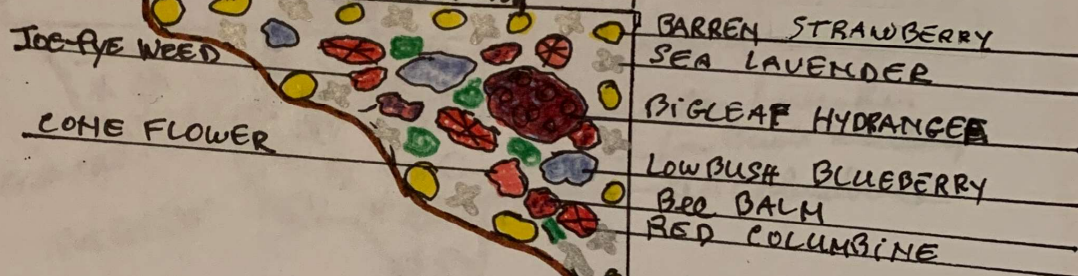
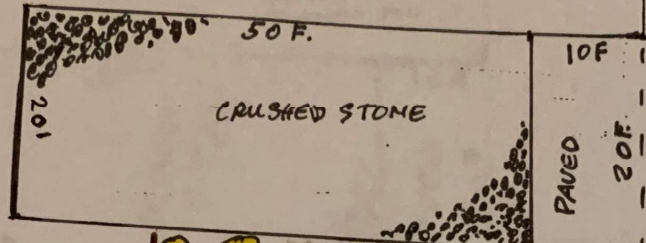
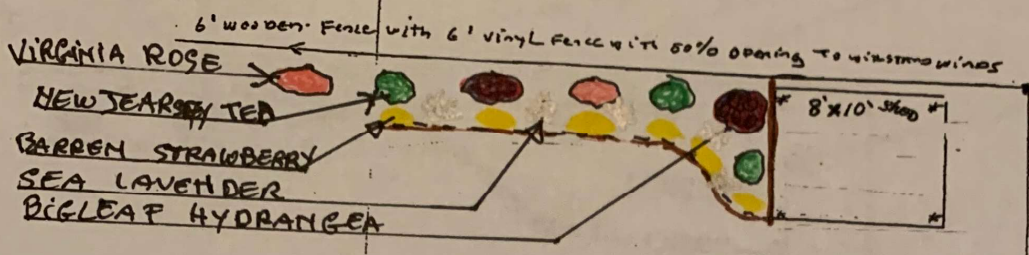


PLAY A

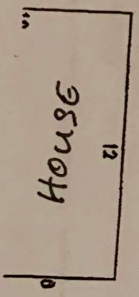
Virginia Carpenter  
14 Turner Ave  
Fitchburg



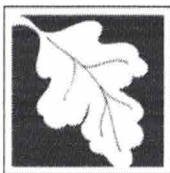
BAKER AVE.

Legend \* PLANT NATIVE Bushes

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



HOUSE



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

DEP File Number:  
023-1326  
 Provided by DEP

**A. Project Information**

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



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

1. This request is being made by:

Name Christopher Argenti

Mailing Address 8 Chambers St

City/Town Fairhaven State MA Zip Code 02719

Phone Number 508 944 9248

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

Applicant Christopher Argenti

Dated 7/31/20 DEP File Number SE 023-1326

3. The project site is located at:

Street Address 8 Chambers St City/Town Fairhaven MA

Assessors Map/Plat Number 41 Parcel/Lot Number 58

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

Property Owner (if different) \_\_\_\_\_

County \_\_\_\_\_ Book 13333 Page 1

Certificate (if registered land) \_\_\_\_\_ 8/5/20

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.



