

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.

April 3, 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 Break-Away Panels
Applicant/Owner: 2 Bayside, LLC
Site Address: 2 Bayside Street
Lot #34 on Assessors Map #42

Dear Kelly,

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

Specifically, please find the following information:

- \$300.00 – “After the Fact” NOI Fee
- \$75.00 – Legal Advertisement Fee
- Notice of Intent Application
- Site 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: File No. 3813
Christopher Braga
DEP-SE Regional Office



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

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):

2 Bayside Street

a. Street Address

Fairhaven

b. City/Town

02719

c. Zip Code

Latitude and Longitude:

42

f. Assessors Map/Plat Number

N41-35'-25.2"

d. Latitude

W70-51'-31.9"

e. Longitude

34

g. Parcel /Lot Number

2. Applicant:

a. First Name

2 Bayside LLC

c. Organization

39 Oak Drive

d. Street Address

Bedford

e. City/Town

(210) 316-1160

h. Phone Number

i. Fax Number

NH

f. State

ccbraga@yahoo.com

j. Email Address

03110

g. Zip Code

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

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

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

(508)758-7866

h. Phone Number

i. Fax Number

MA

f. State

dsquared3368@yahoo.com

j. Email address

02739

g. Zip Code

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$342.50

a. Total Fee Paid

\$42.50

b. State Fee Paid

\$300.00

c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Proposed break-away panels - see attached project narrative

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input checked="" 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 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

14503

c. Book

b. Certificate # (if registered land)

273

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	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	n/a 1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	n/a 1. square feet n/a 3. cubic yards dredged	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	2. square feet 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	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	106 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	588 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. n/a a. square feet of BVW b. square feet of Salt Marsh	
5. <input type="checkbox"/> Project Involves Stream Crossings	n/a 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/mas-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 - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull 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.



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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.

Site Plan

a. Plan Title

Schneider, Davignon & Leone, Inc.

David M. Davignon, P.E.

b. Prepared By

c. Signed and Stamped by

n/a

1"=10'

d. Final Revision Date

e. Scale

see list on project narrative

4-03-25

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:

1019

3-14-25

2. Municipal Check Number

3. Check date

1021

3-14-25

4. State Check Number

5. Check date

2 Bayside LLC

6. Payor name on check: First Name

7. Payor name on check: Last Name



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

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

Provided by MassDEP:

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Fairhaven

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.

[Signature]
1. Signature of Applicant

3/14/2025
2. Date

3. Signature of Property Owner (if different)

5. Signature of Representative (if any)

4/03/25
4. Date
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:

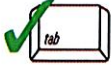
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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.



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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:

2 Bayside Street

a. Street Address

1021

c. Check number

Fairhaven

b. City/Town

\$42.50

d. Fee amount

2. Applicant Mailing Address:

a. First Name

2 Bayside LLC

c. Organization

39 Oak Drive

d. Mailing Address

Bedford

e. City/Town

(210) 316-1160

h. Phone Number

i. Fax Number

b. Last Name

NH

f. State

03110

g. Zip Code

ccbraga@yahoo.com

j. Email Address

3. Property Owner (if different):

same as applicant

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

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.

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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 1a) work on a single family lot	1	\$110.00	\$110.00

Step 5/Total Project Fee: \$42.50 + \$300.00

Step 6/Fee Payments:

Total Project Fee:	<u>\$42.50 + \$300.00</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$42.50</u>
	b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	<u>\$300.00</u>
	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.)

2 BAYSIDE LLC
39 OAK DR.
BEDFORD, NH 03110

54-153/114

1021

DATE 3/14/2025

PAY TO THE ORDER OF Commonwealth of Massachusetts \$ 42.50
Forty Two Dollars 50/100 DOLLARS  Security Features Included. Details on Back.

Citizens


MEMO 2 Bayside - DEP Fee Chiff C/B MP

2 BAYSIDE LLC
39 OAK DR.
BEDFORD, NH 03110

54-153/114

1019

DATE 3/14/2025

PAY TO THE ORDER OF Town of Fairhaven \$ 300.00
Three hundred Dollars 00/100 DOLLARS  Security Features Included. Details on Back.

Citizens NOT Fee


MEMO 2 Bayside - Project. Chiff C/B MP

2 BAYSIDE LLC
39 OAK DR.
BEDFORD, NH 03110

54-153/114

1020

DATE 3/14/2025

PAY TO THE ORDER OF Town of Fairhaven \$ 75.00
Seventy Five Dollars 00/100 DOLLARS  Security Features Included. Details on Back.

Citizens

MEMO 2 Bayside - Legal Ad. Chiff C/B 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.

April 3, 2025

Re: Notice of Intent – Project Narrative

Applicant/Owner: 2 Bayside LLC
Site Location: 2 Bayside Street
Assessors Lot #34 on Map #42

Project Purpose:

The purpose of the project is to install break-away panels in compliance with FEMA and Mass Building Code and to obtain post construction authorization for various poured concrete pads.

Site Background:

The subject property is approximately 10,024 sq. ft. in size and is completely developed with a single-family dwelling, detached garage, concrete driveway and manicured lawn areas throughout. The property is bordered easterly by Bayside Street, southerly by Bayberry Street (a paper street), westerly by Buzzards Bay and northerly by a developed residential house lot. The site is protected from Buzzards Bay by the existing stone/concrete seawall.

Permitting History:

The seawall was previously repaired under DEP File No. SE 23-1421 and a COC was issued for said project. The new concrete retaining wall, stone rip-rap seawall, ground level deck and driveway reconstruction were previously permitted under DEP File No. SE 23-1455 and said permit is still active.

Wetland Resource Areas:

The entire site falls within Land Subject to Coastal Storm Flowage, Flood Zones VE (El. 20 & 23). The stone & concrete seawall is the Coastal Bank. The site also contains Coastal Beach between the face of the seawall and mean low water. The entire site falls within the 100 ft. Buffer Zone of the Top of Coastal Bank.

Project Description:

The Applicant proposes to enclose an 18' x 21' area at ground level with break-away panels in compliance with FEMA and Mass Building Code for construction within a Velocity Zone (see attached Structural Design Plan). Said timber panels will be set on the existing concrete slab and abut the existing concrete columns for a portion of the area below the elevated dwelling as depicted on the Site Plan.

Additionally, the Applicant respectfully requests an "After the Fact" authorization for work which consisted of pouring a 5.5' x 25.5' concrete walkway which connects the new permitted deck (DEP File No. SE 23- 1455) to the garage door, a 5' x 7.4' concrete landing step which connects the new permitted deck to the seawall concrete cap and a 10.7' x 19.3' driveway expansion of the previously permitted driveway reconstruction (DEP File No. SE 23-1455).

