

Date: 7/9/2020

Applicant Name: Carricorp Industries LTD on behalf of Bridge Street Holdings LLC

Applicant Mailing Address: 275 Martine Street, Suite 110 Fall River MA 02723

RE: Order of Conditions, DEP File # SE 23 1246

Applicant Name: Alexander Carrigg – Carricorp Industries LTD

Project Address: Map 30A Lot 86B, 87, & 87A

Dear Members of the Conservation Commission,

Please accept this letter as a request for extension for the above-referenced Order of Conditions. I hereby request that the Order be extended for an additional 36 months (**maximum of 36 months per request with a maximum of 72 months for any one permit**).

The reason(s) for delay in commencing/completing the project is/are: We are asking for the additional time to allow for monitoring of the wetland replication area, monitoring of installed drainage systems to make sure they are working correctly and safely as designed/engineered, to fix areas of asphalt settling during construction, and to receive final approvals/inspection from MA DOT, to finalize the completion of conditions as required by the MEPA ENF review, and to meet obligations of our post-closing agreement with the seller which includes establishing two legal conforming lots from the three that currently exist. We do anticipate further delays from the Covid-19 pandemic which has been a challenge for our already lean staff for the better part of the year.

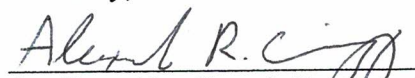
The Order of Conditions was recorded at the Registry of Deeds for Bristol (S.D.) County,

Book 12318, Page 166.

Attached is a check payable to the Town of Fairhaven in the amount of \$75.00 (residential) **OR** \$200.00 (commercial/subdivision) for the extension fee.

Thank you for your consideration.

Sincerely,



Applicant/Applicant's Representative

Jimmy Papas

14 Belmont St., New Bedford, Ma. 02744

508-665-3126

Re; Map 4, Lot 81 , DEP File # SE 23 - 1198

Dear Conservation Commission,

I am writing this letter to you to give an update on progress. I have cleared the brush from the upland portion of this lot, and my next step is to protect the perimeter with hay bales / silt fence. With these trying times progress has gone slow. I see that the order of conditions is expiring on August 25, 2020 . My son Joshua has shown interest in building a house for himself at that location. I am respectfully requesting an extension of another 3 years. Feel free to contact me with any questions.

Sincerely,

Jimmy Papas



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 7 – Extension Permit for Orders of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

SE 23 - 1198
Provided by DEP

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:

Jimmy & Nickolas Papas

Name

14 Belmont Street

Mailing Address

New Bedford

City/Town

Ma
State

02744
Zip Code

2. Property Owner (if different):

Same

Name

Mailing Address

City/Town

State

Zip Code



2019 00013006

Bk: 12829 Pg: 23 Pg: 1 of 1 BS
Doc: EXT 06/19/2019 03:20 PM

B. Authorization

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

August 25, 2014

Date

Issued by:

Fairahven

Conservation Commission

for work at:

Cedar Street

Street Address

28C

Assessor's Map/Plat Number

81

Parcel/Lot Number

recorded at the Registry of Deeds for:

Bristol (SD)

County

111 70
Book

334
Page

Certificate (if registered land)

is hereby extended until:

August 25, 2020

Date

Date the Order was last extended (if applicable)

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.

This Extension Permit must be signed by a majority of the Conservation Commission and a copy sent to the applicant and the appropriate DEP Regional Office

(<http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

Signatures:

June 26, 2017

Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 1- Request for Determination of Applicability

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

Fairhaven
City/Town

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 Gia + John Zolotas

E-Mail Address Zolotasge@yahoo.com

Mailing Address 154 Russell Street

City/Town Peabody

State MA

Zip Code 01960

Phone Number 978 378-4073

Fax Number (if applicable)

2. Representative (if any):

Firm None

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:

Name of Municipality Town of Fairhaven

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



Fairhaven
City/Town

C. Project Description

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

Street Address: 22 Point Street City/Town: Fairhaven
Assessors Map/Plat Number: 28B Lot 204 Parcel/Lot Number: LOT 204
205
218

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

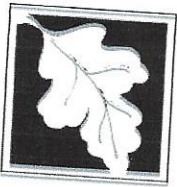
Single Family home

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

Title: Site plan Date: 5/30/20
Title: _____ Date: _____
Title: _____ Date: _____

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

See Attached



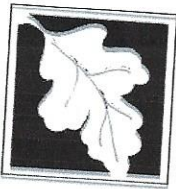
C. Project Description (cont.)

