

NOTICE OF INTENT

PROPOSED RELOCATION OF SEASONAL TIKI BAR AND ASSOCIATED UTILITY AND SITE WORK New Bedford, MA



Prepared for:
VVK Realty, LLC
99 Flag Swamp Rd
North Dartmouth, MA

April 2015

cleengineering

15 Creek Road | Marion, MA 02738
800.668.3220 | www.cleengineering



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):

<u>1494 E Rodney French Blvd</u>	<u>New Bedford</u>	<u>02744</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>41 36 38</u>	<u>70 54 18</u>	
d. Latitude	e. Longitude	
<u>Map 12</u>	<u>Lot 77</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Gregory</u>	<u>Kulpinski</u>	
a. First Name	b. Last Name	
<u>VVK Realty, LLC</u>		
c. Organization		
<u>99 Flag Swamp Rd</u>		
d. Street Address		
<u>North Dartmouth</u>	<u>MA</u>	<u>02747</u>
e. City/Town	f. State	g. Zip Code
<u>508 996 0313</u>	<u>matador.scallops@gmail.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

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

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

4. Representative (if any):

<u>Susan</u>	<u>Nilson, P.E.</u>	
a. First Name	b. Last Name	
<u>CLE Engineering, Inc.</u>		
c. Company		
<u>15 Creek Rd</u>		
d. Street Address		
<u>Marion</u>	<u>MA</u>	<u>02738</u>
e. City/Town	f. State	g. Zip Code
<u>508 748-0937</u>	<u>508 748-1363</u>	<u>snilson@cleengineering.com</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$500*</u>	<u>\$262.50</u>	<u>\$237.50*(additional fees for City of New Bedford=\$462.85)</u>
a. Total Fee Paid	b. State Fee Paid	



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A. General Information (continued)

6. General Project Description:

Relocation of seasonal tiki bar from adjacent parcel to subject property. Project includes associated site work including underground electrical service, landscape pavers, plantings, and pedestrian path. Site is within Land Subject to Coastal Storm Flowage and Buffer Zone to coastal bank, rocky and land under ocean.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

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

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration 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. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Bristol

a. County

11031

c. Book

b. Certificate # (if registered land)

159

d. Page Number

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

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

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



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

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

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Bank, Bordering Vegetated Wetland, and Land Under Waterbodies and Waterways.

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

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
100 ft. - New agricultural projects only
200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet b. square feet within 100 ft. c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

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

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



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

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 type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

	1. cubic yards dredged	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	6,257	
	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Notice of Intent – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

October 2008

b. Date of map

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.f, 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).*

- 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

2. 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

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

(c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm). Make check payable to “Commonwealth of Massachusetts - NHESP” and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____

3. Separate MESA review completed. Include copy of NHESP “no Take” determination or valid Conservation & Management Permit with approved plan.

3. 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, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

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.



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

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

4. 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
5. 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
6. 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
7. 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
 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

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

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.



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D. Additional Information (cont'd)

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.

"Seasonal Tiki Bar Relocation"

a. Plan Title

CLE Engineering, Inc.

Susan Nilson, P.E.

b. Prepared By

c. Signed and Stamped by

4/8/15

As Noted

d. Final Revision Date

e. Scale

Project Narrative and Exhibits

April 2015

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.

E. Fees

1. 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:

1475,1476,1478

4/7/15

2. Municipal Check Number

3. Check date

1477

4/7/15

4. State Check Number

5. Check date

Grzegorz

Kulpinski

6. Payor name on check: First Name

7. Payor name on check: Last Name



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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.

	4/9/15
1. Signature of Applicant	2. Date
3. Signature of Property Owner (if different)	4. Date
	4/9/15
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.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

1494 E Rodney French Blvd New Bedford
 a. Street Address b. City/Town
 1477 \$262.50 (State portion)
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Gregory Kulpinski
 a. First Name b. Last Name
 VVK Realty, LLC
 c. Organization
 99 Flag Swamp Rd
 d. Mailing Address
 North Dartmouth MA 02747
 e. City/Town f. State g. Zip Code
 508 996 0313 matador.scallops@gmail.com
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

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

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
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B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 2: Other	1	\$500	\$500
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			\$500

Step 6/Fee Payments:

Total Project Fee:	\$500
State share of filing Fee:	a. Total Fee from Step 5 \$237.50* Add'l NB Fees = \$462.85
City/Town share of filing Fee:	\$262.50 c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

GRZEGORZ KULPINSKI
MARGARET KULPINSKI
2 MIDDLE ST
FAIRHAVEN, MA 02719-2910

1477
53-447/113
451

04/07/15 Date

Pay to the Order of town of Mass \$ 282.50
Two hundred eight two and 10/100 Dollars

ROCKLAND TRUST

For J. Kulpinski MP

⑆011304478⑆ 1451007668⑆ 1477

GRZEGORZ KULPINSKI
MARGARET KULPINSKI
2 MIDDLE ST
FAIRHAVEN, MA 02719-2910

1478
53-447/113
451

04/07/15 Date

Pay to the Order of City of N Bedford \$ 150.00
one hundred fifty and 00/100 Dollars

ROCKLAND TRUST

For J. Kulpinski MP

⑆011304478⑆ 1451007668⑆ 1478

GRZEGORZ KULPINSKI
MARGARET KULPINSKI
2 MIDDLE ST
FAIRHAVEN, MA 02719-2910

1475
53-447/113
451

04/05/15 Date

Pay to the Order of City of New Bedford \$ 312.85
three hundred twelve and 85/100 Dollars

ROCKLAND TRUST

For J. Kulpinski MP

⑆011304478⑆ 1451007668⑆ 1475

GRZEGORZ KULPINSKI
MARGARET KULPINSKI
2 MIDDLE ST
FAIRHAVEN, MA 02719-2910

1476
53-447/113
451

04/07/15 Date

Pay to the Order of New Bedford City \$ 237.50
Two hundred thirty seven and 50/100 Dollars

ROCKLAND TRUST

For J. Kulpinski MP

⑆011304478⑆ 1451007668⑆ 1476

Table of Attachments

Exhibit A	Project Narrative
Exhibit B	Project Locus Map
Exhibit C	FEMA Flood Insurance Rate Map
Exhibit D	Project Drawings "Seasonal Tiki Bar Relocation", prepared for VVK Realty, LLC, by CLE Engineering, Inc., dated 4/8/15, 1 Sheet
Exhibit E	Record Permits/Authorizations
Exhibit G	Deed for Subject Property
Exhibit H	MEPA Certificate #15326
Exhibit I	Abutter Notification, Radius Map and List of Abutters
Exhibit J	Filing Fee Worksheet

Exhibit A Project Narrative

Introduction:

VVK Realty, LLC (“Proponent”) is proposing to relocate the existing seasonal tiki bar from Map 12 Lot 287 (Owned by GGK Realty, LLC) to the subject property. The seasonal tiki bar will be located within a lease area that VVK Realty, LLC will lease to GGK Realty, LLC.

One of the reasons for the requested relocation is to allow for improved public access in accordance with 310 CMR 9.00. CLE and VVK have met with DEP Waterways staff and are in the process of resolving issues relating to public access that existed at the time GGK purchased The Edge property. The relocation of the seasonal tiki bar will allow for improved public access on both properties.

Site Description:

The project site is located at 1494 E Rodney French Blvd. in New Bedford, MA (Assessor’s Map 12, Lot 77). The site is located on the western shore of Buzzard’s Bay (see **Exhibit B**). The proposed work is located within the FEMA VE (El. 17.0’ NAVD 88) zone. See **Exhibit C** for the FIRM pertaining to the project location. The project site is bounded between a public boat ramp to the north and a restaurant, The Edge, to the south.

Existing Conditions:

On April 4, 2014, CLE Engineering, Inc. (CLE) conducted a site survey to document topography and existing conditions on the upland portion of the project site. On March 19 and November 3, 2014, CLE Engineering conducted hydrographic surveys to document existing conditions relative to mean low water (MLW). The existing building, timber pier, rip rap, site features and resource areas are depicted on the project plans, **Exhibit D**.



Aerial view of existing site on Buzzard’s Bay



View of existing rip rap shoreline



*View of portion of proposed tiki bar site looking southeast
towards previous tiki bar location*

Project Description:

The seasonal tiki bar will be located within the 6,257 sf lease area. The area is typically operational between May and October each year. The bar itself consists of a 10 x 15 timber tiki hut that is trailerable. The bar is secured to the site using 4 timber posts (4" dia +/-) that are set 2' to 3' below grade using a post hole shovel. Included in the seasonal tiki bar is a seating area for patrons. The liquor license allows for a maximum of 75 people. Seating is provided as stools and tables with chairs. To provide shade for patrons, umbrellas are included in most tables.

The tiki bar and seating area will be founded on landscape pavers that will be set in washed stone and sand to allow for infiltration of rainwater between the pavers.

Underground electric will be provided to the bar area through a utility trench from the existing service at The Edge restaurant.

In the event of predicted severe storm events with coastal flooding, the tiki bar and utilities will be disconnected and the bar will be trailered to Bayline Marine's facility, which is located north of the USACE hurricane barrier, or an alternate secure location off site. At the end of each season, the tiki bar will be stored at Bayline Marine's facility, or an alternate secure location off site.

Coastal Resource Areas:

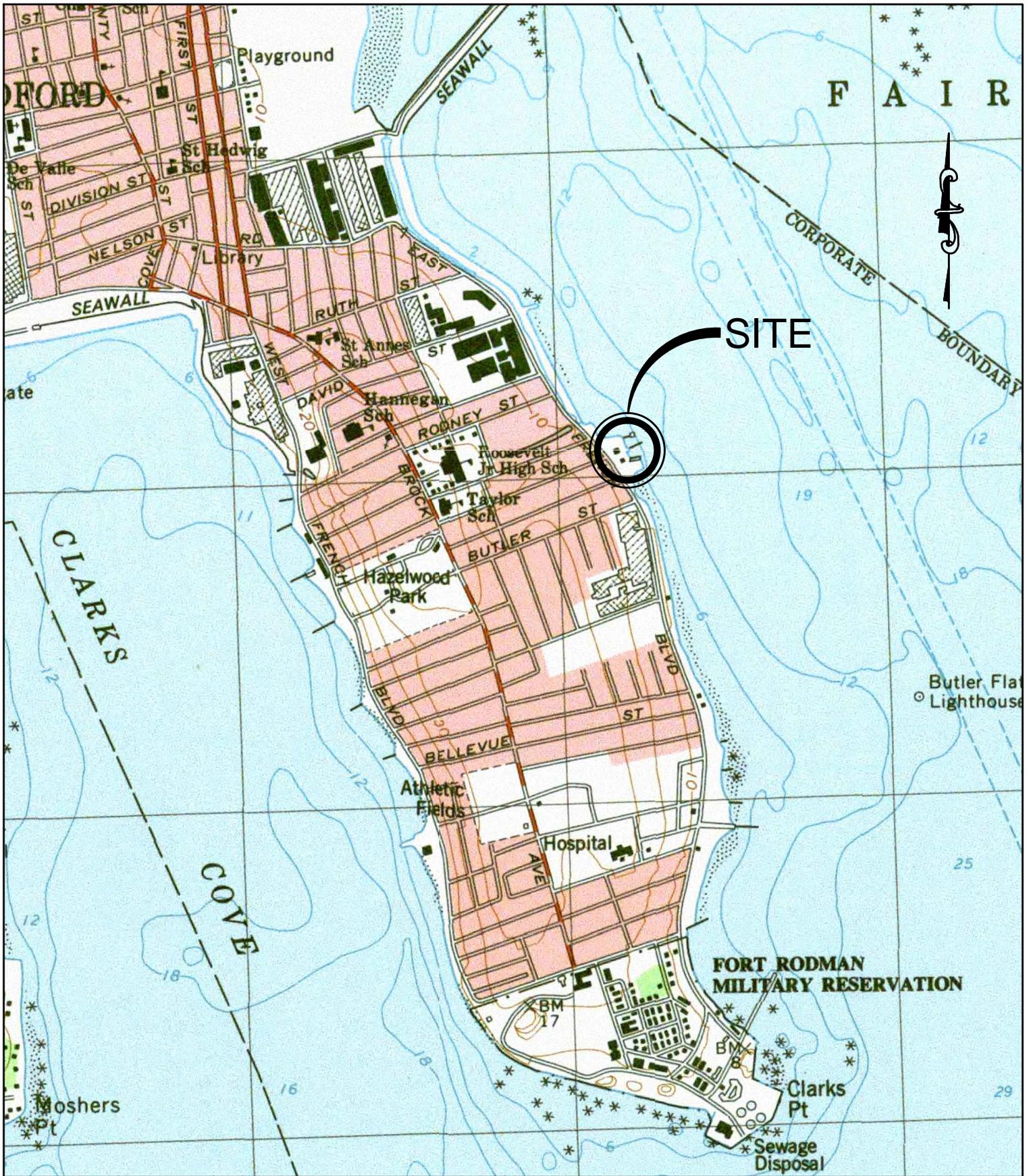
The limits of existing coastal resource areas within the vicinity of the proposed project are delineated on the plans provided in **Exhibit D**. The project is within the 100' buffer zone to Coastal Bank and Land Under Ocean. The project site is also within Land Subject to Coastal Storm Flowage.

