



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

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 Lucy Figueiredo E-Mail Address Lucyfig67@gmail.com
Mailing Address 58 Cottage Street
City/Town Melrose State MASS Zip Code 02176
Phone Number 781-589-6271 Fax Number (if applicable) 781-620-1561

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 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):

3 Bayside Street FAIRHAVEN MASS 02719

Street Address

City/Town

42/52

42/52

Assessor's Map/Plat Number

Parcel/Lot Number

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

Single Family Home NEW DECK

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

Site Plan

Title

Date

Title

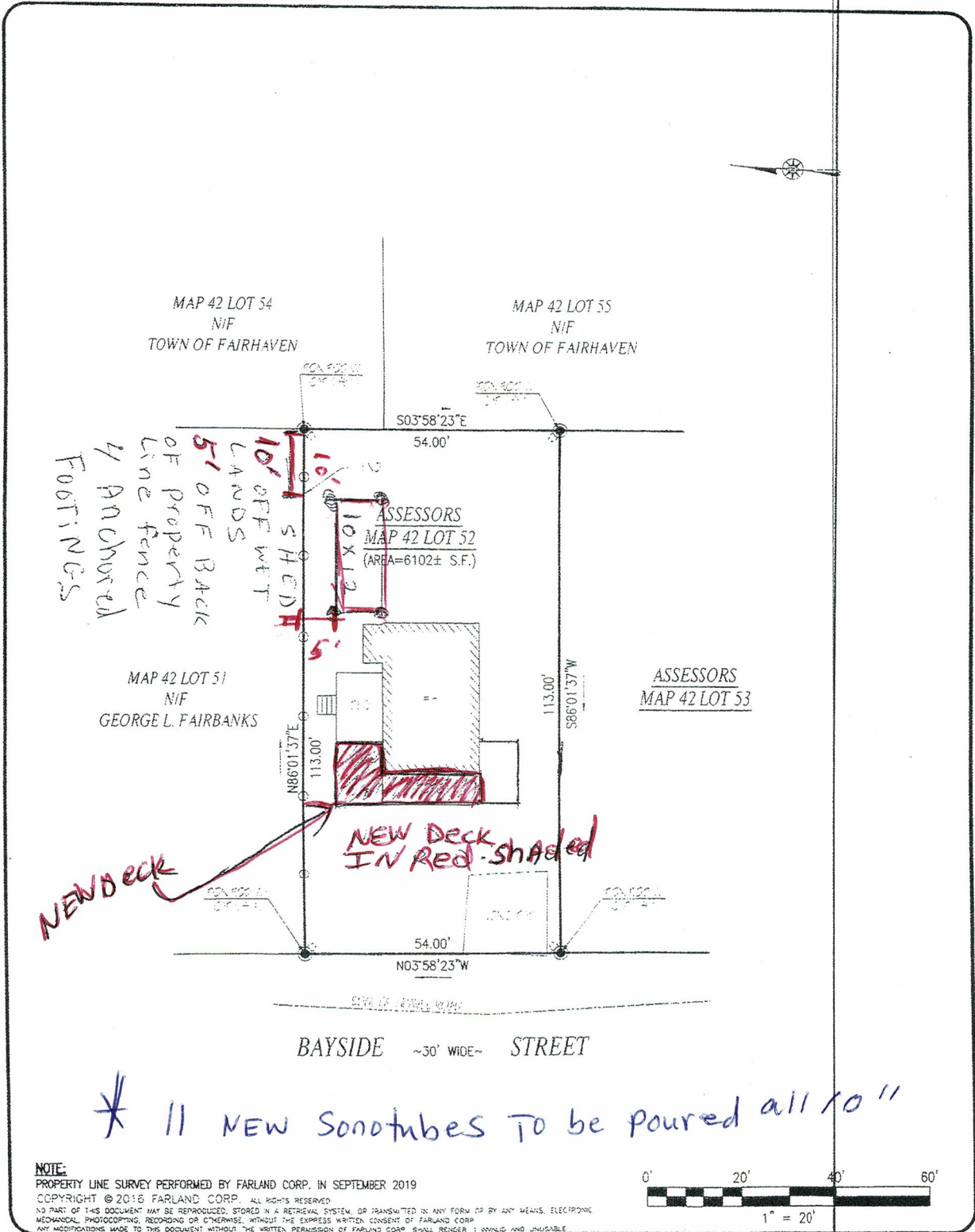
Date

Title

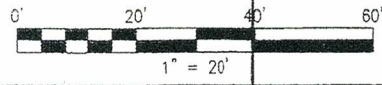
Date

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

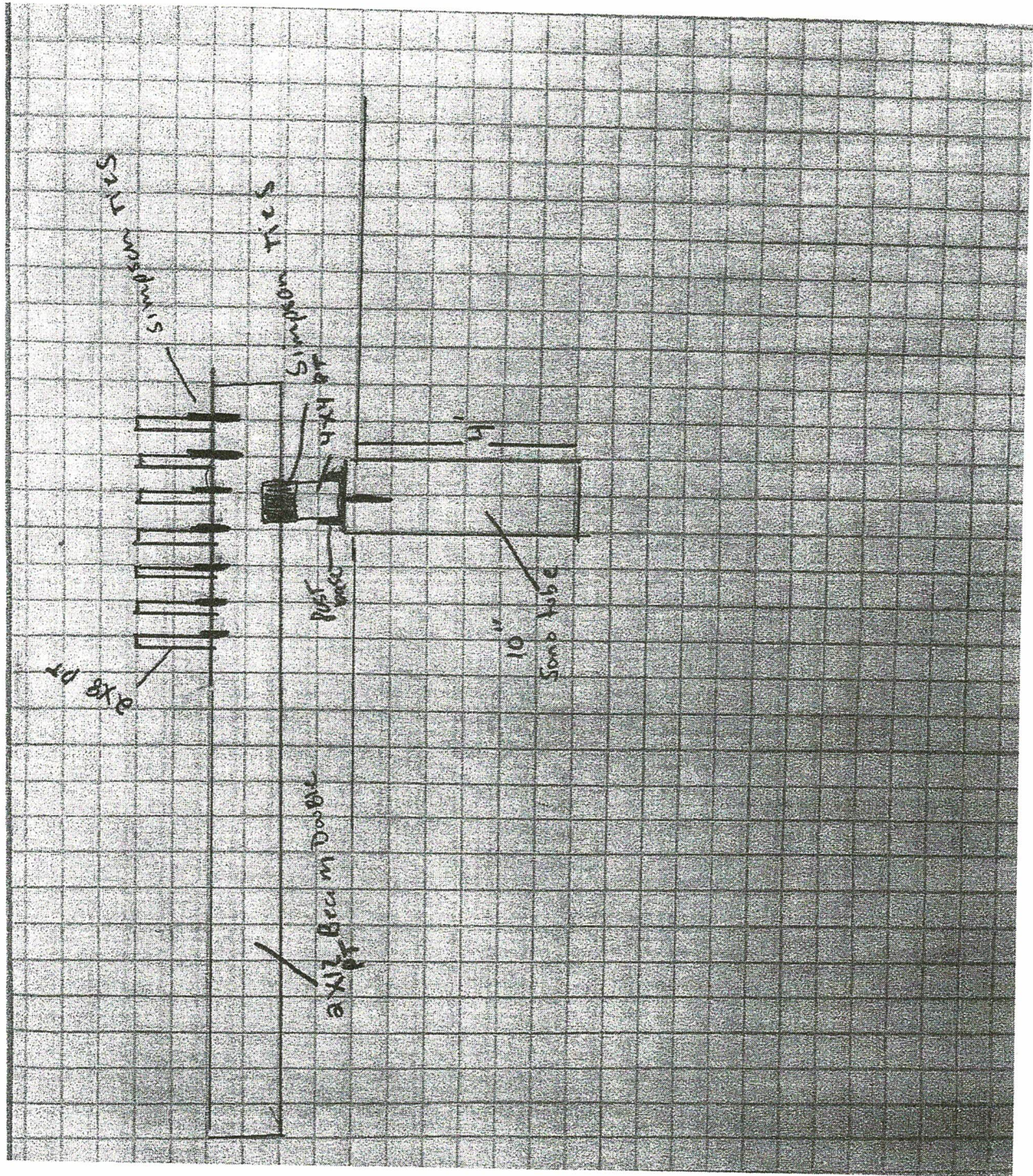
Replace front decaying cinder block porch and build new deck off of the left side of the house to connect with the existing deck