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).

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

Fairhaven
City/Town

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:

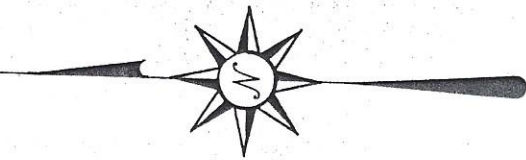
Name Gia + John Zolotas
Mailing Address 154 Russell Street
City/Town Peabody
State MA Zip Code 01960

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.

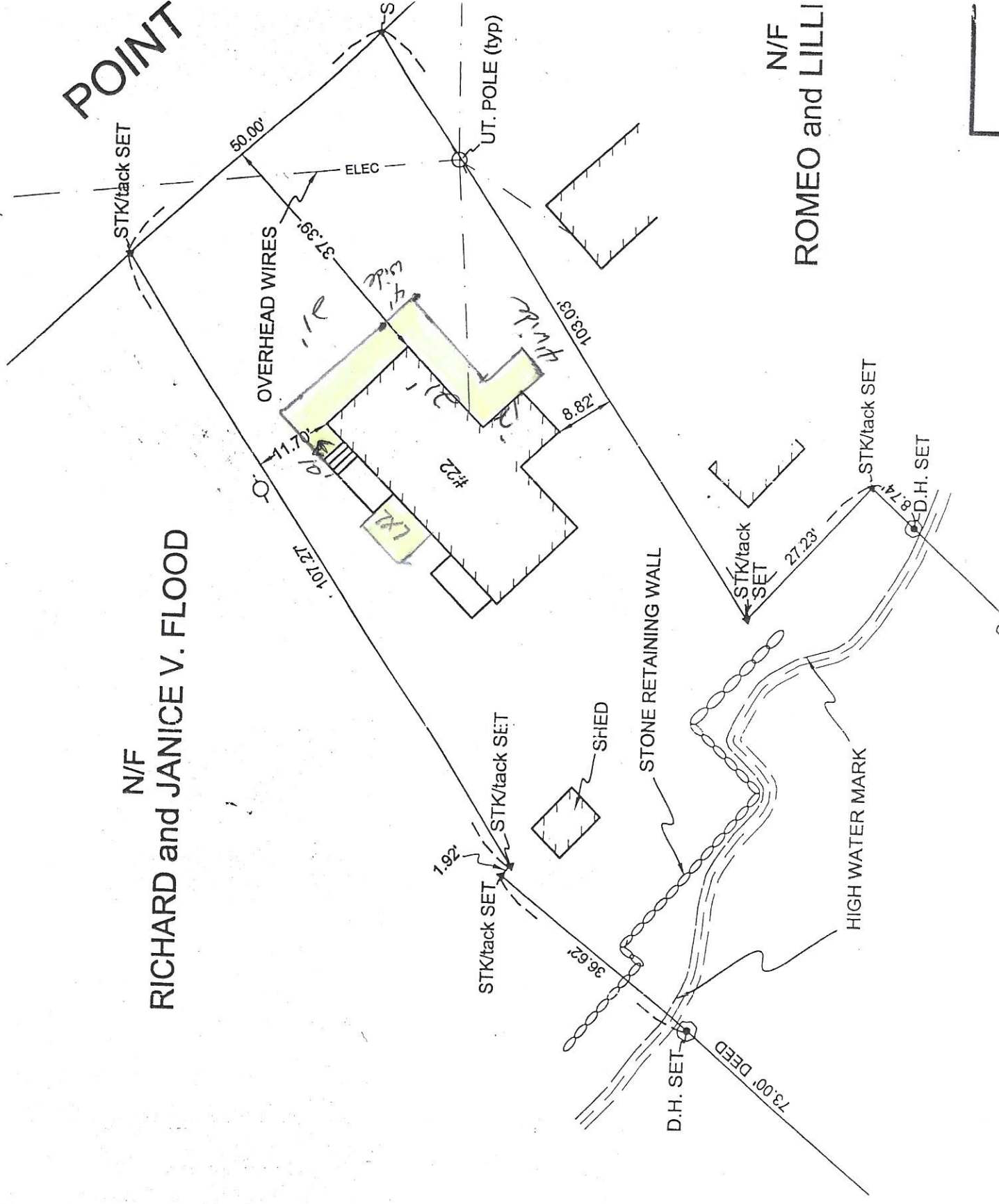
Signature of Applicant *[Signature]* Date 5/20/20

