

# Request for Determination of Applicability

Filed under

**Massachusetts Wetlands Protection Act**



## Proposed Concrete Foundation Pad and HVAC Unit Installation

Acushnet Company Plant C  
700 Belleville Avenue  
New Bedford, Massachusetts



Environment

Prepared for:  
Acushnet Company  
333 Bridge Street  
Fairhaven, Massachusetts

Prepared by:  
AECOM  
Chelmsford, MA 01824  
60310521  
October 2014

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700 Belleville Avenue  
New Bedford, Massachusetts

## Contents

<b>1.0 Introduction.....</b>	<b>1-1</b>
<b>2.0 Existing Conditions.....</b>	<b>2-1</b>
2.1 Wetland Resource Areas.....	2-1
2.1.1 Riverfront Area.....	2-1
2.1.2 Coastal Bank.....	2-1
2.1.3 100-Year Floodplain.....	2-2
2.2 Mapped Soil Series Units.....	2-2
2.3 Threatened and Endangered Species.....	2-2
<b>3.0 PROPOSED ACTIVITIES.....</b>	<b>3-1</b>
3.1 Spill Prevention and Preparedness.....	3-3
<b>4.0 REGULATORY COMPLIANCE.....</b>	<b>4-1</b>

## List of Appendices

Appendix A – Request for Determination of Applicability (WPA Form 1)

Appendix B – Proof of Property Ownership Information

Appendix C – Certified Abutter List

Appendix D – Project Figures

    Figure 1 – USGS Locus Map

    Figure 2 – Project Site Plan

    Figure 3 – RAM Plan Detail

    Figure 4 – FEMA Floodplain Map

    Figure 5 – NHESP Estimated and Priority Habitats Map

## 1.0 Introduction

On behalf of the Acushnet Company, AECOM has submitted this Request for Determination of Applicability (RDA) (see Appendix A) for the installation of a concrete foundation pad for a heating, ventilation and air conditioning (HVAC) condenser unit at the Acushnet Company Plant C Facility located at 700 Belleville Avenue in New Bedford, Massachusetts. The proposed HVAC unit has been sited in a landscaped area on the south side of the property to provide thermal comfort and acceptable indoor air quality at the Plant C facility.

The proposed work will occur in locations that contain known soil contaminants, mainly polychlorinated biphenyls (PCBs) that have affected the site as a result of the historic operation and disposal practices performed by the former Aerovox electrical manufacturing facility which was located to the immediate north of the site. The Aerovox facility is currently undergoing site investigation in accordance with the requirements of the Massachusetts Contingency Plan (310 CMR 40.0000). The proposed work has been sited within paved and landscaped areas of the 100-foot buffer zone to Coastal Bank and approximately 60 feet from the bank of the Acushnet River. The Applicant plans to commence construction activities in November of 2014, with AECOM providing oversight of the work.

## 2.0 Existing Conditions

The site is located at 700 Belleville Avenue in New Bedford, Massachusetts, and is comprised of one lot, designated by the New Bedford Assessors' office on Map 112, as Lot 133. The site has been historically used as a textile mill and custom golf ball printing facility, and is currently occupied by a 438,000 square-foot brick building, with associated paved parking locations and previously developed surrounding landscaped areas. The property is currently under the ownership and operation of Acushnet Company (see Appendix B) and functions as their Plant C facility, which creates custom artwork images which are pad printed onto finished golf balls using solvent-based inks, and stitching apparel. Other ancillary operations include golf ball research and development (R & D) activities, product storage, building utilities, maintenance activities, and shipping and receiving. The majority of the land use surrounding the building is occupied by paved and maintained residential and commercial developments and open water locations associated with the Acushnet River (see Figure 1 located in Appendix D).

### 2.1 Wetland Resource Areas

The wetland resource areas located on the site pursuant to the Massachusetts Wetlands Protection Act (G. L. c. 131, s. 40) and Regulations (310 CMR 10.00) are limited to Coastal Bank (310 CMR 10.30), and Riverfront Area (310 CMR 10.58). Given the limited scope of the proposed activity, and the nature of the existing site conditions where the work is to occur (i.e., minor buffer zone disturbances in previously developed/currently maintained locations), the limit of these resource areas has been approximated on the attached site plan (see Figure 2 located in Appendix D). As a result, confirmation of the depicted resource area boundaries is not being requested under this application and depiction of these locations is solely to aid in the planning and design work for the proposed HVAC unit. A brief summary of the resource areas located on the subject parcel has been provided below.

#### 2.1.1 Riverfront Area

Riverfront Area is defined under 310 CMR 10.58(2)(a) 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.

Riverfront Area in densely-developed locations (310 CMR 10.58(3)(a)) is limited to 25 feet from the waterbody's bank or mean annual high-water line. In most rivers the first observable break in slope is coincident with bankfull conditions and the mean annual high-water line; however, as defined in 310CMR 10.58(2)(c) the mean annual high-water line in tidal rivers is coincident with the mean high water line determined under 310 CMR 10.23. The site's mean high water line is depicted as a solid blue line along the western edge of the Acushnet River and the waterbody's associated 25-foot Riverfront area is shown as a dashed black line on the project site plans included on Figure 2 in Appendix D.

#### 2.1.2 Coastal Bank

Coastal Bank is defined under 310 CMR 10.30(2) 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. The Coastal Bank adjacent to the subject parcel has been depicted on the attached site plans as a solid green line on Figure 2 in Appendix D based on the guidance

provided within the MassDEP Wetlands Program Policy 92-1, as well as the topographic data made available for public use by the MassGIS program.

### **2.1.3 100-Year Floodplain**

The Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Maps ("FIRM") for the City of New Bedford, Massachusetts (FIRM Map No. 25005C0391G), was used to determine if any portion of the subject property is located within a special flood hazard area inundated by the 100-year flood. Based on this FEMA mapping, the eastern portion of the Site lies within Zone AE, an area inundated by 100-year flooding, for which base flood elevations (BFEs) have been determined (FEMA 1984). The remainder of the site, including the location selected for the proposed HVAC foundation pad is located within the 500-year floodplain (see Appendix D, Figure 4).

## **2.2 Mapped Soil Series Units**

Based on the USDA Soil Conservation Service's Soil Survey of Bristol County, Massachusetts, Southern Part (October, 1981), the soils on the site are comprised entirely of urban land (Ur). The urban land has a larger percentage of its surface area covered by structures or paved areas. The areas of smoothed udorthents consist of mainly level areas formed by excavating or filling for construction projects.

## **2.3 Threatened and Endangered Species**

According to the 2008 13th Edition of the Massachusetts Natural Heritage Atlas prepared by the Massachusetts Natural Heritage and Endangered Species Program (New Bedford North Quadrangle), the site is not located within an area of Estimated Habitats of Rare Wildlife or Priority Habitats of Rare Species. Additionally, no Certified Vernal Pools are located within the vicinity of the Site (see Appendix D, Figure 5).

