

SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

MATTHEW C. LEONE, P.L.S.



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

March 15, 2024

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

Attn: Bruce Webb, Agent

Re: Notice of Intent Application

Project Type: Proposed Seawall Reconstruction
Applicant/Owner: Elander/Fairhaven Realty Trust
Site Address: 188 Balsam Street
Assessors Lot #43 on Map #43B

Dear Bruce,

Schneider, Davignon, & Leone, Inc., acting as agent for the Applicant hereby submits the enclosed information for the purposes of scheduling a Public Hearing for the above described project.

Specifically, please find the following information:

- \$248.50 - Notice of Intent Application Fee
- \$500.00 – Additional Town NOI Fee
- \$75.00 – Legal Advertisement Fee
- Notice of Intent Application
- Seawall Reconstruction Plan

If you have any questions or need additional information, please call me at (508) 758-7866 (ext. 203).

Sincerely,

Schneider, Davignon, & Leone, Inc.

David M. Davignon, P.E.

cc: MDMF (via electronic transmission only)
DEP-SE Regional Office (via electronic transmission only)
Town of Fairhaven Harbormaster/Shellfish Warden Timothy Cox
John Elander
File 3755

P.O. Box 480, 81A County Road, Unit G, Mattapoisett, MA 02739

Phone 1-508-758-7866

Page 1 of 1



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

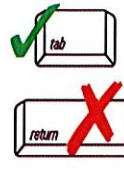
MassDEP File Number _____

Document Transaction Number _____

Fairhaven
City/Town

WPA Form 3 – Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

188 Balsam Street
a. Street Address

Fairhaven
b. City/Town

02719
c. Zip Code

Latitude and Longitude:
N41-36'-02.96"
d. Latitude

W70-50'-09.32"
e. Longitude

43B
f. Assessors Map/Plat Number

43
g. Parcel /Lot Number

2. Applicant:

a. First Name
Elander/Fairhaven Realty Trust

b. Last Name

c. Organization

c/o: John Robert Elander, III, Trustee, 304 Concord Avenue
d. Street Address

Lexington
e. City/Town

MA
f. State

02421
g. Zip Code

(617) 834-8410
h. Phone Number

i. Fax Number

j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

same as applicant

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

David M.
a. First Name

Davignon, P.E.
b. Last Name

Schneider, Davignon & Leone, Inc.
c. Company

P.O. Box 480, 81A County Road, Unit G
d. Street Address

Mattapoisett
e. City/Town

MA
f. State

02739
g. Zip Code

(508) 758-7866
h. Phone Number

i. Fax Number

dsquared3368@yahoo.com
j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$472.00 + \$500.00
a. Total Fee Paid

\$223.50
b. State Fee Paid

\$248.50 + \$500.00
c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

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Fairhaven

City/Town

A. General Information (continued)

6. General Project Description:

Proposed Seawall Reconstruction - See Project Narrative

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|--|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input checked="" type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Bristol

a. County

17274

b. Certificate # (if registered land)

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

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MassDEP File Number

Document Transaction Number

Fairhaven

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Bank	n/a 1. linear feet	n/a 2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	n/a 1. square feet	n/a 2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	n/a 1. square feet n/a 3. cubic yards dredged	n/a 2. square feet

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	n/a 1. square feet n/a 3. cubic feet of flood storage lost	n/a 2. square feet n/a 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	n/a 1. square feet n/a 2. cubic feet of flood storage lost	n/a 3. cubic feet replaced

- f. Riverfront Area
1. Name of Waterway (if available) - specify coastal or inland
2. Width of Riverfront Area (check one):
- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: n/a
square feet

4. Proposed alteration of the Riverfront Area:

<u>n/a</u>	<u>n/a</u>	<u>n/a</u>
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

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Document Transaction Number

Fairhaven

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	n/a 1. square feet n/a 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input checked="" type="checkbox"/> Coastal Beaches	125 (Temporary) 1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	n/a 1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input checked="" type="checkbox"/> Coastal Banks	90 1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	n/a 1. square feet	
h. <input type="checkbox"/> Salt Marshes	n/a 1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	n/a 1. square feet n/a 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	n/a 1. square feet	
k. <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	
	n/a 1. cubic yards dredged	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	325 1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	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.2.b or B.3.h above, please enter the additional amount here. _____ a. square feet of BWV	
	_____ b. square feet of Salt Marsh	
5. <input type="checkbox"/> Project Involves Stream Crossings	_____ a. number of new stream crossings	
	_____ b. number of replacement stream crossings	



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WPA Form 3 – Notice of Intent

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

MassDEP File Number _____

Document Transaction Number _____

Fairhaven _____

City/Town _____

C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

2021-15th Edition _____

b. Date of map _____

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____

percentage/acreage

(b) outside Resource Area _____

percentage/acreage

2. Assessor's Map or right-of-way plan of site

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

* Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Fairhaven

City/Town

C. Other Applicable Standards and Requirements (cont'd)

- (c) MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) Vegetation cover type map of site

- (e) Project plans showing Priority & Estimated Habitat boundaries

- (f) OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____

3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Bourne to Rhode Island border, and
the Cape & Islands:

North Shore - Plymouth to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: dmf.envreview-south@mass.gov

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

- c. Is this an aquaculture project? d. Yes No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).


Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Fairhaven

City/Town

C. Other Applicable Standards and Requirements (cont'd)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

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MassDEP File Number

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Fairhaven

City/Town

D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Seawall Reconstruction Plan

a. Plan Title

Schneider, Davignon & Leone, Inc.

b. Prepared By

n/a

d. Final Revision Date

see list on project narrative

f. Additional Plan or Document Title

David M. Davignon, P.E.

c. Signed and Stamped by

1" = 10'

e. Scale

3-15-24

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. Attach NOI Wetland Fee Transmittal Form
9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

142, 143

2. Municipal Check Number

141

4. State Check Number

Elander-Fairhaven

6. Payor name on check: First Name

1-19-24

3. Check date

1-19-24

5. Check date

Realty Trust

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Fairhaven

City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant

2. Date

1-19-24

3. Signature of Property Owner (if different)

4. Date

1-22-24

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

188 Balsam Street _____ Fairhaven
 a. Street Address b. City/Town
 141 _____ \$223.50
 c. Check number d. Fee amount

2. Applicant Mailing Address:

_____ b. Last Name
 a. First Name
 Elander/Fairhaven Realty Trust
 c. Organization
 c/o: John Robert Elander, III, Trustee, 304 Concord Avenue
 d. Mailing Address
 Lexington _____ MA _____ 02421
 e. City/Town f. State g. Zip Code
 (617) 834-8410 _____
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

same as applicant
 a. First Name _____ b. Last Name _____

 c. Organization

 d. Mailing Address

 e. City/Town _____ f. State _____ g. Zip Code _____

 h. Phone Number i. Fax Number j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 5): Seawall Reconstruction	118 ft.	\$4.00/ft.	\$472.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee: \$472.00

Step 6/Fee Payments:

Total Project Fee:	\$472.00 + \$500.00
State share of filing Fee:	a. Total Fee from Step 5 \$223.50
City/Town share of filling Fee:	b. 1/2 Total Fee less \$12.50 \$248.50 + \$500.00 c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

ELANDER-FAIRHAVEN REALTY TRUST
JOHN ROBERT ELANDER III TRUSTEE
304 CONCORD AVE
LEXINGTON, MA 02421

141

53-7185/2113

1-19-24

Date



Pay to the
Order of

Commonwealth of MA

\$ 223.50

two hundred twenty three - 50/100

Dollars



Photo Safe Deposit
Details on back

THE Village Bank

320 Needham Street, Suite 200, Newton, MA 02464

For DEP Fee

MP

Harland Clarke

GUARDIAN SAFETY YELLOW

ELANDER-FAIRHAVEN REALTY TRUST
JOHN ROBERT ELANDER III TRUSTEE
304 CONCORD AVE
LEXINGTON, MA 02421

142

53-7185/2113

1-19-24

Date



Pay to the
Order of

Town of Fairhaven

\$ 248.50

two hundred forty eight - 50/100

Dollars



Photo Safe Deposit
Details on back

THE Village Bank

320 Needham Street, Suite 200, Newton, MA 02464

For CON COM Fee

MP

Harland Clarke

GUARDIAN SAFETY YELLOW

ELANDER-FAIRHAVEN REALTY TRUST
JOHN ROBERT ELANDER III TRUSTEE
304 CONCORD AVE
LEXINGTON, MA 02421

143

53-7185/2113

1-19-24

Date



Pay to the
Order of

Town of Fairhaven

\$ 500.00

five hundred - 00/100

Dollars



Photo Safe Deposit
Details on back

THE Village Bank

320 Needham Street, Suite 200, Newton, MA 02464

For EX VA CON COM Fee

MP

Harland Clarke

GUARDIAN SAFETY YELLOW

ELANDER-FAIRHAVEN REALTY TRUST
JOHN ROBERT ELANDER III TRUSTEE
304 CONCORD AVE
LEXINGTON, MA 02421

144

53-7185/2113

1-19-24

Date



Pay to the
Order of

Town of Fairhaven

\$ 75.00

Seventy five - 00/100

Dollars



Photo Safe Deposit
Details on back

THE Village Bank

320 Needham Street, Suite 200, Newton, MA 02464

For Legal Ad fee

MP

Harland Clarke

GUARDIAN SAFETY YELLOW

SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

MATTHEW C. LEONE, P.L.S.



