



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

PUBLIC MEETING AGENDA

Monday, June 5, 2023 at 6:00 pm

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 the meeting location listed above, 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.

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

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 of the May 15, 2023 meeting minutes
4. Continuances requested in advance
 - a. SE 023-1389, CON 023-284: Ebony Street, Assessor's Map 43C, Lots 389-400 – Continued from August 8, 2022
 - b. SE 023-1385, CON 023-279: 27 Silver Shell Beach Drive, Map 41, Lot 54 – Continued from July 25, 2022
 - c. SE 023-1391, CON 023-291: Bridge Street, Map 36, Lot 15J – Continued from August 8, 2022
 - d. SE 023-1407, CON 023-337: 23 Goulart Memorial Drive, Assessor's Map 42, Lot 022B
5. Request for Certificate of Compliance
 - a. SE 023-920, CON 023-326: 10 Jeannette Street Map 34A, Lot 062Q – Continued to June 26, 2023
 - b. SE 023-1090, CON 023-338: 7 Hickory Street, Map 24, Lot 189-198– Continued to June 26, 2023
6. Request for Extension
 - a. SE 023-1301, CON 023-062: 20 Balsam Street, Map 43C, Lot 031
7. Issuance of Orders of Conditions
 - a. 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 Arsenault 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), Flood Zone VE-20, located at Map 42, Lots 9A, 9D, and 9E.

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 Abbreviated Notice of Resource Area Delineation

a. **SE 023-1408, CON 023-344: 481 Sconticut Neck Road, Assessor's Map 29, Lot 27**

Abbreviated Notice of Resource Area Delineation filed by Antone Arruda to verify delineated wetlands. The location includes Bordering Vegetated Wetlands (BVW) and is located at Assessor's Map 29, Lot 27.

Requests for Determination of Applicability

b. **CON 023-349: 128 Balsam Street, Assessor's Map 43A, Lot 069**

Request for Determination of Applicability filed by Matthew Brodo to add second floor master bedroom suite eliminating a first-floor bedroom which will convert to a stairwell. This project will require 8 concrete footings and piers to elevate and create a freestanding second floor above and out of the FEMA elevation criteria. Additionally, the request is for 4 smaller piers for a first-floor porch to create a second point of egress. Work located at Assessor's Map 43A, Lot 069.

c. **CON 023-356: 55 Goulart Memorial Drive, Map 42, Lot 023A**

Request for Determination of Applicability filed by Harbormaster, Timothy Cox, to install 92 feet of chain-link fence with a 12' wide gate. Fence to be 6 feet tall and bottom of fence to be 6 inches off the ground. Work to take place in existing parking lot in Land Subject to Coastal Storm Flowage (LSCSF), the Buffer Zone to Coastal Beach, and adjacent to (but not in) NHESP Priority Habitat 887 at Assessor's Map 42, Lot 023A.

Notices of Intent

d. **SE 023-1409, CON 023-345: 12 Mark Drive, Assessor's Map 32, Lot 19L**

Notice of Intent filed by Maurine & Todd Rodrigues to remove a 14'x20' 3-season room, which is currently supported by sono-tubes & replace with an 18' by 20' living space expansion constructed on a crawlspace foundation. This will require a 4' wide expansion of the 3-season room footprint. Work to take place at 12 Mark Drive, Assessor's Map 32, Lot 19L. Work to take place in the 100' foot Buffer of Inland Bank (pond).

e. **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).

f. **SE 023-1411, CON 023-348: 184 Balsam Street, Map 43B, Lots 40&41**

Notice of Intent filed by Robert & Caryn Sullivan to construct a 23' x 22' deck on south side of house, Westerly toward Nasketucket Bay. Deck to be supported on sono-tubes which are to be dug and concrete poured by hand. Work to take place in Land Subject to Coastal Storm Flowage, Salt Marsh, Land Under Ocean, Land Containing Shellfish, Coastal Beach, and the 100-foot buffer zone to Salt Marsh and Coastal Beach at Assessor's Map 43B, Lots 40&41.

- g. **SE 023-1412, CON 023-350: Littleneck Road, Assessor's Map 43A, Lot, Littleneck Road Right-of-way**
 Notice of Intent filed by Vincent Furtado of the Fairhaven Board of Public Works (BPW) to pave existing gravel roadway (Littleneck Road) and installation of four drain manholes, six basins, convert four catch basins to drain manholes and one stormceptor unit, connecting to the existing drainage system for drainage improvement. Work located at Assessor's Map 43A, Lot, Littleneck Road Right-of-way

- h. **SE 023-1413, CON 023-351: Cove Street Improvement, Assessor's Map 28B, Lot Cove Street Right-of-Way**
 Notice of Intent filed by Vincent Furtado of the Board of Public Works (BPW) to install two new catch basins and convert an existing drop inlet structure to drainage manhole for drainage improvements. New water main to loop the existing water network. Paving existing gravel roadway (Cove Street) with hot mix asphalt pavement. Work located at Assessor's Map 28B, Lot Cove Street Right-of-Way.

- i. **SE 023-1416, CON 023-352: Phoenix Rail Trail, Assessor's Map 27, Lot 14**
 Notice of Intent filed by Vincent Furtado of the Board of Public Works (BPW) to replace failed existing 36" wide by 27" high. Stone box enclosed 36" diameter corrugated metal pipe (CMP) drainage ditch crossing culvert with new 36" diameter HDPE pipe culvert and two end wing headwalls on the Phoenix Rail Trail (Bike Trail), Section (Assessor's Map 27, Lot 14) between Tripp Street and Egypt Lane (approximately 320' West of Egypt Lane).

- j. **CON 023-353: 51 Balsam Street, Assessor's Map 43C, Lots 89, 90, 93, 94 & 95**
 Notice of Intent filed by Paul & Catherine Muller to construct a 24' x 26' detached 2-story garage for the parking of two vehicles with a 2nd story for an office and general storage. Work located within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El.18) and the easterly and southerly portions of the site fall within the 100-foot Buffer Zone of Bordering Vegetated Wetlands (BVW) located at Assessor's Map 43C, Lots 89, 90, 93, 94 & 95.

- k. **SE 023-1415, CON 023-354: 837 Sconticut Neck Road, Assessor's Map 42, Lot 015R**
 Notice of Intent filed by Marc & Donna Oliveira to install a 28' x 26' carport with associated grading. This area is currently a paved driveway and part landscaped area. Work to take place within Land Subject to Coastal Storm Flowage (LSCSF) and located at Assessor's Map 42, Lot 015R.

- l. **SE 023-1417, CON 023-355: 88 Fort Street, Assessor's Map 5, Lot 4&5**
 Notice of Intent filed by Terje Tonnessen Revocable Trust to construct a 4' wide x 104' long-pile supported timber pier with a 4' x 28' aluminum gangway and two- 10' x 14' floats at it terminus. The pier supports will consist of 12" diameter pressure treated timber installed in pairs at 20' on center. The landward end of the pier will be supported by a 6' x 5' x 12" poured concrete pad. Work to take place within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone AE (El.6.0) and contains a Coastal Bank at Assessor's Map 5, Lot 4&5.

9. Correspondence

- 1. 4 Jeannette Street – Notice of Violation letter
- 2. 6 Jeannette Street – Notice of Violation letter

3. 8 Jeannette Street – Notice of Violation letter
4. 36 Balsam Street – Notice of Violation letter
5. 25 Shore Drive – Notice of Violation letter

10. General Business

- a. Bills
- b. Next Public Hearing: Monday, June 26, 2023
- c. Violation meeting date to be discussed and determined by the Commission

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