



February 11, 2021

Fairhaven Conservation Commission
40 Center Street
Fairhaven, MA 02719

**RE: PROPOSED PIER, RAMPS AND FLOATS, 2 OXFORD STREET
FAIRHAVEN, MA**

Dear Commission Members:

On behalf of Oxford Street, LLC, we hereby submit this Notice of Intent for a proposed fixed pier, ramp and floats. The submittal package consists of two sets of:

- This letter;
- The completed Notice of Intent form;
- A Narrative;
- A set of plans;
- A Certified Abutters list;
- Checks for \$706.50 for the Town's share of the Wetlands filing fee, plus \$100 for the Fairhaven bylaw fee;
- A check for \$75 for the legal ad fee;
- A check for (23 SF) (\$8/SF) = \$184 for the shellfish mitigation fee - standard fee, plus \$100 Category 5 fee; for a total of \$284.
- A copy of the Notification to the Abutters;
- Proof of transmission to MassDEP;
- Proof of transmission to Division of Marine Fisheries;
- Proof of transmission to Harbormaster and
- Proof of transmission to NewBedfordHarbor@EPA.gov.

We look forward to presenting these improvements at the public hearing.

Sincerely,
PRIME ENGINEERING, INC.

Richard J. Rheume, P.E., LSP
Chief Engineer



CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

APPLICATION CHECKLIST NOTICE OF INTENT

Please submit the following to the Fairhaven Conservation Commission:

- ☒ A check for \$75.00, advertising fee
- ☒ A check for the Town's share of the state Wetlands Protection Act Filing Fee ([NOI fee transmittal form](#))
- ☒ A check for the Fairhaven Wetlands Bylaw filing fee (see [Fee Schedule](#))
- ☒ **Two (2) collated packets (1 original, 1 copy)**, each containing the following:
 - ☒ Completely filled out and signed copy of the most recent WPA Form 3, available at <https://www.mass.gov/files/documents/2018/02/08/wpaform3.pdf>
 - ☒ A detailed narrative describing the property, delineated resource area(s) and methods of delineation, proposed activity and/or work, including how the work will be done, location of storage materials, how the site will be accessed by equipment, etc., and any other information that will help the Commission understand your project.
 - ☒ Complete copies of project plans that include the following information:
 - Locus map – i.e. USGS Quad topographic map
 - Location of all known resource areas, including sequentially numbered flags
 - Date the delineation was completed
 - 50- and 100-foot buffer lines from resource areas
 - 200-foot Riverfront Area, if applicable
 - FEMA Flood Zone boundaries, if applicable
 - Location of existing structures and/or vegetation, including all trees 8" dbh or greater
 - Location of proposed structures and/or vegetation
 - Shortest distance from proposed disturbed areas to known resources
 - Topography in 2-ft contour intervals
 - Proposed grading and drainage
 - Erosion and sedimentation controls
 - ☒ An 11" x 17" set of project plans if they are larger
 - ☒ Abutters List (a list of property owners that are within **100 feet** of the property where the project is taking place, see [Abutter List Request Form](#))
 - ☒ Notification to Abutters Form – filled out by applicant
 - ☐ Any other information that will help the Commission understand your project
- ☒ Proof of abutter notification by certified mail or hand delivery. *Failure to present proof will result in the Conservation Commission NOT hearing your application.*
- ☒ Proof that **a complete copy** of the above packet was sent to:
 - MA Department of Environmental Protection
 - Southeast Regional Office
 - 20 Riverside Drive
 - Lakeville, MA 02347
- ☒ If applicable, proof that a complete copy of the above packet was sent to the MA Natural Heritage & Endangered Species Program and the MA Division of Marine Fisheries
- ☒ Submission of a complete copy of the NOI to the US EPA at NewBedfordHarbor@epa.gov if it is a shoreline project and falls within New Bedford Harbor north of the hurricane barrier
- ☒ An electronic copy of the entire application packet, thumb drive or emailed to conservation@fairhaven-ma.gov



