



**WPA Form 8A – Request for Certificate of Compliance**

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

Provided by DEP

**A. Project Information**

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

MATTHEW J BROOD  
Name  
156 BALSAM ST  
Mailing Address  
FAIRHAVEN MA 02719  
City/Town State Zip Code  
508-789-2191  
Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

MICHAEL EDWARDS  
Applicant  
4-12-2012 SE 23-4371163  
Dated DEP File Number *mje*

3. The project site is located at:

113 COTTON WOOD ST FAIRHAVEN  
Street Address City/Town  
43A 194  
Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

EMILY TING MICHAEL EDWARDS mje  
Property Owner (if different)  
BRISTOL 129  
County Book  
22549  
Certificate (if registered land) 20 Page

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
- the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



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**A. Project Information (cont.)**

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes      If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

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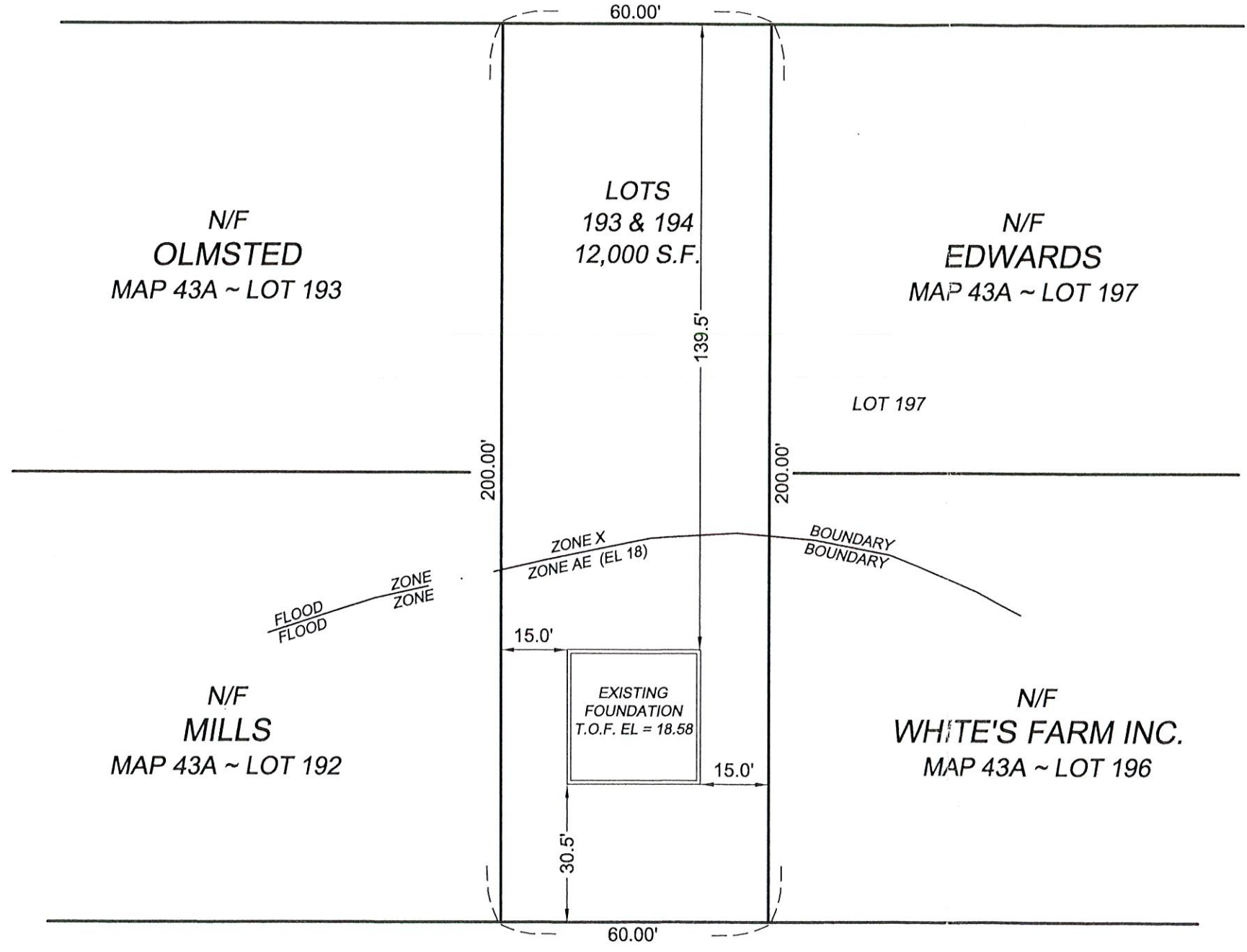
**B. Submittal Requirements**

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).



C:\CARLSON PROJECT FILES\000 JOBS BY ADDRESS\FAIRHAVEN Jobs\Cottonwood Street\FE 4134 - 113 Cottonwood St. - Fairhaven\11-12-13 Fdn. As-Built Plan.dwg, 11/12/2013 4:49:39 PM

**DOGWOOD STREET**  
(PUBLIC ~ 40' WIDE)



N/F  
**OLMSTED**  
MAP 43A ~ LOT 193

LOTS  
193 & 194  
12,000 S.F.

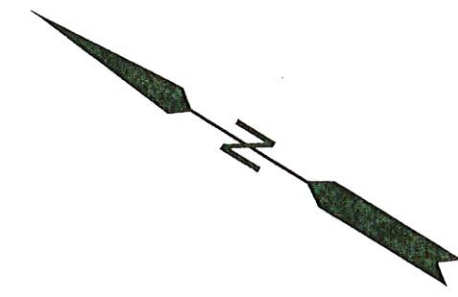
N/F  
**EDWARDS**  
MAP 43A ~ LOT 197

LOT 197

N/F  
**MILLS**  
MAP 43A ~ LOT 192

N/F  
**WHITE'S FARM INC.**  
MAP 43A ~ LOT 196

**COTTONWOOD STREET**  
(PUBLIC ~ 40' WIDE)



**GENERAL NOTES**

THE LOCUS IS OWNED BY MICHAEL T. AND ROBIN E. EDWARDS

TITLE IS RECORDED IN THE LAND COURT OFFICE AT THE NEW BEDFORD REGISTRY OF DEEDS IN CERTIFICATE No. 22549

THE PROPERTY IS ZONED RR 30

THE PROPERTY FALLS WITHIN A SPECIAL FLOOD HAZARD ZONE ON PANEL 0504F FOR COMMUNITY NUMBER 250054 DATED JULY 7, 2009. THE SPECIAL FLOOD ZONE IS DESIGNATED AS ZONE AE WITH A BASE FLOOD ELEVATION OF 18.

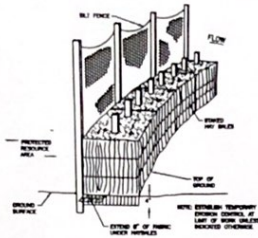


**AS-BUILT FOUNDATION PLAN**  
113 COTTONWOOD STREET, FAIRHAVEN, MA  
ASSESSORS MAP 43A, LOTS 194 & 195

SCALE: 1" = 30'	DRAWN BY: KW	DATE: NOV. 12, 2013
	CHECKED BY: KRF	REVISED:

