

Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands

New Bedford City/Town

WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 And the Town of Nantucket Wetlands Bylaw Chapter 136

A. General Information

I. Ap	pplicant:				
Fr	iends Realty, Inc. C/O Sid Wainer & Son	tomf@sidwainer.com E-Mail Address			
-	me				
23	301 Purchase Street				
Ma	ailing Address				
Ne	ew Bedford	MA	02746		
Cit	ty/Town	State	Zip Code		
Ph	one Number	Fax Number (if applicable)			
2. R	epresentative (if any):				
	te Design Engineering, LLC.				
Fir					
-	nomas Hardman	thardman@sitedesigneng.com			
	ontact Name	E-Mail Address	5		
	Cushman Street				
	iddleboro	MA	02346		
	ty/Town	State	Zip Code		
	08-219-0202	508-967-06			
-	none Number	Fax Number (if applicable)			
l. Ir	request the New Bedford make the following Conservation Commission	determination(s	s). Check any that apply:		
	a. whether the area depicted on plan(s) and/or map(s) ref jurisdiction of the Wetlands Protection Act.	erenced below	is an area subject to		
	b. whether the boundaries of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.				
\boxtimes	c. whether the work depicted on plan(s) referenced below	is subject to the	Wetlands Protection Act.		
\boxtimes	d. whether the area and/or work depicted on plan(s) reference of any municipal wetlands ordinance or bylaw of:	enced below is	subject to the jurisdiction		
	New Bedford				
	Name of Municipality				
	e. whether the following scope of alternatives is adequate for work in the Riverfront Area as depicted on referenced plan(s).				



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C. Project Description

1.	a. Project Location (use maps and plans to identify the location of the area subject to this request)						
	2301 Purchase Street	New Bedford					
	Street Address	City/Town					
	97	9					
	Assessors Map/Plat Number	Parcel/Lot Number					
	b. Area Description (use additional paper, if necessary):						
	See attached narrative for additional information.						
	c. Plan and/or Map Reference(s):						
	Proposed Sewer Replacement Plan	July 25, 2014					
	Title	Date					
	Title	Date					
	Title	Date					
2.	a. Work Description (use additional paper	a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):					
	Replacement of an existing sewer line located within a previously altered and paved portion of the Subject Property within the 100-foot buffer to a BVW located on adjacent properties (see attached narrative).						



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C. Project Description (cont.)

N/A	
	If this application is a Request for Determination of Scope of Alternatives for work in the verfront Area, indicate the one classification below that best describes the project.
	Single family house on a lot recorded on or before 8/1/96
	Single family house on a lot recorded after 8/1/96
	Expansion of an existing structure on a lot recorded after 8/1/96
	Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
	New agriculture or aquaculture project
	Public project where funds were appropriated prior to 8/7/96
	Project on a lot shown on an approved, definitive subdivision plan where there is a recorded de restriction limiting total alteration of the Riverfront Area for the entire subdivision
	Residential subdivision; institutional, industrial, or commercial project
	Municipal project
	District, county, state, or federal government project
	Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.
b. ab	Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification ove (use additional paper and/or attach appropriate documents, if necessary.)
N/A	4



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Name and address of the property owner:

New Bedford City/Town

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D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Friends Realty, Inc. C/O Sid Wainer & Son	
Name	
2301 Purchase Street	
Mailing Address	
New Bedford	
City/Town	
MA	02746
State	Zip Code
I also understand that notification of this Request will be p in accordance with Section 10.05(3)(b)(1) of the Wetlands	
Signature of Applicant	Date
James W. Farenge	7/25/14
Signature of Representative (if any)	Date

DOC.34577

From Transfer Registration Book 22

Certificate No. 4689 Page

335

, Originally Registered

for the South

August 24.

