

NOTICE OF INTENT
FOR PROPOSED COLD STORAGE FACILITY

Location:
Assessor's Map 133, Lot 63
Samuel Barnet Boulevard
New Bedford, Massachusetts

Prepared for:
Raw Seafoods
481 Currant Road
Fall River, MA 02720

Prepared by:
Field Engineering Co., Inc.
11D Industrial Drive – P.O. Box 1178
Mattapoisett, Massachusetts 02739

October 22, 2015

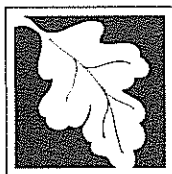
Project No. 2064

FIELD
ENGINEERING CO., INC.
CONSULTING ENGINEERS

TABLE OF CONTENTS

- I.** DEP WPA Form 3- Notice of Intent
- II.** NOI – Wetland Fee Transmittal Form
- III.** Notice of Intent Narrative
- IV.** Map References
- V.** Certified 100-Foot Abutters List and Abutters Notification
- VI.** Supplemental Information
 - Wildlife Habitat Evaluation (prepared by Epsilon Associates)
 - Property Deed
 - Conservation & Management Permit – New Bedford Business Park
- VII.** Stormwater Management System Report & Addendum 1 (*via separate cover*)
- VIII.** Proposed Site Development Plans (*via separate cover*)

I. DEP WPA Form 3 – Notice of Intent



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

New Bedford

City/Town

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):

Samuel Barnett Boulevard

a. Street Address

New Bedford

b. City/Town

02745

c. Zip Code

Latitude and Longitude:

133

f. Assessors Map/Plat Number

41-43-15 N

d. Latitude

70-57-24 W

e. Longitude

63

g. Parcel /Lot Number

2. Applicant:

Jason

a. First Name

Hutchens

b. Last Name

Raw Seafoods

c. Organization

481 Currant Road

d. Street Address

Fall River

e. City/Town

MA

f. State

02720

g. Zip Code

(508) 922-7263

h. Phone Number

(508) 672-2173

i. Fax Number

jason@rawseafoods.com

j. Email Address

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

a. First Name

b. Last Name

Greater New Bedford Industrial Foundation

c. Organization

1213 Purchase Street

d. Street Address

New Bedford

e. City/Town

MA

f. State

02740

g. Zip Code

(508) 991-3122

h. Phone Number

ext. 121

i. Fax Number

j. Email address

4. Representative (if any):

Richard R.

a. First Name

Riccio III, P.E.

b. Last Name

Field Engineering Co., Inc.

c. Company

11D Industrial Drive - P.O. Box 1178

d. Street Address

Mattapoisett

e. City/Town

MA

f. State

02739

g. Zip Code

(508) 758-2749

h. Phone Number

(508) 758-2849

i. Fax Number

rriccio@fieldengrg.com

j. Email address

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

\$2,500.00

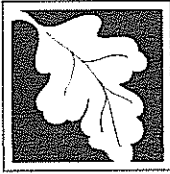
a. Total Fee Paid

\$1,237.50

b. State Fee Paid

\$1,262.50

c. City/Town Fee Paid



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

A. General Information (continued)

6. General Project Description:

The applicant proposes to construct a 92,000-square foot cold storage facility with associated parking and loading areas and grading within the 100-foot buffer zone of a bordering vegetated wetland. Also proposed is a rail spur of the existing railroad that will span an existing perennial stream with associated alteration (with replication) to bordering vegetated wetlands and 25' Riverfront Area.

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 checked="" type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Bristol

a. County

8452

c. Book

b. Certificate # (if registered land)

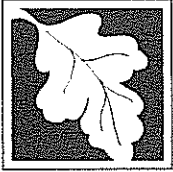
99

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

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

New Bedford

City/Town

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

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 checked="" type="checkbox"/> Bordering Vegetated Wetland	4,640 1. square feet	7,425 2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 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 checked="" type="checkbox"/> Riverfront Area	unnamed stream 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:

53,259
square feet

4. Proposed alteration of the Riverfront Area:

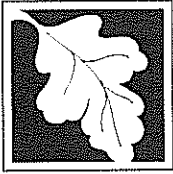
3,290	3,290	N/A
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

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

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

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

New Bedford

City/Town

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

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

Online Users:
Include your
document
transaction
number
(provided on your
receipt page)
with all
supplementary
information you
submit to the
Department.

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

4. ☐ Restoration/Enhancement

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

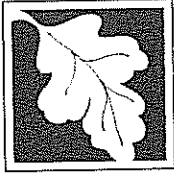
a. square feet of BVW

b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

New Bedford

City/Town

C. Other Applicable Standards and Requirements

- ☐ 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

2015

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

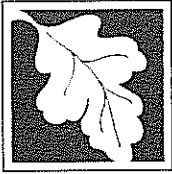
2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(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.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

New Bedford

City/Town

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

- (c) ☐ MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_fee_schedule.htm).
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

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

- (d) ☐ Vegetation cover type map of site
- (e) ☐ Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following
1. ☐ Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_exemptions.htm; 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:

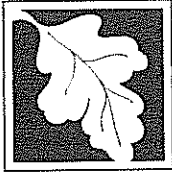
South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

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

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

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

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.

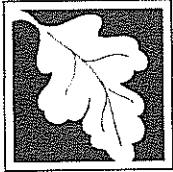
D. Additional Information

- ☐ 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.



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

D. Additional Information (cont'd)

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

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

Proposed Site Development Plans-Raw Seafoods

a. Plan Title

Field Engineering Co., Inc.

Richard R. Riccio III, P.E.

b. Prepared By

c. Signed and Stamped by

10/22/15

1"=50'

d. Final Revision Date

e. Scale

Stormwater Management System Report
Addendum 1

10/8/15

10/22/15

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:

8592

10/20/15

2. Municipal Check Number

3. Check date

8593

10/20/15

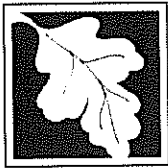
4. State Check Number

5. Check date

Raw Seafoods Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name



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

F. Signatures and Submittal Requirements

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

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

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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

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

Cynthia S. Gaudin, Chairman of NABIF

3. Signature of Property Owner (if different)

[Signature]

5. Signature of Representative (if any)

2. Date

10/20/2015

4. Date

10/21/15

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:

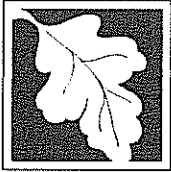
One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

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.

II. NOI – Wetland Fee Transmittal Form



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

Samuel Barnet Boulevard

a. Street Address

8593

c. Check number

New Bedford

b. City/Town

\$1,237.50

d. Fee amount

2. Applicant Mailing Address:

Jason

a. First Name

Raw Seafoods

c. Organization

481 Currant Road

d. Mailing Address

Fall River

e. City/Town

(508) 922-7263

h. Phone Number

(508) 672-2173

i. Fax Number

Hutchens

b. Last Name

MA

f. State

02720

g. Zip Code

jason@rawseafoods.com

j. Email Address

3. Property Owner (if different):

a. First Name

Greater New Bedford Industrial Foundation

c. Organization

1213 Purchase Street

d. Mailing Address

New Bedford

e. City/Town

(508) 991-3122

h. Phone Number

ext. 121

i. Fax Number

b. Last Name

MA

f. State

02740

g. Zip Code

j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

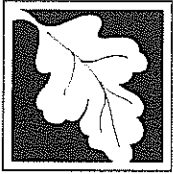
Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 3.b.) each building (for development) including site;	1	\$1,050.00	\$1,050.00
Category 4.a.) each crossing for development or commercial road;	1	\$1,450.00	\$1,450.00

Step 5/Total Project Fee: \$2,500.00

Step 6/Fee Payments:

Total Project Fee:	<u>\$2,500.00</u>
State share of filing Fee:	<u>\$1,237.50</u>
City/Town share of filing Fee:	<u>\$1,262.50</u>
	<u>c. 1/2 Total Fee plus \$12.50</u>

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
Box 4062
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

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



**CITY OF NEW BEDFORD
MASSACHUSETTS**

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

PROJECT LOCATION:

Samuel Barnet Boulevard MAP 133 LOT(S) 63

APPLICANT: Raw Seafoods

CONSERVATION COMMISSION FEES (check all that apply):

- ☐ REQUEST FOR DETERMINATION OF APPLICABILITY
- ☒ NOTICE OF INTENT
- ☐ INQUIRY AS TO NEED FOR AN AMENDED ORDER**
- ☐ AMENDED ORDER OF CONDITIONS
- ☐ ANRAD (Abbreviated Notice of Resource Area Delineation)
- ☐ EXTENSION PERMIT
- ☐ CERTIFICATE OF COMPLIANCE
- ☐ AFTER THE FACT FILING
- ☐ RESTORATION PLAN FEE (no NOI filing required)
- ☐ LIFTING AN ENFORCEMENT ORDER
- ☐ PENALTIES

(A.) ALTERATION FEES:

Application and field review of a project proposed in a Wetland Resource Area or its Buffer Zone is \$150.00 plus the applicable alteration fee as follows

	<u>AMOUNT DUE</u>
• Application and Field Review Fee (\$150.00)	\$ <u>150.00</u>
• \$0.50 X <u>4,639</u> SF Wetland Resource Area	\$ <u>2,319.50</u>
• \$0.05 X _____ SF Land Subject Coastal Flooding	\$ _____
• \$0.20 X _____ SF Developed Riverfront Area	\$ _____
• \$1.00 X <u>3,289</u> SF Undeveloped Riverfront Area	\$ <u>3,289.00</u>
• \$5.00 X _____ LF Coastal Bank	\$ _____
• \$0.10 X <u>92,500</u> SF Buffer Zone	\$ <u>9,250.00</u>

(B.) EXTENSION of an Order of Conditions:

- Minor Project ... \$100.00 + _____ (¼ local fee from NOI) \$ _____
- Other Projects ... \$200.00 + _____ (¼ local fee from NOI) \$ _____

(C.) AMENDING A PERMIT:

- Written inquiry or request to appear to determine the need for an Amended Order:** (\$50.00 fee) \$ _____
- Amending OOC: \$150.00 + _____ (applicable alteration fee) \$ _____

**(D.) RESOURCE BOUNDARY DELINEATION VERIFICATION
USING AN RDA APPLICATION:**

- \$150.00 + \$2.00 X _____ LF Wetland boundary \$ _____

**(E.) ABBREVIATED RESOURCE AREA DELINEATION VERIFICATION
(ANRAD)**

- \$150.00 + \$1.00 X _____ LF Resource Area boundary \$ _____

**(F.) RESOURCE BOUNDARY DELINEATION VERIFICATION CONDUCTED
DURING A NOTICE OF INTENT REVIEW**

- \$150.00 + \$3.00 X _____ LF Resource Area boundary \$ _____

(G.) DOCKS:

- \$100.00 + \$4.00 X _____ LF of dock \$ _____
- Add 150% to total fee if in significant shellfish habitat \$ _____

(H.) AFTER THE FACT FILING:

- All Total Fees are doubled \$ _____

(I.) RESTORATION PLAN FEE:

- (\$150.00 + _____ Alteration Fee) Multiplied by 2 \$ _____

(J.) LIFTING ON ENFORCEMENT ORDER:

- \$150.00 fee \$ _____

(K.) CERTIFICATE OF COMPLIANCE:

- refer to "K" of the Fee schedule \$ _____

(L.) PENALTIES:

- refer to "L" of the Fee schedule \$ _____

TOTAL AMOUNT DUE (including after-the-fact fee if applicable): \$ 15,008.50

Notes:

* Please refer to the Conservation Commission Fee Schedule - Revised April 2009

** This is not required, but available for anyone who would like to appear to discuss the need to Amend.

Please make check or Money Order payable to: THE CITY OF NEW BEDFORD.
Cash is not Accepted.