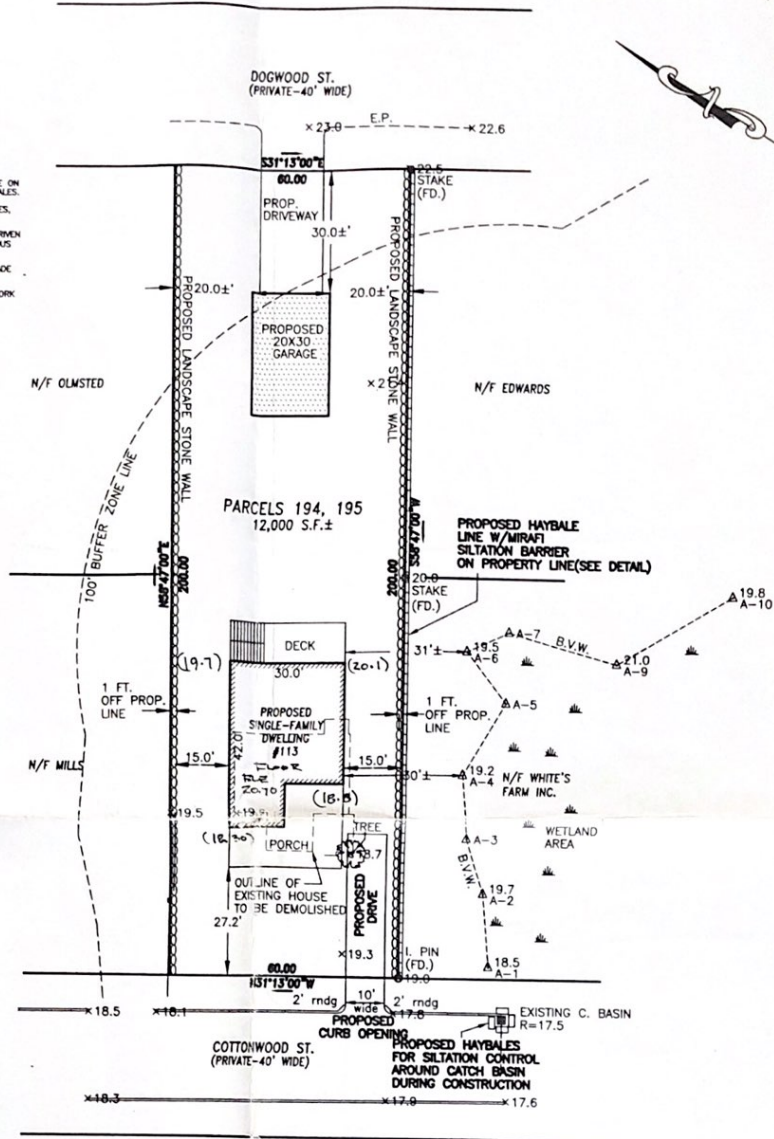
**PREPARED FOR**  
**MICHAEL EDWARDS**

KENNETH R. FERREIRA ENGINEERING 46 FOSTER ST., NEW BEDFORD, MA 02740	JOB No. FE 4134
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- CONSTRUCTION SPECIFICATIONS**
- BALES SHALL BE PLACED AT THE LOCATIONS SHOWN AT THE TOE OF A SLOPE ON THE CONTOUR AND IN A ROW WITH ENDS TIGHTLY ADJUTING THE ADJACENT BALES.
  - EACH BALE SHALL BE EMBEDDED IN THE SOIL A MINIMUM OF FOUR (4) INCHES, AND PLACED SO THE ENDINGS ARE HORIZONTAL.
  - BALES SHALL BE SECURELY ANCHORED IN PLACE BY TWO WOODEN STAKES DRIVEN THROUGH THE BALE. THE FIRST STAKE SHALL BE DRIVEN TOWARD THE PREVIOUS LAND BALE AT AN ANGLE TO FORCE THE BALES TOGETHER.
  - INSPECTION SHALL BE FREQUENT AND REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
  - CONTRACTOR SHALL REMOVE AND DISPOSE OF BARRIER AT COMPLETION OF WORK AT NO ADDITIONAL COST.

**DETAIL**  
**TYPICAL SILT/FENCE HAYBALE BARRIER**  
NOT TO SCALE



**NOTE (ELEVATIONS (18.3) BASED UPON  
NGS VERTICAL DATUM : BENCH MARK  
NGS DISK LW0075 ELE. = 37.80**

**ZONING: RR 30**  
**LOT AREA 30,000 S.F. MIN.**  
**EXISTING LOT AREA 12,000 S.F.**

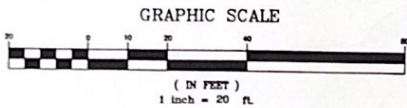
**MIN. SETBACKS:**  
F 30'  
S 20'  
R 30'

**REFERENCES:**  
**ASSESSORS MAP 43A PARCELS 194, 195**



**CONSERVATION SITE PLAN**  
for  
**MICHAEL EDWARDS**  
at  
**113 COTTONWOOD ST.**  
**FAIRHAVEN, MA**

**CIVIL ENVIRONMENTAL CONSULTANTS L.L.C.**  
8 OAK STREET PEABODY, MA 01960 (978)531-1191



SHEET NO: 1 OF 1

DATE: 12/11/2012 JOB NO: 2829  
DRAWN BY: W.R.D.





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

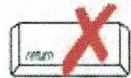
City/Town \_\_\_\_\_

**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:

STUART Dickinson  
Name

stuart.dickinson@comcast.net  
E-Mail Address

6 Fox St.  
Mailing Address

FAIRHAVEN  
City/Town

MA  
State

02719  
Zip Code

508-998-5012  
Phone Number

\_\_\_\_\_  
Fax Number (if applicable)

2. Representative (if any):

self  
Firm

\_\_\_\_\_  
Contact Name

\_\_\_\_\_  
E-Mail Address

\_\_\_\_\_  
Mailing Address

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

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Fax Number (if applicable)

**B. Determinations**

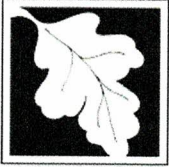
1. I request the Fairhaven Conservation Commission make the following determination(s). Check any that apply:

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

Town of Fairhaven  
Name of Municipality

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**WPA Form 1 - Request for Determination of Applicability**

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

**C. Project Description**

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

6 FORT ST.

Street Address

FAIRHAVEN

City/Town

1

Assessors Map/Plat Number

11

Parcel/Lot Number

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

single Family Home

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

Site PLAN

Title

4 August 2020

Date

Title

Date

Title

Date

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

PATH TO WATER FRONT FROM BACK OF HOUSE.

Elevation change of About 25 feet.

Series of level paths & steps down

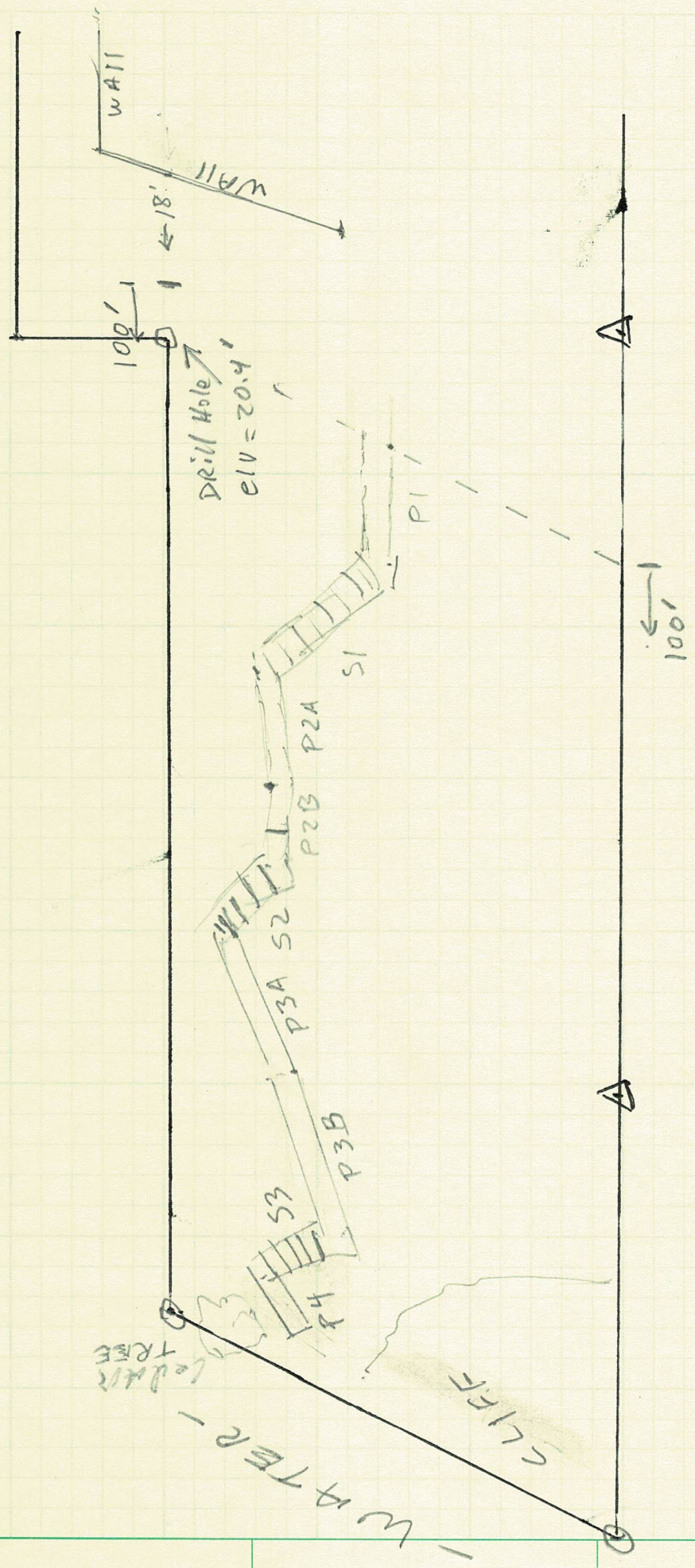
the hillside. Location is on the Ft. Phoenix

Ledge bedrock with thin soil.