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

March 15, 2024

Re: Notice of Intent – Project Narrative

Applicant/Owner: Elander/Fairhaven Realty Trust
Project Type: Seawall Reconstruction
Site Location: 188 Balsam Street, Assessors Lot #43 on Map #43B

Site Description:

The property is developed with a single-family dwelling (constructed circa 1947), concrete driveway and manicured lawn areas throughout. The site is bordered easterly by Balsam Street, westerly by the Nasketucket Bay and northerly and southerly by developed residential properties.

Wetland Resource Areas:

The westerly portion of the property falls within Land Subject to Coastal Storm Flowage, Flood Zone VE (E1, 16 & 17) and contains a Coastal Bank (a vertical concrete seawall) which is the subject of this NOI Application. Additional Coastal Wetland Resource areas westerly of the Coastal Bank include Coastal Beach and Land Containing Shellfish.

Seawall History:

Based upon research of historical aerial photos the subject seawall has existed since at least 1971 and was authorized by the DEP-Waterways Program under the amnesty program through Chapter 91 License Plan No. 4327 (see attached).

Project Description & Methodology:

The construction access will be through the existing lawn area along the northerly side of the house.

The work will be performed using an excavator set up on the landward side of the seawall. All excavated materials will be temporarily stockpiled on the sandy upland area and then loaded into dump trucks for proper offsite disposal.

The work will begin with the incremental removal of the existing seawall beginning at the southwesterly corner of the sandy boat launch ramp, thence working towards the northerly end at the property line. Once the waterfront section of wall is complete, the easterly wall will then be incrementally constructed working towards the house.

Upon removal of the existing wall, construction of the new precast concrete block wall will also be done incrementally. Steel plates will be used for the installation base blocks for dewatering. Water will be pumped through a dewatering filter bag situated near within the sandy boat launch ramp as shown on the plan.

All work to install the crushed stone base and lower 2- courses of blocks will occur within 2 hours of normal low tidal cycle to minimize the bottom disturbance.

Upon completion of the project all disturbed coastal beach, sandy recreational and lawn areas will be restored to their pre-construction condition.

Attachments are enclosed as follows:

- 100-foot Abutters List
- DEP Abutter Notification Form
- License Plan No. 4327
- Figure 1: U.S.G.S. Scoticut Neck Quadrangle
- Figure 2: Estimated Habitat Map
- Figure 3: Portion of Fairhaven Assessors Map #43B
- Figure 4: Portion of Fairhaven F.I.R.M.
- Site Photos
- Seawall Reconstruction Plan

P.O. Box 480, 81A County Road, Unit G, Mattapoisett, MA 02739

Phone 1-508-758-7866

Page 1 of 1

SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

MATTHEW C. LEONE, P.L.S.



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

March 14, 2024

100 Ft. Abutter's List
To Accompany A
Notice of Intent
Prepared For
Elander/Fairhaven Realty Trust
Site Location: 188 Balsam Street
Lot #43 on Assessors Map #43B

<u>Map No.</u>	<u>Lot No.</u>	<u>Owner's Name & Mailing Address</u>
43B	40 & 41	184 Balsam Street Realty Trust Robert J. Sullivan, Trustee 16 Sully's Way Middleboro, MA 02346
43B	42	Marsh Nominee Trust William Marsh, Jr., Trustee 178 Nyes Lane Acushnet, MA 02743
43B	44 & 45	Sharon E. Ristuccia 192 Balsam Street Fairhaven, MA 02719
43B	147	183 Balsam Street Nominee Trust Janice Haydon Shurtleff & Randall Haydon, Trustees c/o: Laurel Haydon Parham 14920 Largo Vista Drive Haymarket, VA 20169
43B	151	Erik D. Johnson 926 Henley Place Charlotte, NC 28207
43B	152	Janice A. Corcoran 2012 Revocable Trust Janice Corcoran, Richard Verzone & Brian Anderson, Trustees 4 Newport Drive Westford, MA 01886
43B	153-155	D and D Ristuccia 2023 Trust Daniel P. & Donna M. Ristuccia, Trustees 191 Balsam Street Fairhaven, MA 02719

**Notification to Abutters Under the
Massachusetts Wetlands Protection Act
and the Fairhaven Wetlands Bylaw**

*(this form must be completed and copies sent by certified mail
to all abutters within 100 feet of the site of the project)*

In accordance with the Massachusetts General Laws Chapter 131, Section 40 (the Wetlands Protection Act) and the Fairhaven Wetlands Bylaw (Chapter 192), you are hereby notified of the following:

1. The applicant's name is Elander/Fairhaven Realty Trust

2. The applicant has filed the following type of permit application with the Fairhaven Conservation Commission:
 - Request for Determination of Applicability
 - Notice of Intent
 - Request to Amend an existing Order of Conditions
 - Notice of Resource Area Delineation

3. The address or location of the site where the activity, project, or delineation is proposed is:
188 Balsam Street

4. The proposed work includes the removal of a deteriorating concrete vertical seawall and its replacement with a precast concrete block wall. Said work to be performed on a Coastal Bank and within Land Subject to Coastal Storm Flowage, Flood Zone VE (E1. 17).

