



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

Staff Report

Date: June 17, 2019
To: Conservation Commission
From: Whitney McClees, Conservation Agent
Subject: **15 Diamond Street – Request for Certificate of Compliance – DEP#023-315,
Fairhaven CON-19-067**

DOCUMENTS REVIEWED

- Order of Conditions issued in 1990
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw

PROJECT SUMMARY

- An Order of Conditions was issued by the Conservation Commission in 1990 for the construction of an 8' x 12' wood deck on the front of the house in Land Subject to Coastal Storm Flowage/Zone VE.

COMMENTS

- Deck has been built.

RECOMMENDATION

- I would recommend issuing a Certificate of Compliance.

Staff Report

Date: June 17, 2019

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **12 Howland Road – Request for Certificate of Compliance – DEP#023-778, Fairhaven CON-19-068**

DOCUMENTS REVIEWED

- Request for Certificate of Compliance (WPA Form 8A)
- Letter dated June 12, 2019 signed and stamped by Ryan DaPonte, P.E., of GZA Geoenvironmental, Inc.
- 2002 Order of Conditions
- Notice of Intent and original plans submitted
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw

PROJECT SUMMARY

- An Order of Conditions was issued by the Conservation Commission in 2002 for the construction of a bulk oil transport truck offloading and storage facility at an existing manufacturing facility in a Riverfront Area.

COMMENTS

- The Request for Certificate of Compliance was submitted with a letter dated June 12, 2019 signed and stamped by Ryan DaPonte, P.E., of GZA Geoenvironmental, Inc.
- The letter indicates that there are some slight deviations from the approved plan, but also indicates that the present conditions are substantially similar to the design included in the Notice of Intent. No as-built was submitted, so I have not been able to compare the original plans to existing conditions.
- One deviation was that a check dam/sediment trap was not observed to exist. GZA noted that it does not appear to be required, as the area that contributes to the swale is paved and unlikely to contribute significant sediment during rainfall events. GZA recommends monitoring of the stormwater swale every six months for signs of any significant sediment accumulation and, that if it is noted, the check dam/sediment trap be installed.
- *Questions for the Applicant:* Do you know if the maintenance that was indicated in the Notice of Intent was conducted after the completion of the design?

RECOMMENDATION

- The Commission could request an as-built plan. The Order of Conditions did not require one.
- If the Commission feels the signed and stamped letter from the engineer is sufficient, I would recommend issuing a Certificate of Compliance.

Staff Report

Date: June 17, 2019
To: Conservation Commission
From: Whitney McClees, Conservation Agent
Subject: **497 Sconticut Neck Road – Notice of Intent – DEP#023-1291,
Fairhaven CON-19-037**

DOCUMENTS REVIEWED

- Notice of Intent and associated attachments submitted
- Most recent site plan revision dated May 22, 2019
- Peer Review Report from LEC Environmental
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw

RESOURCE AREAS PRESENT

- Bordering Vegetated Wetland (BVW)
 - *Significance:* BVWs are likely significant to public or private water supply, to ground water supply, to flood control, to storm damage prevention, to prevention of pollution, and to wildlife habitat. Plants and soils of BVWs remove or detain sediments, nutrients, and toxic substances that occur in run-off and flood waters. Bordering vegetated wetlands are probably the Commonwealth's most important inland habitat for wildlife. The hydrologic regime, plant community composition and structure, topography, and water chemistry of BVWs provide important food, shelter, migratory and overwintering areas, and breeding areas for many birds, mammals, amphibians, reptiles, and insects.
- Land Subject to Coastal Storm Flowage (LSCSF) Zone AE
 - *Significance:* Land subject to coastal storm flowage is likely to be significant to flood control and storm damage prevention. LSCSF provides a temporary storage area for flood water and can slow down storm surge flood waters, reducing damage to both man-made and natural features.

PROJECT SUMMARY

- The Notice of Intent was submitted in response to an Enforcement Order dated April 9, 2018 unpermitted activities on the property, including construction of a horse paddock, shell driveway, and barn within jurisdictional areas.
- The Notice of Intent was filed February 4, 2019 for the removal of a horse paddock encroaching on Bordering Vegetated Wetland and the creation of a new paddock in an upland area.
- LEC Environmental was engaged to perform a peer review of the project and the Bordering Vegetated Wetland line.
 - LEC performed a field review to evaluate the delineation and identified a few areas where the BVW boundary required modification.
 - LEC met with the applicant's representative on site and the boundaries were revised accordingly.

