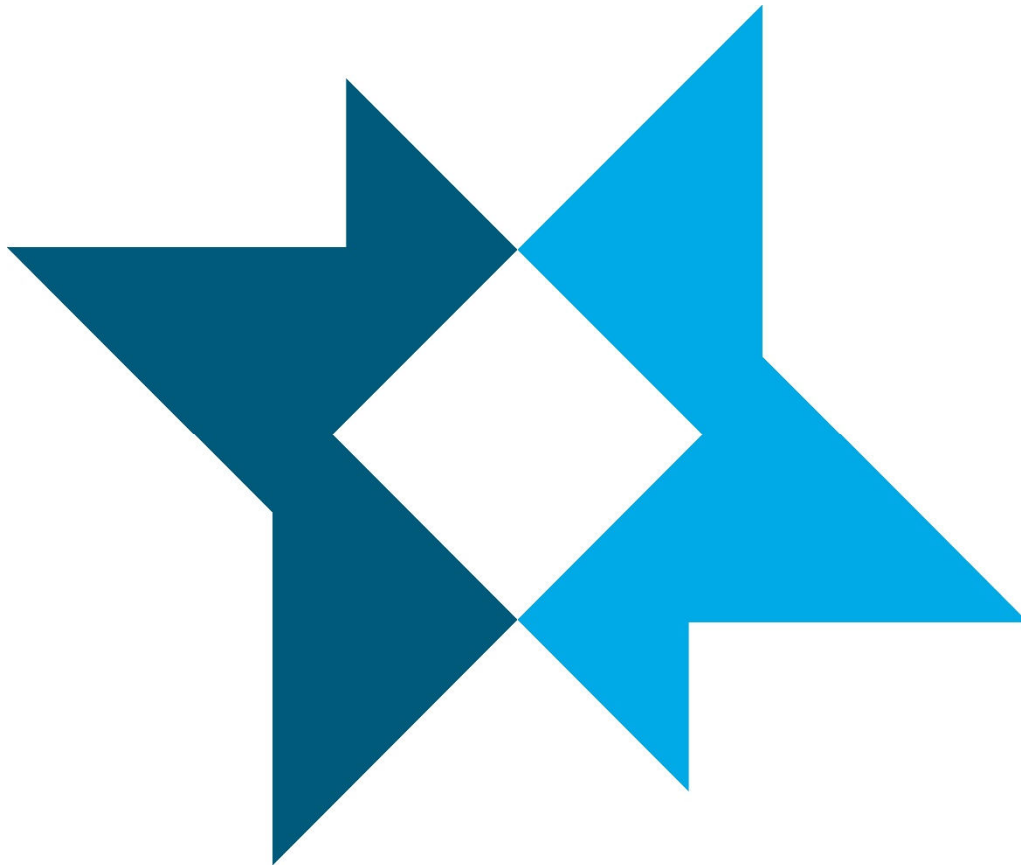




Permit Application

**50 Middle Street, LLC
Subsurface Investigation
Request for Determination
of Applicability**



50 Middle Street, LLC

Fairhaven, MA

July 2026

Project ID: 26C102.01

**Solving our clients' toughest
science and engineering challenges.**



114 Touro Street
Newport, RI 02840
(401) 236-0360
foth.com

July 24, 2026

Ms. Kelley Camara
Fairhaven Conservation Commission
40 Center Street, Fairhaven, MA 02719

Re: Request for Determination of Applicability – 50 Middle Street, LLC – 50 Middle Street
Subsurface Investigation

Dear Ms. Kelley Camara:

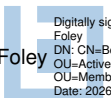
On behalf of 50 Middle Street, LLC, Foth Infrastructure and Environment, LLC. (Foth) is pleased to provide you with the enclosed Request for Determination of Applicability (RDA) Application and supplemental documentation for the above-referenced project. To evaluate potential future uses and operational configurations for the current waterfront facility, a subsurface exploration program consisting of seven over-water geotechnical borings is required. Details pertaining to the proposed program are presented in the documentation submitted herein.

In addition to the application, the following checks are enclosed:

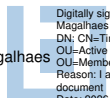
1. \$75.00 Advertising Fee made out to the Town of Fairhaven
2. \$300.00 Commercial Projects Application Fee made out to the Town of Fairhaven

On behalf of 50 Middle Street and Foth, we thank you for your attention and response. At this time, we respectfully request that your office please provide confirmation of receipt of this RDA application. Please feel free to contact me at Benjamin.Foley@foth.com or at 774-929-5251 should you have any questions or require additional information.

Sincerely,
Foth Infrastructure & Environment, LLC

 Digitally signed by Benjamin P. Foley
DN: CN=Benjamin P. Foley,
OU=Active User Accounts,
OU=Members, DC=foth, DC=com
Date: 2026.07.30 14:44:38-04'00'

Benjamin Foley, PE
Project Waterfront Engineer
Licensed in MA

 Digitally signed by Timothy J. Magalhaes
DN: CN=Timothy J. Magalhaes,
OU=Active User Accounts,
OU=Members, DC=foth, DC=com
Reason: I am approving this document
Date: 2026.07.30 17:43:10-04'00'

Timothy Magalhaes
Project Manager

cc: Daniel Canastra, Cassie Larsen, Ben McKinney (50 Middle Street, LLC)
Scott Skuncik, PE (Foth)

Enclosure(s): Request for Determination of Applicability (RDA) Permit Application & Fee Payments

**Request for Determination of Applicability
50 Middle Street, LLC
50 Middle Street Subsurface Investigation**

Distribution

<u>No. of Copies</u>	<u>Sent To</u>
1 – Electronic Copy	Fairhaven Conservation Commission (conservation@fairhaven-ma.gov) Kelly Camara (kcamara@fairhaven-ma.gov) MassDEP Southeast Regional Office (SERO_NOI@mass.gov)
2 – Hard Copy	Fairhaven Conservation Commission 40 Center Street Fairhaven, MA 02719

Request for Determination of Applicability
50 Middle Street, LLC
50 Middle Street Subsurface Investigation

Project ID: 26C102.0

Prepared for
Fairhaven Conservation Commission
40 Center Street
Fairhaven, MA 02719

Prepared by
Foth Infrastructure & Environment, LLC

July 2026

REUSE OF DOCUMENTS

This document (including any enclosures and attachments) has been prepared for the exclusive use and benefit of the addressee(s) and solely for the purpose for which it is provided. Any use outside of said purpose and/or by anyone other than the addressee(s) is at the unauthorized user's sole risk.



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:

50 Middle Street, LLC

Name

dan@baseseafood.com

E-Mail Address

50 Middle Street

Mailing Address

Fairhaven

City/Town

MA

State

02719

Zip Code

774-232-1421

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Foth Infrastructure & Environment, LLC

Firm

Benjamin Foley, PE

Contact Name

Benjamin.Foley@foth.com

E-Mail Address

114 Touro Street

Mailing Address

Newport

City/Town

RI

State

02840

Zip Code

(774) 929-5251

Phone Number

N/A

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).



