

**SCHNEIDER, DAVIGNON & LEONE, INC.**

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

**N. DOUGLAS SCHNEIDER, P.E., P.L.S.**  
**MATTHEW C. LEONE, P.L.S.**



**DAVID M. DAVIGNON, P.E.**  
**JAY MCKINNON, E.I.T.**

August 31, 2021

City of New Bedford  
Conservation Commission  
133 William Street- Room 304  
New Bedford, MA 02740

Attn: Chase Perks, Agent

Re: Proposed Commercial Marina Improvements  
Applicant/Owner: Harborview, LLC  
Site Address: 226 Popes Island  
Assessors Lot # 11 on Map #60

Dear Mr. Perks,

Schneider, Davignon & Leone, Inc., acting as agent for Harborview, LLC hereby submits the attached information:

- \$1,012.50 - DEP NOI Application Fee
- \$5,581.00 - City of New Bedford Fee
- Notice of Intent Application
- Chapter 91 Waterways Plans

We look forward to presenting the project to the Commission at the next available Public Hearing.

If you have any questions or need additional information, please call me at (508) 758-7866 (Ext. 203).

Sincerely,  
*Schneider, Davignon & Leone, Inc.*

David M. Davignon, P.E.

cc: File No. 3242

*Division of Marine Fisheries  
Southeast Marine Fisheries Station  
Attn: Environmental Reviewer  
1213 Purchase Street - 3d Floor  
New Bedford, MA 02740-6694*

*New Bedford Harbor Development Commission  
52 Fisherman's Wharf  
New Bedford, MA 02740  
Attn: Edward Anthes-Washburn, Executive Director*

*Lars Vinjerud  
20 Blackmer Street  
New Bedford, MA 02744-26/4*

*DEP-SE Regional Office  
20 Riverside Drive  
Lakeville, MA 02347*



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

Provided by MassDEP:

**WPA Form 3 - Notice of Intent**

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

MassDEP File Number

Document Transaction Number

New Bedford

Citytown

**Important:**

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

**A. General Information**

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

226 Popes Island

a. Street Address

New Bedford

b. Citytown

02745

c. Zip Code

Latitude and Longitude:

N41-38'-21.15"

d. Latitude

W70-54'-56.83"

e. Longitude

60

f. Assessors Map/Plat Number

11

g. Parcel /Lot Number

2. Applicant:

a. First Name

b. Last Name

Harborview, LLC

c. Organization

c/o: Lars Vinjerud, 20 Blackmer Street

d. Street Address

New Bedford

MA

02744-2614

e. Citytown

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

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

same as applicant

a. First Name

b. Last Name

c. Organization

d. Street Address

e. Citytown

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

David M

a. First Name

Davignon, P.E.

b. Last Name

Schneider, Davignon, & Leone, Inc.

c. Company

P.O. Box 480, 1 County Road

d. Street Address

Mattapoisett

MA

02739

e. Citytown

f. State

g. Zip Code

(508)758-7866

(508)758-6493

dsguard3368@yahoo.com

h. Phone Number

i. Fax Number

j. Email address

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

\$7,581.00

a. Total Fee Paid

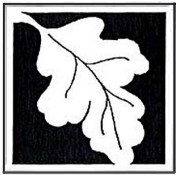
\$987.50

b. State Fee Paid

\$1,012.50 + \$5,581.00

c. Citytown Fee Paid

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



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**A. General Information (continued)**

6. General Project Description:  
see attached project narrative

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 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)

2. Limited Project Type

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

12876

c. Book

b. Certificate# (if registered land)

138

d. Page Number

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

1. ☒ 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.
2. ☒ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section 8.3, 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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Bureau of Resource Protection - Wetlands

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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):

226 Popes Island

a. Street Address

New Bedford

b. City/Town

02745

c. Zip Code

Latitude and Longitude:

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N41-38'-21.15"

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W10-54'-56.83"

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2. Applicant:

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Harborview, LLC

b. Last Name

c. Organization

c/o: Lars Vinjerud, 20 Blackmer Street

d. Street Address

New Bedford

e. City/Town

MA

f. State

02744-2614

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

3. Property owner (required if different from applicant): **D** Check if more than one owner  
same as applicant

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

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4. Representative (if any):

David M

a. First Name

Davignon, P.E.

b. Last Name

Schneider, Davignon, & Leone, Inc.

