

31-MAY-21

From: Don C. Collasius Tree Warden
Of: Town of Fairhaven Massachusetts
Town Hall 40 Center St
Fairhaven, MA 02719

Re: Non voting seat on Conservasion Commision

Dear Whitney McClees

This is to reiterate in writing my withdrawing from the non voting seat I have on the Conservasion Commision. I still believe that the role I have as Tree Warden ties in well with that group, however I am too over extended in my job as Warden to be a viable asset at this time. I hope that improves in the future.

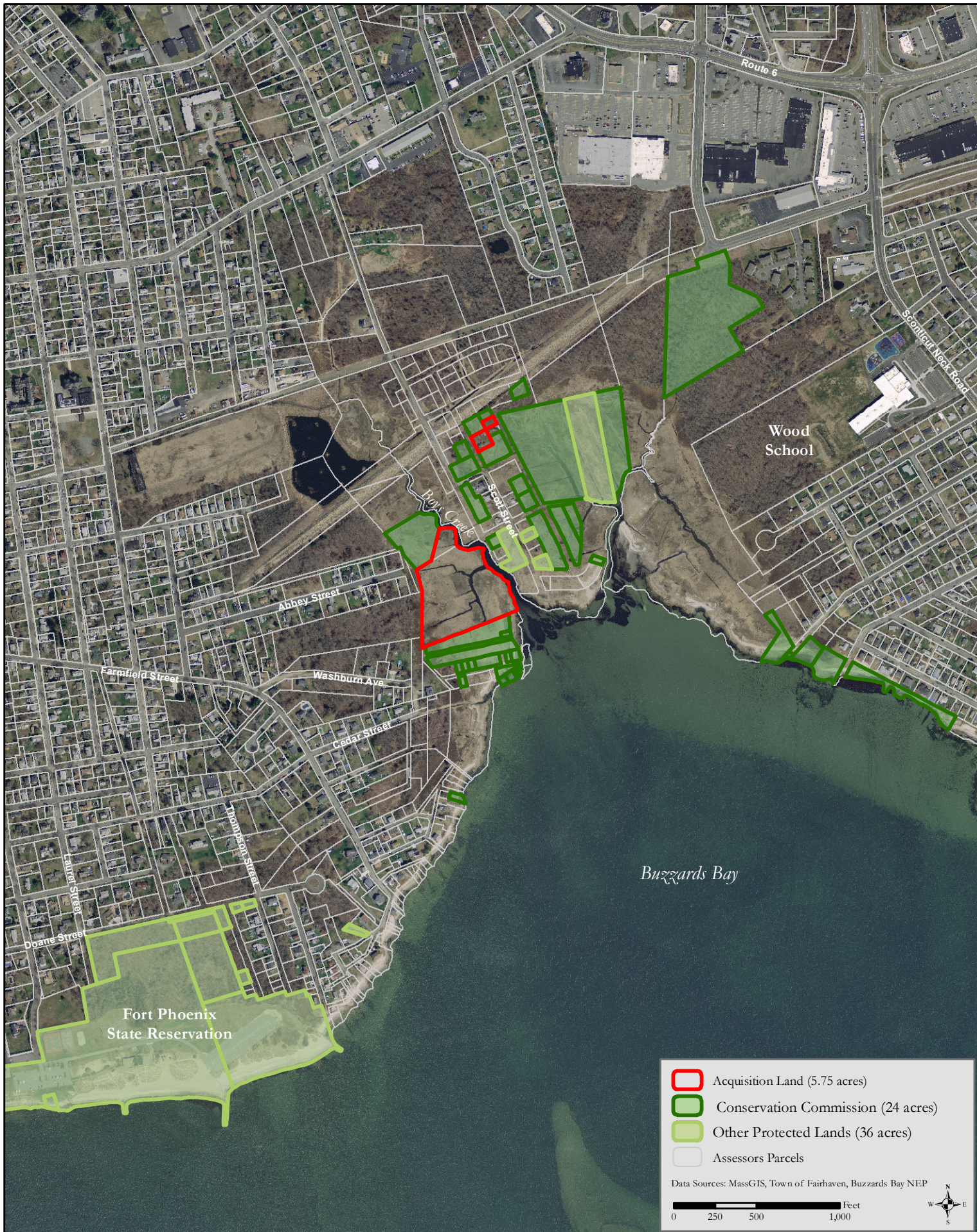
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Thanks so much for the opportunity,

Don C. Collasius Tree Warden

Fairhaven, MA 02719

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



www.savebuzzardsbay.org

114 Front Street, New Bedford, Massachusetts 02740 | Tel: 508-999-6363 Fax: 508-984-7913

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

HATHAWAY ST.

