

# NOTICE OF INTENT

## Howard Avenue Storm Drain Replacement

City of New Bedford

August 2014





50 Hampshire Street  
Cambridge, Massachusetts 02139  
tel: 617 452-6000  
fax: 617 452-8000

August 21, 2014

New Bedford Conservation Commission  
New Bedford City Hall  
133 William Street – Room 304  
New Bedford, Massachusetts 02740

Subject:           Howard Avenue Drain Replacement  
                      New Bedford Department of Public Infrastructure - Applicant

Dear Commission Members:

The City of New Bedford Department of Public Infrastructure (DPI) submits this Notice of Intent (NOI) pursuant to the Emergency Certification (EC) issued by the New Bedford Conservation Commission, copy attached. The July 4, 2014 rainstorm, during which there was approximately 6 inches of rain in twelve hours at the New Bedford Airport, caused significant flooding in the River Road area. Following that storm it was determined the 24-inch diameter drain pipe extending from Howard Avenue to the Acushnet river had collapsed, and that prevented storm flow from discharging out of the pipe. The replacement drain pipe is needed to mitigate future flooding. Therefore the DPI sought and received an Emergency Certification to replace the collapsed drain pipe with a new drain pipe.

This project involves replacing approximately 375 feet of 24-inch diameter storm drain with a new 48-inch diameter storm drain, and installing two manholes. The Coastal Bank altered for this construction will be stabilized with a stone toe and the upper reaches of the bank will be loamed and seeded, and covered with an erosion control blanket. This slope stabilization approach is proposed to balance protecting the new storm drain outlet, providing a stable Coastal Bank, and minimizing shoreline impacts.





New Bedford Conservation Commission

August 21, 2014

Page 2

The attached NOI Form and supporting documents presents the work in jurisdiction wetland resources and buffer zone, and describes compliance with the regulations, 310 CMR 10.00 *et seq.* We respectfully request an Order of Conditions for this replacement project. We look forward to discussing this matter at the Public Hearing, and feel free to contact me at (617) 452-6601 with any questions regarding this correspondence or to schedule a site inspection.

Sincerely,

A handwritten signature in blue ink that reads "Dwight R. Dunk". The signature is fluid and cursive, with a prominent initial "D".

Dwight R. Dunk, LP.D., PWS, BCES  
Associate  
CDM Smith Inc.

cc: MassDEP – Southeast Regional Office  
R. Labelle, City of New Bedford  
I. Mead  
S. Syde, CDM Smith

Encl.

NOI WP 3 Form  
Figure 1 – Project Locus Map  
Figure 2 – Estimated Habitats Map  
Figure 3 – FEMA Flood Insurance Rate Map  
Figure 4 – Project Aerial Map  
Attachment A – Project Narrative  
Attachment B – Abutters Notification Information  
Attachment C – Redevelopment Checklist  
Attachment D – Emergency Certification  
Sheet 1 - Project Plan - \_\_\_\_\_





# 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  
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):

20 Howard Avenue New Bedford 02746  
a. Street Address b. City/Town c. Zip Code  
Latitude and Longitude: \_\_\_\_\_  
116 within utility easement on Lot 94  
f. Assessors Map/Plat Number d. Latitude e. Longitude  
g. Parcel /Lot Number

2. Applicant:

Ronald Labelle  
a. First Name b. Last Name  
New Bedford Department of Public Infrastructure  
c. Organization  
1105 Shawmut Avenue  
d. Street Address  
New Bedford MA 02746  
e. City/Town f. State g. Zip Code  
508-979-1556 508-961-3054 ronald@newbedford-ma.gov  
h. Phone Number i. Fax Number j. Email Address

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

\_\_\_\_\_  
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):

Dwight Dunk  
a. First Name b. Last Name  
CDM Smith Inc.  
c. Company  
50 Hampshire Street  
d. Street Address  
Cambridge MA 02139  
e. City/Town f. State g. Zip Code  
617-452-6601 617-452-6601 dunkdr@cdmsmith.com  
h. Phone Number i. Fax Number j. Email address

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

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



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

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## A. General Information (continued)

6. General Project Description:

Replace the collapsed storm drain with a new storm drain within the City's utility easement on 20 Howard Avenue. The project area experienced significant flooding during the July 4, 2014 rain storm due to the collapsed pipe. The replacement pipe is being installed to mitigate future flooding. An Emergency Certification was issued for this work on July 23, 2014, copy attached.

7a. Project Type Checklist:

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Single Family Home                | 2. <input type="checkbox"/> Residential Subdivision                   |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input type="checkbox"/> Commercial/Industrial                     |
| 5. <input type="checkbox"/> Dock/Pier                         | 6. <input checked="" type="checkbox"/> Utilities                      |
| 7. <input type="checkbox"/> Coastal Engineering Structure     | 8. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) |
| 9. <input type="checkbox"/> Transportation                    | 10. <input type="checkbox"/> 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:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

Bristol County

a. County

b. Certificate # (if registered land)

Easement Record - 2815

231

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.

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	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 Waterways	1. square feet 3. cubic yards dredged	2. square feet



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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input checked="" type="checkbox"/> Riverfront Area	<u>Arcushnet River</u>	
	1. Name of Waterway (if available)	
2. Width of Riverfront Area (check one):		
<input checked="" type="checkbox"/> 25 ft. - Designated Densely Developed Areas only		
<input type="checkbox"/> 100 ft. - New agricultural projects only		
<input type="checkbox"/> 200 ft. - All other projects		
3. Total area of Riverfront Area on the site of the proposed project:		<u>500 in easement</u> square feet
4. Proposed alteration of the Riverfront Area:		
<u>300</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? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
6. Was the lot where the activity is proposed created prior to August 1, 1996? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
3. <input checked="" type="checkbox"/> 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.

<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	1. square feet	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input checked="" type="checkbox"/> Coastal Beaches	<u>Approx. 20</u>	
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment



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

Table with columns: Item, Size of Proposed Alteration, Proposed Replacement (if any). Includes items f through k, and 4. Restoration/Enhancement and 5. Project Involves 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)?

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

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/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/mass-endangered-species-act-mesa/mesa-fee-schedule.html>). 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/eea/agencies/dfg/dfw/laws-regulations/cmr/321-cmr-1000-massachusetts-endangered-species-act.html#10.14>; 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/eea/agencies/dfg/dfw/natural-heritage/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.



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

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MassDEP File Number
Document Transaction Number
New Bedford
City/Town

## 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:

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
1213 Purchase Street – 3rd Floor  
New Bedford, MA 02740-6694

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930

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:

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.



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City/Town

## 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.

a. Plan Title

b. Prepared By

c. Signed and Stamped by

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.



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MassDEP File Number
Document Transaction Number
New Bedford
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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	2. Date
_____	_____
3. Signature of Property Owner (if different)	4. Date
_____	_____
5. Signature of Representative (if any)	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.

