



CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

PUBLIC MEETING AGENDA

Wednesday, April 10, 2024 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 meeting minutes for March 4 & 18, 2024
4. Continuances requested in advance
 - a. SE 023-1451, CON 023-411: Cove Street, Map 28B, Lot Cove Street Right-of-Way
 - b. SE 023-1453, CON 023-408: 29 Nakata Avenue, Map 43, Lot 119
5. Requests for Certificates of Compliance
 - a. SE 023-1421, CON 023-361: 2 Bayside Street, Map 42, Lot 34
 - b. SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207
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 Amended Order of Conditions

- a. SE 023-1369, CON 023-255: 10 Diamond Street, Map 29, Lots 46 & 72

Amended Order of Conditions filed by Ruby & Jaime Medeiros to shift the previously approved paved driveway in closer proximity to the dwelling (depicted on revised plan). Work to take place in Land Subject to Coastal Storm Flowage (LSCSF) and the 100-foot Buffer Zone to BVW at Assessor's Map 29, Lots 46 & 72.

Requests for Determination of Applicability

- b. CON 023-372: 29 Silver Shell Beach Drive, Map 41, Lot 53

Request for Determination of Applicability filed by Joyce Lopes to install 120 feet of FEMA compliant shadow box fencing along the south property line, consisting of approximately 15 cemented posts and 6 inches off the ground. Work to take place in Land Subject to Coastal Storm Flowage (LSCSF) and the 100-foot Buffer Zone to Coastal Dune at the property located at Assessor's Map 41, Lot 54.

c. CON 023-410: 168 Balsam Street, Map 43B, Lot 33 & 34

Request for Determination filed by Kirk & Rene Pinto to remove and replace a masonry foundation wall along the water side of the house and replace with concrete block wall; they also request to remove a concrete patio and replace with a post-supported timber deck. Work to take place within 100 ft. to the Buffer Zone of a Coastal Bank and Salt Marsh and within Land Subject to Coastal Storm Flowage at Assessors' Map 43B, Lot 33 & 34.

Notices of Intent

d. SE 023-14___, CON 023-371: 217 Alden Road, Map 36, Lot 85

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 85.

e. SE 023-1385, CON 023-279: 27 Silver Shell Beach Drive, Map 41, Lot 54

Notice of Intent filed by Nancy Blouin to upgrade the existing septic system to a Title 5-compliant system and associated site work. Work to take place in Land Subject to Coastal Storm Flowage (LSCSF) and the 100-foot Buffer Zone to Coastal Dune located at Assessor's Map 41, Lot 54.

f. SE 023-1391, CON 023-291: Bridge Street, Map 36, Lot 15J

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.

g. 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.

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 within 100 feet of a wetland resource area at Assessor's Map 30A, Lots 87 & 87A.

i. SE 023-1436, CON 023-390: 6 Emerson Avenue, Map 29A, Lots 119-122

An after-the-fact Notice of Intent filed by Natalie Reis for the construction of 12'x16' breezeway between the house and garage, an outdoor shower (approximately 70' from the limit of Coastal Beach and in Land Subject to Coastal Storm Flowage (LSCSF), capping the existing stonewall, an outdoor fireplace, a 36'x15' flagstone patio area with new walkways to beach, artificial turf area, regrading, and a gravel driveway larger than proposed on original plan. 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, Lots 119-122.

j. SE 023-1440, CON 023-394: 833 Sconticut Neck Road, Map 42, Lot 15N

Notice of Intent filed by Nazem & Kathleen Abdalla to construct a 3-bedroom single family house in compliance with the requirements of FEMA and Mass Building Code for construction within a Velocity Zone. The house will be located within Flood Zone VE (El.17) and work to take place within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El.17, 19 & 20), and a Bordering Vegetated Wetland (BVW) in the southerly and easterly portion at Assessor's Map 42, Lot 15N.

k. SE 023-1439, CON 023-395: 831 Sconticut Neck Road, Map 42, Lot 15M

Notice of Intent filed by A.M.K. Trust c/o Nazem & Kathleen Abdalla to construct a 3-bedroom single family house in compliance with the requirements of FEMA and Mass Building Code for construction within a Velocity Zone. The house will be located within Flood Zone VE (El.17') and Land Subject to Coastal Storm Flowage (LSCSF) at Assessor's Map 42, Lot 15M.

