



3 Main Street Lakeville, MA 02347  
(508) 947-4208 - [www.zcellc.com](http://www.zcellc.com)

- Civil Engineering
- Septic Design (Title 5)
- Septic Inspections (Title 5)
- Commercial and Industrial Site Plans
- Chapter 91 Permitting

November 2, 2023

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

RE: Nasketucket River Status  
DEP File SE 023-1423  
Bridge St. Fairhaven, MA

Dear Commission Members:

We have been asked to provide the available information regarding the Nasketucket River status as intermittent. Please find the attached documents:

Order of Conditions for SE 023-1246 recorded in the registry of deeds at book 12318 page 166 (1 of 18)  
Extension for Order of Conditions SE 023-1246 recorded in the registry of deeds at book 13360 page 305 (1 of 1)

The original order was issued on September 11, 2017 and with the extension was set to expire on September 11, 2023. Therefore, the OOC was in effect on March 10, 2020 which triggers the State's Covid State of Emergency provisions, thus extending the expiration date accordingly. Based on this information, the expiration is extended 462 days moving the expiration date to 12/16/2024.

The Nasketucket River was approved as intermittent on this plan set that runs with the order of conditions and extension referenced above.

Should you have any questions regarding this letter, please do not hesitate to contact this office at 508-947-4208 or email [jamie@zcellc.com](mailto:jamie@zcellc.com)

Sincerely,  
**Zenith Consulting Engineers, LLC**

A handwritten signature in black ink, appearing to read 'Jamie Bissonnette', is written over a light blue circular stamp or watermark.

Jamie Bissonnette, PE  
Manager/Senior Engineer

**Locus: Bridge Street Fairhaven, MA**  
**DEP File # SE-023-1423**

**Maskatucket River Status Attachments**

- 1 Order of Conditions SE023-1246**
- 2 Extension for Order of Conditions SE023-1246**

**Order of Conditions SE023-1246**

18



2017 00031893

Bk: 12318 Pg: 166 Pg: 1 of 18 Bk  
Doc: OC 12/27/2017 10:07 AM



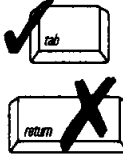
**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE 23 1246  
MassDEP File #  
eDEP Transaction #  
Fairhaven  
City/Town

**A. General Information**

Please note:  
this form has  
been modified  
with added  
space to  
accommodate  
the Registry  
of Deeds  
Requirements

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



1. From: Fairhaven  
Conservation Commission

2. This issuance is for (check one):  
a.  Order of Conditions b.  Amended Order of Conditions

3. To: Applicant:

Alexander Carrigg  
a. First Name b. Last Name

Carri Corp Industries LTD  
c. Organization

275 Martine Street  
d. Mailing Address

Fall River Ma 02723  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Richard J. & Melaine / Sharon L. & Robert Reily / August Trustess of Sharon J. August  
a. First Name b. Last Name

Southcoast Realty Trust LLC  
c. Organization

d. Mailing Address

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

5. Project Location:

Narragansett Blvd / Bridge Street / Bridge Fairhaven  
Street b. City/Town

30A 86B / 87 / 87A  
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: d m s d m s  
d. Latitude e. Longitude

Return to Carricoes

275 Martine St Ste 110 F.R. 02723



**Massachusetts Department of Environmental Protection**  
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 MassDEP File #

eDEP Transaction #  
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### A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Bristol (SD)

a. County

86B-8971 / 87-10731 / 87A-7862

b. Certificate Number (if registered land)

046 / 333 / 077

c. Book

d. Page

7. Dates:

JANUARY 15, 2017

a. Date Notice of Intent Filed

JULY 31, 2017

b. Date Public Hearing Closed

SEPTEMBER 11, 2017

c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Site Plan

a. Plan Title

SITEC INC.