**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

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

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

DEP File Number:

*023-1326*

Provided by DEP

---

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

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

Yes

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

No

---

**B. Submittal Requirements**

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



COPY

CAI

*Charon Associates, Inc.*

*Consulting Engineers*

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

September 18, 2020

Building Commissioner  
Building Department  
Town Hall  
Fairhaven, MA 02719

Dear Commissioner:

RE: New Garage at 8 Chambers St.; Christopher Augenti, Owner  
Alexander Manuel, Built Rite Homes & Construction, Contractor


A framing inspection has been conducted at the subject project to ascertain conformance with the approved plans, with the following observations:

1. The framing, anchor bolts and holdowns in the corner and mid-wall piers are installed as designed;
2. The breakaway wall panels are installed with the styrofoam spacing between the panels and the piers, including cable retainers at the top of each panel; and,
3. The LVL perimeter beams are installed as designed.

Based upon my inspection, it is my professional opinion that the work of this project has been conducted in conformance with the approved plans and interior and exterior finishes can be installed.

Let me know if you have any questions regarding this work.

Respectfully submitted,



Richard J. Charon, P.E.

Cc: C. Augenti







Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

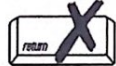
Fairhaven  
City/Town

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

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

**A. General Information**

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



1. Applicant:  
 John S Santos john.san@comcast.net  
 Name E-Mail Address  
 2 Alcobia Drive  
 Mailing Address  
 Fairhaven MA 02719  
 City/Town State Zip Code  
 508-930-8786 n/a  
 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):

2 Alcobia Drive	Fairhaven
Street Address	City/Town
42	69-70
Assessors Map/Plat Number	Parcel/Lot Number

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

7,500 sq. ft. lot comprised of a single family home consisting of 1,800 sq. ft.

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

1917 Rugeiro	01/09/2008
Title	Date
Mortgage Inspection Plan	06/21/2019
Title	Date
Septic As-Built Plan	08/21/2000
Title	Date

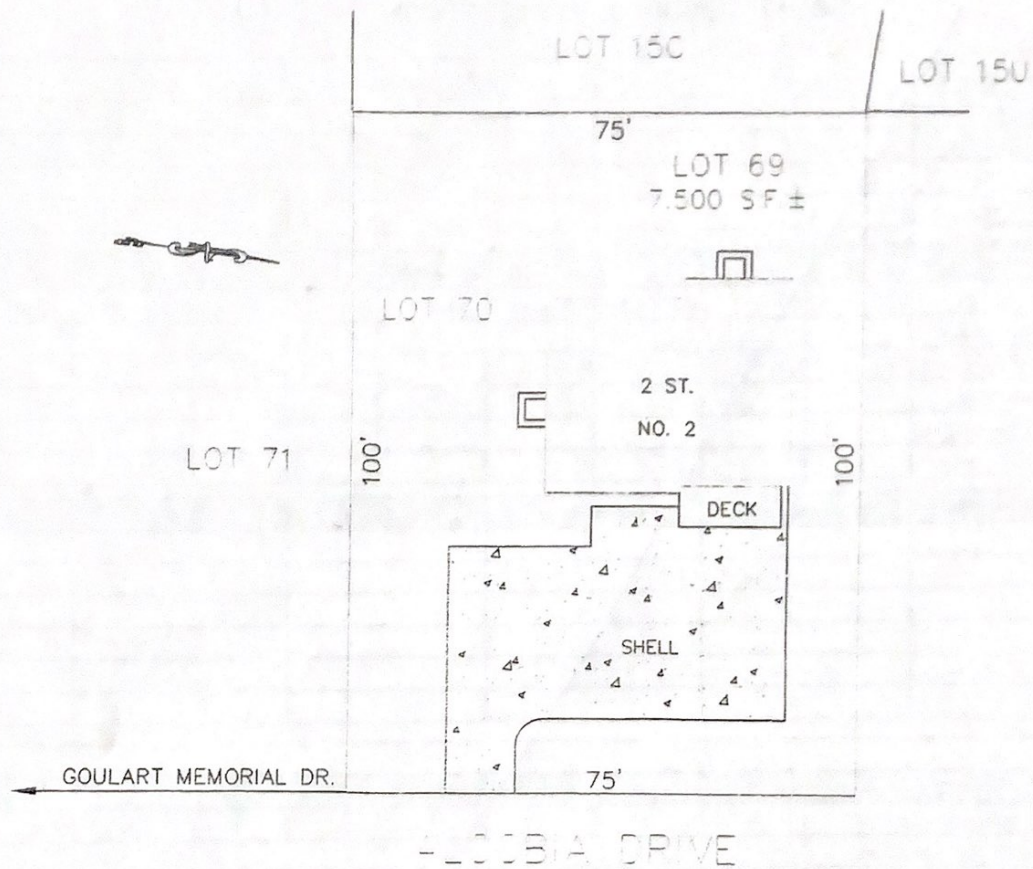
2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