### 3.0 PROPOSED ACTIVITIES

AECOM Environment has filed this RDA (see Appendix A) for the installation of a 7 foot by 9 foot-wide concrete foundation pad to support a HVAC condenser unit at the Acushnet Company Plant C facility. The HVAC unit has been proposed in a previously cleared and maintained landscaped area on the south side of the property, immediately adjacent to the existing building. Work will occur in locations which contain known soil contaminants (PCBs) and therefore work must be performed in accordance with the requirements of the Massachusetts Contingency Plan (310 CMR 40.0000) as well as the Release Abatement Measure (RAM) plan prepared for the activity and approved by MassDEP. Work associated with the RAM Plan will be conducted by URS Corporation, on behalf of AVX Corporation (owners of the adjacent Aerovox MCP site). The construction sequence will be performed as follows:

- The location of the proposed excavation will be staked in the field for contractor review. All onsite construction personnel will be informed of the resources areas located onsite, as well as any specific construction protocol or permit conditions related to the RAM plan and/or the RDA;
- Siltation fence (or an equivalent erosion control devices approved by the Conservation Agent) will be installed as depicted on the site plan included in Appendix B, to aid in the prevention of soil migration from the proposed workspace to unaffected buffer zone and/or Riverfront Area resource locations;
- Lined roll-off containers or dump trucks will be stationed onsite to allow for the live-load storage of spoils generated during the excavation. No spoils will be stockpiled onsite and removed material will be transported to a licensed disposal facility. If required, all dewatering operations will be discharged to a frac tank or a vacuum truck will be employed for groundwater management;
- Excavation of an approximate 13 foot by 15 foot-wide area will then occur to allow for the appropriate dimensions of the pad, as well as to accommodate space for one foot of clean soils around the perimeter of the pad during backfilling operations;
- The foundation hole for the pad will be initially excavated to a depth of 6 feet below the surface grade. This depth has been selected based on previously collected soil boring sample data from two locations in close proximity of the workspace. Both soil borings depicted PCB concentrations at decreasing levels as sample data reached 6 feet below the surface grade;
- Once a 6 foot depth has been achieved, soil samples will be collected and submitted for laboratory analysis of total PCBs to confirm PCB concentration levels are below MCP standards. Excavation and sampling will continue until the excavation contains PCB concentrations at or below a threshold of 1 part per million (ppm). It has been estimated by AECOM that installation of the project will result in the excavation of 50 cubic yards of contaminated soils (remediation waste). Because the excavated soil is known to contain PCBs in excess of 50 ppm, the soil will be manifested and disposed at a Toxic Substance Control Act (TSCA) licensed disposal facility as PCB Remediation Waste;
- Following confirmed laboratory results demonstrating PCB concentrations at or below 1 ppm, the excavation will be lined with geotextile fabric to function as a visual barrier for future reference in identifying the extent of the excavation. The excavation will then be backfilled

with clean soil to a depth of 0.5-inches below grade. Compacted gravel will then be added to the appropriate surface elevation to allow for the construction of the concrete pad;

- Once the concrete foundation is constructed, locations around the installed pad will be and topped with a 3-foot gravel apron around the perimeter of the foundation. Any remaining surface locations, disturbed as a result of the excavation activity will be graded and seeded.

The proposed work will take place in the 100-foot buffer zone to Coastal Bank, most of which is currently paved or maintained as lawn. The proposed HVAC unit and foundation pad will account for approximately 195 square feet (13 feet by 15 feet) of temporary surface disturbances and 63 square feet (7 feet by 9 feet) of permanent surface disturbances. No permanent impacts to the site's Riverfront Area will occur and installation of the project will not require the clearing of vegetation or the cutting of trees.

The foundation work and HVAC unit will be installed by a subcontractor, and excavation activities will be overseen by AECOM to ensure compliance with applicable state regulations and the requirements of the New Bedford Conservation Commission.

### **3.1 Spill Prevention and Preparedness**

AECOM Environment will require the contractor to take the necessary precautions to prevent a hazardous materials spill and to be prepared in the event that a spill occurs. The service vehicles used to transport lubricants and fuel shall be equipped with an emergency spill response kit. The following activities will be confined to locations outside the 25-foot Riverfront Area.

- Refueling equipment;
- Storing fuels or lubricating oils
- Storing of roll-offs for spoil storage; and
- Parking of vehicles and storage of motorized equipment during non-work hours.

## 4.0 REGULATORY COMPLIANCE

The Wetlands Protection Act Regulations (the Act) states that *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 project is located approximately 51 linear feet from the “top of bank” (at its closest point) as depicted on the attached site plan included in Attachment D of this report. Installation of the proposed HVAC unit and the associated foundation pad is anticipated to temporarily impact approximately 195 square feet and permanently impact approximately 63 square feet of the ground surface within the 100-foot buffer zone to Coastal Bank. All impacts will occur in previously altered locations that are currently paved or maintained as landscaped lawn; therefore, the proposed work is expected to have no adverse effects on the stability of the Coastal Bank.

*(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.*

No portion of the proposed project will be located on the Coastal Bank.

*(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.*

As described in section 2.3 above, the site is not located within an area of Estimated Habitats of Rare Wildlife or Priority Habitats of Rare Species, therefore no adverse effect on specified habitat sites of rare vertebrate or invertebrate species is anticipated to occur.

As proposed, the Project complies with the applicable performance standards under the Massachusetts Wetlands Protection Act relative to avoidance and/or minimization of adverse impacts to the sites wetland resource areas (Coastal Bank and Riverfront Area) and there are no alternatives to the actions being proposed that would be less damaging to the sites resource areas. No portion of the work will result in an alteration of Coastal Bank or Riverfront Area, and the total project permanent disturbance within the 100-foot buffer zone is approximately 63 square feet. All remaining disturbed locations not occupied by the HVAC foundation or the perimeter stone apron will be stabilized through re-vegetation and will be allowed to return to pre-existing conditions.

## **Appendix A**

### **Request for Determination of Applicability Form**



# WPA Form 1- Request for Determination of Applicability

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

## A. General Information

**Important:**

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



1. Applicant:
- Acushnet Company  
Name  
P.O. Box 965  
Mailing Address  
Fairhaven  
City/Town  
(508) 910-8825  
Phone Number
- Kevin\_Kelly@AcushnetGolf.com  
E-Mail Address
- MA  
State
- 02719  
Zip Code
- Fax Number (if applicable)
2. Representative (if any):
- AECOM Environment  
Firm  
Stephen Chmiel  
Contact Name  
9 Jonathan Bourne Drive  
Mailing Address  
Pocasset  
City/Town  
(508) 833-6969  
Phone Number
- stephen.chmiel@aecom.com  
E-Mail Address
- MA  
State
- 02559  
Zip Code
- (508) 833-6951  
Fax Number (if applicable)

## B. Determinations

1. I request the New Bedford Conservation Commission make the following determination(s). Check any that apply:

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

\_\_\_\_\_  
Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



# 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):

700 Belleville Avenue	New Bedford
Street Address	City/Town
112	133
Assessors Map/Plat Number	Parcel/Lot Number

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

The site is located at 700 Belleville Avenue in New Bedford, MA. The property contains an existing building, paved parking areas, landscaped uplands, and wetland resource areas associated with the Acushnet River, which is located directly east of the subject property. Please see the attached project narrative for additional site information.