Steven D. Gioiosa P.E.

b. Prepared By

October 17, 2016

c. Signed and Stamped by

1" = 30'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

### B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a.  Public Water Supply    b.  Land Containing Shellfish    c.  Prevention of Pollution  
 d.  Private Water Supply    e.  Fisheries    f.  Protection of Wildlife  
 g.  Groundwater Supply    h.  Storm Damage Prevention    i.  Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

#### Approved subject to:

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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 SE 23- 1246  
 MassDEP File #

eDEP Transaction #  
 Fairhaven  
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**B. Findings (cont.)**

Denied because:

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

**Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)**

- 3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and Bank or Bordering Vegetated Wetland boundary (if available) a. linear feet

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet



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 MassDEP File #

eDEP Transaction #  
 Fairhaven  
 City/Town

**B. Findings (cont.)**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

**Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)**

- 10.  Designated Port Areas  
 Indicate size under Land Under the Ocean, below
- 11.  Land Under the Ocean  
 a. square feet      b. square feet  
 c. c/y dredged      d. c/y dredged
- 12.  Barrier Beaches  
 Indicate size under Coastal Beaches and/or Coastal Dunes below
- 13.  Coastal Beaches  
 a. square feet      b. square feet      c. <sup>cu yd</sup>nourishment      d. <sup>cu yd</sup>nourishment
- 14.  Coastal Dunes  
 a. square feet      b. square feet      c. <sup>cu yd</sup>nourishment      d. <sup>cu yd</sup>nourishment
- 15.  Coastal Banks  
 a. linear feet      b. linear feet
- 16.  Rocky Intertidal Shores  
 a. square feet      b. square feet
- 17.  Salt Marshes  
 a. square feet      b. square feet      c. square feet      d. square feet
- 18.  Land Under Salt Ponds  
 a. square feet      b. square feet  
 c. c/y dredged      d. c/y dredged
- 19.  Land Containing Shellfish  
 a. square feet      b. square feet      c. square feet      d. square feet
- 20.  Fish Runs  
 Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above  
 a. c/y dredged      b. c/y dredged
- 21.  Land Subject to Coastal Storm Flowage  
 a. square feet      b. square feet



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## B. Findings (cont.)

22.  Restoration/Enhancement:

a. square feet of BVW

b. square feet of salt marsh

23.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

## C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

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. The 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, bylaws, 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. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition 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. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on \_\_\_\_\_ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain 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.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.





**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

SE 23- 1246

MassDEP File #

eDEP Transaction #

Fairhaven

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

9. No work shall be undertaken until the Order has become final and then 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 the 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 done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. 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 Protection" [or, "MassDEP"]  
"File Number SE 23 - 1246"
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



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Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

SE 23- 1246

MassDEP File #

eDEP Transaction #

Fairhaven

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

**NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS**

19. **The work associated with this Order (the "Project") is (1)  is not (2)  subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:

- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
- ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
- iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



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**Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

SE 23- 1246

MassDEP File #

eDEP Transaction #

Fairhaven

City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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SE 23- 1246  
MassDEP File #

eDEP Transaction #  
Fairhaven  
City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
  1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

**(SEE ATTACHED)**

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## Special Conditions for Bridge Street & Rt. 240

- The Applicant shall provide the Commission with the name(s) and telephone numbers of the site contractor and the project manager(s) responsible on site for compliance with this Order. The project manager shall oversee any emergency placement of erosion and sedimentation controls and be responsible for the regular inspection or replacement of control devices and for the proper disposal of waste products. The commission shall be notified in the event that the project manager or site contractor is changed.
- The complete Notice of Intent, a complete set of site plans approved of in the Order of Conditions and the Order of Conditions itself shall be included in all construction contracts and sub-contracts dealing with the work proposed and shall supersede all other contract requirements.
- Job site posting of the DEP issued SE number and special orders of the conditions shall be weatherproofed and clearly visible on all activity sites. Included shall also be the Commission's office phone number (509)979-4019 for further information. The necessary replacement and maintenance of these postings shall be the sole responsibility of the applicant.
- Should at least 75% of the surface area of the wetland replication area fail to become established with greater than 50% wetland species within two years of the replication attempt [in accordance with 310 CMR 10.55(4)(b)1-7], the Commission reserves the right to require additional measures necessary to achieve compliance.
- The Commission reserves the right to impose additional conditions on any or all portions of this project that could impact an area of statutory interest under the Act and/or the Fairhaven Wetlands Bylaw.
- See letter Attached from Field Engineering Dated August 22, 2017

**FIELD**  
**ENGINEERING CO., INC.**  
CONSULTING ENGINEERS

11D Industrial Drive, P.O. Box 1178  
Mattapoisett, Massachusetts 02739  
Telephone: (508) 758-2749  
Facsimile: (508) 758-2849