Signature of Representative (if any) _____ Date _____



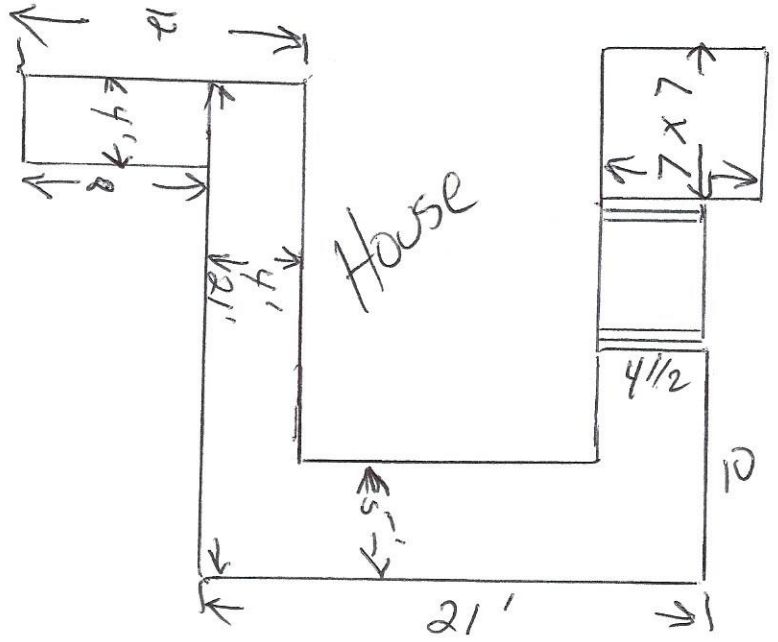
N/F
RICHARD and JANICE V. FLOOD

POINT



N/F
ROMEO and LILLI





John and Gia Zolotas

22 Point Street

Fair Haven -

Gia Cell 978 375-4073

Requesting permission for:

I would like to cement some areas around the house for trash barrels and gas grill areas. Also, there are some bricks at the landing of the stairs that are coming up, very uneven and unsafe. That's another reason why I need cement. Work will be done by Portelance Landscaping, contact info below. The work will take 3 or 4 days to complete. Work will be done by hand with basic tools. Wood and rebar will be used to set cement. A cement truck will deliver the cement and then leave. The access area is the driveway. There is no storing of any materials.

Thank you,

Gia and John Zolotas

Portelance Landscaping
Email: jessica@mjtabs.com
774-328-2435



Town of Fairhaven
Massachusetts
BOARD OF ASSESSORS
40 Center Street
Fairhaven, MA 02719

Ronnie Manzone, Chairman
Pamela K. Davis, MAA, Member
Ellis B. Withington, Member

Delfino R. Garcia, Principal Assessor
Notary Public
Phone: (508) 979-4023
Facsimile: (508) 979-4079
Email: dgarcia@fairhaven-ma.gov

ABUTTERS LIST REQUEST FORM

Please allow 10 days from the submission of the form for the Assessor's office to complete the processing of your request.

Date of Request:

5/1/2012

Assessors Parcel ID:

MAP 28B LOT 204, 205, 218

Property Address:

22 Point Street

Distance Required from Parcel # listed above (Circle One):

500

300

100

(Note: if a distance is not circled, we cannot process your request)

Property Owner:

John & Maria Zolotas

Property Owner's Mailing Address:

154 Russell Street

Town/City:

Leahdy

State:

MA

Zip:

01960

Property Owner's Telephone #

978

- 375 -

4073

Requestor's Name (if different from Owner)

Requestor's Address:

Requestor's Telephone #

Email address:

zolotasg@yahoo.com

MSP	LOT	OWNER OF RECORD MAILING	ACTUAL ADDRESS	5/21/2020
		Subject 22 Point St	288 204, 205 & 218	
288	201, 213	Felice M. Glennon	1 Bonney Street	
	215	C/O Celeste Krouse		
		317 Upham Street		
		Melrose, MA 02176		
288	203	Michael L. & Sheryl A. Coppa	24 Point Street	
		P. O. Box 539		
		Green Creek, NJ 08219		
288	206 & 219	Brian R. & Nancy Richard	20 Point Street	
		441 Prescott Street		
		New Bedford, MA 02745		
288	207 & 220	Bill Bodeau	18 Point Street	
		223 Mattapoisett Road		
		Rochester, MA 02770		
288	208, 209	Gilbert & Diana Arruda	Same	
	221, 223	13 Point Street		
		Fairhaven, MA 02719		
288	227, 228	Antonio S & Lucia F Bairos	Same	
	229	11 Bonney Street		
		Fairhaven, MA 02719		
288	242, 243	Justin C. & Nicole Kopaczewski	22 Point Street	
		6801 Needwood Road		
		Derwood, MD 20855		
288	256, 257	Michael Lepage	19 Point Street	
		953 Shawmut Avenue		
		New Bedford, MA 02746		

**Notification to Abutters Under the
Massachusetts Wetlands Protection Act
and the Fairhaven Wetlands Bylaw**
*(this form must be completed and copies sent by certified mail
to all abutters within 100 feet of the site of the project)*

In accordance with the Massachusetts General Laws Chapter 131, Section 40 (the Wetlands Protection Act) and the Fairhaven Wetlands Bylaw (Chapter 192), you are hereby notified of the following:

1. The applicant's name is Gia + John Zolotas

2. The applicant has filed the following type of permit application with the Fairhaven Conservation Commission:
 Request for Determination of Applicability
 Notice of Intent
 Request to Amend an existing Order of Conditions
 Notice of Resource Area Delineation

3. The address or location of the site where the activity, project, or delineation is proposed is:
22 Point Street, Fairhaven, MA.

4. The proposed work includes See Attached

5. Currently, only electronic copies of the above application are available. Applications will also be uploaded to www.fairhaven-ma.gov/conservation-commission/pages/current-filings. If you are unable to access or view the application electronically, please contact the Conservation Office at 508-979-4023, ext. 128.

6. The public hearing will be held:
a. DATE: 8/10/20
b. TIME: 6:30 pm
c. LOCATION: Remote Access via Zoom as posted on the agenda not less than 48 hours prior to the meeting date

7. For additional information, please contact the applicant/applicant's representative:
Name: _____
Phone/Email: _____

PLEASE NOTE:

1. Notice of the public hearing including its date, time, and place will be published at least five business days in advance in the Fairhaven Neighborhood News, and will be posted on the Fairhaven Town Website and at the Fairhaven Town Hall not less than 48 hours in advance.
2. Since you are receiving this notice, you may have wetland resource areas or wetland buffers on your property. Therefore, construction, cutting, clearing, or grading may require a permit. For clarification or for more information, call the Conservation Agent at 508-979-4082 or visit our website.

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.

July 17, 2020

Town of Fairhaven
Conservation Commission
40 Center Street
Fairhaven, MA 02719
Attn: Whitney McClees, Agent

Re: DEP File No. SE 23-1258 – Request for an Amended Order of Conditions

Applicant/Owner: Overlook Realty Trust
Site Address: Sconticut Neck Road
Assessors Lot #1C on Map #29

Dear Mr. Chairman & Commission Members,

Schneider, Davignon & Leone, Inc., acting as agent for the Applicant hereby requests that a Public Hearing be convened for the purposes of Amending the Order of Conditions for DEP File No. SE 23-1258 - relative to the above referenced project.

The Applicant requests an approval of a proposed change in the scope of work resulting in less wetland impacts.

Specifically, the attached Addendum Plan depicts a proposed relocation of a previously approved 447 sq. ft. wetland alteration for a driveway to provide access to subdivision lot #6.

The driveway is proposed to be constructed approximately 280' westerly at a location which will be closer to the future associated house. The relocated wetland alteration area will be slightly less than the approved area (444 sq. ft. vs. 447 sq. ft.).

It should be noted that the Wetland Replication Area was constructed in the fall of 2019.

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: File 2741
DEP – SE Regional Office
Overlook Realty Trust

August 03, 2020

Ms. Whitney McClees,
Conservation Agent and Sustainability Coordinator
Conservation Commission
Town Hall
40 Center Street
Fairhaven, MA 02719

RE: Notice of Intent / Site Plan
86-88 Middle Street. Fairhaven, MA.

