

# REQUEST FOR DETERMINATION OF APPLICABILITY

## Fishermans Memorial Improvements

City of New Bedford

May 2014





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Cambridge, Massachusetts 02139  
tel: 617 452-6000  
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cdmsmith.com

May 21, 2014

New Bedford Conservation Commission  
New Bedford City Hall  
133 Williams Street  
New Bedford, Massachusetts 02740

Subject: Request for Determination of Applicability – Fishermans Memorial Improvements  
City of New Bedford - Applicant

Dear Commission Members:

CDM Smith Inc. (CDM Smith) is pleased to submit this Request for Determination of Applicability (RDA) on the behalf of the City of New Bedford (the City) for the above referenced project. The Fishermans Memorial Improvements Project consists of constructing an elevated promenade with a cobble stone wall, memorial statue, and plantings on top of Monkeys Island pier off East Rodney French Boulevard and pier restoration. The pier restoration involves removing and replacing the existing concrete cap, replacing and/or resetting missing granite blocks, and replacing concrete along the north edge of the pier down to the existing concrete footing.

We estimated that approximately 20,550 square feet of Land Subject to Coastal Storm Flowage (LSCSF) will be altered from the construction of the elevated promenade and associated improvements since the existing pier is located below the 100-year flood elevation of 15.28 feet (New Bedford City Datum). There will also be some minor temporary alteration to Land Under Ocean, Coastal Beach and Coastal Bank (i.e. concrete reinforced stone pier) from the pier repairs; however, this work will not remove, fill, dredge, or alter these resource areas. Straw wattles will be placed at the limits of work to prevent sediment and debris from entering adjacent coastal beach during construction.

Please advertise this project for your next available scheduled meeting. We understand that the next available public hearing is scheduled for June 3, 2014.

Please call either Kim Drake or me at (617) 452-6000 if you want to schedule a site visit or if you have any questions regarding this RDA.

Very truly yours,

Magdalena Lofstedt  
Environmental Scientist  
CDM Smith Inc.

c: MassDEP - Southeast Regional Office  
Ron Labelle - City of New Bedford  
Kim Drake, Shawn Syde - CDM Smith



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Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

New Bedford  
City/Town

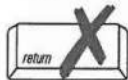
**WPA Form 1- Request for Determination of Applicability**

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

**A. General Information**

**Important:**

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



1. Applicant:

City of New Bedford, Ronald H. Labelle

ronaldi@newbedford-ma.gov

Name

E-Mail Address

1105 Shawmut Avenue

Mailing Address

New Bedford

MA

02746

City/Town

State

Zip Code

508-979-1556

508-961-3054

Phone Number

Fax Number (if applicable)

2. Representative (if any):

CDM Smith Inc.

Firm

Magdalena Lofstedt

lofstedtmh@cdmsmith.com

Contact Name

E-Mail Address

50 Hampshire Street

Mailing Address

Cambridge

MA

02169

City/Town

State

Zip Code

617-452-6597

617-452-6597

Phone Number

Fax Number (if applicable)

**B. Determinations**

1. I request the New Bedford make the following determination(s). Check any that apply:  
Conservation Commission

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☒ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☒ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

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).



## WPA Form 1- Request for Determination of Applicability

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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):

East Rodney French Boulevard

Street Address

6

Assessors Map/Plat Number

New Bedford

City/Town

2

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

The existing Fishermans Memorial is located on the existing stone pier which projects in a west to east direction into the outflow region of the Acushnet River off East Rodney French Boulevard, near the intersection of Nina Street. The stone pier is of stone fill granite ashlar masonry construction founded on firm beach sands and gravel. The outermost stone walls were placed atop a concrete footing at about the mean low water (MLW) level with the inshore portions founded directly on beach sand. The top of the stone walls perimeter is capped with a reinforced concrete curb/cap that extends app. 10 inches above the deck surface and is paved with bituminous concrete. The pier is app. 64 feet wide by 330 feet long.

- c. Plan and/or Map Reference(s):

Cover Sheet and Sheet L-1 through L-5

Title

May 2014

Date

Title

Date

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

The City of New Bedford proposes to construct a new elevated promenade to be placed on top of the pier deck and consisting of light weight core with cobble stone wall and plantings along most of the north side and stepped granite block wall along the south facing side. New fill will be placed from the existing grade near the inshore of the pier to an elevated viewing area approximately 8 feet above the existing deck near the outshore end of the pier. The City is also proposing structural improvements to the existing pier. See Attachment A for a detailed project description.



## WPA Form 1- Request for Determination of Applicability

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### C. Project Description (cont.)

- b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

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3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront 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 deed 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. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

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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

**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.

Name and address of the property owner:

City of New Bedford, Ronald H. Labelle

Name

1105 Shawmut Avenue

Mailing Address

New Bedford

City/Town

MA

State

02746

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

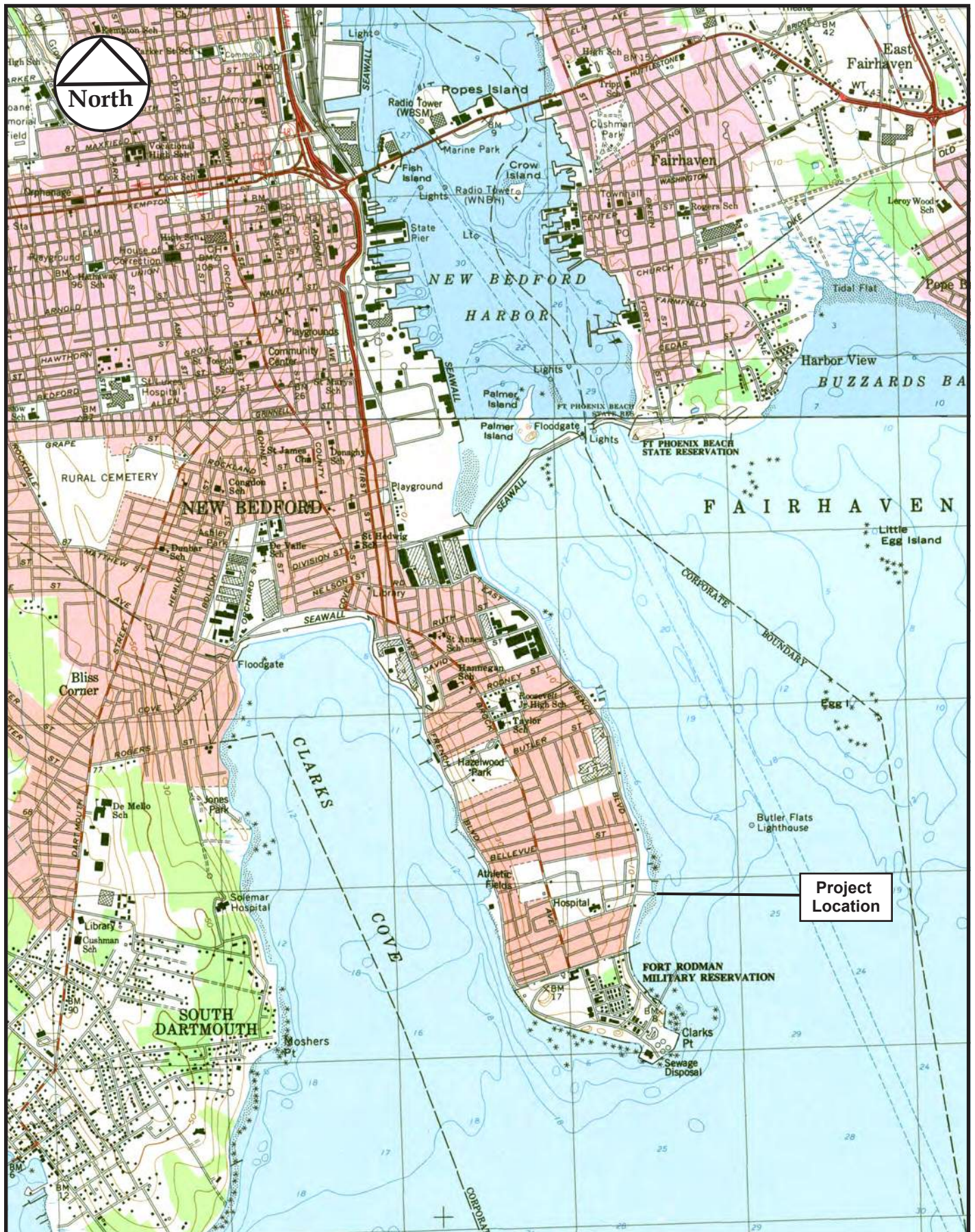
Signature of Applicant

Date

Signature of Representative (if any)

Date





0 1000 2000  
Scale in Feet

City of New Bedford, Massachusetts  
Fishermen's Memorial Improvements

**Figure 1**  
**Project Location Plan**

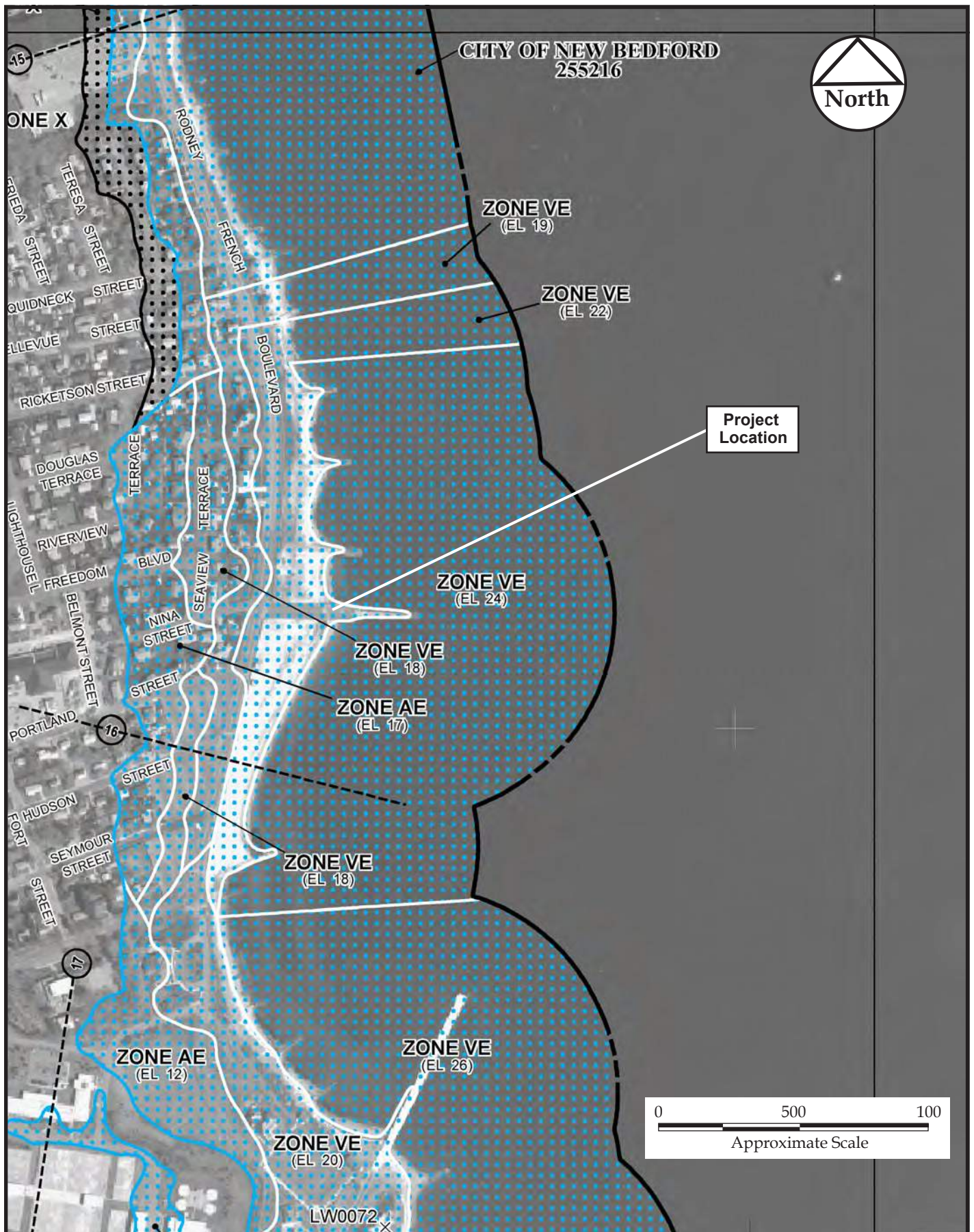




Source:  
MassGIS

City of New Bedford, Massachusetts  
Fishermans Memorial Improvements





Source: FEMA Flood Insurance Rate  
Map Community Panel  
25005C0481F, 25005C0482F

City of New Bedford, Massachusetts  
Fishermans Memorial Improvements





Source: Google Earth Pro 2013

City of New Bedford, Massachusetts  
Fishermen's Memorial Improvements



## **Attachment A**

### **Project Narrative**

# Attachment A

## Project Narrative

### 1.0 Project Description

This Request for Determination of Applicability (RDA) is submitted to the New Bedford Conservation Commission on behalf of City of New Bedford (the City) for the Fishermans Memorial Improvements located at Monkeys Island off East Rodney French Boulevard (Map 6 Lot 2). The City proposes to construct a new elevated promenade on top of the existing stone pier (see Figure 1: Project Location Map). The elevated promenade will consist of a light weight fill core with a cobble stone wall and plantings along the north side and a stepped granite block wall along the south facing side. The City also proposes structural repairs to the existing stone pier.

