



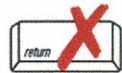
Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: _____

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.

- This request is being made by:

Name: JOHN KOPACZEWSKI

Mailing Address: 29 WEST SMITH NECK ROAD

City/Town: DARTMOUTH State: MA. Zip Code: 02748

Phone Number: CELL 508-525-0741, LAND 508-997-4721
- This request is in reference to work regulated by a final Order of Conditions issued to:

Applicant: JOHN KOPACZEWSKI

Dated: 7-1-2002 DEP File Number: SE 23-779
- The project site is located at:

Street Address: 23 POINT STREET City/Town: FAIRHAVEN, MA.

Assessors Map/Plat Number: 28B Parcel/Lot Number: PLOT 28B LOT 242 + 243
- The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different): JOHN KOPACZEWSKI

County: BRISTOL (SD) Book: 5586 Page: 30

Certificate (if registered land) _____
- 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the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

Provided by DEP

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

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>).

Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

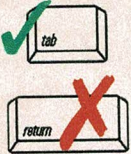
DEP File Number:

SE 23 - 779

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.



From:

Fairhaven Conservation Commission
 Conservation Commission

BK 5586 PG 30
 07/01/02 03:57 DOC. 24383
 Bristol Co. S.D.

This issuance is for (check one):

- Order of Conditions
 Amended Order of Conditions

To: Applicant:

John Kopaczewski
 Name
57 Longview Drive
 Mailing Address
Dartmouth Ma 02747
 City/Town State Zip Code

Property Owner (if different from applicant):

John Kopaczewski
 Name
57 Longview Drive
 Mailing Address
Dartmouth Ma 02747
 City/Town State Zip Code

1. Project Location:

<u>23 Point Street</u> Street Address	<u>Fairhaven</u> City/Town
<u>28B</u> Assessors Map/Plat Number	<u>242 243</u> Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

<u>Bristol (SD)</u> County	<u>5014</u> Book	<u>304</u> Page
-------------------------------	---------------------	--------------------

Certificate (if registered land)

3. Dates:

<u>May 20, 2002</u> Date Notice of Intent Filed	<u>June 17, 2002</u> Date Public Hearing Closed	<u>June 17, 2002</u> Date of Issuance
--	--	--

4. Final Approved Plans and Other Documents (attach additional plan references as needed):

<u>Sit Plan</u> Title	<u>April 25, 2002</u> Date
--------------------------	-------------------------------

5. Final Plans and Documents Signed and Stamped by:

Name

6. Total Fee:

\$250.00
 (from Appendix B: Wetland Fee Transmittal Form)

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

SE 23 - 779

Provided by DEP

WPA Form 5 – Order of Conditions

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

B. Findings

Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- | | | |
|---|---|---|
| <input type="checkbox"/> Public Water Supply | <input type="checkbox"/> Land Containing Shellfish | <input type="checkbox"/> Prevention of Pollution |
| <input type="checkbox"/> Private Water Supply | <input type="checkbox"/> Fisheries | <input type="checkbox"/> Protection of Wildlife Habitat |
| <input type="checkbox"/> Groundwater Supply | <input checked="" type="checkbox"/> Storm Damage Prevention | <input checked="" type="checkbox"/> Flood Control |

Furthermore, this Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Denied because:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations to protect those interests checked above. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued.
- the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

General Conditions (only applicable to approved projects)

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Findings (cont.)

4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]
 "File Number SE 23 - 779 "
10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Findings (cont.)

- 15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
- 16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
- 17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

Special Conditions (use additional paper, if necessary):

- 1. Cement truck washout within foot print of foundation or driveway ONLY
- 2. Driveway to be stone.
- 3. Clean up debris daily.

Findings as to municipal bylaw or ordinance

Furthermore, the _____ hereby finds (check one that applies):
Conservation Commission

- that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

Name _____ Municipal Ordinance or Bylaw

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- that the following additional conditions are necessary to comply with a municipal ordinance or bylaw, specifically:

Name _____ Municipal Ordinance or Bylaw

The Commission orders that all work shall be performed in accordance with the said additional conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
SE 23 - 779
Provided by DEP

B. Findings (cont.)

Additional conditions relating to municipal ordinance or bylaw:

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

June 17, 2002
Date

This Order must be signed by a majority of the Conservation Commission. The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office (see Appendix A) and the property owner (if different from applicant).

Signatures:

[Signature] [Signature]

[Signature] [Signature]

On 17th Day Of June 2002 Month and Year

before me personally appeared

Joseph Taylor Chairman

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Signature]
Notary Public

October 21, 2005
My Commission Expires

This Order is issued to the applicant as follows:

- by hand delivery on by certified mail, return receipt requested, on

June 17, 2002 Date _____ Date

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

SE 23 - 779

Provided by DEP

WPA Form 5 – Order of Conditions

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

C. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Conditions.

The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Appendix E: Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

D. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 7 of Form 5 shall be submitted to the Conservation Commission listed below.

Fairhaven Conservation Commission

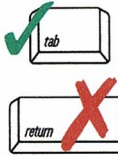
Conservation Commission



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 2 – 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.



From:

Fairhaven
 Conservation Commission

To: Applicant

John P. Kopaezewski
 Name
 29 WEst Smith Street
 Mailing Address
 South Dartmouth Ma 02748
 City/Town State Zip Code

Property Owner (if different from applicant):

Same
 Name
 Mailing Address
 City/Town State Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Site Plan	09/04/13
Title	Date
_____	_____
Title	Date
_____	_____
Title	Date
_____	_____

2. Date Request Filed:

September 04, 2013

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Construct concrete or asphalt driveway under house with entrance and exit which was approved by the BPW, and tie roof drains into storm drain as approved by the PBW

Project Location:

23 Point Street
 Street Address
 28B
 Assessors Map/Plat Number

Fairhaven
 City/Town
 Lot 242 & 243
 Parcel/Lot Number



WPA Form 2 – Determination of Applicability

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

B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).

5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation



WPA Form 2 – Determination of Applicability

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

B. Determination (cont.)

6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:
-

7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

- Alternatives limited to the lot on which the project is located.
- Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).
-
-

4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 2 – Determination of Applicability
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Determination (cont.)

