



15 Creek Road
Marion, MA 02738
(508) 748-0937
www.foth.com

October 30, 2020

Ms. Whitney McClees
Conservation Agent
Town of Fairhaven
Type recipient's address

Dear Ms. McClees:

RE: Request for Certificate of Compliance- MA DEP File No. SE 23-1222
32 Fort Street, Fairhaven Assessor's Map 3 Lot 3

On behalf of our Client, Mr. Kevin McLaughlin of 32 Fort Street, Fairhaven, MA, Foth Infrastructure and Environment, LLC (Foth) is providing the enclosed WPA Form 8A and photo log, dated October 21, 2020, for the above referenced parcel for the Order of Conditions issued on September 21, 2015. Project activities at the site have been completed, and to Foth's knowledge were completed in substantial accordance with the Order. The only noted deviations from the project are that proposed repairs were not made to the out building, and additional drainage outlets were installed in the seawall.

Sincerely,

Foth Infrastructure & Environment, LLC

A handwritten signature in blue ink that reads "Susan Nilson".

Susan Nilson, P.E.
Director – Ports and Harbors

A handwritten signature in black ink that reads "Joshua Ray".

Joshua Ray
Project Environmental Scientist

cc: Kevin McLaughlin

Client's Name: Kevin McLaughlin	Site Location: 32 Fort Street Fairhaven, MA	Project No. 006R007
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Photo No. 1	Date: 10/21/20
Direction Photo Taken: South	
Photo Taken By: JER	
Description: Overview of seawall. Property roughly begins at wood fence and ends at post before gangway.	



Photo No. 2	Date: 10/21/20
Direction Photo Taken: East	
Photo Taken By: JER	
Description: View of seawall stairs, and new pointing.	



Client's Name: Kevin McLaughlin

Site Location: 32 Fort Street Fairhaven, MA

Project No.006R007

Photo No. 10/21/20
3

Direction Photo Taken:
South

Photo Taken By:
JER

Description:
Zoom view of pointing.



Photo No. 10/21/20
4

Direction Photo Taken: Down

Photo Taken By:
JER

Description:
Zoom view of top of wall showing width. (2ft). Average width of wall 1.5ft.



Client's Name: Kevin McLaughlin

Site Location: 32 Fort Street Fairhaven, MA

Project No.006R007

Photo No. 10/21/20
5

Direction Photo Taken:
North

Photo Taken By:
JER

Description:
Zoom view of pointing. Middle and Bottom drain visible. Approx. Middle Elevation 4.00ft NAVD88 (3ft from top of wall). Bottom Elevation 2.75ft NAVD88 (4.25ft from top of wall).

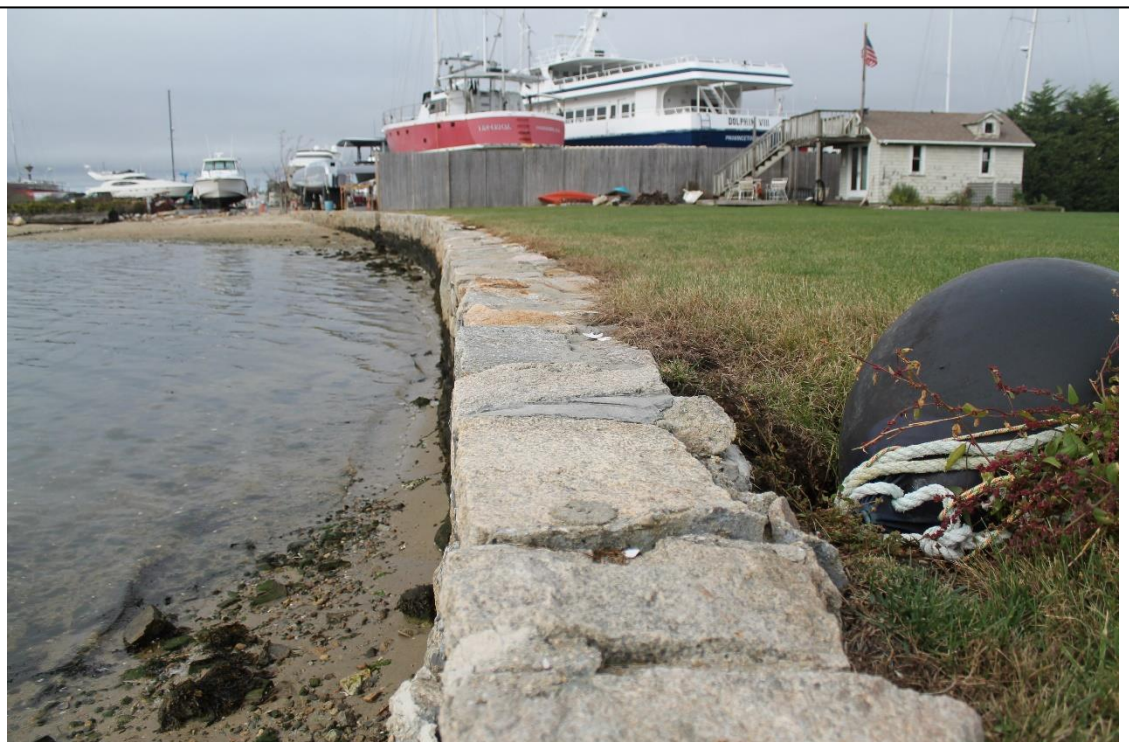


Photo No. 10/21/20
6

Direction Photo Taken: North

Photo Taken By:
JER

Description:
View of top of wall. Average width of wall 1.5ft.



