

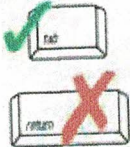
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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:
 Name Ed + Lisen Lavalette E-Mail Address lisa.lavalette@gmail.com
 Mailing Address 48 Tarring ton Rd
 City/Town Fairhaven State MA Zip Code 02719
 Phone Number 508 308 0746 Fax Number (if applicable) _____

2. Representative (if any):
 Firm _____ E-Mail Address _____
 Contact Name _____
 Mailing Address _____ State _____ Zip Code _____
 City/Town _____ Fax Number (if applicable) _____
 Phone Number _____

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):

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

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

Single family home

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

landscape Plan	4/16/2021
Title	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

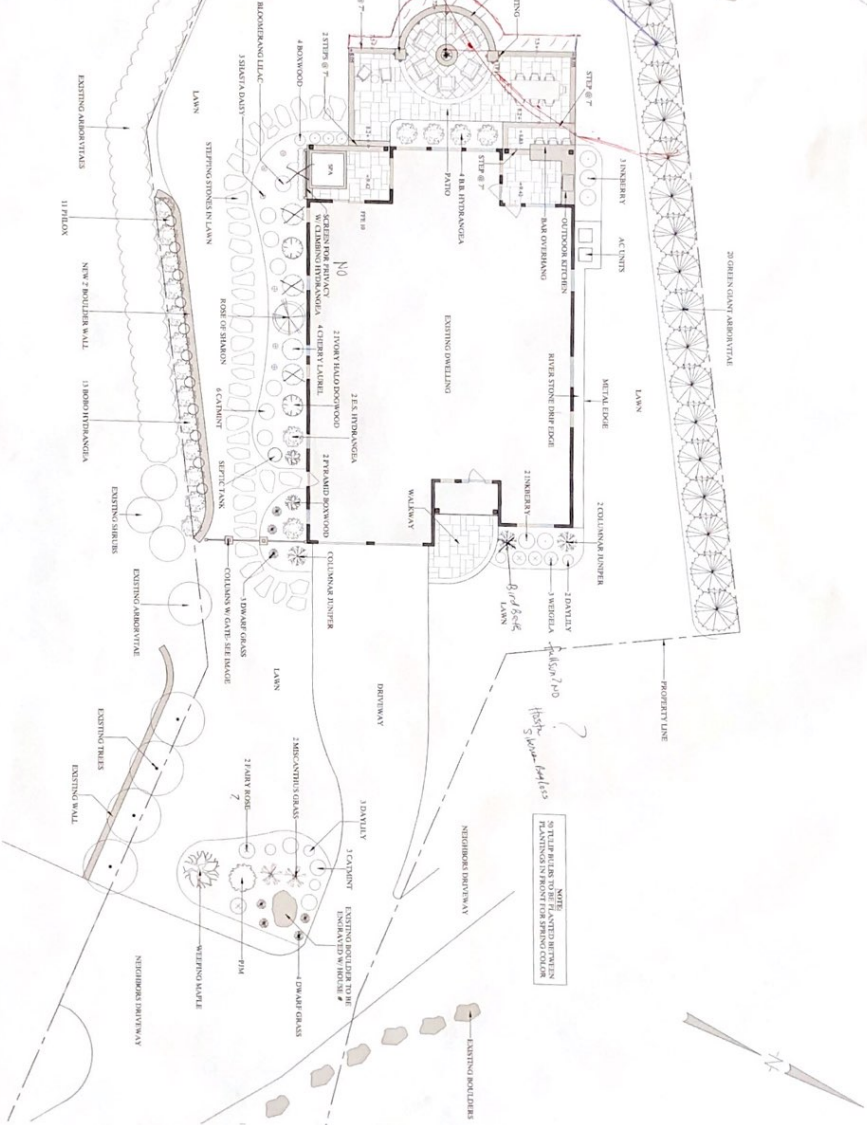
LAVALETTE RESIDENCE

48 Torrington Road
Fairhaven, MA

Drafted By:
Michael Curadosi
Original: 10/15/20
Last Modified: 11/29/20
4/10/22
Scale 1"=10'-0"

L1.0

LANDSCAPE PLAN



PLANT LIST	PLANT NAME	QTY	SIZE
1	THUNBERGIA	2	1.5"
2
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Notes:
1. All plantings to be installed by the contractor.
2. All plantings to be installed by the contractor.
3. All plantings to be installed by the contractor.



- GENERAL NOTES**
1. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DESIGNER.
 2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF UTILITIES BY ANY EXCAVATION.
 3. THE CONTRACTOR SHALL CONDUCT PRELIMINARY INVESTIGATIONS INCLUDING, BUT NOT LIMITED TO, DETAILING THE EXISTING UTILITIES AND DESIGNER'S REQUIREMENTS.
 4. THE CONTRACTOR SHALL VERIFY THE LOCATION OF UTILITIES BY ANY EXCAVATION.
 5. ALL WORK SHALL COMPLY WITH ALL APPLICABLE STATE AND LOCAL REGULATIONS.

May 17, 2021

Ms. Whitney McClees,
Conservation Agent and Sustainability Coordinator
Conservation Commission
Town Hall
40 Center Street
Fairhaven, MA 02719

RE: Request for Determination of Applicability (RDA) / Athletic Field-Synthetic Turf
12 Huttleston Avenue, Fairhaven, MA.

Dear Ms. McClees:

GCG Associates, Inc. has reviewed the following information for the 12 Huttleston Avenue, Fairhaven High School, Athletic Field-Synthetic Turf Site Plan, Fairhaven, MA with respect to stormwater and related requirements under 310 CMR 10.00 Wetlands Protection Act, Fairhaven Wetlands Chapter 192, Stormwater Management Chapter 194, and Zoning Chapter 198-31.1 Stormwater Management Regulations.

Plan References: "Fairhaven High School, Athletic Field-Synthetic Turf", 12 Huttleston Street, Fairhaven, MA prepared by Traverse Landscape Architects and Pare Corporation, dated April 19, 2019, last revised April 28, 2021. Partial plan set, consists of eight sheets listed below.

Sheet C101 – Civil Notes & Legend
Sheet C201 – Demolition, Erosion & Sediment Control Plan
Sheet C301 – General Plan
Sheet C401 – Grading Plan
Sheet C501 – Drainage & Utility Plan
Sheet C601 – Civil Details I
Sheet C602 – Civil Details II
Sheet C603 – Civil Details III

Documents:

1. Conservation Commission Presentation PDF, prepared by Traverse Landscape Architects, dated 2021-04-26.

2. Cover Letter and stormwater management report prepared by Pare Corporation, dated April 20, 2021.

Based upon our review of the above information, we offer the following general comments and comments with respect to compliance with Town Bylaws: Chapters 192 – Wetlands; Chapter 194 - Stormwater Management; Zoning Chapter 198-31.1 - Stormwater Management; and 310 CMR 10.00 Wetlands Protection. The numerical section of the regulations is referenced at the beginning of each comment unless it is a general comment.

GENERAL PLAN AND DEVELOPMENT COMMENTS

The following are general comments with respect to the plans and development of the project.

1. This is a re-development of the Fairhaven High School Athletic Field located at the corner of Green Street and Huttleston Avenue. The school property, Assessor's parcel 12-236, consists of 8.69+/- acres. This project calls for replacing the grass field with a synthetic turf surface with new concrete walkways and a restroom/storage building. There is no wetland resource area identified within the parcel. The property is in Zone X "Area with reduced Flood Risk due to Levee". Portion of the Green Street and Huttleston Avenue intersection is in a Special Flood Hazard Area (SFHA) Zone AE (EL 6) as identified in the FIRM map panel 25005C0394G effective date 07/16/2014. Hence, a Request for Determination of Applicability (RDA) application is being filed.
2. This project's work limit is approximately 2.2+/- acres, which exceeded the National Pollutant Discharge Elimination System (NPDES) construction permit thresholds. A NPDES Construction General Permit (CGP) and associated SWPPP should be filed with the USEPA 14 days prior to start of construction.

PLAN

Plan sheet C-101 – Civil Notes and Legend

1. No comment.

Plan sheet C-201 - Demolition, Erosion & Sediment Control Plan

1. There are 7 existing catch basins frame and grate within the athletic field. The structure openings should be protected by manhole frame and cover immediately or install suitable erosion control silt sack or compost filter sock/wattle.
2. Install silt sack protection at the existing Green Street catch basin near Huttleston Avenue intersection for the drain line, sidewalk, and curb construction on Green Street.

