

Proposed Extension of Industrial Siding & Loading Docks

New Bedford,
Massachusetts

Prepared for **Massachusetts Department of Transportation**
Boston, Massachusetts

Prepared by



Vanasse Hangen Brustlin, Inc.

Watertown, Massachusetts



Deval L. Patrick, Governor
Richard A. Davey, Secretary & CEO
Frank DePaola, Administrator



August 8, 2014

Mr. John Radcliffe
New Bedford Conservation Commission
133 Williams Street, Room 304
New Bedford, Massachusetts 02740

**Re: Request for Determination of Applicability
Railroad Siding, Platform and Loading Dock
New Bedford, Massachusetts**

Dear Mr. Radcliffe,

The Massachusetts Department of Transportation – Highway Division (MassDOT), respectfully submits this application for a Request for Determination of Applicability for a new rail siding, platform and loading dock off Church Street in New Bedford. The project is associated with the upcoming South Coast Rail Project and will involve construction adjacent to the New Bedford Wye.

MassDOT proposes to construct a new 1,600-foot siding, demolition of the existing platform and construction of a new 500-foot platform within the rail right-of-way and replacement of an existing loading dock on the property of Seacoast, Inc. (Sid Wainer and Sons). The work will be on the east side of the New Bedford Wye and will be within the 100-foot buffer zone of a Bordering Vegetated Wetland within the center of the Wye. The project area is separated from the wetland by existing rail tracks and the new SCR mainline tracks.

As a state agency, MassDOT is not subject to local wetlands protection bylaws, therefore notification of abutters or a filing fee pursuant to the New Bedford Wetlands Ordinance has not been provided.

Please advertise this matter for public hearing at the Commission's next scheduled meeting. Should you have any questions concerning this submittal, or wish to discuss this matter further, please do not hesitate to contact me at (857) 368-8807.

Very truly yours,

Susan McArthur
Wetlands Permitting Supervisor
MassDOT, Highway Division

cc: MassDOT – SERO
Gene F. Crouch, VHB

Enclosures: Request for Determination of Applicability Application
Plan Set

Ten Park Plaza, Suite 4160, Boston, MA 02116
Tel: 617-973-7000, TDD: 617-973-7306
www.mass.gov/massdot

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Massachusetts

Prepared for **Massachusetts Department of Transportation**
10 Park Plaza, Room 4260
Boston, MA 02116
857-368-8807

Prepared by



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617 924 1770

August 2014

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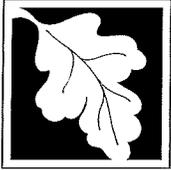
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Request for Determination of Applicability Forms



➤ WPA Form 1



WPA Form 1- Request for Determination of Applicability

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

C. Project Description

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

Church Street	New Bedford
Street Address	City/Town
97	5
Assessors Map/Plat Number	Parcel/Lot Number

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

The proposed project site partially located at 1 Church Street in New Bedford, Massachusetts and along the North/South mainline track in New Bedford along the New Bedford Wye, a future section of the South Coast Rail. Properties located adjacent to the site include residential, commercial, and industrial areas.

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

Siding Track and Freight Rail Loading Platform Modifications (3 sheets)	
Title	Date
_____	_____
Title	Date
_____	_____
Title	Date
_____	_____

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

Approximately 1,600 linear feet of new siding track will be installed. The siding will be double-ended and include the construction of the sub-ballast, gravel stone ballast, ties and rails along the entire length of the project. Construction also includes replace the existing railroad platform and truck loading dock to accommodate the proposed siding. The extended loading dock will feature an overhead canopy extending to the new railroad platform.



WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

The project is adjacent to an existing railroad mainline and siding. The project site is on the east side of the mainline track while the wetland area is on the west side of the track. The mainline track separates the work area from the wetland area. There will be no alteration of a wetland resource area.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

N/A



WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Massachusetts Department of Transportation - Highway Division

Name

10 Park Plaza

Mailing Address

Boston

City/Town

MA

State

02116

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Susan McArthur - MassDOT
Signature of Applicant

8/8/2014
Date

Ann A. Lunn
Signature of Representative (if any)

8/8/2014
Date

Request for Determination of Applicability Figures



-
- Figure 1 – Site Location Map
 - Figure 2 – Aerial Map
 - Figure 3 – NHESP Map
 - Figure 4 – FEMA FIRM



Source: USGS 2001

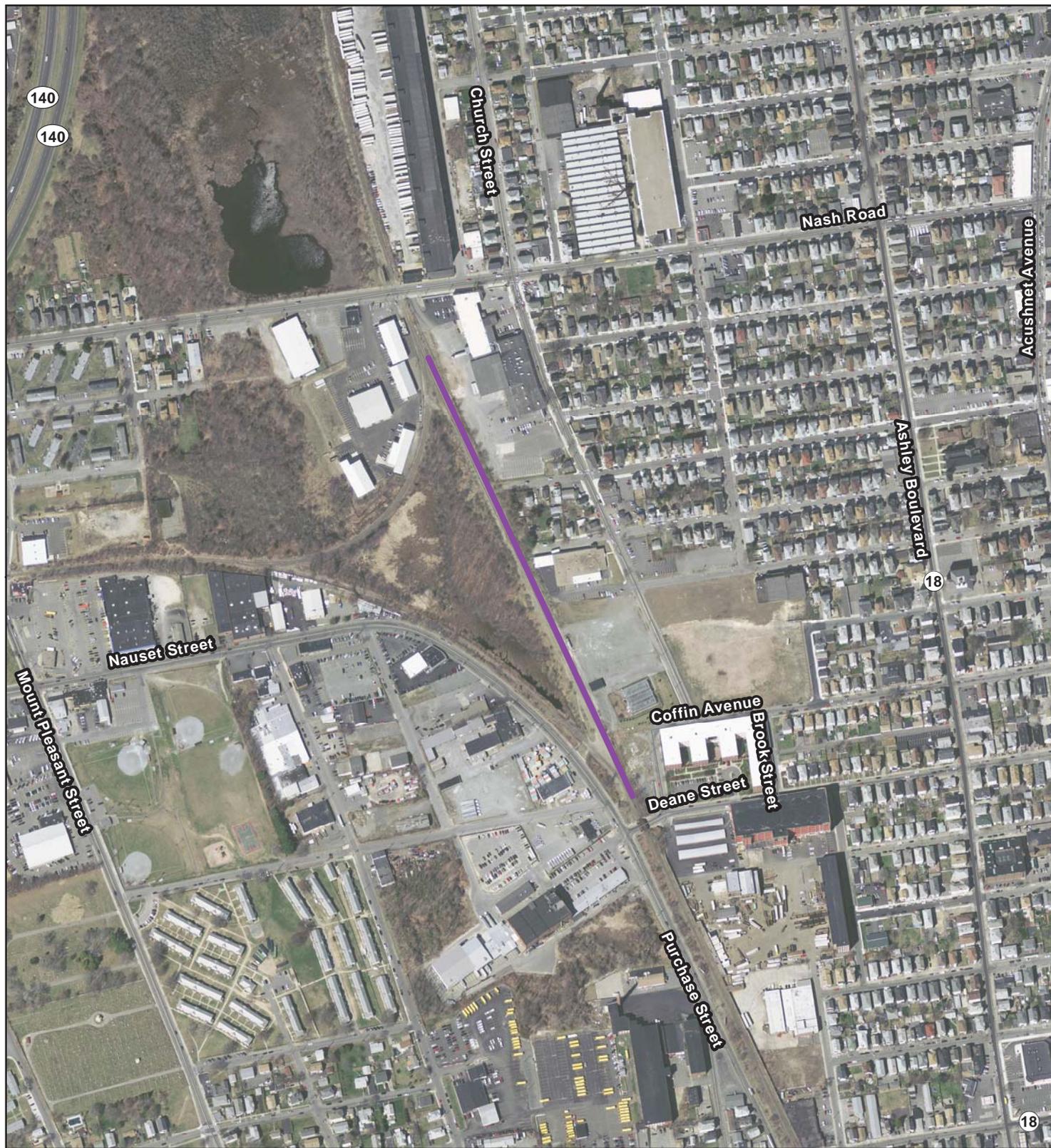
Vanasse Hangen Brustlin, Inc.