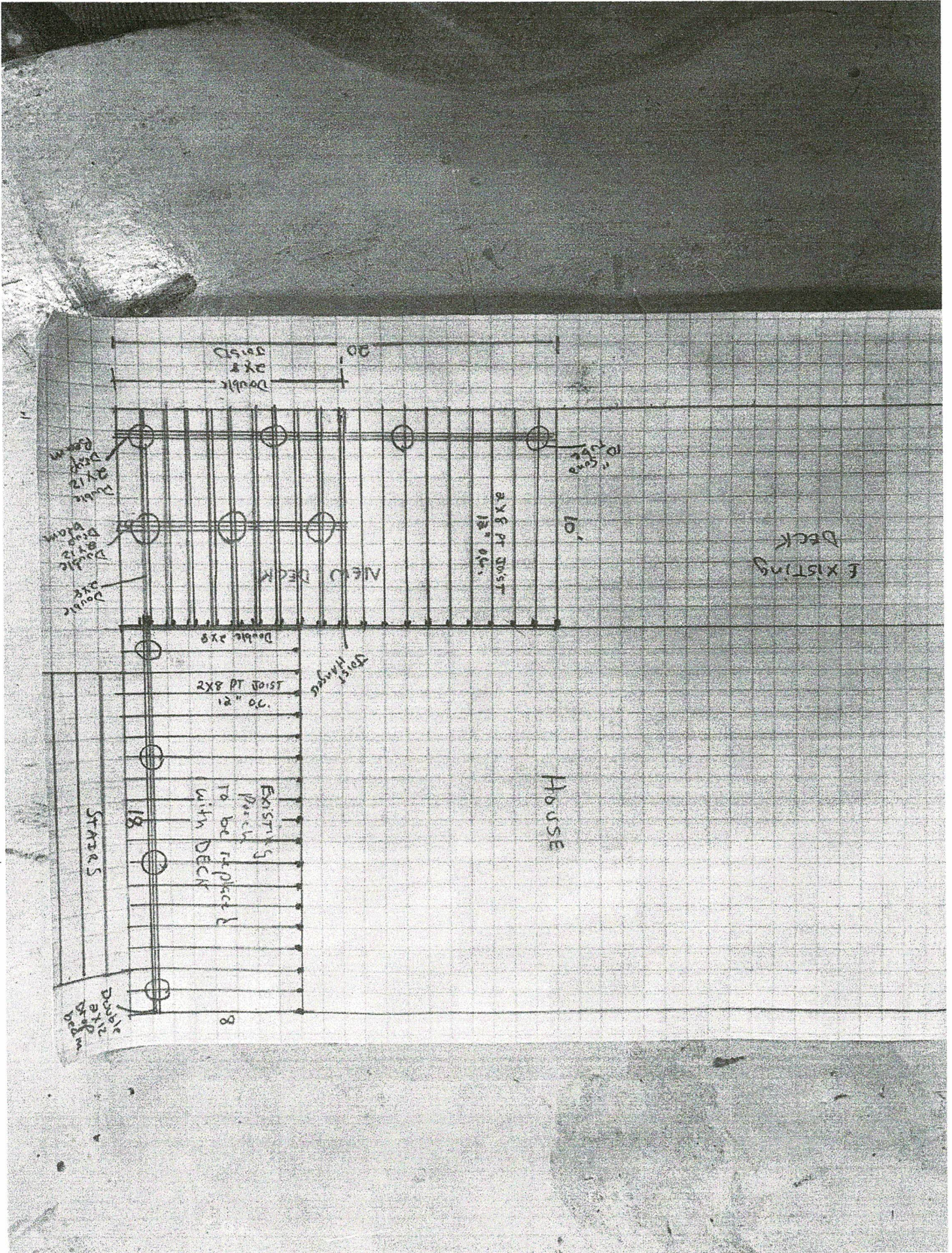


NOTE:
 PROPERTY LINE SURVEY PERFORMED BY FARLAND CORP. IN SEPTEMBER 2019
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 ANY MODIFICATIONS MADE TO THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF FARLAND CORP. SHALL RENDER IT INVALID AND UNUSABLE.



CERTIFIED PLOT PLAN 3 BAYSIDE STREET ASSESSORS MAP 42 LOT 53 FAIRHAVEN, MASSACHUSETTS		 <i>Brian J. Murphy</i>
 FARLAND CORP.	PREPARED FOR: LUCY & JAMES FIGUEIREDO 3 BAYSIDE STREET FAIRHAVEN, MA 02719	
www.FarlandCorp.com 401 COUNTY STREET NEW BEDFORD, MA 02740 P.508.717.3479 OFFICES IN • TAUNTON • MARLBOROUGH • WARWICK, RI		SCALE: 1"=20' OCTOBER 8, 2019 JOB NO: 19-508





The proposed GARAGE has been Relocated. It has been moved from 5' from the Southern property line, to 30' from the Southern property line. The AREA it has been relocated to is also a higher elevation and is adjacent to the existing house.