- Construction of a 14x18 stamped concrete patio area. Patio area will be located to the rear of the property; Exhibit I. Said area will also include a grill area requiring a concrete pad of 8x12.
- note: 1) All required permits to be obtained; CAP-3  
2) Mixing of cement will be contained to a designated area; WAS-2.
- Construction of a 12x12 Pergola over existing patio (pavers) in side yard area; Exhibit I.









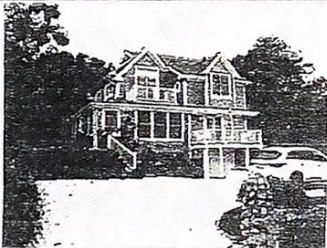
**CERTIFICATION**

I CERTIFY TO THE ABOVE ATTORNEY, BANK, AND THEIR TITLE INSURANCE COMPANY THAT THE MAIN BUILDING, FOUNDATION OR DWELLING WAS IN COMPLIANCE WITH THE LOCAL ZONING BYLAWS IN EFFECT WHEN CONSTRUCTED (WITH RESPECT TO STRUCTURAL SETBACK REQUIREMENTS ONLY) OR IS EXEMPT FROM VIOLATION ENFORCEMENT ACTION UNDER MASS. GENERAL LAW TITLE VII, CHAPTER 40A, SECTION 7.

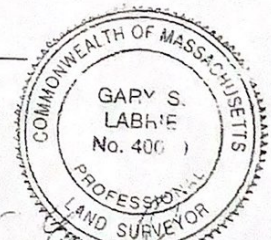
**FLOOD DETERMINATION**

\*\*\* IN FLOOD ZONE \*\*\*

AS SCALED THE DWELLING DOES FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS DELINEATED BY A MAP OF COMMUNITY # 25005C 501E AS ZONE VE-17 DATED 7/1/04 BY THE NATIONAL FLOOD INSURANCE PROGRAM.



Olde Stone Plot Plan Service, LLC  
 P.O. Box 1166  
 Lakeville, MA 02347  
 Tel: (800) 993-3302  
 Fax: (800) 993-3304