5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

- by hand delivery on by certified mail, return receipt requested on

September 23, 2013

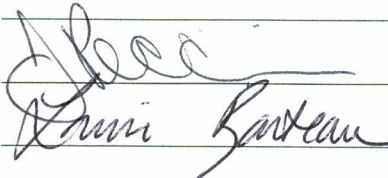
Date

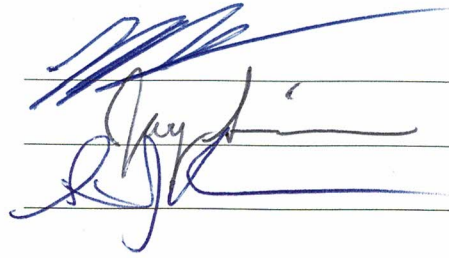
Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region.findyour.htm>) and the property owner (if different from the applicant).

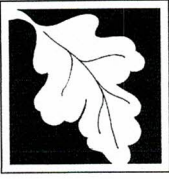
Signatures:


 Dawn Garteau



September 23, 2013

Date



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

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

D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see <http://www.mass.gov/dep/about/region.findyour.htm>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



WPA Form 8A – Request for Certificate of Compliance

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

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:

Name: DAVID FALL
Mailing Address: 6 Cove St.
City/Town: FAIRHAVEN State: MA Zip Code: 02719
Phone Number: 508 496 6566

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

Applicant: DAVID T. FALL
Dated: 6/17/2013 DEP File Number: SE 23-1159

3. The project site is located at:

Street Address: 6 Cove Street. City/Town: FAIRHAVEN
Assessors Map/Plat Number: 28 B Parcel/Lot Number: LOT 48

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

Property Owner (if different): _____
County: BRISTOL County SD Book: _____ Page: _____

Certificate (if registered land)

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.



WPA Form 8A – Request for Certificate of Compliance

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

Provided by DEP

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

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>).

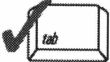


WPA Form 1- Request for Determination of Applicability

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

A. General Information

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



1. Applicant:

Name STEPHEN HICKOX E-Mail Address SH330BC@COMCAST.NET

Mailing Address 172 BALSAM STREET

City/Town FAIRHAVEN State MA Zip Code 02719

Phone Number 508-272-2399 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:

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):

<u>172 BALGAM STREET</u>	<u>FAIRHAVEN</u>
Street Address	City/Town
<u>MAP 43 B</u>	<u>LOT 35</u>
Assessors Map/Plat Number	Parcel/Lot Number

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

SEE SHEET A - LOCATION PLAN. THE PROJECT, THE INSTALLATION OF A HOME EMERGENCY GENERATOR, IS LOCATED ON THE SOUTH-WEST CORNER OF STAIRS

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

<u>SHEET A - LOCATION PLAN</u>	<u>6/20/20</u>
Title	Date
<u> </u>	<u> </u>
Title	Date
<u> </u>	<u> </u>
Title	Date

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

CONSTRUCTION OF A 3' x 5' WOOD PLATFORM. FINISHED ELEVATION WILL BE 16.0 AND THE BASE OF THE GENERATOR WILL BE AT E. 16.25', WHICH IS ABOVE THE FLOOD ZONE VE 16.0'.

SHEET B - PLAN SHOWS THE LOCATION OF THE PLATFORM.

SHEET C - SECTION A-A SHOWS CONSTRUCTION DETAILS



WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

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

ON MAY 6, 2013 I RECEIVED A WPA FORM 6B - CERTIFICATE OF COMPLIANCE FOR HOUSE CONSTRUCTION AND YARD GRADING. SEE DEP FILE SE-23-1009. THIS SMALL, 3'x5' PLATFORM OF 15 SF, ONLY REPRESENTS 0.095% OF TOTAL LOT AREA AND IS FAR FROM AN WETLANDS.

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

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

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



WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

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

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

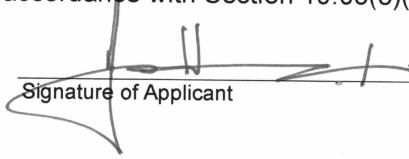
Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

STEPHEN HICKOX
 Name _____
 172 BALSAM ST
 Mailing Address _____
 FAIRHAVEN
 City/Town _____
 MA
 State _____ 02719
 Zip Code _____

Signatures:

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

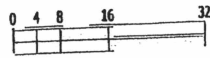

 Signature of Applicant _____ Date 6/20/2020

Signature of Representative (if any) _____ Date _____

Sheet A - LOCATION PLAN

8/20/20

NOTE This drawing is from the 1/10/11 Order of Conditions for house and site construction. DEP FILE # SE-23-1099