Client's Name: Kevin McLaughlin

Site Location: 32 Fort Street Fairhaven, MA

Project No.006R007

Photo No. 10/21/20
7

Direction Photo Taken:
South

Photo Taken By:
JER

Description:
Zoom view of 4" pvc drain outlets. Middle drain at 3ft from top of wall, bottom drain at 4.25ft from top of wall.



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.

November 5, 2020

Town of Fairhaven
Conservation Commission
40 Centre Street
Fairhaven, MA 02719

Attn: Whitney McClees, Agent

Re: Request for a Certificate of Compliance – DEP File No. SE 23-1281

Site Address: 18 Bonney Street
Lots #190 & #191 on Fairhaven Assessors Map #28B
Applicants/Owners: Alan & Mary Wolfe

Dear Mr. Chairman and Commission Members,

Schneider, Davignon & Leone, Inc. acting as agent for Mr. & Mrs. Wolfe hereby submits the enclosed information to the Fairhaven Conservation Commission's (FCC) for the purposes of issuing a Certificate of Compliance for the above described project.

Specifically, please the following information enclosed:

- WPA – Certificate of Compliance Form
- As Built Inspection Photo
- Foundation As Built Plan
- Plan of Record

The Order of Conditions (OOC) for the project was issued by the FCC on December 17, 2018 permitting the demolition and reconstruction of a single family dwelling together with associated site work.

This project was a Flood Zone project only and the house was constructed within Flood Zone AE (El. 14).

On June 25, 2019 this office prepared a Foundation "As Built" Plan based upon a field survey of the constructed structure (*see attached*).

On November 4, 2020 - I viewed the site for a final inspection of the completed project (*see attached photo*).

I note the following deviations from the plan of record:

1. The proposed timber staircase was constructed from the porch down to grade in lieu of placing additional fill and a longer masonry retaining wall along the westerly side of the driveway.
2. A second means of egress has been provided with the construction of a second timber staircase from the balcony down to grade - located along the southeasterly corner of the house.

I conclude that the above deviations are minor in nature.

Therefore based upon said inspection and plan - it is my Professional opinion that the project has been completed substantially in compliance with the Order of Conditions and Plan of Record.

SCHNEIDER, DAVIGNON & LEONE, INC.
PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

Consequently I respectfully request that the FCC issue a Certificate of Compliance for the project.

If you require additional information or have any questions please call me at (508) 758-7866 (ext. 203).

Sincerely,
Schneider, Davignon & Leone, Inc.

A handwritten signature in blue ink that reads "David M. Davignon". The signature is written in a cursive style with a large initial 'D'.

David M. Davignon, P.E.

cc: *File 2996*
Alan & Mary Wolfe



11/04/2020

CAI

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 13, 2020

Dear Ms. McClees:

RE: 18 Point Street; Antonio & Doreen Albuquerque, Owners

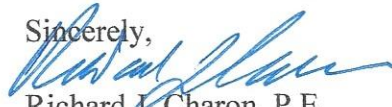
As discussed at Monday night's hearing, we have investigated the current requirements for foundation designs located within FEMA velocity zones and we submit the following information for review:

1. Mass. DEP's "Matrix of Massachusetts Building Code Construction Requirements in Coastal Wetland Resource Areas" can be viewed at <https://www.mass.gov/doc/state-building-code-construction-requirements-matrix>
The column for "New Structure" states:
 - (a) "Within a V-zone and not a coastal dune: Entire structure elevated on open pilings or columns", and
 - (b) "Within a V-zone and a coastal dune: Entire structure elevated on open piling without footings".
2. The sections of the Mass. State Building Code, 9th edition referenced by the matrix are R322.3.3 for V-zones in general and R322.4.5 for V-zones in coastal dunes in particular. Note that the exception in this section permits even foundations in dunes to be built on spread footings if sub-surface conditions warrant.

It is my professional opinion that the DEP matrix confirms our position that the proposed house at the subject location can be constructed on an open pile foundation with spread footings and grade beams.

We look forward to further discussion of this matter at the continued hearing.

Sincerely,



Richard J. Charon, P.E.