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

Proposed Concrete Foundation and HVAC Unit Installation	October 2014
Acushnet Company Ball Plant C	Date
Title	
	Date
Title	
	Date

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

The applicant is proposing to install a concrete foundation pad for a heating, ventilation and air conditioning (HVAC) condenser unit at the Acushnet Company Ball Plant C Facility located at 700 Belleville Avenue in New Bedford, Massachusetts. The HVAC unit has been proposed on the south side of the property to provide thermal comfort and acceptable indoor air quality for the Ball Plant C facility. The activity has been sited within paved and landscaped areas within the 100-foot buffer zone to Coastal Bank and approximately 60 feet from the Acushnet River. The proposed installation will result in approximately 63 square feet of permanent impacts within the 100-foot buffer zone to Coastal Bank. Please see the attached project narrative for additional site information.



# WPA Form 1- Request for Determination of Applicability

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

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## 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).

Please see section 4.0 Regulatory Compliance of the attached project narrative.

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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.)

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# 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:

Acushnet Company

Name

P.O. Box 965

Mailing Address

Fairhaven

City/Town

MA

State

02719

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.

Signature of Applicant

Date

10-23-14

Signature of Representative (if any)

Date

## **Filing Fee Worksheet**



**CITY OF NEW BEDFORD  
MASSACHUSETTS**

**CONSERVATION COMMISSION  
2009 FILING FEE CALCULATION WORKSHEET\***

**PROJECT LOCATION:**

700 Belleville Avenue MAP 112 LOT(S) 133

**APPLICANT:** Acushnet Company

**CONSERVATION COMMISSION FEES (check all that apply):**

- REQUEST FOR DETERMINATION OF APPLICABILITY
- NOTICE OF INTENT
- INQUIRY AS TO NEED FOR AN AMENDED ORDER\*\*
- AMENDED ORDER OF CONDITIONS
- ANRAD (Abbreviated Notice of Resource Area Delineation)
- EXTENSION PERMIT
- CERTIFICATE OF COMPLIANCE
- AFTER THE FACT FILING
- RESTORATION PLAN FEE (no NOI filing required)
- LIFTING AN ENFORCEMENT ORDER
- PENALTIES

**(A.) ALTERATION FEES:**

Application and field review of a project proposed in a Wetland Resource Area or its Buffer Zone is \$150.00 plus the applicable alteration fee as follows

	<u>AMOUNT DUE</u>
• Application and Field Review Fee ( \$150.00 )	\$ <u>150.00</u>
• \$0.50 X _____ SF Wetland Resource Area	\$ _____
• \$0.05 X _____ SF Land Subject Coastal Flooding	\$ _____
• \$0.20 X _____ SF Developed Riverfront Area	\$ _____
• \$1.00 X _____ SF Undeveloped Riverfront Area	\$ _____
• \$5.00 X _____ LF Coastal Bank	\$ _____
• \$0.10 X <u>195</u> SF Buffer Zone	\$ <u>19.50</u>

**(B.) EXTENSION of an Order of Conditions:**

- Minor Project ... \$100.00 + \_\_\_\_\_ (¼ local fee from NOI) \$ \_\_\_\_\_
- Other Projects ... \$200.00 + \_\_\_\_\_ (¼ local fee from NOI) \$ \_\_\_\_\_

**(C.) AMENDING A PERMIT:**

- Written inquiry or request to appear to determine the need for an Amended Order:\*\* (\$50.00 fee) \$ \_\_\_\_\_
- Amending OOC: \$150.00 + \_\_\_\_\_ (applicable alteration fee) \$ \_\_\_\_\_

**(D.) RESOURCE BOUNDARY DELINEATION VERIFICATION USING AN RDA APPLICATION:**

- \$150.00 + \$2.00 X \_\_\_\_\_ LF Wetland boundary \$ \_\_\_\_\_

**(E.) ABBREVIATED RESOURCE AREA DELINEATION VERIFICATION (ANRAD)**

- \$150.00 + \$1.00 X \_\_\_\_\_ LF Resource Area boundary \$ \_\_\_\_\_

**(F.) RESOURCE BOUNDARY DELINEATION VERIFICATION CONDUCTED DURING A NOTICE OF INTENT REVIEW**

- \$150.00 + \$3.00 X \_\_\_\_\_ LF Resource Area boundary \$ \_\_\_\_\_

**(G.) DOCKS:**

- \$100.00 + \$4.00 X \_\_\_\_\_ LF of dock \$ \_\_\_\_\_
- Add 150% to total fee if in significant shellfish habitat \$ \_\_\_\_\_

**(H.) AFTER THE FACT FILING:**

- All Total Fees are doubled \$ \_\_\_\_\_

**(I.) RESTORATION PLAN FEE:**

- (\$150.00 + \_\_\_\_\_ Alteration Fee) Multiplied by 2 \$ \_\_\_\_\_

**(J.) LIFTING ON ENFORCEMENT ORDER:**

- \$150.00 fee \$ \_\_\_\_\_

**(K.) CERTIFICATE OF COMPLIANCE:**

- refer to "K" of the Fee schedule \$ \_\_\_\_\_

**(L.) PENALTIES:**

- refer to "L" of the Fee schedule \$ \_\_\_\_\_

**TOTAL AMOUNT DUE (including after-the-fact fee if applicable):** \$ 169.50

**Notes:**

\* Please refer to the Conservation Commission Fee Schedule - Revised April 2009

\*\* This is not required, but available for anyone who would like to appear to discuss the need to Amend.

Please make check or Money Order payable to: THE CITY OF NEW BEDFORD.  
Cash is not Accepted.

## **Appendix B**

### **Proof of Property Ownership Information**



## 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

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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: Acushnet Company

(2) Title Reference to Property: 16848

(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.

**NEW BEDFORD**

**700 Belleville Avenue**

**Custom Facility**

**All recording references are to the Bristol (S.D.) Registry  
District of the Massachusetts Land Court**

**Land Court Plan No.**

1. Certificate of Title No. 16848

39434A – 2 Sheets

# Owner's Duplicate Certificate.

ORIGINAL CERTIFICATE OF TITLE REGISTERED IN BOOK 91 PAGE 315

Doc. 61778  
No. 16848

Entered pursuant to a ~~deed~~ judgment of the Land Court, dated at Boston, in the County of Suffolk and Commonwealth of Massachusetts, the ~~fourteenth~~ eighteenth day of May in the year nineteen hundred and ninety-three, and numbered 39434 on the files of said Court.