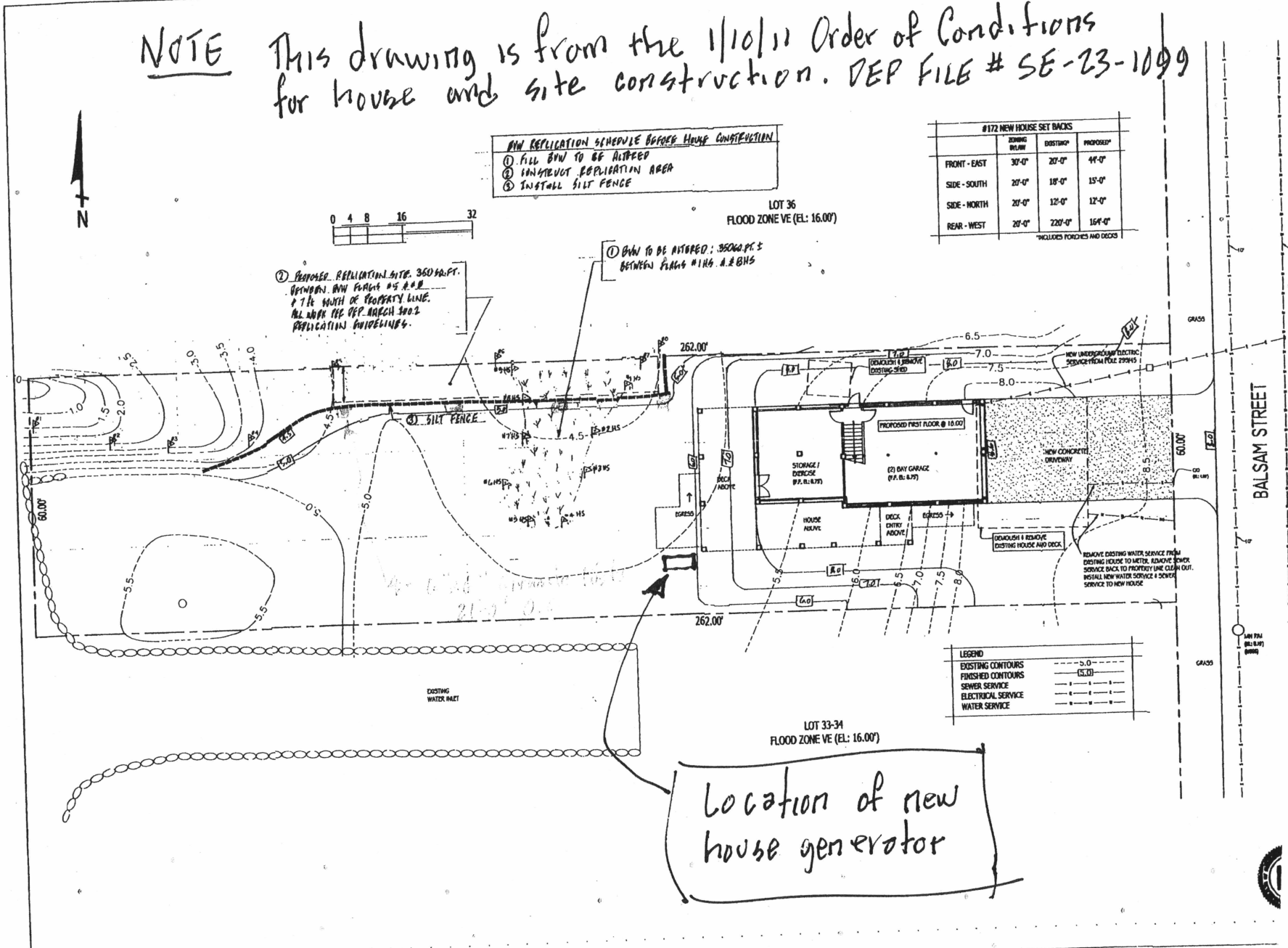
RW REPLICATION SCHEDULE BEFORE HOUSE CONSTRUCTION
 ① FILL RW TO BE RETEED
 ② CONSTRUCT REPLICATION AREA
 ③ INSTALL SILT FENCE

#172 NEW HOUSE SET BACKS			
	ZONING	DISTRICT	PROPOSED
FRONT - EAST	30'-0"	20'-0"	44'-0"
SIDE - SOUTH	20'-0"	18'-0"	15'-0"
SIDE - NORTH	20'-0"	12'-0"	12'-0"
REAR - WEST	20'-0"	220'-0"	164'-0"

INCLUDES PORCHES AND DECKS

② REMOVE REPLICATION SITE 350 SQ. FT. BETWEEN RW POINTS AS A.B. & 7' IN NORTH OF PROPERTY LINE. ALL WORK PER DEP. AREA'S REPLICATION GUIDELINES.