Raw Seafoods Inc.

481 Currant Road
Fall River, MA 02720
Ph. (508) 673-0111

TD BANK N.A.
WILMINGTON, DE 19810

62-101-311

008592

One Thousand Two Hundred Sixty-Two Dollars and 50 Cents

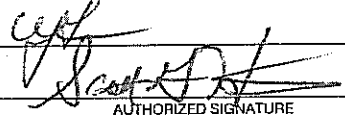
DATE

AMOUNT

10/20/15

\$1,262.50

TWO SIGNATURES REQUIRED IF OVER \$1000.00


AUTHORIZED SIGNATURE



Security features. Details on back.



Raw Seafoods Inc.

481 Currant Road
Fall River, MA 02720
Ph. (508) 673-0111

TD BANK N.A.
WILMINGTON, DE 19810

62-101-311

008593

One Thousand Two Hundred Thirty-Seven Dollars and 50 Cents

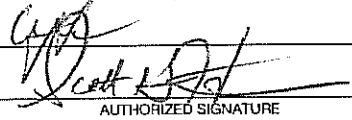
DATE

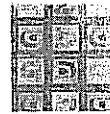
AMOUNT

10/20/15

\$1,237.50

TWO SIGNATURES REQUIRED IF OVER \$1000.00


AUTHORIZED SIGNATURE



Security features. Details on back.



Raw Seafoods Inc.

481 Currant Road
Fall River, MA 02720
Ph. (508) 673-0111

TD BANK N.A.
WILMINGTON, DE 19810

62-101-311

008591

Fifteen Thousand Eight Dollars and 50 Cents

DATE

AMOUNT

10/20/15

\$15,008.50

TWO SIGNATURES REQUIRED IF OVER \$1000.00


AUTHORIZED SIGNATURE



Security features. Details on back.



PAY
TO THE
ORDER
OF

City of New Bedford
New Bedford, MA 02740

PAY
TO THE
ORDER
OF

Commonwealth of MA

PAY
TO THE
ORDER
OF

City of New Bedford
New Bedford, MA 02740

III. Notice of Intent Narrative

NARRATIVE TO ACCOMPANY PLANNING BOARD
PETITION FOR SITE PLAN APPROVAL
RAW SEAFOODS INC
PROPOSED COLD STORAGE FACILITY
SAMUEL BARNET BOULEVARD
NEW BEDFORD, MASSACHUSETTS

1.0 PROJECT OVERVIEW

On behalf of our client and applicant of record, Raw Seafoods Inc., Field Engineering has prepared this Notice of Intent Application Package in accordance with 310 CMR 10.00, the Wetlands Protection Act for review and approval of the proposed construction of an approximate 92,000 square foot cold storage facility on an existing vacant lot located on Samuel Barnet Boulevard in the New Bedford Business Park.

The applicant is proposing this development to expand and supplement their existing operations into the City of New Bedford. Work will include construction of the building with proposed parking and loading areas as shown on the Proposed Site Development Plans accompanying this petition. The applicant is also proposing to construct a railroad spur off the rail line that currently exists along the westerly boundary of the project site.

As the Site Plans show, the proposed impervious surfaces will be serviced by an extensive stormwater management system including sediment forebays, deep sump catch basins and either an extended detention/infiltration basin or wet basin that will serve to treat and attenuate the runoff prior to discharge of the runoff off-site. A portion of the proposed impervious surface will be treated by an on-site proprietary water quality unit prior to discharge to the existing drainage system off-site.

The proposed building will be serviced by water, sewer, electric, and communications utilities currently located within Samuel Barnet Boulevard. The site will be accessed by a single access driveway off Samuel Barnet Boulevard on the easterly side of the site. Finally, as the attached Proposed Site Development Plans show, provisions have been made for the potential future expansion of the proposed facility and the stormwater management system has been sized to accommodate this additional impervious area.

2.0 EXISTING CONDITIONS

The proposed project is located on City of New Bedford Assessor's Lot 63 on Map 133 and the legal address of the project site is NS Samuel Barnet Boulevard. The project site is bounded to the east and north by an extensive wetland system, bounded to the south by Samuel Barnet Boulevard, and bounded to the east by an existing power line easement and wetland complex containing a perennial stream. On the other side of the wetland complex and perennial stream is an existing rail line. An existing grassed swale runs along the front of the property between Samuel Barnet Boulevard and the developable portion of the property. The existing 14.1 acres parcel is currently vacant wooded area and contains approximately 10.6 acres of upland.

The wetland resource areas surrounding the eastern and northern sides of the site have been previously delineated and approved through an Abbreviated Notice of Resource Area Delineation. The wetland resource area and perennial stream along the western property boundary were flagged by Epsilon Associates in September 2015. As was mentioned in previous sections of this narrative, the entire site is currently wooded with the exception of the existing power line easement along the western side of the property. According to the most recent Federal Emergency Management Agency (FEMA) Flood Insurance mapping, Community Panel Nos. 255216-0377-F, dated 7/7/2009, no portion of the proposed project site is located within the 100 year floodplain.

3.0 PROPOSED CONDITIONS

3.1 PROPOSED BUILDING

The project consists of the construction of an approximate 92,000 square foot cold storage warehouse building with associated office, reception, and common spaces as shown on the attached Proposed Site Development Plans prepared by Field Engineering Co. Inc. The building will be serviced by eight (8) loading docks located to the rear of the building, one (1) drive-in door adjacent to the loading docks and one (1) loading door along the westerly side of the building for rail access. There will be two separate entrances to the building along the rear façade, one entrance for general employee access and one entrance for truck drivers coming to the facility. As previously mentioned, provisions have also been made for a future addition to the building as shown on the site plans. Finally, the proposed building will be constructed with an energy efficient white TPO roof which help to minimize cooling costs for the proposed freezer building and also minimize "heat island" impacts.

3.2 SITE IMPROVEMENTS

The proposed site improvements will include the construction of a single access drive off of Samuel Barnet Boulevard to the parking and loading areas located behind the

proposed building. Twenty seven (27) paved parking spaces are proposed with two (2) handicap spaces as shown on the site plans. In addition eight (8) paved truck spaces and one (1) drive-in door will be provided to access the proposed enclosed loading area. The site will be serviced by existing public utilities currently available within Samuel Barnett Boulevard. Proposed lighting will consist of wall-packs on the building and low-level ground lighting within the landscaped areas.

The applicant is also proposing to construct a rail spur off the existing industrial rail line that is located along the westerly boundary of the project. This rail spur will require a crossing over the existing perennial stream. This crossing will be designed to meet both the standards of the rail company and the U.S. Army Corps Stream Crossing Standards as required by the Massachusetts Wetlands Protection Act. This stream crossing will be reviewed through the Notice of Intent process with the New Bedford Conservation Commission. Wetlands alteration associated with the stream crossing has been kept beneath 5,000 square feet with adequate wetland replication, therefore allowing the Conservation Commission to permit the work.

3.3 STORMWATER MANAGEMENT SYSTEM AND COMPLIANCE WITH APPLICABLE STANDARDS

The proposed stormwater management system has been designed to comply with DEP's stormwater management standards that were incorporated into the regulations on January 2, 2008 (see 310 CMR 10.05(6)(k)) and incorporates a number of Best Management Practices (BMPs), as prescribed in the Department of Environmental Protection Stormwater Management Handbook. These practices include structural and non-structural measures providing stormwater quantity and quality management. These BMPs will function to minimize potential adverse water quality impacts to the surrounding wetland ecosystem. The Stormwater Management System Report prepared by Field Engineering Co. Inc. describes the temporary and permanent stormwater BMPs proposed for the site development and includes drainage calculations prepared by a Registered Professional Engineer, a DEP Stormwater Management Form Checklist, and a Post Construction Operation and Maintenance Plan with Long Term Pollution Prevention Plan.

The proposed paved and building areas on the developed lot are the primary target area for water quantity and quality control measures for the project. The goal of the proposed stormwater management system design was to provide the necessary water quality treatment and attenuation for all of the runoff generated in proposed conditions. The stormwater management system makes use of a variety of stormwater Best Management Practices (BMP's) to meet this objective. These BMP's are described in more detail in the attached Stormwater Management System Report.

Runoff from the majority of the site will flow through sediment forebays and extended detention/infiltration systems with culvert outfalls and overflow riprap spillways which will serve to reduce the rates of runoff to the subject analysis point. A portion of the paved surface will discharge to a proprietary water quality inlet for pre-treatment prior to discharge to the analysis point. The predicted Total Suspended Solids (TSS) Removal and Water Quality calculations for these areas are submitted in the Stormwater Management System Report. Calculations have been provided to show that the proposed stormwater management system will provide more than adequate water quality volumes and capabilities to handle the proposed paved and impervious areas on the developed portions of the lot prior to discharge off-site.

Finally, the Project Proponent will file for coverage under the National Pollutant Discharge and Elimination System Construction General Permit. Prior to construction, the Project Proponent will develop Stormwater Pollution Prevention Plan ("SWPPP") identifying BMPs that will be implemented to prevent erosion and sedimentation. A copy of this SWPPP will be forwarded to the Conservation Commission upon completion. The SWPPP will be finalized prior to construction in conjunction with the selection of the site contractor. The SWPPP will be updated as necessary during construction and maintained throughout the period of construction.

4.0 WETLAND AND BUFFER ZONE IMPACT MINIMIZATION AND MITIGATION MEASURES

The Project Proponent has avoided, minimized and mitigated impacts to wetland resource areas and the buffer zone to the maximum extent practicable consistent with state and local regulatory performance standards. A number of impact minimization and mitigation measures have been proposed to contribute to the protection of the interests of the Wetlands Protection Act and Bylaw for the affected wetland resource areas. These measures include (i) wetland replication; (ii) protection of open space / land preservation; (iii) wildlife habitat enhancements; (iv) erosion and sedimentation controls; (v) stormwater management; and (vi) Best Management Practices ("BMPs") associated with site access. Additional information on these impact minimization and mitigation measures is provided below.

4.1 WETLAND REPLICATION

Approximately 4,640 s.f. of BVW will be permanently filled in order to construct the proposed rail spur to service the building. The Project Proponent will mitigate these permanent impacts by creating approximately 7,400 s.f. of new forested wetlands in the vicinity of the impact areas (providing approximately 1.6:1 replication to impact ratio, greater than the 1:1 ratio required by the DEP). The BVW replication area has been designed in accordance with 310 CMR 10.55(4)(b) and the Massachusetts Department of Environmental Protection's ("MassDEP") "Massachusetts Inland Wetland Replication

Guidelines" (MassDEP, March 2002). The BVW replication area will function in a manner similar to the BVW that will be lost with regard to surface area, groundwater and surface elevations, hydrology, wetland plant species and soil types. The details and design of the wetland replication are provided on Sheet 8 of the Site Development Plans. A qualified wetland scientist will supervise all work and will inspect and approve all imported planted materials. Within 30 days following construction of the wetland replication area, the wetland scientist will certify that the area has been constructed in compliance with the Final Order of Conditions. The certification will be accompanied by an "as-built" plan prepared by a registered professional land surveyor showing the limits and final grading of the replication area. The wetland replication area will be monitored on an ongoing basis for a period of two complete growing seasons by a qualified wetland scientist. Written reports will be submitted twice per year to the New Bedford Conservation Commission (June and October). Vegetation cover percentages will be determined during each monitoring event. These visual estimates will encompass the total percent cover for the wetland replication area. As required by the Wetlands Protection Act regulations, at least 75% of the surface of the restoration area should be established with native plant species within two growing seasons.