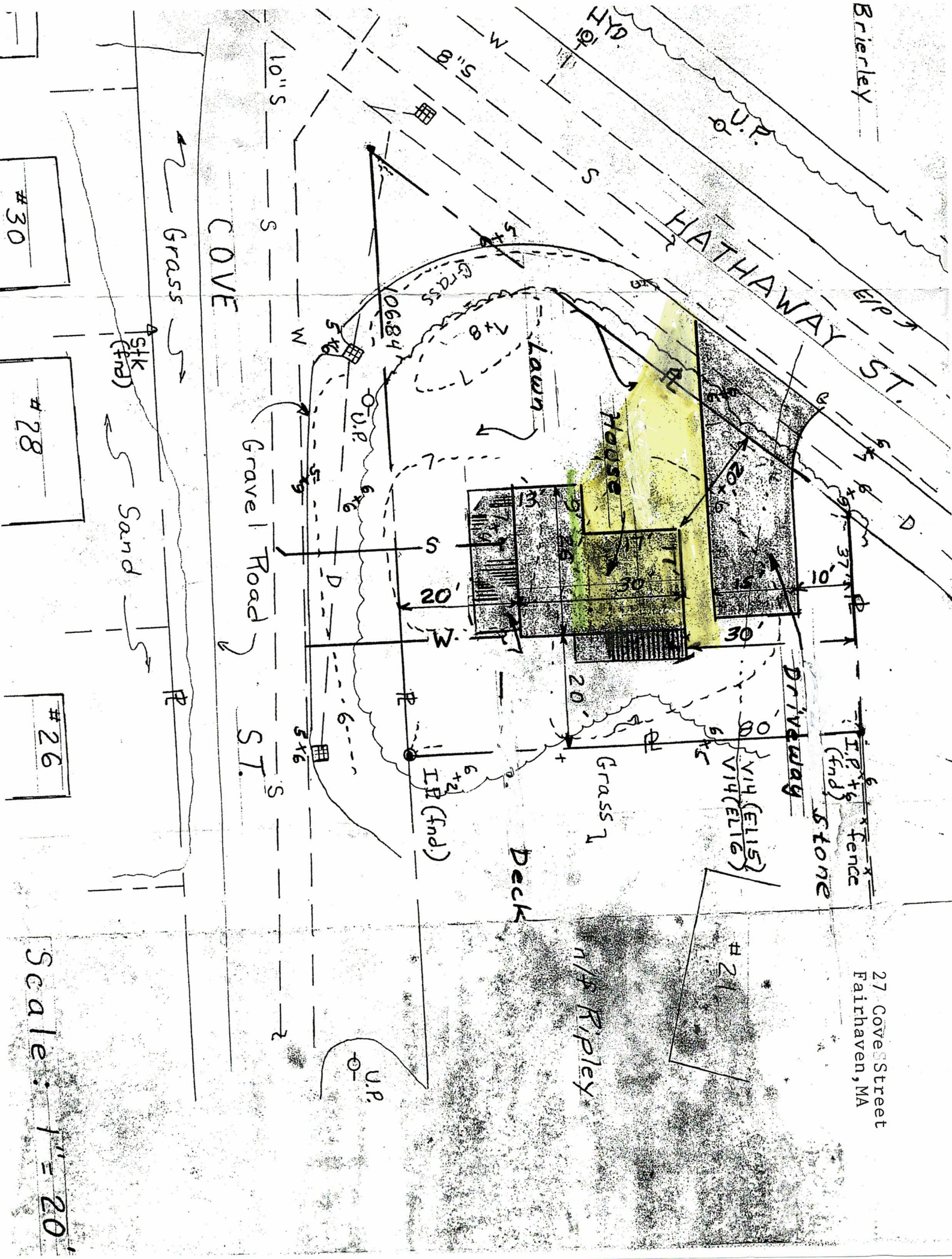
COVE

#30

#28

#26

Scale: 1" = 20'



