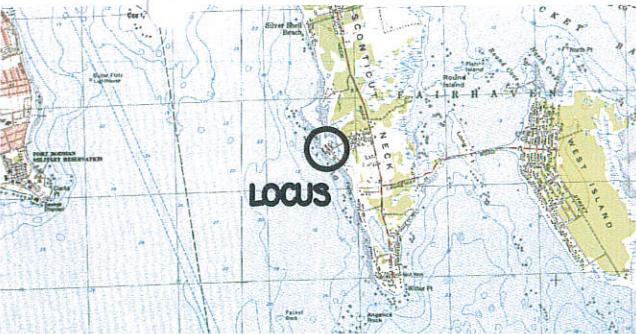
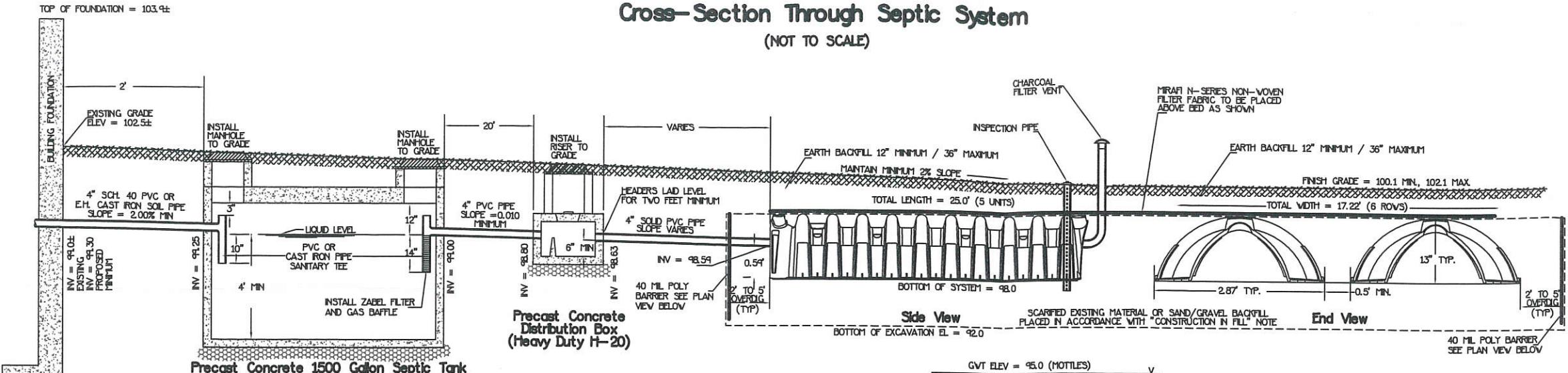


## Location (not to scale) Map



## Cross-Section Through Septic System (NOT TO SCALE)



## Notes & Specifications

This plan has been prepared in accordance with the rules and regulations of 310 CMR 15 (Title 5) of the Commonwealth of Massachusetts and those of the Town of Fairhaven Board of Health.

The required inspection schedule during the process of construction shall be arranged by the contractor with the Board of Health & Design Engineer prior to the commencement of construction.

1500 GALLON SEPTIC TANK (STANDARD DUTY) AND 7 OUTLET DISTRIBUTION BOX (HEAVY DUTY H-20) SHALL BE AS MANUFACTURED BY BRISTOL COUNTY PRECAST, INC. OR APPROVED EQUAL.

OPEN BOTTOM LEACHING CHAMBERS (HEAVY DUTY H-20) DESIGN BY ADS, INFILTRATOR CULTEC, OR APPROVED EQUAL.

ALL PIPING SHALL BE 4" DIA SCHD. 40 NSF PVC, WITH ALL JOINTS SEALED WATERPROOF.

THIS SYSTEM IS NOT DESIGNED TO ACCOMMODATE A GARBAGE DISPOSAL OR OTHER HIGH WATER USE UNITS.

THE PROPOSED SEPTIC SYSTEM IS NOT LOCATED WITHIN THE CONE OF INFLUENCE OF ANY MUNICIPAL WELL NOR ARE THERE ANY PRIVATE WELLS LOCATED WITHIN 100 FEET (RADIAL) OF THE PROPOSED SYSTEM.

EXCAVATE ALL TOP, SUB AND ANY OTHER SOILS ENCOUNTERED DOWN INTO THE MEDIUM SANDY LOAM LAYER, ELEVATION = 92.0 AND FOR A HORIZONTAL DISTANCE OF 2' TO 5' ON ALL SIDES OF THE PROPOSED SYSTEM. BACKFILL TO ELEVATION = 99.1 WITH SELECT ON-SITE OR IMPORTED SOIL MATERIAL CONSISTING OF CLEAN GRANULAR SAND, FREE OF ORGANIC MATTER OR OTHER DELETERIOUS SUBSTANCES AND MEETING THE SIEVE SIZE REQUIREMENTS OF 310 CMR 15.25(3) & (5) [CONSTRUCTION IN FILL].

ELEVATIONS SHOWN ON THIS PLAN ARE BASED ON ASSUMED DATUM.

MAGNETIC LOCATION TAPE TO BE PLACED OVER SEPTIC SYSTEM COMPONENTS IN ACCORDANCE WITH 310 CMR 15.22(1).

SOIL ABSORPTION SYSTEM SHALL HAVE A MINIMUM OF ONE (1) INSPECTION PORT CONSISTING OF A PERFORATED FOUR (4) INCH PIPE PLACED VERTICALLY DOWN INTO THE STONE TO THE NATURALLY OCCURRING SOIL OR SAND FILT below the stone. THE PIPE SHALL BE CAPPED WITH A SCREW TYPE CAP AND ACCESSIBLE TO WITHIN THREE (3) INCHES OF FINISH GRADE IN ACCORDANCE WITH 310 CMR 15.24(1).

CONTRACTOR SHALL VERIFY EXISTING CONDITIONS AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES PRIOR TO THE CONTINUATION OF CONSTRUCTION.

PROPOSED SYSTEM IS NOT LOCATED WITHIN 100' OF A BORDERING VEGETATIVE VELANDS. PROPOSED SYSTEM IS LOCATED WITHIN A COASTAL FLOOD ZONE.

## Requested Variances

- REDUCTION IN HORIZONTAL SEPARATION FROM SEPTIC TANK TO PROPERTY LINE FROM 10' TO 2' IN ACCORDANCE WITH 310 CMR 15.405 (1) (a).
- REDUCTION IN HORIZONTAL SEPARATION FROM LEACHING CHAMBERS TO PROPERTY LINES FROM 10' TO 6' IN ACCORDANCE WITH 310 CMR 15.405 (1) (a).
- REDUCTION IN HORIZONTAL SEPARATION FROM SEPTIC TANK TO CRAWL SPACE FROM 10' TO 2' IN ACCORDANCE WITH 310 CMR 15.405 (1) (b).
- REDUCTION IN HORIZONTAL SEPARATION FROM LEACHING CHAMBERS TO CRAWL SPACE FROM 20' TO 8' IN ACCORDANCE WITH 310 CMR 15.405 (1) (b).
- REDUCTION IN VERTICAL SEPARATION FROM BASE OF LEACHING FIELD TO SEASONAL HIGH WATER TABLE FROM 4' TO 3' IN ACCORDANCE WITH 310 CMR 15.405 (1) (h).
- USE SIEVE ANALYSIS IN LIEU OF PERCOLATION TESTING TO DETERMINE RATE DUE TO SATURATED SOIL IN ACCORDANCE WITH 310 CMR 15.405 (1) (i).