The proposed landscape improvements (plantings, fences, etc.) are set back 10' from the top of the existing rip rap shoreline. This will allow for future public access in accordance with 310 CMR 9.00. The tiki bar and associated tables and chairs will all be removed from the site in the event of predicted coastal storms, thereby reducing the risk of storm damage or floating debris.

MEPA Review:

This project was reviewed by the EOEEA through an Environmental Notification Form for Certificate #15326. The tiki bar relocation was one feature of the project submitted in the ENF. The other project components will be filed as a separate NOI with the Conservation Commission. The tiki bar is being submitted separately in the hopes of expediting the process to allow for the timely opening of the seasonal tiki bar which is a key segment of business for the Owner.

Exhibit B
Project Locus Map



**EXHIBIT A
LOCUS MAP**

APPROX. SCALE: 1:1,300

NEW BEDFORD, MASSACHUSETTS

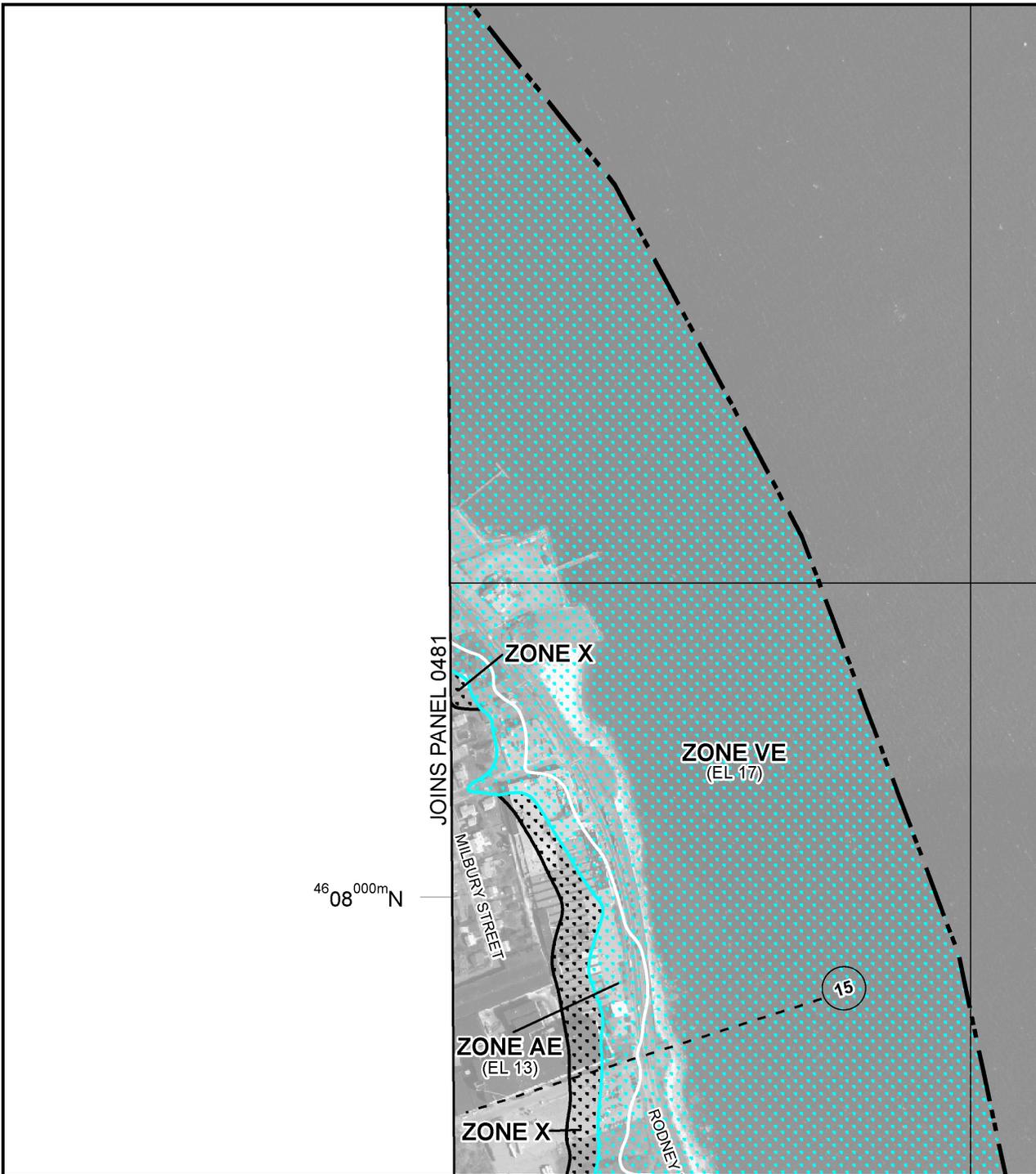


WK REALTY, LLC

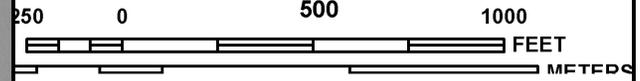
cleengineering

15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com

Exhibit C
FEMA Flood Insurance Rate Map



MAP SCALE 1" = 500'



NFIP
 NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0482G

FIRM

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

PANEL 482 OF 550
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
FAIRHAVEN, TOWN OF	250054	0482	G
NEW BEDFORD, CITY OF	255216	0482	G

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



MAP NUMBER
 25005C0482G

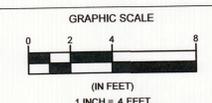
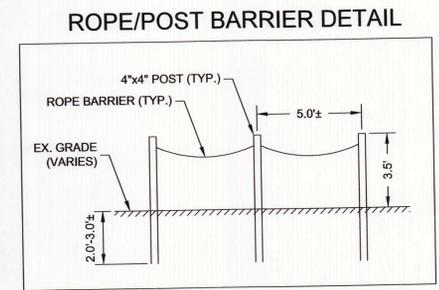
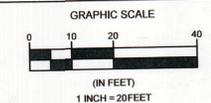
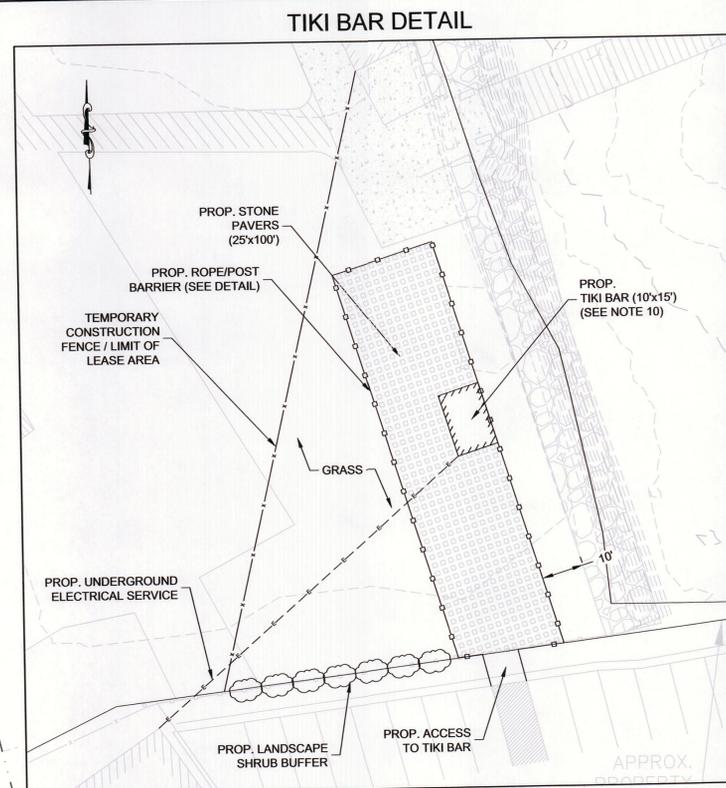
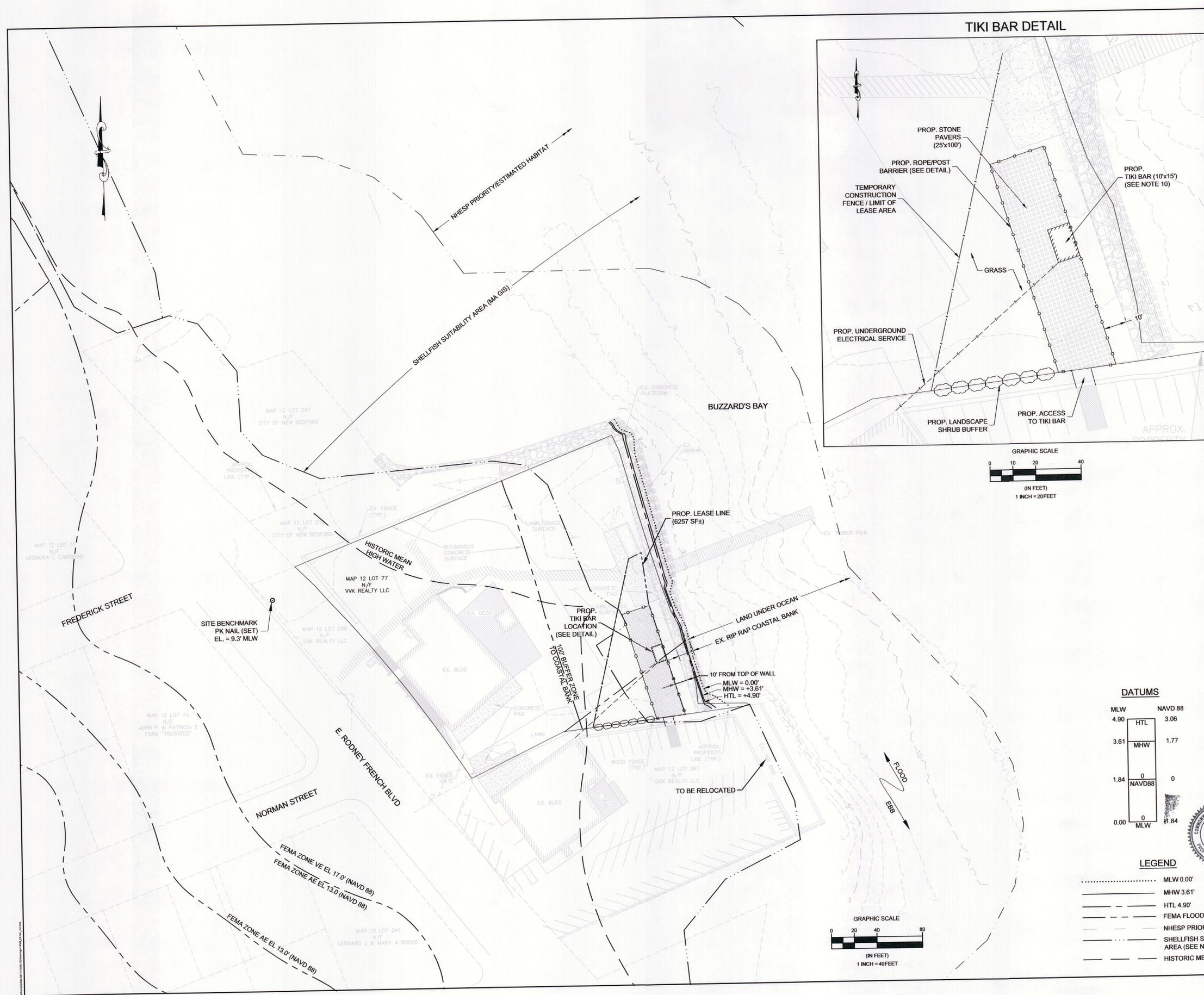
MAP REVISED
 JULY 16, 2014