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

C. Project Description

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

50 Middle Street

Street Address

Fairhaven

City/Town

9

Assessors Map/Plat Number

1 & 116A

Parcel/Lot Number

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

The project site contains the industrial waterfront property, currently used for marine-related industrial activities, including vessel berthing, waterfront access, and storage. The property contains developed upland areas and approximately 1,500 feet of shoreline frontage with existing bulkhead, dockage, and waterfront infrastructure. See attached plans for more information.

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

50 Middle Street Geotechnical Boring Location Plan, Prepared by Foth
Infrastructure & Environment, LLC

7/23/2026

Date

Title

Date

Title

Date

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

The work will include seven over-water geotechnical borings advanced between 5 and 80 feet with 10-foot bedrock cores at two water boring locations. Seven (7) borings will be located over water adjacent to the existing bulkhead, piers, floats, and vessel access facilities and extend into the harbor within the area of the existing working waterfront for planning and design purposes.



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

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).

The boring and coring process will not permanently affect any wetlands on the project site. The boring equipment (i.e. drill rig and barge) will be launched into the harbor utilizing a crane. Refueling will not be performed within wetland resource areas.

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.)
-



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

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:

50 Middle Street, LLC (Rep: Daniel Canastra)

Name

50 Middle Street

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

7/24/26

Date

Benjamin P. Foley

Digitally signed by Benjamin P. Foley
DN: CN=Benjamin P. Foley, OU=Active User Accounts,
OU=Members, DC=loth, DC=com
Date: 2026.07.30 14:43:14-0400

7/30/2026

Signature of Representative (if any)

Date

**Request for Determination of Applicability
50 Middle Street, LLC
50 Middle Street Subsurface Investigation**

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Appendices

Appendix A	USGS Topographic Locus Map
Appendix B	50 Middle Street Geotechnical Boring Location Plan, Prepared by Foth Infrastructure & Environment, LLC, Dated 7/23/2026
Appendix C	Certified Abutters List, Notification, and Proof of Mailing
Appendix D	MA DEP Application Proof of Mailing

1. Introduction

The project site is located at 50 Middle Street, Fairhaven, Massachusetts (Project Site), along the western shoreline of Fairhaven Harbor within a developed commercial waterfront district. The property is currently owned by 50 Middle Street, LLC, and operated by Canastra Fishing Company (Canastra), a family-owned commercial fishing and seafood enterprise with longstanding ties to the New Bedford and Fairhaven working waterfront. Before its acquisition by 50 Middle Street, LLC, the site was owned and operated by Linberg Marine, Inc., a marine construction company that utilized the property for vessel access, marine construction support, equipment storage, and other waterfront-dependent activities.

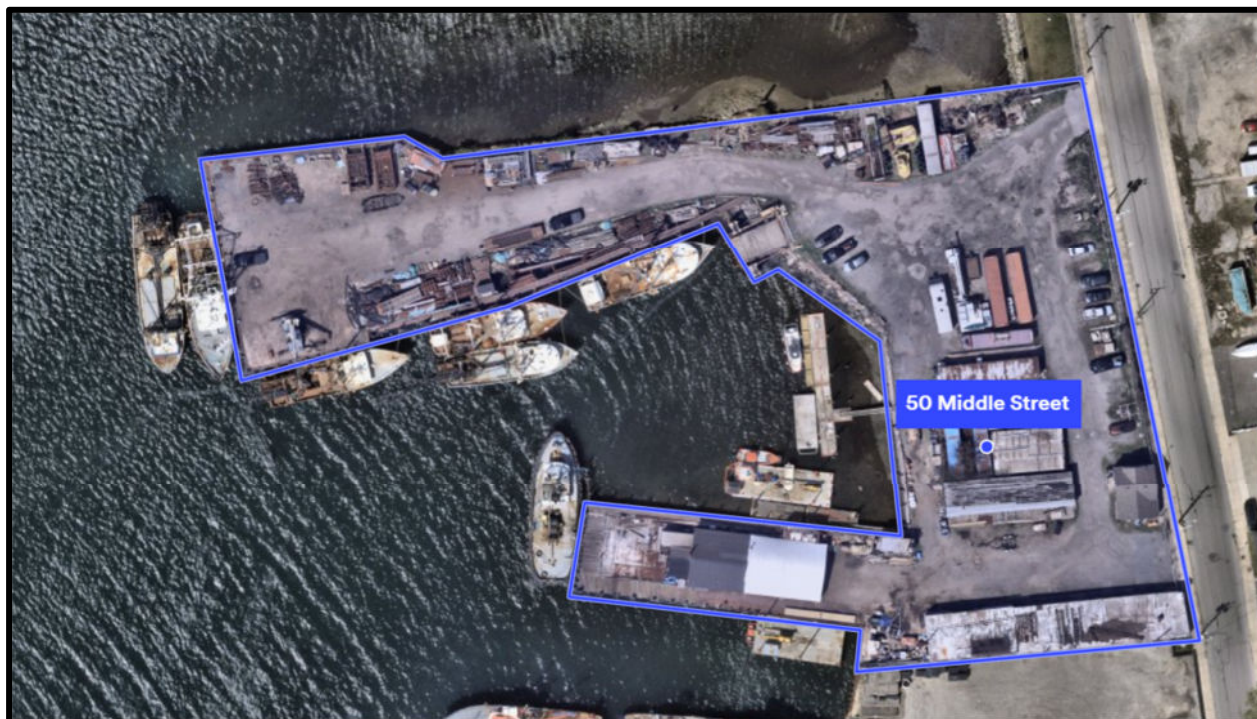


Figure 1: 50 Middle Street Aerial Photograph

The approximately 1.58-acre waterfront parcel is located within an industrially zoned area and includes approximately 4,570 square feet of existing commercial building space, associated upland storage areas, and extensive shoreline frontage. The site provides approximately 1,500 linear feet of waterfront access and has historically supported the berthing, servicing, and storage of commercial vessels associated with marine construction and commercial fishing operations.

Surrounding land uses consist primarily of commercial fishing, marine industrial, vessel service, and other water-dependent facilities that contribute to the region's active working waterfront. Consistent with its historic use and existing developed condition, the property continues to function as a commercial marine facility supporting maritime operations within Fairhaven Harbor.

1.1 Purpose

The purpose of the proposed work is to perform a subsurface geotechnical investigation at the project site to characterize existing subsurface soil conditions and collect engineering data necessary to support the planning, evaluation, and design of future waterfront improvements. The investigation will consist of over-water soil borings and associated testing activities to evaluate subsurface conditions, assess the suitability of existing soils for future construction, and develop geotechnical recommendations to support project design.