Compliance with the WPA:

The proposed break-away plan is designed by a Structural Engineer and there are no current Performance Standards for Land Subject to Coastal Storm Flowage.

SCHNEIDER, DAVIGNON & LEONE, INC.
PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

Attachments are enclosed as follows:

- 100-foot Abutters List
- DEP Abutter Notification Form
- Figure 1: U.S.G.S. Quadrangle
- Figure 2: Estimated Habitat Map
- Figure 3: Assessors Map #42
- Figure 4: Fairhaven F.I.R.M.
- Site Photos
- Structural Drawing
- Site Plan

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.

April 3, 2025

100 Ft. Abutter's List
To Accompany A
Notice of Intent
Prepared For
2 Bayside LLC
Site Location: 2 Bayside Street
Lot #34 on Assessors Map #42

<u>Map No.</u>	<u>Lot No.</u>	<u>Owner's Name & Mailing Address</u>
42	11	Alan B. & Elvira M. Hopwood & Jose J. Braga 45 Maple Street Stoneham, MA 02180
42	12	Robert D. Hobson 3 Bayberry Street Fairhaven, MA 02719
42	32	George L. Fairbanks 38 School Street Johnston, RI 02919
42	33	Elizabeth S. Gatenby 37 Prouteau Street Acushnet, MA 02743
42	51	George L. Fairbanks 5 Bayside Street Fairhaven, MA 02719
42	52	Lucy M. & James A. Figueiredo P.O. Box 760857 Melrose, MA 02176
42	53	Lucy M. & James A. Figueiredo, Trustees of the Lucy M. Figueiredo Trust & James A. Figueiredo Trust 58 Cottage Street Melrose, MA 02176

File: 3813

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 2 Bayside LLC
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:
2 Bayside Street
4. The proposed work includes the construction of break-away panels between the concrete columns. Additionally, the Applicant requests an "After the Fact" authorization for a concrete walkway, landing pad and driveway expansion. All work was or will be performed within the 100 ft. Buffer Zone of a Coastal Bank and Coastal Beach and within Land Subject to Coastal Storm Flowage, Flood Zone VE (E1. 20).

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.



SCITICUT NECK QUAD.

U.S.G.S. QUADRANGLE MAP

SCALE: 1"=2,083'

SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
81 A COUNTY RD. UNIT G, P.O. BOX 480,
MATTAPoisETT, MA 02739 1-508-758-7866



Notice of Intent Application

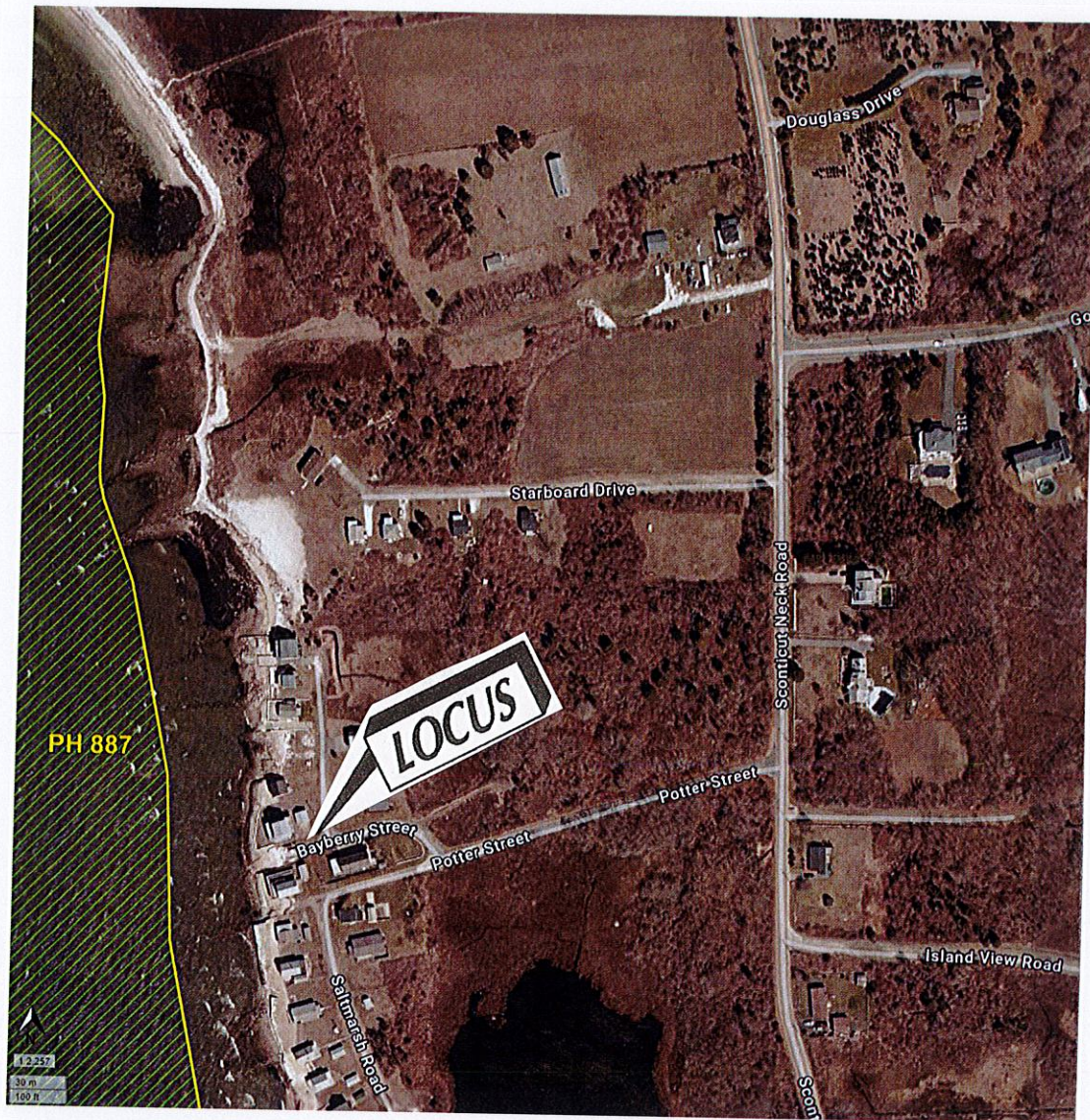
Applicant: 2 Bayside LLC

Town of: Fairhaven

Site Address: 2 Bayside Street

Locus = Assessors Lot #34 on Map #42

FIGURE 1



SCITICUT NECK QUAD.

