



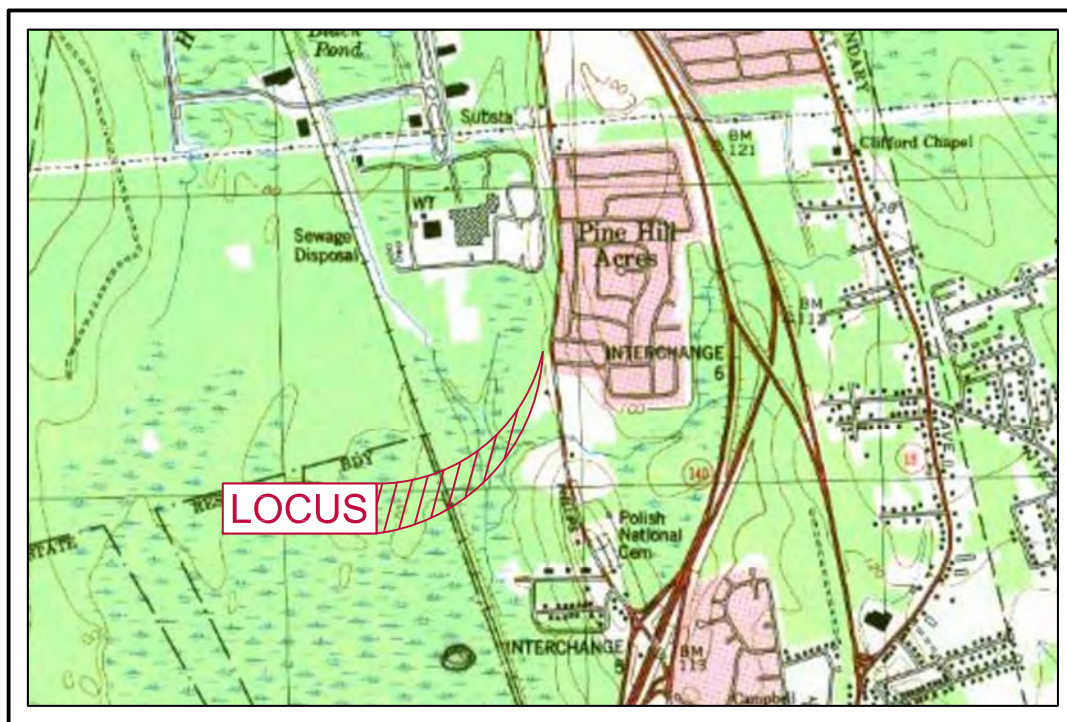
ENGINEERING A BETTER TOMORROW

ENGINEERING | SITE WORK | LAND SURVEYING

# NOTICE OF INTENT

## SITE PLAN

ASSESSORS MAP 134 - LOT 459  
WS PHILLIPS ROAD (SUBDIVISION LOT 9)  
NEW BEDFORD, MASSACHUSETTS



PREPARED FOR:

SCOTT MONIZ  
19 ANTHONY TERRACE  
NEW BEDFORD, MA 02740

# TABLE OF CONTENTS

1. PROJECT NARRATIVE
2. NOTICE OF INTENT (WPA FORM 3)
3. NOI WETLAND FEE TRANSMITTAL FORM
4. EXHIBIT "A" - USGS MAP (TOPO! VERSION 2.1.0)
5. EXHIBIT "B" - FIRM MAP
6. EXHIBIT "C" - NHESP PRIORITY AND ESTIMATED HABITAT MAP 2008
7. CERTIFIED ABUTTERS LIST
8. NOTIFICATION TO ABUTTERS
9. AFFIDAVIT OF SERVICE
10. SITE PLAN

## NOTICE OF INTENT NARRATIVE

### SITE DESCRIPTION

The subject property encompasses approximately 18,000+/- S.F. of forested land located on the westerly side of Phillips Road in New Bedford, Massachusetts, and lies within both the Residential A Zoning District, as well as the Mixed Use Business District (MUB). The site is currently undeveloped, and is bounded on the north, west and south by undeveloped land. The topography is sloping from the most eastern elevation of 84 to an elevation of 74 near the rear of the lot. A large portion of the property, or westerly half, is comprised of vegetated wetlands with the easterly half being completely upland. The Soils underlying the upland portions of the site consist of excessively drained Whitman (Bg, Cdg) fine sandy loam, 0% to 3% slopes. Soils underlying the wetlands consist of the same class and type of soils. Soil information was taken from United States Department of Agriculture, Natural Resources Conservation Service, 2003, *Interim Soil Survey of Bristol County, Massachusetts*.

### PROJECT DESCRIPTION

The Applicants seek approval for the construction on the premises for a single-family house. The land provides a total lot area of 18,000+/- square feet. There is Bordering Vegetated Wetlands located on the westerly portion of the site that totals approximately 2,930+/- S.F. There are no alterations proposed within the 25-foot Buffer Zone, and the area of proposed work that will be located within the 25 to 100-foot Buffer Zone is approximately 6,900+/- S.F.

As depicted on the Site Plans, this Notice of Intent is for the development of subdivision Lot #9. The lot has 90.00 feet of frontage on Phillips Road. The premise is located in both the Residential-A District and Mixed Use Business District.

This proposal is to construct a single-family house with a drive-under type garage. The sitting of the house was designed to keep it as far up from the wetland areas as possible while still allowing sufficient room in the front yard for necessary features. The elevation of the house has been a compromise between the need to keep the elevation of the building as high as possible to meet the associated grading elevations and low as possible to minimize the placement of fill.

The construction has been designed to comply in all respects with the requirements of the Zoning By-Laws. Specifically the lot is in compliance with the area and frontage requirements of the By-Laws. In addition the house with its location and size also complies with the dimensional requirements and limitations of the By-Laws.

## ENVIRONMENTAL IMPACT ASSESSMENT

### Potential Impacts

The design of the House includes all reasonable and appropriate engineering procedures for the mitigation of any impact from the changes to the site. The development of the site will be done as sensitive as possible to the interests of the abutting wetland and wildlife.

During the construction phase, there will be disturbance of the area within the siltation control fence. However, no activity will be allowed outside of this control. There will be exposed earth surfaces with the potential for siltation runoff. The runoff is to be controlled by using hay bale fencing at the limit of the work.

