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February 4, 2016

New Bedford Conservation Commission
Attn: Sarah Porter
Conservation Agent
Office of Environmental Stewardship
133 Williams Street, Room 304
New Bedford, MA 02740

RE: Nitsch Project #10803
East Beach – Service Facility
918 East Rodney French Boulevard
Notice of Intent Filing
New Bedford, MA 02740

Dear Commission Members:

On behalf of the City of New Bedford (Owner) and Mount Vernon Group Architects, Inc. (Client), Nitsch Engineering is pleased to submit two (2) copies of a Notice of Intent (NOI). This NOI filing is in accordance with the Massachusetts Wetland Protection Act (MGL c. 131, Section 40) and its Regulations (310 CMR 10.00) and the New Bedford Wetlands Ordinance (New Bedford Code of Ordinance Sections 15-101 through 15-112).

The City of New Bedford is proposing to demolish two (2) existing bathhouses and construct a new 1,728± square-foot single-story bathhouse at East Beach. In addition to the new building, the project includes a new 6-foot wide wooden boardwalk around the perimeter of the bathhouse and utilities.

The site is partially located within jurisdictional resource areas; Coastal Beach and Land Subject to Coastal Flowage.

This NOI is being submitted for the Commission's review at their February 16, 2016 public hearing.

If you have any questions, please call.

Very truly yours,

Nitsch Engineering, Inc.

William R. Maher, PE, LSIT
Project Manager

WRM

cc: Mark Champagne, City of New Bedford
Jorge Figueiredo, Mount Vernon Group Architects, Inc.
DEP Southeast Regional Office
Project File

Enclosures

G:\New Bedford NOI\10803 LT NBCC East Beach Bathhouses NOI 2016-02-04 WRM.docx



February 4, 2016

NOTICE OF INTENT

Under the *Wetlands Protection Act*
(M.G.L. c. 131, §40) and the
New Bedford Wetlands Ordinance
(New Bedford Code of Ordinance
Sections 15-101 through 15-112)

For

EAST BEACH – SERVICE FACILITY

918 East Rodney French Boulevard
New Bedford, MA 02740

Prepared for:

MVG Architects, Inc.
47 North 2nd Street
New Bedford, MA 02740

Prepared by:

NITSCH ENGINEERING, INC.
2 Center Plaza, Suite 430
Boston, MA 02108

Nitsch Project #10803

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SECTION 1

NOTICE OF INTENT FORMS

WPA Form 3 - Notice of Intent
NOI Wetland Fee Transmittal Form (Not Applicable)
Checklist for Stormwater Report
Illicit Discharge Statement



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):

918 East Rodney French Boulevard

a. Street Address

New Bedford

b. City/Town

02740

c. Zip Code

Latitude and Longitude:

41-35-59

d. Latitude

70-54-09

e. Longitude

Assessor's Map 4

f. Assessors Map/Plat Number

Parcel 2

g. Parcel /Lot Number

2. Applicant:

Mark

a. First Name

Champagne

b. Last Name

City of New Bedford

c. Organization

294 Liberty Street

d. Street Address

New Bedford

e. City/Town

MA

f. State

02740

g. Zip Code

(508) 979-1520

h. Phone Number

(508) 979-1521

i. Fax Number

Mark.Champagne@newbedford-ma.gov

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):

William R.

a. First Name

Maier, PE

b. Last Name

Nitsch Engineering

c. Company

2 Center Plaza, Suite 430

d. Street Address

Boston

e. City/Town

MA

f. State

02108

g. Zip Code

617-338-0063

h. Phone Number

617-338-6472

i. Fax Number

wmaier@nitscheng.com

j. Email address

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

N/A

a. Total Fee Paid

N/A

b. State Fee Paid

N/A

c. City/Town Fee Paid



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

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A. General Information (continued)

6. General Project Description:

The project includes the removal of two (2) existing bathhouses, and the construction of one (1) new bathhouse building with associated wooden boardwalk and utility water and sewer services. There will be no new drain services, roof runoff only to beach.

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 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 South

a. County

1670

c. Book

b. Certificate # (if registered land)

496

d. Page Number

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

1. ☒ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2. ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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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) - specify coastal or inland	

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☒ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☒ Yes ☐ No

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

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



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Provided by MassDEP:

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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 type="checkbox"/> Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input checked="" type="checkbox"/> Coastal Beaches	1,929 1. square feet	8 2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment
	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	1,929 1. square feet	

4. ☐ Restoration/Enhancement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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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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Bureau of Resource Protection - Wetlands

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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/nhosp/regulatory_review/ mesa/ mesa_fee_schedule.htm).
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) ☐ Vegetation cover type map of site
- (e) ☐ Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following
1. ☐ Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
2. ☐ Separate MESA review ongoing. _____ a. NHESP Tracking # _____ b. Date submitted to NHESP
3. ☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. ☐ Not applicable – project is in inland resource area only b. ☐ Yes ☒ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
Email: DMF.EnvReview-South@state.ma.us

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.



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

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

Provided by MassDEP:

MassDEP File Number

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New Bedford

City/Town

D. Additional Information (cont'd)

3. ☐ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

Site Utility/Erosion Control Plan, Site Utility Details & Notes; Erosion Control Details & Notes

a. Plan Title

Nitsch Engineering Inc.

William R. Maher, PE

b. Prepared By

c. Signed and Stamped by

1"=20'

d. Final Revision Date

e. Scale

February 4, 2016

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☒ Attach NOI Wetland Fee Transmittal Form
9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☒ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

N/A

2. Municipal Check Number

N/A

3. Check date

N/A

4. State Check Number

N/A

5. Check date

N/A

6. Payor name on check: First Name

N/A

7. Payor name on check: Last Name



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

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F. Signatures and Submittal Requirements

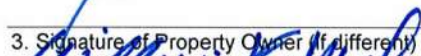
I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.


1. Signature of Applicant

February 4, 2016

2. Date


3. Signature of Property Owner (if different)

4. Date


5. Signature of Representative (if any)

February 4, 2016

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

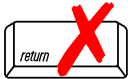
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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



Massachusetts Department of Environmental Protection
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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:

918 East Rodney French Boulevard

a. Street Address

N/A

c. Check number

New Bedford

b. City/Town

N/A

d. Fee amount

2. Applicant Mailing Address:

Mark

a. First Name

City of New Bedford

c. Organization

294 Liberty Street

d. Mailing Address

New Bedford

e. City/Town

(508) 979-1520

h. Phone Number

(508) 979-1521

i. Fax Number

Champagne

b. Last Name

MA

f. State

02740

g. Zip Code

Mark.Champagne@newbedford-ma.gov

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
2c.	1	\$500	N/A
3b.	1	\$1,050	N/A
Step 5/Total Project Fee:			N/A

Step 6/Fee Payments:

Total Project Fee:	N/A
	a. Total Fee from Step 5
State share of filing Fee:	N/A
	b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:	N/A
	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.)



Checklist for Stormwater Report

A. Introduction

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



A Stormwater Report must be submitted with the Notice of Intent permit application to document compliance with the Stormwater Management Standards. The following checklist is NOT a substitute for the Stormwater Report (which should provide more substantive and detailed information) but is offered here as a tool to help the applicant organize their Stormwater Management documentation for their Report and for the reviewer to assess this information in a consistent format. As noted in the Checklist, the Stormwater Report must contain the engineering computations and supporting information set forth in Volume 3 of the [Massachusetts Stormwater Handbook](#). The Stormwater Report must be prepared and certified by a Registered Professional Engineer (RPE) licensed in the Commonwealth.

The Stormwater Report must include:

- The Stormwater Checklist completed and stamped by a Registered Professional Engineer (see page 2) that certifies that the Stormwater Report contains all required submittals.¹ This Checklist is to be used as the cover for the completed Stormwater Report.
- Applicant/Project Name
- Project Address
- Name of Firm and Registered Professional Engineer that prepared the Report
- Long-Term Pollution Prevention Plan required by Standards 4-6
- Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan required by Standard 8²
- Operation and Maintenance Plan required by Standard 9

In addition to all plans and supporting information, the Stormwater Report must include a brief narrative describing stormwater management practices, including environmentally sensitive site design and LID techniques, along with a diagram depicting runoff through the proposed BMP treatment train. Plans are required to show existing and proposed conditions, identify all wetland resource areas, NRCS soil types, critical areas, Land Uses with Higher Potential Pollutant Loads (LUHPPL), and any areas on the site where infiltration rate is greater than 2.4 inches per hour. The Plans shall identify the drainage areas for both existing and proposed conditions at a scale that enables verification of supporting calculations.

As noted in the Checklist, the Stormwater Management Report shall document compliance with each of the Stormwater Management Standards as provided in the Massachusetts Stormwater Handbook. The soils evaluation and calculations shall be done using the methodologies set forth in Volume 3 of the Massachusetts Stormwater Handbook.

To ensure that the Stormwater Report is complete, applicants are required to fill in the Stormwater Report Checklist by checking the box to indicate that the specified information has been included in the

¹ The Stormwater Report may also include the Illicit Discharge Compliance Statement required by Standard 10. If not included in the Stormwater Report, the Illicit Discharge Compliance Statement must be submitted prior to the discharge of stormwater runoff to the post-construction best management practices.

² For some complex projects, it may not be possible to include the Construction Period Erosion and Sedimentation Control Plan in the Stormwater Report. In that event, the issuing authority has the discretion to issue an Order of Conditions that approves the project and includes a condition requiring the proponent to submit the Construction Period Erosion and Sedimentation Control Plan before commencing any land disturbance activity on the site.

B. Stormwater Checklist and Certification

The following checklist is intended to serve as a guide for applicants as to the elements that ordinarily need to be addressed in a complete Stormwater Report. The checklist is also intended to provide



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

Checklist for Stormwater Report

conservation commissions and other reviewing authorities with a summary of the components necessary for a comprehensive Stormwater Report that addresses the ten Stormwater Standards.

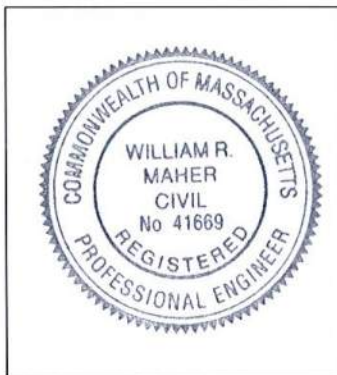
Note: Because stormwater requirements vary from project to project, it is possible that a complete Stormwater Report may not include information on some of the subjects specified in the Checklist. If it is determined that a specific item does not apply to the project under review, please note that the item is not applicable (N.A.) and provide the reasons for that determination.

A complete checklist must include the Certification set forth below signed by the Registered Professional Engineer who prepared the Stormwater Report.

