



WPA Form 1- Request for Determination of Applicability

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

A. General Information

Important:

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



1. Applicant:

GGK Realty, LLC	matador.scallops@gmail.com	
Name	E-Mail Address	
99 Flag Swamp Road		
Mailing Address		
North Dartmouth	MA	02748
City/Town	State	Zip Code
508 996 0313		
Phone Number	Fax Number (if applicable)	

2. Representative (if any):

CLE Engineering, Inc.	jpackard@cleengineering.com	
Firm	E-Mail Address	
Jeramy Packard, P.E.		
Contact Name		
15 Creek Road		
Mailing Address		
Marion	MA	02738
City/Town	State	Zip Code
508 748 0937	508 748 1363	
Phone Number	Fax Number (if applicable)	

B. Determinations

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

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

Name of Municipality

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



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C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

1480 East Rodney French Blvd.

Street Address

New Bedford

City/Town

Map 12

Assessors Map/Plat Number

Lot 287

Parcel/Lot Number

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

Area of proposed work is within Land Subject to Coastal Storm Flowage. It is the entrance to an existing building and within a paved surface contiguous with the parking area.

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

Excerpt from DEP permitting plan set, Entitled: "Site Plan - To License and Maintain a Deck Within an Area of Previously Authorized Filled Tidelands"

Excerpts from "The Edge Restaurant Alterations", Sheets A1.0 & A2.0

Title

May 13, 2015

Date

January 11, 2016

Date

Title

Date

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

Work includes the construction of a covered entry at the main restaurant entrance on the east side of the existing building. The covered entry will be open on three sides and supported by two (2) concrete footings and timber posts. Proposed roof dimensions are approximately 13'-6" x 7'-4".



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C. Project Description (cont.)

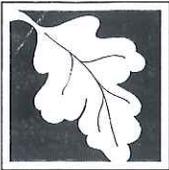
b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

The proposed work lies entirely within Land Subject to Coastal Storm Flowage (LSCSF), which does not have performance standards within the Wetlands Protection Act. The proposed covered entry lies entirely within paved area contiguous with the existing parking lot and will not increase impervious area on-site.

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

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

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



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D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

GGK Realty, LLC

Name

99 Flag Swamp Road

Mailing Address

North Dartmouth

City/Town

MA

State

02748

Zip Code

Signatures:

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

Signature of Applicant

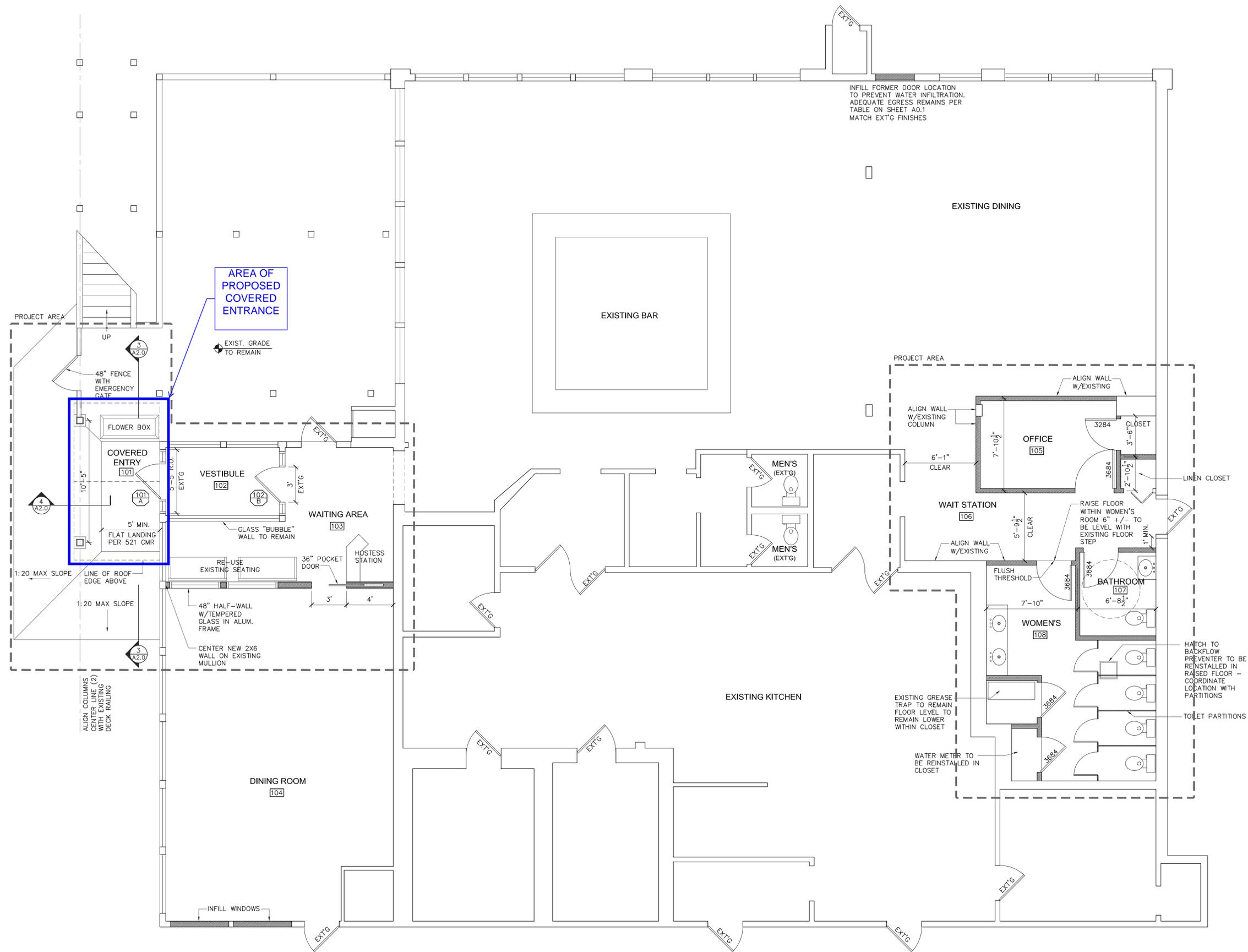
Date

02/04/16

Signature of Representative (if any)

Date

2/4/16



1 EXISTING FIRST FLOOR PLAN
A1.0 SCALE 1/4"=1'



GENERAL NOTE
 • EXT'G RESTAURANT/BAR SEATING: 175
 NO INCREASE IN EXT'G SEATING CONTEMPLATED



KEVIN S. CALDWELL, AIA, LEED AP
 caldwell architectural associates, inc.
 10 whiteweed drive
 dartmouth, MA 02747
 (p) 508.965.2526
 (e) kscarch@comcast.net
 (w) www.caldwellarchitect.com

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**THE EDGE
 RESTAURANT
 ALTERATIONS**

