

# ***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.

December 4, 2020

Town of Fairhaven  
Conservation Commission  
40 Center Street  
Fairhaven, MA 02719  
Attn: Chairman Geoffrey Haworth

***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 Chairman Haworth & Commission Members,

On behalf of the Applicant, Schneider, Davignon & Leone, Inc. respectfully requests that the Fairhaven Conservation Commission vote to re-open the Public Hearing for the above described project on Monday, December 21, 2020.

Consequently, we hereby extend the 21-day requirement for the issuance of a Decision to Monday, December 21, 2020.

The purpose of re - opening said hearing would be to accept the attached "PE - Endorsed" Conservation Commission Exhibit Plans which have been discussed at the last three Public Hearings. Said Exhibit Plans have been revised since the last hearing to remove the superseded erosion control barrier which was originally shown on the Definitive Subdivision Plans.

Additionally, please find attached Definitive Subdivision Plans which have also been Revised to update the erosion control line to match the Exhibit Plans.

We respectfully request that the Public Hearing be re-opened ONLY to accept the aforementioned plans and then immediately closed – without Public Comment - for a vote to approve the project.

We thank you for your time and consideration in this matter.

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



Whitney McClees &lt;wmcclees@fairhaven-ma.gov&gt;

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**[Fairhaven MA] Hiller Av & Timothy St Project, Assessors Map 28C (Sent by Leah Isherwood, [REDACTED])**

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**Contact form at Fairhaven MA** <cmsmailer@civicplus.com>

Mon, Dec 21, 2020 at 4:58 PM

Reply-To: [REDACTED]  
To: wmcclees@fairhaven-ma.gov

Hello wmcclees,

Leah Isherwood ([REDACTED]) has sent you a message via your contact form (<https://www.fairhaven-ma.gov/user/1614/contact>) at Fairhaven MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.fairhaven-ma.gov/user/1614/edit>.

Message:

Hello Whitney,

I had a question for possibly the next meeting about this project. During the last public meeting it was brought up that there was an agreement between the developer and the planning board peer review on the soil issue, which was that the USDA NRCS soil survey says the soil is types C and D but the developer is basing his work off soil type B. I was wondering, what is conservations standards when it comes to drainage and soil type especially considering how close the drainage would be to the wetlands?

Best,  
Leah Isherwood  
3 Teal Circle

## Questions for Hiller Avenue and Timothy Street Lots 71 and 71A Housing Development

1. On 23 November 2020, we asked who will be in charge of maintaining the supposed new wetlands, and only received an answer from the Conservation Committee. We would like to hear from the Developer as to who will be maintaining the supposed new wetlands? To the Conservation Committee and the Developer what will the order state to ensure proper maintenance of the supposed new wetlands?
2. Why does there have to be lots in the wetlands? Is here a bylaw that says conservation has to allow private land to be developed up to wetlands? I know there isn't one stopping it, but in return there isn't one specifically saying you must allow private developers to damage the wetlands with a project this large and close. I would like to see more definitive long term proof by a third party that the 7 acre clearing of land including massive changes to water runoff and drainage will **NOT** damage the wetlands that the Conservation Committee is sworn to protect.
3. So far we have not heard the board side for any protections for the wetlands and wildlife when it comes to this 7 acre clearing project five feet from the wetlands. We have heard more protections given in smaller projects. If not the Conservation Committee, the strictest board who took an oath to protect the wetlands, then who?
4. There is little to zero wiggle room for unfiltered or toxic run off from the proposed developed area into the wetlands that does not go through storm drainage. Am I wrong in what I am seeing with these plans?
5. These plans show massive clearing in the buffer zone. Shouldn't this board get proof from a third party, not hired by the developer to show **NO** harm to the wetlands and the wildlife that support it? As abutting neighbors we would like to request more proof. The Forestry Report submitted by the Developer states under **Observation**, they did not address the mature trees in the 100 foot buffer because it was mentioned they would all be removed, so the question is was moot. Why is this question of impact on the wetlands moot!?! They stated the remaining trees within the 10 to 25 foot buffer and shrubs will benefit tremendously from additional sunlight and water/soil temperatures heating up. They may believe this to be true but there are numerous papers published by wetland scientists that state otherwise. In the **Conclusion** of the Forestry Report it says their opinion that the removal of trees from the 100 foot buffer zone will not have an adverse effect on wetland areas. I bring to your attention the beginning of the Forestry Report under **Observation** that removing mature trees was never addressed. So it leads one to believe this report is not complete or accurate to the true of these wetlands. Lastly, the plans show a majority of the clearing will be only 10 feet from wetlands with a few areas of 15 feet and even fewer 25 feet. We politely request a more accurate third party study of the **LONG TERM** damaging effects this large development may have on the wetlands and wildlife in our neighborhood.

**WAIVER AND STIPULATION**

Whereas under a rule established by the courts of the Commonwealth, the so-called “Mullin rule,” circumstances may arise in which an adjudicatory agency may be unable to proceed with consideration of an application due to the absence of members, or a change of membership, over the course of multiple hearing dates, leaving the applicant with limited practical recourse; and

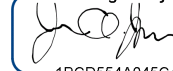
Whereas we, Jean Jason, the owner, and Joshua Alves, the applicant, under a Notice of Intent filed with the Fairhaven Conservation Commission, MA DEP file number SE 023-1296, wish to avoid delay in the further consideration of that Notice of Intent; therefore,

1. We hereby waive our rights, if any, under the so-called “Mullin rule” with respect to any proceedings which were held by the Commission prior to the date of this Waiver and Stipulation.
2. For purposes of the application of the Mullins rule to the proceedings on this Notice of Intent, we stipulate that the public hearing scheduled to be held by the Commission on January 4, 2021 shall, be considered the commencement of the Commission’s adjudicatory proceeding on the matter, and we consent to the adjudication of that Notice of Intent by a quorum made up of current members of the Commission.

12/14/2020

Date: \_\_\_\_\_

DocuSigned by:



1BCD554A045C471...

Jean Jason, Owner



dotloop verified  
12/16/20 10:58 AM EST  
NTIC-KD8W-65TX-QJBL

Date: \_\_\_\_\_

Joshua Alves, Applicant

**Narrative for 46 Sconticut Neck Road Project:**

Alexander Gray Development, LLC is proposing the construction of a residential subdivision consisting of a paved dead-end road with a turnaround cul-de-sac and 8 single-family homes, to be known as Residence By The Girls Creek (the “Property”) located at 46 Sconticut Neck Road, Fairhaven, MA. The property meets the criteria for a subdivision as it was designed per the Fairhaven’s subdivision rules and regulations (minimum square footage lot sizes (15,000 sq ft), minimum frontage requirements (100.00 sq ft), the property is located in Single Residence District RC). Front set-back of 20 feet, rear setback of 20 ft, and side setback of 10 feet. All 8 lots meet or exceed those requirements and provide ample space for single family and associated garages, sheds, etc.).

**Introduction:**

Alexander Gray Development, LLC, a Massachusetts Limited Partnership, is qualified to undertake the planning, design, development, construction, ownership and operation of the proposed residential project known as the Property.

As part of the Applicant’s proposal, the Property will serve Fairhaven and the surrounding area by providing:

- 8 new, respectable single-family homes
- 445 ft access road with cul-de-sac
- Significant wetland restoration
- Over 20 acres of land to be donated to Fairhaven
- Access to walking trails from neighboring Leroy Wood Elementary School

<b>New Construction</b>	<b>Number</b>	<b>Area Affected</b>
Single Family Homes	8	4.84 ac
Road	1	445 ft

**Tabulation of Homes:**

<b>New Construction</b>	<b>Number</b>	<b>Potential Bedrooms</b>	<b>Potential Average Sq. Ft per Home</b>
Single Family Home	1	3 – 5	2000 – 4000 sq.ft
Single Family Home	1	3 – 5	2000 – 4000 sq.ft
Single Family Home	1	3 – 5	2000 – 4000 sq.ft
Single Family Home	1	3 – 5	2000 – 4000 sq.ft
Single Family Home	1	3 – 5	2000 – 4000 sq.ft
Single Family Home	1	3 – 5	2000 – 4000 sq.ft
Single Family Home	1	3 – 5	2000 – 4000 sq.ft
Single Family Home	1	3 – 5	2000 – 4000 sq.ft
<b>Total</b>	<b>8</b>	<b>24 - 40</b>	<b>16,000 – 32,000 SQ. FT</b>

**Property Description:**

The 28.3 acre project site extends approximately 2,500 ft to the southwest from Sconticut Neck

Road and travels southeast in an “L” shape along the shoreline toward Hacker Street. As part of Alexander Gray Development’s proposal, the existing dilapidated two-family home will be demolished and the run-down camper and crumbling RV on the premises will be removed and disposed of. The locus consists of a total of approximately 28.3 acres, of which approximately 4.84 acres will be beautifully transformed into 8 single-family dwellings that will help build up the surrounding community. The project also proposes utilities and a stormwater management system comprised of a stormwater infiltration basin in the southeast portion of the site with an unpaved roadway to access it.