Plan sheet C-401 – Grading Plan

1. Add proposed spot grade at the northerly concrete walk to assure the walkway pitching toward athletic field. Existing and proposed spot grades, contours should be shown on the plan. The site is in Special Flood Hazard Areas, any filled area should be compensated with equal volume.

**RDA/Site Plan
12 Huttleston Avenue
GCG Job#2147**

Plan sheet C-501 – Drainage and Utility Plan

1. Four soil test pits were conducted at four corners of the field, a fill layer of approximately 4-5 feet deep comprised of silty material and debris was encountered in all four pits with well-draining (sands and loamy sands) native soil underneath. Estimated seasonal high groundwater (ESHGW) is approximated to be the top of the native soil layer per Stormwater report. All four test pits were located at ground elevation 8.5+/- . Therefore, the ESHGW is at elevation 4.5'+/-. When removing the topsoil and sub grading to the bottom of the field if debris is visible on the surface, we recommend the debris be removed and a gravel be placed in the areas which the debris removed. The proposed perforated HDPE perimeter manifold (12" and 15" pipes) and stone trench inverts are within two feet or partially in the ESHGW. GCG concurs that the synthetic turf fields function very similarly to porous pavement in terms of stormwater management and treatment.
2. Raise the perimeter manifold above the ESHGW to prevent lowering the water table. Set manifold outlet invert to above 6.0'.

Plan sheet C-601 – Details I

1. Provide details for temporary and permanent trench patch for the Green Street utility construction.
2. Outlet control Structure (OCS-1) detail calls for 5-foot diameter structure with a cast-in-place concrete weir wall. The proposed 15" diameter Checkmate Ultraflex Inline Check Valve has a length of approximately 28". There is not enough room for the check valve to be maintained or replaced in the future. GCG recommends replacing the concrete weir wall with one-inch-thick HDPE plate, which could be removed and reinstalled during repair or maintenance. Similar treatment for the OCS-2. However, both OCS structures would require confine space entry standard for repair. See additional drainage report comments below.

Plan sheet C-602 – Details II

1. No comment.

Plan sheet C-603 – Details III

1. The typical Perimeter Manifold Section and the Flat Drain Detail, both referenced to the Turf Base Detail on Landscape Plans. The landscape plans details should be provided as part of the plan set.
2. The Proposed Cross Section shown on the presentation shows for 2" of ¼" washed chips layer on top of 10" of ½" clean stone, the thickness does not match the drainage calculations, which used 13"+/- thick stone reservoir. This detail should be revised to show a 13" stone reservoir.
3. Synthetic turf system with 1 ½" in fill, does not reflect the material type to be used. (multiple in fill material options were included in the presentation, the final material selected should be shown on the plans.), Stone layer thickness should match with the drainage calculations.
4. Provide inspection ports for monitoring stone reservoir system.

STORMWATER REPORT COMMENTS

1. Portion of the Manifold Storage System is within the ESHGW (4.5').
2. Based on the HydroCAD Turf Base Stone calculations, the stone reservoir (estimated 1.1 feet minimum) should be able to retain and exfiltrate the entire 100-year storm peak flow and volume without the flat drain. Bottom of the stone reservoir should be above elevation 6.5' to provide the required 2 feet separation to ESHGW. The perforated perimeter manifold should be located near the top of the stone reservoir (7.5+/-) for emergency overflow. This layout would maximize the groundwater recharge volume and raised the perimeter manifold inverts above elevation 6.0 (above high tide and AE flood elevation) at the control outlet structures and eliminating the backflow preventer valves and concrete wall weirs.

OPERATIONAL AND MAINTENANCE (O&M) PLAN

1. An Operation and Maintenance (O&M) plan should be provided for the synthetic turf maintenance.
2. An inspection schedule to monitor the stone reservoir and exfiltration function should be required.
3. Identify the responsible party for the O&M and provide annual cost estimate.

The conversion of the existing catch basins around the field into drain manholes will prevent any of the infill material reaching the drainage system and being carried offsite through the drainage system.

If you have any questions regarding this matter, please contact our office.

Respectfully Submitted,
GCG Associates

Michael J. Carter

Michael J. Carter, P.E.
Project Manager

RDA/Site Plan
12 Huttleston Avenue
GCG Job#2147

May 20, 2021

Ms. Whitney McClees
Conservation Agent and Sustainability Coordinator
Conservation Commission
Town Hall
40 Center Street
Fairhaven, MA 02719

Re: **Response to Comments Letter Dated May 17, 2021**
RDA/Athletic Field-Synthetic Turf
Fairhaven, MA
(Pare Project No. 20211.00)

Dear Ms. McClees:

Pare Corporation (Pare) is pleased to provide the following responses to the peer review comments from the letter received for the above referenced project. The review comments provided are listed below followed by a response from the Project Team.

RESPONSES TO GENERAL PLAN AND DEVELOPMENT COMMENTS

1. **COMMENT:** This is a re-development of the Fairhaven High School Athletic Field located at the corner of Green Street and Huttleston Avenue. The school property, Assessor's parcel 12-236, consists of 8.69+/- acres. This project calls for replacing the grass field with a synthetic turf surface with new concrete walkways and a restroom/storage building. There is no wetland resource area identified within the parcel. The property is in Zone X "Area with reduced Flood Risk due to Levee". Portion of the Green Street and Huttleston Avenue intersection is in a Special Flood Hazard Area (SFHA) Zone AE (EL 6) as identified in the FIRM map panel 25005C0394G effective date 07/16/2014. Hence, a Request for Determination of Applicability (RDA) application is being filed.

RESPONSE: *No response required.*

2. **COMMENT:** This project's work limit is approximately 2.2+/- acres, which exceeded the National Pollutant Discharge Elimination System (NPDES) construction permit thresholds. A NPDES Construction General Permit (CGP) and associated SWPPP should be filed with the USEPA 14 days prior to start of construction.

RESPONSE: *Requirement for the Contractor to complete these documents is noted on plan sheet C101 Civil Notes & Legend.*





PLAN

Plan sheet C-101 – Civil Notes and Legend

1. **COMMENT:** No Comment.

Plan sheet C-201 - Demolition, Erosion & Sediment Control Plan

1. **COMMENT:** There are 7 existing catch basins frame and grate within the athletic field. The structure openings should be protected by manhole frame and cover immediately or install suitable erosion control silt sack or compost filter sock/wattle.

RESPONSE: *Erosion & Sediment Control Note #2 states that the Contractor shall furnish, install, and maintain silt sacks in all existing and newly installed catch basins until the upstream area is stabilized.*

2. **COMMENT:** Install silt sack protection at the existing Green Street catch basin near Huttleston Avenue intersection for the drain line, sidewalk, and curb construction on Green Street.

RESPONSE: *Any silt sacks installed in the public right-of-way shall be coordinated with BPW and installed as directed by BPW.*

Plan sheet C-401 – Grading Plan

1. **COMMENT:** Add proposed spot grade at the northerly concrete walk to assure the walkway pitching toward athletic field. Existing and proposed spot grades, contours should be shown on the plan. The site is in Special Flood Hazard Areas, any filled area should be compensated with equal volume.

RESPONSE: *See Figure 1 attached showing spot elevations for northerly concrete walk. Note that the project plans include existing and proposed spot elevations and contours. The project limit of disturbance is located entirely outside of the Special Flood Hazard Area, and therefore no compensatory flood storage is required.*

Plan sheet C-501 – Drainage and Utility Plan

1. **COMMENT:** Four soil test pits were conducted at four corners of the field, a fill layer of approximately 4-5 feet deep comprised of silty material and debris was encountered in all four pits with well-draining (sands and loamy sands) native soil underneath. Estimated seasonal high groundwater (ESHGW) is approximated to be the top of the



native soil layer per Stormwater report. All four test pits were located at ground elevation 8.5+/- . Therefore, the ESHGW is at elevation 4.5'+/- . When removing the topsoil and sub grading to the bottom of the field if debris is visible on the surface, we recommend the debris be removed and a gravel be placed in the areas which the debris removed. The proposed perforated HDPE perimeter manifold (12" and 15" pipes) and stone trench inverts are within two feet or partially in the ESHGW. GCG concurs that the synthetic turf fields function very similarly to porous pavement in terms of stormwater management and treatment.

