



East Rodney French Boulevard Seawall  
Rehabilitation  
1357 East Rodney French Boulevard  
New Bedford, Massachusetts

## **NOTICE OF INTENT**

**City of New Bedford**  
**133 William Street**  
**New Bedford, Massachusetts**

June 2022

**Cover Letter**

**WPA Form 3**

**NOI Fee Transmittal Form**

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N-1011-07  
June 21, 2022

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

Re: **Notice of Intent**  
**East Rodney French Boulevard Seawall Rehabilitation Project**  
**New Bedford, Massachusetts**

Dear Members of the Commission:

On behalf of the City of New Bedford Department of Public Infrastructure, Tighe & Bond is submitting this Notice of Intent (NOI) for the East Rodney French Boulevard Seawall Rehabilitation Project.

The existing seawall is approximately 920 feet long, including the portion around the Irish Monument Pier. It consists of wet-laid (i.e., grouted) granite stones with a precast concrete cap. The wall parallels East Rodney French Boulevard beginning approximately at 1357 East Rodney French Boulevard and heads north towards the New Bedford Hurricane Barrier. The Irish Monument Pier ("Pier") is located at the southernmost end of the seawall and serves as a public park. The seawall and Pier are located in a Federal Emergency Management Agency (FEMA) VE (i.e., velocity hazard) Flood Zone with a flood elevation of 17.0' (NAVD 88).

Portions of the seawall, and the Pier at the southern extent of the seawall, are showing signs of deterioration. This includes but is not limited to loss of grout between the seawall stones at many locations and displaced/missing stones at the Pier. In addition, areas of the precast concrete cap have experienced displacement, which has affected the alignment of the existing railing.

The project consists of "in-kind" repairs to address these deteriorated conditions, including cleaning and repointing joints between granite stones, resetting and re-mortaring displaced stones at the Pier, resetting areas of the precast concrete cap, repairing the existing railing, and repairing and/or retro-fitting the seaward portions of existing active drainage lines that penetrate the seawall. The scope of the project does not include restoring the shoreline at locations where the beach has retreated from the toe of the seawall.

The seawall helps to protect the Boulevard as well as public and private property from storm damage and erosion. In addition, the seawall protects City-owned utilities such as sanitary sewer, domestic and fire protection water, stormwater outfalls, and private utilities including gas and electric that are located along the length of the Boulevard. This section of the seawall and Boulevard are downstream of the New Bedford Hurricane Barrier and are therefore vulnerable to impacts from storm events.

This NOI is being filed under the Massachusetts Wetlands Protection Act (WPA; M.G.L. c. 131 § 40) and the City of New Bedford Wetlands Protection Ordinance (Article VII) and implementing regulations. The proposed work is located within Land Under the Ocean, Coastal Bank, and Coastal Beach. A copy of this NOI has been submitted to the Massachusetts Department of Environmental Protection (MassDEP) Southeast Region (SERO) Wetlands Program. The certified list of abutters is also enclosed. Abutters will be notified in accordance with state and local requirements. As this is a municipal project, the project is exempt from state and local filing fees.





We look forward to discussing this project with the New Bedford Conservation Commission at its July 19, 2022 meeting. Should you have any questions regarding this application or require any additional information, please contact me at 603-361-1492 or [DMoran@tighebond.com](mailto:DMoran@tighebond.com).

Sincerely,

**TIGHE & BOND, INC.**



Dennis Moran, PE  
Project Manager

Enclosures

Copy: MassDEP SERO  
Shawn Syde, PE, City Engineer, Department of Public Infrastructure

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Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

New Bedford  
City/Town

**Important:**

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



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

**A. General Information**

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

<u>1357 East Rodney French Boulevard</u>	<u>New Bedford</u>	<u>02744</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>41.60830</u>	<u>-70.90416</u>	
d. Latitude	e. Longitude	
<u>10</u>	<u>10-33</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Shawn</u>	<u>Syde</u>	
a. First Name	b. Last Name	
<u>City of New Bedford</u>		
c. Organization		
<u>1105 Shawmut Avenue</u>		
d. Street Address		
<u>New Bedford</u>	<u>MA</u>	<u>02746</u>
e. City/Town	f. State	g. Zip Code
<u>508-979-1550</u>	<u>Shawn.Syde@NewBedford-MA.gov</u>	
h. Phone Number	i. Fax Number	j. Email Address

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

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Dennis</u>	<u>Moran</u>	
a. First Name	b. Last Name	
<u>Tighe &amp; Bond, Inc.</u>		
c. Company		
<u>4 Barlows Landing Road, Unit #15</u>		
d. Street Address		
<u>Pocasset</u>	<u>MA</u>	<u>02559</u>
e. City/Town	f. State	g. Zip Code
<u>(603)-361-1492</u>	<u>DGMoran@tighebond.com</u>	
h. Phone Number	i. Fax Number	j. Email address

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

<u>Fee Exempt- Municipal Project</u>	<u>N/A</u>	<u>N/A</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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**A. General Information** (continued)

6. General Project Description:

The City of New Bedford is looking to rehabilitate portions of the East Rodney French Boulevard Seawall that have been subject to deterioration from loss of concrete grout, displaced stones, and erosion. The seawall will be repaired through resetting areas of displaced stones and concrete cap as well as making repairs to the active drainage lines and restoring the shoreline.

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

- 1.  Single Family Home
- 2.  Residential Subdivision
- 3.  Commercial/Industrial
- 4.  Dock/Pier
- 5.  Utilities
- 6.  Coastal engineering Structure
- 7.  Agriculture (e.g., cranberries, forestry)
- 8.  Transportation
- 9.  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)

In accordance with 310 CMR 10.24.7(c).2, the maintenance, repair, and improvement os structures, including buildings, piers, towers, headwalls, bridges, and culverts which existed on November 1, 1987.

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(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 County

a. County

5860

c. Book

b. Certificate # (if registered land)

285

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 B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

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

2. Width of Riverfront Area (check one):

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

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

4. Proposed alteration of the Riverfront Area:

a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.
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5. Has an alternatives analysis been done and is it attached to this NOI?  Yes  No

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

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

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





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

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input checked="" type="checkbox"/> Coastal Beaches	9,815 (1 cy temp dredge for wall footing)	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input checked="" type="checkbox"/> Coastal Banks	920	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	
	_____	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	_____	
	1. cubic yards dredged	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	20,900	
	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings



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## C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

- a.  Yes  No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program  
Division of Fisheries and Wildlife  
1 Rabbit Hill Road  
Westborough, MA 01581**

- August 2021  
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review\*

1.  Percentage/acreage of property to be altered:
  - (a) within wetland Resource Area \_\_\_\_\_ percentage/acreage
  - (b) outside Resource Area \_\_\_\_\_ percentage/acreage
2.  Assessor's Map or right-of-way plan of site

2.  Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*
  - (a)  Project description (including description of impacts outside of wetland resource area & buffer zone)
  - (b)  Photographs representative of the site

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <https://www.mass.gov/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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MassDEP File Number

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

(c)  MESA filing fee (fee information available at <https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review>).  
 Make check payable to “Commonwealth of Massachusetts - NHESP” and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

- (d)  Vegetation cover type map of site
- (e)  Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

- 1.  Project is exempt from MESA review.  
 Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
- 2.  Separate MESA review ongoing. a. NHESP Tracking # \_\_\_\_\_ b. Date submitted to NHESP \_\_\_\_\_
- 3.  Separate MESA review completed.  
 Include copy of NHESP “no Take” determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?  
 a.  Not applicable – project is in inland resource area only      b.  Yes     No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:  Division of Marine Fisheries - Southeast Marine Fisheries Station Attn: Environmental Reviewer 836 South Rodney French Blvd. New Bedford, MA 02744 Email: <a href="mailto:dmf.envreview-south@mass.gov">dmf.envreview-south@mass.gov</a>	North Shore - Hull to New Hampshire border:  Division of Marine Fisheries - North Shore Office Attn: Environmental Reviewer 30 Emerson Avenue Gloucester, MA 01930 Email: <a href="mailto:dmf.envreview-north@mass.gov">dmf.envreview-north@mass.gov</a>
---	---

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)**

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.

**Online Users:**  
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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## D. Additional Information (cont'd)

3.  Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4.  List the titles and dates for all plans and other materials submitted with this NOI.

East Rodney French Boulevard - Seawall Rehabilitation

a. Plan Title

Tighe & Bond Inc.

b. Prepared By

June 2022

d. Final Revision Date

Dennis Moran

c. Signed and Stamped by

1" = 40'

e. Scale

f. Additional Plan or Document Title

g. Date

5.  If there is more than one property owner, please attach a list of these property owners not listed on this form.

6.  Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7.  Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8.  Attach NOI Wetland Fee Transmittal Form

9.  Attach Stormwater Report, if needed.

## E. Fees

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

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

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



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## F. Signatures and Submittal Requirements

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

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

	<u>6-3-2022</u>
1. Signature of Applicant	2. Date
	
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:

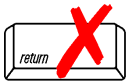
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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.



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 Bureau of Resource Protection - Wetlands  
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 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:

1357 E Rodney French Boulevard	New Bedford
a. Street Address	b. City/Town
N/A- Fee exempt	N/A
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Shawn	Syde	
a. First Name	b. Last Name	
City of New Bedford Department of Public Infrastructure		
c. Organization		
1105 Shawmut Avenue		
d. Mailing Address		
New Bedford	MA	02746
e. City/Town	f. State	g. Zip Code
508-979-1550	Shawn.Syde@NewBedford-MA.gov	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

_____	_____	
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 (a)	1	100	N/A- Fee Exempt
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

Total Project Fee:	N/A
State share of filing Fee:	a. Total Fee from Step 5
City/Town share of filing Fee:	N/A
	b. 1/2 Total Fee <b>less</b> \$12.50
	N/A
	c. 1/2 Total Fee <b>plus</b> \$12.50

**C. Submittal Requirements**

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

Department of Environmental Protection  
 Box 4062  
 Boston, MA 02211

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

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



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# Section 1

## Introduction

Project Name: East Rodney French Boulevard Seawall Rehabilitation

Project Location: East Rodney French Boulevard  
New Bedford, Massachusetts

Project Proponent: City of New Bedford Department of Public Infrastructure

This Notice of Intent (NOI) application is being submitted on behalf of the City of New Bedford (“the City”) Department of Public Infrastructure by Tighe & Bond for the repair of the existing city-owned seawall in New Bedford, Massachusetts (the Project Site). A portion of the existing pier has been assessed and determined to be deteriorating due to loss of grout, displaced stones, erosion along the seawall, and displacement of the precast concrete cap. The proposed project is seeking to repair the damaged portion with “in-kind” repairs to address these deteriorated conditions.

### 1.1 Background and Purpose

East Rodney French Boulevard is a critical transportation corridor for the City of New Bedford. It provides access to numerous industrial, educational, recreational, and residential uses including but not limited to Fort Taber Park, the School for Marine Science and Technology (SMAST), and Roosevelt Middle School. Major industrial users, including Brittany Global Technologies and ATI, are located directly landward of the seawall.

The City owned seawall helps to protect the Boulevard as well as public and private property from storm damage and erosion. In addition, the seawall protects City-owned utilities such as sanitary sewer, domestic and fire protection water, stormwater outfalls, and private utilities including gas and electric that are located along the length of the Boulevard. This section of the seawall and Boulevard are downstream of the New Bedford hurricane barrier and are therefore vulnerable to impacts from storm events.

Tighe & Bond conducted a site visit to examine the seawall and Pier in February and November of 2021 the existing conditions of the site were documented. Tighe & Bond performed two visits to access the seawall along the beach during in dry conditions. The limited area of the review was verbally agreed upon by the Department of Public Infrastructure (DPI) staff to be focused on an approximately 920-foot-long portion of the seawall, from the New Bedford Hurricane Barrier to the portion around the Irish Monument Pier. Tighe & Bond documented the existing field conditions by photographing the seawall and pier as well as recording dimensions of critical structures. It was determined that areas of the seawall, and the Irish Monument Pier at the southern extent of the seawall, are showing signs of deterioration. This includes but is not limited to loss of grout between the seawall stones at many locations, displaced/missing stones at the Monument, and erosion along portions of the seawall toe. In addition, areas of the precast concrete cap have experienced displacement, which has affected the alignment of the existing railing. Tighe & Bond documented the dimensions and specific areas in need of repair, shown in the site photographs found in Appendix C.