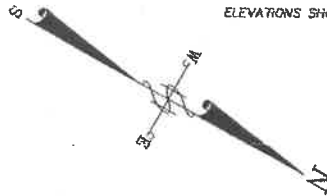
10-17-2020

DEP File # 023-1302
Natalie Reis
6 EMERSON AVE.
FAIRHAVEN, MA. 02719

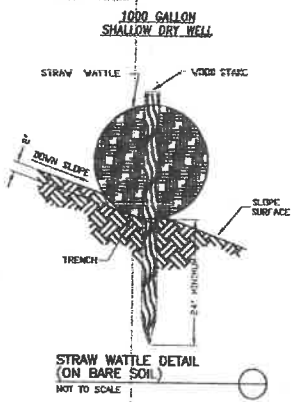
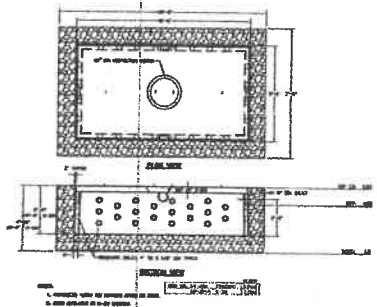
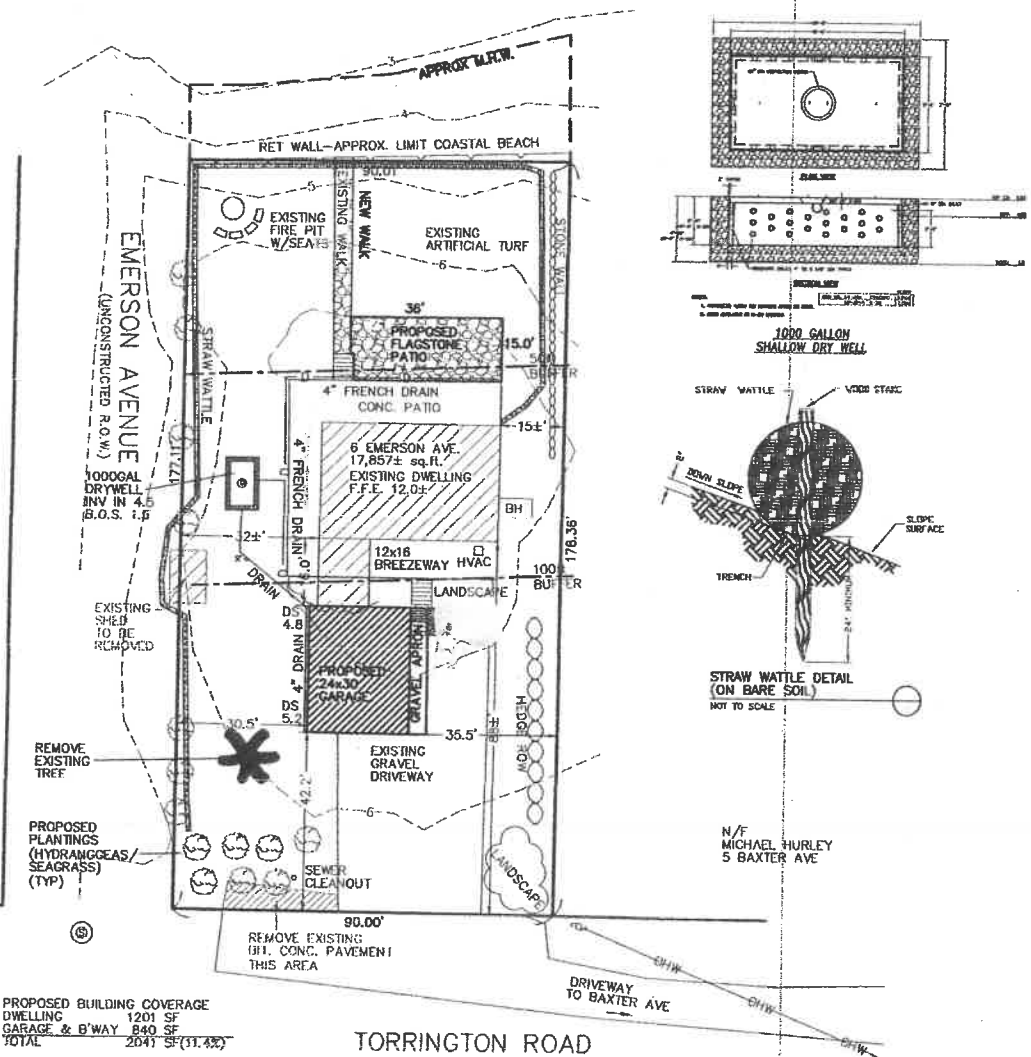
OWNER:
 NATALIE REIS
 8 EMERSON AVENUE
 FAIRHAVEN MA 02719
 ASSESSORS MAP 29A LOT 119-122
 DEED BOOK 11363 PAGE 66

ENTIRE SITE IS WITHIN FEMA VE16 ZONE
 PER PANEL 25005C00501F DATED 7/7/2009

ELEVATIONS SHOWN HEREON BASED ON NAVD83 DATUM



BUZZARDS BAY



EXISTING BUILDING COVERAGE	
DWELLING	1201 SF
SHED	81 SF
TOTAL	1282 SF (7.2%)

PROPOSED BUILDING COVERAGE	
DWELLING	1201 SF
GARAGE & B'WAY	840 SF
TOTAL	2041 SF (11.4%)

EXISTING LOT COVERAGE	
DWELLING	1201 SF
SHED	81 SF
PATIO & WALK	1328 SF
RET WALLS	324 SF
TOTAL	2934 SF (16.4%)

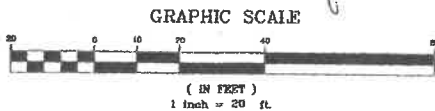
PROPOSED LOT COVERAGE	
DWELLING	1201 SF
GARAGE	780 SF
PATIO & WALK	1328 SF
FLAGSTONE PATIO	538 SF
RET WALLS	324 SF
TOTAL	4171 SF (23.3%)

TORRINGTON ROAD
 (UNCONSTRUCTED R.O.W.)



ZONING

ZONE	RR
LOT AREA	30,000 SF
FRONTAGE	140 FT.
BUILDING HEIGHT	35 FT.
LOT COVERAGE	25% MAX
BUILDING COVERAGE	15% MAX
FRONT YARD	30 FT.
SIDE YARD	20 FT.
REAR YARD	30 FT.



PROPOSED SITE PLAN
 6 EMERSON AVENUE
 FAIRHAVEN, MA
 FOR
 NATLIE REIS

CIVIL ENVIRONMENTAL CONSULTANTS LLC
 8 OAK STREET PEABODY, MA 01960 (978)531-1191

SHEET NO: 1 OF 1

DATE 9/29/2020 JOB NO:
 DRAWN BY: L.J.B.



Charon Associates, Inc.

Consulting Engineers

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

Whitney McClees, Agent
Conservation Commission
Town Hall
Fairhaven, MA 02719

November 2, 2020

Dear Ms. McClees:

RE: 18 Point Street
Antonio & Doreen Albuquerque, Owners

As we discussed last week, Section R322.4.5 of the Massachusetts amendments to the 2018 State Building Code states that foundations in F.E.M.A. velocity zones "shall consist of open pilings without footings to allow the movement of the dune".

This section is followed by the following EXCEPTION: Where surface or sub-surface conditions consist of non-erodible soil that prevents the use of pile foundations, spread footings...may be permitted." The Bristol County soil map for the subject location indicates Paxton association (PfB) soil in the proposed house location. These soils formed in compact glacial till and meet the above requirements for (a) erosion resistance and (b) difficulty in driving piles. They are dissimilar from the beach sediment (Be) that comprise dunes.

This morning, we were able to verify the soil conditions with an in-situ soil evaluation that produced the following soil pedon: 0-18" fill; 18"-36" A, sandy loam; 36"-42" B, loamy sand; 42"-84" C1, compact loamy sand with mottles and water at 42". A dynamic cone penetrometer was used to measure soil hardness in the C1 layer, with standard penetration resistance blow count readings (N) of 16 to 20, confirming the soil map designation of compact soils at this site.

Based upon the in-situ confirmation of the soil map data, we submit that the soils at this site meet the requirements for the exception cited above and that an open-pile foundation with spread footings is appropriate and permitted for this site.

Please let me know if you have any questions about this matter.

Sincerely,



Richard J. Charon, P.E.

Cc: A. & D. Albuquerque

SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

N. DOUGLAS SCHNEIDER, P.E., P.L.S.
MATTHEW C. LEONE, P.L.S.



DAVID M. DAVIGNON, P.E.
JAY MCKINNON, E.I.T.

October 15, 2020

Re: Project Narrative - NOI Application

Project Type: Proposed Construction of a detached Garage
Applicants/Owners: Keith A. & Kimberly J. Decker
Site Address: 1 Smugglers Road, Assessors Lot #1 on Map #29

Site Description:

The site is approximately 9.13 Acres in size and is bordered westerly by Buzzards Bay, easterly by undeveloped residential properties and northerly and southerly by developed residential properties. The central portion of the property is developed with a single family dwelling, gravel driveway and manicured lawn areas throughout.

The westerly and southerly portion of the site falls with Land Subject to Coastal Storm Flowage, Flood Zones VE (El. 18) and (El. 20). The site contains Bordering Vegetated Wetland (BVW) southeasterly and westerly of the house in addition to coastal resource areas along the shoreline. The limit of the Bordering Vegetated Wetland was flagged in the field by LEC Environmental Consultants, Inc.

Project Description:

The Applicants propose to construct a detached 26' x 26' - 2-story garage as an accessory use to the single family dwelling.

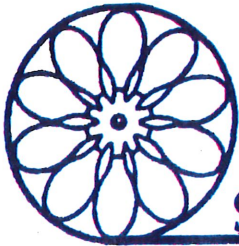
The garage will be located outside of the Flood Zone but within the 100 ft. Buffer Zone of a Bordering Vegetated Wetland. At its closest point, the garage will be located 25' from the edge of the B.V.W.

Minor filling and grading is proposed around the immediate perimeter of the structure. Underground electric is also proposed from the house to the northwesterly corner of the garage.

The driveway will be modified for the access into the garage and an overflow parking area is proposed northerly of the garage. The application also includes the option to pave the existing driveway.