27 Cove Street
Fairhaven, MA

n/a Ripley



SCOUTICUT
CK ROAD

SCOUTICUT
NECK ROAD

Scouticut Neck Road

Deacons Drive

SCOUTICUT
NECK ROAD

SCOUTICUT
NECK ROAD

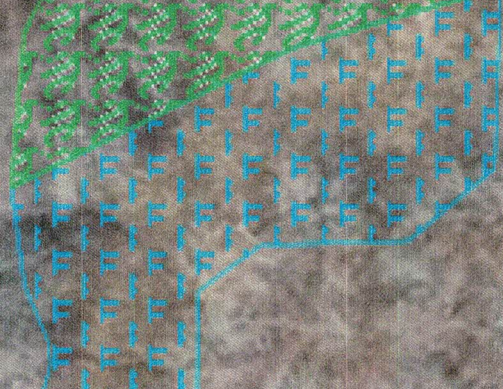
SCOUTICUT
NECK ROAD

LOAN



TOTT

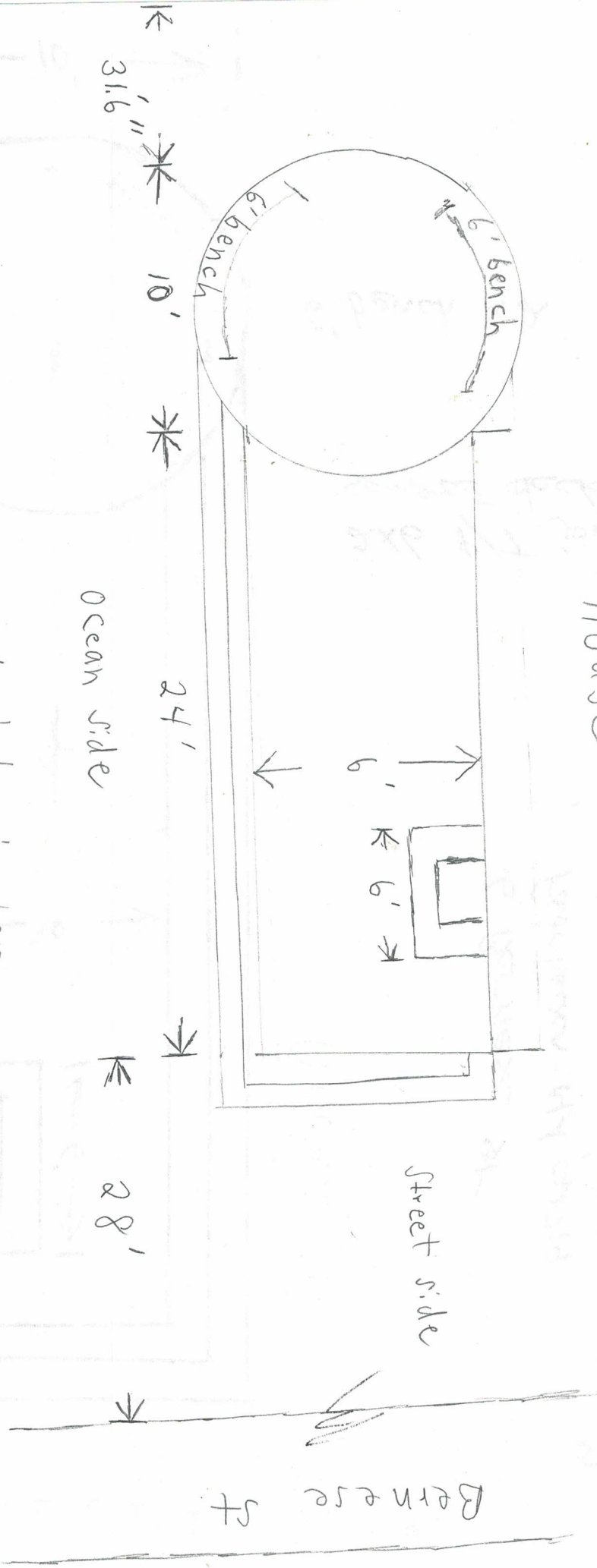
LOAN



Site Plan

6 Bernese St.
Fairhaven Ma. 02719

House



2x8 pressure treated perimeter
2x6 joists
3 sonotubes

Bernese St

John Rockwell, M.S.
Environmental Planner, Wetlands Act Permitting, Peer Review Services
Delineation Training, Expert Testimony
1171 Point Road, Marion, Massachusetts 02738
508-728-5585 johnrockw@gmail.com

