

137-143 Popes Island
New Bedford, MA

True Value Marine Hardware

October 2019

NOTICE OF INTENT



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WPA Form 3 – Notice of Intent and Wetland Fee Transmittal Form

Notice of Intent Narrative

1.0 INTRODUCTION

On behalf of Shoreline Resources, LLC (SRL), BETA Group, Inc. (BETA) has prepared this Notice of Intent (NOI) for a proposed True Value Hardware and Marine Retail Store by repurposing an existing building and improving site conditions at 143 Popes Island (Route 6) on Popes Island, New Bedford, Massachusetts, which shares the lot with a second building at 137 Popes Island. This NOI has been prepared under the provisions of the Massachusetts Wetlands Protection Act (WPA) and the City of New Bedford Wetlands Protection Ordinance (Article VII - WPO).

Copies of the Certified Abutters List and Abutter Notification Letter are provided in Appendix D and E.

2.0 EXISTING CONDITIONS

2.1 SITE DESCRIPTION

The project site is located at 137-143 Popes Island, a currently developed 3.011-acre parcel located in New Bedford, Massachusetts (the "Site"). The New Bedford Assessor's Office identifies the parcel as Map 60, Lot 13. The Site is located on the central portion of Popes Island, an within New Bedford Harbor (Refer to Figure 1: Site Locus).

Access to the Site is provided via State Route 6. The Site is located north of Route 6, between 83-105 and 161 Popes Island and across State Route 6 from the Prince Henry the Navigator Park and the Pope's Island Marina. The rear of the Site is bound to the west by 213 Popes Island and to the north and east by the Acushnet River. Land Use in the vicinity of the Property generally includes industrial and commercial properties. Records indicate that the Site is zoned as Industrial A.

The existing property includes two buildings: 137 and 143 Popes Island and that current on-site operations include a marine retail store named "Standard Marine Outfitters" (137 Popes Island) and a machine shop owned by "East Coast Fabrication, Inc." (143 Popes Island).

Access to both buildings is provided via a bituminous concrete driveway connecting to Route 6. This driveway leads to two small parking areas near the front of the property, as well as a larger paved area in the rear. The majority of the Site contains impervious surfaces with some vegetated areas at the northern and eastern property limits. The north and eastern sides of the property are separated from the Acushnet River by a 10' +/- slope protected by a mix of riprap, natural stone, granite blocks and concrete slabs.

Topography at the site generally slopes in three directions. The southern portion generally slopes to the east towards the Acushnet River. The center of the property has been graded to drain into an existing closed drainage system, which appear to continue south towards Route 6. A series of roof leaders also appear to drain into this system. The rear portion of the property is generally sloped to the northeast, towards the Acushnet River.

An Existing Conditions Plan showing the topography of the Site, including resource areas and buffer zones is provided in Drawing 1.

2.2 JURISDICTIONAL RESOURCE AREAS

A Site inspection was conducted by BETA's Wetland Scientists on September 13, 2019 to identify the boundary of the existing Coastal Bank along the Acushnet River and delineate any other wetland resource areas encountered in the immediate vicinity of the Site.

Resource area boundaries were identified in accordance with methods developed by the Massachusetts Office of Coastal Zone Management's (CZM) *Applying the Massachusetts Coastal Wetland Regulations*, dated 2017, as well as definitions set forth in the Wetland Regulations, 310 CMR 10.00 (WPA Regulations) and the WPO.

On the Site, existing wetland resources areas include Land Subject to Coastal Storm Flowage, Land Subject to Tidal Action, Land Under the Ocean, Designated Port Area, Coastal Beach, Coastal Bank, Rocky Intertidal Shore, Fish Run and Land Containing Shellfish. A complete description of Areas Subject to Protection under the Act and the local Ordinance is included in Appendix A (Wetland Resource Areas Delineation Report).

The mouth of the Acushnet River is located upstream of the Site and therefore there is no 25-ft Riverfront Area on the Site (Figure 4).

2.3 BUFFER ZONES

The 100-foot jurisdictional Buffer Zone under the WPA extends 100-ft horizontally outward from the boundaries of the Coastal Bank located to the north and east of the Site. As depicted on Drawing 2, a portion of the proposed Project is located within this 100-ft Buffer Zone. The majority of the Buffer Zone to Coastal Bank is disturbed as a result of fabrication operations at the Site.

2.4 ADDITIONAL EXISTING CONDITIONS

According to the Massachusetts Cultural Resource Information System (MACRIS), there are no historical resources located on the Site. Additionally, the proposed work is not anticipated to involve activities that would adversely impact potential historic resources.

