

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.

July 10, 2025

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

Attn: Kelly Camara, Conservation & Sustainability Coordinator

Re: Notice of Intent Application

Project Type: Proposed Seawall Reconstruction
Applicants: Kirk & Renee Pinto
Site Address: 168 Balsam Street
Assessors Lots #33 & #34 on Map #43B

Dear Kelly,

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

Specifically, please find the following information:

- \$692.50 - Notice of Intent Application 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
Kirk & Renee Pinto
File 3769



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

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

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):

168 Balsam Street

a. Street Address

Fairhaven

b. City/Town

02719

c. Zip Code

Latitude and Longitude:

N41-35'-57.13"

d. Latitude

W70-50'-12.18"

e. Longitude

43B

f. Assessors Map/Plat Number

33 & 34

g. Parcel /Lot Number

2. Applicant:

Kirk & Renee

a. First Name

Pinto

b. Last Name

c. Organization

1301 Juneau Court

d. Street Address

Fort Worth

e. City/Town

TX

f. State

76116-1611

g. Zip Code

(817) 729-2976

h. Phone Number

i. Fax Number

kpintojunk@charter.net

j. Email Address

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

Renee

a. First Name

Pinto

b. Last Name

c. Organization

1301 Juneau Court

d. Street Address

Fort Worth

e. City/Town

TX

f. State

76116-1611

g. Zip Code

(817) 729-2976

h. Phone Number

i. Fax Number

kpintojunk@charter.net

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):

\$1,360.00

a. Total Fee Paid

\$667.50

b. State Fee Paid

\$692.50

c. City/Town Fee Paid



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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

26108

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.



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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.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
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. <input type="checkbox"/> Riverfront Area	n/a 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.



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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 type="checkbox"/> Coastal Beaches	n/a 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	340 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	5,200 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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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.



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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).



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

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

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.



Massachusetts Department of Environmental Protection
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WPA Form 3 – Notice of Intent

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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.

David M. Davignon, P.E.

b. Prepared By

c. Signed and Stamped by

n/a

1" = 20'

d. Final Revision Date

e. Scale

see list on project narrative

7-8-25

f. Additional Plan or Document Title

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:

1448

7-10-25

2. Municipal Check Number

3. Check date

1449

7-10-25

4. State Check Number

5. Check date

Schneider, Davignon & Leone,

Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name



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WPA Form 3 – Notice of Intent

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Provided by MassDEP:

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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

3. Signature of Property Owner (if different)

4. Date

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:

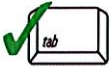
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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:

168 Balsam Street

a. Street Address

1449

c. Check number

Fairhaven

b. City/Town

\$667.50

d. Fee amount

2. Applicant Mailing Address:

Kirk & Renee

a. First Name

Pinto

b. Last Name

c. Organization

1301 Juneau Court

d. Mailing Address

Fort Worth

e. City/Town

(817) 729-2976

h. Phone Number

i. Fax Number

TX

f. State

76116-1611

g. Zip Code

kpintojunk@charter.net

j. Email Address

3. Property Owner (if different):

Renee

a. First Name

Pinto

b. Last Name

c. Organization

1301 Juneau Court

d. Mailing Address

Fort Worth

e. City/Town

(817) 729-2976

h. Phone Number

i. Fax Number

TX

f. State

76116-1611

g. Zip Code

kpintojunk@charter.net

j. Email Address

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

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.



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	340 ft.	\$4.00/ft.	\$1,360.00
Step 5/Total Project Fee:			\$1,360.00

Step 6/Fee Payments:

Total Project Fee:	\$1,360.00
	a. Total Fee from Step 5
State share of filing Fee:	\$667.50
	b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	\$692.50
	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.)

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.

July 10, 2025

Re: Notice of Intent – Project Narrative

Applicants: Kirk & Renee Pinto
Site Address: 168 Balsam Street
Assessors Lots #33 & #34 on Map #43B

Site Description:

The property is developed with a single-family dwelling (constructed circa 1945), 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:

A majority of the property falls within Land Subject to Coastal Storm Flowage, Flood Zones VE (E1. 16 & 17) with a small portion within AE (E1. 14). The site also contains a Coastal Bank (a vertical stone & concrete seawall) which is the subject of this NOI Application. Additional Coastal Wetland Resource areas westerly of the Coastal Bank include Coastal Beach, Land Containing Shellfish and Salt Marsh.

