

# Staff Report

Date: May 24, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **333 Bridge Street – Request for Extension – DEP# 023-1315,  
Fairhaven CON 023-119**

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## DOCUMENTS REVIEWED

- Request for 3-year extension
- Order of Conditions issued March 11, 2020
- 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
- Inland Bank
- Buffer Zone
- Riverfront Area

## RELEVANT PERFORMANCE STANDARDS

- No work is approved within Bordering Vegetated Wetland or on Bank.
- **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.
- **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.”

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## PROJECT SUMMARY

- The Order of Conditions approved site improvements to the property, some of which will occur within the 100-foot buffer zone to Bordering Vegetated Wetlands and within the 200-foot Riverfront Area.
- The approved project involves the construction of a 900 square foot modernized main entrance and a 7,500 square foot employee wellness amenity space. Portions of the sidewalks, access drive, parking, site utilities, and landscaped areas will be reconfigured, resulting in a 6,000 square foot reduction in impervious surfaces

## COMMENTS

- The applicant has submitted a request for a three-year extension due to construction being delayed approximately 2 years due to COVID.
- The Order of Conditions was issued early March 2020, so it seems to be a reasonable request.
- The Order of Conditions did not approve the boundaries of resource areas on the plan, so the extension would not extend the approval of any line.

## RECOMMENDATION

- I recommend approving the request for extension.
  - *Possible motion:* Motion to extend the Order of Conditions for SE 023-1315, CON 023-119, 333 Bridge Street, to March 11, 2026 under the Wetlands Protection Act and Fairhaven Wetlands Bylaw.

Date: April 22, 2022

Applicant Name: Acushnet Company

Applicant Mailing Address: PO Box 965,  
Fairhaven, MA 02719

RE: Order of Conditions, DEP File #023-1315

Applicant Name: Acushnet Company  
Project Address: 333 Bridge Street, Fairhaven,  
MA 02710

Dear Members of the Conservation Commission,

Please accept this letter as a request for extension for the above-referenced Order of Conditions. I hereby request that the Order be extended for an additional 36 months (maximum of 36 months per permit).


The reason(s) for delay in commencing/completing the project is/are: \_\_\_\_\_  
Construction was delayed by approximately two years due to the Covid pandemic.

The Order of Conditions was recorded at the Registry of Deeds for Bristol (S.D.) County,  
Book 13145, Page 49.

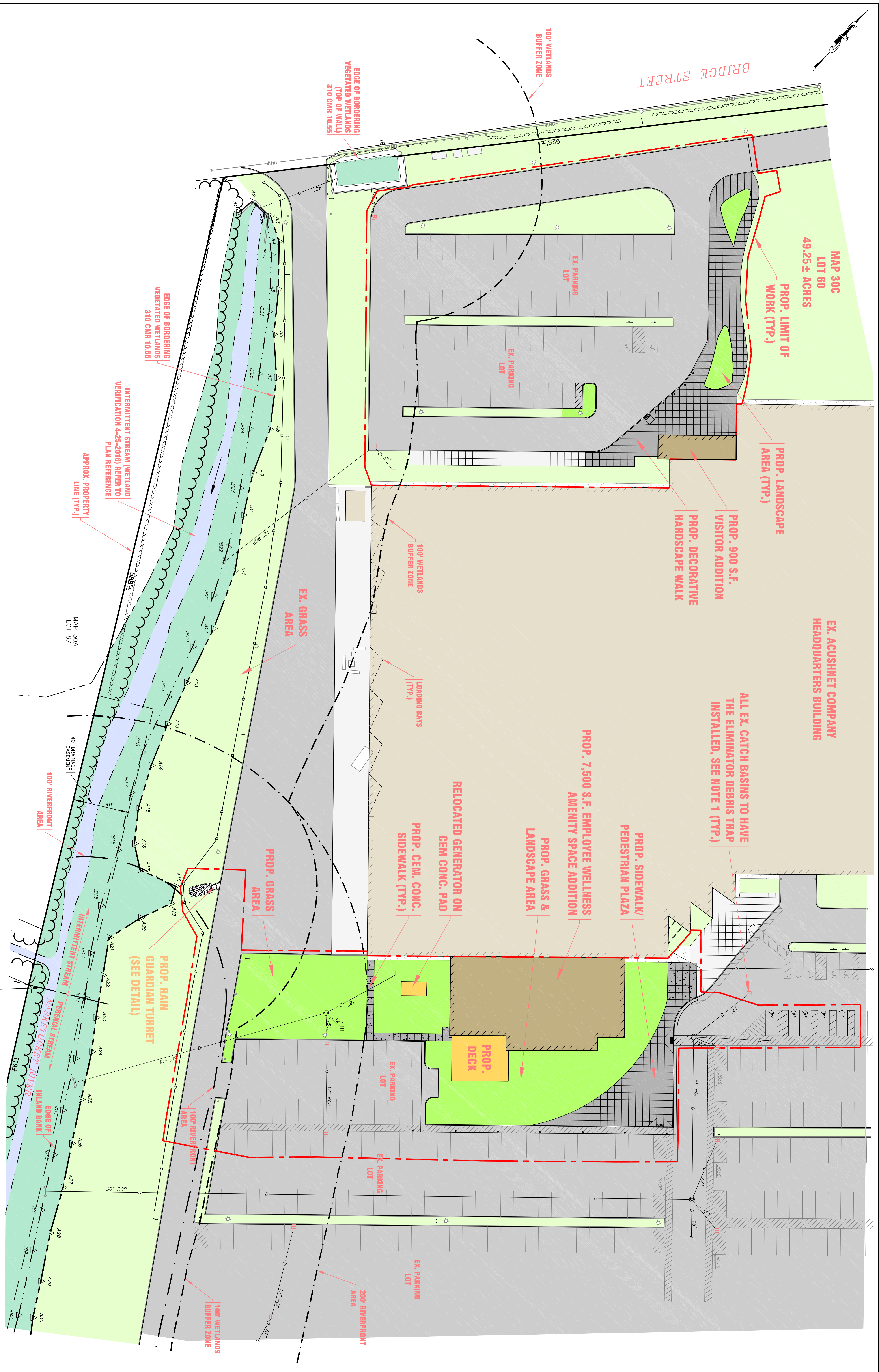
Attached is a check payable to the Town of Fairhaven in the amount of \$75.00 (residential) **OR** \$200.00 (commercial/subdivision) for the extension fee.

Thank you for your consideration.

Sincerely,

  
\_\_\_\_\_  
Applicant/Applicant's Representative





**NOTES:**

1. EXISTING CATCH BASINS SHALL HAVE TEMPORARY SILT SACK OR AN APPROVED EQUAL INSTALLED WITHIN PRIOR TO CONSTRUCTION. CONTRACTOR SHALL REMOVE AND DISPOSE OF THE SILT SACKS AT THE COMPLETION OF CONSTRUCTION. CATCH BASINS SHALL BE INSPECTED AND PUMPED CLEAN UPON COMPLETION OF CONSTRUCTION. CONTRACTOR TO INSTALL THE ELIMINATOR DEBRIS TRAP IN CATCH BASIN OUTLET PIPES. SEE DETAIL.

**SITE PLAN**  
SCALE: 1"=30'  
0 30 60 120

PERMIT SET  
(NOT FOR CONSTRUCTION)  
DWG. 1 OF 1

**OVERALL SITE PLAN**

333 BRIDGE STREET FAIRHAVEN, MA  
PREPARED FOR:  
**ACUSHNET COMPANY**  
333 BRIDGE STREET FAIRHAVEN, MA

**G.A.F. ENGINEERING, INC.**  
PROFESSIONAL ENGINEERS & LAND SURVEYORS  
266 MAIN STREET - WAREHAM, MA 02571  
TEL: (508) 295-6600 FAX: (508) 295-6634  
E-MAIL: gaf@gaf-eng.com

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APPROVED BY:

APPROVED BY:

DATE: FEB. 24, 2020  
DRAWN BY: JMP  
CHECKED BY: WFM  
JOB NO.: 19-9364  
SCALE: 1" = 30'

REV.	DATE	BY	APP'D	DESCRIPTION



# Staff Report

Date: May 25, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **7 Union Street – Request for Extension – DEP# 023-1298,  
Fairhaven CON 19-052**

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## DOCUMENTS REVIEWED

- Request for 3-year extension
- Order of Conditions issued June 5, 2019
- 310 CMR 10.00
- Fairhaven Wetlands Bylaw (Chapter 192) and associated regulations
- Fairhaven Stormwater Bylaw (Chapter 194)

## RESOURCE AREAS ON/NEAR SITE

- Land Under Ocean
- Land Containing Shellfish
- Designated Port Area
- Land Subject to Coastal Storm Flowage

## PROJECT SUMMARY

- The Order of Conditions approved the installation of nine (9) pilings for the construction of a timber landing, gangway, and floating dock.

## COMMENTS

- The applicant has submitted a request for a three-year extension due to delays with the issuance of state and federal permits.
- The expiration date of the permit was extended to September 10, 2023 due to the COVID state of emergency.
- The applicant is requesting a three-year extension from the new expiration date. All state and federal permit issuances are behind due to COVID-related delays.

## RECOMMENDATION

- I recommend approving the request for extension.
  - *Possible motion:* Motion to extend the Order of Conditions for SE 023-1298, CON 19-052, 7 Union Street, to September 10, 2026, under the Wetlands Protection Act and Fairhaven Wetlands Bylaw.



15 Creek Rd., Marion, MA 02738  
foth.com

May 16, 2022

Ms. Whitney McLees  
Town of Fairhaven Conservation Commission  
Town Hall  
40 Center Street  
Fairhaven, MA 02719

Re: SE023-1298, eDEP # 1107736, Order of Conditions issued June 3, 2019  
Casey Boat Realty, LLC, 7 Union Street

Dear Ms. McLees:

On behalf of Casey Boat Realty, LLC (Owner), Foth respectfully requests a three (3) year extension to the above referenced Order of Conditions. The extension is requested to allow for additional time for issuance of the state and federal permits associated with the work authorized in the Order of Conditions. Please feel free to contact me at (508) 748-0937 or via email at Susan.Nilson@foth.com if you require any additional information or have any questions. Thank you for your assistance.

Sincerely,

Foth Infrastructure & Environment, LLC

A handwritten signature in blue ink that reads "Susan E. Nilson".

Susan E. Nilson, P.E.  
Director, Ports and Harbors  
Licensed in MA, RI, CT, NY, NJ and WI

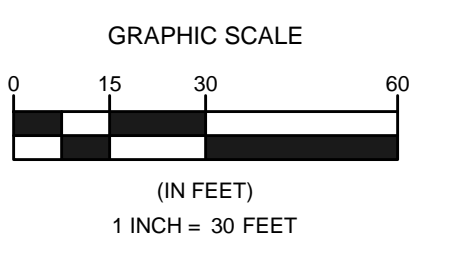
cc: Kevin McLaughlin, Casey Boat, LLC  
Attorney Adam Brodsky



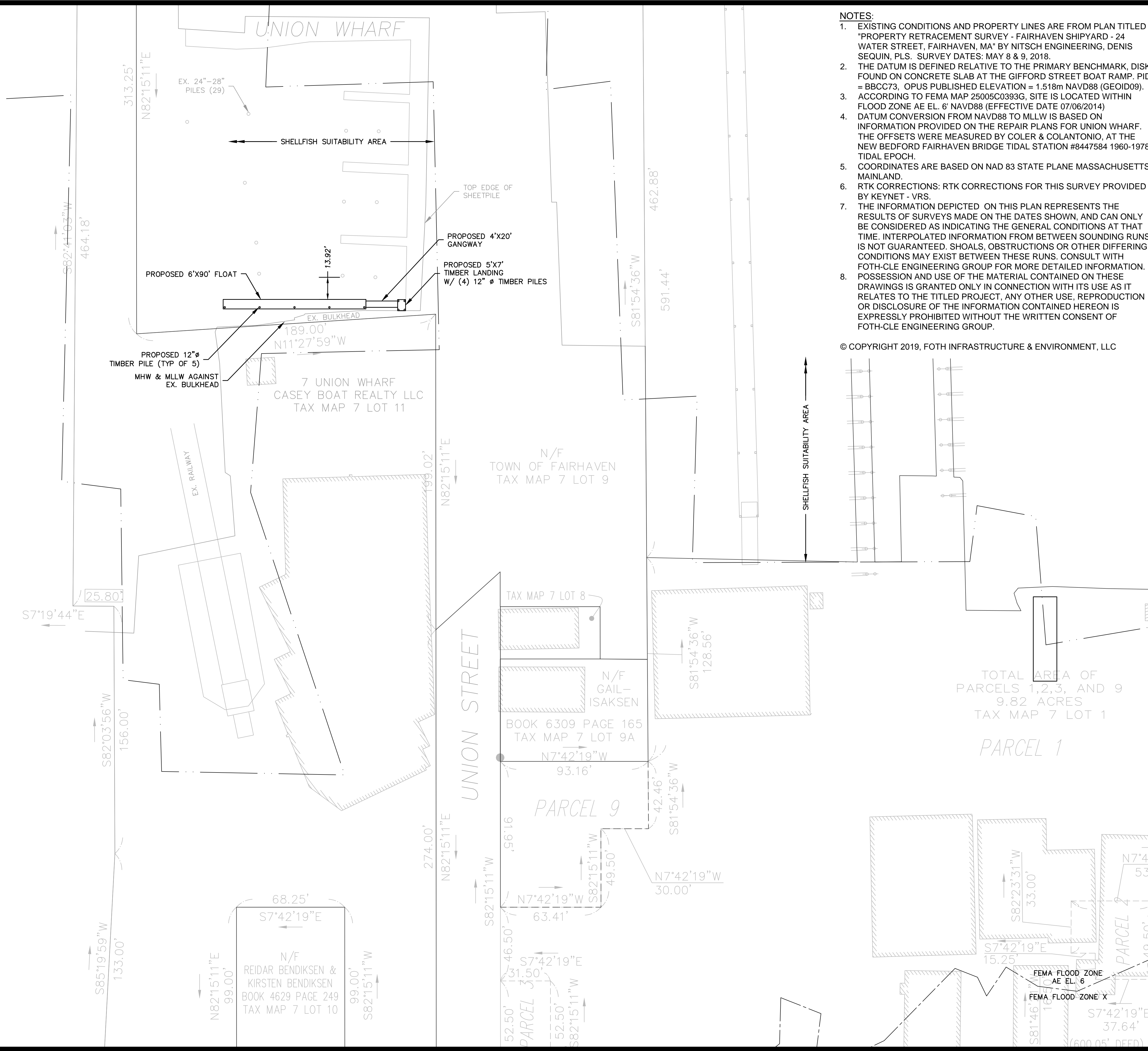
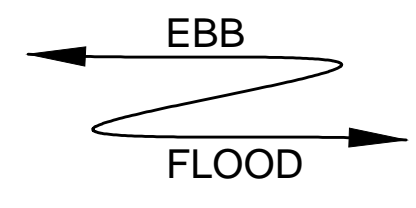
DATUM OFFSETS