c. Company

P.O. Box 480, 1 County Road

d. Street Address

Mattapoisett

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f. State

02739

g. Zip Code

(508)758-7866

h. Phone Number

(508)758-6493

i. Fax Number

dsquared3368@yahoo.com

j. Email address

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

\$7,581.00

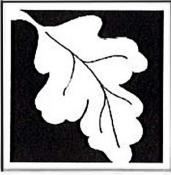
a. Total Fee Paid

\$987.50

b. State Fee Paid

\$1,012.50 + \$5,581.00

c. City/Town Fee Paid



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City/Town

**A. General Information (continued)**

6. General Project Description:

see attached project narrative

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)

2. Limited Project Type

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.

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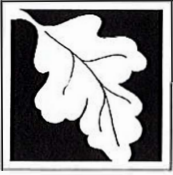
d. Page Number

**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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New Bedford

City/Town

**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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
aO Bank	n/a	
	1. linear feet	2 linear feet
b.O Bordering Vegetated Wetland	n/a	
	1 square feet	2 square feet
cO Land Under Waterbodies and Waterways	n/a	
	1. square feet	2 square feet
	n/a	
	3 cubic yards dredged	

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d D Bordering Land Subject to Flooding	n/a	
	1. square feet	2 square feet
	n/a	
	3 cubic feet of flood storage lost	4. cubic feet replaced
e D Isolated Land Subject to Flooding	n/a	
	1 square feet	
	n/a	
	2 cubic feet of flood storage lost	3 cubic feet replaced
f D Riverfront Area	n/a	
	1. Name of Waterway (if available) - specify coastal or inland	

2 Width of Riverfront Area (check one):

D 25 ft. - Designated Densely Developed Areas only

D 100 ft. - New agricultural projects only

D 200 ft. - All other projects

3 Total area of Riverfront Area on the site of the proposed project: n/a  
square feet

4 Proposed alteration of the Riverfront Area:

n/a n/a n/a  
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? D Yes ☐ No

6 Was the lot where the activity is proposed created prior to August 1, 1996? D 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	154 (new piles) 1. square feet n/a 2. cubic yards dredged	
c <input checked="" type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d <input checked="" type="checkbox"/> Coastal Beaches	n/a 1. square feet	2. cubic yards beach nourishment
e <input checked="" type="checkbox"/> Coastal Dunes	n/a 1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f <input type="checkbox"/> Coastal Banks	n/a 1. linear feet	
g <input type="checkbox"/> Rocky Intertidal Shores	n/a 1. square feet	
h <input checked="" type="checkbox"/> Salt Marshes	n/a 1. square feet	2 sq ft restoration, rehab., creation
i <input checked="" type="checkbox"/> Land Under Salt Ponds	n/a 1. square feet n/a 2. cubic yards dredged	
j <input type="checkbox"/> Land Containing Shellfish	n/a 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 n/a 1. cubic yards dredged	
l <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	11,447 (floats/piles) 1. square feet	
4. <input checked="" 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. n/a a. square feet of BVW b. square feet of Salt Marsh	
5. <input checked="" type="checkbox"/> Project Involves Stream Crossings	n/a a. number of new stream crossings b. number of replacement stream crossings	

**61****Massachusetts Department of Environmental Protection**  
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City/town

**C. Other Applicable Standards and Requirements**

**D** 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 **D** 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

2021 - 15th Edition

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. **D** Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. **D** Assessor's Map or right-of-way plan of site

2. **D** 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) **D** Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) **D** 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/mass-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-projects-activities-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. **D** 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. **PS** List the titles and dates for all plans and other materials submitted with this NOI.  
Plans Accompanying Petition of Harborview, LLC (8 sheets)
 

a. Plan Title	David M Davignon, P.E
b. Prepared By	c. Signed and Stamped by
n/a	As Noted
d. Final Revision Date	e. Scale
see list on project narrative	8-10-21
f. Additional Plan or Document Title	g. Date
5. **D** If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. **D** Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. **PS** Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. **PS** Attach NOi Wetland Fee Transmittal Form
9. **D** Attach Stormwater Report, if needed.

**E. Fees**

1. **D** 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:

3033, 3034	6-01-21
2. Municipal Check Number	<del>3</del> Check date
3029	6-01-21
4. State Check Number	5. Check date
Harborview	LLC
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.

