

NOTICE OF INTENT

PROPOSED FLOAT SYSTEM, MOORINGS, EXISTING
PIER REHABILITATION & SITE IMPROVEMENTS
New Bedford, MA



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

August 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
& The City of New Bedford Wetland Protection Bylaws and Regulations

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 & 290</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>\$2,420.00*</u>	<u>\$1,197.50</u>	<u>\$1,222.50*(addtl fees for City of New Bedford=\$4,592.35)</u>
a. Total Fee Paid	b. State Fee Paid	



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A. General Information (continued)

6. General Project Description:

Rehabilitation of existing licensed timber pier, installation of pile-anchored floating docks and gangways with a float reconfiguratin zone, installation of helical moorings, improvements to the public access way and existing buildings. Proposed work is located within Land Subject to Coastal Storm Flowage, Buffer Zone to Coastal Bank, 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		b. Certificate # (if registered land)
11031	_____	159
c. Book		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.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available)	

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.
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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.

Table with columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Designated Port Areas, Land Under the Ocean, Barrier Beach, Coastal Beaches, Coastal Dunes, Coastal Banks, Rocky Intertidal Shores, Salt Marshes, Land Under Salt Ponds, Land Containing Shellfish, Fish Runs, Land Subject to Coastal Storm Flowage, Restoration/Enhancement, and Project Involves 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

- 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*

- Percentage/acreage of property to be altered:

(a) within wetland Resource Area	<u>0.02% / 0.0002 ac</u> percentage/acreage
(b) outside Resource Area	<u>87.45% / 0.9139 ac</u> percentage/acreage

- Assessor's Map or right-of-way plan of site

- 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 **

- Project description (including description of impacts outside of wetland resource area & buffer zone)
- 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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Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

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

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.

"Site Plan", "Cross Sections"

a. Plan Title

CLE Engineering, Inc.

Susan Nilson, P.E.

b. Prepared By

c. Signed and Stamped by

6/10/15

As Noted

d. Final Revision Date

e. Scale

Project Narrative and Exhibits

6/10/2015

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:

1068

08/06/15

2. Municipal Check Number

3. Check date

1069

08/06/15

4. State Check Number

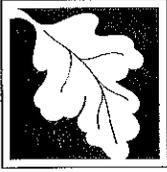
5. Check date

VVK Realty

LLC

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.

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

7015 1520 0000 5544 0848

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NEW BEDFORD, MA 02740

Certified Mail Fee	\$3.45	0739 09 Postmark Here 08/18/2015
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$5.95	
Total Postage and Fees	\$12.20	

Sent To
 Division of marine fisheries
 Street and Apt. No., or PO Box No.
 1213 Purchase Street-3rd Fl.
 City, State, ZIP+4®
 New Bedford, MA 02740
 PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7015 1520 0000 5544 0831

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WESTBOROUGH, MA 01581

Certified Mail Fee	\$3.45	0739 09 Postmark Here 08/18/2015
Extra Services & Fees (check box, add fee as appropriate)	\$2.80	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$5.95	
Total Postage and Fees	\$12.20	

Sent To
 natural heritage & endangered species
 Street and Apt. No., or PO Box No.
 Rabbit Hill Rd.
 City, State, ZIP+4®
 Westborough, MA 01581
 PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

Table of Attachments

Exhibit A	Project Narrative
Exhibit B	Project Locus Map
Exhibit C	Site Photographs
Exhibit D	Project Drawings "Proposed Float System, Moorings, Existing Pier Rehabilitation & Site Improvements", prepared for VVK Realty, LLC, by CLE Engineering, Inc., dated 6/10/2015, 2 Sheets
Exhibit E	Record Permits/Authorizations: License 1159 issued April 18, 1889 (plans only) License 519 issued April 9, 1925 License 990 issued March 19, 1929 License 5285 issued September 25, 1967 License 196 issued October 8, 1976 License 13647 issued June 16, 2014 Order of Conditions SE49-0713
Exhibit F	MEPA Certificate #15326
Exhibit G	FEMA Flood Insurance Rate Map
Exhibit H	Deed for Subject Property
Exhibit I	Abutter Notification, Radius Map and List of Abutters
Exhibit J	Filing Fee Worksheet & Check Copies
Exhibit K	New Bedford Harbormaster / Marine Superintendent Correspondence

Exhibit A

Project Narrative

Introduction:

The project site is located at 1494 E Rodney French Blvd. in New Bedford, MA (Assessor's Map 12, Lot 77&290) along the western shore of Buzzard's Bay (see Exhibit B). VVK Realty, LLC ("Proponent") purchased the subject property in 2014. The subject property was formerly a bar and night club known as Smuggler's Den and Billy Wood's Wharf. The site was also used as the landing location for the Schamonchi ferry, providing passenger service between New Bedford and Martha's Vineyard.

The site has been vacant for several years and VVK is planning to renovate the building as an event venue and bar featuring raw bar and seafood options. As part of the renovation of the property, VVK is proposing a total of 468sf in additions to the existing main building (front entrance vestibule, commercial refrigerator and ADA compliant access ramp), renovation of an existing 360sf building previously used as a ticketing office for the ferry service, to be used as a Dock Master building (no change to existing footprint proposed), rehabilitation of an existing timber pier, and the installation of four pile-anchored floating docks with a float reconfiguration zone, two gangways and 12 moorings. VVK is also proposing to resurface the existing bituminous area on the site, with no additional impervious area. The float system, including dinghy docks, will provide a landing site for transient, recreational vessels visiting the property. The public access way along the waterfront will be improved as part of this project. VVK has recently relocated the seasonal tiki bar from the adjacent property owned by GGK Realty, LLC. to the subject site within a lease area that VVK Realty, LLC has leased to GGK Realty, LLC (DEP File No. SE49-0713). One of the reasons for relocating the tiki bar was to allow for improved public access in accordance with 310 CMR 9.00.

The proposed project is designed to improve access between the property and the navigable waters of Buzzard's Bay as well as public access through contiguous shoreline access between the subject property and adjacent properties. The purpose of the project is to maintain existing waterfront infrastructure, improve access to the site for transient boaters through moorings and floating docks, and to renovate and restore the business on site.

Site Description and Existing Conditions:

The project site is bounded between a public boat ramp to the north and a restaurant, The Edge, to the south. The upland portion of the site includes a portion of land that was authorized as filled tidelands. The existing pier and rip rap along the shoreline were authorized under previous licenses. See Exhibit E for license history.

On April 4, 2014, CLE Engineering, Inc. (CLE) conducted a site survey to document existing conditions relative to Mean Low Water (MLW) 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 MLW of near shore areas adjacent to the site. The existing building, timber pier and site features are depicted on the plans and verified by CLE. The project site is located within FEMA Zone VE, elevation 17.0' NAVD 88. FEMA Flood Insurance Rate Map is provided in Exhibit G. The existing timber pier (140'x10') on the project site is in fair condition with localized areas of deterioration of the timber frame, decking or piles. Existing conditions of the project site are shown in the plans provided in Exhibit D. Site photographs of the project site are provided in Exhibit C.

Project Description:

The project consists of the rehabilitation of the existing timber pier, addition of floating dock and gangway systems north and south of the existing pier, installation of moorings, improvements to the public access way, resurfacing of bituminous area, renovation of the existing ticketing office with no change in footprint and minor additions to the existing building totaling 468sf. Details pertaining to the proposed improvements are provided below and shown on the Plans provided in Exhibit D. Copies of prior permits issued for existing structures are provided in Exhibit E.

Repair and Replacement of Existing Licensed Pier

The proposed repairs and replacements will be completed within the footprint of the existing structure and include pile replacements as well as timber structural members, decking and railings.

Pile Supported Floating Docks

The proposed floating dock system will consist of four (4) float areas, totaling 3,400sf. Floats will be pile-supported by (16) 16-inch diameter timber or steel pipe piles. Access to the floats will be provided by two (2) proposed aluminum 5'x35' gangways. A float reconfiguration zone is proposed around the perimeter of the floats, as shown on the Plans. The proposed floating docks will serve to provide access to navigable waters from the project site, as well as provide a landing area for transient boaters visiting the property.

Moorings

As part of this project, the proponent proposes the installation of 12 moorings. The moorings will be helical systems with chain and designed to accommodate vessels up to 60' in length. The proposed moorings will serve transient and recreational boaters in the area and are not intended for use during storm events.

Building Addition / Renovations

The project site has been vacant for several years and VVK is planning to renovate the building as an event venue and bar featuring raw bar and seafood options. As part of the renovation of the property, VVK is proposing minor additions to the existing building, including a vestibule area at the front entrance, a commercial refrigerator on an existing concrete patio and an ADA compliant access ramp, totaling 468sf. VVK also proposes to renovate the existing ticketing office to be used as a Dock Master building, no change to the existing footprint is proposed.

Improvements to Public Access Way

This improved public access will provide continuity for the public access on the adjacent property to the south, "The Edge", connecting to the City of New Bedford public boat launch ramp to the north.

Resurfacing Bituminous Area

The existing bituminous area on site is in poor condition, showing various signs of distress and age. VVK proposes to resurface the existing bituminous area on site with no increase in total impervious area on the site.

Coastal Resource Areas and Previously Authorized Filled Tidelands:

All proposed project activities associated with the pier rehabilitation and pile anchored floating docks are located within Land Under Ocean. Pier rehabilitation area was estimated as the total area of existing piles in contact with Land Under Ocean,

approximately 33sf. The proposed project is primarily a water-dependent project that has been designed and will be constructed using the best available measures to avoid/minimize adverse impacts to coastal wetland 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**.

A significant elevation differential between waterline and the pier deck exists at the majority of tides which does not allow for safe, convenient access to the pier for boaters at all tides. Pile anchored floating docks installed on the north and south sides of the existing pier allow for safe, convenient transfer of vessel passengers to the floating docks at all tides. The total area of proposed floating docks is 3,400sf. The floating docks do not extend further west (into Buzzard's Bay) than the existing pier and depending on the fetch direction; floats are afforded some protection from the existing pier structure. Pile anchored floats will have less impacts on Land Under Ocean than bottom anchored chain systems, the total impact of new piles is approximately 22.4sf. Existing water depths in the proposed float area provide for more than 2.5' of clearance below the floats at all tides.

Proposed helical moorings are located within Natural Heritage & Endangered Species Program (NHESP) priority/estimated habitat area. Total impact to Land Under Ocean in this area is approximately 9.5sf, which accounts for the blades of the helical mooring in contact with the resource area.

VVK proposes a 10' wide public access walkway from the southern property line to the northeastern corner of the subject property, a total area of approximately 3,860sf. The proposed landscape improvements (plantings, fences, etc.) are set back 10' from the top of the existing rip rap shoreline within the 100' buffer zone to coastal bank. This will allow for public access in accordance with 310 CMR 9.00. This improved public access will provide continuity for the public access on the adjacent property to the south, "The Edge", connecting to the City of New Bedford public boat launch ramp to the north.

VVK proposes to renovate the existing restaurant building located within land subject to coastal storm flowage, as well as construct building additions totaling 468sf to support restaurant operations. The existing ticketing office located adjacent to the pier entrance, within the 100' buffer zone to coastal bank, is proposed to be renovated to be used as a Dock Master Building, no change in footprint is proposed.

VVK proposes to resurface the existing bituminous area on the site which is currently in poor condition. Approximately 3,820sf of the area to be repaved lies within the 100' buffer zone to coastal bank, the remaining 27,850sf lies within land subject to coastal storm flowage. The intent of the proposed resurfacing is to restore the existing pavement conditions and improve the overall operations and aesthetics of the site. The improvements proposed as part of this project will not increase the total impervious area on the site.

MEPA Review:

This project was reviewed by the EOOEA through an Environmental Notification Form for Certificate #15326. The tiki bar relocation component was filed as a separate NOI with the Conservation Commission and has since been constructed (SE49-0713). MEPA Certificate #15326 is provided in Exhibit F.

Proposed Operations Plan for Site:

Public Access

VVK will construct and maintain in good repair a public access way with no obstacles for safe, free, universally accessible, year round public passage. The access way will be available from dawn to dusk each day.

VVK will place and maintain in good repair, two public access signs – one at the northwest corner of the site adjacent to the City sidewalk along East Rodney French Boulevard; and the second at the southeast corner of the site, where access is provided under a separate license. Said signs will conform to DEP sign specifications.

VVK will provide a bike rack; location to be coordinated with DEP and the City as it is proposed on City property north of subject property.

VVK will resurface the existing bituminous area to restore the condition of the paved driving areas, with no increase in total impervious area.

Moorings, Pier and Floats

These facilities are available for public use associated with visits to the businesses owned by VVK and GGK. All dockage and mooring use is transient and not intended for overnight stays except in special circumstances identified by the Owner.

Building Addition / Renovations

The existing building adjacent to the existing timber pier will be renovated, with no change in existing footprint, and used as a Dock Master building for staff overseeing the operations of the timber pier, docks and moorings.

The existing restaurant building, previously Smuggler’s Den, will be renovated and restored to serve as a waterfront restaurant once again. Minor additions including a vestibule area at the front door, a commercial refrigerator located on an existing concrete patio and an ADA compliant access ramp are proposed as part of the project to support restaurant operations. The total additional building area is approximately 468sf.