The proposed investigation represents an initial step in the planning and development of future waterfront improvements at the project site. No construction or permanent waterfront improvements are proposed as part of this filing. The work is limited to the collection of subsurface information needed to advance design and support future permitting efforts. Any future improvements will be presented to the Fairhaven Conservation Commission under a separate filing for review and approval.

1.2 Scope of Work

The proposed work consists of a subsurface geotechnical investigation at the project site involving the advancement of seven (7) over-water soil borings to evaluate existing subsurface conditions and obtain engineering data necessary for the planning, evaluation, and design of future waterfront improvements. Borings will be advanced from a barge-mounted drill rig or similar floating platform, and soil samples will be collected at selected intervals to characterize subsurface soil conditions and engineering properties. The investigation is temporary in nature and will not involve dredging, filling, shoreline alteration, or the installation of permanent structures. Upon completion of drilling activities, all equipment and materials will be removed from the site.

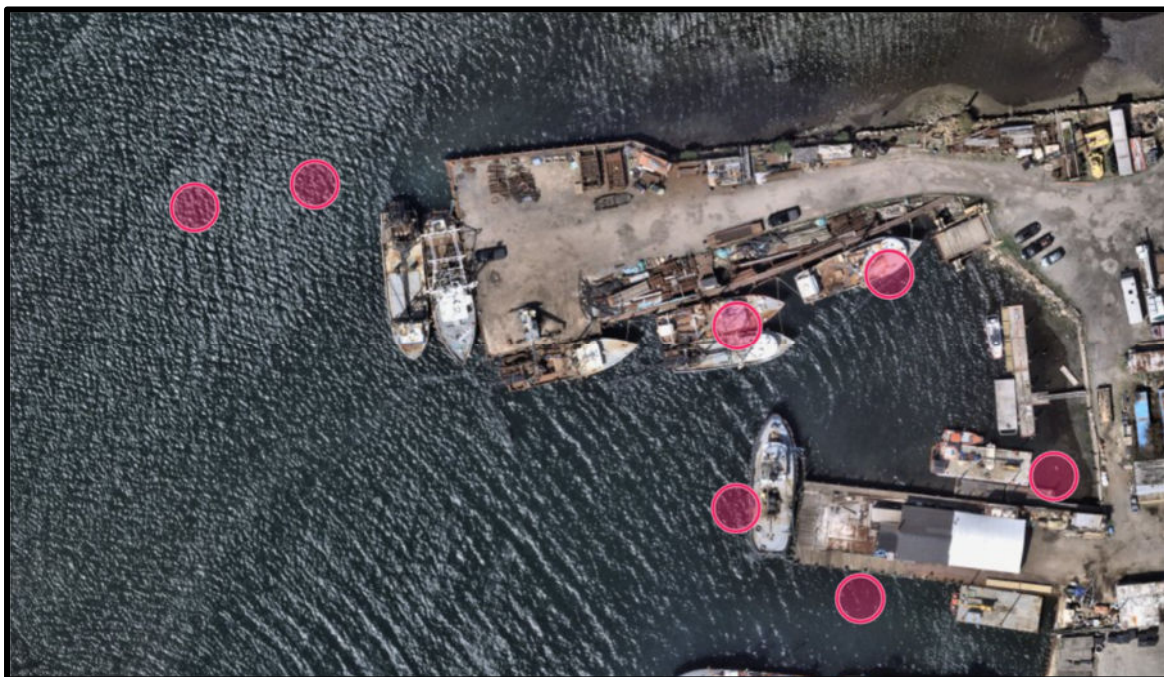


Figure 2: Soil Boring Locations

2. Subsurface Investigations

The seven (7) over-water borings will be performed from a barge-mounted drill rig operating in New Bedford Harbor adjacent to the site. The drilling barge will be launched from the Pease Park Boat Ramp adjacent to the Project Site and positioned over the proposed soil boring locations using a series of barge-mounted anchors. Following the completion of the investigation, the barge-mounted drill rig will be demobilized from the Pease Park Boat Ramp.

2.1 Field Methods

To perform the soil borings, the contractor will utilize a two-inch outside diameter split-spoon to collect soil samples in conformance with ASTM D1586/D1586M. Borings will be advanced using 4-inch outside diameter steel casing. Standard Penetration Testing (SPT) will be conducted at five-foot intervals using a 24-inch-long split spoon driven by a 140-pound automatic safety hammer with a 30-inch drop. Soil samples obtained during drilling will be field classified using the USCS Soil Classification system, and detailed boring logs will be prepared documenting subsurface conditions and SPT results. Borings requiring bedrock coring will be advanced using 4-inch-diameter steel casing and appropriate rock coring methods.

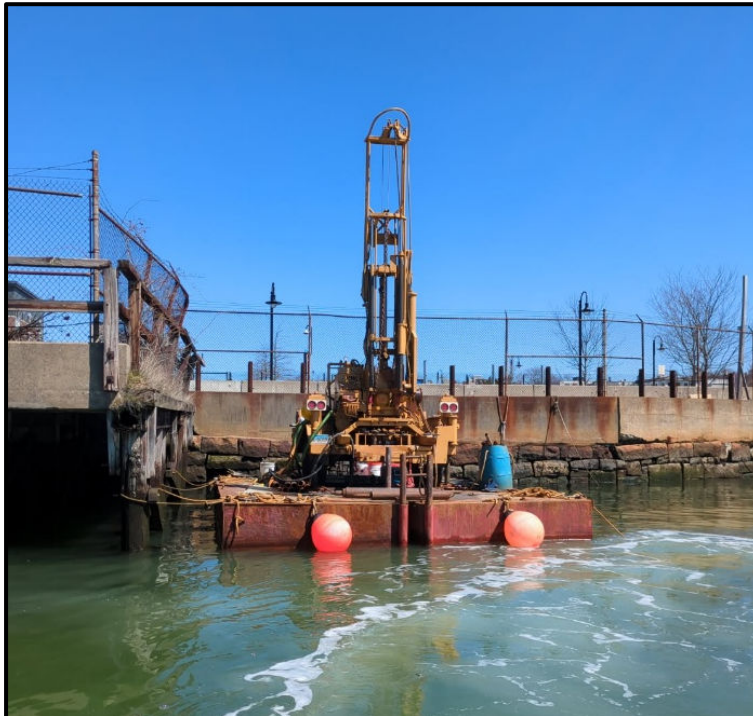


Figure 3: Typical Barge Mounted Drill Rig

3. Environmental Discussion

The proposed borings will have a temporary and minimal impact on the resource areas found within New Bedford Harbor. The following environmental wetland resource areas, pertaining to 310 CMR 10.00 Wetlands Protection Act Regulations and Chapter 192 Fairhaven Wetlands Protection Regulations.