Registered Professional Engineer's Certification

I have reviewed the Stormwater Report, including the soil evaluation, computations, Long-term Pollution Prevention Plan, the Construction Period Erosion and Sedimentation Control Plan (if included), the Long-term Post-Construction Operation and Maintenance Plan, the Illicit Discharge Compliance Statement (if included) and the plans showing the stormwater management system, and have determined that they have been prepared in accordance with the requirements of the Stormwater Management Standards as further elaborated by the Massachusetts Stormwater Handbook. I have also determined that the information presented in the Stormwater Checklist is accurate and that the information presented in the Stormwater Report accurately reflects conditions at the site as of the date of this permit application.

Registered Professional Engineer Block and Signature



Signature and Date

Checklist

Project Type: Is the application for new development, redevelopment, or a mix of new and redevelopment?

- ☐ New development
- ☒ Redevelopment
- ☐ Mix of New Development and Redevelopment

Checklist (continued)

LID Measures: Stormwater Standards require LID measures to be considered. Document what environmentally sensitive design and LID Techniques were considered during the planning and design of



Checklist for Stormwater Report

the project:

- ☐ No disturbance to any Wetland Resource Areas
- ☐ Site Design Practices (e.g. clustered development, reduced frontage setbacks)
- ☐ Reduced Impervious Area (Redevelopment Only)
- ☐ Minimizing disturbance to existing trees and shrubs
- ☒ LID Site Design Credit Requested:
 - ☐ Credit 1
 - ☒ Credit 2
 - ☐ Credit 3
- ☐ Use of "country drainage" versus curb and gutter conveyance and pipe
- ☐ Bioretention Cells (includes Rain Gardens)
- ☐ Constructed Stormwater Wetlands (includes Gravel Wetlands designs)
- ☐ Treebox Filter
- ☐ Water Quality Swale
- ☐ Grass Channel
- ☐ Green Roof
- ☒ Other (describe): Roof runoff only

Standard 1: No New Untreated Discharges

- ☒ No new untreated discharges
- ☐ Outlets have been designed so there is no erosion or scour to wetlands and waters of the Commonwealth
- ☐ Supporting calculations specified in Volume 3 of the Massachusetts Stormwater Handbook included.

Checklist (continued)

Standard 2: Peak Rate Attenuation



Checklist for Stormwater Report

- ☒ Standard 2 waiver requested because the project is located in land subject to coastal storm flowage and stormwater discharge is to a wetland subject to coastal flooding.
- ☐ Evaluation provided to determine whether off-site flooding increases during the 100-year 24-hour storm.
- ☐ Calculations provided to show that post-development peak discharge rates do not exceed pre-development rates for the 2-year and 10-year 24-hour storms. If evaluation shows that off-site flooding increases during the 100-year 24-hour storm, calculations are also provided to show that post-development peak discharge rates do not exceed pre-development rates for the 100-year 24-hour storm.

Standard 3: Recharge

- ☒ Soil Analysis provided.
- ☐ Required Recharge Volume calculation provided.
- ☒ Required Recharge volume reduced through use of the LID site Design Credits.
- ☐ Sizing the infiltration, BMPs is based on the following method: Check the method used.
 - ☐ Static
 - ☐ Simple Dynamic
 - ☐ Dynamic Field¹
- ☐ Runoff from all impervious areas at the site discharging to the infiltration BMP.
- ☐ Runoff from all impervious areas at the site is *not* discharging to the infiltration BMP and calculations are provided showing that the drainage area contributing runoff to the infiltration BMPs is sufficient to generate the required recharge volume.
- ☐ Recharge BMPs have been sized to infiltrate the Required Recharge Volume.
- ☐ Recharge BMPs have been sized to infiltrate the Required Recharge Volume *only* to the maximum extent practicable for the following reason:
 - ☐ Site is comprised solely of C and D soils and/or bedrock at the land surface
 - ☐ M.G.L. c. 21E sites pursuant to 310 CMR 40.0000
 - ☐ Solid Waste Landfill pursuant to 310 CMR 19.000
 - ☐ Project is otherwise subject to Stormwater Management Standards only to the maximum extent practicable.
- ☐ Calculations showing that the infiltration BMPs will drain in 72 hours are provided.
- ☐ Property includes a M.G.L. c. 21E site or a solid waste landfill and a mounding analysis is included.

¹ 80% TSS removal is required prior to discharge to infiltration BMP if Dynamic Field method is used.

Checklist (continued)

Standard 3: Recharge (continued)



Checklist for Stormwater Report

- ☐ The infiltration BMP is used to attenuate peak flows during storms greater than or equal to the 10-year 24-hour storm and separation to seasonal high groundwater is less than 4 feet and a mounding analysis is provided.
- ☐ Documentation is provided showing that infiltration BMPs do not adversely impact nearby wetland resource areas.

Standard 4: Water Quality

The Long-Term Pollution Prevention Plan typically includes the following:

- Good housekeeping practices;
 - Provisions for storing materials and waste products inside or under cover;
 - Vehicle washing controls;
 - Requirements for routine inspections and maintenance of stormwater BMPs;
 - Spill prevention and response plans;
 - Provisions for maintenance of lawns, gardens, and other landscaped areas;
 - Requirements for storage and use of fertilizers, herbicides, and pesticides;
 - Pet waste management provisions;
 - Provisions for operation and management of septic systems;
 - Provisions for solid waste management;
 - Snow disposal and plowing plans relative to Wetland Resource Areas;
 - Winter Road Salt and/or Sand Use and Storage restrictions;
 - Street sweeping schedules;
 - Provisions for prevention of illicit discharges to the stormwater management system;
 - Documentation that Stormwater BMPs are designed to provide for shutdown and containment in the event of a spill or discharges to or near critical areas or from LUHPPL;
 - Training for staff or personnel involved with implementing Long-Term Pollution Prevention Plan;
 - List of Emergency contacts for implementing Long-Term Pollution Prevention Plan.
- ☐ A Long-Term Pollution Prevention Plan is attached to Stormwater Report and is included as an attachment to the Wetlands Notice of Intent.
 - ☐ Treatment BMPs subject to the 44% TSS removal pretreatment requirement and the one inch rule for calculating the water quality volume are included, and discharge:
 - ☐ is within the Zone II or Interim Wellhead Protection Area
 - ☐ is near or to other critical areas
 - ☒ is within soils with a rapid infiltration rate (greater than 2.4 inches per hour)
 - ☐ involves runoff from land uses with higher potential pollutant loads.
 - ☐ The Required Water Quality Volume is reduced through use of the LID site Design Credits.
 - ☐ Calculations documenting that the treatment train meets the 80% TSS removal requirement and, if applicable, the 44% TSS removal pretreatment requirement, are provided.

Checklist (continued)

Standard 4: Water Quality (continued)



Checklist for Stormwater Report

- ☐ The BMP is sized (and calculations provided) based on:
 - ☐ The ½" or 1" Water Quality Volume or
 - ☐ The equivalent flow rate associated with the Water Quality Volume and documentation is provided showing that the BMP treats the required water quality volume.
- ☐ The applicant proposes to use proprietary BMPs, and documentation supporting use of proprietary BMP and proposed TSS removal rate is provided. This documentation may be in the form of the propriety BMP checklist found in Volume 2, Chapter 4 of the Massachusetts Stormwater Handbook and submitting copies of the TARP Report, STEP Report, and/or other third party studies verifying performance of the proprietary BMPs.
- ☐ A TMDL exists that indicates a need to reduce pollutants other than TSS and documentation showing that the BMPs selected are consistent with the TMDL is provided.

Standard 5: Land Uses With Higher Potential Pollutant Loads (LUHPPLs)

- ☐ The NPDES Multi-Sector General Permit covers the land use and the Stormwater Pollution Prevention Plan (SWPPP) has been included with the Stormwater Report.
- ☐ The NPDES Multi-Sector General Permit covers the land use and the SWPPP will be submitted **prior to** the discharge of stormwater to the post-construction stormwater BMPs.
- ☐ The NPDES Multi-Sector General Permit does **not** cover the land use.
- ☐ LUHPPLs are located at the site and industry specific source control and pollution prevention measures have been proposed to reduce or eliminate the exposure of LUHPPLs to rain, snow, snow melt and runoff, and been included in the long term Pollution Prevention Plan.
- ☐ All exposure has been eliminated.
- ☐ All exposure has **not** been eliminated and all BMPs selected are on MassDEP LUHPPL list.
- ☐ The LUHPPL has the potential to generate runoff with moderate to higher concentrations of oil and grease (e.g. all parking lots with >1000 vehicle trips per day) and the treatment train includes an oil grit separator, a filtering bioretention area, a sand filter or equivalent.

Standard 6: Critical Areas

- ☐ The discharge is near or to a critical area and the treatment train includes only BMPs that MassDEP has approved for stormwater discharges to or near that particular class of critical area.
- ☐ Critical areas and BMPs are identified in the Stormwater Report.

Checklist (continued)

Standard 7: Redevelopments and Other Projects Subject to the Standards only to the maximum extent practicable



Checklist for Stormwater Report

-
- ☐ The project is subject to the Stormwater Management Standards only to the maximum Extent Practicable as a:
- ☐ Limited Project
 - ☐ Small Residential Projects: 5-9 single family houses or 5-9 units in a multi-family development provided there is no discharge that may potentially affect a critical area.
 - ☐ Small Residential Projects: 2-4 single family houses or 2-4 units in a multi-family development with a discharge to a critical area
 - ☐ Marina and/or boatyard provided the hull painting, service and maintenance areas are protected from exposure to rain, snow, snow melt and runoff
 - ☐ Bike Path and/or Foot Path
 - ☒ Redevelopment Project
 - ☐ Redevelopment portion of mix of new and redevelopment.
- ☐ Certain standards are not fully met (Standard No. 1, 8, 9, and 10 must always be fully met) and an explanation of why these standards are not met is contained in the Stormwater Report.
- ☐ The project involves redevelopment and a description of all measures that have been taken to improve existing conditions is provided in the Stormwater Report. The redevelopment checklist found in Volume 2 Chapter 3 of the Massachusetts Stormwater Handbook may be used to document that the proposed stormwater management system (a) complies with Standards 2, 3 and the pretreatment and structural BMP requirements of Standards 4-6 to the maximum extent practicable and (b) improves existing conditions.

Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control

A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan must include the following information:

- Narrative;
 - Construction Period Operation and Maintenance Plan;
 - Names of Persons or Entity Responsible for Plan Compliance;
 - Construction Period Pollution Prevention Measures;
 - Erosion and Sedimentation Control Plan Drawings;
 - Detail drawings and specifications for erosion control BMPs, including sizing calculations;
 - Vegetation Planning;
 - Site Development Plan;
 - Construction Sequencing Plan;
 - Sequencing of Erosion and Sedimentation Controls;
 - Operation and Maintenance of Erosion and Sedimentation Controls;
 - Inspection Schedule;
 - Maintenance Schedule;
 - Inspection and Maintenance Log Form.
- ☒ A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan containing the information set forth above has been included in the Stormwater Report.

Checklist (continued)

Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control (continued)



Checklist for Stormwater Report

- ☐ The project is highly complex and information is included in the Stormwater Report that explains why it is not possible to submit the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan with the application. A Construction Period Pollution Prevention and Erosion and Sedimentation Control has **not** been included in the Stormwater Report but will be submitted **before** land disturbance begins.
- ☒ The project is **not** covered by a NPDES Construction General Permit.
- ☐ The project is covered by a NPDES Construction General Permit and a copy of the SWPPP is in the Stormwater Report.
- ☐ The project is covered by a NPDES Construction General Permit but no SWPPP been submitted. The SWPPP will be submitted BEFORE land disturbance begins.

Standard 9: Operation and Maintenance Plan

- ☐ The Post Construction Operation and Maintenance Plan is included in the Stormwater Report and includes the following information:
 - ☐ Name of the stormwater management system owners;
 - ☐ Party responsible for operation and maintenance;
 - ☐ Schedule for implementation of routine and non-routine maintenance tasks;
 - ☐ Plan showing the location of all stormwater BMPs maintenance access areas;
 - ☐ Description and delineation of public safety features;
 - ☐ Estimated operation and maintenance budget; and
 - ☐ Operation and Maintenance Log Form.
- ☐ The responsible party is **not** the owner of the parcel where the BMP is located and the Stormwater Report includes the following submissions:
 - ☐ A copy of the legal instrument (deed, homeowner's association, utility trust or other legal entity) that establishes the terms of and legal responsibility for the operation and maintenance of the project site stormwater BMPs;
 - ☐ A plan and easement deed that allows site access for the legal entity to operate and maintain BMP functions.

Standard 10: Prohibition of Illicit Discharges

- ☐ The Long-Term Pollution Prevention Plan includes measures to prevent illicit discharges;
- ☒ An Illicit Discharge Compliance Statement is attached;
- ☐ NO Illicit Discharge Compliance Statement is attached but will be submitted **prior to** the discharge of any stormwater to post-construction BMPs.

STANDARD 10: Illicit Discharge Compliance Statement

Project Name: East Beach Bathhouse	Nitsch Project #: 10803
Location: 918 East Rodney French Boulevard New Bedford, MA	Checked by: SV
Prepared by: WRM	Sheet No. 1 of 1
Date: February 4, 2016	

Standard 10 states: All illicit discharges to the stormwater management system are prohibited.

This is to verify:

1. Based on the information available there are no know or suspected illicit discharges to the stormwater management system at East Beach, 918 East Rodney French Boulevard, New Bedford, MA as defined in the MassDEP Stormwater Handbook.
2. The design of the stormwater system includes no proposed illicit discharges.



William R. Maher, PE, LSIT



Date

SECTION 2

PROJECT NARRATIVE

PROJECT NARRATIVE CONTENTS

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1.0 EXECUTIVE SUMMARY

On behalf of the Applicant, the City of New Bedford, Nitsch Engineering, Inc. is filing the enclosed Notice of Intent (NOI) with the New Bedford Conservation Commission for the proposed removal of two existing bathhouses and the construction of a new bathhouse, which is located within jurisdictional coastal resource areas (subsequently referred to as the “Project”). The purpose of this NOI Application is to receive an Order of Conditions from the New Bedford Conservation Commission approving the proposed project under the *Wetlands Protection Act* (M.G.L. c. 131, §40), and the New Bedford Wetlands Ordinance (New Bedford Code of Ordinance Sections 15-101 through 15-112).

The Project site is located at 918 East Rodney French Boulevard (East Beach), New Bedford, Massachusetts. The Project consists of the demolition of two (2) existing buildings (bathhouses), construction of a 1,728 square-foot bathhouse building and various site improvements, including a new wooden boardwalk, and utility work.

The site is located within jurisdictional resource areas of a coastal beach and land subject to coastal storm flowage.

The proposed site improvements within the Resource Area include:

- A proposed bathhouse facility;
- Sewer, drainage, water, and electric utilities; and
- Associated earthwork.

The Project includes several mitigation measures to offset the impacts include erosion and sedimentation controls. These mitigation measures are further discussed in the narrative below.

2.0 EXISTING CONDITIONS

2.1 Existing Site Description

The 0.46± acre Project site is located at 918 East Rodney French Boulevard – opposite Portland Street in New Bedford, Massachusetts (Figure 1 – USGS Locus Map and Figure 2 – Aerial Locus Map). The site is bounded by East Rodney French Boulevard to the north, beach to the east, Buzzards Bay to the south and beach to the west.

There are existing utility services (sewer and water) to each bathhouse. The existing utility services for the bathhouse on the westerly side of the site will be cut and capped at their respective utility mains in East Rodney French Boulevard. The existing sewer service to the existing bathhouse on the easterly side of the site will be maintained for reuse of the new bathhouse. The sewer service will be cleaned and reused for the new bathhouse. All stormwater runoff from the bathhouse building will flow overland via the proposed bathhouse roof to the beach as it does now.

2.2 Wetland Resource Areas

The Project site is bordered to the south by Buzzards Bay and contains the following jurisdictional wetland resource areas: Coastal Beach as outlined in Table 1.

Table 1. Jurisdiction Wetland Resource Areas

Wetland Resource Area	General Location	Flag Numbers (if applicable)
Coastal Beach	Along southern property boundary	

2.3 Other Environmental Considerations

FEMA Flood Zone

Based on the FEMA Flood Insurance Rate Maps for New Bedford (Community Panel Number 25005C0482G dated July 16, 2014), the Project site is located within the 100-year floodplain. The entire Site is located within a Zone VE [Coastal Flood Zone with velocity hazard (wave action); with a base flood elevation of 22 North American Vertical Datum of 1988 (NAVD88)]. This floodplain has been classified as Coastal Beach and Land Subject to Coastal Storm Flowage.

NHESP Priority and Estimated Habitat

Based on the 13th Edition of the Natural Heritage Atlas, effective October 1, 2008, the Project site is not located within designated Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species and does not contain any Certified Vernal Pools.

3.0 PROPOSED CONDITIONS

3.1 Overview of Proposed Work

The City of New Bedford is proposing for the demolition of two (2) existing bathhouses, concrete walk/pads and utilities and the construction of a new bathhouse with a wooden boardwalk around the perimeter of the building and water, sewer and electrical utilities. The proposed project will result in a net DECREASE in overall impervious area of 87 square feet (Table 2).

Table 2. Existing and proposed land cover type for the Project

Land Use	Existing (square feet)	Proposed (square feet)	Change
Buildings	640	1,728	+1,088
Site Impervious Area	1,175	0	-1,175
Total			-87

The proposed project will not provide any new stormwater management system as there are none now.

4.0 WETLAND RESOURCE AREA IMPACTS

The Project has been designed to limit disturbance in the resource areas to the maximum extent possible. As noted in Section 3.1, the proposed project will result in a net DECREASE in overall impervious area of 87 square feet. The closet setback from a building to the tidal flat is approximately 146 feet. Table 3 provides a summary of the wetland resource areas impacted by the proposed project.

Table 3. Summary of alteration within jurisdiction wetland resource areas

Wetland Resource Area	Proposed Alteration Area (sf) (Temporary/Permanent)	New Impervious Area (sf)
Coastal Beach	1,929±	0 (-87)

4.1 Proposed Work Within Land Subject to Coastal Storm Flowage

The 100-year floodplain, designated at Elevation 22 (VE) by the Federal Emergency Management agency (FEMA), encroaches on the northern portion of the Project site. This area is protected as Land Subject to Coastal Storm Flowage (LSCSF) under the Wetlands Protection Act. The proposed work within LSCSF includes the demolition of two (2) existing buildings (bathhouses), construction of a 1,728 square-foot bathhouse building and various site improvements, including a new wooden boardwalk, and utility work.

4.2 Proposed Work Within LOCAL RESOURCE AREA(S)

Per Section 15-101 of the New Bedford Wetlands Ordinance which states that the Conservation Commission will work with each individual applicant to achieve up to a 25' setback from resource areas, however this 25' setback is not a mandate of this ordinance. The Applicant proposes to avoid impact to the jurisdictional resource areas to the maximum extent possible and there will be a decrease in impervious area (approximately 87 square feet) created by removal of buildings and concrete pads. Erosion and sediment control barriers will be placed around the perimeter of the proposed project, as indicated on the site plans.

5.0 PROPOSED MITIGATION MEASURES

The proposed project includes numerous mitigation measures to reduce the impact of the project on adjacent environmentally-sensitive areas.

5.1 Construction Period Erosion and Sedimentation Controls

Erosion and sedimentation controls are proposed to reduce the construction-related impact of the proposed project on adjacent wetland resource areas. Control measures will include, but are not limited to, minimizing land disturbance, providing temporary stabilization and covers, installing perimeter controls (silt fence and straw wattles/bales) and providing stormwater inlet protection (silt sack, straw wattles/bales). The Contractor will be required to do inspections of all controls regularly to ensure that the controls are working properly. The Contractor shall clean and reinstall any control that needs to be cleaned or replaced. Additionally, the Contractor will clean/flush the entire stormwater management system prior to final acceptance by the owner.

The proposed project will not disturb more than one acre of land. The attached plans indicate the structural and non-structural erosion and sediment controls that will be employed, as appropriate, to control erosion on the construction site.

5.2 Long Term Pollution Plan

The Owner (City of New Bedford) will be responsible for the long-term maintenance of the facility, which require provisions for the following:

- Good Housekeeping;
- Storing materials and waste products inside (if applicable);
- Routine inspections of stormwater best management practices;
- Spill prevention and response; and

- Pet waste management.

The Owner has reviewed and agreed to implement the management practices outlined above and proactively conduct operations at the Project site in an environmentally-responsible manner.