Seawall History:

Based upon research of historical aerial photos the subject seawall has existed since at least 1961 and is depicted on Chapter 91 Waterways License No. 5314 (see attached).

Project Description & Methodology:

The construction access will be through the existing driveway and lawn area along the northerly side of the house with a secondary access (if required) along the southerly 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 upland lawn 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 property, thence working towards northerly and easterly towards the house.

All work to install the seawall toe stones will occur within 2 hours of normal low tidal cycle to minimize the bottom disturbance.

Upon completion of the project all disturbed coastal beach 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. 5314
- Figure 1: U.S.G.S. Sconticut Neck Quadrangle
- Figure 2: Estimated Habitat Map
- Figure 3: Fairhaven Assessors Map #43B
- Figure 4: Fairhaven F.I.R.M.
- Site Photos
- Seawall Reconstruction Plan

WEBSTER BANK

1449

50-7044/2219



SCHNEIDER DAVIGNON AND LEONE INC
PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
81 A COUNTY RD UNIT G
MATTAPoisETT MA 02739

07/10/2025

PAY TO THE ORDER OF COMMONWEALTH OF MASS, DEP

\$ **667.50

Six hundred sixty-seven and 50/100 ***** DOLLARS

COMMONWEALTH OF MASS, DEP
Lock Box 4062
Boston, MA 02211

MEMO

DEP- NOI Filing Fee - Pinto



AUTHORIZED SIGNATURE *[Signature]* MP

WEBSTER BANK

1448

50-7044/2219



SCHNEIDER DAVIGNON AND LEONE INC
PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
81 A COUNTY RD UNIT G
MATTAPoisETT MA 02739

07/10/2025

PAY TO THE ORDER OF Town of Fairhaven

\$ **692.50

Six hundred ninety-two and 50/100 ***** DOLLARS

Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

MEMO

NOI Application - Pinto



AUTHORIZED SIGNATURE *[Signature]* MP

WEBSTER BANK

1450

50-7044/2219



SCHNEIDER DAVIGNON AND LEONE INC
PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
81 A COUNTY RD UNIT G
MATTAPoisETT MA 02739

07/10/2025

PAY TO THE ORDER OF Town of Fairhaven

\$ **75.00

Seventy-five and 00/100 ***** DOLLARS

Town of Fairhaven
40 Center Street
Fairhaven, MA 02719

MEMO

Legal Ad Fee - Pinto



AUTHORIZED SIGNATURE *[Signature]* MP

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.

July 8, 2025

100 Ft. Abutter's List
To Accompany A
Notice of Intent
Prepared For
Kirk & Renee Pinto
Site Location: 168 Balsam Street
Lots #33 & #34 on Assessors Map #43B

<u>Map No.</u>	<u>Lot No.</u>	<u>Owner's Name & Mailing Address</u>
43B	30 & 32	Eric R. & Angela M. Dawicki 32 Washington Street Fairhaven, MA 02719
43B	31	Betty E. White Grandchildren's Revocable Trust c/o: Betty E. White, Trustee 867 Middle Road Acushnet, MA 02743
43B	35	The Donna M. Hickox 2002 Trust c/o: Stephen J. & Donna M. Hickox 172 Balsam Street Fairhaven, MA 02719
43B	36	Paul J. Garand 65 Walton Road Seabrook, NH 03874-4518
43B	127	Judith Sumner 10 Bluepoint Drive Fairhaven, MA 02719
43B	131	Kim & Martha Jane Hyland 165 Balsam Street Fairhaven, MA 02719
43B	133	Lisa Anne Gervais Living Trust & Mark P. Gervais Living Trust c/o: Lisa Anne & Mark P. Gervais, Trustees 167 Balsam Street Fairhaven, MA 02719
43B	137	Bruce K. Norlund & Patrica A. Burger 267 Gilsum Street Keene, NH 03431
43B	139, 141	Margaret Mary Long 79 York Road Mansfield, MA 02048

File: 3769

P.O. Box 480, 81A COUNTY ROAD, UNIT G, MATTAPOISETT, MA 02739

PHONE 1-508-758-7866

PAGE 1 OF 1

**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 Kirk & Renee Pinto
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:
168 Balsam Street
4. The proposed work includes the removal and reconstruction of a stone/concrete seawall and restoration of eroded shoreline areas. 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. 5314.