Upon completion of the field visit, it was concluded that the damaged portion of the wall should be repaired to support the existing infrastructure and avoid further damage. The

dislodged stones that are on the site will be utilized to fill the existing voids, while the eroded concrete cap will be replaced to provide stability to the land behind the wall. A portion of the seawall by Irish Monument Pier as well as the drainage pipe will need additional maintenance. The recommended repair has considered the sensitive environmental resource that surrounds the pier and the safety implications with a no-action alternative. The recommended repair will minimize to the greatest extent impacts to the surrounding area as the rehabilitation will be limited to the existing footprint of the pier.

A Site Locus Map (Figure 1), MassDEP Priority Resources Map (Figure 2), Existing Conditions Figure (Figure 3) are provided in Appendix A. Project drawings are provided in Appendix B and photographs of the existing pier are provided in Appendix C.

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## Section 2

# Existing Environment

### 2.1 Site Description and Project Setting

The existing seawall extends in the north-south direction for approximately 920 feet including the portion around the Irish Monument Pier, and consists of wet-laid (i.e., grouted) granite stones with a precast concrete cap. The wall parallels the Boulevard beginning approximately at 1357 East Rodney French Boulevard and heads north towards the New Bedford Hurricane Barrier. The Irish Monument Pier is located at the southernmost end of the seawall and serves as a public park. The seawall and Pier face New Bedford Harbor and are located in a Federal Emergency Management Agency Flood Zone.

### 2.2 Wetland Resources

Wetland resource areas are regulated by the Massachusetts Wetlands Protection Act (MA WPA) and the New Bedford Wetlands Ordinance (Article VII). The proposed work has been designed in accordance with 310 CMR 10.00 and Massachusetts Department of Environmental Protection (MassDEP) guidelines. The following wetland resource areas have been identified at the site.

#### 2.2.1 Coastal Beach

A Coastal Beach is defined in 310 CMR 10.27(2) as unconsolidated sediment subject to wave, tidal, and coastal storm action which forms the gently sloping shore of a body of salt water and includes tidal flats. A Coastal Beach forms the eastern boundary of the seawall facing New Bedford Harbor. The coastal beach is used as an open space for public recreational activities.

#### 2.2.2 Coastal Bank

A Coastal Bank as defined in 310 CMR 10.30(2) is the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other wetland. The Coastal Bank is located along the Mean High Tide (MHT) line of New Bedford Harbor and the top of the Coastal Bank coincides with the top of Irish Monument Pier. The seawall itself is considered a Coastal Bank as it is a structural bank and serves as a vertical buffer to storm waters. The bank itself does not supply sediment to coastal resources.

#### 2.2.3 Land Subject to Coastal Storm Flowage

The Federal Emergency Management Agency ("FEMA") flood map (Panel No. 25005C0482G, effective July 16, 2014) issued by FEMA was consulted to determine the presence of LSCSF on the property. The project parcel falls within Zone VE, an area subject to flooding and/or inundation by the 100-year flood with additional hazards associated with storm waves with a base flood elevation (BFE) of 17 feet (NAVD88). Accordingly, the entirety of the Project Site and limit of work is regulated as LSCSF.

### 2.3 Rare Species

The Massachusetts Natural Heritage and Endangered Species Program (NHESP) Atlas (15<sup>th</sup> edition, August 1, 2021) and MassGIS online (August 2021) were consulted during

the planning and design phases of this project. According to these sources, the site does not fall within an Estimated or Priority Habitats of Rare Species as shown in Figure 2 in Appendix A. No NHESP Certified or Potential Vernal Pools are mapped within the project area.

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## Section 3 Project Description

### 3.1 Proposed Activities

The project proposes to repair the damaged portion of the seawall along East Rodney French Boulevard as well as a section of the Irish Monument Pier at the southern extent of the seawall. The seawall contains an eroded portion where grout has been lost and the precast concrete cap has experienced displacement, which has affected the alignment of the existing railing allowing for minor erosion of the material behind the wall. There are also several displaced/missing stones along the Pier that undermined its structural integrity and pose public health and safety concerns. The seawall will be repaired by cleaning and repointing joints between granite stones, resetting areas of the precast concrete cap, repairing the existing railing, and repairing and/or retro-fitting the seaward portions of existing active drainage lines that penetrate the seawall. Tide gates are proposed to be installed on active drain lines to reduce inflow during high tides and storm events.

The seawall is proposed to be repaired with minimal alteration to existing conditions with minimal impacts to the surrounding resources. The replacement of the existing fallen stones will remove material not intended to be placed along the Coastal Bank but will allow for the project to mimic existing conditions. The repair of the Irish Monument Pier with stone similar to the granite stone currently used throughout the monument, would allow for the feature to be structurally sound but would deviate from the existing conditions that make this area unique. Resetting the granite stone is anticipated to be done at low tidal conditions so that the bank can be accessed installation of the concrete cap will be completed from the land to further reduce impacts.

Improving the structural integrity of the Irish Monument Pier will require mechanical equipment with an anticipated maximum dredging volume of about 1 cubic yard of Coastal Beach. This excavation activity is anticipated to be temporary, will be restored in-kind, and will not result in any permanent impacts to the resource areas.

The repairs described above are considered "in-kind" and are intended to address the deteriorated conditions observed. As a result, a detailed evaluation of the seawall concerning long-term stability as well as resiliency against storm surge/food events and sea level rise were not considered due to nature of this maintenance project and limitations in funding. Accordingly, we have developed the following design and permit for the anticipated "in-kind" repairs.

### 3.2 Anticipated Construction Sequence

The Proponent has been notified that funding via the EOEEA ENV 21 DS 01 Dam, Levee & Seawall Repair & Removal grant program will be utilized towards the design and permitting of seawall repairs. We anticipate that the seawall repairs will proceed through the following sequence:

1. Notify pertinent regulatory agencies of the construction schedule;
2. Mobilize to the site and install MassDEP File number sign and temporary sediment and erosion control measures and other Best Management Practices (BMPs);

3. Schedule and conduct site walks with pertinent regulatory agencies;
4. Commence site preparation and protect infrastructure and environmental resources within the area;
5. Clean and repoint the joints between granite stones where grout is missing, or loose/deteriorated;
6. Reset and re-mortar displaced stones at the Irish Monument Pier with the aid of mechanical equipment;
7. Make provisions to allow for the backfill soils to drain following the repointing (i.e., installing weep drains);
8. Remove the railing and concrete cap;
9. Replace the concrete cap and the railing;
10. Remove the deteriorated cast-iron drainage line;

Please note that the above sequence may change, and some tasks may be performed concurrently. The contractor who performs the work will determine the actual sequencing based on their means and methods of construction.

In the event that a large storm or hurricane is expected during construction, the contractor will take the necessary precautions to secure the work area. This may include demobilization and temporary measures to limit damage to the work area.

### **3.3 Best Management Practices**

Several construction-phase Best Management Practices (BMPs) will be implemented to protect adjacent resource areas. Descriptions of these measures are provided in the following sections.

#### **3.3.1 Spill Prevention and Control**

The contractor(s) will be required to conduct the work in an environmentally-safe manner and in accordance with applicable regulations for the management of fuels, waste oils, and hazardous substances. Any hazardous materials will be transported, stored, and handled as recommended by the suppliers and/or manufacturers, and in compliance with applicable federal or state regulations. A spill kit will be on site at all times in to be used in the event of a spill.

#### **3.3.2 Sediment Control and Dewatering.**

The contractor(s) will be required to install a sedimentation boom prior to work. The boom will be removed after the work is complete. All catch basins in the vicinity of the work area will include siltation sacks and stockpiles will be covered during rain events to prevent run off.

As the work to be completed is significantly above mean low water, it is anticipated that all work will be completed in the dry and no dewatering will be required.

#### **3.3.3 Construction Period Access and Staging**

Construction equipment will temporarily access tidal areas and best management practices will be executed by the contractor to ensure minimal damage to the resource areas. It is expected that heavy equipment required to reset the wall stones that have been displaced will be able to reach the work area from above the wall. The repointing

and grouting of the wall will be completed by hand from the beachside. Construction equipment will not be staged or stored on the Coastal Beach outside of working hours. Only minimal amounts of borrow material will be needed for this project and granular material that has the potential to leave the site will be covered during rain events.

### **3.4 Project Site Restoration**

Upon the completion of work disturbed areas will be stabilized. Beach and wetland resource areas disturbed as part of the temporary construction activities will be stabilized, as specified in the project drawing.



## Section 4

# Performance Standards

The project scope was evaluated for compliance with the Massachusetts Wetlands Protection Act (MAWPA) and regulations (310 CMR 10.00), as well as the City's Article VII implementing regulations.

### 4.1 Massachusetts Wetlands Protection Act

The proposed project will occur within areas subject to protection and jurisdiction under the MAWPA. Project activities will result in temporary impacts to LSCSF, Coastal Bank, and Coastal Beach, as well as the 100-foot Buffer Zone. The MAWPA does not maintain performance standards for work within LSCSF or the 100-foot Buffer Zone. The following section presents the proposed activities' compliance with the WPA. Impact areas presented in this section were calculated in AutoCAD using surveyed topography, resource areas, and other site features.

#### 4.1.1 Limited Project Status

The proposed pier stone masonry repairs to the seawall along East Rodney French Boulevard and Irish Monument Pier qualify for consideration as a Limited Project per 310 CMR 10.24(7)(c)(2):

*"The maintenance, repair, and improvement (but not substantial enlargement except when necessary to reduce or eliminate a tidal restriction) of structures, including buildings, piers, towers, headwalls, bridges and culverts which existed on November 1, 1987."*

The City of New Bedford respectfully requests that the proposed repair work be considered as a Limited Project by the New Bedford Conservation Commission.

#### 4.1.2 Summary of MA WPA Jurisdictional Alterations

The proposed project will result in temporary alteration to wetland Resource Area, as those areas are defined in the MAWPA regulations. These areas include:

- Coastal Bank
- Coastal Beach
- Land Subject to Coastal Storm Flowage
- 100-foot Buffer Zone

Table 4-1 below outlines the total proposed alteration and by wetland resources.

**TABLE 4-1**

Summary of WPA Jurisdictional Alteration by Resource Area.

Resource Area	Temporary Impacts
Coastal Beach	9,815 square feet
Coastal Bank <sup>1</sup>	920 linear feet
Land Subject to Coastal Storm Flowage	20,900 square feet
Buffer Zone	20,900 square feet

<sup>1</sup>Existing Coastal Bank is an engineered structure and will be repaired within the same footprint and will continue to function as a structural bank.

The following sections summarize the project's compliance with the General Performance Standards (provided in italics) established in the MAWPA regulations for each resource area.

#### **4.1.2.1 Coastal Beach**

Approximately 9,815 square feet of Coastal Beach will be temporarily impacted by the project scope. Small scale excavation which meets the regulatory definition of dredging, is proposed in this resource area in order to repair the loose stones by Irish Monument Pier. A maximum volume of 27 cubic feet (cf) will be excavated in the location of a damaged corner footing of the existing seawall. This area will be excavated in order to accommodate a new section of seawall footing where the wall has been undermined. The Performance Standards for Coastal Beach are set forth at 310 CMR 10.27(3) through (7) and are addressed below.

The regulations at 310 CMR 10.27 state, "*When a Coastal Beach is determined to be significant to storm damage prevention, flood control, or protection of wildlife habitat, 310 CMR 10.27(3) through (7) shall apply:*

*(3) Any project on a coastal beach, except any project permitted under 310 CMR 10.30(3)(a), shall not have an adverse effect by increasing erosion, decreasing the volume or changing the form of any such coastal beach or an adjacent or downdrift coastal beach.*

The proposed work is permitted under 310 CMR 10.30(3)(a) as it consists of repairs to an existing coastal engineering structure (i.e., seawall). The project has been designed to occur within the existing footprint of the seawall and no new area of Coastal Beach will be permanently impacted as a result of these repairs. Repairs to the seawall along the Coastal Beach are intended to reduce erosion. As the areas landward of the coastal beach consist of seawall and developed areas, they do not supply sediment to the Coastal Beach. Accordingly, this repair work will not impact the volume or general form of the beach.

*(4) Any groin, jetty, solid pier, or other such solid fill structure which will interfere with littoral drift, in addition to complying with 310 CMR 10.27(3), shall be constructed as follows:*

*(a) It shall be the minimum length and height demonstrated to be necessary to maintain beach form and volume. In evaluating necessity, coastal engineering, physical oceanographic and/or coastal geologic information shall be considered.*

*(b) Immediately after construction any groin shall be filled to entrapment capacity in height and length with sediment of grain size compatible with that of the adjacent beach*

*(c) Jetties trapping littoral drift material shall contain a sand by-pass system to transfer sediments to the downdrift side of the inlet or shall be periodically dredged to provide beach nourishment to ensure that downdrift or adjacent beaches are not starved of sediments.*

The project does not involve the construction of groins and jetties, and the proposed repair work will not adversely affect existing littoral drift patterns in this area.