### Sewerage Disposal

There is city sewer service located in Phillips Road which the proposed single family house will be connected.

### Underground Utilities

There will be gas, water, electric and telephone utilities installed during construction, which are all located outside of the "Do Not Disturb" Buffer Zone.

### Stormwater Drainage

The site has been designed and engineered to facilitate the best course of drainage of incoming stormwater. The expected run-off has either been diverted away from the BVW or will infiltrate the soils before ever reaching the BVW.

## CONSTRUCTION SEQUENCE

The preparation of the site for the proposed construction will follow the normal procedures for work of this type. The steps that follow are to be used as a guideline and may have to be adjusted due to site or weather conditions or unforeseen circumstances.

The procedure for construction, in general terms, will be as follows:

### **Phase 1-** (Time 3 weeks)

- 1) Establish the erosion/siltation control fences at the "Limit of Work" as shown on the approved site plans.
- 2) Clear the site of trees and stumps as required.

**Phase 2-** (Time 1 month)

- 1) Prepare house site area for filling. Fill as required.
- 2) Build the building foundation and fill around it as needed.
- 3) Rough the site to grade.

**Phase 3-** (Time 6 months)

- 1) The house will be under construction.
- 2) Install the loam and seed as required.



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):

WS Phillips Road (Subdivision Lot 9)

a. Street Address

New Bedford

b. City/Town

02745

c. Zip Code

Latitude and Longitude:

41.4243.42

d. Latitude

-70.5653.05

e. Longitude

134

f. Assessors Map/Plat Number

459

g. Parcel /Lot Number

2. Applicant:

Scott

a. First Name

Moniz

b. Last Name

c. Organization

19 Anthony Terrace

d. Street Address

New Bedford

e. City/Town

MA

f. State

02740

g. Zip Code

(508) 717-5945

h. Phone Number

i. Fax Number

j. Email Address

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

a. First Name

b. Last Name

SM Real Estate II, LLC

c. Organization

401 Industry Road, Suite 100

d. Street Address

Louisville

e. City/Town

KY

f. State

40208

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Matthew

a. First Name

White

b. Last Name

Farland Corp.

c. Company

401 County Street

d. Street Address

New Bedford

e. City/Town

MA

f. State

02740

g. Zip Code

(508) 717-3479

h. Phone Number

i. Fax Number

mwhite@farlandcorp.com

j. Email address

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

\$500.00

a. Total Fee Paid

\$237.50

b. State Fee Paid

\$262.50

c. City/Town Fee Paid



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

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City/Town

### A. General Information (continued)

6. General Project Description:

New Construction of a Single Family Home with a Paved Driveway and associated grading

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- |   |   |
|---|---|
| 1. <input checked="" 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 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)

2. Limited Project Type

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 (S.D.)

a. County

23856

b. Certificate # (if registered land)

c. Book

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.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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

Provided by MassDEP:

MassDEP File Number

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New Bedford

City/Town

### 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 type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

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

## 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

### 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
	Size of Proposed Alteration	Proposed Replacement (if any)
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. ☐ 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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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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MassDEP File Number

Document Transaction Number

New Bedford

City/Town

### 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

October 2008

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.



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

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

- (c) ☐ MESA filing fee (fee information available at [http://www.mass.gov/dfwele/dfw/nhesp/regulatory\\_review/ mesa/ mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhesp/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/nhesp/regulatory\\_review/ mesa/ mesa\\_exemptions.htm](http://www.mass.gov/dfwele/dfw/nhesp/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  
Bureau of Resource Protection - Wetlands

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

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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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**WPA Form 3 – Notice of Intent**

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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.

Site Plan - Map 134 Lot 459 Phillips Road (Lot 9)

a. Plan Title

Farland Corp

Christian A. Farland P.E.

b. Prepared By

c. Signed and Stamped by

4/20/17

1"=30'

d. Final Revision Date

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:

1039

4/20/17

2. Municipal Check Number

3. Check date

1035

4/20/17

4. State Check Number

5. Check date

Moniz Holdings, LLC

6. Payor name on check: First Name

7. Payor name on check: Last Name



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Provided by MassDEP:

**WPA Form 3 – Notice of Intent**

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

MassDEP File Number

Document Transaction Number

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.

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

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.

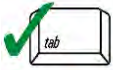
The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.





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:

WS Phillips Road (Subdivision Lot 9)

a. Street Address

1035

c. Check number

New Bedford

b. City/Town

\$237.50

d. Fee amount

### 2. Applicant Mailing Address:

Scott

a. First Name

Moniz

b. Last Name

c. Organization

19 Anthony Terrace

d. Mailing Address

New Bedford

e. City/Town

(508) 717-5945

h. Phone Number

i. Fax Number

MA

f. State

02740

g. Zip Code

j. Email Address

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

a. First Name

SM Real Estate II, LLC

c. Organization

401 Industry Road, Suite 100

d. Mailing Address

Louisville

e. City/Town

KY

f. State

40208

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).



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

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
2a. Construction of Single Family House	1	\$500.00	\$500.00

**Step 5/Total Project Fee:**

**Step 6/Fee Payments:**

Total Project Fee:	\$500.00
	a. Total Fee from Step 5
State share of filing Fee:	\$237.50
	b. 1/2 Total Fee <b>less</b> \$12.50
City/Town share of filing Fee:	\$262.50
	c. 1/2 Total Fee <b>plus</b> \$12.50

**C. Submittal Requirements**

- 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.

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

- 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.

**To MassDEP Regional Office** (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)





**CITY OF NEW BEDFORD  
MASSACHUSETTS**

**CONSERVATION COMMISSION  
2009 FILING FEE CALCULATION WORKSHEET\***

**PROJECT LOCATION:**

\_\_\_\_\_ MAP \_\_\_\_\_ LOT(S) \_\_\_\_\_

**APPLICANT:** \_\_\_\_\_

**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

	<u><b>AMOUNT DUE</b></u>
• Application and Field Review Fee ( \$150.00 )	\$ _____
• \$0.50 X _____ SF Wetland Resource Area	\$ _____
• \$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 _____ SF Buffer Zone	\$ _____

**(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 \$\_\_\_\_\_

**(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.

MONIZ HOLDINGS LLC  
19 ANTHONY TERRACE 508-717-1518  
NEW BEDFORD, MA 02740

1039

53-7223/2113  
9613

4/20/17

Date

Pay to the  
Order of

City of New Bedford

\$ 1,102.50

One thousand one hundred two

50/100

Dollars



Photo  
Safe  
Deposit™  
Details on back

BayCoast  
BANK.

