

NOTICE OF INTENT

pursuant to
The Regulations of the Massachusetts Wetlands Protection Act

**New Bedford Harbor Development Commission
Coast Guard Park Walkway Rehabilitation**

New Bedford, Massachusetts

Applicant:

**New Bedford HDC
52 Fisherman's Wharf
New Bedford, MA 02740**

JULY 2014



July 9, 2014

Sarah Porter, Conservation Agent
New Bedford Conservation Commission
133 William Street
New Bedford, MA 02740

Re: **Notice of Intent**
New Bedford Harbor Development Commission
Coast Guard Park Walkway Rehabilitation
New Bedford, MA
PARE Project No. 14108.00

Dear Ms. Porter and members of the New Bedford Conservation Commission:

On behalf of the New Bedford Harbor Development Commission (HDC) and pursuant to the Regulations of The Massachusetts Wetlands Protection Act (WPA) and the New Bedford Wetlands Protection Ordinance (the Ordinance), Pare Corporation (PARE) is pleased to present the attached Notice of Intent for the above-referenced project. The submitted information includes the following:

- Original and one copy of the completed Notice of Intent
- Two (2) full-sized sets of Project Plans entitled "New Bedford Waterfront – Coast Guard Park Walkway Rehabilitation" prepared by Pare Corporation dated May 2014.
- A CD with the entire Notice of Intent submission in .pdf format.

A copy of this Notice of Intent is being submitted concurrently to the Massachusetts Department of Environmental Protection, Southeast Regional Office and the Massachusetts Division of Marine Fisheries. All abutters are being notified via a Certificate of Mailing, a copy of which will be provided at the Public Hearing. The Applicant is a department of a municipality and is therefore exempt from filing fees.

The primary purpose of this Project is to provide repairs to the existing timber framed Coast Guard Park Walkway, located east of MacArthur Drive along the west side of New Bedford Harbor. These repairs are necessary in order to maintain the existing structure and protect the safety of the public. The proposed walkway will re-use the existing piles in the newly reconstructed walkway. Removal of 24 timber piles will reduce the existing footprint of the walkway by approximately 1,890 square feet.

Due to the nature of the project, work within coastal resource areas is unavoidable. Resource areas in the project area include Land Under the Ocean, Land Subject to Coastal Storm Flowage associated with the New Bedford Harbor, and work is also proposed within the 100-foot Buffer Zone of the Coastal Bank. The attached Narrative Project Description in Section 4 describes the Coastal Resources and the impact associated with the proposed project.





Sarah Porter, Conservation Agent

-2-

July 9, 2014

On behalf of the HDC, we thank you for your consideration of this proposal. If you have questions or require additional information please do not hesitate to contact me at (401) 334-4100, or via email at LHastings@parecorp.com.

Sincerely,

Lauren M. Hastings
Senior Environmental Scientist

cc: DEP Southeast Region (via certified mail)
Division of Marine Fisheries, South Shore (via certified mail)
New Bedford Harbor Development Commission
File

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1. ADMINISTRATIVE DOCUMENTATION

WPA FORM 3

TRANSMITTAL FORM



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

New Bedford

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):

<u>ES Macarthur Drive</u>	<u>New Bedford</u>	<u>02740</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>41° 38' 2" N</u>	<u>70° 55' 15" W</u>
	d. Latitude	e. Longitude
<u>47</u>	<u>225</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Edward</u>	<u>Anthes-Washburn</u>	
a. First Name	b. Last Name	
<u>City of New Bedford Harbor Development Commission</u>		
c. Organization		
<u>52 Fisherman's Wharf</u>		
d. Street Address		
<u>New Bedford</u>	<u>MA</u>	<u>02740</u>
e. City/Town	f. State	g. Zip Code
<u>508-961-3000</u>	<u>508-979-1517</u>	<u>edward.antes-washburn@newbedford-ma.gov</u>
h. Phone Number	i. Fax Number	j. Email Address

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

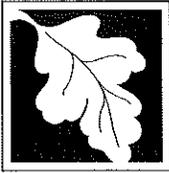
<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Briscoe</u>	<u>Lang</u>	
a. First Name	b. Last Name	
<u>Pare Corporation</u>		
c. Company		
<u>10 Lincoln Road, Suite 103</u>		
d. Street Address		
<u>Foxborough</u>	<u>MA</u>	<u>02035</u>
e. City/Town	f. State	g. Zip Code
<u>(508) 543-1755</u>	<u>(508) 543-1881</u>	<u>blang@parecorp.com</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>Exempt</u>	<u>Exempt</u>	<u>Exempt</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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City/Town

A. General Information (continued)

6. General Project Description:

Repairs and improvements to the existing walkway at Coast Guard Park, located along the west side of New Bedford Harbor. A detailed description of the proposed work is provided in the Narrative Project Description of this Notice of Intent.