MLLW	NAVD88
4.00	1.99 MHHW
3.75	1.74 MHW
2.01	0
0.15	-1.86
0	-2.01 MLLW

OFFSETS PROVIDED BY VDATUM V:3.4  
N=817646  
E=2692533



FAIRHAVEN HARBOR



- NOTES:
- EXISTING CONDITIONS AND PROPERTY LINES ARE FROM PLAN TITLED "PROPERTY RETRACEMENT SURVEY - FAIRHAVEN SHIPYARD - 24 WATER STREET, FAIRHAVEN, MA" BY NITSCH ENGINEERING, DENIS SEQUIN, PLS. SURVEY DATES: MAY 8 & 9, 2018.
  - THE DATUM IS DEFINED RELATIVE TO THE PRIMARY BENCHMARK, DISK FOUND ON CONCRETE SLAB AT THE GIFFORD STREET BOAT RAMP. PID = BBCC73. OPUS PUBLISHED ELEVATION = 1.518m NAVD88 (GEOID09).
  - ACCORDING TO FEMA MAP 25005C0393G, SITE IS LOCATED WITHIN FLOOD ZONE AE EL. 6' NAVD88 (EFFECTIVE DATE 07/06/2014)
  - DATUM CONVERSION FROM NAVD88 TO MLLW IS BASED ON INFORMATION PROVIDED ON THE REPAIR PLANS FOR UNION WHARF. THE OFFSETS WERE MEASURED BY COLER & COLANTONIO, AT THE NEW BEDFORD FAIRHAVEN BRIDGE TIDAL STATION #8447584 1960-1978 TIDAL EPOCH.
  - COORDINATES ARE BASED ON NAD 83 STATE PLANE MASSACHUSETTS MAINLAND.
  - RTK CORRECTIONS: RTK CORRECTIONS FOR THIS SURVEY PROVIDED BY KEYNET - VRS.
  - THE INFORMATION DEPICTED ON THIS PLAN REPRESENTS THE RESULTS OF SURVEYS MADE ON THE DATES SHOWN, AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS AT THAT TIME. INTERPOLATED INFORMATION FROM BETWEEN SOUNDING RUNS IS NOT GUARANTEED. SHOALS, OBSTRUCTIONS OR OTHER DIFFERING CONDITIONS MAY EXIST BETWEEN THESE RUNS. CONSULT WITH FOTH-CLE ENGINEERING GROUP FOR MORE DETAILED INFORMATION.
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**CASEY BOAT REALTY, LLC**  
**PROPOSED FLOAT SYSTEM, BUILDING**  
**DEMOLITION AND CONSTRUCTION**

7 UNION WHARF  
FAIRHAVEN, MA

**CASEY BOAT REALTY, LLC**

SEAL AND SIGNATURE

REVISIONS

NO.	DATE	DESCRIPTION

SHEET TITLE

**NOTICE OF INTENT**  
**SITE PLAN**

ISSUANCE

SCALE

AS NOTED

DRAWN BY	TJM	SHEET NUMBER
CHECKED BY	SN	
PROJECT NO	06007.100	
DATE	4/12/2019	
SHEET 1 OF 1		

# Staff Report

Date: May 24, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **86 Fort Street – Request for Determination of Applicability – No DEP#, Fairhaven CON 023-280**

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## 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

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

## RELEVANT PERFORMANCE STANDARDS

- No work proposed on coastal beach
- **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 proposing to remove an existing wooden patio/garden and construct a new two-tiered stone patio/garden with retaining walls and an access walkway.

## COMMENTS



- The applicant has provided erosion control on the plan between work and coastal beach.
- The work occurs within the existing footprint of the wooden patio as well as existing lawn.
- The applicant has indicated the driveway will be the access point and staging area for the work.
- A portion of the work is outside of the jurisdiction of the Wetlands Protection Act entirely. The remainder of the work falls within the outer 25 feet of the 100-foot buffer zone, more than 50 feet from the coastal beach, and within the 100-year floodplain (AE flood zone).
- The total proposed impervious coverage for the project is about 1,000 square feet. The proposed impervious coverage within the 100-foot buffer zone is approximately 530 square feet. The proposed impervious coverage in the AE flood zone is approximately 475 square feet.
- The proposed work does not appear as though it will have an impact on storm damage prevention or flood control.

## RECOMMENDATION

- I recommend closing the public hearing and issuing a Negative Determination.
  - *Possible motion:* Motion to close the public hearing for CON 023-280, 86 Fort Street, and issue a Negative 2 and Negative 6 Determination under the Wetlands Protection Act and Fairhaven Wetlands Bylaw.



### WPA Form 1- Request for Determination of Applicability

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

#### C. Project Description

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

<u>86 FORT STREET</u> Street Address	<u>FAIRHAVEN, MA</u> City/Town
<u>5</u> Assessors Map/Plat Number	<u>6</u> Parcel/Lot Number

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

Backyard/Lawn at 86 FORT STREET ADJACENT TO EXISTING GARAGE/DRIVEWAY ON THE EAST, ~~NEAR~~ NEIGHBORS ON THE SOUTH AND NORTH, AND NEW BEDFORD - FAIRHAVEN HARBOR ON THE WEST

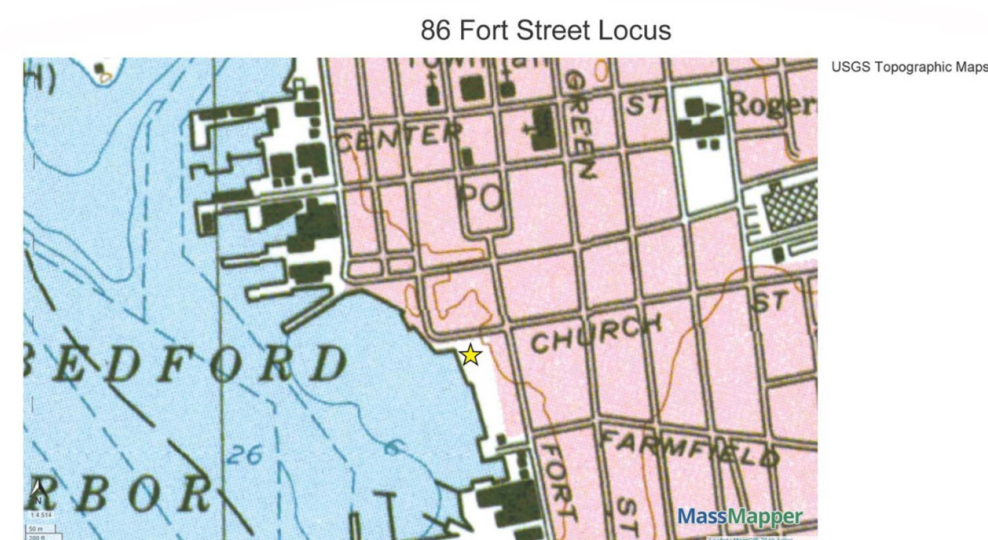
c. Plan and/or Map Reference(s):

<u>LANDSCAPE PLAN Rees Residence</u> Title	<u>May 15, 2022</u> Date
_____ Title	_____ Date
_____ Title	_____ Date

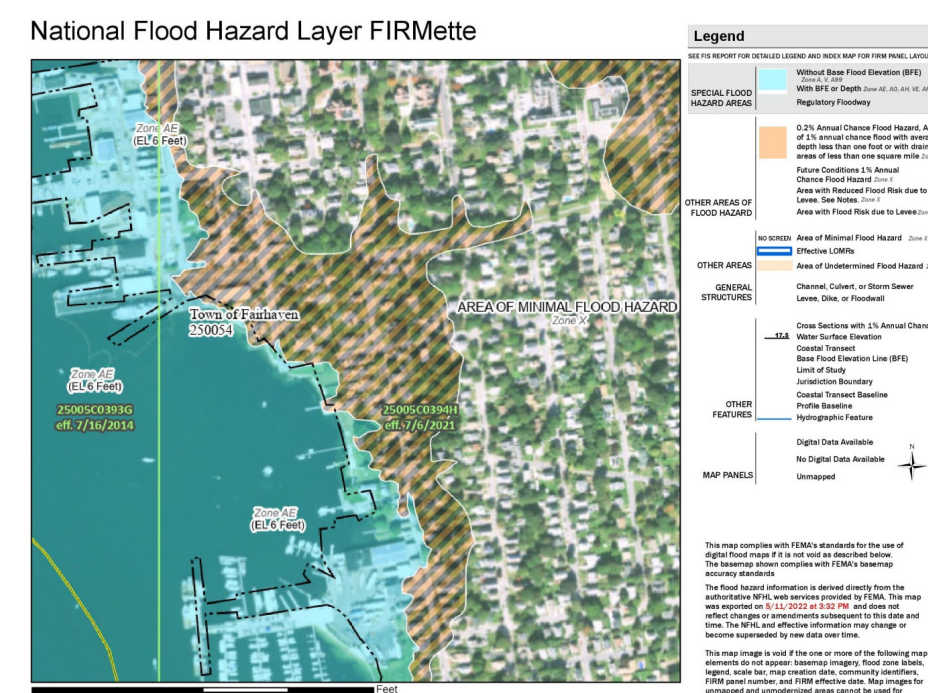
2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Replacement of deteriorated two tiered wooden patio/garden with a two tiered stone patio/garden with retaining walls and STEPPED access walkway. Work area will be accessed FROM EXISTING DRIVEWAY. Driveway will also be used to store material. Work will be done by hand and equipment (Bobcat or similar). EROSION AND SEDIMENTATION CONTROLS will be installed CONSISTENT WITH appropriate regulations.





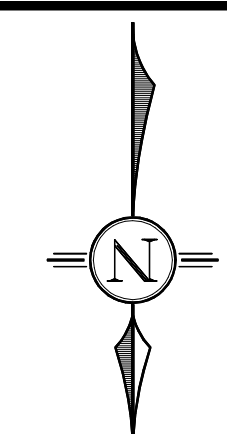
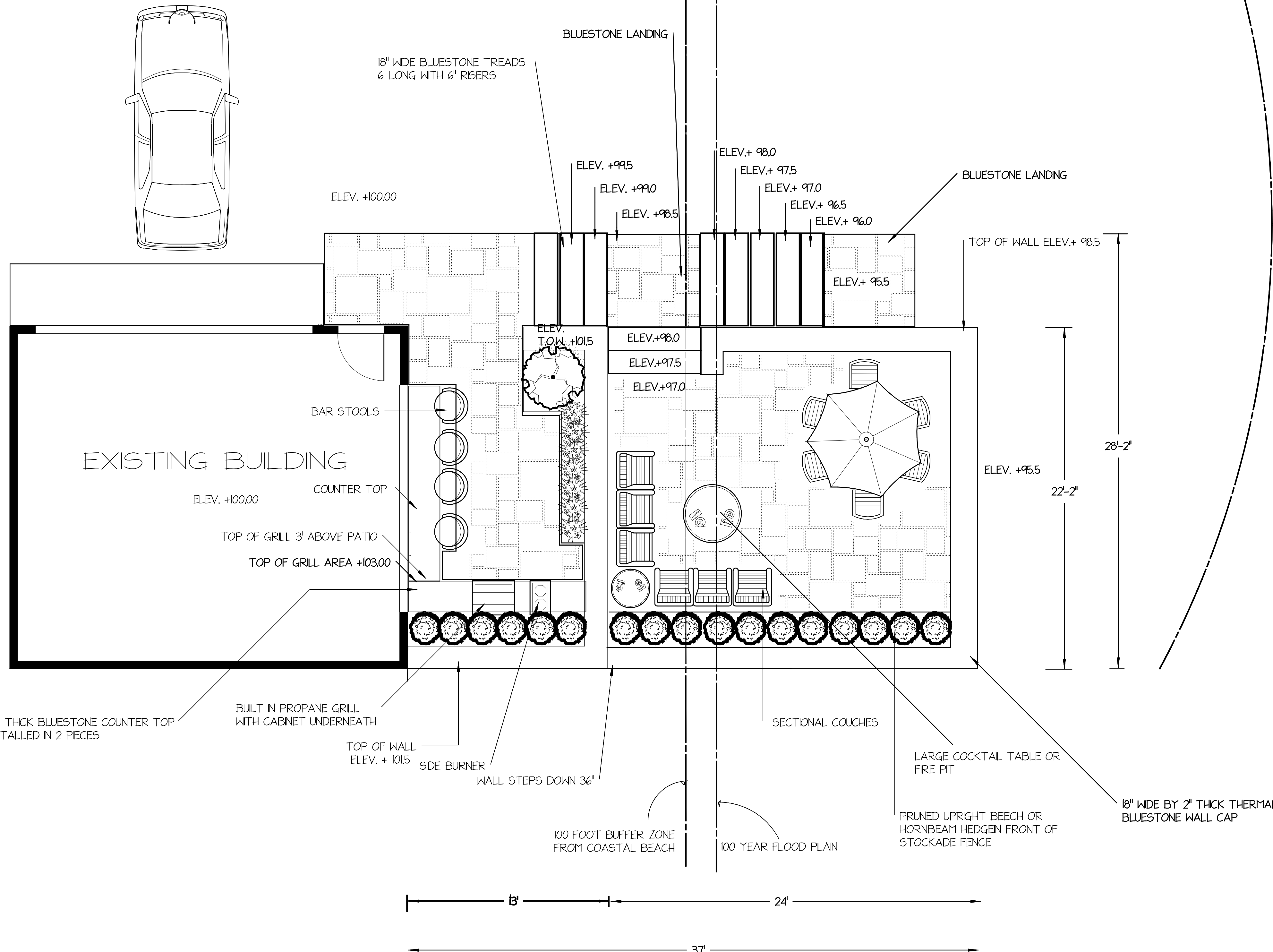
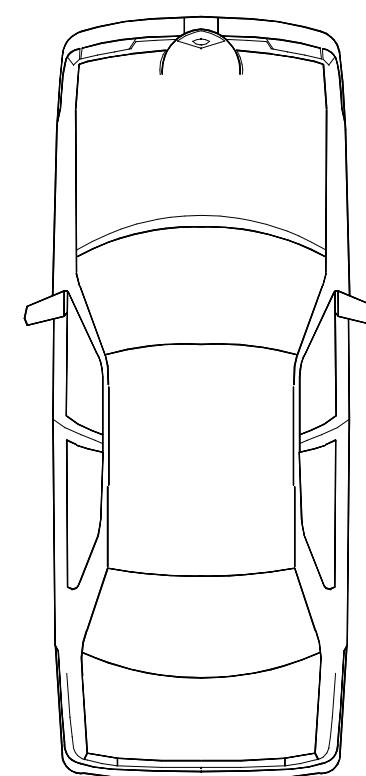
LOCUS MAP  
(NOT TO SCALE)



FEMA FLOOD ZONE BOUNDARIES  
(NOT TO SCALE)



FLOOD ZONE REFERENCE MAP  
(NOT TO SCALE)



NORTH



# Staff Report

Date: May 24, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **12 Gilbert Street – Request for Determination of Applicability – No DEP#, Fairhaven CON 023-281**

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## 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 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 applicant is proposing to construct a 10-foot-by-20-foot shed on a slab at grade.