4.2 BUFFER ZONE ALTERATION AND MITIGATION

Approximately 800 SF of the Conservation Commissions 25' "No Touch" buffer zone will also be disturbed to construct the proposed access driveway as shown on the attached plans. A proposed concrete block retaining wall is shown on the plans to minimize the amount of alteration to the 25' "No Touch" buffer. In addition to constructing the wall to minimize alteration, the applicant is also proposing to retain a larger "No Touch" buffer on a portion of the site to offset the alteration. Approximately 3,500 SF of buffer zone outside the 25' "No Touch" will be retained undisturbed as shown on the plans.

4.3 RAIL SPUR STREAM CROSSING

To minimize alterations to BVW and also minimize alterations to the existing perennial stream, the applicant is proposing to construct the rail spur with the minimum width allowed by the rail company. In addition, the applicant is proposing to a clear span construction of the spur over the existing stream in order to comply with the Stream Crossing Standards and minimize disturbance to the existing stream bed.

4.4 WILDLIFE HABITAT ENHANCEMENTS

The Project Proponent is proposing to enhance wildlife habitat within the wetland replication area. The wildlife habitat will be enhanced with the installation of brush piles to provide cover, shelter and overwintering habitat for small mammals and reptiles (e.g., eastern box turtle). Brush piles will be constructed in random locations using some of

the felled trees and construction will be supervised by a qualified wetland scientist. Brush piles will be constructed from the cut tree branches.

Also, bird boxes will be installed to provide nesting habitat for species suitable along edge habitats. Bird box locations and quantities will be identified by a wildlife ecologist upon completion of cutting activities.

4.5 SEDIMENTATION AND EROSION CONTROLS

The site contractor will use appropriate erosion control and best management practices during construction. This includes appropriately sized sediment basins for dewatering, the installation of silt fence and hay bales or compost filter socks along the perimeter of the property, the use of erosion control blankets or mats or straw mulch on exposed slopes for stabilization, and the use of designated construction entrances enhanced with crushed stone to prevent off-site vehicle tracking.

5.0 COMPLIANCE WITH WETLANDS PROTECTION ACT PERFORMANCE STANDARDS

Inland Bank

[310 CMR 10.54(4)(a)] Where the presumption set forth in 310 CMR 10.54(3) is not overcome, any proposed work within Inland Bank shall not impair the following:

The physical stability of the Bank; (2) The water carrying capacity within the defined channel, which is provided by said land in conjunction with the banks; (3) Ground and surface water quality; (4) The capacity of the Bank to provide breeding habitat, escape cover and food for fisheries; and (5) The capacity of the Bank to provide important wildlife habitat function. A project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 50 feet (whichever is less) of the length of the Bank found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions ...

No Inland Bank will be permanently altered during construction of this project. Temporary alteration will be kept to a minimum during placement of the spans for the proposed rail spur crossing. The proposed crossing has been designed to comply with U.S. Army Corp Stream Crossing standards.

Bordering Vegetated Wetlands

Activities on the Project Site in BVW include the construction of the proposed rail spur off the existing rail line to the west of the proposed building.

310 CMR 10.55(4)(a) – Where the presumption set forth in 310 CMR 10.55(3) is not overcome, any proposed work in a Bordering Vegetated Wetland shall not destroy or otherwise impair any portion of said area.

See 310 CMR 10.55(4)(b) below.

310 CMR 10.55(4)(b) - Notwithstanding the provisions of 310 CMR 10.55(4)(a), the issuing authority may issue an Order of Conditions permitting work which results in the loss of up to 5,000 square feet of Bordering Vegetated Wetland when said area is replaced in accordance with the following general conditions and any additional, specific conditions the issuing authority deems necessary to ensure that the replacement area will function in a manner similar to the area that will be lost:

The surface of the replacement area to be created ("the replacement area") shall be equal to that of the area that will be lost ("the lost area");

Activities on the Project Site will result in the loss of approximately 4,640 s.f. of BVW during construction of the proposed rail spur. The Project Proponent will mitigate these impacts by creating approximately 7,400 s.f. of new scrub-shrub wetlands in the vicinity of the impact areas (a 1:6 replication-to-impact ratio). The details and design of the wetland replication are provided on Sheet 8 of the Site Development Plans.

The ground water and surface elevation of the replacement area shall be approximately equal to that of the lost area;

The proposed replication area has been designed so that the ground water and surface elevations are approximately equal to those of the lost areas. The replication area will have shallow pit and mound micro-topography to mimic the impacted wetland surfaces.

The overall horizontal configuration and location of the replacement area with respect to the bank shall be similar to that of the lost area;

As depicted on Sheet 8 of the Site Development Plans, the replication area is located within the same wetland complex and hydrologic system as the impacted wetland resource areas. The site was selected to provide in-kind wetland mitigation. The horizontal configuration of the wetland replication area(s) has been designed to approximate that of the BVW impact areas.

The replacement area shall have an unrestricted hydraulic connection to the same waterbody or waterway associated with the lost area;

The proposed wetland replication area has an unrestricted hydraulic connection to the same contiguous BVW system that contains the BVW impact areas and related water bodies. The primary hydrologic input to the wetland replication area will be derived from

the same existing groundwater and surface runoff sources that currently contribute to the BVW impact areas.

The replacement area shall be located within the same general area of the water body or reach of the waterway as the lost area;

The proposed wetland replication area(s) is located within the same general area of the waterbodies or reach of the waterways as the lost areas. See Sheet 8 of the Site Development Plans.

At least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the replacement area shall be temporarily stabilized to prevent erosion in accordance with standard U.S. Soil Conservation Service methods;

The wetland replication plan depicted on Sheet 8 of the Site Development Plans proposes to create a forested habitat within two growing seasons, providing a minimum of 75 percent surface coverage with indigenous wetland plant species. Exposed substrates will be protected against erosion until re-establishment of wetland vegetation occurs. Exposed soils will be temporarily stabilized using straw mulch or other appropriate erosion control measures in the event that seasonal conditions result in a delay in seeding. Following final grading, an entrenched staked haybale and silt fence barrier will be installed around the outside perimeter of the wetland replication area, as necessary.

7. The replacement area shall be provided in a manner which is consistent with all other General Performance Standards for each resource area in Part III of 310 CMR 10.00.

The proposed replacement area is being provided in a manner that is consistent with all other General Performance Standards.

310 CMR 10.55(4)(d) - Notwithstanding the provisions of 310 CMR 10.55(4)(a),(b) and (c), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.59.

No portion of the Project site is located within mapped priority habitat for state-protected rare species and mapped estimated habitat for rare wetland wildlife according to the current Massachusetts Natural Heritage and Endangered Species Program ("NHESP") Atlas (MassGIS, 2008). However, a portion of the proposed rail spur within the existing rail corridor is located within the mapped habitat. On October 12, 2004, the NHESP issued a Conservation Management Permit ("CMP") to the Greater New Bedford

Industrial Foundation ("GNBIF") authorizing the "taking" of state protected species (eastern box turtle) with certain mitigation areas as a result of certain phased developments within the industrial park. Conservation restrictions were placed in select locations throughout the business park for habitat protection. Condition 14 of the CMP indicates that work in the buffer zone to wetlands on the Project Site is covered under the previously issued CMP and does not require further review by NHESP. A copy of this NOI has been forwarded to NHESP for review relative to work in BVW, as required by the CMP and Wetlands Protection Act regulations. A copy of the CMP is included with the Notice of Intent.

310 CMR 10.55(4)(e) does not apply to the Project. No portion of the proposed project is located within an Area of Critical Environmental Concern.

Inland Bank

[310 CMR 10.54(4)(a)] Where the presumption set forth in 310 CMR 10.54(3) is not overcome, any proposed work within Inland Bank shall not impair the following:

The physical stability of the Bank; (2) The water carrying capacity within the defined channel, which is provided by said land in conjunction with the banks; (3) Ground and surface water quality; (4) The capacity of the Bank to provide breeding habitat, escape cover and food for fisheries; and (5) The capacity of the Bank to provide important wildlife habitat function. A project or projects on a single lot, for which Notice(s) of Intent is filed on or after November 1, 1987, that (cumulatively) alter(s) up to 10% or 50 feet (whichever is less) of the length of the Bank found to be significant to the protection of wildlife habitat, shall not be deemed to impair its capacity to provide important wildlife habitat functions ...

A total of 70 linear feet of Inland Bank may be temporarily altered during construction of the proposed rail spur. This work will not impair the capacity of the Bank to provide important wildlife habitat functions (to the extent such functions exist in this location). The rail spur crossing will consist of an engineering span to cross over the existing perennial stream channel with minimal disturbance to the stream.

During construction, erosion and sediment control measures and proper de-watering practices will be implemented to ensure that ground and surface water quality is not impaired.

[310 CMR 10.54 (4)(b)] Notwithstanding the provisions of 310 CMR 10.54(4)(a), structures may be permitted in or on a Bank when required to prevent flood damage to facilities, buildings and roads ...

This standard is not applicable. There are no structures proposed for construction on the Inland Bank that are related to preventing flood damage to facilities, buildings and roads.

[310 CMR 10.54 (4)(c)] Notwithstanding the provisions of 310 CMR(4)(a) or (b), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.59.

While no portion of the Project site is located within mapped priority habitat for state-protected rare species and mapped estimated habitat for rare wetland wildlife according to the current Massachusetts Natural Heritage and Endangered Species Program ("NHESP") Atlas (MassGIS, 2008), a portion of the work associated with the rail spur will be located within the mapped habitat. On October 12, 2004, the NHESP issued a Conservation Management Permit ("CMP") to the Greater New Bedford Industrial Foundation ("GNBIF") authorizing the "taking" of state protected species (eastern box turtle) with certain mitigation areas as a result of certain phased developments within the industrial park. Conservation restrictions were placed in select locations throughout the business park for habitat protection. Condition 14 of the CMP indicates that work in the buffer zone to wetlands on the Project Site is covered under the previously issued CMP and does not require further review by NHESP. A copy of this NOI has been forwarded to NHESP for review relative to work in BVW, as required by the CMP and Wetlands Protection Act regulations.

Riverfront Area

As previously described, approximately 3,290 s.f. of Riverfront Area will be altered as a result of the construction of the proposed rail spur from the adjacent rail tracks.. This equals approximately 6.2% of the total Riverfront Area on the subject property. This number represents the minimum amount of alteration required to construct the proposed clear span spur over the existing perennial stream.

[310 CMR 10.58(3)] Where a proposed activity involves work within the riverfront area, the issuing authority shall presume that the area is significant to protect the private or public water supply; to protect the groundwater; to provide flood control; to prevent storm damage; to prevent pollution; to protect land containing shellfish; to protect wildlife habitat; and to protect fisheries.

[310 CMR 10.58(4)] Where the presumption set forth in 310 CMR 10.58(3) is not overcome, the applicant shall prove by a preponderance of the evidence that there are no practicable and substantially equivalent economic alternatives to the proposed project with less adverse effects on the interests identified in M.G.L. c.131 § 40.

(a) Protection of Other Resource Areas. The work shall meet the performance standards for all other resource areas within the riverfront area.

As detailed above, the work meets the performance standards for all other resource areas within the Riverfront Area. There are no proposed alterations to Inland Bank, Land Under Water, or Lands subject to flooding. The proposed alteration to Bordering Vegetated Wetland associated with the rail spur meets the performance standards for work with the resource area.

(b) Protection of Rare Species. No project may be permitted within the riverfront area which will have any adverse effect on specified habitat sites of rare wetland or upland, vertebrate or invertebrate species.