The project purpose is to honor the memory of fishermen lost at sea and improve the existing public waterfront park. The proposed work is located within Land Subject to Coastal Storm Flowage (LSCSF) and the 100-foot Buffer Zone to Coastal Bank (i.e. top of the pier), and some of the structural pier repairs are located within Land Under Ocean, Coastal Bank (i.e. concrete reinforced stone pier), and access is required via the adjacent Coastal Beach.

The following sections address the project background, existing on-site wetland conditions, work proposed within and adjacent to wetland resource areas, proposed measures to mitigate construction impacts, and compliance with the performance standards of the *Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00)*.

### 2.0 Project Background

The existing stone pier was constructed prior to 1935. MassDEP Waterways License 1720 was issued on September 17, 1935, and authorized rebuilding of the stone pier, and to build and maintain four new stone jetties in Acushnet River. Subsequent MassDEP Waterways License 2514, was granted and issued on August 4, 1942, to remedy discrepancies between the structures actually built and those authorized by License 1720. License 2514 also authorized maintenance of the stone pier and the four stone jetties in conformance with the plan approved as part of License 2514.

The existing Fishermans Memorial is located on the existing stone pier which projects in a west to east direction into the outflow region of the Acushnet River off East Rodney French Boulevard, near the intersection of Nina Street. The existing memorial, which is a dedication to the East Beach from 1958, consists of a monument, a flagpole, and eight concrete benches. The monument will be relocated to the south side of the new Fishermans Memorial. The pier consists of stone fill granite ashlar masonry construction founded on firm beach sands and gravel. The outermost stone walls were placed atop a concrete footing at about the mean low water (MLW) level with the inshore portions founded directly on beach sand. The top of the stone walls perimeter is capped with a reinforced concrete curb/cap that extends approximately 10 inches above the deck surface and is paved with bituminous concrete. The pier is approximately 64 feet wide by 330 feet long.

### 3.0 Existing Conditions

Wetlands in the project area were not flagged since wetland resource areas consists of Land Under Ocean, stone pier (Coastal Bank), Coastal Beach, and Land Subject to Coastal Storm Flowage, see Site Photographs in Attachment B. The Top of Coastal Bank was determined per the Wetlands Program Policy 92-1 (DWW Policy 92-1) dated March 3, 1992 and based on the existing survey.

#### 3.1 Land Under Ocean

Land under the Ocean is defined as

*“means land extending from the mean low water line seaward to the boundary of the municipality’s jurisdiction and includes land under estuaries.” [310 CMR 10.25 (2)]*

The mean low water line is located at elevation -1.57 feet New Bedford City Datum (NBCD).

#### 3.2 Coastal Beach

Coastal Beach is defined as:

*“Unconsolidated sediment subject to wave, tidal and coastal storm action which forms the gently sloping shore of a body of salt water and includes tidal flats. Coastal beaches extend from the mean low water line landward to the dune line, coastal bankline or the seaward edge of existing man-made structures, when these structures replace one of the above lines, whichever is closest to the ocean.” [310 CMR 10.27 (1) (2)]*

Coastal beach is present both to the south and north of the existing stone pier, and extend from the mean low water elevation of -1.57 NBCD to the seaward edge of the stone pier.

#### 3.3 Coastal Bank

Coastal Bank is defined as:

*“the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other wetland.” [310 CMR 10.30 (2)]*

Coastal Banks are presumed to be significant to *“storm damage prevention and flood control... Coastal banks that, because of their height, provide a buffer to upland areas from storm waters are significant to storm damage prevention and flood control.” [310 CMR 10.30 (1)]*

There is no definition for "top of coastal bank" provided in the Act or the Regulations. A *Guide to the Coastal Wetlands Regulations*, prepared by the Massachusetts Coastal Zone Management Office, upon which Conservation Commissions and the Department have relied for guidance, states that the landward boundary of a coastal bank is *“the top of, or first major break in, the face of the coastal bank.”* Since the coastal bank is a concrete reinforced stone pier/granite block retaining wall, the following standard applies to determining the top of coastal bank in the project area:

*“A top of coastal bank will fall below the 100-year flood elevation and is the point where the slope ceases to be greater than or equal to 10:1.”* The top of coastal bank falls at the top of the granite



block sea wall to the north of the pier, along the perimeter of the concrete reinforced stone pier, and at the top of the concrete wall to the south of the pier.

### 3.4 Land Subject to Coastal Storm Flowage

Land Subject to Coastal Storm Flowage is defined as:

*“land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater.” [310 CMR 10.04 (2)]*

The Federal Emergency Management Act (FEMA) Flood Insurance Rate Map (FIRM) (See Figure 3) identifies the 100-year storm event in the project area. According to the FIRM, the 100-year flood elevation associated with the stone pier is elevation 17 feet North American Vertical Datum of 1988 (NAVD 88) (15.28 feet NBCD). The top of the existing pier 4.014 by the existing storm drain to elevation 5.353 feet at the inshore end.

## 4.0 Description of Proposed Improvements

### 4.1 Fishermans Memorial

The City is proposing to construct a new elevated promenade to be placed on top of the pier deck. The elevated promenade will have a lightweight structural fill core with a cobble block stone wall and plantings along most of the north side of the existing pier. Along the south side of the pier there will be a granite block wall with seats and a staircase with lumenrail lighted handrail leading up to a sculpture. The fill area will gradually rise from existing grade of 5.35 feet near the inshore end of the pier to an elevated viewing area approximately 8 feet above the existing deck near the outshore end of the pier. The new memorial sculpture will be placed on a footing set at approximately elevation 13.5 feet. There will be a concrete walkway surrounding the sculpture. New lighting will be installed and the existing monument will be relocated on the south side of the pier. A decorative bollard and chain will be installed along the perimeter of the pier for safety.

The plantings along the north side of the elevated walkway will be located within a bioretention area with granite curb and filled with a minimum of 4 feet of bioretention soils. The bioretention area will slope towards the cobble blocks to the north (See Detail Sheet L-3). The plantings will consist of a line of evergreens (a total of 9 Japanese black pines) and approximately 145 container grown swamp rose (*Rosa rugosa*).

Stormwater will be captured in a series of catch basins along the north perimeter of the pier and flow will be conveyed to the bioretention area. The new catch basins will have architectural dome covers. Flow collected in the bioretention area will be piped to the existing 18-inch diameter drain located parallel to the existing pier via a new 12-inch high density polyethylene (HDPE) pipe equipped with a new inline drain structure. A threshold drain will collect stormwater runoff along the south perimeter of the pier and connect to the new 12-inch HDPE pipe described above.

There will be no new fill placed outside of the existing footprint of the existing pier as licensed and approved per License No. 2514. There will be no new fill placed below the Mean High Water line of elevation 2.00 feet NBCD. A rendering of the elevated promenade and the new sculpture is included in Appendix B.

## 4.2 Pier Restoration

The stone pier was inspected for structural integrity by John Gaythwaite, P.E. of Maritime Engineering Consultants Inc. and determined to be in fair condition with some localized deficiencies due to missing and displaced stones primarily at the outshore end, damaged and deteriorated concrete cap, and substantially cracked pavement. Most of the displaced and missing stones are located along the outshore face and at the north east end of the pier. The south side of the pier is generally in better condition than the north side except for a section of severely cracked and spalled concrete cap with exposed and corroded reinforcement near the outshore end.

The pier restoration involves:

1. Remove the existing spalled and damaged concrete cap that extends approximately 10 inches above the deck surface and replace with a new 4-inch thick, fiber mesh reinforced concrete deck slab;
2. Replace and/or reset all missing and/or displaced granite block masonry and grout; and
3. Remove deteriorated and friable concrete from sections of concrete wall along north edge of pier and place new more durable concrete down to existing concrete footing.

## 5.0 Work Proposed in Wetland Resource Areas and Compliance with Performance Standards

All proposed work is located within Land Subject to Coastal Storm Flowage and the 100-ft Buffer Zone to Coastal Bank. In addition, the pier repairs will temporarily alter Coastal Bank and Land Under Ocean, as well as Coastal Beach for access. Since the water depth is nearly zero relative to the mean lower low water (MLLW) of -1.72 feet NBCD at the outboard end of the existing stone pier, the disturbance to Land Under Ocean (i.e. land below elevation -1.57 feet) is limited to resetting stone(s) at northeast outshore corner of the pier.

### 5.1 Land Under the Ocean

Projects which affect nearshore areas of Land Under the Ocean shall not cause adverse effects by altering the bottom topography so as to increase storm damage or erosion of coastal beaches, coastal banks, coastal dunes, or salt marshes [310 CMR 10.25(5)]. Furthermore, water-dependent work within Land Under the Ocean shall be designed and constructed using best available measures so as to minimize adverse effects [310 CMR 10.25 (6)].

The work proposed within Land Under the Ocean will only cause temporary changes in water circulation and turbidity. No vegetated shallows will be lost and this work will not change grain size distribution of bottom sediments. This project will have a long term benefit on Land Under the Ocean by improving the structural stability of the existing pier.

### 5.2 Coastal Beach

Alterations to Coastal Beach will be temporary from access to areas of the pier that require restoration/repair. Altered coastal beach will be restored to preconstruction conditions upon completion of the repairs. In accordance with 310 CMR 10.27 (2) (3) projects on coastal beaches

*“shall not have an adverse effect by increasing erosion, decreasing the volume or changing the form of any such coastal beach or adjacent or down drift coastal beach.”* Sedimentation and erosion controls will be in place during construction of the elevated promenade to prevent sediments from entering the coastal beach.

### 5.3 Coastal Bank

There are two types of Coastal Banks, one that serves as a sediment source to down drift land forms and the other type is a Coastal Bank that serves only as a vertical buffer to storm waters. Since these Coastal Banks serve as vertical buffers to storm waters, work on the banks shall comply with 310 CMR 10.30 (6) through (8) which include:

- 6) *Any project on such a coastal bank or within 100 feet landward of the top of such coastal bank shall have no adverse effects on the stability of the coastal bank.*

Pier repairs are proposed as part of the proposed project which will improve the stability of the existing structure.

- 7) *Bulkheads, revetments, seawalls, groins or other coastal engineering structures may be permitted on such a coastal bank except when such bank is significant to storm damage prevention or flood control because it supplies sediment to coastal beaches, coastal dunes, and barrier beaches.*

The existing stone pier does not provide sediment to coastal beaches, coastal dunes, and/or barrier beaches.

- 8) *Notwithstanding the provisions of 310 CMR 10.30(3) through (7), 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 10.37.*

The proposed project is partially located within Estimated and Priority Habitat as depicted on Figure 2. A separate MESA Review Checklist filing is being submitted to the NHESP.

