

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.

January 5, 2026

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 Construction of a Single Family Dwelling
Applicant/Owner: The John J. Behan And Cynthia A. Behan Revocable Living Trust Agreement
Site Address: Peirce's Point
Lot #32A on Assessors Map #28

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:

- \$262.50 - Notice of Intent Fee
- \$200.00 – Extra NOI Fee
- \$75.00 – Legal Advertisement Fee
- Notice of Intent Application
- Sewage Disposal System - 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. 3587
John & Cynthia Behan

DEP-SE Regional Office (via electronic submission)
20 Riverside Drive
Lakeville, MA 02347

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

PHONE 1-508-758-7866

PAGE 1 OF 1



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):

Peirce's Point

a. Street Address

Fairhaven

b. City/Town

02719

c. Zip Code

Latitude and Longitude:

28

f. Assessors Map/Plat Number

N 41-38'-14.07"

d. Latitude

W70-52'-01.90"

e. Longitude

32A (Lot 6 on L.C. Plan 1361J & Lot A-7 on L.C. Plan 1361E)

2. Applicant:

a. First Name

b. Last Name

The John J. Behan And Cynthia A. Behan Revocable Living Trust Agreement

c. Organization

70 White Street

d. Street Address

Saratoga Springs

e. City/Town

NY

f. State

12866

g. Zip Code

(518) 339-3969

h. Phone Number

i. Fax Number

jbehan@behanplanning.com

j. Email Address

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

MA

f. State

02739

g. Zip Code

(508) 758-7866

h. Phone Number

i. Fax Number

dsquared3368@yahoo.com

j. Email address

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

\$500.00 + \$200.00

a. Total Fee Paid

\$237.50

b. State Fee Paid

\$262.50 + \$200.00

c. City/Town Fee Paid



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

A. General Information (continued)

6. General Project Description:

Proposed Construction of a Single Family Dwelling - 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

26555 - Doc #137558

b. Certificate # (if registered land)

c. Book

d. Page Number

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

- ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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

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 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 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 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.



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

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 type="checkbox"/> Coastal Banks	n/a 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	11,000 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	



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

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.



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

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).



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

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

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.

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



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

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.

Sewage Sisposal System - 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"=20'

d. Final Revision Date

e. Scale

see list on project narrative

12-23-25

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:

9063, 9064

12-29-25

2. Municipal Check Number

3. Check date

9067

12-29-25

4. State Check Number

5. Check date

John J., Cynthia A.

Behan

6. Payor name on check: First Name

7. Payor name on check: Last Name



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

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.

Cynthia Beltran

1. Signature of Applicant

1-05-2026

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

1-05-26

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

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

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

Peirce's Point

a. Street Address

9067

c. Check number

Fairhaven

b. City/Town

\$237.50

d. Fee amount

2. Applicant Mailing Address:

a. First Name

b. Last Name

The John J. Behan And Cynthia A. Behan Revocable Living Trust Agreement

c. Organization

70 White Street

d. Mailing Address

Saratoga Springs

e. City/Town

NY

f. State

12866

g. Zip Code

(518) 339-3969

h. Phone Number

i. Fax Number

jbehan@behanplanning.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 2a) Construction of a single family house	1	\$500.00	\$500.0

Step 5/Total Project Fee: \$500.00 (WPA)

Step 6/Fee Payments:

Total Project Fee:	<u>\$500.00 (WPA)</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$237.50</u>
	b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	<u>\$262.50 + \$200.00</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.)


JOHN J. BEHAN
CYNTHIA A. BEHAN
70 WHITE STREET
SARATOGA SPRINGS, NY 12866

50-288/213 9067

DATE 12/29/25

PAY TO THE ORDER OF Commonwealth of Massachusetts \$ 237.50
two hundred & thirty seven & 50/100 DOLLARS  Security Features Included. Details on Back.


