



# New Bedford State Pier – North Wharf Repairs Project

## Notice of Intent

New Bedford, MA

March 2021

Prepared by:



Boston, MA

Prepared for:

Massachusetts Development Finance Agency  
Boston, Massachusetts

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## WPA Notice of Intent

- NOI Form
- NOI Fee Transmittal Form
- Copy of Check
- Supplemental Narrative
- Appendices



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

**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:

MassDEP File Number

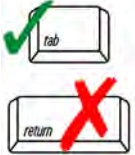
Document Transaction Number

New Bedford

City/Town

**Important:**

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



Note:  
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

**A. General Information**

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>49 State Pier</u>	<u>New Bedford</u>	<u>02740</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>48° 38' 7" N</u>	<u>70° 55' 12" W</u>
	d. Latitude	e. Longitude
<u>053</u>	<u>217</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Gary</u>	<u>Walker</u>
a. First Name	b. Last Name
<u>Massachusetts Development Finance Agency</u>	
c. Organization	
<u>99 High Street</u>	
d. Street Address	
<u>Boston</u>	<u>MA</u>
e. City/Town	f. State
	<u>02110</u>
	g. Zip Code
<u>gwalker@Massdevelopment.com</u>	
j. Email Address	
<u></u>	<u></u>
h. Phone Number	i. Fax Number

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

<u>Priscilla</u>	<u>Geigis</u>
a. First Name	b. Last Name
<u>Massachusetts Department of Conservation and Recreation (Contact; Michael Driscoll)</u>	
c. Organization	
<u>251 Causeway Street, Suite 600</u>	
d. Street Address	
<u>Boston</u>	<u>MA</u>
e. City/Town	f. State
	<u>02114</u>
	g. Zip Code
<u>(617) 719-2194</u>	<u>Michael.Driscoll@mass.gov</u>
h. Phone Number	j. Email address
<u></u>	<u></u>
i. Fax Number	

4. Representative (if any):

<u>Nick</u>	<u>Henke</u>
a. First Name	b. Last Name
<u>HDR Engineering, Inc.</u>	
c. Company	
<u>99 High Street, Suite 2300</u>	
d. Street Address	
<u>Boston</u>	<u>MA</u>
e. City/Town	f. State
	<u>02110</u>
	g. Zip Code
<u>617-357-7705</u>	<u>nicholas.henke@hdrinc.com</u>
h. Phone Number	j. Email address
<u></u>	<u></u>
i. Fax Number	

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

<u>\$262.50</u>	<u>Exempt</u>	<u>\$262.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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**A. General Information (continued)**

6. General Project Description:

See Supplemental Project Narrative Information

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Single Family Home                        | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input type="checkbox"/> Commercial/Industrial                     | 4. <input checked="" 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)
- 310 CMR 10.24(c)(2) - The maintenance, repair and improvement (but not substantial enlargement...) of structures, including...piers...which existed on November 1, 1987.

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

418

c. Book

b. Certificate # (if registered land)

492

d. Page Number

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

- ☐ 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.
- ☐ 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.



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

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 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 type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - <b>specify coastal or inland</b>	

2. Width of Riverfront Area (check one):

- ☐ 25 ft. - Designated Densely Developed Areas only
- ☐ 100 ft. - New agricultural projects only
- ☐ 200 ft. - All other projects

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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



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**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 checked="" type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input checked="" type="checkbox"/> Land Under the Ocean	143 1. square feet N/A 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 checked="" type="checkbox"/> Coastal Banks	40 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 checked="" type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 0 1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	
4. <input type="checkbox"/> 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. <input type="checkbox"/> Project Involves Stream Crossings		
	a. number of new stream crossings	b. number of replacement stream crossings



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**C. Other Applicable Standards and Requirements**

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – 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](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**

2017

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.2.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 <https://www.mass.gov/mas-endangered-species-act-mesa-regulatory-review>).

Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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

- (c) ☐ MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).

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, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; 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:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
836 South Rodney French Blvd.  
New Bedford, MA 02744  
Email: [dmf.envreview-south@mass.gov](mailto:dmf.envreview-south@mass.gov)

Division of Marine Fisheries -  
North Shore Office  
Attn: Environmental Reviewer  
30 Emerson Avenue  
Gloucester, MA 01930  
Email: [dmf.envreview-north@mass.gov](mailto:dmf.envreview-north@mass.gov)

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.

- c. ☐ Is this an aquaculture project?      d. ☐ Yes    ☒ No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).



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**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.



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**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.

North Wharf Repairs Project - Environmental Plans

a. Plan Title

Andrew P. Schwingel, PE

N/A

b. Prepared By

c. Signed and Stamped by

February 2021

Plan Specific

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

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

**E. Fees**

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

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

935

3/18/2021

2. Municipal Check Number

3. Check date

Exempt

Exempt

4. State Check Number

5. Check date

MassDevelopment

6. Payor name on check: First Name

7. Payor name on check: Last Name





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**F. Signatures and Submittal Requirements**

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

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

1. Signature of Applicant

*CC McKenney*

3.5.2021

2. Date

3-3-2021

3. Signature of Property Owner (if different)

*[Signature]*

4. Date

3-11-2021

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.

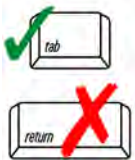


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**NOI Wetland Fee Transmittal Form**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



## A. Applicant Information

### 1. Location of Project:

49 State Pier

a. Street Address

New Bedford

b. City/Town

\$262.50

d. Fee amount

c. Check number

### 2. Applicant Mailing Address:

Gary

a. First Name

Walker

b. Last Name

Massachusetts Development Finance Agency

c. Organization

99 High Street

d. Mailing Address

Boston

e. City/Town

MA

f. State

02110

g. Zip Code

gwalker@Massdevelopment.com

j. Email Address

h. Phone Number

i. Fax Number

### 3. Property Owner (if different):

Priscilla

a. First Name

Geigis

b. Last Name

Massachusetts Department of Conservation and Recreation (Contact: Michael Driscoll)

c. Organization

25 Causeway Street, Suite 600

d. Mailing Address

Boston

e. City/Town

MA

f. State

02114

g. Zip Code

(617) 719-2194

h. Phone Number

i. Fax Number

Michael.Driscoll@mass.gov

j. Email Address

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

## 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.



**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 2 (j) any other activity not in Category 1, 3, 4, 5 or 6	1	\$500	\$500
Step 5/Total Project Fee:			\$500

### Step 6/Fee Payments:

Total Project Fee:	<u>\$500</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$237.50 (fee exempt)</u>
	b. 1/2 Total Fee <b>less</b> \$12.50
City/Town share of filling Fee:	<u>\$262.50</u>
	c. 1/2 Total Fee <b>plus</b> \$12.50

### C. Submittal Requirements

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

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

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

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



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## **NOI Narrative and Supporting Information**



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## List of Acronyms

ACEC	Area of Critical Environmental Concern
BFE	base flood elevation
BMP	Best Management Practice
CWA	Clean Water Act
DPA	Designated Port Area
EPA	U.S. Environmental Protection Agency
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
HDR	HDR Engineering, Inc.
MassDCR	Massachusetts Department of Conservation and Recreation
MassDEP	Massachusetts Department of Environmental Protection
MassDEV	MassDevelopment
MassGIS	Massachusetts Office of Geographic Information
NOI	Notice of Intent
NHESP	Massachusetts Natural Heritage and Endangered Species Program
ORW	Outstanding Resource Waters
SFHA	special flood hazard area
sf	square feet
Supplement	Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region, Version 2.0
USACE	U.S. Army Corps of Engineers
WPA	Massachusetts Wetlands Protection Act
WQS	Massachusetts Surface Water Quality Standards

# 1 Project Description

The New Bedford State Pier which is owned by the Massachusetts Department of Conservation and Recreation (MassDCR) and operated by MassDevelopment (MassDev) houses the Seastreak Ferry Terminal which offers service to ports in Massachusetts, New York, and New Jersey. New Bedford State Pier's North Wharf serves as the direct connection for both pedestrian and vehicular access to the Seastreak Ferry Terminal. The North Wharf cannot accommodate vehicle loads in its current condition due to degradation of materials and rotation of the existing seawall. The proposed repairs to the North Wharf include replacing a portion of the existing pile supported pier, and stabilizing and replacing a portion of the existing stone seawall with a steel sheet pile bulkhead. These improvements will allow the facility to safely accommodate vehicular loads and restore vehicular ferry service.

The proposed repairs to the North Wharf include replacing a 38' x 40' portion of the existing timber pile-supported concrete deck with a new concrete deck supported by 18" diameter steel pipe piles, stabilizing and replacing the existing stone seawall in this area with a new steel sheet pile bulkhead supported by 16" diameter battered steel pipe piles, extending an existing 14" diameter stormwater outfall pipe to accommodate the thickness of the new bulkhead, and adding a new tideflex valve to an existing stormwater drain outfall to be extended through the new bulkhead.

## 1.1 Project Plans

Environmental Plans depicting the Project limits of work and adjacent resource areas are included with this NOI in Appendix B.

# 2 Resource Area Description

The project is located in the subtidal zone with a sediment profile of very soft black organic silt with trace fine sand located within the top 4-6 feet. Medium/very dense, gray, medium to coarse sand with trace inorganic silt and trace fine gravel is located below. There are no submerged vascular aquatic vegetation beds mapped or known to occur within the project area and vicinity. Natural shellfish beds are likely to occur within the project vicinity as shellfish were noted attached to the existing timber piles while exposed at low tide, however the natural environment at the project is entirely subtidal and does not get exposed during tidal cycles. New Bedford Harbor is mapped as suitable shellfish habitat for quahog spawning and settlement (between 6/15 and 9/15). Tidal range in this location is approximately 3.5 feet with a MLW of -1.83 feet (NAVD88 datum) and MHW of 1.73 feet (NAVD88 datum) (NOAA Tide Station 8447712). The site experiences regular daily disturbance due to boat traffic. Boat traffic consists of recreational, commercial, and emergency vessel use.

### 3 WPA Resource Areas

The wetland resource areas along the Project route are regulated under Federal, State and Local regulatory programs including:

- Section 404 of the Clean Water Act (CWA) which is administered by the USACE;
- Section 401 of the CWA which is overseen by the MassDEP; and
- Massachusetts WPA and 310 CMR 10.00, which is administered by the Local Conservation Commission or (upon appeal) by MassDEP.

There are four WPA jurisdictional resource areas the project falls within. The following sections describe jurisdictional areas associated with the Project.

#### 3.1 Land Under the Ocean

This project is located within Acushnet River/New Bedford Inner Harbor. As defined in 310 CMR 10.25(2), Land Under the Ocean means land extending from the mean low water line seaward to the boundary of the municipality's jurisdiction and includes land under estuaries.

#### 3.2 Designated Port Area (DPA)

As defined in 310 CMR 10.26(2), Designated Port Area means those areas designated in 301 CMR 25.00: Designation of Port Areas. As further defined in 301 CMR 25.02, Designated Port Area means an area of contiguous lands and waters in the coastal zone that has been so designated in accordance with 301 CMR 25.00. The official DPA map for New Bedford-Fairhaven identifies the project area does fall within the Designated Port Area boundary.

#### 3.3 Coastal Bank

As defined in 310 CMR 10.30(2), Coastal Bank means 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.

#### 3.4 Banks of or Land under the Ocean, Ponds, Streams, Rivers, Lakes, or Creeks that Underlie an Anadromous/Catadromous Fish Run ("Fish Run")

As defined in 310 CMR 10.35(2), Anadromous/Catadromous Fish Run means that area within estuaries, ponds, streams, creeks, rivers, lakes or coastal waters, which is a spawning or feeding ground or passageway for anadromous or catadromous fish and which is identified by the Division of Marine Fisheries or has been mapped on the Coastal Atlas of the Coastal Zone Management Program. Such fish runs shall include those areas which have historically served as fish runs and are either being restored or

are planned to be restored at the time the Notice of Intent is filed. In 2007 the Buzzards Bay Coalition partnered with the National Oceanic and Atmospheric administration (NOAA) opened a dam on the Acushnet River restoring access to freshwater spawning grounds that had been blocked for over 300 years.

## 4 Alternative Analyses

### 4.1 No Build Scenario

The no-build scenario does not fulfill the overall project purpose of allowing the facility to safely accommodate vehicular loads and restore vehicular ferry service and, therefore, is not being considered further under the alternative analyses.

### 4.2 Build Scenario

As a repair/replacement of an existing portion of the north wharf, opportunities for avoidance and/or minimization were limited to those related to the bulkhead wall design. Three alternatives were evaluated; one of which required the use of riprap on the waterside of the new bulkhead, one which required the use of a tieback anchoring system excavated within the pier, and the chosen alternative, which uses piles to support the wall from the waterside.

The alternative using riprap on the waterside of the new bulkhead was ruled out early due to the wall height, quality of soil that would be under the riprap, its inability to offer the proper amount of passive resistance, and the additional environmental impacts it would generate, such as a greater volume of fill and impact footprint within the waterway. The alternative using a tieback anchoring system was ruled out due to spatial conflicts with existing utility lines. The chosen alternative was the only feasible option that minimized impact to the waterway while also working with the constraints of the existing north wharf and adjacent state pier.

## 5 Project Impacts

The Project was designed to avoid direct impacts to the greatest extent practicable. The proposed work will result in impacts to Land Under the Ocean, Designated Port Area, Coastal Bank, and Land under the Ocean that Underlies a Fish Run. All work will take place within the footprint of the existing north wharf.

### 5.1 Resource Areas Impacts

As detailed below in Table 1, the proposed Project will have both temporary and permanent impacts due to work taking place within Land Under the Ocean, Designated Port Area, Coastal Bank, and Land under the Ocean that Underlies a Fish Run. As shown on the plans in Appendix B, the impacts are limited to those necessary to replace a 38' x 40' section of the failing north wharf.

**Table 1 – Project Impacts**

Resource Area	Temporary Impacts (square feet)	Permanent Impacts (square feet)		
		New Structure	Habitat Regain	Net Impact
Land under the Ocean	3,000 <sup>a</sup>	170	27	143 <sup>b</sup>
Designated Port Area	3,000 <sup>a</sup>	170	27	143 <sup>b</sup>
...Land under the Ocean...that Underlie(s) an Anadromous/ Catadromous Fish Run ("Fish Run")	3,000 <sup>a</sup>	170	27	143 <sup>b</sup>
Resource Area	Temporary Impacts (linear feet)	Permanent Impact (linear feet)		
		New Structure	Habitat Regain	Net Impact
Coastal Bank	0	40	0	40 <sup>b</sup>

<sup>a</sup> Represents the area contained within the turbidity curtain.

<sup>b</sup> Represents a net impact to said resource area resulting from new structures and/or fill minus the habitat regained by the removal of existing piles.

