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**NOTICE OF INTENT**

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*Filing Under the Massachusetts Wetlands Protection Act and the City of New Bedford Wetlands Ordinance*

**Durfee Street Wetland  
Remediation Project**  
New Bedford, Massachusetts

*Submitted to:*



City of New Bedford  
Conservation Commission  
133 William Street  
New Bedford, Massachusetts 02740

*Prepared for:*



City of New Bedford  
Department of Environmental Stewardship  
133 William Street  
New Bedford, Massachusetts 02740

*Prepared by:*



**TRC Environmental Corporation**  
Wannalancit Mills  
650 Suffolk Street  
Lowell, Massachusetts 01854

**November 2018**

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**FORM 3 – NOTICE OF INTENT**

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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):

Potter Street	New Bedford	02740
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	41.38 N	70.57 W
	d. Latitude	e. Longitude
81	126	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

N/A	N/A	
a. First Name	b. Last Name	
City of New Bedford, Department of Environmental Stewardship		
c. Organization		
133 William Street		
d. Street Address		
New Bedford	MA	02740
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email Address

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

Janet and Barry	Williams	
a. First Name	b. Last Name	
c. Organization		
331 Durfee Street		
d. Street Address		
New Bedford	MA	02740
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

Scott	Heim	
a. First Name	b. Last Name	
TRC		
c. Company		
650 Suffolk Street		
d. Street Address		
Lowell	MA	01854
e. City/Town	f. State	g. Zip Code
(978) 656-3583	(978) 453-1995	SHeim@trcsolutions.com
h. Phone Number	i. Fax Number	j. Email address

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

Fee Exempt	Fee Exempt	Fee Exempt
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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### A. General Information (continued)

6. General Project Description:

This project is comprised of the excavation of 28 square feet of soils/sediment to a depth of 6 inches (approximately 1/2 yards) in and adjacent to and intermittent stream as a component of site remediation that is required to achieve Site closure under the Massachusetts Contingency Plan.

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)

310 CMR 10.53(3)(q) Comprehensive Remedial Action Alternative analysis was prepared in accordance with 310 CMP 40.0851 and is posted on the City's website for the Parker Street Waste Site .

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

2075

c. Book

b. Certificate # (if registered land)

247

d. Page Number

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

1. ☐ 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.
2. ☒ 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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Bureau of Resource Protection - Wetlands

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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	8 1. linear feet	8 2. linear feet
b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	22 1. square feet	22 2. square feet
c. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	6 1. square feet 0.11 3. cubic yards dredged	6 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	2. square feet
	3. cubic feet of flood storage lost	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) - <b>specify coastal or inland</b>	

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.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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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.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
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](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

November 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](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](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  
1213 Purchase Street – 3rd Floor  
New Bedford, MA 02740-6694  
Email: [DMF.EnvReview-South@state.ma.us](mailto: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](mailto: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.



Massachusetts Department of Environmental Protection  
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**Online Users:**

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

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

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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### 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.

Figures 1 through 6

a. Plan Title

TRC

b. Prepared By

October 2018

d. Final Revision Date

c. Signed and Stamped by

1" = 8'

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:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



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



New Bedford

City/Town

### 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.

[Signature] FOR CITY OF NEW BEDFORD

1. Signature of Applicant

2. Date

11/7/18

[Signature]

3. Signature of Property Owner (if different)

4. Date

11-7-2018

5. Signature of Representative (if any)

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.



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:

Potter Street

a. Street Address

N/A

c. Check number

New Bedford

b. City/Town

Fee Exempt

d. Fee amount

### 2. Applicant Mailing Address:

N/A

a. First Name

N/A

b. Last Name

City of New Bedford, Department of Environmental Stewardship

c. Organization

133 William Street

d. Mailing Address

New Bedford

e. City/Town

MA

f. State

02740

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

### 3. Property Owner (if different):

Janet and Barry

a. First Name

Williams

b. Last Name

c. Organization

331 Durfee Street

d. Mailing Address

New Bedford

e. City/Town

MA

f. State

02740

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
Fee Exempt			
Step 5/Total Project Fee:			Fee Exempt

Total Project Fee:	<div>Fee Exempt</div> <hr/> a. Total Fee from Step 5
State share of filing Fee:	<div>N/A</div> <hr/> b. 1/2 Total Fee <b>less</b> \$12.50
City/Town share of filling Fee:	<div>N/A</div> <hr/> c. 1/2 Total Fee <b>plus</b> \$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.

noifeetf.doc • Wetland Fee Transmittal Form • rev. 10/11

## **PROOF OF OWNERSHIP**

---

227

BK 2075 PC 0247

HILDA O. WILLIAMS  
of New Bedford, Bristol

County, Massachusetts,

being unmarried, for consideration paid, and in full consideration of One (\$1.00) Dollar

grant to Hilda O. Williams, 339 Durfee Street, New Bedford, MA and

Barry M. Williams, 331 Durfee Street, New Bedford, MA., as JOINT TENANTS with Quitclaim Covenants

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

[Description and encumbrances, if any]

Lots 1, 2, 4, 5, 6, 7 and 8 on a plan entitled "SUBDIVISION OF LAND IN NEW BEDFORD, MASS., belonging to Irving J. and Hilda C. Williams", dated March 3, 1977 and recorded in the Bristol County (S.D.) Registry of Deeds in Plan Book 97, Page 119, to which plan reference is hereby made for a more particular description.

All lots herein are conveyed together with the rights to a paper street designated as "Summit (Board of Survey) St." as set forth on the above-referred to plan.

Being a portion of the same premises conveyed to Irving J. Williams and Hilda O. Williams by deed of Jeremiah P. Calnan, et ux, dated November 6, 1952, and recorded in the Bristol County (S.D.) Registry of Deeds in Book 1067, Page 184. Title of Hilda O. Williams is as surviving joint tenant of Irving J. Williams. See Bristol County Probate Court, Docket No. 85Pl631.

TITLE NOT EXAMINED.

Witness my hand and seal this FOURTH day of JANUARY, 1988

Hilda O. Williams  
HILDA O. WILLIAMS

The Commonwealth of Massachusetts

Bristol, ss.

January 4 1988

Then personally appeared the above named Hilda O. Williams

and acknowledged the foregoing instrument to be her free act and deed before me.

Rec'd. & Recorded Jan. 6, 1988  
at 2 hrs. & 10 min P. M.