*(5) Notwithstanding 310 CMR 10.27(3), beach nourishment with clean sediment of a grain size compatible with that on the existing beach may be permitted.*

Beach nourishment is not proposed as part of this project.

Additionally, the proposed existing seawall repairs will not occur within tidal flats and there will be no adverse impacts to wildlife habitat as a result of project activities. The project is also not identified as Estimated or Priority Habitat. For these reasons 310 CMR 10.27(6)-(7) do not apply.

#### **4.1.2.2 Coastal Bank**

Approximately 920 linear feet of Coastal Bank will be temporarily impacted as a result of the seawall repairs. The Performance Standards for Coastal Bank are set forth at 310 CMR 10.30(6) through (8) and are addressed below.

The regulations at 310 CMR 10.30 state, "*When a Coastal Bank is determined to be significant to storm damage prevention or flood control because it is a vertical buffer to storm waters, 310 10.30(6) through (8) shall apply:*

*(6) Any project on such a coastal bank or within 100 feet landward of the top of such coastal bank shall have no adverse effects on the stability of the coastal bank.*

The proposed rehabilitation of the seawall will repair currently damaged and failing infrastructure that constitutes the structural Coastal Bank. The proposed work will improve the stability and function of the bank, increasing protection against storm damage and flood events.

*(7) Bulkheads, revetments, seawalls, groins or other coastal engineering structures may be permitted on such a coastal bank except when such bank is significant to storm damage prevention or flood control because it supplies sediment to coastal beaches, coastal dunes, and barrier beaches.*

The proposed project involves maintenance on a lawfully existing structure. All work will occur within the existing footprint and no new coastal engineering structures are proposed. As the existing Bank is a structural bank, it is not a source of sediment to the adjacent beach.

*(8) Notwithstanding the provisions of 310 CMR 10.30(3) through (7), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.*

The proposed seawall repairs will not adversely affect the habitat values of the Coastal Bank. All work will occur within the existing footprint. As mentioned above, this area is not located within *Estimated Habitat of Rare Wildlife* or *Priority Habitat of Rare Species*.

#### **4.1.2.3 Land Subject to Coastal Storm Flowage**

Land Subject to Coastal Storm Flowage is not afforded any Performance Standards under the MAWPA. Notwithstanding, the proposed activities involve repairs to the existing seawall and are not anticipated to affect the ability of this area to accommodate coastal storm flows.

#### **4.1.3 Stormwater Management**

The proposed project is subject to the Massachusetts Stormwater Standards and qualifies as a redevelopment project. As such, compliance with the standards is required to the maximum extent practicable. A MassDEP Stormwater Checklist is included with this application, indicating compliance with MassDEP standards.

### **4.2 New Bedford Wetland Protection Bylaw**

Per Article VII of the New Bedford Wetland Protection Bylaws, *"no person shall remove, fill, dredge, later, or build upon or within one hundred (100) feet of any bank; upon or within one hundred (100) feet of any lake, river, pond (or) stream; land under any fresh or salt waters; or upon any land subject to flooding or inundation by groundwater or surface water"* except as permitted by the conservation commission. Exceptions to this jurisdiction include projects for *"maintaining, repairing, or replacing, an existing and lawfully located structure or facility used in service of the public to provide electric, gas, water, telephone, telegraph, or other telecommunication services, provided that the structure or facility is not substantially changed or enlarged, provided that written notice has been given to the conservation commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the conservation commission."*

The scope of the proposed project involves maintenance repairs that will not change or enlarge the existing structure and therefore qualifies under the local exemption. Work activities shall not remove, alter, or build upon or within one hundred (100) feet of any bank, land under any fresh or salt waters, or upon any land subject to flooding or inundation by groundwater or surface water. A small area within the 100-foot Buffer Zone to bank, and LSCSF will involve dredge and fill activities for the purpose of restoring the existing Irish Monument Pier to original conditions and improving its long-term stability and resilience against severe weather events.

### **4.3 Other Regulatory Programs**

In addition to the MAWPA and local bylaws, the project is subject to jurisdiction and review under the following state and federal programs.

#### **4.3.1 State Permits**

##### **4.3.1.1 Chapter 91 Minor Modification**

The Proponent aims to undertake structural alterations which are confined to the existing footprint of the seawall structure being altered. The scope of the project proposes insignificant deviations from the original specifications of the license in terms of size, configuration, and materials. The project aims to preserve the original design parameters and is therefore exempt from filing an application for a Chapter 91 License and is proceeding as a Minor Project Modification.

### **4.3.2 Federal Permits**

#### **4.3.2.1 Self-Verification Notification Form**

The repair and maintenance of the currently serviceable seawall structure qualifies for an Army Corps of Engineers Self Verification Notification under General Permit 1. The previously authorized seawall structure serves as a critical storm and flood prevention infrastructure and the proposed work activities will not create any permanent impacts or adverse effects to resource areas.

Compliance with the terms and conditions of the applicable General Permits exempts this project from filing a Pre-Construction Notification with the Army Corps of Engineers.

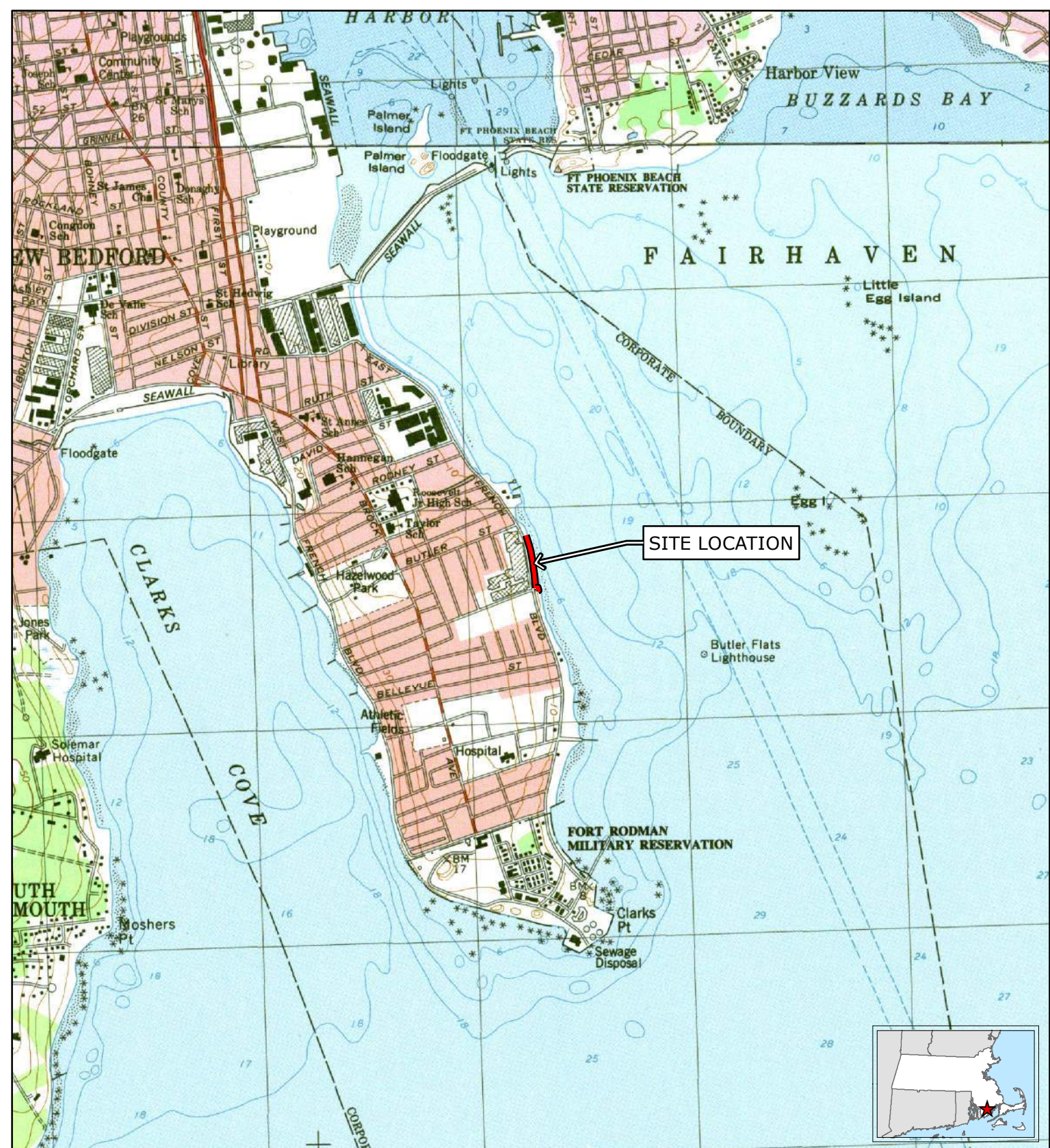
### **4.4 Public Notice**

Abutters will be notified in accordance with the requirements set forth by the WPA and the New Bedford Wetlands Protection Ordinance. The abutter notification letter and a copy of the certified list of abutters prepared by the New Bedford Assessor's Office are provided in Appendix E. A legal notice advertising the application will be placed for publication in the Standard-Times by the New Bedford Conservation Agent. Payment has been arranged with the Standard-Times News for the legal advertisement.


**Tighe&Bond**

**APPENDIX A**



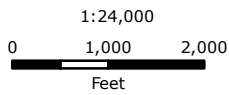


**Legend**

 Seawall



Based on USGS Topographic Map for New Bedford, MA Revised 1977. Contour Interval Equals 10-feet.



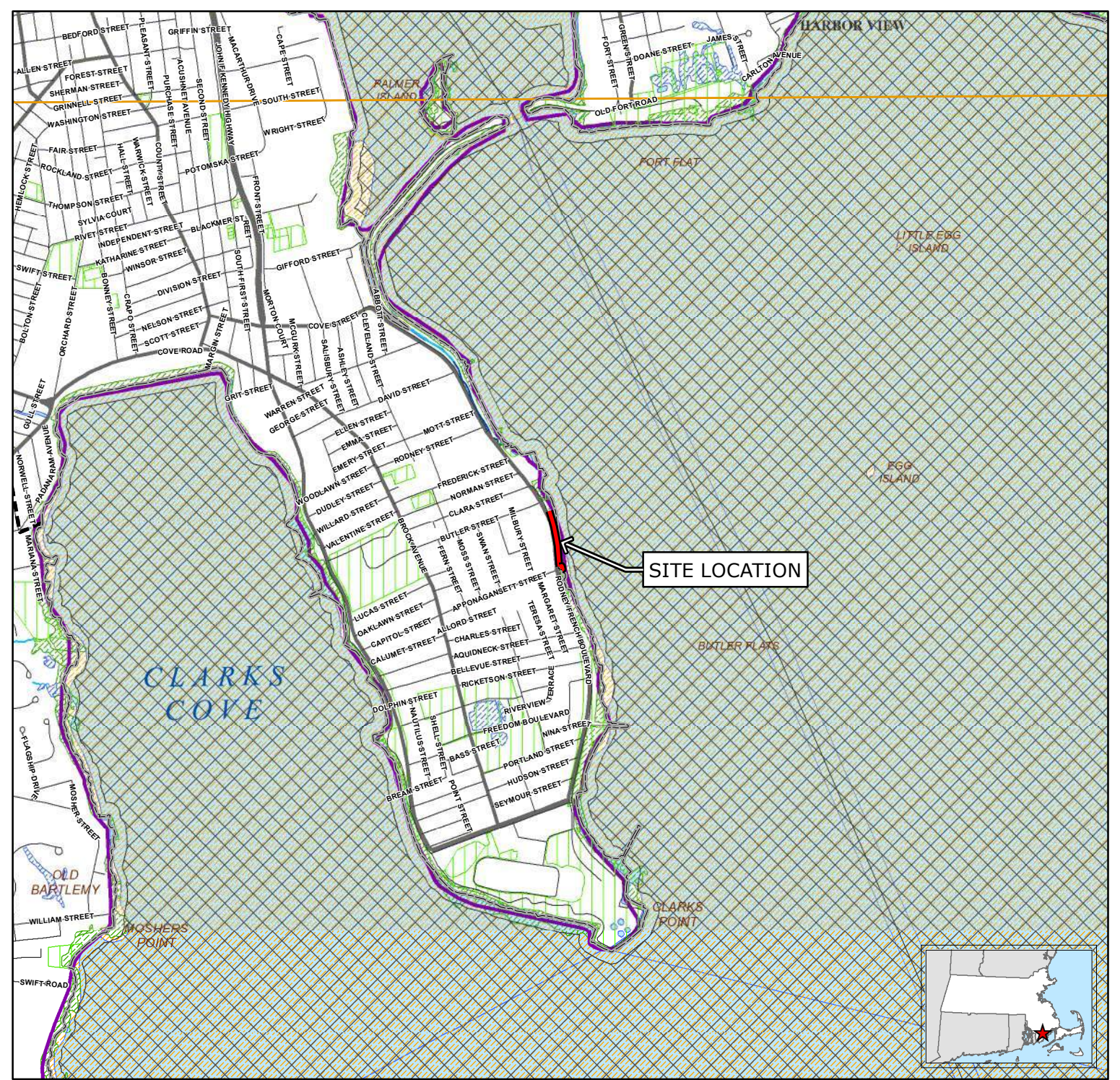
**FIGURE 1  
SITE LOCATION**

East Rodney French Boulevard  
Seawall Rehabilitation  
New Bedford, Massachusetts