### 5.1.1 Land Under the Ocean

Permanent impacts to Land Under the Ocean will result from the new pipe piles and the new bulkhead wall (170 sf), slightly offset by habitat regain from the removal of existing timber piles (27 sf), totaling a new permanent impact of 143 sf. It is expected that all work will be conducted from the existing pier and wharf structures and will not require the use of barges (spud or other) or other waterborne vessels, and as a result, temporary construction phase impacts will be minimized. To be conservative, the area enclosed within the turbidity curtain is considered temporary for this analysis, totaling approximately 3,000 sf. Exact dimensions of the area within the turbidity curtain will be field determined by the contractor based on available routing amongst existing piles.



### 5.1.2 Designated Port Areas

The impacts to Designated Port Area for this Project will reflect the same as that listed above in Land Under the Ocean with a net permanent impact of 143 sf, and an assumed temporary impact of 3,000 sf.

### 5.1.3 Coastal Bank

The proposed Project will permanently impact approximately 40 feet of Coastal Bank for the construction of the new bulkhead wall and new concrete deck attachment to the State Pier. The Coastal Bank in this location is made up of the existing bulkhead wall and will not result in an alteration in the current function of this resource.

### 5.1.4 Banks of or Land under the Ocean, Ponds, Streams, Rivers, Lakes, or Creeks that Underlie an Anadromous/Catadromous Fish Run ("Fish Run")

The impacts to Land under the Ocean that Underlies a Fish Run for this Project will reflect the same as that listed above in Land Under the Ocean with a net permanent impact of 143 sf, and an assumed temporary impact of 3,000 sf.

### 5.1.5 Rare Species

MassWildlife's Natural Heritage & Endangered Species Program (NHESP) has designated parts of the Acushnet River/New Bedford Inner Harbor as Estimated Habitat of Rare Wildlife and Priority Habitat of Rare Species, however this area does not fall within the limits of this Project.

### 5.1.6 Outstanding Resource Waters

Per MassGIS online data mapping, the Project area is not located within any Outstanding Resource Waters (ORWs), as defined in the Massachusetts Surface Water Quality Standards (WQS), 314 CMR 4.00 (WQS).

### 5.1.7 Areas of Critical Environmental Concern

Per MassGIS online data mapping, the Project area is not located within an Area of Critical Environmental Concern (ACEC).

## 5.2 Project Mitigation Measures

As a repair/replacement of an existing portion of the north wharf, opportunities for avoidance and/or minimization were limited to those related to the bulkhead wall design and construction phase mitigative measures. The chosen alternative was the only feasible option that minimized impact to the waterway while also working with the constraints of the existing north wharf and state pier.

As a mitigative measure during deck demolition, debris netting and/or canvas will be deployed to ensure any stray pieces of deck or other debris do not fall into the waterway below. Additionally, turbidity curtains will also be deployed around the work areas to ensure any turbidity generated by the project is contained and does not alter water quality beyond the project area.

## 6 Protection of the Interests of the WPA

As described in 310 CMR 10.00 (2), the purpose of the WPA is to protect the following eight interests of the Act:

- i. **Protection of public and private water supply:** The project is located within New Bedford Inner Harbor and as a result will not have any on impact public or private water supplies.
- ii. **Protection of groundwater supply:** The project is located within New Bedford Inner Harbor and as a result will not have any on impact on groundwater.
- iii. **Flood control:** This Project is located within the FEMA X layer (0.2% Annual Chance of Flooding). As a replacement project, the final wharf elevation will match the existing and as a result, the location's ability to provide flood storage will remain unaltered. However, due to the vertical nature of this Project, a portion of this structure will occupy the area between MHW and the 100-year flood zone elevation, but the Project will not cause any increase in flood velocity or stage or restrict flows. Therefore, the proposed Project as described will not result in impacts to the storage of flood flows.
- iv. **Storm damage prevention:** The proposed work will not impact New Bedford Inner Harbor's ability to provide value for storm damage prevention. The proposed work will result in a replacement of an existing portion of the New Bedford State Pier's north wharf, and with a more resilient structure, will offer a net benefit to storm damage prevention.
- v. **Prevention of pollution:** The proposed work is not anticipated to impact any resource areas that currently provide value for prevention of pollution or contaminant attenuation. BMPs, will be employed during the construction to minimize the potential for adverse impacts on the water quality of New Bedford Inner Harbor.
- vi. **Protection of land containing shellfish:** Natural shellfish beds are likely to occur within the project vicinity as shellfish were noted attached to the existing timber piles while exposed at low tide, however the natural environment at the project is entirely subtidal and does not get exposed during tidal cycles. New Bedford Harbor is mapped as suitable shellfish habitat for quahog spawning and settlement (between 6/15 and 9/15). It is expected that only a minor and/or temporary reduction in shellfish may be expected and limited to the location of the pile

removal and installation, and from the addition of the bulkhead wall. No significant permanent reduction in the abundance of shellfish is expected.

- vii. ***Protection of fisheries:*** As a project aimed at the replacement of an existing portion of the north wharf, this project will have no effect on the protection of fisheries.
- viii. ***Protection of wildlife habitat:*** There will be no changes in water depth as part of this project and very limited impact to benthic habitat via the placement of 18 new piles and the new bulkhead wall. Removal of 34 existing piles will provide new benthic habitat, which will encourage recolonization by benthic organisms from adjacent communities. Larvae and other motile life stages and motile species will find the harbor floor area generated by pile removal available for settlement. As a project aimed at the replacement of an existing portion of the north wharf, this project will have no net effect on wildlife habitat.

## 7 Performance Standards

### 7.1 Land Under the Ocean

The regulations at 310 CMR 10.25 do not establish general performance standards for Land Under the Ocean. The Project, as a replacement of an existing portion of the north wharf, is not expected to be significant to the protection of marine fisheries, to the protection of land containing shellfish, to storm damage prevention, flood control, and/or protection of wildlife habitat, and as a result, does not conflict with the regulations outlined in 310 CMR 10.25 for activities within Land Under the Ocean.

### 7.2 Designated Port Area

The regulations at 310 CMR 10.26 do not establish general performance standards for Designated Port Area. The Project, as a replacement of an existing portion of the north wharf, is not expected to be significant to the protection of marine fisheries, to storm damage prevention, and/or flood control, and as a result, does not conflict with the regulations outlined in 310 CMR 10.26 for activities within Designated Port Area.

### 7.3 Coastal Bank

The regulations at 310 CMR 10.30 do not establish general performance standards for Coastal Bank. The Project, as a replacement of an existing portion of the north wharf, is not expected to be significant to storm damage prevention, and/or flood control, and as a result, does not conflict with the regulations outlined in 310 CMR 10.30 for activities within Coastal Bank.



## 7.4 Banks of or Land under the Ocean, Ponds, Streams, Rivers, Lakes, or Creeks that Underlie an Anadromous/Catadromous Fish Run ("Fish Run")

The regulations at 310 CMR 10.35 do not establish general performance standards for Land under the Ocean that Underlies a Fish Run. The Project, as a replacement of an existing portion of the north wharf located within a manmade embayment of New Bedford Inner Harbor, is not expected to be significant to the protection of marine fisheries, and as a result, does not conflict with the regulations outlined in 310 CMR 10.30 for activities within Land under the Ocean that Underlies a Fish Run.

## 8 Conclusion

The New Bedford State Pier North Wharf serves as the direct connection for both pedestrian and vehicular access to the Seastreak Ferry Terminal which offers service to ports in Massachusetts, New York, and New Jersey. The North Wharf cannot accommodate vehicle loads in its current condition due to degradation of materials and rotation of the existing seawall. The proposed repairs to the North Wharf include replacing a portion of the existing pile supported pier, and stabilizing and replacing a portion of the existing stone seawall with a steel sheet pile bulkhead. These improvements will allow the facility to safely accommodate vehicular loads and restore vehicular ferry service.

The Project includes work within Land Under the Ocean, Designated Port Area, Coastal Bank, and Land under the Ocean that Underlies a Fish Run. As a replacement of an existing structure, there are no feasible nor practicable alternatives for the Project. MassDevelopment proposes the use of debris netting and turbidity curtains in an effort to protect resources areas from the construction phase impacts. As such, impacts to the resource areas are negligible given that all construction work to replace this portion of the existing north wharf will be contained within the previously developed and environmentally disturbed north wharf footprint.

MassDevelopment respectfully requests that the New Bedford Conservation Commission find the proposed Project and measures detailed in the NOI would not negatively affect the protected resources, meets appropriate performance standards, and is not in conflict with interests identified in the WPA in any way. As such, MassDevelopment seeks an Order of Conditions approving the work described in this NOI and appendices.



## Appendices



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## Appendix A - Figures

- USGS Locus Map
- FEMA Map
- Environmental Constraints Map



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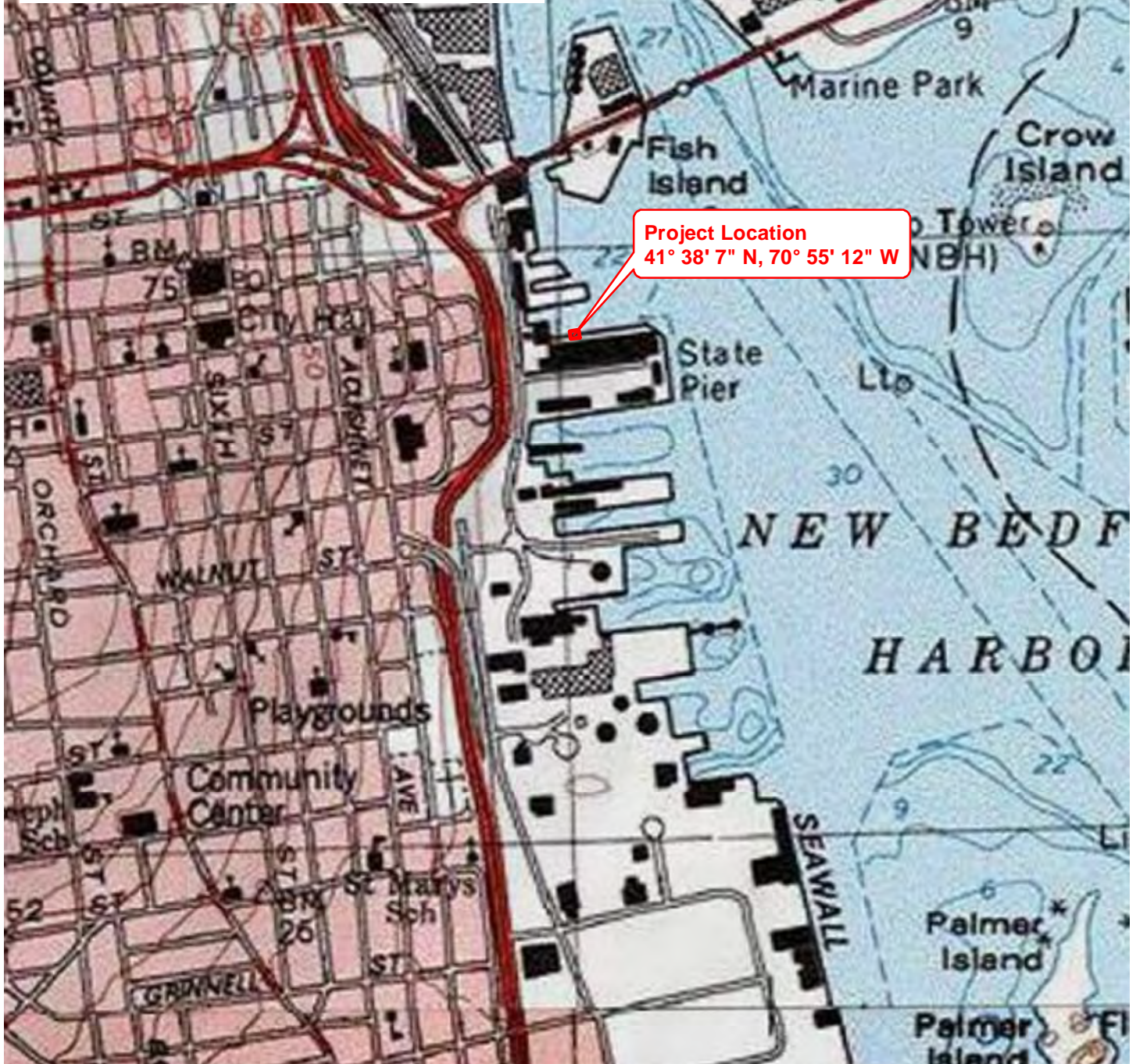




0 1,500 Feet

DATA SOURCE: esri, USGS

MAP INFORMATION WAS COMPILED FROM THE BEST AVAILABLE PUBLIC SOURCES AND REPRESENTS A PLANNING LEVEL OF DETAIL ONLY. NO WARRANTY IS MADE FOR ITS ACCURACY AND COMPLETENESS.



