



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

PUBLIC MEETING AGENDA

2nd Revised

Monday, January 30, 2023 at 6:00 pm

Pursuant to Chapter 22 of the Acts of 2022, the meeting/public hearings will be conducted via remote means. Members of the public who wish to access the meeting may do so in the following manner:

<https://us06web.zoom.us/j/86953155076?pwd=VFdUQkhzdVYrNzJlQktiVi9XSgppZz09>

or CALL 1-929-205-6099

Meeting ID: 869 5315 5076

Passcode: 633695

No in-person attendance of members of the public will be permitted, and public participation in any public hearing conducted during this meeting shall be by remote means only.

1. Chairman's Welcome and Media Notification
2. Quorum/Attendance
3. Response to Open Meeting Violation – Nancy Blouin: 27 Silver Shell Drive
4. Approval of the November 7, 2022, November 21, 2022 and December 12, 2022 meeting minutes
5. Continuances requested in advance
 - a. SE 023-1389, CON 023-284: Ebony Street, Assessor's Map 43C, Lots 389-400
 - b. SE 023-1391, CON 023-291: Bridge Street, Map 36, Lot 15J
 - c. SE 023-1398, CON 023-315: 2 Starboard Drive, Map 42, Lots 9A, 9D, & 9E
 - d. SE 023-1385, CON 023-279: 27 Silver Shell Beach Drive, Map 41, Lot 54
- 2nd revision* 6. Meeting with Town Counsel in Executive Session Pursuant to Massachusetts General Laws, Chapter 30A, Sections 21(a)(3) to discuss strategy with respect to litigation, Morin v. Heyworth, et al., 2173CV0374 (Bristol Superior Ct.).
7. Certificates of Compliance
 - a. **SE 023-1008, CON 023-325:** 267 Huttleston Avenue, Map 31B, Lots 302, 302A, 302C *1st revision*
 - b. SE 023-1305, CON 023-079: 88 Fort Street, Map 5, Lot 4 & 5
 - c. SE 023-1294, CON 019-042: 9 Goulart Memorial Drive, Map 42, Lot 15G
8. Request from owner, Mary Mullen, to move EO 023-022: 344 & 346 New Boston Rd, Map 40, Lots 023B & 023C up on the agenda
9. **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:

- A. SE 023-1389, CON 023-284: **Ebony Street, Assessor's Map 43C, Lots 389-400** – *Continued from August 8, 2022*

Request for Abbreviated Notice of Resource Area Delineation filed by Michael Ristuccia to delineate wetlands located at Ebony Street, Assessor's Map 43C, Lots 389-400.

Requests for Determination of Applicability

- B. CON 023-333: **38 Reservation Road, Map 29A, Lot 235**

Request for Determination of Applicability filed by Michael Mikitarian to perform maintenance on the seawall consisting of filling the voids with small stones and mortar, at the property located at 38 Reservation Road, Assessor's Map 29A, Lot 235. All work to take place with Coastal Beach and Coastal Bank and falls within Land Subject to Coastal Storm Flowage, FEMA Zone VE, EL.16' & 19'.

- C. CON 023-334: **157 Balsam Street**

Request for Determination of Applicability filed by Donna Olney to replace existing gravel driveway measuring 40 feet by 13 feet with a concrete driveway to remain within the footprint of the present driveway, at the property located at 157 Balsam Street, Assessor's Map 43B, Lot 121. Work to take place within Land Subject to Coastal Storm Flowage (LSCSF).

- D. CON 023-336: **14 Nelson Ave, Map 43, Lot 32**

Request for Determination filed by Daniel Braga to construct 10'x20' patio in side yard (north side of house) that is more than 50 feet from the water. Additionally, the bluestones plan to be embedded into cement, for the property located at 14 Nelson Ave, Assessor's Map 43, Lot 32. Work to take place within FEMA Zone VE, El.19'.

Notices of Intent

- E. SE 023-1403, CON 023-330: **Rear Arsene Street, Map 28, Lot 008** – *Continued from December 12, 2022*

Notice of Intent filed by Vincent Furtado (Board of Public Works) for various improvements to the Water Pollution Control Facility to replace aging infrastructure and install additional treatment to comply with regulatory nitrogen limits, issued by the EPA and the current NPDES permit requirements, located at Rear Arsene Street, Assessor's Map 28, Lot 008. The proposed activities are subject to the Town of Fairhaven Wetlands Bylaw, work to impact Bordering Vegetated Wetlands (BVW), 0-25 Foot Buffer Zone, 25-50-foot Buffer Zone, and the 50-100 Foot Buffer Zone Resource Area.

- F. SE 023-1391, CON 023-291: **Bridge Street, Map 36, Lot 15J** – *Continued from August 8, 2022*

Notice of Intent filed by Fairhaven Properties, LLC for proposed redevelopment work located at Map 36, Lot 15J, Bridge Street. Fairhaven Properties proposes to redevelop the site into a two-building self-storage facility. Development includes landscaping, as well as stormwater and utility infrastructure improvements. A portion of the proposed work is located within 100 feet of a wetland resource area, previously delineated and approved under an Order of Resource Area Determination (ORAD), issued in January 2022.

