

March 17, 2019

Notice of Intent

Prepared for Michael Frey
Map 136A, Lots 800, 802 & 803
1479 Morton Avenue, New Bedford, Massachusetts

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By Romanelli Associates, Inc. March 15, 2019

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Appendix A - Notice of Intent

Project Narrative

Project Narrative

This project narrative has been prepared as supporting information for the Wetland Protection Act Form 3 Notice of Intent (NOI) application filed on behalf of the applicant, Michael Frey (see Appendix A). It has been prepared pursuant to the Wetlands Protection Act Regulations (310 CMR 10.00) and the City of New Bedford Wetlands Ordinance (Chapter 15, Section 15-101). The applicant is proposing to demolish and replace an existing 604 square foot cottage with a new 576 square foot garage within areas regulated under the Wetlands Protection Act as well as the City of New Bedford Wetlands Ordinance.

Existing Site Conditions

The subject parcel consists of a 0.32 acre residential lot, which is located on the west side of Morton Avenue in New Bedford, Massachusetts (see Appendix B for site locus figures). The site is identified as Lots 800, 802 and 803 on the City of New Bedford Assessor's Map 136A, and is currently comprised of a cleared residential lot with associated single family home, concrete driveway, walkway, lawn and summer cottage (see Appendix C and D). The properties to the north, east and south are occupied by residential developments and areas to the west are bordered by Sassaquin Pond. Locations subject to state and municipal jurisdiction include the inland bank (310 CMR 10.54(2) associated with Sassaquin Pond, which has been further defined below. No portion of the property has been mapped by the MA Natural Heritage Endangered Species Program (NHESP) as containing Estimated Habitats of Rare Wildlife or Vernal Pools, nor is any portion of the site within special flood hazard areas as mapped by the Federal Emergency Management Agency (FEMA) (see Appendix B for regulated resource area figures).

Existing Resources

As defined under 310 CMR 10.54(2): Bank is the portion of the land surface which normally abuts and confines a waterbody. It occurs between a water body and a vegetated bordering wetland and adjacent floodplain, or in the absence of these, it occurs between a water body and an upland. A Bank may be partially or totally vegetated, or it may be comprised of exposed soil, gravel or stone. The physical characteristics of a Bank, as well as its location, as described in 310 CMR 10.54(2)(a), are critical to the protection of the interests specified in 310 CMR 10.54(1). The upper boundary of a Bank is the first observable break in the slope or the mean annual flood level, whichever is lower. The lower boundary of a Bank is the mean annual low flow level. The limit of the site's bank was delineated in the field via topographic field survey which was performed by Romanelli Associates, Inc., utilizing the edge of the existing retaining wall as the mean annual flood level.

Proposed Project

The proposed project consists of the demolition and removal of the existing summer cottage to provide workspace for a new 24-foot by 24-foot garage within the same general foot print as the structure to be removed. Access to the new structure will be obtained via the existing lawn, and the work sequence has been proposed as follows:

- Prior to the start of construction Dig Safe will be contacted to ensure no portion of the proposed work will impact any existing underground utilities.
- Following the utility inspection, siltation fencing will be correctly installed as depicted on the attached site plan to serve as a limit of work and contain any sediment that may drift during construction of the project (see site plan located in Appendix C).
- Following installation, the New Bedford Conservation Agent will be contacted and provided the opportunity to review the installed siltation fence to ensure proper function. All siltation fence will be maintained throughout the duration of the project and will be repaired or replaced as necessary until all disturbed surface locations are properly stabilized and a Certificate of Compliance (WPA Form 8A) is issued by the New Bedford Conservation Commission. Sediment accumulation along the base of the siltation fence will be removed as necessary and will not exceed one-third of the total siltation fence height during all phases of construction.

- Subsequent to inspection by the New Bedford Conservation Agent, the applicant will then raze the existing cottage, decks and stairways. All construction materials and debris will be removed from the site and disposed of at an appropriate receiving facility. Proper care will be taken during construction to contain debris and ensure materials do not drift into the adjacent resource areas or neighboring properties. Any drifted trash or construction debris will be collected by the applicant and properly disposed of.
- Following the removal of the cottage and associated construction debris, excavation and site grading activities will occur to facilitate installation of the garage. The applicant will conduct periodic site inspections of the siltation fence during all phases of earth disturbance activities and immediately following significant precipitation events to ensure proper function and make repairs as necessary.
- Final site grading and landscaping will be performed following foundation construction, framing, roofing and siding of the new garage. Disturbed surface locations will be loamed and seeded and maintained until site conditions are stabilized. As noted above, the siltation fence will remain and be maintained until a Certificate of Compliance is issued by the New Bedford Conservation Commission.

