

- **Applicant:** Robert Roderiques;
- **Agents:** Schneider, Davignon, & Leone, Inc. (Engineers); John Mathieu (Attorney)
- **Owner(s):** Jimmy A. Papas and Nickolas L. Papas
- **Project Location:** Map 28C, Lots 71 and 71A. The proposal is to create frontage for the lots by creating new roads off of Hiller Avenue and Timothy Street. (15-acres total).
- **Proposal:** The current revised proposal is to create fifteen (15) buildable lots with two drainage parcels on Map 28C, Lots 71 and 71A. A proposal to create 16 lots was denied unanimously on January 14, 2020. (Based on Plans received December 6, 2019 and the third Peer Review received December 30, 2019)







STREET

PROPOSED ROADWAY

LOT #14

LOT #15

LOT #16

LOT #13

LOT #11

LOT #12

HILLER AVENUE

LOT #19

LOT #17

LOT #9

PROPOSED ROADWAY

LOT #21

LOT #23

LOT #8

LOT #7

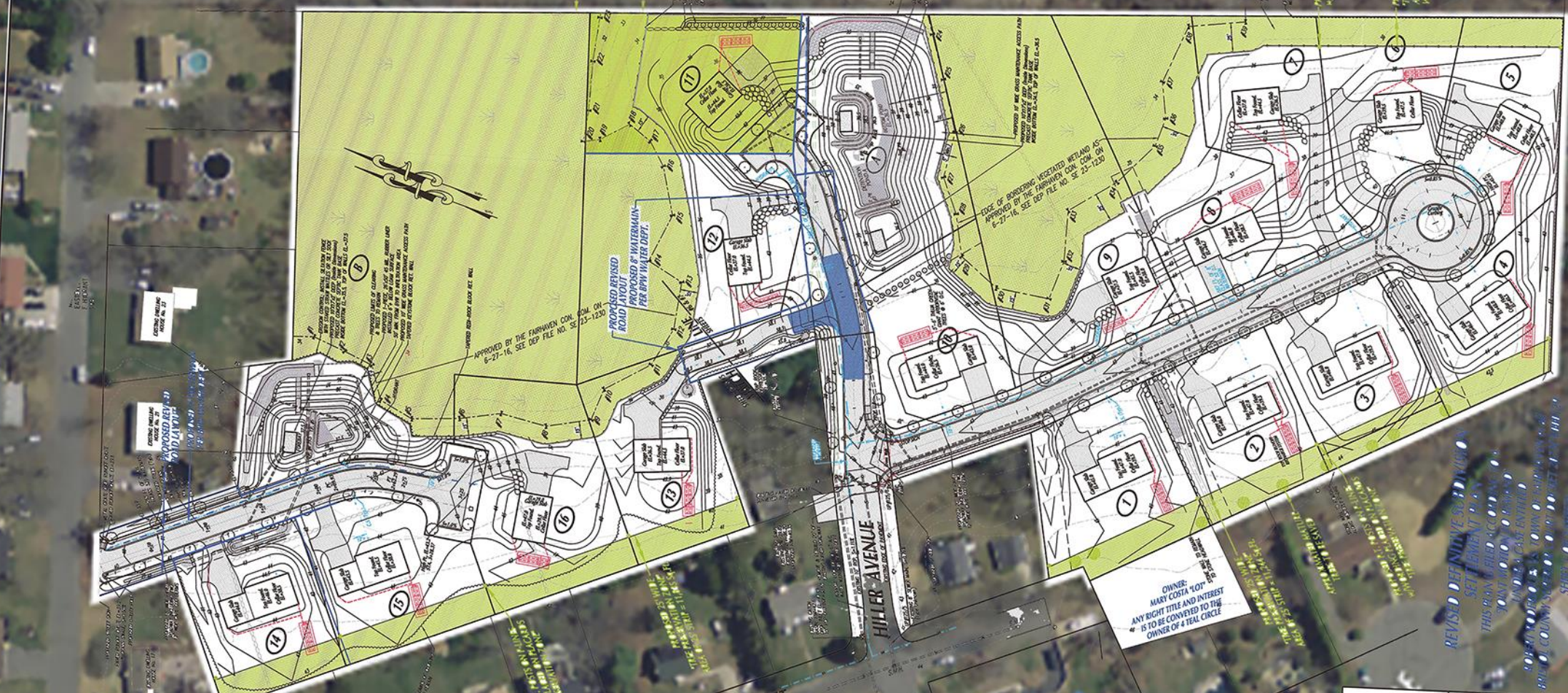
LOT #6

LOT #4

LOT #5

HILL STREET

L CIRCLE



OWNER:
MARY COSTA LOT
ANY RIGHT TITLE AND INTEREST
IS TO BE CONVEYED TO THE
OWNER OF 4 FEAL CIRCLE

ON PLAN
SHOWN AS
OODS*

PAUL STREET
HILLER AVENUE

QUEST

TERS
41' - SOUTH*
DATE: NOVEMBER 8, 2016
120

LEONE, INC.
LAND SURVEYORS
251 NORTH ST., SUITE 101
DUBLIN, MA 02729

job No. 3072

REVISIONS:
REVISED TO BE IN LINE WITH THE
SETBACK PLAN
THIS PLAN IS TO BE ACCORDING
TO THE CITY OF DUBLIN
UNLESS OTHERWISE NOTED
BY THE CITY ENGINEER
OR COUNTY ENGINEER
DUBLIN, MA 02729

PAUL STREET
PUBLIC - 2014/15

HILLER AVENUE

APPROVED BY THE FARRAVEN CON. ON 6-27-16, SEE DEP FILE NO. SE 23-1230

APPROVED BY THE FARRAVEN CON. ON 6-27-16, SEE DEP FILE NO. SE 23-1230

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PROPOSED WETLAND AS APPROVED BY THE FARRAVEN CON. ON 6-27-16, SEE DEP FILE NO. SE 23-1230

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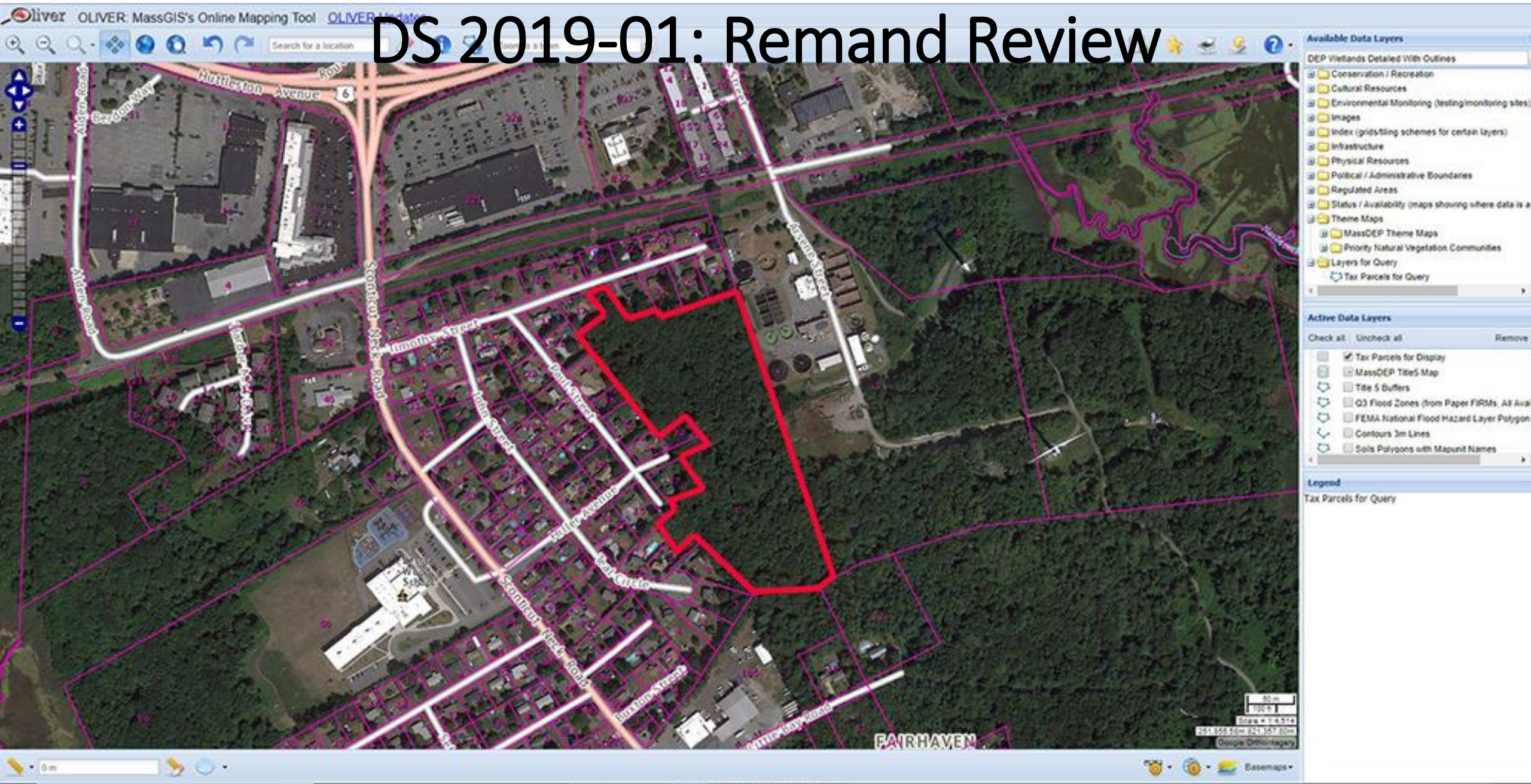
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PROPOSED WETLAND AS APPROVED BY THE FARRAVEN CON. ON 6-27-16, SEE DEP FILE NO. SE 23-1230