ESTIMATED HABITAT MAP

Not to Scale

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PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
81 A COUNTY RD, UNIT G, P.O. Box 480,
MATTAPoisETT, MA 02739 1-508-758-7866



Notice of Intent Application

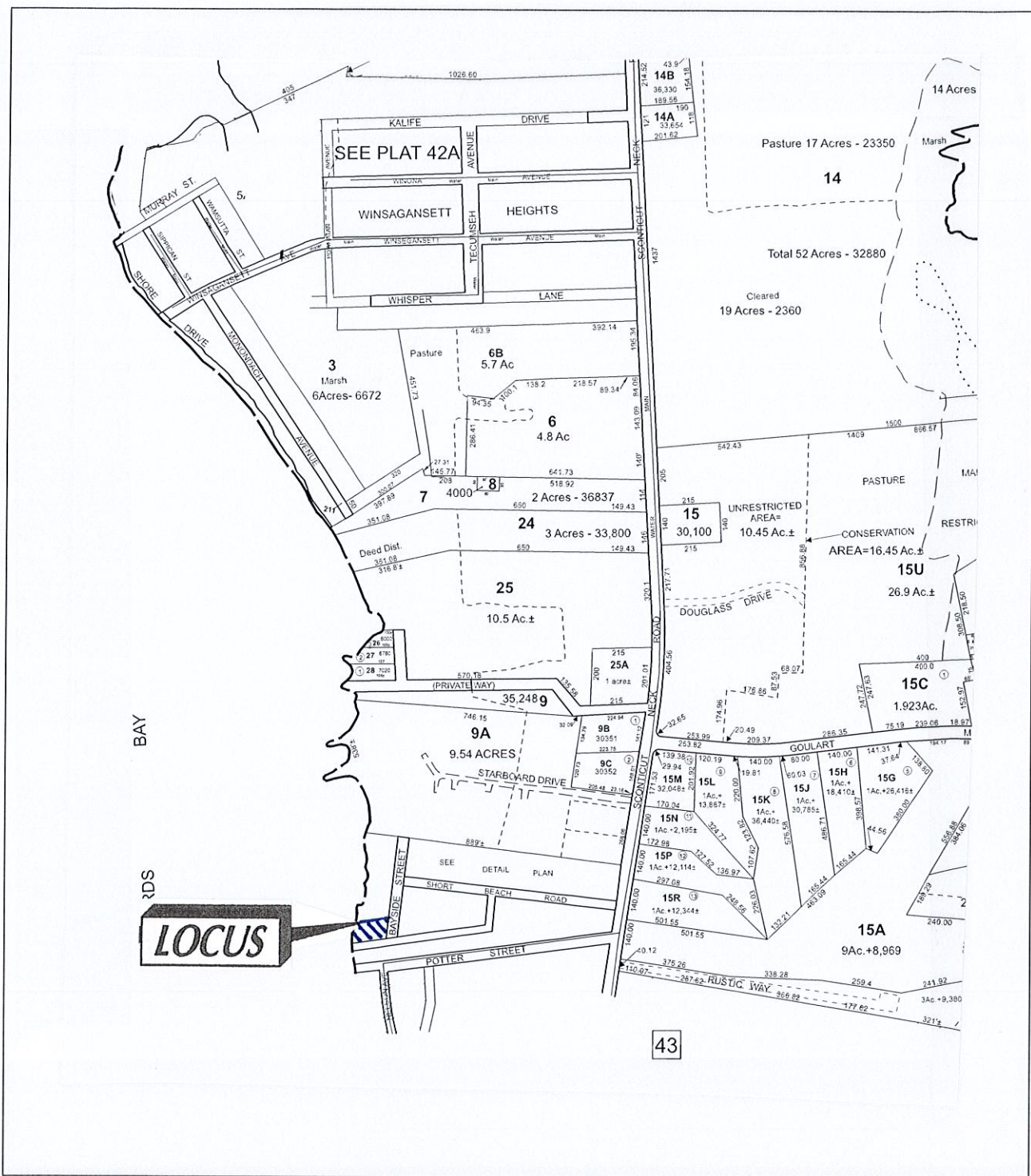
Applicant: 2 Bayside LLC

Town of: Fairhaven

Site Address: 2 Bayside Street

Locus = Assessors Lot #34 on Map #42

FIGURE 2



ASSESSORS MAP #42

Not to Scale

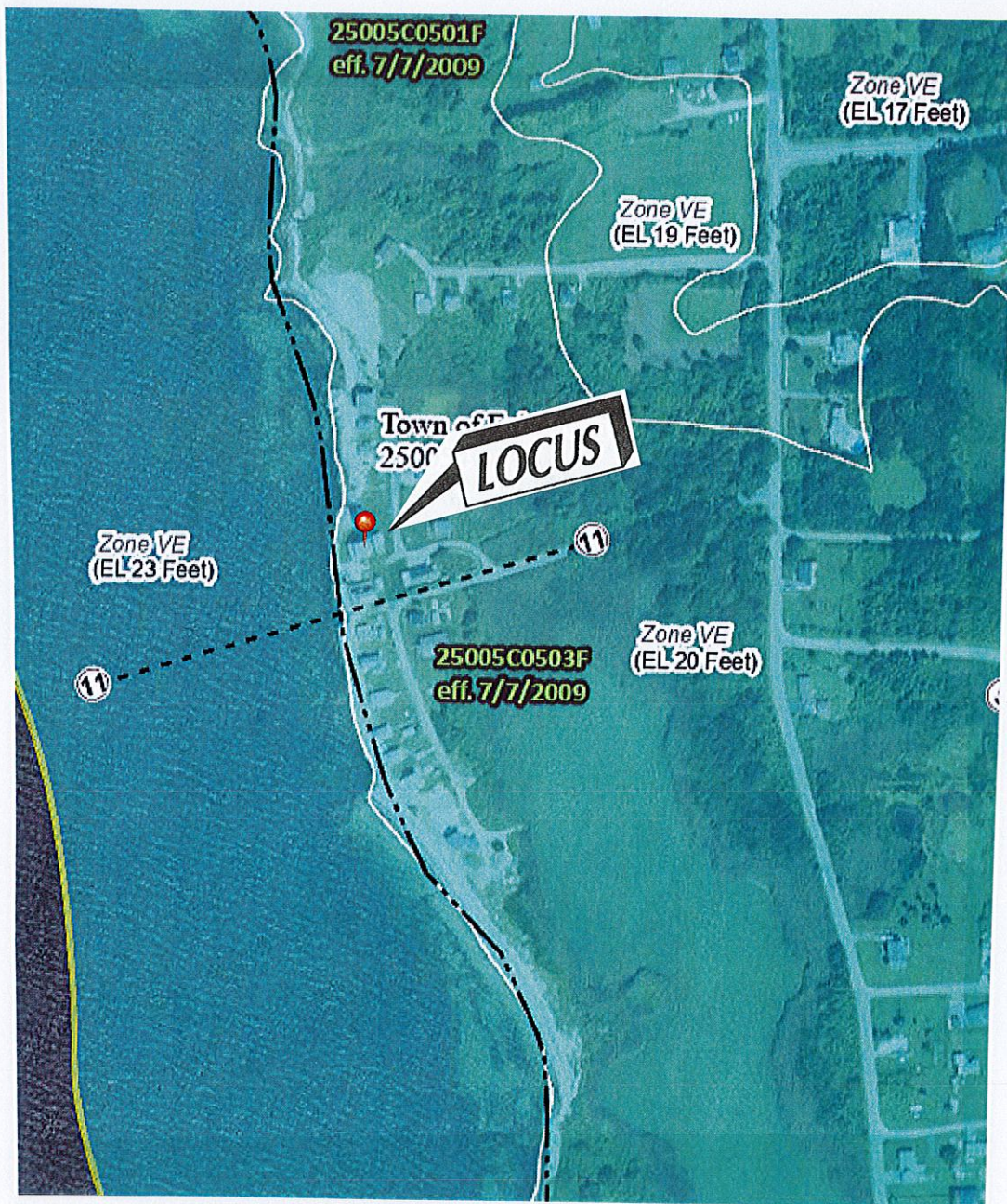
SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
81A COUNTY RD, UNIT G, P.O. Box 480,
MATTAPoisett, MA 02739 1-508-758-7866