Whereas, Domenick and Lydia Nicolaci-----

of Fairhaven-----, in the County of Bristol----- and Commonwealth
aforesaid, have applied to the Department of Public Works for license to construct a
wood pier in Nasketucket Bay, at their property in the town of
Fairhaven,-----

and have 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
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 and Council,
authorizes and licenses the said -----

Domenick and Lydia Nicolaci-----, 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 construct and maintain a wood pier in Nasketucket Bay,
at their property in the town of Fairhaven, in conformity with
the accompanying plan No. 5314.

A pile and timber pier may be built extending into tidewater
from an existing concrete wall and the present mean high water

*Part of West Island - -
affecting Lot 34 Pl. 74322D-1, Sec. B. (Sh. 3) with
Fair - Ctp. 5926 B. 29 P. 463 - Noted on Ctp. 8900 B. 46 P. 269*

line a distance of 120 feet with a width of 6 feet at the deck, in the location shown on said plan 65 feet northerly of the southerly property line of the licensees and in accordance with the details there indicated.

Nothing in this license shall be construed as authorizing encroachment on property not owned or controlled by the licensees except with the consent of the owner or owners thereof.

This license is granted subject to all applicable Federal, State, County and Municipal laws, ordinances and regulations, and upon the express condition that use by boats or otherwise of the structures hereby licensed shall involve no discharge of sewage or other polluting matter into the adjacent tidewaters except in strict conformity with the requirements of the local and State health departments.-----

The plan of said work, numbered -----5 3 1 4,----- is on file in the office of said Department, and duplicate of said plan accompanies this License, and is to be referred to as a part hereof.

The amount of tide-water displaced by the work hereby authorized shall be ascertained by said Department, and compensation therefor shall be made by the said-----
Domenick and Lydia Nicolaci, their----- heirs, successors

27904

and assigns, by paying into the treasury of the Commonwealth thirty-seven and one-half ($37\frac{1}{2}$) cents for each cubic yard so displaced, being the amount hereby assessed by said Department.

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 one year from the date hereof, in the Registry ----- of Deeds for the Southern District of the County of Bristol.

In Witness Whereof, said Department of Public Works have hereunto set their hands this -----twenty-fifth----- day of -----October,----- in the year nineteen hundred and sixty-seven.

Edward L. Bishop
Charles A. Bishop
John Warner
John Donaduo
Robert S. Foster

Department of
Public Works

J. H.

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said Domenick and Lydia Nicolaci----- of the further sum of ninety-four and fifty one hundredths (94.50) dollars,----- the amount determined by the Governor and Council as a just and equitable charge for rights and privileges hereby granted in land of the Commonwealth.

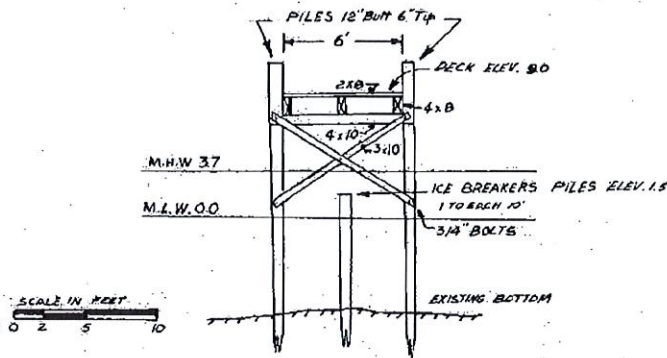
Approved by the Governor and Council.