**S.W.COLE**  
ENGINEERING, INC.

Client: Pro Line Engineering  
190 Gardiners Neck Road  
Swansea, MA 02777  
Job No: 19-0084  
Date: 12/20/2019  
Report No: 20457

Project: 5 Wamsutta St Fairhaven, MA

Combined Hydrometer and Sieve Analysis Report  
ASTM D-422

Sieve	Dry Sieve Analysis of the Total Sample		Hydrometer Analysis of the Portion Passing the #10 Sieve	
	% Pass.	Size (mm)	Size (mm)	% Pass.
3.0"	100.0	78.100	No 10	2.0000 100.00
1.0"	100.0	25.400	No 18	1.00000 87.70
.50"	97.0	19.000	No 20	0.20000 76.23
.38"	94.7	9.510	No 60	0.15000 62.23
No 4	98.7	4.700	No 140	0.00380 44.31
No 10	79.2	2.000	No 270	0.00139 30.94
				0.00087 29.12
				0.00052 18.68
				0.00037 16.02
				0.00020 14.16
				0.00013 11.40
				0.00013 8.64
				0.00072 4.97
				0.00030 2.21
				0.00030 2.21
				0.00030 0.37
				0.00013 0.37

Percent of Total Sample Retained on the No. 10 Sieve

For Trinominal Classification Based on Material passing the No. 10 Sieve

% Retained (2mm) = 20.8

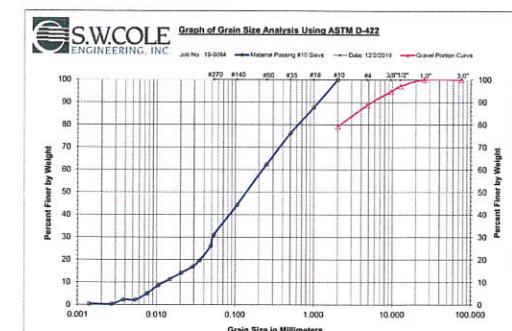
% Sand = 9.0

% Silt = 35.3

% Clay = 0.4

Remarks:

Derek Mate Construction Services Manager



FORM 11-CODE EVALUATION FORM		PAGE 3 OF 4			
Location Address or Lot No. 5 Wamsutta Street FAIRHAVEN, MASSACHUSETTS 02779					
On-site Review					
Deep Hole Number: 1	Date: 11/21/19	Time: 0:00			
Location (Identify on site map): YES					
Land Use: Residential Slope (0-3%) Surface Slopes: NONE					
Vegetation: Sparse					
Soil Type: CLAY					
Position on Inclined (check off on the sketch)					
Distances from: Open Water Body: >100 ft Possible Wet Area: >100 ft Drainage Ditch: >200 ft Property Line: >100 ft Other: None					
Drinking Water Body: >100 ft					
DEEP OBSERVATION LOG*					
Depth (ft)	Surf. Markings	Surf. Topography (UBD#)	Surf. Color (Degree)	Soil	Other (Structure, Shrub, Boulders, Concentric, If Groove)
0"-10"	A	LOW	100%	NONE	FRATILE
10"-20"	B	HIGH	100%	NONE	FRATILE
20"-30"	C	LOW	2.5%	0.5"	MEDIUM TO STONE

\* Minimum of 3 holes required at every proposed disposal area

Parent Material (geology): GLACIAL TILL Depth to Bedrock: N/A

Depth to Groundwater: Shallow Water in the Hole: 100' Watering from PB Face: 100' Estimated Seasonal High Ground Water: 48' MOTTLES

FORM 12-PERCOLATION TEST		PAGE 2 OF 4
Location Address or Lot No. 5 Wamsutta Street FAIRHAVEN, MASSACHUSETTS 02779		
COMMONWEALTH OF MASSACHUSETTS FAIRHAVEN, MASSACHUSETTS		
Percolation Test*		
Date: NOVEMBER 25, 2019	Time: 0:00	
Observation Hole #	1	
Depth of PB	COULD NOT PERC	
Start Pre-wet	DUE TO SATURATION	
Time of 1":	OBTAINED	
Time of 6":	SEIVE SAMPLE	
Time of 12":	0'	
Rate Min./inch		

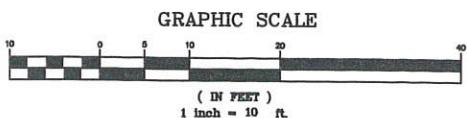
\* Minimum of 1 percolation test must be performed in both the primary area and runoff area

Site Perched:  Site Filled:  REPAIR:

Performed By: ROBERT M. BEAUREGARD, P.E.  
Witnessed By: MARY FREIRE-KELLOGG, AGENT  
Comments:

## Legend

SOL TEST PIT  
EXISTING CONTOUR  
PROPOSED CONTOUR  
STONE WALL



## Soil Report & Test Data

## Septic System Repair Plan

A.P. 42A Lot 244  
5 Wamsutta Street, Fairhaven, Massachusetts

PREPARED FOR

**Ethan Barnes**

65 Sycamore Street, Fairhaven, Massachusetts 02719

PREPARED BY

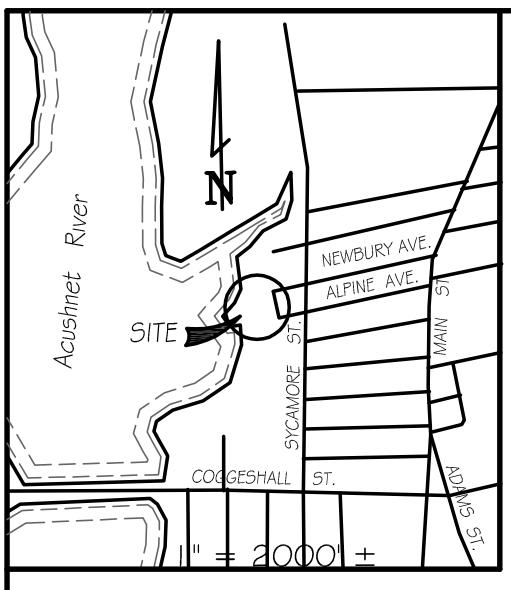
**Pro-Line Engineering, Inc.**  
CM/Environmental Engineering & Land Surveying  
190 GARDINERS NECK ROAD SWANSEA, MA 02777  
PHONE: 508-672-3137 FAX: 508-672-3307  
EMAIL: PROLINEENG@COMCAST.NET

Date: January 17, 2020 Scale: 1" = 10'  
Revised: January 30, 2020 Con Comm Comments

