



CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

PUBLIC MEETING AGENDA

Monday, April 22, 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=VFdUQkhzdVYrNzJIQktiVl9XSGppZz09>

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. Continuances requested in advance
4. Allen Decker of the Buzzards Bay Coalition to discuss the Carvalho Woods and Douglass Farm Conservation Restrictions
5. NOI Conditions to be Issued
 - a. SE 023-1385, CON 023-279: 27 Silver Shell Beach Drive, Map 41, Lot 54
 - b. SE 023-1440, CON 023-394: 833 Sconticut Neck Road, Map 42, Lot 15N
 - c. SE 023-1439, CON 023-395: 831 Sconticut Neck Road, Map 42, Lot 15M
 - d. SE 023-1442, CON 023-397: Starboard Drive (Subdivision Lot #1), Map 42, Portion of Lot 9A
 - e. SE 023-1443, CON 023-398: Starboard Drive (Subdivision Lot #2), Map 42, Portion of Lot 9A
 - f. SE 023-1444, CON 023-399: Starboard Drive (Subdivision Lot #3), Map 42, Portion of Lot 9A
 - g. SE 023-1452, CON 023-400: Starboard Drive (Subdivision Lot #4), Map 42, Portion of Lot 9A
 - h. SE 023-1448, CON 023-401: Starboard Drive (Subdivision Lot #5), Map 42, Portion of Lot 9A
 - i. SE 023-1447, CON 023-402: Starboard Drive (Subdivision Lot #6), Map 42, Portion of Lot 9A
 - j. SE 023-1446, CON 023-403: Starboard Drive (Subdivision Lot #7), Map 42, Portion of Lot 9A
 - k. SE 023-1445, CON 023-404: Starboard Drive (Subdivision Lot #8), Map 42, Portion of Lot 9A
 - l. SE 023-1449, CON 023-405: Starboard Drive (ANR #1), Map 42, Portion of Lot 9B
 - m. SE 023-1450, CON 023-406: Starboard Drive (ANR #2), Map 42, Portion of Lot 9C
6. 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
 - c. SE 023-___, CON 023-___: 52 Cottonwood Street, Map 43C, Lot 122

7. **Request for Extension - ORAD**

a. **SE 023-1355, CON 023-227: 14 Plaza Way, Map 27, Lot 13**

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:

Requests for Determination of Applicability

a. **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.

b. **CON 023-416: 5 Billy's Way, Map 29A, Lots 185 & 186**

Request for Determination filed by Sharon Simmons to install a FEMA compliant, perimeter fence (up to 450') – 6" stockade or 50 percent passthrough. Posts will either be sonotubes or driven wooden posts. Work to take place within Land Subject to Coastal Storm Flowage (LSCSF), Buffer Zone to a Coastal Dune, and FEMA Flood Zone VE (El.16') located at Assessor's Map 29A, Lots 185 & 186.

c. **CON 023-410: 168 Balsam Street, Map 43B, Lots 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, Land Subject to Coastal Storm Flowage (LSCSF), and FEMA Flood Zone VE (El.16' & 17') at Assessors' Map 43B, Lots 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 023-1391, 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.

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 023-1423, 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.
- h. 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.
- i. 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.
- j. 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.
- k. SE 023-1453, CON 023-408: 29 Nakata Avenue, Map 43, Lot 119**
Notice of Intent filed by Omar Halabi for demolition and removal of an existing dwelling and construction of a new flood zone compliant single-family dwelling, along with an after-the-fact filing for a concrete patio. The project is located within Buffer Zone to a Salt Marsh, Land Subject to Coastal Storm Flowage, and FEMA Flood Zone VE (El.20') at Assessors' Map 43, Lot 119.
- l. SE 023-1451, CON 023-411: Cove Street, Map 28B, Cove Street Right-of-Way**
Notice of Intent filed by Vincent Furtado (Fairhaven Board of Public Works) to install two new catch basins, convert an existing drop inlet structure for drainage improvement, install a new water main to loop into the existing water network, along with a new hydrant with associated water services. Project located within FEMA Flood Zone VE (El.16') and a portion within Coastal Dune & Coastal Beach at Assessor's Map 28B, Cove Street Right-of-Way.

m. 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 Coastal Beach, Land Containing Shellfish, Coastal Bank, Land Subject to Coastal Storm Flowage (LSCSF), and FEMA Flood Zone VE (El. 16' & 17') at Assessors' Map 43B, Lot 43.

n. SE 023-___, CON 023-412: 21 Goulart Memorial Drive, Map 42, Lot 22

Notice of Intent filed by David & Jayne Lynch to redeposit sand that migrated during a storm and place crushed shell on the driveway. Proposing to install 165 ft. of dune fencing on the southeast side of the driveway. Work to take place within Barrier Beach, Coastal Dune, riverfront, and FEMA Flood Zone VE (El. 20') at Assessor's Map 42, Lot 22.

o. Se 023-1456, CON 023-414: 15 Wampanoag Drive, Map 29D, Lot 163 & 164

Notice of Intent filed Barbara Costello to remove the existing seawall and replace with a sloped stone rip-rap seawall. The entire site falls within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE (El. 17). The site contains coastal resource areas; Coastal Bank and Coastal Beach at Assessor's Map 29D, Lot 163 & 164.

p. SE 023-1455, CON 023-415: 2 Bayside Street, Map 42, Lot 34

Notice of Intent filed by Bayside LLC to remove and replace existing concrete slab inside garage and to remove and replace the existing concrete driveway within the same footprint. Applicant proposes to construct a ground level composite patio and to extend the existing seawall. The proposed work will be performed within Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone (El. 20) at Assessor's Map 42, Lot 34.

9. Violations/Enforcement Orders/Cease and Desist Notices

a. **4 Jeannette Street, Map 34A, Lot 62D:** Agent to provide update

b. **EO 023-019-020: 6 & 8 Jeannette Street, Map 34A, Lots 62K & 62P:** Agent to provide update on delineation of BVW and scheduling a spring site visit.

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 connecting the Representative with the Peer Reviewer for transitioning Phases 1 & 2 to Phases 3, 4 & 5.

e. **SE 023-1309, 023-1101, 1127, 1161: 1 Bella Vista, Map 43B, Lot 326, 359 & 360:** Agent to provide updates on monitoring efforts

f. **29 Shore Drive, MAP 29C, Lot 613:** Agent to provide update

g. **26 Rivet Street, Map 31A, Lot 51:** Unpermitted work in the Buffer Zone to BVW

h. **7 Forestview Drive, Map 31A, Lot 600T:** Update on progress clearing material in the Buffer Zone to BVW

10. General Business

- a. Next scheduled site visits: April 29, 2024 (tentative)
- b. Next Scheduled Public Hearing Date: May 6, 2024
- c. Discuss in-person meeting requirements
- d. Discuss updated stormwater standards

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**

Karen Isherwood, Vice Chair (Acting Chair)

Fairhaven Conservation Commission

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