During the course of permitting via the Conservation Commission, it was discovered that 9,044 sq. ft. section of the wetlands were previously disturbed and degraded due to unauthorized fill (estimated to have been placed in 2005). As a result, Alexander Gray Development along with Nesra Engineering, LLC have been working with Fairhaven’s Conservation Commission, Massachusetts Department of Environmental Protection, MEPA, and the Army Corps of Engineers to obtain regulatory approval in moving and restoring 9,044 sq. ft. of the 10,445 sq. ft. of the wetlands. The remaining 1,401 sq. ft. of impacts are associated with the construction of the stormwater infiltration basin access road, and the project will replicate this square footage of BVW in another portion of the site.

Approximately 22.7 acres of the project site is undeveloped and includes forested uplands and wetlands, salt marsh, land subject to coastal storm flowage (LSCSF) and barrier beach. The salt marsh along the shoreline is mapped as Estimated or Priority Habitat of Rare Species as delineated by the Division of Fisheries and Wildlife’s Natural Heritage and Endangered Species Program (NHESP) in the 14<sup>th</sup> Edition of the Massachusetts Natural Heritage Atlas. The mapped habitat area is outside the development footprint of the project and includes the land being transferred to the Fairhaven Conservation Commission.

### **Environmental Impacts:**

Several measures have been taken to avoid, minimize and mitigate damage to the environment. They include the restoration/replication of previously filled or newly impacted BVW, installation of a stormwater management system, the use of sediment and erosion controls, and the transfer of approximately 22.7 acres of the project site to the Fairhaven Conservation Commission for permanent protection as conservation land. The old stone wall structure located on the northeast corner of the property will be retained and preserved. Large species of trees not affected by the grading changes will also be saved.

### **Wavers:**

Alexander Gray Development, LLC is asking for two waivers:

- (A) Exclude sidewalk from the road and
- (B) Exclude street lighting

This will help offset some of the unanticipated costs derived from the additional regulatory review and upcoming wetland restoration work.

### **Wetlands and Stormwater Management Systems (SMS):**

The the project will result in impacts to BVW associated with restoration of previously unauthorized disturbance and filling of BVW and the construction of the infiltration basin access road. The project will restore 9,044 sf of BVW in its historical location and replicate 1,401 sf of BVW contiguous to the restored area. the project will increase impervious area at the project site by 1.1 acres (1.3 acres total). Measures to mitigate this impact include the installation of a stormwater management system which will comply with MassDEP SMS. The stormwater management system will allow excess stormwater to be collected, stored and infiltrated through vegetated buffers (lawns) with excess runoff collected via a series of catch basins. The catch basins will have 4-ft deep sumps for sediment collection and hoods for oil and grease separation. Stormwater will then flow into a series of sediment forebays and then into an infiltration basin. The system is designed to reduce the discharge volume for the 2 and 10-year storm and reduce the peak rate of discharge for all storms up to and including the 100-year storm event. The stormwater management system will meet or exceed local, state, and federal requirements when operated, monitored and maintained properly.

### **Water/Wastewater:**

The project will increase water demand by 1,980 gpd (2,640 gpd total) and increase wastewater generation by 1,980 gpd (2,460 gpd total). The project will connect to the municipal water supply and sewer system.

### **Regulatory Review & Permitting:**

The Fairhaven Conservation Commission will review the latest changes that were requested from the various stakeholders (this is the 4<sup>th</sup> revision made to the design). MassDEP has reviewed the project for its consistency with Water Quality Regulations (314 CMR 9.00). Water Quality Regulation Department has also reviewed the project.

The project requires an Order of Conditions from the Fairhaven Conservation Commission, or in the case of an appeal, a Superseding Order of Conditions from MassDEP. The project requires Pre-Construction Notification under Section 10 and Section 404 from the Army Corps of Engineers (ACOE) in accordance with the General Permits for Massachusetts. The project will require a National Pollution Discharge Elimination System (NPDES) Construction General Permit from the U.S. Environmental Protection Agency (EPA). The project is not receiving Financial Assistance from the Commonwealth. Therefore, MEPA jurisdiction for any future review would be limited to those aspects of the project that are within the subject matter of any required or potentially required Agency Actions and that may cause Damage to the Environment, as defined in the MEPA regulations.

### **Closing:**

The Energy and Environmental Affairs Office (ENF) has reviewed and analyzed the project and assessed its potential environmental impacts and mitigation measures. Based on the review of the ENF, their comments, and in consultation with State Agencies, MassDEP determined on 7/24/2020 that an EIR is not required.

LAW OFFICES OF  
RICHARD J. MANNING JR.  
167 WILLIAM STREET  
NEW BEDFORD, MA 02740  
RJM@Manninglawoffice.org

TELEPHONE: (508) 999-0039  
FACSIMILE: (508) 999-1132

December 17, 2020

CERTIFIED & REGULAR MAIL

Fairhaven Conservation Commission  
40 Center Street  
Fairhaven, MA 02719

Attn: Geoffrey A. Haworth, Chairman

Re: Notice of Intent  
Applicants: Lee & Elizett Miguel  
Property: North Street / Cherry Street (Lot 15, Lot 43)

Dear Mr. Haworth:

Please be advised that this office represents Edward Dorshied of 32 Cherry Street, Fairhaven, Massachusetts. The west and south side of Mr. Dorshied's property abuts the Miguel's property which is the subject of the above-identified Notice of Intent. According to the notification of abutters received by Mr. Dorshied in this regard, the Miguel's are seeking to construct a "6-foot tall fence long a *small* portion of" their property. It is my understanding that this description has or will be amended by the Miguels since they are actually seeking to construct the fence around the entire perimeter of the property. This would include an area approximately 40.15' wide and 109.00' long that abuts Mr. Dorshied's property on the south side ("disputed area"). The enclosed plan has the property of my client highlighted in red, the Miguels' property highlighted in yellow, and the disputed area colored yellow.

Mr. Dorshied objects to the planned construction and approval by the Conservation Commission of so much of the plan as will permit the construction of a fence in the disputed area, and request is made that this opposition be published to the full Commission at any meeting in regard to this application and made a part of the record.

The opposition of Mr. Dorshied is based upon the fact that he, and the other owner of the property that abuts this disputed area (i.e. Kathy Morin of 30 Cherry Street), have deeded rights to the use of the same. By way of a deed dated March 4, 2011, Marcia Ducharme Dos Santos conveyed the property now owned by the Miguels to Arlington, Inc. Parcel One in this deed is all Lot 44 (i.e. the parcel highlighted in yellow on the plan, including the disputed area). As a part of this conveyance, the deed states: *So much of said Lot 44 above described as is included within the limits of Cook Street, shown on said plan, is subject to rights in favor of land of said Louise G. Vincent and John F. Silvia, et al* (See enclosed copy). Mr. Dorshied is the owner of the land referenced in the deed and shown on the plan as "Louise G. Vincent."<sup>1</sup>

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<sup>1</sup> Kathy Morin is the owner of the land referenced in the deed and shown on the plan as "John F. Silvia, et al."



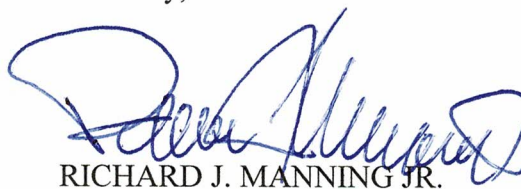
Since this conveyance was made, the owners of Mr., Dorshied's property (and the owners of the property currently owned by Kathy Morin) have enjoyed the use of this area between their properties. Furthermore, Cook Street has been laid out and appears on plans dating back to at least 1921.

Based upon this grant of rights in the chain of title of the Miguels' lot, both Mr. Dorshied and Ms. Morin have full rights in the road layout between their properties (identified as Cook Street on the plan) for all uses consistent with a public way including access, parking and the lay out of utilities.

According to the application submitted by the Miguels, it appears that their intention is to construct a portion of their fence along the southern border of Mr. Dorshied's property and the northern border of the property owned by Kathy Morin (and then construct a gate along Cherry Street. Construction of this portion of their fence is not permitted as it would then block all access to this area in direct contravention of their respective deeded rights. Just as one cannot construct a fence on property that they do not own, one cannot construct a fence which would hinder, obstruct, burden or block another person's deeded rights in an area.

