

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:

Blair Bailey, New Bedford Port Authority

Name

Blair.Bailey@newbedford-ma.gov

E-Mail Address

123 MacArthur Drive

Mailing Address

New Bedford

City/Town

MA

State

02740

Zip Code

508 961-3000

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Foth Infrastructure & Environment, LLC

Firm

Susan Nilson

Contact Name

SusanNilson@foth.com

E-Mail Address

15 Creek Rd

Mailing Address

Marion

City/Town

MA

State

02738

Zip Code

508 762 0764

Phone Number

Fax Number (if applicable)

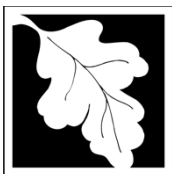
B. Determinations

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:

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):

Pier 3 - 52 Fishermans Wharf

Street Address

53

Assessors Map/Plat Number

New Bedford

City/Town

120

Parcel/Lot Number

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

The existing site is within a solid filled pier/wharf structure. The entire pier surface is paved. The shed building is existing with only a change in use proposed. The site is mapped within FEMA Zone AE6.

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

"Plan Accompanying Petition of: New Bedford Port Authority to license a supporting use in an existing building within the DPA & filled tidelands"

2/15/2021

Date

Title

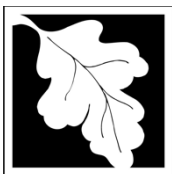
Date

Title

Date

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

The City is applying for a DEP Waterways Chapter 91 license for the change in use for the existing shed (13' x 16' +/-) to a supporting DPA use (clam shack). This process requires review by the Conservation Commission. No construction is proposed.



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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).

This RDA filing supports the City's Chapter 91 application for a change in use of an existing building. No construction activities are proposed.

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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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