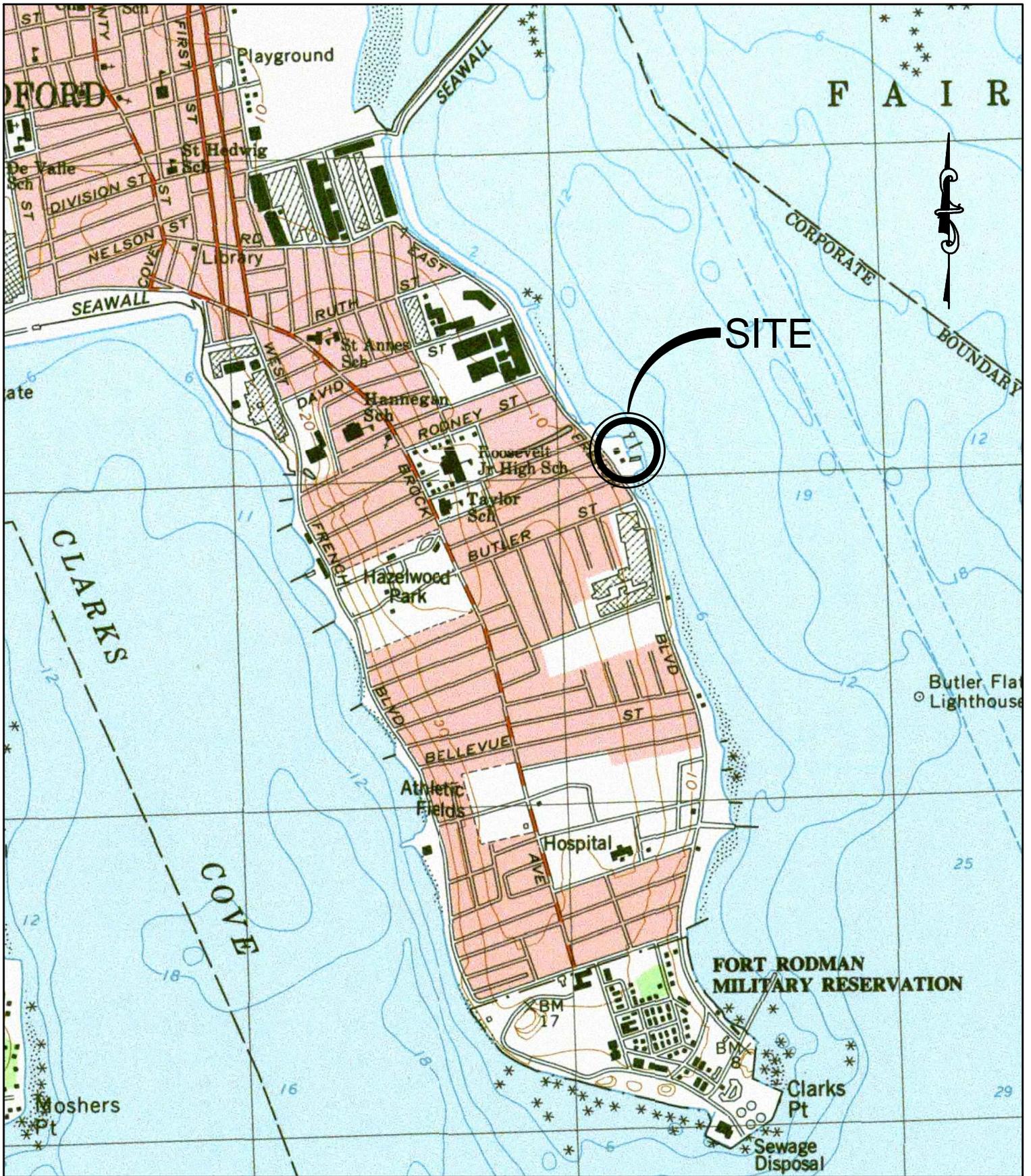
Notice of Intent
Proposed Float System, Moorings,
Existing Pier Rehabilitation & Site Improvements

1494 E Rodney French Blvd.
VVK Realty, LLC
August 2015

Exhibit B
Project Locus Map

cleengineering

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



**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
Site Photographs



Aerial view of site
(Ferris wheel has since been removed)



Existing building to be renovated (looking west)



Proposed Renovation of Existing Building to be Dock Master Building (looking east)



Existing pier (looking south/southeast)



City owned parcel to north (looking east)

cleengineering

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

Notice of Intent
Proposed Float System, Moorings,
Existing Pier Rehabilitation & Site Improvements

1494 E Rodney French Blvd.
VVK Realty, LLC
August 2015

Exhibit D

Project Drawings "Proposed Float System, Moorings, Existing Pier Rehabilitation & Site Improvements", prepared for VVK Realty, LLC, by CLE Engineering, Inc., dated 6/10/2015,
2 Sheets

cleengineering

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



LOCUS
NOT TO SCALE

MOORING DESIGN CRITERIA
(PER PORT OF NEW BEDFORD OFFICIAL
MOORING & ANCHORING REGULATIONS):
NOTE: MOORINGS NOT INTENDED FOR USE
DURING STORM EVENTS

60' VESSELS (2): 20' OF BOTTOM CHAIN
35' OF TOP CHAIN
30' OF PENNANT
60' VESSEL LENGTH

MIN. DIST BETWEEN MOORINGS: 145'

40' VESSELS (8): 20' OF BOTTOM CHAIN
35' OF TOP CHAIN
20' OF PENNANT
40' VESSEL LENGTH

MIN. DIST BETWEEN MOORINGS: 115'

35' VESSELS (2): 20' OF BOTTOM CHAIN
35' OF TOP CHAIN
20' OF PENNANT
35' VESSEL LENGTH

MIN. DIST BETWEEN MOORINGS: 110'

TABLE OF VESSEL MOORINGS	
VESSEL LENGTH (FT)	NUMBER OF VESSELS
60	2
40	8
35	2
TOTAL:	12

- 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.

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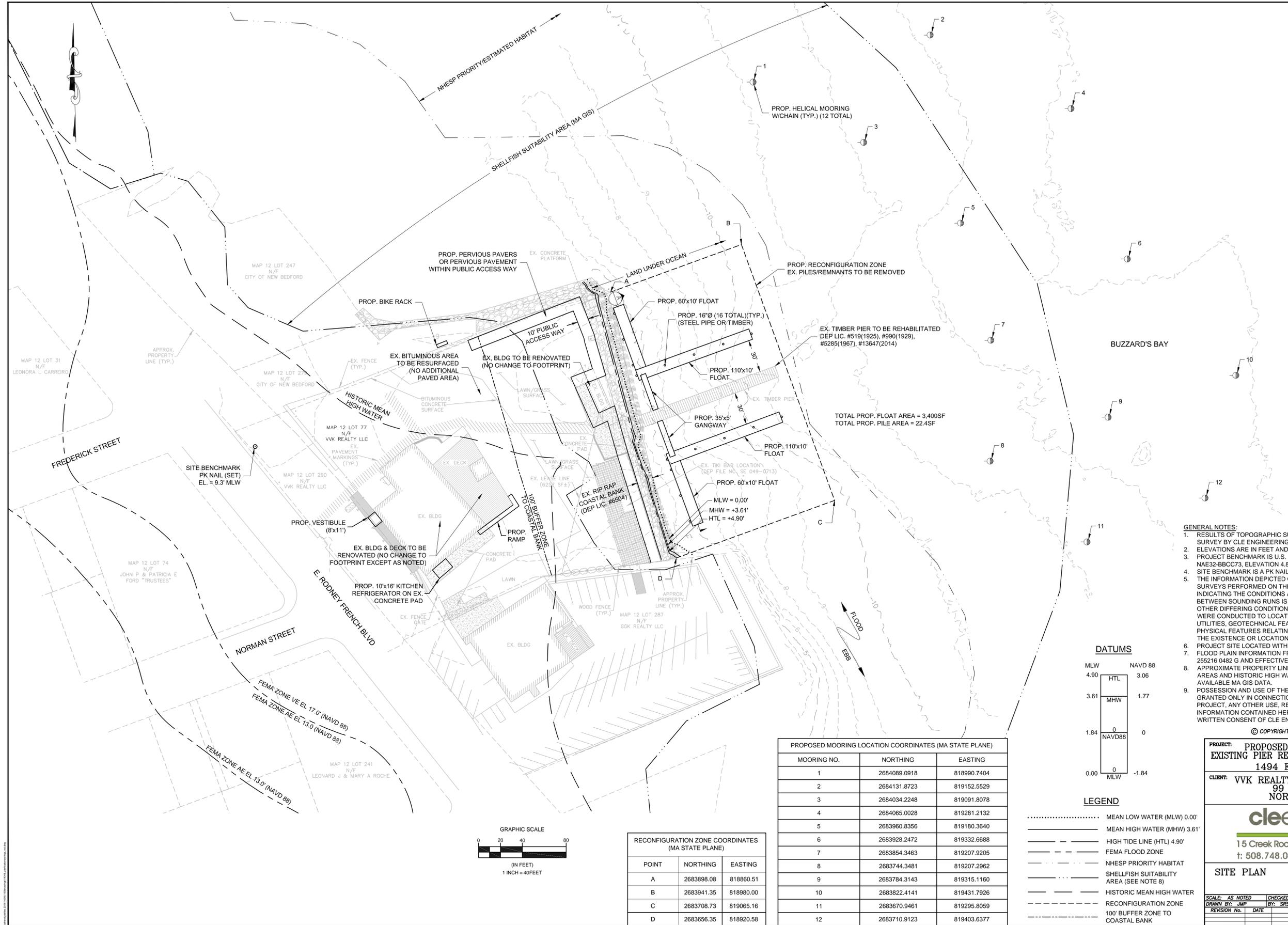
PROJECT: PROPOSED FLOAT SYSTEM, MOORINGS,
EXISTING PIER REHABILITATION & SITE IMPROVEMENTS
1494 E. RODNEY FRENCH BLVD.
CLIENT: VVK REALTY, LLC; GREGORY KULPINSKI
99 FLAG SWAMP ROAD
NORTH DARTMOUTH, MA

cleengineering

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

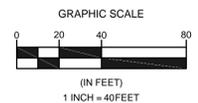
SITE PLAN SHEET 1 OF 2

SCALE:	AS NOTED	CHECKED	DATE:	6/10/2015	JOB No.:	14049.100
DRAWN BY:	JMP	BY:	SRS			
REVISION No.		DATE				COMMENT



PROPOSED MOORING LOCATION COORDINATES (MA STATE PLANE)		
MOORING NO.	NORTHING	EASTING
1	2684089.0918	818990.7404
2	2684131.8723	819152.5529
3	2684034.2248	819091.8078
4	2684065.0028	819281.2132
5	2683960.8356	819180.3640
6	2683928.2472	819332.6688
7	2683854.3463	819207.9205
8	2683744.3481	819207.2962
9	2683784.3143	819315.1160
10	2683822.4141	819431.7926
11	2683670.9461	819295.8059
12	2683710.9123	819403.6377

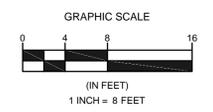
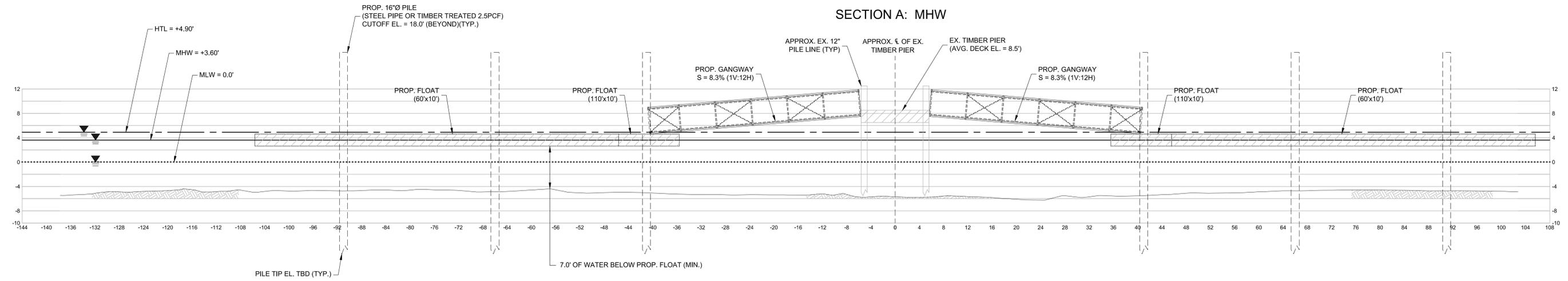
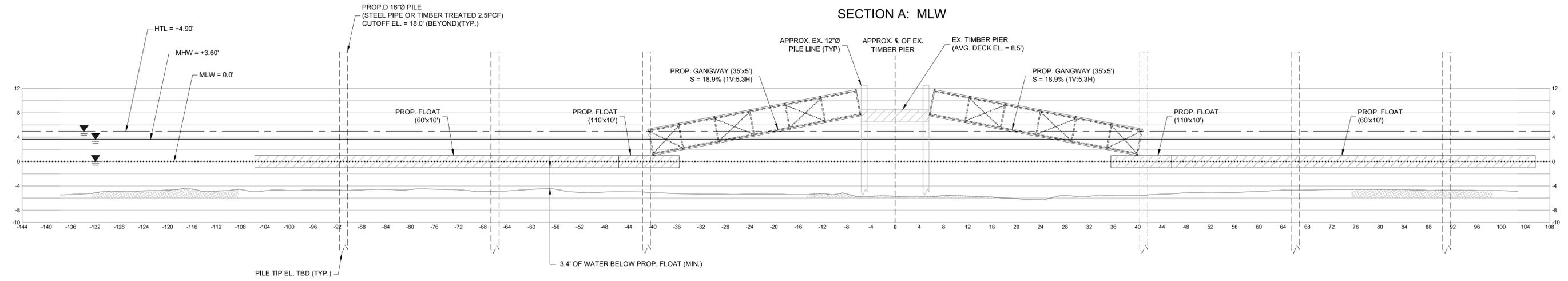
RECONFIGURATION ZONE COORDINATES (MA STATE PLANE)		
POINT	NORTHING	EASTING
A	2683898.08	818860.51
B	2683941.35	818990.00
C	2683708.73	819065.16
D	2683656.35	818920.58



DATUMS

	MLW	NAVD 88
HTL	4.90	3.06
MHW	3.61	1.77
NAVD88	0	0
MLW	0.00	-1.84

- LEGEND
- MEAN LOW WATER (MLW) 0.00'
 - MEAN HIGH WATER (MHW) 3.61'
 - HIGH TIDE LINE (HTL) 4.90'
 - FEMA FLOOD ZONE
 - NHESP PRIORITY HABITAT
 - SHELLFISH SUITABILITY AREA (SEE NOTE 8)
 - HISTORIC MEAN HIGH WATER
 - RECONFIGURATION ZONE
 - 100' BUFFER ZONE TO COASTAL BANK



- NOTES:
 1. SEE SHEET 1 FOR GENERAL NOTES.
 2. FEMA 100 YEAR FLOOD ELEVATION = 17.0' (NAVD 88) (NOT SHOWN)