 **ADIRONDACK**
TRUST COMPANY
SARATOGA SPRINGS, NY 12866-0326


MEMO DEP fee Cynthia Behan 


JOHN J. BEHAN
CYNTHIA A. BEHAN
70 WHITE STREET
SARATOGA SPRINGS, NY 12866

50-288/213 9063

DATE 12/29/25

PAY TO THE ORDER OF Town of Fairhaven \$ 262.50
two hundred & sixty two & 50/100 DOLLARS  Security Features Included. Details on Back.


 **ADIRONDACK**
TRUST COMPANY
SARATOGA SPRINGS, NY 12866-0326


MEMO standard con com fee Cynthia Behan 


JOHN J. BEHAN
CYNTHIA A. BEHAN
70 WHITE STREET
SARATOGA SPRINGS, NY 12866

50-288/213 9064

DATE 12/29/25

PAY TO THE ORDER OF Town of Fairhaven \$ 200.00
two hundred & 00/100 DOLLARS  Security Features Included. Details on Back.


 **ADIRONDACK**
TRUST COMPANY
SARATOGA SPRINGS, NY 12866-0326


MEMO extra con com fee Cynthia Behan 


JOHN J. BEHAN
CYNTHIA A. BEHAN
70 WHITE STREET
SARATOGA SPRINGS, NY 12866

50-288/213 9065

DATE 12/29/25

PAY TO THE ORDER OF Town of Fairhaven \$ 75.00
seventy five & 00/100 DOLLARS  Security Features Included. Details on Back.

 **ADIRONDACK**
TRUST COMPANY
SARATOGA SPRINGS, NY 12866-0326

MEMO Legal Aid Cynthia Behan 

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.

January 5, 2026

Re: Project Narrative - Notice of Intent

Applicant/Owner: The John J. Behan And Cynthia A. Behan Revocable Living Trust Agreement

Site Address: Peirce's Point

Assessors Lot #32A on Map #28

Project Purpose:

The Applicant requests that the Fairhaven Conservation Commission issue an Order of Conditions permitting the development of a vacant residential property.

Existing Site Conditions and Wetland Resource Areas:

The subject lot is 23,326 sq. ft. in size and bordered westerly by Peirce's Point (a private gravel roadway), easterly by Nasketucket Creek and northerly and southerly by developed residential properties. The lot falls within Land Subject to Coastal Storm Flowage, Flood Zone VE (El. 18) and contains salt marsh along its easterly shoreline. Therefore, the easterly portion of the site falls within the 100-foot Buffer Zone of said salt marsh. Additionally, the westerly portion of the site falls within the 100-foot Buffer Zone of an off-site salt marsh system. The site has been historically used as an adjunct to the abutting northerly developed residential property and therefore partially developed with lawn throughout.

Project Description:

Proposed House:

The Applicant proposes to construct a 3-bedroom single-family house in compliance with the requirements of FEMA and Mass Building Code for construction within a Velocity Zone. The house will be located within Flood Zone VE (El. 18); therefore, it will be constructed on an open concrete column foundation with its lowest structural member set at or above elevation 21 or +3 ft. per Mass Building Code requirements. The house will be constructed with an elevated deck along its westerly and northerly sides. The ground level portion of the house will be utilized as a drive-under garage with a finished slab set at elevation 12.1 to properly drain storm water away from the structure. The slab will be designed so as to not be structurally connected to the foundation. The Applicant proposes the installation of break-away panels to create a garage enclosure below.

Proposed Driveway:

The Applicant proposes to provide access to the westerly side of the house and drive-under garage with the construction of a crushed stone or shell driveway as depicted on the plan.

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

Proposed Utilities:

The Applicant proposes to; connect to the municipal water system with the installation of approximately 68' of 1" dia. water service pipe from the house to the future new water main located within the Peirce's Point roadway layout and to connect to the electric, telephone and cable lines via the installation of approximately 75' of underground conduits from the house to the existing utility pole located within the Peirce's Point roadway layout.

The house will be serviced by an onsite septic system consisting of a 1,300-gallon Norweco septic tank with a Singulair (DEP Approved I/A Technology) de-nitrification treatment unit and a chamber type leaching area.

Propane tanks will be installed either below or above ground and anchored to a concrete pad.

Proposed Filling and Grading:

The Applicant proposes to cut the existing knoll to create the drive-under garage and to place fill only for the proper slope needed for the construction of the pervious driveway.

