

ECR



Environmental Consulting & Restoration, LLC

Specializing in Wetland and Coastal Resource Area Delineation & Permitting

REQUEST FOR DETERMINATION OF APPLICABILITY

off Duchaine Boulevard

SUBMITTED TO

New Bedford Conservation Commission

July 2018

APPLICANT

**Eversource Energy
247 Station Drive
Westwood, MA 02090**

REPRESENTATIVE

**Environmental Consulting & Restoration, LLC
P.O. Box 1319
Plymouth, MA 02362
(617) 529-3792**



Environmental Consulting & Restoration, LLC



July 25, 2018

Town of New Bedford
Conservation Commission
133 William Street - Rm 304
New Bedford, MA 02740
Attn: Sarah Porter, Conservation Administrator

RE: Request for a Determination of Applicability, off Duchaine Boulevard, New Bedford, Massachusetts

Dear Ms. Porter & Members of the Conservation Commission:

Please accept this Request for a Determination of Applicability application for proposed restoration activities associated with a previously installed utility manhole located off Duchaine Boulevard in New Bedford (the Site). The proposed project is located within the 100-foot buffer zone to a Bordering Vegetated Wetland and the edge of a Bordering Vegetated Wetland. This application is being submitted in accordance with the Massachusetts Wetlands Protection Act Regulations.

If you have any questions or require additional information, please contact me at (617) 529 - 3792.

Sincerely,
Environmental Consulting & Restoration, LLC

A handwritten signature in blue ink that reads "Brad Holmes".

Brad Holmes, PWS, MCA
Manager

CC: Department of Environmental Protection, Southeast Regional Office, 20 Riverside Drive, Lakeville, MA 02347, Attn: RDA Reviewer

Eversource Energy, 247 Station Drive, Westwood, MA 02090

REQUEST FOR A DETERMINATION OF APPLICABILITY
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Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

New Bedford
City/Town

WPA Form 1- Request for Determination of Applicability

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

A. General Information

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

Eversource Energy, Attn: Christopher Fox

christopher.fox@eversource.com

Name

E-Mail Address

61 Massirio Drive

Mailing Address

Berlin

CT

06037

City/Town

State

Zip Code

603-748-2739

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Environmental Consulting & Restoration, LLC

Firm

Brad Holmes

Brad@ecrholmes.com

Contact Name

E-Mail Address

P.O. Box 1319

Mailing Address

Plymouth

MA

02362

City/Town

State

Zip Code

617-529-3792

Phone Number

Fax Number (if applicable)

B. Determinations

1. I request the New Bedford make the following determination(s). Check any that apply:
Conservation Commission

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☒ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☐ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance or bylaw** of:

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).

Not applicable, site is not located within a Riverfront Area



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C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

off Duchaine Boulevard (see attached locus map)

Street Address

Map 134

Assessors Map/Plat Number

New Bedford

City/Town

Parcel 5

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

The site is located to the west of the Duchaine Boulevard paved roadway, just beyond the limit of the roadway. The utility manhole was recently installed within existing open space consisting of herbaceous growth (mostly grasses). A Bordering Vegetated Wetland is located to the west of the recently installed manhole. For more information, please refer to the Project Description and Photograph Pages attached.

- c. Plan and/or Map Reference(s):

Proposed Restoration Plan, off Duchaine Boulevard, New Bedford, MA

Title

Date

Title

Date

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Proposed work occurs within the buffer zone to Bordering Vegetated Wetlands and edge of Bordering Vegetated Wetlands and consists of a restoration work to mitigate impacts associated with the recently installed utility man hole. The utility man hole was previously installed within an area of open space consisting of herbaceous growth and limited shrub growth. Proposed restoration work will include removing soil piles, debris, remains of straw erosion controls, etc. Upon removal, the area will be loamed (where necessary), hand seeded, and planted with native shrubs. For more information please refer to the Project Description attached.



WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

The proposed work occurs within the buffer zone to wetland resource areas and edge of wetland resource areas. The proposed work will will restore the wetland resource area and buffer zone associated with the recently installed utility manhole. Therefore, in accordance with 310 CMR 10.02(2)(b), the proposed activities will not alter an Area Subject to Protection under the Wetlands Protection Act and; therefore, it does not require the filling of a Notice of Intent.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

New Bedford
City/Town

WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Logal LLC, C/O Eric Decosta

Name

100 Duchaine Blvd

Mailing Address

New Bedford

City/Town

MA

State

02745

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

Date

Brian Holmes ECR Representative

Signature of Representative (if any)

Date

7/25/18



CITY OF NEW BEDFORD
MASSACHUSETTS

CONSERVATION COMMISSION
2009 FILING FEE CALCULATION WORKSHEET*

PROJECT LOCATION:

_____ MAP _____ LOT(S) _____

APPLICANT: Eversource Energy

CONSERVATION COMMISSION FEES (check all that apply):

- ☒ REQUEST FOR DETERMINATION OF APPLICABILITY
- ☐ NOTICE OF INTENT
- ☐ INQUIRY AS TO NEED FOR AN AMENDED ORDER**
- ☐ AMENDED ORDER OF CONDITIONS
- ☐ ANRAD (Abbreviated Notice of Resource Area Delineation)
- ☐ EXTENSION PERMIT
- ☐ CERTIFICATE OF COMPLIANCE
- ☐ AFTER THE FACT FILING
- ☐ RESTORATION PLAN FEE (no NOI filing required)
- ☐ LIFTING AN ENFORCEMENT ORDER
- ☐ PENALTIES

(A.) ALTERATION FEES:

Application and field review of a project proposed in a Wetland Resource Area or its Buffer Zone is \$150.00 plus the applicable alteration fee as follows

	AMOUNT DUE
• Application and Field Review Fee (\$150.00)	\$ <u>150.00</u>
• \$0.50 X <u>60</u> SF Wetland Resource Area	\$ <u>30.00</u>
• \$0.05 X _____ SF Land Subject Coastal Flooding	\$ _____
• \$0.20 X _____ SF Developed Riverfront Area	\$ _____
• \$1.00 X _____ SF Undeveloped Riverfront Area	\$ _____
• \$5.00 X _____ LF Coastal Bank	\$ _____
• \$0.10 X <u>650</u> SF Buffer Zone	\$ <u>65.00</u>
	<u>245.00</u>

(B.) EXTENSION of an Order of Conditions:

- Minor Project ... \$100.00 + _____ (¼ local fee from NOI) \$ _____
- Other Projects ... \$200.00 + _____ (¼ local fee from NOI) \$ _____

(C.) AMENDING A PERMIT:

- Written inquiry or request to appear to determine the need for an Amended Order:** (\$50.00 fee) \$ _____
- Amending OOC: \$150.00 + _____ (applicable alteration fee) \$ _____

**(D.) RESOURCE BOUNDARY DELINEATION VERIFICATION
USING AN RDA APPLICATION:**

- \$150.00 + \$2.00 X _____ LF Wetland boundary \$ _____

**(E.) ABBREVIATED RESOURCE AREA DELINEATION VERIFICATION
(ANRAD)**

- \$150.00 + \$1.00 X _____ LF Resource Area boundary \$ _____

**(F.) RESOURCE BOUNDARY DELINEATION VERIFICATION CONDUCTED
DURING A NOTICE OF INTENT REVIEW**

- \$150.00 + \$3.00 X _____ LF Resource Area boundary \$ _____

(G.) DOCKS:

- \$100.00 + \$4.00 X _____ LF of dock \$ _____
- Add 150% to total fee if in significant shellfish habitat \$ _____

(H.) AFTER THE FACT FILING:

- All Total Fees are doubled \$ 245 x 2 = 490

(I.) RESTORATION PLAN FEE:

- (\$150.00 + _____ Alteration Fee) Multiplied by 2 \$ _____

(J.) LIFTING ON ENFORCEMENT ORDER:

- \$150.00 fee \$ _____

(K.) CERTIFICATE OF COMPLIANCE:

- refer to "K" of the Fee schedule \$ _____

(L.) PENALTIES:

- refer to "L" of the Fee schedule \$ _____

TOTAL AMOUNT DUE (including after-the-fact fee if applicable): \$ _____

Notes:

* Please refer to the Conservation Commission Fee Schedule - Revised April 2009

** This is not required, but available for anyone who would like to appear to discuss the need to Amend.

Please make check or Money Order payable to: THE CITY OF NEW BEDFORD.
Cash is not Accepted.