June 21, 2021

Whitney McClees
Conservation Agent and Sustainability Coordinator
Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

Re: 14 Plaza Way ANRAD, Applicant Michael Cavounis

Dear Ms. McClees,

I have reviewed the ANRAD filed on behalf of Mr. Cavounis by Evan Watson. I visited the site with Stephan Chmiel on June 5, 2021. It is my professional opinion that the bordering vegetated wetland is accurately shown on the revised plan "Wetland Location, Plan of Land" prepared for MCZ Realty, LLC, P.O. Box 241, Manhasset, NY, 11030 by Lighthouse Land Surveying, LLC. The plan is signed and stamped by Richard W. Reid, Jr. and a final revision date of June 29, 2021.

During the site visit, we did discover a previously overlooked isolated wetland on the site that is located west of flag 248. The revised plan has the seven new flags numbered "W3-100" to "W3-105."

For the most part the wetland line follows the edge of fill. (Which is consistent with the NRCS soil report for the area - see attached)

A recent Adjudicatory Hearing Decision focusing on BVW delineation, "In the Matter of SYMES DEVELOPMENT LLC," Docket No. DEP-07-650, DEP File Number: 28-1659, originating from the Town of Harvard, raised an important issue regarding the delineation of fill sites. If the Commission believes that the site contains wetlands filled after 1965 (the date of the first wetland protection law in Massachusetts, the "Hatch Act," for salt marshes use 1963, the year of the "Jones Act.") the Commission should be requesting a delineation of these areas as well as the current BVW line. At a minimum, the Commission should be requesting that fill sites from post-1990 be delineated as the statute of limitations has not expired.

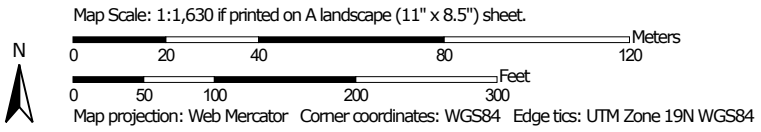
Given the difficulty in establishing a permit history for the site, I am not particularly concerned with this issue, at his particular location, as the fill was pre-1990, and seems to be pre-1983, the year the current regulatory 5,000 square foot rule was adopted.

If you have further questions about the present delineation or the applicability of the Symes case, please do not hesitate to contact me.



John Rockwell, M.S.


Soil Map—Bristol County, Massachusetts, Southern Part
(14 Plaza Way)



Soil Map—Bristol County, Massachusetts, Southern Part
(14 Plaza Way)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Bristol County, Massachusetts, Southern Part

Survey Area Data: Version 14, Jun 9, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Dec 31, 2009—Jul 3, 2017

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
32A	Wareham loamy sand, 0 to 3 percent slopes	5.9	44.2%
71B	Ridgebury fine sandy loam, 3 to 8 percent slopes, extremely stony	0.7	5.1%
73A	Whitman fine sandy loam, 0 to 3 percent slopes, extremely stony	0.2	1.5%
260A	Sudbury fine sandy loam, 0 to 3 percent slopes	0.0	0.0%
602	Urban land	6.4	48.4%
656	Udorthents - Urban land complex	0.1	0.7%
Totals for Area of Interest		13.3	100.0%

In the Matter of SYMES DEVELOPMENT LLC

Docket No. DEP-07-650
 File Number: 28-1659
 Harvard

July 30, 2010
 Laurie Burt, Commissioner

Wetlands Appeal-Decision on Remand From Superior Court-Delineation-Inclusion of Altered Wetlands-Final Decision—The Commissioner affirmed as final the Recommended Decision of DALA Magistrate Francis X. Nee vacating a DEP SORAD because the delineation failed to include filled and altered wetlands from a seven-acre site in Gloucester. The Commissioner did not adopt the decision by the Magistrate that altered wetlands be included in delineations whether or not they predated the adoption of the Hatch Act in 1965, finding that this would be too burdensome on applicants, MassDEP, and Conservation Commissions, particularly where there is no claim that potential alterations occurred without the property owner obtaining a necessary approval from the issuing authority.

FINAL DECISION

I adopt the finding of the recommended decision [16 DEPR 173 (2009)] which determined that the Superseding Order of Resource Delineation (“SORAD”) was inaccurate because it failed to include a portion of the site that had contained Bordering Vegetated Wetland which were drained and filled subsequent to the adoption of the Wetland Protection Act, c. 131, §40 in 1972.

