

Selectmen's Meeting – September 26, 2005

Mr. Silvia and Mr. Manzone were present. Mr. Eckenreiter was absent.

Also in attendance was Jeffrey Osuch.

Mr. Silvia called the meeting to order at 6:40 p.m.

Mr. Manzone motioned to approve the minutes of the August 15, 2005 executive session. Mr. Silvia seconded. It was so voted.

Mr. Manzone motioned to approve the minutes of September 12, 2005. Mr. Silvia seconded. It was so voted.

Mr. Manzone motioned to approve the minutes of the September 12, 2005 executive session. Mr. Silvia seconded. It was so voted.

TAX FORECLOSURE

John Nunes was in attendance. The Town received a check in the amount of \$53,983.15 to clear back taxes on property on Bridge Street. (Map 38 Lot 16.) The land court had foreclosed on the property in June of 2005. Mr. Nunes requested permission to have the land court vacate this decree and allow a buyer the opportunity to obtain a clear title to the land. Mr. Manzone motioned to vacate the decree. Mr. Silvia seconded. It was so voted.

Mr. Nunes discussed his articles that appear on the October 18th Special Town Meeting Warrant.

NYE OIL WORKS CLOCK

Charles Cromwell, on behalf of the Historical Commission, was in attendance to discuss the Nye Oil Works clock. The clock was given to the Town many years ago by Nye Oil and they now want it back. Mr. Cromwell suggested that if the clock is returned, there should be a contract between the Town and Nye Oil. The Board agreed. Mr. Osuch will contact Town Counsel to discuss a contract.

HOPPY'S LANDING COMMITTEE

Gary Golas and Robert Hobson were present. Minutes of the August 16, 2005 Hoppy's Landing Advisory Committee meeting and proposed "Rules and Regulations of Hoppy's Landing" were discussed. (See attached.) Mr. Manzone motioned to authorize the purchase of a weed whacker and lawnmower. Mr. Silvia seconded. It was so voted. Mr. Manzone motioned to authorize the purchase of two spot lights with motion detectors. Mr. Silvia seconded. It was so voted. Mr. Golas was instructed to look into any future plans for the upweller.

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TREE REMOVAL – GREEN STREET

Tree Warden and Board of Public Works Superintendent briefly discussed the Green Street construction project. BPW Superintendent requested the removal of a tree at 159 Green Street (corner of Christian Street), 148 Green Street, 140 Green Street and 133 Green Street. Tree Warden reported home owners at these addresses were notified and no objections received. All trees have been posted. Mr. Manzone motioned to approve removal of the four trees. Mr. Silvia seconded. It was so voted. Operations of the Tree Department were discussed. There are only two part time employees in this department and Mr. Medeiros stated there is too much work for a part time department. Discussion followed. Mr. Manzone suggested the formation of a sub committee to study the needs of the department.

SCHOOL DEPARTMENT

School Superintendent discussed articles petitioned by the School Committee that appear on the October 18th Special Town Meeting Warrant.

BOARD OF PUBLIC WORKS

Superintendent of the Board of Public Works discussed articles petitioned by Public Works that appear on the October 18th Special Town Meeting Warrant. An additional article will be submitted to request funds to purchase electronic diagnostic scanning tools to conduct maintenance and troubleshoot problems in Town vehicles.

FIRE DEPARTMENT

The Chief reviewed Fire Department articles that appear on the October 18th Special Town Meeting Warrant.

Mr. Manzone motioned to appoint Jeffrey Osuch the "Municipal Hearing Officer", pursuant to MGL Chapter 148A Section 2. Mr. Silvia seconded. It was so voted.

Mr. Manzone motioned to establish the National Incident Management System (NIMS) as the local standard for incident management. Mr. Silvia seconded. It was so voted.

EXECUTIVE SECRETARY'S REPORT

Mattapoissett River Valley Water District Committee will meet at the Board of Public Works on September 27th at 4:30 p.m.

Mr. Osuch and Earl Faunce will attend a Retirement Board Seminar in Plymouth on September 28th from 9:30 – 11:30 a.m.