5. Copies of the above application may be examined at the Conservation Office, located in Town Hall, 40 Center Street, Fairhaven, MA 02719, between 9:00 AM and 4:00 PM, Monday through Friday. Copies may be obtained at the office if notified in advance or from the applicant.

6. Applications will also be uploaded to www.fairhaven-ma.gov/conservation-commission/pages/current-filings. If you are unable to access or view the application electronically, please contact the Conservation Office at 508-979-4023, ext. 128.

7. Notice of the public hearing including its date, time, and place will be published at least five business days in advance in the Fairhaven Neighborhood News, and will be posted on the Fairhaven Town Website and at the Fairhaven Town Hall not less than 48 hours in advance.

PLEASE NOTE:

Since you are receiving this notice, you may have wetland resource areas or wetland buffers on your property. Therefore, construction, cutting, clearing, or grading may require a permit. For clarification or for more information, call the Conservation Agent at 508-979-4082 or visit our website.

The Commonwealth of Massachusetts

No.

4327



Whereas,

^R John Elander, Jr. & Ruth V. Elander, Trustees of the Elander/Fairhaven Realty Trust

of --Waltham--, in the County of --Middlesex-- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to --maintain an existing bulkhead and fill-----

and has submitted plans of the same; and whereas due notice of said application, ~~and of the time and place fixed for a hearing thereon,~~ has been given, as required by law, to the --Board of Selectmen-- of the --Town-- of --Fairhaven--;

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, ~~subject to the approval of the Governor,~~ authorizes and licenses the said

John R. Elander, Jr. & Ruth V. Elander, Trustees of the Elander/Fairhaven Realty Trust, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to --maintain an existing bulkhead and fill-----

in and over the waters of --Nasketucket Bay-- in the Town of --Fairhaven-- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No.4327, (2 sheets).

License No. 4327

Page 2

The structures authorized hereby shall be limited to the following use: shoreline stabilization for the protection of a water-dependent use.

This License will expire ninety-nine (99) years from the date of license issuance.

The project authorized herein has been completed in conformance with the accompanying License Plan. The issuance of this License, therefore, fulfills the Licensee's obligation to obtain a Certificate of Compliance pursuant to 310 CMR 9.19.

In accordance with any license condition, easement, or other public right of lateral passage that exists in the area of the subject property lying between the present and former high and low water marks, the Licensee shall allow the public in the exercise of such rights to pass freely over all structures and fill within such intertidal area.

Accordingly, the Licensee shall place and maintain, in good repair, a public access sign at both stairs along the northerly and southerly property lines. The signs shall include any statement and/or logo specified by the Department and shall otherwise conform to the "Signage Specifications of the Waterways Regulation Program", as may be amended hereafter. A Licensee's copy of such written specifications is provided with this license, and an additional copy shall be kept in the Department's permanent license file (No. 4327). Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.

Please see page three (3) for additional conditions of this license.-----

Duplicate of said plan, number 4327 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
 2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
 3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
 4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
 5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
 6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
 7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
 8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Water Pollution Control.
 9. This License authorizes structure(s) and/or fill on:
 - Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.
 - Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.
 - a Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.
- No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.
10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

67272-4

The amount of tidewater displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said --John R. Elander, Jr. & Ruth V. Elander, Trustee of the Elander/Fairhaven Realty Trust-- by paying into the treasury of the Commonwealth ---- two dollars and zero cents (\$2.00) ---- for each cubic yard so displaced, being the amount hereby assessed by said Department. (94.0 cu. yds. = \$188.00)

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of Bristol.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this thirtieth day of November in the year nineteen hundred and ninety-five.

~~Commissioner~~

Director

Section Chief

Department of
Environmental
Protection

THE COMMONWEALTH OF MASSACHUSETTS

~~This license is approved in consideration of the payment into the treasury of the Commonwealth by the said~~