Prior to any earth altering activity erosion control will be installed as depicted on the Site Plan. Said installation will be subject to inspection by the Conservation Commission.

Upon completion of the project all disturbed areas will be treated with loam and seed.



SABATIA, Inc.

ROBERT M. GRAY, P.W.S., C.S.E., R.S.

21 Observatory Lane, Pocasset, MA 02559

Tel (508) 563-5349 sabatia@comcast.net

November 2, 2020

Mr. Geoffrey Haworth Chairman
Commissioners
Fairhaven Conservation Commission
Town Hall
40 Center Street
Fairhaven, MA 02719

RE: Letter of Findings, Site Assessment, 2 Melpen Way, Fairhaven, MDC Estate, LLC, Mr. Michael DaCosta, Wetland Violation/Enforcement Order/Wetland Restoration Plan (WRP), Map 29, Lot 2D

Dear Mr. Haworth & Commissioners:

On July 23 & August 4, 2020, Sabatia, Inc. conducted a site assessment with Mr. Rick Charon, PE, and Mr. DaCosta (property owner) of unpermitted work at 2 Melpen Way. The purpose of the site assessment was to evaluate the extent of the unpermitted work subject to the jurisdiction of MGL Chapter 131, section 40 (The Massachusetts Wetlands Protection Act) and its regulations at 310 CMR 10.00 et seq. and the Town of Fairhaven Wetlands Protection Bylaw (Chapter 192) and to develop a Wetland Restoration Plan (WRP) for the impacted wetland area. An additional site visit was made on September 1, 2020.

The WRP addresses the concerns and issues raised by Fairhaven Conservation Commission in correspondence to Mr. DaCosta on June 24 and July 8, 2020 and the Enforcement Order (EO) issued on June 24, 2020.

1.0 Wetland Resource Areas:

The site assessment revealed that a bordering vegetated wetland (BVW-310 CMR 10.55)/wooded swamp extends landward and covers a portion of 2 Melpen Way. Seaward of the BVW, there exists a salt marsh (310 CMR 10.32) containing a tidal creek. The salt marsh transitions to a coastal dune (310 CMR 10.28) and coastal beach (310 CMR 10.27) which fronts on Buzzards Bay (310 CMR 10.25).

Only a portion of the wooded swamp (BVW-310 CMR 10.55) was impacted from the unpermitted work. The area is mapped as land subject to coastal storm flowage {310 CMR 10.02 (1d)}/coastal flood zone.

2.0 Plan of Record (POR):

The Plan of Record (POR) is titled “*Plan of Site Remediation, prepared for MDC Estates, LLC, 2 Melpen Way, Fairhaven, MASS.*”, dated October 30, 2020 and has a scale of 1” = 20’. This plan depicts the “wetland boundary”, WL-1 to WL-4, the area of the unpermitted work labelled as “approximate limit of earth disturbance” and a 25’ wide buffer zone that is proposed as the “Restoration Area”.

Unauthorized Cutting of Trees/Shrubs:

The site assessments revealed that unpermitted tree cutting occurred within the BVW and within this 100’ buffer zone. Approximately 6 trees were cut within the BVW (790 SF) and 13 trees cut within the 100’ buffer zone (3650 SF) to the BVW. The approximate locations of some of the cut trees are noted on the plan. However, many tree stumps had already been removed and piles within the BVW/Buffer Zone (approximately 12 stumps as noted on the plan). The “disturbed area” totals 4440 SF (790 SF BVW/3650 SF upland Buffer Zone). The 19 cut trees will be replaced at a 1:1 ratio.

The cut trees were mostly red cedar (*Juniperus virginiana*) and black cherry (*Prunus serotina*). This violation did not include the placement of new fill and/or any excavation of the BVW or buffer zone.

4.0 Wetland Restoration Plan (WRP):

4.1 Tree and shrub replacements:

Based on the guidance on plant spacing in the *Massachusetts Inland Wetland Replication Guidelines*, DEP 2002, Charon Associates Inc. has depicted on the POR proposed locations of tree saplings. The actual placement of the tree saplings will need to be discussed further with the FCC. It is planned to plant 19 tree saplings as noted on the POR to replace the 19 trees that were cut. Spacing will be at 8’ o.c. Within the 25’ buffer zone it is proposed to plant 30 shrubs in clusters.

It is important for the FCC to realize that the replacement tree species will be saplings & not mature trees. These tree saplings would have a height of 8’ to 10’ (3-3.5” caliper/root ball size 34”/weight 800 lbs.). Mature tree species would not survive the stress of transplantation especially in a coastal setting with the added stress from salt spray. NOTE: a 6” caliper tree would have a root ball of 66-72”/weight of 5000-6000 lbs. and a height of 18-20’. This would most certainly result in plant failure. I DO NOT recommend this at all. The use of larger tree sizes would require equipment larger than a BobCat and result in more collateral damage.

4.2 Suitable Tree Saplings:

Although all the trees that were cut within the BVW were likely red cedar, it is not recommended to replant red cedar in the BVW. Instead as noted below, more

appropriate tree species for a BVW setting would be red maple, black gum tupelo or yellow birch. Red cedar is appropriate in the 25' buffer zone area (2230 SF).

Tree saplings should be planted according to the POR prepared by Charon Associates Inc. and/or at the discretion of the FCC. Each tree should be no smaller than 8'-10' in height and approximately 3-3.5" caliper (root ball 32-36" and a weight of 750-850 lbs.). The number of each sapling species proposed to be planted is shown below. Replacement tree saplings are proposed along the northern property line (stone wall).

Common Name	Scientific Name	USFWS Wetland Indicator Status
3-Red maple	<i>Acer rubrum</i>	FAC
3-Black gum tupelo	<i>Nyssa sylvatica</i>	FAC
4-Yellow birch	<i>Betula alleghaniensis</i>	FAC
9-Red cedar	<i>Juniperus virginiana</i>	FACU

4.3 Suitable Woody Shrubs for the 25' Buffer Zone (2230 SF area):

Woody shrubs should be planted according to the POR prepared by Charon Associates Inc. and/or at the discretion of the FCC. Each shrub should be no smaller than 2-3' in height and planted in clusters of 3-5 shrubs. A total of 30 shrub species is proposed to be planted and the number of each species is depicted below.

Common Name	Scientific Name	USFWS Wetland Indicator Status
10-Sweet pepperbush	<i>Clethra alnifolia</i>	FAC
10-Inkberry	<i>Ilex glabra</i>	FACW (FAC)
10-Bayberry	<i>Morella caroliniensis</i>	FAC

4.4 Existing Conditions within the 2230 SF 25' Buffer Zone Impact Area:

One other recommendation is that the WRA will need to be frequently watered during the fall months of 2020 and summer & fall months of 2021-2023. The FCC should ensure that the site has the capacity to carry out this watering requirement.

4.5 Monitoring and Compliance:

The Wetland Restoration Plan (WRP) will need to comply with 310 CMR 10.55 (4)(b) (1-6) which necessitates monitoring over at least a two-year period to achieve at least a 75% surface replacement within two growing seasons. The FCC has requested a 3-Year Monitoring. Assuming the WRP planting is implemented on or before April 30, 2021 it shall be monitored through September 20, 2023 prior to requesting the FCC to rule on compliance.

Monitoring should include written correspondence to the FCC indicating the progress of the WRP. This should be done twice per year, late spring & late fall. Invasive species should be pruned to the ground during each monitoring visit. Pictures should be submitted with the written documentation.

