

**March 4, 2024  
Minutes**FAIRHAVEN TOWN CLERK  
RCUD 2024 APR 22 AM 10:55

1. **Chairman's Welcome and Media Notification:** Jay Simmons opened the meeting at 6:07p.m. Mr. Simmons read the protocol for Zoom meetings and open Public Meeting Law.

Jay Simmons advised that the meeting was being conducted remotely, 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. 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.

2. **Quorum/Attendance:** Jay Simmons, Karen Isherwood, Caroline Hawthorne, Jacob Galary, Anthony Couto, Andrew Saunders & Ronnie Medina
3. Approval the January 22 & February 5, 2024 meeting minutes  
Karen Isherwood made a motion to approve the January 22, 2024 meeting minutes. The motion was seconded by Andrew Saunders and passed (7-0).  
Karen Isherwood made a motion to approve the February 5, 2024 meeting minutes. The motion was seconded by Andrew Saunders and passed (7-0).
4. Continuances requested in advance
  - a. **CON 023-372: 29 Silver Shell Beach Drive, Map 41, Lot 53 (April)**
  - b. **SE 023-1391, CON 023-291: Bridge Street, Map 36, Lot 15J (April)**
  - c. **SE 023-1421, CON 023-361: 2 Bayside Street, Map 42, Lot 34**
  - d. **SE 023-14\_\_, CON 023-371: 217 Alden Road, Map 36, Lot 85**
5. Attorney, Marc Deshaies to discuss the Conservation Restriction at the G. Bourne Knowles property  
– *Postponed until state approval*
6. **14 Oxford Street, Map 13, Lot 003:** Discuss lifting cease-and-desist notice for materials within Buffer Zone to a Salt Marsh

(9:24) Agent, Mr. Webb summarized the issues, which consisted of storage materials within the Buffer Zone that were brought to his attention by town administration. Work on the property took place before an approved restoration plan had been submitted. Due to concerns of leaking oil or hydrocarbons, a cease and desist was issued to the owner. Mr. Webb suggested partially lifting the cease and desist. The agent presented an aerial photo of the property.

(12:52) Attorney, Nicholas Gomes, represented the Anthony Simmons Living Trust and disputed the authority of the cease and desist. He confirmed that he and his client met with the Town Administrator and various department heads, including the police and fire chief. Attorney Gomes claimed the owner agreed to work collaboratively with the town and it was agreed that any cleanup efforts of motorized equipment would be in conjunction with notification to the fire department.

Mr. Webb confirmed there was an inspection of the backyard area by the deputy fire chief who did not feel there were any immediate hazardous materials on the property, although this inspection does not clarify any conservation concerns.

Tony Couto questioned leaving cease and desist until the Commission conducts a site visit.

Andrew Saunders commented that there could be items affecting the Salt Marsh. He recommended partially lifting the cease and desist to allow non-car related materials out of the Buffer Zone. Mr. Saunders does not believe conservation can prevent clean up outside of the Buffer Zone, but agreed the matter should be addressed as soon as possible.

Karen Isherwood would like the Salt Marsh delineated to better understand the Buffer Zone boundaries.

Keith Silvia of 21 Holiday Drive spoke as a concerned citizen. He would like to have the property inspected before the Commission lifts the cease-and-desist.

Karen Isherwood made a motion to keep the Cease-and-Desist in place for all motor vehicles, motorized equipment, and any containers that can hold fluid present on the property within the Buffer Zone to a Salt Marsh at 14 Oxford Street, Map13, Lot 003. The motion was seconded by Andrew Saunders and passed (6-0).

7. **Requests for Certificates of Compliance**

a. **SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207**

(45:05) Bruce Webb discussed the unpermitted stairs and issues with the condition of breakaway walls. A neighbor is concerned about stones on the beach; groins north and south.

Representative, Rick Charon believes the stones were addressed on the OOC; there is evidence of wash out and sand erosion. Since the site visit, the owner has removed the steps that were not under the OOC. All electric and GFI circuits on the lower level are compliant and inspected by the Building Department.

Andrew Saunders asked if there is currently a Chapter 91 license for a groin on the property?

Rick Charon stated that there is no Chapter 91 license and that the groin was placed years ago without a license. In his understanding, if there are remnants of a groin then the applicant can request permission to maintain but would require a new filing.

**Action:** Agent to locate Condition 43 that states certificate shall be issued by the foundation design engineer to ensure that breakaway walls are installed correctly and will function properly.

Karen Isherwood would like to review condition 49 regarding Coastal Dune damage.