### 5.4 Land Subject to Coastal Storm Flowage (LSCSF)

The entire project area is located within LSCSF. The elevation for the 100-year flood event is located at elevation 15.28 feet NBCD and V-Zone elevation is 16.28 feet NBCD (See Figure 3). Construction within LSCSF includes all activities described above. Approximately 20,550 square feet of LSCSF will be altered for the proposed improvements since the entire pier is located within LSCSF. Excavation and trenching work associated with the improvements will require construction equipment to excavate the rock fill of the existing stone pier. The rock fill will not be reused and will be disposed of off-site in accordance with applicable federal, state, and local regulations. All excavated areas within the rock fill will be lined with filter fabric before backfilled to prevent the backfill material from seeping/sinking into the rock fill. Backfill materials that will be used include processed gravel base, clean common fill, planting soil, bioretention soil, and riprap as shown of the project plans in Attachment E.

All precautions will be taken to assure that impacts to resource areas are minimal. Straw wattles will be installed around work areas to prevent migration of sediments into the Acushnet River. There are no performance standards for LSCSF. However, work is consistent with the “Interests of the Act”,



especially storm damage prevention and flood control. Construction will not impact flood flow and will continue to provide an unrestricted flow of flood waters. The contract specifications include detailed provisions for environmental protection, erosion and sedimentation control, and related topics. A City of New Bedford engineer will be on site throughout the construction phase to ensure the City crews adheres to these conditions. No adverse impacts to storm flooding will occur as a result of this project.

### 5.5 100-foot Buffer Zone to Coastal Bank

Work within the 100-foot Buffer Zone to Coastal Bank is described above and is limited to work on top of the existing stone pier. The proposed work will not affect the stability of the existing stone pier. Structural maintenance and repairs are proposed as part of the project to protect the interests of the Wetland Protection Act, specifically flood control and storm damage prevention.

## 6.0 Mitigation Measures

No adverse impacts to wetland resource areas are anticipated to occur as a result of this project. The following precautions will be taken to prevent impacts to adjacent wetland resource areas and to protect the interests of the Wetlands Protection Act:

- Failure to comply with the work as described herein, could be grounds to revoke or modify the Negative Determination of Applicability;
- The City will be required to comply with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations;
- Fill used for this project will be clean lightweight structural fill, processed gravel base, or crushed stone;
- The work shall conform to the plans, project description and mitigation measures referenced in this Request for Determination of Applicability;
- The project is being constructed by the City. CDM Smith is contracted to provide construction ready, approximately 60% design, drawings for the City to use for construction. The construction ready drawings will be submitted to the Conservation Commission at least one week prior to the commencement of work for the Commission's files;
- The Conservation Commission Agent will be notified of the project schedule and will be notified at least 48 hours prior to the start of work;
- The Conservation Commission Agent, members of the Conservation Commission and the Department of Environmental Protection will have the right to enter and inspect the area subject to the Determination of Applicability at reasonable hours to evaluate compliance with the RDA and construction ready drawings;
- All sedimentation barriers will be maintained in good repair until all disturbed areas have been fully stabilized. At no time will sediment be deposited in a wetland or water body. During construction, the applicant or his/her personnel will inspect the erosion controls on a daily basis

and will remove accumulated sediments as needed. The applicant will immediately control any erosion problems that occur at the site. Sediment barriers and the concrete cap will serve as the limit of work;

- Storm drain inlet protection will be provided for all storm drains which will collect runoff from the work area. This protection will prevent sediment from entering the storm drain system and being conveyed to wetlands or waterways;
- Straw wattles will be installed for excavation work within LSCSF and/or the 100-foot Buffer Zone to prevent migration of sediments into wetland resource areas;
- Temporary stockpiling of soil material will be upgradient of the sedimentation and erosion control barrier to prevent sediments from being transported to adjacent wetland resource areas;
- Maintenance and refueling of vehicles will not occur on the stone pier;
- A supply of “speedy dry,” oil absorbent pads, or an approved equivalent will be maintained with the construction equipment at all times which will be used to contain any accidental release of oil or other petroleum products during the field work; and
- Hydraulic lines and fuel lines on construction equipment and vehicles will be inspected at the end of each work to look for leaks. Any detected leaks will need to be repaired before the affected piece of equipment or vehicle can be used on the project site.

## 7.0 Summary

This project is proposed to improve the existing Fishermans Memorial and waterfront park. The entire project is located in LSCSF and the 100-foot Buffer Zone to Coastal Bank (i.e., on the top of the stone pier). The proposed pier restoration will improve the stability of the Coastal Bank and assure that the construction of the elevated promenade will not affect the stability of the Coastal Bank. The proposed project has been designed to protect the interests of the Wetlands Protection Act and the City of New Bedford Wetlands Protection Ordinance amended in Chapter 15 Article VII, specifically the flood control and storm damage prevention interests.

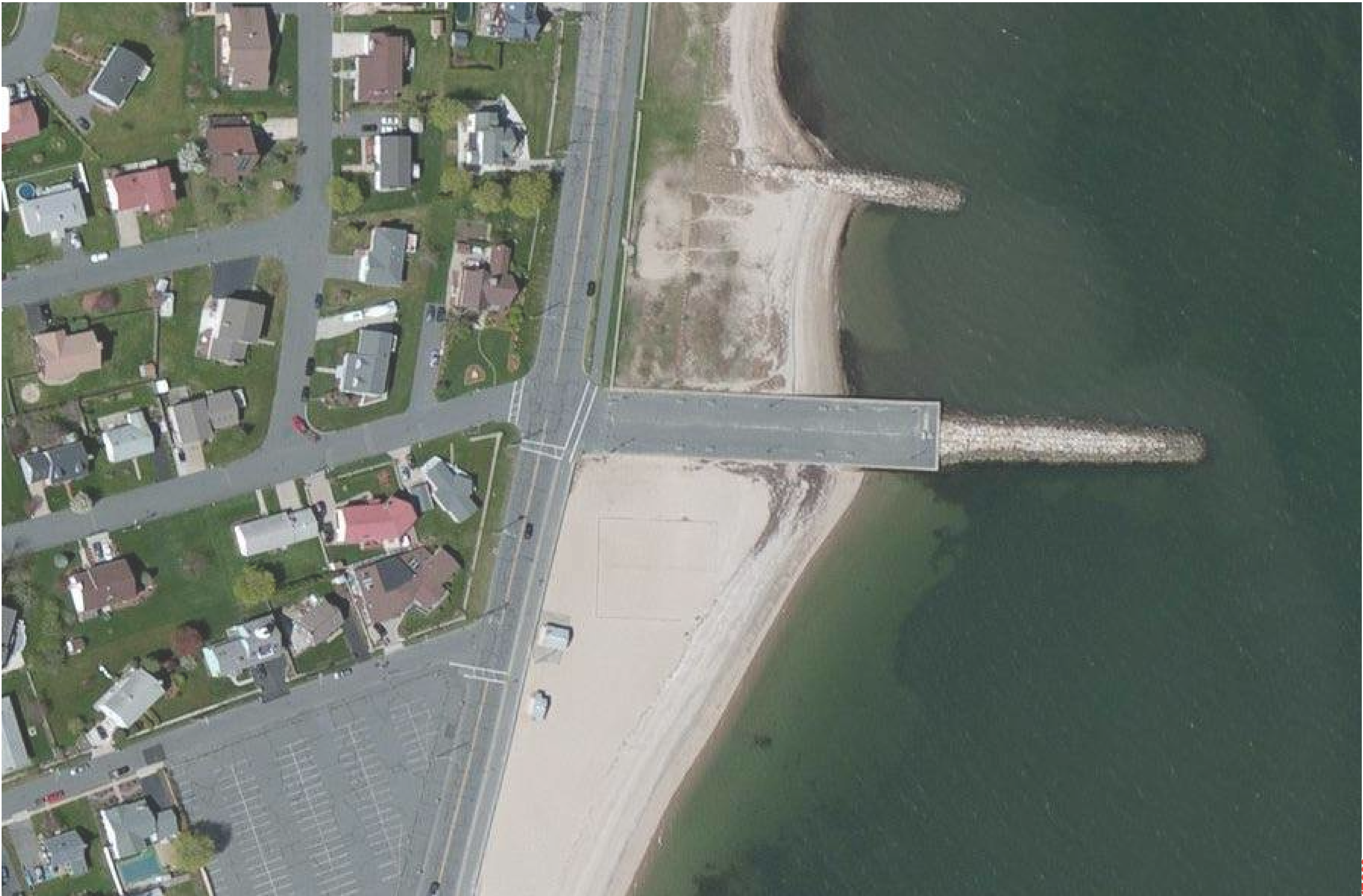
In conclusion, we respectfully request a negative Determination Applicability number two which reads, *“The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.”*

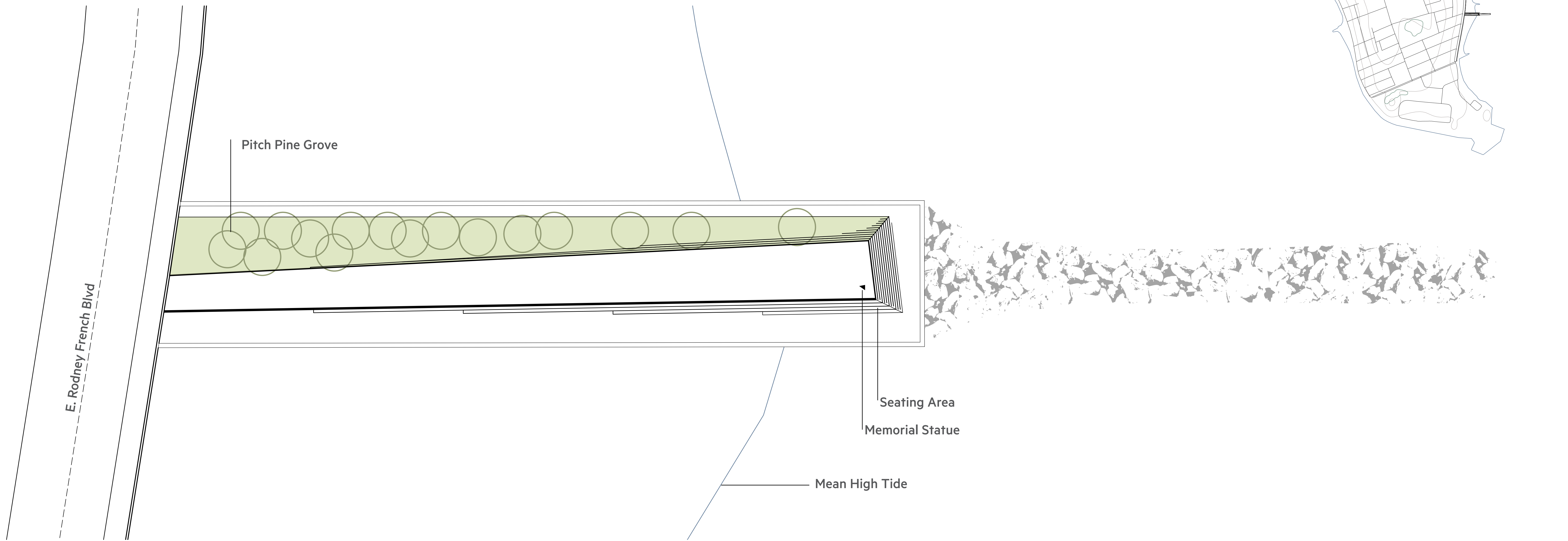
## **Attachment B**

### **Renderings of Fishermans Memorial**



# FISHERMAN'S MEMORIAL NEW BEDFORD, MA

















## **Attachment C**

### **Photographs**



## Photographs of Existing Stone Pier at Monkeys Island



Photograph No. 1: View of existing memorial facing east



Photograph No. 2: View of north side of existing stone pier



Photograph No. 3: View of landward end of existing pier and coastal beach, facing west



Photograph No. 4: View of north side of existing pier.





Photograph No. 5: View of existing concrete ramp and coastal beach, south side of pier



Photograph No. 6: View of coastal beach on south side of existing pier



Photograph No. 7: View of south side of pier



Photograph No. 8: View stone rubble mound groin at outshore end of the pier.





