

# **SCHNEIDER, DAVIGNON & LEONE, INC.**

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

N. DOUGLAS SCHNEIDER, P.E., P.L.S.  
MATTHEW C. LEONE, P.L.S.



DAVID M. DAVIGNON, P.E.  
JAY MCKINNON, E.I.T.

June 10, 2019

City of New Bedford  
Conservation Commission  
133 Williams Street  
New Bedford, MA 02740  
Attn: Sarah Porter, Agent

***Re: Request for a Certificate of Compliance – DEP File No. SE 49-473***

Owner/Applicant: BLF Realty Trust, c/o: Brian Faltus  
Site Address: 226 Popes Island  
Lot #11 on Assessors Map #60

Dear Sarah,

On behalf of the BLF Realty Trust, Schneider, Davignon & Leone, Inc. hereby submits the attached Information for the purposes of issuing a Certificate of Compliance (COC) for the above described project.

On June 29, 2004, the New Bedford Conservation Commission (NBCC) issued the Order of Conditions (OOC) permitting a proposed 2-Phase improvement project.

***Phase 1*** consisted of the proposed removal of an 8' wide x 124' long pile-supported pier and the construction of a 12' wide x 124' long replacement structure - in the same general location and at the same finished deck elevation.

***The work for this Phase was completed in substantial compliance with the License Plan of Record.***

***Phase 2*** consisted of constructed a wave attenuator fence along the seaward most fixed pile supported pier.

***The proposed work never commenced and the OOC has expired.***

It is my opinion that the work which did commence was completed in substantial compliance with the OOC and Plan of Record.

Consequently I respectfully request that the NBCCC issue a COC for SE 49-473 - for the purposes of clearing the Title for the property and allowing a P & S Agreement to conclude.

If you have any questions or need additional information, please contact me at (508) 758-7866 (ext. 203).

Sincerely,  
Schneider, Davignon & Leone, Inc.

David M. Davignon, P.E.

cc: File 1474  
BLF Realty Trust





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:

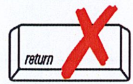
SE 49-473

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:

Schneider, Davignon & Leone, Inc.

Name

P.O. Box 480, 1 County Road

Mailing Address

Mattapoisett

MA

02739

City/Town

State

Zip Code

(508) 758-7866

Phone Number

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

BLF Realty Trust, c/o: Brian Faltus

Applicant

June 29, 2004

SE 49-473

Dated

DEP File Number

3. The project site is located at:

Route #6 (Popes Island)

New Bedford

Street Address

City/Town

#60

#11

Assessors Map/Plat Number

Parcel/Lot Number

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

BLF Realty Trust

Property Owner (if different)

Bristol

7048

215

County

Book

Page

Certificate (if registered land)

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

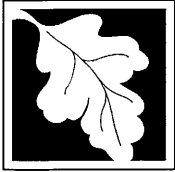
☐ the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

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

Phase 1 - proposed work which consisted of reconstructing 124 ft. of existing pile supported pier was completed.

Phase 2 - work which consisted of constructing a wave attenuator fence - never commenced.

☐ 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

**WPA Form 8A – Request for Certificate of Compliance**

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

DEP File Number:

SE 49-473

Provided by DEP

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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

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**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 Attachment).

## **AGREEMENT**

Lori Faltus, Trustee of the BLF Realty Trust (hereafter "Faltus") of 59 Orchard Street, Fairhaven, Massachusetts, owner of 226 Pope's Island, a/k/a "Captain Leroy's", New Bedford, Massachusetts (hereafter "Premises"), and the New Bedford Conservation Commission (hereafter "ConCom") of 133 William Street, New Bedford, Massachusetts, do enter into this Agreement.

