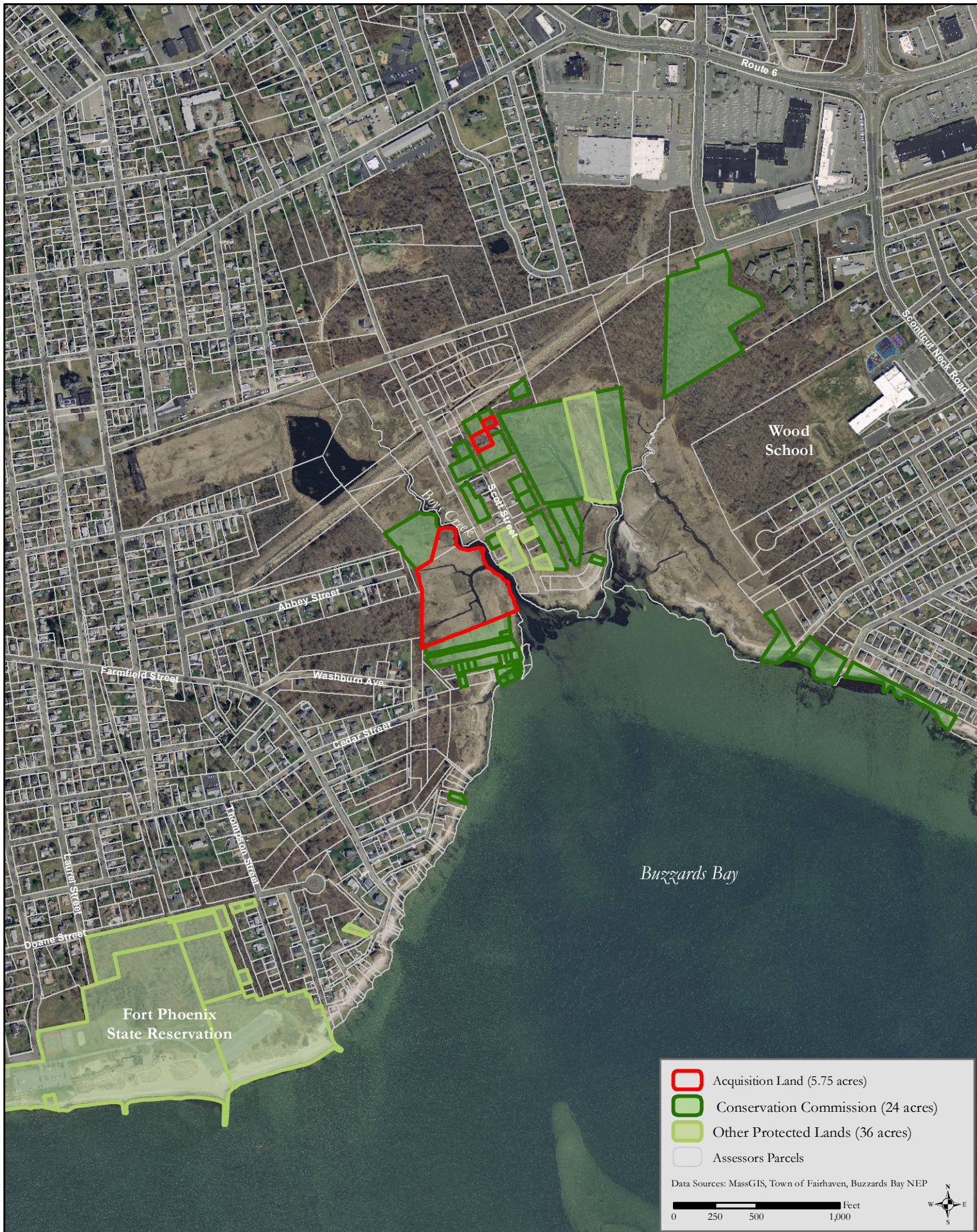


Boys Creek Conservation Restriction



QUITCLAIM DEED

Property Address: Vacant Land, Charlton Avenue, Sandringham Avenue, Boys Creek and Scott Street
Fairhaven, Massachusetts
Assessor's Map 27, Lots 18A, 20, 197, 198 and 200