Site Plan  
 6 Fort Street  
 Path to water with steps.

4 August 2020



Dickinson/Blanchard Path to Water  
6 Fort Street  
Fairhaven

Section	Rise	Run	Upper Elev.	Lower Elev.
Path 1	1' 11"	12'	24' 11"	23' 0"
Step 1	7' 1"	17'	23' 0"	17' 10"
Path 2A		11'	23' 0"	
Path 2B		6'		15' 4"
Path 2A+B	2' 6"	17'		
Step 2	2' 6"	7'	15' 4"	12' 10"
Path 3A		14'	12' 10"	
Path 3B		19'		10' 7"
Path 3 A+B	2' 3"	33'	12' 10"	10' 7"
Step 3	3' 11"	10'	10' 7"	6' 8"
Path 4	1' 6"	13'	6' 8"	5' 2"





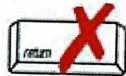
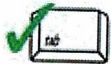
Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Fairhaven  
City/Town

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

**A. General Information**

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1. Applicant:

DAVID + MICHELLE FALL  
Name

DocFall1994@yahoo.com  
E-Mail Address

6 Cove Street  
Mailing Address

FAIRHAVEN  
City/Town

MA  
State

02719  
Zip Code

508 496 6566  
Phone Number

508 672-3407  
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)

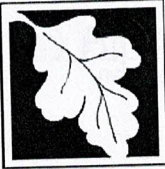
**B. Determinations**

1. I request the CONSERVATION COMM. 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:

TOWN OF FAIRHAVEN  
Name of Municipality

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



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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):

6 Cove Street  
Street Address  
Fairhaven  
City/Town  
28-B/48  
Assessors Map/Plat Number  
48  
Parcel/Lot Number

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

Single Family house on the  
Beach

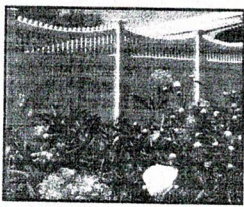
c. Plan and/or Map Reference(s):

Privacy Fence 6 Cove Street  
Title  
7/20/20  
Date

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

INSTALL 80 feet of CEDAR FENCE  
AND 20 feet of VINYL COATED CHAIN  
ALONG PROPERTY LINE BETWEEN 6 COVE  
STREET AND 10 COVE STREET





# ALL SEASON'S FENCE CO.

416 HUTTLESTON AVENUE  
 FAIRHAVEN, MA 02719  
 (Rear Building)  
 PHONE: 508-990-9999

ALL TYPES AND STYLES OF FENCING  
 ARBORS AND TREILLAGE  
 CEDAR, CHAIN LINK, ALUMINUM, IRON  
 POOL ENCLOSURES, MAINTENENCE FREE VINYL

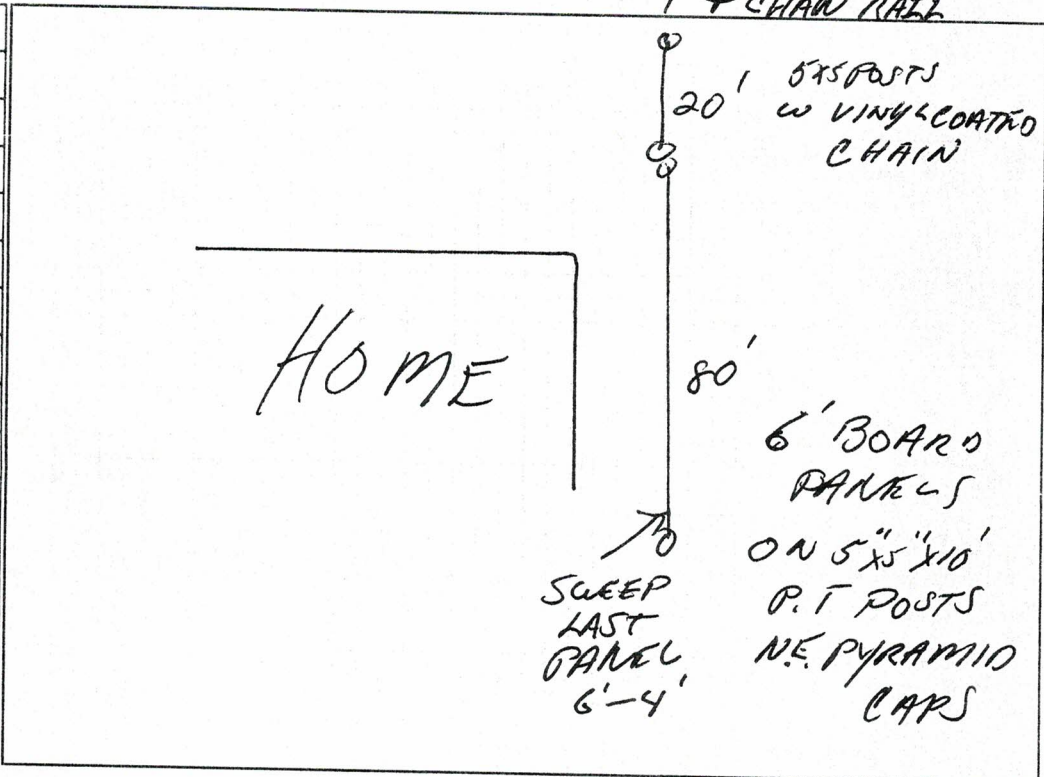
ALWAYS FREE ON SITE ESTIMATES

Name MR. DAVID FALL  
 Address 6 COVE RD  
 City FAIRHAVEN State MA Zip 02719

Phone 508 496 6944 Date 7/20/20  
 Fax \_\_\_\_\_ Name \_\_\_\_\_  
 Location RIGHT SIDE

WE HEREBY SUBMIT SPECIFICATIONS AND ESTIMATES FOR: 6' PRIVACY WHITE VINYL  
1X4 BOARD PANEL  
9 CHAIN RAIL

MATERIAL	#
6'x6' PANELS	9
6'-4' SWEEP	1
5x5x10' POSTS P.T	11
5x5x6' POSTS	2
N.E. PYRAMID CAP	13
<del>TO MA L</del>	
<del>MATG</del>	
LABOR	
	\$3600.00



All material is guaranteed to be as specified, and the above work to be performed in accordance with drawings and specifications submitted for the above work and completed in a workmanlike manner for the total sum of: 3600.00

Payments to be made as follows: MATERIAL DEPOSIT \$2500.00 BALANCE V/COMP

Bid Submitted by: William F. King Signature of acceptance: [Signature]

Date: 7/21/20

**This proposal may be withdrawn by us if not accepted by us within: 30 Days**

Terms and conditions: Customer is responsible for staking and marking of all property boundaries and the markings of all underground utilities such as: sprinkler systems, water lines, gas lines, electric cables, telephone lines and television cables. Customer is responsible for all clearing of brush along tentative erection site unless otherwise agreed upon by acting company officer. Customer agrees to assume all liabilities for any damages to plants, landscapes, driveways, walkways and siding where fence is installed or attached. No changes or deviations are to be made without written consent and signed agreement is in the form of change order form. All change order forms must be agreed upon by acting company officer. All changes and deviations from original contract must be made within 10 business days of original contract signing or it will be considered a new contract and subject to a new minimum labor rate of not less than \$350.00 Dollars. Customer will also be subject to waiting the full existing lead time from the date of signing the new contract. Customer agrees to pay a return trip fee of not less than \$50.00 Dollars for any problems or disputes that prevent our workers from being able to start, complete or force them to stop working and have to return to complete your project beyond our control. All materials supplied to said project remain the property of All Seasons Fence Co. until final payment is received, and by issuing final payment, customer agrees that all workmanship and materials used are that of the same as stated in the contract and are completely satisfied with all work done. Customer agrees to give All Seasons Fence Co. access to said property at any time to retrieve any materials still not paid for. If this action is to be taken, customer agrees to pay All Seasons Fence Co. a fee of \$55.00 per hour for the time it takes to complete the necessary takedown. Any cancellations by customer after three business days of contract signing will be subject to a 25% restocking fee. All late payments will be billed at 18% annual interest rate until paid in full. By signing this contract customer agrees to all terms and conditions set here in by All Seasons Fence Co. By signing Customer agrees to all terms and conditions. This contract is binding and permanent.