I do not adopt the legal analysis or conclusion of the recommend decision that 310 CMR 10.00 require the delineation of altered wetlands without regard to the date they were altered. In the first instance, the finding that the activities that resulted in the elimination of wetland vegetation occurred prior to adoption of Act obviated the need for the Magistrate to determine the regulatory significance or pre-Act wetland alterations. Moreover, the Magistrate’s opinion raises serious concerns on implementation of the regulations and its potential impact on applicants, Conservation Commissions and the Department of an unbounded reach back in time in conducting site investigations and delineating current wetland boundaries where there is no claim that potential alterations occurred without the property owner obtaining a necessary approval from the issuing authority.

SERVICE LIST

Joshua E. Latham, Esq.
 Latham, Latham, & Lamond, P.C.
 643 Main Street
 Reading, MA 01867-3096
 Representing Symes Development, LLC (Applicant)

Jason Adkins, Esq.
 Adkins Kelston & Zavez, PC
 90 Canal Street, Suite 500
 Boston, MA 02114
 Representing Barbara Lambert and the Riggs Point Neighborhood Association (Petitioners)

Elizabeth Kimball, Esq.
 DEP - Office of General Counsel
 One Winter Street, 3rd Floor
 Boston, MA 02108
 Representing the Department

* * * * *

In the Matter of JOSEPH N. ALOSSO AND EVELYN R. ALOSSO

OADR Docket No. 2004-163
 DALA Docket No. DEP-05-184
 (Penalty Appeal)

OADR Docket No. 2004-164
 DALA Docket No. DEP-05-184
 (Enforcement Order Appeal)
 Oak Bluffs

August 25, 2010
 Laurie Burt, Commissioner

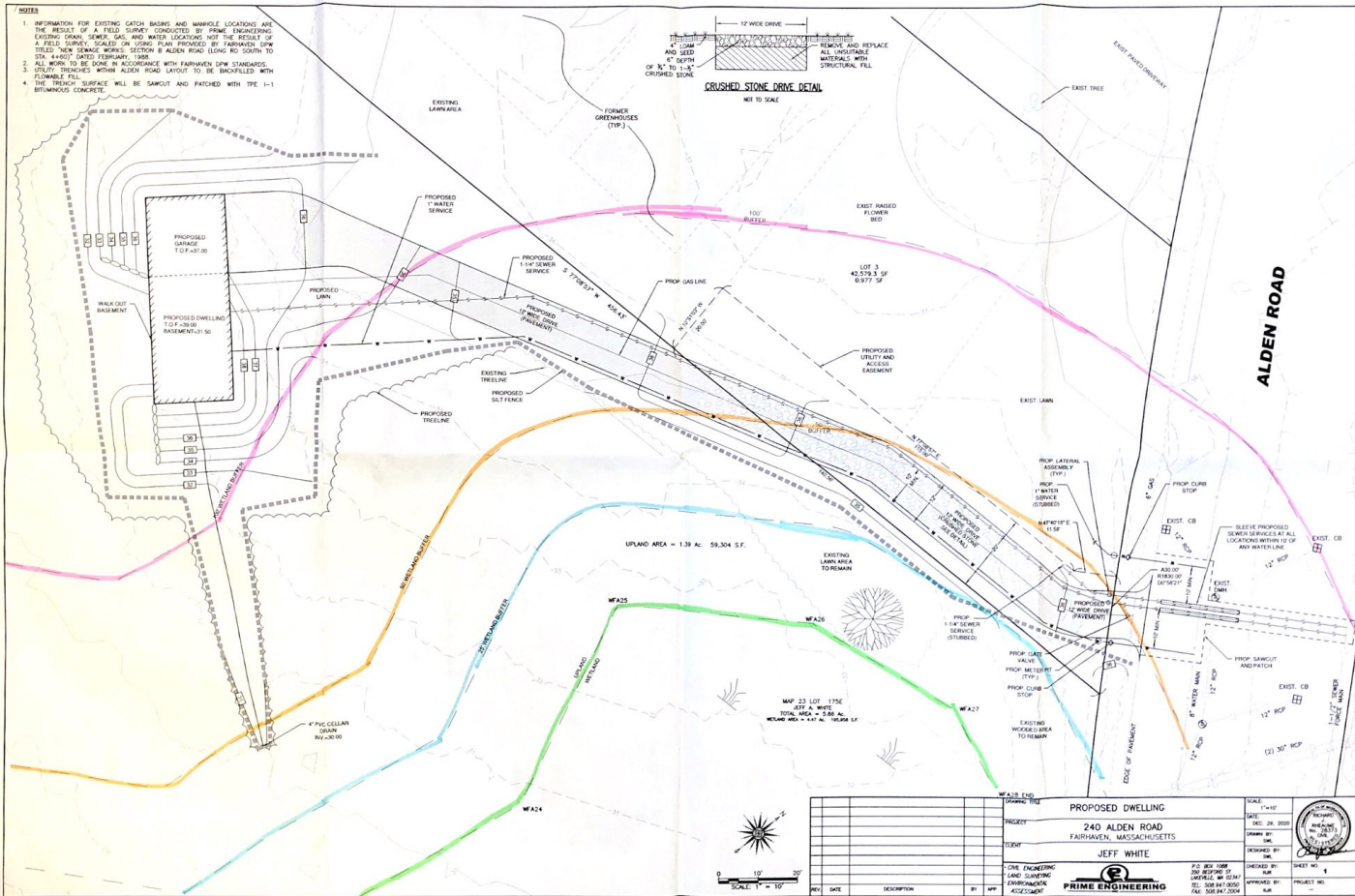
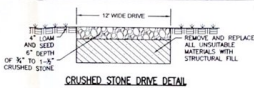
Title 5-Penalties and Fines-Motion for Reconsideration—Commissioner Laurie Burt declined to reconsider her decision vacating penalty assessments against the former chair of the Oak Bluffs Board of Health for various Title 5 violations on the strength of the Applicant’s argument that the Department had not shown that it had considered the Respondent’s financial condition when calculating penalty amounts. In so ruling, the Commissioner reasserted her reliance on the reasoning in the Roofblok decisions and found no evidence of any errors of fact.