## NEW BEDFORD STATE PIER - NORTH WHARF REPAIRS

WPA NOTICE OF INTENT

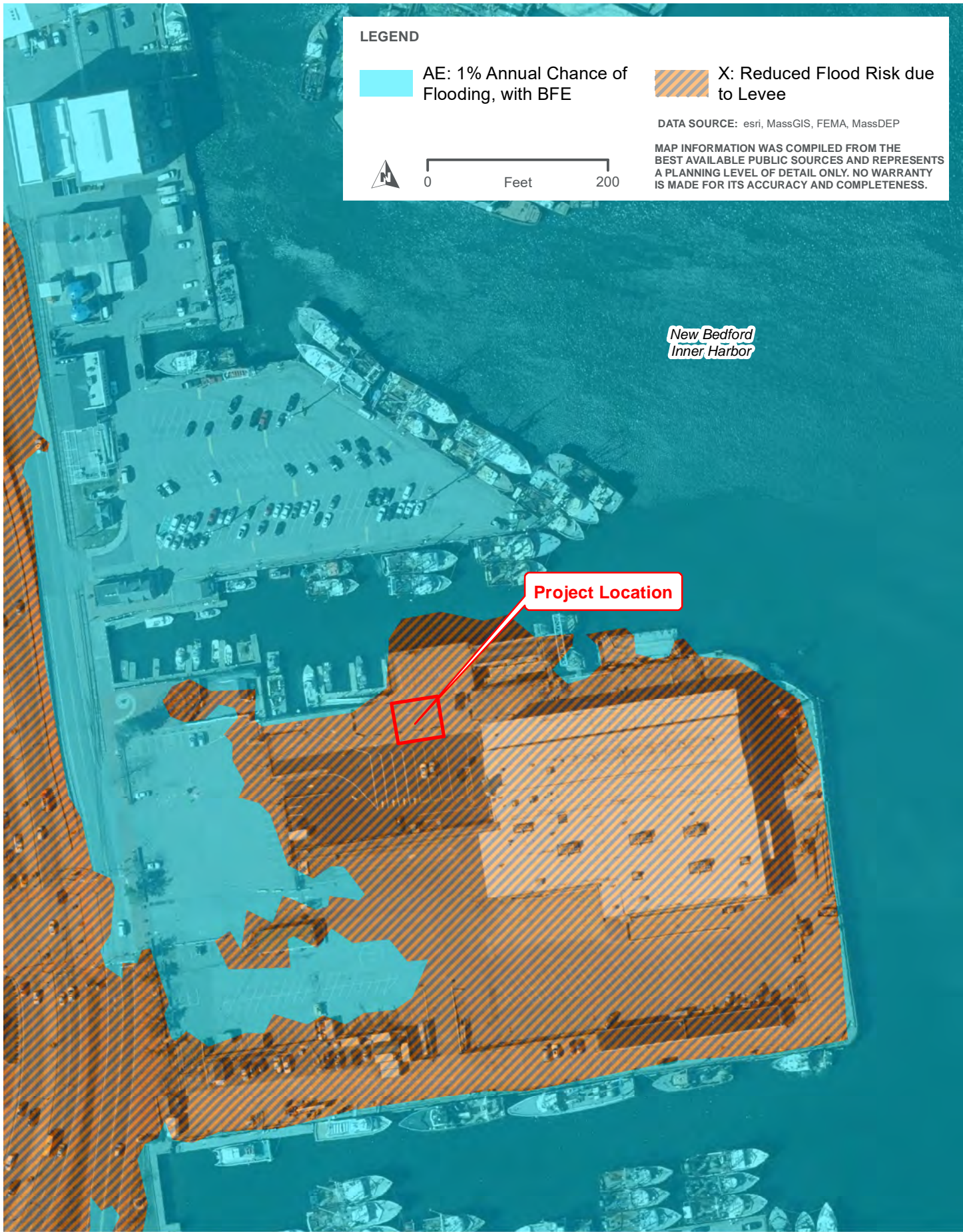
LOCUS MAP





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LEGEND



AE: 1% Annual Chance of Flooding, with BFE



X: Reduced Flood Risk due to Levee

DATA SOURCE: esri, MassGIS, FEMA, MassDEP

MAP INFORMATION WAS COMPILED FROM THE BEST AVAILABLE PUBLIC SOURCES AND REPRESENTS A PLANNING LEVEL OF DETAIL ONLY. NO WARRANTY IS MADE FOR ITS ACCURACY AND COMPLETENESS.



0

Feet

200

*New Bedford  
Inner Harbor*

**Project Location**



NEW BEDFORD STATE PIER - NORTH WHARF REPAIRS

WPA NOTICE OF INTENT

FEMA MAP





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## NEW BEDFORD STATE PIER - NORTH WHARF REPAIRS

WPA NOTICE OF INTENT

ENVIRONMENTAL CONSTRAINTS MAP



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## Appendix B - Environmental Plans



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# NEW BEDFORD STATE PIER

NEW BEDFORD, MASSACHUSETTS  
BRISTOL COUNTY

## NORTH WHARF REPAIR

### ENVIRONMENTAL PLANS

**Pier Manager:**

Massachusetts Development Finance Agency  
99 High Street, 11th Floor  
Boston, MA 02110

FEBRUARY 2021  
CONTRACT PO4899

**Pier Owner:**

Massachusetts Dept. of Conservation and Recreation (DCR)  
251 Causeway Street, 9th Floor  
Boston, MA 02114

LIST OF DRAWINGS	
1	COVER SHEET
2	VICINITY MAP
3	SITE LAYOUT
4	SITE PLAN
5	EXISTING PLAN AND SECTION
6	PROPOSED PLAN
7	PROPOSED SECTIONS
8	STRUCTURAL DETAILS 1
9	STRUCTURAL DETAILS 2

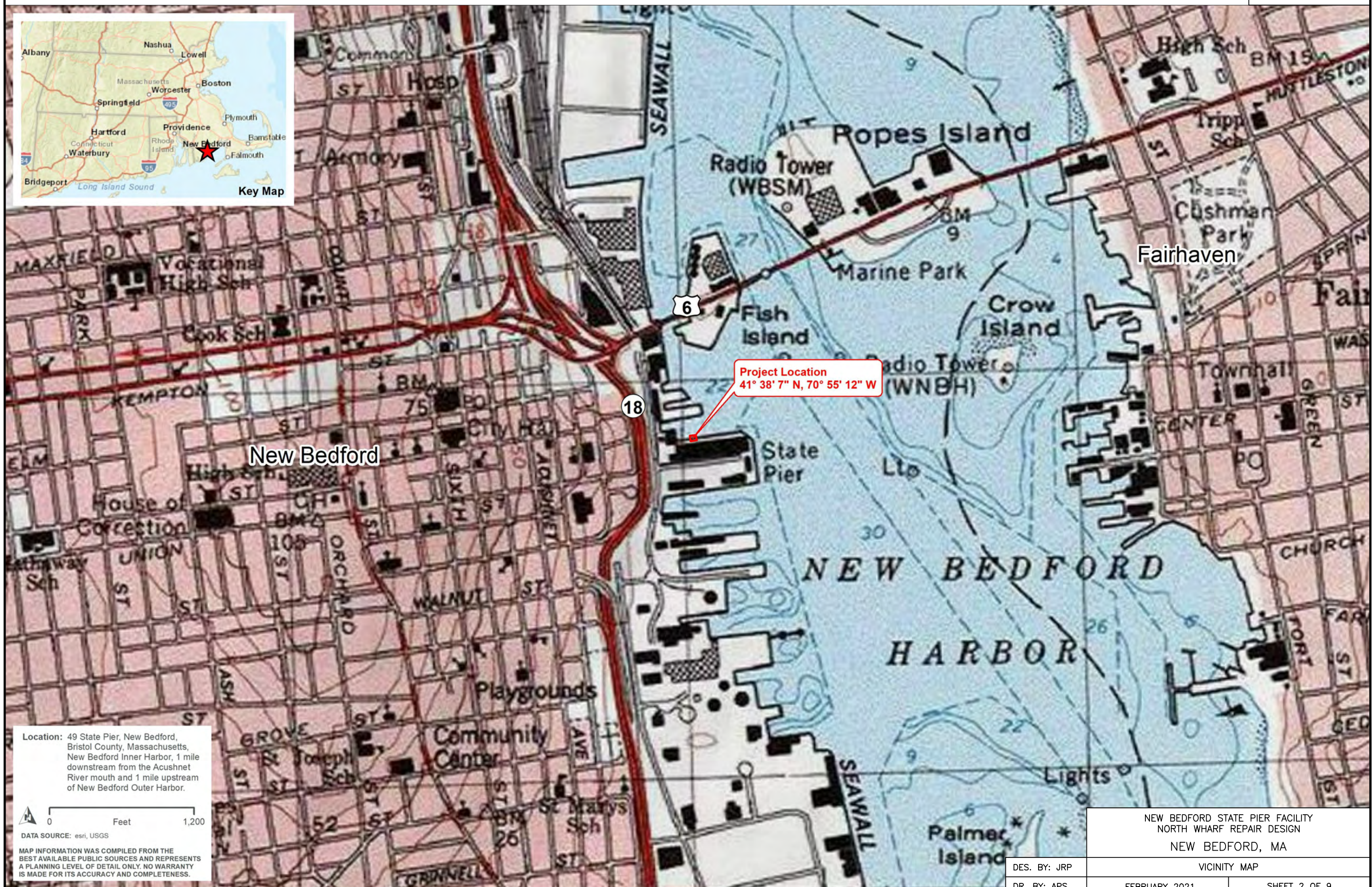






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Location: 49 State Pier, New Bedford, Bristol County, Massachusetts, New Bedford Inner Harbor, 1 mile downstream from the Acushnet River mouth and 1 mile upstream of New Bedford Outer Harbor.

0 Feet 1,200

DATA SOURCE: esri, USGS

MAP INFORMATION WAS COMPILED FROM THE BEST AVAILABLE PUBLIC SOURCES AND REPRESENTS A PLANNING LEVEL OF DETAIL ONLY. NO WARRANTY IS MADE FOR ITS ACCURACY AND COMPLETENESS.

NEW BEDFORD STATE PIER FACILITY  
NORTH WHARF REPAIR DESIGN  
NEW BEDFORD, MA

DES. BY: JRP

VICINITY MAP

DR. BY: APS

FEBRUARY 2021

SHEET 2 OF 9

CHK BY: SAM

CONTRACT PO4899 — DELIVERY ORDER NO. 1







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LEGEND

 Limits of Construction

 0 Feet 100

DATA SOURCE: esri, MassGIS

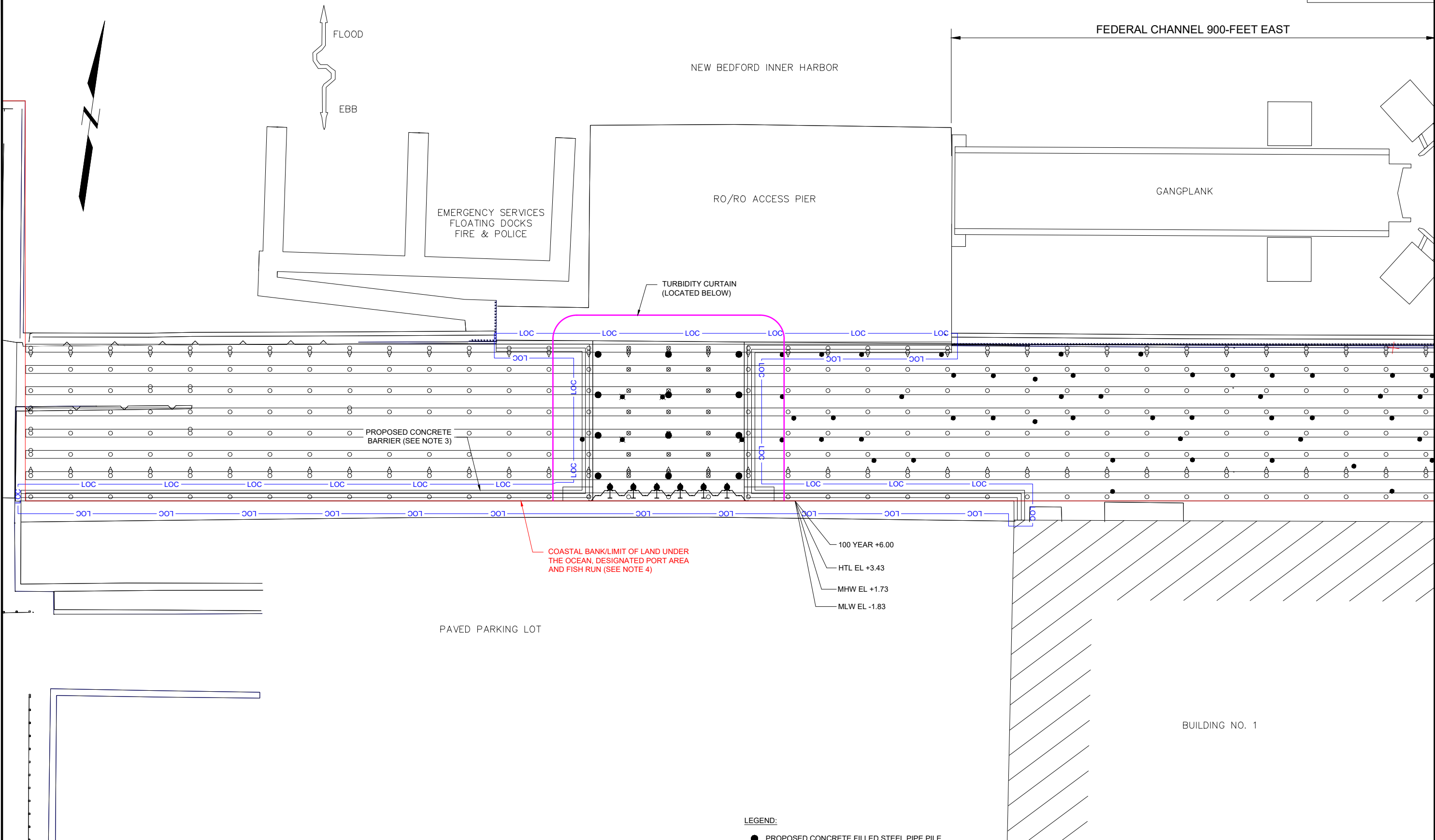
MAP INFORMATION WAS COMPILED FROM THE BEST AVAILABLE PUBLIC SOURCES AND REPRESENTS A PLANNING LEVEL OF DETAIL ONLY. NO WARRANTY IS MADE FOR ITS ACCURACY AND COMPLETENESS.

NEW BEDFORD STATE PIER FACILITY NORTH WHARF REPAIR DESIGN NEW BEDFORD, MA		
DES. BY: JRP	SITE LAYOUT	
DR. BY: APS	FEBRUARY 2021	SHEET 3 OF 9
CHK BY: SAM	CONTRACT PO4899 – DELIVERY ORDER NO. 1	





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NOTES:

1. VERTICAL ELEVATIONS AREA SHOWN IN FEET BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)
2. HORIZONTAL COORDINATES ARE SHOWN IN FEET BASED ON NORTH AMERICAN DATUM OF 1983 (NAD83).
3. EAST/WEST EXTENTS OF THE LIMITS OF CONSTRUCTION (LOC), WHICH EXTEND BEYOND THE PORTION OF THE WHARF BEING REPLACED, ACCOUNT FOR NEW CONCRETE BARRIER.
4. THE NEW BEDFORD STATE PIER BULKHEAD WALL SERVES AS THE COASTAL BANK AS WELL AS THE LANDWARD LIMIT OF LAND UNDER THE OCEAN, DESIGNATED PORT AREA AND FISH RUN.