Definitive Subdivision: Hiller & Timothy St. Subdivision

DS 2019-01: Remand Review





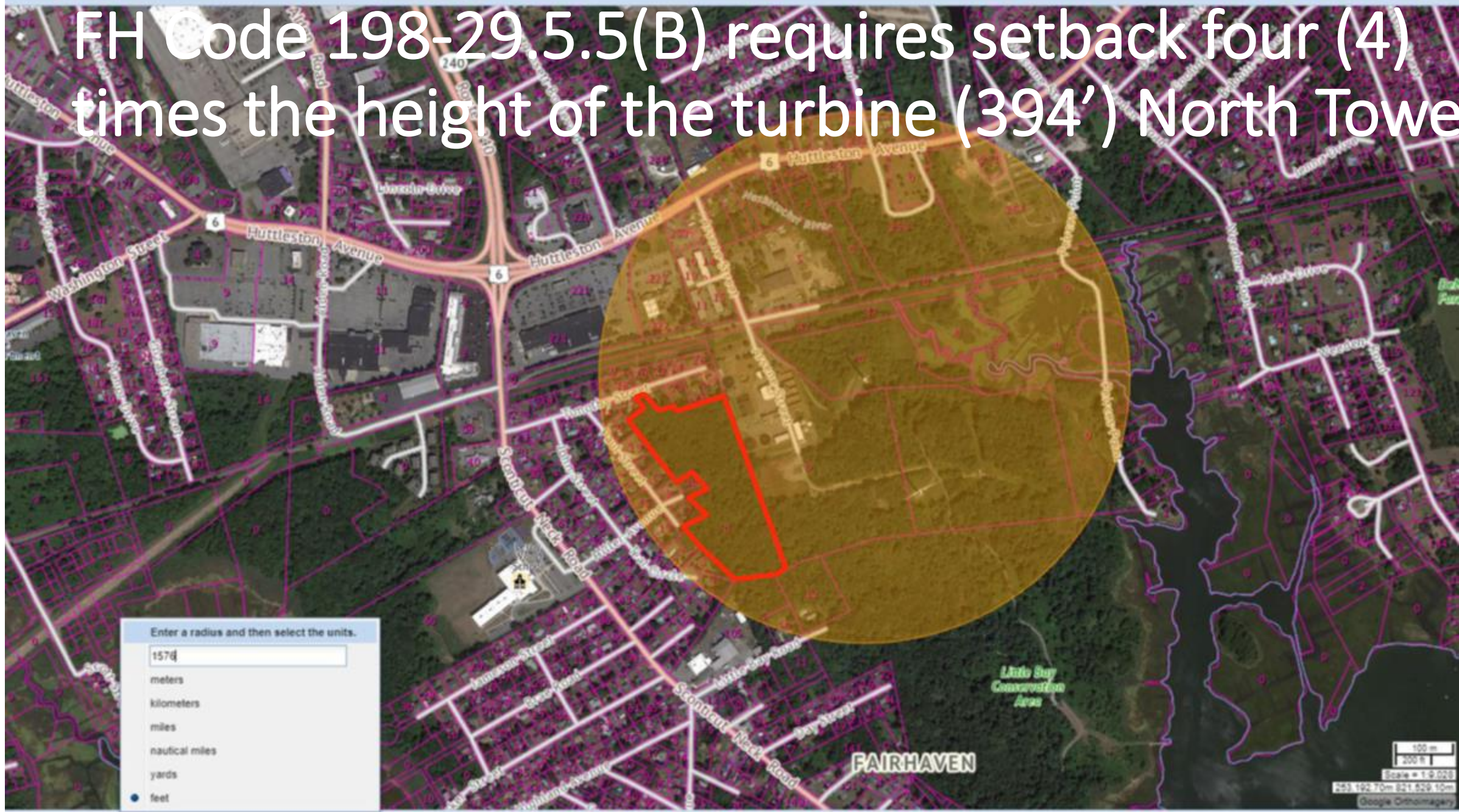
© 2018 Google

Google Earth

1995

41°38'13.82" N 70°52'31.95" W elev. 26 ft eye alt. 1406 ft

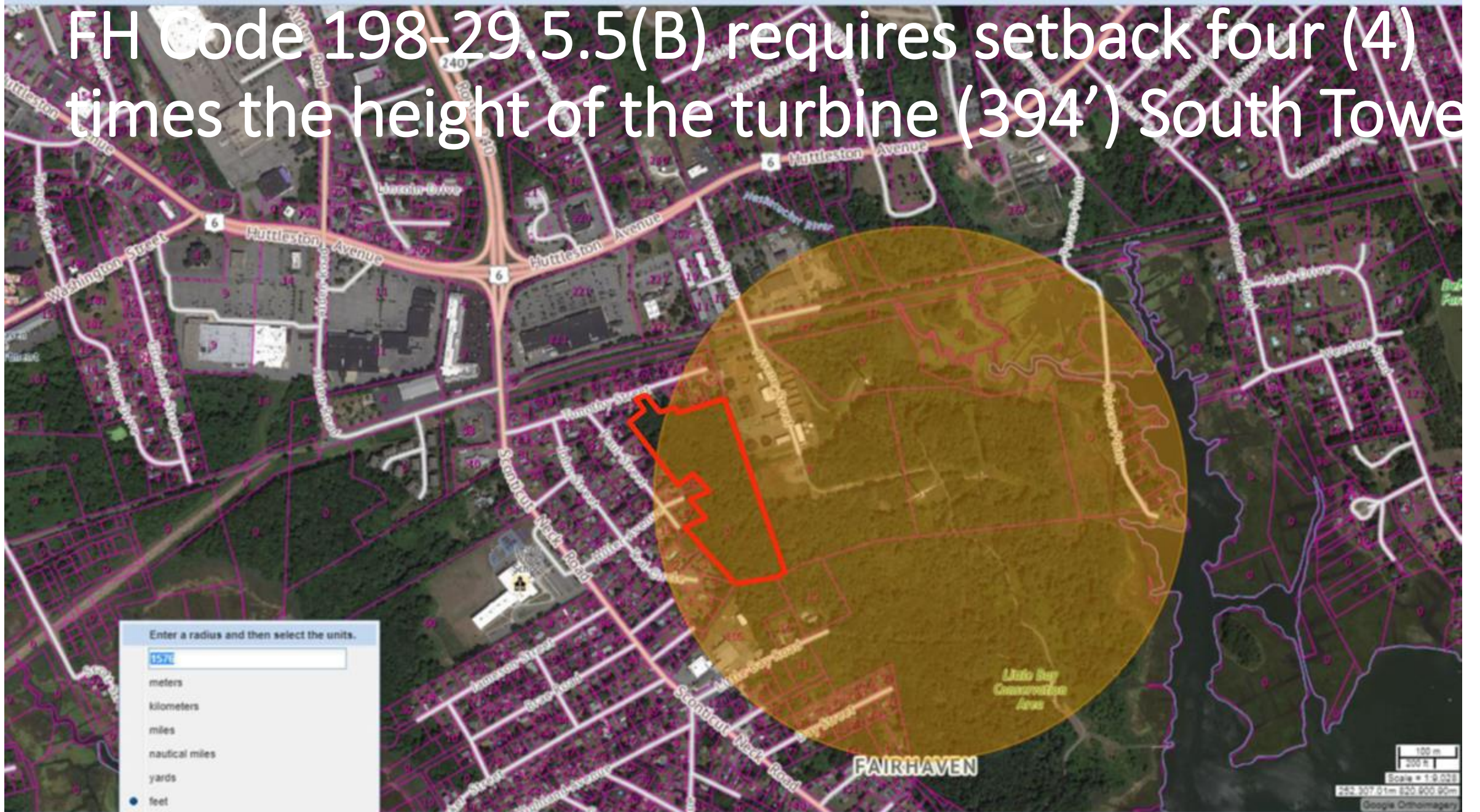
FH Code 198-29.5.5(B) requires setback four (4) times the height of the turbine (394') North Tower



Enter a radius and then select the units.

- meters
- kilometers
- miles
- nautical miles
- yards
- feet

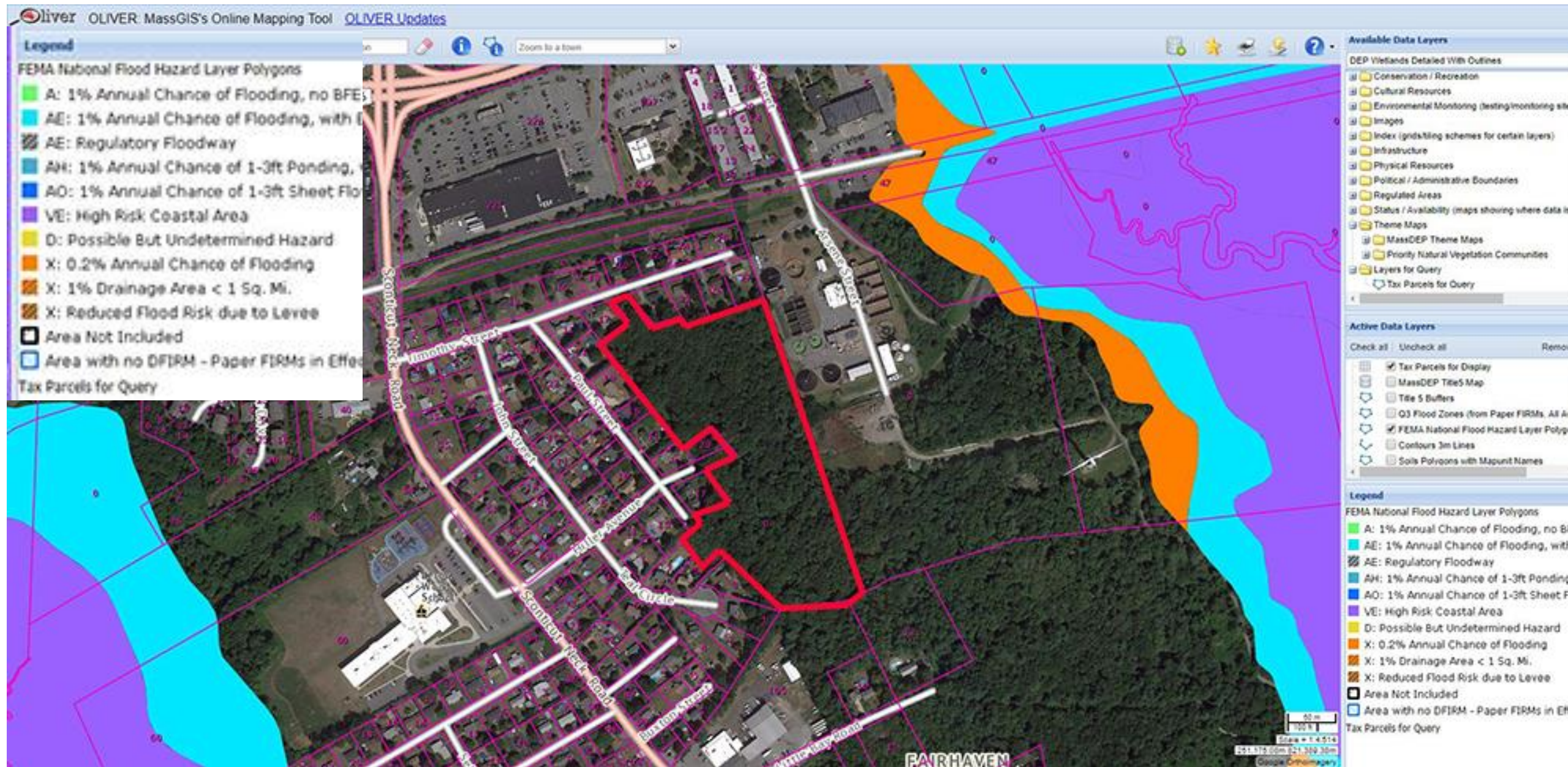
FH Code 198-29.5.5(B) requires setback four (4) times the height of the turbine (394') South Tower



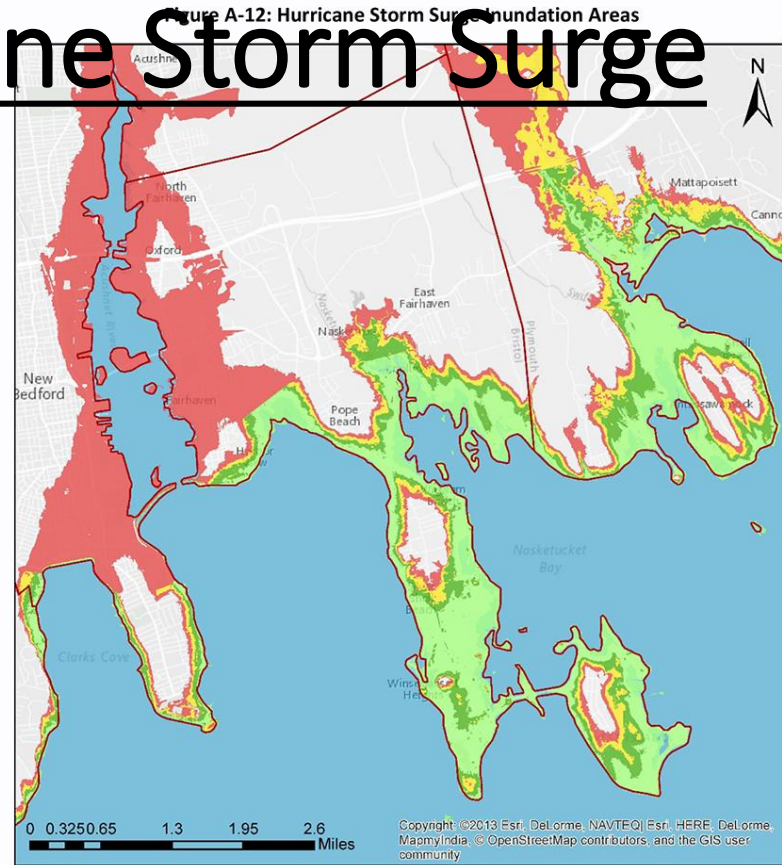
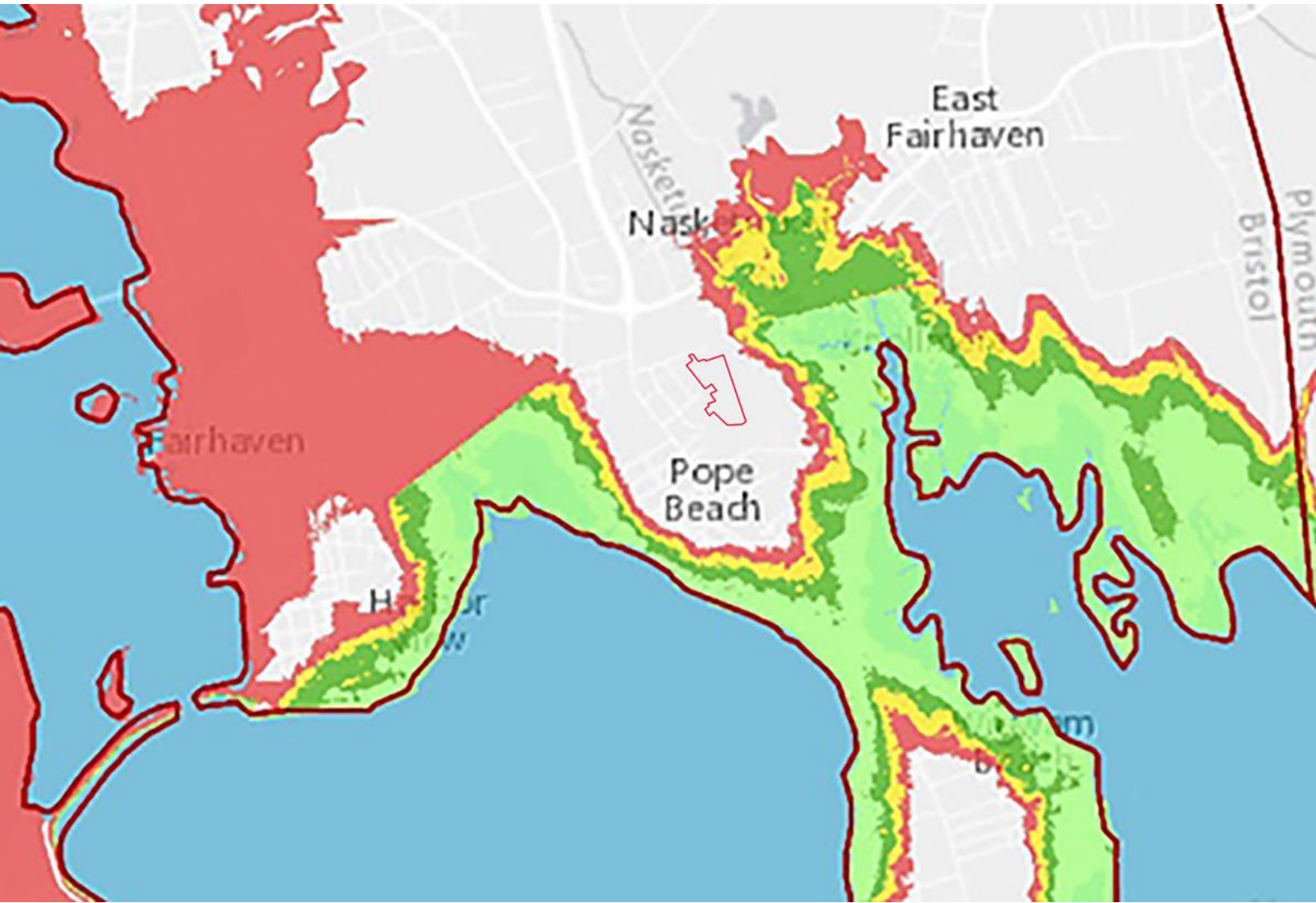
Enter a radius and then select the units.