**Whereas**, Faltus is desiring that the ConCom consider her request for Certificates of Completion for Notices of Intent (hereafter NOI) numbered SE 49-67, SE 49-473 and SE 49-538;

**Whereas**, the ConCom charges a fee of \$1,500.00 per each NOI for which a certificate is requested;

**Whereas**, Faltus has paid a fee of \$1,500.00 fee for a Certificate of Completion for NOI SE 49-67;

**Whereas**, Faltus, at present, lacks sufficient funds to pay for the remaining two certificates requested;

**Whereas**, Certificates of Completion are required for the sale of the premises, which are the subject of a duly executed and binding Purchase and Sale Agreement;

Now therefor, the parties agree as follows:

1. ConCom shall consider all three NOI's for Certificates of Completion for the premises at its meeting on July 18, 2019, including SE 49-67 for which a fee was paid.
2. ConCom shall consider the remaining two NOI's for the premises at its meeting, without the requisite payment of \$3,000.00, prior to July 18, 2019.

3. In consideration thereof, Faltus agrees that the sum of \$3,000.00 shall be deducted from the proceeds of sale at the closing for the premises, which sum shall be considered akin to a municipal charge, for said purpose alone.

4. Faltus hereby irrevocably directs the Settlement Agent to deduct the amount of \$3,000.00 from Seller's gross proceeds at any closing and shall remit said sum to the ConCom, immediately thereafter, by mailing a check to ConCom for same.

5. The ConCom members signing below are fully authorized to enter into this Agreement with Faltus.

Signed and sealed this \_\_\_\_\_ day of June, 2019.

BLF Realty Trust

New Bedford Conservation Commission

By: Lori Faltus  
Lori Faltus, Trustee

6/10/19

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

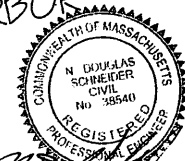
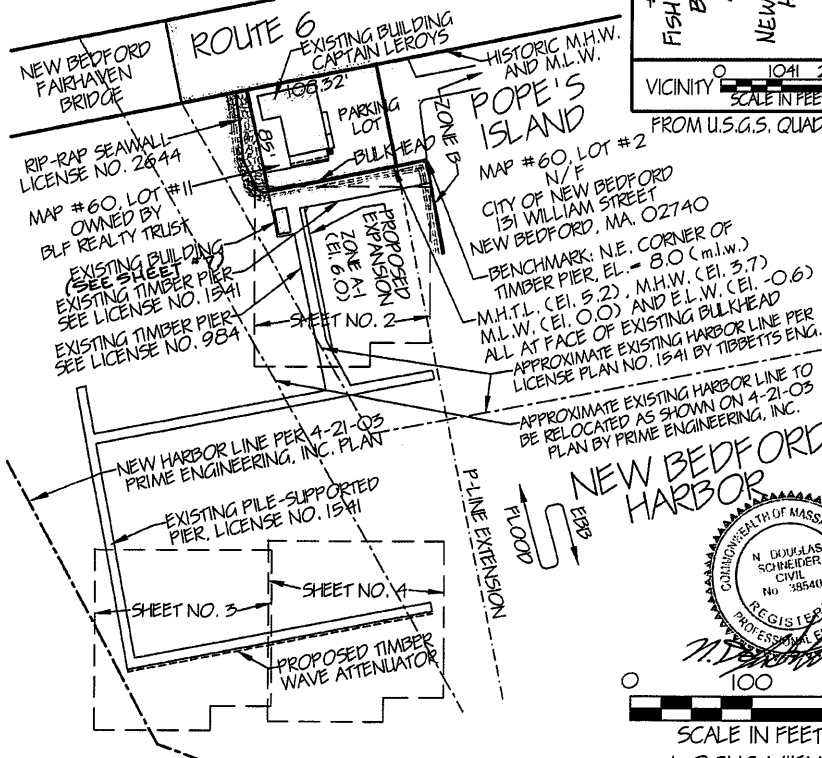
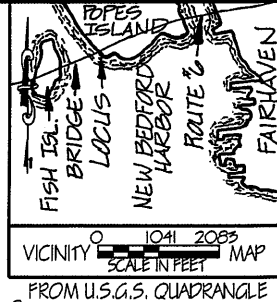
By: \_\_\_\_\_

"I CERTIFY THAT THIS PLAN  
CONFORMS WITH THE RULES  
AND REGULATIONS OF THE  
REGISTERS OF DEEDS".