DATUM AND TIDE TABLE	
100 YEAR FLOOD	+6.00
HTL	+3.72
MHW	+1.73
NAVD88	0.0
NGVD 29	-0.84
MLW	-1.83

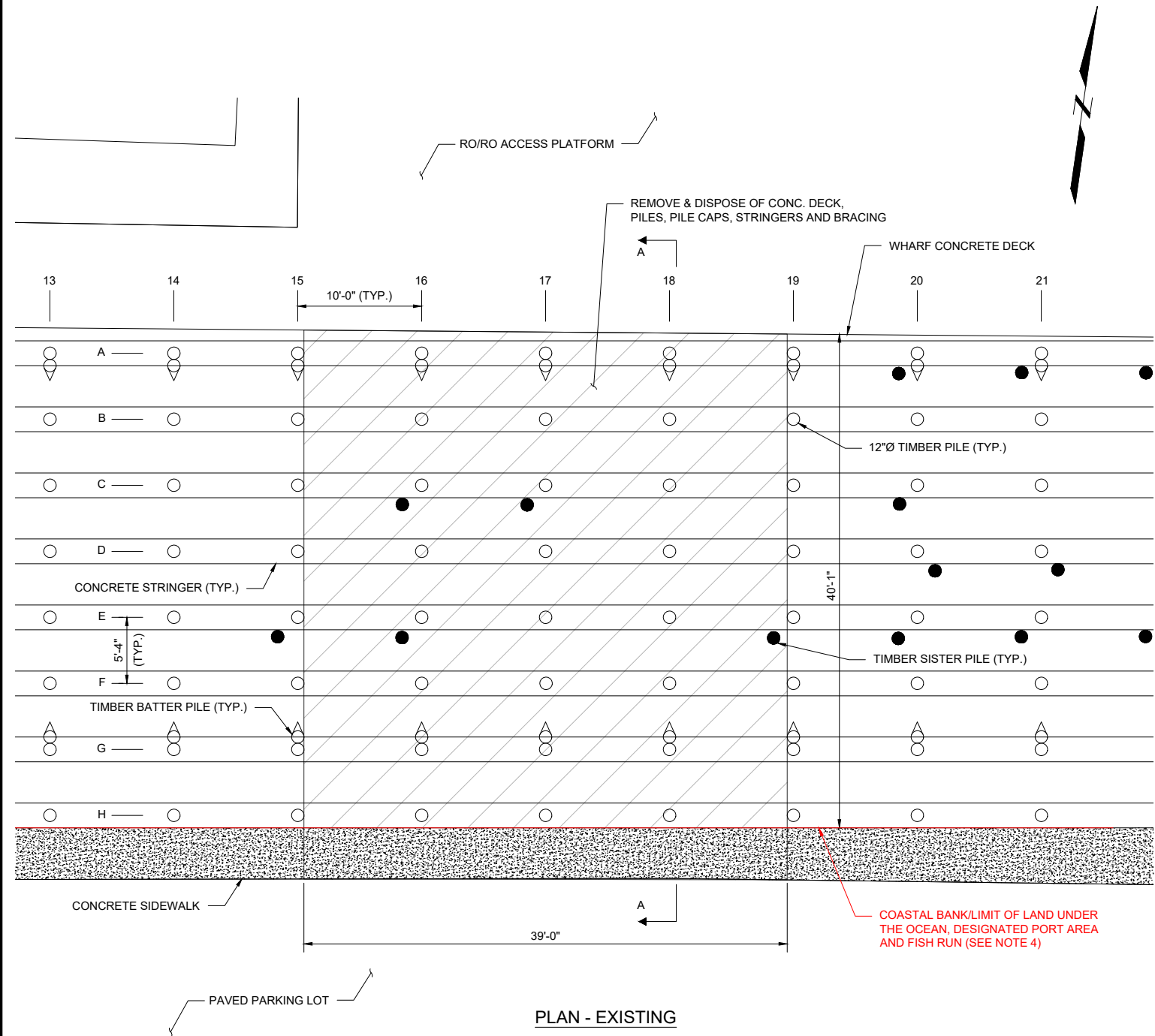
LEGEND:

- PROPOSED CONCRETE FILLED STEEL PIPE PILE
- ⊗ EXISTING TIMBER PILE TO BE REMOVED
- ✱ EXISTING TIMBER SISTER PILE TO BE REMOVED
- LOC — LIMITS OF CONSTRUCTION
- TURBIDITY CURTAIN
- COASTAL BANK/LIMIT OF LAND UNDER THE OCEAN DESIGNATED PORT AREA AND FISH RUN (SEE NOTE 4)

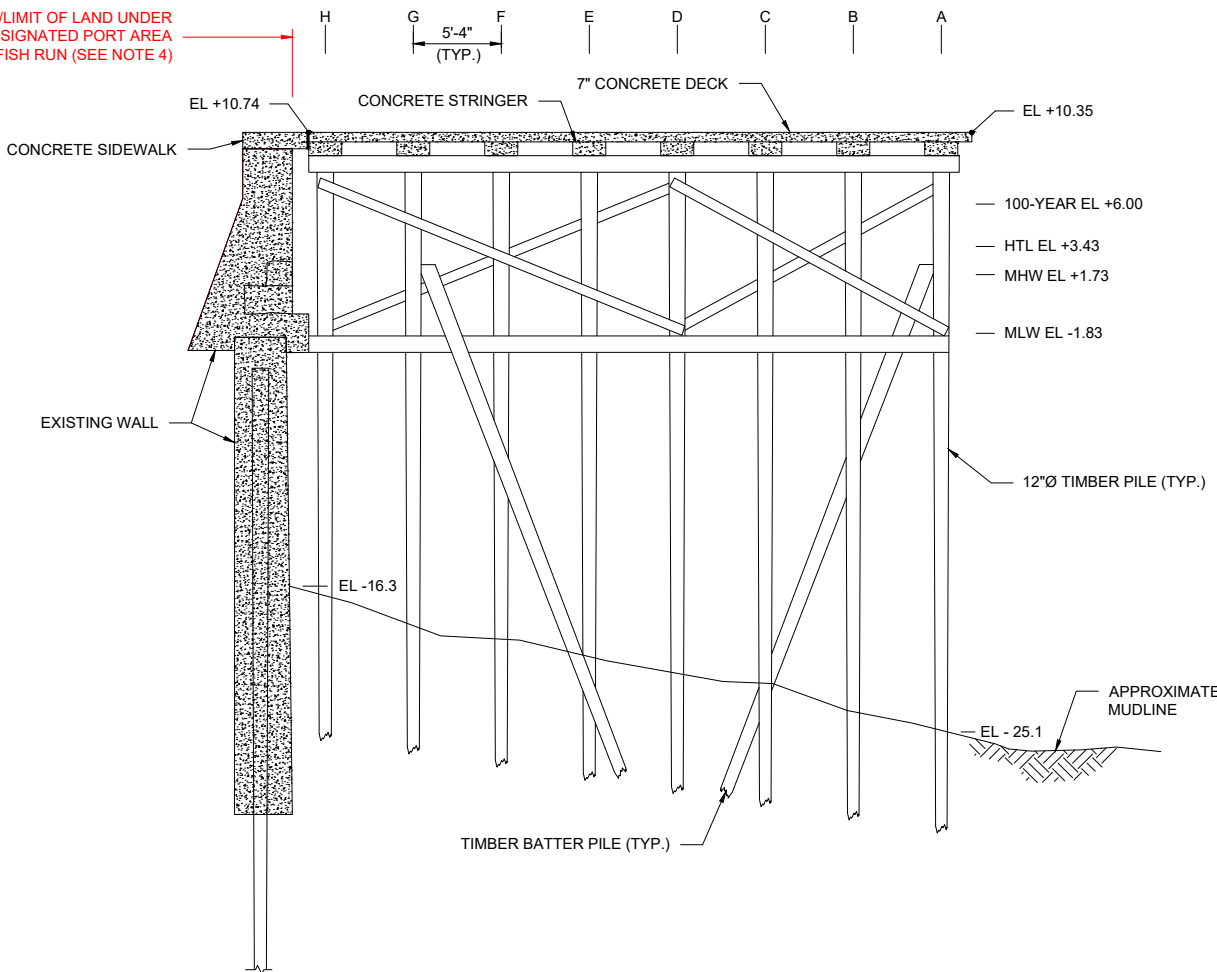
NEW BEDFORD STATE PIER FACILITY NORTH WHARF REPAIR DESIGN NEW BEDFORD, MA		
DES. BY: JRP	SITE PLAN	
DR. BY: APS	FEBRUARY 2021	SHEET 4 OF 9
CHK BY: SAM	CONTRACT PO4899 — DELIVERY ORDER NO. 1	



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COASTAL BANK/LIMIT OF LAND UNDER THE OCEAN, DESIGNATED PORT AREA AND FISH RUN (SEE NOTE 4)



SECTION A-A - EXISTING

NOTES:

1. VERTICAL ELEVATIONS AREA SHOWN IN FEET BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)
2. HORIZONTAL COORDINATES ARE SHOWN IN FEET BASED ON NORTH AMERICAN DATUM OF 1983 (NAD83).
3. SEE DRAWINGS 8 AND 9 FOR STRUCTURAL DETAILS.
4. THE NEW BEDFORD STATE PIER BULKHEAD WALL SERVES AS THE COASTAL BANK AS WELL AS THE LANDWARD LIMIT OF LAND UNDER THE OCEAN, DESIGNATED PORT AREA AND FISH RUN.



DATUM AND TIDE TABLE	
100 YEAR FLOOD	+6.00
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MHW	+1.73
NAVD88	0.0
NGVD 29	-0.84
MLW	-1.83

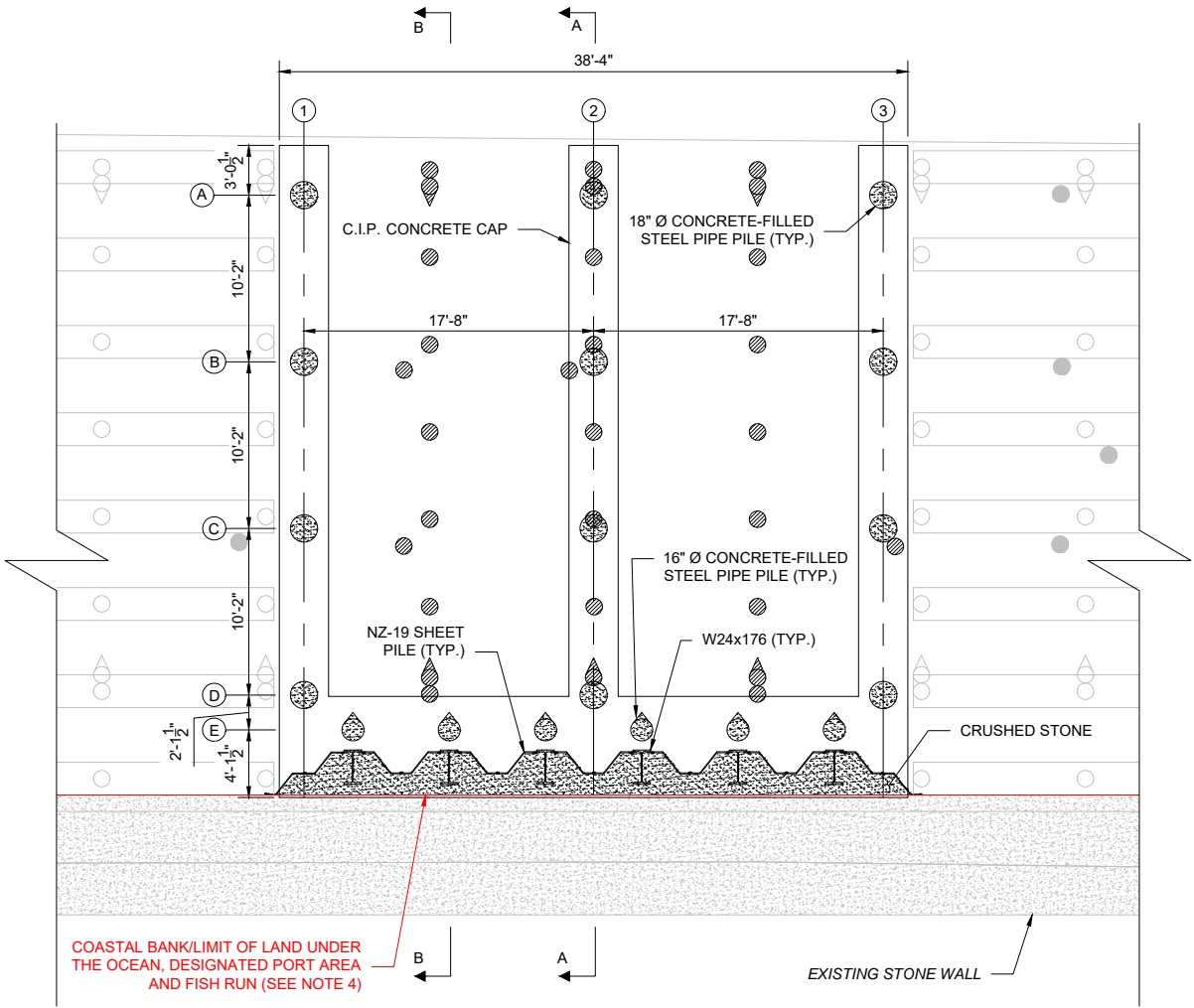
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COASTAL BANK/LIMIT OF LAND UNDER THE OCEAN DESIGNATED PORT AREA AND FISH RUN (SEE NOTE 4)

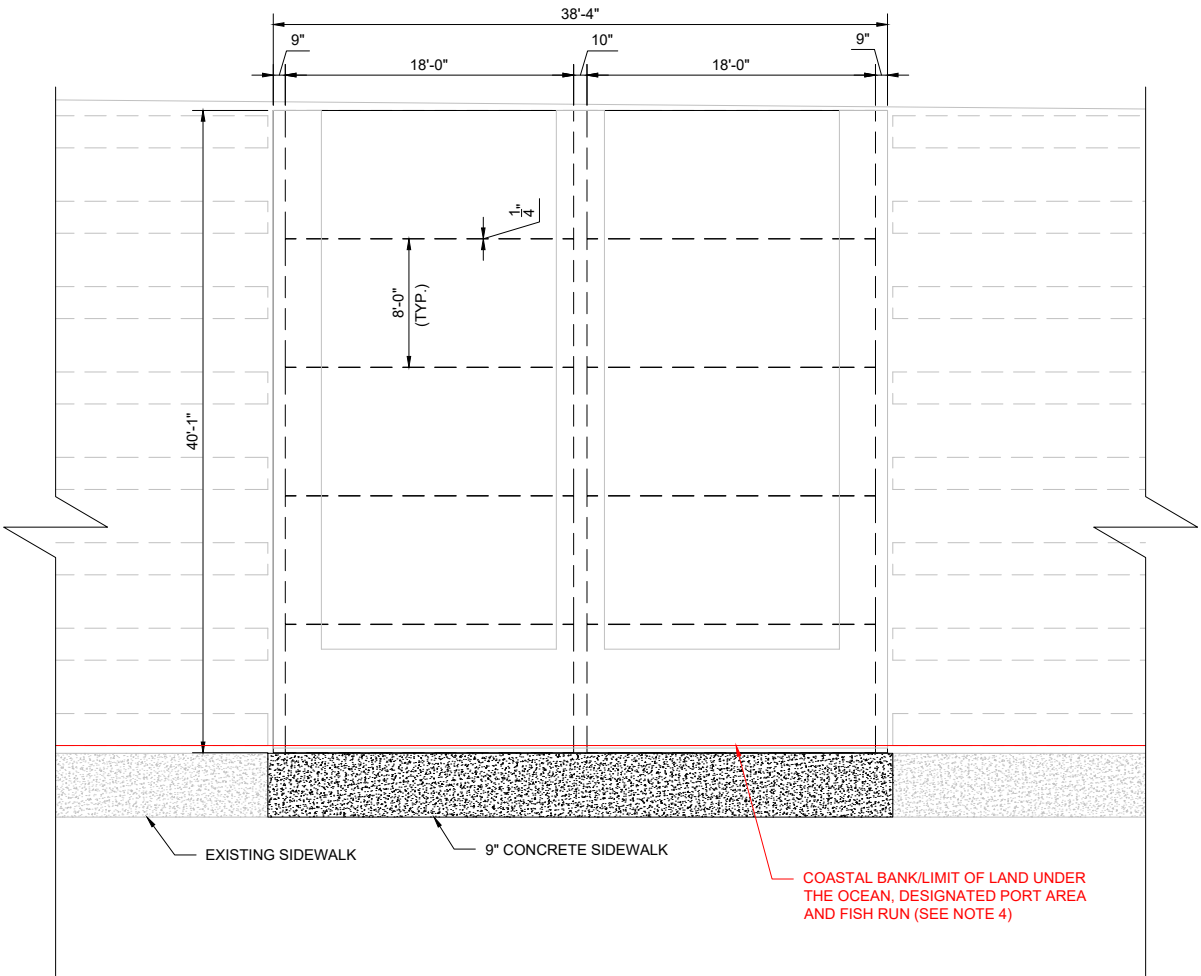
NEW BEDFORD STATE PIER FACILITY NORTH WHARF REPAIR DESIGN NEW BEDFORD, MA		
DES. BY: JRP	EXISTING PLAN AND SECTION	
DR. BY: APS	FEBRUARY 2021	SHEET 5 OF 9
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FOUNDATION PLAN - PROPOSED