Dear Ms. McClees:

GCG Associates, Inc. has reviewed the following information for the 86-88 Middle Street, site plan in Fairhaven, MA with respect to stormwater and related requirements under 310 CMR 10.00 Wetlands Protection Act Regulations.

Plan References: Site Plan, 86-88 Middle Street, Assessors Map 11 Lot 6E, Fairhaven, MA prepared by Farland Corp. dated July 1, 2020 (1 sheet)

Documents: Notice of Intent (NOI) prepared by Farland Corp. dated June 30, 2020

Based upon our review of the above information, we offer the following general comments and comments with respect to compliance with Town Bylaws: Chapters 192 – Wetlands; and Stormwater Management and 310 CMR 10.00 Wetlands Protection. The numerical section of the regulations is referenced at the beginning of each comment unless it is a general comment.

GENERAL PLAN AND DEVELOPMENT COMMENTS

The following are general comments with respect to the plans and development of the project.

1. This is a developed lot located at the westerly side of Middle Street and the south of Logan Street, as identified as Assessor's Map 11 Lot 6E. The property is located in a Special Flood Hazard Area (SFHA) Zone AE (EL 6) as identified in the FIRM map panel 25005C0393G effective date 07/16/2014. Hence, a Notice of Intent is being filed.
2. The subject parcel consists of 19,950+/- square feet, which is below the Chapter 194 and National Pollutant Discharge Elimination System (NPDES) construction permit

thresholds. Therefore, Land Disturbance Permit and NPDES Notice of Intent are not applicable.

3. The site is also subject to a drainage easement to the benefit of the Town of Fairhaven. The easement consists of a drainage network which collects stormwater from portions of Middle Street, Main Street and all of Cowen Street as well as stormwater from an existing parking lot located toward the south of the subject parcel. An existing catch basin is in the west side (rear) of the existing building.
4. The property was used as an auto repair shop which consisted of a 3-bay service garage with small office space, and currently a crane company. The use appears to be pre-existing non-conforming use in this Zoning District, Assessors field card shown Zone 'RA' and Zoning Map shown 'MU'. However, Auto, Boat sales, rental, service commercial uses are not allowed in the RA nor MU Zones.
5. The NOI project summary stated: "Approximately 6 years ago the property began being occupied by A1 Crane Company, Inc. In or about 2019, the tenant began installing concrete pavement, approximately 8-inch-thick, to support his crane equipment without a permit. On November 25, 2019, the Town of Fairhaven Conservation Commission discussed the placement of the additional impervious surface and requested that the applicant cease the installation of any additional concrete and file an after the fact Notice of Intent. The applicant is now seeking permission to complete the project." GCG's review comments are based on there is no change of parking layout and stripping, and the crane service is acceptable as similar non-conforming uses on this site and Section 198-29 Special Permits is not required. Hence, Section 198-31.1 - Stormwater management is not applicable. If a Planning Board Special Permit is determined to be required, the site plan should comply with Section 198-31.1.
6. For Land Uses with Higher Potential Pollutant Loads (LUHPPL) project, additional MassDEP permits may be required under MGL C. 21 Sections 26 through 53, 314 CMR 3.00, 4.00 and 5.00.
7. There have been issues with this line surcharging and the street flooding in the past and the DPW has added a Tideflex valve on the drain line to alleviate some of the problems. Approval from the DPW should be obtained and no additional stormwater should be added.

PLAN

1. Existing Drainage Easement should be shown on the plan. Modifying the drainage system within the Town of Fairhaven easement would require DPW approval.
2. Existing and proposed spot grades, contours should be shown on the plan. The site is in Special Flood Hazard Areas, any filled area should be compensated with equal volume.
3. The site use is classified as Land Uses with Higher Potential Pollutant Loads (LUHPPL), Best Management Practices for LUHPPL (Standard 5) is required. The proposed catch basin insert is being called out on the Massachusetts Stormwater Handbook (MSH) Vol. 1 Ch.1 Page 14. Treatment table, "Proprietary Media filter (Does not include catch basin inserts)" be excluded for LUHPPL treatment use. The existing structure has 3 inlet pipes connected and the catch basin insert would restrict the flow through capacity and causing stormwater backup onto Middle Street and abutters parking lot. GCG recommends replacing the existing catch basin grate with a solid drainage manhole frame and cover and convert the structure to a manhole (DMH). And installing a qualified

Notice of Intent/Site Plan
86-88 Middle Street
GCG Job#2070

proprietary separator (water quality inlet structure) and connect the pipe outlet to the converted DMH structure.