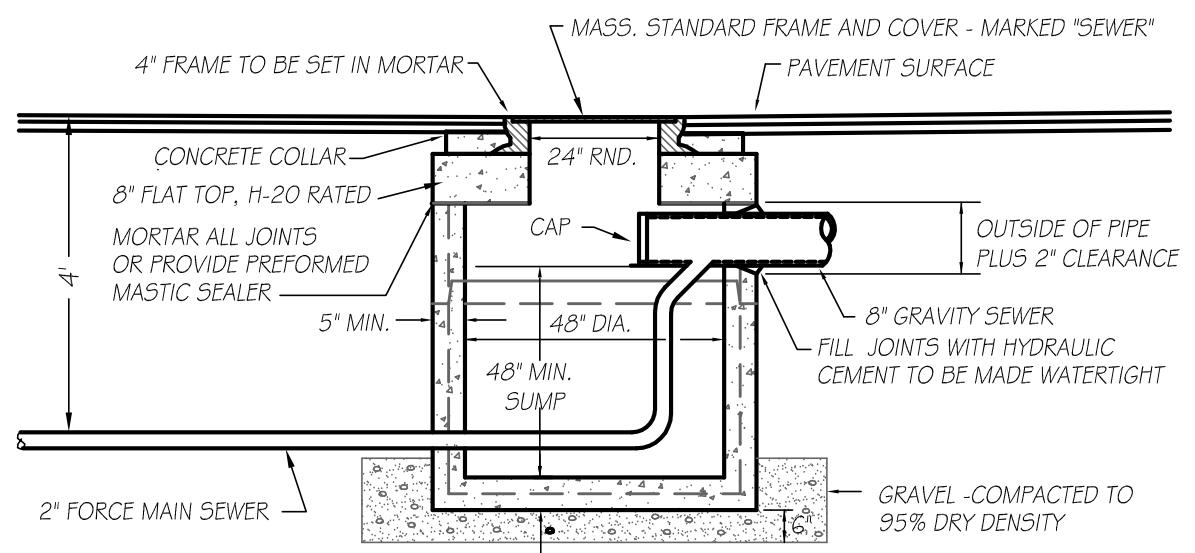
# SITE PLAN

2/6/2020



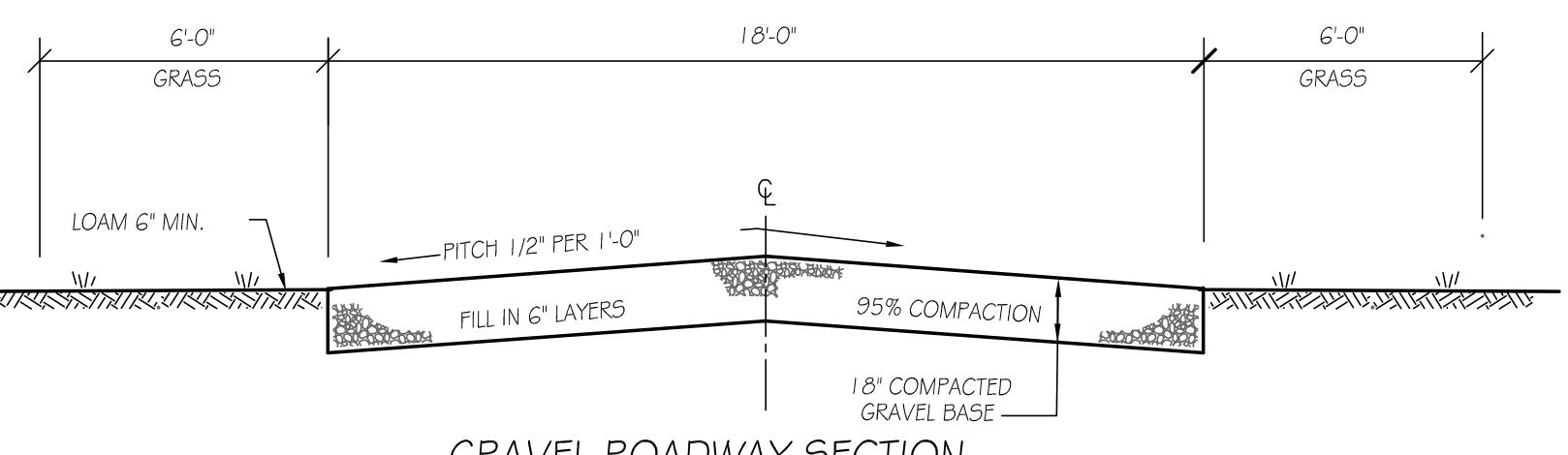


LOCUS PLAN



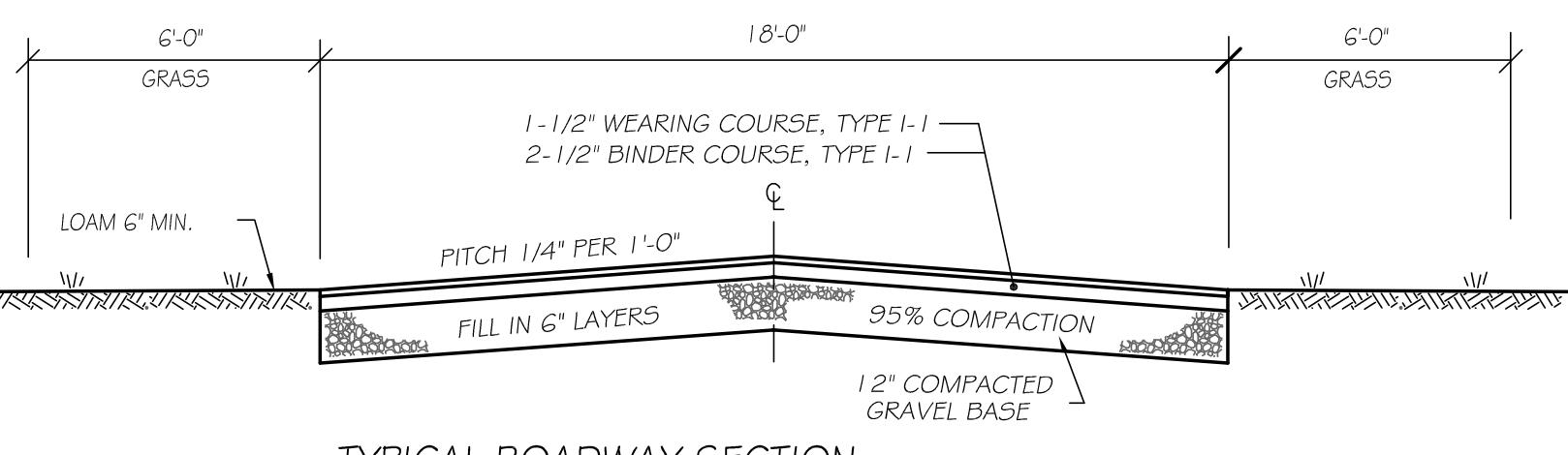
SEWER MANHOLE DETAIL  
NOT TO SCALE

NOTE: BARRELS & CONES SHALL BE MANUFACTURED IN ACCORDANCE WITH A.S.T.M. STANDARD SPECIFICATIONS FOR REINFORCED CONCRETE MANHOLE RISERS & TOPS DESIGNATION C478-63T.



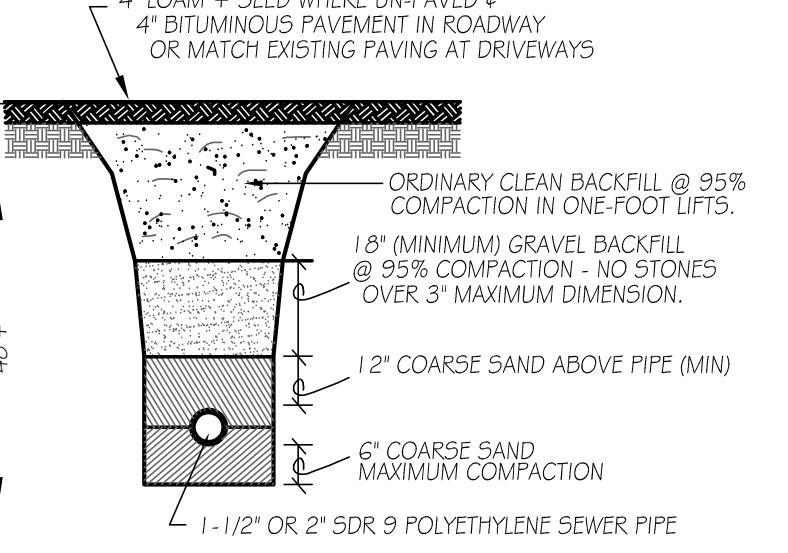
GRAVEL ROADWAY SECTION

NOTES:  
1. REMOVE EXISTING TOPSOIL AND SUBSOIL UNDER PROPOSED ROADWAY AND FILL TO SUBGRADE WITH GRAVEL BORROW AND COMPACT TO 95% DENSITY.  
2. COMPACTED GRAVEL BASE SHALL CONFORM TO MASS. DPW SPEC. M-1.03.0 FOR GRAVEL BORROW. COMPACT GRAVEL BASE TO 95% DENSITY.