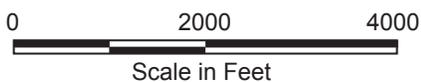
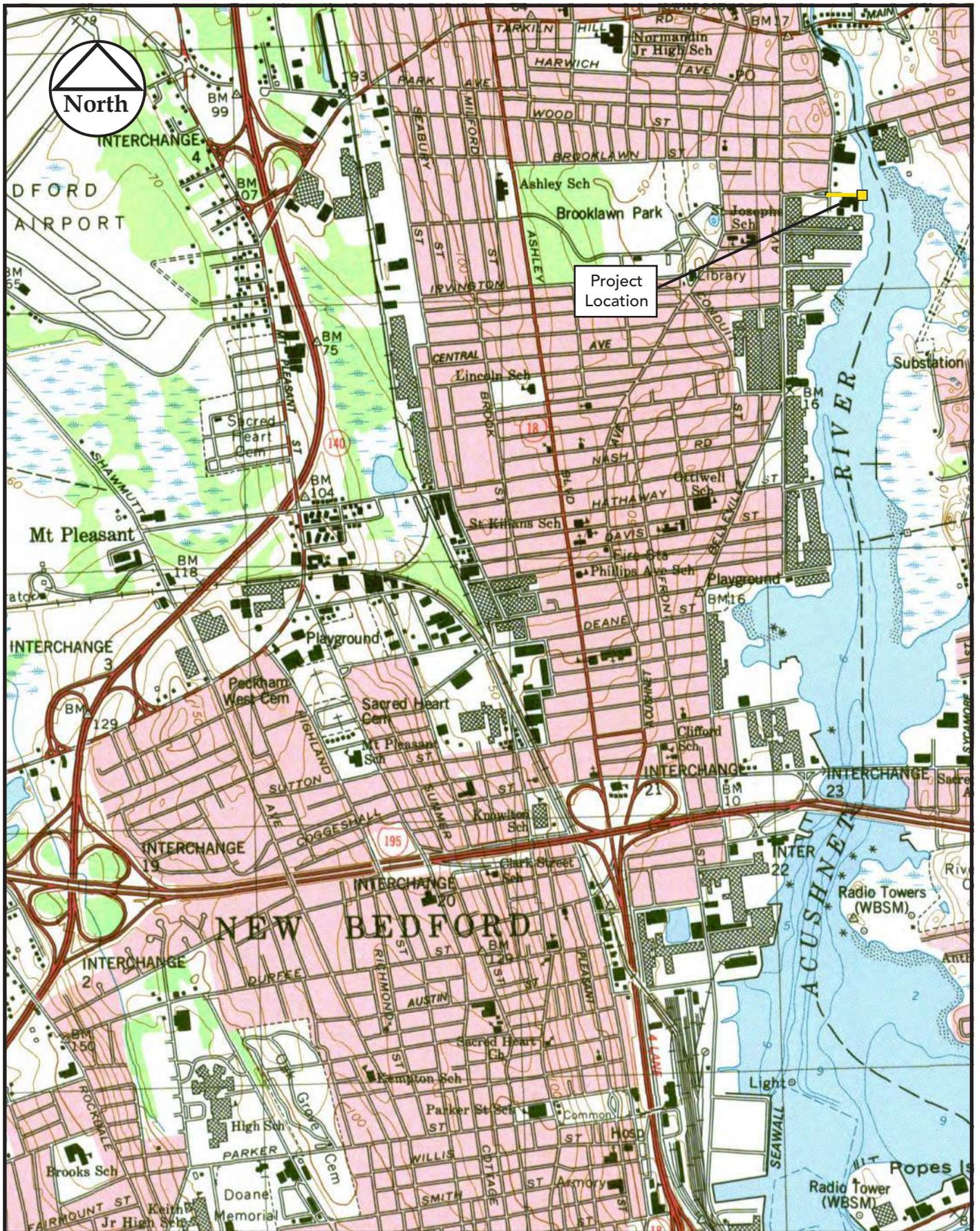
### For MassDEP:

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.



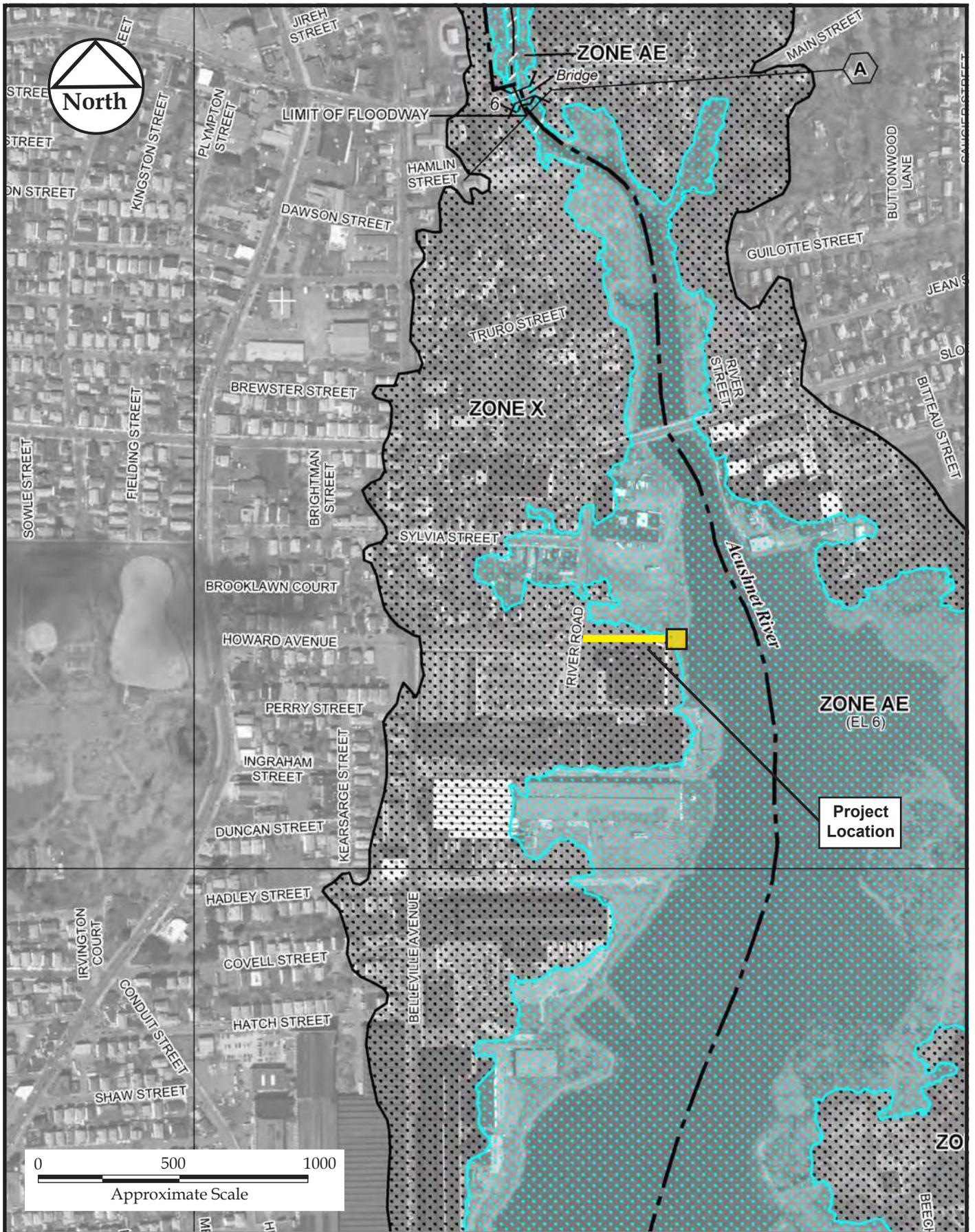
City New Bedford, Massachusetts  
 Department of Public Infrastructure  
 Howard Avenue Drain Line Replacement