Federal Emergency Management Agency

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

Exhibit D

Project Drawings "Seasonal Tiki Bar Relocation", prepared for VVK Realty, LLC, by CLE Engineering, Inc., dated 4/8/15, 1 Sheet



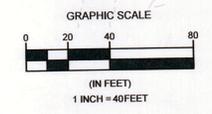
- GENERAL NOTES:**
- RESULTS OF TOPOGRAPHIC SURVEY DATED 04-02-14 AND HYDROGRAPHIC SURVEY BY CLE ENGINEERING, INC. (CLE) DATED 3/19/14 AND 11/3/14.
 - ELEVATIONS ARE IN FEET AND TENTHS, AND REFER TO MEAN LOW WATER (MLW).
 - PROJECT BENCHMARK IS U.S. ARMY CORPS OF ENGINEERS BENCHMARK NAE32-BBCC73, ELEVATION 4.87' NAVD88 (6.71' MLW).
 - SITE BENCHMARK IS A PK NAIL (SET) IN SIDEWALK, EL. = 9.32' MLW.
 - THE INFORMATION DEPICTED ON THIS PLAN REPRESENTS THE RESULTS OF SURVEYS PERFORMED ON THE DATES SHOWN, AND CAN ONLY BE CONSIDERED AS INDICATING THE CONDITIONS AT THAT TIME. INTERPOLATED INFORMATION FROM BETWEEN SOUNDING RUNS IS NOT GUARANTEED. SHOALS, OBSTRUCTIONS OR OTHER DIFFERING CONDITIONS MAY EXIST BETWEEN THESE RUNS. NO SURVEYS WERE CONDUCTED TO LOCATE PROPERTY LINES, CHANNEL LIMITS, EASEMENTS, UTILITIES, GEOTECHNICAL FEATURES, STRUCTURES, HABITATS OR ANY OTHER PHYSICAL FEATURES RELATING TO THE PROJECT SITE, NOR DOES CLE WARRANT THE EXISTENCE OR LOCATION OF SAID PHYSICAL FEATURES.
 - PROJECT SITE LOCATED WITHIN FEMA ZONE VE 17 NAVD 88.
 - FLOOD PLAIN INFORMATION FROM FEMA FIRM: CITY OF NEW BEDFORD, MA, PANEL 255216 0482 G AND EFFECTIVE DATE JULY 16, 2014.
 - APPROXIMATE PROPERTY LINE LOCATIONS, SHELLFISH SUITABILITY AND NHESP AREAS AND HISTORIC HIGH WATER LINE ARE LOCATED FROM MOST CURRENT AVAILABLE MA GIS DATA.
 - POSSESSION AND USE OF THE MATERIAL CONTAINED ON THESE DRAWINGS IS GRANTED ONLY IN CONNECTION WITH ITS USE AS IT RELATES TO THE TITLED PROJECT. ANY OTHER USE, REPRODUCTION OR DISCLOSURE OF THE INFORMATION CONTAINED HEREON IS EXPRESSLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF CLE ENGINEERING INC.
 - IN THE EVENT OF PREDICTED SEVERE STORM EVENTS WITH COASTAL FLOODING, THE TIKI BAR AND UTILITIES WILL BE DISCONNECTED AND THE BAR WILL BE TRAILERED TO BAYLINE MARINE'S FACILITY, WHICH IS LOCATED ON THE NORTH OF THE USACE HURRICANE BARRIER, OR AN ALTERNATE SECURE LOCATION OFF SITE.

DATUMS

MLW	NAVD 88
4.90	3.06
3.61	1.77
0	0
1.84	0
0.00	1.84



- LEGEND**
- MLW 0.00'
 - MHW 3.61'
 - HTL 4.90'
 - FEMA FLOOD ZONE
 - NHESP PRIORITY HABITAT
 - SHELLFISH SUITABILITY AREA (SEE NOTE 8)
 - HISTORIC MEAN HIGH WATER



PROJECT: SEASONAL TIKI BAR RELOCATION
1494 E. RODNEY FRENCH BLVD.
CLIENT: VVK REALTY, LLC; GREGORY KULPINSKI
 99 FLAG SWAMP ROAD
 NORTH DARTMOUTH, MA

cleengineering
 15 Creek Road | Marion, Massachusetts 02738
 t: 508.748.0937 | www.cleengineering.com

SHEET 1 OF 1

SCALE: AS NOTED	CHECKED BY: SRS	DATE: 4/8/2015	JOB No.: 14049.100
DRAWN BY: JMP	DATE:		
REVISION No.	DATE		COMMENT

Exhibit E

Record Permits/Authorizations

WADLAND & ACKERMAN

Counselors At Law

2 Dundee Park, Suite 304, Andover, Massachusetts 01810-3726

978-474-8880 · Fax 978-474-8881

Boston Office
617-557-6050

Lawrence J. Mullen
lmullen@wadacklaw.com

August 7, 2014

Pamela F. Lafreniere, Esq.
13R Hamilton Street
New Bedford, MA 02211

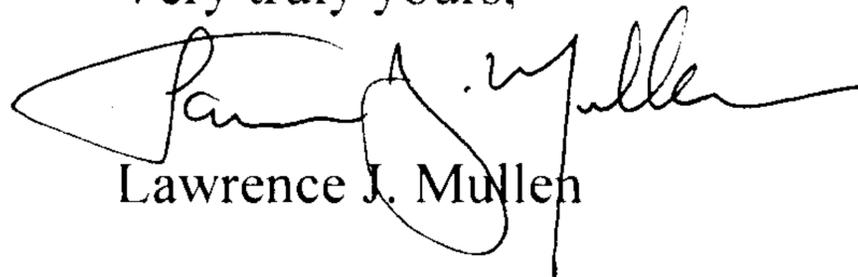
Re: Waterways Application No. W13-3917, License No. 13647
(Carl Pimentel and VVK Realty, Inc.)

Dear Ms. Lafreniere:

Please find enclosed a copy of the above referenced License which was issued by the Mass. DEP, the related Plan (3 pages), and proof of the recording of the same in the Bristol County (New Bedford) Registry of Deeds on July 3, 2014, in Book 11113, Page 25 and P.B. 172, Page 2. The recording fees were \$301.00. I also enclose a copy of the Mass. DEP's letter dated June 16, 2014, forwarding the approved license to Mr. Pimentel's engineer, Mayflower Engineering, Inc., Attn: John J. Hannon, P.E. (notwithstanding your request by your letter of June 4, 2014 forwarding the license fee of \$3,093.00 to the DEP that the license should be mailed to your client VVK Realty, Inc.). Mr. Hannon went ahead and arranged for the recording of the license and plan, which recording as you know is required by law and which your client otherwise would have had to do. I request that your client reimburse the recording fee of \$301.00. Please make the check for \$301.00 payable to "Carl Pimentel" and forward it to my attention.

The reimbursement of the license recording fees should entirely conclude this matter. Please give me a call with any further questions you may have. Thank you for your courtesy.

Very truly yours,



Lawrence J. Mullen

Encls.

cc: Mr. Pimentel



Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

DEVAL L. PATRICK
Governor

RICHARD K. SULLIVAN, Jr.
Secretary

KENNETH L. KIMMEL
Commissioner

Carl Pimental
C/o Mayflower Engineering, Inc.
64 Joan Drive
Quincy, MA 02169
Attn: John J. Hannon, P.E.

JUN 10 2007

RE: ISSUANCE OF CHAPTER 91 WATERWAYS LICENSE
Waterways Application No. W13-3917, License No. 13647, Carl Pimental
Filled and Flowed Tidelands of Buzzards Bay (Acushnet River), New Bedford, Bristol County

Dear Sir or Madam,

The Department of Environmental Protection hereby issues the above-referenced Waterways License, enclosed, authorizing you to perform certain activities pursuant to M.G.L. c. 91, the Public Waterfront Act and its regulations 310 CMR 9.00. Any change in use or alteration of any structure or fill not authorized by this license may render this license void.

This License is not final until all administrative appeal periods from this License have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed. The appeal period is for twenty-one (21) days. No work shall be undertaken until the License has become final and has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property

RECORDING OF THE LICENSE

This License must be recorded at the Registry of Deeds or, if registered land, with the Land Registration Office within sixty (60) days from the date of license issuance. In the case of recorded land, the License shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the project is located. In the case of the registered land, the License shall be noted on the Land Court Certificate of Title of the owner of the land upon which the project is located. **Failure to record this license within sixty (60) days of the date of issuance will render this license void pursuant to 310 CMR 9.18.**

A Waterways License Recordation Notice Form has been enclosed for your use in notifying the Department of the recording information for this License. **Failure to notify the Department of the recording of this license is a violation of 310 CMR 9.00 and is subject to enforcement action by the Department.**

REQUEST CERTIFICATE OF COMPLIANCE

Pursuant to 310 CMR 9.19, once the proposed project is completed you must file a Request for a Certificate of Compliance form, BRP WW05, within sixty (60) days of completion but in no event later than five (5) years from the License's issuance date. The license for any project for which such a request is not filed and certificate issued may be revoked pursuant to 310 CMR 9.26.