7a. Project Type Checklist:

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Limited Project Driveway Crossing
- 4. Commercial/Industrial
- 5. Dock/Pier
- 6. Utilities
- 7. Coastal Engineering Structure
- 8. Agriculture (e.g., cranberries, forestry)
- 9. Transportation
- 10. Other

7b. Is any portion of the proposed activity eligible to be treated as a 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:
301 CMR 7(c) 2. The maintenance, repair and improvement (but not substantial enlargement) of structures...which existed on November 1, 1987.

8. Property recorded at the Registry of Deeds for:

<u>Bristol</u>	_____	_____
a. County		b. Certificate # (if registered land)
<u>Not available</u>	_____	_____
c. Book		d. Page Number

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

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

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

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

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



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Waterways

3. cubic yards dredged

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

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include: d. Bordering Land Subject to Flooding, e. Isolated Land Subject to Flooding, f. Riverfront Area.

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: square feet

4. Proposed alteration of the Riverfront Area:

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

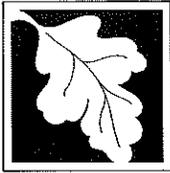
6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

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.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include: a. Designated Port Areas, b. Land Under the Ocean, c. Barrier Beach, d. Coastal Beaches.



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Provided by MassDEP:

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e. Coastal Dunes _____
1. square feet _____ 2. cubic yards dune nourishment _____

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

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks _____	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores _____	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes _____	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds _____	1. square feet _____	
	2. cubic yards dredged _____	
j. <input checked="" type="checkbox"/> Land Containing Shellfish _____	See 3b _____	
	1. square feet _____	
k. <input type="checkbox"/> Fish Runs _____	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage _____	4,160 _____	
	1. square feet _____	

4. Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BWV _____

b. square feet of Salt Marsh _____

5. Project Involves Stream Crossings

a. number of new stream crossings _____

b. number of replacement stream crossings _____

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

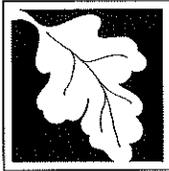
1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/online_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
100 Hartwell Street, Suite 230
West Boylston, MA 01583

2008 _____
b. Date of map



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

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.1.d, 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).*

1. 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

3. 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

(c) MESA filing fee (fee information available at:
http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_fee_schedule.htm).

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

d. 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, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_exemptions.htm; 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

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/dfwele/dfw/nhosp/nhosp.htm>, regulatory review tab). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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

- 3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
- 2. 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 or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands: Division of Marine Fisheries - Southeast Marine Fisheries Station Attn: Environmental Reviewer 1213 Purchase Street – 3rd Floor New Bedford, MA 02740-6694	North Shore - Hull to New Hampshire: Division of Marine Fisheries - North Shore Office Attn: Environmental Reviewer 30 Emerson Avenue Gloucester, MA 01930
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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.

- 3. 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
- 4. 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
- 5. 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
- 6. 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: **No stormwater impacts**
 - 1. Single-family house

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



WPA Form 3 – Notice of Intent

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Document Transaction Number

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

- 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

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.
- 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.

New Bedford Waterfront – Coast Guard Park Walkway Improvements

a. Plan Title

Pare Corporation

Karl Hammond, P.E.

b. Prepared By

c. Signed and Stamped by

June 2014

As noted

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

- 5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8. Attach NOI Wetland Fee Transmittal Form
- 9. Attach Stormwater Report, if needed.



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

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E. Fees

- 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:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

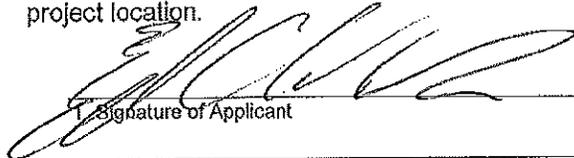
6. Payor name on check: First Name

7. Payor name on check: Last Name

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.



