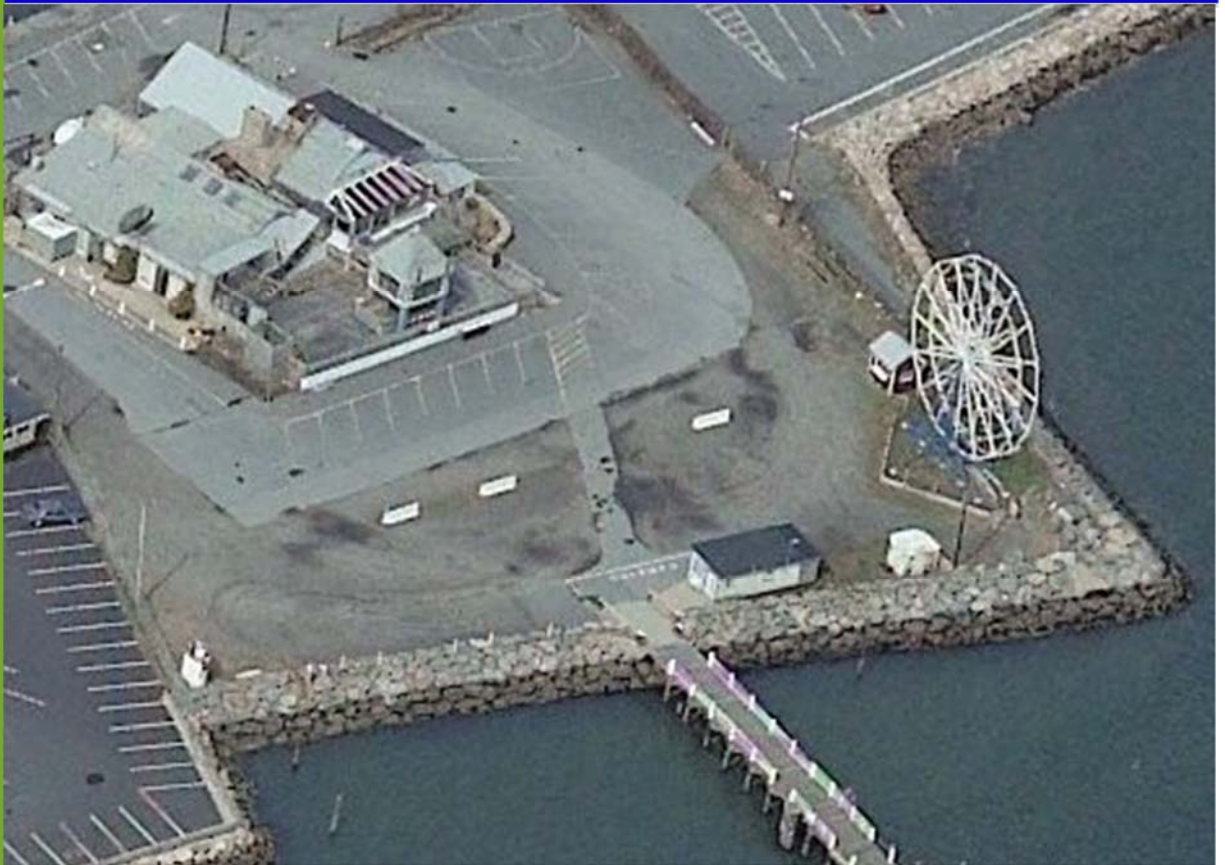


NOTICE OF INTENT

Proposed Site Improvements, Building Razing
& Pile Installation

New Bedford, MA



Prepared for:
VVK Realty, LLC & GGK Realty, LLC
99 Flag Swamp Rd
North Dartmouth, MA

January 2017

cleengineering

15 Creek Road | Marion, MA 02738
800.668.3220 | www.cleengineering



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):

1480 & 1494 E Rodney French Blvd

a. Street Address

New Bedford

b. City/Town

02744

c. Zip Code

Latitude and Longitude:

41 36 38

d. Latitude

70 54 18

e. Longitude

Map 12

f. Assessors Map/Plat Number

Lot 77, 290 & 287

g. Parcel /Lot Number

2. Applicant:

a. First Name

VVK Realty, LLC & GGK Realty, LLC

b. Last Name

c. Organization

99 Flag Swamp Rd

d. Street Address

North Dartmouth

e. City/Town

MA

f. State

02747

g. Zip Code

508 996 0313

h. Phone Number

i. Fax Number

matador.scallops@gmail.com

j. Email Address

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

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Jeramy

a. First Name

Packard, P.E.

b. Last Name

CLE Engineering, Inc.

c. Company

15 Creek Rd

d. Street Address

Marion

e. City/Town

MA

f. State

02738

g. Zip Code

508 748-0937

h. Phone Number

508 748-1363

i. Fax Number

jpacakard@cleengineering.com

j. Email address

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

\$548*

a. Total Fee Paid

\$261.50

b. State Fee Paid

\$286.50*(addtl City of New Bedford bylaw fee=\$1,025.85)



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

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A. General Information (continued)

6. General Project Description:

Construction of tiki bar canopy, expansion of tiki bar patio area, building demolition on property, resurfacing of razed

building area, installation of landscape screening area and fencing, pile installation and timber deck expansion.

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

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input checked="" 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 checked="" 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

a. County

Book 11004 Page 138 & Book 11031 Page 159

c. Book

b. Certificate # (if registered land)

d. Page Number

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

- ☐ 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.
- ☐ 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.



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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)	

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)



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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.

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 checked="" type="checkbox"/> Land Under the Ocean	10 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 checked="" type="checkbox"/> Land Containing Shellfish	10 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 checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	14,614 1. square feet	
4. <input type="checkbox"/> 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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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 Notice of Intent – 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.

- 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

- 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.1.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.



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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/esa_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/esa/esa_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

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

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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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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D. Additional Information (cont'd)

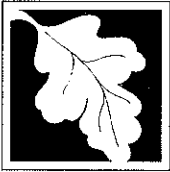
3. ☐ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.
- “Proposed Site Improvements, Building Razing, and Pile Installation” (1 sheet)
- | | | |
|--------------------------------------|--------------------------------|--------------------------|
| a. Plan Title | CLE Engineering, Inc. | Jeramy Packard, P.E. |
| b. Prepared By | 1/25/2017 | c. Signed and Stamped by |
| d. Final Revision Date | Project Narrative and Exhibits | As Noted |
| f. Additional Plan or Document Title | | e. Scale |
| | | 1/25/2017 |
| | | 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:

1161	01/25/2017
2. Municipal Check Number	3. Check date
1163	01/25/2017
4. State Check Number	5. Check date
VVK Realty, LLC	
6. Payor name on check: First Name	7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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MassDEP File Number

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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

1/26/17

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

1/26/17

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.

Table of Attachments

Exhibit A	Project Narrative
Exhibit B	Project Locus Map
Exhibit C	Site Photographs
Exhibit D	Project Drawing
Exhibit E	FEMA Flood Insurance Rate Map
Exhibit F	Record Permits/Authorizations: Order of Conditions SE49-0713 Order of Conditions SE49-0718
Exhibit H	Deed for Subject Property
Exhibit I	Abutter Notification, Radius Map and List of Abutters, Proof of Mailings
Exhibit J	Filing Fee Worksheet & Check Copies

Exhibit A

Project Narrative

Introduction:

The project site is located at 1480 & 1494 E Rodney French Blvd. (1480, 1494, respectively) in New Bedford, MA (Assessor's Map 12, Lot 77, 290, and 287) along the western shore of Buzzard's Bay, a locus map is provided in Exhibit B. GGK Realty, LLC & VVK Realty, LLC ("Proponent") purchased the subject property in 2014. 1494 was formerly a bar and night club known as Smuggler's Den, the building is currently vacant and falling into disrepair and the site includes a pervious paver area and tiki bar area previously authorized under MADEP File No. 49-0713. 1480 currently serves as an existing restaurant, "The Edge". No land use changes are proposed to either parcel as part of this project.

The proponent intends to demolish the existing restaurant building and attached timber deck at 1494 and resurface the existing surrounding parking lot to provide space for 110 parking spaces. The resurfaced parking area will serve as the main parking area for 1480, and the existing parking lot at 1480 will be used as a gathering area for restaurant events. A sediment forebay is proposed between the parking lot at 1494 and the seaward grass area to improve the stormwater quality from parking lot runoff. A landscaped view screening area is proposed along E. Rodney French Blvd over the length of the two properties, and between the parking lot at 1494 and the restaurant at 1480. The landscape area will include screening vegetation and chain link fence. Walkways and sitting benches will be maintained along the perimeter of the property for the enjoyment of the general public. The existing tiki bar area will be expanded with impervious pavers matching existing construction. A permanent 30'x48.5' canopy structure is proposed to cover half of the tiki bar area. The canopy will be supported by nine support columns on 4'x4' concrete footings and will be designed to meet floodplain construction requirements, no walls are proposed on the structure. A modular, removable bar area will be placed under the canopy for seasonal use as an accessory to the adjacent restaurant. Twelve (12) timber piles (untreated greenheart) are proposed along the 110'x10' floats authorized under MADEP No. SE49-0718. The timber piles will serve to arrange transient vessels visiting the properties in a "Mediterranean" style marina docking configuration. Finally, the existing timber deck at 1480 will be extended approximately 18'-3" utilizing three columns supported by 2'x2' footings.