- LEC relayed preliminary recommendations for revisions to the project design to the applicant's representative and the Conservation Agent:
 - The disturbed BVW area should be restored with a planting plan, including native shrubs.
 - The proposed paddock should include a swale or other feature to collect and infiltrate surface runoff from the paddock. Surface runoff from paddocks has a high likelihood of containing contaminants that can adversely affect resource areas.
 - The existing drainage pathway that crosses the shell driveway should be addressed by adding a small culvert beneath the driveway.
 - A wetland replication area should be provided to mitigate for the BVW that was permanently filled for construction of the shell driveway. This is a relatively small area, and there are several suitable areas on the property for wetland replication.

COMMENTS

- DEP noted that any Order of Conditions should include monitoring conditions to document that the altered areas are at least 75% established with indigenous wetland species within two growing seasons, that any invasive plants in the impacted area are identified and removed, and that the Commission reserves the right to require additional measures to achieve compliance should the altered area fail to become established (i.e. a planting plan).
- With the revised plans dated May 22, 2019, the applicant addressed each of the Peer Reviewer's recommendations. The Peer Reviewer indicated that, in their opinion, the project can be conditioned to protect the interests of the Wetlands Protection Act and Fairhaven Wetlands Bylaw and an Order of Conditions can be issued.
- Based on my assessment of the revised plans dated May 22, 2019, approximately 2:1 replication has been proposed.

RECOMMENDATION

- If the Commission decides to issue an Order of Conditions, my recommended conditions are as follows:

Approve plan dated May 22, 2019.

A. General Conditions

1. ACC-1
2. With respect to all conditions except_____, the Conservation Commission designates the Conservation Agent as its agent with full powers to act on its behalf in administering and enforcing this Order.
3. REC-1
4. REC-2
5. ADD-1
6. ADD-4b
7. STO-4
8. STO-5
9. WET-2

B. Prior to Construction

1. REC-3

2. Notify the Conservation Agent 72 hours prior to beginning work
 3. EMC-1
 4. DER-1
 5. PCC-1
- C. During Construction
1. STO-1
 2. MAC-3
 3. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders, or any other components shall be fixed immediately.
 4. DEB-1
 5. BLD-2
 6. BLD-3
 7. BLD-4
 8. EMC-2
 9. SIL-4
 10. LOW-5
- D. After Construction/In Perpetuity
1. COC-1
 2. Post-construction photographs demonstrating compliance with this Order, including established vegetation where required, shall be submitted to the Conservation Commission or its Agent within 30 days of completion of construction.

Perpetual Conditions

The below conditions do not expire upon completion of the project.

3. Move the debris piles as noted on the plans dated May 22, 2019 greater than 25 feet from the edge of the wetland and install an erosion barrier to prevent impact to the resource area. At no point now or in the future shall these debris piles move closer to the wetland or impact the wetland and this shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
 4. CHM-2 This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
 5. DER-4
 6. There shall be no additional alterations of areas under Conservation Commission jurisdiction, which includes the 100-foot buffer zone, without the required review and permit(s) by the Fairhaven Conservation Commission. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
 7. REP-12
 8. Maintenance of the culvert shall be the responsibility of the property owner or any subsequent property owner to ensure the hydrologic connection between the wetland areas is maintained and that water is able to flow seasonally or otherwise appropriately. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
- E. Wetland Replication/Restoration
1. Planting shall occur in the fall of 2019.
 2. SIL-3
 3. SIL-5
 4. REP-1

5. REP-2
6. REP-3
7. REP-8
8. REP-9
9. The above conditions shall apply not only to the wetland replication but also to the restoration of the impacted wetland resource area.
10. Should the impacted wetland area not successfully re-establish within two growing seasons of cessation of impact, the Commission reserves the right to require additional measures necessary to achieve successful restoration.

