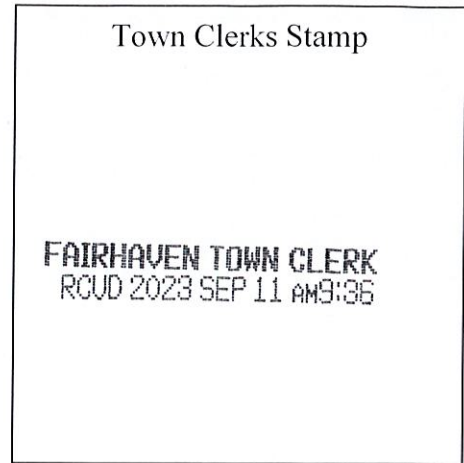




FAIRHAVEN PLANNING BOARD

Application for SPECIAL PERMIT



Fairhaven, Massachusetts

Date: August 17, 2023

The undersigned petitions the PLANNING BOARD FOR A SPECIAL PERMIT in the manner and for the reasons herein after set forth, the application of the provisions of the zoning ordinance and MGL c. 40A, § 9 to the following described Site:

Name of Applicant(s): Terje Tonnessen Revocable Trust - 2015

Applicant(s) Address: 88 Fort Street, Fairhaven, MA 02719

Phone Number: (508) 993-8942 Fax Number: _____

Name of Owner(s): same as applicant

Owner(s) Address: _____

Name of Engineer/Architect: Schneider, Davignon & Leone, Inc.

Engineer/Architect Address: 81A County Road, Unit G, P.O. Box 480, Mattapoisett, MA 02739

Phone Number: (508) 758-7866 Fax Number: _____

1. Location of Site: 88 Fort Street
2. Assessors' Plat(s): 5 Lot No(s): 4 & 5
3. Zoning District in which Site is located: Apartment/Multi-Family District - RC
4. State present use of site: Duplex (2- Family)
5. Give size of existing building(s), if applicable: n/a
6. Give extent of proposed alterations, if applicable: Proposed 4'x 104' Pier with Gangway & Floats
7. Number of families building is to be used, if applicable: n/a
8. Have you submitted plans to the Building Inspector? No Has he refused a permit? n/a
9. Please attach a detailed narrative and any other documentation that supports your request.

Applicant Signature: 

Owner Signature: _____

File one completed form with the Planning Board and one copy with the Town Clerk.

SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

MATTHEW C. LEONE, P.L.S.



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

September 8, 2023

Re: Special Permit Application - Project Narrative

Applicant/Owner: Terje Tonnessen Revocable Trust - 2015
Project Type: Proposed Construction of a Private Residential Pier Facility
Site Address: 88 Fort Street
Lots #4 & #5 on Assessors Map #5

Project Purpose:

The purpose of the project is to construct a private Residential Pier Facility to access the waters of the Acushnet River, New Bedford Harbor and Buzzards Bay for recreational boating, fishing and swimming.

Site Description:

The property is developed with a two-family dwelling, paved driveway and manicured lawn throughout. The site is bordered easterly by Fort Street, northerly by Church Street, westerly by the Acushnet River and southerly by a residential home. Although the site is identified by the Fairhaven Assessors office as lots #4 and #5 on Map #5 with a total area of 0.58 Acres, the two parcels have been officially combined per a plan filed with the Registry of Deed (see attached).

Project Description:

The Applicant proposes to construct a 4' wide x 104' long pile supported timber pier with a 4' x 28' aluminum gangway and two- 10' x 14' floats at its terminus. The pier supports will consist of 12" diameter greenheart timber installed in pairs at 20' on center. The total number of pier support piles = 12. The pier will have a cantilevered seating bench on the north side near its seaward end. The deck elevation will be set at elevation 8.3 throughout. The height will avoid any contact with the concrete block seawall. The distance between the bottom of the stringer and existing grade at the base of the seawall will be approximately 3.2 ft. (<5 ft.) therefore two sets of stairs will be constructed on either side of the pier to provide Lateral Public Access up and over the seawall. The float will be anchored in place by six 12" diameter greenheart timber pilings. All pilings will be driven to a minimum depth of 15 ft. (or to refusal) using a crane set on a barge. The barge shall operate in a minimum of 3 ft. of water at all times to prevent grounding of the barge. Once the split caps, x-bracing and stringers have been installed utilizing the barge, the deck boards and railing system will be installed incrementally from the landward end working incrementally seaward. The landward end of the pier will be supported by a 6'x 5'x 12" poured concrete pad.