The Site is not situated within Natural Heritage and Endangered Species Program (NHESP) - mapped Priority Habitat of Rare Species (August 2017) or Estimated Habitat for Rare Wildlife, therefore the project Proponent is not required to submit information to NHESP for Massachusetts Endangered Species Act (321 CMR 10.00) for project review. It should be noted that the NHESP Priority Habitat of Rare Species areas of PH252 and PH238 are located respectively to the north and south of Popes Island within the Acushnet River.

Additionally, there are no potential or certified vernal pools identified by NHESP within the Site and the Site is not located within the FEMA 100-year Floodplain due to the protection provided by a levee system (Figure 3 – Flood Insurance Rate Map).

Refer to Section 2.0 of the Stormwater Management Report included in Appendix F of this NOI for detailed topographic and soils information.

3.0 PROPOSED CONDITIONS

3.1 DESCRIPTION OF WORK

The project proposes a change-in-use for a portion of the existing 34,785-sf machine shop building into a True Value Hardware and Marine retail store and a bulk item storage area. Associated site improvements will include re-stripping the front parking areas and redeveloping the rear parking area to meet City parking regulations. Redevelopment of the parking area will include removal of existing concrete pads and tanks within the parking area; installation of stormwater improvements and lighting; removal of the existing pavement; re-grading the subsurface material; re-paving and striping the lot; and vegetating the area to the east of the proposed parking lot.

Stormwater management of the rear parking area will be accomplished through installation of a hydrodynamic separator. The re-paved parking lot will include a bituminous concrete cape cod berm along its easterly limit to direct flow towards the separator. The separator has been sized to convey post-development runoff and provide sufficient pollutant removal to meet water quality regulations. The flow from the hydrodynamic separator will discharge to a rip-rap apron and then along the vegetated slope down to the Acushnet River.

The equipment and materials stored on the Site as a result of fabrication operations will be removed and disposed of properly.

A net decrease of ±800 sf of impervious area is anticipated as a result of this project resulting from removal of existing bituminous pavement. This area will be revegetated with loam and a salt tolerant coastal seed mix to enhance the quantity of pervious cover on the Site. No other exterior areas beyond the rear parking lot will be altered with the exception of re-stripping existing pavement, adjustment of the building's entryway, and installation of bollards/signs.

For more information, please see Drawing 2 for the Proposed Conditions Plan and Appendix F for the Stormwater Management Report.

3.2 WORK IN WETLAND RESOURCE AREAS

The Project has been designed to meet the Performance Standards found in 310 CMR 10.00.

3.2.1 DESIGNATED PORT AREA

Designed Port Areas (DPA) are designated by CZM because they are “geographic areas of particular state, regional, and national significance with respect to the promotion of commercial fishing, shipping, and other vessel-related activities associated with water-borne commerce and the promotion of manufacturing, processing, and production activities reliant upon maritime transportation or the withdrawal or discharge of large volumes of water.”

The Site and all land north of Route 6 on Popes Island are within the limits of a DPA (Figure 5). Activities proposed below the boundary of Land Under the Ocean within a DPA are required to meet additional performance standards. Although the Project will impact an upland area within a DPA, no work is proposed within Land Under the Ocean.

3.3 WORK IN BUFFER ZONES

A portion of the work is within the 100-foot Buffer Zone to Coastal Bank. The existing bituminous pavement will be removed, the subgrade will be re-graded to the proposed topography, and the area will be re-paved, including a new bituminous concrete cape cod berm. The hydrodynamic separator and rip-rap apron will also be in the buffer zone to the Coast Bank, with the closest permanent improvement proposed 35.8 feet from the Top of Coastal Bank.

The Project also includes placement of loam and spreading of a salt tolerant coastal seed mix within the buffer zone to vegetate the disturbed area east of the parking lot. Appropriate erosion control measures and construction techniques will be used to protect the adjacent resource areas, as depicted on Drawing 2 – Proposed Conditions Plan.

4.0 MITIGATION MEASURES

The True Value Marine Hardware design plans were developed to avoid, minimize, and mitigate impacts to coastal resource areas, wildlife habitat, and other sensitive areas. Measures provided to mitigate buffer zone impacts will protect downgradient resource areas and allow the project to be conditioned to comply with the General Performance Standards set forth in the State Wetland Regulations, as well as, to contribute to the interests found in the Massachusetts Wetland Protection Act and New Bedford Wetlands Protection Ordinance.

