



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

PUBLIC MEETING AGENDA

Monday, November 6, 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=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. Allen Decker of the Buzzards Bay Coalition
 - a. Carvalho Farm discussion
 - b. Douglass Tree Farm – Conservation Restrictions
4. Bennett Amos of Sediment Solutions, LLC to discuss the proposed bioamended activated carbon study in East Zone (4) of the New Bedford Harbor (test project under M.G.L. 310 CMR 10.05(11).
5. **Executive Session**
 - a. *G.L. c. 30A, s. 21(a)(3): meeting with counsel to discuss strategy with respect to litigation, Morin v. Fairhaven, et al., 2173CV0374 (Bristol Superior Court)*
 - b. *G.L. c. 30A, s. 21(a)(3): meeting with counsel to discuss pending litigation, Armanetti v. Conservation Commission, 2373CV00423 (Bristol Superior Court)*
 - c. *G.L. c. 30A, s. 21(a)(3): meeting with counsel to discuss pending litigation Mullen v. Conservation Commission, 2373CV00201 (Bristol Superior Court)*
6. **Open Session**
 - a. Discuss DEP file number SE 023-1341, CON 023-194: North Street, Map 15, Lot 43
 - b. Discuss outstanding Enforcement Order 023-022: 344-346 New Boston Road, Map 40, Lot 23B & 23C
 - c. Discuss DEP file number SE 023-1395 and 023-1396: 1 and 2 Island View Road, Assessor's Map 43, Lot 201

b. Request for Extension

- a. SE 023-1307, CON 023-090: 46 Charity Stevens Lane, MAP 40, Lot 008

c. 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

7. 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 Determination of Applicability

a. 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

b. 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. 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.

c. SE 023-413, CON 023-351: Cove Street Improvement, Assessor's Map 28B

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.

d. 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.

8. Violations/Enforcement Orders/Cease and Desist Notices

- a. **EO 023-015: 217 Alden Road, Map 36, Lot 085:** Discuss the Spring 2023 planting plan (proposed tree & shrub species) addressed in the Revision 2 report (to satisfy EO issued August 19, 2021) submitted December 27, 2022 by Ivas Environmental

- b. **4 Jeannette Street, Map 34A, Lot 062D & 062N:** Stockpiling of soil within a Bordering Vegetated Wetland; agent to provide update on restoration efforts
- c. **EO 023-019: 6 Jeannette Street, Map 34A, 62K:** BVW Delineation Spring 2023; Commission awaiting restoration plan
- d. **EO 023-020: 8 Jeannette Street, Map 34A, Lot 62P:** BVW Delineation Spring 2023; Commission awaiting restoration plan
- e. **EO 023-022: 344-346 New Boston Road, Map 40, Lots 23B & 23C:** Agent to provide an update on restoration efforts
- f. **120 Balsam Street, Map 43A, Lot 023:** Unpermitted shed within Coastal Beach; agent to provide update on requested after-the-fact application
- g. **266 Sconticut Neck Road, Map 29A, Lot 095:** Construction of a 260-foot boardwalk within Barrier Beach – Marsh and Flood Zone VE, El.16’; agent to discuss current conditions
- h. **746 Sconticut Neck Road, Map 42, Lot 007:** Placement of snow/sand fence within a protected resource area and contains Barrier Beach – Marsh and Flood Zone VE, El 18’; agent to discuss current conditions
- i. **10 Point Street, Map 28B, Lot 210 & 211:** Motion to modify letter dated September 18, 2023 addressed to Attorney Marsh to include both lots 210 & 211
- j. **111 Cedar Street, Map 04, Lot 124:** Discuss a motion to remove cease and desist
- k. **0 Beachwood Street, Map 28B, Lot 122:** Filling of an isolated Vegetated Wetland; restoration approved
- l. **EO 023-017: 29 Mangham Way:** Clearing and fill within a resource area; conservation office to provide restoration plan update; discuss conditions noted at recent site visit
- m. **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
- n. **EO 023-014: 20 Yankee Lane, Map 39, Lot 16:** Discuss recent site visit and current conditions
- o. **EO 023-021: 51 Cedar, Map 04, Lot 155:** Fill of BVW in violation of OOC; awaiting end-of-season report from Steven Schmiel, the wetland scientist that performed the restoration
- p. **EO 023-024: 3 Shawmut, Map 32, Lot 53:** Disturbances (including unpermitted bridge, wood, and boat) within a Fairhaven-Acushnet Land Preservation Trust-owned Salt Marsh; agent to discuss progress
- q. **34 Balsam Street, Map 43C, Lot 24:** Vegetative clearing in Coastal Dune and Buffer Zone of Coastal Beach and Rocky Intertidal Shore without a permit; letter of violation sent September 25th

r. **Any Other Violations/Enforcement Orders/Cease and Desist Notices to discuss**

9. **General Business**

- a. Bills
- b. 2024 meeting schedule options
- c. Updated fee schedule
- d. New submission deadlines
- e. Discuss potential training opportunities for the Commission
- f. Next scheduled site visits: November 7, 2023
- g. Next Public Hearing: November 20, 2023

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**

Jay Simmons, Chair

Fairhaven Conservation Commission

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