## Copy of Decree.

COMMONWEALTH OF MASSACHUSETTS.  
In the matter of the ~~deed~~ Complaint of Acushnet Company

LAND COURT.

numbered 39434 after consideration, the Court doth adjudge and ~~decree~~ order that said

Acushnet Company, a Delaware corporation,  
having an usual place of business in

xx New Bedford

in the County of Bristol and Commonwealth of Massachusetts, ~~whereof~~

is  
the owner in fee simple

of that certain parcel of land situate in

New Bedford  
in the County of Bristol

and Commonwealth of Massachusetts, bounded and described as follows

Westerly	by	Belleville Avenue, five hundred sixty-three and 57/100 (563.57) feet;
Northerly	by	land now or formerly of Aerovox Industries, Inc., being the middle line of Way, about nine hundred twenty-five (925) feet;
Southeasterly, Southerly, Southwesterly, Northeast-erly and Easterly	by	the Acushnet River; and
Southerly		about three hundred seven (307) feet,
Westerly		forty-six and 58/100 (46.58) feet, and
Southerly		two hundred twenty-two and 85/100 (222.85) feet by land now or formerly of Fibre Leather Mfg. Corp.

All of said boundaries, except the water line, are determined by the Court to be located as shown on a plan drawn by Tibbetts Engineering Corp., Surveyors, dated June 14, 1976, and December 26, 1990, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which will be filed with the original certificate of title issued on this decree.

So much of the land hereby registered as is included within the area marked "Way Concrete Drive E and Concrete Drive A," approximately shown on said plan, is subject to the easements and restriction set forth in a deed given by Aerovox Corporation to Acushnet Process Company, dated September 1, 1966, duly recorded in Book 1534, Page 322.

So much of the land hereby registered as is included within the area marked "Way (50.00 Wide)," approximately shown on said plan, is subject to the rights reserved in the Discontinuance, of

Address of Owner:  
P.O. Box 916  
New Bedford, MA 02741

New Bedford, dated Jun 26, 1952, duly recorded in Book 958, Page 268, as affected by an amendment, dated August 10, 1967, duly recorded in Book 1551, Page 373.

The land hereby registered is subject to and has the benefit of three licenses to Nonquitt Spinning Company, first; issued by the Commonwealth of Massachusetts, Board of Harbor and Land Commissioners, dated December 15, 1909, duly recorded in Book 323, Page 60, second; issued by said Commonwealth, Board of Harbor and Land Commissioners, dated June 20, 1910, duly recorded in Book 337, Page 209, as affected by an assignment, dated September 1, 1948, duly recorded in Book 949, Page 543, and third; issued by said Commonwealth, Department of Public Works, dated December 14, 1943, duly recorded in Book 876, Page 450, all as affected by an assignment, dated April 1, 1952, duly recorded in Book 1045, Page 283.

So much of the land hereby registered as is included within the area marked "Utility Easement (15.00 Wide)," approximately shown on said plan, is subject to the easement set forth in a grant made by Acushnet Company to Commonwealth Electric Company, dated January 31, 1990, duly recorded in Book 2460, Page 246.

The Plaintiff and its successors and assigns has the right in common with Fibre Leather Mfg. Corp. and its successors and assigns to pass and repass for all purposes over that portion of the way running easterly from Belleville Avenue and marked "Concrete Drive A" on the plan, as further defined in an agreement, between Crescent Corporation and Fibre Leather Mfg. Corp., dated February 26, 1952, and duly recorded in Book 1043, Page 139, and the right in the plaintiff and its successors and assigns to pass and repass for all purposes in common with the said Fibre Leather Mfg. Corp. and its successors and assigns over the way marked, "Concrete Drive E" on the plan; and the right in the plaintiff and its successors and assigns to pass and repass for all purposes over a strip of order

SEE CONTINUED PAGE 316A

And the Court doth adjudge and decree that said land be brought under the operation and provisions of chapter 185 of the General Laws, and that the title of said Acushnet Company

to said land be confirmed and registered; subject, however, to any of the encumbrances mentioned in Section forty-six of said Chapter which may be subsisting, and subject also ~~xxx~~ as aforesaid; and to an assessment for hurricane barrier protection by the City of New Bedford, dated November 22, 1966, duly recorded in Book 1539, Page 4.

ROBERT V. CAUCHON, Chief Justice

Witness, ~~XXXXXXXXXXXXXXXXXXXX~~ of the Land Court, at Boston, in the County of Suffolk,

the eighteenth day of May in the year nineteen hundred and nintey-three, at 10 o'clock and 00 minutes in the fore noon.

Attest, with the Seal of said Court, CHARLES W. TROMBLY, JR., Recorder. ~~XXXX~~

A true copy. Attest, with the Seal of said Court, CHARLES W. TROMBLY, JR., Recorder. ~~XXXX~~

Received for Transcription at New Bedford, Bristol County South Registry District, May 24, 1993, at 9 o'clock and 50 minutes A. M.

A true copy. Attest, with the Seal of said Court,

*Charles W. Trombly, Jr.*  
Assistant Recorder.

land marked "Way" twenty-one and 80/100 (21.80) feet wide extending easterly from the easterly end of "Concrete Drive E" on said plan to the high water line of the Acushnet River, subject to existing buildings and erections thereon, the expense of making said strip of land marked "Way " passable and maintenance thereof to be borne by the plaintiff and its successors and assigns; and together with the right in the plaintiff and its successors and assigns, in common with Fibre Leather Mfg. Corp. and its successors and assigns to keep, maintain, repair, replace and use all existing water, steam, sewer, gas and electric lines, including all existing hydrants and pump indicators on land of said Fibre Leather Mfg. Corp. as at present located and used, and the right to enter in and upon the said land of Fibre Leather Mfg. Corp. for the purpose of using, maintaining, repairing and replacing the same. The cost and expense of repairing and maintaining the aforesaid "Concrete Drive A" and "Concrete Drive E" shall be borne equally between the Acushnet Process Company and Fibre Leather Mfg. Corp. and their respective successors and assigns.

There is appurtenant to the land hereby registered the right to use the northerly portion of Way (50.00 Wide), as shown on said plan, to and from said land and Belleville Avenue, in common with Aerovox Corporation, its successors and assigns, and the City of New Bedford, for all purposes for which streets or ways customarily are used in the City of New Bedford.

There is appurtenant to the land hereby registered rights set forth in a grant made by Aerovox Corporation to Acushnet Process Company, dated April 18, 1969, and duly registered as Document No. 27932.

There is appurtenant to the land hereby registered rights legally existing under Chapter 18 of the Statutes of 1806, as of the date of this decree.