Selectmen's Meeting -- September 26, 2005

Clerical Union negotiations are scheduled for September 29th at 10:00 a.m. at the Town Hall.

10th Manjiro Festival will be held on Saturday, October 1st beginning at 10:00 a.m. in the Center of Fairhaven.

Interviews for the position on the Board of Assessors are scheduled for Monday, October 3rd beginning at 7:00 p.m.

Revised tally sheet for sub-bidders on the East Fairhaven School project will be available next week.

General Contractor bids for the East Fairhaven School project are due October 15th.

Nine proposals were submitted for Architectural Design Services for Exterior Masonry Restoration of the Town Hall. Mr. Silvia, Mr. Osuch and Mr. Roth will review the proposals.

Homeland Security Training Session for the Board of Selectmen will be held at the Fire Station. Mr. Silvia has already completed the program.

Installation Ceremony for the Fairhaven Postmaster is scheduled for October 4th at 3:00 p.m. in the Town Hall Auditorium.

The Police Chief and Mr. Silvia will interview candidates for Police Dispatcher.

The dedication of the Wellness Room to Allen Days Sr. will take place on Saturday, October 8th at 11:00 a.m. at the Recreation Center.

BUILDING DEPARTMENT

Mr. Manzone motioned to approve Wayne Fostin's request to carry over three vacation days beyond his anniversary date of September 19th. Mr. Silvia seconded. It was so voted.

The Building Commission submitted an "Authorization for Legal Services" for the illegal construction of a dwelling within the Nasketucket River Basin and the running of a landfill within the River Basin and a wetland area (Bridge Street). Mr. Manzone motioned to approve the request. Mr. Silvia seconded. It was so voted.

EMERGENCY MANAGEMENT AGENCY

Mr. Silvia read the letter from the EMA declaring a 1991 Ford Crown Vic surplus. (See attached.) Mr. Manzone motioned to declare the vehicle surplus equipment. Mr. Silvia seconded. It was so voted.

Selectmen's Meeting -- September 26, 2005

Mr. Osuch will contact the Board of Public Works to inquire on dates for a Town Auction.

POLICE DEPARTMENT

Mr. Silvia read the letter from the Police Chief requesting Stop Signs on Studley Street/Babbitt Street. (See attached.) Mr. Manzone motioned to approve the request. Mr. Silvia seconded. It was so voted.

CABLE ADVISORY COMMITTEE AFFORDABLE HOUSING COMMITTEE

Mr. Silvia read Channing Hayward's letters of resignation from the Affordable Housing Committee and the Cable Advisory Committee effectively immediately because of ill health. (See attached.) The Board thanked Mr. Hayward for his years of dedicated service to the Town and wished him well.

Mr. Hayward resigned from Cable TV Programming. Meaghen Blasingame will do the programming and be compensated at the same rate of pay as the Cable TV operators.

WEST ISLAND DREDGING PROJECT

Mr. Osuch summarized the letter from the Division of Marine Fisheries and Coastal Zone Management regarding the West Island Dredging Project and beach/dune nourishment and the effect on the piping plover nesting habitat on East Cove Beach. (See attached.)

NSTAR GAS

Mr. Manzone motioned to approve the petition to install a new gas service at 46 Daniel Street. Mr. Silvia seconded. It was so voted. (Approved by the Board of Public Works.)

PAPA GINO'S

Papa Gino's Inc. submitted a request for a proclamation to declare October 12, 2005 "Papa Gino's Rustic Pizza Day in Fairhaven". The Board said they would issue a proclamation for Papa Gino's contributions to the Community, but not to advertise a new product.

SEAFOOD SERVICES, INC. HOLIDAY INN EXPRESS

Letters from Town Counsel regarding Seafood Services Bankruptcy and Holiday Express Bankruptcy will be placed on file.