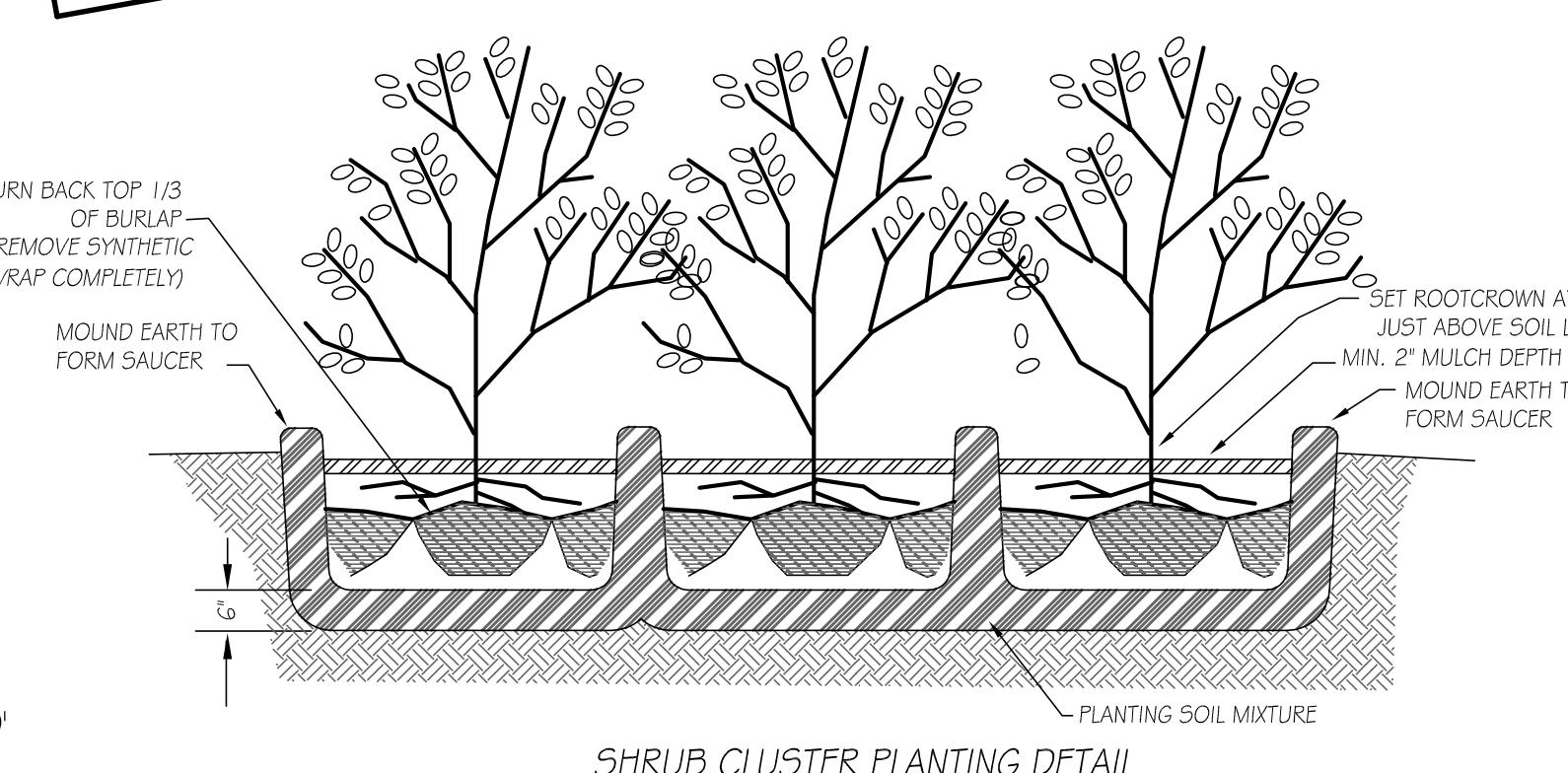
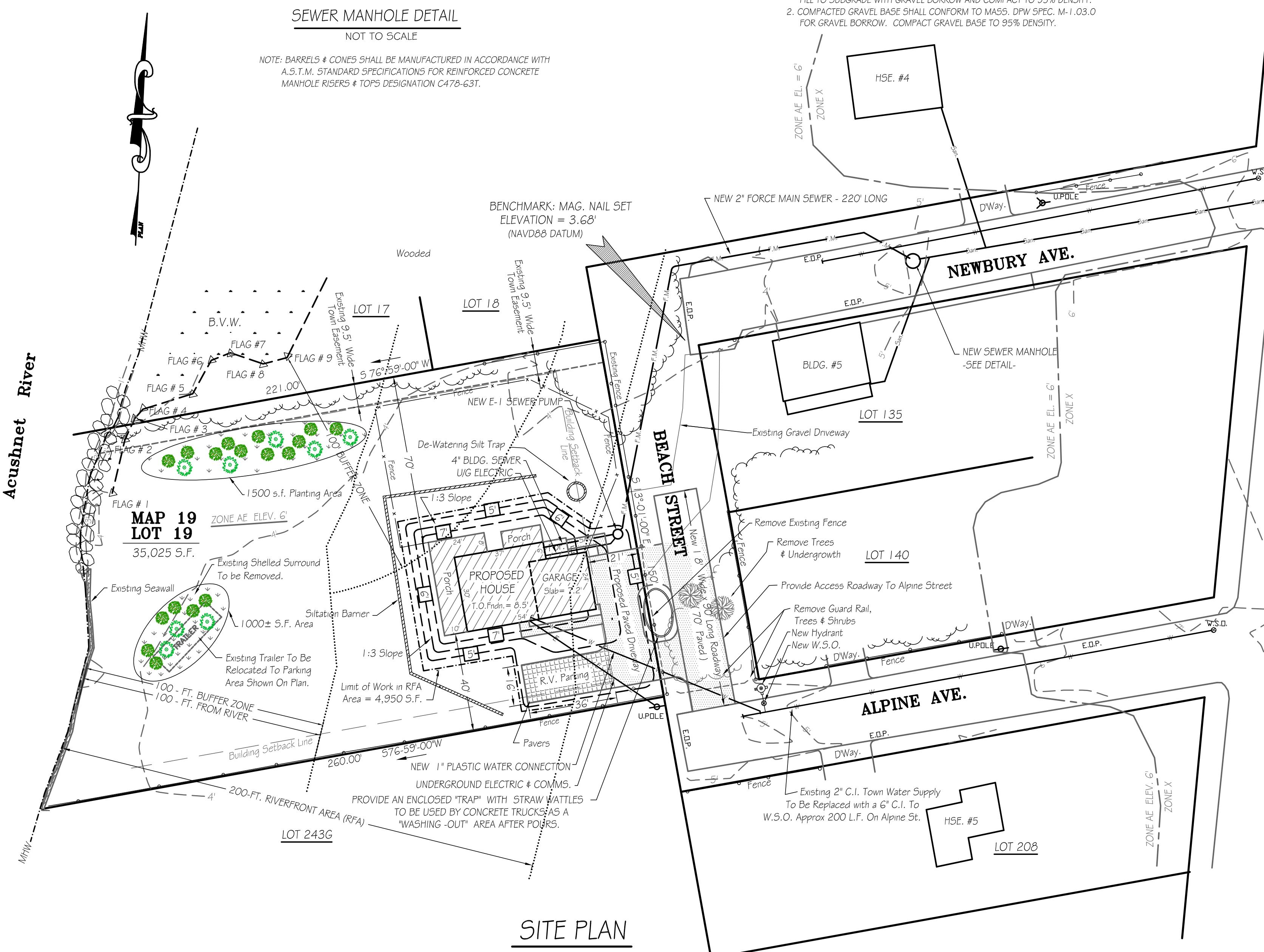


TYPICAL ROADWAY SECTION

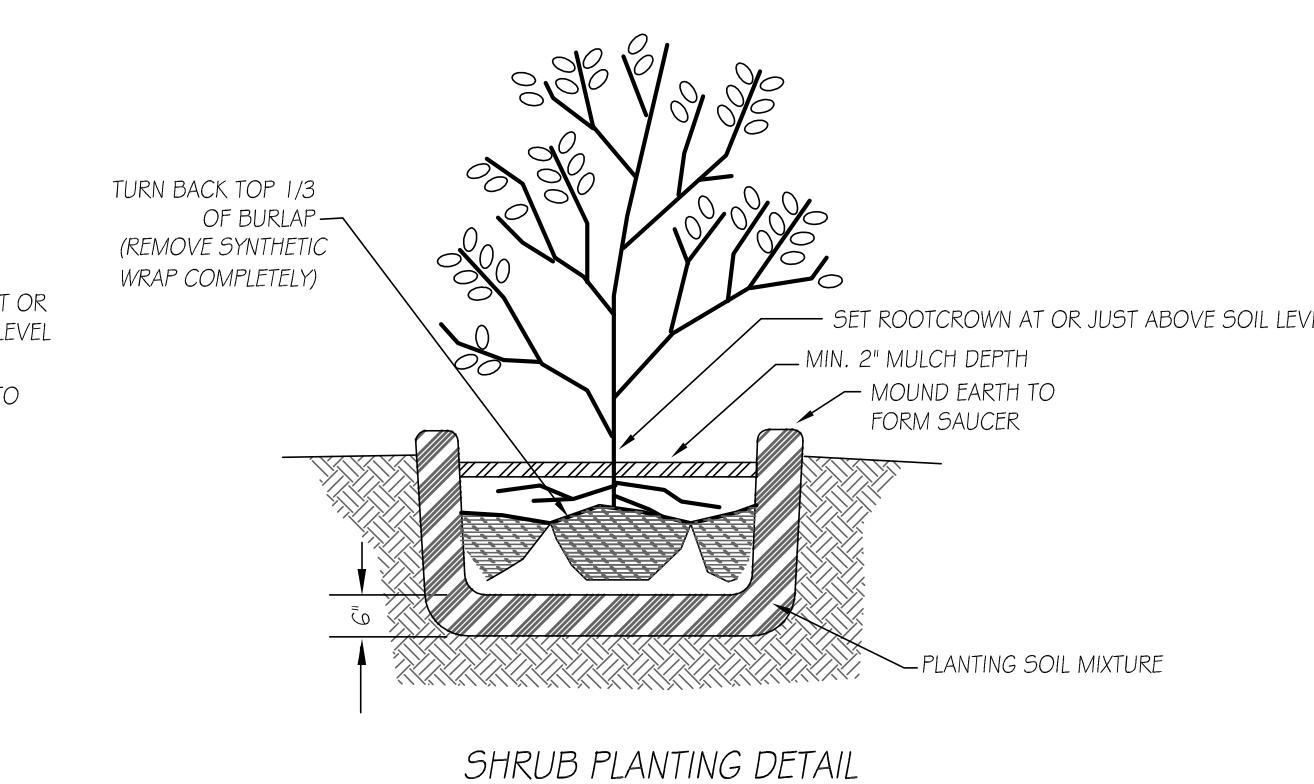
NOTES:  
1. PROVIDE THE HIGHWAY SUPERINTENDENT WITH THE PROPOSED BITUMINOUS BATCH PLANT JOB MIX FORMULA FOR APPROVAL PRIOR TO PAVING.  
2. COMPACTED GRAVEL BASE SHALL CONFORM TO MASS. DPW SPEC. M-1.03.0 FOR GRAVEL BORROW. COMPACT GRAVEL BASE TO 95% DENSITY.  
3. BITUMINOUS PAVEMENT SHALL CONFORM TO MASS. DPW SPEC. 3.11.00 FOR CLASS 1, TYPE I-I PAVEMENT.