4.1.1 EROSION AND SEDIMENTATION CONTROLS

Best Management Practices for erosion and sedimentation control will be adhered to for all phases of construction to minimize erosion, sedimentation, and impacts on resource areas. Proposed erosion control locations and details are depicted on Drawing 2 – Proposed Conditions Plan and Drawing 3 - Details.

Erosion controls will consist of 12-inch-diameter compost-filled filter tubes. No hay bales will be used at any time on this project. Additionally, silt sacks will be placed within existing catch basins to prevent sedimentation of the existing drainage infrastructure onsite. As the project will disturb less than one acre, a Stormwater Pollution Prevention Plan (SWPPP) will not be developed.

Erosion control measures will be implemented during construction downgradient of all disturbed areas to minimize water quality impacts to adjoining resource areas, as well as stormwater inlets. Erosion and sedimentation barriers will be installed in the soil and backfilled to reduce the chance of soil migration beyond the sedimentation barrier. Erosion controls will remain in place and in proper working order until the Site is completely stabilized. A stockpile of erosion control materials will always be kept on-site for emergency and routine replacement.

4.1.2 BUFFER ZONE REVEGETATION

Currently disturbed areas within the buffer zone that surround the proposed site improvements to the north and east will be loamed and seeded with a coastal salt tolerant seed mix (Appendix G), however, access to the existing barge located at the northern property boundary will be maintained.

4.1.3 STORMWATER MANAGEMENT

The Stormwater Checklist and a Stormwater Report have been completed and submitted with the NOI as required. This Project is considered a “Redevelopment” project. Redevelopment projects are required to meet Standards 1 and 7 through 10 fully and Standards 2 through 6 only to the maximum extent practicable but must at least improve existing conditions. (Appendix F – Stormwater Management Report).

The hydrodynamic separator, removal of existing impervious area, and revegetation of portions of the Site are proposed to improve the Site to meet the Stormwater Standards.

5.0 REGULATORY COMPLIANCE

5.1 MASSACHUSETTS WETLANDS PROTECTION ACT REGULATIONS – 310 CMR 10.00

The General Performance Standards of the Wetland Protection Act will be met fully, as the Project does not propose alteration of any resource areas except an upland portion of DPA. No portion of the Project is within Land Under the Ocean and therefore no additional performance standards are required to be

met. The project is designed to use the best practical measures to protect the downgradient resource areas during construction.

5.2 CITY OF NEW BEDFORD WETLANDS ORDINANCE – ARTICLE VII SECTION 15-101 THROUGH 15-112

The City of New Bedford Wetlands Protection Ordinance maintains the same resource area definitions and the majority of the same performance standards as the Act, with the exception of impacts to the Buffer Zone. In accordance with Section 15-102, the Conservation Commission is to work with “applicants to achieve up to a 25-foot setback from resource areas,” though this setback is not required.

The Project has been designed to meet the 25-foot setback goal to the extent practicable on the Site. Currently, the area within 25 feet of the Top of Coastal Bank is surfaced with gravel, dirt, and debris from the existing use of the Site. The materials within this area will be removed, and the site will be loamed and seeded with a salt tolerant coastal seed mix (Appendix G) to provide a vegetated area between the developed portion of the Site and the Top of Coastal Bank.

6.0 SUMMARY

The proposed True Value Hardware and Marine store site improvements Project has been designed to meet all local and state performance standards for resource areas set forth in the Act and the APR Regulations at 310 CMR 10.00, as well as, the New Bedford Wetland Ordinance and its Regulations. The Project will not result in impacts to resource areas, except an upland portion of a DPA; measures will be implemented to protect downgradient resource areas during construction; appropriate stormwater management measures are proposed; and portions of the 100-foot Buffer Zone to Coastal Bank will be vegetated.

Shoreline Resources respectfully requests that the New Bedford Conservation Commission find the measures presented in this NOI adequately protective of the interests of the Act.

FIGURES

APPENDIX A – WETLAND RESOURCE AREAS DELINEATION REPORT

APPENDIX B – LOCAL FILING FEE WORKSHEET

APPENDIX C – PROOF OF OWNERSHIP

APPENDIX D – CERTIFIED ABUTTERS LIST
AND RADIUS MAP

APPENDIX E – NOTIFICATION TO ABUTTERS

APPENDIX F – List of Property Owners

APPENDIX G – COASTAL SALT TOLERANT SEED MIX