1. Signature

2. Date 1/2021

3. Signature of Property Owner (if different)

4. Date

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.





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

**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:

226 Popes Island

a. Street Address

3029

c. Check number

New Bedford

b. City/Town

\$987.50

d. Fee amount

2. Applicant Mailing Address:

a. First Name

Harborview, LLC

c. Organization

c/o: Lars Vinjerud, 20 Blackmer Street

d. Mailing Address

New Bedford

e. City/Town

(508) 789-3067

h. Phone Number

i. Fax Number

MA

f. State

02744-2614

g. Zip Code

j. Email Address

3. Property Owner (if different):

same as applicant

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

## 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.

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





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 5: Concrete and Timber Floating Docks	1010 feet	\$4/foot	\$4,040 (max= \$2000)
Note: See New Bedford Fee Calculation Worksheet			\$5,581.00

**Step 5/Total Project Fee:** \$2,000.00 +  
\$5,581.00

**Step 6/Fee Payments:**

Total Project Fee:	\$7581.00
	a Total Fee from Step 5
State share of filing Fee:	\$987.50
	b 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	\$1012.50 + \$5,581.00
	c. 1/2 Total Fee plus \$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.)

# **SCHNEIDER, DAVIGNON & LEONE, INC.**

PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

N. DOUGLAS SCHNEIDER, P.E., P.L.S.  
MATTHEW C. LEONE, P.L.S.



DAVID M. DAVIGNON, P.E.  
JAY MCKINNON, E.I.T.

August 30, 2021

Re: **Notice of Intent - Project Narrative**

Applicant/Owner: Harborview, LLC  
Project Type: Proposed Commercial Pier Facility Improvements  
Site Address: 226 Popes Island  
Lot # 11 on Assessors Map #60

**Project Purpose:**

The purpose of the project is to improve the commercial docking capabilities of the facility by removing an aged pile supported timber pier (*see photos*) and replacing it with a concrete wave attenuator floating dock in the same general location.

**Site Background:**

The site is approximately 9,207 sq. ft. in size and is bordered northerly by Route 6, westerly and southerly by New Bedford Harbor and easterly by the Popes Island Marina and park. The entire property is developed with a commercial building and paved parking lot. The site has been historically known as Captain Leroy's.

On July 31, 2019 the property was purchased by Harborview, LLC (*see attached deed*) and the facility is now d/b/a/ Fleet Marina.

**Permitting History:**

The facility was developed over the years thru the issuance of several Chapter 91 Waterways Licenses by the DEP as follows: Lie. No. 984 (1887), Lie. No. 2644 (1944), Lie. No. 10193 (2005) and Lie. No. 15200 (2020). The 2020 license (*see attached*) permitted the removal and replacement of the southerly pile supported timber pier with a concrete floating dock/wave attenuator. Said project was completed in 2020.

**Wetland Resource Areas:**

The entire site falls within Land Subject to Coastal Storm Flowage, Flood Zone AE (El. 6) as shown on FIRM Community Panel No. 25005C0393G. The site contains coastal resource areas Coastal Bank (top of the vertical bulkhead) and Land Under Ocean.

**Project Description:**

The Applicant proposes to permanently remove:

- 583 ft. (5,278 sq. ft.) of pile supported timber pier structures
- 195 ft. (546 sq. ft.) pile supported timber finger structures
- 124 timber pier support piles
- 46 timber mooring piles

And replace the above with the following:

- 8' x 126.8' timber float system
- 8' x 198' timber float system
- 9.83' x 198' timber float system
- 8' x 80.4' timber float system
- 16.3' x 265' concrete float system
- 16.3' x 65.6' concrete float/wave attenuators
- 20- 4' x 10' timber float fingers
- 114 steel or timber float anchor piles ranging in size from 12" - 36" diameter

1 COUNTY ROAD, P.O. Box 480, MATTAPOISETT, MA 02739

PHONE 1-508-758-7866 FAX 1-508-758-6493

PAGE 10 OF 2

**SCHNEIDER, DAVIGNON & LEONE, INC.**  
**PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS**

In summary the project proposes to remove approximately 778 ft. of deteriorating fixed pile supported pier and replace it with 1134 ft. of floating dock systems and to remove 46 boat mooring piles and replace them with 62 boat mooring piles. The pier is in disrepair; therefore, the proponent proposes to perform upgrades to improve boating access increase the number of berths and to create more diversity relative to the size of vessels. The transformation should increase the number of slips for from 32 to 54 for 25', 35' and 40' boats. Additionally, there will be 396 ft. of berthing space available for large Commercial Boats and 198 ft. of space for commercial and public boats. All work will be performed using a crane set on a barge operating in deep water.