For

Lot #9

*[Signature]*

MP

⑆211372239⑆ 840681143⑆ 01039

Harland Clarke

INTOUCH® CUSTOM CREATIONS®

MONIZ HOLDINGS LLC  
19 ANTHONY TERRACE 508-717-1518  
NEW BEDFORD, MA 02740

1035

53-7223/2113  
9613

4/20/17

Date

Pay to the  
Order of

Commonwealth of Massachusetts

\$ 237.50

Two hundred thirty-seven

50/100

Dollars



Photo  
Safe  
Deposit™  
Details on back

BayCoast  
BANK.

For

Lot #9

*[Signature]*

MP

⑆211372239⑆ 840681143⑆ 01035

Harland Clarke

INTOUCH® CUSTOM CREATIONS®



**ENGINEERING A BETTER TOMORROW**

ENGINEERING | SITE WORK | LAND SURVEYING

April 17, 2017

Office of Environmental Stewardship  
New Bedford City Hall  
133 William Street  
New Bedford, MA 02740

**RE: Letter of Authorization for Representation  
WS Phillips Road – New Bedford, MA (Map 134 Lot 459)**


To whom it concerns:

This letter is to certify that I authorize Farland Corp. to represent me in regards to the submission of the Notice of Intent filing, supporting plan(s) and accompanying application(s) for the property located at WS Phillips Road (Map 134 Lot 459).

If you should have any questions, please feel free to contact me.

Very truly yours,

SM REAL ESTATE II, LLC

  
Authorized Agent

FARLAND CORP., INC.

Christian A. Farland  
Christian A. Farland, P.E., LEED AP  
Principal Engineer and President

After recording return to:

118469

SM REAL ESTATE II, LLC  
401 Industry Road, Suite 100  
Louisville, KY 40208

## QUITCLAIM DEED

**MULTILAYER COATING TECHNOLOGIES, LLC**, a Delaware limited liability company (the "Grantor"), with an address c/o Watermill Group, One Cranberry Hill, 750 Marrett Road, Lexington, MA 02421, for consideration of Seven Hundred Fifty Thousand and 00/100 Dollars (\$750,000.00), grants to SM Real Estate II, LLC, a Delaware limited liability company (the "Grantee"), with an address of 401 Industry Road, Suite 100, Louisville, KY 40208

with quitclaim covenants

the land identified as Parcel 0459 on City of New Bedford Assessor's Map 134, Phillips Road, in the City of New Bedford, Bristol County, Massachusetts and as more particularly described on Exhibit A attached hereto, together with any improvements thereon,

subject to all matters of record so far as same are in force and applicable.

For reference to Grantor's title, see Deed dated August 10, 2006 from Polaroid New Bedford Real Estate LLC, a Delaware limited liability company, which Deed was recorded with the Bristol South District Registry of Deeds on August 10, 2006 at Book 8266, Page 278 and filed with the Bristol South District of the Land Court on August 11, 2006 as Document No. 97784, as noted on Certificate No. 21272. See also Trustee's Deed from David M. Nickless, as Chapter 7 Bankruptcy Trustee, dated May 30, 2013, filed with said Registry District as Document No. 113024, as noted on Certificate of Title No. 23109.

The Grantor entity is not classified as a corporation for federal income tax purposes for the taxable year in which the sale is made.

REG OF DEEDS  
REG #07  
BRISTOL

12/02/16 3:53PM  
000000 44885

FEE 23420.00

CASH 23420.00

118469

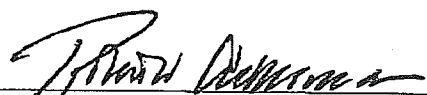
EXECUTED under seal as of the 2nd day of February, 2016.

MULTILAYER COATING TECHNOLOGIES LLC, a  
Delaware limited liability company

See Doc. 118467

By: Watermill-MCT Partners, L.P.  
Its: Manager

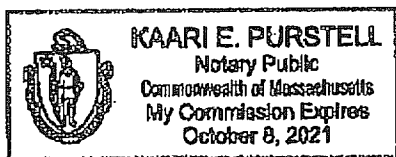
By: Watermill-MCT Enterprises, LLC  
Its: General Partner

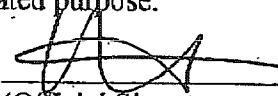
  
By: Robert W. Ackerman  
Its: Authorized Signatory

COMMONWEALTH OF MASSACHUSETTS

County of Middlesex, ss.

On this 26 day of January, 2016, before me, the undersigned notary public, personally appeared Robert W. Ackerman, Authorized Signatory of Watermill-MCT Enterprises, LLC the General Partner of Watermill-MCT Partner, L.P., being the Manager of **MULTILAYER COATING TECHNOLOGIES, LLC**, a Delaware limited liability company, proved to me through satisfactory identification, which were driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he was duly authorized and signed it voluntarily for its stated purpose.



  
(Official Signature and Seal of Notary)  
My Commission Expires:

118469

Exhibit A  
Legal Description

Lot 3 on Land Court Plan 36318C/ filed with Ctf. 22029 B.125, P.100.  
entitled "Plan of Land, Being a Subdivision of Lot 1, Shown  
on Land Court Plan #36318-B Duchaine Boulevard and Phillips Road, New Bedford,  
Massachusetts Prepared for Multilayer Coating Technologies, LLC", dated January 6, 2009,  
revised through March 25, 2009, by Cullinan Engineering.

