

Consulting
Engineers and
Scientists

WETLANDS NOTICE OF INTENT

April 2017

Project

New Bedford State Pier East Wharf Reconstruction 93 State Pier New Bedford, Massachusetts

Applicant

Massachusetts Department of Conservation and Recreation 30 Shipyard Drive, Suite 200 Hingham, Massachusetts 02043

Prepared By

GEI Consultants, Inc. 3 Bent Street Franklin, Massachusetts 02038

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- 2. State Pier Deck Plan
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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

93 State Pier		New Bedford	02740
a. Street Address		b. City/Town	c. Zip Code
Latituda and Langi	tudo	41.634858	-70.918455
Latitude and Longi	lude.	d. Latitude	e. Longitude
47 and 53		203 and 217	
f. Assessors Map/Plat N	Number	g. Parcel /Lot Numb	er
Applicant:			
Norman		Orrall	
a. First Name		b. Last Name	
	Conservation and Recre	ation, Office of Waterway	S
c. Organization			
30 Shipyard Drive,	Suite 200		
d. Street Address		3.4.4	000.10
Hingham		MA	02043
e. City/Town	047 707 0050	f. State	g. Zip Code
781-740-1600	617-727-2950 i. Fax Number	norman.orrall@state j. Email Address	e.ma.us
(ext.107)	I. Fax Number	j. Emaii Address	
a. First Name		b. Last Name	
c. Organization			
c. Organization			
-			
d. Street Address			
d. Street Address e. City/Town		f. State	g. Zip Code
	i. Fax Number	f. State j. Email address	g. Zip Code
e. City/Town			g. Zip Code
e. City/Town h. Phone Number			g. Zip Code
e. City/Town h. Phone Number Representative (if a Russell a. First Name	any):	j. Email address	g. Zip Code
e. City/Town h. Phone Number Representative (if a	any):	j. Email address Titmuss	g. Zip Code
e. City/Town h. Phone Number Representative (if a Russell a. First Name GEI Consultants, Ir c. Company	any):	j. Email address Titmuss	g. Zip Code
e. City/Town h. Phone Number Representative (if a Russell a. First Name GEI Consultants, Ir c. Company 3 Bent Street	any):	j. Email address Titmuss	g. Zip Code
e. City/Town h. Phone Number Representative (if a Russell a. First Name GEI Consultants, Inc. Company 3 Bent Street d. Street Address	any):	j. Email address Titmuss b. Last Name	
e. City/Town h. Phone Number Representative (if a Russell a. First Name GEI Consultants, Ir c. Company 3 Bent Street d. Street Address Franklin	any):	j. Email address Titmuss b. Last Name	02038
e. City/Town h. Phone Number Representative (if a Russell a. First Name GEI Consultants, Inc. Company 3 Bent Street d. Street Address Franklin e. City/Town	any): nc.	j. Email address Titmuss b. Last Name MA f. State	02038 g. Zip Code
e. City/Town h. Phone Number Representative (if a Russell a. First Name GEI Consultants, Ir c. Company 3 Bent Street d. Street Address Franklin e. City/Town 774-277-6003	any): nc. 508-533-0600	j. Email address Titmuss b. Last Name MA f. State rtitmuss@geiconsult	02038 g. Zip Code
e. City/Town h. Phone Number Representative (if a Russell a. First Name GEI Consultants, Inc. Company 3 Bent Street d. Street Address Franklin e. City/Town	any): nc.	j. Email address Titmuss b. Last Name MA f. State	02038 g. Zip Code
e. City/Town h. Phone Number Representative (if a Russell a. First Name GEI Consultants, Inc. Company 3 Bent Street d. Street Address Franklin e. City/Town 774-277-6003 h. Phone Number	any): nc. 508-533-0600	j. Email address Titmuss b. Last Name MA f. State rtitmuss@geiconsult j. Email address	02038 g. Zip Code
e. City/Town h. Phone Number Representative (if a Russell a. First Name GEI Consultants, Inc. Company 3 Bent Street d. Street Address Franklin e. City/Town 774-277-6003 h. Phone Number		j. Email address Titmuss b. Last Name MA f. State rtitmuss@geiconsult j. Email address e Transmittal Form):	02038 g. Zip Code



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A. General Information (continued)