*David M. Wagoner*  
PREPARER

GENERAL NOTES:

- 1.) ELEVATIONS REFER TO MEAN LOW WATER (EL. = 0.0) DATUM.
- 2.) SOUNDINGS ARE IN FEET, ARE SHOWN AS CONTOURS AND REFER TO DEPTHS BELOW THE PLANE OF MEAN LOW WATER.
- 3.) FLOOD ZONES ARE AS DELINEATED ON F.I.R.M. COMMUNITY-PANEL NUMBER 255216 0009 B AND 0012 B.



0 100 200

SCALE IN FEET  
LOCUS VIEW

PLANS ACCOMPANYING PETITION OF  
BLF REALTY TRUST  
TO PERFORM REPAIRS AND IMPROVEMENTS TO  
THE PIER STRUCTURES AT CAPTAIN LEROY'S, INC.  
MARINA FACILITY ON POPE'S ISLAND IN THE  
NEW BEDFORD HARBOR  
CITY OF NEW BEDFORD  
COUNTY OF BRISTOL, MA.  
APRIL 22, 2004 SCALE AS NOTED  
N. DOUGLAS SCHNEIDER & ASSOCIATES, INC.  
PROFESSIONAL CIVIL ENGINEERS  
1 COUNTRY ROAD, P.O. BOX 480  
MATTAPOISETT, MA. 02139  
1-508-758-7866

Drawn By: D.M.D. Checked By: N.D.S. Job No. 1474

1	JANUARY 13, 2005	ADD SHEET NO. 7
NO.	REVISION DATE	DESCRIPTION

SHEET 1 OF 7 SHEETS

LICENSE PLAN NO. 10193

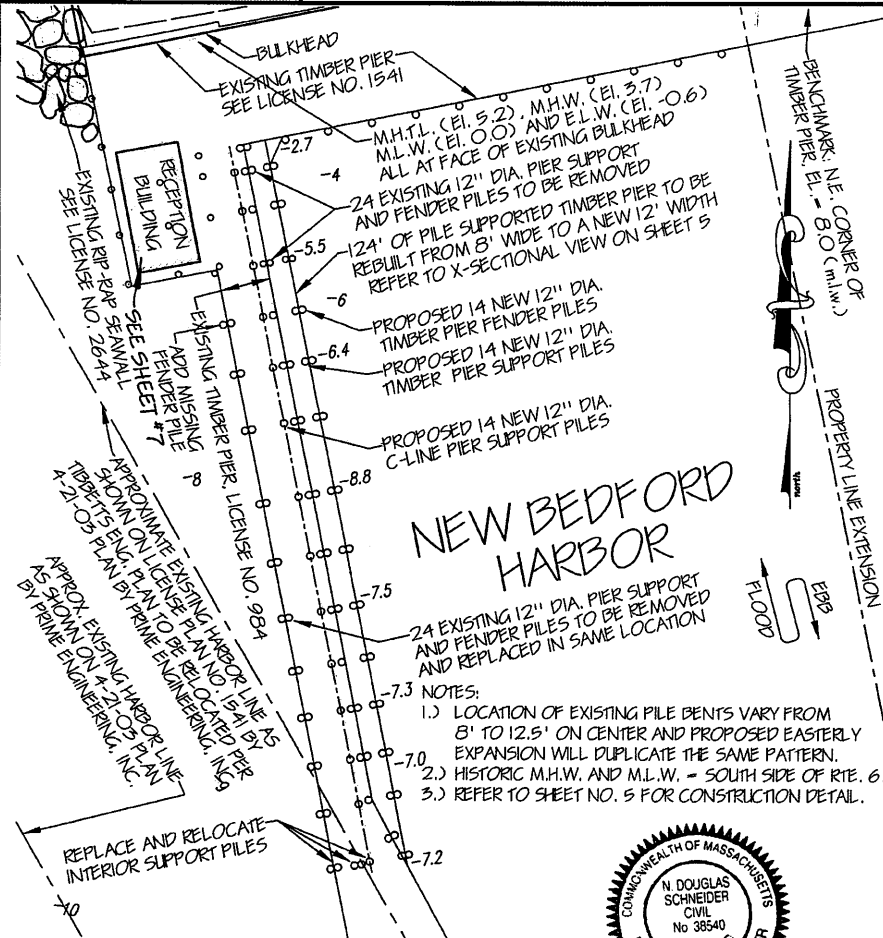
Approved by Department of Environmental Protection  
of Massachusetts

