

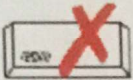
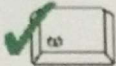


WPA Form 1- Request for Determination of Applicability

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

A. General Information

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



1. Applicant:

Name William R. & Deborah A. Farrell E-Mail Address BDFARRELLSUS9@yahoo.com
 Mailing Address 42 Camel Street
 City/Town Fairhaven State MA Zip Code 02719
 Phone Number 508.542.1938 Fax Number (if applicable) N/A

2. Representative (if any):

Firm N/A
 Contact Name _____ E-Mail Address _____
 Mailing Address _____
 City/Town _____ State _____ Zip Code _____
 Phone Number _____ Fax Number (if applicable) _____

B. Determinations

1. I request the Fairhaven Conservation Commission make the following determination(s). Check any that apply:

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Town of Fairhaven
Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

Street Address	<u>42 Camel Street</u>	City/Town	<u>Fairhaven</u>
Assessors Map/Plat Number	<u>29/058</u>	Parcel/Lot Number	<u>29/058</u>

- b. Area Description (use additional paper, if necessary):

Single-family house

- c. Plan and/or Map Reference(s):

Title	<u>Site Plan</u>	Date	<u>4/29/20</u>
Title	_____	Date	_____
Title	_____	Date	_____

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

See brief narrative and site plan.



WPA Form 1- Request for Determination of Applicability
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

Minor project

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

William R. & Deborah A. Farrell
Name
42 Camel Street
Mailing Address
Fairhaven
City/Town
Massachusetts 02719
State Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10:05(3)(b)(1) of the Wetlands Protection Act regulations.

William Farrell
Signature of Applicant 5/01/20
Date

N/A
Signature of Representative (if any) _____ Date _____

5/01/20



Mr. William R. Farrell
42 Camel St
Fairhaven, MA 02719

Brief Narrative of Proposed Activity

Replace existing porch on West side
entryway of single-family home.
Project to include three scotch tubes.

Work to be done by hand. No heavy
equipment needed.

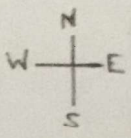
Location of materials for project to
be stored in driveway.