6.	6. General Project Description:							
	The project consists of maintenance repairs to the east wharf of the State Pier, including replacement of existing pile supports and repairs to the filled northeast corner. See attached Project Description.							
7a.	7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)							
	1. Single Family Home	2. Residential Subdivision						
	3. Commercial/Industrial	4. Dock/Pier						
	5. Utilities	6. Coastal engineering Structure						
	7. Agriculture (e.g., cranberries, forestry)	8. Transportation						
	9. Other							
7b.								
	2. Limited Project Type							
	If the proposed activity is eligible to be treated as an CMR10.24(8), 310 CMR 10.53(4)), complete and at Project Checklist and Signed Certification.							
8.	Property recorded at the Registry of Deeds for:							
	Bristol							
	a. County	b. Certificate # (if registered land)						
	418 and 492	816 and 467						
	c. Book	d. Page Number						
В.	Buffer Zone & Resource Area Impa	acts (temporary & permanent)						
1.	☐ Buffer Zone Only – Check if the project is locate	ed only in the Buffer Zone of a Bordering						
	Vegetated Wetland, Inland Bank, or Coastal Re							
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 project will meet all performance standards for each standards requiring consideration of alternative proj	of the resource areas altered, including						

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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Resource Area Size of Proposed Alteration Proposed Replacement (if any) а. П Bank 1. linear feet 2. linear feet For all projects b. П **Bordering Vegetated** affecting other Wetland 1. square feet 2. square feet Resource Areas. please attach a narrative c. 🗌 Land Under 1. square feet 2. square feet explaining how Waterbodies and the resource Waterways area was 3. cubic yards dredged delineated. Resource Area Size of Proposed Alteration Proposed Replacement (if any) **Bordering Land** d. 🗌 1. square feet 2. square feet Subject to Flooding 3. cubic feet of flood storage lost 4. cubic feet replaced Isolated Land е. 1. square feet Subject to Flooding 2. cubic feet of flood storage lost 3. cubic feet replaced f. \square Riverfront Area 1. Name of Waterway (if available) - specify coastal or inland 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

Note: for coastal riverfront areas, please complete Section B.2.f. above.

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

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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.

4.

5.

Resou	rce Area	Size of Proposed Alteration	Proposed Replacement (if any)
а. 🛚	Designated Port Areas	Indicate size under Land Un	der the Ocean, below
b. 🛚	Land Under the Ocean	187 1. square feet 0 2. cubic yards dredged	_
с. 🗌	Barrier Beach	Indicate size under Coastal B	eaches and/or Coastal Dunes below
d. 🗌	Coastal Beaches	1. square feet	2. cubic yards beach nourishment
е. 🗌	Coastal Dunes	1. square feet	2. cubic yards dune nourishment
		Size of Proposed Alteration	Proposed Replacement (if any)
f. 🛚	Coastal Banks Rocky Intertidal	285 1. linear feet	_
-	Shores	1. square feet	
h. 🗌	Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i	Land Under Salt Ponds	1. square feet	_
		2. cubic yards dredged	_
j. 🗌	Land Containing Shellfish	1. square feet	_
k. 🔀	Fish Runs		anks, inland Bank, Land Under the nder Waterbodies and Waterways,
		0	<u> </u>
I. 🗌	Land Subject to	cubic yards dredged	_
If the p			nd resource area in addition to the bove, please enter the additional
a. squar	e feet of BVW	b. square feet	of Salt Marsh
☐ Pr	oject Involves Stream Cros	ssings	
a. numb	er of new stream crossings	b. number of re	eplacement stream crossings

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IVIC	assachusetts Wetlands Protection Act M.G.	L. C. 131, 940	New Bedford
_	Other Applicable Ctendends and I	Danuiramanta	City/Town
U.	Other Applicable Standards and F	Requirements	
	This is a proposal for an Ecological Restoration complete Appendix A: Ecological Restoration (310 CMR 10.11).	•	•
Str	reamlined Massachusetts Endangered Spec	ies Act/Wetlands	Protection Act Review
1.	Is any portion of the proposed project located in E the most recent Estimated Habitat Map of State-Li Natural Heritage and Endangered Species Progra Massachusetts Natural Heritage Atlas or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/v	sted Rare Wetland W m (NHESP)? To view	ildlife published by the
	a. Yes No If yes, include proof of n	nailing or hand deliv	very of NOI to:
	Natural Heritage and E Division of Fisheries a 1 Rabbit Hill Road Westborough, MA 015	nd Wildlife	ogram
	If yes, the project is also subject to Massachusetts CMR 10.18). To qualify for a streamlined, 30-day, complete Section C.1.c, and include requested macomplete Section C.2.f, if applicable. If MESA supply completing Section 1 of this form, the NHESP way to 90 days to review (unless noted exceptions).	MESA/Wetlands Prot aterials with this Notic colemental information will require a separate	tection Act review, please e of Intent (NOI); OR is not included with the NOI, e MESA filing which may take
	c. Submit Supplemental Information for Endangere	ed Species Review*	
	Percentage/acreage of property to be a	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 v wetlands jurisdiction, showing existing and propos tree/vegetation clearing line, and clearly demarcat	ed conditions, existing	
	(a) Project description (including description buffer zone)	on of impacts outside	of wetland resource area &