Project Area

Figure 1
Site Location Map
Proposed Extension of Industrial
Siding & Loading Docks
New Bedford, Massachusetts



0 2,000 4,000 Feet



Source: MassGIS 2009

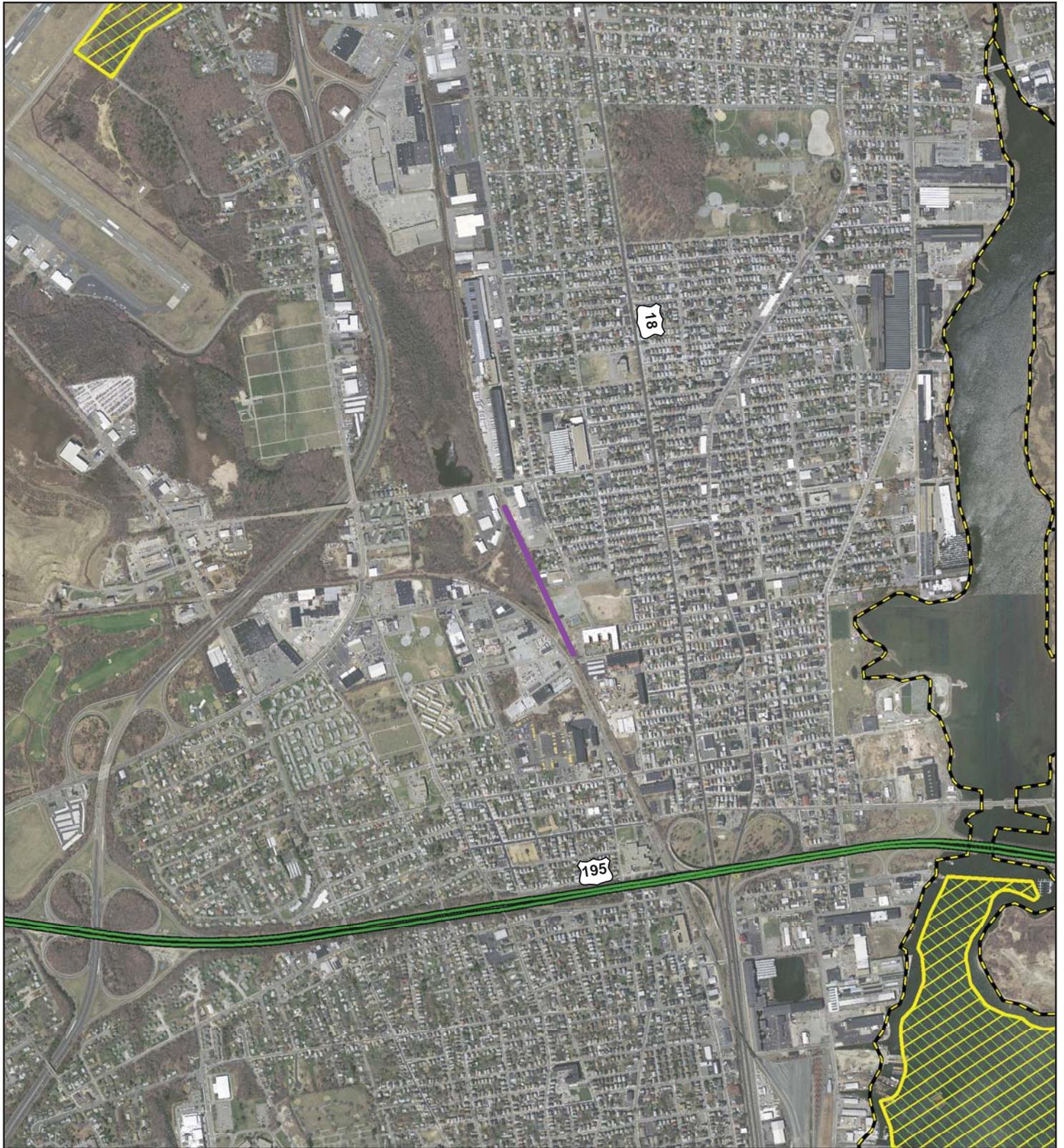
Vanasse Hangen Brustlin, Inc.

