

401-762-2870



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):

30 Brook Drive	Fairhaven	02719
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	-70.859453	41.643843
Map 31	d. Latitude	e. Longitude
f. Assessors Map/Plat Number	Parcel 154	
	g. Parcel /Lot Number	

2. Applicant:

Daniel and Jo-Anne	Charette
a. First Name	b. Last Name
c. Organization	
30 Brook Drive	
d. Street Address	
Fairhaven	MA
	f. State
	02719
	g. Zip Code
(508) 737-8337	aldamax@comcast.net
h. Phone Number	i. Fax Number
	j. Email Address

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

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):

Edward	Avizinis
a. First Name	b. Last Name
Avizinis Enviornmental Services, Inc.	
c. Company	
P.O. Box 836	
d. Street Address	
Charlestown	RI
e. City/Town	f. State
	02813
	g. Zip Code
401-232-4774	edward@avizinis.com
h. Phone Number	i. Fax Number
	j. Email address

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

\$1,050.00	\$512.50	\$537.50
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

The proposed project consists of the construction of an accessory dwelling unit with associated ancillary structures, sewer and water connections to the existing house, and the replacement of the perimeter fence.

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

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. 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	b. Certificate # (if registered land)
3123	34
c. Book	d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. 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.
- 2. 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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input checked="" type="checkbox"/> Riverfront Area	<u>Unnamed, Inland</u> 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: 13,802 square feet

4. Proposed alteration of the Riverfront Area:

1,352 sf., 470 lf. 11 sf., 182 lf. 1,341 sf., 288 lf.
 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	1. square feet _____	
	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	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
	2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	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	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	

4. 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 BVW _____

b. square feet of Salt Marsh _____

5. 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

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 - 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.



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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

InSite Engineering Services, Inc.

Paul Carlson, P.E.

b. Prepared By

c. Signed and Stamped by

November 19, 2025

1 inch = 10 feet

d. Final Revision Date

e. Scale

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:

0371
 2. Municipal Check Number

0374

February 2, 2026

3. Check date

February 2, 2026

4. State Check Number

Timothy

5. Check date

Avizinis

6. Payor name on check: First Name

7. Payor name on check: Last Name



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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.

Jo-Anne Haaland Charette

1/8/2026

1. Signature of Applicant

Daniel J. Charette

2. Date

1/8/2026

3. Signature of Property Owner (if different)

[Signature]

4. Date

January 30, 2026

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
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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
Accessory dwelling construction	1	2a	\$500.00
Fence replacement, patio, and porch construction	4	1a	\$440.00
Sewer line connection to the accessory dwelling unit	1	1e	\$110.00

Step 5/Total Project Fee: \$1,050.00

Step 6/Fee Payments:

Total Project Fee:	<u>\$1,050.00</u>
State share of filing Fee:	a. Total Fee from Step 5 <u>\$512.50</u>
City/Town share of filling Fee:	b. 1/2 Total Fee less \$12.50 <u>\$537.50</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.)



Town of Fairhaven
Massachusetts
BOARD OF ASSESSORS
 40 Center Street
 Fairhaven, MA 02719

RECEIVED
BOARD OF ASSESSORS
JAN 30 2026
FAIRHAVEN, MA

Ronnie Manzone, Chair
 Pamela K. Davis, MAA, Member
 Daniel Lane, Member

Joanne Correia, Principal Assessor
 Phone: (508) 979-4023, x-8111
 Facsimile: (508) 979-4079
 Email: jcorreia@fairhaven-ma.gov

ABUTTERS LIST REQUEST FORM

A \$25.00 Fee per request is required for preparation of the list. Payment is due at the time of submission of this form. Please allow 10 days from the submission of the form for the Assessors' office to complete the processing of your request. In conformance with MGL c40A §11, this information is needed so that an official abutters list as required, is used in notifying the abutters.

