ferreira approved (6-0).**

#### **9. 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:**

- Hearing Opened @ 7:36PM

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

**a. CON 023-558: 32 Nakata Avenue, Map 43, Lot 244 – Continued from April 27, 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.

- Applicant failed to provide plan/narrative; prior site visits; building denied retaining wall permit due to no plan.
- Discussion: wetlands context; native plantings preferred over fill; patio considerations must be in plan.

**Motion to table by Chair Estrella, second Commissioner Drumm, approved (6-0).**

**b. CON 023-570: 47 Bridge Street, Map 11, Lot 058**

Request for Determination of Applicability filed by Marc Dionne to construct a proposed shed 10ft x 12 ft on 6 helical piles with flood vents. Parcel within land subject to coastal storm flowage, FEMA Flood Zone AE (El. 6').

- Shed in AE flood zone; anchors sufficient, reduce disturbance.
- Zone measures discussed.

**Motion to issue Negative Determination by Chair Estrella, second Commissioner Ferreira, approved (6-0).**

**c. CON 023-572: 22 Reservation Road, Map 29A, Lot 237**

Request for Determination of Applicability filed by Andrew Panek to remove vegetation for raised garden beds and a raised platform for a seasonal tent. Parcel located within Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE (El. 16').

- Continuance to 2026-06-15; discuss invasives and native alternatives.

**Motion to table to 6/15/2026 by Chair Estrella, second Commissioner Goodhue, approved (6-0).**

**Notices of Intent**

**d. CON 023-546, SE 023-1519: 4 Earle Street, Map 31A, Lot 453 – Continued from April 7, 2026**

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 – KBM Design Group presented Site Plan.
- Historical requirement for native restoration conflicts with current lawn; owner cited invasive management; commission requested updated records and buffer restoration/mitigation details.
- Applicant to search older files; town water confirmed; right-of-way claims reviewed with legal opinions aligning with state law.
- Inquiry about buffer zone enhancement in 25-foot buffer (1:1 mitigation).
- Historical conditions required restoration due to prior violations; mandated plantings.
- Past commission intended vegetative restoration, not lawn; current lawn conflicts with precedent.
- Commission emphasized staying within jurisdiction (buffers, stormwater) and requested stormwater report and replication area details.
- Stormwater authority/review process involves DPW, Planning, and Conservation; Conservation reviews first.
- Joel Cordeo-4 Earle St - Current owner cites issues left by developer; trying to fix.
- Owner asserts prior sign-off after two-year process; lawn maintained to deter invasives; site safety concerns.
- Owner surprised at new concerns; believed issues were signed off.
- Recollection that board-requested actions were carried out.
- Specific requirement: plantings plus wetland seed mix to grow naturally; not to be maintained as lawn.
- Clarification: prior required plantings done; area once intended untouched now proposed for house.
- Kelly reiterates prior commission's full plan for area's appearance.
- Request to quantify area to be restored to natural vegetation relative to footprint.
- Current board seeks compensatory mitigation given deviation from prior plan.

- Owner explains modifications: attempts to save trees failed; bittersweet infestation.
- Utilities and right-of-way: town water; ROW legally reviewed; to be readdressed at next Planning Board.
- Roadway and abutter claim clarification; Planning Board scheduled next week (2026-05-26); revised plans addressed items.
- Past plantings noted; applicant to coordinate with conservation consultant; share prior plan; avoid negative runoff impacts.

**Motion to table to 6/15/2026 by Chair Estrella, second Commissioner Ferreira, approved (6-0).**

- e. CON 023-552, SE 023-1521: 184 Balsam Street, Map 43B, 041 – Continued from April 7, 2026**  
 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.

- Applicant asked for continuance late in the afternoon prior to meeting.

**Motion to table to 6/15/2026 by Chair Estrella, second Commissioner Ferreira, approved (6-0).**

- f. CON 023-567, SE023-1526: 0 Fisherman’s Road, Map 43A, Lot 189 – Continued from April 27, 2026**

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’).

- Single-family dwelling (~900 sq ft) with septic on ~6,000 sq ft lot in Land Subject to Coastal Storm Flowage; stormwater recharge via “Quick 4” HDPE chambers; erosion controls proposed; BOH approval and zoning determination provided; runoff reduced up to 100-year storm; mostly lawn cover; nearby storm drain noted; order of conditions to address construction controls and verify compliance.
- Interim zoning determination validity discussed;

**Motion to table to 6/15/2026 by Chair Estrella, second Commissioner Drumm, approved (6-0).**

- g. CON 023-569, SE 023-\_\_\_: 5 Lafayette Street, Map 13, Lot 048**

Notice of Intent filed by Albert Santos to construct a proposed 6-foot wide by 90-foot-long fixed wooden pier supported by wood piles culminating in a 10-foot wide by 18-foot-long fixed deck area. A 20-foot-long gangway will extend from this fixed deck to an 8-foot wide by 75-foot-long float secured by wooden piles; proposed piles will disturb a total of 20.5 square feet.

- 90-foot pier/gangway may exceed bylaw max (45 ft); sent to Building/Harbor Master; DEP number pending; garage not included in NOI; jurisdiction questions; Marine Resources input needed.

**Motion to table to 6/15/2026 by Chair Estrella, second Commissioner Ferreira, approved (6-0).**

**h. CON 023-571: 74 Nakata Avenue Map 43 Lot 166**

Notice of Intent filed by Charles A. Early/Wilber Pointe Properties LLC to add stone to the base of the existing seawall for repair. Work to take place in Land Subject to Coastal Storm Flowage, FEMA Flood Zone VE, (El. 18').

- Restoration to 1999 plan with ~35 cubic yards stone to reduce scour under pier; maintenance vs. permit thresholds discussed; sand matching refers to grain characteristics; equipment limits described; timeline late July/August; pre-site inspection and special conditions recommended.

**Motion by Chair Estrella to approve an Order of Conditions issued with special conditions: local grain-size sand matching and pre-site review. Second Commissioner Goodhue, passed (6-0)**

**10. General Business**

- a. Discuss date & times for the next scheduled site visits
  - TBA
- b. Next Scheduled Public Hearing Date: June 15, 2026
  - Chair closed public hearing @ 8:42PM

**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**

**Brandon J. Estrella, Chair**

Fairhaven Conservation Commission

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