Photographs representative of the site

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^{*} 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)

	Make	MESA filing fee (fee information availa www.mass.gov/dfwele/dfw/nhesp/regulat check payable to "Commonwealth of Ma address	ory_review/mesa/mesa_f	
	Project	s altering 10 or more acres of land, also sub	omit:	
	(d)	Vegetation cover type map of site		
	(e)	Project plans showing Priority & Estima	ated Habitat boundaries	
	(f) OF	R Check One of the Following		
	1. 🗌	Project is exempt from MESA review. Attach applicant letter indicating which http://www.mass.gov/dfwele/dfw/nhesp the NOI must still be sent to NHESP if 310 CMR 10.37 and 10.59.)	o/regulatory review/mesa	/mesa exemptions.htm;
	2. 🗌	Separate MESA review ongoing.	a. NHESP Tracking #	b. Date submitted to NHESP
	3. 🗌	Separate MESA review completed. Include copy of NHESP "no Take" dete Permit with approved plan.	ermination or valid Conse	rvation & Management
3.	For coasta line or in a	I projects only, is any portion of the prop fish run?	osed project located belo	w the mean high water
	a. Not a	applicable – project is in inland resource	area only b. 🛛 Yes	☐ No
	If yes, inclu	ude proof of mailing, hand delivery, or ele	ectronic delivery of NOI to	either:
	South Shore the Cape &	e - Cohasset to Rhode Island border, and Islands:	North Shore - Hull to New	Hampshire border:
	Southeast N Attn: Enviro 1213 Purch New Bedfor	Marine Fisheries - Marine Fisheries Station nmental Reviewer ase Street – 3rd Floor d, MA 02740-6694 F.EnvReview-South@state.ma.us	Division of Marine Fisheric North Shore Office Attn: Environmental Revie 30 Emerson Avenue Gloucester, MA 01930 Email: <u>DMF.EnvRevie</u>	ewer

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.

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Massachusetts Department of Environmental ProtectionBureau of Resource Protection - Wetlands

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

	4.	Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?		
Online Users: Include your document		a. \square Yes \boxtimes 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.		
transaction		b. ACEC		
number (provided on your receipt page) with all	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?		
supplementary		a. 🗌 Yes 🖾 No		
information you submit to the Department.	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		
		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 (c	cont′d)
-------------------------------------	---------

D.	D. Additional Information (cont'd)					
	3.		other resource area boundary delineations (MassDEP In of Applicability, Order of Resource Area Delineation, ethe methodology.			
	4. 🛛	List the titles and dates for all pla	ns and other materials submitted with this NOI.			
	Se	e attached List				
		Plan Title				
	b. F	Prepared By	c. Signed and Stamped by			
	d. F	inal Revision Date	e. Scale			
	f. A	dditional Plan or Document Title	g. Date			
	5.	If there is more than one property listed on this form.	y owner, please attach a list of these property owners no	ot		
	6.	Attach proof of mailing for Natura	al Heritage and Endangered Species Program, if needed	d.		
	7. 🛛	Attach proof of mailing for Massa	achusetts Division of Marine Fisheries, if needed.			
	8. 🛛	Attach NOI Wetland Fee Transm	ittal Form			
	9.	Attach Stormwater Report, if nee	ded.			
F	Fees					
L .	rees					
	1.		e assessed for projects of any city, town, county, or distr recognized Indian tribe housing authority, municipal hou Bay Transportation Authority.			
		ants must submit the following info	rmation (in addition to pages 1 and 2 of the NOI Wetland ment:	d		
		34391	3/29/2017			
		ipal Check Number	3. Check date			
		34382	3/29/2017			
		Check Number	5. Check date			
		nsultants, Inc. name on check: First Name	7. Payor name on check Leat Name			
	o. Payor	name on check. First Name	7. Payor name on check: Last Name			

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Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

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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
XMUULOXXX	3/03/17
3. Signature of Property Owner (if different)	4. Date
110 Bull Sunt on	4/4/17
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.