Robert Clarke of 10 Point Street stated the OOC stated no stones should be placed or moved below the mean high-water mark. The owner moved stones and built a groin on the north side of the property (approximately 50 feet long). He believes removing stones on the south side has affected his property by accelerating sand migration and erosion on his property.

Rick Charon stated nothing has been done on the beach since the last meeting and respectfully disagreed with the abutter. He asserted that the abutter is a beneficiary with more sand migration onto his property.

Karen Isherwood mentioned that during the site visit she did witness major erosion on either side of the property that had not been there before; she understands sand is continuously shifting. Ms. Isherwood would like everything in compliance before issuing the COC.

Karen Isherwood made a motion to continue SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207 to the March 18, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (7-0).

8. **Public Hearings** pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 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**

Amended Order of Conditions filed by Ruby & Jaime Medeiros to shift the previously approved paved driveway in closer proximity to the dwelling (depicted on revised plan). Work to take place in Land Subject to Coastal Storm Flowage (LSCSF) and the 100-foot Buffer Zone to Coastal Beach at Assessor's Map 29, Lots 46 & 72.

*SE 023-1369, CON 023-255: 10 Diamond Street, Map 29, Lots 46 & 72 is continued to the March 18, 2024 public hearing.*

**Requests for Determination of Applicability**

**b. CON 023-407: 111 Cedar Street, Map 4, Lots 124-125 & Map 27, Lot 22**

Request for Determination of Applicability filed by Jerrold Ellner to install an osprey nest at 111 Cedar Street; a (3) to (4) foot deep hole will be dug with shovels to install a 4"x 6" pressure treated post and stabilized by 2"x 4" pressure-treated boards. Work to take place within Salt Marsh, Barrier Beach, and FEMA Flood Zone VE (El. 15') at Assessor's Map 4, Lots 124-125 & Map 27, Lot 22.

Karen Isherwood made a motion to close the public hearing for CON 023-407: 111 Cedar Street, Map 4, Lot 124 & 125 & Map 27, Lot 22, and issue a Positive 2b for Barrier Beach and Salt Marsh, a Negative Determination 2, and a Negative Determination 6, with the added conditions CAP-3 and FZ-1, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Ronnie Medina and passed (7-0).

**Notices of Intent**

**c. SE 023-1385, CON 023-279: 27 Silver Shell Beach Drive, Map 41, Lot 54**

Notice of Intent filed by Nancy Blouin to upgrade the existing septic system to a Title 5-compliant system and associated site work. Work to take place in Land Subject to Coastal Storm Flowage (LSCSF) and the 100-foot Buffer Zone to Coastal Dune located at Assessor's Map 41, Lot 54.

*SE 023-1385, CON 023-279: 27 Silver Shell Beach Drive, Map 41, Lot 54 continued until the March 18, 2024 public hearing.*

**d. SE 023-1410, CON 023-347: Bonney Street, Assessor's Map 28B, Lots 488 & 489**

Notice of Intent filed by David Menard to construct a single-family residence, sewer and water connections and associated site work located within the 100-year flood plain (F.E.M.A. Zone VE, El.16') and partially within the Buffer Zone of Bordering Vegetated Wetlands (BVW) located at Assessor's Map 28B, Lots 488 & 489.

(1:19:07) Rick Charon of Charon Associates gave an update on the process of finding public land offsite to replicate; this wetland is isolated not contiguous to any other parcel. He received an estimate to reclaim town property, but it was not feasible. In the meantime, he is looking to replicate in rear of existing lot; will come back to the Commission with a project.

Karen Isherwood made a motion to continue SE 023-1410, CON 023-347: Bonney Street, Assessor's Map 28B, Lots 488 & 489 to the March 18, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (7-0).

**e. SE 023-1423, CON 023-364: Bridge Street, Map 30A, Lots 87 & 87A**

Notice of Intent filed by Carricorp Industries, Ltd. proposing a 5,850-sf commercial style building. A driveway and parking lot with approximately 34 parking spaces to service the proposed building. Stormwater from all proposed paved areas will be collected by catch basins sent to a subsurface infiltration system. Other proposed utilities include municipal water and sewer and an enclosed dumpster with pad. Work to take place within 100 feet of a wetland resource area at Assessor's Map 30A, Lots 87 & 87A.