For this reason, Mr. Dorshied contests the Miguels right to even apply for a Notice of Intent for that portion of their lot which is subject to his deeded rights (i.e. the disputed area), and objects to the same.

Sincerely,



RICHARD J. MANNING JR.

RJM/ht

Enc.

cc: Thomas Crotty, Town Counsel  
Ed Dorshied

ACUSHNET RIVER

William H. Ryder

Sylvio M. Kent

William E. Thompson et al.

John Iddon et al.

Frederick Morgan

Charles Frates et al.

Roger J. Messier et al.

William J. Greene et al.

Joseph A. Mercier et al.

HEDGE

D.H. IN C.B.

William E. Richards et al.

Raymond J. Marchand et al.

Louise G. Vincent

44 COOK ST. (Private)

John F. Silva et al.

E. Manuel Kanter

ST.

(Public - 40.00 Wide)

CHERRY

High Water "BY" Mark  
Low Water Mark

"Line" 223 ±

NORTH (Public - 33.00 Wide)

ST.

Howard C. Renfree et al.

William H. Selley et al.

Eva J. Gagne

William C. Reed et al.

Anthony Dutra et al.

Ralph A. Reed et al.

OXFORD ST.

349.18  
350 ±

D.H. IN C.B.

309.32

184.99

116.84

109.00

149.15

206.15

144.15

214.28

88.75

158.33

58.12

83.85

80.01

83.85

80.01

83.85

80.01

83.85

80.01

83.85

80.01

83.85

80.01

83.85

D.H.

D.H.

Property Location: 3 North Street, Fairhaven, MA 02719

**QUITCLAIM DEED**

a/k/a M. Ducharme-Dos Santos  
I, Marcia Ducharme Dos Santos of 25 Federal Street,  
Blackstone, Massachusetts 01504-1327

in consideration of One and no/100 (\$1.00)-----Dollar

grant to ARLINGTON, INC., a Massachusetts corporation with a  
principal place of business at 25 Federal Street, Blackstone,  
Massachusetts 01504

*with quitclaim covenants*

the land situated in Fairhaven in the County of Bristol and  
Commonwealth of Massachusetts with all buildings and  
improvements thereon bounded and described as follows:

**PARCEL ONE:**

- Easterly by the westerly line of Cherry Street, forty and 15/100 (40.15) feet;
- Southerly by land now or formerly of John F. Silva, et al., one hundred nine (109) feet;
- Easterly by said Silva, et al., land and by land now or formerly of E. Manuel Kanter, two hundred six and 15/100 (206.15) feet;
- Southerly by the northerly line of North Street, measuring on the upland, about two hundred twenty three (223) feet;
- Westerly by Acushnet River;
- Northerly by lands of sundry adjoining owners, as shown on plan hereinafter mentioned, measuring on the upland, about three hundred fifty (350) feet;
- Easterly by lands now or formerly of Raymond J. Marchand,

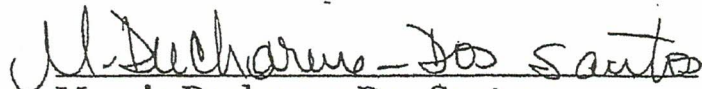
All said boundaries, except the waterline, are determined by the Court to be located as shown on plan 27706A (Sheet 3), drawn by William F. Kirby, Surveyor, dated March 30, 1957, as modified and approved by the Court, filed in the Land Registration Office at Boston, a copy of a portion of which is filed in Bristol County (S.D.) Registry of Deeds, in Land Registration Book 35, Page 127, with Certificate of Title Number 6878.

The said land is subject to any of the encumbrances mentioned in Section 46 of Chapter 185 of the General Laws, which may be subsisting and subject also as aforesaid; and to any and all public rights legally existing in and over the same below mean high water mark in Acushnet River applicable to said Lot 44.

For title reference see Certificate of Title Number 22164 in Registration Book 126 at Page 85 of the Land Court records for the Southern Registry of Bristol County.

The property address is: 3 North Street, Fairhaven, Massachusetts 02719-3307.

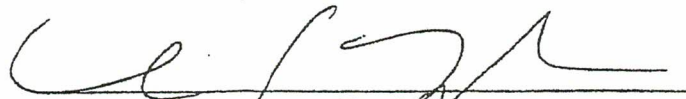
Witness my hand and seal this 4<sup>th</sup> day of March, 2011.

  
Marcia Ducharme Dos Santos

COMMONWEALTH OF MASSACHUSETTS  
County of Dorset,

Before me the undersigned authority on this day personally appeared Marcia Ducharme Dos Santos and proved to me through satisfactory evidence of identification, which was () photographic identification with signature issued by a federal or state government agency, () oath of affirmation of a credible witness unaffected by the within document or transaction who is personally known to the undersigned and who personally knows the signer or () personal knowledge of the undersigned, to be the person(s) whose name(s) is/are signed on the foregoing document and acknowledge to me that he/she/they signed it voluntarily for its stated purpose.

Given under my hand and seal of office on March 4<sup>th</sup> 2011

  
Notary Public:  
my commission expires: 5-1-2015

et al. and of Louise G. Vincent, one hundred eighty four and 99/100 (184.99) feet; and

Northerly by said Vincent land, one hundred sixteen and 84/100 (116.84) feet.

Said land is shown as Lot 44 on below mentioned plan.

So much of said Lot 44 above described as is included within the limits of the ditch, shown on said plan, is subject to such rights as may exist at the date of the original registration.

So much of said Lot 44 above described as is included within the limits of Cook Street, shown on said plan, is subject to rights in favor of land of said Louise G. Vincent and John F. Silva, et al.

PARCEL TWO:

Northerly by the southerly line of North Street one hundred thirty eight and 33/100 (138.33) feet;

Easterly sixty-five and 85/100 (65.85) feet, and

Northerly 93/100 (.93) of a foot by land now or formerly of William C. Reed, et al.;

Easterly by lands now or formerly of Anthony Dutra, et al. and of Ralph A. Reed, et al., seventy five and 46/100 (75.46) feet;

Southerly by said Ralph A. Reed, et al. land and by land now or formerly of Eva J. Gagne, eighty-three and 85/100 (83.85) feet;

Westerly eighty-eight and 61/100 (88.61) feet, and

Southerly fifty-eight and 12/100 (58.12) feet by land now or formerly of William H. Selley, et al., and

Westerly by land now or formerly of Howard C. Renfree, et al., forty and 21/100 (40.21) feet.

Said land is shown as Lot 45 on below mentioned plan.

Richard M. Bennett  
Attorney at Law  
156 Eighth Street  
New Bedford, MA 02740

RECEIVED  
TOWN CLERK

Office  
774-836-6266

Email 12/18/20 3:35  
bennett4business@gmail.com

FAIRHAVEN,  
MASS.

December 18, 2020

Geoffrey A. Haworth, Chairman  
Fairhaven Conservation Commission  
40 Center Street  
Fairhaven, MA 02719

Certified Mail # 7011 2970 0003 0524 9066  
Return Receipt Requested  
and Hand Delivered 12/18/20

RE: Notice of Intent – CON 123094  
Applicants: Lee Miguel and Elizett Miguel  
Property: North Street/Cherry Street (Lot 15, Lot 43)

Dear Chairman Haworth:

I am writing on behalf of my client Kathy Morin of 30 Cherry Street, Fairhaven, Massachusetts. Ms. Morin is an abutter to the above-described property for which a Notice of Intent has been filed and a public hearing scheduled for Monday, December 21, 2020. The applicants seek to construct a six foot (6') chain link fence around the entire perimeter of a large parcel containing land subject to Coastal Storm Flowage and the 100-foot buffer zone to Salt Marsh and Coast Beach.

Please first note that I have received a copy of a letter from Attorney Richard J. Manning, Jr. dated December 17, 2020 submitted on behalf of Ms. Morin's neighbor directly to the north, Edward Dorshied of 32 Cherry Street. As described in detail by Attorney Manning, our respective clients enjoy explicit deeded rights to the "disputed area" referenced on counsel's plan, including full rights to use Cook Street which is laid out between their parcels.

Specific to Ms. Morin, the proposed location of the fence in the "disputed area" would overburden and completely impede access to her driveway in direct contravention of her deeded rights. For your reference, I have attached a photograph (Exhibit "1") depicting Ms. Morin's home and driveway on the left, the disputed area in the center and Mr. Dorshied's home to the right. I have also attached a photograph (Exhibit "2") illustrating the approximate location of the proposed chain link fence and its encroachment on Ms. Morin's driveway.

