

Staff Report

Date: March 28, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **748 Sconticut Neck Road – Request for Certificate of Compliance – DEP# 023-0725, Fairhaven CON 023-204**

DOCUMENTS REVIEWED

- Request for Certificate of Compliance and associated documents
- Notice of Intent dated July 2000
- Order of Conditions dated August 8, 2000
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192)

RESOURCE AREAS ON/NEAR SITE

- Barrier Beach
- Salt Marsh
- Buffer Zone
- Land Subject to Coastal Storm Flowage

PERFORMANCE STANDARDS

- **Salt Marsh:** 10.32
(3) A proposed project in a salt marsh, on lands within 100 feet of a salt marsh, or in a body of water adjacent to a salt marsh shall not destroy any portion of the salt marsh and shall not have an adverse effect on the productivity of the salt marsh. Alterations in growth, distribution and composition of salt marsh vegetation shall be considered in evaluating adverse effects of productivity.
(4) A small project within a saltmarsh, such as an elevated walkway or other structure which has no adverse effects other than blocking sunlight from the underlying vegetation for a portion of each day may be permitted if such a project complies with all other applicable requirements of [the regulations for coastal wetlands].
- **Buffer Zone General Provisions:** 10.53(1) “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”

- **LSCSF General Provisions:** 10.24(1) “If the issuing authority determines that a resource area is significant to an interest identified in [the Act]...,the issuing authority shall impose such conditions as are necessary to contribute to the protection of such interests.”

PROJECT SUMMARY

- This Order of Conditions was issued as part of the grant-funded Winsegansett Marsh Restoration project completed in November 2000.
- The Order of Conditions approved the replacement of undersized culverts under three privately-owned footpaths to alleviate tidal restrictions to the upper marsh.

COMMENTS

- This Order of Conditions covers grant-funded work on three privately-owned parcels under one DEP file number. The request for Certificate of Compliance came from the property owner of one of the properties listed on the Order of Conditions.
- The final grant report for the project indicates it was completed successfully.
- No special conditions were noted on the Order of Conditions.
- There were three separate Orders of Conditions issued for the same file number because three separate properties were involved. The Commission previously issued a certificate of compliance for two of the three properties on the Order of Conditions. The issuance of this final Certificate of Compliance will close out the Order of Conditions.

RECOMMENDATION

- I recommend the following motion:
 - Motion to issue a Certificate of Compliance for Complete Certification for SE 023-0725, 748 Sconticut Neck Road.

Staff Report

Date: March 30, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **177 Ebony Street – Request for Certificate of Compliance – DEP# 023-1266**

DOCUMENTS REVIEWED

- Request for Certificate of Compliance and associated documents
- Order of Conditions issued February 6, 2018 and approved site plan dated November 29, 2017
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192) and associated regulations

RESOURCE AREAS ON/NEAR SITE

- Land Subject to Coastal Storm Flowage (LSCSF) Zone AE

RELEVANT PERFORMANCE STANDARDS

- **LSCSF General Provisions:** 10.24(1) “If the issuing authority determines that a resource area is significant to an interest identified in [the Act]...,the issuing authority shall impose such conditions as are necessary to contribute to the protection of such interests.”

PROJECT SUMMARY

- The Order of Conditions approved elevating the house to be compliant with flood zone elevation and constructing a garage, with associated driveway and site grading.

COMMENTS

- The applicant’s representative submitted an affidavit noting that the project appears to have been constructed in substantial compliance with the approved plans. They noted the only deviation was that fill was not placed on site to raise the adjacent grade of the structure above floodplain elevation.
- A site visit confirmed that the fill was not placed. The garage has been constructed. The concrete driveway was installed larger than depicted on the plans, but it appears it was installed more than two years ago based on the aerial photographs.
- The property falls predominantly in the AE Flood zone with the southern portion in Zone X.
- Overall, it appears this project was constructed in substantial compliance with the Order of Conditions and approved plans. Not adding the fill decreases the likelihood that floodwaters would be redirected to adjacent properties.

RECOMMENDATION

- I recommend issuing a certificate of compliance for complete certification.
 - *Possible motion:* Motion to issue a Certificate of Compliance for Complete Certification to SE 023-1266, 177 Ebony Street.



March 22, 2022

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

**RE: Request for Certificate of Compliance
177 Ebony Street
Fairhaven, MA 02719
DEP File No. SE23-1266**

Dear Commission Members:

This letter is to certify that we have visited the subject property in March 2022 to perform a visual site inspection of the construction activities that took place since the issuance of an Order of Conditions. After visiting the site it appears that the construction that took place within the resource area complies with the design plans submitted to the Conservation Commission and Department of Environmental Protection with a revised date of January 9, 2018 and conforms to the Conservation Commission's Regulations and the Order of Conditions recorded with the Bristol County Registry of Deeds Certificate 24015, Book 138 Page 136 except for the following deviation:

- Fill was not placed on site to raise the adjacent grade of the structure above floodplain elevation.

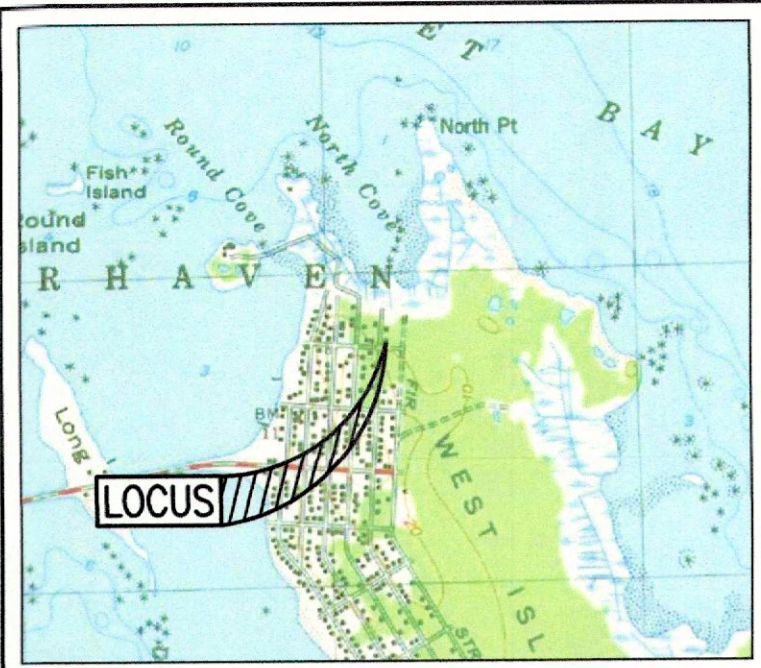
Farland Corp, Inc. believes this minor deviation does not adversely affect the floodplain resource area. We respectfully request a Certificate of Compliance be issued for the work performed.

Should you have any questions, or need any additional information, please do not hesitate to contact this office.

Very truly yours,

FARLAND CORP

Nicholas P. Dufresne
Project Manager

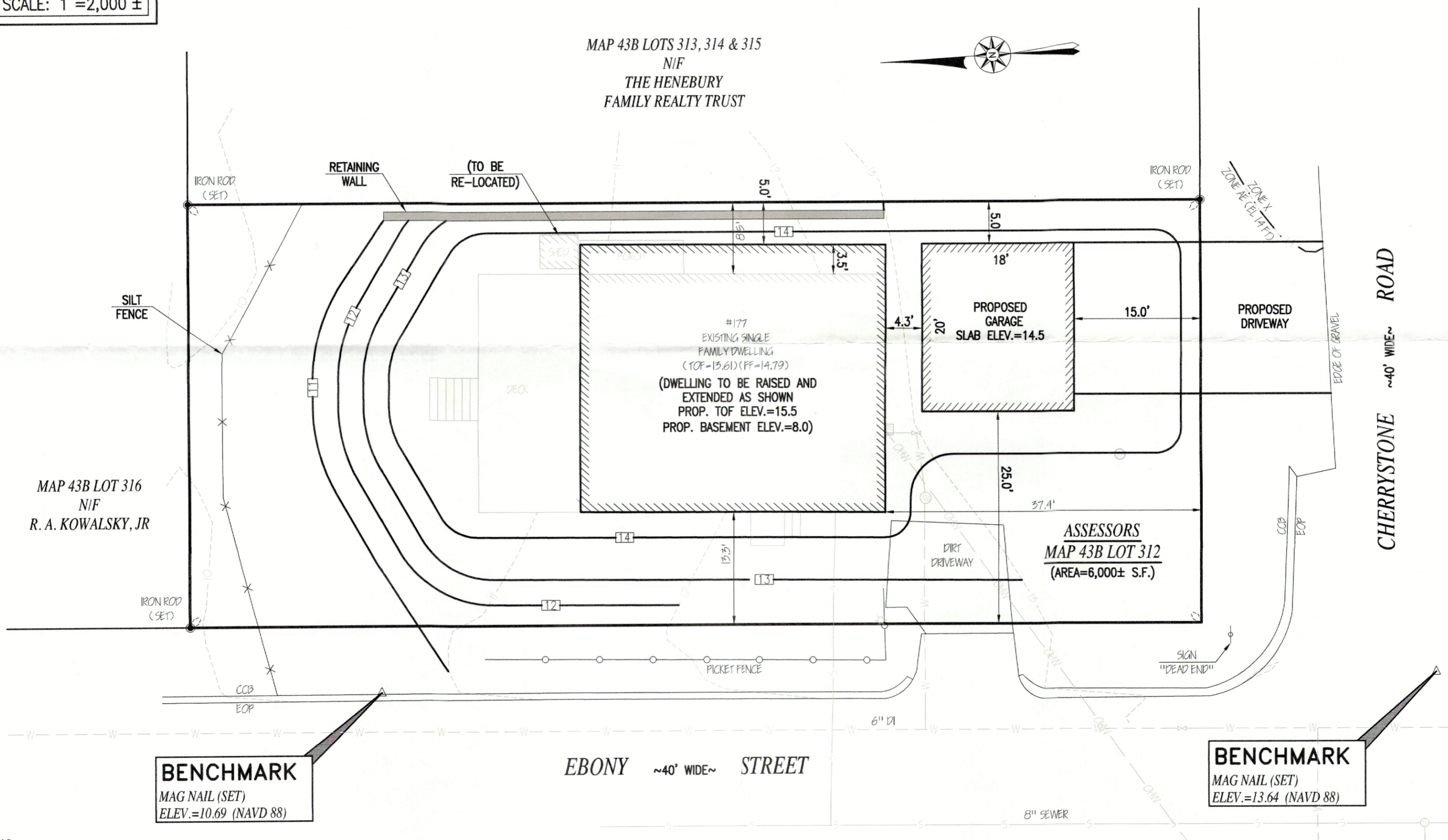


LOCUS MAP SCALE: 1"=2,000'±

- ZONING DATA -

DISTRICT: RURAL RESIDENTIAL

DESCRIPTION	REQUIRED
FRONT SETBACK	30 FT
SIDE SETBACK	20 FT
REAR SETBACK	30 FT
BUILDING HEIGHT (MAXIMUM)	35 FT

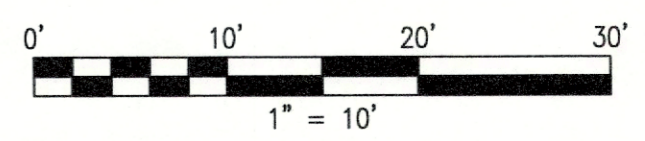


COPYRIGHT © 2017 FARLAND CORP. ALL RIGHTS RESERVED. THIS PLAN OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC, MECHANICAL, PHOTOCOPYING, RECORDING OR OTHERWISE, WITHOUT THE EXPRESS WRITTEN CONSENT OF FARLAND CORP. ANY MODIFICATIONS MADE TO THIS DOCUMENT WITHOUT THE WRITTEN PERMISSION OF FARLAND CORP. SHALL RENDER IT INVALID AND UNUSABLE.

RECORD OWNER:
 ASSESSORS MAP 43B LOT 312
 CHAD E. & CLAUDIA J. POMPELLA
 35829 STATE ROUTE 530 NE
 ARLINGTON, WA 98223
 LAND COURT DEED CERT.# 24015

NOTES:
 1. TOPOGRAPHIC AND PROPERTY LINE SURVEY PERFORMED BY FARLAND CORP. IN AUGUST OF 2017.
 2. VERTICAL ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).

FLOOD NOTE:
 THE PROPERTY DEPICTED ON THIS PLAN FALLS IN ZONE "AE (EL 14 FEET)", AS SHOWN ON THE FLOOD INSURANCE RATE MAP25005C0502F, EFFECTIVE DATE JULY 7, 2009.



REVISIONS	
1	1/9/18 ADD 3.5' HOUSE ADDITION
www.FarlandCorp.com 401 COUNTY STREET NEW BEDFORD, MA 02740 P.508.717.3479 OFFICES IN: • TAUNTON • MARLBOROUGH • WARWICK, RI	
DRAWN BY: CKG	
DESIGNED BY: NPD	
CHECKED BY: CAF	
CERTIFIED PLOT PLAN 177 EBONY STREET ASSESSORS MAP 43B LOT 312 FAIRHAVEN, MASSACHUSETTS	
PREPARED FOR: CHAD POMPELLA 177 EBONY STREET FAIRHAVEN, MA 02719	
NOVEMBER 29, 2017	
SCALE: 1"=10'	
JOB NO. 17-768	
LATEST REVISION: JANUARY 9, 2018	
SHEET 1 OF 1	

Staff Report

Date: March 28, 2022
To: Conservation Commission
From: Whitney McClees, Conservation Agent
Subject: **12-18 Rio Way – Notice of Intent – DEP# 023-1356, Fairhaven CON 023-229**

DOCUMENTS REVIEWED

- Notice of Intent and associated documents
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192)
- Fairhaven Stormwater Bylaw (Chapter 194)

RESOURCE AREAS ON/NEAR SITE

- Salt Marsh
- Coastal Beach
- Coastal Bank
- Buffer Zone
- Riverfront Area
- Land Subject to Coastal Storm Flowage (LSCSF) Zone AE

PERFORMANCE STANDARDS

- **Riverfront Area:** 10.58(4)
 - (c) Practicable and Substantially Equivalent Economic Alternatives
 - (d) No Significant Adverse Impact
 1. Within 200 foot riverfront areas, the issuing authority may allow the alteration of up to 5000 square feet or 10% of the riverfront area within the lot, whichever is greater ..., provided that:
 - a. At a minimum, a 100' wide area of undisturbed vegetation is provided... preserved or extended to the max. extent feasible...
 - b. Stormwater is managed ...
 - c. Proposed work does not impair the capacity of the riverfront area to provide important wildlife habitat functions. ...
 - d. ... incorporating erosion and sedimentation controls and other measures to attenuate nonpoint source pollution.
- **LSCSF General Provisions:** 10.24(1) "If the issuing authority determines that a resource area is significant to an interest identified in [the Act]...,the issuing authority shall impose such conditions as are necessary to contribute to the protection of such interests."

PROJECT SUMMARY

- The applicant is proposing to construct a 60,000 square foot expansion of Building 3 to the east and southeast of the existing building. In support of that expansion, the project proposes providing public access to and along the river to comply with Chapter 91 regulations, upgrades and improvements to the stormwater management system, and breaking up some of the asphalt parking area with landscaped areas and stormwater features.

COMMENTS

- A short alternatives analysis was included in the narrative associated with the Notice of Intent.
- This project will need a Chapter 91 license from MassDEP and a NPDES permit from the EPA.
- This project will also need to go before the Planning Board. It has not yet been filed with Planning.
- The majority of the project is outside of the jurisdiction of the Wetlands Protection Act and Fairhaven Wetlands Bylaw.
- The portions of the project that fall within the 100-foot buffer zone to resource areas, the riverfront area, and/or land subject to coastal storm flowage are:
 - Portions of landscaped stormwater areas in the parking lot
 - A portion of the proposed public access passage
 - Removal of a transformer to be relocated
- The applicant has submitted a request to withdraw without prejudice.

RECOMMENDATION

- I recommend accepting the request to withdraw without prejudice.
 - *Possible motion:* Motion to close the public hearing for 12-18 Rio Way, SE 023-1356, CON 023-229, and withdraw the Notice of Intent without prejudice under both the Wetlands Protection Act and Fairhaven Wetlands Bylaw

Staff Report

Date: March 28, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **120 Alden Road – Request for Determination of Applicability – No DEP#, Fairhaven CON 023-269**

DOCUMENTS REVIEWED

- Request for Determination of Applicability and associated documents
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192) and associated regulations
- Fairhaven Stormwater Bylaw (Chapter 194)

RESOURCE AREAS ON/NEAR SITE

- None according to MassGIS

PROJECT SUMMARY

- The applicant is seeking a determination as to whether the property falls under the Conservation Commission's jurisdiction under either the Wetlands Protection Act or Fairhaven Wetlands Bylaw. No work is proposed.

COMMENTS

- The submitted determination outlines a summary of the applicant's assessment of the property, including a report from their wetland scientist. The wetland report noted the following:
 - The isolated wetland on site does not appear to meet the criteria of wetlands areas listed in 310 CMR 10.02 (1)(a). The wetland also does not appear to meet the definition of an Isolated Land Subject to Flooding (ILSF) as outlined in 310 CMR 10.57(2)(b), nor does it appear to contain vernal pool habitat.
 - The isolated wetland appears to be regulated by the local bylaw, but there is a possibility that after review with the Conservation Commission, the wetland may not be considered jurisdictional given the history of the property and the fact the wetland was created for use on the Town landfill.
- There do not appear to be any natural water sources in the immediate area that would result in the delineation of bordering vegetated wetland. There is a culvert and pipe that connects to offsite drainage.
- The area does not appear to be jurisdictional under the Wetlands Protection Act.
- The Commission will need to determine if this area is jurisdictional under the Wetlands Bylaw as an isolated wetland or if it is not jurisdictional under the Wetlands Bylaw due to the history of disturbance and the creation of stormwater management systems in the area.

RECOMMENDATION

- If the Commission determines the isolated wetland is not jurisdictional under the Wetlands Protection Act or Fairhaven Wetlands Bylaw, I recommend closing the public hearing and issuing a negative determination.
 - *Possible motion:* Motion to close the public hearing for 120 Alden Road, CON 023-269, and issue a Negative 1 and Negative 6 Determination.

- If the Commission determines the isolated wetland is jurisdictional under the Fairhaven Wetlands Bylaw, but not jurisdictional under the Wetlands Protection Act, I recommend closing the public hearing and issuing a positive and negative determination.
 - *Possible motion:* Motion to close the public hearing for 120 Alden Road, CON 023-269, and issue a Positive 2b, Positive 6, and Negative 1 Determination.

REQUEST FOR DETERMINATION OF APPLICABILITY

**FILED UNDER:
MASSACHUSETTS WETLANDS PROTECTION ACT MGL c131 §40
and the
TOWN OF FAIRHAVEN WETLANDS BYLAW**

**PROJECT:
DETERMINATION OF THE JURISDICTION OF THE TOWN OF FAIRHAVEN'S
WETLAND PROTECTION REGULATIONS**

**PREPARED FOR:
JAMES KALIFE
120 ALDEN ROAD
FAIRHAVEN, MASSACHUSETTS 02719**

PREPARED BY:



238 Littleton Road • Westford, Massachusetts 01886

Phone: (508) 944 - 0479

**MARCH 17, 2022
Coneco Project No. 11807**

NARRATIVE

1.0 INTRODUCTION

This Request for Determination of Applicability (RDA) is being submitted by Coneco Engineers & Scientists (Coneco) on behalf of James Kalife for the determination of jurisdiction regarding a potential Isolated Forested Wetland (IFW) at 120 Alden Road in Fairhaven, Massachusetts.

This RDA is being filed pursuant to the MA Wetlands Protection Act and associated Regulations (310 CMR 10.00) and the Town of Fairhaven's Wetlands By-Law (Chapter 192) and Wetlands Protection Regulations. Please refer to the attached Request for Determination of Applicability – WPA Form 1 and the following narrative for specific information concerning the project.

There is no work proposed. This RDA is to determine if the identified IFW is jurisdictional under the Town of Fairhaven's Wetland Regulations. If Mr. Kalife considers selling the property, local wetland regulations will need to be disclosed to any potential buyers.

2.0 EXISTING SITE CONDITIONS

The property is located at 120 Alden Road in Fairhaven (Figure 1). The property consists of the commercial buildings for Koopman Lumber Company, local paved roads, open areas and an IFW (Figure 2).

Based on the USGS topographic map there are no mapped perennial streams or wetland areas near the property (Figure 1). Photographs representative of the property adjacent to the IFW are included in Attachment D.

According to MassGIS Department of Environmental Protection Wetlands data layer, an intermittent stream is located at the southwestern edge of the property. The closest wetland resource areas indicated near the property is located over 400 feet to the west of the property line (Figure 3).

The Project Area is not within a FEMA flood Zone (Figure 7).

A review of the current Mass GIS data layer for the Natural Heritage and Endangered Species Program's (NHESP) Massachusetts Natural Heritage Atlas (14th Edition, August 2017) indicates that the Project Area is not located within a Priority Habitat of Rare Species, an Estimated Habitat of Rare Wildlife. There are no certified vernal pools located near the property (Figure 5).

According to MassGIS, there are no Outstanding Resource Waters, Areas of Critical Environmental Concern, Zone Is, Zone IIs, Zone As, or Zone Bs within the project limits (Figure 6).

Wetland Resource Areas

A SAGE Environmental Scientist conducted a site review at the Project Limits on May 5, 2021, to identify wetlands, water courses and other resource areas subject to local, state, and federal jurisdiction within 100 and 200 feet from the Project Limits. A formal delineation has not been completed.

Wetland features including inundated conditions, wetland dependent species, open water, and redoximorphic soil conditions were identified on the property. The area of the proposed IFW is approximately 1.5 acres covering the area behind (west of) the lumber company buildings and appears to have been caused (is part of) the stormwater system for the Town's landfill which is immediately west of the subject parcel. A small portion of the proposed wetland is located north of the lumber company buildings (Figure 3).

According to the USDA Natural Resources Conservation Services Soils Survey (Version 14, June 9, 2020), two soil types cover the property: *Udorthents, smoothed* (approximately 65% of the property) and *Dumps* (approximately 35% of the property). The soil found on northern portion of the site demonstrated redoximorphic features indicative of hydric conditions while soils found to the south and west appeared to be mostly composed of fill and organic materials such as brick and decomposed plant debris. Inlet and outlet pipes associated with stormwater appurtenances were identified on the western portion of the property which drains from the ponded area across the landfill access road into a drainage swale. (Figure 4)

The wetland is isolated and does not border on any stream or ponds. The only outlet is the culvert pipe connected to the drainage swale off-site. Due to this, this area does not meet the criteria of wetland areas listed in 310 CMR 10.02 (1)(a). Additionally, the wetland does not meet the definition of an Isolated Land Subject to Flooding (ILSF) 310 CMR 10.57 (2)(a). Vernal pool habitat is not present, and the Area is not designated as certified or potential vernal pool on the MassDEP online wetlands database.

3.0 PROPOSED WORK

Currently, there is no work proposed on the property. The landowner, Mr. Kalife, would like to determine if the potential IFW is jurisdictional under the Town of Fairhaven's wetland regulations. If the wetland is jurisdictional, any work within 100 feet of the wetland edge would likely require review by the Town of Fairhaven's Conservation Commission and may require the filing of a permit application.

Given the history of the property and the fact the wetland was created for use is controlling stormwater coming from the Town landfill, we contend that the wetland is not jurisdictional. This would mean that if work were to be conducted on the property, permitting would not be required.

4.0 REGULATORY COMPLIANCE

Wetlands Protection Act

The area is exempt from the Wetlands Protection Act due to it being isolated (i.e., not a BVW) and not meeting the criteria of ILSF. Therefore, this area is not jurisdictional under the MassDEP wetlands regulations.

The only outlet is the culvert pipe connected to the drainage swale off-site. The area does not meet the definition of an Isolated Land Subject to Flooding (ILSF) 310 CMR 10.57 (2)(a). The WPA has an exception for stormwater systems (310 CMR 10.02(2)(c)) created after November 7, 1996, but the Town Bylaw does not appear to mimic this exception.

Town of Fairhaven Wetlands Bylaw and Regulations

As mentioned in the Town of Fairhaven's Wetland Bylaws (Chapter 192 Section 2), "any freshwater or coastal wetland, marsh, wet meadow, bog, or swamp; or within 100 feet of these resource area" are regulated areas for the Fairhaven Conservation Commission. Similarly, "lands subject to flooding or inundation by groundwater or surface water... or within 100 feet of these resource areas" is also considered jurisdictional. The WPA has an exception for stormwater systems (310 CMR 10.02(2)(c)) created after November 7, 1996, but the Town Bylaw does not appear to mimic this exception.

5.0 SUMMARY

This Request for Determination of Applicability is being submitted to the Fairhaven Conservation Commission to determine if the isolated forested wet area located on the property of 120 Alden Road is jurisdictional under the Town of Fairhaven's Wetland Bylaw (Chapter 192 Section 2). The area appears to contain hydrology, vegetative, and soil characteristics consistent with a freshwater wetland but is a result of stormwater management from the Town's landfill to the west. The wetland area is not jurisdictional under the MassDEP wetland regulations due to it being an isolated wetland system and also not an ILSF.

Coneco respectfully requests that the Town of Fairhaven Conservation Commission issue a Negative Determination (Numbers 1 and 6) and find that the area is not jurisdictional as an IFW under the Town's bylaw.



Legend

- Perennial Stream
- Intermittent Stream
- Hydraulic Connections and Others
- SHALLOW MARSH MEADOW OR FEN
- SHRUB SWAMP
- WOODED SWAMP DECIDUOUS

PROJECT LIMITS

FAIRHAVEN

French Pond



1:3,000
1 inch = 250 feet

FIGURE 3: MA DEP WETLANDS

REQUEST FOR DETERMINATION OF APPLICABILITY

120 Alden Road
 Fairhaven, Massachusetts
 41.647802°N , -70.888635°W

MassDEP
 Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community
 MassGIS, USGS





May 14, 2021

Mr. Dirk Koopman
Koopman Lumber
665 Church St
Whitinsville MA 01588
Sent Via Email: dirk@koopmanlumber.com

**RE: Preliminary Wetland Investigation
120 Alden Road
Fairhaven, MA
SAGE Project No. W116**

Dear Mr. Koopman:

As requested, SAGE Environmental, Inc. (SAGE) investigated wetlands at the referenced property as part of due diligence in respect to a real estate transaction. The area investigated consisted of vegetated areas to the west and to a lesser extent portions of the property to the north and south. The study area is further depicted on the annotated aerial photograph included as **Attachment 1**. This field investigation was conducted on May 5, 2021, in general accord with the standards established in the Massachusetts Wetlands Protection Act (M.G.L. Ch.131, § 40; the "Act") and its implementing regulations (310 CMR 10.00 et seq.; the "Regulations"); U.S. Clean Water Act (i.e., Section 404 and 401 wetlands), and the U.S. Army Corp of Engineers ("ACOE") 1987 Manual. This should not serve a formal wetland delineation for use in permitting. Flagging was not placed in the field. The purpose of the investigation was to determine if potentially regulated wetland resource areas exist at the property.

A United States Geological Survey (USGS) map is included as **Figure 1**. The land is currently used as a lumber yard.

Review of Existing Data

Prior to visiting the property, SAGE reviewed available maps and data to establish a preliminary understanding of the area.

MassGIS Online Database

The Massachusetts Department of Environmental Protection (MassDEP) online wetlands database (Oliver) was reviewed for potential wetland resource areas, potential vernal pools, endangered or

threatened species habit, Areas of Critical Environmental Concern (ACEC), and Outstanding Resource Water areas (ORW). The following information was obtained from these resources:

National Wetlands Inventory (NWI):

NWI data layers did not identify the presence of any nationally mapped wetlands or streams.

MassDEP:

MassDEP wetland layers did not identify any mapped wetland areas.

Natural Heritage and Endangered Species Program (NHESP):

The Site is not located in an NHESP area of rare and endangered species or wildlife habitat. No certified vernal pools were identified on the Site.

Areas of Critical Environmental Concern (ACEC):

The Site is not located in an ACEC.

ORW:

No outstanding resource water areas were identified at the Site.

Soil maps

A review of the current online United States Department of Agriculture (USDA) *Natural Resources Conservation Service (NRCS)* soil resources report for Bristol County, Massachusetts, Southern Part Survey Area Data: Version 14, June 9, 2020, identified the following soil types at the Property:

- **Map Unit 651 Udorthents, smoothed**
- **Map Unit 652 Dumps**

The above mapped soil types do not have hydric inclusions.

Historic Aerials and Anecdotal Information

Historic aerial photographs were also reviewed to determine former land use and wetland change over time. Available historic aerials were reviewed at www.Historicaerials.com. In 1961, the majority of the property appears to be wooded. Areas to the south appear to be wet, given the dark appearance in the photograph. In 1971, the property is mostly developed. Areas along the northern, western, and southern extent of the property appear wooded. Wet areas appear prevalent to the south/southwest. In 1997, a ponded area appears to have been created on the northwest corner of the property and is associated with the wooded area along the western property line. Landfilling is apparent further west off-property. The ponded and wooded area remain throughout the years until present day. The landfill expanded its operations up to the property line.

The current property owner indicated that the ponded area on the west of the property was created by the Town Landfill operators to allow for dust control on the landfill property. Reportedly over the years,

this ponded area was neglected and not properly maintained and had flooded a large portion of the wooded area.

Wetland Investigation

Wetland investigation was conducted by Mr. Jeffrey D'Arrigo of SAGE on May 5, 2021. Photographs of the Site taken during the wetland investigation are included in the **Photograph Appendix**. Wetland features including inundated conditions and hydrophytic vegetation (wetland dependent species) were identified at the Property. The estimated footprint of the wetland area identified is depicted on the aerial photograph included in **Attachment 1**. Official MassDEP vegetation and soil data forms were not recorded, and flags were not hung. However, wetlands were determined through soil, hydrology and vegetation analysis.

The wetland consists of a mixture of open water, seasonally flooded shrub/forested wetland, and emergent wetland features. The areas consist of a vegetated mix of facultative and wetland dependent species. The forested areas (westside) are mainly composed of pussy willow (*Salix discolor* - FACW), red maple (*Acer rubrum* - FAC), and multiflora rose (*Rosa multiflora*). The north and south portions of the Site are dominated more by emergent vegetation and scrub shrub vegetative communities. These areas are dominated by poverty rush (*Juncus tenuis* - FAC), sensitive fern (*Onocela sensibilis* - OBL), honeysuckle (*Lonicera spp.* – FAC/UPL), and phragmites (*Phragmites australis* - FACW).