of the further sum of

the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

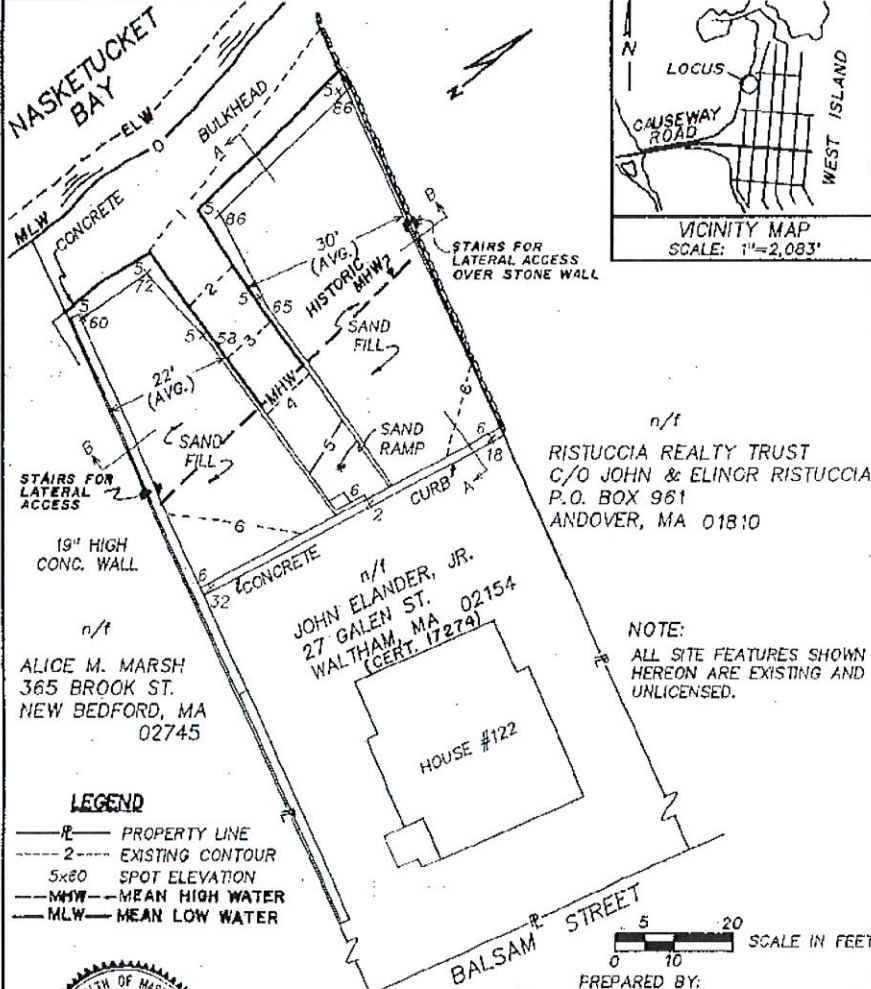
BOSTON,

~~Approved by the Governor.~~

Governor

"I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."

Paul W. Melançon 2-22-93
PAUL W. MELANÇON DATE



n/t
RISTUCCIA REALTY TRUST
C/O JOHN & ELINOR RISTUCCIA
P.O. BOX 961
ANDOVER, MA 01810

n/t
ALICE M. MARSH
365 BROOK ST.
NEW BEDFORD, MA
02745

n/t
JOHN ELANDER, JR.
27 GALEN ST.
WALTHAM, MA 02154
(CERT. 17279)

NOTE:
ALL SITE FEATURES SHOWN
HEREON ARE EXISTING AND
UNLICENSED.

- LEGEND**
- P — PROPERTY LINE
 - - - - - EXISTING CONTOUR
 - 5x80 SPOT ELEVATION
 - - - - - MHW — MEAN HIGH WATER
 - - - - - MLW — MEAN LOW WATER



PREPARED BY:
MAUK, BOUCHER & HEUREUX, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
648A AMERICAN LEGION HIGHWAY WESTPORT, MA
(508) 636-5905

DATUM: MEAN LOW WATER ELEVATION = 0.00
LICENSE PLAN NO. 4327

Approved by Department of Environmental Protection
of Massachusetts

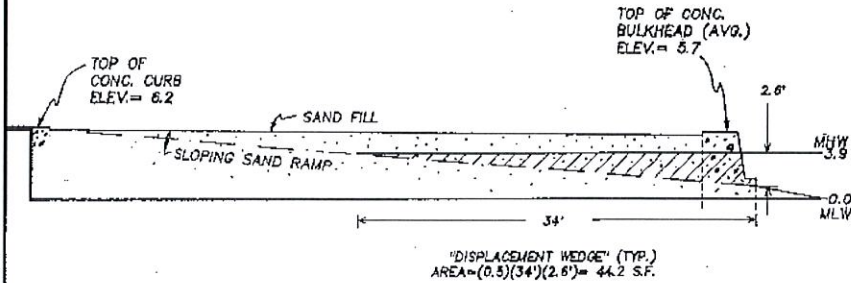
COMMISSIONER
SECTION CHIEF
NOV 30 1993 DATE

PLAN ACCOMPANYING THE PETITION OF
JOHN R. ELANDER, JR. & RUTH V. ELANDER, TRUSTEES
OF THE ELANDER/FAIRHAVEN REALTY TRUST, TO
LICENSE AND MAINTAIN AN EXISTING BULKHEAD
ON NASKETUCKET BAY IN FAIRHAVEN, MA
FEBRUARY 22, 1993 SHEET 1 OF 2

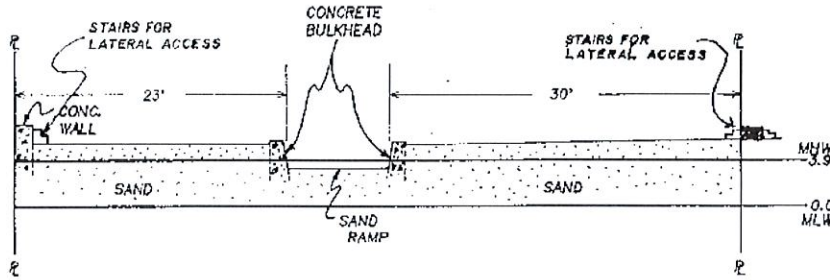
99-2108

"I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS."