The proposed project is designed to improve access between the property and the navigable waters of Buzzard's Bay as well as public access through contiguous shoreline access between the subject property and adjacent properties. The goal of the project is to maintain and improve existing waterfront infrastructure, improve access to the site for all users, and to renovate and restore the business on site.

Site Description and Existing Conditions:

The project site is bounded between a public boat ramp to the north and residential properties to the west across E. Rodney French Blvd. An existing restaurant, "The Edge", is in use at 1480, while an existing tiki bar patio area at 1494 is seasonally used as an accessory to the restaurant. An existing restaurant building which has fallen into disrepair, previously "Smuggler's Den", lies on 1494. The existing timber pier, which once serviced the Schamonchi ferry extends into the water from the shores of 1494. The upland portion of the site includes a portion of land authorized as filled tidelands. The existing pier and rip rap along the shoreline are authorized under previous licenses.

On April 4, 2014, CLE Engineering, Inc. (CLE) conducted a site survey to document existing conditions relative to Mean Low Water (MLW) on the upland portion of the project site. On March 19 and November 3, 2014, CLE Engineering conducted hydrographic surveys to document existing conditions relative to MLW of near shore areas adjacent to the site. The existing building, timber pier and site features are depicted on the plans and verified by CLE. The project site is located within FEMA Zone VE, elevation 17.0' NAVD 88. FEMA Flood Insurance Rate Map is provided in Exhibit E. Existing conditions of the project site are shown in the plans provided in **Exhibit D**. Site photographs of the project site are provided in **Exhibit C**.

Project Description:

The current set of improvements to 1480 and 1494 E. Rodney French Blvd proposed in this document are one phase of the ongoing renovations to the project sites that CLE Engineering has been involved with over the past 3 years. The current proposed improvements include: an expanded seasonal tiki bar area with a permanent canopy, razing of the existing restaurant building at 1494, resurfacing of the existing impervious area and striping for parking, parking lot lighting, a landscaped view screening area with fencing along E. Rodney French Blvd and between the two properties, a sediment forebay to improve stormwater quality, expansion of the existing timber deck at The Edge, and 12 timber piles for transient vessel dockage. Details pertaining to the proposed improvements are provided below and shown on the Plans provided in **Exhibit D**.

Tiki Bar

The proposed tiki bar patio area improvements aim to expand the existing patio area authorized under MADEP No. SE49-0713 currently in seasonal use by "The Edge". New pervious pavers will be installed to match the existing patio construction, the existing 25'x60' patio area will be expanded 22' in length, and the width will remain the same. A permanent 30'x48.5' canopy structure is proposed to cover the patio, the canopy will be supported by nine support columns on 4'x4'x1' concrete footings and will be designed to meet floodplain and general construction requirements, no walls are proposed as part of the structure. A modular bar area will be placed on the expanded patio and designed to seat 24 patrons with a liquor display and tending area. The modular bar will be used seasonally and stored off site during the winter months and during significant storm events. Public access will maintained along the perimeter of the property at all times.

Razed Building and Parking Lot

The existing vacant restaurant building located at 1494 E. Rodney French Blvd. is proposed to be demolished and removed from the site. The existing building is approximately 6,365sf along with a 2,756sf timber deck. The entirety of the existing parking lot and building area will be resurfaced post demolition striped for 110 parking spaces. Resurfacing of the existing paved area at 1494 is previously authorized under MADEP No. SE49-0718. The

proposed parking lot at 1494 will act as the primary parking lot for the site, while the existing parking lot at 1480 will be discontinued from regular use. No increase in impervious area is proposed as part of these activities. A three foot wide landscaped area is proposed along the length of E. Rodney French Blvd. adjacent to the two properties. Fencing along with vegetation screening will be installed and maintained within the landscaped area. Sliding gates will be installed at both driveways contiguous with the landscape fencing, and a swinging gate will be installed between The Edge building and the landscape strip along E. Rodney French Blvd. Public access along the perimeter of the property will be maintained at all times, in accordance with MADEP regulations.

Stormwater Sediment Forebay

The existing bituminous area on site is in poor condition, showing various signs of distress and age. The project proposes to resurface the existing bituminous area at 1494 and install a sediment forebay stormwater management system along the grassy area seaward of the parking lot. Graded gravel and stone material will be used to construct a 10' wide x 18" deep forebay designed to filter suspended solids and decrease runoff velocity during storm events. This is a significant improvement to the project site as there are currently no stormwater management practices in place.

Timber Piles

The project proposes to install 12" diameter timber piles along the 110x10ft floating docks previously authorized under MADEP No. SE49-0718. The piles will improve docking by transient vessels by arranging them in a Mediterranean style docking, where a vessel docks its stern to the quay deploying anchor lines from the stern. To accomplish this style of docking, timber piles to be used as "dolphins" are required on either side of the slip. A total of twelve (12) piles are proposed for installation which will accommodate 10 transient vessels.

Timber Deck Expansion

The existing licensed timber deck currently in use at "The Edge" is proposed to be expanded approximately 18'-3" easterly, supported by three (3) columns on concrete footings. The deck will be installed over existing bituminous area, and will be constructed in accordance with floodplain design standards.

Coastal Resource Areas:

The proposed project has been designed and will be constructed using the best available measures to avoid/minimize adverse impacts to coastal wetland resource areas. The limits of existing coastal resource areas within the vicinity of the proposed project are delineated on the plans provided in **Exhibit D**.

All proposed project activities associated with site reconfiguration and the construction of the tiki bar are located in the Land Subject to Coastal Storm Flowage (LSCSF), in accordance with Section 10.02 of CMR 310. LSCSF means land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater. The areas mapped by the Federal Emergency Management Agency (FEMA) on community Flood Insurance Rate Maps (FIRM) as the 100-year flood plain within the coastal zone are included within LSCSF. LSCSF may be significant to the interests of storm damage prevention, flood control, pollution prevention and wildlife habitat. The total area impacted by the developments located within this resource area totals to 14,614sf. All proposed structures are to be constructed in accordance with floodplain design standards. The proposed improvements will not

significantly alter the ability of the land to store floodwaters and will not destroy wildlife habitat.

Proposed pile installation lies within both Land Under Ocean and Land Containing Shellfish. The total impact area to these resource areas is approximately 10sf. These activities are consistent with the existing construction and will not significantly alter water quality, or sediment grain size distribution.

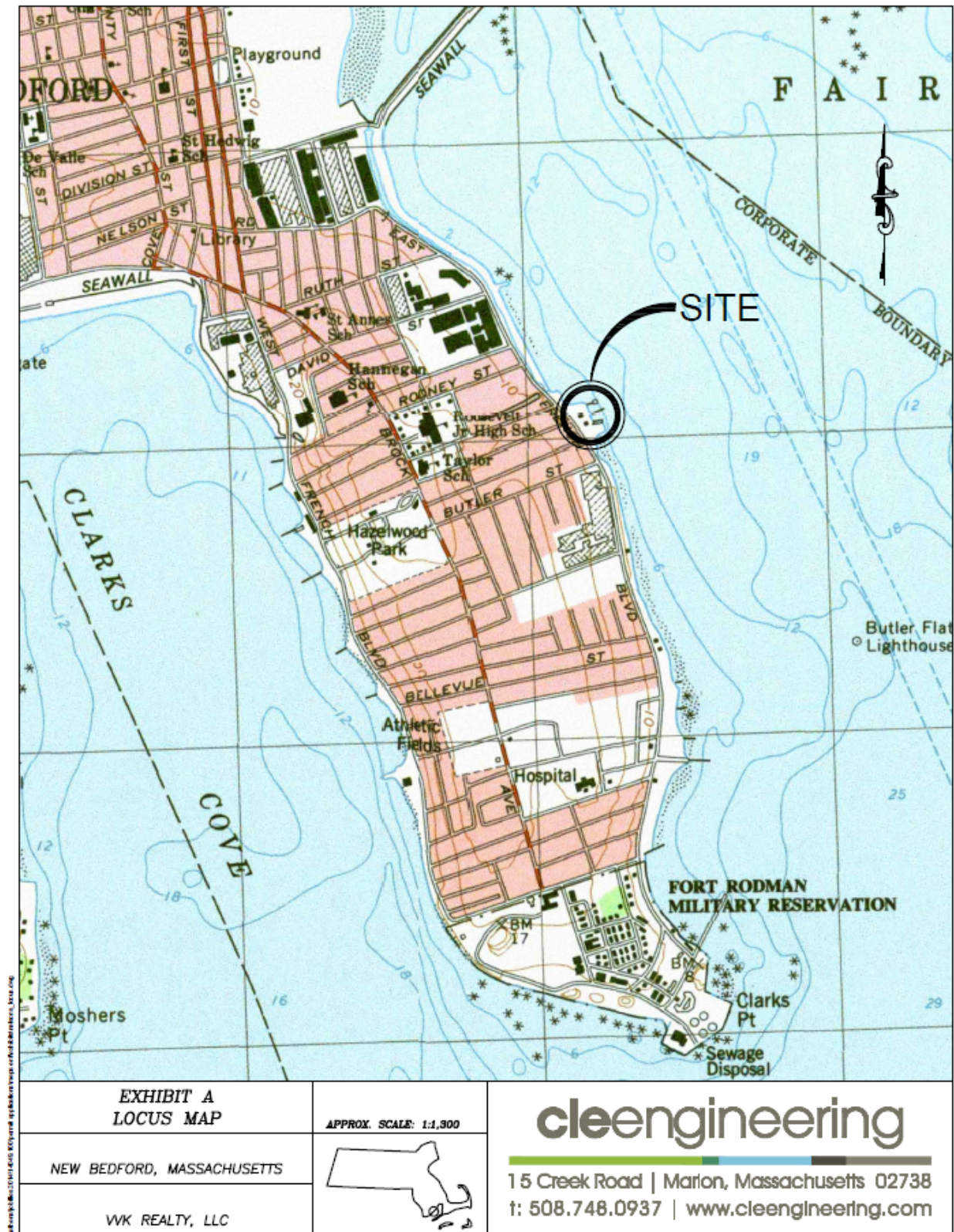
The following table provides a summary of impacts to the local coastal resource areas anticipated as part of this project.