4.6 Wetland Restoration Area Monitoring Implementation Schedule:

November 2020	Submit the initial Wetland Restoration Plan (WRP) to the Fairhaven Conservation Commission (FCC) for its review on November 9, 2020. Attend the FCC ZOOM public meeting on November 9, 2020 to present the WRP and to answer questions from commissioners/public.
December 2020	All cut trees/brush/stumps to be removed from the altered 4440 SF area. Area to be inspected by the wetland scientist. FCC and/or its Conservation Agent inspects the area prior to implementation of the spring planting plan.
Spring 2021	The planting within the altered area (BVW/25' Buffer Zone/a.k.a. Wetland Restoration Area-WRA) should be completed no later than April 30, 2021, earlier if possible. The planted area will be inspected by the wetland scientist & the Conservation Agent after the plantings have been installed. The WRA will have a final 2021 inspection in mid-November.
June 2021	Prior to June 30, 2021 the wetland scientist will conduct a site assessment and provide the FCC with an Email report. Any plants dead due to winter kill will be replaced.
Fall 2021 (End of Year One Monitoring)	On or about October 31, 2021, the wetland scientist will conduct a fall assessment. Any plants that have not survived the transplantation process and/or the summer heat stress will need to be replaced at this time. A Letter of Findings with pictures will be submitted to the FCC.

Spring 2022	Wetland scientist conducts the 2022 spring assessment on or about April 30, 2022. Plants that have not survived must be replanted at this time. A Letter of Findings with pictures will be submitted to the FCC.
Fall 2022 (End of Year Two Monitoring)	Wetland scientist conducts the 2022 fall assessment on or about October 31, 2022. Plants that have not survived must be replanted at this time. A Letter of Findings with pictures will be submitted to the FCC.
Spring 2023 to Fall 2023 (End of the 3 Year Monitoring)	Wetland scientist conducts the spring assessment on or about April 30 and the fall assessment on or about October 31 (from Spring 2023 through Fall 2023). A Letter of Findings with pictures will be submitted to the FCC in the spring & fall 2023. At this time, the property owner will request the FCC to determine if compliance with 310 CMR 10.55 (4)(b) (1, 2 & 6) has been complied with. If the FCC so determines, then the monitoring will be terminated.

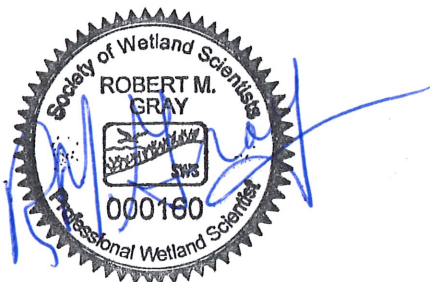
5.0 Final Comments:

MDC Estate, LLC pledge to work with the FCC to remediate the problems identified in the Enforcement Order (EO). MDC intends to comply fully with the EO. Please consider this a fluid “working document” for discussion at a future FCC public meeting. Also, please note that these timelines could be affected by the Covid19 pandemic and further adjustments may need to occur.

In the EO reference is made about a “boardwalk across the marsh” and that the spacing of boards is incorrect. This boardwalk has existed in this location since on or before 2005 (See Google Earth photographs appended, 2005, 2010, 2013, 2014 and 2015). It is planned to re-plank this boardwalk so that the spacing between the boards will be at ¾” as stipulated on the POR.

I am available to conduct an on-site with members of the Commission and/or you. Please feel free to contact me at 1-508-563-5349 or by email at sabatia@comcast.net.

Sincerely yours,
 Robert M. Gray, SPWS, RS, SE
 Senior Professional Wetland Scientist, #160
 Registered Sanitarian (RT), #669
 DEP Certified Soil Evaluator (RT), #936



NOTES:

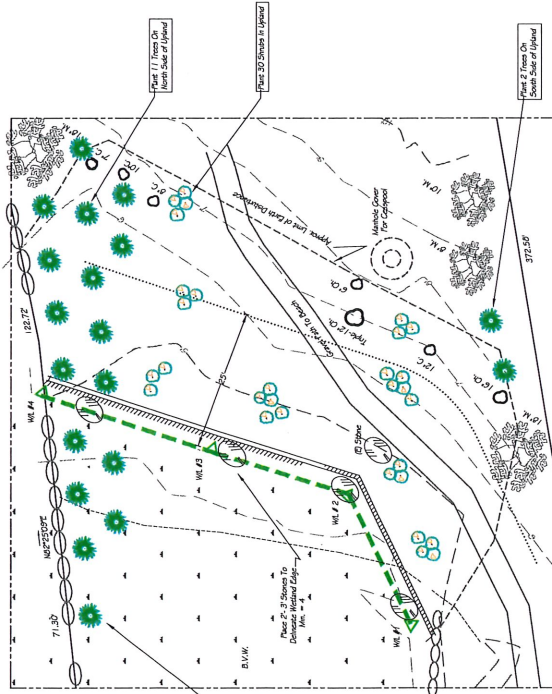
- 1) THIS PARCEL IS SHOWN AS LOT 2D OF ASSESSORS MAP 29.
 - 2) THE DWELLING SHOWN HEREON IS TO BE DEMOLISHED WITHIN 90 DAYS OF THE DATE OF THIS PLAN. THE EXISTING FOUNDATION SHALL BE DEMOLISHED AND THE EXISTING FOUNDATION SHALL BE FILL WITHIN 90 DAYS OF THE DATE OF THIS PLAN.
 - 3) NOTIFY DIG-SAFE AND LOCAL UTILITIES PRIOR TO ANY EXCAVATION.
 - 4) METLANDS DEMONSTRATION PERFORMED BY BOB GRAY, C.W.S., OF SABATA INC.
 - 5) REFER TO METLAND RESTORATION PLAN DATED OCTOBER 31, 2020 BY SABATA INC.
- ALL METLANDS SHALL BE 2' TO 3' TALL.
TREES SHALL BE 8' TO 10' HIGH AND 3" - 3.5" CALIPER.

LEGEND:

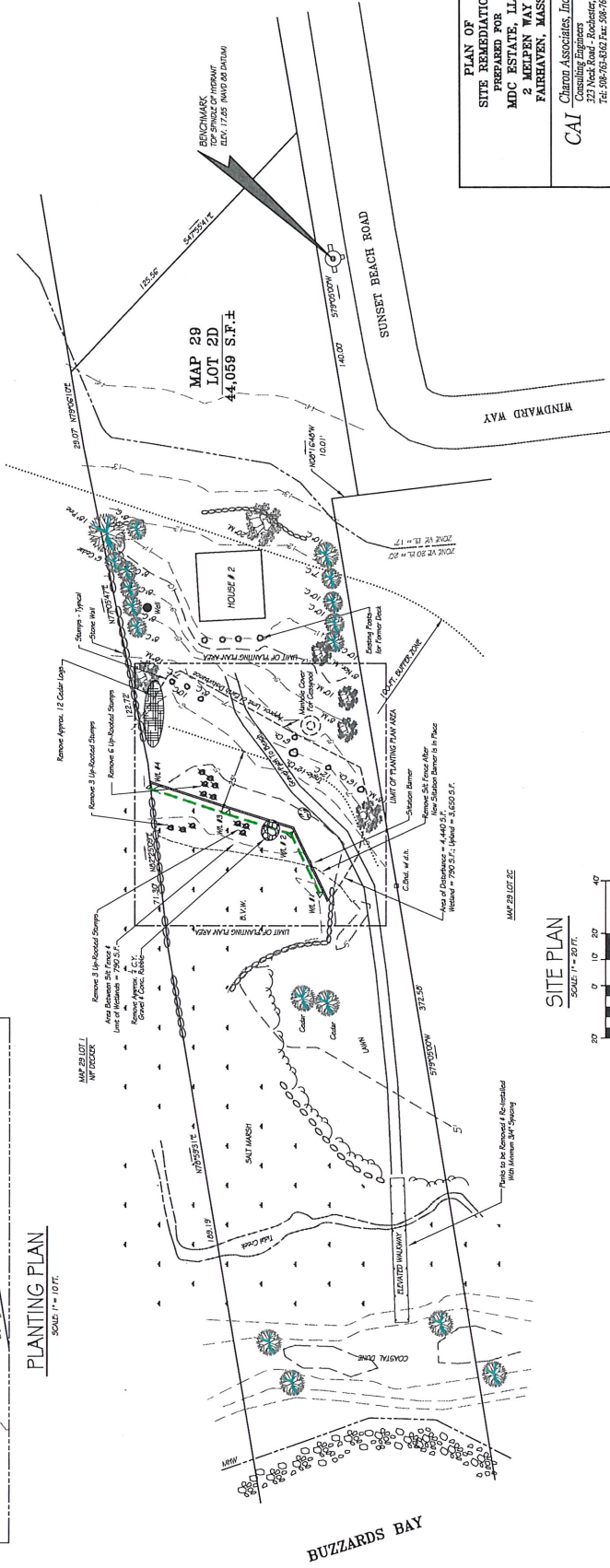
- EXISTING CONTOURS
- EDGE OF WATER ZONE
- LIMIT OF BUFFER ZONE
- LIMIT OF PLANTING ZONE
- MONITOR WALK STRIP
- SPOT ELEVATIONS: x 3.5'
- IDENTIFICATION: TRANSITION 14-6'
- LANDSCAPE: 1" = 3.5'
- NEW TREE
- NEW SHRUB
- NEW PLANT
- NEW TREE

TREE LEGEND:

- Life-Rooted Shrub
- Cherry Shrub
- Cedar Shrub
- Orange
- Orange
- New Tree



PLANTING PLAN
SCALE: 1" = 10' FT.