MGL 131 Section 40 (The Wetlands Protection Act) 310 CMR 10.00 & Chapter 192 (Fairhaven Wetlands By Laws)

Our neighbors at 6 Cove Street are in the process of applying for permits to install a 6ft fence. The fencing is proposed to run along the property line between 6 Cove Street and 10 Cove Street only. The proposed fencing being requested will measure 80 feet from the street and another shorter fence will extend an additional 20 feet down to the water line.

We the residents of the area within 100ft of the property to be altered are opposed for the following reasons:

1. The environmental effect it will have on the beachfront. With the unpredictable climate that comes with living in New England (windstorms, Nor'easters, blizzards, etc.) the risks of damage and wind take downs are greatly increased when homes are located on the coast line. Fencing will not allow water to freely drain which could result in corrosion of the roads, natural shrub and plants in the area and could change the natural formation of the sand beds. Fencing will be at high risk to trap sea life if they are caught up in any debris or seaweed that become entangled into the fence posts or fencing itself. The fencing due to natural elements such as wind and weight of snow could be damaged or panels could be blown down causing endangerment to the sea life if it were to drift into the ocean water.
2. Fencing causes high risk of pollution in the area and endangering the natural shrubs and sea life. Our waters unfortunately have many types of pollutants wash up on shore lines, such as plastics, glass, grocery bags, etc. Those items and so many other dangerous items wash up on our shorelines each day and are extremely detrimental to sea life. All of these items will accumulate along fencing, posts or any other solid surface. There would be a need for constant cleanup throughout the seasons by the owners of the fence to prevent endangerment to the waters and what lives in them.
3. Residents in the area fear that it will start a trend on the beachfront. Many of residents in the area who have lived in their summer home or full time homes for the last 25+ years purchased the homes so they could have an oasis of oceanfront living and not feel as though they are confined to city living. Oceanfront properties are looked at as wide open spaces with beautiful views of mile stretches of beach, water and ocean life. Trends of fencing installed from the street line to water lines will take away the very essence of what oceanfront properties mean.
4. A 6ft high by 80ft long and another fence extending an additional 20ft will block ocean view from properties in the area and the very property abutting 6 Cove Street. The owners of 10 Cove Street are both legally deaf and are not able to enjoy the natural sounds of what oceanfront living brings them. This fence will now deplete them from enjoying the view they have had for the 50+ years that they have owned the property.



Petition in Accordance to

Section 40 (The Wetlands Protection Act) 310 CMR 10.00 & Chapter 192 (Fairhaven Wetlands By Laws)

Signatures:

1. Kathleen Minis
2. ~~14~~ 14 Cove St. FHVN
3. 21 Cove St.
4. Samuel Quinn 12 Cove St
5. Matt Quinn
6. ~~10 Beachwood St~~ 10 Beachwood St
7. ~~10 Beachwood St~~ 10 Beachwood St
8. Claire E Parent - 15 Beachwood St
9. Jacqueline Cussidy 15 Beachwood St.
10. Daniel Perry 14 Cove
11. Alan L. Minis 14 Cove
12. Jodie Perry 14 Cove St
13. Linda C. Fernandes
14. Francine S. Couture
15. ~~Murphy~~
16. ~~Lu~~
17. Janet M. Armoxide
18. ~~Mitt~~
19. ~~M~~
20. Diane Valocha
21. Elizabeth A. Stenagan 16 Cove St
22. Patricia A. Tapper - 10 Roseanne Dr.
23. Mamen Elampin - 16 Cove St FHVN
24. William J. Rocha 16 Cove St. / 22 Grove St.
25. Heather Tapper - HEIMAVE FHVN

26. Anna Larocque 10 Cove St FHVN
27. Roger Larocque 18 Cove St
28. Frances Mills 20 Beachwood St
29. Paul Haggis 11 Beachwood St, Fairhaven
30. \_\_\_\_\_
31. \_\_\_\_\_
32. \_\_\_\_\_
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48. \_\_\_\_\_
49. \_\_\_\_\_
50. \_\_\_\_\_

## Proposed fence for 6 Cove street

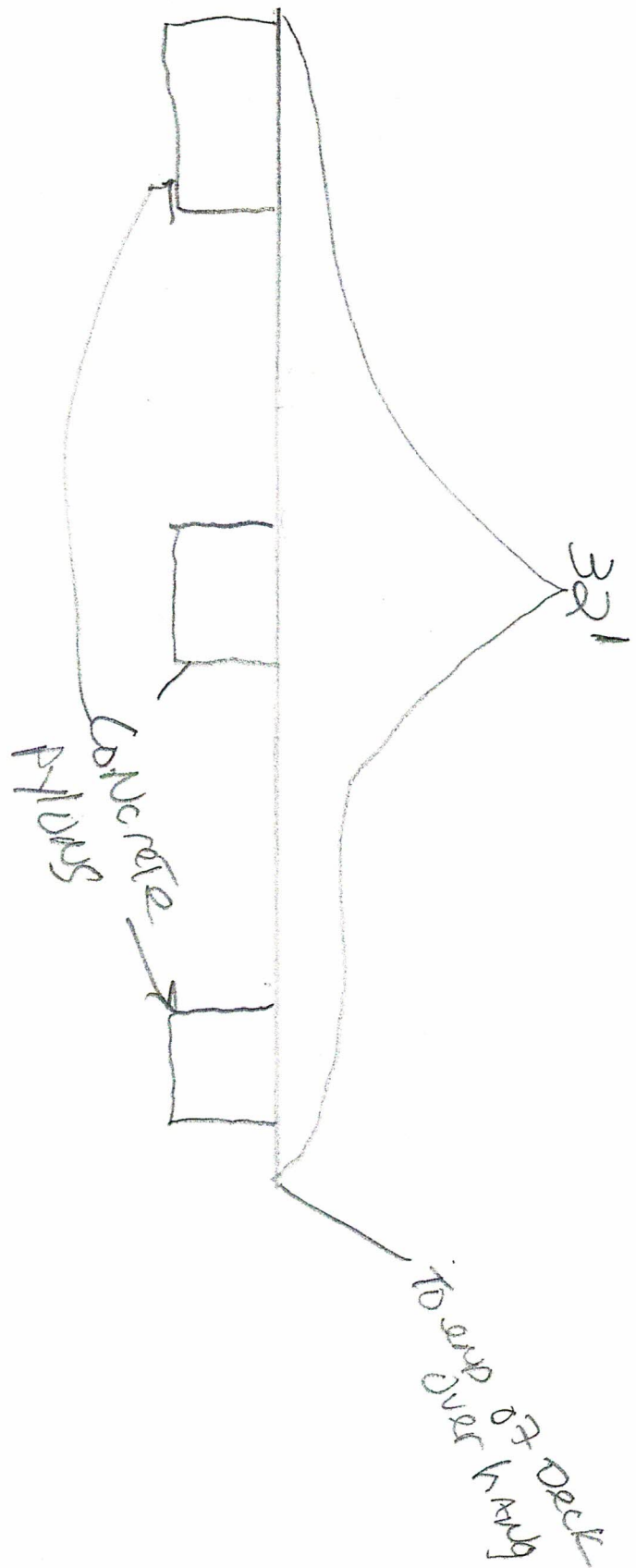
Fence will be of shadow box design, made of wood with alternating 6 inch slats and six inch spaces to allow complete passage of wind ect. Fence will be 32 feet in length, 6 feet in height with a 6 inch clearance above the ground. Fence will have 7 cedar poles. Fence will extend and abut existing concrete pylons and pad that is under the house from the rear pylon to the end of the existing front deck overhang as well as run under the side deck overhang.