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PROJECT: PROPOSED FLOAT SYSTEM, MOORINGS,
 EXISTING PIER REHABILITATION & SITE IMPROVEMENTS
 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

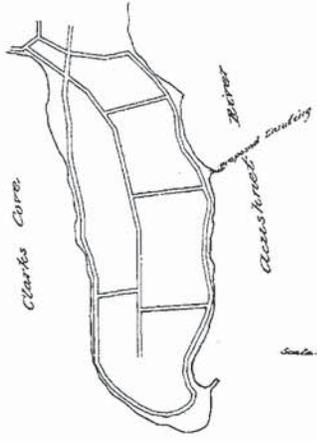
CROSS SECTIONS		SHEET 2 OF 2	
SCALE: AS NOTED	CHECKED	DATE: 6/10/2015	JOB No. 14048.100
DRAWN BY: JMP	BY: SRS		
REVISION No.	DATE	COMMENT	

Exhibit E

License History

License 1159 issued April 18, 1889 (plans only)
License 519 issued April 9, 1925
License 990 issued March 19, 1929
License 5285 issued September 25, 1967
License 196 issued October 8, 1976
License 13647 issued June 16, 2014
Order of Conditions SE49-0713

II



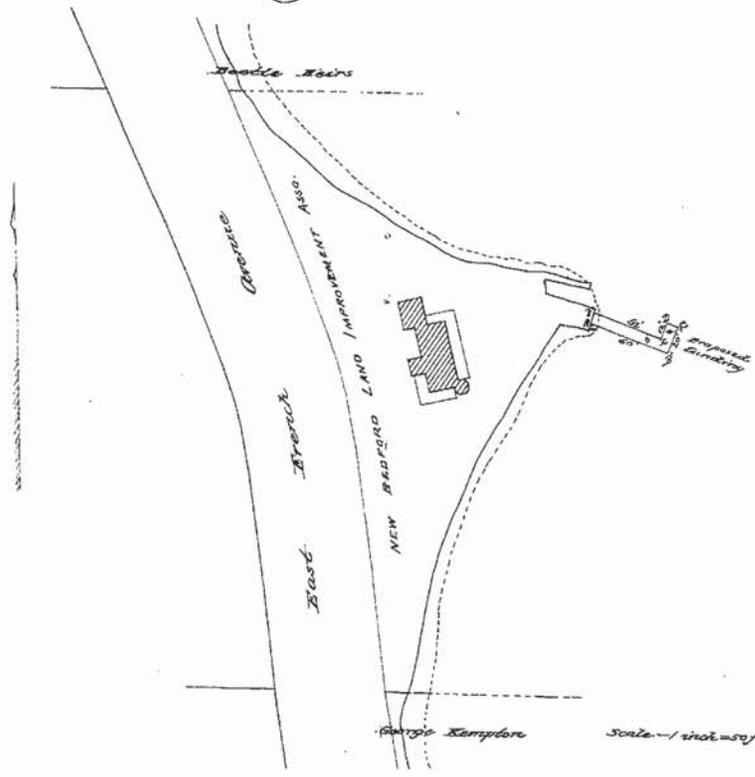
PLAN 1A

BOOK NO. 1 PAGE 53

Boat Landing for
Fishport Co. of Vermont

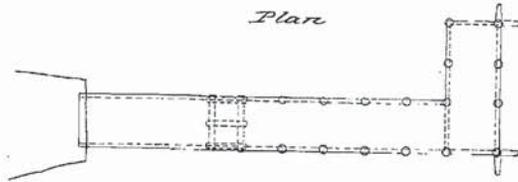
Clark's Cove New England

Scale - 1 inch = 100 feet

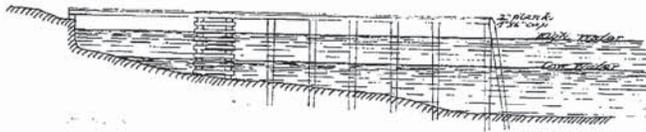


George Kemple

Scale - 1 inch = 50 feet



South Elevation



Scale. - 1 inch = 10 feet

Non-Comptrol 4 May 1889.
 For Mr. Adams, I hereby assign my right and title to the
 Non-Comptrol Boat Landing at Clark's Point, all my right
 title and interest in and to the same and hereby authorize by
 the above plan, I Robert Adams, I have built to my hand and
 seal this day and year of the aforesaid J. C. Adams

Boat Landing for the
 Fintnick A. Adams,
~~New Bedford Fish Commission Area~~

Clark's Point New Bedford Mass.

No. 1159. 1889

Approved & Handed Over to
 April 18, 1889.

John E. Stafford

John J. Baker

John W. Howland

Commonwealth of Massachusetts
 Registry of Deeds
 Middlesex County
 New Bedford
 May 17 1889
 Received and Recorded
 Book 1159 Page 53
 J. C. Adams

I

Form WD 54.
210. 6-12-'23.

The Commonwealth of Massachusetts



No. 519.

Whereas, William Wood and Ruth Carroll, - - - - -

of New Bedford - -, in the County of Bristol - - - - - and Commonwealth aforesaid, have applied to the Department of Public Works, Division of Waterways and Public Lands, for license to build and maintain a pile and timber pier and pile dolphins in Acushnet River, in New Bedford, - - - - -

and have 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 Aldermen - - - - - of the city of New Bedford - - - - - ;

Now, said Department, Division of Waterways and Public Lands, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor and Council, authorizes and licenses the said William Wood and Ruth Carroll - - - - -

- - - - - , 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 build and maintain a pile and timber pier and pile dolphins, and to maintain three existing marine railways and an existing stone pier, in Acushnet River at their property in the city of New Bedford, in conformity with the accompanying plan No. 519. Said pile pier may be built on lines described as follows: Beginning at a point marked A on said plan, at the northeasterly corner of

the existing stone pier, and running easterly in the extension of the northerly line of said pier 75 feet to a point marked B; thence running southerly, at right angles with said line A-B, 6 feet to a point marked C; thence running westerly, parallel with said line A-B, 75 feet, more or less, to a point marked D in the easterly line of the existing stone pier; thence running northerly in said easterly line to A, the point of beginning.

Three marine railways and that portion of the structure marked "Old Stone Pier" extending into tide water beyond the mean high water line may be maintained as shown on said plan.

Four dolphins consisting of three piles each may be built and maintained in the locations indicated in red on the plan.

This license is granted subject to the laws of the United States. - - - - -

The plan of said work, numbered 519 - - - - - is on file in the office of said Department, Division of Waterways and Public Lands, and a duplicate of said plan accompanies this License, and is to be referred to as a part hereof.

~~The amount of tide water displaced by the work hereby authorized shall be ascertained by said Department, Division of Waterways and Public Lands, and compensation therefor shall be made by the said - - - - - heirs, successors~~

the existing stone pier, and running easterly in the extension of the northerly line of said pier 75 feet to a point marked B; thence running southerly, at right angles with said line A-B, 6 feet to a point marked C; thence running westerly, parallel with said line A-B, 75 feet, more or less, to a point marked D in the easterly line of the existing stone pier; thence running northerly in said easterly line to A, the point of beginning.

Three marine railways and that portion of the structure marked "Old Stone Pier" extending into tide water beyond the mean high water line may be maintained as shown on said plan.

Four dolphins consisting of three piles each may be built and maintained in the locations indicated in red on the plan.

This license is granted subject to the laws of the United States. - - - - -

The plan of said work, numbered 519 - - - - - is on file in the office of said Department, Division of Waterways and Public Lands, and a duplicate of said plan accompanies this License, and is to be referred to as a part hereof.

~~The amount of tide water displaced by the work hereby authorized shall be ascertained by said Department, Division of Waterways and Public Lands, and compensation therefor shall be made by the said - - - - - heirs, successors~~

~~and assigns, by paying into the treasury of the Commonwealth - - - - - cents for each cubic yard so displaced, being the amount hereby assessed by said Department, Division of Waterways and Public Lands, the same to be credited to the~~

This License is granted in consideration of the payment into the treasury of the Commonwealth by the said

for the rights and privileges hereby granted in land of said Commonwealth, of the further sum of

~~being the amount determined by the Governor and Council to be just and equitable therefor -~~

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 one year from the date hereof, in the Registry of Deeds for the Southern - - - - - District of the County of Bristol.

In Witness Whereof, said Department of Public Works, Division of Waterways and Public Lands, have hereunto set their hands this ninth - - - - - day of April, - - - in the year nineteen hundred and twenty-five.

William F. Williams
Jesse B. Baxter.
Richard K. Hale

} Department of
Public Works,
Division of
Waterways and
Public Lands.

Approved,
William F. Williams
Commissioner of Public Works.

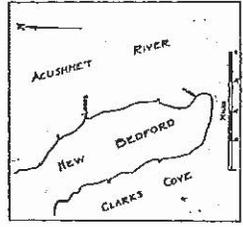
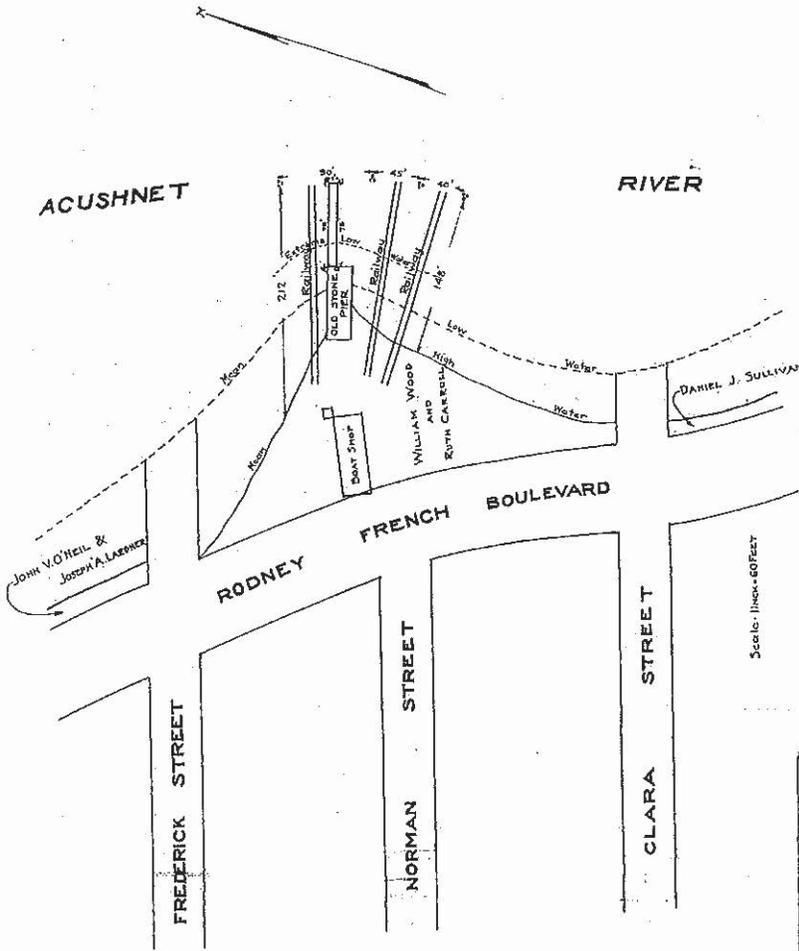
THE COMMONWEALTH OF MASSACHUSETTS.

Boston, April 15, 1925.

Approved by the Governor and Council.

William L. Reed
Executive Secretary.

A true copy. Attest: Edna J. Townsend, Recording Secretary.

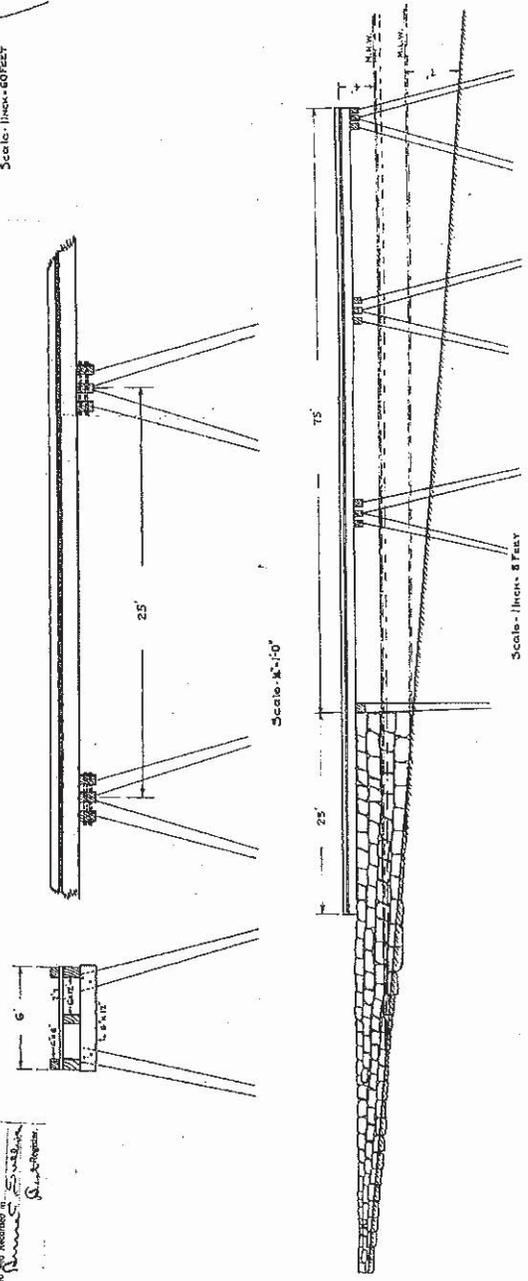


PLAN TO ACCOMPANY
 PETITION OF
WILLIAM WOOD AND RUTH CARROLL
 TO BUILD AND MAINTAIN
A PILE & TIMBER WHARF AND PILE DOLPHINS
 IN ACUSHNET RIVER
 NEW BEDFORD - MASS.
 FEBRUARY - 1925

NO. 519
 APPROVED BY DEPARTMENT OF PUBLIC WORKS
 DIVISION OF WATERWAYS AND PUBLIC LANDS
 APRIL 9, 1925

William Wood
Ruth Carroll
 Petitioners

APPROVED
 COMMISSIONER OF PUBLIC WORKS



PLAN 1
BOOK NO. 27 PAGE 158
 Commonwealth of Massachusetts
 Registry of Deeds
 New Bedford, Mass. JUL 27 1925
 Attest: [Signature]
 Notary Public in and for the County of Dukes, State of Massachusetts

The Commonwealth of Massachusetts



No. 990.