Date of Request: January / 26 / 2026

Assessors Parcel ID: MAP 31 LOT 154

Property Address: 30 Brook Drive, Fairhaven, MA 02719

Distance Required from Parcel # listed above (Circle One): 500 300 100
 (Note: if a distance is not circled, we cannot process your request)

Property Owner: Daniel and Joanne Charette

Property Owner's Mailing Address: 30 Brook Drive

Town/City: Fairhaven State: MA Zip: 02719

Property Owner's Telephone # (508) - 737 - 8337

Requestor's Name (if different from Owner) Jonathan Chidekel

Requestor's Address: P.O. Box 836, Charlestown, RI 02613

Requestor's Telephone # (610) - 724 - 7149

Requestor's Email: jonathan@avizinis.com

Office Use Only: Date Fee Paid 1/30/26 Paid in Cash \$ _____

Paid by Check \$ 25.00 Check # 0370 Town Receipt # _____

CABRAL JEFFREY & ANGELA
35 EVERGREEN ST
FAIRHAVEN, MA 02719

DAVIS KATHRYN L
37 EVERGREEN ST
FAIRHAVEN, MA 02719

FAIRHAVEN TOWN OF
40 CENTER STREET
FAIRHAVEN, MA 02719

MANZONE RONNIE & NANCY J
28 BROOK DRIVE
FAIRHAVEN, MA 02719

PIRES WILLIAM J & NATALIE
244 ARNOLD STREET
NEW BEDFORD, MA 02740

SULLIVAN SUSANNE & JOHN
31 EVERGREEN STREET
FAIRHAVEN, MA 02719

SUSAN MARTIN-OLIVEIRA TTE
SUSAN MARTIN-OLIVEIRA NOM
34 BROOK DRIVE
FAIRHAVEN, MA 02719

WALTON CHRISTOPHER J
350 NEW BOSTON ROAD
FAIRHAVEN, MA 02719

**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 Daniel and Jo-Anne Charette

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:
30 Brook Drive, Fairhaven, MA.

4. The proposed work includes the construction of an accessory dwelling unit with associated porches and patio. The accessory dwelling unit will be connected to the existing sewer and water utility lines at 30 Brook Drive, and the perimeter fence will be removed and replaced to make room for the proposed accessory dwelling unit.

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.



Notice of Intent:

310 CMR 10.00 Wetland
Protection Analysis

SITE LOCATION:
A.P. 31, Lot 154
30 Brook Drive
Fairhaven, Massachusetts

PREPARED ON BEHALF OF:
Daniel and Jo-Anne Charette
aldamax@comcast.net

PREPARED (January 5, 2026) BY:

A handwritten signature in blue ink, appearing to read 'Edward Avizinis'.

Edward Avizinis, CPSS, PWS | President



A handwritten signature in blue ink, appearing to read 'Jonathan Chidekel'.

Jonathan Chidekel, Environmental Scientist

INTRODUCTION

Avizinis Environmental Services, Inc., (AES), has prepared this Notice of Intent (NOI) in compliance with state requirements in 310 Code of Massachusetts Regulations, Section 10.00, the Wetlands Protection Act (WPA) and local regulations per the Town of Fairhaven Wetlands Bylaw (Chapter 192 of the Code of Fairhaven) and the Buffer Zone Regulations (Chapter 495 of the Code of Fairhaven) (collectively, the Bylaw) on behalf of Daniel and Jo-Anne Charette (the Applicant) for proposed construction at A.P. 31, Lot 154, 30 Brook Drive in Fairhaven, Massachusetts (the Site). Proposed work (collectively, the Project) consists of the following:

- Construction of an accessory dwelling unit;
- Installation of associated ancillary structures including patios, porches, and a bulkhead;
- The connection of the proposed accessory dwelling unit to existing sewer and water utilities; and,
- The replacement of an existing property line fence.