Waterways License Application No.W13-3917, License No.13647, Carl Pimental
Filled and Flowed Tidelands of Buzzards Bay (Acushnet River), New Bedford, Bristol County

NOTICE OF APPEAL RIGHTS

Who has the right to appeal?

The following persons shall have the right to an adjudicatory hearing concerning this decision by the Department to grant or deny a license or permit, in accordance with 310 CMR 9.17(1): (a) an applicant who has demonstrated property rights in the lands in question, or which is a public agency; (b) any person aggrieved by the decision of the Department to grant a license or permit who has submitted written comments within the public comment period; (c) ten (10) residents of the Commonwealth who, pursuant to M.G.L. c. 30A, § 10A, have submitted comments within the public comment period with at least 5 of the 10 residents residing in the municipality(s) in which the license or permitted activity is located. The appeal shall clearly and specifically state the facts and grounds for the appeal and the relief sought, and each appealing resident shall file an affidavit stating the intent to be part of the group and to be represented by its authorized representative; (d) the municipal official in the affected municipality who has submitted written comments within the public comment period; and (e) CZM, for any project identified in 310 CMR 9.13(2) (a) for CZM participation or, in an Ocean Sanctuary, if it has filed a notice of participation within the public comment period.

How can I request an adjudicatory hearing?

A person requesting an adjudicatory hearing must submit a "Notice of Claim" to the Department, with a copy of the MassDEP Transmittal Form and including the detail specified below, within twenty-one (21) days of the date of issuance of this decision. The MassDEP Fee Transmittal Form is available at the following website: <http://www.mass.gov/eea/docs/dep/service/adr/adjherfm.doc>. The Notice of Claim must be made in writing and sent by certified mail or hand delivery to:

Case Administrator
MassDEP
One Winter Street, 2nd Floor
Boston, MA 02108

A copy of the complete Notice of Claim must be sent at the same time by certified mail or hand delivery to: (1) the applicant, (2) the municipal official of the city or town where the project is located, and (3) the issuing office of the MassDEP, which in this case is located at:

MassDEP Waterways Regulation Program
20 Riverside Drive
Lakeville, MA 02347

The MassDEP Fee Transmittal Form and a valid check payable to the Commonwealth of Massachusetts in the amount of one hundred dollars (\$100) must be mailed to:

Mass. Department of Environmental Protection
Commonwealth Master Lockbox
P.O. Box 4062
Boston, Massachusetts 02211

What information must be included in the hearing request?

Pursuant to 310 CMR 9.17(3), any Notice of Claim requesting an adjudicatory hearing must include the following information:

- (a) the MassDEP Waterways Application File Number;
- (b) the complete name, address, fax number and telephone number of the applicant;

Waterways License Application No.W13-3917, License No.13647, Carl Pimental
Filled and Flowed Tidelands of Buzzards Bay (Acushnet River), New Bedford, Bristol County

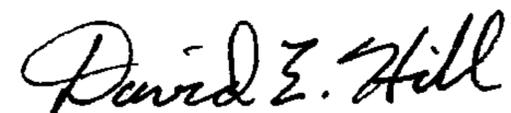
- (c) the address of the project;
- (d) the complete name, address, fax number, and telephone number of the party filing the request and, if represented by counsel, the name, address, fax number, and phone number of the attorney;
- (e) if claiming to be a person aggrieved, the specific facts that demonstrate that the party satisfies the definition of "aggrieved person" found in 310 CMR 9.02;
- (f) a clear statement that a formal adjudicatory hearing is being requested;
- (g) a clear statement of the facts which are the grounds for the proceedings, the specific objections to the MassDEP's written decision, and the relief sought through the adjudicatory hearing, including specifically the changes desired in the final written decision; and
- (h) a statement that a copy of the request has been sent to: the applicant and the municipal official of the city or town where the project is located.

Dismissal of request

The request for appeal will be dismissed if the filing fee is not paid, unless the appellant is exempt or is granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

Please feel free to contact Lisa Ramos of the Waterways Regulation Program, (508) 946-2748, if you have any questions pertaining to the recording of your Waterways license or Certificate of Compliance.

Sincerely,



Elizabeth A. Kouloheras, Chief
Wetlands and Waterways Program

Enclosure(s) Waterways License No.13647
Notification of Waterways License Recordation Form

cc: w/enc. Ben Lynch, Waterways Section Chief, DEP Boston
Office of Coastal Zone Management
New Bedford, Massachusetts

Department of Environmental Management
Waterways Regulation Program
20 Riverside Drive
Lakeville, MA 02347

RE: Waterways Application No. W13-3917, License No.13647, Transmittal #X256259
Buzzards Bay (Acushnet River), New Bedford, Bristol County

Dear Ms. Ramos:

This is to notify you that the above referenced Waterways license was recorded with the appropriate Registry of Deeds/ Land Court for this project location and to provide your office with the following recordation information.

Date of Recordation: _____

County Registry of Deeds: _____

Book number _____ and page number(s) _____

Land Court: _____

Land Court Lot # _____ Plan # _____

Certificate Document Number _____

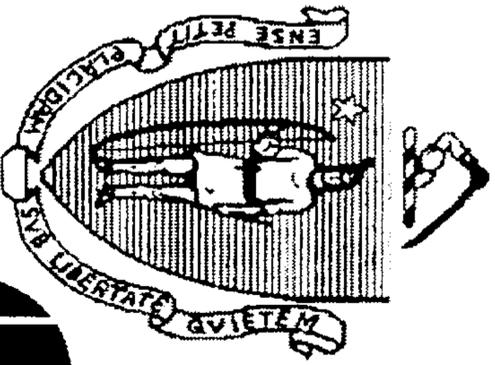
We will notify your office in writing of the date the authorized work or change in use is completed.

Sincerely,

_____, Chapter 91 Waterways Licensee

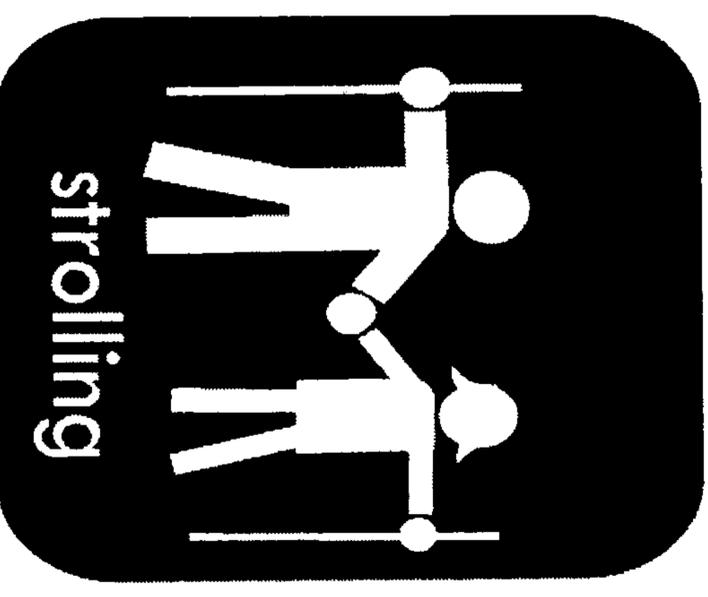
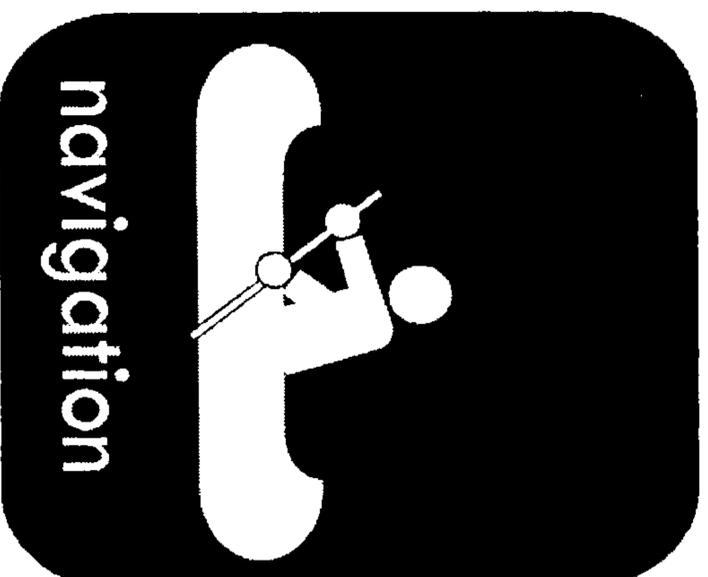
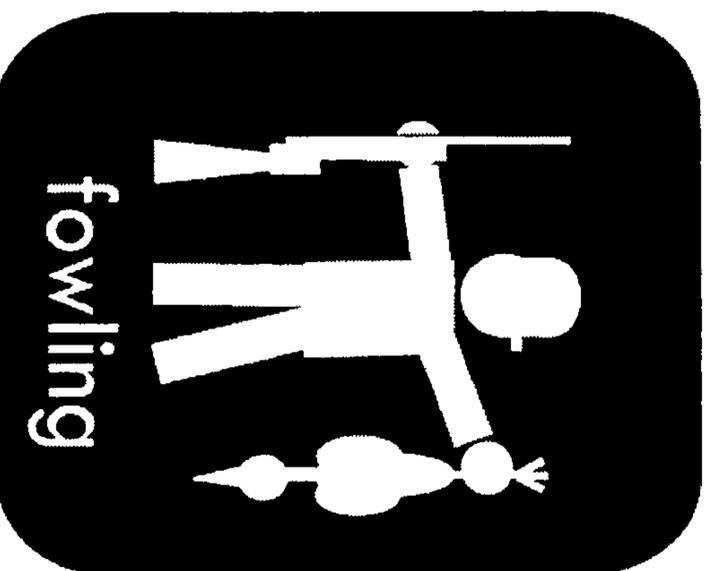
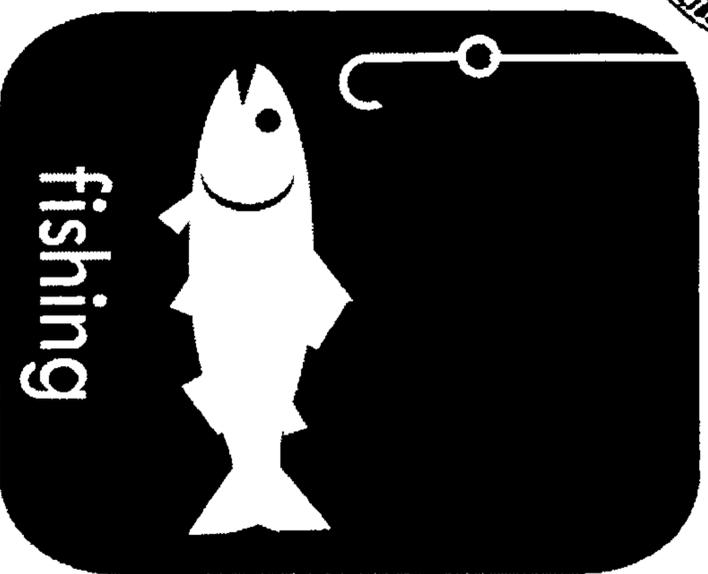
**LICENSE VOID
IF NOT RECORDED
WITHIN 60 DAYS
OF ISSUANCE**

- Signs shall utilize durable materials and methods of construction and maintained in good condition.
 - Signs shall be a minimum of 5" x 10" (or 50 square inches) in size. Letter height shall be a minimum of 1/2".
 - The MassDEP Chapter 91 License number shall be displayed on all signs (as applicable).
 - Each sign shall indicate that public passage is allowed for on-foot lateral access along the shoreline for the purpose of fishing, fowling, navigation and strolling.
 - Signs shall be posted on both sides of the pier or structure, at the mean high water shoreline, or as directed by the Chapter 91 License (see Special Waterways Conditions, Page #2, or Page #3 for Simplified Licenses).
- An example of an acceptable sign is provided below.
-



PUBLIC PASSAGE

FOR



Mass DEP M.G.L. Ch.91 LICENSE # 13647

The Commonwealth of Massachusetts

P.B. 172
P. 2

No. 13647



Whereas, Carl Pimental

of -- New Bedford --, in the County of -- Bristol -- and Commonwealth aforesaid,-- has applied to the Department of Environmental Protection for a license to -- maintain rip rap, an office building, and an expanded pier -----

and has submitted plans of the same; and whereas due notice of said application, ~~and of the time and place fixed for a hearing thereon,~~) has been given, as required by law, to the -- Mayor and City Council -- of the City of -- New Bedford. ----

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses the said ---

Carl Pimental --, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- maintain rip rap, an office building, and an expanded pier -----

in and over the waters of -- Buzzards Bay (Acushnet River) -- at 1494 East Rodney French Boulevard --, in the -- City -- of -- New Bedford -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 13647 (3 sheets).

