

**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 - Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 MassDEP File #:023-1361  
 eDEP Transaction #:1305686  
 City/Town:FAIRHAVEN

**A. General Information**

1. Conservation Commission      FAIRHAVEN

2. Issuance                              a.  OOC                              b.  Amended OOC

3. Applicant Details

a. First Name	NORA/HENRY C.III	b. Last Name	BRADFORD
c. Organization			
d. Mailing Address	22 BREWSTER STREET		
e. City/Town	WEST BRIDGEWATER	f. State	MA
		g. Zip Code	02379

4. Property Owner

a. First Name	NORA/HENRY C.III	b. Last Name	BRADFORD
c. Organization			
d. Mailing Address	22 BREWSTER STREET		
e. City/Town	WEST BRIDGEWATER	f. State	MA
		g. Zip Code	02379

5. Project Location

a. Street Address	11 BALSAM STREET		
b. City/Town	FAIRHAVEN	c. Zip Code	02719
d. Assessors	43C	e. Parcel/Lot#	128-130
Map/Plat#			
f. Latitude	41.58584N	g. Longitude	70.82948W

6. Property recorded at the Registry of Deed for:

a. County	b. Certificate	c. Book	d. Page
SOUTHERN BRISTOL	22937		

7. Dates

a. Date NOI Filed : 7/26/2021      b. Date Public Hearing Closed: 8/30/2021      c. Date Of Issuance: 9/8/2021

8. Final Approved Plans and Other Documents

a. Plan Title:	b. Plan Prepared by:	c. Plan Signed/Stamped by:	d. Revised Final Date:	e. Scale:
PLAN OF SITE, UTILITIES & PROPOSED RESIDENCE	CHARON ASSOCIATES, INC.	RICHARD J. CHARON	August 25, 2021	1" = 30'

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act.

Check all that apply:

a. <input type="checkbox"/> Public Water Supply	b. <input type="checkbox"/> Land Containing Shellfish	c. <input checked="" type="checkbox"/> Prevention of Pollution
d. <input type="checkbox"/> Private Water Supply	e. <input type="checkbox"/> Fisheries	f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat
g. <input checked="" type="checkbox"/> Ground Water Supply	h. <input checked="" type="checkbox"/> Storm Damage Prevention	i. <input checked="" type="checkbox"/> Flood Control

2. Commission hereby finds the project, as proposed, is:

**Approved** subject to:

- a.  The following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

**Denied** because:

- b.  The proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  The information submitted by the applicant is not sufficient to describe the site, the work or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310CMR10.02(1)(a). \_\_\_\_\_ a. linear feet

**Inland Resource Area Impacts:(For Approvals Only):**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	0 _____ a. square feet	0 _____ b. square feet	0 _____ c. square feet	0 _____ d. square feet
6. <input type="checkbox"/> Land under Waterbodies and Waterways	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____	_____		

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	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area				
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft				
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft				
	g. square feet	h. square feet	i. square feet	j. square feet

**Coastal Resource Area Impacts:**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishment	d. c/y nourishment
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	c. c/y dredged	d. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	19100 a. square feet	19100 b. square feet		

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22.

Restoration/Enhancement (For Approvals Only)

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c & d or B.17.c & d above, please entered the additional amount here.

\_\_\_\_\_ a. square feet of BVW

\_\_\_\_\_ b. square feet of Salt Marsh

23.

Streams Crossing(s)

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

\_\_\_\_\_ a. number of new stream crossings

\_\_\_\_\_ b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

**The following conditions are only applicable to Approved projects**

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not exceed the issuance date of the original Final Order of Conditions.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work..
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing

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the words,

" Massachusetts Department of Environmental Protection"  
[or 'MassDEP']  
File Number : "023-1361"

11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before Mass DEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

**NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS**

19. The work associated with this Order(the "Project") is (1)  is not (2)  subject to the Massachusetts Stormwater Standards. If the work is subject to Stormwater Standards, then the project is subject to the following conditions;
  - a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Construction General Permit as required by Stormwater Standard 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
  - b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that: *i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures; *ii.* as-built final construction

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BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized; *iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10; *iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition; *v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 19(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollutant Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.
- g) The responsible party shall:
  - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.

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- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
  - l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

**Special Conditions:**

SEE ATTACHMENT A

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No

2. The Conservation Commission hereby (check one that applies):

a.  DENIES the proposed work which cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

1. Municipal Ordinance or Bylaw \_\_\_\_\_

2. Citation \_\_\_\_\_

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order or Conditions is issued. Which are necessary to comply with a municipal ordinance or bylaw:

b.  APPROVES the proposed work, subject to the following additional conditions.

