



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

PUBLIC MEETING AGENDA

Monday, September 25, 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. **Executive Session**
 - a. *G.L. c. 30A, s. 21(a)(3): meeting with counsel to discuss pending litigation (Mullen v. Conservation Commission, 2373CV00201 (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))*
4. **Open Session**
 - a. Discuss outstanding Enforcement Order 023-022: 344-346 New Boston Road, Assessor's Map 40, Lot 23B & 23C
 - b. Discuss appeal of DEP file Nos. 023-1395 and 023-1396: 1 and 2 Island View Road, Assessor's Map 43, Lot 201
5. **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; awaiting revised as-built plan
 - b. **4 Jeannette Street, Map 34A, Lot 062D & 062N:** Stockpiling of soil within a Bordering Vegetated Wetland
 - 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. **120 Balsam Street, Map 43A, Lot 023:** Unpermitted shed within Coastal Beach; agent to provide update on requested after-the-fact application
 - f. **25 Shore Drive, Map 29C, Lot 615:** Bus parked in the Buffer Zone of a resource area (Coastal Beach and Coastal Dune) and is leaking fluids, including motor oil onto the sand. All leaks from the vehicle's mechanical and plumbing systems (engine, drivetrain, holding tanks, etc.) must be repaired as to no longer discharge/leak any fluids, or the vehicle must be removed from the Buffer Zone
 - 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. **270 Sconticut Neck Road, Map 29A, Lot 101:** Construction of a 112-foot boardwalk within Barrier Beach – Marsh and Flood Zone VE, El 16'; update on historical data on yurt
 - i. **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
 - j. **0 Beachwood Street, Map 28B, Lot 122:** Filling of an isolated Vegetated Wetland; agent to provide an update on progress with engineer
 - k. **EO 023-017: 29 Mangham Way:** Clearing and fill within a resource area; conservation office to provide restoration plan update; will need follow-up site visit for current conditions and restoration progress
 - l. **EO 023-014: 20 Yankee Lane, Map 39, Lot 16:** Removal of vegetation and fill within BVW and RFA; review next phase of restoration plan
 - m. **EO 023-021: 51 Cedar, Map 04, Lot 155:** Fill of BVW in violation of OOC; review planting plan
 - n. **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
 - o. **18 Almond, Map** digging and use of machinery in a Land Subject to Coastal Storm Flowage (Flood Zone) and the 100-foot buffer zone to Salt Marsh without a permit; agent to provide updates
6. **General Business**
- a. Next Public Hearing: October 10, 2023
 - b. Provide upcoming MACC course information to the Commission
7. **Any other business** that may properly come before the Commission not reasonably anticipated 48 hours in advance of the meeting.

8. **Motion to adjourn**

Jay Simmons, Chair

Fairhaven Conservation Commission

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