*Mitch Zancina*  
APR 23 2005



"I CERTIFY THAT THIS PLAN  
CONFORMS WITH THE RULES  
AND REGULATIONS OF THE  
REGISTERS OF DEEDS".

*David M. Wagner*  
PREPARER



0 20 40  
SCALE IN FEET

PLAN VIEW - NORTH

BLF REALTY TRUST  
NEW BEDFORD HARBOR  
CITY OF NEW BEDFORD  
COUNTY OF BRISTOL, MA.  
APRIL 22, 2004 SCALE AS NOTED  
N. DOUGLAS SCHNEIDER & ASSOCIATES, INC.

Drawn By: D.M.D. Checked By: N.D.S. Job No. 1474



1	JANUARY 18, 2005	ADD SHEET NO. 7
NO.	REVISION DATE	DESCRIPTION

SHEET 2 OF 7 SHEETS

LICENSE PLAN NO. 10193  
Approved by Department of Environmental Protection  
State

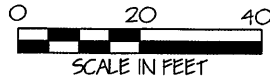
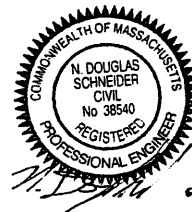
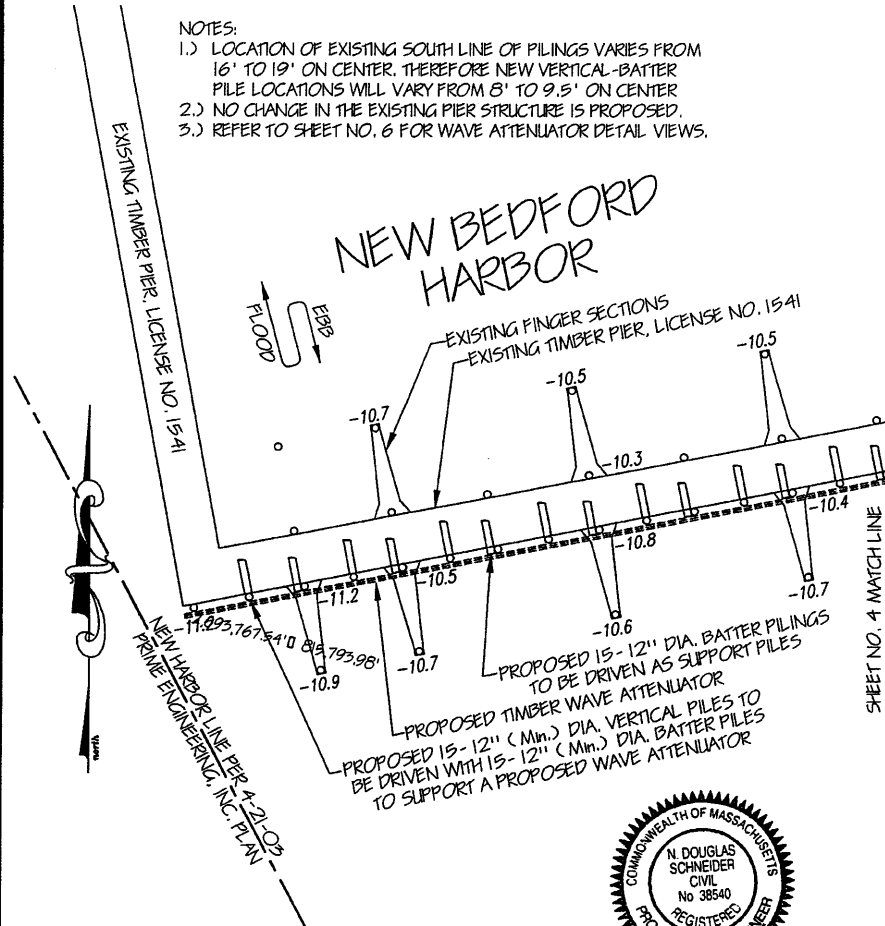
APR 23 2004