License No. 13647

The structures hereby authorized shall be limited to the following uses: to provide a waterborne passenger transportation facility and shoreline stabilization for the protection of existing structures.

Existing structures previously authorized under DPW License No. 519 (1925), 990 (1929), 5285(1967), and DEQE License No. 196 (1976) shall be maintained in accordance with the terms and conditions of said license and plans.

This license will expire thirty (30) years from the date of License issuance. By written request of the licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license.

SPECIAL WATERWAYS CONDITIONS:

1. In accordance with any license condition, easement, or other public right of lateral passage that exists on the subject property lying between the high and low watermarks, the Licensee shall allow the public in the exercise of such rights to pass freely around all structures within such intertidal area. Accordingly, the Licensee shall place and maintain, in good repair, a public access sign at each property line, adjacent to the mean high water shoreline. Said signs shall be designed in accordance with the signage specifications provided by the Department, attached hereto, and be posted **within sixty (60) days of License issuance**. Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.

2. In partial compensation for private use of structures on tidelands of the Commonwealth, which interferes with the rights of the public to use such lands, the Licensee shall allow the public to pass on foot, for any purpose and from dawn to dusk, within the area of the subject property lying seaward of the high water mark. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activities by users of the area(s) intended for public passage, including but not limited to trespassing on the adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore. Further, the exercise by the public of free on-foot passage in accordance with this condition shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s.17c apply.

3. All exterior pedestrian facilities on the project site shall be open to the general public, except where access restrictions are necessary in order to avoid significant interference with the operation of the facility or to maintain security at the pier.

4. The Licensee may adopt reasonable rules governing the publicly accessible areas of the site, subject to review and written approval by the Department, as are necessary for the protection of public health and safety and private property, and to ensure public use and enjoyment.

5. No activity or construction may take place on the area of fill authorized herein without the prior written approval of the Department.

6. No dredging (including, but not limited to effects of prop wash) is permitted herein.

7. The project authorized herein has been completed in conformance with the accompanying plan. The issuance of this License, therefore, fulfills the Licensee's obligation to obtain a Certificate of Compliance pursuant to 310 CMR 9.19.

Please see page 3 for additional conditions to this license.-----

Duplicate of said plan, number 13647 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP, Division of Water Pollution Control.
9. This License authorizes structure(s) and/or fill on:

X Private Tidelands. In accordance with the public easement that exists by law on private tidelands, the licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and the natural derivatives thereof.

X Commonwealth Tidelands. The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.

 Great Pond of the Commonwealth. The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.

 Navigable River and Streams. The Licensee shall not restrict the public's right to use and pass freely, for any lawful purpose, in the Waterways.

No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.

10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

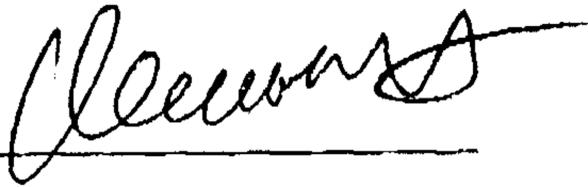
License No. 13647

The amount of tidewater displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Carl Pimental -- by paying into the treasury of the Commonwealth -- two dollars and zero cents (\$2.00) -- for each cubic yard so displaced, being the amount hereby assessed by said Department (3.0 cubic yard(s) = \$ 6.00).

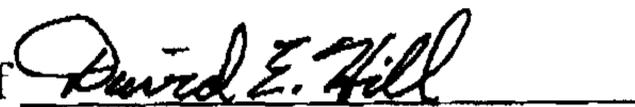
Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the County of Bristol.

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this June day of 16th in the year two thousand fourteen.

Commissioner 

Department
of Environmental
Protection

for Program Chief 

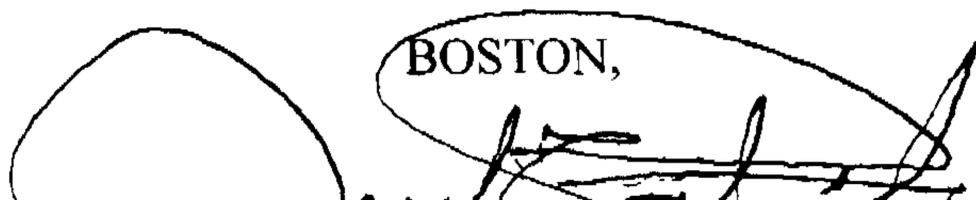
THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said -- Carl Pimental --

of the further sum of -- three thousand eighty-seven dollars and zero cents (\$ 3,087.00) --

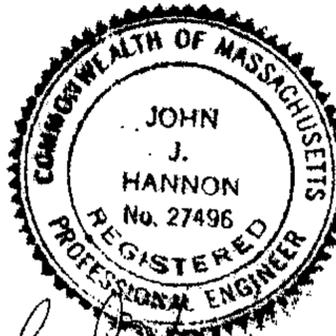
the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

Approved by the Governor.

 BOSTON,



MERIDIAN OF AUG. 22, 1975
RODNEY FRENCH BLVD.
ALTERATION



John J. Hannon



SCALE 1"=50 FEET

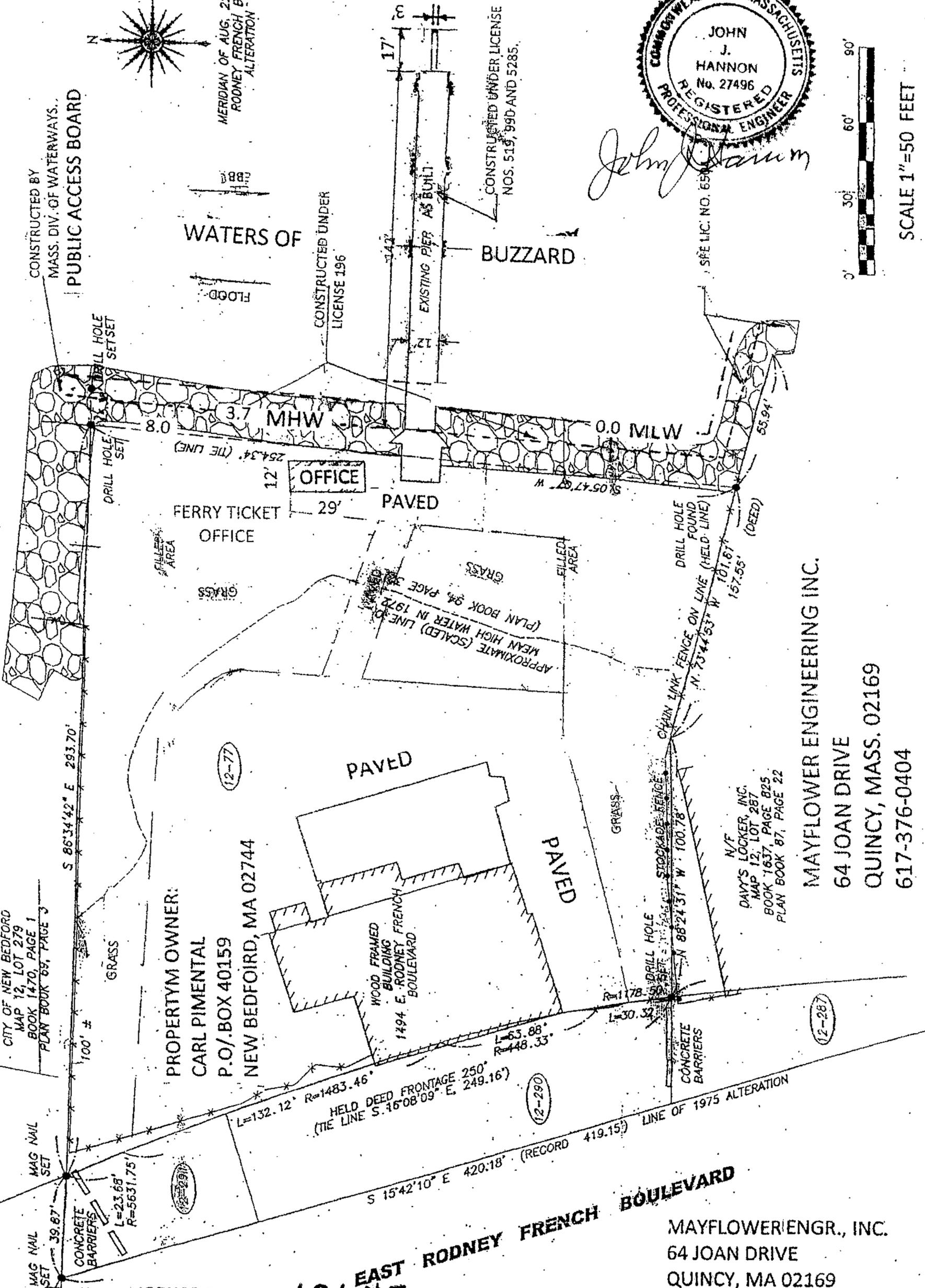
CONSTRUCTED BY
MASS. DIV. OF WATERWAYS,
PUBLIC ACCESS BOARD

WATERS OF BUZZARD

CONSTRUCTED UNDER
LICENSE 196

CONSTRUCTED UNDER LICENSE
NOS. 519, 99D AND 5285.