DECK PLAN - PROPOSED

NOTES:

1. VERTICAL ELEVATIONS AREA SHOWN IN FEET BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)
2. HORIZONTAL COORDINATES ARE SHOWN IN FEET BASED ON NORTH AMERICAN DATUM OF 1983 (NAD83).
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DATUM AND TIDE TABLE	
100 YEAR FLOOD	+6.00
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MHW	+1.73
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NGVD 29	-0.84
MLW	-1.83

LEGEND:

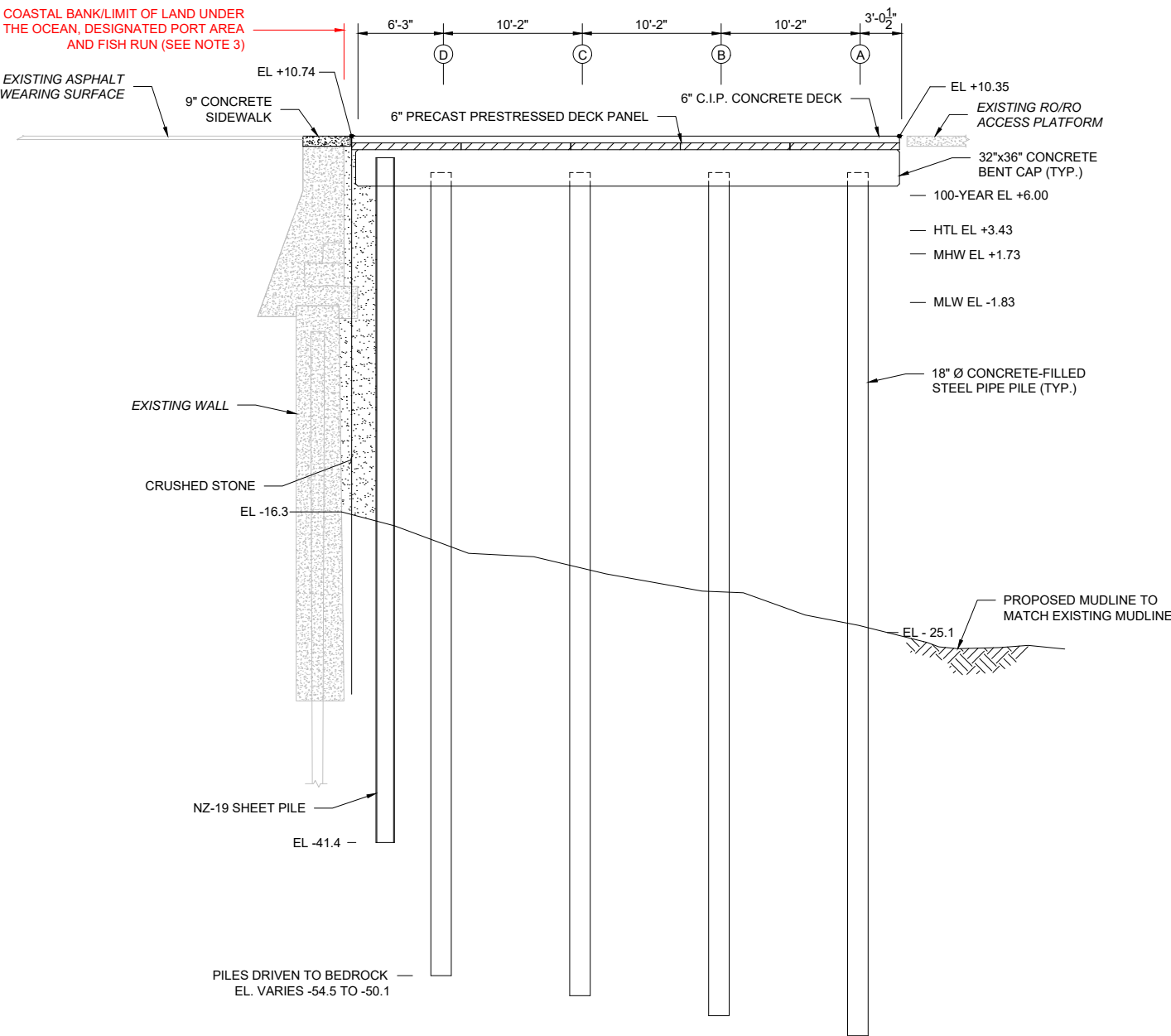
- PERMANENT IMPACT
- HABITAT REGAIN
- COASTAL BANK/LIMIT OF LAND UNDER THE OCEAN DESIGNATED PORT AREA AND FISH RUN (SEE NOTE 4)

NEW BEDFORD STATE PIER FACILITY NORTH WHARF REPAIR DESIGN NEW BEDFORD, MA		
DES. BY: JRP	PROPOSED PLAN	
DR. BY: APS	FEBRUARY 2021	SHEET 6 OF 9
CHK BY: SAM	CONTRACT PO4899 – DELIVERY ORDER NO. 1	

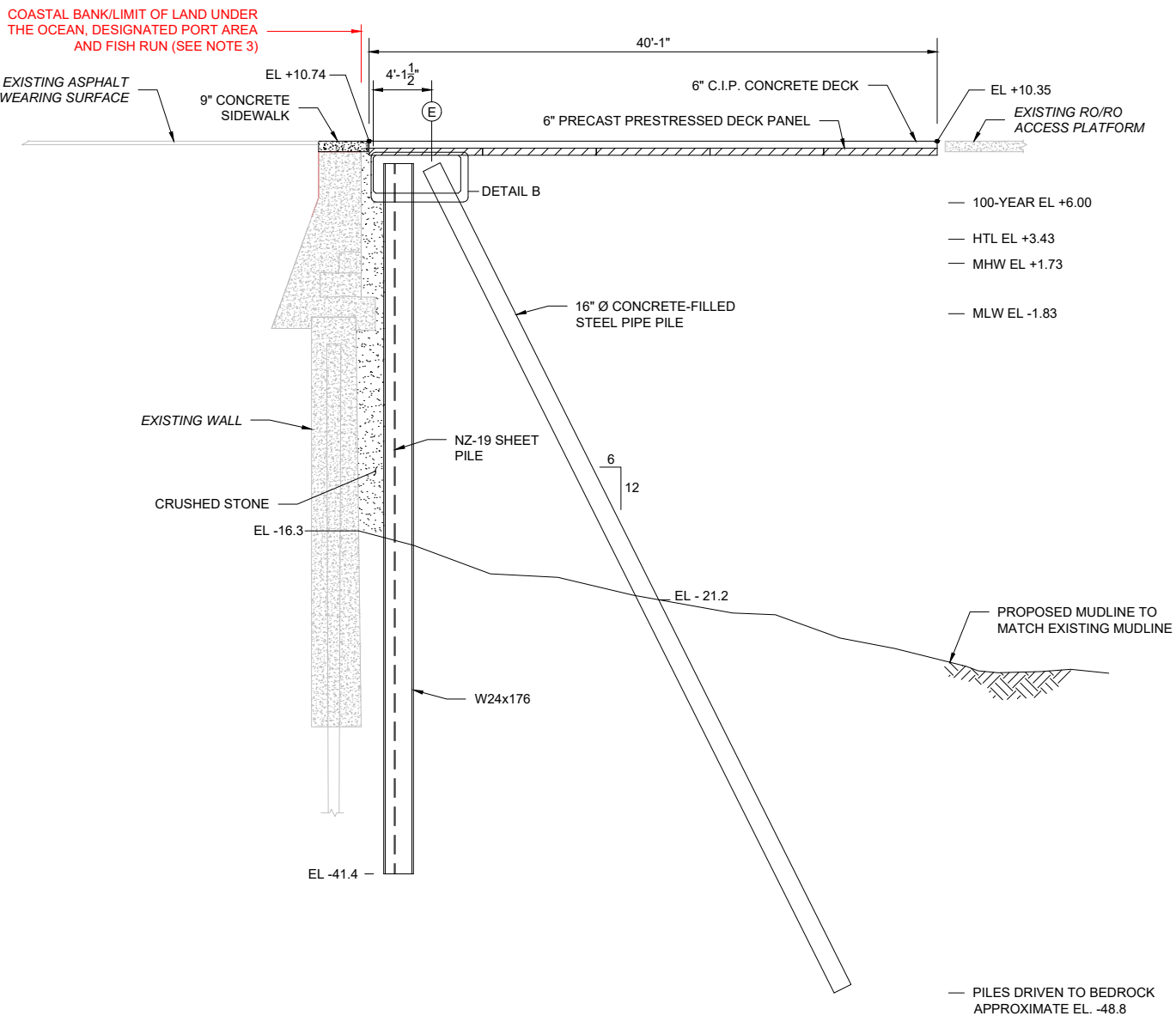




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SECTION A-A - PROPOSED



SECTION B-B - PROPOSED

NOTES:

1. VERTICAL ELEVATIONS AREA SHOWN IN FEET BASED ON NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88)
2. HORIZONTAL COORDINATES ARE SHOWN IN FEET BASED ON NORTH AMERICAN DATUM OF 1983 (NAD83).
3. THE NEW BEDFORD STATE PIER BULKHEAD WALL SERVES AS THE COASTAL BANK AS WELL AS THE LANDWARD LIMIT OF LAND UNDER THE OCEAN, DESIGNATED PORT AREA AND FISH RUN.

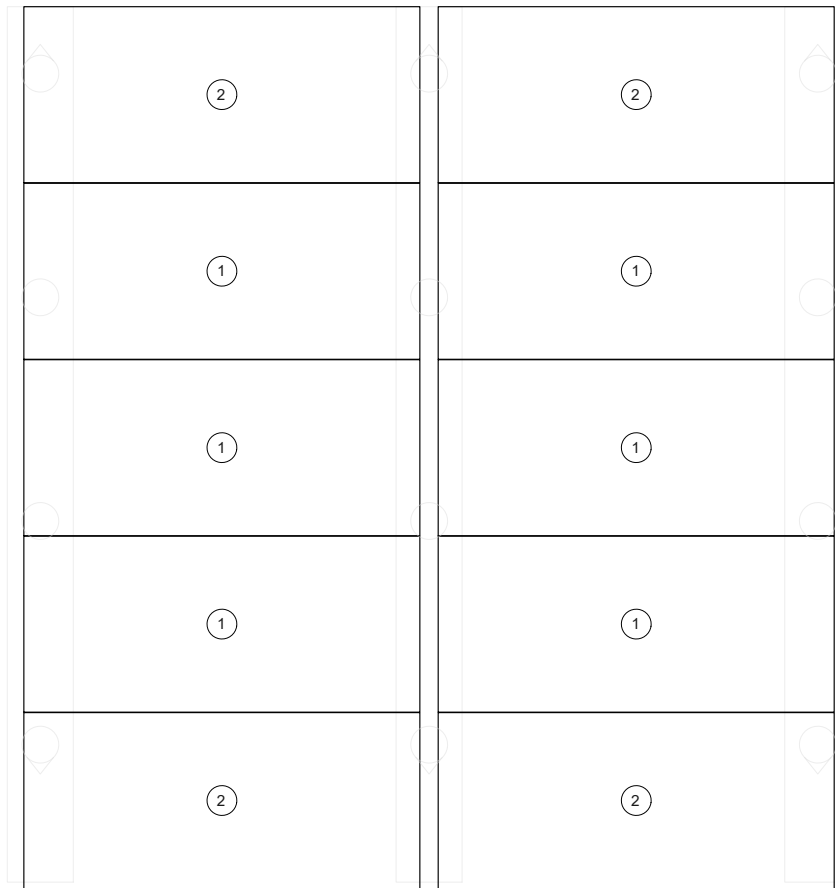


DATUM AND TIDE TABLE	
100 YEAR FLOOD	+6.00
HTL	+3.72
MHW	+1.73
NAVD88	0.0
NGVD 29	-0.84
MLW	-1.83

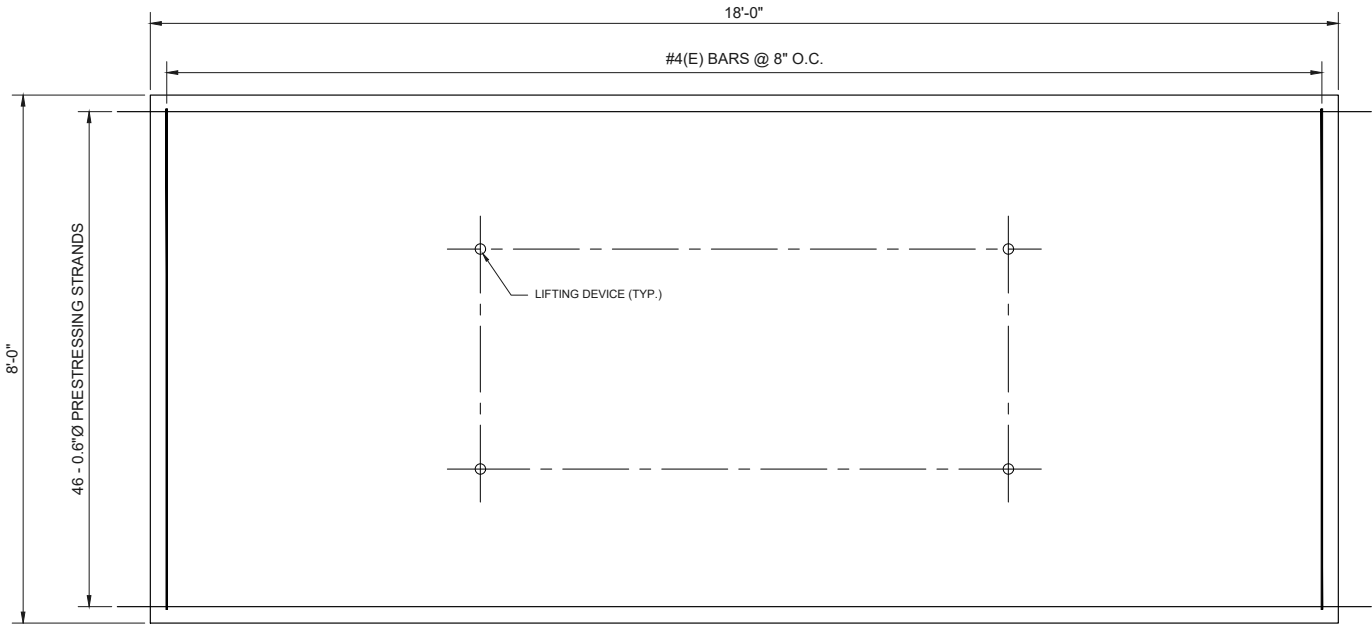
NEW BEDFORD STATE PIER FACILITY NORTH WHARF REPAIR DESIGN NEW BEDFORD, MA		
DES. BY: JRP	PROPOSED SECTIONS	
DR. BY: APS	FEBRUARY 2021	SHEET 7 OF 9
CHK BY: SAM	CONTRACT PO4899 – DELIVERY ORDER NO. 1	