6.0 INTERESTS OF THE WETLANDS PROTECTION ACT

The Wetlands Protection Act regulates wetland resource areas in order to contribute to the following interests:

- Flood Control
- Storm Damage Prevention

7.0 CONCLUSION

On behalf of the Applicant, Nitsch Engineering is filing the enclosed Notice of Intent (NOI) Application with the New Bedford Conservation Commission for the construction of the new EAST BEACH – SERVICE FACILITY. The project will require some temporary alteration of Resource Areas under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and its Regulations (310 CMR 10.00) and the New Bedford Wetlands Ordinance (New Bedford Code of Ordinance Sections 15-101 through 15-112). The Project provides numerous mitigation measures including: limiting clearing and disturbance in resource areas, minimizing the disturbance within resource area boundaries and minimization of earthwork. This NOI report and supporting documentation provide a thorough description of the design details and regulatory compliance in accordance with the pertinent Wetland Statutes and Regulations and the local ordinances. The Applicant seeks an Order of Conditions approving the Project as proposed.

SECTION 3

PARCEL INFORMATION

Parcel Card
Property Deed
Bathhouse Photos

Location: ES E RODNEY FRENCH BLVD**Parcel ID:** 6 2**Zoning:** RA**Fiscal Year:** 2016**Current Owner Information:**

CITY OF NEW BEDFORD

131 WILLIAM ST

NEW BEDFORD , MA 02740

Current Sales Information:**Sale Date:**

12/31/1989

Sale Price:

\$0.00

Card No. 1 of 1

Legal Reference:

31-224

Grantor:

N/A

This Property contains 3.116 acres of land mainly classified for assessment purposes as VAC-CTY CNCL

Building Value:

0

Land Value:

1102200

Yard Items Value:

14800

Total Value:

1117000

**No
Sketch
Available****NO
IMAGE
AVAILABLE**

Fiscal Year 2016		Fiscal Year 2015		Fiscal Year 2014	
Tax Rate Res.:	16.49	Tax Rate Res.:	15.73	Tax Rate Res.:	15.16
Tax Rate Com.:	35.83	Tax Rate Com.:	33.56	Tax Rate Com.:	31.08
Property Code:	930	Property Code:	930	Property Code:	930
Total Bldg Value:	0	Total Bldg Value:	0	Total Bldg Value:	0
Total Yard Value:	14800	Total Yard Value:	14800	Total Yard Value:	14800
Total Land Value:	1102200	Total Land Value:	1102200	Total Land Value:	1102200
Total Value:	1117000	Total Value:	1117000	Total Value:	1117000
Tax:	Exempt	Tax:	Exempt	Tax:	Exempt

Disclaimer: Classification is not an indication of uses allowed under city zoning.
This information is believed to be correct but is subject to change and is not warranted.

Location: 918 E RODNEY FRENCH BLVD**Parcel ID:** 4 2**Zoning:** RA**Fiscal Year:** 2016**Card #:** 2**Current Owner Information:**

CITY OF NEW BEDFORD

PARK DEPARTMENT

131 WILLIAM ST

NEW BEDFORD , MA 02740

Current Sales Information:**Sale Date:****Sale Price:**

\$0.00

Legal Reference:

This Parcel has 2 cards :

- 1 - 2 -

Grantor:

This Parcel contains 0.000 acres of land mainly classified for assessment purposes as IMP-CTY CNCL with a(n) GENERAL RETAIL style building, built about 1980, having Tx-111 exterior, Asphalt Shingles roof cover and 396 Square Feet, with 1 unit(s), total room(s), total bedroom(s) 0 total bath(s), 0 3/4 baths, and 2 total half bath(s).

Building Value:

24400

Land Value:

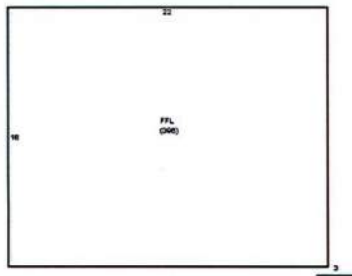
0

Yard Items Value:

0

Total Value:

24400

**Fiscal Year 2016****Fiscal Year 2015****Fiscal Year 2014**

Tax Rate Res.:	16.49	Tax Rate Res.:	15.73	Tax Rate Res.:	15.16
Tax Rate Com.:	35.83	Tax Rate Com.:	33.56	Tax Rate Com.:	31.08
Property Code:	931	Property Code:	931	Property Code:	931
Total Bldg Value:	40500	Total Bldg Value:	38300	Total Bldg Value:	34700
Total Yard Value:	0	Total Yard Value:	0	Total Yard Value:	0
Total Land Value:	419100	Total Land Value:	419100	Total Land Value:	419100
Total Value:	459600	Total Value:	457400	Total Value:	453800
Tax:	Exempt	Tax:	Exempt	Tax:	Exempt

Disclaimer: Classification is not an indication of uses allowed under city zoning.
This information is believed to be correct but is subject to change and is not warranted.

Location: 918 E RODNEY FRENCH BLVD**Parcel ID:** 4 2**Zoning:** RA**Fiscal Year:** 2016**Card #:** 1**Current Owner Information:**

CITY OF NEW BEDFORD

PARK DEPARTMENT

131 WILLIAM ST

NEW BEDFORD , MA 02740

Current Sales Information:**Sale Date:**

12/31/1989

Sale Price:

\$0.00

Legal Reference:

1670-496

Grantor:

N/A

This Parcel has 2 cards :

- 1 - 2 -

This Parcel contains 1.185 acres of land mainly classified for assessment purposes as IMP-CTY CNCL with a(n) Community Center style building, built about 1965, having Tx-111 exterior, Asphalt Shingles roof cover and 187 Square Feet, with 1 unit(s), total room(s), total bedroom(s) 0 total bath(s), 0 3/4 baths, and 0 total half bath (s).

Building Value:

16100

Land Value:

419100

Yard Items Value:

0

Total Value:

435200

**Fiscal Year 2016****Fiscal Year 2015****Fiscal Year 2014**

Tax Rate Res.:	16.49	Tax Rate Res.:	15.73	Tax Rate Res.:	15.16
Tax Rate Com.:	35.83	Tax Rate Com.:	33.56	Tax Rate Com.:	31.08
Property Code:	931	Property Code:	931	Property Code:	931
Total Bldg Value:	40500	Total Bldg Value:	38300	Total Bldg Value:	34700
Total Yard Value:	0	Total Yard Value:	0	Total Yard Value:	0
Total Land Value:	419100	Total Land Value:	419100	Total Land Value:	419100
Total Value:	459600	Total Value:	457400	Total Value:	453800
Tax:	Exempt	Tax:	Exempt	Tax:	Exempt

Disclaimer: Classification is not an indication of uses allowed under city zoning.
This information is believed to be correct but is subject to change and is not warranted.

004

Plot

0002

Lot

1 of 2

CARD

Commercial

TOTAL ASSESSED: 459,600

!26570!

Plot Alpha

Lot Alpha

City of New Bedford

PROPERTY LOCATION

IN PROCESS APPRAISAL SUMMARY

No Alt No Direction/Street/City
918 E RODNEY FRENCH BLVD, NEW BED

OWNERSHIP

Owner 1: CITY OF NEW BEDFORD

Owner 2: PARK DEPARTMENT

Owner 3:

Street 1: 131 WILLIAM ST

Street 2:

Twn/City: NEW BEDFORD

St/Prov: MA Cntry Own Occ: N

Postal: 02740 Type:

PREVIOUS OWNER

Owner 1:

Owner 2:

Street 1:

Twn/City:

St/Prov: Cntry

Postal:

NARRATIVE DESCRIPTION

This Parcel contains 1.185 Acres of land mainly classified as IMP-CTY CNCL with a(n) CMTY CTR Building Built about 1965, Having Primarily Tx-111 Exterior and Asphalt Roof Cover, with 1 Units, 0 Baths, 0 HalfBaths, 0 3/4 Baths, 0 Rooms, and 0 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Inl

PROPERTY FACTORS

Item	Code	Descp	%	Item	Code	Descp
Z	RA	ResA	100	U	6	ALL
o				t		
n				i		
Census:				Exmpt		
Flood Haz:						
D				Topo	1	BELOW ST
s				Street		
t				Traffic	1	HEAVY

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / PriceUnits	Unil Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	%	Spec Land	J Code	Fac	Use Value	Notes
931	IMP-CTY CNCL	1.0	51613	40,000	Sq FI	Prime Site	1.0	0	17.5	0.464	01W	1.00	1							419,098						419,100	WRTRFRNT

Use Code	Building Value	Yard Items	Land Size	Land Value	Total Value
931	16,100		1.185	419,100	435,200
Total Card	16,100		1.185	419,100	435,200
Total Parcel	40,500		1.185	419,100	459,600
Source: Market Adj Cost		Total Value per SQ unit /Card: 2,327.27 /Parcel: 788.34			

PREVIOUS ASSESSMENT

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date
2015	931	FV	38,300	0	1.185	419,100	457,400	457,400	Year End Roll	11/21/2014
2014	931	FV	34,700	0	1.185	419,100	453,800	453,800	Year End	12/23/2013
2013	931	FV	38,200	0	1.185	462,900	501,100	501,100	EOY Procedure	11/28/2012
2012	931	FV	40,200	0	1.185	476,100	516,300	516,300	End of Year	11/4/2011
2011	931	FV	40,500	0	1.185	489,400	529,900	529,900	Year End Roll	12/28/2010
2010	931	FV	41,500	0	1.185	489,400	530,900	530,900	Year End Roll	1/7/2010
2009	903	FV	42,700	0	1.185	525,200	567,900	567,900	Year End	12/18/2008
2008	903	FV	44,400	0	1.185	511,000	555,400	555,400	Year End Roll	11/2/2007

SALES INFORMATION

TAX DISTRICT

PAT ACCT.

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tsl	Verif	Assoc PCL Value	Notes
N/A	1670-496		12/31/1989			No	No	X		

BUILDING PERMITS

ACTIVITY INFORMATION

Date	Number	Descp	Amount	C/O	Last Visi	Fed Code	F. Descp	Comment	Date	Result	By	Name
10/10/2014		M									13	PL
9/29/2009		M									01	JMS
11/5/2007		M&L									03	JA
7/15/2002		M&L									01	JMS
6/6/1994		M&L									02	MG

Sign: / /

Total AC/HA: 1.18487 Total SF/SM: 51612.94 Parcel LUC: 931 IMP-CTY CNCL Prime NB Desc: R-WF Total: 419,098 Spl Credit: Total: 419,100

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted. Database: NBFY2016

apro

2016



Patriot
Properties Inc.

USER DEFINED

Prior Id # 1: MUNICIPA

Prior Id # 2:

Prior Id # 3:

Prior Id # 1:

Prior Id # 2:

Prior Id # 3:

Prior Id # 1:

Prior Id # 2:

Prior Id # 3:

ASR Map:

Fact Dist:

Reval Dist:

Year:

LandReason:

BldReason:

PRINT

Date Time
01/19/16 11:22:49

LAST REV

Date Time
10/29/14 11:16:23

a141gr

26570

004

Plot

Plot Alpha

0002

Lot

Lot Alpha

2 of 2

CARD

Commercial

TOTAL ASSESSED: 459,600

!26570!