Staff Report

Date: June 17, 2019
To: Conservation Commission
From: Whitney McClees, Conservation Agent
Subject: **200 Mill Road – Notice of Intent – DEP#023-1286, Fairhaven CON-19-029**

DOCUMENTS REVIEWED

- Notice of Intent and associated attachments submitted
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw

RESOURCE AREAS PRESENT

- Bordering Vegetated Wetland (BVW)
 - *Significance*: BVWs are likely significant to public or private water supply, to ground water supply, to flood control, to storm damage prevention, to prevention of pollution, and to wildlife habitat. Plants and soils of BVWs remove or detain sediments, nutrients, and toxic substances that occur in run-off and flood waters. Bordering vegetated wetlands are probably the Commonwealth's most important inland habitat for wildlife. The hydrologic regime, plant community composition and structure, topography, and water chemistry of BVWs provide important food, shelter, migratory and overwintering areas, and breeding areas for many birds, mammals, amphibians, reptiles, and insects.
 - *Buffer Zone Significance*: Buffer zone to bordering vegetated wetland is significant due to its importance in protecting the wetland and allowing the wetland to provide its ecosystem services. Buffer zones are important for flood control, storm damage prevention, protection of public and private water supply, and protection of wildlife habitat. Vegetation in the buffer zone plays a crucial role in maintaining water temperature and chemistry of the wetland. Additionally, most wetland-dependent wildlife also depends on an undisturbed upland buffer zone for cover, habitat, food sources, pollution filtration, temperature control, and other functions and values.

PROJECT SUMMARY

- The Notice of Intent was filed for the construction of a 72-space parking expansion within the 100-foot buffer zone to a Bordering Vegetated Wetland.
- The Applicant has proposed a stormwater easement to utilize a stormwater facility on a neighboring property to manage the stormwater from the proposed parking expansion.

COMMENTS

- The applicant has requested a continuance to July 8, 2019.

RECOMMENDATION

- I recommend accepting the applicant's request to continue the public hearing until July 8, 2019 to allow time for submission to the Planning Board and the stormwater peer review.

Staff Report

Date: June 17, 2019
To: Conservation Commission
From: Whitney McClees, Conservation Agent
Subject: **46 Sconticut Neck Road – Notice of Intent – DEP#023-1296,
Fairhaven CON-19-050**

DOCUMENTS REVIEWED

- Notice of Intent and associated attachments submitted
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw

RESOURCE AREAS PRESENT

- Bordering Vegetated Wetland (BVW)
 - *Significance:* BVWs are likely significant to public or private water supply, to ground water supply, to flood control, to storm damage prevention, to prevention of pollution, and to wildlife habitat. Plants and soils of BVWs remove or detain sediments, nutrients, and toxic substances that occur in run-off and flood waters. Bordering vegetated wetlands are probably the Commonwealth's most important inland habitat for wildlife. The hydrologic regime, plant community composition and structure, topography, and water chemistry of BVWs provide important food, shelter, migratory and overwintering areas, and breeding areas for many birds, mammals, amphibians, reptiles, and insects.
 - *Buffer Zone Significance:* Buffer zone to bordering vegetated wetland is significant due to its importance in protecting the wetland and allowing the wetland to provide its ecosystem services. Buffer zones are important for flood control, storm damage prevention, protection of public and private water supply, and protection of wildlife habitat. Vegetation in the buffer zone plays a crucial role in maintaining water temperature and chemistry of the wetland. Additionally, most wetland-dependent wildlife also depends on an undisturbed upland buffer zone for cover, habitat, food sources, pollution filtration, temperature control, and other functions and values.
- Other resource areas on the property include: Salt Marsh, Priority and Estimated Habitat for Rare and Endangered Species (associated with the Salt Marsh), Land Subject to Coastal Storm Flowage.
 - There is no work proposed in or with 100 feet of these areas.

PROJECT SUMMARY

- The Notice of Intent was filed for the construction of an 8-house subdivision, roadway, stormwater facility, and utilities and for wetland mitigation of historical impacts.
- The proposed construction is located in the most western portion of the property and will be located on approximately 2.3 acres of predominantly disturbed land or old field habitat. An additional impact to natural wood land will impact approximately 2,500 square feet (0.06 acres). The remainder of the property, approximately 25 acres, will remain undisturbed.