Table of Total Site Impacts (SF)				
Type	LSCSF*	Buffer Zone	Land Under Ocean	Shellfish Suitability Area
Timber Piles (12)	N/A	N/A	10	10
Tiki Footing 4'x4' (9)	144	144	N/A	N/A
New Pavers	550	550	N/A	N/A
Parking Resurface of Razed Building	9,121	N/A	N/A	N/A
Forebay	3,065	2,115	N/A	N/A
Light Post (6)	24	4	N/A	N/A
Fence/Planting Perimeter	1700	N/A	N/A	N/A
Total Direct Impact	14,614	2,823	10	10
*Note: Resource areas overlap, LSCSF incorporates entire site				

Notice of Intent
Proposed Site Improvements,
Building Razing, & Pile Installation

1480 & 1494 E Rodney French Blvd.
GGK Realty, LLC & VVK Realty, LLC
January 2017

Exhibit B
Project Locus Map



cleengineering

15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com

Exhibit C
Site Photographs



Aerial view of site
(Ferris wheel has since been removed)



Existing building to be Razed (looking west)

cleengineering

15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com



Existing Tiki Bar Structure and Area to be Renovation for Permanent Tiki Bar Structure



Pavement/Grass Juncture, Location of Proposed Forebay



Parking Lot to be Repaved and Lined (Previously Permitted SE# 49-0718)

cleengineering

15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com

Notice of Intent
Proposed Site Improvements,
Building Razing, & Pile Installation

1480 & 1494 E Rodney French Blvd.
GGK Realty, LLC & VVK Realty, LLC
January 2017

Exhibit D

Project Drawing
"Proposed Site Improvements, Building Razing, and Pile Installation" (1 sheet)
Stamped and signed by Jeramy Packard, P.E.
Dated 1/25/2017



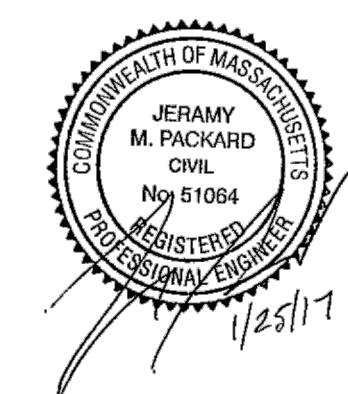
15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com

Y

Map of Fairhaven, Massachusetts, showing the location of the Project Site. The map includes labels for Fairhaven, Fairhaven Center, Fairhaven Harbor, and the First Woman's Club. A red circle highlights the Project Site, which is located near the harbor and the First Woman's Club. A line connects the Project Site to the text "PROJECT SITE".

LOCUS

NOT TO SCALE



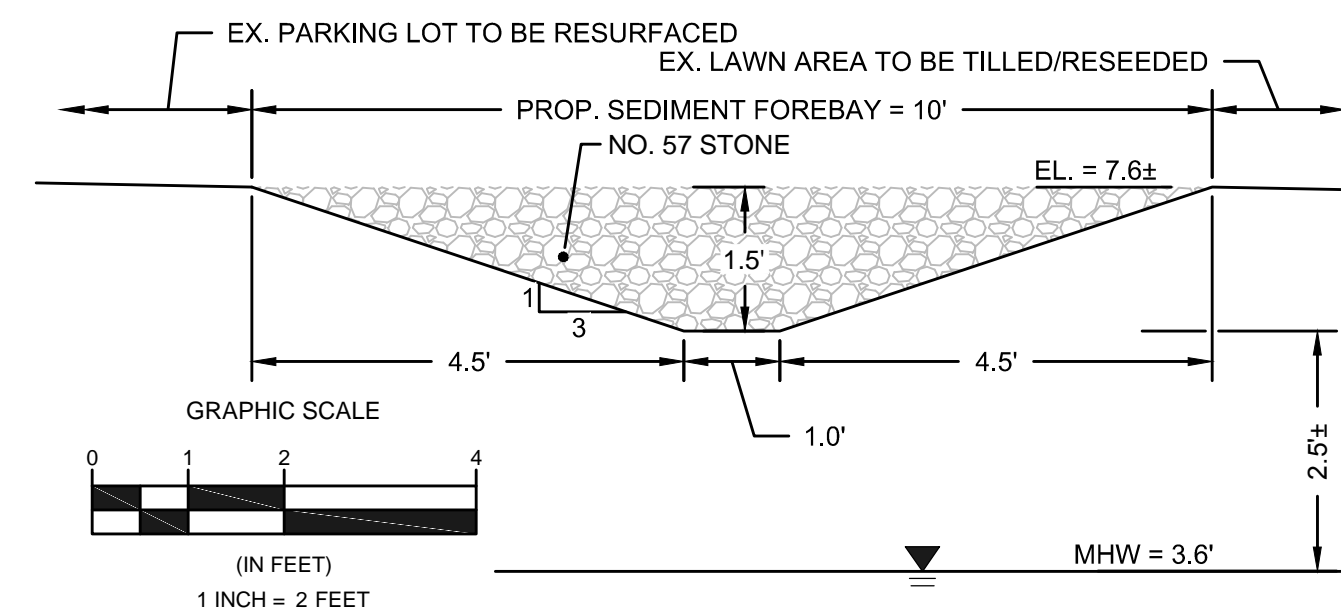
© COPYRIGHT 2017, CLE ENGINEERING, INC.

LEGEND

PROJECT:	PROPOSED SITE IMPROVEMENTS, BUILDING RAZING, AND PILE INSTALLATION 1494 E. RODNEY FRENCH BLVD.
CLIENT:	VVK REALTY, LLC & GKG REALTY, LLC 99 FLAG SWAMP ROAD NORTH DARTMOUTH, MA

15 Creek Road | Marlon, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com

SCALE: AS NOTED		CHECKED	DATE: 1/25/2017	JOB No. 14049.100
DRAWN BY: CLR		BY: JMP		
REVISION No.	DATE	COMMENT		



Notice of Intent
Proposed Site Improvements,
Building Razing, & Pile Installation

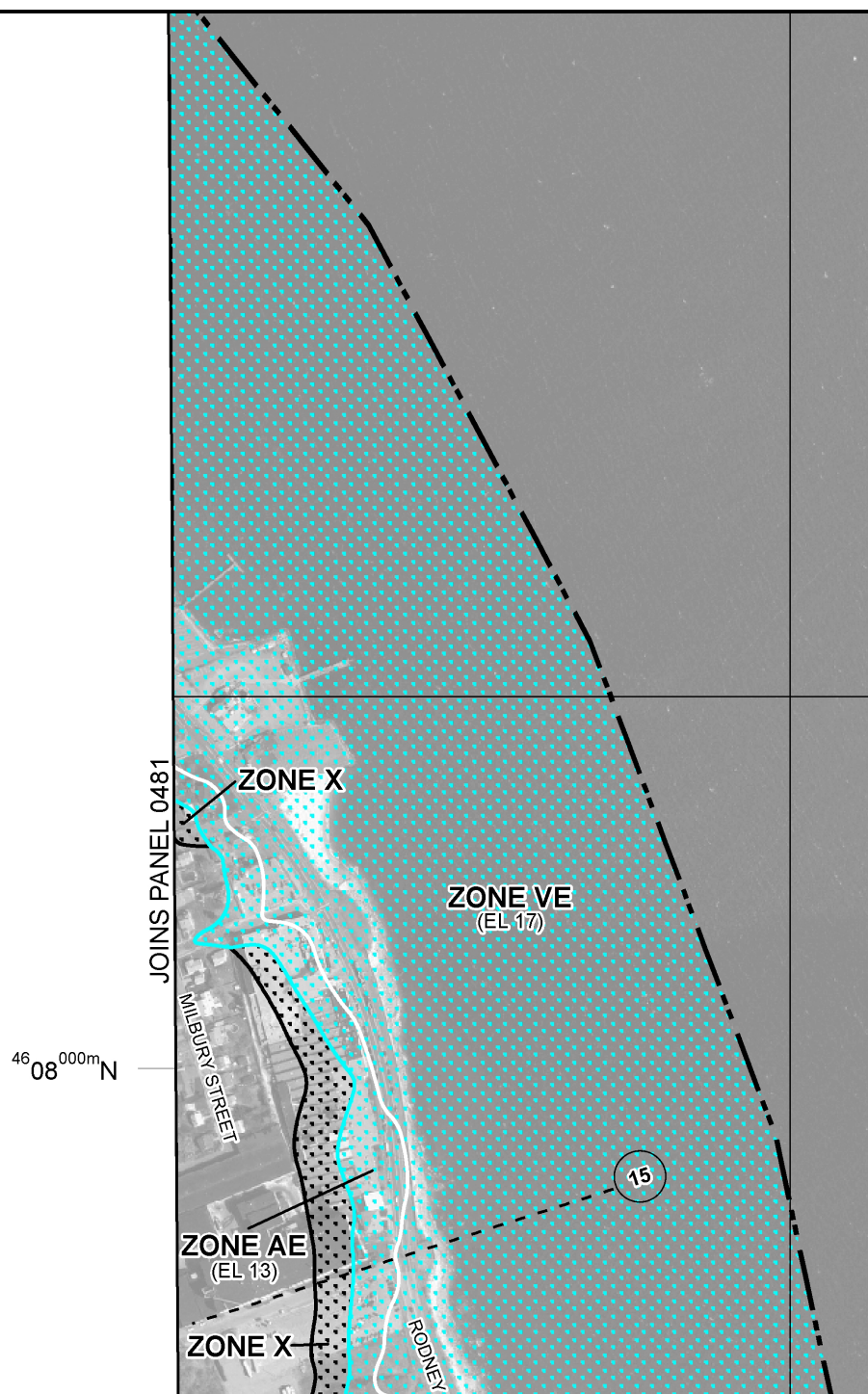
1480 & 1494 E Rodney French Blvd.
GGK Realty, LLC & VVK Realty, LLC
January 2017