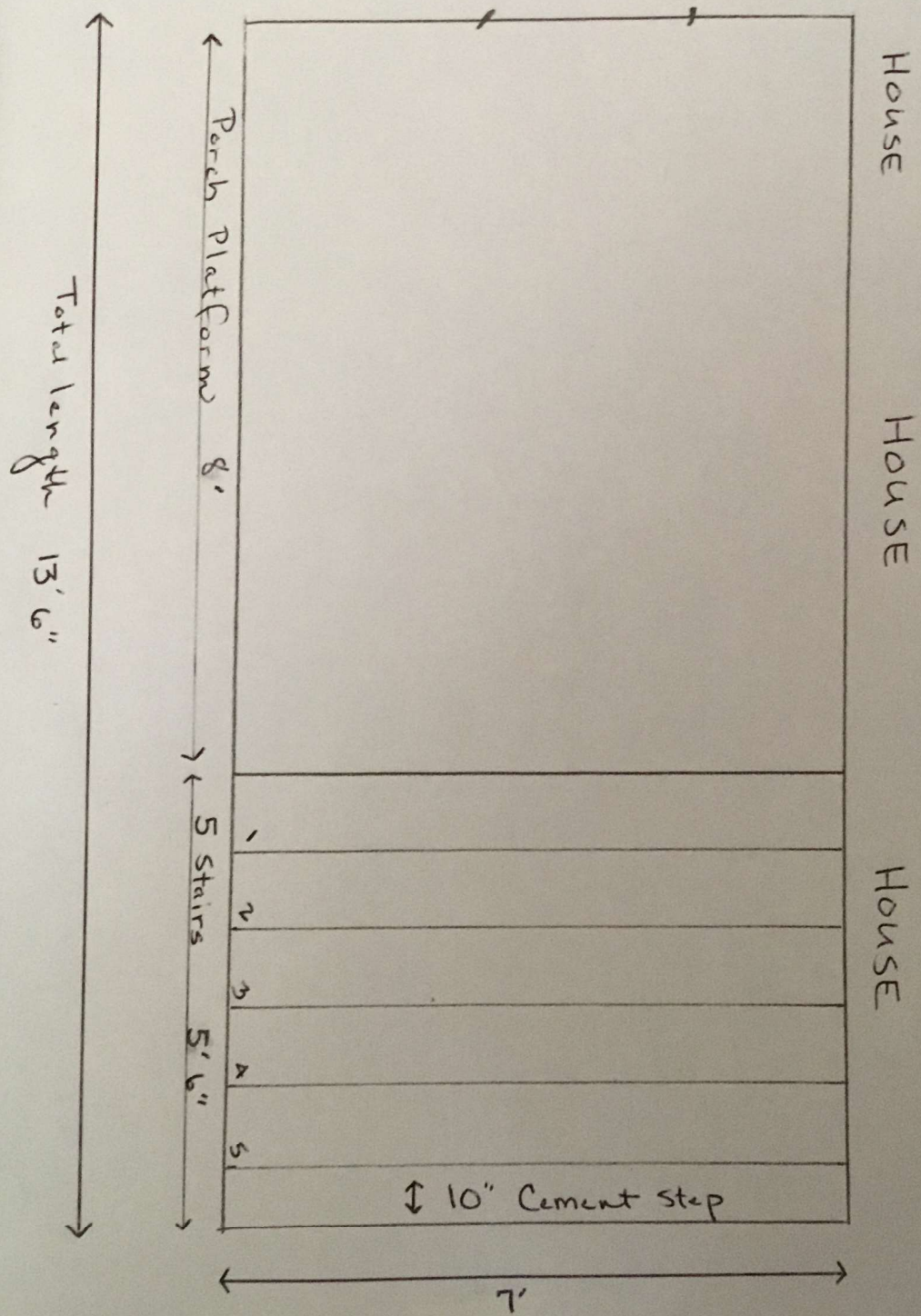
Mr. William R. Farrell
42 Camel St
Fairhaven, MA 02719

SITE PLAN

4/29/20



HOUSE



CAMEL STREET

SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

N. DOUGLAS SCHNEIDER, P.E., P.L.S.
MATTHEW C. LEONE, P.L.S.



DAVID M. DAVIGNON, P.E.
JAY MCKINNON, E.I.T.

May 11, 2020

Town of Fairhaven
Conservation Commission
40 Center Street
Fairhaven, MA 02719

Attn: Whitney McClees, Agent

Re: RDA Application

Project Type: Proposed Deck Improvement
Applicants/Owners: Joseph & Patricia Marshall
Site Address: 21 Cove Street
Lot #55 on Assessors Map #28B

Dear Mr. Chairman & Commission Members,

Schneider, Davignon & Leone, Inc., acting as agent for the Applicant hereby submits the enclosed information for the purposes of scheduling a Public Hearing.

Specifically, please find the following materials enclosed:

- \$75.00 - Legal Ad Fee
- \$100.00 RDA Application Fee
- RDA Application
- Site Plan

If you have any questions or need additional information please call me at (508) 758-7866 (ext. 203).

Sincerely,
Schneider, Davignon & Leone, Inc.

David M. Davignon, P.E.

cc :DEP- SE Regional Office
20 Riverside Drive
Lakeville, MA 02347

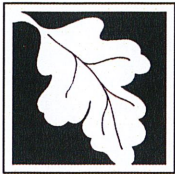
File 3256

Joseph & Patricia Marshall

1 COUNTY ROAD, P.O. Box 480, MATTAPOISETT, MA 02739

PHONE 1-508-758-7866 FAX 1-508-758-6493

PAGE 1 OF 1



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

A. General Information

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



1. Applicant:

Joseph & Patricia Marshall

Name

n/a

E-Mail Address

18 Abner Potter Way

Mailing Address

So. Dartmouth

City/Town

MA

State

02748

Zip Code

(508) 965-9158

Phone Number

n/a

Fax Number (if applicable)

2. Representative (if any):

Schneider, Davignon & Leone, Inc.