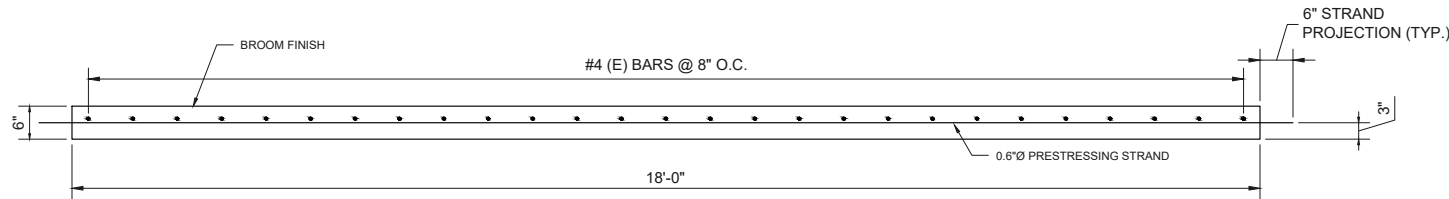
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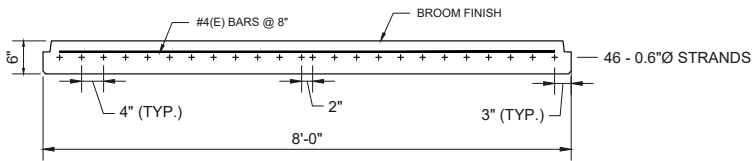
PRECAST DECK PANEL LAYOUT



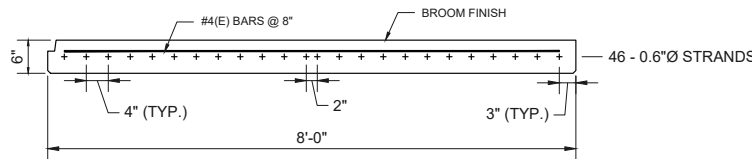
PRECAST DECK PANEL PANEL



PRECAST DECK PANEL SECTION



PRECAST DECK PANEL SECTION - TYPE 1



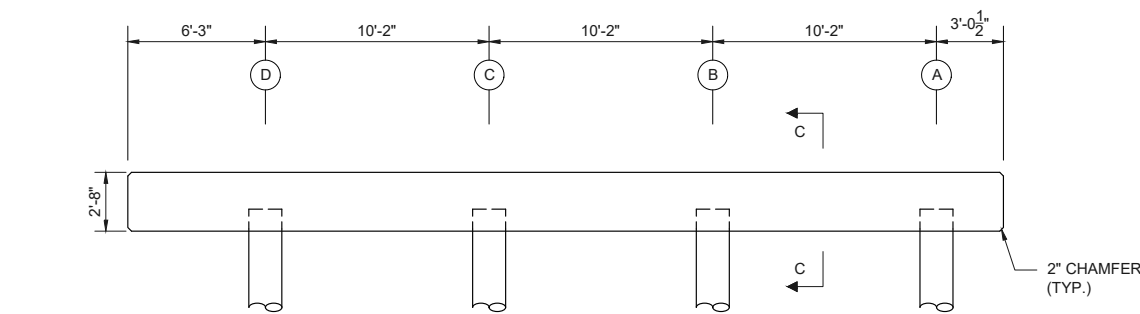
PRECAST DECK PANEL SECTION - TYPE 2



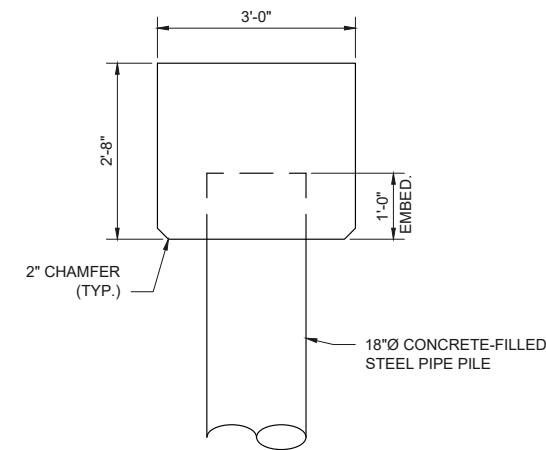
NEW BEDFORD STATE PIER FACILITY NORTH WHARF REPAIR DESIGN NEW BEDFORD, MA		
DES. BY: JRP	STRUCTURAL DETAILS 1	
DR. BY: APS	FEBRUARY 2021	SHEET 8 OF 9
CHK BY: SAM	CONTRACT PO4899 – DELIVERY ORDER NO. 1	



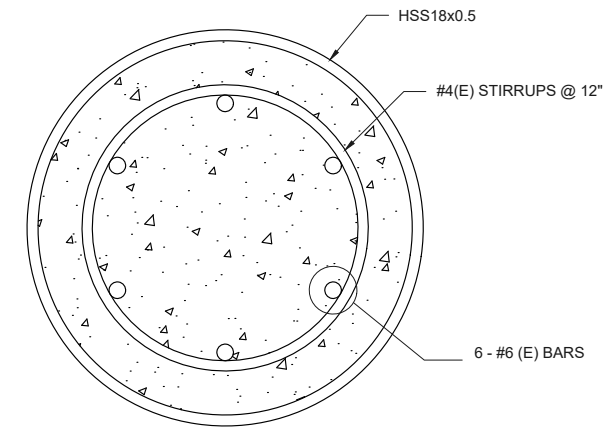
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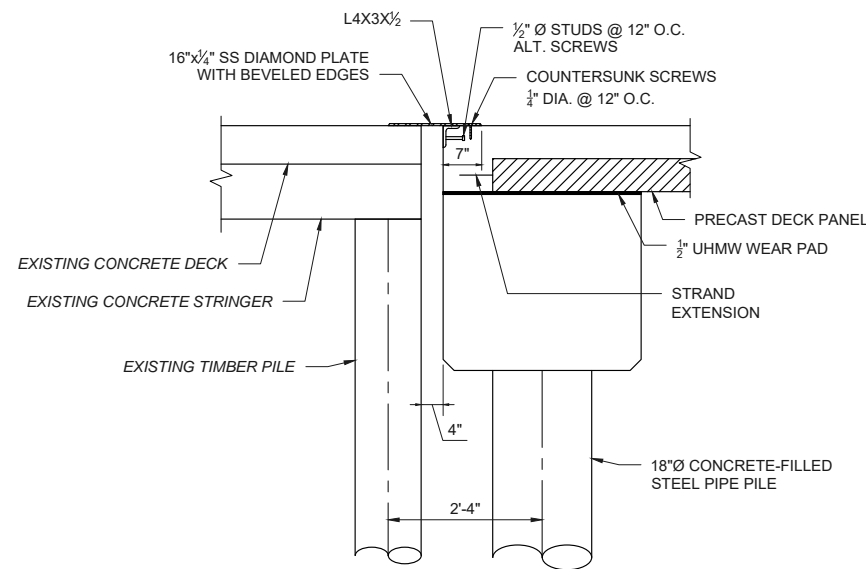
BENT CAP ELEVATION



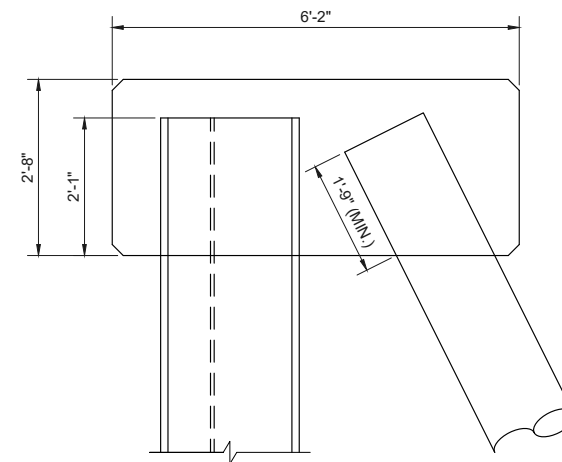
SECTION C-C



SECTION F-F



JOINT SECTION - PROPOSED DECK TO EXISTING DECK



DETAIL B - KING PILE CAP REINFORCING SECTION

NEW BEDFORD STATE PIER FACILITY  
NORTH WHARF REPAIR DESIGN  
NEW BEDFORD, MA

DES. BY: JRP	STRUCTURAL DETAILS 2	
DR. BY: APS	FEBRUARY 2021	SHEET 9 OF 9
CHK BY: SAM	CONTRACT PO4899 — DELIVERY ORDER NO. 1	



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## Appendix C - Photo Log





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## PHOTOGRAPHIC LOG

Site Location: New Bedford State Pier - North Wharf Repairs in New Bedford, MA

Project No. 10203366

Photo No.  
1

Date:  
12/20/2019

**Description:**  
Photo depicting existing conditions of the piles underneath the New Bedford State Pier North Wharf adjacent to the Roll-on/Roll-off (Ro/Ro) ferry access platform.

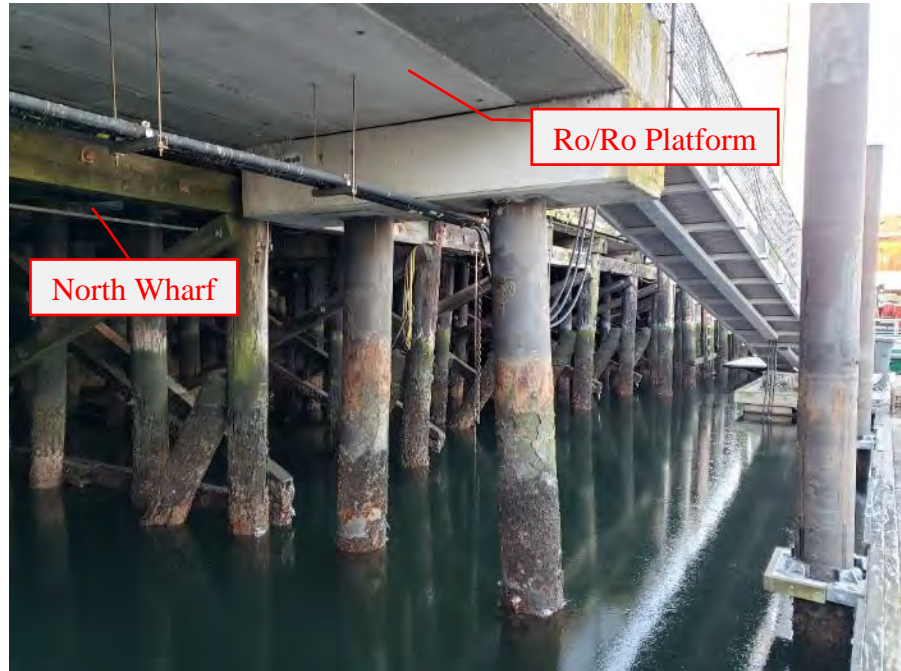
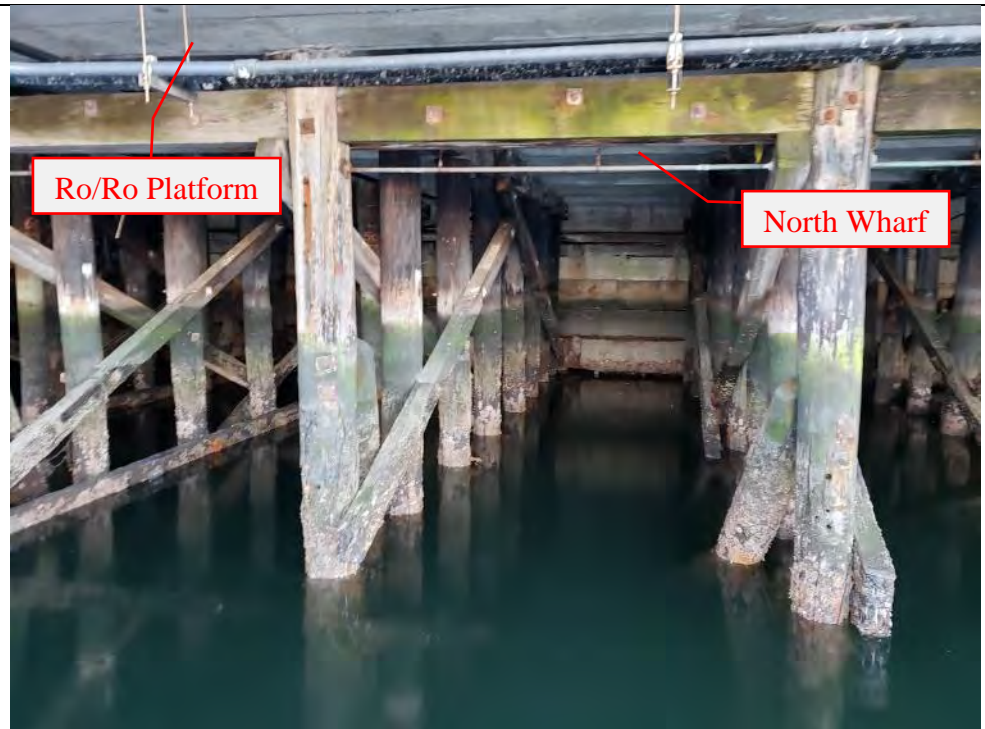


Photo No.  
2

Date:  
12/20/2019

Direction Photo Taken:  
South

**Description:**  
Photo depicting existing conditions of the piles underneath the New Bedford State Pier North Wharf.



## PHOTOGRAPHIC LOG

Site Location: New Bedford State Pier - North Wharf Repairs in New Bedford, MA

Project No. 10203366

Photo No.  
3

Date:  
12/20/2019

Direction Photo Taken:  
West

**Description:**

Photo looking at the gangway access to floating docks adjacent to the Ro/Ro platform (arrow pointing to gangway access).