No portion of the Project site is located within mapped priority habitat for state-protected rare species and mapped estimated habitat for rare wetland wildlife according to the current Massachusetts Natural Heritage and Endangered Species Program ("NHESP") Atlas (MassGIS, 2008). A portion of the existing railroad right of way is located within the mapped habitat areas and a copy of the NOI has been submitted to NHESP.

[310 CMR 10.58(4)(c)1.] Practicable and Substantially Equivalent Economic Alternatives. There must be no practicable and substantially equivalent economic alternative to the proposed project with less adverse effects on the interests identified. An alternative is practicable and substantially equivalent economically if it is available and capable of being done after taking into consideration costs, existing technology, proposed use, and logistics, in light of overall project purposes.

Practicable and Substantially Equivalent Economic Alternatives were considered for this project.

[310 CMR 10.58(4)(c)2.] Scope of Alternatives - The scope of alternatives under consideration shall be commensurate with the type and size of the project.

The proponent has considered four different alternatives for this project: 1) no build, 2) build with smaller footprint, 3) build elsewhere on the property, or 4) build at the selected location.

[310 CMR 10.58(4)(c)3.] Evaluation of Alternatives - The applicant shall demonstrate that there are no practicable and substantially equivalent economic alternatives as defined in 310 CMR 10.58(4)(c)1., within the scope of alternatives as set forth in 310 CMR 10.58(4)(c)2., with less adverse effects on the interests identified in M.G.L. c. 131 § 40.

1. No Build

Construction of the rail spur is an integral part of the proposed development program being considered by the applicant. The subject parcel is one of the only parcels of land of this size available within the area with adjacent rail access. Currently, the applicant offloads product from railcars at an off-site facility and transports the product over existing roadways to their existing facility in Fall River for processing. By having rail access at their new facility, the applicant's operations will become more efficient, minimizing the travel time on existing roadways to handle and process their products. Based on this information the "No Build" alternative is not an option for the applicant.

2. Build with Smaller Footprint

The size of the alteration has been kept to a minimum while still providing the necessary width required to build the rail spur. The applicant is proposing to construct an expensive clear span over the existing perennial stream in order to meet all required stream crossing standards. It is not feasible to construct the rail spur with a smaller footprint.

3. Build Elsewhere on the Property

The applicant is proposing to construct the rail spur across the narrowest portion of the wetland available along the westerly side of the project site. The existing perennial stream runs along the entire westerly side of the site, therefore there is no way to avoid crossing the stream to provide the rail spur. The applicant is limited to the location of the proposed rail spur by the required geometry to construct the tracks, the size and location of the proposed building, and the location of utility poles within the utility easement between the existing stream and building. Therefore it is not feasible to build the rail spur elsewhere on the property.

4. Build at the Selected Location

The proposed development is preferred for the following reasons:

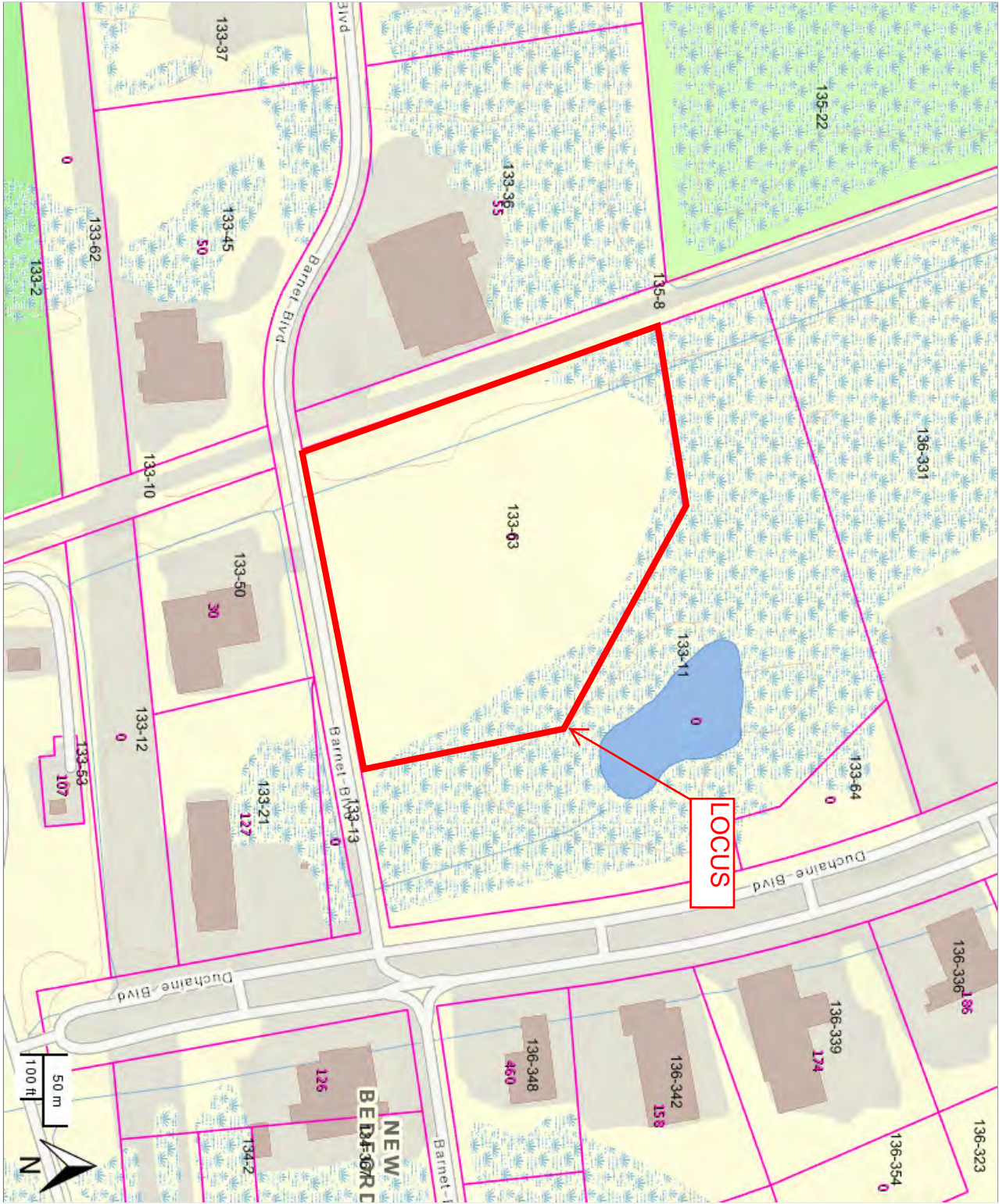
- The parcel is available now.
- The parcel is of suitable size to contain such a development.
- The parcel is zoned industrial and the use is compatible with surrounding uses;
- The proposed use would be a benefit to the City of New Bedford, providing an additional commercial building within the New Bedford Business Park on an existing vacant piece of land.
- The proposed rail spur is integral to the operations of the proposed cold storage facility as it will make shipment and handling of the applicant's product more efficient than currently being realized.

In summary, the Project Proponent has avoided, minimized and mitigated impacts to wetland resource areas, riverfront area, and the buffer zone to the maximum extent

practicable consistent with state and local regulatory performance standards. A number of impact minimization and mitigation measures have been proposed to contribute to the protection of the interests of the Wetlands Protection Act for the affected wetland resource areas. These measures include (i) wetland replication; (ii) protection of open space / land preservation; (iii) wildlife habitat enhancements; (iv) erosion and sedimentation controls; (v) stormwater management; and (vi) Best Management Practices ("BMPs") associated with construction of the rail spur. Therefore, constructing the proposed facility with the integral rail spur at the selected location is considered the most practicable alternative for the project site.