Whereas, William Wood and Ruth W. Carroll,-----

of New Bedford-----, in the County of Bristol-----and Commonwealth
aforesaid, have applied to the Department of Public Works for license to drive new fender piles
in an existing pier and to build and maintain a pile and timber pier
in extension thereof in Acushnet River in the city of New Bedford,
and have 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
Aldermen-----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 and Council, authorizes and licenses the said

William Wood and Ruth W. Carroll-----, 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
drive new fender piles in an existing pier and to build and main-
tain a pile and timber pier in extension thereof in Acushnet River
at their property in the city of New Bedford, in conformity with
the accompanying plan No. 990.

Said pile and timber pier may be built on lines described as
follows: Beginning at a point marked B on said plan, at the
northeasterly corner of the existing pier, and running easterly

50 feet to a point marked C; thence running southerly, at right angles with said line B-C, 20 feet to a point marked D; thence running westerly, parallel with said line B-C, 50 feet to a point marked E; thence running northerly, parallel with said line C-D, 20 feet to B, the point of beginning.

New fender piles may be driven in the existing pier in the locations indicated by red circles on said plan.

This license is granted subject to the laws of the United States.-----

The plan of said work, numbered -----9 9 0----- is on file in the office of said Department, and duplicate of said plan accompanies this License, and is to be referred to as a part hereof.

The amount of tide-water displaced by the work hereby authorized shall be ascertained by said Department, and compensation therefor shall be made by the said William Wood and Ruth W. Carroll, their-----heirs, successors

and assigns, by paying into the treasury of the Commonwealth ----- thirty-seven and
one-half (37½) ----- cents for each cubic yard so displaced, being the amount hereby assessed
by said Department.

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
one year from the date hereof, in the Registry
District of the County of Bristol. ----- of Deeds for the ----- Southern -----
are recorded within

In Witness Whereof, said Department of Public Works have hereunto set their hands this
nineteenth ----- day of March, ----- in the
year nineteen hundred and twenty-nine.

..... F. E. Lyman.....
..... Richard K. Hale.....
..... H. A. MacDonald.....

Department of
Public Works

THE COMMONWEALTH OF MASSACHUSETTS

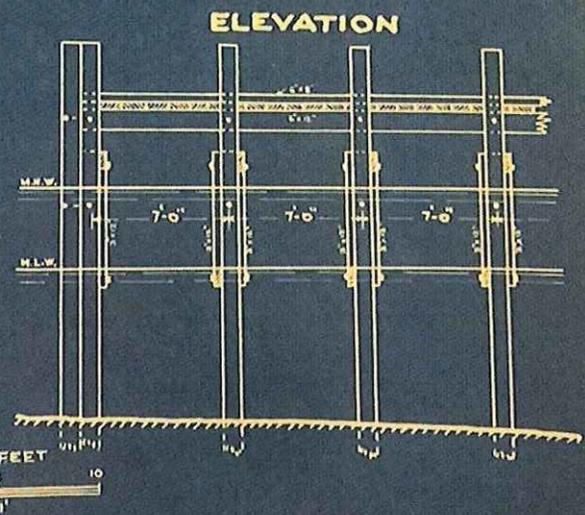
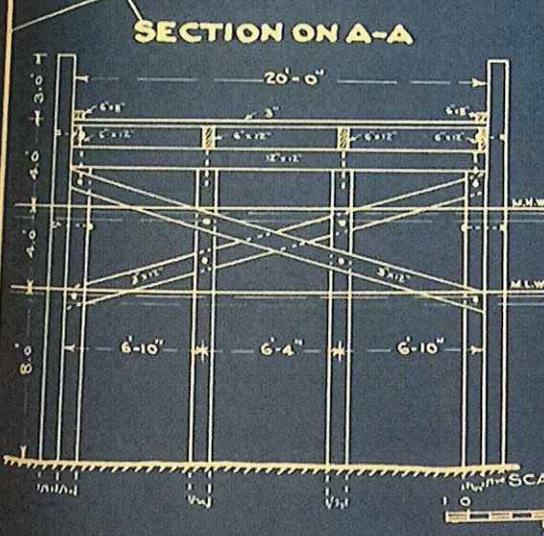
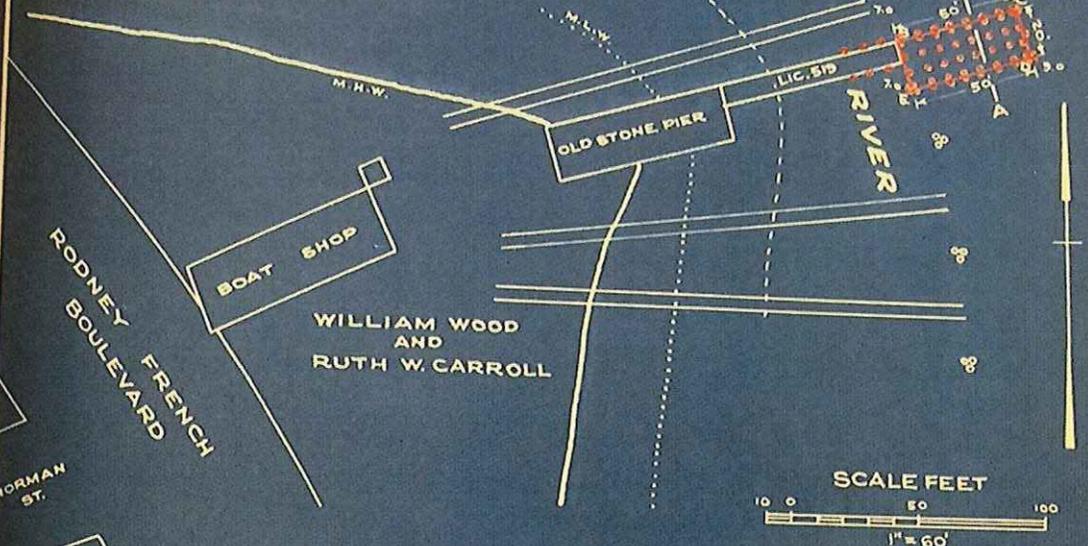
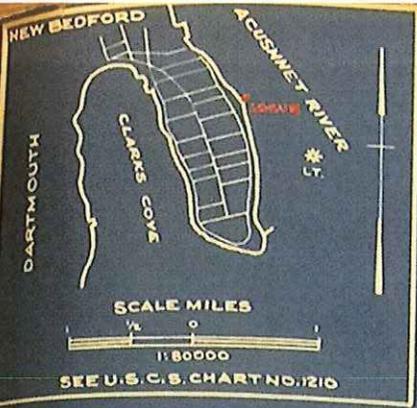
This license is approved in consideration of the payment into the treasury of the Commonwealth by the
said ----- William Wood and Ruth W. Carroll -----
of the further sum of one hundred twelve and twenty-hundredths (112.20)
dollars -----,
the amount determined by the Governor and Council as a just and equitable charge for rights and privileges
hereby granted in land of the Commonwealth.

Boston, March 20, 1929.....

Approved by the Governor and Council.

William L. Reed
Executive Secretary.

A true copy. Attest: Mary O. Kelly Secretary.



PLAN ACCOMPANYING PETITION OF
WILLIAM WOOD & RUTH W. CARROLL
 TO BUILD AND MAINTAIN A PILE AND TIMBER PIER
NEW BEDFORD HARBOR
NEW BEDFORD
 1929

NO. 990
 APPROVED BY DEPARTMENT OF PUBLIC WORKS
 MARCH 19, 1929

F. S. ...
R. ...
J. ...
 COMMISSIONER OF PUBLIC WORKS
 ASSOCIATE COMMISSIONERS

The Commonwealth of Massachusetts

No. 5285.



Whereas, M. J. Medeiros Shipyard, Inc.-----

of New Bedford-----, in the County of Bristol----- and Commonwealth
aforesaid, has applied to the Department of Public Works for license to build steel
bulkhead, widen existing timber pier and set piles for fixed
floats and windbreakers in Buzzards Bay, at its property in the
city of New Bedford,-----
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 and Council,
authorizes and licenses the said M. J. Medeiros Shipyard, Inc.-----

-----, 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 construct and maintain a stone mound, a steel bulkhead,
a timber bulkhead and a timber wave stop, to build and maintain
four dolphins, widen and maintain an existing timber pier, main-
tain existing marina floats and piles and place single piles and
fixed floats, to dredge and to place fill in Buzzards Bay, at its
property in the city of New Bedford, in conformity with the
accompanying plan No. 5285 (two sheets).

Dredging may be performed to a depth of 8 feet below mean low water in an area extending channelward of said steel bulk-head, as shown on said plans.

The dredged material may be deposited as fill under this license or otherwise shall be placed in such location and manner shoreward of the mean high water line as will insure against its return into tidewater.

An existing marina installation of floats and finger floats, and single piles and a ramp running northerly off said existing pile and timber pier may be maintained, as shown on said plans.

All of the work authorized hereby shall be performed in the locations authorized and in accordance with the details there indicated.

This license is granted upon the express condition that the enclosure to be constructed by said stone mound the steel bulk-head and the existing concrete pier shall be completed prior to commencement of the filling and that said fill shall consist of earth and rock fill free from wood and organic material.

The Department of Public Works may require that the filling be suspended at any time it deems that the fill material does not conform to the above standard, until such time as suitable material is secured.

Nothing in this license shall be construed as authorizing encroachment on property not owned or controlled by the licensee except with the consent of the owner or owners thereof.

This license is granted subject to all applicable Federal, State, County and Municipal laws, ordinances and regulations, and upon the express condition that use by boats or otherwise of the structures hereby licensed shall involve no discharge of sewage or other polluting matter into the adjacent tidewaters except in strict conformity with the requirements of the local and State health departments; and upon the further express condition that any other authorizations necessitated due to the provisions hereof shall be secured prior to the commencement of any work under this license.

The plan of said work, numbered -----5 2 8 5,----- is on file in the office of said Department, and duplicate of said plan accompanies this License, and is to be referred to as a part hereof.

The amount of tide-water displaced by the work hereby authorized shall be ascertained by said Department, and compensation therefor shall be made by the said -----
M. J. Medeiros Shipyard, Inc., its----- heirs, successors

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A stone mound having a top width of 3 feet with a southerly or inboard slope at 1 to 1 and a northerly or outboard slope at 1-1/2 to 1 may be built extending about easterly into tidewater a distance of 195 feet, more or less, in the location shown on said plans and in accordance with the details there indicated.

A steel sheet piling bulkhead may be built extending about southerly from the end of said stone mound a distance of 123 feet, more or less, to join an existing concrete pier, of the licensee, in the location shown on said plans and in accordance with the details there indicated.

The area enclosed by said stone mound, said steel sheet piling bulkhead, the said existing concrete pier and the mean high water line, as shown on said plans, may be filled solid.

Said existing concrete pier may be maintained as built extending into tidewater a distance of 80 feet, more or less, with a width of 6 feet; thence continuing as a pile and timber pier a further distance of 130 feet with a width of 6 feet and a further distance in a T-head of 10.5 feet with a width of 21.4 feet, in the location shown on said plans and in accordance with the details there indicated.

Said existing pier may be widened by extending pile and timber construction southerly 7.5 feet for the entire length from the mean high water line to said T-head, as shown on said plans.

A pile and timber wave breaker may be constructed extending 205 feet, more or less, across the licensee's frontage 200 feet channelward of and parallel to said steel sheet piling bulkhead and a like pile and timber breakwater may be constructed extending about easterly in extension of the northerly side of an existing stone mound of the southerly abutter built under license No. 4961 so that channelward end of said wave breaker is 315 feet, more or less, from the mean high water line; thence turning and running about northerly 50 feet and leaving an opening of about 40 feet width to the previously described 205 feet section of wave breaker, as shown on said plans.

A series of floats held by piles and 6 feet in width may be placed along the westerly side of the 205 foot section of wave breaker, as shown on said plans.

A float 6 feet wide held by piles and reached by a ramp from said T-head pier may be placed extending about easterly to said series of floats along the wave breaker and four finger floats each 30 feet by 6 feet may be extended westerly from said series of floats, as shown on said plans.

Single piles may be at intervals westerly of said 205 foot section of wave breaker and easterly of said steel bulkhead, as shown on said plans.

Four 5 pile dolphins may be placed at the entrance to the marina formed by the 40 feet opening between said sections of wave breaker, as shown on said plans.

and assigns, by paying into the treasury of the Commonwealth thirty-seven and one-half (37-1/2) --- cents for each cubic yard so displaced, being the amount hereby assessed by said Department.

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 one year from the date hereof, in the Registry ----- of Deeds for the ----- District of the County of Bristol.

In Witness Whereof, said Department of Public Works have hereunto set their hands this ----- twentieth ----- day of ----- September, ----- in the year nineteen hundred and sixty-seven.

Edward J. Ribbs

Charles A. Bisbee, Jr.

Peter F. Donadio

Robert S. Foster

Department of
Public Works

JF.H.

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said M. J. Medeiros Shipyard, Inc. ----- of the further sum of one thousand eighteen and seventy-five one hundredths (1,018.75) dollars ----- the amount determined by the Governor and council as a just and equitable charge for rights and privileges hereby granted in land of the Commonwealth.