In light of the above factors, Ms. Morin joins Mr. Dorshied's opposition to the Notice of Intent and therefore incorporates by reference the content of Attorney Manning's correspondence. The Conservation Commission does not have the authority to permit the erection of a fence that will ultimately hinder, obstruct or burden the deeded rights of Ms. Morin and Mr. Dorshied.

December 18, 2020

Re: Kathy Morin / Notice of Intent – CON 123094

Page 2 of 2 Pages

Please be also advised that Ms. Morin opposes the Notice of Intent on the grounds that the proposed fence project is detrimental to wetlands-related interests within the scope of the Wetlands Protection Act and those “wetland values” protected by the Town of Fairhaven Wetlands Bylaw.

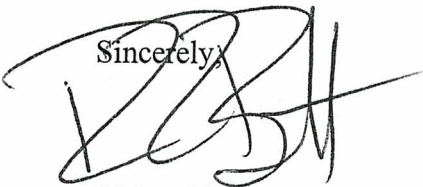
The coastal wetlands area that the applicants propose to erect fencing is a well-known wildlife habitat populated by several species of waterfowl, fox, turkeys and deer. This wildlife actively feeds and forages along the beach and marsh, and many migrate through the entire area and adjacent parcels. The proposed fence will completely seal off this important wildlife habitat and therefore have a significant and cumulative negative impact on the same contrary to the intent of the Wetlands Protection Act and Fairhaven Wetlands Bylaw.

The Fairhaven Wetlands Bylaw also includes “aesthetics” as a protected wetland value. Ms. Morin submits that the proposed fence will present an adverse impact and negative visual consequence upon all abutters and the surrounding Poverty Point area. Furthermore, because the subject coastal land abuts an active working waterfront, the fence will undoubtedly cause the accumulation on a daily basis of unsightly trash, liter and other washed up waste along the entire fence line, which could also pose a danger to the wildlife habitat. For your reference I have attached a photograph (Exhibit “3”) depicting the debris and trash that washes ashore daily. I am informed that abutters often remove the debris in this area, but the fence will prevent this voluntary clean up activity.

I have outlined above the nature and scope of Ms. Morin’s opposition to the Notice of Intent both from a jurisdictional and wetlands-based perspective. I trust that this opposition will be included in the public record at the Conservation Commission hearing on December 21, 2020.

Thank you for your attention to this matter and please do not hesitate to contact me should you have any questions or require additional information or documentation.

Sincerely,



Richard M. Bennett

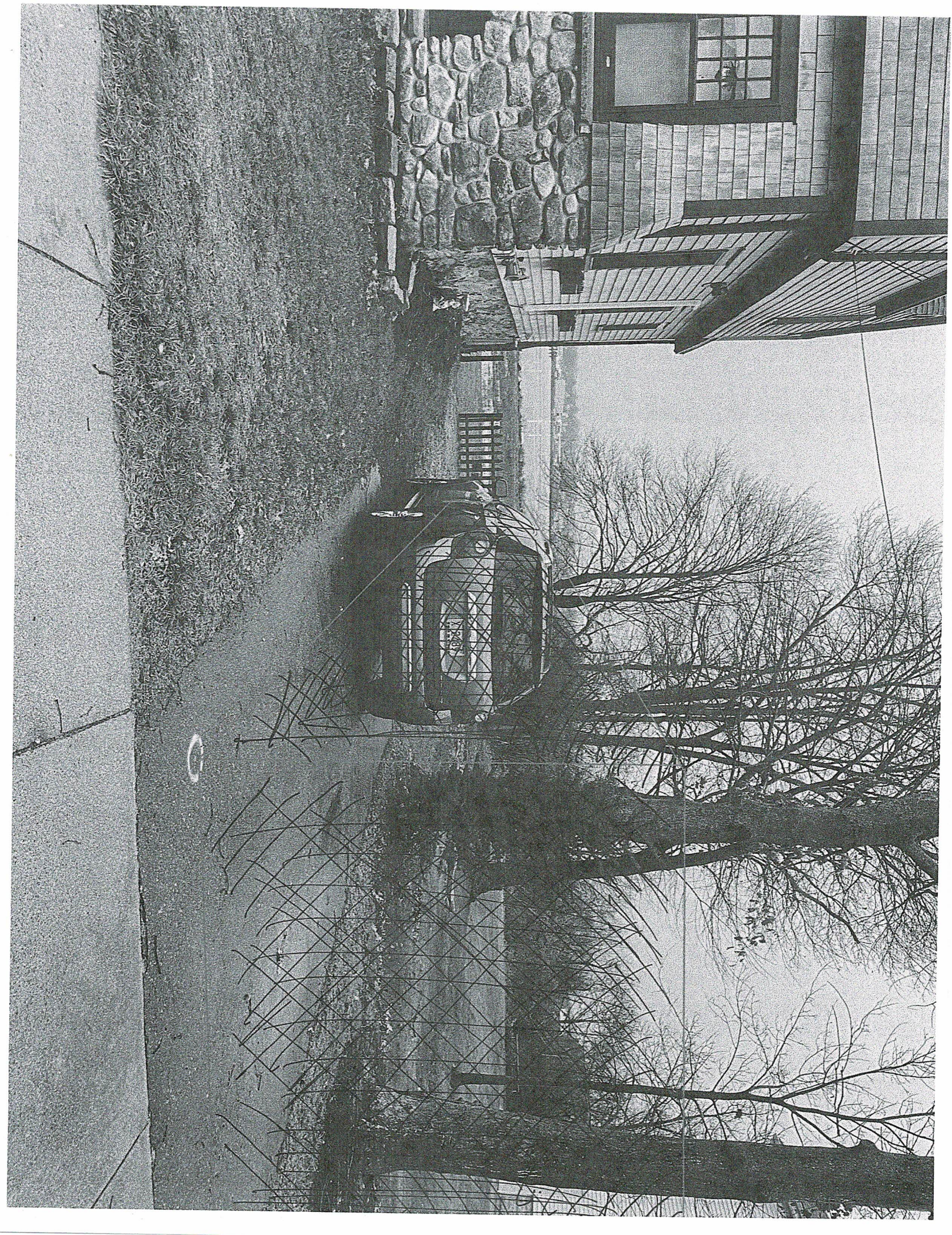
RMB/ld

Attachments

cc: Thomas Crotty, Town Counsel  
Richard J. Manning, Jr., Esq.  
Gregory Koldys, Esq.  
Kathy Morin









LAW OFFICES OF  
RICHARD J. MANNING JR.  
167 WILLIAM STREET  
NEW BEDFORD, MA 02740  
RJM@Manninglawoffice.org

TELEPHONE: (508) 999-0039  
FACSIMILE: (508) 999-1132

December 17, 2020

CERTIFIED & REGULAR MAIL

Fairhaven Conservation Commission  
40 Center Street  
Fairhaven, MA 02719

Attn: Geoffrey A. Haworth, Chairman

Re: Notice of Intent  
Applicants: Lee & Elizett Miguel  
Property: North Street / Cherry Street (Lot 15, Lot 43)

Dear Mr. Haworth:

Please be advised that this office represents Edward Dorshied of 32 Cherry Street, Fairhaven, Massachusetts. The west and south side of Mr. Dorshied's property abuts the Miguel's property which is the subject of the above-identified Notice of Intent. According to the notification of abutters received by Mr. Dorshied in this regard, the Miguel's are seeking to construct a "6-foot tall fence long a *small* portion of" their property. It is my understanding that this description has or will be amended by the Miguels since they are actually seeking to construct the fence around the entire perimeter of the property. This would include an area approximately 40.15' wide and 109.00' long that abuts Mr. Dorshied's property on the south side ("disputed area"). The enclosed plan has the property of my client highlighted in red, the Miguels' property highlighted in yellow, and the disputed area colored yellow.

Mr. Dorshied objects to the planned construction and approval by the Conservation Commission of so much of the plan as will permit the construction of a fence in the disputed area, and request is made that this opposition be published to the full Commission at any meeting in regard to this application and made a part of the record.

The opposition of Mr. Dorshied is based upon the fact that he, and the other owner of the property that abuts this disputed area (i.e. Kathy Morin of 30 Cherry Street), have deeded rights to the use of the same. By way of a deed dated March 4, 2011, Marcia Ducharme Dos Santos conveyed the property now owned by the Miguels to Arlington, Inc. Parcel One in this deed is all Lot 44 (i.e. the parcel highlighted in yellow on the plan, including the disputed area). As a part of this conveyance, the deed states: *So much of said Lot 44 above described as is included within the limits of Cook Street, shown on said plan, is subject to rights in favor of land of said Louise G. Vincent and John F. Silvia, et al* (See enclosed copy). Mr. Dorshied is the owner of the land referenced in the deed and shown on the plan as "Louise G. Vincent."<sup>1</sup>

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<sup>1</sup> Kathy Morin is the owner of the land referenced in the deed and shown on the plan as "John F. Silvia, et al."