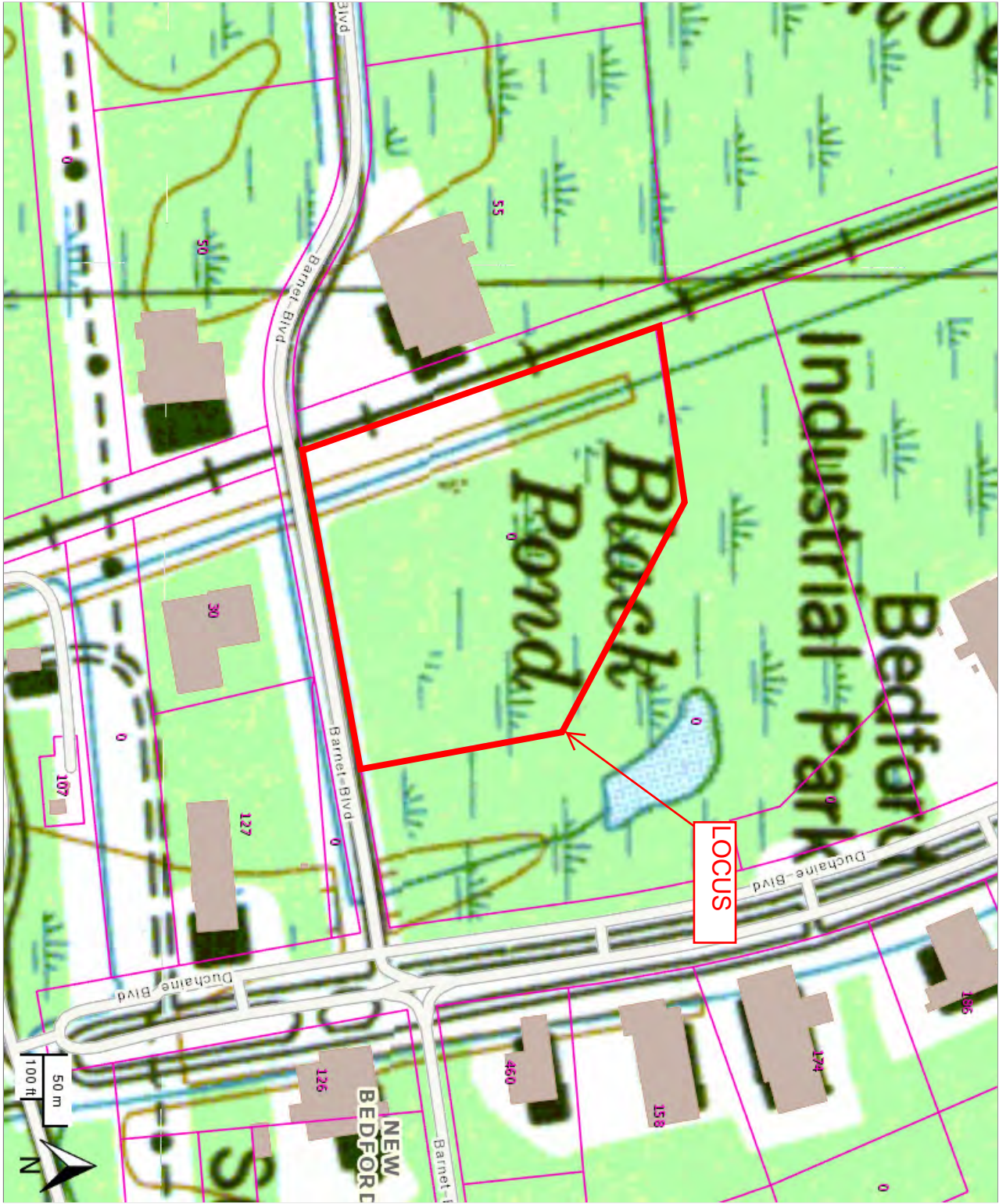
IV. Map References

Assessor's Map



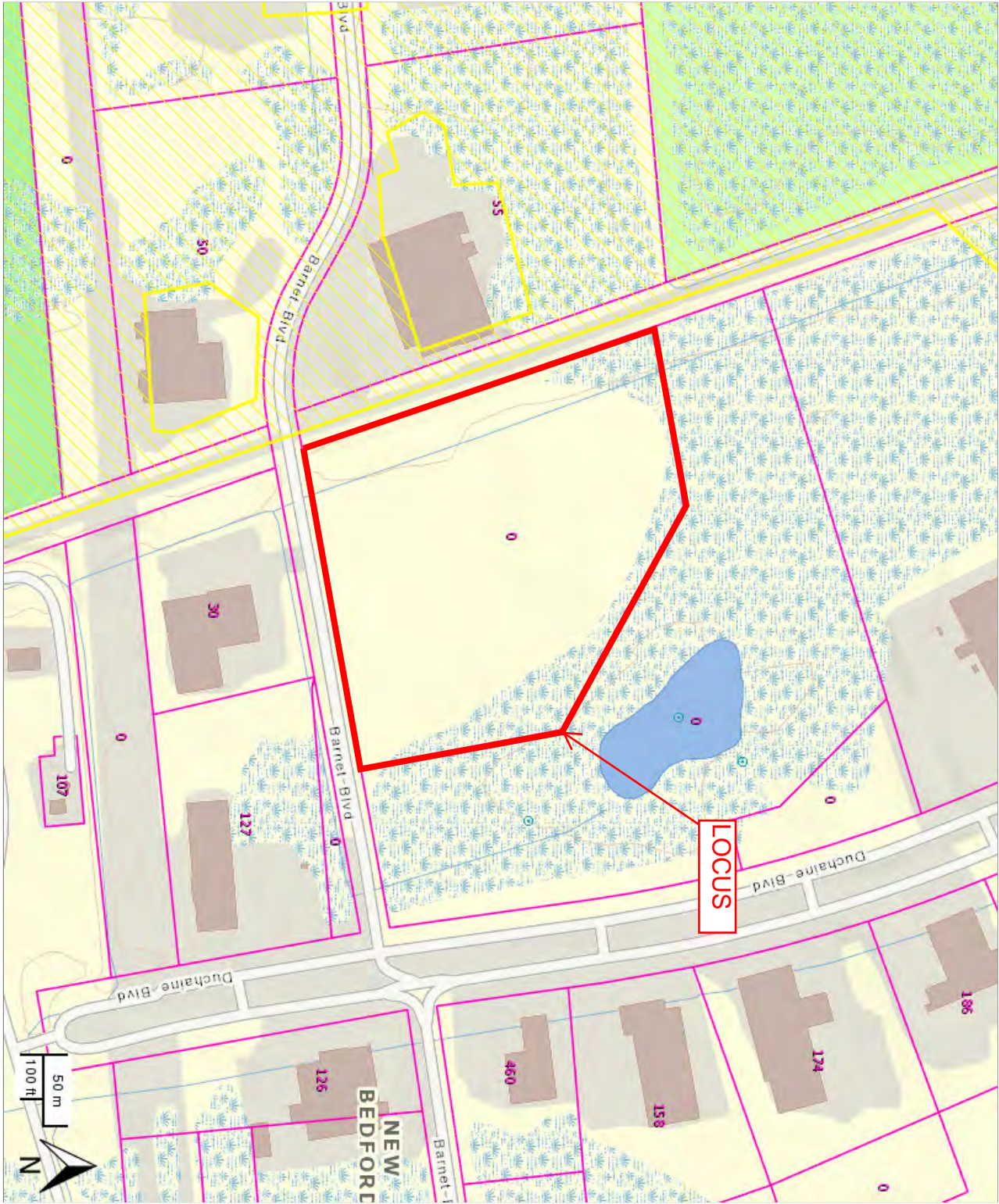
- Parcels Level 3 Map Par Id Black Labels
- Tax Parcels for Query
- Detailed Features
- Tax Parcels
- Structures

USGS Topo Map

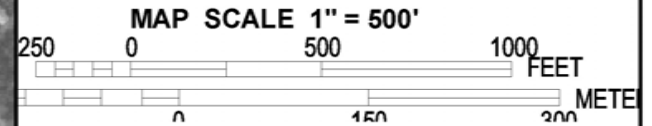


- Tax Parcels for Query
- Detailed Features
- Tax Parcels
- Structures
- USGS Topographic Maps

NHESP Map



- Potential Vernal Pools
- NHESP Priority Habitats of Rare Species
- NHESP Estimated Habitats of Rare Wildlife
- NHESP Certified Vernal Pools
- Areas of Critical Environmental Concern ACECs Boundaries
 - ROAD/RAIL BASED
 - RIVER BASED
 - WETLAND BASED
 - FLOODPLAIN BASED
 - TIDAL BASED
 - CONTOUR BASED
 - POLITICAL BOUNDARY
 - PROPERTY LINE BASED
 - OTHER
 - NOT DEFINED
- Areas of Critical Environmental Concern ACECs
- Tax Parcels for Query
- Detailed Features
- Tax Parcels
- Structures



NFIP

PANEL 0377F

NATIONAL FLOOD INSURANCE PROGRAM

FIRM

FLOOD INSURANCE RATE MAP

BRISTOL COUNTY,
MASSACHUSETTS
(ALL JURISDICTIONS)

PANEL 377 OF 550

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
ACUSHNET, TOWN OF	250048	0377	F
DARTMOUTH, TOWN OF	250051	0377	F
FREETOWN, TOWN OF	250056	0377	F
NEW BEDFORD, CITY OF	255216	0377	F

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



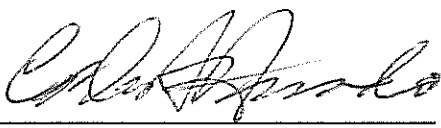
MAP NUMBER
25005C0377F

EFFECTIVE DATE
JULY 7, 2009

Federal Emergency Management Agency

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

V. Certified 100-Foot Abutters List and Abutters Notification

I, , Administrative Assistant to the Board of Assessors of the City of New Bedford, 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.

Date: 8/26/2015

SUBJECT PROPERTY:

MAP 133 LOT 63

LOCATION Samuel Barnet Boulevard

OWNER'S NAME Greater NB Industrial Foundation

MAILING ADDRESS 227 Union Street, Room 607, New Bedford

CONTACT PERSON Rebecca Carvalho - Field Engineering

TELEPHONE NUMBER (508) 758-2749

EMAIL ADDRESS rcarvalho@fieldengrg.com

REASON FOR REQUEST

We will be submitting this list along with a Notice of Intent Application package to the Conservation Commission.

PLANNING
AUG 26 2015
DEPARTMENT

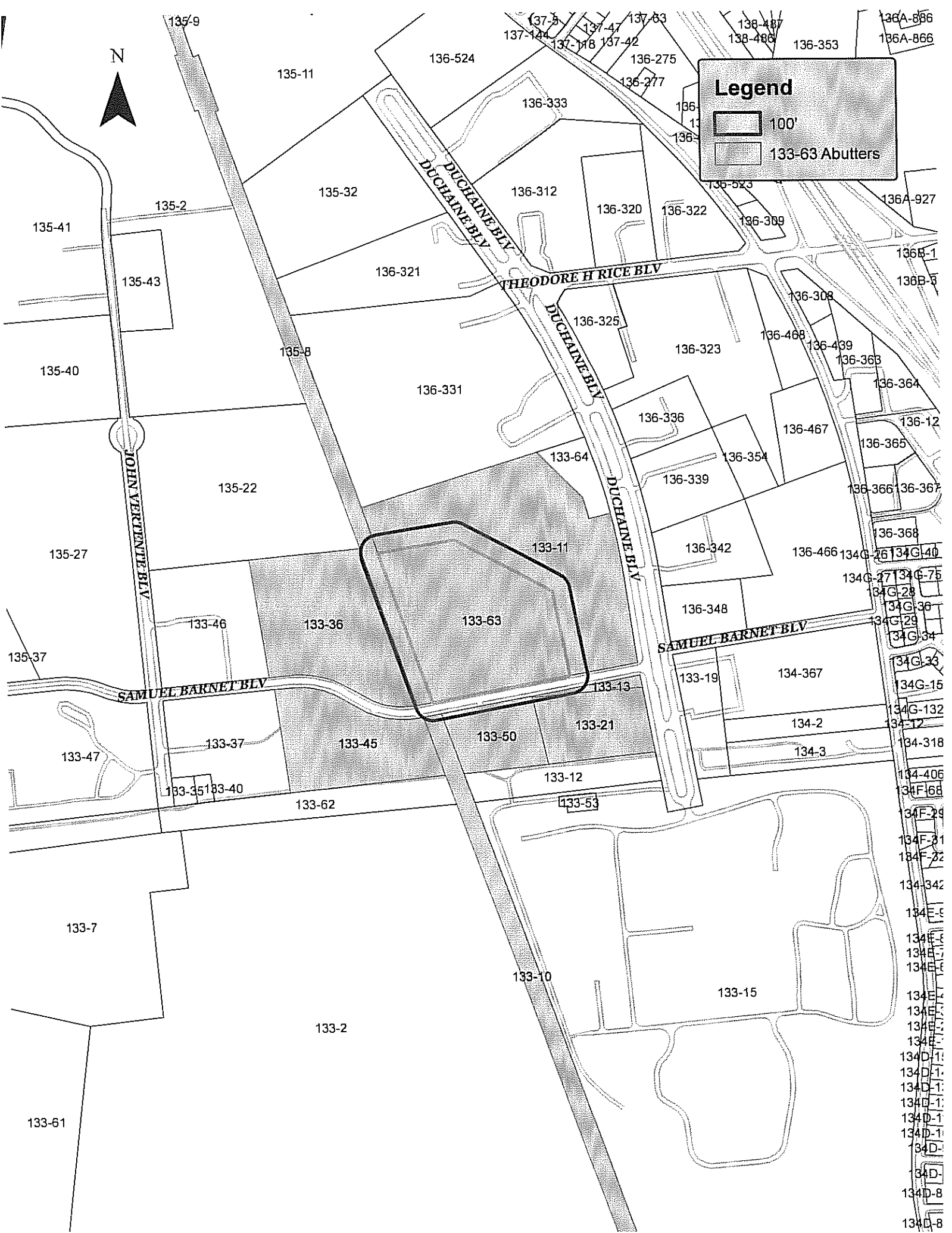
August 26, 2015

Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as Samuel Barnet Boulevard (133-63) 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
133-10	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP P O BOX 8097 PHILADELPHIA, PA 19101
133-50	30 SAMUEL BARNETT BLVD	IMTRA CORPORATION, 30 SAMUEL BARNET BLVD NEW BEDFORD, MA 02745
133-21	127 DUCHAINE BLVD 127 D	MILHENCH ARTHUR L "TRUSTEE", MILHENCH 2001 NOMINEE TRUST (THE) 127 DUCHAINE BLVD NEW BEDFORD, MA 02745
133-45	50 SAMUEL BARNETT BLVD	C P BOURG INC, 50 SAMUEL BARNET BLV NEW BEDFORD, MA 02745
133-13 WS	DUCHAINE BLVD	GREATER NEW BEDFORD, INDUSTRIAL FOUNDATION 227 UNION STREET RM 607 NEW BEDFORD, MA 02740
133-36	55 SAMUEL BARNETT BLVD	HIGHLAND SAMUEL BARNETT ASSOCIATES L P, 65 SPRAGUE STREET HYDE PARK, MA 02136 -2061
133-63 MS	SAMUEL BARNETT BLVD	GREATER NEW BEDFORD, INDUSTRIAL FOUNDATION 227 UNION STREET NEW BEDFORD, MA 02740
133-11 WS	DUCHAINE BLVD	GREATER NEW BEDFORD INDUSTRIAL FOUNDATION, C/O PILLAR LLC 150 JOHN VERTENTE BOUVELARD 227 Union St. NEW BEDFORD, MA 02745 02740-4631
135-8	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP P O BOX 8097 PHILADELPHIA, PA 19101