RESPONSE: *Cover letter states that the ESHGW is approximated to be **near** the top of the native soil layer, not necessarily at the native soil layer in all locations. To clarify the ESHGW elevations, test pit logs for the four test pits shown on the plans are attached for reference. Please note that actual ESHGW elevations from the test pit logs are as follows:*

- TP-1: 2.9' (12" pipe Inv. = 5.9', bottom of stone trench Inv. = 4.9')
- TP-2: 3.0' (12" pipe Inv. = 5.2', bottom of stone trench Inv. = 4.2')
- TP-3: 1.5' (15" pipe Inv. = 4.3', bottom of stone trench Inv. = 3.3')
- TP-4: 2.8' (12" pipe Inv. = 5.9', bottom of stone trench Inv. = 4.9')

Technical specification 31 00 00 Earthworks section 2.1.B.3 states that subbase material shall be free of rock or gravel larger than 3 inches in any dimension, debris, broken pavement, waste, frozen materials, vegetation, and other deleterious matter and conform to the gradation for Granular Fill.

The data obtained through our design indicates that the proposed perforated HDPE perimeter manifolds and stone trenches are entirely above the ESHGW in all locations. While the bottom of the stone trenches are within two feet of the ESHGW in some locations, our proposed pipe outlet is more than two feet higher than the ESHGW. Because the stone trench for the perimeter manifold is slightly less than two feet from the ESHGW in some locations, exfiltration from the stone trenches was not included in the stormwater modeling. The field exfiltrates at higher elevations under the stone base for the turf.

2. **COMMENT:** Raise the perimeter manifold above the ESHGW to prevent lowering the water table. Set manifold outlet invert to above 6.0'.

RESPONSE: *Perimeter manifold and stone trench are entirely above the ESHGW elevation. This data shows that the ESHGW table will not be impacted.*

Plan sheet C-601 – Details I

1. **COMMENT:** Provide details for temporary and permanent trench patch for the Green Street utility construction.



RESPONSE: *The permanent hot mix asphalt pavement section detail is provided on the plan sheet. Any temporary trench patching shall be coordinated with the BPW and in accordance with their requirements.*

- COMMENT:** Outlet control Structure (OCS-1) detail calls for 5-foot diameter structure with a cast-in-place concrete weir wall. The proposed 15" diameter Checkmate Ultraflex Inline Check Valve has a length of approximately 28". There is not enough room for the check valve to be maintained or replaced in the future. GCG recommends replacing the concrete weir wall with one-inch-thick HDPE plate, which could be removed and reinstalled during repair or maintenance. Similar treatment for the OCS-2. However, both OCS structures would require confine space entry standard for repair. See additional drainage report comments below.

RESPONSE: *We do not recommend the use of HDPE weir plates as they are prone to collapsing from hydrostatic pressure which could block the outlet pipe of the structure and cause upstream flooding. Our team has direct experience in witnessing these in failure.*

The actual type of backflow preventer must be coordinated with the BPW per the notes on the OCS details, and as a public bid job the Contractor may submit an approved equivalent to the specified valve. This is an item that will be reviewed during the contractor's product submittal and review process during construction.

OCS-1 has an angled weir and therefore removal of a valve in the future, if needed, can be accommodated. We will revise OCS-2 to also have an angled weir and locate the backflow preventer on the outlet side of the structure for easier access.

Plan sheet C-602 – Details II

- COMMENT:** No Comment.

Plan sheet C-603 – Details III

- COMMENT:** The typical Perimeter Manifold Section and the Flat Drain Detail, both referenced to the Turf Base Detail on Landscape Plans. The landscape plans details should be provided as part of the plan set.

RESPONSE: *The Landscape Plans were included with the original RDA application and are a part of the project plan set.*

- COMMENT:** The Proposed Cross Section shown on the presentation shows for 2" of ¼" washed chips layer on top of 10" of ½" clean stone, the thickness does not match the drainage calculations, which used 13"+/- thick stone reservoir. This detail should be revised to show a 13" stone reservoir.



RESPONSE: *The drainage calculations were performed using a simplified, conservative model of 12" total stone course (storage volume elev. 7.25' – 8.25' with 40% voids in the HydroCAD model) which does not account for the 1" air drain or the 2" of infill. The total profile is actually 15" thick, not 13". The detail is reflective of the actual profile of the field and the calculations were conservative because they omitted any storage that could be claimed in the 1" air drain and the 2" of infill.*

3. **COMMENT:** Synthetic turf system with 1 ½" in fill, does not reflect the material type to be used. (multiple in fill material options were included in the presentation, the final material selected should be shown on the plans.), Stone layer thickness should match with the drainage calculations.

RESPONSE: *Infill materials were discussed during the Conservation Commission public hearings and are included in the presentation slides. The project specifications detail the infill mix composition requirements and the project is bid with an alternate product of Brock Fill.. See response above regarding stone layer thickness and drainage calculations.*

4. **COMMENT:** Provide inspection ports for monitoring stone reservoir system.

RESPONSE: *There are cleanouts for the perimeter manifold outside the playing area. These cleanouts also serve as inspection ports to confirm the perimeter manifold and thus the field stone reservoir system is draining. We do not recommend installing inspection ports in the stone reservoir system, it is standard practice to limit the number of structures at grade in an athletic field for safety reasons.*

STORMWATER REPORT COMMENTS

1. **COMMENT:** Portion of the Manifold Storage System is within the ESHGW (4.5').

RESPONSE: *See response to plan sheet C-501 – Drainage and Utility Plan, comment #1.*

2. **COMMENT:** Based on the HydroCAD Turf Base Stone calculations, the stone reservoir (estimated 1.1 feet minimum) should be able to retain and exfiltrate the entire 100-year storm peak flow and volume without the flat drain. Bottom of the stone reservoir should be above elevation 6.5' to provide the required 2 feet separation to ESHGW. The perforated perimeter manifold should be located near the top of the stone reservoir (7.5+/-) for emergency overflow. This layout would maximize the groundwater recharge volume and raised the perimeter manifold inverts above elevation 6.0 (above high tide and AE flood elevation) at the control outlet structures and eliminating the backflow preventer valves and concrete wall weirs.

RESPONSE: *The bottom of the stone reservoir under the turf at the lowest elevation is 7.25'; the highest ESHGW was in TP-2 at elev. 3.0' which provides a minimum of 4.25' of*



separation from the ESHGW to the proposed field. The stone reservoir under the turf is the only exfiltration modelled in HydroCAD (as noted above, the stone trench for the perimeter manifold is modelled with no exfiltration for conservative drainage modelling).

We strongly recommend against raising the perimeter manifold, removing the backflow preventers, outlet control weirs, and/or the flat drains.

- As noted in your comment, the system is sized to fully accommodate the 100-year storm event. However, the perimeter manifold is set at a lower elevation than the stone base under the field to ensure that pipes pitch adequately and the field drains properly, throughout the year inclusive of the colder winter months. Setting the perimeter manifold at a higher elevation would keep stormwater under the field at higher elevations for longer periods of time until the stormwater fully recharges or discharges from the drainage system. This would likely lead to damage to the field in a winter deep freeze condition. Retaining water under the field during the winter for a longer period of time could result in freezing and ice dams that could both damage the field and lead to safety issues for players. The flat drains are a critical component of synthetic turf field design to ensure that stormwater is wicked away from under the field and into the perimeter manifold.*
- The backflow preventers are necessary for asset protection knowing the existing 60" culvert that the field drainage connected into is prone to surcharging. Further, the backflow preventers protect against blockages downstream that are outside of the control of the design team (i.e. debris in the pipe).*
- The outlet control weirs control the flow of stormwater so there is no increase in stormwater discharge rates and volumes.*
- Groundwater recharge requirements are already being met with the proposed design.*

OPERATIONAL AND MAINTENANCE (O&M) PLAN

- COMMENT:** An Operation and Maintenance (O&M) plan should be provided for the synthetic turf maintenance.

RESPONSE: *A standard synthetic turf O&M Plan is part of the project closeout documents provided by the Contractor and turf vendor to the Owner. A copy of these documents can be made available to the Conservation Commission.*

- COMMENT:** An inspection schedule to monitor the stone reservoir and exfiltration function should be required.

RESPONSE: *The O&M Plan will include inspection frequency requirements.*



Ms. Whitney McClees

(7)

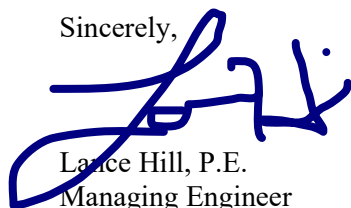
May 20, 2021

3. **COMMENT:** Identify the responsible party for the O&M and provide annual cost estimate.