"I CERTIFY THAT THIS PLAN  
CONFORMS WITH THE RULES  
AND REGULATIONS OF THE  
REGISTERS OF DEEDS".

*David M. Wainman*  
PREPARER

NOTES:

- 1.) LOCATION OF EXISTING SOUTH LINE OF PILINGS VARIES FROM 16' TO 19' ON CENTER. THEREFORE NEW VERTICAL-BATTER PILE LOCATIONS WILL VARY FROM 8' TO 9.5' ON CENTER
- 2.) NO CHANGE IN THE EXISTING PIER STRUCTURE IS PROPOSED.
- 3.) REFER TO SHEET NO. 6 FOR WAVE ATTENUATOR DETAIL VIEWS.



SCALE IN FEET  
PLAN VIEW - SOUTHWEST

BLF REALTY TRUST  
NEW BEDFORD HARBOR  
CITY OF NEW BEDFORD  
COUNTY OF BRISTOL, MA.  
APRIL 22, 2004 SCALE AS NOTED  
N. DOUGLAS SCHNEIDER & ASSOCIATES, INC.

Drawn By: D.M.D. Checked By: N.D.S. Job No. 1474

1	JANUARY 18, 2005	ADD SHEET NO. 7
NO.	REVISION DATE	DESCRIPTION

SHEET 3 OF 7 SHEETS

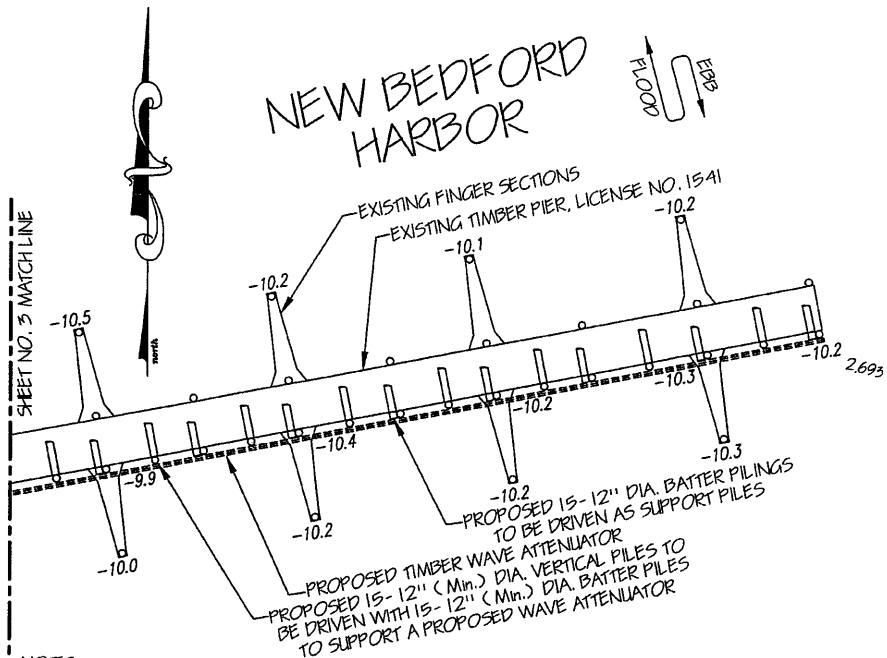
LICENSE PLAN NO. 10/93  
Approved by Department of Environmental Protection  
Date

APR 25 2005



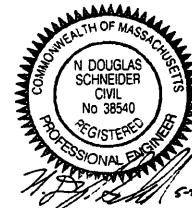
"I CERTIFY THAT THIS PLAN  
CONFORMS WITH THE RULES  
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REGISTERS OF DEEDS".