Notification to Abutters Under the Massachusetts Wetlands Protection Act

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

- A. The name of the applicant is: Raw Seafoods
- B. The applicant has filed a Notice of Intent (NOI) with the Conservation Commission for the municipality of New Bedford seeking approval of activity within an Area Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, Section 40).
- C. The address of the lot where the work is proposed is Samuel Barnet Boulevard, Assessor's Map 133, Lot 63. The applicant proposes to construct a 92,000-square foot cold storage facility with associated parking and loading areas and grading within the 100-foot buffer zone of a bordering vegetated wetland. Also proposed is a rail spur of the existing railroad that will span an existing perennial stream with associated alteration (with replication) to bordering vegetated wetlands and 25' Riverfront Area.
- D. Copies of the NOI may be examined at New Bedford Conservation Commission, 133 William Street Street, New Bedford, MA between the hours of call for appointment on the following days of the week: Monday – Friday

For more information, call: (508) 991-6188

Check One: This is the applicant ☐, representative ☐, or other ☒ (specify): reviewing authority

- E. Copies of the NOI may be obtained from either (check one):
the applicant ☐, or the applicant's representative, ☒ by calling this telephone number (508) 758-2749 between the hours of 9:00 and 5:00 on the following days of the week: Monday – Friday
- F. Information regarding the date, time, and place of the public hearing, may be obtained from New Bedford Conservation Commission by calling this telephone number (508) 991-6188 between the hours of 8:00-4:00 on the following days of the week: Monday – Friday
- Check One: This is the applicant ☐, representative ☐, or other ☒ (specify): reviewing authority

NOTE: Notice of the public hearing, including its date, time, and place, will be published at least five (5) days in advance of

The Standard Times
(name of newspaper)

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

NOTE: You also may contact your local Conservation Commission or 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

Southeast Region: 508-946-2800

Northeast Region: 617-935-2160

Western Region: 413-784-1100

VI. Supplemental Information

MEMORANDUM

Date: October 15, 2015

To: Rich Riccio, P.E., Fields Engineering

From: Jack Vaccaro, Epsilon Associates, Inc.

Subject: **Wildlife Habitat Evaluation, Proposed Site Development, Map 133, Lot 63, Samuel Barnet Boulevard, New Bedford Industrial Park.**

Introduction

The project involves construction of a proposed commercial development (Raw Seafoods) on Map 133, Lot 63, Samuel Barnet Boulevard in the New Bedford Industrial Park. Approximately 4,640 s.f. of Bordering Vegetated Wetlands ("BVW") and approximately 3,290 s.f. of Riverfront Area associated with a perennial stream crossing will be permanently altered during construction of a rail spur servicing the site. The stream banks will be spanned in accordance with MassDEP Stream Crossing Standards so as to avoid alterations to this resource area. To mitigate the impacts to BVW the Applicant is proposing to construct approximately 7,400 s.f. of replacement BVW (a ratio of ~1.6:1). A portion of the 100 foot buffer zone will also be restored with native plantings to mitigate work in Riverfront Area and encroachments into the buffer zone on the western half of the site.

Wetlands Protection Act ("WPA") Regulations – Wildlife Habitat

Under the WPA, wildlife habitat is defined as:

"Those areas, which due to their plant community composition and structure, hydrologic regime or other characteristics, provide important food, shelter, migratory or overwintering areas, or breeding areas for wildlife."

Thus, the presence of wildlife in a wetland resource area is not the sole factor in evaluating wildlife habitat value. Plant community composition and structure, hydrologic regime, or other characteristics providing "important" features for wildlife must be present. Specifically, it is wetland habitat value and not a particular wildlife species (with the exception of rare species) that is protected by the WPA. Inland wetland resource areas are presumed to be significant for

protection of wildlife habitat with only a few minor exceptions associated with Land Subject to Flooding.

The WPA regulations allow alterations to the Riverfront Area below 5,000 s.f., if the proposed work does not impair the capacity of the Riverfront Area to provide important wildlife habitat functions.

There are no thresholds for alterations to BVW other than the impacts must be replicated in a manner that will function similar to the area that will be lost. Applicants are required to complete "Appendix A" of MassDEP's "Wildlife Habitat Protection Guidance for Inland Wetlands when impacts to BVW less than 5,000 s.f. are proposed so that important wildlife habitat features in the altered wetland may be identified and avoided if possible, and replication can be designed that will function as important wildlife habitat, similar to the lost area.

Accordingly, Epsilon Associates conducted a Wildlife Habitat Evaluation of the BVW and Riverfront Area impact locations on September 23, 2015 in accordance with Appendix A of MassDEP's Guidance Manual. More specifically, the Wildlife Habitat Evaluation described herein was conducted by Epsilon to (1) assess and quantify the extent of impacts to wetland resource areas; (2) to identify important wildlife habitat features as defined by the WPA regulations; (3) to provide a basis for mitigation design for unavoidable impacts; and (4) to demonstrate that adverse effects will be avoided because the Project will not substantially reduce the capacity of the site to provide the important wildlife habitat functions identified under 310 CMR 10.60(2).

Information describing our findings is provided below. Refer to the attached photographs and Appendix A for additional detail.

Wildlife Habitat Evaluation

The project site is located at the southern end of Hobomock Swamp, a large wetland complex that encompasses many low-lying areas of the New Bedford Industrial Park. Where the swamp extends into the Industrial Park, several drainage channels have been constructed to collect and convey water in a southerly direction toward the larger Acushnet Cedar Swamp, which contains several hundred acres of wetlands. The Acushnet Cedar Swap in turn drains into the Apponagansett Swamp and eventually the Paskamansett River at Smith Mills in North Dartmouth, which is approximately 5 miles downstream of the site.

The proposed rail spur crossing at the subject parcel will affect a relatively narrow area of BVW at one of the aforementioned drainage channels. Observed wetland vegetation includes red maple, yellow birch, and eastern hemlock in the tree strata. Sweet pepperbush and saplings of the above are common in the shrub layer, while cinnamon fern is a common herb layer species. Common greenbriar is abundant both in the wetland and adjacent upland, where scarlet oak, white oak, and white pine are common tree species.

The drainage ditch flow appears to be perennial (thus having a 25-foot Riverfront Area in New Bedford). Steady flow was observed on two separate occasions during the relatively dry summer of 2015, although there was notably less flow observed on Sept. 23 as compared to the earlier observation on August 26. On the latter date the stream was ~4 to 5 feet wide and ~3 inches deep, with ordinary high water width and depth approximated at 8 feet and 15 inches respectively. Flow was sluggish, approximately 0.2 feet per second and in a southerly direction. The substrate was loose muck, although the exposed banks were firmer and contained coarser sand and gravel. The bank was fairly abrupt on both the east and west side of the drainage channel.

The bank vegetation included the wetland tree and fern species mentioned above, but shrub vegetation was fairly sparse. There were no observed snags, and only one 1-inch by 2-inch cavity noted ten feet above ground in a dead 7-inch diameter red maple. Two larger cavities were noted in more significant trees, one 30-inch diameter black oak and one 24-inch diameter red maple. In both cases these cavities were on the north-facing side of the trunks.

The canopy along the stream bank is fairly well closed with many trees overlapping, at least on the west bank. A rapid inventory of trees within ten feet of the banks at the proposed rail spur crossing revealed a total of nine trees on the west bank, but just three on the east bank, which lies very close to a cleared powerline right-of-way.

The tree canopy is much less full in the upland buffer zone portions of the site and beyond where the proposed warehouse facility is to be constructed. In these areas, pitch pine occurs more commonly with white and scarlet oak, while holly and mountain laurel are dominant in the shrub layer.

Findings

Wetland resource areas that will be altered by proposed work include BVW and Riverfront Area. As noted above, the stream banks will be spanned in accordance with the MassDEP Stream Crossing Standards so as to avoid alterations to this resource area. A portion of the site is mapped Estimated Habitat; however, the work in the BVW and Riverfront Area is located outside of the mapped habitat.

The Wildlife Habitat Evaluation conducted by Epsilon identified important habitat features in each of these resource areas. These features include burrowable soils, relatively dense herbaceous cover, certain food producing shrubs (berries, mast), and large woody debris on the ground surface. There were a handful of cavities in some of the larger trees. These features are common to the site and will remain so following completion of construction activities. The Wildlife Habitat Evaluation demonstrates that important habitat features exist on the site and within the affected wetland resource areas, but that adverse effects will be avoided because the Project will not substantially

reduce the capacity of the site or the affected resource areas to provide the important wildlife habitat functions (i.e. those listed in 310 CMR 10.60(2) including food, shelter, migratory and breeding areas). This “no substantial reduction” standard is met where “important wildlife habitat functions are substantially restored” during Project construction, or it is otherwise demonstrated that “the proposed alterations will have no adverse effects on wildlife habitat” because the important features identified in a particular study area (e.g., food sources or large woody debris) are common to the site, so that the number of habitat features lost are insignificant when compared to the amount of similar habitat that will remain. The MassDEP guidance document further explains that, by ensuring that important habitat features are identified and adverse impacts are avoided or minimized and mitigated, the goal of no adverse effect will be met. See Preface to 1987 Revisions, § III, B, para. first; DEP’s Massachusetts Wildlife Habitat Protection Guidance for Inland Wetlands , § V(B)(2)(b)(iii).

Recommendations

A wetland replication plan at a 1.6:1 replication-to-impact ratio has been developed by Project Engineers. Wildlife habitat mitigation in the form of burrowable soils, microtopographic grading features (pit and mound), seasonal pockets of standing water, densely planted food producing shrubs (e.g., highbush blueberry, swamp white oak) and large woody debris on the ground should be incorporated into the final design plans and contract specifications as directed by the supervising wetland scientist during construction to ensure compliance with the performance standards under 310 CMR 10.55; 10.58 and 10.60.

JV/MH

Attachment 1

MassDEP Appendix A Form

Project Location (from NOI): Lot 11 New Bedford Industrial Park
 Person Completing Form: J. Vaccaro/ M. Howard Date: 9-23-15

APPENDIX A

Simplified Wildlife Habitat Evaluation

IMPORTANT HABITAT FEATURES: Direct alterations to the following important habitat features in resource areas may be permitted only if they will have no adverse effect (Refer to Section V)

☐ habitat for state-listed animal species (receipt of a positive opinion or permit from MNHESP shall be presumed to be correct. Do not refer to Section V).

☐ sphagnum hummocks and pools suitable to serve as nesting habitat for four-toed salamanders

☒ trees with large cavities (≥ 18 " tree diameter at cavity entrance)

☐ existing beaver, mink or otter dens

☐ Areas within 100 feet of existing beaver, mink or otter dens (if significant disturbance)

☐ existing nest trees for birds that traditionally reuse nests (bald eagle, osprey, great blue heron)

☐ land containing freshwater mussel beds

☐ wetlands and waterbodies known to contain open water in winter with the capacity to serve as waterfowl winter habitat

☐ turtle nesting areas

☐ vertical sandy banks (bank swallows, rough-winged swallows or kingfishers)

The following habitat characteristics when not commonly encountered in the surrounding area:

☐ stream bed riffle zones (e.g. in eastern MA)

☐ springs

☐ gravel stream bottoms (trout and salmon nesting substrate)

☐ plunge pools (deep holes) in rivers or streams

☐ medium to large, flat rock substrates in streams

ACTIVITIES: When any one of the following activities are proposed within resource areas, applicants should complete a Detailed Wildlife Habitat Evaluation (Refer to Appendix B).

