Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

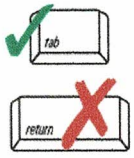
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number: ~~#169327~~

Provided by DEP: SE023-1313

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.



1. This request is being made by:

Patty G Matheson Estate of Joseph U Cardoza
Name

85 Mill Road
Mailing Address

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

508-992-0097 | 508-642-1827
Phone Number

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

Patty G. Matheson est. Joseph U Cardoza
Applicant

4/23/2021 | ~~#169327~~ SE023-1313
Dated | DEP File Number

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:

132 Weeden Road | Fairhaven MA
Street Address | City/Town

32 | 009
Assessors Map/Plat Number | Parcel/Lot Number

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

~~Patty~~
Property Owner (if different)

Bristol | ~~#192~~ 13110 | 17 ~~355~~
County | Book | Page

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☐ the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.

BLACKTOP DRIVEWAYS

CEMENT WORK

SAND-LOAM-GRAVEL

A. MEDEIROS, CONTRACTOR

318 Alden Road, Fairhaven, Ma

TEL: 508-993-3609 or 774-263-4533

SEPTIC SYSTEMS

SEWER &WATER TIE-INS

BACKHOE & BOBCAT SERVICE

April 25. 2021

Mrs. Patty Matheson
85 Mill Road
Fairhaven, Ma 02719

Re: Estate of Joseph Cardoza, 132 Weeden Road, Fairhaven, Ma

To Whom It May Concern:

This is to inform any future buyers of the above address that the sewer system on the above property was installed according to plan and was inspected and accepted by the Town Engineer.

Respectfully Submitted

Antone Medeiros, Jr.
President

ESTIMATES CHEERFULLY GIVEN
PAYMENT DUE ON COMPLETION OF JOB

DAILY CONSTRUCTION REPORT

GCG ASSOCIATES, INC.
84 MAIN STREET
WILMINGTON, MA 01887

DATE June 8, 2020

DAY	Sun	Mon	Tue	Wed	Thu	Fri	Sat
		X					

Project 132 Weeden St Sewer Project

Job. No. 2020

Client Fairhaven DPW

Contractor Medeiros Contracting

Superintendent Tony

Weather	Bright Sun ☒	Clear ☐	Overcast ☐	Rain ☐	Snow ☐
Temp.	Under 32° ☐	32°-50° ☐	50°-70° ☒	70°-85° ☐	85°+ ☐
Wind	Still ☐	Moder. ☒	High ☐	Report No:	
Humidity	Dry ☐	Moder. ☒	Humid ☐	6	

FIELD FORCE	NON-MANUAL	MANUAL	REMARKS
Contractor Medeiros	2	2	

VISITORS

TIME	NAME	REPRESENTING	REMARKS
		Fair Haven BH	

EQUIPMENT

CONSTRUCTION ACTIVITIES

Crew completed the installation of the sewer services to all three cottages and the 1 ¼" sdr11 hdpe force main piping for each service in one trench along the back of the cottages parallel to the property line. Crew stopped at and installed the "Liberty" pumps for all three cottages and connected to the system. Electrician certified the installation and startup for all. DPW sewer and water notified and onsite to read water meter and view installation and approval procedure with contractor. The pipe was installed with a minimum of 4' of cover with a sand blanket bedding and green sewer bury tape was installed above the pipe. Each pump container installed with hand mixed concrete ballast around base to approx. 3'. Leach filled and septic tank for first cottage was pumped out. Crew was cleaning up the site and Board of Health Agent was onsite to witness the abandoning of the septic tanks for all three cottages and the main house.

Remaining asbuilt information was recorded, and pictures taken of all connections for acceptance

DISTRIBUTION: 1. Proj. Mgr.
2. Client
3. Field Office

BY Jim Coe INSPECTOR

RESIDENT ENGINEER

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:

SE 23-888
Provided by DEP

A. Project Information

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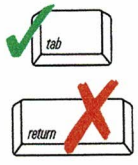

1. This request is being made by:

Jesse Perry Jr., Trustee of Jess Perry Jr. Declaration of Trust
Name

c/o Joan Califf, 10594 State Route 37
Mailing Address

Findlay | OH | 45840
City/Town | State | Zip Code

401-241-4459
Phone Number

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

Jesse Jr. & Joan L. Perry
Applicant

Dec. 13, 2004 | SE 23-888
Dated | DEP File Number

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:

36 Balsam St. | Fairhaven
Street Address | City/Town

Map 43C | Lot 23
Assessors Map/Plat Number | Parcel/Lot Number

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

Jesse Jr. & Joan L. Perry
Property Owner (if different)

Bristol | 72 | 251
County | Book | Page

93664
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).
Demolition of former residence and construction of new residence on flood zone foundation with exception of interior work to complete kitchen and bath and exterior landscaping.

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

Charon Associates, Inc.

Consulting Engineers

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

April 30, 2021

Conservation Commission
Town Hall
Fairhaven, MA 02719

Dear Members of the Commission:

RE: DEP File #SE 23-888; Jesse Jr. & Joan L. Perry, Applicants, c/o Joan Califf, Tr.

A site inspection was performed by this office to view work that was completed under the Order of Conditions issued for the subject property in 2004. While finish landscaping remains to be done, the soils around the re-built house are stabilized and re-vegetated. A new filing for the landscape work will be submitted prior to commencement of that work.

It is my professional opinion that the majority of the work of this project has been satisfactorily completed, with the exception of landscaping and finish work inside the house, and that a certificate of compliance should be issued for the project.

Sincerely,

Richard J. Charon, P.E.

Cc: J. Califf

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

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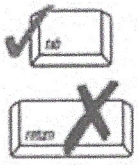


1. Applicant:

ANDREW GAUDREAU — Name
ANDREW J GAUDREAU@[illegible]ICloud.com — E-Mail Address
12 HEDGE ST — Mailing Address
FAIRHAVEN — City/Town
MA — State
02719 — Zip Code
508-525-6285 — 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 _____ make the following determination(s). Check any that apply:
Conservation Commission

☐ 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:

Name of Municipality

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

C. Project Description

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

12 HEDGE ST — Street Address
FAIRHAVEN — City/Town
13 / — Assessors Map/Plat Number
60 — Parcel/Lot Number

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

BACK YARD OF MY HOUSE, BACK YARD IS FENCED IN, DIRT AND GRASS.

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

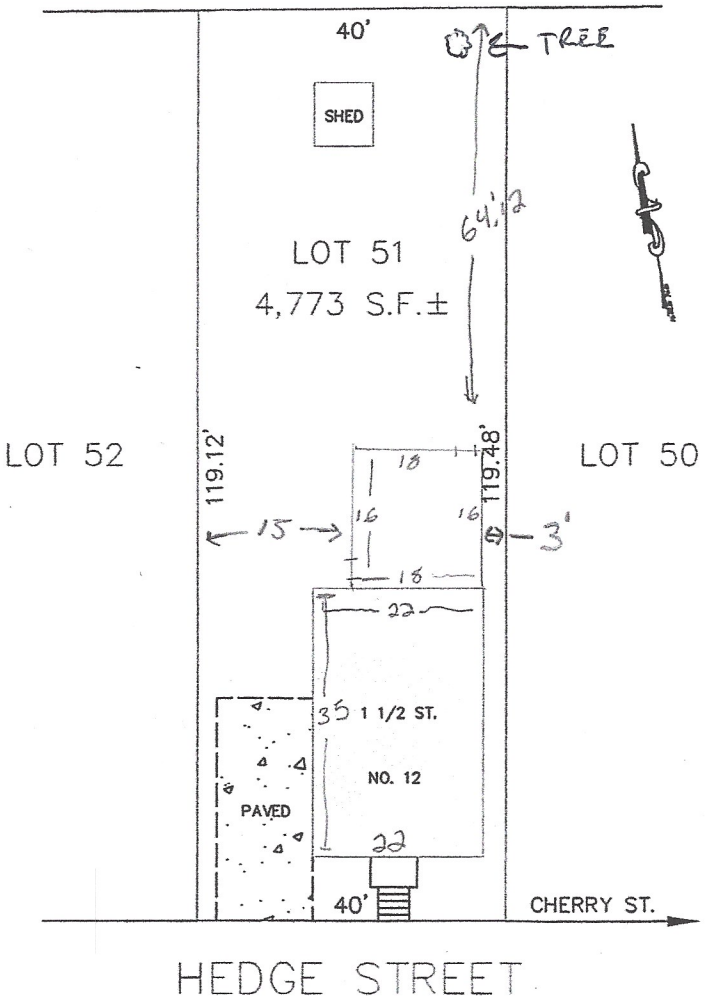
lot layout — Title — 4/3/21 — Date
FRAME layout — Title — 4/3/21 — Date
Footing & Back yard view — Title — 4/3/21 — Date

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

TO Build A 18x16 Foot DECK OFF THE BACK OF my HOUSE, DECK will BE Built WITH A GURT SYSTEM. GURT will BE Supported By Footings, (4 Foot Sonae tubes) EACH Spaced 5'8" From ONE ANOTHER totalling to 4 Footings. DECK will SPAN 16' FROM BACK OF HOME GURT will, ~~BE~~ Support DECK AT 14'. REFER TO DRAWINGS FOR VISUAL