Cc: A. & D. Albuquerque

Matrix of Massachusetts State Building Code Constru

Proposed Activity

Location of Activity

	New Structure	Lateral Expansion that is not a Substantial Improvement	Substantial Improvement Consists Solely of Lateral Expansion
Within an 'A' ZONE and <u>NOT</u> a COASTAL DUNE	ENTIRE STRUCTURE: Lowest floor at or above Base Flood Elevation.	No elevation requirement under the State Building Code.	LATERAL EXPANSION: Lowest floor at or above Base Flood Elevation.
	NO CHANGE	NO CHANGE	NO CHANGE (LANGUAGE CLARIFICATION)
Within an 'A' ZONE and a COASTAL DUNE	ENTIRE STRUCTURE: Elevated on OPEN PILINGS without footings (see exceptions*). Lowest floor is at or above Base Flood Elevation and subject to elevation requirements of Order of Conditions.	LATERAL EXPANSION: Elevated on OPEN PILINGS without footings (see exceptions*) and subject to elevation requirements of Order of Conditions.	LATERAL EXPANSION: Elevated on OPEN PILINGS without footings (see exceptions*). Lowest floor is at or above Base Flood Elevation and subject to elevation requirements of Order of Conditions.
Within a 'V' ZONE and <u>NOT</u> a COASTAL DUNE	ENTIRE STRUCTURE: Elevated on OPEN PILINGS or COLUMNS. Bottom of lowest horizontal structural member at least 2' above Base Flood Elevation.	LATERAL EXPANSION: Elevated on OPEN PILINGS or COLUMNS. Bottom of lowest horizontal structural member at least 2' above Base Flood Elevation.	ENTIRE STRUCTURE: Elevated on OPEN PILING COLUMNS. Bottom of lowest horizontal structural member at least 2' above Base Flood Elevation.
Within a 'V' ZONE and a COASTAL DUNE **	ENTIRE STRUCTURE: Elevated on OPEN PILINGS without footings (see exceptions*). Bottom of lowest horizontal structural member at least: a) 2' above Base Flood Elevation, and b) subject to elevation requirements of Order of Conditions.	LATERAL EXPANSION: Elevated on OPEN PILINGS without footings (see exceptions*). Bottom of lowest horizontal structural member at least: a) 2' above Base Flood Elevation and b) subject to elevation requirements of Order of Conditions.	ENTIRE STRUCTURE: Elevated on OPEN PILING COLUMNS without footings (see exceptions*). Bottom of lowest horizontal structural member at least: a) 2' above Base Flood Elevation and b) subject to elevation requirements of Order of Conditions.
Within a COASTAL DUNE and <u>NOT</u> an 'A' ZONE OR a 'V' ZONE	ENTIRE STRUCTURE: Elevated on OPEN PILINGS without footings (see exceptions*) and subject to elevation requirements of Order of Conditions.	LATERAL EXPANSION: Elevated on OPEN PILINGS without footings (see exceptions*) and subject to elevation requirements of Order of Conditions.	LATERAL EXPANSION: Elevated on OPEN PILINGS without footings (see exceptions*) and subject to elevation requirements of Order of Conditions.

NOTE: Same color squares designate the same building code requirement either for the entire structure or the lateral extension as appropriate.

** There are some cases where proposed construction cannot meet the performance standards for a coastal dune determined to be significant to storm damage prevention, flood control, or the protection of wildlife habitat under the Wetlands Protection Act.

* Exceptions

Coastal Dunes: 780 CMR 120.G801.3 - Foundation Types in a Coastal Dune

A Zone: 780 CMR 120.G501.1 - Construction in Flood Hazard Zones (A Zones)

A Zone: 780 CMR 120.G501.2 - Elevation in a Flood Hazard Zone

V Zone: No Exceptions



Published by Massachusetts
May, 2008

Construction Requirements in Coastal Wetland Resource Areas

Activity and Building Permit Request

Improvement that consists Solely of a Vertical Expansion	New Foundation, Replacement or Substantial Repair of Existing Foundation	Repair of Substantially Damaged Structure	Other Substantial Improvement
ANSION: Lowest floor at or above Base Flood Elevation.	ENTIRE STRUCTURE: Lowest floor at or above Base Flood Elevation.	ENTIRE STRUCTURE: Lowest floor at or above Base Flood Elevation.	ENTIRE STRUCTURE: Lowest floor at or above Base Flood Elevation.
NO CHANGE	NO CHANGE	NO CHANGE	NO CHANGE
ANSION: Elevated on OPEN PILINGS without footings (see exceptions*). Lowest floor is at or above Base Flood Elevation and subject to elevation requirements of Order of Conditions.	ENTIRE STRUCTURE: Elevated on OPEN PILINGS without footings (see exceptions*). Lowest floor is at or above Base Flood Elevation and subject to elevation requirements of Order of Conditions.	ENTIRE STRUCTURE: Elevated on OPEN PILINGS without footings (see exceptions*). Lowest floor is at or above Base Flood Elevation and subject to elevation requirements of Order of Conditions.	ENTIRE STRUCTURE: Lowest floor at or above Base Flood Elevation. NO CHANGE
ENTIRE STRUCTURE: Elevated on OPEN PILINGS or COLUMNS. Bottom of lowest horizontal structural member at least 2' above Base Flood Elevation.	ENTIRE STRUCTURE: Elevated on OPEN PILINGS or COLUMNS. Bottom of lowest horizontal structural member at least 2' above Base Flood Elevation.	ENTIRE STRUCTURE: Elevated on OPEN PILINGS or COLUMNS. Bottom of lowest horizontal structural member at least 2' above Base Flood Elevation.	ENTIRE STRUCTURE: Elevated on OPEN PILINGS or COLUMNS. Bottom of lowest horizontal structural member at least 2' above Base Flood Elevation.
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ANSION: Elevated on OPEN PILINGS without footings (see exceptions*) and subject to elevation requirements of Order of Conditions.	ENTIRE STRUCTURE: Elevated on OPEN PILINGS without footings (see exceptions*) and subject to elevation requirements of Order of Conditions.	If substantial damage occurs as a result of flooding or storms, ENTIRE STRUCTURE: Elevated on OPEN PILINGS without footings (see exceptions*) and subject to elevation requirements of Order of Conditions.	No elevation requirement under the State Building Code NO CHANGE

Building Code Requirement

Matrix of Massachusetts State Building Code Construction Requirements in Coastal Wetland Resource Areas

