



TOWN OF FAIRHAVEN, MASSACHUSETTS

# CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

## PUBLIC MEETING AGENDA

Monday, November 20, 2023 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=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 October 10<sup>th</sup> and October 30<sup>th</sup> meeting minutes
4. Continuances requested in advance
  - a. CON 023-372: 29 Silver Shell Beach Drive, Map 41, Lot 53 – RDA
  - b. SE 023-1389, CON 023-284: Ebony Street, Assessor's Map 43C, Lots 389-400 – ANRAD
  - c. SE 023-1385, CON 023-279: 27 Silver Shell Beach Drive, Map 41, Lot 54 – NOI
  - d. SE 023-1391, CON 023-291: Bridge Street, Map 36, Lot 15J – NOI
  - e. SE 023-1312, CON 023-113: 12 Almond Street, Map 43B, Lot 8 – COC
5. Minor Field Change

SE 023-1427, CON 023-373: 483 Sconticut Neck Road, Map 29, Lot 27 (partial)  
Review the trees noted "to be preserved" on the revised plan dated November 2, 2023 compared to the approved plan dated August 25, 2023, under the Order of Conditions issued October 19, 2023.
6. Request for Extension
  - a. SE 023-1307, CON 023-090: 46 Charity Stevens Lane, Map 40, Lot 008
  - b. SE 023-1302, CON 019-066: 6 Emerson Avenue, Map 29A, Lot 119
7. Request for Certificates of Compliance
  - a. SE 023-1325, CON 023-158: 1 Crow Island, Map 44, Lot 1
  - b. SE 023-1321, CON 023-148: 3 Frederick Avenue, Map 29A, Lot 168 & 169
  - c. SE 023-1382, CON 023-305: 2 & 8 Winslow Court, Map 12, Lots 9-11
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 023-1414, CON 023-353, 51 Balsam Street, Map 43C, Lot 89, 90, 93, 94 & 95**

Request for an Amended Order of Conditions filed by Paul & Catherine Muller for the approval of the revised Site Plan which reflects a proposed new driveway configuration. The change will result in a reduction in pavement and the removal of lawn and replacement with crushed stone surface thereby resulting in an improvement for groundwater recharge. 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.

**b. SE 023-1302, CON 019-066: 6 Emerson Avenue, Map 29A, Lot 119-122**

Request for an Amended Order of Conditions filed by Natalie Reis to retroactively address the changes/modifications made to the site that did not comply with the Order of Conditions issued March 2020 (cease and desist issued January 2021), as well as the items that were permitted under the first Amended Order of Conditions (November 2020), but not completed. 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

### Request for Determination of Applicability

**c. CON 023-379: 42 Bayview Avenue: CON 023-379, Map 28A, Lot 444**

Request for Determination of Applicability filed by Barry Dextraze to install paver patio with walkways and associated grading/lawn work; patio with walkway will be roughly 400 square feet with 202 square feet of existing pavers being replaced. The applicant will also be adding 18 Arborvitae along the fence line. Work to take place in Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 16') located at Assessor's Map 28A, Lot 444.

### Notices of Intent

**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 023-1424, 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.

**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 at Assessor's Map 30A, Lots 87 & 87A.

**g. SE 023-426, 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.

**h. 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.

**i. SE 023-1430, CON 023-376: 48-50 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.

**j. 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.

**k. SE 023-1431, CON 023-378: 162 Main Street, Map 12, Lot 8**

Notice of Intent filed by Ray Morrison to construct a private Residential Pier Facility to access the waters of the Acushnet River and Buzzards Bay for recreational boating, fishing and swimming. The westerly portion of the site falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone AE (El. 6). The site contains Salt Marsh, Coastal Bank, Coastal Beach, Land Under Ocean and Land Containing Shellfish located at Assessor's Map 12, Lot 8.

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

- a. **4 Jeannette Street, Map 34A, Lot 062D & 062N:** Stockpiling of soil within a Bordering Vegetated Wetland; agent to provide update on restoration efforts
- 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
- d. **EO 023-022: 344-346 New Boston Road, Map 40, Lots 23B & 23C:** Agent to provide an update on restoration efforts

- e. **CON 19-007, SE 023-1269: 20 Yankee Lane, Map 39, Lot 16:** Discuss recent site visit and the Spring & Fall, Wetland Replication Monitoring Report by Goddard Consulting, LLC dated October 20, 2023
- f. **EO 023-014: 20 Yankee Lane, Map 39, Lot 16:** Discuss recent site visit and current conditions

**10. General Business**

- a. Bills
- b. Next scheduled site visits: Tuesday, November 28, 2023
- c. Next Public Hearing: December 11, 2023
- d. Discuss updated fee structure

**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](http://www.fairhaven-ma.gov)