Donna K. [Signature]  
Notary Public - Justice of the Peace

My commission expires

JUNE 18, 1990

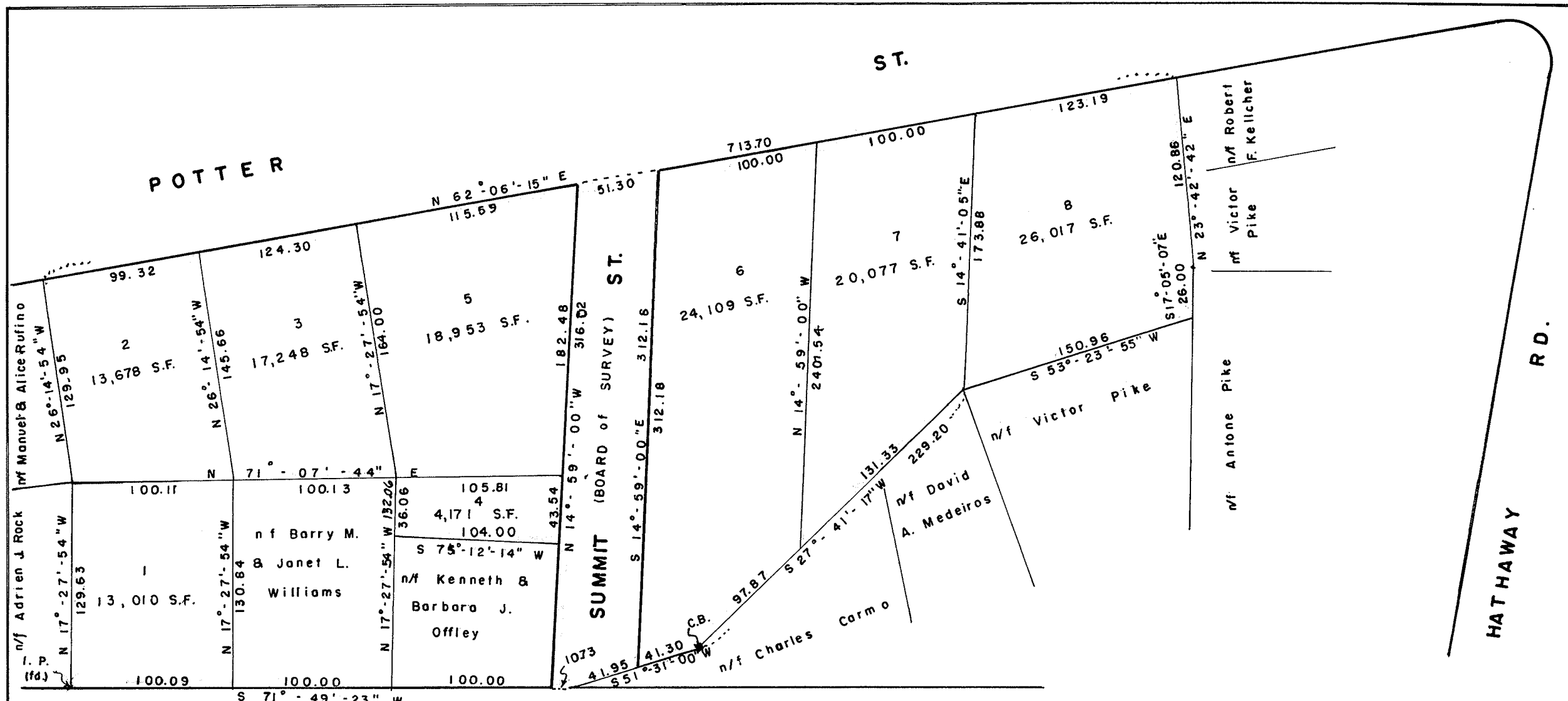
Attest:

John [Signature] Register



611-16

97-119



NOTE:  
See reference plan in Registry of Deeds  
Bristol County S.D. Plan. 88 Page 79

Parcel 4 will not be a buildable lot  
and to be incorporated with adjacent  
land.

I certify that this plan conforms with  
the rules and regulations of the Registers  
of Deeds. *Gerald M. Fitzgerald*  
Surveyor

SUBDIVISION OF LAND  
IN NEW BEDFORD, MASS.  
BELONGING TO  
IRVING J. & HILDA C. WILLIAMS  
Scale: 1" = 50' March 3, 1977

RECORDS RECORDED  
MAR 6 1 48 PM '77  
REGISTRY OF DEEDS  
BRISTOL COUNTY  
SOUTHERN DISTRICT

Board of Survey  
Subdivision Control Law  
1977  
*[Signature]*



*Gerald M. Fitzgerald*

97-119

97-119

## **NOTIFICATION TO ABUTTERS**

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**Notification to Abutters Under the  
Massachusetts Wetlands Protection Act  
And the City of New Bedford Wetlands Ordinance**

In accordance with the second paragraph of the Massachusetts General Laws Chapter 131, Section 40, and the City of New Bedford Wetlands Ordinance (Section 15-101 through 15-112) you are hereby notified of the following.

- A. The name of the applicant is: The New Bedford Office of Environmental Stewardship
- B. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of New Bedford, Massachusetts seeking permission to remove, fill dredge or alter an Area Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, Section 40) and the City of New Bedford Wetlands Ordinance (Section 15-101 through 15-112).
- C. The address of the lot where the activity is proposed is: SS Potter Street.  
Assessors 081; Lot 126
- D. Copies of the Notice of Intent may be examined at New Bedford Conservation Commission, 133 William St. Rm. # 304, New Bedford, MA 02740 between the hours of 8:00AM- 4:00 PM, Monday- Friday. For more information, call (508) 991-6188.

Check one: This is the Applicant\_\_\_\_, Representative\_\_\_\_, or other **X** specify: *New Bedford Conservation Commission Office*

- E. Copies of the Notice of Intent may be obtained from either (check one) the applicant **X** or the applicant's representative, by calling this telephone number 508-400-2967 between the hours of 8 and 4 on the following days of the week: Monday- Friday.
- F. Information regarding the date, time, and place of the public hearing may be obtained from New Bedford Conservation Commission by calling this telephone number (508) 991-6188 between the hours of 8:00AM-4:00PM Monday- Friday.

Check one: This is the Applicant\_\_\_\_, Representative\_\_\_\_, or other **X** (specify):  
*New Bedford Conservation Commission.*

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, including its date, time and place will be posted in the City Hall not less than forty-eight (48) hours in advance.