① RW TO BE RESTORED: 350 SQ. FT. BETWEEN PAVES #114, A. & B'S



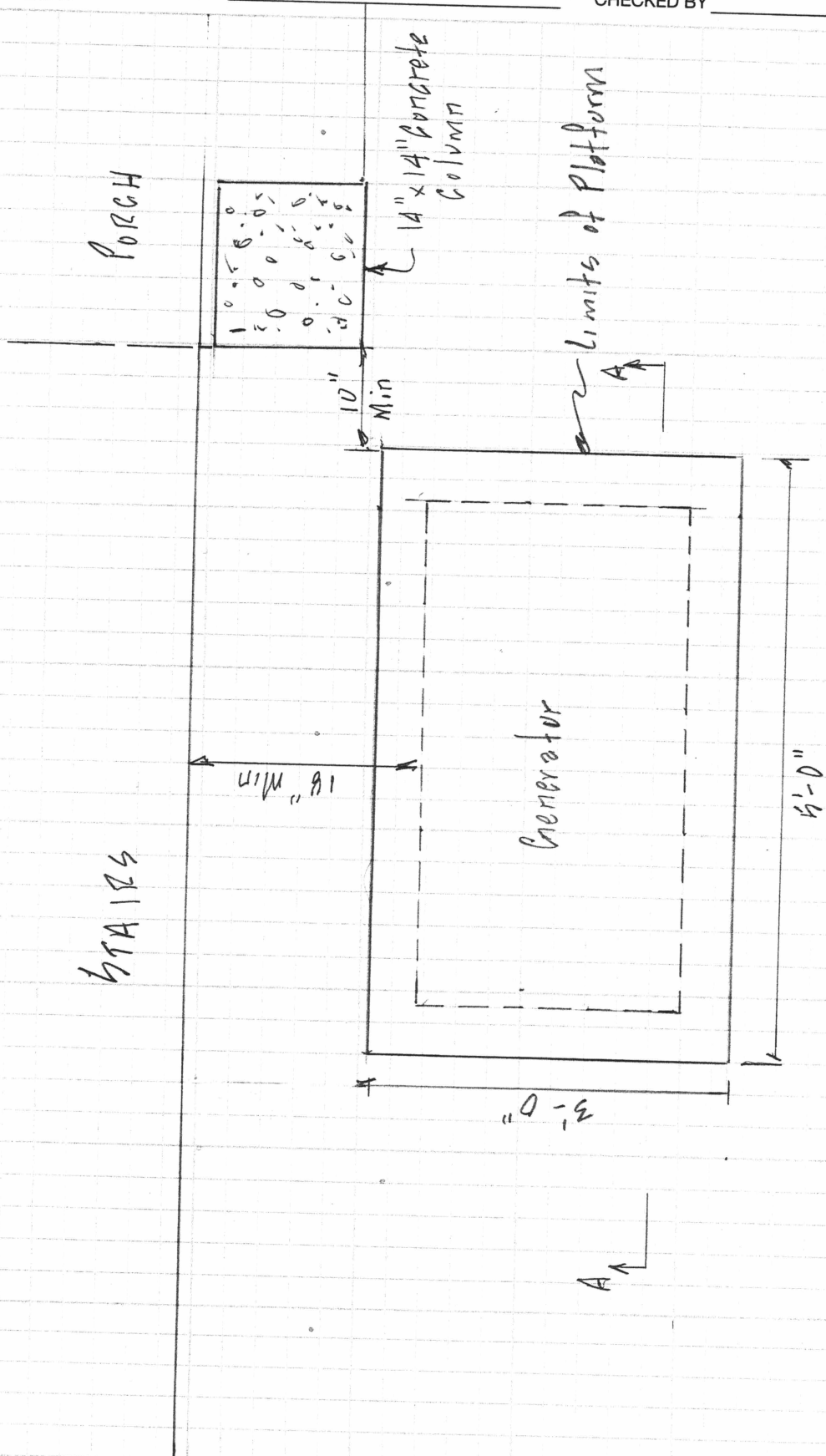
LEGEND

EXISTING CONTOURS	---	5.0
FINISHED CONTOURS	---	15.0
SEWER SERVICE	---	
ELECTRICAL SERVICE	---	
WATER SERVICE	---	

Location of new house generator

BALSAM STREET

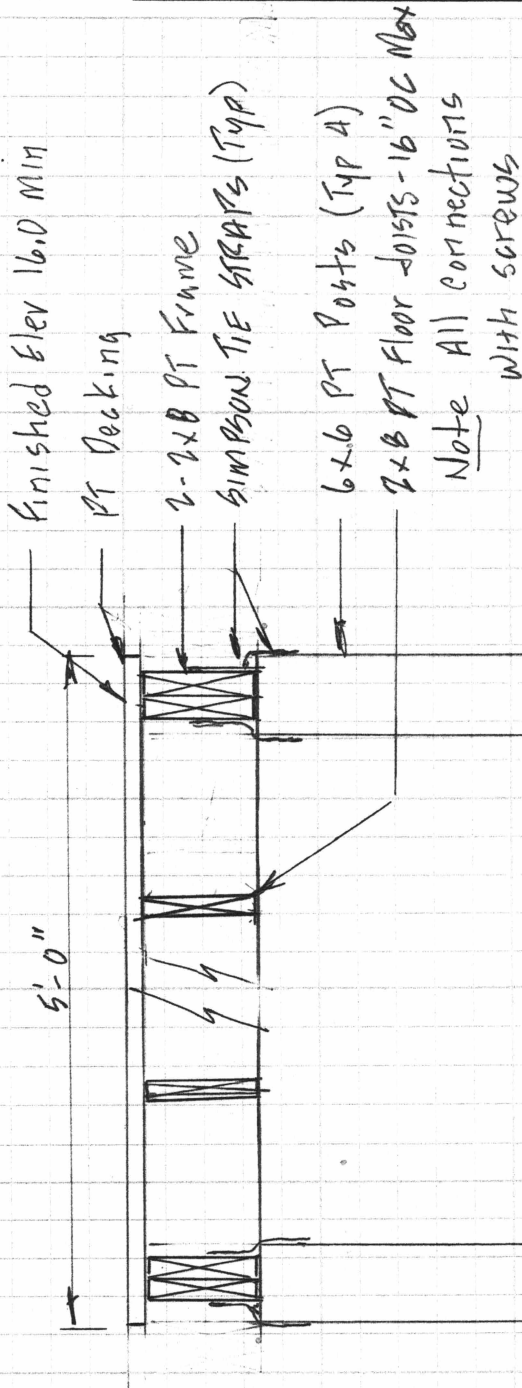
LOT 33-34 (BL. 10.1) (SHE. 0000)



SHEET B - PLAN
3/4" = 1'-0"
8/20/20

SHEET C - Section A-A 8/20/20

Scale $\approx 1" = 1'-0"$



SIMPSON Hold Down 6x6 (Typ 4)

Elev 8.0 ±

12" φ Min
 4'-0" ± Deep

K-STATE



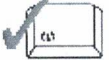
WPA Form 1- Request for Determination of Applicability

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:

Lavar Gilbert lavar.gilbert@newbedfordpd.com
 Name E-Mail Address

2 Boulder Court
 Mailing Address

Fairhaven Massachusetts 02719
 City/Town State Zip Code

508-400-3408
 Phone Number Fax Number (if applicable)

2. Representative (if any):

same as owner
 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 MA
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):

37 Washburn Ave

Fairhaven

Street Address

City/Town

04

158

Assessors Map/Plat Number

Parcel/Lot Number

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

Photos attached

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

New Plan

Title

8/26/2020

Date

Old Layout

Title

8/26/2020

Date

Title

Date

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

level area around house with new soil, plant grass seed throughout yard area - plant new shrubs and tree in the front of house one the north east corner.

Photos attached



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

C. Project Description (cont.)

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

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.

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

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



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

D. Signatures and Submittal Requirements

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

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

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

Name and address of the property owner:

Lavar Gilbert

Name

37 Washburn Ave

Mailing Address

Fairhaven

City/Town

Massachusetts

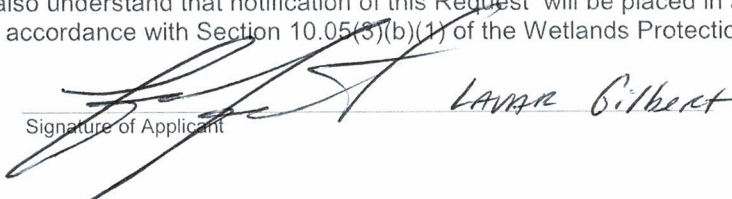
State

02719

Zip Code

Signatures:

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

 Lavar Gilbert Date 8/25/2020

Signature of Applicant

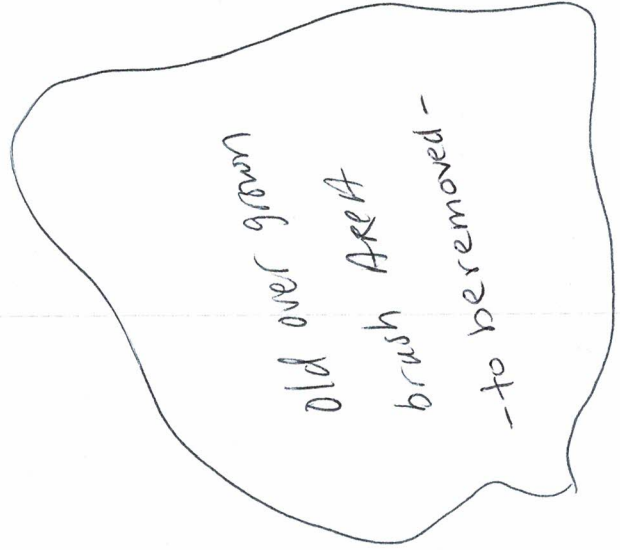
Date

Signature of Representative (if any)

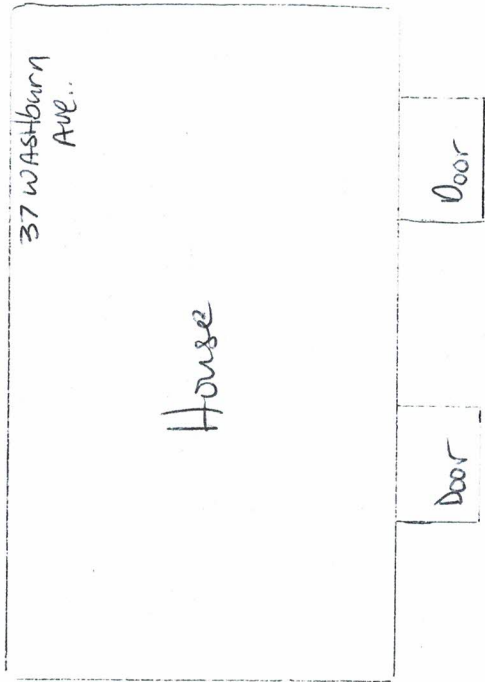
Date

Washburn Ave

Stone wall



unleveled
soil



unleveled
soil

Property line

Property line

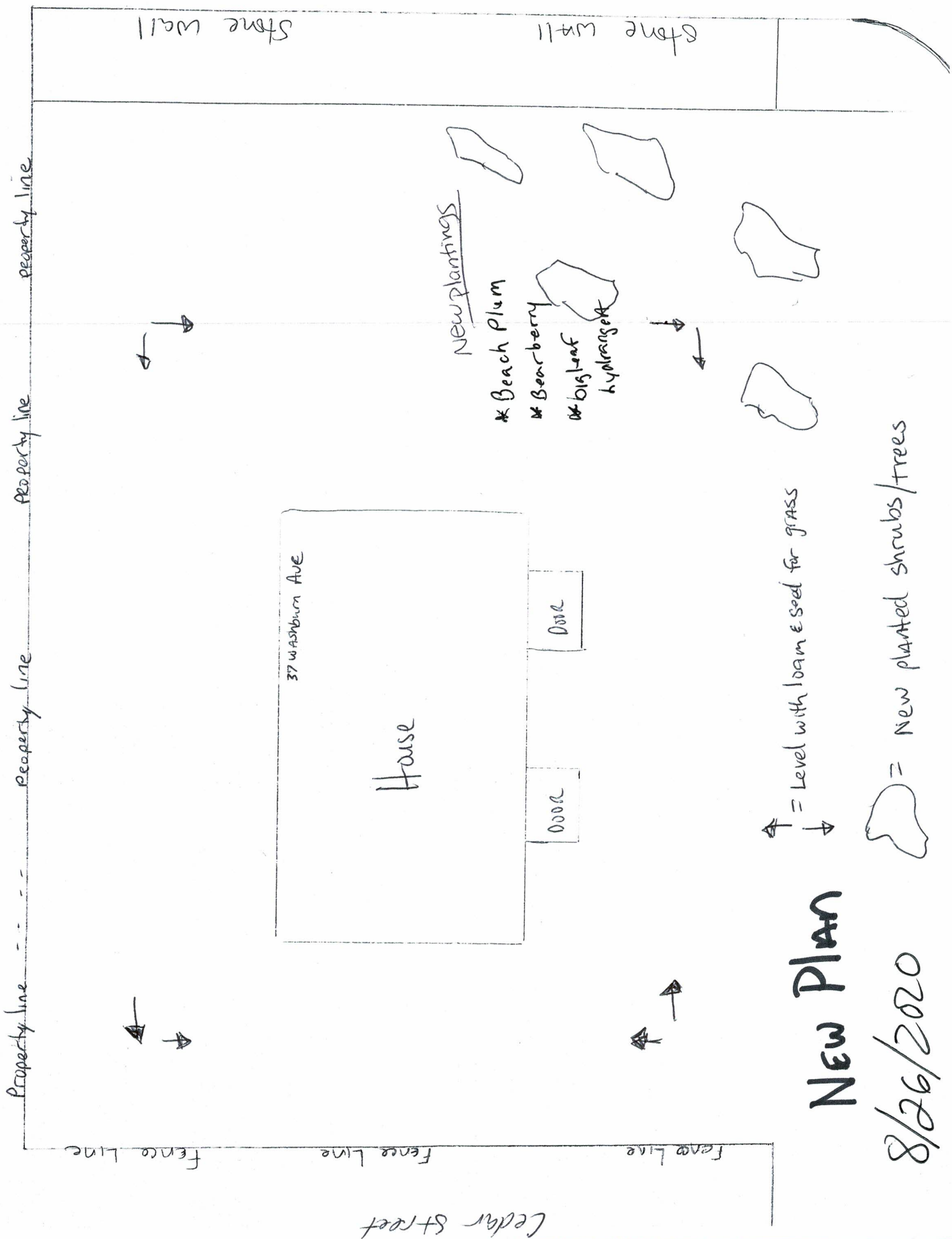
Property line

Fence line

Cedar Street

OLD LAYOUT

8/26/2020



New Plan

8/26/2020

↑ = Level with loam & seed for grass

☁ = New planted shrubs/trees



Loam seed/grass



Loam-seed grass



Loom seed / grass



Remove over grown brush replace with shrubs trees

WETLANDS NARRATIVE
NEAR 60 BASS CREEK ROAD FAIRHAVEN, MA

By Frederick J. Geisel

Wetlands Narrative

The site is adjacent to a wooded wetlands resource area on the Southern end of West Island. The site is within FEMA Flood Zone VE Elevation 20. The site and surrounding area are at an approximate elevation of 18. (NAVD88).

