

E-5034-173
April 20, 2022

Chance Perks, Conservation Agent
New Bedford Conservation Commission
133 William Street, Room 304
New Bedford, Massachusetts 02740

Re: **Request for Certificate of Compliance (DEP File No. SE 49-190)**
Bulkhead Repairs Project
180 MacArthur Drive, New Bedford, Massachusetts

Dear Agent Perks and the Members of the Commission:

On behalf of Eversource Energy Service Company (Eversource), Tighe & Bond respectfully requests the issuance of a Certificate of Compliance (COC) for work conducted in compliance with an Order of Conditions (OOC; Registry of Deeds book 3131 and page 0117) issued on August 19, 1993, by the New Bedford Conservation Commission (the Commission) for bulkhead repair work at the Canon Street Station property, located at 180 MacArthur Drive in New Bedford, Massachusetts, at the time owned by Commonwealth Electric. Eversource is selling the property, and the title exam uncovered this open OOC. A copy of WPA Form 8A *Request for Certificate of Compliance* is provided in Attachment A, and a copy of the OOC is provided in Attachment B.

Project Background and Purpose

The project consisted of the installation of new sheet steel in front of deteriorated sections of existing bulkheads to protect the integrity of nearby oil tanks, oil lines, and power plant foundations. According to the Notice of Intent (NOI), wetland resource areas within the work area included Land Under the Ocean and a Designated Port Area. The NOI asserted that, at the time of this project, bulkhead sections were being undermined and landward oil lines, tanks, and power plant foundations were potentially being damaged by washed-in backfill. The installation of new bulkhead sections was undertaken to stabilize impacted areas and to provide protection from storm and flood damage.

Regulatory Compliance

A brief history of the OOC and subsequent permit extensions are described below.

- August 19, 1993: OOC issued by the Commission with an expiration date of August 19, 1996
- August 27, 1993: OOC recorded at the Bristol County Registry of Deeds (ROD) in Book 3131, Page 0117
- July 10, 1996: First Extension Permit recorded at the ROD in Book 3700, Page 142¹
- August 19, 1996: First Extension Permit issued by the Commission with an expiration date of August 19, 1997
- August 12, 1997: Second Extension Permit issued by the Commission with an expiration date of March 1, 2000

¹ Per the Extension Permit document, provided in Attachment B. It is likely that the dates on this Extension Permit are inaccurate, as the document indicates that it was recorded prior to its issuance.



- November 20, 1997: Second Extension Permit recorded at the ROD in Book 3988, Page 177

In accordance with 310 CMR 10.05(9)(b), a site inspection took place on April 5, 2022, by the New Bedford Conservation Commission, Tighe & Bond, and Eversource to confirm OOC compliance. Eversource completed the project in accordance with the OOC issued by the New Bedford Conservation Commission during the period of time in which the permit was valid. Representative photographs of the project area are provided in Attachment C. Based upon the observations made of the site restoration and ancillary activities, and through a review of the conditions established within the OOC and site plan, the work was completed in general compliance with the approved plan of record and OOC. There have been no known design deviations from, or violations from the terms and conditions of the original OOC. All work appears to be performed as indicated on drawings submitted with the original NOI filing with no additional impacts to jurisdictional resource areas. A letter from a Registered Professional Engineer certifying compliance of the property with the OOC is provided in Attachment D. A copy of the original NOI, including the original Project Drawings, is provided in Attachment E.

Summary

The original OOC, the original site plans, and the Request for Certificate of Compliance Application (WPA Form 8A) are enclosed. The stamped letter included in Attachment D replaces As-Built Plans. A check for \$1,500 will be submitted to the New Bedford Conservation Commission under separate cover. We appreciate your review of this request and supporting materials at your next scheduled public hearing on May 3, 2022. Should you have any questions or need additional information, please contact me by phone at (508) 304-6354 or via email at AJHoule@tighebond.com. Thank you for your attention to this request.

Sincerely,

TIGHE & BOND, INC.



Amanda J. Houle, PWS
Senior Environmental Scientist

Enclosures

Cc: Kristin Yankauskas, Eversource Energy
Massachusetts Department of Environmental Protection (SERO)



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 2022 FILING FEE CALCULATION WORKSHEET*

PROJECT LOCATION: _____

MAP(S) _____ LOT(S) _____

APPLICANT: _____

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 _____ SF Wetland Resource Area Fee shall not exceed \$2000.00 per project	\$ _____
• \$0.05 X _____ 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	\$ _____
• \$0.50 X _____ SF of altered 25' Riverfront Area Fee shall not exceed \$1,500.00	\$ _____
• \$1.00 X _____ SF of undeveloped 25' Riverfront Area Fee shall not exceed \$2000.00	\$ _____
• \$5.00 X _____ LF of Coastal or Inland Bank Fee shall not exceed \$750.00	\$ _____



- \$0.10 X _____ SF of Buffer Zone altered \$ _____
Fee shall not exceed \$6,500.00
- \$10.00 X _____ LF of dock \$ _____
- \$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: \$ _____

Notes:

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

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



Tighe & Bond, Inc.
53 Southampton Road
Westfield, MA 01085

This is a Deluxe eCheck. The PAY TO THE ORDER OF line designates the Payee. For questions call Deluxe Payment Exchange customer support at 877-373-6964. Ref: AC60_21AF

5809

Date 04/07/2022
Void after 90 days

PAY TO THE ORDER OF City of New Bedford

\$ 1,500.00

One thousand, five hundred and 00/100 Dollars

TD Bank, NA

Memo _____



Verify check at <https://echecks.com/verify>

FILE COPY

⑈005809⑈ □□□□□□□□□□ □□□□□□□□□□
Account numbers are concealed for your security

FILE COPY

Check Details

Check issued: 04/07/2022
Check number: 5809
From: Tighe & Bond, Inc.
Amount: \$1,500.00
Payable to: City of New Bedford
Delivered to: cpacella@tighebond.com
Documents: Yes - see Remittance below

Message from sender: Hi, attached is your Tighe & Bond electronic check. Any questions please email AP@tighebond.com.

Notes

Activity

ACTIVITY TYPE	TIME	DATE
Tracy Houle issued check 5809	10:46 AM EDT	04/07/2022
Check 5809 printed by Christina Pacella	16:58 PM EDT	04/12/2022
Check 5809 file copy printed by Christina Pacella	11:01 AM EDT	04/20/2022

Tighe&Bond

ATTACHMENT A



WPA Form 8A – Request for Certificate of Compliance

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

A. Project Information

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Kristin L. Yankauskas, Eversource Energy
Name
247 Station Drive
Mailing Address
Westwood MA 02090
City/Town State Zip Code
(781) 441-8926 / (814) 335-0763 (cell)
Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Commonwealth Electric Company
Applicant
8/19/1993 SE 49-190
Dated DEP File Number

3. The project site is located at:

180 MacArthur Drive New Bedford
Street Address City/Town
42 84
Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Commonwealth Electric Company
Property Owner (if different)
Bristol 3131 0117
County Book Page

Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



WPA Form 8A – Request for Certificate of Compliance

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

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

Tighe&Bond

ATTACHMENT B

Form 3

22091

(To be provided by DEP)

City/Town New Bedford

SE 49-192

Commonwealth
of Massachusetts

Applicant Commonwealth Electric

BK 3131PG0117

Order of Conditions
Massachusetts Wetlands Protection Act
G.L. c. 131, §40

From Conservation Commission Issuing Authority

To Commonwealth Electric SAME
(Name of Applicant) (Name of property owner)

Address 242 Cranberry Hwy, Wareham Address SAME

This order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
- by certified mail, return receipt requested on 8/19/93 (date)

This project is located at off MacArthur Drive, New Bedford

The property is recorded at the Registry of Deeds, Bristol County
Book 597 Page 131

certificate (if registered)

The Notice of Intent for this project was filed on 7/27/93 (date)

The public hearing was closed on 8/18/93 (date)

Findings

The Conservation Comm. has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the COMMISSION has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection under the Act (check as appropriate):

- Public water supply
- Private water supply
- Ground water supply
- Flood Control
- Storm damage prevention
- Prevention of pollution
- Land containing shellfish
- Fisheries
- Protection of Wildlife & Habitats

Total Billing Fee Submitted \$250.00 State Share \$112.50
(1/2 fee in excess of \$25)

City/Town Share \$137.50

Total Refund Due \$ _____ City/Town Portion \$ _____ State Portion \$ _____
(1/2 total) (1/2 total)

Effective 11/10/89

5-1

Ext. Permit
7/10/96
3700-142

Antenna
Permit
11-20-97
3988-177

BK3131PG0118

Therefore, the Conservation Comm. hereby finds that the following conditions are necessary, in accordance with the performance standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the notices of intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the final order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the final order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the final order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the D.E.P. on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
"Massachusetts Department of Environmental Protection,
File Number SE 49-190"
10. Where the Department of Environmental Protection is requested to make a determination and to issue a superseding order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.

11. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed. *BR 3131 PG 0119*

12. The work shall conform to the following plans and special conditions:

Plans:

Title	Dated	Signed and Stamped by:	On file with:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Special conditions (Use additional paper if necessary)

(Leave Space Blank)

BK313160120

ORDER OF CONDITIONS CONTINUED:

13. No activity shall occur prior to obtaining all necessary and required permits, licenses, and approvals; and until copies of the same have been furnished to the Conservation Commission.
14. Any design modifications, alterations, amendments, or additions shall be subject to the approval of the New Bedford Conservation Commission. Requests for any changes shall be made in writing and shall be accompanied by a revised plan.
15. No modification of surface features, drainage or topography shall be permitted except as indicated by this Order of Conditions.
16. Contours shall remain unchanged except as permitted by this Order of Conditions.
17. There shall be no construction other than that proposed by the Notice of Intent and included on the submitted plan.
18. Immediately upon completion of the exterior construction and grading, permanent stabilization landscaping shall be carried out in order to minimize erosion.
19. All wet areas not to be altered shall be kept clear of rubbish, debris, and construction material.
20. All exposed soil or subsoil shall be replanted with vegetation such as grass, ground-cover or shrubs so as to minimize erosion and siltation.
21. There shall be minimum disruption of existing grades and vegetation in order to minimize erosion.
22. No runoff shall be caused to drain onto adjoining property or upon any public ways.
23. All excess material shall be removed from the site.
24. The owners shall notify the Conservation Commission of the work-start date prior to its commencement so that regular inspections may be made.
25. All work performed in accordance with said plans and this Order of Conditions shall be in compliance with the state building and/or plumbing code.
26. The Inspector and/or the Commission members shall have the right to enter upon the land for the purpose of the inspection and/or the taking of pictures to determine and evaluate compliance with this Order.
27. The design engineer will certify, in writing, that this project has been complete in accordance with the above Order of Conditions before the Certificate of Compliance will be issued.
28. All facilities and equipment shall be continually operated and maintained so as to comply with this Order of Conditions and M.G.L., C131, S 40, the Wetlands Protection Act.
29. Certain conditions, such as maintenance or monitoring are on-going and to not expire at the end of three years or with the issuance of a Certificate of Compliance.

30. This Order of Conditions shall apply to any successor in interest or successor in control.
31. Any changes required by any other board or authority may require a new filing with the Conservation Commission.
32. At the discretion of the Conservation Commission, the applicant may be required to file with any or all of the following agencies:

The Department of Environmental Management, the Army Corps of Engineers, Coastal Zone Management and the Division of Waterways.
33. The Conservation Commission and/or the City of New Bedford shall not be responsible or liable for the construction, the operation, or the maintenance of any part of this project and does not warrant the safety of the same.
34. Any fill and/or construction materials shall be placed in upland areas.
35. All mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc., are to be installed prior to initiation of any work under this Order of Conditions. The Conservation Agent shall be notified when in place for inspection and verification. No work to be undertaken under the Order of Conditions until written approval is received from the Conservation Commission or its Agent.
36. In accordance with Condition number thirteen (13), no activity shall take place until the applicant has furnished written documentation that the plans on file with the Conservation Commission are consistent with permits and approvals of other Town Boards.
37. The property owner shall submit a maintenance and monitoring plan for the storm water quantity and quality management for review and approval by the Conservation Commission. The property owner will also be responsible for submitting monitoring and maintenance reports to the Commission upon written request.
38. Prior to any construction, an on-site inspection is to be held between the proposed contractor, the engineer, owners representatives and the Conservation Commission to go over the sequence of construction and all other restrictions and requirements as noted on the Order of Conditions. A written construction schedule to be received at that time.
39. All erosion control barriers shall be constructed of snow fencing, silt fence and staked hay bales and clearly depicted on the plans.
40. Any changes in proposed drainage patterns will require written approval by the Conservation Commission.
41. Any replication area to be prepared prior to the destruction of the resource area being replicated.
42. All detention and/or retention areas are to be completed and vegetated before installation of any impervious material or structure discharging surface water runoff.
43. Wetland flagging to remain in place until the project has been completed and Certificate of Compliance issued.

BR3131PG0122

44. Notice of Intent, Order of Conditions and plan shall be retained on the site during construction and made available to all contractors.
45. All conditions are on going and do not expire until the issuance of a Certificate of Compliance.

ADDITIONAL ORDERS:

CONDITIONS FOR LARGE PROJECTS:

46. The design engineer will certify, in writing, that this project has been complete in accordance with the above Order of Conditions before the certificate of Compliance will be issued.
47. The property owner shall submit a maintenance and monitoring plan for the storm water management for review and approval by the Conservation Commission. The property owner will also be responsible for submitting monitoring and maintenance reports to the Commission upon written request.
48. All erosion control barriers shall be constructed of snow fencing, silt fence and staked hay bales and clearly depicted on the plans.
49. Inlet protection to be provided (e.g. hay bales, concrete block-geotextile fabric-stone) for the drainage system until all work has been completed and vegetation has been established.

PLANS TO BE REFERENCED

PLANS:

BK3131PG0123
On File with:

Title

Dated

Signed and Stamped by:

Title	Dated	Signed and Stamped by:	On File with:
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Special conditions (Use additional paper if necessary)

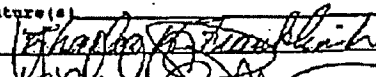
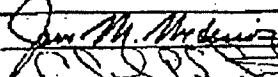
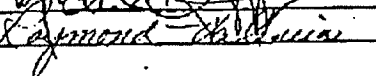
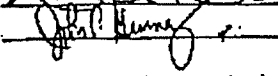
(Leave space blank)

BK3131PG0124

Issued by

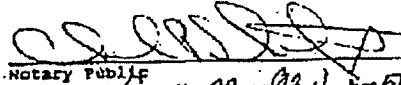
Conservation Commission

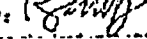
signature(s)

This order must be signed by a majority of the Conservation Commission.

On this 18th day of Aug, 19 93, before me
 personally appeared The Above, to me known to be the
 person described in and who executed the foregoing instrument and acknowledged
 that he/she executed the same as his/her free act and deed.


 Dec 26, 1997
 Notary Public My Commission expires

Received & Recorded July 27 1993 at hrs 54 min P.M. ATTEST:  ASST. REGISTRAR

Issued by New Bedford Conservation Commission

Signature (s) J.P. Hurmy

Richard R... Jane Medeiros Friedman

Raymond DeLaurie

J.S.

When issued by the Conservation Commission this Extension Permit must be signed by a majority of its members.

On this 11th day of June 19 96, before me personally appeared the above members to me known to be the

person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.



Michelle A. Kayser Sept. 21, 2001
My commission expires

310 CMR 10.99
Form 7

DEP File No. SE 49-190
City/Town New Bedford
Applicant Commonwealth Electric

*Commonwealth of
Massachusetts*

*R&F,
3131-117*

**EXTENSION PERMIT
MASSACHUSETTS WETLANDS PROTECTION ACT
G.L. c. 131, section 40.**

From: The New Bedford Conservation Commission Issuing Authority.
To: Commonwealth Electric 2421 Cranberry Highway Wareham MA.
(Name) (Address)
The Order of Conditions (or Extension Permit) issued on August 12, 1997 (date)
to Commonwealth Electric (Name) for work at Cannon Street Station (address)
is hereby extended for a period of year (s) from the date it expires.
this Extension Permit will expire on March 1, 2000 (date)

This document shall be recorded in accordance with General Condition 8 of the Order of Conditions.

.....
(Leave Space blank)

Effective 11/10/89

Issued by The New Bedford Conservation Commission

signature (s) Raymond Valentin

Richard H. Brown Margaret Lorraine

J.P. Murray

When issued by the Conservation Commission this Extension Permit must be signed by a majority of its members.

On this 12th day of August 1997, before me personally appeared All Above Members, to me

known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Laura A. Brennan
Notary Public

March 26, 2004
My Commission Expires

Tighe&Bond


ATTACHMENT C


Photographic Log

Client: Eversource Energy

Job Number: E-5034-173

Site: Bulkhead Repairs Project—180 MacArthur Drive, New Bedford, Massachusetts

Photograph No.: 1	Date: 4/5/2022	Direction Taken: North
Description: Representative view of current conditions at the project area.		
		

Photograph No.: 2	Date: 4/5/2022	Direction Taken: Northwest
Description: View of bulkhead conditions at the project area.		
		

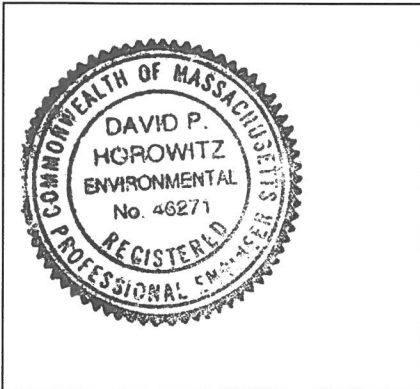
Tighe&Bond

ATTACHMENT D

PROFESSIONAL ENGINEER'S STATEMENT

The following statement has been prepared in accordance with 310 CMR 10.05(9)(d) for MassDEP File Number 49-190 issued by the City of New Bedford Conservation Commission to Commonwealth Electric Company (d/b/a Eversource Energy) on August 19, 1993.