Proposed Activity and Building Permit Request

Location of Activity

	New Structure	Lateral Expansion that is not a Substantial Improvement	Substantial Improvement that Consists Solely of a Lateral Expansion	New Foundation, Replacement or Substantial Repair of Existing Foundation	Repair of Substantially Damaged Structure	Other Substantial Improvement
Within an 'A' ZONE and NOT a COASTAL DUNE	ENTIRE STRUCTURE: Lowest floor at or above Base Flood Elevation.	No elevation requirement under the State Building Code.	LATERAL EXPANSION: Lowest floor at or above Base Flood Elevation.	ENTIRE STRUCTURE: Lowest floor at or above Base Flood Elevation.	ENTIRE STRUCTURE: Lowest floor at or above Base Flood Elevation.	ENTIRE STRUCTURE: Lowest floor at or above Base Flood Elevation.
	NO CHANGE	NO CHANGE	NO CHANGE (LANGUAGE CLARIFICATION)	NO CHANGE	NO CHANGE	NO CHANGE
Within an 'A' ZONE and a COASTAL DUNE	ENTIRE STRUCTURE: Elevated on OPEN PILINGS without footings (see exceptions*). Lowest floor is at or above Base Flood Elevation and subject to elevation requirements of Order of Conditions.	LATERAL EXPANSION: Elevated on OPEN PILINGS without footings (see exceptions*) and subject to elevation requirements of Order of Conditions.	LATERAL EXPANSION: Elevated on OPEN PILINGS without footings (see exceptions*). Lowest floor is at or above Base Flood Elevation and subject to elevation requirements of Order of Conditions.	ENTIRE STRUCTURE: Elevated on OPEN PILINGS without footings (see exceptions*). Lowest floor is at or above Base Flood Elevation and subject to elevation requirements of Order of Conditions.	ENTIRE STRUCTURE: Elevated on OPEN PILINGS without footings (see exceptions*). Lowest floor is at or above Base Flood Elevation and subject to elevation requirements of Order of Conditions.	ENTIRE STRUCTURE: Lowest floor at or above Base Flood Elevation.
						NO CHANGE
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Within a COASTAL DUNE and NOT an 'A' ZONE OR a 'V' ZONE	ENTIRE STRUCTURE: Elevated on OPEN PILINGS without footings (see exceptions*) and subject to elevation requirements of Order of Conditions.	LATERAL EXPANSION: Elevated on OPEN PILINGS without footings (see exceptions*) and subject to elevation requirements of Order of Conditions.	LATERAL EXPANSION: Elevated on OPEN PILINGS without footings (see exceptions*) and subject to elevation requirements of Order of Conditions.	ENTIRE STRUCTURE: Elevated on OPEN PILINGS without footings (see exceptions*) and subject to elevation requirements of Order of Conditions.	If substantial damage occurs as a result of flooding or storms, ENTIRE STRUCTURE: Elevated on OPEN PILINGS without footings (see exceptions*) and subject to elevation requirements of Order of Conditions.	No elevation requirement under the State Building Code
						NO CHANGE

Building Code Requirement

NOTE: Same color squares designate the same building code requirement either for the entire structure or the lateral extension as appropriate.

** There are some cases where proposed construction cannot meet the performance standards for a coastal dune determined to be significant to storm damage prevention, flood control, or the protection of wildlife habitat under the Wetlands Protection Act .

* Exceptions

- Coastal Dunes: 780 CMR 120.G801.3 - Foundation Types in a Coastal Dune
- A Zone: 780 CMR 120.G501.1 - Construction in Flood Hazard Zones (A Zones)
- A Zone: 780 CMR 120.G501.2 - Elevation in a Flood Hazard Zone
- V Zone: No Exceptions



Published by Massachusetts Department of Environmental Protection
May, 2008



Notice of Intent Application

Kevin McLaughlin
Seawall Upgrade and Outbuilding Renovation
Fairhaven, MA

November 2, 2020



Prepared For:
Kevin McLaughlin
32 Fort Street
Fairhaven, MA 02719

Prepared by:



15 Creek Road – Marion, MA 02738
t: 508.748.0937
www.FOTH.com

Exhibit A: Project Narrative

Introduction:

Mr. Kevin McLaughlin of 32 Fort Street in Fairhaven, MA is proposing to raise the existing seawall, add a return wall and renovate an outbuilding on Assessor's Map 3 Lot 3 and 2A. The proposed work consists of raising a 128 linear foot stone seawall by 36 inches. The purpose of the installation is to increase shoreline protection of the property. Existing conditions of the project site are shown on the plans provided in **Exhibit D**.

Site Description:

The project site is located along the shoreline of Fairhaven Harbor. A Project Locus Map is provided in **Exhibit B**. The entire project site is located within Zone AE El. 6.0 (NAVD88) according to FEMA map 25005C0394G, effective date 07/16/2014. The limited project, as defined by 310 CMR 10.24 (7) (C) (2), conforms to the performance standards set by the Wetlands Protection Act.

The existing seawall serves as the coastal bank and is adjacent to coastal beach. Areas of the existing lawn and the outbuilding are within Land Subject to Coastal Storm Flowage. No portion of the project site property is located within Estimated Wildlife Habitat or Priority Habitat as designated by the MA Natural Heritage and Endangered Species Program (NHESP) (see **Exhibit C**).



Aerial view of existing project site – 32 Fort St.

Project Description:

The proposed project consists of the following improvements:

- Raising the height of the wall 36 inches;
- Installing 10ft return wall at south property boundary;
- Renovation of the existing out building – no change in footprint – Includes but is not limited to Roof, Siding, Decking, etc.

Coastal Resource Areas:

The resource areas affected by the proposed project include:

- Coastal Land Subject to Coastal Storm Flowage (10.04)
- Coastal Bank (10.30)

The proposed project is a water-dependent project that has been designed and will be constructed using the best available measures to avoid/minimize adverse impacts to coastal wetland resource areas as defined by the MA WPA. The limits of existing coastal resource areas within the vicinity of the proposed project are delineated on the plans provided in **Exhibit D**.