*David M. Daigner*  
PREPARER



NOTES:

- 1.) LOCATION OF EXISTING SOUTH LINE OF PILINGS VARIES FROM 16' TO 19' ON CENTER. THEREFORE NEW VERTICAL-BATTER PILE LOCATIONS WILL VARY FROM 8' TO 9.5' ON CENTER
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PLAN VIEW - SOUTHEAST

BLF REALTY TRUST  
NEW BEDFORD HARBOR  
CITY OF NEW BEDFORD  
COUNTY OF BRISTOL, MA.  
APRIL 22, 2004 SCALE AS NOTED  
N. DOUGLAS SCHNEIDER & ASSOCIATES, INC.

1	JANUARY 18, 2005	ADD SHEET NO. 7
NO.	REVISION DATE	DESCRIPTION

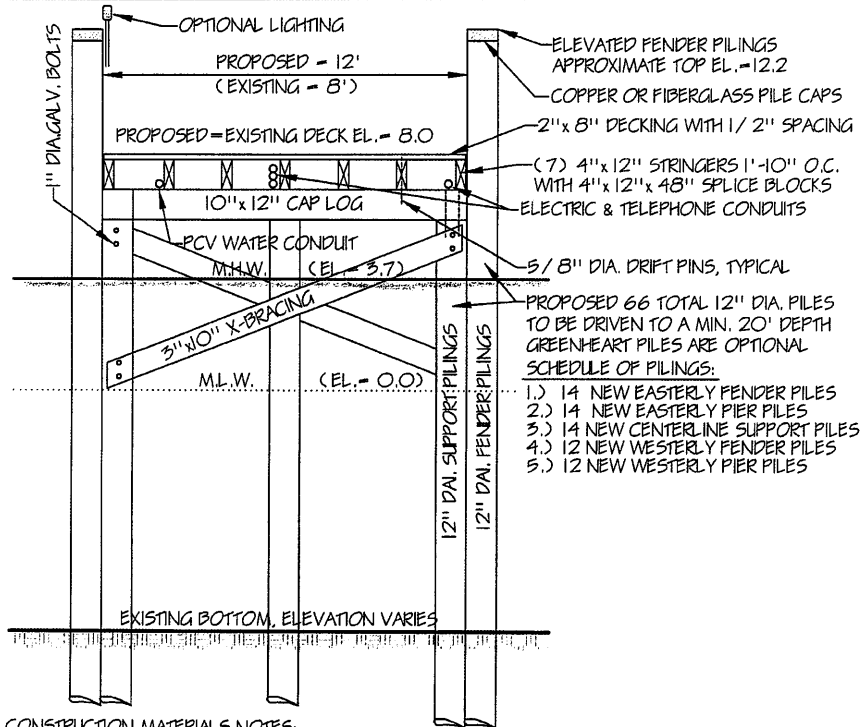
SHEET 4 OF 7 SHEETS

LICENSE PLAN NO. 10/93  
Approved by Department of Environmental Protection  
Date APR 23, 2004

Drawn By: D.M.D. Checked By: N.D.S. Job No. 1474

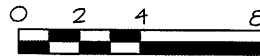
"I CERTIFY THAT THIS PLAN  
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AND REGULATIONS OF THE  
REGISTERS OF DEEDS".

*David M. Wagoner*  
PREPARER



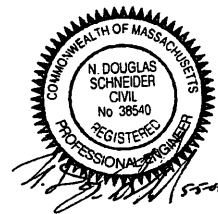
CONSTRUCTION MATERIALS NOTES:

- 1.) PILING AND X-BRACING TO BE CCA TREATED AT 2.5 P.C.F.
- 2.) ALL OTHER TIMBER TO BE CCA TREATED AT 1.0 P.C.F.
- 3.) ALL HARDWARE TO BE HOT-DIPPED GALVANIZED.