I, David P. Horowitz, a Registered Professional Engineer in the Commonwealth of Massachusetts ([Environmental] P.E. # 46271) hereby certify that the Bulkhead Repairs Project was conducted in substantial compliance with the approved plans of record with no significant or major deviations from the plans approved in the August 19, 1993 Order of Conditions.



Name: _____

David P. Horowitz

Date: _____

4.7.2022

Tighe&Bond

ATTACHMENT E

DEP File No.

SE 49-190

(To be provided by DEP)

Form 3

City/Town New Bedford

Applicant Commonwealth Electric Co.

Commonwealth
of Massachusetts

Department of
Defense
United States
of America

**Notice of Intent
Under the
Massachusetts Wetlands Protection Act, G.L. c. 131, §40
and
Application for a Department of the Army Permit**

Part I: General Information

1. Location: Street Address Off MacArthur Drive, New Bedford

Lot Number 181

2. Project: Type Bulkhead Repair Description Install new sheet steel in front of deteriorated sectors of existing bulkhead in order to protect integrity of oil tank, oil lines and power plant foundations.

3. Registry: County Bristol Current Book 597 & Page 131
Certificate (if Registered Land) _____

4. Applicant Commonwealth Electric Company Tel. 291-0950
Address 2421 Cranberry Highway, Wareham Ma 02571

5. Property Owner Same Tel. _____
Address _____

6. Representative W. Stephen Collings Tel. 291-0950
Address Commonwealth Electric Co., 2421 Cranberry HWY, Wareham, MA 02571

7. a. Have the Conservation Commission and the Department's Regional Office each been sent, by certified mail or hand deliver, 2 copies of completed Notice of Intent, with supporting plans and documents?

Yes No

b. Has the fee been submitted? Yes No

c. Total Filing Fee Submitted \$250.00

d. City/Town Share of Filing Fee \$137.50 State Share of Filing Fee \$112.50
(sent to City/Town) (% of fee in excess of \$25, sent to DEP)

e. Is a brief statement attached indicating how the applicant calculated the fee? Yes No

8. Have all obtainable permits, variances and approvals required by local by-law been obtained? Yes No

Obtained	Applied For:	Not Applied For:
No other local permits necessary		

9. Is any portion of the site subject to a Wetlands Restriction Order pursuant to G.L. c. 131, §40A or G.L. c. 130, §105? Yes No

10. List all plans, and supporting documents submitted with this Notice of Intent.

Identifying Number/Letter	Title, Date
Attachment 1	Local Map
Attachments 2-1 - 2-7	Sheet 1-7 Engineering Plans
Attachment 3	Designated Port Area Map
Attachment 4	Certificate of Secretary
Attachment 5	MCZM Method Approval
Attachment 6	Authorization to act as agent

11. Check those resource areas within which work is proposed:

(a) Buffer Zone

(b) Inland:

Bank*

Bordering Vegetated Wetland*

Land Under Water Body & Waterway*

Land Subject to Flooding

Bordering

Isolated

(c) Coastal:

Land Under the Ocean*

Coastal Beach*

Barrier Beach*

Rocky Intertidal Shore*

Land Under Salt Pond*

Fish Run*

Designated Port Area*

Coastal Dune

Coastal Bank

Salt Marsh*

Land Containing Shellfish*

*Likely to involve U.S. Army Corps of Engineers concurrent jurisdiction. See General Instructions for Completing Notice of Intent.

12. Is the project within estimated habitat which is indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetlands Wildlife (if any) published by the Natural Heritage and Endangered Species Program?

YES [] NO [XX] Date printed on the Estimated Habitat Map
NO MAP AVAILABLE [] (if any) 1993 Book, Map Dated 1990

If yes, have you sent a copy of the Notice of Intent to the Natural Heritage and Endangered Species Program via the U.S. Postal Service by certified or priority mail (or otherwise sent it in a manner that guarantees delivery within two days) no later than the date of the filing of this Notice of Intent with the conservation commission and the DEP regional office?

YES [] NO []

If yes please attach evidence of timely mailing or other delivery to the Natural Heritage and Endangered Species Program.

Part II: Site Description

Indicate which of the following information has been provided (on a plan, in narrative description or calculations) to clearly, completely and accurately describe existing site conditions.

Identifying Number/Letter (of plan, narrative or calculations)	<u>Natural Features</u>
_____	Soils
_____	Vegetation:
<u>1</u>	Topography
<u>1,2-6,2-7</u>	Open water bodies (including ponds and lakes):
<u>1,2-6,2-7</u>	Flowing water bodies (including streams and rivers)
_____	Public and private surface water and ground water supplies on or within 100 feet of site
_____	Maximum annual ground water elevations with dates and location of test
<u>1,2-6,2-7</u>	Boundaries of resource areas checked under Part 1, item 11 above
_____	Other
_____	<u>Man-made Features:</u>
<u>1,2,3</u>	Structures (such as buildings, piers, towers and headwalls)
_____	Drainage and flood control facilities at the site and immediately off the site, including culverts and open channels (with inverts), dams and dikes
_____	Subsurface sewage disposal systems
_____	Underground utilities

1,2,3	Roadways and parking areas
1	Property boundaries, easements and rights-of-way
	Other

Part III: Work Description

Indicate which of the following information has been provided (on a plan, in narrative description or calculations) to clearly, completely and accurately describe work proposed within each of the resource areas checked in Part I, item 11 above.

Identifying
Number/Letter
(of plan, narrative
or calculations)

1,2 (1-7)	<u>Planview and Cross Section of:</u> Structures (such as buildings, piers, towers and headwalls) Drainage and flood control facilities, including culverts and open channels (with inverts), dams and dikes Subsurface sewage disposal systems & underground utilities
2 (1-5)	<u>Filling, dredging and excavating, indicating volume and composition of material</u> Compensatory storage areas, where required in accordance with Part III, Section 10.57(4) of the regulations. Wildlife habitat restoration or replication areas Other <u>Point Source Discharge</u> Description of characteristics of discharge from point source (both closed and open channel), when point of discharge falls within resource area checked under Part I, item 11 above, as supported by standard engineering calculations, data and plans, including but not limited to the following:
	1. Delineation of the drainage area contributing to the point of discharge; 2. Pre- and post-development peak run-off from the drainage area, at the point of discharge, for at least the 10-year and 100-year frequency storm; 3. Pre- and post-development rate of infiltration contributing to the resource area checked under Part I, item 11 above; 4. Estimated water quality characteristics of pre- and post-development run-off at the point of discharge.

Part IV: Mitigating Measures

1. Clearly, completely and accurately describe, with reference to supporting plans and calculations where necessary:

- (a) All measures and designs proposed to meet the performance standards set forth under each resource area specified in Part II or Part III of the regulations; or
- (b) Why the presumptions set forth under each resource area specified in Part II or Part III of the regulations do not apply.

<input checked="" type="checkbox"/> Coastal <input type="checkbox"/> Inland Resource Area Type: Land Under the Ocean	Identifying number or letter of support documents
Bulkhead area provides protection to land from erosion damage during storms and floods. Present bulkhead sections are being undermined and backfill is washing from in back causing potential damage oil lines and oil tank and power plant foundations. Installation of new bulkhead sections will stabilize the area and provide protection from storm damage and flooding by increasing capability to dissipate storm wave energy. Other sections were repaired in 1985 and 1987.	1, 2 (1-7)

<input checked="" type="checkbox"/> Coastal <input type="checkbox"/> Inland Resource Area Type: Designated Port Area	Identifying number or letter of support documents
This project is a repair of deteriorated sections of a bulkhead. Since the new face will be of the same general configuration as the existing there should be no changes in this harbor circulation patterns.	3

<input type="checkbox"/> Coastal <input type="checkbox"/> Inland	Resource Area Type: Identifying number or letter of support documents

2. Clearly, completely and accurately describe, with reference to supporting plans and calculations where necessary:

- (a) all measures and designs to regulate work within the Buffer Zone so as to ensure that said work does not alter an area specified in Part I, Section 10.02(1)(a) of these regulations; or
- (b) if work in the Buffer Zone will alter such an area, all measures and designs proposed to meet the performance standards established for the adjacent resource area, specified in Part II or Part III of these regulations.

<input type="checkbox"/> Coastal <input type="checkbox"/> Inland	Resource Area Type Bordered By 100-Foot Discretionary Zone: Identifying number or letter of support documents

Part V: Additional information for a Department of Army Permit

1. COE Application No. _____
(to be provided by COE)

2. Acushnet River
(Name of waterway)

3. Names and addresses of property owners adjoining your property:

New Bedford Redevelopment Authority
1204 Purchase Street
New Bedford, MA

F&L Realty Trust
15 Main Street
Mattapoisett, MA 02739

4. Document other project alternatives (i.e., other locations and/or construction methods, particularly those that would eliminate the discharge of dredged or fill material into waters or wetlands).