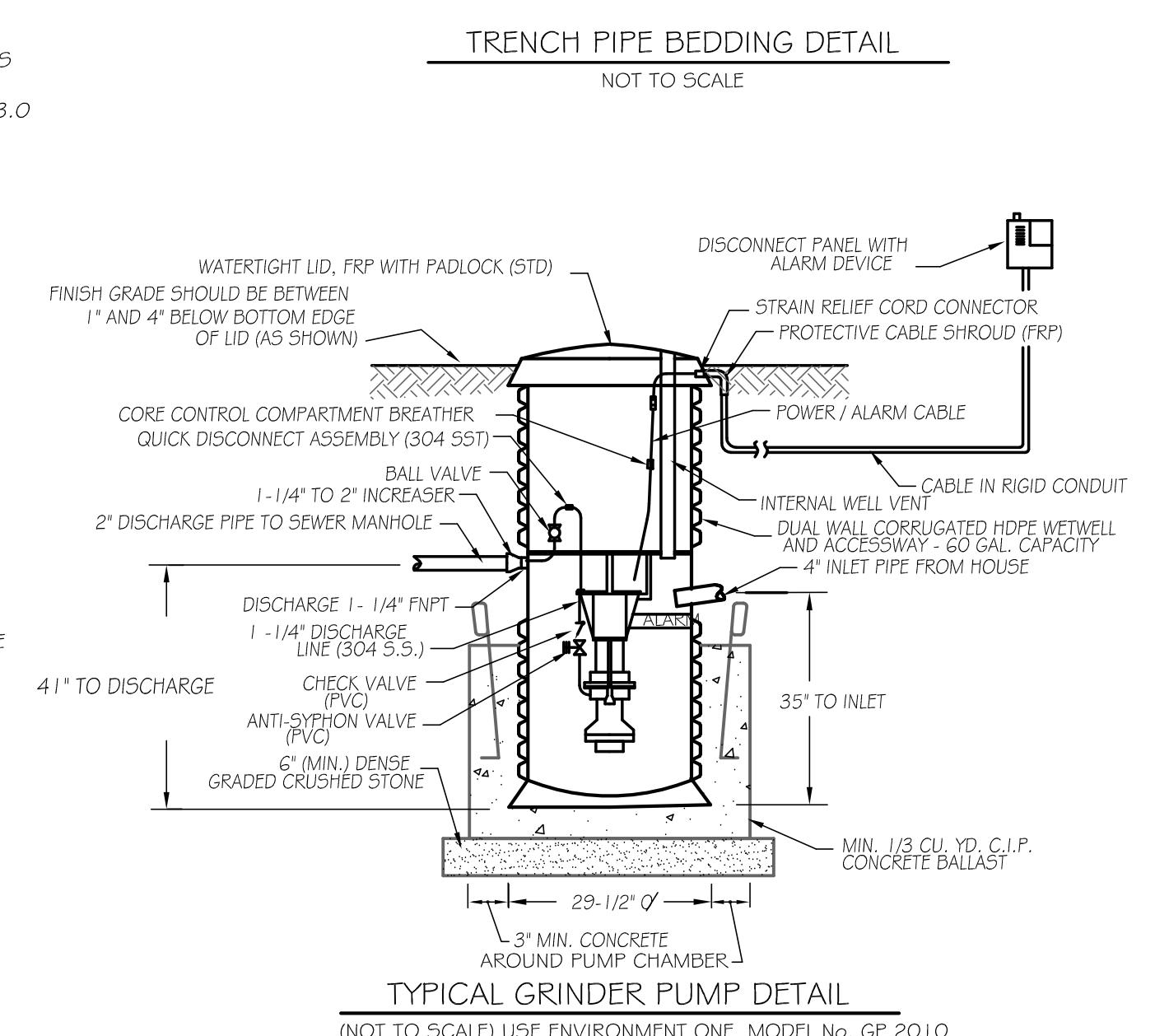
TRENCH PIPE BEDDING DETAIL  
NOT TO SCALE



SHRUB CLUSTER PLANTING DETAIL  
NOT TO SCALE



SHRUB PLANTING DETAIL  
NOT TO SCALE



TYPICAL GRINDER PUMP DETAIL  
(NOT TO SCALE) USE ENVIRONMENT ONE MODEL NO. GP 2010

**SPECIFICATIONS:**

- SEWER PIPE SHALL BE END-PIPE S.D.R. 9 POLYETHYLENE PIPE RATED FOR 200 PSI, LAID TRUE TO GRADE. PIPE SHALL BE BEDDED IN COMPACTED SAND AS SHOWN ON BEDDING DETAIL. PIPE SHALL BE INSPECTED IN PLACE BY THE ENGINEER AND THE FAIRHAVEN B.P.W. REPRESENTATIVE PRIOR TO FINAL COVER.
- NEW GRINDER PUMP PACKAGE SHALL BE 'E-ONE' PUMP BY ENVIRONMENT ONE CORPORATION WITH PROGRESSIVE CAVITY PUMP WITH STAINLESS STEEL ROTOR AND 1-HP 1,725 RPM MOTOR. SELF-CLEANING STATIC LEVEL SENSORS.
- THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND ELEVATIONS IN THE FIELD AND NOTIFY THE ENGINEER OR ANY DISCREPANCIES.
- THE CONTRACTOR SHALL MAINTAIN A MINIMUM CLEARANCE BETWEEN NEW SEWER SERVICE AND EXISTING UNDERGROUND UTILITIES OF AT LEAST 2 FEET, WHERE NEW SEWER CROSSES OTHER UTILITIES WITHIN 2 FEET, BACKFILL WITH CRUSHED STONE BETWEEN THE PIPES.

**GENERAL NOTES:**

NOTE A: SUBJECT LOCATION IS SHOWN AS LOT 19 OF ASSESSORS MAP 19. ZONING IS GENERAL RESIDENCE - RB. MIN. LOT AREA = 15,000 S.F.; MIN. FRONTAGE = 100 FT. SETBACKS: 20-FT. FRONT / 10-FT. SIDE & 30-FT. REAR MAX. BLDG. COVERAGE = 30%; MAX. LOT COVERAGE = 50%. PROPOSED BUILDING COVERAGE = (HOUSE @ 2,280 SF) / 35,025 SF = 6.5% PROPOSED LOT COVERAGE = (HOUSE + DRIVEWAY & WALKS @ 4,180 SF) / 35,025 SF = 11.9% NOTE B: THE DWELLING SHOWN HEREON LIES WITHIN A SPECIAL FLOOD HAZARD AREA (ZONE AE, EL.6) AS DELINEATED ON F.E.M.A. COMMUNITY PANEL NO. 25005C0391G DATED JULY 16, 2014. NOTE C: THE OWNERS PROPOSE TO PLACE FILL IN THE FLOOD ZONE SUBJECT TO APPROVAL OF A CONDITIONAL LETTER OF MAP REVISION BASED ON FILL (CLMR-F) TO BE REQUESTED FROM F.E.M.A. UPON THE ISSUANCE OF AN ORDER OF CONDITIONS FROM THE FAIRHAVEN CONSERVATION COMMISSION. ESTIMATED FILL QUANTITY = 300 CUYDS. NOTE D: THE SUBJECT PARCEL LIES WITHIN THE RIVER FRONT AREA (RFA) OF THE ACUSHNET RIVER. RFA = 32,110 S.F. FOR LOT RECORDED PRIOR TO 1/01/1997. MAX. ALTERATION WITHIN RFA = 5,000 S.F. DEED REFERENCE FOR SUBJECT PARCEL: BOOK 10950 PAGE 167 (1/08/2013) FOR LOT NOS. 318, 319, 320, 321, 322, 334, 335, 336, 337 & 338 AS 5TH OWN ON "PLAN OF OXFORD TERRACE" DATED MAY 20, 1904, AND RECORDED IN PLAN BOOK 4 PAGE 61. NOTE E: NOTIFY DIG-SAFE CENTER, LOCAL UTILITIES AND FAIRHAVEN B.P.W. 72 HOURS PRIOR TO START OF WORK.