Since this conveyance was made, the owners of Mr., Dorshied's property (and the owners of the property currently owned by Kathy Morin) have enjoyed the use of this area between their properties. Furthermore, Cook Street has been laid out and appears on plans dating back to at least 1921.

Based upon this grant of rights in the chain of title of the Miguels' lot, both Mr. Dorshied and Ms. Morin have full rights in the road layout between their properties (identified as Cook Street on the plan) for all uses consistent with a public way including access, parking and the lay out of utilities.

According to the application submitted by the Miguels, it appears that their intention is to construct a portion of their fence along the southern border of Mr. Dorshied's property and the northern border of the property owned by Kathy Morin (and then construct a gate along Cherry Street. Construction of this portion of their fence is not permitted as it would then block all access to this area in direct contravention of their respective deeded rights. Just as one cannot construct a fence on property that they do not own, one cannot construct a fence which would hinder, obstruct, burden or block another person's deeded rights in an area.

For this reason, Mr. Dorshied contests the Miguels right to even apply for a Notice of Intent for that portion of their lot which is subject to his deeded rights (i.e. the disputed area), and objects to the same.

Sincerely,

RICHARD J. MANNING JR.

RJM/ht

Enc.

cc: Thomas Crotty, Town Counsel  
Ed Dorshied

December 2020

To Whom It May Concern,

This letter represents my opposition to the construction of the 6 foot chain-link fence that Lee Miguel has proposed to construct along the perimeter of the saltwater marsh & wetlands which runs along Cherry Street at the end of North and Hedge Streets.

The certified letter that I received was inaccurate and very deceiving as to what work was to be done. It claims that Lee Miguel plans to construct "a 6 foot tall fence along a **SMALL** portion of the property line". In fact, the proposed 6 foot chain-link fence encompasses three quarters of the perimeter of the saltwater marshlands.

Although I can not attend the conservation meeting on December 21, 2020 because of COVID19 concerns, and a zoom meeting is not a viable alternative for me, I am submitting this letter as a means of expressing my opposing views to this proposal.

A 6 foot chain-link fence along the perimeter of the saltwater marsh will: prohibit access to the shoreline for any and all Fairhaven residents; make it very difficult for any animal to navigate either side of the fence; and be in direct conflict with the aesthetics that the EPA has been working to develop all along the Acushnet River to preserve saltwater marshlands and create a pristine area for the various town residents to view nature's creatures in their natural habitat.

## SIGNATURE

## ADDRESS

Augustino Santos 9 Cooke St, Fairhaven

Colvard Whipple 32 CHERRY ST

Brian J. Muzzo 44 HEDGE ST

Frederick F. Lorraine 46 Cherry Street, Fairhaven

Frederick L. Lorraine 48 Cherry Street Fairhaven

Judith Lorraine 15 Pilgrim Ave., Fairhaven, MA

Anne H. Vacine 32 Hedge St Fairhaven

Claudette Warrington 28 Cherry St. Fairhaven, MA

Kathy M. 30 Cherry St Fairhaven MA

Ruth 48 Cherry St Fairhaven MA

Blanca DeLage 19 Hedge St Fairhaven, MA

Stanford Blum 17 Hedge St

Maria White 11 Hedge St Fhur, MA

Aubrey McElw-Burgo 150 Oxford Street Apt 1

Kenneth Burgo 150 Oxford Street Apt 1

Ashlee McElvath 15 Oxford street Apt 2

Brandon Varley 15 Oxford street Apt 2

Kenneth J. Burgo II 150 Oxford street Apt 1

Katey Warrington 28 Cherry St. Fhur

Jan DeValles 4 Hedge St

Jan DeValles 1 Hedge St

Jan DeValles 4 Hedge St.

Jan DeValles 27 CHERRY ST FAIRHAVEN MA

**TRACIA** 27 CHERRY ST FAIRHAVEN MA

Diane Foster 18 CHERRY

Jeremiah Foster 18 CHERRY

James Taylor 28 CHERRY ST. Fhur.

Melissa F. Foster 28 CHERRY ST. Fhur

Mickie Foster 30 CHERRY ST.



TOWN OF FAIRHAVEN, MASSACHUSETTS

## CONSERVATION AND SUSTAINABILITY DEPARTMENT

Town Hall · 40 Center Street · Fairhaven, MA 02719

Telephone: (508) 979-4023, ext. 128 · Fax: (508) 979-4079

Mr. Mark Rees  
Town Administrator

RE: Budget Transmittal Letter

I look forward to further developing the Conservation and Sustainability Department over the coming year, supported by the Conservation Commission, Sustainability Committee, Town Administration and other Departments.

I have provided a review by line item, explaining the recommendations I have requested.

**Regular Pay:** In this budget, I am proposing an increase of \$38,014.44 from FY21 due to a step increase and a stipend associated with the Massachusetts Association of Conservation Commissions Fundamentals Certificate for the Conservation Agent/Sustainability and the addition of a full-time Administrative Assistant. A full-time Administrative Assistant would improve public service in the following ways: facilitate the issuance of Conservation permits in a timely manner, introduce faster response time in verifying the completeness of Conservation permit applications, introduce more efficient response time to records requests, and provide the opportunity for better educational outreach to the public. Additionally, with the Conservation Agent/Sustainability Coordinator able to delegate administrative duties, the Department will better be able to apply for additional and manage current grants in alignment with the Board of Selectmen's FY21 Policy Goal #4A, supervise ongoing Conservation projects, research and implement FEMA's Community Rating System in alignment with Mitigation Action #2 of the Hazard Mitigation Plan, and pursue certifying the Town through the LEED for Cities and Communities Program (formerly STAR Community Rating System) in alignment with Master Plan Sustainability Goal #4-2. Additionally, initiatives spearheaded by the Department, such as the Green Communities Grant and the installation of solar at the schools, will save the town approximately \$90,000 annually, more than double the cost of an administrative assistant. The cost of a full-time assistant could also be offset by the wetlands fees brought in by Wetlands Protection Act filings. This revenue is specifically to support functions directly related to the Conservation Commission. Between January and December 2020, \$6,412.00 in wetlands fund filing fees were brought in.

**Advertising:** No changes.

**Training (Education and Outreach):** No changes

**Postage:** No changes.

**Contracted Services:** No changes

**Online Permitting Software:** This is a new item, proposed as a one-time cost. With the Building Department implementing PermitEyes for online permitting, it opens up the possibility for other departments to do the same. This would bring all of the Conservation Commission applications online. Providing online permitting would facilitate and streamline the permitting process for residents and allow other departments to more effectively communicate their comments/concerns regarding each project. Online conservation permitting will improve municipal services and allow for more seamless integration of online services for residents. It will also provide more information to residents regarding which properties fall within Conservation jurisdiction by affording the opportunity to implement online mapping for public use. This would be a one-time cost to bring all of the Conservation Commission applications online and then annual support and maintenance costs would be included in the IT budget each year thereafter.

**Office Supplies:** I am proposing an increase of \$500.00 to return to level funding with the FY20 budget. The FY21 budget was reduced due to the COVID19 pandemic.

**Field Supplies:** No changes.

**Books/Subscriptions:** No changes.

**Uniforms:** I am proposing an increase of \$180.00 to return to level funding with the FY20 budget. The FY21 budget was reduced due to the COVID19 pandemic.

**Dues and Professional Gatherings:** This budget proposes an increase of \$1,084.00 from FY21.

MACC Dues	\$293.00
MACC Agent Membership	\$60.00
MACC Non-Voting Consultant Membership (\$60*3 people)	\$180.00 (new)
MACC Annual Conference Registration (\$125*8 people)	\$1,000.00
MACC Courses (\$110*8 people – 2 courses per person)	\$880.00
(\$671.00 increase from FY21, \$440.00 increase from FY20)	
MSMCP Membership/Dues	\$20.00
Climate Resilience Conference	\$15.00 (new)
Society of Wetland Scientists Membership	\$133.00 (new)
Wetland Professional in Training Application	\$100.00 (new)

The increase in this category is the result of a return to level funding with the FY20 budget, the addition of MACC membership for the three non-voting consultant positions the Commission added in FY21, additional budgeting for MACC courses to encourage members of the Conservation Commission to seek certification through the MACC Fundamentals Certificate Program, and the addition of membership to the Society of Wetland Scientists (SWS) as well as their application fee for Wetland Professionals in Training. SWS membership will grant the Conservation Agent/Sustainability Coordinator access to monthly webinars on wetland-related science topics of interest, access to past webinars, discounted registration for events, and discussion forum sections of the website with other wetland professionals, all of which will



facilitate better knowledge with which to advise the Conservation Commission and oversee Conservation projects in Town. Certification through SWS as a Wetland Professional in Training (WPIT) signifies that one's academic and work experience meet the standards expected of a practicing wetland professional and provides acknowledgment to one's peers of one's adherence to the professional ethics of the Society of Wetland Scientists Professional Certification Program. Certification will aid in acceptance by other disciplines, especially in multi-disciplinary work environments. Wetland Professional in Training (WPIT) is considered a preliminary step for persons who have completed the educational requirements but do not meet experience requirements. Professional Wetland Scientist (PWS) certification is awarded for those meeting both educational and experience requirements.