FINAL DECISION ON RECONSIDERATION

On May 7, 2010, I issued a Final Decision [17 DEPR 258] (or “FD”) in these appeals after a Presiding Officer in the Office of Appeals and Dispute Resolution (“OADR”) issued a Recommended Final Decision [17 DEPR 261] (“RFD”). The Final Decision adopted the RFD’s conclusion that the Alossos committed the Title 5 violations alleged in the Notice of Intent to Assess an Administrative Penalty (“PAN”) and that the violations were willful and not the result of error, resulting in a total penalty of \$12,559.00. I concluded, however, based upon a careful review of the record, and in view of a recently issued Final Decision in another case, that the record contained insufficient information showing the Department considered the Alossos’ financial condition, as required by G.L. c. 21A § 16 and 310 CMR 5.25, prior to issuance of the PAN. See *In the Matter of Roofblok Limited*, DEP Docket Nos. 2006-047 & 048, Final Decision [17 DEPR 377] (May 7, 2010) (“*Roofblok*”), Final Decision on Reconsideration (July 22, 2010) (“*Roofblok II*”). Thus, I determined that the PAN must be vacated.

The Department has filed a Motion for Reconsideration, asserting that the Final Decision is based upon an erroneous finding of

- NOTES
1. INFORMATION FOR EXISTING CATCH BASINS AND MANHOLE LOCATIONS ARE THE RESULT OF A FIELD SURVEY CONDUCTED BY PRIME ENGINEERING. EXISTING DRAIN, SEWER, GAS AND WATER LOCATIONS NOT THE RESULT OF A FIELD SURVEY, SCALED ON USGS PLAN PROVIDED BY FAIRHAVEN LPM. TITLED "NEW SEWAGE WORKS SECTION B ALDEN ROAD (LONG RD SOUTH TO STA. 4450)" DATED FEBRUARY, 1986.
 2. ALL WORK TO BE DONE IN ACCORDANCE WITH FAIRHAVEN LPM STANDARDS.
 3. UTILITY TRENCHES WITHIN ALDEN ROAD LAYOUT TO BE BACKFILLED WITH FLOWABLE FILL.
 4. THE TRENCH SURFACE WILL BE SAWCUT AND PATCHED WITH TYPE 1-1 BITUMINOUS CONCRETE.