93 State Pier East Wharf Reconstruction – Notice of Intent List of Submitted Plans

Figure 1. Locus Plan (1" = 2000') dated February 2017

Sheet 1 of 3. State Pier Deck Plan 3/10/17

Sheet 2 of 3. Existing East Wharf Plan & Sections (1" = 20') dated 3/10/17

Sheet 3 of 3. Proposed East Wharf Plan & Sections (1" = 20') dated 3/10/17

93 State Pier East Wharf Reconstruction – Notice of Intent *Project Description*

Background

The New Bedford State Pier is an active state-owned and operated port facility located on the west side of New Bedford harbor south of the Route 6 causeway. The pier currently supports a roll-on/roll-off ferry facility and berthing facilities for Pier Oil, environmental police, local fire boats, excursion cruise vessels, and bulk carriers. The primary commercial product handled at the pier is clementine fruit. The pier consists of a large (6.4-acre) central area constructed on fill material contained by a continuous, perimeter rip rap revetment. Timber pile-supported concrete wharfs extend and run parallel to the pier on the north, east, and south sides. The principal structure on the pier is a refrigerated storage building. The pier consists entirely of impervious surfaces.

In June of 2013, a comprehensive condition survey of the pier and associated wharf structures was completed by Bourne Consulting Engineering. The findings of that survey revealed that the 50-foot wide wharf extending along the east face of the pier (a feature constructed in 1947) was in critical condition and required immediate action. Specifically, nine support piles were found to be in critical or failing condition, bracing was found to be in poor condition with significant lateral movement of the wharf deck, and the seawall at the northeast corner was found to be failing. In response to these findings, the Massachusetts Department of Conservation and Recreation, the operator of the pier, requested and received an Emergency Certification from the New Bedford Conservation Commission (DEP File #SE49-0695) to undertake emergency repairs to the east face wharf structure. These repairs included:

- installation of "sister piles" at 11 locations where existing piles had been found to be insufficient for operational loading,
- strategic "as needed" replacement of timber bracing to repair deficiencies in lateral loading capacity at 24 bents, and
- repair of the dilapidated dolphin piles and associated supports along the southeast corner of the wharf.

The authorized emergency repairs, completed during the fall of 2013, were designed with a life expectancy of five years. As that five-year period is coming to a close, it is necessary to undertake the full, more permanent repairs required to address the long-term structural needs of the facility.

Proposed Work

The proposed work consists of the reconstruction of the pile-supported east wharf within the area depicted in Sheet 1 of 3 together with the reconstruction of the concrete seawall in the northeast corner. Specifically, the anticipated work will include the following steps, although the final sequence of construction will be determined by the contractor during construction.

Reconstruction of Seawall

- 1. Install/deploy a debris boom with bottom-weighted siltation curtain as depicted in Sheet 3 of 3.
- 2. Excavate and stockpile fill from the northeast corner to expose the existing timber relieving platform.
- 3. Install new sheet pile bulkhead immediately landward of existing deteriorated sheet pile bulkhead.
- 4. Remove the existing, deteriorating seawall down to an elevation one (1) foot above mean low water (MLW).
- 5. Drive a total of 84 (14-inch diameter) and 22 (18-inch diameter) concrete-filled steel pipe piles through the timber relieving platform and into the harbor bottom.
- 6. Pour reinforced-concrete cap on top of the new piles and existing timber relieving platform and form and pour new reinforced-concrete seawall as depicted in Sheet 3 of 3.
- 7. Backfill the excavation to subgrade using stockpiled soils and new gravel.
- 8. Install bituminous pavement to final grades as depicted in Sheet 3 of 3.

Reconstruction of Pile-Supported East Wharf

- 1. Deploy netting or floats to prevent incidental discharge of debris during wharf demolition.
- 2. Remove existing utility services, berthing hardware, and concrete wharf decking.
- 3. Remove all existing timber framing/bracing.
- 4. Extract of all 222 existing timber piles. Piles found to be too deteriorated to extract will be cut off flush with the rip rap revetment.
- 5. Install 131, concrete filled, 16-inch diameter, steel pipe piles.
- 6. Install pile caps as depicted in Sheet 3 of 3.
- 7. Install concrete deck by first placing pre-cast concrete panels over the pile caps and then pouring the finished course to grade as depicted in Sheet 3 of 3.
- 8. Install new electrical, water, and sewer lines.
- 9. Install new berthing hardware.
- 10. Install 60 new 10-inch diameter timber fender piles and wale as depicted in Sheet 3 of 3.

