



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

City/Town \_\_\_\_\_

**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:

Michael + Joan Tracey

Name

jmjt37@comcast.net

E-Mail Address

66 Bay St

Mailing Address

Fairhaven

City/Town

MA

State

02719

Zip Code

508 997-5926

Phone Number

Fax Number (if applicable)

2. Representative (if any): NA

Firm

Contact Name

E-Mail Address

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

**B. Determinations**

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

- 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:

\_\_\_\_\_  
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):

Lele Bay St.

Fairhaven

Street Address

City/Town

map 28A

Lots 415 + 413A

Assessors Map/Plat Number

Parcel/Lot Number

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

Back yard single family home  
side + back fencing

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

Map Lele Bay St.

529-2020

Title

Date

Title

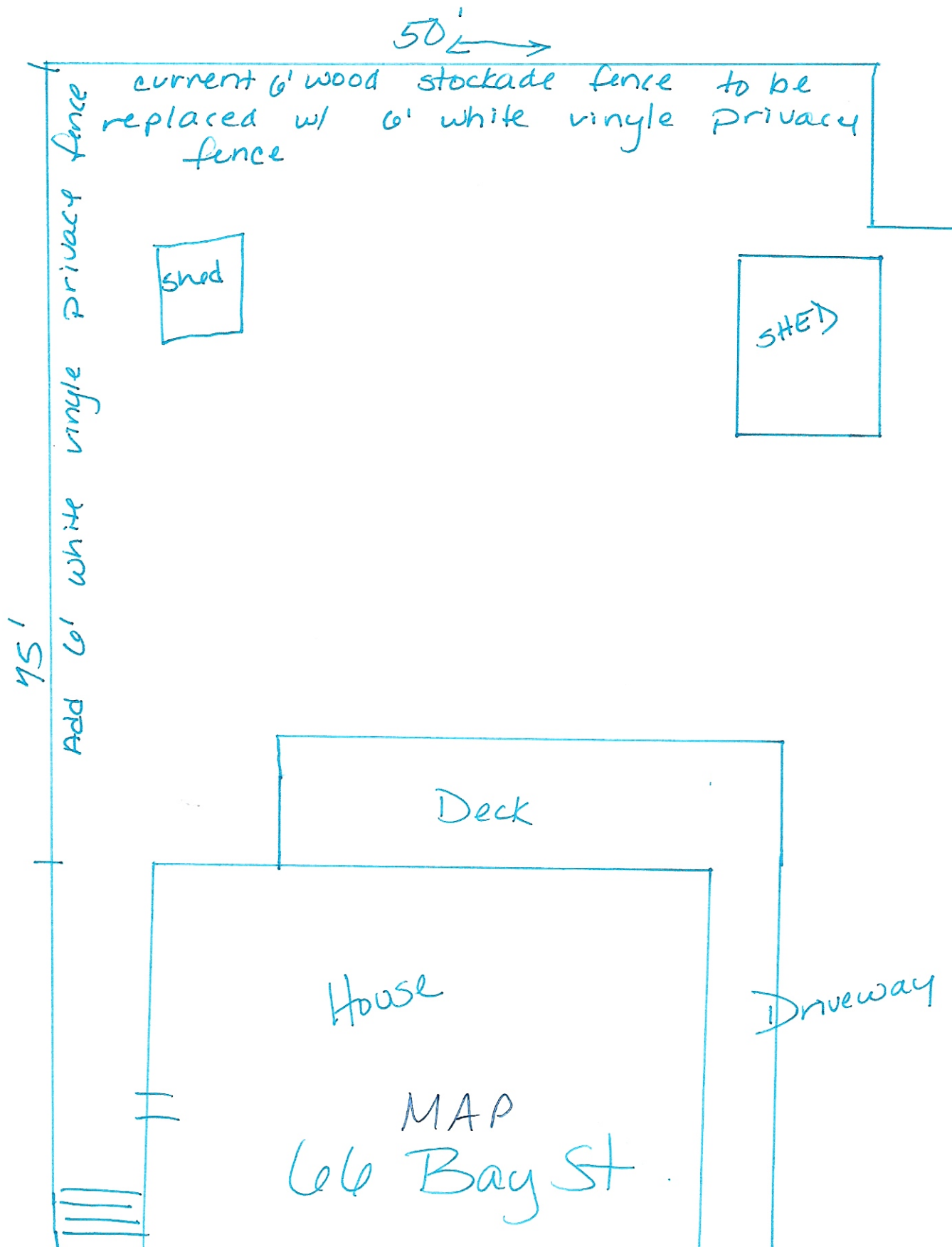
Date

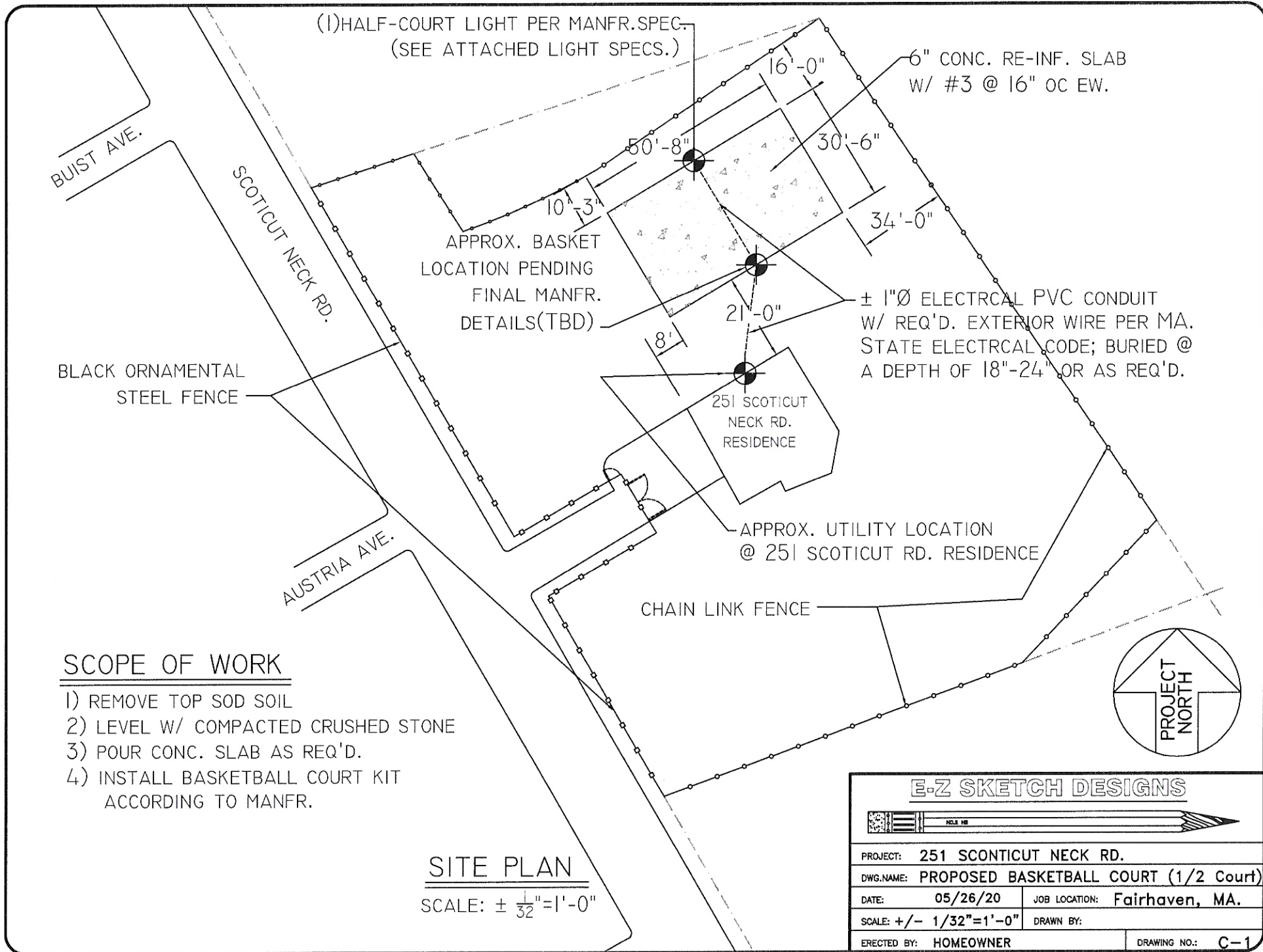
Title

Date

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

Replacing 50'-6' wooden fence at back of  
yard with 6' tall white vinyl fence.  
Add 75' of 6' white vinyl fencing on  
side yard.





(1) HALF-COURT LIGHT PER MANFR. SPEC.  
(SEE ATTACHED LIGHT SPECS.)

6" CONC. RE-INF. SLAB  
W/ #3 @ 16" OC EW.

APPROX. BASKET  
LOCATION PENDING  
FINAL MANFR.  
DETAILS(TBD)

± 1"Ø ELECTRICAL PVC CONDUIT  
W/ REQ'D. EXTERIOR WIRE PER MA.  
STATE ELECTRICAL CODE; BURIED @  
A DEPTH OF 18"-24" OR AS REQ'D.

251 SCOTICUT  
NECK RD.  
RESIDENCE

APPROX. UTILITY LOCATION  
@ 251 SCOTICUT RD. RESIDENCE

CHAIN LINK FENCE

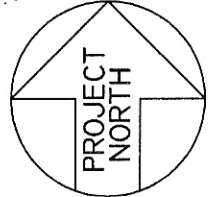
BLACK ORNAMENTAL  
STEEL FENCE

SCOPE OF WORK

- 1) REMOVE TOP SOD SOIL
- 2) LEVEL W/ COMPACTED CRUSHED STONE
- 3) POUR CONC. SLAB AS REQ'D.
- 4) INSTALL BASKETBALL COURT KIT  
ACCORDING TO MANFR.