Respectfully submitted,

David T. Fall



Fence  
6 Love Street



# Notice of Intent Submission

## Proposed 2-Family Dwelling

### 108 Sycamore Street – Fairhaven, MA

Issued for:

- NOI – Conservation Commission



Applicant/Owner:

108 Sycamore Street Realty Trust  
14 Ventura Drive  
Dartmouth, MA 02747

Prepared by:



**ALLEN & MAJOR  
ASSOCIATES, INC.**

10 Main Street  
Lakeville, MA 02347

Tel: (508) 923-1010  
Fax: (508) 923-6309

**A&M PROJECT #2759-01**  
**July 31, 2020**



July 31, 2020

<b>To:</b>	Town of Fairhaven Conservation Commission 40 Center Street Fairhaven, MA 02719 Attn: Whitney McClees, Conservation Agent	<b>A&amp;M Project #:</b>	2759-01
<b>Copy:</b>	MassDEP – Southeast Regional Office 108 Sycamore Street Realty Trust	<b>Re:</b>	Notice of Intent <b>COVER LETTER</b> Proposed 2-Family Dwelling 108 Sycamore Street Map 20 Lot 33

Dear Whitney & Members of the Conservation Commission;

On behalf of the applicant, 108 Sycamore Street Realty Trust, Allen & Major Associates, Inc. (A&M) is pleased to submit this Notice of Intent (NOI) pursuant to Chapter 131, section 40 of the Wetlands Protection Act for the proposed 2-family dwelling at 108 Sycamore Street in the Town of Fairhaven, Massachusetts. The proposed project consists of the demolition of the existing 3,069 sf building and the construction of a new 1,732 sf 2-family residential building, concrete driveway and walkways, paver (patio), utilities, grading and landscaping. All proposed improvements is proposed within previous altered/disturbed areas. The work will occur within a 100-ft bufferzone to a coastal bank and within land subject to coastal storm flowage. The wetlands was delineated by Goddard Consulting, LLC on February 2, 2020. A copy of the report has been provided in Appendix D.

#### **BACKGROUND**

The site is bounded by a cove to the north, Sycamore Street to the east and residential property to the south and west, refer to Figures 1 – USGS Locus Map, Figure 2 – MassGIS Aerial Map and Figure 3 – FEMA FIRM Map located in Appendix B. The existing building is a single story, brick building approximately 3,069 sf in size. The building was previously used as a commercial business associated with Servais Sign. The building has fallen into disrepair and portions of the roof have collapsed. The site is located within the General Residence District – RB. The property received a variance from the Town of Fairhaven Board of Appeals on June 7, 2005 and is recorded in the Bristol County South Registry of Deeds in Book 7670 Page 279. The variance granted (5-0) a reduction of the required lot area to the existing area, reduced the front setback to 15-ft and the rear setback to 25-ft.

#### **WETLAND RESOURCE AREAS**

Goddard Consultant, LLC was on-site on February 2, 2020 and delineated the edge of the coastal bank/tidal flat associated with a bay along the northerly side of the locus. Flags were hung in the field and identified as GC1-6. Please refer to Appendix D for a copy of the field report and more details on the resource areas. A&M field located the flags and have identified them on the site plan. Two (2) 4-ft x 8-ft box culverts direct stormwater from Sycamore Street into the cove area which eventually drains to the Acushnet River. The Acushnet River is located further westerly than 200-feet from the site, therefore not subject to Riverfront Area.



*Image 1- View from Sycamore Street looking Westerly*



*Image 2- Existing Headwall at Sycamore Street*



*Image 3- Looking Westerly towards Acushnet River*



**FLOOD PLAIN**

The Flood Insurance Rate Map (FIRM) (Map Number 25005C0391G) for the Town of Fairhaven dated July 16, 2014, indicates that the parcel lies within a FEMA Zone AE (EL6) and within FEMA Shaded Zone X. The FEMA Zone AE (EL6) is a Special Flood Hazard area subject to inundation by the 1% annual chance flood also known as the base flood that has a 1% chance of being equaled or exceeded in any given year. The FEMA Shaded Zone X in this area is defined as “areas of 0.2% annual chance flood”. Land subject to coastal storm flowage does not have any performance standards pertaining to this resource area.

**WILDLIFE HABITAT**

According to MassGIS and the 14<sup>th</sup> Edition of the Massachusetts Natural Heritage Atlas dated August 1, 2017, there are no Priority Habitats of Rare Species, no Estimated Habitats of Rare Wildlife, no Certified Vernal Pools and no Potential Vernal Pools on the property.

**PROPOSED PROJECT**

The proposed 1,732 sf 2-story 2-family dwelling will be constructed in the vicinity of the existing building and the driveway will be located with the vicinity of the existing paved driveway. New utility (water, sewer, gas, electrical, telephone, cable) services will be installed and tied into the existing infrastructure along Sycamore Street. The applicant is proposing to install additional coastal plantings along the northerly property line. The selection of plantings were done referencing *Fact Sheet 6 - Landscaping to Protect Your Coastal Property from Storm Damage and Flooding as published through The Massachusetts Office of Coastal Zone Management*. The coastal planting will consist of American beach grass, northern bayberry, seaside goldenrod and beach plum. Erosion control barriers, consisting of a 12” composite Filterexx SiltSoxx Natural Plus is proposed along the property/limit of work line. The Filterexx SiltSoxx Natural Plus is an all-natural biodegradable wood fiber roll that can be left in place for ongoing natural protection.

The following table provides a breakdown of the existing conditions vs proposed conditions:

Table 1 – Existing Conditions vs. Proposed Conditions				
Existing Conditions		Proposed Conditions		Net Results
Item	Area (sf)	Item	Area (sf)	
Building	3,060	Building	1,732	-1,328 sf Reduction
Driveway on-site	234	Driveway on-site	567	+333 sf Increase
Driveway (Street Layout)	768	Driveway (Street Layout)	375	-393 sf Reduction
Patio	0	Patio (pavers)	450	+450 sf Increase
Walkway	0	Walkway	117	+117 sf Increase
Total Impervious Area	4,062	Total Impervious Area	3,241	-821 sf Reduction
Landscape/Green	3,228	Landscape/Green	4,049	+821 sf Increase
Note:				
1. Proposed patios along the back of the building are proposed as concrete pavers, which are considered a green-scape features and will have minimal runoff associated with them.				

The proposed project has reduced the total impervious cover, therefore minimized stormwater runoff generated from the site and draining towards the resource area. We feel that the proposed work, with the appropriate erosion control measures and notes shown on the Site Plan and an Order of Conditions issued by the Conservation Commission will protect the Resource Area and will have no adverse impact on the area.