BOSTON, Sept. 25, 1967

Approved by the Governor and Council:

John A. Volpe

Governor

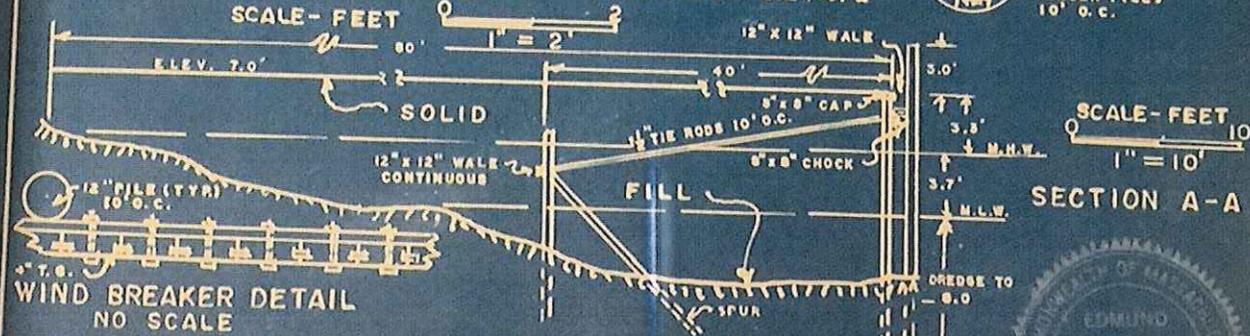
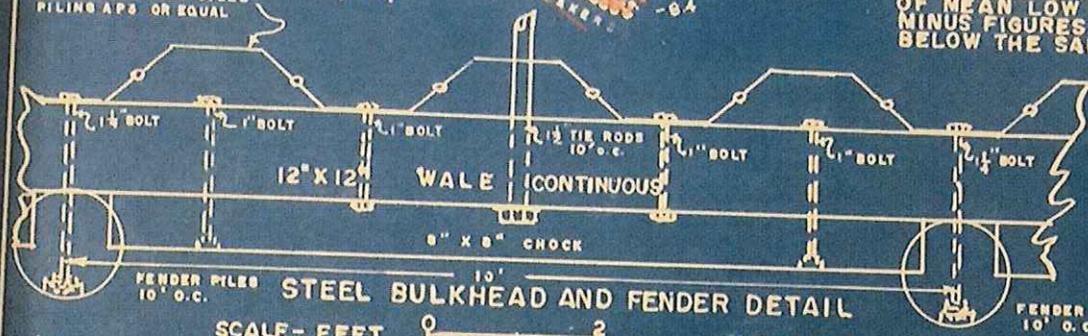
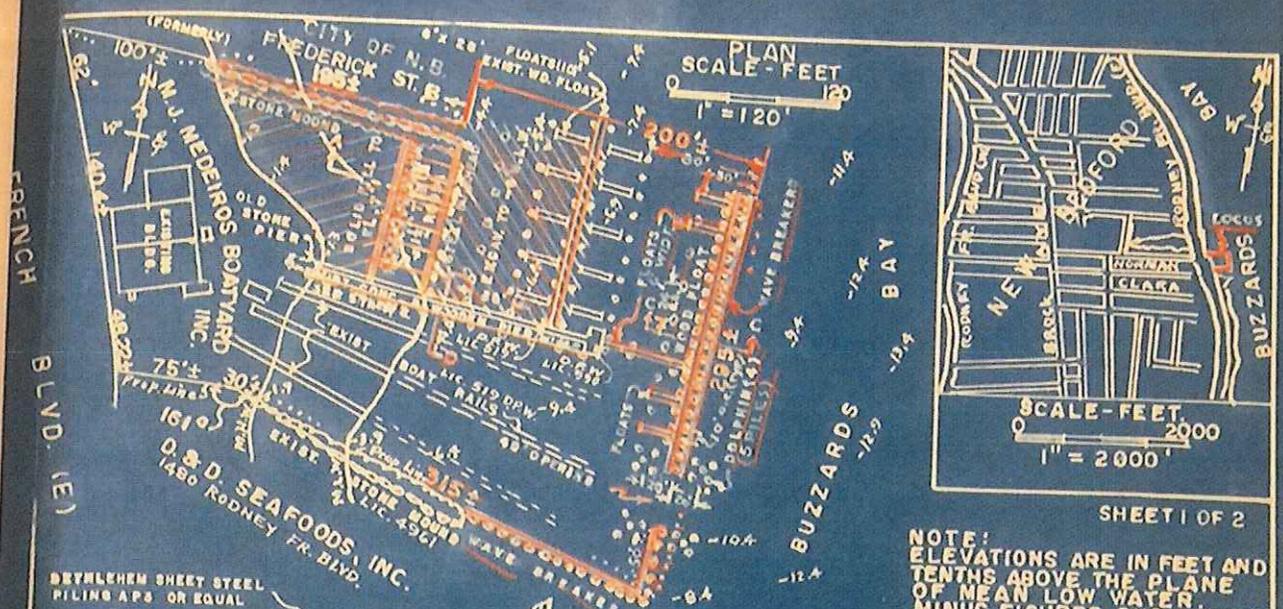
~~Executive Secretary~~

A true copy. Attest:

Edmund F. O'Neil

Secretary.

DEPARTMENT OF PUBLIC WORKS



PLAN ACCOMPANYING PETITION OF M. J. MEDEIROS SHIPYARD, INC. TO CONSTR. A STONE MOUND, A SHEET STEEL BULKHEAD, A WAVE BREAKER, PILES & FIXED FLOATS & ALSO FILL SOLID & DREDGE AS SHOWN & 4 DOLPHINS, WIDEN EXISTING WOODEN PIER & MAINTAIN EXISTING FLOATS & T-HEAD PIER IN WATERS OF BUZZARDS BAY-CITY OF NEW BEDFORD JUNE 5, 1967

E.J. ENGINEERING CO., INC. NEW BEDFORD, MASS.

LICENSE PLAN NO. 5285

APPROVED BY DEPARTMENT OF PUBLIC WORKS OF MASSACHUSETTS SEPTEMBER 20, 1967

Edmund J. Toomey COMMISSIONER - DEPT OF PUBLIC WORKS

Charles A. Bushy ASSOCIATE COMMISSIONER

Peter Donadici ASSOCIATE COMMISSIONER

Robert S. Foster ASSOCIATE COMMISSIONER

The Commonwealth of Massachusetts

No. 196.



Wherreas, Carl P. Pimental -----

of New Bedford -----, in the County of Bristol ----- and Commonwealth
aforesaid, has applied to the Department of Public Works for license to Environmental
Quality Engineering for license to place fill and riprap and maintain existing
structures in Buzzards Bay in the city of New Bedford, -----

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 P. 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 place fill and riprap and maintain existing structures in Buzzards
Bay in the city of New Bedford, in conformity with the accompanying plan no.
196.

An area may be filled and maintain with clean suitable fill, having a riprap slope of $1\frac{1}{2}$:1 on the water side with a top elevation of 8 feet above the mean low water line, commencing at the northerly property line of the licensee, extending into said bay in about a northeasterly direction for a distance of approximately 65 feet, thence turning in a southerly direction for a distance of approximately 260 feet, to the southerly property line of the licensee, in the location shown and in accordance with the details given on license plan number 196.

All face stone of said riprap shall have a minimum weight of not less than 1,200 pounds with the exception of stone used for chinking and it shall be placed in a manner conducive to good engineering practice.

The plan of said work, numbered ----- 1 9 6 ----- is on file in the office of said Department, and duplicate of said plan accompanies this License, and is to be referred to as a part hereof.

The amount of tide-water displaced by the work hereby authorized shall be ascertained by said Department, and compensation therefor shall be made by the said heirs, successors

License No. 196/pg. 3/Carl P. Pimental

Nothing in this license shall be construed as authorizing encroachment on or over property not owned or controlled by the licensee, except with the consent of the owner or owners thereof.

Acceptance of this license shall constitute an agreement by the licensee, to conform to all terms and conditions herein stated.

This license is granted subject to all applicable Federal, State, County and Municipal laws, ordinances and regulations.

This license is granted upon the express condition that use by boats or otherwise of the structures hereby licensed shall involve no discharge of sewage or other polluting matter into the adjacent tidewaters, except in strict conformity with the requirements of the local and State health departments and the Division of Water Pollution Control.

This license is granted upon the further express condition that any other authorizations necessitated due to the provisions hereof shall be secured prior to the commencement of any work under this license.

This license is granted upon the further express condition that the authorization contained herein may be modified or may be revoked in whole or in part in the event of the licensee, its successors and assigns, failing to comply with said authorization or any provisions of the license or failing to maintain all authorized structures and installations in good condition, to the satisfaction of the Department of Environmental Quality Engineering or its successors. This condition permitting modification or revocation of the license shall also apply in the event of the failure of the licensee, its successors and assigns, to secure approval under all other applicable laws, ordinances or regulations or failure to adhere to the conditions of such approvals upon receipt of such failure provided by an agency having jurisdiction. Revocation or modification of this license as provided herein shall be without liability to the Commonwealth or claim for compensation by the licensee, its successors and assigns.

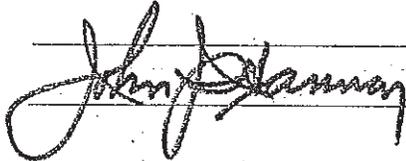
This license is granted upon the further express condition that the licensee, its successors and assigns, shall upon request in writing by the Department of Environmental Quality Engineering or its successors, change the location of said ~~lower it to such depth, or raise it to such height, as said~~ Department may prescribe or remove it entirely from said waters, and said licensee, by accepting this license shall be deemed to consent and agree to the condition herein set forth, and in case of any refusal or neglect on the part of the licensee, its successors and assigns, to comply with this condition, then this license shall be wholly void and the Commonwealth, by its proper officers, may proceed to remove or to cause the removal of said ~~at the expense of said licensee, its successors and assigns, as an unauthorized and unlawful structure in said waters.~~

and assigns, by paying into the treasury of the Commonwealth
cents for each cubic yard so displaced, being the amount hereby assessed by
said Department.

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 one year from the date hereof, in the Registry ----- of Deeds for the Southern
District of the County of Bristol.

In Witness Whereof, said Department of ^{Environmental Quality Engineering} ~~Public Works~~ have hereunto set their hands
this eighth ----- day of October ----- in the
year nineteen hundred and seventy-six.



Department of
~~Public Works~~
Environmental Quality
Engineering

THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Com-
monwealth by the said
of the further sum of
the amount determined by the Governor as a just and equitable charge for rights and
monwealth.

BOSTON, -----

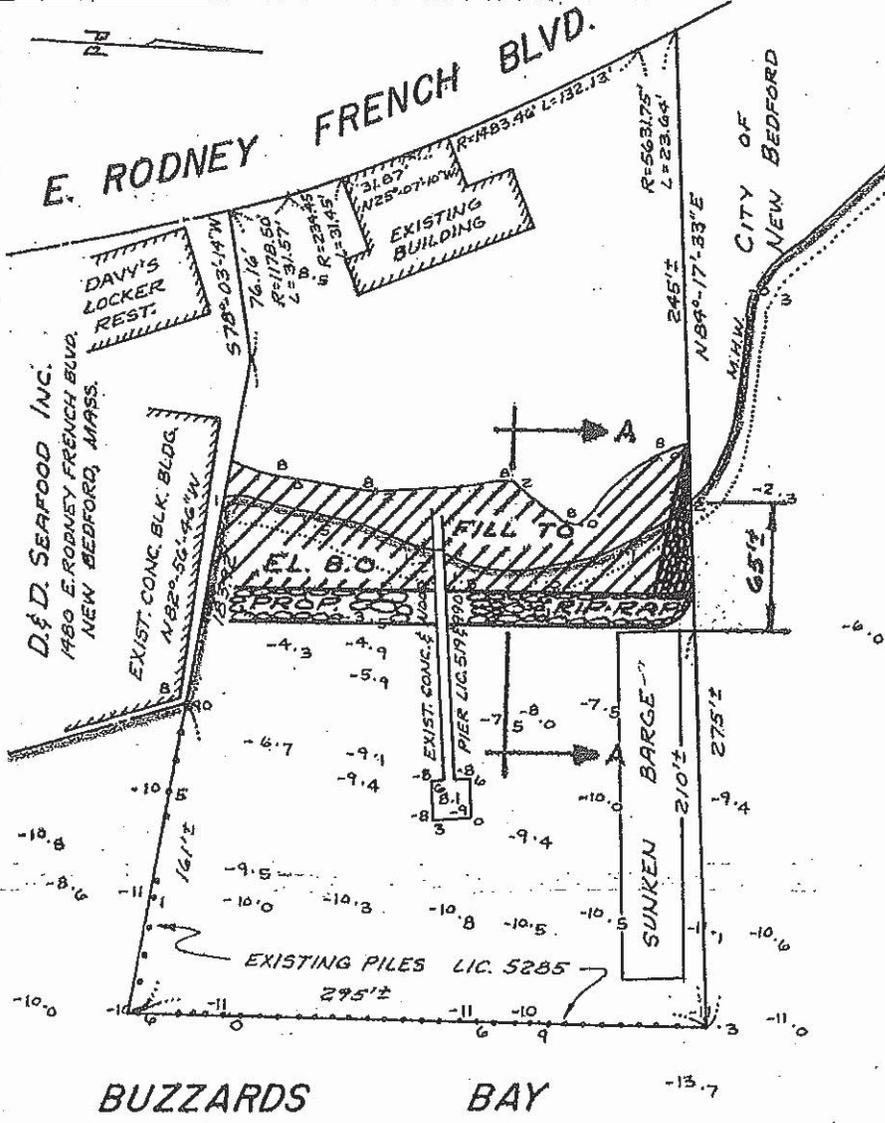
Governor

A TRUE COPY - ATTEST

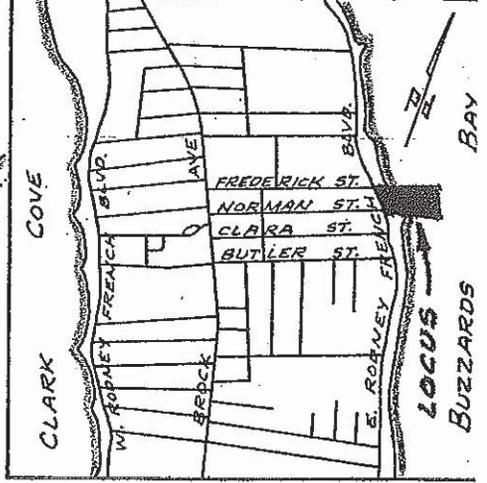


DEPARTMENT OF ENVIRONMENTAL
QUALITY ENGINEERING
Commonwealth of Massachusetts

4061



PLAN
SCALE 1"=100'

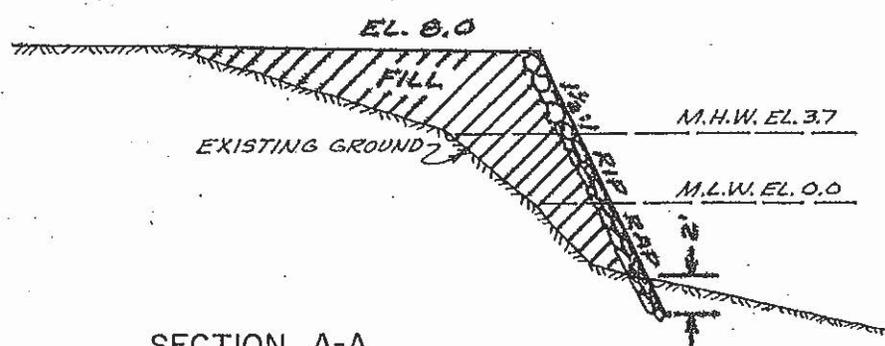


LOCUS MAP
SCALE 1"=2000'

NOTE:

Elevations are in feet and tenths above and below the plane of mean low water.