310 CMR 10.00 Wetlands Protection Act:

- Land Under Ocean (310 CMR 10.25)
- Land Containing Shellfish (310 CMR 10.34)
- Banks of or Land under the Ocean, Ponds, Streams, Rivers, Lakes, or Creeks that Underlie an Anadromous/Catadromous Fish Run ("Fish Run") (310 CMR 10.35)

3.1 Land Under Ocean (310 CMR 10.25)

Pursuant to 310 CMR 10.25 Land under the Ocean (LUO) means land extending from the mean low water line seaward to the boundary of the municipality's jurisdiction and includes land under estuaries. Table 1 below outlines the activities and associated temporary impacts to LUO:

Table 1: Land Under Ocean Impacts Summary

<i>Proposed Activity</i>	<i>Activity #</i>	<i>Approximate Temporary Impact Area (SF)</i>	<i>Total Temporary Impact Area (SF)</i>
Soil Boring & Anchoring	7	2	14
<i>Total Temporary Impact Area</i>			<i>14 SF</i>

WHEN LAND UNDER THE OCEAN OR NEARSHORE AREAS OF LAND UNDER THE OCEAN ARE FOUND TO BE SIGNIFICANT TO THE PROTECTION OF MARINE FISHERIES, PROTECTION OF WILDLIFE HABITAT, STORM DAMAGE PREVENTION OR FLOOD CONTROL, 310 CMR 10.25(3) THROUGH (7) SHALL APPLY:

- 3) *Improvement dredging for navigational purposes affecting land under the ocean shall be designed and carried out using the best available measures so as to minimize adverse effects on such interests caused by changes in:*
 - a) *bottom topography which will result in increased flooding or erosion caused by an increase in the height or velocity of waves impacting the shore;*
 - b) *sediment transport processes which will increase flood or erosion hazards by affecting the natural replenishment of beaches;*
 - c) *water circulation which will result in an adverse change in flushing rate, temperature, or turbidity levels; or*
 - d) *marine productivity which will result from the suspension or transport of pollutants, the smothering of bottom organisms, the accumulation of pollutants by organisms, or the destruction of marine fisheries habitat or wildlife habitat.*

The proposed work does not include improvement dredging.

- 4) *Maintenance dredging for navigational purposes affecting land under the ocean shall be designed and carried out using the best available measures so as to minimize adverse effects on such interests caused by changes in marine productivity which will result from the suspension or transport of pollutants, increases in turbidity, the smothering of bottom organisms, the accumulation of pollutants by organisms, or the destruction of marine fisheries habitat or wildlife habitat.*

The proposed work does not include maintenance dredging.

- 5) *Projects not included in 310 CMR 10.25(3) or (4) which affect nearshore areas of land under the ocean shall not cause adverse effects by altering the bottom topography so as to increase storm damage or erosion of coastal beaches, coastal banks, coastal dunes, or salt marshes*

The proposed soil borings are considered an activity that is temporary in nature, have negligible impacts, and are necessary for planning and design purposes. The work will not cause adverse effects by altering the bottom topography so as to increase storm damage or erosion of coastal beaches, coastal banks, coastal dunes, or salt marshes.

- 6) *Projects not included in 310 CMR 10.25(3) which affect land under the ocean shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water-dependent, have no adverse effects, on marine fisheries habitat or wildlife habitat caused by:*
 - a) *alterations in water circulation;*
 - b) *destruction of eelgrass (*Zostera marina*) or widgeon grass (*Ruppia maritima*) beds;*
 - c) *alterations in the distribution of sediment grain size;*
 - d) *changes in water quality, including, but not limited to, other than natural fluctuations in the level of dissolved oxygen, temperature or turbidity, or the addition of pollutants; or*
 - e) *alterations of shallow submerged lands with high densities of polychaetes, mollusks or macrophytic algae.*

The proposed soil borings are considered an activity that is temporary in nature, have negligible impacts, and are necessary for planning and design purposes. The work will not adversely affect water circulation, destroy eelgrass or widgeon grass beds, alter the distribution of sediment grain size, change water quality, or alter shallow submerged lands with high densities of polychaetes, mollusks or macrophytic algae.

- 7) *Notwithstanding the provisions of 310 CMR 10.25(3) through (6), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.*

The proposed project is not located in a specified habitat site of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.

3.2 Land Containing Shellfish (310 CMR 10.34)

Pursuant to 310 CMR 10.34 Land Containing Shellfish (LCSF) means land under the ocean, tidal flats, rocky intertidal shores, salt marshes and land under salt ponds when any such land contains shellfish. Figure 1

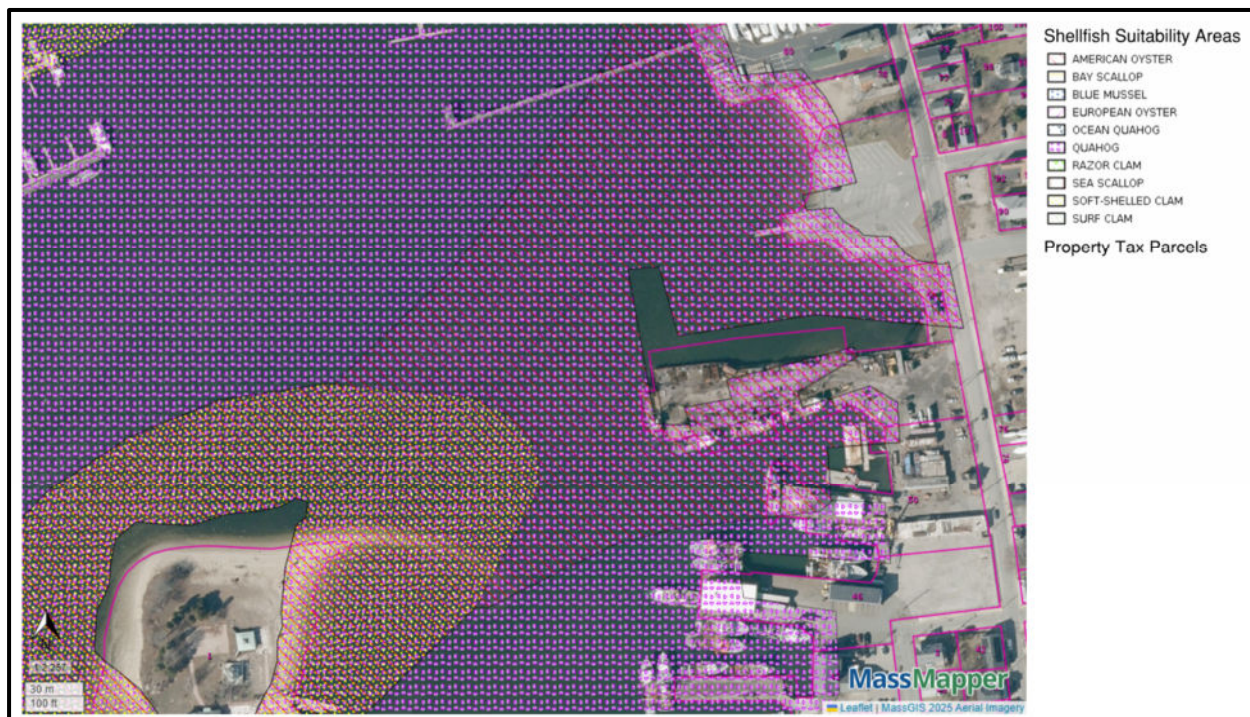


Figure 1: Shellfish Suitability Map – MA GIS

Table 2 below outlines the proposed impacts to Land Containing Shellfish associated with the proposed geotechnical borings at 50 Middle Street.