RESPONSE: *Fairhaven Public Schools is the responsible party for the O&M Plan and the annual cost estimate will be determined once the final infill product is awarded.*

Please feel free to contact us if you have any questions or need additional information.

Sincerely,



Lance Hill, P.E.
Managing Engineer

LH/JRR/dp

ATTACHMENTS:

Test Pit Logs

North Concrete Walk Grading

PARE CORPORATION

8 BLACKSTONE VALLEY PLACE, LINCOLN, RHODE ISLAND
 ENGINEERS *** PLANNERS *** CONSULTANTS

TEST HOLE NO. **TP- 1**

SHEET 1 OF 4

Property Owner: Town of Fairhaven

Project: Fairhave High School Athletic Field Contractor: Fairhaven DPW

Property Location: 12 Huttleston Ave, Fairhaven, MA Excavator: Fairhaven DPW

Date of Test Hole: January 20, 2021

Soil Evaluator: C. Webber State / Date of Exam: MA

Weather: Snow Shaded: Yes No

SAMPLE DESCRIPTION

Horizon	Depth	Horizon Boundaries		Soil Colors		Re-Dox Description			Texture	Structure	Consistence	Percent Gravel Cobbles Stone
		Dist	Topo	Matrix	Re-Dox Features	Ab.	S.	Con.				
Fill (Topsoil)	0-12"			N/A					N/A	N/A	N/A	N/A
Fill	12-60"			N/A					N/A	N/A	N/A	N/A
C	60-78"			10 yr 7/4					Loamy Sand	Massive	Very Friable	5% Gravel 0% Cobbles 0% Stone

Soil Class: Urban Land Total Depth of Test Hole: 78"

Depth to Groundwater or Seepage: 66" Depth to Impervious or Limiting Layer: N/A

Estimated Seasonal High Water Table: ~Elev. 2.9' Surface Elevation of Test Pit (approximate): ~Elev. 8.4'

COMMENTS:

TEST HOLE NO. **TP- 1**

PARE CORPORATION

8 BLACKSTONE VALLEY PLACE, LINCOLN, RHODE ISLAND
 ENGINEERS *** PLANNERS *** CONSULTANTS

TEST HOLE NO. **TP- 2**

SHEET 2 OF 4

Property Owner: Town of Fairhaven

Project: Fairhave High School Athletic Field Contractor: Fairhaven DPW

Property Location: 12 Huttleston Ave, Fairhaven, MA Excavator: Fairhaven DPW

Date of Test Hole: January 20, 2021

Soil Evaluator: C. Webber State / Date of Exam: MA

Weather: Snow Shaded: Yes No

SAMPLE DESCRIPTION

Horizon	Depth	Horizon Boundaries		Soil Colors		Re-Dox Description			Texture	Structure	Consistence	Percent Gravel Cobbles Stone
		Dist	Topo	Matrix	Re-Dox Features	Ab.	S.	Con.				
Fill (Topsoil)	0-10"			N/A					N/A	N/A	N/A	N/A
Fill	10-64"			N/A					N/A	N/A	N/A	N/A
C	64-98"			10 yr 7/4					Loamy Sand	Massive	Very Friable	5% Gravel 0% Cobbles 0% Stone

Soil Class: Urban Land Total Depth of Test Hole: 98"

Depth to Groundwater or Seepage: 64" Depth to Impervious or Limiting Layer: N/A

Estimated Seasonal High Water Table: ~Elev. 3.0' Surface Elevation of Test Pit (approximate): ~Elev. 8.4'

COMMENTS:
 6" Clay line encountered at 5'-2" (no flow, likely abandoned)

TEST HOLE NO. **TP- 2**

PARE CORPORATION

8 BLACKSTONE VALLEY PLACE, LINCOLN, RHODE ISLAND
 ENGINEERS *** PLANNERS *** CONSULTANTS

TEST HOLE NO. **TP- 3**

SHEET 3 OF 4

Property Owner: Town of Fairhaven

Project: Fairhave High School Athletic Field Contractor: Fairhaven DPW

Property Location: 12 Huttleston Ave, Fairhaven, MA Excavator: Fairhaven DPW

Date of Test Hole: January 20, 2021

Soil Evaluator: C. Webber State / Date of Exam: MA

Weather: Snow Shaded: Yes No

SAMPLE DESCRIPTION

Horizon	Depth	Horizon Boundaries		Soil Colors		Re-Dox Description			Texture	Structure	Consistence	Percent Gravel Cobbles Stone
		Dist	Topo	Matrix	Re-Dox Features	Ab.	S.	Con.				
Fill (Topsoil)	0-11"			N/A					N/A	N/A	N/A	N/A
Fill	11-67"			N/A					N/A	N/A	N/A	N/A
C	67-108"			10 yr 7/4					Loamy Sand	Massive	Very Friable	5% Gravel 0% Cobbles 0% Stone

Soil Class: Urban Land Total Depth of Test Hole: 108"

Depth to Groundwater or Seepage: 79" Depth to Impervious or Limiting Layer: N/A

Estimated Seasonal High Water Table: ~Elev. 1.5' Surface Elevation of Test Pit (approximate): ~Elev. 8.1'

COMMENTS:
 Bricks found at 25-42"

PARE CORPORATION

8 BLACKSTONE VALLEY PLACE, LINCOLN, RHODE ISLAND
 ENGINEERS *** PLANNERS *** CONSULTANTS

TEST HOLE NO. **TP- 4**

SHEET 4 OF 4

Property Owner: Town of Fairhaven
 Project: Fairhave High School Athletic Field Contractor: Fairhaven DPW
 Property Location: 12 Huttleston Ave, Fairhaven, MA Excavator: Fairhaven DPW
 Date of Test Hole: January 20, 2021
 Soil Evaluator: C. Webber State / Date of Exam: MA
 Weather: Snow Shaded: Yes No

SAMPLE DESCRIPTION

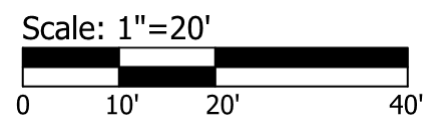
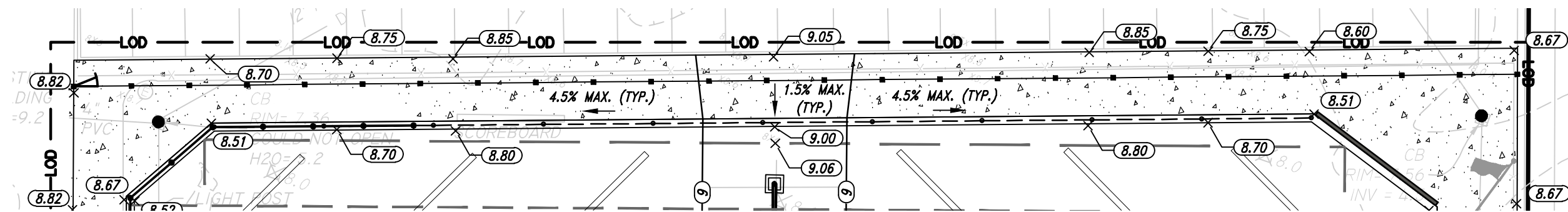
Horizon	Depth	Horizon Boundaries		Soil Colors		Re-Dox Description			Texture	Structure	Consistence	Percent Gravel Cobbles Stone
		Dist	Topo	Matrix	Re-Dox Features	Ab.	S.	Con.				
Fill (Topsoil)	0-10"			N/A					N/A	N/A	N/A	N/A
Fill	10-47"			N/A					N/A	N/A	N/A	N/A
C	47-72"			10 yr 7/4					Sand	Single Grain	Loose	5% Gravel 0% Cobbles 0% Stone

Soil Class: Urban Land Total Depth of Test Hole: 72"
 Depth to Groundwater or Seepage: 66" Depth to Impervious or Limiting Layer: N/A
 Estimated Seasonal High Water Table: ~Elev. 2.8' Surface Elevation of Test Pit (approximate): ~Elev. 8.3'

COMMENTS:
 Bricks found at 14"

TEST HOLE NO. **TP- 4**

FIGURE 1 - FAIRHAVEN ATHLETIC IMPROVEMENTS NORTH SIDEWALK GRADING



Project Narrative

INTRODUCTION

This Notice of Intent is filed on behalf of Nye Lubricants, Inc. (Nye) for work within resource area buffer zones that will complement the expansion of Building 3 (to be located outside of the resource area buffer zones). The work included in this application includes a reduction of the impervious area within the buffer zone and stormwater management improvements within the Building 3 parking area as well, and construction of a public access path along the river's edge to comply with the Commonwealth of Massachusetts' Chapter 91 regulations. This application is being submitted in accordance with the Massachusetts Wetland Protection Act (M.G.L c131 s.40) and 310 CMR 10.00.