19 50, in

Registry District of Bristol County This is to Certify that Friends Realty, Inc., a corporation duly organized under the laws of the Commonwealth of Massachusetts and having its principal

New Bedford

in the County of

Bristol

and Commonwealth of Massachusetts,

** is

the owner in fee simple

tokent

of certain parcel of land situate in New Bedford

in the County of

Bristo1

and said Commonwealth, bounded and described as follows:

FIRST PARCEL:

Westerly

the easterly line of Myrtle Street, two hundred twenty-six (226) feet;

Northwesterly

three hundred eighty-four (384) feet;

Northeasterly

ten (10) feet, and again Northwesterly

five hundred forty-seven and 20/100 (547.20) feet

by Lot $\ensuremath{\mathtt{B}}$ on plan hereinafter mentioned;

seventy and 69/100 (70.69) feet;

Northeasterly Northerly

three and 99/100 (3.99) feet, and again

Northeasterly one hundred thirty-seven and 51/100 (137.51) feet

by the southwesterly line of Purchase Street; and

land now or formerly of Geo. S. Homer, Tr., and Pierce Brothers Limited, nine hundred sixty-four

and 79/100 (964.79) feet.

All of said boundaries are determined by the Court to be located as shown on subdivision plan 6644B, the same being compiled from a plan drawn by Thomas W. Williams, City Engineer, of New Bedford, dated December 22, 1937, and additional data on file in the Land Registration Office, all as modified and approved by the Court a copy of which is filed in Bristol County (S.D.) Registry of Deeds, in Land Registration Book 13, Page 15, with

Certificate of Title No. 2795 and shown thereon as Parcel A.

ss of Owner: 13 South Sixth Street New Bedford, Massachusetts

SECOND PARCEL: Northeasterly Southwesterly Southeasterly Westerly Northwesterly	by by	20/100 (5.20) feet; and	RTHICATE	DISCHARGE	
nine hundred thirty-one and 107100 (757.10) Said land is shown as Lot B-1 on subdivision plan 6644C, drawn by Patrick J. Foley, Commissioner of Public Works, dated June 19, 1945, and filed in the Land Registration Office at Boston, a copy of which is filed in Bristol County (S.D.) Registry of Deeds, in Land Regis tration Book 16, Page 365, with Certificate of Title No. 3597.					
				DATE OF	D. H.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said Friends Realty, Inc.

to said land is registered under said Chapter, subject, however, to any of the encumbrances mentioned in Section forty-six of said Chapter, subject and subject and subject in the said Chapter. forty-six of said Chapter, which may be subsisting, and subject also to

said

Witness, WILLIAM I. RANDALL, Esquire, Judge of the Land Court, at New Bedford in The County

the twenty-third Bristol

in the year nineteen hundre day of September

4 o'clock and 8 minutes in the after noon. and seventy-four at

Attest, with the Seal of said Court, LAND COURT CASE NO. 6644

Assistant Recorder.

KIND DOCUMENT

DATE OF INSTRUMENT

TERMS

RUNNING IN FAVOR OF

Easement taken for widening of Purchase(w)

PROJECT DESCRIPTION

2301 Purchase Street NEW BEDFORD, MASSACHUSETTS

July 25, 2014

INTRODUCTION

The purpose of this Request for Determination of Applicability (RDA) is to request that the New Bedford Conservation Commission (Commission) review the extent of Vegetated Wetland resource area boundaries and associated buffer zones under the Massachusetts Wetland Protection Act (WPA) and New Bedford Wetlands Protection Ordinance (Ordinance) and grant permission to perform a sewer line upgrade within the 100-foot buffer zone to a Bordering Vegetated Wetland (BVW) for property located at 2301 Purchase Street (Map 97 Parcel 9) in New Bedford (Subject Property).