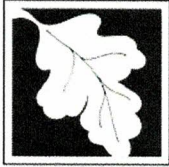
## COMMENTS

- The proposed work is at the outer edge of the 100-year floodplain (AE flood zone) and is proposed within existing lawn.
- There are no other resource areas within 100 feet of the site.
- The applicant is not proposing to bring in any fill for the purposes of this project. They are looking to install the shed for storage. The shed will be affixed to the slab in compliance with FEMA requirements.
- It does not appear as though the proposed project will have a negative impact on storm damage prevention or flood control.

## RECOMMENDATION

- I recommend closing the public hearing and issuing a Negative Determination.
  - *Possible motion:* Motion to close the public hearing for CON 023-181, 12 Gilbert Street, and issue a Negative 2 and Negative 6 Determination under the Wetlands Protection Act and Fairhaven Wetlands Bylaw.





**WPA Form 1- Request for Determination of Applicability**

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

**C. Project Description**

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

12 Gilbert Street

Street Address

29A

Assessors Map/Plat Number

Fairhaven

City/Town

221

Parcel/Lot Number

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

Single family home

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

Site Plan

Title

5/24/2022

Date

Title

Date

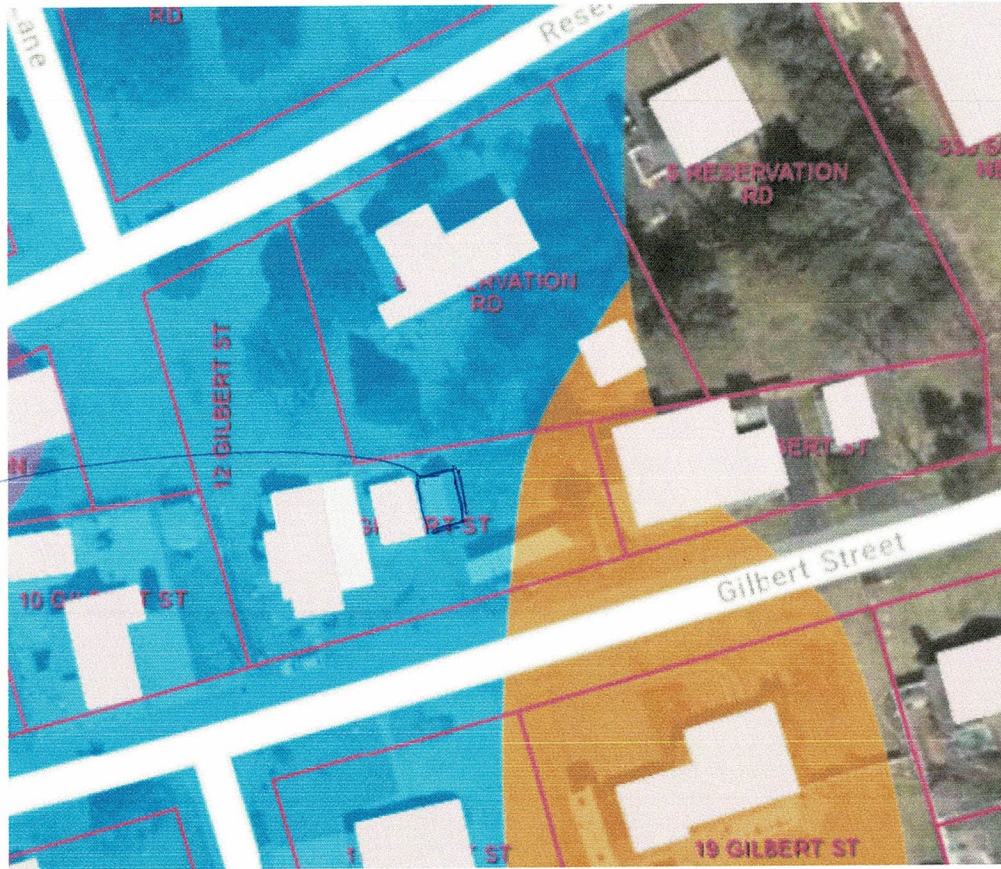
Title

Date

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

Construction of a 10-foot-by-20-foot shed on a slab at grade

# SITEPLAN



10x20  
shed on  
slab @ grade  
to be properly  
anchored

5/24/2022

# Staff Report

Date: May 26, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **184 Balsam Street – Request for Amended Order of Conditions – Fairhaven  
CON 023-252**

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## DOCUMENTS REVIEWED

- Request for Amended Order of Conditions under the bylaw only
- Order of Conditions issued November 19, 2021
- Superseding Order of Conditions issued March 23, 2022
- Fairhaven Wetlands Bylaw (Chapter 192) and associated regulations

## RESOURCE AREAS ON/NEAR SITE

- Salt Marsh
- Coastal Beach
- Buffer Zone
- Land Subject to Coastal Storm Flowage (LSCSF) Zone VE
- Land Under Ocean
- Land Containing Shellfish

## 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.  
(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].
- **Coastal Beach:** 10.27  
(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.  
(5) Beach nourishment with clean sediment of a grain size compatible with that on the existing beach may be permitted.
- **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.”
- **Land under the Ocean** 10.25
  - (5) Projects...which affect nearshore areas of land under the ocean shall not cause adverse effects by altering the bottom topography so as to increase storm damage or erosion of coastal beaches, coastal banks, coastal dunes, or salt marshes.
  - (6) Projects...which affect land under the ocean shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water-dependent, have no adverse effects, on marine fisheries habitat or wildlife habitat caused by:
    - (a) alterations in water circulation;
    - (b) destruction of eelgrass (*Zostera marina*) or widgeon grass (*Rupia maritima*) beds;
    - (c) alterations in the distribution of sediment grain size;
    - (d) changes in water quality, including, but not limited to, other than natural fluctuations in the level of dissolved oxygen, temperature or turbidity, or the addition of pollutants; or
    - (e) alterations of shallow submerged lands with high densities of polychaetes, mollusks or macrophytic algae.
- **Land Containing Shellfish** 10.34
  - (4) ...any project on land containing shellfish shall not adversely affect such land or marine fisheries by a change in the productivity of such land caused by:
    - (a) alterations of water circulation;
    - (b) alterations in relief elevation;
    - (c) the compacting of sediment by vehicular traffic;
    - (d) alterations in the distribution of sediment grain size;
    - (e) alterations in natural drainage from adjacent land; or
    - (f) changes in water quality, including, but not limited to, other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants
  - (5) ...projects which temporarily have an adverse effect on shellfish productivity but which do not permanently destroy the habitat may be permitted if the land containing shellfish can and will be returned substantially to its former productivity in less than one year from the commencement of work, unless an extension of the Order of Conditions is granted, in which case such restoration shall be completed within one year of such extension

## PROJECT SUMMARY

- The applicant is proposing to construct a 45-foot fixed pier, 16-foot gangway, two 8-foot-by-16-foot floats, and a 16,000-lb gear drive lift. A total of 16 pilings is proposed.

## COMMENTS

- The Commission approved the project under the Wetlands Protection Act and Fairhaven Wetlands Bylaw in November 2021. The Order of Conditions was appealed to MassDEP.

- MassDEP requested some changes to the plans and issued a Superseding Order of Conditions for the revised plans.
- No changes in scope of work are proposed. The changes MassDEP requested reduced the overall impacts to the salt marsh.
- The applicant has now submitted a request for amendment to the Commission under the bylaw only to ensure the plan approved by the WPA permit and the plan approved by the Bylaw are the same plan.

## RECOMMENDATION

- I recommend closing the public hearing and issuing an Order of Conditions.
  - *Possible motion:* Motion to close the public hearing for 184 Balsam Street, CON 023-252, and issue an Amended Order of Conditions under the Fairhaven Wetlands Bylaw, approving plans dated January 31, 2022, with the conditions outlined in the May 26, 2022 staff report.

### Special Conditions

#### A. General Conditions

1. Section C, the general conditions under the Massachusetts Wetlands Protection Act, apply to this Order under the Fairhaven Wetlands Bylaw.
2. 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.
3. 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.
4. 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 Chapter 192-6(D).
5. ADD-2: This Order applies only to: the construction of a 4'x10' ramp, 4'x45' pile supported pier, 3'x20' gangway, two (2) 8'x16' floats equipped with stops, a 16,000-lb gear drive lift, the installation of 16 piles and water and electrical service running to the dock. Any future work not approved within the Order subject to jurisdiction under the Wetlands Protection Act 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.
6. The limit of work for this project shall be the property boundaries and the scope of work to occur below Mean High Water as outlined on the approved plans.
7. WET-1: 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.
8. The maximum width of the ramp and pier shall not exceed 4 feet, the width of the gangway shall not exceed 3 feet, the floats shall not exceed 8 feet in width, and the pile-supported boat lift shall not occupy an area greater than 10 feet x 15 feet.
9. DRG-7: Dredging is neither proposed nor permitted under this filing.

#### B. Prior to Construction

10. CAP-3: 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.
11. REC-3: 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,  
Massachusetts Department of Environmental Protection [or MassDEP]  
File Number SE 023-1368  
Fairhaven Conservation Commission [or FCC]  
File Number CON 023-252

This order shall be weatherproofed and affixed to the job site sign. The necessary replacement and maintenance of these postings shall be the sole responsibility of the applicant.

12. 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.
13. 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.
14. 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.
15. Prior to the commencement of construction, all shellfish shall be removed from the footprint of the proposed pier and relocated under the direction of the Fairhaven Shellfish Warden.
16. Prior to the start of construction, the applicant or their representative shall notify the Conservation Commission and the Shellfish Constable as to the dates of construction and anticipated time of arrival and departure of the barge.

**C. During Construction**

17. The dock shall be constructed so as to maintain a minimum of 6 feet of height between the salt marsh and the lowest structural member of the dock. This is consistent with the Division of Marine Fisheries recommended 1.5:1 H:W ratio to reduce shading and marsh loss.



18. 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.
19. SDP-7: The use of chromated copper arsenate (CCA) treated wood and creosote treated timber is prohibited. Wood preservative must dry before the treated wood is used in construction.
20. The pier decking shall be constructed of ThruFlow Decking or equivalent to allow adequate light to preserve the productivity of the Salt Marsh vegetation beneath the structure.
21. Float stops shall be installed to maintain a 30-inch separation between the bottom of the float drums and the Land Under the Ocean and Land Containing Shellfish.
22. SDP-5: Construction shall be accomplished from a barge or boat operating in at least two feet of water. The barge or boat shall not be permitted to ground out at low tides.
23. All barge activity closest to shore shall occur within 2 hours before and after a normal high tidal cycle to avoid grounding of the barge.
24. Alternatively, construction may be accomplished by working out from and upon completed portions of the pier.
25. Jetting of piles is prohibited. Piles shall be mechanically driven to refusal or a depth of at least 12 feet below grade.
26. FZ-1: All work shall comply with all local, state, and federal flood zone regulations, including, but not limited to, regulations regarding fill in the flood zone.
27. Construction access shall be from the subject property only.
28. At no time shall any construction materials, soils, fills, sediments, dredging or any other substances be stockpiled or stored within the coastal beach or salt marsh. The existing lawn may be permitted to be used as a staging area.
29. All equipment used on site must be stored or parked in an area at least 50 feet from the coastal beach and salt marsh.
30. STO-4: There shall be no discharge or spillage of petroleum product, hazardous material, or any other pollutant into any area of statutory interest.
31. STO-5: There shall be no fueling or maintenance of any vehicles or equipment in any area of statutory interest.
32. MAC-1: All vessels 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. Vessels in excess of thirty feet in length shall have spill control booms aboard as well.
33. MAC-2: All bilged vessels under contract, subcontract or lease, participating in any manner, in any phase of activity within resource areas, shall carry in their bilges, materials to selectively absorb petrochemicals.
34. 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.
35. MAC-8: All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders, or any other components shall be fixed immediately.
36. 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.

**D. After Construction/In Perpetuity**

37. 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.
38. COC-3: 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 completed in compliance with this Order. As part of this request, an as-built plan shall be submitted documenting substantial compliance with this Order and the associated Plan-of-Record. The as-built plan shall include:
  - i. Location of all constructed portions of the project
  - ii. Final height of the lowest structural member above the salt marsh

Perpetual Conditions

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

39. Appropriate signage related to public access shall be placed on both sides of the structure and maintained in perpetuity.
40. SDP-1: The seasonal ramp and float shall be stored in an upland area. Storage location shall be subject to any local, state, or federal flood zone regulations.
41. SDP-2: Application of preservatives (i.e. paint or wood treatments) to floats shall be done on land and away from the water and wetlands. Application of preservatives to fixed elements, such as piles and decking, is limited to no more than once a year and only the minimum amount of preservative is permitted to be applied to limit runoff of excessive amounts into the underlying water. Application of preservatives to any elements of the pier is not permitted below mean high water.
42. SDP-4: Future maintenance of the approved structure, in strict compliance with the plan of record and the conditions of this Order, is permissible.
43. 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 and/or the Massachusetts Wetlands Protection Act. 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.