Project Impacts and Regulatory Compliance

No site activity will result in the removing, filling, dredging or altering of Bank. Disturbances will be limited to activity within the 100-foot buffer zone of Bank, and no portion of the project will be located in the 25-foot no disturbance zone associated with the City of New Bedford Wetlands Ordinance. All proposed site work in the buffer zone will occur within locations currently occupied by the existing cottage or maintained lawn. Following completion of the project, the proposed development will result in a 28 square foot net reduction of the site's existing total impervious area, as the cottage is larger in overall dimension than the proposed garage. Additionally, the proposed development has been sited approximately 28-feet from the pond's Bank, approximately 4-feet further from the pond than the existing cottage. Given the extent of the proposed work, the proximity of the project to the regulated resource areas, the characteristics of the affected buffer zone locations, and the proposed use of erosion and sediment controls, the potential for adverse impacts to resource areas from the proposed project are not anticipated to occur.

WPA Form 3 Notice of Intent Form



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

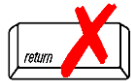
Document Transaction Number

New Bedford

City/Town

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):

1479 Morton Avenue

a. Street Address

New Bedford

b. City/Town

02745

c. Zip Code

Latitude and Longitude:

41.735326

d. Latitude

-70.946733

e. Longitude

136A

f. Assessors Map/Plat Number

800, 802 and 803

g. Parcel /Lot Number

2. Applicant:

Michael

a. First Name

Frey

b. Last Name

c. Organization

1479 Morton Avenue

d. Street Address

New Bedford

e. City/Town

MA

f. State

02740

g. Zip Code

(508) 998-3893

h. Phone Number

i. Fax Number

j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Stephen

a. First Name

Chmiel

b. Last Name

c. Company

14 Pleasant Street Ext

d. Street Address

Carver

e. City/Town

MA

f. State

02330

g. Zip Code

(508) 397-4258

h. Phone Number

i. Fax Number

StephenChmiel@gmail.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$110

a. Total Fee Paid

\$42.50

b. State Fee Paid

\$67.50

c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

New Bedford

City/Town

A. General Information (continued)

6. General Project Description:

The Applicant has filed a Notice of Intent (NOI) application with the New Bedford Conservation Commission for the removal of an existing cottage and construction of a new 24' X 24' garage within the 100 foot buffer zone of Inland Bank associated with Sassaquin Pond. See attached project narrative for additional information.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input checked="" type="checkbox"/> 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 CMR 10.24(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

11182

c. Book

b. Certificate # (if registered land)

324

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- ☒ 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.
- ☐ 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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Provided by MassDEP:

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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 checked="" type="checkbox"/> Bank	0 (576 SF of buffer zone) 1. linear feet	0 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 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 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) - specify coastal or inland	

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.

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)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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Provided by MassDEP:

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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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement		
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.		
a. square feet of BVW	b. square feet of Salt Marsh	

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement 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 Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. 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

August 1, 2017

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.2.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*

1. ☐ Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

2. ☐ 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 **

(a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) ☐ 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/nhosp/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/nhosp/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
836 South Rodney French Blvd.
New Bedford, MA 02744
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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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

New Bedford

City/Town

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

Online Users:

Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

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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Provided by MassDEP:

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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.

Notice of Intent - Proposed Garage

a. Plan Title

Romanelli Associates, Inc

b. Prepared By

March 15, 2019

d. Final Revision Date

c. Signed and Stamped by

1" = 20'

e. Scale

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:

3008

2. Municipal Check Number

3770

4. State Check Number

Michael

6. Payor name on check: First Name

3/17/19

3. Check date

3/17/19

5. Check date

Frey

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
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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

3/15/19

2. Date

3. Signature of Property Owner (if different)

4. Date


5. Signature of Representative (if any)

3/15/19

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.

WPA Appendix A - Wetland Fee Transmittal Form



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:

1479 Morton Avenue

a. Street Address

3770

c. Check number

New Bedford

b. City/Town

\$42.50

d. Fee amount

2. Applicant Mailing Address:

Michael

a. First Name

Frey

b. Last Name

c. Organization

1479 Morton Avenue

d. Mailing Address

New Bedford

e. City/Town

MA

f. State

02740

g. Zip Code

(508) 998-3893

h. Phone Number

i. Fax Number

j. Email Address

3. Property Owner (if different):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

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).



Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
1a. (site work at single family home)	1	\$110	\$110
Step 5/Total Project Fee:			\$110
Step 6/Fee Payments:			
Total Project Fee:			\$110
			a. Total Fee from Step 5
State share of filing Fee:			\$42.50
			b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:			\$67.50
			c. 1/2 Total Fee plus \$12.50

a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

City of New Bedford Conservation Commission Filing Fee Schedule



**CITY OF NEW BEDFORD
MASSACHUSETTS**

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

PROJECT LOCATION:

1479 Morton Avenue MAP 136A LOT(S) 800, 802, 803

APPLICANT: Michael Fry

CONSERVATION COMMISSION FEES (check all that apply):

- () REQUEST FOR DETERMINATION OF APPLICABILITY
- (X) 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)	<u>\$200.00</u>
• \$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 <u>576</u> SF Buffer Zone Fee shall not exceed \$6,500.00	\$ <u>58</u>

(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 \$_____
- 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): \$ 258.00

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.

Proof of Property Ownership Information



BK 11182 PG 324
09/26/14 12:15 DOC. 18870
Bristol Co. S.D.

After recording return to:
Jane M. Pineau, Esq.
446 County Street
New Bedford, MA 02740

LOW

Property Address:
1479 Morton Avenue
New Bedford, MA 02745

QUITCLAIM DEED

I, Michael F. Frey of New Bedford, Bristol County, Massachusetts, for consideration paid, and in full consideration of One and 00/100 (\$1.00) Dollar grant to Michael F. Frey of 1479 Morton Avenue, New Bedford, Bristol County, Massachusetts 02745, with quitclaim covenants, the land with any buildings thereon in New Bedford, Bristol County, Massachusetts, bounded and described as follows:

Beginning at the northeast corner of the land herein described, at a point in the westerly line of Morton Avenue and at the southeast corner of Lot #802 as shown on a plan of land hereinafter mentioned; thence southerly in the said westerly line of Morton Avenue, fifty-seven and 49/100 (57.49) feet to Lot #799 as shown on said plan; thence westerly in line of last-named lot, one hundred thirty-three (133) feet, more or less, to and into the waters of Sassaquin Pond as far as private rights extend; thence northerly by said Sassaquin Pond to said Lot #802; and thence easterly in line of last-named lot, one hundred thirty-eight (138) feet, more or less, to the said westerly line of Morton Avenue and the point of beginning.

Being shown as Lots #800 and #801 on Plan of Morton Acres, made by A.T. Westcott, C.E., dated April, 1915, and filed in the Bristol County (S.D.) Registry of Deeds in Plan Book 14, Page 19.

Being a portion of the premises conveyed to this Grantor by Deed of Michael F. Frey and Lisbeth A. Frey dated March 16, 2001 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 4925, Page 195.

WITNESS my hand and seal this 26th day of September, 2014.

Lisa M. Holland

Michael F. Frey
Michael F. Frey

12940

12832 PC0191

I, Lorette Auger

of 4050 North Ocean Drive, Fort Lauderdale, Florida 33308

County: ~~Massachusetts~~

In consideration of \$50,000.00

grant to Michael Frey

of 1479 Morton Avenue, New Bedford, Mass.

with quitclaim

the land, with the buildings thereon, in New Bedford, Bristol County, Massachusetts, bounded and described as follows:

PARCEL I

Beginning at a point in the west line of Morton Avenue distant therein 171.60 feet north of the north line of a lane which is a continuation of Ivers Street west of said Morton Avenue;

thence westerly in a straight line along land now or formerly of R. Richer to Sassaquin Pond about 139.8 feet;

thence northerly along the shore of the Pond about 27.7 feet to Parcel II below;

thence easterly in a straight line parallel to the said first east to west line and 25 feet northerly therefrom in line of said Parcel II to said west line of Morton Avenue, a distance of about 139.8 feet;

thence southerly therein 27.73 feet to the point of beginning.

Containing 3494 square feet, more or less.

Being lot 602 on plan of land of "Morton Acres", dated April, 1915, recorded with Bristol County (S.D.) Registry of Deeds at Plan Book 14, Page 19.

Being the SECOND PARCEL in a deed from Lorette Auger to Roland Auger et ux dated July 6, 1972, recorded with said Registry at Book 1643, Page 1093.

PARCEL II

A parcel of land situated on the west side of Morton Street, in said New Bedford, Bristol County, Massachusetts, being Plot No. 136A, Lot No. 803, according to 1920 plan on file in the Assessors' Office. Containing 3581 feet, more or less, and being also Lot 803 on the said plan of "Morton Acres".

Being the same premises conveyed to Roland Auger and me by deed dated July 6, 1942, recorded with said Registry at Book 857, Page 139.

Roland Auger died in New Bedford, Massachusetts, while a resident of Fort Lauderdale, Florida, on January 27, 1992.

Subject to unpaid real estate taxes, if any.