SPE LIC. NO. 65



N/F
CITY OF NEW BEDFORD
MAP 12, LOT 279
BOOK 1470, PAGE 1
PLAN BOOK 69, PAGE 3

S 86°34'42" E 293.70'

PROPERTY OWNER:
CARL PIMENTAL
P.O./BOX 40159
NEW BEDFORD, MA 02744

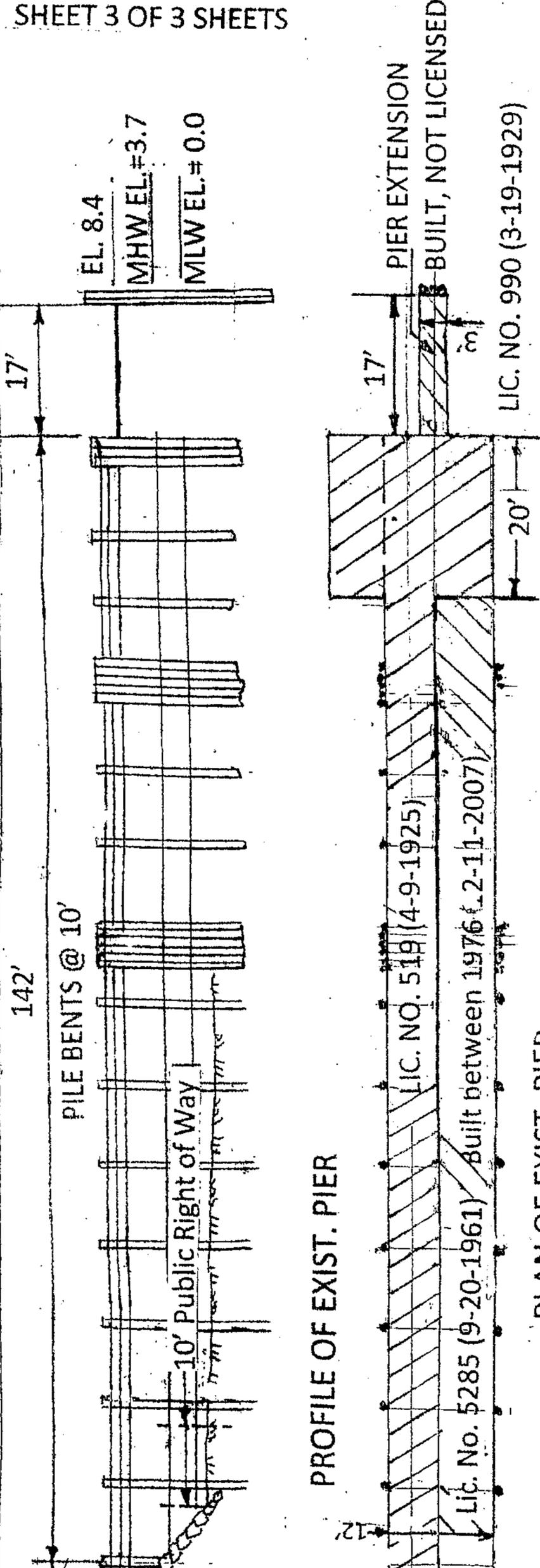
WOOD FRAMED
BUILDING
1494 E. RODNEY FRENCH
BOULEVARD

N/F
DAVY'S LOCKER, INC.
MAP 12, LOT 287
BOOK 1637, PAGE 825
PLAN BOOK 87, PAGE 22

MAYFLOWER ENGINEERING INC.
64 JOAN DRIVE
QUINCY, MASS. 02169
617-376-0404

LICENSE PLAN NO. 13647
Approved by Department of Environmental Protection
Date: JUN 18

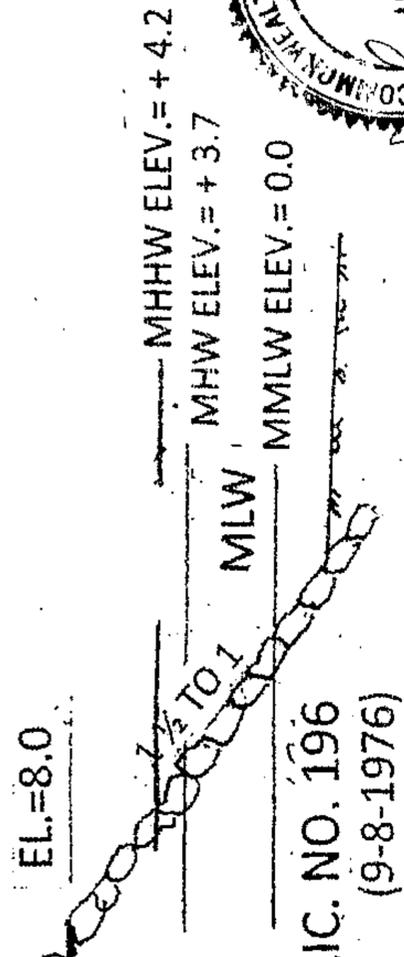
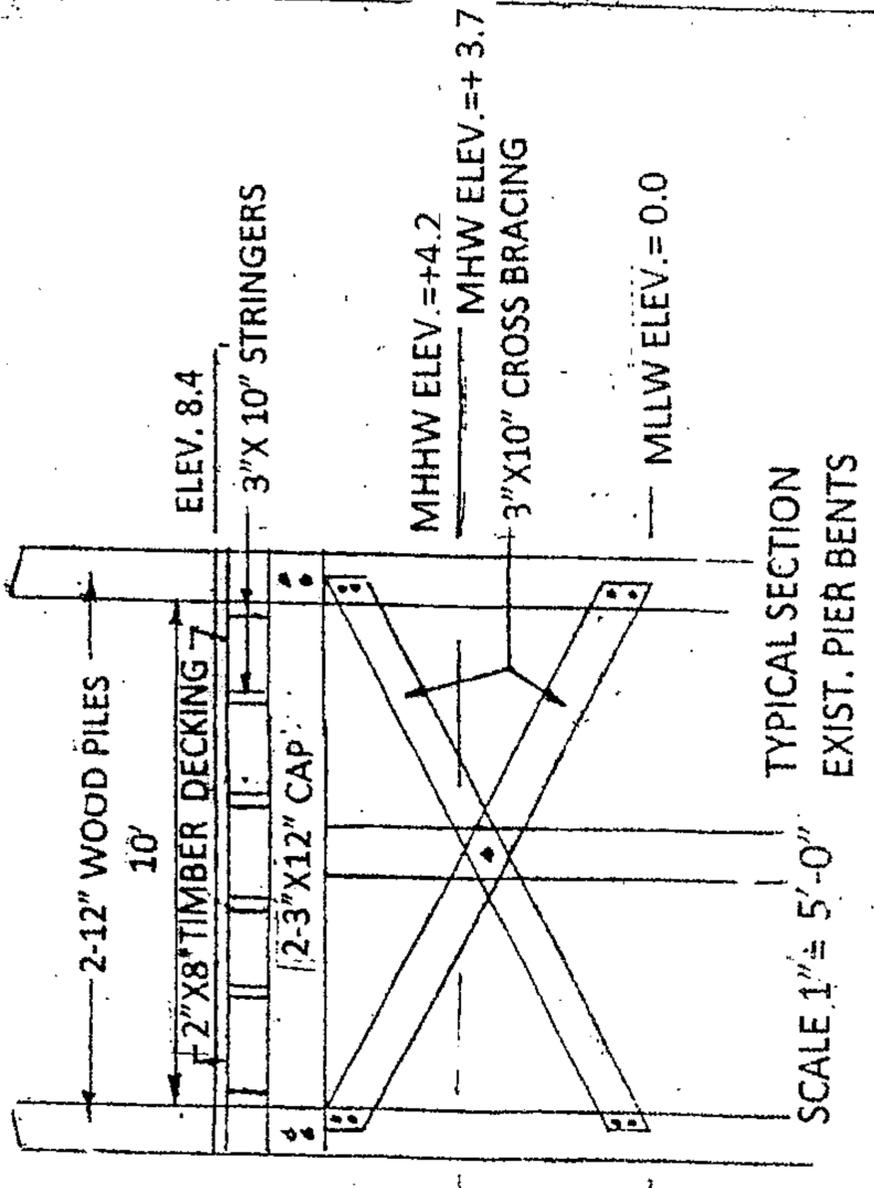
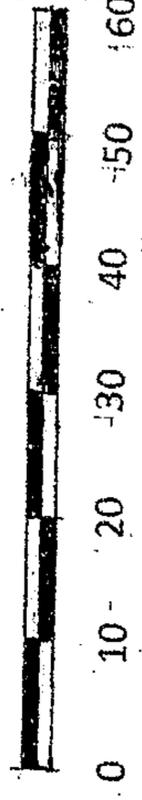
MAYFLOWER ENGR., INC.
64 JOAN DRIVE
QUINCY, MA 02169
617-376-0404



PROFILE OF EXIST. PIER

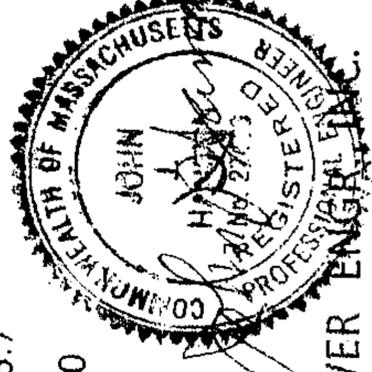
PLAN OF EXIST. PIER

SCALE 1" = 20 FEET



TYPICAL CROSS SECTION
ING RIPRAP MOUND

SCALE 1" = 10 FEET



JOHN
MAYFLOWER
REGISTERED PROFESSIONAL ENGINEER
STATE OF MASSACHUSETTS
LICENSE NO. 2169

MAYFLOWER ENGINEERING
64 JOAN DRIVE
QUINCY, MASS. 02169
617-376-0404

Notice of Intent
Proposed Relocation of Seasonal Tiki Bar

1494 E Rodney French Blvd.
April 2015

Exhibit G
Deed for Subject Property

cleengineering

15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com

LOCUS
1494 East Rodney French Boulevard
New Bedford, MA

BK 11031 PG 159
03/13/14 01:02 000.4720
Bristol Co, S.D.

MASSACHUSETTS QUITCLAIM DEED
BY LIMITED LIABILITY COMPANY

Billy Woods Wharf Property, LLC a Limited Liability Corporation duly established under the laws of Commonwealth of Massachusetts and having its usual place of business at 796 Smith Neck Road, Dartmouth, MA

in consideration Four Hundred Thousand and 00/100 (\$400,000.00) Dollars

grant to VVK Realty, LLC with business address at 1494 E. Rodney French Boulevard, New Bedford, Bristol County, Massachusetts

with *quitclaim covenants*

the land, with any buildings thereon, **located at 1494 East Rodney French Boulevard, Bristol County, Massachusetts**, bounded and described as follows:

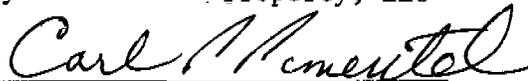
SEE ATTACHED EXHIBIT "A"

For title, see deed recorded on August 28th, 2012 in the Bristol County (S.D.) Registry of Deeds in Book 10496, Page 43. See Corrective Deed in Book ¹¹⁰³¹Page. ¹⁵⁴

WITNESS my hand and seal this 5th day of March 2014.