Whitney McClees <wmcclees@fairhaven-ma.gov>

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## 184 Balsam Street Order of Conditions

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**Robert Sullivan** <sully6446@gmail.com>  
To: Whitney McClees <wmcclees@fairhaven-ma.gov>

Thu, May 12, 2022 at 3:08 PM

Good afternoon Whitney,

I would like to request to be on the June 14 meeting to amend the order of conditions under the Fairhaven wetlands bylaw to match the superseding order of conditions issued by Mass DEP.

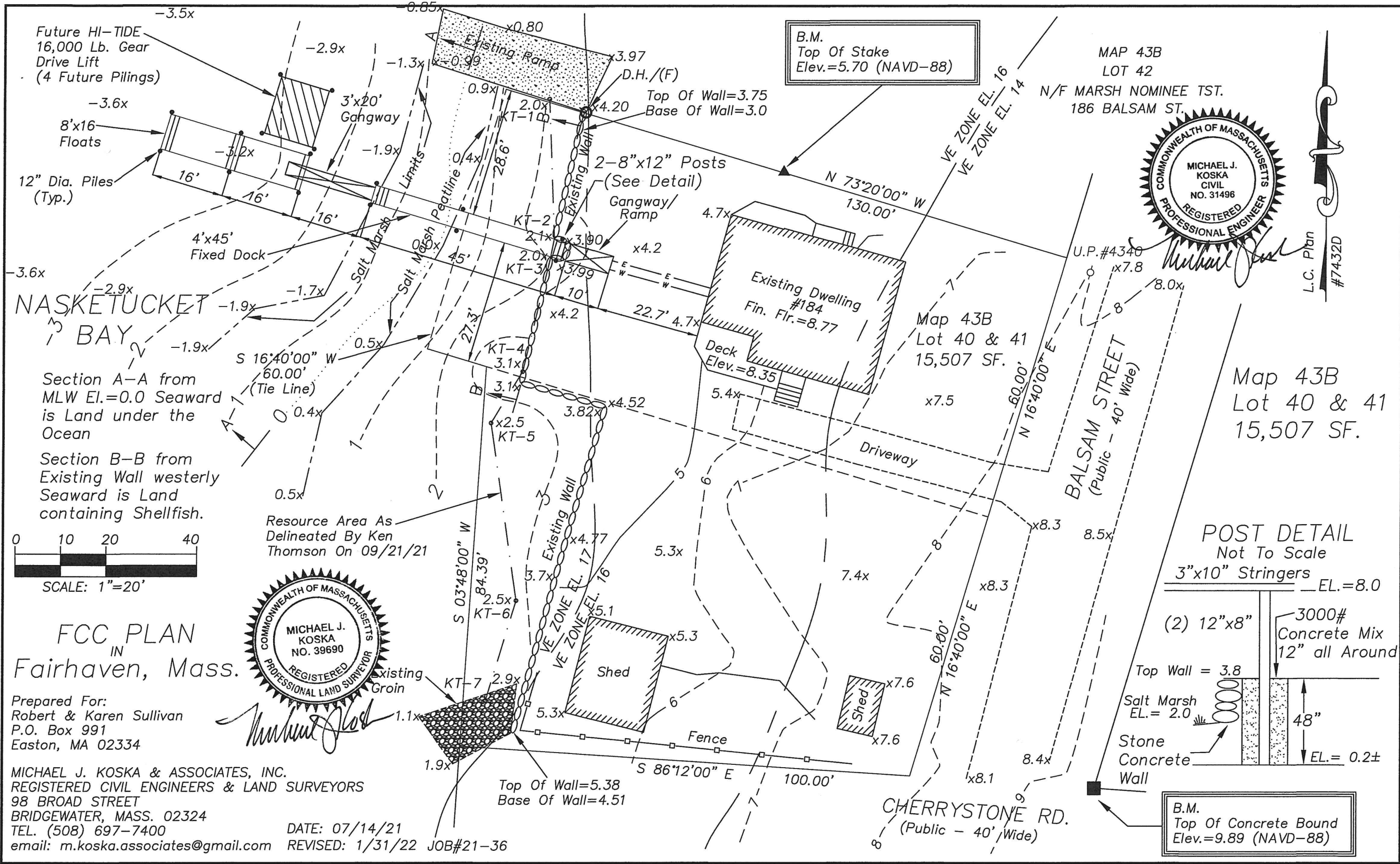
Thank You,  
Rob



Virus-free. [www.avg.com](http://www.avg.com)

On Mon, Mar 28, 2022 at 12:01 PM Whitney McClees <wmcclees@fairhaven-ma.gov> wrote:

[Quoted text hidden]



**FCC PLAN**  
IN  
**Fairhaven, Mass.**

Prepared For:  
Robert & Karen Sullivan  
P.O. Box 991  
Easton, MA 02334

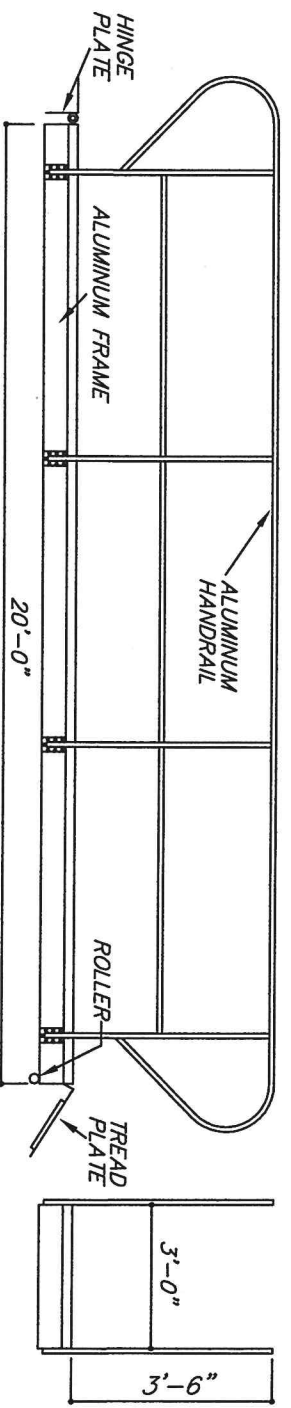
**MICHAEL J. KOSKA & ASSOCIATES, INC.**  
REGISTERED CIVIL ENGINEERS & LAND SURVEYORS  
98 BROAD STREET  
BRIDGEWATER, MASS. 02324  
TEL. (508) 697-7400  
email: m.koska.associates@gmail.com

DATE: 07/14/21  
REVISED: 1/31/22 JOB#21-36

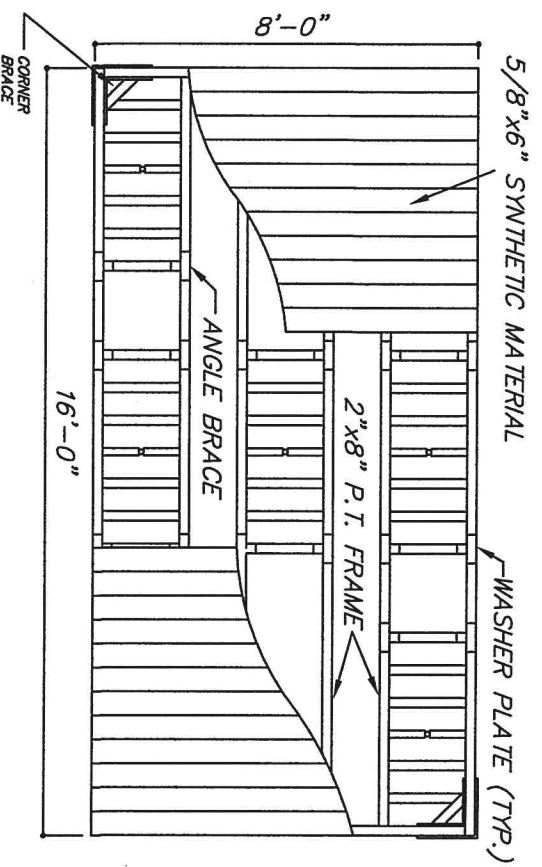
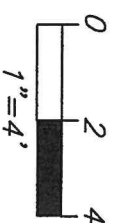


"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."

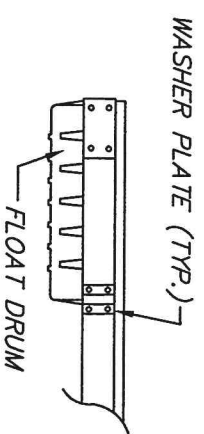
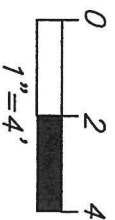
*Michael J. Koska*  
PREPARER



GANGWAY DETAIL

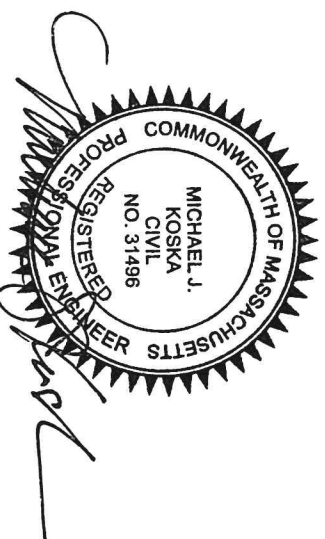
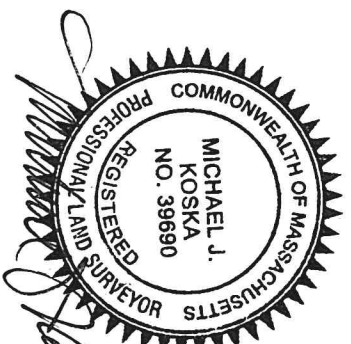


FLOAT DETAIL



float drum and hardware to be followsbee dock systems or equal.

NOTE: ALL CORNERS OF FLOATS TO BE EQUIPED WITH CHAIN AND EYE BOLTS AND ADJUSTED TO MAINTAIN FLOAT DRUM BOTTOM 30" OR 2.5' FROM OCEAN BOTTOM.

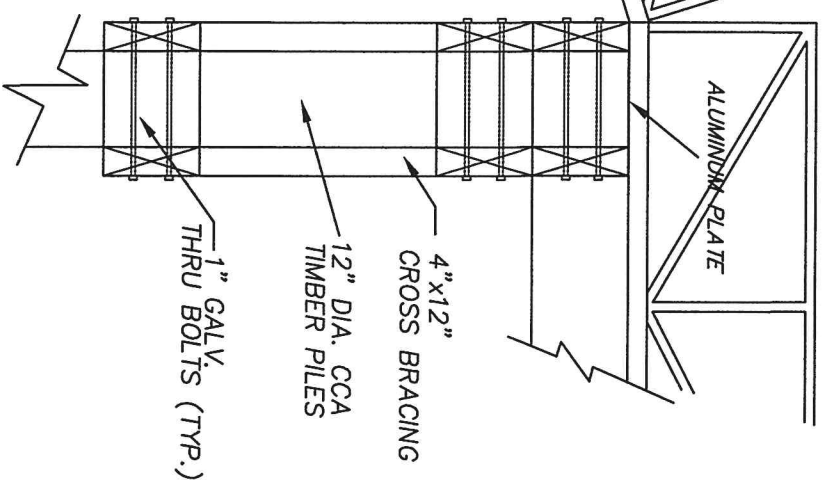
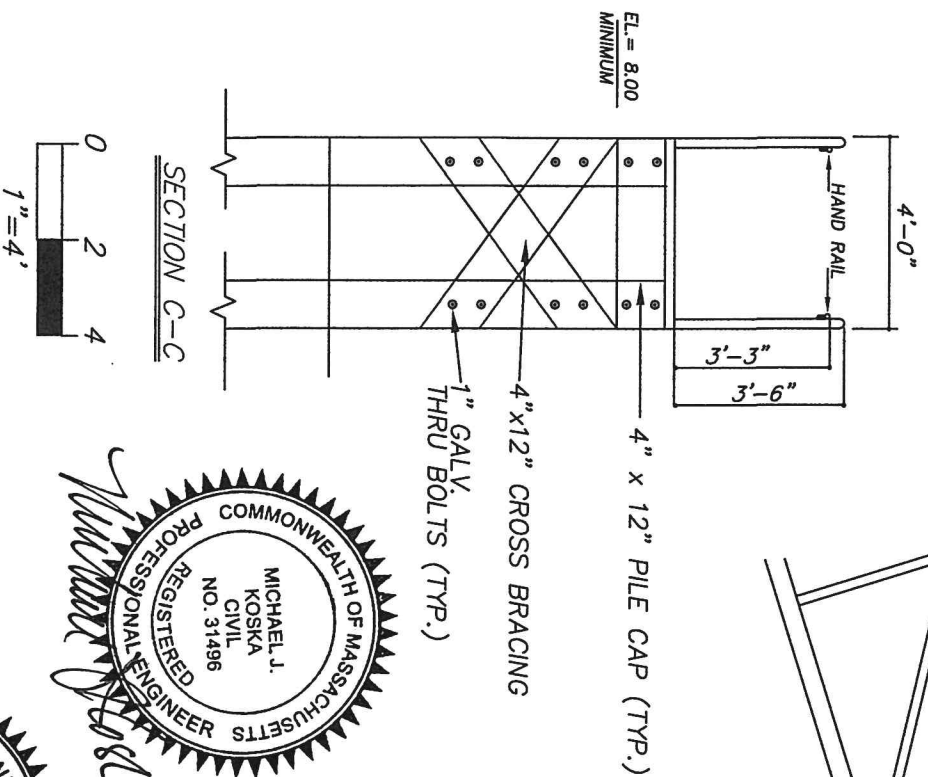
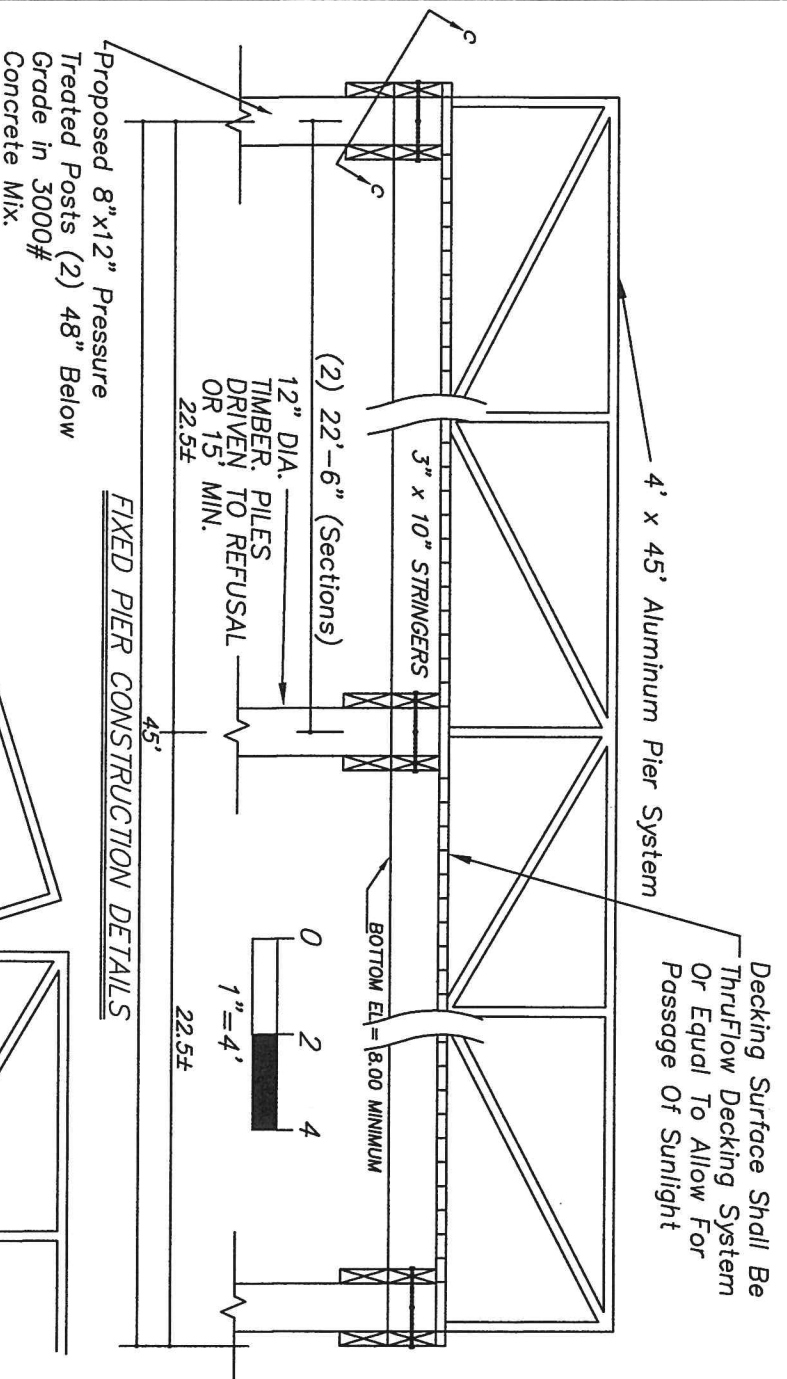