108 Sycamore Street  
Fairhaven, MA

Notice of Intent  
July 31, 2020

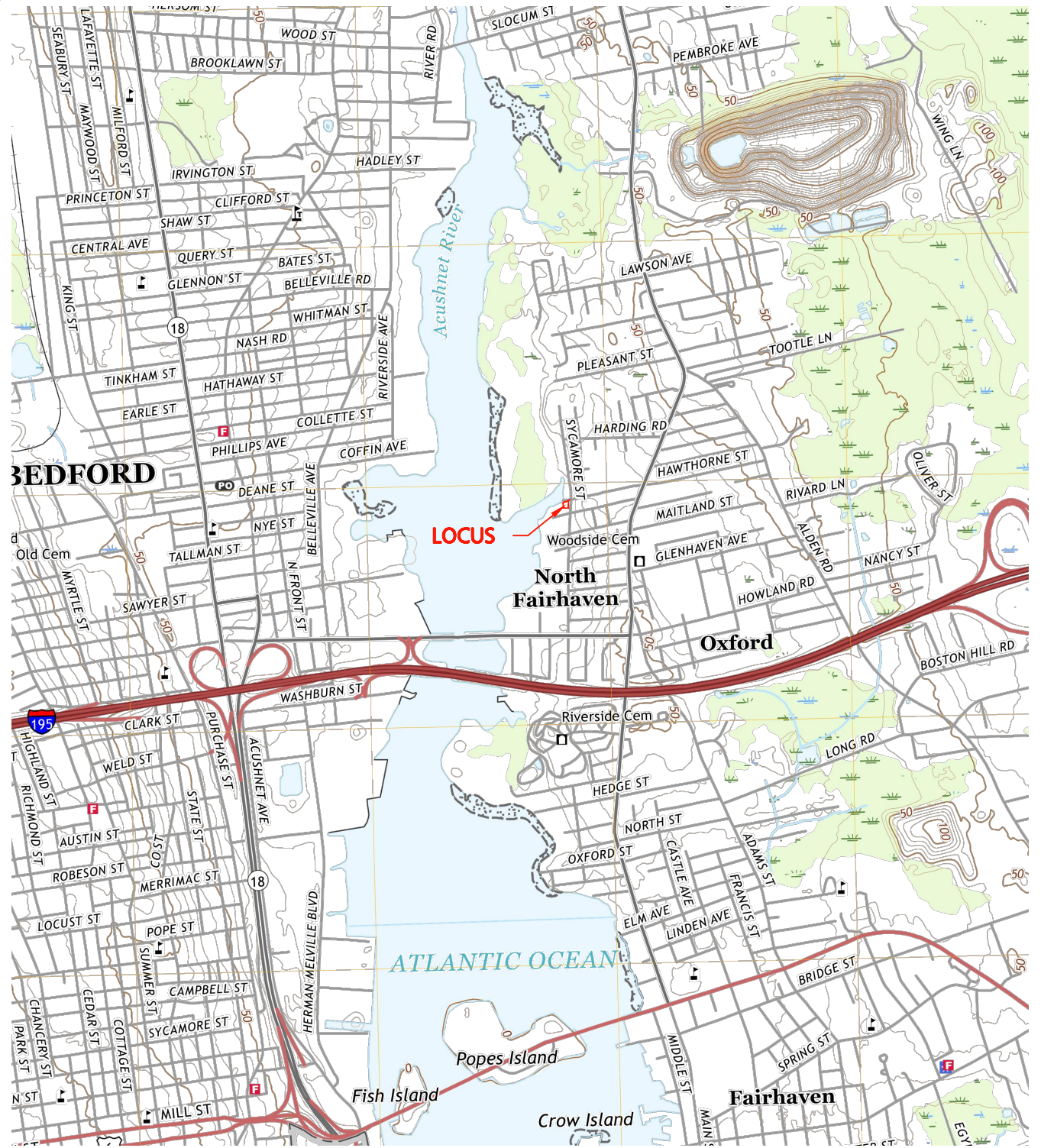
Enclosed, is a check in the amount of \$537.50 for the Town of Fairhaven's share of the filing fee, and a check in the amount of \$200.00 for the Town of Fairhaven's local NOI fee. Also enclosed are checks in the amount of \$75.00 for advertising fee and \$2500.00 for the peer review deposit. A check in the amount of \$512.50 will be sent to the MassDEP for the state's share of the filing fee. A&M & the Owner looks forward to discussing the project at the next Conservation Commission public hearing on August 24, 2020. Thank you for your time and consideration. If you have any questions regarding this submittal please contact me at (508) 923-1010.

Very Truly Yours,  
**ALLEN & MAJOR ASSOCIATES, INC.**



Paul G. Matos, PE, PLS  
Project Manager  
[pmat@allenmajor.com](mailto:pmat@allenmajor.com)





PREPARED BY:



**ALLEN & MAJOR ASSOCIATES, INC.**

civil engineering ♦ land surveying  
environmental consulting ♦ landscape architecture  
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LAKEVILLE, MA 02347  
TEL: (508) 923-1010  
FAX: (508) 923-6309

WOBURN, MA ♦ LAKEVILLE, MA ♦ MANCHESTER, NH

**PROJECT:**

**PROPOSED 2-FAMILY DWELLING  
108 SYCAMORE STREET  
FAIRHAVEN, MA**

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**APPLICANT/OWNER: 108 SYCAMORE STREET REALTY TRUST**

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SHEET No.

**1**

**USGS LOCUS MAP**

PROJECT NO. 2759-01 DATE: 07-28-2020

SCALE: 1"=2000' DWG. NAME: C-2759-01\_

DESIGNED BY: PGM CHECKED BY: PGM





PREPARED BY:



**ALLEN & MAJOR  
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WOBURN, MA ♦ LAKEVILLE, MA ♦ MANCHESTER, NH

**PROJECT:**

**PROPOSED 2-FAMILY DWELLING  
108 SYCAMORE STREET  
FAIRHAVEN, MA**

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**MASSGIS AERIAL MAP**

PROJECT NO. 2759-01 DATE: 07-28-2020

SCALE: 1"=300' DWG. NAME: C-2759-01\_

DESIGNED BY: PGM CHECKED BY: PGM

**APPLICANT/OWNER: 108 SYCAMORE STREET REALTY TRUST**

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SHEET No.

**2**



Revised July 29, 2020  
July 27, 2020  
April 22, 2020

Allen and Major Associates  
10 Main Street  
Lakeville, MA 02347

Re: Wetland Border Report  
108 Sycamore Street, Fairhaven

Dear Allen and Major:

On February 2, 2020 during no snow and un-frozen ground conditions the wetland resources were delineated on land located at the above referenced site (refer to enclosed locus maps). The wetland border was flagged using the criteria in the most recent edition of MA Wetland Protection Act (WPA) and Regulations 310 CMR 10.00 et al and the local Wetland Protection Bylaw and regulations. Hydric soil indicators, vegetation changes, hydrological indicators, and topography were all considered for delineation purposes.

The closest edge of wetland resource area was delineated in the field along the property boundary with flag series GC1-6. These nearby, off-site resources include: coastal beach, tidal flat, salt marsh and land subject to coastal storm flowage. According to the USGS maps and MassGIS Data layers (see figures attached) the channel and water associated with the Acushnet River is further than 200-ft from the site and therefore the site would not have the 200-ft riverfront area resource.

Resources moving west to east (east is the landward side, along Sycamore St) include coastal/barrier beach, tidal flat, and brackish water/salt marsh. The coastal/barrier beach can include tidal flats as it does in this particular instance. The coastal/barrier beach resource extends from the mean low water line to the tidal flat. The tidal flat area is the mucky flat level area within the coastal beach lacking in vegetation. This resource continues up to the mean annual high-water line. The brackish/ Salt marsh is located furthest landward and, in this instance, starts in the presence of 50% or more salt water indicator species (phragmites, sea lavender, cord grass etc). This resource extends up to the highest annual tide (see tidal boundary figure attached). Land Subject to Coastal Storm Flowage is located landward up to the elevation on the FEMA Flood Maps National Hazard Layer (see attached). Vegetation within the adjacent brackish/ salt marsh consists of phragmites, sea lavender, buckthorn and poison ivy. Vegetation located up-gradient of the resource line is dominant in honeysuckle, crabapple, Russian olive, rose, upland grasses and poison ivy. See attached DEP field data forms.

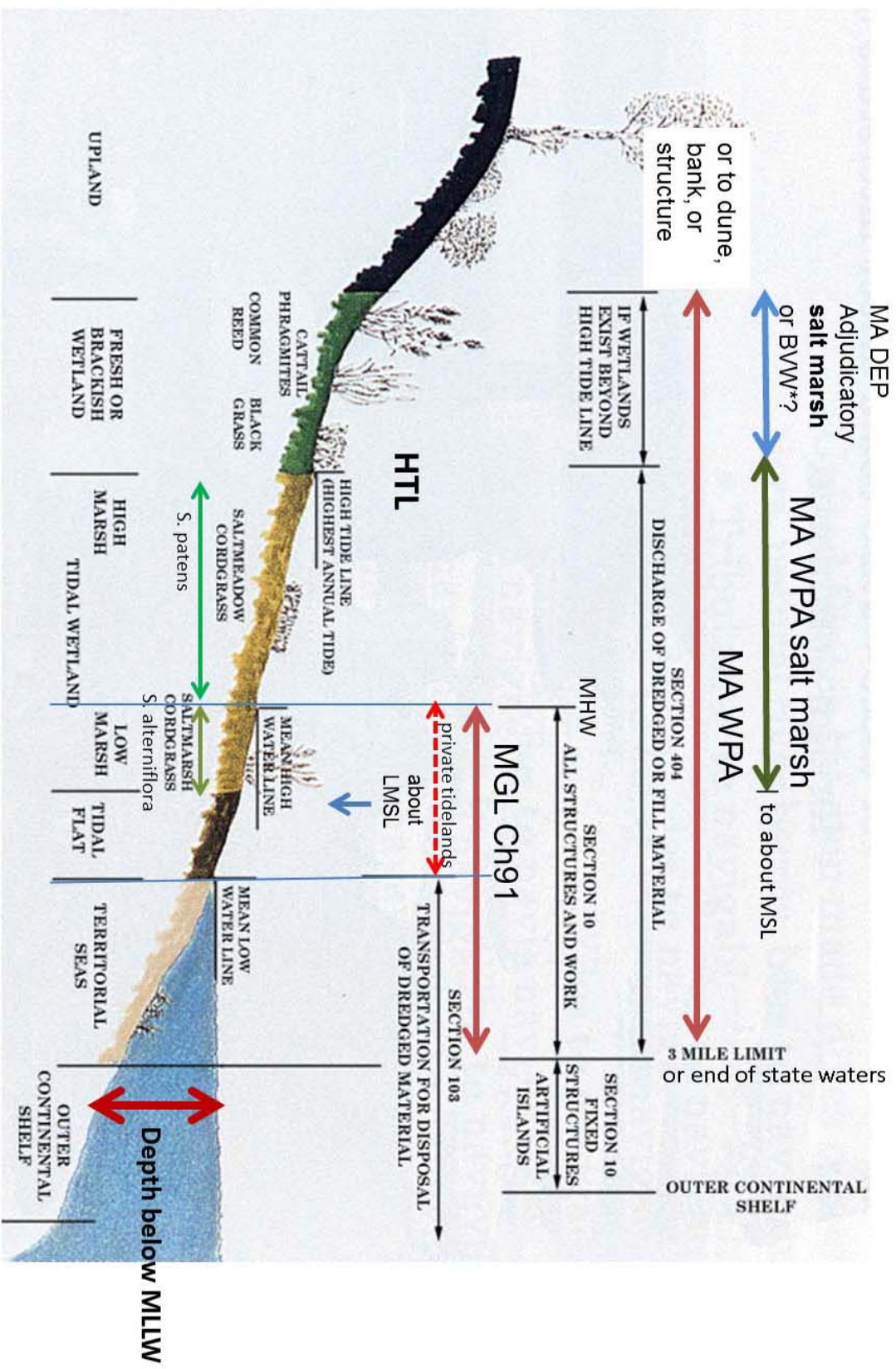
According to the Mass GIS data layers for NHESP, this site is not located within Estimated and/or Priority Habitat of Rare Wildlife, has no mapped certified or potential vernal pools and is not located in an ACEC. Part of this site is associated with a jurisdictional FEMA Flood Zone associated with Land subject to coastal storm flowage.

