



260 West Exchange Street, Suite 300  
Providence, RI 02903  
tel: 401 751-5360

August 5, 2015

New Bedford Conservation Commission  
New Bedford City Hall  
133 Williams Street  
New Bedford, Massachusetts 02740

Subject: Request to Amend an Existing Order of Conditions – Fisherman’s Memorial  
Improvements  
City of New Bedford - Applicant

Dear Commission Members:

On behalf of the City of New Bedford, CDM Smith Inc. (CDM Smith) is requesting an amendment to the existing Order of Conditions (OOC; Massachusetts Department of Environmental Protection (MassDEP) file No. 49-0704 dated October 21, 2014) for the Fisherman’s Memorial Improvements Project. The amendment is being requested for a reduction in size and height of the proposed elevated promenade, as well as some minor changes to proposed landscaping.

The proposed Fisherman’s Memorial Improvements Project, as described in the Notice of Intent (NOI) submitted to your office, and to MassDEP, in June of 2014, proposes an elevated promenade with a cobblestone wall, memorial statue, and plantings on top of the Monkeys Island Pier off East Rodney French Boulevard. Modifications to the proposed Fishermen’s Memorial project are limited to work on the surface of the pier structure and do not change any of the previously agreed to work regarding the structural repair of the granite blocks comprising the exterior, perimeter curbing, or proposed storm drainage of the pier structure.

### **Proposed Modifications to Landscaping**

The previous landscaping plan included the installation of 9 new evergreen trees, as well as *Rosa rugosa* plantings. Evergreen trees have been removed from the landscaping plan. The proposed planting area will be reduced by 600 square feet, and will consist of *Rosa rugosa* plantings only. The existing pier is 100% impervious therefore the proposed condition will still provide an increase in pervious surface.

### **Proposed Modifications to Promenade**

The original project design proposed an approximately 180 feet (ft) long by 36 ft wide elevated promenade, equaling approximately 9,000 square feet (sf). The promenade was originally proposed at approximate elevation 13.5 ft New Bedford City Datum (NBCD). The proposed changes to the





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elevated promenade include downsizing the extent of the promenade to 120 ft long, by 36 ft wide (6,800 sf), and lowering the height of the promenade to 10.6 ft NBCD (see attached Sheets L1-L6). These changes will shift the east end of the elevated promenade landward.

Due to the change in scale, the placement of the existing monument will need to be altered and will now be sited approximately 50 ft west of its originally proposed location. The final modification to the proposed project involves the seating blocks on the south side of the pier. The seating blocks were originally proposed as granite, and have been changed to concrete blocks. All other materials remain as originally designed.

#### **Changes in Proposed Impacts to Wetland Resource Areas**

The project continues to propose pier restoration activities, therefore the proposed impacts to wetland resource areas will be the similar to those outlined in the NOI submitted to your office, in June of 2014.

Please feel free to contact Andrew Poyant at 401-457-0353 or [poyantar@cdmsmith.com](mailto:poyantar@cdmsmith.com) should you have any questions or concerns regarding this submittal.

Sincerely,

A handwritten signature in blue ink, appearing to read "Danielle Gallant". The signature is fluid and cursive, written over the printed name.

Danielle Gallant, QEP

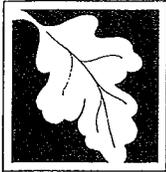
Environmental Scientist

CDM Smith Inc.

cc: Kimberly Drake, Shawn Syde – CDM Smith  
Ron Labelle – City of New Bedford  
MassDEP – Southeast Regional Office







**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE49-0704  
 MassDEP File #  
 eDEP Transaction #  
 New Bedford  
 City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
 Bristol-South

a. County	b. Certificate Number (if registered land)
31	224
c. Book	d. Page

7. Dates:      6/19/2014      10/7/2014      10/21/2014  
                   a. Date Notice of Intent Filed      b. Date Public Hearing Closed      c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
 New Bedford Fishermans Memorial Improvements (sheets 1 through 7 of 7)

a. Plan Title	b. Prepared By	c. Signed and Stamped by
CDM-Smith	October 1 2014	Kimberly Drake, RLA
d. Final Revision Date		e. Scale
		various

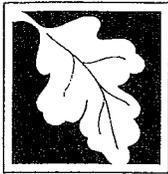
f. Additional Plan or Document Title	g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
- Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- |                                                  |                                                                  |                                                                       |
|--------------------------------------------------|------------------------------------------------------------------|-----------------------------------------------------------------------|
| a. <input type="checkbox"/> Public Water Supply  | b. <input checked="" type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution        |
| d. <input type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries                 | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input type="checkbox"/> Groundwater Supply   | h. <input checked="" type="checkbox"/> Storm Damage Prevention   | i. <input checked="" type="checkbox"/> Flood Control                  |
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved** subject to:

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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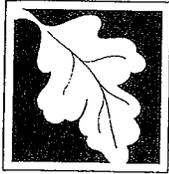
**B. Findings (cont.)**

Denied because:

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) \_\_\_\_\_ a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas				
Indicate size under Land Under the Ocean, below				
11. <input checked="" type="checkbox"/> Land Under the Ocean	510 temp alt. _____	510 temp. alt. _____		
	c. c/y dredged _____	d. c/y dredged _____		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input checked="" type="checkbox"/> Coastal Beaches	2,840 temp alt. _____	2,840 temp.alt. _____	_____ cu yd c. nourishment	_____ cu yd d. nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet _____	b. square feet _____	_____ cu yd c. nourishment	_____ cu yd d. nourishment
15. <input checked="" type="checkbox"/> Coastal Banks	724 a. linear feet _____	724 b. linear feet _____		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet _____	b. square feet _____		
17. <input type="checkbox"/> Salt Marshes	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet _____	b. square feet _____		
	c. c/y dredged _____	d. c/y dredged _____		
19. <input checked="" type="checkbox"/> Land Containing Shellfish	1,610 s.f. temp alt. _____	1,610 s.f. temp. alt. _____	c. square feet _____	d. square feet _____
20. <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			
	a. c/y dredged _____	b. c/y dredged _____		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	20,550 S.F. temp. alt. _____	20,550 S.F. temp. alt. _____		





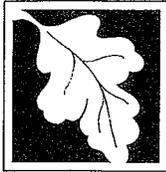
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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

9. No work shall be undertaken until the Order has become final and then 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. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number            SE49-0704 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

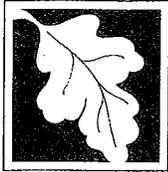
NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. **The work associated with this Order (the "Project") is (1)  is not (2)  subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:

- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
- ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
- iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
- iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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

Provided by MassDEP:

SE49-0704

MassDEP File #

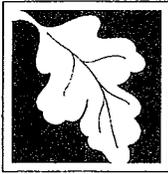
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City/Town

**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
  - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

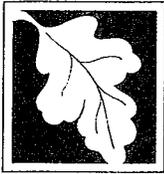
**See Attached Special Conditions 20 through 57**

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Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

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SE49-0704

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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

- 1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
- 2. The New Bedford Conservation Commission hereby finds (check one that applies):

- a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Wetlands Ordinance

Sec. 15-101

1. Municipal Ordinance or Bylaw

thru 15-112

- 3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

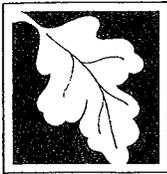
The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

MADEP General Conditions 1 through 19 are Special Conditions under the local Wetlands Ordinance. In addition see attached Special Conditions 20 through 57

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 Bureau of Resource Protection - Wetlands  
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 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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 SE49-0704  
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 eDEP Transaction # \_\_\_\_\_  
 New Bedford  
 City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

10/21/17  
 1. Date of Issuance

Please indicate the number of members who will sign this form.

3  
 2. Number of Signers

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

by hand delivery on

by certified mail, return receipt requested, on

Date

Date 10/21/17

**F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



**CITY OF NEW BEDFORD  
MASSACHUSETTS**

**CONSERVATION COMMISSION  
133 WILLIAM STREET, ROOM 304  
NEW BEDFORD, MA 02740**

**Tel: (508) 991-6188; Fax: (508) 961-3045; TYY: (508) 979-1661**

**ORDER OF CONDITIONS  
SPECIAL CONDITIONS  
SE49-0704**

**Applicant/Owner: City of New Bedford c/o Ronald Labelle, Commissioner of Public  
Infrastructure**

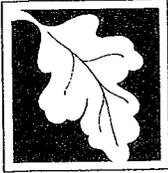
**Location: Fisherman Memorial Pier (Map 6, Lot 2)  
East Rodney French Boulevard  
New Bedford, MA**

20. No activity shall occur prior to obtaining all necessary and required permits, licenses, and approvals; and until copies of the same have been furnished to the Conservation Commission.
21. Any design modifications, alterations, amendments, or additions shall be subject to the approval of the New Bedford Conservation Commission. Requests for any changes shall be made in writing and shall be accompanied by a revised plan.
22. No modification to surface features, drainage or topography shall be permitted except as indicated by this Order of Conditions.
23. Contours shall remain unchanged except as permitted by this Order of Conditions.
24. There shall be no construction other than that proposed by the Notice of Intent and included on the submitted plan.
25. Immediately upon completion of the exterior construction and grading, permanent stabilization landscaping shall be carried out in order to minimize erosion.
26. All wetland areas not to be altered shall be kept clear of rubbish, debris, and construction material.
27. All exposed soil or subsoil shall be replanted with vegetation such as grass, groundcover or shrubs so as to minimize erosion and siltation.
28. There shall be minimum disruption of existing grades and vegetation in order to minimize erosion.
29. No runoff shall be caused to drain on to adjoining property or on any public ways.