5. 8½" x 11" drawings in planview and cross-section, showing the resource area and the proposed activity within the resource area. Drawings must be to scale and should be clear enough for photocopying.

Certification is required from the Division of Water Pollution Control before the Federal permit can be issued. Certification may be obtained by contacting the Division of Water Pollution Control, 1 Winter Street, Boston, Massachusetts 02108.

Where the activity will take place within the area under the Massachusetts approved Coastal Zone Management Program, the applicant certifies that his proposed activity complies with and will be conducted in a manner that is consistent with the approved program.

Information provided will be used in evaluating the application for a permit and is made a matter of public record through issuance of a public notice. Disclosure of this information is voluntary; however, if necessary information is not provided, the application cannot be processed nor can a permit be issued.

I hereby certify under the pains and 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.

Signature of Applicant

Date

Senior Environmental Administrator

Signature of Applicant's Representative

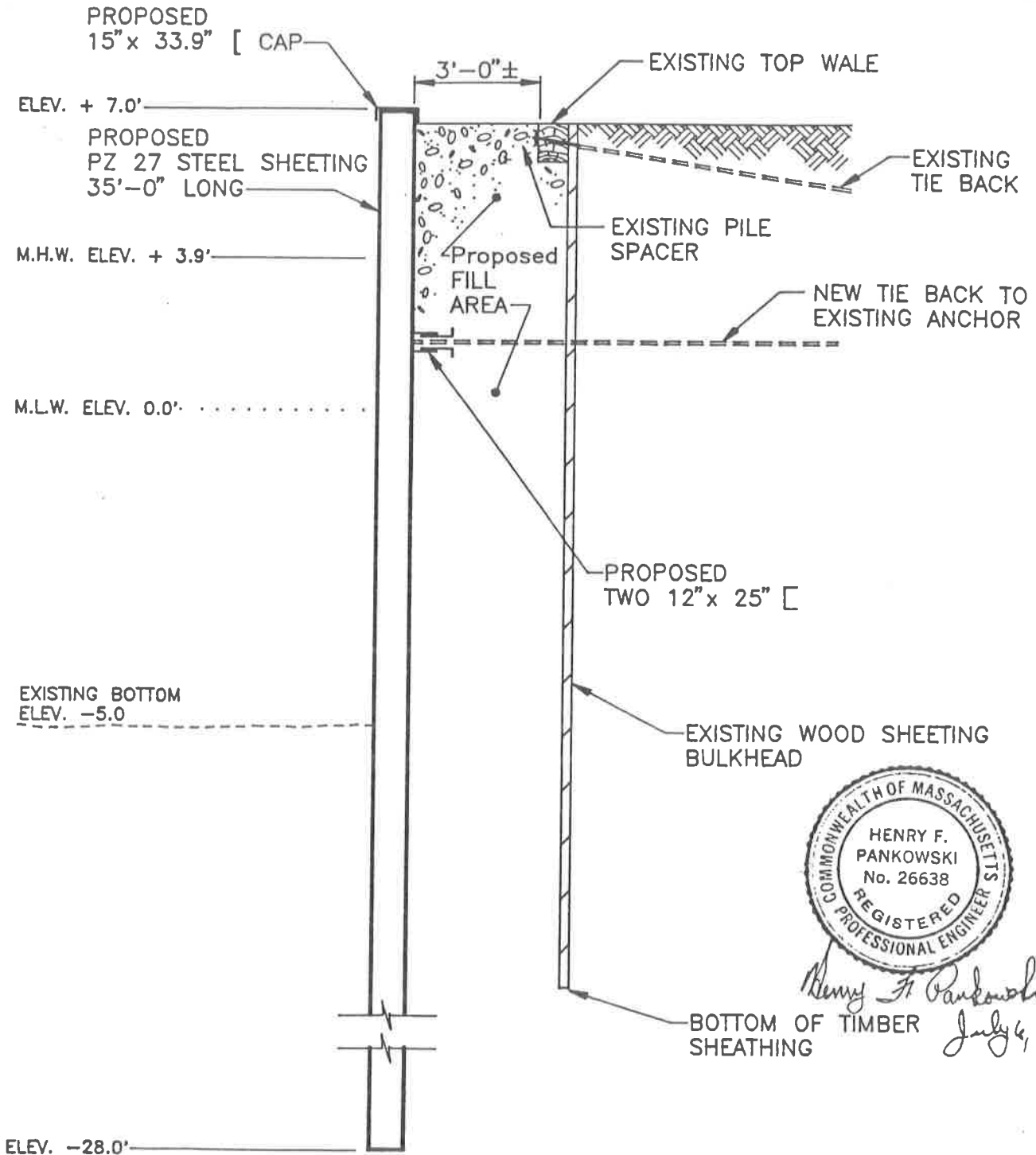
Date

FORM
MED 100 (TEST)
1 MAY 82

"Exception to ENG Form 4345 approved by HQUASACE, 6 May 1982"

"This document contains a joint Department of the Army and State of Massachusetts application for a permit to obtain permission to perform activities in United States waters. The Office of Management and Budget(OMB) has approved those questions required by the US Army Corps of Engineers. OMB Number 0702-0036 and expiration date of 30 September 1983 applies". This statement will be set in 6 point type.

ATTACHMENT 2-1

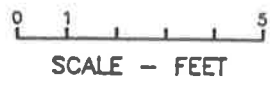


Henry F. Pankowski
 July 6, 1993

PURPOSE: Repair existing deteriorated sections of bulkhead

DATUM: MLW = 0.0'
 MHW = 3.9'

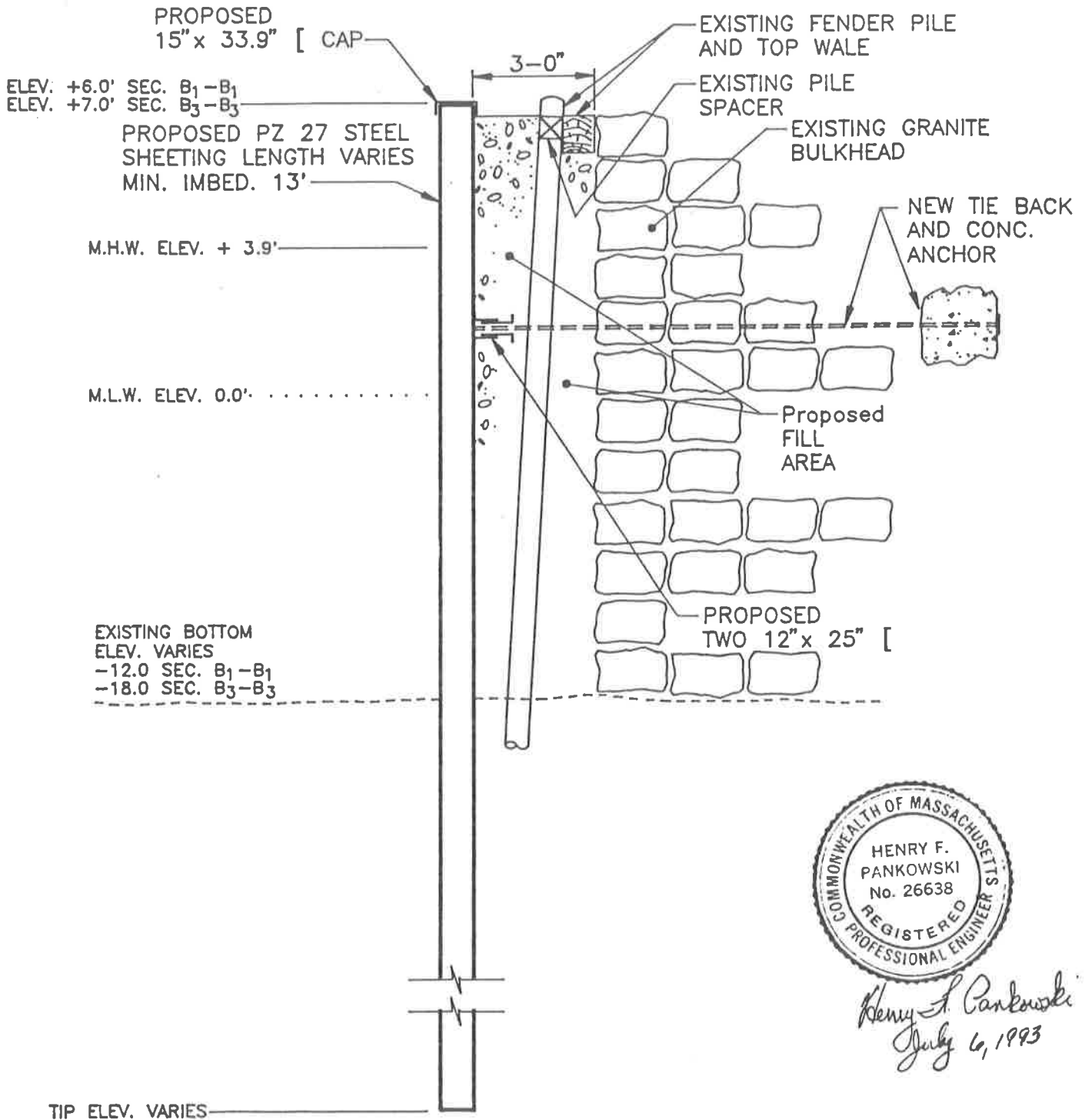
SECTION B4-B4



PROPOSED BULKHEAD REPAIR

IN: ACUSHNET RIVER
 AT: CANNON STREET STATION
 COUNTY OF: BRISTOL STATE: MA
 APPLICATION BY: COMMONWEALTH ELECTRIC CO.
 JUNE 25, 1993

