



August 16, 2023

Charon Associates, Inc.
Attn: Rick Charon
323 Neck Road
Rochester, MA 02770

Re: Wetland Summary Letter
Bonney Street (Map 28B, Lot 488)
Fairhaven, MA

Dear Mr. Charon,

As requested, a Professional Wetland Scientist (PWS) and Registered Professional Soil Scientist (RPSS) from Lucas Environmental, LLC (LE) conducted a site investigation on August 10, 2023, to determine if wetland resources were present at or near the property located at 0 Bonney Street (Map 28B, Lot 488) in Fairhaven, Massachusetts (the "Study Area"). Charon Associates, Inc. (Charon) retained additional Wetland Scientists, Mr. Bob Gray and Corey Bracken from Sabatia, Inc. (Sabatia) to review the property with LE. The site investigation was limited to wetland areas within 100 feet and perennial streams within 200 feet of the property.

Please note that this effort is specific to wetland resources; it does not evaluate constraints related to local planning or zoning requirements, historical or cultural significance, nor does it evaluate the potential for soil, air, or water contamination.

The wetland investigation was performed in accordance with the Massachusetts Wetlands Protection Act (M.G.L. Ch. 131, § 40) and regulations (310 CMR 10.00 *et seq.*); Section 404 of the Clean Water Act (33 U.S.C. 1344); the Massachusetts Department of Environmental Protection Bureau of Water Resources Handbook for Delineating Bordering Vegetated Wetlands (2022); the U.S. Army Corp of Engineers (USACE) Wetland Delineation Manual (1987); the Northcentral and Northeast Regional Supplement (2012); and the Fairhaven Wetlands Protection Bylaw (Chapter 192).

The following data sources were examined prior to the site investigation:

- Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps;
- United States Geological Survey Topographic Quadrangle;
- MassGIS MassDEP Wetland and Hydrography Datalayers;
- MassGIS Natural Heritage Atlas Datalayers; and
- United States Department of Agriculture, Natural Resources Conservation Service (USDA-NRCS) Soil Survey.



1.0 EXISTING CONDITIONS

The Study Area is located at 0 Bonney Street in Fairhaven, Massachusetts and consists of an approximate 6,125 square foot lot. The property is undeveloped and surrounded by residential development to the north, south, east, and west. It is evident that the parcel has been recently cleared within the last year. As such, it is vegetated primarily with a mix of early successional herbaceous plants, weeds, and small shrubs.

Hydrophytic and non-hydrophytic plant species are ubiquitous and interspersed throughout the property. The most prevalent hydrophytic species include red canary grass (*Phalaris arundinacea*) (FACW), deer tongue grass (*Dichanthelium clandestinum*) (FACW), path rush (*Juncus tenuis*) (FAC), yellow nutsedge (*Cyperus esculentus*) (FACW), and wrinkle-leaf goldenrod (*Solidago rugosa*) (FAC). Non-hydrophytic vegetation includes red fescue (*Festuca rubra*) (FACU), yellow wood sorrel (*Oxalis stricta*) (FACU), ragweed (*Ambrosia artemisiifolia*) (FACU), crab grass (*Digitaria sanguinalis*) (FACU), and evening primrose (*Oenothera biennis*) (FACU). Small shrub forms of sassafras (*Sassafras albinum*) (FACU) and multiflora rose (*Rosa multiflora*) (FACU) were also observed.

A review of the current MassGIS data layer for the Massachusetts Natural Heritage Atlas (effective August 1, 2021) under the Natural Heritage and Endangered Species Program (NHESP) indicates that the Study Area is not located within Priority Habitat of Rare Species or within Estimated Habitat of Rare Wildlife. No Certified Vernal Pools under the jurisdiction of the Wetlands Protection Act Regulations (310 CMR 10.00 et seq.) or the Massachusetts Endangered Species Act (321 CMR 10.00 et seq.) occur within the Study Area.

The Study Area is not located within an Area of Critical Environmental Concern (ACEC), Outstanding Resource Water (ORW), Watershed Protection Area, or MassDEP Wellhead Protection Area.

2.0 ENVIRONMENTAL RESOURCE AREAS

The following sections describe wetland resources consisting of Land Subject to Coastal Storm Flowage (LSCSF), Bordering Vegetated Wetlands (BVW) located approximately 100 feet to the east, and one Isolated Vegetated Wetland (IVW) on the property. The off-property BVW was delineated by others and is not described in this letter. Under the Massachusetts Wetlands Protection Act (WPA) and Town of Fairhaven Wetlands Bylaw, the wetland resource areas in the Study Area are regulated as follows.

