



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

(617) 626-1520 | [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



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March 29, 2024

Fairhaven Conservation Commission  
40 Center Street  
Fairhaven MA 02719

Dear Commissioners:

The Massachusetts Division of Marine Fisheries (MA DMF) has reviewed the Notice of Intent (NOI) by John Robert Elander of Fairhaven Realty Trust to reconstruct a seawall at 188 Balsam Street in the Town of Fairhaven. All work will be performed from the landward side of the existing seawall using an excavator. The existing seawall will be excavated and a new precast concrete block wall is proposed. Steel plates are proposed for the installation of base blocks. All work in the intertidal area will be conducted within 2 hours of low tide. The project was reviewed with respect to potential impacts to marine fisheries resources and habitat.

The project site abuts mapped shellfish habitat for northern quahog (*Mercenaria mercenaria*) and soft shell clam (*Mya arenaria*). Waters within the project site have habitat characteristics suitable for these species. Land containing shellfish is deemed significant to the interest of the Wetlands Protection Act (310 CMR 10.34) and the protection of marine fisheries.

MA DMF offers the following comment for your consideration:

- Repair of the structure should be within the same footprint as the existing structure. Any expansion of the footprint into tidal waters of the Commonwealth will result in the loss of shellfish habitat.
- Concrete delivery vehicles should be prohibited from washing down equipment on site. This activity could potentially wash excess concrete and hydrocarbons into marine resource areas.
- Fuel spills from refueling of construction equipment will adversely impact sensitive resource areas. Impacts to resource areas can be avoided by prohibiting all land-based equipment from being refueled on-site.

Questions regarding this review may be directed to Amanda Davis at [amanda.davis@mass.gov](mailto:amanda.davis@mass.gov).

Sincerely,

*Amanda Davis*

Amanda Davis

Environmental Analyst

MA Division of Marine Fisheries

cc:

David M. Davignon, Davignon, Schneider, Davignon and Leone, Inc.  
John Logan, Malik Neron, Kara Falvey, Matt Camisa, MA DMF  
Timothy Cox, Fairhaven Shellfish Constable  
Patrice Bordonaro, CZM

AD/mn/kf