- The Fairhaven Conservation Commission issued an Order of Resource Area Delineation (ORAD) on April 4, 2019 confirming the wetland delineation on the property (DEP File # SE 023-1284).
- A historic wetland impact area was identified by MassGIS 2005 Human Altered Areas database. The entire area accounts for 24,751 square feet.
- To mitigate for the historic impact, the project proposes to construct a 15,672 square foot deciduous forested swamp located in the southeast portion of the property.

COMMENTS

- Stormwater peer review is in process.

RECOMMENDATION

- If the applicant is willing to grant a continuance, I would recommend continuing to either of the two meetings in July to allow for the stormwater to be peer reviewed.

Staff Report

Date: June 17, 2019
To: Conservation Commission
From: Whitney McClees, Conservation Agent
Subject: **Hiller Avenue and Timothy Street, Assessors Map 28C, Lots 71 & 71A – Notice of Intent – DEP#023-1297, Fairhaven CON-19-051**

DOCUMENTS REVIEWED

- Notice of Intent and associated attachments submitted
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw

RESOURCE AREAS PRESENT

- Bordering Vegetated Wetland (BVW)
 - *Significance:* BVWs are likely significant to public or private water supply, to ground water supply, to flood control, to storm damage prevention, to prevention of pollution, and to wildlife habitat. Plants and soils of BVWs remove or detain sediments, nutrients, and toxic substances that occur in run-off and flood waters. Bordering vegetated wetlands are probably the Commonwealth's most important inland habitat for wildlife. The hydrologic regime, plant community composition and structure, topography, and water chemistry of BVWs provide important food, shelter, migratory and overwintering areas, and breeding areas for many birds, mammals, amphibians, reptiles, and insects.
 - *Buffer Zone Significance:* Buffer zone to bordering vegetated wetland is significant due to its importance in protecting the wetland and allowing the wetland to provide its ecosystem services. Buffer zones are important for flood control, storm damage prevention, protection of public and private water supply, and protection of wildlife habitat. Vegetation in the buffer zone plays a crucial role in maintaining water temperature and chemistry of the wetland. Additionally, most wetland-dependent wildlife also depends on an undisturbed upland buffer zone for cover, habitat, food sources, pollution filtration, temperature control, and other functions and values.

PROJECT SUMMARY

- The Notice of Intent was filed for the construction of paved roadways and stormwater management systems and the installation of utilities, including the placement of fill for the aforementioned work, for a proposed 16-lot subdivision.

COMMENTS

- The applicant has requested a continuance to July 8, 2019.

RECOMMENDATION

- I would recommend accepting the applicant's request for continuance.

Staff Report

Date: June 17, 2019
To: Conservation Commission
From: Whitney McClees, Conservation Agent
Subject: **20 Balsam Street – Notice of Intent – DEP#023-1301, Fairhaven CON-19-062**

DOCUMENTS REVIEWED

- Notice of Intent submission and associated plans and materials
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw

RESOURCE AREAS ON SITE

- Land Subject to Coastal Storm Flowage (LSCSF) Zone VE
 - *Significance:* Land subject to coastal storm flowage is likely to be significant to flood control and storm damage prevention. LSCSF provides a temporary storage area for flood water and can slow down storm surge flood waters, reducing damage to both man-made and natural features.
- Coastal Beach and Coastal Bank: No work is proposed in the resource area
 - *Significance of Buffer Zone:* Buffer Zones play an important role in preservation of the physical, chemical, and biological characteristics of the adjacent resource area (Coastal Beach and Coastal Bank). The potential for adverse impacts to resource areas from work in the buffer zone increases with the extent of work and the proximity to the resource area.

PROJECT SUMMARY

- Notice of Intent filed to raze the existing house and to construct a new flood-zone compliant home within FEMA Zone VE-18, plus associated site work and utilities.
- Proposed house to be constructed within Buffer Zone to Coastal Bank and Coastal Beach.

COMMENTS

- The proposed driveway and the proposed shed location are outside the buffer zone and are located in Flood Zone only.
- Shed will be moved and sonotubes put in.
- Proposed house will be raised over a slab. Fill to be brought in to grade under slab. Based on the plan, it appears that the grade will only be raised between 2 and 6 inches.
- The amount of impervious surface will increase from 1,560 square feet to 3,315 square feet. The majority of the increase is due to the proposed driveway.
- The proposed plan includes a siltation barrier on the west side of the proposed house to protect the resource areas on property. The plan also includes a de-watering silt trap inside the siltation barrier for all excavation below the ground water table.
- *Question for Applicant:* How are the propane tanks being secured?