**Figure 1**  
**Project Locus Map**



City New Bedford, Massachusetts  
 Department of Public Infrastructure  
 Howard Avenue Drain Line Replacement

**Figure 2**  
**Estimated Habitats Map**



Source: FEMA Flood Insurance Rate Map  
Community Panel 25005C0391G

City New Bedford, Massachusetts  
Department of Public Infrastructure  
Howard Avenue Drain Line Replacement

**Figure 3**  
**FEMA Flood Insurance Rate Map**



Source: Google Earth Pro 2013

City New Bedford, Massachusetts  
Department of Public Infrastructure  
Howard Avenue Drain Line Replacement



**Figure 4**  
**Project Aerial Map**

# **Attachment A Project Narrative**

# Attachment A

## Project Narrative

The City of New Bedford Department of Public Infrastructure (DPI) submits this Notice of Intent (NOI) pursuant to the Emergency Certification (EC) issued by the New Bedford Conservation Commission, copy attached. The DPI is replacing the existing storm drain and outlet to the Acushnet River pursuant to the EC. The July 4, 2014 rainstorm, during which there was approximately 6 inches of rain in twelve hours at the New Bedford Airport, caused significant flooding in the River Road area. Following that storm it was determined this drain pipe had collapsed and that prevented storm flow from discharging out of the outfall. The replacement pipe is needed to avoid future flooding. Therefore the DPI sought and received permission to replace the collapsed storm drain with a new storm drain.

This project involves replacing approximately 375 feet of 24-inch diameter storm drain with a new 48-inch diameter storm drain, and installing two manholes. The Coastal Bank altered for this construction will be stabilized with a stone toe and the upper reaches of the bank will be loamed and seeded, and covered with an erosion control blanket. This slope stabilization approach is proposed to balance protecting the new storm drain outlet, providing a stable Coastal Bank, and minimizing shoreline impacts.

This NOI presents the design to stabilize the slope at the pipe end. The pre-existing pipe outlet did not have a headwall or engineered rip rap slope protection. The adjacent slopes are a mix of rubble rip rap (brick, block fragments, rock, gravel, debris, etc.) and vegetated slopes; and suggest that was the condition within the work area. To stabilize the work area, we propose to stabilize the slope using a combination of abiotic and biotic techniques. The toe of the slope will be comprised of 4 – 8 inch diameter (average size 6 inch diameter) angular stone to establish a stabilize toe. Above that, the slope will be graded at approximately a 1.5:1 (horizontal to vertical) slope, and finish graded with loam and seeded. An erosion control fabric will be installed atop the seeded slope to provide temporary stabilization until the mix germinates and grass roots developed a sufficiently dense matrix to stabilize soil for the long-term. See Sheet 1 for the proposed drain outlet and stabilized slope.

### **Review of work in Resource Areas and Compliance with performance standards.**

Work to replace the storm drain will occur on Coastal Beach, Coastal Bank, Land Subject to Coastal Storm Flowage, Riverfront Area and the 100-foot buffer zone to Coastal Bank. Following are descriptions of the affected resource areas and how this project complies with the performance standards for each.

#### Coastal Beach

Coastal Beach is defined as:

*“unconsolidated sediment subject to wave, tidal and coastal storm action which forms the gently sloping shore of a body of salt water and includes tidal flats. Coastal beaches extend from the mean low water line landward to the dune line, coastal bankline or the seaward edge of existing man-made*

*structures, when these structures replace one of the above lines, whichever is closest to the ocean.”*  
*[310 CMR 10.27(2)]*

A narrow reach of beach is present at the pipe outlet. At the outlet, beach is comprised of gravel with some cobbles, and mud flat is present further seaward and seaward of the salt marsh patches present north and south of the work zone.

*When a Coastal Beach is determined to be significant to storm damage prevention, flood control, or protection of wildlife habitat, 310 CMR 10.27(3) through (7) shall apply:*

*(3) Any project on a coastal beach, except any project permitted under 310 CMR 10.30(3)(a), shall not have an adverse effect by increasing erosion, decreasing the volume or changing the form of any such coastal beach or an adjacent or downdrift coastal beach.*

The storm drain replacement was designed to avoid beach erosion. The pipe design outlet velocity from the 48-inch diameter storm drain will be approximately half that of the pre-existing 24-inch diameter storm drain; approximately 1.5 feet per second (fps) for the 48-inch outlet vs. approximately 3 fps for the 24-inch outlet. Therefore the beach substrate should not be subjected to increased erosion compared to existing conditions.

*(4) Any groin, jetty, solid pier, or other such solid fill structure which will interfere with littoral drift, in addition to comply with 310 CMR 10.27(3), shall be constructed as follows:*

*(a) It shall be the minimum length and height demonstrated to be necessary to maintain beach form and volume. In evaluating necessity, coastal engineering, physical oceanographic and/or coastal geologic information shall be considered.*

*(b) Immediately after construction any groin shall be filled to entrapment capacity in height and length with sediment of grain size compatible with that of the adjacent beach.*

*(c) Jetties trapping littoral drift material shall contain a sand by-pass system to transfer sediments to the downdrift side of the inlet or shall be periodically redredged to provide beach nourishment to ensure that downdrift or adjacent beaches are not starved of sediments.*

Not applicable. This is not a coastal engineering structure.

*(5) Notwithstanding 310 CMR 10.27(3), beach nourishment with clean sediment of a grain size compatible with that on the existing beach may be permitted.*

Not applicable. This is not a beach nourishment project.