- ❖ **LAND SUBJECT TO COASTAL STORM FLOWAGE (LSCSF)** Pursuant to 310 CMR 10.04, Means land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater. The areas mapped by the Federal Emergency Management Agency (FEMA) on community Flood Insurance Rate Maps (FIRM) as the 100-year flood plain within the coastal zone are included within LSCSF. LSCSF may be significant to the interests of storm damage prevention, flood control, pollution prevention and wildlife habitat. LSCSF in this area contains other jurisdictional resource areas which are important for storm damage prevention and flood control.

There are currently no performance standards for work in LSCSF. LSCSF in this area is an existing lawn area. The upgrade of the seawall will not alter the flood storage of and will improve the storm damage prevention capacity of the site.

- ❖ **COASTAL BANK** Pursuant to 310 CMR 10.30, Means the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other wetland.

The existing stone seawall serves as a coastal bank in this location. There are 10 linear feet of proposed change in footprint at the proposed return wall to the south and the purpose of the height upgrade is to improve shoreline protection and increase site safety with a raised physical boundary.

Construction Means & Methodology:

- ✓ Equipment will be limited to small excavator and/or bobcat from the landside.
- ✓ No refueling of construction equipment shall be permitted within 100' of any resource area.
- ✓ Renovation of outbuilding will include but not be limited to Roof, Siding, Decking, etc.



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.

November 2, 2020

Re: Notice of Intent – Project Narrative

Applicant/Owner: The Joseph B. Melo Family Irrevocable Trust
Site Location: 8 Bayside Street
Assessors Lot #31 on Map #42

Project Purpose:

The purpose of the project is to improve the storm damage prevention capability of the seawall which provides protection for the single family home which has existed on the property since 1950. The subject seawall has broken apart from coastal storm events. (see attached photos)

Site Background:

The subject property is approximately 4,621 sq. ft. in size and is completely developed with a single family dwelling, concrete driveway, patio, boat ramp and seawall. The property is bordered easterly by Bayside Street, westerly by Buzzards Bay and southerly and northerly by residential properties. The site is protected from Buzzards Bay by existing concrete seawall.

Project Authorization:

The property was issued a Chapter 91 Waterways License in 1998 for the subject seawall structure (*see attached License Plan No. 6882*).

Wetland Resource Areas:

The entire site falls within Land Subject to Coastal Storm Flowage, Flood Zone VE (El. 20).and VE (El. 23). The top of the concrete seawall to be repaired is the Coastal Bank. The site also contains Coastal Beach between the face of the seawall and mean low water.

Project Methodology:

Site access will be provided from Bayside Street through and over the existing concrete driveway and boat ramp. Timber Mats will be temporarily placed on the Coastal Beach for an excavator to remove the existing concrete and to excavate the footing for the new wall.

The work to demolish and remove the existing broken structure will commence at the southern end and thence continue incrementally northerly to the northern end. All debris shall be loaded directly into dump trucks parked on the concrete boat ramp for proper offsite disposal. Said removal shall occur within 2 hours of a normal low tide event. Once the existing wall is removed the footing of the new wall shall be excavated beginning at the northerly end thence working incrementally southerly to the southerly end. All excavated material shall be stockpiled adjacent to the trench for backfill material with the excess utilized to fill the core of the seawall. The footing of the new wall will be 2 ft. wide x 3.6 ft. high and constructed on a 6" bed of crushed stone. The top section of the wall will be poured at a slope of 2':1' (horizontal: vertical) with a 4' wide cap. The base and upper portion will be structurally connected using steel re-bar as depicted on the x-sectional views.

Upon completion of the project the surface of the beach will be restored to pre-construction conditions.

Compliance and Mitigation relative to the WPA:

- The project will improve Storm Damage Prevention for the circa 1950 existing residential dwelling
- Temporarily disturbed rocky coastal beach to be restored to preconstruction conditions
- Timber Mats shall be placed on the coastal beach to mitigate impacts.
- The work required to repair the lower portion of the seawall side of the seawall shall occur within 2 hours of a normal low tidal cycle



8/28/2020



8/28/2020





Whitney McClees <wmcclees@fairhaven-ma.gov>

MassDEP NOI File Number

SERO_NOI@massmail.state.ma.us <SERO_NOI@massmail.state.ma.us>
To: mark.bartow@mass.gov, [REDACTED]
Cc: sero_noi@state.ma.us, wmcclees@fairhaven-ma.gov

Tue, Nov 17, 2020 at 11:13 AM

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENVIRONMENTAL PROTECTION
SOUTHEAST REGIONAL OFFICE
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

Date: 11/17/2020

Municipality FAIRHAVEN

RE: **NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER**

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

Applicant	JOSEPH B. MELO FAMILY IRREVOCABLE TRUST (THE)	Owner Address
Address	15 BUTLER AVENUE, STONEHAM MA	
Locus	8 BAYSIDE STREET, FAIRHAVEN MA	

This project has been assigned the following file # : **SE 023-1339**

ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF SUBMITTAL, NOT APPROVAL OF APPLICATION

Although a file # is being issued, please note the following:

Smooth surfaces, such as that proposed in the redevelopment of the structure tend to reflect wave energy outward onto the beach and upward (toward the house) rather than dissipating the energy. Has a more traditional sloped stone structure been considered?

ADDITIONAL REQUIREMENTS:

Chapter 91 license may be required. Application and transmittal form are available on the MassDEP website <http://www.mass.gov/eea/agencies/massdep/water/approvals/wetlands-and-waterways-forms.html#2>. If necessary, contact MassDEP Waterways Program at 617-292-5929 for direct mailing or provide information why license is not required.