City of New Bedford


Patriot
Properties Inc.

USER DEFINED

 Prior Id # 1:
 Prior Id # 2:
 Prior Id # 3:
 Prior Id # 1:
 Prior Id # 2:
 Prior Id # 3:
 Prior Id # 1:
 Prior Id # 2:
 Prior Id # 3:
 ASR Map:

 Fact Dist:
 Reval Dist:
 Year:
 Land Reason:
 Bld Reason:

PROPERTY LOCATION

 No All No Direction/Street/City
 918 E RODNEY FRENCH BLVD, NEW BED

OWNERSHIP

Unit #:

Owner 1: CITY OF NEW BEDFORD

Owner 2: PARK DEPARTMENT

Owner 3:

Street 1: 131 WILLIAM ST

Street 2:

Twn/City: NEW BEDFORD

St/Prov: MA

Cntry:

Own Occ: N

Type:

Postal: 02740

PREVIOUS OWNER

Owner 1:

Owner 2:

Street 1:

Twn/City:

St/Prov:

Cntry:

Postal:

NARRATIVE DESCRIPTION

 This Parcel contains 1.185 Acres of land mainly classified as
 IMP-CTY CNCL with a(n) Gen Retail Building Built about 1980,
 Having Primarily Tx-111 Exterior and Asphalt Roof Cover, with
 1 Units, 0 Baths, 2 HalfBaths, 0 3/4 Baths, 0 Rooms, and 0
 Bdrms.

OTHER ASSESSMENTS

Code	Descrip/No	Amount	Com. Int

PROPERTY FACTORS

Item	Code	Descrip	%	Item	Code	Descrip
Z	RA	ResA	100	U	6	ALL
o				t		
n				I		
Census:				Exmpt		
Flood Haz:						
D				Topo	1	BELOW ST
s				Street		
t				Traffic	1	HEAVY

LAND SECTION (First 7 lines only)

Use Code	Description	LUC Fact	No of Units	Depth / PriceUnits	Unit Type	Land Type	LT Factor	Base Value	Unit Price	Adj	Neigh	Neigh Infl	Neigh Mod	Infl 1	%	Infl 2	%	Infl 3	%	Appraised Value	Alt Class	%	Spec Land	J Code	Fact	Use Value	Notes
931	IMP-CTY CNC	1.0	0		Sq Ft	Prime Site	1.0	0	0	0.000	01W	1.00															

Total AC/HA: 0.00000

Total SF/SM: 0.00

Parcel LUC: 931 IMP-CTY CNCL Prime NB Desc: R-WF

Total:

Spl Credit

Total:

Disclaimer: This Information is believed to be correct but is subject to change and is not warranted.

Database: NBFY2016

apro

2016

IN PROCESS APPRAISAL SUMMARY

Use Code	Building Value	Yard Items	Land Size	Land Value	Total Value
931	24,400		0.000		24,400

Total Card	24,400	0.000		24,400
Total Parcel	40,500	1.185	419,100	459,600

Source: Market Adj Cost Total Value per SQ unit /Card: 61.62 /Parcel: 788.34

Legal Description

Entered Lot Size

Total Land:

Land Unit Type:

User Acct

7300

GIS Ref

GIS Ref

Insp Date

10/10/14

PREVIOUS ASSESSMENT

Parcel ID 004 0002

Tax Yr	Use	Cat	Bldg Value	Yrd Items	Land Size	Land Value	Total Value	Asses'd Value	Notes	Date

PRINT

 Date Time
 01/19/16 11:25:19

LAST REV

 Date Time
 10/29/14 11:17:03

a141gr

26570

SALES INFORMATION

TAX DISTRICT

PAT ACCT.

Grantor	Legal Ref	Type	Date	Sale Code	Sale Price	V	Tst	Verif	Assoc PCL Value	Notes

BUILDING PERMITS

Date	Number	Descrip	Amount	C/O	Last Visit	Fed Code	F. Descrip	Comment

ACTIVITY INFORMATION

Date	Result	By	Name
10/10/2014 M		13	PL
9/29/2009 M		01	JMS
11/5/2007 M&L		03	JA
7/15/2002 M&L		01	JMS

Sign: _____

10283

DEED WITHOUT WARRANTY

KNOW ALL MEN BY THESE PRESENTS: That the UNITED STATES OF AMERICA acting by and through the Secretary of Health, Education and Welfare by the Regional Director of the Department of Health, Education and Welfare, Region I, under and pursuant to the powers and authorities contained in the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, the Civil Rights Act of 1964, and the regulations promulgated thereunder, and the Department of Health, Education and Welfare Statement of Organization and Delegation of Authority, Part I, section 12-40 A.1.a(2) (35 F.R. 11653) for and in consideration of the observance and performance by the City of New Bedford in Bristol County, Commonwealth of Massachusetts of the covenants, conditions, reservations and restrictions hereinafter contained and for other valuable consideration grants to the said City of New Bedford, its successors and assigns, subject to the covenants, conditions, reservations and restrictions hereinafter set forth,

A certain parcel or tract of land known as the United States Military Reservation (Fort Rodman) situated in Clark's Point, in the City of New Bedford, in Bristol County, Commonwealth of Massachusetts, being further bounded on the north by the City of New Bedford, on the east by waters of New Bedford Harbor, and on the south and west by waters of Buzzards Bay and Clark Cove, and more particularly described as follows:

Beginning at a point in the northerly line of Rodney French Blvd. (S) distant easterly therein one hundred sixty-one and 81/100 (161.81) feet from the intersection of the easterly line of Brock Ave. and the northerly line of Rodney French Blvd. (S);

thence S 19° 16' 53" E a distance of eight hundred twenty-eight and 47/100 (828.47) feet to a point;

thence N 69° 25' 17" E a distance of thirty eight and 23/100 (38.23) feet to a point;

thence S 20° 04' 23" E a distance of one hundred twenty-nine and 50/100 (129.50) feet to a point;

thence S 46° 12' 58" E a distance of thirty-eight and 87/100 (38.87) feet to a point;

thence S 78° 47' 56" E a distance of five hundred twenty-six and 17/100 (526.17) feet to a point;

thence N 83° 18' 47" E a distance of twenty-eight and 63/100 (28.63) feet to a point;

thence N 49° 27' 47" E a distance of forty-one and 12/100 (41.12) feet to a point;

thence S. 48° 59' 13" E a distance of thirty-eight and 94/100 (38.94) feet to a point;

thence N 42° 51' 27" E a distance of sixty-seven and 02/100 (67.02) feet to a point;

thence N 34° 04' 35" E a distance of one hundred forty-nine and 96/100 (149.96) feet to a point;

thence N 23° 05' 39" E a distance of one hundred forty-nine and 96/100 (149.96) feet to a point;

thence N 39° 29' 47" E a distance of ninety-nine and 55/100 (99.55) feet to a point;

thence S 47° 42' 13" E a distance of three hundred twenty-one and 70/100 (321.70) feet to a point;

thence N 27° 53' 47" E a distance of eighteen and 73/100 (18.73) feet to a point;

thence S 76° 38' 48" E a distance of one hundred thirty-six and 42/100 (136.42) feet to a point;

thence S 31° 52' 33" E a distance of one hundred thirty-eight and 08/100 (138.08) feet to a point in the mean low water line;

thence N 78° 06' 07" E into Buzzards Bay a distance of one thousand two hundred (1200) feet to a point, said point being the Limit of Rights;

thence running in a northerly line in Buzzards Bay, parallel to and one thousand two hundred (1200) feet from the mean low water line to a point;

thence S 58° 35' 27" W a distance of one thousand two hundred (1200) feet to a point in the mean low water line;

thence continuing S 58° 35' 27" W a distance of one hundred thirteen and 40/100 (113.40) feet to a point;

thence in a curved line running northerly and having a radius of 405 feet a distance of one hundred sixty-three and 42/100 (163.42) feet to a point of tangency;

thence N 8° 17' 23" W a distance of four hundred fifteen and 52/100 (415.52) feet to a point in the northerly line of Rodney French Blvd. (S) extended;

thence S 70° 34' 37" W being the northerly line of said Rodney French Blvd. (S) a distance of nine hundred twenty-eight and 80/100 (928.80) feet to the point of beginning, containing 22.21 acres of land area and 21.60 acres of water area.

There is reserved to the United States of America a perpetual and assignable easement for access and utility rights of way, on, over, and under McKelly Avenue.

There is further excepted from this conveyance and reserved to the United States of America a perpetual and assignable easement and right-of-way, in, on, over, and across two parcels of land hereinafter described, including the right of ingress and egress thereto, for the location, construction, operation, maintenance, alteration, repair and patrol of overhead electric and telephone lines and appurtenances thereto, together with the right to trim, cut, fell and remove therefrom all trees, underbrush, obstructions and other vegetation, structures or obstacles

within the limits of the right-of-way and including those utilities installed by the United States of America under authority of said easements.

The first parcel being a strip of land 40 feet in width and approximately 340 feet in length, 20 feet either side of the following described center line:

Beginning at a point on the division line between land of the United States and land of the City of New Bedford, formerly land of the United States, said point of beginning being on the center line of an existing pole line which runs from the light structure of the New Bedford-Fairhaven Barrier located on land of the City of New Bedford;

thence said center line runs along an existing pole line, Northwestly about 50 feet to an existing utility pole and Northeastly about 240 feet to an existing utility pole designated as P-59;

thence Northwestly along said existing pole line about 50 feet to land retained for the Army Reserve Center, said point being in the Northwestly side of Wharf Road.

Containing 0.31 of an acre, more or less.

The second parcel being a strip of land 40 feet in width and approximately 1565 feet in length, 20 feet either side of the following described center line:

Beginning at the Northerly line of land of the Army Reserve Center and on the center line of an existing pole line running Northwestly from an existing utility pole designated as P-53 within the said land of the Army Reserve Center;

thence Northwestly along an existing line about 90 feet to an existing utility pole designated as P-52;

thence Northeastly along an existing line about 100 feet to an existing utility pole designated as P-44;

thence Southwestly along an existing line about 285 feet to an existing utility pole designated as P-42;

thence Northwestly along an existing line about 535 feet to an existing utility pole designated as P-20;

thence Westerly along an existing line about 75 feet to an existing utility pole designated as P-19;

thence Northwestly along an existing line about 260 feet to an existing utility pole designated as P-13;

thence Northwestly along an existing line about 100 feet to an existing utility pole designated as P-12;

thence Northwestly along an existing line about 110 feet to an existing utility pole designated as P-11;

thence said center line continues Northwestly along an existing line about 10 feet the Southerly line of Rodney French Boulevard.