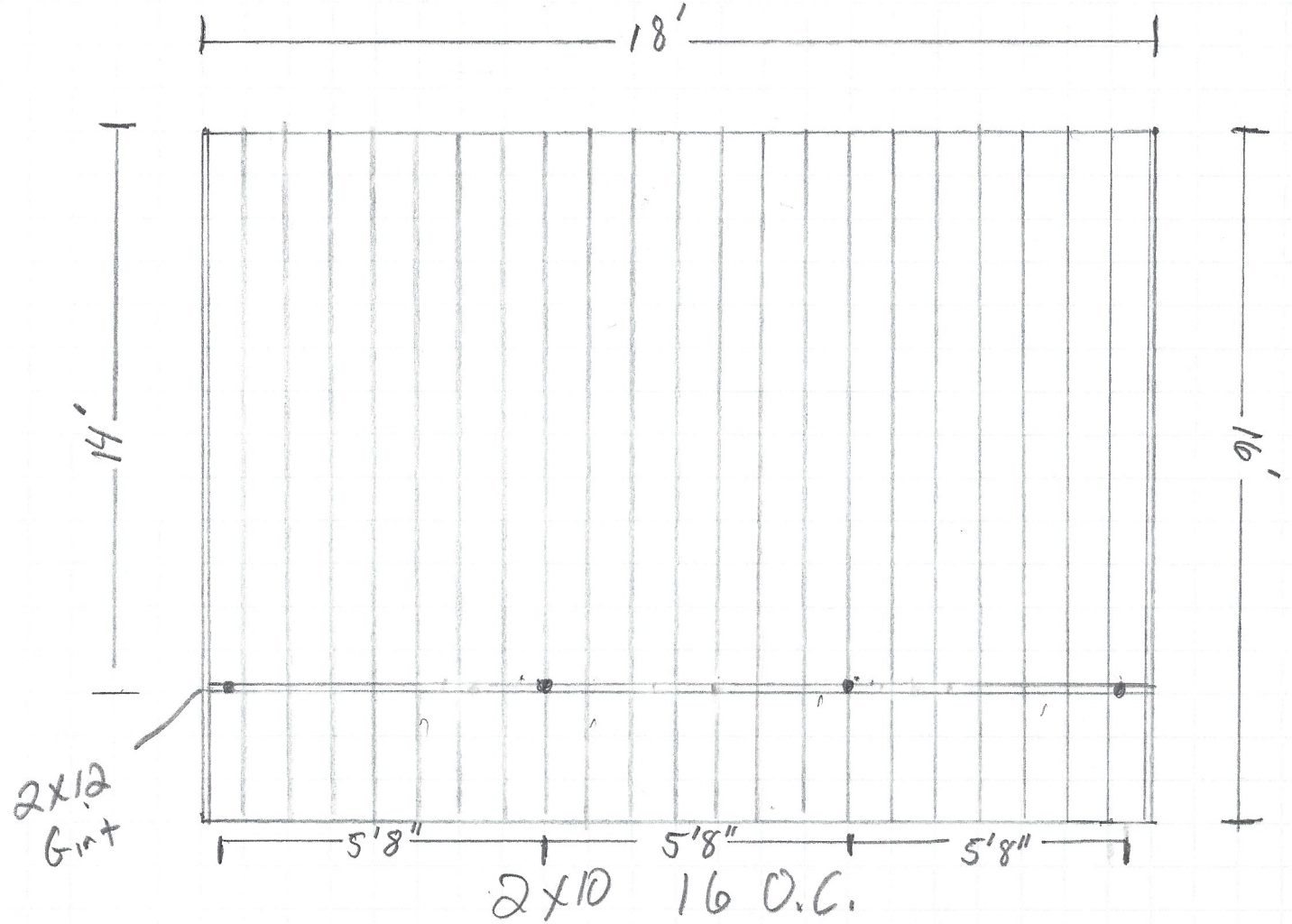
12 HEDGE STREET, FAIRHAVEN, MA

Lot layout 4/3/21



12 Hedge st. Fairhaven, Ma.
02719

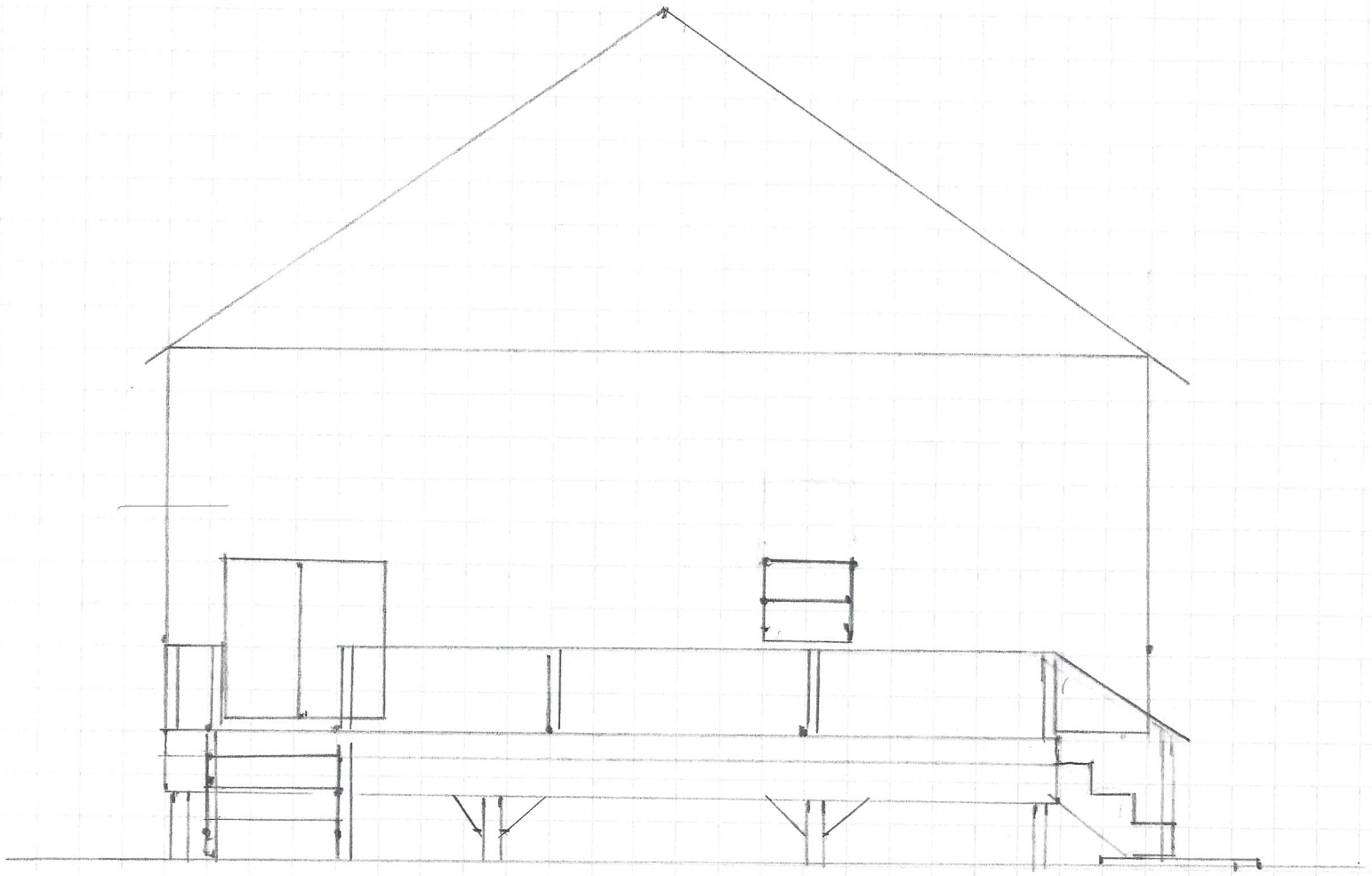
4/3/21



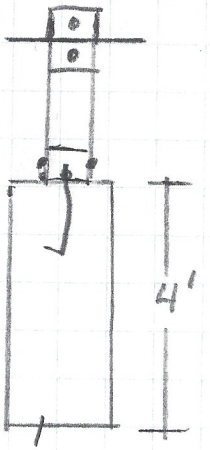
FRAME LAYOUT

4/3/21

12 Hedge st Fairhaven. Ma
02719



TYPICAL Footing



10" Footing with connectors

Footing & BACK YARD VIEW

Fairhaven
City/Town

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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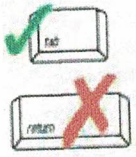


1. Applicant:

Ed + Lisa Lavalette — Name
lisalavalette@gmail.com — E-Mail Address
48 Torrington Rd — Mailing Address
Fairhaven — City/Town
MA — State
02719 — Zip Code
508 308 0746 — 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).

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

C. Project Description

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

48 Torrington Rd — Street Address
Fairhaven, MA — City/Town
29B — Assessors Map/Plat Number
171 — Parcel/Lot Number

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

Single family home

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

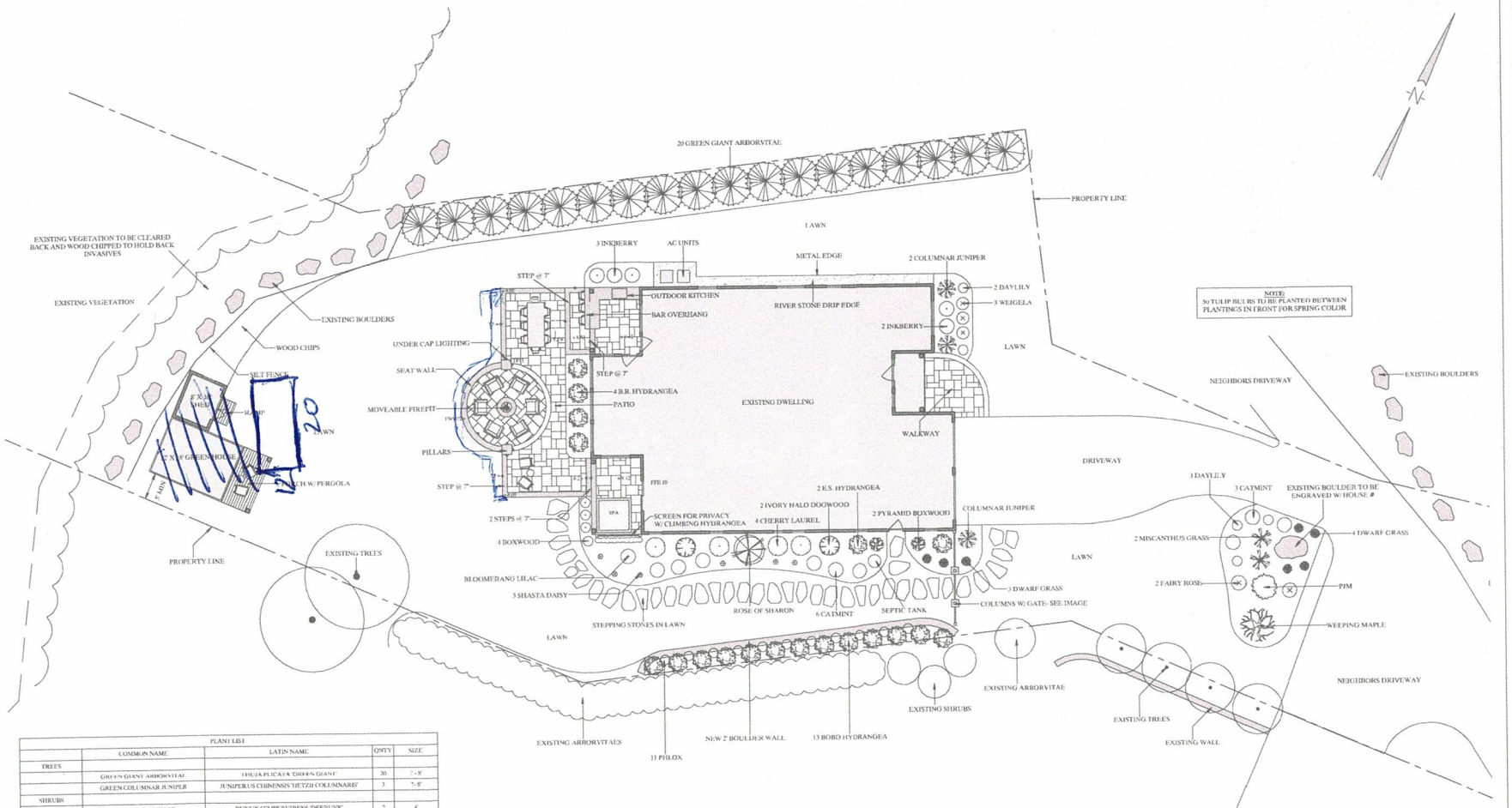
Landscape Plan — Title — 4/16/2021 — Date