BUZZARDS BAY COALITION, INC., a Massachusetts non-profit corporation, with a principal place of business of 114 Front Street, New Bedford, Massachusetts 02740, in full consideration paid of One and 00/100 Dollars (\$1.00), grants to the **TOWN OF FAIRHAVEN**, a Massachusetts municipal corporation having its principal place of business at 40 Center Street, Fairhaven, Massachusetts, 02719, its inhabitants, successors and assigns under the care, custody and control of its Conservation Commission for conservation purposes and for the protection of the natural resources of Boys Creek and of the Town of Fairhaven, under the provisions of Massachusetts General Laws, Chapter 40, §8C, as it may hereafter be amended and subject to Article 97 of the Amendments of the Constitution of the Commonwealth of Massachusetts, with QUITCLAIM COVENANTS, the following parcels of land situated in the Town of Fairhaven, in the County of Bristol and Commonwealth of Massachusetts described as follows ("Property"):

- Parcel 1: That certain land conveyed to Nstar Electric Company, d/b/a Eversource Energy as successor by merger to Commonwealth Electric Company and New Bedford Gas and Edison Light Company by deed of White et. al., dated December 14, 1914 and recorded in Book 415, Page 370 in the Bristol County (Southern District) Registry of Deeds. Meaning and intending to be that certain land currently identified as Lot 18A on Fairhaven Assessors Map 27.
- Parcel 2: That certain land conveyed to Nstar Electric Company, d/b/a Eversource Energy as successor by merger to Commonwealth Electric Company and New Bedford Gas and Edison Light Company by deed of Town of Fairhaven, dated May 16, 1939 and recorded in Book 817, Page 267 in said Registry of Deeds. Meaning and intending to be that certain land currently identified as Lot 20 on Fairhaven Assessors Map 27.

Parcel 3: That certain land conveyed to Nstar Electric Company, d/b/a Eversource Energy as successor by merger to Commonwealth Electric Company and New Bedford Gas and Edison Light Company by deed of Town of Fairhaven, dated November 29, 1941 and recorded in Book 849, Page 475 in said Registry of Deeds. Meaning and intending to be that certain land currently identified as Lot 198 on Fairhaven Assessors Map 27.

Also being shown as:

Lot 58 on a plan entitled Washington Park filed in said Registry of Deeds in Plan Book 25, Page 27.

Parcel 4: That certain land conveyed to Nstar Electric Company, d/b/a Eversource Energy as successor by merger to Commonwealth Electric Company and New Bedford Gas and Edison Light Company by deed of Town of Fairhaven, dated June 4, 1964 and recorded in Book 1447, Page 497 in said Registry of Deeds. Meaning and intending to be that certain land currently identified as Lots 197 and 200 on Fairhaven Assessors Map 27.

Also being shown as:

Lots 55 and 56 on a plan entitled Washington Park filed in said Registry of Deeds in Plan Book 25, Page 27.

Being the same premises conveyed to Buzzards Bay Coalition, Inc. by a quitclaim deed of Nstar Electric Company, d/b/a Eversource Energy as successor by merger to Commonwealth Electric Company and New Bedford Gas and Edison Light Company recorded March 31, 2020 in said Registry of Deeds in Book 13166 at Page 248.

The Grantor acquired the Property using Community Preservation Act (“CPA”) funding as approved by Fairhaven Town Meeting in Article 18 of the 2020 Fairhaven Special Town Meeting on October 21, 2020. By this deed, Grantor is transferring ownership of the Property to the Grantee per the underlying CPA project application. A certified copy of Article 18 is at Exhibit A attached hereto and incorporated herein by reference.

The Grantor hereby releases any and all rights of Homestead, as set forth in Massachusetts General Laws, Chapter 188 (the “Homestead Act”), in the Property conveyed by this quitclaim deed and states that at the time of this conveyance there are no persons entitled to the protection of the Homestead Act with respect to the Property conveyed by this quitclaim deed, which property is vacant land.

This conveyance is a sale in the ordinary course of Grantor’s business, does not constitute a sale or transfer of all, or substantially all, of Grantor’s assets, does not cause a material change in the nature of the activities of the Grantor and notice to the Attorney General is not required for this transaction.

Executed as a sealed instrument under the pains and penalties of perjury this _____ day of _____, 2021.

BUZZARDS BAY COALITION, INC.