Redoximorphic features indicative of hydric conditions were observed along the northern portion of the Site. Soils within the wooded areas to the west and to the south, appeared to consist of mainly fill materials (brick and glass) and organic material (peat and decomposed plant debris). Standing water and saturated conditions were present within the outlined area in **Attachment 1**. Additionally, evidence of prolonged water saturation was observed via buttressed trees and water staining. Inlet pipes, which appear to be associated with stormwater appurtenances were observed on the western portion of the property. An outlet pipe is present on the far western extent of the wetland which drains from the ponded area across the landfill access road, into a drainage swale.

Regulated wetland areas per the MassDEP wetland protection act (310 CMR) are outlined in Section 10.02(1) and include (as screenshot taken from the cited regulation):

<u>10.02: Statement of Jurisdiction</u>	
(1) <u>Areas Subject to Protection under M.G.L. c. 131, § 40.</u> The following areas are subject to protection under M.G.L. c. 131, § 40:	
(a) Any bank, any freshwater wetland, any coastal wetland, any beach, any dune, any flat, any marsh, or any swamp	bordering on the ocean any estuary any creek any river any stream any pond or any lake
(b) Land under any of the water bodies listed above	
(c) Land subject to tidal action	
(d) Land subject to coastal storm flowage	
(e) Land subject to flooding	
(f) Riverfront area.	



The identified wetland area at the Site appears to be isolated with the exception of the culvert pipe to the drainage swale off-site. It does not border on the ocean, an estuary, creek, river, stream, pond, or lake. Therefore, the isolated wetland on-site does not appear to meet the criteria of wetland areas listed in 310 CMR 10.02 (1)(a). The wetland also does not appear to meet the definition of an Isolated Land Subject to Flooding (ISLF) 310 CMR 10.57(2)(a). The wetland also does not appear to contain vernal pool habitat and was not identified as a certified or potential vernal pool on the MassGIS Oliver database.

Given the information collected to date, the isolated wetland area identified on the property does not appear to be jurisdictional under the 310 CMR MassDEP regulations.

The Town of Fairhaven also has a wetland bylaw (Chapter 192 from the Code of the Town of Fairhaven Dated 1988 and amended over the years) which further regulates wetland areas (a copy is included in **Attachment 2**). The Town of Fairhaven regulates the following (as screenshot taken from the cited regulation):

<p>§ 192-2. Regulated activities.</p> <p>[Amended 5-1-2010 STM by Art. 13]</p> <p>Except as permitted by the Fairhaven Conservation Commission or as provided in this chapter, no person shall remove, fill, dredge, build upon or alter the following resource areas:</p> <ul style="list-style-type: none">A. Any freshwater or coastal wetland, marsh, wet meadow, bog, or swamp; or within 100 feet of these resource areas.B. Any bank, beach, creek, dune, lake, river, pond, stream, estuary, or ocean; or within 100 feet of these resource areas.C. Any land under lakes, rivers, ponds, streams, estuaries or the ocean.D. Lands subject to flooding or inundation by groundwater or surface water, lands subject to tidal action, coastal storm flowage, or flooding; or within 100 feet of these resource areas.
--

As isolated wetlands are not explicitly referred to in the bylaw, SAGE inquired with Town of Fairhaven Conservation Commission for further explanation of the defined wetlands in the bylaw. A copy of the correspondence is included in **Attachment 3**. The Town’s conservation agent indicated that the bylaw mirrors the wetland protection act and includes isolated wetlands and vernal pools regardless of size. The town also recently passed additional regulation requiring a meeting with the conservation agent, prior to submission of any application. Given the Town’s interpretation of the wetland bylaw, this isolated wetland appears to be regulated by the Town and any work proposed within 100 feet of the wetland areas on-site would require review by the commission and agent, which may result in the need for a permit application.


Conclusion and Recommendation

Areas were identified on the Property which contain wetland hydrology, vegetative, and soil characteristics consistent with a freshwater wetland. The wetland appears to be an isolated freshwater wetland. The wetland area does not appear to be jurisdictional under the MassDEP wetland regulations (310 CMR), however does appear to be jurisdictional under the Town of Fairhaven’s wetland bylaw. Given the history of the property and the fact the wetland was created for use on the Town landfill, there is a possibility that after review with the Town’s conservation agent, the wetland may not be considered jurisdictional. This determination would require an on-site review with the Town Conservation Agent. If



the wetland is found to be jurisdictional by the Town, any work within 100 feet of the wetland edge, would likely require review by the Town Conservation Commission and filing of a permit application.

Sincerely,
SAGE Environmental, Inc.


Jeffrey D'Arrigo
Project Manager
Wetland Scientist

JD/alm

ATTACHMENTS

Photograph Appendix

Figure 1 USGS Locus Map

Attachment 1 Site Plan

Attachment 2 Town of Fairhaven Wetland Bylaw

Attachment 3 Correspondence with Town Conservation Agent

Wetland Investigation Photographs
May 5, 2021



View of wetland edge on northern side of Property



Previous wetland flag hung by others on Northside of wetland edge



View looking west from property at western portion of wetland



View of organic soils in western portion of wetland (note there is presence of potential former landfill material i.e., brick)

Wetland Investigation Photographs
May 5, 2021



Additional view looking west from property at western wetland portion



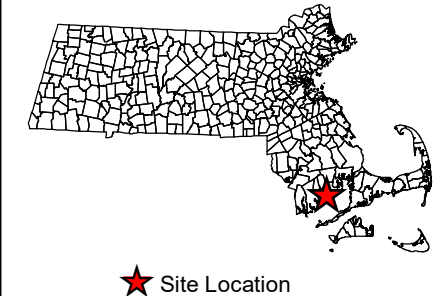
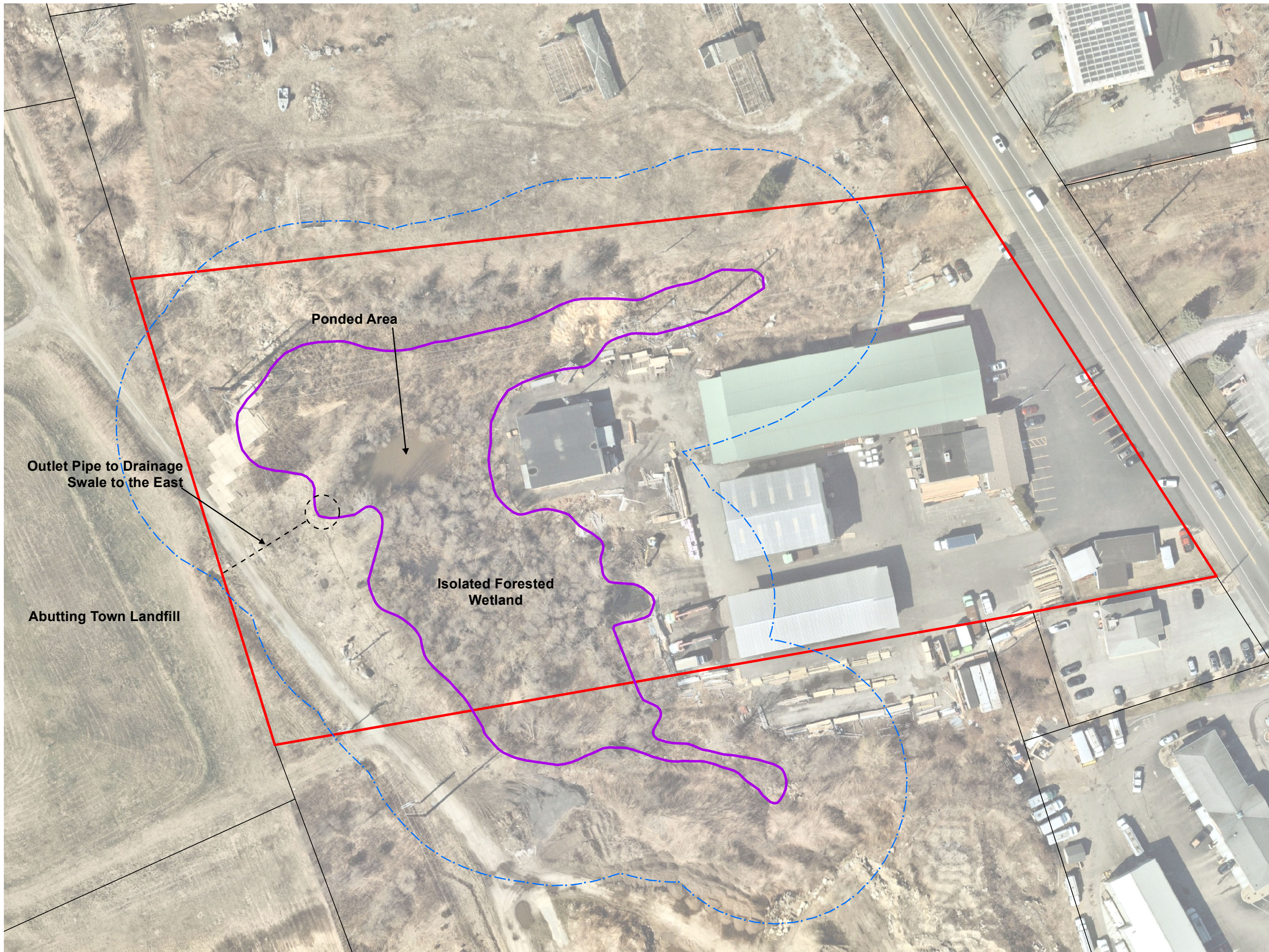
View looking north from far western edge of wetland



View of culvert/outlet pipe from western portion of the wetland to abutting landfill drainage swale



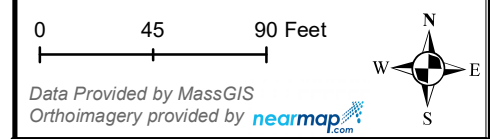
View of drainage swale on westerly abutting landfill property



★ Site Location

Legend

- Approximate Site Boundary
- W1 Through W32
- 100' Wetland Bufferzone



Site Plan

120 Alden Road
 Fairhaven, Massachusetts

Date: 05/14/2021
 Job #: W0116
 Created By: ALM/jpl

Attachment 1



Staff Report

Date: March 29, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **53 & 55 Goulart Memorial Drive – Request for Determination of Applicability – No DEP#, Fairhaven CON 023-270**

DOCUMENTS REVIEWED

- Request for Determination of Applicability and associated documents
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192) and associated regulations
- Fairhaven Stormwater Bylaw (Chapter 194)

RESOURCE AREAS ON/NEAR SITE

- Land Subject to Coastal Storm Flowage (LSCSF) Zone VE
- Coastal Beach
- Coastal Dune
- Buffer Zone
- Priority Habitat for Rare and Endangered Species

RELEVANT PERFORMANCE STANDARDS

- No work is proposed within Coastal Beach, Coastal Dune, or Priority Habitat
- **LSCSF General Provisions:** 10.24(1) “If the issuing authority determines that a resource area is significant to an interest identified in [the Act]...,the issuing authority shall impose such conditions as are necessary to contribute to the protection of such interests.”
- **Buffer Zone Wetlands Bylaw Regulations (Chapter 192 Regulations):**
 - 3.0 Allowed Activities
 - 3.1 Minor Buffer Zone Activities (MBZA) shall generally be allowed in the buffer zone, subject to the provisions of sections 4.0 through 6.0, and provided the following:
 - 3.1.1 The activity will occur exclusively within a previously disturbed or clearly delineated buffer zone; and
 - 3.1.2 The alteration is less than 1,000 square feet or 5% of the buffer zone on the lot, whichever is less; and
 - 3.1.3 At a minimum, a 25-foot-wide area is preserved between the activity and the resource area boundary; and
 - 3.1.4 The buffer does not contain estimated wildlife habitat...; and
 - 3.1.5 Erosion and sedimentation controls, if required, are provided at the limit of work to protect the resource areas; and

- 3.1.6 [The activity] shall constitute activities within the buffer zone that would be eligible for a negative determination of applicability with conditions.
- 6.0 50 to 100 Foot Buffer Zone Resource Area
 - 6.1 Alterations including structures are allowed in the 50-100 foot buffer zone resource area. The Commission may require additional mitigation offsets when the slope within the buffer zone is steeper than 10%. Additionally, mitigation offsets may be required by the Commission when the applicant proposes that more than 30% of the 50-100 foot buffer zone resource area is proposed to be impervious surface.

PROJECT SUMMARY

- The applicant is proposing to install an electrical connection between Hoppy's Landing (55 Goulart Memorial Drive) and 53 Goulart Memorial Drive, which will involve digging a narrow three-foot-deep trench approximately 220 feet in length, installing electrical conduit and wiring, and backfilling the trench.
- The applicant is also proposing to install a water feed from the main line running under Goulart Memorial Drive, which will involve digging a two-foot-wide and four-foot-deep trench approximately 55 feet in length to install the water line, then backfilling the trench.

COMMENTS

- The work proposed only falls within the flood zone and only the water line falls within the outer 100-foot buffer zone.
- The work will not change the existing grade and will be able to be completed within 24 hours.
- It does not appear that the work as proposed will have any negative impacts on any resource areas.

RECOMMENDATION

- I recommend closing the public hearing and issuing a Negative Determination.
 - *Possible motion:* Motion to close the public hearing for CON 023-270, 53 & 55 Goulart Memorial Drive and issue a Negative 2 and Negative 6 Determination under the Wetlands Protection Act and Fairhaven Wetlands Bylaw.

1b Area Description

42-023A: 55 Goulart Memorial Drive (Hoppy's Landing) - property owned by the Town of Fairhaven and managed by the Fairhaven Conservation Commission.

42-023C: 53 Goulart Memorial Drive - property owned by Turner's Fall Aviation LLC and managed by Blue Stream Shellfish LLC.

2a Work Description

Install an electrical connection between Hoppy's Landing (55 Goulart Memorial Drive) and 53 Goulart Memorial Drive.

This will involve digging a narrow 3-foot deep trench approximately 220 feet from the electrical meter at Hoppy's Landing to the southeast corner of the cement pad at 53 Goulart Memorial Drive for installation of an electrical conduit and wiring. The trench will be opened and closed in one day, pending inspection by the Fairhaven Electrical Inspector prior to backfilling the trench.

The approximate route of the electrical service trench is indicated in red in the photo below.

Permission for this action has been secured through a signed contract between Blue Stream Shellfish and the Town of Fairhaven Board of Selectmen.



Date: 21 March 2022

To: Fairhaven Conservation Commission
From: Blue Stream Shellfish LLC
Re: Request for Determination of Applicability - 53/55 Goulart Memorial Drive

Blue Stream Shellfish (BSS) entered into a contract on 28 February 2022 with the Town of Fairhaven Board of Selectman to allow BSS to tap into the electrical service at Hoppy's Landing (55 Goulart Memorial Drive) for a short period of time. It will be removed as soon as Eversource acts on our request to provide electrical service to our property at 53 Goulart Memorial Drive. In return, BSS will assume all electrical costs charged to the Hoppy's Landing site while we are connected to the service. We anticipate that the Eversource connection will happen within the next 6 months.

As a component to that action, we are requesting an RDA to permit BSS to excavate a trench from Hoppy's Landing to the BSS property for the purpose of laying down an electrical conduit that will allow the temporary connection to be installed. The 2 foot wide by 3 foot deep trench will be approximately 220 feet in length. It will run parallel to Goulart Memorial Drive and approximately 75 feet into Hoppy's Landing from the centerline of road (see aerial photo of the site in the RDA application.)

We anticipate that the trench will be open for less than 24 hours, pending inspection and approval by the Fairhaven Electrical Inspector. At no time will access to Hoppy's Landing be blocked to prevent use of the facility.



Blue Stream Shellfish LLC
proudly offering West Island Oysters
tel. 508.993.9993 | **address** 60 East Street (rear) | Ware, MA 01082



Proposed path of the electrical connection

Between Hoppy's Landing and the Blue Stream Shellfish property.





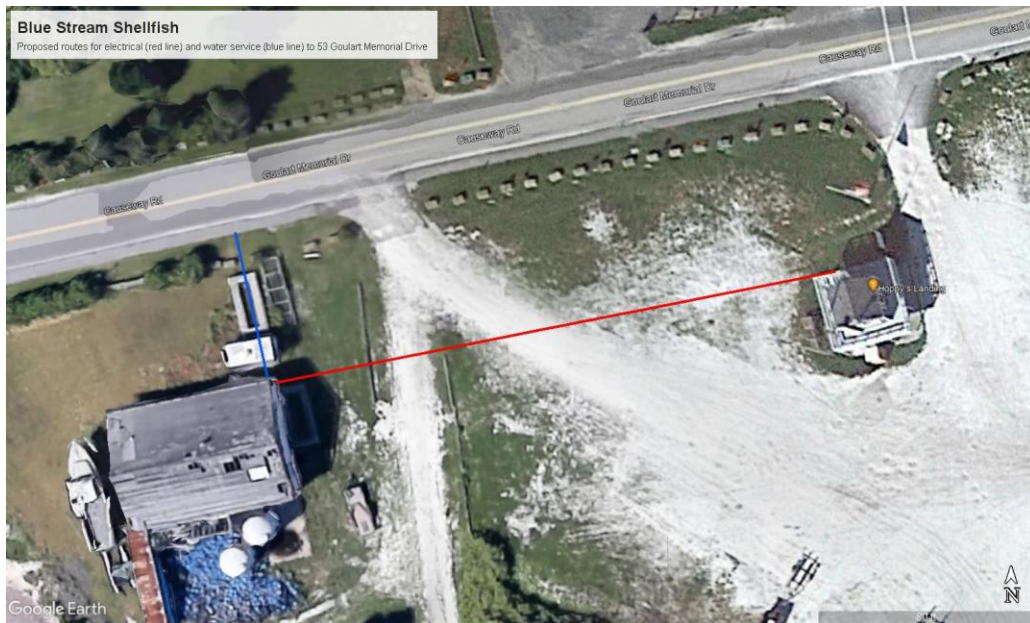
Date: 25 March 2022

To: Fairhaven Conservation Commission

From: Blue Stream Shellfish LLC

Re: Addendum to the RDA application – 53/55 Goulart Memorial Drive

Additionally, Blue Stream Shellfish proposes to install a water feed from the main line running under Goulart Memorial Drive to the concrete pad located at 53 Goulart Memorial Drive. The water connection entails digging a 2 foot wide and 4 foot deep trench from the southern edge of Goulart Memorial Drive to the location indicated on the attached aerial photograph of the site (electrical service line in red and water line in blue). We have measured the distance at 55 feet from the edge of the road to the concrete pad. This does not include the distance under the road from the location of the water main, estimated as being approximately in the middle of the road, to the edge of our property, as we are not sure whether it is our responsibility to permit the trenching under the road or if the Fairhaven Water Department permits that portion of the installation.



Blue Stream Shellfish LLC
proudly offering *West Island Oysters*
tel. 508.993.9993 | address 60 East Street (rear) | Ware, MA 01082



Staff Report

Date: March 29, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **130 Ebony Street – Request for Amended Order of Conditions – No DEP#, Fairhaven CON 023-133**

DOCUMENTS REVIEWED

- Request for Amended Order of Conditions and associated documents
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192) and associated regulations

RESOURCE AREAS ON/NEAR SITE

- None due to recent determination that the property does not fall under the jurisdiction of either the Wetlands Protection Act or Fairhaven Wetlands Bylaw
- At the time the Order of Conditions was issued, the property was subject to a determination that a portion of the property was isolated vegetated wetland.

PROJECT SUMMARY

- Demolish the current 700 sq. foot cottage and build a 1600 sq. foot ranch house on an 8-foot above ground foundation with a deck, associated driveway, grading, landscaping, utilities, etc.

COMMENTS

- The applicant is requesting an amended order of conditions at the Commission's request to rectify the conditions that refer to the Commission's jurisdiction.
- The amendment request includes a note that states that "the applicant acknowledges that an iron fence was recently installed to the rear of the home along the property line that was not included on the approved plans. Based on the recent determination, the installation of the fence does not fall within the jurisdiction of the Conservation Commission, but is being noted here for clarification."
- Based on the more recent decision that the property does not fall under the Commission's jurisdiction, the special conditions under the original order relating to Commission jurisdiction need to be revised so as to clear the deed of any confusion and allow the Commission to issue a proper Certificate of Compliance.
- Attached to this staff report is a redlined version of the special conditions showing the proposed changes.

RECOMMENDATION

- If the Commission concurs with the proposed changes, I recommend closing the public hearing and issuing an Amended Order of Conditions.
 - *Possible motion:* Motion to close the public hearing for CON 023-133, 130 Ebony Street, and issue an Amended Order of Conditions under the Fairhaven Wetlands Bylaw, with the 43 conditions revised as shown in Attachment A, as attached to the March 29, 2022 staff report.



TOWN OF FAIRHAVEN, MASSACHUSETTS
CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

Attachment A

DEP File #: None
Fairhaven File #: CON 023-133
Applicant: John Hinds
Property: 130 Ebony Street

Findings, Plans, and Documents

- ~~1.—The Conservation Commission unanimously voted to approve the use of electronic signatures for the purposes of signing documents on April 13, 2020. This permit was approved after that vote during the April 13, 2020 meeting and subsequently signed electronically.~~
- ~~2.1.~~ Isolated Vegetated Wetland ~~has/have been~~was identified as a Resource Area subject to protection under the Fairhaven Wetlands Bylaw (Chapter 192) at the time the original Order of Conditions was issued (April 13, 2020). A subsequent Determination was issued by the Commission on February 22, 2022 stating the property was not jurisdictional under the Wetlands Protection Act or Fairhaven Wetlands Bylaw. This amended order of conditions does not approve any changes to scope of work, but is merely to correct the record and special conditions to accurately reflect the new determination by the Commission so a Certificate of Compliance can be issued appropriately.
- ~~3.—Isolated vegetated wetlands and their 100-foot buffer zone are significant to the protection of public and private water supply, the protection of groundwater supply, prevention of pollution, and the protection of wildlife habitat.~~
- ~~4.2.~~ This permit authorizes the demolition of the existing cottage and construction of a new single-family home with a deck and associated grading and utilities as shown on the Final Approved Plans referenced in Condition A.8.
- ~~5.—This project is subject to the Town of Fairhaven Wetlands Bylaw (Chapter 192). Receipt of an Order of Conditions satisfies the requirements under the Wetlands Bylaw.~~
- ~~6.—This project is subject to the Town of Fairhaven Stormwater Management Bylaw (Chapter 194). Receipt of an Order of Conditions satisfies the requirements under the Stormwater Management Bylaw.~~
- ~~7.3.~~ No other work is approved by this Order.
- ~~8.4.~~ Plan titled “Site Plan Proposed House”, dated April 8, 2020.

Special Conditions

A. General Conditions

1. Section C, General Conditions Under Massachusetts Wetlands Protection Act, on the Order of Conditions, shall apply to this Order of Conditions under the Fairhaven Wetlands Bylaw. Where these conditions refer to the Wetlands Protection Act or the Massachusetts Department of Environmental Protection, those references shall be

replaced with the Fairhaven Wetlands Bylaw and the Fairhaven Conservation Commission, respectively.

2. ACC-1: The Conservation Commission, its employees, and its agents shall have a right of entry to inspect or compliance with the provisions of this Order of Conditions.
3. With respect to all conditions, the Conservation Commission designates the Conservation Agent as its agent with full powers to act on its behalf in administering and enforcing this Order.
4. REC-1: The complete Notice of Intent, a complete set of site plans approved of in the Order of Conditions and the Order of Conditions itself shall be included in all construction contracts and sub-contracts dealing with the work proposed and shall supersede all other contract requirements.
5. REC-2: During the construction phase, the applicant shall be responsible for maintaining a copy of these Orders at the site. The applicant shall be responsible for compliance with the conditions of these Orders.
6. ADD-1: The Commission reserves the right to impose additional conditions on any or all portions of this project that could impact an area of statutory interest under the Act and/or the Fairhaven Wetlands Bylaw.
7. ADD-2: This Order applies only to: the demolition of the existing cottage and construction of a new single-family home with a deck and associated grading and utilities. Any future work not approved within the Order subject to jurisdiction under the Fairhaven Wetlands Bylaw will require the filing, at a minimum, of a Request for Determination or Applicability or a new Notice of Intent with the Commission. Prior to the commencement of any such future work, a receipt of a Negative Determination or valid Order of Conditions will be required.
8. ADD-4b: All work shall be done in accordance with final plans dated April 8, 2020 as approved by this Commission. Any deviation must be approved by this Commission in writing prior to commencing work involved in this deviation.
9. ADD-4c: Any changes to the plans identified above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
10. ADD-5: This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this order and to any contractor or other person performing work conditioned by this order.
11. STO-4: There shall be no discharge or spillage of petroleum product, hazardous material, or any other pollutant into any area of statutory interest.
12. STO-5: There shall be no fueling or maintenance of any vehicles or equipment in any area of statutory interest.
13. LOW-2: The erosion and sedimentation barrier shall serve as the alteration limit line. Said barrier shall fully protect the adjacent wetland/resource area, and no work shall be permitted beyond this limit line, ~~with the exception of the native living fence plantings.~~ In areas where there is no erosion and sedimentation control, the property boundary shall be the limit of work.

B. Prior to Construction

14. CAP-3: All required permits must be obtained from the Army Corps of Engineers, Massachusetts Department of Environmental Protection, Planning Board, Zoning Board of Appeals, Board of Public Works, Board of Health, Building Department, and/or any other appropriate local, state, or federal agencies and proof of appropriate permits submitted to the Conservation Commission prior to the start of the project.

15. Job site posting of a sign clearly visible from the road not less than two square feet or more than three square feet with the words,

Fairhaven Conservation Commission [or FCC]
File Number CON 023-133

Included shall also be the Commission's office phone number (508) 979-4023 for further information. Special orders of the conditions shall be weatherproofed and posted on all activity sites, including a posting on the job site sign. The necessary replacement and maintenance of these postings shall be the sole responsibility of the applicant.

16. DER-1: Proof of recording of these approved special conditions, plan of record, and materials at the Bristol County Registry of Deeds shall be provided by the applicant's liaison to the commission enforcement agent prior to the commencement of any work (including site preparation) on the site.
17. PCC-3: The applicant or the applicant's representative shall notify the Commission, in writing, as to the date that the work will commence on the project. Said notification must be received by the Commission no sooner than ten (10) days and no later than five (5) days prior to the commencement of the approved activity.
18. EMC-1: The Applicant shall provide the Commission with the name(s) and telephone numbers of the site contractor and the project manager(s) responsible on site for compliance with this Order. The project manager shall oversee any emergency placement of erosion and sedimentation controls and be responsible for the regular inspection or replacement of control devices and for the proper disposal of waste products. The commission shall be notified in the event that the project manager or site contractor is changed.
19. PCC-1: The contractor shall notify the Commission immediately following erosion control installation and before groundbreaking to allow the Commission or its Agent opportunity to inspect the erosion controls. No work may proceed on the property until the Commission or its Agent approves the installation and location of erosion controls.
20. PCC-2: A site conference shall be held at least forty-eight hours prior to the commencement of permitted activity for the purpose of reviewing and discussing the special orders of conditions. The specific timing and location of this conference shall be jointly determined by both commission and applicant liaison representatives. In attendance at this meeting shall be: the applicant's representative of record; commission liaison representatives and any other commission representatives wishing to attend; the prime contractor; other contractors or subcontractors as determined by the applicant and/or prime contractor to potentially benefit from a more complete understanding of the special conditions for this project.

~~21. PCC-4: Prior to the pre-construction meeting, the boundaries of all wetland resource areas, limits of work, and grading boundaries shall be identified by clearly marked flagging and/or stakes, spaced at intervals not greater than 25 feet apart. Flagging used to identify wetland resource areas shall be a color different from any other flagging used on the site. These markers shall be maintained for the entire duration of the project and shall be replaced in the event of any damage.~~

~~22.~~21. SIL-6: Barriers of straw wattles and silt fence (polypropylene filter fabric) must be used within the buffer zone to protect the wetland area. These barriers shall be placed in the areas indicated on the plan prior to the start of construction and shall remain in place until construction is complete and all disturbed areas have been re-established with vegetation. This includes, but is not limited to, the protection of the natural swales in the buffer zone. Straw wattles must be overlapped horizontally and

staked. Posts supporting the silt fence must be no greater than four feet apart and hammered at least 1.5 feet into the ground. The bottom of the filter fabric must be laid in a trench on the upstream side of the fabric and backfilled with compacted fill material. Straw wattles, when used in combination with silt fence, must be placed on the upslope side of the silt fence.

~~23-22.~~ 22. SIL-7: Catch basins and storm drains shall be provided with control devices to prevent eroded soils from reaching resource areas.

~~24-23.~~ 23. SIL-9: Haybales shall not be used as sediment control. Biodegradable controls shall be required. Biodegradable controls include silt fence, straw bales, rolled sediment control products (i.e. mulch socks, fiber rolls, wattles, etc.), mulch control netting, erosion control blankets, and turf mats. Photodegradable, UV degradable, or Oxo-(bio)degradable plastics are not considered biodegradable.

~~25-24.~~ 24. SIL-10: Erosion/sedimentation control measures (silt fence, blankets, etc.) shall not contain any nylon netting or nylon mesh backing, which is found to be hazardous to local wildlife.

~~26. Native wetland plantings shall be installed along the edge of the wetland to provide a living fence to prevent disturbance to the resource area. A planting plan shall be submitted and approved by the Commission or its Agent prior to any plantings being installed. These plantings shall not be installed during the summer months. They shall only be installed between April 1 and May 31 or between September 15 and October 31. If they are installed in the spring, plantings shall receive watering throughout the summer months to ensure success. Should any of the plantings fail within two years of planting, the Commission reserves the right to require additional plantings or measures necessary to achieve success.~~

C. During Construction

25. STO-1: At no time shall any construction materials, soils, fills, sediments, dredging or any other substances be stockpiled or stored outside the alteration limit line, or within the area of statutory interest.

26. STO-3: All equipment used on site must be stored or parked in an area outside the buffer zone.

27. MAC-3: All mechanized vehicles under contract, subcontract or lease, participating in any manner, in any phase of activity within resource areas, shall carry on board absorbent materials to immediately respond to inadvertent discharge of petrochemicals.

28. MAC-7: No motorized/construction equipment is to enter or cross a wetland resource area at any time, unless the location of entry or disturbance is clearly indicated on plans and within information contained within the Notice of Intent and approved with the issuance of this Order of Conditions.