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Fairhaven

City/Town

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

2 Oxford Street

a. Street Address

Fairhaven

b. City/Town

02719

c. Zip Code

Latitude and Longitude:

13

f. Assessors Map/Plat Number

41.648493

d. Latitude

-70.926242

e. Longitude

13-001

g. Parcel /Lot Number

2. Applicant:

Robert

a. First Name

Weeks (Member)

b. Last Name

2 Oxford Street, LLC

c. Organization

11 David Street

d. Street Address

New Bedford

e. City/Town

MA

f. State

02744

g. Zip Code

508-965-9256

h. Phone Number

i. Fax Number

Rweeks@nestecsilicon.com

j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Richard

a. First Name

Rheaume

b. Last Name

PRIME ENGINEERING, INC.

c. Company

P.O. Box 1088

d. Street Address

Lakeville

e. City/Town

02719

f. State

02347

g. Zip Code

508-947-0050

h. Phone Number

508-947-2004

i. Fax Number

rich@primeengineering.org

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$1,388.

a. Total Fee Paid

\$681.50

b. State Fee Paid

\$706.50

c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

A fixed pier, ramp and float for boats.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|--|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input checked="" type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Bristol

a. County

13447

c. Book

b. Certificate # (if registered land)

155

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- ☐ 25 ft. - Designated Densely Developed Areas only
- ☐ 100 ft. - New agricultural projects only
- ☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☐ No

3. ☒ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input checked="" type="checkbox"/> Land Under the Ocean	23 1. square feet 0 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment
	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet	
j. <input checked="" type="checkbox"/> Land Containing Shellfish	2. cubic yards dredged 23 1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged 1870 1. square feet	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage		

4. ☐ Restoration/Enhancement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. ☐ Yes ☒ No

If yes, include proof of mailing or hand delivery of NOI to:

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

2020

b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. ☐ Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) ☐ Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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C. Other Applicable Standards and Requirements (cont'd)

(c) ☐ MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

(d) ☐ Vegetation cover type map of site

(e) ☐ Project plans showing Priority & Estimated Habitat boundaries

(f) ☐ OR Check One of the Following

1. ☐ Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☐ Separate MESA review ongoing.

a. NHESP Tracking #

b. Date submitted to NHESP

3. ☐ Separate MESA review completed.

Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. ☐ Not applicable – project is in inland resource area only

b. ☒ Yes ☐ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744

Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

c. ☐ Is this an aquaculture project?

d. ☐ Yes ☒ No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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Fairhaven

City/Town

C. Other Applicable Standards and Requirements (cont'd)

Online Users:

Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
 b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
 a. ☐ Yes ☒ No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
 a. ☐ Yes ☒ No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
 a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
 1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. ☐ A portion of the site constitutes redevelopment
 3. ☐ Proprietary BMPs are included in the Stormwater Management System.
- b. ☒ No. Check why the project is exempt:
 1. ☐ Single-family house
 2. ☐ Emergency road repair
 3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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D. Additional Information (cont'd)

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.
See attached List
- | | | |
|--------------------------------------|-------------------------|--------------------------------------|
| a. Plan Title | Prime Engineering, Inc. | Richard J. Rheume, P.E., LSP |
| b. Prepared By | January 4, 2021 | c. Signed and Stamped by
As noted |
| d. Final Revision Date | | e. Scale |
| f. Additional Plan or Document Title | | g. Date |
5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☒ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☒ Attach NOI Wetland Fee Transmittal Form
9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

- | | |
|------------------------------------|-----------------------------------|
| 22581 | 2/4/2021 |
| 2. Municipal Check Number | 3. Check date |
| 22579 | 2/4/2021 |
| 4. State Check Number | 5. Check date |
| Prime Engineering, Inc. | |
| 6. Payor name on check: First Name | 7. Payor name on check: Last Name |