— Project Area

Figure 2
Aerial Map
Proposed Extension of Industrial
Siding & Loading Docks
New Bedford, Massachusetts



0 500 1,000 Feet



Source: MassGIS 2009

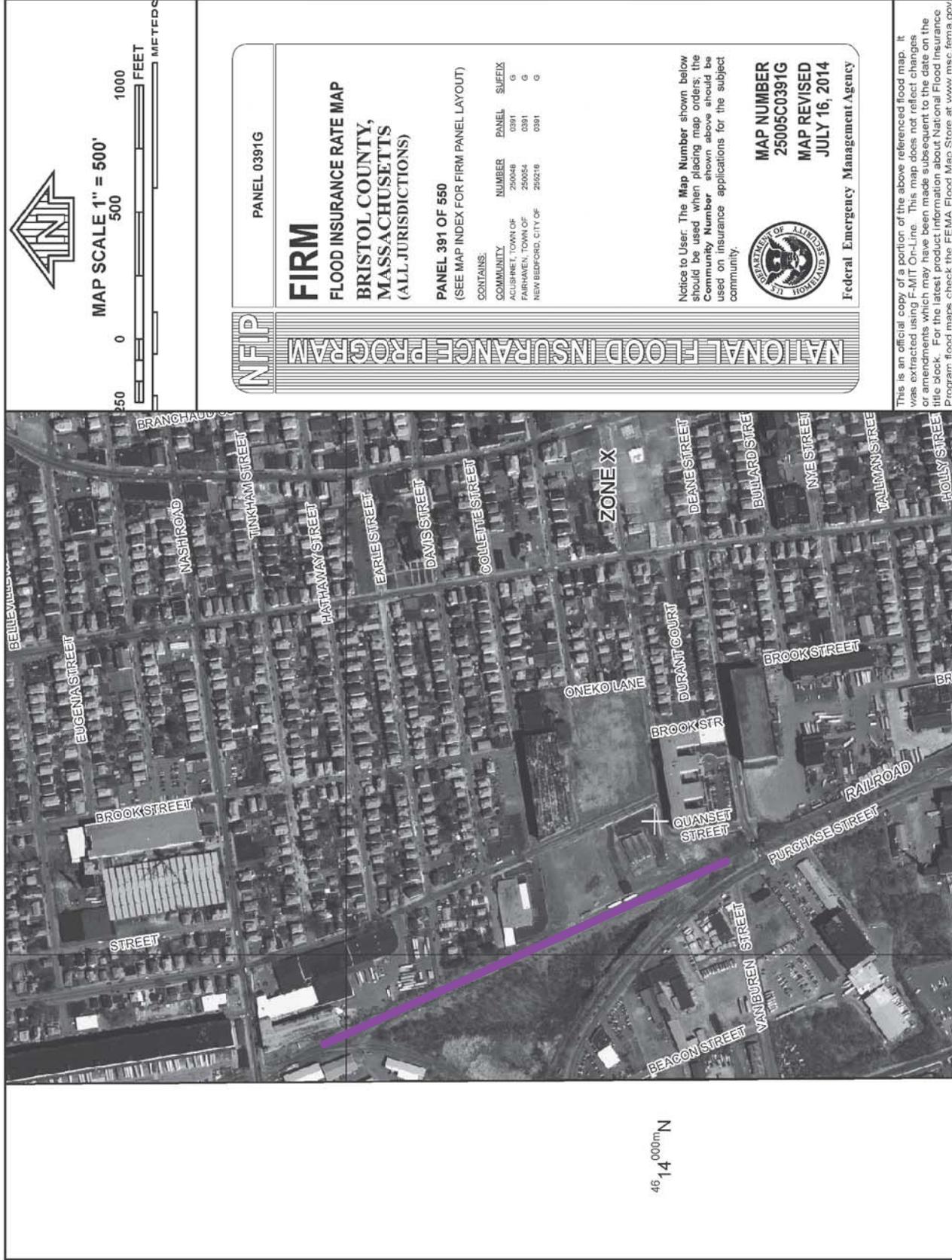
Vanasse Hangen Brustlin, Inc.