SITE HISTORY

Nye's operations along Howland Road involves two (2) parcels of land, Map 19 Lot 100 and Map 19 Lot 242. The Parcel on which Building 1 is located is Map 19 Lot 100 and Building 3 is located on Map 19 Lot 242, which is where the proposed expansion is set to take place. Nye owns and controls both Lot 100 and Lot 242. The Parcel on which the project is proposed is Map 19, Lot 242 has the address 12-16 Rio Way. That site had previously been a supermarket, however Nye's operations expanded in 1997 to redevelop this parcel and include it in their operations. Since then, Nye has continued to grow and with its recent acquisition by the Fuchs Group, the need to expand operations became apparent.

Founded in 1844, Nye's history is one of continual adaptation to market needs. From the Industrial Revolution to the Information Age, Nye's lubricants have enabled and improved breakthrough products and critical new technologies. The company started out with specialty oils derived fish and whales to lubricate delicate machinery such as watches, clocks and chronometers. Today, Nye formulates, manufactures, markets and sells high-quality synthetic oils, greases, and specialty fluids. Nye works with a broad range of industries, with a concentration in the automotive, aerospace and defense, in-vacuum manufacturing, semiconductor, medical device, appliance, and electronic markets. They also manufacture industrial maintenance lubricants for high temperature and extreme environments.

Nye is a wholly-owned subsidiary of Fuchs Petrolub SE with 180 employees and 28 International Channel Partners on six continents. Their technical sales and support offices serve over 50 countries worldwide. Their existing facilities include R&D and production labs, cleanroom operations, specialty packaging, production lines, and administrative offices. Nye's annual grease production capacity is greater than 3 million pounds. As part of this Building 3 expansion project they are aiming to increase capacity for manufacturing, packaging and warehousing to meet their growing needs.

SITE DESCRIPTION

Nye's operations on the two parcels of land are bounded to the west by the Acushnet River, to the south by Howland Road, to the East by Sycamore Street, and to the north by the Dattco Bus Yard. Building 3 is located at 12-16 Rio Way, which is Nye's access road to its facility off of Howland Road. Rio Way is the drive bounded by Nye's southern employee parking area to the west, and the parking area it leases to the adjacent commercial facility to the east.

With respect to the neighboring uses, Nye is zoned and operates as an industrial facility, as does the Dattco operations to the north. There are commercial facilities located to the southeast, and to the east along Sycamore street is residential.

The site is improved by two buildings containing offices and warehouse space with loading docks, paved parking areas, and a grassy area to the east. There is portion of land to the north of Building 1 and west of Building 3 that is relatively densely forested and does not involve any of Nye's operations.

The topography on the developed site is relatively flat, while there are several mounds in the forested area likely from construction debris and past remedial activities.

PROJECT PURPOSE

The primary goal of the project is to create a 60,000 sf expansion of Building 3 to the east and southeast of the existing building. That building will be used for warehousing, bulk storage and manufacturing. To support the development of that project, there are several improvements being proposed that include:

- Providing public access to and along the river to comply with the Chapter 91 regulations;
- Upgrades and improvements to the Stormwater management system;
- Breaking up some of the asphalt parking area with landscaped areas and stormwater features;

PROPOSED ACTIVITIES

A number of options for the building expansion were reviewed in order to find a plan and layout that optimized the project's goals.

The alternatives reviewed were:

1. The Do-Nothing Alternative – No change to the existing infrastructure and layout is made. This is the baseline comparison purposes
2. A 60,000 sf expansion to the west
3. Two new buildings to the southwest and southeast of building 3 totaling 60,000 sf
4. A 60,000 sf expansion to the east

Alternative No. 1 was not selected as it remains the status quo for Nye's operations and does not allow for the expansion and additional space that they require. Alternative No. 2 encroached closer to the wetland resource areas and impacted more of the Chapter 91 tidelands. Alternative No. 3 created a less efficient use of space for Nye's operations, still placed new infrastructure closer to the resource areas and within the Chapter 91 tidelands, and significantly disrupted on-site traffic circulation. Based upon the analysis conducted, Alternative No. 4 was chosen as it keeps the new infrastructure as far away from the resource areas, allows for efficient expansion of operations and has the least impact on internal traffic circulation.

The main activities being presented as part of this Notice of Intent filing to support the building expansion include the parking area improvements to the south and southwest of the existing Building 3 as well as the creation of a public access path to and along the river's edge to comply with the Chapter 91 regulations.

The parking area improvements are relatively straightforward and involve saw-cutting trenches within the existing paved area to allow for excavation of soils and replacement with an engineered soil mix, perforated underdrain pipe and landscaping plantings. These landscaped strips will break up the paved parking area and provide some stormwater treatment and conveyance.

The public access pathway along the river's edge is a requirement of the Chapter 91 program. The path will be 10 feet wide and relatively flat, with an average slope of 1 ft in 20 ft. The path will be constructed with an underlain geotextile fabric, backfilled with angular crushed stone within a reinforced grid, and covered with sand for the wearing surface.

While most of the work involving the stormwater management system lie outside of the Riverfront area and wetland resource buffer area, there will be marked stormwater management improvements as part of this project which will benefit the resource areas. Currently there is no on-site stormwater quality treatment, only conveyance. The proposed program will provide water quality treatment of the parking area runoff, promote infiltration, and break up the larger tributary areas to reduced peak flows and volumes. More information on that is provided in the stormwater management report.

With respect to the landscaping improvements being proposed, most of specified plant material is native to New England and all is appropriate to the coastal environment of Fairhaven. The selected plant species have characteristics of higher tolerance of soil and airborne salts to make them better adapted to the environment they are being planted. The variable plant species were selected for their attributes to create bio-diversity and vegetative screening in the buffer area between the proposed building and Sycamore Street. A no-mow grass was selected between the new building and the vegetative screening buffer on Sycamore Street as an alternative to the traditional high-resource lawn. No trees will be planted within 5' of proposed underground utility centerline to allow future repair or replacement access to underground utilities with minimal impact to plant materials. No trees will be planted in bio-engineering locations with sub-surface drainage infrastructure (that connects to the existing stormwater system) to prevent impact to and future access to drainage system, however they will be planted in the bio-engineering locations without sub-surface lines to help in surface stormwater management. And non-woody plant material was specified for bio-retention areas within the reconfigured parking area due to expected snow loading.

CONSTRUCTION ACTIVITIES

Equipment and Materials will most likely be mobilized to the site set up in a staging area located upland of the resource areas and to the south of the proposed Building 3 expansion footprint. Erosion controls around the construction area will include silt fence and straw wattles along the perimeter of the work area. Super silt fences will be installed around stockpiles. Daily operations will include maintenance of erosion control devices in the location surrounding the work zone. Refueling and maintenance operations will occur within the staging area, as well as equipment and material storage, with proper spill controls in place.

Asphalt will be removed by being sawcut and properly disposed of. Once the asphalt has been removed, backfill material will be imported to meet the design characteristics to support the landscaping goals. Stockpiling of excavated soils will be performed within the staging area and the materials will be

surrounded by a super silt fence. Any stockpiles left uncovered and untouched for more than 14 days will be seeded with an erosion control mix.

As the project will disturb more than one acre of land, the project will obtain a Construction General Permit under the EPA NPDES program and will have a Stormwater Pollution Prevention Plan prepared documenting the measures and actions taken to prevent resource impact and erosion and sedimentation, which will also comply with the Town's stormwater bylaw.

WETLAND RESOURCES

See attached report from LEC Environmental, Inc. regarding the wetland resource conditions.