**Mileage and Travel:** No changes.

**Other changes:**

In December 2018, the Town of Fairhaven was designated as a Green Community and awarded a grant of \$174,535. As of December 2020, one energy-efficiency project has been completed and the remaining project should be completed by April 2021, in alignment with the Board of Selectmen's FY21 Policy Goal #8G.

In 2021, I hope to replace two older town vehicles with electric vehicles. The Town received a Massachusetts Electric Vehicle Incentive Program (EVIP) Fleets grant for \$12,500 in November 2019 to support the installation of electric vehicle (EV) charging station equipment and lease two electric vehicles and an EVIP Workplace Charging grant for \$1,746.06 in April 2020 to support the installation of public-facing EV charging station equipment. The 2020 Fall Special Town Meeting authorized matching funds to execute these grants.

During 2019, the Town was awarded a \$55,000 Municipal Vulnerability Preparedness Planning Grant to become a certified MVP community. The majority of that process has been completed. There is one item outstanding due to unforeseen pandemic-related delays. The grant should be fully finished within the first few months of 2021. I utilized the information that resulted from the Planning process to apply for one MVP Action Grant in 2020 (Board of Selectmen's Policy Goal #8B). The Action grant was not selected for funding and I will submit another application for an MVP Action grant in 2021.

I would like to collaborate with the Information Technology Department to implement Town-wide GIS web-mapping to provide residents with a resource to see Conservation, Assessors, Flood Zone, and Recreation information in one cohesive location, specific to the Town, in alignment with the Board of Selectmen's Policy Goals #3, #7, #8D, #8,F and 9L. This goal will be significantly supported by the integrating of Conservation permitting into the online permitting software. I also hope to improve educational outreach to increase the understanding of the Wetlands Protection Act, Fairhaven's Wetlands Bylaw, and other associated policies under the jurisdiction of the Conservation Commission.

Additionally, I would like to collaborate with the Sustainability Committee and the Media Department to garner town-wide participation in Northwest Earth Institute and Project

Drawdown's Drawdown EcoChallenge. This challenge is a 21-day engagement program focused on carbon reduction using solutions to global warming that already exist. These collaborations address the Board of Selectmen's Policy Goals #2, #3, and #7.

Finally, I aim to continue managing and applying for sustainability-focused grants and pursuing actions outlined in the Town's 2040 Master Plan, Open Space and Recreation Plan, Hazard Mitigation Plan, and Municipal Vulnerability Preparedness Planning report.

Sincerely,  
Whitney McClees  
Conservation Agent and Sustainability Coordinator

Category	Account Number	FY22 Request	FY21 Budget	Notes	Cost	Different from FY2021?	Reason
<b>Personal Service</b>							
Conservation Agent and Sustainability Coordinator		\$77,901.88	\$74,287.36	calculated from payroll sheet	\$3,614.52	Yes	Step increase, stipend for MACC Fundamentals Certificate
Recording Secretary		\$0.00	\$4,878.64				
Administrative Assistant		\$39,278.56	\$0.00	calculated from payroll sheet	\$39,278.56	Yes	A full-time Administrative Assistant would improve public service in the following ways: facilitate the issuance of Conservation permits in a timely manner, introduce faster response time in verifying the completeness of Conservation permit applications, introduce more efficient response time to records requests, and provide the opportunity for better educational outreach to the public. Additionally, with the Conservation Agent/Sustainability Coordinator able to delegate administrative duties, the Department will better be able to apply for additional and manage current grants in alignment with the Board of Selectmen's FY21 Policy Goal #4A, supervise ongoing Conservation projects, research and implement FEMA's Community Rating System in alignment with Mitigation Action #2 of the Hazard Mitigation Plan, and pursue certifying the Town through the LEED for Cities and Communities Program (formerly STAR Community Rating System) in alignment with Master Plan Sustainability Goal #4-2. Additionally, initiatives spearheaded by the Department, such as the Green Communities Grant and the installation of solar at the schools, will save the town approximately \$90,000 annually, more than double the cost of an administrative assistant.
<b>Total Payroll</b>	001-171-00-5111-00-0106	\$117,180.44	\$79,166.00		\$38,014.44	Yes	Step increase, stipend for MACC Fundamentals Certificate, addition of full-time administrative assistant
<b>Purchase of Services</b>							
Advertising	001-171-00-5303-00-0106	\$2,000.00	\$2,000.00		\$0.00	No	No changes
Training	001-171-00-5316-00-0106	\$1,000.00	\$1,000.00		\$0.00	No	No changes
Reserve Account (Postage)	001-171-00-5303-00-0106	\$1,000.00	\$1,000.00		\$0.00	No	No changes
Contracted Services	001-171-00-5390-00-0106	\$2,500.00	\$2,500.00		\$0.00	No	No changes
Online Permitting Software	New	\$10,430.00	\$0.00		\$10,430.00	Yes	With the Building Department implementing PermitEyes for online permitting, it opens up the possibility for other departments to do the same. This would be a one-time cost to bring all of the Conservation Commission applications online and then annual support and maintenance costs would be included in the IT budget each year thereafter. Providing online permitting would facilitate and streamline the permitting process for residents and allow other departments to more effectively communicate their comments/concerns regarding each project.
<b>Total Purchase of Services</b>		\$16,930.00	\$6,500.00				
<b>Supplies</b>							
Office Supplies	001-171-00-5420-00-0106	\$1,020.00	\$520.00		\$500.00	Yes	FY21 decreased previous budget due to the COVID19 pandemic, the increase is due to a proposed return to pre-pandemic appropriation.
Field Supplies	001-171-00-5432-00-0106	\$500.00	\$500.00		\$0.00	No	No changes
Books/Subscriptions	001-171-00-5520-00-0106	\$300.00	\$300.00		\$0.00	No	No changes
Uniforms	001-171-00-5582-00-0106	\$380.00	\$200.00		\$180.00	Yes	FY21 decreased previous budget due to the COVID19 pandemic, the increase is due to a proposed return to pre-pandemic appropriation.
<b>Total Supplies</b>		\$2,200.00	\$1,520.00		\$680.00	Yes	
<b>Dues and Professional Gatherings</b>							
MACC Dues		\$293.00	\$293.00		\$0.00	No	No changes
MACC Agent Membership		\$60.00	\$60.00		\$0.00	No	No changes
MACC Non-Voting Consultant Membership (\$60*3 people)		\$180.00	\$0.00		\$180.00	Yes	Conservation Commission added three non-voting consultant positions; this would garner them access to MACC courses, trainings, and materials to help prepare them to eventually serve on the Commission as voting members
MACC Annual Conference Registration (\$125*8 people)		\$1,000.00	\$1,000.00		\$0.00	No	No changes
MACC Courses (\$110*8 people - 2 courses per person)		\$880.00	\$209.00		\$671.00	Yes	encouraging the Commission to pursue the MACC Fundamentals Certificate
MSMCP Annual Dues		\$20.00	\$20.00		\$0.00	No	No changes