Portions of the following buildings extend into this described parcel of land and are excepted from the parcel: 64, T-40, T-30, T-5, T-8, T-11, T-14, T-15, T-16, T-34 and 7

Said parcel, not including the exception, containing 1.37 acres, more or less.

Said property conveyed hereby was declared surplus and was assigned to the Department of Health, Education and Welfare for disposal for educational purposes pursuant to the provisions of the aforementioned Federal Property and Administrative Services Act of 1949 and of applicable rules, regulations and orders.

This Deed is executed and delivered to the City of New Bedford, its successors and assigns, without covenants or warranties by or on behalf of the UNITED STATES OF AMERICA whatsoever, either express or implied.

AND this Deed is made and accepted upon each of the following conditions subsequent which shall be binding upon and enforceable against the City of New Bedford, its successors and assigns, and each of them, as follows:

1. That for a period of thirty (30) years from the date of this Deed the above described property herein conveyed shall be utilized continuously in the manner and for the educational purposes set forth in the approved program and plan contained in the application of the City of New Bedford dated May 5, 1972 and any approved amendments thereto, and for no other purposes.
2. That during the aforesaid period of thirty (30) years the City of New Bedford will resell, lease, mortgage or encumber or otherwise dispose of the above described property, or any part thereof or interest therein only as the Department of Health, Education and Welfare or its successor in function, in accordance with its existing regulations may authorize in writing.
3. That one year from the date of this Deed and annually thereafter for the aforesaid period of thirty (30) years unless the Department of Health, Education and Welfare or its successor in function, otherwise directs, the City of New Bedford will file with the Department of Health, Education and Welfare or its successor in function, reports on the operation and maintenance of the above described property and will furnish as requested such other pertinent data evidencing such continuous use of the property herein conveyed for the purposes specified in the above identified application.
4. That for the period during which the above described property is used for a purpose for which the Federal financial assistance is extended by the Department or for another purpose involving the provision of similar services or benefits, the City of New Bedford hereby agrees that it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the regulations of the Department of Health,

Education and Welfare (45 CFR Part 80) issued pursuant to that title and as in effect on the date of this Deed, to the end that, in accordance with Title VI of that Act and the Regulation, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the program and plan referred to in condition 1 above or under any other program or activity of the City of New Bedford, its successors or assigns, to which such Act and Regulation apply by reason of this conveyance.

In the event of breach of any of the conditions set forth above, whether caused by the legal or other inability of the City of New Bedford, its successors or assigns, to perform any of the obligations herein set forth, all right, title and interest in and to the above described property shall, at its option revert to and become the property of the UNITED STATES OF AMERICA, which shall have an immediate right of entry thereon, and the City of New Bedford, its successors and assigns, shall forfeit all right, title and interest in and to the above described property and in any and all tenements, hereditaments, and appurtenances thereunto belonging; PROVIDED, HOWEVER, that the failure of the Department of Health, Education and Welfare, or its successor in function, to insist in any one or more instances upon complete performance of any of said conditions shall not be considered as a waiver or a relinquishment of the future performance of any such conditions, but the obligations of the City of New Bedford with respect to such future performance shall continue in full force and effect; PROVIDED FURTHER, that in the event the UNITED STATES OF AMERICA fails to exercise its option to re-enter the premises for any such breach of conditions subsequent numbered 1, 2 and 3, herein within 31 years from the date of this conveyance, conditions numbered 1, 2 and 3 herein together with all rights of the United States of America to re-enter in this paragraph provided with respect to conditions numbered 1, 2 and 3 herein, shall, as of that date, terminate and be extinguished; PROVIDED FURTHER, that the expiration of conditions 1, 2, and 3, and the rights to re-enter shall not affect the obligation of the City of New Bedford, its successors and assigns with respect to condition numbered 4 herein or the right reserved to the United States of America to re-enter for breach of said condition.

In the event title to the above described premises is reverted to the United States of America for noncompliance or voluntarily reconveyed in lieu

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of reverter, the City of New Bedford, its successors and assigns, at the option of the Department of Health, Education and Welfare, or its successor in function, shall be responsible and shall be required to reimburse the UNITED STATES OF AMERICA for the decreased value of the above described property not due to reasonable wear and tear, acts of God and alterations and conversions made by the City of New Bedford to adapt the property to the educational use for which the property was acquired. The UNITED STATES OF AMERICA shall, in addition thereto, be reimbursed for such damages including such costs as may be incurred in recovering title to or possession of the above described property, as it may sustain as a result of the noncompliance.

The City of New Bedford, by the acceptance of this Deed, covenants and agrees for itself, and its successors and assigns that in the event the United States of America exercises its option to revert all right, title and interest in the property to the United States of America, then the City of New Bedford shall provide protection and maintenance of said property at all times until such time as the title is actually reverted to the United States of America, including the period of any notice of intent to revert. Such protection and maintenance shall, at a minimum conform to the standards prescribed by the General Services Administration in its regulations FPMR 101-47.4913 (41 CFR 101-47.4913) in effect as of the date of this Deed, a copy of which regulations is attached to the City of New Bedford's application dated May 5, 1972, previously incorporated herein.

The City of New Bedford may secure abrogation of the conditions subsequent numbered 1, 2 and 3 herein by:

- a. Obtaining the consent of the Department of Health, Education and Welfare, or its successor in function; and
- b. Payment to the United States of America in accordance with the following conditions:

- (1) If abrogation is requested by the City of New Bedford for the purpose of making the property or a portion thereof available to serve the needs or purposes of a third party, payment shall be based upon the current fair market value, as of the date of any such requested abrogation, of the property to be released from the conditions and restrictions, less amortized credit at the rate of 3-1/3% of the public benefit allowance granted on the original sale price for each twelve (12) months during which the

property has been utilized in accordance with the purposes specified in the above identified application.

(11) If abrogation is requested by the City of New Bedford for the purpose of making the property available as security for financing of new construction, for acquiring substitute or better facilities, or for relocating elsewhere, all for the purpose of further advancing or promoting the program specified in the above identified application, payment shall be based upon the public benefit allowance granted to the City of New Bedford of 100% from the sale price of one hundred and forty-six thousand, five hundred dollars (\$146,500.00) as of the date of this instrument, less a credit at the rate of 3-1/3% of the public benefit allowance granted for each twelve (12) months during which the property has been utilized in accordance with the purpose specified in the above identified application; provided, however, the City of New Bedford shall execute such agreement, supported by surety bond or other security that may be deemed by the Department to be necessary or advisable, to assure that the proceeds of sale obtained by the City of New Bedford in any disposal of any portion of the property for effectuating one or another of the aforesaid purposes for which abrogation is requested, will be devoted to the program use specified in the above identified application.

The City of New Bedford by acceptance of this Deed covenants and agrees for itself, its successors and assigns, and every successor in interest to the property herein conveyed or any part thereof -- which covenant shall attach to and run with the land for so long as the property herein conveyed is used for a purpose for which the Federal financial assistance is extended by the Department or for another purpose involving the provision of similar services or benefits and which covenant shall in any event, and without regard to technical classification or designation, legal or otherwise, be binding to the fullest extent permitted by law and equity, for the benefit and in favor of and enforceable by the UNITED STATES OF AMERICA and its successors against the City of New Bedford, its successors and assigns, and every successor in interest to the property, or any part thereof -- that it will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and all requirements imposed by or pursuant to the Regulation of the Department of Health, Education and Welfare (45 CFR Part 80) issued pursuant to that title and as in effect on the date of this Deed, to the end that, in accordance

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with Title VI of the Act and the Regulation, no person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under the program and plan referred to in condition 1 above or under any other program or activity of the City of New Bedford, its successors or assigns, to which such Act and Regulation may apply by reason of this conveyance.

The City of New Bedford, by the acceptance of this Deed, covenants and agrees for itself, its successors and assigns, that in the event the property hereby conveyed is sold, leased, mortgaged, encumbered or otherwise disposed of, or is used for purposes other than those set forth in the above identified program and plan without the consent of the Department of Health, Education and Welfare, all revenues or the reasonable value, as determined by the Department of Health, Education and Welfare, of benefits to the City of New Bedford deriving directly or indirectly from such sale, lease, mortgage, encumbrance, disposal, or use (or the reasonable value as determined by the Department of Health, Education and Welfare of any other unauthorized use) shall be considered to have been received and held in trust by the City of New Bedford for the UNITED STATES OF AMERICA and shall be subject to the direction and control of the Department of Health, Education and Welfare.

During the period of restricted use, all revenues or the reasonable value as determined by the Department of benefits to the City of New Bedford deriving directly or indirectly from any and all mineral leases or royalties shall be considered to have been received and held in trust by the City of New Bedford for the UNITED STATES OF AMERICA and shall be subject to the direction and control of the Department.

The UNITED STATES OF AMERICA also reserves the right, at its option, to revert title to any and all mineral interests herein conveyed at any time during the thirty year period of restricted use.

The City of New Bedford by the acceptance of this Deed, further covenants and agrees for itself, its successors and assigns, that if the City of New Bedford, its successors and assigns, shall cause any of the buildings, structures or improvements hereby conveyed to be insured against loss, damage or destruction and any such loss, damage or destruction shall occur during the period the City of New Bedford holds title to said property subject to said conditions 1, 2 and 3, the said insurance and all moneys payable to the City of New Bedford, its successors or assigns, thereunder

shall be held in trust by the City of New Bedford, its successors or assigns, and shall be promptly used by the City of New Bedford for the purpose of repairing such buildings, structures or improvements and restoring the same to their former condition and use or for the purpose of replacing said buildings, structures or improvements with equivalent or more suitable improvements or, if not so used, shall be paid over to the Treasurer of the United States in an amount not exceeding the unauthorized public benefit allowance of the buildings, structures or improvements lost, damaged or destroyed.

The City of New Bedford by the acceptance of this Deed further covenants and agrees for itself, its successors and assigns, that the UNITED STATES OF AMERICA shall have the right during any period of emergency declared by the President of the United States or by the Congress of the United States to the full unrestricted possession, control and use of the property hereby conveyed, or any portion thereof, including any additions or improvements thereto made subsequent to this conveyance. Prior to the expiration or termination of the 30-year period of restricted use by the transferee, such use by the United States of America may be either exclusive or nonexclusive and shall not impose any obligations upon the Government to pay rent or any other fees or charges during the period of emergency, except that the Federal Government shall (i) bear the entire cost of maintenance of such portion of the property used by it exclusively or over which it may have exclusive possession or control, (ii) pay the fair share, commensurate with the use, of the cost of maintenance of such of the property as it may use nonexclusively or over which it may have nonexclusive possession or control, (iii) pay a fair rental for the use of improvements or additions to the premises made by the City of New Bedford without Federal Government aid and (iv) be responsible for any damage to the property caused by its use, reasonable wear and tear and acts of God and the common enemy excepted. Subsequent to the expiration or termination of the 30-year period of restricted use, the obligations of the Federal Government shall be as set forth in the preceding sentence and in addition, the Federal Government shall be obligated to pay a fair rental for all or any portion of the conveyed premises which it uses.

