



TOWN OF FAIRHAVEN, MASSACHUSETTS

# CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

## Memorandum

Date: February 3, 2021

To: Conservation Commission

From: Whitney McClees, Conservation Agent

RE: Draft buffer zone policy

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### Buffer Zone Policy

#### 1.0 Preamble

- 1.1 The Town of Fairhaven considers 100 feet from a resource area as the buffer zone and consequently an additional protected resource. Floodplains, lands within 100 feet of other resource areas and within 200 feet of rivers and perennial streams, and the resource areas, are presumed significant to the protection of functions and characteristics of these areas because activities undertaken in close proximity have a high likelihood of adverse impact upon them, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, damage to or reduced water quality, and damage or loss of wildlife habitat. Any person in Fairhaven that proposes a project that is within the 100-foot buffer zone resource area is required to submit a Notice of Intent or other applicable application such as a Request for Determination of Applicability to the Fairhaven Conservation Commission (the Commission).
- 1.2 A growing body of research evidence suggests that even “no disturbance” areas reaching beyond 25 feet from resource areas may be insufficient to protect many important characteristics and values. Problems of nutrient runoff, water pollution, siltation, erosion, vegetation change, and habitat destruction are greatly exacerbated by activities within 100 feet of resource areas. Thus, work and activity within the 100-foot buffer zone shall be avoided and discouraged and reasonable alternatives pursued. The applicant may site all construction activities, including grading, beyond the 100-foot buffer zone resource area and avoid a public hearing and the permitting process through the Commission.
- 1.3 Currently as established by precedent, the Commission has instituted a no disturb buffer zone that extends 25 feet from the defined/delineated edge of the resource area. This policy will codify this requirement. Extensive work in this zone,

particularly clearing of natural vegetation and soil disturbance, is likely to alter the physical characteristics of resource areas by changing their soil composition, topography, hydrology, temperature, and the amount of light received. Soil and water chemistry within resource areas may be adversely affected by work in the buffer zone. As a result of buffer zone alterations, biological conditions in adjacent resource areas may include changes in plant community composition and structure, invertebrate and vertebrate biomass and species composition, and nutrient cycling. The effects from work in the buffer zone will most likely result in the disruption and erosion of soil, loss of shading, reduction in nutrient inputs, and changes in litter and soil composition that filters runoff and serves to attenuate pollutants and sustain wildlife habitat within resource areas. For these stated reasons, the Commission is codifying the requirement not to disturb the 0-25 foot buffer zone around the defined/delineated resource area.

- 1.4 This policy will also characterize and provide guidance as to the type of projects that would most likely be acceptable to the Commission in the zone that extends 25-50 feet from the defined/delineated resource area (“25-50 foot buffer zone”), as well as the buffer zone that extends 50-100 feet from the defined/delineated resource area (“50-100 foot buffer zone”) in order to be consistent with the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00) relative to the simplified review process, as well protect the 50-foot buffer zone resource area where the functions and characteristics of the resource area are most critical.
- 1.5 The science supporting the protection of buffer zones is documented in the Massachusetts Association of Conservation Commissions Buffer Zone Guidebook. The Commission shall utilize this guidebook in evaluating buffer zone projects.
- 1.6 The requirements for a Minor Buffer Zone Activity (MBZA) area as follows:
  - 1.6.1 The Commission shall presume that the MBZA proposed will occur:
    - 1.6.1.1 Exclusively within a previously disturbed or clearly delineated buffer zone; and
    - 1.6.1.2 The alteration is less than 1,000 square feet or 5% of the buffer zone on the lot, whichever is less; and
    - 1.6.1.3 At a minimum, a 25-foot-wide area is preserved between the activity and the resource area boundary; and
    - 1.6.1.4 The buffer zone does not contain estimated wildlife habitat which is indicated on the most recent Estimated Habitat Map of State Listed Rare and Endangered Species; and
    - 1.6.1.5 Erosion and sedimentation controls, if required, are provided at the limit of work to protect the resource areas; and
    - 1.6.1.6 Shall constitute activities within the buffer zone that would be eligible for a Negative Determination of Applicability with conditions.
  - 1.6.2 The Commission may determine that this presumption shall not apply based on unusual circumstances such as steep slopes, the potential for negative impacts over time, or because the proposed project would require oversight

through continuing conditions. The Commission may waive any or all of the above requirements if they find that there is an emergency situation. In order for the site to be declared an emergency, a vote of the Commission shall be required.