August 22, 2017  
Project No. 2150

Mr. Jay Simmons, Chairman  
Town of Fairhaven Conservation Commission  
Town Office Building  
40 Center Street  
Fairhaven, Massachusetts 02719

The Crocker Building  
Four Court Street, Suite 104  
Taunton, Massachusetts 02780  
Telephone: (508) 824-9279  
Facsimile: (508) 824-9276

Subject: **FAIRHAVEN - Notice of Intent - Peer Review Report #3  
Proposed Convenience Store/Filling Station  
Assessors Map 30A - Lots 86B, 87, & 87A  
Bridge Street, Fairhaven, MA**

Dear Mr. Simmons:

Field Engineering Co., Inc. has completed a third peer review of the Notice of Intent documents for the above referenced project for compliance with the current Massachusetts DEP Stormwater Management Policy, and generally accepted engineering methods. Our review is based on the following information as received by our office:

1. Site Plan Set entitled, "Proposed Commercial Development – Bridge Street / Route 240, Fairhaven, MA", Sheets 1-10, prepared by Sitec, Inc. for Carri Corp Industries, LTD, dated 10/17/16 and revised through 7/31/17.
2. Response to Peer Review #2 Comments Memorandum prepared by Sitec, Inc. for Carri Corp Industries, LTD, dated 7/31/17.
3. Amended WPA Form 3 – Notice of Intent Application Form pages 1-9 with attachments, prepared by Sitec, Inc. for Carri Corp Industries, LTD.
4. Excerpt from Rinker Materials Stormceptor Owner's Manual pages 9-16 Stormceptor Inspection & Maintenance.
5. Erosion and Sedimentation Control Program Sheet, prepared by Sitec, Inc. for Carri Corp Industries, LTD.
6. Construction Period Pollution Prevention Plan prepared by Sitec, Inc. for Carri Corp Industries, LTD.
7. Operation & Maintenance Plan – Stormwater Management System prepared by Sitec, Inc. for Carri Corp Industries, LTD.
8. Emergency Response Spill Containment Plan prepared by Sitec, Inc. for Carri Corp Industries, LTD.

The following comments are submitted for your consideration.

1. The Notice of Intent Form indicates a total wetland alteration area of 900 square feet. Plan Sheet 2 of 9 specifies 1,000 square feet. Which value is correct?

*SITEC Response: The correct area of proposed alteration is 1,000 SF. A copy of the revised page from the NOI is attached.*

**FEC Response:** A complete copy of the Notice of Intent application with the revised Page 3 of 9 should be provided.

*SITEC Response: Page 3 of 9 of the Notice of Intent was revised with the last submittal. As requested, we are forwarding a complete NOI with the revised sheet for your records.*

**FEC Response:** The engineer's response is acceptable. No further comment.

2. It is suggested the runoff from the existing 10-inch pipe outfall from Route 240 be directed away from the proposed wetland replication area to reduce the pollutant loading and potential erosion of the new planting bed.

Mr. Jay Simmons, Chairman  
Town of Fairhaven Conservation Commission  
August 22, 2017  
Page 2 of 6

*SITEC Response: A swale from the 10" Rt 240 culvert to the main drainage ditch has been added to the grading plan to direct the runoff away from the replication area.*

**FEC Response:** The proposed swale should be extended to the edge of the existing rip rap pad. Spot grades should be provided within the swale to ensure the flow from the existing 10-inch pipe does not bypass the swale.

*SITEC Response: The proposed swale near Bridge Street has been modified to extend to the street drain rip rap pad and we have added spot grades in the swale as requested.*

**FEC Response:** The engineer's response is acceptable. No further comment.

3. Total Suspended Solids (TSS) removal worksheets have not been submitted to our office.

*SITEC Response: TSS Worksheet is attached as requested.*

**FEC Response:** The engineer's response is acceptable. No further comment.

4. The applicant is proposing to use a proprietary pre-treatment device within the catch basin structures. A Performance Evaluation was conducted by the University of Massachusetts on or about 2005 on the proposed FloGuard Catch Basin Insert. The Evaluation concluded that the third party studies done at that time did not meet TARP protocols and that there was insufficient credible data to substantiate the pollutant removal claims of the manufacturer. The engineer should submit supporting documentation and/or any third party TARP compliant studies to verify the performance of the FloGuard Catch Basin Inserts.