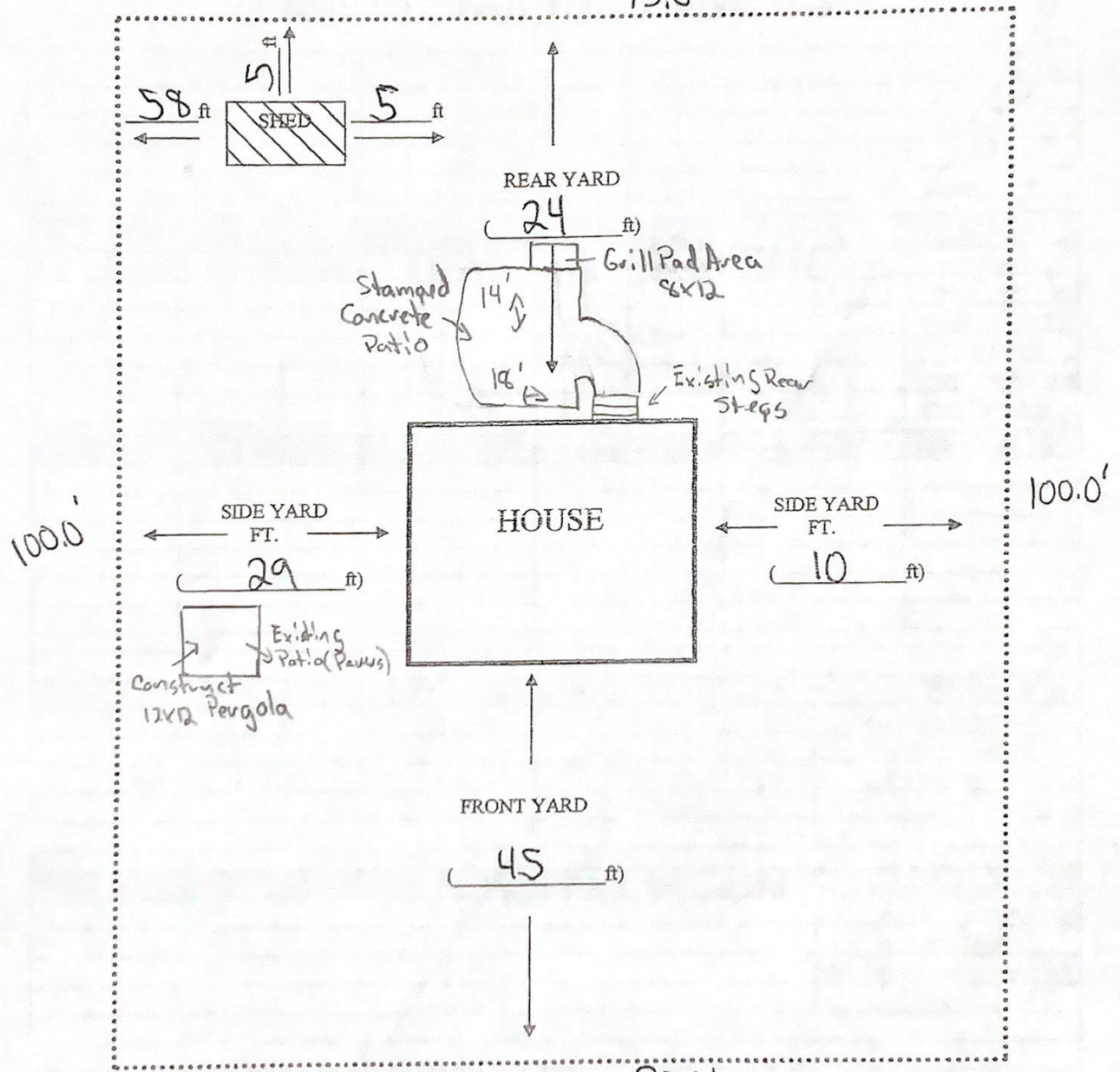
*Labbe*  
6/21/12

PLEASE NOTE: This inspection is not the result of an instrument survey. The structures as shown are approximate only. An instrument survey would be required for an accurate determination of building locations, encroachments, property line dimensions, fences and lot configuration.



PLOT # 42 LOT # 069-70

75.0'



100.0'

100.0'

75.0'

2 Alcobia Drive Fairhaven MA 02719  
(Address of Property)

Exhibit I

# SITEC

Civil and Environmental Engineering  
Land Use Planning

SITEC, Inc.  
449 Faunce Corner Road  
Dartmouth, MA 02747  
Tel. (508) 998-2125 FAX (508) 998-7554

