



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:

Casandra K. Paasche

Name

ross@myseafood.com

E-Mail Address

210 Scotcut Neck Rd.

Mailing Address

Fairhaven

City/Town

MA

State

02719

Zip Code

774-836-6350

Phone Number

774-425-2174

Fax Number (if applicable)

2. Representative (if any):

Firm

Contact Name

E-Mail Address

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

B. Determinations

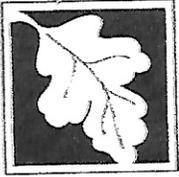
1. I request the _____ make the following determination(s). Check any that apply:
Conservation Commission

- 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:

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).



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C. Project Description

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

210 Sconticut Neck Rd.	Fairhaven
Street Address	City/Town
28 B	184, 198, 199
Assessors Map/Plat Number	Parcel/Lot Number

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

on the NW corner of the single family home proprty we wish to place a simple design 8' x 14' Pine clapboard shed. The purpose is the storage of ordinary household and gardening tools etc.

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

Paasche Shed	06.09.20
Title	Date
_____	_____
Title	Date
_____	_____
Title	Date

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

A 'Cape Ann' style Wel-Bilt Shed will be placed on 6 sonotubes and anchored down acording to requirements. contact info for the sheds manufacturer is 508-995-0201 tel and 508-496-1949 fax. The front of shed will have a center double door flanked by 1 small window on each side of the door.



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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).

.s

MSA

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.)

← North

Scientific Neck Rd.

South →

Fence

Fence

15' >

Back door

Front Door

House

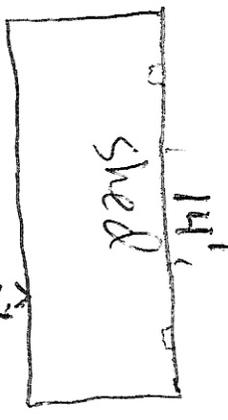
L V room

Kitchen

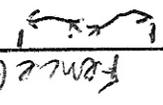
N E
W S

Bathrm.

Bath



Shell driveway



210 Scientific Neck Rd Property

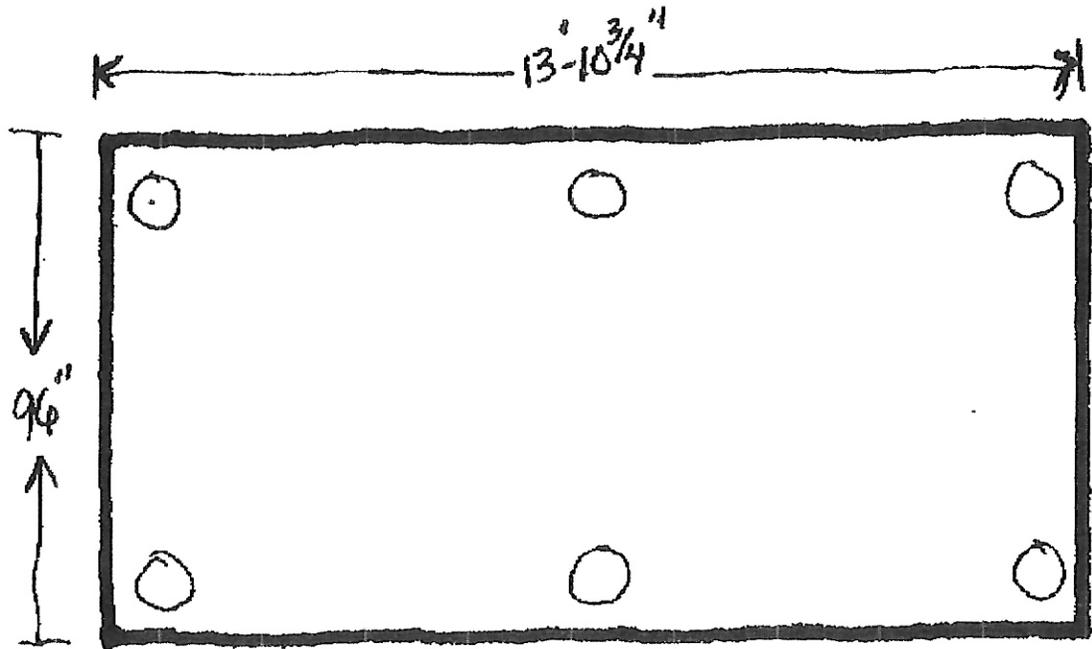
Fence

driveway

Bonney St.

West →

- * INSET ALL TUBES APPROX. 4-6 INCHES INSIDE ACTUAL DIMENSIONS
- * RUN 4x4'S ACROSS FOOTINGS.
- * MAKE SURE FOOTINGS ARE SQUARE BY TAKING DIAGONAL MEASUREMENTS FROM CORNER TO CORNER



SANDY'S shed
 210 SCOTICUT Neck Rd
 FAIRHAVEN, MA 02719



June 1, 2020

Fairhaven Conservation Commission
40 Center Street
Fairhaven, MA 02719
Attn: Whitney McLees

RE: LEWIS LANDING

Dear Ms. McLees:

The proposed development impacts the buffer zone as follows:

Total area of 25 foot no disturb area on site - 15,000 SF
Total area impacted in 25 foot no disturb area = 2,202 SF which is 14.7% impacted
Total area of 100 foot jurisdictional area on site = 58,699 SF
Total impacted area of 100 foot jurisdictional area = 28,438 SF

That is, 48.5% of the jurisdictional area will be impacted.

Sincerely,
PRIME ENGINEERING, INC.

A handwritten signature in blue ink that reads 'Richard J. Rheume'.

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





June 26, 2020

Fairhaven Conservation Commission
40 Center Street
Fairhaven, MA 02719

RE: RESPONSE TO LEWIS LANDING COMMENTS BY GCG ASSOCIATES

Dear Commission Members:

Enclosed are a set of plans that have been revised (June 25, 2020) in response to the May 11, 2020 comment letter by GCG Associates, Inc.

Our responses are as follows:

Plan Set Comments

Sheet 1, Item 2 - Drain easement for the Town's drainline should be provided.

Response - It will be provided

Sheet 2, Item 1 - The infiltration area should be cleared, loamed and seeded.

Response: We prefer to leave the upland wood stand as is.

Sheet 2, Item 2 - Relocate planting around detention basin.

Response: Access for maintenance can be achieved at each end of the basin.

Sheet 3, Item 1 - Identify roof sections to be infiltrated.

Response - The fact that all roof runoff will flow to the subsurface infiltration systems has been noted on the plans.

Sheet 3, Item 1 - The bottom of the western infiltration system shall be provided.

Response: The undisturbed existing ground of the wooded upland area is the proposed bottom totaling 2,962 square feet. Since it is an upland area, the seasonal high water table is, by definition, lower than the ground surface. It is not proposed to clear, stump, loam and seed the area or to provide a maintenance access path. Spot shots have been added.

Sheet 3, Item 2 - The constructed pocked wetland meets the treatment requirement and only needs a side slope waiver from the Planning Board.

Response: We agree

Sheet 3, Item 4 - A fence is not proposed around the basin.

Response - The dense evergreen hedge forms an effective fence in most areas and the flat slope where there is no hedge allows easy access and egress.

Sheet 3, Item 6 - A waiver for constructed wetlands could be requested.

Response - This in not a waiver but rather a normal approval.

Sheet 3, Item 7 - Add dimensions to the constructed pocket wetland elements.

Response - Done on sheet 6.

Sheet 3, Item 8 - Consider relocating planting along the forebay access path.

Response: There is no longer any obstructing vegetation.

Sheet 3, Item 13 - Show forebay bottom contours.

Response - Done

Sheet 3, Item 14 - Clear the upland wooded infiltrated area.

Response - It would be better to leave the area natural.

Sheet 3, Item 15 - Infiltration basin side slopes should not exceed 3:1 and should provide one foot freeboard.

Response - The 3:1 side slopes and 1-foot freeboard have been added.

Sheet 5, Item 2 - Rename basin outlet structure and provide dimensions and elevation.

Response - Done

Sheet 5, Item 3 - Specify orifice plate details.

