



15 Creek Rd. Marion, MA 02738
(508) 748-0937
www.foth.com

September 11, 2019

Ms. Sarah Porter
Dept. of Environmental Stewardship
133 William Street - Rm 304
New Bedford, MA 02740

Dear Ms. Porter:

RE: 1494 East Rodney French Blvd
Request for Certificate of Compliance, File No. SE 49-0713, Order of Conditions
issued on April 22, 2015

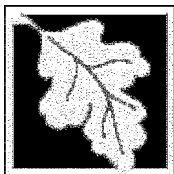
On behalf of VVK Realty, LLC, we respectfully request that the Conservation Commission issue a Certificate of Compliance for the above referenced Order of Conditions (Order). The work permitted under this Order was completed in substantial compliance with the Order. The attached application describes the completed work, and as-built plan shows the proposed and completed work. The property is scheduled to be sold and the applicant is requesting to close out the referenced Order as the work was done and the Order has expired. We would appreciate your attention to this request as the Certificate of Compliance is required as part of the sale of the property.

Please feel free to contact me with any questions.

Sincerely,
Foth Infrastructure & Environment, LLC

Susan E. Nilson, P.E.
Director – Ports and Harbors

cc: Gregory Kulpinski
Christopher Saunders, Esq.
Michael Kehoe, Esq.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

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

DEP File Number:

SE 49-0713

Provided by DEP

A. Project Information

Important:

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Gregory Kulpinski

Name

99 Flag Swamp Road

Mailing Address

North Dartmouth

City/Town

MA

State

02474

Zip Code

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Gregory Kulpinski

Applicant

04/22/2015

Dated

SE 49-0713

DEP File Number

3. The project site is located at:

1494 East Rodney French Blvd

Street Address

New Bedford

City/Town

Map 12

Assessors Map/Plat Number

Lot 77

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Gregory Kulpinski

Property Owner (if different)

Bristol

County

11352

Book

158

Page

Certificate (if registered land)

5. This request is for certification that (check one):

☐ the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

☒ the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

The work permitted was completed. The project as-built is attached and shows the constructed pervious pavers are 1,000 square feet smaller than the permitted area. The moveable tiki bar was located within the proposed pervious paver area.

☐ the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

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A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

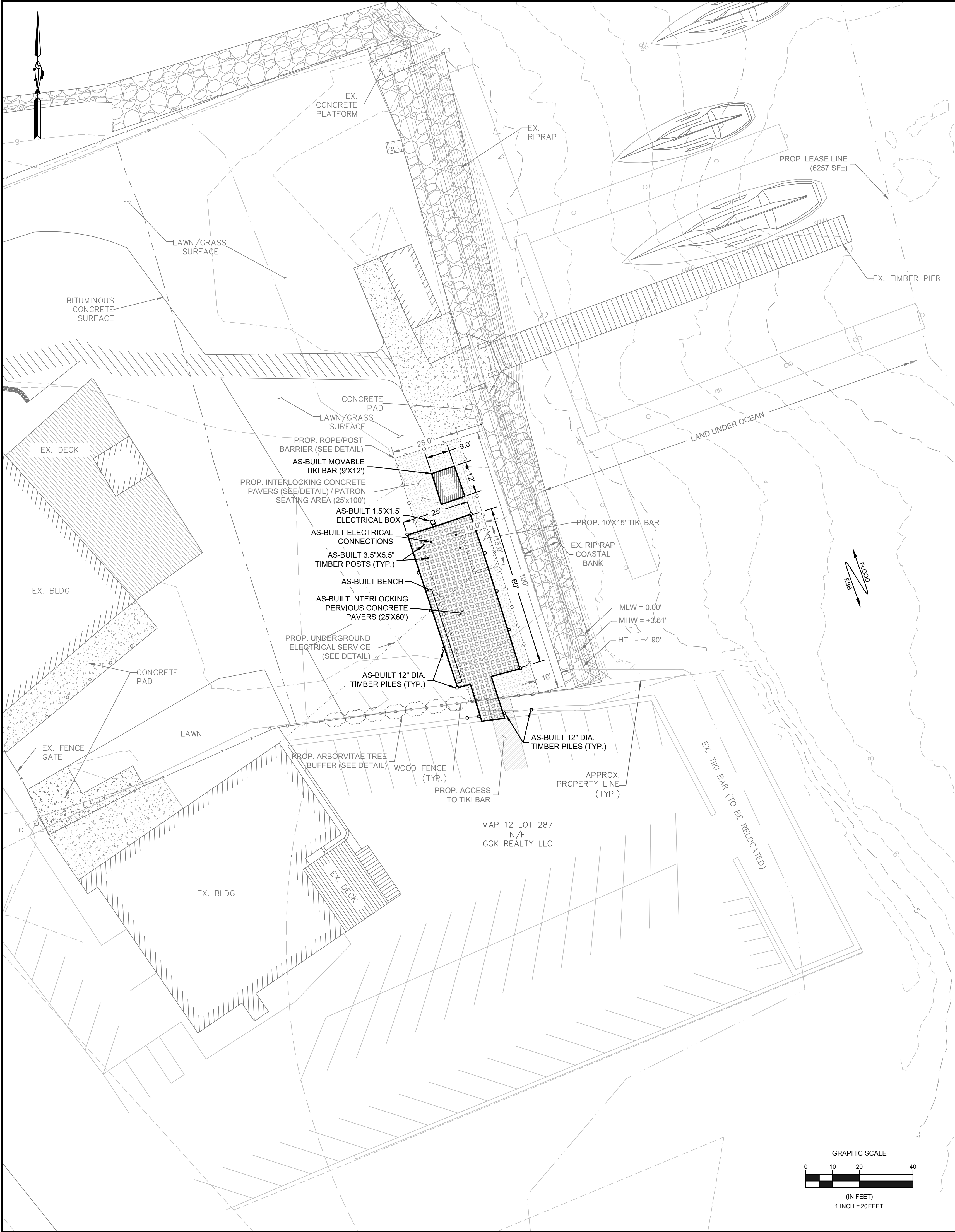
☒ Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