SITE PLAN

SCALE: ± 1/32" = 1'-0"



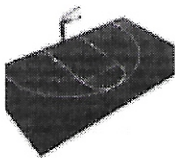
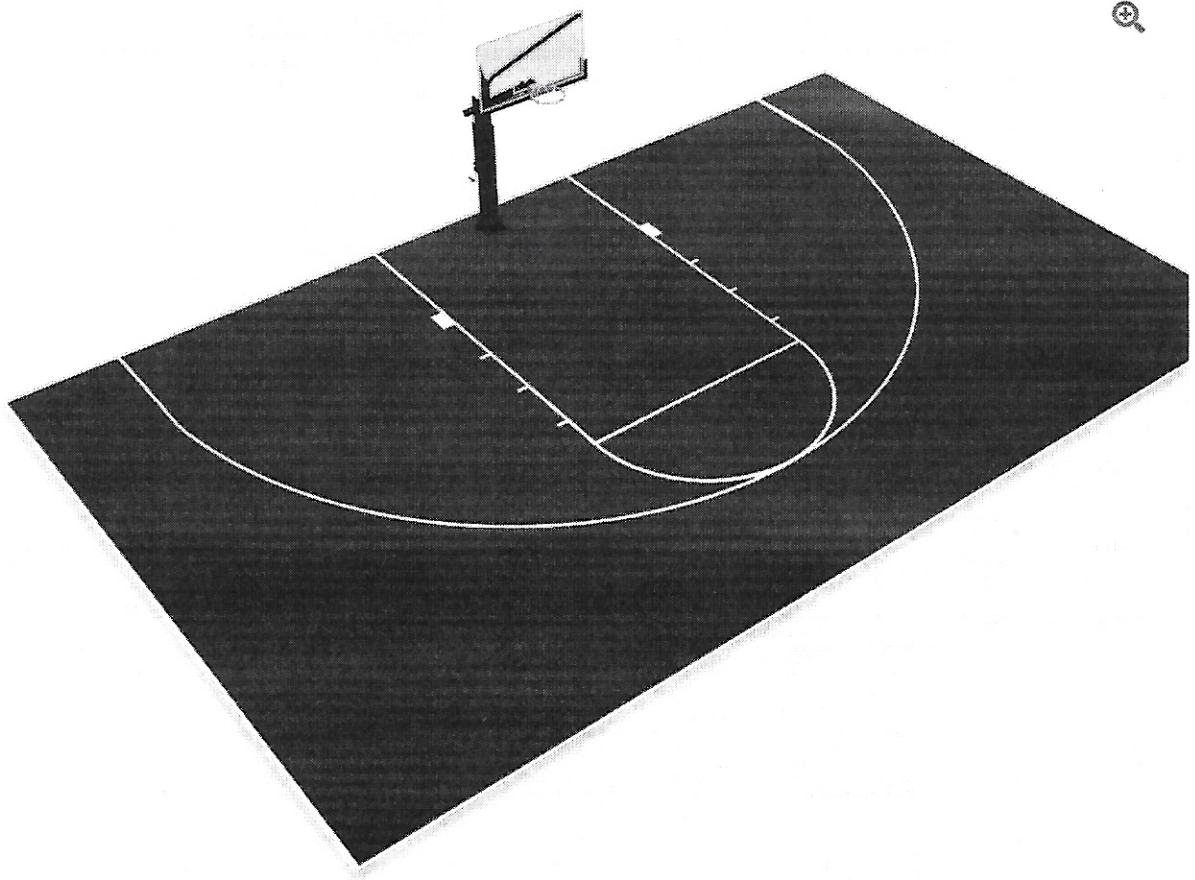
<b>E-Z SKETCH DESIGNS</b>	
PROJECT: 251 SCOTICUT NECK RD.	
DWG. NAME: PROPOSED BASKETBALL COURT (1/2 Court)	
DATE: 05/26/20	JOB LOCATION: Fairhaven, MA.
SCALE: +/- 1/32" = 1'-0"	DRAWN BY:
ERECTED BY: HOMEOWNER	DRAWING NO.: C-1





Menu

Home > Basketball Courts > 50' x 30' Basketball Half Court



 Search products...



# 50' X 30' BASKETBALL HALF COURT

\$5,249.00 – \$5,699.00

The DunkStar® 50' x 30' Basketball Half Court is the perfect way to bring the game home to you. Give your family the option of a healthy activity, a safe place to play and exercise in the comfort of your own backyard without worrying about where they are. This convenient DIY kit includes 500 square feet of modular flooring that you can easily put together at home over any solid subsurface.

More colors available: Call us at 1-888-861-7546 for a selection of premium color options.

*Note: DIY line kit, concrete pad, basketball hoop, and other accessories sold separately. DunkStar Courts have a two to three week lead time to manufacture. To see general concrete specifications, click here.*

Main Court Color

Evergreen 

Key Color

Evergreen 

Lines

With Lines   Clear

\$5,699.00

1 Add to cart

Description

 Additional information  
 Search products...



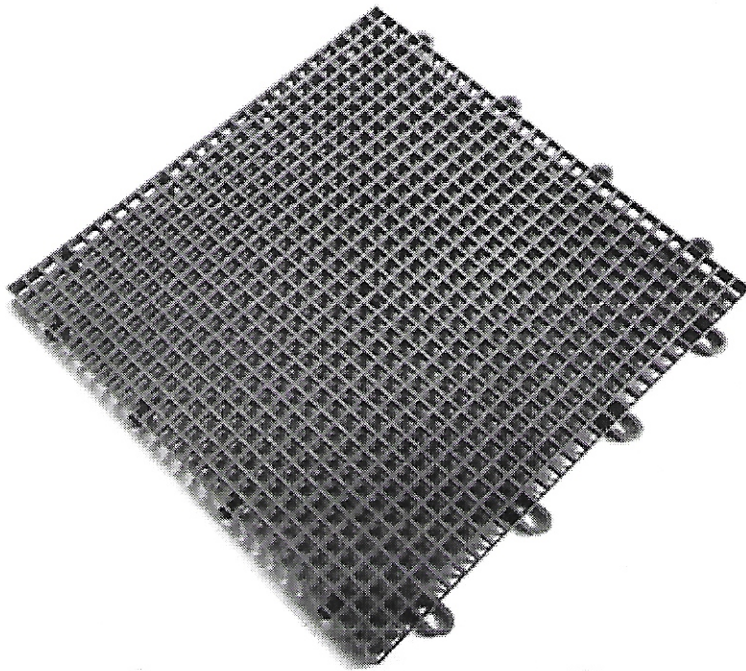
Reviews (0)

## DESCRIPTION

The DunkStar<sup>®</sup> 50' x 30' Basketball Half Court is the perfect way to play basketball in your own backyard. This DIY kit comes with 1500 square feet of surfacing in the colors of your choice with options for basketball lines. When it's time to assemble, there's no need to call in a professional with complex tools. Simply "*snap*" together the multi-patented tiles and watch your custom court come to life!

### DunkStar All-Weather Sports Surfacing

DunkStar Basketball Courts consist of premium modular flooring that anyone can put together at home. No messy glues, epoxies, or even special tools required. Athletic surfacing engineered for high performance and safety, superior all-weather grip and shock-absorbing towers for added protection. Each tile features superior UV protection for long-lasting outdoor color performance, an aesthetically seamless engineered design, and quick drainage during wet weather. DunkStar surfacing is also the ideal low-maintenance solution to hide unsightly subsurfacing and cracked concrete.



 Search products...







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[Wall Pack & Security Lights \(/wall-mount-lighting\)](#) +

[Decorative Pole Lighting \(/decorative-pole-lighting\)](#) +

[Commercial Indoor Lighting \(/indoor-commercial-lighting\)](#) +

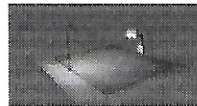
[Hazardous Lighting \(/hazardous-lighting\)](#)

[Landscape & Outdoor Lighting \(/commercial-landscape-lighting\)](#) +

[Lighting Accessories \(/lighting-accessories\)](#) +

[Commercial Christmas Trees & Holiday Lights \(/christmas-trees-and-holiday-lights\)](#) +

[LED Spot \(https://www.ledspot.com\)](#) [Products \(https://www.ledspot.com/shop/\)](#) [Athletic & Sports Field Lighting \(https://www.ledspot.com/sports-lighting/\)](#) [Basketball Court Lighting \(https://www.ledspot.com/sports-lighting/basketball-court-lighting/\)](#) [LED Basketball Half Court Lighting System - Single Pole \(https://www.ledspot.com/sports-lighting/basketball-court-lighting/led-basketball-half-court-lighting-system-single-pole/\)](#) [LED Basketball Half Court Lighting System - Single Pole 4" Diam. 10 Gauge Direct Burial](#)



## LED Basketball Half Court Lighting System - Single Pole 4" Diam. 10 Gauge Direct Burial

SKU: LS-XARL-A-20 410-4TBC-GA DB

Categories: [Athletic & Sports Field Lighting \(https://www.ledspot.com/sports-lighting/\)](#), [Basketball Court Lighting](#)

[\(https://www.ledspot.com/sports-lighting/basketball-court-lighting/\)](#), [LED Basketball Half Court Lighting System - Single Pole](#)

[\(https://www.ledspot.com/sports-lighting/basketball-court-lighting/led-basketball-half-court-lighting-system-single-pole/\)](#)

~~\$2,310.98~~ **\$2,145.98**

Color

[Description](#)

[Additional information](#)

[Reviews \(0\)](#)

[Documents](#)

### Description

Available with a direct burial or anchor base pole, the LED Half Court Lighting System installs directly across from the hoop for an illuminated playing surface that doesn't interfere with playing performance. The energy efficient LED fixture uses almost half the energy of similar metal halide fixtures and throws the light forward for the ideal lighting pattern.