Boat rails shown on license 519 have been abandoned and filled over and all proposed work shown on license 5285 was never completed, unless shown on this plan.



SECTION A-A
SCALES 1"=30' Hor.
1"=10' Vert.



Gerald M. Fitzgerald
SHEET 1 of 1

REVISED 9/23/75
GERALD M. FITZGERALD MATTAPOISETT, MASS.

PLAN ACCOMPANYING PETITION OF
CARL P. PIMENTEL
 TO PLACE FILL AND RIP RAP AND
 MAINTAIN EXISTING STRUCTURES
 IN
 BUZZARDS BAY NEW BEDFORD, MASS.
 JUNE 7, 1975

LICENSE PLAN NO. 196
 APPROVED BY DEPARTMENT OF ENVIRONMENTAL QUALITY ENGINEERING
 OF MASSACHUSETTS Oct 8, 1976
John Conway
 COMMISSIONER
 CHIEF ENGINEER

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:

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.

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.

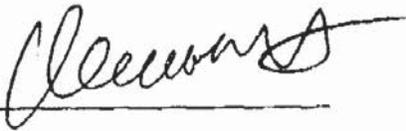
10. Unless otherwise expressly provided by this license, the licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow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

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).

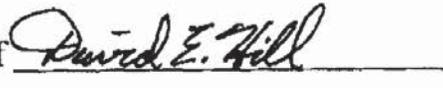
Nothing in this License shall be so construed as to impair the legal rights of any person.

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.

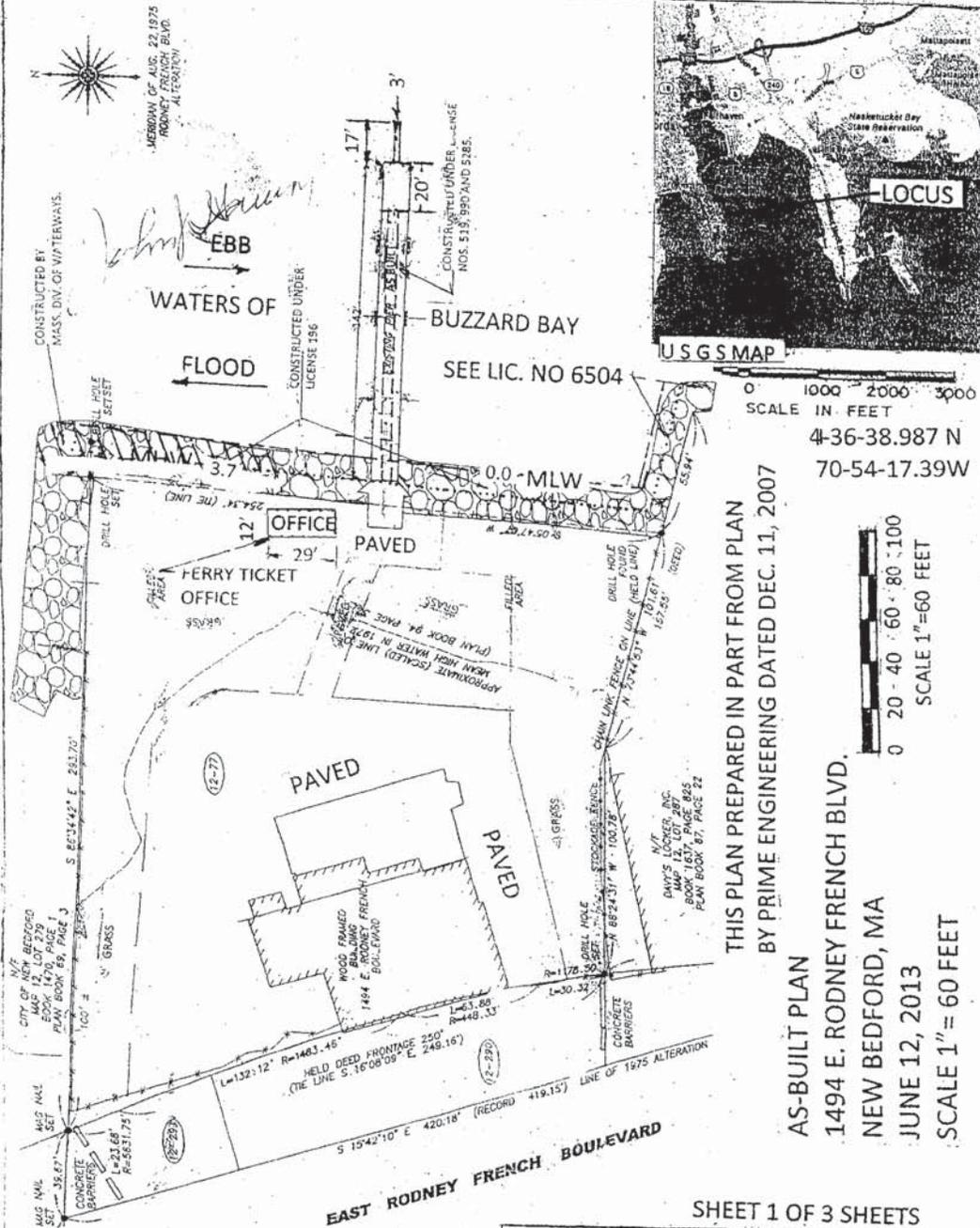
Approved by the Governor.

 BOSTON, 

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS

John Harney

FOR REGISTRY USE ONLY



THIS PLAN PREPARED IN PART FROM PLAN BY PRIME ENGINEERING DATED DEC. 11, 2007

AS-BUILT PLAN
1494 E. RODNEY FRENCH BLVD.
NEW BEDFORD, MA
JUNE 12, 2013
SCALE 1" = 60 FEET

PLAN ACCOMPANYING PETITION OF CARL PIMENTAL TO MAINTAIN RIPRAP, AN OFFICE BUILDING AND AN EXPANDED PIER NEW BEDFORD, MASS.- BRISTOL COUNTY AUG. 12, 2013 @ WATERS OF BUZZARD-BAY

SHEET 1 OF 3 SHEETS
LICENSE PLAN NO. 13647
Approved by Department of Environmental Protection of Massachusetts
David E. Hill
Heur

113-3917



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



John J. Hannon
SPE LIC. NO. 659



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.

EXISTING PIER AS BUILT

DRILL HOLE SET
DRILL HOLE SET

MHW

0.0 MLW

OFFICE

PAVED

FERRY TICKET
OFFICE

GRASS

GRASS

FILLED AREA

PAVED

PAVED

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

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'

GRASS

MAG NAIL SET

MAG NAIL SET

CONCRETE BARRIERS

L=23.68'
R=5631.75'

HOLD DEED FRONTAGE 250'
(THE LINE S. 16°08'09" E. 249.16')

R=1483.46'

L=132.12'

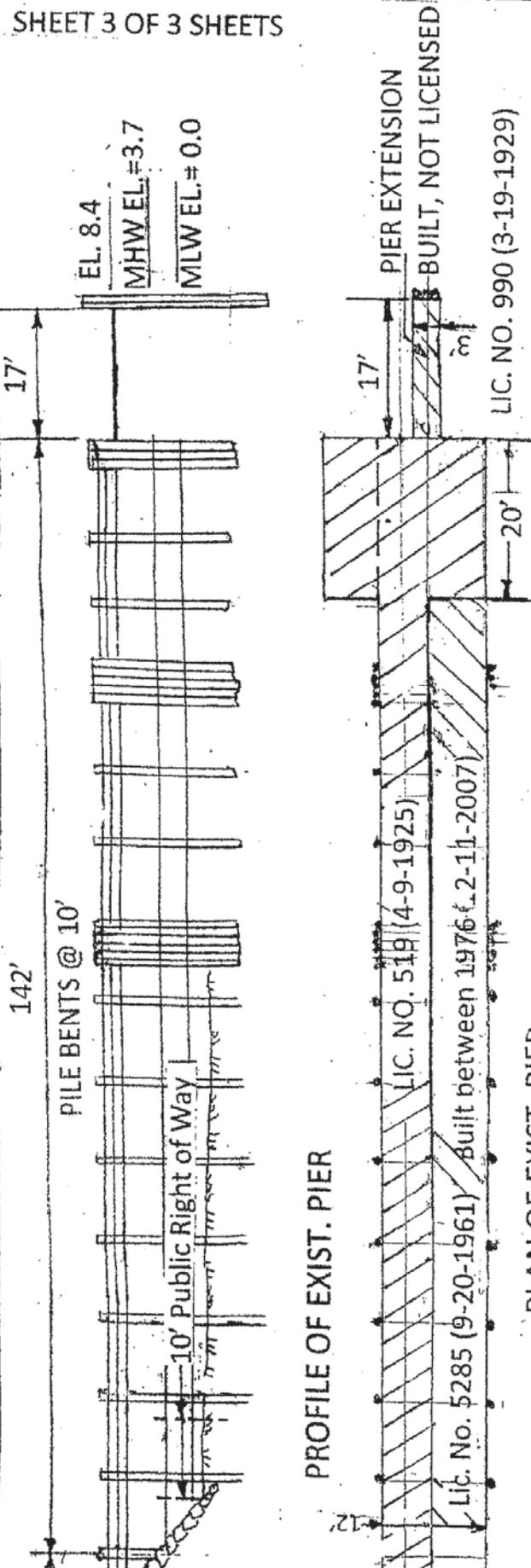
L=63.88'
R=448.33'

S 15°42'10" E 420.18' (RECORD 419.15)

EAST RODNEY FRENCH BOULEVARD

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

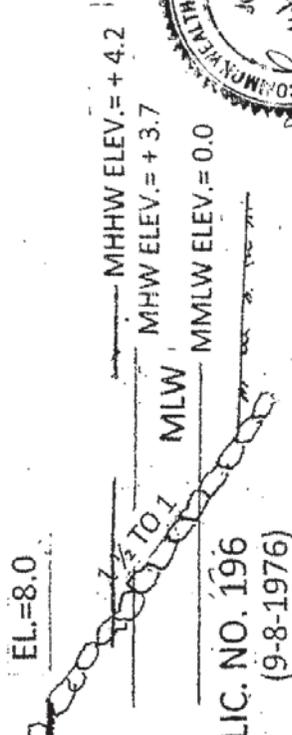
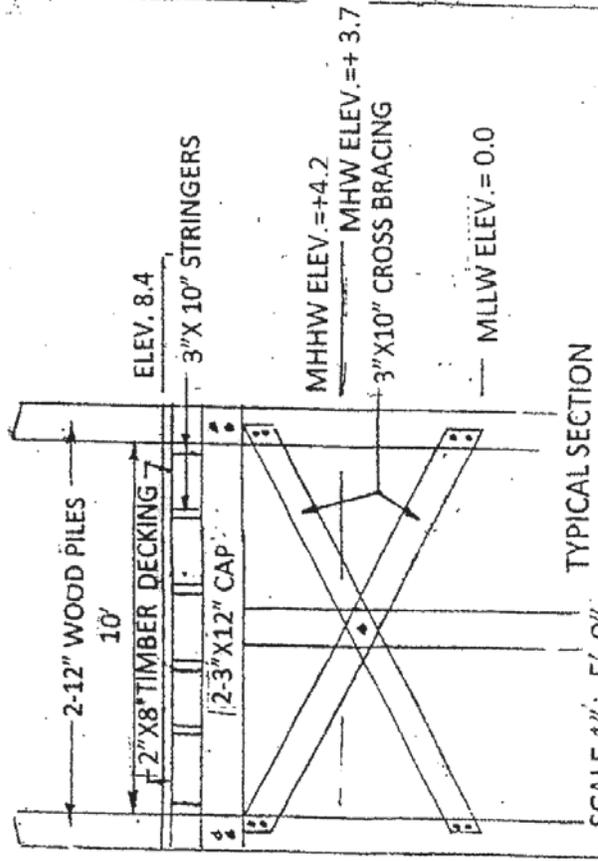
MAYFLOWER ENGR., INC.
64 JOAN DRIVE
QUINCY, MA 02169
617-376-0404



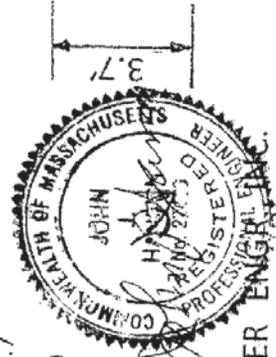
PROFILE OF EXIST. PIER

PLAN OF EXIST. PIER

SCALE 1" = 20 FEET



TYPICAL CROSS SECTION
OF EXISTING RIPRAP MOUND



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

Notice of Intent
Proposed Float System, Moorings,
Existing Pier Rehabilitation & Site Improvements

1494 E Rodney French Blvd.
VVK Realty, LLC
August 2015

Exhibit F

MEPA Certificate #15326

cleengineering

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



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



HJ pdf

The COMMONWEALTH OF MASSACHUSETTS
 BOARD OF UNDERWATER ARCHAEOLOGICAL RESOURCES
 EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
 251 Causeway Street, Suite 800, Boston, MA 02114-2136
 Tel. (617) 626-1141 Fax (617) 626-1240 Web Site: www.mass.gov/eea/agencies/czm/buar/

RECEIVED
 FEB 12 2015
 MEPA

February 12, 2015

Secretary Matthew A. Beaton
 Executive Office of Energy and Environmental Affairs
 Attention: Holly Johnson, MEPA Unit
 100 Cambridge St., Suite 900
 Boston, MA 02114

RE: Proposed Floating Dock System, Moorings, Pier Rehabilitation and Season Tiki Bar,
 New Bedford (EEA#15326)

Dear Secretary Beaton:

The Massachusetts Board of Underwater Archaeological Resources (BUAR) has completed its review of the proposed project's ENF (EEA#15326) prepared by CLE Engineering, Inc., on behalf of VVK Realty, LLC. We offer the following comments.