Title — Date

Title — Date

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

Stamped concrete patio, 12x20 concrete pad for Greenhouse + shed



PLANT LIST

	COMMON NAME	LATIN NAME	QNTY	SIZE
TREES				
	GREEN GIANT ARBORVITAE	THUJA PLICATA 'DRIEN GIANT'	20	7'-8'
	GREEN COLUMNAR JUNIPER	JUNIPERUS CHINENSIS 'HETZII COLUMNARIS'	3	7'-8'
SHRUBS				
	PYRAMID BOXWOOD	BUXUS SEMPERVIRENS 'DEERUNK'	2	4'
	BOXWOOD	BUXUS MICROPHYLLA 'WINTER GEM'	4	20 - 24"
	INKBERRY	ILEX GLABRA 'SHAMROCK'	5	5 GAL
	CHERRY LAUREL	PRUNUS LAUROCERASUS 'OTTO LUYKEN'	4	5 GAL
	PJM RHODODENDRON	RHODODENDRON 'PJM'	1	5 GAL
	WEEPING JAPANESE MAPLE	ACER DISSECTUM 'CRIMSON QUEEN'	1	7 GAL
	BLOOMERANG LILAC	SYRINGA 'BLOOMERANG'	1	5 GAL
	IVORY HALO DOGWOOD	CORNUS ALBA 'IVORY HALO'	2	5 GAL
	SPILLED WINE WEIGELA	'WEIGELA FLORIDA 'BOGRASPIWE'	3	5 GAL
	ROSE OF SHARON	HIBISCUS SYRIACUS 'DIANA'	3	7 GAL
	ENDLESS SUMMER HYDRANGEA	HYDRANGEA MACROPHYLLA 'ENDLESS SUMMER'	2	5 GAL
	BLUSHING BRIDE HYDRANGEA	HYDRANGEA MACROPHYLLA 'BLUSHING BRIDE'	4	5 GAL
	BOBO HYDRANGEA	HYDRANGEA PANICULATA 'BOBO'	13	5 GAL
	PINK FAIRY ROSE	ROSA 'THE FAIRY'	2	5 GAL
PERENNIALS				
	LITTLE BUNNY GRASS	PENNESETUM ALOPECUROIDES 'LITTLE BUNNY'	7	3 GAL
	TULIP	TULIP	50	BULB
	DAYLILY	HEMEROCALLIS 'STELLA D ORO'	6	1 GAL
	WALKERS LOW CATMINT	NEPETA FAASSENII 'WALKERS LOW'	9	1 GAL
	SNOWCAP DAISY	LEUCATHEMUM SUPERBUM 'SNOWCAP'	31	GAL
	AUTUMN JOY SEDUM	SEDUM 'AUTUMN JOY'	31	GAL
	PHLOX	PHLOX DIVARICATA 'LOUISIANA BLUE'	11	1 GAL
	MORNING LIGHT MISCANTHUS GRASS	MISCANTHUS SINENSIS 'MORNING LIGHT'	2	3 GAL

GENERAL NOTES

1. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND UTILITIES AND REPORT ANY DISCREPANCIES TO THE LANDSCAPE DESIGNER.
2. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES BY NOTIFYING DIG-SAFE AT 1-800-322-4844 AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION.
3. THE CONTRACTOR SHALL CONDUCT PRELIMINARY INVESTIGATIONS INCLUDING ALL NECESSARY EXCAVATION TO DETERMINE IF THE WORK CAN BE DONE AS SHOWN ON THE PLANS. CHANGES MAY BE MADE AS REQUIRED BY FIELD CONDITIONS AND AS DIRECTED BY THE LANDSCAPE DESIGNER.
4. ALL EXISTING UTILITIES MAY NOT BE SHOWN ON THE DRAWING. THE CONTRACTOR SHALL ASSUME RESPONSIBILITY FOR DETERMINING THE EXACT LOCATION, SIZE, AND TYPE OF ALL UNDERGROUND UTILITIES AND FOR PROTECTING ALL LINES DURING CONSTRUCTION.
5. ALL WORK SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL REGULATIONS.

MLC

ML CURADOSSI

Landscape Design
&
3-D Imaging
Plymouth, MA 02360
MLCuradossi@GMail.com
508 360 5857
www.MLCuradossi.com

LAVALETTE RESIDENCE

48 Torrington Road
Fairhaven, MA

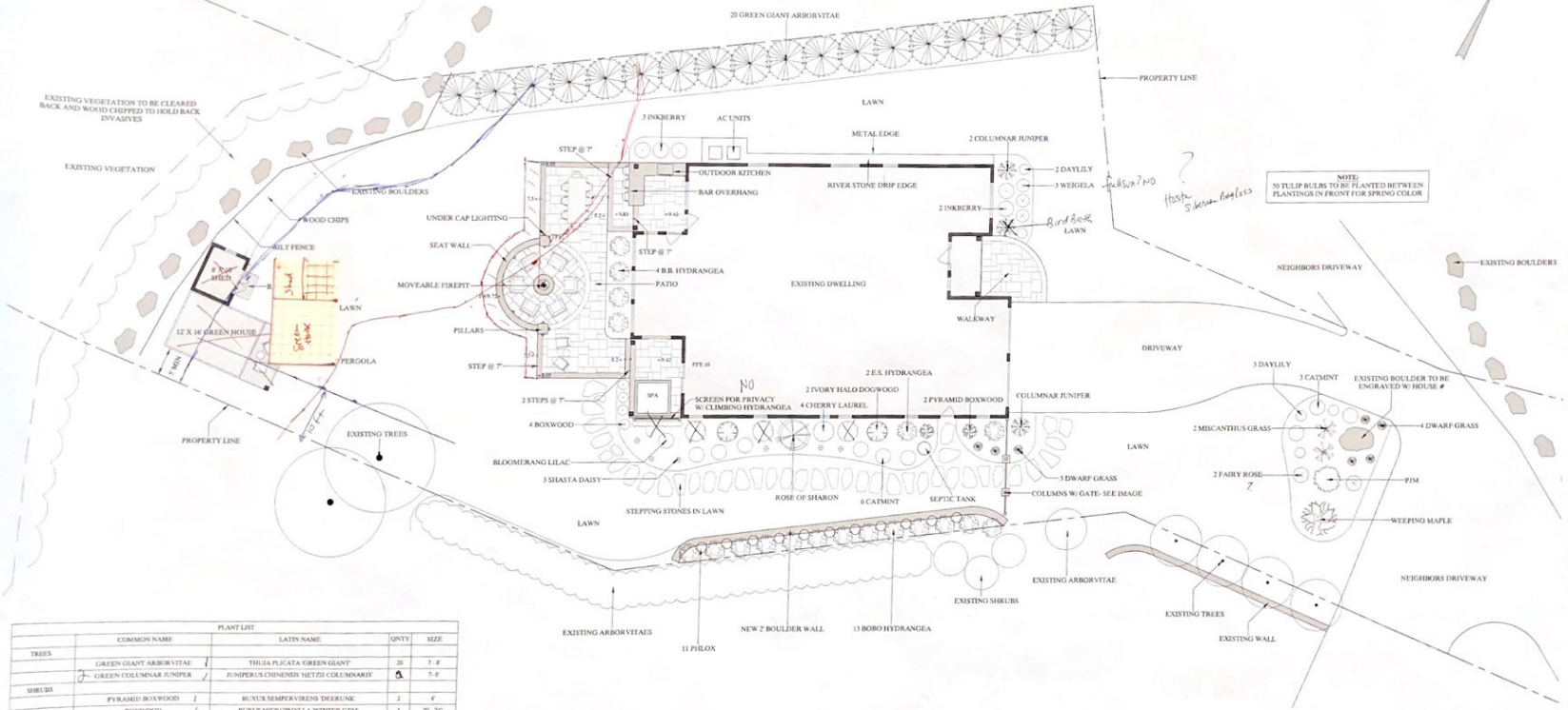
Drafted By:
Michael Curadossi

Original: 10/15/20
Last Modified: 11/25/20 9/16/21

Scale 1" = 10'-0"

L1.0

LANDSCAPE PLAN



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	AUTUMN JOY SEDUM	SEDUM 'AUTUMN JOY'	31	GAL
	PHLOX	PHLOX DIVARICATA 'LOUISIANA BLUE'	11	1 GAL
	MORNING LIGHT MISCANTHUS GRASS	MISCANTHUS SINENSIS 'MORNING LIGHT'	2	3 GAL

Alternative for bedroom/bedroom #1 about keeping it @ 4ft-5ft

Access from tub + use for bedroom + bedroom

Juniper boards blvd. (Red Veterans) or Bonsai Upright Corpopetens (

GRAPHIC SCALE
0 5 10 20 40 FEET

GENERAL NOTES

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MLC
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Landscape Design
&
3-D Imaging
Plymouth, MA 02360
MLCuradossi@GMail.com
508 360 5857
www.MLCuradossi.com

LAVALETTE RESIDENCE

48 Torrington Road
Fairhaven, MA

Drafted By:
Michael Curadossi

Original: 10/15/20
Last Modified: ~~11/23/20~~ 4/16/2021

Scale 1"=10'-0"

L1.0

LANDSCAPE PLAN

Lauren L. Francis, Trustee
OVERLOOK REALTY TRUST
P.O. Box 649
Fairhaven, MA 02719
508-993-1219

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

Re: DEP File No. SE 23-1239
DEP File No. SE 23-1258
NOI – Single Family Dwelling Lot 4
NOI – Single Family Dwelling Lot 5
NOI – Single Family Dwelling Lot 6
Now Assessors Map 29, Lots 1C, 1D, 1E

Dear Mr. Chairman & Commission Members,

Overlook Realty Trust filed the above cited requests prior to the Boards approval of their new buffer zone regulations, so the new regulations would not apply. Since there are many newer members of the Commission that are not familiar with the long history of this site, a brief synopsis the the events with respect to the Town of Fairhaven Drainage Easement is necessary.