ATTACHMENT 2-2



Henry F. Pankowski
July 6, 1993

PURPOSE: Repair existing deteriorated sections of bulkhead

DATUM: MLW = 0.0'
MHW = 3.9'

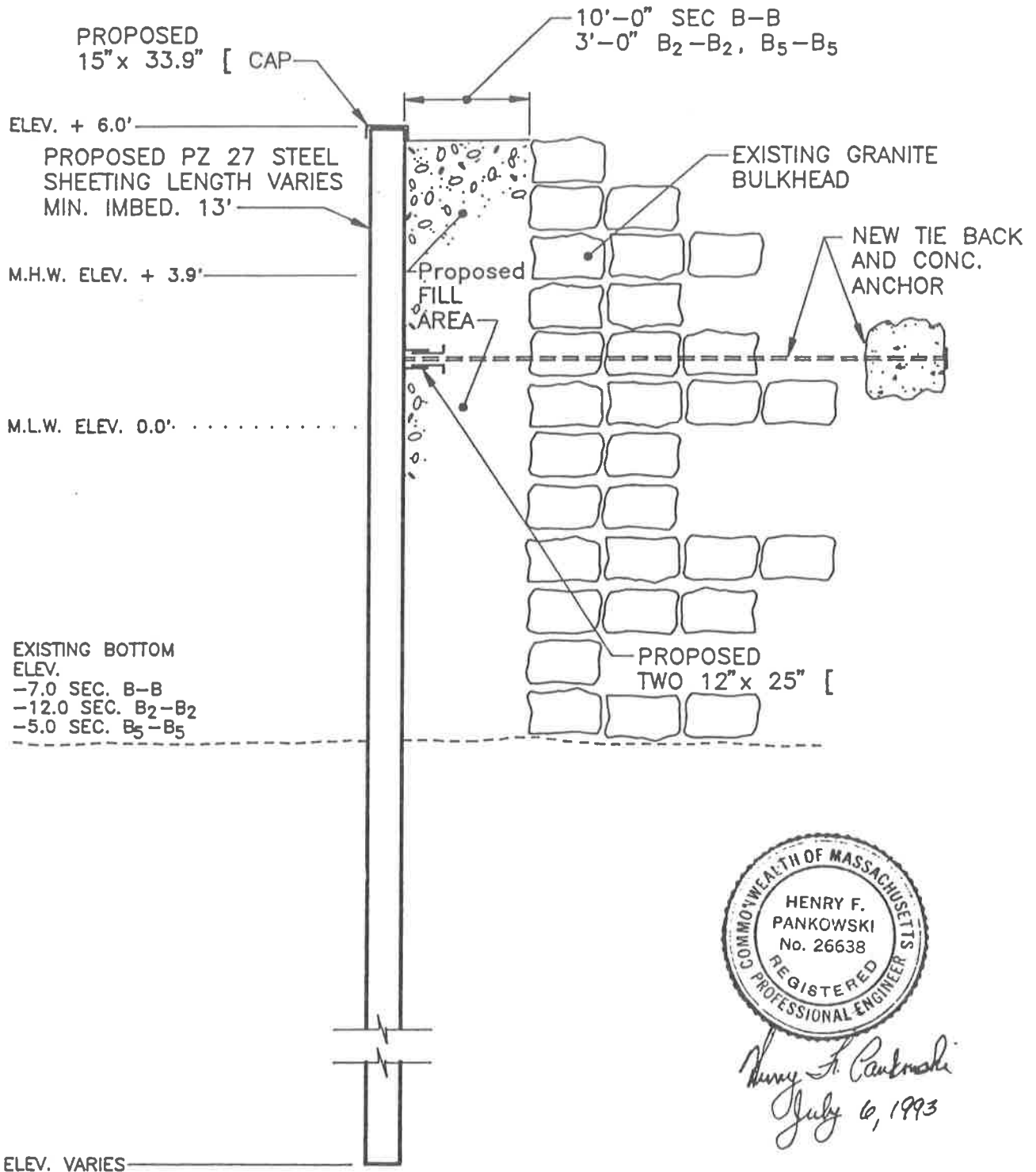
SECTIONS B₁ - B₁
& B₃ - B₃



PROPOSED BULKHEAD REPAIR

IN: ACUSHNET RIVER
AT: CANNON STREET STATION
COUNTY OF: BRISTOL STATE: MA
APPLICATION BY: COMMONWEALTH ELECTRIC CO.
JUNE 25, 1993

ATTACHMENT 2-3



Henry F. Pankowski
July 6, 1993

PURPOSE: Repair existing deteriorated sections of bulkhead

DATUM: MLW = 0.0'
MHW = 3.9'

SECTIONS
B-B, B₂-B₂
& B₅-B₅

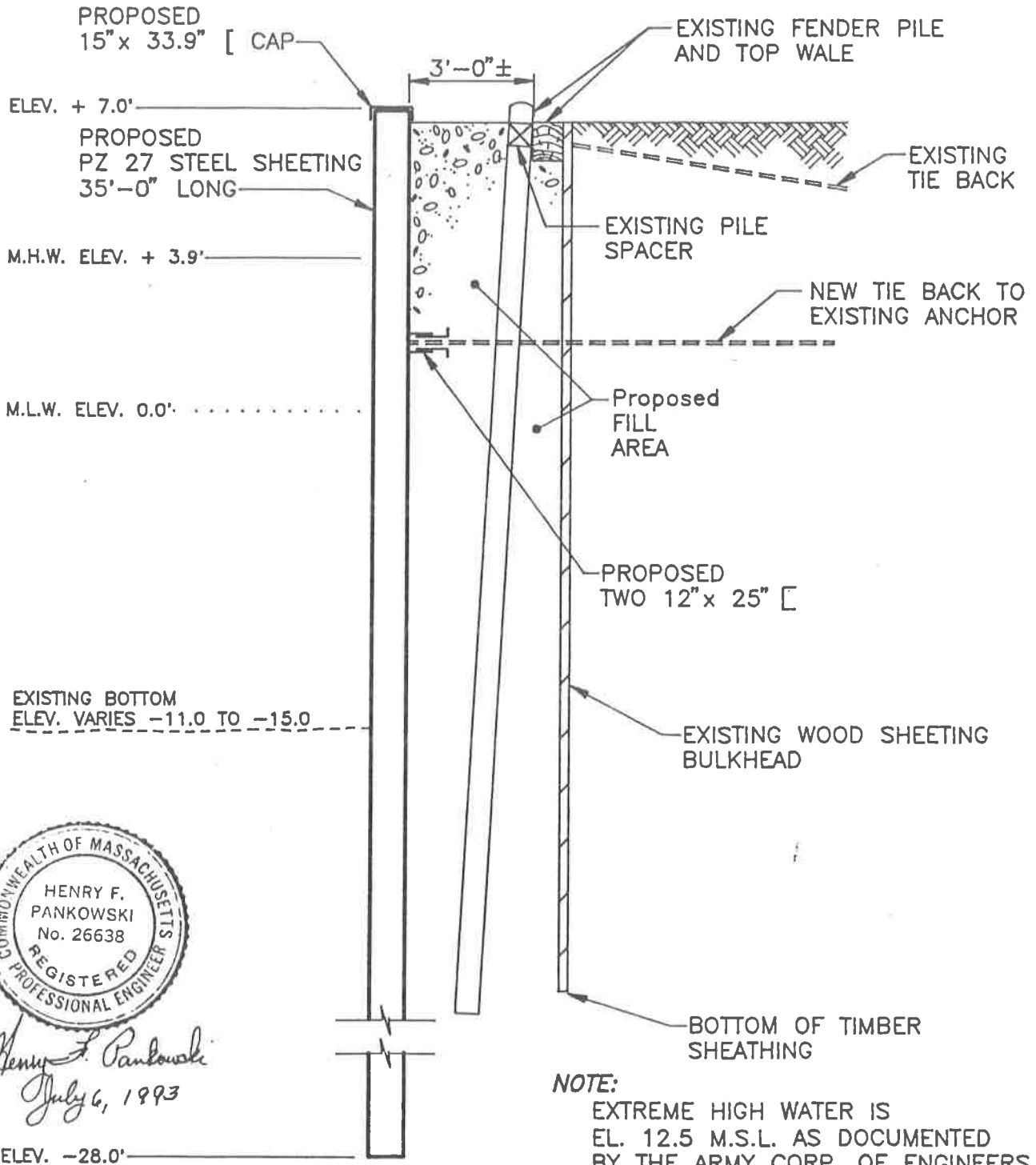
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SCALE - FEET