29. All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders, or any other components shall be fixed immediately.

30. DEB-1: The construction site shall be left in a stable condition at the close of each day. Construction refuse and debris shall be removed daily. The Commission may require specific approval for the disposition of such materials prior to the start of construction.

31. DEB-5: Food trash and related waste shall at all times be confined to appropriate containers, which shall enjoy a routine removal schedule. Air and water-borne disposal of non-indigenous materials from this project into resource areas is hereby prohibited.

32. BLD-3: Any fill used for this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath,

paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

33. BLD-4: The source of the fill used for this project will be submitted to the Conservation Commission or its Agent for approval prior to its use.
34. EMC-2: In case of emergencies, problems, or the need to discuss site conditions with the Conservation Commission, please contact the Commission or its Agent during business hours at (508) 979-4023, ext. 128 or after hours/weekends at (508) 837-4427.
35. SIL-3: An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair silt fences, hay bales, stone-rip rap filter dikes or any other devices planned for use during construction.
36. SIL-4: All erosion control devices shall be inspected, cleaned, or replaced during construction and shall remain in place until such time as stabilization of all areas that may impact resource areas is permanent. These devices shall be inspected to assure that maximum control has been provided after any rainfall.

~~37. SIL-8: If soils are to be disturbed for longer than two (2) months, a temporary cover shall be established, following Natural Resources Conservation Service (NRCS) procedures, to prevent erosion and sedimentation.~~

~~i. If the season is not appropriate for plant growth, exposed surfaces shall be stabilized by straw, jute netting, or other NRCS-approved methods.~~

~~ii. Any stabilization materials such as jute netting shall be firmly anchored to prevent them from being washed from slopes by rain or flooding.~~

~~38.~~ 37. LOW-3: There shall be no disturbance of the site, including cutting of vegetation, beyond the work limit.

~~39.~~ 38. WAS-2: Concrete truck washout shall occur within a designated area appropriately lined and isolated in an appropriate location outside of the resource area.

~~40.~~ 39. WAS-3: Painters, plasterers, etc. shall be informed that their equipment cannot be cleaned in areas where wash water can flow towards/into resource areas.

~~41.~~ 40. WAT-3: There shall be no direct discharge of dewatering operations into any wetland, watercourse, or drainage system without the approval of the Commission. Any dewatering discharge shall be passed through a sedimentation control device to remove any solids. The contractor is to maintain said sedimentation control devices throughout the entire dewatering operation and repair deficiencies immediately.

~~42. RUN-2: Roof runoff and gutters/drainpipes shall be directed in a way to minimize the volume of water entering a resource area.~~

D. After Construction/In Perpetuity

41. REV-1: All areas disturbed during construction shall be revegetated immediately following completion of work at the site. No areas shall be left unvegetated for more than 30 days. Mulching shall not serve as a substitute for the requirement to revegetate disturbed areas at the conclusion of work.

~~42. RES-4: The deed language will be prepared by the applicant's attorney or representative and it will be submitted to the Conservation Staff for review prior to the issuance of the Certificate of Compliance.~~

~~43.~~ 42. COC-1: The Fairhaven Conservation Commission reserves the right to request an as-built plan as part of the requirements for a Certificate of Compliance.

~~44.~~ 43. COC-2: Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.

Perpetual Conditions

The below conditions do not expire upon completion of the project.

45. CHM-3: Pesticides, herbicides, fungicides, and fertilizers shall not be used within 100 feet of the wetlands, within the riverfront area, and within bordering land subject to flooding. Organic pesticides, herbicides, fungicides and fertilizers may be used subject to the review and approval of the Conservation Commission. This shall be noted in the Certificate of Compliance and shall be an ongoing condition.
46. DER-4: The owner of the property described in this Order must advise any potential buyer of the property that any construction or alteration to said property, including brush cutting or clearance, may require approval by the Fairhaven Conservation Commission. Any instrument conveying any or all of the owners' interest in said property or any portion thereof shall contain language similar to the following:
"This property is subject to the Fairhaven Wetlands Bylaw (Chapter 192). Any construction or maintenance work performed on this property requires an Order of Conditions and/or a Determination of Applicability from the Fairhaven Conservation Commission."

This condition is ongoing and shall not expire with the issuance of a Certificate of Compliance and shall be recorded in the deed.

ECR

Environmental Consulting & Restoration, LLC



March 28, 2022

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

**RE: Request to Amend an Order of Conditions, 130 Ebony Street, Fairhaven
Fairhaven File #CON 023-133**

Dear Ms. McClees & Members of the Conservation Commission:

On behalf of John Hinds (the applicant), Environmental Consulting & Restoration, LLC (ECR) is pleased to submit this request to amended an Order of Conditions for 130 Ebony Street in Fairhaven (the site). The Fairhaven Conservation Commission issued an Order of Conditions (OOC) on April 16th, 2020 to John Hinds under the Town of Fairhaven Bylaw only (File #CON 023-133). A request for a Certificate of Compliance was requested by the applicant to close out the OOC, which was heard by the Commission on March 21, 2022. During the March 21st hearing the Commission requested that an amendment request be made to correct the conditions to accurately reflect the most recent determination made by the Commission, which determined the site/work does not fall within the jurisdiction of the Conservation Commission.

ECR has coordinated with conservation staff and requests that the existing OOC be amended to reflect the changes as prepared by Ms. McClees. Furthermore, the applicant acknowledges that an iron fence was recently installed to the rear of the home along the property line that was not included on the approved plans. Based on the recent determination, the installation of the fence does not fall within the jurisdiction of the Conservation Commission, but is being noted here for clarification.

In accordance with the Town of Fairhaven Checklist, the attachments below have been included. Additionally, the applicant shall provide a \$75.00 check for the advertising fee and \$75.00 check for the bylaw fee. Upon review of this request, please contact me if you have any questions or require additional information at (508) 648-3957 or cameron@ecrwetlands.com.

Attachments:

- 1.) Fairhaven Amended Order of Conditions Checklist
- 2.) Abutter Notification Form
- 3.) Certified Abutters List

Sincerely,
Environmental Consulting & Restoration, LLC

Cameron Larson
Wetland Scientist

CC: John Hinds

Staff Report

Date: April 1, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **128 Huttleston Ave – Notice of Intent – DEP# 023-1377, Fairhaven CON 023-263**

DOCUMENTS REVIEWED

- Notice of Intent and associated documents
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192) and associated regulations
- Fairhaven Stormwater Bylaw (Chapter 194)
- Revised site plans dated March 30, 2022
- Additional stormwater information

RESOURCE AREAS ON/NEAR SITE

- Bordering Vegetated Wetland (no work proposed within the wetland)
- Buffer Zone

RELEVANT PERFORMANCE STANDARDS

- **Buffer Zone General Provisions:** 10.53(1) “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”
- **Buffer Zone Wetlands Bylaw Regulations (Chapter 192 Regulations):**
 - 4.0 0 to 25 Foot Buffer Zone Resource Area
 - 4.1 An applicant shall demonstrate that no alteration is proposed within the 0-25 foot buffer zone resource area.
 - 4.2 The Commission may, in its discretion, permit a MBZA in a location closer than 25 feet to the resource area if, and only if, the proposed activity occurs exclusively within a previously disturbed area and is located no closer to the resource area than existing structures, activities, or disturbances. However, it is encouraged to increase the width of the buffer zone where possible.
 - 5.0 25 to 50 Foot Buffer Zone Resource Area
 - 5.1 Any applicant proposing a project within the 25-50 foot buffer zone resource area shall indicate that there are no structures including, but not limited to,

- concrete, stone, or other impervious foundations and/or slabs for construction purposes that for would significantly increase runoff.
- 5.2 Alteration of the 25-50 foot buffer zone resource area is limited to grading, tree clearing, stormwater management system components, lawns, gardens, and other low-impact uses as determined by the Commission or otherwise approved by the Commission by the variance procedures set forth in Section 8.0 of this regulation. Footings for building structures, such as a deck, as opposed to slabs or foundations, shall be used when technically feasible.
- 5.4 Previously disturbed areas: When there is a pre-existing disturbance (disturbed as part of a previously recorded Certificate of Compliance or Determination of Applicability or disturbed prior to the enactment of the Massachusetts Wetlands Protection Act (MGL Ch. 131 §40) and the Fairhaven Wetlands Bylaw (Chapter 192)), and the work proposed is entirely within this previously disturbed area, an applicant may propose impervious surfaces or other uses, such as pools, buildings, porches, and sheds within the 25-50 foot buffer zone resource area. The Commission shall evaluate the proposed uses based on the demonstration by the applicant that the functions, characteristics, and values of the resource area will not be adversely impacted.
- 6.0 50 to 100 Foot Buffer Zone Resource Area
- 6.1 Alterations including structures are allowed in the 50-100 foot buffer zone resource area. The Commission may require additional mitigation offsets when the slope within the buffer zone is steeper than 10%. Additionally, mitigation offsets may be required by the Commission when the applicant proposes that more than 30% of the 50-100 foot buffer zone resource area is proposed to be impervious surface.

PROJECT SUMMARY

- The applicant is proposing to redevelop the existing site into a car wash and auto detailing facility, including associated parking, access drives, vacuum stations, landscaping, stormwater measures, and utility infrastructure.

COMMENTS

- Currently, the disturbed areas extend to within 5 feet of the wetland edge, including impervious surfaces.
- The project proposes to increase the buffer to the wetland, revegetate portions of the 0-25 foot buffer zone, reduce impervious surfaces, install stormwater management, and locate all proposed structures in the 50-100 foot buffer zone.
- Work proposed in the 0-25 foot buffer zone:
 - Removal of brick patio, concrete foundation, gravel areas, utility pole, and overhead wiring
 - Small amount of regrading for slope stabilization along eastern side of property
 - 121-foot-by-2-foot infiltration trench along the northern edge of the property and a small portion of the infiltration trench along the southeast corner of the property
 - Installation of a portion of the vegetated filter strips
 - Planting of native shrubs, trees, and ground cover

- Work proposed in the 25-50 foot buffer zone:
 - Removal of concrete foundation and gravel areas
 - Installation of a portion of the vegetated filter strips
 - Installation of a portion of the infiltration trench in the southeastern corner of the property
 - Small amount of grading
 - Fenced in dumpster pad and dumpster
 - Pea gravel diaphragm at upland edge of vegetated filter strip along north of the property
 - New pavement for entrance and car wash access
 - Three light poles
 - Planting of native shrubs, trees, and ground cover
- Work proposed in the 50-100 foot buffer zone:
 - Removal of existing concrete foundation, pavement, gravel areas, four trees, utility pole, and overhead wiring
 - Installation of car wash building and detail bay building
 - Installation of pavement for parking, car servicing, and building access
 - Installation of utilities
 - Installation of vegetated filter strip in southeast corner of property
 - Installation of a portion of the infiltration trench in the southeastern corner of the property
 - Planting of landscaping/screening trees and shrubs
- Work proposed outside of the buffer zone:
 - Removal of existing pavement, concrete foundation, catch basin, fence, two trees, utility pole, and overhead wiring
 - Installation of car wash building
 - Installation of remainder of pavement for parking, car servicing, and building access
 - Installation of utilities
 - Installation of rain garden and other landscaping plants
- The applicant met with the Agent several times before submitting the Notice of Intent. No work is proposed within the wetlands. The proposed project increases the distance of disturbance in the buffer zone from the edge of the wetland. The proposed project is also revegetating previously disturbed areas of the 25-foot no disturb zone and installing stormwater management on a site that currently has limited stormwater management.
- Revised site plans have been submitted based on comments from Planning Board that result in a further reduction of impervious surfaces through the elimination of a parking space near Huttleston Avenue.
- The stormwater information submitted addresses the project's compliance with the local regulations as revised at the 2021 Town Meeting as well as Standard 5 (Land Use with High Potential Pollutant Loads) compliance.
- Planning Board did not appear to elect to conduct peer review of stormwater. The Commission will need to consider whether peer review for compliance with state and local stormwater standards will be necessary.
- The Commission will need to determine whether storm water peer review is necessary and if a limited scope to confirm compliance with the redevelopment standards for state and local regulations is appropriate.

RECOMMENDATION

- If the Commission would like to see stormwater peer review for the project with a somewhat limited scope based on the project's status as a redevelopment project, I recommend allowing the Agent to coordinate peer review.
 - *Possible motion:* Motion to allow the Agent to coordinate stormwater peer review for 128 Huttleston Avenue with scope outlined in the April 1, 2022 staff report.
 - confirmation that the project meets MassDEP stormwater standards for redevelopment; note what does not comply, if anything
 - confirmation that the project meets local stormwater standards (Ch. 194 in particular) for redevelopment; note what does not comply, if anything
 - peer review does not need to provide extensive re-design recommendations, merely information as to whether or not the project is in compliance and which standards are not met, if any
- If the Commission does not elect to have the project peer review for stormwater compliance, I recommend asking the applicant to request a continuance to the May 2 meeting to allow Planning Board time to review the changes as well as to allow time for the Agent to draft a recommended decision.



March 30, 2022

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

**RE: *Wash Ashore Car Wash
128 Huttleston Avenue
2021 Stormwater Bylaw Drainage Review for Notice of Intent***

Dear Ms. McClees:

This letter is being submitted to the Conservation Commission to clarify and address how the Wash Ashore Car Wash, proposed for the property at 128 Huttleston Avenue, meets the revised stormwater bylaw and policies which were amended by the Town at the 2021 Town Meeting.

Rainfall Data

We feel the amended by-law addressing the need for 24-hour stormwater calculations that utilize NOAA Atlas 14 type III storm events is unnecessary for this project as the stormwater measures proposed on the site are instituted and sized for water quality and recharge purposes only and are not based upon 24-hour rainfalls. In addition, as outlined in our original Stormwater Drainage Analysis, the site was previously fully developed as a hotel and gas station. Since the proposed project results in a significant decrease in impervious area and an increase in natural vegetated areas, stormwater runoff generated by the development would obviously be decreased from existing conditions, therefore negating the need for a Pre vs. Post stormwater analysis utilizing any 24-hour rainfall data.

TSS and Phosphorous

As the project is a redevelopment, the amended by-law requiring 80% TSS removal and 50% average annual load of phosphorous removed. The previously submitted TSS removal calculations showed a removal of 82% TSS in the northern and eastern filter strip treatment trains, and 85% TSS removal in the rain garden treatment train, therefore meeting this condition. In regard to phosphorous removal, attached to this submittal are the Average Annual Load of Phosphorous calculations which shows the BPM's proposed to the site will provide 60% removal for the rain garden treatment train and 78% removal for the northern and eastern filter strip treatment trains, therefore meeting this condition.

As previously explained, we feel this project meets the 2021 amended stormwater by-laws. Please call me at (508) 888-9282 if you should have any questions or comments.

Sincerely,

ATLANTIC DESIGN ENGINEERS, INC.

Richard J. Tabaczynski, P.E.
Vice President



Average Annual Load Of Phosphorous Calculation Sheet

Design Engineer: Atlantic Design Engineers, Inc Job No.: 3269.00
Project Name: Wash Ashore Care Wash Calc'd By: NJC
Location: Fairhaven, MA Date: 3/30/2022

Treatment Train for Eastern and Northern Areas

BMP	Removal Rate	Starting Load	% Removed	Remaining Load
Vegetative Filter Strip	45%	100.0%	45%	55.0%
Infiltration trench	60%	55.0%	33%	22.0%
Total Removed			78%	
Remaining Load				22.0%

References used:

- 1) Massachusetts Wetland Protection Regulations and 401 Water Quality Certification Regulations, Massachusetts Stormwater Handbook
- 2) NH DES Memorandum, Subject: BMP Removal Efficiencies for TSS, TN and TP, Date Last Revised 5/24/07

Average Annual Load Of Phosphorous Calculation Sheet

Design Engineer: Atlantic Design Engineers, Inc Job No.: 3269.00
Project Name: Wash Ashore Care Wash Calc'd By: NJC
Location: Fairhaven, MA Date: 3/30/2022

Treatment Train for Western Area

BMP	Removal Rate	Starting Load	% Removed	Remaining Load
Rain Garden	60%	100.0%	60%	40.0%
Total Removed			60%	
Remaining Load				40.0%

References used:

- 1) Massachusetts Wetland Protection Regulations and 401 Water Quality Certification Regulations, Massachusetts Stormwater Handbook
- 2) NH DES Memorandum, Subject: BMP Removal Efficiencies for TSS, TN and TP, Date Last Revised 5/24/07



Standard 5

Per Chapter 1, Volume 1 of the Massachusetts Stormwater Handbook MassDEP considers car washes to be a Land Use with High Potential Pollutant Loads. However, a wash water reclaim system has been proposed where all wash water from the cleaning process is contained within the car wash tunnel and directed to a centrally located trench drain. This trench drain then pipes all wash water to the underground reclaim system, located underground in the eastern parking lot drive aisle. All wash water is then cleaned, filtered, and sent back into the tunnel as clean water to be reused. Any excess or overflow from the reclaim process will be directed through proposed sewer structures to the existing sewer system in Huttleston Ave. Wash water containing higher pollutants will not exit the car wash tunnel through the entrance or exit and will be contained within the tunnel.

Per Massachusetts Stormwater Handbook Volume 1 Chapter 1, stormwater runoff is acceptable from a LUHPPL if all potentially polluted runoff is directed toward approved Stormwater BMPs in a treatment train as listed in the Table titled “Best Management Practices for Land Uses with Higher Potential Pollutant Loads (Standard 5)”. As stated above, the project is designed to not allow polluted wash water to leave the facility, however, the highest potential area for generated polluted stormwater runoff would be located at the exit to the car wash tunnel. As such, a treatment train for this area has been proposed containing a grassed dry swale with rock check dam to a rain garden. These BMPs are listed as acceptable in the Standard 5 Table for LUHPPLs.

All other BMPs located throughout the site have been designed to the maximum extent practicable and are not at risk for potentially high pollutant loads. However, it should be noted that all BMP’s proposed for the site are also listed as acceptable BMP’s for LUHPPL.

Due to the proposed reclaim system and proposed stormwater BMPs throughout the site, we feel that Standard 5 has been met to the maximum extent practicable.

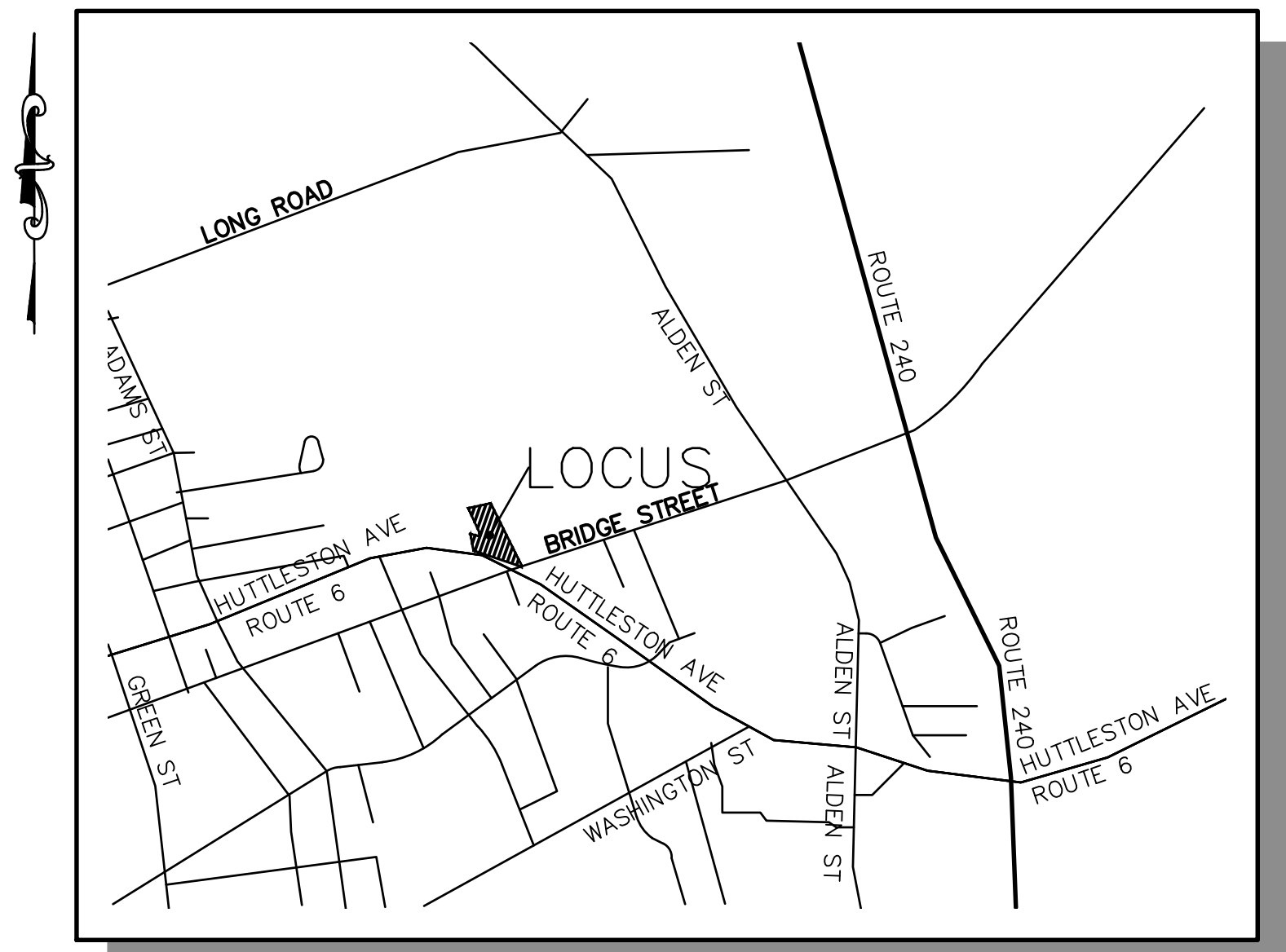
SITE PLANS FOR WASH ASHORE CAR WASH

LOCATED AT
128 HUTTLESTON AVENUE
FAIRHAVEN, MASSACHUSETTS 02719
DATE: JANUARY 21, 2022
REVISED: MARCH 30, 2022 PER TOWN COMMENTS

INDEX OF PLANS		
SHEET NO.	TITLE	SCALE
1	COVER SHEET	1" = 50'
2	EXISTING CONDITIONS PLAN	1" = 20'
3	SITE LAYOUT PLAN	1" = 20'
4	GRADING AND DRAINAGE PLAN	1" = 20'
5	UTILITY PLAN	1" = 20'
6	DEMOLITION PLAN	1" = 20'
7	LANDSCAPE PLAN	1" = 20'
8	DETAIL PLAN	N.T.S.
9	DETAIL PLAN	N.T.S.



OVERALL LOCUS PLAN
SCALE: 1" = 50'



LOCUS MAP
SCALE: 1" = 1,000'

SEE SHEET 2 FOR GENERAL NOTES
SEE SHEET 4 FOR CONSTRUCTION
NOTES AND LEGEND



OWNER(S):

TEAM VENTURES TWO, LLC
PO BOX 1805
SAGAMORE BEACH, MA 02562

APPLICANT:

TEAM VENTURES LLC,
DBA WASH ASHORE CAR WASH
PO BOX 1805
SAGAMORE BEACH, MASSACHUSETTS 02719

SITE PLAN APPROVED _____

DATE: _____

ENGINEER:

Atlantic DESIGN ENGINEERS, INC.
P.O. Box 1051, Sandwich, MA 02563 (508) 888 - 9282

FILE: 3269.00-SITE	
Sheet	of
1	9
JOB NUMBER	
3269.00	



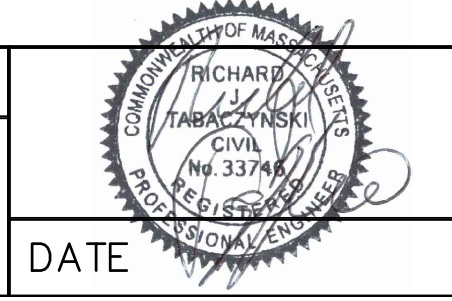
LEGEND	
--- (dashed line)	25 NO TOUCH SETBACK
--- (dashed line)	50 WETLAND SETBACK
--- (dashed line)	100' WETLAND BUFFER
--- (dashed line)	EXISTING EDGE OF PAVEMENT W/ VERTICAL GRANITE CURBING
--- (dashed line)	EXISTING EDGE OF PAVEMENT
--- (dashed line)	EXISTING 1 FOOT CONTOUR LINE
--- (dashed line)	EXISTING 5 FOOT CONTOUR LINE
--- (dashed line)	EXISTING WATER LINE
--- (dashed line)	EXISTING GAS LINE
--- (dashed line)	EXISTING OVERHEAD WIRES
--- (dashed line)	EXISTING UNDERGROUND UTILITY
--- (dashed line)	EXISTING TREE LINE/BRUSH LINE
--- (dashed line)	EXISTING DRAINAGE CATCH BASIN
--- (dashed line)	EXISTING DRAINAGE MANHOLE
--- (dashed line)	EXISTING SEWER MANHOLE
--- (dashed line)	EXISTING UTILITY POLE
--- (dashed line)	EXISTING HYDRANT
--- (dashed line)	EXISTING WATER VALVE
--- (dashed line)	CONCRETE BOUND W/DRILL HOLE
--- (dashed line)	BORING SAMPLE
--- (dashed line)	EXISTING CONCRETE
--- (dashed line)	EXISTING BRICK PAVERS
--- (dashed line)	EXISTING STONE DRIVEWAY
--- (dashed line)	EXISTING RIP-RAP

GENERAL NOTES:

- OWNER OF RECORD:
GINGERA LLC
331 UNION STREET
NEW BEDFORD, MA 02740
BOOK 10587 PAGE 116
- THE SUBJECT PROPERTY IS SHOWN AS LOT 243 AND 240C HUTTLESTON AVE. ON ASSESSORS MAP 25, LAND AREA IS APPROXIMATELY 1.54± ACRES.
- THE PROPERTY LIES WITHIN THE BUSINESS (B) ZONING DISTRICT BASED UPON A REVIEW OF THE TOWN OF FAIRHAVEN ZONING MAP.
- THE PROPERTY LINES SHOWN HEREON, ARE COMPILED FROM PLANS AND DEEDS OF RECORD AND FIXED TO RECORD MONUMENTS LOCATED AS PART OF A FIELD SURVEY BY ATLANTIC DESIGN ENGINEERS, INC. AND HAVE BEEN ROTATED ONTO THE HORIZONTAL NORTH AMERICAN DATUM OF 1983 (NAD83), MASSACHUSETTS STATE PLANE, MAINLAND ZONE, BASED UPON A GPS SURVEY BY ATLANTIC DESIGN ENGINEERS, INC. IN OCTOBER AND NOVEMBER OF 2021.
- EXISTING CONDITIONS SHOWN HEREON IS BASED UPON A FIELD SURVEY BY ATLANTIC DESIGN ENGINEERS, INC. IN OCTOBER OF 2021.
- THE PROPERTY LIES WITHIN FLOOD ZONE X, AN AREA DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN BASED UPON A REVIEW OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 25005C0394H, EFFECTIVE DATE JULY 6, 2021.
- THE PROPERTY IS NOT LOCATED WITHIN A ZONE II OR INTERIM WELLHEAD PROTECTION AREA BASED UPON A REVIEW OF THE MASSACHUSETTS GEOGRAPHIC INFORMATION SYSTEM AND IS NOT LOCATED WITHIN THE GROUNDWATER PROTECTION OVERLAY DISTRICT PER THE TOWN OF FAIRHAVEN ZONING MAP.
- THE SITE IS NOT LOCATED WITHIN AN ESTIMATED HABITAT OF RARE WILDLIFE OR A PRIORITY HABITAT OF RARE SPECIES BASED UPON A REVIEW OF THE NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM MAPS OBSERVED ON THE MASSACHUSETTS GEOGRAPHIC INFORMATION SYSTEM.
- THE PROPERTY DOES NOT LIE WITHIN AN AREA OF CRITICAL ENVIRONMENTAL CONCERN (ACEC) BASED UPON A REVIEW OF THE MASSACHUSETTS GEOGRAPHIC INFORMATION SYSTEM.