Photograph No. 9: Eroded and undermined concrete along north side of pier



Photograph No. 10: Existing 18-inch diameter drain parallel to south side of pier





Photograph No. 11: South side of existing pier, view facing north

## **Attachment D**

### **Certified Abutters List**

I, Camelia H. Amado, 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: 5/21/2014

SUBJECT PROPERTY:

MAP 6 LOT 2

LOCATION ES East Rodney French Boulevard

OWNER'S NAME City of New Bedford

MAILING ADDRESS 131 William Street, New Bedford, MA

CONTACT PERSON Magdalena Lofstedt, CDM Smith

TELEPHONE NUMBER 617-452-6597

EMAIL ADDRESS lofstedtmh@cdmsmith.com

REASON FOR REQUEST

Request for Determination of Applicability to be filed with the New Bedford Conservation Commission

Please mail the certified list to Magdalena Lofstedt, CDM Smith Inc., 50 Hampshire Street, Cambridge, MA 02139



May 20, 2014

Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as ES East Rodney French Boulevard (6-2). The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of Abutters.

<u>Parcel</u>	<u>Location</u>	<u>Owner and Mailing Address</u>
6-21	3 NINA ST	VINAGRE CARLOS DASILVA, VINAGRE MARIA HELENA ✓ 3 NINA ST NEW BEDFORD, MA 02744
6-23	1147 E RODNEY FRENCH BLVD	KERTZMAN HARVEY, KERTZMAN NOREEN ✓ 1147 ROD FR BLVD NEW BEDFORD, MA 02744
6-24	1157 E RODNEY FRENCH BLVD	ESTUDANTE ARMANDO M "TRUSTEE", ESTUDANTE LUCILIA F "TRUSTEE" ✓ 1157 EAST RODNEY FRENCH BLVD NEW BEDFORD, MA 02744
6-25	1169 E RODNEY FRENCH BLVD	SOARES MARIA H, ✓ 1169 EAST RODNEY FR BLVD NEW BEDFORD, MA 02744
6-26	1177 E RODNEY FRENCH BLVD	FLOREK JOANNE L, ✓ 1177 EAST RODNEY FRENCH BLVD NEW BEDFORD, MA 02744
8-397	1234 E RODNEY FRENCH BLVD	OTOOLE MARY M, ✓ 15 RESERVOIR STREET UNIT 31 MANSFIELD, MA 02048
6-45	1185 E RODNEY FRENCH BLVD	MCNAMARA JOHN F "TRUSTEE", 380 CRAWFORD STREET TRUST ✓ 58 OLD PRINCETON ROAD WEST STERLING, MA 01564
6-46	1197 E RODNEY FRENCH BLVD	HELGELAND ROBERT C, ✓ 71 BELLEVUE ST NEW BEDFORD, MA 02744
8-248	E RODNEY FRENCH BLVD	VINJERUD LARS II, 20 BLACKMER STREET NEW BEDFORD, MA 02740, 4
8-226	1219 E RODNEY FRENCH BLVD	FERNANDES JOHN JR, FERNANDES MARSHA F ✓ 1219 EAST RODNEY FRENCH BLVD NEW BEDFORD, MA 02744
8-225	1221 E RODNEY FRENCH BLVD	STONE MARGA L, ✓ 1221 EAST RODNEY FR BLVD NEW BEDFORD, MA 02744
6-2	E RODNEY FRENCH BLVD	CITY OF NEW BEDFORD, ✓ 131 WILLIAM ST NEW BEDFORD, MA 02740

8-253	1228 E RODNEY FRENCH BLVD	BEGIN JON E, BEGIN JOAN L 709 LAGOON DRIVE NORTH PALM BEACH, FL 33408
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Sincerely,



Patrick C. Day  
Staff Planner





## **Notification to Abutters under the City of New Bedford** **Wetlands Ordinance**

In Accordance with the City of New Bedford Wetlands Ordinance (New Bedford Code of Ordinances Sections 15-101 through 15-112) you are hereby notified of the following.

The name of the applicant is: City of New Bedford

The applicant has filed a Request for Determination of Applicability for the municipality of New Bedford, Massachusetts seeking permission to remove, fill, dredge or alter an area subject to protection under the City of New Bedford Wetlands Ordinance (New Bedford Code of Ordinances Sections 15-101 through 15-112). Fishermans Pier off

The address of the lot where the activity is proposed is: East Rodney French Boulevard  
Assessor's Map 6; Lot 2

Copies of the Request for Determination of Applicability may be examined at the New Bedford Conservation Commission, City Hall, 133 William St. Room 304 New Bedford, MA 02740 between the hours of 8:00 AM and 4:00 PM, Monday through Friday. For more information call (508) 991-6188.

Copies of the Request for Determination of Applicability may be obtained from either (check one) the applicant \_\_\_\_\_ or the applicant's representative X by calling this telephone number (617) 452-6597 between the hours of 8:00 AM and 4:00 PM on the following days of the week: Monday through Friday.

Information regarding the date, time and place of the public hearing may be obtained from New Bedford Conservation Commission by calling 508-991-6188 between the hours of 8:00 AM and 4:00 PM Monday through Friday.

Note: Notice of the Public hearing, including its date, time and place, will be posted in the City Hall not less than forty eight (48) hours in advance of the meeting.

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

Note: You may also contact the New Bedford Conservation Commission at 508-991-6188 for more information about this publication or the City of New Bedford Wetlands Ordinance

**Attachment E**  
**Project Plans (Bound Separately)**

# NEW BEDFORD FISHERMANS MEMORIAL IMPROVEMENTS

CITY OF NEW BEDFORD, MASSACHUSETTS  
MAY, 2014



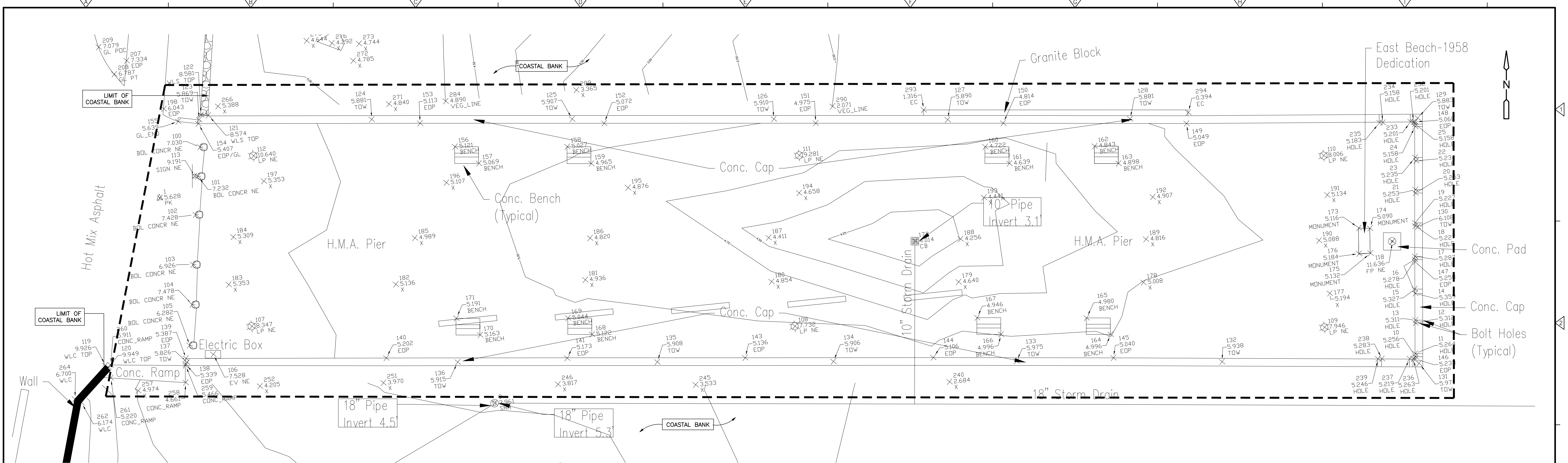
LIST OF DRAWINGS

SHEET NO.	TITLE
L-1	EXISTING CONDITIONS, DEMOLITIONS, REMOVALS
L-2	LAYOUT, MATERIALS, GRADING, AND DRAINAGE
L-3	SITE SECTIONS
L-4	DETAILS I
L-5	DETAILS II



CAMBRIDGE, MASSACHUSETTS



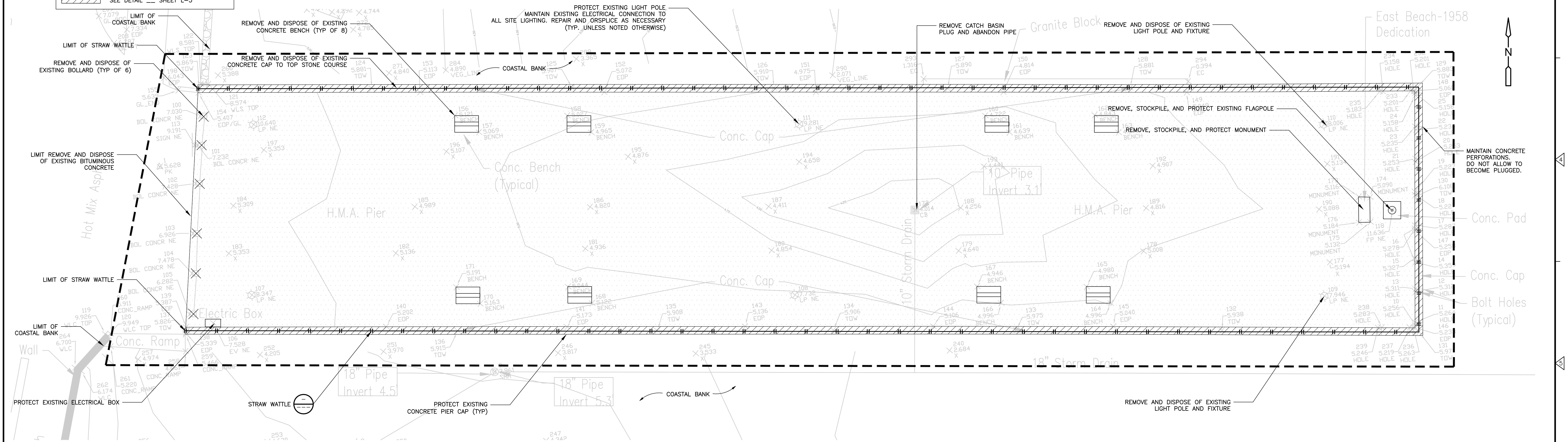


**LEGEND:**

- LIMIT OF WORK
- STRAW WATTLE
- REMOVE AND DISPOSE OF EXISTING BITUMINOUS CONCRETE PAVEMENT
- REMOVE AND DISPOSE OF EXISTING CONCRETE CAP TO TOP STONE COURSE SEE DETAIL --- SHEET L-5

- NOTE:**
- 100-YR FLOODPLAIN ELEVATION IS LOCATED AT 15.28 FT NBOD
  - STRAW WATTLE SHALL BE INSTALLED UPON REMOVAL OF EXISTING CONCRETE CAP AT PERIMETER OF EXISTING PIER, STRAW WATTLE SHALL BE REMOVED UPON CONSTRUCTION OF NEW CONCRETE PERIMETER CAP.