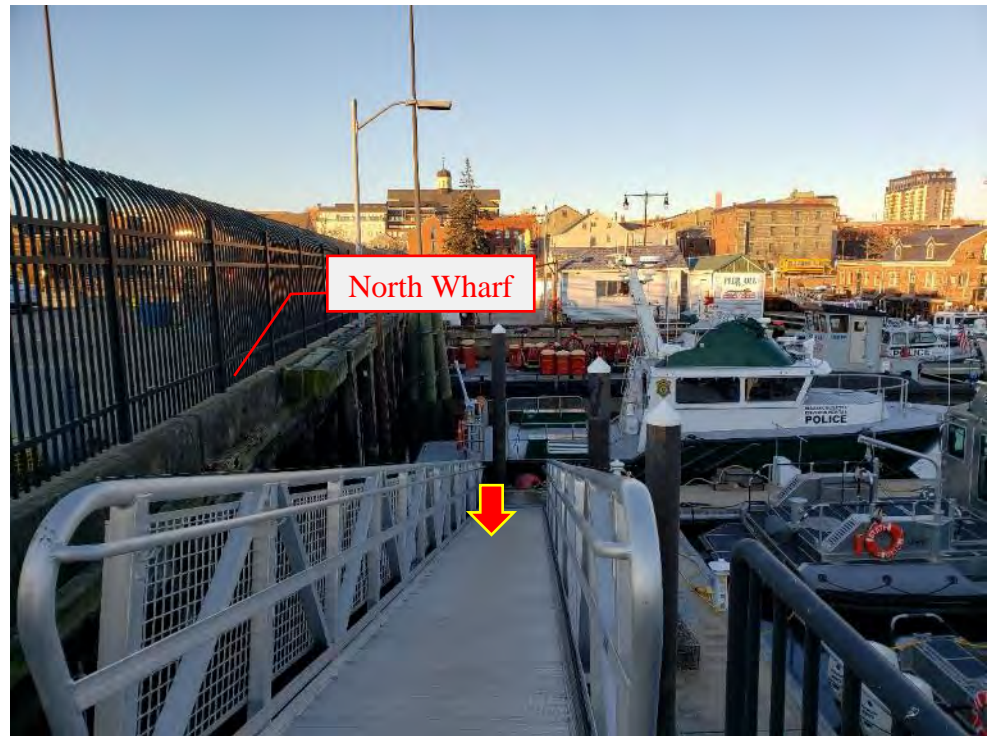


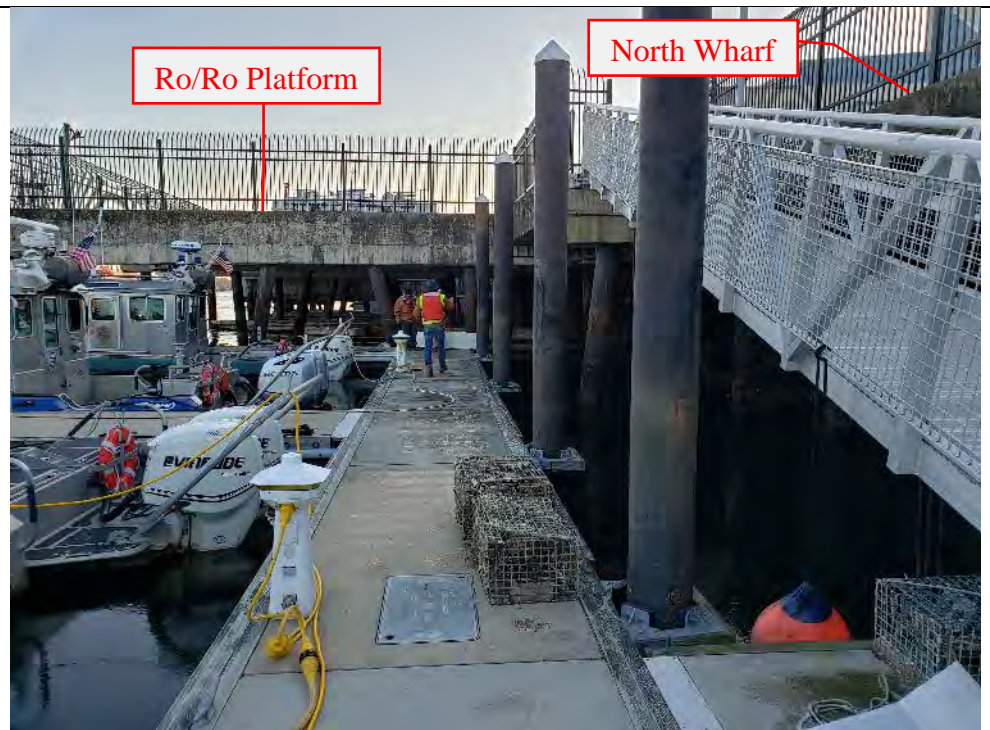
Photo No.  
4

Date:  
12/20/2019

Direction Photo Taken:  
East

**Description:**

Photo looking at floating docks adjacent to the Ro/Ro platform. Ro/Ro platform is in the background.







## PHOTOGRAPHIC LOG

Site Location: New Bedford State Pier - North Wharf Repairs in New Bedford, MA

Project No. 10203366

Photo No.  
5

Date:  
12/20/2019

Direction Photo Taken:  
Down

**Description:**

Photo depicting macroalgae, calcareous fouling organisms, and shellfish on a timber pile in the intertidal/subtidal zones at the New Bedford State Pier – North Wharf.



Photo No.  
6

Date:  
12/20/2019

Direction Photo Taken:  
Down

**Description:**

Photo depicting growth on timber piles in the intertidal/subtidal zones at the New Bedford State Pier – North Wharf.



## PHOTOGRAPHIC LOG

Site Location: New Bedford State Pier - North Wharf Repairs in New Bedford, MA

Project No. 10203366

Photo No.  
7

Date:  
12/20/2019

Direction Photo Taken:  
South

**Description:**  
Photo depicting algal growth above Mean High Water Line (red arrow) along the timber piles beneath the North Wharf.

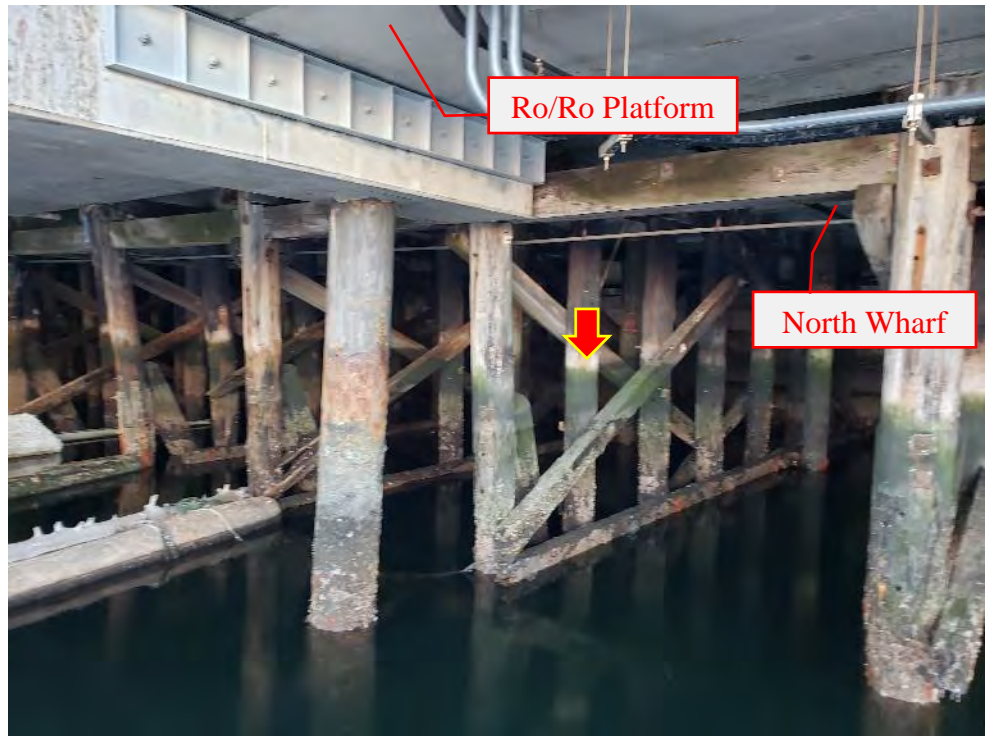


Photo No.  
8

Date:  
12/20/2019

Direction Photo Taken:  
South

**Description:**  
Photo depicting algal growth above Mean High Water Line (red arrow) along the timber piles beneath the North Wharf.





## PHOTOGRAPHIC LOG

**Site Location:** New Bedford State Pier - North Wharf Repairs in New Bedford, MA

**Project No.** 10203366

**Photo No.**  
9

**Date:**  
12/20/2019

**Direction Photo Taken:**  
East

**Description:**  
Photo depicting sectional floats (red arrows) stored adjacent to the north wharf on the east side of the Ro/Ro platform (looking towards north wharf).



**Photo No.**  
10

**Date:**  
12/20/2019

**Direction Photo Taken:**  
Northwest

**Description:**  
Photo depicting the section of the North Wharf to be repaired.





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## Appendix D - List of Abutters





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## *City of New Bedford* **REQUEST for a CERTIFIED ABUTTERS LIST**

This information is needed so that an official abutters list as required by MA General Law may be created and used in notifying abutters. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

SUBJECT PROPERTY			
MAP #		LOT(S)#	
ADDRESS:			
OWNER INFORMATION			
NAME:			
MAILING ADDRESS:			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT):			
MAILING ADDRESS (IF DIFFERENT):			
TELEPHONE #			
EMAIL ADDRESS:			
REASON FOR THIS REQUEST: <i>Check appropriate</i>			
<input type="checkbox"/>	ZONING BOARD OF APPEALS APPLICATION		
<input type="checkbox"/>	PLANNING BOARD APPLICATION		
<input type="checkbox"/>	CONSERVATION COMMISSION APPLICATION		
<input type="checkbox"/>	LICENSING BOARD APPLICATION		
<input type="checkbox"/>	OTHER ( <i>Please explain</i> ):		

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

**Submit this form to the Planning Division Room 303 in City Hall, 133 William Street. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).**

### **Official Use Only:**

As Administrative Assistant to the City of New Bedford's Board of Assessors, I do hereby certify that the names and addresses as identified on the attached "abutters list" are duly recorded and appear on the most recent tax.

**Michael J. Motta**

Printed Name

Signature

Date

January 27, 2021

Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as 49 State Pier (Map: 53, Lot: 217). 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.

<u>Parcel</u>	<u>Location</u>	<u>Owner and Mailing Address</u>
53-192	98 FRONT ST	FIELD HORACE F IV, FIELD EMILY O 18 CENTRE STREET NEW BEDFORD, MA 02740
53-178	114 FRONT ST	BUZZARDS BAY CENTER INC, 620 BELLEVILLE AVENUE NEW BEDFORD, MA 02745
53-253	46 FISHERMAN'S WHF	CITY OF NEW BEDFORD, PIER 3 131 WILLIAM ST NEW BEDFORD, MA 02740
53-120	MACARTHUR DR	CITY OF NEW BEDFORD, 131 WILLIAM ST NEW BEDFORD, MA 02740
53-254	MACARTHUR DR	CITY OF NEW BEDFORD, PIER 3 131 WILLIAM ST NEW BEDFORD, MA 02740
53-200	82 FRONT ST	DALE MOINHEIRO LLC 86 UNION STREET NEW BEDFORD, MA 02740
47-189	13 COMMERCIAL ST	NATIONAL DOWNTOWN CLUB LLC 66 STATE ROAD WESTPORT, MA 02790
53-217	49 STATE PIER	COMMONWEALTH OF MASS, STATE PIER BUILDING NEW BEDFORD, MA 02740
53-231	90 FRONT ST	FROG LLC, 112 MATTAPOISETT NECK ROAD MATTAPOISETT, MA 02739
47-203	MACARTHUR DR	COMMONWEALTH OF MASS, STATE PIER 133 WILLIAM STREET NEW BEDFORD, MA 02740
53-187	13 CENTRE ST	TALLMAN ASSOCIATES LLC, 13 CENTRE STREET NEW BEDFORD, MA 02740
53-227	108 FRONT ST	DIDRIKSEN HARRIET ANE "TRUSTEE", C/O N B SHIP SUPPLY 108 FRONT STREET NEW BEDFORD, MA 02740
47-41	24 UNION ST	FRANKLIN HOSPITALITY CORPORATI P O BOX 248 WESTPORT, MA 02790

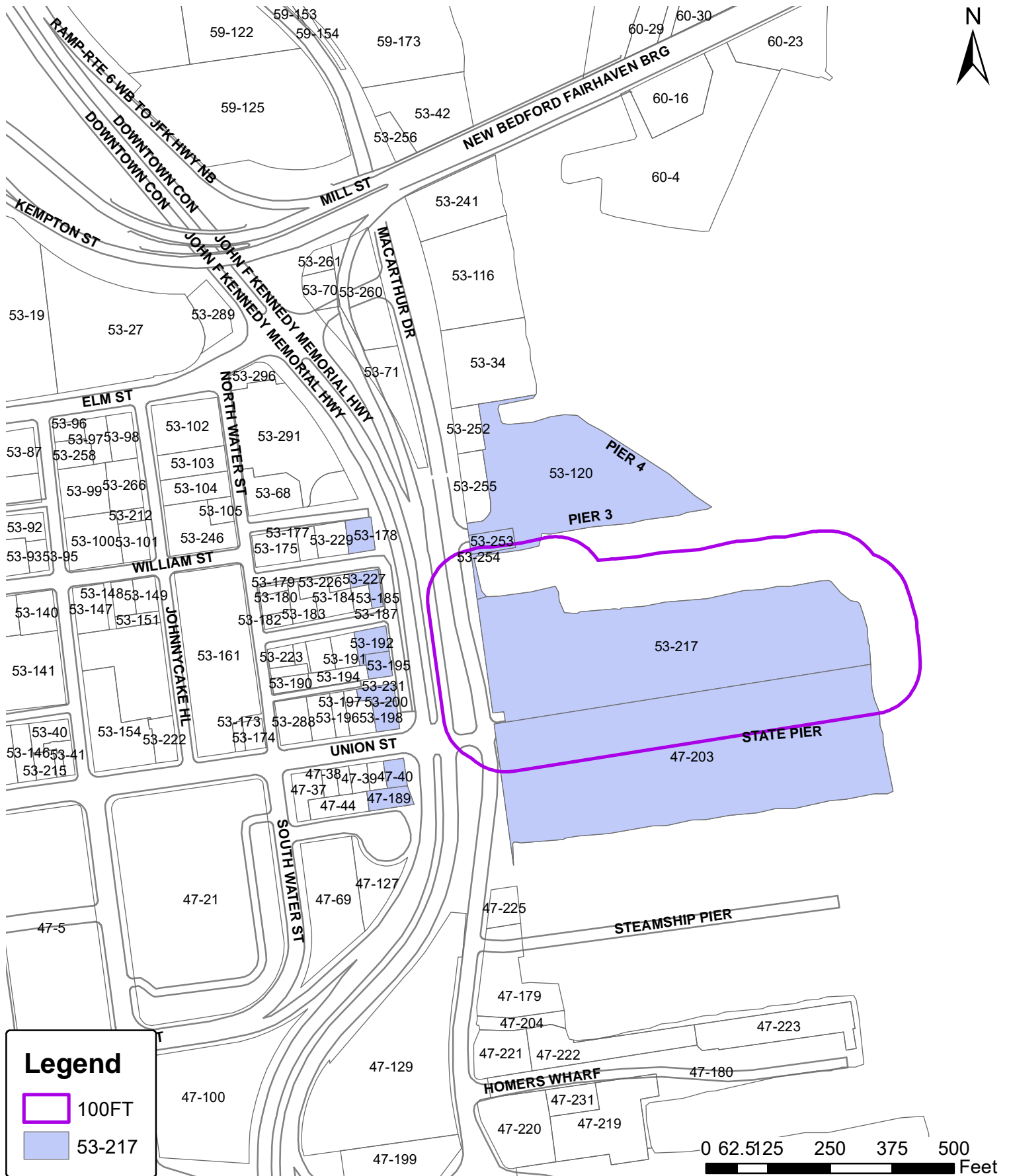
January 27, 2021

Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as 49 State Pier (Map: 53, Lot: 217). 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.