-  Project Area
-  Town Boundaries
-  Priority Habitats of Rare Species
-  Estimated Habitats of Rare Wildlife
-  Certified Vernal Pools

Figure 3
NHESP Map
Proposed Extension of Industrial
Siding & Loading Docks
New Bedford, Massachusetts



0 1,500 3,000 Feet



Vanasse Hangen Brustlin, Inc.

Figure 4
FEMA FIRM Map
Proposed Extension of Industrial
Siding & Loading Docks
New Bedford, Massachusetts

Attachment A

Request for Determination of Applicability Narrative



-
- Introduction
 - Site Description
 - Work Description
 - Mitigation Measures
 - Regulatory Compliance
 - Summary

Attachment A

Request for Determination of Applicability

Narrative

This Request for Determination of Applicability (RDA) is filed pursuant to the Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40) and its implementing regulations (310 CMR 10.00).

Introduction

The Massachusetts Department of Transportation is proposing to extend a section of industrial siding, loading dock, and reconstruct a railroad platform along a portion of the South Coast Rail (SCR) in New Bedford, Massachusetts (Figure 1). A portion of the proposed project is located within the 100-foot buffer zone to Bordering Vegetated Wetland (BVW) and is subject to the Massachusetts Wetlands Protection Act. An Order of Resource Area Delineation (ORAD) was approved on July 12, 2011 for Resources in the area (DEP File No. SE49-664).

Wetland resource areas will be protected from impacts during construction through the implementation of an erosion and sedimentation control program. This program includes provisions to minimize areas of disturbance through phasing and sequencing, limit erosion through stabilization, and prevent sediment from leaving the site by installing structural controls.

Site Description

The proposed project site is partially located at 1 Church Street in New Bedford, Massachusetts and along the North/South mainline track of the New Bedford Wye (Figure 1). The adjacent railway is part of a future mainline of the SCR. The site is adjacent to an existing railway track, residential, commercial, and industrial properties. Wetlands in the vicinity of the project site present on the opposite side of the railway tracks from the work area.

The Church Street parcel is primarily covered in gravel fill with the exception of a greenhouses to the south of the property. Near the center of the gravel fill lot is a drainage basin. The Church Street parcel provides street access to an existing loading dock and railroad platform.

According to the Natural Resources Conservation Service (NRCS) Web Soil Survey¹, the Project site is primarily underlain with Urban land; a small portion on the northern end of the site is underlain with Whitman fine sandy loam, 0 to 3 percent slopes, extremely stony, however this occurs north along the future segment of the SCR mainline and siding (Figure 2).

According to the most recently published edition of the Massachusetts Natural Heritage Atlas² (October 2008), no Priority Habitat of Rare Species, Estimated Habitat of Rare Wildlife or Certified Vernal Pools occur on or in the vicinity of the Project site (Figure 3). Additionally, the project site is not located within an Area of Critical Environmental Concern (ACEC)³. According to the Massachusetts Department of Environmental Protection, the project site is not located in an area designated as an Outstanding Resource Water⁴. According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM)⁵, the project site is not located in an area designated as Flood Zone.



Buffer Zone

The WPA regulations (310 CMR 10.02(2)(b)) establish a 100-foot buffer zone from the limits of wetlands. The buffer zone on the proposed site is a low gradient area with previously developed soils. The railroad corridor is a unvegetated site with gravel fill throughout. As previously noted, the NRCS Web Soil Survey shows the site is primarily described as Urban Land.

Work Description

Approximately 1,600 linear feet of new siding track will be installed. The siding will be double-ended and include the construction of the sub-ballast, gravel stone ballast, ties, and rails along the entire length of the project. Construction also includes demolition of an existing platform and construction of a new longer platform and replacement of the existing loading dock to accommodate the new siding. The new platform will measure 500 feet long by 12 feet wide and 3 feet high. The new loading dock will be the same size as the existing loading dock and will feature an overhead canopy, similar to the existing dock. Work in the 100-foot buffer zone is described below. This work fully complies with all applicable performance standards as demonstrated in the Regulatory Compliance section of this Narrative. The work associated with the new siding and the new platform will be within the MassDOT railroad Right-of-way. Demolition of the existing platform and replacement of the existing loading dock will be on the abutting property (Seacoast, Inc.).