Note: You also may contact your local Conservation Commission or the Southeast Region of the Department of Environmental Protection for more information about this publication or the Wetlands Protection Act.  
To Contact DEP Call: Southeast Region: (508) 946-2700  
New Bedford Conservation Commission (508) 991-6188



## 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).

SUBJECT PROPERTY			
MAP #	81	LOT(S)#	126
ADDRESS: Potter St			
OWNER INFORMATION			
NAME: Barry + Janet Williams			
MAILING ADDRESS:			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): DAVID PERKINS			
MAILING ADDRESS (IF DIFFERENT): 658 Suffolk St Lowell, MA 01854			
TELEPHONE #	978-658-3558		
EMAIL ADDRESS:	DPERKINS@ETRECSOLUTIONS.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

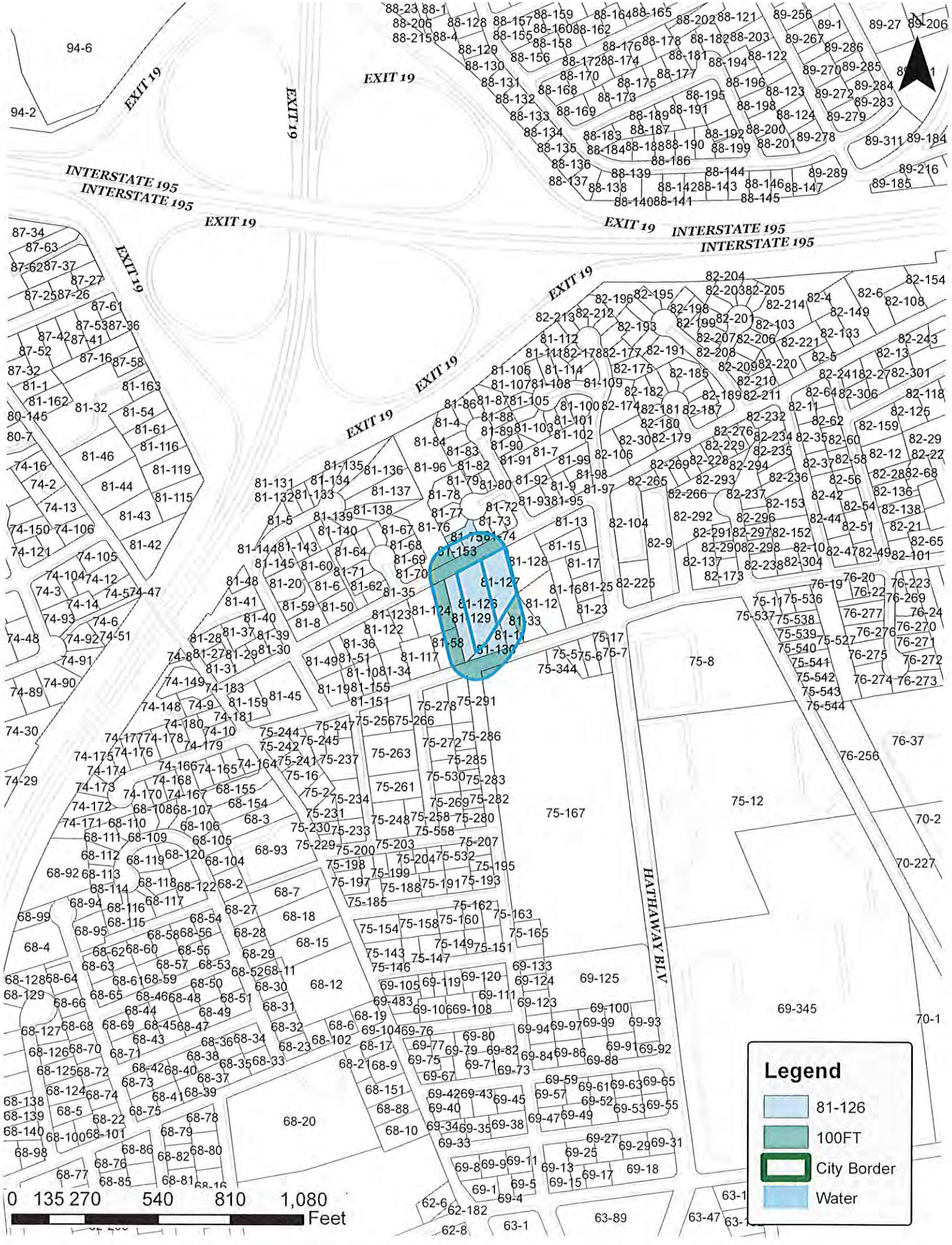
*Carlos Amado*

Signature

10/18/2018

Date





**Legend**

- 81-126
- 100FT
- City Border
- Water

0 135 270 540 810 1,080 Feet



October 17, 2018

Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as Potter Street (Map: 81, Lot: 126). 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>
81-11	299 DURFEE ST	SIMMONS STEVEN J, DOHNER MEGAN E 299 DURFEE ST NEW BEDFORD, MA 02740
81-126 <i>SS</i>	POTTER ST	WILLIAMS BARRY M, WILLIAMS JANET L 331 DURFEE ST NEW BEDFORD, MA 02740
81-130	305 DURFEE ST	SNOW MARY M, 305 DURFEE STREET NEW BEDFORD, MA 02740
81-129 <i>SS</i>	POTTER ST	WILLIAMS BARRY M, WILLIAMS JANET L 331 DURFEE ST NEW BEDFORD, MA 02740
81-75	143 DAKOTA CT <i>-144</i>	N B HOUSING AUTHORITY, 134 SO SECOND ST NEW BEDFORD, MA 02740
81-127 <i>SS</i>	POTTER ST	WILLIAMS BARRY M, WILLIAMS JANET L 331 DURFEE ST NEW BEDFORD, MA 02740
81-153 <i>NS</i>	POTTER ST	CITY OF NEW BEDFORD, C/O LAW DEPARTMENT, CITY HALL 133 WILLIAM STREET NEW BEDFORD, MA 02740

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**ATTACHMENT A**  
**Project Narrative**

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**ATTACHMENT A**  
**NOTICE OF INTENT - PROJECT NARRATIVE**  
**for**  
***City of New Bedford***  
***Durfee Street Wetland Remediation Project***  
**New Bedford, Massachusetts**

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## **1.0 INTRODUCTION**

TRC Environmental (TRC) has prepared this Notice of Intent (NOI) on behalf of the City of New Bedford (City) for compliance with the Massachusetts Wetlands Protection Act (WPA) (M.G.L. Chapter 131, Section 40) and the City of New Bedford Wetlands Ordinance. The City plans to excavate one small and shallow area of sediment for remediation purposes (Project) within a wetland located between Potter Street and Durfee Street in New Bedford, Massachusetts (Site).

The objective of this Project is to address the requirements of the Massachusetts Contingency Plan (MCP) to: achieve and maintain a condition of No Significant Risk to human health, safety, public welfare, and the environment at the wetland and to allow future wetland uses that benefit the surrounding community and pose No Significant Risk to users of the wetland.

The focus of this NOI is the remediation, and restoration of the project Site at one (1) remediation area to address oil and/or hazardous material (OHM), essentially the excavation and removal of a single sample point. Based on the finding of the Phase II Comprehensive Site Assessment (CSA), Method 3 human health risk characterization, Stage I environmental screening (ES) and the Stage II environmental risk characterization (ERC), as supplemented by bioassay sampling and other analyses, remedial actions are needed for soil/sediment in one discrete area of the wetland to achieve Site closure.

## **2.0 EXISTING CONDITIONS**

### **2.1 General Site Conditions**

Figures 1, 2 and 3 illustrate the location of the Site and environmental resources identified in the vicinity of the Site.