Erosion Control Measures:

Erosion control consisting of siltation fence, straw wattles or silt socks shall be installed along the easterly and westerly limits of work as depicted on the plan. The installation of the erosion control barrier shall be inspected by the Conservation Commission Agent prior to continuation of any work.

Attachments are enclosed as follows:

- Certified 100-ft. Abutters List
- DEP Abutter Notification Form
- Figure 1: U.S.G.S. Quadrangle
- Figure 2: Estimated Habitat Map
- Figure 3: Assessors Map #28
- Figure 4: FIRM Panel No. 25005C0413G
- Figure 5: Google Earth Image
- Site Photos
- Sewage Disposal System – Site Plan



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

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: 12 / 29 / 25

Assessors Parcel ID: MAP 28 LOT 32

Property Address: 7 Peirce's Point

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

☐ 500 ☐ 300 ☒ 100

Property Owner: John C. & Cynthia A. Behan

Property Owner's Mailing Address: 70 White Street

Town/City: Saratoga Springs State: NY Zip: 12866

Property Owner's Telephone # 518 - 339 - 3969

Requestor's Name (if different from Owner): Heather Lambert

Requestor's Mailing Address: PO Box 480

Town/City: Nattapoisett State: MA Zip: 02739

Requestor's Telephone # 508 - 758 - 7864

Requestor's Email: Heather@SDLengineering.com

Office Use Only: Date Fee Paid / / Paid in Cash \$

Paid by Check \$ Check # Town Receipt #

BEHAN JOHN J & CYNTHIA A
JOHN J & CYNTHIA A BEHAN
70 WHITE ST
SARATOGA SPRINGS, NY 12866

DRUAN DEBORAH E TTE
KOSHIOL DAVID A TTE
P O BOX 87
MARION, MA 02738

FAIRHAVEN TOWN OF
40 CENTER STREET
FAIRHAVEN, MA 02719

FAIRHAVEN TOWN OF
TREATMENT PLANT
40 CENTER STREET
FAIRHAVEN, MA 02719

GABRIEL DEBORAH
3 PEIRCE'S POINT
FAIRHAVEN, MA 02719-1613

PEIRCE BRADFORD R
11 PEIRCE'S POINT
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
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 The John J. Behan And Cynthia A. Behan Revocable Living Trust Agreement.
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:
Peirce's Point, Lot #32A, Map #28
4. The proposed work includes the construction of a single-family dwelling and pervious driveway, the installation of a sewage disposal system and underground utilities and filling and grading. Work will occur within Land Subject to Coastal Storm Flowage, Flood Zone VE (El. 18).

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.



N.B. NORTH QUADRANGLE

U.S.G.S. QUADRANGLE MAP

SCALE: 1"=2,083'

SCHNEIDER, DAVIGNON & LEONE, INC.