ENVIRONMENTAL CONSULTING &
RESTORATION, LLC

P.O. BOX 1319 617-529-3792
PLYMOUTH, MA 02362-1319

53-179/113

1746

DATE 7/25/18

PAY TO THE
ORDER OF

The City of New Bedford

\$ 490.00

Four hundred ninety dollars & 00/100 cents

DOLLARS



Security Features
Included.
Details on Back.

Eastern Bank

Boston, MA 02110
easternbank.com
1-800-EASTERN

MEMO

EverSource RDA

B. Holmes

MP

⑆011301798⑆

0601399996⑆ 1746

PROJECT NARRATIVE

Section 1.0 Introduction

The proposed restoration project off Duchaine Boulevard in New Bedford (the Site) is associated with a recently installed utility manhole. The proposed restoration is located within the work area of the recently installed utility manhole to the west of the Duchaine Boulevard paved roadway. The proposed restoration work is located within the 100-foot buffer zone to a Bordering Vegetated Wetland and edge of a Bordering Vegetated Wetland. This application is being submitted in accordance with the Massachusetts Wetlands Protection Act Regulations.

Section 2.0 Site Description

The site consists of an open area abutting a forest edge to the west of the Duchaine Boulevard paved roadway. An area near the manhole was disturbed from the utility work and requires restoration activities. A Bordering Vegetated Wetland is located to the west of the utility manhole and was previously delineated by TRC Environmental with blue flagging. ECR reviewed this delineation on July 18, 2018 and found the delineation at the site to be accurate. ECR replaced the wetland flags within 100 feet of the utility manhole with new pink & black striped ribbons. ECR also surveyed the location of each flag placed in the field using a Trimble GPS mapping instrument in order to plot the flag locations on top of an aerial photograph. For more information please refer to the Wetland Delineation Overlay Plan attached.

The BVW located to the west of the recently installed utility manhole has been delineated in accordance with the Massachusetts Department of Environmental Protection (DEP) regulations found at 310 CMR 10.55 pertaining to the delineation of Bordering Vegetated Wetlands. The delineation was performed by analyzing vegetation, hydrology within 12 inches of the surface, and soil conditions within 20 inches of the surface. The BVW contains hydric soils, hydrology, and dominant wetland indicator plants. Please note, an isolated vegetated wetland system is located to the south of the utility manhole and was also located during the July 18th site review. This isolated vegetated wetland is not a jurisdictional wetland per the Massachusetts Wetlands Protection Regulations.

As a result of ECR's field work and review of available environmental databases, ECR is able to confirm that the site contains the following wetland resource areas and areas of Conservation Commission jurisdiction:

- Bordering Vegetated Wetlands (BVW)
- 100-foot buffer zone to the BVW

Notes:

1. The site is not located within mapped areas of Priority Habitat & Estimated Habitat for Rare Species according to the Massachusetts Natural Heritage & Endangered Species Program (MaNHESP).
2. The site does not contain Certified Vernal Pools according to the MaNHESP.
3. The site is not located within Land Subject to Flooding (FEMA Floodzone).
4. The site is not located within an Area of Critical Environmental Concern.
5. The site does contain a U.S. Geological Survey (USGS) mapped stream. Please note that a USGS mapped stream is located approximately 130 feet to the west of the site, which is beyond the 25 foot Riverfront Area.