- 1.6.3 The Commission may, in its discretion, permit a MBZA in a location closer than 25 feet to the resource area if, and only if, the proposed activity occurs exclusively within a previously disturbed area and is located no closer to the resource area than existing structures, activities, or disturbances. However, it is encouraged to increase the width of the buffer zone where possible.

## 2.0 0 to 25 Foot Buffer Zone Resource Area

- 2.1 An applicant shall demonstrate that no work/disturbance, including grading activities, is proposed within the 0-25 foot buffer zone resource area. Any applicant proposing a project within the 0-25 foot buffer zone resource area will have an irrefutable presumption of significant adverse impact to the functions and characteristics of the resource area, unless otherwise determined by the Commission to be a Minor Buffer Zone Activity (MBZA), as described in Section 1.\* of this policy.

## 3.0 25 to 50 Foot Buffer Zone Resource Area

- 3.1 Any applicant proposing a project within the 25-50 foot buffer zone resource area shall indicate that there are no structures including, but not limited to, concrete, stone, or other impervious foundations and/or slabs for construction purposes that would significantly increase runoff. Alteration of the 25-50 foot buffer zone resource area is limited to grading, tree clearing, stormwater management system components, lawns, gardens, and other low-impact uses as determined by the Commission or otherwise approved by the Commission by the variance procedures set forth in Section 6.0 of this policy. Footings for building structures, such as a deck, as opposed to slabs or foundations, shall be used when technically feasible. The Commission may condition the applicant to use Best Management Practices (BMPs) for stormwater management consistent with the best available data, most up-to-date local and state stormwater regulations, and taking into account impacts from climate change. Stormwater management systems or individual components, including drainage piping and construction of detention/retention ponds, shall be allowed by the Commission based on an alternative analysis and review of design and space limitations as indicated in the final approved plans.
- 3.2 Previously disturbed areas: When there is a pre-existing disturbance (disturbed as part of a previously recorded Certificate of Compliance or Determination of Applicability or disturbed prior to the enactment of the Massachusetts Wetlands Protection Act (MGL Ch. 131 §40) and the Fairhaven Wetlands Bylaw (Chapter 192)), and the work proposed is entirely within this previously disturbed area, an applicant may propose impervious surfaces or other uses, such as pools, buildings, porches, and sheds within the 25-50 foot buffer zone resource area. The Commission shall evaluate the proposed uses based on the demonstration by the applicant that the functions, characteristics, and values of the resource area will not be adversely impacted.

#### 4.0 50 to 100 Foot Buffer Zone Resource Area

- 4.1 Alterations including structures are allowed in the 50-100 foot buffer zone resource area. The Commission may require additional mitigation offsets when the slope within the buffer zone is steeper than 10%. Additionally, mitigation offsets may be required by the Commission when the applicant proposes that more than 30% of the 50-100 foot buffer zone resource area is proposed to be impervious surface.
- 4.2 Mitigation offsets may include, but are not limited to, plantings, conversion of impervious surfaces to pervious surfaces, and other practices consistent with best available data.