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

2 Oxford St. LLC, Robert Weeks member

1. Signature of Applicant

1/7/21

2. Date

3. Signature of Property Owner (if different)

Richard J. Rheanne

5. Signature of Representative (if any)

4. Date

2/4/2021

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

2 Oxford Street

a. Street Address

22579

c. Check number

Fairhaven

b. City/Town

\$681.50

d. Fee amount

2. Applicant Mailing Address:

Robert

a. First Name

Weeks (Member)

b. Last Name

2 Oxford Street, LLC

c. Organization

11 David Street

d. Mailing Address

New Bedford

e. City/Town

MA

f. State

02744

g. Zip Code

508-965-9256

h. Phone Number

Rweeks@nestecsilicon.com

j. Email Address

i. Fax Number

3. Property Owner (if different):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

NOI Wetland Fee Transmittal Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
5A Pier, ramp, floats	347 LF	\$4/LF	\$1,388.
Step 5/Total Project Fee:			\$1,388.

Step 6/Fee Payments:

Total Project Fee:	\$1,388.
	a. Total Fee from Step 5
State share of filing Fee:	\$ 681.50
	b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	\$ 706.50
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
Box 4062
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

**2 OXFORD STREET
MAP 13, LOT 001
100 FEET ABUTTERS LIST**

MAP/LOT	NUMBER	STREET	OWNER ON RECORD	OWNER_ADDRESS	CITY	STATE	ZIP CODE
13-002	10	OXFORD STREET	WHITE HUGETTE A	10 OXFORD STREET	FAIRHAVEN	MA	02719
13-003	14	OXFORD STREET	SIMMONS ANTHONY JR, TRUSTEE OF THE	14 OXFORD STREET	FAIRHAVEN	MA	02719
			ANTHONY SIMMONS LIVING TRUST				
13-023	7	OXFORD STREET	BONNOYER NINA M	7 OXFORD STREET	FAIRHAVEN	MA	02719
13-024	2	WEST STREET	OLSON LARS V. & RUTH E.	2 WEST STREET	FAIRHAVEN	MA	02719
13-025	9	OXFORD STREET	SAN JUAN PEDRO & CATHERINE D	9 OXFORD STREET	FAIRHAVEN	MA	02719
13-026	11	OXFORD STREET	MILLER ROSE M	171 MENDELL ROAD	ROCHESTER	MA	02770
13-028	2	LAFAYETTE STREET	HEALY DEIRDRE E	2 LAFAYETTE STREET	FAIRHAVEN	MA	02719

**Notification to Abutters Under the
Massachusetts Wetlands Protection Act
and the Fairhaven Wetlands Bylaw**

*(this form must be completed and copies sent by certified mail
to all abutters within 100 feet of the site of the project)*

In accordance with the Massachusetts General Laws Chapter 131, Section 40 (the Wetlands Protection Act) and the Fairhaven Wetlands Bylaw (Chapter 192), you are hereby notified of the following:

1. The applicant's name is 2 Oxford Street, LLC
2. The applicant has filed the following type of permit application with the Fairhaven Conservation Commission:
☐ Request for Determination of Applicability
☒ Notice of Intent
☐ Request to Amend an existing Order of Conditions
☐ Notice of Resource Area Delineation
3. The address or location of the site where the activity, project, or delineation is proposed is:
2 Oxford Street, Fairhaven, MA.
4. The proposed work includes Adding a fixed pier, ramp and floats for access to boats.