### Package Includes

- (1) - 20' Round Steel Pole
- (1) - 528 Watt LED Fixture
- (1) - Davit Mounting Arm

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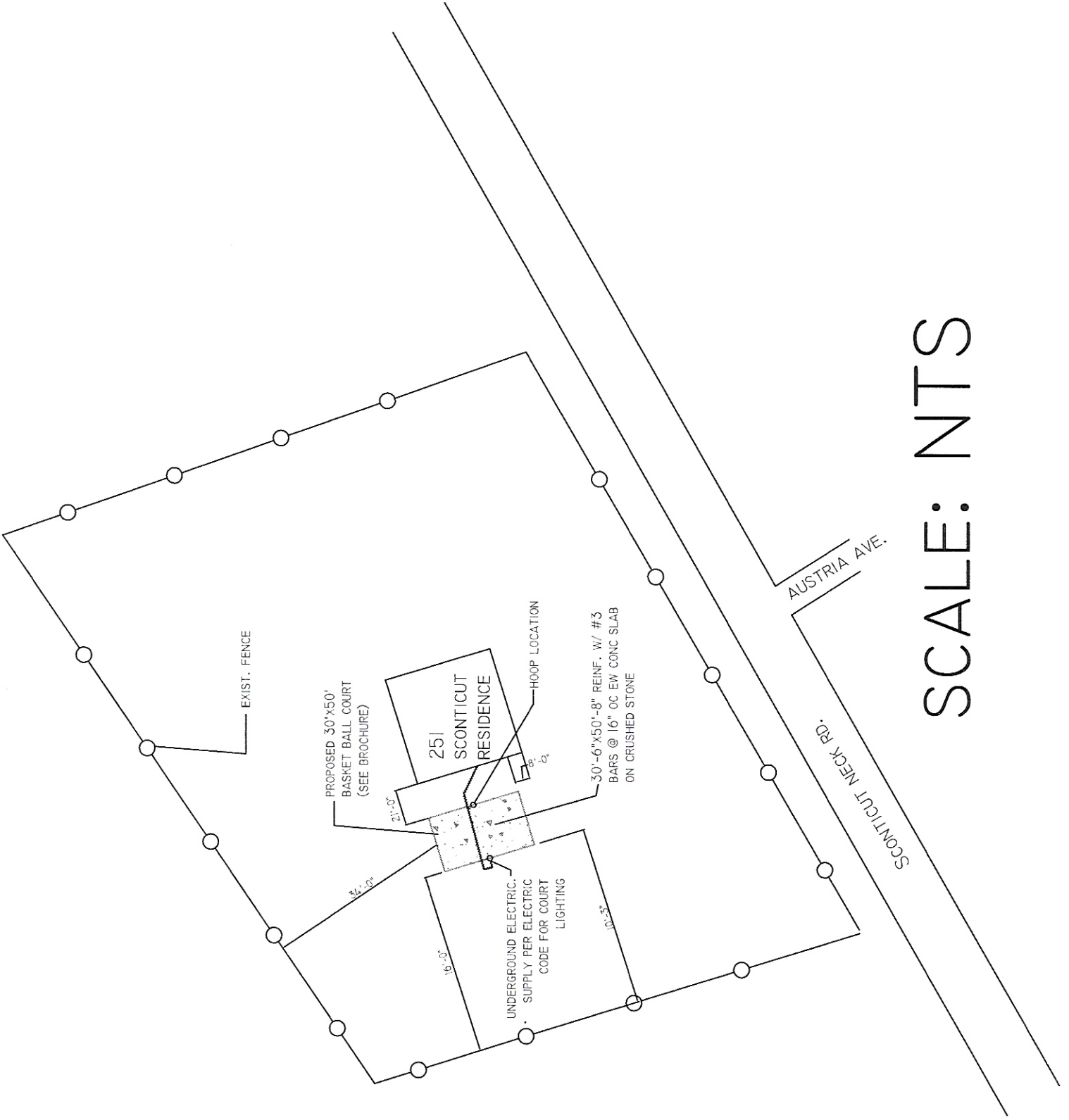
[Commercial Lighting Info \(https://www.ledspot.com/ls-commercial-lighting-info/\)](#)

[Photometric Design \(https://www.ledspot.com/ls-photometric-design/\)](#)

[Online Power Cable Calculator \(https://www.ledspot.com/ls-power-cable-calculator\)](#)

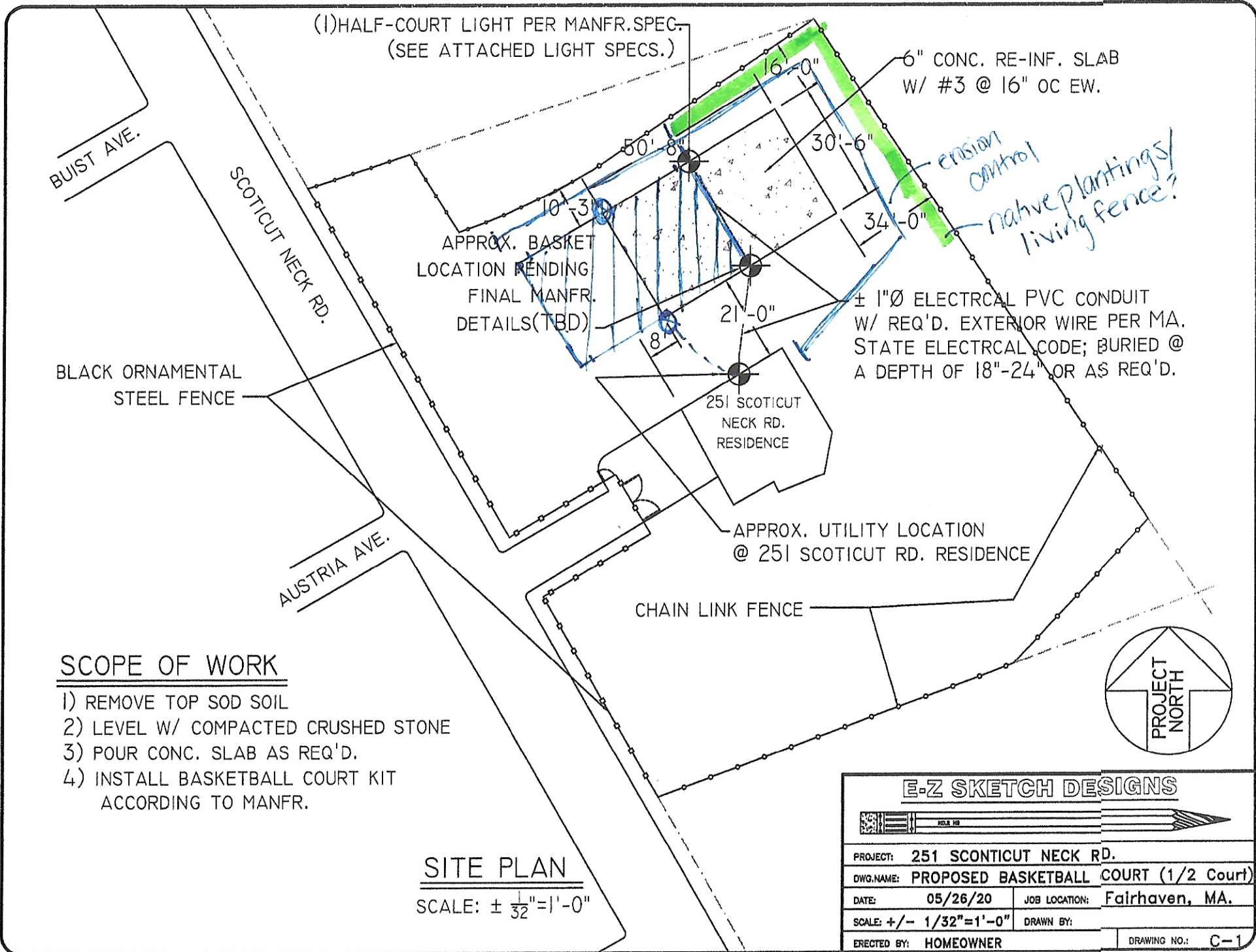
[Batting Cage Lighting Kits \(https://www.ledspot.com/ls-commercial-lighting-info/sports-athletic-lighting/baseball-field-lighting/batting-cage-lighting-kits/\)](#)





SCALE: NTS

POSSIBLE PLAN CHANGES - drawn by Agent



(1) HALF-COURT LIGHT PER MANFR. SPEC.  
(SEE ATTACHED LIGHT SPECS.)

6" CONC. RE-INF. SLAB  
W/ #3 @ 16" OC EW.

*erosion control*  
*native plantings/  
living fence?*

APPROX. BASKET  
LOCATION PENDING  
FINAL MANFR.  
DETAILS (TBD)

± 1"Ø ELECTRICAL PVC CONDUIT  
W/ REQ'D. EXTERIOR WIRE PER MA.  
STATE ELECTRICAL CODE; BURIED @  
A DEPTH OF 18"-24" OR AS REQ'D.

BLACK ORNAMENTAL  
STEEL FENCE

251 SCOTICUT  
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RESIDENCE

APPROX. UTILITY LOCATION  
@ 251 SCOTICUT RD. RESIDENCE

CHAIN LINK FENCE



SCOPE OF WORK

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SITE PLAN  
SCALE: ± 1/32" = 1'-0"

E-Z SKETCH DESIGNS			
PROJECT: 251 SCOTICUT NECK RD.			
DWG. NAME: PROPOSED BASKETBALL COURT (1/2 Court)			
DATE: 05/26/20	JOB LOCATION: Fairhaven, MA.		
SCALE: +/- 1/32" = 1'-0"	DRAWN BY:		
ERECTED BY: HOMEOWNER	DRAWING NO.: C-1		



**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):

14 Wigwam Beach Road Fairhaven 02719  
 a. Street Address b. City/Town c. Zip Code  
 Latitude and Longitude: 41-37-28.3N 70-51-45.9W  
 d. Latitude e. Longitude  
29 16F  
 f. Assessors Map/Plat Number g. Parcel /Lot Number

2. Applicant:

Luis & Sharon Pacheco  
 a. First Name b. Last Name  
 c. Organization  
14 Wigwam Beach Road  
 d. Street Address  
Fairhaven Ma 02719  
 e. City/Town f. State g. Zip Code  
 h. Phone Number i. Fax Number 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):

Michael Koska  
 a. First Name b. Last Name  
Michael J. Koska & Associates, Inc.  
 c. Company  
98 Broad Street  
 d. Street Address  
Bridgewater Ma 02324  
 e. City/Town f. State g. Zip Code  
(508) 697-7400 m.koska.associates@gmail.com  
 h. Phone Number i. Fax Number j. Email address

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

\$552.00 \$263.50 \$288.50  
 a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid



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

**A. General Information** (continued)

6. General Project Description:

Applicant proposes to construct a 6' wide by 80' long fixed dock with gangway and floats within Dyers Cove (Little Bay). Fixed pier to be secured with (10) pilings with an aluminum deck and handrails. Floats to be secured to 3 fixed pilings and will be 8' x 16'.