*SE 023-1423, CON 023-364: Bridge Street, Map 30A, Lots 87 & 87A continued until the March 18, 2024 public hearing.*

**f. SE 023-1432, CON 023-380: 18 Almond Street, Map 43B, Lot 12**

Notice of Intent filed by Jeffrey White to install a concrete pad within the 100-foot Buffer Zone to the Coastal Bank, Salt Marsh, Coastal Beach, and Land Subject to Coastal Storm Flowage (LSCSF), and FEMA Flood Zone VE, (El. 16' & 17'), located at Assessor's Map 43B, Lot 12.

(1:26:09) Bob Rego of River Hawk Environmental represented the applicant. He previously presented the project as a concrete slab in a Velocity Zone in the rear of the existing dwelling. The project is now scaled back with a proposed one square foot step with a 4 x 5 concrete pad; total dimension 5 x 5. Walkway will also be replaced (22.5 square of area total).

Karen Isherwood made a motion to close SE 023-1432, CON 023-380: 18 Almond Street, Map 43B, Lot 12 approving the plan titled "Plan to Accompany NOI" with the revision date of February 7, 2024 and issue an Order of Conditions outlined in Attachment A dated March 4, 2024, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Jake Galary and passed (7-0).

**g. SE 023-1434, CON 023-388: 127 Balsam Street, Map 43A, Lots 96 & 98**

Notice of Intent filed by Lauren O'Brien to remove existing deck & patio, renovate existing residence, construct new addition & deck on flood zone compliant foundation, and associated site work located within the 100-year coastal flood plain at Assessor's Map 43A, Lots 96 & 98.

(1:32:50) Representative, Rick Charon, discussed changes and additional privacy fencing, which is out of the Flood Zone. This is a renovation that exceeds the 50 percent threshold. The cellar is noncompliant and needs to be filled in with 90 cubic yards of material. In addition, flood vents are needed. These items will need to be completed in order for a new elevation certificate to be issued at the completion of the project.

Karen Isherwood made a motion to close the hearing for SE 023-1434, CON 023-388: 127 Balsam Street, Map 43A, Lots 96 & 98 approving the plan titled "Plan of Site, Existing Conditions and Proposed Addition" with the revision date of February 14, 2024 and issue an Order of Conditions outlined in Attachment A dated March 4, 2024, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Carrie Hawthorne and passed (7-0).

**h. SE 023-1436, CON 023-390: 6 Emerson Avenue, Map 29A, Lots 119-122**

An after-the-fact Notice of Intent filed by Natalie Reis for the construction of 12'x16' breezeway between the house and garage, an outdoor shower (approximately 70' from the limit of Coastal Beach and in Land Subject to Coastal Storm Flowage (LSCSF), capping the existing stonewall, an outdoor fireplace, a 36'x15' flagstone patio area with new walkways to beach, artificial turf area, regrading, and a gravel driveway larger than proposed on original plan. Work to take place within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 16'), and work has occurred in Coastal Beach, Barrier Beach, and possibly the Marsh, located at Assessor's Map 29A, Lots 119-122.

(1:40:25) Attorney, Jim Marsh, represented the owner, along with Jamie Bissonnette from Zenith Consulting. They will have the flagging completed by the next hearing to proceed with the peer review process.

Karen Isherwood made a motion to continue SE 023-1436, CON 023-390: 6 Emerson Avenue, Map 29A, Lots 119-122 to the March 18, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (7-0).

**i. SE 023-1435, CON 023-391: 689 Sconticut Neck Road, Map 42, Lot 14A.**

Notice of Intent filed by Michael Perez to remodel the existing 3-season room, replace 3-porch footings and propose new footings to support the new deck. Work located within FEMA Flood Zone (El.17' & El.19') at Assessor's Map 42, Lot 14A.

Jake Galary recused himself from the filing.

(2:02:59) Andrew Stackpole from Field Engineering represented the owner and presented changes to the plan. The initial application was for 3-season room and deck. An additional driveway had been installed by the previous owner. Mr. Stackpole modified the location of the staked wattles around the existing concrete deck and structural components of the deck were added.

Karen Isherwood made a motion to close the public hearing for SE 023-1435, CON 023-391, 689 Sconticut Neck Road, Map 42, Lot 014A, approving the plan titled "Proposed Porch Remodel and Deck" with the revision date February 6, 2024 and issue an Order of Conditions outlined in

Attachment A dated March 4, 2024, under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw. The motion was seconded by Anthony Couto and passed (6-0, 1 recusal).