Extract from Chapter 185, Section 46, of the General Laws, as amended.

Every petitioner receiving a certificate of title in pursuance of a decree of registration, and every subsequent purchaser of registered land taking a certificate of title for value and in good faith, shall hold the same free from all encumbrances except those noted on the certificate, and any of the following encumbrances which may be existing:

First, liens, claims or rights arising or existing under the laws or constitution of the United States or the statutes of this commonwealth which are not by law required to appear of record in the registry of deeds in order to be valid against subsequent purchasers or encumbrances of record.

Second, taxes, within two years after they have been committed to the collector.

Third, any highway, town way, or any private way laid out under section twenty-one of chapter eighty-two, if the certificate of title does not state that the boundary of such way has been determined.

Fourth, any lease for a term not exceeding seven years.

Fifth, any liability to assessment for betterments, or other statutory liability, except for taxes payable to the commonwealth, which attaches to land in the commonwealth as a lien; but if there are easements or other rights appurtenant to a parcel of registered land which for any reason have failed to be registered, such easements or rights shall remain so appurtenant notwithstanding such failure, and shall be held to pass with the land until cut off or extinguished by the registration of the servient estate, or in any other manner.

CERTIFICATE  
OF  
TITLE.

No. 16848

DATE OF REGISTRATION

May 24, 1993

Acushnet Company  
Owner

NOTE

This certificate must accompany every instrument relating to this property which is presented at the Registry of Deeds. If it is lost, a petition for new certificate should be filed at once in the Land Court at Boston. When a certificate holder dies, a petition for new certificate after death should be filed in the Land Court if the property goes to heirs or devisees.

SOUTH REGISTRY DISTRICT  
OF  
BRISTOL COUNTY,  
MASSACHUSETTS.

Land Court Case No. 39434

FORM D

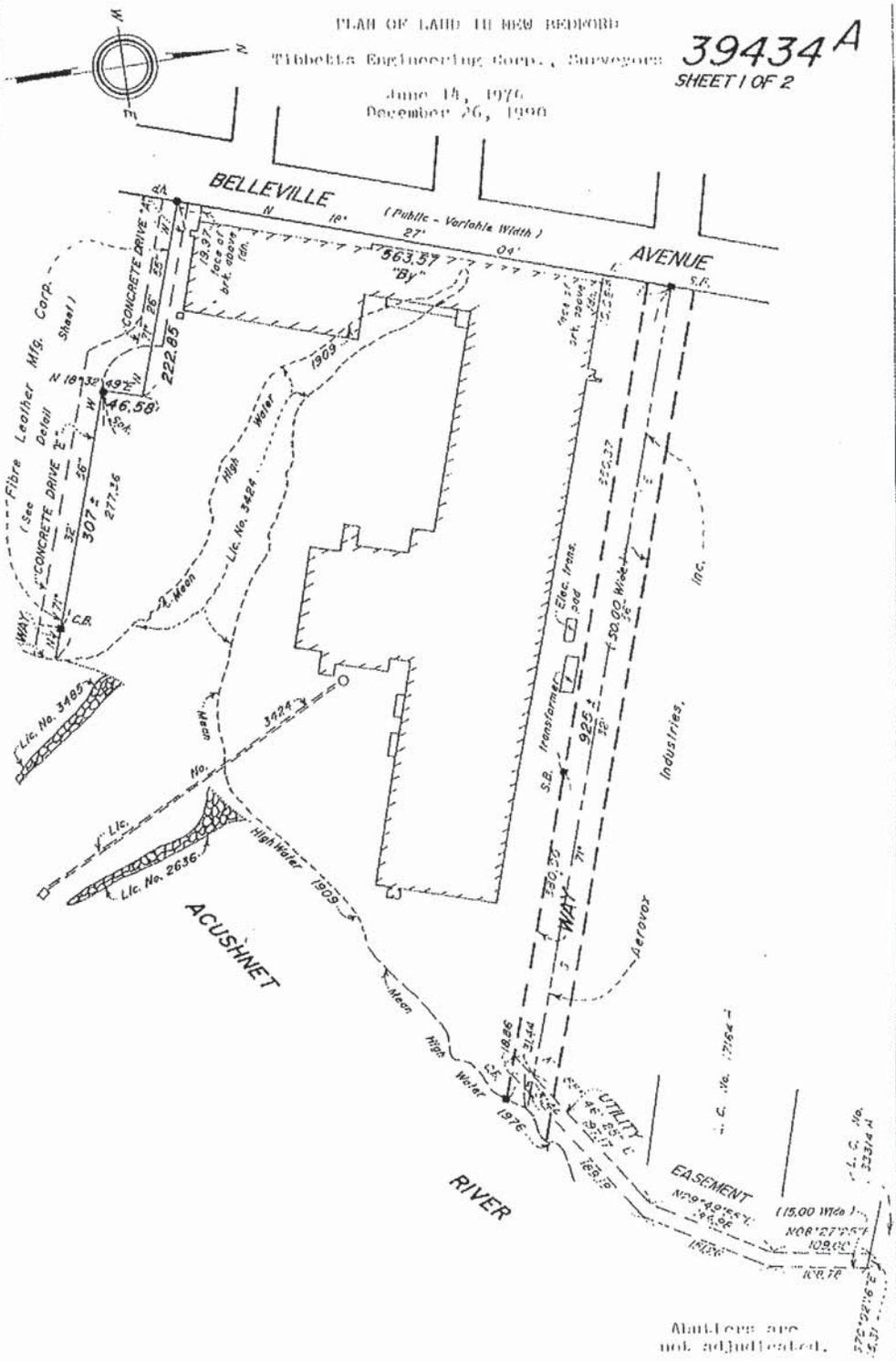


PLAN OF LAND IN NEW BEDFORD

Tibbetta Engineering Corp., Surveyors

39434 A  
SHEET 1 OF 2

June 14, 1976  
December 26, 1990

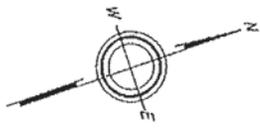


Markers are not adjudicated.