*SITEC Response: We have eliminated the catch basin inserts and substituted (2) Stormceptor Units. Although we have received approval for the inserts on projects in Quincy, Dartmouth and Westport, we decided on the change to the Stormceptor Units which are more commonly utilized in this area for TSS removal.*

**FEC Response:** The manufacturer's operation and maintenance plan for the Stormceptor units should be submitted to the Conservation Commission for inclusion as an attachment to the Order of Conditions.

*SITEC Response: A copy of the Stormceptor's manufacturer's maintenance requirement is attached as requested.*

**FEC Response:** It is suggested the Conservation Commission attach this document to the Order of Conditions. No further comment.

5. The engineer has stated that the Recharge Volume requirement will be achieved by infiltration through the bottom of the Detention Basins 1 and 2. Soil test pits and groundwater determinations should be performed within each of the detention basins to verify the soil suitability and ensure the required 2-foot separation to groundwater has been maintained.

*SITEC Response: The design has been modified to include a roof recharge system. Soil data and groundwater data in the vicinity of the recharge system and detention pond has been added to the plan. The recharge system will include (32) Culltec 330 HD units set in a bed configuration. These units have a combined storage capacity of approximately 2,260 CF, factoring in a 40% void ratio for the crushed stone.*

**FEC Response:** The stormwater recharge system provided will have a storage capacity greater than the calculated recharge volume 1,080 cubic feet. The detail should specify removal of the of the A and B soil horizons down to elevation 20.5 +/- as noted in the TP #3 soil profile and backfilled with clean sand fill. A breakout barrier around the sides of the recharge system adjacent to the fill slope on the southerly side of the parking aisle should be provided.

*SITEC Response: The recharge system detail has been revised to note the removal of the A and B horizons and the replacement of this material with clean sand. Additionally, we have added a membrane barrier along the South edge of the system excavation for breakout protection as requested.*

**FEC Response:** The engineer's response is acceptable. No further comment.

6. The proposed 1:1 reinforced rip rap interior slope in Detention Basin 1 is not recommended. It will be difficult to maintain the basin with a 1:1 slope and poses a safety hazard. A minimum 3:1 slope should be maintained.

Mr. Jay Simmons, Chairman  
Town of Fairhaven Conservation Commission  
August 22, 2017  
Page 3 of 6

*SITEC Response: All detention basin slopes have been revised to be 3:1 as recommended.*

**FEC Response: The engineer's response is acceptable. No further comment.**

7. A guardrail is needed between the between the top of slope of Detention Basin 1 and the edge of travel way. A minimum 3:1 interior slope should be maintained as previously noted.

*SITEC Response: A guardrail has been added at the top of slope along the edge of the traveled way and the detention pond.*

**FEC Response:** Details of the guardrail system should be provided. It is suggested steel posts and rails with reflectors be provided.

*SITEC Response: A guardrail detail with steel posts and rails with reflectors has been added to the plan as requested.*

**FEC Response: The engineer's response is acceptable. No further comment.**

8. The inlet and outlet inverts of the proposed 36-inch RCP culvert should be specified on the plan. The design slope of the new 36-inch RCP should match or exceed the slope of the existing 36-inch RCP on Bridge Street to minimize any potential tail water effects on the Bridge Street culvert.

*SITEC Response: We have added the invert elevations for the 36" culvert and the slope of the pipe has been set to match the Bridge Street Culvert.*

**FEC Response: The engineer's response is acceptable. No further comment.**

9. The pond model calculations for Detention Basin 2 assume a free flowing condition at the 12-inch pipe outfall at the existing rip rap drainage ditch. This existing rip rap ditch accepts stormwater flows from an existing 36-inch RCP and 42-inch RCP from Route 240. With the proposed elevation of the outfall of Detention Basin 2 at the bottom elevation of the rip rap ditch, it is conceivable that Detention Basin 2 could be inundated by the tail water of the ditch. The engineer will need to evaluate this condition and provide additional supporting calculations / documentation to ensure this basin will function as designed.