1480 E. RODNEY FRENCH
 BOULEVARD
 NEW BEDFORD, MA

LIABILITY DISCLAIMER

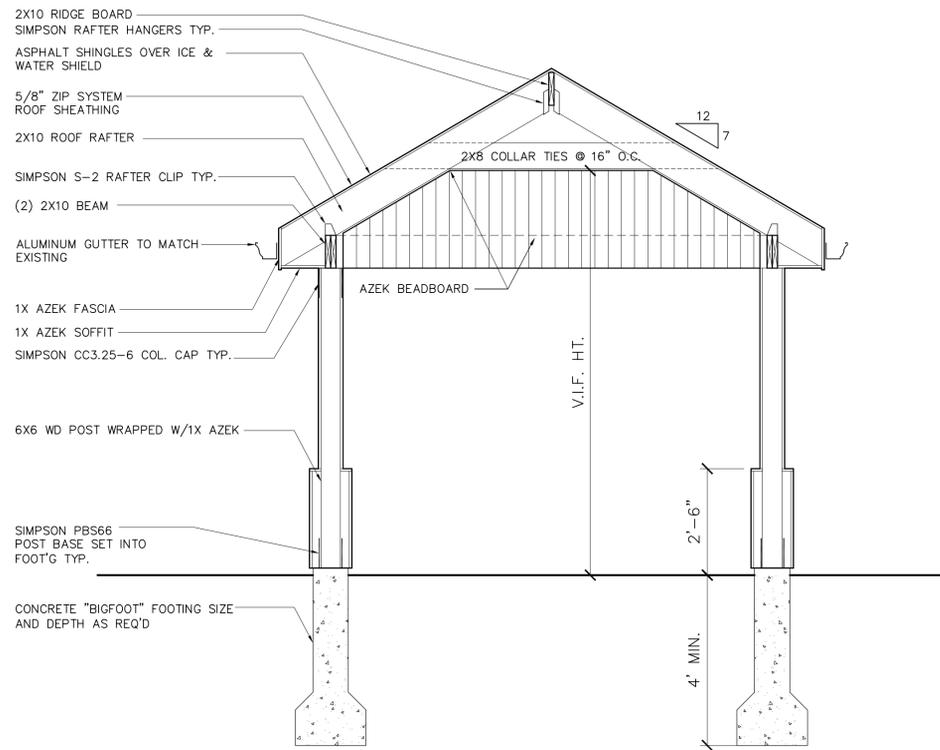
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 CONTRACTOR'S STANDARD CONSTRUCTION. CALDWELL ARCHITECTURAL ASSOCIATES,
 INC. IS RESPONSIBLE ONLY FOR THE ACCURATE REPRESENTATION, COORDINATION, AND
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 REGARDS TO, BUT NOT LIMITED TO, THERMAL AND MOISTURE PROTECTION, PROPER
 APPLICATION AND INSTALLATION OF PRODUCTS ACCORDING TO MANUFACTURER'S
 RECOMMENDATIONS, AND THE UTILIZATION AND IMPLEMENTATION OF INDUSTRY
 STANDARDS. THE CONTRACTOR IS ALSO RESPONSIBLE FOR THE VERIFICATION OF ALL
 DIMENSIONS OF THE PRE-EXISTING CONSTRUCTION PRIOR TO FABRICATION OR
 COMMENCEMENT OF WORK. ACCEPTANCE OF THESE DRAWINGS FOR CONSTRUCTION
 BY THE CONTRACTOR IS ACKNOWLEDGEMENT TO AND AGREEMENT WITH THESE TERMS
 AND CONDITIONS.