Impacts to Resource Areas

Land Under the Ocean - Definition

Land Under the Ocean consists of land extending from mean low water seaward to the boundary of municipal jurisdiction. At the project site, this resource area extends along the entire perimeter of the wharf from the elevation of mean low water to the seaward edge of the wharf and fender system.

Land Under the Ocean – Compliance with Performance Standards

Performance standards for activities conducted within this resource area are defined at 310 CMR 10.25(3 through7). Performance standards 3 and 4 relate to dredging activities and are not applicable to the proposed work.

Performance standard 5 specifies that projects affecting the nearshore area shall not cause adverse effects by altering the bottom topography so as to increase storm damage or erosion of coastal beaches, coastal banks, coastal dunes, or salt marshes. As the proposed work will not alter the bottom topography of Land Under the Ocean, the project is in compliance with performance standard 5.

Performance standard 6 specifies that water-dependent projects be designed and constructed using best available measures so as to minimize adverse effects caused by alterations in water circulation, destruction of eelgrass or widgeon grass beds, alterations in the distribution of sediment grain size, changes in water quality, or alterations of shallow submerged lands with high densities of polychaetes, mollusks, or macrophytic algae. The proposed work will replace an existing wharf structure with a new structure of the same footprint and basic design – the pile-supported segments will remain pile-supported and the fill segment (i.e., northeast corner) will remain a filled segment. No changes are proposed to the rip rap revetment underlying the wharf. Although New Bedford harbor is recognized as supporting quahogs, shellfishing is prohibited and mapped shellfish beds do not underlie the work site.

Performance standard 7 specifies that no project may have any adverse effect on specified habitat sites of rare species. A review of maps prepared by the Massachusetts Natural Heritage and Endangered Species Program has revealed that the project site is not within Priority or Estimated Habitat of Rare Species. Accordingly, the proposed work will have no adverse effects on rare species habitat.

Coastal Bank – Definition

Coastal Bank refers to the seaward face of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to

tidal action, or other wetland. At the project site, this resource area includes the face of the rip rap revetment located above the elevation of mean high water.

<u>Coastal Bank – Compliance with Performance Standards</u>

Performance standards for activities conducted within this resource area are defined at 310 CMR 10.30(3 through8).

Performance standards 3 and 7 refer to the construction of new bulkheads, revetments, and other engineering structures. As the proposed work does not include the construction of such structures, these performance standards are not applicable to the work.

Performance standard 4 states that a project on a coastal bank shall not have an adverse effect due to wave action on the movement of sediment from the coastal bank to coastal beaches or land subject to tidal action. The proposed work will have no adverse effect on wave action or movement of sediment from the coastal bank. Currently, the coastal bank at the project site is a continuous rip rap revetment, except for the northeast corner which is protected with a vertical stone and concrete seawall. These man-made protection measures prevent any movement of sediments from the bank to any other area. This revetment / seawall condition will be retained during and following the proposed work.

Performance standard 5 refers to the construction of a new building within 100 feet of the top of a coastal bank and is not applicable to the proposed work.

Performance standard 6 states that any project on a coastal bank shall have no adverse effects on the stability of the coastal bank. The proposed work will have no effect on the stability of the rip rap revetment underlying the wharf. All new piles will be driven through the rip rap face and all existing timber piles will be removed or cut off flush with the face (depending on the extent of pile deterioration).

Performance standard 8 specifies that no project may have any adverse effect on specified habitat sites of rare species. A review of maps prepared by the Massachusetts Natural Heritage and Endangered Species Program has revealed that the project site is not within Priority or Estimated Habitat of Rare Species. Accordingly, the proposed work will have no adverse effects on rare species habitat.

<u>Land Subject to Tidal Action - Definition</u>

Land Subject to Tidal Action refers to the land subject to the periodic rise and fall of a coastal water body, including spring tides. At the project site, this area consists of the face of the rip rap revetment located between the high tide line (HTL) and mean low water (MLW).

Land Subject to Tidal Action – Compliance with Performance Standards

There are no specific performance standards associated with this area subject to protection under the Massachusetts Wetlands Protection Act (M.G.L.c. 131, s. 40).

<u>Land Subject to Coastal Storm Flowage – Definition</u>

Land Subject to Coastal Storm Flowage is defined as land subject to any inundation caused by coastal storms up to and including that caused by the 100-year event, surge of record or storm of record, whichever is greater. At the project site, the 100-year flood elevation is 6 feet (NAVD), or 7.2 feet (MLW datum). This elevation encompasses the entire face of the rip rap revetment underlying the wharf area and a portion of the seaward face of the seawall in the northeast corner of the wharf. This resource area does not include any of the wharf surface, all of which is at elevation 13.5 feet (MLW datum).