Name

131 William St.

Mailing Address

New Bedford

City/Town

MA

State

02740

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

2/17/2021

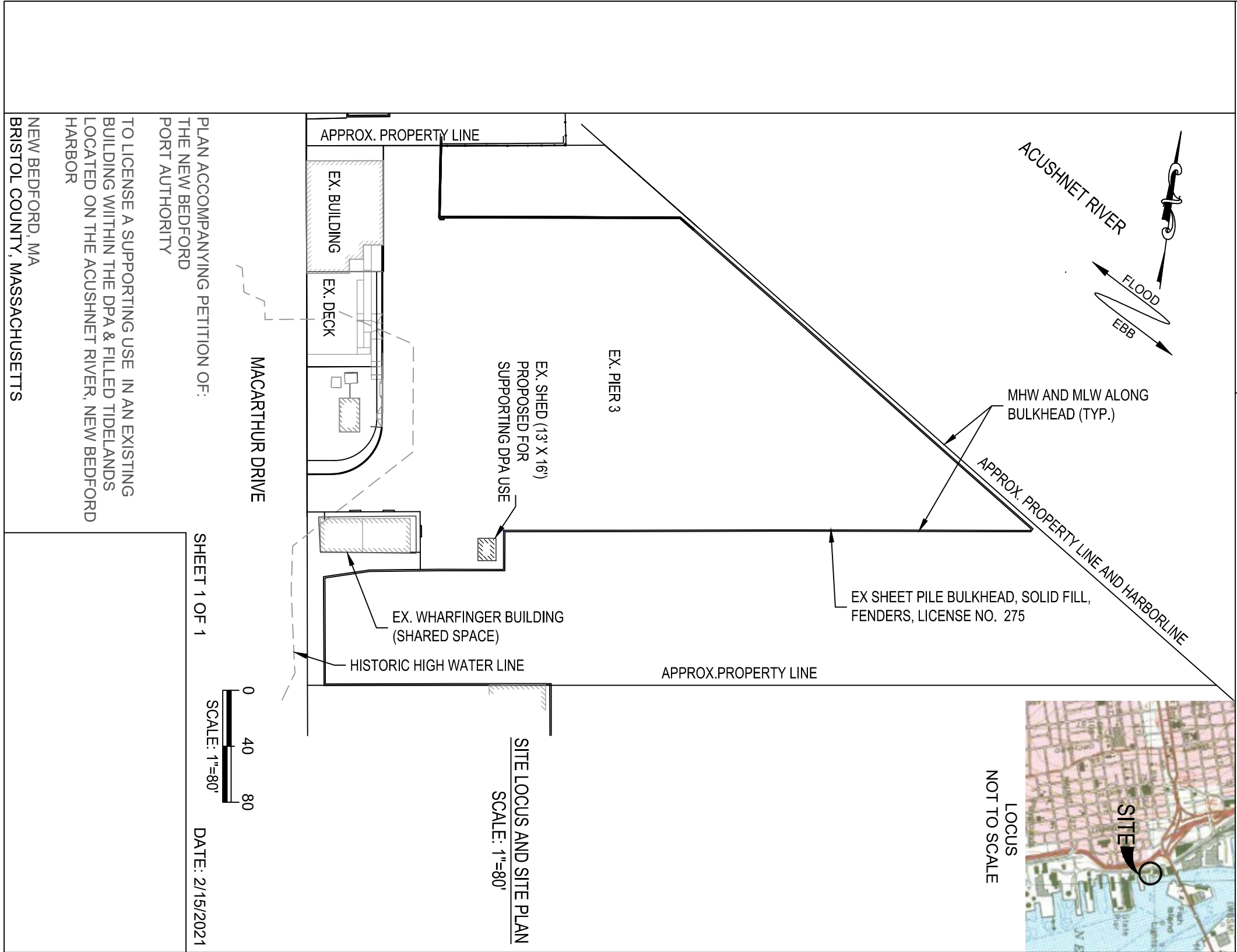
Date

Signature of Representative (if any)

2/17/2021

Date

GENERAL LAW 36 SECTION 13-A
I CERTIFY THAT THIS PLAN CONFORMS WITH THE RULES
AND REGULATIONS OF THE REGISTERS OF DEEDS.



11933

QUITCLAIM DEED

The New Bedford Redevelopment Authority, a public body, political and corporate, duly organized and existing pursuant to the General Laws of the Commonwealth of Massachusetts, Chapter 121B and having its principal place of business at 21 South Sixth Street, City of New Bedford, County of Bristol, Commonwealth of Massachusetts, (hereinafter called the "Grantor") in consideration of One Dollar (\$1.00) and other valuable considerations, paid by the City of New Bedford, a municipal corporation organized and existing under the Laws of the Commonwealth of Massachusetts, having its usual place of business at 133 William Street, New Bedford, Massachusetts (hereinafter called the "Grantee"), grants to the Grantee, with quitclaim covenants, land in said New Bedford, bounded and described as follows:

Beginning at a point in the southwest corner of the parcel to be described, said point being two hundred thirty-one and 00/100 (231.00) feet northerly of the northeasterly intersection of Union Street and the Commonwealth of Massachusetts State Pier, so called;

Thence N81°51'47"E, six hundred forty-nine and 77/100 (649.77) feet to a point on the combined U. S. Pierhead and Bulkhead Line as shown on a plan hereinafter described;

Thence N56°41'40"W along said U. S. Pierhead and Bulkhead Line, five hundred eighty-three and 12/100 (583.12) feet to the northeasterly corner of this parcel and land now or formerly of New Bedford Seafood Cooperative Association, Inc.,

Thence S81°45'37"W along the line of said last named land, one hundred sixty-three and 40/100 (163.40) feet to the northeasterly corner of Parcel #34 as shown on said plan;

Thence S8°15'00"E along the easterly line of said Parcel #34 eighty-nine and 99/100 (89.99) feet to a point;

Thence S81°45'00"W along the southerly line of Said Parcel #34, fifty and 00/100 (50.00) feet to other land of the Authority;

Thence S8°15'00"E along the easterly line of said last named land, two hundred ninety-five and 56/100 (295.56) feet to the point of the beginning, containing 155,469 square feet;

Being Parcels #33, #34A and Proposed 40' Public Way as shown on a map entitled "The City of New Bedford, New Bedford Redevelopment Authority" Disposition Parcel Numbers 33, 34, 34A and Proposed 40' Public Way, South Terminal Urban Renewal Project," prepared by the New Bedford Redevelopment Authority, New Bedford, Massachusetts dated October, 1976.