- meters
- kilometers
- miles
- nautical miles
- yards
- feet

Base FEMA Flood Map - MassGIS



FH Hazard Mitigation Plan – Hurricane Storm Surge



Legend

Worst-case Hurricane Surge Inundation Zones

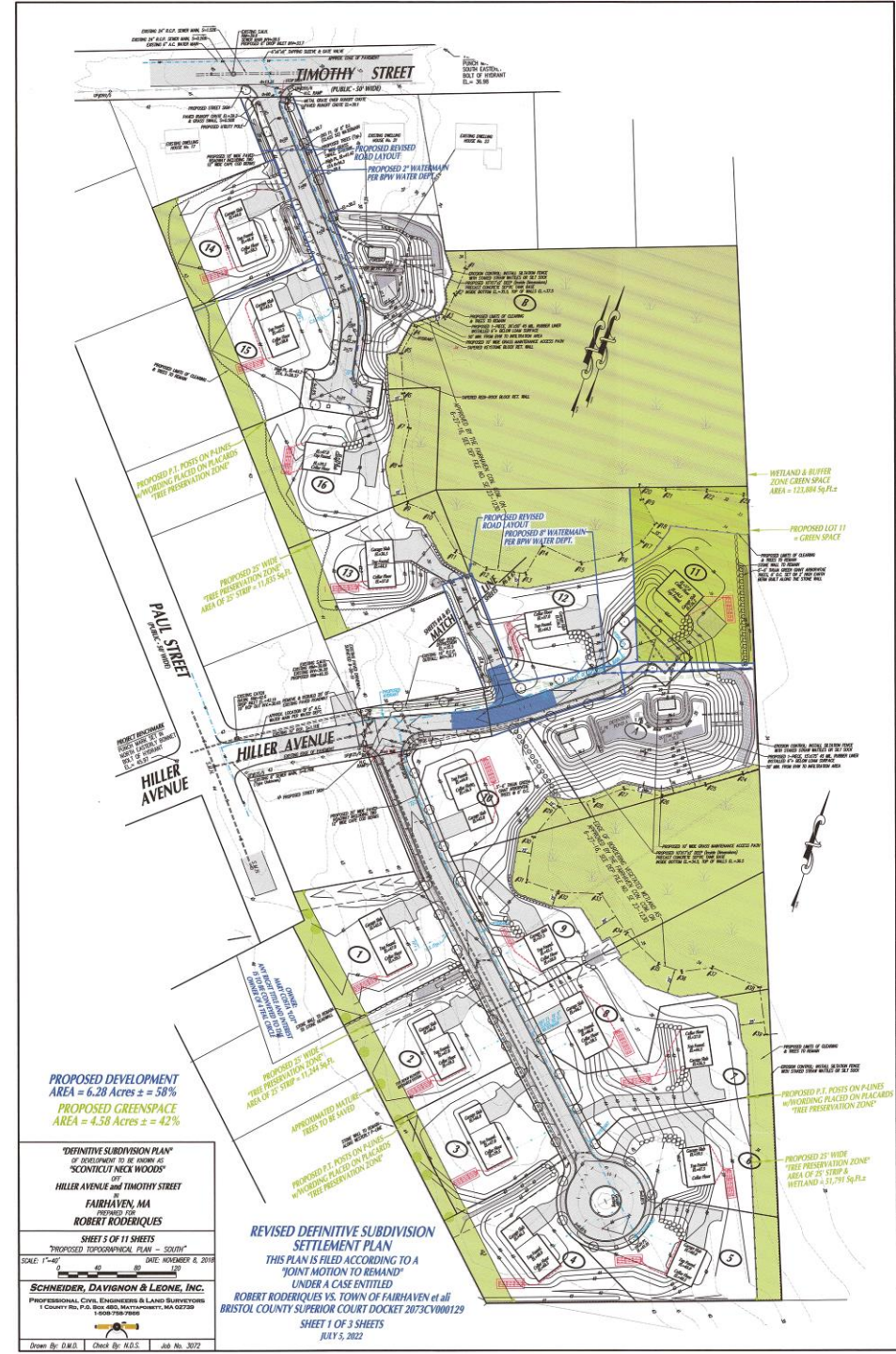
Hurricane Category

- Category 1
- Category 2
- Category 3
- Category 4
- Town Boundary

Source: U.S. Army Corps of Engineers, New England District

Changes: The Revised conceptual proposal is largely the same plan as the plan unanimously denied in January 2020 with the following exceptions:

- Lot 11 is still shown as a house but is colored green with a note saying “Proposed Lot 11 = Green Space”.
- A proposed 25 foot wide “Tree Preservation Zone” is shown along the west side of proposed lots 1,2,3,4, 13, 14, 15 and 16 and the east side of Lots 5, 6 and 7.
- Locations for placards indicating “Tree Preservation Zone” are shown in four locations.
- Within the “Tree Preservation Zone” the approximate location of 9 mature trees to be saved are shown.
- “Tree Preservation Zone” is not defined. Several leaching fields extend into the “Tree Preservation Zone”.
- The proposed Hiller Street extension has been changed but concept plan is not clear.
- A few lot lines have shifted to remove the reserve strip at the entrance from Timothy Street. Revised lot sizes are not shown on the plan or confirmed to be conforming.



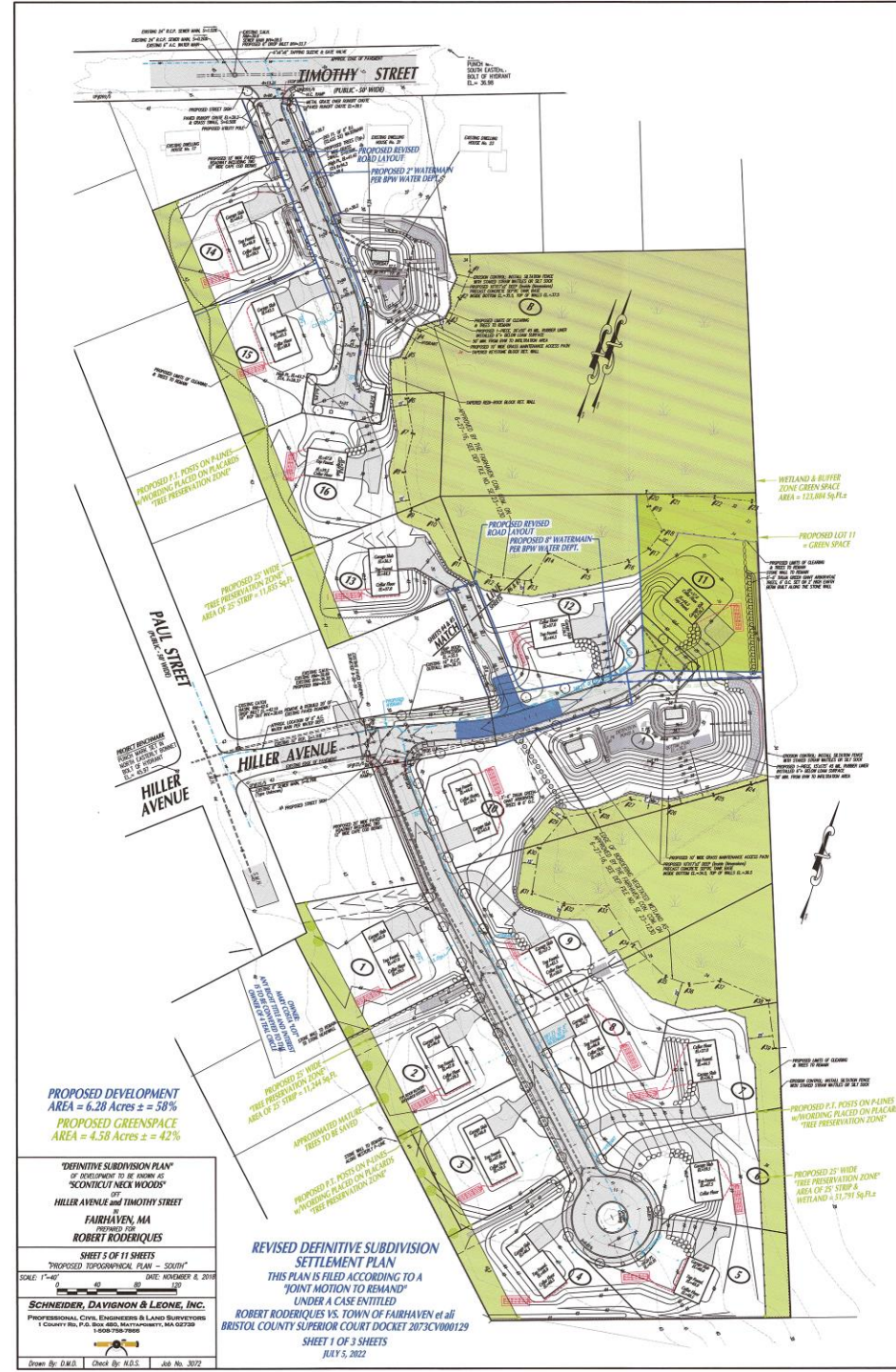
2019-2020 Decision

The 2018-2020 16-Lot Subdivision was unanimously denied primarily under Fairhaven Subdivision Rules & Regulations Section 322-15.C and 322-15.D due to:

- Proximity to the sewage treatment plant;
- Proximity to the wind turbines;
- Proximity to the extensive wetlands and wetness of the site;
- Amount of fill would impede stormwater runoff from its natural flow through the site.

Section 322-15.C states: “The subdivision shall be so designed as to protect the safety, convenience and welfare of the occupants of the subdivision and the Town of Fairhaven, through reasonable precautions against possible natural disasters, provisions for traffic safety and convenience, assurance of adequate sanitary conditions and consideration of amenities. Proposed subdivision shall conform to overall development plans and policies, which may be adopted by the Planning Board, and shall adhere to the principles of sound planning and good engineering. It shall be the responsibility of the Design Engineer for the adequacy and safety of the design”.