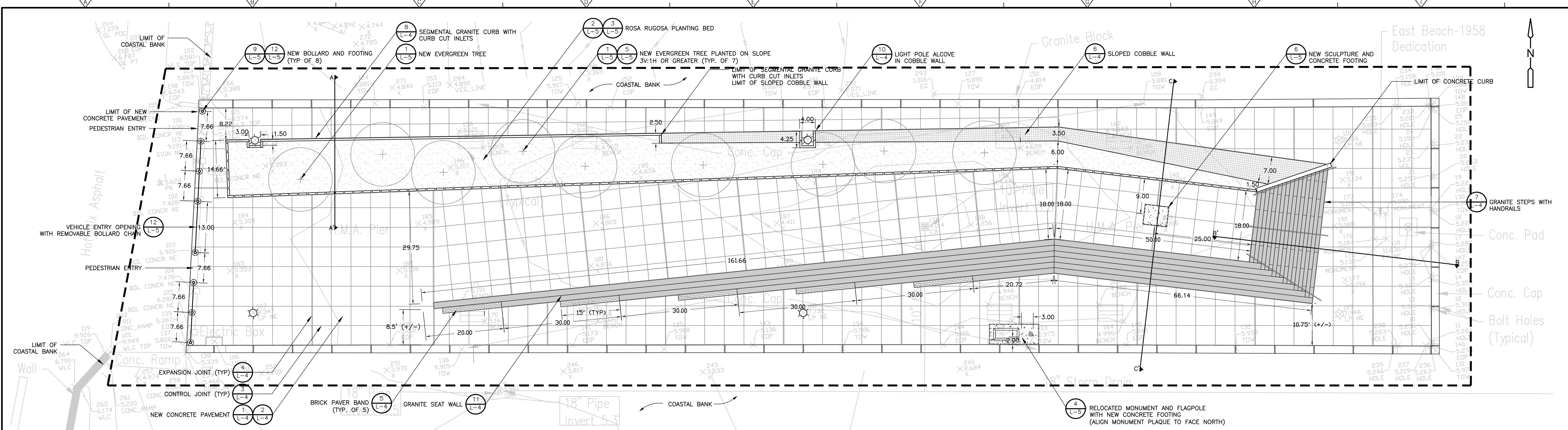
**EXISTING CONDITIONS PLAN**



**DEMOLITION AND REMOVALS PLAN**

						DESIGNED BY: N.WATKINS	 50 Hampshire Street Cambridge, MA 02139 Tel: (617) 452-6000	CITY OF NEW BEDFORD MASSACHUSETTS		PROJECT NO. 0309-101012	
						DRAWN BY: N.WATKINS		FISHERMANS MEMORIAL		FILE NAME: CSTPL001	
						SHEET CHK'D BY: K.DRAKE				SHEET NO.	
						CROSS CHK'D BY: K.DRAKE				L-1	
REV. NO.	DATE	DRWN	CHKD	REMARKS		APPROVED BY: K.DRAKE				ACC NO.	
						DATE: MAY 2014					





LAYOUT, MATERIALS, AND PLANTING PLAN

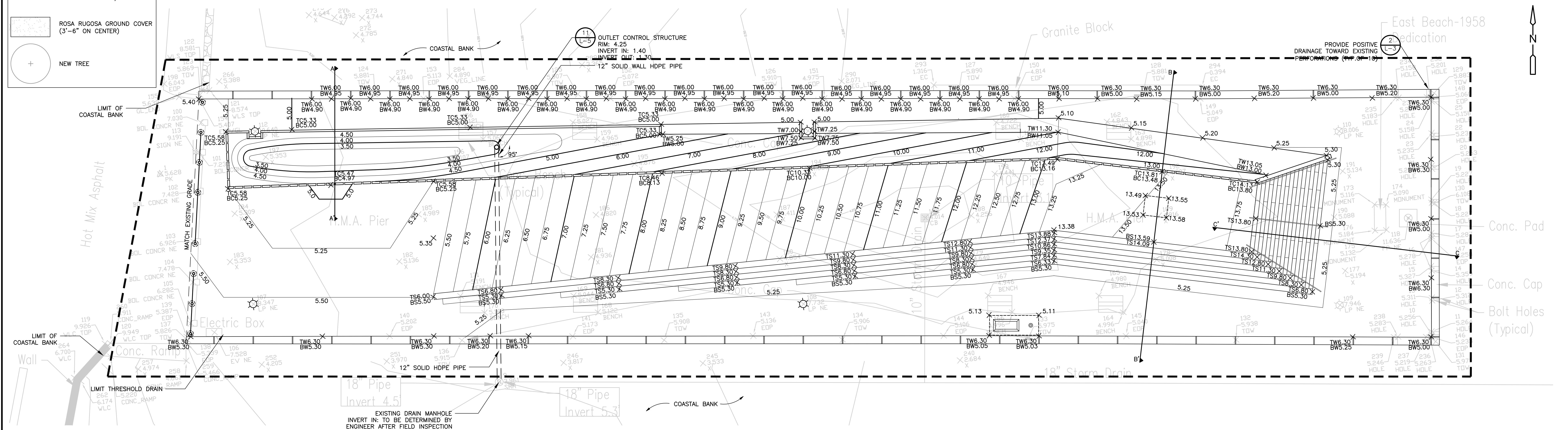
**LEGEND:**

- LIMIT OF WORK
- CONCRETE PAVEMENT
- CONCRETE PAD
- COBBLE SLOPE
- GRANITE SEATWALL/STAIRS
- ROSA RUGOSA GROUND COVER (3'-6" ON CENTER)
- NEW TREE

SYM	QTY	BOTANICAL NAME	COMMON NAME	SIZE	COND
TREE					
PT	9	PINUS THUNBERGII	JAPANESE BLACK PINE	8' HEIGHT	B&B
SHRUB					
RR	145	ROSA RUGOSA	RUGOSA ROSE	-----	CONTAINER

- PLANTING NOTES:**
- P-1. ALL TREES SHALL BE UNIFORM AND WELL-BRANCHED SPECIMENS.
- P-2. ALL PLANTS SHALL CONFORM TO THE GUIDELINES ESTABLISHED BY The American Standards for Nursery Stock, LATEST EDITION
- P-3. ALL PLANTING BEDS AND SAUCERS SHALL HAVE 3" DEPTH SHREDDED BARK MULCH AS SPECIFIED.
- P-4. ALL PLANT LOCATIONS AND BOUNDARIES OF PLANTING AREAS SHALL BE STAKED IN THE FIELD FOR REVIEW BY THE LANDSCAPE ARCHITECT PRIOR TO PLANTING.

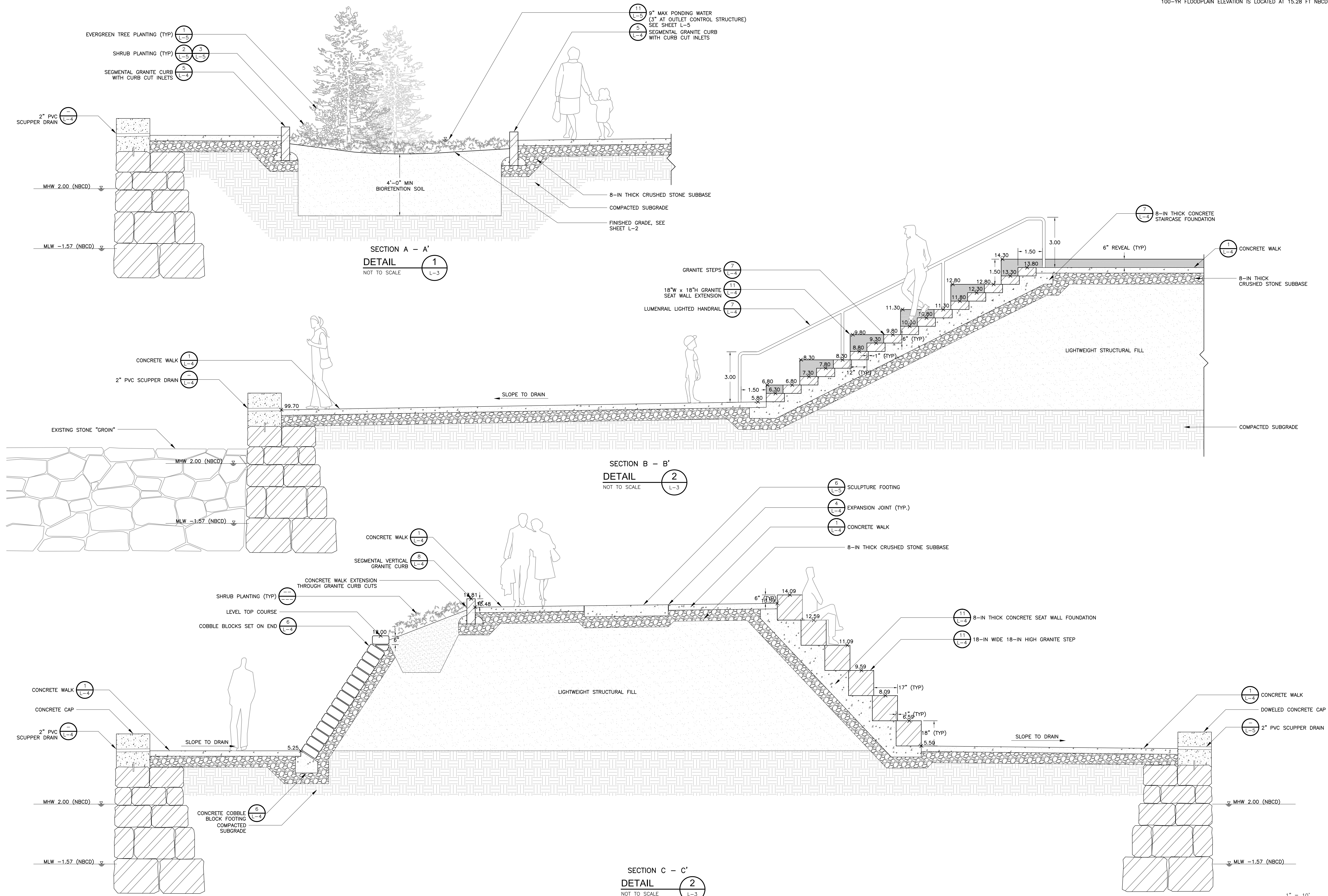
**NOTE:**  
100-YR FLOODPLAIN ELEVATION IS LOCATED AT 15.28 FT NBCD



GRADING AND DRAINAGE PLAN



NOTE:  
100-YR FLOODPLAIN ELEVATION IS LOCATED AT 15.28 FT NBOD



REV. NO.	DATE	DRWN	CHKD	REMARKS

DESIGNED BY: N. WATKINS  
DRAWN BY: N. WATKINS  
SHEET CHK'D BY: K. DRAKE  
CROSS CHK'D BY: K. DRAKE  
APPROVED BY: K. DRAKE  
DATE: MAY 2014

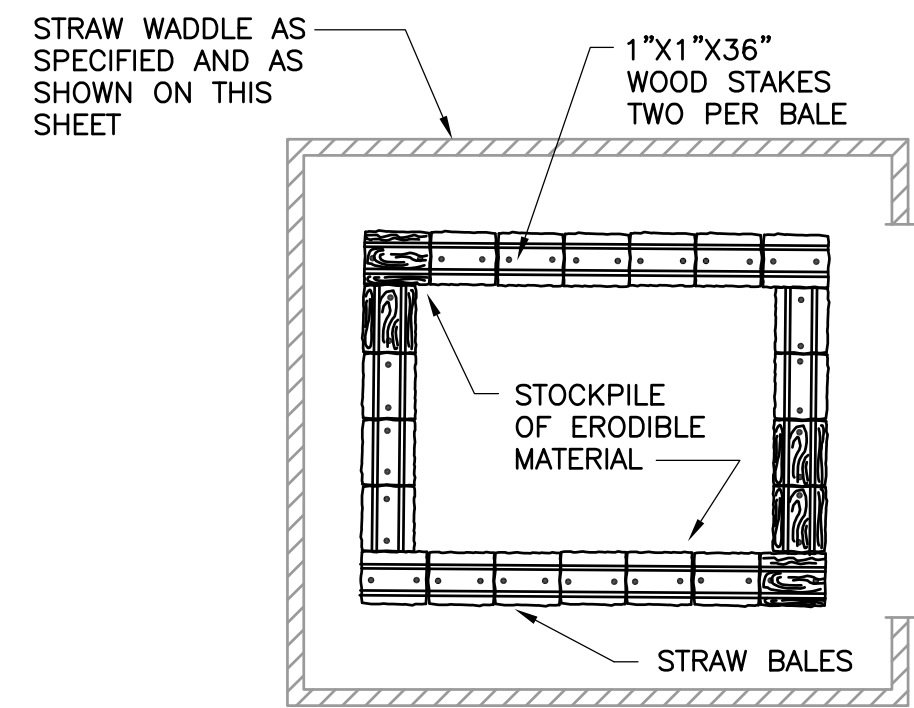
**CDM Smith**  
50 Hampshire Street  
Cambridge, MA 02139  
Tel: (617) 452-6000