1. Municipal Ordinance or Bylaw CODE OF THE TOWN OF FAIRHAVEN, WETLANDS

2. Citation CHAPTER 192

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows:  
SEE ATTACHMENT A





TOWN OF FAIRHAVEN, MASSACHUSETTS  
**CONSERVATION COMMISSION**

Town Hall · 40 Center Street · Fairhaven, MA 02719

## Attachment A

DEP File #: SE 023-1361  
Fairhaven File #: CON 023-240  
Applicant: Nora and Henry Bradford  
Property: 11 Balsam Street

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### Findings, Plans, and Documents

1. Land Subject to Coastal Storm Flowage and Bordering Vegetated Wetland have been identified as Resource Areas subject to protection under the Wetlands Protection Act (M.G.L ch. 131 § 40) and Regulations (310 CMR 10.00) and the Fairhaven Wetlands Bylaw (Chapter 192). The 100-foot buffer zone to the aforementioned resource areas is a jurisdictional resource area under the Fairhaven Wetlands Bylaw.
2. Land subject to coastal storm flowage is significant to flood control and storm damage prevention.
3. Bordering vegetated wetlands (BVW) and their 100-foot buffer zone are significant to the interests of protection of public and private water supply, protection of groundwater supply, flood control, storm damage prevention, prevention of pollution, and protection of wildlife habitat.
4. This permit authorizes the demolition of the existing house, the construction of a new velocity flood zone-compliant single-family home with associated grading and utilities, paved driveway, and a replanting area to the previous extent of the tree line in the 0-50 foot buffer zone as shown on the Final Approved Plans referenced in Condition A.6. No other work is approved by this Order.
5. This project is subject to the Town of Fairhaven Wetlands Bylaw (Chapter 192) and its regulations. Receipt of an Order of Conditions satisfies the requirements under the Wetlands Bylaw.
6. This project is subject to the Town of Fairhaven Stormwater Management Bylaw (Chapter 194). Receipt of an Order of Conditions satisfies the requirements under the Stormwater Management Bylaw.
7. This Order of Conditions addresses a violation from November 2020. The property owners cleared a significant number of trees on the property without proper permits.
8. The Plan-of-Record is titled "Plan of Site, Utilities & Proposed Residence", prepared by Charon Associates, Inc., dated August 25, 2021.

### Special Conditions

#### A. General Conditions

1. ACC-1: The Conservation Commission, its employees, and its agents shall have a right of entry to inspect or compliance with the provisions of this Order of Conditions.

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 Act and/or the Fairhaven Wetlands Bylaw.
5. ADD-2: This Order applies only to: the demolition of the existing house, the construction of a new velocity flood zone-compliant single-family home with associated grading and utilities, paved driveway, and a replanting area to the previous extent of the tree line in the 0-50 foot buffer zone. 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. ADD-4b: All work shall be done in accordance with final plans dated August 25, 2021 as approved by this Commission. Any deviation must be approved by this Commission in writing prior to commencing work involved in this deviation.
7. ADD-4c: Any changes to the plans identified above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
8. ADD-5: This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this order and to any contractor or other person performing work conditioned by this order.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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.
14. 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.
15. FZ-2: The design flood elevation of the structure shall be at least two (2) feet above base flood elevation.

**B. Prior to Construction**

16. CAP-3: All required permits must be obtained, as needed, from the Army Corps of Engineers, Massachusetts Department of Environmental Protection, Planning Board, Zoning Board of Appeals, Board of Public Works, Board of Health, Building Department, and/or any other appropriate local, state, or federal agencies and proof of appropriate permits submitted to the Conservation Commission prior to the start of the project. Any conditions outlined in all other applicable permits shall also apply to this Order of Conditions and are enforceable by the Commission or its Agent.
17. 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 023-1361  
Fairhaven Conservation Commission [or FCC]  
File Number CON 023-240  
Included shall also be the Commission's office phone number (508) 979-4023 for further information. Special orders of the conditions shall be weatherproofed and posted on all activity sites, including a posting on the job site sign. The necessary replacement and maintenance of these postings shall be the sole responsibility of the applicant.
18. DER-1: Proof of recording of these approved special conditions, plan of record, and materials at the Bristol County Registry of Deeds shall be provided by the applicant's liaison to the commission enforcement agent prior to the commencement of any work (including site preparation) on the site.
19. 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.
20. 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.
21. TRP-3: All mature vegetation proposed to remain shall be marked in the field and have their protection zones established prior to erosion control inspection.
22. 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.

**C. During Construction**

23. 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.
24. The existing house shall be razed prior to beginning construction of the new structure.
25. TRP-1: All mature trees on site not permitted to be removed within the area of work shall have a no disturb zone established, demarcated, and maintained around them throughout construction as follows:
  - Every 1-inch caliper equals 1 foot of protection around the tree as a lateral measurement from the base of the tree; i.e. a 6-inch caliper tree has a 6-foot no disturb zone all the way around with the tree at the center.
26. PS-1: Cultivars of any new vegetation to be installed are not permitted.
27. At no time shall any construction materials, soils, fills, sediments, dredging or any other substances be stockpiled or stored within 50 feet of the bordering vegetated wetland.
28. STO-3: All equipment used on site must be stored or parked in an area outside the buffer zone.
29. STO-4: There shall be no discharge or spillage of petroleum product, hazardous material, or any other pollutant into any area of statutory interest.
30. STO-5: There shall be no fueling or maintenance of any vehicles or equipment in any area of statutory interest.
31. 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.
32. MAC-7: No motorized/construction equipment is to enter or cross a wetland resource area at any time, unless the location of entry or disturbance is clearly indicated on plans and within information contained within the Notice of Intent and approved with the issuance of this Order of Conditions.
33. MAC-8: All equipment shall be inspected regularly for leaks. Any leaking hydraulic lines, cylinders, or any other components shall be fixed immediately.
34. 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.
35. 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.
36. 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.
37. BLD-3: Any fill used for this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
38. 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.
39. 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.