Wetlands Delineation

All of the wetlands were delineated during the last two weeks of June 2020.

Wetlands along Bass Creek Road: There is a previously identified small wetlands area at the intersection of Fir Street and Bass creek Road. There is a drainage ditch along the westerly side of Bass Creek Road whose principal purpose is to conduct rainfall runoff. This ditch connects the aforementioned wetlands to a much larger wetlands in the area of Dogwood Street and Cottonwood Street. Because this ditch connects two wetland areas it is considered an intermittent stream and is a wetlands resource area and has been delineated by wetlands flags BC 100- BC 104. The edge of the wetlands was delineated at the top of the bank of the intermittent stream where Red Maple saplings are present.

Wetlands along Dogwood Street from intersection of Bass Creek Road:

The wooded wetland area was delineated based on the following criteria:

- 50% or more wetland indicator plants
- Saturated and /or inundated conditions – some saturated soils
- Groundwater
- Terrain
- Direct Observation
- Hydric soil indicators

Traditional transects were not possible due to the dense almost impenetrable vegetation. Initially, a rough wetlands boundary line was laid out and vegetation cut back to create a pathway to allow delineation.

The identified wetlands were consistent in having moderate to large flat expanses of Sphagnum Moss with little tree growth and saturated conditions. The uplands were significantly higher terrain with Cat Greenbriar pervasive and substantial White Ash, Oak and Maple trees. No groundwater was observed in any of the upland soil samples, generally taken to a depth of 18 inches.

BC1/ BC2 – Edge of intermittent stream / drainage ditch connecting from BC104 to larger wetland to the West.

BC3 – Wetland: Soils: O/A Layer 5YR 3/3 B Layer 2.5 YR 2.5/2
Vegetation: Sphagnum Moss in herbaceous layer, lack of trees. Soil saturation present.

BC3 – Upland: Soils: O/A Layer 5YR 3/3 B Layer 5 YR 4/4
Vegetation: Cat Greenbriar, Striped Maple saplings & trees, rise in elevation 1.5 -2 ft. No soil saturation or groundwater present in top 24”.

BC5/6 – Wetland: Soils: O/A Layer 5YR 3/3 B Layer 2.5 YR 2.5/2
Vegetation: Large expanse of Sphagnum Moss in herbaceous layer lack of trees. Soil saturation present.

BC5/6 – Upland: Soils: O/A Layer 5YR 3/3 B Layer 10 YR 4/2
Vegetation: Cat Greenbriar pervasive. White Ash and Striped Maples predominate. Rise in elevation 1.5 – 2 ft above wetland.

BC8 – Wetland: Soils: O/A Layer 10YR 3/2 B Layer 2.5 YR 2.5/2
Vegetation: Sphagnum Moss in herbaceous layer.

BC8 – Upland: Soils: O/A Layer 5YR 3/3 B Layer 7.5YR 4/3
Vegetation: Cat Greenbriar pervasive, Dominate White Oak trees, rise in elevation 1.5 -2 ft. No soil saturation or groundwater present in top 24”

BC10/11– Wetland: Soils: O/A Layer 5YR 3/3 B Layer 2.5 YR 2.5/2
Vegetation: Some Sphagnum Moss in depression surrounded by trees.
No Soil saturation noted.

BC10/11– Upland: Soils: O/A Layer 5YR 3/3 B Layer 2.5YR 3/6
Vegetation: Vegetation: Cat Greenbriar pervasive. White Oak and Striped
Maples predominate. Rise in elevation 1.5 – 2 ft above wetland elevation.

BC13 – Wetland: Soils: O/A Layer 5YR 3/3 B Layer 2.5 YR 4/2 Vegetation:
Some Sphagnum Moss in depression surrounded by trees. No Soil
saturation noted.

BC13 – Upland: Soils: O/A Layer 5YR 3/3 B Layer 5 YR 6/3 Vegetation:
Cat Greenbriar pervasive. White Oak and White Ash predominate. Rise in
elevation 1.5 – 2 ft above wetland elevation.

BC14/15 – Wetland: Soils: O/A Layer 7.5 YR 3/2 B Layer 2.5 YR 4/2
Vegetation: Some Sphagnum Moss in depression surrounded by trees.
Soil saturation noted.

BC14/15 – Upland: Soils: O/A Layer 5 YR 3/3 B Layer 5 YR 6/3
Vegetation: Cat Greenbriar pervasive. White Oak and White Ash
predominate. Rise in elevation 1.5 – 2 ft above wetland elevation.

BC16 – Wetland: Soils: O/A Layer 2.5YR 3/4 B Layer 2.5 YR 4/2
Vegetation: Some Sphagnum Moss in depression surrounded by trees.
No Soil saturation noted.

BC16 – Upland: Soils: O/A Layer 2.5YR 3/4 B Layer 5 YR 6/3 Vegetation:
Cat Greenbriar pervasive. White Oak and White Ash and Striped Maples
predominate. Rise in elevation 2 ft above wetland elevation.

BC17/18– Wetland: Soils: O/A Layer 7.5 YR 3/2 B Layer 2.5 YR 3/2
Vegetation: Some Sphagnum Moss in depression surrounded by trees.
No Soil saturation noted.

BC17/18– Upland: Soils: O/A Layer 5 YR 3/3 B Layer 5 YR 6/3 Vegetation:
Cat Greenbriar pervasive. White Ash dominate. Rise in elevation 1.5 – 2 ft
above wetland elevation.

BC19/20– Wetland: Soils: O/A Layer 7.5 YR 3/2 B Layer 2.5 YR 3/2
Vegetation: Some Sphagnum Moss in depression surrounded by trees.
No Soil saturation noted.

BC19/20– Upland: Soils: O/A Layer 5 YR 3/3 B Layer 5 YR 6/3 Vegetation: Cat Greenbriar pervasive. White Oak, Holly and American Beech dominate. Rise in elevation 1.5 ft above wetland elevation.



