



April 16, 2024

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

RE: Request for Certificate of Compliance
Mass DEP File No.: unknown
52 Cottonwood Street
Fairhaven, MA 02719

Dear Members of the Commission,

On behalf of our client, Keith Moraux, we respectfully request that the Fairhaven Conservation Commission consider issuing a Certificate of Compliance for work approved under the Order of Conditions issued on June 5, 1989 and recorded at the Bristol County Registry of Deeds under Land Court Certificate 12832 in Book 69 Page 117 (attached).

The Order of Conditions references no Mass DEP File Number nor does it provide any description of the approved scope of work. A search of the Mass DEP EEA Data Portal yielded no results for any wetland filings in the Town of Fairhaven between January 1, 1989 and December 31, 1989. According to the Assessors property card (attached) the home was constructed around 1968 which leads us to assume the Order of Conditions was not issued for the construction of the dwelling. Based on the lack of record information, no certification with regards to any work being completed in substantial compliance can be made. However, based on a site inspection, it does appear that vegetation is established and the site is stabilized.

Thank you in advance for your time and consideration on this matter and please do not hesitate to contact me with any further questions.

Very truly yours,

FARLAND CORP., INC.

Stevie Carvalho

Stevie Carvalho, E.I.T.
Senior Project Manager

Commonwealth
of Massachusetts

DECER File No.

(To be provided by DECER)

City/Town

Fairhaven

Applicant

Morawick

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40

From Fairhaven Conservation Commission
 to Michael Morawick Same
(Name of Applicant) (Name of property owner)

Address 52 Cottonwood St. Address Same

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on 6/5/89 (date)
 by certified mail, return receipt requested on _____ (date)

This project is located at 52 Cottonwood St. Lot 122 PL 43CThe property is recorded at the Registry of BristolBook PL 6A page 46 + 117Certificate (if registered) 4024 12832The Notice of Intent for this project was filed on May 16 1989 (date)The public hearing was closed on June 5 1989 (date)

Findings

The Fairhaven Conservation Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> Public water supply | <input checked="" type="checkbox"/> Flood control | <input checked="" type="checkbox"/> Land containing shellfish |
| <input checked="" type="checkbox"/> Private water supply | <input checked="" type="checkbox"/> Storm damage prevention | <input type="checkbox"/> Fisheries |
| <input type="checkbox"/> Ground water supply | <input checked="" type="checkbox"/> Prevention of pollution | <input type="checkbox"/> Protection of wildlife habitat |

Therefore, the Commonwealth hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commonwealth orders that all work shall be performed in accordance with said 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.

General Conditions

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. This 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, by-laws 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 and both that date and the special circumstances warranting the extended time period are set forth 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. Any fill used in connection with this project shall be clean fill, containing 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.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final Order 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 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 to be done. The recording information shall be submitted to the Registry of Deeds on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Quality Engineering, File Number _____".
10. Where the Department of Environmental Quality Engineering is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.
11. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.
12. The work shall conform to the following plans and special conditions:

53882-3

53882

Plans:

Title

Dated

Signed and Stamped by:

On File with:

_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Special Conditions (Use additional paper if necessary)

Accept plans as presented.

(Leave Space Blank)

53002-4

53882

Plans:

Title

Dated

Signed and Stamped by:

On File with:

Special Conditions (use additional paper if necessary)

Leave Space Blank

Issued By John F. Frichaven Conservation CommissionSignature(s) John F. FrichavenDavid M. Plant John DawsonMartin Vander PeltMarcus M. Mosey

This Order must be signed by a majority of the Conservation Commission.

On this 5th day of June 19 89 before me personally appeared John F. Frichaven to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.Notary Public Mary A. Hume My commission expires July 27, 1992

The applicant, the owner, any person approved by this Order, any owner of land abutting the land upon which the proposed work is to be done or any ten holders of the city or town in which such land is located are hereby notified of their right to request the Department of Environmental Quality Engineering to issue a Supplementing Order, providing the Request is made by certified mail or hand delivery to the Department within ten 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 the applicant.

Details on dotted line and refer to the _____ prior to certification of work.

To _____ Issuing Authority

Please be advised that the Order of Conditions for the project at _____

File Number _____ has been recorded at the Registry of _____ and

has been noted in the chain of title of the affected property in accordance with General Condition 8 on _____ 19 _____

If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Applicant

53882 -6

53882

Issued by the Department of Environmental Quality Engineering.

Signature _____

On this _____ day of _____ 19____, before me personally appeared _____ to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Notary Public

My commission expires _____

The applicant, the owner, any person approved by this Superseeding Order, any owner of land abutting the land upon which the proposed work is to be done or any ten persons pursuant to G.L., c. 30A, §10A, are hereby notified of their right to request an adjudicatory hearing pursuant to G.L. 30A, §10, providing the request is made by certified mail or hand delivery to the Department within ten days from the date of issuance of the Superseeding Order, and is addressed to: District Clerk, Office of General Counsel, Department of Environmental Quality Engineering, One Winter Street, Boston, MA 02108. A copy of the request shall of the same type be sent by certified mail or hand delivery to the conservation commission, the applicant, and any other party.