40. 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.
41. WAS-2: Concrete truck washout shall occur within a designated area appropriately lined and isolated in an appropriate location outside of the resource area.
42. WAT-3: There shall be no direct discharge of dewatering operations into any wetland, watercourse, or drainage system without the approval of the Commission. Any dewatering discharge shall be passed through a sedimentation control device to remove any solids. The contractor is to maintain said sedimentation control devices throughout the entire dewatering operation and repair deficiencies immediately.
43. 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.
44. 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.
45. WAS-3: Painters, plasterers, etc. shall be informed that their equipment cannot be cleaned in areas where wash water can flow towards/into resource areas.

**D. After Construction/In Perpetuity**

46. 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.
47. Documentation of a 75% survival rate of the planted areas in the 0-50 foot buffer zone at the end of the third growing season after planting shall be submitted to the Commission. If 75% survival is not achieved, replacement plantings of the same species shall be made by the applicant.
48. FZ-3: A certificate shall be issued by the foundation design engineer that the breakaway walls are installed correctly and will function properly.
49. 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.

Perpetual Conditions

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

50. FZ-4: Breakaway walls shall not be modified at any point so they no longer function as breakaway walls.
51. 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.

52. 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 5 - Order of Conditions**

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

Provided by MassDEP:

MassDEP File #:023-1361

eDEP Transaction #:1305686

City/Town:FAIRHAVEN

**E. Signatures**

This Order is valid for three years from the date of issuance, unless otherwise specified pursuant to General Condition #4. If this is an Amended Order of Conditions, the Amended Order expires on the same date as the original Order of Conditions.

9/8/2021


1. Date of Original Order

Please indicate the number of members who will sign this form. This Order must be signed by a majority of the Conservation Commission.

4

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:   
Karen Isherwood

  
John J. Day

by hand delivery on

by certified mail, return receipt requested, on

9/8/2021 7016 2710 0001 1692 8490

Date

Date

**F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

□ **Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 - Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
MassDEP File #:023-1361  
eDEP Transaction #:1305686  
City/Town:FAIRHAVEN

**G. Recording Information**

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

FAIRHAVEN  
Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:  
FAIRHAVEN  
Conservation Commission

Please be advised that the Order of Conditions for the Project at:

11 BALSAM STREET  
Project Location

023-1361  
MassDEP File Number

Has been recorded at the Registry of Deeds of:

<u>County</u>	<u>Book</u>	<u>Page</u>
---------------	-------------	-------------

for:  
Property Owner NORA/HENRY C.III BRADFORD

and has been noted in the chain of title of the affected property in:

<u>Book</u>	<u>Page</u>
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In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

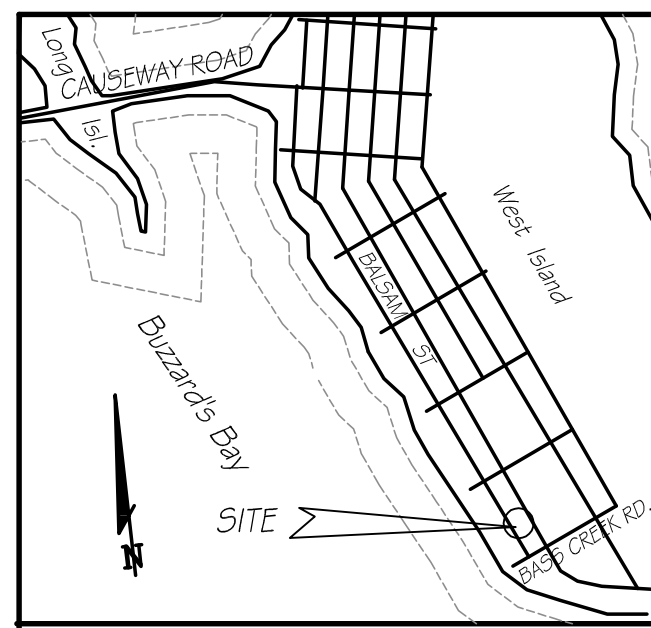
Instrument Number

If registered land, the document number identifying this transaction is:

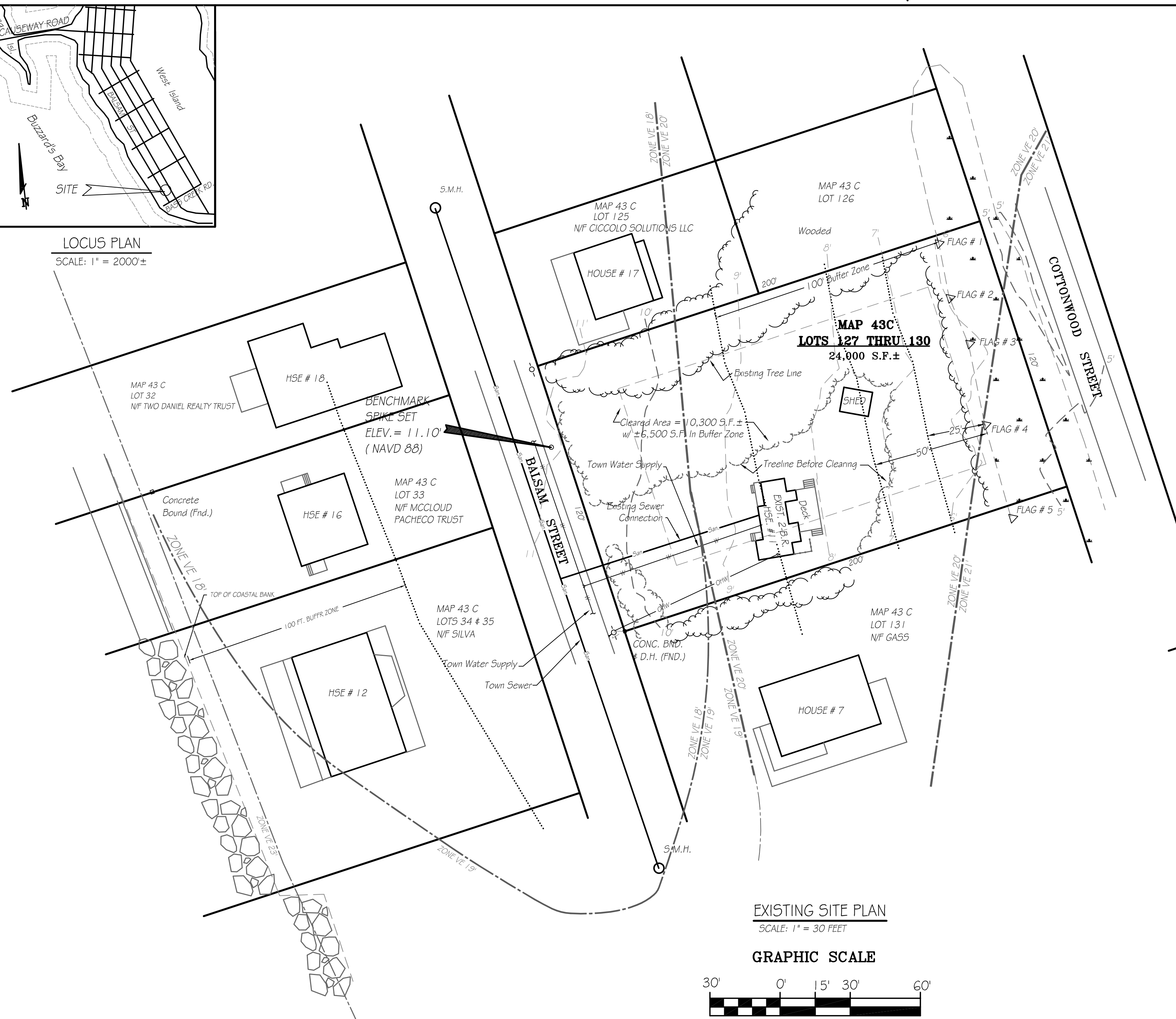
Document Number

Signature of Applicant



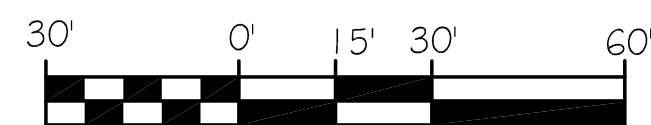


LOCUS PLAN  
SCALE: 1" = 2000±

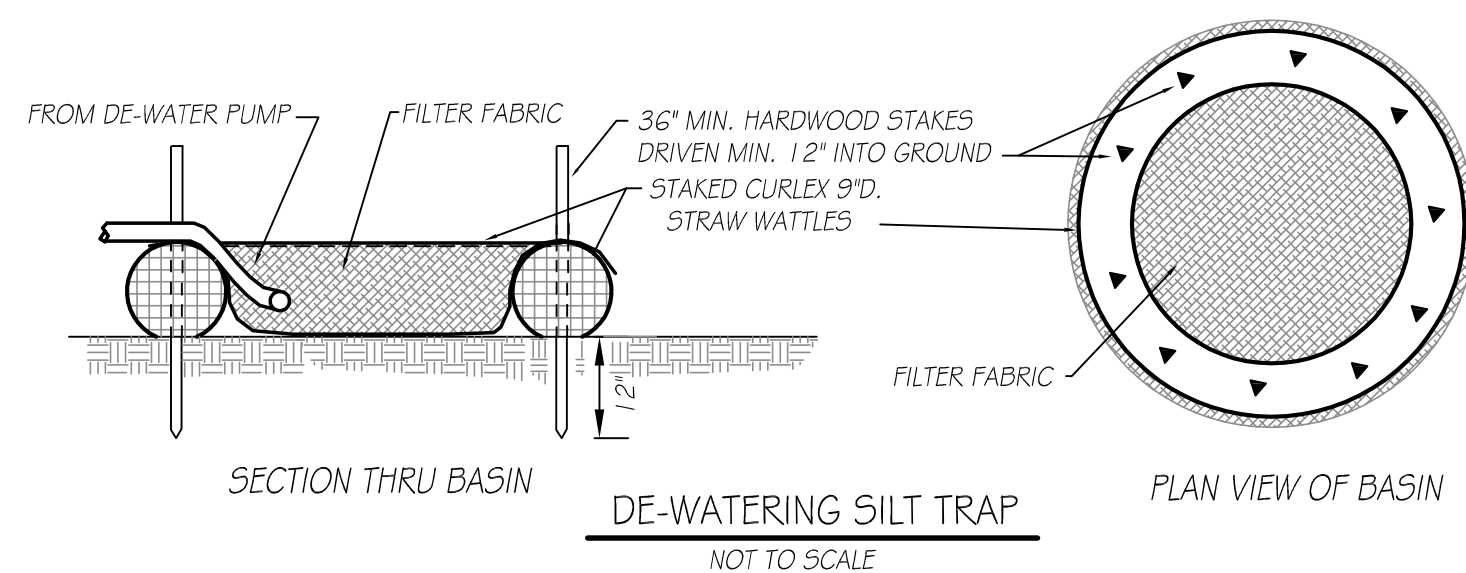


EXISTING SITE PLAN  
SCALE: 1" = 30 FEET

GRAPHIC SCALE