Paul W. Melancon 2-22-93
PAUL W. MELANCON DATE

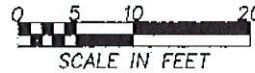


LONGITUDINAL SECTION A-A
SCALE: (H=V) 1"=10'



TRANSVERSE SECTION B-B
SCALE: (H=V) 1"=10'

DISPLACEMENT VOLUME:
 $\frac{(23'+30')(44.2 \text{ S.F.})}{27} = 87 \text{ CU. YD.}$



PLAN ACCOMPANYING THE PETITION OF JOHN R. ELANDER, Jr. & RUTH V. ELANDER, TRUSTEE OF THE ELANDER/FAIRHAVEN REALTY TRUST, TO LICENSE AND MAINTAIN AN EXISTING BULKHEAD ON NASKETUCKET BAY IN FAIRHAVEN, MA

FEBRUARY 22, 1993 SHEET 2 OF 2

PREPARED BY:
MAUK, BOUCHER & HEUREUX, INC.
CIVIL ENGINEERS AND LAND SURVEYORS
648A AMERICAN LEGION HIGHWAY WESTPORT, MA
(508) 636-5905

DATUM: MEAN LOW WATER ELEVATION = 0.00

LICENSE PLAN NO. 4327
Approved by Department of Environmental Protection
Date: NOV 30 1995