March 2022





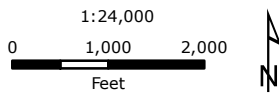


### Legend

- NHESP Certified Vernal Pools
- NHESP Potential Vernal Pools
- Non-Landfill Solid Waste Sites
- Proposed Well
- Emergency Surface Water
- Community Public Water Supply - Surface Water
- Community Public Water Supply - Groundwater
- Non-Community Non-Transient Public Water Supply
- Non-Community Transient Public Water Supply
- Limited Access Highway
- Multi-Lane Highway, NOT Limited Access
- Other Numbered Highway
- Major Road - Collector
- Minor Street or Road
- Aquaducts
- Hydrologic Connections
- Stream/Intermittent Stream
- Powerline
- Pipeline
- Track or Trail
- Trains
- Public Surface Water Supply Protection Area (Zone A)
- DEP Approved Wellhead Protection Area (Zone I)
- DEP Approved Wellhead Protection Area (Zone II)
- DEP Interim Wellhead Protection Area (IWPA)
- Protected and Recreational Open Space
- Solid Waste Landfill
- Area of Critical Environmental Concern (ACEC)
- NHESP Priority Habitats for Rare Species
- NHESP Estimated Habitats for Rare Wildlife
- EPA Designated Sole Source Aquifer
- Major Drainage Basin
- Sub Drainage Basin
- MassDEP Open Water
- MassDEP Inland Wetlands
- MassDEP Coastal Wetlands
- MassDEP Not Interpreted Wetlands
- Public Surface Water Supply (PSWS)
- Water Bodies
- Non-Potential Drinking Water Source Area - High Yield
- Non-Potential Drinking Water Source Area - Medium Yield
- Potentially Productive Medium Yield Aquifer
- Potentially Productive High Yield Aquifer
- County Boundary
- Municipal Boundary
- USGS Quadrangle Sheet Boundary
- Seawall

**FIGURE 2**  
**PRIORITY RESOURCES**  
 East Rodney French Boulevard  
 Seawall Rehabilitation  
 New Bedford, Massachusetts

Data source: Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology  
 Data valid as of March 2022.





March 2022





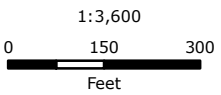


**Legend**

-  Seawall
-  Municipal Boundary



Based on MassGIS Color Orthophotography (2019)



**FIGURE 3  
ORTHOGRAPH**

East Rodney French Boulevard  
Seawall Rehabilitation  
New Bedford, Massachusetts

March 2022



**Tighe&Bond**

**APPENDIX B**



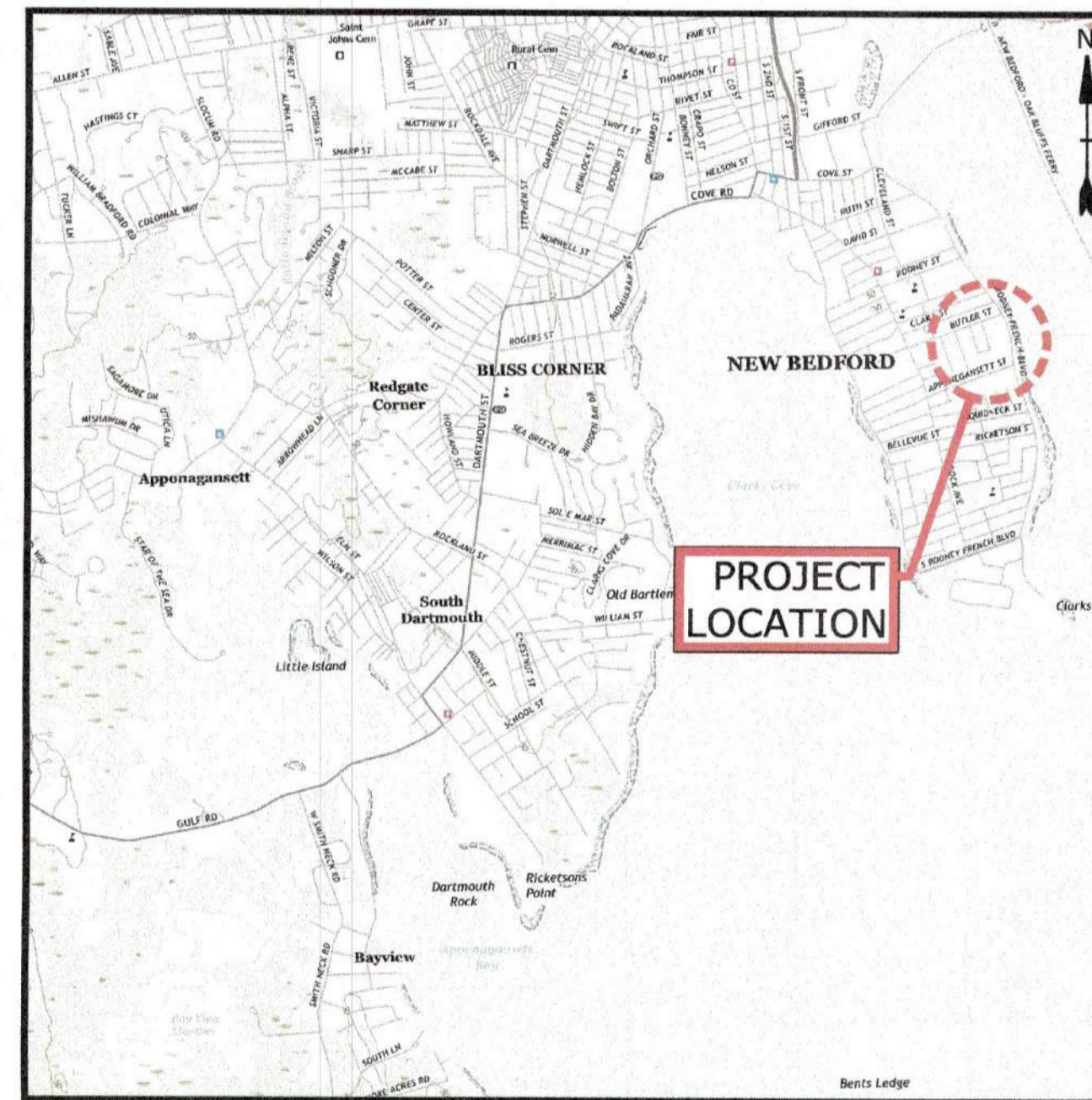
# CITY OF NEW BEDFORD, MASSACHUSETTS

## EAST RODNEY FRENCH BOULEVARD

### SEAWALL REHABILITATION

#### JUNE 2022

LIST OF DRAWINGS	
SHEET NO.	SHEET TITLE
G.001	COVER, INDEX OF DRAWINGS, LOCATION AND VICINITY MAPS
C.100	OVERALL PLAN, GENERAL NOTES & LEGEND
C.101	SITE PLAN
C.102	SITE PLAN
C.501	DETAILS SHEET
C.502	DETAILS SHEET

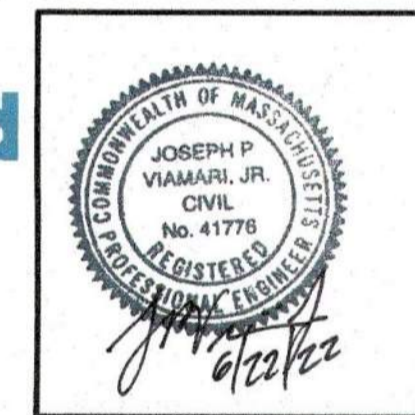


SITE VICINITY MAP  
SCALE: 1" = 3,000'

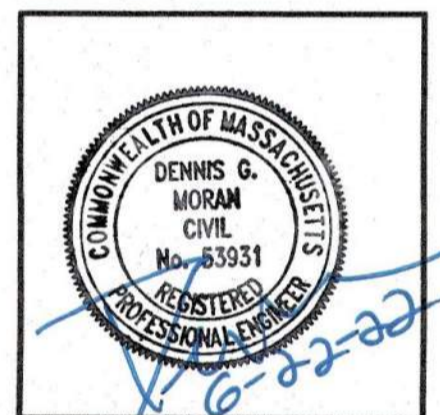


SITE LOCATION MAP  
SCALE: 1" = 250'

PREPARED BY:  
**Tighe & Bond**



JOSEPH P. VIAMARI, PE



DENNIS MORAN, PE



PREPARED FOR:  
CITY OF NEW BEDFORD  
DEPARTMENT OF PUBLIC  
INFRASTRUCTURE  
1105 SHAWMUT AVE  
NEW BEDFORD, MA 02740

**PERMIT SUBMISSION**

**COMPLETE SET 6 SHEETS**



**GENERAL NOTES**

- THE SITE IS LOCATED IN NEW BEDFORD, MASSACHUSETTS.
- STANDARD SPECIFICATIONS, WHEN REFERENCED IN THESE DRAWINGS, SHALL MEAN THE MASSACHUSETTS DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION (CURRENT ED). PARTS OF THE STANDARD SPECIFICATIONS THAT ARE SPECIFICALLY REFERENCED SHALL BECOME PART OF THESE DRAWINGS AS THOUGH STATED HEREIN IN FULL. IN CASE OF A DISCREPANCY BETWEEN THE STANDARD SPECIFICATIONS AND THE REQUIREMENTS STATED WITHIN THE DRAWINGS, THE REQUIREMENTS STATED WITHIN THE DRAWINGS SHALL PREVAIL.
- THE CONTRACTOR SHALL BE SOLELY AND COMPLETELY RESPONSIBLE FOR THE CONDITIONS OF THE JOB SITE, INCLUDING THE SAFETY OF ALL PERSONS AND PROPERTY DURING THE PERFORMANCE OF THE WORK. SAFETY PROVISIONS SHALL COMPLY WITH LOCAL, STATE, AND FEDERAL LAWS AND REGULATIONS. THESE REQUIREMENTS SHALL APPLY CONTINUOUSLY AND SHALL NOT BE LIMITED TO NORMAL WORKING HOURS.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS IN THE FIELD BEFORE ORDERING ANY MATERIALS, COMMENCING ANY FABRICATION, OR PERFORMING ANY WORK. THE CONTRACTOR SHALL NOTIFY THE ENGINEER, IN WRITING, OF ANY CONDITIONS OR DIMENSIONS WHICH VARY FROM THOSE SHOWN IN THE DRAWINGS AND INCORPORATE SUCH VARIATIONS IN THE CONSTRUCTION AS APPROVED BY THE ENGINEER.
- THE CONTRACTOR SHALL NOTIFY DIGSAFE AT 1-888-344-7233 AND OTHER UTILITY OWNERS IN THE AREA NOT ON THE DIGSAFE LIST AT LEAST 3 BUSINESS DAYS PRIOR TO ANY DIGGING, TRENCHING, ROCK REMOVAL, DEMOLITION, BORING, BACKFILLING, GRADING, LANDSCAPING, PILE DRIVING, DRILLING, OR ANY OTHER BELOW GRADE OPERATIONS.
- LOCATIONS OF EXISTING UTILITIES ARE APPROXIMATE. IN ADDITION, SOME UTILITIES MAY NOT BE SHOWN. DETERMINE THE EXACT LOCATION OF UTILITIES BY TEST PIT OR OTHER METHODS, AS NECESSARY TO PREVENT DAMAGE TO UTILITIES AND/OR INTERUPTIONS IN UTILITY SERVICE. PERFORM TEST PIT EXCAVATIONS AND OTHER INVESTIGATIONS TO LOCATE UTILITIES, AND PROVIDE THIS INFORMATION TO THE ENGINEER, PRIOR TO CONSTRUCTING THE PROPOSED IMPROVEMENTS. LOCATE ALL EXISTING UTILITIES TO BE CROSSED BY HAND EXCAVATION.
- SHORE UTILITY TRENCHES WHERE FIELD CONDITIONS DICTATE AND/OR WHERE REQUIRED BY LOCAL, STATE AND FEDERAL HEALTH AND SAFETY CODES.
- NO OPEN TRENCHES WILL BE ALLOWED OVER NIGHT. THE USE OF ROAD PLATES TO PROTECT THE EXCAVATION WILL BE CONSIDERED UPON REQUEST, BUT BACKFILLING IS PREFERRED.
- MAINTAIN EMERGENCY ACCESS TO ALL PROPERTIES WITHIN THE PROJECT AREA AT ALL TIMES DURING CONSTRUCTION.
- ALL PROPOSED WORK MAY BE ADJUSTED IN THE FIELD BY THE OWNER'S PROJECT REPRESENTATIVE TO MEET PROJECT NEEDS.
- ALL WORK SHALL BE PERFORMED IN THE DRY, UTILIZING LOW TIDES AND/OR CONTRACTOR DESIGNED TEMPORARY COFFERDAMS, WHICH MAY ALSO BE UTILIZED AS EROSION AND SEDIMENT CONTROLS. THE EXCAVATION BACK SLOPES SHALL BE PROTECTED BY A CONTRACTOR DESIGNED SUPPORT-OF-EXCAVATION AND THE BOTTOM OF EXCAVATION SHALL HAVE CRUSHED STONE STABILIZATION.
- OBTAIN, PAY FOR AND COMPLY WITH PERMITS, NOTICES AND FEES NECESSARY TO COMPLETE THE WORK. ARRANGE AND PAY FOR NECESSARY INSPECTIONS AND APPROVALS FROM THE JURISDICTIONAL AUTHORITIES.
- BOLD TEXT AND LINES INDICATE PROPOSED WORK. LIGHT TEXT AND LINES INDICATE APPROXIMATE EXISTING CONDITIONS.
- TIGHE & BOND ASSUMES NO RESPONSIBILITY FOR ANY ISSUES, LEGAL OR OTHERWISE, RESULTING FROM CHANGES MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM TIGHE & BOND.