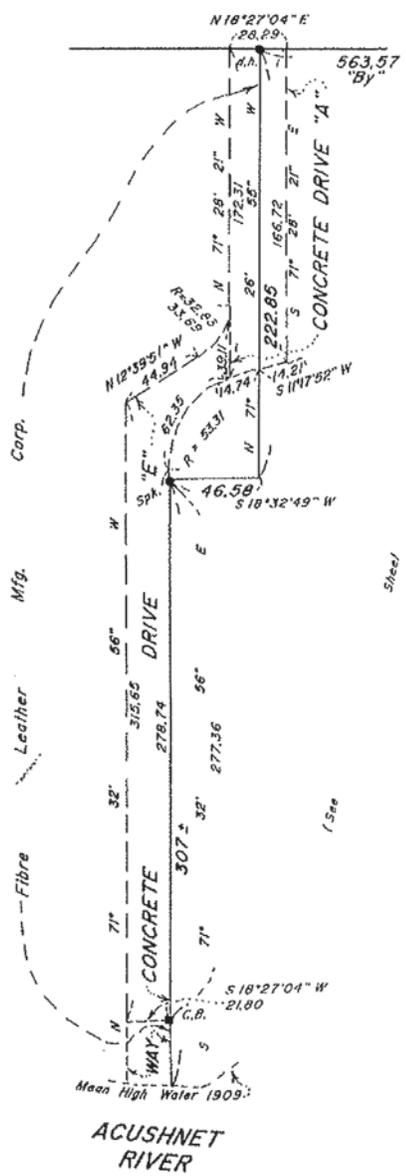
Copy of part of plan 39434 A  
- filed in 39434 A  
LAND REGISTRATION OFFICE  
JUNE 24, 1993  
Scale of this plan 1/20 foot to an inch  
Louis A. Mesero, Engineer in Charge

MT  
Form 14-F-02, 1981 CSI

Received New Bedford Registry of Deeds May 24, 1993



BELLEVILLE (Public) AVENUE



Scale of this plan 60 feet to an inch.

## **Appendix C**

### **Certified Abutters List**

Carlos Almeida

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: 10-6-14

SUBJECT PROPERTY: MAP 112 LOT

133

LOCATION Belleville Ave

OWNER'S NAME Acushnet Company of Fairhaven

MAILING ADDRESS 333 Bridge Street, Fairhaven, MA 02719

CONTACT PERSON Stephen Chmiel (AECOM)

TELEPHONE NUMBER 508-397-4258

REASON FOR REQUEST

Radius Map and abutters list  
for RIDA filing with NB ComCom.

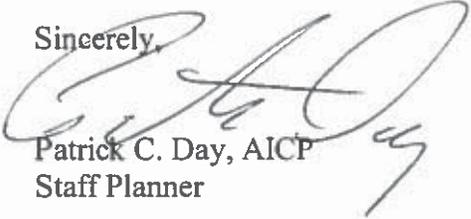
October 6, 2014

Please find below the List of Abutters containing all property owners within 100 feet of the property known as 700 Belleville Avenue (112-133). 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.

Parcel	Location	Owner and Mailing Address
111-146	630 BELLEVILLE AVE	DARN IT REALTY LLC, 686 BELLEVILLE AVENUE NEW BEDFORD, MA 02745
112-177	711 BELLEVILLE AVE	PIMENTAL JOAO D, 14 VINE STREET NEW BEDFORD, MA 02740
112-250	699 BELLEVILLE AVE	NASHAWENA MILLS CORP, 689 BELLEVILLE AVENUE NEW BEDFORD, MA 02745
111-151	615 <sup>689</sup> BELLEVILLE AVE	NASHAWENA MILLS CORP, 689 BELLEVILLE AVENUE NEW BEDFORD, MA 02745
112-134	65 HATCH ST	TEIXEIRA ARMINDO P, TEIXEIRA GENEVIEVE P 65 HATCH ST NEW BEDFORD, MA 02745
112-179	<sup>WS</sup> BELLEVILLE AVE	OLIVEIRA RONALD "TRUSTEE", OLIVEIRA SISTERS REALTY TRUST 5 ARCHER'S WAY ACUSHNET, MA 02743
112-163	713 BELLEVILLE AVE	VIEIRA MANUEL, VIEIRA MARIA C 102 COLONIAL DRIVE NEW BEDFORD, MA 02746
112-142	703 BELLEVILLE AVE	JACINTO ANTONIO, JACINTO EDUARDA 703 BELLEVILLE AVENUE NEW BEDFORD, MA <del>02746</del> 02745
112-178	3 COVELL ST	CRUZ ROBERTO HERNANDEZ, ALEJANDRO MARIA I MONTANEZ 3 COVELL ST NEW BEDFORD, MA 02745
112-235	106 HADLEY ST	PELLETIER DAVID A "TRUSTEE", PELLETIER ROCHELLE L "TRUSTEE" 5 RENEE STREET ACUSHNET, MA 02743
112-133	700 BELLEVILLE AVE	ACUSHNET COMPANY, C/O SUE BRENNER P.O.BOX 965 FAIRHAVEN, MA 02719-0965

112-88	740 BELLEVILLE AVE	740 BELLEVILLE AVENUE LLC, C/O CITY OF NEW BEDFORD 133 WILLIAM STREET NEW BEDFORD, MA 02740
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Sincerely,



Patrick C. Day, AICP  
Staff Planner



## **Appendix D**

### **Project Figures**



Acushnet Plant C Site

Map Location



**SITE LOCUS**

Acushnet Company – Plant C  
700 Belleville Avenue  
New Bedford, MA



**AECOM**



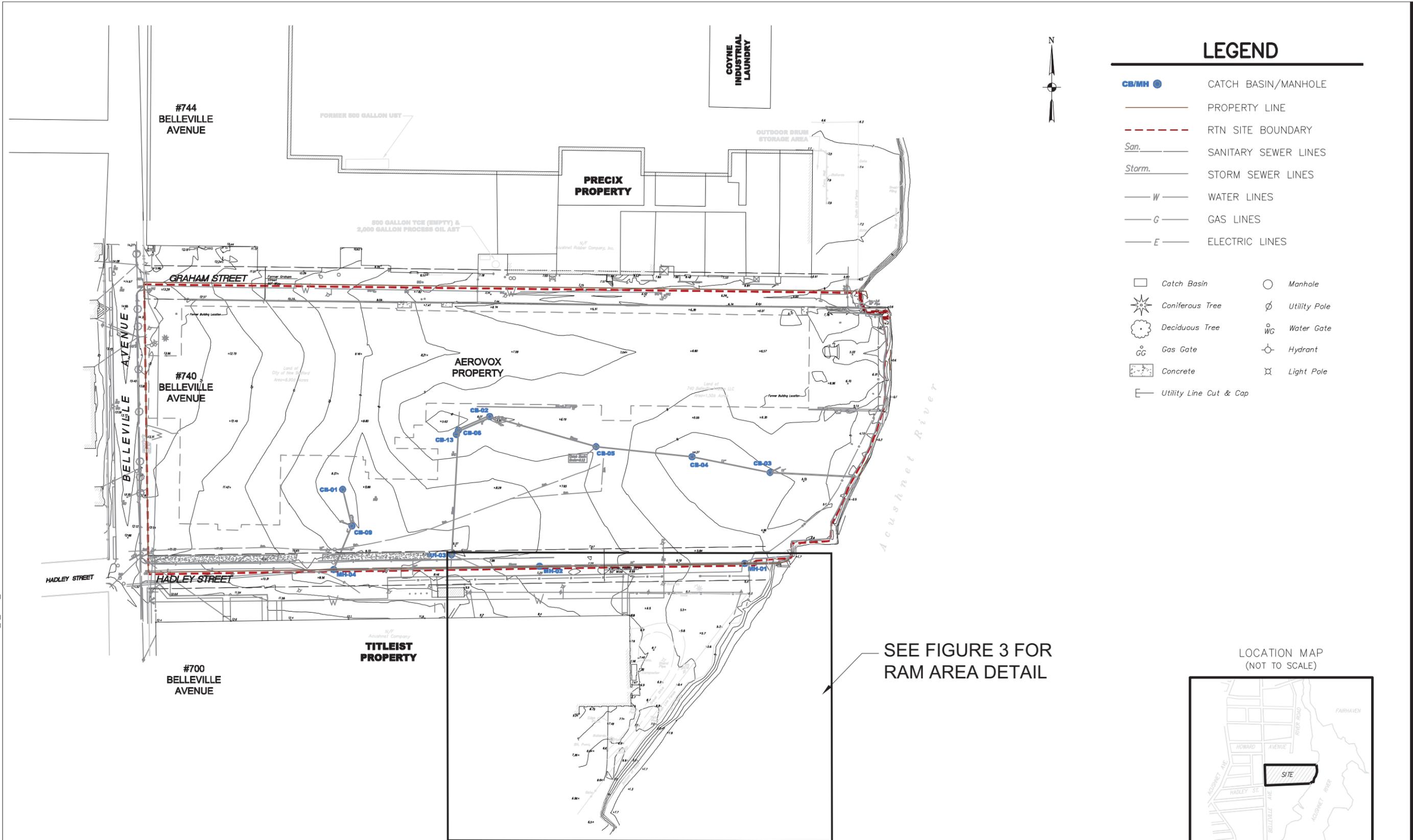
Image Source: USGS Topo Quad (New Bedford North)  
Map Projection: NAD 1983, State Plane, MA, Foot US