*When a tidal flat is determined to be significant to marine fisheries or the protection of wildlife habitat, 310 CMR 10.27(6) shall apply:*

*(6) In addition to complying with the requirements of 310 CMR 10.27 (3) and 10.27 (4), a project on a tidal flat 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 and wildlife habitat caused by:*

*(a) alterations in water circulation,*

*(b) alterations in the distribution of sediment grain size, and*

*(c) changes in water quality, including, but not limited to, other than natural fluctuations in the levels of dissolved oxygen, temperature or turbidity, or the addition of pollutants.*

Not applicable. This project is not impacting adjacent tidal flat.

*(7) Notwithstanding the provisions of 310 CMR 10.27(3) through 10.27(6), no project may be permitted which will have any adverse effect on specified habitat sites or rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.*

No Estimated or Priority Habitats are within the project limits, see Figure 2.

### Coastal Bank

Coastal Bank is defined as:

*“the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action or other wetland” [310 CMR 10.30].*

Coastal Bank is associated with the Acushnet River and is best described as rubble rip rap (brick, block fragments, rock, gravel, debris) slope at the lower elevations and a vegetated slope at higher elevation.

*When a coastal bank is determined to be significant to storm damage prevention or flood control because it supplies sediment to coastal beaches, coastal dunes or barrier beaches, 310 CMR 10.30(3) through (5) shall apply:*

*(3) No new bulkhead, revetment, seawall, groin or other coastal engineering structure shall be permitted on such a coastal bank except that such a coastal engineering structure shall be permitted when required to prevent storm damage to buildings constructed prior to the effective date of 310 CMR 10.21 through 10.37 or constructed pursuant to a Notice of Intent filed prior to the effective date of 310 CMR 10.21 through 10.37 (August 10, 1978), including reconstructions of such buildings subsequent to the effective date of 310 CMR 10.21 through 10.37, provided that the following requirements are met:*

*(a) a coastal engineering structure or a modification thereto shall be designed and constructed so as to minimize, using best available measures, adverse effects on adjacent or nearby coastal beaches due to changes in wave action, and*

Not applicable, this is not a coastal engineering structure.

*(b) the applicant demonstrates that no method of protecting the building other than the proposed coastal engineering structure is feasible.*

Not applicable.

*(c) protective planting designed to reduce erosion may be permitted.*

Seeding, (i.e. protective planting with erosion control blanket), is proposed on the upper portion of the restored slope.

*(4) Any project on a coastal bank or within 100 feet landward of the top of a coastal bank, other than a structure permitted by 310 CMR 10.30(3), shall not have an adverse effect due to wave action on the movement of sediment from the coastal bank to coastal beaches or land subject to tidal action.*

The proposed bank restoration is designed to mimic the adjacent coastal bank, and therefore have similar sediment transport characteristics.

*(5) The Order of Conditions and the Certificate of Compliance for any new building within 100 feet landward of the top of a coastal bank permitted by the issuing authority under M.G.L. c. 131, §40 shall contain the specific condition: 310 CMR 10.30(3), promulgated under M.G.L. c. 131, § 40, requires that no coastal engineering structure, such as a bulkhead, revetment, or seawall shall be permitted on an eroding bank at any time in the future to protect the project allowed by this Order of Conditions.*

Not applicable, there are no buildings proposed within 100 feet of the top of coastal bank.

*When a coastal bank is determined to be significant to storm damage prevention or flood control because it is a vertical buffer to storm waters, 310 CMR 10.30(6) through (8) shall apply:*

*(6) Any project on such a coastal bank or within 100 feet landward of the top of such coastal bank shall have no adverse effects on the stability of the coastal bank.*

The proposed slope stabilization techniques is designed to protect the long-term stability of the bank at the storm drain outlet.

*(7) Bulkheads, revetments, seawalls, groins or other coastal engineering structures may be permitted on such a coastal bank except when such bank is significant to storm damage prevention or flood control because it supplies sediment to coastal beaches, coastal dunes, and barrier beaches.*

The characteristics of the extant bank suggest this reach of bank is not a significant source of sediment to down drift coastal land forms. The proposed bank reconstruction is designed to mimic adjacent slopes by being comprised of both biotic and abiotic materials.

*(8) Notwithstanding the provisions of 310 CMR 10.30(3) through (7), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.*

The project site is not within an Estimated or Priority Habitat, see Figure 2.

#### Land Subject to Coastal Storm Flowage (LSCSF)

*“means land subject to inundation cause buy coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record whichever is greater”[310 CMR 10.04].*

In the vicinity of the project, the Federal Emergency Management Agency (FEMA) floodplain mapping identifies the 100-year floodplain at elevation 6 feet North American Vertical Datum of 1988 (NAVD88), see Figure 3.

There are no performance standards for LSCSF, however the guiding principle is to protect the interests of flood control and storm damage prevention. Replacing the collapsed storm drain is specifically proposed to mitigate future flooding and mitigate future storm damage.

### Riverfront Area

Riverfront Area (RFA) is defined as:

*“the area of land between a river’s mean annual high water line and a parallel line measured horizontally. The riverfront area may include or overlap other resource areas or their buffer zones. The riverfront area does not have a buffer zone” [310 CMR 10.58(2)(a)].*

A 25-foot RFA is associated with the Acushnet River in New Bedford.

*(4) Where the presumption set forth in 310 CMR 10.58(3) is not overcome, the applicant shall prove by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40. In the event that the presumption is partially overcome, the issuing authority shall make a written determination setting forth its grounds in the Order of Conditions and the partial rebuttal shall be taken into account in the application of 310 CMR 10.58(4)(d)1.a. and c.; the issuing authority shall impose conditions in the Order that contribute to the protection of interests for which the riverfront area is significant.*

*(a) Protection of Other Resource Areas. The work shall meet the performance standards for all other resource areas within the riverfront area, as identified in 310 CMR 10.30 (coastal bank), 10.32 (salt marsh), 10.55 (Bordering Vegetated Wetland), and 10.57 (Land Subject to Flooding). When work in the riverfront area is also within the buffer zone to another resource area, the performance standards for the riverfront area shall contribute to the protection of the interests of M.G.L. c. 131, § 40 in lieu of any additional requirements that might otherwise be imposed on work in the buffer zone within the riverfront area.*

The work meets the performance standards for all other resource areas, see above.

*(b) Protection of Rare Species. No project may be permitted within the riverfront area which will have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species, as identified by the procedures established under 310 CMR 10.59 or 10.37, or which will have any adverse effect on vernal pool habitat certified prior to the filing of the Notice of Intent.*

Not applicable the work area is not within a mapped Estimated or Priority Habitat, see Figure 2.

*(c) Practicable and Substantially Equivalent Economic Alternatives. There must be no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified in M.G.L. c. 131 § 40.*

This is a replacement project; there are no other economically equivalent alternatives with less impact.

*(d) No Significant Adverse Impact. The work, including proposed mitigation measures, must have no significant adverse impact on the riverfront area to protect the interests identified in M.G.L. c. 131, § 40.*

This replacement project will occur in a developed portion of the Riverfront Area and within the same footprint of the pre-existing outlet, and therefore will have no significant impact on the interests of the Wetlands Protection Act. It meets the standards identified in (d) 2. a. through d. for work in a 25-foot Riverfront Area.