Exhibit E

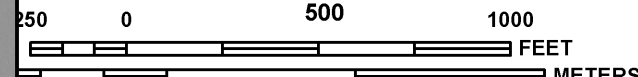
FEMA Flood Insurance Rate Map



15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com



MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0482G

FIRM

FLOOD INSURANCE RATE MAP
BRISTOL COUNTY,
MASSACHUSETTS
(ALL JURISDICTIONS)

PANEL 482 OF 550
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
FAIRHAVEN, TOWN OF	250054	0482	G
NEW BEDFORD, CITY OF	255216	0482	G

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



MAP NUMBER
25005C0482G

MAP REVISED
JULY 16, 2014

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Notice of Intent
Proposed Site Improvements,
Building Razing, & Pile Installation

1480 & 1494 E Rodney French Blvd.
GGK Realty, LLC & VVK Realty, LLC
January 2017

Exhibit F

License History



15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE49-0718

MassDEP File #

eDEP Transaction #

New Bedford

City/Town

A. General Information

Please note:
this form has
been modified
with added
space to
accommodate
the Registry
of Deeds
Requirements

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



1. From: New Bedford
Conservation Commission

2. This issuance is for
(check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Gregory

a. First Name

Kulpinski

b. Last Name

VVK Realty, LLC

c. Organization

99 Flag Swamp Road

d. Mailing Address

North Dartmouth

e. City/Town

MA

f. State

02747

g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

1494 East Rodney French Boulevard

a. Street Address

New Bedford

b. City/Town

Map 12

c. Assessors Map/Plat Number

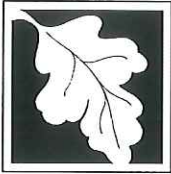
Lots 77 & 290

d. Parcel/Lot Number

Latitude and Longitude, if known:

d m s
d. Latitude

d m s
e. Longitude



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

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New Bedford

City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Bristol
- | | |
|-----------|--|
| a. County | b. Certificate Number (if registered land) |
| 11031 | 159 |
| c. Book | d. Page |
7. Dates: 8/19/2015 1/5/2016 1/19/2016
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Site Plan (Sht 1 of 2); Cross Section and Construction Details (Sht 2 of 2)
- | | |
|------------------------|--------------------------|
| a. Plan Title | Susan E. Nilson, P.E. |
| b. Prepared By | c. Signed and Stamped by |
| Revised: 12/14/2015 | various |
| d. Final Revision Date | e. Scale |
- VVK Realty LLC, 1494 East Rodney French Boulevard - Operation and Maintenance Plan and Long Term Pollution Prevention Plan Revised 1/5/2016
g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

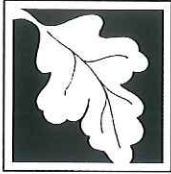
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- | | | |
|--|--|---|
| a. <input type="checkbox"/> Public Water Supply | b. <input checked="" type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

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City/Town

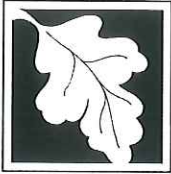
B. Findings (cont.)

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 0 a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

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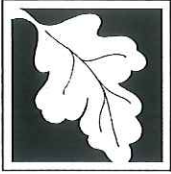
New Bedford

City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input checked="" type="checkbox"/> Land Under the Ocean	<u>31.9</u> a. square feet	<u>31.9</u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input checked="" type="checkbox"/> Land Containing Shellfish	<u>3,431.9</u> a. square feet	<u>3,431.9</u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
20. <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			
	<u> </u> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	<u>36,391.0</u> a. square feet	<u>36,391.0</u> b. square feet		
22. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE49-0718

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B. Findings (cont.)

* #23. 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.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

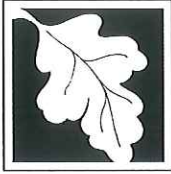
a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 1/19/2019 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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

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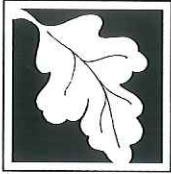
New Bedford

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number SE49-0718 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

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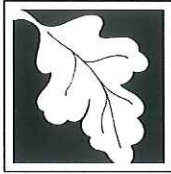
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
 - (1) ☒ is subject to the Massachusetts Stormwater Standards
 - (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
 - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

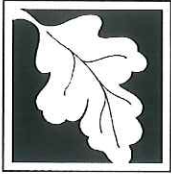
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE49-0718

MassDEP File #

eDEP Transaction #

New Bedford

City/Town

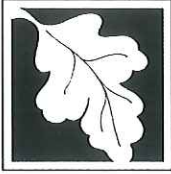
C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

Please see attached Special Conditions 21 through 49.

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The New Bedford hereby finds (check one that applies):
 Conservation Commission

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Wetlands Ordinance

Sec. 15-101

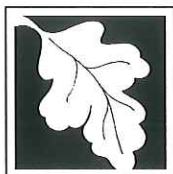
1. Municipal Ordinance or Bylaw

thru 15-112

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

MADEP General Conditions 1 through 20 are Special Conditions under the local Wetlands Ordinance. In addition see attached Special Conditions 21 through 49.



Massachusetts Department of Environmental Protection
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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

[Handwritten signatures of three individuals]

[Handwritten signature of a fourth individual]

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

Date

1/19/16

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



CITY OF NEW BEDFORD MASSACHUSETTS

CONSERVATION COMMISSION

133 WILLIAM STREET, ROOM 304

NEW BEDFORD, MA 02740

Tel: (508) 991-6188; Fax: (508) 961-3045; TYY: (508) 979-1661

ORDER OF CONDITIONS

SPECIAL CONDITIONS

SE49-0718

1494 East Rodney French Boulevard, New Bedford

Map 12, Lots 77 & 290

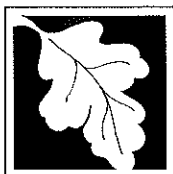
Applicant/Owner: Gregory Kulpinski, VVK Realty, LLC

21. No activity shall occur prior to obtaining all necessary and required permits, licenses, and approvals; and until copies of the same have been furnished to the Conservation Commission.
22. Any design modifications, alterations, amendments, or additions shall be subject to the approval of the New Bedford Conservation Commission. Requests for any changes shall be made in writing and shall be accompanied by a revised plan.
23. No modification to surface features, drainage or topography shall be permitted except as indicated by this Order of Conditions.
24. Contours shall remain unchanged except as permitted by this Order of Conditions.
25. There shall be no construction other than that proposed by the Notice of Intent and included on the submitted plan.
26. Immediately upon completion of the exterior construction and grading, permanent stabilization landscaping shall be carried out in order to minimize erosion.
27. All wetland areas not to be altered shall be kept clear of rubbish, debris, and construction material.
28. All exposed soil or subsoil shall be replanted with vegetation such as grass, groundcover or shrubs so as to minimize erosion and siltation.
29. There shall be minimum disruption of existing grades and vegetation in order to minimize erosion.
30. No runoff shall be caused to drain on to adjoining property or on any public ways.
31. All excess material shall be removed from the site.
32. The owners shall notify the Conservation Commission of the work-start date prior to its commencement so that regular inspections may be made.

33. The Inspector and/or the Commission members shall have the right to enter upon the land for the purpose of the inspection and/or the taking of pictures to determine and evaluate compliance with this Order.
34. All facilities and equipment shall be continually operated and maintained so as to comply with this Order of Conditions and M.G.L. Ch. 131, S 40, the Wetlands Protection Act and Regulations 310 CMR 10.00 et seq.
35. Certain conditions, such as maintenance or monitoring are on-going and are not to expire at the end of three years or with the issuance of a Certificate of Compliance.
36. This Order of Conditions shall apply to any successor in interest or successor in control.
37. Any changes required by any other board or authority may require a new filing with the Conservation Commission.
38. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is subject to this Order of Conditions, and procure all required permits or approvals before work commences. These reviews, permits and approvals may include but are not limited to:
 - The Army Corps of Engineers
 - The MA Department of Environmental Protection
 - The MA Natural Heritage and Endangered Species program
 - Review by local Planning Boards, Zoning Boards, Board of Health and Building Department
39. The Conservation Commission and/or the City of New Bedford shall not be responsible or liable for the construction, the operation, or the maintenance of any part of this project and does not warrant the safety of the same.
40. Any fill and/or construction materials shall be placed in upland areas.
41. All fill material shall be clean material and not contain materials such as asphalt, brick or concrete.
42. Any mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc., are to be installed prior to initiation of any work under this Order of Conditions. Silt fence and hay bales shall be trenched into the ground. The Conservation Agent shall be notified when in place for inspection and verification. No work to be undertaken under the Order of Conditions until written or verbal approval is received from the Conservation Commission or its Agent.
43. In accordance with Condition number fourteen (14), no activity shall take place until the applicant has furnished written documentation that the plans on file with the Conservation Commission are consistent with permits and approvals of other Town Boards.
44. Prior to any construction, an on-site inspection is to be held between the proposed contractor, the engineer, and the Conservation Commission Agent to go over the sequence of construction and all other restrictions and requirements as noted on the Order of Conditions. A written construction schedule to be received at that time.
45. All erosion control barriers shall be constructed of snow fencing, silt fencing, staked hay

bales, and/or waddles and clearly depicted on the plans, and placement shall be inspected both pre and post construction by Agent.