*SITEC Response: Detention Pond #2 has been deleted from the design to avoid the potential tailwater conflict.*

**FEC Response: The engineer's response is acceptable. No further comment.**

10. The calculated 10- and 100-yr storm flows from Subcatchment P-1 and P-2 will most likely exceed the capacity of a single catch basin grate. Inlet capacity calculations should be provided to ensure the stormwater flows up to and including the 100-year storm event are properly routed through the catch basins.

*SITEC Response: The site grading has been revised to direct the surface flow to two Stormceptor structures located at the edge of the detention pond. The combined grate capacity at this low point, assuming a maximum head of 0.5 feet equals 8.2 cfs. This exceeds the 10 year design flow. For storms greater than the 10 year event, the flow will overtop the curb at this low point and all flow will be directed into the detention pond.*

**FEC Response: The engineer's response is acceptable. No further comment.**

11. No information is presented on the plans with respect to the roof drain piping and canopy drain piping.

*SITEC Response: The roof drain and canopy piping has been added to the grading plan.*

**FEC Response:** The proposed 6-inch SCH-40 PVC canopy drain invert at the detention basin is missing. An overflow mechanism on the building roof drain system should be provided.

*SITEC Response: The invert for the canopy drain at the detention pond has been added to the plan together with a detail for the roof drain overflow as requested.*



Mr. Jay Simmons, Chairman  
Town of Fairhaven Conservation Commission  
August 22, 2017  
Page 4 of 6

**FEC Response: The engineer's response is acceptable. No further comment.**

12. A detailed wetland replication plan should be submitted showing excavation limits, plantable soil depths, finish grades, plant locations and schedule, and general specifications for all planting materials and soils.

*SITEC Response: A replication planting detail has been added to Detail Sheet #2.*

**FEC Response: The engineer's response is acceptable. No further comment.**

13. The Stormwater Report states that a water quality swale has been incorporated into the design as a pre-treatment device. The grass outlet swale from Detention Basin 1 as shown, does not meet the design criteria as a water quality swale.

*SITEC Response: The grassed swale is located at the outlet to the detention pond in order to provide a buffer prior to the wetlands. The swale has not been counted as a TSS mitigation measure.*

**FEC Response: The engineer's response is acceptable. No further comment.**

14. A Long Term Pollution Prevention Plan has not been submitted to our office.

*SITEC Response: The long term and construction period erosion control plans have been provided on Detail Sheet #2.*

**FEC Response: The engineer's response is acceptable. This document should be submitted in a letter size PDF format for inclusion as an attachment to the Order of Conditions.**

*SITEC Response: Copies of the Erosion & Sedimentation Control Program are attached for potential use in the Order of Conditions.*

**FEC Response: It is suggested the Conservation Commission attach this document to the Order of Conditions. No further comment.**

15. A Construction Period Pollution Prevention Plan has not been submitted to our office.

*SITEC Response: The construction period pollution prevention plan has been added to Detail Sheet #2.*

**FEC Response: The engineer's response is acceptable. This document should be submitted in a letter size PDF format for inclusion as an attachment to the Order of Conditions.**

*SITEC Response: A copy of the Construction Period Pollution Prevention Plan is attached for possible use in the Order of Conditions.*

**FEC Response: It is suggested the Conservation Commission attach this document to the Order of Conditions. No further comment.**

16. An Operation and Maintenance Plan has not been submitted to our office. The Addendum to the Stormwater Checklist also refers to Sheet C109 which is not included in the plan set.

*SITEC Response: The Operation and Maintenance Plan is contained on Detail Sheet #2. The reference to Sheet C109 is not applicable to this plan set.*

**FEC Response: The engineer's response is acceptable. This document should be submitted in a letter size PDF format for inclusion as an attachment to the Order of Conditions.**

*SITEC Response: A copy of the Operation and Maintenance Plan is attached for possible use in the Order of Conditions.*

**FEC Response: It is suggested the Conservation Commission attach this document to the Order of Conditions. No further comment.**

Mr. Jay Simmons, Chairman  
Town of Fairhaven Conservation Commission  
August 22, 2017  
Page 5 of 6

17. A site specific Contingency Plan for Spill Containment should be submitted to the Conservation Commission for review.