4. The existing sidewalk DMH cover north of the utility pole is a curb inlet. Inlet should be called out on the plan and protected with wattle or silt sack during construction.
5. Review existing and proposed spot grade and add erosion control at the westerly property lines if necessary.
6. See additional drainage calculations comments below.

STORMWATER REPORT COMMENTS

1. This is a re-development and new development project. All new impervious areas are classified as new development and require meeting the MSH to the full extent.
2. MSH Standard #2, the proposed drainage calculations shown increased peak runoff for all three analysis storms, (Pre-, 1.37 cfs vs Post- 1.51 cfs, for 2-year storm event; Pre-, 2.03 cfs, vs Post-, 2.15 cfs, for 10-year storm event; and Pre-, 3.05 cfs, vs 3.15 cfs, during 100-year storm event). The applicant has requested a waiver for the peak rate attenuation. MSH allows waiver for Standard #2 for discharges to land subject to coastal storm flowage. Without the waiver, the proposed new concrete pavement will not meet MSH requirements.
3. MSH Standards #3. Loss of Annual Recharge, the USDA soil report rated the site soil as Urban Land with unranked Hydrologic Soil Group (HSG). This report assumed the soil to be group 'D'. Due to the high water table, the HSG 'D' soil assumption deems acceptable. MSH allows infiltration/recharge practice in 'D' soil to the maximum extent practicable. GCG concurs that infiltration is impracticable on this site. Board approval is required.
4. Standard #4, TSS removal, there is not sufficient data to support the catch basin insert would work in a drainage manhole (DMH) situation. The existing catch basin has three inlet pipes connected (like a DMH structure) and is not in compliance with the current MSH requirements. The catch basin insert will restrict the DMH structure flow through capacity. GCG does not recommend using catch basin insert in the existing structure.
5. Standard #5, a qualified water quality inlet should be used to treat runoff from a LUHPPL area.
6. Standard #8: Construction Period Pollution Prevention Plan. The applicant has requested a waiver for Standard #8. GCG does not recommend the waiver for Standard #8. The curb inlet in front of the project should be protected during construction. Concrete washing area should be identified on the plan and protected during construction.

OPERATIONAL AND MAINTENANCE (O&M) PROGRAM COMMENTS

1. O&M plan should provide a signature block for responsible party/operator signature.
2. O&M plan should include estimated annual operation budget and long-term O&M (sample) log.
3. GCG recommends minimum parking lot sweeping twice per year, early Spring and Late Fall.
4. Catch basin inlet should be inspected and cleaned at a minimum of 4 times per year.

Notice of Intent/Site Plan
86-88 Middle Street
GCG Job#2070

5. GCG recommends replace the catch basin insert with a water quality inlet structure and with the appropriate O&M schedule.

Summary:

1. The proposed concrete pavement for the entire lot requires Board approval. The study shown increased peak runoff for the post-development conditions for all three analysis storm events, waiver is required. A qualified water quality inlet structure should be installed to treat runoff from LUHPPL site.

If you have any questions regarding this matter, please contact our office.

Respectfully Submitted,
GCG Associates

Anthony Ma

Anthony C. Ma, P.E.
Senior Project Engineer

Notice of Intent/Site Plan
86-88 Middle Street
GCG Job#2070



NOTICE OF INTENT NARRATIVE

Site Description

The subject property encompasses approximately 2.05 acres of residential island located in the Acushnet River, south of Pope's Island, west of mainland Fairhaven, Massachusetts. The site is currently developed as a residential lot. It is bounded on all sides by the Acushnet river. The topography is sloping from the highest point on the southern side of the island, surrounding the house at elevation 10 and slopes downward to sea level on all sides. The Soils underlying the island are Udorthents, smooth sands, 0% - 15% slopes, which are well drained. Soil information was taken from Web Soil Survey, Bristol County, Massachusetts. *Version 13, September 12, 2019.*

Project Description

The Applicants seek approval for the construction on the premises of 2 Seasonal Tents (100' x 50' & 40' x 30') as well as a new 1,100' +/-; 1¼" force main to connect to an existing sewer manhole on the pier off of Middle Street in Fairhaven.