THIS CONVEYANCE is made under and subject to:

- A. Present and future laws, ordinances, resolutions, regulations, and orders of all municipal, county, state, Federal or other governmental bodies, boards, agencies, or other authority now or hereafter having jurisdiction.
- B. The following covenants:
 - 1. That the Grantee, covenants and agrees for itself, its successors and assigns to or of the property or any part thereof, that the Grantee, and such successors and assigns shall:
 - a. Devote the property to and only to and in accordance with the uses specified in the Urban Renewal Plan for the South Terminal Urban Renewal Project, Mass. R-96 (hereinafter called the Plan) and as the same may be herein after modified, amended and extended from time to time, with the approval of the Grantee, its successors and assigns.

- b. Not discriminate upon the basis of race, color, religion, sex or national origin in the sale, lease or in the rental or in the use and occupancy of the premises or any improvements erected or to be erected thereon, or any part thereof.
- c. Comply with all state and local laws, in effect from time to time, prohibiting discrimination or segregation by reason of race, color, religion, sex or national origin, in the sale, lease or in the use and occupancy of the premises and not effect or execute any agreement, lease conveyance or other instrument whereby the premises or any part thereof is restricted upon the basis of race, religion, color, sex or national origin in the sale, lease or occupancy thereof.

2. The Grantee for itself, and its successors and assigns, agrees that the aforementioned restrictions, covenants, and agreements, shall be covenants running with the land, and that they shall, in any event, and without regard to technical classification or designation, legal or otherwise be to the fullest extent permitted by law and equity, binding for the benefit and in favor, and enforceable by, the Grantor, its successors and assigns, the owner of any land (or of any interest in such land) in the Project Area which is subject to the land use requirements and restrictions of the Urban Renewal Plan and the United States, against the Grantee, and its

successors and assigns to or of the Property or any part thereof or any interest therein and any part in possession or occupancy of the Property or any part thereof. The Grantee, for itself, its successors and assigns, further covenants, and agrees that the said covenants running with the land shall be in effect until May 28, 2005 the period specified or referred to in the Urban Renewal Plan, or until such date thereafter in which it may be extended by proper amendment of the Urban Renewal Plan, on which date, as the case may be such covenants shall terminate. The Grantee, for itself, its successors and assigns, further covenants and agrees that all the said covenants running with the land shall be enforceable for said period of time without regard to whether the Grantor or the United States is or remains an owner of any land or interest therein to which said covenants relate.

IN WITNESS WHEREOF, the said Grantor has caused these presents to be signed, acknowledged and delivered, in its name and behalf on the 1st day of November, 1976 by Charles H. Franklin, Jr. its Vice-Chairman and its corporate seal to be hereunto affixed.

New Bedford Redevelopment Authority

Charles H. Franklin, Jr.



COMMONWEALTH OF MASSACHUSETTS

Bristol, SS.

November 1, 1976
New Bedford,

Then personally appeared the above Charles H. Franklin, Jr.
Vice-Chairman, and acknowledged the foregoing instrument to be the free
act and deed of the New Bedford Redevelopment Authority.

