

**CONSERVATION COMMISSION**

Town Hall · 40 Center Street · Fairhaven, MA 02719

PUBLIC MEETING AGENDA**Monday, January 22, 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 of the meeting minutes for December 11, 2023
4. Continuances requested in advance
 - a. CON 023-372: 29 Silver Shell Beach Drive, Map 41, Lot 53 (April)
 - b. SE 023-1421, CON 023-361: 2 Bayside Street, Map 42, Lot 34 (March)
 - c. SE 023-14__, CON 023-371: 217 Alden Road, Map 36, Lot 085 9 (March)
 - d. SE 023-1385, CON 023-279: 27 Silver Shell Beach Drive, Map 41, Lot 54
 - e. SE 023-1432, CON 023-380: 18 Almond Street, Map 43B, Lot 012
5. Attorney, Marc Deshaies to discuss the Conservation Restriction at the G. Bourne Knowles property
6. SE 023-1429, CON 023-377: 270 Sconticut Neck Road, Map 29A, Lot 101 & 96: Inform Board of the Planning Board decision which granted to approve Street Discontinuance for portion of Torrington Road, closest to Thompson Avenue and between Map 29A, Lots 96, 97 & 101-106.
7. Requests for Certificates of Compliance
 - a. SE 023-1368, CON 023-252: 184 Balsam Street, Map 43B, Lot 41
 - b. SE 023-1411, CON 023-348: 184 Balsam Street, Map 43B, Lot 41
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 023-1406, CON 023-335: 40 Nelson Avenue, Map 43, Lot 233

An Amended Order of Conditions filed by Christopher Wolkowicz to install an emergency generator on a 5'x6' platform at the northwest corner of the deck. Two additional sono-tubes & footings will be needed, a 500-gallon capacity underground LP-gas storage tank installed to supply the generator, the rear access stairway has been re-configured to terminate on the west

side versus the east, and a new stairway for beach access is proposed at the southwest corner of the seawall. Work to take place in Land Subject to Coastal Storm Flowage (LSCSF), Coastal Beach, 100 Foot Buffer Zone, FEMA Flood Zone VE (El.19'), and Coastal Bank at Assessor's Map 43, Lot 233.

Requests for Determination of Applicability

b. CON 023-387: 251 Sconticut Neck Road, Map 29, Lot 032

Request for Determination of Applicability filed by Robert Faria for an after-the-fact shed within FEMA Flood Zone AE (EL.16') located at Assessor's Map 29, Lot 032.

c. CON 023-392: 92 Seaview Avenue, Map 29C, Lot 629

Request for Determination of Applicability filed by Suzanne Foxwell to replace existing wood fence that was damaged during December 2023 windstorm. The fence will be an open picket (3-inch space) vinyl picket ornamental fence, set 6 inches above retaining wall (designed for water flow). Work to take place in Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE, (EL.17') Buffer Zone to Dune, Buffer Zone to BVW at Assessor's Map 29C, Lot 629.

Notices of Intent

d. SE 023-1391, CON 023-291: Bridge Street, Map 36, Lot 15J

Notice of Intent filed by Fairhaven Properties, LLC 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. Work located at Assessor's Map 36, Lot 15J.

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) located at Assessor's Map 28B, Lots 488 & 489.

f. SE 023-1423, CON 023-364: Bridge Street, Map 30A, Lot 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.

g. SE 023-1429, CON 023-377: 270 Sconticut Neck Road, Map 29A, Lot 101 & 96

Notice of Intent filed by Alexander & Jean Easterday to modify an elevated walkway over the Salt Marsh from house to Coastal Dune and beach, located within the 100-year flood plain at Assessor's Map 29A, Lot 101 & 96.

h. SE 023-1430, CON 023-376: 50 Fort Street, Map 5, Lot 16

Notice of Intent filed by Kevin McLaughlin to install (4) 4" electrical conduits encased in a concrete rack system and (1) 2" water pipe that will provide power and water to the existing fixed pier and floating docks. In order to install utilities, the contractor will need to excavate a

900 linear foot, 4-foot-wide trench to meet the requirements for the utility spacing. The proposed project will impact Land Subject to Coastal Storm Flowage (LSCSF) and the 25', 50', and 100' Buffer Zones of Coastal Beach located at Assessor's Map 5, Lot 16.

i. 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.

j. SE 023-1437, CON 023-389: 1 Crow Island, Map 44, Lot 1

Notice of Intent filed by Dave Ellis & Melissa Cruz requesting to repair the existing failed on-site sewage disposal system servicing the single-family dwelling. The existing system will be abandoned, and a new system including a 1,500-gallon septic tank, distribution box, and Infiltrator Quick4 Plus Standard Leaching Chambers in a bed formation will be installed. The work being proposed fall within 100' feet from the top of a Coastal Bank. The system is proposed to be about 30' from the top of the Coastal Bank and is sited in similar area as existing located at Assessor's Map 44, Lot 1.

k. SE 023-1436, CON 023-390: 6 Emerson Avenue, Map 29A, 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, Lot 119-122.

l. SE 023-1435, CON 023-391: 689 Sconticut Neck Road, Map 42, Lot 014A.

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.

m. SE 023-1438, CON 023-393: 685 Sconticut Neck Road, Map 42, Lot 014B

Notice of Intent filed by Steven Koczera to replace existing deck (8'x12') with new 14'x16' deck on 12, 8" sono-tubes, with staircases. Will also place loam/topsoil in low area of the land on the north side of the house in an area of existing lawn; remove (4) trees blown down in the recent storm and remove from site; add 25'x28' foundation in driveway and add garage (25'x28') with breakaway walls within FEMA Flood Zone (El.17' & El.19') at Assessor's Map 42, Lot 014B.

9. Violations/Enforcement Orders/Cease and Desist Notices

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

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

c. 293 Mill Road, Map 39, Lot 22C: Outstanding restoration plan

d. Any other violations/Enforcement Orders/Cease and Desist Notices

10. General Business

- a. Next scheduled site visits: January 23, 2024
- b. Next Scheduled Public Hearing Date: February 5, 2024
- c. Discuss additional February meeting (Violations/Continuances only)
- d. Discuss upcoming educational opportunities/trainings
- e. **SE 023-1403, CON 023-330: Rear Arsene Street, Map 28, Lot 008: Motion to correct Book and Page number for proper recording (Book: 140, Page 201).**

- 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