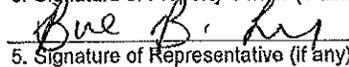
1. Signature of Applicant

7/8/14

2. Date

3. Signature of Property Owner (if different)

4. Date



5. Signature of Representative (if any)

7/7/2014

6. Date

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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



Massachusetts Department of Environmental Protection
 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:

MacArthur Drive	New Bedford
a. Street Address	b. City/Town
N/A	0
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Edward	Anthes-Washburn	
a. First Name	b. Last Name	
City of New Bedford Harbor Development Commission		
c. Organization		
52 Fisherman's Wharf		
d. Mailing Address		
New Bedford	MA	02740
e. City/Town	f. State	g. Zip Code
508-961-3000	508-979-1517	edward.antes-washburn@newbedford-ma.gov
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

_____	_____	
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
2j: Any activity not listed (pier improvements)	1	\$500	\$500
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

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

2. ABUTTER NOTIFICATION INFORMATION



Administrative Assistant to the Board of Assessors of the City of New Bedford, do hereby certify that the names and addresses as identified on the attached "Abutters List" are duly recorded and appear on the most recent tax.

Date: 6/10/2014

SUBJECT PROPERTY: MAP 47 LOT 225

LOCATION ES MacArthur Drive

OWNER'S NAME City of New Bedford

MAILING ADDRESS 131 William Street New Bedford, MA 02740

CONTACT PERSON Lauren Hastings, Pare Corporation

TELEPHONE NUMBER 401-334-4100

REASON FOR REQUEST

Filing a Notice of Intent to the Conservation Commission for the proposed Coast Guard Park Repairs.

DEPARTMENT

JUN 09 2014

PLANNING

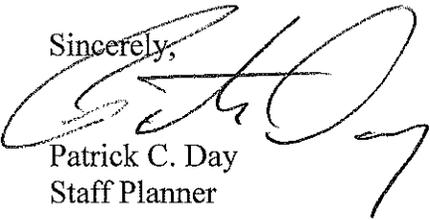
June 10, 2014

Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as ES MacArthur Drive (47-225). The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of Abutters.

<u>Parcel</u>	<u>Location</u>	<u>Owner and Mailing Address</u>
47-129	185 MACARTHUR DR	WATERFRONT HOSPITALITY LLC, P.O. BOX 248 WESTPORT, MA 02790
47-179	MACARTHUR DR	CITY OF NEW BEDFORD, 131 WILLIAM ST NEW BEDFORD, MA 02740
47-225	MACARTHUR DR	CITY OF NEW BEDFORD, 131 WILLIAM ST NEW BEDFORD, MA 02740
47-203	MACARTHUR DR	COMMONWEALTH OF MASS, STATE PIER 133 WILLIAM STREET NEW BEDFORD, MA 02740

Sincerely,


Patrick C. Day
Staff Planner

53-68
RODMAN ST
53-175 53-177 53-229 53-178
HAMILTON ST
53-179 53-226 53-227
53-180 53-183 53-184 53-185 53-187
53-182
CENTRE ST
53-188 53-192
53-223 53-28 53-191
53-189 53-194 53-195
53-16
53-190 53-194
FRONT ST
53-174 53-286 53-196 53-290 53-231
53-197 53-198 53-200