2.1 Land Subject to Coastal Storm Flowage – 310 CMR 10.04 WPA

Section 310 CMR 10.04 of the WPA defines LSCSF as *land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater*. The Bylaw does not include any further definition of LSCSF.

According to the July 6, 2021, FEMA Flood Insurance Rate Map for Bristol County, Map Number 25005C0413G, the site is located within an area classified as Zone VE, which is defined as a coastal flood zone with velocity hazard with base flood elevations established as a limit of moderate wave action – Elevation 16 NAVD 88. As the flood source is coastal, LSCSF is present within the Study Area.



2.2 Bordering Vegetated Wetlands – WPA & Bylaw

Section 310 CMR 10.55 of the WPA defines BVW as *freshwater wetlands which border on creeks, rivers, streams, ponds and lakes. The types of freshwater wetlands are wet meadows, marshes, swamps and bogs. Bordering Vegetated Wetlands are areas where the soils are saturated and/or inundated such that they support a predominance of wetland indicator plants. The boundary of Bordering Vegetated Wetlands is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist. Wetland indicator plants are also those classified in the indicator categories of Facultative, Facultative+, Facultative Wetland-, Facultative Wetland, Facultative Wetland+, or Obligate Wetland in the National List of Plant Species That Occur in Wetlands: Massachusetts (Fish & Wildlife Service, U.S. Department of the Interior, 1988) or plants exhibiting physiological or morphological adaptations to life in saturated or inundated conditions.* The Bylaw does not include any further definition of BVW. The off-property BVW was delineated by others and is not described in this letter. No other areas of BVW are located on or within 100 feet of the site.

2.3 Isolated Wetland – Bylaw Only

Under the Town of Fairhaven Wetlands Bylaw, there is no specific “Isolated Wetlands” term that is defined. However, Section 192-2 of the Bylaw establishes jurisdiction over “*any freshwater or coastal wetland...*”. Wetland A, described below, is an Isolated Vegetated Wetland (IVW) occupying a small area in the eastern portion of the Study Area.

Isolated wetlands are not regulated under the WPA unless the wetland meets the size and volume requirement to be regulated as Isolated Land Subject to Flooding (ILSF). Based on the size of this IVW, it does not appear large enough to contain the required volume or depth of ponding to be considered ILSF. Therefore, this wetland would not be jurisdictional under the WPA.

2.3 Resource Area Descriptions

The following sections describe the delineated resource (IVW) that was identified on the site.

Wetland A

Wetland A is a very small, geographically IVW. The wetland was delineated by both LE and Sabatia with pink pin flags numbered sequentially with flag series WFA-1 to WFA-8. The wetland is vegetated with a mix of soft rush (*Juncus effusus*), nut sedge, path rush, deer tongue grass, jewelweed (*Impatiens capensis*), fox grape (*Vitis labrusca*), and fox sedge (*Carex vulpinoidea*). The IVW does not store water, nor does it contain the physical characteristics of a Vernal Pool.

The wetland/upland boundary is diffuse and poorly defined. The interspersions of upland and wetland plants throughout the site makes delineation based on vegetation and topography not possible. Therefore, the delineation was based on the presence of hydric soil indicators. Hydric soils generally consist of a dark mineral A horizon overlying a subsoil of loamy sand with a depleted matrix. Indicators of wetland hydrology are faint, and likely limited to seasonal saturation in the early part of the growing season.



2.4 Town of Fairhaven Wetland Protection Bylaw and Regulations

The Town of Fairhaven Wetland Protection Bylaw and Regulations provide additional protections as follows:

- Isolated Vegetated Wetlands are regulated.
- The Regulations implement a 0- to 25-foot wide no alteration zone; a 25- to 50-foot wide no structure zone; and there are additional alteration limits within the 50- to 100-Foot Buffer Zone.
- The Regulations implement a 0- to 100-foot wide No Alteration Zone to Vernal Pools.
- The Regulations allow the Conservation Commission to grant a Variance from these regulations upon a showing by the Applicant that any proposed activity, or its natural and consequential impacts and effects, will not have any adverse effect upon any of the interests protected in Chapter 192 of the Code of the Town of Fairhaven. Further, the Conservation Commission may grant a Variance from this regulation when it is necessary to avoid so restricting the use of the property as to constitute an unconstitutional taking without compensation.