February 25, 2021

Email [John.McAllister@ApexCos.com]

Mr. John McAllister
 Apex Companies, LLC
 1213 Purchase Street, Suite 208
 New Bedford, MA 02740

**Re: Wetland Resource Area Analysis Report
 10 Howland Road and 12-16 Rio Way
 (Map 19, Lots 100 & 242)
 Fairhaven, Massachusetts**

[LEC File #: ACLLC\20-482.01]

Dear Mr. McAllister:

As requested, LEC Environmental Consultants, Inc., (LEC) conducted a site evaluation and Wetland Resource Area Analysis at the above-referenced site in Fairhaven, Massachusetts. The purpose of the evaluation was to determine Wetland Resource Area boundaries within the two parcels (“the site”). The January 18, 2021 site evaluation was conducted in accordance with the *Massachusetts Wetlands Protection Act* (“Act”; M.G.L. c. 131, s. 40) and its implementing *Regulations* (310 CMR 10.00). The location of delineated Wetland Resource Areas is depicted on the *Draft Existing Conditions Plans*, prepared by Farland Corp., dated January 8, 2021 (under separate cover).

The following report provides a general site description, wetland delineation methodology, a description of the Wetland Resource Areas, and potential regulatory implications.

General Site Description

The site is comprised of two parcels (Map 19, Lots 100 & 242) located immediately north of Howland Road and west of Sycamore Street in a dense residential and industrial section of northwestern Fairhaven, Massachusetts (Attachment A, Figures 1 & 2). The site is bordered by residential and commercial



Figure 1: northwest view of remediation area.

development on Howland Road and Sycamore Street to the north, east and south, and the Acushnet River abuts the site to the west/northwest. The site is accessible from Howland Road via a paved entrance.

The site is improved by two buildings containing offices and warehouse space with loading docks, paved parking areas, and a

LEC Environmental Consultants, Inc.			www.lecenvironmental.com	
12 Resnik Road Suite 1 Plymouth, MA 02360 508.746.9491	380 Lowell Street Suite 101 Wakefield, MA 01880 781.245.2500	100 Grove Street Suite 302 Worcester, MA 01605 508.753.3077	P. O. Box 590 Rindge, NH 03461 603.899.6726	680 Warren Avenue Suite 3 East Providence, RI 02914 401.685.3109
PLYMOUTH, MA	WAKEFIELD, MA	WORCESTER, MA	RINDGE, NH	EAST PROVIDENCE, RI

rectangular manicured lawn area to the east of the building and parking areas. Lawn area is also located within fringing uplands along the Acushnet River and immediately adjacent to the southwestern building on the 10 Howland Road parcel. The western portion of the site immediately north of the southwestern building contains an approximately 65,000-square foot forested area that has become established in a previously disturbed landscape associated with past remediation activities (Figure 1). The western portion of the property also contains a gravel area with picnic tables encompassed by evergreen shrubs and trees.

The western property boundary extends along the tidally influenced Acushnet River coastline and contains coastal Wetland Resource Areas including Coastal Bank, Coastal Beach, and Salt Marsh. A 36-inch diameter metal pipe with a tide gate is present at the southwestern most portion of the site within a concrete headwall and appears to discharge stormwater from upgradient catch basins on-site and within Howland Road (Figure 2).

Topography is flat throughout the developed portion of the site and undulates within the forested remediation area. Topography along the Acushnet River coastline is gently sloping in some areas and abrupt in others where steeply sloped riprap revetments are present.



Figure 2: East view of the metal pipe and tide-gate with riprap.

Vegetation observed within the forested upland (remediation area)

includes a canopy layer of honey locust (*Gleditsia triacanthos*), black cherry (*Prunus serotina*), white oak (*Quercus alba*), and Norway maple (*Acer platanoides*). The understory includes saplings from the canopy layer and sweet pepperbush (*Clethra alnifolia*), Russian olive (*Elaeagnus angustifolia*), tartarian honeysuckle (*Lonicera tatarica*), and multiflora rose (*rosa multiflora*). Patches of Japanese knotweed (*Fallopia japonica*) are present throughout. The observed groundcover layer is sparse and includes poison ivy and seedlings from the overstory. Dense entanglements of multiflora rose, Asiatic bittersweet (*Celastrus orbiculatus*), and poison ivy (*Toxicodendron radicans*) are common within the remediation area and along the edge of the Wetland Resource Area boundaries.

Natural Heritage and Endangered Species Program Designation

According to the 14th Edition of the *Massachusetts Natural Heritage Atlas* (effective August 1, 2017) published by the Natural Heritage & Endangered Species Program (NHESP), the site is not within *Estimated Habitat of Rare Wildlife* and/or *Priority Habitat of Rare Species*. No Certified Vernal Pools (CVP) or Potential Vernal Pools (PVP) are mapped on-site. (Attachment A, Figure 2).

According to the BioMap2 Core Habitats and Critical Natural Landscapes interactive mapping program, the western limits of the site are mapped within an Aquatic Core Habitat (ID: 298) and an Upland Buffer of Aquatic Core Critical Natural Landscape (ID: 192) (Attachment A, Figure 3).

Floodplain Designation

According to the July 16, 2014 FEMA Flood Insurance Rate Map (FEMA FIRM) for Town of Fairhaven (*Community Panel 25005 C 0391G*), the western portion of the site is mapped within a Zone AE (el. 6) – *Special Flood Hazard Areas Subject to Inundation by the 1% Annual Chance Flood* and the remainder of the site is mapped within a Zone X (shaded) – *Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood* (Attachment A, Figure 4).

Wetland Resource Areas

On January 18, 2021, LEC conducted a site evaluation to identify and characterize existing protectable Wetland Resource Areas located on or adjacent to the site. The Wetland Resource Areas associated with the site includes Salt Marsh, Coastal Beach, Coastal Bank, and Land Subject to Coastal Storm Flowage (LSCSF). A brief description of the Wetland Resource Areas is provided below.

Salt Marsh

Salt Marsh is defined at 310 CMR 10.32(2) as *a coastal wetland that extends landward up to the highest high tide line, that is, the highest spring tide of the year, and is characterized by plants that are well adapted to or prefer living in, saline soils. Dominant plants within salt marshes typically include salt meadow cord grass (*Spartina patens*) and/or salt marsh cord grass (*Spartina alterniflora*), but may also include, without limitation, spike grass (*Distichlis spicata*), high-tide bush (*Iva frutescens*), black grass (*Juncus gerardii*), and common reedgrass (*Phragmites*). A salt marsh may contain tidal creeks, ditches and pools.*

Salt Marsh is present in segments of the western portion of the site where vegetation extends to the landward most boundary between wetland flags 4-7 and 13-21 (Figure 3). The Salt Marsh is dominated by salt meadow cordgrass (*Spartina patens*) with scattered individuals of sea lavender (*Limonium nashi*). Shrubs including marsh elder (*Iva frutescens*) and bayberry (*Morella pennsylvanica*) are more common along the Salt Marsh boundary. The segment of Salt Marsh present between wetland flags 4 and 7 is dominated by a monoculture of common reed (*Phragmites australis*).



Figure 3: North view of Salt Marsh (left), Coastal Beach (center), and riprap Coastal Bank (foreground) proximate to wetland flags 18-26.

Coastal Beach

Coastal Beach is defined at 310 CMR 10.27(2) as *unconsolidated sediment subject to wave, tidal and coastal storm action which forms the gently sloping shore of a body of salt water and includes tidal flats. Coastal beaches extend from the mean low water line landward to the dune line, coastal bankline or the seaward edge of existing human-made structures, when these structures replace one of the above lines, whichever is closest to the ocean.*

Coastal Beach is present within segments between the Salt Marsh on the western portion of the site. The beach contains areas dominated by fine sands (wetland flags 21-26) and cobbles (flags 1-4 and 7-12). A culvert is present at wetland flag 26 and appears to direct stormwater from developed portions of the site into the Acushnet River. Common



Figure 4: East view of Acushnet River coastline proximate to wetland flags 1-6.

reed stalks and significant amounts of litter and debris are present in the wrack near wetland flags 1-13 (Figure 4).

Coastal Bank

Coastal Bank is defined at 310 CMR 10.30 as *the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other wetland.*

Coastal Bank extends along the top of the riprap revetments at the edge of lawn area (south of wetland flag 26) or paved parking areas (north of wetland flag 1).

The limits of the Coastal Bank have been determined by Apex Companies, LLC in accordance with the DEP Wetland Protection Program Policy (DWW Policy 92-1): *Coastal Banks: Definition and Delineation Criteria for Coastal Bank.*

Land Subject to Coastal Storm Flowage (LSCSF)

Land Subject to Coastal Storm Flowage (LSCSF) is defined at 310 CMR 10.04 as *land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater.*

As previously noted, according to the July 16, 2014 FEMA Flood Insurance Rate Map (FEMA FIRM) for the Town of Fairhaven (*Community Panel 25005 C 0391G*), the western portion of the site is mapped within a Zone AE (el. 6) – *Special Flood Hazard Areas Subject to Inundation by the 1% Annual Chance Flood* and the remainder of the site is mapped within a Zone X (shaded) – *Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood* (Attachment A,



Figure 4). As a result, the western portion of the site mapped within the Zone AE is located within LSCSF.