REVISIONS

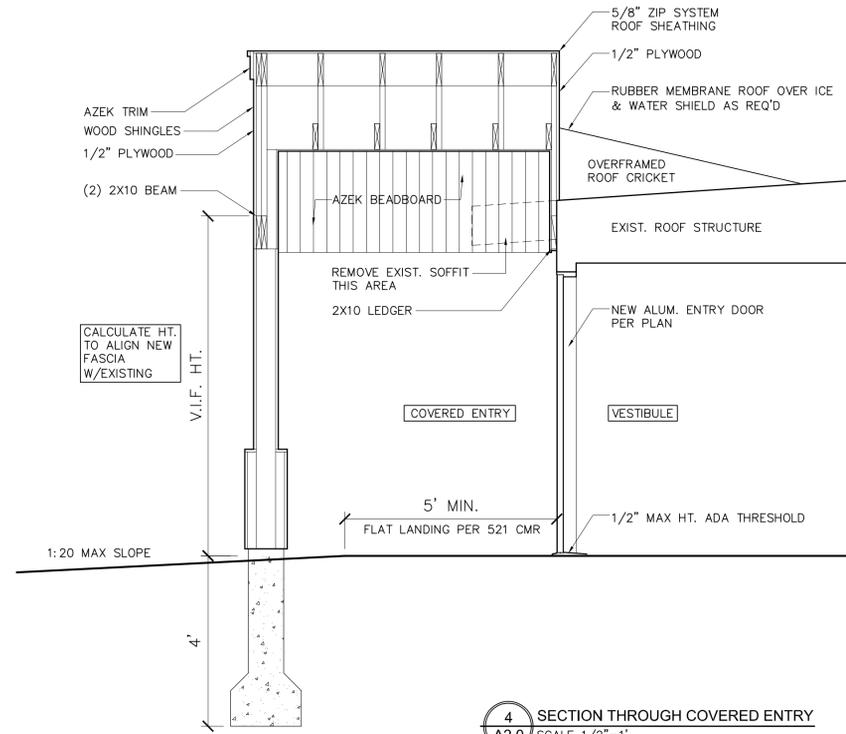
#	DATE	NOTES

PROJECT	EDGE REST.	PROJECT NO.	2015-19
DATE	1/11/2016	SCALE	AS NOTED
SCALE	AS NOTED	DRAWN BY	MG / KSC

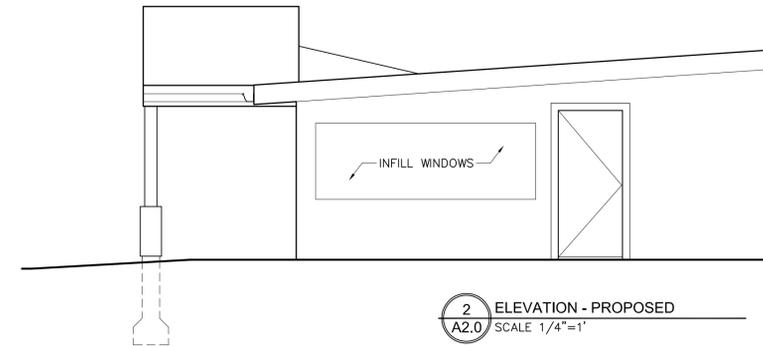
DRAWING NO.
A1.0
 TITLE
**FIRST FLOOR
 PLAN**



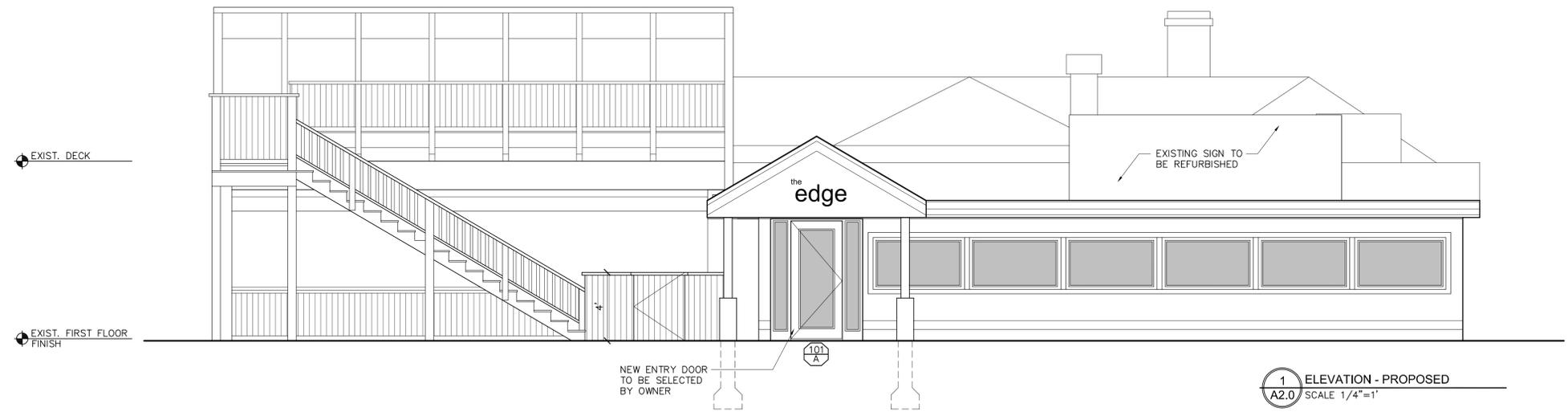
3 SECTION THROUGH COVERED ENTRY
 A2.0 SCALE 1/2"=1'