30. All excess material shall be removed from the site.
31. The owners shall notify the Conservation Commission of the work-start date prior to its commencement so that regular inspections may be made.
32. The Inspector and/or the Commission members shall have the right to enter upon the land for the purpose of the inspection and/or the taking of pictures to determine and evaluate compliance with this Order.
33. All facilities and equipment shall be continually operated and maintained so as to comply with this Order of Conditions and M.G.L. Ch. 131, S 40, the Wetlands Protection Act and Regulations 310 CMR 10.00 et seq.
34. Certain conditions, such as maintenance or monitoring are on-going and are not to expire at the end of three years or with the issuance of a Certificate of Compliance.
35. This Order of Conditions shall apply to any successor in interest or successor in control.
36. Any changes required by any other board or authority may require a new filing with the Conservation Commission.
37. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is subject to this Order of Conditions, and procure all required permits or approvals before work commences. These reviews, permits and approvals may include but are not limited to:
  - The Army Corps of Engineers
  - The MA Department of Environmental Protection
  - The MA Natural Heritage and Endangered Species program
  - Review by local Planning Boards, Zoning Boards, Board of Health and Building Department
38. The Conservation Commission shall not be responsible or liable for the construction, the operation, or the maintenance of any part of this project and does not warrant the safety of the same.
39. Any fill and/or construction materials shall be placed in upland areas.
40. All fill material shall be clean material and not contain materials such as asphalt, brick or concrete.
41. Any mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc., are to be installed prior to initiation of any work under this Order of Conditions. Silt fence and hay bales shall be trenched into the ground. The Conservation Agent shall be notified when in place for inspection and verification.

No work to be undertaken under the Order of Conditions until written or verbal approval is received from the Conservation Commission or its Agent.

42. In accordance with Condition number fourteen (14), no activity shall take place until the applicant has furnished written documentation that the plans on file with the Conservation Commission are consistent with permits and approvals of other Town Boards.
43. Prior to any construction, an on-site inspection is to be held between the proposed contractor, the engineer, and the Conservation Commission Agent to go over the sequence of construction and all other restrictions and requirements as noted on the Order of Conditions. A written construction schedule to be received at that time.
44. All erosion control barriers shall be constructed of snow fencing, silt fencing, staked hay bales, and/or waddles and clearly depicted on the plans, and placement shall be inspected both pre and post construction by Agent.
45. Any changes in proposed drainage patterns will require written approval by the Conservation Commission.
46. Wetland flagging is to remain in place until the project has been completed and a Certificate of Compliance issued.
47. Notice of Intent, Order of Conditions and plans shall be retained on the site during construction and made available to all contractors.
48. All conditions are on going and do not expire until the issuance of a Certificate of Compliance.
49. The design engineer will certify, with an as-built plan, that this project has been completed in accordance with the above Order of Conditions before the Certificate of Compliance will be issued.
50. The applicant shall conduct all work from the landward side wherever possible.
51. The applicant is required to coordinate with the MA Division of Marine Fisheries for all work in the water to ensure it does not impact the shellfish mitigation ongoing in the vicinity.
52. For work on the beach, spot elevations will be collected to define the slope of the coastal beach prior to commencement of construction. Altered coastal beach will be restored to pre-construction slope using existing beach sand and planted with 2 to 3 stems (culms) of American beach grass (*Ammophila breviligulata*) at a spacing of 18" x 18". The plantings shall be staggered in alternate rows to provide for maximum erosion control potential and planted at an 8" to 10" depth.
53. A floating silt curtain shall be installed with a skirt length adequate to reach the bottom of the sea floor. A galvanized steel ballast chain shall be on the bottom of



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 SE49-0704  
 MassDEP File #  
 eDEP Transaction #  
 New Bedford  
 City/Town

**G. Recording Information**

Prior to commencement of work, this Order of Conditions must be 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. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

New Bedford  
 Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

New Bedford  
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

East Rodney French Boulevard      SE49-0704  
 Project Location      MassDEP File Number

Has been recorded at the Registry of Deeds of:

	Book	Page
County		
for: <u>City of New Bedford</u>		
Property Owner		

and has been noted in the chain of title of the affected property in:

	Page
Book	

In accordance with the Order of Conditions issued on:

10/21/2014  
 Date

If recorded land, the instrument number identifying this transaction is:

\_\_\_\_\_  
 Instrument Number

If registered land, the document number identifying this transaction is:

\_\_\_\_\_  
 Document Number

\_\_\_\_\_  
 Signature of Applicant

Carlos Agudo

Administrative Assistant to the Board of Assessors of the City of New Bedford, do hereby certify that the names and addresses as identified on the attached "Abutters List" are duly recorded and appear on the most recent tax.

Date: 8/6/2015

PLANNING  
AUG 08 2015  
DEPARTMENT

SUBJECT PROPERTY: MAP 6 LOT

2

LOCATION East Rodney French Boulevard

OWNER'S NAME City of New Bedford

MAILING ADDRESS 131 Williams Street, New Bedford, MA

CONTACT PERSON Danielle Gallant, CDM Smith

TELEPHONE NUMBER 401-457-0321

EMAIL: GallantDJ@cdmsmith.com

REASON FOR REQUEST

Request to Amend an Order of Conditions with the New Bedford Conservation Commission.

Please mail the hard copy to Danielle Gallant, CDM Smith. 260 West Exchange Street, Suite 300, Providence, RI 02903