Selectmen's Meeting – September 26, 2005

OCTOBER 18, 2005 SPECIAL TOWN MEETING

Mr. Eckenreiter's requests to place two articles on the Warrant were discussed. The articles will ask Town Meeting members if they are in favor of a by-law prohibiting elected officials from serving on appointed boards and to ask if Town Meeting is in favor of having the non-profit Fairhaven Recreational and Community Center, Inc raise funds for the Recreation Center and operate the facility. Mr. Manzone motioned to place an article on the Warrant requesting the Moderator appoint a committee to review the practice of elected officials serving on other boards/committees and that this committee report back at the next Annual Town Meeting. Mr. Silvia seconded. It was so voted.

The proposed Recreation Center article was discussed. Mr. Manzone motioned to place the article on the Warrant. Mr. Silvia seconded. It was so voted.

Mr. Silvia stated the old Fairhaven Recreation Center had \$5,000.00 when it went out of business. At that time, the funds were given to Fairhaven Recreation, Inc. Mr. Silvia would like to have the money given to the Recreation Center.

OTHER MATTERS

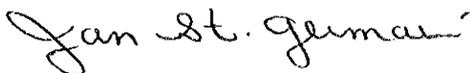
A letter will be sent to Robert Clarkson to inform him the Board of Selectmen have accepted his generous offer of the "Spray", and will display the model in the Town Hall.

Mr. Osuch will contact the State Ethics Commission to schedule a seminar for Town employees and elected/appointed officials.

Mr. Silvia encouraged residents to attend the Manjiro Festival on Saturday, October 1st beginning at 10:00 a.m. in the Center of Fairhaven.

EXECUTIVE SESSION

At 9:23 p.m., Mr. Manzone motioned to go into executive session to discuss Police Union Contract negotiation, Clerical Union Contract negotiations, pending litigation (Daniel Francis vs Town of Fairhaven) and not to reconvene in open session. Mr. Silvia seconded. It was so voted. Roll call vote 2-0.



Jan St. Germain
Secretary

Hoppy Landing Advisory Committee
Meeting, August 16, 2005

MEMBERS PRESENT: Robert Hobson, Chair; Gary Golas, Laurie Hebert, Ruth Galary, Holly Lemieux, Robert Crabbe Jr, Frank Coelho, Andrew Jones and Marinus Vander Pol, Jr, Also attending: Ronald Manzone, Selectman; and Mary Vander Pol Jr.

Robert Hobson opened meeting at 6:35 PM and welcomed all to meeting. Previous meeting minutes were accepted unanimously.

Mr. Hobson hoped to hear from Planner Bill Roth regarding latest on new dock design work, but Mr. Roth was not in attendance.

Gary Golas informed all that the floating docks that were replaced by the Public Access Board at the Seaview Boat Ramp were not given to the town as expected. He was informed that the contractor, AGM, had the right to salvage them in the state contract, thus we could not get them. The PAB approved this in the contract. Meanwhile Mr. Hobson will check with Linberg Marine to see how long the present dock, which is borrowed, can be kept.

Mr. Hobson discussed his reasons for going before BPW to get commitment to help maintain the property. Selectman Manzone informed all that the proper procedure to handle town matters and work tasks is to have Gary Golas handle the requests. Furthermore the BPW has agreed to cut the grass on a regular schedule but not weed wack. Motion made to advise Selectmen of need to purchase a weed wacker and lawnmower to enable Mr. Golas, assistants or volunteers to keep up with some minor trimming in the front. Voted unanimously.

A concern was expressed about BPW representative Jacob Galary not able to attend night meeting due to a pm job. Selectmen will be advised to ask BPW to designate another member who will be available for committee meetings.

Mr. Hobson expressed a need for two spot lights with motion detectors facing southward and eastward. In the interest of security and safety, this request will be made before Selectmen.

Discussion held on the dinghys near the floats and how many have paid. Mr. Golas will look into the matter.

**Footnote: Hoppy's Landing Advisory Committee
August 16, 2005 Meeting Minutes*

Andrew Jones stated he is willing to help make information signs if we need more made. The committee accepted his offer.



Next the committee reviewed the proposed Rules and Regulations and the suggestion made by the town counsel. (see Rules & Regulations – update 8/16/05 enclosed)

Marinus Vander Pol requested that we begin to photo document the pond to determine what it is and any remedial action necessary for the future. G. Golas will take dig photos each month and pass on to Marinus Vander Pol.