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

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Commercial/Industrial
- 4.  Dock/Pier
- 5.  Utilities
- 6.  Coastal engineering Structure
- 7.  Agriculture (e.g., cranberries, forestry)
- 8.  Transportation
- 9.  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

10183

c. Book

b. Certificate # (if registered land)

295

d. Page Number

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

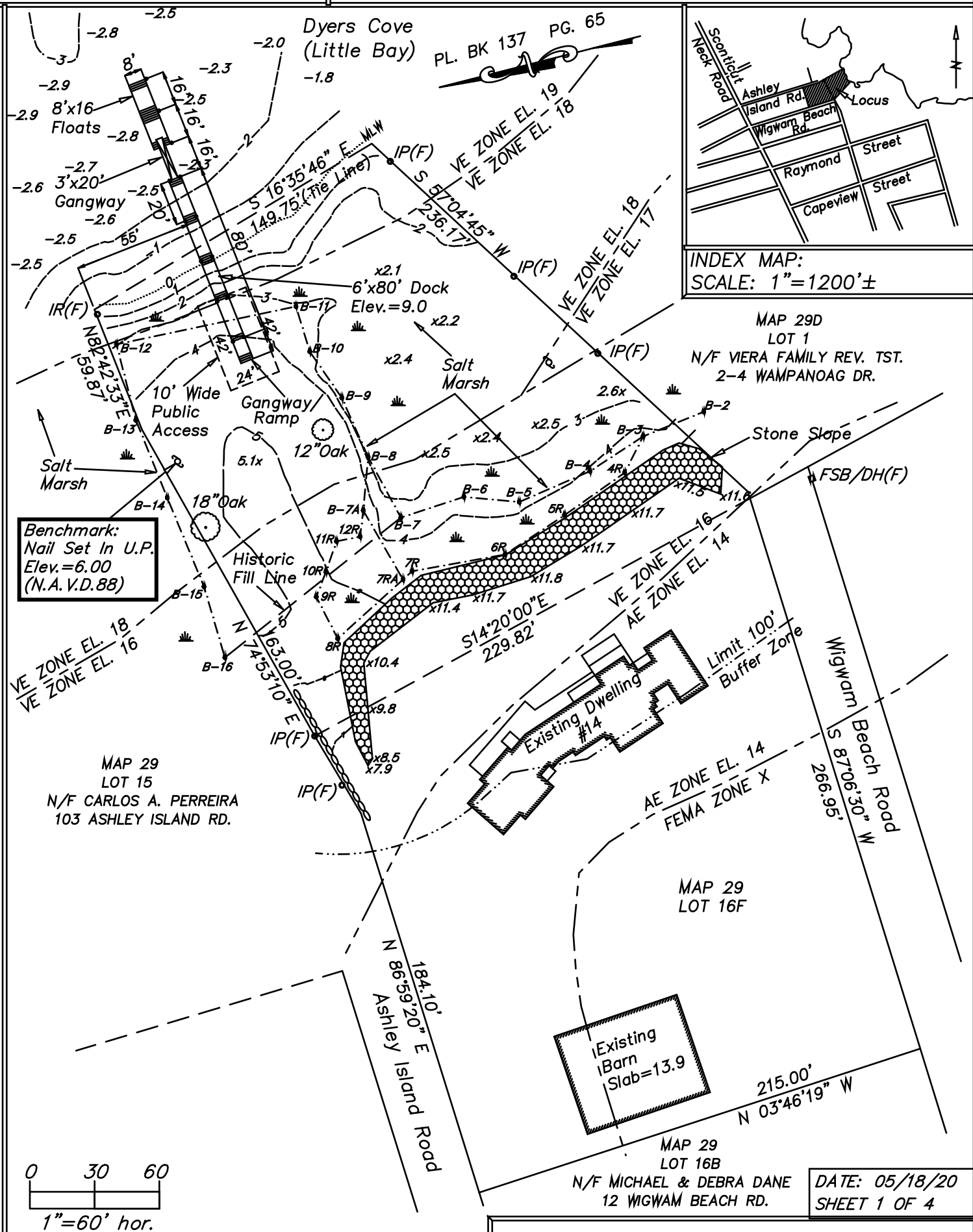
- 1.  Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2.  Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

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.



"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS".

PREPARER

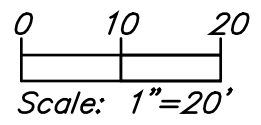
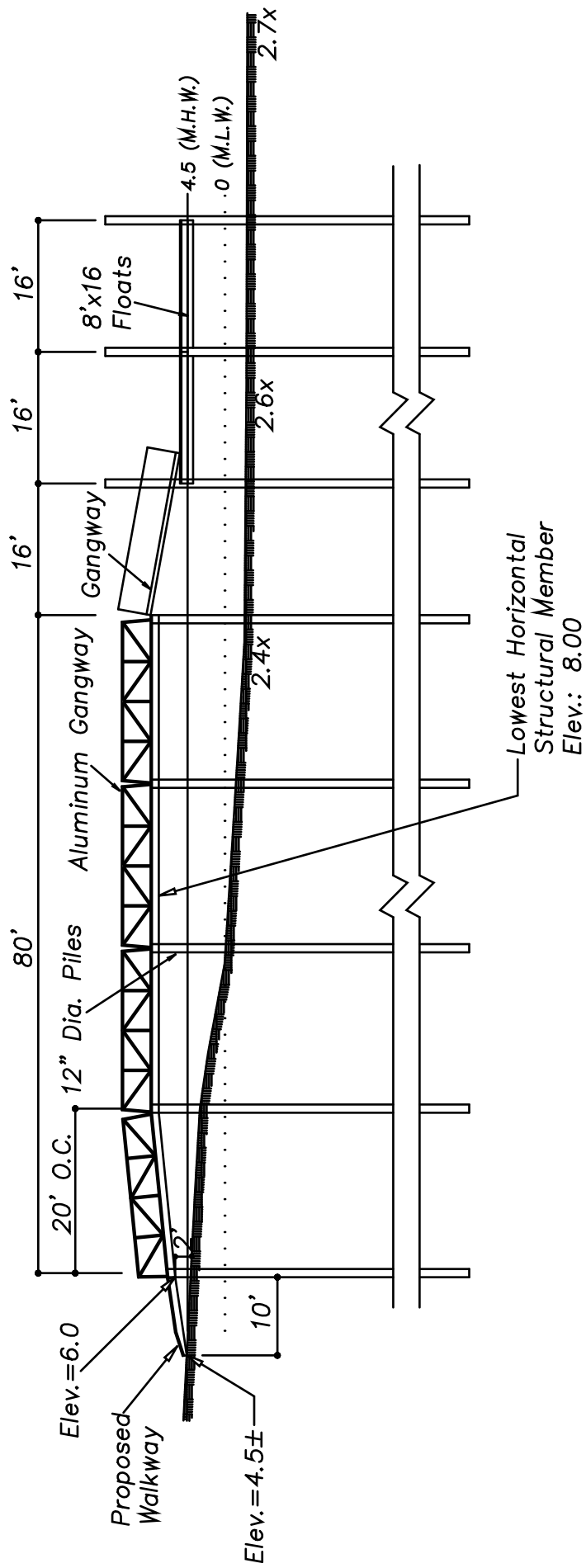


PLAN TO ACCOMPANY THE PETITION OF LOUIS & SHARON PACHECO TO LICENSE AND MAINTAIN A PROPOSED FIXED PIER, GANGWAY, FLOAT AND RETAINING WALL IN DYERS COVE, FAIRHAVEN, MASS. 14 WIGWAM BEACH ROAD, FAIRHAVEN, MA.

DATE: 05/18/20  
SHEET 1 OF 4

"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS".

PREPARER

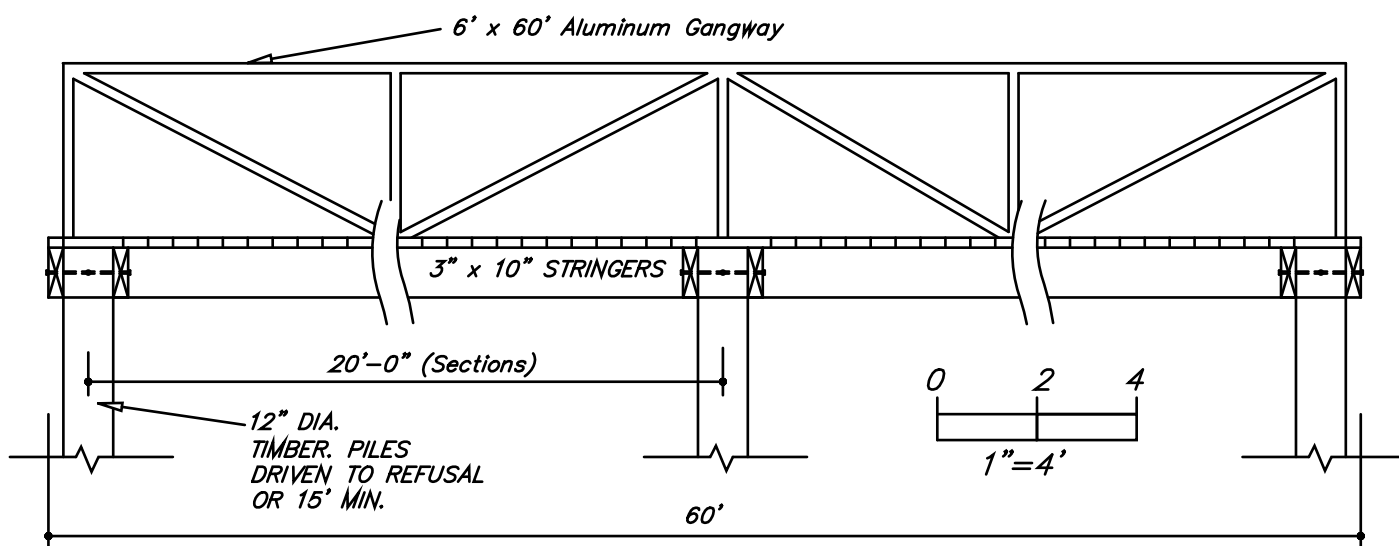


PLAN TO ACCOMPANY THE PETITION OF LOUIS & SHARON PACHECO TO LICENSE AND MAINTAIN A PROPOSED FIXED PIER, GANGWAY, FLOAT AND RETAINING WALL IN DYERS COVE, FAIRHAVEN, MASS. 14 WIGWAM BEACH ROAD, FAIRHAVEN, MA.