Notice of Intent Application
Applicant: 2 Bayside LLC
Town of: Fairhaven
Site Address: 2 Bayside Street
Locus = Assessors Lot #34 on Map #42

FIGURE 3



PANEL NO.
25023C0503F

FAIRHAVEN F.I.R.M.

Not to Scale

SCHNEIDER, DAVIGNON & LEONE, INC.

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS
81A COUNTY RD, UNIT G, P.O. Box 480,
MATTAPOISETT, MA 02739 1-508-758-7866



Notice of Intent Application

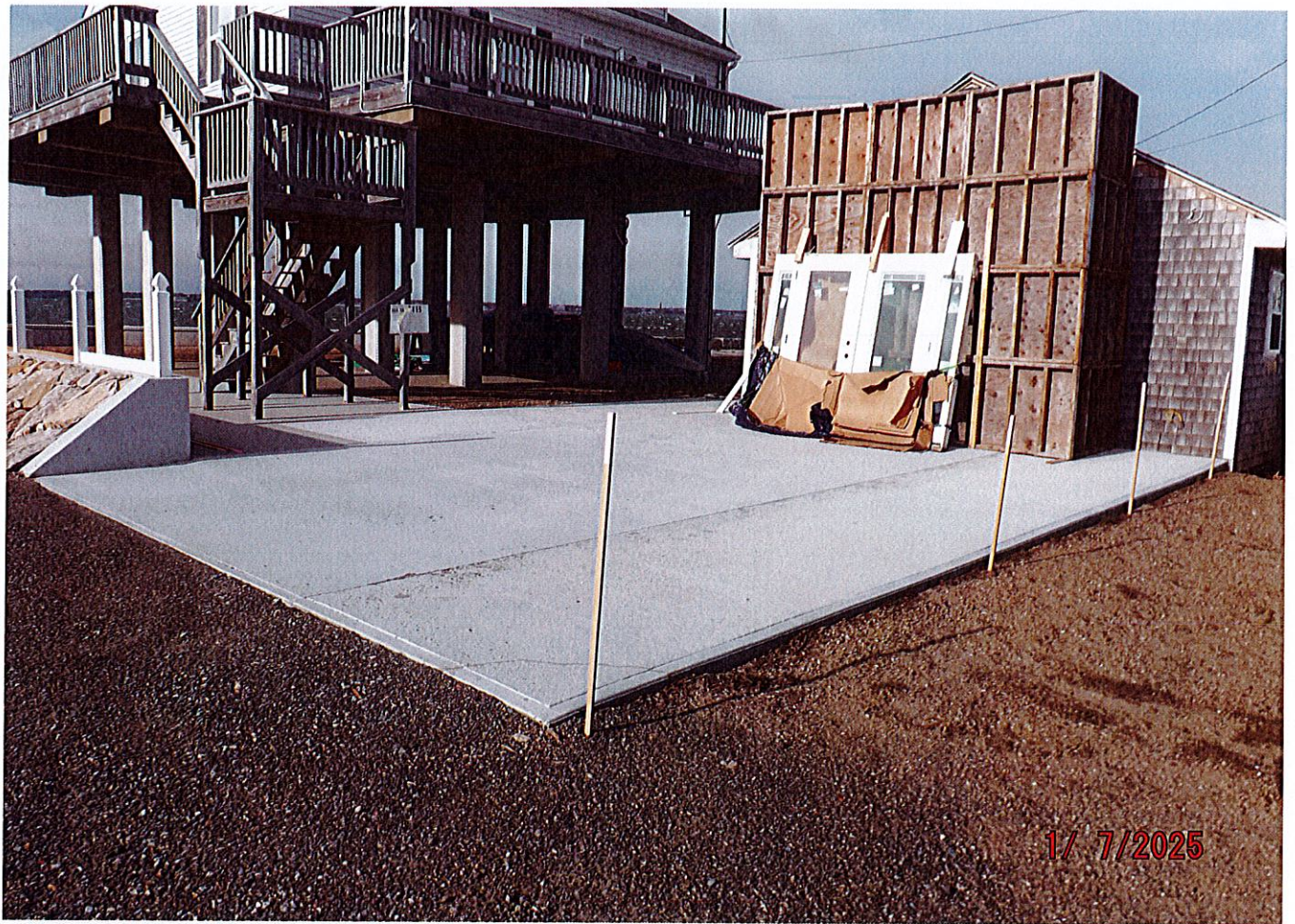
Applicant: 2 Bayside LLC

Town of: Fairhaven

Site Address: 2 Bayside Street

Locus = Assessors Lot #34 on Map #42

FIGURE 4







CLIENT: 2 Bayside LLC

29 Oak Drive Bedford, NH 03110

APPLICANT: Cris Braga.