The local Bylaw and the MA Wetlands Protection Act takes jurisdiction over these resources. In addition, the salt marsh resource area has a jurisdictional 100-foot Buffer Zone (this is the resource closest to the site). Any work within the resource areas and/or 100-foot buffer zone requires a Request for Determination (RDA) or Notice of Intent (NOI) be filed with the Conservation Commission.

Very truly yours,



Scott Goddard,  
Principal & PWS



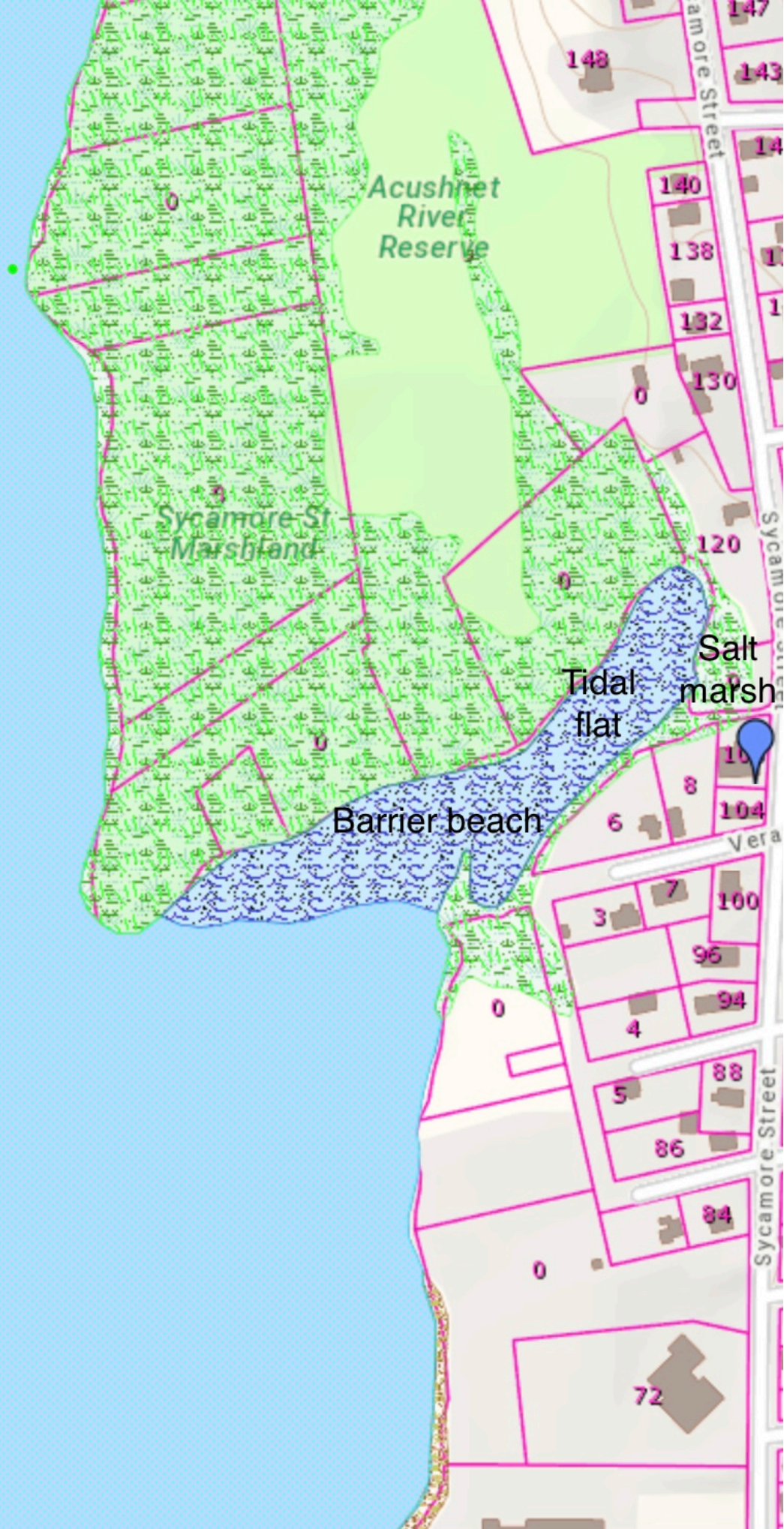
Graphic from Philadelphia Army Corps, but Army Corps "Seattle District uses the mean higher high water mark as the geographic limits of the high tide line."

\* MA WPA salt marsh performance standards essentially prohibit destruction of salt marsh. In a DEP adjudicatory case (In the Matter of John Van Loan, Newbury, MA case), the judge ruled that *Phragmites* in this transition zone was defined as salt marsh.