Prior to 1970, this 15 acre site on the west side of Sconticut Neck Road was a horse farm known as "Little Bay Ranch", with the farmhouse, barn and much cleared pasture land. There was an open drainage ditch belonging to the Town of Fairhaven on the southern portion of the land. The property was purchased by developers in 1971, and subdivided into 26 lots and called "Smugglers Beach" and shown on Plan Book 87, Page 8. In 1978, there was a resubdivision into 15 lots shown in Plan Book 106, Page 116. Preliminary roadwork was performed to create Smugglers Beach Drive, with a road cut from Sconticut Neck Road all the way to the shore as shown on the plans. This is evidenced by the dirt piles and boulder rock piles along both sides of the road cut. This old road way, Smugglers Beach Drive, is the same location as the current wetlands located in the middle of the site between lots 5 and 6 on the current Plan 177, Page 71.

The Town's Drainage Easement piping was allowed to fall into substantial disrepair when broken pipes were not replaced when needed. For many years this caused extensive flooding down into the site following the Old Smugglers Beach Drive, through the middle of the property, instead of flowing into the the Town's open ditch on the south side of the property where it was authorized to flow. Old Smugglers Beach Drive is in the same location that has become the wetland area between Lots 5 and 6 of this filing.

The Town of Fairhaven is encumbered by a recorded easement from the 1955 Layout of Sconticut Neck Road with it's associated drainage system that flows onto the Overlook Realty Trust property. The easement obligates the Town for, “construction, maintenance, repair, replacement and inspection of a 12 inch re-inforced pipe, manhole, and endwall for drainage purposes”. These structures consist of no less than 10 manhole drainage structures on Sconticut Neck Road and a farm drain on the east side of Sconticut Neck Road, at Widemarsh Beach Way. Because of the disrepair of the Town Drainage Easement, flooding began to occur, and flowed to the location of Old Smugglers Beach Drive, down the middle of the site, instead of the Town Drainage Ditch. This flooding location has become the wetland area between Lots 5 and 6 of this filing. It is well settled that flooding was caused by the neglect of the Town.

In 1996, I purchased the property. I wanted to build only one house, so the Town required me to make a plan showing only one lot. Plan 144, Book 89, showing lot 14.6 acres was drawn 1/26/2000, including the Town Drainage Structures and Pipe were located on the Plan. During this process it became abundantly clear that there was an ongoing flooding problem onto Old Smugglers Beach Drive. It was determined that the Town's Drainage pipes had failed and drainage water was flowing down the road cut instead of into the recorded drainage easement structure and ditch that was required. Old Smugglers Beach Drive, is this same road cut area that has become the now wetland area between now lots 5 and 6.

Beginning in May of 2013, we began to develop a 4.46 acre parcel of land. The Con Com then members, with their agent John Rockwell, and I walked the town drainage areas. In July of 2013, there was a tremendous deluge storm issue and Sconticut Neck Road was flooded out because the town drainage system was not working properly. In April of 2014, LEC Environmental flagged the wetland area of the Town's easement. The Town, with their Order of Conditions SE-1188, finally repaired some of the broken pipes in August. In 2014, a form A lot was created, Lot 3 in Plan Book 172, Page 18, of 4.46 acres.

In spring of 2015 LEC flagged the wetland line for the area of the proposed site subdivision. John Rockwell, Louise Barteau, and I walked the line, and the RDA line was approved. In June 2016, Planning Board gave a Preliminary Approval of a 3 lot subdivision, which was the resubdivision of Lot 3 on Plan Book 172, Page 18, into Lots 4, 5, and 6. In August an Order of Conditions SE 1239, was approved as it was necessary to clear the jungle like vegetation in the upland areas near to the flags, so that the commission could actually see the flags and walk the site.

After many meetings in 2016 and 2017, with both the Planning Board and the Conservation Commission, the subdivision was approved for Lots 4, 5, and 6 on Plan 177, Page 71, entitled “Overlook Acres” on Overlook Lane.

An Order of Conditions, SE -1258 was issued for the subdivision, with the required replication areas and a gravel surface. However that Order was Amended in December for a paved Overlook Lane roadway as requested by the Planning Board. There was also recorded a DEP Restrictive Covenant regarding the subdivision and the replication areas. The Planning Board signed the final plans 12/12/2017, along with a Homeowners Roadway Agreement, and a Form D Covenant for the roadway.

In 2019, the construction of the subdivision by Overlook Realty Trust began first with the replacement of the Town's distressed piping and associated structures to stop the still continuing flooding issues. Then the replication areas were completed. Followed by the installation of the water, sewer, gas, and electric all underground, then the actual paved roadway. The Board of Public Works has provided an approved As-Built by GCG associates dated November 18, 2019. All of the replication areas grew in very well and no plantings were lost, and have thrived since then. The Town's drainage water now flows into the open Town ditch appropriately. All of these requirements have been accomplished with great expenditure of funds by Overlook Realty Trust. In 2020 not much happened with the project due to Covid-19.

Now in 2021, we are before the Commission for the last step, the NOI site plans for the individual single family dwellings on Lots 4, 5, and 6. Dave Davignon of Schneider, Davignon and Leone, Inc., has prepared all of the appropriate documentation throughout this entire subdivision process for the Planning Board, Board of Public Works, and Conservation Commission. He will make the presentations to the Board on May 10th.

I have written this letter to be read into the record to be sure that all members of the Commission take into consideration, and are aware of all of the unusual issues and circumstances with this site regarding the previously neglected Town's drainage, the Town's easement, and it's disrepair, flooding, and site disturbances associated with same on this site.

Thank you for your consideration.

Sincerely,

Lauren L. Francis, Trustee
Overlook Realty Trust

Enclosure:
1961 aerial photo

1961 MAP 29 LOT 1

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.

April 19, 2021

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

Re: DEP File No. SE 23-1258 – Request for an Amended Order of Conditions
Applicant/Owner: Overlook Realty Trust
Site Address: Overlook Lane
Subdivision Lot #6 at Overlook Acres

Dear Mr. Chairman & Commission Members,

Schneider, Davignon & Leone, Inc., acting as agent for the Applicant hereby requests that a Public Hearing be convened for the purposes of Amending the Order of Conditions for DEP File No. SE 23-1258 - relative to the above referenced project.

The Applicant requests to reverse the previously approved Amendment Request for the purposes of constructing the proposed driveway crossing in the originally approved footprint.

The Applicant intended on constructing a house for herself but circumstances have changed. The subject lot #6 has a Purchase & Sales agreement in place which is subject to an approval of the original driveway crossing location.

It should be noted that the construction of Wetland Replication Area for the proposed Wetland Alteration Area was completed in the fall of 2019.

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

Sincerely,
Schneider, Davignon & Leone, Inc.

David M. Davignon, P.E.

cc: File 2741
DEP – SE Regional Office (via electronic and hard copy submission)
Overlook Realty Trust

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.

April 20, 2021

Re: Notice of Intent – Project Narrative
Applicant/Owner: Overlook Realty Trust
Site Location: Overlook Lane
Subdivision Lot #4 at Overlook Acres

Project Purpose:
The purpose of the project is to permit the proposed construction of a single family dwelling and associated site work on a residential vacant lot.

Site Description:
The subject site is 46,978 sq. ft. in size and is known as Lot #4 on a Definitive Subdivision Plan of "Overlook Acres". The site is bordered easterly by Overlook Lane, westerly by subdivision lot #5, southerly by subdivision lot #6 and northerly by residential homes.

Wetland Resource Areas:
The site contains Bordering Vegetated Wetland (easterly and offsite southerly) which was flagged by LEC Environmental Consultants and approved by the Consecration Commission, most recently through DEP File No. SE 23-1258.

Project Construction Description:
This is a Buffer Zone project only. All of the following work will occur within the 100 ft. Buffer Zone of a B.V.W.

Proposed Buffer Zone Activity:
The Applicant proposes to construct a single family dwelling and attached garage with front and rear porches.

The Applicant also proposes the construction of a 20' x 40' in- ground swimming pool and a 40' x 50' basketball court within the 100 ft. Buffer Zone.

Retaining walls are proposed to minimize fill within the 100 ft. Buffer Zone. Two-2' wide x 1.5' deep stone groundwater recharge trenches are provided around the basketball court and on the south side of the driveway.

The house will be serviced by municipal sewer, water and gas.

Sewer will be provided with the installation approximately 43 ft. of 6" sdr – 35 sewer pipe connecting to the existing sewer main located in Overlook Lane.

Water will be provided with the installation of approximately 56 ft. of 1" poly water service pipe connecting to the existing water main located in Overlook Lane.

Gas will be provided for heat with the installation of approximately 58 ft. of gas service pipe connecting to the (natural) gas main located in Overlook Lane.

Underground electric, cable and telephone will be provided with the installation of approximately 66 ft. of pvc conduits connecting to the existing underground services located in Overlook Lane.

Access to the house will be provided with the construction of a paved circular driveway at the end of the existing paved hammerhead roadway.

Erosion control which will consist of siltation fencing, straw wattles or silt socks is depicted around the limits of work. The installation of said barrier will be subject to an inspection of the Conservation Commission prior to commencement of work.