All construction materials will be transported to the site via the barge.

**Compliance with the WPA:**

**310 CMR 10.25 - Land Under Ocean:**

- (3) Not Applicable - dredging is not proposed
- (4) Not Applicable - dredging is not proposed
- (5) Not Applicable - dredging is not proposed
- (6) (a) The proposed concrete floating docks will be pile supported to minimize alterations in water circulation
- (b) Not Applicable - The project site does not contain any eel grass beds
- (c) The proposed concrete floating docks will be pile supported to minimize alterations in the distribution of sediment sizes
- (d) The pile support system will have negligible changes in water quality
- (e) Not Applicable - The project site is not a high-density area for polychaetas, mollusks or micro phytic algae
- (7) The project site does not fall with a Mapped Habitat by the Natural Heritage & Endangered Species Program

**Summary of Attachments are as follows:**

- Filing Fee Calculation Worksheet
- Copies of Application Fees Paid
- Certified Abutters List
- DEP Abutter Notification Form
- Property deed
- Chapter 91 Waterways License Plan No. 15200
- Photos of the project site
- Figure 1: U.S.G.S. New Bedford Quadrangle
- Figure 2: Estimated Habitat Map
- Figure 3: New Bedford Assessors Map #60
- Figure 4: New Bedford F.I.R.M. Panel No. 25005C0393G
- Figure 5: Mass-GIS Aerial Photo
- Proof of "Certified Mailing" to the Mass. Division of Marine Fisheries
- Proof of "Certified Mailing" to the Harbor Development Commission



**MAYOR**  
JON MITCHELL

**City of New Bedford Conservation Commission •  
Department of Environmental Stewardship**

133 William Street · Room 304 · New Bedford, Massachusetts 02740

Telephone: (508) 991.6188

**Conservation • Environmental Stewardship • Resilience**

**CITY OF NEW BEDFORD, MASSACHUSETTS**

**CONSERVATION COMMISSION  
2020 FILING FEE CALCULATION WORKSHEET\***

PROJECT LOCATION: 221 RoFie'S I.S.L-A\_N\_D

MAP(S) & 0 LOT(S) 11

APPLICANT: 1cA Bog V' J E W L L C-

**CONSERVATION COMMISSION APPLICATION TYPE:**

- ( ) REQUEST FOR DETERMINATION OF APPLICABILITY  
( > < ) NOTICE OF INTENT  
( ) AMENDED ORDER OF CONDITIONS  
( ) EXTENSION PERMIT  
( ) CERTIFICATE OF COMPLIANCE

**(A) ALTERATION FEES:**

Application and field review of a project proposed in a Wetland Resource Area or its Buffer Zone is \$200.00 plus the applicable alteration fee as follows:

	AMOUNT DUE:
• Application and Field Review Fee (\$200.00)	<u>\$200.00</u>
• \$0.50 X <u>222</u> SF Wetland Resource Area Fee shall not exceed \$2000.00 per project	<u>\$ 111.00</u>
• \$0.05 X <u>10,111</u> SF of Isolated Land Subject to Flooding, Bordering Land Subject to Flooding or Land Subject to Coastal Storm Flowage Fee shall not exceed \$500.00	<u>\$ 500.00</u>
• \$0.50 X _____ SF of altered 25' Riverfront Area Fee shall not exceed \$1,500.00	<u>\$ _____</u>
• \$1.00 X _____ SF of undeveloped 25' Riverfront Area Fee shall not exceed \$2000.00	<u>\$ _____</u>
• \$5.00 X _____ LF of Coastal or Inland Bank Fee shall not exceed \$750.00	<u>\$ _____</u>



- \$0.10 X \_\_\_\_\_ SF of Buffer Zone altered \$ \_\_\_\_\_  
Fee shall not exceed \$6,500.00
- \$10.00 X 177 LF of dock (Adj'dt-l't ofl.a,( Le..Qjth) \$ 8' 1/2, 110. ∞
- \$10.00 X \_\_\_\_\_ acres of aquaculture \$ \_\_\_\_\_