JOHN F KENNEDY MEMORIAL HWY

53-255
PIER 3 53-120
53-253
53-254

53-217
STATE PIER
47-203

UNION ST
47-38 47-39 47-41
47-37 47-40 47-40
47-44 47-189
COMMERCIAL ST
47-21
SOUTH WATER ST
47-69 47-127

MACARTHUR DR

47-100
47-129
47-199
MACARTHUR DR

47-225
47-179
47-204
47-221 47-222 47-223
47-180
STEAMSHIP PIER

HOMERS WHARF
47-220 47-231 47-219
47-212
LEONARDS WHARF

WAINUT ST
47-153
47-181 47-241
42-287 42-160 42-160

3. FIGURES



SITE LOCATION MAP

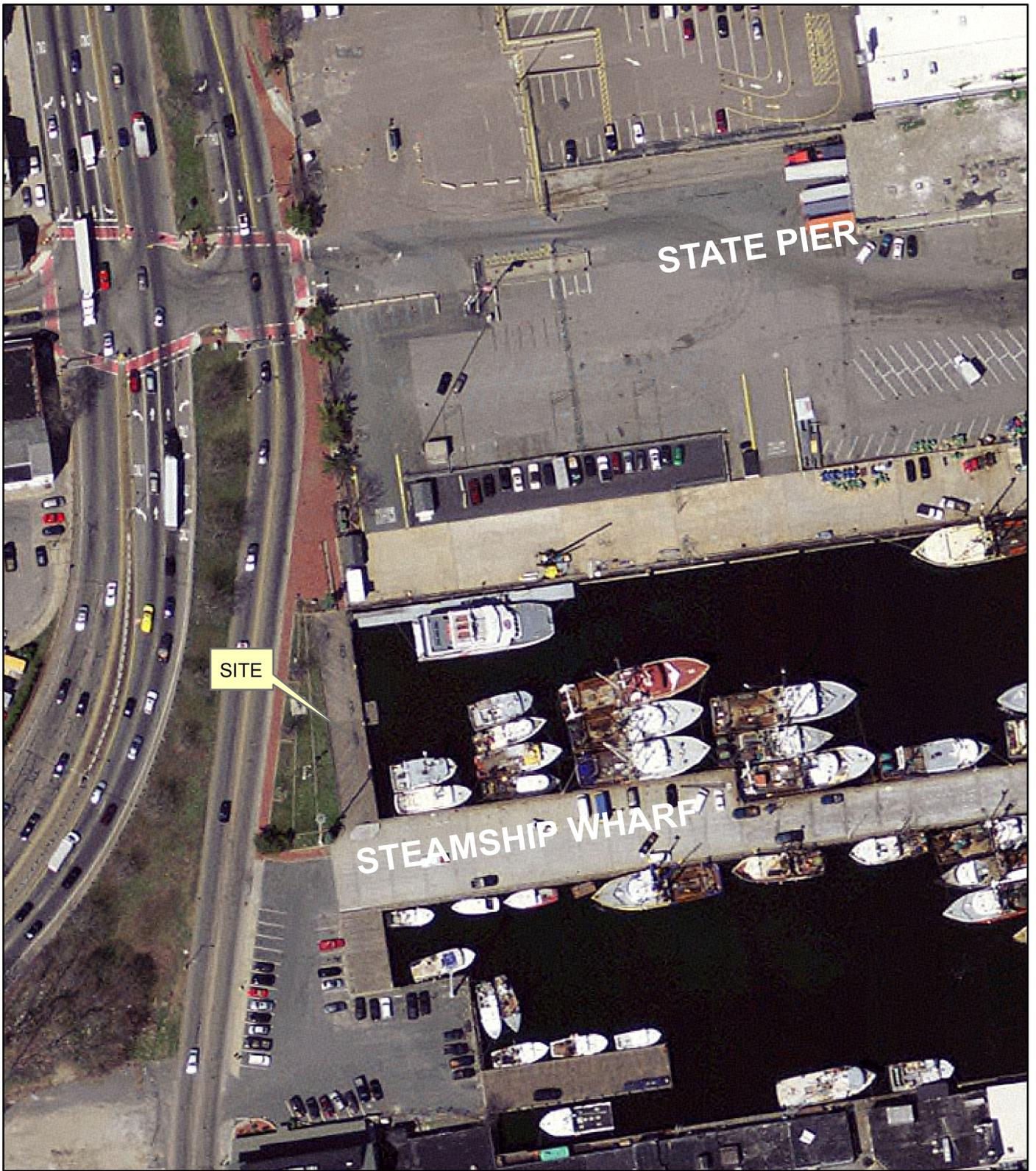
1" = 2,000'



PARE CORPORATION
 8 BLACKSTONE VALLEY PLACE
 LINCOLN, RI 02864
 (401) 334-4100

FIGURE 1

NEW BEDFORD WATERFRONT
 COAST GUARD PARK WALKWAY REHABILITATION
 NEW BEDFORD, MASSACHUSETTS



SITE

STATE PIER

STEAMSHIP WHARF

ANNOTATED AERIAL PHOTOGRAPH

1" = 100'



PARE CORPORATION
8 BLACKSTONE VALLEY PLACE
LINCOLN, RI 02864
(401) 334-4100

FIGURE 2

NEW BEDFORD WATERFRONT
COAST GUARD PARK WALKWAY REHABILITATION
NEW BEDFORD, MASSACHUSETTS

PROJECT NO. 14108.00

JUNE 2014

NOTICE OF INTENT



ZONE AE
(EL 5)

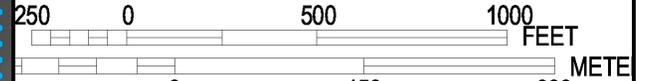
CITY OF NEW BEDFORD
TOWN OF FAIRHAVEN

New Bedford Harbor

ZONE AE
(EL 5)



