



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

PUBLIC MEETING AGENDA

Tuesday, October 10, 2023 at 6:00 pm

FAIRHAVEN TOWN CLERK
RCUD 2023 OCT 5 PM 1:23

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=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 September 5, 2023 minutes
4. Continuances requested in advance
 - a. SE 023-1385, CON 023-279: 27 Silver Shell Beach Drive, Map 41, Lot 54
 - b. SE 023-1389, CON 023-284: Ebony Street, Assessor's Map 43C, Lots 389-400
 - c. CON 023-372: 29 Silver Shell Beach Drive, Map 41, Lot 53 – RDA Spring 2024
5. Request for Certificate of Compliance
 - a. SE 023-1325, CON 023-158: 1 Crow Island, Map 44, Lot 1
 - b. SE 023-1299, CON 023-081: 250 Bridge Street, Map 36, Lot 15
6. **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 Amendment

- a. SE 023-1369, CON 023-255: 10 Diamond, Map 29, Lots 46 & 72
Request for an amendment filed by Ruby and Jaime Medeiros to construct a 12'x12' deck to be attached to the proposed dwelling. The structure would be an open deck with no impervious roof cover and would be supported by concrete pier foundations. The deck would be located in the 25-50-foot buffer zone located at Assessor's Map 29, Lots 46 and 72.

Requests for Determination of Applicability

- b. CON 023-362: 61 Nakata Avenue, Map 43, Lot 103-104
Request for Determination of Applicability filed by Jinny Kimball to re-install 5-foot fence with steel posts to property boundaries on south and north sides. Work to take place within FEMA Flood Zone VE (El.20') at Assessor's map 43, Lots 103-104.

- c. **CON 023-374: 54 Reservation Road, Map 29A, Lot 316**
Request for Determination of Applicability filed by Sandeep Gupta to place a shed in FEMA Flood Zone VE, El.17' and Buffer Zone to a Bordering Vegetated Wetland, located at Assessor's Map 29A, lot 316.
- d. **CON 023-375: 27 & 29 Alden Road, Map 26, Lots 13G & 13H**
Request for Determination of Applicability filed by Michael Panagakos for removal and replacement of the entrance along Alden Road to include the installation of a trench drain to prevent stormwater run-off. A 100-foot buffer from the limits of the stormwater management basin impacts approximately 1,075 square feet of 29 Alden Road and 178 square feet of 27 Alden Road at Assessor's Map 26, lots 13G & 13H.

Notices of Intent

- e. **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 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.
- f. **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.
- g. **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 located at Assessor's Map 28B, Cove Street Right-of-Way
- h. **SE 023-1424, CON 023-367: 11 Alexander Lane, Map 30, Lot 045U**
Notice of Intent filed by Thomas Ferreira and Nicole Bourgeois to remove previously placed debris (i.e., yard and household items) within the Buffer Zone to a Bordering Vegetated Wetland (BVW) located on the southerly portion of the site; and the construction of an addition onto the existing single-family dwelling that will be within the Buffer Zone to the BVW. All work located at Assessor's Map 30, Lot 045U.
- i. **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 at Assessor's Map 30A, Lots 87 & 87A.

j. SE 023-1428, CON 023-368: 43 Reservation Road, Map 29A, Lot 351

Notice of Intent filed by Natalie Caetano for a retroactive approval of a paved driveway and to construct a circular area approximately 16'x16' landing for sitting and bird watching. Work to take place in Land Subject to Coastal Storm Flowage (LSCSF), FEMA Flood Zone VE (El.16'), Buffer to BVW, Coastal Dune, Salt Marsh, and Coastal Beach all at Assessor's Map 29A, Lot 351.

k. SE 023-1426, CON 023-369: Goulart Memorial/Causeway, Map 43A

Notice of Intent filed by James Clancy of Eversource Energy for the construction, reconstruction, and maintenance of the following structures associated with and essential to an electric generating facility. Work to take place within Land Under the Ocean (LUO), Coastal Beach, Coastal Dune, Coastal Bank, Salt Marsh, Land Containing Shellfish, Isolated Land Subject to Flooding (ISLF), and Land Subject to Coastal Storm Flowage (LSCSF) at Assessor's Map 43A.

l. Se 023-14__, CON 023-371: 217 Alden Road, Map 36, Lot 085

Notice of Intent filed by Shaun DeGrace for a concrete patio (13'x47') with drainage in the back of the house, an extension of the asphalt driveway (30'x15') and add a 6' fence within 100 ft. to the Bordering Vegetated Wetlands (BVW). Work to take place within Buffer Zone to BVW at Assessor's Map 36, Lot 085.

m. SE 023-1427, CON 023-373: (Lot 2) Sconticut Neck Road, Map 29, Lot 27

Notice of Intent filed by Antone & Donna Arruda to construct a single-family dwelling, including a paved driveway, utilities, and grading. The wetland boundary was approved by the Conservation Commission under an Order of Resource Area Delineation (ORAD) issued July 26, 2023; much of the lot is located within the 100-foot wetland buffer at Assessor's Map 29, Lot 27.

7. Violations/Enforcement Orders/Cease and Desist Notices

- a. **SE 023-1302, CON 19-066: 6 Emerson Ave, Map 29A, Lot 119-122:** Unpermitted deviation from approved plan; received as-built as of October 3, 2023.
- b. **EO 023-019: 6 Jeannette Street, Map 34A, 62K:** BVW Delineation Spring 2023; Commission awaiting restoration plan
- c. **EO 023-020: 8 Jeannette Street, Map 34A, Lot 62P:** BVW Delineation Spring 2023; Commission awaiting restoration plan

8. Correspondence

9. General Business

- a. Resident, Sallie Johnson, to address mowing concerns at the Little Bay Conservation Area
- b. Discuss updated fee structure
- c. Discuss and approve the timeline policy for residents to respond to notices of violation or to file after-the-fact filings.
- d. Approve tentative 2024 meeting schedule
- e. Bills

f. Next Scheduled Site Visit: October 17, 2023

g. Next Public Hearing: October 30, 2023

9. **Any other business** that may properly come before the Commission not reasonably anticipated 48 hours in advance of the meeting.

10. **Motion to adjourn**

Jay Simmons, Chair

Fairhaven Conservation Commission

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