## MEMORANDUM

TO: TOWN OF FAIRHAVEN CONSERVATION COMMISSION

FROM: KORY MEDEIROS *KM*

DATE: MARCH 1, 2021

SUBJECT: **RICHARD, JR. & ELIZABETH PERREIRA**  
**3 HIDDEN DRIVE**  
**DEP FILE # 023-1342**

Enclosed please find three (3) copies of the revised Landscape Improvement Plan for Richard Jr., & Elizabeth Perreira for 3 Hidden Drive (Map 39 Lot 27.C). The plan has been revised to incorporate input received as a result of our February 19, 2021 sitewalk. In discussions between the owners and the representatives of the Town of Fairhaven Conservation Commission, it was determined that approximately 12-15 small diameter trees and other vegetation were disturbed from the 100' buffer zone to a Bordering Vegetated Wetland. The owner proposes the plantings of (5) Red Oaks coupled with (10) High Bush Blueberry to restore this portion of the parcel. As part of this application the owner is requesting permission to construct a chain link fence to connect to the existing highway fence along the rear of the property. The owners also propose to extend the existing wood fence along the side-yard approximately 30', as shown. Both fences would provide a clear line of demarcation between the upland and wetland portions of the backyard. Should you require additional information or have any questions regarding this request, please do not hesitate in contacting me.





March 5, 2021

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

**RE: BELLA VISTA**

Dear Commission Members,

On March 3, I met a team of six laborers to direct the removal of material that was near and in resource areas. The materials were either stockpiled near the shed which is 150 feet from the resource areas or the material was placed in a dumpster as shown by the enclosed pictures. The float was launched into the water and arrangements are being made to have a professional install a mooring in an area approved by the Harbormaster/Shellfish Warden. Each autumn, the float will be transported by a commercial marine handler to an upland storage area.

I am available to meet at the island at your convenience.

Sincerely,  
**PRIME ENGINEERING, INC.**

A handwritten signature in cursive script that reads 'Richard J. Rheume'.

Richard J. Rheume, P.E., LSP  
Chief Engineer

Bella Vista Island, Fairhaven



Full dumpster on driveway

Bella Vista Island, Fairhaven



Float anchored in water



Bella Vista Island, Fairhaven



Location where float had been



Bella Vista Island, Fairhaven



Location where booms near pool had been



Bella Vista Island, Fairhaven



Location to north where booms had been



Bella Vista Island, Fairhaven



Looking east at east property line where posts had been

Bella Vista Island, Fairhaven



Looking north at east property line where posts had been



Bella Vista Island, Fairhaven



Former location of stacked fire logs



Bella Vista Island, Fairhaven



Former location of stacked pipe, lumber and booms



Bella Vista Island, Fairhaven



Former location of stacked pipe, lumber and booms



Bella Vista Island, Fairhaven



Former location of booms south of seawall



Bella Vista Island, Fairhaven



Booms and pipes stacked near shed



Bella Vista Island, Fairhaven



Floats staged on the driveway



**NARRATIVE IN SUPPORT OF  
PROPOSED FIXED PIER, GANGWAY AND FLOATS AT  
2 OXFORD STREET  
FAIRHAVEN, MA**

**PREPARED BY:**

**PRIME ENGINEERING, INC.  
P.O. BOX 1088  
LAKEVILLE, MA**

**PREPARED FOR:**

**2 OXFORD STREET, LLC  
11 DAVID STREET  
NEW BEDFORD, MA 02744**

**FEBRUARY 9, 2021**

## **1.0 INTRODUCTION**

It is proposed to construct a fixed pier, a gangway and floats at 2 Oxford Street in Fairhaven, MA. That requires an Order of Conditions from the Fairhaven Conservation Commission and a Waterways Permit from the MassDEP Division of Waterways. This Narrative has been prepared in support of those petitions.