#### 5.0 Vernal Pool and Its Associated 100-Foot Buffer Zone Resource Area

##### 5.1 Findings

- 5.1.1 Vernal pools and their associated 100-foot no-disturbance zones are likely to be significant to the protection of wildlife habitat and rare plant and animal habitat. Vernal pools constitute a unique and increasingly rare type of wetland that is inhabited by many species of wildlife, some of which are completely dependent on vernal pools and their associated habitat for survival. Areas in the immediate vicinity of vernal pools (i.e., the 100-foot buffer zone) provide these species with important non-breeding habitat functions, such as migratory pathways, feeding, shelter, and over-wintering sites. Many other species utilize vernal pools and their associated 100-foot buffer zone resource area for breeding and non-breeding functions, although such species are not limited to this type of wetland. The protection of vernal pools and their associated 100-foot buffer zone resource area is essential for the survival of wildlife species that depend on these unique and threatened resource areas. Vernal pools need not be state-certified in order to be protected under the Fairhaven Wetlands Bylaw (Chapter 192) or this policy.
- 5.1.2 The extreme edges of vernal pool habitat represent one of the most ecologically valuable portions of these habitats. Shallow water at the edges of a pool generally are the first to thaw in the spring. This provides early access to the pool for the earliest breeding species. The shallow water zones also tend to be significantly warmer than the deeper portions of a vernal pool throughout the spring. Egg masses of early breeding amphibians benefit from the warmer water temperatures at the pool edges that promote rapid egg development.

##### 5.2 Definition, Critical Characteristics, and Boundary

- 5.2.1 Vernal pools exhibit a tremendous variation in physical, geographic, hydrologic and vegetative conditions, and therefore, for the purposes of these Regulations, these conditions are not considered reliable criteria for their identification. A vernal pool is a temporary freshwater body, which, in most years holds water for a minimum of two (2) months and is free of established, reproducing fish populations, and is protected by this policy if it meets any of the following criteria:

- 5.2.1.1 The vernal pool contains evidence of the presence of any one (1) of the following obligate indicator species: Spotted Salamander,

Blue-Spotted Salamander, Jefferson Salamander, Marbled Salamander, Wood Frog or Fairy Shrimp, or;

5.2.1.2 In the absence of any obligate indicator species, the Vernal Pool contains evidence of two (2) of any of the following facultative indicator species: Spring Peeper, American Toad, Green Frog, Pickerel Frog, Gray Tree Frog, Four-Toed Salamander, Spotted Turtle, Caddisfly larvae or cases of Caddisfly larvae, Dragonfly or Damselfly larvae or shed skins (exuvia) of Dragonfly or Damselfly larvae, adults, juveniles or shells of either Fingernail Clams or Amphibious, air-breathing Snails.

5.2.2 The boundary of vernal pool is the lower of:

5.2.2.1 the maximum elevation of a topographic depression that holds water for a minimum of two (2) continuous months each year; or

5.2.2.2 the maximum observed or recorded water level in a topographic depression.

5.2.3 The boundary of vernal pool may be defined differently for the purpose of state or federal protection. The boundary of vernal pool is not established when a vernal pool certification number is issued by the Commonwealth.

5.3 Timing of Evidence Collection: Many of the indicators of Vernal Pool habitat are seasonal. For example, certain salamander egg clusters are found only between late March and late May; Wood Frog chorusing occurs only between late March and late May, and then only at night.

Consequently, failure to find evidence of breeding must be tied explicitly to those periods during which the evidence is most likely to be available. Accordingly, in the case of challenges to the presumption of Vernal Pool habitat, the Commission may require that the determination be postponed until the appropriate time period consistent with the evidence being presented. The Commission may also require its own site visit(s) as necessary to confirm the evidence.

5.4 Presumptions of Significance for 100-foot Buffer Zone to a Vernal Pool: Where a proposed activity involves the removing, filling, dredging, or altering of a Vernal Pool or its 100-foot buffer zone resource area, the Commission shall presume that the Vernal Pool and its 100-foot buffer zone resource area are significant to the protection of wildlife habitat and rare plant and animal habitat.

5.5 Performance Standards for 100-foot Buffer Zone Resource area: Unless the presumption set forth in Section 5.4 of this policy is overcome, the following standards shall apply to Vernal Pools and their 100-foot buffer zone resource area:

5.5.1 100-foot Buffer Zone Resource Area: No activity shall be permitted within 100 feet of the delineated edge of a Vernal Pool, or in the case of a wetland resource area that encompasses the pool, within 100 feet of the delineated edge of said wetland resource area. Prohibited activities include, but are not limited to, grading, landscaping, vegetation control, pruning, cutting, filling, excavation, roadway construction and/or driveway construction.