Table 2: Land Containing Shellfish Impacts Summary

<i>Proposed Activity</i>	<i>Activity #</i>	<i>Approximate Temporary Impact Area (SF)</i>	<i>Total Temporary Impact Area (SF)</i>
Soil Boring & Anchoring	7	2	14
<i>Total Temporary Impact Area</i>			<i>14 SF</i>

WHEN A RESOURCE AREA, INCLUDING LAND UNDER THE OCEAN, TIDAL FLATS, ROCKY INTERTIDAL SHORES, SALT MARSHES, OR LAND UNDER SALT PONDS IS DETERMINED TO BE SIGNIFICANT TO THE PROTECTION OF LAND CONTAINING SHELLFISH AND THEREFORE TO THE PROTECTION OF MARINE FISHERIES, 310 CMR 10.34(4) THROUGH (8) SHALL APPLY:

- 4) *Except as provided in 310 CMR 10.34(5), any project on land containing shellfish shall not adversely affect such land or marine fisheries by a change in the productivity of such land caused by:*
 - a) *alterations of water circulation;*

- b) *alterations in relief elevation;*
- c) *the compacting of sediment by vehicular traffic;*
- d) *alterations in the distribution of sediment grain size;*
- e) *alterations in natural drainage from adjacent land; or*
- f) *changes in water quality, including, but not limited to, other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants.*

The proposed soil borings are considered an activity that is temporary in nature, have negligible impacts, and are necessary for planning and design purposes. The proposed work will not adversely affect water circulation, relief elevation, the distribution of sediment grain size, the natural drainage from adjacent land, compact sediment by vehicular traffic, or change water quality.

- 5) *Notwithstanding the provisions of 310 CMR 10.34(4), projects which temporarily have an adverse effect on shellfish productivity but which do not permanently destroy the habitat may be permitted if the land containing shellfish can and will be returned substantially to its former productivity in less than one year from the commencement of work, unless an extension of the Order of Conditions is granted, in which case such restoration shall be completed within one year of such extension.*

The proposed soil borings are considered an activity that is temporary in nature, have negligible impacts, and are necessary for planning and design purposes. The proposed work will not adversely affect shellfish production.

- 6) *In the case of land containing shellfish defined as significant in 310 CMR 10.34(3)(b) (i.e., those areas identified on the basis of maps and designations of the Shellfish Constable), except in Areas of Critical Environmental Concern, the issuing authority may, after consultation with the Shellfish Constable, permit the shellfish to be moved from such area under the guidelines of, and to a suitable location approved by, the Division of Marine Fisheries, in order to permit a proposed project on such land. Any such project shall not be commenced until after the moving and replanting of the shellfish have been commenced.*

The proposed soil borings are considered an activity that is temporary in nature, have negligible impacts, and are necessary for planning and design purposes. The proposed work will not adversely affect shellfish habitat.

- 7) *Notwithstanding 310 CMR 10.34(4) through (6), projects approved by the Division of Marine Fisheries that are specifically intended to increase the productivity of land containing shellfish may be permitted. Aquaculture projects approved by the appropriate local and state authority may also be permitted. (8) Notwithstanding the provisions of 310 CMR 10.34(4) through (7), no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.*

The proposed soil borings are considered an activity that is temporary in nature, have negligible impacts, and are necessary for planning and design purposes.

3.3 Banks of or Land under the Ocean, Ponds, Streams, Rivers, Lakes, or Creeks that Underlie an Anadromous/Catadromous Fish Run ("Fish Run") (310 CMR 10.35)

Pursuant to 310 CMR 10.34 Banks of or Land under the Ocean, Ponds, Streams, Rivers, Lakes, or Creeks that Underlie an Anadromous/Catadromous Fish Run (Fish Run) means that area within estuaries, ponds, streams, creeks, rivers, lakes or coastal waters, which is a spawning or feeding ground or passageway for anadromous or catadromous fish and which is identified by the Division of Marine Fisheries or has been mapped on the Coastal Atlas of the Coastal Zone Management Program. Such fish runs shall include those areas which have historically served as fish runs and are either being restored or are planned to be restored at the time the Notice of Intent is filed. For the purposes of 310 CMR 10.21 through 10.37, such fish runs shall extend inland no further than the inland boundary of the coastal zone. Table 3 below outlines the proposed impacts to Fish Runs associated with the proposed geotechnical borings at 50 Middle Street.

Table 3: Fish Run Impacts Summary

<i>Proposed Activity</i>	<i>Activity #</i>	<i>Approximate Temporary Impact Area (SF)</i>	<i>Total Temporary Impact Area (SF)</i>
Soil Boring & Anchoring	7	2	14
<i>Total Temporary Impact Area</i>			<i>14 SF</i>

WHEN SUCH LAND OR BANK IS DETERMINED TO BE SIGNIFICANT TO THE PROTECTION OF MARINE FISHERIES, 310 CMR 10.35(3) THROUGH (5) SHALL APPLY:

- 3) *Any project on such land or bank shall not have an adverse effect on the anadromous or catadromous fish run by:*
 - a) *impeding or obstructing the migration of the fish, unless DMF has determined that such impeding or obstructing is acceptable, pursuant to its authority under M.G.L. c. 130, § 19;*
 - b) *changing the volume or rate of flow of water within the fish run; or*
 - c) *impairing the capacity of spawning or nursery habitats necessary to sustain the various life stages of the fish.*

The proposed soil borings are considered an activity that is temporary in nature, have negligible impacts, and are necessary for planning and design purposes. The proposed work will not adversely affect the migration of fish, change the volume or flow of water within the fish run, or the capacity of spawning or nursery habitats.

- 4) *Unless otherwise allowed by DMF pursuant to M.G.L. c. 130, § 19, dredging, disposal of Dredged Material or filling in a fish run shall be prohibited between March 15 and June 15 in any year.*

The proposed project does not include dredging.