This instrument is intended to take effect as a sealed instrument.

IN WITNESS WHEREOF, the UNITED STATES OF AMERICA has caused these presents to be executed this 22nd day of August, 1973.

WITNESSES:

Paul J. Mathen

Paul F. McCarthy

BY

UNITED STATES OF AMERICA
Acting by and through the
Secretary of Health, Education
and Welfare

Robert Fulton
Robert Fulton
Regional Director, Region I
Department of Health, Education
and Welfare

ACKNOWLEDGMENT

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BRISTOL

DATE: August 22, 1973

Then personally appeared the above-named Robert Fulton
Regional Director, Region I, Department of Health, Education and Welfare,
and acknowledged the foregoing instrument to be his free act and deed in
his said capacity and the free act and deed of the United States of America.

Before me,

December 13, 1975
My Commission Expires

Paul J. Mathen
Notary Public

ACCEPTANCE

The City of New Bedford by the acceptance of this Deed Without
Warranty hereby accepts and agrees to all the terms, covenants, conditions,
reservations and restrictions contained in said Deed.

CITY OF NEW BEDFORD

WITNESSES:

Harold Clark
Ralph J. Dushner

BY

John A. Markey
John A. Markey
Mayor of New Bedford
Duly authorized by vote of the City
Council on May 11, 1972

BOOK 1670 PAGE 506

ACKNOWLEDGMENT

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF BRISTOL

DATE: August 22, 1973

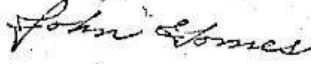
Then personally appeared the above-named John A. Markey, Mayor of
New Bedford, who accepted the foregoing instrument on behalf of the said
City and acknowledged the same to be his free act and deed in his said
capacity and the free act and deed of the City of New Bedford.

Before me,


Notary Public

December 13, 1975
My Commission Expires

Received & recorded Aug 22, 1973 at 10 hrs. 58 min. A.M.

Attest:  Registrar





SECTION 4

DOCUMENTATION OF ABUTTER NOTIFICATION

Abutter Notification
Affidavit of Service
Certified Abutters List
Radius Map

**NOTIFICATION TO ABUTTERS
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT**

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40 and the City of New Bedford Wetlands Ordinance (New Bedford Code of Ordinances Sections 15-101 through 15-112), you are hereby notified of the following:

- A. The name of the Applicant is the City of New Bedford.
- B. The Applicant has filed a Notice of Intent with the New Bedford Conservation Commission seeking permission to remove, fill, dredge or alter an Area Subject to Protection under the Wetlands Protection Act (General Laws Chapter 131, Section 40) and the City of New Bedford Wetlands Ordinance (New Bedford Code of Ordinances Sections 15-101 through 15-112).

The project consists of the demolition of two (2) existing bathhouses and the construction of a new bathhouse, wood boardwalk and associated utilities.

- C. The location of the proposed activity is 918 East Rodney French Boulevard, New Bedford, MA, Assessor's Map 4; Lot 2.
- D. Copies of the Notice of Intent may be examined at the New Bedford Conservation Commission, City Hall, 133 Williams Street, Room 304, New Bedford, MA 02740 between the hours of 8:00 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 the Applicant's representative: Please contact William Maher at Nitsch Engineering, Inc. at (617) 338-0063 between 8:30 AM and 5:30 PM, Monday through Friday.
- F. Information regarding the date, time, and place of the Public Hearing may be obtained from the New Bedford Conservation Commission by calling 508-991-6188 between the hours 8:00 AM and 4:00 PM, Monday through Friday.

The Public Hearing for the proposed project will be held during the New Bedford Conservation Commission meeting on Tuesday, February 16, 2016 at 6:30 PM at the Brooklawn Senior Center, 1997 Acushnet Avenue.

- NOTE: Notice of the public hearing, including its date, time, and place, will be posted in City Hall not less than forty-eight (48) hours in advance.
- NOTE: Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance in the Standard Times.
- NOTE: You may contact the nearest Department of Environmental Protection Regional office for more information about this application or the Wetlands Protection Act. To contact DEP, call:

Central Region: 508-792-7650

Northeast Region: 978-661-7600

Southeast Region: 508-947-6557

Western Region: 413-784-1100

AFFIDAVIT OF SERVICE

Under the Massachusetts Wetlands Protection Act

I, William R. Maher, P.E., hereby certify under the pains and penalties that at least one week prior to the public hearing, I gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, and the DEP guide to Abutter Notification dated April 8, 1994, in connection to the following matter:

Submission of a Notice of Intent to the New Bedford Conservation Commission for the work associated with the proposed East Beach Bathhouse located at 918 East Rodney French Boulevard, New Bedford, MA was filed on February 4, 2016. The project includes of the demolition of two (2) existing bathhouses and the construction of a single bathhouse, wood boardwalk and associated utilities.

The form of notification and the list of abutters to whom it was given, is attached to the Affidavit of Service.

Name

Date



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 #	4	LOT(S)#	2
ADDRESS: 918 E. Rodney French Blvd			
OWNER INFORMATION			
NAME: City of New Bedford			
MAILING ADDRESS: 133 William Street			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): Mark Champagne			
MAILING ADDRESS (IF DIFFERENT): Facilities Department			
TELEPHONE #	508-525-5955		
EMAIL ADDRESS:			
REASON FOR THIS REQUEST: Check appropriate			
<input type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION		
<input type="checkbox"/>	PLANNING BOARD APPLICATION		
<input checked="" type="checkbox"/>	CONSERVATION COMMISSION APPLICATION		
<input type="checkbox"/>	LICENSING BOARD APPLICATION		
<input type="checkbox"/>	OTHER (Please explain):		

Once obtained, the Certified List of Abutters must be attached to this Certification Letter.

This sheet is NOT part of your ZBA application but you will need to 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

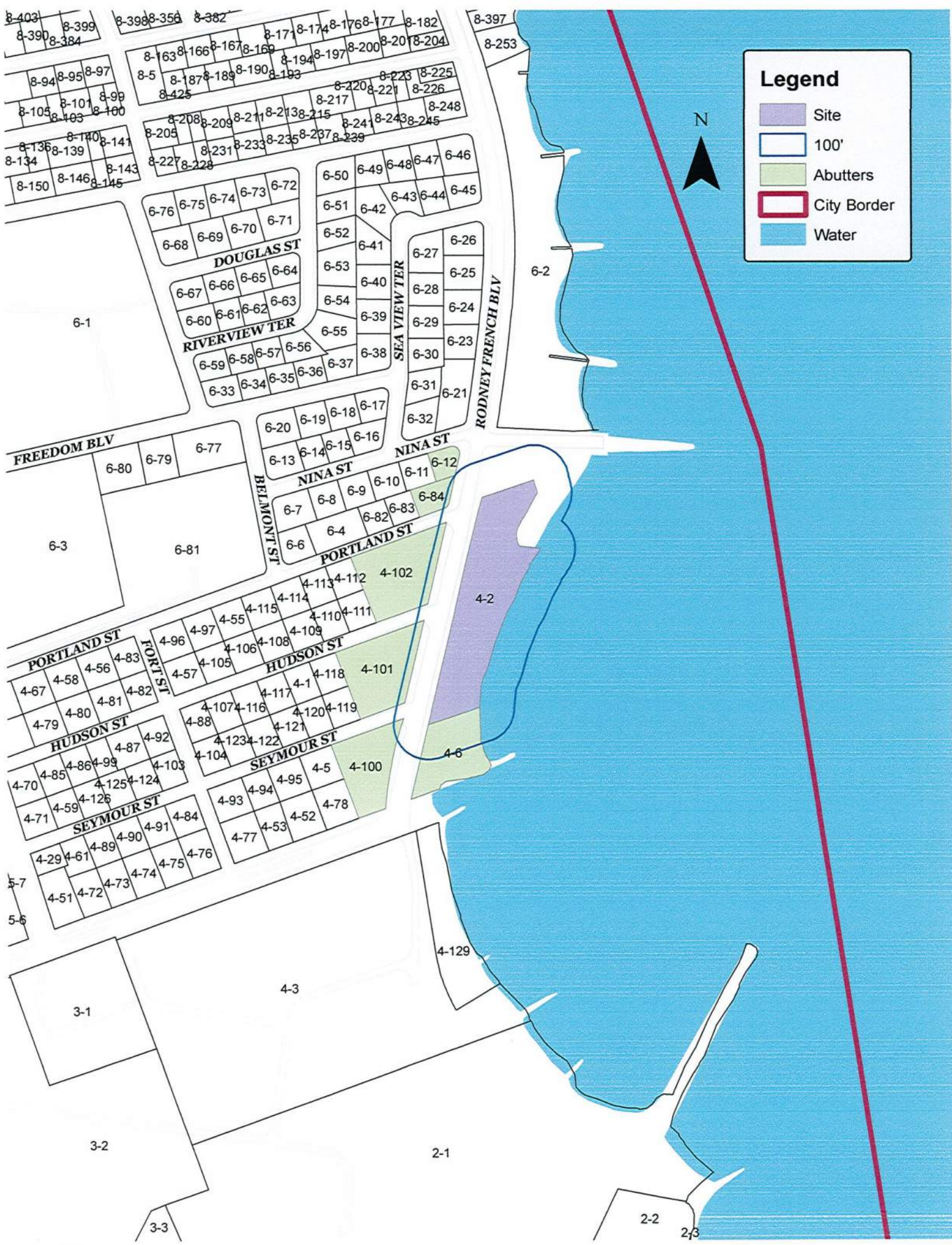
Printed Name

Carlos Amado

Signature

1/28/2016

Date



Legend

- Site
- 100'
- Abutters
- City Border
- Water



January 28, 2016

Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as 918 E. Rodney French Boulevard (4-2). 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
4-6 <i>ES</i>	E RODNEY FRENCH BLVD	CITY OF NEW BEDFORD, 131 WILLIAM ST NEW BEDFORD, MA 02740
4-101 <i>WS</i>	E RODNEY FRENCH BLVD	CITY OF NEW BEDFORD, 131 WILLIAM ST NEW BEDFORD, MA 02740
4-100 <i>WS</i>	E RODNEY FRENCH BLVD	CITY OF NEW BEDFORD, 131 WILLIAM ST NEW BEDFORD, MA 02740
4-2	918 E RODNEY FRENCH BLVD	CITY OF NEW BEDFORD, PARK DEPARTMENT 131 WILLIAM ST NEW BEDFORD, MA 02740
6-84	7 PORTLAND ST	BARROSO OLGA G, 7 PORTLAND STREET NEW BEDFORD, MA 02744
4-102 <i>WS</i>	E RODNEY FRENCH BLVD	CITY OF NEW BEDFORD, 131 WILLIAM ST NEW BEDFORD, MA 02740
6-12	10 NINA ST	IDE WARREN L, 10 NINA STREET NEW BEDFORD, MA 02744