Response - Done

Sheet 5, Item 4, - Verify trench detail.

Response - Done on sheet 5.

Sheet 6, Item 4 - Lower bottom of pocket wetlands.

Response - Done

Sheet 5, Item 5 - Lower bottom of micropool.

Response - Done

Sheet 6, Item 6 - Water quality volume should be below outlet orifice.

Response - It is below outlet orifice.

Sheet 6, Item 7 - Provide crushed stone outlet detail.

Response - Done on sheet 5.

Sheet 5, Item 8 - Provide emergency spillway detail.

Response - It has been added on sheet 6.

Stormwater Report Comments

Item 2 - Show pocket wetland contours on plan and update calculation sheet.

Response - Done

Item 3 - Infiltration basin should be sized to control the post-development volume for the 10-year design storm per MassDEP Stormwater regulations.

Response - The MassDEP Stormwater standards relate to rate of flow not volume. A waiver has been requested from the Fairhaven zoning standards.

Item 4 - The catch basin should be enlarged.

Response - Done

Item 5 - 65% of impervious runoff area be recharged.

Response - Done

Item 7 - Providing superior stormwater treatment can only be done with a waiver from the Planning Board.

Response - The Planning Board can approve a treatment that is superior to their normal methods without a waiver. The zoning regulations specifically allows this.

Item 8 - Reduce outlet size to gain separation.

Response - Done

Operation and Maintenance Plan

Item 1 - Silt sack should be used.

Response - Done

Items 2 and 4 - Include infiltration basin in Operation and Maintenance Plan.

Response - Done

Waivers Requested

Item 3 - Waiver requested.

Add downstream infiltration to hydrocad model.

Response - Done

Item 4 - Waiver requested.

Response - We agree

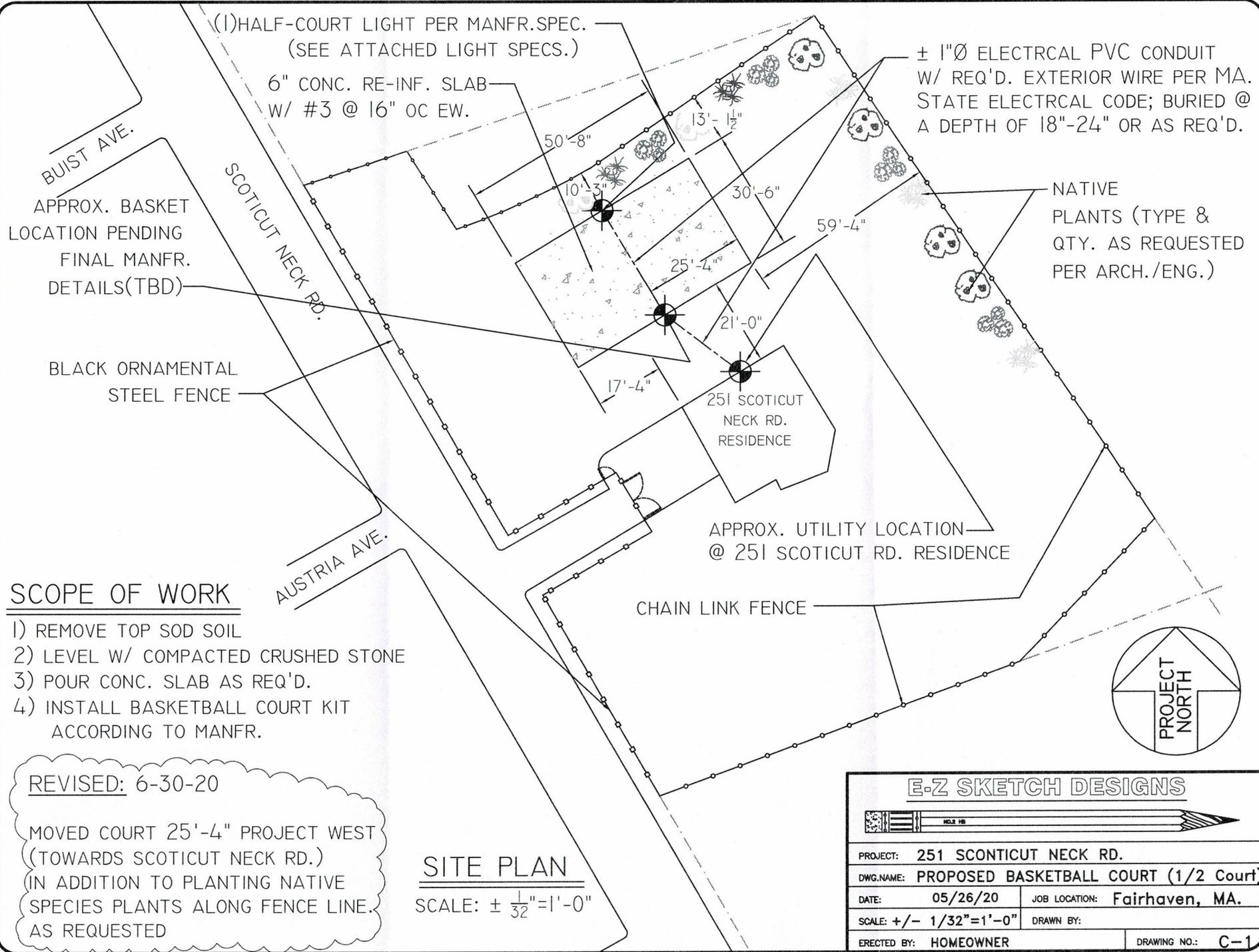
In conclusion, other than complying with the suggestion of clearing and grubbing the downstream upland forest, all recommendations have been incorporated in the design.

Sincerely,

PRIME ENGINEERING, INC.



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



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

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

± 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.

NATIVE
PLANTS (TYPE &
QTY. AS REQUESTED
PER ARCH./ENG.)

251 SCOTICUT
NECK RD.
RESIDENCE

APPROX. UTILITY LOCATION
@ 251 SCOTICUT RD. RESIDENCE

CHAIN LINK FENCE



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

BLACK ORNAMENTAL
STEEL FENCE

SCOTICUT NECK RD.
AUSTRIA AVE.

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.

REVISED: 6-30-20

MOVED COURT 25'-4" PROJECT WEST
(TOWARDS SCOTICUT NECK RD.)
(IN ADDITION TO PLANTING NATIVE
SPECIES PLANTS ALONG FENCE LINE.
AS REQUESTED

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		

ALAN EWING ENGINEERING, INC.

261 New Boston Road
Fairhaven, MA 02719-5301
Phone (508) 997-9311
ALEWINGENG@COMCAST.NET

7/1/2020

**Fairhaven Conservation Commission
Town Hall
40 Centre Street
Fairhaven, MA 02719**

Re: Steven M. & Sandra J. Hermenau
Frederick Avenue
Fairhaven, MA 02719
SE 023 – 1321