Laurie Hebert expressed concerns of folks parking at Hoppy's Landing and utilizing her bathrooms. It has been a growing trend which she wished not to stop. She is suggesting the town should consider port-a-jons at the landing for next summer. Selectmen will be asked to consider.

G. Golas informed all of offer by ABC Disposal to deliver quahog shells (cleaned and sanitized) from a company called "Fairtide" in New Bedford. Committee agreed to accept the shells as much as needed.



Discussion held regarding Taylor Bay Scallops continued access to his property from the west side of Hoppy's Landing. During the June meeting a motion was made to get more telephone poles to line the site and inform Rod Taylor of his need to gain his own access location to his site. G. Golas will work on this issue again. Also maybe large rocks or boulders from BPW might be best.

Vote made to have Board of Selectmen send BPW letter requesting another designation of a new representative who may be able to attend the advisory committee meetings.

Next meeting tentatively scheduled for Tuesday, Sept. 20, 2005 at 6:30 PM.

Meeting was adjourned at 8:00 PM

Respectfully Submitted,
Gary Golas, Committee Secretary

**Footnote: Hoppy's Landing Advisory Committee
August 16, 2005 Meeting Minutes*

Rules and Regulations of Hoppy's Landing

As Amended 5/19/05 by Hoppy Landing Advisory Committee,

As Amended 6/15/05 by Hoppy Landing Advisory Committee,

As Amended 8/15/05 by Hoppy Landing Advisory Committee,

*The Advisory Committee reviewed the Rules and Regulations as noted by Town Counsel,
Blair Bailey*

Fees-

1. For dinghy's, skiffs, tenders used to get to and from moorings within the Hoppy's Landing mooring area, beach storage will be allowed on the beach area just west of the dock. The storage rate will be fifty dollars (\$50) per year and a boat sticker must be displayed on the transom of the dinghy, skiff, or tender.
2. Boat trailer and vehicle parking rates are set at thirty dollars (\$30) annually or five dollars (\$5) per day of use. Boatowners wishing to purchase an annual (30) sticker must first show proof of payment that all Waterways User Fees and Boat Excise Taxes must be paid in full before an annual parking sticker can be purchased.
3. A limited number of fishing gear storage areas are available for rent from the Selectmen's Office, upon consultation with the Harbormaster. The rental period runs from September 1 to August 31 at a rate of two hundred fifty dollars (\$250.) per twenty by forty foot area, as assigned by the Harbormaster.

Rules and Regulations

1. All boat mooring, dinghy storage and fishing gear storage privileges are subject to a yearly fee schedule, and pertinent waterway user fees and boat excise taxes and shall be permitted annually by the Harbormaster.
2. All users of the Hoppy Landing facility must obey the lawful orders of the Harbormaster and/ or his assistants. Failure to obey these orders or instructions may result in the loss of the privilege to use the facilities. Repeated failure to follow these orders or instructions may result in the permanent loss of the privilege to use the facilities.
3. If any person who shall refuse or neglect to move his/her boat or material on the Hoppy's Landing property when and as directed by the Harbormaster and/or his assistants may result in the loss of the privilege to use the facilities. Repeated failure to follow these orders or instructions may result in the permanent loss of the privilege to use the facilities.
4. Use of the boat launch ramp and floats are on a first come, first serve basis and must be used in an expedient manner to allow others the privilege of utilizing the facilities in a timely manner.