A Notice of Claim for an Adjudicatory Hearing shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(1)(E), and shall contain the following information:

- (1) The DEQE Wetlands File Number, name of the applicant and address of the project;
- (2) the complete name, address and telephone number of the party filing the request, and, if represented by counsel, the name and address of the attorney;
- (3) The names and addresses of all other parties, if known;
- (4) a clear and concise statement of (1) the fact(s) which are grounds for the proceeding, (2) the objections to the Superseeding Order, including specifically the manner in which it is alleged to be inconsistent with the Department's Wetlands Regulations (310 CMR 10.00) and does not contribute to the protection of the interests identified in the Act, and (3) the relief sought through the adjudicatory hearing, including specifically the changes desired in the Superseeding Order;
- (5) a statement that a copy of the request has been sent to the applicant, the conservation commission and each other party or representative of such party, if known.

Failure to submit all necessary information may result in a dismissal by the Department of the Notice of Claim for an Adjudicatory Hearing.

6

Fair - Noted on C4. 12832. 8.19 P 117

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(7)

Unofficial Property Record Card - Fairhaven, MA

General Property Data

Parcel ID **43C-122**
 Prior Parcel ID
 Property Owner **MORAUX MICHAEL R & NANCY M**
 Mailing Address **52 COTTONWOOD STREET**
 City **FAIRHAVEN**
 Mailing State **MA** Zip **02719**
 ParcelZoning **RR**

Account Number
 Property Location **52 COTTONWOOD ST**
 Property Use **ONE FAMILY**
 Most Recent Sale Date **8/24/1978**
 Legal Reference **12832**
 Grantor
 Sale Price **1**
 Land Area **6,000.000 acres**

Current Property Assessment

Card 1 Value Building Value **116,100** Xtra Features Value **200** Land Value **240,200** Total Value **356,500**

Building Description

Building Style **RANCH**
 # of Living Units **1**
 Year Built **1968**
 Building Grade **AVERAGE**
 Building Condition **N/A**
 Finished Area (SF) **864**
 Number Rooms **4**
 # of 3/4 Baths **0**

Foundation Type **TYPICAL**
 Frame Type **N/A**
 Roof Structure **GABLE**
 Roof Cover **ASPHALT SH**
 Siding **WOOD SHING**
 Interior Walls **MINIMUM**
 # of Bedrooms **2**
 # of 1/2 Baths **0**

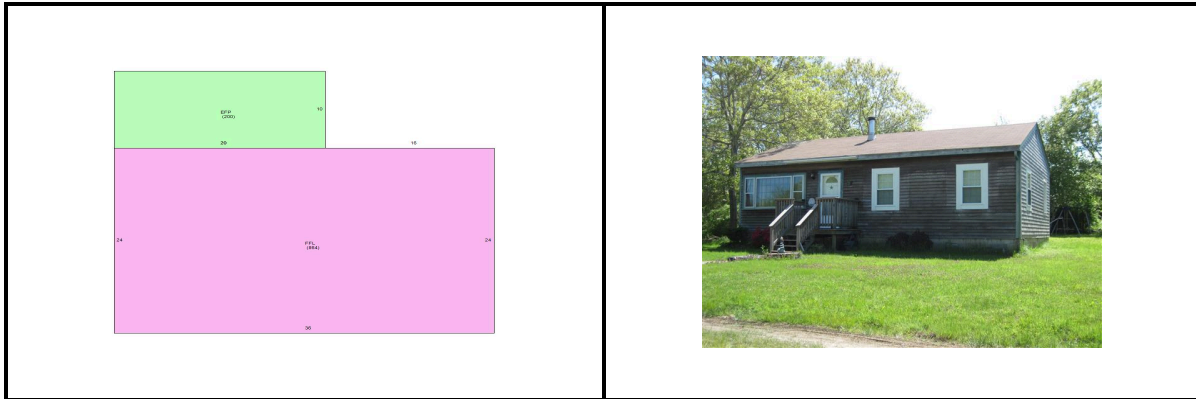
Flooring Type **CERAMIC TL**
 Basement Floor **N/A**
 Heating Type **FORCED H/W**
 Heating Fuel **TYPICAL**
 Air Conditioning **0%**
 # of Bsmt Garages **0**
 # of Full Baths **1**
 # of Other Fixtures **0**

Legal Description

Narrative Description of Property

This property contains 6,000.000 acres of land mainly classified as ONE FAMILY with a(n) RANCH style building, built about 1968 , having WOOD SHING exterior and ASPHALT SH roof cover, with 0 commercial unit(s) and 1 residential unit(s), 4 room(s), 2 bedroom(s), 1 bath(s), 0 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.



WPA Form 8A – Request for Certificate of Compliance

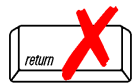
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP

A. Project Information

Important:

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Keith Moraux

Name

196 Lake Street

Mailing Address

Acushnet

City/Town

MA

State

02743

Zip Code

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Michael Moraux

Applicant

June 5, 1989

Dated

un

DEP File Number

3. The project site is located at:

52 Cottonwood Street

Street Address

43C

Assessors Map/Plat Number

Fairhaven

City/Town

122

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Michael Moraux

Property Owner (if different)

Bristol

County

12832

Certificate (if registered land)

69

Book

117

Page

5. This request is for certification that (check one):

the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



WPA Form 8A – Request for Certificate of Compliance

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

Provided by DEP

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).