☐ No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

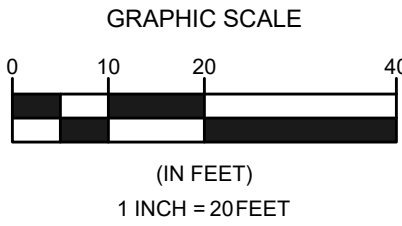


AS-BUILT TIKI AREA, PHOTO TAKEN LOOKING NORTH



AS-BUILT TIKI AREA, PHOTO TAKEN LOOKING NORTH/WEST

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



DATUMS

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

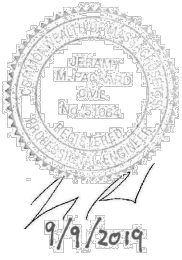
- GENERAL NOTES:**
- RESULTS OF TOPOGRAPHIC SURVEY DATED 04-02-14 AND HYDROGRAPHIC SURVEY BY CLE ENGINEERING, INC. (CLE) DATED 3/19/14 AND 11/3/14. AS-BUILT SURVEY PERFORMED 10/14/2016.
 - ELEVATIONS ARE IN FEET AND TENTHS, AND REFER TO NAVD 88.
 - PROJECT BENCHMARK IS U.S. ARMY CORPS OF ENGINEERS BENCHMARK NAE32-BBCC73, ELEVATION 4.87' NAVD88 (6.71' MLW).
 - SITE BENCHMARK IS A PK NAIL (SET) IN SIDEWALK. EL. = 9.32' MLW.
 - THE INFORMATION DEPICTED ON THIS PLAN REPRESENTS THE RESULTS OF SURVEYS PERFORMED ON THE DATES SHOWN, AND CAN ONLY BE CONSIDERED AS INDICATING THE CONDITIONS AT THAT TIME. INTERPOLATED INFORMATION FROM BETWEEN SOUNDING RUNS IS NOT GUARANTEED. SHOALS, OBSTRUCTIONS OR OTHER DIFFERING CONDITIONS MAY EXIST BETWEEN THESE RUNS. NO SURVEYS WERE CONDUCTED TO LOCATE PROPERTY LINES, CHANNEL LIMITS, EASEMENTS, UTILITIES, GEOTECHNICAL FEATURES, STRUCTURES, HABITATS OR ANY OTHER PHYSICAL FEATURES RELATING TO THE PROJECT SITE, NOR DOES CLE WARRANT THE EXISTENCE OR LOCATION OF SAID PHYSICAL FEATURES.
 - PROJECT SITE LOCATED WITHIN FEMA ZONE VE 17 NAVD 88.
 - FLOOD PLAIN INFORMATION FROM FEMA FIRM: CITY OF NEW BEDFORD, MA, PANEL 255216 0482 G AND EFFECTIVE DATE JULY 16, 2014.
 - APPROXIMATE PROPERTY LINE LOCATIONS. SHELLFISH SUITABILITY AND NHESP AREAS AND HISTORIC HIGH WATER LINE ARE LOCATED FROM MOST CURRENT AVAILABLE MA GIS DATA.
 - POSSESSION AND USE OF THE MATERIAL CONTAINED ON THESE DRAWINGS IS GRANTED ONLY IN CONNECTION WITH ITS USE AS IT RELATES TO THE TITLED PROJECT, ANY OTHER USE, REPRODUCTION OR DISCLOSURE OF THE INFORMATION CONTAINED HEREON IS EXPRESSLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF CLE ENGINEERING INC.
 - IN THE EVENT OF PREDICTED SEVERE STORM EVENTS WITH COASTAL FLOODING, THE TIKI BAR AND UTILITIES WILL BE DISCONNECTED AND THE BAR WILL BE TRAILERED TO BAYLINE MARINE'S FACILITY, WHICH IS LOCATED ON THE NORTH OF THE USACE HURRICANE BARRIER, OR AN ALTERNATE SECURE LOCATION OFF SITE.