Firm

David M. Davignon, P.E.

Contact Name

dsquared3368@yahoo.com

E-Mail Address

P.O. Box 480, 1 County Road

Mailing Address

Mattapoisett

City/Town

MA

State

02739

Zip Code

(508) 758-7866 (ext. 203)

Phone Number

(508) 758-6493

Fax Number (if applicable)

B. Determinations

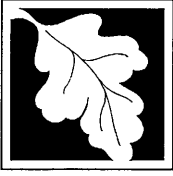
1. I request the Town of Fairhaven Conservation Commission make the following determination(s). Check any that apply:

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Town of Fairhaven

Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



WPA Form 1- Request for Determination of Applicability

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

C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

21 Cove Street

Street Address

Fairhaven

City/Town

#28B

Assessors Map/Plat Number

#55

Parcel/Lot Number

b. Area Description (use additional paper, if necessary):

The property is 11,200 sq. ft. in size and is bordered by Cove Street southerly and developed residential properties northerly, westerly and easterly. The site is developed with a single family dwelling constructed circa 1950. The property falls within Flood Zone VE (EL. 16). It should be noted that although there are phragmite growth around the site there are no wetland resource areas around its perimeter. There is a potential for coastal wetland resource areas on the properties located across the street but the proposed work would be greater than 50 ft. from said areas.

c. Plan and/or Map Reference(s):

Site Plan, Structural Engineering Plans

Title

5-08-2020, 4-16-2020

Date

Figure 1: U.S.G.S. Scoticut Neck Quadrangle, Figure 2: Estimated Habitat Map

Title

Date

Figure 3: Assessors Map #28B, Figure 4: F.I.R.M., Figure 5: Google Earth Photo

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

The Applicants proposes to remove and replace an existing deck. The proposed deck will be constructed within the existing deck footprint and be expanded within the existing front yard area. The dimensions of the deck including the stairs will be 16' x 31.5'. The deck will be supported by and anchored to a sono-tube foundation. The sono-tubes will be excavated using a backhoe or bobcat and would be expected to be installed and backfilled in less than two days. The area disturbed for the installation of the sono-tubes under the deck will be stabilized with weed control fabric covered with crushed stone and any disturbed lawn areas will be treated with loam and seed. All work will occur within Land Subject to Coastal Storm Flowage, Flood Zone VE (El. 16) and possibly within the 100 ft. Buffer Zone of a coastal wetland area located across the street.



WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

n/a

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

n/a



WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office (see Attachment) were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Joseph & Patricia Marshall

18 Abner Potter Way

Mailing Address

So. Dartmouth

City/Town

MA

State

02748

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Joseph Marshall Patricia Marshall
Signature of Applicant

4-24-2020
Date

Ad M. Agner
Signature of Representative (if any)

5/08/2020
Date



4 Color Orthos (USGS)-Orthos_2013_2014~|NHESP Priority Habitats of Rare Species~massgis:GISDATA.PRIHAB_POLY~GISDATA.PRIH.

SCONTICUT NECK QUAD.

ESTIMATED HABITAT MAP

Not to Scale

SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
 1 COUNTY RD, P.O. BOX 480, MATTAPOISETT, MA 02739
 1-508-758-7866



RDA Application
Applicants: Joseph & Patricia Marshall
Town of: Fairhaven
Site Address: 21 Cove Street
Locus= Assessors Lot #55 on Map #28B

FIGURE 2

your map.