CITY OF NEW BEDFORD MASSACHUSETTS  
FISHERMANS MEMORIAL

SITE SECTIONS

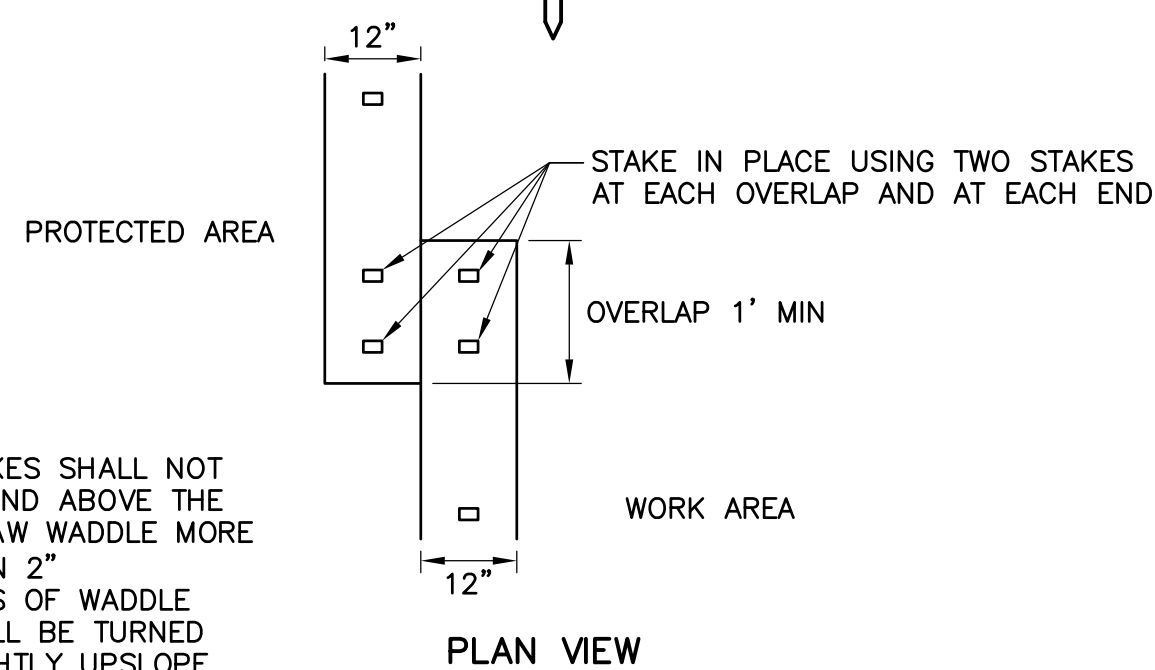
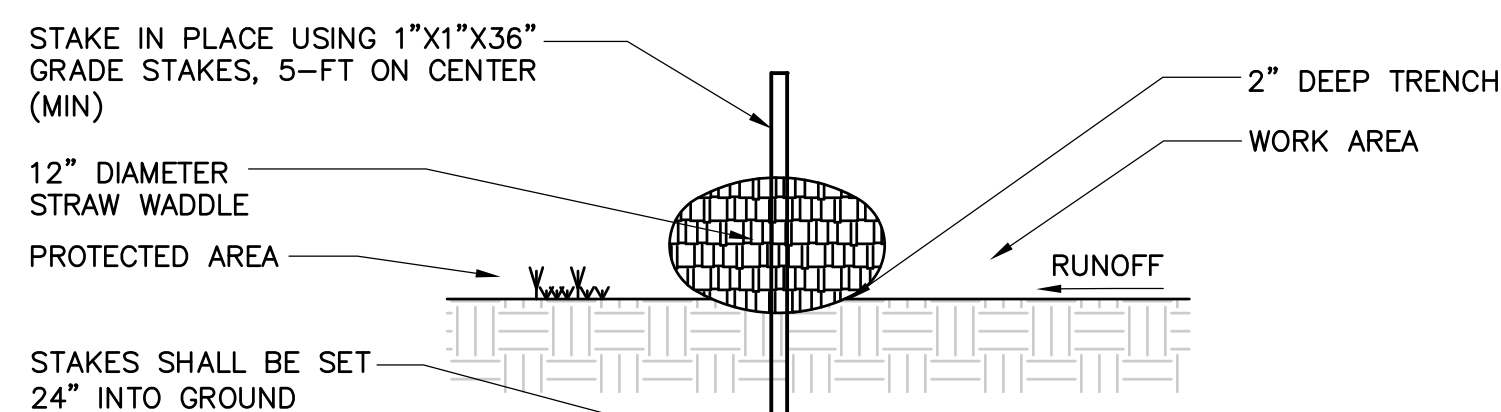
PROJECT NO. 0309-101012  
FILE NAME: CSTPL003  
SHEET NO. L-3





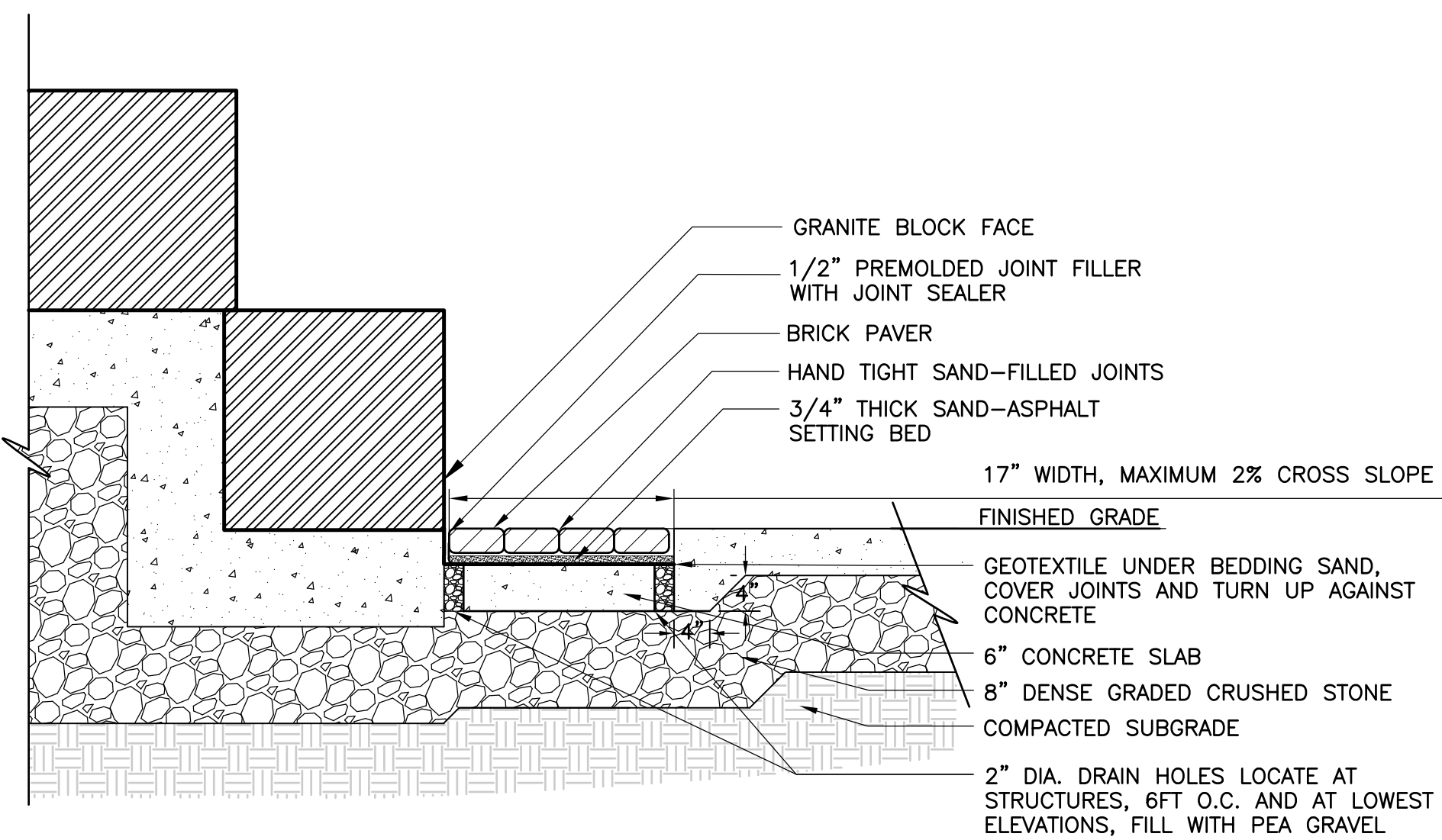
- NOTES:
1. SIDE SLOPES OF STOCKPILE SHALL BE A MAXIMUM OF 2:1.
  2. LIMIT OF DISTURBANCE SHALL NOT EXTEND BEYOND THE STRAW WATTLE.

STAGING/STORAGE AREA  
DETAIL 1  
NOT TO SCALE

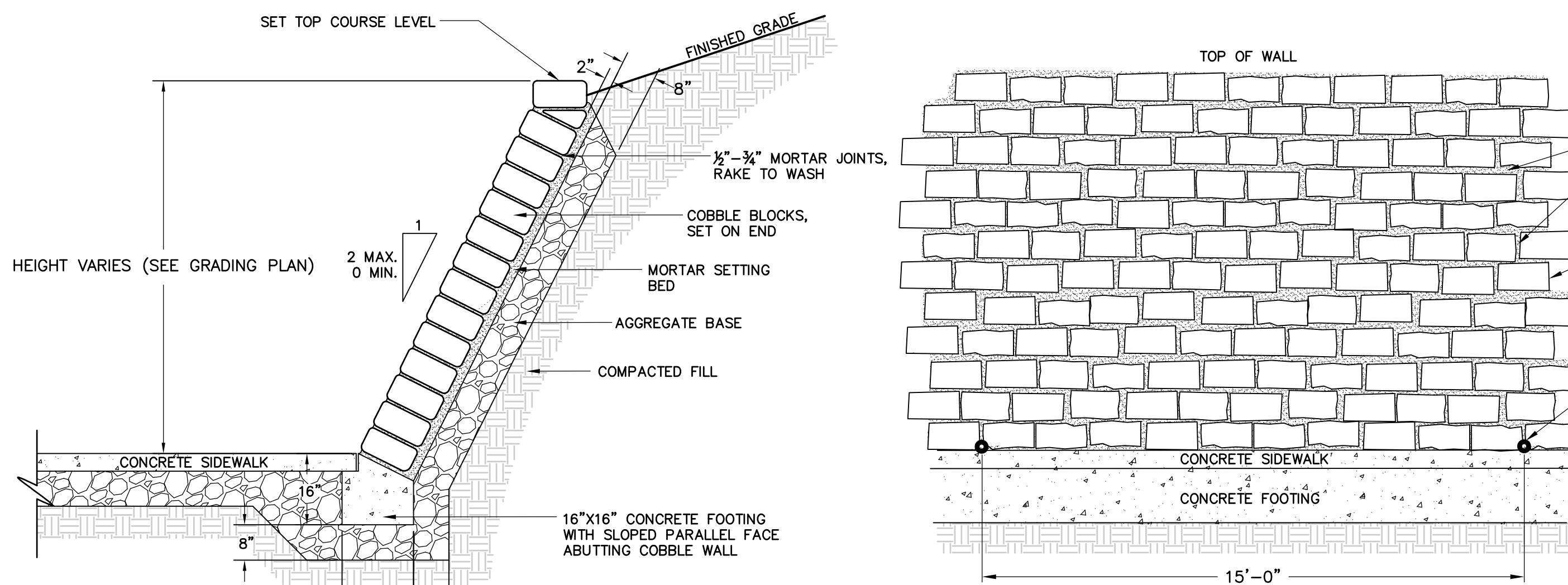


- NOTES:
1. STAKES SHALL NOT EXTEND ABOVE THE STRAW WATTLE MORE THAN 2"
  2. ENDS OF WATTLE SHALL BE TURNED SLIGHTLY UPSLOPE