RECOMMENDATION

- If the Commission decides to close the public hearing and issue an Order of Conditions, my recommended conditions are as follows:

Approve plan dated May 23, 2019.

A. General Conditions

1. ACC-1
2. With respect to all conditions except_____, the Conservation Commission designates the Conservation Agent as its agent with full powers to act on its behalf in administering and enforcing this Order.
3. REC-1
4. REC-2
5. ADD-1
6. ADD-4b
7. ADD-4c
8. ADD-5
9. STO-4
10. STO-5
11. WET-2

B. Prior to Construction

1. REC-3
2. CAP-1
3. CAP-3
4. Notify the Conservation Agent 72 hours prior to beginning work
5. EMC-1
6. DER-1
7. SIL-5
8. PCC-1

C. During Construction

1. STO-1
2. MAC-3
3. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders, or any other components shall be fixed immediately.
4. DEB-1
5. DEB-5
6. BLD-1
7. BLD-3
8. BLD-4
9. EMC-2
10. SIL-3
11. SIL-4
12. LOW-2
13. Dewatering, if needed, shall occur only within the silt trap shown on the approved plan.
14. WAS-1
15. WAS-3

D. After Construction/In Perpetuity

1. REV-1
2. COC-1

3. COC-2

Perpetual Conditions

The below conditions do not expire upon completion of the project

4. CHM-2 This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
5. DER-4

Staff Report

Date: June 17, 2019

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **27 Alder Street – Request for Determination of Applicability – No DEP#, Fairhaven CON-19-064**

DOCUMENTS REVIEWED

- Request for Determination of Applicability application and associated documents
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw

RESOURCE AREAS ON SITE

- Land Subject to Coastal Storm Flowage (LSCSF) Zone VE
 - *Significance:* Land subject to coastal storm flowage is likely to be significant to flood control and storm damage prevention. LSCSF provides a temporary storage area for flood water and can slow down storm surge flood waters, reducing damage to both man-made and natural features.

PROJECT SUMMARY

- Request for Determination of Applicability filing for the installation of three 12-inch sonotubes in a flood zone area.
- The location of the sonotubes is next to the existing deck.

COMMENTS

- Minor project.

RECOMMENDATION

- If the Commission decides to issue a Determination of Applicability, I would recommend a Negative 2 Determination.

Staff Report

Date: June 17, 2019

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **1 Alcobia Drive – Request for Determination of Applicability – No DEP #, Fairhaven CON-19-065**

DOCUMENTS REVIEWED

- Request for Determination of Applicability and associated documents
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw

RESOURCE AREAS ON SITE

- Land Subject to Coastal Storm Flowage (LSCSF) Zone VE
 - *Significance:* Land subject to coastal storm flowage is likely to be significant to flood control and storm damage prevention. LSCSF provides a temporary storage area for flood water and can slow down storm surge flood waters, reducing damage to both man-made and natural features.
- Salt Marsh
 - *Significance:* Salt marshes are significant to protection of marine fisheries, wildlife habitat, prevention of pollution, and are likely to be significant to storm damage prevention and ground water supply. Salt marshes also provide food sources, spawning and nursery habitat, shelter, breeding areas, and migratory and overwintering areas for many wildlife species. Salt marsh plants remove pollutants from surrounding waters and the sediments absorb chlorinated hydrocarbons and heavy metals. The marsh retains nitrogen and phosphorus compounds, which in large amounts can lead to algal blooms in coastal waters. The underlying peat also serves as a barrier between fresh ground water landward of the salt marsh and the ocean, thus helping to maintain the level of such ground water. Salt marsh cord grass and underlying peat are resistant to erosion and dissipate wave energy, thereby providing a buffer that reduces wave energy.
 - *Significance of Buffer Zone:* Buffer Zones play an important role in preservation of the physical, chemical, and biological characteristics of the adjacent resource area. Buffer zones are important for storm damage prevention, prevention of pollution, protection of marine fisheries, and protection of wildlife habitat. Vegetation in the buffer zone plays a crucial role in maintaining water temperature and chemistry of the resource area. Buffer zones also protect and add to flood storage. Additionally, buffer zone to salt marsh is especially important due to the threat of climate change and sea level rise. Salt marshes rely on the buffer zone to provide an area to move into to accommodate sea level rise.

