



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

FAIRHAVEN TOWN CLERK
ROUD 2024 MAY 2 PM2:45

PUBLIC MEETING AGENDA

Monday, May 6, 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 April 10 & April 22 meeting minutes
4. Continuances requested in advance
5. Attorney, Marc Deshaies to discuss the Conservation Restriction at the G. Bourne Knowles property
6. Harbor Master to discuss Green Heart pilings versus pressure treated in the Fairhaven/New Bedford Harbor
7. Requests for Certificates of Compliance
 - a. SE 023-1333, CON 023-181: 18 Point Street, Map 28B, Lot 207
 - b. SE 023-___, CON 023-___:52 Cottonwood Street, Map 43C, Lot 122
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. CON 023-418: 16 Bayview Avenue, Map 28A, Lot 453
- b. **CON 023-418: 16 Bayview Avenue, Map 28A, Lot 453**
Request for Determination of Applicability filed by Linda Marchand to construct a 14' x 9' 6" sunroom in the rear of the house. Work to take place within FEMA Flood Zone VE (El.16') at Assessor's Map 28A, Lot 453.
- c. **CON 023-419: 0 Goulart Memorial, Map 42, Lot 21C**
Request for Determination of Applicability filed by Robert Desroches to level waterfront lot with crushed shells in driveway area (15' in length). Work to take place within Barrier Beach, Salt

Marsh, and Land Subject to Coastal Storm Flowage (LSCSF) at Map 42, Lot 21C.

d. CON 023-422: 23 Goulart Memorial Drive, Map 42, Lot 22B

Request for Determination of Applicability filed by Chanda Kale to install dune fencing and plant native shrubs along the edge of the dune for erosion control. Work to take place along Coastal Dune, Coastal Beach, and Land Subject to Coastal Storm Flowage (LSCSF) at Assessor's Map 42, Lot 22B.

Amended Order of Conditions

e. SE 023-1387, CON 023-288: 5 Sippican Street, Map 42A, Lot 261

Request for an Amended Order of Conditions by Clarisse Fairbanks to install aluminum staircase, which will be anchored to the new boulder seawall. Work to take place within Rocky Intertidal Shore, Coastal Bank, Land Containing Shellfish, and Land Subject to Coastal Storm Flowage (LSCSF) at Assessor's Map 42A, Lot 261.

Notices of Intent

f. SE 023-1458, CON 023-420: Rear Sycamore Street, Map 20, Lots 4 & 325

Notice of Intent filed by Bennett Amos of RemBac Environmental LLC to conduct a study in East Zone 4 (EZ4) of the New Bedford Harbor Superfund Site (NBHSS). The two-year study aims to evaluate the efficacy of a cost-effective and environmentally sustainable technology that employs activated carbon and PCB-degrading microorganisms to both sequester and degrade sediment-associated PCBs in situ. Work to take place within EZ4, parcels 20-4 and 20-325.

g. 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.

h. 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.

i. 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.

j. 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.

- k. 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.
- l. 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.
- m. 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 Flood Zone VE (El.16') and a portion within Coastal Dune & Coastal Beach at Assessor's Map 28B, Cove Street Right-of-Way.
- n. 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.
- o. 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.
- p. SE 023-___, CON 023-417: 27 Nakata Avenue, Map 43, Lot 120**
Notice of Intent (after-the-fact) filed by Katie Medeiros for concrete repair on patio, replace existing deck, restore grass area to grade, convert driveway to crushed shell, install 75 feet of shadowbox style fence, and repair 50 feet of existing post and beam fence. Work to take place within Land Subject to Coastal Storm Flowage (LSCSF) – FEMA Flood Zone VE (El.20') and Buffer Zone to Salt Marsh and Coastal Beach at Assessor's Map 43, Lot 120.
- q. SE 023-1457, CON 023-421: 93 Raymond Street, Map 29D, Lots 94 & 95**
Notice of Intent filed by James & Kathleen Grace to demolish existing cottage and build FEMA compliant 2-story single family dwelling with an enclosed porch and second floor deck. Project to include removal of approximately 373 sq. ft. of paved driveway and replace with 268 sq. ft. of paved driveway to relocate lost parking space. The site falls within Land Subject to Coastal Storm

Flowage (LSCSF), with northerly portion within Flood Zone VE (El.17'), and southerly portion within Flood Zone AE (El. 14'), located at Assessor's Map 29D, Lots 94 & 95.

r. 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.

9. Violations/Enforcement Orders/Cease and Desist Notices

- a. **4 Jeannette Street, Map 34A, Lot 062D:** Agent to provide update on application process
- b. **EO 023-019 & 023-020: 6 & 8 Jeannette Street, Map 34a, Lots 62K & 62P:** Agent to provide update
- c. **EO 023-022: 344-346 New Boston Road, Map 40, Lots 023B & 023C:** Discuss another site visit
- d. **17 Diamond Street, Map 29, Lot 45:** Unpermitted clearing in the Buffer Zone to Land Subject to Coastal Storm Flowage (LSCSF)
- e. **26 Rivet Street, Map 31A, Lot 51:** Unpermitted work in the Buffer Zone to BVW – Notice of Violation sent March 2024
- f. **0 Beachwood Street, Map 28B, Lot 122:** Agent to provide update on unpermitted work in the form of vegetative clearing and depositing of fill in the Isolated Vegetative (IVW) and LAND Subject to Coastal Storm Flowage (LSCSF) – Notice of Violation sent July 2023
- g. **EO 023-014: 20 Yankee Lane, Map 39, Lot 16:** Agent to provide updates on current conditions
- h. **SE 023-309, 023-1101, 023-1127, 023-1161: 1 Bella Vista, Map 43B, Lot 326, 359 & 360:** Agent to provide updates on monitoring efforts
- i. **29 Shore Drive, Map 20C, Lot 613:** Agent to discuss
- j. **32 Point Street, Map 28B, Lot 132:** Agent to discuss
- k. **12 Goulart Memorial Drive, Map 42, Lot 15C:** Unpermitted driveway within the Buffer Zone to the BVW – Notice of Violation sent October 2023

10. General Business

- a. Next scheduled site visits: May 20, 2024
- b. Next Scheduled Public Hearing Date: June 3, 2024
- c. Discuss in-person meetings
- d. MACC Fundamentals Certificate Training Courses scheduled for June & July
- e. Discuss approved newspapers for legal notices

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