



CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

PUBLIC MEETING AGENDA

Tuesday, September 5, 2023 at 6:00 pm

REVISED

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=VFdUQkhzdVYrNzJIQktiVi9XSGppZz09>

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. Reorganization of the Board
4. Appoint Community Preservation Committee (CPC) Representative
5. Approval of the August 7, 2023 meeting minutes
6. Continuances requested in advance
 - a. SE 023-1385, CON 023-279: 27 Silver Shell Beach Drive, Map 41, Lot 54 (NOI)
 - b. SE 023-1389, CON 023-284: Ebony Street, Assessor's Map 43C, Lots 389-400 (ANRAD)
 - c. SE 023-1410, CON 023-347: Bonney Street, Assessor's Map 28B, Lots 488 & 489 (NOI)
 - d. SE 023-1413, CON 023-351: Cove Street Improvement, Assessor's Map 28B, Lot Cove Street Right-of-Way
7. Executive Session

G.L. c. 30A, s. 21(a)(3): meeting with counsel to discuss pending litigation (Mullen v. Conservation Commission, 2373CV00201 (Bristol Superior Court))
8. Discuss outstanding Enforcement Order 023-022: 344-346 New Boston Road, Assessor's Map 40, Lot 23B & 23C
9. Request for Certificate of Compliance
 - a. SE 023-1359, CON 023-232: 238 Alden Road, Map 23, Lot 175W
10. Request for Extension
 - a. SE 023-1314, CON 023-117: 15 Grinnell Street, Map 31A, Lot 97

11. **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 023-349: 128 Balsam Street, Assessor's Map 43A, Lot 069 - Applicant requested to Withdraw without Prejudice**
Request for Determination of Applicability filed by Matthew Brodo to add second floor master bedroom suite eliminating a first-floor bedroom which will convert to a stairwell. This project will require 8 concrete footings and piers to elevate and create a freestanding second floor above and out of the FEMA elevation criteria. Additionally, the request is for 4 smaller piers for a first-floor porch to create a second point of egress. Work located at Assessor's Map 43A, Lot 069.
- b. **CON 023-362: 61 Nakata Avenue, Map 43, Lot 103-104**
Request for Determination of Applicability filed by Jinny Kimball to re-install 5-foot fence with steel posts to property boundaries on south and north sides. Work to take place within FEMA Flood Zone VE (El.20') at Assessor's map 43, Lots 103-104.
- c. **CON 023-365: Charity Stevens Lane, Map 38, Lot 8B**
Request for Determination of Applicability filed by Oliveira Investment Inc. to allow for the drinking water well & piping, intended to service the proposed single-family dwelling which falls outside the jurisdiction area. The wall and associated pipe appear to fall within a 100' Buffer Zone to a BVW located on a property opposite of Bridge Street. In addition, there is a Perennial Stream in which the well falls within the 200' River Front area. Work to take place at Assessor's Map 38, Lot 8B.
- d. **CON 023-366: 449 Bridge Street, Map 30, Lot 021B**
Request for Determination of Applicability filed by Kevin Kobza to pave existing driveway with asphalt surface. The finished size of the footprint will be the same size as the existing footprint. Work to take place within Bordering Vegetated Wetlands (BVW) at Assessor's Map 30, Lot 021B.

Notices of Intent

- 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 023-1415, CON 023-354: 837 Sconticut Neck Road, Assessor's Map 42, Lot 015R**
Notice of Intent filed by Marc & Donna Oliveira to install a 28' x 26' carport with associated grading. This area is currently a paved driveway and part landscaped area. Work to take place within Land Subject to Coastal Storm Flowage (LSCSF) and located at Assessor's Map 42, Lot 015R.