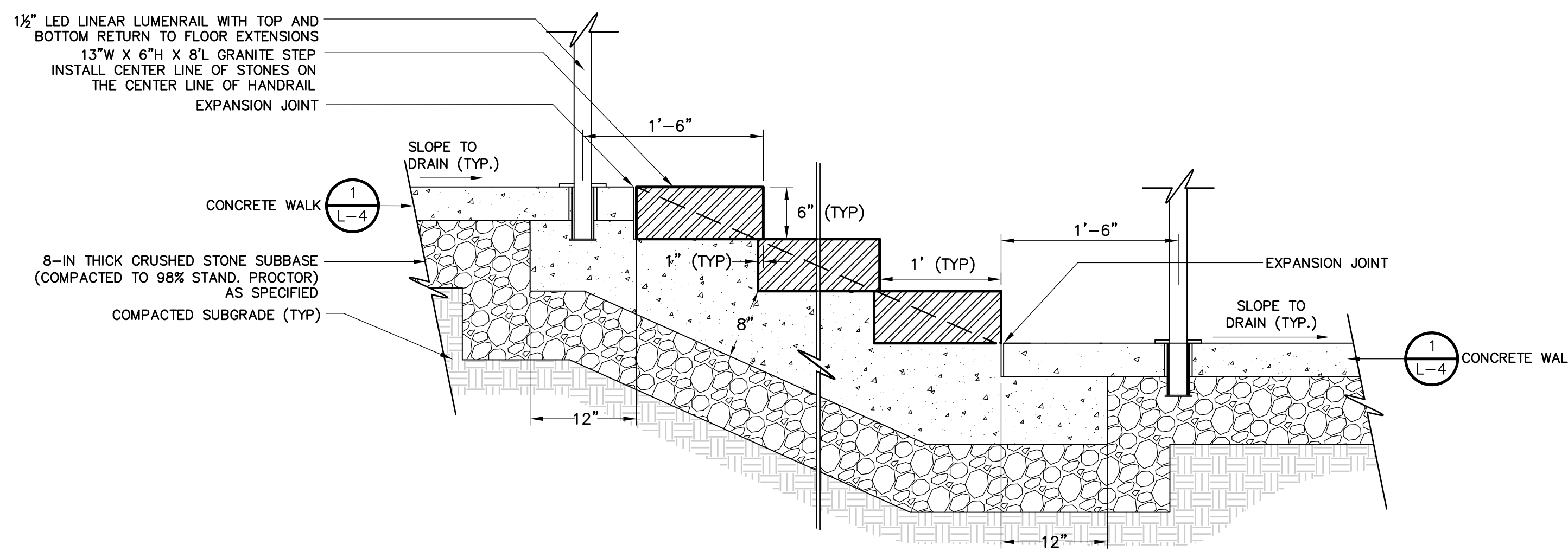
12-IN STRAW WATTLE  
DETAIL 2  
NOT TO SCALE



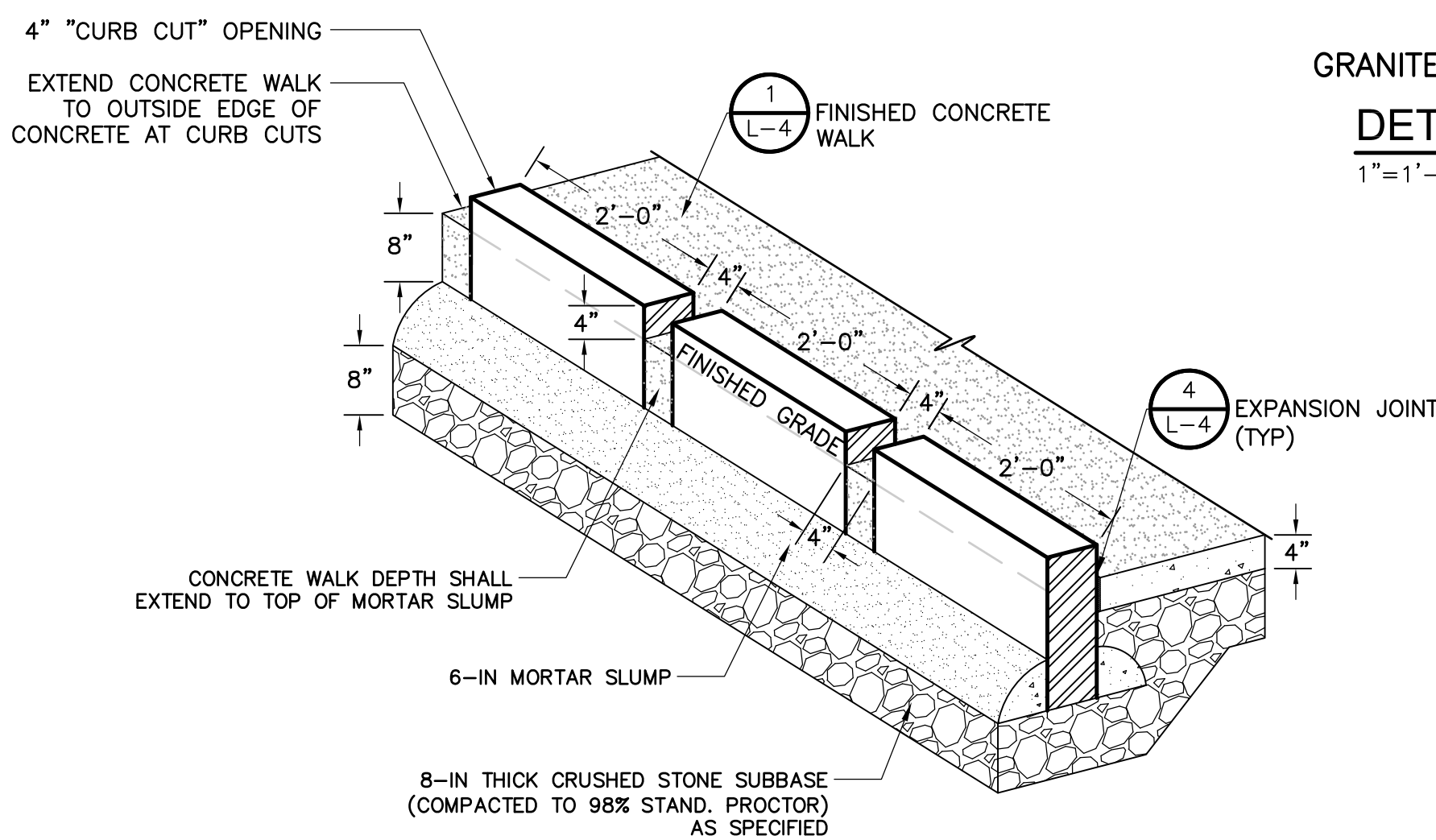
BRICK PAVER BAND  
DETAIL 5  
NOT TO SCALE



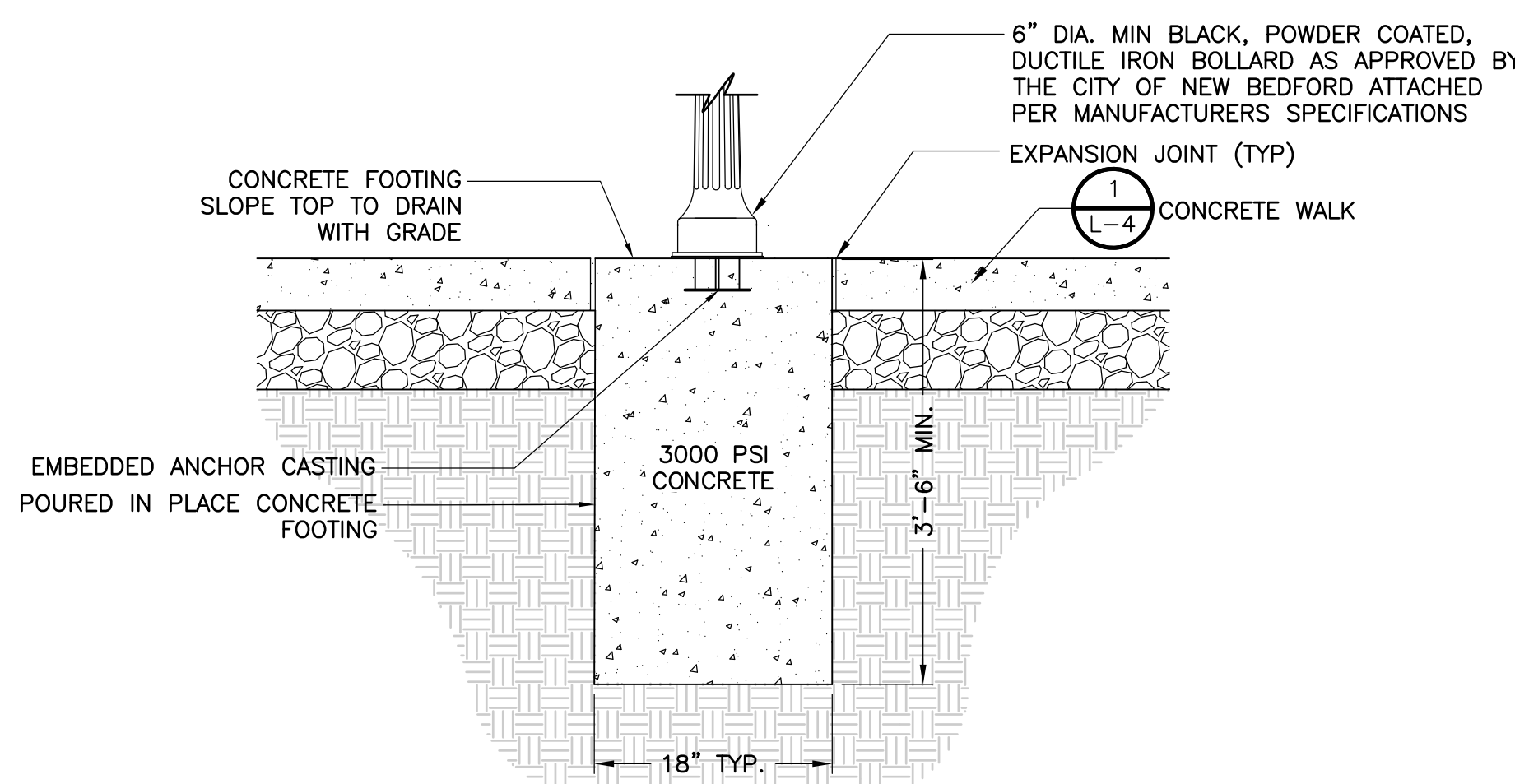
SLOPED COBBLE WALL  
DETAIL 6  
1"=1'-0"



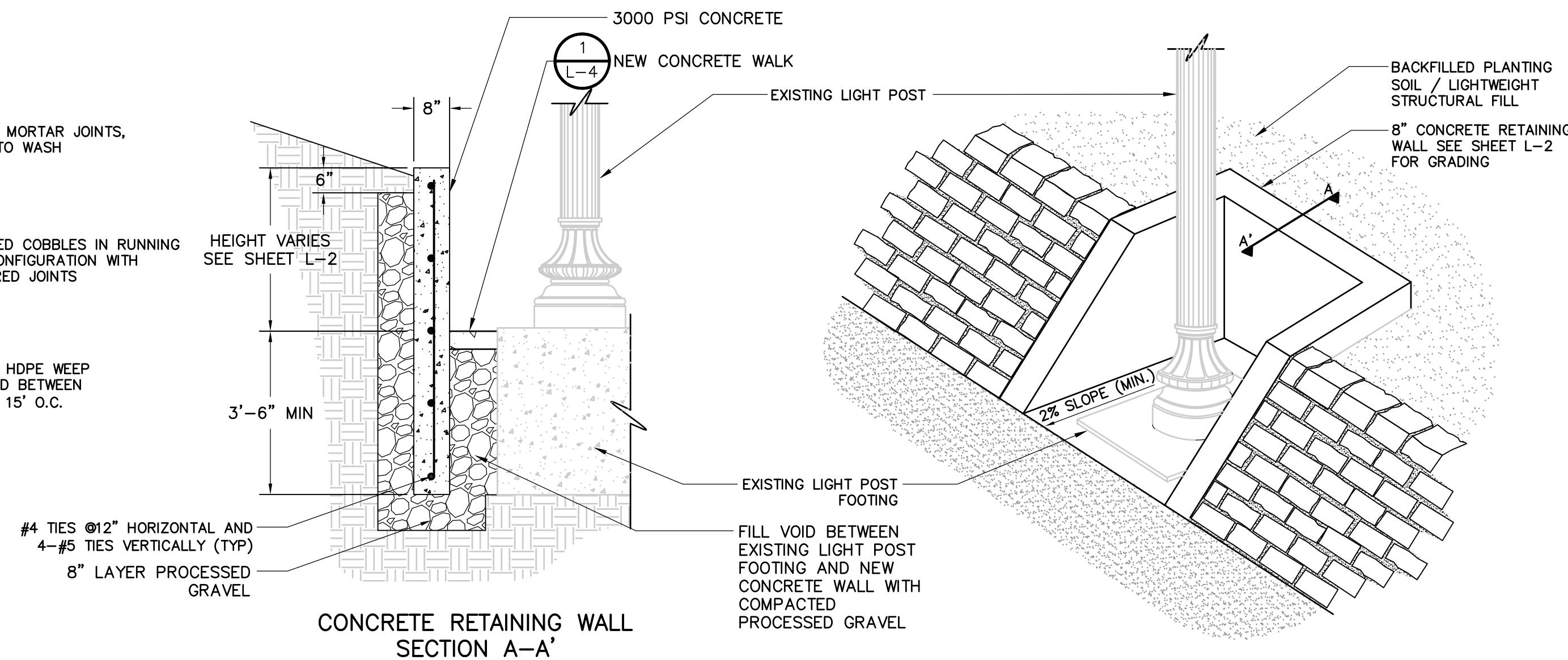
GRANITE STEPS W/HANDRAIL  
DETAIL 7  
1"=1'-0"