ALDEN ROAD

UPLAND AREA = 1.38 AC. 59,304 S.F.

MAP 23 LOT 175E
 88' x 146'
 TOTAL AREA = 3.88 AC.
 REMAINING AREA = 101' x 108' x 54'



DRAWING TITLE		PROPOSED DWELLING		SCALE	1"=10'
PROJECT		240 ALDEN ROAD FAIRHAVEN, MASSACHUSETTS		DATE	DEC. 28, 2009
DESIGN		JEFF WHITE		DESIGNED BY	JEFF WHITE
CHECKED BY		JEFF WHITE		DRAWN BY	JEFF WHITE
DATE		DEC. 28, 2009		APPROVED BY	JEFF WHITE
DESCRIPTION		PRIME ENGINEERING		PROJECT NO.	
BY		APP		SHEET NO. 1	
DATE		APP		PROJECT NO.	

PRIME ENGINEERING
 210 BOX 108B
 2ND FLOOR ST.
 LAVERGNE, MA 01947
 TEL: 508-847-8200
 FAX: 508-847-2004

June 3, 2021

***GTA Engineering
818 Montgomery Street
Fall River, MA 02720***

Cell: (774) 301-1710 E-Mail: GEORGE4220@YAHOO.COM Fax: (508) 819-4949

Fairhaven Conservation Commission
40 Center Street
Fairhaven, MA 02719

Re: 249 Huttleston Avenue, Fairhaven, MA 02719
Owner: Jacob Galary

Dear Sir/Madam:

Enclosed are two sets of a completed Notice of Intent (NOI) (WPA Form 3) and two copies of a plan dated March 17, 2021, and revised June 3, 2021, showing a replacement of a failing septic system with a new septic system.

There was a failing gravity fed septic system on the property. The new system was recently constructed behind the house and garage, at the only available space on the lot, it was inadvertently constructed without the filing with the Conservation Commission.

The newly designed septic system is as follows:

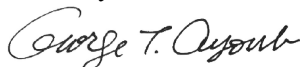
- Sited as far away as possible from the edge of Nasketucket River and wetlands.
- There are no surrounding wells, all town supplied water services.
- An alternative "Presby" Advance Enviro-Septic (AES) system is being proposed that will require 40% less leaching area and will recharge groundwater much more safely, and have a minimal environmental impact than traditional systems.

The new septic system will meet the requirements of Fairhaven Board of Health and the State DEP Title V. The edge of the proposed leaching field will be located at approximately 90' from Nasketucket River, and greater than 100' to edge of wetlands.

Your approval to this submittal is requested. If you have any questions, please advise me.

Thank you for your assistance in this matter.

Sincerely,



George Ayoub, PE, LSIT

Cc: Mass DEP – Southeast Region
Jacob Galary



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



Whitney McClees <wmcclees@fairhaven-ma.gov>

[Fairhaven MA] Mosquito spraying (Sent by Jane and Chris Brayton,**[REDACTED])**

1 message

Contact form at Fairhaven MA <cmsmailer@civicplus.com>

Tue, Jun 1, 2021 at 4:51 PM

Reply-To: [REDACTED]

To: wmcclees <wmcclees@fairhaven-ma.gov>

Hello wmcclees,

Jane and Chris Brayton [REDACTED] has sent you a message via your contact form (<https://www.fairhaven-ma.gov/user/1614/contact>) at Fairhaven MA.

If you don't want to receive such e-mails, you can change your settings at <https://www.fairhaven-ma.gov/user/1614/edit>.

Message:

Dear Commissioners: For the past two or three years the bird population has decreased and also the monarch butterfly population

at Wilbur Point. We believe that private mosquito spraying and town spraying is the cause, as the spray does not distinguish which insect is which. We are also concerned with the air quality when the insecticide is sprayed as there is always wind at Wilbur Point. Also there maybe be some spillover into the ocean and the pond.

We would like to have the Town cause all companies that spray insecticides in Fairhaven to be registered with the town and that a permit be required to spray.

The trench on Cushman St. has not been cleaned out for many years as a result it is sprayed to stop the mosquitos. If the trench was redug it would take care of itself as there is a spring on the adjacent lot.

Today's Globe, 6/1/21 has a very interesting article on spraying.

We want the swallows and butterflies to return and the only way is to reduce the amount of spraying.



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 - Election	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 10, 2022	December 17	December 23	January 3, 2022