<u>Parcel</u>	<u>Location</u>	<u>Owner and Mailing Address</u>
53-195	94 FRONT ST	N B VISION REALTY LLC, C/O ATLANTIS MORTGAGE 29 UNION STREET NEW BEDFORD, MA 02740





## Appendix E – Stormwater Memo

- Stormwater Checklist
- Stormwater Memo



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# Checklist for Stormwater Report

## A. Introduction

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



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

The Stormwater Report must include:

- The Stormwater Checklist completed and stamped by a Registered Professional Engineer (see page 2) that certifies that the Stormwater Report contains all required submittals.<sup>1</sup> This Checklist is to be used as the cover for the completed Stormwater Report.
- Applicant/Project Name
- Project Address
- Name of Firm and Registered Professional Engineer that prepared the Report
- Long-Term Pollution Prevention Plan required by Standards 4-6
- Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan required by Standard 8<sup>2</sup>
- Operation and Maintenance Plan required by Standard 9

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

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

To ensure that the Stormwater Report is complete, applicants are required to fill in the Stormwater Report Checklist by checking the box to indicate that the specified information has been included in the Stormwater Report. If any of the information specified in the checklist has not been submitted, the applicant must provide an explanation. The completed Stormwater Report Checklist and Certification must be submitted with the Stormwater Report.

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

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





# Checklist for Stormwater Report

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## B. Stormwater Checklist and Certification

The following checklist is intended to serve as a guide for applicants as to the elements that ordinarily need to be addressed in a complete Stormwater Report. The checklist is also intended to provide conservation commissions and other reviewing authorities with a summary of the components necessary for a comprehensive Stormwater Report that addresses the ten Stormwater Standards.

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

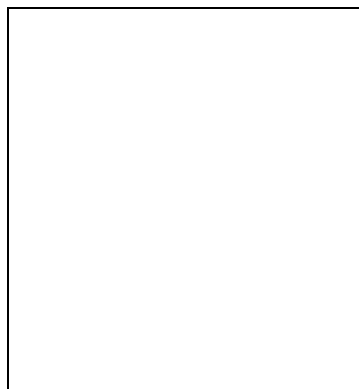
A complete checklist must include the Certification set forth below signed by the Registered Professional Engineer who prepared the Stormwater Report.

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### Registered Professional Engineer's Certification

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

Registered Professional Engineer Block and Signature



02 04 2021

Signature and Date

---

## Checklist

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

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



# Checklist for Stormwater Report

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## Checklist (continued)

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

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

### Standard 1: No New Untreated Discharges

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



# Checklist for Stormwater Report

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## Checklist (continued)

### Standard 2: Peak Rate Attenuation

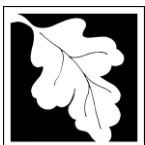
- ☒ Standard 2 waiver requested because the project is located in land subject to coastal storm flowage and stormwater discharge is to a wetland subject to coastal flooding.
- ☐ Evaluation provided to determine whether off-site flooding increases during the 100-year 24-hour storm.
- ☐ Calculations provided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

### Standard 3: Recharge

- ☐ Soil Analysis provided.
- ☐ Required Recharge Volume calculation provided.
- ☐ Required Recharge volume reduced through use of the LID site Design Credits.
- ☐ Sizing the infiltration, BMPs is based on the following method: Check the method used.
  - ☐ Static
  - ☐ Simple Dynamic
  - ☐ Dynamic Field<sup>1</sup>
- ☐ Runoff from all impervious areas at the site discharging to the infiltration BMP.
- ☐ Runoff from all impervious areas at the site is *not* discharging to the infiltration BMP and calculations are provided showing that the drainage area contributing runoff to the infiltration BMPs is sufficient to generate the required recharge volume.
- ☐ Recharge BMPs have been sized to infiltrate the Required Recharge Volume.
- ☐ Recharge BMPs have been sized to infiltrate the Required Recharge Volume *only* to the maximum extent practicable for the following reason:
  - ☐ Site is comprised solely of C and D soils and/or bedrock at the land surface
  - ☐ M.G.L. c. 21E sites pursuant to 310 CMR 40.0000
  - ☐ Solid Waste Landfill pursuant to 310 CMR 19.000
  - ☐ Project is otherwise subject to Stormwater Management Standards only to the maximum extent practicable.
- ☐ Calculations showing that the infiltration BMPs will drain in 72 hours are provided.
- ☐ Property includes a M.G.L. c. 21E site or a solid waste landfill and a mounding analysis is included.

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



# Checklist for Stormwater Report

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## Checklist (continued)

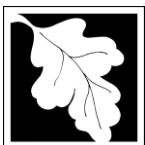
### Standard 3: Recharge (continued)

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

### Standard 4: Water Quality

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

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



# Checklist for Stormwater Report

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## Checklist (continued)

### Standard 4: Water Quality (continued)

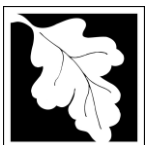
- ☐ The BMP is sized (and calculations provided) based on:
  - ☐ The ½" or 1" Water Quality Volume or
  - ☐ The equivalent flow rate associated with the Water Quality Volume and documentation is provided showing that the BMP treats the required water quality volume.
- ☐ The applicant proposes to use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

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

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

### Standard 6: Critical Areas

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



# Checklist for Stormwater Report

---

## Checklist (continued)

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

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

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

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

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





# Checklist for Stormwater Report

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## Checklist (continued)

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

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

### Standard 9: Operation and Maintenance Plan

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

### Standard 10: Prohibition of Illicit Discharges

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



## New Bedford State Pier – North Wharf Repairs Project

### WPA Notice of Intent

### Stormwater Memorandum

Applicant: Massachusetts Development Finance Agency (operator)/Massachusetts Department of Conservation and Recreation (owner)

Project Address: 49 State Pier, New Bedford, MA 02740

Representative: HDR Engineering, Inc.

Registered Professional Engineer: Arthur Bonney, PE LEED AP

The New Bedford State Pier – North Wharf Repairs Project is a Redevelopment Project as defined in 310 CMR 10.04 Redevelopment (b) as a project that constitutes “development, rehabilitation, expansion and phased projects on previously developed sites provided the redevelopment results in no net increase in impervious area.” This project involves replacing a 38’ x 40’ section of the existing concrete wharf deck and support structure, to be replaced with a new structure in the same location with a precast concrete deck at the same grade. There will be no discernable difference from the existing wharf surface and there will be no added impervious surface. Existing drainage conditions will be perpetuated which involve sheet flow from the wharf area flowing north onto the Roll-on/Roll-off (Ro/Ro) platform and ultimately into the harbor from the edge of the Ro/Ro platform. This memorandum addresses the stormwater standards as described in 310 CMR 10.05(k)-(q) as a requirement of the Notice of Intent and demonstrates to the greatest extent practicable, compliance with Massachusetts Department of Environmental Protection (DEP) Stormwater Management Policy. A long-term pollution prevention plan in accordance with Standards 4-6 will not be required as Standards 4-6 are not applicable for this project.

#### **Standard 1 - Stormwater Discharges**

“No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth”.

No new untreated stormwater outfalls or discharges are proposed for the project. This project meets the standard.

#### **Standard 2 - Stormwater Discharge Rates**

“Stormwater management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates. This standard may be waived for discharges to land subject to coastal storm flowage as defined in 310 CMR 10.04”.

Due to the vertical nature of this Project, a portion of this structure will occupy the area between MHW and the 100-year flood zone elevation, but due to the unlimited capacity of the ocean to provide flood storage, the Project will not cause any increase in flood velocity or stage or restrict flows. Post-construction peak runoff rates will be the same as the pre-construction runoff rates. This project meets the standard.

### **Standard 3 - Groundwater Recharge**

“Loss of annual recharge to groundwater shall be eliminated or minimized through the use of infiltration measures including environmentally sensitive site design, low impact development techniques, stormwater best management practices, and good operation and maintenance. At a minimum, the annual recharge from the post-development site shall approximate the annual recharge from the pre-development conditions based on soil type. This standard is met when the stormwater management system is designed to infiltrate the required recharge volume as determined in accordance with the Massachusetts Stormwater Handbook.”

The project constitutes a replacement of an existing wharf with a deck at the same grade, within the same existing footprint and over the ocean. As a result, this project does not affect annual groundwater recharge and will be identical to the pre-construction conditions. Standard does not apply to this project.

### **Standard 4 - 80% Total Suspended Solids Removal**

“Stormwater management systems shall be designed to remove 80% of the average annual post- construction load of Total Suspended Solids (TSS)”

The project is a Redevelopment Project. As a project intended to replace a portion of an existing wharf structure, no new stormwater management systems are proposed. Standard does not apply to this project.

### **Standard 5 - Discharge from Areas with Higher Pollutant Loads**

“For land uses with higher pollutant loads, source control and pollution prevention shall be implemented in accordance with the Massachusetts Stormwater Handbook to eliminate or reduce the discharge of stormwater runoff from such land uses to the maximum extent practicable. If through source control and/or pollution prevention all land uses with higher potential pollutant loads cannot be completely protected from exposure to rain, snow, snow melt, and stormwater runoff, the proponent shall use the specific structural stormwater BMP’s determined by the Department to but suitable for such uses as provided in the Massachusetts Stormwater Handbook.”

This project site is not considered a land use with higher potential pollutant loads as defined in 310 CMR 10.04. Standard does not apply to this project.



#### **Standard 6 - Discharge to Critical Areas**

“Stormwater discharges within the Zone II or Interim Wellhead Protection Area of a public water supply and stormwater discharge near or to any other critical area, require the use of specific source control and pollution prevention measures and the specific structural stormwater best management practices determined by the Department to be suitable for managing discharges to such areas, as provided in the Massachusetts Stormwater Handbook.”

This project is not located in an area that discharges to a Wellhead Protection Zone II or Interim Wellhead Protection Area of a public water supply. Standard does not apply to this project.

#### **Standard 7 - Redevelopment Sites**

“A redevelopment project is required to meet the following Stormwater Management Standards only to the maximum extent practicable: Standard 2, Standard 3, and the pretreatment and structural best management practice requirements of Standard 4, 5 and 6. Existing stormwater discharges shall comply with Standard 1 only to the maximum extent practicable. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions.”

The project is a Redevelopment Project. It constitutes a replacement of an existing wharf with a precast concrete deck at the same existing grade, within the same existing footprint. Existing stormwater conditions will be perpetuated. As a result, there are no practicable measures that can be implemented to improve stormwater management. The project meets the standard.

#### **Standard 8 - Erosion and Sedimentation Control**

“A plan to control construction-related impacts including erosion, sedimentation and other pollutant sources during construction and land disturbance activities (construction period erosion, sedimentation, and pollution prevention plan) shall be developed and implemented.”

The project constitutes a replacement of an existing wharf with a deck at the same grade, within the same footprint. There will be no impacts to erodible surfaces, and therefore measures for erosion and sedimentation control will not be required. The project meets the standard.

#### **Standard 9 - Operation & Maintenance Plan**

“A long-term operation and maintenance plan shall be developed and implemented to ensure that stormwater management systems function as designed.”

As a project intended to replace a portion of an existing wharf structure, no new stormwater management system will be created that would require any long-term operation and maintenance plan. The site does not have an operation and maintenance plan. Standard does not apply to this project.

#### **Standard 10 – Prohibition of Illicit Discharges**

“All illicit discharges to the stormwater management system are prohibited.”



There is no stormwater management system on the project site that would receive any illicit discharges. The project meets the standard.



## Appendix F - Mailing to Division of Marine Fisheries





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**From:** [Henke, Nicholas](#)  
**To:** ["dmf.envreview-south@mass.gov"](#)  
**Cc:** [Driscoll, Michael \(DCR\)](#); ["Robbins, Gregory \(DCR\)"](#); ["Walker, Gary"](#); ["Scalli, Patrick"](#); [Jones, Bryan \(Boston\)](#); [Slattery, Kevin](#); [Schwingel, Andrew](#)  
**Subject:** New Bedford State Pier - North Wharf Repairs Project  
**Date:** Monday, March 22, 2021 5:58:00 AM  
**Attachments:** [New Bedford State Pier - North Wharf Repairs Project NOI Package.pdf](#)

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Good Morning,

On behalf of MassDevelopment and the Massachusetts Department of Conservation and Recreation (MassDCR), I am pleased to submit to you the attached Notice of Intent for the New Bedford State Pier – North Wharf Repairs Project located in New Bedford, MA scheduled to be filed with the New Bedford Conservation Commission this week. Thank you for your consideration of this matter.

Should you have any questions or comments regarding this submittal, or if you require any additional information, please do not hesitate to contact Michael Driscoll, DCR Project Manager, at [michael.driscoll@mass.gov](mailto:michael.driscoll@mass.gov), (617) 719-2194, or me at [nicholas.henke@hdrinc.com](mailto:nicholas.henke@hdrinc.com), (617) 357-7705.

Thanks,

**Nick Henke**

*Environmental Project Manager*

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