The Board has conducted a preliminary review of its files and secondary literature sources to identify known and potential submerged cultural resources in the proposed project area. No record for any underwater archaeological resources was found. Based on the results of this review and the limited nature of the proposed project, the Board expects that this project is unlikely to impact submerged cultural resources.

However, as the historical record indicates the occurrence of a number of shipwrecks within New Bedford Harbor for which locations are vague, the Board cannot conclude that there are no submerged cultural resources in the proposed project area. Furthermore, the loss of earlier and smaller coastal vessels and the purposeful abandonment of obsolete or damaged vessels are generally not found in the documentary record. The level and diversity of maritime commercial, military, and recreational activities throughout the New Bedford waterfront may have resulted in the creation of a number of undocumented and anonymous underwater archaeological sites such as small craft, derelict vessels, or dumpsites. These possible site types represent classes of vessels of which our knowledge is severely limited and, thus, are potentially historically and archaeologically significant. Therefore, should heretofore-unknown submerged cultural resources be encountered during the course of the project, the Board expects that the project's sponsor will take steps to limit adverse affects and notify the Board, as well as other appropriate agencies, immediately in accordance with the Board's *Policy Guidance for the Discovery of Unanticipated Archaeological Resources*.

The Board appreciates the opportunity to provide these comments as part of the review process. Should you have any questions regarding this letter, please do not hesitate to contact me at the address above, by email at victor.mastone@state.ma.us, or by telephone at (617) 626-1141.

Sincerely,

Victor T. Mastone
 Director

/vtm



THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS
OFFICE OF COASTAL ZONE MANAGEMENT
251 Causeway Street, Suite 800, Boston, MA 02114-2136
(617) 626-1200 FAX: (617) 626-1240

MEMORANDUM

TO: Matthew A. Beaton, Secretary, EEA
ATTN: Holly Johnson, MEPA Unit
FROM: Bruce K. Carlisle, Director, CZM
DATE: February 25, 2015
RE: EEA 15326, Proposed Float System, Moorings, Pier Rehabilitation, and Seasonal Tiki Bar ENF; New Bedford

The Massachusetts Office of Coastal Zone Management (CZM) has completed its review of the above-referenced Environmental Notification Form (ENF), noticed in the *Environmental Monitor* dated February 11, 2015, and offers the following comments.

Project Description

The project is proposed by VVK Realty, LLC, and is located at 1494 East Rodney French Boulevard in New Bedford. While the overall project is the renovation of an existing waterfront building as an event venue and bar, the ENF focuses on the rehabilitation of an existing timber pier, along with the installation of four pile-anchored floating docks totaling 3,400 sf, two gangways, and 12 moorings utilizing helical type anchors and traditional chain mooring systems. The float system will include dinghy docks and provide a landing site for transient, recreational vessels. The project also proposes a ten foot wide public access path along the water's edge on the eastern side of the property and the relocation of a seasonal tiki bar from the adjacent property to an area landward of the public access path and within filled tidelands. The area of the proposed floats and moorings may be in areas mapped by the Massachusetts Division of Marine Fisheries as Land Containing Shellfish. The moorings are located within NHESP Priority/Estimated Habitat.

Comments

While increasing recreational boater access to the site may be consistent with CZM public access policies, CZM has concerns with aspects of the proposed project. The proponent has included efforts to minimize the project's negative environmental impacts by maximizing pile spacing, ensuring floats are located in waters with sufficient depth to minimize bottom impacts, and using helical anchors. However, CZM believes additional improvements should be considered. The scour caused by mooring chain and tackle is significant. In some Buzzards Bay harbor's scour areas from a single mooring can be 50 feet in diameter, an area of approximately 1,960 square feet. The constant drag and bounce of mooring chain within the scour areas continually destroys or damages benthic habitat in the area, re-suspends sediments that reduce water quality and clarity, and reintroduces nutrients into the water column. Assuming the 12 proposed moorings each have a scour area of approximately 50 feet in diameter, the total area of damage to the benthic habitat could be approximately 23,520 square feet, or over one half acre. With this in mind, CZM strongly encourages the proponent to consider the use of conservation moorings which eliminate the use of chain and, thereby, the benthic damage and water quality degradation associated with the use of chain mooring systems.



Further CZM Review

The proposed project may be subject to CZM federal consistency review, which requires that the project be found to be consistent with CZM's enforceable program policies. For further information on this process, please contact Bob Boeri, Project Review Coordinator, at 617-626-1050 or visit the CZM web site at www.mass.gov/czm.

BKC/dsj/rlb

cc: Karen Kirk-Adams,
New England District, USACE
Liz Kouloheras
Southeast Regional Office, MA DEP
Ben Lynch, Waterways
Boston Regional Office, MA DEP
Carlos Fragata
SERO Office, MA DEP
Sarah Porter, Conservation Agent
New Bedford Conservation Commission
Susan Nilson
CLE Engineering, Inc. 15 Creek Road, Marion, MA 02738

Johnson, Holly (EEA)

From: Petitpas, Christian (FWE)
Sent: Monday, March 02, 2015 9:29 AM
To: Johnson, Holly (EEA)
Cc: 'snilson@cleengineering.com'; 'Sarah Porter'; Churchill, Neil (FWE); Shields, Thomas (FWE); Reiner.ed@epamail.epa.gov; Boeri, Robert (EEA); Chin, Ken (DEP); alison.verkade@noaa.gov; Chris Boelke; Lehan, Richard (FWE); Ford, Kathryn (FWE)
Subject: EEA# 15326, VVK Realty, LLC, New Bedford

Secretary Matthew A. Beaton
Executive Office of Energy and Environmental Affairs (EEA)
Attn: MEPA Office
Holly Johnson, EEA No. 15326
100 Cambridge Street, Suite 900
Boston, MA 02114

Dear Secretary Beaton:

The Division of Marine Fisheries (*Marine Fisheries*) has reviewed the Environmental Notification Form by VVK Realty, LLC for proposed rehabilitation of an existing timber pier, addition of floating dock and gangway systems on the north and south of the existing pier, installation of moorings, and relocation of the seasonal tiki bar from adjacent property to the site at 1494 East Rodney French Boulevard, Buzzards Bay in the City of New Bedford. The project was reviewed with respect to potential impacts to marine fisheries resources and habitat.

The project site lies within mapped shellfish habitat for quahog (*Mercenaria mercenaria*) and bay scallop (*Argopecten irradians*) which is afforded protection under the Wetlands Protection Act (310 CMR 10.34). Mapped land containing shellfish is deemed significant to the interest of the Wetland Protection Act and the protection of marine fisheries. Additionally, the project site is in close proximity to a *Marine Fisheries* sampling station that consistently contains quahogs and is Conditionally Approved for shellfish harvest.

Based on the information provided, *Marine Fisheries* has no recommendations for sequencing, timing, or methods that would avoid or minimize impact at this time.

Questions regarding this review may be directed to John Logan in our New Bedford office at 508-990-2860 ext. 141.

Sent on behalf of John Logan

MEMORANDUM

TO: Holly Johnson, Environmental Reviewer, MEPA Unit

THROUGH: Jonathan Hobill, Regional Engineer, Bureau of Water Resources
Philip Weinberg, Regional Director
David Johnston, Deputy Regional Director, BWR
Maria Pinaud, Deputy Regional Director, BAW
Millie Garcia-Serrano, Deputy Regional Director, BWSC
Jennifer Viveiros, Acting Deputy Regional Director, ADMIN

CC: Elizabeth Kouloheras, Chief, Wetlands and Waterways
Mark Bartow, Wetlands Program
Carlos Fragata, Waterways Program
Andrea Langhauser, Boston – Waterways Program
Pamela Truesdale, Municipal Facilities
Tena Davies, Wetlands and Waterways Program
Leonard Pinaud, Chief, Site Management
Allen Hemberger, Site Management
Ben Lynch, Boston - BWR-DWM-WW
New Bedford Conservation Commission
New Bedford Harbor Master

FROM: Sharon Stone, SERO MEPA Coordinator

DATE: March 3, 2015

RE: ENF EOEEA #15326 – NEW BEDFORD – Proposed Floating Dock
System, Moorings, Pier
Rehabilitation and Seasonal
Tiki Bar, 1494 E. Rodney
French Boulevard

"For Use in Intra-Agency Policy Deliberations"

The Southeast Regional Office of the Department of Environmental Protection (MassDEP) has reviewed the Environmental Notification Form (ENF) for the proposed floating dock system, moorings, pier rehabilitation and seasonal tiki bar project to be located at 1494 E. Rodney French Boulevard, New Bedford, Massachusetts (EOEEA #15326). The project proponent provides the following information for the project:

*The project consists of the rehabilitation of the existing timber pier, addition of floating dock and gangway systems north and south of the existing pier, installation of moorings and relocation of the seasonal tiki bar from the adjacent property (The Edge) to a proposed lease area within this site.
Permits listed in the ENF to be sought for the project include a MassDEP Waterways Chapter 91 License.*

Wetlands and Waterways Program Comments

The Wetlands Program has reviewed the ENF. It is the Program's opinion that any wetland issues can be reviewed and addressed through the permitting process and that no further MEPA review should be required for this project.

Waterways Program

The Mass. Department of Environmental Protection, Waterways Regulation Program (MassDEP/Waterways) has reviewed the referenced Environmental Notification Form (ENF) noticed in the Environmental Monitor on February 11, 2015. The Proponent, VVK Realty LLC, has proposed: to install four pile-supported floating docks (3,400 sf in total area), two 5' x 35' gangways, 12 helical moorings, and a 10' wide waterfront walkway; to rehabilitate the existing pier; and to relocate an existing seasonal tiki bar from the southerly abutting restaurant property onto this property.

Chapter 91 Jurisdiction: According to the ENF, the 1.36 acre site includes 32,580 square feet of previously authorized filled tidelands fronting Buzzards Bay. On the draft license plan provided with the ENF, the project engineer plotted the presumed historic high water identified through the Department's Presumptive Line Project, which is based on an 1895 map prepared by the US Coast and Geodetic Survey (T-2220). The MassDEP can provide an electronic copy of the historic low water line from the same T sheet, which is located parallel to the historic high water and generally behind the existing seawall. Therefore, the site includes filled private and Commonwealth Tidelands landward of the existing rip-rap. The ENF also identifies a series of licenses issued on the project site, most recently License #13647 issued in 2014 for the existing uses and structures. Since the presumptive line includes a small corner of the existing restaurant building that was not previously authorized, an electronic copy of the historic high water line will also be provided to verify the most landward extent of Chapter 91 jurisdiction. The Proponent acknowledges that a Chapter 91 license application will be required for the structural alterations and change in use of filled and flowed tidelands of Buzzards Bay.

Determination of Water Dependency: The existing shed previously used for ferry ticket sales, has been authorized as a water-dependent use. The proposed expansion of the pile-supported docking facility to include two large adjacent floats (and two tender floats) and a mooring field are essentially for berthing and public access to navigable waters, and, therefore, considered water-dependent uses. The relocation of the tiki bar proposed in an area of filled tidelands (6,257 sf) is for restaurant use, a nonwater-dependent use. The use of the existing parking needs to be determined; it could be categorized as either accessory to the water-dependent use or nonwater-dependent. The proponent stated at the scoping session that in redeveloping the site, the existing parking area may be landscaped with minimal or no parking on site. Even without clarification on the parking status, there is a mix of water-dependent and nonwater-dependent uses so the MassDEP/Waterways will process the forthcoming application as a nonwater-dependent use project since, in accordance with 310 CMR 9.12(1).

Review Standards: At the scoping meeting, the proponent stated that the floats are to be for transient berthing, and therefore did not characterize proposed docking facility as a

marina. The MassDEP/Waterways does consider this a public recreational berthing facility and a marina because even though the slips will not be leased on an annual basis there is room for at least 10 boats (see 310 CMR 9.02 Definitions – Marina and Public Recreational Boating Facility). The Chapter 91 Application will need to address the specific standards associated with such facilities (310 CMR 9.38 and 9.39).

The ENF does not describe how the project complies with the nonwater-dependent review standards of 310 CMR 9.5 -9.54, or where the tiki bar and associated seating will be located within the proposed lease line. A 10' wide public access walkway has been proposed along the project shoreline, in compliance with 310 CMR 9.52(1), however more information will be required to determine how the walkway will be physically separated from the restaurant area and where the walkway will connect with walkways or access areas on the abutting properties, the public boat ramp and an existing restaurant, to the north and south respectively.

While not subject to this MEPA review, the Proponent is aware that as the new landowner of the existing restaurant on the southerly abutting property, it is his responsibility to complete the license application (file # w11-3367N) for that site. The MassDEP/Waterways and the Proponent's representative have a meeting scheduled for March 11, 2015 to discuss the most appropriate and timely permitting pathway.

Waterways Application Status: The MassDEP/Waterways expects to receive a c. 91 license application, for all proposed and existing unauthorized structures and uses, upon completion of the MEPA process.

If you have any questions regarding the Waterways comments, please feel free to contact the Waterways Regulation Program in Boston (Andrea Langhauser at (617) 348-4084 or at Andrea.Langhauser@state.ma.us) or in the Southeast Regional Office (Carlos Fragata at (508)946-2873 or at Carlos.Fragata@state.ma.us).