GOOGLE EARTH AERIAL

SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
1 COUNTY RD, P.O. BOX 480, MATTAPOISETT, MA 02739
1-508-758-7866



RDA Application
Applicants: Joseph & Patricia Marshall
Town of: Fairhaven
Site Address: 21 Cove Street
Locus= Assessors Lot #55 on Map #28B

FIGURE 5

SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

N. DOUGLAS SCHNEIDER, P.E., P.L.S.
MATTHEW C. LEONE, P.L.S.



DAVID M. DAVIGNON, P.E.
JAY MCKINNON, E.I.T.

May 11, 2020

Re: Notice of Intent – Project Narrative

Applicant/Owner: Jeffrey Lee
Site Location: 70 Reservation Road
Assessors Lot #7 on Map #29B

Project Purpose:

The purpose of the project is to improve the storm damage prevention capability of the seawall which provides protection for the single family home which has existed on the property since 1945.

Site Background:

The subject property is approximately 7,313 sq. ft. in size and is completely developed with a single family dwelling, cobble stone driveway and manicured lawn areas throughout. The property is bordered easterly by Reservation Road, westerly by Buzzards Bay, southerly by a residential home and northerly by undeveloped property. The site is protected from Buzzards Bay by existing vertical stone/concrete seawall.

Project Authorizations:

The property was issued a Chapter 91 Waterways License in 1998 for the subject seawall structure (*see attached License Plan No. 7617*).

On April 23, 2020 the DEP-Waterways Program authorized the proposed seawall improvements thru a determination that the proposed seawall repairs were considered a “Minor Project Modification of License Plan No. 7617” (*see attached Memorandum*).

Wetland Resource Areas:

The entire site falls within Land Subject to Coastal Storm Flowage, Flood Zone VE (El. 20).and VE (El. 23). The top of the stone/concrete seawall to be repaired is the Coastal Bank. The site also contains Coastal Beach between the face of the seawall and mean low water. The entire site falls within the 100 ft. Buffer Zone of the Top of Coastal Bank.

Project Methodology:

Site access will be provided from Reservation Road along the south side of the cobble stone driveway thru the lawn. A gravel access driveway will be provided if necessary. The existing patio blocks will be manually removed and stacked near the fence for re-use. The deck will then be dismantled and loaded into dumpsters for proper offsite disposal.

The seawall work will commence with the removal of the stone debris at the base of the existing seawall. Said work will be done with a rubber tired backhoe or an excavator with access along the patio and deck area landward of the existing seawall. All debris will be loaded into trucks and disposed of an offsite location. A trench will be excavated along the length of the base of the seawall to an approximate 3.3 ft. depth. Crushed stone shall be placed to a depth of 6” for a stable sub-base. Concrete forms would then be set up on said stone for the bottom pour which shall be 16” wide x 36” high. Once the forms are stripped the seaward face will be backfilled using the same excavated sand (beach) material restoring the cobble beach surface back to its preconstruction condition.

The footing for the landward side within the lawn area will then be constructed. A trench will be excavated an approximate depth of 27” below the patio grades. A 6” depth of crushed stone will be placed to support a 16” wide x 12” high footing. The new top portion of the seawall - with the shape of an upside down “U” - will be then poured in one piece. The wall would be backfilled and the lawn area restored to preconstruction conditions.

SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

Compliance and Mitigation relative to the WPA:

- The project will improve Storm Damage Prevention for the circa 1945 existing residential dwelling
- Temporarily disturbed cobble beach to be restored to preconstruction conditions
- All disturbed lawn area to be restored to pre-construction conditions
- All work shall occur with the machinery set up on the existing patio area
- The temporary stockpiling of debris or materials shall occur only occur in the lawn area
- The work required to repair the lower portion of the seawall side of the seawall shall occur within 2 hours of a normal low tidal cycle

Attachments are enclosed as follows:

- 100-foot Abutters List
- DEP Abutter Notification Form
- Figure 1: U.S.G.S. Sconticut Neck Quadrangle
- Figure 2: Estimated Habitat Map
- Figure 3: Assessors Map #29b
- Figure 4: Fairhaven F.I.R.M.
- Ch. 91 Waterways License Document No. 7617
- Ch. 91 Waterways License Plan No. 7617
- DEP – Minor Project Modification Letter
- Request for a Minor Project Modification Letter
- Minor Project Modification Plans
- Site Plan



aps.massgis.state.ma.us/map_ol/oliver.php?lyrs=2013-2014 Color Orthos (USGS)~Orthos_2013_2014~|NHESP Priority Habitats of Rare Specie

SCONTICUT NECK QUAD.