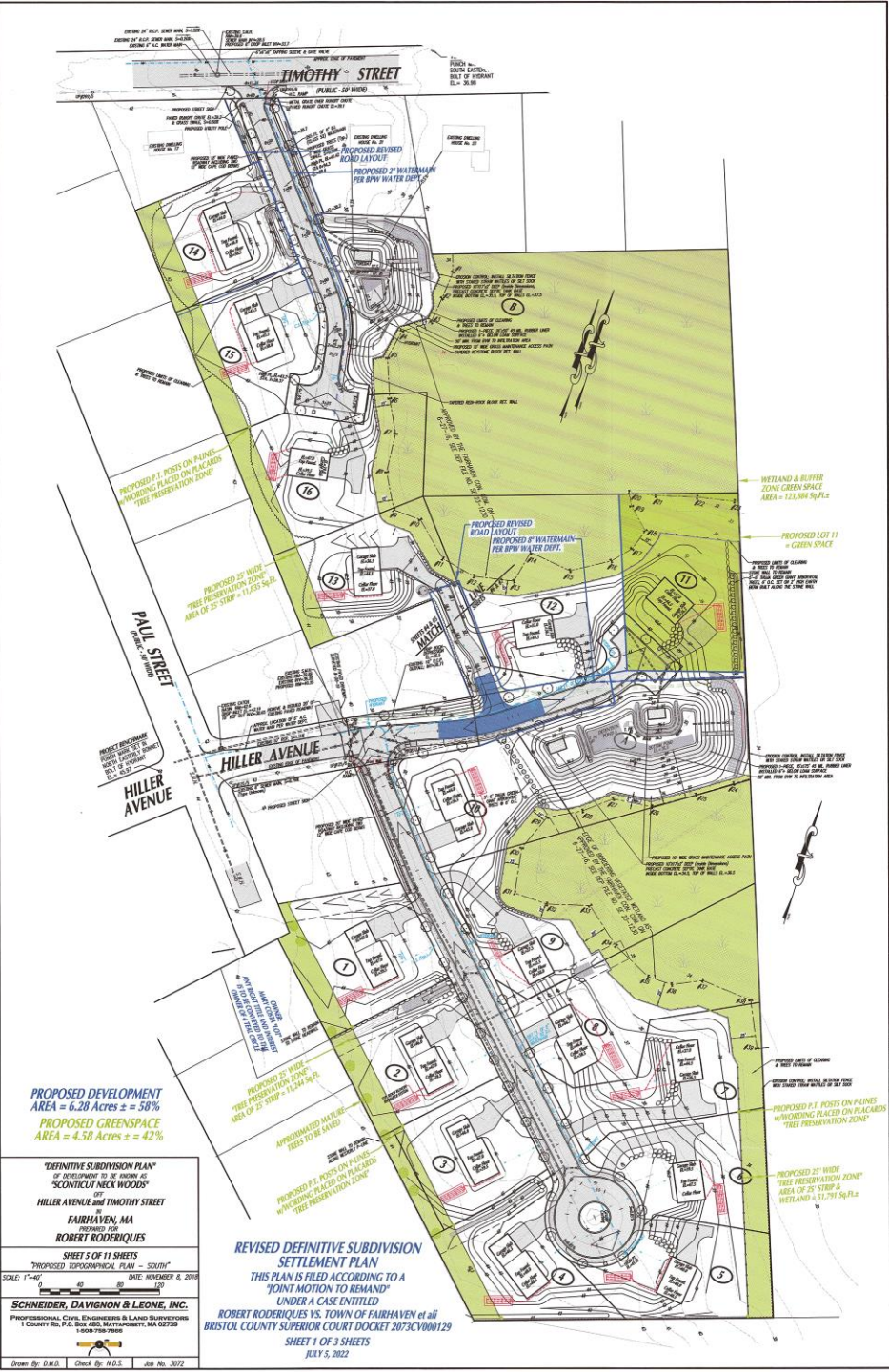
Section 322-15.D. No land shall be divided for residential use if it is of such a character that it cannot be used for building purposes without danger to health.



2019-2020 Decision – 2020 Denial Concerns cont’d

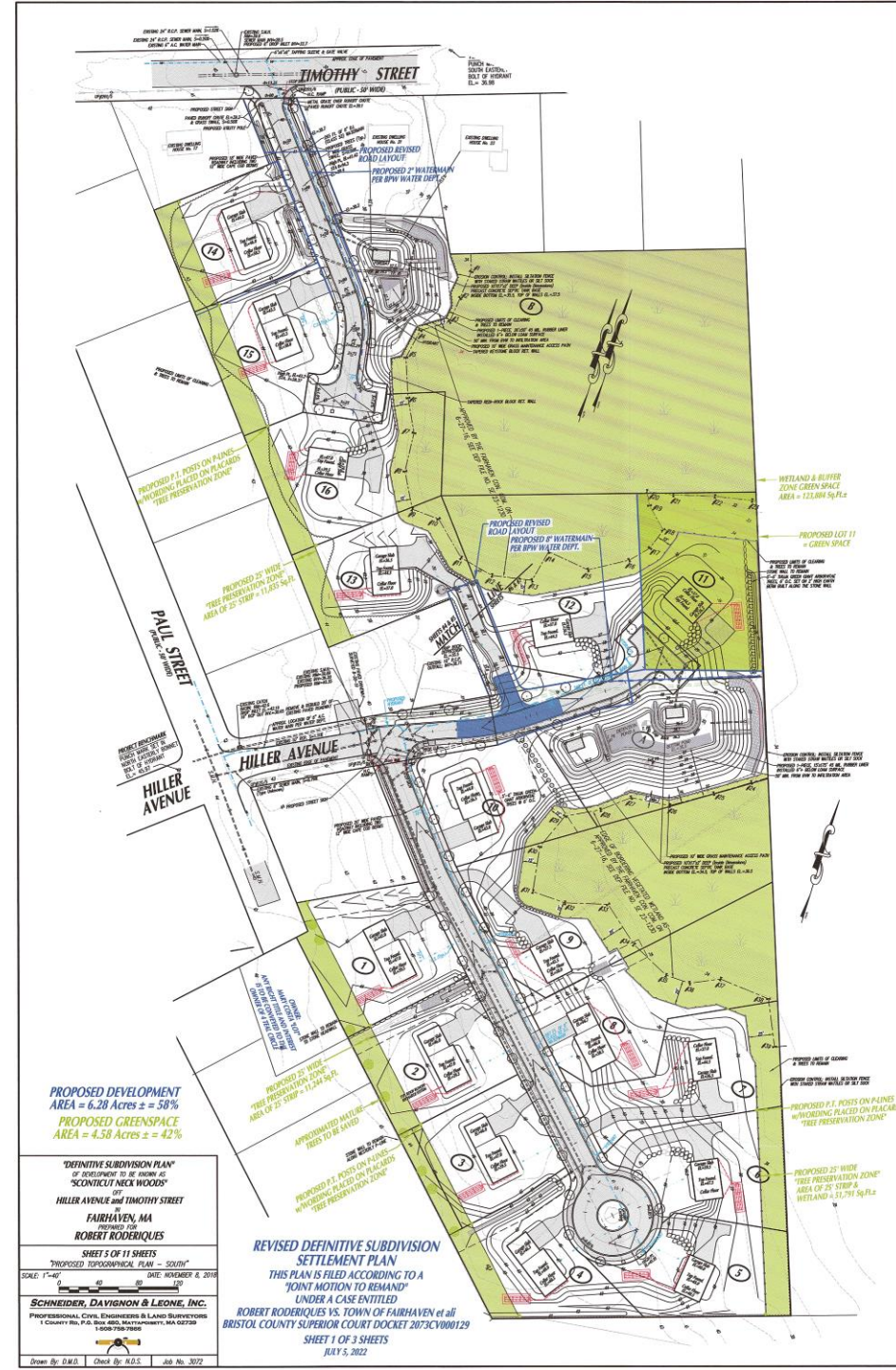
Other concerns included the following:

- Section 322-16(A)(3), The Plan does not meet the requirements which state that “It is the Board’s policy not to approve streets that do not connect to existing neighborhoods or do not provide for connections in the future.”
- Section 322-16(B) footnote 6 states “No part of a hammerhead shall be used for a driveway to the lot(s) or for the parking of cars.”
- Section 322-24 (Natural Feature) states that “all natural features such as large trees...stonewalls...shall be preserved if in the opinion of the Planning Board they will add attractiveness and value to the subdivision”.



2019-2020 Decision – 2020 Denial Concerns

- Wetlands: Almost 30% of the proposed site is existing wetlands and another 30%-35% of the site is within the 100' buffer of the wetlands.
 - At least 10 of the 15 proposed lots are in the jurisdiction of the Conservation Commission.
 - Several of the lots that are made up of predominantly wetland (e.g. Lots 8, 9, and 12). Many of these lots will need permits through the Conservation Commission for any proposed future work including construction, additions, decks, pools, or patios. There is likely to be encroachment into the wetland and a potential for violations in the future.
 - The majority of the buildable area on lots 8, 10, 12, 13 and 16, and all of lot 9, are within the 100ft jurisdictional buffer zone.
- Potential Flooding: The site is lower than the existing neighborhood to the west and receives a significant amount of storm water during rainstorms. The site slopes from east to west about 11' (from elevation 45' to 34' on the east. The proposal is to capture the existing neighborhood storm water flow in catch basins and bypass the proposed neighborhood through a 370' long drainage pipe then discharge the storm water at the edge of the site into a 110' long trap rock swale between detention area A and the town sewer plant and then into the wetlands.
- Social Justice: If these houses already existed it is not inconceivable that the residents would protest the Town allowing habitation in an unsuitable location abutting the sewage treatment, wind turbines and so close to the wetlands.



Third GCG Peer Review Comments

December 30, 2019

- **Section 322-14C(19) – The PR notes that the applicant should identify the existing sewer pipe material and conditions in Hiller Avenue. This is a multimillion-dollar development connecting to an unknown pipe. They should investigate the conditions and capacity of the existing sewer main.**
- **322-14(D)(7) – Construction cost estimate is required. Applicant has offered they will fulfill a covenant. PB decision required.**
- **MSH Vol. 2, Ch. 2 Pg. 91. – Requires 15 feet wide access around the entire basin perimeter, (applies to Pond A & B). GCG recommends the applicant to request a waiver for 322-Appendix A (C)(2)(g)(2) noting, however, MassDEP could reject the design by Supersede Order of Conditions for their 15' wide access path requirements.**
- **Hiller Avenue 10" RCP for the 25-year and 100-year storm events were calculated as 14.11 cfs and 17.40 cfs, respectively. The proposed 15" replacement RCP has a full capacity of 6.79 cfs. Therefore, a large amount of runoff will be left behind and flow toward to the proposed double catch basin #1.**
- **Some ponding is expected and allowed during the less frequent storm events per 322-26.F.(3).**
- **The three proposed 24" pipes from DMH-1 to DMH-2 to DMH-3 to outfall do not have the capacity to carry the 100-year storm flow.**



Third GCG Peer Review Comments

December 30, 2019

- The location and capacity of the double catch basin #1 should be analyzed to assure no overspill over onto lot 79. The proposed wall and drain system require extensive manual maintenance and should be reviewed and approved by the Board of Public Works.
- The Town would be liable for approving a water main without knowing it can meet the water demand and fire flow requirements. GCG does not recommend approval without proving the proposed water main will meet all codes.
- GCG recommends the new water main be looped from Paul Street to Timothy Street. The existing AC water mains are old but functional. GCG recommends the applicant to test and prove that the existing water main on Paul Street and Timothy Street have the capacity to support this project.
- The two drain lines crossing at the easterly Hiller Avenue Hammerhead collide at the crossing.
- Subdivision Regulations - Appendix A (C)(2)(K) – forebay minimum depth should be 4 feet and sized to accommodate 0.25 inches/impervious area. Access path should be provided per 322-26 (D). GCG does not recommend the solid concrete sump at the forebay bottom. Water would pond at bottom of the sump and create a mosquito breeding ground.