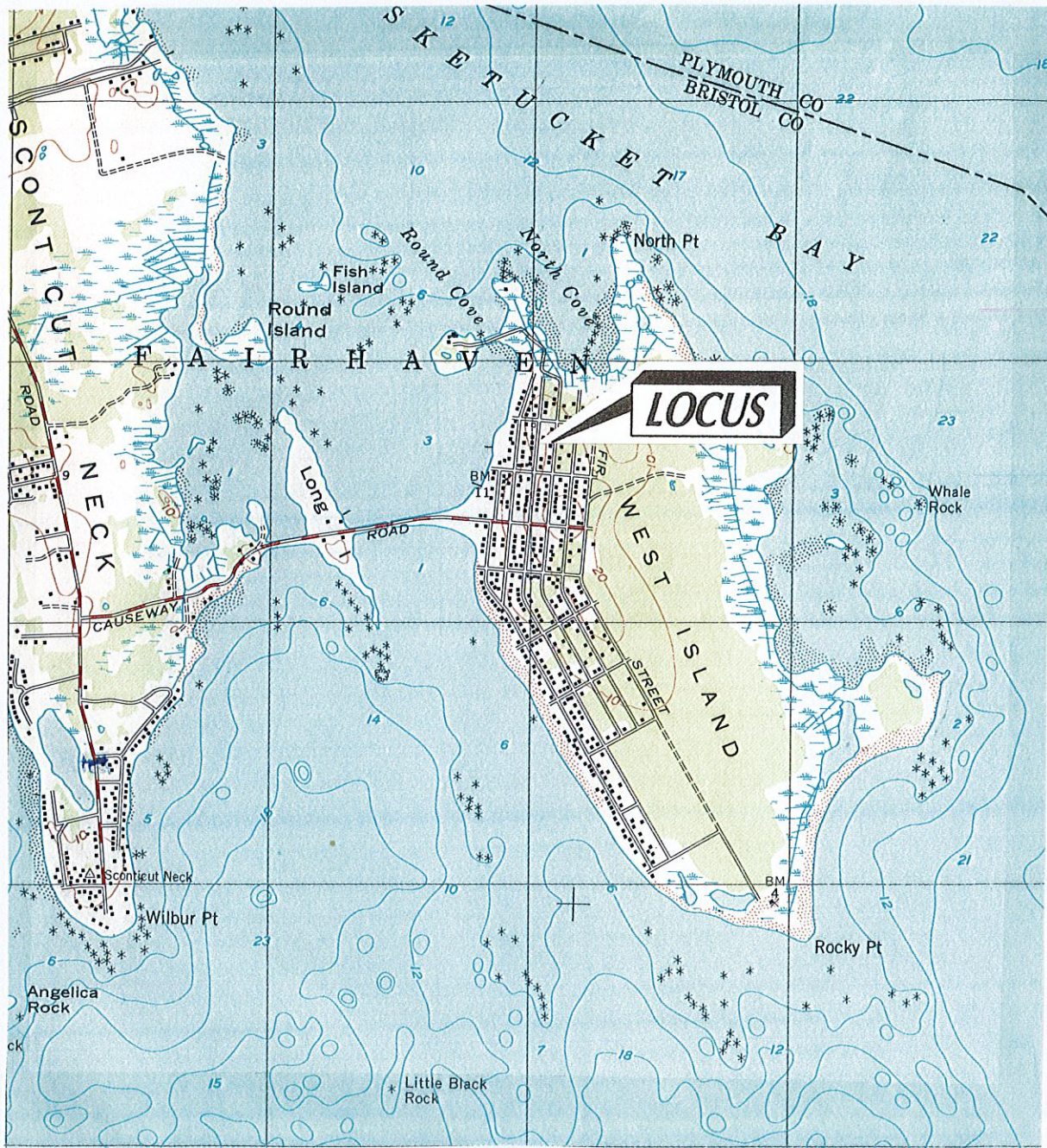
8012-85

Plan & License
Lot 43 pl 7432D-1

67272

So. Bristol Land Court
01/16/96 02:43
Noted on Ctf. 17274
Book 93 Page 489

7



SCITICUT NECK QUADRANGLE

U.S.G.S. QUADRANGLE MAP

SCALE: 1"=2,083'

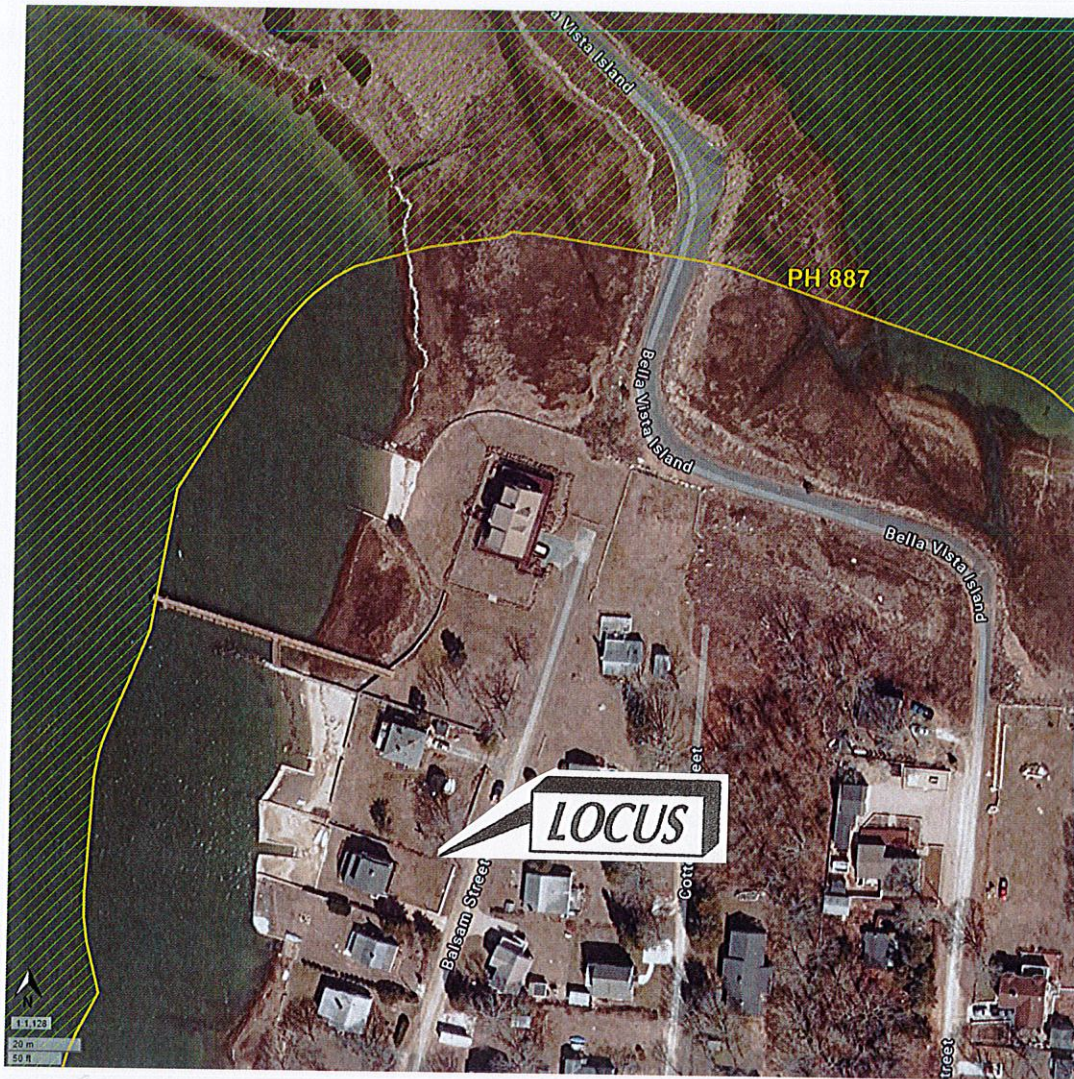
SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
 P.O. Box 480, 81A COUNTY RD., UNIT G, MATTAPOISETT, MA 02739
 1-508-758-7866



