



TOWN OF FAIRHAVEN, MASSACHUSETTS

**CONSERVATION
COMMISSION**

PUBLIC MEETING AGENDA

REVISED

Monday, August 31, 2026 at 6:00pm

Pursuant to Chapter 20 of the Acts of 2021, this meeting will be conducted in person and via remote means, in accordance with applicable law. This means that members of the public body as well as members of the public may access this meeting in person, or via virtual means. In person attendance will be at 40 Center Street, and it is possible that any or all members of the public body may attend remotely, with in-person attendance consisting of members of the public. MGL, Ch. 30A, § 20(f) requires anyone that intends to record any portions of a public meeting, either by audio or video, or both, to notify the Chair at the beginning of the meeting.

Access the meeting via remote means may do so in the following manner:

Join Zoom Meeting:

<https://us06web.zoom.us/j/86953155076?pwd=VFdUQkhzdVYrNzJIQktiVi9XSgppZz09>

Meeting ID: 869 5315 5076 Passcode: 633695

Or call 1-929-205-6099

In-person attendance is permitted for the public at Town Hall at 40 Center Street

1. Chairman's Welcome and Media Notification

2. 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

4. Continuances

a. CON 023-552, SE 023-1521: 184 Balsam Street, Map 43B, 041 – Continued from April 6, 2026

b. CON 023-587, SE 023-1537: 162 Main Street, Map 12, Lot 8

5. Approval of the July 20th & August 3 Meeting Minutes

6. Conservation Restrictions – Tabled to later date

a. Weeden Road/DeNormandie Farm West

b. Boys Creek

7. Certificates of Compliance

- a. **CON 023-165, SE 023-1198: 51 Cedar Street, Map 04, Lot 15**
- b. **CON 023-378, SE 023-1431: 162 Main Street, Map 12, Lot 8**
- c. **SE 023-0932: 67 Middle Street, Map 9 & 11, Lots 14, 11, 35, 36, 145**
- d. **SE 023-1196: 67 Middle Street, Map 9 & 11, Lots 14, 11, 35, 36, 145**
- e. **SE 023-1337: 1 Smuggler's Road, Map 29, Lot 001**
- f. **SE 023-1258: 1 Smuggler's Road, Map 29, Lot 001**

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:

Amended Order of Conditions

- a. **CON 023-405, SE 023-1449: Starboard Drive (ANR 1), Map 42, Lot 9B**
Request for an Amended Order of Conditions filed by Robert S. & Joyce Cummings to change the sewer disposal system leaching area from a Cultec Chamber System to an Eljen GFS Leaching System. The excavation for the leaching area will be reduced by 60%. Site falls within Land Subject to Coastal Storm Flowage, FEMA Flood Zone, VE (El.19').

Requests for Determination of Applicability

- b. **CON 023-586: 7 Windward Way, Map 29, Lot 002R – Continued from August 3, 2026**
Request for Determination of Applicability filed by Earl Maxfield to construct a 20' x 20' garage within LSCSF, FEMA Flood Zone, (AE 16').
- c. **CON 023-589: 50 Middle Street, Map 9, Lot 1 & 116A**
Request for Determination of Applicability filed by Foth Infrastructure & Environment, LLC to perform a subsurface geotechnical investigation at the project site to characterize existing subsurface soil conditions and collect engineering data necessary to support the planning, evaluation, and design of future waterfront improvements. Work to include (7) over-water geotechnical borings advanced between 5 & 80 feet with 10' bedrock cores at (2) water boring locations. (7) borings will be over water adjacent to existing bulkhead, piers, floats, and vessel access facilities and extend into the harbor within the area of the existing working waterfront. Project falls within Land Under Ocean and Land Containing Shellfish.
- d. **CON 023-590: 52 & 0 Cottonwood Street, Map 43C, Lots 120 & 122**
Request for Determination of Applicability filed by Geof Shaw to construct a 12'x16' utility shed within parcel 120 (0 Cottonwood Street). Site falls within Land Subject to Coastal Storm Flowage, FEMA Flood Zone, VE (El.20').

Notices of Intent

- e. **CON 023-569, SE 023-1528: 5 Lafayette Street, Map 13, Lot 048 – Continued from August 3, 2026**
Notice of Intent (revised & readvertised) filed by Albert Santos to construct a proposed 6'W x 90'L fixed wooden pier supported by wood piles culminating in a 10'W X 18'L fixed deck area. A 20'L gangway will extend from this fixed deck to an 8'W x 75'L float secured by wooden piles; proposed piles will disturb a total of 20.5 square feet. The applicant also proposes a 24'W x 29'L garage to be connected to the existing dwelling with a 7'W x 12.5'L breezeway. This site falls

within Coastal Beach, Coastal Bank, and Land Subject to Coastal Storm Flowage (LSCSF), FEMA Flood Zone AE, (El.6').

- f. **CON 023-581, SE 023-1531: 0 Huttleston Avenue, Map 34A, Lot 21** – *Continued from July 20, 2026 & August 3, 2026*

Notice of Intent filed by Barton Bruffee for the construction of a single-family dwelling, associated driveway and utilities within the 100-foot Buffer Zone to the Bordering Vegetated Wetland (BVW).

9. 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. June 4, 2026: Certified Notice to Appear; Ratified Enforcement Order June 15, 2026; Fee paid July 21, 2026.
- 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. *June 4, 2026: Certified Notice to Appear*; Ratified Enforcement Order June 15, 2026.
- c. **0 Huttleston Avenue, Map 34A, Lot 21:** Clearing of trees and vegetation within the 100-foot Buffer Zone to the BVW; Cease & Desist issued March 31, 2026. ***Application submitted June 18, 2026.***

10. General Business

- a. **Policy on Supplemental Information:** To ensure adequate time for Commission review and technical evaluation, any new material or data introduced during a public hearing that is intended to form the basis of a decision or determination will require a continuance.
- b. Discuss date & times for the next scheduled site visits
- c. Next Scheduled Public Hearing Date: September 21, 2026

- 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