PROPOSED BULKHEAD REPAIR

IN: ACUSHNET RIVER
AT: CANNON STREET STATION
COUNTY OF: BRISTOL STATE: MA
APPLICATION BY: COMMONWEALTH ELECTRIC CO.
JUNE 25, 1993

SHEET 5 OF 7

ATTACHMENT 2-4



Henry F. Pankowski
 July 6, 1993

NOTE:
 EXTREME HIGH WATER IS
 EL. 12.5 M.S.L. AS DOCUMENTED
 BY THE ARMY CORP. OF ENGINEERS

PURPOSE: Repair existing deteriorated sections of bulkhead

DATUM: MLW = 0.0'
 MHW = 3.9'

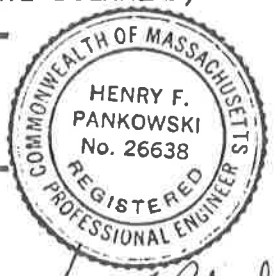
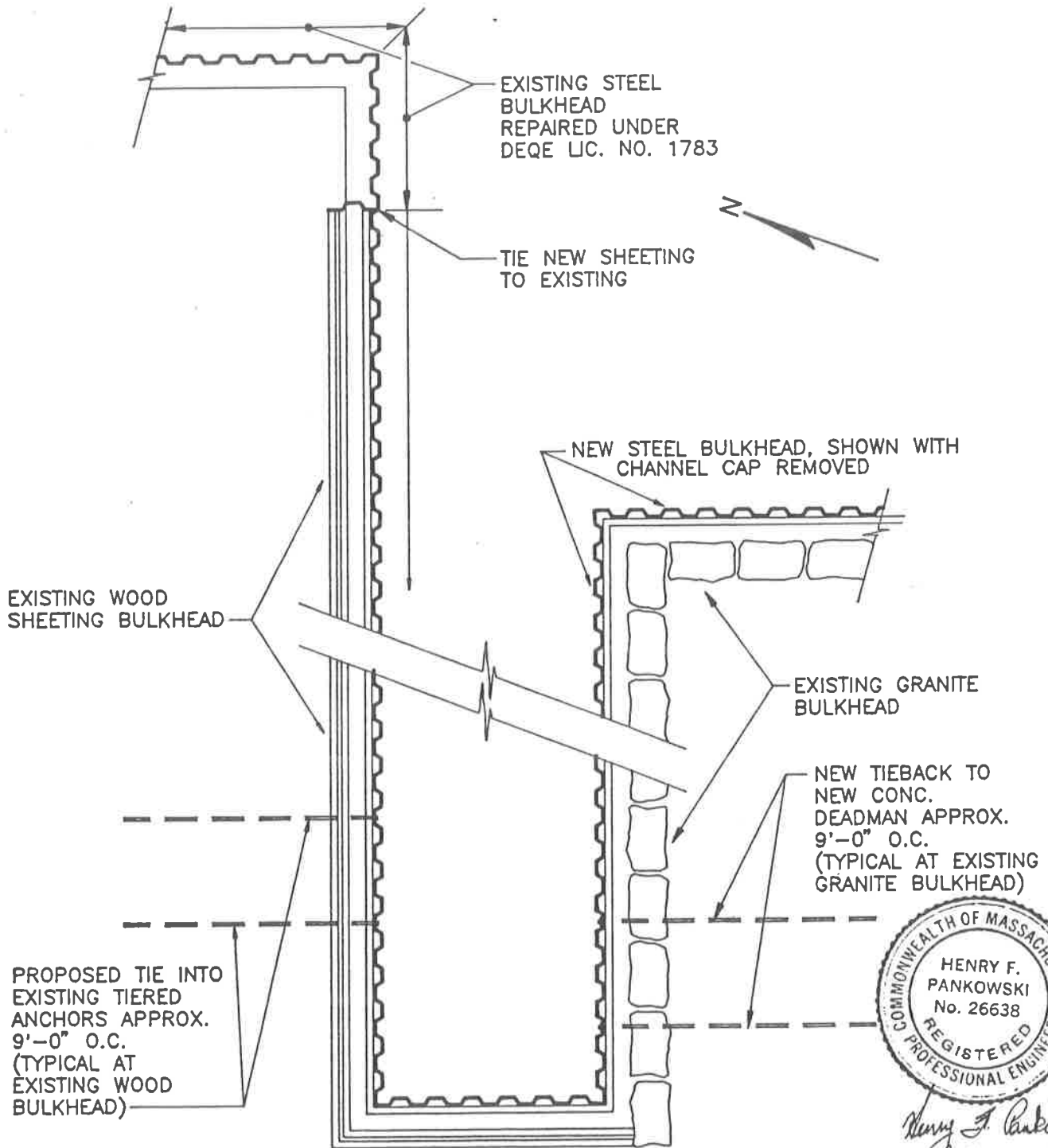
SECTION A-A



PROPOSED BULKHEAD REPAIR

IN: ACUSHNET RIVER
 AT: CANNON STREET STATION
 COUNTY OF: BRISTOL STATE: MA
 APPLICATION BY: COMMONWEALTH ELECTRIC CO.
 JUNE 25, 1993

ATTACHMENT 2-5



Henry F. Pankowski
July 6, 1993

PURPOSE: Repair existing deteriorated sections of bulkhead

DATUM: MLW = 0.0'
MHW = 3.9'

PARTIAL PLAN
N.T.S.

PROPOSED BULKHEAD REPAIR

IN: ACUSHNET RIVER
AT: CANNON STREET STATION
COUNTY OF: BRISTOL STATE: MA
APPLICATION BY: COMMONWEALTH ELECTRIC CO.
JUNE 25, 1993

ATTACHMENT 2-6



Henry F. Pankowski
 July 6, 1993

SOURCE: U.S.G.S. QUADS
 NEW BEDFORD NO.
 NEW BEDFORD SO.

PURPOSE: Repair existing deteriorated sections of Bulkhead

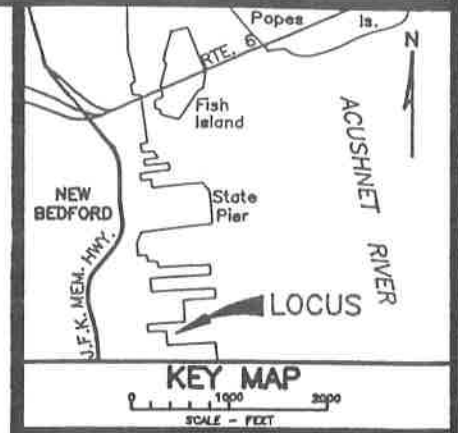
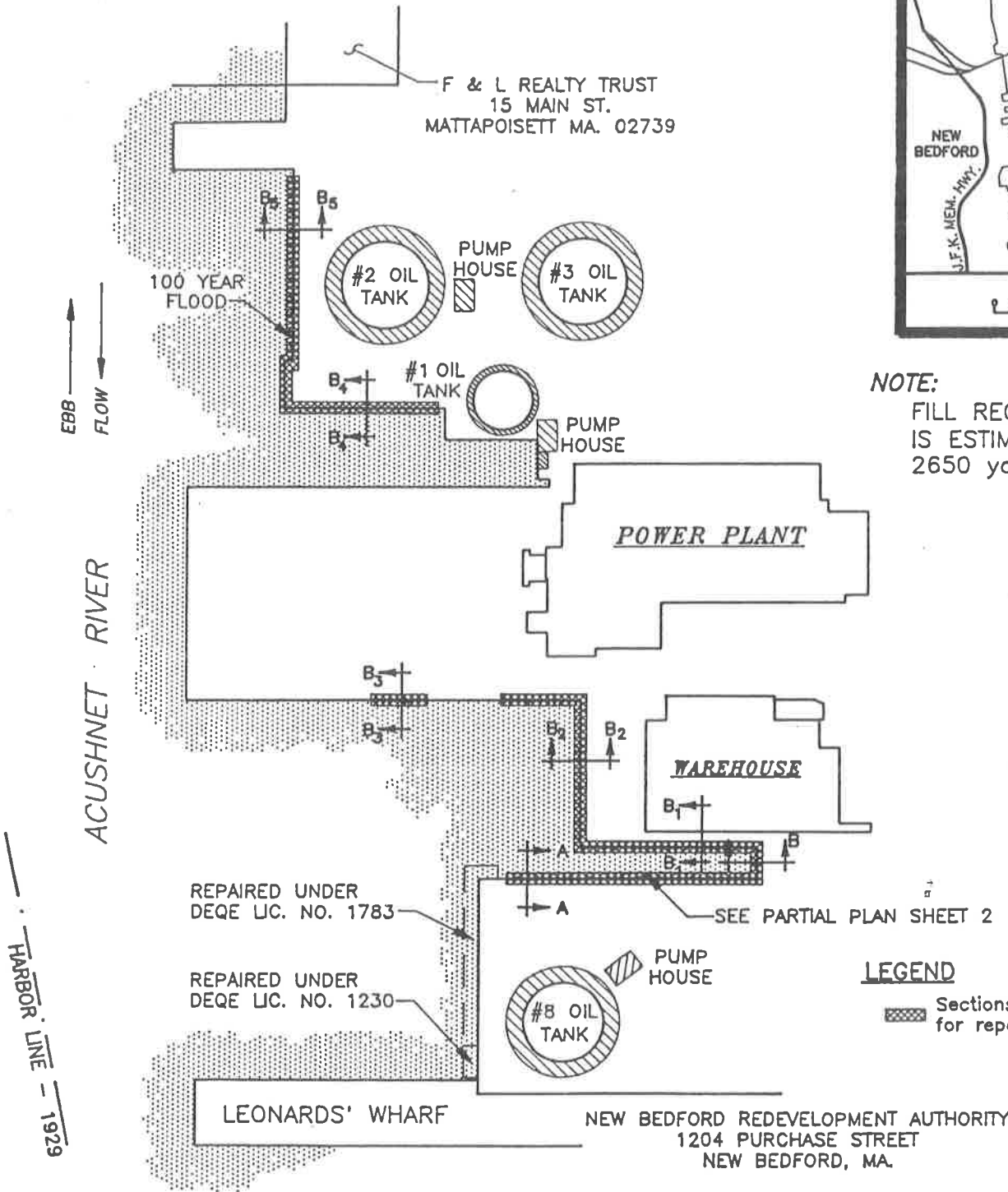
DATUM: MLW = 0.0'
 MHW = 3.9'