August 4, 2015

Dear Applicant,

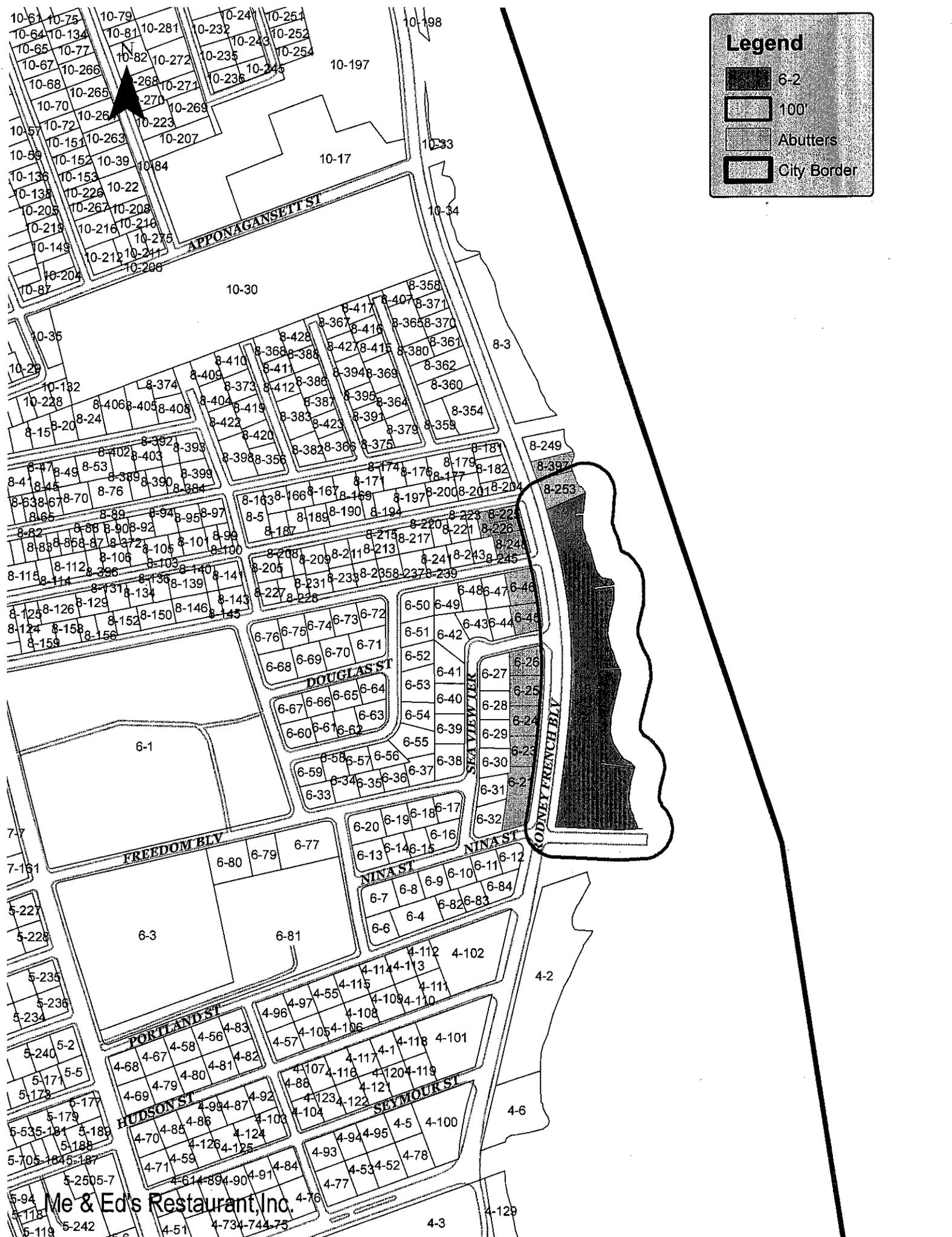
Please find below the List of Abutters within 100 feet of the property known as ES East Rodney French Blvd (6-2) The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of 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
6-21	3 NINA ST	VINAGRE CARLOS DASILVA, VINAGRE MARIA HELENA 3 NINA ST NEW BEDFORD, MA 02744
6-23	1147 E RODNEY FRENCH BLVD	KERTZMAN HARVEY, KERTZMAN NOREEN 1147 ROD FR BLVD NEW BEDFORD, MA 02744
6-24	1157 E RODNEY FRENCH BLVD	ESTUDANTE ARMANDO M "TRUSTEE", ESTUDANTE LUCILIA F "TRUSTEE" 1157 EAST RODNEY FRENCH BLVD NEW BEDFORD, MA 02744
6-25	1169 E RODNEY FRENCH BLVD	SOARES MARIA H, 1169 EAST RODNEY FR BLVD NEW BEDFORD, MA 02744
6-26	1177 E RODNEY FRENCH BLVD	FLOREK JOANNE L, 1177 EAST RODNEY FRENCH BLVD NEW BEDFORD, MA 02744
8-397	1234 E RODNEY FRENCH BLVD	OTOOLE MARY M, 15 RESERVOIR STREET UNIT 31 MANSFIELD, MA 02048
6-45	1185 E RODNEY FRENCH BLVD	MCNAMARA JOHN F "TRUSTEE", 380 CRAWFORD STREET TRUST 58 OLD PRINCETON ROAD WEST STERLING, MA 01564
6-46	1197 E RODNEY FRENCH BLVD	HELGELAND ROBERT C, 71 BELLEVUE ST NEW BEDFORD, MA 02744
8-248 <i>WS</i>	E RODNEY FRENCH BLVD	VINJERUD LARS II, 20 BLACKMER STREET NEW BEDFORD, MA 02740
8-226	1219 E RODNEY FRENCH BLVD	FERNANDES JOHN JR, FERNANDES MARSHA F 1219 EAST RODNEY FRENCH BLVD NEW BEDFORD, MA 02744
8-225	1221 E RODNEY FRENCH BLVD	STONE MARGA L, 1221 EAST RODNEY FRENCH BLVD NEW BEDFORD, MA 02744
6-2 <i>GS</i>	E RODNEY FRENCH BLVD	CITY OF NEW BEDFORD, 131 WILLIAM ST NEW BEDFORD, MA 02740
8-253	1228 E RODNEY FRENCH BLVD	BEGIN JON E, BEGIN JOAN L 709 LAGOON DRIVE NORTH PALM BEACH, FL 33408

# Legend

-  6-2
-  100'
-  Abutters
-  City Border



Me & Ed's Restaurant, Inc. 4-76

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

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

The name of the applicant is: City of New Bedford

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

The address of the lot where the activity is proposed is: East Rodney French Boulevard  
Assessor's Map 6; Lot 2

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

Copies of the Request to Amend an Order of Conditions may be obtained from either (check one) the applicant \_\_\_\_\_ or the applicant's representative  by calling this telephone number 401-457-0353  between the hours of 8:00 AM and 4:00 PM on the following days of the week: Monday through Friday.

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

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

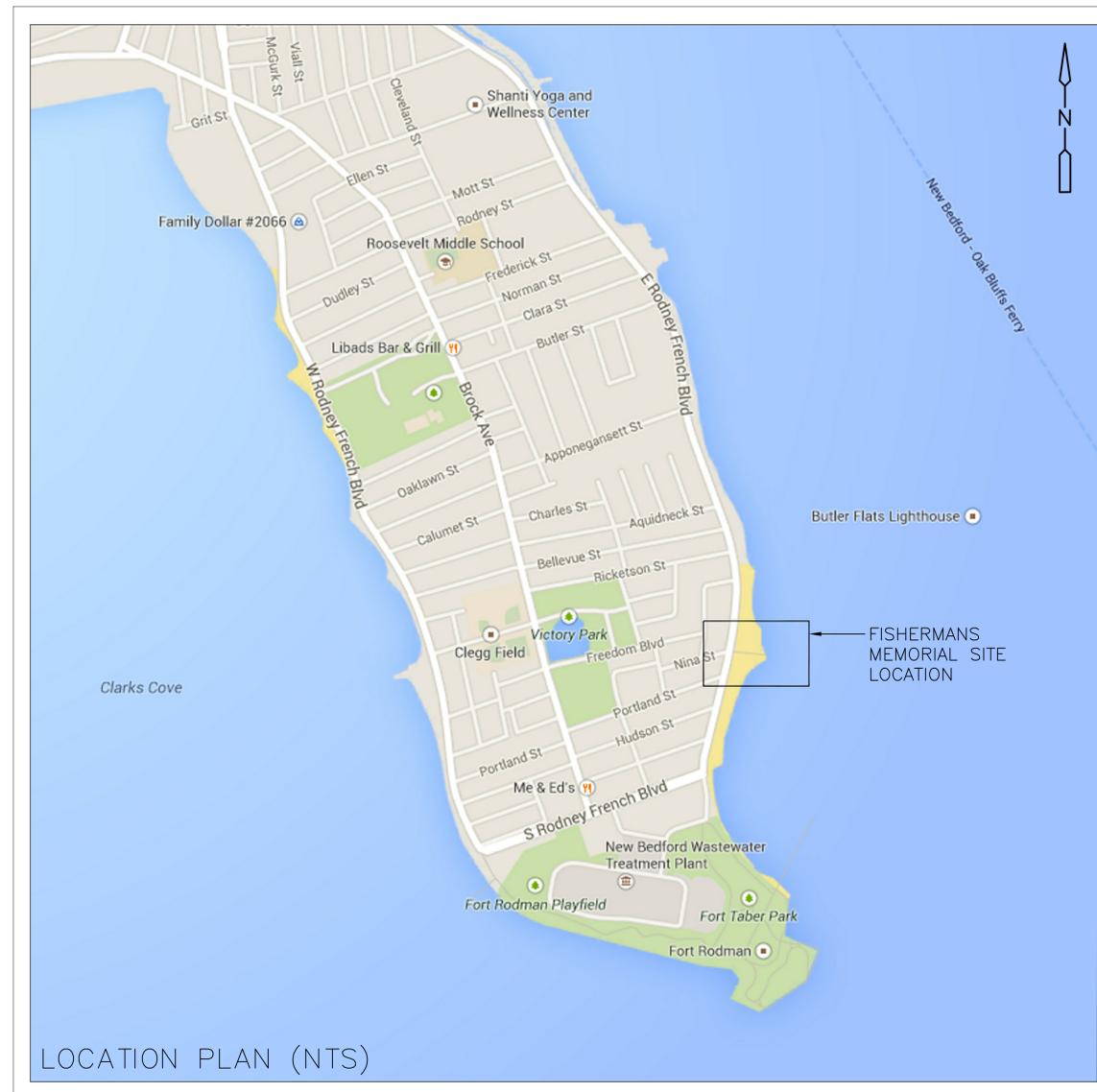
Note: Notice of the Public Hearing including its date, time and place, will be published at least five (5) days in advance in the Standard Times.