Atlantic DESIGN ENGINEERS, INC.
P.O. Box 1051, Sandwich, MA 02563 (508) 888 - 9282

Designed by :	SCALE
Drawn by :	SCALE 1" = 20'
Checked by :	0 5 10 20 40
Survey chk. by :	
Approved by :	

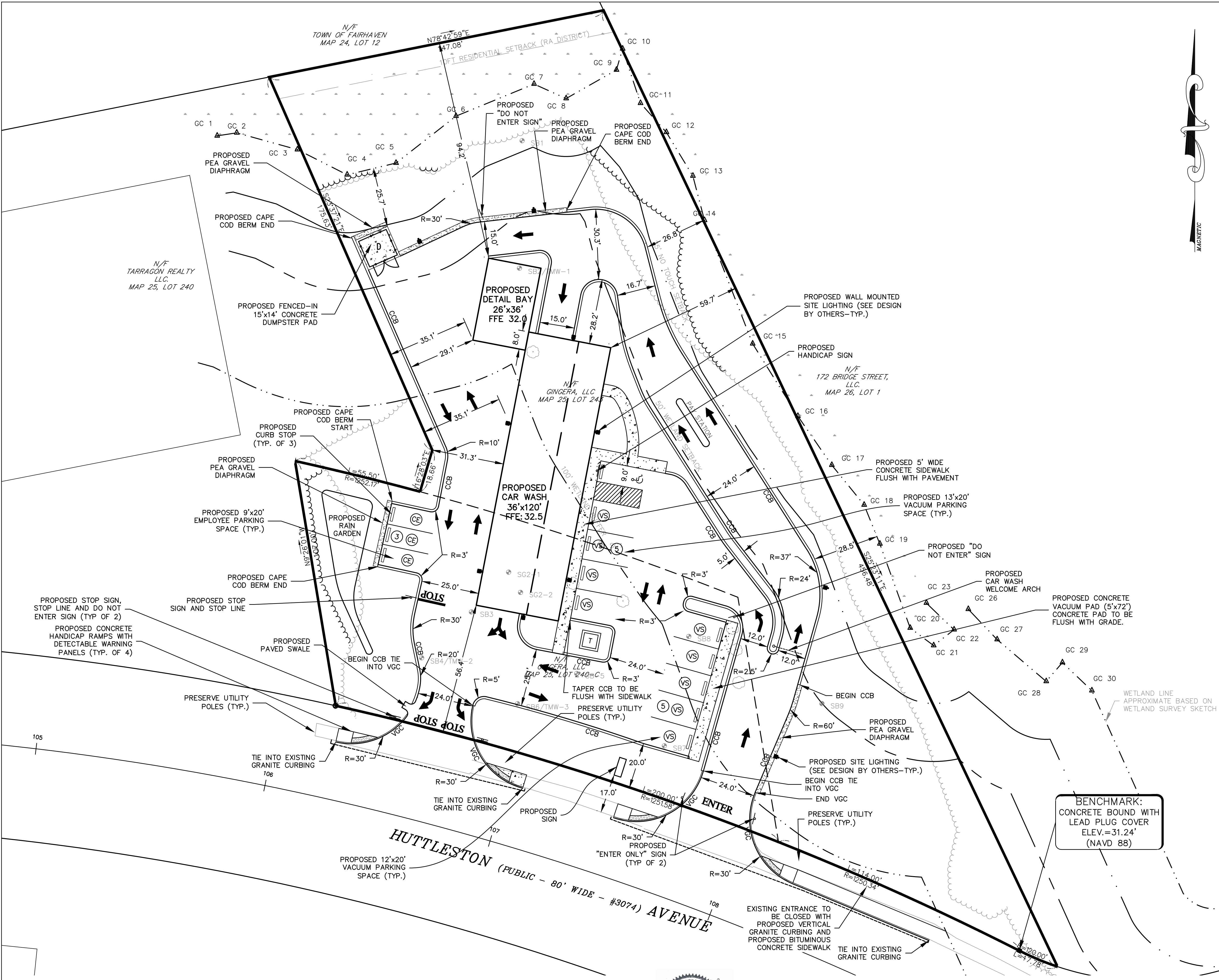


NO.	BY	DATE	REVISION
1	NJC	3-30-22	PER TOWN REVIEW COMMENTS

PREPARED FOR:
TEAM VENTURES TWO, LLC
DBA WASH ASHORE CAR WASH
PO BOX 1805
SAGAMORE BEACH, MA 02562

EXISTING CONDITIONS PLAN
FOR
WASH ASHORE CAR WASH
FAIRHAVEN, MASSACHUSETTS 02719
JANUARY 21, 2022

FILE: 3269.00-SITE	Sheet	of
	2	9
	JOB NUMBER	3269.00



ZONING DISTRICT: B (BUSINESS DISTRICT)
(PER TOWN OF FAIRHAVEN-CODE - CHAPTER 240 ZONING)

	REQUIRED	PROVIDED
MINIMUM LOT SIZE:	15,000 SQFT	67,400 SQFT
MINIMUM FRONTAGE:	100'	332.0'±
MINIMUM YARDS:		
FRONT ¹	-	56.4'
REAR ²	-	93.9'
SIDE ²	-	31.3'
MAXIMUM LOT COVERAGE:	70%	±45.0%
CONTIGUOUS UPLAND:	14,250 SQFT	61,040 SQFT
% OF MINIMUM LOT AREA:	95%	90.6%
MAXIMUM BUILDING HEIGHT:	40'	<40'
MAXIMUM BUILDING COVERAGE:	25%	7.8%

- 1) MINIMUM OF 20FT REQUIRED WHEN NONE SPECIFIED
- 2) 10FT WHEN ABUTTING A RESIDENCE DISTRICT ONLY

LEGEND

---	25' NO TOUCH SETBACK
---	50' WETLAND SETBACK
---	100' WETLAND BUFFER
---	EXISTING EDGE OF PAVEMENT W/ VERTICAL GRANITE CURBING
---	EXISTING EDGE OF PAVEMENT
---	EXISTING 1 FOOT CONTOUR LINE
---	EXISTING 5 FOOT CONTOUR LINE
---	EXISTING WATER LINE
---	EXISTING GAS LINE
---	EXISTING OVERHEAD WIRES
---	EXISTING UNDERGROUND UTILITY
---	EXISTING TREE LINE/BRUSH LINE
---	EXISTING DRAINAGE CATCH BASIN
---	EXISTING DRAINAGE MANHOLE
---	EXISTING SEWER MANHOLE
---	EXISTING UTILITY POLE
---	EXISTING HYDRANT
---	EXISTING WATER VALVE
---	CONCRETE BOUND W/DRILL HOLE BORING SAMPLE
---	EXISTING CONCRETE
---	EXISTING BRICK PAVERS
---	EXISTING STONE DRIVEWAY
---	EXISTING RIP-RAP
(VS)	PROPOSED VACUUM PARKING SPACE
(CE)	PROPOSED CUSTOMER/EMPLOYEE PARKING SPACE
(1)	PROPOSED TOTAL OF PARKING SPACES
---	PROPOSED EDGE OF PAVEMENT W/CAPE COD BERM
---	PROPOSED EDGE OF PAVEMENT W/VERTICAL GRANITE CURB
---	PROPOSED EDGE OF PAVEMENT W/ MONOLITHIC (CAST-IN-PLACE) CURB

PARKING REQUIREMENTS

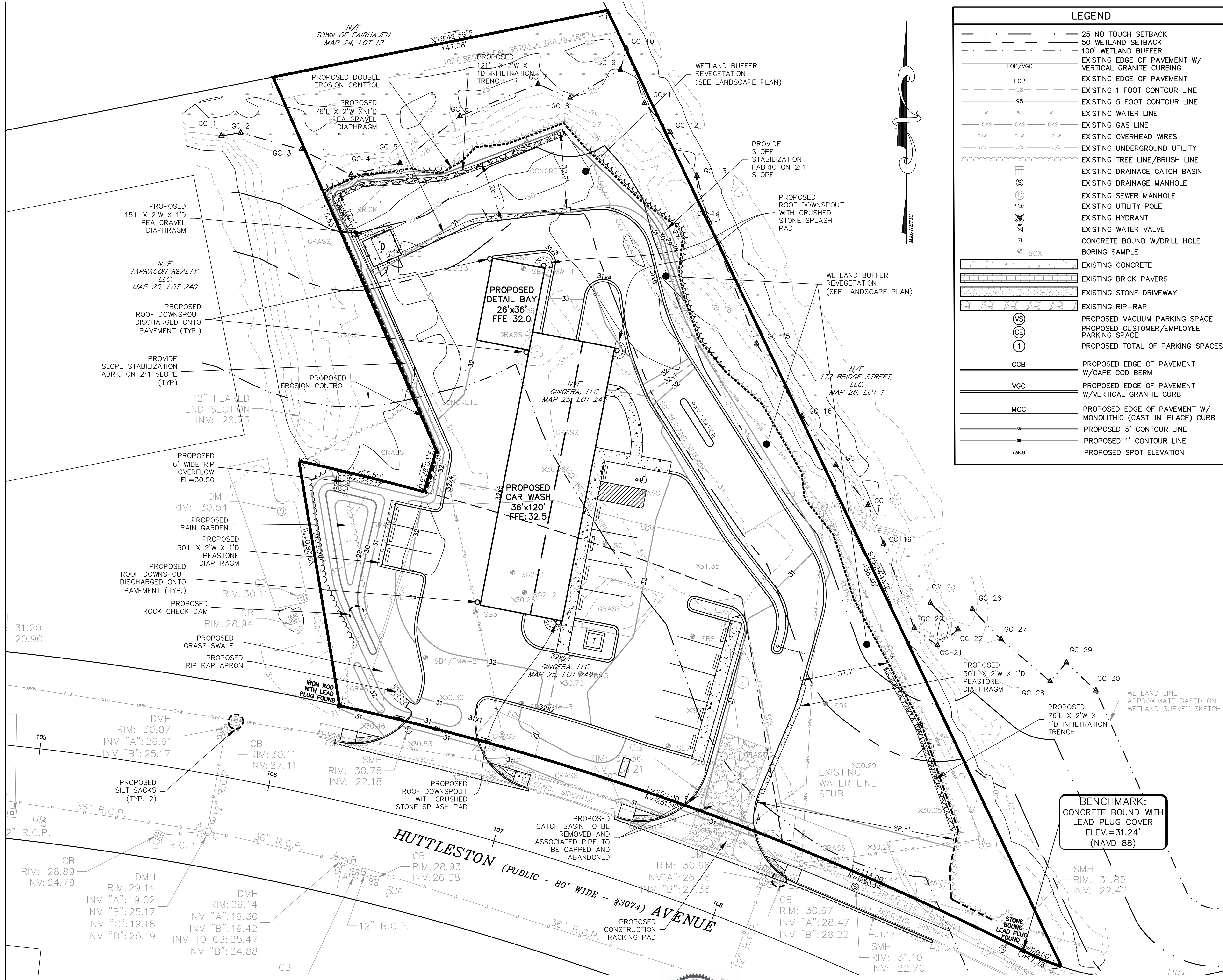
	AREA	REQUIRED	PROVIDED
OTHER USE: (CAR WASH)	-	AS DETERMINED BY PLANNING BOARD	13 SPACES
TOTAL:		AS DETERMINED BY PLANNING BOARD	13 SPACES*

* INCLUDES (1) HANDICAP PARKING SPACE.

IMPERVIOUS COVERAGE SUMMARY

	EXISTING	PROPOSED
	36,800 S.F.	30,470 S.F.

SEE SHEET 2 FOR GENERAL NOTES
SEE SHEET 4 FOR CONSTRUCTION NOTES AND LEGEND



LEGEND

---	25 NO TOUCH SETBACK
---	50 WETLAND SETBACK
---	100' WETLAND BUFFER
---	EXISTING EDGE OF PAVEMENT W/ VERTICAL GRANITE CURBING
---	EXISTING EDGE OF PAVEMENT
---	EXISTING 1 FOOT CONTOUR LINE
---	EXISTING 5 FOOT CONTOUR LINE
---	EXISTING WATER LINE
---	EXISTING GAS LINE
---	EXISTING OVERHEAD WIRES
---	EXISTING UNDERGROUND UTILITY
---	EXISTING TREE LINE/BRUSH LINE
---	EXISTING DRAINAGE CATCH BASIN
---	EXISTING DRAINAGE MANHOLE
---	EXISTING SEWER MANHOLE
---	EXISTING UTILITY POLE
---	EXISTING HYDRANT
---	EXISTING WATER VALVE
---	CONCRETE BOUND W/DRILL HOLE BORING SAMPLE
---	EXISTING CONCRETE
---	EXISTING BRICK PAVERS
---	EXISTING STONE DRIVEWAY
---	EXISTING RIP-RAP
VS	PROPOSED VACUUM PARKING SPACE
CE	PROPOSED CUSTOMER/EMPLOYEE PARKING SPACE
1	PROPOSED TOTAL OF PARKING SPACES
CCB	PROPOSED EDGE OF PAVEMENT W/CAPE COD BERM
VGC	PROPOSED EDGE OF PAVEMENT W/VERTICAL GRANITE CURB
MCC	PROPOSED EDGE OF PAVEMENT W/MONOLITHIC (CAST-IN-PLACE) CURB
---	PROPOSED 5' CONTOUR LINE
---	PROPOSED 1' CONTOUR LINE
x36.9	PROPOSED SPOT ELEVATION

- ### EROSION CONTROL NOTES
- PRIOR TO COMMENCING SITE WORK OR EARTHWORK OPERATIONS, INSTALL EROSION CONTROL BARRIERS AND MAINTAIN THROUGHOUT ALL CONSTRUCTION.
 - ALL DISTURBED AREAS SHALL BE LOAMED AND SEEDED IMMEDIATELY UPON COMPLETION OF CONSTRUCTION.
 - ALL MATERIALS AND STOCKPILES SHALL BE STORED ON EXISTING AREAS. ALL STOCKPILES SHALL BE SURROUNDED BY HAYBALES, SHALL HAVE SOLENOIDS NO MORE THAN 30' WIDE AND SHALL BE SEEDED OR STABILIZED IF LEFT UNDISTURBED FOR TWO WEEKS OR MORE.
 - SEDIMENTATION CONTROL DEVICES AND EROSION CONTROL BARRIERS SHALL BE INSPECTED WEEKLY AND MAINTAINED AS NECESSARY THROUGHOUT ALL PHASES OF CONSTRUCTION AND PROMPTLY AFTER EACH RAINFALL.
 - ANY SLOPE STEEPER THAN 3:1 SHALL BE EQUIPPED WITH SLOPE STABILIZATION FABRIC OR EROSION CONTROL MATS.
 - ALL CATCH BASINS SHALL BE PROVIDED WITH HAYBALE BIKES OR PRE-MANUFACTURED "SLT-BAG" CATCH BASIN INLET SEDIMENT COLLECTION SYSTEMS UNTIL BASE COURSE IS IN PLACE. INSPECT WEEKLY AND AFTER MAJOR STORM EVENTS (1" OR GREATER) THROUGHOUT CONSTRUCTION.
 - CONTRACTOR SHALL INSTALL 4" CRUSHED STONE TRACKING PAD AT ENTRANCE PRIOR TO CONSTRUCTION.
 - ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTITUTED AS CONDITIONS WARRANT OR AS DIRECTED BY THE ENGINEER AND/OR THE PLANNING BOARD.
 - THE CONTRACTOR MUST REPAIR OR RE-SEE ANY AREAS THAT DO NOT DEVELOP WITHIN A PERIOD OF ONE YEAR AT NO ADDITIONAL EXPENSE TO THE OWNER.
 - MATERIAL STOCKPILES SHALL NOT BE LOCATED WITHIN THE PATH OF EXISTING OR PROPOSED WATERCOURSES (BOTH TEMPORARY OR PERMANENT) OR THOSE AREAS SUBJECT TO STORM WATER FLOW.
 - SEDIMENT CONTROL DEVICES AND EROSION CONTROL BARRIERS MAY BE REMOVED ONLY AFTER THE SITE HAS BEEN STABILIZED.
 - ALL DISTURBED OR EXPOSED AREAS SUBJECT TO EROSION WHICH REMAIN DISTURBED BUT INACTIVE FOR AT LEAST THIRTY DAYS, SHALL RECEIVE TEMPORARY SEEDING IN ACCORDANCE WITH MASSDEP EROSION AND SEDIMENT CONTROL GUIDELINES. IN ALL CASES, STABILIZATION MEASURES SHALL BE IMPLEMENTED AS SOON AS POSSIBLE IN ACCORDANCE WITH THE MASSACHUSETTS EROSION AND SEDIMENT CONTROL GUIDELINES.
 - EARTHWORK ACTIVITY ON THE SITE SHALL BE DONE IN A MANNER SUCH THAT RUNOFF IS DIRECTED TO TEMPORARY DRAINAGE SWALES, STILLING BASINS, SEDIMENT TRAPS AND/OR SEDIMENTATION BASINS TO SETTLE OUT SUSPENDED MATERIAL PRIOR TO DISCHARGE THROUGH PERMITTED EROSION CONTROL BARRIERS. THE INFILTRATION FIELDS AND CATCH BASINS SHALL NOT AT ANY POINT DURING CONSTRUCTION BE UTILIZED AS TEMPORARY SEDIMENT BASINS.
 - THE LOCATION OF TEMPORARY DRAINAGE SWALES, SEDIMENTATION TRAPS AND SEDIMENT BASINS SHALL BE DETERMINED IN THE FIELD AND RELOCATED AS REQUIRED AS CONSTRUCTION PROGRESSES.
 - THE CONTRACTOR SHALL KEEP ON SITE AT ALL TIMES ADDITIONAL EROSION CONTROL FOR INSTALLATION AT THE DISCRETION OF THE ENGINEER OR THE PLANNING BOARD TO MITIGATE ANY EMERGENCY CONDITION.
 - REFER TO THE CONSTRUCTION DETAILS FOR ADDITIONAL EROSION CONTROL MEASURES.
 - THE ENTRANCE AND EXIT TO AND FROM THE SITE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHT-OF-WAY. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHT-OF-WAY MUST BE REMOVED IMMEDIATELY.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SITING, RELOCATION AND AUGMENTATION OF EROSION CONTROL DEVICES AS THE PROJECT PROGRESSES AND THE SITE DRAINAGE CONDITIONS CHANGE.
 - THE CONTRACTOR SHALL MOOIFY EROSION CONTROL MEASURES BASED ON CHANGING SITE DRAINAGE CONDITIONS AND EXPECTED FUTURE CONSTRUCTION.
 - THE CONTRACTOR SHALL MINIMIZE THE AREA OF DISTURBED SOIL. EFFORTS SHALL BE MADE TO LIMIT THE TIME OF EXPOSURE OF DISTURBED AREAS.
 - NO MORE THAN 80 FEET IN WIDTH AND 100 FEET IN LENGTH OF A SINGLE LOT, OR FIVE ACRES OF THE OVERALL TRACT AT ONE TIME MAY BE DISTURBED.
 - EXPOSED AREAS AND STOCKPILES SHALL BE VEGETATED WITHIN 40 DAYS OF BEING EXPOSED. THE BOARD OF PUBLIC WORKS, DEPENDING ON WEATHER CONDITIONS, MAY REQUIRE SLOPE AND STOCKPILE STABILIZATION SOONER METHODS FOR STABILIZING DISTURBED AREAS INCLUDE MECHANICAL, STRUCTURAL AND VEGETATIVE. IN SOME CASES, SOME OR ALL OF THESE METHODS SHOULD BE COMBINED IN ORDER TO RETARD EROSION.

- ### CONSTRUCTION NOTES:
- ALL PROPOSED DRAINAGE PIPING SHALL BE 12" ADS HOPE AND SOWER PIPE AND APPURTENANCES SHALL BE INSTALLED IN ACCORDANCE WITH THE TOWN OF FAIRHAVEN DEPARTMENT OF PUBLIC WORKS WATER SUPPLY DIVISION.
 - CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS SHOWN AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES PRIOR TO BIDDING.
 - CONTRACTOR SHALL VERIFY ALL CRITICAL ELEVATIONS AND INVERTS PRIOR TO CONSTRUCTION.
 - WHERE AN EXISTING PUBLIC UTILITY IS FOUND TO CONFLICT WITH THE PROPOSED WORK, THE LOCATION, ELEVATION AND SIZE OF THE UTILITY SHALL BE ACCURATELY DETERMINED AND THE INFORMATION FURNISHED TO THE TOWN FOR EXAMINATION OF THE CONFLICT.
 - SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT REVEALED OR CONSIDERED AS PART OF THIS SERVICE. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS TRACT.
 - ALL BUILDINGS AND SURFACE AND SUBSURFACE IMPROVEMENTS ON THE ADJACENT TO THE SITE ARE NOT NECESSARILY SHOWN HEREON.
 - THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE MANNER AND HAVE NOT BEEN REPROBATED BY THE OWNER OR ITS REPRESENTATIVE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL UTILITIES AND INVERTS BEFORE COMMENCING WORK AND AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES THAT MIGHT OCCUR BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
 - IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY DISSEASE THE TOWN OF FAIRHAVEN DEPARTMENT OF PUBLIC WORKS AND ALL UTILITY COMPANIES A MINIMUM OF 72 HOURS PRIOR TO CONSTRUCTION ACTIVITIES FOR LOCATION OF ALL UNDERGROUND UTILITIES AND UTILITY COMPANY AND DWP APPROVALS.
 - ELECTRIC TELEPHONE, AND CABLE SHALL BE PLACED UNDERGROUND IN ACCORDANCE WITH THE REQUIREMENTS OF THE UTILITY COMPANIES. REFER TO PLANS BY OTHERS IN CONSULTATION WITH THE UTILITY COMPANIES FOR LAYOUT OF RESPECTIVE UTILITY SYSTEMS.
 - SLOPES ON ALL PIPES ARE APPROXIMATE. CONTRACTOR TO HOLD INVERTS FOR CONSTRUCTION.
 - THE CONTRACTOR SHALL MAKE ALL ARRANGEMENTS FOR THE ALTERATION AND ADJUSTMENTS OF ELECTRIC, TELEPHONE, AND ANY OTHER PRIVATE UTILITIES WITH THE UTILITY COMPANY, IF NECESSARY. IF AN INTERRUPTION OF SERVICE IS NECESSARY TO ABUTTING PROPERTY OWNERS, A MINIMUM OF 48 HOURS NOTICE SHALL BE GIVEN.
 - CONTRACTOR SHALL PROVIDE TRAFFIC CONTROL MEASURES IN ACCORDANCE WITH THE MANUAL OF TRAFFIC CONTROL DEVICES FOR ALL WORK WITHIN PUBLIC STREETS.
 - AREAS OUTSIDE THE LIMITS OF PROPOSED WORK DISTURBED BY THE CONTRACTOR'S OPERATION SHALL BE RESTORED BY THE CONTRACTOR TO THEIR ORIGINAL CONDITION AT THE CONTRACTOR'S EXPENSE.
 - ALL EXISTING SEWER COMPONENTS AND DRAINAGE STRUCTURES SHALL BE REQUIRED TO WITHSTAND HEAVY DUTY H-20 LOADINGS.
 - ALL DISTURBED AREAS SHALL BE PAVED, LANDSCAPED, OR REVEGETATED WITH 4" (MIN) LOAM AND SEED IMMEDIATELY UPON COMPLETION OF CONSTRUCTION.
 - CONTRACTOR SHALL IMPLEMENT DUST CONTROL MEASURES, INCLUDING WATER TRUCKS THROUGHOUT CONSTRUCTION UNTIL PAVING IS COMPLETED AND ALL SURFACES ARE STABILIZED. DUST CONTROL ADDITIVES SUCH AS CALCIUM CHLORIDE OR SODIUM CHLORIDE SHALL BE USED ONLY WITH THE APPROVAL OF THE TOWN.
 - CONTRACTOR IS FULLY RESPONSIBLE FOR COORDINATING WITH AND OBTAINING ALL APPROVALS FROM APPROPRIATE GOVERNING AGENCIES AND UTILITY COMPANIES PRIOR TO, DURING AND AFTER INSTALLATION OF ALL WATER, SEWER, DRAINAGE AND SITE UTILITIES.
 - THE CONTRACTOR IS RESPONSIBLE TO ENSURE THAT ALL REQUIRED INSPECTIONS AND/OR CERTIFICATIONS REQUIRED BY CODES AND/OR UTILITY COMPANIES ARE COMPLETED PRIOR TO INSTALLATION, BACKLOGGING, ANNOUNCED BUILDING POSSESSION, AND THE FINAL CONNECTION OF SERVICES.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL SURVEY CONTROL POINTS AND BENCHMARKS NECESSARY FOR THE PROPOSED WORK.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ADEQUATE RECORDS OF THE LOCATION AND ELEVATION OF ALL WORK INSTALLED.
 - THE CONTRACTOR SHALL INSTITUTE AND MAINTAIN ALL SAFETY MEASURES NECESSARY TO PROTECT THE PUBLIC DURING CONSTRUCTION, INCLUDING, BUT NOT LIMITED TO, BARRICADES, SIGNS, FENCES, FLAGGERS, LIGHTING, POLICE, TOWERS, AND ANY OTHER MEANS AS DIRECTED BY THE TOWN. NO TRENCHES ARE TO REMAIN OPEN OVERNIGHT.
 - THE CONTRACTOR SHALL KEEP THE PREMISES FREE FROM THE ACCUMULATION OF WASTE MATERIAL AND OTHER DEBRIS RESULTING FROM THE WORK. AT THE END OF CONSTRUCTION THE CONTRACTOR SHALL REMOVE ALL CONSTRUCTION DEBRIS AND SURPLUS MATERIALS FROM THE SITE. THROUGH INSPECTION OF THE WORK, PERMITTER IS TO BE MADE AND ALL DISCARDED MATERIALS, BLOWN OR WATER CARRIED DEBRIS, SHALL BE COLLECTED AND REMOVED FROM THE SITE.
 - THE CONTRACTOR SHALL REMOVE ALL VEGETATION, TREES, STUMPS, GRASSES, ORGANIC SOILS, DEBRIS AND DELETERIOUS MATERIALS WITHIN THE AREAS SLATED FOR CONSTRUCTION.
 - THESE PLANS SHOULD NOT BE USED FOR CONSTRUCTION UNTIL ALL REQUIRED APPROVALS HAVE BEEN RECEIVED.
 - ALL WORK SHALL BE DONE IN STRICT COMPLIANCE WITH ALL APPROVED PERMITS AND WITH ALL APPLICABLE NATIONAL, STATE AND LOCAL CODES, STANDARDS, ORDINANCES, RULES AND REGULATIONS.
 - BUILDING FOOTPRINTS SHOWN HEREON WERE PROVIDED BY ARCHITECT.
 - CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS, DESIGN AND DIMENSIONS OF ROOF DRAINS, SEWER, DOMESTIC WATER SERVICE, FIRE SERVICE, ELECTRIC, TELEPHONE, CABLE UTILITIES, CANOPY DRAINS, FLOOR DRAINS, ENTRANCE/EXIT, STEPS/STAIRWAYS, DOCKS, PATIOS, PRECISE BUILDING DIMENSIONS, AND EXACT BUILDING DESIGN AND SPECIFICATIONS.
 - ALL DIMENSIONS ARE PERPENDICULAR TO THE PROPERTY LINES.
 - ALL BUILDING UTILITY SERVICES SHOWN ARE APPROXIMATE. REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS. SITE CONTRACTOR IS RESPONSIBLE FOR UTILITY SERVICES TO WITHIN 10' OF THE BUILDINGS.
 - ALL PROPOSED UTILITIES AND APPURTENANCES TO BE CONSTRUCTED TO WITHIN 10' OF THE BUILDING AND IN COMPLIANCE WITH LOCAL MUNICIPALITIES CODES AND REGULATIONS GOVERNING THE INSTALLATION OF SUCH UTILITIES.
 - MINIMUM SIDEWALK GRADES ARE TO BE 1/4" PER FT. SLOPED AWAY FROM THE BUILDING.
 - FINAL DESIGN AND LAYOUT OF UNDERGROUND GAS AND UTILITIES TO BE DESIGNED BY OTHERS IN CONJUNCTION WITH THE UTILITY COMPANIES. SITE CONTRACTOR IS RESPONSIBLE FOR COORDINATION WITH UTILITY COMPANIES AND ALL UTILITY INSTALLATIONS ARE TO BE IN FULL COMPLIANCE WITH ALL THE UTILITY COMPANIES' DESIGN AND SPECIFICATIONS.
 - ALL UNSUITABLE SOIL MATERIALS UNDER ALL INFILTRATION STRUCTURES SHALL BE REMOVED AND REPLACED WITH SAND PER 310 CMR 15.255.3.
 - ALL WORKING WITHIN A PUBLIC RIGHT OF WAY WILL REQUIRE A ROAD OPENING PERMIT.
 - THE CONTRACTOR MUST PREPARE A STORMWATER POLLUTION PREVENTION PLAN (SWPPP) IN COMPLIANCE WITH THE 2017 NPDES CONSTRUCTION GENERAL PERMIT. A COPY OF THE SWPPP MUST BE ON SITE AT ALL TIME THROUGHOUT CONSTRUCTION.

GENERAL O AND M NOTES:

- THE OWNER/CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROPER INSPECTION AND MAINTENANCE OF ALL STORMWATER FACILITIES UNTIL THE PROJECT CONSTRUCTION IS COMPLETED. SUBSEQUENT TO THAT, THE FACILITY MANAGEMENT COMPANY WILL BE RESPONSIBLE.
- THE OWNER/CONTRACTOR/FACILITY MANAGER SHALL FILE AN INSPECTION REPORT TO THE ENGINEER FOLLOWING EACH SITE INSPECTION AS RECOMMENDED ABOVE. THE INSPECTION REPORT SHALL IDENTIFY THE DATE OF INSPECTION, NAME AND CONTACT NUMBER OF RESPONSIBLE PARTY, SPECIFIC STRUCTURES INSPECTED, SPECIFIC MAINTENANCE AND/OR REPAIRS REQUIRED AND GENERAL OBSERVATIONS. ANY DEFICIENCIES NOTED IN THE INSPECTION REPORT SHALL BE CORRECTED TO THE SATISFACTION OF THE PLANNING BOARD.
- DISPOSAL OF ACCUMULATED SEDIMENT AND HYDROCARBONS TO BE IN ACCORDANCE WITH APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS AND REGULATIONS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CLEANING ALL COMPONENTS OF THE STORMWATER MANAGEMENT SYSTEM AND MAINTAINING ALL PAVED AREAS.

STORMWATER OPERATION AND MAINTENANCE

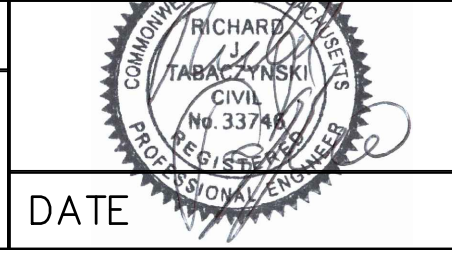
- #### RAIN GARDEN
- INSPECT AFTER EVERY MAJOR STORM EVENT (2" OR GREATER) DURING CONSTRUCTION AND FOR THE FIRST FEW MONTHS AFTER CONSTRUCTION TO ENSURE PROPER STABILIZATION AND FUNCTION. THEREAFTER, INSPECT AT LEAST TWICE PER YEAR DURING WET WEATHER TO ENSURE THE RAIN GARDEN IS DRAINING PROPERLY AND VEGETATION IS THRIVING. CHECK FOR EROSION, INVASIVE TREE GROWTH, CLOGGING AND TRASH AND REMOVE ORGANIC MATTER, WEEDS, TRASH AND DEBRIS AS NECESSARY. RE-SEED ERODED OR BARREN SPOTS IMMEDIATELY AFTER INSPECTION. REMOVE SEDIMENT AS NECESSARY DURING CONSTRUCTION, WHILE DRY, AND AT LEAST EVERY FIVE YEARS AFTER CONSTRUCTION.
- #### VEGETATED FILTER STRIP/PEA GRAVEL DIAPHRAGM
- INSPECT SEMI-ANNUALLY DURING THE FIRST YEAR (AND ANNUALLY THEREAFTER). INSPECT THE PEA GRAVEL DIAPHRAGM FOR SEDIMENT BUILDUP. ADDITIONAL INSPECTIONS SHOULD BE SCHEDULED DURING THE FIRST FEW MONTHS TO ENSURE THAT THE VEGETATION IN THE CHANNELS IS ESTABLISHED ADEQUATELY. ACCUMULATED SEDIMENT SHALL BE REMOVED AT LEAST ONCE A YEAR OR BEFORE IT EXCEEDS 0.5" IN DEPTH, WHICHEVER OCCURS FIRST. PERIODICALLY REMOVE SEDIMENT THAT ACCUMULATES NEAR THE TOP OF THE STRIP TO MAINTAIN THE APPROPRIATE SLOPE AND PREVENT FORMATION OF A "BERM" THAT COULD IMPEDE THE DISTRIBUTION OF RUNOFF AS SHEET FLOW.
- #### GRASSES SWALES W/ CHECK DAMS
- INSPECT AT A MINIMUM OF TWICE A YEAR, OR AFTER MAJOR STORM EVENTS (2" OR GREATER). REPAIR ERODED SPOTS IMMEDIATELY AFTER INSPECTION. ADDITIONAL INSPECTIONS SHOULD BE SCHEDULED DURING THE FIRST FEW MONTHS TO ENSURE THAT THE VEGETATION IN THE CHANNELS IS ESTABLISHED ADEQUATELY. ACCUMULATED SEDIMENT SHALL BE REMOVED AT LEAST ONCE A YEAR OR BEFORE IT EXCEEDS 0.5" IN DEPTH, WHICHEVER OCCURS FIRST. PERIODICALLY REMOVE SEDIMENT THAT ACCUMULATES NEAR THE TOP OF THE STRIP TO MAINTAIN THE APPROPRIATE SLOPE AND PREVENT FORMATION OF A "BERM" THAT COULD IMPEDE THE DISTRIBUTION OF RUNOFF AS SHEET FLOW.

