



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Fairhaven  
City/Town

**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:

Joseph P. Braga, Tr.  
Name

josephbraga@yahoo.com  
E-Mail Address

~~3 Saltmarsh Road~~ 265 MILL ROAD

Mailing Address

Fairhaven

MA  
State

02719  
Zip Code

City/Town

617-501-0234

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Charon Associates Inc. - Engineers

Firm

Rick Charon, P.E.

charonengineers@comcast.net  
E-Mail Address

Contact Name

323 Neck Road

Mailing Address

Rochester

MA  
State

02770  
Zip Code

City/Town

508-763-8362

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).

N/A



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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):

3 Saltmarsh Road

Street Address

Fairhaven

City/Town

Map 43

Assessors Map/Plat Number

Lot 46

Parcel/Lot Number

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

This parcel comprises 7,348 S.F. of land bordered by Saltmarsh Road on the west side, wetlands and marsh on the east side, and private properties on the north and south sides, with a single-family home built ca. 1954 on the site. The entire site lies within a F.E.M.A. velocity zone and the easterly 2/3 of the lot lies within the buffer zone of the wetlands/marsh.

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

Plan of Repair of Subsurface Sewage Disposal

Title

4/08/2025

Date

Title

Date

Title

Date

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

Install new 3000-gallon capacity sewage holding tank, a/k/a tight tank, to replace the existing septic tank and leaching field. The work lies within the coastal flood plain and within the buffer zone of a wetland and saltmarsh.



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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).

Minimal disturbance within buffer zone and flood plain.

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.)

N/A



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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:

Joseph P. Braga, Tr.

Name

3 Saltmarsh Road

Mailing Address

Fairhaven

City/Town

MA

State

02719

Zip Code

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

Date

Signature of Representative (if any)

Date



4/10/2025



SCANTICUT NECK, MASS.  
N4130—W7045/7.5

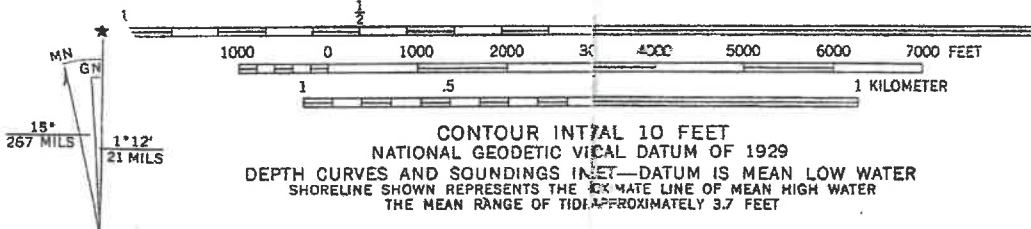
1975

AMS 6867 III SE—SERIES V814

CONTOUR INTVAL 10 FEET

NATIONAL GEODETIC VICAL DATUM OF 1929

DEPTH CURVES AND SOUNDINGS IN FEET—DATUM IS MEAN LOW WATER  
SHORELINE SHOWN REPRESENTS THE EXHATE LINE OF MEAN HIGH WATER  
THE MEAN RANGE OF TIDE APPROXIMATELY 3.7 FEET



TM GRID AND 1975 MAGNETIC NORTH  
DECLINATION AT CENTER OF SHEET

THIS MAP COMPLIES WITH NAVAL MAP ACCURACY STANDARDS  
FOR SALE BY U.S. GEOLOGICAL SURVEY



**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 Joseph P. Braga, Tr.
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:  
3 Saltmarsh Road, Fairhaven, MA.
4. The proposed work includes Installation of a 3,000-gallon tight tank (sewage holding tank) for repair of sewage disposal system. Work is located within the coastal flood plain and within the buffer zone of wetlands / salt marsh.
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](http://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.