46. Any changes in proposed drainage patterns will require written approval by the Conservation Commission.
47. Wetland flagging is to remain in place until the project has been completed and a Certificate of Compliance issued.
48. Notice of Intent, Order of Conditions and plans shall be retained on the site during construction and made available to all contractors.
49. All conditions are on going and do not expire until the issuance of a Certificate of Compliance.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE49-0713

MassDEP File #

eDEP Transaction #

New Bedford

City/Town

A. General Information

Please note:
this form has
been modified
with added
space to
accommodate
the Registry
of Deeds
Requirements

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



1. From: New Bedford
Conservation Commission
2. This issuance is for
(check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions
3. To: Applicant:
- Gregory Kulpinski
a. First Name b. Last Name
- VVK Realty, LLC
c. Organization
- 99 Flag Swamp Road
d. Mailing Address
- North Dartmouth MA 02747
e. City/Town f. State g. Zip Code
4. Property Owner (if different from applicant):
- a. First Name b. Last Name
- c. Organization
- d. Mailing Address
- e. City/Town f. State g. Zip Code
5. Project Location:
- 1494 East Rodney French Blvd. New Bedford
a. Street Address b. City/Town
- Map 12 Lot 77
c. Assessors Map/Plat Number d. Parcel/Lot Number
- Latitude and Longitude, if known: d m s d m s
d. Latitude e. Longitude



Massachusetts Department of Environmental Protection
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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Bristol

a. County

11031

c. Book

b. Certificate Number (if registered land)

159

d. Page

7. Dates:
- | | | |
|--------------------------------|-------------------------------|---------------------|
| 4/9/2015 | 4/21/2015 | 4/22/2015 |
| a. Date Notice of Intent Filed | b. Date Public Hearing Closed | c. Date of Issuance |

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Seasonal Tiki Bar Relocation (Sheet 1 of 2)

a. Plan Title

CLE Engineering

b. Prepared By

4/13/2015

d. Final Revision Date

Susan E. Nilson, PE

c. Signed and Stamped by

1"=40'

e. Scale

Seasonal Tiki Bar Relocation - Construction Details (Sheet 2 of 2)

4/13/2015

f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

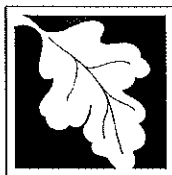
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- | | | |
|--|--|--|
| a. <input type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries | f. <input type="checkbox"/> Protection of Wildlife Habitat |
| g. <input type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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B. Findings (cont.)

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 0'
a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet		
Cubic Feet Flood Storage	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



Massachusetts Department of Environmental Protection
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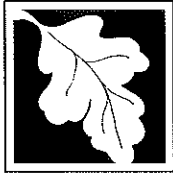
New Bedford

City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
20. <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			
	<u> </u> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	<u>6,257</u> a. square feet	<u>6,257</u> b. square feet		



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B. Findings (cont.)

* #22. 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.5.c (BWV) or B.17.c (Salt Marsh) above, please enter the additional amount here.

22. ☐ Restoration/Enhancement *:

a. square feet of BWV

b. square feet of salt marsh

23. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 4/22/2018 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number SE49-0713 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) ☐ is subject to the Massachusetts Stormwater Standards
- (2) ☒ is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE49-0713

MassDEP File #

eDEP Transaction #

New Bedford

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

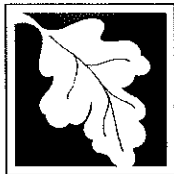
i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE49-0713

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eDEP Transaction #

New Bedford

City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

g) The responsible party shall:

1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.

i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.

j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.

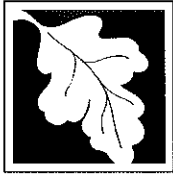
k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See attached Special Conditions 21 through 57

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE49-0713

MassDEP File #

eDEP Transaction #

New Bedford

City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The New Bedford hereby finds (check one that applies):
Conservation Commission

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Wetlands Ordinance

Sec. 15-101

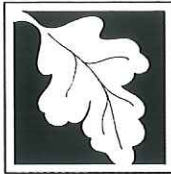
1. Municipal Ordinance or Bylaw

thru 15-112

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

MADEP General Conditions 1 through 20 are Special Conditions under the local Wetlands Ordinance. In addition see attached Special Conditions 21 through 57



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
SE49-0713
MassDEP File #

eDEP Transaction #
New Bedford
City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Paul Donsch
Frank Pappalardo

[Signature]
[Signature]

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

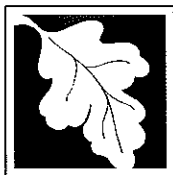
Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE49-0713

MassDEP File #

eDEP Transaction #

New Bedford

City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

New Bedford

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

New Bedford

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

1494 East Rodney French Boulevard

Project Location

SE49-0713

MassDEP File Number

Has been recorded at the Registry of Deeds of:

Bristol

County

Book

Page

for: Gregory Kulpinski, VVK Realty, LLC

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

4/22/2015

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



CITY OF NEW BEDFORD MASSACHUSETTS

CONSERVATION COMMISSION

133 WILLIAM STREET, ROOM 304

NEW BEDFORD, MA 02740

Tel: (508) 991-6188; Fax: (508) 961-3045; TTY: (508) 979-1661

ORDER OF CONDITIONS

SPECIAL CONDITIONS

SE49-0713

1494 East Rodney French Boulevard

Map 12, Lot 77

Proposed Tiki Bar

Applicant/Owner: Gregory Kulpinski, VVK Realty, LLC

21. No activity shall occur prior to obtaining all necessary and required permits, licenses, and approvals; and until copies of the same have been furnished to the Conservation Commission.
22. Any design modifications, alterations, amendments, or additions shall be subject to the approval of the New Bedford Conservation Commission. Requests for any changes shall be made in writing and shall be accompanied by a revised plan.
23. No modification to surface features, drainage or topography shall be permitted except as indicated by this Order of Conditions.
24. Contours shall remain unchanged except as permitted by this Order of Conditions.
25. There shall be no construction other than that proposed by the Notice of Intent and included on the submitted plan.
26. Immediately upon completion of the exterior construction and grading, permanent stabilization landscaping shall be carried out in order to minimize erosion.
27. All wetland areas not to be altered shall be kept clear of rubbish, debris, and construction material.
28. All exposed soil or subsoil shall be replanted with vegetation such as grass, groundcover or shrubs so as to minimize erosion and siltation.
29. There shall be minimum disruption of existing grades and vegetation in order to minimize erosion.
30. No runoff shall be caused to drain on to adjoining property or on any public ways.

31. All excess material shall be removed from the site.
32. The owners shall notify the Conservation Commission of the work-start date prior to its commencement so that regular inspections may be made.
33. The Inspector and/or the Commission members shall have the right to enter upon the land for the purpose of the inspection and/or the taking of pictures to determine and evaluate compliance with this Order.
34. All facilities and equipment shall be continually operated and maintained so as to comply with this Order of Conditions and M.G.L. Ch. 131, S 40, the Wetlands Protection Act and Regulations 310 CMR 10.00 et seq.
35. Certain conditions, such as maintenance or monitoring are on-going and are not to expire at the end of three years or with the issuance of a Certificate of Compliance.
36. This Order of Conditions shall apply to any successor in interest or successor in control.
37. Any changes required by any other board or authority may require a new filing with the Conservation Commission.
38. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is subject to this Order of Conditions, and procure all required permits or approvals before work commences. These reviews, permits and approvals may include but are not limited to:
 - The Army Corps of Engineers
 - The MA Department of Environmental Protection
 - The MA Natural Heritage and Endangered Species program
 - Review by local Planning Boards, Zoning Boards, Board of Health and Building Department
39. The Conservation Commission shall not be responsible or liable for the construction, the operation, or the maintenance of any part of this project and does not warrant the safety of the same.
40. Any fill and/or construction materials shall be placed in upland areas.
41. All fill material shall be clean material and not contain materials such as asphalt, brick or concrete.
42. Any mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc., are to be installed prior to initiation of any work under this Order of Conditions. Silt fence and hay bales shall be trenched into the ground. The Conservation Agent shall be notified when in place for inspection and verification.

No work to be undertaken under the Order of Conditions until written or verbal approval is received from the Conservation Commission or its Agent.