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

# NEW BEDFORD FISHERMANS MEMORIAL IMPROVEMENTS

CITY OF NEW BEDFORD, MASSACHUSETTS

SEPTEMBER 2014  
 REVISED: OCTOBER 2014  
 REVISED: AUGUST 2015



LOCATION PLAN (NTS)

## LIST OF DRAWINGS

SHEET NO.	TITLE
L-1	EXISTING CONDITIONS, DEMOLITION, AND REMOVALS
L-2	LAYOUT, MATERIALS, PLANTING, GRADING, AND DRAINAGE
L-3	SITE SECTIONS
L-4	SITE ELEVATIONS
L-5	DETAILS I
L-6	DETAILS II

**CDM  
Smith**

BOSTON, MASSACHUSETTS

Transportation

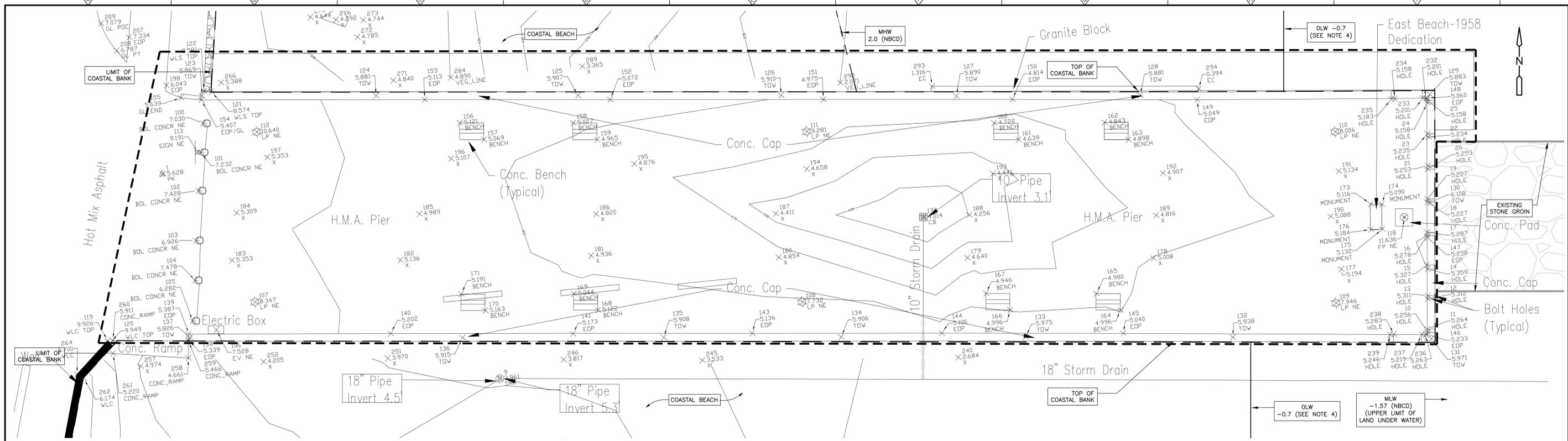


Water

Environment

Energy

Facilities



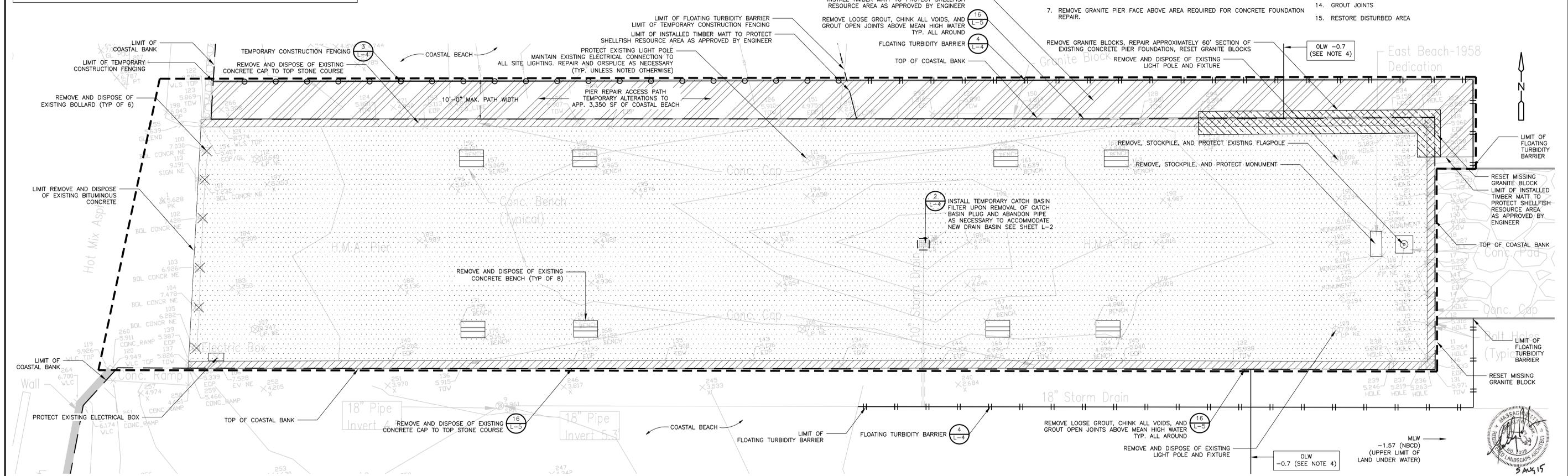
**EXISTING CONDITIONS PLAN**

**LEGEND:**

- LIMIT OF WORK
- LIMIT OF TEMPORARY CONSTRUCTION FENCING
- TOP OF COASTAL BANK
- REMOVE AND DISPOSE OF EXISTING CONCRETE CAP TO TOP STONE COURSE SEE DETAIL 9 SHEET L-5
- CONCRETE PIER FOUNDATION REPAIR
- PIER REPAIR ACCESS PATH ON COASTAL BEACH
- REMOVE AND DISPOSE OF EXISTING BITUMINOUS CONCRETE PAVEMENT

- NOTE:**
- 100-YR FLOODPLAIN ELEVATION IS LOCATED AT 15.28 FT NBGD
  - MEAN LOW WATER IS LOCATED AT -1.57 FT NBGD
  - MEAN HIGH WATER IS LOCATED AT +2.00 FT NBGD
  - OBSERVED LOW WATER LOCATION (OLW) AT -0.7 @ 1:32 PM AUGUST 9TH 2014.
  - CONSTRUCTION EQUIPMENT FOR PIER FOUNDATION REPAIR SHALL CONSIST OF A RUBBER TRACK EXCAVATOR. PIER REPAIR ACCESS PATH SHALL BE COVERED WITH BOARDS DURING EQUIPMENT OPERATION.

- SUGGESTED SEQUENCE OF CONSTRUCTION:**
- WORK ON BEACH TO BE PERFORMED DURING THE LOW TIDE CYCLE ONLY.
  - INSTALL TURBIDITY CURTAINS PRIOR TO WALL REPAIR.
  - ALL WALL REPAIR WORK TO BE PERFORMED FROM TOP OF PIER TO EXTENT POSSIBLE.
  - WOODEN BOARDS TO BE SET ON THE BEACH ACCESS AREA TO PROTECT ANY EXISTING VEGETATION FROM CONSTRUCTION TRAFFIC AND REMOVED DURING EACH TIDE CYCLE.
  - CONSTRUCTION VEHICLES ON BEACH TO CONSIST OF RUBBER TRACK EXCAVATOR.
  - REMOVE CONCRETE PIER CAP.
  - REMOVE GRANITE PIER FACE ABOVE AREA REQUIRED FOR CONCRETE FOUNDATION REPAIR.
  - SAW CUT AND REMOVE DAMAGED/ DETERIORATED CONCRETE.
  - EXCAVATE AREA, PLACE FILTER FABRIC AND STONE, FORM NEW CONCRETE FOUNDATION.
  - POUR NEW QUICK CURE CONCRETE FOUNDATION (WILL BE SUFFICIENTLY CURED TO WITHSTAND NEXT TIDE CYCLE)
  - RE-SET GRANITE BLOCKS ABOVE NEW CONCRETE FOUNDATION.
  - POUR NEW CONCRETE PIER CAP.
  - FILL ALL VOIDS BEHIND STONE FACE WITH CONCRETE
  - GROUT JOINTS
  - RESTORE DISTURBED AREA



**DEMOLITION AND REMOVALS PLAN**

REV. NO.	DATE	DRWN	CHKD	REMARKS

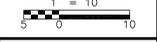
DESIGNED BY: N. WATKINS  
 DRAWN BY: N. WATKINS  
 SHEET CHK'D BY: K. DRAKE  
 APPROVED BY: K. DRAKE  
 DATE: SEPTEMBER 2014