*SITEC Response: A spill containment plan has been requested of the owner/operator and will be forwarded to you as soon as it is provided to us.*

**FEC Response:** Our office received a general Spill Containment Plan from the engineer on 7/24/17. This document should also be submitted to the Conservation Commission for inclusion as an attachment to the Order of Conditions.

*SITEC Response: Copies of the Spill Containment Plan are attached for possible inclusion in the Order of Conditions.*

**FEC Response:** It is suggested the Conservation Commission attach this document to the Order of Conditions. **No further comment.**

18. A site specific Stormwater Pollution Prevention Plan (SWPPP) and Notice of Intent filing with the EPA for coverage under the General Construction Permit will be required for this site. As a Special Condition to the Order, it is suggested that the applicant submit a copy of the SWPPP and proof of filing with the EPA to the Conservation Commission prior to construction.

**FEC Response:** Refer to the Suggested Special Conditions at the end of this document.

19. The proposed emergency spillway should be moved in-line with the proposed grass swale opposite wet flag WF #20.

*SITEC Response: The emergency spillway has been moved to be in line with the swale opposite wetland flag WF #20 as requested.*

**FEC Response:** The engineer's response is acceptable. **No further comment.**

20. The reference to the Flo-Guard inserts should be removed from the Catch Basin Detail.

*SITEC Response: We have substituted the Stormceptor detail for the standard catch basin and eliminated the Flo Gard reference as requested.*

**FEC Response:** The engineer's response is acceptable. **No further comment.**

21. The size and type of the stone should be specified on the Spillway Detail.

*SITEC Response: The spillway detail has been modified as requested.*

**FEC Response:** The engineer's response is acceptable. **No further comment.**

#### SUGGESTED SPECIAL CONDITIONS

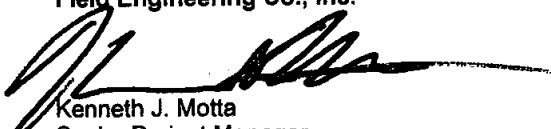
1. The excavated subgrade of the wetland replication areas shall be inspected and approved by the Conservation Commission and/or its designated Agent prior to the placement of the plantable borrow and plantings.
2. Following the completion of the wetland replication area planting operations as verified by the agent for the conservation Commission, the replication area shall be monitored by a qualified wetland scientist for at least two growing seasons. Monitoring reports shall be prepared by a qualified wetland scientist after each growing season and submitted to the Conservation Commission in accordance with the current Department of Environmental Protection (DEP) Wetland Replication Guidelines.
3. The operation and maintenance plan for the stormwater management facilities shall be an attachment to this Order of Conditions and shall be the perpetual obligation of the owners, heirs and assigns of the subject property. Any transfer of this assignment must be reported to the Conservation Commission identifying the responsible party and contact information.
4. The proposed hay bale/silt fence line shall be staked in the field and approved by the agent for the Conservation Commission prior to construction.

Mr. Jay Simmons, Chairman  
Town of Fairhaven Conservation Commission  
August 22, 2017  
Page 6 of 6