4 SECTION THROUGH COVERED ENTRY
 A2.0 SCALE 1/2"=1'



EXTERIOR DOOR SCHEDULE			
DOOR #	SIZE	DOOR DESCRIPTION	HARDWARE/NOTES
101/A	3'-0" x 6'-8"	EXTERIOR HINGED DOOR/ALUM. FRAME W/ (2) 10" SIDELITES - BRONZE	LCN 4040 OR EQUAL-SEE NOTE
102/B	3'-0" x 6'-8"	EXTERIOR HINGED DOOR/ALUM. FRAME	LCN 4040 OR EQUAL-SEE NOTE
NOTES: • ALL NEW DOORS TO HAVE MAX. 3" SILL PER ADA AND 521 CMR.			



KEVIN S. CALDWELL, AIA, LEED AP
 caldwell architectural associates, inc.
 10 whiteweed drive
 dartmouth, MA 02747
 (p) 508.965.2526
 (e) kscarch@comcast.net
 (w) www.caldwellarchitect.com

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THE EDGE RESTAURANT ALTERATIONS

1480 E. RODNEY FRENCH BOULEVARD
 NEW BEDFORD, MA

LIABILITY DISCLAIMER

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REVISIONS

#	DATE	NOTES

PROJECT	EDGE REST.	PROJECT NO.	2015-19
DATE	1/11/2016	SCALE	AS NOTED
SCALE	AS NOTED	DRAWN BY	MG / KSC

A2.0

BUILDING ELEVATIONS

REG OF DEEDS
REG #07
BRISTOL S.

01/31/14 3:08PM DL
000000 #8796

FEE \$3648.00

CASH \$3648.00

BK 11004 PG 138
01/31/14 03:04 DOC. 1957
Bristol Co. S.D.

QUITCLAIM DEED

Davy's Locker, Inc. of 1480 E. Rodney French Boulevard, New Bedford, Massachusetts in consideration of Eight Hundred Thousand and 00/100 (\$800,000.00) Dollars grants to GJK Realty, LLC, whose principal office address is 1480 E. Rodney French Boulevard, New Bedford, MA 02740 with Quitclaim Covenants, the land with buildings and improvements thereon located in New Bedford, Bristol County, Massachusetts, bounded and described as follows:

Address of property: 1480 E. Rodney French Boulevard, New Bedford

Parcel 1

Beginning at a point in the easterly line of Rodney French Blvd. (E), said point being distant northerly therein eleven and 10/100 (11.10) feet from a point of curvature;

Thence northerly in a curved line having a radius of 3,900 feet and said line being the easterly line of Rodney French Blvd. (E) a distance of ninety-one (91) feet to a point of compound curvature;

Thence continuing northerly in a curved line having a radius of 1,178 feet and still in the easterly line of Rodney French Blvd. (E) a distance of fifty-two (52) feet to a point;

Thence N 80° 09' 16" E in the southerly line of land now or formerly belonging to M.J. Medeiros Shipyard, Inc. a distance of seventy-five and 41/100 (75.41) feet to an angle point;

Thence S 19° 05' 30" E in a straight line a distance of one hundred fifty-five and 79/100 (155.79) feet to a point;

Thence S 86° 30' 00" W in a straight line a distance of ninety-six and 9/10 (96.9) feet to the point of beginning, containing 12,866 square feet.

Being Parcel "A" on a Plan of Land entitled "Subdivision of Land in New Bedford belonging to D & D Seafood, Inc. made by Alpha Engineering Company and dated January 31, 1972", recorded in the Bristol County (S.D.) Registry of Deeds at Book 87, Page 22.

For title see deed dated March 23, 1972 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 1637, Page 825.