Before me

Henry Z. Horn
Notary Public

My Commission Expires: 3/10/78

I, Henry Z. Horn, Acting Executive Director and Secretary of the New Bedford Redevelopment Authority, hereby certify that at a duly called meeting of the said Authority, held on November 1, 1976 at which time a quorum was present and voting throughout, the following VOTE was unanimously adopted:

RESOLUTION

WHEREAS, the New Bedford Redevelopment Authority in furtherance of the Urban Renewal Plan of the South Terminal Urban Renewal Project, Mass. R-96, has determined that it is in the best interest of the Authority and the City of New Bedford to convey to the City of New Bedford that parcel known as Pier 3 and 4; and

WHEREAS, the City of New Bedford has agreed to improve said parcel in conformity with the provisions as outlined in the South Terminal Urban Renewal Plan and a Memorandum of Understanding dated September 1, 1976;


NOW, ^{Vice/}THEREFORE BE IT RESOLVED, that the Chairman and/or the Acting Executive Director be and hereby are, authorized and empowered in the name of and on behalf of the New Bedford Redevelopment Authority to execute, seal with the corporate seal or otherwise acknowledge and deliver a deed from this Authority to the City of New Bedford, conveying certain premises known as Piers 3 and 4, South Terminal Urban Renewal Project, Mass. R-96 for the purchase price of One Dollar (\$1.00) and other valuable considerations, said premises being situated in the County of Bristol, Commonwealth of Massachusetts, which deed shall be in such form as the ^{Vice/}Chairman and the Authority shall approve, execution thereof to be conclusive evidence of such approval.

I further certify that:

- a. Charles H. Franklin, Jr. is the duly elected, qualified and serving Vice-Chairman of the New Bedford Redevelopment Authority,
- b. There is no provision of the by-laws, or the said Authority that are contrary to this VOTE;
- c. Said VOTE has not been altered, amended or repealed.

WITNESS my hand and corporate seal of the said New Bedford Redevelopment Authority this 1st day of November, 1976.

Henry Z. Adams
Acting Executive Director
Secretary



RESOLUTION

WHEREAS, the New Bedford Redevelopment Authority and the United States of America, acting through the Department of Housing and Urban Development, entered into a Loan and Grant Contract on January 25, 1966 relative to the South Terminal Urban Renewal Project, Mass. R-96; and

WHEREAS, the provisions of said Contract included the requirement that the Authority perform certain project improvements within the said South Terminal Project Area, which improvements included the reconstruction of Piers 3 and 4 in accordance and in conformity with the South Terminal Urban Renewal Plan; and

WHEREAS, the City of New Bedford agreed to furnish the local share for the project improvements and entered into a Cooperation Agreement with the New Bedford Redevelopment Authority on July 20, 1965, which Cooperation Agreement included provisions for the reconstruction of Piers 3 and 4; and

WHEREAS, the City desires to file an application with the Economic Development Administration for financial assistance to reconstruct said Piers 3 and 4; and

WHEREAS, the City must have ownership or evidence of ownership of Piers 3 and 4 in order to file said application;

NOW, THEREFORE BE IT RESOLVED BY THE MEMBERS OF THE NEW BEDFORD REDEVELOPMENT AUTHORITY as follows:

Vice/

1. The Chairman is hereby authorized to execute a quitclaim deed of the premises known as Piers 3 and 4 from the New Bedford Redevelopment Authority to the City of New Bedford.

2. The consideration for said deed shall be One Dollar.
3. The reconstruction of Piers 3 and 4 in accordance to and in conformity with the South Terminal Urban Renewal Plan, Mass. R-96, must be completed by the City of New Bedford regardless of whether the application for Economic Development Administration funds is approved or refused. Should said funds be not obtained, the City of New Bedford shall be required to utilize Community Development funds for the reconstruction of Piers 3 and 4.
4. The Mayor of the City of New Bedford in consideration of this conveyance must agree to these terms and conditions by proper written instrument acceptable to the Authority and the Department of Housing and Urban Development

Received & recorded *Mr. 12* *43* *Nov 11* *hrs. 51* *min. A. M.*

Attest: *John E. Jones* Registrar