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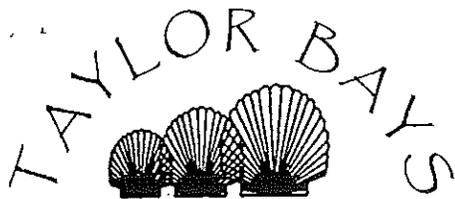
6. No vessels are to be docked to the floats for more than two (2) hours due to repairs, gear or bait transport, unless approved by the Harbormaster. If such unapproved vessels continue to be secured to the dock, the Harbormaster will remove the vessel at the expense of such party.
- 7.
8. At no time may any fishing gear for the purposes of keeping bait fish fresh may be kept, tied, or secured to the dock or floats. If such unapproved gear is found, the Harbormaster will remove the gear at the expense of such party.
9. No recreational fishing, or swimming will be allowed within the immediate confines of the floats, dock and boat ramp areas at any time. Recreational fishing, swimming and other recreational uses are encouraged throughout all other areas of the property.
10. Vehicle parking in areas where prohibited by signage is cause for a parking citation. All parking regulations are posted and will be strictly enforced by the Harbormaster, his assistants (parking control officers) and the Police Department. Any vehicle found to be illegally parked will be subject to a \$25 fine.
11. All waterways user fees and boat excise taxes not paid within sixty days of billing may result in the loss of mooring and launching privileges.
12. Overnight parking of vehicles and boat trailers may be allowed with prior notification and approval of the Harbormaster. However, overnight camping is prohibited in all areas of the Hoppy's Landing property, either by use of camping trailers, tents, or open sleeping bags.
13. The storage of commercial fishing gear, lobster cages is available in a limited area within a one-hundred foot square parcel southwest of the pond. All interested parties would be considered on a per request basis by the Harbormaster. See rental agreement for further rules and requirements.
14. Designated picnic areas, when established by the Town of Fairhaven, shall be defined as an area containing picnic tables and or fireplaces specifically established by the Town of Fairhaven for the outdoor consumption and/or preparation of food.
15. No alcoholic beverages of any kind shall be permitted within the confines of Hoppy's Landing property.
16. No person shall leave, place, or dispose of in any manner, garbage, waste, refuse, ashes, cans, bottles, paper, motor vehicles, bicycle, furniture, glass, oil, sewerage, anything of any unsightly or unsanitary nature, except in receptacles provided for such purposes.

17. No person shall kindle, build, maintain or use a fire other than in the picnic area for such use. Any fire shall be continuously under the care and direction of a competent adult from the time of kindling until it is extinguished.

18. No person shall solicit, sell, rent, advertise or offer to sell or rent, hawk, peddle, display, or distribute any goods, wares, tangible or intangible property, in any area of Hoppy's Landing except by permit and authority issued by the Board of Selectmen.

19. Rules and regulations may be changed at any time by the Board of Selectmen and shall become effective upon publication. Furthermore these rules and regulations shall be posted at the landing and provided to all holders of waterways permits and licenses.

20. Anyone found in violation of these by-laws, rules and regulations shall be liable to a non-criminal citation resulting in a twenty dollar \$20 penalty for each offense. Each day of violation shall constitute a separate offense. The only exception to this fine schedule is the parking violations as outlined in rule #10.



Cultured Cape Cod Bay Scallops

RECEIVED

2005 SEP 13 A 11:20



Cultured Cape Cod Oysters

BOARD OF SELECTMEN
FAIRHAVEN MASS

9-12-05

Board of Selectmen
Town of Fairhaven
40 Center St.
Fairhaven, Ma. 02719

Dear Selectmen,

Today Harbormaster, Gary Golas, informed me that the Hoppy's Landing committee intends to recommend to the Board of Selectmen that I not be allowed to drive my truck in the parking lot at Hoppy's Landing. I possess a Hoppy's Landing sticker, I have a mooring in the Hoppy's Landing mooring field which I use throughout the winter, spring and as needed in the summer and fall, and I use the Hoppy's Landing ramp throughout the winter. I am a commercial shellfish harvester. Though the property is now owned by the town and previous experience doesn't necessarily have any bearing now, I did use the parking lot for almost twenty years previous to this. Over the years I have never done anything to harm the property, I don't loiter on the property. I can not see any logical reason why I am not to be allowed to drive my truck on Hoppy's Landing when any other fishermen in town with a truck is allowed to use the property. Barring any logical reason for my exclusion this policy seems mean-spirited. I therefore request of the Board that I continue to be allowed to drive on Hoppy's Landing parking lot.