### **Mitigation Measures**

In compliance with the EC and pursuant to discussion with Ms. Sarah Porter, New Bedford Conservation Commission Agent, during construction a sediment control barrier was deployed at the limit of the work to prevent the transport of sediment to the river, and a filter bag was used to filter water from trench dewatering to prevent sediment transport to the river. Post construction, the work area will be stabilized to match pre-construction conditions; paved areas will be patched, and vegetated areas will be loamed and seeded.

### **Conclusion**

The purpose of this project was to replace the collapsed storm drain and mitigate flooding in the River Road area like that of July 4, 2014 which was aggravated by the collapsed storm drain. The DPI appreciates that emergency replacement was allowed to proceed as an EC, and presents herein a slope stabilization approach that balances protecting the new storm drain outlet and minimizing shoreline impacts.

**Attachment B**  
**Abutters Notification Information**

I, Carlos Afonso, 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: 8/15/2014

SUBJECT PROPERTY:

MAP 116 LOT utility easement in lot 94

LOCATION 20 Howard Avenue

OWNER'S NAME Coyne International

MAILING ADDRESS P.O. Box 4854

CONTACT PERSON Andrew Poyant, CDM Smith Inc.

TELEPHONE NUMBER 857-417-6326

EMAIL ADDRESS poyantar@cdmsmith.com

REASON FOR REQUEST

The Department of Public Infrastructure is submitting a Notice of Intent with the Conservation Commission.

\_\_\_\_\_

\_\_\_\_\_

August 14, 2014

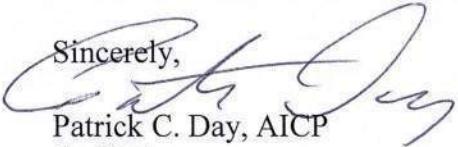
Dear Applicant,

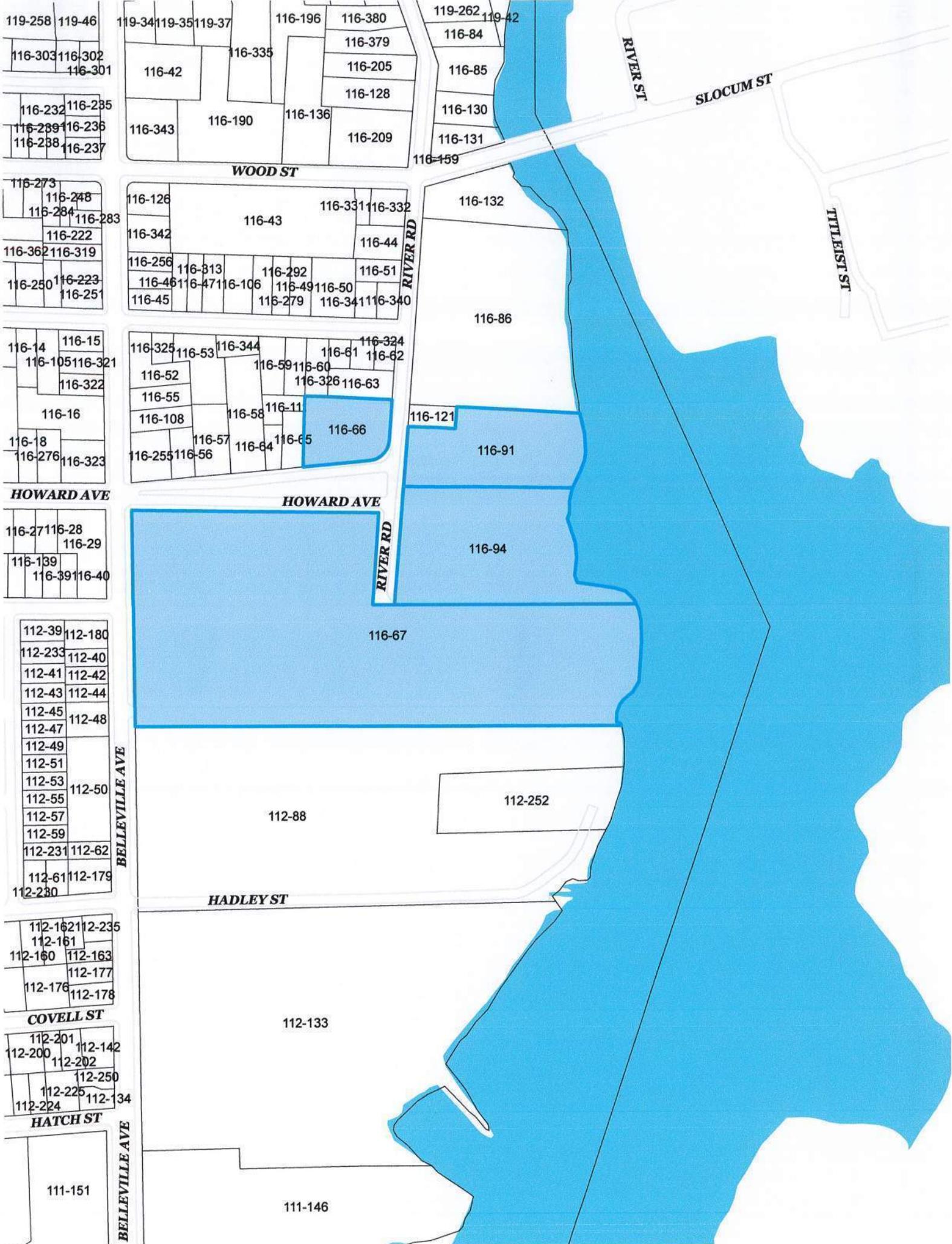
Please find below the List of Abutters containing all property owners within 100 feet of the property known as 20 Howard Avenue (116-94). The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of Abutters.

Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates, and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

<u>Parcel</u>	<u>Location</u>	<u>Owner and Mailing Address</u>
116-67	74 HOWARD AVE	ACUSHNET RUBBER COMPANY, INC 744 BELLEVILLE AVENUE NEW BEDFORD, MA 02745
116-66	HOWARD AVE	COYNE INTERNATIONAL, ENTERPRISES CORP 140 CORTLAND AVENUE SYRACUSE, NY 13202
116-94	20 HOWARD AVE	COYNE INTERNATIONAL, P O BOX 4854 SYRACUSE, NY 13221
116-91	104 RIVER RD	BUTTERWALK REALTY LLC, 136 RIVER ROAD NEW BEDFORD, MA 02745

Sincerely,

  
Patrick C. Day, AICP  
Staff Planner



119-258 119-46

116-303 116-302  
116-301

116-232 116-235  
116-239 116-236  
116-238 116-237

116-273  
116-248  
116-284 116-283

116-222  
116-362 116-319

116-250 116-223  
116-251

116-14 116-15  
116-105 116-321  
116-322

116-16  
116-18  
116-276 116-323

HOWARD AVE

116-27 116-28  
116-29  
116-139  
116-39 116-40

112-39 112-180  
112-233 112-40  
112-41 112-42  
112-43 112-44  
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COVELL ST

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HATCH ST

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116-45 116-279 116-34 116-340

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112-176 112-178

COVELL ST

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112-250  
112-225 112-134  
112-224

HATCH ST

111-151

RIVER ST

SLOCUM ST

TITLEIST ST

WOOD ST

RIVER RD

RIVER RD

BELLEVILLE AVE

BELLEVILLE AVE

HADLEY ST

112-88

112-252

116-67

116-94

116-91

116-121

116-86

116-132

116-331 116-332

116-43

116-126

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**Notification to Abutters under the City of New Bedford**  
**Wetlands Ordinance**

and the Massachusetts Wetlands Protection Act

In Accordance with the City of New Bedford Wetlands Ordinance (New Bedford Code of Ordinances Sections 15-101 through 15-112) you are hereby notified of the following.

The name of the applicant is: City of New Bedford

The applicant has filed a Request for Determination of Applicability for the municipality of New Bedford, Massachusetts seeking permission to remove, fill, dredge or alter an area subject to protection under the City of New Bedford Wetlands Ordinance (New Bedford Code of Ordinances Sections 15-101 through 15-112).

The address of the lot where the activity is proposed is: 20 Howard Avenue  
Assessor's Map 116 ; Lot 94

Copies of the Notice of Intent may be examined at the New Bedford Conservation Commission, City Hall, 133 William St. Room 304 New Bedford, MA 02740 between the hours of 8:00 AM and 4:00 PM, Monday through Friday. For more information call (508) 991-6188.

Copies of the Notice of Intent may be obtained from either (check one) the applicant \_\_\_\_\_ or the applicant's representative X by calling this telephone number (617) 452-6601 between the hours of 8:00 AM and 4:00 PM on the following days of the week: Monday through Friday.

Information regarding the date, time and place of the public hearing may be obtained from New Bedford Conservation Commission by calling 508-991-6188 between the hours of 8:00 AM and 4:00 PM Monday through Friday.

Note: Notice of the Public hearing, including its date, time and place, will be posted in the City Hall not less than forty eight (48) hours in advance of the meeting.

Note: Notice of the Public Hearing including its date, time and place, will be published at least five (5) days in advance in the Standard Times.

Note: You may also contact the New Bedford Conservation Commission at 508-991-6188 for more information about this publication or the City of New Bedford Wetlands Ordinance

# **Attachment C Redevelopment Checklist**

## **Redevelopment Checklist**

**Project: Howard Avenue Drain Pipe Replacement – New Bedford, MA**

### ***EXISTING CONDITIONS***

- On-site: For all redevelopment projects, proponents should document existing conditions, including a description of extent of impervious surfaces, soil types, existing land uses with higher potential pollutant loads, and current onsite stormwater management practices.

**RESPONSE:** See Attached Project Plans and Notice of Intent for the description and depiction of existing conditions.

- Watershed: Proponents should determine whether the project is located in a watershed or subwatershed, where flooding, low streamflow or poor water quality is an issue.

**RESPONSE:** The project site is located in the 100-year flood plain of the Acushnet River.

### ***THE PROJECT***

Is the project a redevelopment project?

- Maintenance and improvement of existing roadways
- Development of rehabilitation, expansion or phased project on redeveloped site, or
- Remedial stormwater project

For non-roadway projects, is any portion of the project outside the definition of redevelopment?

**RESPONSE:** The project is limited to replacing the collapsed drain pipe with a new drain pipe, i.e. a remedial storm water project. There will be no increase in impervious cover and no new point source storm water discharges to the river.

- Development of previously undeveloped area
- Increase in impervious surface

If a component of the project is not a redevelopment project, the proponent shall use the checklist set forth below to document that at a minimum the proposed stormwater management system fully meets each Standard for that component. The proponent shall also document that the proposed stormwater management system meets the requirements of Standard 7 for the remainder of the project.

## ***THE STORMWATER MANAGEMENT STANDARDS***

The redevelopment checklist reviews compliance with each of the Stormwater Management Standards in order.

### Standard 1: (Untreated discharges)

***No new stormwater conveyances (e.g., outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.***

Same rule applies for new developments and redevelopments.

Full compliance with Standard 1 is required for new outfalls.

- What BMPs are proposed to ensure that all new discharges associated with the discharge are adequately treated?
- What BMPs are proposed to ensure that no new discharges cause erosion in wetlands or waters of the Commonwealth?
- Will the proposed discharge comply with all applicable requirements of the Massachusetts Clean Waters Act and the regulations promulgated thereunder at 314 CMR 3.00, 314 CMR 4.00 and 314 CMR 5.00?

**RESPONSE:** No new storm water outfalls are proposed.

Existing outfalls shall be brought into compliance with Standard 1 to the maximum extent practicable.

- Are there any existing discharges associated with the redevelopment project for which new treatment could be provided?
- If so, the proponent shall specify the stormwater BMP retrofit measures that have been considered to ensure that the discharges are adequately treated and indicate the reasons for adopting or rejecting those measures. (See Section entitled “Retrofit of Existing BMPs”.)
- What BMPs have been considered to prevent erosion from existing stormwater discharges?

**RESPONSE:** The outfall is designed to avoid erosion at the discharge point.

### Standard 2: (Peak rate control and flood prevention)

***Stormwater management systems must be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates. This Standard may be waived for land subject to coastal storm flowage.***

Full compliance for any component that is not a redevelopment

Compliance to the Maximum Extent Practicable:

- Does the redevelopment design meet Standard 2, comparing post-development to pre-development conditions?

**RESPONSE:** This is a storm drain replacement project, there will be no change in peak discharge rates.

- If not, the applicant shall document an analysis of alternative approaches for meeting the Standard. (See Menu of Strategies to Reduce Runoff and Peak Flows and/or Increase Recharge Menu included at the end of this chapter.)

Improvement of existing conditions:

- Does the project reduce the volume and/or rate of runoff to less than current estimated conditions? Has the applicant considered all the alternatives for reducing the volume and/or rate of runoff from the site? (See Menu.)
- Is the project located within a watershed subject to damage by flooding during the 2-year or 10-year 24-hour storm event? If so, does the project design provide for attenuation of the 2-year and 10-year 24-hour storm event to less than current estimated conditions? Have measures been implemented to reduce the volume of runoff from the site resulting from the 2 year or 10 year 24 hour storm event? (See Menu.)
- Is the project located adjacent to a water body or watercourse subject to adverse impacts from flooding during the 100-year 24-hour storm event? If so, are portions of the site available to increase flood storage adjacent to existing Bordering Land Subject to Flooding (BLSF)?
- Have measures been implemented to attenuate peak rates of discharge during the 100-year 24-hour storm event to less than the peak rates under current estimated conditions? Have measures been implemented to reduce the volume of runoff from the site resulting from the 100-year 24-hour storm event? (See Menu.)