Society of Wetland Scientists Membership		\$133.00	\$0.00		\$133.00	Yes	SWS membership will grant the Conservation Agent/Sustainability Coordinator access to monthly webinars on wetland-related science topics of interest, access to past webinars, discounted registration for events, and discussion forum sections of the website with other wetland professionals, all of which will facilitate better knowledge with which to advise the Conservation Commission and oversee Conservation projects in Town. Certification through SWS as a Wetland Professional in Training (WPIT) signifies that one's academic and work experience meet the standards expected of a practicing wetland professional and provides acknowledgment to one's peers of one's adherence to the professional ethics of the Society of Wetland Scientists Professional Certification Program. Certification will aid in acceptance by other disciplines, especially in multi-disciplinary work environments. Wetland Professional in Training (WPIT) is considered a preliminary step for persons who have completed the educational requirements but do not meet experience requirements. Professional Wetland Scientist (PWS) certification is awarded for those meeting both educational and experience requirements.
Wetland Professional in Training Application		\$100.00	\$0.00		\$100.00	Yes	
<b>Total Dues and Professional Gatherings</b>	001-171-00-5731-00-0106	\$2,666.00	\$1,582.00		\$1,084.00	Yes	Inclusion of more courses, memberships, seminars since many of them are going to be offered online in the coming year
<b>Mileage and Travel</b>							
Public Transit		\$0.00	\$0.00		\$0.00	No	No changes, anticipate that public transit will continue to be avoided due to the pandemic
Mileage		\$1,263.00	\$1,263.00		\$0.00	No	No changes
<b>Total Mileage and Travel</b>	001-171-00-5712-00-0106	\$1,263.00	\$1,263.00		\$0.00	No	No changes
		<b>FY22 Request</b>	<b>FY21 Budget</b>		<b>Cost</b>	<b>Different from FY2021?</b>	
<b>TOTAL</b>		\$140,239.44	\$90,031.00		\$50,208.44	Yes	

Department Name:																		
Last Name (1)	First Name	Job Title	Date of Hire	Years of Service(2)	Union (3)	Grade	Step (4)	Hourly Wage (5)	Hrs./ week	Annual Wages(6)	Annual Salary (7)	Date of Step (8)	Cost of Step Inc. (9)	Longevity(10)	Sick Leave Bonus (11)	Sick Leave Buy-Back (12)	Stipend/ Other (18)	Total Compensation
McClees	Whitney	Conservation Agent/Sustainability Coordinator	1/2/2019	2	NU	17	3	\$36.55	40.0		\$76,316	1/2/2022	\$935	\$0	\$400		\$250	\$77,901.88
Vacant		Administrative Assistant			C	C	1	\$21.28	35.0	\$38,878.56					\$400			\$39,278.56
																		\$0
Totals										\$38,878.56	\$76,316		\$935	\$0	\$800	\$0	\$250	\$117,180.44
If Administrative Assistant position is not funded, Department will still need funds for a recording secretary, level service information below.																		
McClees	Whitney	Conservation Agent/Sustainability Coordinator	1/2/2019	2	NU	17	3	\$36.55	40.0		\$76,316	1/2/2022	\$935	\$0	\$400		\$250	\$77,901.88
Bid Out		Recording Secretary						\$34.47	4.0	\$7,197.34								\$7,197.34
Totals										\$7,197.34	\$76,316		\$935	\$0	\$400	\$0	\$250	\$85,099.22
<p><b>Notes: If a column does not apply to the employee leave blank</b></p> <p>(1) If the position is currently vacant, type "vacant" in this column</p> <p>(2) Years of Service as of July 1, 2021</p> <p>(3) Enter: NU for non-union, C for clerical, H for highway, S for Sewer, W for Water, P for Police, F for Fire or D for dispatcher.</p> <p>(4) As of July 1, 2021</p> <p>(5) For employees who are paid by the hour (not salary)</p> <p>(6) Hourly wages X Hours worked per week X 52.2 weeks (spreadsheet has this formula embedded)</p> <p>(7) Annual Salary for employees who are paid salary (not by the hour)</p> <p>(8) If employee is eligible for a step increase during FY21-22 put the date of eligibility in this column</p> <p>(9) Calculate the expense of step increase, prorate it for the period of the fiscal year it will be paid and put the lump dollar amount in this column.</p> <p>(10) As provided for in the Personnel By-law or applicable union contracts. Put the annual cost as a lump sum amount in this column prorated if necessary.</p> <p>(11) As provided for in the Personnel By-law or applicable union contracts. Assume the maximum Sick Leave Bonus allowed.</p> <p>(12) As provided for in the Personnel By-law or applicable union contracts. Assume the maximum Sick Leave Buy Back (Credit) allowed.</p> <p>(13) As provided for in Police and Fire Contracts</p> <p>(14) As provided for in Police, Dispatchers and Fire Contracts</p> <p>(15) As provided for in the Police and Dispatchers Contracts</p> <p>(16) As provided for in the Police and Fire Contracts</p> <p>(17) As provided for in the Fire, Dispatchers and Police Contracts</p> <p>(18) In the Comments Box, please explain the amount included in this box providing the basis or reason for the payment and how the amount was determined.</p>																		
											<p><b>Stipends</b></p> <p>Massachusetts Association of Conservation Commission Fundamentals Certificate</p>							

**Town of Fairhaven**

**FY21-22 Budget**

**Request to Fund a New and/or Expanded Service or Program**

Name of Department: Conservation/Sustainability

Name of Department Director: Whitney McClees

Is this request for a new service or program  or an expanded service/program

Please describe the service/program:

The addition of an Administrative Assistant to the Department.

What need(s) are being addressed by this service or program:

With the Conservation Agent/Sustainability Coordinator able to delegate administrative duties, the Department will better be able to apply for additional and manage current grants in alignment with the Board of Selectmen's FY22 Policy Goal #4A, supervise ongoing Conservation projects, research and implement FEMA's Community Rating System in alignment with Mitigation Action #2 of the Hazard Mitigation Plan, and pursue certifying the Town through the LEED for Cities and Communities Program (formerly STAR Community Rating System) in alignment with Master Plan Sustainability Goal #4-2. Additionally, initiatives spearheaded by the Department, such as the Green Communities Grant and the installation of solar at the schools, will save the town approximately \$90,000 annually, more than double the cost of an administrative assistant.

Describe the benefits to the town of implementing the service/program:

A full-time Administrative Assistant would improve public service in the following ways: facilitate the issuance of Conservation permits in a timely manner, introduce faster response time in verifying the completeness of Conservation permit applications, introduce more efficient response time to records requests, and provide the opportunity for better educational outreach to the public.

Identify the Board of Selectmen Policy Goal or Department Objective this request is associated with:

Board of Selectmen FY22 Policy Goal #4A

Hazard Mitigation Plan Mitigation Action #2

Master Plan Sustainability Goal #4-2

Budget Request Detail: (if you are using a line item that is new or not previously used by your department enter "New" under line item number). *Double click on the chart below and it will turn into an excel spreadsheet, after entering your data double click again outside the spreadsheet and it will return to a chart.*

Line Item #	Line Item Name	FY21 Budget Amt	FY22 Level Ser. Budget Request	Add't Funding Request	Total Request
001-171-00-5111-00-0106	Personal Service - Payro	79,166.00	85,099.22	32,081.22	117,180.44

Provide a narrative description that explains/justifies the additional funding request by line item:

In this budget, I am proposing an increase of \$38,014.44 from FY21 due to a step increase and additional stipend associated with holding the MACC Fundamentals Certificate for the Conservation Agent/Sustainability Coordinator and the addition of a full-time Administrative Assistant. A full-time Administrative Assistant would improve public service in the following ways: facilitate the issuance of Conservation permits in a timely manner, introduce faster response time in verifying the completeness of Conservation permit applications, introduce more efficient response time to records requests, and provide the opportunity for better educational outreach to the public. Additionally, with the Conservation Agent/Sustainability Coordinator able to delegate administrative duties, the Department will better be able to apply for additional and manage current grants in alignment with the Board of Selectmen’s FY21 Policy Goal #4A, supervise ongoing Conservation projects, research and implement FEMA’s Community Rating System in alignment with Mitigation Action #2 of the Hazard Mitigation Plan, and pursue certifying the Town through the LEED for Cities and Communities Program (formerly STAR Community Rating System) in alignment with Master Plan Sustainability Goal #4-2. Additionally, initiatives spearheaded by the Department, such as the Green Communities Grant and the installation of solar at the schools, will save the town approximately \$90,000 annually, more than double the cost of an administrative assistant.

**ADMINISTRATIVE ASSISTANT TO THE  
CONSERVATION AGENT/SUSTAINABILITY COORDINATOR**

**FAIRHAVEN, MA**

**Position Purpose:**

This position provides moderately complex administrative support and day-to-day office support for the Conservation Agent/Sustainability Coordinator. This position is responsible for maintaining and improving upon the efficiency and effectiveness of all areas under his/her direction and control; performs all other related work as required.