Dear Commission Members,

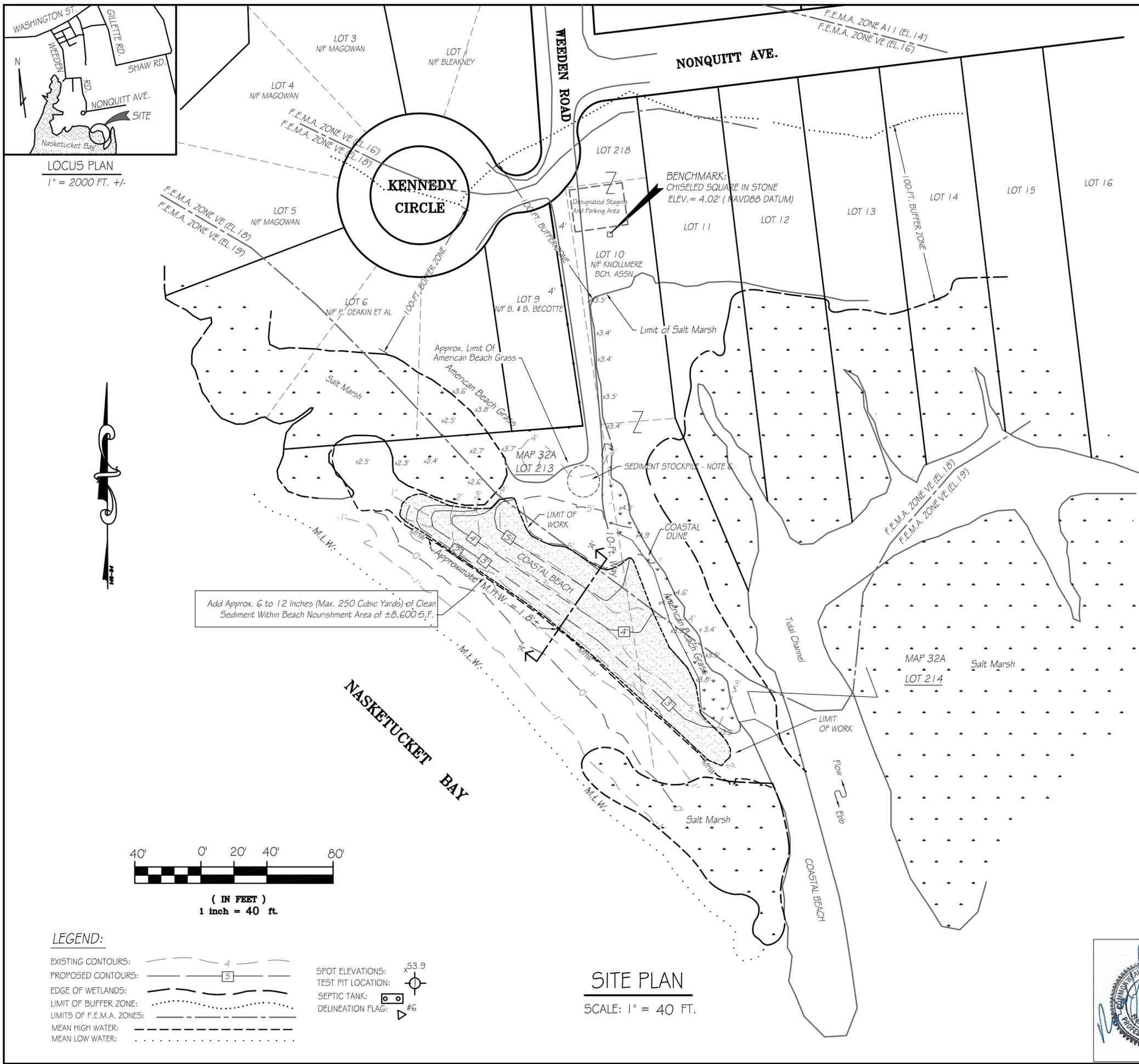
This office, acting as agent for Steven M. & Sandra J. Hermenau request that the public hearing scheduled for Monday, July 6th, 2020 be continued to the next meeting.

This request is the result of the recent onsite with your agent and two board members. Some concerns were brought up and we need time to address those concerns and perhaps make changes to the site plan.

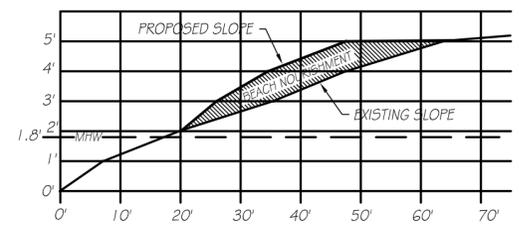
If you have any questions, please do not hesitate to call me at 508-997-9311.

Sincerely,


Alan Ewing, P.E.

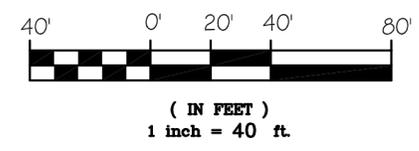


- GENERAL NOTES:**
1. THE SUBJECT PARCEL IS SHOWN AS LOTS 213 & 214 OF ASSESSORS MAP 32A.
 2. THIS PARCEL LIES WITHIN A SPECIAL FLOOD HAZARD ZONE AS DELINEATED ON F.E.M.A. FIRM PANEL NO. 25005C0413F DATED JULY 7, 2009.
 3. SCOPE OF WORK: PLACEMENT OF APPROX. 250 CU.YDS. OF CLEAN SEDIMENT ON COASTAL BEACH IN ACCORDANCE WITH THE PROVISIONS OF THE WETLANDS PROTECTION ACT 310 CMR 10.00 & 9.00 TO INCREASE ITS WIDTH & VOLUME FOR PURPOSES OF STORM DAMAGE PREVENTION, FLOOD CONTROL AND RECREATION.
 4. PROPOSED BEACH NOURISHMENT SEDIMENT SHALL POSSESS A GRAIN SIZE DISTRIBUTION SIMILAR TO THE EXISTING BEACH SEDIMENTS. BEACH NOURISHMENT SHALL BE PERFORMED ON AN ANNUAL BASIS.
 5. A SWEEP OF THE WORK AREA SHALL BE CONDUCTED TO DETERMINE THE PRESENCE OF BEACH-NESTING BIRDS ABOVE THE HIGH WATER LINE PRIOR TO PLACEMENT OF BEACH NOURISHMENT SAND. NESTS SHALL NOT BE DISTURBED DURING BREEDING SEASON OF MAY TO AUGUST.
 6. BEACH NOURISHMENT SEDIMENT SHALL BE DUMPED AT EDGE OF BEACH AND TRANSPORTED & SPREAD BY BOBCAT LOADER EQUIPPED WITH TRACKS.
 7. MEAN HIGH WATER ELEVATION = 1.8'± NAVD 88 NO FILL SHALL BE PLACED BELOW THE M.H.W. LINE.
 8. THE ENGINEER SHALL PLACE STAKES ALONG THE MEAN HIGH WATER LINE & LIMIT OF WORK LINE PRIOR TO START OF WORK.
 9. LIMITS OF SALT MARSH WERE SURVEYED IN 2014.



SECTION A-A
SCALE: 1" = 10 FT. HORIZONTAL
1" = 2 FT. VERTICAL

Add Approx. 6 to 12 Inches (Max. 250 Cubic Yards) of Clean Sediment Within Beach Nourishment Area of ±8,600 S.F.



- LEGEND:**
- EXISTING CONTOURS:
 - PROPOSED CONTOURS:
 - EDGE OF WETLANDS:
 - LIMIT OF BUFFER ZONE:
 - LIMITS OF F.E.M.A. ZONES:
 - MEAN HIGH WATER:
 - MEAN LOW WATER:
 - SPOT ELEVATIONS:
 - TEST PIT LOCATION:
 - SEPTIC TANK:
 - DELINEATION FLAG:

SITE PLAN
SCALE: 1" = 40 FT.



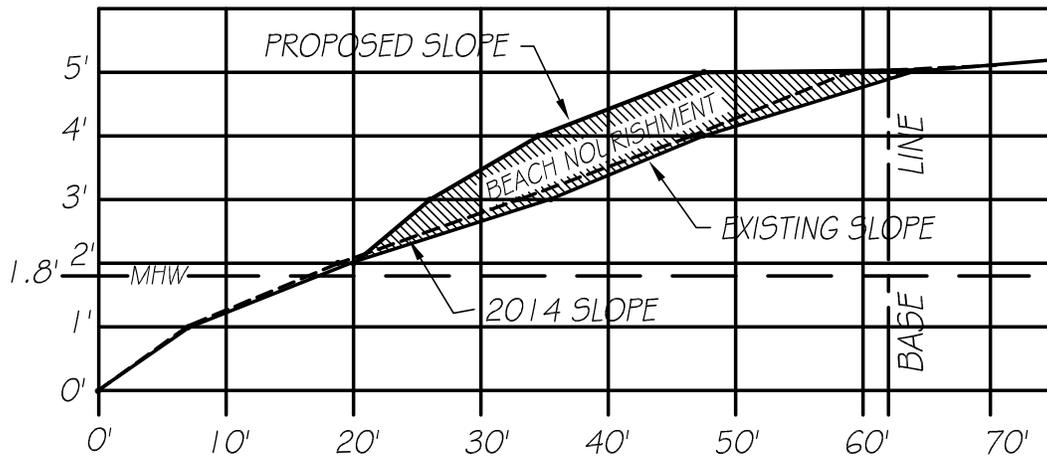
D.E.P. FILE NO.:

**BEACH NOURISHMENT PLAN
PREPARED FOR
KNOLLMERE BEACH ASSOCIATION
MAP 32A, LOTS 213 & 214
KNOLLMERE BEACH
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: JUNE 16, 2020
REV. 1: JULY 1, 2020

DWG. NO.
L-1



SECTION A-A

SCALE: 1" = 10 FT. HORIZONTAL
 1" = 2 FT. VERTICAL



Charon Associates, Inc.