Also, I request that I be elected to be a member of the Hoppy's Landing Committee, as I am a commercial shellfish harvester, I use the property, ramp and mooring on a year round basis for my business, and I own the property that abuts Hoppy's Landing. I therefore have a sincere interest in the future of Hoppy's Landing. Thank you for your consideration.

Sincerely,

Rodman Taylor
Taylor Cultured Seafood, Inc.

cc Hoppy's Landing Committee



TAYLOR CULTURED SEAFOOD, INC.

56 Goulart Memorial Drive • Fairhaven, MA 02719 • Tel: (508) 993-9993 • Fax: (508) 990-1730



TOWN OF FAIRHAVEN
MASSACHUSETTS
OFFICE OF EMERGENCY MANAGEMENT

P.O. BOX 223, FAIRHAVEN, MASSACHUSETTS 02719



September 12, 2005

Board of Selectmen
Town of Fairhaven
40 Centre Street
Fairhaven, MA 02719

RE: Vacation

Honorable Board:

Please be advised we have a 1991 Ford Crown Vic we are declaring surplus. It does need some mechanical work. We received it from the fire department, who received it from the police department.

Respectfully;

Marc N. Jodoin
Director,
Fairhaven Emergency Management

Declared surplus equipment by the Board of Selectmen - September 26, 2005

RECEIVED
2005 SEP 12 P 10 16
BOARD OF SELECTMEN
FAIRHAVEN MASS



GARY F. SOUZA
CHIEF OF POLICE

COMMONWEALTH OF MASSACHUSETTS
TOWN OF FAIRHAVEN

DEPARTMENT OF POLICE
1 BRYANT LANE
FAIRHAVEN, MA 02719

7.
TELEPHONES
Dial 911 Emergency
(508) 997-7421 Non-Emergency
(508) 997-1344 Business
(508) 997-3147 Fax

DONALD A. JOSEPH
LIEUTENANT

September 16, 2005

Board of Selectmen
Town Hall
40 Center St.
Fairhaven, MA 02719

Gentlemen:

I respectfully request the Board vote to install stop signs on Studley Street at Babbitt Street. Specifically, one stop sign on Studley Street northbound at Babbitt Street and one stop sign on Studley Street southbound at Babbitt Street.

This request is made after my evaluation of the problem at that intersection which was brought to my attention by our day shift C.O., Sergeant Stephen Foster. I have also received several calls from residents of that area requesting installation of stop signs.

There have been several crashes at that intersection over the past two years. One involved a school bus full of children. Luckily, no one has been seriously injured.

The area has experienced significant residential development over the past few years resulting in an increase in vehicle traffic through that intersection.

The problem at this intersection is exacerbated by development on the northwest corner which, although within the law, creates a blind corner for traffic coming south on Studley Street and east on Babbitt Street.

Although we can never expect to totally eliminate crashes at any intersection, I believe that installation of these stop signs will make this a safer one.

RECEIVED
2005 SEP 16 P 2:01
BOARD OF SELECTMEN
FAIRHAVEN MASS

Sincerely

Gary F. Souza
Chief of Police

APPROVED BY THE BOARD OF SELECTMEN - SEPTEMBER 26, 2005

CC: POLICE CHIEF
BPW
TOWN CLERK

SEPTEMBER 19, 2005
TOWN CLERK
FAIRHAVEN TOWN HALL
02719

EILEEN
I HEREBY SUBMIT MY RESIGNATION FOR THE OFFICE OF CABLE ADVISORY
COMMITTEE MEMBER EFFECTIVE IMMEDIATELY BECAUSE OF ILL HEALTH.

Channing W. Hayward

CHANNING W. HAYWARD
19 COTTAGE STREET
FAIRHAVEN, MA 02719

BOARD OF SELECTORS
FAIRHAVEN MASS
2005 SEP 21 A 11:55

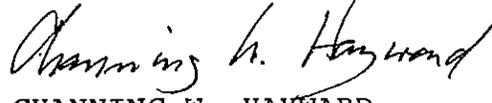
RECEIVED

cc: Town Clerk 9/27/05

8.