MAP SCALE 1" = 500'



INFP

PANEL 0393F

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP
BRISTOL COUNTY,
MASSACHUSETTS
(ALL JURISDICTIONS)

PANEL 393 OF 550
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
FAIRHAVEN, TOWN OF	250054	0393	F
NEW BEDFORD, CITY OF	255216	0393	F

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER
25005C0393F
EFFECTIVE DATE
JULY 7, 2009

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

4. NARRATIVE PROJECT DESCRIPTION

I. INTRODUCTION

This Notice of Intent (NOI), submitted under the provisions of the Regulations of the Massachusetts Wetlands Protection Act and the New Bedford Wetlands Protection Ordinance (the Ordinance), addresses proposed repairs to the existing Coast Guard Park Walkway in New Bedford, Massachusetts. The owner and project proponent is the New Bedford Harbor Development Commission (HDC), the municipal governing body for the New Bedford Harbor and city-owned waterfront properties.

The project consists of the rehabilitation of the timber pile supported structure, which acts as a public access walkway between the State Pier and HDC's Steamship Pier. During a recent inspection of the structure, the existing timber framing members were observed to be in poor to serious condition. Based upon the structure's exposure to the public, repairs and/or rehabilitation of the structure are critical to maintain public safety at the site.

The project will require minor impacts to Land Under the Ocean (LUO), and Land Subject to Coastal Storm Flowage (LSCSF) within the New Bedford-Fairhaven Designated Port Area, (DPA). The project is presumed to qualify as maintenance, repair, or minor modifications to a previously licensed water dependent use.

The following sections will provide descriptions of the site, project background, and a description of the proposed project and project compliance with applicable performance standards.

II. SITE DESCRIPTION

a. Existing Marine Structures

The existing walkway consists of a timber pile supported pier with wood decking, measuring approximately 150 feet long by 25 feet wide. Accessory structures include floating dock berthing The Schooner Ernestina, accessible via a gangway at the north end of the pier, and a landscaped grass area directly west of the pier. The walkway is accessible to pedestrians via a brick sidewalk along MacArthur



Drive. The project site is bounded to the south by the Steamship Pier and to the north by the New Bedford State Pier.

The existing timber framing and decking are in poor to serious condition. Significant rot was reported at the timber pile caps and decking. In order to maintain public safety at the site, repairs or modifications are required. Several repair options were reviewed during the design process and are further discussed in Section IV.

b. Coastal Resources and Floodplain

The entire project site is located in the New Bedford-Fairhaven Designated Port Area (DPA). Land beneath the New Bedford Harbor is tidal, with a Mean High Water (MHW) of 3.57 and a Mean Low Water (MLW) of 0.0 (elevations are in MLW vertical datum). According to 310 CMR 10.25 of the WPA, land below the MLW of the New Bedford Harbor is classified as Land Under the Ocean (LUO). According to MassGIS data layer for Shellfish Suitability Areas, the LUO in the project area is classified as habitat for Quahogs, and therefore is presumed to be Land Containing Shellfish (LCS).

According to the FEMA Flood Insurance Rate Map (FIRM) for the site, the entire project area is located within 100-year Floodplain in the FEMA Velocity Zone, which has a designated elevation of 5 feet (NAVD 88). The Floodplain is classified as Land Subject to Coastal Storm Flowage (LSCSF) under the Wetlands Protection Act.

The Coastal Bank associated with the site consists of a steel sheet pile wall along the landward side of the walkway, which will not be impacted by the proposed work. No freshwater wetlands are located in the vicinity of the proposed work.

c. Other Environmental Considerations

According to the most recent MassGIS data, the site is not located within Outstanding Resource Waters (ORW) or Areas of Critical Environmental Concern (ACEC). The site does not contain any mapped Priority or Estimated Habitat of Rare Species, and the nearest mapped area of Priority and Estimated Habitat is located approximately 1,000 feet to the east within New Bedford Harbor.



The Schooner Ernestina, docked at the floating dock at the northern limit of the walkway and along the south side of the New Bedford State Pier, is listed on the Massachusetts State Register of Historic Places.

