



TOWN OF FAIRHAVEN, MASSACHUSETTS

# CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

## PUBLIC MEETING AGENDA Monday, September 19, 2022 at 6:00 pm

FAIRHAVEN TOWN CLERK  
ROUD 2022 SEP 15 PM4:04

*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=VFdUQkhzdVYrNzJlQktiVi9XSzGppZz09>

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. Approval of August 8, 2022 Meeting Minutes
4. **Request for Certificate of Compliance**
  - a) SE 023-1357, CON 023-292: **78 Akin Street** – *Continued from August 8, 2022*
5. **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 023-1389, 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.
- b) CON 023-301: **Rocky Point Road, Map 43C, Lots 110, 113, 114** – *Continued from August 29, 2022*  
Abbreviated Notice of Resource Area Delineation (ANRAD) filed by Michael Ristuccia to delineate wetlands located at Rocky Point Road, Assessor's Map 43C, Lots 110, 113, 114. Work to occur in Flood Zone VE. Applicant is no longer pursuing this project.

### Requests for Determination of Applicability

- a) CON 023-303: **43 Reservation Road**  
Request for Determination filed by Natalie Caetano to resurface driveway with cement and establish circular sitting area in lawn located at Map 29A, Lot 351. Work to take place in Flood Zone (VE) and Buffer Zones of both Coastal Dune and Bordering Vegetated Wetland.

b) **CON 023-306: 685 Sconticut Neck Road**

Request for Determination filed by Steven Koczera to replace driveway with 6-inch concrete located at Map 42, Lot 014B. Work to take place in Flood Zone (VE) and Buffer Zone of Bordering Vegetated Wetland.

**Notices of Intent**

c) **SE 023-1385, CON 023-279: 27 Silver Shell Beach Drive – 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.

d) **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.

e) **SE 023-1393, CON 023-304: 2 Melpen Way – Continued to October 3, 2022**

Notice of Intent filed by Andrew & Cheryl Shackett for raising an existing dwelling and constructing a new residence on a flood-compliant foundation with a septic system, utilities, and associated site work located at Map 29, Lot 2D. Work to take place within the Flood Zone (VE), Salt Marsh, Coastal Dunes, and Land Subject to Coastal Storm Flowage and Buffer Zones of Bordering Vegetated Wetland and Coastal Beach.

**Amended Order of Conditions**

f) **SE 023-1382, CON 023-305: 8 Winslow Court**

Amended Order of Conditions filed by Thomas Marshall to construct and maintain a pier, ramp, and float system located at 8 Winslow Court, Map 12, Lot 010. Work to take place within Land Under Ocean, Coastal Beach, Land Subject to Coastal Storm Flowage, and Land Containing Shellfish.

l) **SE 023-1296, CON 023-307: 1-8 Alves Way**

Request for an Amended Order of Conditions filed by Alexander Gray Development, LLC for the following modifications located at 1-8 Alves Way, Assessor's Map 28, Lot 24: (1) sump pumps are being installed which tie into the roof leaders. The roof leaders tie into pop-up drains that outlet into the property lawns; (2) the front and rear yard elevations have been raised as much as two feet for lots 4, 5, and 6, however the slopes are generally consistent with the design plans; (3) Stone boulder walls have been installed throughout the site, including access road and wetland replication areas (located on lots 4, 5, 6, and 7) and; (4) an installed irrigation system for the lawn. Work to take place in Bordering Vegetated Wetland and its 100-foot buffer zone.

### **Violations/Enforcement Orders/Cease and Desist Notices**

- a) **3 Shawmut Ave, Map 32, Lot 053:** unpermitted bridge, wood pile, and boat docking in salt marsh.
- b) **1 Pavilion Way, Map 29, Lot 004H:** restoration plan in place that is not overseen by wetland scientist; wetland vegetation mowing; possible diversion of hydrologic flow.
- c) **CON 19-023, SE 023-0761: 217 Alden Rd, Map 36, Lot 085:** fill removal and planting plan required.
- d) **344 & 346 New Boston Rd, Map 40, Lot 023B & C:** unpermitted vegetation clearing in a wetland.
- e) **7 Summer St Map 08, Lot 037:** non-FEMA compliant fence was installed without permit.
- f) **CON 023-303: 43 Reservation Rd:** unpermitted driveway and damage to Town-owned salt marsh.
- g) **148 Main Street Map 12, Lot 012A:** no erosion controls, spill kits, or designated concrete truck washout area present.
- h) **Morey Lane Map 04, Lot 081:** concrete washout on soil, lack of erosion control maintenance, uncovered stockpile of soil without siltation barrier, and disturbances to soil outside of the limit of work.

### **6. Correspondence**

- a) **OOE Extension Request:** Received electronic letter for 2 River Ave on September 2<sup>nd</sup>

### **7. Ongoing Projects**

- a) **18 Point St:** project manager is currently addressing tasks to ensure compliance with Order of Conditions.
- b) **39 Nelson Ave:** demolition of existing single-family dwelling to build a new flood zone-compliant structure with a Title 5-compliant septic system, associated grading, and driveway.

### **8. Upcoming Projects**

- a) **CON 023-298: 28 Whisper Lane,** Map 42A, Lot 178-180
- b) **2 River Ave:** OOE Extension Request

- c) **104 Fir St, Map 43A, Lot 325:** RDA for driveway proposal
- d) **27 Alder St:** tentative RDA for driveway proposal
- e) **5 Bayview Ave:** tentative RDA for driveway proposal
- f) **344 & 346 New Boston Rd Map 40, Lot 023B & 023C:** tentative NOI filing for unpermitted work within a resource area.

9. **General Business**

- a) Land Donation: **Washburn Ave, Map Lot**
- b) Land Donation: **Shore Drive**
- c) Peer Review Transfers for John Rockwell: Bridge St, Ebony St, & 2 Melpen Way
- d) Preliminary discussion on Standard Operating procedures for future enforcement
- e) Discussion of Administrative Approvals for Percolation Tests
- f) Bills
- g) Budget Overview
- h) Next Meeting: Monday, October 3, 2022

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**

**Geoff Haworth, Chair**

Fairhaven Conservation Commission

Posted by the Town Clerk: [www.fairhaven-ma.gov](http://www.fairhaven-ma.gov)