Mark Rasmussen, President, duly authorized

Russell Keeler, Treasurer, duly authorized

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF BRISTOL

On this _____ day of _____, 2021, before me, the undersigned notary public, personally appeared Mark Rasmussen and Russell Keeler, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the people whose names are signed on the preceding or attached document, and acknowledged to me that they were duly authorized and signed it voluntarily for its stated purpose as the President and Treasurer, respectively of Buzzards Bay Coalition, Inc., and who swore or affirmed that the contents of the instrument are truthful and accurate to the best of their knowledge and belief.

Allen D. Decker
Notary Public for Massachusetts
My Commission Expires: 01/06/2023



Whitney McClees <wmcclees@fairhaven-ma.gov>

Fwd: Union Wharf Pictures

1 message

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

Fri, Jun 11, 2021 at 10:54 AM

----- Forwarded message -----

From: **Rezendes, Patrick S** <Patrick.Rezendes@foth.com>
Date: Thu, Jun 10, 2021 at 4:13 PM
Subject: RE: Union Wharf Pictures
To: Sheri Souza <ssouza@fairhaven-ma.gov>
Cc: tcx@fairhaven-ma.gov <tcx@fairhaven-ma.gov>

Here is original permit submittal (back in our CLE days). I put a read line around the area to be repaved.

The area proposed to be repaved is roughly 100' x 200' or 21,750 SF when you take into account the odd shapes around the edges.

The condition of the pavement is not necessarily the issue. It is more to address some of the drainage issues that are present onsite due to years of build up from various phases of construction. To do it right the site needs to be regarded and paved to slope to the drain locations.

Let me know if there is anything else Tim needs.

Patrick Rezendes

Project Manager

**Foth Infrastructure & Environment, LLC**

15 Creek Rd.

Marion, MA 02738

Direct: (508) 762-0774

SEAGULL ROCK TRUST
NOTICE OF INTENT
COVE STREET, MAP 28B LOT 53 AND 54
Addendum

1. Area shown on attached plan and delineated with yellow highlighter to be filled with 5 inches of sand and then 5 inches of quohog shells.
2. Area shown on plan measuring two feet wide and 25 feet in length, as delineated on the plan in green ink, to be excavated a total of one foot, sloped on each side by approximately 6 inches and filled with fine crushed stone.
3. Drive way to be graded and leveled. No fill to be used, to be replaced with quohog shells.

Brierley

D.U.P.

HATHAWAY ST.

ELP

COVE

Grass

Sfk (fnd)

Sand

Gravel Road

ST.

I.P. + 6 (fnd)

Stone Fence

Driveway

V.I.H (ELLIS)
V.I.H (ELLIS)

27 Cove Street
Fairhaven, MA

n/a Ripley

21

I.P. (fnd)

Deck

Grass 1

House

Lawn

Grass

U.P.

O.U.P.

5'x6'

5'x6'

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30

28

26

Scale: 1" = 20'





Introduction

To mitigate for encroachment into buffer zone for the construction of a single family home, the project will fill the wetlands near the areas of encroachment and restore these impacts. The impacts to wetlands account for 398 square feet of fill. To mitigate for this impacts, the project will create 428 square feet of wetlands in the rear portion of the uplands.

Wetland Mitigation Goals

The *major goals* of the proposed site mitigation and wetland enhancement are to:

- *Reestablish the forested wetlands with native plant material - Wetland impacts account for 398 square feet. The project will mitigate impacts by developing 428 square feet of forested wetland habitat.*
- *The mitigation site will be monitored for 2 years with the goal of 95% areal cover of non-invasive hydrophilic species.*
- *Monitor the restoration area to ensure 95% areal cover of non-invasive hydrophilic species. Vegetation shall have at least 60% cover by non-invasive hydrophytes, including at least 15% cover by woody species. All slopes, soils, substrates, and constructed features within and adjacent to the mitigation site are stable.*
- *Soil development will be documented for the evidence of redoximorphic features developing by the second year (Year 2) after construction.*

WETLAND MITIGATION DESIGN METHODOLOGY

To mitigate for proposed fill to wetland the project will excavated a series of area within the southern portion of the uplands. These areas were chosen to avoid existing trees. Care will be taken to avoid damage to the trees root system. The existing wetland soil will be excavated and used within the mitigation areas. The project will develop a soil mixture

consisting of equal volumes of well-decomposed clean leaf compost and mineral soils. Well-decomposed clean leaf compost shall be clean and free of weed seeds. Commercial peat is not allowed as a soil amendment. The wetland soil mixture shall have 20 to 30 percent organic *matter* (12 to 17 percent organic *carbon* content).