September 4, 2020

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

**RE: Response Letter
Crow Island**

Dear Whitney,

As discussed during our zoom meeting with Division of Marine Fisheries we believe our original design utilizing the "Float and Sink" method is still going to be the best construction method in order to be the least impactful to avoid impacts to marine fisheries resources and their habitats. The major reason for this is because there would be significant impacts trying to use HDD method when it comes time to connect to the pier. We would have to dredge and approximate 12'W by 12'L by 32'D seaward and 12'W by 12'L by 20'D landward. To do this the excavation pit would have to be completed enclosed with sheet piles for shoring in order to keep the hole dewatered. Considering the age of the pier this would be an impractical option. This would also be more impactful to the resource areas due to depth of dredging. The other issue with the HDD method would be the possibility of encountering ledge and having to obtain necessary easements as it couldn't follow the easement we currently have. The proposed sewer line is being placed parallel to the existing water, electrical and telecommunications lines therefore will have negligible impacts. We anticipate that the sewer line will cause 675 S.F. of disturbance on the ocean floor in which the applicant is willing to mitigate as requested by the Conservation Commission.

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



Whitney McClees <wmcclees@fairhaven-ma.gov>

1 Crow Island Follow-Up Letter

EnvReview-South, DMF (FWE) <dmf.envreview-south@state.ma.us>

Thu, Sep 10, 2020 at 11:19 AM

To: Whitney McClees <wmcclees@fairhaven-ma.gov>

Cc: "cfarland@farlandcorp.com" <cfarland@farlandcorp.com>, "Ford, Kathryn (FWE)" <kathryn.ford@state.ma.us>

Dear Commission Members,

MA DMF had a phone call with Ms. McClees and Mr. Farland, the engineer on the Crow's Island project, on September 2. We also read Farland Corp's response letter dated September 4, 2020. The proponent states the "Float and Sink" method will be the least impactful construction method on marine fisheries resources and their habitats. Mr. Farland described impacts associated with using HDD to go through or under the sheetpile bulkhead as the force main pipe comes onto land. Going under might be impossible due to bedrock. Going through the sheetpile will require a sizable excavation pit that could cause more impacts to marine fisheries than the pipe laying directly on the substrate. Other infrastructure already exists in this corridor and is identified with signage, making snagging less risky at this location. Future potential water quality impact due to rupture of the pipe is also limited by the use of the pipe during infrequent events on the island.

It does seem likely that an HDD-required excavation could have greater impacts on marine fisheries resources and habitats than laying the pipe on the seafloor, held down with cement collars. We recommend mitigation for the portion of the pipe that has contact with the substrate which was calculated as 675 sf by Mr. Farland in the September 4 letter.

Thank you for the opportunity to comment further on this project.

Eileen Feeney

From: Whitney McClees <wmcclees@fairhaven-ma.gov>

Sent: Friday, September 4, 2020 11:06 AM

To: EnvReview-South, DMF (FWE); Ford, Kathryn (FWE)

Subject: 1 Crow Island Follow-Up Letter

CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

[Quoted text hidden]

August 31, 2020

To:	Town of Fairhaven Conservation Commission c/o Whitney McClees, Conservation Agent 40 Center Street Fairhaven, MA 02719	A&M Project #:	2759-01
Copy:	MassDEP – Southeast Regional Office 108 Sycamore Street Realty Trust	Re:	Notice of Intent Supplemental Information Proposed 2-Family Dwelling 108 Sycamore Street Map 20 Lot 33 DEP File No. 023-1329

Dear Whitney & Members of the Conservation Commission:

After the public hearing on Monday August 24th, hearing the concerns of the Agent and members of the Conservation Commission on the issue of Riverfront Area associated with the Acushnet River and upon further review, the applicant, Allen & Major Associates, Inc. (A&M) and wetland consultant, Goddard Consulting, wish to revise the Notice of Intent application to include Riverfront Area associated with the Acushnet River and the cove area to the north of the property as a resource area.

Riverfront Area

The 200-foot Riverfront Area extends from the Banks of the Acushnet River/Cove through the entirety of the site. There is approximately 6,400 s.f. of Riverfront Area on the site and a total of 7,290+/- S.F of Riverfront Area within the limit of work which includes work within the right of way. The entire site is located within the 100' Inner Riparian Zone of the Riverfront Area and consist of degraded Riverfront Areas from buildings/pavement, overgrown with invasive species and contains debris. As the project is a Redevelopment within previously developed Riverfront Areas, the applicable regulations are 310 CMR 10.58(5). The subject lot was created in 1904 and is shown on a plan entitled "Oxford Terrace", recorded at the Bristol County Registry of Deeds in plan book 4 page 61. According to the assessor's office the existing building was constructed in the 1900's. Additional research at the building department's office shows a permit was issued in 1967 for repairs to the roof.

Redevelopment Within Previously Developed Riverfront Areas; Restoration and Mitigation.

Notwithstanding the provisions of 310 CMR 10.58(4)(c) and (d), the issuing authority may allow work to redevelop a previously developed riverfront area, provided the proposed work improves existing conditions. Redevelopment means replacement, rehabilitation or expansion of existing structures, improvement of existing roads, or reuse of degraded or previously developed areas. A previously developed riverfront area contains areas degraded prior to August 7, 1996 by impervious surfaces from existing structures or pavement, absence of topsoil, junkyards, or abandoned dumping grounds. Work to redevelop previously developed riverfront areas shall conform to the following criteria:

- (a) At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131 § 40. When a lot is previously developed but no portion of the riverfront area is degraded, the requirements of 310 CMR 10.58(4) shall be met.*
- (b) Stormwater management is provided according to standards established by the Department.*

- (c) Within 200 foot riverfront areas, proposed work shall not be located closer to the river than existing conditions or 100 feet, whichever is less, or not closer than existing conditions within 25 foot riverfront areas, except in accordance with 310 CMR 10.58(5)(f) or (g).
- (d) Proposed work, including expansion of existing structures, shall be located outside the riverfront area or toward the riverfront area boundary and away from the river, except in accordance with 310 CMR 10.58(5)(f) or (g).
- (e) The area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area, except in accordance with 310 CMR 10.58(5)(f) or (g).
- (f) When an applicant proposes restoration on-site of degraded riverfront area, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d) and (e) at a ratio in square feet of at least 1:1 of restored area to area of alteration not conforming to the criteria. Areas immediately along the river shall be selected for restoration. Alteration not conforming to the criteria shall begin at the riverfront area boundary. Restoration shall include:
 1. Removal of all debris, but retaining any trees or other mature vegetation;
 2. Grading to a topography which reduces runoff and increases infiltration;
 3. Coverage of topsoil at a depth consistent with natural conditions at the site; and
 4. Seeding and planting with an erosion control seed mixture, followed by plantings of herbaceous and woody species appropriate to the site."

