



December 4, 2018

Email [SarahP@newbedford-ma.gov]

New Bedford Conservation Commission
133 Williams Street, Room 304
New Bedford, MA 02740

**Re: Professional Review Comments
DEP File #SE 049-0810
Bartlett Street Extension Project
New Bedford, Massachusetts**

[LEC File #: GioM\18-396.01]

Dear Members of the Commission:

On behalf of the Property Owner, Mark Giorgi, LEC Environmental Consultants, Inc., (LEC) is submitting the following comments associated with the Notice of Intent (NOI) Application filed by Prime Engineering, Inc. for the proposed extension of Bartlett Street. Mr. Giorgi owns the property on which the proposed project is located, and while the Applicant, Norman Nichols, benefits from an easement over the property, Mr. Giorgi has concerns about the project and hired LEC to review the application under the *Massachusetts Wetlands Protection Act* (M.G.L., Ch. 131, s. 40) and its implementing *Regulations* (310 CMR 10.00).

In addition to conducting a site evaluation, LEC has reviewed the NOI Application and supplemental information submitted on November 13, 2018 by the Applicant's representatives, including revised *Bartlett Street Drive Extension Plans*, dated November 2, 2018, prepared by Prime Engineering, Inc. This letter provides a brief Project Summary followed by our Review Comments.

Project Summary

The project involves construction of a 20-foot wide driveway within a 50-foot wide easement on property referenced as Map 130A, Lot 720, owned by Mark Giorgi. The proposed driveway crosses a Bordering Vegetated Wetland (BVW) and a perennial stream, resulting in 2,575 square feet of BVW filling and approximately 70 feet of Bank disturbance. A 3,951 square foot wetland replication area is proposed as mitigation. The stream crossing involves an open bottom box culvert depicted on the plans as being 10 feet wide by 3 feet tall by 32 feet long. The proposed driveway terminates at the New Bedford/Acushnet town line and it is not clear where the driveway will continue from there. Since the adjacent property in Acushnet is owned by the Applicant, it appears that the project is designed to provide access to a residential development on that property.

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Review Comments

The following comments are provided to assist the Commission with review of this project.

1. Wetland Resource Area Impacts

The NOI submitted to the Commission lists project impacts as being 50 feet of Bank and 160 square feet of Land Under Water (LUW). No BVW or Riverfront Area impacts are listed. Based on review of the current *Plans*, the NOI form should be updated to reflect the revisions to the project. The project now involves approximately 70 feet of Bank alteration, approximately 350 square feet of LUW alteration and 2,575 square feet of BVW alteration. Riverfront Area alteration will also occur and should be quantified. The NOI form should be resubmitted to reflect these numbers. Also, the total square footage of BVW disturbance should be further revised to include temporary disturbance that will occur for construction between wetland flags A-8 and A-9, and between flags 7 and 7a where the proposed limit of work immediately abuts the wetland. Measures to restore temporarily disturbed wetlands should be provided. Also, between flags 7 and 7a there are no erosion controls shown between the proposed retaining wall and the wetland. Silt fence alone will not be adequate in this area due to the slope and the close proximity of wetlands. The wall footing cross-sections should be shown so that the limit of work can be revised and wetland impacts can be accurately quantified.

2. BVW Performance Standards

Under the BVW Performance Standards at 310 CMR 10.55 (4), the Commission has the *discretion* to allow BVW filling and alteration that is less than 5,000 square feet after a specific analysis is completed. The Standards at 310 CMR 10.55 (4)(b) state that “in the exercise of this discretion, the issuing authority shall consider the magnitude of the alteration and the significance of the project site to the interests of the Act, the extent to which adverse impacts can be avoided, the extent to which adverse impacts are minimized, and the extent to which mitigation measures, including replication or restoration, are provided to contribute to the protection of the interests of the Act.”

Without a comprehensive understanding of the development that will be accessed by this driveway project, it is difficult to determine if adverse impacts have been sufficiently avoided or minimized. At a minimum, the Applicant should disclose the nature of the development project and the Commission should not allow the driveway project to proceed until all permits for the remainder of the development are obtained by the Applicant. In addition, it is our understanding that the City of New Bedford’s minimum width for driveways is 18 feet. If that is the case, the project has not minimized disturbances since the proposed driveway is 20 feet wide.

3. Bank Performance Standards

Under the Bank Performance Standards at 310 CMR 10.54 (4), the project must comply with the Massachusetts Stream Crossing Standards, in addition to other standards. According to the NOI, the design complies with the Standards, based on a stream width of 8 feet; however, the plans (Sheet 2 of 3) include a note indicating that the stream width is a maximum of 12 feet and

minimum of 10 feet. Roughly scaling the distance between the Bank flags appears to indicate that the width is between 10 and 15 feet. If the width is greater than 8 feet, then the design does not comply with the Standards for spanning the bankfull width. Compliance with Massachusetts Stream Crossing Standards will ensure that the stream crossing will meet the performance standards set forth in 310 CMR 10.54(4)(a) for Bank and 10.56(4)(a) for LUW.

4. Other Comments

The wetland delineation in the upland area at the terminus of Bartlett Street should be reviewed closely to determine if hydric soils exist in the project footprint. As surveyed spot-shots on the plan clearly show this area is topographically lower than the adjacent wetland to the west. Water frequently flows over this area and into the pond to the east; therefore, it is possible that hydric soils have developed. The wetland boundary should be reviewed in this area.

If this area is in fact upland, the project should be designed to maintain drainage from the wetland to the west toward the pond to the east. As designed, it appears that the proposed roadway, which will be elevated above the existing surface, will create a permanent barrier for runoff which will exacerbate flooding in the wetland to the west and potentially to Mr. Giorgi's home.

The wetland replication area planting plan should include plantings spaced at industry standards – 4-6 feet for shrubs and 10 feet for saplings. The current planting layout does not appear to meet this standard.

Disclosing the nature of the residential project in Acushnet is also critical to understanding whether or not the proposed driveway is adequate. If the project includes more than three (3) housing units, it must comply with DEP's Stormwater Management Standards. Furthermore, if the project requires a subdivision roadway or anything larger than a driveway, the wetlands impacts will increase significantly. In our opinion, the Commission should not permit the project with this level of uncertainty.

Thank you for your consideration of this information.

Sincerely,

LEC Environmental Consultants, Inc.



Mark L. Manganello
Assistant Director of Ecological Services

cc: Mark Giorgi