The Durfee Street Wetland is privately owned (spread over several owners/parcels) and situated in a mixed municipal/residential area surrounded by roads and residential homes, with nearby commercial operations. The wetland represents the only sensitive habitat for environmental receptors in the vicinity of the Site.

The Site consists of a wetland crossed by an intermittent stream. The intermittent stream is fed by surface water that, when flowing, originates from the Keith Middle School (KMS) wetland



through a culvert under Durfee Street as well as stormwater runoff from Durfee Street. The water flows north to south from Durfee Street to Potter Street.

## **2.2 Wetland Resource Areas and Buffer Zones**

### **2.2.1 Delineated Wetland Resource Areas**

The limits of wetland resource areas were identified by TRC at the Site. TRC completed a wetland resource area delineation in July 2018. The boundary of the Bordering Vegetated Wetland (BVW) was flagged in the field and the flags located with a Trimble GPS unit. The intermittent stream present at the Site was also located by TRC. The regulated resource areas associated with the intermittent stream are Bank and Land Under a Waterway (LUW). A small isolated vegetated wetland is also present at the Site, but this will not be affected by the Project. The limits of the wetland resource areas are illustrated on Figure 4. Representative photographs of the portion of the Site that is the subject of the planned remedial actions are provided in Attachment C.

### **2.2.2 Other Resources**

A review of available Massachusetts Geographic Information System (MassGIS) mapping indicates that there are no Outstanding Resource Water areas and no Areas of Critical Environmental Concern at or in the vicinity of the Project Site. The Site is located outside the 100-year floodplain (Zone A) according to mapping from the Federal Emergency Management Agency. In addition, there are no drinking water supply wells present at the Site or near vicinity (Figure 2).

Based on review of the Natural Heritage and Endangered Species Program (NHESP) MassGIS data layer, there are no mapped priority or estimated habitats in the vicinity of the Site. There are also no NHESP certified or potential vernal pools mapped in the vicinity (Figure 3).

## **2.3 Site History**

The Durfee Wetland, as defined by the limits of the wetland and associated intermittent stream, is situated beyond the northern extent of historic land disturbance associated with the Parker Street Waste Site (PSWS) disposal activities which occurred south of Durfee Street. However, due to a hydrological connection between the KMS Wetland, located south of Durfee Street, and the Durfee Wetland, located between Durfee Street and Potter Street, Disposal Site-related impacts have come to be located in Durfee Wetland sediments beyond the limits of Disposal Site-related fill deposition. Although contaminant migration appears limited, the Durfee Wetland is likely to have been impacted by Disposal Site-related contaminants as a result of surface water

intermittently flowing through a culvert which, in the presence of sufficient headwater depth, drains the KMS Wetland under Durfee Street.

Based on site investigation activities, Disposal Site-related impacts do not appear to be present beyond the Durfee Wetland including the surrounding uplands, the nearby isolated vegetated wetland, and areas north of Potter Street.

Weston performed an environmental investigation in May and July 2010 that consisted of advancing sediment borings. The sediment borings were advanced at locations based on a 25 foot grid resulting in 28 sediment boring locations. Sediment samples were collected from the borings at the following intervals; 0 to 0.5 foot below ground surface (bgs), 0.5 to 2.0 foot bgs, and 2.0 to 3.0 foot bgs. Sample locations are identified in Figure 5.

Based on these results a Risk Characterization was performed and identified that remedial action is required to mitigate unacceptable future risks associated with the P-025-SED-07 Hot Spot for Polycyclic Aromatic Hydrocarbons (PAHs). A hot spot is defined in the MCP as a discrete area where the chemical concentrations are substantially higher than those present in the surrounding area.

In July 2018, additional sampling was performed by TRC in order to delineate impacts at P-025-SED-07. Samples were taken 2 feet to the north, south, and east, and 5 feet to the west of sample P-025-SED-07 at a depth of 0 to 0.5 foot bgs (Sample IDs SED-07-2N, SED-07-2S, SED-07-2E, and SED-07-5W). These samples provided sufficient results to delineate the extent of Site impacts associated with the PAHs. The sample locations are identified on Figures 5 and 6.

This NOI application addresses the proposed response actions necessary to remediate the impacted sediment identified at sample location P-025-SED-07.

### **3.0 PROJECT DESCRIPTION**

The proposed remediation at the Site includes the excavation of a single PAH hot spot that poses a hazard for human and ecological receptors. The Project includes the excavation of impacted sediment at sample location P-025-SED-07, and post-excavation restoration to pre-existing conditions. The area to be remediated is identified on Figure 6. These components are described in more detail below.

#### **3.1 Proposed Activities and Construction Sequencing**

##### **3.1.1 Pre-excavation Activities**

Prior to construction, the limited clearing of vegetation will be necessary to provide access from Potter Street to the excavation location. The proposed access route is to the west of the intermittent stream, which contains a small vegetated uplands area. A minimum amount of

clearing of brush will be required and will be performed utilizing hand-held loppers. Photographs of the proposed access area are included in Attachment C.

### 3.1.2 Excavation

Erosion and sediment controls (straw wattles) will be installed prior to initiating the work as indicated in Figure 6. After the installation of the erosion and sediment controls have been completed, excavation activities will be performed. Site preparation for excavation will include setting up a staging area for the excavation. A staging area will be set up on the side of Potter Street near the excavation area. Polyethylene plastic sheeting (6mil) will be placed on the side of the street where impacted soil/sediment will be handled.

The excavation of impacted soils/sediments will be scheduled to occur during dry conditions to limit the potential for impacts to the resource areas. Because the remedial activities will be performed in a wetland, it is unlikely that significant amounts of dust will be generated. The need for dust monitoring shall be evaluated. Should air monitoring be found to be appropriate, air monitoring will be performed using a combination of real-time dust monitoring upwind and downwind of the work area, and at a point near the closest receptor. If dust monitoring is found not to be necessary, the basis for the decision shall be documented in writing in the field file.

Based on pre-excavation delineation sampling, the area requiring excavation has been determined to be 4 feet by 7 feet to a depth of 6 inches (14 cubic feet). This excavation will include the temporary alteration of 8 feet of Bank, 22 square feet of BWV, and 6 square feet (0.11 cubic yards) of LUW.

Given that the excavation is of a relatively small volume of impacted soil/sediment (0.52 cubic yards), the excavation will utilize hand tools (shovels) and a wheelbarrow to transfer the impacted soil/sediment from the excavation area to the staging area. The excavation area will be staked out prior to excavation. Excavated soil/sediment will be directly loaded from a wheelbarrow into 55-gallon drums that are placed on the 6 mil polyethylene sheeting in the staging area. Following excavation, the 55-gallon drums will be loaded onto a vehicle and temporarily staged off-site, or reused if determined to be suitable by an Licensed Site Professional (LSP), at a location to be determined.