1481 Morton Avenue
New Bedford, MA

THE ADDRESS IN THE MARGIN IS
NOT A PART OF THIS CONVEYANCE.
ITS ACCURACY HAS NOT BEEN VERIFIED.

REG 07
SOUTH

228.00
228.10

15:47
TAX

**Abutter Notification Letter,
Abutters List &
Affidavit of Service**



City of New Bedford

REQUEST for a CERTIFIED ABUTTERS LIST

This information is needed so that an official abutters list as required by MA General Law may be created and used in notifying abutters. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

MAR 08 2019

SUBJECT PROPERTY	
MAP #	136A
LOT(S)#	800, 802, 803
ADDRESS: 1479 MORTON AVE.	
OWNER INFORMATION	
NAME: MICHAEL FREY	
MAILING ADDRESS: 1479 MORTON AVE. 02745	
APPLICANT/CONTACT PERSON INFORMATION	
NAME (IF DIFFERENT): JOHN ROMANEUF	
MAILING ADDRESS (IF DIFFERENT): 1162 ROCKDALE AVE. 02740	
TELEPHONE #	508-995-0100
EMAIL ADDRESS:	JROMANEUF@ROMANEUF-INC.COM
REASON FOR THIS REQUEST: Check appropriate	
<input type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION
<input type="checkbox"/>	PLANNING BOARD APPLICATION
<input checked="" type="checkbox"/>	CONSERVATION COMMISSION APPLICATION
<input type="checkbox"/>	LICENSING BOARD APPLICATION
<input type="checkbox"/>	OTHER (Please explain):

Once obtained, the Certified List of Abutters must be attached to this Certification Letter.

Submit this form to the Planning Division Room 303 in City Hall, 133 William Street. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

Official Use Only:

As Administrative Assistant to the City of New Bedford's Board of Assessors, I 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

Carlos Amado

Printed Name

Carlos Amado

Signature

3/8/2019

Date

March 8, 2019
Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as 1479 Morton Ave (Map: 136A, Lot: 800 & 802). 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.

