



TOWN OF FAIRHAVEN, MASSACHUSETTS
CONSERVATION COMMISSION

Town Hall · 40 Center Street · Fairhaven, MA 02719

Appendix A

DEP File #: None
Fairhaven File #: EO 023-022
Violator: Not the Violator, LLC
Property: 344 & 346 New Boston Road

A restoration plan shall be filed with the issuing authority for the following:

1. An assessment of the site, delineation of the wetland by a Professional Wetland Scientist, and the submission of a restoration plan by a qualified, licensed professional on or before December 2, 2022.
2. Wetland assessment and delineation shall encompass the entire property to ensure all violations within a resource area are properly addressed.
3. Restoring and revegetating the disturbed area to the original extent of the resource area by June 15, 2023 under the supervision of a Professional Wetland Scientist.
4. Assessments of vegetation for three growing seasons following the completion of the work shall be submitted to the Commission. If any of the planted vegetation fails to establish, the property owner shall be required to replace those that fail.
5. The Conservation Commission, its employees, and its agents shall have a right of entry to inspect for compliance with the provisions of this Enforcement Order
6. 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.
7. The restoration plan shall be in compliance with the Performance Standards for Bordering Vegetated Wetland (310 CMR 10.55(4)). Specifically, 310 CMR 10.55(4)(b)1, 2, and 6 require the area restored to be equal to that of the area disturbed, the groundwater and surface elevation of the restoration area shall be approximately equal to that of the pre-disturbed Bordering Vegetated Wetland, at least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the restoration area shall be temporarily stabilized to prevent erosion.
8. Non-compliance with this Order may result in fines of up to \$300 per day the violation is ongoing, pursuant to Chapter 192-11 of the Code of the Town of Fairhaven.