Parcel Two

Beginning at the intersection of the easterly line of Rodney French Blvd. (E) and the northerly line of Clara Street extended; thence

N 10°35'04" E in the easterly line of said Rodney French Blvd. (E) a distance of eight and 90/100 (8.90) feet to a point of curvature; thence

Northerly in the easterly curve line of said Rodney French Blvd. (E) having a radius of 3,900 feet a distance of eleven and 10/100 (11.10) feet to a point; thence

N 86°30'00" E in a line parallel to and twenty (20) feet distant from the northerly line of Clara Street extended a distance of ninety-six and 9/10 (96.9) feet to a corner; thence

N 19° 05' 30" W in a straight line a distance of one hundred fifty-five and 79/100 (155.79) feet to a point in the southerly line of land now or formerly belonging to M.J. Medeiros Shipyard, Inc.; thence

S 80° 50' 44" E in said southerly line of M.J. Medeiros Shipyard, Inc. a distance of one hundred eighty and 5/10 (180.5) feet more or less to a point in an existing bulkhead; thence

Southerly in said bulkhead a distance of one hundred forty-four and 38/100 (144.38) feet more or less to a point in the northerly line of Clara Street extended; thence

S 86° 30' 00" W in said northerly line of Clara Street extended a distance of two hundred fifty-one and 58/100 (251.58) feet more or less to the point of beginning. Containing 24,623 square feet.

Being shown as Parcel "B" on a Plan of Land entitled "Subdivision of Land in New Bedford belonging to D & D Seafood, Inc. made by Alpha Engineering Company dated January 31, 1972", recorded in said Registry in Book 87, Page 22.

For title see deed of Southeastern Bank and Trust Company dated April 20, 1978 and recorded in the Bristol County (S.D.) Registry of Deeds at Book 1759, Page 1152.

Parcel 3

Beginning at a point in the easterly line of East Rodney French Boulevard at a stake and a chain link fence;

Thence North 84° 42' 29" East, seventy-five (75) feet to a p.k. nail;

Thence at an angle of 161° South 76° 17' 31" East, thirty and 61/100 (30.61) feet to an angle;

Thence South 76° East, one hundred fifty and $\frac{3}{10}$ (150.3) feet, more or less; to edge of bulkhead;

Thence South 76° East into the Acushnet River to the limits of riparian rights; thence

BEGINNING again at the point of beginning;

Thence North $82^{\circ} 29' 4''$ East, one hundred and $\frac{78}{100}$ (100.78) feet along the chain link fence to the edge of riprap to an angle;

Thence South $82^{\circ} 29' 54''$ East, one hundred fifty-seven and $\frac{55}{100}$ (157.55) feet along said riprap to the edge of the bulkhead and an angle;

Thence North $82^{\circ} 29' 4''$ East into the Acushnet River to the limits of riparian rights; and

Thence Southerly by the channel of the Acushnet River as far as riparian rights extend to the south border.

Being shown as Parcel "B" on plan entitled "Plan of Land, New Bedford, Mass. Prepared for Carl Pimentel, Scale 1"=30', Dec. 31, 1974, Garcia, Hanack & Richard Engineering Corp. New Bedford, Mass.", filed with Bristol County (S.D.) Registry of Deeds in Plan Book 94, Page 32.

Together with the benefit of Chapter 18 of the Acts of 1806 and two (2) licenses issued by the Department of Public Works of the Commonwealth of Massachusetts dated October 14, 1964 recorded in the Bristol County (S.D.) Registry of Deeds in Book 1466, Page 10, see also plan filed with said license in said Registry, Plan Book 68, Page 38, and license dated August 11, 1965, recorded in said Registry in Book 1506, Page 496, see also plan filed with said license in said Registry in Plan Book 71, Page 26.

Subject to easements of record insofar as the same may be in force and effect.

For title see deed of Southeastern Bank and Trust Company dated April 20, 1978 and recorded in the Bristol County (S.D.) Registry of Deeds at Book 1759, Page 1152.