**j. SE 023-1440, CON 023-394: 833 Sconticut Neck Road, Map 42, Lot 15N**

Notice of Intent filed by Nazem & Kathleen Abdalla to construct a 4-bedroom single family house in compliance with the requirements of FEMA and Mass Building Code for construction within a Velocity Zone. The house will be located within Flood Zone VE (El.17) and work to take place within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El.17, 19 & 20), and a Bordering Vegetated Wetland (BVW) in the southerly and easterly portion at Assessor's Map 42, Lot 15N.

Karen Isherwood made a motion to table item 8j & 8k. The motion was seconded by Andrew Saunders and passed (7-0).

Bruce Webb would like more time to review the site to ensure nothing is overlooked or isolated.

(3:07) Dave Davignon presented the project and stated wetlands exist in the southeast corner. Brad Holmes of Environmental Consulting & Restoration, LLC flagged the line. Since the last hearing the Board of Health has made septic approvals.

Karen Isherwood made a motion to continue SE 023-1440, CON 023-394: 833 Sconticut Neck Road, Map 42, Lot 15N to the March 18, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (6-0; 1 recusal).

**k. SE 023-1439, CON 023-395: 831 Sconticut Neck Road, Map 42, Lot 15M**

Notice of Intent filed by A.M.K. Trust c/o Nazem & Kathleen Abdalla to construct a 4-bedroom single family house in compliance with the requirements of FEMA and Mass Building Code for construction within a Velocity Zone. The house will be located within Flood Zone VE (El.17') and Land Subject to Coastal Storm Flowage (LSCSF) at Assessor's Map 42, Lot 15M.

Karen Isherwood made a motion to continue SE 023-1439, CON 023-395: 831 Sconticut Neck Road, Map 42, Lot 15M to the March 18, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (6-0, 1 recusal).

**l. SE 023-1395, CON 023-319: 1 Island View Road, Map 43, Lot 201**

Notice of Intent filed by Peter Armanetti to construct a single-family dwelling with associated gravel driveway, grading and utilities. Work to take place within 100 feet of a Bordering Vegetated Wetland (BVW), and borders Land Subject to Flooding - FEMA Flood Zone VE (El.18 & 19') at Assessor's Map 43, Lot 201.

(2:14) Attorney, Jim Marsh represented the applicant and discussed the recent site visit. He submitted a letter provided on February 14, 2024 to the Commission.

Stevie Carvalho of Farland Corp. presented the revised plan (revised date March 4, 2024). The plan now addresses concerns of potential stormwater runoff; a stone trench will be installed.

Karen Isherwood stated there is an easement involved in this permit and will need that signature.

**Action:** Stevie Carvalho to provide fill estimate.

Bruce Webb stated this is no longer under MEPA review, but is still required to meet regulations in the WPA and the town bylaw.

**Action:** Farland to submit wetland delineation data forms.

Kelly Moura of 25 Nakata Avenue read letter for record.

Kathleen Nelson 15 Nakata Avenue read letter into record which voiced concerns of multiple abutters.

Bruce Webb offered response to comments in the written document.

Attorney Marsh will submit a letter that provides comments to each concern.

Karen Isherwood made a motion to continue SE 023-1395, CON 023-319: 1 Island View Road, Map 43, Lot 201 to the march 18, 2024 meeting at the applicant's request. The motion was seconded by Andrew Saunders and passed (7-0).

**m. SE 023-1396, CON 023-320: 2 Island View Road, Map 43, Lot 201**

Notice of Intent filed by Peter Armanetti to construct a single-family dwelling with associated gravel driveway, grading and utilities. Work to take place within 100 feet of a Bordering Vegetated Wetland (BVW), and borders Land Subject to Flooding - FEMA Flood Zone (El.18 & 19') at Assessor's Map 43, Lot 201.

Karen Isherwood made a motion to continue SE 023-1396, CON 023-320: 2 Island View Road, Map 43, Lot 201 to the march 18, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (7-0).

Karen Isherwood made a motion to untable item 8j & 8k. The motion was seconded by Andrew Saunders and passed (7-0).

**n. SE 023-1442, CON 023-397: Starboard Drive (Subdivision Lot #1), Map 42, Portion of Lot 9A**

Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 2-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.

Karen Isherwood made a motion to continue SE 023-1442, CON 023-397, Starboard Drive (Subdivision Lot #1), Map 42, Portion of Lot 9A, to the March 18, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0; 1 recusal).

**o. SE 023-1443, CON 023-398: Starboard Drive (Subdivision Lot #2), Map 42, Portion of Lot 9A**

Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 3-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.

Karen Isherwood made a motion to continue SE 023-1443, CON 023-398, Starboard Drive (Subdivision Lot #2), Map 42, Portion of Lot 9A, to the March 18, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0; 1 recusal).