- 5.5.2 100-foot Buffer Zone to Vernal Pool Demarcation: To maintain the perpetual integrity of the 100-foot Buffer Zone Resource Area and to ensure that there will be no encroachments into this Area by the applicant or future owners of the subject property, the Commission may require the 100-foot Buffer Zone Resource Area to be marked on the ground, at the applicant's expense, with permanent markers. These markers shall be made of weather resistant material (e.g. granite, concrete, other), and the Commission shall determine their number, location and size. The Commission may require the maintenance of such markers in any certificate of compliance issued for the project.

## 6.0 Variance Procedure

- 6.1 The Commission may grant a variance from this policy upon a showing by the applicant that any proposed work, or its natural and consequential impacts and effects, will not have any adverse effect upon any of the interests protected in Chapter 192 of the Code of the Town of Fairhaven (Wetlands). It shall be the responsibility of the applicant to provide the Commission, in writing, with any and all information, which the Commission may request, in order to enable the Commission to ascertain such adverse effects. The failure of the applicant to furnish any information, which has been requested, shall result in the denial of a request for a variance pursuant to the applicable subsection of this policy.
- 6.2 The Commission may grant a variance from this policy when it is necessary to avoid so restricting the use of the property as to constitute an unconstitutional taking without compensation. If the Commission receives an application for a variance pursuant to an applicable subsection of this policy, the Commission may request an opinion from Town Counsel as to whether the application of this policy to a particular project will result in such a taking without compensation.
- 6.3 Variance process: To request a variance, the applicant shall submit a variance request in writing at the time of the application for the Notice of Intent or Request for Determination of Applicability. The request shall explain why the variance is needed and shall describe in detail how the project can be completed without significant adverse impacts on the functions, characteristics, and values of the resource areas. Such detail must include, but is not limited to, an alternatives analysis.



TOWN OF FAIRHAVEN, MASSACHUSETTS

# CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

## Memorandum

Date: February 3, 2021

To: Conservation Commission

From: Whitney McClees, Conservation Agent

RE: Draft winter delineation policy

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### **Winter Conditions Wetlands Delineation and Certificate of Compliance Policy**

Delineating or verifying resource area boundaries during the winter months, especially with deep snow cover or frozen soil conditions, is difficult and under extreme conditions, virtually impossible. Vegetation and other indicators of hydrology that are used to determine wetland boundaries are not readily observable or may be misleading during these times.

MassDEP recommends that resource area delineations be avoided when deep snow cover or “deep freeze” conditions exist. When these conditions exist, it is also not possible to conduct a field verification of a delineation that was performed earlier, under favorable conditions, but was not submitted to the Commission until unfavorable conditions existed.

Based on this, the Fairhaven Conservation Commission finds that it may be necessary and appropriate to continue any hearing on a filing with unapproved wetland delineation until conditions have improved sufficiently to permit field verification of the submitted delineation. The Conservation Agent, in consultation with the Commission Chair, is authorized and directed to determine when such conditions exist and thereafter perform such evaluation and/or schedule a Commission site visit for evaluation purposes.

Exceptions to this policy may be granted upon a written request, stating the reasons for the exceptions sought. Each request shall be evaluated on its own merits, on a case-by-case basis, taking into account the type(s) of resource areas being delineated, the type of work proposed, and the distance between the work and the unapproved resource area delineation. The grant of an exception on any given property or for any particular application, when warranted, shall be for that one instance only.

If the applicant does not agree to a meeting or hearing continuance in order to allow the Commission to complete an adequate field verification of the wetland resource boundaries affecting a particular application, the Commission shall close the hearing and render a decision based on the information available, which may result in a denial for lack of information. For the same reasons, it

is also difficult or impossible for the Commission to issue Certificates of Compliance under adverse winter weather conditions involving deep snow or other significant weather events. The Commission will defer final action on Certificates of Compliance using the same procedures described above until conditions improve sufficiently to permit a site visit.