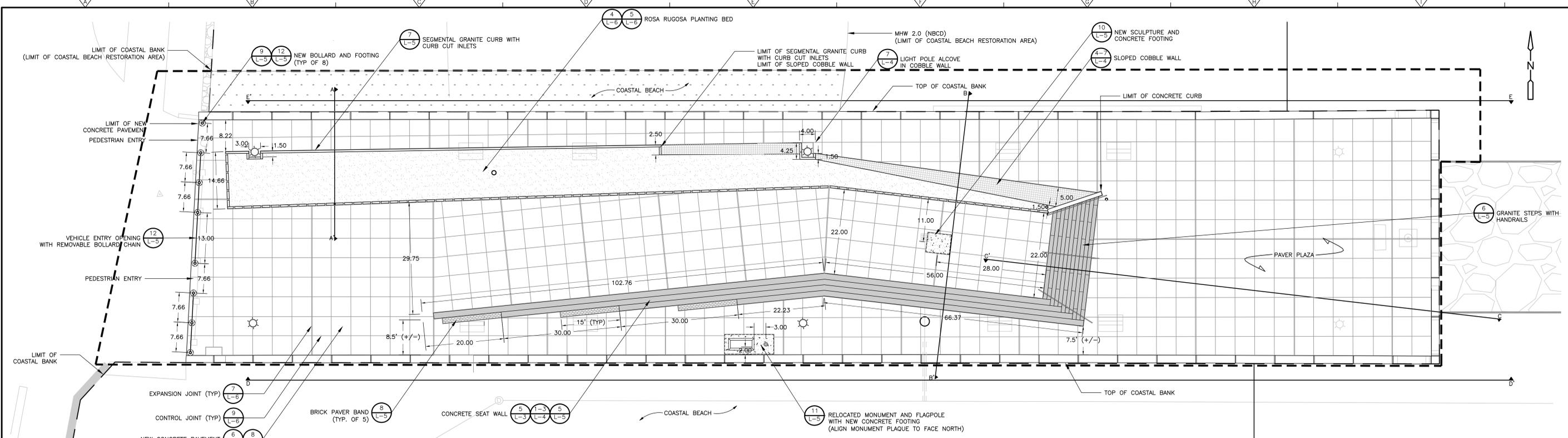


CITY OF NEW BEDFORD MASSACHUSETTS  
 FISHERMANS MEMORIAL

EXISTING CONDITIONS, DEMOLITION, AND REMOVALS PLAN

PROJECT NO. 0309-101012	SHEET NO. L-1
FILE NAME: CSTPL001	ACC NO.





LAYOUT, MATERIALS, AND PLANTING PLAN

**LEGEND:**

	LIMIT OF WORK		CONCRETE/GRANITE SEATWALL/STAIRS
	CONCRETE PAVEMENT		ROSA RUGOSA GROUND COVER (3'-6" ON CENTER)
	CONCRETE PAD		COASTAL BEACH RESTORATION AREA
	COBBLE SLOPE		

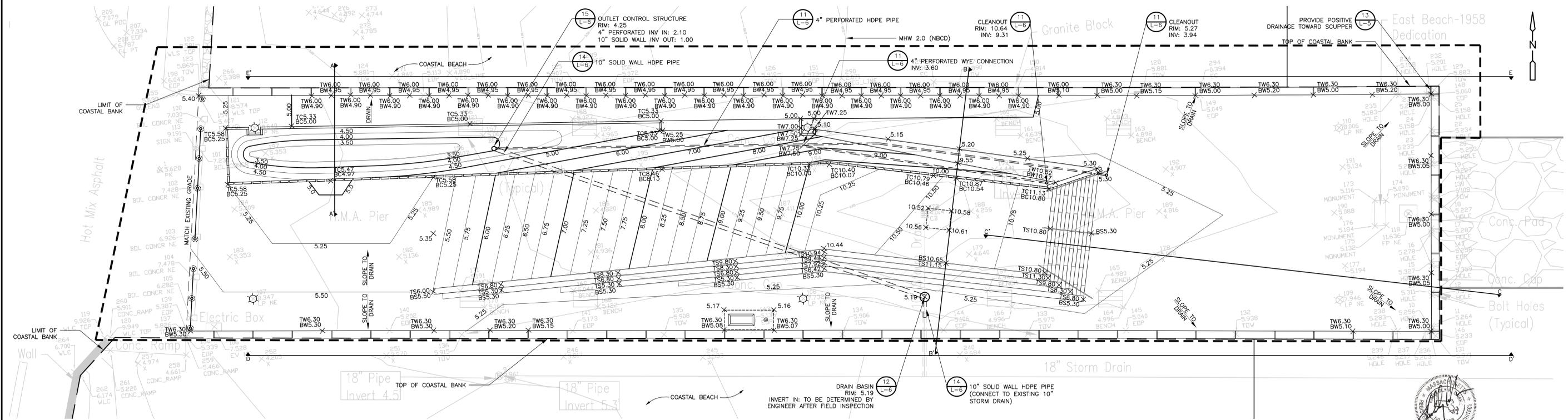
**NOTE:**

- 100-YR FLOODPLAIN ELEVATION IS LOCATED AT 15.28 FT NBCD
- COASTAL BEACH RESTORATION PLAN:  
COLLECT SPOT ELEVATIONS TO DEFINE THE SLOPE OF THE COASTAL BEACH PRIOR TO COMMENCEMENT OF CONSTRUCTION. ALTERED COASTAL BEACH SHALL BE RESTORED TO PRE-CONSTRUCTION SLOPE USING EXISTING BEACH SAND AND PLANTED WITH 2 TO 3 STEMS (CULMS) OF AMERICAN BEACH GRASS (AMMOPHILA BREVIGULATA) AT A SPACING OF 18-IN BY 18-IN. THE PLANTINGS WILL BE STAGGERED IN ALTERNATE ROWS TO PROVIDE FOR MAXIMUM EROSION CONTROL POTENTIAL AND PLANTED AT A DEPTH OF 8-IN.

SYM	QTY	BOTANICAL NAME	COMMON NAME	SIZE	COND
<b>SHRUB</b>					
RR	145	ROSA RUGOSA	RUGOSA ROSE	1 GAL	CONTAINER
<b>GRASS</b>					
AB	2250	AMMOPHILA BREVIGULATA	AMERICAN BEACH GRASS	STEM	BARE ROOT

**PLANTING NOTES:**

- P-1. ALL PLANTS SHALL CONFORM TO THE GUIDELINES ESTABLISHED BY The American Standards for Nursery Stock, LATEST EDITION
- P-2. ALL PLANTING BEDS AND SAUCERS SHALL HAVE 3" DEPTH SHREDDED BARK MULCH AS SPECIFIED.
- P-3. ALL PLANT LOCATIONS AND BOUNDARIES OF PLANTING AREAS SHALL BE STAKED IN THE FIELD FOR REVIEW BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING.



GRADING AND DRAINAGE PLAN

REV. NO.	DATE	DRWN	CHKD	REMARKS

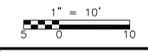
DESIGNED BY: N. WATKINS  
 DRAWN BY: N. WATKINS  
 SHEET CHK'D BY: K. DRAKE  
 CROSS CHK'D BY: K. DRAKE  
 APPROVED BY: K. DRAKE  
 DATE: SEPTEMBER 2014