P. 003

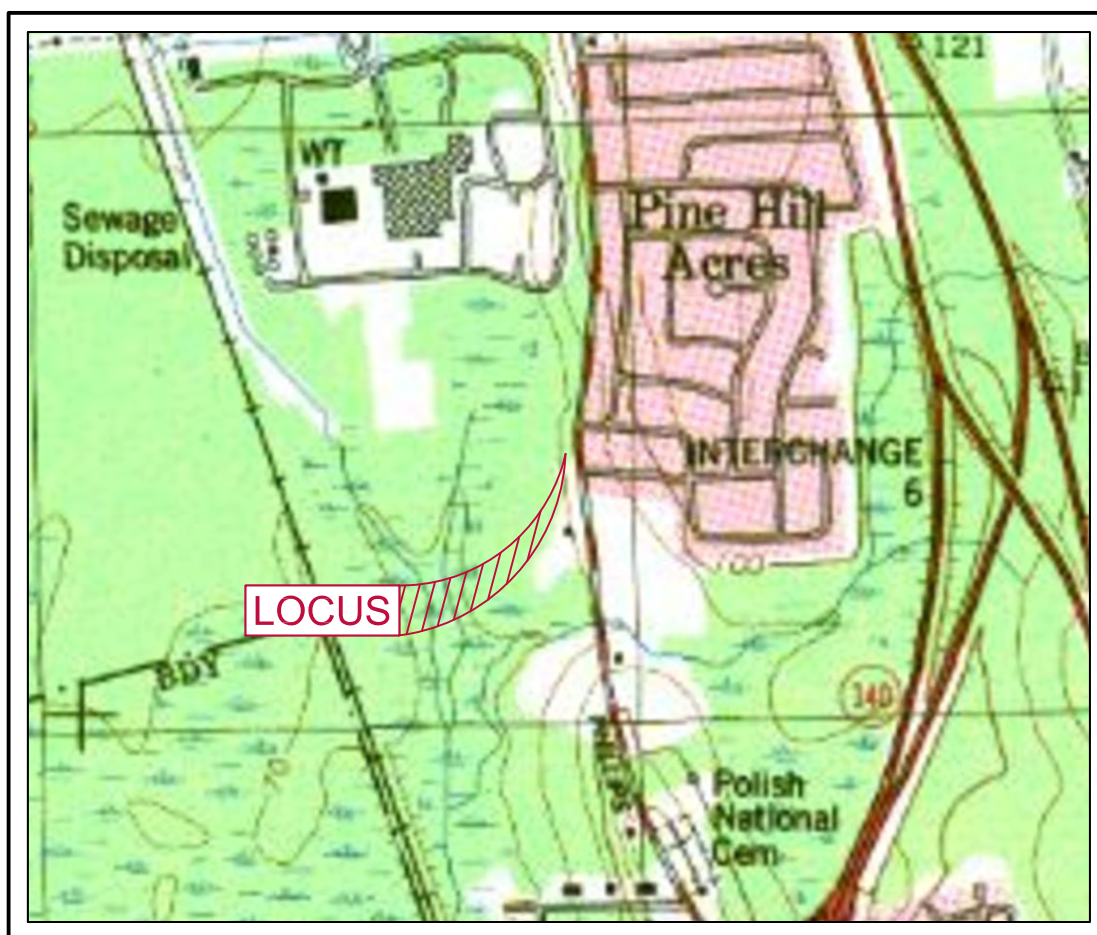
FAX No. 1508 997 4250

B. C. Registry Of Deeds

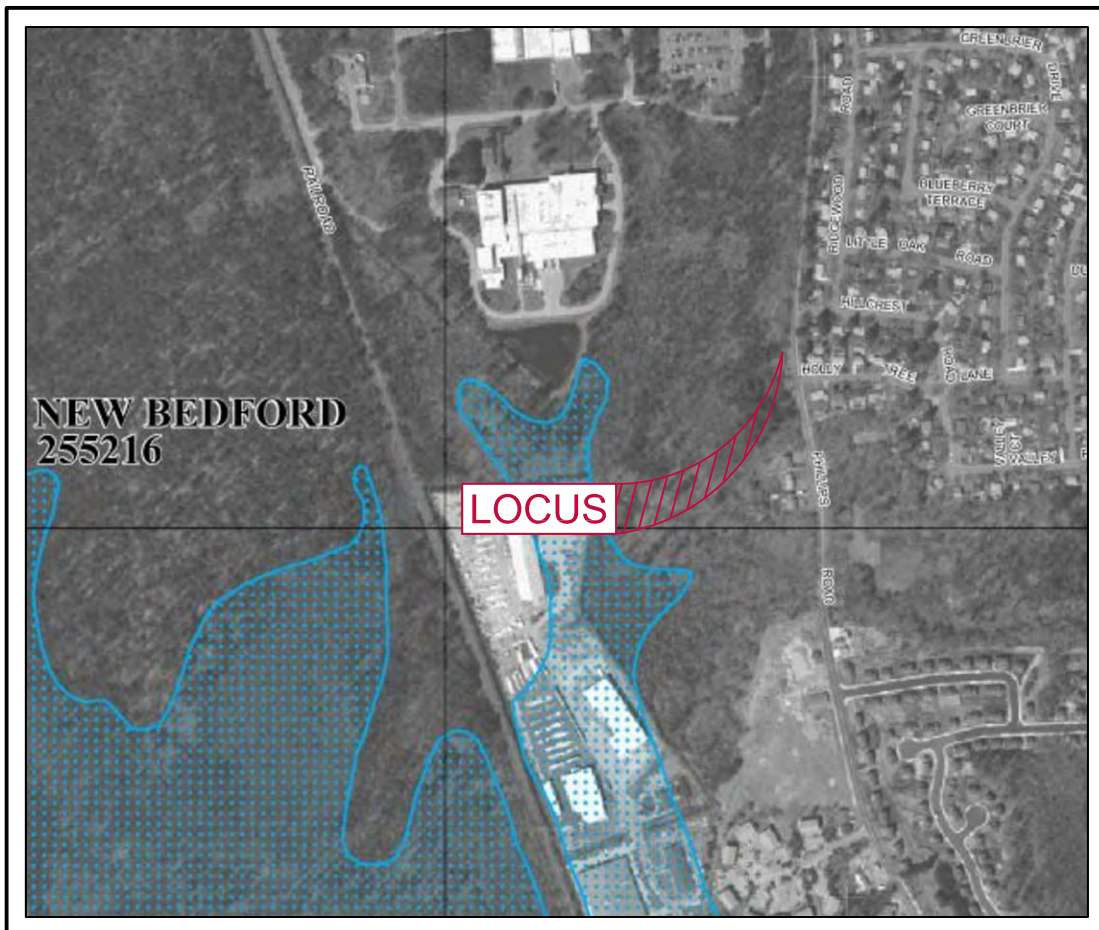
DEC-12-2016 MON 03:33 PM



## TOPO! VERSION 2.1.0

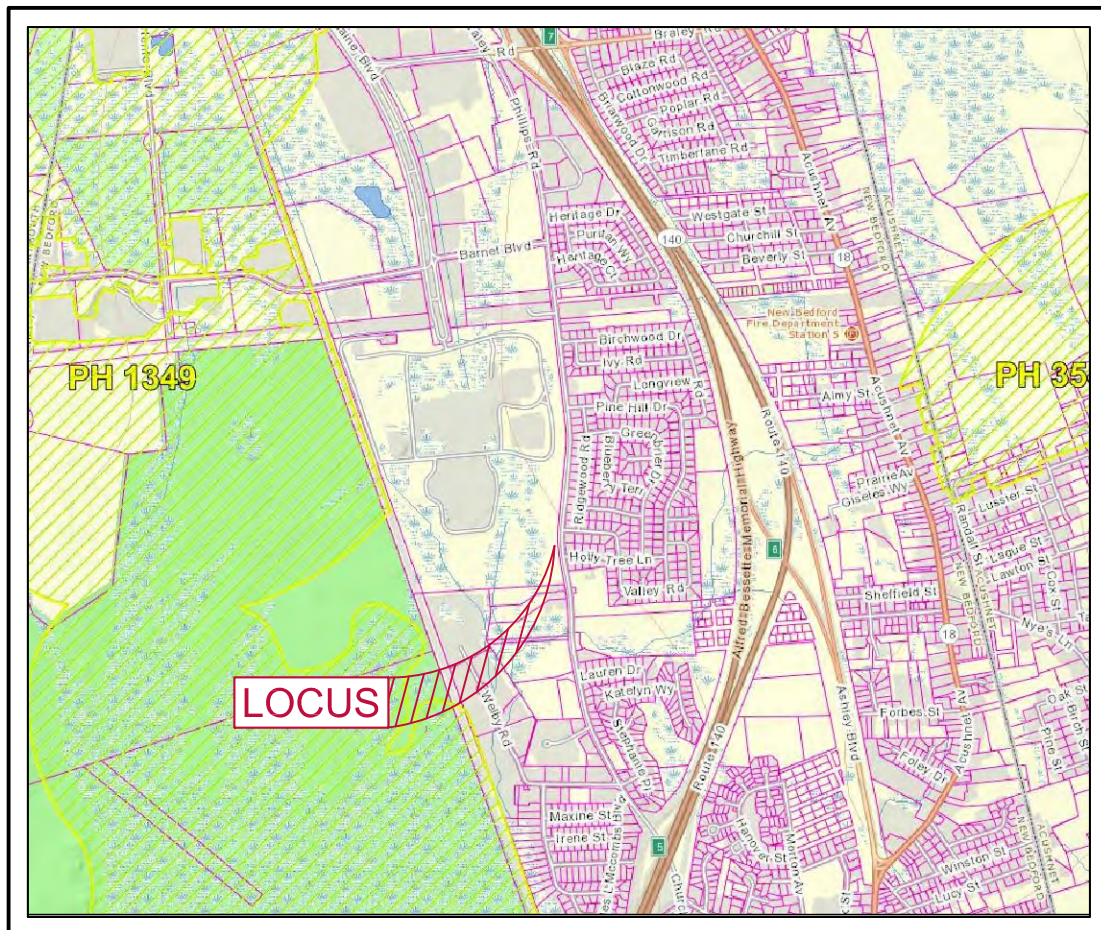


FIRM MAP  
PANEL #25005C0379F





# NHESP PRIORITY & ESTIMATED HABITAT MAP 2008







## 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 #	134	LOT(S)#	459
ADDRESS: WS PHILLIPS RD			
OWNER INFORMATION			
NAME: SM REAL ESTATE II, LLC			
MAILING ADDRESS: 401 INDUSTRY RD. - SUITE 100 LOUISVILLE, KY 40208			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): FARLAND CORP. (NICK DUFRESNE)			
MAILING ADDRESS (IF DIFFERENT): 401 COUNTY ST. - NEW BEDFORD, MA			
TELEPHONE #	508-717-3479		
EMAIL ADDRESS:	ndufresne@farlandcorp.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):		

PLANNING  
DIVISION  
DEPARTMENT

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

1/19/2017  
Date



January 19, 2017

Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as WS Phillips Road (134-459). 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.

Parcel	Location	Owner and Mailing Address
134D-9	987 HILLCREST RD	CHERETA ANTONIETE, 987 HILLCREST RD NEW BEDFORD, MA 02745
134D-10	11 RIDGEWOOD RD	TREMBLAY DANIEL R JR, TREMBLAY KRYSTAL A 11 RIDGEWOOD ROAD NEW BEDFORD, MA 02745
