



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

PUBLIC MEETING AGENDA Monday, April 24, 2023 at 6:00 pm

REVISED

Pursuant to Chapter 22 of the Acts of 2022 (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=VFdUQkhzdVYrNzJlQktiVi9XSzGppZz09>

or CALL 1-929-205-6099

Meeting ID: 869 5315 5076

Passcode: 633695

In-person attendance is permitted for the public at 40 Center Street Town Hall

1. Chairman's Welcome and Media Notification
2. Quorum/Attendance
3. Approval of the February 21, 2023 and March 20, 2023 meeting minutes
4. Continuances requested in advance
 - a. SE 023-1385, CON 023-279: 27 Silver Shell Beach Drive, Map 41, Lot 54
 - b. SE 023-1389, CON 023-284: Ebony Street, Assessor's Map 43C, Lots 389-400
 - c. SE 023-1391, CON 023-291: Bridge Street, Map 36, Lot 15J
 - d. SE 023-1403, CON 023-330: Rear Arsene Street, Map 28, Lot 008
 - e. SE 023-1407, CON 023-337: 23 Goulart Memorial Drive, Assessor's Map 42, Lot 022B
5. Certificate of Compliance
 - a. SE 023-920, CON 023-326, 10 Jeannette Street Map 34A, Lot 062Q – *Continued to May 15, 2023*
 - b. SE 023-1090, CON 023-338, 7 Hickory Street, Map 24, Lot 189 – *Continued to May 15, 2023*
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 Abbreviated Notice of Resource Area Delineation

- a. ~~SE 023-1408, CON 023-344: 481 Scoticut Neck Road, Assessor's Map 29, Lot 27~~ – Will be heard May 15, 2023 to comply with Open Meeting Law
Abbreviated Notice of Resource Area Delineation filed by Antone Arruda to verify delineated wetlands. The location includes Bordering Vegetated Wetlands (BVW) and is located at Assessor's Map 29, Lot 27.

Requests for Determination of Applicability

- b. ~~CON 023-343: 6 Camel Street, Assessor's Map 29, Lot 63~~ – Will be heard May 15, 2023 to comply with Open Meeting Law

Request for Determination of Applicability filed by Eric Moniz for the construction of a detached garage with associated driveway. The proposed garage falls within the 100-foot buffer zone to a wetland Resource Area with most of the proposed building and driveway falling outside the buffer zone. The site is shown in FEMA flood zone X. This property is located at Assessor's Map 29, Lot 63.

Notices of Intent

- c. **SE 023-1395, CON 023-319: 1 Island View Road, Map 43, Lot 201** – *Continued from November 7, 2022*

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

- d. **SE 023-1396, CON 023-320: 2 Island View Road, Map 43, Lot 201** – *Continued from November 7, 2022*

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

- e. **SE 023-1398, CON 023-315: 2 Starboard Drive, Map 42, Lots 9A, 9D, & 9E** – *Continued from November 7, 2022*

Notice of Intent filed by Dennis Arsenault for the construction of a residential 8-lot subdivision, including the demolition of 1 existing dwelling, a paved roadway, and grading and site development within the 100-foot Buffer Zone and Land Subject to Coastal Storm Flowage (LSCSF), Flood Zone VE-20, located at Map 42, Lots 9A, 9D, and 9E.

7. Violations/Enforcement Orders/Cease and Desist Notices

- a. **344 & 346 New Boston Rd, Map 40, Lots 023B & 023C:** Review revised restoration plan submitted on March 29, 2023 by Environmental Consulting & Restoration, LLC to restore the impacted areas due to the result of test pits that were excavated within several areas of the site including associated access to these areas
- f. **EO 023-014: 20 Yankee Lane, Map 39, Lot 016:** To review the completed Wetland Replication Plan for Phases 1 and 2, received 11-10-2021 (revised) and the Proposed Spring 2023 Wetland Replication Plan for Phases 3, 4, and 5, received on 4-5-2023, which incorporated BSC Group peer review dated 5-10-2022
- b. **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
- c. **SE 023-850, CON 023-021: 51 Cedar Street, Map 04, Lot 155:** Review planting plan and fence proposal submitted by Steve Chmiel; Discuss site visit
- d. **SE 023-1302, CON 19-066: 6 Emerson Ave, Map 29A, Lot 119-122:** Unpermitted deviation from approved plan; awaiting a restoration plan

- e. **EO 023-019: 6 Jeannette Street, Map 34A, 62K:** BVW Delineation Spring 2023; Commission awaiting restoration plan
- f. **EO 023-020: 8 Jeannette Street, Map 34A, Lot 62P:** BVW Delineation Spring 2023; Commission awaiting restoration plan
- g. **EO 023-023: 43 Reservation Road, Map 29A, Lot 351:** Unpermitted driveway in LSCSF (FEMA Zone VE, EL.16'), BVW, Coastal Dune, Salt Marsh, Coastal Beach, and Buffer Zone
- h. **746 Sconticut Neck Road, Map 42, Lot 007:** Unpermitted path and alterations to marsh vegetation; discuss what was witnessed on site visit and provide updates
- i. **270 Sconticut Neck Road, Map 29A, Lot 101:** Alteration of the salt marsh with unpermitted 112-foot boardwalk.
- j. **266 Sconticut Neck Road, Map 29A, Lot 095:** Alteration to the salt marsh with unpermitted 260-foot boardwalk; discuss Enforcement Order
- k. **17 Turner Avenue, Map 02, Lot 275:** Operation of a skid steer on beach; alteration of resource area, including filling and grading
- l. **61 Nakata Avenue, Map 43, Lot 103:** Unpermitted fence in a velocity zone
- m. **4 Indian Way, Map 29, Lot 14:** Unpermitted clearing of vegetation within a Buffer Zone
- n. ~~**4 Monondach, Map 42A, Lot 212:**~~ Material (sand/soil) brought into Coastal Beach/Coastal Dune

8. Correspondence

- 6 Emerson Avenue – Notice to Appear
- 4 Monondach Avenue – Notice of Violation
- 4 Indian Way – Notice of Violation
- 43 Reservation Avenue – Notice to Appear
- 61 Nakata Avenue – Notice of Violation & to Appear
- 6 & 8 Jeannette Street – Notice to Appear

9. General Business

- a. Allen Decker, Director of Land Protection with the Buzzards Bay Coalition to discuss a Conservation Restriction project at 736 Sconticut Neck Road and neighboring land
- b. Bills
- c. Approval of the revised 2023 (2nd half) meeting schedule
- d. The Commission to vote on a policy and standard for meeting minutes (structure and content), which should conform to the guiding principles of the Robert's Rules of Order
- e. Next Meeting: Monday, May 15, 2023

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**