Property Address: 2 Bayside Street Fairhaven, MA



FEMA FLOOD ZONE: VE ELEV. 20 FT

NOTES:

- 1) Timber framing used as part of the breakaway wall system must be constructed using flood damage-resistant, No. 2 Grade Spruce-pine-Fir or better grade/ species (e.g., No.2 Southern Pine). Vertical studs shall be 2"x4" nominal size and one horizontal stiffening beam at the mid-span of the panel shall be 2"x6" wood beam. (see attached picture)
- 2) The vertical studs shall be placed 12 inches on center for the wood-framed breakaway wall which will be 11'-10" high for design wind speed up to 120mph per ASCE 7-05.
- 3) Breakaway wall panels shall be 5/8 " thick plywood composed by flood-resistant construction material capable of withstanding direct and prolonged contact (i.e. at least 72 hrs.) with floodwaters without suffering significant damage.
- 4) Exterior siding on breakaway wall panels shall be no thicker than 1/2" plywood, APA 32/16 rated sheathing or other equivalent sheathing material.
- 5) Interior wall sheathing on breakaway wall panes shall be a maximum of 1/4 " plywood or equivalent.
- 6) All lumber shall be preservative-treated or decay resistant (e.g., redwood, cedar, some oaks, and bald cypress)
- 7) Metal connectors and all fasteners shall be corrosion resistant. All common nails must be galvanized.
(See below a section from FEMA Technical Bulletin 8)

"Based on FEMA technical bulletin TB-2-08 and Consistent with ASCE 24 and the International Code Series, it is recommended that stainless steel or hot-dip galvanized fasteners and connectors shall be used below the BFE in both inland (noncorrosive) and coastal (corrosive) areas. In coastal environments where airborne salts contribute to corrosion, it is recommended that corrosion-resistant fasteners and connectors be used throughout the building where they may be exposed."

- 8) Studs shall be continuous from foundation/floor at the sole plate to a support at the top plate to resist loads perpendicular to the wall.
- 9) Breakaway wall sheathing and siding shall be discontinuous at elevated floor beams and joists; horizontal separation joints shall be provided to prevent damage to the sheathing or siding above the floor of the elevated building. As shown on Attachment C, a watertight seal shall be provided for separation joints to prevent wind-driven rain water and sea spray from entering the building envelope. A similar sealed joint may be needed in front of the piling.
- 10) Utilities including electric wiring breaker boxes, power meters, plumbing, conduits and ventilation ducts, shall not be placed in or attached to the breakaway wall panels.
- 11) Partial height breakaway wall systems are not allowed.
- 12) 16d galvanized nails will be used in the breakaway plywood panel frame made by 2x4 studs of wood species preferably of Southern Yellow Pine (SYP) , or Douglas Fir (DF) and rarely by Spruce Pine Fir. Nominal shear and allowable design values for 16d common nails are shown on attached Tables (see next page) The 2x4 studs are connected to the top and bottom Nailer plates with 16d nails as shown on the detail drawing of the breakaway wall.
- 13) Place ½ " rigid foam between the sill plate and bottom 2x4 studs of the breakaway wall.
- 14) To cover the 11'-10" high breakaway wall more than one 4'x8' plywood panel is needed. At the junction of two panels, the edges of both sheets shall be nailed to the same stud with 8d common nails spaced at 6 inches.



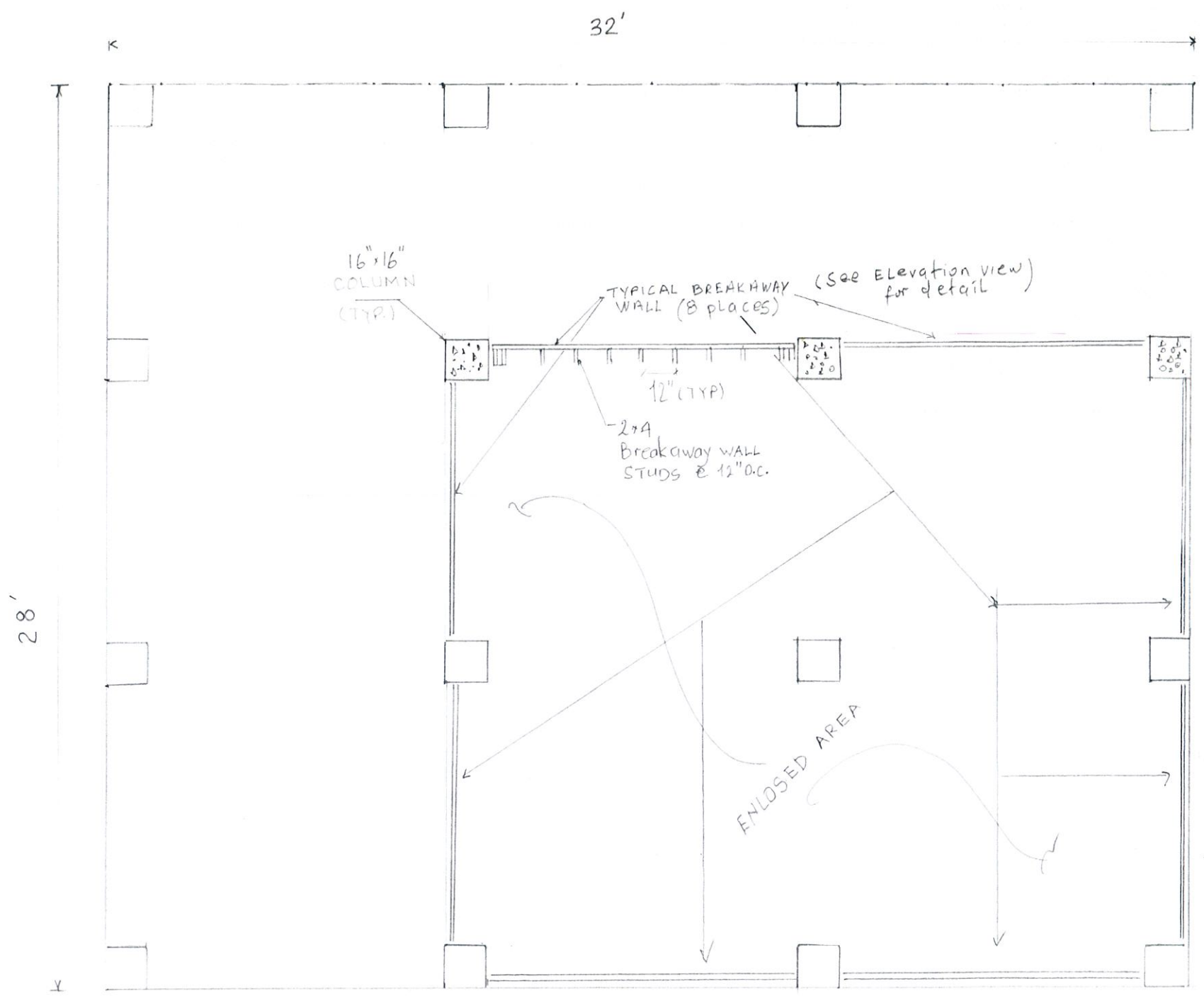
CLIENT: 2 Bayside LLC

29 Oak Drive Bedford, NH 03110

APPLICANT: Cris Braga.