Although voluntary indigenous plants are expected to grow, a supplemental planting program is planned to ensure 95% aerial coverage by noninvasive species. Vegetation shall have at least 60% cover by non-invasive hydrophytes, including at least 15% cover by woody species. All slopes, soils, substrates, and constructed features within and adjacent to the mitigation site are stable.

Plant material will consist of native wetland seed mixes and shrubs. Refer to Mitigation Plan, for a list of proposed planting materials. The goal is to have required coverage within two growing seasons. The shrubs will be mulched with biodegradable weed mat or wood chips to minimize competition between the planted woody strata and tall growing herbs of the wetland seed mix. The herbaceous layer will be seeded by using New England Plants, Inc. Wet Mix or equivalent. Coarse woody material will be installed throughout the restoration area to the maximum extent practicable.

A wetland scientist will be on-site to monitor grading, backfilling and planting of the mitigation area to ensure compliance with the approved mitigation plan. During planting, a qualified wetland professional may relocate up to 50 percent of the proposed plantings if conditions warrant.

Monitoring of Restoration/Replication Areas

A qualified wetland scientist will inspect the mitigation site at the beginning and end of each growing season for two successive growing seasons following completion of planting. Within 90 days of the fall inspection, a report will be submitted to the Fairhaven Conservation Commission, and Massachusetts DEP Wetlands. At beginning of year 2, if a corrective action is required the project will work with the Fairhaven Conservation Commission to resolve any corrections needed.

Monitoring Methods

Permanent photo stations and vegetation plots will be established in the first season following wetland restoration efforts. These plots will be located randomly. Each of the individual woody plants will be counted, species noted, and condition recorded (i.e. those with at least 75% of the branches alive, whether it is stump sprouting, etc.). This data will be used to calculate survivorship for planted specimens. Additionally, the project will

measure the crown cover and canopy height using a graduated telescoping rod and diameter tape to record average canopy height for each species.

Soil development will be documented for the evidence of redoximorphic features developing by the 2nd year after construction.

General observations will summarize the overall condition of the vegetation including noting signs of wildlife herbivore on vegetation, erosion and any corrective activities conducted during each visit to the site. A list will be generated and maintained documenting amphibians and reptiles, birds and mammals noted at the site.

The wetland scientist is responsible for monitoring and reporting efforts during the establishment period. Responsibilities include quantitative vegetative sampling survey, and other site remedial activities within the restored wetlands. A report will be provided to the Fairhaven Conservation Commission and Massachusetts DEP following each growing season.

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.

June 7, 2021

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

Re: DEP File No. SE 23-1352

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 to address concerns discussed at the last Public Hearing as follows:

- **Fire Pit/Patio**
The fire pit and patio area structures have been omitted from the project.
- **Formal Lawn Area Limitation and Treatment**
The proposed lawn is now specified to be only 3,000 sq. ft. and “Only” treated with a Natural Organic Fertilizers. It should be noted that the Applicant has buyers for the subject lot who have stated that they want to minimize the formal lawn areas.
- **Tree Corridor**
The plan now incorporates a row of Tupelo trees along the south side of the driveway along its entire length. A total of fifteen (15) tupelo trees will be planted throughout the site, eleven (11) of which will be placed 20’ on center along the south side of the driveway. This tree corridor will absorb and thereby treat stormwater runoff from the driveway.
- **Shrub Corridor**
The plan now incorporates a row of Hydrangea shrubs along the southerly side of the house. Sixteen (16) shrubs will be planted at 6’ on center to absorb runoff from the small lawn area and together with the placement of the boulders will function as a both a filter strip and permanent barrier to protect the wetland.

The plan also proposes a row of thirty-four (34) Highbush Blueberry shrubs along the northerly side of the house to be planted in between the proposed row of boulders. Said row of shrubs will also function as a filter strip and together with the boulders as a permanent barrier to protect the wetland.