DESIGNED BY: _____
 DRAWN BY: _____
 CHECKED BY: _____
 SURVEY CHK. BY: _____
 APPROVED BY: _____

SCALE
 SCALE 1" = 20'
 0 5 10 20 40

DATE: _____

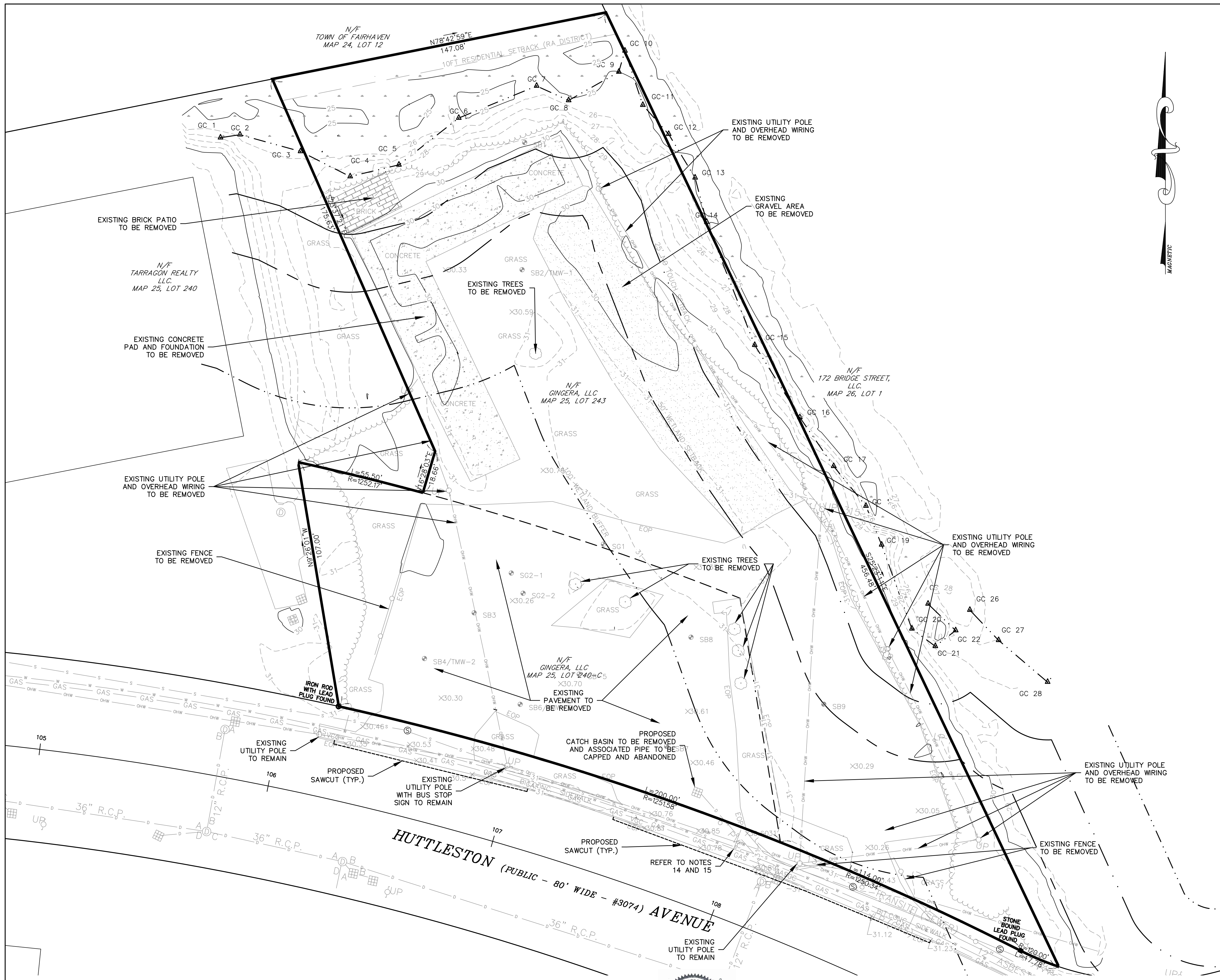
NO.	BY	DATE	REVISION
1	NJC	3-30-22	PER TOWN REVIEW COMMENTS



PREPARED FOR:
 TEAM VENTURES TWO, LLC
 DBA WASH ASHORE CAR WASH
 PO BOX 1805
 SAGAMORE BEACH, MA 02562

GRADING AND DRAINAGE PLAN
 FOR
 WASH ASHORE CAR WASH
 FAIRHAVEN, MASSACHUSETTS 02719
 JANUARY 21, 2022

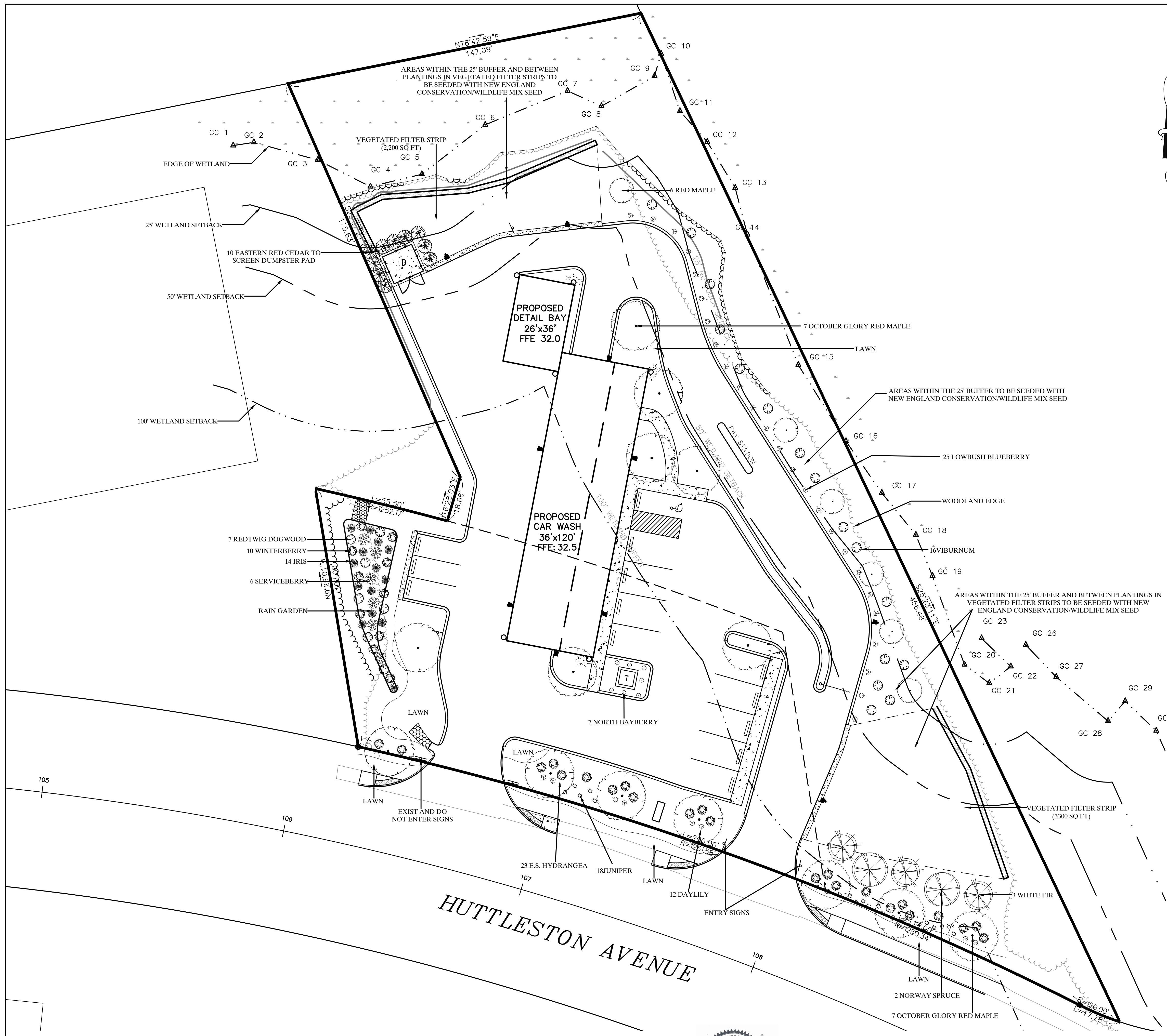
FILE: 3269.00-SITE	Sheet of
	4 9
JOB NUMBER	3269.00



- DEMOLITION NOTES:**
- ALL DEMOLITION ACTIVITIES ARE TO BE PERFORMED IN STRICT ADHERENCE TO ALL FEDERAL, STATE, AND LOCAL REGULATIONS.
 - LOCATION BUILDING DEMOLITION EQUIPMENT THROUGH THE STRUCTURE AND REMOVE MATERIALS SO AS NOT TO IMPOSE EXCESSIVE LOADS ON SUPPORTING WALLS, FLOORS, OR FRAMING.
 - PROVIDE APPROPRIATE SHORING, BRACING AND SUPPORTS TO PREVENT UNCONTROLLED MOVEMENT, SETTLEMENT OR COLLAPSE OF STRUCTURES TO BE DEMOLISHED (AND ADJACENT FACILITIES, IF APPLICABLE).
 - DEMOLISH AND REMOVE ALL FOUNDATION WALLS, FOOTINGS, SLABS, AND OTHER MATERIALS WITHIN THE AREA DESIGNATED ON THE PLANS.
 - ERECT AND MAINTAIN PROTECTED PASSAGEWAYS IN ORDER TO PROVIDE SAFE PASSAGE FOR PERSONS AROUND THE AREA OF DEMOLITION.
 - CONDUCT ALL DEMOLITION OPERATIONS IN A MANNER THAT WILL PREVENT DAMAGE TO STRUCTURES, ADJACENT BUILDINGS, AND PROPERTY AND IN A MANNER THAT WILL PREVENT PERSONNEL INJURY TO ALL PERSONS.
 - CONDUCT DEMOLITION SERVICES IN SUCH A MANNER TO INSURE MINIMUM INTERFERENCE WITH ROADS, STREETS, WALKS AND OTHER ADJACENT FACILITIES. DO NOT CLOSE OR OBSTRUCT STREETS, WALKS, OR OTHER OCCUPIED FACILITIES WITHOUT PRIOR WRITTEN PERMISSION FROM THE APPROPRIATE AUTHORITIES. PROVIDE ALTERNATIVE ROUTES AROUND CLOSED OR OBSTRUCTED TRAFFIC WAYS, IF REQUIRED.
 - USE WATERING, TEMPORARY ENCLOSURES AND OTHER SUITABLE METHODS, AS NECESSARY TO LIMIT THE AMOUNT OF AIRBORNE DUST, DIRT, AND DEBRIS. CLEAN ADJACENT STRUCTURES AND IMPROVEMENTS OF ALL DUST AND DEBRIS CAUSED BY THE DEMOLITION OPERATIONS. RETURN ALL ADJACENT AREAS TO THE CONDITIONS EXISTING PRIOR TO THE START OF WORK.
 - ACCOMPLISH AND PERFORM THE DEMOLITION IN SUCH A MANNER AS TO PREVENT THE UNAUTHORIZED ENTRY OF PERSONS AT ANY TIME.
 - COMPLETELY FILL BELOW GRADE AREAS AND VOIDS RESULTING FROM THE DEMOLITION OF STRUCTURES AND FOUNDATIONS WITH COMPACTED GRAVEL, FREE FROM DEBRIS, TRASH, FROZEN MATERIALS, ROOTS AND OTHER ORGANIC MATTER. MATERIAL FROM DEMOLITION MAY NOT BE USED AS FILL. PRIOR TO PLACEMENT OF FILL MATERIALS, UNDERTAKE ALL NECESSARY ACTION IN ORDER TO INSURE THAT AREAS TO BE FILLED ARE FREE OF STANDING WATER, FROZEN MATERIAL, TRASH AND DEBRIS. PLACE FILL MATERIALS IN HORIZONTAL LAYERS NOT EXCEEDING 6 INCHES IN LOOSE DEPTH AND COMPACT EACH LAYER AT PLACEMENT TO 95% OPTIMUM DENSITY. GRADE THE SURFACE TO MEET ADJACENT CONTOURS AND TO PROVIDE SURFACE DRAINAGE.
 - REMOVE FROM THE DESIGNATED SITE, AT THE EARLIEST POSSIBLE TIME, ALL DEBRIS, RUBBISH, SALVAGEABLE ITEMS, HAZARDOUS AND COMBUSTIBLE SERVICES. REMOVED MATERIALS MAY NOT BE STORED, SOLD OR BURNED ON THE SITE. REMOVAL OF HAZARDOUS AND COMBUSTIBLE MATERIALS SHALL BE ACCOMPLISHED IN ACCORDANCE WITH THE PROCEDURES AS AUTHORIZED BY THE FIRE DEPARTMENT OR OTHER APPROPRIATE REGULATORY AGENCIES AND DEPARTMENT.
 - DISCONNECT, SHUT OFF AND SEAL PER UTILITY COMPANY SPECIFICATIONS ALL UTILITIES SERVICING THE STRUCTURE(S) TO BE DEMOLISHED BEFORE THE COMMENCEMENT OF THE DESIGNATED DEMOLITION. MARK AND PROTECT FOR POSITION ALL ACTIVE UTILITY LINES THAT ARE TO REMAIN IN SERVICE AFTER DEMOLITION PER UTILITY COMPANY SPECIFICATIONS. CLEARLY IDENTIFY BEFORE THE COMMENCEMENT OF DEMOLITION SERVICES THE REQUIRED INTERRUPTION OF ACTIVE SYSTEMS THAT MAY AFFECT OTHER PARTIES, AND NOTIFY ALL APPLICABLE UTILITY COMPANIES TO INSURE THE CONTINUATION OF SERVICE.
 - IT IS THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY DIGSAFE, THE TOWN OF FAIRHAVEN DEPARTMENT OF PUBLIC WORKS, AND ALL UTILITY COMPANIES A MINIMUM OF 72 HOURS PRIOR TO CONSTRUCTION ACTIVITIES FOR LOCATION OF ALL UNDERGROUND UTILITIES AND UTILITY COMPANY AND DPW APPROVALS.
 - FAIRHAVEN WATER SYSTEMS APPROVED CONTRACTOR AND INSPECTOR REQUIRED. CONTRACTOR TO CONTACT WATER INSPECTOR FOR INSPECTION OF EXISTING TAPPING SLEEVE AND VALVE ONCE EXCAVATED TO DETERMINE AND APPROVE USE OF EXISTING SERVICE.
 - IF APPLICABLE, A REPRESENTATIVE OF THE TOWN OF FAIRHAVEN WATER SUPPLY DIVISION MUST WITNESS THAT EXISTING SERVICES ARE CUT AND CAPPED AT THE WATER MAIN. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT THE WATER SUPPLY DIVISION AND SCHEDULE AN INSPECTION.
 - IF ENCOUNTERED CONTRACTOR RESPONSIBLE TO REMOVE EXISTING UNDERGROUND UTILITIES, WATER LINES, SEWER LINES, ETC. NOT SHOWN HEREON.

SEE SHEET 2 FOR GENERAL NOTES
 SEE SHEET 4 FOR CONSTRUCTION NOTES AND LEGEND
 SEE SHEET 5 FOR UTILITY NOTES

NOTE TO CONTRACTOR
 ALL EXISTING UTILITIES ARE NOT NECESSARILY SHOWN HEREON.
 CONTRACTOR SHALL NOTIFY DIGSAFE PRIOR TO COMMENCING DEMOLITION ACTIVITIES



PLANT LIST				
	COMMON NAME	LATIN NAME	QNTY	SIZE
TREES	OCTOBER GLORY RED MAPLE	ACER RUBRUM 'OCTOBER GLORY'	14	4" CAL.
	EASTERN RED CEDAR	JUNIPERUS VIRGINIANA	10	6-7'
	NORWAY SPRUCE	PICEA ABIES	2	7-8'
	WHITE FIR	ABIES CONCOLOR	3	7-8'
SHRUBS	BAR HARBOR JUNIPER	JUNIPERUS HORIZONTALIS 'BAR HARBOR'	18	3 GAL.
	ENDLESS SUMMER HYDRANGEA	HYDRANGEA MACROPHYLLA 'ENDLESS SUMMER'	23	7 GAL.
PERENNIALS	STELLA D ORO DAYLILY	HEMEROCALLIS 'STELLA D ORO'	12	1 GAL.
TREES	RED MAPLE	ACER RUBRUM	6	6-8"
SHRUBS	VIBURNUM	VIBURNUM DENTATUM	16	24"
	NORTHERN BAYBERRY	MYRICA PENNSYLVANICA	7	24"
	LOWBUSH BLUEBERRY	VACCINIUM ANGSTIFOLIUM	25	24"
GROUND COVER	NE CONSERVATION/WILDLIFE MIX			TBD
RAINGARDEN				
TREES	SERVICEBERRY	AMELANCHIER CANADENSIS	6	6-8"
SHRUBS	WINTERBERRY	ILEX VERTICILLATA	10	24"
	REDTWIG DOGWOOD	CORNUS SERICEA	7	24"
PERENNIALS	IRIS	IRIS VERSICOLOR	14	1 GAL.

PLANTING NOTES

- LANDSCAPE CONTRACTOR SHALL VISIT SITE PRIOR TO SUBMITTING BID TO BECOME COMPLETELY FAMILIAR WITH SITE CONDITIONS.
- NO PLANTING WILL BE INSTALLED UNTIL ALL GRADING AND CONSTRUCTION HAS BEEN COMPLETED IN THE IMMEDIATE AREA.
- CONTRACTOR TO VERIFY ALL UTILITIES ON PROPERTY AND TO PROTECT ALL UTILITIES DURING EXCAVATION.
- IF THERE IS A DISCREPANCY BETWEEN THE NUMBER OF PLANTS SHOWN ON THE PLAN AND THE NUMBER OF PLANTS SHOWN IN THE PLANT LIST, THE NUMBER OF PLANTS SHOWN ON THE LIST WILL TAKE PRECEDENCE.
- ALL CONTAINER MATERIAL TO BE GROWN IN CONTAINER A MINIMUM OF SIX MONTHS.
- ALL MATERIAL SHALL COMPLY WITH THE LATEST EDITION OF THE AMERICAN STANDARD FOR NURSERY STOCK, ACCORDING TO THE AMERICAN ASSOCIATION OF NURSERYMEN.
- CONTRACTOR SHALL REPAIR ALL DAMAGE TO PROPERTY FROM PLANTING OPERATIONS AT NO COST TO THE OWNER.
- CONTRACTOR SHALL GUARANTEE NEW PLANT MATERIAL THROUGH ONE CALENDAR YEAR FROM TIME OF PROVISIONAL ACCEPTANCE.
- ALL PROPOSED PLANTS SHALL BE LOCATED CAREFULLY AS SHOWN ON THE PLANS AND THE PLACEMENT SHALL BE APPROVED BY THE LANDSCAPE DESIGNER BEFORE THE INSTALLATION.
- ALL DISTURBED AREAS NOT TO BE PAVED OR PLANTED SHALL BE LOAMED AND SEEDED AS SHOWN. SEE SPECIFICATIONS FOR SOIL PREPARATION AND SEED MIX.
- TWO INCH (2") DEEP, FINELY SHREDDED BARK MULCH WILL BE INSTALLED AROUND ALL TREES AND SHRUBS THAT ARE ISOLATED FROM GROUND COVER AREAS AND GENERAL SHRUB MASSES.
- ALL PLANT MATERIAL SHALL BE INSPECTED BY THE LANDSCAPE DESIGNER ON SITE PRIOR TO INSTALLATION. THE LANDSCAPE DESIGNER WILL TAG ALL TREES AT THE NURSERY AND INSPECT THEM AFTER DELIVERY TO THE SITE. SEE SPECIFICATIONS FOR TAGGING, INSPECTION, AND ACCEPTANCE OF PLANT MATERIAL.
- LANDSCAPE DESIGNER SHALL CONFIRM PLANT LIST AND APPROVE SUBSTITUTIONS OF PLANT VARIETIES PRIOR TO ORDERING OF MATERIAL.
- SOIL MIX: 1/3 PEAT MOSS, 1/3 SCREENED LOAM, 1/3 DEHYDRATED MANURE.
- THE OWNER RESERVES THE RIGHT TO SUBSTITUTE PLANT SELECTIONS WITH PLANTS OF SIMILAR CHARACTERISTICS IF THE SPECIFIED PLANTS ARE NOT AVAILABLE IN ACCEPTABLE QUANTITIES OR CONDITIONS.

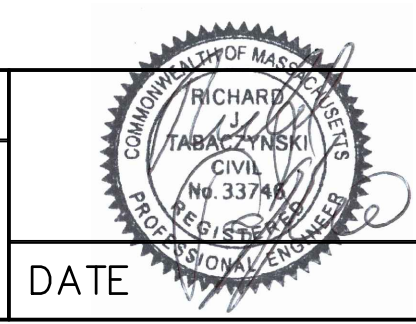
GENERAL NOTES

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

Atlantic DESIGN ENGINEERS, INC.
 P.O. Box 1051, Sandwich, MA 02563 (508) 888 - 9282

Designed by : _____
 Drawn by : _____
 Checked by : _____
 Survey chk. by : _____
 Approved by : _____

SCALE
 SCALE 1" = 20'
 0 5 10 20 40



NO.	BY	DATE	REVISION
1	NJC	3-30-22	PER TOWN REVIEW COMMENTS

PREPARED FOR:
TEAM VENTURES TWO, LLC
 DBA WASH ASHORE CAR WASH
 PO BOX 1805
 SAGAMORE BEACH, MA 02562

LANDSCAPING PLAN
 FOR
WASH ASHORE CAR WASH
 FAIRHAVEN, MASSACHUSETTS 02719
 JANUARY 21, 2022

FILE: 3269.00-SITE
 Sheet 7 of 9
 JOB NUMBER 3269.00

Staff Report

Date: March 30, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **Route 240 ROW at Bridge Street – Notice of Intent – DEP# 023-____, Fairhaven CON 023-271**

DOCUMENTS REVIEWED

- Notice of Intent and associated documents
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192) and associated regulations
- Fairhaven Stormwater Bylaw (Chapter 194)

RESOURCE AREAS ON/NEAR SITE

- Bordering Vegetated Wetland
- Bank
- Buffer Zone

RELEVANT PERFORMANCE STANDARDS

- **General Provisions (Limited Projects) 10.53**

(3) ...the Issuing Authority may issue an Order of Conditions...permitting the following limited projects...In determining whether to exercise its discretion to approve the limited projects listed in 310 CMR 10.53(3), the Issuing Authority shall consider the following factors: the magnitude of the alteration and the significance of the project site to the interests [of the Act], the availability of reasonable alternatives to the proposed activity, the extent to which adverse impacts are minimized, and the extent to which mitigation measures, including replication or restoration, are provided to contribute to the protection of the interests [of the Act].

(k) The routine maintenance and repair of road drainage structures including culverts and catch basins, drainage easements, ditches, watercourses and artificial water conveyances to insure flow capacities which existed on...April 1, 1983.
- **Bordering Vegetated Wetland: 10.55(4)**

(a) work in a Bordering Vegetated Wetland shall not destroy or otherwise impair any portion of the BVW

(b) The ConCom may permit the loss of up to 5000 square feet of BVW when said area is replaced IF:

 1. The area is equal;
 2. The ground water and surface elevation are approximately equal;
 3. The overall horizontal configuration and location are similar;
 4. There is an unrestricted hydraulic connection to the same water body or waterway;
 5. It is in the same general area of the water body;

6. At least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons; and
 7. The replacement area is provided in a manner which is consistent with all other regs in 310 CMR 10.00.
- (c) The ConCom may permit the loss of a portion of BVW when;
1. Said portion has a surface area less than 500 square feet;
 2. Said portion extends in a distinct linear configuration ("finger-like") into adjacent uplands; and
 3. In the judgment of the issuing authority it is not reasonable to scale down, redesign or otherwise change the proposal.
- (d) No project may be permitted which will have any adverse effect on specified habitat sites of rare species
- (e) No work shall destroy or otherwise impair any Area of Critical Environmental Concern

PROJECT SUMMARY

- The limited project proposes to cut and remove and diseased, dead, or decomposing trees and/or limbs along with invasive plants in the drainage area. Vegetation will be cut with hand held saws, limb cutters, pruning shears, limb trimming equipment, and chain saws. No tree stumps or vegetation will be uprooted and no earth will be disturbed during this process.

COMMENTS

- The applicant notes that “the project is located within the Route 240 right-of-way near the Bridge Street intersection in front of 277 Bridge Street. The project area is an existing stormwater management area where several drainage outfalls discharge. The drainage area, which has a resource area within it, is currently overgrown with numerous trees and brush that include several invasive species. The vegetation impedes the functionality of the drainage systems of Route 240 and Bridge Street.”
- The project has been submitted as a limited project for maintenance of road drainage structures.
- The easterly wetland line (closest to the gas station) is approved through that Order of Conditions.
- All the work is proposed by hand with debris taken off site. Access will be from Route 240.
- Removing invasive vegetation will improve the wildlife habitat function of the wetland as well as improve functionality of drainage area.
- MassDEP has not yet issued a file number.

RECOMMENDATION

- If MassDEP has not issued a file number by the April 11 meeting, I recommend continuing the hearing to the May 2 meeting.
- If MassDEP has issued a file number by the meeting, I recommend closing the public hearing and issuing an Order of Conditions.
 - *Possible motion:* Motion to close the public hearing for SE 023-____, CON 023-271, Route 240 and Bridge Street Right-of-Way and issue an Order of Conditions under the Wetlands Protection Act and Fairhaven Wetlands Bylaw, with the conditions outlined in the March 30, 2022 staff report and approving plans dated February 1, 2022.

Approve plan dated February 1, 2022

A. General Conditions

1. Section C, the general conditions under the Massachusetts Wetlands Protection Act, also apply to this Order under the Fairhaven Wetlands Bylaw.
2. With respect to all conditions except_____, the Conservation Commission designates the Conservation Agent as its agent with full powers to act on its behalf in administering and enforcing this Order.
3. REC-1
4. ADD-1
5. ADD-2
6. The limit of work shall be the area denoted “area of tree/invasive species removal” on the plan of record.
7. The wetland boundary delineated in the field and/or shown on the plans has not been accepted or approved by the Conservation Commission through the issuance of this permit nor does the issuance of this Order extend any wetland line approvals depicted on the plan beyond their existing expiration dates.

B. Prior to Commencement of Work

8. Should other permits be required by the Army Corps of Engineers, Massachusetts Department of Environmental Protection, Planning Board, Zoning Board of Appeals, Board of Public Works, Board of Health, Building Department, and/or any other appropriate local, state, or federal agencies, proof of appropriate permits shall be submitted to the Conservation Commission prior to the start of the project. Any conditions outlined in those applicable permits shall also apply to this Order.
9. REC-3
10. PCC-3
11. EMC-1

C. During Work

12. REC-2
13. A qualified professional shall assess the trees and identify those that are dead and diseased and need to be removed.
14. All healthy mature trees on site shall not be damaged or removed.
15. Vegetation shall be cut with hand held saws, limb cutters, pruning shears, limb trimming equipment, and chain saws.
16. No tree stumps or vegetation shall be uprooted.

D. After Completion/In Perpetuity

17. Area can be seeded with a native seed mix to assist with limiting the growth of invasive species.
Perpetual Conditions
18. Ongoing maintenance of the area to facilitate drainage functionality is permitted.



3 Main Street Lakeville, MA 02347
(508) 947-4208 - www.zcellc.com

- Civil Engineering
- Septic Design (Title 5)
- Septic Inspections (Title 5)
- Commercial and Industrial Site Plans
- Chapter 91 Permitting

March 21, 2022

Memorandum:

RE: Notice of Intent Filing
Route 240 Right-of-Way, west of 277 Bridge Street
Fairhaven, MA 02719

This memorandum is to accompany a Notice of Intent filing for the above-referenced property as a project narrative. The Project is located within the Route 240 right-of-way near the Bridge Street intersection on the east side of the road near 277 Bridge Street. The Project area is an existing stormwater management area where several drainage outfalls discharge. This drainage area, which has a resource area within it, is currently overgrown with numerous trees and brush that include several invasive species, including Multiflora Rose, Oriental Bittersweet, and Morrow's Honeysuckle. This vegetation impedes the functionality of the drainage systems of Rte 240 and Bridge Street. The Project proposes to cut and remove any diseased, dead, or decomposing trees and/or limbs along with invasive plants within the drainage area. Vegetation will be cut with hand held saws, limb cutters, pruning shears, limb trimming equipment and chain saws. No tree stumps or vegetation will be uprooted and hence no earth will be disturbed during this process. Access to the area will be off RTE 240 and Bridge Street and all cut debris will be taken off site for disposal.

Sincerely,
Zenith Consulting Engineers, LLC

A handwritten signature in blue ink, appearing to read 'R. Gagnon', is written over a light blue horizontal line.