**VICINITY
 MAP**

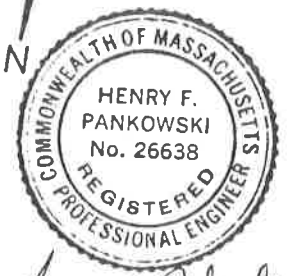
PROPOSED BULKHEAD REPAIR

IN: THE ACUSHNET RIVER
 AT: CANNON STREET STATION
 COUNTY OF: BRISTOL STATE: MA
 APPLICATION BY: COMMONWEALTH ELECTRIC COMPANY
 SHEET 2 OF 7 JUNE 25, 1993

ATTACHMENT 2-7



NOTE:
FILL REQUIREMENT IS ESTIMATED TO BE 2650 yds³



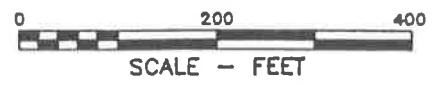
Henry F. Pankowski
July 6, 1993

LEGEND
Sections Proposed for repairs

PURPOSE: Repair existing deteriorated sections of bulkhead

DATUM: MLW = 0.0'
MHW = 3.9'

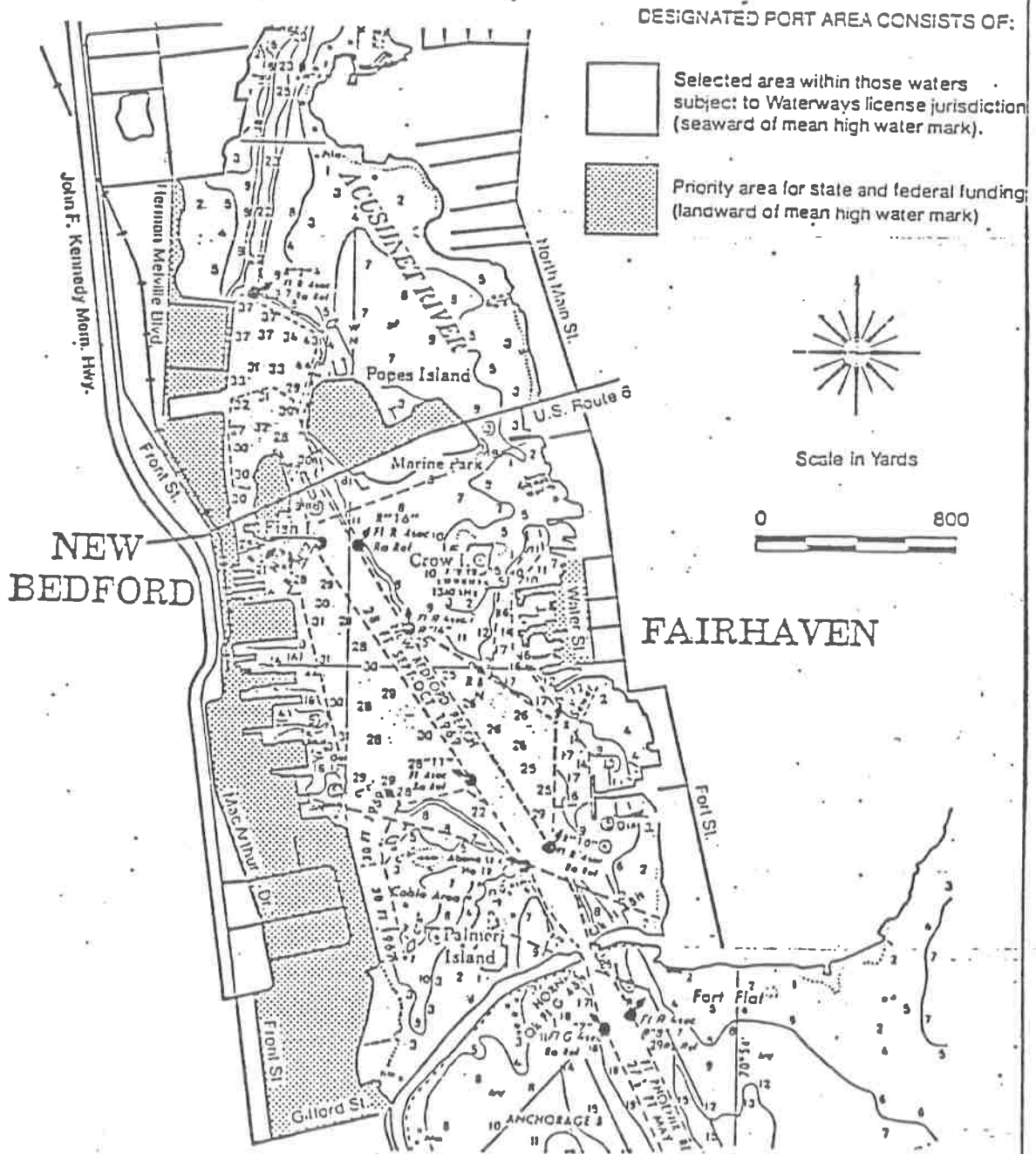
PLAN VIEW



PROPOSED BULKHEAD REPAIR

IN: ACUSHNET RIVER
AT: CANNON STREET STATION
COUNTY OF: BRISTOL STATE: MA
APPLICATION BY: COMMONWEALTH ELECTRIC CO.
JUNE 25, 1993

Designated Port Area: NEW BEDFORD-FAIRHAVEN





The Commonwealth of Massachusetts
Executive Office of Environmental Affairs
100 Cambridge Street, Boston, 02202

A1

WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

SUSAN F. TIERNEY
SECRETARY

April 23, 1992

(617) 727-9800

CERTIFICATE OF THE SECRETARY OF ENVIRONMENTAL AFFAIRS
ON THE
ENVIRONMENTAL NOTIFICATION FORM

PROJECT NAME : Bulkhead Repair
 PROJECT LOCATION : New Bedford
 EOE NUMBER : 8983
 PROJECT PROPONENT : Commonwealth Electric
 DATE NOTICED IN MONITOR : March 24, 1992

Pursuant to the Massachusetts Environmental Policy Act (G. L., c. 30, s. 61-62H) and Section 11.06 of the MEPA regulations (301 CMR 11.00), I hereby determine that the above project does not require the preparation of an Environmental Impact Report.

The project involves the repair of sections of a deteriorating wood and stone bulkhead. The repaired sections will involve sheet steel and be driven into the substrate as close as possible to the front of the existing bulkhead. The proponent should consult with DEP and MCZM regarding the mitigation measures to be used during construction.

April 23, 1992

Date

Susan F. Tierney
 Susan F. Tierney, Secretary

SFT/JMD/jd
 Comments:
 MCZM

P: BULKH



COASTAL ZONE
MANAGEMENT

The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

100 Cambridge Street

Boston, Massachusetts 02202

February 18, 1993

Mr. Stephen Collings
Commonwealth Electric Company
2421 Cranberry Highway
Wareham, MA 02571

Re: Bulkhead repair at Commonwealth Electric Company, Off MacArthur Drive in the Acushnet River, New Bedford.