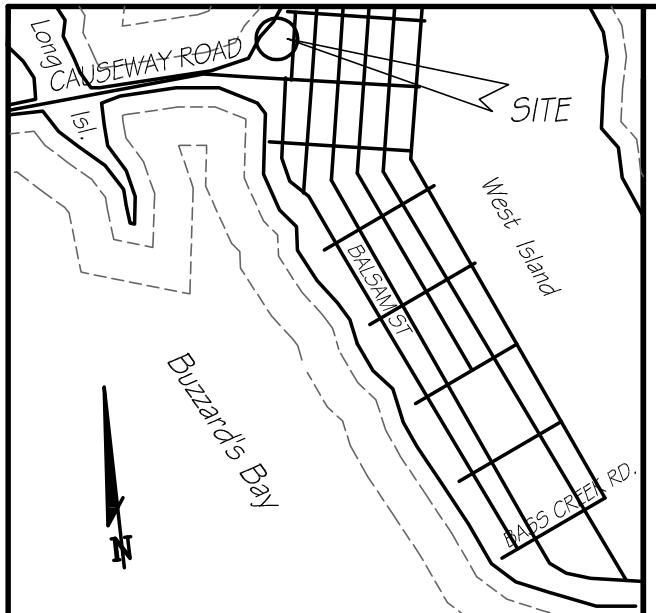
D.E.P. FILE NO.: 023-1310

**PLAN OF SITE, PROPOSED HOUSE & UTILITY CONNECTIONS  
PREPARED FOR  
DANIEL E. & PAMELA J. CORCORAN  
MAP 19 LOT 19 - BEACH STREET  
FAIRHAVEN, MASS.**

CAI Charon Associates, Inc.  
Consulting Engineers  
323 Neck Road - Rochester, MA 02770  
Tel: 508-763-8362 Fax: 508-763-9582

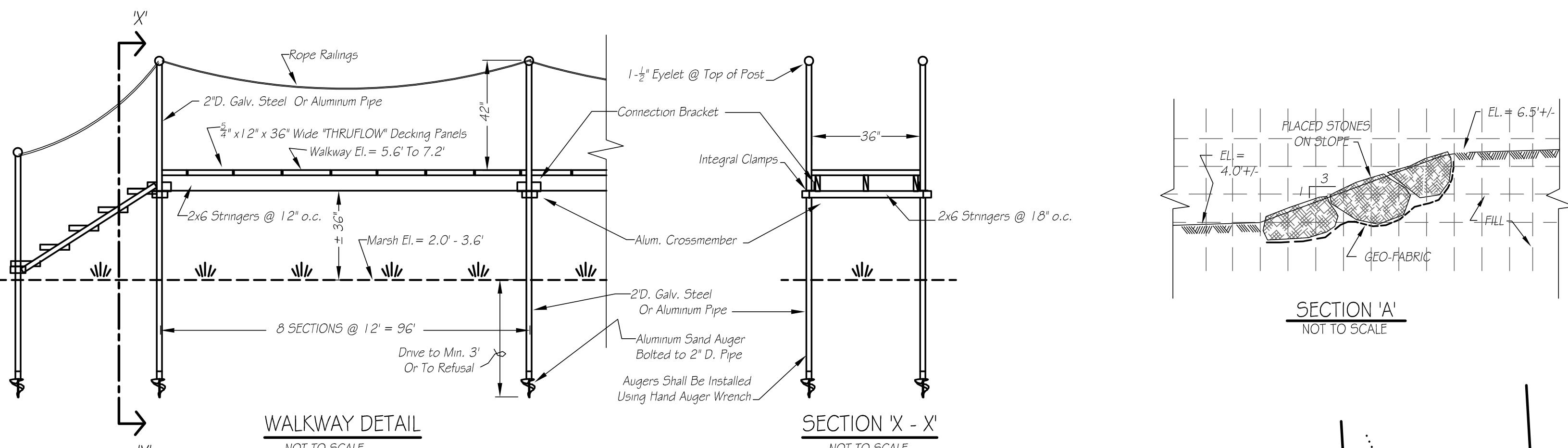
DATE: DECEMBER 30, 2019 SCALE: AS NOTED  
REV. 1: JANUARY 21, 2020 Limit Of Silation Barrier And Concrete Wash-Out  
REV. 2: FEBRUARY 3, 2020, Plantings, & D.P.W., Water Line/ Hydrant And Access Road Requirements  
REV. 3: FEB. 19, 2020, Silt Trap & R.V. Parking

DWG. NO.  
**L-1**



LOCUS PLAN  
SCALE: 1" = 2000±

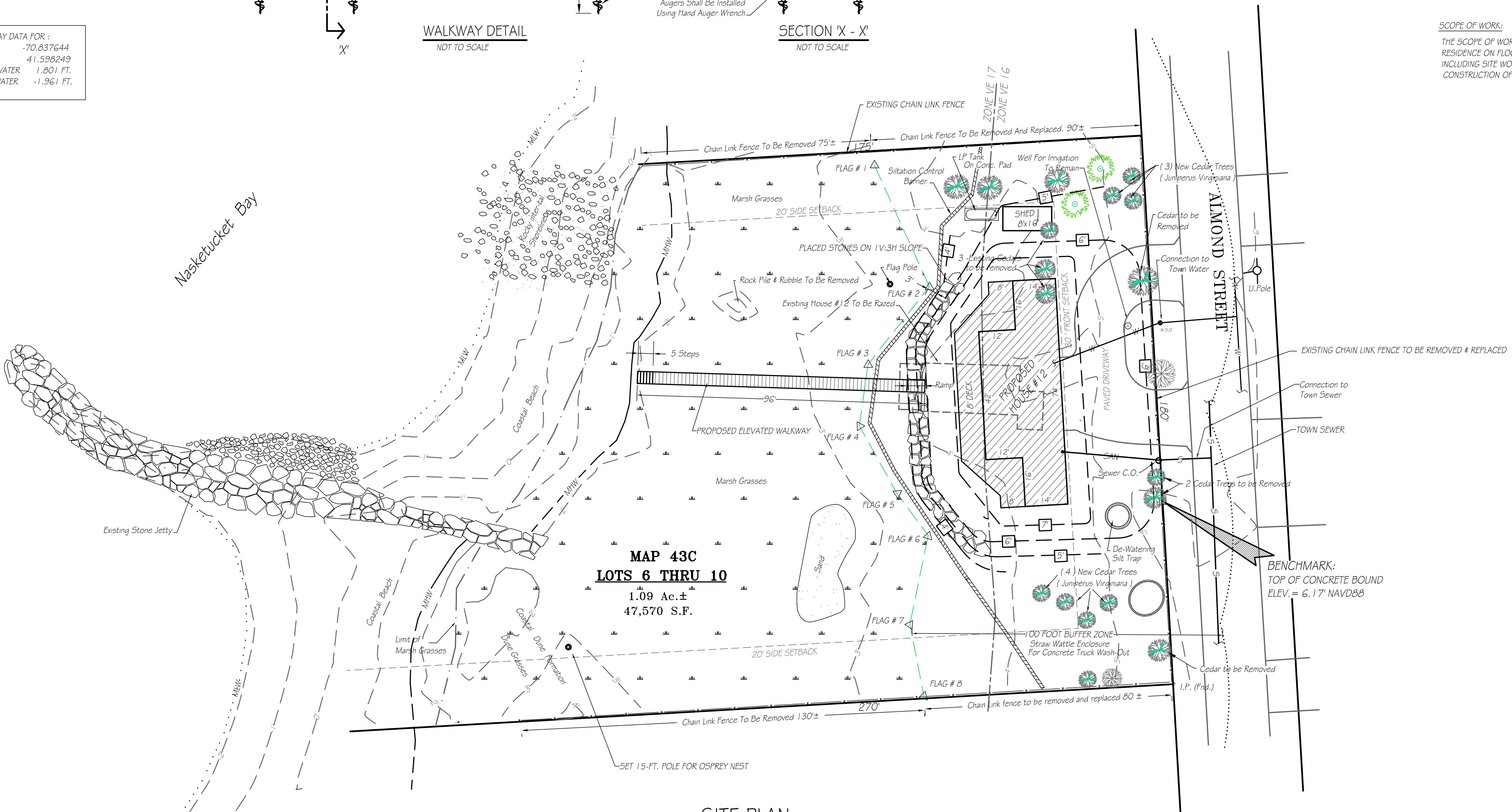
BUZZARDS BAY DATA FOR:  
LONGITUDE -70.837644  
LATITUDE 41.598249  
MEAN HIGH WATER 1.801 FT.  
MEAN LOW WATER -1.961 FT.