**EXISTING CONDITIONS NOTES**

- THE PROJECT SITE IS WITHIN THE SPECIAL FLOOD HAZARD ZONE AREA ZONE VE, BASE FLOOD ELEVATION (B.F.E) DETERMINED (B.F.E.=17.0 NAVD88) AND SPECIAL FLOOD HAZARD AREA ZONE AE B.F.E.=13.0 NAVD88 AS DEPICTED IN FLOOD INSURANCE RATE MAP 25005C0482G DATED JULY 16, 2014.
- THE EXISTING CONDITIONS SURVEY WAS COMPLETED BY THE CITY OF NEW BEDFORD.
- EXISTING TOPOGRAPHY WAS OBTAINED FROM THE MASSGIS SYSTEM.

**LAYOUT**

- THE HORIZONTAL CONTROL DATUM FOR THIS PROJECT IS SITE SPECIFIC.
- THE VERTICAL CONTROL DATUM FOR THIS PROJECT IS NAVD88.

**DEMOLITION AND REMOVAL**

- COORDINATE WITH THESE DRAWINGS AND SECTION 02050, DEMOLITION AND REMOVAL.

**EROSION & SEDIMENT CONTROL AND RESOURCE AREA PROTECTION NOTES**

- COORDINATE WITH THESE DRAWINGS AND SECTION 02270, EROSION AND SEDIMENT CONTROLS.
- PROVIDE ALL EROSION AND SEDIMENT CONTROL MEASURES SHOWN, SPECIFIED, REQUIRED BY PERMIT, AND/OR REQUIRED BY THE ENGINEER PRIOR TO ANY CONSTRUCTION OR IMMEDIATELY UPON REQUEST. MAINTAIN SUCH CONTROL MEASURES UNTIL FINAL SURFACE TREATMENTS ARE IN PLACE. INSPECT AFTER EACH RAINSTORM AND DURING MAJOR STORM EVENTS TO CONFIRM THAT ALL SEDIMENTATION AND EROSION CONTROL MEASURES REQUIRED ARE IN PLACE AND EFFECTIVE.
- PRIOR TO STARTING WORK, CLEARLY MARK WORK LIMITS. DO NOT DISTURB THE AREA BEYOND THE PROPOSED LIMITS. COORDINATE WITH THE ENGINEER FOR LOCATIONS OF TEMPORARY STOCKPILING OF TOPSOIL DURING CONSTRUCTION.
- INSTALL SILT SACKS OR OTHER APPROVED SEDIMENTATION BARRIERS IN/AT ALL CATCH BASINS IN THE PROJECT AREA.
- REMOVE AND PROPERLY DISPOSE OF SILT TRAPPED AT BARRIERS IN UPLAND AREAS OUTSIDE BUFFER ZONES. REMOVE MATERIALS DEPOSITED IN ANY TEMPORARY SETTLING BASIN AT THE COMPLETION OF THE PROJECT. RESTORE ALL DISTURBED AREAS TO THEIR PRECONSTRUCTION CONDITION.
- SWEEP, COLLECT, REMOVE AND DISPOSE OF ANY SEDIMENT TRACKED ONTO PUBLIC RIGHT-OF-WAYS AT THE END OF EACH DAY.
- ALL HYDRAULIC EQUIPMENT SHALL UTILIZE BIODEGRADABLE, VEGETABLE BASED, NON-TOXIC AND NON-POLLUTING HYDRAULIC FLUID.
- STORE FUEL, OIL, PAINT, OR OTHER HAZARDOUS MATERIALS IN A SECONDARY CONTAINER AND REMOVE TO A SECURE LOCKED AND COVERED AREA DURING NON-WORK HOURS.
- PROVIDE A SUPPLY OF ABSORBENT SPILL RESPONSE MATERIALS SUCH AS BOOMS, BLANKETS, AND OIL ABSORBENT MATERIALS AT THE CONSTRUCTION SITE AT ALL TIMES TO CLEAN UP POTENTIAL SPILLS OF HAZARDOUS MATERIALS. IMMEDIATELY REPORT SPILLS OF HAZARDOUS MATERIALS TO THE STATE ENVIRONMENTAL AGENCY AND THE MUNICIPALITY WHERE THE WORK IS OCCURRING.

**GENERAL EXECUTION NOTES**

- IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT CONSTRUCTION ACTIVITIES PROCEED IN A SMOOTH LOGICAL SEQUENCE AND IN A MANNER THAT WILL NOT CAUSE ANY DAMAGE TO OR CREATE EXCESSIVE STRESS, LOADS, OR VIBRATIONS ON EXISTING OR PROPOSED STRUCTURES OR UTILITIES.
- THE CONTRACTOR SHALL PROVIDE ADEQUATE FENCING, BARRICADES, AND SIGNS TO ENSURE SAFETY.
- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE LATEST OSHA REGULATIONS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING A LEVEL AND STABLE SURFACE ON WHICH EQUIPMENT WILL OPERATE.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR DEVELOPING ITS OWN PICK/LIFT PROCEDURES INCLUDING, BUT NOT LIMITED TO SAFE PICKING RADII, LIFTING DEVICES, AND SLINGS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE WEIGHT OF EACH PICK AND FOR ENSURING THE STABILITY OF EACH PICK DURING ALL PHASES OF WORK.
- THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO LOCATE AND PROTECT EXISTING UTILITIES IN THE AREA AS REQUIRED. OVERHEAD POWER LINES ADJACENT TO WORK AREAS ARE MAY NEED TO BE SHUT DOWN BY THE UTILITY. WHEN POWER LINES IN THE WORK AREA CAN NOT BE DEENERGIZED, THE CONTRACTOR SHALL MAINTAIN A SAFE DISTANCE AS DETERMINED BY OSHA. ALL UTILITIES SHALL BE LOCATED AND MARKED IN ACCORDANCE WITH OSHA STANDARDS.

**SURFACE RESTORATION NOTES**

- ALL PAVEMENT DAMAGED BY THE CONTRACTOR'S OPERATIONS SHALL BE REPLACED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
- PROTECT PROJECT FEATURES (E.G., WALLS, FENCES, SIGNS, SIDEWALKS, CURBING, STAIRS, WALKWAYS, ETC.) FROM DAMAGE DURING CONSTRUCTION, INCLUDING PROVIDING TEMPORARY SUPPORTS, WHEN APPROPRIATE.
- IF REMOVAL OF PROJECT FEATURES IS REQUIRED IN ORDER TO PERFORM THE PROPOSED WORK, REMOVE THOSE SITE FEATURES ONLY UPON APPROVAL OF THE ENGINEER. REPLACE ALL REMOVED PROJECT FEATURES; NEW ITEMS SHALL BE EQUAL OR BETTER IN QUALITY AND CONDITION TO THE ITEMS REMOVED.
- EXISTING SURVEY MONUMENTS DISTURBED BY THE CONTRACTOR SHALL BE REPLACED BY A LAND SURVEYOR LICENSED IN MASSACHUSETTS AT NO ADDITIONAL COST TO THE OWNER.
- COORDINATE THE ADJUSTMENT OF EXISTING UTILITY STRUCTURES WITH EACH RESPONSIBLE UTILITY OWNER PRIOR TO RECONSTRUCTION AND/OR PAVING OPERATIONS. RAISE ALL STRUCTURES TO FINISHED GRADES PRIOR TO THE END OF THE CONSTRUCTION SEASON AND PRIOR TO FINISHED PAVING.
- TRANSFER ALL TEMPORARY BENCHMARKS, AS NECESSARY.
- RESTORE ALL AREAS DISTURBED BY THE CONTRACTOR BEYOND THE PAYLINE LIMITS TO ORIGINAL CONDITIONS AT NO ADDITIONAL COST TO THE OWNER.
- REGRADE ALL UNPAVED AREAS DISTURBED BY THE WORK AS REQUIRED. REPAIR/REPLACE PAVED SURFACES DISTURBED BY THE WORK IN-KIND, UNLESS OTHERWISE NOTED. RESTORE SURFACES TO EXISTING OR PROPOSED CONDITIONS AS INDICATED ON THE DRAWINGS.

**CONCRETE**

- COORDINATE WITH THESE DRAWINGS AND SECTION 03310, CONCRETE.

**MASONRY**

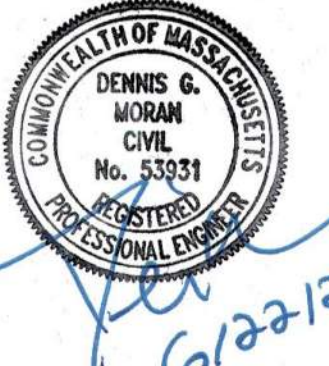
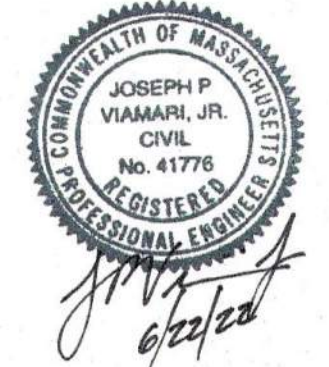
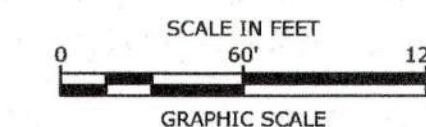
- COORDINATE WITH THESE DRAWINGS AND SECTION 04400, STONE MASONRY.