134D-13	39 RIDGEWOOD RD	POYANT DONNA M, POYANT BERNARD G 39 RIDGEWOOD RD NEW BEDFORD, MA 02745
134D-1 <i>ES</i>	PHILLIPS RD	CITY OF NEW BEDFORD, 131 WILLIAM ST NEW BEDFORD, MA 02740
134E-2	69 RIDGEWOOD RD	ST ONGE LAWRENCE A, ST ONGE JACQUELINE A 69 RIDGEWOOD ROAD NEW BEDFORD, MA 02745
134E-3	81 RIDGEWOOD RD	GONSALVES JOAO M, GONSALVES JUDITH 81 RIDGEWOOD RD NEW BEDFORD, MA 02745
134D-6	990 HILLCREST RD	BRYANT BARRY A "TRUSTEE", BRYANT FAMILY IRREVOCABLE SPECIAL NEEDS TRUST 990 HILLCREST RD NEW BEDFORD, MA 02745-2012
134D-12	27 RIDGEWOOD RD	LACHAPELLE LINDA A, 27 RIDGEWOOD RD NEW BEDFORD, MA 02745
134D-2 <i>ES</i>	PHILLIPS RD	CITY OF NEW BEDFORD, INTERCEPTING SEWER 131 WILLIAM ST NEW BEDFORD, MA 02740
132-4	1569 PHILLIPS RD	PIRES WALTER C, PIRES LENA 1569 PHILLIPS ROAD NEW BEDFORD, MA 02745
134D-83	90 HOLLY TREE LN	MEDINA GUILHERME E, MEDINA LAUDELINA 90 HOLLY TREE LANE NEW BEDFORD, MA 02745
134D-82	89 HOLLY TREE LN	BARBOSA MARIA, BARBOSA STACEY 89 HOLLY TREE LANE NEW BEDFORD, MA 02745
134D-11	17 RIDGEWOOD RD	FERNANDES DONNA "TRS", RAYMOND AND FLORABELL SYLVIA IRREVOCABLE TRUST (THE) 17 RIDGEWOOD RD NEW BEDFORD, MA 02745

January 19, 2017

Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as WS Phillips Road (134-459). 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.