5. Currently, only electronic copies of the above application are available. Applications will also be uploaded to www.fairhaven-ma.gov/conservation-commission/pages/current-filings. If you are unable to access or view the application electronically, please contact the Conservation Office at 508-979-4023, ext. 128.
6. The public hearing will be held:
 - a. DATE: March 8, 2021
 - b. TIME: 6:30 pm
 - c. LOCATION: Remote Access via Zoom as posted on the agenda not less than 48 hours prior to the meeting date
7. For additional information, please contact the applicant/applicant's representative:
Name: Richard J. Rheume, P.E., LSP, Prime Engineering, Inc.
Phone/Email: (508) 947-0050 x123, rich@primeengineering.org

PLEASE NOTE:

1. Notice of the public hearing including its date, time, and place will be published at least five business days in advance in the Fairhaven Neighborhood News, and will be posted on the Fairhaven Town Website and at the Fairhaven Town Hall not less than 48 hours in advance.
2. Since you are receiving this notice, you may have wetland resource areas or wetland buffers on your property. Therefore, construction, cutting, clearing, or grading may require a permit. For clarification or for more information, call the Conservation Agent at 508-979-4082 or visit our website.

2 Oxford Street, Fairhaven



Seawall looking north

2 Oxford Street, Fairhaven



Seawall looking south

2 Oxford Street, Fairhaven



Looking west - the pier is proposed to start at the tipped over bench

**NARRATIVE IN SUPPORT OF
PROPOSED FIXED PIER, GANGWAY AND FLOATS AT
2 OXFORD STREET
FAIRHAVEN, MA**

PREPARED BY:

**PRIME ENGINEERING, INC.
P.O. BOX 1088
LAKEVILLE, MA**

PREPARED FOR:

**2 OXFORD STREET, LLC
11 DAVID STREET
NEW BEDFORD, MA 02744**

FEBRUARY 9, 2021

1.0 INTRODUCTION

It is proposed to construct a fixed pier, a gangway and floats at 2 Oxford Street in Fairhaven, MA. That requires an Order of Conditions from the Fairhaven Conservation Commission and a Waterways Permit from the MassDEP Division of Waterways. This Narrative has been prepared in support of those petitions.

2.0 EXISTING CONDITIONS

The site is located at the eastern shore of New Bedford/Fairhaven inner harbor, approximately a third of a mile northeast of Popes Island and a quarter of mile south of where MassDEP has delineated the terminus of the Acushnet River. On shore is a large multi-family dwelling that has operated as a bed and breakfast facility for many years. There are nicely landscaped grounds and a stone seawall along the shore. The land side ground at the seawall is at approximate elevation 5.5 feet above mean low water and the ground on the seaward side varies in elevation from .5 feet to 2.3 feet above mean low water. From the seawall, the ground (seabed) slopes down to the northwest at a slope of approximately 6% for 65 feet at which point the bottom flattens out at a depth of 4.5 to 5.5 feet below mean low water.

The bottom has recently been dredged by US EPA contractors in a Superfund operation to remove PCB laden soil. It is expected that there is a paucity of shellfish in this area due to the dredging operation. Harvesting any shellfish that remain is strictly prohibited.

The tidal range in New Bedford inner harbor ranges from a low of 2.2 feet to a high of 5.4 feet dependent on the moon phase and wind.

3.0 PROPOSED IMPROVEMENTS

It is proposed to extend a fixed pier to a point 70 feet seaward of the existing seawall at an elevation of 8.0 feet above mean low water. From that point, a 3-foot wide, 30-foot-long gangway will extend down to a float. Key points of the floats will be secured by twenty-nine 1-foot diameter wood piles that will be driven into the seabed by a pile driving barge. The most landward float will be set where the low water depth is 4 feet at low tide. Therefore, there is no need for stops to keep the float the minimum distance of 30 inches off the seabed.

Each pile has a cross sectional area of .79 square feet. Therefore, the 29 piles will impact $(29)(.785 \text{ sf}) = 22.8$ square feet of ocean bottom. As stated, there is projected to be a paucity of shellfish in the area due to the recent dredging. Nevertheless, the proponent will contribute to the Town's shellfish propagation in order to assure shellfish propagation in other non-contaminated areas of Town.

4.0 CONCLUSION

The proposed pier, gangway and floats will have minimal impact on the wetland resources and will provide waterway access to the existing bed and breakfast.