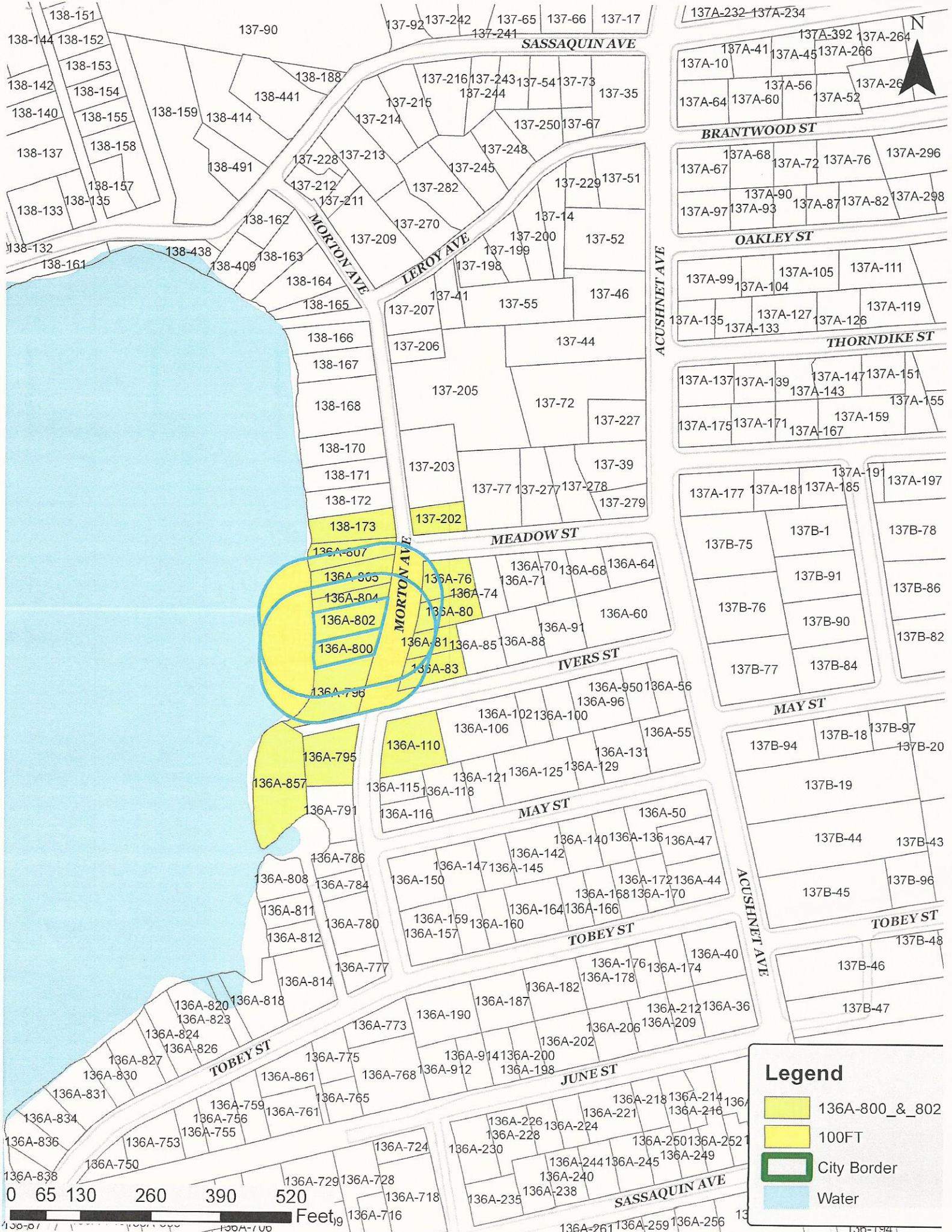
Parcel	Location	Owner and Mailing Address
136A-83	1474 MORTON AVE	TEPE VICTORIA "TRUSTEE", VICTORIA TEPE LIVING TRUST 1474 MORTON AVENUE NEW BEDFORD, MA 02745
136A-800	1479 MORTON AVE	FREY MICHAEL F., 1479 MORTON AVENUE NEW BEDFORD, MA 02745
136A-81	1478 MORTON AVE	SOUZA PAUL, SOUZA DOROTHY 1478 MORTON AVE NEW BEDFORD, MA 02745
136A-857	MORTON AVE	CITY OF NEW BEDFORD, CEMETERY BOARD 131 WILLIAM ST NEW BEDFORD, MA 02740
136A-796	MORTON AVE	FREY MICHAEL F "TRUSTEE", FREY MARC M "TRUSTEE" 1479 MORTON AVE NEW BEDFORD, MA 02745-4415
138-173	1501 MORTON AVE	HATHAWAY GLORIA J, 1501 MORTON AVE NEW BEDFORD, MA 02745
136A-110	1462 MORTON AVE	DUPUIS WILFRED H JR, DUPUIS JAQUELINE N 1462 MORTON AVE NEW BEDFORD, MA 02745
136A-804	1489 MORTON AVE	KOCZUR MARILYN, COLLINS RICHARD <i>U.S. Bank National Association</i> 1489 MORTON AVENUE <i>440 S Lasalle St. Ste 2000</i> NEW BEDFORD, MA 02745 <i>Chicago, IL 60605</i>
136A-805	1495 MORTON AVE	TURNER DOUGLAS J, TURNER CAROL A <i>DeBarros Raymond Jr.</i> 16 KEENE ROAD <i>1495 Morton Ave.</i> ACUSHNET, MA 02743 <i>New Bedford, MA 02745</i>
136A-807	1497 MORTON AVE	BERUBE ROGER EDWARD, BERUBE DIANNE MARIE 1497 MORTON AVE NEW BEDFORD, MA 02745
136A-76	1490 MORTON AVE	PELLETIER RAYMOND G "TRUSTEE", PELLETIER NATALIE A "TRUSTEE" 10 TRACY STREET ACUSHNET, MA 02743-1874
136A-795	1463 MORTON AVE	SENEY DANIEL R, SENEY MONIQUE M 1463 MORTON AVE NEW BEDFORD, MA 02745
136A-80	1484 MORTON AVE	CALVAO PAUL, PACZOSA ANN M 1484 MORTON AVE NEW BEDFORD, MA 02745

March 8, 2019
Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as 1479 Morton Ave (Map: 136A, Lot: 800 & 802). 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.

<u>Parcel</u>	<u>Location</u>	<u>Owner and Mailing Address</u>
136A-802	1483 MORTON AVE	FREY MICHAEL, 1479 MORTON AVENUE NEW BEDFORD, MA 02745
137-202	1498 MORTON AVE	ALLAN CARRIE, 14-2 OLIVER STREET NORTH EASTON, MA 02356



Legend

- 136A-800_&_802
- 100FT
- City Border
- Water

March 18, 2019

CERTIFIED MAIL

Re: Notification to Abutters
Notice of Intent Application
Michael Frey
1479 Morton Avenue
New Bedford, MA 02745

Dear Abutter:

On behalf of the Applicant, Michael Frey, you are hereby notified that a Notice of Intent (NOI) application has been submitted to the New Bedford Conservation Commission for the demolition and removal of an existing cottage and the proposed construction of a new garage within the 100-foot buffer zone of Inland Bank.