Property Address: 2 Bayside Street Fairhaven, MA

FEMA FLOOD ZONE: VE ELEV. 20 FT



FOUNDATION PLAN
(NOT TO SCALE)

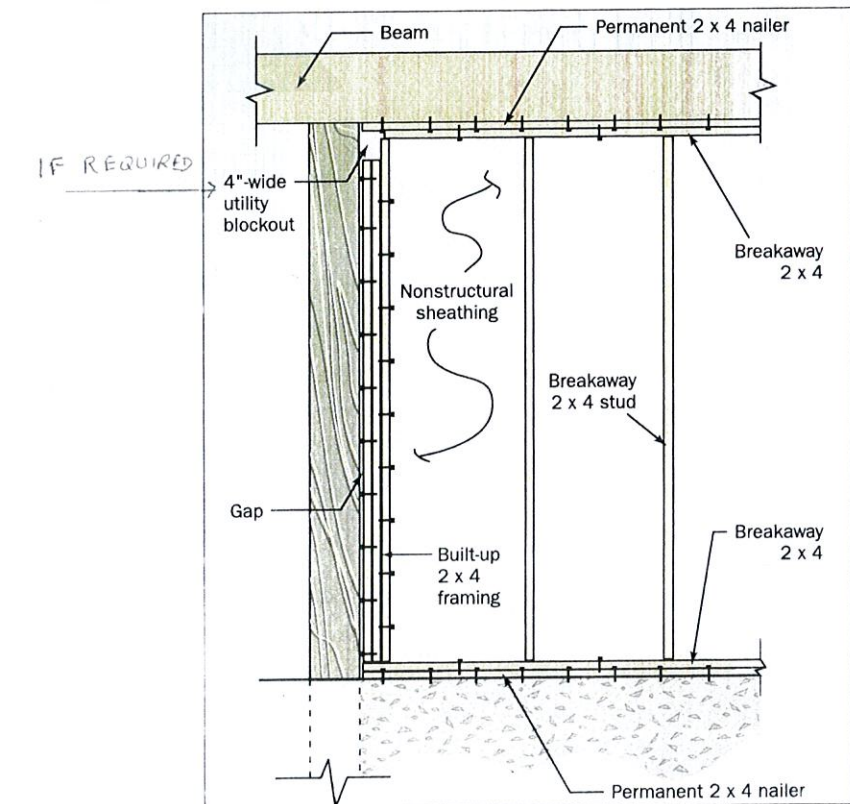
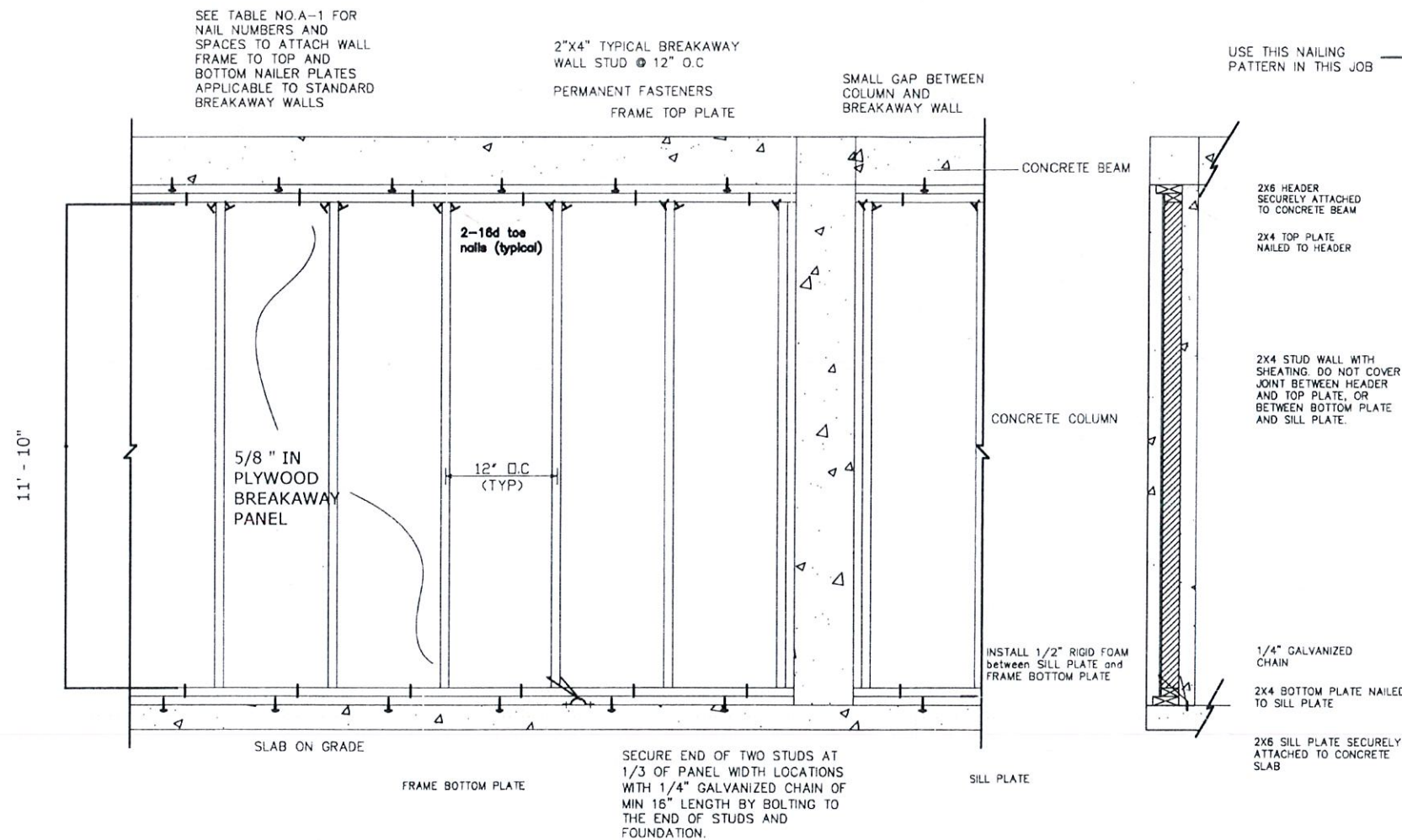


Figure 3. NFIP-compliant breakaway wall construction.



STANDARD BREAKAWAY WALL ELEVATION VIEW
N.T.S.

TYPICAL SECTION
N.T.S.