PLAN TO ACCOMPANY THE PETITION OF ROBERT & KAREN SULLIVAN TO LICENSE AND MAINTAIN A PROPOSED FIXED PIER, GANGWAY, FLOAT AND EXISTING SEAWALL IN NASKETUCKET BAY, FAIRHAVEN, MASS. 184 BALSAM STREET, FAIRHAVEN, MASS.

DATE: 09/27/21  
REVISED 01/31/22  
SHEET 4 OF 4

"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS".

*Michael J. Koska*  
PREPARER



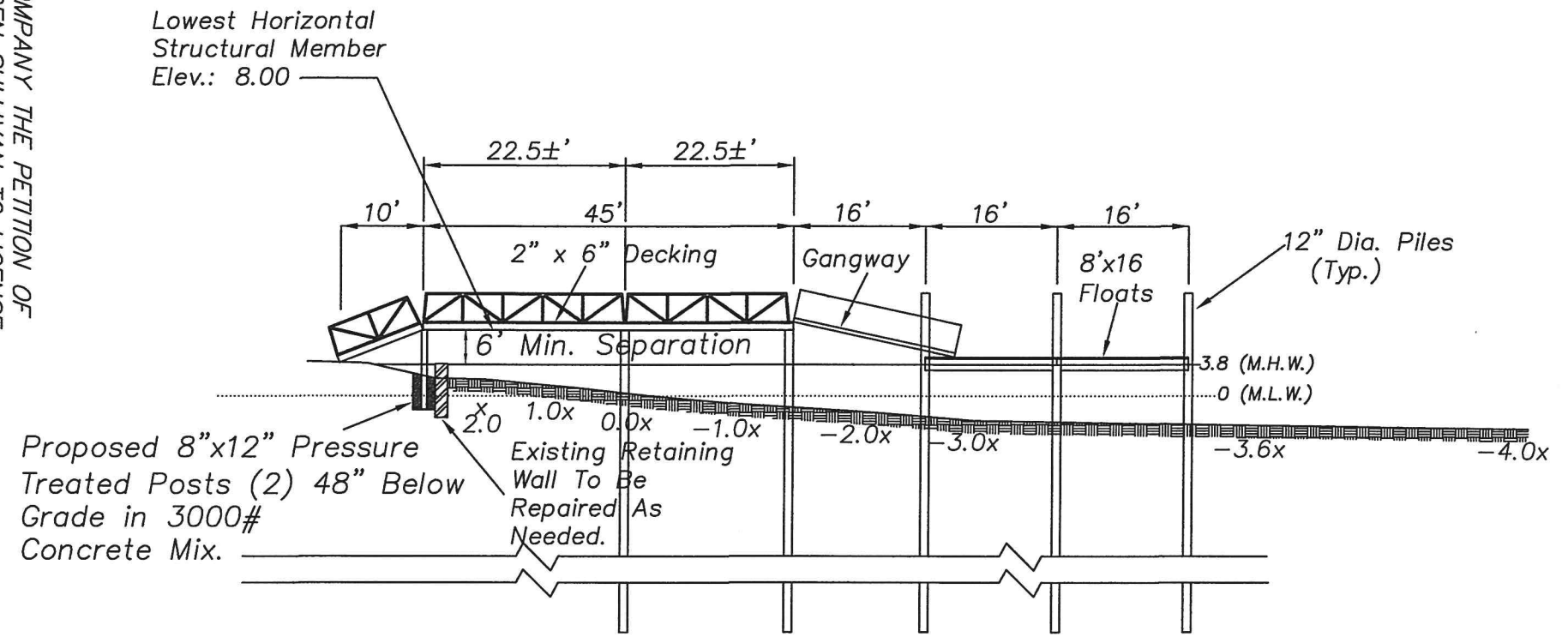
PILE CAP DETAIL  
NOT TO SCALE



DATE: 09/27/21  
REVISED 01/31/22  
SHEET 3 OF 4

PLAN TO ACCOMPANY THE PETITION OF ROBERT & KAREN SULLIVAN TO LICENSE AND MAINTAIN A PROPOSED FIXED PIER, GANGWAY, FLOAT AND EXISTING SEAWALL IN NASKETUCKET BAY, FAIRHAVEN, MASS. 184 BALSAM STREET, FAIRHAVEN, MASS.

PLAN TO ACCOMPANY THE PETITION OF ROBERT & KAREN SULLIVAN TO LICENSE AND MAINTAIN A PROPOSED FIXED PIER, GANGWAY, FLOAT AND EXISTING SEAWALL IN NASKETUCKET BAY, FAIRHAVEN, MASS. 184 BALSAM STREET, FAIRHAVEN, MASS.



"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."

PREPARER  
*Michael J. Koska*

DATE: 09/27/21  
 REVISED: 01/31/22  
 SHEET 2 OF 4

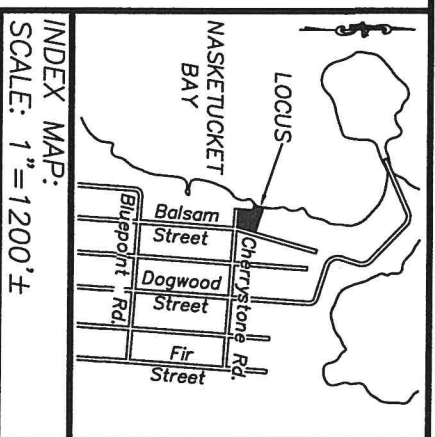
"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."

PREPARER

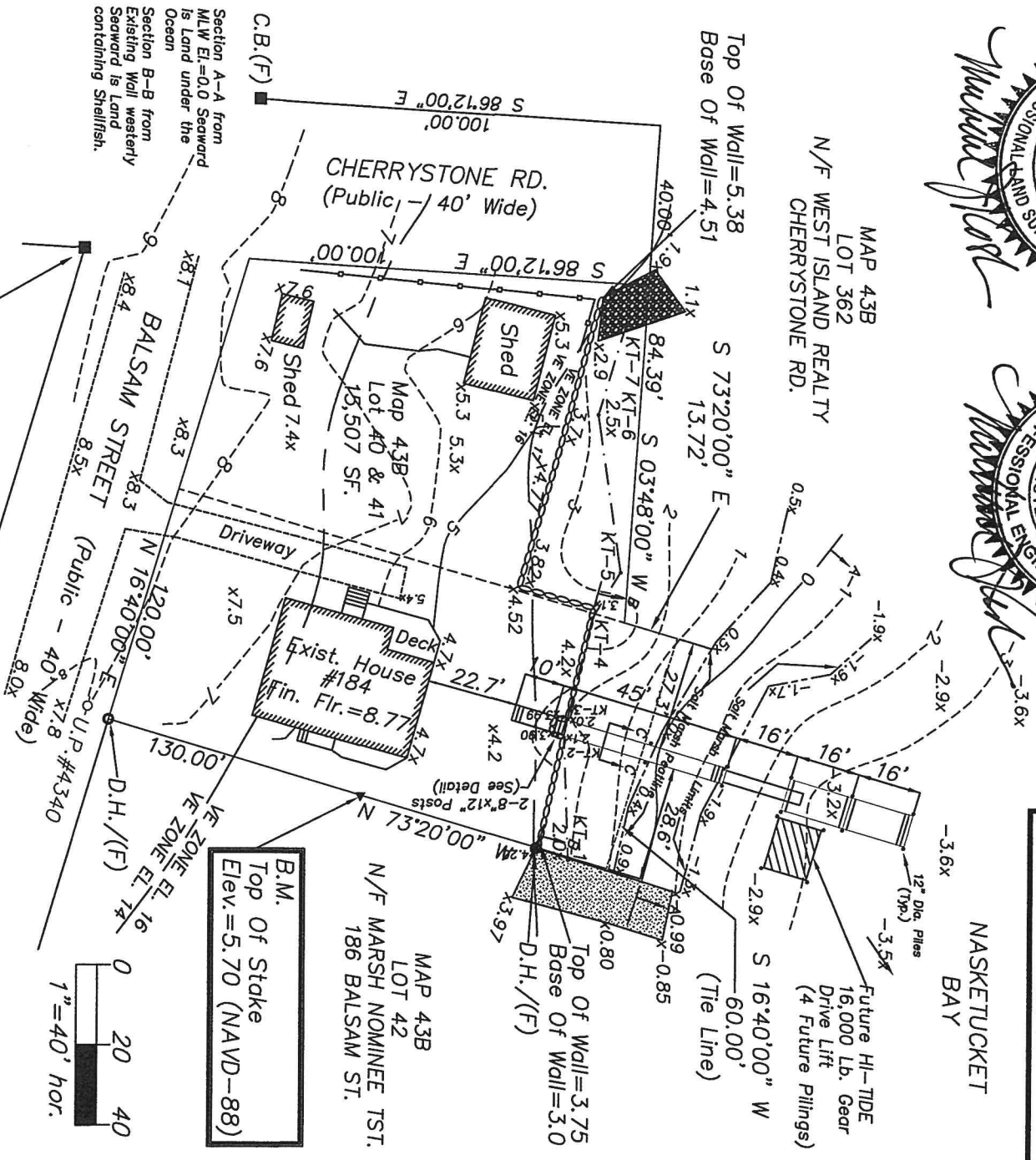
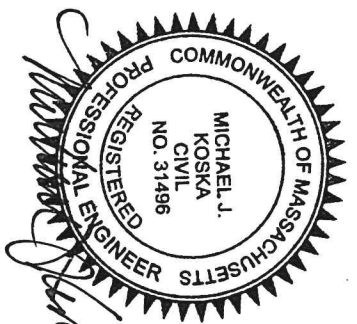
*Michael J. Koska*

Legend:  
C.B. = Concrete Bound  
D.H. = Drill Hole

L.C. Plan  
#7432D



INDEX MAP:  
SCALE: 1"=1200'±



B.M.  
Top Of Stake  
Elev.=5.70 (NAVD-88)

B.M.  
Top Of Concrete Bound  
Elev.=9.89 (NAVD-88)

DATE: 09/27/21  
REVISED: 01/31/22  
SHEET 1 OF 4

PLAN TO ACCOMPANY THE PETITION OF ROBERT & KAREN SULLIVAN TO LICENSE AND MAINTAIN A PROPOSED FIXED PIER, GANGWAY, FLOAT AND EXISTING SEAWALL IN NASKETUCKET BAY, FAIRHAVEN, MASS. 184 BALSAM STREET, FAIRHAVEN, MASS.



# Staff Report

Date: May 26, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **27 Silver Shell Beach Drive – Notice of Intent – DEP# 023-\_\_\_\_, Fairhaven CON 023-279**

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## 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

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

## 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 Dune:** 10.28  
(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 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.

## PROJECT SUMMARY

- The applicant is proposing to construct a complete Title 5-compliant septic system with associated grading and utilities, as well as the relocation of a shed, rebuilding the deck, moving of fences, and replanting landscaped areas.

## COMMENTS

- This project falls entirely within the velocity flood zone and is primarily a septic system construction project.
- A coastal beach and coastal dune are located across Silver Shell Beach Drive from the property.
- A portion of the grading associated with the septic system falls within the 50-100 foot buffer zone to coastal dune, but the majority of the work proposed falls outside the buffer zone entirely.
- As part of the septic installation, the deck will need to be removed and rebuilt.
- The other activities (moving the shed and fencing) are minor in nature and will have limited impact on the flood zone or buffer zone.
- The project does not appear as though it will have a negative impact on flood control or storm damage prevention.
- As of the date of this staff report, MassDEP has not yet issued a file number.