As depicted on the Site Plans, this Notice of Intent is for the proposed construction of a new force main with an associated grinder pump, 2 seasonal venue tents and necessary site grading to level out an area for the tents making them accessible.

This proposal is will not change any of the footprints or elevation of the existing dwelling nor will it modify the walkways, docks, or boathouse.

The construction has been designed to comply in all respects with the requirements of the State and Local By-Laws.

Environmental Impact Assessment

Potential Impacts

The design of the grinder pump and force main installation includes all reasonable and appropriate engineering procedures for the mitigation of any impact from the changes to the site. The development of the site will be done as sensitive as possible to the interests of the abutting resource areas.

During the construction phase, there will be disturbance of the area within the siltation control fence. However, no activity will be allowed outside of this control. There will be exposed earth surfaces with the potential for siltation runoff. The runoff is to be controlled by using hay bale fencing at the limit of the work.



Sewerage Disposal

There is currently no town sewer located on the island. The house will be connected to the new grinder pump and the new force main will be installed within the existing utility easement to the local pier and connected to an existing manhole on the mainland of Fairhaven to service the island.

The pipe will be dredged from mean highwater to elevation -1 which will result in 8 CY to be dredged. The pipe will then be installed utilizing the Float and Sink Method. Which basically means it will be laid at the bottom of Buzzards Bay and will be anchored down with concrete collars as needed.

This method consists of the following steps.

- Selection of an appropriate pipe diameter (4")
- Selection of appropriate pipe SDR (1-1/4")
- Selection of the design, weight and frequency of spacing of the ballast weights that will be used to sink and then hold the pipe in its intended location (Field determined)
- Selection of an appropriate site for staging, joining, and launching the pipe (See Plan)
- Preparing the land-to-water transition zone and, when required, the underwater bedding.
- Assembly of the individual lengths of pipe into a continuous string of pipe
- Mounting of the ballast weights (this step may be done in conjunction with the next step).
- Launching the joined pipe in the water from a barge
- Submersion of the pipeline in the specified location
- Completion of the land-to-water transition

Post-Installation Survey

Upon completion of the installation of a submerged pipeline, it is advisable to have the complete line surveyed by a competent diver to ensure that:

- The pipeline is located within the prescribed easement area
- The ballasts holding the pipeline are all properly sitting on the bottom contour and the line is not forced to the bridge any changes in elevations.
- The pipe is not resting on any rocks, debris or material that could cause damage

Modern HDPE piping materials are a natural choice for marine installations. The overall durability and toughness of these products, combined with the innovative and cost-effective installation methods that they facilitate, are compelling reasons for their use in sanitary sewer force main marine crossings, as well as dredging operations. More importantly the design proposed has the least impacts to the abutting resource areas.



Underground Utilities

There will be no additional drainage, gas, water, telephone, and electric utilities installed during construction.

Stormwater Drainage

Stormwater will be improved as the house will be tied into a new cultec subsurface recharge system.

Construction Sequence

The preparation of the site for the proposed construction will follow the normal procedures for work of this type. The steps that follow are to be used as a guideline and may have to be adjusted due to site or weather conditions or unforeseen circumstances.

The procedure for construction, in general terms, will be as follows:

Phase 1- (Time 1 weeks)

- 1) Establish the erosion/siltation control fences at the "Limit of Work" as shown on the approved site plans.
- 2) Clear the site of trees/brush and stumps as required.

Phase 2- (Time 1 month)

- 1) Prepare pump and trench area. Fill as required.
- 2) Rough the site to grade.

Phase 3- (Time 1 months)

- 1) The grinder pump and force main will be installed and constructed.
- 2) Install the loam and seed as required.



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

MASS.GOV/MASSWILDLIFE

August 7, 2020

Fairhaven Conservation Commission
Town Hall
40 Center Street
Fairhaven MA 02719

Albert Santos
New Bedford Inc.
72 North Water Street, 3rd Floor
New Bedford MA 02740

RE: Applicant: Albert Santos
 Project Location: 1 Crow Island
 Project Description: Install Sewer Pump and Forcemain, Seasonal Tents
 DEP Wetlands File No.: 023-1325
 NHESP Tracking No.: **20-39506**

Dear Commissioners & Applicant:

The applicant listed above has submitted a Notice of Intent with site plans (dated July 2, 2020) to the Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division"), in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.37).