**LEGEND**

	EXISTING SEWER LINE
	EXISTING WATER LINE
	EXISTING GAS LINE
	EXISTING ELECTRICAL LINE
	LIMIT OF WORK
	HIGH TIDE LINE
	MEAN HIGH WATER
	MEAN LOW WATER
	EXISTING CONTOURS
	PHOTO LOCATION
	EXISTING SPOT GRADE
	MAGNITUDE & DIRECTION OF SLOPE
	SPOT GRADE
	TO BE REMOVED WITH TYPICAL COORDINATE MINIMUM



**VICINITY PLAN**  
SCALE: 1"=60'



**PERMIT SET**  
NOT FOR CONSTRUCTION

**East Rodney French Boulevard - Seawall Rehabilitation**

City of New Bedford

New Bedford, Massachusetts

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DATE:	April 12, 2022	
FILE:	N1011-007-02_C-DSGN.dwg	
DRAWN BY:	CKK	
CHECKED:	DGM	
APPROVED:	IM	

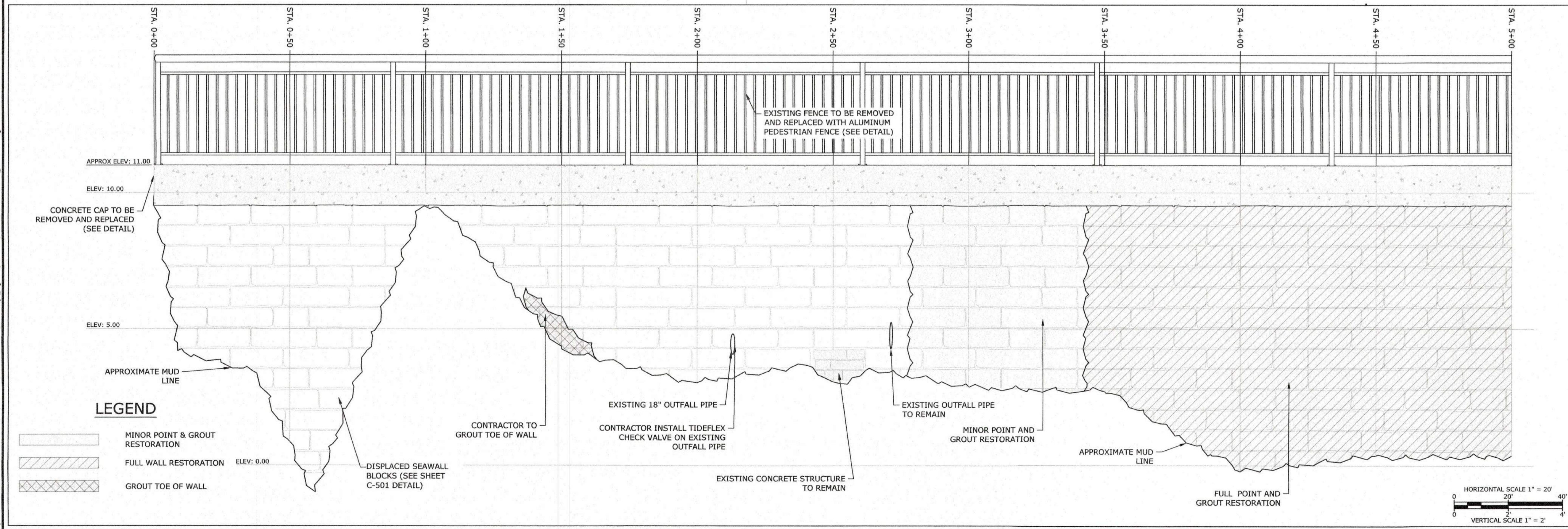
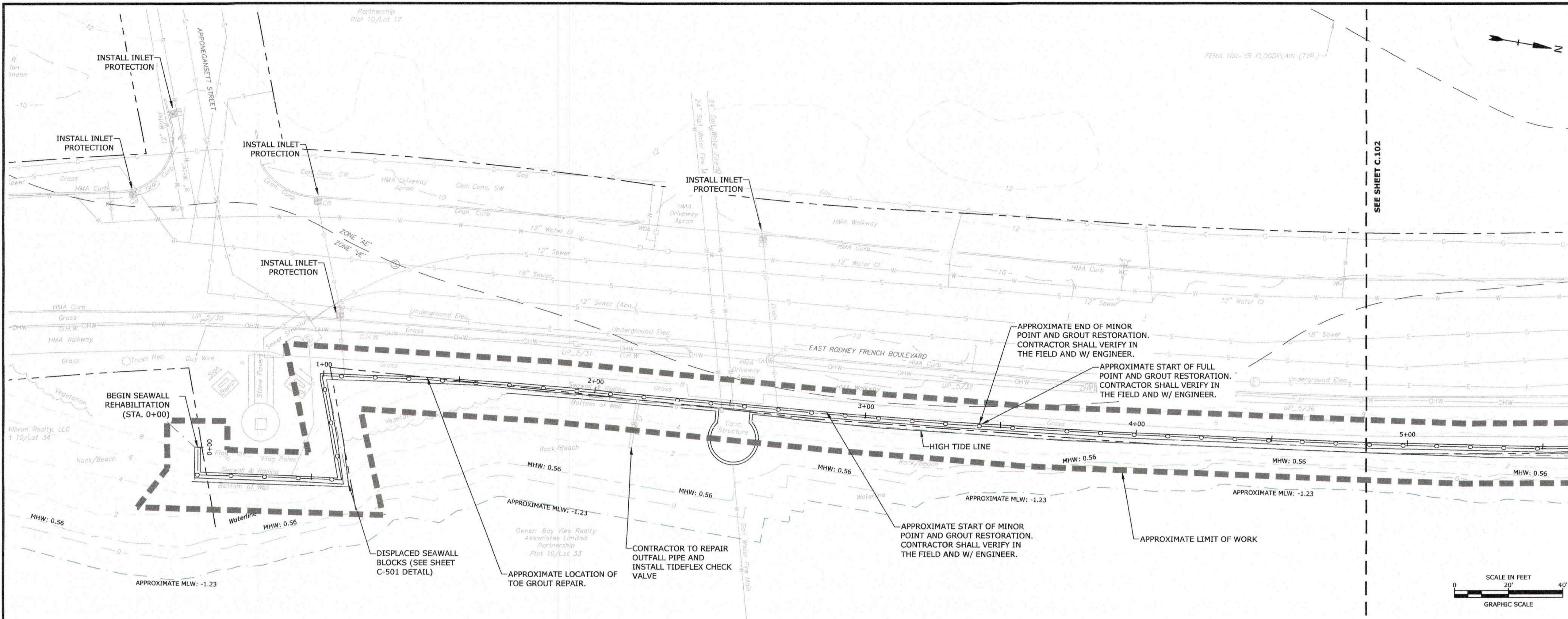
**OVERALL PLAN, GENERAL NOTES & LEGEND**

SCALE: AS SHOWN

**C.100**

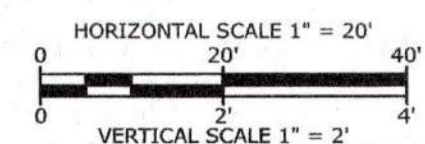
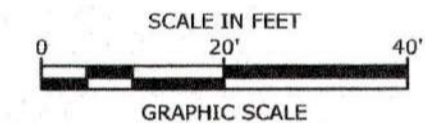
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**LEGEND**

- MINOR POINT & GROUT RESTORATION
- FULL WALL RESTORATION
- GROUT TOE OF WALL



**PERMIT SET  
NOT FOR CONSTRUCTION**

**East Rodney French Boulevard - Seawall Rehabilitation**

City of New Bedford

New Bedford, Massachusetts

MARK	DATE	DESCRIPTION
PROJECT NO:	N1011-007-02	
DATE:	April 12, 2022	
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DRAWN BY:	CKJ	
CHECKED:	DGM	
APPROVED:	IM	

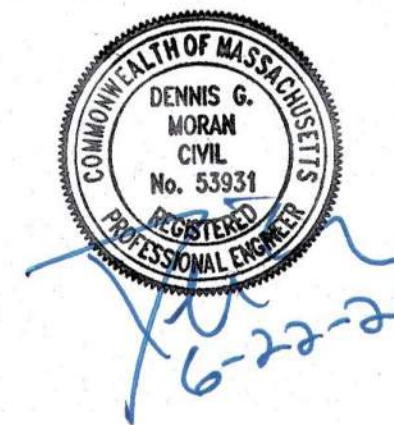
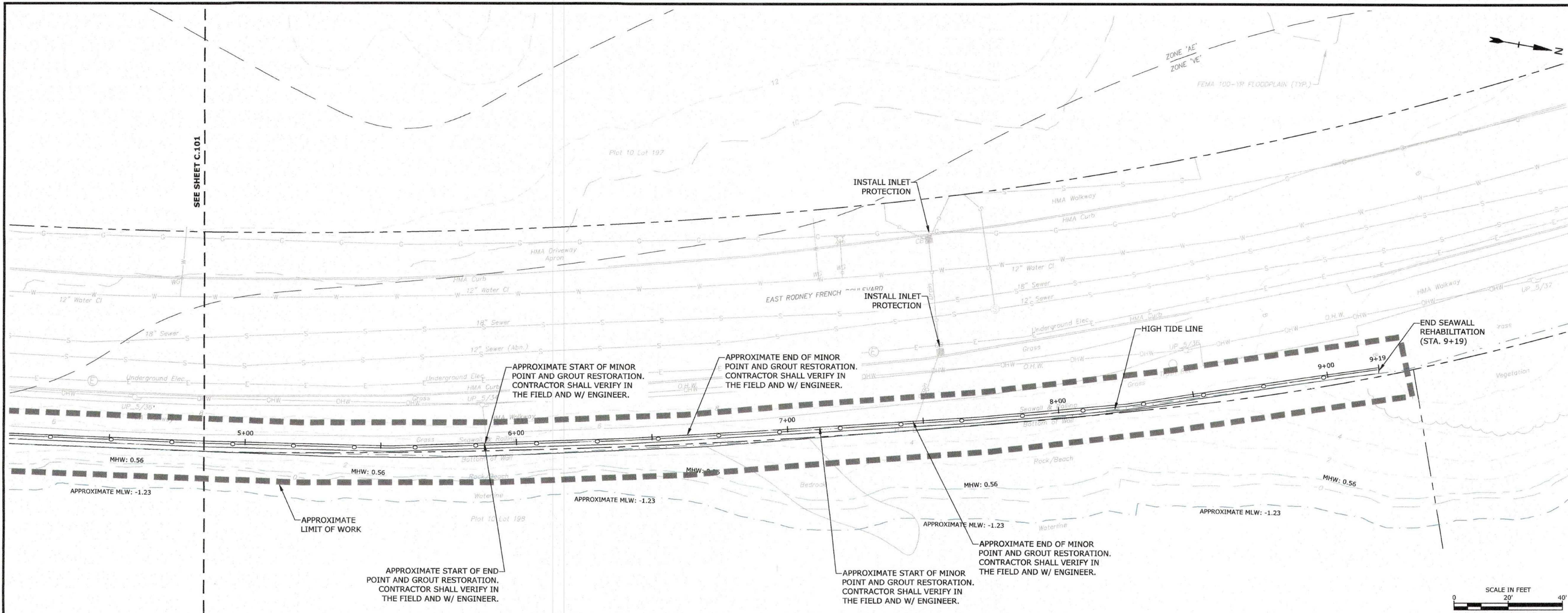
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SCALE: AS SHOWN

**C.101**

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 By: DGM  
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**PERMIT SET  
NOT FOR CONSTRUCTION**

**East Rodney French Boulevard - Seawall Rehabilitation**

City of New Bedford

New Bedford, Massachusetts

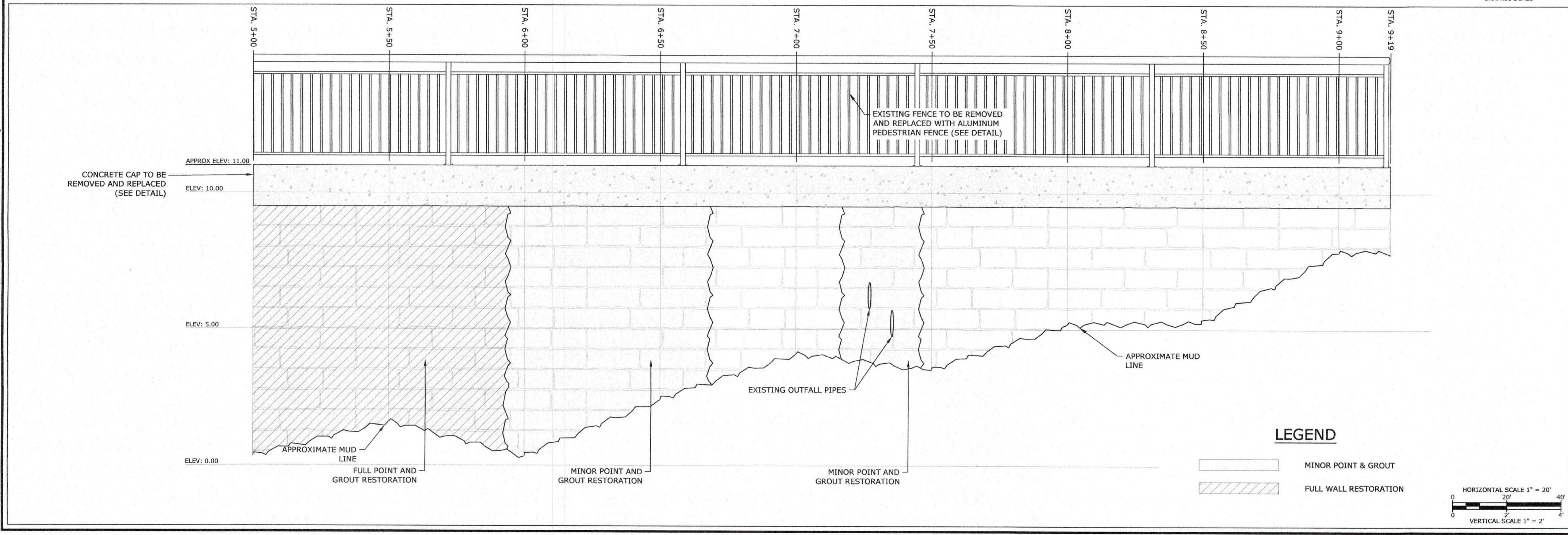
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CHECKED:	DGM
APPROVED:	IM