- 5) *Notwithstanding the provisions of 310 CMR 10.35(3), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.*

The proposed project is not located in a specified habitat site of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.

- 6) *Any person proposing a new stream crossing of a Fish Run shall demonstrate to the issuing authority that there are no practicable alternatives to the crossing, that the impacts of the crossing have been minimized and that mitigation measures have been provided to contribute to the protection of the interests identified in M.G.L. c. 131, § 40. An applicant will be presumed to have made this showing if the project is designed as follows:*

- a) *If the project includes the construction of a new non-tidal crossing, the applicant demonstrates to the satisfaction of the issuing authority that the crossing complies with the Massachusetts Stream Crossing Standards by consisting of a span or embedded culvert in which, at a minimum, the top of the structure is above the elevation of the top of the bank and the structure spans the channel width by a minimum of 1.2 times the bankfull width.*
- b) *the project includes the construction of a new tidal crossing, the applicant demonstrates to the satisfaction of the issuing authority that the project is designed in a manner that does not restrict tidal flow over the full natural tidal range by consisting of a span or embedded culvert in which, at a minimum, the top of the structure is above the elevation of the top of the bank and the structure spans the channel width by a minimum of 1.2 times the bankfull width.*

This presumption that the impacts of the crossing have been avoided, minimized and that mitigation measures have been provided to contribute to the protection of the interests identified in M.G.L. c. 131, § 40 may be rebutted by credible evidence from a competent source.

The proposed project does not include a stream crossing.

Appendix A

USGS Topographic Locus Map

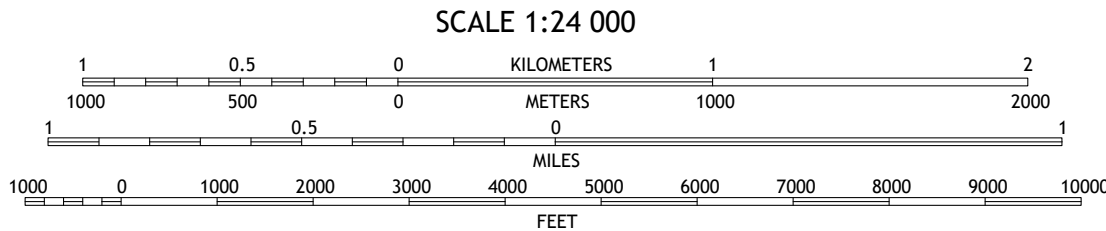
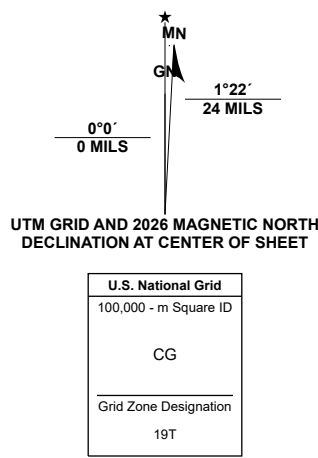


Produced by the United States Geological Survey

North American Datum of 1983 (NAD83)
World Geodetic System of 1984 (WGS84). Projection and
1 000-meter grid: UNIVERSAL TRANSVERSE MERCATOR, ZONE 19T
Data is provided by The National Map (TNM), is the best available at the time of map
generation, and includes data content from supporting themes of Elevation,
Hydrography, Geographic Names, Boundaries, Transportation, Structures, Land Cover,
and Orthoimagery. Refer to associated Federal Geographic Data Committee (FGDC)
Metadata for additional source data information.

This map is not a legal document. Boundaries may be generalized for this map scale.
Private lands within government reservations may not be shown. Obtain permission
before entering private lands. Temporal changes may have occurred since these data
were collected and some data may no longer represent actual surface conditions.

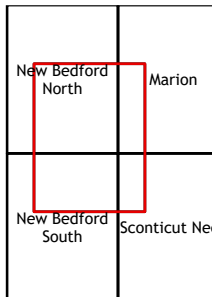
Learn About The National Map: <https://nationalmap.gov>



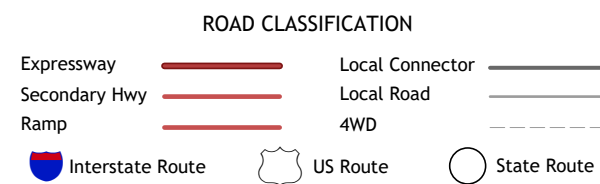
CONTOUR INTERVAL 5 FEET
NORTH AMERICAN VERTICAL DATUM OF 1988
CONTOUR SMOOTHNESS = Medium