Witness

Billy Woods Wharf Property, LLC

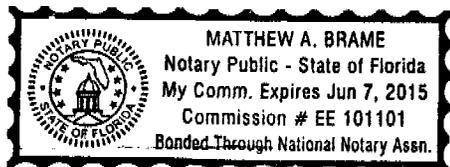

Carl P. Pimentel, Member and
Authorized Signatory

STATE OF FLORIDA

Sarasota County

March 5, 2014

Then personally appeared the above-named Carl P. Pimentel, Member and Authorized Signatory, proved to me through satisfactory evidence of identification, which was a Drivers License, to be the person whose name is signed on the within document, and acknowledged the foregoing Instrument to be his free act and deed, as Member and Authorized Signatory, before me




Notary Public
My Commission Expires: June 7, 2015

REG OF DEEDS
REG #07
BRISTOL S
03/13/14 1:04PM 01
000007 #9767
FEE \$1824.00
CASH \$1824.00

EXHIBIT "A"

RE: 1494 East Rodney French Boulevard, New Bedford, MA 02744

The land, with the buildings thereon, situated in New Bedford, Bristol County, Commonwealth of Massachusetts, bounded and described as follows:

**PARCEL 1: 1494 E. Rodney French Boulevard, New Bedford, Massachusetts
(New Bedford Assessor's Plat 12, Lot 77)**

BEGINNING at a stake on the east side of Rodney French Boulevard, it being the northwest corner of land herein conveyed and being Parcel A on plan of land hereinafter described; thence

SOUTHERLY along the arc of East Rodney French Boulevard two hundred fifty (250) feet, more or less, to a stake and chain link fence to land now or formerly of David Dolinsky; thence

NORTH 82° 29' 4" east one hundred and 78/100 (100.78) feet to an angle along said chain link fence; thence

SOUTH 82° 29' 54" east one hundred fifty-seven and 55/100 (157.55) feet along riprap to an angle; thence

NORTH 82° 29' 4" east into the Acushnet River to the limits of riparian rights; thence back to the point of beginning on the east side of East Rodney French Boulevard

NORTH 84° 17' 33" east one hundred (100) feet, more or less, to normal high water; thence parallel to Frederick Street easterly into the Acushnet River to the limits of riparian rights; thence

SOUTHERLY by the channel of the Acushnet River to the south border of land herein conveyed.

Subject to the restrictions recorded in the Bristol County (S.D.) Registry of Deeds in Book 1695, Page 375, and Book 1695, Page 380, to the extent the same are still in effect and applicable.

BEING **Parcel A** on plan of land prepared by Garcia, Hanack & Richard Engineering Corporation dated December 31, 1974, and recorded in the Bristol County (S.D.) Registry of Deeds in Plan Book 94, Page 32.

For Grantor's title to Parcel 1 see deed dated August 28, 2012 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 10496 at Page 43.

PARCEL 2: **East Side E. Rodney French Boulevard, New Bedford, Massachusetts**
(New Bedford Assessor's Plat 12, Lot 290, including Lot 291, which
has been merged into 290)

BEGINNING at the intersection of the easterly line of Rodney French Boulevard (E) and the northerly line of Clara Street; thence

N 86°28' 30" W in said northerly line of Clara Street extended a distance of nine and 09/100 (9.09) feet to a point; thence

N 15° 42' 10" W a distance of four hundred nineteen and 15/100 (419.15) feet to a point in the southerly line of Frederick Street extended; thence

S 86° 14' 37" E in said southerly line of Frederick Street extended a distance of thirty-nine and 43/100 (39.43) feet more or less to a point; thence

SOUTHERLY in the easterly curved line of Rodney French Boulevard (E) a distance of four hundred six and 46/100 (406.46) feet more or less to a point; thence

S 15° 13' 30" E still in the easterly line of Rodney French Boulevard (E) a distance of eight and 90/100 (8.90) feet to the point of beginning, containing 17,630 square feet more or less.

See also plan entitled "Proposed Alteration of Rodney French Boulevard (E) variable width, from Clara Street to Frederick Street" signed by George H. Brightman, Commissioner of Public Works, dated August 22, 1975, on file in the office of the City Clerk.

Being a portion of the Street Discontinuance dated January 22, 1976 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 1713, Page 77.

Exhibit H

MEPA Certificate #15326



The Commonwealth of Massachusetts
Executive Office of Energy and Environmental Affairs
100 Cambridge Street, Suite 900
Boston, MA 02114

Charles D. Baker
GOVERNOR

Karyn E. Polito
LIEUTENANT GOVERNOR

Matthew A. Beaton
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.mass.gov/envir>

March 13, 2015

CERTIFICATE OF THE SECRETARY OF ENERGY AND ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Proposed Floating Dock System, Moorings, Pier
Rehabilitation, and Seasonal Tiki Bar
PROJECT MUNICIPALITY : New Bedford
PROJECT WATERSHED : Buzzards Bay
EEA NUMBER : 15326
PROJECT PROPONENT : VVK Realty, LLC; Gregory Kulpinski
DATE NOTICED IN MONITOR : February 11, 2015

Pursuant to the Massachusetts Environmental Policy Act (M.G. L. c. 30, ss. 61-62I) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that this project **does not require** the preparation of an Environmental Impact Report (EIR).

Project Description

As described in the Environmental Notification Form (ENF), the project consists of the rehabilitation of an existing timber pier, the addition of floating dock and gangway systems north and south of the existing pier, installation of moorings, and relocation of a seasonal tiki bar from an adjacent property (the Edge restaurant) to the project site. The project site is located on East Rodney French Boulevard on the western side of Buzzards Bay, seaward of the New Bedford hurricane barrier. The 1.36-acre site contains a building and parking areas previously used for a bar and nightclub (the Smuggler's Den and Billy Wood's Wharf) and a timber pier and shed previously used as a landing facility for the Schamonchi ferry, which provided passenger service between New Bedford and Martha's Vineyard. The project site is bounded by a public boat

ramp to the north, Buzzards Bay to the east, the Edge restaurant to the south, and East Rodney French Boulevard to the west. The proposed improvements to the pier, addition of moorings for transient recreational boaters, and relocation of the tiki bar will support proposed renovations to the existing building. As presented in the ENF, the building footprint and paved parking area will not change. The project may be constructed in multiple phases, separating the pier rehabilitation from the installation of floating docks, and may occur over several years.

Specifically, the project includes rehabilitation of the 140-foot by 10-foot pier which, based upon inspection, is in fair condition with localized areas of deterioration of the timber frame, decking and piles. A floating dock system will be affixed to the timber pier and will consist of four floats, totaling 3,400 square feet (sf) in area. These floats will be pile-supported by 16 16-inch diameter timber or steel pipe piles and accessed via two aluminum five-foot by 35-foot gangways. Twelve moorings are proposed to accommodate transient recreational vessels up to 60 feet long. These moorings are not intended for use during storms.

The project site is mapped as a shellfish suitability area by the Division of Marine Fisheries (DMF), and includes work within the Federal Emergency Management Agency (FEMA) velocity zone (elevation 17.0 feet North American Vertical Datum of 1988 (NAVD 88)) per the current Federal Insurance Rate Map (FIRM) for the area (July 16, 2014). The proposed mooring area is located within *Estimated* and *Priority Habitat* mapped by the Natural Heritage and Endangered Species Program (NHESP). Rare species habitat is located approximately 18 feet from the end of the existing timber pier. The ENF indicated that the project site is subject to the New Bedford/Fairhaven Municipal Harbor Plan dated May 26, 2010. The Proponent indicated that the project will enhance public access from navigable waters to and from the site in a manner consistent with the Municipal Harbor Plan.

MEPA review (EEA# 14772) was previously conducted for the property located to the south of the project site which currently contains the Edge restaurant and seasonal tiki bar. A Certificate on the ENF was issued on August 19, 2011 to a former owner of this property (MWTP Ventures, Inc., (Davy's Locker Inc.)) indicating that no further MEPA review was required and that substantive issues were to be deferred to the MassDEP c. 91 process for resolution. This project required an amended Chapter 91 (c. 91) license to authorize the tiki bar as a non-water-dependent use of filled tidelands. The Proponent subsequently acquired both the project site and the Edge restaurant property. As noted by MassDEP, the Proponent is responsible for completing the c. 91 licensing process (file #w11-3367N) for the Edge restaurant site. The Proponent, in consultation with MassDEP, should coordinate the location of public access accommodations and amenities to create meaningful access to tidelands. The Proponent should consult with the MEPA office to determine whether potential changes to the Edge restaurant site (including relocation of the tiki bar from the site and changes to public access that were previously described in the ENF) may require additional MEPA review.

Permits and Jurisdiction

The project is undergoing MEPA review and requires the filing of an ENF pursuant to 301 CMR 11.03(3)(b)(6) MEPA regulations because it requires a State Agency Action and includes construction, reconstruction, or expansion of a pile-supported structure of 2,000 or more sf base area located in flowed tidelands of other waterways.

The project will require a c. 91 License from the Massachusetts Department of Environmental Protection (MassDEP). The project will also require an Order of Conditions from the New Bedford Conservation Commission (or in the case of an appeal, a Superseding Order of Conditions (SOC) from MassDEP) and a General Permit (GP) from the Army Corps of Engineers (ACOE) for activities subject to Corps jurisdiction in waters of the U.S. within the boundaries of, and off the coast of, the Commonwealth of Massachusetts excluding work within the boundaries of Indian tribal lands in accordance with Corps regulations at 33 CFR 320-332 (see 33 CFR 325.5(c)(1)).

The project is not receiving Financial Assistance from the Commonwealth. Therefore, MEPA jurisdiction is limited to those aspects of the project that are within the subject matter of any required or potentially required state permits and that may cause Damage to the Environment as defined in the MEPA regulations. Because the project requires a c. 91 License, MEPA jurisdiction is effectively equivalent to broad scope jurisdiction.

Review of the ENF

The ENF described the existing conditions within the project area and the proposed project and its programmatic and physical elements. The ENF included existing and proposed conditions plans and identified environmental resources and proposed impacts.

The ENF described three additional project alternatives evaluated by the Proponent, which were subsequently dismissed, in addition to the Preferred Alternative:

- A No-Build Alternative – this alternative would not meet project goals and would result in continued limited access to navigable waters to and from the site.
- A Pier Rehabilitation and Upgrades as a Vessel Berthing Facility Alternative – this alternative would include upgrade and rehabilitation of the existing timber pier to facilitate direct vessel docking in lieu of the proposed float and gangway system. This alternative would require reconstruction of the majority of the pier and the addition of piles resulting in environmental impact to wetland resources. This alternative would be complicated by the elevation differential between the waterline and pier deck during the majority of tides making embarking and disembarking from vessels potentially unsafe.
- A Floating Docks Located Off Eastern End of Pier Alternative – this alternative would install a floating dock system off the end of the existing timber pier and placement of the proposed moorings farther into Buzzards Bay. The floats and moorings in this location would require installation of a wave-break due to

increased exposure. This alternative would also increase impacts to rare species habitat.

The ENF discussed how the project will be consistent with local and regional planning documents, most notably how it will support access to the waterfront.

Wetlands and Stormwater

The project will permanently impact Land Under Ocean (LUO) and Land Containing Shellfish. As described in the ENF, the floats will impact 3,400 sf of each resource area, the piles will impact 22.4 sf of each resource area, and the moorings will impact 21.2 sf of each resource area. The seasonal tiki bar will occupy approximately 6,257 sf of Land Subject to Coastal Storm Flowage (LSCSF). The project also includes work within the 100-foot Buffer Zone to Coastal Bank. The ENF discussed how the project will be constructed consistent with the applicable performance standards for impacts to wetland resource areas set forth in the Massachusetts Wetlands Protection Act (WPA) and the Wetlands Regulations (310 CMR 10.00). The ENF discussed project consistency with the Office of Coastal Zone Management (CZM) *Coastal Hazards Policy*.