The NOI, supplemental report, and accompanying site plan are available for review by the public at New Bedford City Hall, 133 Williams Street, Room 304, New Bedford, MA 02740 between the hours of 8 a.m. and 4 p.m., Monday through Friday. For more information call (508) 991-6188.

Notice of the public hearing, including its date, time and place, will be published at least five (5) days in advance in ***The Standard Times***. Notice of the hearing will also be posted at New Bedford City Hall at least 48 hours in advance.

Please do not hesitate to review the materials at the New Bedford City Hall and/or attend the public hearing(s) should you have any questions or concerns about the proposed project.

Sincerely,

A handwritten signature in blue ink, appearing to read "Stephen Chmiel".

Stephen Chmiel

Enclosure

Notification to Abutters Under the

Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00)

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, the *Massachusetts Wetlands Protection Act Regulations* (310 CMR 10.00), you are hereby notified of the following:

- A. The name of the Applicant: **Michael Frey**
- B. The Applicant has filed a Notice of Intent (NOI) with the Conservation Commission for the municipality of New Bedford Massachusetts for: **the demolition and removal of an existing cottage and the proposed construction of a new garage within the 100-foot buffer zone of Inland Bank.**
- C. The address of the lot where the activity is located is: **1479 Morton Avenue, New Bedford, MA 02745**
- D. Copies of the Notice of Intent may be examined by contacting the: **New Bedford Conservation Commission at (508) 991-6188**
- E. Information regarding the public hearing may be obtained from the: **New Bedford Conservation Commission (the regulatory agency) by calling (508) 991-6188**

- NOTE: Notice of the public hearing, including its date, time and place, will be published at least five (5) days in advance in *The Standard Times*.
- NOTE: Notice of the public hearing will also be posted at the New Bedford City Hall not less than 48 hours in advance.
- NOTE: You also may contact the nearest Department of Environmental Protection Regional Office for more information about this application of the Wetlands Protection Act. To contact DEP, call: DEP Southeast Region: 508-946-2800

Affidavit of Service

Under the Massachusetts Wetlands Protection Act

(to be submitted to the Massachusetts Department of Environmental Protection and the New Bedford Conservation Commission when filing a Notice of Intent Application)

On behalf of the applicant, Michael Frey, notification was submitted to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

A Notice of Intent has been filed under the Massachusetts Wetlands Protection Act by Michael Frey with the City of New Bedford Conservation Commission in March of 2019 for property located at 1479 Morton Avenue, New Bedford, MA 02745.

The form of the notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.