U.S. EPA NPDES Permitting

The Proponent should determine if any of the following U.S. EPA NPDES permits are necessary:

Construction General Permit
Dewatering General Permit
Remediation General Permit

Information regarding these permits may be found at:

<http://www.epa.gov/region1/npdes/stormwater/assets/pdfs/CGP-DGP-RGP-Flow-Chart.pdf>

Bureau of Waste Site Cleanup

Based upon the information provided, the Bureau of Waste Site Cleanup (BWSC) searched its databases for disposal sites and release notifications that have occurred at and near the proposed project area. A disposal site is a location where there has been a

release to the environment of oil and/or hazardous material that is regulated under M.G.L. c. 21E, and the Massachusetts Contingency Plan [MCP – 310 CMR 40.0000].

The proposed project involves construction of a floating dock, moorings, pier rehabilitation, and a seasonal tiki bar. There are three listed disposal sites located within one-half mile of the proposed project area. Two of the listed disposal sites have been closed under a Permanent Solution, and no further reporting or response actions are required under the MCP.

There is one open disposal site located within one-half mile of the proposed project area. The Release Tracking Number for the open site is 4-10609, Allegheny Ludlum Corp. (formerly known as Teledyne Rodney Metals), 1357 East Rodney French Boulevard, located approximately 350 feet south of the proposed project area. Continued response actions are required at this site prior to closure under the MCP.

There are no other listed disposal sites located at or within one-half mile of the proposed project area. The MCP compliance status of these and all BWSC disposal sites may be viewed using the BWSC Waste Sites/Reportable Release Lookup at:
<http://public.dep.state.ma.us/SearchableSites2/Search.aspx>

The Project Proponent is advised that if oil and/or hazardous material are identified during the implementation of this project, notification pursuant to the Massachusetts Contingency Plan (310 CMR 40.0000) must be made to MassDEP, if necessary. A Licensed Site Professional (LSP) should be retained to determine if notification is required and, if need be, to render appropriate opinions. The LSP may evaluate whether risk reduction measures are necessary or prudent if contamination is present. The BWSC may be contacted for guidance if questions arise regarding cleanup.

Proposed s.61 Findings

The “Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form” may indicate that this project requires further MEPA review and the preparation of an Environmental Impact Report. Pursuant to MEPA Regulations 301 CMR 11.12(5)(d), the Proponent will prepare Proposed Section 61 Findings to be included in the EIR in a separate chapter updating and summarizing proposed mitigation measures. In accordance with 301 CMR 11.07(6)(k), this chapter should also include separate updated draft Section 61 Findings for each State agency that will issue permits for the project. The draft Section 61 Findings should contain clear commitments to implement mitigation measures, estimate the individual costs of each proposed measure, identify the parties responsible for implementation, and contain a schedule for implementation.

The MassDEP Southeast Regional Office appreciates the opportunity to comment on this proposed project. If you have any questions regarding these comments, please contact Sharon Stone at (508) 946-2846.

Notice of Intent
Proposed Float System, Moorings,
Existing Pier Rehabilitation & Site Improvements

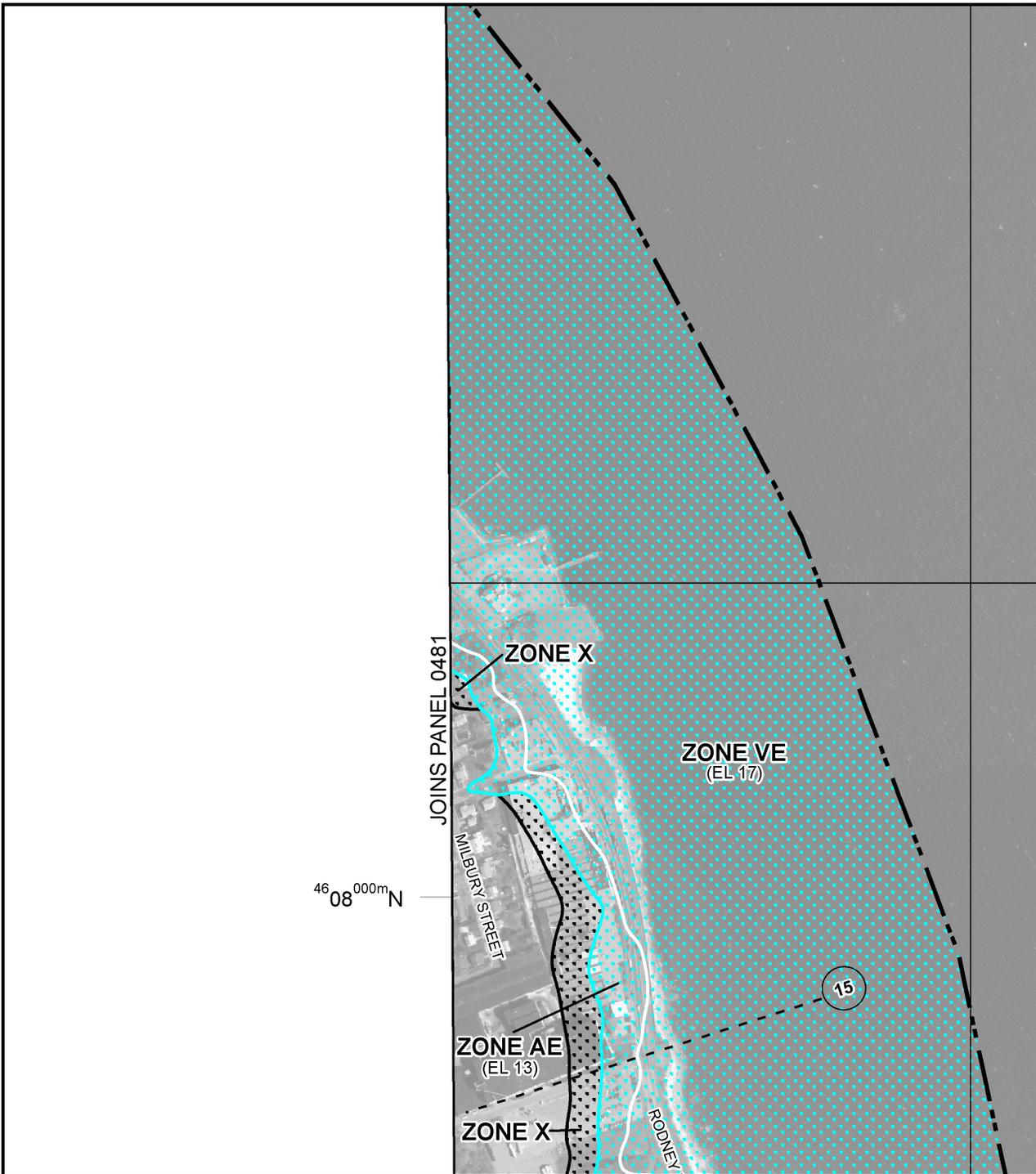
1494 E Rodney French Blvd.
VVK Realty, LLC
August 2015

Exhibit G

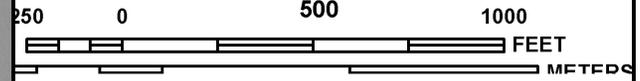
FEMA Flood Insurance Rate Map

cleengineering

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



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

Notice of Intent
Proposed Float System, Moorings,
Existing Pier Rehabilitation & Site Improvements

1494 E Rodney French Blvd.
VVK Realty, LLC
August 2015

Exhibit H

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 DOC. 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:

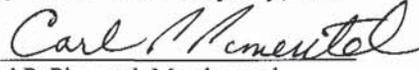
SEE ATTACHED EXHIBIT "A"

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 11031 Page 154

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


Witness

Billy Woods Wharf Property, LLC

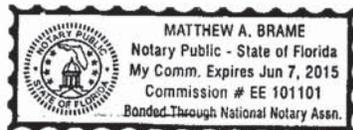

Carl P. Pimentel, Member and
Authorized Signatory

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
000000 #9067
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.

Notice of Intent
Proposed Float System, Moorings,
Existing Pier Rehabilitation & Site Improvements

1494 E Rodney French Blvd.
VVK Realty, LLC
August 2015

Exhibit I

Abutter Notification, Radius Map and List of Abutters

cleengineering

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

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&290 ; 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.

Judith M. Merdahl 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: 8/14/2015

SUBJECT PROPERTY: MAP 12 LOT 77 & 290

LOCATION 1494 E. Rodney French Blvd

OWNER'S NAME VVK Realty, LLC

MAILING ADDRESS 99 Flag Swamp Rd, North Dartmouth, MA 02747

CONTACT PERSON Susan Nilson, P.E.

TELEPHONE NUMBER 508 748-0937

REASON FOR REQUEST

Notice of Intent Filing

**PLANNING
AUG 13 2015
DEPARTMENT**

August 13, 2015

Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as 1494 East Rodney French Blvd. (12-77 & 290). 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
12-279	E RODNEY FRENCH BLVD	CITY OF NEW BEDFORD, 131 WILLIAM ST NEW BEDFORD, MA 02740
12-247	E RODNEY FRENCH BLVD	CITY OF NEW BEDFORD, 131 WILLIAM ST 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
12-290	2 E RODNEY FRENCH BLVD	VVK REALTY LLC, 99 FLAGSWAMP ROAD 1494 E. Rodney French Blvd. DARTMOUTH, MA 02747 New Bedford, MA 02744

N



Legend

-  12-77 & 290
-  Abutters
-  100'



Notice of Intent
Proposed Float System, Moorings,
Existing Pier Rehabilitation & Site Improvements

1494 E Rodney French Blvd.
VVK Realty, LLC
August 2015

Exhibit J

Filing Fee Worksheet & Check Copies

cleengineering

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



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:

<u>1494 E Rodney French Blvd</u>	<u>New Bedford</u>
a. Street Address	b. City/Town
<u>1069</u>	<u>\$1,197.50 (State fee)</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<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. Mailing 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 (if different):

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Mailing 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

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.

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

VVK REALTY, LLC
99 FLAG SWAMP ROAD
NORTH DARTMOUTH, MA 02747

1067

53-7064/2113
10

08/06/15 Date

Pay to the
Order of

City of New Bedford \$4,592.35
four thousand five hundred ninety two and 35/100 Dollars



For

J. Halpin

⑆ 211370642⑆901672271⑆⑆

1067

VVK REALTY, LLC
99 FLAG SWAMP ROAD
NORTH DARTMOUTH, MA 02747

1068

53-7064/2113
10

08/06/15 Date

Pay to the
Order of

City of New Bedford \$1,222.50
one thousand two hundred twenty two and 50/100 Dollars



For

J. Halpin

⑆ 211370642⑆901672271⑆⑆

1068

VVK REALTY, LLC
99 FLAG SWAMP ROAD
NORTH DARTMOUTH, MA 02747

1069

53-7064/2113
10

08/06/15 Date

Pay to the
Order of

Commonwealth of MA \$1,197.50
one thousand one hundred ninety seven and 50/100 Dollars



For

J. Halpin

⑆ 211370642⑆901672271⑆⑆

1069

VVK REALTY, LLC
99 FLAG SWAMP ROAD
NORTH DARTMOUTH, MA 02747

1070

53-7064/2113
10

08/06/15 Date

Pay to the
Order of

Commonwealth of MA \$300.00
three hundred and 00/100 Dollars



For

J. Halpin

⑆ 211370642⑆901672271⑆⑆

1070

Notice of Intent
Proposed Float System, Moorings,
Existing Pier Rehabilitation & Site Improvements

1494 E Rodney French Blvd.
VVK Realty, LLC
August 2015

Exhibit K

New Bedford Harbormaster / Marine Superintendent Correspondence

cleengineering

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

Jeremy Packard

From: David T. Condon <David.Condon@newbedford-ma.gov>
Sent: Monday, July 20, 2015 3:48 PM
To: Jeremy Packard
Cc: Susan Nilson; Edward Anthes-Washburn; Brian Joseph
Subject: RE: Proposed Moorings - 1494 E. Rodney French Blvd

Jeremy,

The plans and proposal look great to me. Please keep us up to date as this project moves forward and don't hesitate to contact me if I can be of further assistance.

Regards,
Dave



David T. Condon
Harbormaster
Port of New Bedford
Office: (508) 961-3000
Email: David.Condon@newbedford-ma.gov
www.portofnewbedford.org

From: Jeremy Packard [mailto:JPackard@cleengineering.com]
Sent: Monday, July 20, 2015 3:32 PM
To: David T. Condon; Brian Joseph
Cc: Susan Nilson
Subject: Proposed Moorings - 1494 E. Rodney French Blvd

Dave & Brian,

Thank you both again for meeting with Susan and I this morning, feel free to reach out to us for any assistance we might be able to provide the City.

As discussed, attached are the NOI plans for the work proposed at 1494 E. Rodney French Blvd (previously Smuggler's Den). Proposed work includes moorings, pier rehabilitation, a floating dock & gangway system and site improvements. Please provide your thoughts on the plans which we will share with the Conservation Commission during the review process.

Jeremy

cleengineering

Jeremy M. Packard, P.E. | Senior Project Engineer
t: 508.748.0937 | 800.668.3220 | c: 508.488.0928
15 Creek Rd | Marion, MA 02738 | cleengineering.com

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Jeremy Packard

From: Brian Joseph <Brian.Joseph@newbedford-ma.gov>
Sent: Tuesday, July 21, 2015 8:53 AM
To: Jeremy Packard
Subject: RE: Proposed Moorings - 1494 E. Rodney French Blvd

Jeremy,

I think this will make a great addition to the city waterfront.
Please keep us informed of the progress and if there is anything we can do to assist.

Captain Brian Joseph
Marine Superintendent
Port of New Bedford
Harbor Development Commission
508-989-4279

From: Jeremy Packard [mailto:JPackard@cleengineering.com]
Sent: Monday, July 20, 2015 3:32 PM
To: David T. Condon; Brian Joseph
Cc: Susan Nilson
Subject: Proposed Moorings - 1494 E. Rodney French Blvd

Dave & Brian,

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Jeremy

The logo for Cle Engineering, featuring the word "cleengineering" in a lowercase, sans-serif font. A horizontal bar below the text is divided into three segments: green on the left, blue in the middle, and black on the right.

Jeremy M. Packard, P.E. | Senior Project Engineer
t: 508.748.0937 | 800.668.3220 | c: 508.488.0928
15 Creek Rd | Marion, MA 02738 | cleengineering.com

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