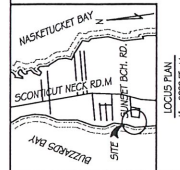
SITE PLAN
SCALE: 1" = 20' FT.

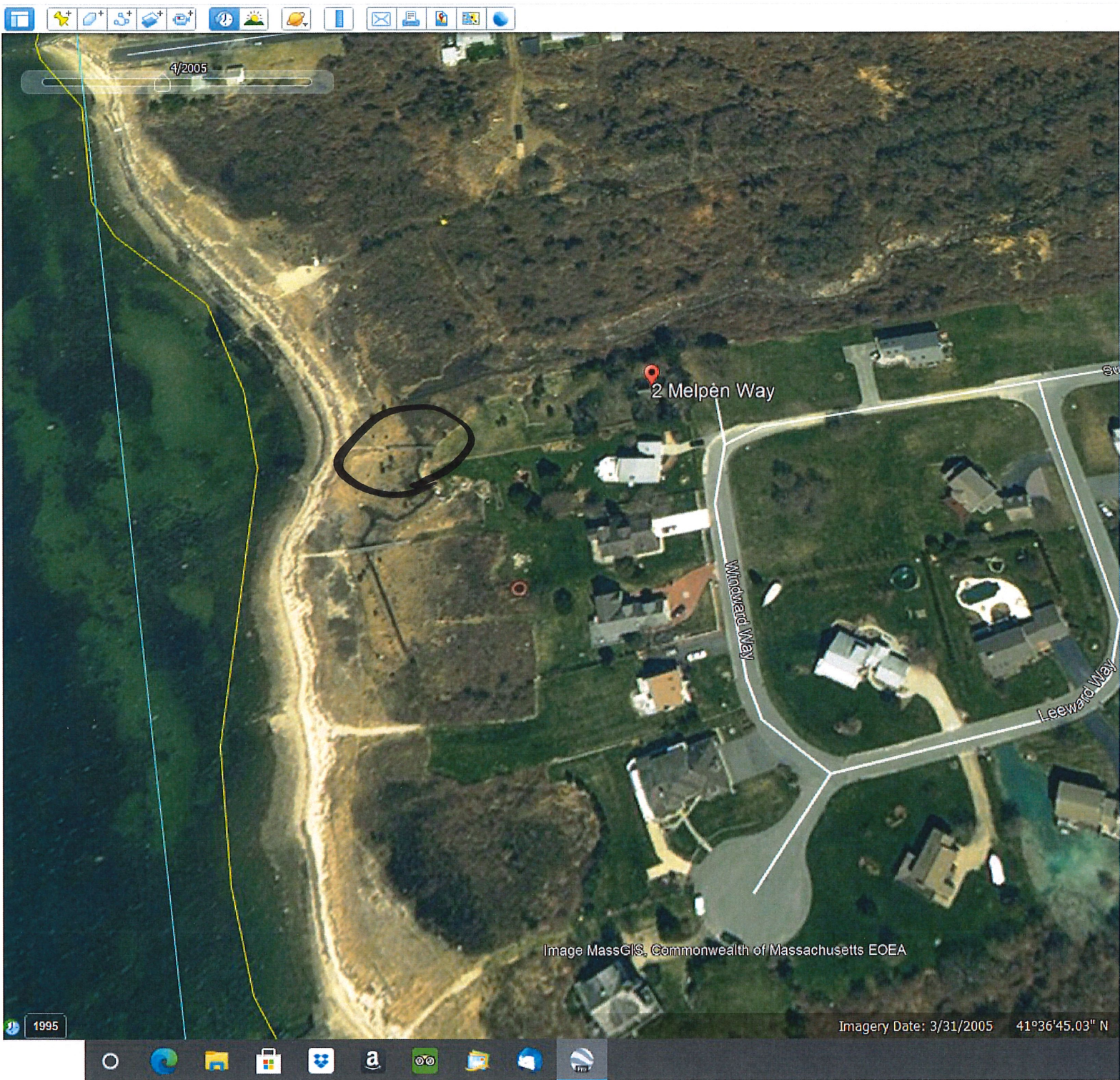


PLAN OF SITE REMEDIATION
PREPARED FOR
MDC ESTATE, LLC
2 MELPEN WAY
FAIRHAVEN, MASS.

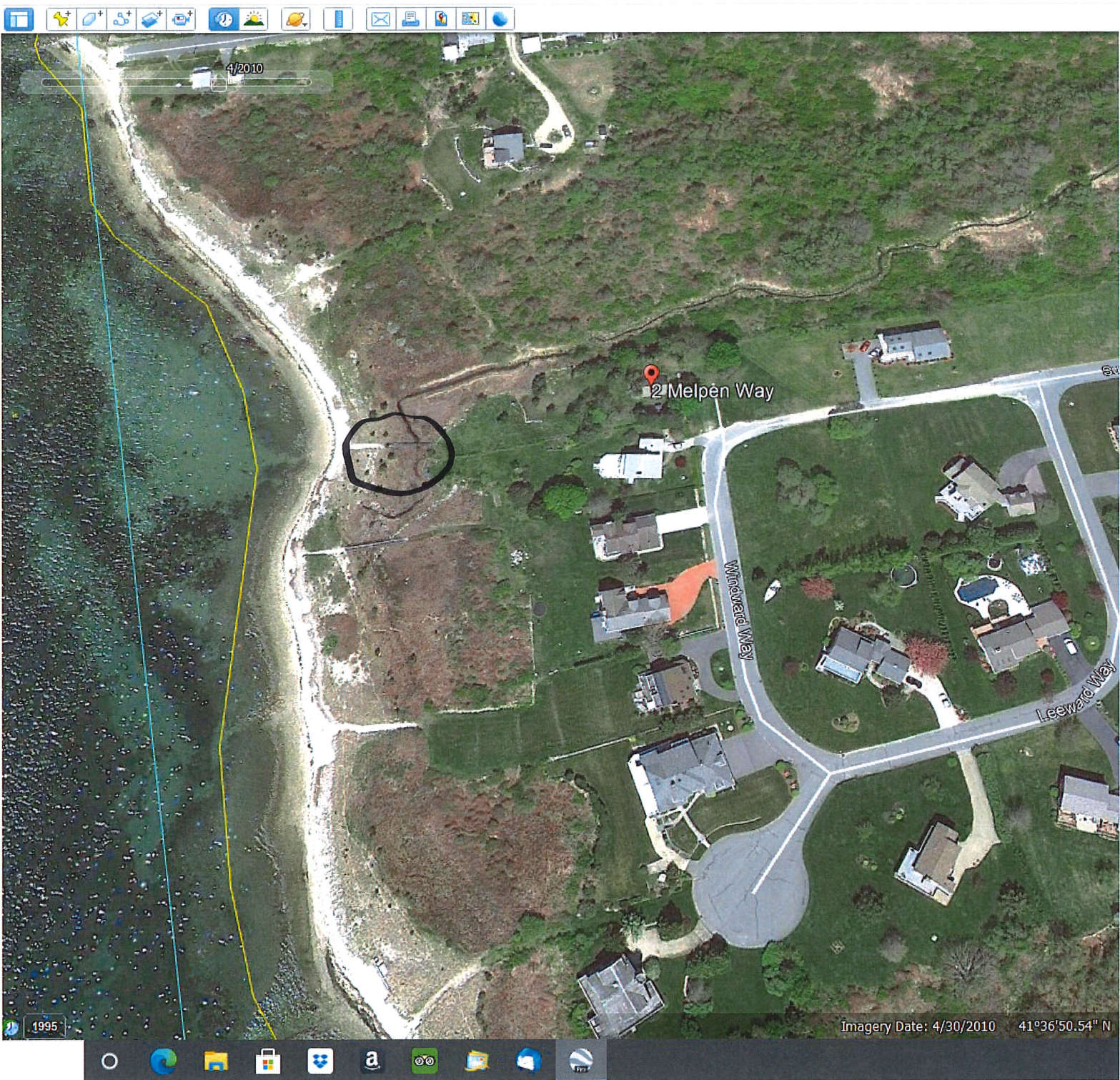
CAJ *Charles Associates, Inc.*
Consulting Engineers
223 West Road - Rockport, MA 02770
Tel: 508-765-8362 Fax: 508-765-9582