Notice of Intent Application
 Applicant: *Elander/Fairhaven Realty Trust*
 Town of: *Fairhaven*
 Site Address: *188 Balsam Street*
 Locus = *Lot #43 on Map #43B*

FIGURE 1



SCONTICUT NECK QUADRANGLE

ESTIMATED HABITAT MAP

Not to Scale

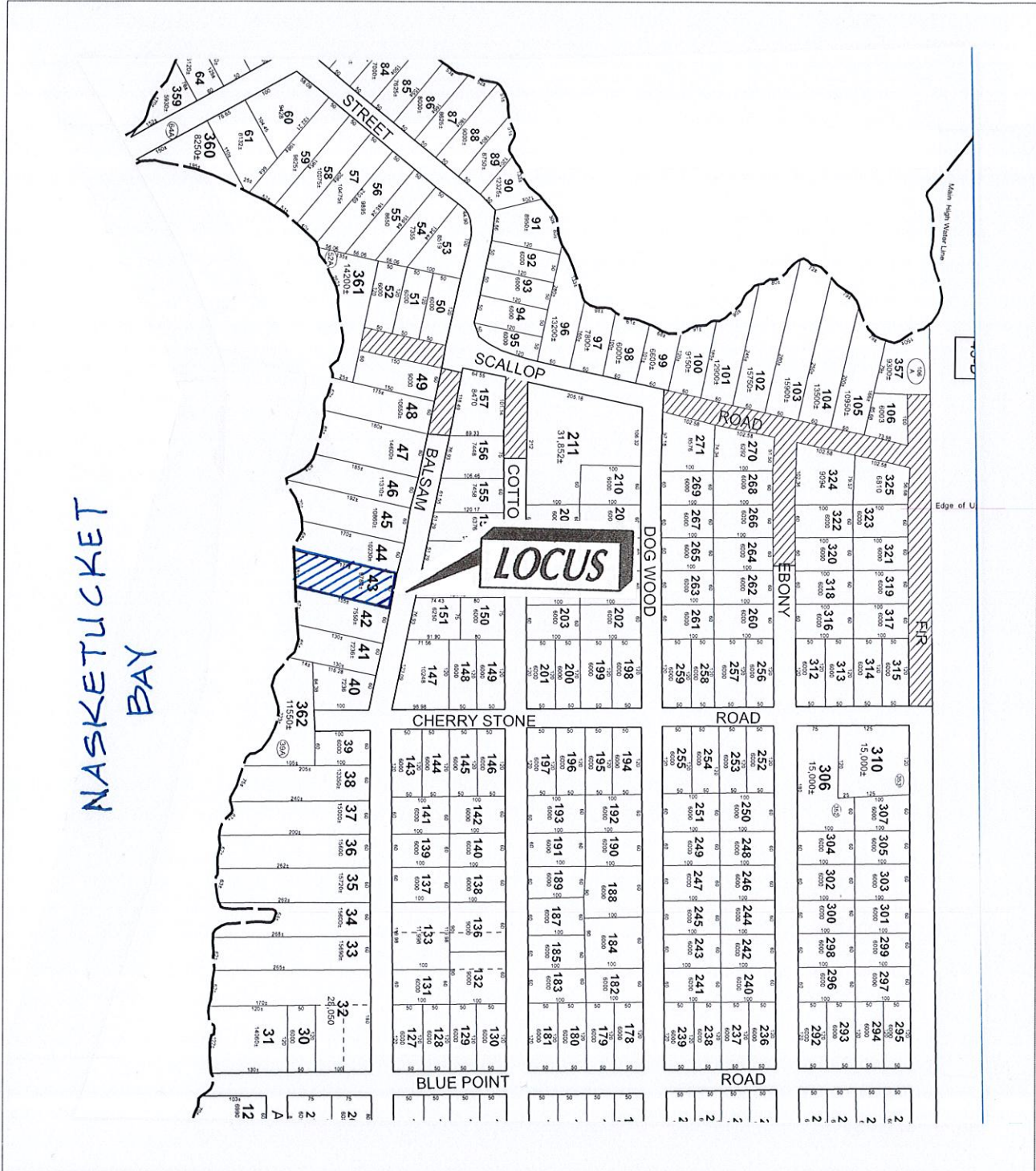
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FIGURE 2



NASKETUCKET BAY

ASSESSORS MAP #43B

Not to Scale

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FIGURE 3



PANEL NO.
25005C0502F

FAIRHAVEN F.I.R.M.

Not to Scale

SCHNEIDER, DAVIGNON & LEONE, INC.

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FIGURE 4