This policy is intended to be consistent with the Massachusetts DEP's "Winter Delineation" guidance as set forth in the MassDEP manual: "Delineating Bordering Vegetated Wetlands under the Massachusetts Wetlands Protection Act" (1995), on page 49 thereof and shall apply to applications submitted under the Wetlands Protection Act and the Fairhaven Wetlands Bylaw.

January 29, 2021

Conservation Commission  
40 Center Street  
Fairhaven, MA 02719

Dear Conservation Commission,

This letter is to request a Certificate of Compliance to:

Michael J. Smoske  
746 Sconticut Neck Road  
Fairhaven, MA 02719

Re: DEP File # SE 23-725

Registry of Deeds Book 4819, page 235

In August 2000 my father, Lawrence Smoske (now deceased) filed plans to rebuild a house that was destroyed in a fire several years prior in the rear of the property at 746 Sconticut Neck Road. However, he was later informed that the building regulations had changed in the town of Fairhaven and the property at 746 Sconticut Neck Road no longer had the required amount of street frontage to accommodate two housing structures on the plot of land and he could not get the property grandfathered in. Consequently, no further action was ever taken, and no construction was ever performed.

Last year I remortgaged my home and the bank withheld \$2000 until I can remove the Order of Conditions from my deed. I respectfully request a Certificate of Compliance at your earliest convenience.

Sincerely,  
Michael J. Smoske  
746 Sconticut Neck Road  
Fairhaven, MA 02719  
617-930-0731  
Dsmoske13@gmail.com



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

DEP File Number:

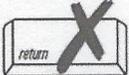
**WPA Form 8A – Request for Certificate of Compliance**

SE 23-725  
Provided by DEP

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

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

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



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

- This request is being made by:
 

Name: Michael J. Smoske

Mailing Address: 746 Sciticut Neck Road

City/Town: Fairhaven State: MA Zip Code: 02719

Phone Number: 617-936-0731
- This request is in reference to work regulated by a final Order of Conditions issued to:
 

Applicant: Lawrence Smoske

Dated: 08/08/2000 DEP File Number: SE 23-725
- The project site is located at:
 

Street Address: 746 Sciticut Neck Road City/Town: Fairhaven, MA

Assessors Map/Plat Number: 42 Parcel/Lot Number: 7 & 8
- The ~~final~~ Order of Conditions was recorded at the Registry of Deeds for:
 

Property Owner (if different): Lawrence Smoske

County: Bristol Book: 4819 Page: 235

Certificate (if registered land)
- This request is for certification that (check one):
 

the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands

DEP File Number:

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

**SE 23-725**  
 Provided by DEP

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

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

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

Yes

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

No

**B. Submittal Requirements**

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

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

Lawrence Smooke  
 Property Owner (if different)

Bristol  
 County

4819  
 Block

235  
 Page

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

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

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



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

Provided by DEP

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

**A. Project Information**

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

Timber Pier and Float

1. This request is being made by:

Chau and Ly Dang



Name Chau and Ly Dang

Mailing Address 84 Fort Street

City/Town Fairhaven State MA

Zip Code 02719

Phone Number 508-951-0757

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

Chau and Ly Dang

Applicant

DEP File Number

Dated

December 18, 2018 SE023-1280

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

3. The project site is located at:

84 Fort Street  
Fairhaven MA 02719

84 Fort St.  
Street Address

Fairhaven  
City/Town

Assessors Map/Plat Number 05

Parcel/Lot Number 007

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

Property Owner (if different)

Book

12682

Page

168

County

Certificate (if registered land)

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

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

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

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### A. Project Information (cont.)

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

Yes

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

No

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### B. Submittal Requirements

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

Tuan Nguyen  
(Structural Engineer)  
1248 Randolph Avenue, Milton, MA. 02186  
Phone: 617-797-6637  
quoctuanpe@gmail.com

February 9, 2021

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

Re:  
Structural inspection  
84 Fort Street  
Fairhaven, MA.