**RESPONSE:** This is storm drain replacement project with no change in rate or volume of storm water discharges to the Acushnet River.

Standard 3: (Recharge to Ground water)

*Loss of annual recharge to ground water shall be eliminated or minimized through the use of infiltration measures, including environmentally sensitive site design, low impact development techniques, best management practices, and good operation and maintenance. At a minimum, the annual recharge from the post-development site shall approximate the annual recharge from the pre-development conditions based on soil type. This Standard is met when the stormwater management system is designed to infiltrate the required recharge volume as determined in accordance with the Massachusetts Stormwater Handbook.*

Full compliance for any component that is not a redevelopment

**RESPONSE:** There will be no change in the annual recharge from the post-construction to pre-construction conditions. No new impervious area is proposed.

Compliance to the Maximum Extent Practicable:

- Does the redevelopment design meet Standard 3, comparing post-development to pre-development conditions?
- If not, the applicant shall document an analysis of alternative approaches for meeting the Standard?
- What soil types are present on the site? Is the site is comprised solely of C and D soils and bedrock at the land surface?
- Does the project include sites where recharge is proposed at or adjacent to an area classified as contaminated, sites where contamination has been capped in place, sites that have an Activity and Use Limitation (AUL) that precludes inducing runoff to the groundwater, pursuant to MGL Chapter 21E and the Massachusetts Contingency Plan 310 CMR 40.0000; sites that are the location of a solid

waste landfill as defined in 310 CMR 19.000; or sites where groundwater from the recharge location flows directly toward a solid waste landfill or 21E site?<sup>1</sup>

- Is the stormwater runoff from a land use with a higher potential pollutant load?
- Is the discharge to the ground located within the Zone II or Interim Wellhead Protection Area of a public water supply?
- Does the site have an infiltration rate greater than 2.4 inches per hour?

Improvements to Existing Conditions:

- Does the project increase the required recharge volume over existing (developed) conditions? If so, can the project be redesigned to reduce the required recharge volume by decreasing impervious surfaces (make building higher, put parking under the building, narrower roads, sidewalks on only one side of street, etc.) or using low impact development techniques such as porous pavement?
- Is the project located within a basin or sub-basin that has been categorized as under high or medium stress by the Massachusetts Water Resources Commission, or where there is other evidence that there are rivers and streams experiencing low flow problems? If so, have measures been considered to replace the natural recharge lost as a result of the prior development? (See Menu.)
- Has the applicant evaluated measures for reducing site runoff? (See Menu.)

Standard 4: (80% TSS Removal)

***Stormwater management systems must be designed to remove 80% of the average annual post-construction load of Total Suspended Solids (TSS). This standard is met when:***

- a. Suitable practices for source control and pollution prevention are identified in a long-term pollution prevention plan and thereafter are implemented and maintained;***
- b. Stormwater BMPs are sized to capture the required water quality volume determined in accordance with the Massachusetts Stormwater Handbook; and***
- c. Pretreatment is provided in accordance with the Massachusetts Stormwater Handbook.***

Full compliance for any component that is not a redevelopment

Full compliance with the long-term pollution plan requirement for new developments and redevelopments.

- Has the proponent developed a long-term pollution plan that fully meets the requirements of Standard 4?
- Does the pollution prevention plan include the following source control measures?
  - Street sweeping
  - Proper management of snow, salt, sand and other deicing chemicals
  - Proper management of fertilizers, herbicides and pesticides
  - Stabilization of existing eroding surfaces

Compliance to the Maximum Extent Practicable for the other requirements:

- Does the redevelopment design provide for treatment of all runoff from existing (as well as new) impervious areas to achieve 80% TSS removal? If 80% TSS removal is not achieved, has the stormwater management system been designed to remove TSS to the maximum extent practicable?
- Have the proposed stormwater BMPs been properly sized to capture the prescribed runoff volume?
  - One inch rule applies for discharge
    - within a Zone II or Interim Wellhead Protection Area,
    - near or to another critical area,

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<sup>1</sup> A mounding analysis is needed if a site falls within this category. See Volume 3.

- from a land use with a higher potential pollutant load
- to the ground where the infiltration rate is greater than 2.4 inches per hour
- Has adequate pretreatment been proposed?
  - 44% TSS Removal Pretreatment Requirement applies if:
    - Stormwater runoff is from a land use with a higher potential pollutant load
    - Stormwater is discharged
      - To the ground within the Zone II or Interim Wellhead Protection Area of a Public Water Supply
      - To the ground with an infiltration rate greater than 2.4 inches per hour
      - Near or to an Outstanding Resource Water, Special Resource Water, Cold-Water Fishery, Shellfish Growing Area, or Bathing Beach.
- If the stormwater BMPs do not meet all the requirements set forth above, the applicant shall document an analysis of alternative approaches for meeting these requirements. (See Section on Retrofitting Existing BMPs (the “Retrofit Section”).

Improvements to Existing Conditions:

- Have measures been provided to achieve at least partial compliance with the TSS removal standard?
- Have any of the best management practices in the Retrofit Section been considered?
- Have any of the following pollution prevention measures been considered?
  - Reduction or elimination of winter sanding, where safe and prudent to do so
  - Tighter controls over the application of fertilizers, herbicides, and pesticides
  - Landscaping that reduces the need for fertilizer, herbicides and pesticides
  - High frequency sweeping of paved surfaces using vacuum sweepers
  - Improved catch basin cleaning
  - Waterfowl control programs
- Are there any discharges (new or existing) to impaired waters? If so, see TMDL section.

**RESPONSE:** Work is limited to replacing collapsed section of storm drain. No new storm water management system or improvements to existing storm water management systems are proposed.

Standard 5 (Higher Potential Pollutant Loads (HPPL))

*For land uses with higher potential pollutant loads, source control and pollution prevention shall be implemented in accordance with the Massachusetts Stormwater Handbook to eliminate or reduce the discharge of stormwater runoff from such land uses to the maximum extent practicable. If through source control and/or pollution prevention, all land uses with higher potential pollutant loads cannot be completely protected from exposure to rain, snow, snow melt and stormwater runoff, the proponent shall use the specific stormwater BMPs determined by the Department to be suitable for such use as provided in the Massachusetts Stormwater Handbook. Stormwater discharges from land uses with higher potential pollutant loads shall also comply with the requirements of the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53, and the regulations promulgated thereunder at 314 CMR 3.00, 314 CMR 4.00 and 314 CMR 5.00.*

Full compliance for any component that is not a redevelopment.

Full compliance with pollution prevention requirements for new developments and redevelopments.

