



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

PUBLIC MEETING AGENDA

Monday, December 11, 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. Approval of the meeting minutes for November 6th, 13th & 20th
4. Continuances requested in advance
 - a. SE 023-1389, CON 023-284: Ebony Street, Assessor's Map 43C, Lots 389-400
 - b. SE 023-1385, CON 023-279: 27 Silver Shell Beach Drive, Map 41, Lot 54
 - c. CON 023-372: 29 Silver Shell Beach Drive, Map 41, Lot 53
 - d. SE 023-1429, CON 023-377: 270 Sconticut Neck Road, Map 29A, Lots 101 & 96
 - e. SE 023-1391, CON 023-291: Bridge Street, Map 36, Lot 15J
 - f. SE 023-1312, CON 023-113: 12 Almond Street, Map 43B, Lot 8
 - g. SE 023-14__, CON 023-371: 217 Alden Road, Map 36, Lot 085
 - h. CON 023-386: 110 Middle Street, Map 12, Lot 17
5. Executive Session
 - a. *G.L. c. 30A, s. 21(a)(3): meeting with counsel to discuss pending litigation & current peer reviewer status (Armanetti v. Conservation Commission, 2373CV00423 (Bristol Superior Court))*
6. Open Session for SE 023-1395 & SE 023-1396
 - a. Discuss DEP file number SE 023-1395 and SE 023-1396: 1 and 2 Island View Road, Assessor's Map 43, Lot 201
7. Minor Field Change
 - a. 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.
8. Allen Decker of the Buzzards Bay Coalition to review edits from the Executive Office of Energy and Environmental Affairs (EEA) for the Salt Winds Conservation Project.

9. Attorney, Marc Deshaies to discuss the Conservation Restriction at the G. Bourne Knowles property.

10. **Issue Order of Conditions**

a. **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.

11. **Requests for Extension**

a. **SE 023-1258, CON 023-162: Overlook Lane, Map 29, Lots 1C, 1D & 1E**

b. **SE 023-1351, CON 023-224: Overlook Lane, Map 29, Lot 1D**

c. **SE 023-1352, CON 023-225: Overlook Lane, Map 29, Lot 1E (subdivision lot 6)**

12. **Requests for Certificates of Compliance**

a. **SE 023-1382, CON 023-305: 2 & 8 Winslow Court, Map 12, Lots 9-11**

13. **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 023-1302, 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.

Requests for Determination of Applicability

b. **CON 023-381: 58 Balsam Street, Map 43C. lot 012**

Request for Determination of Applicability filed by Adam Gibson to construct an open deck along the north and west sides of the existing house to connect a landing to an existing open deck. The property is located within Land Subject to Coastal Storm Flowage (LSCSF), Land Under the Ocean and within FEMA Flood Zone VE (El.19'). Work to take place at Assessor's Map 43C, Lot 012.

c. **CON 023-383: 685 Sconticut Neck Road, Map 42, Lot 014B**

Request for Determination of Applicability filed by Steven Koczera to pour foundation for a 25-foot by 28-foot garage with 8 sonotubes and replace the rear deck. Work to take place within FEMA Flood Zone VE (El.17') located at Assessor's Map 42, Lot 014B.

d. CON 023-384: 55 Goulart Memorial Drive, Map 42, Lot 023A

Request for Determination filed by Tim Cox for excavation and backfill of a trench for an electrical cable to run from the existing building to a fenced-in area on site of approximately 250 feet in length, 2 feet in depth, and 1 foot wide, with associated erosion controls. Work to take place in Land Subject to Coastal Storm Flowage (LSCSF), the Buffer Zone to Coastal Beach, and adjacent to (but not within) the National Heritage & Endangered Species Program (NHESP) Priority Habitat located at Assessor's Map 42, Lot 023A.

e. CON 023-385: 120 Balsam Street, Map 43A, Lot 023

Request for Determination of Applicability filed by Sarah DeWalt to install an 8-foot by 14-foot shed secured with four helical piles elevated 6" above the pre-existing lawn. Also requesting to relocate parking area from the front of the house to the right with crushed stone; will add native perennial garden and a pervious paver walkway with cobblestone edge. Work to take place in Land Subject to Coastal Storm Flowage (LSCSF), FEMA Flood Zone VE (El.18'), Coastal Beach and Coastal Bank at Assessor's Map 43A, Lot 023.

Notices of Intent

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 023-1424, 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.

h. SE 023-1423, CON 023-364: Bridge Street, Map 30A, Lots 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.

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 023-1431, 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.

k. SE 023-1433, CON 023-382: Frederick Avenue, Map 29A, Lots 151-152

Notice of Intent filed by Michael Livingstone to proposing the construction of a 38-foot by 38-foot single-family dwelling on the parcel. The property is located within FEMA Flood Zone VE (El.16') and within the Buffer Zone of a Bordering Vegetated Wetland at Assessor's Map 29A, Lots 151-152.

l. SE 023-1432, CON 023-380: 18 Almond Street, Map 43B, Lot 012

Notice of Intent filed by Jeffrey White to install a concrete pad within the 100-foot Buffer Zone to the Coastal Bank, Salt Marsh, Coastal Beach, and Land Subject to Coastal Storm Flowage (LSCSF), and FEMA Flood Zone VE, (El. 16' & 17'), located at Assessor's Map 43B, Lot 012.

14. 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
- b. **EO 023-022: 344-346 New Boston Road, Map 40, Lots 23B & 23C:** Agent to discuss DEP Wetlands Section Chief guidelines
- c. **EO 023-014: 20 Yankee Lane, Map 39, Lot 16:** Review the revised Phase 1 & 2 Wetland Replication, Buffer Zone & Stream Restoration Plan dated 12/07/2023
- d. **EO 023-019: 6 Jeannette Street, Map 34A, 62K:** BVW Delineation Spring 2023; Commission awaiting restoration plan
- e. **EO 023-020: 8 Jeannette Street, Map 34A, Lot 62P:** BVW Delineation Spring 2023; Commission awaiting restoration plan
- f. **Any other violations/Enforcement Orders/Cease and Desist Notices**

15. General Business

- a. Discuss tentative site visit dates: Tuesday January 2nd or Thursday January 11th
- b. Discuss an extra meeting date for continuances and violations: tentative dates include Tuesday, January 2nd or Monday, January 8th
- c. Next Scheduled Public Hearing Date: Monday, January 22, 2024 (1st Monday is holiday, 2nd Monday will not have adequate advertising time & 3rd Monday is holiday)
- d. Training Opportunities

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

17. **Motion to adjourn**

Jay Simmons, Chair

Fairhaven Conservation Commission

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