SEPTEMBER 19, 2005
TOWN CLERK
FAIRHAVEN TOWN HALL
02719

EILEEN
I HEREBY SUBMIT MY RESIGNATION FOR THE OFFICE OF AFFORDABLE
HOUSING COMMITTEE EFFECTIVE IMMEDIATELY BECAUSE OF ILL HEALTH.



CHANNING W. HAYWARD
19 COTTAGE STREET
FAIRHAVEN, MA 02719

BOARD OF SELECTORS
FAIRHAVEN MASS

2005 SEP 21 A 11:58

RECEIVED

cc: Town Clerk 9/21/05



Division of Fisheries & Wildlife

MassWildlife

Wayne F. MacCallum, Director

September 13, 2005

Stephen R. Pritchard, Secretary
Executive Office of Environmental Affairs
Attention: MEPA Office, Briony Angus
EOEA No. 13606 & 13607
100 Cambridge St.
Boston, Massachusetts 02114

Project Name: Improvement Dredging, Beach/Dune Nourishment, and Boat Launch
Reconstruction
Proponent: Town of Fairhaven
Location: West Island & Hoppy's Landing - Causeway Road
Document Reviewed: Environmental Notification Form

Dear Secretary Pritchard:

The Natural Heritage & Endangered Species Program (NHESP) of the MA Division of Fisheries & Wildlife has reviewed two Environmental Notification Forms (ENF) for the proposed improvement dredging adjacent to West Island including beach nourishment on East Cove Beach (BOEA # 13607) and the proposed float and gangway reconstruction at Hoppy's Landing (EOEA # 13606) in compliance with the implementing regulations of the MA Endangered Species Act (MESA) (321 CMR 10.00) and MA Wetlands Protection Act (WPA) Regulations (310 CMR 10.00). At this time, the NHESP would like to offer the following comments regarding state-listed rare species and their habitat:

The proposed deposition of dredged material on the southeastern shoreline of West Island (East Cove Beach) occurs within nesting, feeding, and chick-rearing habitat of the Piping Plover (*Charadrius melodus*), and within nesting and chick-rearing habitat of the Least Tern (*Sterna antillarum*). The Piping Plover is a state-protected rare species listed as *Threatened*, and the Least Tern is listed as *Special Concern*, pursuant to the Massachusetts Endangered Species Act (M.G.L. c. 131A) and its implementing regulations (321 CMR 10.00).

The volume and design of beach nourishment proposed in the ENF is likely to have a long-term adverse effect on nesting and feeding habitat of the Piping Plover at West Island, by creating an unbroken dune that is high, steep, and densely vegetated. We are also concerned that the height and volume of proposed dune building is likely to modify the ecology of the entire beach/dune/salt marsh ecosystem at this site, by substantially reducing the volume and frequency of tidal overwash. Both Piping Plovers and Least Terns, as well as other coastal species are dependent upon natural processes of beach and dune erosion and accretion to maintain their nesting and feeding habitats.

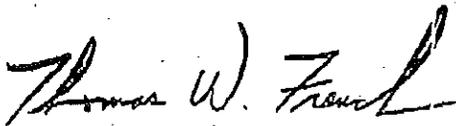
We are willing to work with the project proponent and with DCR staff to design a beach nourishment project that can actually enhance habitat for Piping Plovers and Least Terns at West Island. Such a project should be designed with both seaward and landward (dune and beach slopes that are no steeper than 10:1 horizontal : vertical ratio, a much lower maximum dune elevation (i.e. similar to the height of existing dunes), and no vegetation planting or installation of sand fencing. No beach nourishment should occur between April 1 and August 31, the breeding period for Piping Plovers and Least Terns. No above-ground storage of dredge pipe or other equipment should be permitted on the beach between April 1 and August 31. No excavation or transport of buried pipe should be permitted on the beach between April 1 and August 31.

www.masswildlife.org

Division of Fisheries and Wildlife
Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 792-7270 Fax (508) 792-7275
An Agency of the Department of Fisheries, Wildlife & Environmental Law Enforcement

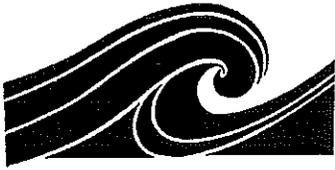
The proposed reconstruction of the float and gangway at Hoppy's Landings does not require any further rare species review by the NHESP and as proposed, will not impact state-listed rare species. We appreciate the opportunity to comment on this project. Please contact Dr. Scott Melvin of our staff (508-792-7270 ext.150 if you have questions.