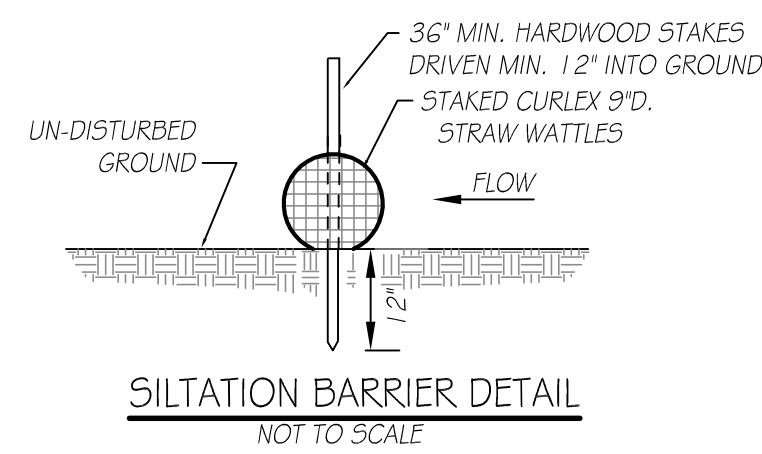


( IN FEET )  
1 inch = 30 ft.



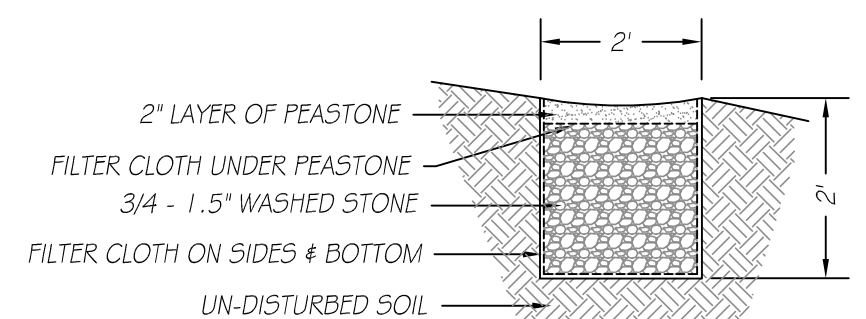
SECTION THRU BASIN  
DE-WATERING SILT TRAP  
NOT TO SCALE

NOTE:  
1. ALL EXCAVATION BELOW THE GROUND WATER TABLE SHALL BE DE-WATERED WITH PUMP DISCHARGE TO DE-WATERING SILT TRAP.