Parcel	Location	Owner and Mailing Address
134D-14	47 RIDGEWOOD RD	SCHARD EDNA, 47 RIDGEWOOD RD NEW BEDFORD, MA 02745
134D-15	55 RIDGEWOOD RD	DACOSTA DANIEL, DACOSTA RACHEL 55 RIDGEWOOD RD NEW BEDFORD, MA 02745
134E-1	63 RIDGEWOOD RD	TRAVERS LORRAINE, 63 RIDGEWOOD ROAD NEW BEDFORD, MA 02745
134-457	50 DUCHAINE BLVD	<del>MULTILAYER COATING TECHNOLOGIES LLC,</del> <del>1 CRANBERRY HILL</del> <del>LEXINGTON, MA 02421</del> <i>SM Real Estate LLC 401 Industry Road Ste 100 Louisville, KY 40208</i>
134-459 <i>WS</i>	PHILLIPS RD	<del>MULTILAYER COATING TECHNOLOGIES LLC,</del> <del>1 CRANBERRY HILL SUITE 401</del> <del>LEXINGTON, MA 02421-7397</del> <i>Same as above</i>
134-458 <i>RWS</i>	PHILLIPS RD	<del>MULTILAYER COATING TECHNOLOGIES LLC,</del> <del>1 CRANBERRY HILL SUITE 401</del> <del>LEXINGTON, MA 02421-7397</del> <i>Same as above</i>





## **Notification to Abutters Under the Massachusetts Wetlands Protection Act**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

- A. The name of the applicant is Scott Moniz.
- B. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of New Bedford seeking permission to remove, fill, dredge or alter an Area Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, Section 40).
- C. The address of the lot where the activity is proposed is Subdivision Lot 9 WS Phillips Road (Map 134 Lot 459).
- D. Copies of the Notice of Intent may be examined at the New Bedford Conservation Commission office at 133 William Street, Room 312 between the hours of 8AM-4PM M-F.
- E. Copies of the Notice of Intent may also be obtained from the applicant's representative FOR A REASONABLE FEE by calling: Farland Corp. at (508) 717-3479 between the hours of 8:00 am and 4:00 pm on Monday – Friday.
- F. Information regarding the date, time and place of the public hearing may be obtained from the New Bedford CONSERVATION COMMISSION by calling: (508) 991-6188.

NOTE: Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in a publication with general circulation in the Community.

NOTE: Notice of the public hearing, including its date, time, and place, will be posted in the City or Town Hall not less than forty-eight (48) hours in advance.

NOTE: You also may contact the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection Act. To contact DEP, call: (508) 946-2700



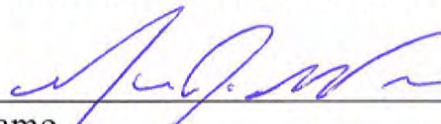
**Under the Massachusetts Wetlands Protection Act**

(to be submitted to the Massachusetts Department of  
Environmental Protection and the Conservation Commission  
when filing a Notice of Intent)

I, Matthew J. White hereby certify under the pains and penalties of perjury that on April 20, 2017, I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

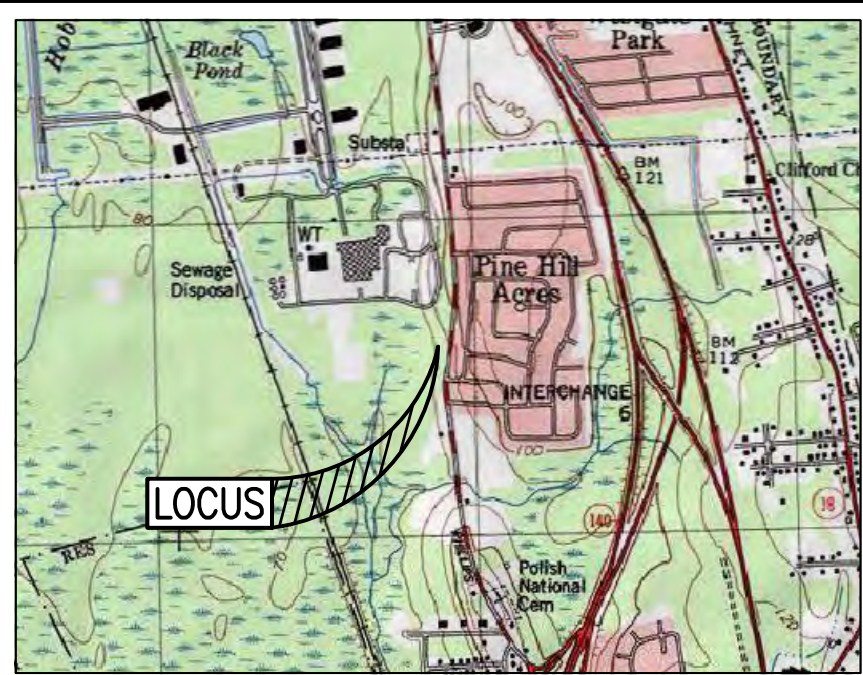
A Notice of Intent filed under the Massachusetts Wetlands Protection Act by Farland Corp. with the New Bedford Conservation Commission on April 20, 2017 for property located at Subdivision Lot 9 WS Phillips Road (Map 134 Lot 459).

The form of the notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.

