



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

October 5, 2018

NOTICE OF VIOLATION

Frank Corporation
c/o: Attorney Adam Brodsky
Drohan Tocchio & Morgan, P.C.
175 Derby Street, Suite 30
Hingham, MA, 02043

Re: 23 Popes Island
New Bedford, MA 02740
Map 60, Lot 20

On October 3, 2018, I inspected the above-reference property and observed the excavation of a large hole adjacent to the Coastal Bank (310 CMR 10.30) of the Acushnet River. The excavated soils from the hole were stockpiled further south and away from the Resource Areas. I have since learned that this hole was dug to remove an underground storage tank. Coordination with the MA DEP has occurred under the MA Contingency Plan and the site was classified as a Limited Removal Action due to the limited amount of contamination found. Currently you are waiting for final soil tests to be returned before the hole can be backfilled and paved over. It is also my understanding that the stockpiled material is clean.

The excavated hole is within the Buffer Zone to the Coastal Bank of the Acushnet River and a Request for Determination of Applicability (RDA) should have been filed for this work. Please file an after-the-fact RDA for this activity by October 18th at 12:00 noon. Please include all correspondence with MA DEP in your filing. In the mean time, the Conservation Commission would like the site backfilled and paved as soon as possible to stabilize the work site. If you have any questions regarding this letter or the filing requirements, please contact me at 508-979-1497.

Sincerely,

A handwritten signature in cursive script that reads "Sarah E. Porter".

Sarah E. Porter
Conservation Agent

cc: Conservation Commissioners