To town of Fairhaven Conservation Commission;

I certify that I have inspected the boat loading dock construction located at 84 Fort Street, Fairhaven, MA. on February 8<sup>th</sup>, 2021.

To the best of my knowledge, information and belief, the structure framing is in conformity with the license.

Chau and Ly Dang  
84 Fort street  
Fairhaven, MA. 02179  
Timber Pier and Float  
Mass DEP file number SE023-1280  
Please call me at above number if you have any question.

Regards,

Tuan Nguyen  
(Structural Engineer, License 45563)



2/9/21



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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

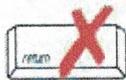
**WPA Form 1- Request for Determination of Applicability**

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

**A. General Information**

**Important:**

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



1. Applicant:

VICTOR CARLUVALE  
Name

CARVID2@AOL.COM  
E-Mail Address

130 SATUCKER TRAIL  
Mailing Address

BRIDGEWATER  
City/Town

MA  
State

02524  
Zip Code

508-654-4309  
Phone Number

Fax Number (if applicable)

2. Representative (if any):

Firm

Contact Name

E-Mail Address

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

**B. Determinations**

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

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

Town of Fairhaven  
Name of Municipality

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

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



# WPA Form 1- Request for Determination of Applicability

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

## C. Project Description

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

14 Turner Ave Fairhaven  
Street Address City/Town  
02/BLOCK 228  
Assessors Map/Plat Number Parcel/Lot Number

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

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

PLAN A 12/7/2020  
Title Date  
\_\_\_\_\_  
Title Date  
\_\_\_\_\_  
Title Date

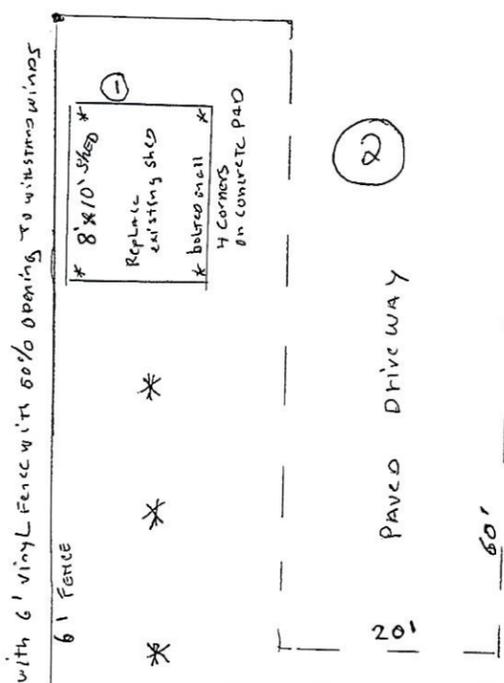
2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

1) Replace existing 8'x10' shed with new 8'x10' shed  
on existing concrete pad bolted on all 4 corners  
2) Relocate driveway from side of house to rear  
of property (paved) see PLAN A  
3) Replace old driveway with wrap around  
deck (see PLAN A)  
4) Replace existing fence (wooden) with vinyl  
plastic with 50% opening to adapt to winds