Scale 1:24,000  
1 inch equals 2,000 feet

Figure 1

October 2014

Project: 60310521.3

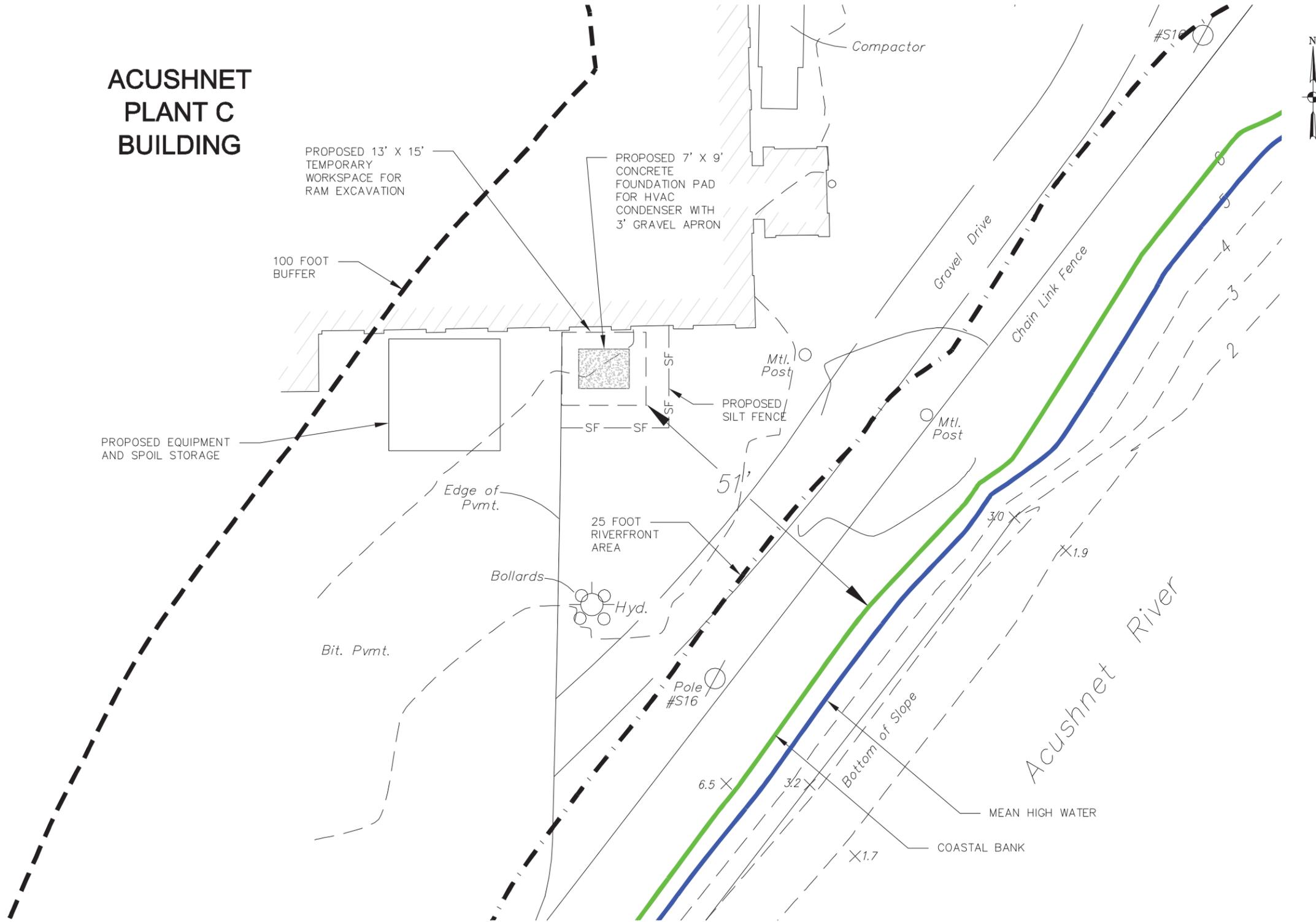


<THIS FIGURE MUST BE PRINTED IN COLOR>

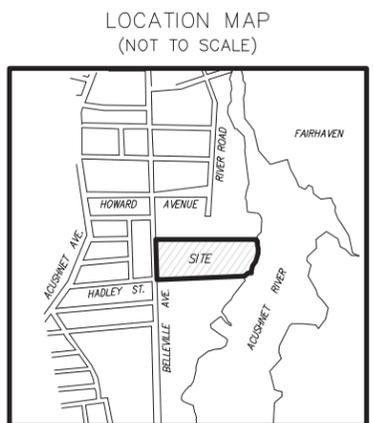
SEE FIGURE 3 FOR RAM AREA DETAIL

**NOTES:**  
 HISTORIC SOIL BORING AND MONITORING WELL LOCATIONS OBTAINED FROM THE FOLLOWING REPORTS:  
 GHR Engineering Corporation, 1983. Draft Report, Evaluation of Remedial Alternatives for the Aerovox Property, New Bedford, MA. January 11.  
 Blasland, Bouck and Lee Inc. (BBL). 1998. Engineering Evaluation/Coast Analysis, Aerovox Inc. New Bedford, Massachusetts. August.  
 OZA GeoEnvironmental, Inc., 2009. Downgradient Property Status Opinion, 744 Belleville Avenue, New Bedford, Massachusetts, RTN 4-21348. June.  
 Jacobs Engineering Group, 2013. Final Technical Memorandum Summary of Findings, New Bedford Harbor Superfund Site, 2012 Near-Shore Boring Program Adjacent to the Former Aerovox Property, 740 Belleville Avenue, New Bedford, MA. April.  
 RTN SITE BOUNDARY AS DEPICTED ON EXHIBIT 3, COOPERATION & SETTLEMENT AGREEMENT, AEROVOX PROPERTY, DEPARTMENT OF THE ARMY NEW ENGLAND DISTRICT CORPS OF ENGINEERS, DATED DECEMBER 2009.