III. PROPOSED PROJECT

The New Bedford HDC Coast Guard Park Walkway Rehabilitation project consists of the rehabilitation and modification of the timber pile supported timber walkway. The proposed work includes the following elements: removal of twenty four (24) creosote treated timber piles, removal of creosote treated timber framing and replacement with CCA timber framing, and the removal and replacement of timber decking, steel benches, and appurtenances. A bid alternate includes the installation of timber floating docks supported by a helical mooring system and accessed via new aluminum gangways. Each element of the proposed project is described below.

a. Walkway Improvements

The project includes the permanent removal of 24 creosote treated timber piles currently supporting the existing walkway pier, as shown on Sheet 5.0 and 6.0 of the Project Plans. Removal of the piles and associated framing will result in a reduction to the surface area of the pier by approximately 1,890 square feet. The 22 remaining piles will be retained in order to support the proposed pier. New timber decking will be installed to match the existing grade of the Steamship Pier to the south and the brick walkway along the State Pier to the north, and 12" x 12" timber curbing will be installed along the deck perimeter.

The existing stairs currently providing access to the Ernestina will be removed and disposed of, and reconstructed in their existing location following the walkway repairs. The existing gangway shall be removed and protected for reuse.

During construction, it is anticipated that a 6' high chain link fence be temporarily installed around the perimeter of the site to restrict public access. A majority of the work is anticipated to be completed from the water, utilizing a barge as a staging area.



b. Floating Docks

The project includes the installation of four new floating timber docks secured with a helical mooring system. These include one 8' by 30' float at the southern end of the pier, and one 8' by 60' float with two attached 6' by 20' floats. Two 4' by 15' aluminum gangways will provide access from the pier. The floats will be secured with 12 helical anchors. The size of the anchors will be selected to achieve design capacity, however for the purpose of this application the maximum of 14" diameter is used to provide a conservative estimate of impacts. The configuration of the proposed floats is shown on Sheet 8.0 of the Project Plans.

c. Other Site improvements

The three benches currently located on the timber walkway will be relocated to the grassed area between the walkway and MacArthur Drive. Each bench will be placed upon a 5' by 10' concrete slab. The existing bollard and chain railing, as well as the signage currently mounted to the curb around the perimeter of the walkway will be set aside for reuse, and reinstalled along the new timber curbing. Any other areas disturbed by the construction activities will be restored to pre-construction conditions.

d. Erosion and Sedimentation Control

A turbidity/trash boom is proposed for the site and will remain in place for the duration of the project. Due to the limited landside work, no other erosion or sediment control has been proposed at the site.

e. Anticipated Construction Sequence

It is anticipated that the following general sequence will be followed:

1. Prior to project commencement, the contractor will notify and coordinate with all state, local and federal authorities as required, and will determine temporary locations and coordinate temporary relocation of existing vessels as necessary in order to perform the construction operations.
2. Mobilization of construction equipment and personnel to the site. Utilization of offsite staging area will be coordinated with the HDC as appropriate and as necessary. Waterside barge operations shall be coordinated with the HDC and the U.S. Coast Guard.
3. Remove and protect for reuse all signage, benches, bollard, and chain.
4. Remove all timber decking, curbing, stringers, and pile caps. Existing timber stringers shall be stockpiled and protected for reuse. All decking, curb, and pile caps shall be properly disposed of.



-
5. Remove and dispose of existing stairs currently providing access to the Ernestina. The existing gangway shall be removed and protected for reuse.
 6. Remove existing timber piles as indicated on the drawings.
 7. Install new timber pile caps, stringers, decking, and curbing as indicated on the drawings.
 8. Reconstruct timber stairs and landing for the Ernestina floats. Reattach the existing gangway.
 9. Reinstall existing bollard and chain, and existing signage on the new timber curb.
 10. Install new concrete slabs and reinstall existing benches.
 11. Perform site cleanup and reseedling of areas as necessary. Perform final walk through with key project personnel upon completion.
 12. Complete demobilization and project closeout.

IV. Alternatives Analysis

Other than the no-build alternative, which would result in the continued deterioration of the Coast Guard Park facilities, the HDC considered replacing the walkway to its original configuration. Demolition and complete removal of the structure was not considered a viable option due to the loss of public access and secure access to the Ernestina. After further review, the modifications shown on the proposed plans maintained public access and all of the benefits of the existing site while also providing public access to the water sheet.

V. Wetlands Impacts and Regulatory Compliance

a. *310 CMR 10.25 Land Under the Ocean*

A total of 32 square feet of Land Under the Ocean (LUO) will be impacted as a result of the proposed project. Proposed activities impacting LUO include approximately 19 square feet are to be impacted by removal of timber piles, and 13 square feet to be impacted by installation of helical anchors. Removal of timber piles will restore approximately 19 square feet of formerly occupied Land Under the Ocean.