PLAY A

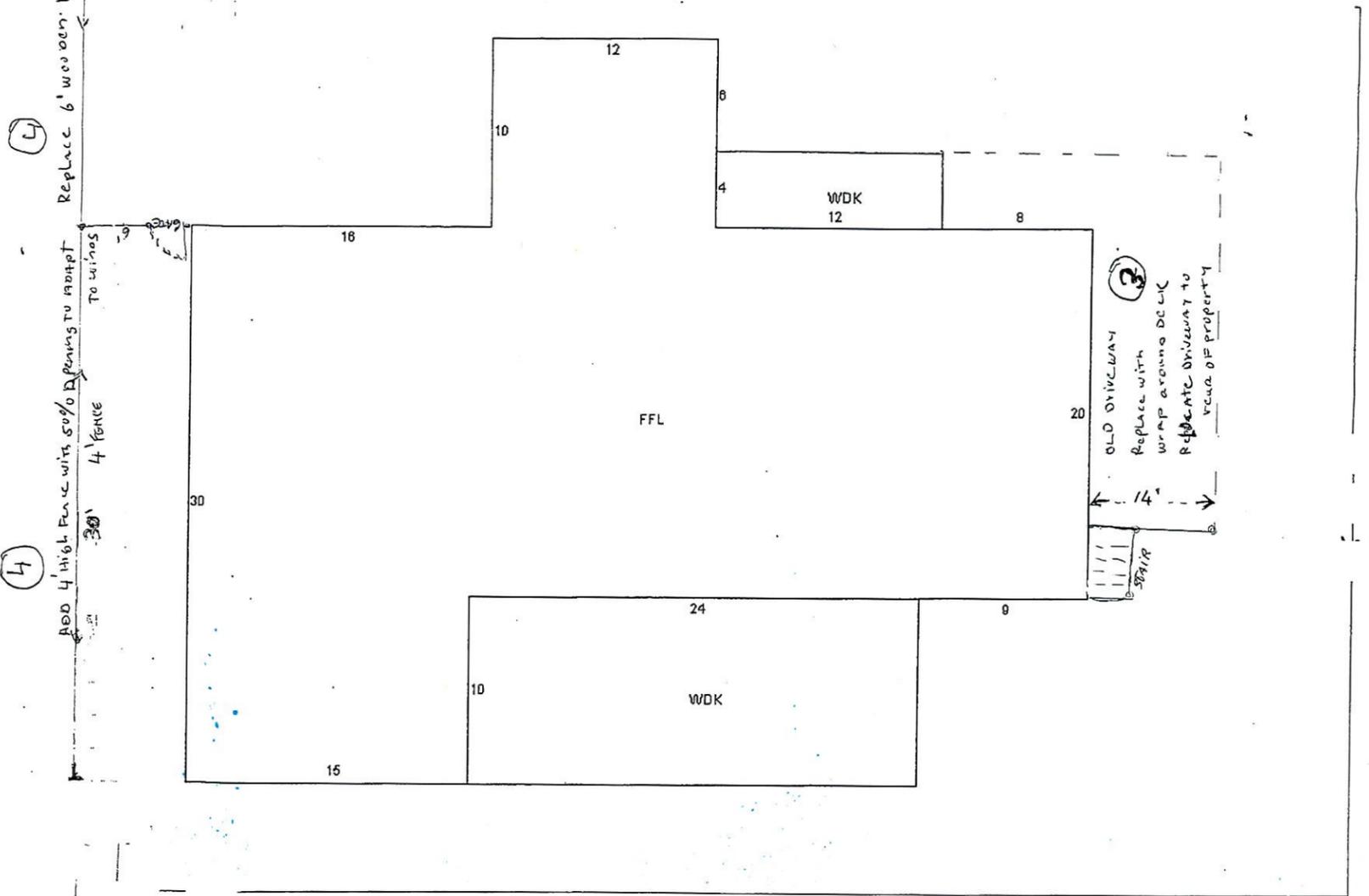
Victor Carlevak  
14 Turner Ave  
Fairhaven

BAKER AVE.



Legend \* PLANT NATIVE Bushes

- 1) Replace existing 8'x10' shed with new 8'x10' shed bolted on concrete pad on all 4 corners
- 2) Relocate driveway from side of house to rear of property (PAVED)
- 3) Replace old driveway with wrap around deck
- 4) Replace existing 6' wooden fence with 50% openings to adapt to windows. Add 4' section continuation from the 6' fence to edge of house.



SUB AREA

SUB AREA DETAIL

Code	Description	Area - SQ	Rate - AV	Undepr Value	Sub Area	% Usd	Descrp	% Type	# Ten
FFL	1ST FLOOR	1230	100.800	123,984					
WDK	WOOD DECK	200	110.000	22,000					