¹ USDA Natural Resources Conservation Service, 2013. *Soil Survey of Bristol County, Massachusetts*.

² NHESP, 2008. *Massachusetts Natural Heritage Atlas, 13th Edition*.

³ DCR, 2010. Massachusetts Areas of Critical Environmental Concern.

⁴ DEP, 1993. *Designated Outstanding Resource Waters of Massachusetts*.

⁵ Federal Emergency Management Agency, 2014. *Flood Insurance Rate Map, City of New Bedford, Massachusetts, Bristol County*. Community Panel Number 25005C 0391G.



Work in Buffer Zone

Work in Buffer Zone will occur along existing mainline and siding track of the New Bedford Wye and will fall within the 100-foot buffer zone to BVW. All of the work activities listed above will take place within buffer zone. The project site is to the east of the Wye and existing track and the wetland resource areas are to the west of the existing track, in the center of the Wye. The proposed project will be separated by the existing rail ballast and railroad tracks. Furthermore, all work within buffer zone will take place in previously disturbed land.

Mitigation Measures

A suite of mitigation measures is proposed to prevent short- and long-term impacts to wetland resource areas. Mitigation measures proposed for this project include temporary stabilization and erosion control barriers.



Erosion and Sedimentation Controls

An erosion and sedimentation control program will be implemented to minimize temporary impacts to wetland resource areas during the construction phase of the project. The program incorporates Best Management Practices (BMPs) specified in guidelines developed by the DEP⁶ and the U.S. Environmental Protection Agency (EPA)⁷.

Proper implementation of the erosion and sedimentation control program will:

- minimize exposed soil areas through sequencing and temporary stabilization;
- place structures to manage stormwater runoff and erosion; and
- establish a permanent vegetative cover or other forms of stabilization as soon as practicable.

The following sections describe the controls that will be used and practices that will be followed during construction. These practices comply with criteria contained in the NPDES General Permit for Discharges from Large and Small Construction Activities issued by the EPA.



⁶ DEP, 1997. *Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas: A Guide for Planners, Designers, and Municipal Officials.*

⁷ EPA, 2007. *Interim Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites.* Office of Water Report EPA 833-R-060-04.

Non-Structural Practices

Non-structural practices to be used during construction include temporary stabilization and permanent seeding. These practices will be initiated as soon as practicable in appropriate areas at the site.

Temporary Stabilization

Any areas of exposed soil or stockpiles that will remain inactive for more than 14 days will be hydromulched or covered with a layer of straw mulch applied at a rate of 90 pounds per 1,000 square feet. Straw mulch will be anchored with a tacking coat (non tar) applied by a hydroseeder. Steeper slopes (greater than 10 percent) will be covered with a bonded fiber matrix according to the recommendations provided by the manufacturer.

Structural Practices

Structural erosion and sedimentation controls to be used on the site include erosion control barriers.

Erosion Control Barriers

Prior to any ground disturbance, an approved erosion control barrier of compost filter tubes will be installed at the downgradient limit of work. As construction progresses, additional barriers will be installed around the base of stockpiles and other erosion prone areas. The barriers will be entrenched into the substrate to prevent underflow.

If sediment has accumulated to a depth which impairs proper functioning of the barrier, it will be removed by hand or by machinery operating upslope of the barriers. This material will be either reused at the site or disposed of at a suitable non-wetland offsite location. Any damaged sections of the barrier will be repaired or replaced immediately upon discovery.

Regulatory Compliance

As demonstrated below, work in the 100-foot buffer zone fully complies with applicable performance standards contained in the WPA regulations.



Work in Buffer Zone

As identified in 310 CMR 10.53(1) of the WPA regulations, *“the issuing authority should consider the characteristics of the buffer zone, such as the presence of steep slopes, that may increase the potential for adverse impacts on resource areas. Conditions may include*

limitations on the scope and location of work in the buffer zone as necessary to avoid alteration of resource areas. The issuing authority may require erosion and sedimentation controls during construction, a clear limit of work, and the preservation of natural vegetation adjacent to the resource area and/or other measures commensurate with the scope and location of the work within the buffer zone to protect the interests of the Act.”