QUADRANGLE LOCATION

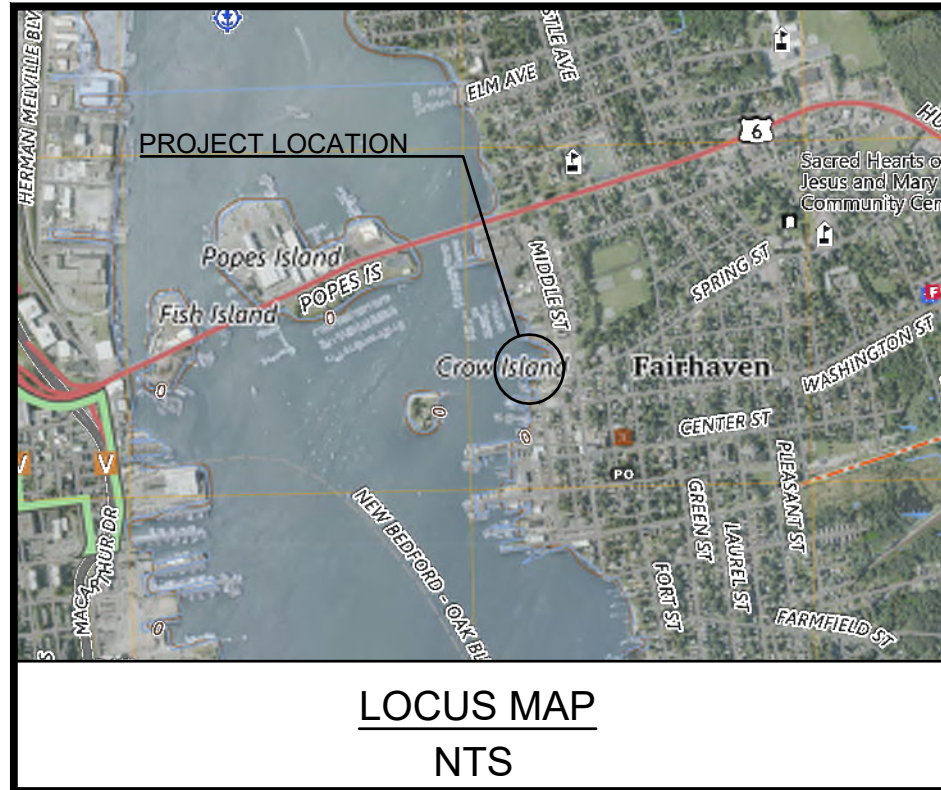
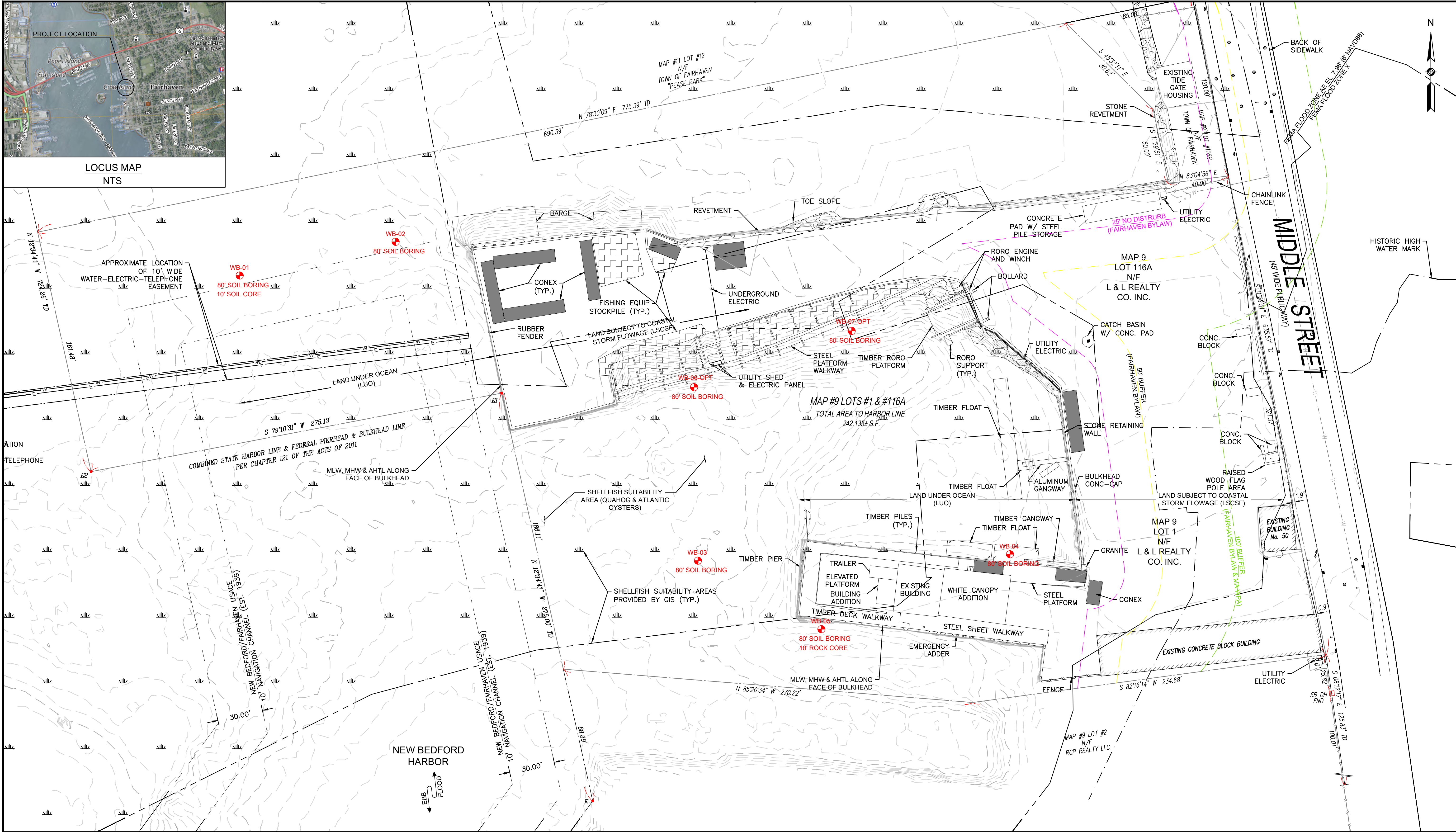


ADJOINING QUADRANGLES



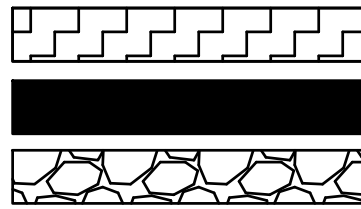
7.5-MINUTE TOPO, MA
2026

Appendix B
50 Middle Street Geotechnical Boring Location Plan, Prepared by Foth
Infrastructure & Environment, LLC, Dated 7/23/2026



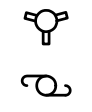
LOCUS MAP
NTS

LEGEND



FISHING EQUIPMENT STOCKPILE
CONEX BOX
STONE REVETMENT
- - - 5' - - - CONTOURS (MAJOR)
- - - 5' - - - CONTOURS (MINOR)
- - - E - - - ELECTRIC
- - - 25' BUFFER ZONE
- - - 50' BUFFER ZONE
- - - 100' BUFFER ZONE

PROPERTY LINE
HISTORIC HIGH WATER
DRAIN MANHOLE
MISC MANHOLE
SEWER MANHOLE
COMMUNICATIONS MANHOLE
GAS GATE
FENCE
FEMA FLOOD ZONE
SHELLFISH SUITABILITY



HYDRANT
UTILITY POLE
WATER METER
CATCH BASIN
SHELLFISH SUITABILITY
WATER GATE
SOIL BORING LOCATION

GENERAL NOTES:

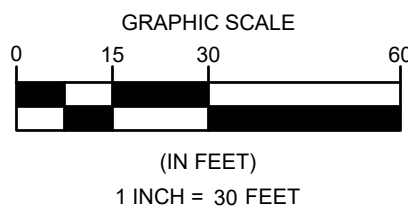
- RESULTS OF A RTK TOPOGRAPHIC SURVEY BY FOTH INFRASTRUCTURE & ENVIRONMENT, LLC. (FOTH) ON DECEMBER 04 & 05, 2025.
- THE BATHYMETRIC DATA SHOWN ON THIS PLAN WAS GATHERED ON JANUARY OF 2026 BY FOTH. NOT FOR NAVIGATIONAL PURPOSES.
- THE PROPERTY LINE INFORMATION SHOWN IS BASED ON CURRENT AVAILABLE PLANS AND DEEDS, AND AN ON THE GROUND INSTRUMENT SURVEY PERFORMED BY SCHNEIDER, DAVIGNON & LEONE, INC. BETWEEN JANUARY 14-23, 2026.
- THIS PLAN DOES NOT CONSTITUTE A CERTIFICATION OF TITLE OR OWNERSHIP TO THE PROPERTIES SHOWN HEREON, NOR DOES IT REPRESENT A DEFINITIVE ACCOUNT OF EASEMENT RIGHTS OF OTHERS WITHIN THE SUBJECT PROPERTY HOWEVER THEY MAY EXIST.
- ABUTTING PROPERTY INFORMATION SHOWN HEREON WAS ESTABLISHED FROM THE TOWN OF FAIRHAVEN ASSESSORS RECORDS.
- ELEVATIONS ARE IN US SURVEY FEET AND REFER TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
- DATUM CONVERSIONS SHOWN WERE CALCULATED BY JACOBS ENGINEERING QUALITY CONTROL REPORT PROJECT DATUMS DEFINED; PROVIDED BY THE U.S. ARMY CORP. OF ENGINEERS.
- COORDINATES ARE BASED ON NAD83 MASSACHUSETTS MAINLAND STATE PLANE GRID SYSTEM.
- RTK CORRECTIONS: RTK CORRECTIONS FOR THIS SURVEY PROVIDED BY KEYNET - VRS.
- BENCHMARK / RTK TIDES: TIDES ARE RECORDED USING RTK TIDES IN HYPACK. ELEVATIONS FROM ELLIPSOID TO ORTHOMETRIC NAVD88 USE GEOID 12A.
- PROJECT AREA SHOWN LIES ENTIRELY WITHIN FEMA ZONE AE (EL. +6' NAVD88) IN ACCORDANCE TO FEMA FIRM #25005C0393G, EFFECTIVE DATE 07/16/2014.
- PROPERTY LINES AND SHELLFISH SUITABILITY AREA LIMITS SHOWN ARE BASED UPON THE MOST RECENT AVAILABLE MASSDEP/MASSGIS INFORMATION.
- THE INFORMATION DEPICTED ON THIS PLAN REPRESENTS THE RESULTS OF SURVEYS ON THE DATES SHOWN, AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS AT THAT TIME. INTERPOLATED INFORMATION FROM BETWEEN SOUNDING RUNS IS NOT GUARANTEED. SHOALS, OBSTRUCTIONS OR OTHER DIFFERING CONDITIONS MAY EXIST BETWEEN THESE RUNS. CONSULT WITH FOTH, LLC FOR MORE DETAILED INFORMATION.
- POSSESSION AND USE OF THE MATERIAL CONTAINED ON THESE DRAWINGS IS GRANTED ONLY IN CONNECTION WITH ITS USE AS IT RELATES TO THE TITLED PROJECT, ANY OTHER USE, REPRODUCTION OR DISCLOSURE OF THE INFORMATION CONTAINED HEREON IS EXPRESSLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF FOTH.

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DATUM
OFFSETS

MLLW	NAVD88	MHW
3.75	1.83	
1.92	0	
1.10	-0.82	NGVD29
0.00	-1.92	

OFFSETS TAKEN FROM
JACOBS ENG. QUALITY CONTROL REPORT
PROJECT DATUMS DEFINED
(PROVIDED BY USAGE)



NOT FOR NAVIGATION

REGULATORY COMPLIANCE
50 MIDDLE STREET, LLC

50 MIDDLE STREET
FAIRHAVEN, MASSACHUSETTS

REVISIONS		DESCRIPTION	
NO.	DATE	BY	DESCRIPTION
1			
2			
3			
4			
5			

DATE OF PREPARATION	
BY	DATE
SURVEYED	JT & DD 12/5 & 7/26
DRAWN	JT & BF 7/26
DESIGNED	
CHECKED	TM 7/26
PE STAMP	

SHEET TITLE:

SOIL BORING
LOCATION PLAN

ISSUANCE:

FOR PERMITTING
PURPOSES ONLY

PROJECT NO: 25C102.00

SHEET NUMBER

M-101

Appendix C
Certified Abutters List, Notification, and Proof of Mailing



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

RECEIVED
BOARD OF ASSESSORS

JUL 16 2026

FAIRHAVEN, MA

Amanda Robinson, Chair
Sharon Simmons, Member

Bruce Cabral, Principal Assessor
Phone: (508) 979-4023, x-8111
Facsimile: (508) 979-4079
Email: bcabral@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. All abutters list are considered expired after 30 days.

Date of Request: 7 / 17 / 2026

Assessors Parcel ID: MAP 9 LOT 1 & 116A

Property Address: 50 Middle Street & Middle Street (Adjacent North Lot)

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

Purpose: (PLEASE CHECK OFF ALL THAT APPLY)

- ☒ Conservation Commissions
☐ Zoning Board of Appeals
☐ Planning Board
☐ Other Explain: _____

Property Owner: 50 Middle Street, LLC

Property Owner's Mailing Address: 50 Middle Street

Town/City: Fairhaven State: MA Zip: 02719

Property Owner's Telephone # 774 - 232 - 1421

Requestor's Name (if different from Owner) Benjamin Foley

Requestor's Address: 114 Touro Street, Newport, RI 02840

Requestor's Telephone # 774 - 929 - 5251

Requestor's Email: benjamin.foley@foth.com

Office Use Only: Date Fee Paid 7/16/26 Paid in Cash \$ _____

Paid by Check \$ 25.00 Check # 012294 Town Receipt # 178907

BARCELLOS JEFFREY J & KAR
15 WOODSIDE AVE
FAIRHAVEN, MA 02719

CARL WILLIAM REAL ESTATE
953 SHAWMUT AVENUE
NEW BEDFORD, MA 02746

FAIRHAVEN TOWN OF
40 CENTER STREET
FAIRHAVEN, MA 02719

HARBORVIEW LLC
20 BLACKMERE STREET
NEW BEDFORD, MA 02744

RCP REALTY LLC
14 HERVY TICHON AVE
NEW BEDFORD, MA 02740

SUN HARBOR FAIRHAVEN LLC
20 BLACKMER ST
NEW BEDFORD, MA 02740

WERBEL JONATHAN A
76 MAIN STREET
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 50 Middle Street, LLC
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:
50 Middle Street, Fairhaven, MA.
4. The proposed work includes _____
The work will include seven over-water geotechnical borings advanced between
5 and 80 feet with 10-foot bedrock cores at two water boring locations. Seven (7)
borings will be located over water adjacent to the existing bulkhead, piers, floats,
and vessel access facilities and extend into the harbor within the area of the
existing working waterfront for planning and design purposes

5. Copies of the above application may be examined at the Conservation Office, located in Town Hall, 40 Center Street, Fairhaven, MA 02719, between 8:00 AM and 6:00 PM Monday, 8:00 AM - 4:30 PM Tuesday, Wednesday, Thursday and 8:00 AM - 11:30 AM 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. 8129.
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.

Appendix D
MA DEP Application Proof of Mailing