It is LE's understanding that this property has been reviewed by the Conservation Commission previously. The previous landowner submitted an Administrative Approval on March 21, 2022 to request the removal of brush and invasive species from the lot. The Administrative Approval, issued on March 21, 2022, indicated that there were no vegetated wetland resources areas on the property, and the work would not take place within 50 feet of a vegetated wetland. The approval confirmed the work would occur within the floodplain.

It is the opinion of LE that the small IVW delineated and described above should not be regulated under the Bylaw. The intent of the Bylaw is to protect the wetlands that contribute to *public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water pollution control, fisheries, wildlife habitat, recreation, aesthetics and agriculture values*. The IVW does not contribute to any of these values due to its small size, lack of connectivity, habitat value and overall ecological function.

If you have any questions, please do not hesitate to contact me at 617.405.4053 or tel@lucasenviro.com. Thank you for your consideration in this matter.

Sincerely,
LUCAS ENVIRONMENTAL, LLC

A handwritten signature in black ink that reads 'Thomas E. Liddy'.

Thomas E. Liddy, PWS/CWS/RPSS
Environmental Consultant/Wetland & Soil Scientist

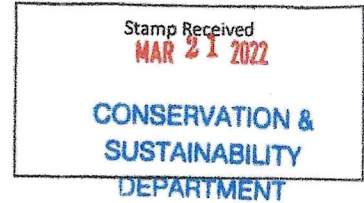
Enclosures: Administrative Approval Form



TOWN OF FAIRHAVEN, MASSACHUSETTS
CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

RECEIVED



Administrative Approval Form

This Administrative Approval does not exempt you, your property, or activities on your property from the Wetlands Protection Act and its Regulations (310 CMR 10.00) and/or the Fairhaven Wetlands Bylaw (Chapter 192). Cutting vegetation, grading, filling, etc. beyond the specific activities cited in this approval may require a permit from the Conservation Commission.

Location of Proposed Project: Bonney St Map 28B Parcel 488
Owner/Applicant Name: Benjamin Reis
Mailing Address: 17 Roseanne Drive Fairhaven MA
Phone Number: 508-207-6004 Email: ben.reis@yahoo.com
Contractor/Representative: N/A Phone Number: N/A

Project Description: Provide a narrative of the proposed project. Attach an additional sheet if necessary together with pictures and a site plan if available. Request will be considered incomplete if left blank.

This vacant lot has not been maintained. I am looking to clean up the lot by removing the brush and invasive species from the lot, and removing the vines that are tangled in the power lines at the street.

Please answer yes or no to the following questions

- Will the proposed work take place within any of the following resource areas? Yes No
If yes, circle resource area: Coastal Bank, Salt Marsh, Beach, Dune, Vegetated Wetland, Inland Bank, Lake, Pond, River, Stream, Estuary, Watercourse, Ocean, any Land Under said waters.
- Will the proposed work take place within 50 feet of any of the above resource areas? Yes No
- Will the proposed work take place within Land Subject to Flooding, the 100-year Flood Plain (Land Subject to Coastal Storm Flowage), or Riverfront Area. Yes No
- Is the proposed work a perc test? Yes No
- Is any excavation by machinery required? Yes No
- Is foundation work proposed? Yes No
- Is removal of vegetation proposed? Yes No
- Will there be disturbance to the ground? Yes No
- Is regrading proposed, either addition or removal of soil? Yes No
- Is tree removal proposed? If yes, how many? _____ Yes No
- Is pruning of trees proposed? If yes, please supply photograph. Yes No
- Is planting proposed? If yes, please supply a plan which includes species. Yes No
- Is removal or control of invasive or nuisance species proposed? Yes No
- Is the use of herbicides/pesticides/insecticides, etc. proposed? Yes No

FOR OFFICE USE ONLY:

Site Inspection Date: 3/14/2022 Filing Required? Yes No
Requirements (or full wetland enforcement and/or permitting shall apply):

Approved: 3/21/2022 (Date) *rem*

- removal of roots is not permitted, only cutting to grade as a means of controlling bitter-sweet and preventing the vines in the power lines from becoming a hazard