☐ activities located in mapped "Habitat of Potential Regional or Statewide Importance"

☐ activities affecting certified or documented vernal pool habitat, including habitat within 100' of a certified or documented vernal pool when within a resource area

☐ activities in bank, land under water, bordering land subject to flooding (presumed significant) where alterations are more than twice the size of thresholds.

☐ activities affecting vegetated wetlands >5000 sq. ft. occurring in resource areas other than Bordering Vegetated Wetland

☐ activities affecting the sole connector between habitats >50 acres in size

☐ Installation of structures that prevent animal movement

☐ Activities for the purpose of bank stabilization using hard structure solutions that significantly affect ability of stream channel to shift and meander, or disrupt continuity in cover that would inhibit animal passage.

☐ dredging (greater than 5,000 sf)

Attachment 2

Site Photographs

Typical View at Crossing Location of Woody Debris on Ground



Typical view at Crossing Location of Soft, Burrowable Soils & Woody Debris



Typical View of Cavity in Large Diameter Tree



Typical View of Relatively Dense Vegetation in Understory



QUITCLAIM DEED

VAFFORD LLC, a Maryland limited liability company, of Towson, Maryland 21286, for consideration paid, and in full consideration of less than One Hundred and 00/100 Dollars (\$100.00), grants to the GREATER NEW BEDFORD INDUSTRIAL FOUNDATION

DEVELOPMENT CORPORATION, a charitable corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, with its principal place of business at 227 Union Street, New Bedford, Bristol County, Massachusetts 02740, with QUITCLAIM COVENANTS, the land with the buildings thereon situated in the City of New Bedford, County of Bristol, Commonwealth of Massachusetts, being more particularly located and described as follows:

NORTHEASTERLY	By Duchaine Boulevard 844.73 feet;
NORTHERLY	By Parcel S as shown on the plan hereinafter referred to, 284.49 feet;
NORTHEASTERLY	By said Parcel S, 50.00 feet;
NORTHWESTERLY	By said Parcel S, 284.49 feet;
NORTHEASTERLY AGAIN	By Duchaine Boulevard, 340.82 feet;
NORTHWESTERLY AGAIN	By land now or formerly of Emhart Corp., 1,326.00 feet;
SOUTHWESTERLY	By land now or formerly of Consolidated Rail Corporation, 1,100.00 feet; and
SOUTHEASTERLY	By Samuel Barnett Boulevard, 1,179.30 feet.

Said Parcel contains .3375 acres and is shown as Parcel R on a plan entitled "Plan of Land in New Bedford, Mass., for Emhart Corporation, New Bedford Industrial Found.," dated May 16, 1966, prepared by Tibbetts Engineering Corp., and recorded with the Bristol County Southern District Registry of Deeds at Plan Book 74, Page 3.

Subject to and with the benefit of an agreement between Emhart Corporation and the New Bedford Industrial Foundation recorded with said Deeds in Book 1542, Page 652.

Subject to a drainage easement to the City of New Bedford running along the westerly line of the premises as shown on said Plan.

Subject to the restrictions contained in a deed dated December 20, 1967 and recorded with said Deeds in Book 1542, Page 649.

Subject to an easement to the New Bedford Gas and Edison Light Company and the New England Telephone & Telegraph Company, dated December 20, 1967, and recorded with said Deeds in Book 1559, Page 175.

Subject to all other easements, restrictions, rights of way and agreements of record, if any, insofar as they are now in force and applicable.

Subject to real estate taxes for fiscal year 2007 which the Grantee assumes and agrees to pay.

For Grantor's title see deed of Emhart Industries, Inc., dated November 11, 2002 and recorded with said Deeds in Book 5833, Page 293.

Executed under seal the 29 day of NOVEMBER, 2006.

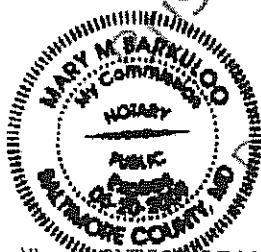
JAFFORD LLC

By: Linda A. Biagianni
Name: LINDA BIAGIANNI
Title: VICE PRESIDENT

COMMONWEALTH OF MASSACHUSETTS

Baltimore County, ss.

On this 29 day of November, 2006, before me, the undersigned Notary Public, personally appeared the above-named Linda H. Biagianni, proved to me by satisfactory evidence of identification, being (check whichever applies): ☐ driver's license or other state or federal governmental document bearing a photographic image, ☐ oath or affirmation of a credible witness known to me who knows the above signatory, or ☒ my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged the foregoing to be signed by him/her voluntarily for its stated purpose.



Mary M. Barkuloo
Notary Public
My commission expires: 06/30/2009



MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

RECEIVED
10-13-04

Wayne F. MacCallum, Director

MA ENDANGERED SPECIES ACT (G.L. c. 131A) CONSERVATION AND MANAGEMENT PERMIT

Date: 12 October 2004

Conservation Permit No.: 004-032.DFW-Reissued

NHESP File No. 03-12891

Initial Permit Holder: Greater New Bedford Industrial Foundation
227 Union Street
New Bedford, MA 02740

Proposed Project: New Bedford Business Park Expansions

Pursuant to the authority granted in the Massachusetts Endangered Species Act (MESA) (G.L. c. 131A:3) and its implementing regulations (321 CMR 10.04(3)(b)), the Director of the Massachusetts Division of Fisheries & Wildlife (the "Division") hereby issues a Conservation and Management Permit to the Greater New Bedford Industrial Foundation, (hereinafter the "Permit Holder") acting on behalf of itself and other existing and future owners of land within the city of New Bedford and the town of Dartmouth known as the New Bedford Business Park depicted on Attachment A attached hereto (the "Site"), authorizing the "taking" of the state-protected Eastern Box Turtle (*Terrapene carolina*), listed as a species of "Special Concern," and such other protected species as may be discovered on the Site from time to time, subject to the terms and conditions listed below. The project entails development within the Site from time to time and in various phases.

The Division has determined that the Proposed Project, which includes the permanent protection of ± 476 acres of open space and Eastern Box Turtle Habitat by Conservation Restriction, would result in a "take", but would impact an insignificant portion of the local population of Eastern Box Turtle. Therefore, the project can be permitted under MESA. This Conservation and Management Permit is issued to condition the Proposed Project and provide long-term net benefit mitigation to compensate for that portion of the local Eastern Box Turtle population impacted by the Proposed Project.

In accordance with the document submitted to the Division entitled "Conservation and Management Permit Application, New Bedford Business Park" (dated 3/29/04), this Conservation and Management Permit is issued on the condition that the Conservation Plan is adhered to and with the following specific conditions. These conditions shall initially apply to the Initial Permit Holder and subsequently to all assignees and successors of the Initial Permit Holder, as provided below.

www.masswildlife.org

Division of Fisheries and Wildlife

Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 792-7270 Fax (508) 792-7275
in support of the Department of Fisheries, Wildlife & Environmental Law Enforcement

General Conditions:

1. The work authorized by this Conservation and Management Permit involves the development, construction, renovation, and expansion of commercial buildings, and associated parking, roadways, and other improvements on a +/-1,335 acre site (including +/-458 acres of currently developed lots) in the vicinity of the intersection of Samuel Barnett Boulevard and John Vertente Boulevard, in the City of New Bedford and the Town of Dartmouth, or any other commercial development that maintains the mitigation commitments required by this Conservation and Management Permit and is consistent with General Condition 7 herein (the "Work").
2. This Conservation and Management Permit shall not preclude the review of future projects at this site that are subject to the Wetlands Protection Act regulations (310 CMR 10.59) by the Natural Heritage & Endangered Species Program ("NHESP") of the Division, with the exception of the proposed "Roadway crossing to Polaroid B," which will be constructed in accordance with the conditions described below.
3. Division representatives shall have the right to enter and inspect the area subject to this Conservation and Management Permit at reasonable hours to evaluate permit compliance, and may require the submittal of any data, otherwise required under this Conservation and Management Permit, deemed necessary by the Division for that evaluation.
4. Any changes to the Conservation Plan and mitigation described in the "Conservation and Management Permit Application, New Bedford Business Park" (dated 3/29/04) shall require the Permit Holder to inquire of the Division in writing whether the change is significant enough to require the filing of a new Conservation and Management Permit application or provide additional long-term net-benefit mitigation for affected rare species populations.
5. Although the Site encompasses both land owned by the Permit Holder, and land owned by third parties (Attachment A), in no event shall this Conservation and Management Permit be deemed to apply for any purposes whatsoever to land not owned by the Permit Holder unless and until the third party landowner submits a letter to the Division requesting that this permit be applied to its land, and agreeing to accept and be bound by the terms and conditions of this permit. This Conservation and Management Permit shall apply to the Permit Holder and any successor in interest or successor in control of the portions of the Site owned by the Permit Holder, and to any contractor or other person performing work for the Permit Holder conditioned by this Conservation and Management Permit. This Conservation and Management Permit shall transfer to owners or operators of the Site (or a portion thereof), other than the Permit Holder, and to successor and assigns of the Permit Holder, upon the Division's receipt of a letter from such a owner or operator indicating (1) that the entity is the current owner or operator of the Site (or a portion thereof) and (2) that the entity can and will perform the obligations of the Permit Holder, as set forth in this Conservation and Management Permit, that relate to that portion of the Site.
6. Prior to the start of work, the Permit Holder shall notify the Division in writing of the name, address, business and home telephone numbers of the project supervisor(s) and/or contractor(s) responsible for compliance with this Conservation and Management Permit.
7. No Work shall be undertaken until the text of the Conservation and Management Permit has been recorded in the Registry of Deeds or the Land Court for the district in which the Property is located, within the chain of title of the affected Property. In the case of recorded land, the Conservation and Management Permit shall also be noted in the Registry's Grantor Index under the name of the owner of the Property upon which the proposed Work is to be done. In the case of the registered land, the Conservation and Management Permit shall also be noted on the Land Court Certificate of Title of the owner of the Property upon which the proposed Work is done. The recording information shall be submitted to the Division prior to the commencement of Work.