Upon completion of the project all disturbed areas will be stabilized with loam and seed or mulch/landscape plantings.

Attachments are enclosed as follows:

- Figure 1: U.S.G.S. Quadrangle
- Figure 2: Estimated Habitat Map
- Figure 3: Assessors Map #29.
- Figure 4: Fairhaven FIRM
- Figure 5: Definitive Subdivision Plan
- 100-foot Abutters List
- DEP Abutter Notification Form
- Site Plan

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.

April 19, 2021

Re: Notice of Intent – Project Narrative
Applicant/Owner: Overlook Realty Trust
Site Location: Overlook Lane
Subdivision Lot #5 at Overlook Acres

Project Purpose:
The purpose of the project is to permit the proposed construction of a single family dwelling and associated site work on a residential vacant lot.

Site Description:
The subject site is 50,066 sq. ft. in size and is known as Lot #5 on a Definitive Subdivision Plan of "Overlook Acres". The site is bordered easterly by Overlook Lane, southerly by subdivision lot #6, northerly by residential homes and westerly by undeveloped wooded areas.

Wetland Resource Areas:
The site contains Bordering Vegetated Wetland (southerly and offsite westerly) which was flagged by LEC Environmental Consultants and approved by the Consecration Commission, most recently through DEP File No. SE 23-1258.

Project Construction Description:
This is a Buffer Zone project only. All of the following work will occur within the 100 ft. Buffer Zone of a B.V.W.

Proposed Buffer Zone Activity:
The Applicant proposes to construct a single family dwelling and attached garage with front and rear porches.

The house has been designed with a drive under garage on its southerly side in an effort to minimize fill in the 100 ft. buffer zone. At its closest point the house will be located approximately 57' from the edge of the B.V.W.

Retaining walls are proposed to minimize fill within the 100 ft. Buffer Zone. Permanent boulders are proposed at 8' on center at the limits of fill to protect the wetland from future encroachment.

The Applicant also proposes the construction of a 20' x 40' in- ground swimming pool, 20' x 20' barn together with a gravel access driveway and a 30' x 60' sand surface volleyball court within the 100 ft. Buffer Zone.

The house will be serviced by municipal sewer, water and gas.

Sewer will be provided with the installation of an E-One Grinder Pump and approximately 228 ft. of 1-1/4" pvc forcemain connecting to the existing sewer main located in Overlook Lane.

Water will be provided with the installation of approximately 295 ft. of 1" poly water service pipe connecting to the existing water main located in Overlook Lane.

Gas will be provided for heat with the installation of approximately 267 ft. of gas service pipe connecting to the (natural) gas main located in Overlook Lane.

Underground electric, cable and telephone will be provided with the installation of approximately 320 ft. of pvc conduits connecting to the existing underground services located in Overlook Lane.

Access to the house will be provided with the construction of approximately 266 ft. of a 10' wide paved driveway beginning at the previously approved wetland crossing (see SE 23-1258). Due to its proximity to the B.V.W. line a 2' wide x 1.5' deep stone stormwater recharge trench is proposed along the southerly side of the driveway its entire length.

Erosion control which will consist of siltation fencing, straw wattles or silt socks is depicted around the limits of work. The installation of said barrier will be subject to an inspection of the Conservation Commission prior to commencement of work. Upon completion of the project all disturbed areas will be stabilized with loam and seed or mulch/landscape plantings.

Attachments are enclosed as follows:

- Figure 1: U.S.G.S. Quadrangle
- Figure 2: Estimated Habitat Map
- Figure 3: Assessors Map #29.
- Figure 4: Fairhaven FIRM
- Figure 5: Definitive Subdivision Plan
- 100-foot Abutters List
- DEP Abutter Notification Form
- Site Plan

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.

April 19, 2021

Re: Notice of Intent – Project Narrative
Applicant/Owner: Overlook Realty Trust
Site Location: Overlook Lane
Subdivision Lot #6 at Overlook Acres

Project Purpose:
The purpose of the project is to permit the proposed construction of a single family dwelling and associated site work on a residential vacant lot.

Site Description:
The subject site is 63,047 sq. ft. in size and is known as Lot #6 on a Definitive Subdivision Plan of "Overlook Acres". The site is bordered easterly by Overlook Lane, northerly by subdivision lot #5 and southerly and westerly by undeveloped wooded areas.

Wetland Resource Areas:
The site contains Bordering Vegetated Wetland, which was flagged by LEC Environmental Consultants and approved by the Consecration Commission, most recently through DEP File No. SE 23-1258.

Project Construction Description:
This is a Buffer Zone project only. All of the following work will occur within the 100 ft. Buffer Zone of a B.V.W.

Proposed Buffer Zone Activity:
The Applicants propose to construct a single family dwelling and attached garage with various ground level decks and porches.

The house has been designed with a walk-out basement on all sides in an effort to minimize fill in the 100 ft. buffer zone. At its closest point the house will be located approximately 18' from the edge of the B.V.W.

The proposed placement of fill has been minimized throughout to simply level the areas around the house, and to properly grade the driveway. Permanent boulders are proposed at 8' on center at the limits of fill to protect the wetland from future encroachment.

The house will be serviced by municipal sewer, water and gas.

Sewer will be provided with the installation of an E-One Grinder Pump and approximately 228 ft. of 1-1/4" pvc forcemain connecting to the existing sewer main located in Overlook Lane.

Water will be provided with the installation of approximately 295 ft. of 1" poly water service pipe connecting to the existing water main located in Overlook Lane.

Gas will be provided for heat with the installation of approximately 267 ft. of gas service pipe connecting to the (natural) gas main located in Overlook Lane.

Underground electric, cable and telephone will be provided with the installation of approximately 320 ft. of pvc conduits connecting to the existing underground services located in Overlook Lane.

Access to the house will be provided with the construction of approximately 224 ft. of a 10' wide paved driveway beginning at the previously approved wetland crossing (see SE 23-1258). The location of the driveway will be along the center of the upland area.

Erosion control which will consist of siltation fencing, straw wattles or silt socks is depicted around the limits of work. The installation of said barrier will be subject to an inspection of the Conservation Commission prior to commencement of work. Upon completion of the project all disturbed areas will be stabilized with loam and seed or mulch/landscape plantings.

Attachments are enclosed as follows:

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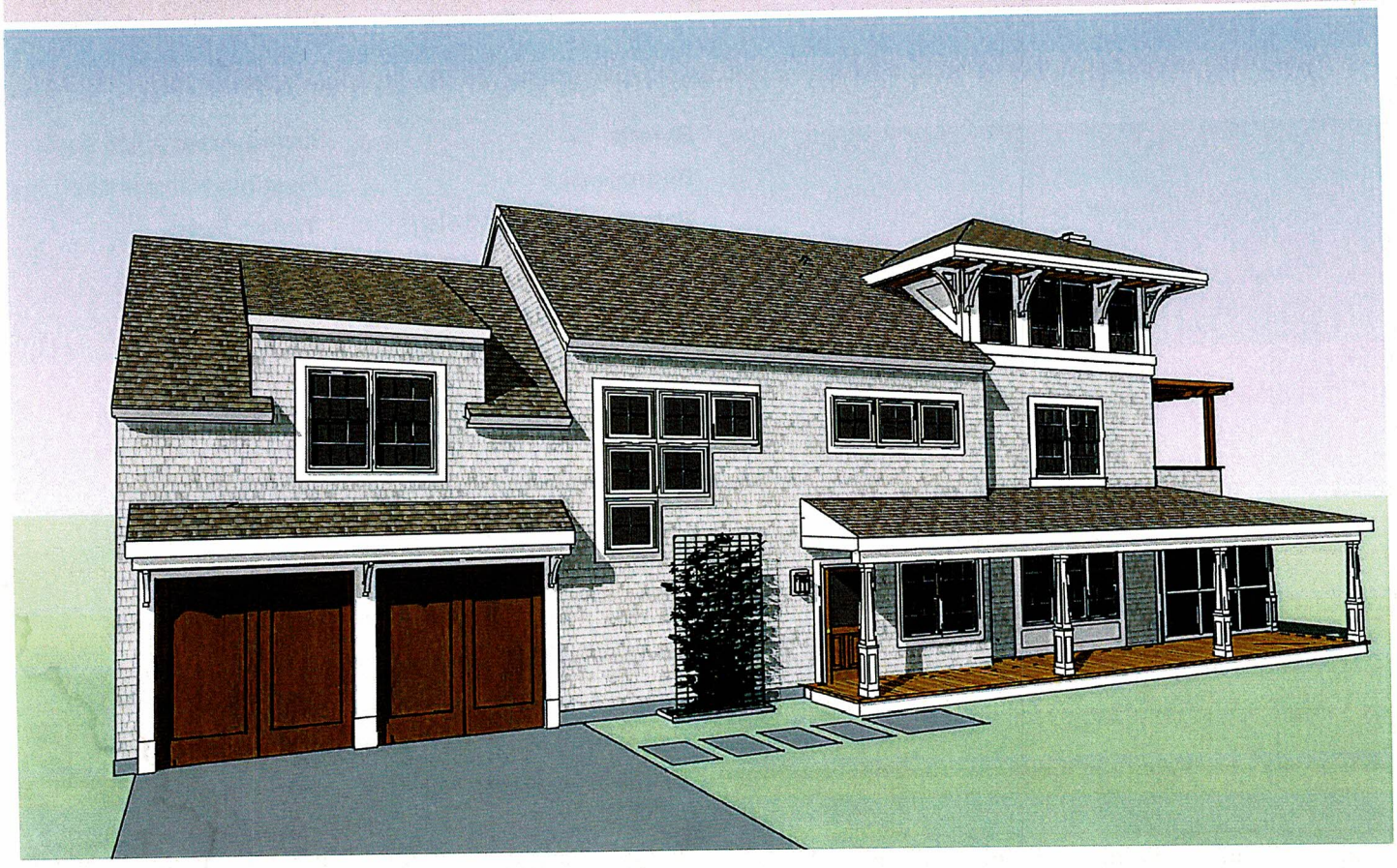
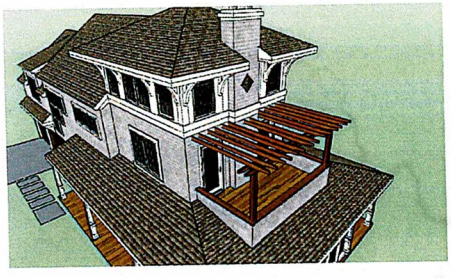
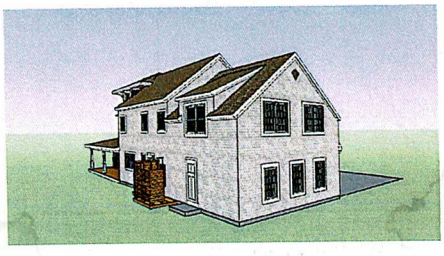
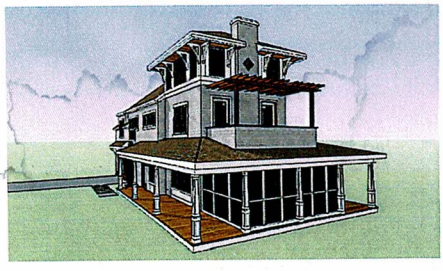
- Site Plan