Stephen Chmiel

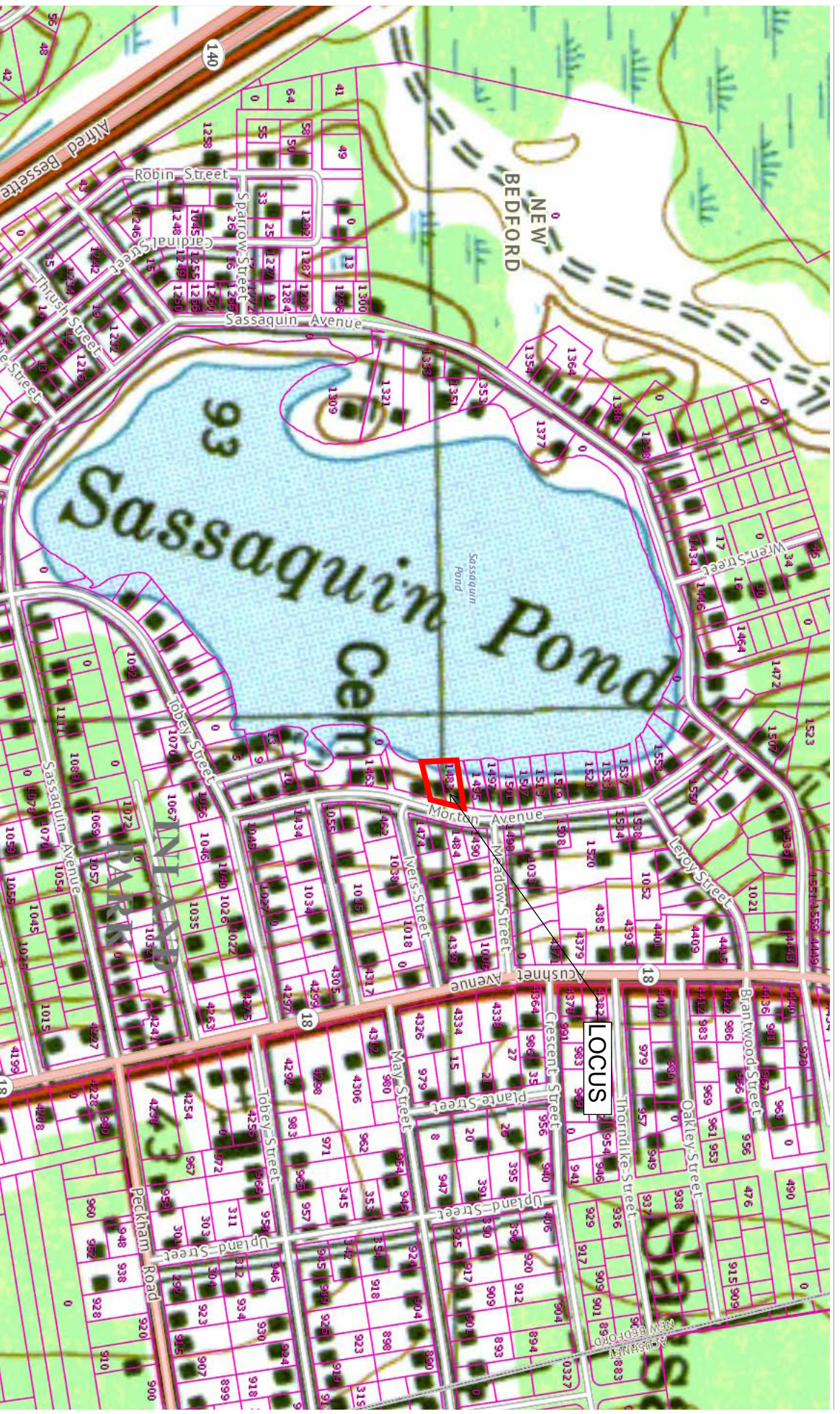


March 18, 2019

Appendix B - Project Figures

Site Locus Figure

1479 Morton Avenue, New Bedford, MA - USGS Locus



**MassDEP Wetland Resource Areas &
USGS Waterbody Locations**

1479 Morton Avenue, New Bedford, MA - MassDEP Wetland and Waterbody Data



DEP Wetlands General Categories

- MARSH/BOG
- WOODED MARSH
- CRANBERRY BOG
- SALT MARSH
- OPEN WATER
- RESERVOIR (WITH PWSID)
- TIDAL FLATS
- BEACH/DUNE

USGS Rivers and Streams 25k

- Stream
- INTERMITTENT STREAM
- SHORELINE
- INTERMITTENT SHORELINE
- MANMADE SHORELINE
- DITCH/CANAL
- AQUEDUCT
- DAM
- CHANNEL IN WATER

**Natural Heritage Endangered Species Locations &
Area of Critical Environmental Concern**



- NHESP Certified Vernal Pools
- Potential Vernal Pools
- NHESP Priority Habitats of Rare Species
- NHESP Estimated Habitats of Rare Wildlife