43. In accordance with Condition number fourteen (14), no activity shall take place until the applicant has furnished written documentation that the plans on file with the Conservation Commission are consistent with permits and approvals of other Town Boards.
44. Prior to any construction, an on-site inspection is to be held between the proposed contractor, the engineer, and the Conservation Commission Agent to go over the sequence of construction and all other restrictions and requirements as noted on the Order of Conditions. A written construction schedule to be received at that time.
45. All erosion control barriers shall be constructed of snow fencing, silt fencing, staked hay bales, and/or waddles and clearly depicted on the plans, and placement shall be inspected both pre and post construction by Agent.
46. Any changes in proposed drainage patterns will require written approval by the Conservation Commission.
47. Wetland flagging is to remain in place until the project has been completed and a Certificate of Compliance issued.
48. Notice of Intent, Order of Conditions and plans shall be retained on the site during construction and made available to all contractors.
49. All conditions are on going and do not expire until the issuance of a Certificate of Compliance.
50. Tiki Bar is to be erected in compliance with all FEMA requirements for a temporary structure in the Coastal Velocity Zone.
51. The Tiki Bar is to be on site from May through October and shall not be on site for more than 180 days per year.
52. The Tiki Bar is to be stored in an area north of the Hurricane Barrier (or outside of the coastal floodplain) during the off season.
53. When the Tiki Bar is on site, a trailer is to be maintained at Bayline Inc., or the applicant's property to be used to transport the Tiki Bar out of the floodplain in case of a flood warning.
54. All relevant utilities are to have quick disconnect.
55. The patio surface is to be a combination of permeable pavers and voids between the pavers.
56. The patio surface is to be maintained in a permeable condition.

57. Stockpiling of construction materials is to be located outside of the 100' Buffer Zone.

Notice of Intent
Proposed Site Improvements,
Building Razing, & Pile Installation

1480 & 1494 E Rodney French Blvd.
GGK Realty, LLC & VVK Realty, LLC
January 2017

Exhibit H

Deed for Subject Property



15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com

LOCUS
1494 East Rodney French Boulevard
New Bedford, MA

BK 11031 PG 159
03/13/14 01:02 DOC. 4720
Bristol Co, S.D.

MASSACHUSETTS QUITCLAIM DEED
BY LIMITED LIABILITY COMPANY

Billy Woods Wharf Property, LLC a Limited Liability Corporation duly established under the laws of Commonwealth of Massachusetts and having its usual place of business at 796 Smith Neck Road, Dartmouth, MA

in consideration Four Hundred Thousand and 00/100 (\$400,000.00) Dollars

grant to VVK Realty, LLC with business address at 1494 E. Rodney French Boulevard, New Bedford, Bristol County, Massachusetts

with *quitclaim covenants*

the land, with any buildings thereon, **located at 1494 East Rodney French Boulevard, Bristol County, Massachusetts**, bounded and described as follows:

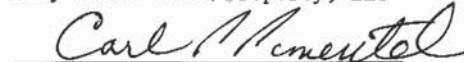
SEE ATTACHED EXHIBIT "A"

For title, see deed recorded on August 28th, 2012 in the Bristol County (S.D.) Registry of Deeds in Book 10496, Page 43. See Corrective Deed in Book 11031 Page 154

WITNESS my hand and seal this 5th day of March 2014.


Witness

Billy Woods Wharf, Property, LLC

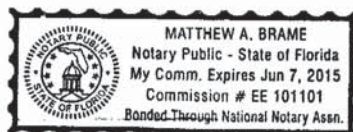

Carl P. Pimentel, Member and
Authorized Signatory

STATE OF FLORIDA

Sarasota County

March 5, 2014

Then personally appeared the above-named Carl P. Pimentel, Member and Authorized Signatory, proved to me through satisfactory evidence of identification, which was a Drivers License, to be the person whose name is signed on the within document, and acknowledged the foregoing Instrument to be his free act and deed, as Member and Authorized Signatory, before me




Notary Public
My Commission Expires: June 7, 2015

REG OF DEEDS
REG #07
BRISTOL S
03/13/14 1:04PM 01
000001 #9067
FEE \$1824.00
CASH \$1824.00

EXHIBIT "A"

RE: 1494 East Rodney French Boulevard, New Bedford, MA 02744

The land, with the buildings thereon, situated in New Bedford, Bristol County, Commonwealth of Massachusetts, bounded and described as follows:

**PARCEL 1: 1494 E. Rodney French Boulevard, New Bedford, Massachusetts
(New Bedford Assessor's Plat 12, Lot 77)**

BEGINNING at a stake on the east side of Rodney French Boulevard, it being the northwest corner of land herein conveyed and being Parcel A on plan of land hereinafter described; thence

SOUTHERLY along the arc of East Rodney French Boulevard two hundred fifty (250) feet, more or less, to a stake and chain link fence to land now or formerly of David Dolinsky; thence

NORTH 82° 29' 4" east one hundred and 78/100 (100.78) feet to an angle along said chain link fence; thence

SOUTH 82° 29' 54" east one hundred fifty-seven and 55/100 (157.55) feet along riprap to an angle; thence

NORTH 82° 29' 4" east into the Acushnet River to the limits of riparian rights; thence back to the point of beginning on the east side of East Rodney French Boulevard

NORTH 84° 17' 33" east one hundred (100) feet, more or less, to normal high water; thence parallel to Frederick Street easterly into the Acushnet River to the limits of riparian rights; thence

SOUTHERLY by the channel of the Acushnet River to the south border of land herein conveyed.

Subject to the restrictions recorded in the Bristol County (S.D.) Registry of Deeds in Book 1695, Page 375, and Book 1695, Page 380, to the extent the same are still in effect and applicable.

BEING **Parcel A** on plan of land prepared by Garcia, Hanack & Richard Engineering Corporation dated December 31, 1974, and recorded in the Bristol County (S.D.) Registry of Deeds in Plan Book 94, Page 32.

For Grantor's title to Parcel 1 see deed dated August 28, 2012 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 10496 at Page 43.

PARCEL 2: **East Side E. Rodney French Boulevard, New Bedford, Massachusetts**
(New Bedford Assessor's Plat 12, Lot 290, including Lot 291, which
has been merged into 290)

BEGINNING at the intersection of the easterly line of Rodney French Boulevard (E) and the northerly line of Clara Street; thence

N 86°28' 30" W in said northerly line of Clara Street extended a distance of nine and 09/100 (9.09) feet to a point; thence

N 15° 42' 10" W a distance of four hundred nineteen and 15/100 (419.15) feet to a point in the southerly line of Frederick Street extended; thence

S 86° 14' 37" E in said southerly line of Frederick Street extended a distance of thirty-nine and 43/100 (39.43) feet more or less to a point; thence

SOUTHERLY in the easterly curved line of Rodney French Boulevard (E) a distance of four hundred six and 46/100 (406.46) feet more or less to a point; thence

S 15° 13' 30" E still in the easterly line of Rodney French Boulevard (E) a distance of eight and 90/100 (8.90) feet to the point of beginning, containing 17,630 square feet more or less.

See also plan entitled "Proposed Alteration of Rodney French Boulevard (E) variable width, from Clara Street to Frederick Street" signed by George H. Brightman, Commissioner of Public Works, dated August 22, 1975, on file in the office of the City Clerk.

Being a portion of the Street Discontinuance dated January 22, 1976 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 1713, Page 77.

REG OF DEEDS
REG #07
BRISTOL S

01/31/14 3:08PM DL
000000 #8796

FEE \$3648.00
CASH \$3648.00

BK 11004 PG 138
01/31/14 03:04 DOC. 1957
Bristol Co. S.D.

QUITCLAIM DEED

Davy's Locker, Inc. of 1480 E. Rodney French Boulevard, New Bedford, Massachusetts in consideration of Eight Hundred Thousand and 00/100 (\$800,000.00) Dollars grants to GJK Realty, LLC, whose principal office address is 1480 E. Rodney French Boulevard, New Bedford, MA 02740 with Quitclaim Covenants, the land with buildings and improvements thereon located in New Bedford, Bristol County, Massachusetts, bounded and described as follows:

Address of property: 1480 E. Rodney French Boulevard, New Bedford

Parcel 1

Beginning at a point in the easterly line of Rodney French Blvd. (E), said point being distant northerly therein eleven and 10/100 (11.10) feet from a point of curvature;

Thence northerly in a curved line having a radius of 3,900 feet and said line being the easterly line of Rodney French Blvd. (E) a distance of ninety-one (91) feet to a point of compound curvature;

Thence continuing northerly in a curved line having a radius of 1,178 feet and still in the easterly line of Rodney French Blvd. (E) a distance of fifty-two (52) feet to a point;

Thence N 80° 09' 16" E in the southerly line of land now or formerly belonging to M.J. Medeiros Shipyard, Inc. a distance of seventy-five and 41/100 (75.41) feet to an angle point;

Thence S 19° 05' 30" E in a straight line a distance of one hundred fifty-five and 79/100 (155.79) feet to a point;

Thence S 86° 30' 00" W in a straight line a distance of ninety-six and 9/10 (96.9) feet to the point of beginning, containing 12,866 square feet.

Being Parcel "A" on a Plan of Land entitled "Subdivision of Land in New Bedford belonging to D & D Seafood, Inc. made by Alpha Engineering Company and dated January 31, 1972", recorded in the Bristol County (S.D.) Registry of Deeds at Book 87, Page 22.

For title see deed dated March 23, 1972 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 1637, Page 825.