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



Notice of Intent Application

Applicant: John J. Behan And Cynthia A. Behan

Revocable Living Trust Agreement

Site Address: Peirce's Point, Fairhaven

Locus = Assessors Lot #32A on Map #28

FIGURE 1



ESTIMATED HABITAT MAP

Not to Scale

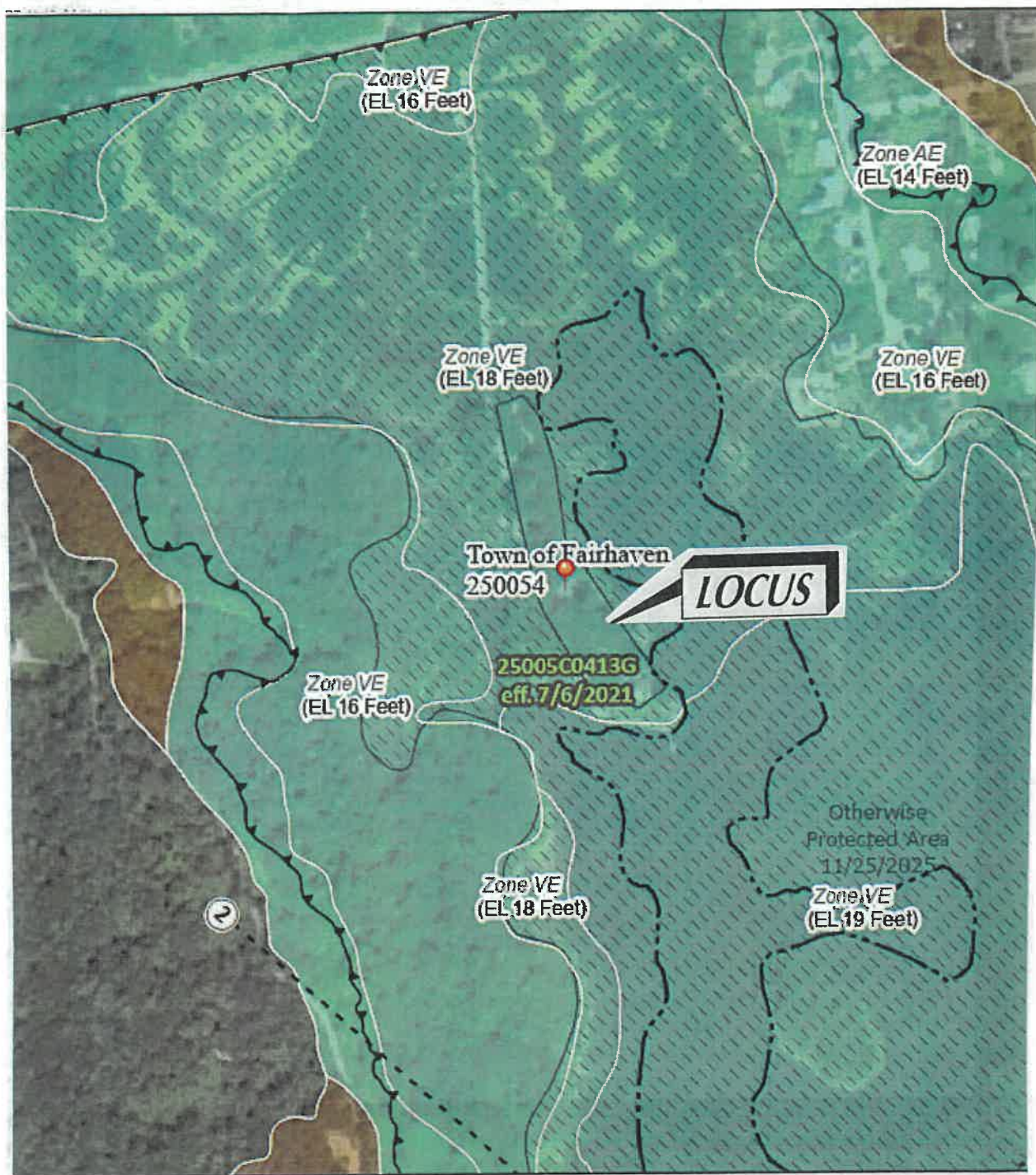
SCHNEIDER, DAVIGNON & LEONE, INC.

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



Notice of Intent Application
Applicant: John J. Behan And Cynthia A. Behan
Revocable Living Trust Agreement
Site Address: Peirce's Point, Fairhaven
Locus = Assessors Lot #32A on Map #28

FIGURE 2



PANEL NO.
25005C0413G

FAIRHAVEN F.I.R.M.

Not to Scale

SCHNEIDER, DAVIGNON & LEONE, INC.

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



Notice of Intent Application
Applicant: John J. Behan And Cynthia A. Behan
Revocable Living Trust Agreement
Site Address: Peirce's Point, Fairhaven
Locus = Assessors Lot #32A on Map #28

FIGURE 4

nap.



GOOGLE EARTH AERIAL

SCHNEIDER, DAVIGNON & LEONE, INC.

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



Notice of Intent Application
Applicant: John J. Behan And Cynthia A. Behan
Revocable Living Trust Agreement
Site Address: Peirce's Point, Fairhaven
Locus = Assessors Lot #32A on Map #28

FIGURE 5