## 3.2 Avoidance, Minimization and Restoration

Because this project addresses remediation of impacted soil/sediment, this project must occur within wetland resource areas. There is no alternative to this project, but the project has been planned to avoid and minimize disturbance to the wetland resource areas to the greatest extent possible. To accomplish this, all proposed work within wetland resource areas is to be completed by hand.

After the Project is complete, the Project area will be restored to pre-existing conditions. Loam will be used to fill in the excavated area to pre-existing conditions, and the loam will be tamped

down to keep it from eroding. Erosion control measures will be removed once all applicable areas are stabilized.

#### **4.0 PERFORMANCE STANDARDS AND MITIGATION MEASURES**

Due to the nature of the work and the location of the remediation areas, some disturbance to the regulated Bank/LUW/BVW is unavoidable. Although work will occur in regulated areas, best management practices (BMPs) will be utilized and all temporarily disturbed areas will be restored after the remediation activities are complete. Proposed BMPs and mitigation measures are discussed further below.

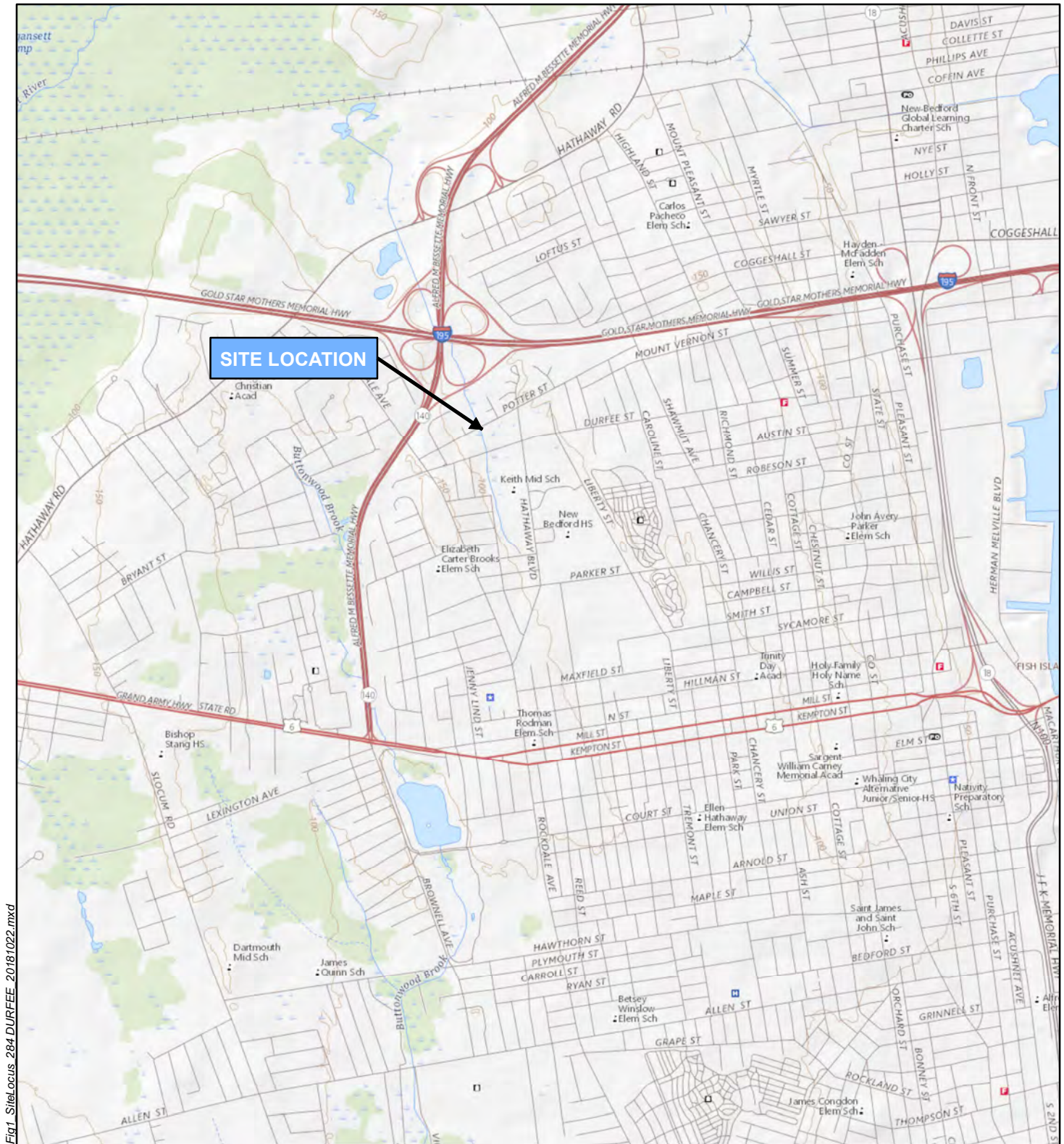
This Project will meet the performance standards associated with protected resource areas while working in the regulated LUW/BVW. BMPs that will be implemented in the Project area include:

- having an Environmental Inspector/Monitor on-site during the remedial activities;
- avoiding significant disturbance to regulated wetlands;
- using erosion controls where erosion hazards exist;
- restoring temporarily disturbed areas to pre-construction conditions to the extent possible by applying a wetland seed mix (New England WetMix from New England Wetland Plants, Inc.).

## ATTACHMENT B

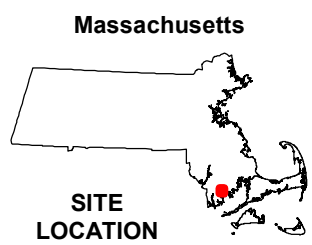
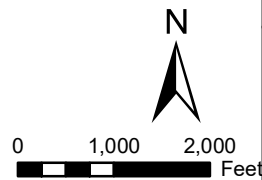
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### Figures



R:\Projects\GIS\2014\115058\_NewBedford\mxd\Fig1\_SiteLocus.mxd Fig1\_SiteLocus 284 DUFREE 20181022.mxd