**SITE PLAN**

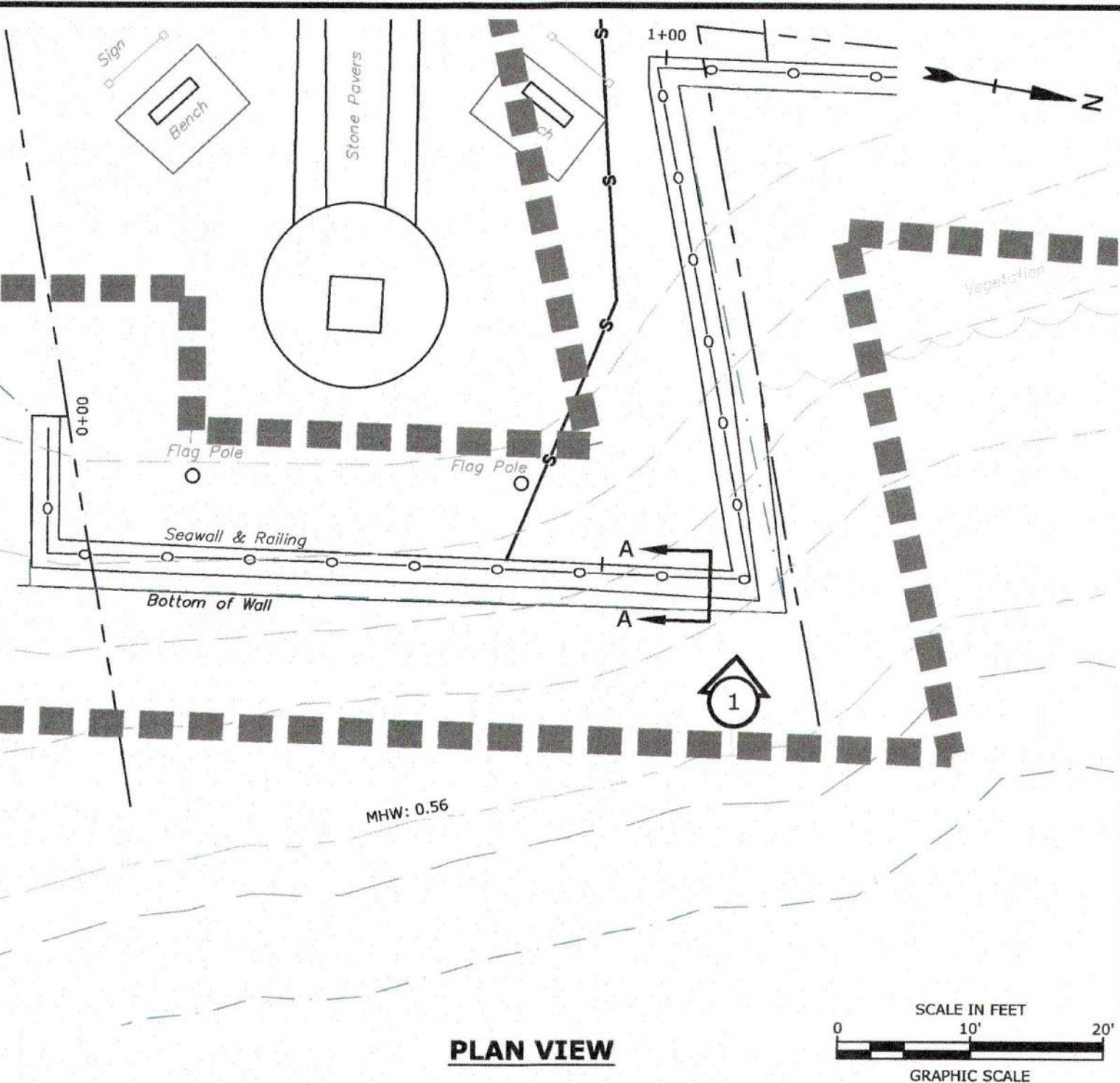
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**C.102**



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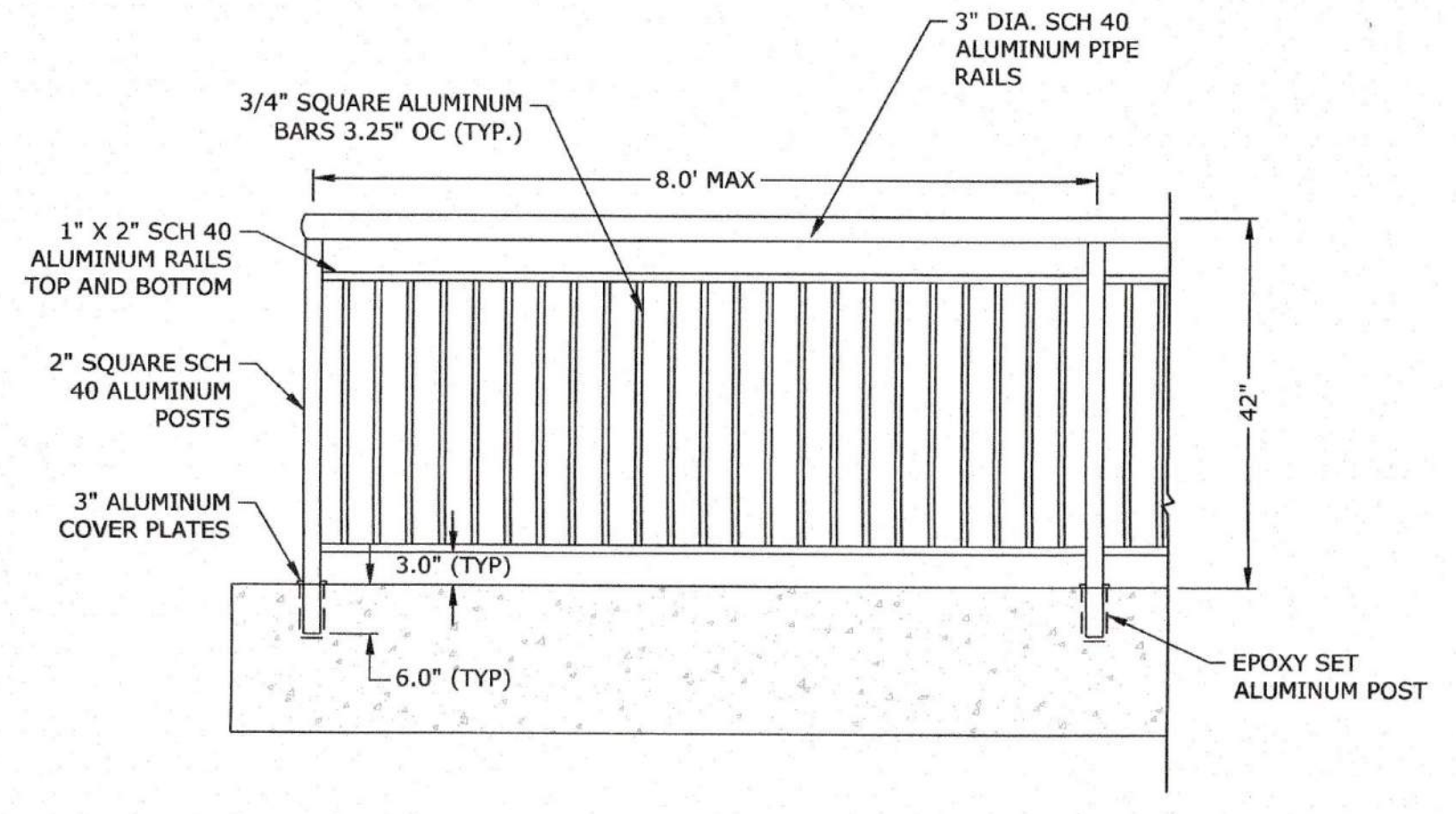




**PLAN VIEW**

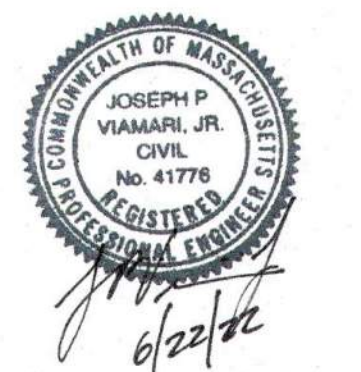


**PHOTO 1 - VIEW OF EXISTING WALL CORNER**



- NOTES:**
1. CONTRACTOR TO COORDINATE FINAL RAILING DESIGN WITH CITY OF NEW BEDFORD.
  2. RAILINGS TO BE FINISHED IN BLACK POWDER COATING AS APPROVED BY THE CITY OF NEW BEDFORD.