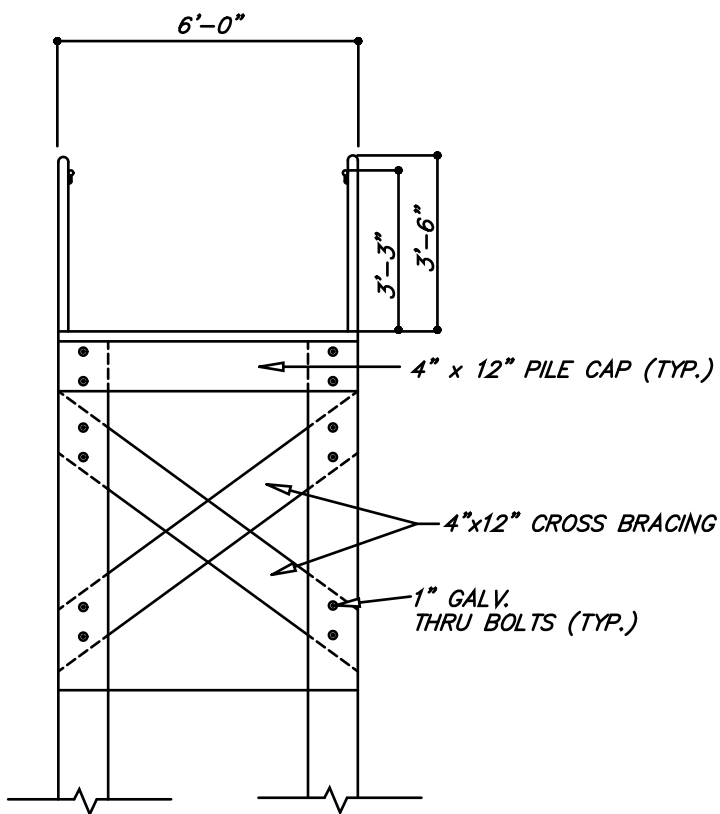
DATE: 05/18/20  
SHEET 2 OF 4

"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS".

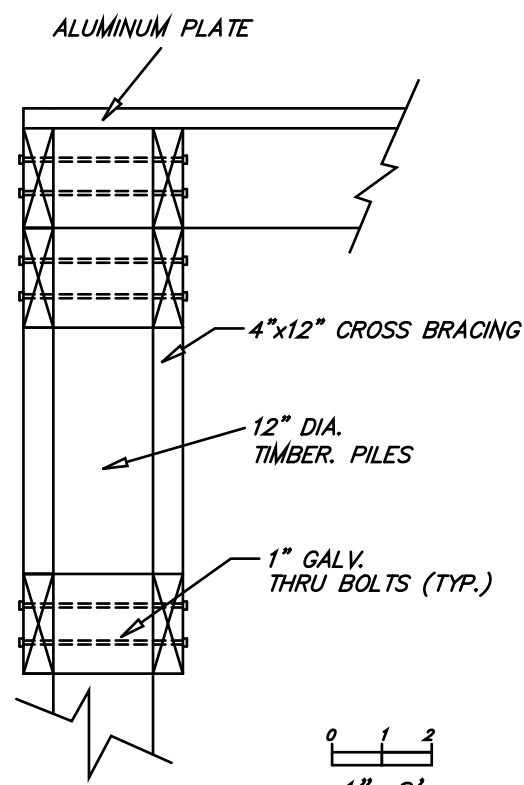
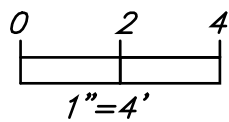
PREPARER



FIXED PIER CONSTRUCTION DETAILS



SECTION A-A



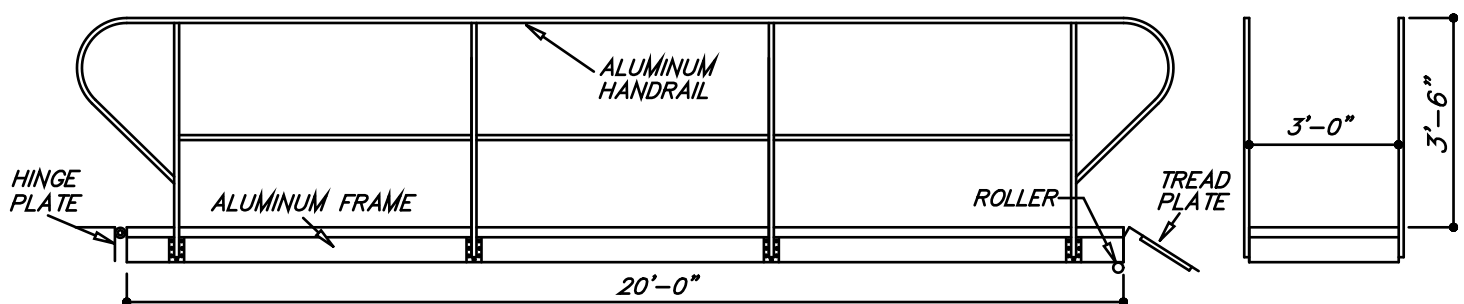
PILE CAP DETAIL

PLAN TO ACCOMPANY THE PETITION OF LOUIS & SHARON PACHECO TO LICENSE AND MAINTAIN A PROPOSED FIXED PIER, GANGWAY, FLOAT AND RETAINING WALL IN DYERS COVE, FAIRHAVEN, MASS. 14 WIGWAM BEACH ROAD, FAIRHAVEN, MA.

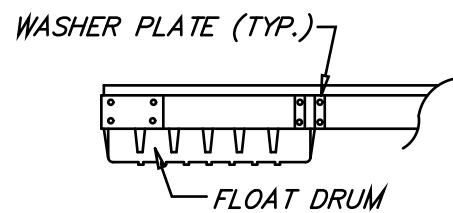
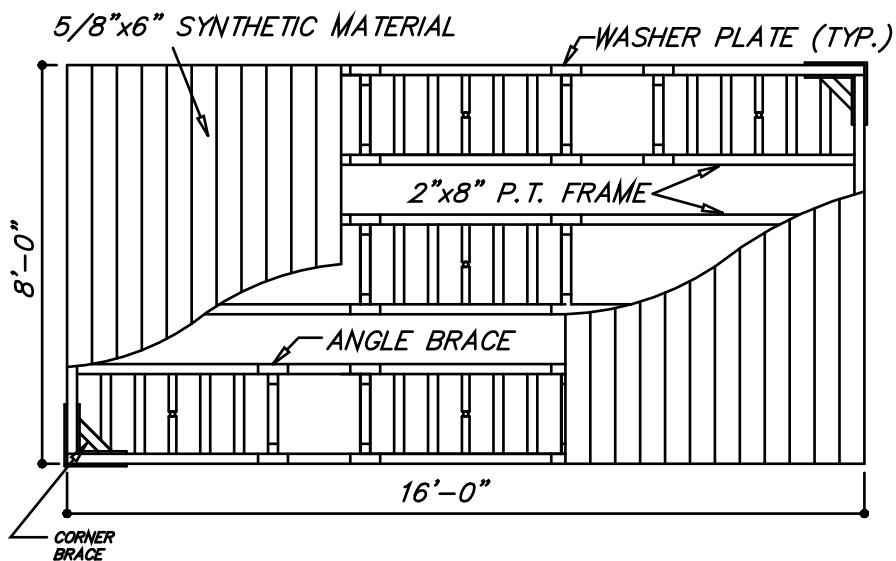
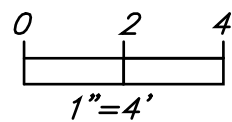
DATE: 05/18/20  
SHEET 3 OF 4

"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS".

PREPARER

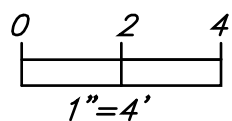


GANGWAY DETAIL



float drum and hardware to be follansbee dock systems or equal.

FLOAT DETAIL



PLAN TO ACCOMPANY THE PETITION OF LOUIS & SHARON PACHECO TO LICENSE AND MAINTAIN A PROPOSED FIXED PIER, GANGWAY, FLOAT AND RETAINING WALL IN DYERS COVE, FAIRHAVEN, MASS. 14 WIGWAM BEACH ROAD, FAIRHAVEN, MA.

DATE: 05/18/20  
SHEET 4 OF 4



May 22, 2020  
Revised June 5, 2020

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

RE: 4 Earle ST Fairhaven, MA 02719 – Planting Plan

Current large debris bordering the property will be cut down and hauled out. Smaller debris will be chipped or burned, (in accordance with the burning season.)