## RECOMMENDATION

- If MassDEP issues a file number prior to the June 14 meeting, I recommend closing the public hearing and issuing an Order of Conditions.
  - *Possible motion:* Motion to close the public hearing for 27 Silver Shell Beach Drive, SE 023-\_\_\_\_, CON 023-279, and issue an Order of Conditions under the Wetlands Protection Act and Fairhaven Wetlands Bylaw, approving plans dated May 12, 2022, with the conditions as outlined in the May 26, 2022 staff report.

### Special Conditions

#### 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, 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: 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.
4. 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 Chapter 192-6(D).
5. ADD-2: This Order applies only to: the construction of a complete Title 5-compliant septic system with associated grading and utilities, as well as the relocation of a shed, rebuilding the deck, moving of fences, and replanting landscaped areas. Any future work not approved within this Order subject to jurisdiction under the Wetlands Protection Act 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.

6. 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.
7. SIL-5: Adequate erosion and sedimentation control measures, as specified on the approved plans and 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 specifications in the Notice of Intent and 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.
8. 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. The previous list of controls are examples only and do not supersede the erosion and sedimentation controls depicted on the approved plan or specified in this Order.
9. 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.

**B. Prior to Construction**

10. CAP-3: 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.
11. REC-3: 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,  
Massachusetts Department of Environmental Protection [or MassDEP]  
File Number SE 023-\_\_\_\_  
Fairhaven Conservation Commission [or FCC]  
File Number CON 023-279

This order shall be weatherproofed and affixed to the job site sign. The necessary replacement and maintenance of these postings shall be the sole responsibility of the applicant.

12. 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.
13. 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.

14. 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.
15. SIL-7: Catch basins and storm drains shall be provided with control devices to prevent eroded soils from reaching resource areas.

**C. During Construction**

16. 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.
17. At no time shall any construction materials, soils, fills, sediments, dredging or any other substances be stockpiled or stored outside the erosion control line.
18. STO-3: All equipment used on site must be stored or parked in an area outside the buffer zone.
19. STO-4: There shall be no discharge or spillage of petroleum product, hazardous material, or any other pollutant into any area of statutory interest.
20. STO-5: There shall be no fueling or maintenance of any vehicles or equipment in any area of statutory interest.
21. 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.
22. MAC-8: All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders, or any other components shall be fixed immediately.
23. 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.
24. 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.
25. 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.
26. 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.
27. 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.
28. 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.
- 29. EC-1: All work shall be conducted in such a manner that minimizes the area of exposed, destabilized soil to the maximum extent possible to prevent runoff and erosion on site.
- 30. EC-2: All disturbed areas shall be graded, loamed, and seeded prior to November 1 of each year, if possible. No disturbed areas or stockpiled material shall be left unprotected or without erosion controls during the winter.

**D. After Construction/In Perpetuity**

- 31. 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.
- 32. 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.

Perpetual Conditions

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

- 33. CHM-2: No liquid or solid chemical lawn fertilizers, pesticides, herbicides or chemical or petroleum dust control agents shall be applied within the area of statutory interest or anywhere that the surface drainage is discharged into an area of statutory interest. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
- 34. 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 and/or the Massachusetts Wetlands Protection Act. 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.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:

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MassDEP File Number

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Document Transaction Number

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Fairhaven

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City/Town

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



Note:  
 Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>27 Silver Shell Beach Drive</u>	<u>Fairhaven</u>	<u>02719</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>41</u>	<u>41.61</u>	<u>-70.86</u>
f. Assessors Map/Plat Number	d. Latitude	e. Longitude
	<u>54</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>Nancy</u>	<u>Blouin</u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u>27 Silver Shell Beach Drive</u>		
d. Street Address		
<u>Fairhaven</u>	<u>MA</u>	<u>02719</u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u>oceanside11@comcast.net</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Jack</u>	<u>Tabares</u>	
a. First Name	b. Last Name	
<u>Farland Corp</u>		
c. Company		
<u>21 Ventura Drive</u>		
d. Street Address		
<u>Dartmouth</u>	<u>MA</u>	<u>02747</u>
e. City/Town	f. State	g. Zip Code
<u>508-717-3479</u>	<u>508-717-3481</u>	<u>JTabares@farlandcorp.com</u>
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$110</u>	<u>\$42.50</u>	<u>\$67.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

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

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
Fairhaven
City/Town

## A. General Information (continued)

6. General Project Description:

The construction of a complete septic system with all associated grading and utilities. As well as relocation of a shed, re-building the deck, moving of fences and re-planting landscape areas.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Commercial/Industrial
- 4.  Dock/Pier
- 5.  Utilities
- 6.  Coastal engineering Structure
- 7.  Agriculture (e.g., cranberries, forestry)
- 8.  Transportation
- 9.  Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1.  Yes  No      If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

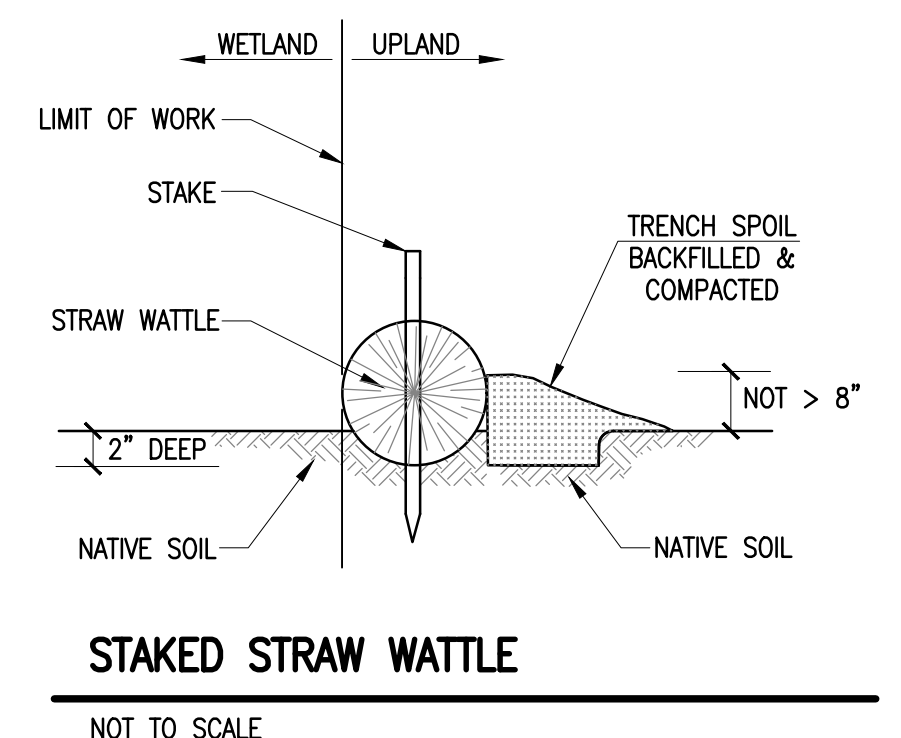
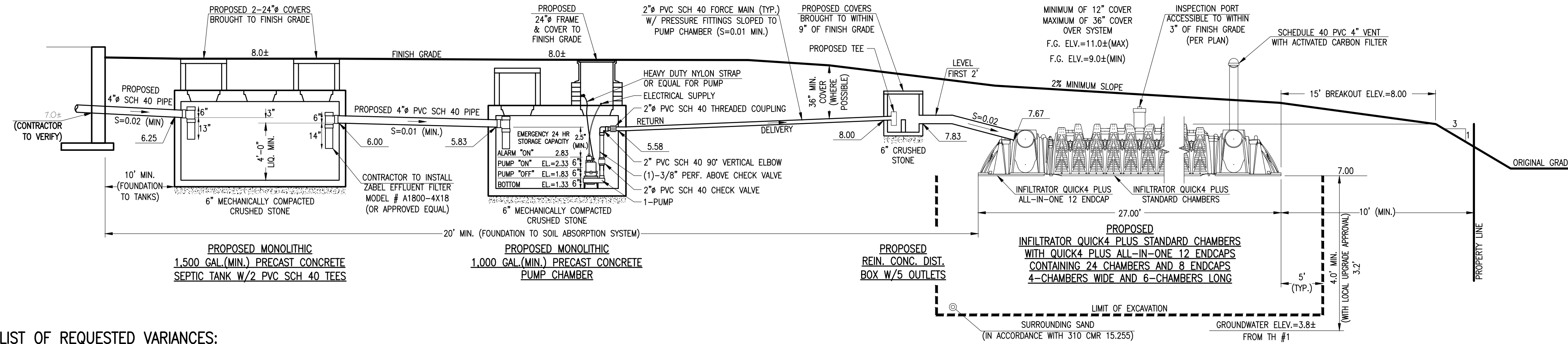
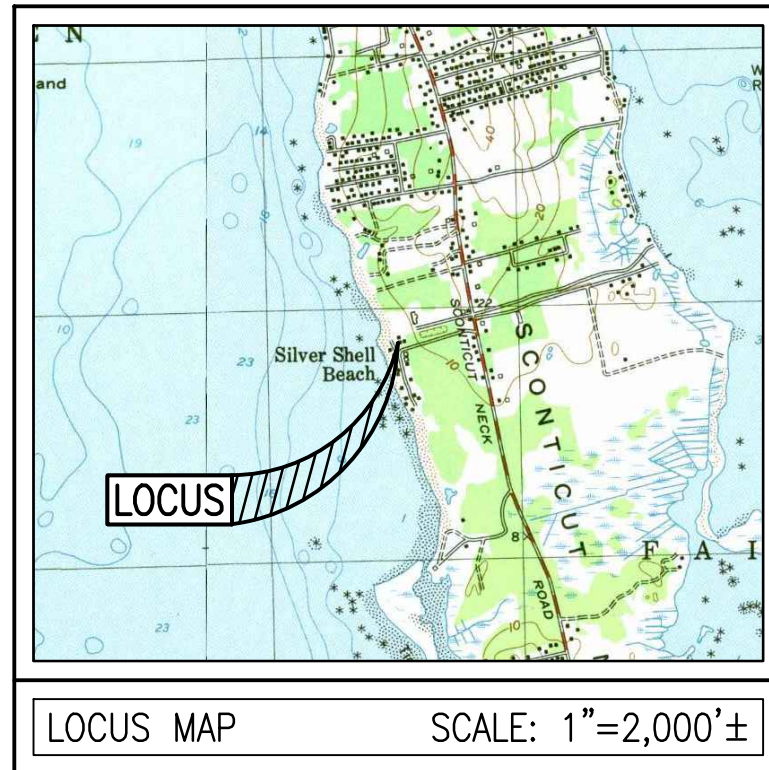
Bristol	
a. County	b. Certificate # (if registered land)
10035	218
c. Book	d. Page Number

## B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1.  Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2.  Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

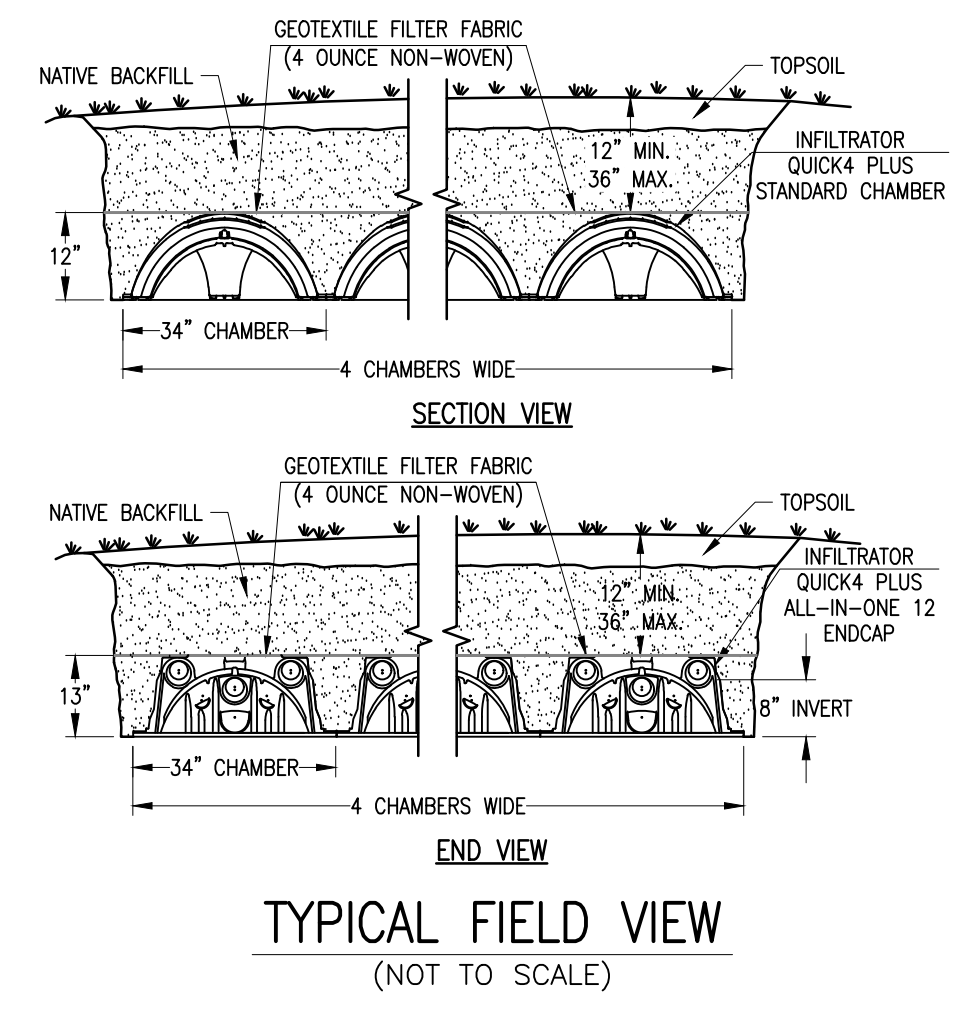




PUMP SPECIFICATION TABLE	
PUMP BRAND:	LIBERTY PUMPS
PUMP SERIES:	LE40
HORSE POWER:	4/10
PUMP RATING: TDH (FT) (115%):	10.0±
PUMP RATING: GPM:	20±
DISCHARGE SIZE (IN.):	2
PHASE (Ø):	1
VOLTAGE (V):	115
AVAILABLE VOLTAGE:	TO BE DETERMINED BY A LICENSED CONTRACTOR
HERTZ (Hz):	60
SPHERICAL SOLID CAPACITY:	2"Ø
ALARM & LIGHT LOCATION:	OUTSIDE
CONTROL PANEL LOCATION:	OUTSIDE

**LIST OF REQUESTED VARIANCES:**  
 APPLICANT IS REQUESTING VARIANCES FROM THE FOLLOWING:  
 1. 310 CMR 15.212: DEPTH TO GROUNDWATER  
 TO ALLOW A REDUCTION IN THE MINIMUM VERTICAL SEPARATION DISTANCE BETWEEN THE BOTTOM OF THE SOIL ABSORPTION SYSTEM TO SEASONAL HIGH GROUNDWATER FROM 4 FEET TO 3 FEET.  
 2. 310 CMR 15.104 & 15.105: PERCOLATION TEST AND PERFORMING A PERCOLATION TEST  
 TO ALLOW A SIEVE ANALYSIS TO BE USED AS AN ALTERNATIVE TO PERCOLATION TESTING DUE TO SATURATED CONDITIONS AT TIME OF TESTING.