SCALE IN FEET

PIER RECONSTRUCTION X-SECTION



1	JANUARY 18, 2005	ADD SHEET NO. 7
NO.	REVISION DATE	DESCRIPTION

SHEET 5 OF 7 SHEETS

**LICENSE PLAN NO. 10193**  
Approved by Department of Environmental Protection  
Date:

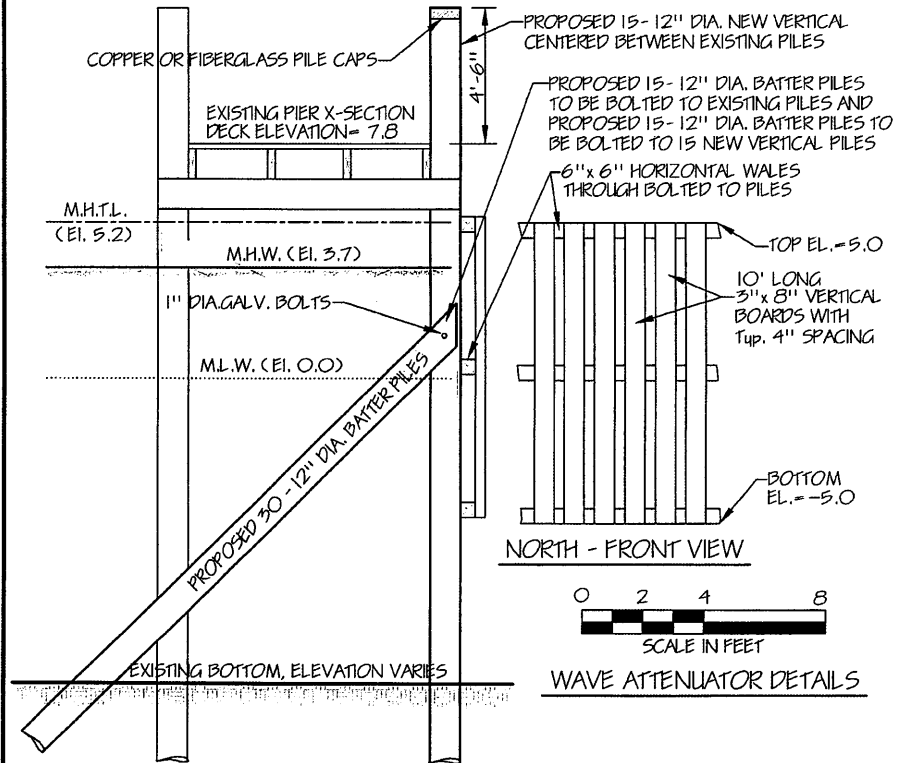
APR 25 2005

BLF REALTY TRUST  
NEW BEDFORD HARBOR  
CITY OF NEW BEDFORD  
COUNTY OF BRISTOL, MA.  
APRIL 22, 2004 SCALE AS NOTED  
N. DOUGLAS SCHNEIDER & ASSOCIATES, INC.

Drawn By: D.M.D. Checked By: N.D.S. Job No. 1474

"I CERTIFY THAT THIS PLAN  
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AND REGULATIONS OF THE  
REGISTERS OF DEEDS".

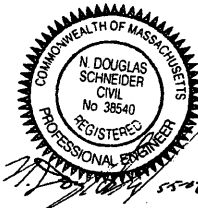
*David M. Daignon*  
PREPARER



#### X-SECTION VIEWING EASTLERY

#### CONSTRUCTION MATERIALS NOTES:

- 1.) PILING, WALES AND BOARDS TO BE CCA TREATED AT 2.5 P.C.F.
- 2.) PILES SHALL BE DRIVEN TO A MINIMUM DEPTH OF 20'.
- 3.) ALL HARDWARE TO BE HOT-DIPPED GALVANIZED.
- 4.) 12"-14" DIA. GREENHEART PILES ARE OPTIONAL.