Rene L. Gagnon, PE
Senior Engineer

Staff Report

Date: March 30, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **30 Jameson Street – Notice of Intent – DEP# 023-____, Fairhaven CON 023-272**

DOCUMENTS REVIEWED

- Notice of Intent and associated documents
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192) and associated regulations
- Fairhaven Stormwater Bylaw (Chapter 194)

RESOURCE AREAS ON/NEAR SITE

- Salt Marsh
- Buffer Zone
- Land Subject to Coastal Storm Flowage (LSCSF) Zones AE and VE

RELEVANT PERFORMANCE STANDARDS

- **Salt Marsh:** 10.32
(3) A proposed project in a salt marsh, on lands within 100 feet of a salt marsh, or in a body of water adjacent to a salt marsh shall not destroy any portion of the salt marsh and shall not have an adverse effect on the productivity of the salt marsh. Alterations in growth, distribution and composition of salt marsh vegetation shall be considered in evaluating adverse effects of productivity.
- **Buffer Zone Wetlands Bylaw Regulations (Chapter 192 Regulations):**
 - 6.0 50 to 100 Foot Buffer Zone Resource Area
 - 6.1 Alterations including structures are allowed in the 50-100 foot buffer zone resource area. The Commission may require additional mitigation offsets when the slope within the buffer zone is steeper than 10%. Additionally, mitigation offsets may be required by the Commission when the applicant proposes that more than 30% of the 50-100 foot buffer zone resource area is proposed to be impervious surface.
- **LSCSF General Provisions:** 10.24(1) "If the issuing authority determines that a resource area is significant to an interest identified in [the Act]...,the issuing authority shall impose such conditions as are necessary to contribute to the protection of such interests."

PROJECT SUMMARY

- The applicant is seeking to construct a three-season room with associated deck.

COMMENTS

- The three-season room is proposed within approximately the same area as an existing cement patio. The existing patio is 10 feet by 20 feet. The proposed three-season room is 12 feet by 16 feet with a small 6-foot-by-16-foot deck.
- The additional impervious surface is approximately 128 square feet.
- The three-season room will be on a full foundation.
- The proposed work is approximately 50 feet from the salt marsh and falls within the AE flood zone.
- The proposed project does not appear as though it will impact storm damage prevention, flood control, or impact the productivity of the salt marsh.
- MassDEP has not yet issued a file number.

RECOMMENDATION

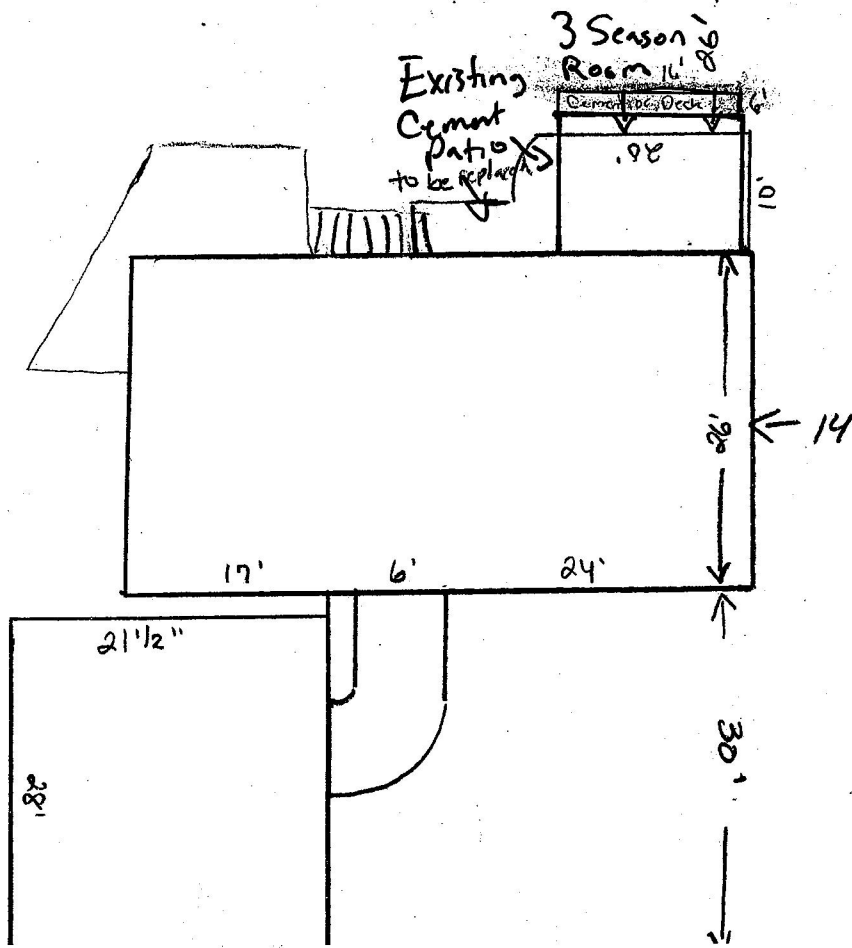
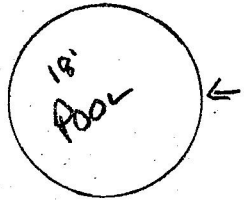
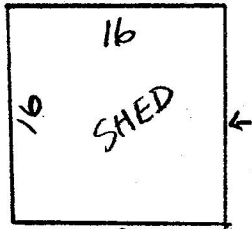
- If MassDEP has not issued a file number by April 11, I recommend continuing the public hearing to the May 2 meeting.
- If MassDEP has issued a file number by April 11, I recommend closing the public hearing and issuing an Order of Conditions.
 - *Possible motion:* Motion to close the public hearing for SE 023-____, CON 023-272, 30 Jameson Street, and issue an Order of Conditions under the Wetlands Protection Act and Fairhaven Wetlands Bylaw with the conditions outlined in the March 30, 2022 staff report and approving plans dated March 21, 2022.

Approve plan dated March 21, 2022

A. General Conditions

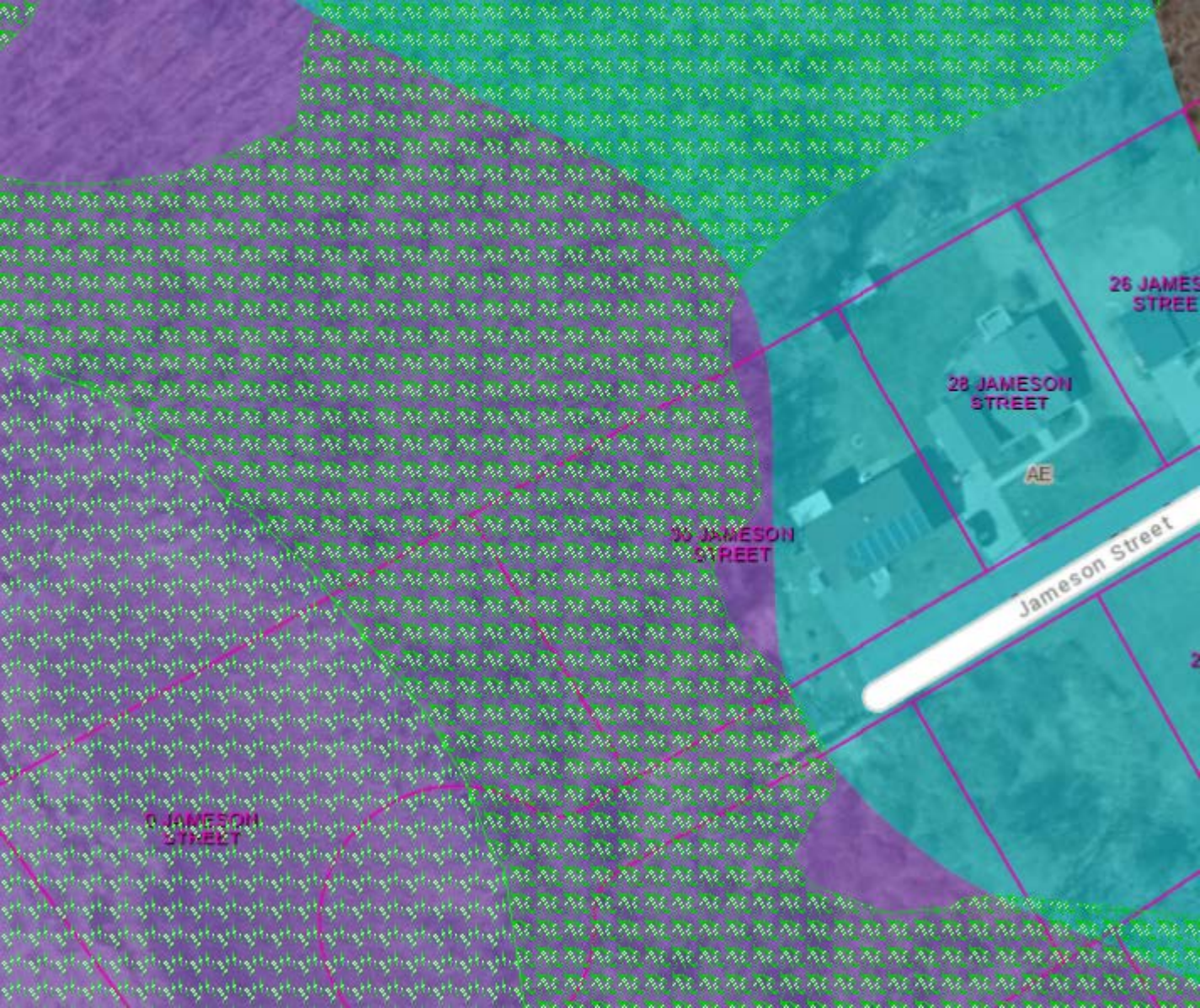
1. Section C, the general conditions under the Massachusetts Wetlands Protection Act, also apply to this Order under the Fairhaven Wetlands Bylaw.
2. With respect to all conditions except____, the Conservation Commission designates the Conservation Agent as its agent with full powers to act on its behalf in administering and enforcing this Order.
3. REC-1
4. ADD-1
5. ADD-2
6. Erosion and sedimentation controls shall be placed between the northwestern corner of the house and the pool to fully protect the salt marsh from any sediment-producing activities.
7. LOW-2
8. Adequate erosion and sedimentation control measures, as specified in this Order, shall be installed and maintained throughout the entire construction phase, until the site has been stabilized and their removal has been authorized (in writing or by issuance of the Certificate of Compliance) by the Commission or its agent. The erosion control provisions in the Order will be the minimum standards for this project; the Commission may require additional measures. The Commission reserves the right to require additional or modified erosion and siltation controls during construction if it deems that site conditions warrant such measures.

9. SIL-9
10. SIL-10
11. WET-1
- B. Prior to Construction
 12. Should other permits be required by the Army Corps of Engineers, Massachusetts Department of Environmental Protection, Planning Board, Zoning Board of Appeals, Board of Public Works, Board of Health, Building Department, and/or any other appropriate local, state, or federal agencies, proof of appropriate permits shall be submitted to the Conservation Commission prior to the start of the project. Any conditions outlined in those applicable permits shall also apply to this Order.
 13. REC-3
 14. PCC-3
 15. EMC-1
 16. PCC-1
- C. During Construction
 17. REC-2
 18. At no time shall any construction materials, soils, fills, sediments, dredging or any other substances be stockpiled or stored beyond the erosion controls nor shall any activity be permitted in the salt marsh or within 25 feet of the salt marsh.
 19. All equipment used on site must be stored or parked in the existing driveway or more than 50 feet from the salt marsh.
 20. STO-4
 21. STO-5
 22. MAC-3
 23. No motorized/construction equipment is to enter or cross the salt marsh at any time.
 24. MAC-8
 25. MAC-9
 26. DEB-1
 27. DEB-5
 28. SIL-3
 29. SIL-4
 30. SIL-8
 31. Concrete truck washout shall occur within a designated area appropriately lined and isolated in an appropriate location more than 50 feet from the salt marsh.
 32. EC-1
- D. After Construction/In Perpetuity
 33. REV-1
 34. COC-1
 - Perpetual Conditions
 - The below conditions do not expire upon completion of the project.*
 35. CHM-2 This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
 36. DER-4



3 Season Room 12'x16'
Existing Patio 10'x20'

30 Jameson St 9/21/22



26 JAMESON STREET

28 JAMESON STREET

AE

30 JAMESON STREET

32 JAMESON STREET

Jameson Street

Staff Report

Date: March 30, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **10 Diamond Street – Notice of Intent – DEP# 023-1369, Fairhaven CON 023-255**

DOCUMENTS REVIEWED

- Notice of Intent and associated documents
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192) and associated regulations
- Fairhaven Stormwater Bylaw (Chapter 194)
- Revised site plan dated January 28, 2022
- Revised project narrative dated January 31, 2022
- Buffer zone variance request and alternatives analysis

RESOURCE AREAS ON/NEAR SITE

- Bordering Vegetated Wetland (no work proposed within the wetland)
- Buffer Zone
- Land Subject to Coastal Storm Flowage (LSCSF) Zone AE

RELEVANT PERFORMANCE STANDARDS

- **Buffer Zone General Provisions:** 10.53(1) “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”
- **Buffer Zone Wetlands Bylaw Regulations (Chapter 192 Regulations):**
 - 4.0 0 to 25 Foot Buffer Zone Resource Area
 - 4.1 An applicant shall demonstrate that no alteration is proposed within the 0-25 foot buffer zone resource area.
 - 4.2 The Commission may, in its discretion, permit a MBZA in a location closer than 25 feet to the resource area if, and only if, the proposed activity occurs exclusively within a previously disturbed area and is located no closer to the resource area than existing structures, activities, or disturbances. However, it is encouraged to increase the width of the buffer zone where possible.
 - 5.0 25 to 50 Foot Buffer Zone Resource Area

- 5.1 Any applicant proposing a project within the 25-50 foot buffer zone resource area shall indicate that there are no structures including, but not limited to, concrete, stone, or other impervious foundations and/or slabs for construction purposes that would significantly increase runoff.
- 5.2 Alteration of the 25-50 foot buffer zone resource area is limited to grading, tree clearing, stormwater management system components, lawns, gardens, and other low-impact uses as determined by the Commission or otherwise approved by the Commission by the variance procedures set forth in Section 8.0 of this regulation. Footings for building structures, such as a deck, as opposed to slabs or foundations, shall be used when technically feasible.
- 5.4 Previously disturbed areas: When there is a pre-existing disturbance (disturbed as part of a previously recorded Certificate of Compliance or Determination of Applicability or disturbed prior to the enactment of the Massachusetts Wetlands Protection Act (MGL Ch. 131 §40) and the Fairhaven Wetlands Bylaw (Chapter 192)), and the work proposed is entirely within this previously disturbed area, an applicant may propose impervious surfaces or other uses, such as pools, buildings, porches, and sheds within the 25-50 foot buffer zone resource area. The Commission shall evaluate the proposed uses based on the demonstration by the applicant that the functions, characteristics, and values of the resource area will not be adversely impacted.
- 6.0 50 to 100 Foot Buffer Zone Resource Area
 - 6.1 Alterations including structures are allowed in the 50-100 foot buffer zone resource area. The Commission may require additional mitigation offsets when the slope within the buffer zone is steeper than 10%. Additionally, mitigation offsets may be required by the Commission when the applicant proposes that more than 30% of the 50-100 foot buffer zone resource area is proposed to be impervious surface.
- 8.0 Variance Procedure
 - 8.1 The Commission may grant a variance from this regulation upon a showing by the applicant that any proposed activity, or its natural and consequential impacts and effects, will not have any adverse effect upon any of the interests protected in Chapter 192 of the Code of the Town of Fairhaven (Wetlands). It shall be the responsibility of the applicant to provide the Commission, in writing, with any and all information, which the Commission may request, in order to enable the Commission to ascertain such adverse effects. The failure of the applicant to furnish any information, which has been requested, shall result in the denial of a request for a variance pursuant to the applicable subsection of this regulation.
 - 8.3 Variance process: To request a variance, the applicant shall submit a variance request in writing at the time of the application for the Notice of Intent or Request for Determination of Applicability. The request shall explain why the variance is needed and shall describe in detail how the project can be completed without significant adverse impacts on the functions, characteristics, and values of the resource areas. Such detail must include, but is not limited to, an alternatives analysis.
- **LSCSF General Provisions:** 10.24(1) "If the issuing authority determines that a resource area is significant to an interest identified in [the Act]...,the issuing authority shall impose such conditions as are necessary to contribute to the protection of such interests."

PROJECT SUMMARY

- The applicant is proposing to construct a 20'x15' garage, a 12'x32.6' mud utility room, and a 12'x31.5' expansion on the existing building as well as the reconstruction of the existing dwelling to conform to flood zone standards.

COMMENTS

- This project complies with the applicable performance standards under the Wetlands Protection Act. However, our buffer zone regulations under the Fairhaven Wetlands Bylaw limit the amount of activity that can occur in the buffer zone to a wetland resource area.
- The Commission members present for the site visit in November 2021 had the following concerns:
 - More detail is needed in the buffer zone variance request. It does not address what the potential impacts to the wetland are and how they are mitigated. Additionally, it does not address the fact that structures are proposed within the 50-foot buffer zone. The members of the Commission on site were very concerned about the proposed increase of impervious surface within the 0-50 foot buffer zone.
 - More detail is needed about the vegetation that will be removed. Much of the site is vegetated and the Commission will want to see a detailed planting plan that addresses the vegetation that is being removed in addition to the native plantings proposed as mitigation for work within the 25-foot no disturb zone. The members at the site visit were also concerned that 5 shrubs is very insufficient to compensate for what is being proposed.
 - More detail is needed about how the condemned garage will be reconstructed.
 - The members onsite wondered what the necessity for two garages is and if there is an opportunity to move the proposed new structures further from the resource area.
- The applicant's representative submitted a revised project narrative and a revised site plan. The buffer zone variance request has not been revised yet, though some of the details of the submitted revised narrative address some of the needed details in the buffer zone variance request. Additionally, an alternatives analysis was submitted to accompany the variance request. The buffer zone regulations state that the failure of the applicant to furnish any information, which has been requested, shall result in the denial of a request for a variance pursuant to the applicable subsection of this regulation.
- The buffer zone regulations require that any variance request must explain why the variance is needed and shall describe in detail how the project can be completed without significant adverse impacts on the functions, characteristics, and values of the resource areas.
- The applicant has not addressed in the narrative the necessity of two driveways and garages.
- The alternatives analysis submitted to accompany the buffer zone variance request outlines three alternatives:
 - No-build where no changes to the property are made
 - Rebuild within existing footprint
 - Rebuild and expand existing footprint
- The applicant is asserting that the area around the existing structure that is lawn and has become overgrown is previously disturbed area.

- The Commission will need to determine whether the applicant has submitted enough information to render a decision on the buffer zone variance request to allow work within the 25-foot no disturb zone and to allow structures closer to the wetland than 50 feet.
- The revisions to the site plan include shifting the proposed additions outside the 25-foot buffer zone and the inclusion of roof recharge systems, one of which is within the 25-foot no disturb zone.
- The Commission previously expressed concern at the amount of impervious surface proposed within close proximity to the wetland. Additionally, the Commission previously expressed a need for more information as to why two garages with two driveways are necessary.
- The revised documents submitted do not address the Commission's concern from the site visit regarding what vegetation is going to be removed and where.
- More plantings have been added between the proposed limit of work and wetland edge, but no information is included on the plan or in the narrative regarding what the disturbed areas will be seeded with. Additionally, the native plantings are proposed within an area that is fairly dense with vegetation. There is no information on how those plantings will be installed and what disturbance will occur associated with that work.
- Based on the Commission's comments at the site visit and at previous meetings, it does not appear as though the applicant has addressed all of those concerns sufficiently.

RECOMMENDATION

- Until such time as the Commission discusses the revised scope of work, revised plans, and additional information associated with the variance request, I reserve making a recommendation.

Project Narrative to Accompany
Notice of Intent
Prepared for Ruby & Jaime Medeiros
10 Diamond Street, Fairhaven, MA
Proposed Residential Renovation and Expansion

The project proposed under this Notice of Intent (NOI) involves the renovation, and addition to, two existing buildings on the subject parcel. One building is a dwelling that has been unoccupied for a period of time and is in somewhat poor condition. The other building is a two-bay garage with a second floor and is in very poor condition. The existing house is within 22-feet of the delineated wetland, while the garage is within 15-feet. Due to the neglected nature of the site, much of what had previously been lawn area around the existing structures has become over grown. Much of this growth consists of invasive species such as Mult-Flora Rose, Bittersweet and Honeysuckle.

As shown on the site plan, the building addition is proposed within the 25-50-foot buffer zone. This addition is entirely within the previously disturbed portion of the site between the two existing buildings. Subsurface recharge of roof runoff is proposed to mitigate the additional impervious surface. It is proposed to remove the overgrowth on the site within the limit of work defined by the siltation control line on the site plan. This line is approximately 6-feet off the back of the garage and 12-feet off the back of the house. Supplemental plantings are proposed to enhance the remaining vegetation between the limit of work and the wetland resource.

The wooden framing, roofing and siding of the condemned garage is in very poor condition and much of it will have to be replaced. The concrete block foundation is in good condition. Some of the cores in this foundation will have to be filled with mortar and reinforced in order to accommodate the anchor bolts required by the current building code.



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

Buffer Zone Regulations Variance Request

Pursuant to Section 8.0 of the Buffer Zone Regulations under the Fairhaven Wetlands Bylaw, Chapter 192, the Commission may grant a variance from the regulations upon a showing by the applicant that any proposed activity will not have any adverse effect upon any of the interests protected in Chapter 192 of the Code of the Town of Fairhaven (Wetlands).

Location of Proposed Project: _____ Map _____ Parcel _____

Owner/Applicant Name: _____

Mailing Address: _____

Phone Number: _____ Email: _____

Contractor/Representative: _____ Phone Number: _____

Type of Application Submitted: NOI RDA

Project Description:

Explanation of why variance is needed: *Please describe in detail how the project can be completed without significant adverse impacts on the functions, characteristics, and values of the resource areas. Such detail must include, but is not limited to, an alternatives analysis. Attach additional sheets as necessary.*

Notice of Intent Application

DEP File No SE-023-1369

10 Diamond Street, Fairhaven, MA

Alternatives Analysis

Introduction

For purposes of this report, this section presents a comparative analysis of the current development program to the no-build alternative of leaving the subject parcel in its current state as well as an additional alternative to rebuild within the existing footprints.

No-Build Alternative

A comparative analysis to the no-build scenario should consider the benefits to the community as a whole in addition to the potential environmental impacts associated with the current proposal. The no-build scenario would result in no improvements to the existing parcel, which overall, would result in a detriment to the neighboring area as both the existing dwelling and garage are in poor condition and will likely continue to deteriorate without said improvements. Much of the site is now overgrown with many invasive species and the existing buildings are in a dilapidated state.

The continued degradation of the existing structures within 25-feet of the resource area has the potential to adversely affect the functions and values of the wetland. The current proposal will improve the aesthetics and visual impacts to the neighboring area with the improvements proposed to the property.

Proposed Development Alternative – Rebuild Within Existing Footprints

This alternative would involve repairing and rebuilding the existing dwelling and existing garage within the existing footprints. The existing dwelling is relatively small and occupies 760-SF of the lot. Due to the poor condition of each structure, bringing the buildings up to code (including FEMA regulations for structures within the Flood Plain) will require a substantial investment, which would represent a significant financial undertaking for the applicants, with minimal return on such investment.

It is respectfully argued that it is reasonable to enlarge the existing building into a more functional and livable space if such an investment is to be made and it should be noted that the proposed expansions of the existing building are no closer to the existing wetlands than what currently exists. Given the substantial financial undertaking it would require to bring the existing parcels into compliance with current Codes and Regulations, this alternative was not deemed to be the preferred alternative.

Preferred Development Alternative – Rebuild and Expand Existing Footprints

This alternative would involve repairing and rebuilding the existing dwelling and existing garage within the existing footprints and well as provide for expansion of the existing building as shown on the submitted plans to provide for a more functional use of the property. This expansion is outside the 25-foot buffer and is within the previously developed portion of the parcel.

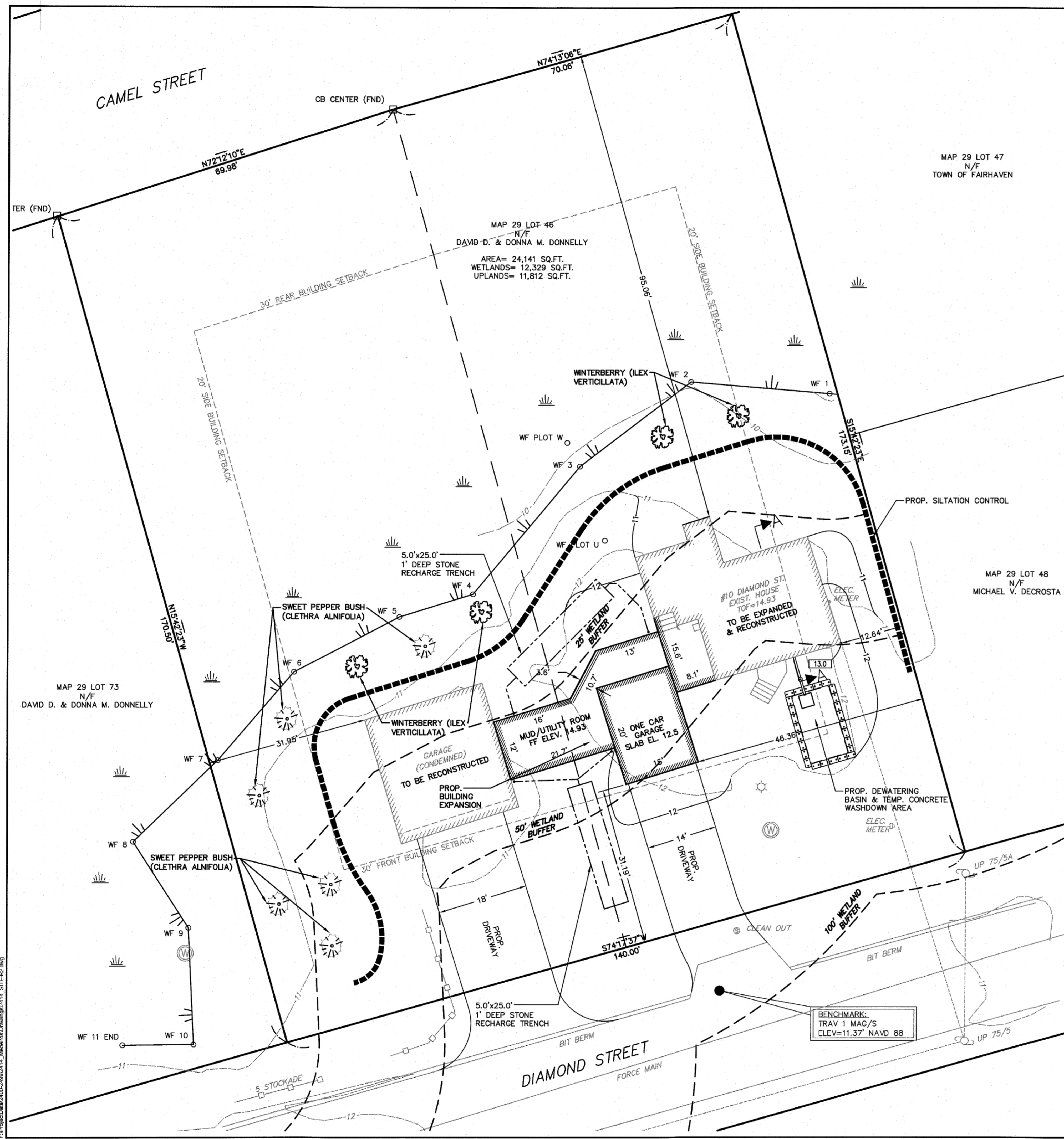
The proposed project consists of the construction of a new 300-SF single car garage adjacent to the kitchen in the existing dwelling for a more functional layout and the construction of a 380-SF connector structure between the existing dwelling and existing garage. The connector structure will serve as a mudroom and also provide mechanical space above the flood zone such that the applicants can maximize the usable space within the existing footprint of the dwelling.

In order to mitigate the additional impervious surface being proposed as part of the project, the applicant is proposing to install two substantial recharge trenches which will accept and infiltrate the clean water coming from the roofs. Additionally, the applicant is proposing to clear minimal amounts of brush around the structures just to provide enough space for maintenance of said structures, and will provide additional native plantings adjacent to the wetland.

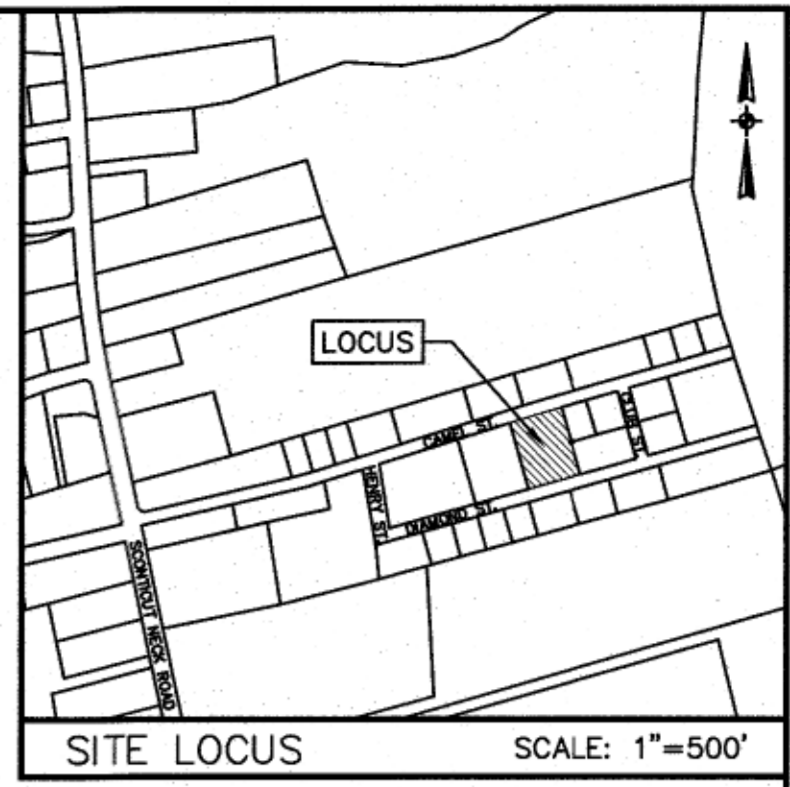
This project proposal addresses the functions and values of the adjacent resource area in several ways. The proposed construction is situated between two existing buildings within a previously developed area. The limited clearing and supplemental plantings will maintain shading of the wetland, and the removal of invasives will enhance the native eco-system of the upland buffer. The roof runoff will maintain the hydrology of the developed area.

The proposed development is preferred for the following reasons:

- The parcel is of a suitable size to house the proposed development.
- The proposed mitigation measures will maintain the functions and values of the wetland on site.
- The additions will allow for a more functional use of the property as well as the footprints of the existing buildings while not encroaching any closer to the existing wetlands on the property.
- The proposed development will substantially improve existing conditions with the improvements to the existing dilapidated structures and removal of overgrown brush and invasive species on the site.