## **2.0 EXISTING CONDITIONS**

The site is located at the eastern shore of New Bedford/Fairhaven inner harbor, approximately a third of a mile northeast of Popes Island and a quarter of mile south of where MassDEP has delineated the terminus of the Acushnet River. On shore is a large multi-family dwelling that has operated as a bed and breakfast facility for many years. There are nicely landscaped grounds and a stone seawall along the shore. The land side ground at the seawall is at approximate elevation 5.5 feet above mean low water and the ground on the seaward side varies in elevation from .5 feet to 2.3 feet above mean low water. From the seawall, the ground (seabed) slopes down to the northwest at a slope of approximately 6% for 65 feet at which point the bottom flattens out at a depth of 4.5 to 5.5 feet below mean low water.

The bottom has recently been dredged by US EPA contractors in a Superfund operation to remove PCB laden soil. It is expected that there is a paucity of shellfish in this area due to the dredging operation. Harvesting any shellfish that remain is strictly prohibited.

The tidal range in New Bedford inner harbor ranges from a low of 2.2 feet to a high of 5.4 feet dependent on the moon phase and wind.

## **3.0 PROPOSED IMPROVEMENTS**

It is proposed to extend a fixed pier to a point 70 feet seaward of the existing seawall at an elevation of 8.0 feet above mean low water. From that point, a 3-foot wide, 30-foot-long gangway will extend down to a float. Key points of the floats will be secured by twenty-nine 1-foot diameter wood piles that will be driven into the seabed by a pile driving barge. The most landward float will be set where the low water depth is 4 feet at low tide. Therefore, there is no need for stops to keep the float the minimum distance of 30 inches off the seabed.

Each pile has a cross sectional area of .79 square feet. Therefore, the 29 piles will impact  $(29)(.785 \text{ sf}) = 22.8$  square feet of ocean bottom. As stated, there is projected to be a paucity of shellfish in the area due to the recent dredging. Nevertheless, the proponent will contribute to the Town's shellfish propagation in order to assure shellfish propagation in other non-contaminated areas of Town.

## **4.0 CONCLUSION**

The proposed pier, gangway and floats will have minimal impact on the wetland resources and will provide waterway access to the existing bed and breakfast.



**2 Oxford Street, Fairhaven**



**Seawall looking north**

**2 Oxford Street, Fairhaven**



**Seawall looking south**



## 2 Oxford Street, Fairhaven



Looking west - the pier is proposed to start at the tipped over bench



Whitney McClees <wmcclees@fairhaven-ma.gov>

## 2 Oxford Street - Notice of Intent

Paul Foley <pfoley@fairhaven-ma.gov>

Thu, Mar 4, 2021 at 3:01 PM

To: Whitney McClees <wmcclees@fairhaven-ma.gov>, Timothy Cox <tcx@fairhaven-ma.gov>, Chris Carmichael <ccarmichael@fairhaven-ma.gov>

Whitney et al,

This property is in the RA Single Residence District. The SPGA in RA is the ZBA. I do not see a listing in the Use Regulation Schedule for Commercial Dock. Let me know if I am missing something here. It should come to the PB as part of Chapter 91 and the PB may very well decide to have a Public Hearing under that program. I am not sure how long this has been a B&B but it should have a Special Permit from the ZBA for that use. A quick look at the plans tells me that the proposed pier is too long per Section 198-32.2.C(3)(b) which limits the length of piers including floats inside the Hurricane Barrier to no more than 150 feet in length. Ironically (see attached Oxford Map 1791) the original commercial pier in Town was at the terminus of Oxford Street where the East India Company had a store on the corner of what is now the 2 Oxford Street property. The Oxford Street Right of Way should be public access but on the ground it looks as though it is part of the 2 Oxford Street property. Also, notice that the Town Commons was on the other side of the Oxford Street terminus. This also appears as if it is someone's yard when in fact it should probably be Town waterfront parkland open to the public.