**GENERAL NOTES:**  
1. THIS PARCEL IS SHOWN AS LOT 8 OF ASSESSORS MAP 43B.  
2. THE DWELLING SHOWN HEREON LIES WITHIN A SPECIAL FLOOD HAZARD AREA, F.E.M.A. ZONE VE, EL. 17' AS DELINEATED ON F.E.M.A. COMMUNITY PANEL 23005C0502F DATED JULY 7, 2009.  
3. DEED REFERENCE: L.C. CERT. 12109.  
4. ZONING DISTRICT: RURAL RESIDENCE WITH MIN. 30,000 S.F. AREA, 140' FRONTAGE  
CURRENT BUILDING SETBACKS: FRONT = 30', SIDE = 20', REAR = 30'. MAX. BLDG. COVERAGE = 15%; MAX. LOT COVERAGE = 25%  
EXISTING BLDG. COVERAGE = (HOUSE @ 722 S.F.) = 722 S.F./47,570 S.F. = 1.5% ±  
EXISTING LOT COVERAGE = (BLDGs. @ 722 S.F.) = 722 S.F./47,570 S.F. = 1.5% ±  
PROPOSED HOUSE COVERAGE = 2,270 S.F./47,570 S.F. = 4.8%  
PROPOSED DRIVEWAY COVERAGE = 1,550 S.F./47,570 S.F. = 3.3%  
PROPOSED BLDG. COVERAGE = (NEW HOUSE @ 2,270 S.F.) + (SHED @ 80 S.F.) = 2,350 S.F./47,570 S.F. = 4.9%  
PROPOSED LOT COVERAGE = (BLDGs. @ 2,350 S.F.) + (DRIVEWAY @ 1,550 S.F.) = 3,900 S.F./47,570 S.F. = 8.2%  
6. WETLANDS DELINEATION PERFORMED BY THE GARRETT GROUP 280 BLACK CAT ROAD, PLYMOUTH, MA. 02360

Nasketucket Bay

**SCOPE OF WORK:**  
THE SCOPE OF WORK INCLUDES REMOVAL OF EXISTING HOUSE & FOUNDATION, CONSTRUCTION OF NEW RESIDENCE ON FLOOD ZONE-COMPLIANT FOUNDATION PER MASS. STATE BUILDING CODE 9TH. EDITION; INCLUDING SITE WORK AND CONNECTIONS TO TOWN SEWER AND WATER & OTHER UTILITIES; AND CONSTRUCTION OF NEW Elevated WALKWAY OVER MARSH.

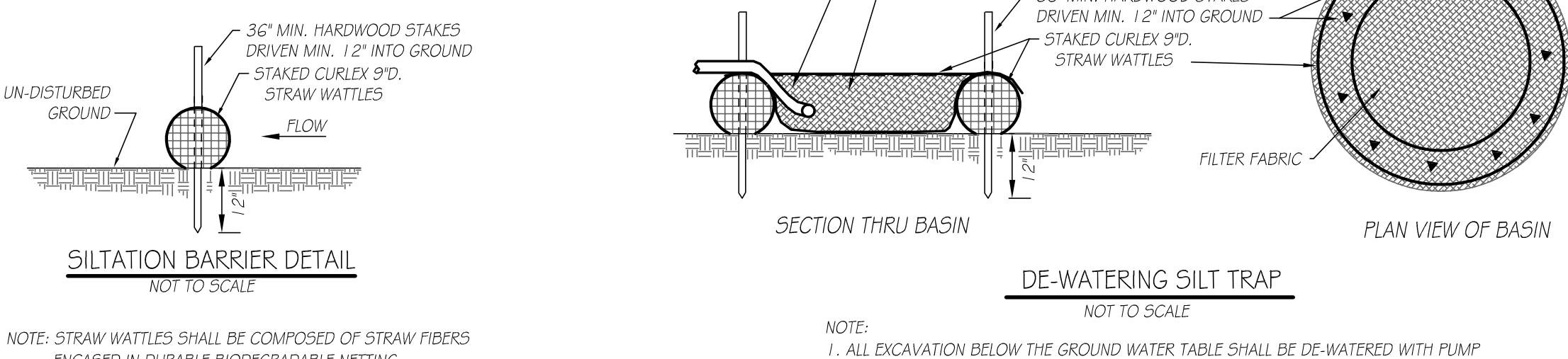


**GRAPHIC SCALE**  
20' 0' 10' 20' 40'  
( IN FEET )  
1 inch = 20 ft

**LEGEND:**  
EXISTING CONTOURS: 10'  
PROPOSED CONTOURS: 10'  
EDGE OF WETLANDS:   
LIMIT OF BUFFER ZONE:   
LIMITS OF F.E.M.A. ZONES:

SPOT ELEVATIONS: 53.9  
TEST PIT LOCATION:   
SEPTIC TANK:   
DELINEATION FLAG: #6

SITE PLAN  
SCALE: 1" = 20 FEET



D.E.P. FILE NO.: 023-1312

**PLAN OF SITE, ELEVATED WALKWAY & PROPOSED RESIDENCE  
PREPARED FOR**  
**PAUL R. & DEBORAH A. CASEY**  
**12 ALMOND STREET**  
**FAIRHAVEN, MASS.**

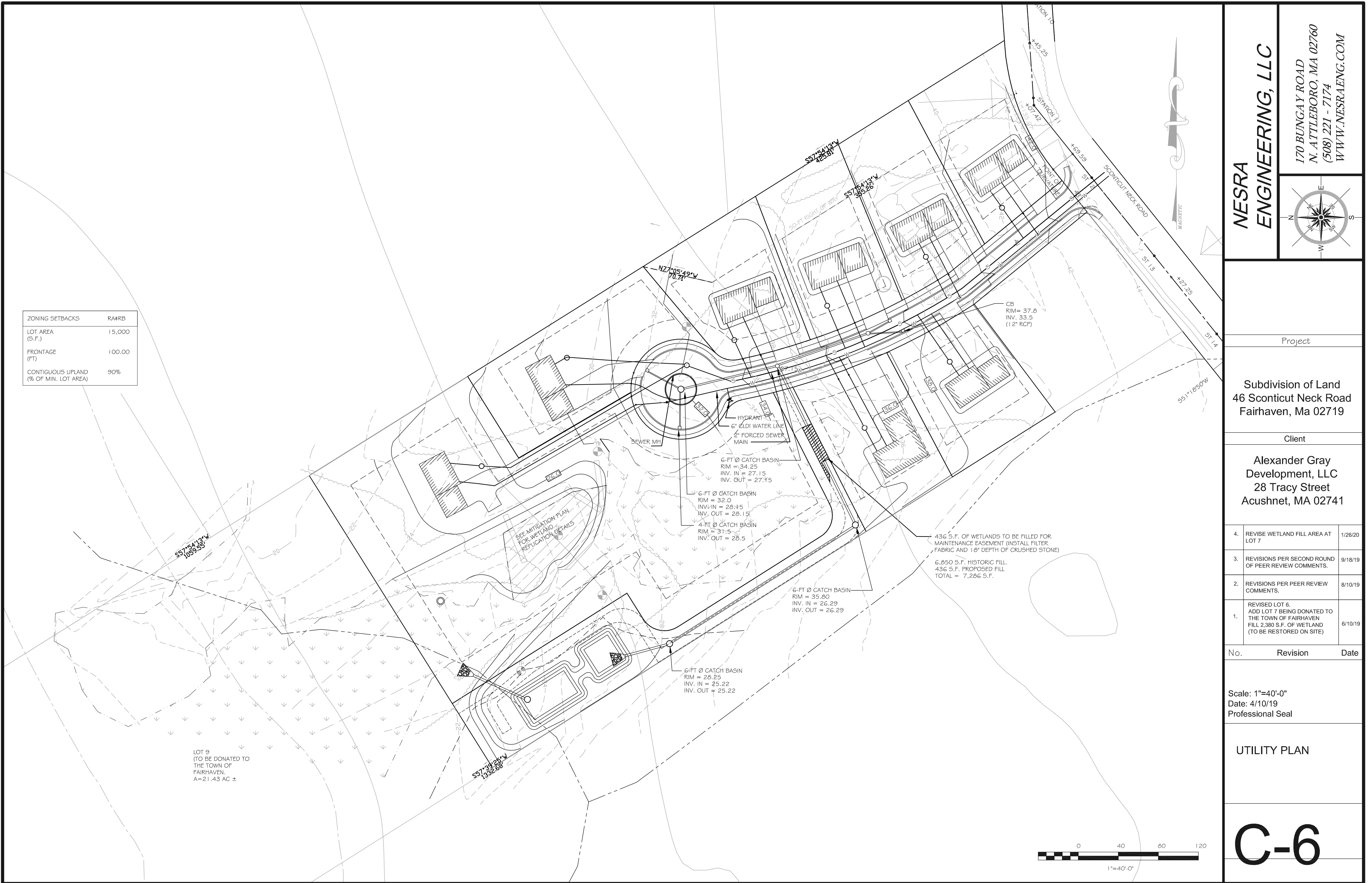
**CAI** Charon Associates, Inc.  
Consulting Engineers  
323 Neck Road - Rochester, MA 02770  
Tel: 508-763-8362 Fax: 508-763-9582

SCALE: AS NOTED  
DATE: DECEMBER 24, 2019  
REV.1: JAN. 21, 2020  
REV.2: JAN. 27, 2020 Walkway Height and Decking  
REV.3: FEB. 3, 2020 Walkway Steps & Plantings  
REV.4: FEB. 19, 2020 Silt Trap & LP Tank Pad

**DWG. NO.**  
**L-1**







February 13, 2020

**Email** [wmcclees@fairhaven-ma.gov]

Ms. Whitney McClees, Agent  
Fairhaven Conservation Commission  
40 Center Street  
Fairhaven, MA 02179

**Re: Preliminary Peer Review Report** [LEC File #: TOFai\20-018.01]  
**DEP File No. SE 23-1309, 23-1101, 23-1127, & 23-1161**  
**1 Bella Vista Island**  
**Fairhaven, Massachusetts**

Dear Members of the Commission:

LEC Environmental Consultants, Inc., (LEC) is pleased to submit this initial Preliminary Peer Review Report associated with the Notice of Intent (NOI) Application and Request for Certificate of Compliance (COC) filed for the above-referenced site in Fairhaven, Massachusetts. LEC has been retained by the Commission to review the filings for compliance with the *Massachusetts Wetlands Protection Act* (M.G.L., Ch. 131, s. 40), and its implementing Regulations (310 CMR 10.00) and the *Town of Fairhaven Wetlands Bylaw* (Chapter 192).

