ENVIRONMENTAL STEWARDSHIP DEPARTMENT/CONSERVATION COMMISSION

CITY OF NEW BEDFORD
Jonathan F. Mitchell, Mayor

PLANNING
DEC 15 2014
DEPARTMENT

December 15, 2014

Mr. Ian M. Comerford, Chairman
New Bedford Zoning Board of Appeals
City Hall Room 303
133 William Street
New Bedford, MA 02740

Re: Petition for a Variance dated 11/14/2014
Lots 477,478,479 & 486 – Lambeth Street

Dear Chairman Comerford and members of the Board,

I have reviewed the Petition for a Variance site plan (dated 10/31/2014) submitted for the above-referenced property on Lambeth Street. With respect to the wetland boundary shown on the site plan, please be aware that this is not a wetland boundary that has been before the Conservation Commission for approval. Therefore, it is unknown at this time if that wetland boundary is the limit of wetlands subject to protection under the MA Wetlands Protection Act (M.G.L. c 131, S40).

I bring this to your attention because of the definition of the Area of a Lot under the Zoning Ordinance requires that: *at least 80% of the lot area required for zoning compliance shall be contiguous land other than that under any water body, bog, swamp, wet meadow, marsh, or other wetland, as defined in M.G.L.A. c. 131, § 40, as amended.* The only way to determine if the wetland boundary shown on the plan is the limit of State defined wetlands is for the applicant to file a Request for Determination of Applicability or an Abbreviated Notice of Resource Area Delineation with the Conservation Commission. The Commission then reviews the boundary and either approves it as shown or may modify it to reflect all of the State protected wetlands in which case the site plan has to be modified to illustrate the revised boundary. Once the boundary has been depicted accurately on the site plan the Commission will issue either a Determination of Applicability or Order of Resource Area Delineation approving the wetland boundary as the limit of State wetlands.

Please note the 25' Buffer shown on the site plan is an area where the Commission works with the applicant to limit any disturbance. It is commonly termed the "No Disturb Zone" but it is not a State protected wetland.

Please contact me if you should have any questions regarding this correspondence.

133 William Street, Room 304, New Bedford, MA 02740
(508) 991-6188 Tel. · (508) 961-3045 Fax

Sincerely,

Sarah E. Porter

Sarah E. Porter
Conservation Agent

cc (via email): Conservation Commissioners, Michele Paul, Jane Medeiros Friedman, Jill Maclean, Danny Romanowicz

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