Sincerely,



Thomas W. French, Ph.D.
Assistant Director

cc: Town of Fairhaven
CLE Engineering, Inc.
Jack Lash, MA Department of Conservation and Recreation
Dave Janik, Buzzards Bay Project
Mark Mello, Lloyd Center for the Environment
Susl von Oertingen, U.S. Fish and Wildlife Service
Fairhaven Conservation Commission
DEP Southeast Regional Office, Wetlands Section



MEMORANDUM

TO: Stephen Pritchard, Secretary, EOEA
ATTN: Briony Angus, MEPA Unit *for* 
FROM: Susan Snow-Cotter, Director, CZM *BRUCE CARLISCE*
DATE: September 13, 2005
RE: EOEA 13607, Improvement Dredging West Island Channels & Basins, Fairhaven

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the above-referenced Environmental Notification Form (ENF), noticed in the Environmental Monitor dated August 24, 2005. The proposed project appears to trigger the requirement for a mandatory EIR as per 301 CMR 11.03(3)(a)1.b. CZM recommends that the issues and concerns raised in this letter be fully addressed in the Draft EIR.

The Town of Fairhaven, in cooperation with and with funding from the MA Department of Conservation and Recreation, has proposed this "improvement" dredging project. The project will hydraulically dredge approximately 53,880 c.y. for the creation of channels and basins along the western side of West Island both north and south of the Causeway Road. The dredging will temporarily impact approximately 67 acres of "Land Under the Ocean." The dredge material will be used for beach/dune nourishment on East Cove Beach, and will impact about 6.9 acres of "Coastal Dunes" and "Coastal Beaches". Because of funding limitations the project will be phased with Phase 1 generating 25,000 c.y. of dredge material from the channels and the 5 foot basin south of Causeway Road. The purpose of the proposed project is to improve commercial and recreational boating access in the area.

Four significant issues have become evident during CZM's review of this project including: an alternatives analysis justifying the need for the project, the potential suitability of the dredge material for dune/beach nourishment, the presence of piping plover nesting habitat on East Cove Beach, and potential fisheries impacts from the proposed dredging. It is important to note that state and federal regulatory agencies typically hold "improvement" dredging projects to a higher environmental review standard than maintenance dredging projects. With this in mind, CZM offers the following more detailed comments on these issues for MEPA consideration.

The overarching issue that should be addressed in the DEIR is the need for the project and the various alternatives that have been considered to meet the project goals. The fact that the proposed project is improvement dredging underscores the need for a comprehensive alternatives analysis. This alternatives analysis should discuss the need for the project at the proposed location, and also include information on how the various project parameters (spatial extent of anchorages, locations of channels, proposed depths of anchorages and channels, etc.) were



designed to avoid and minimize impacts to piping plover habitat. A full discussion of the impacts to the piping plover nesting habitat should be included in the DEIR.

Finally, the DEIR should provide a discussion of the potential fisheries impacts from the proposed dredging project. In discussions with CZM the Division of Marine Fisheries has noted that the area is a valuable shellfish resource. It is likely that both the state and federal fisheries agencies may want additional information in the form of an essential fish habitat analysis on the fishery resources in and around the proposed dredge area and any unavoidable impacts to these resources.

The proposed project is subject to CZM federal consistency review, in which case the project must be found to be consistent with CZM's enforceable program policies. For further information on this process, please contact Alex Strycky, Project Review Coordinator, at 617-626-1219 or visit the CZM web site at www.state.ma.us/czm/fcr.htm.

SSC/dsj

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