Wetland Resource Areas at the Site were delineated in accordance with definitions in the WPA and Bylaw by AES on October 16, 2025. Identified Resource Areas per the WPA consist of an offsite perennial stream and its associated Riverfront Area (RA). The stream is also afforded a 100-foot buffer zone by the WPA and Bylaw as well as a 50-100-foot buffer zone per the Bylaw. Proposed work is largely within RA, with minimal alterations within the 100 and 50-100-foot buffer zones. The Project has been designed to comply with the relevant performance standards provided in the WPA and Bylaw, as described herein.

EXISTING CONDITIONS

The Site is located west of Brook Drive in a dense residential area of Fairhaven, Massachusetts. Existing development consists of a single-family home with an associated driveway, pool, porch, and other ancillary structures. There are no wetland Resource Areas onsite; however, there is a perennial stream east of the Site and a Massachusetts Department of Environmental Protection (MassDEP) listed wetland approximately 150 feet south of the Site.

There are no Natural Heritage and Endangered Species Program (NHESP) Certified or Potential Vernal Pools (CVPs, PVPs) at or within proximity to the Site, nor are there any NHESP Priority Habitats of Rare Species or Estimated Habitat of Rare Wildlife. There are no Areas of Critical Environmental Concern (ACEC) at or within proximity to the Site.

There are no Surface Water Protection Areas (Zone A, B, or C) or Wellhead Protection Areas (Zone I, II, or Interim) at or within proximity to the Site. As per the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) panel no. 25005C0413G, effective July 6, 2021, there are no flood zones at or near the Site.

A review of historic aerial imagery shows that, as of 1961, the Site was undeveloped forest with surrounding residential and agricultural development. Development began along Brook Drive as of 1971, and by 1974 the Site resembled its current conditions. Construction continued in the area until approximately 2001 with no further disturbances noted at the Site.

PROPOSED WORK

The Project consists of the construction of a 960 square foot (sf) accessory dwelling unit on a concrete pad adjacent to a single-family home. The new structure will be connected to the existing water and sewage lines and will include ancillary structures consisting of a front and back porch, patio, and bulkhead. The perimeter fence will be removed and replaced with approximately 470 linear feet (lf) of new fencing to accommodate the proposed accessory dwelling unit. Limit of Work (LOW) erosion controls consisting of straw wattles and / or siltation socks will be installed and maintained for the duration of the Project.

Construction of the accessory dwelling will impact approximately 1,353 sf of RA and approximately 11 sf of the 100-foot and 50-100-foot buffer zone. The fence replacement will alter approximately 470 lf of RA and approximately 182 lf of the 100-foot and 50-100-foot buffer zones. Material and equipment stockpile is to the discretion of the contractor; however, best management practices will be followed to ensure items are properly stored and there is no sediment discharge from the Site. Disturbed soils will be stabilized prior to the removal of LOW erosion controls.

WPA COMPLIANCE

Proposed work will occur largely within RA, with minor work within the 100-foot buffer zone. Accordingly, the Project has been designed to protect the interests of the WPA and meet the required RA performance standards.

Interests of the Act (10.01.2):

The purpose of the WPA is to review projects that may affect the eight (8) interests of the WPA as provided at 310 CMR 10.01.2. These interests and potential impacts from the proposed Project are listed below:

- Protection of public and private water supply.

No work is proposed within any Wellhead, Surface Water Protection Areas, or other drinking water supply areas. Alterations are not anticipated to affect drinking water quality or supply.

- Protection of groundwater supply.

No work is proposed within any Wellhead or Surface Water Protection Areas or other drinking water supply areas. The Project will not draw additional groundwater and is not anticipated to affect groundwater recharge.

- Flood control.

The Project is not within a FEMA FIRM mapped flood zone and is not anticipated to impact the ability of onsite RA or any adjacent wetland Resource Areas to mitigate flooding.

- Storm Damage Prevention.

The Project is not anticipated to reduce storm resiliency at the Site or in its surrounding area. Proposed work does not involve re-grading or other significant alterations to the Site's hydrology.

- Prevention of pollution.