Section 3.0 Proposed Activities

The purpose of this Request for Determination of Applicability application is to authorize the proposed restoration work associated with the installation of the utility manhole following the methodology below:

1. Removal of soil piles, any debris, and remnants of strawbales in and near the project area. All removed soil, debris, strawbales, etc. will be disposed of off site at an appropriate facility.
2. Prune back any impacted vegetation to remove broken limbs.
3. Apply a new layer of loam over bare areas, where necessary, near the utility manhole work area. Upon placement of loam, these area should be hand seeded with a conservation seed mix. ECR recommends using Ernst Conservation Seed Mix (see seed mix profile below).
4. Hand rake the area along the wetland edge to smooth areas to restore the natural profile. Upon raking, revegetate the wetland edge with native shrubs. ECR recommends planting ten (10) native shrubs consisting of 4 Sweet Pepperbush (*Clethra alnifolia*), 3 Highbush Blueberry (*Vaccinium corymbosum*) and 3 Winterberry (*Ilex verticillata*). Upon planting, the root zone of each shrub will be covered with natural wood chips to help retain moisture.



Native Upland Wildlife Forage & Cover Meadow Mix

Mix Composition

- 35.0% *Andropogon gerardii*, 'Niagara' (Big Bluestem, 'Niagara')
- 27.0% *Panicum virgatum*, 'Shawnee' (Switchgrass, 'Shawnee')
- 21.0% *Elymus virginicus*, PA Ecotype (Virginia Wildrye, PA Ecotype)
- 9.0% *Sorghastrum nutans*, PA Ecotype (Indiangrass, PA Ecotype)
- 3.0% *Rudbeckia hirta*, Coastal Plain NC Ecotype (Blackeyed Susan, Coastal Plain NC Ecotype)
- 2.0% *Chamaecrista fasciculata*, PA Ecotype (Partridge Pea, PA Ecotype)
- 1.5% *Helianthus annuus*, PA Ecotype (Oxeye Sunflower, PA Ecotype)
- 1.0% *Coreopsis tinctoria* (Plains Coreopsis)
- 0.5% *Desmodium canadense*, PA Ecotype (Showy Ticktrefoil, PA Ecotype)

General Product Information:

This perennial grass mix with re-seeding annual forbs creates attractive first-year color and perennial cover when planted in full sun or partially shaded areas. Seed from October-May in rich well-drained soils. Mix formulations are subject to change without notice depending on the availability of existing and new products. While the formula may change, the guiding philosophy and function of the mix will not.

Item Number: ERNMX-123

Product Categories:

Uplands & Meadows

Height: 1.0 - 6.3 Ft

Seeding Rate: 20 lb per acre

[PRINT](#) | [EMAIL](#) | [SHARE](#)

Price: \$10.76/lb

For more information, please refer to the attached Wetland Delineation Overlay Plan and photograph pages included with this RDA application.

**off Duchaine Boulevard, New Bedford
Site Photographs**



Photograph #1 – View of the recently installed utility manhole located to the west of the Duchaine Boulevard roadway.