Land Subject to Coastal Storm Flowage - Compliance with Performance Standards

There are no specific performance standards associated with this area subject to protection under the Massachusetts Wetlands Protection Act (M.G.L.c. 131, s. 40). Nevertheless, the proposed work will result in the replacement of an existing wharf facility and will have no adverse effect on the stability and functionality of the rip rap revetment. As the work will result in the replacement of a deteriorating seawall with a new reinforced-concrete seawall, the project will improve protections against coastal storm flowage and the adverse effects of flooding on the wharf structure.

Compliance with Massachusetts Stormwater Management Standards

The proposed work represents a "redevelopment project" as that term is defined in the Massachusetts Stormwater Handbook and applicable standards and policies. The work's compliance with the ten stormwater standards is summarized below.

Standard 1 – No Untreated Stormwater Discharges

The project has been designed such that all stormwater runoff will flow from the wharf surface back to the land-based stormwater collection and conveyance system on the pier. Stormwater will not be discharged uncollected and untreated to the harbor. This represents an improvement over the existing condition in which runoff from the wharf surface discharges directly to the harbor at the line separating the pile-supported wharf from the filled pier.

Standard 2 – No Increase in Peak Discharge Rates

The proposed work will not result in an increase in impervious surfaces on the site; accordingly, there will be no increase in peak discharge rates.

Standard 3. – Eliminate Loss of Groundwater Recharge

The project site is a wharf extending over the ocean. There currently exists no potential for recharge of groundwater at this site; therefore, the project will not result in a loss in recharge capacity.

Standard 4 – Stormwater Management Systems to Remove 80%TSS

As a redevelopment project, the proposed work is to meet this standard only to the maximum extent practicable (see Standard 7). By designing the surface of the wharf to discharge all stormwater toward the pier's drainage system, thereby eliminating future untreated discharges, this standard has been met.

Standard 5 – Land Uses With Higher Potential Pollutant Loads

This standard applies only to land uses with higher potential pollutant loads Such uses include auto fueling facilities, exterior fleet storage areas, exterior vehicle service and equipment cleaning areas, marinas and boatyards, parking lots with high intensity use, confined disposal facilities, disposal sites, outdoor storage facilities for snow and ice removal chemicals, among others. The wharf and pier are not land uses with higher potential pollutant loads; accordingly, this standard does not apply to the proposed work.

Standard 6 - Discharges Within Wellhead Protection Areas, ORW's and SRW's

The project site is not located within a wellhead protection Zone and will not discharge stormwater runoff to an Outstanding Resource Water (ORW) or Special Resource Water (SRW); accordingly, this standard is not applicable to the proposed work.

Standard 7 – Redevelopment Projects and Maximum Extent Practicable

As a redevelopment project, the wharf reconstruction project is required to meet Standards 2 and 3 and the structural best management practices standards of Standards 4, 5, and 6 only to the maximum extent practicable. Such a project also is required to improve existing conditions. By designing the surface of the wharf to discharge all stormwater toward the pier's drainage system, thereby eliminating future untreated discharges, this standard has been met. This design improves the existing condition, under which all stormwater discharges directly to the harbor at the line separating the pile-supported wharf from the filled pier.

Standard 8 – Control Construction-Related Impacts

The discharge of debris and other materials during the demolition of the existing wharf and construction of the replacement facility will be controlled through the deployment of a debris boom and suspended silt curtain during the replacement of

the seawall in the northeast corner of the wharf, as depicted in Figure 4. Control of discharges during the demolition of the pile-supported wharf will be achieved through the use of netting and/or the use of floats to collect and confine the materials and prevent release to the harbor.

Standard 9 – Long-Term Operation and Maintenance Plan

As the reconstructed wharf will not include stormwater management collection and conveyance systems, this standard is not applicable to the proposed work.

Standard 10 – Prohibition on Illicit Discharges

The proposed work will not include illicit discharges. It is not anticipated that future use of the wharf will result in such discharges.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

A. Applicant Information

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





1.	Location of Project:			
	93 State Pier		New Bedford	
	a. Street Address		b. City/Town	
			\$775.50	
	c. Check number		d. Fee amount	
2.	Applicant Mailing Addre	ess:		
	Norman		Orrall	
	a. First Name		b. Last Name	
	MA Division of Conserv	ation and Recreation - (Office of Waterways	
	c. Organization		•	
	30 Shipyard Drive, Suite	e 200		
	d. Mailing Address			
	Hingham		MA	02740
	e. City/Town		f. State	g. Zip Code
	781-740-1600 (Ext.	617-727-2950	norman.orrall@state.ma.us	
	103)	i. Fax Number	j. Email Address	
3.	Property Owner (if diffe	rent):		
	a. First Name		b. Last Name	
	c. Organization			
	d. Mailing Address			
	e. City/Town		f. State	g. Zip Code
	h. Phone Number	i. Fax Number	j. Email Address	

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

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.