PROJECT SUMMARY

- Request for Determination of Applicability filed after some trees were removed for the removal of hurricane/storm-downed trees, dying/dead trees, broken/dying limbs and branches extending over the roofline, all stumps to remain, and the placement of a stockade fence adjacent to the south border and a gate.

COMMENTS

- The provided site plan highlights the trees in yellow that will be cut down or have branches removed. The application indicated that all stumps will remain.
- The site plan does not show the location of the proposed fence and gate.
- *Question for Applicant:* Are you still planning to install the fence and gate?
- Alcobia Drive runs through the salt marsh. If the proposed gate is installed on the existing shell driveway, it can be done as part of this filing rather than a Notice of Intent.
- If the fence is installed beyond the end of the stone wall and no vegetation is being cut down to install it, it can be done as part of this filing rather than a Notice of Intent.

RECOMMENDATION

- If the Commission decides to issue a Determination of Applicability for the entire proposed project (trees, fence, and gate), I would recommend a Negative 3 Determination with the following conditions:
 1. At no point may any work occur in the salt marsh.
 2. The gate may be installed in the existing shell layout of Alcobia Drive only.
 3. Any vehicles accessing the area to perform permitted work shall use Alcobia Drive and the driveway on the property only.

Staff Report

Date: June 17, 2019

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **6 Emerson Avenue – Notice of Intent – DEP#023-1302, Fairhaven CON-19-066**

DOCUMENTS REVIEWED

- Notice of Intent and associated documents
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw

RESOURCE AREAS ON SITE

- Land Subject to Coastal Storm Flowage (LSCSF) Zone VE
 - *Significance:* Land subject to coastal storm flowage are likely to be significant to flood control and storm damage prevention. LSCSF provides a temporary storage area for flood water and can slow down storm surge flood waters, reducing damage to both man-made and natural features.
- Coastal Beach: No work proposed in the resource area
 - *Buffer Zone Significance:* Buffer Zones play an important role in preservation of the physical, chemical, and biological characteristics of the adjacent resource area (Coastal Beach). The potential for adverse impacts to resource areas from work in the buffer zone increases with the extent of work and the proximity to the resource area.

PROJECT SUMMARY

- Notice of Intent filed for the installation of a garage, stamped patio, and concrete driveway.
- Entire project takes place within Land Subject to Coastal Storm Flowage.
- Only the proposed stamped patio falls within the buffer zone to Coastal Beach.
- According to the plan, impervious surface is increasing from 5,416 square feet (30.3%) to 7,703 square feet (43.1%).

COMMENTS

- *Question for Applicant:* Is the garage proposed to be elevated?
 - Does it comply with building in a Velocity Zone?
- The amount of impervious surface that is proposed seems to be a large amount for a velocity flood zone area. How might that impact the property itself and the surrounding area?
- From the February 2018 Google Earth image, it appears the driveway is already paved. I did not see a filing for the driveway or the artificial turf.
- *Question for Applicant:* What type of tree is being removed to put in the garage?

- The property also falls within Buffer Zone to Barrier Beach and Buffer Zone to Marsh. It is important to consider how diverting any potential flood water or any runoff through the increase of impervious surface might affect the nearby resource areas.
 - The Barrier Beach and Marsh are located south of the property across Emerson Avenue.

RECOMMENDATION

- If the driveway is permeable, I would recommend it remaining permeable to offset the increase in impervious surface by the garage and patio. The property is located in a Velocity Flood Zone and increasing the amount of impervious surface on the property is likely to reduce the ability of the land to slow down storm surge flood waters, provide temporary storage for flood waters, and reduce storm damage.
- If the Commission would like to see updated plans reflecting any changes, I would recommend asking the applicant if they would like to continue the hearing to the next meeting.