BERKSHIRE HATHAWAY
HomeServices
Robert Paul Properties

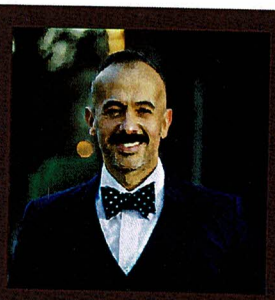






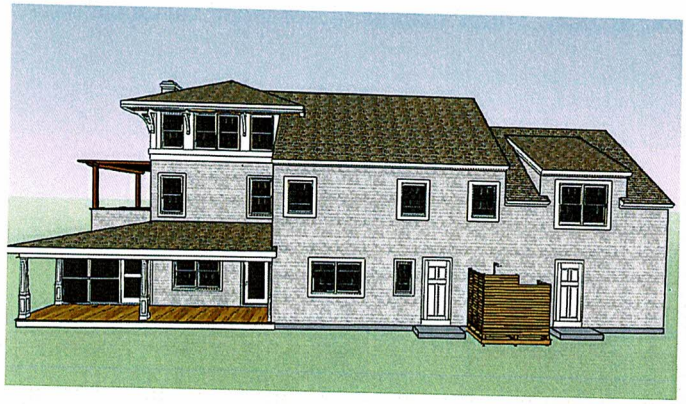


6 Overlook Lane | Fairhaven, MA 02719
$996,800



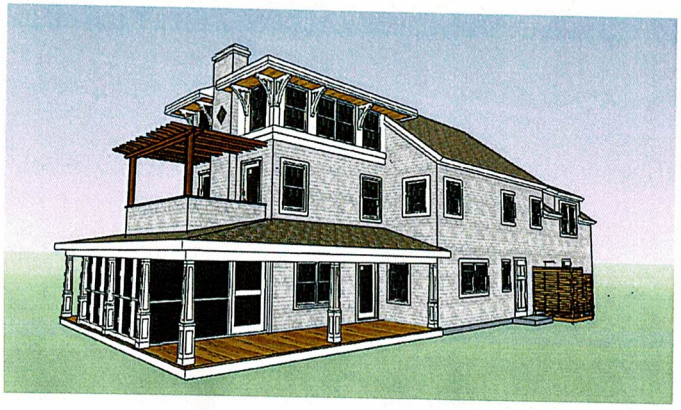
Represented by
Mathew J. Arruda
508.965.8683
marruda@robertpaul.com
robertpaul.com

New Custom Contemporary Near Buzzards Bay

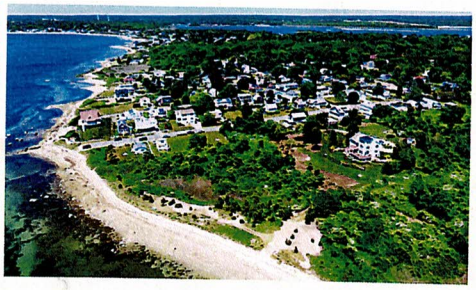


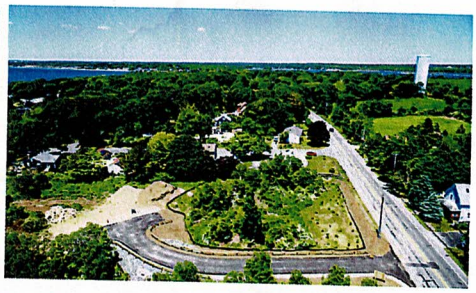
Rooms: 10
Bedrooms: 3
Bathrooms: 2 Full/1 Half
Acres (Lot Size): 1.45
Assessment: N/A
Year Built: 2020

Living Area: 2,523 sq. ft
Heating: Natural Gas
Water: Town
Sewer: Town
Taxes: N/A
Garage: Two-Car



Introducing The Lighthouse. A Custom Contemporary Home to be built in Fairhaven's newest development at Overlook Acres. Situated in the lovely coastal neighborhood of Sconticut Neck, this beautiful customizable home features an exquisite design including a dramatic tower, a two-stall garage, outdoor shower, cedar shingles, main level laundry, farmers porch, and unique finishes that will certainly complete this incredible home. The property includes over 2500 square feet with a third floor bonus room in the tower that could be used as a fabulous office, sitting room or a guest bedroom. Designed by a talented local architect and to be constructed by one of the area's most well regarded builders, this property is envisioned to best capture the upper level southwesterly views of our gorgeous Buzzards Bay while also providing a stunning and unique new construction Fairhaven home.





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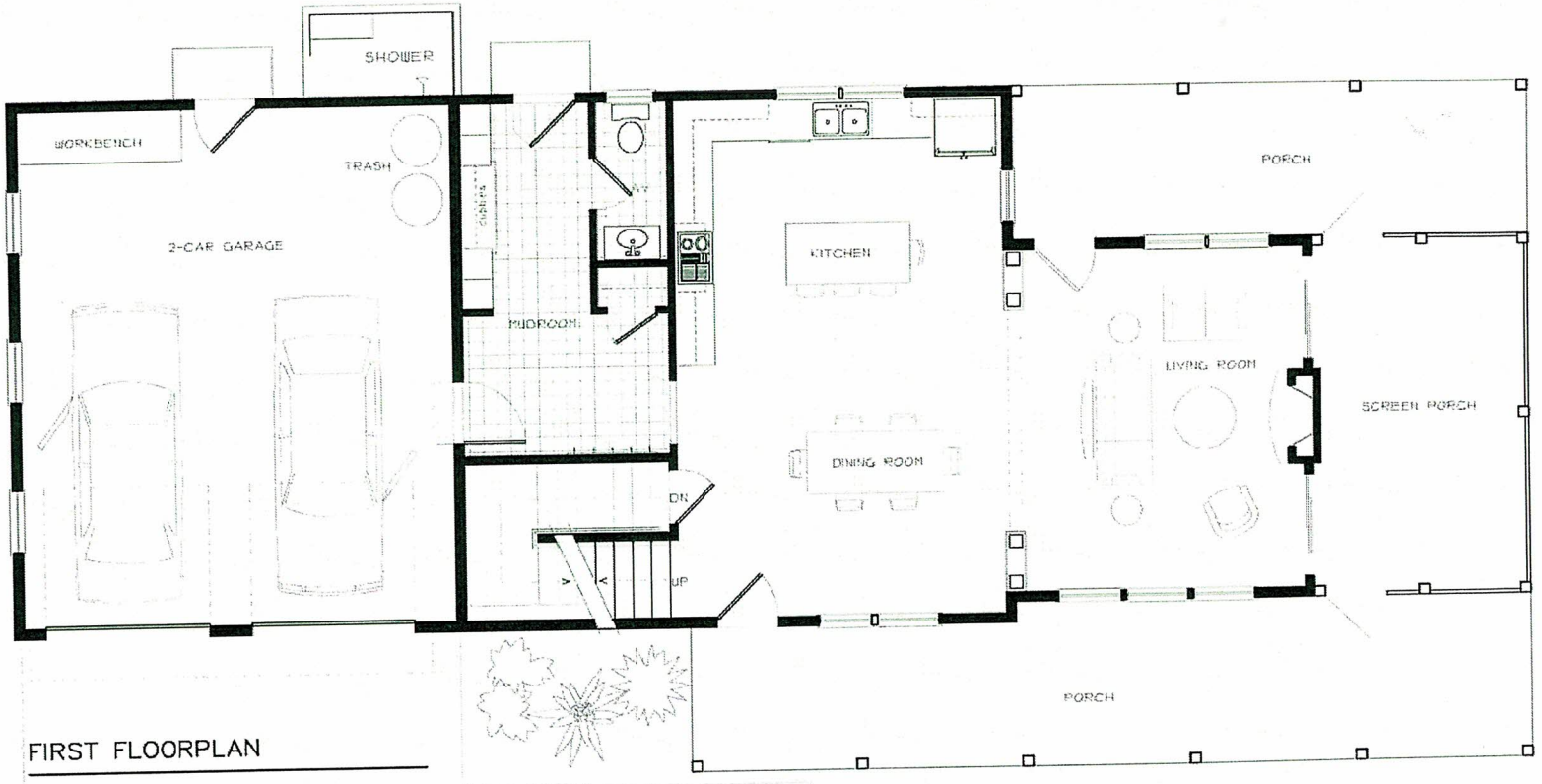
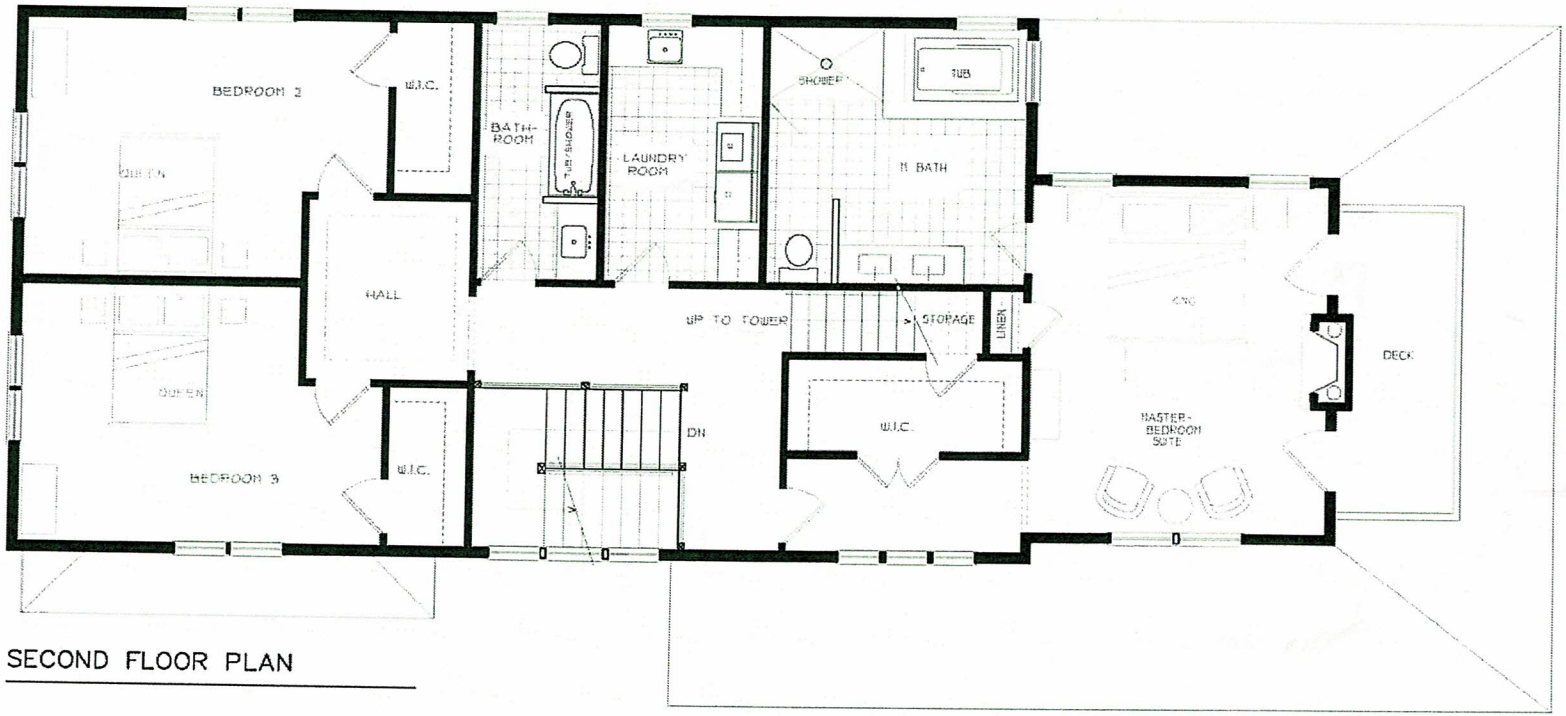