SEGMENTAL GRANITE CURB WITH CURB CUT INLETS  
DETAIL 8  
NOT TO SCALE

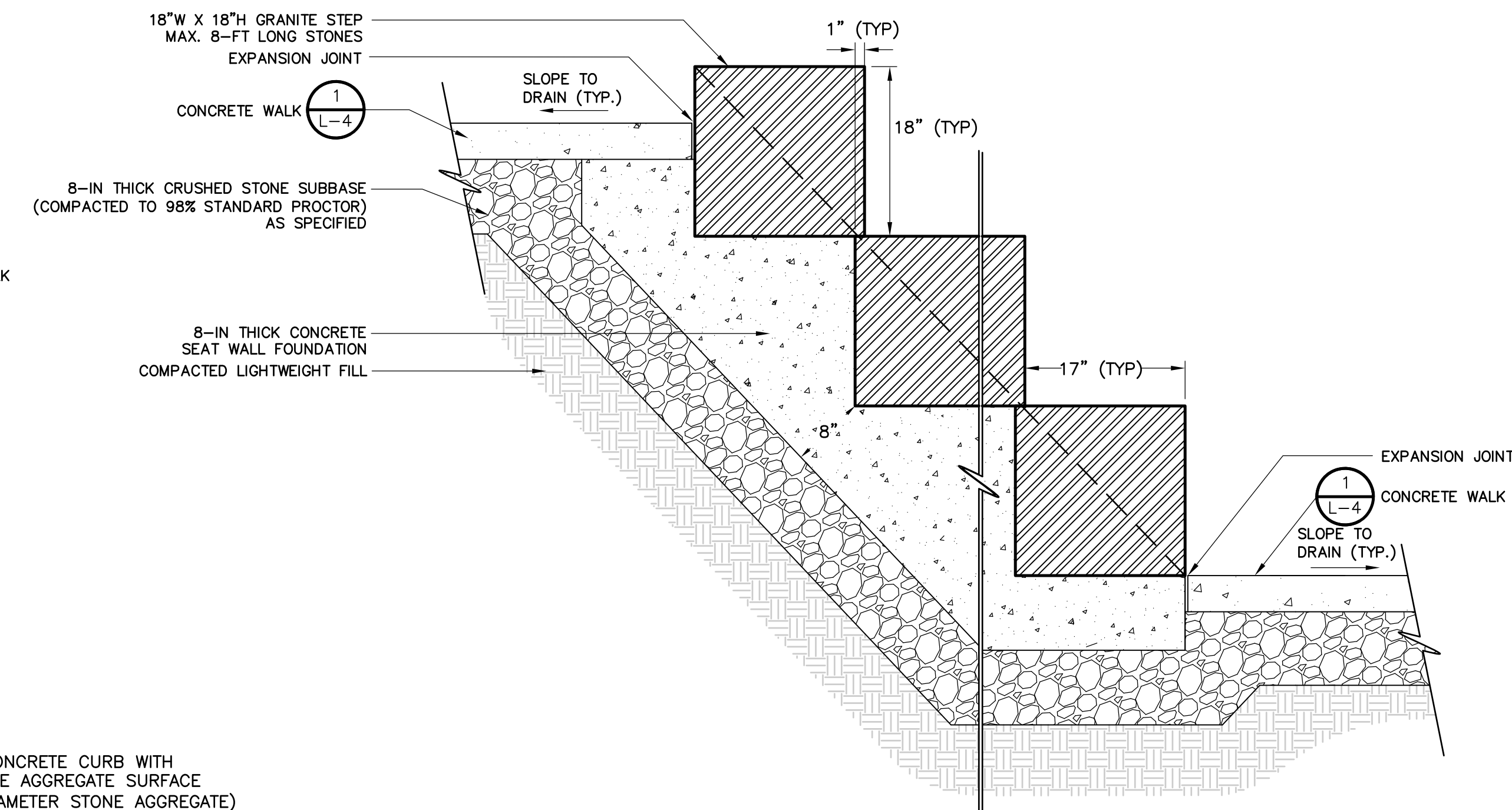


BOLLARD FOOTING  
DETAIL 9  
NOT TO SCALE

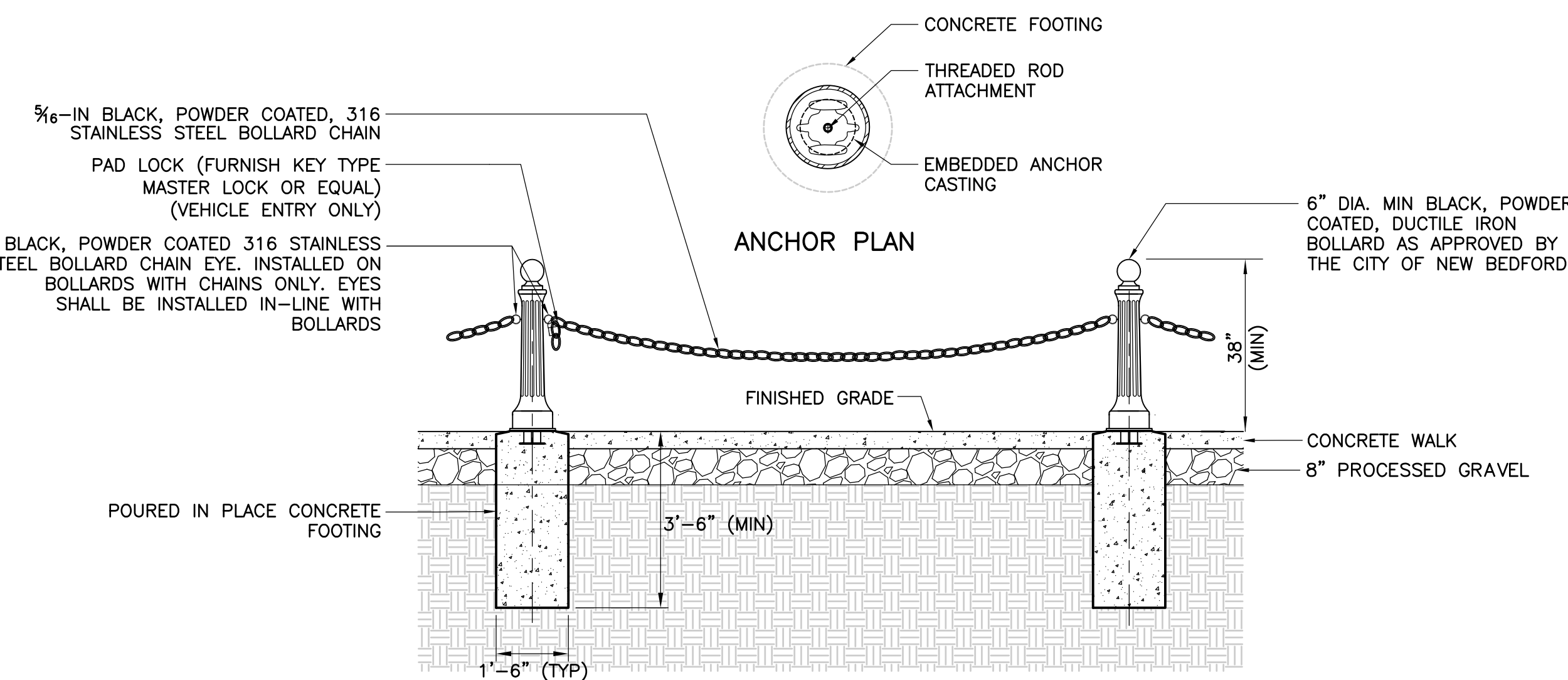


- NOTE:
1. SEE SHEET L-2 FOR TOP OF WALL AND BACKFILL ELEVATIONS.
  2. HEIGHT OF WALL VARIES FROM 3' TO 0' SEE SHEET L-2.

LIGHT POLE ALCOVE IN COBBLE WALL  
DETAIL 10  
NOT TO SCALE



GRANITE SEAT WALL  
DETAIL 11  
1"=1'-0"



- NOTE:
1. AT PAVEMENT EDGE WITH NO CURB SET TOP OF FOOTING 1 IN. ABOVE FINISHED PAVEMENT GRADE AS SPECIFIED.

DECORATIVE BOLLARD AND CHAIN  
DETAIL 12  
NOT TO SCALE

REV.	DATE	DRWN	CHKD	REMARKS

DESIGNED BY: N. WATKINS	
DRAWN BY: N. WATKINS	
SHEET CHK'D BY: K. DRAKE	
CROSS CHK'D BY: K. DRAKE	
APPROVED BY: K. DRAKE	
DATE: MAY 2014	

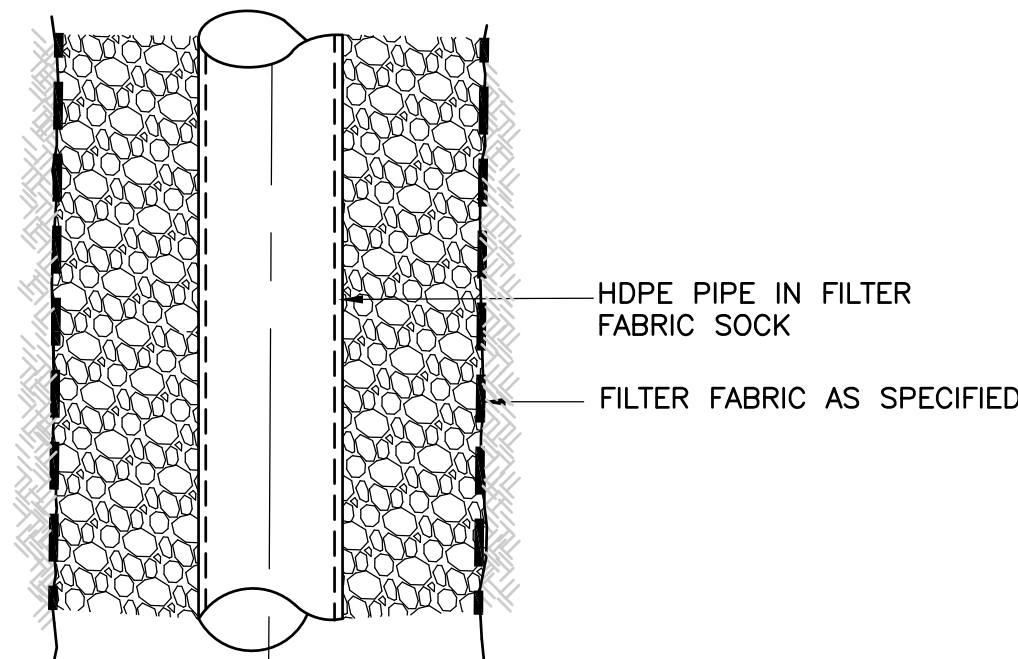
**CDM Smith**  
50 Hampshire Street  
Cambridge, MA 02139  
Tel: (617) 452-6000

CITY OF NEW BEDFORD MASSACHUSETTS  
FISHERMANS MEMORIAL

DETAILS I

PROJECT NO. 0309-101012
FILE NAME: CSTPL004
SHEET NO. L-4





PROJECT NO.	0309-101012
FILE NAME:	CSTPL005
SHEET NO.	
L-5	