Consulting Engineers

323 Neck Road
Rochester, MA 02770
Phone: 508-763-8362
Fax: 508-763-9582

July 2, 2020

Conservation Commission
Town Hall
Fairhaven, MA 02719

Dear Members of the Commission:

RE: Knollmere Beach Association Beach Nourishment Program
Map 32A Lot 213

The Knollmere Beach Association (KBA) received an Order of Conditions in 2014 for beach nourishment at Knollmere Beach under file number SE 023-1208. The site plan prepared by this office dated December 8, 2014, defined the limit of work and (a) the existing contours of the beach and (b) the proposed contours after adding up to 12 inches of beach nourishment sediment at a maximum rate of 250 cubic yards within an 8,000-square foot area of the coastal beach. KBA extended the Orders but they are now expired.

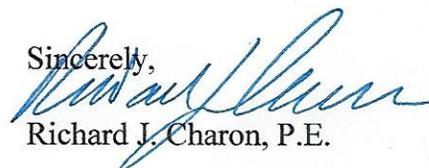
Presently before the Commission is a notice of intent filing that is virtually identical to the 2014 filing. The site plan accompanying the filing is dated June 16, 2020 and revised July 1, 2020. This site plan was prepared using existing topographic survey data obtained in late May 2020 and replicating the proposed contours from the 2014 site plan.

Comparing the 2020 plan to the 2014 plan yields the following observations:

1. The 2020 beach contours are very similar to those shown on the 2014 plan, but roughly 3 to 4 inches lower.
2. The mean high water line has advanced landward approximately one foot from the 2014 mean high water line.
3. The 5-ft. contour at the crest of the beach has receded approximately 5 feet.

In addition, field observation at low tide reveals less sand and more stone below the mean high water line. It would appear therefore that sand that is pulled off the beach by storm wave action is transported by currents to other locations and does not build up in front of the beach. In fact, the beach has experienced minor loss even with beach nourishment. It is our recommendation, however, that the same 250 cu.yd. per year quantity be continued for the new Orders, subject to further review upon renewal in the future.

Sincerely,



Richard J. Charon, P.E.

Cc: KBA

tibbetts engineering corp.

716 County Street, Taunton MA 02780

CONSULTING ENGINEERS
Tel. (508) 822-6934 Fax. (508) 880-7811

Christopher M. White, PE - Laboratory Director

Report of Aggregate Wet Sieve Analysis (ASTM C136)

Client: *Charon Associates*
323 Neck Road
Rochester, MA 02770

Job No.: *Inst. 14-3400*
Date: *11/18/14*
Report No.: *MA4321A*

Project: Knollmere Beach, Fairhaven, MA
Material: Sand
Location: In Place @ Beach

Specs.

Sampled By: Client
Tested By: Philip J. Medeiros

Date Sampled: 11/17/2014
Date Tested: 11/17/2014

ANALYSIS RESULTS

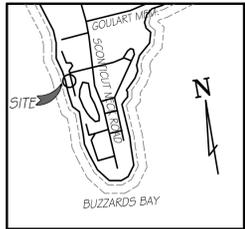
Sample Wt.(g) = 2224.00

Sieve Size	MM	Weight Retained (Grams)	% Retained	% Passing	Specification Gradation Limits		
					Min.	-	Max.
1.0 Inch	25.4	0.00	0.0	100.0			
3/4 Inch	19	16.50	0.7	99.3			
1/2 Inch	12.70	18.00	0.8	98.4			
3/8 Inch	9.51	31.50	1.4	97.0			
No. 4	4.76	24.40	1.1	95.9			
No. 8	2.38	168.80	7.6	88.3			
No. 16	1.19	277.20	12.5	75.9			
No. 30	0.595	455.10	20.5	55.4			
No. 40	0.420	423.40	19.0	36.4			
No. 50	0.297	257.40	11.6	24.8			
No. 100	0.149	375.00	16.9	7.9			
No. 200	0.074	132.60	6.0	2.0			
Pan		44.10	2.0				

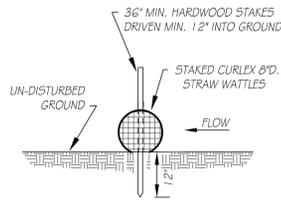
Remarks:


Christopher M. White, PE
Laboratory Director

Philip J. Medeiros
Laboratory Technician

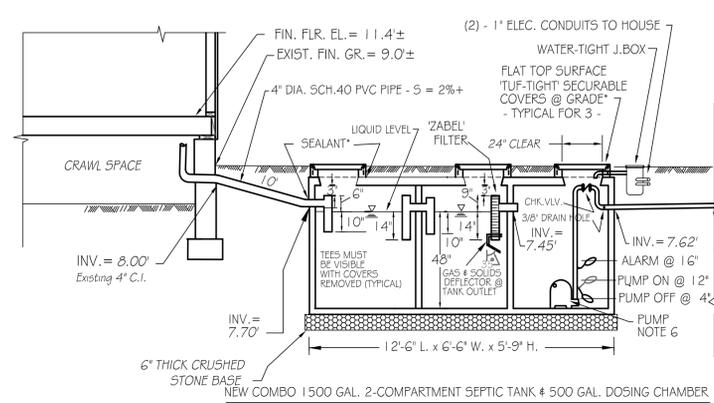


LOCUS PLAN
SCALE: 1" = 2000'



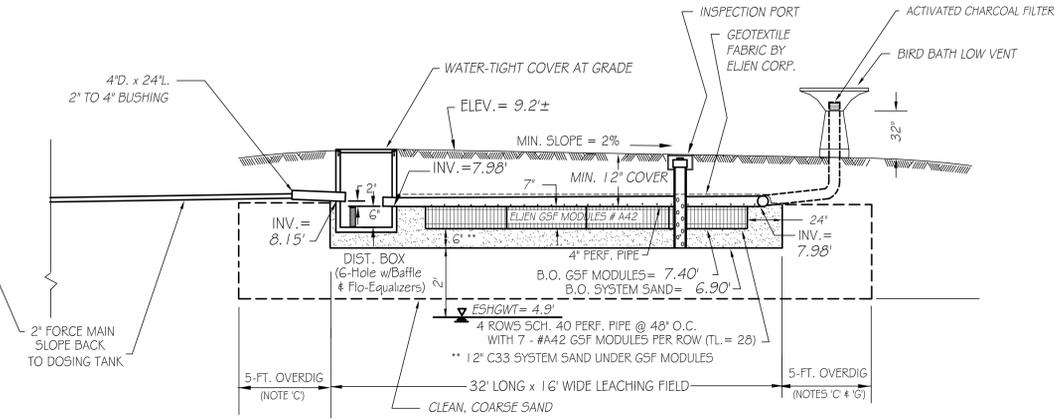
NOTE: STRAW WATTLES SHALL BE COMPOSED OF STRAW FIBERS ENCASED IN DURABLE BIODEGRADABLE NETTING.

SILTATION BARRIER
N.T.S.



* NOTE: PUMP CHAMBER & SEPTIC TANK SHALL BE WATERTIGHT MONOLITHIC TANK. TANK SHALL BE INSPECTED FOR LEAKS PRIOR TO PLACEMENT INTO SERVICE. PROVIDE SEALANT AT RISERS AND ALL OPENINGS. COVERS SHALL BE SECURABLE.
** NOTE: ELECTRICAL JUNCTION BOX SHALL CONFORM TO NEMA 6P. PROVIDE ELBOW TO PROTECT WIRING AT ENTRY TO TANK RISER. PROVIDE REMOVABLE NON-CORROSIVE FLOAT TREE.