Basemap: USGS National Map 2017



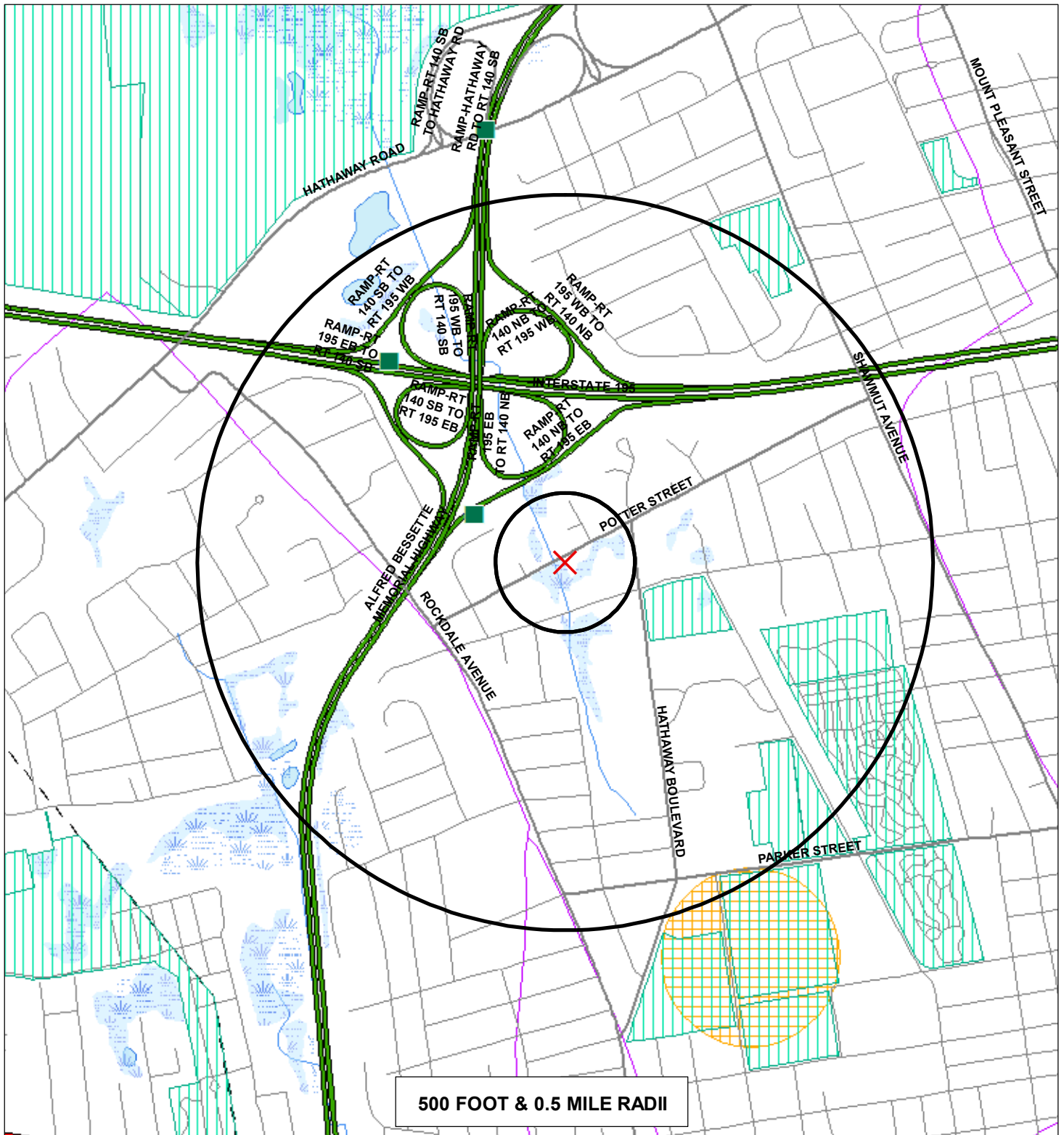
**TRC**  
Wannalancit Mills  
650 Suffolk Street  
Lowell, MA 01854  
978-970-5600

**SITE LOCUS MAP**  
**DURFEE STREET WETLAND**  
**NEW BEDFORD, MA**









500 FOOT & 0.5 MILE RADII

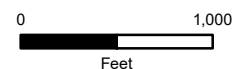
- Roads: Limited Access, Multi-Lane, Major/Minor, Track, Trail ————  
 Railroad, Pipeline, Powerline ————  
 Major Basin, Sub Basin, Perennial Stream, Intermittent Stream, Shoreline, Man made Shore, Dam, Aqueduct ————  
 Wetland, Salt Wetland, Submerged Wetland, Open Water, Reservoir, Tidal Flat/Shoal ————  
 Potentially Productive Aquifers: Medium, High Yield ————  
 Non-Potential Drinking Water Source Area: Medium, High Yield ————  
 EPA Sole Source Aquifer, FEMA 100 Yr. Floodplain, DEP Solid Waste Facility ————  
 Approved Zone II, IWPA, Surface Water Supply Zone A ————  
 Protected Open Space, ACEC ————  
 Priority Habitat, Certified Vernal Pool ————  
 Boundaries: County and Town ————  
 Public Water Supplies: Ground, Surface, Non-Community (NTNC, TNC) ———— Source: MassGIS/EOEA