Third GCG Peer Review Comments

December 30, 2019

- **GCG believes that the proposed double catch basin #1 does not have the capacity to collect the excessive offsite stormwater runoff and runoff will spill over onto the abutting private property.**
- **GCG believes the proposed drainage swale along Map 28C Lot #77 should have a berm along the abutter's property line to prevent spillover onto private property and that the roadway surface runoff flows through the paved runoff chute to the level spreader does not meet the treatment requirements.**
- Existing abutting Lots 78 and 79 appear to be surrounded by new fill up to 5" higher than the existing lots right up to their property line that would make it likely that storm water will come from the proposed subdivision property back onto Lots 78 and 79.
- The Peer Review also questions the size and setbacks of the infiltration basins and storm water control infrastructure. According to the original Peer Review the Infiltration Basins need to be set back at least 50 feet from the wetlands. Bigger setbacks will likely require altering the plan. **The applicant chose a different route to try to meet the standards.**

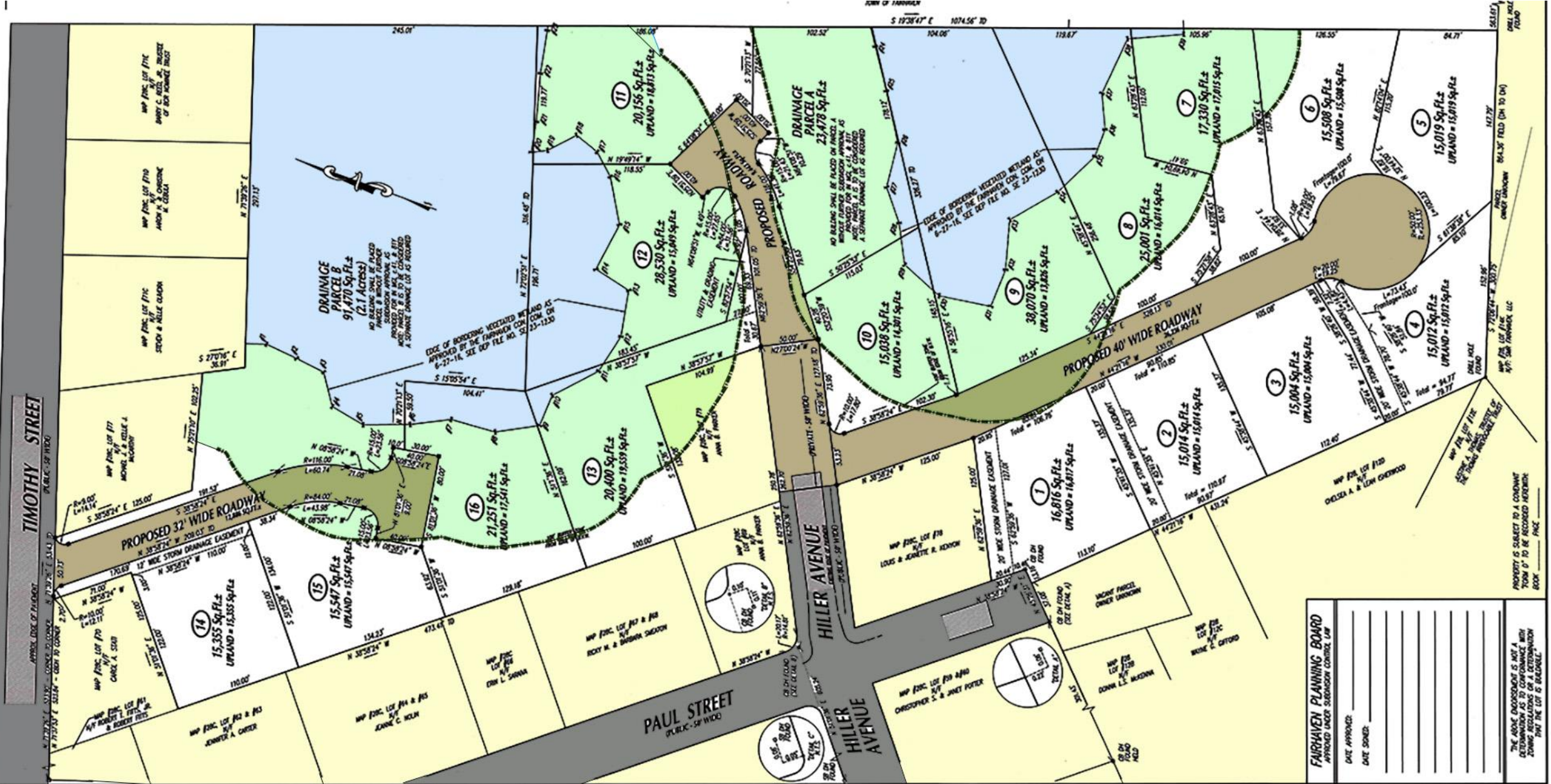


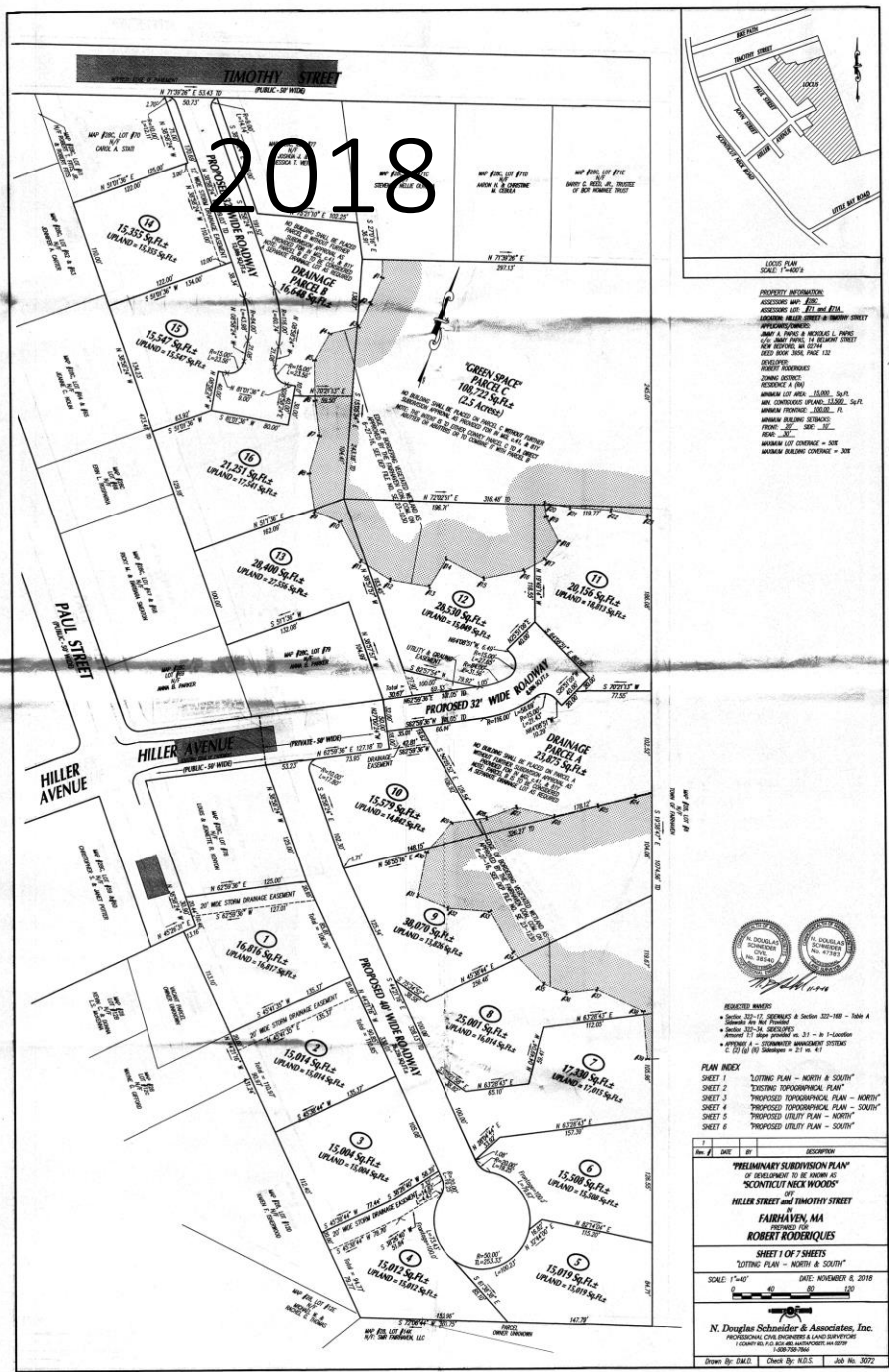
Key stormwater Issues:

- Storm water report prepared by Keri Williams PE
- Peer Review prepared by GCG Associates
- Key Storm Water Concerns:
 - Existing Lots 78 and 79 surrounded by new fill up to 5" higher than existing lots right up to their property line. Likely that storm water will come from the proposed subdivision.
 - 2 retaining walls are proposed next to these two lots (78 & 79), largely located in the proposed right-of-way and on lot line. In general, the layout as shown does not meet the drainage setback and local requirements.
 - The Infiltration Basins need to be set back at least 50 feet from the wetlands. Bigger setbacks will require altering the plan.
 - Existing storm water runoff at end of Hiller Street is not adequately accounted for.