**SUBSURFACE SEWAGE DISPOSAL SYSTEM**  
 (NOT TO SCALE)



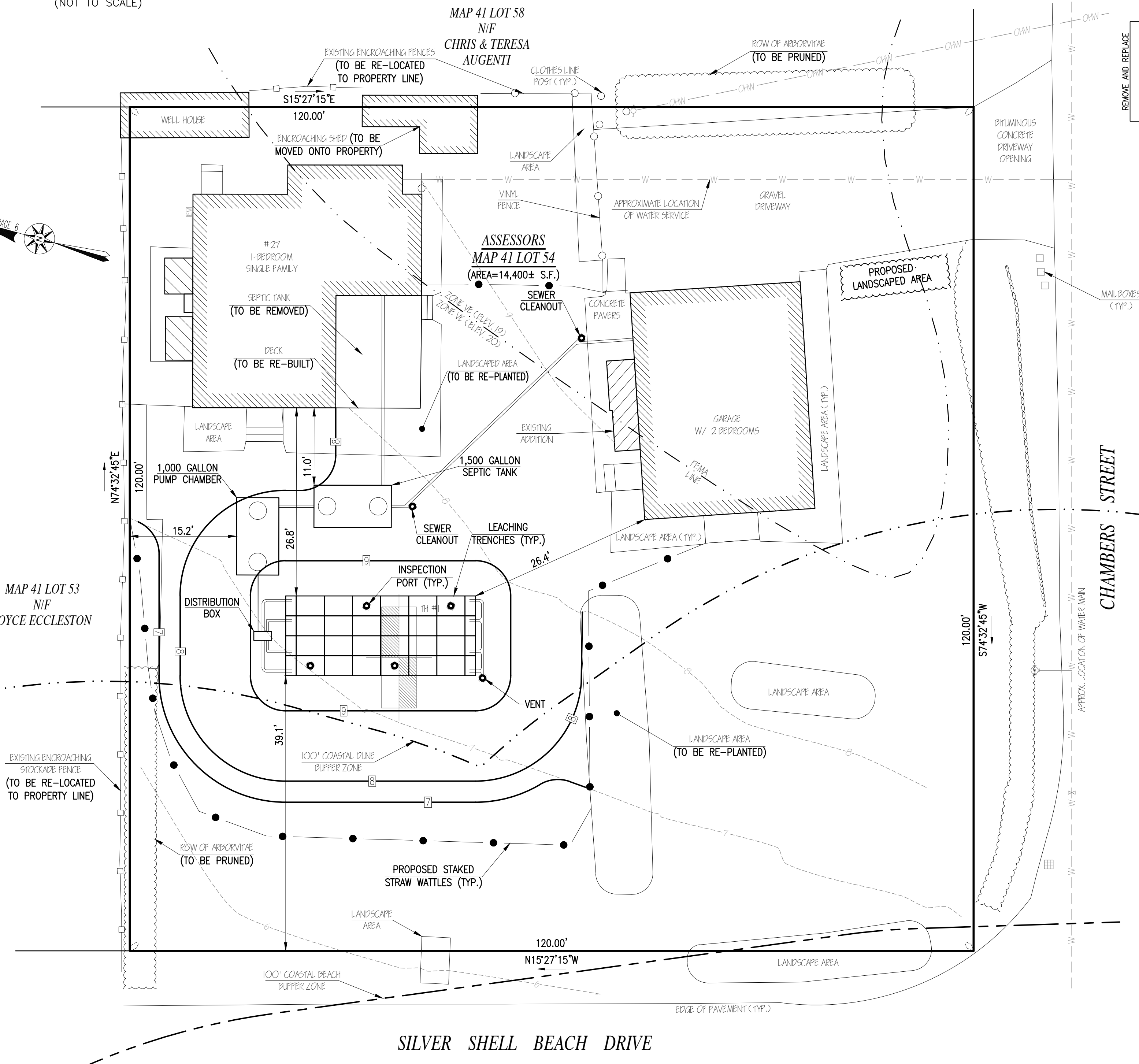
**RECORD OWNER:**  
 ASSESSORS MAP 41 LOT 54  
 BARRY & NANCY BLOUIN  
 27 SILVER SHELL BEACH DRIVE  
 FAIRHAVEN, MA 02719  
 DEED BOOK 10035 PAGE 218

**SEPTIC DESIGN: (NOT DESIGNED FOR GARBAGE GRINDER)**  
 1. DESIGN DAILY FLOW: 3 BR. x 110 GPD = 330 GPD (MIN)  
 2. SEPTIC TANK: 330 GPD x 2 = 660 GAL. USE: 1,500 GALLON TANK  
 3. DESIGN RATE: SIEVE ANALYSIS PERFORMED, LOAMY SAND = CLASS I UNCOMPACTED, ELR = 0.66 GPD/SF  
 4. LEACHING FIELD:  
 REQUIRED AREA: 330 GPD/(0.66 GPD/SF) = 500 SF (MIN)  
 PROPOSED AREA: 6 CHAMBERS AND 2 ENDCAPS LONG BY 4 CHAMBERS WIDE  
 108 LF x 4.73 SF/LF = 510 SF  
 CAPACITY: 510 SF x 0.66 GPD/SF = 336 GPD > 330 GPD  
 USE: 24 INFILTRATOR QUICK4 PLUS STANDARD CHAMBERS (8-INCH INVERT) AND 8 END CAPS

**PUMP NOTES:**  
 • CONTRACTOR IS REFERRED TO TITLE V 310 CMR 15.231: (7, 8 & 9).  
 • CONTRACTOR IS REFERRED TO DEP: "GUIDELINES FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF SMALL SEWAGE TREATMENT FACILITIES WITH LAND DISPOSAL" PAGE 54 TO 57 DATED: JAN. 1988.  
 • CONTRACTOR TO VERIFY POWER SUPPLIED BY ELECTRIC COMPANY PRIOR TO CONFIGURING PUMPS. A STEP TRANSFORMER AND/OR ROTOPHASE MAYBE NECESSARY.  
 • ELECTRICAL PERMITS WILL BE REQUIRED FOR INSTALLATION OF ELECTRIC SYSTEMS.  
 • PUMPS MUST BE INSTALLED BY A LICENSED ELECTRICAL CONTRACTOR.  
 • PROVIDE EXPLOSION PROOF FITTINGS & JUNCTION BOXES FOR ALL PUMP COMPONENTS PER TITLE V SPECIFICATIONS.  
 • CONTRACTOR TO VERIFY JUNCTION BOX LOCATION WITH ELECTRICAL INSPECTOR.  
 • HIGH WATER ALARM REQUIRED.  
 • CONTRACTOR MUST CHECK PUMPS STARTING & RUNNING AMPS VS. PUMP SPECIFICATIONS.  
 • ALARMS: TO BE ON SEPARATE CIRCUIT FROM PUMPS, TO HAVE BACKUP POWER IN CASE OF ELECTRIC FAILURE, TO BE AUDIO & PLACED IN A COMMON AREA & TO INDICATE WHICH PUMP CAUSED THE ALARM.  
 • GENERATORS: TO BE AVAILABLE IN CASE OF ELECTRIC FAILURE (RECOMMENDED).  
 • THE MOTOR CONTROL CENTER SHALL BE LOCATED OUTSIDE OF THE WET WELL AND PROTECTED BY A CONDUIT SEAL OR OTHER APPROPRIATE SEALING METHOD MEETING THE REQUIREMENTS OF THE NATIONAL ELECTRICAL CODE FOR CLASS I, DIVISION 2 LOCATIONS.  
 • THE PUMP MOTOR SHALL MEET THE REQUIREMENTS OF THE NATIONAL ELECTRICAL CODE FOR CLASS I, DIVISION 2 LOCATIONS.  
 • ALL PUMP COMPONENTS TO BE EASILY MAINTAINED & ACCESSIBLE FOR REPAIRS TO MINIMIZE THE NEED FOR CONFINED SPACE ACCESS.

**SEPTIC NOTES:**  
 1. TEST HOLES PERFORMED BY STEVE CARVALHO OF FARLAND CORP. AND WITNESSED BY DAVID FLAHERTY FROM THE FAIRHAVEN BOARD OF HEALTH ON DECEMBER 17, 2021.  
 2. ENGINEER SHALL SET BENCHMARK WITHIN 50' OF SYSTEM PRIOR TO START OF CONSTRUCTION.  
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE STATE AND LOCAL STANDARDS AND REGULATIONS.  
 4. ALL SYSTEM COMPONENTS SHALL BE MARKED WITH MAGNETIC MARKING TAPE OR A COMPARABLE MEANS IN ORDER TO LOCATE THEM ONCE BURIED.  
 5. SOIL TESTING PERFORMED IN ACCORDANCE WITH THE INSTRUCTIONS OF MASSACHUSETTS ENVIRONMENTAL CODE, TITLE 5.  
 6. EXISTING SOIL ABSORPTION SYSTEM TO BE ABANDONED OR REMOVED IN ACCORDANCE WITH 310 CMR 15.354.  
 7. THERE ARE NO KNOWN SURFACE WATER SUPPLIES OR WETLANDS BORDERING SURFACE WATER SUPPLIES OR PUBLIC WELLS WITHIN 200' OF SITE.  
 8. THERE ARE PRIVATE WELLS WITHIN 200' OF SITE.  
 9. THERE ARE NO KNOWN BORDERING VEGETATED WETLANDS, INLAND BANKS, OR SURFACE WATERS WITHIN 100' OF LEACHING AREA.  
 10. THERE ARE NO KNOWN SURFACE OR SUBSURFACE DRAINS WHICH ARE USED TO LOWER THE GROUND WATER ON THE SITE.  
 11. THERE ARE NO KNOWN VERNAL POOLS WITHIN 100' OF SITE.  
 12. SITE IS WITHIN 100 YEAR FLOOD PLAIN OR A NITROGEN SENSITIVE AREA.  
 13. EFFLUENT BEING DISCHARGED TO THE SYSTEM CAN BE ASSOCIATED WITH NORMAL STRENGTH DOMESTIC USE ONLY.  
 14. FOR PROPER PERFORMANCE, THE SEPTIC TANK SHOULD BE PUMPED ANNUALLY.  
 15. ANY ALTERATIONS MUST BE APPROVED IN WRITING BY THE DESIGN ENGINEER. ANY CONDITIONS ENCOUNTERED DURING CONSTRUCTION DIFFERING FROM THOSE SHOWN HEREON OR REPORTED HEREIN SHALL BE REPORTED TO THE DESIGN ENGINEER BEFORE CONSTRUCTION CONTINUES.  
 16. TEST HOLE INFORMATION SHOWN HEREON IS LIMITED TO SOIL CONDITIONS FOUND AT THAT PARTICULAR TEST HOLE LOCATION AND IS NOT TO BE CONSIDERED AN IMPLIED OR EXPRESSED WARRANTY OF SOIL CONDITIONS BEYOND THE LIMITS OF SUCH TEST HOLES.  
 17. SYSTEM CAN NOT BE BACKFILLED OR CONCEALED UNTIL DESIGN FIRM AND BOARD OF HEALTH HAVE INSPECTED THE SYSTEM AND PERMISSION TO BACKFILL HAS BEEN GIVEN.  
 18. WHERE WATER LINES CROSS BELOW SEWER LINES OR LIE LESS THAN 10 FEET FROM ANY SEPTIC COMPONENT THE WATER LINE SHALL BE ENCASED IN A MINIMUM OF 6 INCHES OF CONCRETE.  
 19. DESIGN FIRM MUST PREPARE AND SUBMIT "AS BUILT" PLAN TO BOARD OF HEALTH. THIS PLAN MUST CERTIFY THAT THE SYSTEM WAS INSTALLED IN ACCORDANCE WITH STATE AND LOCAL REGULATIONS AND THAT IT COMPLIES WITH PROPOSED PLAN. THEREFORE, THE CONTRACTOR MUST NOTIFY FARLAND CORP. IN ADVANCE FOR PERIODIC INSPECTIONS OF THE CONSTRUCTION AT THE FOLLOWING MINIMUM POINTS:  
 A. SEPTIC TANK EXCAVATION WITH STONE PRIOR TO SEPTIC TANK PLACEMENT.  
 B. LEACHING FIELD EXCAVATION PRIOR TO BACK FILLING WITH "SEWER SAND".  
 C. "SEWER SAND" BACKFILL - MUST PASS SIEVE TEST.  
 D. ALL PIPING AND CHAMBER ELEVATIONS PRIOR TO BACKFILL.  
 E. FINAL GRADING OVER ENTIRE SYSTEM.