RURAL RESIDENCE DISTRICT (RR)		
REGULATION	REQUIREMENT	PROVIDED
MIN. LOT AREA	30,000 S.F.	24,141 S.F.
LOT FRONTAGE	140 FT.	140 FT.
FRONT SETBACK	30 FT.	31.09 FT. (MIN.)
SIDE SETBACK	20 FT.	12.64 FT. (EXIST.)
REAR SETBACK	30 FT.	95.06 FT. (MIN.)
CONTIGUOUS UPLAND	24,000 S.F.	11,812 S.F.
MAX. BUILDING HEIGHT	35 FT.	< 35 FT.
MAX. LOT COVERAGE	25%	13.4%
MAX. BLDG. COVERAGE	15%	9.2%



- NOTES:
1. EXISTING CONDITIONS AND PROPERTY LINE INFORMATION SHOWN ON THIS PLAN WAS BASED ON RECORD PLANS AND DEED AND AN ON-THE-GROUND FIELD SURVEY PERFORMED BY MADDIGAN LAND SURVEYING, LLC IN APRIL 2021.
 2. ALL ELEVATIONS ARE REFERENCED TO THE NAVD 88 DATUM.
 3. THE SUBJECT PARCEL IS SHOWN AS TOWN OF FAIRHAVEN ASSESSORS MAP 29 LOT 46 N/F DAVID D. & DONNA M. DONNELLY.
 4. THE SITE IS LOCATED WITHIN ZONE AE (EL 14 FEET) AS DETERMINED BY FIRM COMMUNITY PANEL NO. 25005C0501F, EFFECTIVE DATE 7/7/2009.
 5. RESOURCE AREA DELINEATION PERFORMED BY SABATIA, INC. IN APRIL 2021.
 6. THE LOCATION AND ELEVATION OF ALL EXISTING UTILITIES SHALL BE CONSIDERED APPROXIMATE AND MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION. UNDERGROUND UTILITIES SHOWN ARE FROM FIELD OBSERVATION AND THE BEST AVAILABLE RECORD INFORMATION AND ARE NOT WARRANTED TO BE EXACT, NOR IS IT WARRANTED THAT ALL UNDERGROUND PIPES OR STRUCTURES ARE SHOWN. THE CONTRACTOR SHALL CONTACT THE RESPECTIVE UTILITY COMPANIES RELATIVE TO THE LOCATION AND ELEVATION OF ALL EXISTING LINES.
 7. THE CONTRACTOR SHALL CONTACT "DIG SAFE" AT 811, 72 HOURS PRIOR TO ANY EXCAVATION AND/OR SUBSURFACE TESTING TO INFORM THE UTILITY COMPANIES OF ANY EXCAVATION.
 8. THE CONTRACTOR SHALL COORDINATE THE EXACT LOCATION OF THE UNDERGROUND GAS AND OVERHEAD ELECTRIC, TELEPHONE AND CATV WITH THE RESPECTIVE UTILITY PROVIDERS.

DEED REFERENCE:
DEED BOOK 3546 PG 78

PLAN REFERENCE:
PLAN BOOK 150 PG 54
PLAN BOOK 44 PG 139
PLAN BOOK 100 PG 37

FIELD ENGINEERING CO., INC.
CONSULTING ENGINEERS

110 INDUSTRIAL DRIVE
P.O. BOX 1178
MATTAPAN, MA 02739
TEL: (508) 758-2749
FAX: (508) 758-2849

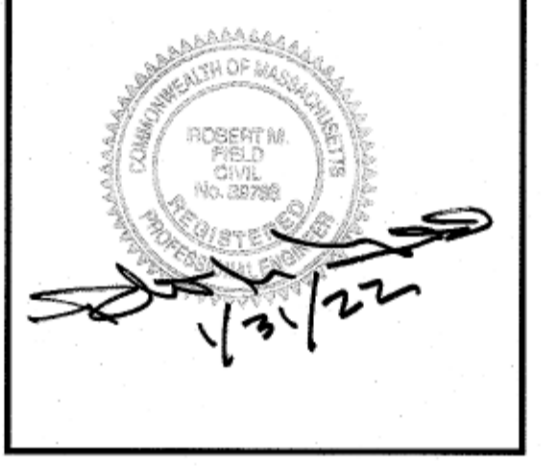
Revisions			
No.	Description	Date	Apprv.
3	REVISE GRADING & SILTATION CONTROL LOCATION	1/28/2022	RMF
2	REVISE BUILDING FOOTPRINT	1/15/2022	RMF
1	REVISE BUILDING FOOTPRINT	12/01/2021	RMF

Date: 11/12/2021

Scale: 1"=10'

Drawn By: RMS
Designed By: RMF
Checked By: RMF

Issued For: **PERMITTING**



PROPOSED SITE DEVELOPMENT
JAMIE MEDEIROS

10 DIAMOND STREET
FAIRHAVEN, MASSACHUSETTS

Drawing Title: **SITE PLAN**

Project No. 2414 Sheet 1 OF 1

1

Staff Report

Date: March 30, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **Winsegansett Avenue, Map 42A, Lots 232, 232A & 233 – Notice of Intent – DEP# 023-1370, Fairhaven CON 023-256**

DOCUMENTS REVIEWED

- Notice of Intent and associated documents
- Wetland Resources Memo
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192) and associated regulations
- Fairhaven Stormwater Bylaw (Chapter 194)
- Applying the Massachusetts Coastal Wetlands Regulations: A Practical Manual for Conservation Commissions to Protect the Storm Damage Prevention and Flood Control Functions of Coastal Resource Areas
- Peer review letter dated March 18, 2022

RESOURCE AREAS ON/NEAR SITE

- Land Subject to Coastal Storm Flowage (LSCSF) Zone VE
- Coastal Beach
- Coastal Dune
- Barrier Beach
- Salt Marsh
- Buffer Zone

RELEVANT PERFORMANCE STANDARDS

- **LSCSF General Provisions:** 10.24(1) “If the issuing authority determines that a resource area is significant to an interest identified in [the Act]...,the issuing authority shall impose such conditions as are necessary to contribute to the protection of such interests.”
- **Coastal Beach:** 10.27 [also applies to Barrier Beach]
(3) Any project on a coastal beach...shall not have an adverse effect by increasing erosion, decreasing the volume or changing the form of any such coastal beach or an adjacent or downdrift coastal beach.
- **Coastal Dune:** 10.28 [also applies to Barrier Beach]
(3) Any alteration of, or structure on, a coastal dune or within 100 feet of a coastal dune shall not have an adverse effect on the coastal dune by:
 - (a) affecting the ability of waves to remove sand from the dune;
 - (b) disturbing the vegetative cover so as to destabilize the dune;

- (c) causing any modification of the dune form that would increase the potential for storm of flood damage;
 - (d) interfering with the landward or lateral movement of the dune;
 - (e) causing removal of sand from the dune artificially; or
 - (f) interfering with mapped or otherwise identified bird nesting habitat.
- **Buffer Zone General Provisions:** 10.53(1) “For work in the Buffer Zone subject to review under 310 CMR 10.02(2)(b)3., the Issuing Authority shall impose conditions to protect the interests of the Act identified for the adjacent Resource Area. ... where prior development is extensive, may consider measures such as the restoration of natural vegetation adjacent to a Resource Area to protect the interest of [the Act]. ... The purpose of preconstruction review of work in the Buffer Zone is to ensure that adjacent Resource Areas are not adversely affected during or after completion of the work.”
 - **Buffer Zone Wetlands Bylaw Regulations (Chapter 192 Regulations):**
 - 5.0 25 to 50 Foot Buffer Zone Resource Area
 - 5.1 Any applicant proposing a project within the 25-50 foot buffer zone resource area shall indicate that there are no structures including, but not limited to, concrete, stone, or other impervious foundations and/or slabs for construction purposes that for would significantly increase runoff.
 - 5.2 Alteration of the 25-50 foot buffer zone resource area is limited to grading, tree clearing, stormwater management system components, lawns, gardens, and other low-impact uses as determined by the Commission or otherwise approved by the Commission by the variance procedures set forth in Section 8.0 of this regulation. Footings for building structures, such as a deck, as opposed to slabs or foundations, shall be used when technically feasible.
 - 5.4 Previously disturbed areas: When there is a pre-existing disturbance (disturbed as part of a previously recorded Certificate of Compliance or Determination of Applicability or disturbed prior to the enactment of the Massachusetts Wetlands Protection Act (MGL Ch. 131 §40) and the Fairhaven Wetlands Bylaw (Chapter 192)), and the work proposed is entirely within this previously disturbed area, an applicant may propose impervious surfaces or other uses, such as pools, buildings, porches, and sheds within the 25-50 foot buffer zone resource area. The Commission shall evaluate the proposed uses based on the demonstration by the applicant that the functions, characteristics, and values of the resource area will not be adversely impacted.
 - 6.0 50 to 100 Foot Buffer Zone Resource Area
 - 6.1 Alterations including structures are allowed in the 50-100 foot buffer zone resource area. The Commission may require additional mitigation offsets when the slope within the buffer zone is steeper than 10%. Additionally, mitigation offsets may be required by the Commission when the applicant proposes that more than 30% of the 50-100 foot buffer zone resource area is proposed to be impervious surface.

PROJECT SUMMARY

- The applicant is seeking to demolish the existing garage and construct a replacement 2-story structure with an associated septic system.

COMMENTS

- MassGIS Oliver maps a portion of the property as a barrier beach. Coastal Zone Management maps show the barrier beach ending short of the property. The applicant has submitted a coastal resources memo that begins to address the delineation of coastal resources on the property.
- The Coastal Manual reviews in detail how to delineate coastal resource areas, including coastal dunes and barrier beaches. It states that when a project may not impact a resource area, a detailed delineation may not be needed. However, when a precise delineation of the resource area is needed, the Coastal Manual provides very specific procedures for how to delineate the different resource areas, including checklists.
- The presence of salt marsh to the east of the property indicates that there may be a barrier beach system on the property, especially given the presence of a barrier beach in the vicinity of the property.
- Additionally, the Coastal Manual states that “when artificial fill (i.e., sediment, not construction debris or other materials) has been placed on coastal sites, the applicant and Commission must assess the *function* of that fill to help define the landform.”
- Even though the property has been used as a garden with an existing garage for many years, it is possible that there is a buried coastal dune on site.
- The Coastal Resources Memo submitted by the applicant does not include transects from the coastal beach landward with subsurface sediment samples obtained from along these transects, as outlined by the Coastal Manual in determining the location of a coastal dune.
- The peer review letter states that the entirety of the subject property consists of a coastal dune on a barrier beach. As such, the project as currently designed does not comply with the Wetlands Protection Act, FEMA flood zone standards, or Title 5. Significant revisions would be required, including but not limited to:
 - Elimination of the septic system (Title 5 prohibits new septic systems in coastal dunes and barrier beaches)
 - Construction of any structure on open pilings only, no breakaway walls or slab
 - All structures must be designed in such a way that do not have an adverse effect on the coastal dune as outlined in the performance standards listed above (310 CMR 10.28)
- The applicant has not yet provided a response to the peer review letter.

RECOMMENDATION

- I reserve making a recommendation until I have more information from the applicant with regard to a response to the peer review letter.

COASTAL GEOLOGIC PROFESSIONAL SERVICES



18 March 2022

LETTER OF FINDINGS:

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

Per the request of the Fairhaven Conservation Commission, I have conducted a review of the property located across the street from 66 Winsegansett Ave for the purpose of characterizing landforms that define jurisdictional coastal wetland resource areas per the Massachusetts Wetlands Regulations. As discussed below, I have concluded that the site is located on a barrier beach as this term is defined at 310 CMR 10.29.

My review is based on my academic and professional experience as a Coastal Geologist of over 20 years; ten years as Chair of the Department of Marine Geology at the Center for Coastal Studies, 8 years as a researcher, and currently a Research Fellow, at the University of Massachusetts, Boston and 2 years as a Coastal Geologist (2003-2005) with the Massachusetts Office of Coastal Zone Management (CZM) where I provided technical assistance to the public and the Massachusetts Department of Environmental Protection (DEP) on projects located in the coastal zone. My findings are based on the following:

- A review of the Notice of Intent (NOI) and accompanying documents provided by you.
- Publicly available spatial information related to coastal wetland resources downloaded from CZM's Massachusetts Ocean Resource Information System (MORIS) website and incorporated into a Geographic Information System (GIS) project.
- A field inspection conducted on March 1, 2022 to view the site and the surrounding area, the geologic setting, and a test pit.

Relevant information and analyses conducted are incorporated into my findings presented below.

Findings

Based on my review of the materials described above, I present the following findings in support of my conclusion that the project site as defined in the Notice of Intent is located on a barrier beach as that term is defined at 301 CMR 29.

Site Description

The site is located on a westward facing shoreline in an area that is delineated as a *Barrier Beach System* within the 2005 Wetlands GIS data layer created by the Massachusetts Department of Environmental Protection (DEP). This system is attached to the mainland at its southeast end and has a tidal inlet immediately to north that allows the unrestricted flow of tidal waters into the backing salt marsh that separates the barrier beach from the mainland. Moving landward from the coastal beach, based on guidance provided in the Coastal Wetland Manual, the barrier beach in the area of the project site consists largely of coastal dunes. This is evident based on the form and function of these areas as discussed below.

At the site visit on March 1st 2022 a test pit was dug perpendicular to the shoreline to the water table, a depth more than 6 feet below the surface. The pit was examined, data were collected, pictures were taken, and sediment samples were visually analyzed. The upper 2-3 feet was well-mixed, organic rich soil that was consistent with material that had been altered by humans, and did not show any characteristics of glacial till as defined by the United States Geological Survey (USGS) cited in the 'Coastal Manual':

"Till is an unsorted and unstratified accumulation of glacial sediment, deposited directly by glacier ice. Till is a heterogeneous mixture of different sized material deposited by moving ice (lodgement till) or by the melting in-place of stagnant ice (ablation till). After deposition, some tills are reworked by water."

Although to a lesser extent, the effects of human alteration were also evident below the top 2-3 feet down to the water table with soils inconsistent with glacial till. The soil below the water table exhibited a well-sorted, fine- to medium-grained sand consistent with a coastal beach/coastal dune environment. Based on these observations, it is my professional opinion that the project site sits on a coastal dune. Further, The WPA Regulations (310 CMR 10.29) define barrier beach as:

"a narrow low-lying strip of land generally consisting of coastal beaches and coastal dunes extending roughly parallel to the trend of the coast. It is separated from the mainland by a narrow body of fresh, brackish or saline."

The project site is located clearly in an area that exhibits these geomorphological characteristics of a barrier beach consisting of coastal beach and dunes.

Function

1. In addition to the geomorphology of the landform, the Wetlands regulations (310 CMR 10.00) emphasize the significance of the function of barrier beaches and coastal dunes.

While all coastal dunes are likely to be significant to storm damage prevention and flood control, all coastal dunes on barrier beaches...are per se (inherently) significant to storm damage protection and flood control [310 CMR 10.29(1)].

As a landform that is per se significant to storm damage protection and flood control, regardless of whether a site is a natural coastal dune or one that has been altered by development the

underlying landform still provides flood control and/or storm damage prevention. Therefore, the project site still provides the beneficial, and protected, functions of the larger barrier beach system including flood prevention, storm damage protection, attenuation (dampening) of storm waves and/or reduction of coastal erosion for those areas behind it.

As stated above the site and surrounding area consists of a low-lying coastal area with a fronting coastal beach that is very consistent with typical landforms and features associated with barrier beaches including a barrier connected at one end with salt marsh behind it.

Based on my findings presented above, it is my professional opinion that the entirety of the subject site consists of a coastal dune on a barrier beach as those terms are defined at 310 CMR 10.28 and 1310 CMR 10.28, respectively.

Please feel free to contact me with any questions.

Sincerely,

A handwritten signature in blue ink that reads "Mark Borrelli".

Mark Borrelli, PhD
Coastal Geologist

Staff Report

Date: March 30, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **144 Shaw Road – Buffer Zone Variance Request**

DOCUMENTS REVIEWED

- Buffer Zone Regulations Variance Request and associated documentation
- Fairhaven Wetlands Bylaw (Chapter 192) and associated regulations
- Town Counsel's response

RESOURCE AREAS ON/NEAR SITE

- Riverfront Area
- Bordering Vegetated Wetland
- Buffer Zone

RELEVANT PERFORMANCE STANDARDS

- For the purposes of this request, no work is proposed, only a buffer zone variance request.
- **Buffer Zone Wetlands Bylaw Regulations (Chapter 192 Regulations):**
 - 4.0 0 to 25 Foot Buffer Zone Resource Area
 - 4.1 An applicant shall demonstrate that no alteration is proposed within the 0-25 foot buffer zone resource area.
 - 4.2 The Commission may, in its discretion, permit a MBZA in a location closer than 25 feet to the resource area if, and only if, the proposed activity occurs exclusively within a previously disturbed area and is located no closer to the resource area than existing structures, activities, or disturbances. However, it is encouraged to increase the width of the buffer zone where possible.
 - 5.0 25 to 50 Foot Buffer Zone Resource Area
 - 5.1 Any applicant proposing a project within the 25-50 foot buffer zone resource area shall indicate that there are no structures including, but not limited to, concrete, stone, or other impervious foundations and/or slabs for construction purposes that would significantly increase runoff.
 - 5.2 Alteration of the 25-50 foot buffer zone resource area is limited to grading, tree clearing, stormwater management system components, lawns, gardens, and other low-impact uses as determined by the Commission or otherwise approved by the Commission by the variance procedures set forth in Section 8.0 of this regulation. Footings for building structures, such as a deck, as opposed to slabs or foundations, shall be used when technically feasible.
 - 5.4 Previously disturbed areas: When there is a pre-existing disturbance (disturbed as part of a previously recorded Certificate of Compliance or Determination of Applicability or disturbed prior to the enactment of the Massachusetts

Wetlands Protection Act (MGL Ch. 131 §40) and the Fairhaven Wetlands Bylaw (Chapter 192)), and the work proposed is entirely within this previously disturbed area, an applicant may propose impervious surfaces or other uses, such as pools, buildings, porches, and sheds within the 25-50 foot buffer zone resource area. The Commission shall evaluate the proposed uses based on the demonstration by the applicant that the functions, characteristics, and values of the resource area will not be adversely impacted.

8.0 Variance Procedure

- 8.1 The Commission may grant a variance from this regulation upon a showing by the applicant that any proposed activity, or its natural and consequential impacts and effects, will not have any adverse effect upon any of the interests protected in Chapter 192 of the Code of the Town of Fairhaven (Wetlands). It shall be the responsibility of the applicant to provide the Commission, in writing, with any and all information, which the Commission may request, in order to enable the Commission to ascertain such adverse effects. The failure of the applicant to furnish any information, which has been requested, shall result in the denial of a request for a variance pursuant to the applicable subsection of this regulation.
- 8.2 The Commission may grant a variance from this regulation when it is necessary to avoid so restricting the use of the property as to constitute an unconstitutional taking without compensation. If the Commission receives an application for a variance pursuant to an applicable subsection of this regulation, the Commission may request an opinion from Town Counsel as to whether the application of this regulation to a particular project will result in such a taking without compensation.
- 8.3 Variance process: To request a variance, the applicant shall submit a variance request in writing at the time of the application for the Notice of Intent or Request for Determination of Applicability. The request shall explain why the variance is needed and shall describe in detail how the project can be completed without significant adverse impacts on the functions, characteristics, and values of the resource areas. Such detail must include, but is not limited to, an alternatives analysis.

PROJECT SUMMARY

- The applicant is seeking a variance to the Buffer Zone regulations to allow work within the 0-25-foot no-disturb zone and the 25-50-foot no build zone.

COMMENTS

- The applicant has noted the following items in their variance request:
 - There is a minimal amount of upland area on the property due to the property not being property maintained
 - The applicant is proposing to construct a retaining wall with a split rail fence as a permanent barrier 5 feet from the wetland line.
 - The proposed house will be located between 13.8 and 18 feet from the wetland line.
 - There was previously disturbance on the front part of the property and there are existing concrete pads.

- The applicant has also submitted a proposed site plan for discussion purposes. They are not seeking approval on the site plan, only the Commission's determination on the variance request.
- The wetland line was flagged by the applicant's wetland scientist in 2019. It has not been verified or approved by the Commission.
- During a site visit to the property, I was not able to verify the accuracy of the wetland line as depicted on the plan. There was evidence of hydric soils and wetland vegetation in the area marked as upland on the plans. Additionally, there was evidence of fill in the area labeled as upland on the plans, which changes how a wetland boundary is evaluated.
- When an area has been disturbed (e.g. by cutting, filling, or cultivation), the determination of a wetland boundary does not require using both hydric soils and vegetation. Additionally, credible evidence from a competent source that the area supported or would support under undisturbed conditions a predominance of wetland indicator plants prior to the disturbance can be used to determine the wetland boundary.
- The Commission should consider whether they are comfortable considering a variance to the buffer zone regulations with a wetland line that is not approved.
- Town Counsel provided an opinion that enforcing the buffer zone regulations for this property would likely not be a taking based on his assessment of the subject lot and surrounding lots.

RECOMMENDATION

- I reserve making a recommendation based on the discussion of the Commission.



Whitney McClees <wmcclees@fairhaven-ma.gov>

Buffer Zone Variance Request Review

Thomas P. Crotty <tomcrotty@tcrottylaw.com>
Reply-To: tomcrotty@tcrottylaw.com
To: Whitney McClees <wmcclees@fairhaven-ma.gov>

Tue, Mar 15, 2022 at 1:24 PM

Whitney

The determination of whether the regulation of property results in a taking for federal or state constitutional purposes is always dependent on the facts peculiar to each case. In some cases where a proposed use of property is prohibited, there has clearly been a taking. But in most cases, even where a proposed use is absolutely prohibited, that determination is not obvious. Many times it turns out that the prohibition does not rise to the level of a taking.

I'll try to summarize it as a three step process.

Step One - IDENTIFY THE PROPERTY IN QUESTION:

The first factual determination is to identify what property is the subject of the claim of taking. Generally where the owner of the subject property also owns abutting property, the properties are considered merged for the purpose of this takings analysis. In the present case the subject property (148 Shaw Road) is owned by Thomas Carvalho, and he and his daughter own the abutting property at 144 Shaw Road, where they live. He added her as a co-owner only a few years ago. Both of those lots were part of the much larger farm that he was given by his family decades ago. These two lots would be treated as merged if he effectively controls the properties. And if they are treated as merged, then the regulations have caused minimal impact on the use of the merged property, and would not be considered a taking. (You wouldn't need to consider steps two and three.)

Step Two - WHERE THERE HAS BEEN A COMPLETE DEPRIVATION OF USE OF THE PROPERTY:

If the two lots are not considered to be merged then the next step is to analyze whether the regulation deprives the owner of all economically beneficial use of the subject property, that is 148 Shaw Road. If there are no other potential uses, then the regulation has resulted in a taking. (You wouldn't need to consider step three.)

But if there are other potential uses, even if they are minimal – such as recreational activities, or agricultural use - then the regulations may not have resulted in a taking. That determination depends on looking deeper into the circumstances, as described in step three.

Step Three - WHERE THERE HAS NOT BEEN A COMPLETE DEPRIVATION OF USE OF THE PROPERTY:

If there has not been a complete deprivation of use, then the circumstances that must be looked at include the following:

- The actual economic impact – has the owner suffered an actual loss? Was there any real likelihood that the owner could have derived much economic benefit from the property, and if so to what extent has the regulation impacted that benefit? It appears this parcel has been left dormant

for years, with little or no expectation that it would be sold for development. That decreases the likelihood that preventing its use as a house lot caused an actual economic benefit.

- The investment in the property – has the regulation deprived the owner of his investment backed expectations? In this case, the owner acquired this parcel from his family as part of a much larger farm. He apparently paid little if anything for it, and probably put little or no investment into it for the purpose of development.
- The character of the governmental action – what public purpose is served by the regulation? A reasonable regulation that limits the use of property in order to avoid potential harm to public interests is generally not considered a taking. In this case, the protection of wetlands from harmful impacts is a reasonable public purpose. If that regulation prohibits certain construction, but allows other uses of the property, that would probably not be considered a taking.

The analysis that I have summarized above would be done by a judge. If the judge decides that there has been a taking the case would then go to a jury to decide the damages that have been suffered. Generally the measure of damages is the difference between the value of the property if the regulation had not restricted the proposed use, and the value with that restriction in place.

In summary I would think the facts in this case lean strongly to the conclusion that this would not be a taking. But that would ultimately have to be determined by a court.

Please let me know if you have any other questions in this regard.

Tom

[Quoted text hidden]



TOWN OF FAIRHAVEN, MASSACHUSETTS

CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

Buffer Zone Regulations Variance Request

Pursuant to Section 8.0 of the Buffer Zone Regulations under the Fairhaven Wetlands Bylaw, Chapter 192, the Commission may grant a variance from the regulations upon a showing by the applicant that any proposed activity will not have any adverse effect upon any of the interests protected in Chapter 192 of the Code of the Town of Fairhaven (Wetlands).

Location of Proposed Project: 144 Shaw Road Map 32 Parcel 32A

Owner/Applicant Name: Thomas Carvalho

Mailing Address: 148 Shaw Road, Fairhaven, MA 02719

Phone Number: (508) 266-1415 Email: mechanician@outlook.com

Contractor/Representative: Schneider, Davignon & Leone, Inc. Phone Number: (508) 758-7866

Type of Application Submitted: NOI RDA

Project Description:

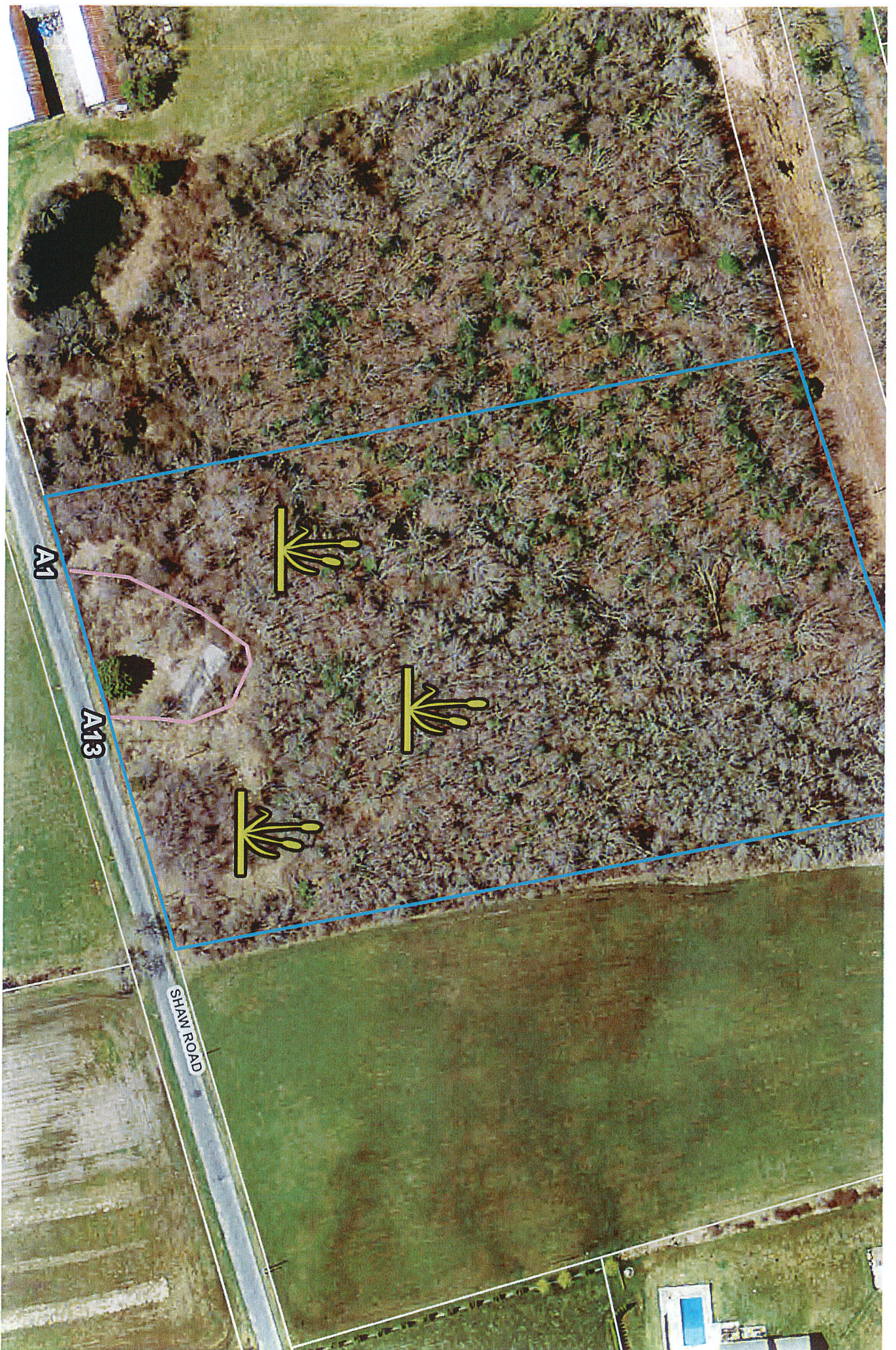
The Applicant proposes the re-development of a 5.9 acre residential house lot which previously had an address of 144 Shaw Road and is further identified as Lot #32 on Assessors Map #32. See attachments: 1. Assessors Map, 2. DEP Data Forms 3. Historical Aerial, 4. Family Photo of former Mobile Home, 1-28-22 Site Plan.

Explanation of why variance is needed: *Please describe in detail how the project can be completed without significant adverse impacts on the functions, characteristics, and values of the resource areas. Such detail must include, but is not limited to, an alternatives analysis. Attach additional sheets as necessary.*

The Applicant requests that the Conservation Commission grant a Variance from Chapter 192 of the Code of the Town of Fairhaven (Wetlands), specifically from Section 1.3 and 1.4 for regulated activity within the 0-25' and 25 - 50' buffer zones, respectively. There is a minimal amount of upland area which is available due to the property not being properly maintained. Therefore the Applicant proposes to construct a retaining wall together with a split rail fence as a permanent barrier to be located 5 feet from the edge of the wetland line. The house will be located 13.8' from the west wetland and 14' from the east wetland and the deck will be located 18' from the north wetland line.

Due to the encroachment of the wetland into the historically occupied areas - the only alternative would be "No Build" - effectively meeting the requirements of Section 8.2 for a taking without compensation.