Dear Mr Collings:

Thank you for submitting the results of the analysis of sediments in three locations in the Acushnet River adjacent to your facility. MCZM is sensitive to the acute contamination problems in the River. Our review of the projects occurring in the River all include review of data on sediments and MCZM appreciates your cooperation in investigating the waterfront area as a part of your project.

The polychlorinated biphenals (PCB) concentrations analyzed in sediments in the vicinity of your project are less than that which would require mitigation measures beyond what was originally proposed; i.e., the use of a vibratory hammer to install the sheet steel bulkhead.

MCZM has investigated the effects of using a vibratory hammer for installing bulkheading and concludes that this will be an appropriate method to minimize the sediment disruption at this site.

In the future, if any dredging of this area is proposed, we expect to review the project.

Thank you again, and good luck with your project.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey Benoit".

Jeffrey Benoit, Director
Massachusetts Coastal Zone Management

COMElectric

Commonwealth Electric Company
2421 Cranberry Highway
Wareham, Massachusetts 02571
Telephone (508) 291-0950

ATTACHMENT 6

July 19, 1993

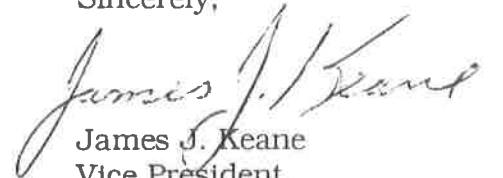
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Wetlands Section
20 Riverside Drive
Lakeville, MA 02347

Dear Sir:

This authorizes W. Stephen Collings to act as our agent in all matters relating to the bulkhead repair project proposed for our property located adjacent to Leonard's Wharf, off MacArthur Drive, in New Bedford, Massachusetts

Sincerely,


James J. Keane
Vice President
Power Supply/Transmission

JJK/jec

L/570

FEE CALCULATION STATEMENT

This project is a utility construction project consisting of installation of a new sheet steel bulkhead in front of an existing deteriorated bulkhead in the coastal zone, therefore qualifying for a 2D (Coastal Activities pursuant to 310 CMR 10.24) filing fee of \$250.00. The town portion of the fee is \$25.00 plus 50% of the balance or \$137.50. The state share of the fee is the remainder of the fee or \$112.50.

NOTICE OF INTENT FEE TRANSMITTAL FORM

DEPARTMENT OF ENVIRONMENTAL PROTECTION
DIVISION OF WETLANDS AND WATERWAYS

NOTICE OF INTENT (NOI) APPLICANT:

Name Commonwealth Electric Co.
Street 2421 Cranberry Hwy
City/Town Wareham
State MA Zip code 02571
Phone Number 508-291-0950

PROPERTY OWNER:

Name Same
Street Same
City/Town _____
State _____ Zip code _____

PROJECT LOCATION: Street/Lot Number Off MacArthur Blvd
City/Town New Bedford, MA

DEP FILE NUMBER (if available) _____

NOI FILING FEE

Total NOI Filing Fee: \$ 250
State Share of Filing Fee: \$ 112.50
(1/2 of fee in excess of \$25.00)
City/Town Share of
Filing Fee: \$ 137.50

DISPUTED FEE

Total Disputed Fee: \$ _____
(as determined in Notice of
Insufficient Fee letter from
conservation commission.)
State Share of Fee: \$ _____
(1/2 of total disputed fee)
City/Town Share of Fee: \$ _____
(1/2 of total disputed fee)

INSTRUCTIONS:

1. Send this Fee Transmittal form and a check or money order, payable to the Commonwealth of Massachusetts, to the DEP Lock Box at:

Dept. of Environmental Protection
Box 4062
Boston, MA 02211

2. Attach a copy of this form to the Notice of Intent submitted to the local Conservation Commission.
3. Attach a copy of this form and a copy of the DEP check to each of the Notice of Intent forms submitted to the DEP regional office.

FILING FEE CALCULATION WORKSHEET

CATEGORY 1 \$55 PER ACTIVITY
A. Existing House/residential lot (addition, deck, garage, pool, shed, or DRIVEWAY)
B. Site Preparation (removal of vegetation, excavation grading where home construction isn't proposed under this NOI)
C. Control of nuisance vegetation by removal, herbicides, etc. within a Resource Area PER LOT pursuant to 310 CMR 10.53(4)
D. Resource Area Improvement pursuant to 310 CMR 10.53 (4) other than IC above
E. SEPTIC SYSTEMS or any part thereof/repairs, replacement, UPGRADEING
F. Monitoring Wells/well
TOTAL CATEGORY 1 ACTIVITIES

CATEGORY 2 \$250 PER ACTIVITY
A. EACH NEW single family house (SFH) INCLUDING site preparation, retention/detention basins, utilities, SEPTIC SYSTEM, roadway/driveway other than those pursuant to 310 CMR 10.53(3e) if reviewed under a SINGLE NOI
B. Parking lot/ ANY size
C. Beach Nourishment
D. Coastal Activities pursuant to 310 CMR 10.24 (7a-c) including 7a-Electric Generation Facilities, 7b-Public Utilities, 7c-Coastal Limited Projects including REPAIR/MAINTENANCE of EXISTING piers, buildings culverts, etc.
E. LIMITED PROJECT ACTIVITIES pursuant to 310 CMR 10.53 (a-d) AND 310 CMR 10.53 (f-1) per footprint
F. NEW agricultural/aquacultural projects
G. EACH WETLAND DRIVEWAY CROSSING associated with a SFH pursuant to 310 CMR 10.53(3e)
H. ANY point source discharge
I. ANY OTHER ACTIVITY not described in categories 1, 3, 4 & 5
TOTAL CATEGORY 2 ACTIVITIES

CATEGORY 3 \$525 PER ACTIVITY
A. SITE PREPARATION for ANY development other than for a SFH INCLUDING removal of vegetation, excavation & grading when actual construction is NOT proposed under this NOI
CONSTRUCTION OF EACH BUILDING within commercial, industrial, institutional, or apartment/condo/townhouse type of development, ANY PART of which is in a BUFFER ZONE or RESOURCE AREA. Associated activities: site preparation retention/detention basin construction, septic systems, parking lots, utilities, point source discharges, sewerage treatment

plants, roadways/driveways NOT subject to 310 CMR 10.53(3e) SHALL NOT BE SUBJECT TO ADDITIONAL FEES if said activities are reviewed under a SINGLE NOI

C. Construction of EACH ROADWAY/DRIVEWAY within the Buffer zone or Coastal Floodzone NOT reviewable under 310 CMR 10.53 (3e) and NOT associated with a SFH
D. HAZARDOUS WASTE CLEANUP (except as noted in category 4)
TOTAL CATEGORY 3 ACTIVITIES

CATEGORY 4 \$725 PER ACTIVITY
A. EACH WETLAND FILLING/CROSSING LIMITED PROJECT ACCESS ROADWAY/DRIVEWAY under 310 CMR 10.53 (3e) associated with COMMERCIAL, INDUSTRIAL, INSTITUTIONAL DEVELOPMENT OR RESIDENTIAL SUBDIVISION CONSTRUCTION. (*see category 2g for SFH driveways*)
B. Flood Control Structures (construction, REPAIR, and/or modification)
C. LANDFILLS-public & private
D. SAND & GRAVEL OPERATIONS
E. NEW railroad lines or EXTENSIONS of EXISTING lines
F. Control of NUISANCE VEGETATION under 310CMR 10.53(4) other than on a SFH lot
G. BRIDGES (construction, reconstruction, expansion, maintenance) ASSOCIATED with a SFH lot
H. Raising or lowering WATER LEVELS
I. ALTERATION OF RESOURCE AREA & diversion of water associated with HAZARDOUS WASTE CLEANUP, non-mosquito control projects, or for ANY OTHER PURPOSE NOT EXPRESSLY IDENTIFIED ELSEWHERE IN THIS FEE SCHEDULE
J. DREDGING ACTIVITIES not associated with a NEW dock, pier or other structure described in category 5
TOTAL CATEGORY 4 ACTIVITIES

CATEGORY 5 \$2 PER LINEAR FOOT; TOTAL FEET NOT TO BE LESS THAN \$50 NOR MORE THAN \$1000

A. Construction, reconstruction, REPAIR, or replacement of DOCKS, PIERS, REVETMENTS, DIKES, or other engineering structures on COASTAL or INLAND RESOURCE AREAS including the placement of RIP-RAP or other material on coastal or inland resource areas

TOTAL CATEGORY 5 ACTIVITIES
TOTAL FILING FEE CALCULATED \$ 250

PERSON CALCULATING FEE SCHEDULE (Print Name) W. Stephen Collings

ADDRESS Commonwealth Electric Co. 2421 Cranberry Hwy, Wareham, MA 02571

TELEPHONE NUMBER 508-291-0950

SIGNATURE DATE