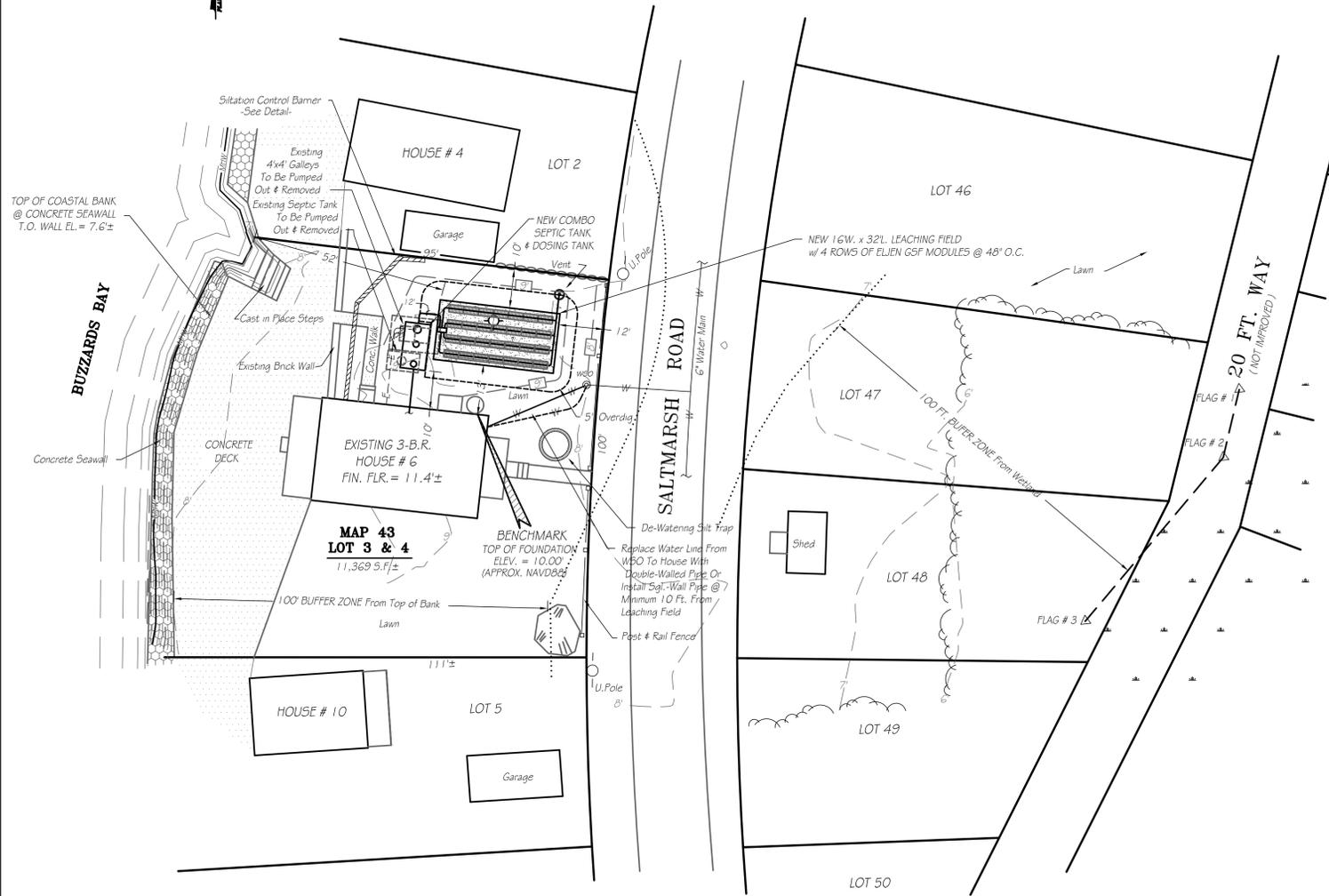
NOTE: SPECIFIED TANK IS H10-RATED 2000-GAL. MONOLITHIC SEPTIC TANK BY BRISTOL COUNTY PRE-CAST. SEE REVISED TANK BALLAST CALCULATIONS



LEACHING FACILITY - TOTAL LEACHING AREA = 512 S.F.

NOTE: GSF MODULES SHALL BE ELJEN GEOTEXTILE SAND FILTER MODEL #A42. MEASURING 48" LONG x 24" WIDE x 7" DEEP.

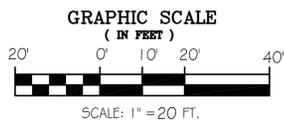
SECTION THRU SYSTEM
NOT TO SCALE



SITE PLAN
SCALE: 1" = 20 FT.

LEGEND:

- EXISTING CONTOURS:
- PROPOSED CONTOURS:
- EDGE OF WETLANDS:
- LIMIT OF BUFFER ZONE:
- UG ELECTRIC CONDUIT:
- ELECTRIC JUNCTION BOX:
- SPOT ELEVATIONS:
- TEST PIT LOCATION:
- SEPTIC TANK:
- DELINEATION FLAG:



SYSTEM DESIGN DATA:

SOIL IS CLASS II - SANDY LOAM;
PERCOLATION RATE = 25 MIN./INCH
BOTTOM & SIDE L.T.A.R. = 0.40 GPD/S.F.
DESIGN FLOW RATE: 3 B.R.'s @ 110 GPD = 330 GPD
MINIMUM TITLE 5 LEACHING AREA = 330 GPD / 0.40 = 825 S.F.
MINIMUM ELJEN GSF LEACHING AREA = 0.60 x 825 S.F. = 495 S.F.
3 B.R.'s @ 9 - #A42 GSF MODULES PER B.R. = 27 GSF MODULES (MIN.)
USE 4 ROWS WITH 7 #A42 GSF MODULES PER ROW = 28 GSF MODULES
BOTTOM AREA = 16' W. x 32L. = 512 S.F.
SIDE AREA = N/A = 0 S.F.
TOTAL LEACHING AREA = 512 S.F.
SYSTEM CAPACITY = (512 S.F. / 60% x 0.40 GPD/S.F.) = 341 GPD

DOSING CALCULATION:

4 DOSES PER DAY FOR SANDY LOAMS:
VOLUME PER DOSE = 330 GPD / 4 = 83 GALS. PER DOSE
VOLUME / FT FOR 500 GAL. TANK = 125 GALS./FT.
83 GAL / (125 GAL/FT) = 0.66 FT. = 8" ±

EMERGENCY STORAGE CALCULATION:

HEIGHT OF TANK = 64" AVAILABLE STORAGE: 51" - 16" = 35"
VOLUME PER FOOT OF TANK = 125 GAL./FT. = 10.4 GAL./IN.
AVAILABLE STORAGE = 35 IN. x 10.4 GAL./IN. = 364 GALS.
SPECIFIED TANK PROVIDES 24 HOURS OF EMERGENCY STORAGE

TANK BALLAST CALCULATION:

SEPTIC TANK / PUMP CHAMBER 1500/500 COMBO
TANK WEIGHT = 18,900 LBS.
C.I.P. CONCRETE BALLAST = NONE
TOTAL TANK + BALLAST WGT. = 18,900 LBS.
BUOYANCY FORCE = (TANK VOLUME x 62.4 PCF x 2.5' / 5.75') = (12.5 x 6.5' x 5.75' x 64 x (1/5.75)) = 5,200 LBS. < 18,900 LBS.
H10-RATED TANK WEIGHT > BUOYANCY FORCE (O.K.)
- TANK WITHOUT ADDITIONAL BALLAST HAS NEGATIVE BUOYANCY -

GENERAL NOTES:

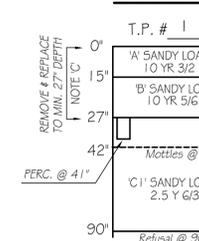
1. THIS SYSTEM DOES NOT MAKE PROVISION FOR A GARBAGE GRINDER NOR THE BACKFLUSH EFFLUENT FROM A WATER TREATMENT SYSTEM, NOR THE DISPOSAL OF PRESCRIPTION MEDICATIONS.
2. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH MASS. TITLE 5 AND LOCAL BOARD OF HEALTH REGULATIONS EXCEPT AS PERMITTED BY VARIANCES AS NOTED HEREON. SYSTEM SHALL BE INSTALLED IN ACCORDANCE WITH D.E.P. REMEDIAL USE APPROVAL AND PRODUCT DESIGN OR INSTALLATION MANUAL FOR 'ELJEN GSF GEOTEXTILE SAND FILTER' BY ELJEN CORPORATION, 125 McKEE ST., EAST HARTFORD CT 06108, BY AN INSTALLER WHO HAS BEEN CERTIFIED BY THE MANUFACTURER.
3. ALL COMPONENTS SHALL BE INSTALLED ON A LEVEL, STABLE BASE THAT WILL NOT SETTLE. PIPE SHALL BE LAID ON A FIRM BASE, FREE OF STONES. PRE-CAST CONCRETE TANK SHALL BE 110' AASHTO RATING MONOLITHIC TANK, CONSTRUCTED IN CONFORMANCE WITH TITLE 5 SECTION 15.22G. DISTRIBUTION BOX SHALL HAVE COVER NOT MORE THAN 6" BELOW GRADE.
4. BUILDING SEWER SHALL BE CAST IRON OR SCH.40 P.V.C. PIPE. GRAVITY EFFLUENT PIPES SHALL BE SCH.40 P.V.C. PIPE. PUMPED EFFLUENT PIPE SHALL BE SCH.40 P.V.C. OR POLYETHYLENE PIPE.
5. SYSTEM SAND SHALL MEET ASTM C-33 REQUIREMENTS WITH 40% - 90% OF TOTAL TO BE COARSE AND VERY COARSE SAND, WITH NO MORE THAN 2% OF SAND PASSING A #200 SIEVE. THE INSTALLER SHALL SUPPLY A TEST REPORT TO THE ENGINEER SHOWING CONFORMANCE WITH ASTM C-33 STANDARD. THE ENGINEER MAY REQUIRE THAT SAND IN PLACE BE TESTED FOR ASTM C-33 STANDARD AND SAND THAT FAILS CERTIFICATION SHALL BE REPLACED AT NO EXPENSE TO THE OWNER. A MINIMUM OF 6 INCHES OF SYSTEM SAND SHALL BE PLACED AROUND THE CIRCUMFERENCE OF THE GSF MODULES.
6. DOSING TANK SHALL BE EQUIPPED WITH A SUBMERSIBLE SEWAGE PUMP PACKAGE RATED FOR 40 GPM AT 12 FT. HEAD, BARNES SEV412 OR EQUAL, EQUIPPED WITH ON-OFF FLOAT CONTROL, UNION CHECK VALVE IN RISER, AND HIGH LEVEL FLOAT WITH INDOOR ALARM ON DEDICATED ELECTRIC CIRCUIT. THE PUMP & FLOAT ASSEMBLY SHALL BE CAPABLE OF BEING INSTALLED AND REMOVED FROM THE DOSING TANK WITHOUT THE NEED FOR TANK PUMP-OUT AND/OR CONFINED SPACE ENTRY. INSTALL A 1/4" DIA. HOLE IN LOW POINT OF DISCHARGE PIPE AFTER CHECK VALVE TO ALLOW DRAIN BACK OF EFFLUENT TO THE DOSING TANK AFTER PUMP CYCLE. EFFLUENT PIPING SHALL BE PITCHED BACK TO THE DOSING TANK TO PREVENT FREEZING.
7. DO NOT INSTALL THE SYSTEM ON FROZEN GROUND OR LEAVE SYSTEM UNCOVERED FOR EXTENDED PERIOD OF TIME.
8. THE INSTALLER SHALL NOTIFY THE ENGINEER IF SOIL CONDITIONS ARE FOUND DIFFERENT THAN SHOWN ON 'SOIL LOG'.
9. PRIOR TO FINAL COVER OF SYSTEM, THE INSTALLER SHALL NOTIFY THE ENGINEER TO MAKE AN 'AS-BUILT' INSPECTION. FINAL COVER SHALL NOT BE PLACED UNTIL SYSTEM IS APPROVED BY THE ENGINEER AND THE BOARD OF HEALTH.
10. THE CONTRACTOR SHALL LOAM & SEED ALL DISTURBED AREAS.

MAINTENANCE: SEPTIC TANK SHALL BE PUMPED OUT EVERY 2 TO 3 YEARS OR EARLIER IF SCUM LAYER EXCEEDS 6 INCHES IN THICKNESS. FAILURE TO PUMP OUT SEPTIC TANK WILL LEAD TO PREMATURE SYSTEM FAILURE.

NOTES:

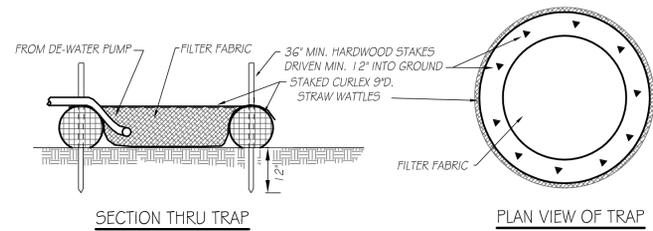
- NOTE 'A': THIS PARCEL IS SHOWN AS LOT 3 OF ASSESSORS MAP 43.
- NOTE 'B': THE PARCEL SHOWN HEREON LIES WITHIN A SPECIAL FLOOD HAZARD AREA (F.E.M.A. ZONE VE, EL. 20) AS DELINEATED ON F.E.M.A. COMMUNITY PANEL NO. 2500500303F, DATED JULY 7, 2009.
- NOTE 'C': REMOVE UNSUITABLE SOILS BENEATH THE LEACHING FIELD AND TO A 2-FOOT OR 5-FOOT DISTANCE, ON SIDES WHERE SHOWN, AND REPLACE WITH CLEAN, COARSE SAND UP TO LEVEL OF GEO-TEXTILE FILTER FABRIC AROUND THE SYSTEM, AND UP TO THE BOTTOM OF C-33 GRADE SAND BELOW THE SYSTEM SAND BED. THE BOTTOM & SIDES OF THE OVERDIG EXCAVATION SHALL BE SCARIFIED PRIOR TO PLACEMENT OF SAND FILL AND EQUIPMENT SHALL NOT BE OPERATED ON THE SCARIFIED SURFACES PRIOR TO BACKFILLING.
- NOTE 'D': SEE CHAPTER 91 LICENSE PLAN NO. 6877 FOR EXISTING CONCRETE REVENUE LICENSE.
- NOTE 'E': INSTALLER SHALL CONSTRUCT THE SYSTEM USING A PLAN BEARING THE APPROVAL OF THE ENGINEER.
- NOTE 'F': NOTIFY DIG-SAFE AND LOCAL UTILITIES PRIOR TO ANY EXCAVATION.
- NOTE 'G': THIS DESIGN REQUIRES THE FOLLOWING VARIANCES FROM MASS. TITLE 5 & LOCAL REGULATIONS:
(1) TITLE 5, SEC. 15.212 TO ALLOW DEPTH TO GROUNDWATER LESS THAN 4 FT. (PROPOSED = 2 FT.)
(2) TITLE 5, SEC. 15.104 TO ALLOW LESS THAN 2 DEEP OBSERVATION HOLES FOR SOIL EVALUATION. (PROPOSED = 1)
- NOTE 'H': REVISION 1 INCLUDES (1) ADDITION OF ZABEL FILTER IN TANK OUTLET; (2) CHARCOAL FILTER IN LEACHING FIELD VENT; AND SUBSTITUTION OF STRAW WATTLE SILT TRAP FOR HAYBALE SILT TRAP.