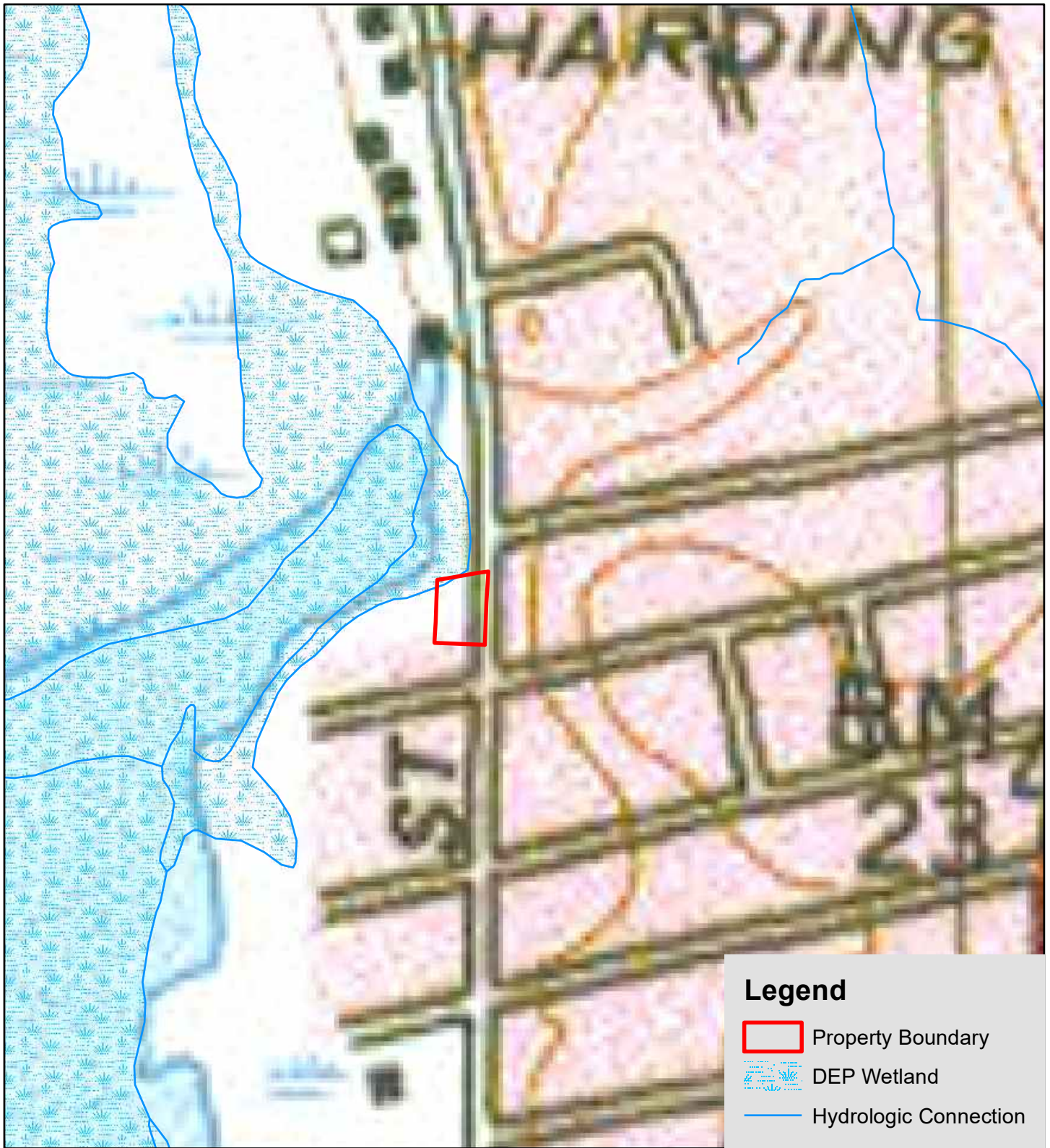


DEP Data Layer Designations

Acushnet River

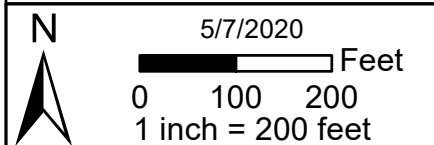






## USGS of Site

108 Sycamore Street - Fairhaven, MA  
(Map: 20, Lot: 33)



GIS Data Source: "Office of Geographic Information (MassGIS), Commonwealth of Massachusetts, MassIT"







# Orthoview of Site

108 Sycamore Street - Fairhaven, MA  
(Map: 20, Lot: 33)

N  
  
 5/7/2020  
  
 0 20 40 Feet  
 1 inch = 50 feet

GIS Data Source: "Office of Geographic Information (MassGIS), Commonwealth of Massachusetts, MassIT"





August 17, 2020

Whitney McClees, Conservation Agent  
Town Hall  
40 Center Street  
Fairhaven, MA 02719

**RE: Response Letter  
Crow Island**

Dear Whitney,

We have enclosed a response letter and revised Site Plans, in response to the comment letters prepared by Division of Marine Fisheries dated August 10, 2020, Division of Fisheries and Wildlife dated August 7, 2020 and your comments in regards to the review of the Site Plans.

We trust the attachments noted above and included herewith will provide the necessary documentation to address their comments and yours. If you should have any questions, please feel free to contact us.

Very Truly Yours,

FARLAND CORPORATION, INC.

*Christian A. Farland*

Christian A. Farland, P.E., LEED AP  
Principal Engineer and President

**cc:** File, Client

## Division of Marine Fisheries Comments

### **Comment #1:**

*In order to protect winter flounder, spawning and juvenile development, a time-of-year (TOY) restriction should be required. Any silt-producing activities should be prohibited from January 15 through May 31 of any year [2].*

**The applicant agrees with this comment and has no problem with the Commission making this a condition of approval.**

### **Comment #2:**

*The NOI does not include an alternatives analysis to demonstrate how the applicant plans on averting potential adverse impacts to the marine ecosystem. The alternative analysis should clarify the extent to which each alternative minimizes environmental impact.*

**Farland Corporation, Inc. (FC) has not provided an alternative analysis because the “Float and Sink” method proposed is the one with least adverse impacts to the marine ecosystem. Other alternatives would be dredging and horizontal directional drilling. Dredging the sewer pipe would add significant adverse impacts than the “Float and Sink” method proposed. Considering the surrounding area is planned to be dredged at some point in the future to help clean up the contaminated PCB’s in the area it would not make sense to install the sewer pipe by horizontal direction drilling. Also, the depth of ledge in the area would impact this approach. The “Float and Sink” method would allow the pipe to be removed and replaced (if needed in the future) much easier and more importantly with less adverse impacts to the marine ecosystem.**

### **Comment #3:**

*MA DMF recommends this project use the least impactful method so as to avoid impacts to marine fisheries resources and their habitats.*

**FC as stated above strongly believes the “Float and Sink” method is the least impactful to avoid impacts to the marine fisheries resources and their habitats.**

### **Comment #4:**

*MA DMF recommends the sewer force main be sufficiently buried so it does not become uncovered and potentially snagged by future dredging operations. This can be accomplished with the use of Horizontal Directional Drilling (HDD).*

**FC as stated above strongly believes the “Float and Sink” method is the least impactful to avoid impacts to the marine fisheries resources and**



**their habitats. The proposed sewer line is going to run parallel with the existing water, electric and telecommunications lines which also sit on the bottom of the seabed. If future dredging is going to occur within the area the utilities can be carefully raised and lowered back into place.**

**Comment #5:**

*Given the loss of shellfish and winter flounder habitat associated with the installation of the sewer force main into intertidal and subtidal waters, DMF recommends mitigation for habitat conversion.*

**The loss of shellfish will be determined during construction and the applicant has no problem relocating the habitat. Also, the applicant has proposed additional 45 native shrubs in accordance with the Town of Fairhaven's recommended list.**

**Division of Fisheries and Wildlife Comments**

**Comment #1:**

*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.*

**Conservation Commission Comments**

**Comment #1:**

*Provide summary of ILSF Calculations.*

**The existing pond was determined that it was not an Isolated Land Subject to Flooding in accordance with 310 CMR 10.57 as the volume is only 6,412 C.F which is less than the required ¼ acre-feet. Refer to Pre-Development HydroCAD calculations for the depressed area.**

**Comment #2:**

*Provide date of resource area delineation.*

**FC performed the delineation in April and August of 2020.**

If you have any questions or require any further information, please contact this office at (508) 717-3479.



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114

p: (617) 626-1520 | f: (617) 626-1509

[www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lt. Governor

KATHLEEN A. THEOHARIDES  
Secretary

RONALD S. AMIDON  
Commissioner

DANIEL J. MCKIERNAN  
Director

August 20, 2020

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

Dear Commissioners:

The Division of Marine Fisheries (MA DMF) submitted a comment letter on August 10, 2020 referencing the Notice of Intent (NOI) for the New Bedford Inc. project at 1 Crow Island to install two tents and to construct a 1,100-foot, 1 14/4" force sewer main from Crow Island to Middle Street in Fairhaven on the Acushnet River in the Town of Fairhaven. MA DMF received a copy of a response letter and revised plans on August 19, 2020. Below are MA DMF's further comments.

The proponent described three potential installation methods: float and sink, dredging, and HDD. Float and Sink method is likely less impactful than dredging as they state, although the proponent alluded to future dredging being a necessity. It is our understanding that HDD could be used to place the pipe below any future dredging depth.

The proponent agreed to mitigation for shellfish resources (moving the shellfish). Please note that installation of a pipe would not just damage shellfish resources, but also shellfish habitat. The area occupied by the pipe itself is a habitat conversion. Additional mitigation for the habitat conversion may be warranted.

We remain concerned that a surface-exposed sewer pipe increases the risk of a sewage spill in the harbor.

Questions regarding our responses may be directed to [eileen.feeney@mass.gov](mailto:eileen.feeney@mass.gov).

Sincerely,

Eileen M. Feeney  
Fisheries Habitat Specialist



cc: Christian Farland, Farland Corp.  
Timothy Cox, Shellfish Constable  
Barbara Newman, ACOE  
Robert Boeri, CZM  
David Wong, DEP  
Holly Williams, MA DMF  
Tom Shields, MA DMF

EF