



WPA Form 1- Request for Determination of Applicability

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

A. General Information

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:

Name Kim + Martha Hyland E-Mail Address bicini@comcast.net

Mailing Address 165 Balsam St.

City/Town Fairhaven, Ma. 02719 State Ma. Zip Code 02719

Phone Number 508-992-5081 Fax Number (if applicable) N/A

2. Representative (if any):

Firm N/A

Contact Name _____ E-Mail Address _____

Mailing Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____ Fax Number (if applicable) _____

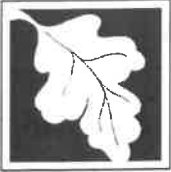
B. Determinations

1. I request the Fairhaven Conservation Commission make the following determination(s). Check any that apply:

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance or bylaw** of:

Fairhaven
Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



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C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

Street Address	165 Balsam St.	City/Town	Fairhaven
Assessors Map/Plat Number	43B	Parcel/Lot Number	131

b. Area Description (use additional paper, if necessary):

replacing existing old rotted fence on my backyard and back side yard w/ new vinyl fence.

* SEE ATTACHED DIAGRAM *
(next page)

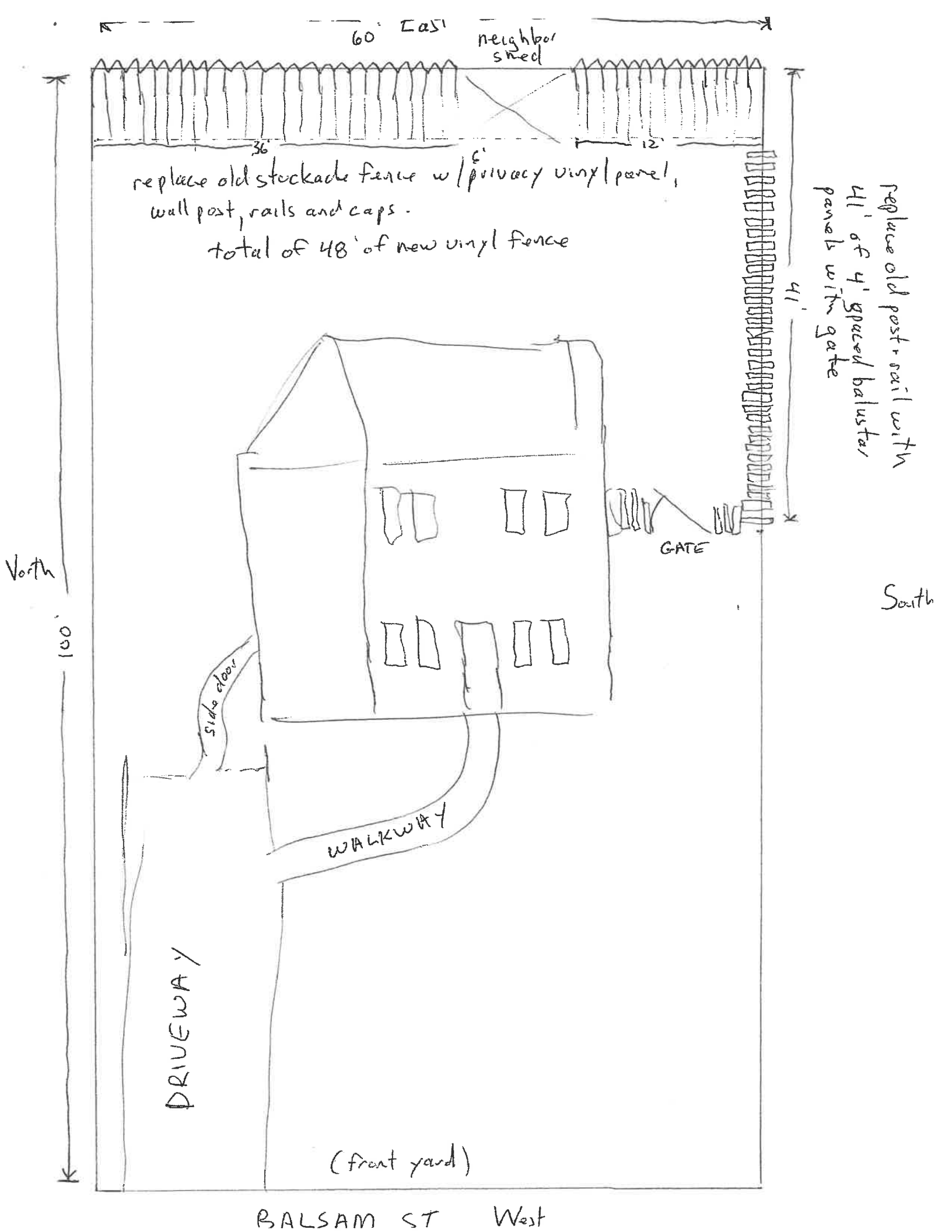
c. Plan and/or Map Reference(s):

Title	Date
Title	Date
Title	Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Replace 48' of existing old stockade fence w/ premium 6' white, privacy fence along the backyard property line (leaving 6" off the ground). Including wall post, caps, and rails.

Also, replace 41' of old post+rail w/ 4' spaced balustr panels fence w/ 1 gate (5' wide x 4' high). w/posts, rails and caps.



60' East

neighbor shed

replace old stockade fence w/ privacy vinyl panel, wall post, rails and caps.
total of 48' of new vinyl fence

replace old post + rail with 41' of 4" spaced balusters panels with gate

North

100'

side door

WALKWAY

GATE

South

DRIVEWAY

(front yard)

BALSAM ST West

Google Maps

Fairhaven



Imagery ©2026 Airbus, Map data ©2026 Google 20 ft



Fairhaven

Massachusetts 02719

Mostly cloudy · 39°F
11:22 AM



Directions



Save



Nearby



Send to
phone



Share

Quick facts



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C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



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D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Name Kim + Martha Hyland

Mailing Address 165 Balsam St.

City/Town Fairhaven

State Ma. Zip Code 02719

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant [Handwritten Signature] Date 3-15-26

Signature of Representative (if any) _____ Date _____

**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
or hand delivery to all abutters within 100 feet of the property
where the project is located)*

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 Kim + Martha Hyland
2. The applicant has filed the following 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:
165 Balsam St., Fairhaven, MA.
4. The proposed work includes: replace 48' of existing old stockade fence w/ premium 6' white vinyl, privacy fence along the backyard property line.
Also: replace 41' of old post+rail w/ 4' spaced balustrade vinyl panel fence w/ 1 gate (5' wide x 4' high) on side yard.
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.

ARRIGHI BRIAN W &
GRABAU-ARRIGHI MELISSA
178 COTTONWOOD STREET
FAIRHAVEN, MA 02719

CURELOP CODY & LEAH
12 BLUEPOINT RD
FAIRHAVEN, MA 02719

DAWICKI ERIC R & ANGELA M
32 WASHINGTON STREET
FAIRHAVEN, MA 02719

DENKEL ANTON & CHRISTIANE
113 MAPLE STREET
NORTON, MA 02766

GERVAIS LISA A LISA A GER
GERVAIS MARK P MARK P GER
167 BALSAM ST
FAIRHAVEN, MA 02719

HENEBURY JOSEPH D
JOSEPH D HENEBURY REV TR
40 GORHAM RD
BELMONT, MA 02478

PINTO RENEE
1301 JUNEAU CT
FORT WORTH, TX 76116

SHAW ANN
14 BLUEPOINT RD
FAIRHAVEN, MA 02719

SUMNER JUDITH
10 BLUEPOINT ROAD
FAIRHAVEN, MA 02719