CITY OF NEW BEDFORD MASSACHUSETTS  
 FISHERMANS MEMORIAL

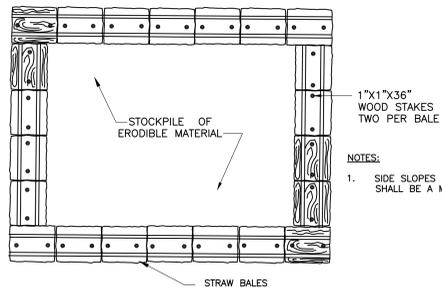
LAYOUT, MATERIALS, PLANTING, GRADING, AND DRAINAGE PLAN

PROJECT NO. 0309-101012  
 FILE NAME: CSTPL002  
 SHEET NO. L-2



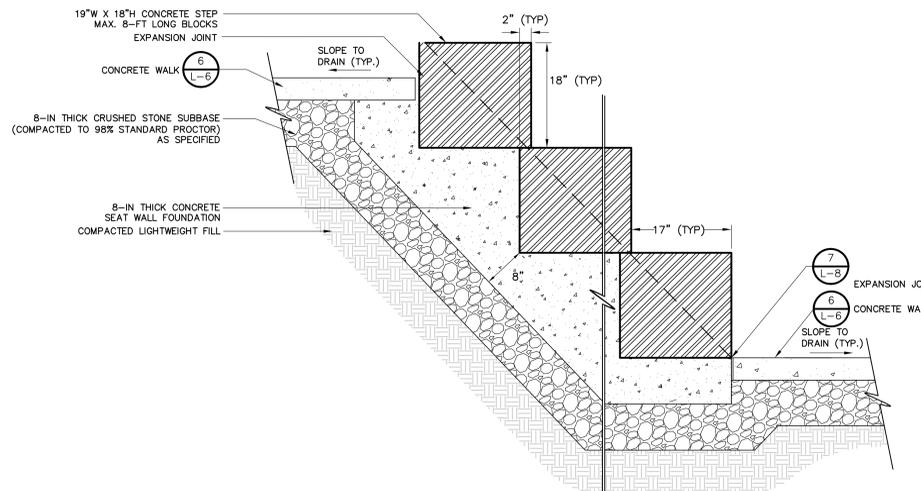




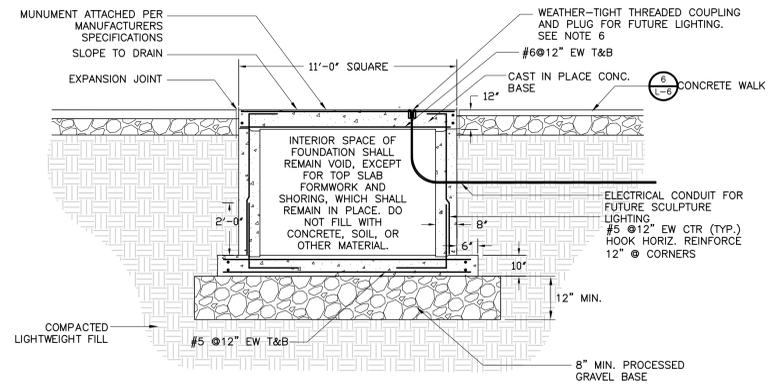


STAGING/STORAGE AREA  
DETAIL 1  
NOT TO SCALE

NOTES:  
1. SIDE SLOPES OF STOCKPILE SHALL BE A MAXIMUM OF 2:1.

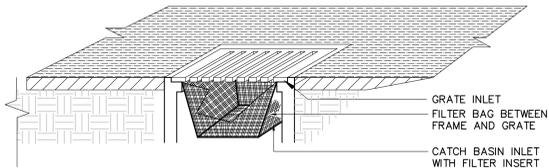


CONCRETE SEAT WALL  
DETAIL 5  
NOT TO SCALE

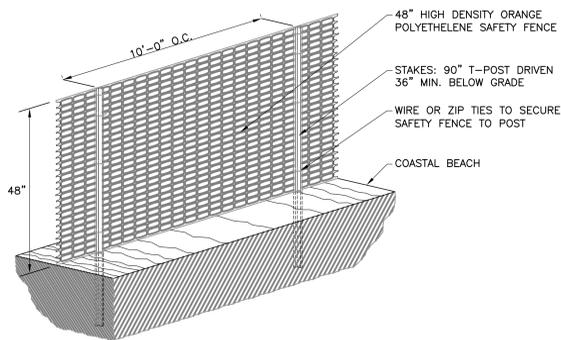


SCULPTURE FOOTING  
DETAIL 10  
NOT TO SCALE

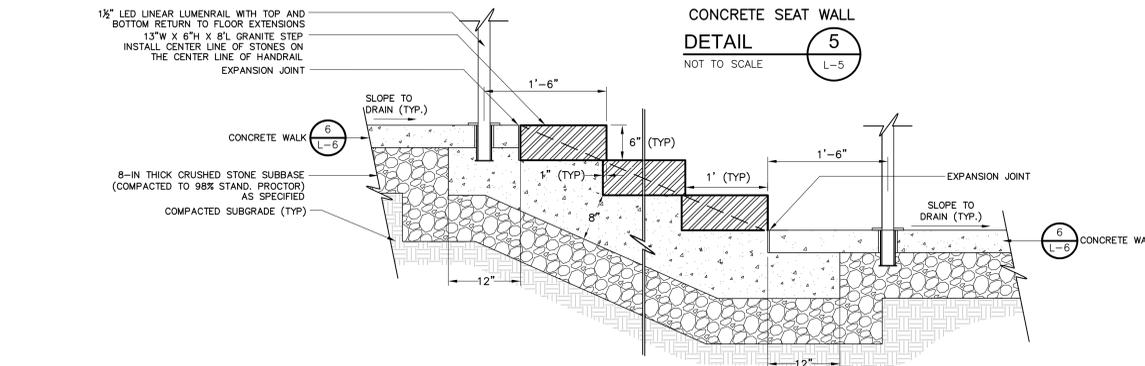
NOTES:  
1. CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4000 PSI AT 28 DAYS.  
2. REINFORCING STEEL SHALL CONFORM TO ASTM A615 GRADE 60.  
3. REINFORCING STEEL SHALL HAVE A MINIMUM CLEAR COVER OF 3\"/>



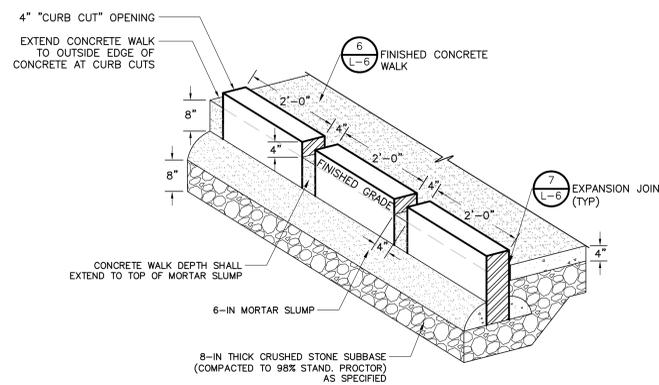
TEMPORARY CATCH BASIN FILTER  
DETAIL 2  
NOT TO SCALE



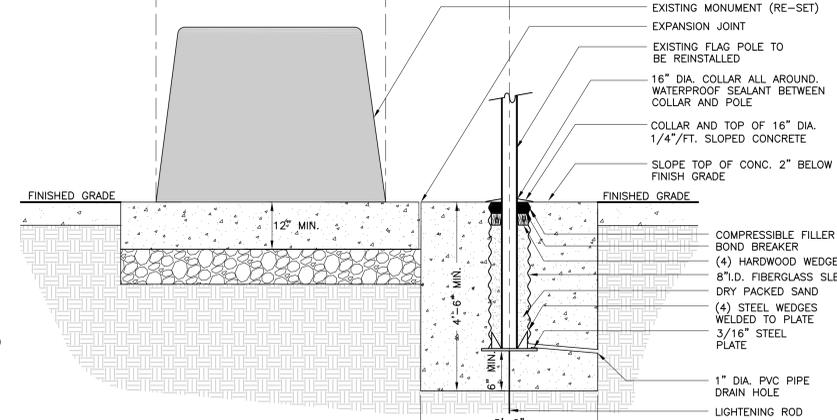
TEMPORARY CONSTRUCTION FENCING  
DETAIL 3  
NOT TO SCALE



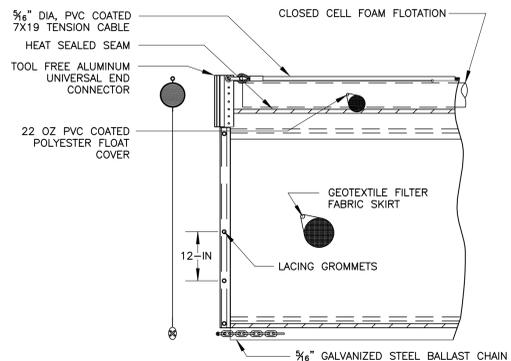
GRANITE STEPS W/HANDRAIL  
DETAIL 6  
1\"/>



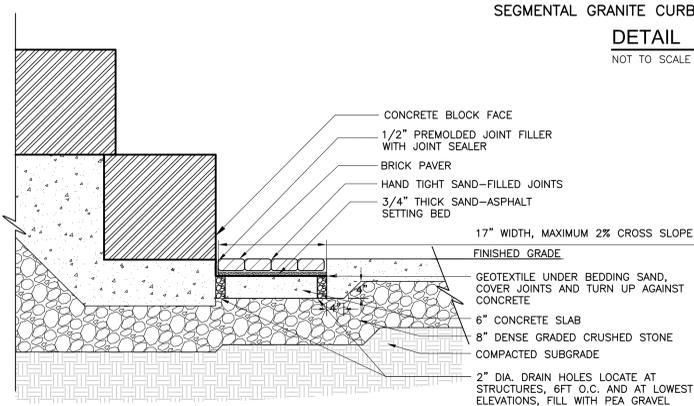
SEGMENTAL GRANITE CURB WITH CURB CUT INLETS  
DETAIL 7  
NOT TO SCALE



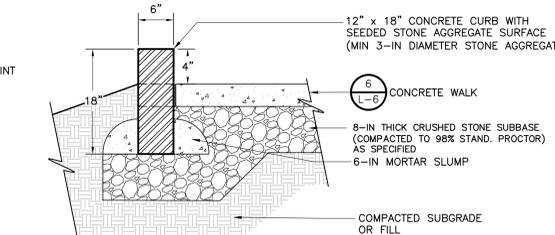
FLAGPOLE/MONUMENT FOOTING  
DETAIL 11  
NOT TO SCALE