ESTIMATED HABITAT MAP

Not to Scale

SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
 1 COUNTY RD, P.O. BOX 480, MATTAPOISETT, MA 02739
 1-508-758-7866



Notice of Intent Application
Applicants: Jeffrey Lee
Town of: Fairhaven
Site Address: 70 Reservation Road
Locus= Assessors Lot #7 on Map #29B

FIGURE 2



Daniel J. McKiernan
Director

Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509



Charles D. Baker
Governor

Karyn E. Polito

Lieutenant Governor

Kathleen Theoharides

Secretary

Ronald S. Amidon

Commissioner

Mary-Lee King

Deputy Commissioner

May 26, 2020

Fairhaven Conservation Commission
Town Hall
40 Center Street
Fairhaven, MA 02719

Dear Commissioners:

The Division of Marine Fisheries (MA DMF) has reviewed the Notice of Intent by Jeffrey Lee, 70 Reservation Road, to repair a seawall on Buzzards Bay in the Town of Fairhaven, with respect to potential impacts to marine fisheries resources and habitat.

The project site lies within mapped shellfish habitat for quahog (*Mercenaria mercenaria*). Subtidal waters within the project site have habitat characteristics suitable for this species. Land containing shellfish is deemed significant to the interest of the Wetlands Protection Act (310 CMR 10.34) and the protection of marine fisheries.

The subtidal region offshore of the jetties has been mapped by DEP as eelgrass (*Zostera marina*) habitat. Eelgrass beds provide one of the most productive habitats for numerous marine species [1,2] and are designated “special aquatic sites” under the Federal Clean Water Act 404(b) (1) guidelines. Every effort should be made to avoid impacts to eelgrass.

MA DMF offers the following comments for your consideration:

- As much work as possible should be performed from the upland side of the project site to avoid impacts to the intertidal area and shellfish habitat.
- Special care should be maintained to ensure the offshore eelgrass beds are not impacted during the raking of the cobble beach along the base of the seawall and the excavation of the seawall.
- MA DMF agrees with the work occurring within two hours of low tide to avoid seawater from infiltrating the concrete forms before they begin to “set up” so a concrete washout does not occur within the coastal beach.
- If there is any seaward encroachment of the structures, the proponent should minimize seaward encroachment to the maximum extent practicable.
- Any seaward encroachment of hardened structures may result in habitat conversion from cobble beach to hard substrate within intertidal habitat. Mitigation will be warranted if habitat conversion occurs.

Questions regarding this review may be directed to Eileen Feeney in our New Bedford office at (508) 742-9721.

Sincerely,

Eileen M. Feeney

Eileen M. Feeney
Fisheries Habitat Specialist

cc: David M Davignon, Schneider, Davignon & Leone, Inc.
Timothy Cox, Shellfish Constable
Barbara Newman, ACOE
Robert Boeri, CZM
Holly Williams, MA DMF
Tom Shields, MA DMF

EF

References

1. Heck KL, Jr., Carruthers TJB, Duarte CM, Hughes AR, Kendrick G, et al. (2008) Trophic transfers from seagrass meadows subsidize diverse marine and terrestrial consumers. *Ecosystems* 11: 1198-1210.
2. Jackson EL, Rowden AA, Attrill MJ, Bossey SJ, Jones MB (2001) The importance of seagrass beds as a habitat for fishery species. *Oceanography and Marine Biology: an Annual Review* 39: 269-303.