BOSTON, OCT 27 1967

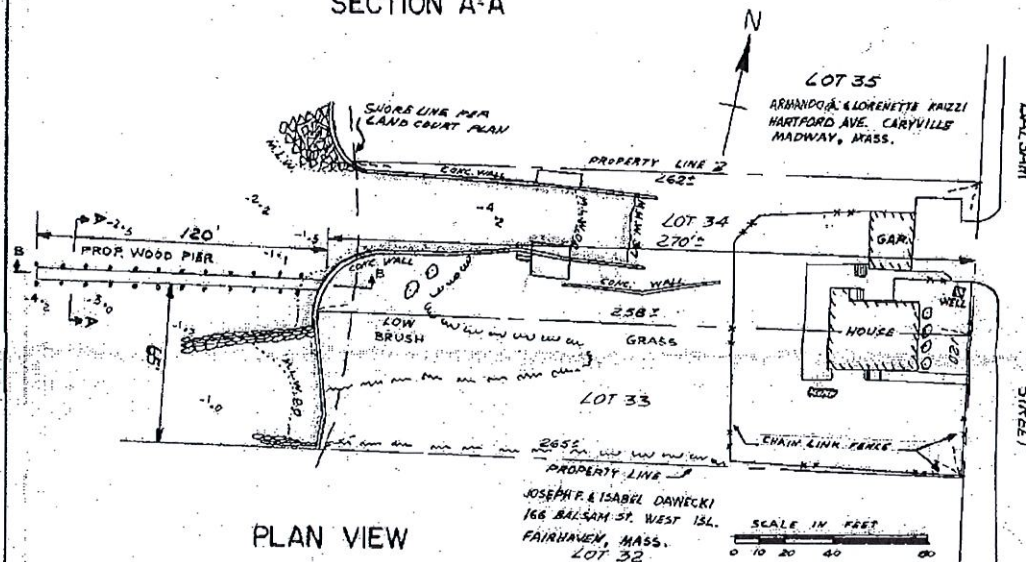
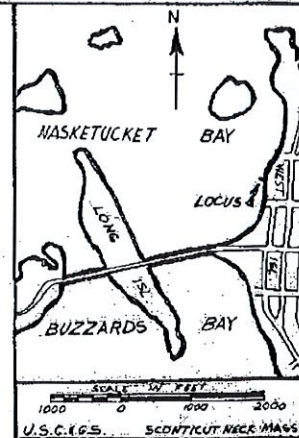
John A. Volpe
Governor.

John A. Volpe
Executive Secretary.

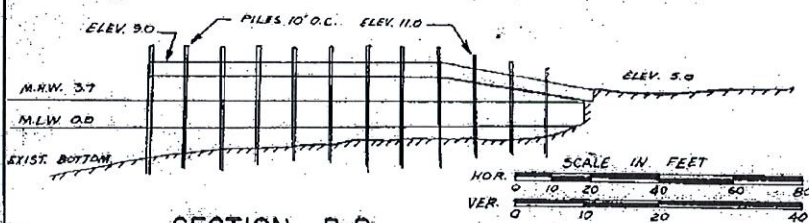
27904



SECTION A-A



PLAN VIEW



SECTION B-B

PLAN ACCOMPANYING PETITION OF
DOMENICK AND LYDIA NICOLACI
TO CONSTRUCT WOOD PIER
IN THE
NASKETUCKET BAY
FAIRHAVEN, MASS.
MAY 23, 1967

TIBBETTS ENGINEERING CORP.

NEW BEDFORD, MASS.



NOTE: SOUNDINGS ARE IN FEET AND
TENTHS AND SHOW DEPTHS BELOW
THE PLANE OF MEAN LOW WATER.