The project provides various development components to minimize any potential adverse impacts from erosion, siltation, loss of groundwater recharge, reduced water quality and damage to or loss of wild life habitat such as a pervious paver driveway, the planting of highbush blueberry strips along the upland side of the retaining wall. Lawn areas will be minimized and all stormwater from the roof and lawn areas will be retained on the site by constructing the retaining wall with its top elevation set 3" above the finish grade.



A1

A13

SHAW ROAD



Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site?

YES

Title/date:

Bristol County South, 1981

Map number:

Accessed via GIS

Soil type mapped:

RdB - Ridgebury fsl, 3 - 8% slopes

Hydric soil inclusions:

Other Indicators of Hydrology: (check all that apply & describe)

Site Inundated:

Depth to free water in observation hole: 4"

Depth to soil saturation in observation hole: 0"

Water marks:

Drift lines:

Sediment Deposits:

Drainage patterns in BVW:

Oxidized rhizospheres:

Water-stained leaves:

Recorded Data (streams, lake, or tidal gauge; aerial photo):

Other:

2. Soil Description

Horizon	Depth	Color	Redox
A	0-12	10YR 2/2 fsl	-
Cg	12-20	2.5Y 6/2 sl	7.5YR 4/6

Remarks:

3. Other: Rosa Multi only present along the wetland line

Conclusion: Is soil hydric? YES

Vegetation & Hydrology Conclusion		YES	NO
Number of wetland indicator plants ≥ # of non-wetland indicator plants		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Wetland hydrology present		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hydric soil		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other indicators of hydrology		<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sample location is in a BVW		YES	

MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant:

Prepared by: **Ecosystem Solutions**

Project Location: **Shaw Rd., Fairhaven**

DEP File #:

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I.

Observation Plot Number:

W

Transect #:

A9

Date:

4/24/2019

	Common Name	Scientific Name	Percent Cover	Percent Dominance	Dominant Plant?	Wetland Indicator Plant?	Wetland Indicator Category
Ground	Unidentified fern	<i>unidentified weed</i>	63	75	YES	NO	NI
	Sensitive fern *	<i>Onclea sensibilis</i>	20.5	25	YES	YES	FACW
Shrub	Sweet pepperbush *	<i>Clethra alnifolia</i>	20.5	66	YES	YES	FAC+
	American witch-hazel	<i>Hamamelis virginiana</i>	10.5	34	YES	NO	FAC-
	Red maple *	<i>Acer rubrum</i>	85.5	81	YES	YES	FAC
Tree	Black gum *	<i>Nyssa sylvatica</i>	20.5	19	NO	YES	FAC

FAC, FAC+, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk

Vegetation conclusion:

Number of dominant wetland indicator plants:

3

Number of dominant non-wetland indicator plants:

2

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants?

YES

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site?

Title/date:

Map number:

Soil type mapped:

Hydric soil inclusions:

YES

Bristol County South, 1981

Accessed via GIS

Wha - Whitman esfsl, 0 - 3% slopes

Other Indicators of Hydrology: (check all that apply & describe)

Site Inundated:

Depth to free water in observation hole:

Depth to soil saturation in observation hole:

Water marks:

Drift lines:

Sediment Deposits:

Drainage patterns in BWV:

Oxidized rhizospheres:

Water-stained leaves:

Recorded Data (streams, lake, or tidal gauge; aerial photo):

Other:

Are field observations consistent with soil survey? Yes

Remarks:

2. Soil Description

Horizon	Depth	Color	Redox
^A	0-24+	10YR 2/2 fsl	-

Remarks: Fill material around old concrete trailer pad, no redox observed.

3. Other:

Conclusion: Is soil hydric? NO

Vegetation & Hydrology Conclusion		YES	NO
Number of wetland indicator plants ≥ # of non-wetland indicator plants	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wetland hydrology present	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hydric soil	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other indicators of hydrology	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sample location is in a BWV			NO

MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant:

Prepared by: Ecosystem Solutions

Project Location: Shaw Rd., Fairhaven

DEP File #:

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I.

Observation Plot Number: U

U

Transect #: A9

A9

Date:

4/24/2019

	Common Name	Scientific Name	Percent Cover	Percent Dominance	Dominant Plant?	Wetland Indicator Plant?	Wetland Indicator Category
Ground	Goldenrod	<i>Solidago sp.</i>	85.5	100	YES	NO	FACU
	Sassafras	<i>Sassafras albidum</i>	20.5	25	YES	NO	FACU-
Shrub	Multiflora rose	<i>Rosa multiflora</i>	63	75	YES	NO	FACU
	Gray birch*	<i>Betula populifolia</i>	10.5	100	YES	YES	FAC

FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk

Vegetation conclusion:

Number of dominant wetland indicator plants: 1

1

Number of dominant non-wetland indicator plants: 3

3

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? NO

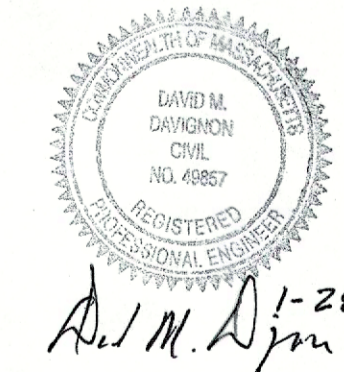
NO

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent



Inked2012 aerial.jpg





A. M. Dym 1-20-22


SITE INFORMATION:
 SITE ADDRESS: 144 SHAW ROAD
 ASSESSORS MAP # 32
 ASSESSORS LOT # 32A
 ZONING DISTRICT: AGRICULTURAL
 BUILDING SETBACKS:
 FRONT: 50' SIDE: 30'
 REAR: 50'
 FEMA FLOOD ZONE: X ELEV N/A
 F.I.R.M. PANEL NO.: 25005C0413G
 OWNER OF RECORD:
 THOMAS CARVALHO
 149 SHAW ROAD
 FAIRHAVEN, MA 02719
 SEE DEED BOOK 1856, PAGE 151

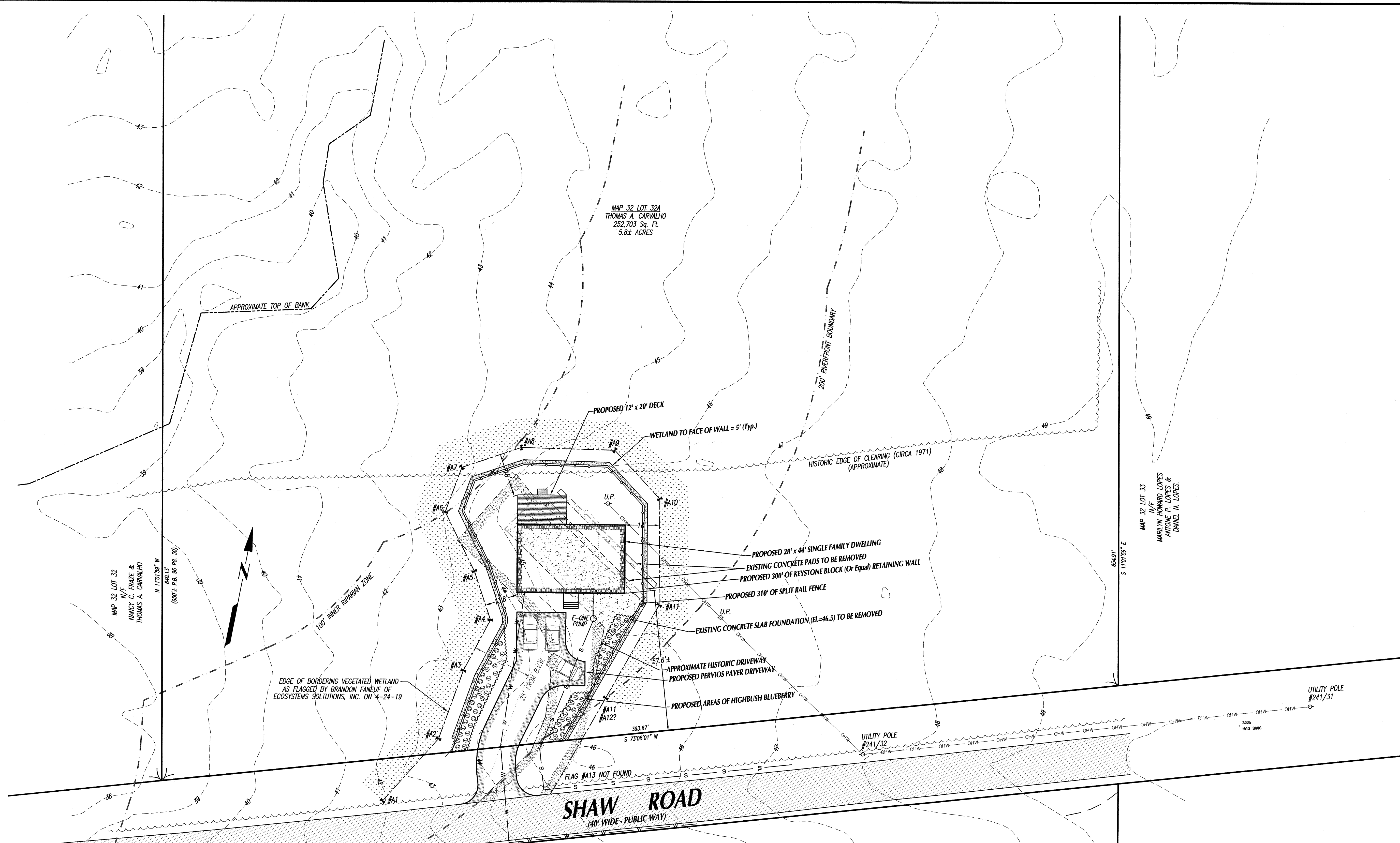
Rev. #	DATE	BY	DESCRIPTION
1			

SITE PLAN
 FOR PROPERTY LOCATED AT
144 SHAW ROAD
 IN **FAIRHAVEN, MA.**
 PREPARED FOR
THOMAS CARVALHO

SCALE: 1"=20' DATE: JANUARY 28, 2022
 0 10 20 40 60

SCHNEIDER, DAVIGNON & LEONE, INC.
 PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
 1 COUNTY RD, P.O. BOX 480, MATTAPOISETT, MA 02739
 1-508-758-7866


 Drawn By: D.M.D. Check By: D.M.D. Job No. 3160



MAP 32 LOT 32
N 177°58' W
NANCY C. FROZE &
THOMAS A. CARVALHO
(689± P.B. & P.C. 30)

MAP 32 LOT 32A
THOMAS A. CARVALHO
252,703 Sq. Ft.
5.8± ACRES

MAP 32 LOT 33
N 177°58' E
MARILYN HOWARD LOPES
ANTONE P. LOPES &
DANIEL N. LOPES

EDGE OF BORDERING VEGETATED WETLAND
AS FLAGGED BY BRANDON FANEUF OF
ECOSYSTEMS SOLUTIONS, INC. ON 4-24-19

SHAW ROAD
(40' WIDE - PUBLIC WAY)

A. M. D. Jm
1-20-22

SITE INFORMATION:
SITE ADDRESS: 144 SHAW ROAD
ASSESSORS MAP # 32
ASSESSORS LOT # 32A
ZONING DISTRICT: AGRICULTURAL

BUILDING SETBACKS:
FRONT: 50' SIDE: 30'
REAR: 50'

FEMA FLOOD ZONE: X ELEV N/A
F.I.R.M. PANEL NO.: 25005C0413G

OWNER OF RECORD:
THOMAS CARVALHO
148 SHAW ROAD
FAIRHAVEN, MA 02719
SEE DEED BOOK 1856, PAGE 151

Rev. #	DATE	BY	DESCRIPTION
1			

SITE PLAN
FOR PROPERTY LOCATED AT
144 SHAW ROAD
IN **FAIRHAVEN, MA.**
PREPARED FOR
THOMAS CARVALHO

SCALE: 1"=20' DATE: JANUARY 28, 2022

SCHNEIDER, DAVIGNON & LEONE, INC.
PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
1 COUNTY RD, P.O. Box 480, MATTAPOISETT, MA 02739
1-508-758-7866

Drawn By: D.M.D. Check By: D.M.D. Job No. 3160

Staff Report

Date: March 31, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **18 Almond Street – Violation/Enforcement**

DOCUMENTS REVIEWED

- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192) and associated regulations
- Fairhaven Stormwater Bylaw (Chapter 194)

RESOURCE AREAS ON/NEAR SITE

- Salt Marsh
- Coastal Beach
- Buffer Zone
- Land Subject to Coastal Storm Flowage

VIOLATION SUMMARY AND COMMENTS

- A cease and desist was issued by a member of the Commission for work without a permit.
- The area behind the house was being prepared for a concrete patio and associated stairs.
- I conducted a site visit with the property owner's representative to discuss the work that had been started and the work that was being considered.
- I informed the property owner's representative of the Commission's buffer zone regulations prohibiting new impervious surfaces that would significantly increase runoff within 50 feet of a resource area.
- The property owner or their representative will be attending the April 11 meeting to discuss the violation with the Commission.
- The Commission could require the property owner file an after-the-fact Notice of Intent so the project can receive its proper permit and be conditions appropriately.

Staff Report

Date: March 31, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **47 Mangham Way – Violation/Enforcement**

DOCUMENTS REVIEWED

- Submitted pipe relocation plan
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192) and associated regulations
- Fairhaven Stormwater Bylaw (Chapter 194)

RESOURCE AREAS ON/NEAR SITE

- Bordering Vegetated Wetland
- Buffer Zone

PROJECT SUMMARY

- The Commission voted to require all pipes that are currently discharging off the property directly into a wetland resource area be relocated so they discharge onto the subject property.

COMMENTS

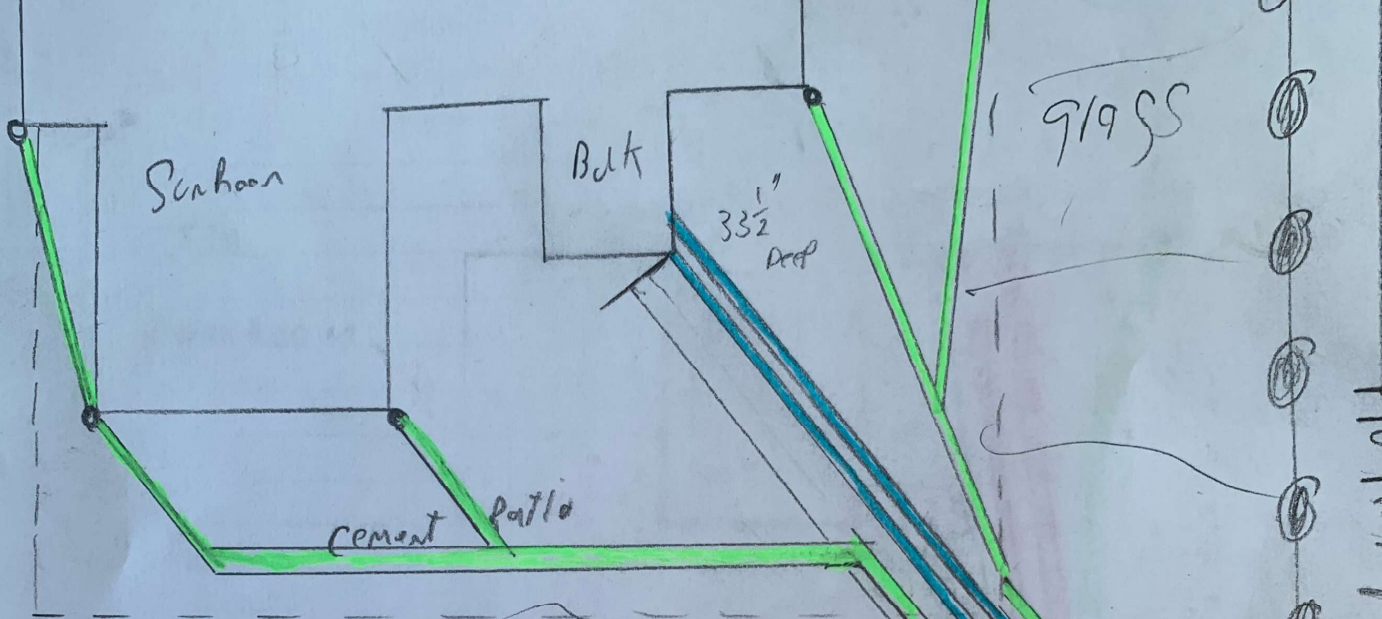
- The property owner submitted a plan for pipe relocation to discontinue drainage off the property into the adjacent wetland area.
- The four pipes that currently drain off the property will be cut and capped at the property line and two additional pipes will be added to direct the water to the rear of the property.
- The work will require a 1-foot-wide trench starting at approximately 16 inches deep and finishing at grade. The trench will occur within existing lawn and will be filled and seeded once the pipes are installed.
- The length of the trench is approximately 60 feet.

RECOMMENDATION

- I recommend approving the pipe relocation plan for 47 Mangham Way as presented with the condition that photographs be submitted to the Commission prior to, during, and following the work.

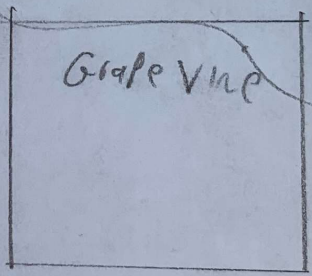
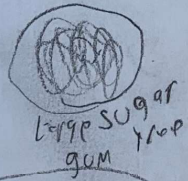
47 Mans Ham Way

House



RUGS

- gutter down spout pipes
- sump pump pipes
- proposed tying
- 2 gutter pipes - 1
- 2 sump pump pipes - 1

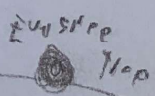
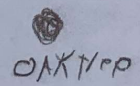


Foot print of Cement patio (Existing)

RUGS

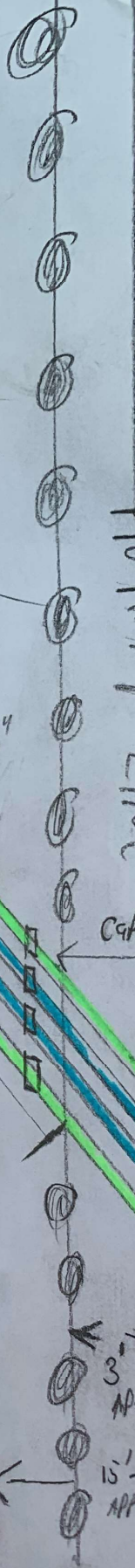
At Bar Vibe trees

— need to dig approx 1' wide trench starting at 16" deep and coming out above grade at 60' tying 4 pipes to 2



60' APPROX

Field - drops off



Staff Report

Date: March 31, 2022
To: Conservation Commission
From: Whitney McClees, Conservation Agent
Subject: **12 Diamond Street – Violation/Enforcement**

DOCUMENTS REVIEWED

- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192) and associated regulations
- Fairhaven Stormwater Bylaw (Chapter 194)

RESOURCE AREAS ON/NEAR SITE

- Land Subject to Coastal Storm Flowage (LSCSF) Zone VE and AE
- Buffer Zone to Bordering Vegetated Wetland

RELEVANT PERFORMANCE STANDARDS

- **LSCSF General Provisions:** 10.24(1) “If the issuing authority determines that a resource area is significant to an interest identified in [the Act]...,the issuing authority shall impose such conditions as are necessary to contribute to the protection of such interests.”
- **Buffer Zone Wetlands Bylaw Regulations (Chapter 192 Regulations):**
 - 4.0 0 to 25 Foot Buffer Zone Resource Area
 - 4.1 An applicant shall demonstrate that no alteration is proposed within the 0-25 foot buffer zone resource area.
 - 4.2 The Commission may, in its discretion, permit a MBZA in a location closer than 25 feet to the resource area if, and only if, the proposed activity occurs exclusively within a previously disturbed area and is located no closer to the resource area than existing structures, activities, or disturbances. However, it is encouraged to increase the width of the buffer zone where possible.
 - 5.0 25 to 50 Foot Buffer Zone Resource Area
 - 5.1 Any applicant proposing a project within the 25-50 foot buffer zone resource area shall indicate that there are no structures including, but not limited to, concrete, stone, or other impervious foundations and/or slabs for construction purposes that for would significantly increase runoff.
 - 5.2 Alteration of the 25-50 foot buffer zone resource area is limited to grading, tree clearing, stormwater management system components, lawns, gardens, and other low-impact uses as determined by the Commission or otherwise approved by the Commission by the variance procedures set forth in Section 8.0 of this regulation. Footings for building structures, such as a deck, as opposed to slabs or foundations, shall be used when technically feasible.

- 5.4 Previously disturbed areas: When there is a pre-existing disturbance (disturbed as part of a previously recorded Certificate of Compliance or Determination of Applicability or disturbed prior to the enactment of the Massachusetts Wetlands Protection Act (MGL Ch. 131 §40) and the Fairhaven Wetlands Bylaw (Chapter 192)), and the work proposed is entirely within this previously disturbed area, an applicant may propose impervious surfaces or other uses, such as pools, buildings, porches, and sheds within the 25-50 foot buffer zone resource area. The Commission shall evaluate the proposed uses based on the demonstration by the applicant that the functions, characteristics, and values of the resource area will not be adversely impacted.
- 6.0 50 to 100 Foot Buffer Zone Resource Area
- 6.1 Alterations including structures are allowed in the 50-100 foot buffer zone resource area. The Commission may require additional mitigation offsets when the slope within the buffer zone is steeper than 10%. Additionally, mitigation offsets may be required by the Commission when the applicant proposes that more than 30% of the 50-100 foot buffer zone resource area is proposed to be impervious surface.

VIOLATION SUMMARY AND COMMENTS

- I received a report of the placement of a camper in the flood zone with associated gravel fill and cutting of vegetation.
- I sent a letter to the property owner asking them to contact me to determine what had occurred and schedule a site visit.
- The property owner contacted me and scheduled a site visit for March 23.
- The property contains both AE and VE flood zones. The location of the camper, fill, and vegetation clearing is predominantly in the velocity flood zone, with a portion in the AE flood zone.
- The property owner indicated they had fully disconnected the camper and no one was living in it. They are in the process of cleaning it up so it can be sold. Once the camper is sold, the property owner would like to remove the stone that was placed for the camper and return the area to lawn.
- With regard to the vegetation that was cut down, no roots were removed and most of the vegetation was invasive bittersweet and Japanese knotweed. The property owner would like to maintain the front portion of the area that was cut down so there is less of a danger for his children being hit by a car coming around the corner due to visibility issues.
- The property owner was very amenable to supplemental plantings, especially in the 0-25 foot buffer zone to the wetland, and whatever else the Commission may require.
- I recommended he come to the April 11 meeting to discuss next steps with the Commission.
- The Commission could require an after-the-fact Notice of Intent or Request for Determination be issued or issue an Enforcement Order requiring a restoration plan.
 - The Order of Conditions resulting from a Notice of Intent would be recorded on the deed. Neither a determination nor an enforcement order with restoration would be recorded.
- The Commission will need to determine whether the violation is better addressed through an after-the-fact filing or by enforcement.

Staff Report

Date: March 31, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **4 Earle Street – Violation/Enforcement**

DOCUMENTS REVIEWED

- Restoration plan and narrative
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192) and associated regulations
- Fairhaven Stormwater Bylaw (Chapter 194)

RESOURCE AREAS ON/NEAR SITE

- Bordering Vegetated Wetland
- Buffer Zone
- Priority Habitat for Rare and Endangered Species

VIOLATION SUMMARY AND COMMENTS

- The violation originates from February 2020. The Commission required that a planting plan be submitted by May 24, 2022 to address the debris that was pushed to the rear of the property into the wetlands and the planting of native vegetation.
- The initial planting plan was submitted in May 2020, at which time I requesting comments from Natural Heritage given the entire area where the unpermitted work occurred is mapped priority habitat. I also provided comments for revision. The revised plan was then submitted in June 2020. Natural Heritage did not provide any comments at that time.
- The Commission reviewed the proposed restoration at the June 22, 2020 meeting and asked that the property owners work with the Agent to revise the planting plan and incorporate comments from Natural Heritage once received.
- I provided additional revision suggestions to the property owner in July 2020. I did not receive a newly revised plan until April 2021 after several requests for more information.
- I submitted the newly revised plan to Natural Heritage for their review and received comments in May 2021. In June 2021, I provided the comments from Natural Heritage to the property owner.
- The property owner asked for clarification of some of the comments from Natural Heritage in September 2021. I provided further information to assist with incorporating the comments from Natural Heritage into the planting plan.
- I did not receive a response to my September 2021 comments until after a member of the Commission responded to a report of work occurring in a resource area at the property on March 16, 2022.

- The property owner submitted a planting plan and narrative that addresses the comments from Natural Heritage as well as comments I have provided over the last two years.
- There is extensive knotweed and bittersweet on site that has overgrown much of the native vegetation.

RECOMMENDATION

- If the Commission has no revisions they would like to see incorporated into the planting plan or narrative, I recommend approving the planting plan.
 - *Possible motion:* Motion to approve the planting plan and narrative for 4 Earle Street, submitted March 21, 2022, with the conditions as outlined in the March 31, 2022 staff report.
1. The work as outlined on the approved planting plan and in the narrative shall be completed no later than November 15, 2022 with a completion report including photographs submitted to the Fairhaven Conservation Commission no later than December 15, 2022.
 2. ACC-1: The Conservation Commission, its employees, and its agents shall have a right of entry to inspect or compliance with the provisions of this Order of Conditions.
 3. ADD-1: The Commission reserves the right to impose additional conditions on any or all portions of this project that could impact an area of statutory interest under the Fairhaven Wetlands Bylaw, subject to 192-6D.
 4. All work shall be done in accordance with the restoration plan and narrative as attached to this approval by the Commission. Any deviation must be approved by this Commission in writing prior to commencing work involved in this deviation.
 5. The planting plan and narrative shall apply to any successor in interest or successor in control of the property subject to this order and to any contractor or other person performing work conditioned by this order.
 6. No work beyond what is outlined in the restoration plan shall be done on the property without seeking an Order of Conditions or Negative Determination of Applicability from the Conservation Commission.
 7. PCC-2: A site conference shall be held at least forty-eight hours prior to the commencement of permitted activity for the purpose of reviewing and discussing the special orders of conditions. The specific timing and location of this conference shall be jointly determined by both commission and applicant liaison representatives. In attendance at this meeting shall be: the property owner, the applicant's representative of record; commission liaison representatives and any other commission representatives wishing to attend; the prime contractor; other contractors or subcontractors as determined by the applicant and/or prime contractor to potentially benefit from a more complete understanding of the special conditions for this project.
 8. The debris that was pushed to the rear of the property in February 2020 must be removed along with the removal of invasive species prior to any new vegetation being planted.
 9. The property owner or their representative shall contact the Agent for an inspection after the removal of the debris and invasive species has been completed and before placement of loam and planting vegetation.

10. MAC-3: All mechanized vehicles under contract, subcontract or lease, participating in any manner, in any phase of activity within resource areas, shall carry on board absorbent materials to immediately respond to inadvertent discharge of petrochemicals.
11. MAC-8: All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders, or any other components shall be fixed immediately.
12. MAC-9: Spill kits shall be maintained on site at all times for the immediate response to any potential spill of anything that could cause harm to resource areas and water bodies.
13. Should at least 75% of the vegetation planted fail to establish within two years of planting, the Commission reserves the right to require additional measures necessary to achieve compliance.
14. The wetland restoration area shall be planted with native species of wetland plants and seed stock, in accordance with the planting schedule provided in the plans and/or modified by this Order. Receipts verifying the purchase of plants must be submitted to the Commission.
15. PS-1: Cultivars of any new vegetation to be installed are not permitted.
16. The disturbed area shall be seeded with a native wildflower mix and shall not be maintained as lawn.













Town of Fairhaven, MA

Conservation Commission
40 Center Street
Fairhaven, MA 02719

RE: 4 Earle ST Fairhaven, MA 02719 – Planting Plan

Large debris bordering the property will be cut down and hauled out. Smaller debris will be chipped or burned, (in accordance with the burning season.)

Our land is a former dumping ground from a tree nursery that used to exist on the property years ago. When they left, they buried hundreds of used Burlap Sacks and plastic planting pots throughout the entire property. In addition, a massive Oriental Bittersweet root system and notoriously invasive Japanese Knotweed root system have devastated the land and vegetation. The combination of the two have proven to be destructive to our land and anywhere they pair up. The Bittersweet root system has already killed numerous beautiful oak trees and plants on our property. To ensure the survival of any new vegetation planted we have to remove as much of the Bittersweet and Knotweed root systems as possible ahead of time. According to experts the only way to truly discourage invasive species colonization is to physically remove as much of the Oriental Bittersweet and Japanese Knotweed root systems as possible.

Prior to planting new vegetation, we will clear the land of these invasive species with a combination of heavy machinery, power tools and by hand. Once the area has been excavated and rid of the invasive species roots systems fresh loam and earth would be spread to replenish what was removed in the root removal process. A Native wildflower mix will cover the current bare areas between plantings. Thereafter, 10 new trees, and over a dozen brushes and ground cover will be planted along with the wildflower mix.

Trees:

- 2 Red Maple trees
- 6 paper birch (*Betula papyrifera*) or a gray birch (*Betula populifolia*)
- 2 Silver maple

Ground Covering & Bushes:

- “Bearberry” kinnikinnick
- American speedwell (*Veronica peregrina*)
- Blackberry bushes

Hedging:

- Northern Arrowwood (*Viburnum recognitum*)
- Diamond willow (*Salix eriocephala*)

The diagram below illustrates the plans for planting a variety of new vegetation:
Sincerely,

Joel & Tasha Cordero
4 Earle Street
Fairhaven, MA
02719
(508)317-1771

Brian Wotton | Owner
BRW Property
Services
(508)685-9934
brwpropserv@yahoo.com
BRWpropertyservices.co
m

**4 Earle St
Fairhaven, MA
Planting Plan**

-  Dead Trees
Being removed
-  Existing Trees
-  New Trees
-  New Bushes & Ground cover
-  Sump pump drain pit and line from the house.

Line will be
trenched and
extended with
PVC Piping to
drain pit at the
back of the
property.



- **Blackberry bushes**
Rubus
- **Northern arrowwood**
Viburnum recognitum Fernald
- **Diamon Willow**
Salix Erioccephala

- GROUND COVER**
- **"Bearberry" kinnikinnick**
Arctostaphylos uva-ursi
 - **American Speedwell**
Veronica Peregrina

- Tree Type:**
1. **Paper Birch**
Betula Papyrifera
 2. **Willow Oak**
Quercus phellos
 3. **Red Maple**
Acer rubrum