**(B) EXTENSION OF AN ORDER OF CONDITIONS:**

- Single family dwelling, or minor project (house addition, in ground pool dock etc.) = \$200.00 \$ \_\_\_\_\_
- Subdivision, commercial or industrial project= \$400.00 \$ \_\_\_\_\_

**(C) AMENDING A PERMIT**

- Single family dwelling or minor project (house addition, in ground pool dock etc.) = \$200.00 + new alteration fee - refer to (A) above \$ \_\_\_\_\_
- Subdivision, commercial or industrial project= \$500.00 + new alteration fee - refer to (A) above \$ \_\_\_\_\_

**(D) WETLAND DELINEATION VERIFICATION (with or without proposed alteration)**

- ½ acre or less
- ½ acre to 2 acres = \$500.00 (\$100/acre thereafter) not to exceed \$3,500 \$ \_\_\_\_\_

**(E) CERTIFICATES OF COMPLIANCE**

- One new house = \$250.00 \$ \_\_\_\_\_
- One activity at an existing house = \$150.00 \$ \_\_\_\_\_
- Residential or Commercial docks= \$200.00 \$ \_\_\_\_\_
- Commercial & Industrial Facilities= \$1,500.00 \$ \_\_\_\_\_
- New Roadways & Associated Stormwater Mgt. Systems= \$1,500.00 \$ \_\_\_\_\_

Partial Certificates of Compliance have the same fee as a Certificate of Compliance, But you only pay the fee once (you do not pay double to obtain a full Certificate of Compliance.

**(F) AFTER THE FACT FILING FEE**

- Notice of Intent or Amended Order of Conditions = \$500.00 \$ \_\_\_\_\_
- Request for a Determination of Applicability= \$250.00 \$ \_\_\_\_\_

**TOTAL AMOUNT DUE:**

\$ 5581.00

**Notes:**

\*Please refer to the Conservation Commission fee schedule - elated 02/2020

Please make check or Money Order payable to the City of New Bedford  
Cash is not accepted.





- \$0.10 X \_\_\_\_\_ SF of Buffer Zone altered \$ \_\_\_\_\_
- Fee shall not exceed \$6,500.00
- \$10.00X 1-77 LF of dock (Ackl't of In./ Le-QJth) \$ 8110.
- \$10.00 X \_\_\_\_\_ acres of aquaculture \$ \_\_\_\_\_

**(B) EXTENSION OF AN ORDER OF CONDITIONS:**

- Single family dwelling, or minor project (house addition, in ground pool dock etc.) = \$200.00 \$ \_\_\_\_\_
- Subdivision, commercial or industrial project= \$400.00 \$ \_\_\_\_\_

**(C) AMENDING A PERMIT**

- Single family dwelling or minor project (house addition, in ground pool dock etc.)= \$200.00 + new alteration fee - refer to (A) above \$ \_\_\_\_\_
- Subdivision, commercial or industrial project= \$500.00 + new alteration fee - refer to (A) above \$ \_\_\_\_\_

**(D) WETLAND DELINEATION VERIFICATION (with or without proposed alteration)**

- 1/2 acre or less
- 1/2 acre to 2 acres= \$500.00 (\$100/acre thereafter) not to exceed \$3,500 \$ \_\_\_\_\_

**(E) CERTIFICATES OF COMPLIANCE**

- One new house = \$250.00 \$ \_\_\_\_\_
- One activity at an existing house= \$150.00 \$ \_\_\_\_\_
- Residential or Commercial docks= \$200.00 \$ \_\_\_\_\_
- Commercial & Industrial Facilities= \$1,500.00 \$ \_\_\_\_\_
- New Roadways & Associated Stormwater Mgt. Systems= \$1,500.00 \$ \_\_\_\_\_

Partial Certificates of Compliance have the same fee as a Certificate of Compliance, But you only pay the fee once (you do not pay double to obtain a full Certificate of Compliance).

**(F) AFTER THE FACT FILING FEE**

- Notice of Intent or Amended Order of Conditions= \$500.00 \$ \_\_\_\_\_
- Request for a Determination of Applicability= \$250.00 \$ \_\_\_\_\_

**TOTAL AMOUNT DUE:**

\$ 5581.00

**Notes:**

\*Please refer to the Conservation Commission fee schedule - dated 02/2020

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