Therefore, the project will result in an overall net increase of 6 feet to Land Under the Ocean. No temporary impacts to Land Under the Ocean are proposed.

For the purpose of this NOI it is presumed that the Land Under the Ocean to be affected by the project is significant to the protection of marine fisheries, protection of wildlife habitat, storm damage prevention or flood control, and therefore the performance standards at 310 CMR 10.25(3) through (7) are met as follows.

310 CMR 10.25(3) pertains to improvement dredging and is therefore not applicable to this project.

310 CMR 10.25(4) pertains to maintenance dredging and is therefore not applicable to this project.

310 CMR 10.25(5): *Projects not included in 310 CMR 10.25(3) or 10.25(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 nearshore areas affected by the project total approximately 32 square feet. Included within this area are approximately 19 square feet are to be impacted by removal of timber piles, and 13 square feet to be impacted by installation of helical anchors. The project will result in a net increase of 6 square feet. Coastal beaches, banks, dunes and salt marshes are not present in the vicinity and therefore the minor displacement of bottom sediments for the helical anchor installation will not result in an alteration of bottom topography sufficient to cause adverse effects to those resource areas.

310 CMR 10.25(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 (*Rupia 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 project is a water dependent activity. The removal of 24 timber piles will result in a net increase of approximately 6 feet in Land Under the Ocean, and a net reduction of 1,890 square feet to the surface area of the walkway. The helical anchors proposed to support the floating docks will result in fewer impacts than driven timber or steel piles. Given the historic and extensive industrial use of the harbor, and the ongoing use of the project area by vessels, it is highly unlikely that submerged aquatic vegetation is present in the project area. Additionally, any *polychaetes, mollusks or macrophytic algae* present are not likely to be in high densities, and the small scale of the work affecting LUO will not result in any adverse impacts to such populations. The small scale of the proposed alteration to Land Under the Ocean will not affect water circulation, the distribution of grain size, or existing water quality.

310 CMR 10.25 (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.

There is no mapped Priority or Estimated Habitat present at the project site.

b. Designated Port Area 310 CMR 10.26

For the same reasons set forth above, the area is presumed to not be significant to the protection of marine fisheries, storm damage prevention or flood control. Nevertheless, the performance standards at 310 CMR 10.26(3) and (4) are addressed below.

310 CMR 10.26(3): Projects shall be designed and constructed, using best practical measures, so as to minimize adverse effects on marine fisheries caused by changes in:

(a) water circulation;

(b) 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.

Given its sheltered allocation surrounded to the north and south by coastal engineering structures (the Steamship Pier to the south and State Pier to the north) water circulation in the project area is basically limited to effects from the incoming and outgoing tides. In addition, the site is currently being used in a



manner similar to the proposed use. docks, the removal of 24 timber pile net decrease in surface area of structure negligible volume and will not significantly

The project will not introduce new structures will not be adversely affected.

310 CMR 10.26(4): *Projects shall be designed to minimize, adverse effects on storm land's ability to provide support for*

The affected area does not provide support the proposed use will not adversely

c. Land Subject to Coastal

The entire project area, totaling approximately Coastal Storm Flowage associated with decrease to the flood storage capacity of structures within the flood zone, landward of the Coastal Bank are limited in changes to site grades.

There are no regulatory performance

d. 100-foot Buffer Zone

The entire project area outside of associated with the Coastal Bank. 100 square feet for the installation of equipment formerly located on the walkway. This equipment and materials.