**p. SE 023-1444, CON 023-399: Starboard Drive (Subdivision Lot #3), Map 42, Portion of Lot 9A**

Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 3-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.

Karen Isherwood made a motion to continue SE 023-1444, CON 023-399, Starboard Drive (Subdivision Lot #3), Map 42, Portion of Lot 9A, to the March 18, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0; 1 recusal).

**q. SE 023-1452, CON 023-400: Starboard Drive (Subdivision Lot #4), Map 42, Portion of Lot 9A**

Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 2-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.

Karen Isherwood made a motion to continue SE 023-1452, CON 023-400, Starboard Drive (Subdivision Lot #4), Map 42, Portion of Lot 9A, to the March 18, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0; 1 recusal).

**r. SE 023-1448, CON 023-401: Starboard Drive (Subdivision Lot #5), Map 42, Portion of Lot 9A**

Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 2-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.



Karen Isherwood made motion to continue SE 023-1448, CON 023-401, Starboard Drive (Subdivision Lot #5), Map 42, Portion of Lot 9A, to the March 18, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0; 1 recusal).

- s. **SE 023-1447, CON 023-402: Starboard Drive (Subdivision Lot #6), Map 42, Portion of Lot 9A**  
Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 2-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.

Karen Isherwood made a motion to continue SE 023-1447, CON 023-402, Starboard Drive (Subdivision Lot #6), Map 42, Portion of Lot 9A, to the March 18, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0; 1 recusal).

- t. **SE 023-1446, CON 023-403: Starboard Drive (Subdivision Lot #7), Map 42, Portion of Lot 9A**  
Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 2-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.

Karen Isherwood made a motion to continue SE 023-1446, CON 023-403, Starboard Drive (Subdivision Lot #7), Map 42, Portion of Lot 9A, to the March 18, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0; 1 recusal).

- u. **SE 023-1445, CON 023-404: Starboard Drive (Subdivision Lot #8), Map 42, Portion of Lot 9A**  
Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 4-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.

Karen Isherwood made a motion to continue SE 023-1445, CON 023-404, Starboard Drive (Subdivision Lot #8), Map 42, Portion of Lot 9A, to the March 18, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0; 1 recusal).

- v. **SE 023-1449, CON 023-405: Starboard Drive (ANR #1), Map 42, Portion of Lot 9B**  
Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 4-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10'

utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9B.

Karen Isherwood made a motion to continue SE 023-1449, CON 023-405, Starboard Drive (ANR #1), Map 42, Portion of Lot 9B, to the March 18, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0; 1 recusal).

**w. SE 023-1450, CON 023-406: Starboard Drive (ANR #2), Map 42, Portion of Lot 9C**

Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 4-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El. 19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9C.

Karen Isherwood made a motion to continue SE 023-1450, CON 023-406, Starboard Drive (ANR #2), Map 42, Portion of Lot 9C, to the March 18, 2024 meeting at the applicant's request. The motion was seconded by Caroline Hawthorne and passed (5-0; 1 recusal).

**9. Violations/Enforcement Orders/Cease and Desist Notices**

**a. 4 Jeannette Street, Map 34A, Lot 062D: Ratify Enforcement Order**

Bruce Webb updated the Commission that the owner came into the office and is cooperating.

**b. EO 023-022: 344-346 New Boston Road, Map 40, Lots 023B & 023C: Agent to provide an update on restoration efforts**

Bruce Webb reached out to MA DEP and will update with a response at the next meeting.

**c. 29 Nakata Avenue, Map 43, Lot 119: Unpermitted work on seawall and patio**

The conservation office has received an after-the-fact application

**d. 293 Mill Road, Map 39, Lot 022C: Outstanding restoration plan**

The Building Commissioner is scheduled to go to a site in late March; agent to update the Commission at the next meeting.

**e. 14 Oxford Street, Map 13, Lot 003: Derelict vehicles and debris within 100 ft Buffer to Coastal Beach**

Bruce Webb stated he will provide updates at the next meeting.

**Any other violations/Enforcement Orders/Cease and Desist Notices****10. General Business**

- a. Next scheduled site visits: March 11, 2024
- b. Next Scheduled Public Hearing Date: March 18, 2024
- c. Agent to discuss on-site visits and open meeting concerns (re: deliberation)

Bruce Webb proposed delaying this discussion to another meeting.

- d. Discuss educational opportunities/trainings

**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**

Jake Galary made a motion to adjourn at 10:42pm. The motion was seconded by Andrew Saunders and passed (5-0).