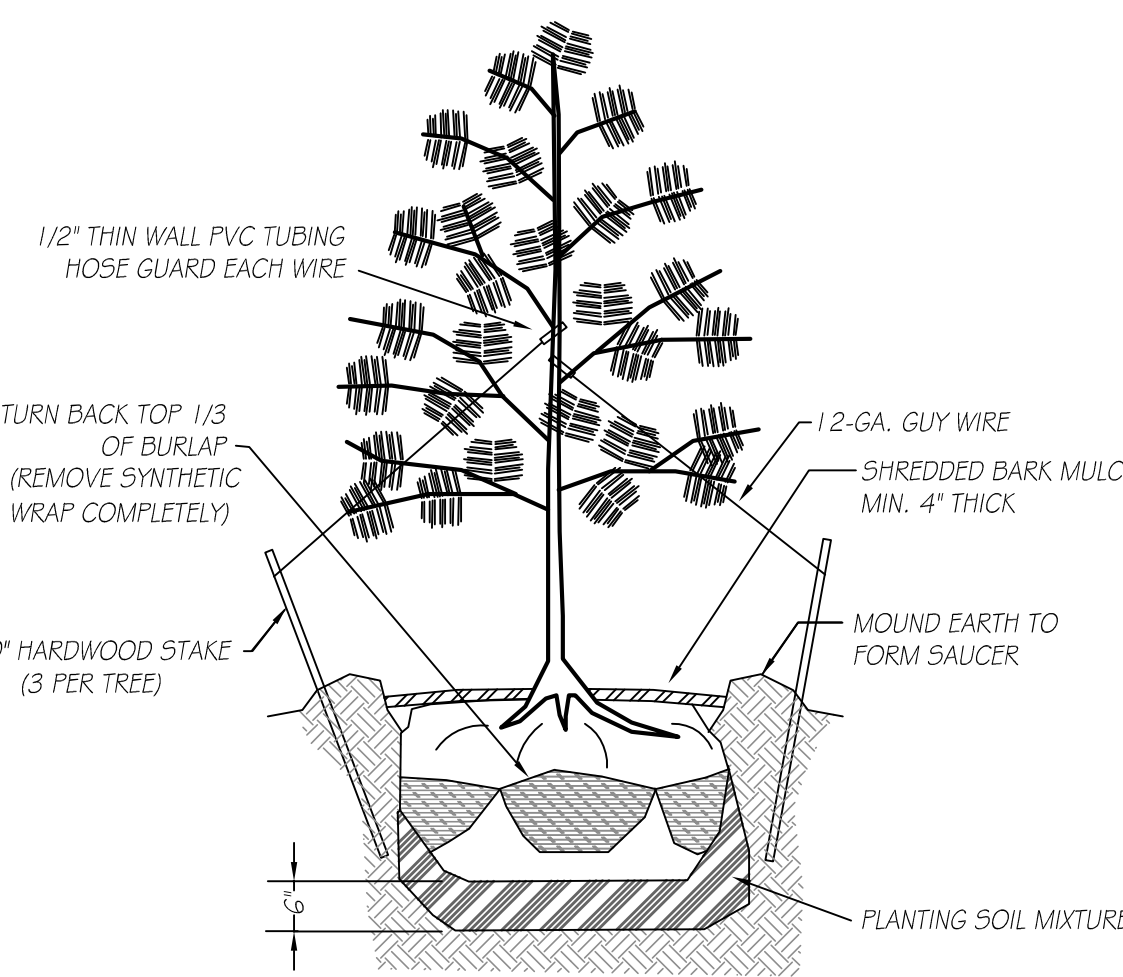
SILTATION BARRIER DETAIL  
NOT TO SCALE

NOTE: STRAW WATTLES SHALL BE COMPOSED OF STRAW FIBERS ENCASED IN DURABLE BIODEGRADABLE NETTING.



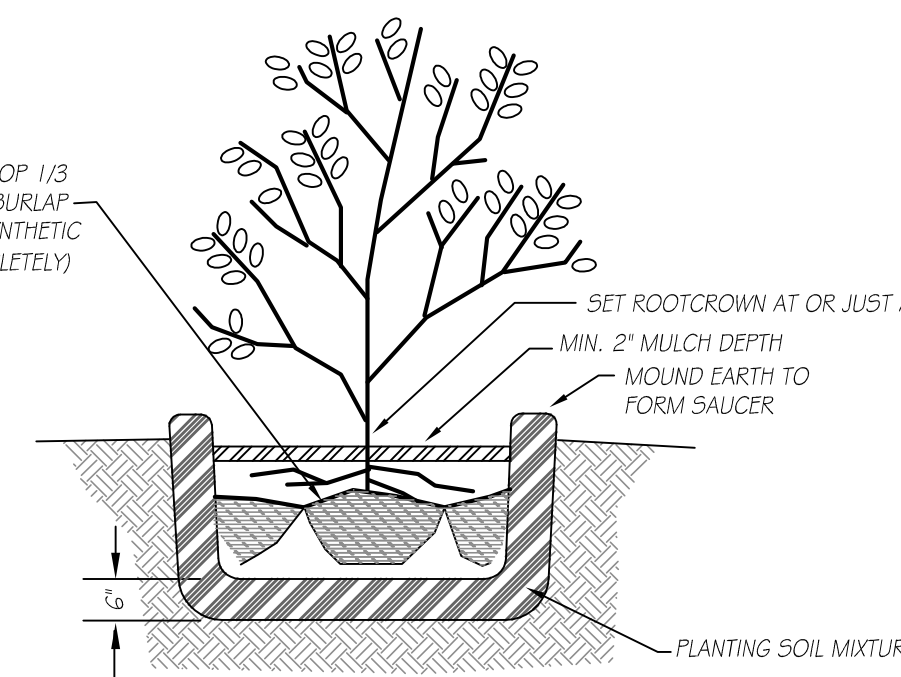
DRAIN TRENCH DETAIL  
N.T.S.

MAINTENANCE: RAKE LEAVES & DEBRIS OVER PEASTONE WHEN NEEDED; REMOVE PEASTONE AND CLEAN TOP LAYER OF FILTER CLOTH WHEN CLOGGED WITH FINES.

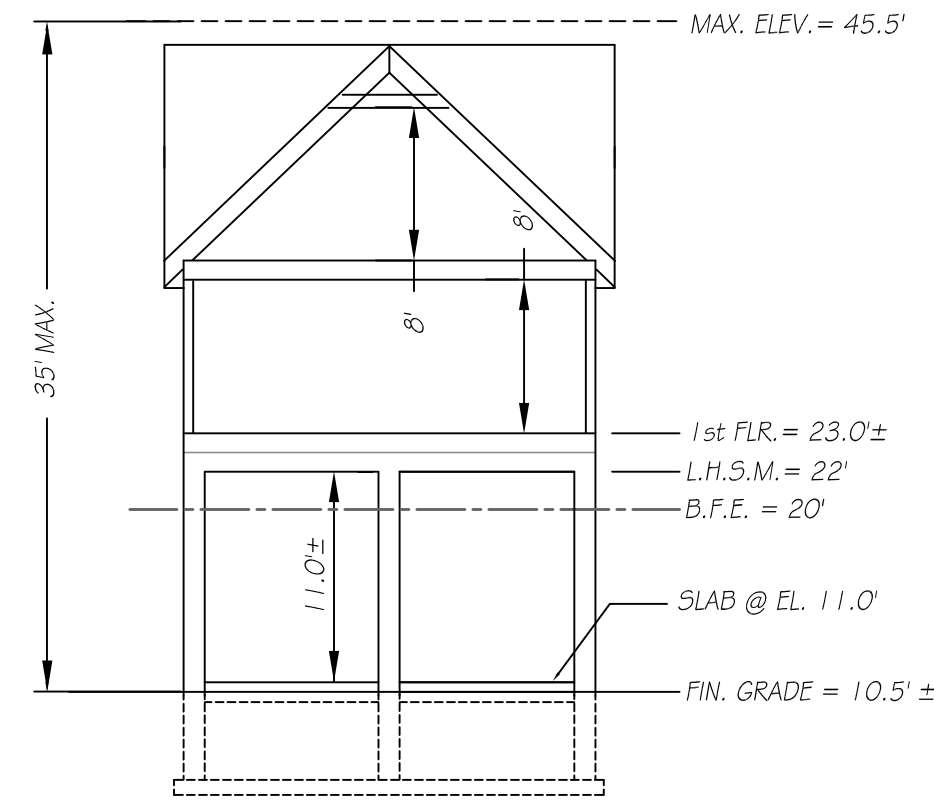
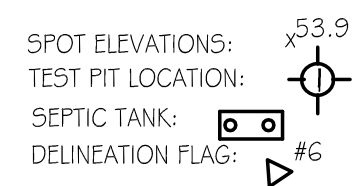
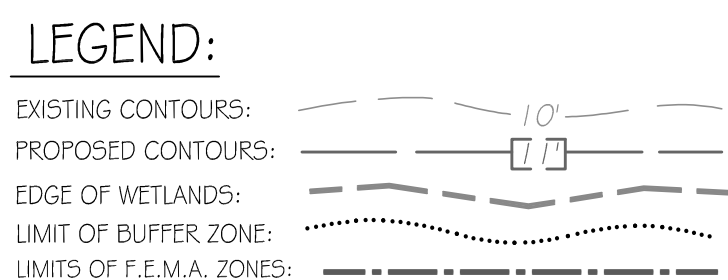


