



CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

PUBLIC MEETING AGENDA

Monday, March 4, 2024 at 6:00 pm

Pursuant to Chapter 20 of the Acts of 2021 (extension), public bodies will continue holding meetings remotely without a quorum of the public body physically present at a meeting location, but will now provide "adequate/alternative" access to members of the public. Access the meeting via remote means in the following manner:

<https://us06web.zoom.us/j/86953155076?pwd=VFdUQkhzdVYrNzJIQktiVi9XSGppZz09>

or CALL 1-929-205-6099

Meeting ID: 869 5315 5076

Passcode: 633695

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

1. Chairman's Welcome and Media Notification
2. Quorum/Attendance
3. Approval the January 22 & February 5, 2024 meeting minutes
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
7. Requests for Certificates of Compliance
 - a. SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207
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.

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.

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.

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.

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 deep sump 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.

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.

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.

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.

- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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 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.

- 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 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.
- 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.
- 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.
- 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.
- 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.

- 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 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.
- 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 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 9B.
- 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 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 9C.

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

- a. **4 Jeannette Street, Map 34A, Lot 062D:** Ratify Enforcement Order
- b. **EO 023-022: 344-346 New Boston Road, Map 40, Lots 023B & 023C:** Agent to provide an update on restoration efforts
- c. **29 Nakata Avenue, Map 43, Lot 119:** Unpermitted work on seawall and patio
- d. **293 Mill Road, Map 39, Lot 022C:** Outstanding restoration plan
- e. **14 Oxford Street, Map 13, Lot 003:** Derelict vehicles and debris within 100 ft Buffer to Coastal Beach
- f. **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)
- 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**

Jay Simmons, Chair

Fairhaven Conservation Commission

Posted by the Town Clerk: www.fairhaven-ma.gov