Staff Report

Date: June 17, 2019

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **25 Abbey Street – NOI – DEP#023-1300, Fairhaven CON-19-055**

DOCUMENTS REVIEWED

- Notice of Intent and associated documents, including revised plans
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw

RESOURCE AREAS ON SITE

- Land Subject to Coastal Storm Flowage (LSCSF)
 - *Significance:* Land subject to coastal storm flowage are likely to be significant to flood control and storm damage prevention. LSCSF provides a temporary storage area for flood water and can slow down storm surge flood waters, reducing damage to both man-made and natural features.
- There is Bordering Vegetated Wetland on an adjacent property. Work proposed at the project location falls within the buffer zone to this wetland.
 - *Significance:* Buffer zone to bordering vegetated wetland is significant due to its importance in protecting the wetland and allowing the wetland to provide its ecosystem services. Buffer zones are important for flood control, storm damage prevention, protection of public and private water supply, and protection of wildlife habitat. Vegetation in the buffer zone plays a crucial role in maintaining water temperature and chemistry of the wetland. Additionally, most wetland-dependent wildlife also depends on an undisturbed upland buffer zone for cover, habitat, food sources, pollution filtration, temperature control, and other functions and values.

PROJECT SUMMARY

- Notice of Intent filed for the razing of the existing dwelling and garage and construction of a new flood zone-compliant single-family dwelling.
- Revised plans have been submitted to update the location of the buffer zone on the property, the location of the proposed driveway, details regarding what specifically is being removed, and updates to the amount of Land Subject to Coastal Storm Flowage being impacted.
- The Commission discussed two minor omissions to the revised plan dated May 30, 2019 during the June 3, 2019 meeting and asked that the applicant provide an updated plan to the Agent prior to the next meeting. The Commission then voted to close the public hearing.

COMMENTS

- The revised plans that were submitted encompass more changes than what were discussed during the June 3, 2019 meeting.
- The applicant has requested to re-open the public meeting on July 8, 2019 to address the changes in the revised plan. The applicant will also re-advertise and re-notify abutters in accordance with the appropriate timelines for the July 8 meeting.

RECOMMENDATION

- I recommend accepting the applicant's request to re-open the public hearing on July 8, 2019.



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

Staff Report

Date: June 17, 2019

To: Conservation Commission

From: Whitney McClees, Agent

Subject: Violations/Enforcement Orders/Cease and Desist Notices and Other Business

3 North Street (SE 023-1273)

Comments: site visit conducted on 6/11/2019 by the Vice-Chair of the Commission, application for an Amended Order of Conditions to address the bank issues is forthcoming per the engineer

40 Wapatma Lane

Comments: Horse paddock has direct access to wetland and potential vernal pool, should be addressed to avoid continuing contamination of the wetland system. Additionally, it appears that some fill was dumped into the paddock within the buffer zone to the wetland.

Recommendation: File within 60 days to address proper horse manure management and access to wetland. If no filing within 60 days, Commission could consider issuing an Enforcement Order.

Town Beach on West Island

Comments: Still waiting on official report from the wetland scientist. Violator needs to pay \$300.00 fine from the November Enforcement Order.

Recommendation: The November Enforcement Order indicated that once the marsh was assessed in the spring, the Commission would make a decision at that time whether or not restoration was needed. Based on the photographs provided by the violator's wetland scientist, it appears there is not much change from the initial impact in the fall and it appears restoration is needed. I would recommend issuing a new Enforcement Order to address the restoration.

38 Camel Street

Comments: Filing forthcoming for work on the property. The property owner asked that the gravel and stone piles in the wetland on his property be addressed at the same meeting as his forthcoming filing.

62R/64 Manhattan Ave

Comments: Performed a site visit on June 14, 2019. It appears the vegetation is growing back.

5 Almond Street

Comments: Vegetation appears to be growing back. It still looks relatively new, but it appears that it will continue to revegetate going forward as long as it is left alone.

Other Business

Site Visit: 9 Goulart Memorial Drive – request from property owner to have a site visit with him and a few members of the commission to go over some potential field changes to the plan to take down a couple more trees and clear out some of the underbrush

Isolated Vegetated Wetland: Bylaw only filing, I would like to create forms for instances when there is a bylaw only filing because those shouldn't use the state forms.