Summary

LEC identified and delineated the boundaries of Salt Marsh and Coastal Beach at 10 Howland Road and 12-16 Rio Way in Fairhaven, Massachusetts. Coastal Bank and LSCSF are also present on-site. The aforementioned Wetland Resource Areas are protected under the *Act* and its implementing *Regulations*. Should proposed work activities occur within any of the Wetland Resource Areas and/or the 100-foot Buffer Zone, a filing with the Fairhaven Conservation Commission and the Massachusetts Department of Environmental Protection (MassDEP) will be required. Should any work be proposed within the aforementioned Wetland Resource Areas, additional environmental permitting may be required.

We appreciate the opportunity to provide you with this Wetland Resource Area Analysis Report. If you should have any questions or require additional information, please do not hesitate to contact us at (508) 746-9491.

Sincerely,

LEC Environmental Consultants, Inc.

Claire Hoozeboom
Wetland Scientist

Mark Manganello
Assistant Director of Ecological Services

Attachments

**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 Scoticut 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 Scoticut Neck Road and a farm drain on the east side of Scoticut 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 Scoticut 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

Fairhaven 9-26-72
Sciticut Neck

This is an original photograph by Joseph R. Melanson,
The Aerial Photographer.
Each print is custom made, and is not mass produced.

Aerials Only, Inc. HQ 508-295-5551
200 State Street, Boston 3173 Cranberry Hwy.
(Adjacent to Fareuil Hall) (Rt. 6 & 28) Wareham, MA
617-345-9760 508-759-7598



Fairhaven 10-26-72
Scotticut Neck

This is an original photograph by Joseph R. Melanson,
The Aerial Photographer.
Each print is custom made, and is not mass produced.

Aerials Only, Inc. HQ 508-291-5551
200 State Street, Boston 3173 Cranberry Hwy.
(Adjacent to Fansuil Hall) (Rt. 6 & 28) Wareham, MA
617-345-9760 508-759-7598



N. DOUGLAS SCHNEIDER, P.E., P.L.S.
MATTHEW C. LEONE, P.L.S.



DAVID M. DAVIGNON, P.E.
JAY MCKINNON, E.I.T.

May 17, 2021

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

Re: Revised Plan

Project Type: Proposed Construction of a Single Family Dwelling
Applicant/Owner: Overlook Realty Trust
Site Address: Overlook Lane
Subdivision **Lot #4** at Overlook Acres

Dear Mr. Chairman & Commission Members,

Schneider, Davignon & Leone, Inc., acting as agent for the Applicant hereby submits the attached Revised Plan for the above described project.

Specifically, the plan has been revised as follows:

- The basketball court has been reduced in size by 40% and most importantly relocated outside of the 100 ft buffer zone.
- The swimming pool, pool house and its associated perimeter patio has been rotated 90 degrees to create a larger separation to the wetland.
- The pool discharge location is now shown, also outside of the 100 ft. buffer zone.
- The southern portion of the house will now be a walk-out basement thereby further minimizing the proposed fill required for the project.
- The circular driveway has been redesigned to eliminate the easterly portion.
- A planting plan has been added which requires the planting of 4 – 2” caliper tupelo trees, 2 at the southwest corner and 2 at the northeast corner together with a wildflower seed mix. Said trees are proposed as mitigation for the mature tree located in the middle of the backyard which will be removed. Additionally, a row of Green Giant Arborvitae will be planted along the northerly property line to mitigate noise and provide screening.

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: DEP- SE Regional Office (via electronic & hard copy submission)
Lauren Francis
File 2741

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.

May 17, 2021

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

Re: Revised Plan

Project Type: Proposed Construction of a Single Family Dwelling
Applicant/Owner: Overlook Realty Trust
Site Address: Overlook Lane
Subdivision **Lot #5** at Overlook Acres

Dear Mr. Chairman & Commission Members,

Schneider, Davignon & Leone, Inc., acting as agent for the Applicant hereby submits the attached Revised Plan for the above described project.

Specifically, the plan has been revised as follows:

- A 25 ft. no activity zone has been provided along wetland flags 120 thru 129.
- The barn has been relocated closer to the main driveway resulting in a shorter gravel access driveway.
- The driveway surface has been changed from pavement to gravel (with the exception of in front of the garage entrance).
- A wildflower seed mix is proposed along the southern side of the gravel driveway.
- Notations have been added addressing the proposed removal of the Japanese Knotweed throughout the site.
- A row of Green Giant Arborvitae has been added along the northerly property line.
- The house and pool have been rotated 15 degrees counter clockwise placing said structures further away from the wetland and thereby reducing the required fill.

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: DEP- SE Regional Office (via electronic & hard copy submission)
Lauren Francis
File 2741

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.

May 17, 2021

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

Re: Revised Plan

Project Type: Proposed Construction of a Single Family Dwelling
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 submits the attached Revised Plan for the above described project.

Specifically, the plan has been revised as follows:

- The driveway surface has been changed from pavement to gravel.
- The proposed permanent vegetative buffer along the southside has been increased from 10 ft. to 15 ft.
- The proposed permanent vegetative buffer along the north side has been increased from 5 ft. to 8 ft.
- The width of the garage has been reduced from 26 ft. down to 24 ft.
- The proposed ground level porches have been omitted.
- The waterside yard area has been reduced in size.
- The proposed fire pit and patio has been moved closer to the house.
- Thirty four (34) highbush blueberry shrubs are proposed between the boulders along the northerly side to further enhance and define the vegetative buffer zone.
- Eight (8) tupelo trees are proposed to mitigate for the potential loss of 1-3 mature trees.

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: DEP- SE Regional Office (via electronic & hard copy submission)
Lauren Francis
File 2741

MEMORANDUM

Date: May 17, 2021

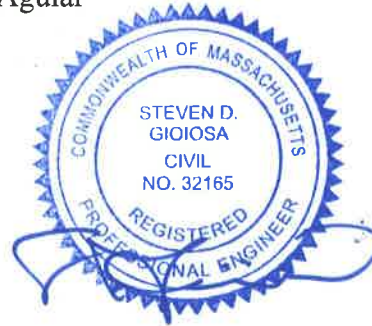
To: Conservation Commission
Town of Fairhaven

From: SITEC, Inc. a Part of Civil & Environmental Consultants, Inc.
Steven D. Gioiosa, P.E. and Daniel N. Aguiar

Subject: DEP File #SE023-1344
Gerald Delano

Location: 10 Nelson Avenue
Fairhaven, MA

CEC Project: 304-422



Attached please find a revised site plan for the 10 Nelson Avenue project. In an effort to bring the plan into compliance with the Chapter 91 plan, we are proposing to sawcut and remove the portion of the concrete structure seaward of the Chapter 91, 40 foot length.

We have included aerial photographs from 2016 and 2018 which show that the 40 foot long groin was substantially intact with the exception of a small section where the applicant stopped the reconstructed groin.

In order to create a structure more in keeping with today's standards for groin construction, we are proposing to set stones at a 1:1 side slope from the seaward end of the shortened groin to a point 5 feet upgradient of Mean High Water (MHW). This edging will assist in the deflection of waves over the structure, eliminating the vertical face that was originally licensed.