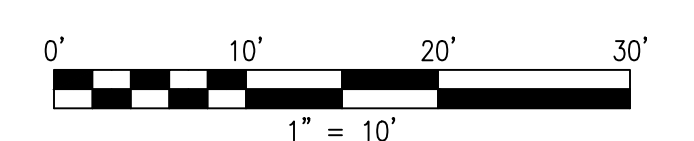
**GENERAL NOTES:**  
 1. PROPERTY LINE & TOPOGRAPHIC SURVEY PERFORMED BY FARLAND CORP. IN FEBRUARY OF 2019.  
 2. ELEVATIONS REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).  
 3. THE LOCATION OF UNDERGROUND UTILITIES WAS TAKEN FROM THE BEST AVAILABLE INFORMATION AND IS NOT WARRANTED TO BE CORRECT, NOR THAT ALL UNDERGROUND UTILITIES ARE SHOWN. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO NOTIFY ALL UTILITY COMPANIES AND AGENCIES PRIOR TO CONSTRUCTION FOR THE LOCATION OF UNDERGROUND UTILITIES.  
 4. ALL BENCHMARKS SHOWN ON THIS PLAN ARE TO BE CHECKED FOR CONSISTENCY BY THE CONTRACTOR. ANY DISCREPANCIES MUST BE RESOLVED BY THIS OFFICE PRIOR TO CONSTRUCTION.  
 5. THE PROPERTY DEPICTED ON THIS PLAN FALLS IN ZONE VE (EL. 19) & VE (EL. 20), AS SHOWN ON THE FLOOD INSURANCE RATE MAP NO. 25005C0501F, EFFECTIVE DATE: JULY 7, 2009.  
 6. COASTAL BEACH AND COASTAL DUNE BUFFER ZONE LOCATIONS ARE PROVIDED BY GIS INFORMATION FROM THE COMMONWEALTH OF MASSACHUSETTS AND ARE APPROXIMATE.



**SOIL LOGS**

T.H. #1	ELEV. = 7.3±	DATE
0'-18" A HORIZON SANDY LOAM 10YR2/2	5.8	12/17/21
18"-25" B HORIZON SANDY LOAM 10YR4/6	5.2	
25"-108" C HORIZON SANDY LOAM 2.5Y5/2	-1.7	
REDOX @ 42" ELEV. = 3.8±		

**BENCHMARK**  
 NAIL SET IN U.P. #1691  
 ELEV. = 6.77 (NAVD88)



**REVISIONS**

NO.	DESCRIPTION

CHRISTIAN ALBERT FARLAND  
 No. 47544  
 CIVIL ENGINEER  
 REGISTERED IN MA

**FARLAND CORP.**

www.FarlandCorp.com

401 COUNTY STREET  
 NEW BEDFORD, MA 02740  
 P.508.717.3479

OFFICES IN:  
 • TAUNTON  
 • MARLBOROUGH  
 • WARWICK, RI

DRAWN BY: JT  
 DESIGNED BY: JT  
 CHECKED BY: SC

**SUBSURFACE SEWAGE DISPOSAL SYSTEM**

27 SILVER SHELL BEACH DRIVE  
 ASSESSORS MAP 41 LOT 54  
 FAIRHAVEN, MASSACHUSETTS

PREPARED BY: NANCY BLOUIN  
 FOR: 27 SILVER SHELL BEACH DRIVE  
 FAIRHAVEN, MA

MAY 12, 2022  
 SCALE: 1"=10'  
 JOB NO. 19-055  
 LATEST REVISION:



# Staff Report

Date: May 26, 2022

To: Conservation Commission

From: Whitney McClees, Conservation Agent

Subject: **12 Diamond Street – Notice of Intent – DEP# 023-\_\_\_\_, Fairhaven CON 023-282**

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## DOCUMENTS REVIEWED

- After-the-fact 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
- Buffer Zone
- Land Subject to Coastal Storm Flowage (LSCSF) Zones AE and VE

## RELEVANT PERFORMANCE STANDARDS

- No work is proposed within Bordering Vegetated Wetland
- **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.

- **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 install a fence, remove an RV and associated gravel, allow an area to revegetate and plant native plants, and transition an area to lawn.

## COMMENTS

- The applicant was required by the Commission to submit an after-the-fact Notice of Intent within 90 days to address vegetation clearing on the property without proper permits.
- The applicant is looking to remove the RV and all associated gravel as required by the Commission.
- A portion of the area that was cleared of vegetation will be allowed to revegetate and the applicant is also open to planting some native plants to supplement.
- The portion of the vegetation cleared that is closer to the road is proposed to be converted to lawn to allow better visibility for cars around the corner and increased safety for children playing in the yard.
- Overall, the project appears to propose minor changes and minor impacts to the flood zone and to the 100-foot buffer zone.
- MassDEP has not yet issued a file number as of the date of this staff report.

## RECOMMENDATION

- If MassDEP has issued a file number by the June 14 meeting, I recommend closing the public hearing and issuing an Order of Conditions.
  - *Possible motion:* Motion to close the public hearing for 12 Diamond Street, SE 023-\_\_\_\_, CON 023-282, and issue an Order of Conditions under the Wetlands Protection Act and Fairhaven Wetlands Bylaw, approving plans dated May 24, 2022, with the conditions as outlined in the May 26, 2022 staff report.

**Special Conditions**

**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, 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: 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.
4. 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 Chapter 192-6(D).
5. ADD-2: This Order applies only to: the removal of the RV and associated placed gravel, the installation of a fence, the revegetation of a portion of the property, and the conversion of a portion of the property to lawn. Any future work not approved within this Order subject to jurisdiction under the Wetlands Protection Act 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.
6. The limit of work shall be the property lines. No work is permitted beyond the scope of work as outlined in this Order.
7. WET-1: 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.

**B. Prior to Construction**

8. CAP-3: 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: 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,  
Massachusetts Department of Environmental Protection [or MassDEP]

File Number SE 023-\_\_\_\_

Fairhaven Conservation Commission [or FCC]

File Number CON 023-282

This order shall be weatherproofed and affixed to the job site sign. The necessary replacement and maintenance of these postings shall be the sole responsibility of the applicant.

10. 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.
11. 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.

**C. During Construction**

12. 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.
13. The RV and associated gravel shall be removed from the property within one year of the issuance date of this Order.
14. The fence within the velocity flood zone (purple areas on the site plan) shall be FEMA-compliant and be at least 50% open using a shadowbox fence or equivalent. The entire fence shall have a gap of no less than 6 inches between the ground and lowest horizontal part of the fence.
15. STO-4: There shall be no discharge or spillage of petroleum product, hazardous material, or any other pollutant into any area of statutory interest.
16. STO-5: There shall be no fueling or maintenance of any vehicles or equipment in any area of statutory interest.
17. Native species may be planted in the area to be allowed to regrow.

**D. After Construction/In Perpetuity**

18. 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.
19. 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.

Perpetual Conditions

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

20. CHM-2: No liquid or solid chemical lawn fertilizers, pesticides, herbicides or chemical or petroleum dust control agents shall be applied within the area of statutory interest or anywhere that the surface drainage is discharged into an area of statutory interest. This condition shall survive the expiration of this Order, and shall be included as a continuing condition in perpetuity on the Certificate of Compliance.
21. 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 and/or the Massachusetts Wetlands Protection Act. 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.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:  
MassDEP File Number  
Document Transaction Number  
Fairhaven  
City/Town

# WPA Form 3 – Notice of Intent

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

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



**Note:**  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

## A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

12 Diamond Street	Fairhaven	02719
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	41.612914	-70.857557
	d. Latitude	e. Longitude
29	48 & 50	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

Michael and Stasia	DeCrosta	
a. First Name	b. Last Name	
c. Organization		
12 Diamond Street		
d. Street Address		
Fairhaven	MA	02719
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant):  Check if more than one owner

a. First Name	b. Last Name	
c. Organization		
d. Street Address		
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

a. First Name	b. Last Name	
c. Company		
d. Street Address		
e.	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$110	\$42.50	<sup>67.50</sup> \$62.50 + \$200 (bylaw)
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

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

MassDEP File Number

Document Transaction Number

Fairhaven

City/Town

**A. General Information (continued)**

6. General Project Description:

MIND LANDSCAPING PROJECT WITH FENCE PLACEMENT  
REMOVAL OF RV AND GRAVEL

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Single Family Home             | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input type="checkbox"/> Commercial/Industrial                     | 4. <input type="checkbox"/> Dock/Pier                     |
| 5. <input type="checkbox"/> Utilities                                 | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation                |
| 9. <input type="checkbox"/> Other                                     |   |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1.  Yes  No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Bristol (S.D.) (registered and unregistered land)

25705

a. County

b. Certificate # (if registered land)

14018

32

c. Book

d. Page Number

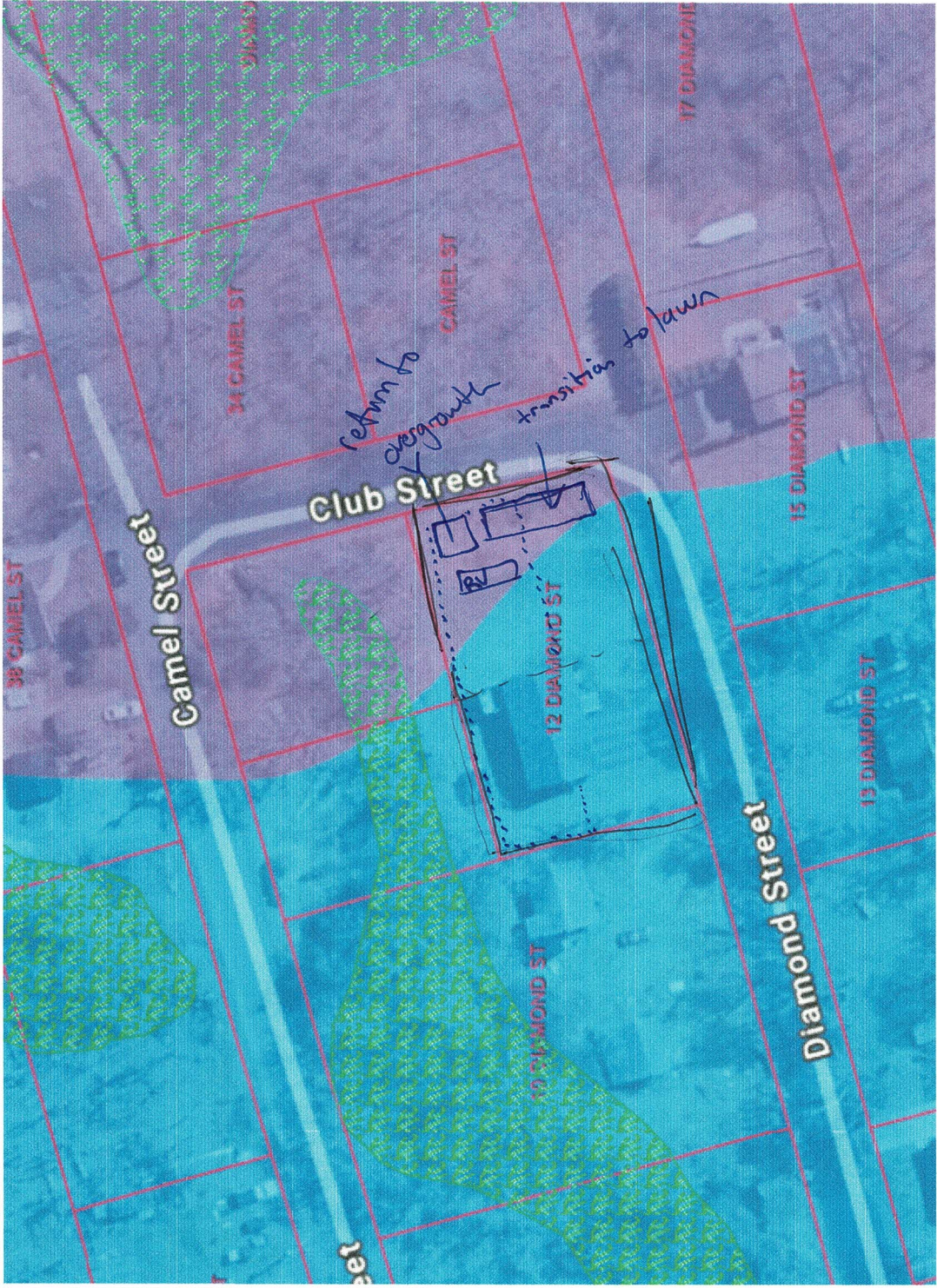
**B. Buffer Zone & Resource Area Impacts (temporary & permanent)**

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



Landscape and Fence Addition



- Add fence depicted by dotted line
- remove RV + Gravel used to level RV
- Return portion to natural overgrowth
- transition balance to lawn

5/24/2022



**Notification to Abutters Under the  
Massachusetts Wetlands Protection Act  
and the Fairhaven Wetlands Bylaw**

*(this form must be completed and copies sent by certified mail  
or hand delivery to all abutters within 100 feet of the property  
where the project is located)*

In accordance with the Massachusetts General Laws Chapter 131, Section 40 (the Wetlands Protection Act) and the Fairhaven Wetlands Bylaw (Chapter 192), you are hereby notified of the following:

1. The applicant's name is Michael and Stasia DeCrosta
  
2. The applicant has filed the following with the Fairhaven Conservation Commission:  
 Request for Determination of Applicability  
 Notice of Intent  
 Request to Amend an existing Order of Conditions  
 Notice of Resource Area Delineation
  
3. The address or location of the site where the activity, project, or delineation is proposed is:  
12 Diamond Street, Fairhaven, MA.
  
4. The proposed work includes MINOR LANDSCAPING PROJECT TO INCLUDE  
OVERGROWTH REMOVAL FROM STREET EDGE TO 40 FEET FROM  
RUNOFF VELOCITY ZONE WHICH WILL BECOME LAWN. ALLOW BALANCE  
OF AREA TO REGROW NATURAL HABITATION. REMOVAL OF RV  
AND GRAVEL TO RETURN TO LAWN. INSTALLMENT OF REGULATION  
APPROVED FENCING.
  
5. Copies of the above application may be examined at the Conservation Office, located in Town Hall, 40 Center Street, Fairhaven, MA 02719, between 9:00 AM and 4:00 PM, Monday through Friday. Copies may be obtained at the office if notified in advance or from the applicant.
  
6. Applications will also be uploaded to [www.fairhaven-ma.gov/conservation-commission/pages/current-filings](http://www.fairhaven-ma.gov/conservation-commission/pages/current-filings). If you are unable to access or view the application electronically, please contact the Conservation Office at 508-979-4023, ext. 128.
  
7. Notice of the public hearing including its date, time, and place will be published at least five business days in advance in the Fairhaven Neighborhood News, and will be posted on the Fairhaven Town Website and at the Fairhaven Town Hall not less than 48 hours in advance.

**PLEASE NOTE:**

Since you are receiving this notice, you may have wetland resource areas or wetland buffers on your property. Therefore, construction, cutting, clearing, or grading may require a permit. For clarification or for more information, call the Conservation Agent at 508-979-4082 or visit our website.