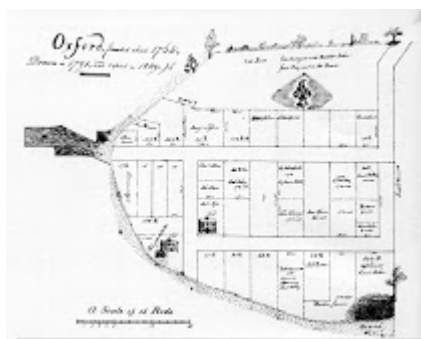
Paul

Paul H. Foley, AICP  
Director of Planning & Economic Development  
Fairhaven, Massachusetts

Town Hall, [40 Center Street](#)  
(508) 979-4082 EXT. 122

[Quoted text hidden]

### 2 attachments



**Oxford map 1791.jpg**  
984K

**198-32-2 Docks and Piers.pdf**  
36K







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

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

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

MassDEP File Number

Document Transaction Number

Fairhaven

City/Town

**Important:**

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



Note:  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

10 Nelson Avenue

a. Street Address

Fairhaven

b. City/Town

02719

c. Zip Code

Latitude and Longitude:

43

f. Assessors Map/Plat Number

41-35'-11" N

d. Latitude

30

g. Parcel /Lot Number

70-51'-27" W

e. Longitude

2. Applicant:

Gerald

a. First Name

Delano

b. Last Name

The Delano Irrevocable Trust

c. Organization

10 Nelson Avenue

d. Street Address

Fairhaven

e. City/Town

MA

f. State

02719

g. Zip Code

508-965-8760

h. Phone Number

i. Fax Number

j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

Same as Applicant

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Steven

a. First Name

Gioiosa

b. Last Name

SITEC, Inc/Civil & Environmental Consultants, Inc.

c. Company

449 Faunce Corner Road

d. Street Address

Dartmouth

e.

MA

f. State

02747

g. Zip Code

508-998-2125

h. Phone Number

508-998-7554

i. Fax Number

sgioiosa@cecinc.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$440.00

a. Total Fee Paid

\$207.50

b. State Fee Paid

\$232.50

c. City/Town Fee Paid





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

**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Fairhaven

City/Town

**A. General Information (continued)**

6. General Project Description:

The Applicant is proposing to complete the repair/reconstruction of a concrete groin and splash pad along the shoreline. The work is limited to previously licensed Chapter 91 structures. The proposal includes adding a cap to the top of the concrete revetment and stabilizing the disturbed lawn area by loaming and seeding.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Single Family Home                        | 2. <input type="checkbox"/> Residential Subdivision                  |
| 3. <input type="checkbox"/> Commercial/Industrial                     | 4. <input type="checkbox"/> Dock/Pier                                |
| 5. <input type="checkbox"/> Utilities                                 | 6. <input checked="" type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation                           |
| 9. <input type="checkbox"/> Other                                     |  |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1.  Yes  No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Bristol

a. County

12472

c. Book

b. Certificate # (if registered land)

324

d. Page Number

**B. Buffer Zone & Resource Area Impacts (temporary & permanent)**

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



Whitney McClees <wmcclees@fairhaven-ma.gov>

**MassDEP NOI File Number**

**SERO\_NOI@massmail.state.ma.us** <SERO\_NOI@massmail.state.ma.us>  
To: sgioiosa@cecinc.com, cally.harper@mass.gov  
Cc: sero\_noi@state.ma.us, wmcclees@fairhaven-ma.gov

Thu, Mar 4, 2021 at 2:39 PM

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

Date: 03/04/2021

Municipality FAIRHAVEN

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

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

<b>Applicant</b>	DELANO IRREVOCABLE TRUST (THE)	<b>Owner Address</b>
<b>Address</b>	<a href="#">10 NELSON AVENUE, FAIRHAVEN MA</a>	
<b>Locus</b>	<a href="#">10 NELSON AVENUE , FAIRHAVEN MA</a>	

This project has been assigned the following file # : **SE 023-1344**

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

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

Work is proposed in a Coastal Beach Resource Area. The Performance Standards in 310 CMR 10.27 Coastal Beaches should be addressed. If the volume of the stones to be repositioned below MHW is greater than 100 cubic yards then an individual 401 would be required since that action would be considered dredging. If that volume is less than 100 yards then the Order serves as the 401 Water Quality Certification.