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. Fee	S (continued)			
Step	1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Cateo	gory 5 /work on docks	394 If of wharf	\$4/If	\$1,576.00
		Sten 5/T/c	otal Project Fee	
		·	Fee Payments:	
		Total	Project Fee:	\$1,576.00 a. Total Fee from Step 5
		State share	of filing Fee:	\$775.50 b. 1/2 Total Fee less \$ 12.50
		City/Town share	e of filling Fee:	\$800.50 c. 1/2 Total Fee plus \$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:

93 State Pier	MAP 47 / 53 I	LOT(S) <u>203 / 217</u>
APPLICANT: Massachusetts Depar	tment of Conservation and Recreati	on
CONSERVATION COMMISSIO	N FEES (check all that apply):	
(X) NOTICE OF INTENT () INQUIRY AS TO NEED FO () AMENDED ORDER OF CO () ANRAD (Abbreviated Notice () EXTENSION PERMIT () CERTIFICATE OF COMPL () AFTER THE FACT FILINO () RESTORATION PLAN FEL () LIFTING AN ENFORCEME () PENALTIES (A.) ALTERATION FEES:	te of Resource Area Delineation) LIANCE G E (no NOI filing required) ENT ORDER	
Application and field review of a pro Buffer Zone is \$150.00 plus the appl	0 1 1	urce Area or its
		AMOUNT DUE
 Application and Field Review 	v Fee (\$150.00)	\$
• \$0.50 X SF Wetla	and Resource Area	\$
• \$0.05 X SF Land	Subject Coastal Flooding	\$
• \$0.20 X SF Devel	oped Riverfront Area	\$
• \$1.00 X SF Unde	veloped Riverfront Area	\$
• \$5.00 X LF Coast	al Bank	\$
• \$0.10 X SF Buffe	r Zone	\$
(B.) EXTENSION of an Order of (
5	(½ local fee from NOI)	
• Other Projects \$200.00 +	(1/4 local fee from NOI)	\$

Revised 9/2009 page 1 of 3

(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 VERIFI (ANRAD)	CATION
• \$150.00 + \$1.00 X LF Resource Area boundary	\$
(F.) RESOURCE BOUNDARY DELINEATION VERIFICATION C DURING A NOTICE OF INTENT REVIEW	ONDUCTED
• \$150.00 + \$3.00 X LF Resource Area boundary	\$
(G.) DOCKS: • \$100.00 + \$4.00 X <u>394</u> LF of dock	\$ <u>1,576.00</u>
• 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).	\$ 1.576.00

Revised 9/2009 page 2 of 3



GEI Consultants, Inc. 400 Unicorn Park Drive

Wobum, MA 01801

Seven Hundred **Seventy Five**

DOLLARS AND Fifty

CENTS

©Eastern Bank LYNN, MA 01901 53-179/113

734382

3/29/2017

NO.

TO THE ORDER OF

COMMONWEALTH OF MASS - DEP DEPT. OF ENVIRONMENTAL PROTECTION P.O. BOX 4062 **BOSTON, MA 02211 United States**

QID AFTER 180 DAYS

SECOND SIGNATURE REQUIRED IF OVER \$25,000.00

73438 2# # CO11301798# 60 024894 2#

GEI Consultants, Inc. 400 Unicorn Park Drive Wobum, MA 01801

Two Thousand Three PAY **Hundred Seventy Six**

CENTS

3/29/2017

(Eastern Bank LYNN, MA 01901 53-179/113

> 734391 NO.

734391

************2,376.50

TO THE ORDER OF

CITY OF NEW BEDFORD 133 WILLIAMS STREET **NEW BEDFORD, MA 02740 United States**

AUTHORIZED SIGNATURE

SECOND SIGNATURE REQUIRED IF OVER \$25,000.00

#734391# #011301798# 60 0248942#

DOLLARS AND Fifty

AFFIDAVIT OF SERVICE – ABUTTER NOTIFICATION

Massachusetts Wetlands Protection Act City of New Bedford Wetland Protection Ordinance

I, Bradford Saunders, on behalf of the Massachusetts Department of Conservation and Recreation, hereby certify under the pains and penalties of perjury, that on April 4, 2017 I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40 and 310 CMR 10.05(4)(a) in connection with the following matter:

A Notice of Intent filed with the conservation commission of the City of New Bedford, on behalf of the Massachusetts Department of Conservation and Recreation, 30 Shipyard Drive, Suite 200, Hingham, Massachusetts, to remove and replace the east wharf of the State Pier located at 93 State Pier, New Bedford, Massachusetts.