- G. SE 023-1395, CON 023-319: **1 Island View, Map 43, Lot 201** – *Continued from November 7, 2022*

Notice of Intent filed by Peter Armanetti to construct a single-family dwelling with associated

gravel driveway, grading and utilities located at Map 43, Lot 201. Work to take place within 100 feet of a Bordering Vegetated Wetland (BVW) and Bordering Land Subject to Flooding – FEMA Zone VE, EL.18' & 19'.

- H. SE 023-1396, CON 023-320: **2 Island View, Map 43, Lot 201** – *Continued from November 7, 2022*
Notice of Intent filed by Peter Armanetti to construct a single-family dwelling with associated gravel driveway, grading and utilities located at Map 43, Lot 201. Work to take place within 100 feet of a Bordering Vegetated Wetland (BVW) and Bordering Land Subject to Flooding – FEMA Zone VE, EL. 18' & 19'.
- I. SE 023-1398, CON 023-315: **2 Starboard Drive, Map 42, Lots 9A, 9D, & 9E** – *Continued from November 7, 2022*
Notice of Intent filed by Dennis Asrenault for the construction of a residential 8-lot subdivision, including the demolition of 1 existing dwelling, a paved roadway, and grading and site development within the 100-foot Buffer Zone and Land Subject to Coastal Storm Flowage (LSCSF), FEMA Zone VE, EL.20', located at Map 42, Lots 9A, 9D, and 9E.
- J. SE 023-1402, CON 023-328: **58 Fort Street, Map 5, Lot 15** – *Continued from December 12, 2022*
Notice of Intent filed by Wilson & Sherry Lopes to construct a Redi-Rock precast, concrete, block (retaining) seawall, at the property located at 58 Fort Street, Assessor's Map 5, Lot 15. Work to take place within Land Subject to Coastal Storm Flowage, Zone AE-6, with adjacent Coastal Bank.
- K. SE 023-1405, CON 023-329: **8 Morey Lane, Map 4, Lot 81** – *Continued from December 12, 2022*
Notice of Intent filed by Madeira Construction to construct a single-family dwelling with gravel driveway, and shed in addition to the installation of a propane tank and underground utilities and associated placement of fill, including the alteration and replication of a Bordering Vegetated Wetland (BVW), at the property located at 8 Morey Lane, Assessor's Map 4, Lot 81.
- L. SE 023-1404, CON 023-332: **74 Reservation Road, Map 29B, Lots 8, 9, and 10**
Notice of Intent filed by Eric Berg to remove and reconstruct a stone/concrete seawall, at the property located at 74 Reservation Road, Assessor's Map 29B, Lots 8, 9, and 10. Work to take place on a Coastal Beach and within Land Subject to Coastal Storm Flowage, FEMA Zone VE, EL.23'.
- M. SE 023-1385, CON 023-279: **27 Silver Shell Beach Drive, Map 41, Lot 54** – *Continued from July 25, 2022*
Notice of Intent filed by Nancy Blouin to upgrade the existing septic system to a Title 5-compliant system and associated site work at the property located at 27 Silver Shell Beach Drive, Assessor's Map 41, Lot 54. Work to take place in Land Subject to Coastal Storm Flowage and the 100-foot buffer zone to Coastal Dune.
- N. SE 023-1406, CON 023-335: **40 Nelson Avenue, Map 43, Lot 233**
Notice of Intent filed by Christopher Wolkowicz to raze existing house and build new house on flood-compliant foundation with new septic system, town water supply and associated site work; located within buffer zone of coastal bank and within 100-year flood plain (FEMA Zone VE, EL.19'). Proposed septic system to include secondary treatment unit for di-nitrification of wastewater.

8. Violations/Enforcement Orders/Cease and Desist Notices

- A. **EO 023-014: 20 Yankee Lane, Map 39, Lot 016:** Discussion on Phase 2 timeline
- B. **EO 023-015: 217 Alden Road, Map 36, Lot 085:** Commission to review the submitted report (Phase 1, Revision 2) from Ivas Environmental, which addresses the Enforcement Order issued August 19, 2021; this report was received from Ivas Environmental on December 27, 2022.
- C. **SE 1333, CON 023-181: 18 Point St, Map 28B, Lot 207:** Alteration of coastal engineering structure; review revised plan, which was submitted January 17, 2023.
- D. **EO 023-022: 344 & 346 New Boston Rd, Map 40, Lots 023B & 023C:** Unpermitted vegetation clearing in a wetland; the Commission to review proposed restoration memo, submitted by Cameron Larson, Wetland Scientist with Environmental Consulting & Restoration, LLC.
- E. **SE 023-1302, CON 19-066: 6 Emerson Ave, Map 29A, Lot 119:** Unpermitted deviation from approved plan; awaiting a restoration plan.
- F. **43 Reservation Road, Map 29A, Lot 351:** Discuss after-the-fact filing for driveway.

9. Correspondence

- A. **SE 023-1269, CON 019-007: 20 Yankee Lane:** Review Spring & Fall monitoring report for replication area constructed as part of the solar project.

10. General Business

- A. Bills
 - B. Next Meeting: Tuesday, February 21, 2023
10. **Any other business** that may properly come before the Commission not reasonably anticipated 48 hours in advance of the meeting.

11. Motion to adjourn