SCALE: AS NOTED
DATE: OCTOBER 30, 2020
DWG. NO.: I-1

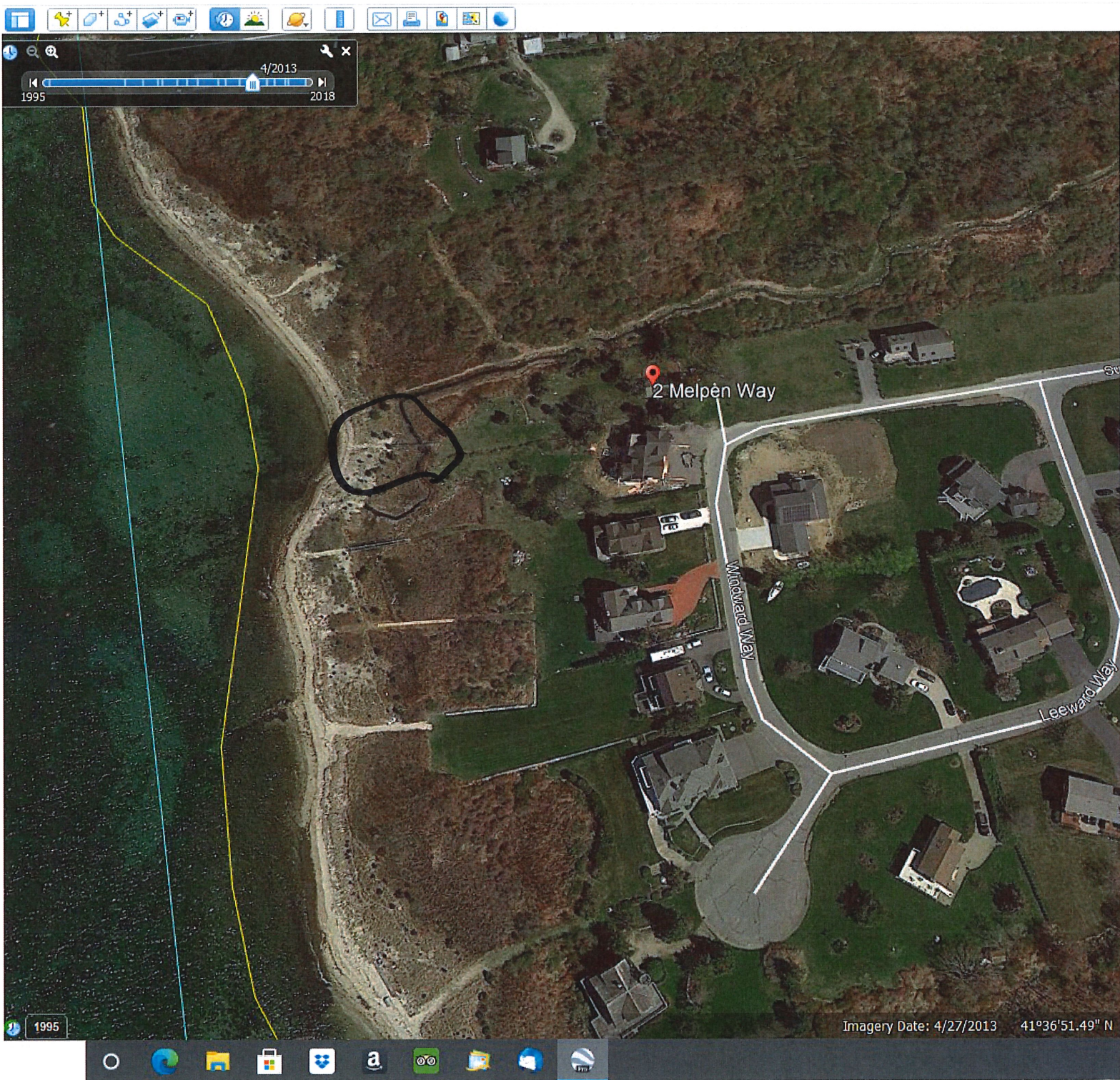




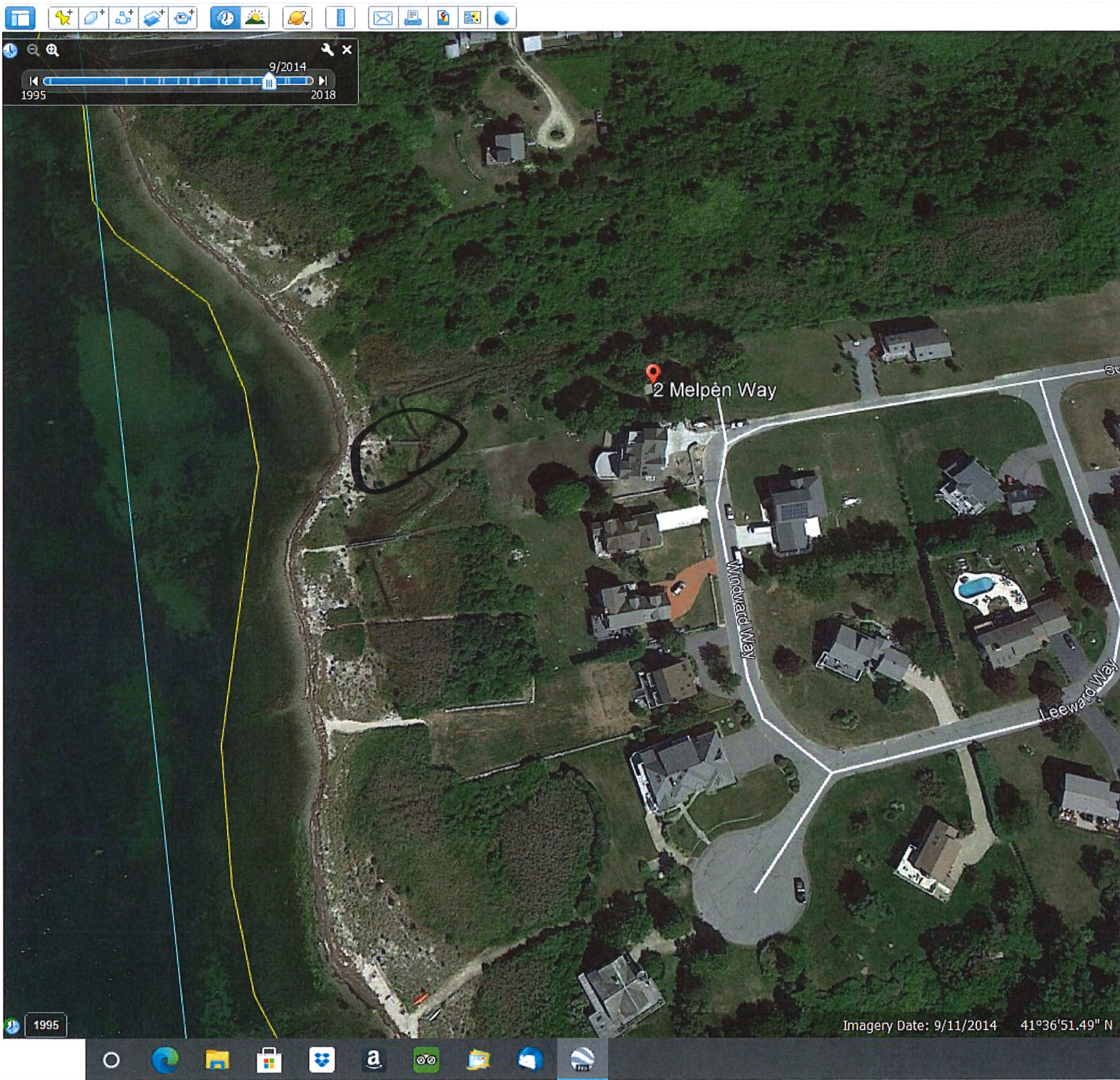
3-2005



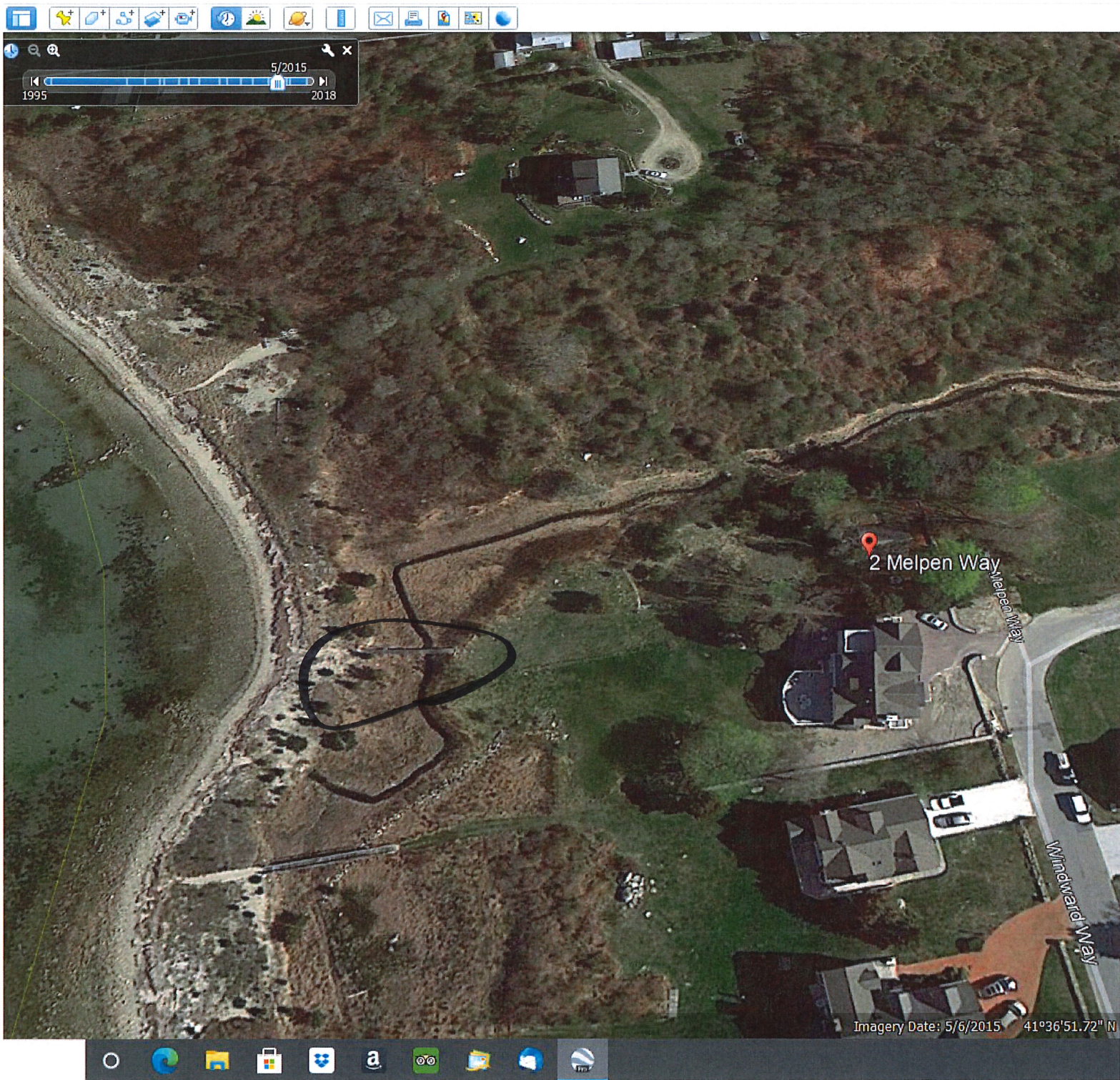
4-2010



4-2013



9-2014



5-2015



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

June 24, 2020

MDC Estate, LLC
c/o Michael DaCosta
4 Windward Way
Fairhaven, MA 02719

RE: Wetland Violation
2 Melpen Way
Issuance of Enforcement Order

Dear Mr. DaCosta

It has come to my attention that there is a wetlands violation at your property at 2 Melpen Way, Fairhaven, MA. During a site visit on June 24, 2020, the Chair and the Vice-Chair and I observed significant clearing of vegetation, removal of stumps, grubbing and grading, and the construction of a boardwalk across a Marsh and onto a Barrier Beach.

An Enforcement Order has been issued under the Massachusetts Wetlands Protection Act (M.G.L. c. 131 §40) and the Fairhaven Wetlands Bylaw (Chapter 192). You must immediately cease and desist from any further activity. You or your designated representative should contact the Conservation Commission or its Agent, Whitney McClees, at (508) 979-4022 ext. 128 by July 2, 2020 and/or appear before the Conservation Commission at its Monday, July 6, 2020 meeting, 6:30pm.

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

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

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

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

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

Sincerely,

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

