



November 20, 2014

Hand Delivery

New Bedford Conservation Commission
133 William Street, Room 304
New Bedford, MA 02740

**Re: Request for Determination of Applicability
125 Samuel Barnet Boulevard
Map 133, Lot 46
New Bedford, Massachusetts**

[LEC File #UCS\14-350.01]

Dear Members of the Commission:

On behalf of the Applicant, Comcast Cable Communications, LEC Environmental Consultants, Inc., (LEC) is submitting this Request for a Determination of Applicability (RDA) for installation of a cable conduit and associated equipment extending from the John Vertente Boulevard Right-of-Way (ROW) to the existing industrial building at #125 Samuel Barnet Boulevard. The project involves temporary disturbance within previously developed Buffer Zone and Riverfront Area, Areas Subject to Protection under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00) and the *City of New Bedford's Wetlands Ordinance*. The proposed work activities are depicted on the attached site plans entitled, *125 Samuel Barnet Blvd. Comcast Petition Plan*, prepared by UC Synergetic, dated November 11, 2014 and revised November 13, 2014.

The proposed project involves installation of a cable conduit extending approximately 67-feet from the John Vertente Boulevard ROW to the existing building located at #125 Samuel Barnet Boulevard. The work is associated with recently permitted project extending cable service within the ROW starting at its southern terminus in New Bedford and extending northerly to #135 John Vertente Boulevard in Dartmouth.

The project will require excavation of an approximately 2-foot wide by approximately 30-inch deep trench in existing pavement and the grass shoulder of the driveway. The 4" PVC pipe/conduit will be set approximately 24-inches deep and the trench backfilled as depicted on the *Plans*. Temporary disturbance in the grass area will be restored with loam and seed, plus a covering of straw if work proceeds during the winter. Since the work is limited to temporary disturbance within previously developed areas and appropriate erosion controls and restoration measures will be implemented, the project will not adversely affect any Wetland Resource Areas.



According to the 13th Edition of the Massachusetts Natural Heritage Atlas (valid from October 1, 2008) published by the Natural Heritage & Endangered Species Program (NHESP) and the MassGIS database, the project footprint is located within a Priority or Estimated Habitat for Rare Species. A letter describing the project and a copy of the plans have been submitted to NHESP to confirm that the project is exempt from review under the *Massachusetts Endangered Species Act* (MESA, M.G.L. c. 131A) and its implementing *Regulations* (321 CMR 10.00) as per 321 CMR 10.14 (10).

Enclosed please find a check made payable to the City of New Bedford for One Hundred Seventy One Dollars and Forty Cents (\$171.40) for the Municipal filing fee.

Thank you for your consideration of this Application. Should you have any questions or require additional information, please do not hesitate to contact me at 508-746-9491 or at mmanganello@lecenvironmental.com

Sincerely,

LEC Environmental Consultants, Inc.

Mark L. Manganello
Assistant Director of Ecological Services

Claire Staines
Wetlands Specialist

Cc: DEP/SERO
David Flewelling, Comcast Cable Communications (via email)
NHESP (via email)
UC Synergetic (via email)



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:

Dave Flewelling - Comcast Cable Communications Dave_Flewelling@cable.comcast.com
 Name E-Mail Address
12 Washer Street
 Mailing Address
Lowell MA 01852
 City/Town State Zip Code
978-848-5999
 Phone Number
 Fax Number (if applicable)

2. Representative (if any):

LEC Environmental Consultants, Inc.
 Firm
Mark Manganello mmanganello@lecenvironmental.com
 Contact Name E-Mail Address
12 Resnik Road, Suite 1
 Mailing Address
Plymouth MA 02360
 City/Town State Zip Code
508-746-9491
 Phone Number
 Fax Number (if applicable)

B. Determinations

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

- 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:

New Bedford
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 (cont.)

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

The work will not adversely affect or substantially alter any wetland resource area.

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

New Bedford
City/Town

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:

Poyant Realty, LLC

Name

125 Samuel Barnet Boulevard

Mailing Address

New Bedford

City/Town

Massachusetts

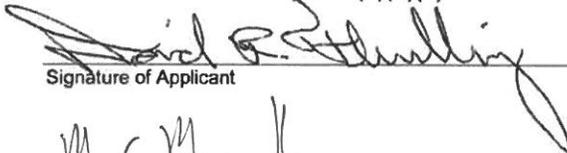
State

02745

Zip Code

Signatures:

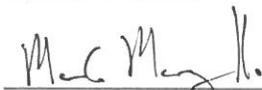
I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.



Signature of Applicant

Date

11/14/14



Signature of Representative (if any)

Date

11/20/14