LOT NO'S REFER TO LAND COURT PLAN NO. 7432 D

APPROVED BY DEPARTMENT OF PUBLIC WORKS
MASSACHUSETTS
OCTOBER 25, 1967
Commissioner of Public Works
Associate Commissioner
Robert S. Foster

4

1775

27904

License No. _____

DEPARTMENT OF PUBLIC WORKS

TO

To _____

Dated _____

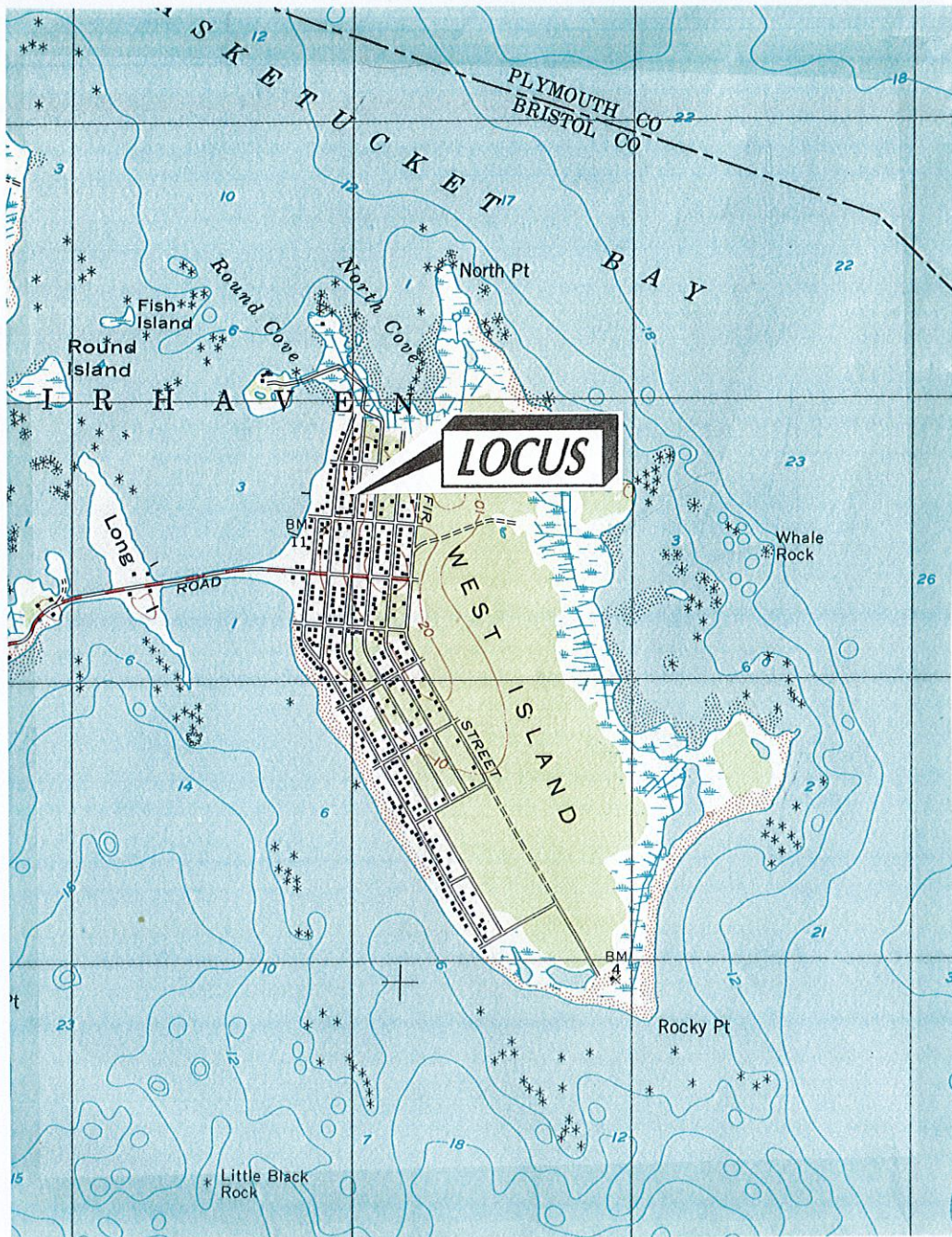
South Bristol Registry District

RECEIVED FOR REGISTRATION

APR 11 1968

11 O'CLOCK 25 M 2 M
NOTED ON CERTIFICATE NO. 8900
IN REGISTRATION BOOK 46 PAGE 265

(5)



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/Owner: Kirk & Renee Pinto
Town of: Fairhaven
Site Address: 168 Balsam Street
Locus = Lots #33 & #34 on Map #43B