SOIL LOG



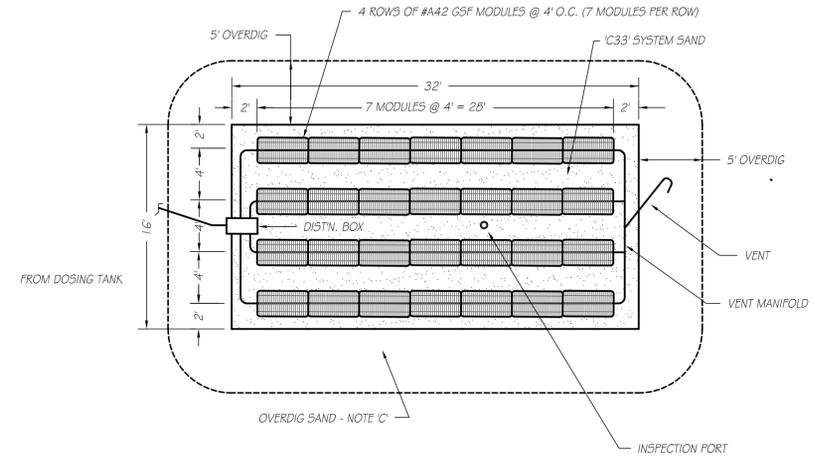
* PERCOLATION TEST LOCATION: T.P. # 1; BOTTOM OF TEST HOLE = 41"; PERCOLATION TEST & DETERMINATION OF SUB-SOIL CONDITIONS WERE DONE ON APRIL 23, 2020, BY RICHARD CHARON OF CHARON ASSOC. INC., AS WITNESSED BY MARY FREIRE-KELLOGG, FAIRHAVEN BOARD OF HEALTH AGENT.

<p>PLAN OF SITE & REPAIR OF SUBSURFACE SEWAGE DISPOSAL PREPARED FOR LUIZ FAMILY NOMINEE TRUST 6 SALTMARSH ROAD FAIRHAVEN, MASS.</p>	
<p>CAI Charon Associates, Inc. Consulting Engineers 323 Neck Road - Rochester, MA 02770 Tel: 508-763-8362 Fax: 508-763-9582</p>	
<p>SCALE: AS NOTED DATE: JUNE 8, 2020 REV. 1: JULY 1, 2020</p>	<p>DWG. NO. SD-1</p>

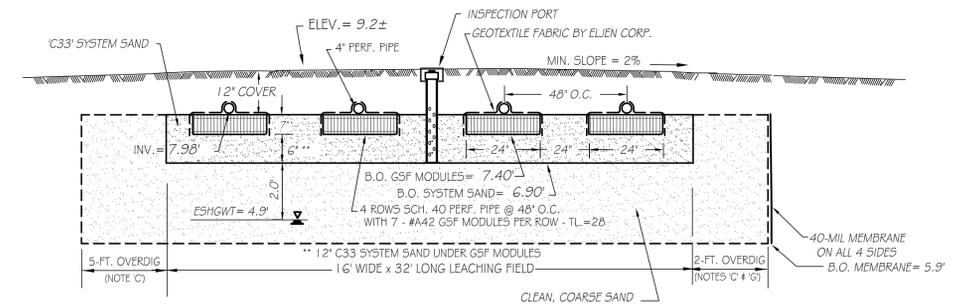
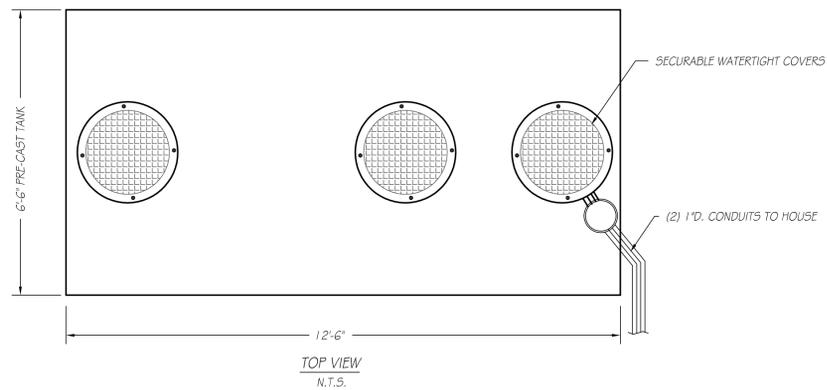


DE-WATERING SILT TRAP
NOT TO SCALE

NOTE: 1. ALL EXCAVATION BELOW THE GROUND WATER TABLE SHALL BE DE-WATERED WITH PUMP DISCHARGE TO DE-WATERING SILT TRAP.

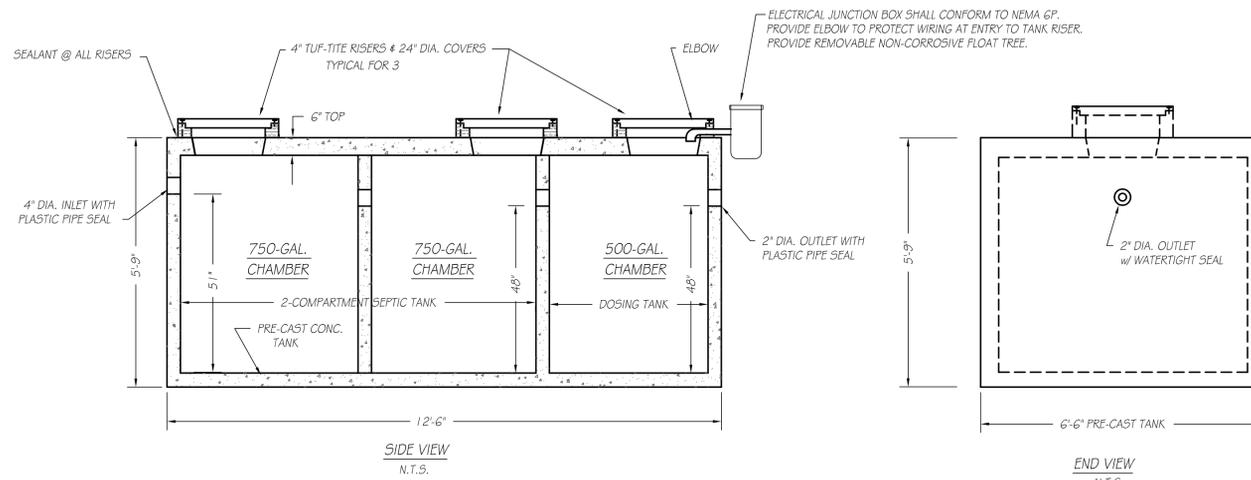


PLAN VIEW - LEACHING FIELD
NOT TO SCALE



CROSS SECTION THRU FIELD
NOT TO SCALE

NOTE: GSF MODULES SHALL BE ELJEN GEOTEXTILE SAND FILTER MODEL #A42, MEASURING 48" LONG x 24" WIDE x 7" DEEP.



NEW COMBO 1500 GAL. SEPTIC TANK & 500 GAL. DOSING CHAMBER

H2O-RATED TANK WEIGHT = 18,983 LBS.

NOTE: SPECIFIED TANK IS H10-RATED 2000-GAL. SEPTIC TANK BY BRISTOL COUNTY PRE-CAST.

PLAN OF SITE AND REPAIR OF SUBSURFACE SEWAGE DISPOSAL PREPARED FOR LUIZ FAMILY NOMINEE TRUST 6 SALTMARSH ROAD 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: JUNE 8, 2020 REV. 1: JULY 1, 2020
DWG. NO. SD-2	



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
 Conservation Commission (Issuing Authority)

June 24, 2020
 Date

To:

MDC Estate LLC, c/o Michael DaCosta
 Name of Violator
 4 Windward Way, Fairhaven, MA 02719
 Address

1. Location of Violation:

Property Owner (if different)
 2 Melpen Way
 Street Address
 Fairhaven
 City/Town
 29
 Assessors Map/Plat Number

02719
 Zip Code
 002D
 Parcel/Lot Number

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

On June 24, 2020, two members of the Commission and the Agent observed that a significant amount of activity had occurred at 2 Melpen Way without permits. The activities observed include: clearing of trees and vegetation, removal of stumps, burning of stumps, grubbing and grading, and the replacement/new construction of a boardwalk across the marsh to the beach (boards have little to no spacing) which will cause shading impacts to the marsh. The property falls entirely within Land Subject to Coastal Storm Flowage and contains Barrier Beach and Marsh and their associated 100-foot buffer zones. All activity occurred within Land Subject to Coastal Storm Flowage and 100-foot buffer zone. It is likely that some activity occurred within the resource areas themselves.

