



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

City/Town

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

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

**A. General Information**

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



1. Applicant:

Stephen Silverstein

Name

steve@nyajdartmouth.com

E-Mail Address

307 Smith Neck Road

Mailing Address

Dartmouth

City/Town

MA

State

02748-1414

Zip Code

508-328-9859

Phone Number

Fax Number (if applicable)

2. Representative (if any):

AGM Marine Contractors, Inc.

Firm

Richard FitzGerald

Contact Name

richard.fitzgerald@agmmarine.com

E-Mail Address

7 Fish Island

Mailing Address

New Bedford

City/Town

MA

State

02740

Zip Code

508-314-3440

Phone Number

Fax Number (if applicable)

**B. Determinations**

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

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

City of New Bedford

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



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**C. Project Description**

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

1482R East Rodney French Blvd.

Street Address

New Bedford

City/Town

12

Assessors Map/Plat Number

77

Parcel/Lot Number

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

The area of the proposed work is located in the Outer New Bedford Harbor, just south of the East Rodney French Blvd. public boat ramp and fishing pier. The structure to be repaired is an 142 foot long by 13 foot wide timber pier. In the past the pier was used to ferry passengers via a Steamship Authority vessel running between New Bedford and Martha's Vineyard. The proposed use for the pier will be to allow patrons of the new Cisco's Restaurant, located inshore of the pier, to access the shoreline and view the outer harbor. In the future, the pier will provide berthing for patrons accessing the restaurant by boat.

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

Project Locus

Title

4/21/21

Date

Site Location

Title

4/21/21

Date

Proposed Repair Plan - Cisco Pier

Title

1/15/21

Date

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

Please see attached Project Description Sheet and Proposed Repair Plan



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### C. Project Description (cont.)

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

The pier structure is licensed, #519 (1925), #990 (1929), #5285 (1967), DEP #13647 (2014) and the proposed work is required for maintenance. There will be no change in the existing use or footprint of the structure.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



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**D. Signatures and Submittal Requirements**

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

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

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

Name and address of the property owner:

Cisco New Bedford, LLC.

Name

307 Smith Neck Road

Mailing Address

Dartmouth

City/Town

MA

State

02748-1414

Zip Code

Signatures:

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

Signature of Applicant

April 21, 2021

Date

Signature of Representative (if any)

Date

4/21/21



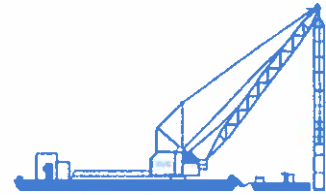
© OpenStreetMap (and) contributors, CC-BY-SA

## PROJECT LOCUS

4/21/2021







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## **PROJECT DESCRIPTION – CISCO PIER REPAIRS**

The Cisco Pier structure is approximately 142 feet long and 13 feet wide with a 17 foot long by 3-foot-wide extension off the outshore end. The pier is a timber structure consisting of timber support and fender piles, cross-bracing, pile caps, stringers, decking and handrail. The proposed work consists of repairing/replacing portions of the pier structure which are moderately to severely damaged due to timber deterioration and impact damage. One pile will be posted to replace the deteriorated upper section. Four (4) ladders will be installed on the pier for boater access and safety concerns. The proposed work does not require any pile-driving of replacement piles. See attached Site Photographs and Proposed Repair drawing for conditions.

The proposed repairs will be in-kind repair/replacement with new treated timber members. The repairs will be similar in construction to the existing structure and in the same footprint. Timbers in-contact with the water will be treated with CCA and the timber decking will be treated with MCA. Fasteners shall be hot-dipped galvanized steel or stainless steel.

Work shall be done with barge-based crane and equipment. A debris boom shall be used to enclose the demolition area and retain any debris that falls into the water. The work is expected to take approximately 3 weeks.

## SITE PHOTOGRAPHS



**PHOTO 1: Overview of North Side of Pier from Outshore.**



**PHOTO 2 Bent 8 Inshore: Missing and Deteriorated Decking and Missing Railing.**





**PHOTO 3 Bent 5 to 6: Pier Timber Stringer and Pile Cap Split**



**PHOTO 4 Bent 8: Deteriorated Middle Timber Pile to be Posted**



2019 00031621

Bk: 13064 Pg: 268 Pg: 1 of 3 BS  
Doc: DEED 12/31/2019 11:47 AM

MASSACHUSETTS EXCISE TAX  
Bristol ROD SOUTH 001  
Date: 12/31/2019 11:47 AM  
Citr# 029781 24386 Doc# 00031621  
Fee: \$5,016.00 Cons: \$1,100,000.00

### QUITCLAIM DEED

VVK REALTY, LLC, a Massachusetts Limited Liability Company, of 1494 E. Rodney French Boulevard, New Bedford, MA 02744, for consideration of **ONE MILLION ONE HUNDRED THOUSAND and NO/100 (\$1,100,000.00) DOLLARS** paid, grant to **CISCO NEW BEDFORD, LLC**, a Massachusetts Limited Liability Company, of 307 Smith Neck Road, Dartmouth, MA 02748 with Quitclaim Covenants, the land with buildings and improvements thereon located at 1494 East Rodney French Boulevard, New Bedford, Bristol County, Massachusetts, bounded and described as follows:

**PARCEL 1: 1494 E. Rodney French Boulevard, New Bedford, Massachusetts**  
**(New Bedford Assessor's Plat 12, Lot 77)**

BEGINNING at a stake on the east side of Rodney French Boulevard, it being the northwest corner of land herein conveyed and being Parcel A on plan of land hereinafter described; thence

SOUTHERLY along the arc of East Rodney French Boulevard two hundred fifty (250) feet, more or less, to a stake and chain link fence to land now or formerly of David Dolinsky; thence

NORTH 82° 29' 4" east one hundred and 78/100 (100.78) feet to an angle along said chain link fence; thence

SOUTH 82° 29' 54" east one hundred fifty-seven and 55/100 (157.55) feet along riprap to an angle; thence

NORTH 82° 29' 4" east into the Acushnet River to the limits of riparian rights; thence back to the point of beginning on the east side of East Rodney French Boulevard; thence

NORTH 84° 17' 33" east one hundred (100) feet, more or less, to normal high water; thence parallel to Frederick Street easterly into the Acushnet River to the limits of riparian rights; thence

SOUTHERLY by the channel of the Acushnet River to the south border of land herein conveyed.

Property Address: 1494 E. Rodney French Boulevard, New Bedford, MA 02744

Subject to the restrictions recorded in the Bristol County (S.D.) Registry of Deeds in Book 1695, Page 375, and Book 1695, Page 380, to the extent the same are still in effect and applicable.

BEING Parcel A on plan of land prepared by Garcia, Hanack & Richard Engineering Corporation dated December 31, 1974, and recorded in the Bristol County (S.D.) Registry of Deeds in Plan Book 94, Page 32.

**PARCEL 2: East Side E. Rodney French Boulevard, New Bedford, Massachusetts**  
**(New Bedford Assessors Plat 12, Lot 290, including Lot 291, which has been**  
**Merged into 290)**

**BEGINNING** at the intersection of the easterly line of Rodney French Boulevard (E) and the northerly line of Clara Street; thence

**NORTHERLY** 86° 28' 30" W in said northerly line of Clara Street extended a distance of nine and 09/100 (9.09) feet to a point; thence

**NORTHERLY** 15° 42' 10" W a distance of four hundred nineteen and 15/100 (419.15) feet to a point in the southerly line of Frederick Street extended; thence

**SOUTHERLY** 86° 14' 37" E in said southerly line of Frederick Street extended a distance of thirty-nine and 43/100 (39.43) feet more or less to a point; thence

**SOUTHERLY** in the easterly curved line of Rodney French Boulevard (E) a distance of four hundred six and 46/100 (406.46) feet more or less to a point; thence

**SOUTHERLY** 15° 13' 30" E still in the easterly line of Rodney French Boulevard (E) a distance of eight and 90/100 (8.90) feet to the point of beginning, containing 17,630 square feet more or less.

See also plan entitled "Proposed Alternation of Rodney French Boulevard (E) variable width, from Clara Street to Frederick Street" signed by George H. Brightman, Commissioner of Public Works, dated August 22, 1975, on file in the office of the City Clerk.

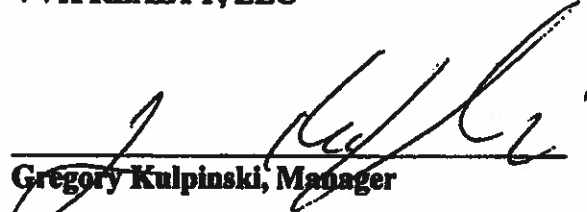
Being a portion of the Street Discontinuance dated January 22, 1976 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 1713, Page 77.

The Grantor is not classified for the current taxable year as a corporation for federal income tax purposes.

BEING the same premises conveyed to this Grantor by deed dated March 5, 2014 and recorded in the Bristol County (S.D.) Registry of Deeds in Book 11031, Page 159.

Signed as a sealed instrument this 19<sup>th</sup> day of December 2019.

VVK REALTY, LLC

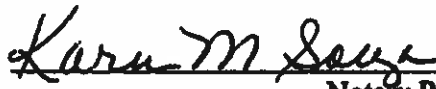
  
\_\_\_\_\_  
Gregory Kulpinski, Manager

COMMONWEALTH OF MASSACHUSETTS

Bristol, ss.

On this 19<sup>th</sup> day of December 2019, before me, the undersigned notary public, personally appeared Gregory Kulpinski, Manager of VVK Realty, LLC, proved to me through satisfactory evidence of identification, which was MA Drivers License, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily on behalf of VVK Realty, LLC for its stated purpose.



  
\_\_\_\_\_  
, Notary Public

My commission expires: 12-6-2024