Table 1.0 – Breakdown of Existing Conditions



	Surface Type	Area (sf)
	Building	3,060
	Pavement (on-site)	284
	Driveway (off-site)	768
	Total Impervious	4,112
	Overgrown Areas (Approx. 375 sf - area within 3-feet of buildings walls are absent of vegetation and contains debris)	3,178

Table 2.0 – Breakdown of Proposed Conditions

	Surface Type	Area (sf)
	Building	1,732
	Driveway (on-site)	567
	Driveway (off-site)	375
	Walkway	117
	Total Impervious	2,791
	Landscape/Lawn area (includes 675 sf of coastal plantings adjacent to the bank)	4,049
	Patio (Pavers)	450

The following are statements regarding the proposed project conformance to applicable criteria of items (a) through (f):

- (a) In its existing state, the site contains 4,112 sf of impervious surface with 3,178 sf of overgrown green space which contains invasive species (bittersweet, buckthorn, etc.). The proposed project will result in an improvement over existing conditions with the reduction of total impervious surface (1,321 sf), increase of green space, removal of invasive species, implementing Low Impact Development (LID) techniques and the installation of 675 sf of coastal planting along the top of bank. Plantings will consist of american beach grass, northern bayberry, seaside goldenrod and beach plum all plantings ideally suited for riverfront restoration.
- (b) The proposed project is exempt from the Stormwater Standards because the project consists of a redevelopment project with fewer than four units. The proposed project has reduced the overall impervious surface, increased the overall green space, therefore has reduced the amount of runoff and has increased recharge capabilities on site. The applicant is proposing LID consisting of the installation of concrete pavers for the patios along the back of the dwelling and the installation of grass swales.
- (c) The proposed building is being located closer to the bank, but the work is being done in accordance with section (f) and (g). The applicant is proposing to remove the debris and invasive species within the Riverfront Area, but is protecting the two (2) existing 10" trees. Utilizing LID, reducing impervious

area, increasing greenscape and appropriately graded site to reduce runoff and increase infiltration. All disturbed areas will be covered with a minimum 6" of topsoil and seeded. A permanent buffer is being proposed, ranging from 5.8-ft to 14-ft wide by 74-ft long, consisting of 675 sf of coastal plantings along the top of bank which will provide an equivalent level of environmental protection where square footage is not a relevant measure (310 CMR 10.58 (5)(g)). 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*.

Redevelopment within a Riverfront Area requires an analysis of alternative designs to promote the use of the most beneficial development within the zone that is economically feasible and provides an improvement over current conditions meeting the performance standards of the Act as referenced in 310 CMR 10.58(4)(c).

Alternative 1

Existing parcels to remain in present condition with disturbed and degraded Riverfront Areas.

While it is possible to leave the existing Riverfront Area undisturbed, the present conditions of the Parcel can be described as blighted and unsafe. The existing building is in various states of disrepair and have left the building unsafe. While leaving the site in its current state would avoid further disturbance, the Riverfront Area would not be improved. A failure to improve upon the Riverfront vegetation would allow invasive species and vegetation to further dominate the landscape in direct contradiction to the performance standards desired. The no-built alternative prevents the land owner from the benefit of lot ownership and development within the confines of regulatory approvals.

Alternative 2

Demolition of the existing building.

The client would obtain the necessary permits to raze the existing building and loam and seed the disturbed area. The work area will be minimized to the footprint of the existing building and no other improvements will be proposed. The site would eventually become overgrown with invasive species. This alternative is not economically feasible akin to no-build Alternative 1.

Alternative 3

Demolition of the existing building and construct a new single or 2-family dwelling within the same footprint.

The client would raze the existing building and construct a new building within the same footprint. The proposed building would be required to obtain additional permits due to the existing non-conformance with Zoning. Due to the position of the building and close proximity to the property lines and street, a new driveway would have to be constructed on the north side of the building, closest to the resource areas. Pavement within close proximity to riverways is less desirable due to the potential introduction of pollutants and sediments that can track with vehicular movement. Permanent alteration in the form of stable, non-moving structures, provides a single construction level impact that can be mitigated, but once completed provides little opportunity for increased pollutant load. All disturbed areas would be loam and seeded. The Riverfront Area will not be improved, since the impervious coverage will remain unchanged.

Alternative 4

Proposed 2-Family dwelling.

The preferred option is the proposed project before the Conservation Commission. The project proposes to raze the existing building, remove debris and invasive species from the Riverfront Area and construct a 2-family dwelling. The proposed project will reduce the overall impervious surface by 1,321 sf, increase greenscape, reduce runoff, increase recharge/infiltration and provide a new permanent buffer along the top of bank with the addition of 675 sf of coastal plantings. Vehicular areas are maintained as physically distant from the Bank as feasible to avoid the conditions described in Alternative 3. The property has already obtained and received a variance from the Zoning Board of Appeals in 2005, which established the reduction in the required front yard and rear yard setbacks from the zoning by-laws.

It is A&M's and Goddard's professional opinion that we have adequately addressed the Agent and the Conservation Commission concerns from the public hearing on August 24 to properly identify affected resource areas and anticipate that a third party peer review will not be necessary for a small residential project where resource areas are agreed upon. Enclosed, is a check in the amount of \$262.50 for the Town of Fairhaven's share of the 50% Riverfront filing fee, a revised WPA Form 3 – Notice of Intent and revised NOI Wetland Fee Transmittal Form. A check in the amount of \$262.50 will be sent to the MassDEP for the State's share of the 50% Riverfront filing fee. A&M & the Owner look forward to discussing the project at the next Conservation Commission public hearing on September 14, 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.



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