Review under Section 404 may be required. (Call 1-800-362-4367 for information).

[Quoted text hidden]



The Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114

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

www.mass.gov/marinefisheries



CHARLES D. BAKER
Governor

KARYN E. POLITO
Lt. Governor

KATHLEEN A. THEOHARIDES
Secretary

RONALD S. AMIDON
Commissioner

DANIEL J. MCKIERNAN
Director

November 20, 2020

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

Dear Commissioners:

The Division of Marine Fisheries (MA DMF) has reviewed the Notice of Intent by The Joseph B Melo Family Irrevocable Trust, 8 Bayside Street, to repair a seawall on Buzzards Bay in the Town of Fairhaven, with respect to potential impacts to marine fisheries resources and habitat.

The project site lies within mapped shellfish habitat for quahog (*Mercenaria mercenaria*). Subtidal waters within the project site have habitat characteristics suitable for these species. Land containing shellfish is deemed significant to the interest of the Wetlands Protection Act (310 CMR 10.34) and the protection of marine fisheries.

MA DMF offers the following comments for your consideration:

- Equipment in the intertidal area shall be minimized as much as practicable.
- Appropriate containment techniques should be used to prevent construction debris, stormwater runoff and loose sediments from entering the marine environment during construction.
- Reconstruction of the marine bulkhead should be limited to the footprint of the existing structure.
- Minimize seaward encroachment of the seawall to the maximum extent possible.

Questions regarding this review may be directed to eileen.feeney@mass.gov.

Sincerely,

Eileen M. Feeney
Fisheries Habitat Specialist

cc: David M Davignon, Schneider, Davignon & Leone, Inc.
Timothy Cox, Shellfish Constable
Christine Jacek, ACOE
Robert Boeri, CZM
Holly Williams, Tom Shields, MA DMF

EF

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.

November 16, 2020

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

Re. Supplemental Information for DEP File No. SE 23-1297

Site Address: Hiller Avenue and Timothy Street
Lots #70 and #71A on Fairhaven Assessors Map #28C
Applicant/Developer: Robert Roderiques
Owners of Record: Jimmy A. Papas & Nickolas L. Papas

Dear Whitney & Commission Members,

On behalf of the Applicant, Schneider, Davignon & Leone, Inc. hereby submits – for your review - this memorandum together with the attached report provided by Benjamin Forestry Services, Inc. and Revised Con Com Exhibit Plans.

In response to discussions which occurred at prior Public Hearings held on 9-28-2020 and 10-26-2020 which centered on the proposed “No Activity Zones” along the wetland line, the Applicant engaged Phillip B. Benjamin, Certified Forester to evaluate mature trees located within the wetland system and upland areas immediately abutting said wetland. (see attached report). Said report was based upon a site inspection which occurred on 11-09-2020.

Additionally, this office has performed calculations as requested in the most recent Staff Report dated 10-23-2020.

Square footage and % of the property within ConCom jurisdiction.

The approximate area within ConCom jurisdiction = 6.75 Acres. (4.06 Acres - northerly and 2.59 Acres – southerly) = 62.5% of the property.

Square footage and % of the property with mature vegetation

Not Determined – Refer to Report by Benjamin Forestry Services, Inc.

Square footage and % of ConCom jurisdiction with mature vegetation

Not Determined – Refer to Report by Benjamin Forestry Services, Inc.

Square footage and % of the property proposed to be clear cut

The non-jurisdictional areas have not been calculated because the clearing on the individual lots will be determined by the future property owners during their site design phase.

Square footage and % of ConCom jurisdiction proposed to be clear cut

SCHNEIDER, DAVIGNON & LEONE, INC.
PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

The approximate area which falls under the jurisdiction of the Concom which will be clear cut = 3.18 Acres = 47.85%

Square footage and % of the inner 50-foot buffer zone to wetlands proposed to be clear cut

The approximate area and % of the inner 50-foot buffer zone to be clear cut = 55,583 Sq. Ft. (1.276 acres) = 74.33%.

Square footage and % of the inner 25-foot buffer zone to wetlands proposed to be clear cut

The approximate area and % of the inner 25-foot buffer zone to be clear cut = 18,392 Sq. Ft. (0.422 acres) = 48.93%.

Square footage and % of property proposed to remain untouched by this project

The minimum area and % of property to remain untouched by this project = 3.45 Acres = 32%. It should be noted that this computation does not include undetermined areas on the individual lots which may remain wooded. The clearing on each individual lot will be made by their respective future lot owners.

Square footage and % of ConCom jurisdiction proposed to remain untouched by this project, separated by wetland and buffer zone

The approximate area to remain untouched (wetland and no activity zones) = 3.45 Acres = 51.35% of ConCom jurisdictional area.

Estimated amount of fill proposed to be brought in for the project

The estimated Fill within ConCom Jurisdiction was determined to be approximately 8,200 Cubic Yards.

Please also find attached Revised ConCom Exhibit Plans which now include a notation to address additional offsite wetlands which would extend south – southeasterly of BVW Flag No. 39.

It should also be noted that “in lieu of” providing a 15’ No Activity Zone along the entire wetland line, the Applicant proposes to create 7,614 sq. ft. of new wetland. This proposal was also discussed with the Commission with a majority in favor of said concept.

Should you have any questions please do not hesitate to call me at (508) 758-7866 Ext. 203.

Sincerely,
Schneider, Davignon & Leone, Inc.