**Essential Functions:**

*(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.)*

**Conservation Role:**

- Performs all customer service duties in relation to the daily operation of the office including but not limited to: answering phones, responding to voicemails and emails, general correspondence, face-to-face transactions, answering or directing questions and providing information.
- Provides public assistance on environmental matters and answers to inquiries within the scope of expertise and authority.
- Coordinates conservation permits to ensure customer is getting correct paperwork & paperwork is stamped; making sure all paperwork is completed, approved and signed.
- Provides staff support to the Conservation Office in the administration and enforcement of the Massachusetts Wetlands Protection Act, and Town's Wetland's Protection Bylaw, under the supervision of the Conservation Agent.
- Records and tracks all payments received in the office in an excel spreadsheet.
- Reconciles and makes all deposits to the Financial Assistant in a timely fashion.
- Records and tracks all permit numbers and pertinent information.
- Draft letters, memos and emails as required. Mails and tracks certified letters as necessary.
- Orders supplies for office.
- Maintains budget spreadsheet, recording all payables & payroll on a weekly basis-reconciling budget spreadsheets weekly. Tracks vacations, sick and leaves of absence.
- Completes various monthly reports.
- Attends nightly meetings of the Conservation Commission to record the minutes of the same; submits accurate minutes in a timely manner, prior to the next meeting, for the Conservation Agent to review and for the Commission to accept.
- Performs similar or related work as required, directed or as situation dictates.

**Sustainability Role:**

- Assists in research, grant writing, reporting of sustainability programs, etc., under the direction of the Sustainability Coordinator.
- Attends nightly meetings of the Sustainability Committee to record the minutes of the same; submits accurate minutes in a timely manner, prior to the next meeting, for the Sustainability



**ADMINISTRATIVE ASSISTANT TO THE  
CONSERVATION AGENT/SUSTAINABILITY COORDINATOR**

**FAIRHAVEN, MA**

Coordinator to review and for the Committee to accept.

- Performs similar or related work as required, directed or as situation dictates.

**Recommended Minimum Qualifications:**

**Education, Training and Experience:**

High School Degree required, Associate's or Bachelor's Degree preferred; One to three (1-3) years of administrative experience or related field preferred; experience working with computers; experience working with the public and responding to customer service requests or any equivalent combination of education and experience. A valid Massachusetts motor vehicle license is required. Notary Public preferred.

**Knowledge, Ability and Skill:**

*Knowledge:* General office knowledge including office systems, business communications and basic record keeping, Working knowledge of MS Office Suite, drafting letters and memos. Basic knowledge of the municipal administration process, basic knowledge of the functions of municipal government, basic understanding of the interaction between local government, state government, and federal government, basic working knowledge of business administration, practices, general office procedures, and applicable local, state, and federal laws. Knowledge of Wetlands Protection Act Regulations and ability to read maps is helpful.

*Ability:* Ability to plan, organize and collaborate with others, ability to communicate effectively, ability to establish and maintain effective working relationships with all town employees, board/committee members, officials and the general public, ability to recognize town-wide priorities and work cooperatively to support their accomplishment, ability to handle and resolve a wide range of situations and complaints, with a high-level of independence and task management, ability to prioritize multiple tasks and deal effectively with interruptions, often under considerable time pressure, ability to operate a computer and proficient in the use of MS Office applications and database applications.

*Skills:* Excellent customer service and organization skills, excellent written and verbal communication skills, excellent computer skills including MS Office applications.

**Physical Requirements:**

*The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*

This position is frequently required to sit, communicate, or hear; occasionally required to walk, must be able to handle, or feel objects, tools, or controls; and reach with hands and arms. The employee must occasionally lift and/or move objects weighing up to 20 pounds. This position requires using a computer terminal for long periods of time. Vision and hearing at or correctable to normal ranges. This position requires the ability to operate a keyboard and calculator at efficient speed.

**Supervision:**

*Supervision Scope:* Performs routine duties that are clearly defined by protocol and standard operating procedures. This role requires basic knowledge of departmental operations.

**ADMINISTRATIVE ASSISTANT TO THE  
CONSERVATION AGENT/SUSTAINABILITY COORDINATOR**

**FAIRHAVEN, MA**

*Supervision Received:* Works under the general supervision of the Conservation Agent/Sustainability Coordinator.

*Supervision Given:* None.

**Job Environment:**

- Work is performed under typical office conditions; work environment is moderately noisy.
- Operates an automobile, computer, calculator, telephone, copier, facsimile machine, and other standard office equipment.
- Interacts consistently with the public and with other town departments: commercial and residential general contractors, tradespeople, other town departments: treasury, police, fire etc.
- Has access to department-related confidential and/or sensitive information including financial records, the disclosure of which would cause a significant breach of trust and seriously damage the reputation of the department.
- Errors in judgment could result in hardship to the town's citizens, lower standards of service to the community, monetary loss or legal repercussions and possible negative public relations for both the department and the town.

*(This job description does not constitute an employment agreement between the employers and is subject to change by the employer as the needs of the employer and requirements of the job change.)*

DRAFT

**Town of Fairhaven**

**FY21-22 Budget**

**Request to Fund a New and/or Expanded Service or Program**

Name of Department: Conservation/Sustainability

Name of Department Director: Whitney McClees

Is this request for a new service or program  or an expanded service/program

Please describe the service/program:

Adding the Conservation Commission module to the PermitEyes program being initiated by the Building Department.

What need(s) are being addressed by this service or program:

Online permitting will streamline record-keeping and reduce the space needed to house hard copy permits as well as facilitate more effective public service.

Describe the benefits to the town of implementing the service/program:

Providing online permitting would facilitate and streamline the permitting process for residents and allow other departments to more effectively communicate their comments/concerns regarding each project.

Identify the Board of Selectmen Policy Goal or Department Objective this request is associated with:

This aligns with Board of Selectmen Policy Goal 9H: Improve municipal services, begin the implementation of town-wide online land use permitting software.

Budget Request Detail: (if you are using a line item that is new or not previously used by your department enter "New" under line item number). *Double click on the chart below and it will turn into an excel spreadsheet, after entering your data double click again outside the spreadsheet and it will return to a chart.*

Line Item #	Line Item Name	FY21 Budget Amt	FY22 Level Ser. Budget Request	Add't Funding Request	Total Request	
New	Online Permitting Softw	0	0	\$10,430	\$10,430	

Provide a narrative description that explains/justifies the additional funding request by line item:

Online conservation permitting will improve municipal services and allow for more seamless integration of online services for residents. It will also provide more information to residents regarding which properties fall within Conservation jurisdiction by affording the opportunity to implement online mapping for public use. This would a one-time cost to bring all of the Conservation Commission applications online and then annual support and maintenance costs would be included in the IT budget each year thereafter.

	Support & Maintenance <ul style="list-style-type: none"> <li>All hosting &amp; storage; standard updates &amp; upgrades under normal conditions, phone &amp; email support</li> </ul>	Annual	\$2,740	
PermitEyes Program <b>Dog Licensing Module</b>	Online, cloud based permitting and licensing solution. Unlimited staff and applicant users. <ul style="list-style-type: none"> <li>Accept online requests, route through workflows, manage approvals, collect payments, and issue approvals as configured for the Department and Community.</li> </ul>	One Time	\$6,390	<input type="checkbox"/> Select
	Support & Maintenance <ul style="list-style-type: none"> <li>All hosting &amp; storage; standard updates &amp; upgrades under normal conditions, phone &amp; email support</li> </ul>	Annual	\$2,500	
PermitEyes Program <b>Select Board Module</b>	Online, cloud based permitting and licensing solution. Unlimited staff and applicant users. <ul style="list-style-type: none"> <li>Accept online requests, route through workflows, manage approvals, collect payments, and issue approvals as configured for the Department and Community.</li> </ul>	One Time	\$10,430	<input type="checkbox"/> Select
	Support & Maintenance <ul style="list-style-type: none"> <li>All hosting &amp; storage; standard updates &amp; upgrades under normal conditions, phone &amp; email support</li> </ul>	Annual	\$4,090	
PermitEyes Program <b>ConCom Module</b>	Online, cloud based permitting and licensing solution. Unlimited staff and applicant users. <ul style="list-style-type: none"> <li>Accept online requests, route through workflows, manage approvals, collect payments, and issue approvals as configured for the Department and Community.</li> </ul>	One Time	\$10,430	<input type="checkbox"/> Select
	Support & Maintenance <ul style="list-style-type: none"> <li>All hosting &amp; storage; standard updates &amp; upgrades under normal conditions, phone &amp; email support</li> </ul>	Annual	\$4,090	
Remote (Webinar) Departmental Staff Training	Expert assistance from a project manager during which time you will gain an expert understanding of the Software as you tailor the system to suit your Community.	Included		
Assessor System Integration Option 1 : Manual	Integration solution with assessor system to import property information. This manual ad hoc import of the Assessors DB extract allows applicant to choose from bank of site addresses and the property owner details will flow in automatically into the application form as applicable.	Option 1	Included	

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