- g. **SE 023-1419, CON 023-357: 28 Welcome Street, Map 31B, Lot 1D**
Notice of Intent filed by Robert J. Rogers to construct a 20'x60' paved driveway and installation of a 10'x16' shed within the Buffer Zone to Bordering Vegetated Wetlands at Assessor's Map 31B, Lot 1D.
- h. **SE 023-1422, CON 023-363: 41 Nakata Avenue, Map 43, Lot 113**
Notice of Intent filed by Catherine Freitas to upgrade existing failed septic system; existing cesspool will be removed from the site and a new 2000-gallon monolithic h-20 loading concrete tight tank will be installed to meet title 5 requirements. The proposed work falls approximately 5' from Coastal Beach and Coastal Dune and falls completely within the FEMA flood zone VE-20 located at Assessor's map 43, Lot 113.
- i. **SE 023-1424, CON 023-367: 11 Alexander Lane, Map 30, Lot 045U**
Notice of Intent filed by Thomas Ferreira and Nicole Bourgeois to remove previously placed debris (i.e., yard and household items) within the Buffer Zone to a Bordering Vegetated Wetland (BVW) located on the southerly portion of the site; and the construction of an addition onto the existing single-family dwelling that will be within the Buffer Zone to the BVW. All work located at Assessor's Map 30, Lot 045U.
- j. **SE 023-1423, CON 023-364: Bridge Street, Map 30A, Lot 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 at Assessor's Map 30A, Lots 87 & 87A.
- k. **CON 023-368: 43 Reservation Road, Map 29A, Lot 351**
Notice of Intent filed by Natalie Caetano for a retroactive approval of a paved driveway and to construct a circular area approximately 16'x16' landing for sitting and bird watching. Work to take place in Land Subject to Coastal Storm Flowage (LSCSF), FEMA Flood Zone VE (El.16'), Buffer to BVW, Coastal Dune, Salt Marsh, and Coastal Beach all at Assessor's Map 29A, Lot 351.
- l. **CON 023-369: Goulart Memorial/Causeway, Map 43A**
Notice of Intent filed by James Clancy of Eversource Energy for the construction, reconstruction, and maintenance of the following structures associated with and essential to an electric generating facility. Work to take place within Land Under the Ocean (LUO), Coastal Beach, Coastal Dune, Coastal Bank, Salt Marsh, Land Containing Shellfish, Isolated Land Subject to Flooding (ISLF), and Land Subject to Coastal Storm Flowage (LSCSF) at Assessor's Map 43A.
- m. **SE 023-1421, CON 023-361: 2 Bayside Street, Map 42, Lot 34**
Notice of Intent filed by Christopher and Donna Braga to complete seawall maintenance by pouring a 6" thick steel reinforced concrete cap. Additionally, will pour a 4" thick concrete face and top on the existing upper-level vertical wall. Work to take place within Coastal Storm Flowage, Flood Zones VE (El. 20 & 23). The stone/concrete seawall to be repaired is the Coastal Bank. The site also contains Coastal Beach between the face of the seawall and mean low water.

The entire site falls within the 100-foot Buffer Zone of the top of the Coastal Bank located at Assessor's Map 42, Lot 34.

n. **SE 023-1425, CON 023-370: 24 Smith Street, Map 29B, Lots 19-22 & 32-35**

Notice of Intent filed by Albert & Bernice Gaudreau to pave gravel driveway and install a sewer and water service pipe to the existing garage. Work to be performed within the 100 ft. Buffer Zone of a Bordering Vegetated Wetland and within Land Subject to Coastal Storm Flowage, Flood Zone AE, (El.14') at Assessor's Map 29B, Lots 19-22 and 32-35.

o. **CON 023-371: 217 Alden Road, Map 36, Lot 085**

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 085.

12. **Violations/Enforcement Orders/Cease and Desist Notices**

a. **EO 023-019: 6 Jeannette Street, Map 34A, 62K:** BVW Delineation Spring 2023; Commission awaiting restoration plan; Conservation Agent to discuss fines and progress

b. **EO 023-020: 8 Jeannette Street, Map 34A, Lot 62P:** BVW Delineation Spring 2023; Commission awaiting restoration plan; Conservation Agent to discuss fines and progress

13. **General Business**

a. Bills

b. **SE 023-1395, CON 023-319: 1 Island View Drive and SE 023-1396, CON 023-320: 2 Island View Drive:** Discuss the letter responding to the Department of Environmental Protection (MassDEP)

c. Next Meeting: September 18, 2023

d. Next site visit date: Tuesday, September 12, 2023 at 12:00pm

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, Acting Chair

Fairhaven Conservation Commission

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