Parcel Two

Beginning at the intersection of the easterly line of Rodney French Blvd. (E) and the northerly line of Clara Street extended; thence

N 10°35'04" E in the easterly line of said Rodney French Blvd. (E) a distance of eight and 90/100 (8.90) feet to a point of curvature; thence

Northerly in the easterly curve line of said Rodney French Blvd. (E) having a radius of 3,900 feet a distance of eleven and 10/100 (11.10) feet to a point; thence

N 86°30'00" E in a line parallel to and twenty (20) feet distant from the northerly line of Clara Street extended a distance of ninety-six and 9/10 (96.9) feet to a corner; thence

N 19° 05' 30" W in a straight line a distance of one hundred fifty-five and 79/100 (155.79) feet to a point in the southerly line of land now or formerly belonging to M.J. Medeiros Shipyard, Inc.; thence

S 80° 50' 44" E in said southerly line of M.J. Medeiros Shipyard, Inc. a distance of one hundred eighty and 5/10 (180.5) feet more or less to a point in an existing bulkhead; thence

Southerly in said bulkhead a distance of one hundred forty-four and 38/100 (144.38) feet more or less to a point in the northerly line of Clara Street extended; thence

S 86° 30' 00" W in said northerly line of Clara Street extended a distance of two hundred fifty-one and 58/100 (251.58) feet more or less to the point of beginning. Containing 24,623 square feet.

Being shown as Parcel "B" on a Plan of Land entitled "Subdivision of Land in New Bedford belonging to D & D Seafood, Inc. made by Alpha Engineering Company dated January 31, 1972", recorded in said Registry in Book 87, Page 22.

For title see deed of Southeastern Bank and Trust Company dated April 20, 1978 and recorded in the Bristol County (S.D.) Registry of Deeds at Book 1759, Page 1152.

Parcel 3

Beginning at a point in the easterly line of East Rodney French Boulevard at a stake and a chain link fence;

Thence North 84° 42' 29" East, seventy-five (75) feet to a p.k. nail;

Thence at an angle of 161° South 76° 17' 31" East, thirty and 61/100 (30.61) feet to an angle;

Thence South 76° East, one hundred fifty and 3/10 (150.3) feet, more or less; to edge of bulkhead;

Thence South 76° East into the Acushnet River to the limits of riparian rights; thence

BEGINNING again at the point of beginning;

Thence North 82° 29' 4" East, one hundred and 78/100 (100.78) feet along the chain link fence to the edge of riprap to an angle;

Thence South 82° 29' 54" East, one hundred fifty-seven and 55/100 (157.55) feet along said riprap to the edge of the bulkhead and an angle;

Thence North 82° 29' 4" East into the Acushnet River to the limits of riparian rights; and

Thence Southerly by the channel of the Acushnet River as far as riparian rights extend to the south border.

Being shown as Parcel "B" on plan entitled "Plan of Land, New Bedford, Mass. Prepared for Carl Pimentel, Scale 1"=30', Dec. 31, 1974, Garcia, Hanack & Richard Engineering Corp. New Bedford, Mass.", filed with Bristol County (S.D.) Registry of Deeds in Plan Book 94, Page 32.

Together with the benefit of Chapter 18 of the Acts of 1806 and two (2) licenses issued by the Department of Public Works of the Commonwealth of Massachusetts dated October 14, 1964 recorded in the Bristol County (S.D.) Registry of Deeds in Book 1466, Page 10, see also plan filed with said license in said Registry, Plan Book 68, Page 38, and license dated August 11, 1965, recorded in said Registry in Book 1506, Page 496, see also plan filed with said license in said Registry in Plan Book 71, Page 26.

Subject to easements of record insofar as the same may be in force and effect.

For title see deed of Southeastern Bank and Trust Company dated April 20, 1978 and recorded in the Bristol County (S.D.) Registry of Deeds at Book 1759, Page 1152.

Parcel 4

BEGINNING at the Southwesterly corner of the premises to be described, said point forming the Northeast intersection of Clara Street and Rodney French Boulevard, in New Bedford, Massachusetts;

Thence running in a general Northwesterly direction a distance of 21.12 feet to a point;

Thence continuing in said general Northwesterly direction a distance of 140.00 feet to a point for a corner;

Thence turning and running Easterly a distance of 38.00 feet to land now or formerly of Davy's Locker, Inc. to a point for corner;

Thence turning and running Southerly a distance of 52.00 feet to a point, along the Westerly boundary of land now or formerly of Davy's Locker, Inc.;

Thence continuing in said Southerly direction 91.00 feet to a point, along the Westerly boundary of land now or formerly of Davy's Locker, Inc.;

Thence continuing in said Southerly direction 12.81 feet to a point, along the Westerly boundary of land now or formerly of Davy's Locker, Inc.;

Thence continuing in said Southerly direction 8.9 feet to a point for a corner, along the Westerly boundary of land now or formerly of Davy's Locker, Inc.;

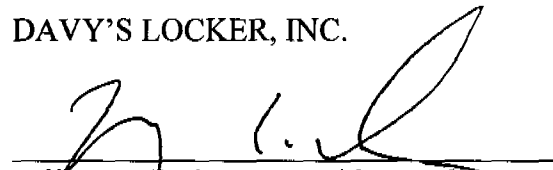
Thence turning and running Westerly 9.09 feet to the point and place of beginning.

Being the same premises acquired by Davy's Locker, Inc. in conjunction with the discontinuance of East Rodney French Boulevard by virtue of the Resolution of the New Bedford City Counsel, dated January 22, 1976, and recorded with the Bristol County, Registry of Deeds at Book 1713 Page 177. See also Affidavit given pursuant to Massachusetts General Laws Chapter 183, Section 5(b) to be recorded concurrently herewith.

All of the property conveyed by this deed is conveyed subject to an outstanding Administrative Consent Order of the Massachusetts Department of Environmental Protection, as amended, which Grantee hereby agrees to assume.

Witness its hand and seal this 31st day of January, 2014.

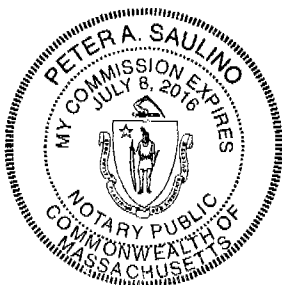
DAVY'S LOCKER, INC.

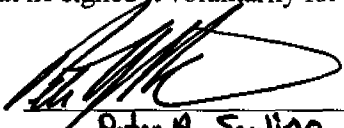

Jeffrey Dolinsky, Its President and
Treasurer

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

On this 31st day of January, 2014, before me, the undersigned Notary Public, personally appeared Jeffrey Dolinsky, personally known to me to be the person whose name is signed on the preceding or attached document and acknowledged to me that he signed it voluntarily for its stated purpose as President and Treasurer of Davy's Locker, Inc.




Peter A. Saulino, Notary Public
My commission expires: 7/8/16

Notice of Intent
Proposed Site Improvements,
Building Razing, & Pile Installation

1480 & 1494 E Rodney French Blvd.
GGK Realty, LLC & VVK Realty, LLC
January 2017

Exhibit I

Abutter Notification, Radius Map and List of Abutters, Proof of Mailings



15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com



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 #	12	LOT(S)#	77&290
ADDRESS: 1494 E. Rodney French Blvd			
OWNER INFORMATION			
NAME: VVK Realty, LLC			
MAILING ADDRESS: 99 Flag Swam Rd, North Dartmouth, MA 02748			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): Susan Nilson, P.E.			
MAILING ADDRESS (IF DIFFERENT): 15 Creek Rd, Marion, MA 02738			
TELEPHONE #	508-748-0937		
EMAIL ADDRESS:	crocha@cleengineering.com		
REASON FOR THIS REQUEST: <i>Check appropriate</i>			
<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
JAN 18 2017
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