**Outstanding Resource Water Locations &
FEMA Flood Data**

1479 Morton Avenue, New Bedford, MA - FEMA & ORW Data



FEMA National Flood Hazard Layer Polygons

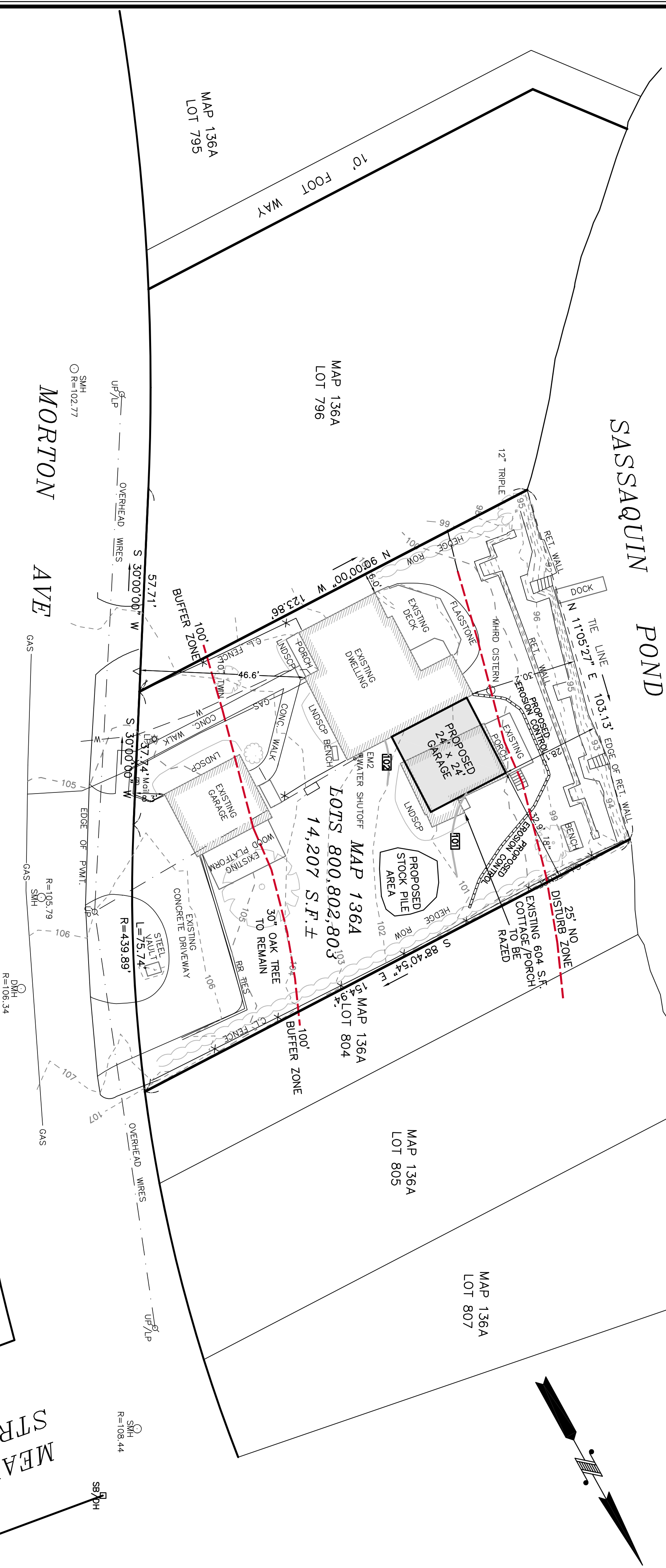
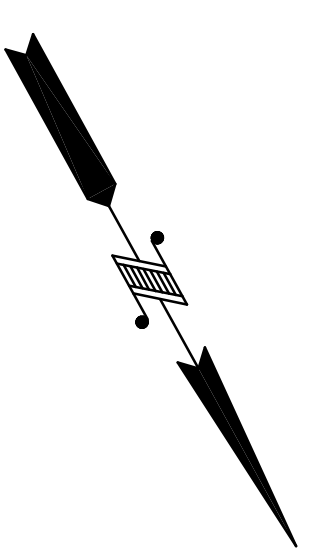
- AE: 1% Annual Chance of Flooding, no BFE
- AE: 1% Annual Chance of Flooding, with BFE
- AE: Regulatory Floodway
- AH: 1% Annual Chance of 1-3ft Ponding, with BFE
- AO: 1% Annual Chance of 1-3ft Sheet Flow Flooding, with Depth
- VE: High Risk Coastal Area

Outstanding Resource Waters Outlines

- PUBLIC WATER SUPPLY CONTRIBUTOR
- ORW FOR ACEC
- ORW FOR BOTH WATER SUPPLY AND OTHER

Appendix C - Project Site Plan

SASSAQUIN POND



MORTON AVE

IVERS STREET

MEADOW STREET

OWNER
Michael Frey
1479 Morton Ave.
New Bedford, MA 02745
Deed Book: 11182 Page: 324
Assessor's Map: 136A Parcels:
800, 802, 803

NOTICE OF INTENT - PROPOSED GARAGE

1479 MORTON AVE.

IN

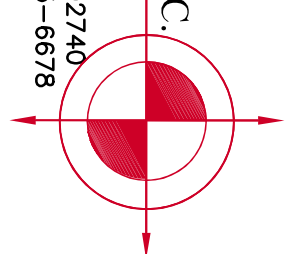
NEW BEDFORD, MA

SCALE: 1" = 20' DATE: MARCH 15, 2019

Revisions:

ROMANELLI ASSOCIATES INC.

PROFESSIONAL LAND SURVEYORS
1162 Rockdale Ave. New Bedford, MA 02740
Phone (508) 995-0100 - (508) 995-6678
WWW.ROMANELLI-INC.COM



Drawn By:	Checked By:
JLR	CAN
File Name	Job No.
18-185.DWG	18-185

Appendix D - Site Photographs

PHOTOGRAPHIC LOG

Client Name: Michael Frey

Site Location: 1479 Morton Avenue, New Bedford, MA 02745

Photo 1

Date:
3/16/19

Direction Photo Taken:
North

Description:

View of existing retaining wall and cottage.



Photo 2

Date:
September
2018

Direction Photo Taken:
South

Description:

View of existing retaining wall and cottage.