There are no regulatory performance

5. ANNOTATED SITE PHOTOGRAPHS

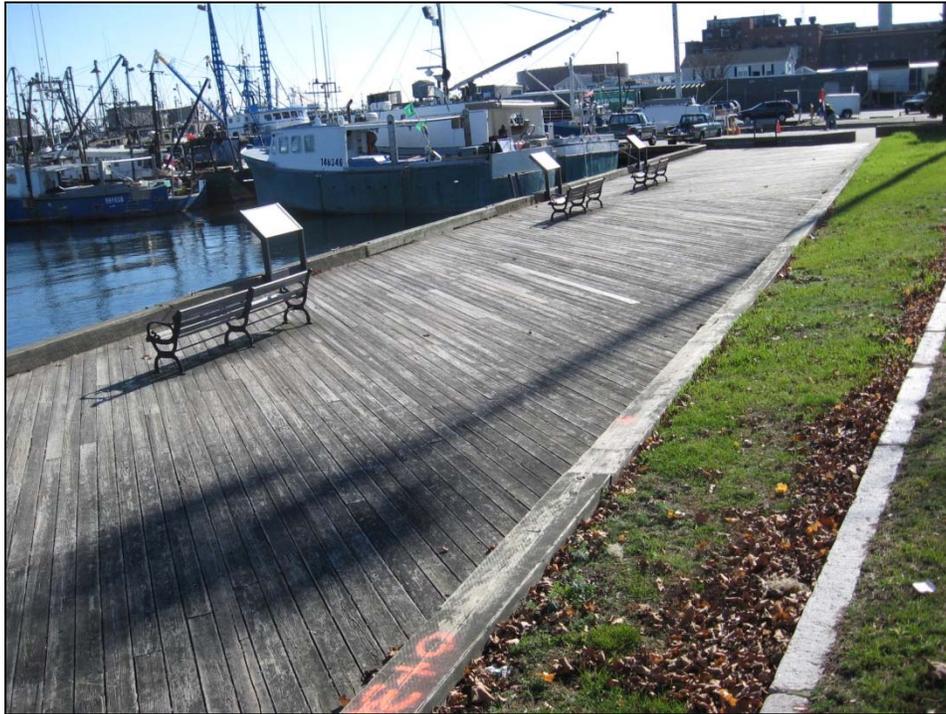


Photo No. 1: Overview of the timber wharf adjacent to Steamship Pier.

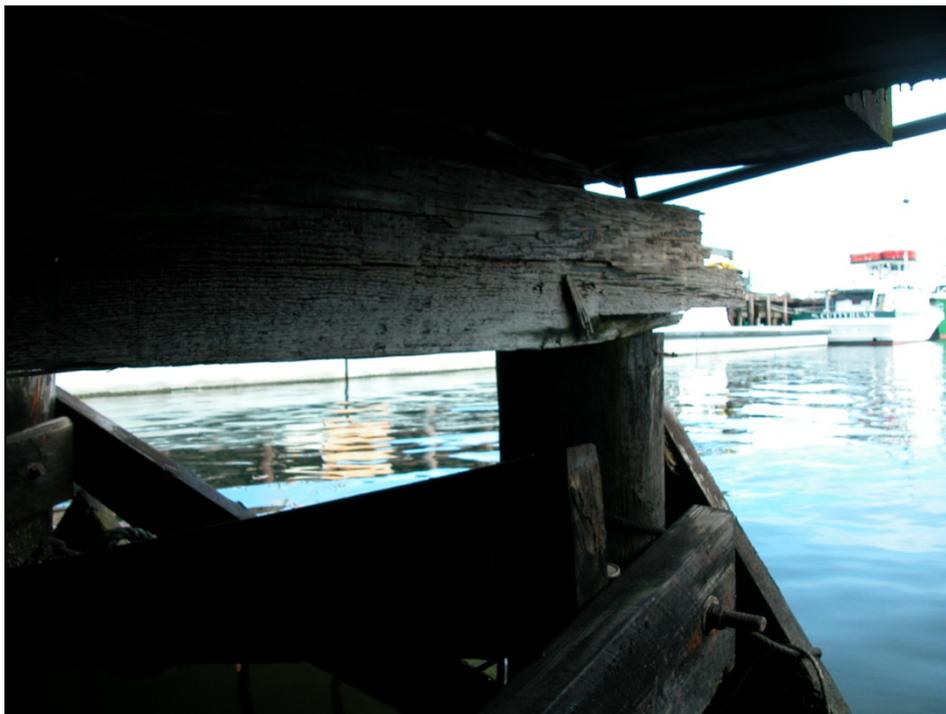


Photo No. 2: Typical view of the waterside end of the timber pile caps..





Photo No. 3: View of the deterioration at the waterside end of timber pile caps.



Photo No. 4: Another angle of the deteriorated pile cap.



Photo No. 5: Deterioration at the waterside end of the timber pile caps.



Photo No. 6: A satisfactory waterside end of the pile cap at the sewer overflow outfall, adjacent to a deteriorated pile cap.





Photo No. 7: View of the pile caps at the sewer overflow outfall.



Photo No. 8: Overview of the waterside ends of the pile caps.



6. PROJECT PLANS

BOUND SEPARATELY