FIGURES

Figure 1 – USGS Locus Map

Figure 2 – Aerial Locus Map

Figure 3 – Natural Heritage and Endangered Species Program Map

Figure 4 – FEMA Floodplain Map

Figure 5 – Soil Survey Map

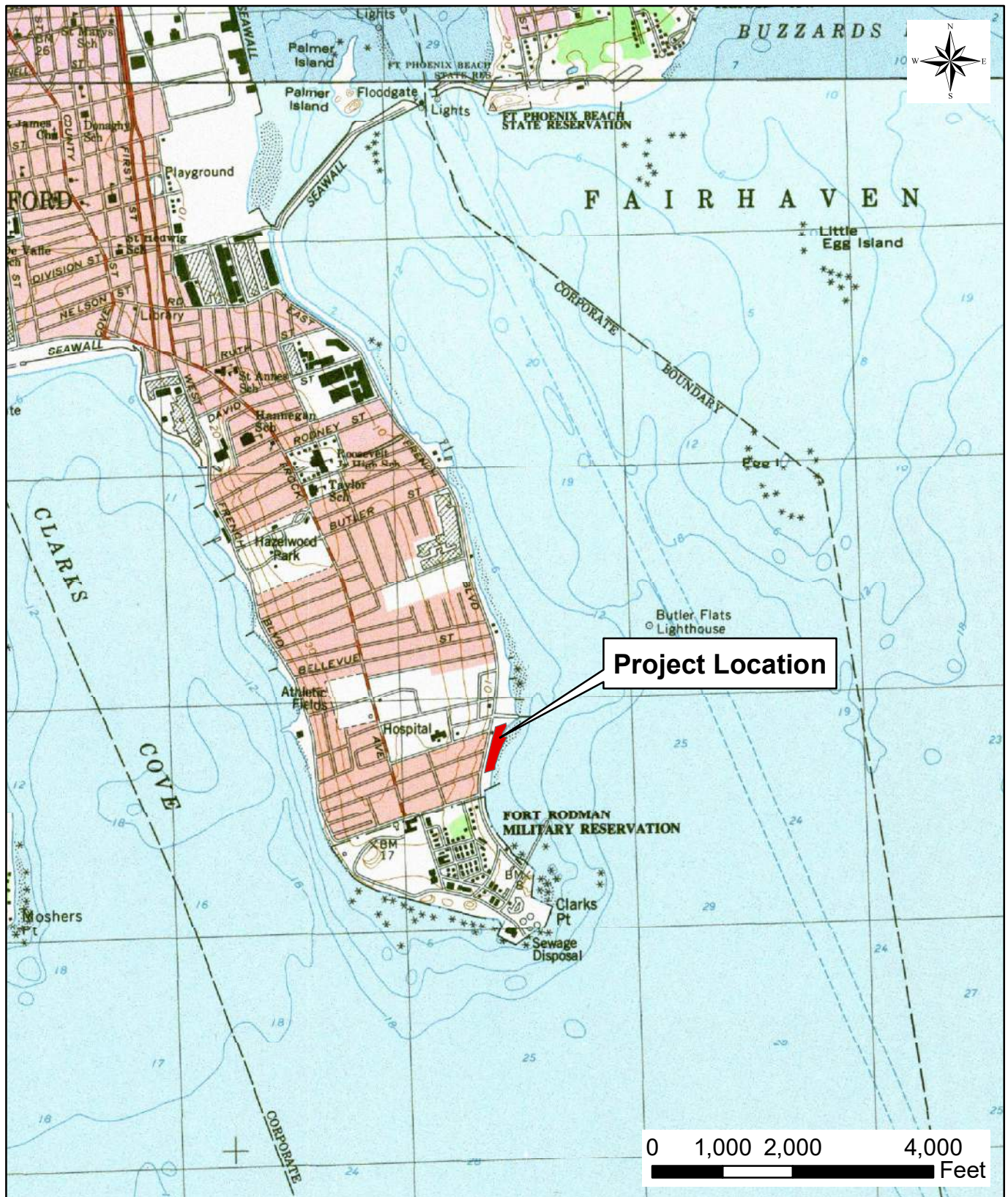


Figure 1: USGS Locus Plan
 East Beach - East Rodney French Blvd Bathhouse
 New Bedford, Massachusetts



Figure 2: Aerial Locus Plan

East Beach - East Rodney French Blvd Bathhouse
New Bedford, Massachusetts

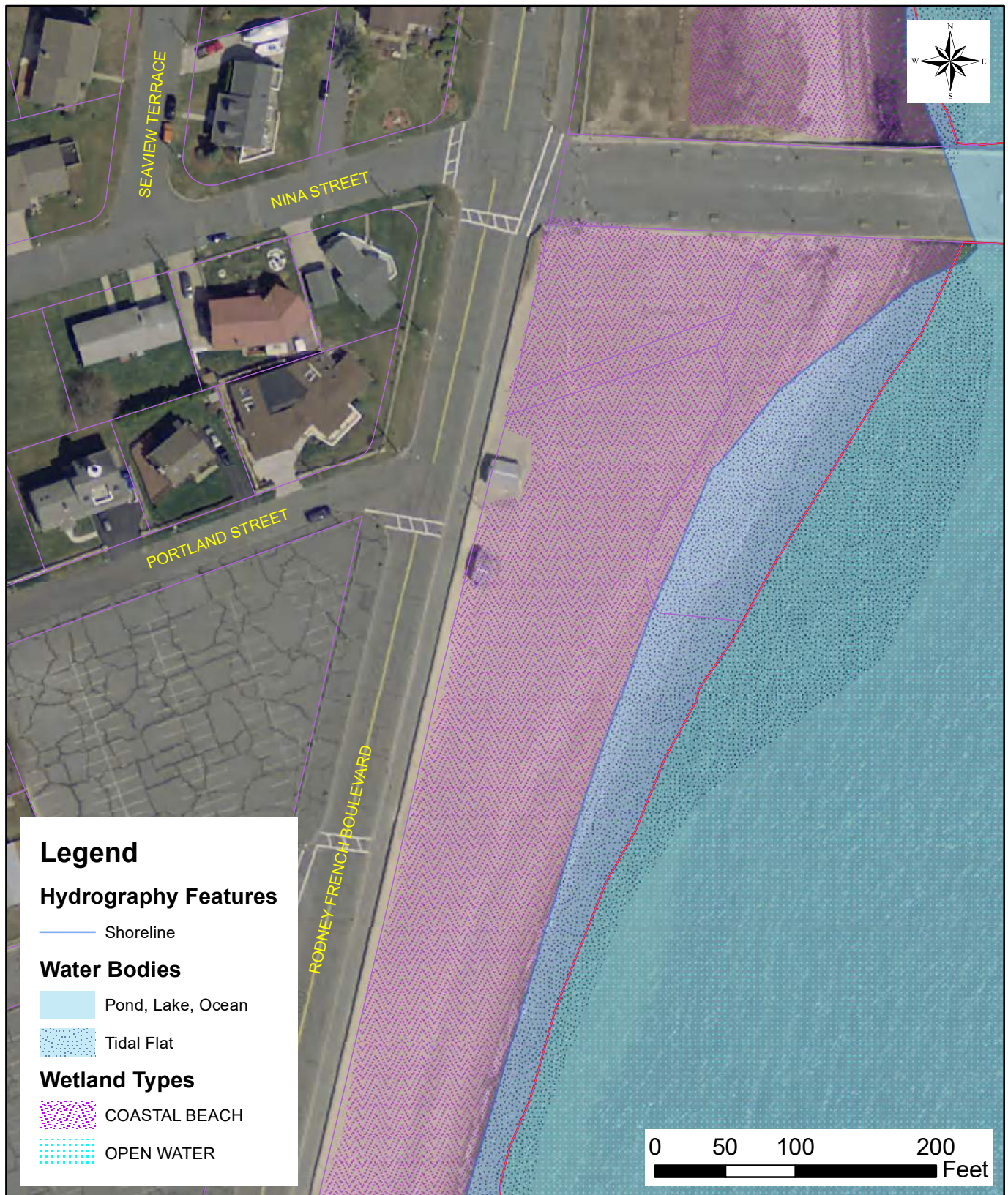


Figure 3: DEP Wetlands
 East Beach - East Rodney French Blvd Bathhouse
 New Bedford, Massachusetts



Figure 4: FEMA Flood
East Beach - East Rodney French Blvd Bathhouse
New Bedford, Massachusetts

Soil Map—Bristol County, Massachusetts, Southern Part
(918 East Rodney French Boulevard, New Bedford, MA)



Map Scale: 1:1,070 if printed on A landscape (11" x 8.5") sheet.





























Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84



FIGURE 5

MAP LEGEND

Area of Interest (AOI)			Spoil Area
Area of Interest (AOI)			Stony Spot
Soils			Very Stony Spot
Soil Map Unit Polygons			Wet Spot
Soil Map Unit Lines			Other
Soil Map Unit Points			Special Line Features
Special Point Features			Water Features
Blowout			Streams and Canals
Borrow Pit			Transportation
Clay Spot			Rails
Closed Depression			Interstate Highways
Gravel Pit			US Routes
Gravelly Spot			Major Roads
Landfill			Local Roads
Lava Flow			Background
Marsh or swamp			Aerial Photography
Mine or Quarry			
Miscellaneous Water			
Perennial Water			
Rock Outcrop			
Saline Spot			
Sandy Spot			
Severely Eroded Spot			
Sinkhole			
Slide or Slip			
Sodic Spot			

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Bristol County, Massachusetts, Southern Part
Survey Area Data: Version 9, Sep 28, 2015

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 30, 2011—Oct 8, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Bristol County, Massachusetts, Southern Part (MA603)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
310B	Woodbridge fine sandy loam, 3 to 8 percent slopes	1.0	22.1%
602	Urban land	0.9	20.3%
608	Water, ocean	0.6	12.9%
610	Beaches	2.0	44.7%
Totals for Area of Interest		4.5	100.0%