Wannalancit Mills  
 650 Suffolk Street  
 Lowell, MA 01854  
 978-970-5600

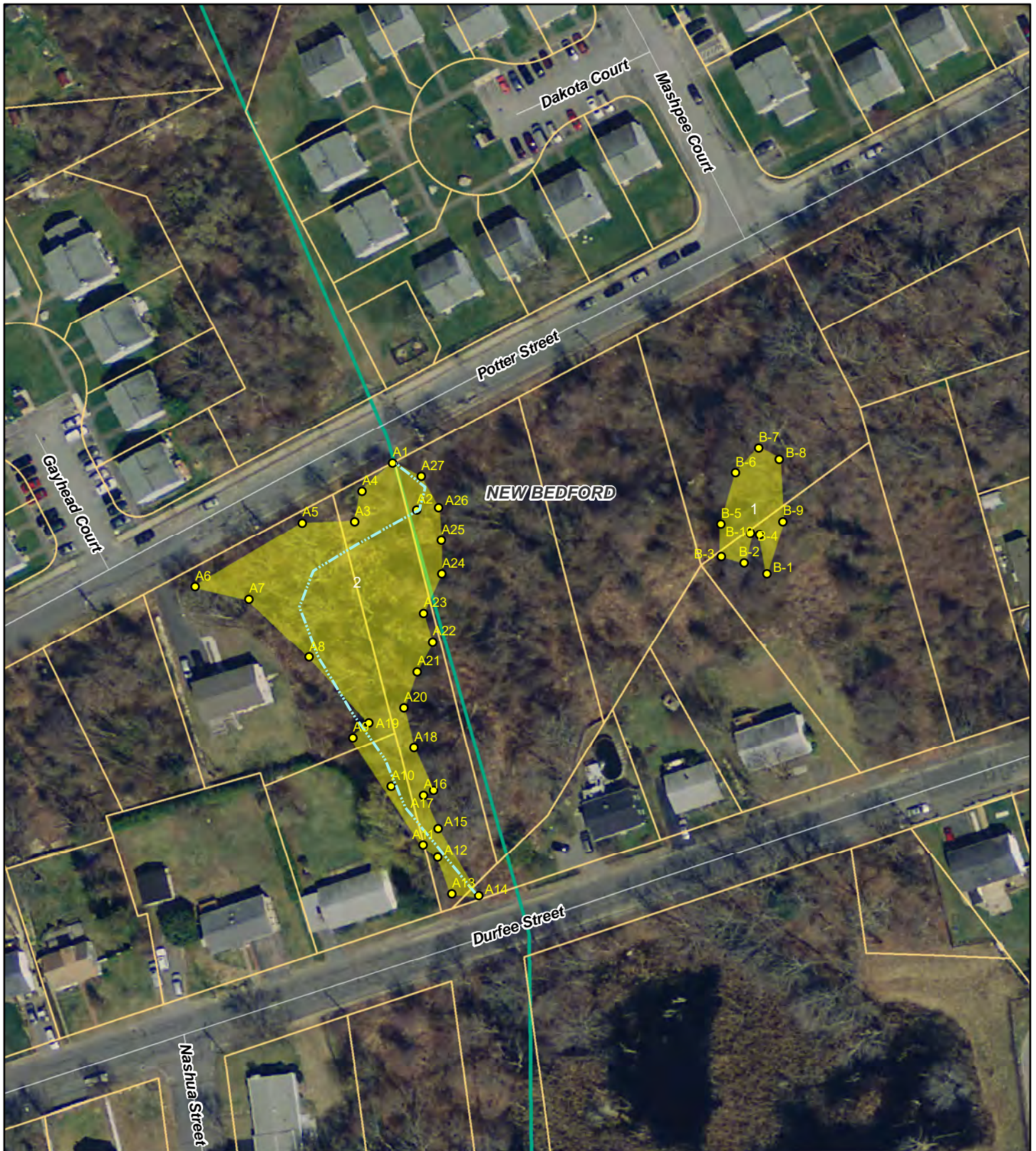
FIGURE 3

MASSDEP PRIORITY RESOURCES MAP  
 DURFEE STREET WETLAND  
 NEW BEDFORD, MA



OCT  
 2018





- Wetland Aug. 2018
- Intermittent Stream (Bank/Land under a waterway)
- Parcels
- Wetland Boundary Flag



Massachusetts



Wannalancit Mills  
650 Suffolk Street  
Lowell, MA 01854  
978-970-5600

### WETLAND DELINEATION DURFEE ST. WETLAND NEW BEDFORD, MA

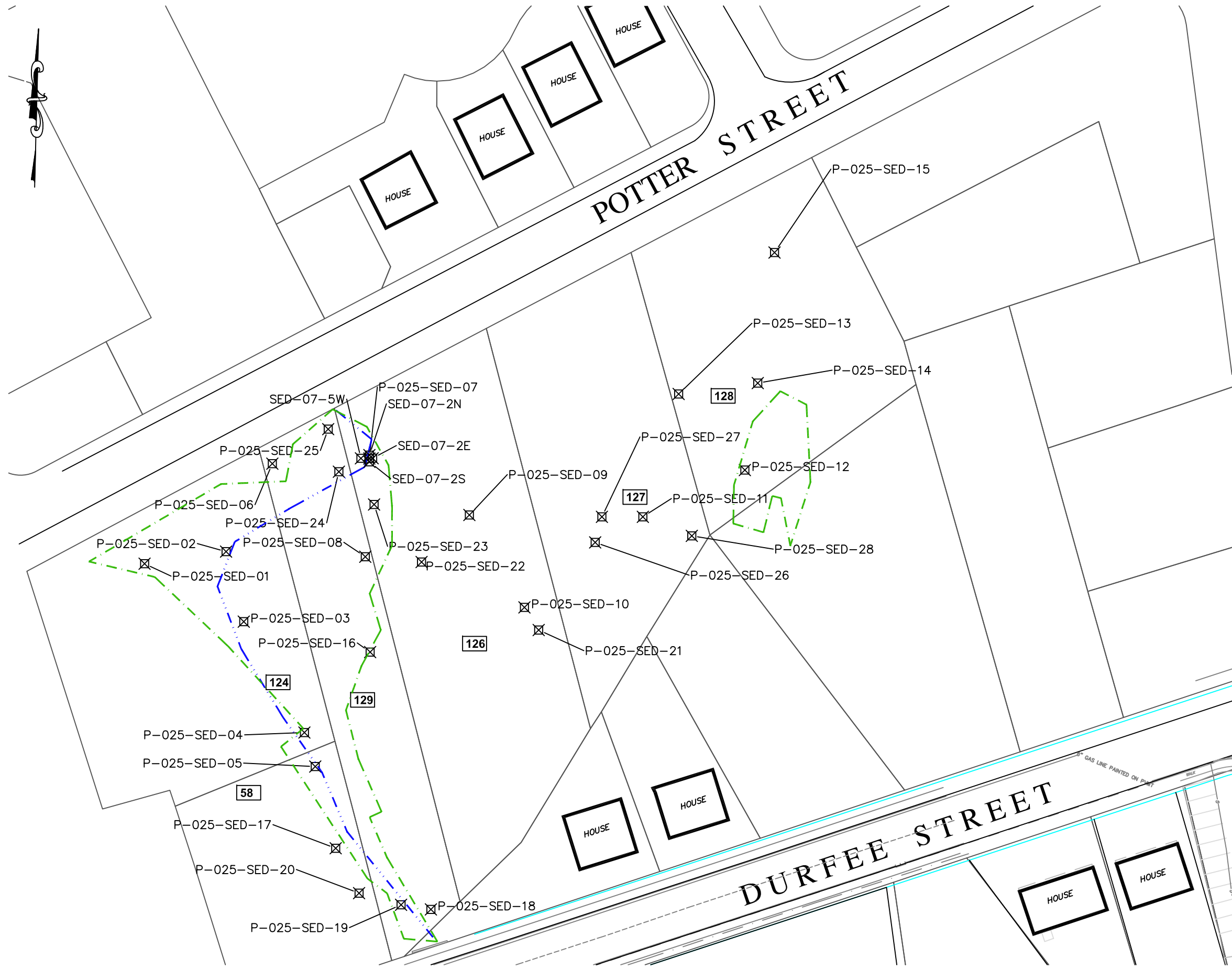
FIGURE 4

OCT. 2018

Base Map: MassGIS, 2015



11/17 -- ATTACHED XREFS: NBS\_durfee\_wetlands.dwg -- ATTACHED IMAGES: DRAWING NAME: J:\Projects\115068 (281331) - New Bedford\PSWS PHASE\_IMAGES\PSWS DURFEE WETLANDS 20181009.dwg -- PLOT DATE: October 22, 2018 - 3:05PM -- LAYOUT: durfee




NOTES:  
1) BASE MAP WAS SUPPLIED TO TRC FROM LAND PLANNING INCORPORATED FROM HANSON, MA. ON 2/26/2016.  
2) PARCEL BOUNDARIES ARE FROM MA. GIS.  
3) LOCATIONS SHOULD BE CONSIDERED APPROXIMATE AND VERIFIED IN THE FIELD.