TABLE A-1 FASTENER SCHEDULE FOR BREAKAWAY WALLS (Max Height 9 ft)															APPLICABLE TO THIS PROJECT	
Breakaway Wall Height (feet)																
		6			7			8			9			Wall Height 12 feet		
Nail Size		8d	10d	12d	16d	8d	10d	12d	16d	8d	10d	12d	16d			
Column Spacing (feet)	8	6d15 6d10 5d9	-	9d17 6d12 6d10 5d9	-	7d13 7d12 6d10	-	8d15 7d14 7d12	-	8d15 7d14 7d12	-	8d15 7d14 7d12	-	Column Spacing (feet)		
	10	10d19 7d13 6d12 6d10	-	8d15 7d13 6d12	-	9d17 8d15 7d14	-	10d19 9d17 8d15	-	10d19 9d17 8d15	-	10d19 9d17 8d15	-	8		
	12	-	8d16 8d14 7d12	-	10d18 9d16 8d14	-	10d19 9d17	-	-	-	-	-	-	9		

NOTES:

1. TABLE INDICATES THE RANGE OF TOTAL (TOP AND BOTTOM) WALLS THAT WILL RESULT IN A WALL DESIGN SAFE LOADING RESISTANCE BETWEEN 10 AND 20 PSF.

2. DESIGNER MUST INDICATE WHICH WALLS IS SHOWN, PUT THE EXTRA NAIL AT THE BOTTOM

3. VALUES FOR OTHER WALL HEIGHTS ARE NOT APPLICABLE.

10/25/24

ALAN D. KETIN
CIVIL
NO. 34530
REGISTERED PROFESSIONAL ENGINEER
COMMONWEALTH OF MASSACHUSETTS

ATTACHMENT C

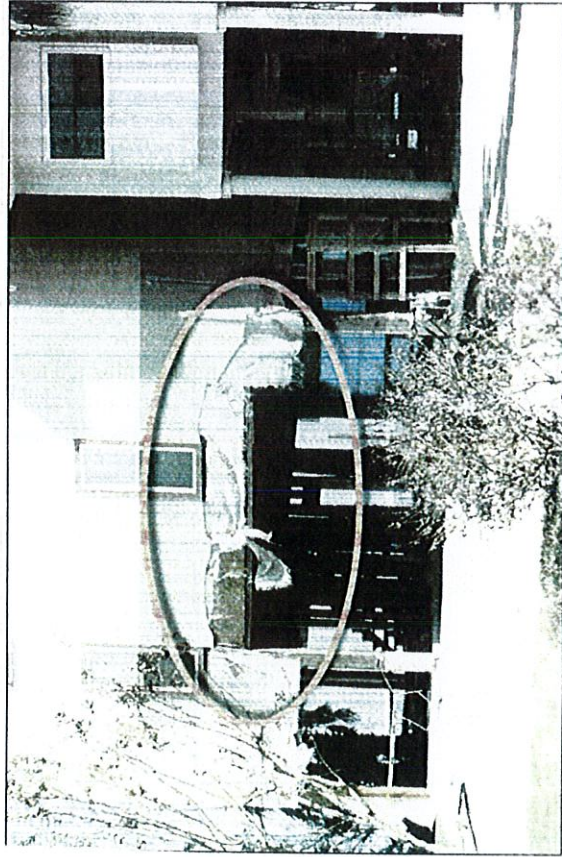
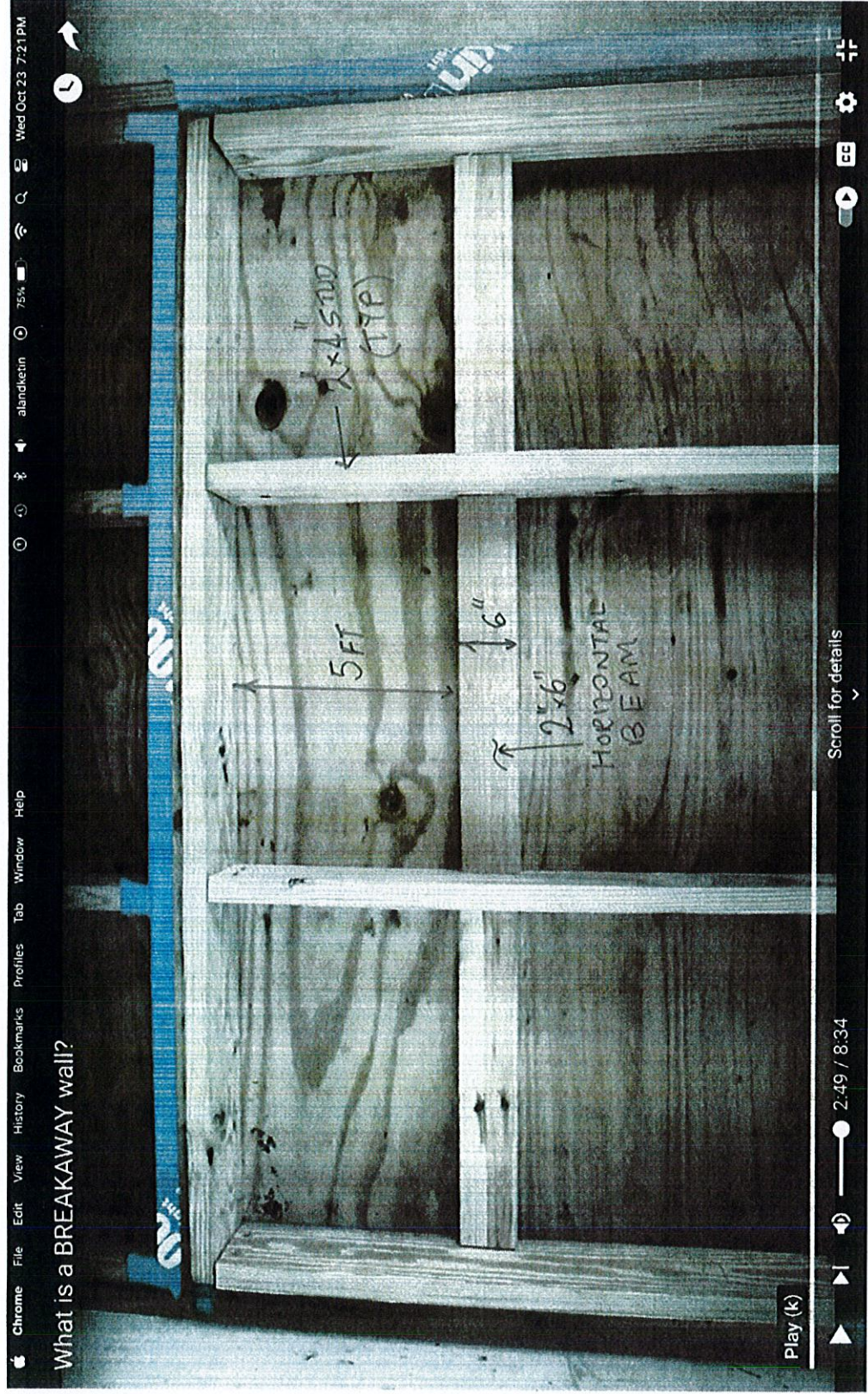


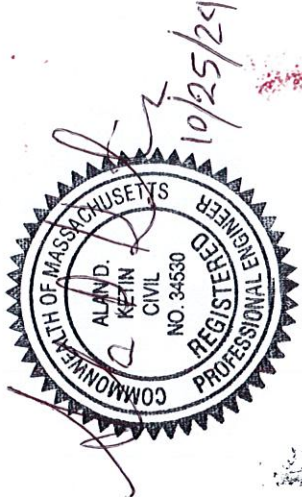
Figure 4. Building sliding extended down and over the breakaway wall. Lack of a clean separation allowed damage to spread upward as the breakaway wall failed.