TREE PLANTING DETAIL  
N.T.S.

NOTE: ALL PLANTING HOLES SHALL BE HAND-BACKFILLED WITH NATIVE SOIL AS POSSIBLE. ADDITIONAL SOIL SHALL BE SCREENED TOPSOIL AND COMPOST MIX. ALL PLANTED TREES SHALL RECEIVE ORGANIC SLOW RELEASE FERTILIZER AND BE STAKED AS NECESSARY.



SHRUB PLANTING DETAIL  
N.T.S.



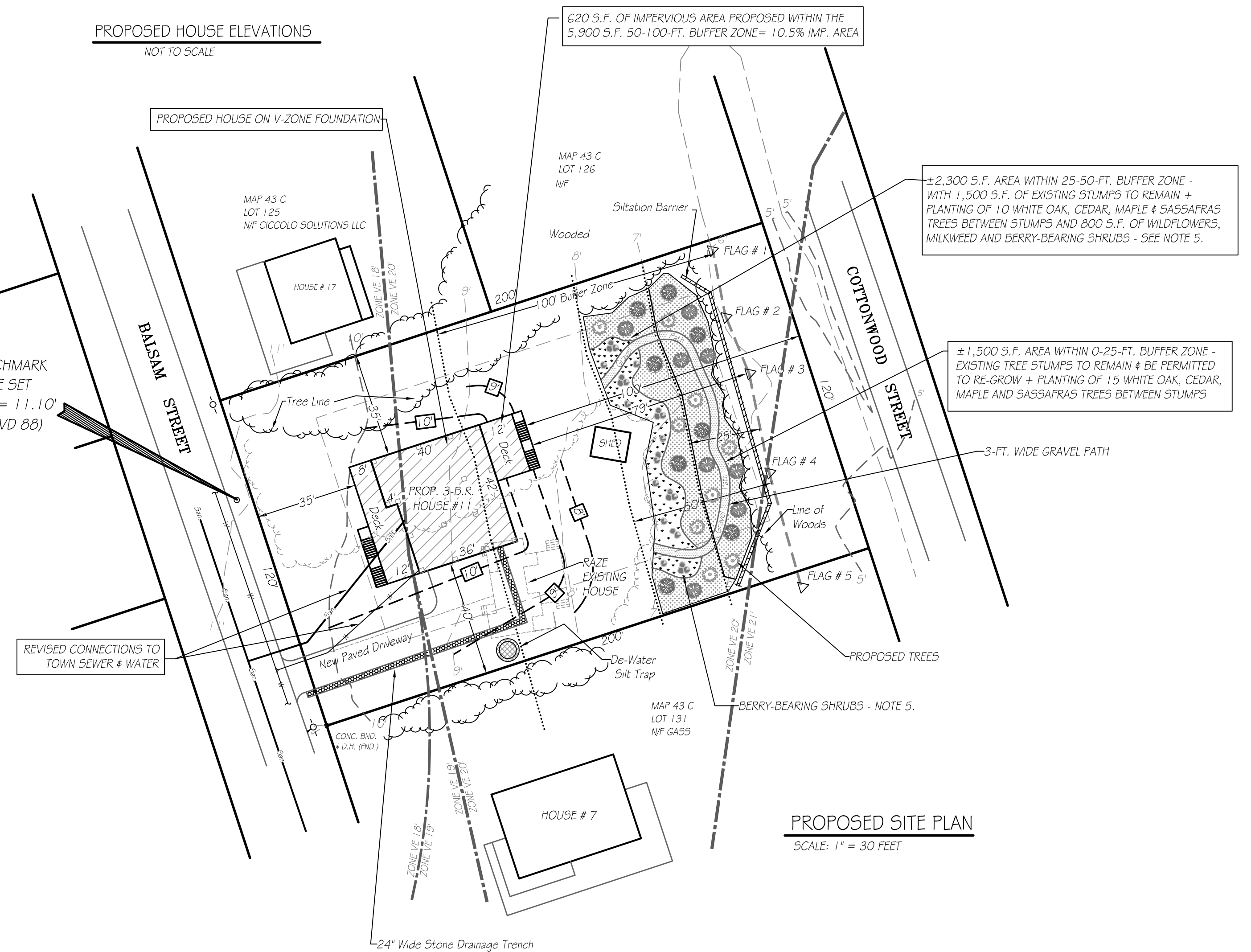
PROPOSED HOUSE ELEVATIONS  
NOT TO SCALE