Once complete the Project is not anticipated to generate pollution. The contractor is responsible for properly storing and disposing of any construction related waste.

- Protection of land containing shellfish.

Not applicable—the proposed Project is inland.

- Protection of fisheries.

Not applicable—there are no waters containing fish or fishery resources at or within proximity to the Site.

- Protection of wildlife habitat.

There are no ACECs, NHESP PVPs, CVPs, Priority Habitats of Rare Species, or Estimated Habitat of Rare Wildlife at or within proximity to the Site. The proposed Project will occur entirely within previously developed and maintained land that provides little wildlife habitat value. Post construction conditions will be similar to pre-construction and work will not

directly impact any adjacent wetland Resource Areas. There are no anticipated impacts to the Site's wildlife habitat values.

Riverfront Area Performance Standards (10.58.4.a-c):

Per CMR 310 10.58.5, the Project does not qualify as a redevelopment project and must therefore meet the General Performance Standards provided in Part 10.58.a through 10.58.c.

- 10.58.4.a—Protection of Other Resource Areas

There are no other Resource Areas within the impacted RA. Proposed work is limited to the Site and no impacts to adjacent Resource Areas are anticipated. There is limited work—approximately 11 sf. of stair construction and 182 lf. of fence removal / installation—that will occur within the 100-foot buffer zone to Bank. Downgradient Resource Areas will be protected with LOW erosion throughout the Project, and any exposed soils will be stabilized prior to their removal.

- 10.58.4.b—Protection of Rare Species

As stated above, there are neither rare species nor their habitat at or in proximity to the Site. RA to be impacted by proposed work consists of maintained lawn, garden beds, and a paved driveway and does not provide any high value wildlife habitat. Post construction Site conditions will be similar to existing ones, and wildlife habitat provided is anticipated to be the same.

- 10.58.4.c—Practicable and Substantially Equivalent Economic Alternatives

The goal of the proposed Project is to construct an accessory dwelling unit and complete associated work. What follows is an alternatives analysis for the Project:

1. No Action—The No Action alternative would mean the property owner would not construct an accessory dwelling unit and its associated work. This option would leave the Site as is and would not impact RA or incur any additional monetary costs on the property owner; however, it would not achieve the stated goal of the Project.
2. Structure Relocation—The Structure Relocation alternative consists of relocating the proposed accessory dwelling unit entirely out of RA. As RA encompasses the entire Site, this would require the property owner to purchase an adjacent lot which, if possible, would result in an undue financial burden upon the property owner.
3. Structure Footprint—The Structure Footprint alternative involves reducing the accessory dwelling unit's footprint. This would reduce both the Project's impact on RA and monetary cost; however, the accessory dwelling unit has been designed to meet the

property owner's requirements and reducing its footprint will impair its intended use, negatively affecting the goal of the Project.

4. As Proposed—The As Proposed alternative is the plan outlined herein. The Project has been designed to meet the requirements of the property owner while minimizing the accessory dwelling structure's footprint to the greatest extent possible.

The As Proposed alternative was chosen as it was designed to achieve the property owner's goal while being the least financially burdensome and minimizes environmental impacts to the greatest degree practicable.

BYLAW COMPLIANCE

The Town of Fairhaven's Bylaw regulates activities occurring within 100-feet of Resource Areas, known as the 100-foot buffer zone. The 100-foot buffer zone is further divided into the 25-foot No Disturbance Zone, the 25-50-foot buffer zone, and the 50-100-foot buffer zone. No work is proposed within the 25-foot No Disturbance Zone or the 25-50-foot buffer zone.

Proposed work within the 50-100-foot buffer zone consists of the construction of approximately 11 sf. of stairs associated with the accessory dwelling unit and the installation of approximately 182 lf. of fencing. This meets the requirements at Chapter 192, Section 7, Subsection 3.1.1 of the Code of the Town of Fairhaven to qualify as a Minor Buffer Zone Activity (MBZA) and Subsection 6.0 for permissible work within the 50-100-foot buffer zone.