This RDA application is being submitted by the following property owner:

2301 Purchase Street

(Map 97 Lot 9) Friends Realty, Inc. C/O Sid Wainer & Son 2301 Purchase Street New Bedford, MA 02746

SITE OVERVIEW & EXISTING CONDITIONS

The Subject Property consists of an approximately 4.66 acre commercial property located on the west side of Purchase Street (see Figures 1 through 3 and Site Plan). To the north the Subject Property is bordered by Van Buren Street, a paved public way, and commercial properties. To the east the Subject Property is bordered by Purchase Street, a paved public way, and commercial properties. To the west the Subject Property is bordered by Myrtle Street, a paved public way, and residential properties. To the south the Subject Property is bordered by a small undeveloped area which contains wetlands and is in turn bordered by commercial properties (see Figures 1 through 3 and Site Plan). The Subject Property is currently developed and is the site of multiple commercial buildings, paved driveways, and paved parking areas. A vegetated Wetland Resource Area (BVW) is located on the two properties directly to the south of the Subject Property. The extent of this wetland resource area has been delineated, flagged, and survey located in the field. Portions of the BVW boundary (WF-8 and WF-9) are located within 10 feet of the southern boundary of the Subject Property. The southern portion of the Subject Property adjacent to the BVW is currently paved and contains existing utility lines including an existing sewer line. The majority of the southern portion of the Subject Property is located within the 100-foot BVW buffer zone (see Site Plan).

PROPOSED ACTIVITIES

Since the BVW is located on abutting properties, not all of which are controlled by the Applicant, the Applicant is not requesting that the Commission officially confirm the extent of the BVW resource area. Instead, the Applicant is requesting that the Commission approve the upgrade of an existing sewer line located within a previously altered and paved portion of the Subject Property which is within the 100-foot BVW buffer zone.

Sewer Upgrade

The Applicant is proposing to excavate and replace the existing sewer connection with an upgraded sewer connection. All work will be performed within previously altered and paved portions of the Subject Property. Sedimentation control will be installed along the southern boundary of the Subject Property adjacent to the proposed work area (see Site Plan). Upon completion of the sewer upgrade, the disturbed area will be repaved. Since all work will occur within previously altered and paved portions of the Subject Property, the proposed sewer upgrade will not result in any new or additional adverse impacts to the BVW or the associated buffer zones.

NHESP / MESA

The Subject Property is located entirely outside of any Natural Heritage and Endangered Species Program (NHESP) mapped Estimated or Priority Habitat of Rare and Endangered Species as indicated on the 2008 NHESP Atlas as available from MassGIS (see Figure 5).

EROSION / SEDIMENTATION CONTROL & CONSTRUCTION PROTOCOL

Sedimentation controls (silt fencing) will be installed along the southern portion of the Subject Property adjacent to the proposed work area (see Site Plan). The proposed sedimentation controls will prevent siltation into the BVW and will help avoid or minimize any adverse impacts to the BVW.

WETLAND RESOURCE AREAS

The scope of work proposed in this RDA includes the replacement of an existing sewer connection which is located within a previously altered and paved portion of the Subject Property located within the 100-foot BVW buffer zone. The Applicant is <u>not</u> requesting that the Commission officially confirm the extent of the BVW on the adjacent properties not all of which are controlled by the Applicant. Instead, the Applicant is requesting that the Commission approve the proposed utility upgrade within a previously altered portion of the BVW buffer zone subject to the jurisdiction of the New Bedford Conservation Commission under the State Wetlands Protection Act (310 CMR 10.00, Act) and it implementing Regulations (Regs) and the New Bedford Wetlands Protection Ordinance (§15-101, Ordinance):

- Offsite Bordering Vegetated Wetland (BVW) (Site Plan); and
- 100-foot buffer to a BVW (Figure 4 and Site Plan)

The extent of the off-site wetland resource area has been delineated, flagged, and survey located in the field. The edge of the resource area is marked by an abrupt change in slope and vegetation type.

CONCLUSION

The Applicant is proposing to perform a utility upgrade (sewer) located within a portion of the Subject Property which contains the existing sewer line and has been previously altered and paved. The proposed sewer upgrade will be located entirely within the 100-foot BVW buffer zone to an offsite BVW. Siltation barriers will be installed along the southern boundary of the Subject Property to prevent siltation into the BVW. The Proposed Project has been designed to minimize or avoid any new or additional adverse impacts to the BVW resource area or associated buffer zones. Therefore, the Applicant respectfully requests that the Commission confirm the presence of a BVW buffer zone on the Subject Property and permit utility replacement within previously altered and paved portions of the BVW buffer zone on the Subject Property.