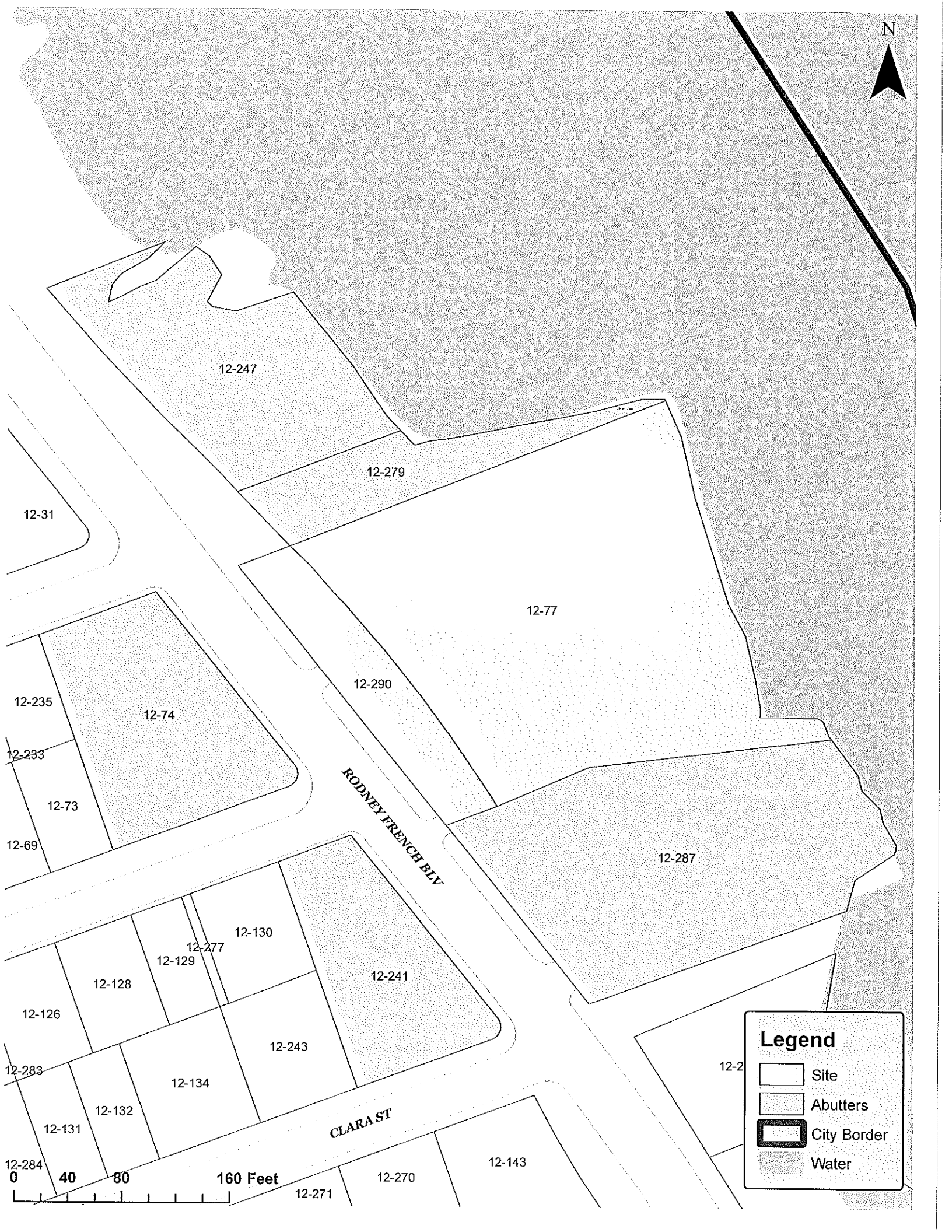
January 18, 2017

Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as 1494 E. Rodney French Blvd.(12-77 & 290). 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
12-74	1501 E RODNEY FRENCH BLVD	FORD JOHN P "TRUSTEE", FORD PATRICIA E "TRUSTEE" 81 CAROLINE STREET NEW BEDFORD, MA 02740
12-77	1494 E RODNEY FRENCH BLVD	VVK REALTY LLC, 1494 E RODNEY FRENCH BLVD 99 Flag Swamp Rd. NEW BEDFORD, MA 02744 Duxmouth, MA 02747
12-279 ES	E RODNEY FRENCH BLVD	CITY OF NEW BEDFORD, 131 WILLIAM ST NEW BEDFORD, MA 02740
12-247 ES	E RODNEY FRENCH BLVD	CITY OF NEW BEDFORD, 131 WILLIAM ST NEW BEDFORD, MA 02740
12-241	1475 E RODNEY FRENCH BLVD	ROCHE LEONARD J "TRS", ROCHE MARY A "TRS" 1475 E RODNEY FRENCH BLVD NEW BEDFORD, MA 02744-2235
12-287	1480 E RODNEY FRENCH BLVD	GGK REALTY LLC, 1480 E RODNEY FRENCH BLVD NEW BEDFORD, MA 02744
12-290	2 E RODNEY FRENCH BLVD	VVK REALTY LLC, 1494 E RODNEY FRENCH BLVD NEW BEDFORD, MA 02744



Notification to Abutters Under the Massachusetts Wetlands Protection Act

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

- A. The name of the applicant is
VVK Realty, LLC & GSK Realty, LLC
- B. The Applicant has filed a Notice of Intent with the Conservation Commission For the municipality of New Bedford, MA seeking permission to remove, fill dredge or alter an Area Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, Section 40). The Notice of Intent may also only pertain to work within 100' of an Area Subject to Protection Under the Act. Please see D & E below to find out more about the application.
- C. The location of the lot where the activity is proposed is Assessor's Map 12
Lot(s) 77,290,287; street address (if applicable) 1480 & 1494 E. Rodney French Blvd
- D. Copies of the Notice of Intent may be examined at the New Bedford Conservation Commission Office – Room 304 of City Hall, 133 William St., New Bedford between the hours of 8:30 AM and 4:00 PM Monday through Friday. For more information, call 508-991-6188.
- E. Copies of the Notice of Intent may be obtained from either (check one) the applicant or the applicant's representative X by calling this number 508.748.0937 between the hours of 9 AM and 4 PM on the following days of the week Mon.-Fri..
- F. Information regarding the date, time and place of the public hearing may be obtained from New Bedford Conservation Commission by calling 508-991-6188 between the hours of 8:00 AM and 4:00 PM Monday through Friday

Note: Notice of the Public Hearing, including its date, time and place shall be published at least (5) days in advance in The Standard Times.

Note: Notice of the public Hearing, including the date, time and location shall be posted in City Hall not less than forty-eight (48) hours in advance.

Note: you may also contact your local Conservation Commission or the MADEP Southeast Regional Office @ 508-946-2700 for more information about this Notice or the Wetlands Protection Act.

Jeremy Packard

From: EnvReview-South, DMF (FWE) <dmf.envreview-south@state.ma.us>
Sent: Thursday, January 26, 2017 2:25 PM
To: Jeremy Packard
Subject: RE: 1480 & 1494 E. Rodney French Blvd - NOI Application

Dear Mr. Packard,
Marine Fisheries has electronically received for review the NOI application submitted for VVK and GGK Realty for proposed work at 1480 and 1494 E Rodney French Blvd in the Town of New Bedford.

When it becomes available, would you please forward us the public hearing date for this NOI?

Thank you,

Pooja Potti
MA Division of Marine Fisheries
1213 Purchase Street, 3rd Fl
New Bedford, MA 02740

Ph: (508) 990-2860 ext. 190
Fax: (508) 990-0449

From: Jeremy Packard [mailto:JPackard@cleengineering.com]
Sent: Thursday, January 26, 2017 12:34 PM
To: EnvReview-South, DMF (FWE)
Subject: 1480 & 1494 E. Rodney French Blvd - NOI Application

Good Morning-

Attached please find the Notice of Intent application for proposed site improvements at 1494 and 1480 E. Rodney French Blvd. in New Bedford, MA. If you have any questions or require additional information please do not hesitate to contact me using the information provided below.

Jeremy

cleengineering

Jeremy M. Packard, P.E. | Senior Project Engineer
t: 508.748.0937 | 800.668.3220 | c: 508.488.0928
15 Creek Rd | Marion, MA 02738 | cleengineering.com

This message and any attached documents contain information from CLE Engineering, Inc, that may be confidential and/or privileged. If you are not the intended recipient, you may not read, copy, distribute, or use this information. If you have received this transmission in error, please notify the sender immediately by reply e-mail and then delete this message.

Notice of Intent
Proposed Site Improvements,
Building Razing, & Pile Installation

1480 & 1494 E Rodney French Blvd.
GGK Realty, LLC & VVK Realty, LLC
January 2017

Exhibit J

Filing Fee Worksheet & Check Copies



15 Creek Road | Marion, Massachusetts 02738
t: 508.748.0937 | www.cleengineering.com



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:

1480 & 1494 E Rodney French Blvd

a. Street Address

1163

c. Check number

New Bedford

b. City/Town

\$261.50 (State Portion)

d. Fee amount

2. Applicant Mailing Address:

a. First Name

VVK Realty, LLC & GGK Realty, LLC

c. Organization

99 Flag Swamp Rd

d. Mailing Address

North Dartmouth

e. City/Town

508 996 0313

h. Phone Number

i. Fax Number

MA

f. State

02747

g. Zip Code

matador.scallops@gmail.com

j. Email Address

3. Property Owner (if different):

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

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
Category 2: Other – Tiki Bar	1	\$500	\$500
Category 5 – 12 Piles	12	\$4/linear ft	\$48
Step 5/Total Project Fee:			\$548

Step 6/Fee Payments:

Total Project Fee:	\$548
State share of filing Fee:	a. Total Fee from Step 5 \$261.50* Addt'l NB Fees = \$1,025.85
City/Town share of filing Fee:	\$286.50 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.)

VVK REALTY, LLC
99 FLAG SWAMP ROAD
NORTH DARTMOUTH, MA 02747

1160

53-7064/2113
10

CHECK ARMOR
TRADE PROTECTION

PAY
TO THE
ORDER OF

City of N.B.

DATE JAN 25 2017

\$ 1025.85

1025 1025.85

DOLLARS



FALL RIVER, MA 02722

FOR

J. Kelly

⑆001160⑆ ⑆211370642⑆90167227⑆

VVK REALTY, LLC
99 FLAG SWAMP ROAD
NORTH DARTMOUTH, MA 02747

JAN 25 2017

1163

53-7064/2113
10

CHECK ARMOR
TRADE PROTECTION

PAY
TO THE
ORDER OF

Comm for man

DATE

\$ 261.50

261 261.50

DOLLARS



FALL RIVER, MA 02722

FOR

J. Kelly

⑆001163⑆ ⑆211370642⑆90167227⑆

VVK REALTY, LLC
99 FLAG SWAMP ROAD
NORTH DARTMOUTH, MA 02747

DATE JAN 25 2017

1161

53-7064/2113
10

CHECK ARMOR
TRADE PROTECTION

PAY
TO THE
ORDER OF

City of N.B.

\$ 286.50

286 286.50

DOLLARS



FALL RIVER, MA 02722

FOR

J. Kelly

⑆001161⑆ ⑆211370642⑆90167227⑆