



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

August 28, 2017

Mr. Michael Amenabar
Cedar Realty Trust
500 Franklin Village Drive
Suite 210
Franklin, MA 02038

Re: 1024 Kings Highway (Map 123, Lot 109)
1080 Kings Highway (Map 125, Lot 29)
Kings Highway Plaza
New Bedford MA

NOTICE OF VIOLATION

On August 24, 2017, I visited the above-reference site and observed that wetland vegetation and buffer zone vegetation associated with an intermittent stream (drainage ditch) had been cleared behind (east) of the Kings Highway Plaza. Approximately 1000 linear feet of disturbance occurred. The intermittent stream is approximately 1-2 feet wide and approximately 30' of Buffer Zone was also disturbed along the length of the intermittent stream.

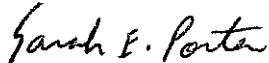
This stream, the associated wetland vegetation and the 100' buffer zone are regulated under the Massachusetts Wetlands Protection Act (MGL c131 S40) and Regulations (310 CMR 10.00 et. seq.) and the City of New Bedford Wetlands Ordinance (Section 15-101 through 15-112). The intermittent stream has two protected Wetland Resource Areas associated with it: Land Under Waterways (310 CMR 10.56) and Bank (310 CMR 10.54). The wetlands are classified as Bordering Vegetated Wetland (BVW) (310 CMR 10.55).

I had visited this site in the past and knew that the BVW was primarily vegetated with the invasive Common reed (*Phragmites australis*) although some willow (*Salix* sp) also grew along the Banks. Autumn olive (*Ealeagnus umbellata*) which is also an invasive species grew in the Buffer Zone. The channel was littered with large and small debris (shopping carts, railroad ties, hypodermic needles etc.) to the point that it clogged the stream. The clogging of the stream prevented it from flowing and

consequently portions of the shopping center flooded during rain events. The dense vegetation also harbored people.

After consultation with the Chairman of the Conservation Commission, it was decided that the most appropriate action to take would be to request Cedar Realty Trust to immediately seed the Buffer Zone and Banks of the intermittent stream with a Conservation Seed mix. Once the grassy embankment has been established it shall only be **cut once a year, in September**. This will allow the tall grass to serve as nesting habitat for upland songbirds and other wildlife that prefer grasslands. Please contact me if you should have any questions regarding this correspondence.

Sincerely,

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

Sarah E. Porter
Conservation Agent

cc: Conservation Commissioners