MA WETLANDS PROTECTION ACT (WPA)

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not adversely affect** the actual Resource Area Habitat of state-protected rare wildlife species. Therefore, it is our opinion that this project meets the state-listed species performance standard for the issuance of an Order of Conditions.

Please note that this determination addresses only the matter of **rare** wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

MA ENDANGERED SPECIES ACT (MESA)

The project occurs within designated *Priority Habitat of Rare Species* and therefore requires review through a direct filing with the Division for compliance with the MESA. The MESA is administered by the Division, and prohibits the Take of state-protected species, which includes actions that "in reference to animals...harm...kill...disrupt the nesting, breeding, feeding or migratory activity...and in reference to plants...collect, pick, kill, transplant, cut or process...Disruption of nesting, breeding, feeding, or migratory activity may result from, but is not limited to, the modification, degradation, or destruction of Habitat" of state-listed species (321 CMR 10.02).

MASSWILDLIFE

For a MESA Project Review Checklist and additional information about the MESA review process, please visit our website: www.mass.gov/dfw/nhosp/regulatory-review. Please note that all proposed and anticipated development must be disclosed, as MESA does not allow project segmentation (321 CMR 10.16).

No soil or vegetation disturbance, work, clearing, grading or other activities related to the subject filing may be conducted anywhere on this project site until the Division has completed its MESA review. If you have any questions regarding this letter please contact Emily Holt, Endangered Species Review Assistant, at (508) 389-6385.

Sincerely,



Everose Schlüter, Ph.D.
Assistant Director

cc: Crow Island Realty
Christian Farland, Farland Corp.
MA DEP Southeast Region



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall • 40 Center Street • Fairhaven, MA 02719

August 5, 2020

Mary Spadaro
121 Highland Street
Hyde Park, MA 02136

RE: Wetland Violation, 50 Balsam Street
Request to attend meeting of August 10, 2020

Dear Ms. Spadaro,

It has come to my attention that there may be a possible wetlands violation at your property at 50 Balsam Street, Fairhaven, MA. I performed a site visit on August 4, 2020 and observed the reconstruction of decks and the removal of topsoil in Land Subject to Coastal Storm Flowage (flood zone), the 100-foot buffer zones to Coastal Dune and Coastal Beach, and the removal of vegetation on a Coastal Dune. A member of the Conservation Commission has twice issued an order to cease and desist all activity until such time that there is a permit issued by the Conservation Commission. Those notices were removed and ignored. As such, the enclosed Enforcement Order has been issued.

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 August 10, 2020 and/or appear before the Conservation Commission at its Monday, August 10 meeting, 6:30pm, at Town Hall, 40 Center Street, Fairhaven, MA.

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 August 10 meeting can be found on the agenda posted no fewer than two (2) business days prior to the meeting date.

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 Coastal Dune and Coastal Beach and their associated 100-foot buffer zones. Any activity that fills, removes, or alters 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



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)

August 5, 2020
 Date

To:

Mary Spadaro
 Name of Violator
 121 Highland Street, Hyde Park, MA 02136
 Address

1. Location of Violation:

Property Owner (if different)
 50 Balsam Street
 Street Address
 Fairhaven
 City/Town
 43C
 Assessors Map/Plat Number

02719
 Zip Code
 16
 Parcel/Lot Number

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

A Commission observed unpermitted activity and posted a cease and desist notice. It was removed and second notice was posted. That notice was also removed. The following work was observed being done on site without a permit: reconstruction of both front and back decks, removal of topsoil in front of property, potential vegetation clearing on a coastal dune, all work was done in Land Subject to Coastal Storm Flowage (Zone VE).

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 of the Code of the Town of Fairhaven, 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 _____ Date _____

for the following:

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



Massachusetts Department of Environmental Protection
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DEP File Number: _____

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:

_____ No further work is to occur until a permit for all work has been issued by the Fairhaven Conservation Commission. The vegetation in the rear of the property shall be permitted to regrow. The Commission reserves the right to require native plantings to replace those removed.

_____ 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, Agent

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:

Christine M. Clees

7016 2710 0001 1692

Signature of delivery person or certified mail number