CLOSING

Thank you for reviewing this NOI for the construction of an accessory dwelling unit and associated work at A.P. 31, Lot 154, 30 Brook Drive Fairhaven, Massachusetts. This NOI was prepared by AES on behalf of the Applicant. Please see the attached maps, plan, and other associated materials for reference with this NOI. If there are any questions, please reach out to AES.

ATTACHMENTS

1. 2021 Aerial Map
2. USGS Topographic Map
3. Wetland Delineation Map
4. Site Plans
5. Wetland Resource Area Delineation Report



WETLAND REPORT

SITE LOCATION:
A.P. 31, Lot 154
30 Brook Drive
Fairhaven, Massachusetts

PREPARED FOR:
Cheryl Coleman
InSite Engineering Services, LLC
ccoleman@insiteengineers.com

PREPARED (October 18, 2025) BY:

Edward J. Avizinis, CPSS, PWS | President



INTRODUCTION

Avizinis Environmental Services, Inc., (AES), has completed the wetland resource area delineation, as requested, within the above referenced 30 Brook Drive property in the Town of Fairhaven, Massachusetts. AES staff visited the site on October 16, 2025 to assess the presence and location of any wetland resources that impact the site. Regulated resources have been identified in relation to the property, have been classified in this report, and will incur jurisdictional setbacks onto the subject lot.

Wetland resource areas in Massachusetts include bordering vegetated wetlands (BVW) and perennial rivers among other features as defined in 310 Code of Massachusetts Regulations, Section 10.00, The Wetlands Protection Act (August 27, 2017) (WPA). The WPA allows for more stringent wetland regulation at the town/city level via the promulgation of a local wetland by-law. The Town of Fairhaven does have such a by-law and regulates additional features and requires additional setbacks. AES has GPS located the bank of a perennial river that is within close proximity to the project area. This field work was conducted to meet the standards outlined in the WPA, the Fairhaven by-law, and the supporting documentation.

EXISTING CONDITIONS

The property extends west from Brook Drive in Fairhaven, Massachusetts. The lot is developed with a residential structure and an associated driveway, yard, and other related structures. No wetlands were found on the property. To the east of the property, across Brook Drive from the site, flows a blue-lined river. The closest extent of the river was GPS located by AES.

A historic aerial review of the property shows that as of the earliest available aerial photography in 1961, this lot was undeveloped and primarily forested. The house can first be seen on the imagery from 1985.

REGULATED RESOURCE AREAS

AES has one wetland feature in relation to this property. This is summarized in the table below. Across Brook Drive to the east from the site flows a perennial river whose closest bank was GPS located by AES. The river requires the application of a 100-foot buffer zone and a 200-foot riverfront area. The riverfront area in Massachusetts is considered a resource area similarly to a BVW and not just a regulatory setback. There are a number of performance standards that must be met to work within the riverfront area. There is also a specific section that pertains to work within previously developed riverfront areas. This may pertain to certain portions of the riverfront.

In addition, associated with the river is a resource area defined as the bordering land subject to flooding (BLSF) which should also be depicted on any site plans prepared for the area. This feature is based on flood elevations and should be defined by survey.

AES Delineation and Regulatory Requirements

Delineation Flagging	Classification	Regulatory Setback
GIS/GPS delineated watercourse	Bank of Perennial River	100-ft Buffer Zone and 200-foot Riverfront Area

CLOSING

Thank you for allowing AES to provide this service. Please see the attached maps for reference with this report. Flagging and pertinent site features have been located with a Juniper GEOde submetric GPS/GNSS unit and applied to a 2021 aerial photograph. Once you have had a chance to review this report, please let us know if you have any questions.

SITE MAPS

1. 2021 Aerial Map
2. NHESP Habitat Map
3. USDA – NRCS Soil Survey Map
4. USGS Topographic Map
5. Wetland Resource Map