The diagram attached illustrates the plans for planting a variety of new vegetation:

- Tree: Leyland Cypress (*Hesperotropis leylandii*) – introduced non-native
- Tree: Yellow birch (*Betula alleghaniensis*) - native
- Tree: Weeping Willow (*Salix xsepulcralis Simonkai [alba x babylonica]*)
- Tree: Red Maple (*Acer rubrum*) – native
- Tree: Pin Oak (*Quercus palustris*) – native
- Tree: Pear (*Pyrus L.*) – introduced
- Tree: River Birch (*Betula nigra*) – native
- Shrub: Marsh Marigold (*Caltha palustris*)
- Shrub: Highbush blueberry (*Vaccinium corymbosum*)
- Groundcover: Woodland Strawberry (*Fragaria vesca L.*)

Our land is a former dumping ground from a tree nursery that used to exist on the property years ago. When they left, they buried hundreds of used Burlap Sacks and plastic planting pots throughout the entire property. In addition to a massive Oriental Bittersweet root system, the land is completely covered by the notoriously invasive Japanese Knotweed.

The combination of the two have proven to be devastating to our land and anywhere the two pair up. The Bittersweet root system has already killed numerous beautiful oak trees and plants on our property. To ensure the survival of any new vegetation planted we have to remove as much of the Bittersweet and Knotweed root systems as possible ahead of time in the areas we plan to plant. According to countless experts the only way to truly manage Oriental Bittersweet is to physically remove the root systems. The same is true for Japanese Knotweed.

To do this, we will utilize mechanical removal of the invasive species via cutting, digging, and weeding. We will use mechanical removal of the previously cut vines at the perimeter of the land as well. As this is land we can easily access and monitor, we will continue mechanical removal via cutting, digging, and weeding during growing seasons to manage any new sprouting of an invasive species.

We intend the land to become safe for our children to explore and enjoy as their land should. We plan for this land to simply be beautiful, healthy, and robustly green.

Timeline:

- Removal of debris and dead vegetation to be completed by October 2020
  - All planting according to the plan will be complete by the end of May 2021
- Every effort will be made to complete ALL of this by October of 2020 however, finances are inconsistent due to the current pandemic and therefore the longer timeline may be needed.***

Sincerely,  
Joel & Tasha Cordero  
4 Earle Street  
Fairhaven, MA 02719  
(508)317-1771

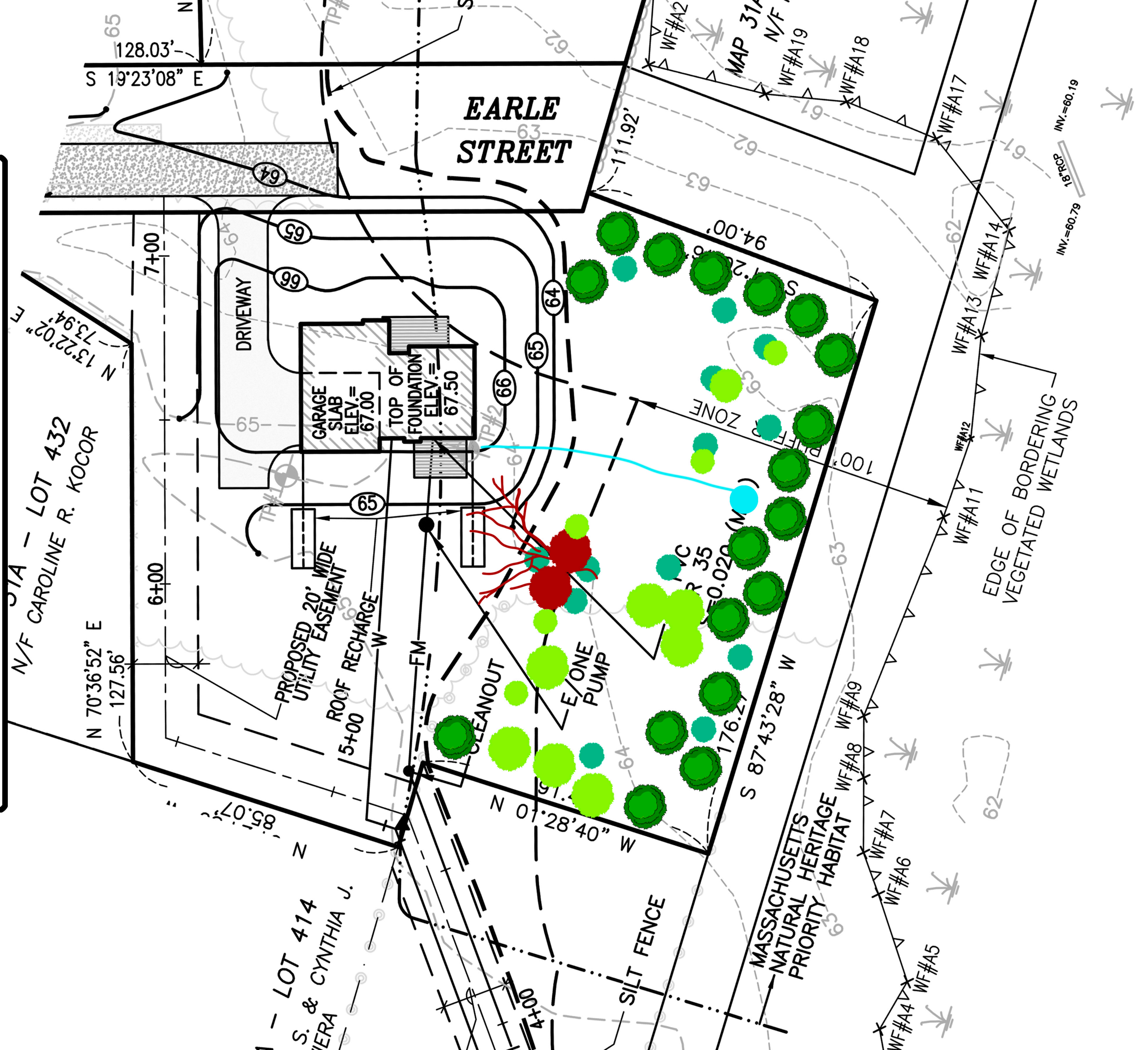
Brian Wotton | Owner  
BRW Property Services  
(508)685-9934  
[brwpropserv@yahoo.com](mailto:brwpropserv@yahoo.com)  
BRWpropertyservices.com

4 Earle St  
Fairhaven, MA

### Planting Plan

-  New Trees
-  New brush/bush/  
Ground Cover
-  Existing  
vegetation
-  Dead vegetation  
(To be removed)
-  Sump pump  
drain pit and  
line from the  
house.

Line will be  
trenched and  
extended with  
PVC Piping to  
drain pit at the  
back of the  
property.







**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

**A. Violation Information**

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



This Enforcement Order is issued by:

Fairhaven Conservation Commission June 15, 2020  
 Conservation Commission (Issuing Authority) Date

To:

Gerry Delano, Jr.  
 Name of Violator  
10 Nelson Ave, Fairhaven, MA  
 Address

1. Location of Violation:

Ellen M. Delano, Trustee of the Delano Irrevocable Trust  
 Property Owner (if different)  
10 Nelson Ave  
 Street Address  
Fairhaven 02719  
 City/Town Zip Code  
43 30  
 Assessors Map/Plat Number Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

The Agent received a call reporting the installation of docks and jetties and that cement had already been poured. Two members of the Conservation Commission performed a site visit and issued a cease and desist for all activity as no permits under the Wetlands Protection Act and Fairhaven Wetlands Bylaw had been issued. They observed tire tracks from equipment on the beach, poured concrete forms, a significant amount of debris from taking apart one of the groin, and a ramp that had been temporarily constructed to the beach to allow access for equipment. Mr. Delano was instructed to remove all equipment and ramp items from the coastal beach and to install erosion control at the edge of the yard to prevent soil erosion onto the beach. The Agent confirmed the removal of equipment and the installation of erosion control several hours later.

**B. Findings**

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).





**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

**B. Findings (cont.)**

the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name \_\_\_\_\_ Dated \_\_\_\_\_

File Number \_\_\_\_\_ Condition number(s) \_\_\_\_\_

The Order of Conditions expired on (date): \_\_\_\_\_ Date \_\_\_\_\_

The activity violates provisions of the Certificate of Compliance.

The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

Other (specify):

the activity has been/is being conducted in an area subject to protection under the Fairhaven Wetlands Bylaw (Chapter 192) or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).

**C. Order**

The issuing authority hereby orders the following (check all that apply):

- The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.
- Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

A restoration plan shall be filed with the issuing authority on or before September 15, 2020  
Date

for the following:

An assessment of damage to the coastal beach and any other resource areas on site and restoration to original conditions, as approved by the Conservation Commission.

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.



**C. Order (cont.)**

Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:  
 September 15, 2020  
 Date

for the following:

Any work within the resources areas on site and their 100-foot buffer zones.

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

Maintain erosion and sedimentation controls until such time that soil stabilization has been established; no equipment on the coastal beach at any time; no movement of debris or rocks into the water or onto the beach.

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

**D. Appeals/Signatures**

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Whitney McClees

Name

508-979-4023, ext. 128

Phone Number

8:30am-4:30pm, Monday-Friday

Hours/Days Available

Issued by:

Fairhaven Conservation Commission

Conservation Commission

Conservation Commission signatures required on following page.



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**WPA Form 9 – Enforcement Order**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: \_\_\_\_\_

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**D. Appeals/Signatures (cont.)**

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ *Whitney M. Clees*

\_\_\_\_\_  
Signature of delivery person or certified mail number





DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NEW ENGLAND DISTRICT  
696 VIRGINIA ROAD  
CONCORD MA 01742-2751

May 29, 2020

To the Federal and State Entities Listed Below:

Please find attached a description of the remedial action work anticipated to occur during 2020 at the New Bedford Harbor Superfund Site located in New Bedford, Massachusetts. USACE, on behalf of EPA, is providing this annual coordination letter to meet its coordination and consultation requirements pursuant to several resource statutes outlined below.