GENERAL NOTES:

- THIS PARCEL IS SHOWN AS LOTS 127-130 OF ASSESSORS MAP 43C.
- THE DWELLING SHOWN HEREON LIES WITHIN A SPECIAL FLOOD HAZARD AREA, F.E.M.A. ZONE VE, EL. 20' AS DELINEATED ON F.E.M.A. COMMUNITY PANEL 25005C0504F DATED JULY 7, 2009.
- DEED REFERENCE: L.C. CERT. 22937.
- ZONING DISTRICT: RURAL RESIDENCE WITH MIN. 30,000 S.F. AREA, 140' FRONTAGE  
MINIMUM BUILDING SETBACKS: FRONT = 30', SIDE = 20', REAR = 30'; MAX. BLDG. COVERAGE = 15%; MAX. LOT COVERAGE = 25%  
EXISTING BLDG. COVERAGE = (HOUSE @ 743 S.F.) + SHED @ 130 S.F. / 24,000 S.F. = 872 S.F. / 24,000 S.F. = 3.6%  
EXISTING LOT COVERAGE = (BLDG. @ 872 S.F.) / 24,000 S.F. = 3.6%  
PROPOSED BUILDING COVERAGE = (HOUSE @ 2,488 S.F. + SHED @ 130 S.F.) / 24,000 S.F. = 2,618 S.F. / 24,000 S.F. = 10.9%  
PROPOSED LOT COVERAGE = (BLDG. @ 2,618 S.F.) + (DRIVEWAY @ 1,275 S.F.) = 3,893 S.F. / 24,000 S.F. = 16.2%
- BERRY-BEARING SHRUBS SHALL INCLUDE DEER-RESISTANT SPECIES AND SHALL BE PLANTED WITH COMPANION POLLINATOR WHEN POSSIBLE, INCLUDING BRANDYWINE VIBURNUM (*Viburnum Nudum*), CORAL HEDGE BARBERRY (*Berberis x Carolina*), BAYBERRY (*Myrica Pensilvanica*), AND WINTERBERRY (*Ilex Verticillata*). TREES SHALL BE 1-1/2" TO 2" CALIFER.

SCOPE OF WORK:

THE SCOPE OF WORK INCLUDES REMOVAL OF EXISTING HOUSE & FOUNDATION, CONSTRUCTION OF NEW RESIDENCE ON FLOOD ZONE-COMPLIANT FOUNDATION PER MASS. STATE BUILDING CODE 9TH EDITION; INCLUDING SITE WORK AND CONNECTIONS TO TOWN SEWER AND WATER & OTHER UTILITIES; AND PLANTING OF TREES, SHRUBS & WILDFLOWERS WHERE NOTED.



PROPOSED SITE PLAN  
SCALE: 1" = 30 FEET

±2,300 S.F. AREA WITHIN 25-50-FT. BUFFER ZONE - WITH 1,500 S.F. OF EXISTING STUMPS TO REMAIN + PLANTING OF 10 WHITE OAK, CEDAR, MAPLE & SASSAFRAS TREES BETWEEN STUMPS AND 800 S.F. OF WILDFLOWERS, MILKWEED AND BERRY-BEARING SHRUBS - SEE NOTE 5.

±1,500 S.F. AREA WITHIN 0-25-FT. BUFFER ZONE - EXISTING TREE STUMPS TO REMAIN & BE PERMITTED TO RE-GROW + PLANTING OF 15 WHITE OAK, CEDAR, MAPLE AND SASSAFRAS TREES BETWEEN STUMPS

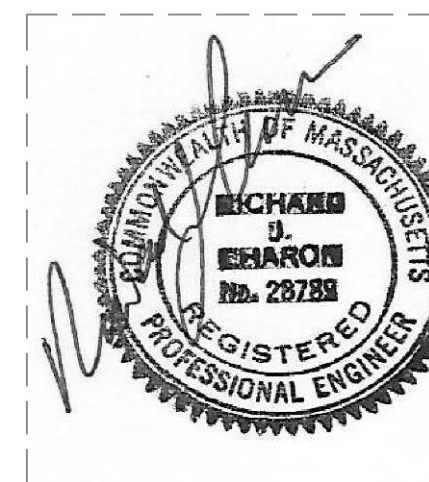
3-FT. WIDE GRAVEL PATH

BERRY-BEARING SHRUBS - NOTE 5.

D.E.P. FILE NO.: 023-1361

PLAN OF SITE, UTILITIES & PROPOSED RESIDENCE  
PREPARED FOR  
NORA & HENRY C. BRADFORD, III  
11 BALSAM STREET  
FAIRHAVEN, MASS.

CAI Charon Associates, Inc.  
Consulting Engineers  
323 Neek Road - Rochester, MA 02770  
Tel: 508-763-8362 Fax: 508-763-9582



SCALE: AS NOTED  
DATE: JULY 22, 2021  
REV. 1: AUG. 25, 2021.

DWG. NO.  
L-1