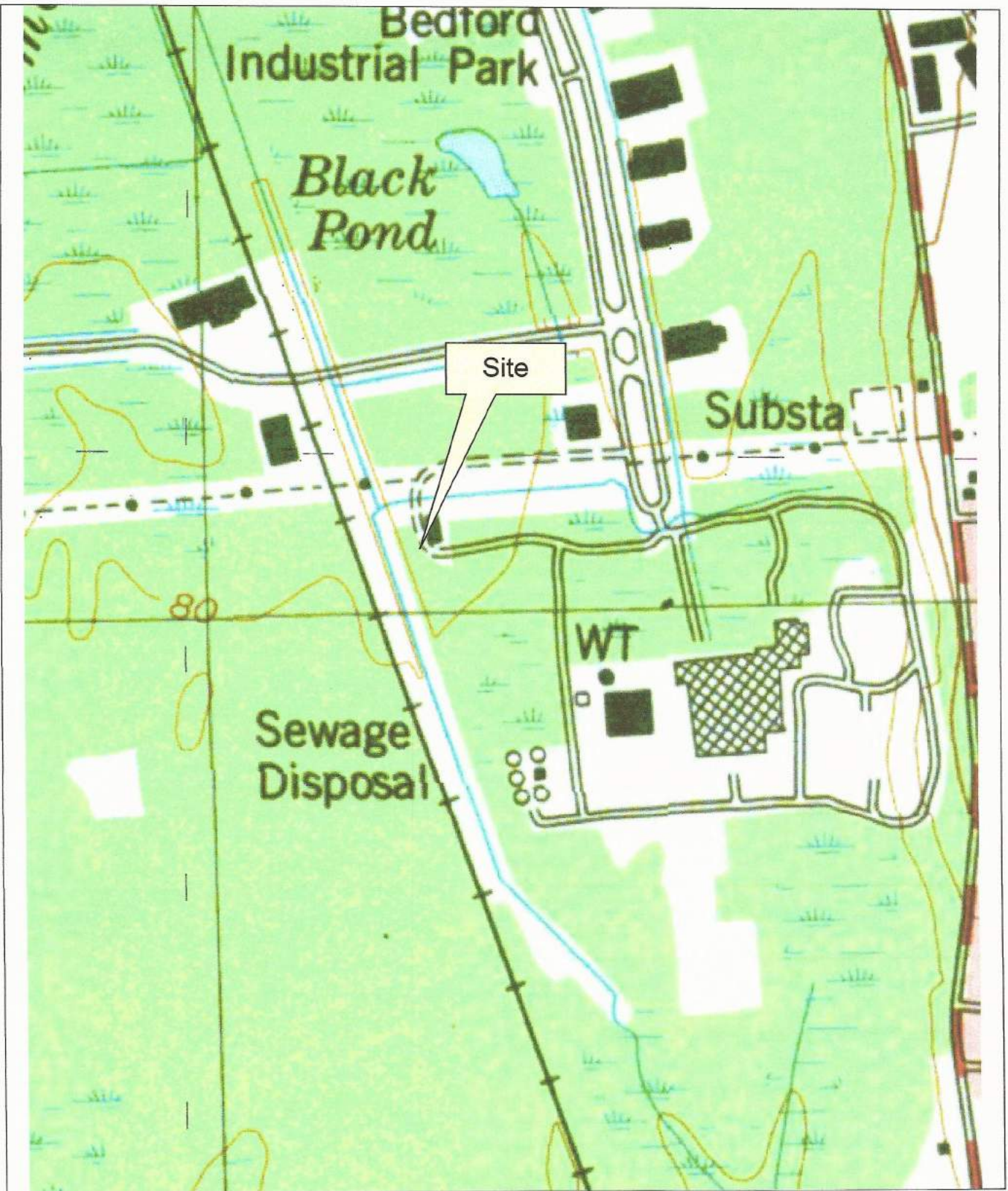
Photograph #2 - View from the existing roadway toward the utility manhole. The proposed project includes restoring disturbed areas associated with the installation of the utility manhole.



Photograph #3 – View of a small soil pile and remnant strawbales associated with the installation of the utility manhole. All the debris, soil, etc. is proposed to be removed and disposed of offsite.