LEC reviewed the NOI and COC submittals and relevant documents in the project file, and attended an on-site meeting and site walk with the Commission on February 9, 2020. Due to the complicated and extensive history of enforcement actions and Conservation filings dating back to the Applicant's purchase of the property in 2009, this letter is intended to be a preliminary review report outlining our initial comments and requests for information. Once the comments provided below are addressed, we will provide a more specific review of the project under the above-referenced state and local *Regulations*.

### **Permitting Overview and Background**

The current NOI has been filed to permit activities referenced in an Administrative Consent Order with Penalty (ACOP) and Notice of Noncompliance (#00004701) issued by Massachusetts Department of Environmental Protection (MassDEP), dated June 25, 2019 for violations of the State *Act* and *Regulations*. The ACOP provides a detailed procedural history for the property dating back to 1970 when the existing driveway bridge was permitted through a DEP Waterways License, with a focus on Conservation Commission filings, enforcement actions, and other environmental permit applications which have occurred since 2009.



The Applicant purchased the property in 2009 and in 2010 the Commission issued the first of three Enforcement Orders (EO) for unpermitted activity. MassDEP also issued EOIs in 2010 and 2013. In response to the EOIs, the Applicant filed multiple NOIs, documented under DEP File No. SE 23-1101, 23-1127, and 23-1161. Based on our preliminary review, it appears that only certain aspects of the work permitted under these file numbers were completed as reviewed below:

### **Previous Conservation Filings**

As noted above, there are three DEP file numbers associated with the property, each of which informs the current filing (DEP SE #23-1309) in some manner.

#### DEP File No. SE 23-1101

The Commission issued an Order of Conditions (OOC) dated February 7, 2011, approving the project, including improvements to the stone revetment and various landscaping activities including wetland restoration, as depicted on the *Plan of Site and Proposed Improvements*, prepared by Charon Associates, Inc., dated January 21, 2011. There is no record of a COC for this project and while the current NOI provides a list of activities permitted under the OOC, it states that “most of the items were completed” without specifying which items were not completed.

#### DEP File No. SE 23-1127

According to the current NOI, the NOI filed under this file number included a request for an access drive to the beach, beach nourishment, elimination of the wetland restoration stipulated in File No. SE 23-1101, *Phragmites* removal, and installation of a floating pier. The filing was significantly modified during the review process and the Commission ultimately issued an OOC dated February 13, 2012, which permitted general invasive species control for the island, dune restoration, restoration plantings, *Phragmites* removal from the “non-jurisdictional wetlands.” In addition, the Applicant was required to pay for wetland restoration at the Fairhaven DPW site as mitigation for filling the non-jurisdictional wetlands and converting them to rain gardens. The restoration plantings were detailed on a *Proposed Planting Plan*, prepared by Prime Engineering with consultation from G. Bourne Knowles & Company, Inc. The Applicant has requested a COC for this permit; however, it appears that the rain gardens were never created and the proposed plantings were never installed.

#### DEP File No. SE 23-1161

According to the current application, this NOI from 2013 sought permission to construct an access drive to the beach, a groin expansion, and installation of a pier, ramp and float. During review by the Commission, it was determined that some groin expansion had already occurred and that groin expansion was not supported by DMF. The subsequent chronology of events is uncertain, but according to the current NOI, no decision was issued, and the Applicant is requesting this file to be reopened so that the groin work and pier can be reviewed. It is our understanding that the Conservation file for this filing is missing, but that

MassDEP has indicated a denial was issued February 11, 2014. Since the hearing was closed and a denial issued, we recommend a new NOI filing for pier, ramp, and float.

### **Current NOI Filing DEP No. SE 023-1309**

The current NOI filing scope of work includes items stipulated in the ACOP issued by MassDEP, including removal and reconstruction of 70 feet of seawall, dredging beneath the bridge, nourishment of the beach with the dredge spoils, beachgrass plantings, coastal dune fencing and construction of a coastal dune. The scope of work was approved by MassDEP pending approval by the Commission. The Commission is not mandated to approve the project because the MassDEP-ordered NOI filing resulting from the ACOP negotiations is based on MassDEP's view that the activities proposed generally meet the performance standards under the state *Act*. The Commission may review and comment on all aspects of this filing under the Act and Bylaw regardless of the ACOP. As noted above and further detailed below, the complexity of the filing and the need for additional details on the plans prevents a comprehensive review of the NOI at this time. Once the comments below are addressed we will provide a more thorough review of the current NOI.

### **Preliminary Findings and Recommendations**

Based on our review of the site and the previous and current NOI filings, we have the following Preliminary Findings and Recommendations for the Commission to consider:

- The site plans submitted with the NOI are lacking information and should be updated to reflect existing conditions and clarify the scope of work proposed. The plans are lacking a current wetland delineation, including the boundaries of Salt Marsh, any Freshwater Wetlands (IVWs or BVWs), Coastal Dune, Coastal Beach, and Coastal Bank. These boundaries should be delineated by a qualified professional and depicted clearly on an Existing Conditions Plan, which should be a separate sheet in the plan set. Other resource areas should also be shown on the Existing Conditions Plan including Land Containing Shellfish, Land Subject to Coastal Storm Flowage, Rocky Intertidal Shore (if present), Land Subject to Tidal Action and any eelgrass beds in the vicinity of the island.
- The Existing Conditions Plan should be based on a current land survey that includes topography, all existing landscaping features, seawalls and toe plates, plantings specified under previous orders, the limit of lawn, mulch planting beds (identify species planted), lighting and benches along the perimeter of the island, and utilities (including perimeter electric). The Existing Conditions Plan should clearly label all features which are the subject to the ACOP and current NOI. No proposed features or activities should be depicted on the Existing Conditions Plan.
- The Applicant should clarify which activities have been completed and which activities have not been completed under DEP File No. SE 23-1101 and File No. SE 23-1127. It appears that the plantings depicted on the *Proposed Planting Plan* under File No. 23-1127 were not planted, and the area that was supposed to be mowed to no less than four inches twice per year is at least partially

manicured lawn. The isolated wetlands, also referenced as “isolated depressions,” that were to become rain gardens under File No. SE 23-1127 are now part of the lawn. If any incomplete work permitted under File No. SE 23-1101 or No. SE 23-1127 are included in this filing, they should be clearly identified on the plans and in writing.

- It is our understanding that the NOI filing under DEP File No. SE 23-1161 was denied by the Commission; therefore, we recommend the Applicant submit a new NOI for those activities, including the pier, ramp and float after the current NOI review is completed.
- We recommend the Commission seek additional clarification of the permitting status of the “toe plate” located at the base of the seawall. While we understand the purpose of the toe plate, it appears that it extends further seaward and includes two rows of flat stones which function more as a walking path than as support for the seawall. Consultation with MassDEP Waterways and DMF may also be advisable.
- Numerous items should be removed from resource areas as soon as possible, including booms, anchors, and associated wires, the wooden float, and the 6” x 6” wooden posts along the property line near the entrance.
- The Commission should not issue a COC for File No. SE 23-1127 since the landscaping activities have not been completed as noted above.
- The Applicant should address the comments provided in DMF’s letter in response to the NOI dated January 7, 2020.

Thank you for the opportunity to assist you with this project. If you have any questions or require additional information regarding this review, please don’t hesitate to contact me.

Sincerely,

**LEC Environmental Consultants, Inc.**



Mark L. Manganello

Assistant Director of Ecological Services

cc: Dave Hill, MassDEP Waterways  
Shaun Walsh, MassDEP  
Eileen Feeney, Division of Marine Fisheries