Thank you in advance for your consideration of this modified plan.

cc: DEP Southeast Regional Office
Gerald Delano

Attachment: Revised Site Plan
2016 Aerial Photograph
2018 Aerial Photograph

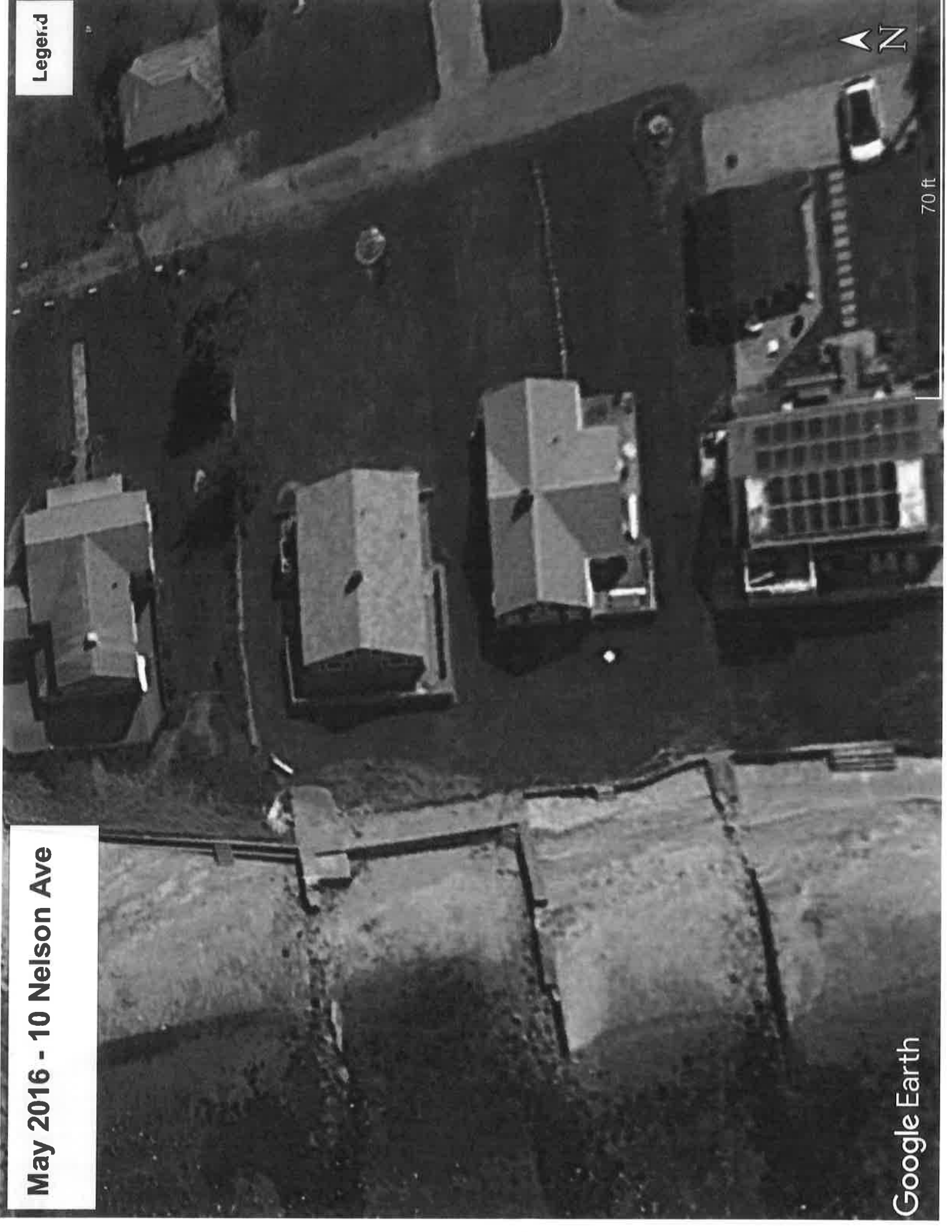
May 2016 - 10 Nelson Ave

Legend



70 ft

Google Earth



February 2018 - 10 Nelson Ave

Legend



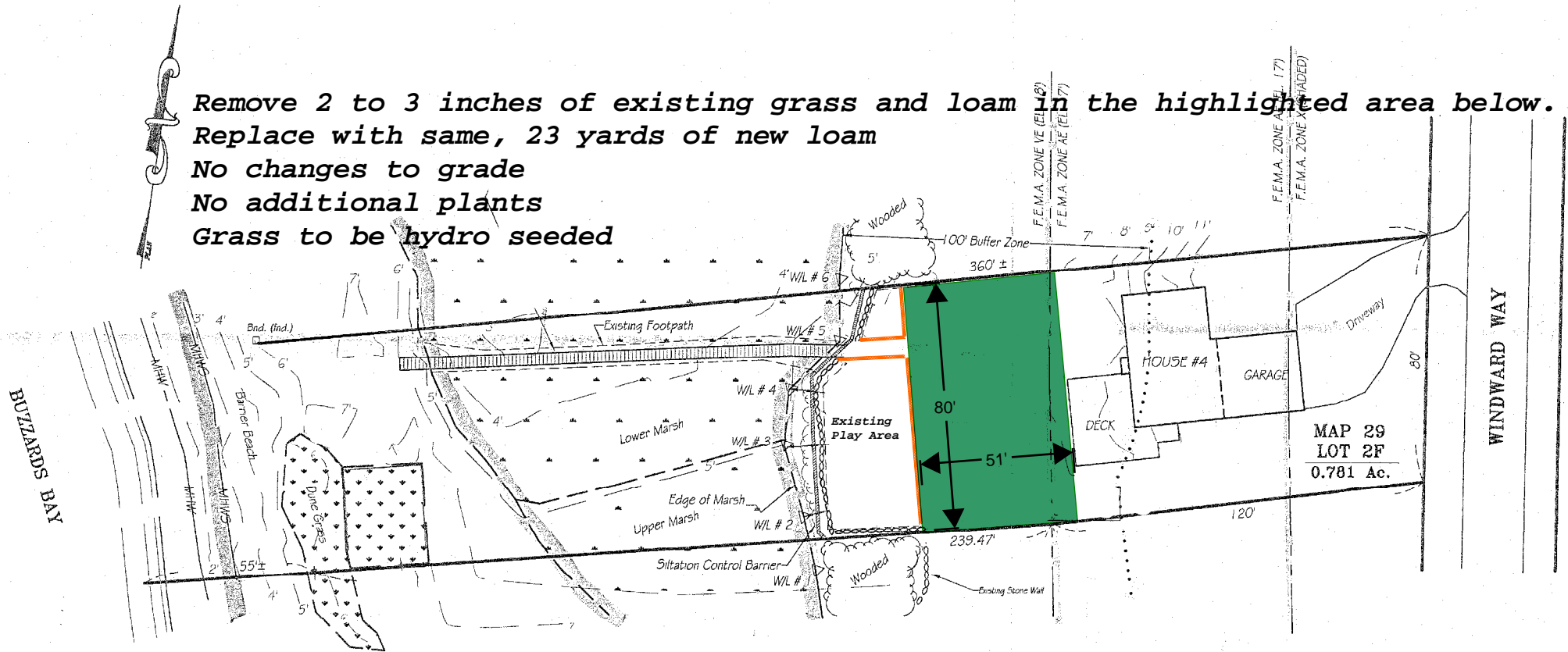
70 ft

Google Earth



Proposed plan for 4 Windward Way, Fairhaven

Remove 2 to 3 inches of existing grass and loam in the highlighted area below.
 Replace with same, 23 yards of new loam
 No changes to grade
 No additional plants
 Grass to be hydro seeded



SITE PLAN
 SCALE: 1" = 30 FT.

MAP 29
 LOT 2F
 0.781 Ac.



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

2021 MEETING SCHEDULE - REVISED

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

*Unless otherwise noted

Additional Public Hearing dates may be scheduled if necessary

Town Hall, 40 Center Street, Fairhaven, MA 02719

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

<u>Meeting Date</u>	<u>Application Submission Deadline (12 noon)</u>	<u>Legal Ad date</u>	<u>Revised Application Material Submission Deadline (12 noon)</u>
	Three weeks prior to the meeting		Monday, one week prior to the meeting
January 4	December 10, 2020	December 17, 2020	December 28, 2020
January 25	January 4	January 14	January 19
February 8	January 18	January 28	February 1
February 22	February 1	February 11	February 15
March 8	February 18	February 28	March 1
March 22	March 1	March 11	March 15
April 12	March 22	April 1	April 5
April 26	April 5	April 15	April 19
May 10	April 19	April 29	May 3
May 24	May 3	May 13	May 17
June 14	May 24	June 3	June 7
June 28	June 7	June 17	June 21
July 12	June 21	June 1	July 6
July 26	July 6	July 15	July 19
August 2	July 12	July 22	July 26
August 16	July 26	August 5	August 9
August 30	August 9	August 19	August 23
September 20 (<i>only September meeting</i>)	August 30	September 9	September 13
October 4	September 13	September 23	September 27
October 18	September 27	October 7	October 12
November 1	October 12	October 21	October 25
November 15	October 25	November 4	November 8
December 13 (<i>only December meeting</i>)	November 22	December 2	December 6
January 24, 2022	January 3, 2022	January 13, 2022	January 18, 2022