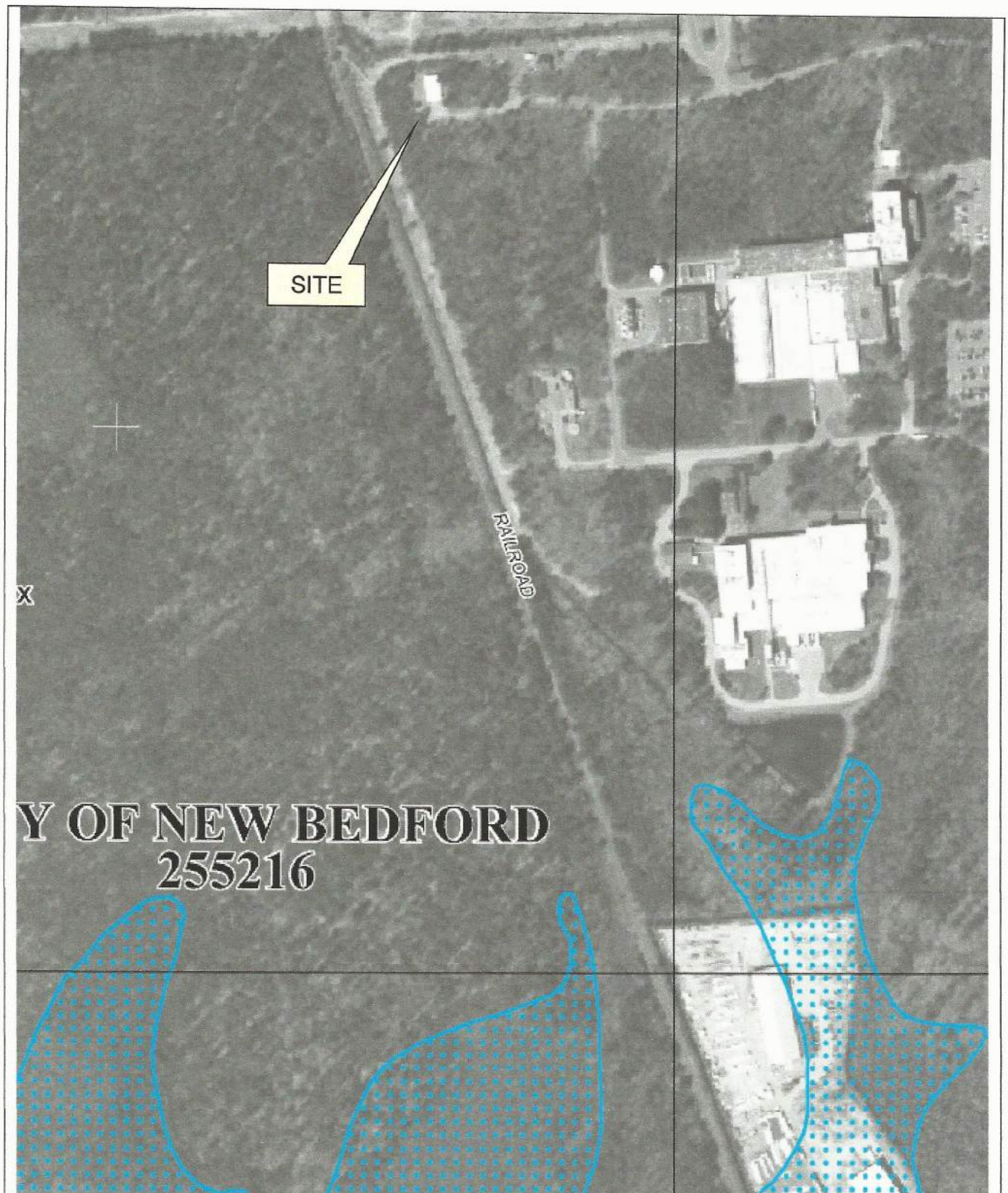
Photograph #4—Another view of the proposed restoration area within the buffer zone and edge of wetland.



**USGS SITE LOCUS MAP
off Duchaine Boulevard
New Bedford, Massachusetts**

Source: USGS Topographic Map

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▲



**FEMA MAP
off Duchaine Street
New Bedford, Massachusetts**

Source: FEMA Map 25005C0379F 07/07/2009





**Priority Habitat of Rare Species, Estimated Habitat of Rare Wildlife
& Certified Vernal Pool Map
off Duchaine Boulevard
New Bedford, Massachusetts**

Source: MassGIS Oliver Viewer





Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

WETLAND DELINEATION OVERLAY PLAN
OFF DUCHAINE BOULEVARD
NEW BEDFORD, MASSACHUSETTS
Environmental Consulting & Restoration, LLC

Notes:
1.) Base Map Source: ESRI
2.) Wetland delineation and GPS survey conducted by ECR on July 18, 2018.

- Legend
- Wetland Flag
 - Man Hole
 - Wetland Delineation
 - Parcel Boundary
 - 50-Foot Buffer Zone
 - 100-Foot Buffer Zone

Date:
July 2018

Scale:
1 inch = 30 feet