Species	Tabulated value lb	Allowable strength lb
DF	141	225.6
SYP	154	246.4
SPF	120	192

Table 2.2 Allowable strength of 16d nailed connections

Species and commercial grade	Tabulated value psi	Size factor C_F	Allowable stresses psi
DF Stud	675	1.1	1365
DF No.2	875	1.5	2415
DF Construction	1000	1.0	1840
SPF Stud	675	1.1	1365
SPF No.1/No.2	875	1.5	2415
SPF Construction	975	1.0	1794
SYP Stud	875	1.0	1610
SYP No.2	1500	1.0	2760
SYP Construction	1100	1.0	2024

Table 2.3 Allowable bending stress of wood species



PROPOSED GUIDELINES FOR THE BUILDER
OF THE PROPOSED BREAKAWAY WALL

TO BE USED WITH THE ATTACHED DRAWING AND NOTES

Wall panels were constructed on the flat, on the ground, and tilted into position before nailing the top and bottom members. While on the ground, each stud was end-nailed through the top and bottom frame members with two 16d common nails. The frame was covered with 4 by 8 ft (1.2 by 2.5 m) sheets of exterior plywood sheathing (T1-11 APA Rated Siding 303-6 S/W, 16 on center span rating), which had a thickness of 19/32 in (15 mm). The sheathing covered the entire frame including top and bottom frame members but did not overlap the permanent plates or the vertical foundation members. The edge of each sheet of sheathing was attached to perimeter frame and studs using 8d common nails ($d = 0.131$ in (3.3 mm)) at 6-in (150 mm) spacings around the edges of each sheet. It was also attached to the intermediate studs in the interior of each sheet at 12-in (300-mm) spacings. To cover the 8 by 10 ft (2.4 by 3.1 m) wall frame, three sheets of 4 by 8 ft (1.2 by 2.4 m) plywood were needed. At the junction of two panels, the edges of both sheets were nailed to the same stud with 8d common nails spaced at 6 inches (150 mm).

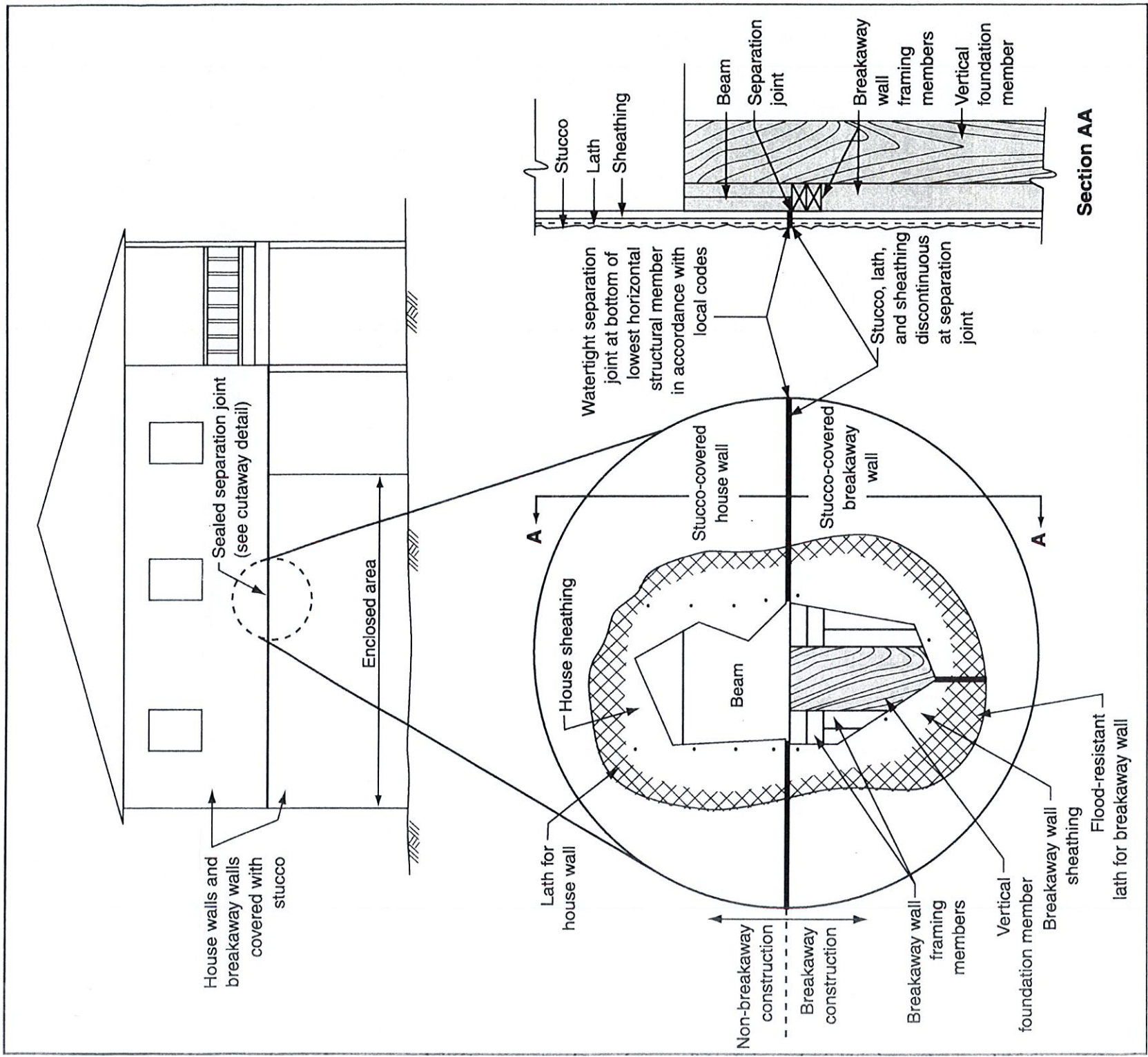


Figure 15. Separation joint between sheathing and wall covering (e.g., stucco, siding) on house walls and breakaway walls