Special Conditions:

8. **Habitat Protection Areas.** Within the time periods specified below, Permit Holder shall place, or cause the holder of record title to place, a Conservation Restriction and/or deed to a land conservation trust or public entity, the areas of the Site shown on Attachment A shown as C1, C2, C3, C4, C5, C6, and C7, which collectively comprise approximately 476 acres of land (the "Habitat Protection Areas"). Parcels C1, C6, and C7 shall first be offered to the Commonwealth of Massachusetts and/or a land preservation trust to be incorporated into the existing Acushnet Cedar Swamp reservation south of and adjacent to the Site. The Permit Holder shall provide the NHESP with a survey, site plan, and metes and bounds description of Conservation Parcels C1, C2, C3, C4, C5, C6, and C7 by November 30, 2004. The Permit Holder shall also delineate the parcel boundaries for Conservation Parcels C1 through C7 with permanent corner bounds by May 30, 2005. If the Conservation Restriction and/or deed to a land conservation trust or public entity is not completed within one year thereafter, then, unless otherwise approved in writing by the Division, the Permit Holder or successors shall immediately cease construction activities until such time as the Conservation Restriction or property conveyances are completed. These time periods shall be extended as necessary to resolve any appeals or challenges to the terms and conditions of this permit.
9. **Approved Form of Conservation Restriction.** To the extent that a Conservation Restriction is used to protect the Habitat Protection Areas, the Conservation Restriction shall be in substantially the same form as Attachment B. Changes in the form of Conservation Restriction other than typographical or grammatical changes shall be provided to the Division before any Conservation Restriction is submitted to the Secretary of the Executive Office of Environmental Affairs for execution. The grantee for each Conservation Restriction shall be approved in writing by the NHESP prior to the execution of each Conservation Restriction, and an executed copy of each Conservation Restriction shall be delivered to the Division promptly after it is recorded.
10. **Authorized Construction and Uses.** This Conservation Permit authorizes construction and uses on the Site outside of the Habitat Protection Areas described in paragraph 8 above, and outside of wetland resource areas (as opposed to buffer zones) protected by the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00), provided that such work is carried out by the Permit Holder, successor and assigns, or other owners or operators of the site that have elected to be bound by the terms and conditions of the permit, in accordance with the procedures outlined in Paragraph 5.
11. **Turtle Barriers.** Construction or use on "Polaroid A" or "Polaroid B" shown on Attachment A shall contain turtle barriers at or near the limits of work, including along the edges of the proposed roadway corridor that will link "Polaroid A" and "Polaroid B," to keep turtles out of the development sites. The design of such turtle barriers shall generally conform to one or more of the alternative specifications set forth in the Conservation Plan, and the final turtle barrier specifications shall be approved in writing by the Division prior to commencement of construction activities on these parcels. The Permit Holder shall maintain the turtle barriers in good condition in perpetuity.
12. **Roadway Crossing to "Polaroid B".** The future roadway crossing that will provide access to "Polaroid B" across wetlands shall be designed to minimize wetland filling consistent with providing safe and practical access in accordance with an Order of Conditions issued under the Massachusetts Wetlands Protection Act and implementing regulations (310 CMR 10.00). Open bottom box culverts with steel grating on top to allow light penetration, spaced at one-hundred fifty foot intervals, or alternative means of transmission for animals under the roadway acceptable to the Division as specified in an Order of Conditions, shall be provided. Subject to those limitations, the Division hereby approves under 310 CMR Sections 10.59 and 10.60 construction of the roadway crossing of wetlands associated with "Polaroid B." Final approval of the proposed wetland crossing will be issued in the form of a letter from the Division to the New Bedford Conservation Commission once a Notice of Intent with engineered site plans, including wildlife crossings, has been filed.

13. **Buffer Zone Protection on "Polaroid B"** Unless otherwise approved by the Division, building footprint and paved parking areas associated with future development of "Polaroid B" shall be kept outside of the 50-foot Wetland Buffer Zone shown on Attachment C (the "50-Foot Buffer"). The requirement that building footprint and paved parking areas be located outside the 50-Foot Buffer shall not apply to: (a) roadway and utility crossings of the 50-Foot Buffer; (b) detention, retention, and other drainage improvements within the 50-Foot Buffer; (c) wetlands replication work within the 50-Foot Buffer; and (d) additional encroachments of impervious surfaces within the 50-Foot Buffer not exceeding 5000 square feet. With the exception of the proposed wetland road crossing and wetlands replication areas, all wetland and at least 75% of the 100-Foot Wetland Buffer Zone on "Polaroid B" will be excluded from development, and maintained in a natural state or managed as habitat for the Eastern Box Turtle, in perpetuity. With respect to Polaroid B, the Division has determined that construction in compliance with this paragraph would not adversely affect the habitat value of the resource areas protected by the Massachusetts Wetlands Protection Act. In all events, final approval of such work will be issued by the Division pursuant to 310 CMR Section 10.59 and 10.60 in the form of a letter from the Division to the relevant Conservation Commission once a Notice of Intent with engineered site plans has been filed.
14. **Review of Other Buffer Zone Work.** With respect to future work that may be proposed within the buffer zone of resources protected by the Massachusetts Wetlands Protection Act, but outside of the Habitat Protection Areas, the Division has determined that such buffer zone work would not adversely affect the habitat value of such resource areas as they relate to the Eastern Box Turtle, as long as: (a) such work occurs north of the New Bedford Gas & Electric Easement that traverses the Site; (b) such work does not cause a direct physical impact on the resource area, e.g., by uncontrolled siltation impacts destroying vegetation within a resource area; and (c) such work does not include the installation of water withdrawal wells. In all events, final approval of such work will be issued by the Division pursuant to 310 CMR Section 10.59 and 10.60 in the form of a letter from the Division to the relevant Conservation Commission once a Notice of Intent with engineered site plans has been filed.
15. **Curbing.** Future curbing installation throughout the site shall be low-profile "Cape-cod Berm" style curbing to reduce road mortality to Eastern Box Turtles and other species, except as needed at roadway intersections and drainage inlets.
16. **Construction period mitigation to minimize impacts to Eastern Box Turtles.** The Permit-Holder and successors shall retain a wildlife biologist to oversee compliance with construction period mitigation designed to avoid or minimize impacts to rare turtles and other wildlife. Such mitigation shall include installing silt-fencing, or other similar barriers at the limits of work of each proposed construction project to restrict the movement of turtles, and an effort to remove rare turtles from each construction site prior to the initiation of work, but after the construction barriers are in place. Prior to the start of any work, the Permit Holder or Successor responsible for a particular portion of the site shall submit the name of the wildlife biologist for approval by the Division.

Except as stated above in paragraphs 10, 11, 12, 13, 14, 15, and 16, this Conservation Permit authorizes, and places no restriction upon, construction activities and uses on the Site located outside of the Habitat Protection Areas defined in paragraph 8 above, from and after the date hereof. However, proposed work on the Site by entities other than the Permit Holder, successor and assigns, or other owners or operators of the site that have elected to be bound by the terms and conditions of the permit, in accordance with the procedures outlined in Paragraph 5, shall not be subject to the terms of this Conservation and Management Permit, and shall be subject to independent review by the Division for compliance with the MESA Regulations (321 CMR 10.00).

Conservation Permit 004-032.DFW

Re-issued this 12th day of October, 2004.

Wayne F. MacCallum
Wayne F. MacCallum, Director
Massachusetts Division of Fisheries & Wildlife

Copies:

Tom Davis
Greater New Bedford Industrial Foundation
227 Union Street
New Bedford, MA 02740

Executive Office of Environmental Affairs
Attn: MEPA Office, Nick Zavolas
251 Causeway Street, Suite 900
Boston, MA 02114

Martin Healy
Goodwin Procter LLP
Exchange Place
Boston, MA 02109

Zachary Drench
Rackemann, Sawyer, & Brewster
One Financial Center
Boston, MA 02114

Brian Butler
Oxbow Associates, Inc.
P.O. Box 971
Acton, MA 01720

Sam Mygatt
Epsilon Associates Inc.
150 Main Street
Maynard, MA 01754-0700

Dartmouth Conservation Commission
400 Slocum Road
P. O. Box 9399
North Dartmouth, MA 02747

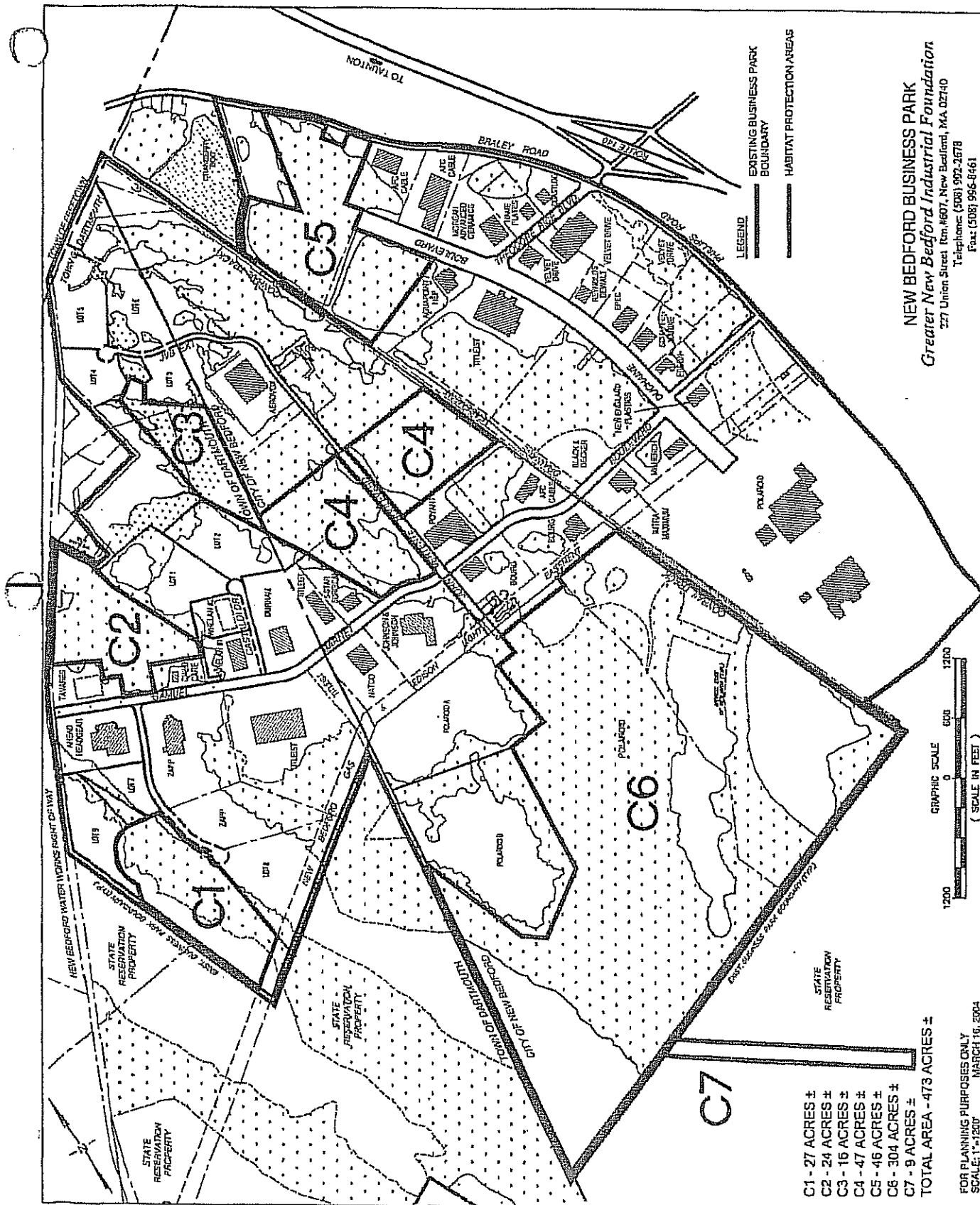
Dartmouth Board of Selectmen
400 Slocum Road
P. O. Box 9399
North Dartmouth, MA 02747

New Bedford Conservation Commission
City Hall
Room 211
New Bedford, MA 02740

New Bedford City Council
City Hall
Room 211
New Bedford, MA 02740

DEP Southeast Regional Office, Wetlands Program
20 Riverside Drive
Lakeville, MA 02347

Senator Mark Montigny
State House, Room 511C
Boston, MA 02133



- C1 - 27 ACRES ±
- C2 - 24 ACRES ±
- C3 - 16 ACRES ±
- C4 - 47 ACRES ±
- C5 - 46 ACRES ±
- C6 - 304 ACRES ±
- C7 - 9 ACRES ±
- TOTAL AREA - 473 ACRES ±**

VII. Stormwater Management System Report & Addendum 1

(via separate cover)

VIII. Proposed Site Development Plans

(via separate cover)