Enclosure: Enforcement Order

cc: File, James Mahala, Chief, Wetlands & Waterways Program, Massachusetts Department of Environmental Protection, Southeast Regional Office, 20 Riverside Drive, Lakeville, MA 02347



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall • 40 Center Street • Fairhaven, MA 02719

July 8, 2020

MDC Estate, LLC
c/o Michael DaCosta
4 Windward Way
Fairhaven, MA 02719

RE: Wetland Violation
2 Melpen Way
Issuance of Fine

Dear Mr. DaCosta,

During their July 6, 2020 meeting, the Conservation Commission discussed the clearing of vegetation, removal of stumps, and grubbing and grading that took place within Land Subject to Coastal Storm Flowage and buffer zone to Bordering Vegetated Wetland, and the construction of a boardwalk across a Marsh and onto a Barrier Beach without a permit at your property at 2 Melpen Way. Under the Fairhaven Wetlands Bylaw (Chapter 192, §11 of the Code of the Town of Fairhaven), they voted to assess you a fine of \$900.00 for the aforementioned activities, to be paid within 30 days. They assessed a \$300 fine for the clearing of vegetation, a \$300 fine for the removal of stumps, and a \$300 fine for the construction of the bridge.

In order to stabilize the site, the Commission voted that erosion and sedimentation control be installed within 7 days, location to be determined by the Agent. They also voted to ratify the previously issued Enforcement Order under the Massachusetts Wetlands Protection Act (M.G.L. c. 131 §40) and the Fairhaven Wetlands Bylaw (Chapter 192).

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