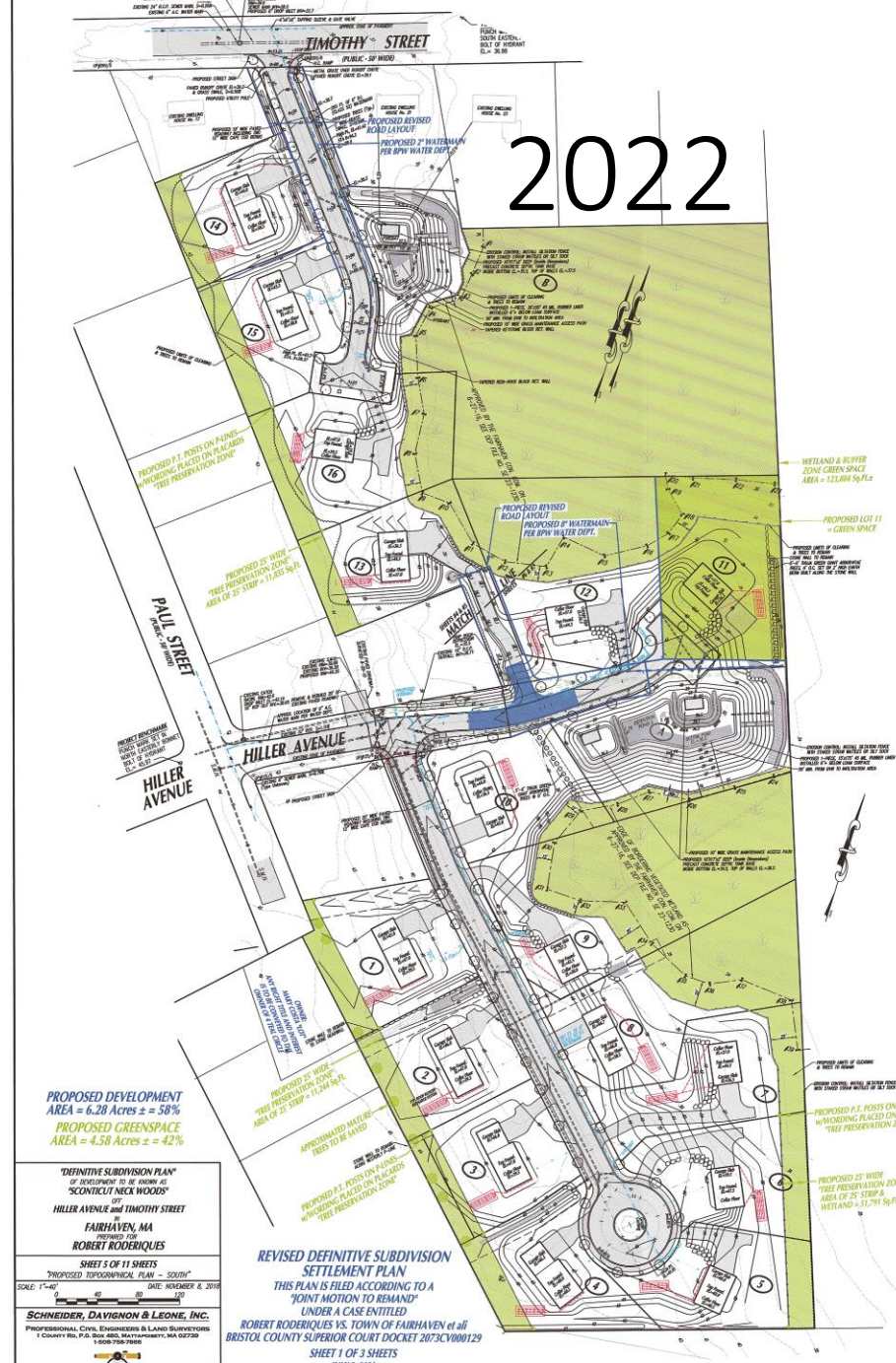


Wetlands and 100' Buffer on Site

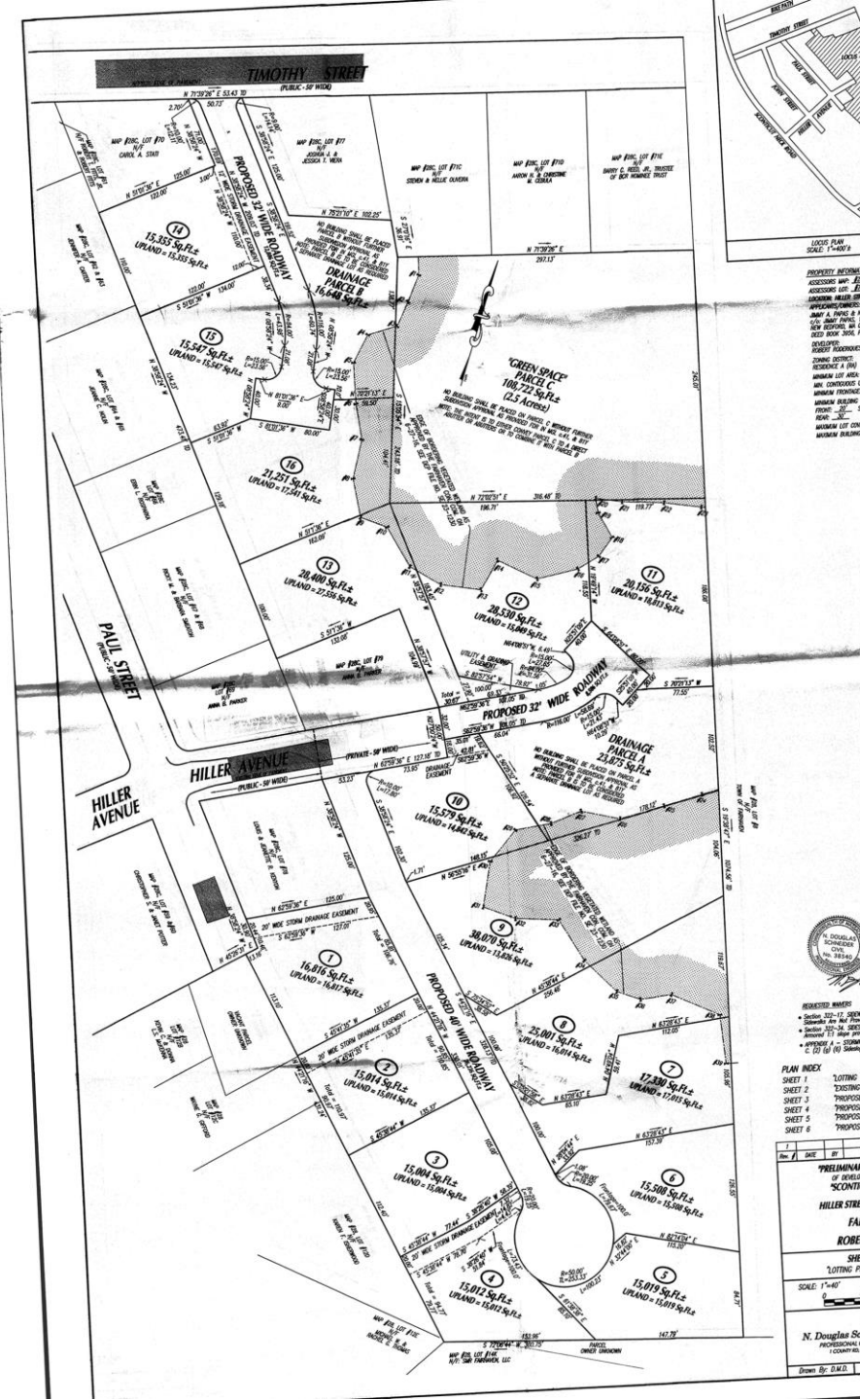




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2018 Preliminary Plan



PROPERTY RECORDS:
 ADDRESSING MAP - SEE
 ADDRESSING LIST - SEE
 LOTS AND BLOCKS - SEE
 RECORDS - SEE
 MAP & PLAN - SEE
 150' SETBACKS - SEE
 25' SETBACKS - SEE
 50' SETBACKS - SEE
 100' SETBACKS - SEE
 150' SETBACKS - SEE
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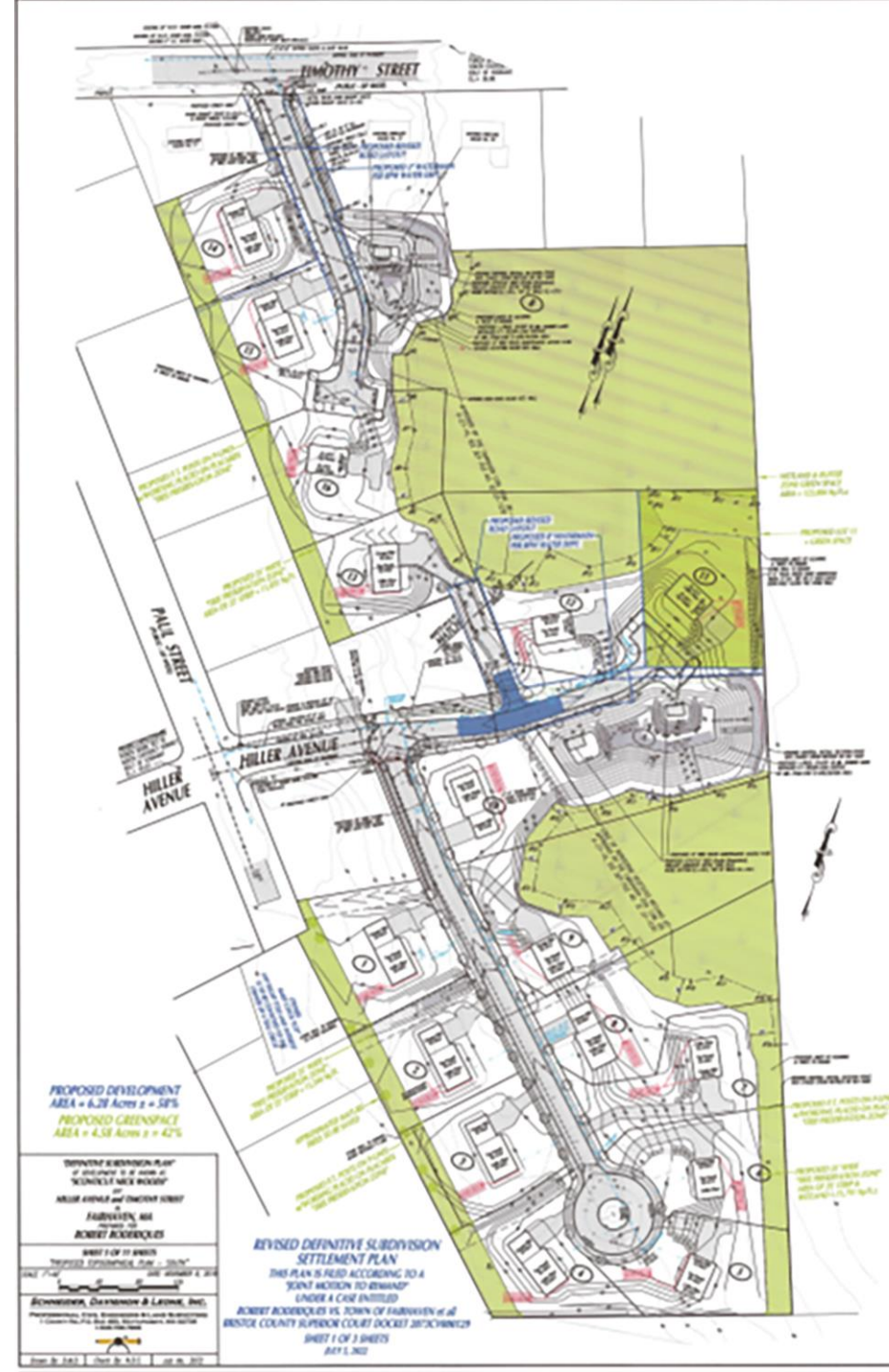
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 • Section 12-97, 2000
 • Section 12-98, 2000
 • Section 12-99, 2000
 • Section 13-00, 2000

PLAN INDEX

SHEET	DESCRIPTION
SHEET 1	LOTTING PLAN
SHEET 2	EXISTING
SHEET 3	PROPOSED
SHEET 4	PROPOSED
SHEET 5	PROPOSED
SHEET 6	PROPOSED

PRELIMINARY
 OF DEVELOPMENT
 "SCOUTING"
 HILLER STREET
 FAIR
 ROBER
 SHEET
 LOTTING PLAN
 SCALE: 1"=40'
 N. Douglas Sch
 PROFESSIONAL CIVIL
 ENGINEER
 Drawn By: D.M.D.

2022 Conceptual Remand Review Plan



2018 Preliminary Plan and 2022 Remand Plan Superimposed



PROPOSED 18' WIDE PAVED
ROADWAY INCLUDING TWO
12" WIDE CAPE COD BERMS

Garage Slab
El.=44.0

Top Found.
El.=46.0
Cellar Floor
El.=38.5

14

Garage Slab
El.=43.5

Top Found.
El.=45.5
Cellar Floor
El.=38.0

15

High Pt., El.=43.2

FOREBAY

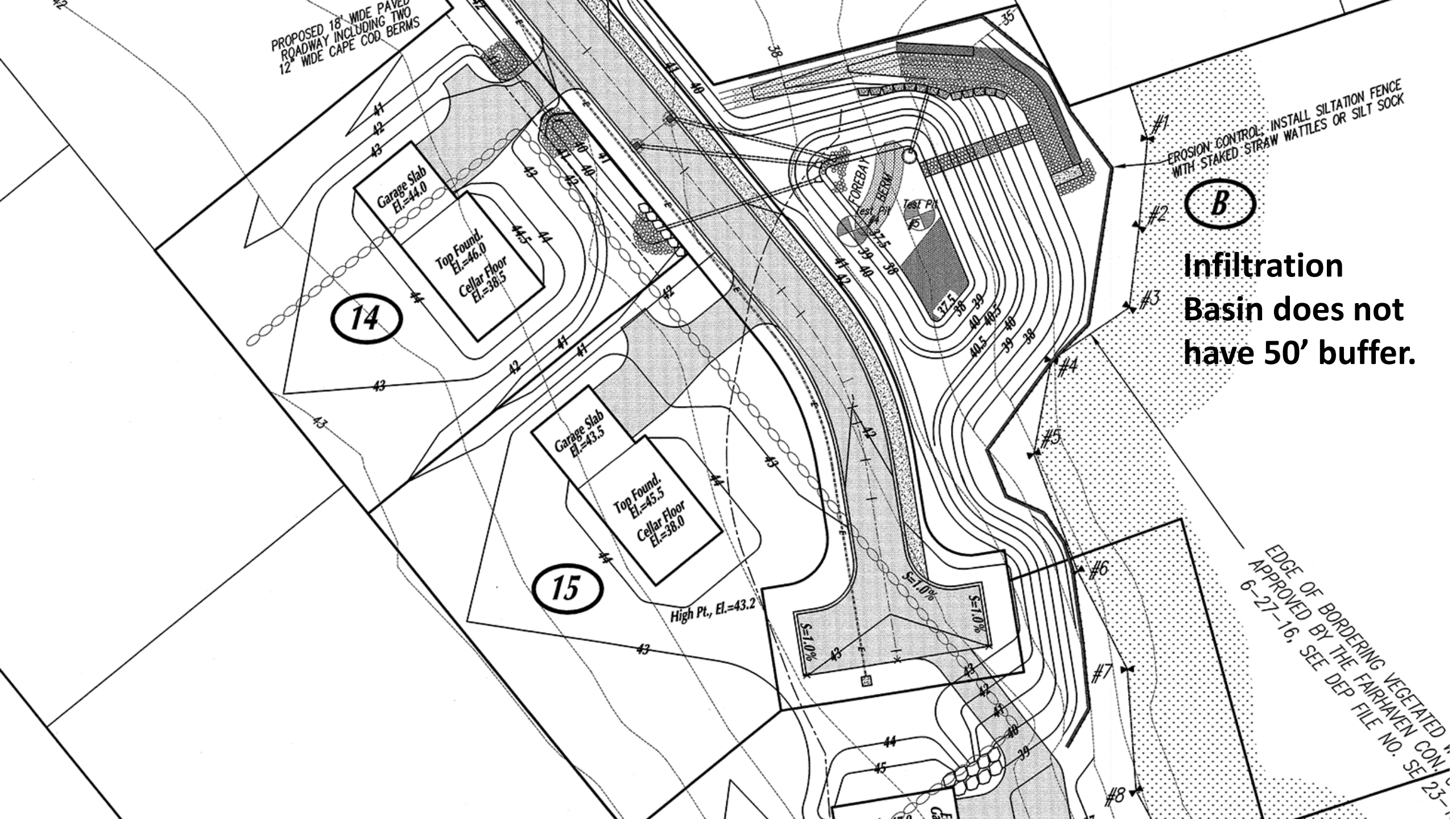
LOSS PT.