- *The Fish and Wildlife Coordination Act ("FWCA"), 16 U.S.C. §661-667e.* The FWCA Act requires consultation with the U.S. Fish and Wildlife Service ("FWS") and the fish and wildlife agencies of states, for the purpose of preventing loss of and damage to wildlife resources.
- *The Endangered Species Act, 16 U.S.C. §1531 et seq.* Section 7 of the Endangered Species Act requires EPA to ensure, in consultation with the U.S. Fish and Wildlife Service ("FWS") and the National Marine Fisheries Service ("NMFS"), that any action authorized by EPA is not likely to jeopardize the continued existence of any endangered or threatened species or adversely affect its critical habitat.
- *The Essential Fish Habitat Assessment under the Magnuson-Stevens Act, 16 U.S.C. §§1851 et seq.* Under Section 305(b)(2) of the Magnuson-Stevens Act, federal agencies need to consult with the National Marine Fisheries Service (NMFS) on activities that have the potential to impact designated essential fish habitat (EFH) of commercial species.
- *The National Historic Preservation Act, 16 U.S.C. Section 470, 36 CFR Part 800* Section 106 of the Act requires Federal Agencies, in consultation with other interested parties, to consider the effects of their undertakings on historic properties prior to the undertaking.
- This letter also serves to notify state and federal entities with jurisdiction over wetlands and coastal waterways.

The intent of this letter is to:

1. Inform you of upcoming activities associated with the harbor cleanup.
2. Provide a recent summary of completed work for the Upper and Lower Harbor Operable Units.
3. Seek any comments you may have regarding implementation of the cleanup activities.

USACE/EPA will continue to keep you apprised in a timely manner of the various upcoming phases of the New Bedford Harbor Superfund Project.

Please note that during 2020 there is also work being performed in the Lower Harbor under the State Enhanced Remedy. Please contact Paul Craffey, the MassDEP project manager at 617-292-5591 or at paul.craffey@state.ma.us for a description of the anticipated work. MassDEP, as the lead agency, is responsible for identifying and ensuring all performance standards for the work are met, including coordination and consultation requirements of the above statutes.

Should you have any comments, questions or concerns on the information presented here, please contact myself and Mr. Dave Lederer, EPA Team Leader, at (617) 918-1325.

Sincerely,

**ESTEN.MARIE.E.1512094283**  
Digitally signed by  
ESTEN.MARIE.E.1512094283  
Date: 2020.05.29 13:16:41  
-04'00'

Marie Esten  
USACE  
New Bedford Harbor Project Manager  
Environmental Project Management Branch  
978-318-8965  
Marie.e.esten@usace.army.mil

Enclosures:

- (1) Anticipated 2020 Remedial Action Work at the New Bedford Harbor Superfund Site Project, New Bedford, Massachusetts





DEPARTMENT OF THE ARMY  
US ARMY CORPS OF ENGINEERS  
NEW ENGLAND DISTRICT  
696 VIRGINIA ROAD  
CONCORD MA 01742-2751

## Anticipated 2020 Remedial Action Work at the New Bedford Harbor Superfund Site Project, New Bedford, Massachusetts

### Site Overview:

New Bedford Harbor Superfund Site (NBHSS) is divided into three management areas – the Upper Harbor, the Lower Harbor and the Outer Harbor. These designations are consistent with the geographical features of the area and the historical sediment PCB concentrations. The boundary line between the Upper and Lower Harbor is the Coggeshall Street Bridge, where the width of New Bedford Harbor narrows to approximately 100 feet. The boundary between the Lower Harbor and Outer Harbor is the 150 foot wide opening of the New Bedford Harbor Hurricane Barrier (Figure 1).

The U.S. Environmental Protection Agency (EPA) selected the cleanup plan for the Upper and Lower Harbor areas (OU#1 Remedy) in the September 1998 Record of Decision (ROD). Six subsequent Explanations of Significant Differences (ESDs) refined the approach over time. The major components of the OU#1 Remedy include:

- Dredging of subtidal sediment mainly in the Upper Harbor, dewatering and off-site disposal (Completed in the fall of 2019).
- Excavation of contaminated sediment in the wetland areas and subsequent restoration of impacted wetlands.
- Mechanical dredging of sediment from the Lower Harbor and areas of the Upper Harbor, followed by disposal in a Confined Aquatic Disposal (CAD) cell located in the Lower Harbor (Completed in spring of 2020).
- Long-term site-wide monitoring and institutional controls (e.g., seafood monitoring, seafood advisories and land use restrictions) (Ongoing).
- Long-term operation and maintenance (O&M) of components of the Harbor remedy including monitoring of:
  - The subtidal pilot cap located just southwest of the hurricane barrier in the Outer Harbor.
  - The Pilot CDF (formerly known as the Debris Disposal Area or DDA) located at the Sawyer Street facility.
  - The Lower Harbor CAD Cell (LHCC) once it is filled and subsequently capped.



Most of the OU#1 work is being implemented through an interagency agreement between EPA and the U.S. Army Corps of Engineers (USACE). The remediation of the Harbor is being accomplished in the most expeditious manner following careful planning and evaluation of the remaining contamination.

### **Summary of 2019 work**

In 2019, remediation activities at the NBHSS included hybrid and mechanical dredging, and completion of the interim cap adjacent to the former Aerovox facility. Hybrid dredging consists of a mechanical dredge with an on-dredge slurring system that hydraulically transports material to a treatment system. At the NBHSS, dredged material was first pumped to the Area C desanding facility, and then to the Area D dewatering facility, where it was processed and prepared for loadout. Material was then transported to an off-site Toxic Substances Control Act (TSCA) landfill by rail or by truck, if rail was unavailable. Approximately 74,000 CY of material was dredged using the hybrid system between March and September of 2019, after which, system decommissioning began.

Mechanical dredging in the Upper Harbor, and between the I-195 and Coggeshall Street bridges occurred between September and December 2019. Approximately 46,000 yd<sup>3</sup> of sediment was mechanically dredged and placed into the LHCC in 2019 (Figure 2). Mechanical dredging continued into 2020 and was completed in March 2020.

The construction of the "Interim Aerovox cap", a 3 acre subaqueous cap along the boundary of the New Bedford Harbor Superfund site with the Aerovox 21e MassDEP site began in 2018 and was completed in March of 2019. The Interim Cap will remain in place until the MassDEP 21e work with the responsible party(ies) have achieved source control. Subsequently, the interim sediment cap and underlying contaminated sediments can be removed pursuant to the 1998 Record of Decision for the New Bedford Harbor Superfund Site.

Turbidity plumes observed in the vicinity of dredging and debris removal activities were generally limited in both spatial extent (<100 feet from dredge operations) and duration. At no time were in situ turbidity levels measured in exceedance of the ecologically protective thresholds established for this work.

### **Summary of Planned 2020 Work**

Mechanical dredging in the Upper Harbor was completed on March 11, 2020, after which the dredges were demobilized from the site. Approximately 21,000 CY of material was placed in the LHCC in 2020. Decontamination of Area D (dewatering facility) will be complete by the end of 2020, after which the facility will be turned over to the City of New Bedford. Decontamination of the dewatering facility, removal of site trailers and buildings as well as an adjustment of the project fence line to only encompass the eastern side of the facility will be complete by the end of 2020. The cleared portion of the site will be returned to the City of New Bedford.



Intertidal remediation of East Zone 1 began in April of 2020 and is planned for completion in 2021 (Figure 3). Remediation of West Zone 1 is tentative, dependent on whether there is unacceptable cost growth during implementation of the EZ1 remediation.

Seven small intertidal and subtidal caps are planned throughout the Upper Harbor (figure 3). The caps will sequester areas of PCB contamination that were not able to be removed during the dredging process due to technical constraints such as discrete, deep areas of high contamination (O-711), large amounts debris along the shoreline in unstable areas of sediment (Crib cap, L014, L-114), areas along an existing bridge abutment (Coggeshall East and West Caps) and area adjacent to the geofabric underlayment to the Area C cell (Area C Pilot CDF Cap) (Figure 3).

Future remediation work in the remaining intertidal areas will be dependent upon obtaining additional funding, as will be the closure of the interim confined disposal facility at Area C.