1	JANUARY 18, 2005	ADD SHEET NO. 7
NO.	REVISION DATE	DESCRIPTION

SHEET 6 OF 7 SHEETS

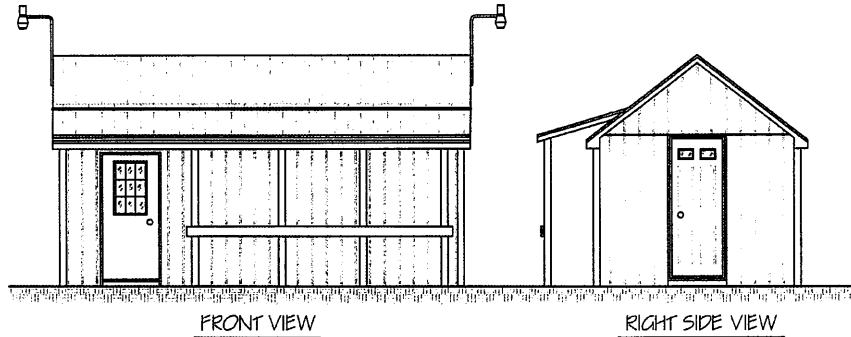
LICENSE PLAN NO. 10193  
Approved by Department of Environmental Protection  
Date APR 2 2005

BLF REALTY TRUST  
NEW BEDFORD HARBOR  
CITY OF NEW BEDFORD  
COUNTY OF BRISTOL, MA.  
APRIL 22, 2004 SCALE AS NOTED  
N. DOUGLAS SCHNEIDER & ASSOCIATES, INC.

Drawn By: D.M.D. Checked By: N.D.S. Job No. 1474

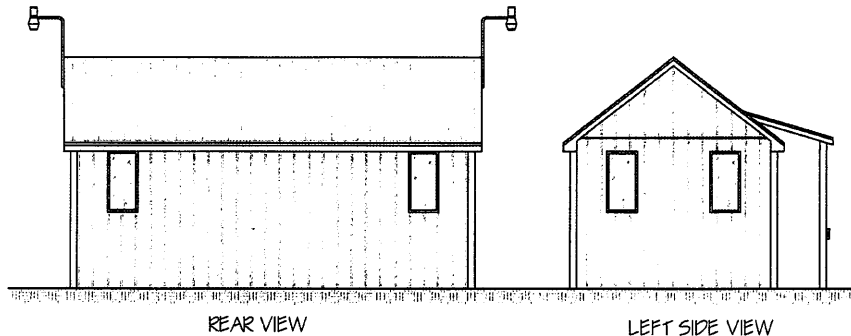
"I CERTIFY THAT THIS PLAN  
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*David M. Wainman*  
PREPARER



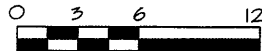
FRONT VIEW

RIGHT SIDE VIEW

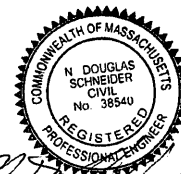


REAR VIEW

LEFT SIDE VIEW



SCALE IN FEET  
(RECEPTION)  
EXISTING BUILDING DETAILS



*N.D.S.* 1-18-05

1	JANUARY 18, 2005	ADD SHEET NO. 7
NO.	REVISION DATE	DESCRIPTION

SHEET 7 OF 7 SHEETS

BLF REALTY TRUST  
NEW BEDFORD HARBOR  
CITY OF NEW BEDFORD  
COUNTY OF BRISTOL, MA.  
APRIL 22, 2004 SCALE AS NOTED  
N. DOUGLAS SCHNEIDER & ASSOCIATES, INC.

**LICENSE PLAN NO. 10193**  
Approved by Department of Environmental Protection  
Date *APR 24 2004*

Drawn By: D.M.D. Checked By: N.D.S. Job No. 1474