Parcel 4

BEGINNING at the Southwesterly corner of the premises to be described, said point forming the Northeast intersection of Clara Street and Rodney French Boulevard, in New Bedford, Massachusetts;

Thence running in a general Northwesterly direction a distance of 21.12 feet to a point;

Thence continuing in said general Northwesterly direction a distance of 140.00 feet to a point for a corner;

Thence turning and running Easterly a distance of 38.00 feet to land now or formerly of Davy's Locker, Inc. to a point for corner;

Thence turning and running Southerly a distance of 52.00 feet to a point, along the Westerly boundary of land now or formerly of Davy's Locker, Inc.;

Thence continuing in said Southerly direction 91.00 feet to a point, along the Westerly boundary of land now or formerly of Davy's Locker, Inc.;

Thence continuing in said Southerly direction 12.81 feet to a point, along the Westerly boundary of land now or formerly of Davy's Locker, Inc.;

Thence continuing in said Southerly direction 8.9 feet to a point for a corner, along the Westerly boundary of land now or formerly of Davy's Locker, Inc.;

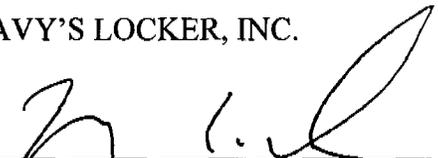
Thence turning and running Westerly 9.09 feet to the point and place of beginning.

Being the same premises acquired by Davy's Locker, Inc. in conjunction with the discontinuance of East Rodney French Boulevard by virtue of the Resolution of the New Bedford City Counsel, dated January 22, 1976, and recorded with the Bristol County, Registry of Deeds at Book 1713 Page 177. See also Affidavit given pursuant to Massachusetts General Laws Chapter 183, Section 5(b) to be recorded concurrently herewith.

All of the property conveyed by this deed is conveyed subject to an outstanding Administrative Consent Order of the Massachusetts Department of Environmental Protection, as amended, which Grantee hereby agrees to assume.

Witness its hand and seal this 31st day of January, 2014.

DAVY'S LOCKER, INC.

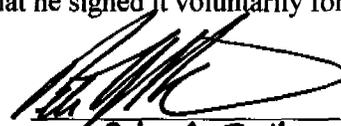


Jeffrey Dolinsky, Its President and
Treasurer

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

On this 31st day of January, 2014, before me, the undersigned Notary Public, personally appeared Jeffrey Dolinsky, personally known to me to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose as President and Treasurer of Davy's Locker, Inc.



Peter A. Saulino, Notary Public
My commission expires: 7/8/16



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
GGK 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) 287 ; street address (if applicable) 1480 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.



**CITY OF NEW BEDFORD
MASSACHUSETTS**

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

PROJECT LOCATION:

1480 E. Rodney French Blvd MAP 12 LOT(S) 287

APPLICANT: GGK Realty, LLC

CONSERVATION COMMISSION FEES (check all that apply):

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

(A.) ALTERATION FEES:

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

	<u>AMOUNT DUE</u>
• Application and Field Review Fee (\$150.00)	\$ _____
• \$0.50 X _____ SF Wetland Resource Area	\$ _____
• \$0.05 X <u>99</u> SF Land Subject Coastal Flooding	\$ <u>154.95</u>
• \$0.20 X _____ SF Developed Riverfront Area	\$ _____
• \$1.00 X _____ SF Undeveloped Riverfront Area	\$ _____
• \$5.00 X _____ LF Coastal Bank	\$ _____
• \$0.10 X _____ SF Buffer Zone	\$ _____

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

1638

53-447/113
451

02/04/15 Date

Pay to the
Order of

City of NB
one hundred fifty four and 95/100

\$ 154.95

Dollars

 Security
Features
Details on
Back.

ROCKLAND TRUST

For

J. Kulpinski

⑆011304478⑆

1451007668⑈

1638