THIS DOCUMENT MAY NOT BE USED WITHOUT THE WRITTEN APPROVAL OF FOTH INFRASTRUCTURE AND ENVIRONMENT, LLC. FOTH INFRASTRUCTURE AND ENVIRONMENT, LLC ACCEPTS NO LIABILITY FOR ANY ERRORS OR OMISSIONS, AND ASSUMES NO RESPONSIBILITY OF THE UNAUTHORIZED USER. IT IS A VIOLATION OF LAW FOR ANY PERSON TO ALTER THIS DOCUMENT UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER. THIS DRAWING WAS PREPARED AT THE GRAPHIC SCALE INDICATED. INACCURACIES IN THE STATED SCALE MAY BE INTRODUCED WHEN DRAWINGS ARE REPRODUCED BY ANY MEANS.

WK REALTY, LLC
1494 E. RODNEY FRENCH BLVD.
SEASONAL TIKI BAR
AS-BUILT PLAN

REVISIONS		DESCRIPTION	
NO.	BY	DATE	
1	Δ		
2	Δ		
3	Δ		
4	Δ		
5	Δ		
6	Δ		
7	Δ		
8	Δ		
9	Δ		
10	Δ		

DATE OF PREPARATION		
	BY	DATE
SURVEYED	JMP	10/14/2016
DRAWN	MGB	9/6/2019
DESIGNED	JMP	
CHECKED	JMP	9/9/2019





**CITY OF NEW BEDFORD
MASSACHUSETTS**

**CONSERVATION COMMISSION
2018 FILING FEE CALCULATION WORKSHEET***

PROJECT LOCATION:

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

APPLICANT: Gregory Kulpinski, VVK Realty, LLC

CONSERVATION COMMISSION FEES (check all that apply):

- ☐ REQUEST FOR DETERMINATION OF APPLICABILITY
- ☐ NOTICE OF INTENT
- ☐ AMENDED ORDER OF CONDITIONS
- ☐ EXTENSION PERMIT
- ☒ CERTIFICATE OF COMPLIANCE
- ☐ AFTER THE FACT FILING

(A.) ALTERATION FEES:

Application and field review of a project proposed in a Wetland Resource Area or its Buffer Zone is \$200.00 plus the applicable alteration fee as follows

	<u>AMOUNT DUE</u>
• Application and Field Review Fee (\$200.00)	\$200.00
• \$0.50 X _____ SF Wetland Resource Area Fee shall not exceed \$2,000.00 per project	/\$ _____
• \$0.05 X _____ SF Land Subject Coastal Flooding Fee shall not exceed \$500.00	\$ _____
• \$0.50 X _____ SF Developed Riverfront Area Fee shall not exceed \$1,500.00	\$ _____
• \$1.00 X _____ SF Undeveloped Riverfront Area Fee shall not exceed \$2,000.00	\$ _____
• \$5.00 X _____ LF Coastal or Inland Bank Fee shall not exceed \$750.00	\$ _____
• \$0.10 X _____ SF Buffer Zone Fee shall not exceed \$6,500.00	\$ _____

(B.) EXTENSION of an Order of Conditions:

- Single Family Dwelling or minor project (house addition, in ground pool etc)
\$300.00 \$ _____
- Subdivision/Commercial 600.00 \$ _____

(C.) AMENDING AN ORDER OF CONDITIONS:

- Single family dwelling or minor project (house, in ground pool etc)
\$300.00 plus new alteration fee – refer to (A) above \$ _____
- Subdivision/Commercial \$1,000.00 plus new alteration fee – refer to (A) above
\$ _____

(D.) WETLAND DELINEATION VERIFICATION (WITH OR WITHOUT A PROPOSED ALTERTATION)

- ½ acre or less \$250.00 \$ _____
- ½ acre to 2 acres \$500.00 (\$100.00/acre thereafter)
not to exceed \$3,500.00 \$ _____

(E.) DOCKS:

- \$100.00 + \$10.00 X _____ LF of dock \$ _____

(F.) CERTIFICATES OF COMPLIANCE

- One new house \$250.00 \$ _____
- One activity at an existing house \$200.00 \$ _____
- Commercial & Industrial Facilities \$1,500.00 \$ 1,500
- New Roadways 1,500.00 \$ _____

Partial Certificates of Compliance are the same fee as a Certificate of Compliance

(G.) AFTER THE FACT FILING FEE

- \$500.00 for a Notice of Intent or Amended Order of Conditions \$ _____
- \$250.00 for a Request for Determination of Applicability \$ _____

TOTAL AMOUNT DUE (including after-the-fact fee if applicable): \$ 1,500

Notes:

* Please refer to the Conservation Commission Fee Schedule – dated 8/2018

Please make check or Money Order payable to: THE CITY OF NEW BEDFORD.
Cash is not accepted.

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

1219

53-7064/2113
10

CHECK ARMOR
TRADE PROTECTION

DATE SEP 6 - 2019

PAY
TO THE
ORDER OF

City of NB

\$ 1500.00

THE SUM 1500 DOLS 00 CTS

DOLLARS

Security
Features
Details on
Back.

 **BankFive**

FALL RIVER, MA 02722

FOR

J. Depina

MP

⑈001219⑈ ⑆211370642⑆901672271⑈