EROSION CONTROL: INSTALL SILTATION FENCE
WITH STAKED STRAW WATTLES OR SILT SOCK

B

Infiltration
Basin does not
have 50' buffer.

EDGE OF BORDERING VEGETATED
APPROVED BY THE FAIRHAVEN COM.
6-27-16, SEE DEP FILE NO. SE 23-



Hiller
Avenue
Terminus



Hiller
Avenue
Terminus



Hiller
Avenue
Terminus



Hiller
Avenue
Terminus



Sewage
Treatment
Plant
Clarifying
Pit
Near Lot
11



Sewage
Treatment
Plant &
Wind
Turbines







SCALE: 1"=200' DATE: MAY 29, 2019

Rev. #	DATE	BY	DESCRIPTION

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

Drawn By: D.M.D. Check By: N.D.S. Job No. 3072

NEIGHBORHOOD AERIAL EXHIBIT PLAN
 OF DEVELOPMENT TO BE KNOWN AS
 "SCONTICUT NECK WOODS"
 OFF
 HILLER AVENUE and TIMOTHY STREET
 IN
 FAIRHAVEN, MA
 PREPARED FOR
 ROBERT RODRIGUES





Teal
Circle



Teal
Circle



Teal
Circle



Teal
Circle

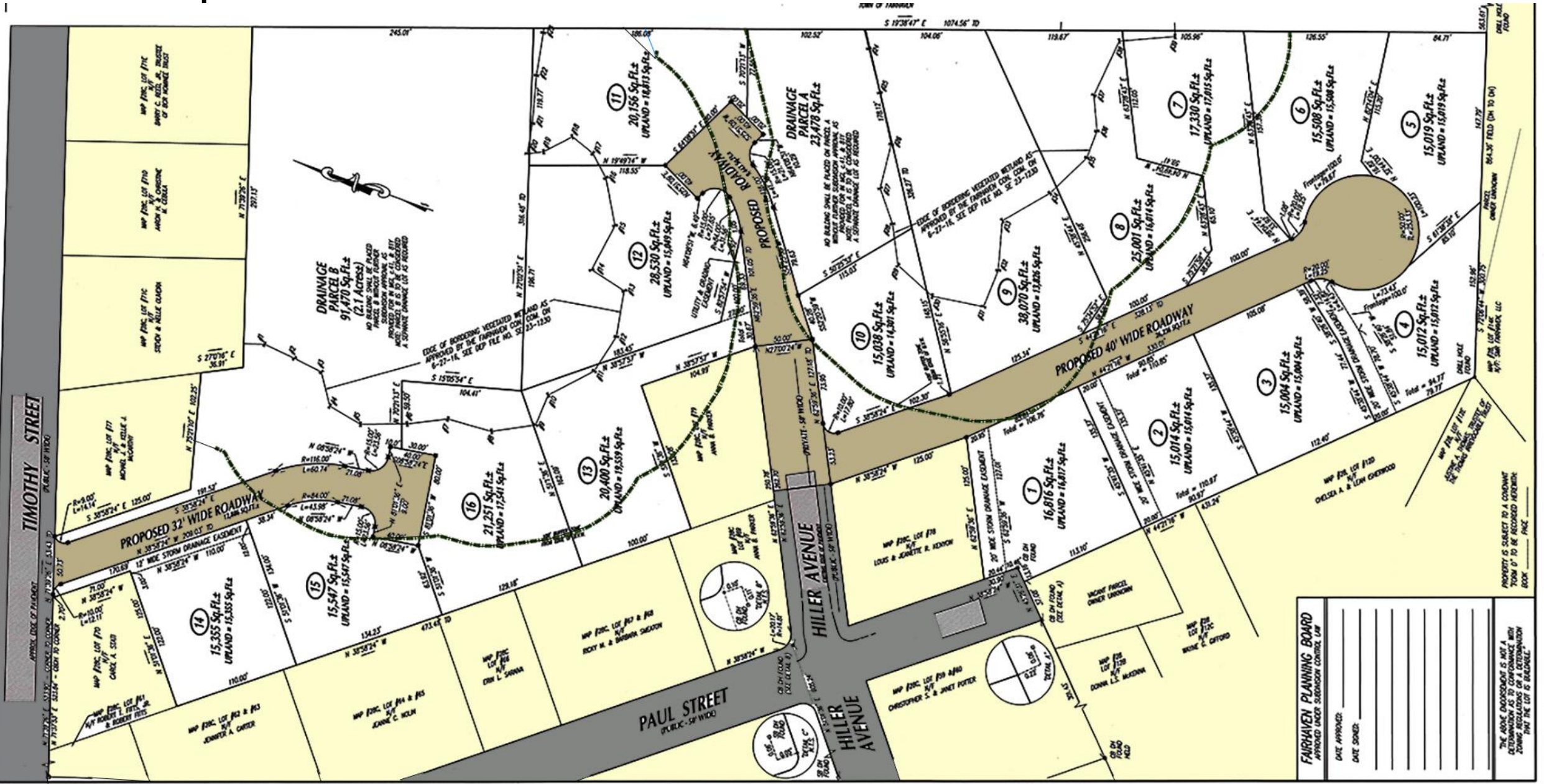








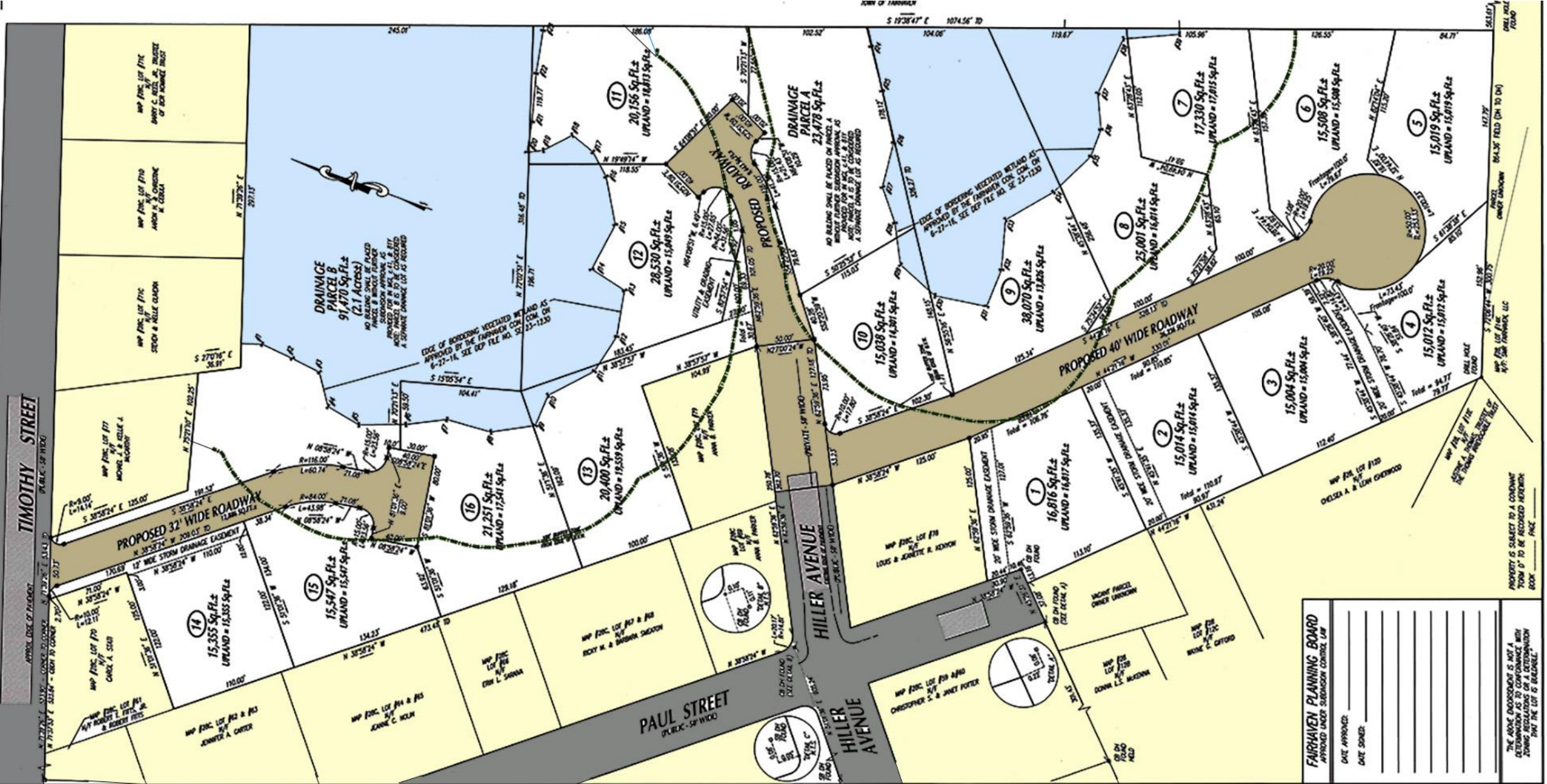
Proposed 16-Lot Subdivision new roads



FAIRHAVEN PLANNING BOARD	
APPROVED UNDER SUPERVISION CONTROL LAW	
DATE APPROVED:	_____
DATE SIGNED:	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