- ✕ BORING LOCATION
- WETLAND LINE DELINEATION
- INTERMITTENT STREAM
- PARCEL BOUNDARY

128 PARCEL NUMBER FROM TAX MAP 81

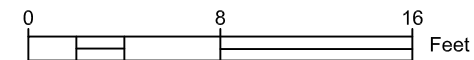
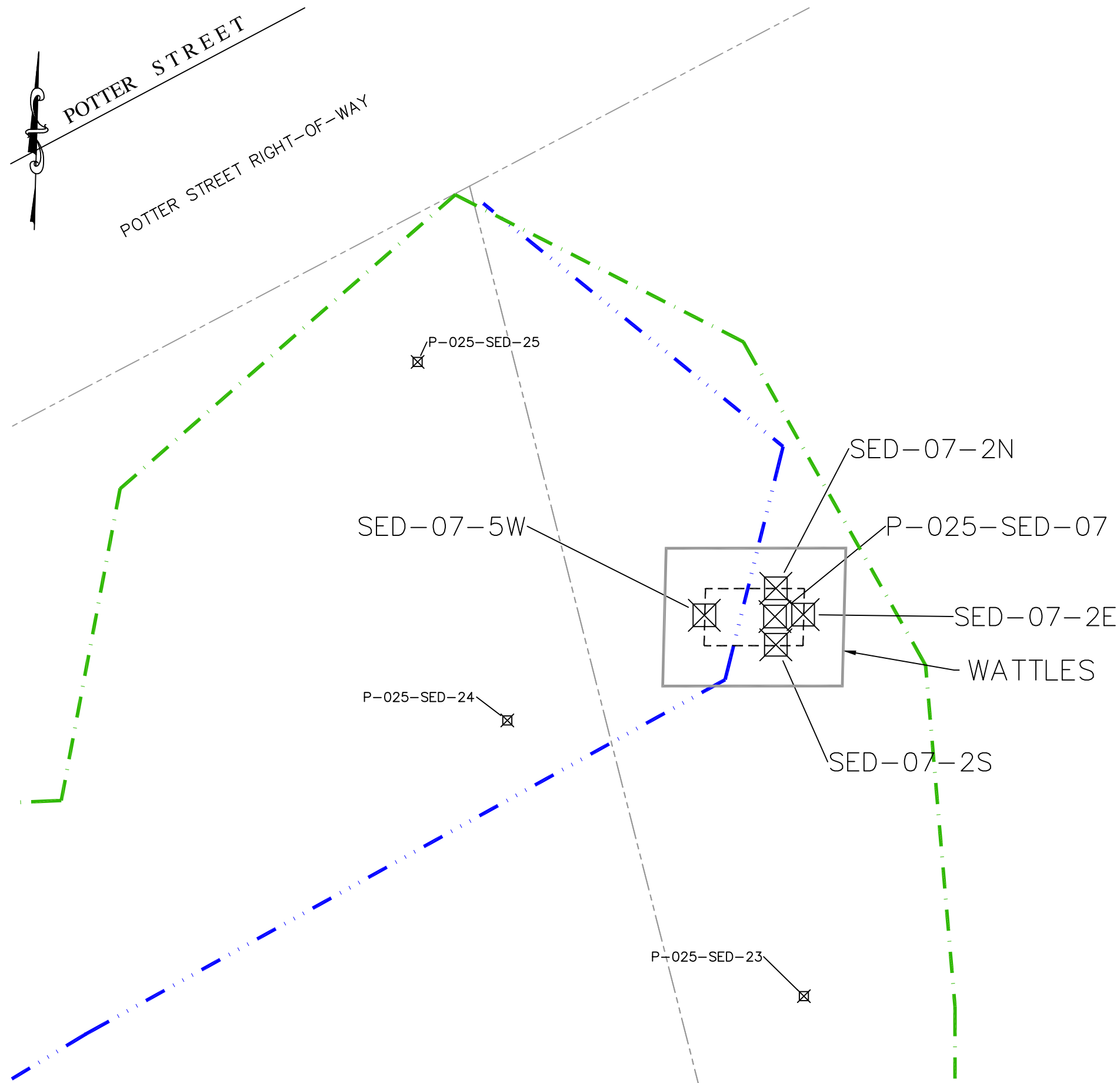
0 60 120 Feet

PROJECT:		PSWS NEW BEDFORD, MASSACHUSETTS	
TITLE:		DURFEE STREET WETLAND SAMPLE LOCATION MAP	
DRAWN BY:	MAN	PROJ NO.:	115058
CHECKED BY:	DP	FIGURE 5	
APPROVED BY:	DP		
DATE:	OCT. 2018		
FILE NO.:		DURFEE WETLANDS 20181009.dwg	



650 Suffolk Street  
Suite 200  
Lowell, MA 01854  
Phone: 978.970.5600


11x17 -- ATTACHED XREF'S: NBS\_Autolink: wholefile\_boss -- ATTACHED IMAGES: DRAWING NAME: J:\Projects\115058 (281331) - New Bedford\PSWS\_PHASE\_IMAGES\SED07\_DURFEE WETLANDS 20181022.dwg -- PLOT DATE: October 30, 2018 - 9:45AM -- LAYOUT: durfee



- NOTES:
- 1) BASE MAP WAS SUPPLIED TO TRC FROM LAND PLANNING INCORPORATED FROM HANSON, MA. ON 2/26/2016.
  - 2) PARCEL BOUNDARIES ARE FROM MA. GIS.
  - 3) LOCATIONS SHOULD BE CONSIDERED APPROXIMATE AND VERIFIED IN THE FIELD.

- ☒ BORING LOCATION  
- - - - - WETLAND LINE DELINEATION  
- . . . . INTERMITTENT STREAM  
- - - - - PARCEL BOUNDARY  
- - - - - EXCAVATION AREA  
- - - - - WATTLES

PROJECT:		PSWS NEW BEDFORD, MASSACHUSETTS	
TITLE:		DURFEE STREET WETLAND EXCAVATION AREA	
DRAWN BY:	MAN	PROJ NO.:	115058
CHECKED BY:	DP	FIGURE 6	
APPROVED BY:	DP		
DATE:	OCT. 2018		
FILE NO.:		SED07_DURFEE WETLANDS 20181022.dwg	



650 Suffolk Street  
Suite 200  
Lowell, MA 01854  
Phone: 978.970.5600

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**ATTACHMENT C**

**Photograph Log**

**Durfee Street Wetland Remediation Project  
Site Inspection Photographs – October 18, 2018  
Photo Location Identified in Figure 1**



**Photo 1:** Excavation Area facing North. Orange flag is sample location P-025-07. First white flag to north, white flag to the south, white flag to the east, and white flag to the west define the excavation area.





**Photo 2:** Excavation Area facing east.



**Photo 3:** Bank facing west showing proposed access route.





**Photo 4:** Proposed access from Potter Street facing south.





**Photo 5:** Culvert outlet under Potter Street looking north.