# ACUSHNET PLANT C BUILDING



- Legend**
- Utility Pole
  - Hydrant
  - Concrete



**NOTES:**  
 THE BOUNDARIES OF THE WETLAND RESOURCE AREAS DEPICTED ON THE SITE PLAN HAVE BEEN APPROXIMATED BASED ON THE SURVEY DATA GENERATED FOR THE ASSOCIATED RAM SITE PLAN, IN CONJUNCTION WITH THE AVAILABLE ONLINE RESOURCE INFORMATION PROVIDED BY MassGIS.

**SITE DISTURBANCE**  
 195 SQUARE FEET OF TEMPORARY SURFACE IMPACTS WITHIN BUFFER ZONE  
 63 SQUARE FEET OF PERMANENT SURFACE IMPACTS WITHIN BUFFER ZONE





**FEMA Q3 Flood Map**  
 Acushnet Company - Ball Plant I  
 4 Slocum Street  
 Acushnet, Massachusetts

■ FEMA Q3 Flood Zone A   
 ■ FEMA Q3 Flood Zone AE

0 500 1,000 2,000 3,000 4,000 5,000 6,000 Feet

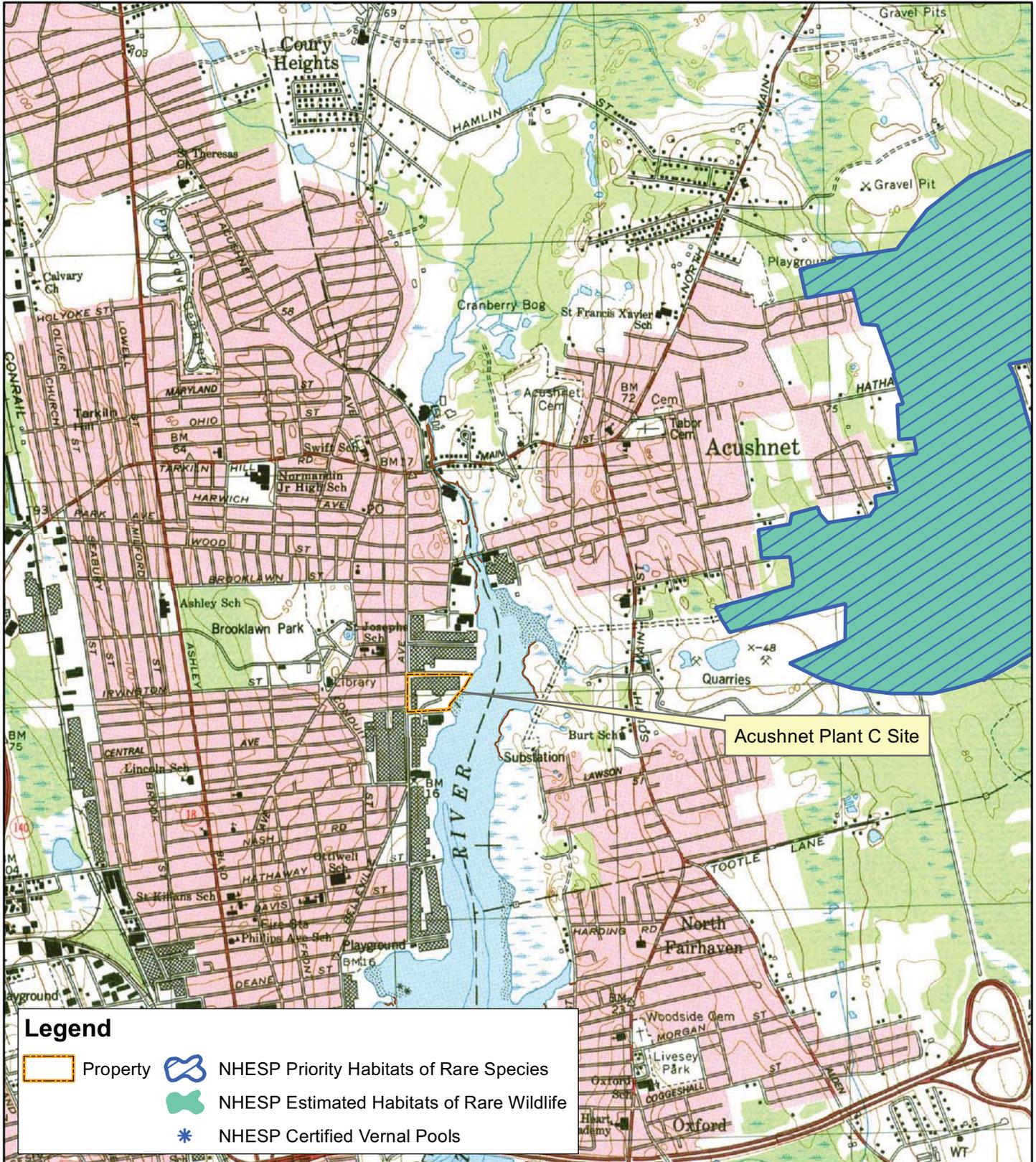
Image Source: USGS Topo Quad (New Bedford North)      Scale 1:24,000  
 Map Projection: NAD 1983, State Plane, MA, Foot US      1 inch equals 2,000 feet



Figure 4

October 2014

Project: 60310521.3



**Legend**

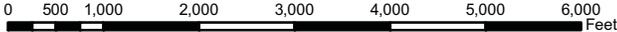
-  Property
-  NHESP Priority Habitats of Rare Species
-  NHESP Estimated Habitats of Rare Wildlife
-  NHESP Certified Vernal Pools

Acushnet Plant C Site



**NHESP Priority Habitats of Rare Species**

Acushnet Company – Plant C  
700 Belleville Avenue  
New Bedford, MA

Scale 1:24,000  
1 inch equals 2,000 feet



Figure 5

October 2014

Project: 60310521.3