l. SE 023-1395, CON 023-319: 1 Island View Road, Map 43, Lot 201

Notice of Intent filed by Peter Armanetti to construct a single-family dwelling with associated gravel driveway, grading and utilities. Work to take place within 100 feet of a Bordering Vegetated Wetland (BVW), and borders Land Subject to Flooding - FEMA Flood Zone VE (El.18 & 19') at Assessor's Map 43, Lot 201.

m. SE 023-1396, CON 023-320: 2 Island View Road, Map 43, Lot 201

Notice of Intent filed by Peter Armanetti to construct a single-family dwelling with associated gravel driveway, grading and utilities. Work to take place within 100 feet of a Bordering Vegetated Wetland (BVW), and borders Land Subject to Flooding - FEMA Flood Zone (El.18 & 19') at Assessor's Map 43, Lot 201.

n. SE 023-1442, CON 023-397: Starboard Drive (Subdivision Lot #1), Map 42, Portion of Lot 9A

Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 2-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.

o. SE 023-1443, CON 023-398: Starboard Drive (Subdivision Lot #2), Map 42, Portion of Lot 9A

Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 3-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.

- p. **SE 023-1444, CON 023-399: Starboard Drive (Subdivision Lot #3), Map 42, Portion of Lot 9A**
Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 3-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.
- q. **SE 023-1452, CON 023-400: Starboard Drive (Subdivision Lot #4), Map 42, Portion of Lot 9A**
Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 2-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.
- r. **SE 023-1448, CON 023-401: Starboard Drive (Subdivision Lot #5), Map 42, Portion of Lot 9A**
Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 2-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.
- s. **SE 023-1447, CON 023-402: Starboard Drive (Subdivision Lot #6), Map 42, Portion of Lot 9A**
Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 2-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.
- t. **SE 023-1446, CON 023-403: Starboard Drive (Subdivision Lot #7), Map 42, Portion of Lot 9A**
Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 2-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.
- u. **SE 023-1445, CON 023-404: Starboard Drive (Subdivision Lot #8), Map 42, Portion of Lot 9A**
Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 4-bedroom single-family home in compliance with FEMA requirements & Mass Building Code

for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9A.

v. SE 023-1449, CON 023-405: Starboard Drive (ANR #1), Map 42, Portion of Lot 9B

Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 4-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9B.

w. SE 023-1450, CON 023-406: Starboard Drive (ANR #2), Map 42, Portion of Lot 9C

Notice of Intent filed by Starboard Drive Nominee Trust, C/O John Mathieu, Trustee to construct a 4-bedroom single-family home in compliance with FEMA requirements & Mass Building Code for construction within Flood Zone VE (El.19'). The applicant proposes to install fill around the perimeter of the house to direct stormwater away from the foundation; additionally, a 10'x10' utility shed will be anchored to slab or sono-tubes. The lot falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17' & 19'), with no other resource areas on or within 100 feet at Assessor's Map 42, Lot 9C.

x. SE 023-1454, CON 023-413: 188 Balsam Street, Map 43B, Lot 43

Notice of Intent filed by John Elander/Fairhaven Realty Trust to remove deteriorating concrete vertical seawall and replace with a precast block wall. Work to be performed on a Coastal Bank and Land Subject to Coastal Storm Flowage at Assessors' Map 43B, Lot 43.

7. Violations/Enforcement Orders/Cease and Desist Notices/Other Applications

- a. **14 Oxford Street, Map 13, Lot 3:** Agent to provide update
- b. **4 Jeannette Street, Map 34A, Lot 062D:** Agent to provide update
- c. **EO 023-022: 344-346 New Boston Road, Map 40, Lots 023B & 023C:** Agent to provide an update on restoration efforts
- d. **EO 023-014: 20 Yankee Lane, Map 39, Lot 16:** Agent to provide updates on current conditions
- e. **26 Rivet Street, Map 31A, Lot 51:** Unpermitted work in the Buffer Zone to Bordering Vegetated Wetland
- f. **7 Forestview Drive, Map 31A, Lot 600T:** Altering Bordering Vegetated Wetland
- g. **251 Sconticut Neck Road, Map 29, Lot 32:** Applicant to file Notice of Intent, agent to provide update

8. **General Business**

- a. Next Scheduled Public Hearing Date: April 22, 2024
- b. Discuss returning to in-person meetings

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**

Karen Isherwood, Vice Chair (Acting Chair)

Fairhaven Conservation Commission

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