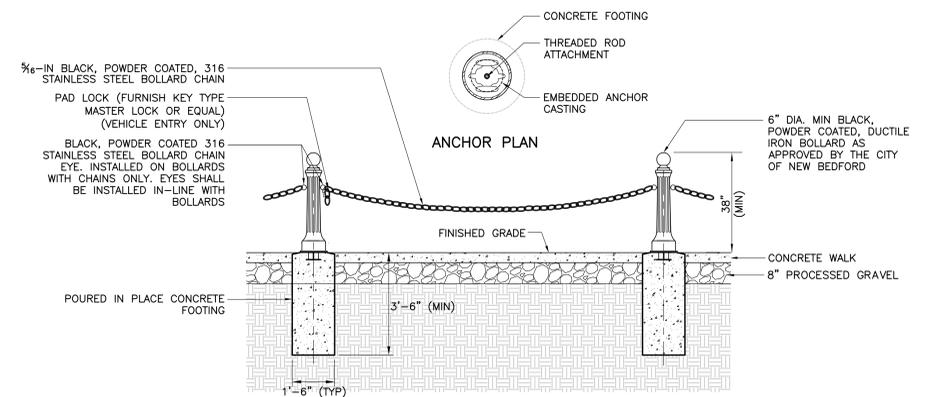
FLOATING TURBIDITY BARRIER  
DETAIL 4  
NOT TO SCALE



BRICK PAVER BAND  
DETAIL 8  
NOT TO SCALE



BOLLARD FOOTING  
DETAIL 9  
NOT TO SCALE



NOTE:  
1. AT PAVEMENT EDGE WITH NO CURB SET TOP OF FOOTING 1 IN. ABOVE FINISHED PAVEMENT GRADE AS SPECIFIED.

DECORATIVE BOLLARD AND CHAIN  
DETAIL 12  
NOT TO SCALE

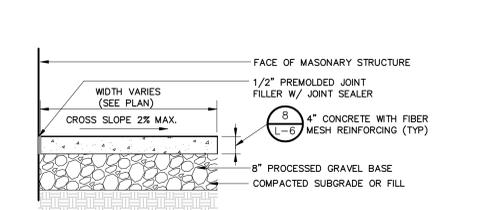
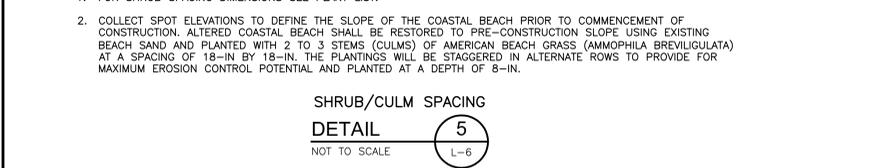
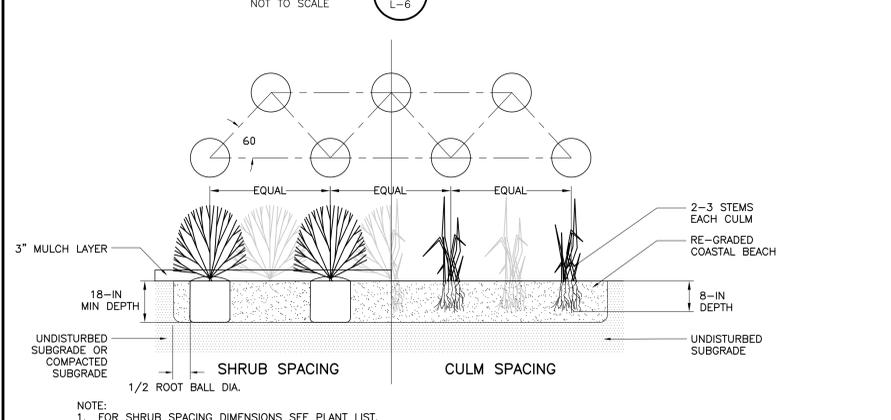
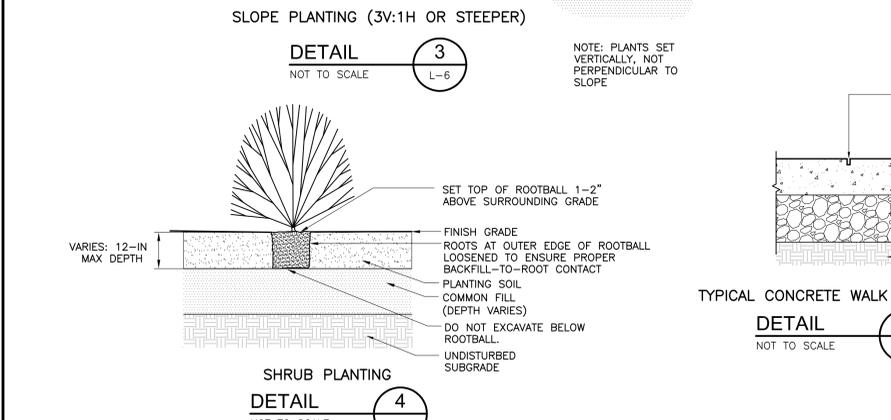
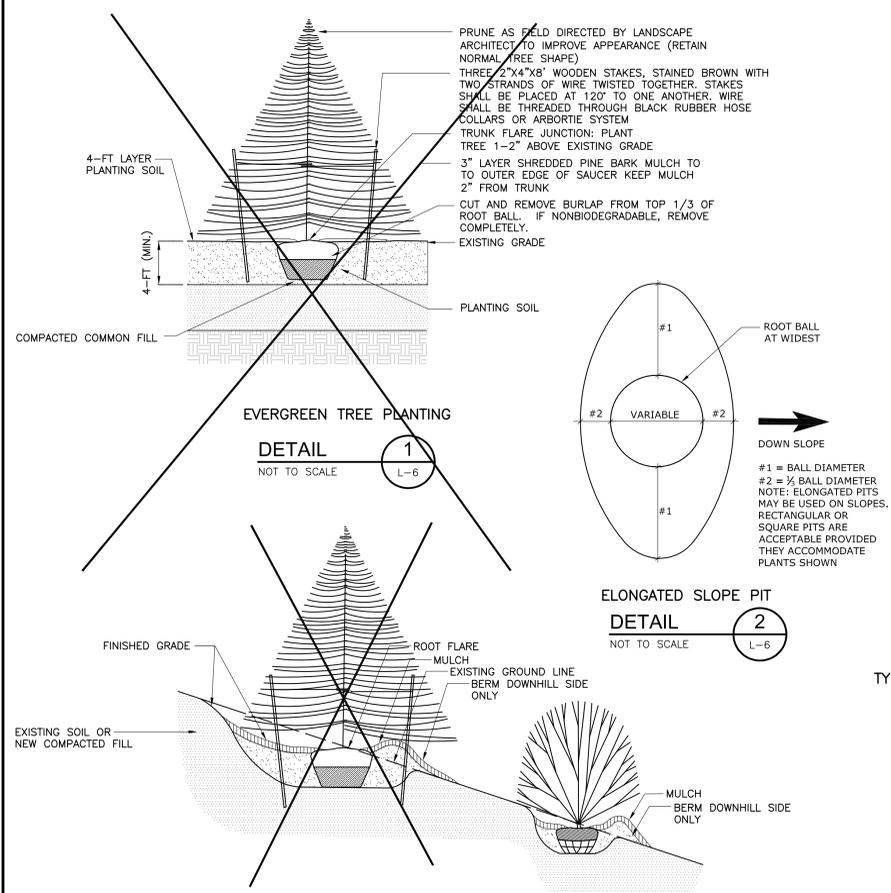
REV. NO.	DATE	DRWN	CHKD	REMARKS
8/29/14	NW	KD		REVISED NOTES
8/5/15	RF	KD		REVISED NOTES

DESIGNED BY: N. WATKINS  
DRAWN BY: N. WATKINS  
SHEET CHK'D BY: K. DRAKE  
CROSS CHK'D BY: K. DRAKE  
APPROVED BY: K. DRAKE  
DATE: SEPTEMBER, 2014