David M. Davignon, P.E.

cc: File 3072, Robert Roderiques
Attorney J.P. Mathieu



Benjamin Forestry Services, Inc.
151 Depot Street, South Easton, Massachusetts 02375
Tel. (508) 238-0422 • Pbenjaminbfs@comcast.net
MA Licensed Forester #15



Scotcut Neck Woods Fairhaven, Massachusetts

PURPOSE OF THIS REPORT

Robert Roderiques of Fairhaven, Massachusetts has submitted a plan titled “Definitive Subdivision Plan” of Development to Be Known as “Scotcut Woods” off Hiller Avenue and Timothy Street in Fairhaven, MA, Prepared for Robert Roderiques by Schneider, Davignon & Leone, Inc., Professional Civil Engineers & Land Surveyors, 1 County Road, PO Box 480, Mattapoisett, MA 02739, October 13, 2020 for the development of Map 28C, Lot 71 off Hiller Avenue and Timothy Street in Fairhaven. The plan was prepared as an exhibit for the Fairhaven Conservation Commission. The Conservation Commission has expressed a number of concerns regarding the impact of the proposed development on the wetlands on the property. It is the purpose of this report to provide a professional opinion on the matter.

CURRENT CONDITIONS

Map 28C, Lot 71 consists of 10.8 acres as determined by the above-mentioned subdivision plan. The parcel is completely wooded with a blend of mixed hardwoods and occasional white pines present in varying densities throughout the parcel. Two separate wetland areas, together totaling approximately 3 acres, have been identified and flagged on the property. Red maple poles (4” - 9” in diameter at 4.5 feet above the ground) and sawlogs (10” in diameter and greater at 4.5 feet above the ground) dominate the two wetland areas with occasional black oak and infrequent white oak poles and sawlogs present as well. Infrequent white pine, tupelo, sassafras, and holly saplings, poles, and very infrequent sawlogs are also present. Individual and small pockets of beech saplings, poles, and sawlogs are also present, primarily along the transition line from wetland to upland as are several hickory poles and small sawlogs. The shrub layers include varying densities of sweet pepperbush, highbush blueberry, winterberry, spicebush, arrowwood, and briars.

OBSERVATIONS

Although a question regarding mature trees in the 100 foot buffer was brought to my attention, I did not address that during my site visit on Monday, November 9. I was informed that most of the trees within the 100 buffer zone would be removed as part of the development project, which seemed to render the question moot. However, with the exception of where the detention ponds will be located, a relatively undisturbed, wooded buffer ranging from 10 feet to 25 feet in width along the edge of the flagged wetlands will be left. A varying mix of mixed oaks, red maples, and infrequent beech, hickories, tupelo, sassafras, and hollies will be left within these buffers.

I also questioned the concern expressed by the conservation commission regarding the effect of removing trees along the edge of the wetlands on the water/soil temperatures. These particular wetlands do not appear to be wet for extended periods as evidenced by the presence of mixed oaks, white pine, holly, and sassafras within the flagged wetlands.

Although the southern and western edges of the wetland areas may warm up a bit for a brief period following the tree removal work, I am not aware of a problem that would create. Both the crowns of the remaining trees within the 10 to 25 foot buffer and the trees along the wetland edges and the shrub layers will benefit tremendously from the additional sunlight that will begin to bath the wetland areas. The trees and the shrubs will begin to thicken up, so to speak, by growing more leaves and branches. In addition, a few of the native shrub species that are listed above will also produce more flowers and in many cases, fruits, which are invaluable for many species of songbirds. The highbush blueberry, winterberry, arrowwood, and to a lesser degree the spicebush, are highly sought after for their fruits. The occasional hollies present in the wetland areas will also produce more berries if given more sunlight. Although the sweet pepperbush does not produce a berry, the mid-August flowers are very important for pollinators and the honey produced from sweet pepperbush pollen is well regarded.

CONCLUSION

As a result of my site visit on November 9, I am of the opinion that the removal of the trees from the 100 foot buffer zone will not have an adverse effect on the wetland areas. The added sunlight that will begin to reach the trees and shrubs within the flagged wetland areas will enable the vegetation to grow more lushly and productively and as result, the wetland areas will continue to provide the crucial services of protecting water quality, providing invaluable wildlife food and habitat, and maintaining their aesthetic appeal as the upland portions of property are slowly developed as proposed.

Prepared by: Philip B. Benjamin, CF
Benjamin Forestry Services, Inc.
November 12, 2020