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

Bradford Saunders

Date

Notification to Abutters

Massachusetts Wetlands Protection Act City of New Bedford Wetland Protection Ordinance

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40 and the City of New Bedford Wetland Protection Ordinance and its associated Rules and Regulations, you are hereby notified of the following:

- A. The name of the Applicant is the Massachusetts Department of Conservation and Recreation, 30 Shipyard Drive, Suite 200, Hingham, MA 02043.
- B. The Applicant has filed a Notice of Intent with the conservation commission for the municipality of New Bedford, Massachusetts. The proposed work consists of the removal and replacement of the east wharf of the State Pier, together with the replacement of a section of deteriorating seawall with a new concrete seawall. The new structures will occupy the same footprint as the existing structures to be replaced.
- C. The address of where the activities are located is 93 State Pier, New Bedford, Massachusetts.
- D. Copies of the request for amendment may be examined by contacting the New Bedford Conservation Commission at 508-991-6188.
- E. Copies of the request for amendment also may be obtained from GEI Consultants, Inc. (the Applicant's representative) by calling 774-277-6016 between the hours of 8:00 am and 5:00 pm, Monday through Friday.
- F. Information regarding the public hearing may be obtained from the New Bedford Conservation Commission (the regulatory agency) 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 the Standard Times.
- NOTE: Notice of the Public Hearing also will be posted at the New Bedford City Hall not less than 48 hours in advance.
- NOTE: You also may contact the Department of Environmental Protection (DEP) Southeast Regional Office at 508-946-2700 for more information about this request or the Wetlands Protection Act.



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).

CURIECT DECREETV			
SUBJECT PROPERTY			
MAP # 47 and 53 LOT(S)# 47-203 / 53-217			
ADDRESS:			
49 State Pier and ES MacAuthur Drive			
OWNER INFORMATION			
NAME: Commonwealth of MA - Dept. of Conservation & Recreation			
MAILING ADDRESS:			
30 Shipyard Dr., Suite 200, Hingham, MA 02043			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT):			
Brad Saunders			
MAILING ADDRESS (IF DIFFERENT):			
GEI Consultants, Inc., 3 Bent Street, Franklin, MA 02038			
TELEPHONE # 617-921-6435			
EMAIL ADDRESS: bsaunders@geiconsultants.com			
REASON FOR THIS REQUEST: Check appropriate			
ZONING BOARD OF APPEALS APPLICATION			
PLANNING BOARD APPLICATION			
✓ CONSERVATION COMMISSION APPLICATION			
LICENSING BOARD APPLICATION			
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:			
	New Bedford's Board of Assessors, I do hereby of d "abutters list" are duly recorded and appear or		
Carlos Amado	Justill Merelahl	3/13/2017	
Printed Name	Signature	Date	

MAR 20 2017

March 9, 2017 Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as <u>49 State Pier (53-217) and ES MacArthur Drive (47-203)</u>. 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.

	1 2	Additionally, City of New Bedford-Owned properties shall not require maned notice.
<u>Parcel</u>	Location	Owner and Mailing Address
53-253	46 FISHERMAN'S	CITY OF NEW BEDFORD, PIER 3
	WHF 48, 52	131 WILLIAM ST
		NEW BEDFORD, MA 02740
47-225 ES	MACARTHUR	CITY OF NEW BEDFORD,
6-3	DR	131 WILLIAM ST
		NEW BEDFORD, MA 02740
53-120	MACARTHUR	CITY OF NEW BEDFORD,
. 6>	DR	131 WILLIAM ST
		NEW BEDFORD, MA 02740
53-254	MACARTHUR	CITY OF NEW BEDFORD, PIER 3
	DR	131 WILLIAM ST
		NEW BEDFORD, MA 02740
53-217	49 STATE PIER	COMMONWEALTH OF MASS, STATE PIER BUILDING
		NEW BEDFORD, MA 02740
47-203	MACARTHUR	COMMONWEALTH OF MASS, STATE PIER
ES	DR	133 WILLIAM STREET
		NEW BEDFORD, MA 02740
	χ.	
	X X	