  
Name \_\_\_\_\_

4/20/17  
Date \_\_\_\_\_

# SITE PLAN



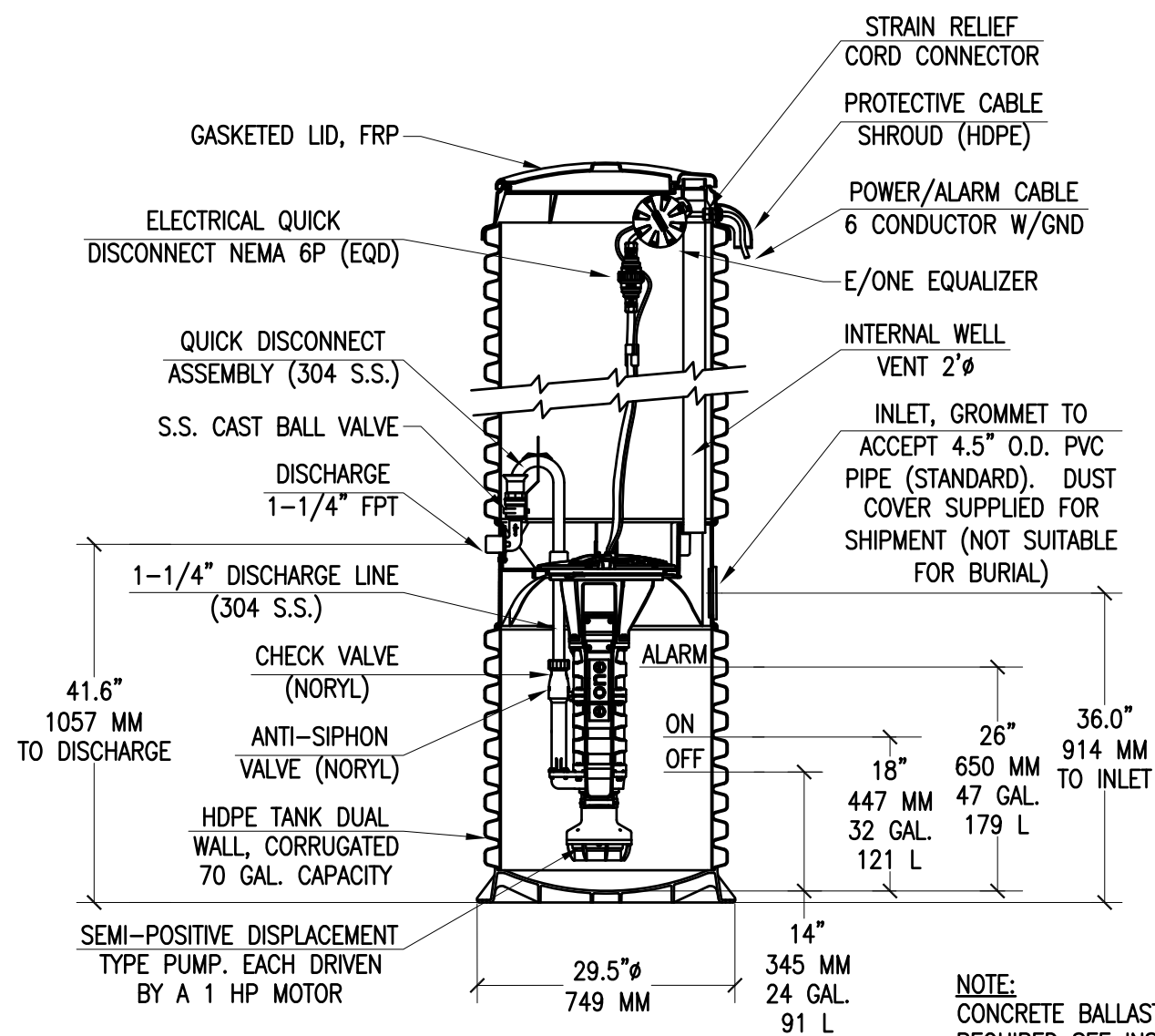
LOCUS MAP SCALE: 1"=2,000'±

— ZONING DATA —

DISTRICT: RESIDENTIAL A

DESCRIPTION	REQUIRED
LOT AREA	8,000 S.F.
LOT FRONTAGE	75 FT
FRONT SETBACK	20 FT
SIDE SETBACK	10,12 FT
REAR SETBACK	30 FT
MAXIMUM BUILDING COVERAGE	30 %
MINIMUM GREEN SPACE	35 %

OPTIONS: ☐ DH071 (HARD WIRED LEVEL CONTROLS)  
☐ DR071 (WIRELESS LEVEL CONTROLS)



NOTE:  
CONCRETE BALLAST MAY BE  
REQUIRED SEE INSTALLATION  
INSTRUCTIONS FOR DETAILS

E-ONE GRINDER PUMP

NOT TO SCALE

RECORD OWNER:

ASSESSORS MAP 134 LOT 459  
SM REAL ESTATE, LLC  
401 INDUSTRY ROAD, SUITE 100  
LOUISVILLE, KY 40208  
LC CERT# 23856  
LC PLAN# 36318C