No dredging is required to accommodate the new floats, as sufficient water depths are available throughout the tide cycle. Pile spacing for the floats will be maximized to limit impacts to LUO and shellfish habitat and maintain a similar pattern of water circulation compared to existing conditions. The landward-most portion of the floats will likely be used for tenders and will limit potential impacts to the substrate, as all floats are located in a manner that will maintain more than 2.5 feet of clearance below them at all tides. The Proponent indicated that the project area is a former shipyard and deteriorated pilings may be present in the area of the proposed float locations. The Proponent should discuss removal protocols and Best Management Practices (BMPs) for any deteriorated pilings with the New Bedford Conservation Commission as part of the Notice of Intent review and with MassDEP as part of the c. 91 licensing processes to minimize environmental impacts while ensuring safe public navigation.

The project site is not located in an area mapped as suitable eelgrass habitat and no submerged aquatic vegetation was observed during a hydrographic survey. Portions of the project site are mapped as suitable shellfish habitat for quahog (*Mercenaria mercenaria*) and bay scallop (*Argopecten irradians*) by the Division of Marine Fisheries (DMF). The Proponent has not verified the presence of shellfish in the project area nor surveyed the boundaries as identified by DMF GIS data. DMF comments to not include recommendations for sequencing, timing, or methods to avoid or minimize impacts to shellfish resources.

The project includes 12 helical anchor moorings, which the Proponent states will minimize impacts to LUO and Land Containing Shellfish compared to a mushroom or block system mooring. The CZM comment letter noted the potential for scouring impacts to benthic habitat from the 12 mooring chains and tackle. I concur with CZM's recommendation for the Proponent to consider using conservation moorings, which eliminate chains to avoid these impacts. More information on conservation moorings can be found in a report prepared on behalf of the Massachusetts Bays Program entitled *Conservation Mooring Study* issued in

January 2013 and found at <http://www.mass.gov/eea/docs/mbp/publications/conservation-mooring-report-uhi-dec2013.pdf>.

According to the delineation methods of the historic mean high water (HMHW) line presented in the ENF, the project site contains approximately 32,580 sf of previously authorized filled tidelands, 367 sf of which are covered by structures. These include the former ticket office for the Schamonchi ferry that will be repurposed as a support building for the pier (i.e., storage of safety equipment, use by staff). A small portion of the existing deck occupied by the former bar and nightclub and paved parking are also located in filled tidelands. Draft c. 91 licensing plans included in the ENF also identified the location and elevation of the Mean Low Water (MLW), Mean High Water (MHW) and High Tide Line (HTL). A 10-foot wide public access pathway is proposed along the eastern edge of the project site adjacent to the water.

As noted by MassDEP, the Proponent should work with Waterways staff to obtain electronic copies of relevant historic low and high water lines to verify the landward-most extent of c. 91 jurisdiction on-site. These data should be incorporated into plans submitted for the new c.91 License to authorize the proposed structural alterations and change in use of filled and flowed tidelands of Buzzards Bay.

The existing ferry ticketing shed and pier/floats/gangway system are considered water-dependent uses, while the tiki bar is considered a non-water-dependent use under c. 91. MassDEP indicated in its comment letter that the existing parking could be categorized as either an accessory to the water-dependent use or a non-water-dependent use. While this should be determined in conjunction with the c. 91 licensing process, due to the combination of uses on-site, MassDEP will process the forthcoming c. 91 license application as a non-water-dependent project in accordance with 310 CMR 9.12(1). The Proponent will be required to demonstrate consistency with the non-water-dependent performance standards (310 CMR 9.5-9.54) as part of the c. 91 license approval process. The c. 91 license application should identify the proposed location of the tiki bar within the lease area and provide additional detail on the proposed public walkway, specifically connection points to public access accommodations on abutting properties.

The ENF presented the proposed pier/float system for use as transient berthing. MassDEP indicated that it considers this facility a public recreational berthing facility and a marina because it would accommodate at least ten boats (pursuant to 310 CMR 9.02 that provides a definition of a *Marina and Public Recreational Boating Facility*), despite the slips not being leased on an annual basis. Therefore, the Proponent will be required, as part of the c. 91 application, to demonstrate consistency with the specific standards for these types of facilities (310 CMR 9.38 and 9.39).

Climate Change Resiliency and Adaptation

The coastal location of the project makes it susceptible to sea level rise and increased storm intensity and frequency-related impacts. The Proponent indicated that the existing building will be renovated and will not include changes to the footprints or elevation. As project design is finalized, I encourage the Proponent to consider climate change resiliency measures that can be incorporated into the renovation design (e.g., resilient flooring and dry wall materials, location of

heating and cooling systems above the flood elevation, etc.) or can be readily adapted in the future to respond to climate change and sea level rise. I encourage the Proponent to incorporate measures into the project that would provide a level of protection greater than the minimum applicable standards set by the Massachusetts Building Code for renovation projects in a velocity flood zone.

Additionally, the Proponent does not intend to use the berthing facility or moorings during storms and indicated that off-site storage for the gangways and floats are available landward of the New Bedford hurricane barrier. This will limit potential damage to the pier or adjacent properties during a storm.

For additional information and guidance on climate change adaptation, please review EEA's *Climate Change Adaptation Report* (September 2011) (<http://www.mass.gov/eea/docs/eea/energy/cca/eea-climate-adaptation-report.pdf>) and the Office of Coastal Zone Management's (CZM) December 2013 report entitled, "*Sea Level Rise: Understanding and Applying Trends and Future Scenarios for Analysis and Planning*" (<http://www.mass.gov/eea/docs/czm/stormsmart/slr-guidance-2013.pdf>). The CZM report outlines predicted sea level rise for a variety of climate change scenarios over the next century that may be of particular assistance in selecting climate change adaptation measures for the restaurant, pier and on-site public accommodations.

Rare Species

A determination has yet to be made regarding whether the project will result in a "take" of State-listed rare species habitat. The Proponent should complete a Massachusetts Endangered Species Act (MESA) Project Review Checklist and submit it to NHESP concurrent with the WPA Notice of Intent to ensure consistency with the MESA regulations. If a "take" will occur, the project may be required to file a Notice of Project Change (NPC) to address this State Agency Action.

Construction

The ENF indicated that piles will be driven using land-based and water-based equipment and a vibratory and/or impact hammer. Pier repairs are proposed to be staged from a small work barge and/or the existing pier. The floating docks and gangways will be constructed off-site and installed either by use of a land-based crane or towed via water. The Proponent should implement appropriate erosion and sedimentation control Best Management Practices (BMPs) to limit impacts during the construction period and specifically during in-water work. All construction should be managed in accordance with applicable MassDEP Solid Waste and Air Pollution Control regulations pursuant to M.G.L. c.40, §54.

Conclusion

The ENF has sufficiently defined the nature and general elements of the project for the purposes of MEPA review and demonstrated that the project's environmental impacts will be avoided, minimized and/or mitigated to the extent practicable. Based on review of the ENF and comments received, and in consultation with State Agencies, I have determined that no further MEPA review is required. The Project may proceed to permitting.

March 13, 2015

Date



Matthew A. Beaton

Comments Received:

02/12/2015	Board of Underwater Archaeological Resources
02/25/2015	Office of Coastal Zone Management
03/02/2015	Division of Marine Fisheries
03/03/2015	Massachusetts Department of Environmental Protection – Southeast Regional Office (MassDEP-SERO)

MAB/HSJ/hsj

Exhibit I

Abutter Notification, Radius Map and List of Abutters

I, Carlos Amado by CIR, 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: 4/9/15

SUBJECT PROPERTY:

MAP 12 LOT 77

LOCATION 1494 E Rodney French Blvd

OWNER'S NAME _____

MAILING ADDRESS _____

CONTACT PERSON Jeremy Packard

TELEPHONE NUMBER 508-748-0937

EMAIL ADDRESS jpackard@cleengineering.com

REASON FOR REQUEST
Notice of Intent

PLANNING
APR 09 2015
DEPARTMENT

April 9, 2015
 Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as 1494 E. Rodney French Blvd (12-77) 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.

Parcel	Location	Owner and Mailing Address
12-287	1480 E RODNEY FRENCH BLVD	GGK REALTY LLC, 1480 E RODNEY FRENCH BLVD NEW BEDFORD, MA 02744 - 2230
12-279	E RODNEY FRENCH BLVD	CITY OF NEW BEDFORD, 131 WILLIAM ST 133 NEW BEDFORD, MA 02740
12-77	1494 E RODNEY FRENCH BLVD	VVK REALTY LLC, 99 FLAGSWAMP ROAD 1494 E. Rodney French Blvd. DARTMOUTH, MA 02747 New Bedford, MA 02744
12-241	1475 E RODNEY FRENCH BLVD	ROCHE LEONARD J, ROCHE MARY A 1475 E RODNEY FRENCH BLVD NEW BEDFORD, MA 02744 - 2235
12-74	1501 E RODNEY FRENCH BLVD	FORD JOHN P "TRUSTEE", FORD PATRICIA E "TRUSTEE" 81 CAROLINE STREET NEW BEDFORD, MA 02740 - 4406
12-290	E RODNEY FRENCH BLVD	VVK REALTY LLC, 99 FLAGSWAMP ROAD 1494 E. Rodney French Blvd. DARTMOUTH, MA 02747 New Bedford, MA 02744
12-247	E RODNEY FRENCH BLVD	CITY OF NEW BEDFORD, 131 WILLIAM ST 133 NEW BEDFORD, MA 02740

Notification to Abutters Under the Massachusetts Wetlands Protection Act

In accordance with the second paragraph of Massachusetts General Law Chapter 131, Section 40, you are hereby notified of the following:

- A. The name of the applicant is
VVK Realty, LLC
- B. The Applicant has filed a Notice of Intent with the Conservation Commission For the municipality of New Bedford, MA seeking permission to remove, fill dredge or alter an Area Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, Section 40). The Notice of Intent may also only pertain to work within 100' of an Area Subject to Protection Under the Act. Please see D & E below to find out more about the application.
- C. The location of the lot where the activity is proposed is Assessor's Map 12
Lot(s) 77 ; street address (if applicable) 1494 E. Rodney French Blvd
- D. Copies of the Notice of Intent may be examined at the New Bedford Conservation Commission Office – Room 304 of City Hall, 133 William St., New Bedford between the hours of 8:30 AM and 4:00 PM Monday through Friday. For more information, call 508-991-6188.
- E. Copies of the Notice of Intent may be obtained from either (check one) the applicant _____ or the applicant's representative X by calling this number 508.748.0937 between the hours of 9 AM and 4 PM on the following days of the week Mon. - Fri.
- F. 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 shall be published at least (5) days in advance in The Standard Times.

Note: Notice of the public Hearing, including the date, time and location shall be posted in City Hall not less than forty-eight (48) hours in advance.

Note: you may also contact your local Conservation Commission or the MADEP Southeast Regional Office @ 508-946-2700 for more information about this Notice or the Wetlands Protection Act.

Exhibit J

Filing Fee Worksheet



**CITY OF NEW BEDFORD
MASSACHUSETTS**

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

PROJECT LOCATION:

1494 E Rodney French Blvd MAP 12 LOT(S) 77

APPLICANT: VVK Realty, LLC

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 <u>6,257</u> SF Land Subject Coastal Flooding	\$ <u>312.85</u>
• \$0.20 X _____ SF Developed Riverfront Area	\$ _____
• \$1.00 X _____ SF Undeveloped Riverfront Area	\$ _____
• \$5.00 X _____ LF Coastal Bank	\$ _____
• \$0.10 X _____ SF Buffer Zone	\$ _____

(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): \$ 462.85

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.