**ADDITIONAL REQUIREMENTS:**

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

401 Water Quality Certification (314 CMR 9.00) may be required. The project qualifies for 401 Certification under the Army Corps of Engineers' General Permit for Massachusetts (MAGP), provided that the project meets certain conditions outlined in 314 CMR 9.03 and 9.04, and the conditions under MAGP. The MAGP and Stream Crossing Guidelines are available on the web at <http://www.nae.usace.army.mil/Missions/Regulatory/StateGeneralPermits/MassachusettsGeneralPermit.aspx>. Select either "Massachusetts General Permit" or "Massachusetts River and Stream Crossing Standards" from the left side menu.

Regards,  
for MassDEP,

(508)-946-2815  
[Cally.Harper@mass.gov](mailto:Cally.Harper@mass.gov)





# The Commonwealth of Massachusetts

## Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114

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

[www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lt. Governor

KATHLEEN A. THEOHARIDES  
Secretary

RONALD S. AMIDON  
Commissioner

DANIEL J. MCKIERNAN  
Director

March 3, 2021

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

Dear Commissioners:

The Division of Marine Fisheries (MA DMF) has reviewed the Notice of Intent (NOI) by The Delano Irrevocable Trust, 10 Nelson Avenue, to repair and to reconstruct two concrete groins and splash pad on Buzzards Bay in the Town of Fairhaven, with respect to potential impacts to marine fisheries resources and habitat.

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

The area abutting the two groins has been mapped by DEP as eelgrass (*Zostera marina*) habitat. Eelgrass beds provide one of the most productive habitats for numerous marine species [1,2] and are designated "special aquatic sites" under the Federal Clean Water Act 404(b) (1) guidelines. Every effort should be made to avoid impacts to eelgrass.

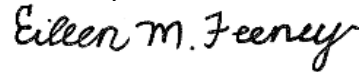
MA DMF offers the following comments for your consideration:

- No narrative was submitted with the NOI. How will the two groins be repaired/reconstructed? Will there be concrete forms in the water to contain the concrete? Will the work be conducted behind cofferdams in the dry? Will a barge be used to transport materials? No side profile of the two groins was included. Will the elevation of the groins be higher than the original groins? Is there any seaward encroachment of either groin?
- If this project moves forward, MA DMF recommends the following:
  - The plan should include a side profile of the proposed groin repairs showing the existing elevation and proposed elevation.
  - The groins shall be reconstructed within the same footprint as the licensed groins.

- If a barge is used to transport equipment or materials, the barge shall not anchor in offshore eelgrass beds.
- Appropriate containment techniques should be used to prevent construction debris from entering the marine environment during construction.
- Work shall be performed as close to the groins as much as practicable and during low water conditions to reduce impacts to rocky intertidal habitat.

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

Sincerely,



Eileen M. Feeney  
Fisheries Habitat Specialist

cc: Steven Gioiosa, Civil & Environmental Consultants, Inc.  
Timothy Cox, Shellfish Constable  
Christine Jacek, ACOE  
Robert Boeri, CZM  
Holly Williams, MA DMF  
Tom Shields, MA DMF

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#### References

1. Heck KL, Jr., Carruthers TJB, Duarte CM, Hughes AR, Kendrick G, et al. (2008) Trophic transfers from seagrass meadows subsidize diverse marine and terrestrial consumers. *Ecosystems* 11: 1198-1210.
2. Jackson EL, Rowden AA, Attrill MJ, Bossey SJ, Jones MB (2001) The importance of seagrass beds as a habitat for fishery species. *Oceanography and Marine Biology: an Annual Review* 39: 269-303.