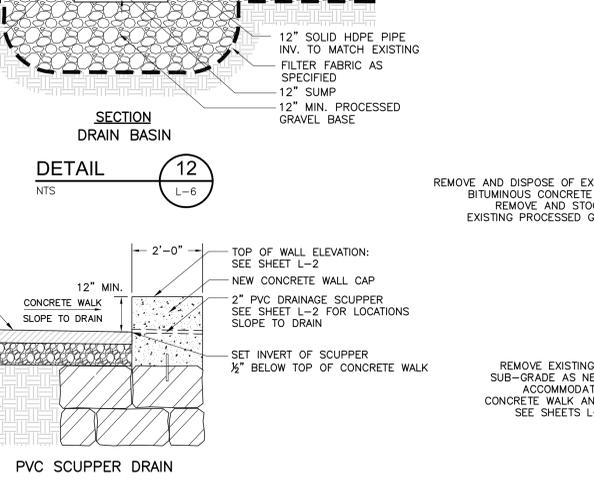
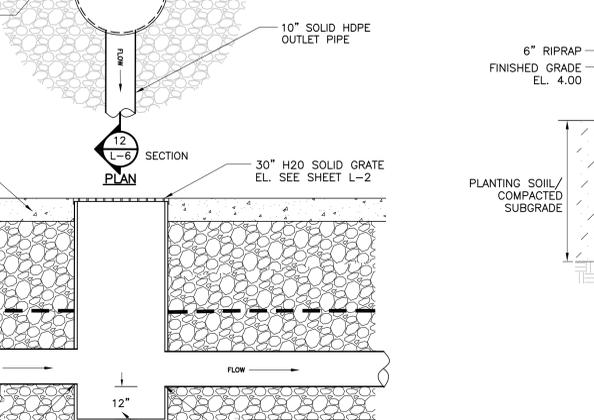
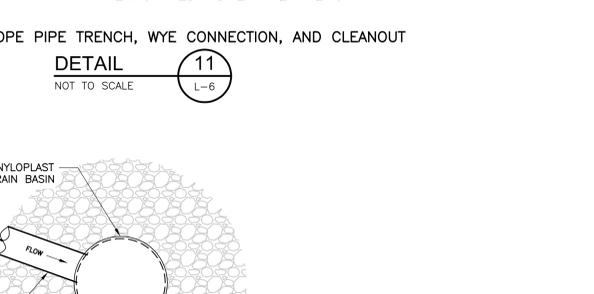
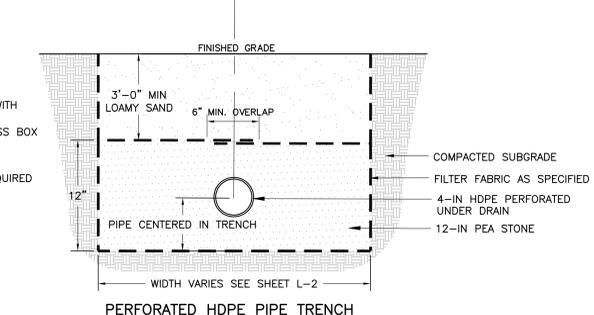
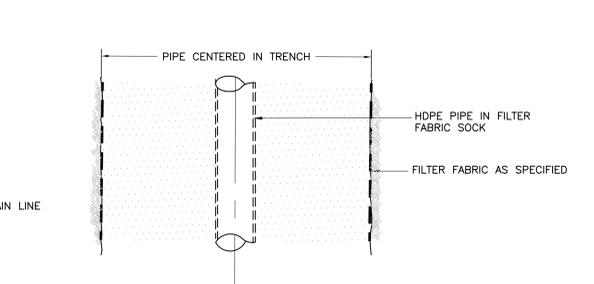
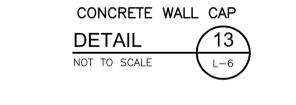
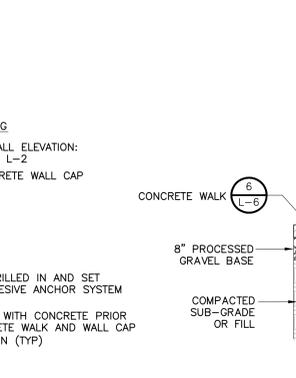
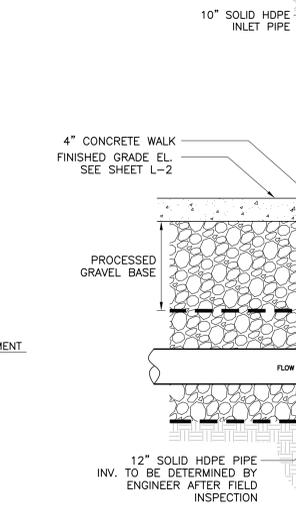
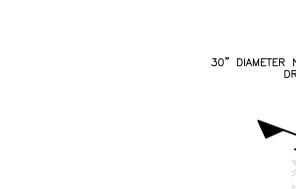
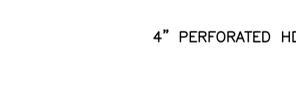
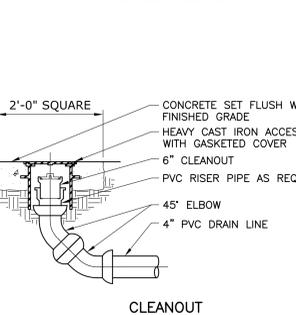
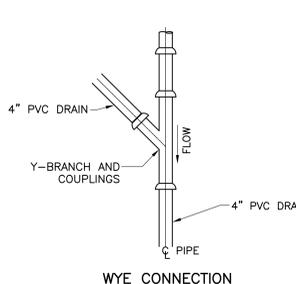
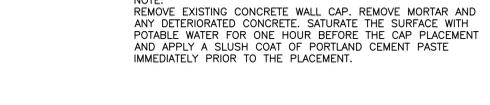
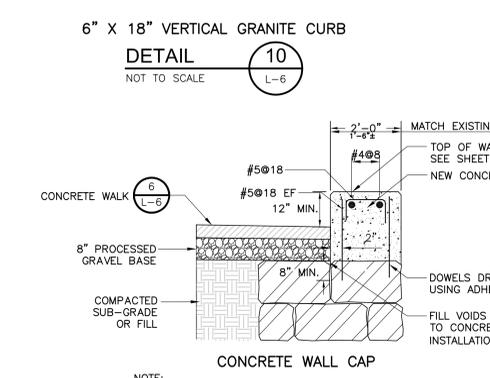
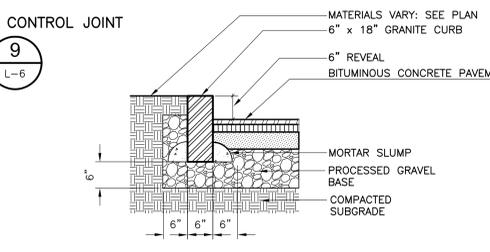
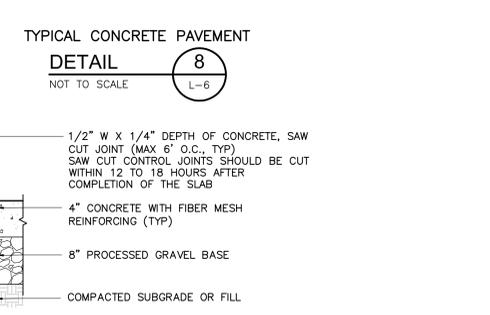
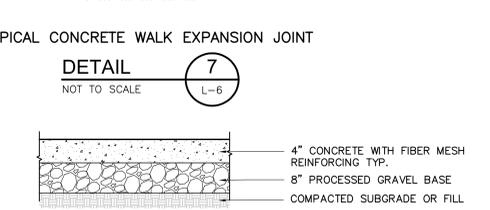
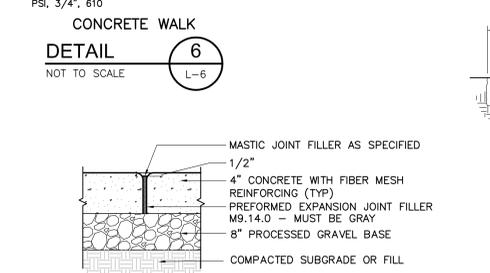


CITY OF NEW BEDFORD MASSACHUSETTS  
FISHERMANS MEMORIAL

PROJECT NO. 0309-10102  
FILE NAME: CSTPL004  
SHEET NO. L-5



**SIDEWALK AT VERTICAL STRUCTURE**  
**NOTES:**  
 1. SURFACE SHALL BE SLOPED FOR POSITIVE DRAINAGE.  
 2. SURFACE SHALL SLOPE AWAY FROM STRUCTURES.  
 3. EXPANSION JOINTS SHALL NOT EXCEED 30' O.C. AND SHALL BE PLACED AT ALL STRUCTURE AND WALL ABUTMENTS. CONTROL JOINTS SHALL NOT EXCEED 36 S.F. SEE SIDEWALK & CONCRETE SCORING PATTERN.  
 4. CONCRETE SHALL BE AIR ENTRAINED CLASS D, 4,000 PSI, 3/4", 610



REV. NO.	DATE	DRWN	CHKD	REMARKS

DESIGNED BY:	N. WATKINS
DRAWN BY:	N. WATKINS
SHEET CHK'D BY:	K. DRAKE
CROSS CHK'D BY:	K. DRAKE
APPROVED BY:	K. DRAKE
DATE:	SEPTEMBER, 2014

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CITY OF NEW BEDFORD MASSACHUSETTS  
**FISHERMANS MEMORIAL**

PROJECT NO. 0309-101012  
 FILE NAME: CSTPL006  
 SHEET NO. L-6