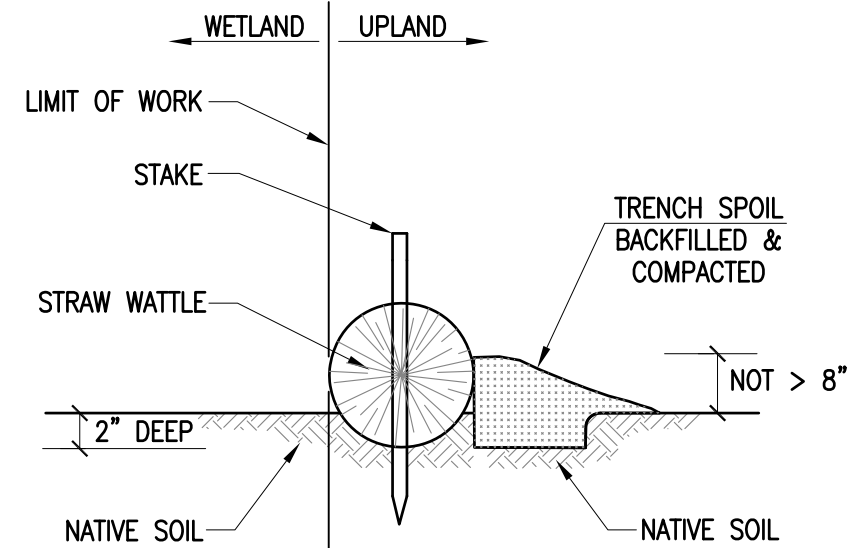
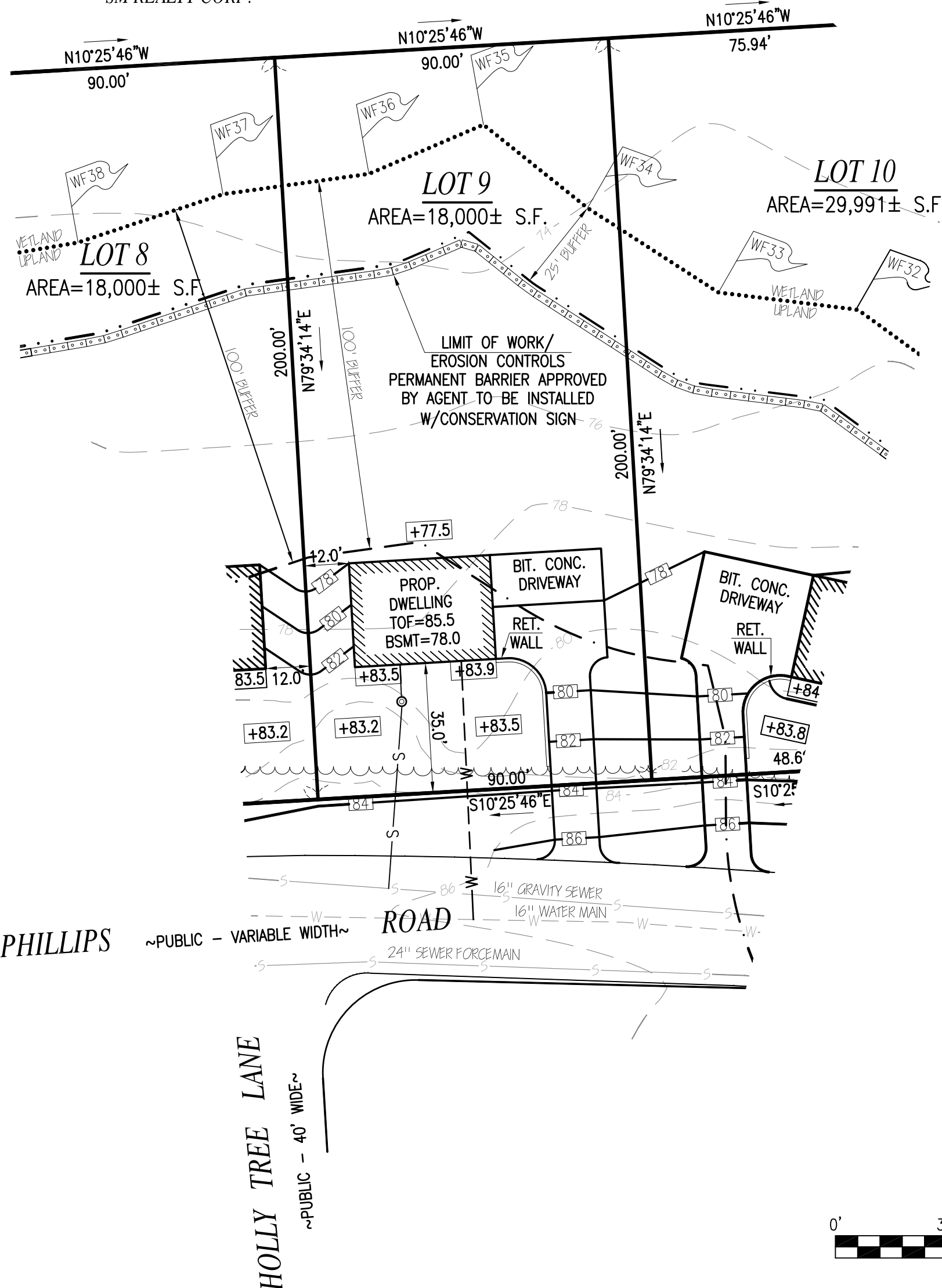
NOTES:

- PROPERTY LINE SURVEY PERFORMED BY FARLAND CORP. IN SEPTEMBER 2015.
- WETLAND DELINEATION PERFORMED BY ECOSYSTEM SOLUTIONS, INC. IN JUNE 2015.

FLOOD NOTE:

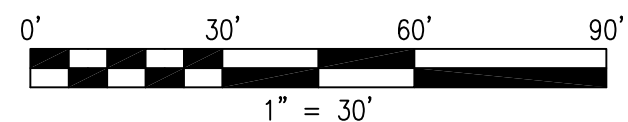
BY GRAPHIC PLOTTING ONLY, THE PROPERTY DEPICTED ON THIS PLAN FALLS IN ZONE X, AS SHOWN ON THE FLOOD INSURANCE RATE MAP 25005C0379F, DATED JULY 7, 2009.

MAP 134  
LOT 458  
N/F  
SM REALTY CORP.

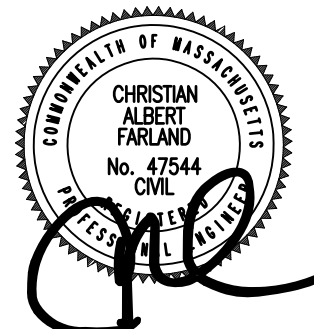


STAKED STRAW WATTLE

NOT TO SCALE



REVISIONS



www.FarlandCorp.com

401 COUNTY STREET  
NEW BEDFORD, MA 02740  
P.508.717.3479

OFFICES IN:

- TAUNTON
- MARLBOROUGH
- WARWICK, RI

DRAWN BY: MJW

DESIGNED BY: MJW

CHECKED BY: CAF

SITE PLAN  
— LOT 9 PHILLIPS ROAD —  
PORTION OF ASSESSORS MAP 134 LOT 459  
NEW BEDFORD, MASSACHUSETTS  
PREPARED FOR:  
SCOTT MONIZ  
19 ANTHONY TERRACE  
NEW BEDFORD, MA 02740

APRIL 20, 2017

SCALE: 1"=30'

JOB NO. 17-354.9

LATEST REVISION:

SHEET 1 OF 1