The proposed project has been designed to address these requirements. As identified in the Mitigation Measures section of this attachment, an erosion and sedimentation control program will be implemented to prevent adverse impacts during construction.

Summary

The Applicant, Massachusetts Department of Transportation, is seeking a Negative Determination of Applicability to construct a section of industrial railroad siding, demolish an existing rail platform, construct a new platform and replace an existing loading dock along a portion of the future South Coast Rail in New Bedford, Massachusetts. The proposed work will occur within the existing railway right-of-way located within the 100-foot buffer zone to BVW.

The applicant respectfully requests that the New Bedford Conservation Commission find these measures adequately protective of the interests identified in the WPA and issue a Negative Determination of Applicability approving the work described in this RDA and shown on the accompanying plan.

Attachment B

Order of Resource Area Delineation



➤ DEP File No. SE49-664



CITY OF NEW BEDFORD

OFFICE OF THE CITY SOLICITOR

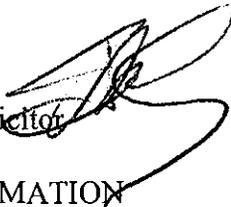
133 William Street, Room 203
New Bedford, MA 02740-6163

Tel.# (508) 979-1460

Fax.# (508) 979-1515

MEMORANDUM

TO: Planning Board
Zoning Board of Appeals
✓ Conservation Commission
Board of Health
Licensing Department
Traffic Division

FROM: Irene B. Schall, City Solicitor 

SUBJECT: APPLICATION INFORMATION

DATE: September 28, 2006

Effective immediately all applications for any permits issued by your respective boards must be accompanied by documentation showing the nature of the property interest(s) affected by the permit(s). Required will be: copies of deeds, certificates of title, leases and purchase and sales agreements and most recent plan or record showing the affected lot or lots. In addition, for ZBA applications, also include a copy of the deed or deeds of abutting parcels, if said parcels have been held in common ownership with the subject parcel at any time since January 1, 1976. If the applicant is not the owner, a signed and notarized letter from the record owner (or authorized representative) which authorizes the applicant to submit an application for the parcel or parcels affected will be required. If you are not provided with the necessary information or you require clarification on ownership, please contact this office.

This change should immediately be reflected in a change to your applications and may be attached to the Application as an Appendix (submitted herewith) or incorporated directly into the application itself.

Your cooperation will be greatly appreciated.

IBS/bar

Appendix

(1) Owner's/Landlord's Name: Seacoast, Inc.

(2) Title Reference to Property: 9242-98 - Instrument No. 1445

(Attach copy of Deed, Certificate of Title & most recent Recorded Plans showing affected lot or lots)

(3) If the Applicant is Not the Owner:

Provide:

1. Notarized authorization letter from owner to tenant or buyer for application for this permit (on letterhead);
2. Copy of Purchase & Sale agreement or lease, where applicable;

(In addition, for ZBA only)

3. Copy of the deed or deeds of abutting parcels if said parcels have been held in common ownership with the subject property at any time since January 1, 1976.

Sid Wainer & Son
Specialty Produce  *Specialty Foods*

2301 Purchase Street
New Bedford, MA 02746 USA

508/999-6408
FAX 508/999-6795
800/423-8333

August 7, 2014

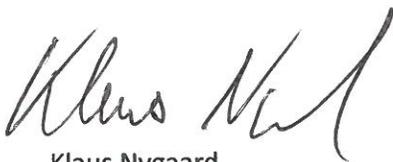
To Whom It May Concern,

Southcoast, Inc., a company in the Sid Wainer & Son family, is the owner of the property with parcel ID 98 1 and address 1 Church Street, New Bedford, Massachusetts.

We have full knowledge of and also authorize Vanasse Hangen Brustlin, Inc. to submit an application for this parcel.

If you have any questions please contact us at 508-999-6408 ext. 271.

Best regards,



Klaus Nygaard

CFO and secretary

Southcoast, Inc.