TIMOTHY STREET

PROPOSED 30' WIDE FL. ASPH. DRIVEWAY 12' OF WETLANDS TO BE CLEARED

LOT #14

PROPOSED ROADWAY

LOT #15

DRAINAGE PARCEL B

LOT #16

LOT #13

LOT #12

LOT #11

PAUL STREET

PAUL STREET

PROPOSED ROADWAY

HILLER AVENUE

DRAINAGE PARCEL A

LOT #10

ER AVENUE

HILLER AVENUE

PROPOSED 30' WIDE FL. ASPH. DRIVEWAY 12' OF WETLANDS TO BE CLEARED

LOT #1

LOT #9

PROPOSED ROADWAY

LOT #8

LOT #7

LOT #2

TEAL CIRCLE

LOT #3

LOT #6

LOT #4

LOT #5

ON STREET

TIMOTHY STREET



DRAINAGE PARCELS B

PAUL STREET
PAUL STREET

HILLER AVENUE

PROPOSED ROADWAY

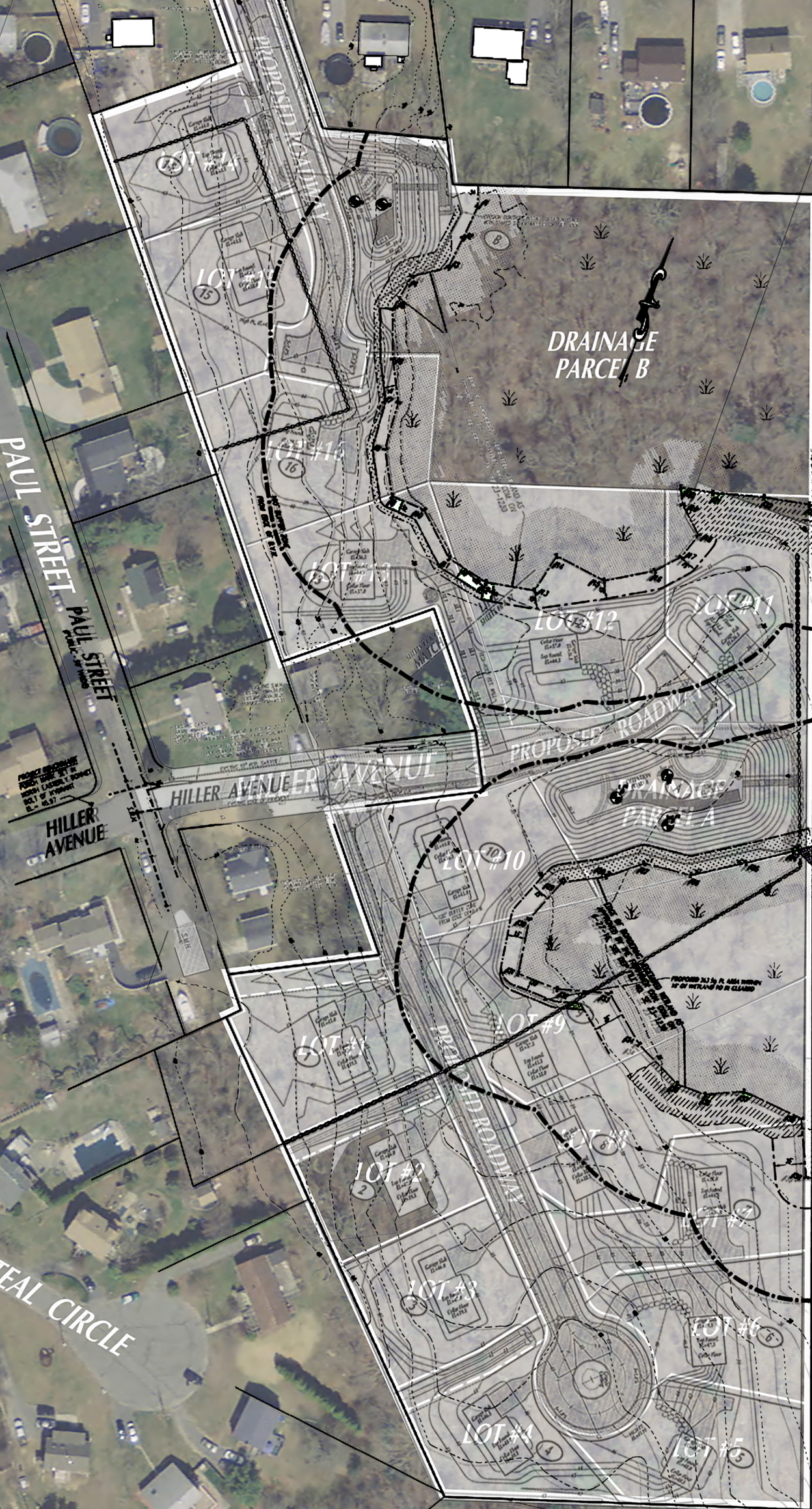
DRAINAGE PARCELS A

HILLER AVENUE

ER AVENUE

TEAL CIRCLE

ON STREET



2. 2/20/2014
3. 2/20/2014
4. 2/20/2014



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall • 40 Center Street • Fairhaven, MA 02719

2021 MEETING SCHEDULE - DRAFT

6:30pm Public Hearings, twice a month on Mondays*

*Unless otherwise noted

Additional Public Hearing dates may be scheduled if necessary

Town Hall, 40 Center Street, Fairhaven, MA 02719

FILING DEADLINES ARE 12 NOON, THREE WEEKS PRIOR TO THE MEETING DATE*

<u>Meeting Date</u>	<u>Application Submission Deadline (12 noon)</u>	<u>Legal Ad date</u>	<u>Revised Application Material Submission Deadline (12 noon)</u>
	Three weeks prior to the meeting		Monday, one week prior to the meeting
January 4	December 10, 2020	December 17, 2020	December 28, 2020
January 25	January 4	January 14	January 19
February 8	January 18	January 28	February 1
February 22	February 1	February 11	February 15
March 8	February 18	February 28	March 1
March 22	March 1	March 11	March 15
April 12	March 22	April 1	April 5
April 26	April 5	April 15	April 19
May 10	April 19	April 29	May 3
May 24	May 3	May 13	May 17
June 14	May 24	June 3	June 7
June 28	June 7	June 17	June 21
July 12	June 21	June 1	July 6
July 26	July 6	July 15	July 19
August 9	July 19	July 29	August 2
August 23	August 2	August 12	August 16
September 13	August 23	September 2	September 7
September 27	September 7	September 16	September 20
October 18 (<i>only October meeting</i>)	September 27	October 7	October 12
November 8	October 18	October 28	November 1
November 22	November 1	November 11	November 15
December 6	November 15	November 25	November 29
December 20	November 29	December 9	December 13
January 3, 2022	December 9	December 16	December 27