Prior to any work, all shellfish located in the vicinity of the work area shall be relocated under the supervision of the Fairhaven Shellfish Warden. Construction materials will be transported to the site both from land and via the barge. The existing lawn area shall be used for the onsite staging and storage of materials. The gangway and float would be installed upon completion of the fixed structure.

Zoning District:

The property falls within zoning district Apartment/Multi-Family (RC). Per zoning the zoning bylaws Section 198-32.2 – Docks and Piers, subsections A and B the Planning Board may issue a Special Permit for the construction of a pier/dock per the requirements of subsection C as follows:

C. Requirements:

(1) It shall be demonstrated that the placement of a dock and/or pier will not have an adverse impact on coastal ecology, recreational use of adjoining waters, or the use and enjoyment of the waterfront by adjoining property owners.

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- The project will not have any impact on any salt marsh or eel grass and only 14 sq. ft. of Land Containing Shellfish (a.k.a Land Under Ocean). All shellfish will be relocated under the supervision of the Shellfish Warden prior to any construction. It should be noted that the project has been approved by Conversation Commission (see attached). The nearest structures northwesterly and southeasterly are located approximately 480 ft. and 120 ft., respectfully. Finally Lateral Public Access will be provided in compliance with the DEP-Waterways Program with the construction of two sets of access stairs.

(2) All proposed dock and/or piers shall be designed and stamped by a Registered Engineer.

- The project plans have been prepared by and endorsed by a P.E.

(3) Dock and/or pier length:

(a) The maximum length of any dock and/or pier including floats outside of the U.S. Army Corps of Engineers hurricane barrier shall be seventy-five (75) feet as measured from mean high water (MHW) mark seaward.

- Not Applicable

(b) The maximum length of any dock and/or pier including floats inside of the U.S. Army Corps of Engineers hurricane barrier shall be the minimum length necessary to have a minimum of two- and one-half feet of water at Mean Low Water (MLW) at the end of the dock and/or pier; however, the length shall not exceed one-hundred fifty (150) feet, whichever is less.

- The total length of the pier and float from the MHW line = 149.3 ft. < 150 ft. maximum allowable length.

(4) No dock, pier, stairs or ramp shall exceed six (6) feet in width, measured outside the support structure (piling, posts or railing).

- The proposed pier width = 4 ft. throughout < 6 maximum allowable width with exception of the cantilevered seating bench (L=8') which will be 6' wide.

(5) Setback for any dock and/or pier, and associated floats shall be twenty-five (25) feet to side property lines as measured along the shoreline.

- The proposed pier support piles will be 25+ ft. from the south property line > 25 ft. minimum allowable setback and a variance was issued by the Zoning Board of Appeals (see attached) for the proposed 11.8 ft. north setback to Church Street (<25 ft.).

(6) Access - Lateral pedestrian passage shall be provided in the intertidal zone or along the shore for fishing and fowling purposes.

- Lateral Public Access will be provided with the construction of two access stairs.

(7) Floating docks are permitted. The total area of any and all floats associated with a dock and/or pier shall not exceed three hundred (300) square feet.

- The proposed total float area = 294 sq. ft. < 300 sq. ft. maximum allowable area.

(8) Two boats or vessels not over 30-feet in overall length shall be the maximum number permitted on any dock and/or pier.

- The proponent will comply with this requirement.

P.O. Box 480, 81A COUNTY ROAD, UNIT G, MATTAPOISETT, MA 02739

PHONE 1-508-758-7866

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(9) Depth of water - At MLW, there shall be minimum of two- and one-half feet of water or sufficient navigable water for the proposed vessel at the end of the dock, pier and/or float system. Zoning – Chapter 198 69 Rev. 5-6-17

- The proposed float will rest in between 2.7 ft. - 3.3 ft. of water at mean low water > 2.5 ft. minimum allowable depth.

(10) Shellfish on site of any proposed dock and/or pier shall be removed, replanted or replaced under supervision of the Shellfish Warden.

- The proposal requires all shellfish in the vicinity of the work area to be relocated under the supervision of the Shellfish Warden.

(11) Conservation Commission approvals shall be required for the construction of all docks and/or piers

- The Conservation Commission has approved the project (see attached).

(12) A Building Permit shall be required for the construction of a dock and/or pier.

- The proponent's contractor will submit a Building Permit Application upon receiving all other Local, State, and Federal Authorizations.

(13) All necessary Federal and State permits shall be obtained prior to issuance of a building permit.

- All Local, State and Federal Permits/Authorizations will be obtained prior to applying for a Building Permit.