**RESPONSE:** Not applicable

Standard 6 (Critical Areas)

*Stormwater discharges to a Zone II or Interim Wellhead Protection Area of a public water supply and stormwater discharges near or any other critical area require the use of the specific source control and pollution prevention measures and the specific stormwater best management practices determined by the Department to be suitable for managing discharges to such area, as provided in the Massachusetts Stormwater Handbook. A discharge is near a critical area if there is a strong likelihood of a significant impact occurring to said area, taking into account site-specific factors. Stormwater discharges to Outstanding Resource Waters or Special Resource Waters shall be set back from the receiving water and receive the highest and best practical method of treatment. A “stormwater discharge,” as defined in 314 CMR 3.04(2)(a)1. or (b), to an Outstanding Resource Water or Special Resource Water shall comply with 314 CMR 3.00 and 314 CMR 4.00. Stormwater discharges to a Zone I or Zone A are prohibited unless essential to the operation of the public water supply.*

Full compliance for component of project that is not a redevelopment

Full compliance with pollution prevention requirements for new developments and redevelopments.

**RESPONSE:** Not applicable, no new stormwater discharges are proposed.

Standard 8: (Erosion, Sediment Control)

*A plan to control construction-related impacts, including erosion sedimentation and other pollutant sources during construction and land disturbance activities (construction period erosion, sedimentation, and pollution prevention plan), must be developed and implemented.*

All redevelopment projects shall fully comply with Standard 8.

- Has the proponent submitted a construction period erosion, sedimentation and pollution prevention plan that meets the requirements of Standard 8?

**RESPONSE:** During construction, sedimentation and pollution prevention BMPs were installed pursuant the Emergency Certification.

Standard 9: (Operation and Maintenance)

*A long-term operation and maintenance plan must be developed and implemented to ensure that stormwater management systems function as designed.*

All redevelopment projects shall fully comply with Standard 9.

- Has the proponent submitted a long-term Operation and Maintenance plan that meets the requirements of Standard 9?

**RESPONSE:** The replacement drain line will be inspected and maintained pursuant to the City’s storm water system protocols.

Standard 10 (Illicit Discharges)

*All illicit discharges to the stormwater management system are prohibited.*

All redevelopment projects shall fully comply with Standard 10.

- Are there any known or suspected illicit discharges to the stormwater management system at the redevelopment project site?

**RESPONSE:** During drain pipe replacement no illicit discharges were observed.

- Has an illicit connection detection program been implemented using visual screening, dye or smoke testing?

**RESPONSE:** No applicable, direct visual observation detected none.

- Have an Illicit Discharge Compliance Statement and associated site map been submitted verifying that there are no illicit discharges to the stormwater management system at the site?

**RESPONSE:** No, an Illicit Discharge Compliance Statement has not been submitted.

Improvements to Existing Conditions:

- Once all illicit discharges are removed, has the proponent implemented any measures to prevent additional illicit discharges?

**RESPONSE:** Not applicable, no illicit discharges are being removed as a part of this project.

**Attachment D**  
**Emergency Certification**



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Emergency Certification Form**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. Emergency Information**

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



Issuance From: New Bedford Conservation Commission  
Issuing Authority

1. Site Location: 20 Howard Ave (Map 116, Lot 94), utility easement within Lot 94.

2. Reason for Emergency:  
Existing 24" drain line is overwhelmed and crushed and needs to be replaced with a 48" drain line. Overwhelmed conditions causes serious flooding of Sylvia Street, Howard Ave and River Road.

3. Applicant to perform work: City of New Bedford Department of Public Infrastructure

4. Public agency to perform work or public agency ordering the work to be performed:  
City of New Bedford Department of Public Infrastructure

5. Date of Site Visit: 7/21/2014      Start Date: 7/23/2014      End Date\*: 8/20/2014  
\* no later than 30 days from start date or 60 days in the case of an Immediate Response Action approved by DEP to address an oil/hazardous material release.

6. Work to be allowed\*:  
Install approximately 100' of new 48" drain line beginning at the existing outfall at the Acushnet River and extending through the Bank of the River (approximately 40 linear feet of Bank disturbance due to depth of excavation required) westerly in the Buffer Zone. Install two manholes in the Buffer Zone to facilitate maneuvering around the loading dock. Currently the area at the outfall has been excavated under a previous Emergency Certification (start date 7/14/2014) and the work needs to be completed to stabilize the work area. Calculations have been done to support the need for a 48" pipe and an after-the-fact Notice of Intent is to be filed with the Conservation Commission with all backup data within 30 days of issuance of this Certification.

\* May not include work beyond that necessary to abate the emergency.

**B. Signatures**

Certified to be an Emergency by this Issuing Authority.

Signatures:

*Garrah Porter, Conservation Agent*  
 Chairman (or designee)

7/23/14  
 Date

**A copy of this form must be provided to the appropriate DEP Regional Office.**



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Emergency Certification Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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### C. General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Emergency Certification or subject to enforcement action.
  2. This Emergency Certification does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of property rights.
  3. This Emergency Certification does not relieve the applicant or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
  4. Any work conducted beyond that described above, and any work conducted beyond that necessary to abate the emergency, shall require the filing of a Notice of Intent.
  5. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Emergency Certification at reasonable hours to evaluate compliance with this Certification, and may require the submittal of any data deemed necessary by the Conservation Commission or the Department for that evaluation.
  6. This Emergency Certification shall apply to any contractor or any other person performing work authorized under this Certification.
  7. No work may be authorized beyond 30 days from the date of this certification without written approval of the Department.
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### D. Special Conditions

1. Conduct work at low tide
  2. Dewatering basin is to capture and filter all silty water prior to discharge to the Acushnet River.
  3. Haybales are to be installed at the limit of disturbance along the Coastal Bank.
  4. Any stone removed from the Coastal Bank is to be replaced to stabilize it once construction is complete.
  5. All disturbed vegetated areas are to be loamed and seeded.
  6. Leave haybales in place until site is fully stabilized with vegetation and/or stone.
  7. File an after the fact Notice of Intent for all work, including calculations to support the need for a 48" pipe within 30 days of the issuance of this Emergency Certification.
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### E. Appeals

The Department may, on its own motion or at the request of any person, review: an emergency certification issued by a conservation commission and any work permitted thereunder; a denial by a conservation commission of a request for emergency certification; or the failure by a conservation commission to act within 24 hours of a request for emergency certification. Such review shall not operate to stay the work permitted by the emergency certification unless the Department specifically so orders. The Department's review shall be conducted within seven days of: issuance by a conservation commission of the emergency certification; denial by a conservation commission of the emergency certification; or failure by a conservation commission to act within 24 hours of a request for emergency certification. If certification was improperly granted, or the work allowed thereunder is excessive or not required to protect the health and safety of citizens of the Commonwealth, the Department may revoke the emergency certification, condition the work permitted thereunder, or take such other action as it deems appropriate.