The following are additional changes/measures which have been implemented in an effort to mitigate for the proximity of the construction to the wetland areas:

SCHNEIDER, DAVIGNON & LEONE, INC.
PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

- Roof Runoff
The plan now incorporates two proposed roof runoff recharges systems to be located along the northerly and southerly sides of the house. Said systems will be 5' wide x 26' long and consist of three (3) Cultec Contactor 100 Chambers enveloped in filter fabric and C-33 Sand. Said systems will recharge the groundwater.
- Driveway Runoff
The plan now incorporates a water quality grass swale along the southerly side of the driveway - easterly of the house. Said swale will treat stormwater runoff from the driveway and parking areas.

Please also note that the DEP has reviewed the NOI and Plan and issued a file number with no offered comments.

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



Whitney McClees <wmcclees@fairhaven-ma.gov>

Fw: 5-2 wall

sgioiosa sitec-engineering.com [REDACTED] >
To: "wmcclees@fairhaven-ma.gov" <wmcclees@fairhaven-ma.gov>

Thu, Jun 10, 2021 at 1:08 PM

Whitney:

Hope all is well. The attached pictures were provided by the client for the 10 Nelson Ave project.

As we have discussed, it appears that the concern regarding the north groin is centered around the distinction between new construction and repair or maintenance. As you can see the photo taken a week before the Delano's initiated the work depicts a mostly intact groin with the one gap in the center where the steps have been built.

This appears to confirm that this is more a repair/maintenance than a new construction project. These photos are also consistent with the aerial photos I sent a couple of weeks ago.

After you review, let me know where we should head on this project. Thank you as always for your help.

Steve

From: Gerald G Delano Jr <[REDACTED]>
Sent: Wednesday, June 9, 2021 3:03 PM
To: sgioiosa [REDACTED]
Subject: Re: 5-2 wall

Wall pics

IMG_0667 was taken 9-9-2017.

MG 1935 JPG was taken 5-16-2020.

5 days before pour (6-3-2020)

173942.jpg was taken 5-30-2020 after cut back of overhang to first stair location.

173809.jpg was taken 5-30-2020 north groin facing east.

From: Gerald G Delano Jr <[REDACTED]>
Sent: Sunday, May 2, 2021 3:35 PM
To: sgioiosa [REDACTED]
Subject: Fw: 5-2 wall

North Wall pour photos

From: gdelanojr <[REDACTED]@[REDACTED].com>
Sent: Sunday, May 2, 2021 11:25 AM
To: [REDACTED]
Subject: 5-2 wall

I found pictures of the north wall being poured.
Capping forms were put in place to protect green cement from wave action.
No other work was done since the cease-and-desist order.
I have followed your advice to co-operate and comply with any of their requests.

I texted a picture of the silt fence to Whitney within a couple of hours of her order to install it. I have included the NOAA reported tide levels at the New Bedford Bridge and the New Bedford airport weather conditions on the day the forms were ripped away by the wave action. I think the weather would be harsher at my location. Could get a statement from the neighbor who retrieved them from the cove 100 yards to my north if you think it would be beneficial. If you need more information, quickly call me as I am going to be away from the computer.

Thank you,

Jerry

Sent from Samsung Galaxy smartphone.



Virus-free. www.avast.com

2 attachments



IMG_0667 (1).JPG
5818K



_MG_1935.JPG
5667K

September 9, 2017



May 16, 2020





June 10, 2021

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

RE: BELLA VISTA

Dear Commission Members,

The MA Division of Marine Fisheries submitted a January 7, 2020 letter on the above referenced filing. All issues have all been addressed as follows:

1. The proposed pier, gangway and float have been eliminated, so eelgrass is no longer a concern.
2. No work is proposed to be done between January and May; therefore, Winter Flounder is not a concern.
3. The dredging will be hauled off site, so impact to the near shore habitat is no longer a concern.
4. The seawall work will be limited to area underlain by stone, so habitat conversion is no longer a concern.
5. The groin work will be kept within the existing ground footprints, so habitat impact is no longer a concern.
6. The old boom and silt curtains have been removed, so habitat impact is no longer a concern.

Sincerely,
PRIME ENGINEERING, INC.

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



CIVIL ENGINEERING ENVIRONMENTAL ASSESSMENT LAND SURVEYING

P.O. BOX 1088, 350 BEDFORD STREET, LAKEVILLE, MA 02347 • 508-947-0050 • FAX 508-947-2004

www.primeengineering.org