PROPERTY IS SUBJECT TO A CONDUIT TORM D TO BE RECORDED HEREIN BOOK PAGE

Wetlands on Site





STREET

PROPOSED ROADWAY

LOT #14

LOT #15

LOT #16

LOT #13

LOT #11

LOT #12

LOT #10

LOT #19

HILLER AVENUE

LOT #1

LOT #9

LOT #2

LOT #3

LOT #8

LOT #7

LOT #6

LOT #4

LOT #5

DRAINAGE
PARCEL B

PROPOSED ROADWAY
DRAINAGE
PARCEL A

HILL STREET

HILL CIRCLE





















EDGE OF BORDERING VEGETATED WETLAND AS APPROVED BY THE FARMWORY COM. COM. ON 6-27-16, SEE DEP FILE NO. SE 23-1230

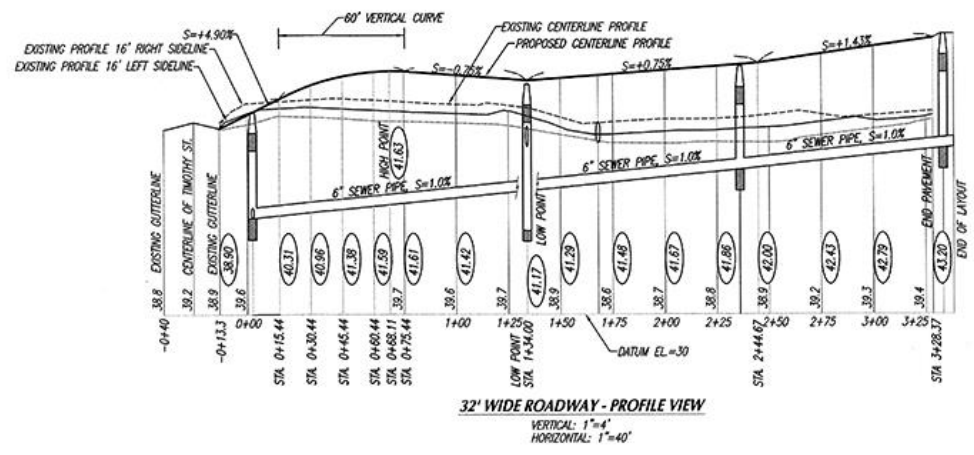
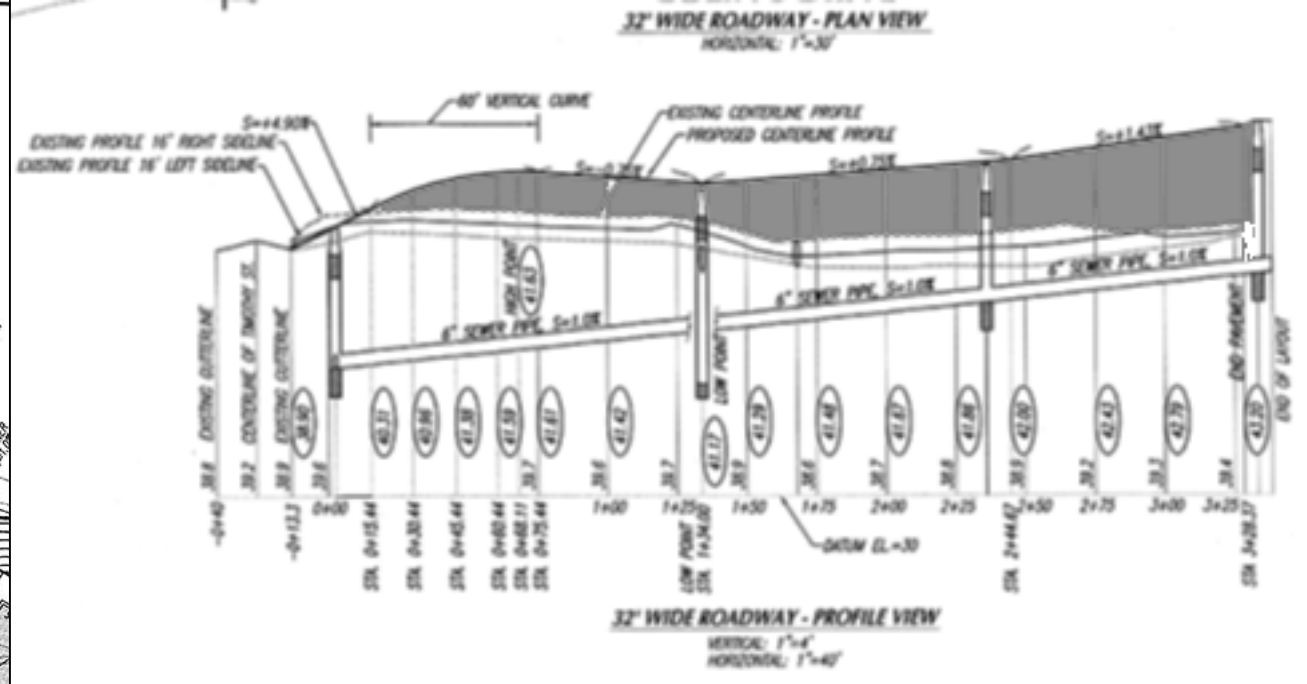
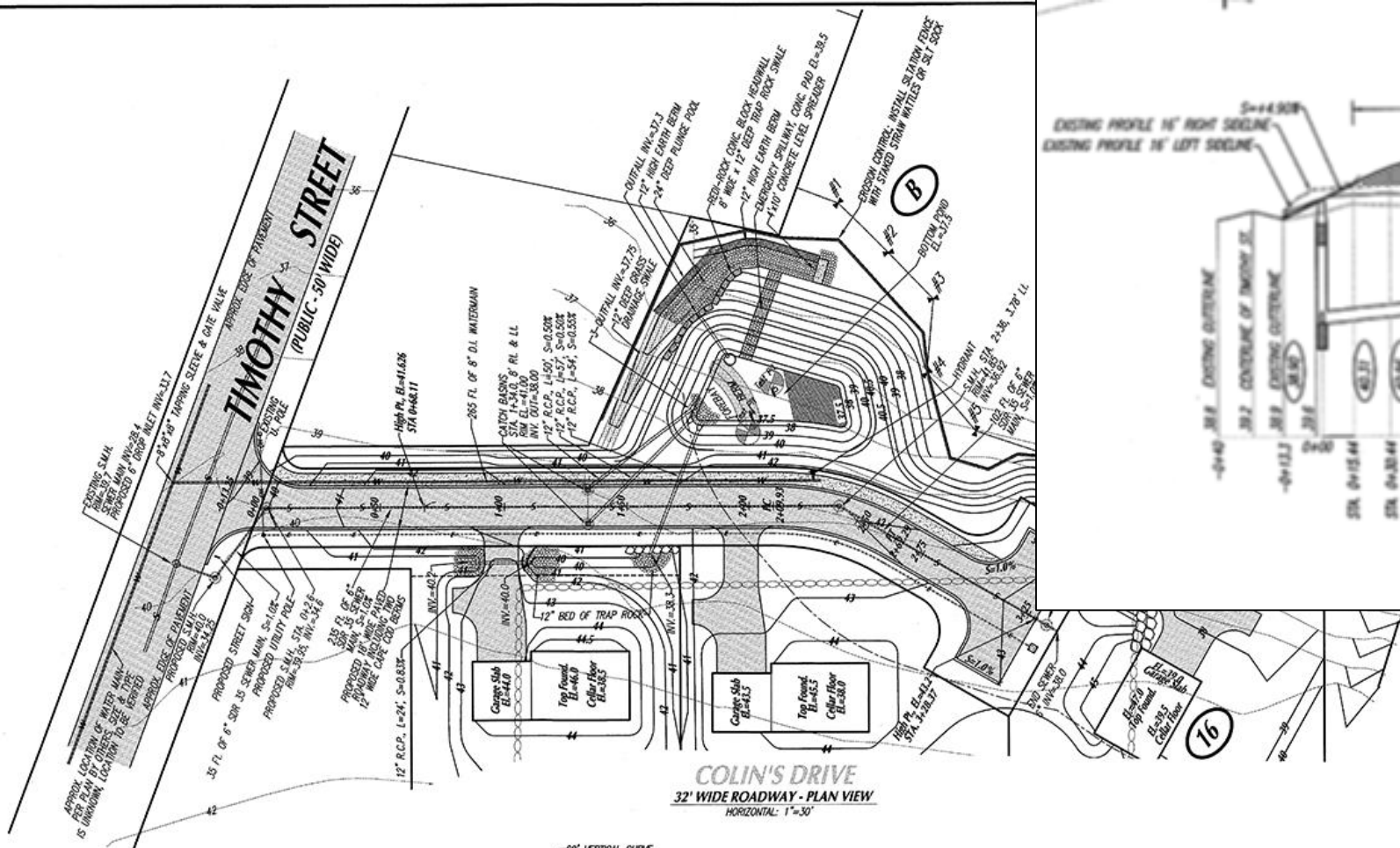
EDGE OF BORDERING VEGETATED WETLAND AS APPROVED BY THE FARMWORY COM. COM. ON 6-27-16, SEE DEP FILE NO. SE 23-1230

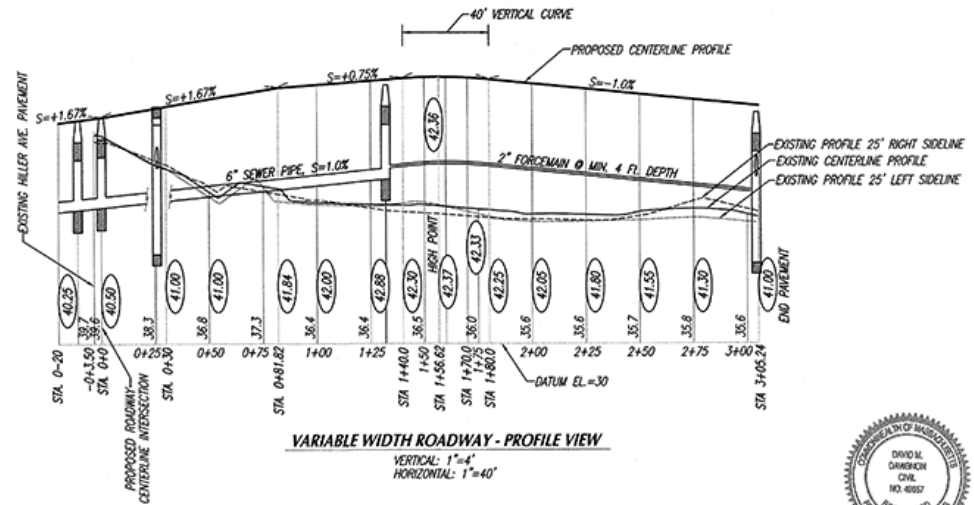
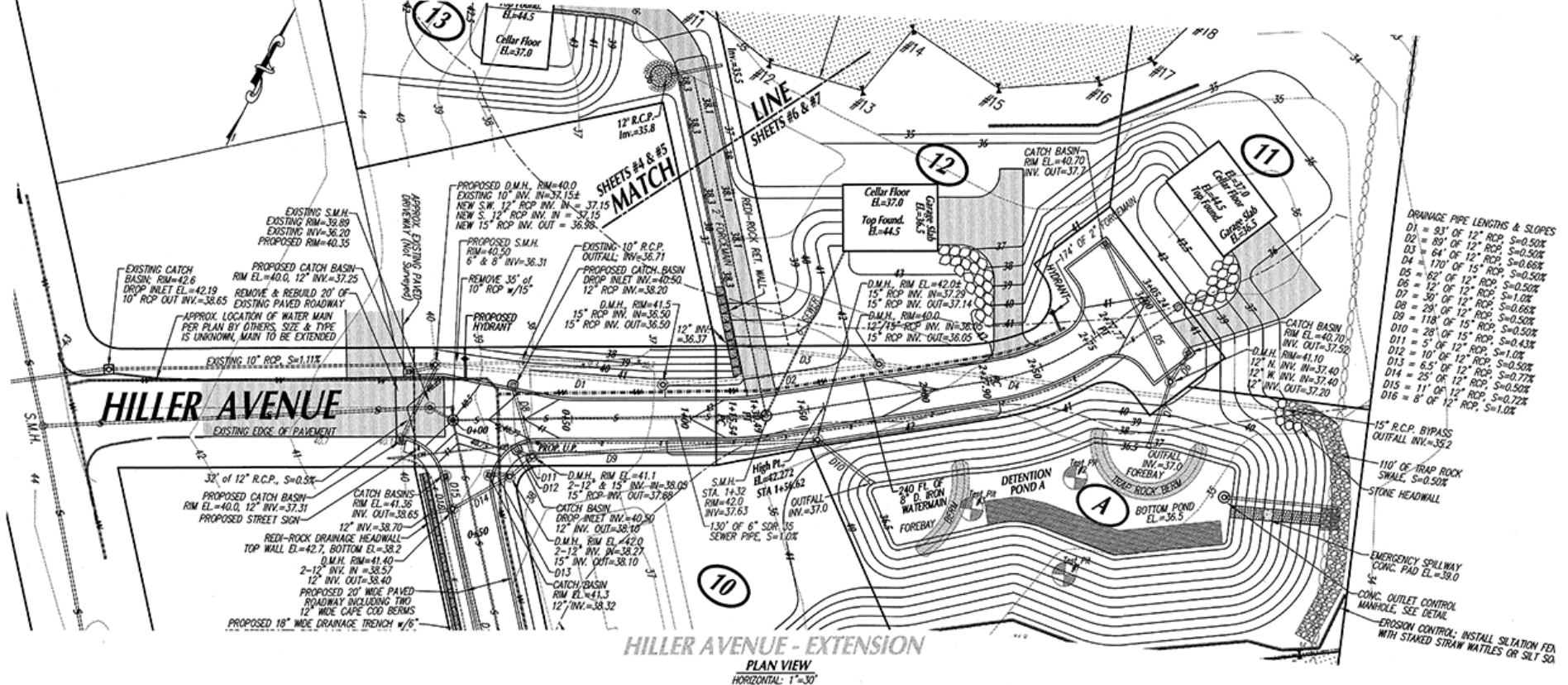
MATCH LINE
SHEETS W.A. 17
SHEETS W.A. 15

HILIER AVENUE
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SHEETS W.A. 46
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SHEETS W.A. 48
SHEETS W.A. 49
SHEETS W.A. 50

HILIER AVENUE

EA





FAIRHAVEN PLANNING BOARD
 APPROVED UNDER SUBDIVISION CONTROL LAW

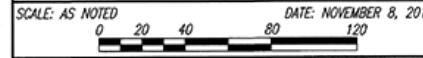
DATE APPROVED: _____
 DATE SIGNED: _____

"THE ABOVE ENDORSEMENT IS NOT A DETERMINATION AS TO CONFORMANCE WITH ZONING REGULATIONS OR A DETERMINATION THAT THE LOT IS BUILDABLE."

2	5-17-19	D.M.D.	ADD ROAD PROFILES, CONSTRUCTION DETAILS CHANGE COMPANY NAME, PRELIMINARY TO DEFINITIVE
1	4-11-19	D.M.D.	REVISE GRADING & DMT WAIVERS
Rev. #	DATE	BY	DESCRIPTION

"DEFINITIVE SUBDIVISION PLAN"
 OF DEVELOPMENT TO BE KNOWN AS
"SCONTICUT NECK WOODS"
 OFF
HILLER AVENUE AND TIMOTHY STREET
 IN
FAIRHAVEN, MA
 PREPARED FOR
ROBERT RODERIGUES

SHEET 8 OF 11 SHEETS
"PROPOSED ROAD PROFILE PLAN - NORTH"



SCHNEIDER, DAVIGNON & LEONE, INC.
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D.M.D. 5/20/19