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 (Code of the Town of Fairhaven, Wetlands, Chapter 192) 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 9/28/2020
Date

for the following:

A delineation of and assessment of damage to the 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:

_____ Date

for the following:

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:

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: _____

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 McCles*

7016 2710 0001 1692 8018

Signature of delivery person or certified mail number

2 Melpen Way



2 Melpen Way



2 Melpen Way



2 Melpen Way





TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

June 24, 2020

Keith and Kimberly Decker
1 Smugglers Road
Fairhaven, MA 02719

RE: Possible Wetland Violation
1 Smugglers Road
Request to attend meeting of July 6, 2020

Dear Mr. and Mrs. Decker,

It has come to my attention that there may be a wetlands violation at your property at 1 Smugglers Road, Fairhaven, MA. The Chair and Vice-Chair of the Commission and I performed a site visit on June 24, 2020 and observed deposition of sand, cutting of vegetation, and removal of soil on a Barrier Beach and in a Flood Zone, and observed evidence of machinery driving on the Barrier Beach and in the Marsh.

As was discussed with you, we request that you immediately cease and desist from any further activity and that you or your designated representative contact the Conservation Commission or its Agent, Whitney McClees, at (508) 979-4022 ext. 128 by July 6 and/or appear before the Conservation Commission at its Monday, July 6 meeting, 6:30pm.

Due to the current State of Emergency in the Commonwealth due to the COVID-19 pandemic, Conservation Commission meetings are currently being held remotely via Zoom. The remote access information for the July 6 meeting can be found on the posted agenda for the meeting.

As you may or may not know, any work or activity in a wetland resource area, within 100 feet of a resource area, 200 feet of a river, or within a flood zone is subject to review and approval by the Conservation Commission pursuant to its authority under the Massachusetts Wetlands Protection Act (M.G.L. c. 131 §40) and its regulations (310 CMR 10.00) and the Fairhaven Wetlands Bylaw (Chapter 192). Your property falls within Land Subject to Coastal Storm Flowage (Flood Zone) and contains Barrier Beach, Marsh, and Bank and the associated 100-foot buffer zones. Cutting of vegetation, placement of fill, removal of soil, and operation of machinery within these areas without approval from the Commission constitutes a violation of the Act and the Bylaw.

Please be prepared to explain the work or activity that has occurred so that the Commission can prescribe the appropriate corrective actions for you to come into compliance with the Act and the Bylaw. Please be advised, the Conservation Commission reserves the right to assess fines for said violations or non-compliance with this letter pursuant to the Fairhaven Wetlands Bylaw (§192-11).

Should you have any questions or need further information, do not hesitate to contact me in the Conservation Office at (508) 979-4022 ext. 128 or via email at conservation@fairhaven-ma.gov.

Thank you for your immediate time and attention in this matter.

Sincerely,

Whitney McClees, Agent
Fairhaven Conservation Commission
conservation@fairhaven-ma.gov
(508) 979-4022 ext. 128

1 Smugglers Road





July 1, 2020

Ms McClees
Agent
Fairhaven Conservation Committee
40 Center Street
Fairhaven, MA 02719

RE: Possible Wetland Violation
1 Smugglers Road

Dear Ms McClees:

In response to your letter dated June 24, 2020, I have left a voice mail for you on July 1, 2020 and wish to address the following excerpt from your letter:

It has come to my attention that there may be a wetlands violation at your property at 1 Smugglers Road, Fairhaven, MA. The Chair and Vice-Chair of the Commission and I performed a site visit on June 24, 2020 and observed deposition of sand, cutting of vegetation, and removal of soil on a Barrier Beach and in a Flood Zone, and observed evidence of machinery driving on the Barrier Beach and in the Marsh.

My wife and I purchased the property during the late summer of last year and moved in during the month of October. Over the past 9 months, it became apparent that the property was significantly overgrown, and prior to the last owner, had been used for decades as a recreation area and most significantly, as a dumping ground for illegal dumping of construction materials to include masonry, lumber, and plastics in addition to old tires and car parts. With that in mind, I wish to address each area of concern outlined in your letter and as you discussed with my wife:

1. Cutting of vegetation, deposition of sand

I have attached photos of the area in question. Please note the large pile of debris at the entrance of our property to our beach area. As you can clearly see, there is a significant collection of wood, plywood, plastic, and beach debris. Additionally, intermingled in the debris pile were old paint cans, antifreeze containers, and metal parts. This was on both sides of the main beach access for my family.

**BLUE
HARVEST™**
FISHERIES



Massachusetts: 4 Washington St., Fairhaven, MA 02719 • Phone: (508) 997-7100 • Fax: (508) 997-7111
40 Herman Melville Blvd, New Bedford, MA 02740: (508) 997-0031 • Fax: (508) 991-6490
Virginia: 675 Jefferson Ave., Newport News, VA 23607 • Phone: (757) 245-3022 • Fax: (757) 745-3401



Additionally, the area is overgrown with extensive amounts of poison ivy which is clearly visible in the photos. My wife and I have two dogs and I am highly allergic to poison ivy. The dogs come in contact with the poison ivy and when I pet them, I have severe breakouts.

During the winter and this spring, I personally manually removed as much of the debris field as possible. Additionally, I cut down all of the poison ivy and cleared the area. This created an eyesore so I ordered some beach sand and manually applied 4 inches of sand to cover the area by myself using a wheelbarrow and shovel. I was unaware that this was prohibited. I am happy to remove the sand if necessary to correct the situation. Please note that even today, there still exists more debris as shown below that remains that I have not cleaned up due to the poison ivy.



2. Removal of soil on a Barrier Beach and in a Flood Zone

To date, there has been zero removal of any soil on the Barrier Beach or in the flood zone.

With regards to our **existing** backyard (of which there are pictures going back to 2006 showing the extent of clearing for the property and yard) as discussed above was significantly overgrown and is infested with invasive Japanese knotweed which is threatening to take over the property. My son and I manually cleared the backyard to the original property clearing removing 100 yards of yard waste by hand.



There were two rock 'walls' made from the excavation of the house that the prior owner had dumped in a row in the back yard. I have had the rocks removed and the knotweed scraped down in preparation for planting grass seed. As noted, there has never been any removal of any soil either on the beach or in the flood zone.

3. Observed evidence of machinery driving on the Barrier Beach and in the Marsh.

My wife and I own a Polaris UTV given that the property is quite large at 10 acres and we use it to take our heavy kayaks and paddle boards to the beach area from our house.

As discussed above with regards to the past dumping on the property, I have personally spent months cleaning up the beach area and the property. To date, we have paid to remove 20 yards of debris and still there exists up to at least 10 tires in the water and on the beach area to be removed. I use the UTV to collect the debris as it is quite heavy (tractor tires, truck tires, timbers, plastic crates, etc.) and a long distance from the entrance to the property where we have had the dumpsters brought to. I can't carry them manually and would be happy if the City would clean up the property if we are not able to use the UTV. There is still at least another 150 feet of beach area garbage and timbers to be cleaned up before it is done. Additionally, while the vegetation may be slightly compacted, it is not dead and readily grows back.

4. Additional comments

Two areas of concern for my wife and I are both mentioned above:

The length of the beach area (almost 600 feet) is infested with poison ivy and our dogs bring it into the house on their fur. Additionally, we have a number of guests who spend time in the beach area and we are concerned about their contact with it.

Invasive Japanese knotweed is a key concern on the property as it is taking over and almost impossible to eradicate.

Any assistance from the Commission to mitigate it would be helpful.

In conclusion, we are unable to attend the July 6 meeting that you reference as we are travelling for the holiday weekend. However, I am available on my mobile phone at 978-766-6558 or can be reached at my office at 508-991-6407.

Sincerely,

Keith Decker