FIRST FLOORPLAN



SECOND FLOOR PLAN

Michael J. Koska & Associates, Inc.
Registered Professional Engineers & Land Surveyors
98 Broad Street
Bridgewater, MA 02324
(508) 697-7400
m.koska.associates@gmail.com

May 6, 2021

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

Re: SE 023-1347
1 Boulder Court

Dear Commission Members,
Please accept this letter as a formal request to continue the May 10, 2021 public hearing for the above referenced project to May 24, 2021 to allow our firm to resolve the issues raised during the site walk with the commission's agent.

Please do not hesitate to contact the office with any questions, thank you.

Respectfully,

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 9 – Enforcement Order

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

DEP File Number:

A. Violation Information

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

This Enforcement Order is issued by:

Fairhaven Conservation Commission
Conservation Commission (Issuing Authority)

5/6/2021
Date

To:

Brian Lopes
Name of Violator

20 Yankee Lane
Address

1. Location of Violation:

Antonio S and Ines M Lopes, c/o Brian Lopes
Property Owner (if different)

20 Yankee Lane
Street Address

Fairhaven
City/Town

02719
Zip Code

39
Assessors Map/Plat Number

016
Parcel/Lot Number

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

See Attachment A

B. Findings

The Issuing Authority has determined that the activity described above is in a resource area and/or buffer zone and is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

☒ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).

B. Findings (cont.)

☐ the activity has been/is being conducted in an area subject to protection under c. 131, § 40 or the buffer zone in violation of an issuing authority approval (i.e., valid Order of Conditions or Negative Determination of Applicability) issued to:

Name

Dated

File Number

Condition number(s)

☐ The Order of Conditions expired on (date): Date

☐ The activity violates provisions of the Certificate of Compliance.

☐ The activity is outside the areas subject to protection under MGL c.131 s.40 and the buffer zone, but has altered an area subject to MGL c.131 s.40.

☒ Other (specify):

The activity has been/is being conducted in an area subject to protection under the Fairhaven Wetlands Bylaw, Chapter 192 of the Code of the Town of Fairhaven, or the buffer zone without approval from the issuing authority (i.e., a valid Order of Conditions or Negative Determination).

C. Order

The issuing authority hereby orders the following (check all that apply):

☒ The property owner, his agents, permittees, and all others shall immediately cease and desist from any activity affecting the Buffer Zone and/or resource areas.

☒ Resource area alterations resulting from said activity shall be corrected and the resource areas returned to their original condition.

☒ A restoration plan shall be filed with the issuing authority on or before August 4, 2021
Date

for the following:

See Attachment A

The restoration shall be completed in accordance with the conditions and timetable established by the issuing authority.

C. Order (cont.)

☐ Complete the attached Notice of Intent (NOI). The NOI shall be filed with the Issuing Authority on or before:

Date

for the following:

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

☒ The property owner shall take the following action (e.g., erosion/sedimentation controls) to prevent further violations of the Act:

Immediately cease and desist all activity; no machinery is permitted within any resource area on the property until such time that the violations have been addressed and a permit has been issued for any work to be done on the property.

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment; or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.

D. Appeals/Signatures

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Whitney McClees, Agent
Name

508-979-4023, ext. 128
Phone Number

8:30am-4:30pm, Monday-Friday
Hours/Days Available

Issued by:

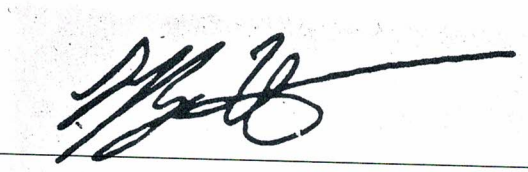
Fairhaven Conservation Commission
Conservation Commission

Conservation Commission signatures required on following page.

D. Appeals/Signatures (cont.)

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:



7016 2710 0001 1692 8322

Signature of delivery person or certified mail number

TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

Attachment A

DEP File #:	None
Fairhaven File #:	EO 023-014
Property Owner:	Antonio S and Ines M Lopes, c/o Brian Lopes
Property:	20 Yankee Lane

Extent and Type of Activity

Evidence of work without permits was observed during an erosion control inspection for a permitted solar array project. The observed activities are located on the resource area side of the erosion control barrier and are not affiliated with the approved solar array project. The following was observed:

- Significant vegetation clearing and grubbing within Riverfront Area and Bordering Vegetated Wetland
- Evidence of machinery within Riverfront Area and Bordering Vegetated Wetland
- Removal of large amounts of debris from Riverfront Area and Bordering Vegetated Wetland
- Impact to bank of perennial steam

Based on the depicted edge of vegetation on the approved plans for the solar array (SE 023-1269), approximately 2.41 acres of Riverfront Area and approximately 6.88 acres of Bordering Vegetated Wetland have been impacted.

The following exhibits are attached:

- Photos taken during erosion control inspection for SE 023-1269
- Aerial from approved solar development site plan
- Current aerial from April 2021

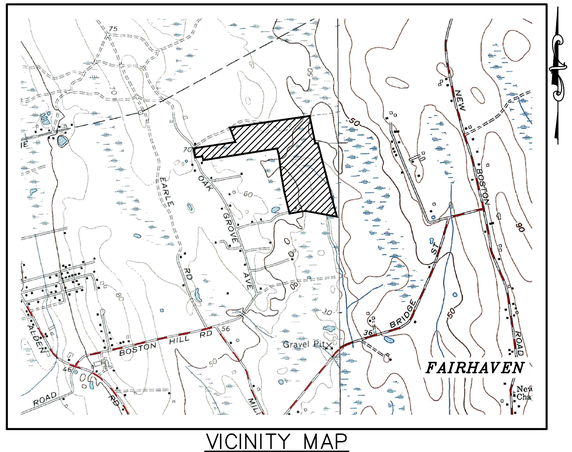
A restoration plan shall be filed with the issuing authority on or before August 4, 2021 for the following:

1. An assessment of the site and submission of a restoration plan by a qualified, licensed professional by August 4, 2021.
2. An assessment of the trees, shrubs, and other vegetation that were damaged and/or removed, including indication of which are native and which are not.
3. Beginning the restoration and revegetation of the disturbed area to the original extent of the resource area no later than November 15, 2021 as laid out by the Fairhaven Conservation Commission in response to the submitted restoration plan.

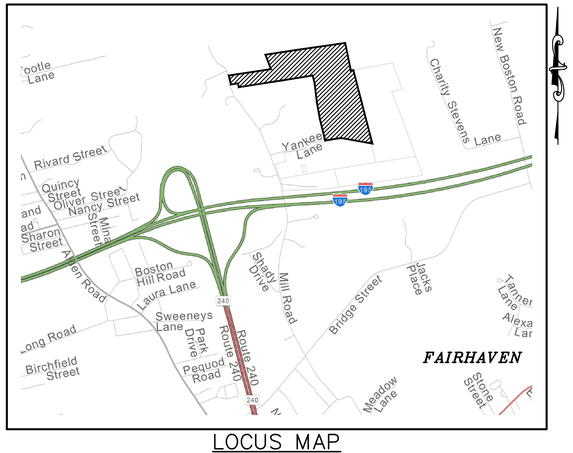
4. Assessments of vegetation for three growing seasons following the completion of the work shall be submitted to the Commission. If any of the planted vegetation fails to establish, the property owner shall be required to replace those that fail.
5. The Conservation Commission, its employees, and its agents shall have a right of entry to inspect or compliance with the provisions of this Enforcement Order.
6. The Commission reserves the right to impose additional conditions on any or all portions of this project that could impact an area of statutory interest under the Act and/or the Fairhaven Wetlands Bylaw.
7. The restoration plan shall be in compliance with the Performance Standards for Bordering Vegetated Wetland (310 CMR 10.55(4)). Specifically, 310 CMR 10.55(4)(b)1, 2, and 6 require the area restored to be equal to that of the area disturbed, the groundwater and surface elevation of the restoration area shall be approximately equal to that of the pre-disturbed Bordering Vegetated Wetland, and at least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the restoration area shall be temporarily stabilized to prevent erosion.
8. The restoration plan shall be in compliance with 310 CMR 10.58: Riverfront Area.
9. The restoration plan shall be in compliance with the Buffer Zone Regulations under the Fairhaven Wetlands Bylaw (Chapter 192).