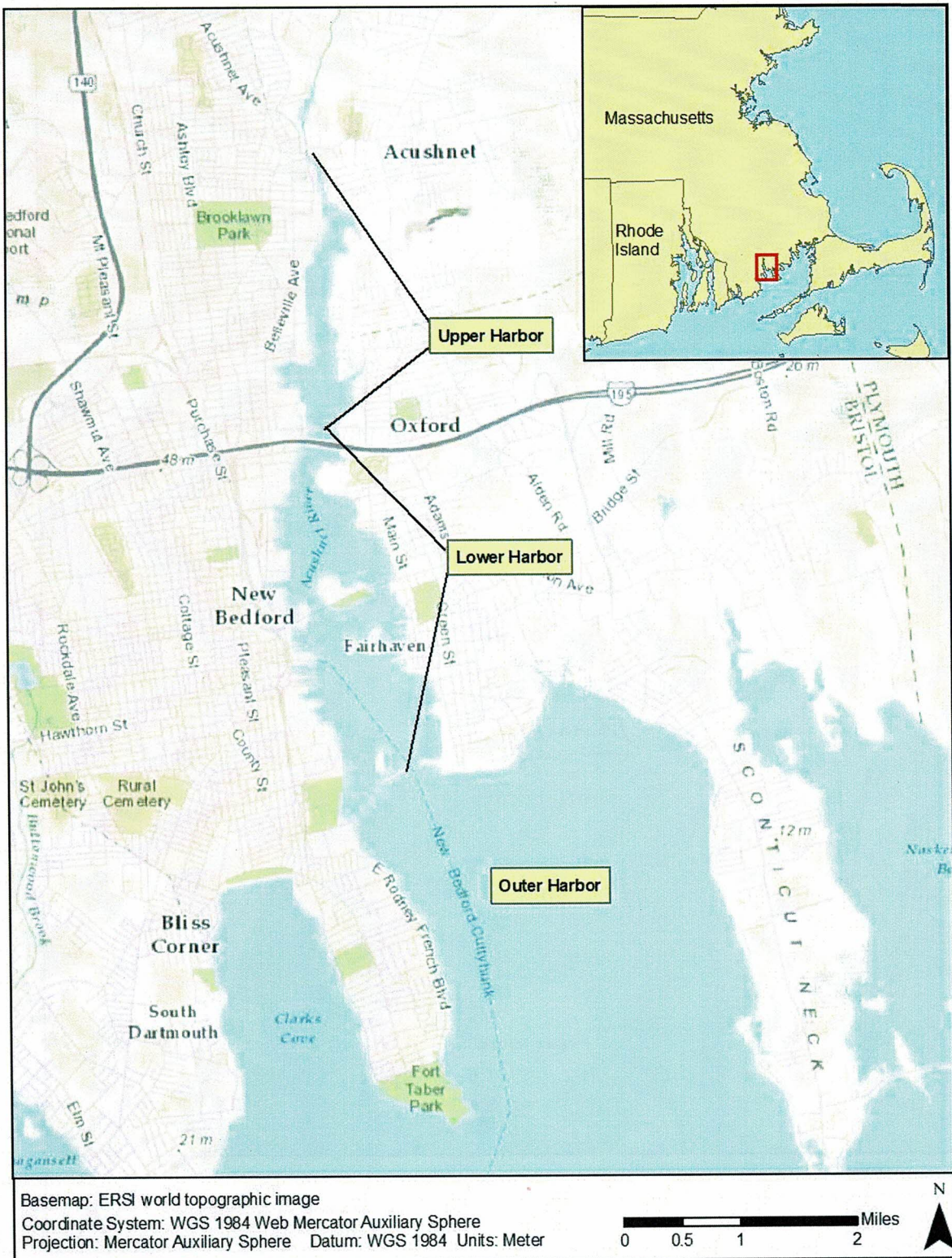


Figure 1 – New Bedford Harbor Superfund Site



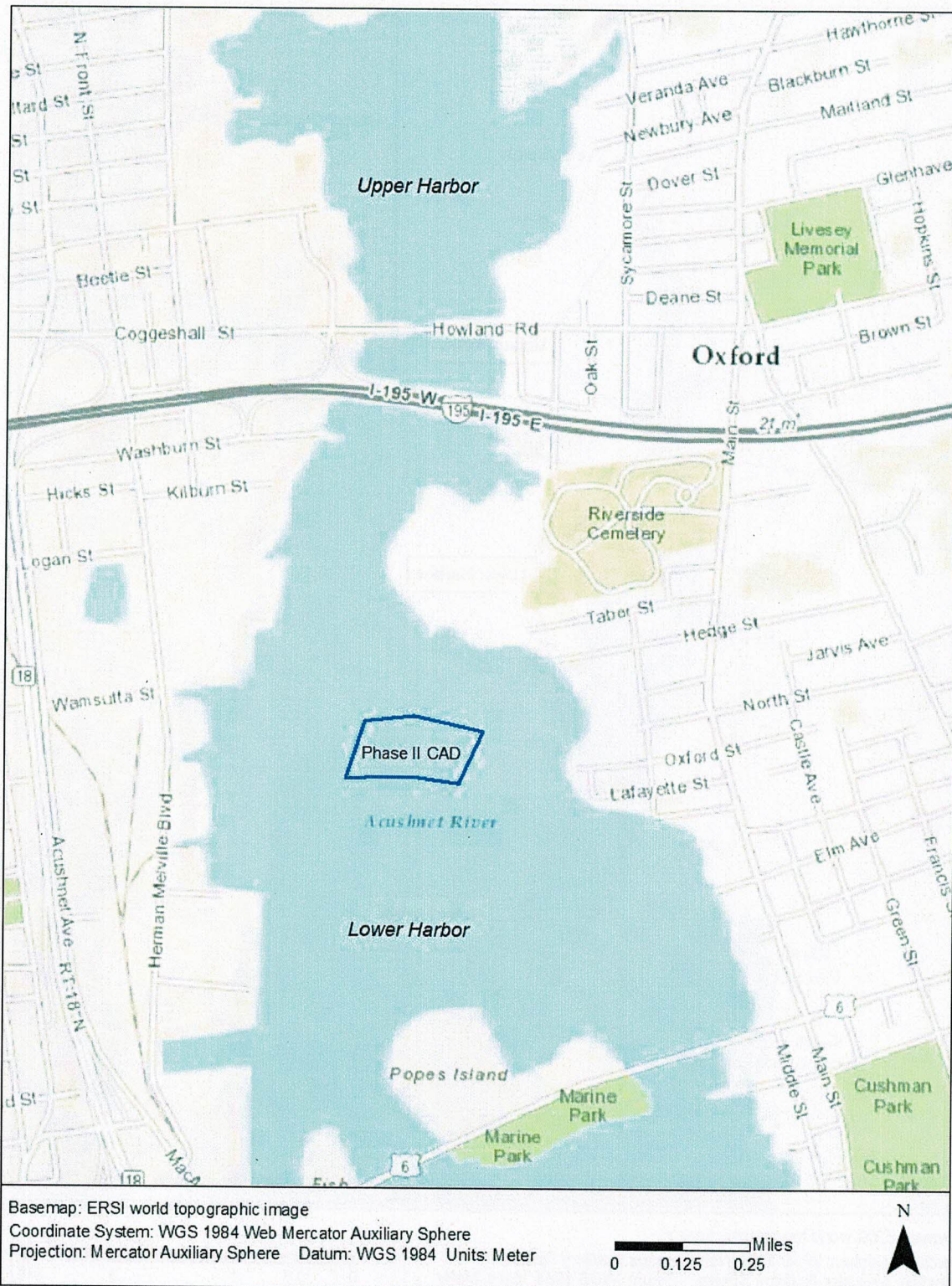


Figure 2 - Lower Harbor CAD Cell Phase II



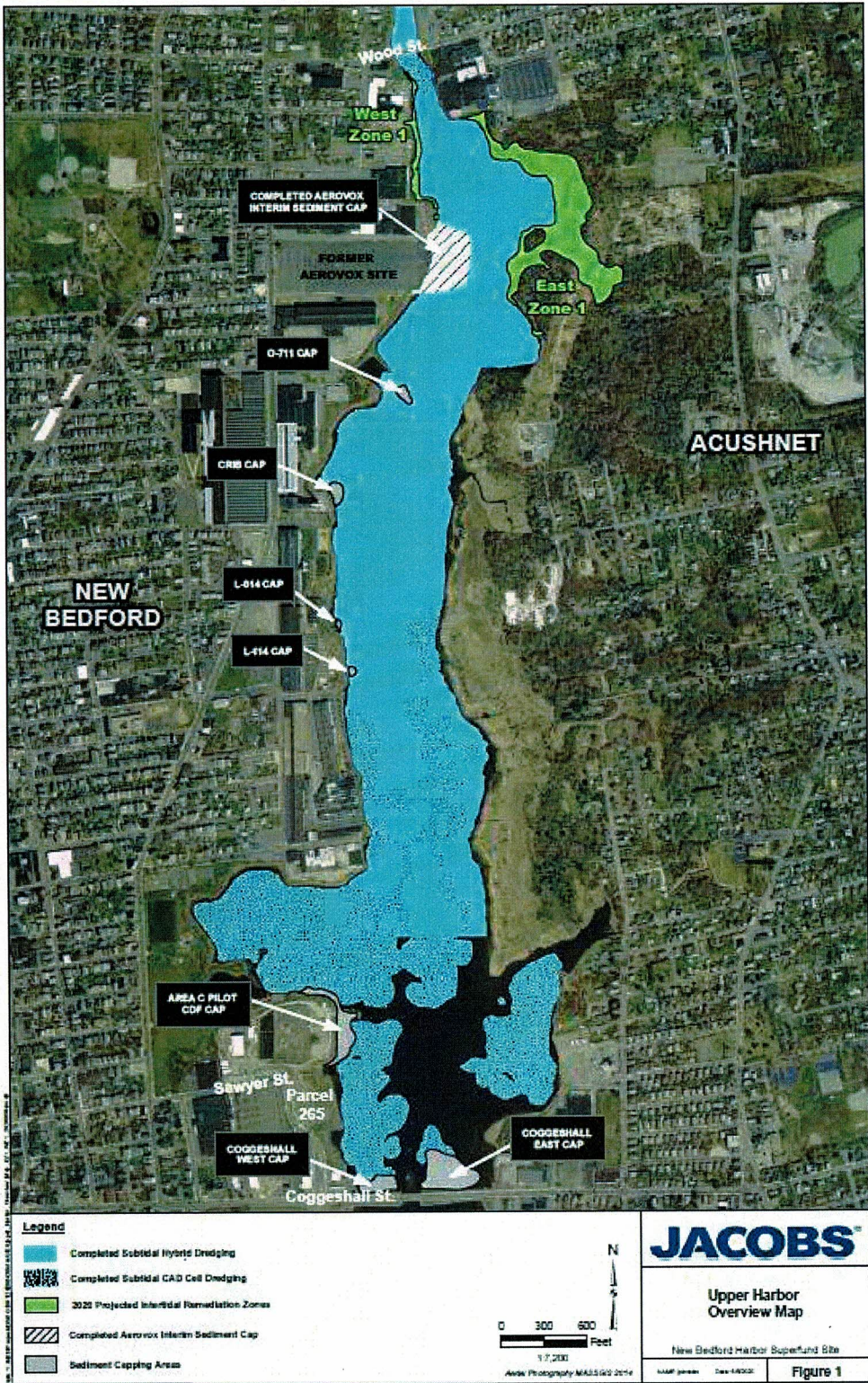


Figure 3 – Intertidal restoration areas 2020, and capping areas

Barbarajeane Dane  
Sandy Beach Association of Fairhaven, Inc.  
P.O. Box 860  
Fairhaven, MA 02719

June 9, 2020

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

Sandy Beach Association of Fairhaven, Inc.

Dir Sir or Madam,

This is notification that maintenance will be conducted at Sandy Beach to replenish sand on the east side of the beach and to ensure water flows freely from the beach to pond.

This work may include moving sand from the pond and other areas around the culvert to the east side of the beach. This work is being done per License No. 12812 which requires Sandy Beach to ensure water can flow freely through the culvert to the pond behind the beach. All applicable guidelines of the permit will be followed.

If you have any questions or concerns pertaining to this maintenance, please contact Barbarajeane Dane at the following number: 508-991-0536.

Regards,

  
Barbarajeane Dane

Vice President, Sandy Beach Association of Fairhaven, Inc.