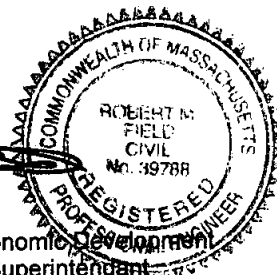
5. Field changes to any portion of the work permitted under this Order as a result of unforeseen field conditions and /or the means and methods of the contractor shall be submitted to the agent for the Conservation Commission for review.
6. Any modifications to the Order of Conditions plans as a result of any local and State agency review shall be submitted to the Conservation Commission for review.
7. The owner/contractor shall schedule a pre-construction meeting with the agent for the Conservation Commission prior to the commencement of any construction activity.
8. The construction of the stormwater management systems shall be substantially complete and functional prior to the installation of the hot mix asphalt binder course pavement.
9. Prior to the installation of the hot mix asphalt binder course pavement, an interim as-built plan of the completed stormwater management system including the entire piped collection system, sediment forebays, detention basins, stormwater outfalls, and limits of disturbance, shall be prepared by a registered land surveyor and certified by a registered professional engineer. The as-built plan shall show elevations and locations of all installed stormwater management system components and shall clearly identify any deviations in the work from the approved plans.
10. Prior to the issuance of a Certificate of Compliance, a final as-built plan of the completed work within the 100-foot buffer zone including but not limited to the sediment forebays, detention basins, stormwater outfalls, and limits of disturbance, shall be prepared by a registered land surveyor. The as-built plan shall clearly identify any deviations in the work from the approved plans.
11. Hydrologic calculations for the 2-, 10-, 25-, and 100-year storm events based on the as-constructed condition of the detention basins, shall be prepared by a registered professional engineer. The as-built plans and calculations shall be accompanied by the professional engineers' certification that the proposed work has been completed in substantial compliance with the approved Order of Conditions documents.
12. Pursuant to MGL Chap 44 Section 53G, the Commission may, at its discretion, engage the services of an independent consultant to monitor the progress of the work, review field changes and as-built drawings, conduct inspections and provide general consultation during the implementation of the work. Payment of fees for services provided by the independent consultant shall be the responsibility of the applicant.
13. A site specific Stormwater Pollution Prevention Plan (SWPPP) and Notice of Intent filing with the EPA for coverage under the General Construction Permit will be required for this site. The applicant shall prepare and submit a copy of the SWPPP and proof of filing with the EPA to the Conservation Commission prior to construction.

If you have any questions or need additional information, please contact me at our Mattapoisett Office at (508) 758-2749.

Very truly yours,  
Field Engineering Co., Inc.

  
Kenneth J. Motta  
Senior Project Manager

Reviewed by:  
  
Robert M. Field, P.E.



cc: William Roth, Director of Planning & Economic Development  
Vinnie Furtado, Board of Public Works Superintendent



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:

SE 23-1246

MassDEP File #

eDEP Transaction #

Fairhaven

City/Town

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No

2. The Fairhaven hereby finds (check one that applies):  
Conservation Commission

a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following 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.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE 23- 1246  
 MassDEP File #

eDEP Transaction #  
 Fairhaven  
 City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form. This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

9-11-17  
 1. Date of Issuance  
7  
 2. Number of Signers

Signatures:

*[Handwritten signatures of three individuals]*

by hand delivery on

SEPTEMBER 17, 2017  
 Date

by certified mail, return receipt requested, on

Date

**F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business 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 to the applicant, if he/she is not the appelliant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

**Extension for Order of Conditions SE023-1246**



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 7 – Extension Permit for Orders of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

SE 023-1246  
Provided by DEP

**A. General Information**



2020 00020195

Bk: 13360 Pg: 305 Pg: 1 of 1 BS  
Doc: EXT 08/26/2020 10:30 AM

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



1. Applicant:

Carricorp Industries LTD  
Name

275 Martine Street, Suite 110  
Mailing Address

Fall River  
City/Town

MA  
State

02723  
Zip Code

2. Property Owner (if different):

Bridge Street Holdings LLC  
Name

275 Martine Street  
Mailing Address

Fall River  
City/Town

MA  
State

02723  
Zip Code

**B. Authorization**

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

September 11, 2017  
Date

Issued by:

Fairhaven Conservation Commission  
Conservation Commission

for work at:

277 Bridge Street  
Street Address

30A

Assessor's Map/Plat Number

86B, 87, 87A

Parcel/Lot Number

recorded at the Registry of Deeds for:

Bristol (S.D.)  
County

12318  
Book

166  
Page

Certificate (if registered land)

is hereby extended until:

September 11, 2023  
Date

N/A

Date the Order was last extended (if applicable)

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.

This Extension Permit must be signed by a majority of the Conservation Commission and a copy sent to the applicant and the appropriate DEP Regional Office (<https://www.mass.gov/service-details/massdep-regional-offices-by-community>).

Signatures:

August 24, 2020  
Date

Electronic signatures duly authorized by MGL c. 110G and recorded at Bristol County (S.D.) Registry of Deeds in Book 13202 Page 224.

DocuSigned by:  
[Signature]  
7141027A5F424EC  
DocuSigned by:  
Jay Simmons  
E0B0A36B28904EE  
DocuSigned by:  
Amy DeSalvatore  
36543D91B65F4B1

DocuSigned by:  
[Signature]  
08774326FAD430  
DocuSigned by:  
Gary Lavalette  
640848E20F34FD