FIGURE 1



SCONTICUT NECK QUADRANGLE

ESTIMATED HABITAT MAP

Not to Scale

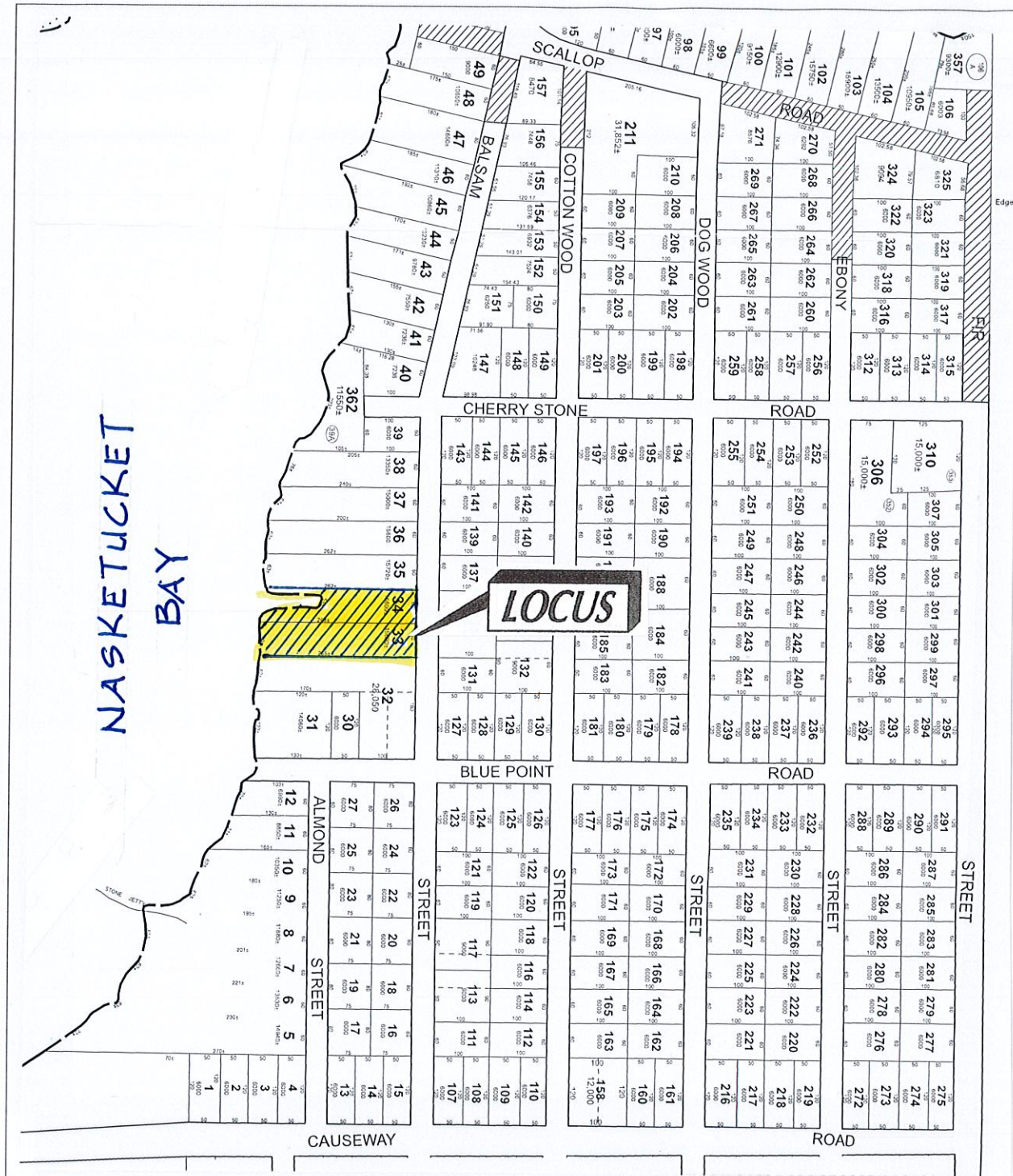
SCHNEIDER, DAVIGNON & LEONE, INC.

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FIGURE 2



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