SITE DEVELOPMENT PLANS
FOR
20 YANKEE LANE SOLAR PROJECT

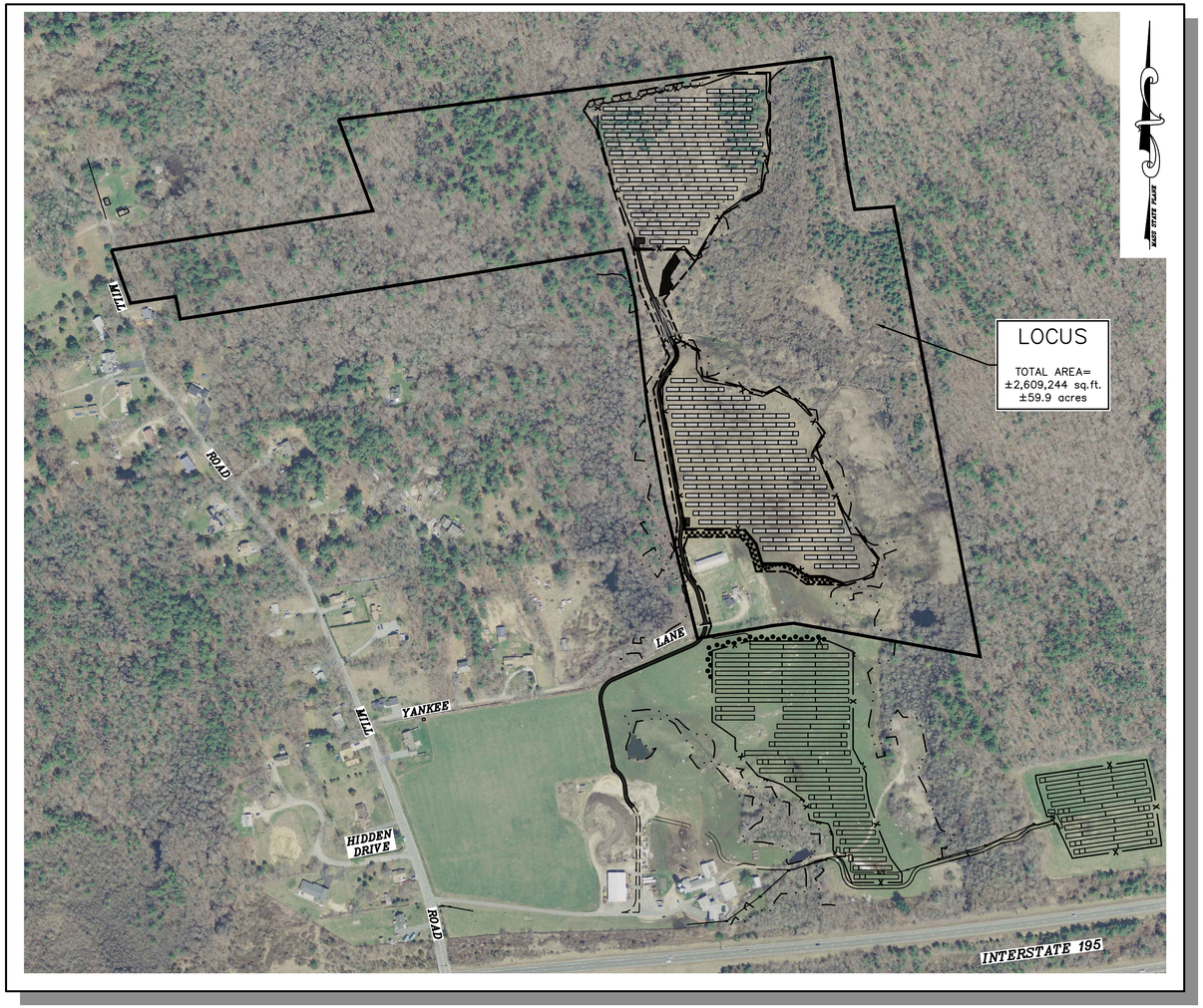
FAIRHAVEN, MASSACHUSETTS
DATE: JANUARY 18, 2018
REVISED MARCH 22, 2018
REVISED APRIL 18, 2018
REVISED AUGUST 24, 2018
REVISED NOVEMBER 4, 2020
REVISED JANUARY 4, 2021



VICINITY MAP
1" = 1,500'



LOCUS MAP
1" = 1,500'



OVERALL LOCATION PLAN
SCALE: 1" = 250'

NOTE:
"THE CONTRACTOR SHALL GIVE SEVEN (7) DAYS' NOTICE TO PERTINENT TOWN DEPARTMENTS BEFORE COMMENCING WORK IN THE FIELD"

INDEX OF PLANS

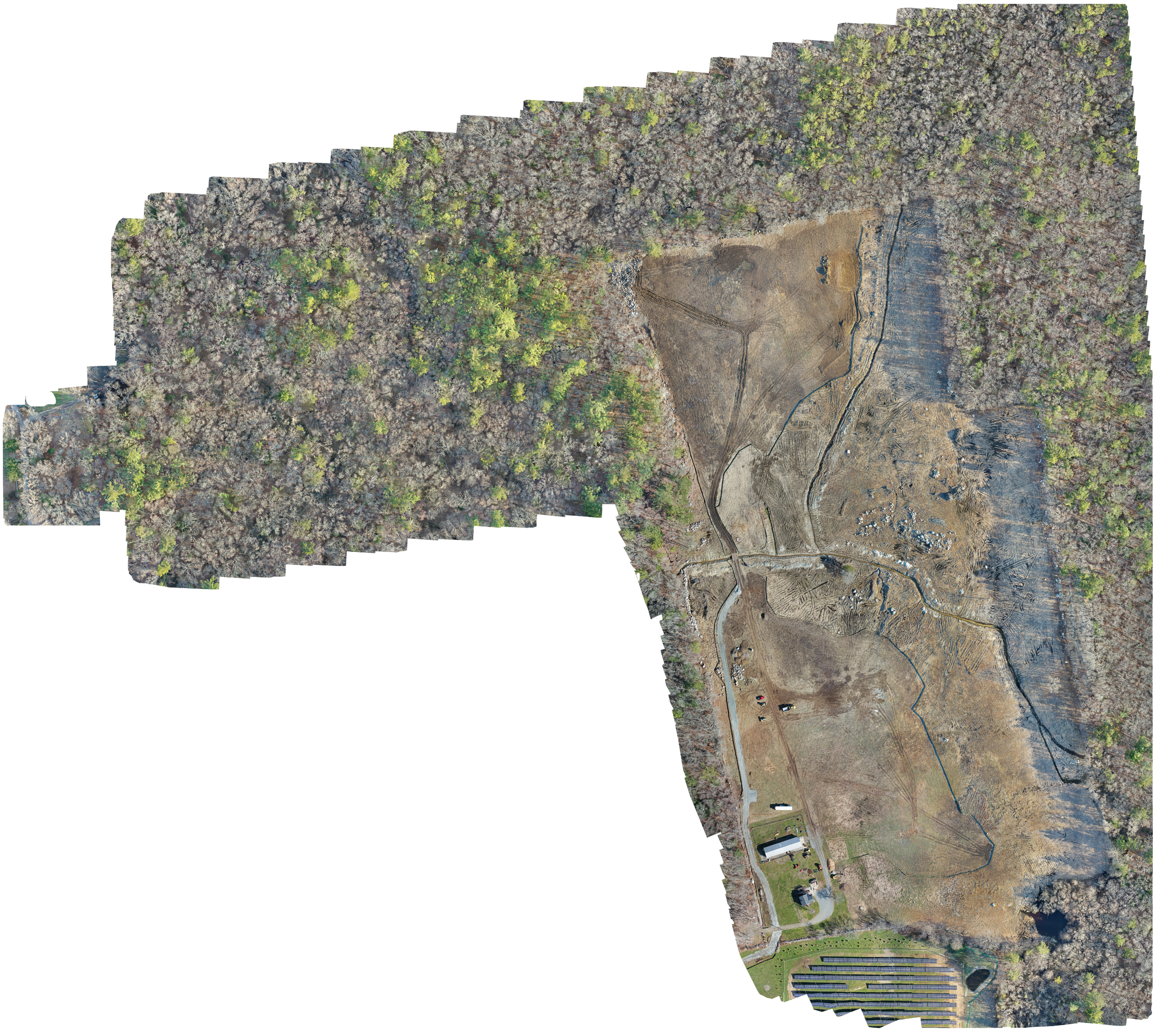
SHEET NO.	TITLE	SCALE
1	COVER SHEET	1" = 250'
2	OVERALL EXISTING CONDITIONS PLAN	1" = 150'
3	OVERALL SITE DEVELOPMENT PLAN	1" = 150'
4	SITE DEVELOPMENT PLAN	1" = 40'
5	SITE DEVELOPMENT PLAN	1" = 40'
6	SITE DEVELOPMENT PLAN	1" = 40'
7	DETAILS PLAN	N.T.S.

OWNER:
ANTONIO S. & INEZ M. LOPES
C/O BRIAN LOPES
20 YANKEE LANE
FAIRHAVEN, MASSACHUSETTS 02719

PREPARED FOR:
FAIRHAVEN MA 2, LLC.
C/O CON EDISON CLEAN ENERGY BUSINESSES
P.O. BOX 2002
PAWCATUCK, CONNECTICUT 06379

ENGINEER:
Atlantic®
DESIGN ENGINEERS, INC.
P.O. Box 1051, Sandwich, MA 02563
(508) 888 – 9282

FILE: 2893.03-SITE-R5

Sheet	of
1	7

JOB NUMBER
2893.03