**ALUMINUM PEDESTRIAN RAILING DETAIL**  
NO SCALE



**PERMIT SET**  
NOT FOR CONSTRUCTION

**East Rodney French Boulevard - Seawall Rehabilitation**

City of New Bedford

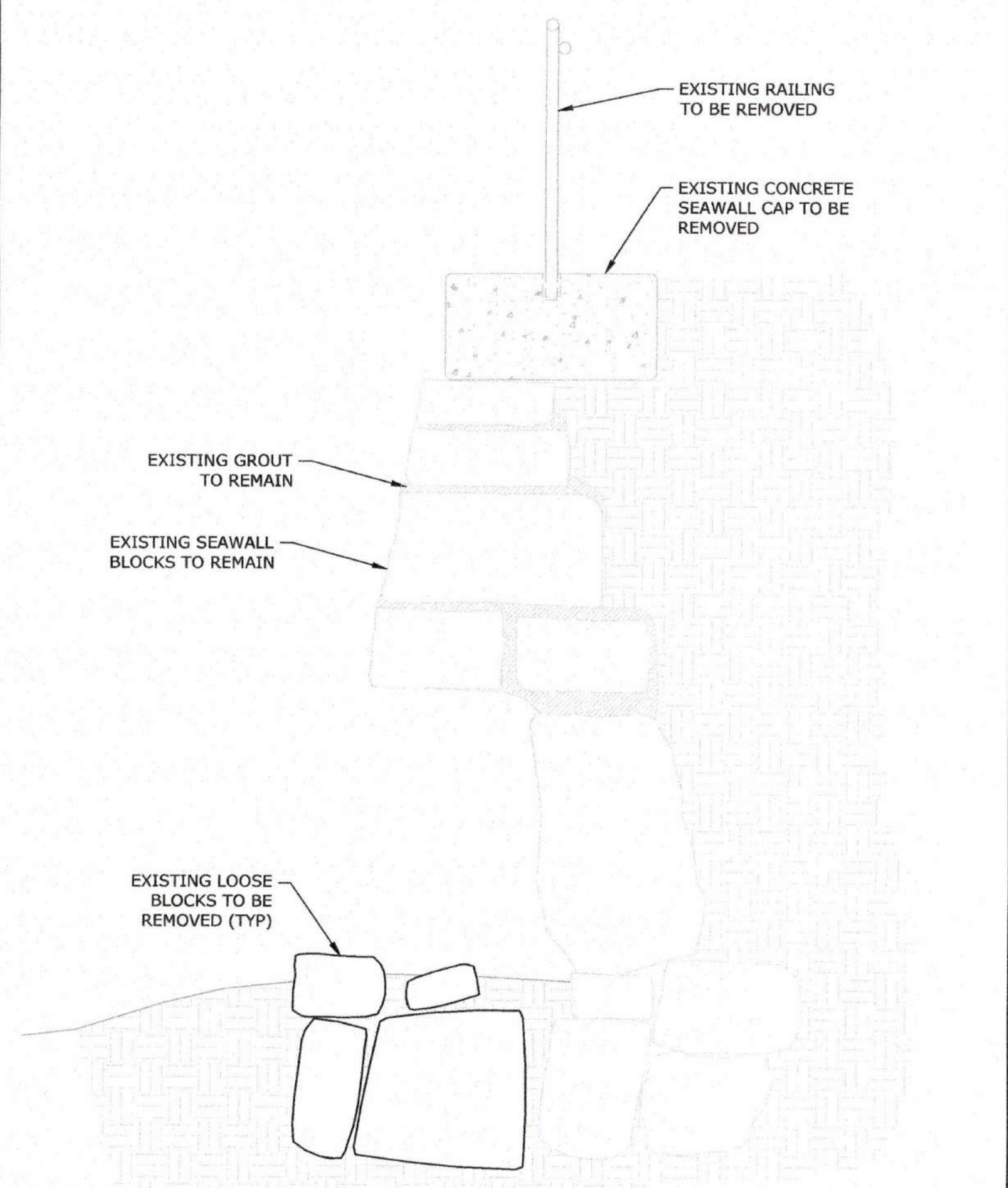
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DATE:	April 12, 2022	
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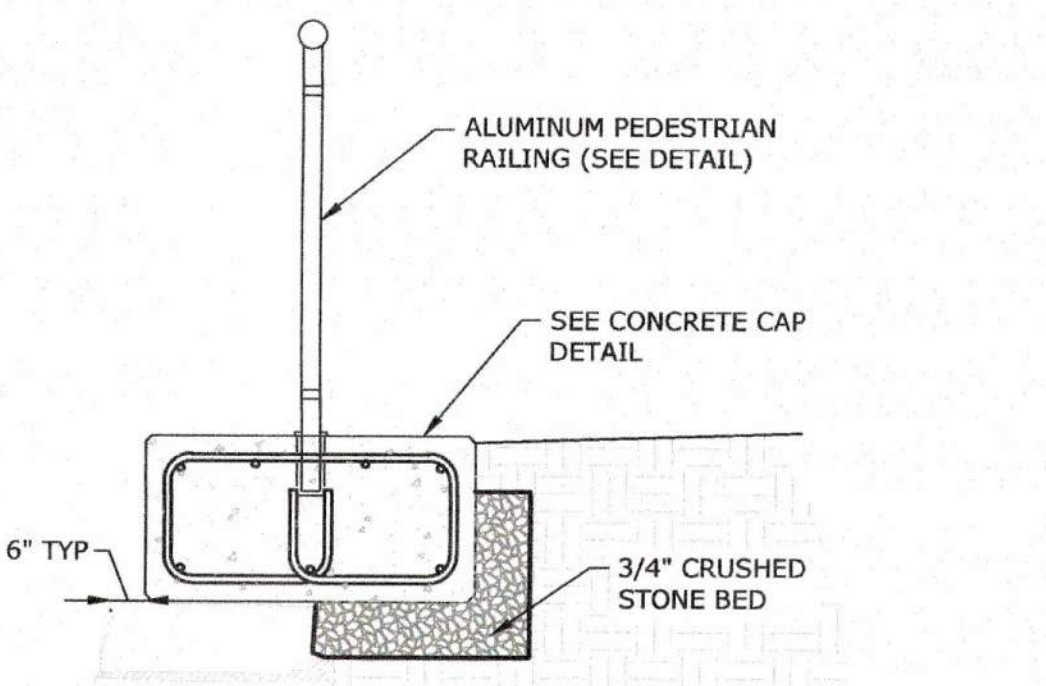
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SCALE: AS SHOWN

**C.501**

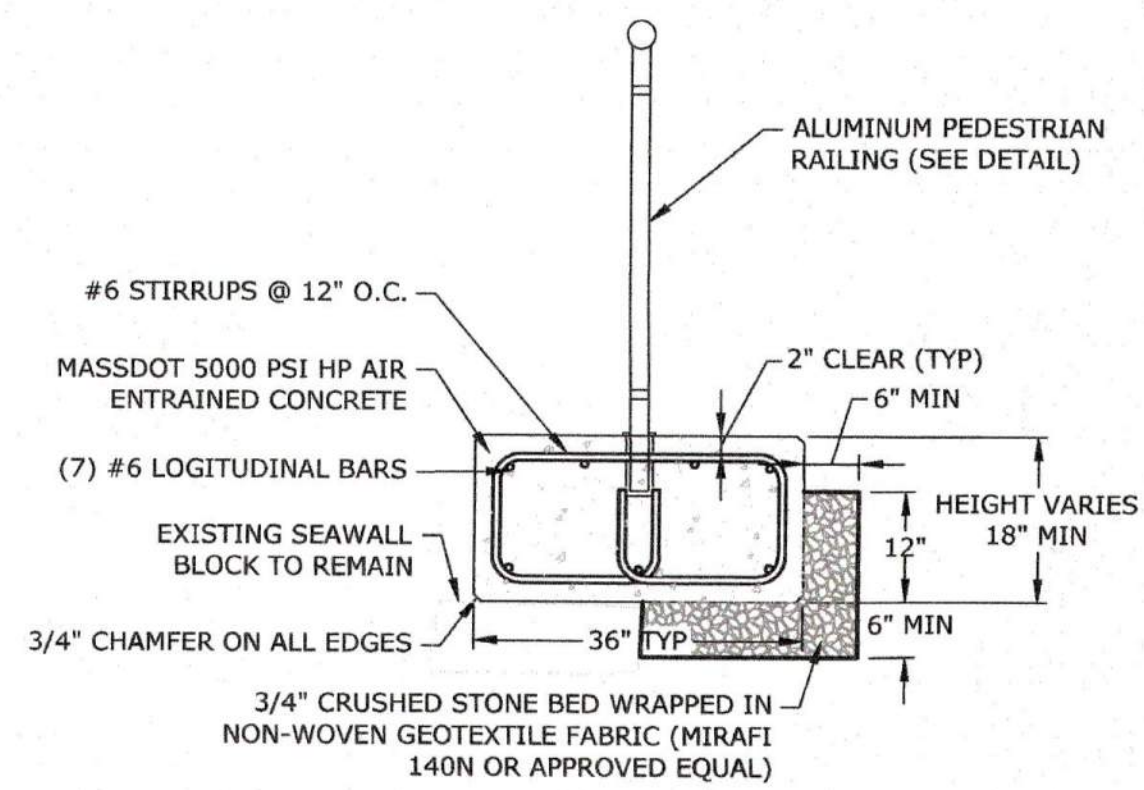


- NOTES:**
1. SIZE AND ORIENTATION OF EXISTING BLOCKS ARE SHOWN FOR SCHEMATIC PURPOSES ONLY.
  2. CONTRACTOR TO FIELD VERIFY BLOCK LOCATION.
  3. CONTRACTOR RESPONSIBLE FOR WALL STABILIZATION DURING CONSTRUCTION.
- EXISTING DISPLACED SEAWALL CROSS SECTION**  
SECTION A-A



- NOTE:**
1. CONTRACTOR SHALL USE EXISTING SURROUND BLOCK TO REBUILD SEAWALL IF AVAILABLE.

**PROPOSED DISPLACED SEAWALL CROSS SECTION**  
SECTION A-A

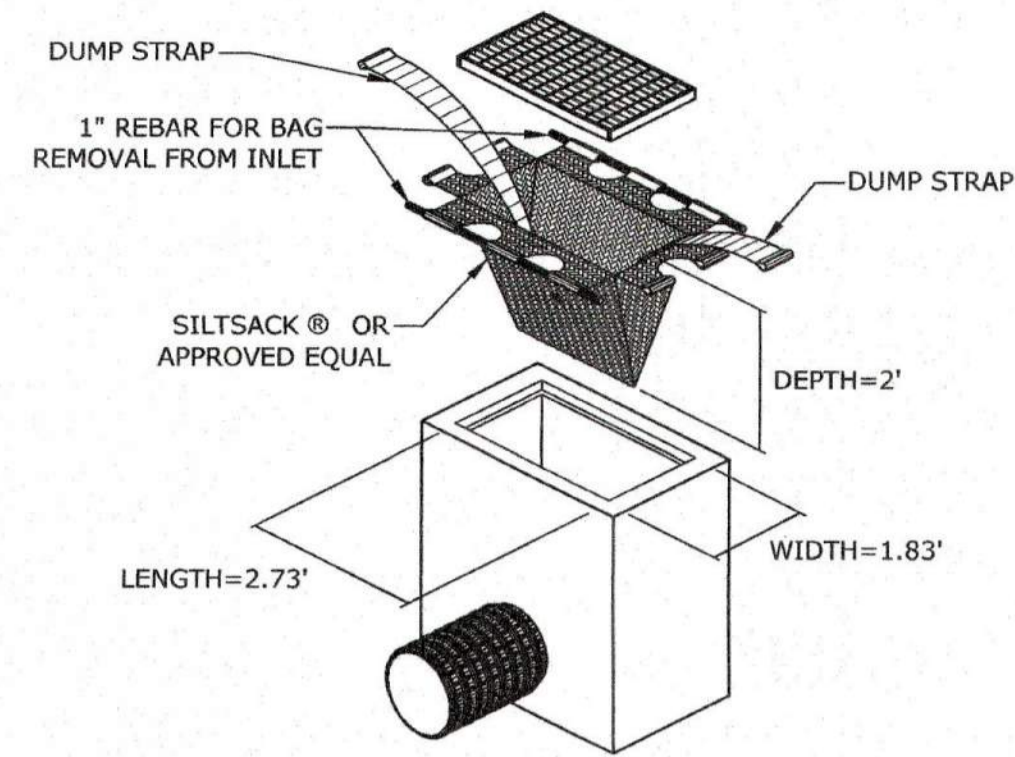


- NOTES:**
1. PROVIDE CONTRACTION JOINTS IN WALL CAP AT 7'-6" ON CENTER. CONTRACTION JOINTS TO BE FORMED WITH RECTANGULAR ZIP STRIP OR EQUIVALENT A MINIMUM OF 3/4" DEEP.
  2. JOINT TO BE CONTINUOUS FOR FULL WIDTH OF CAP. JOINT TO BE SEALED WITH A GRAY ELASTOMERIC SEALANT, SIKAFLEX 2C NS OR EQUIVALENT.
  3. CONSTRUCTION JOINT SPACING SHALL BE A MAXIMUM OF 30'. NO CONCRETE POUR SHALL BE GREATER THAN 30' IN LENGTH.

**CONCRETE CAP DETAIL**  
NO SCALE

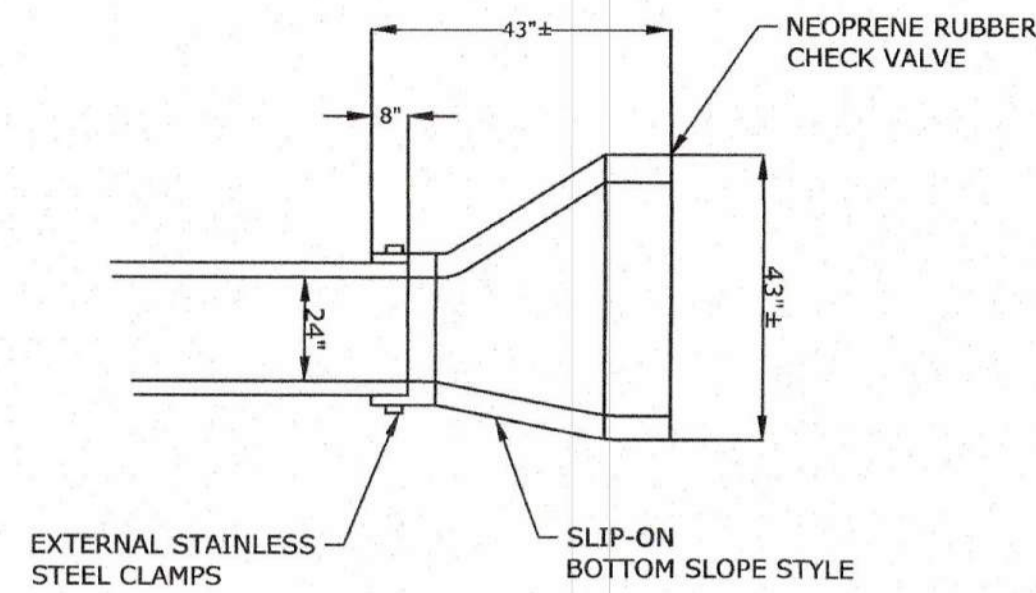
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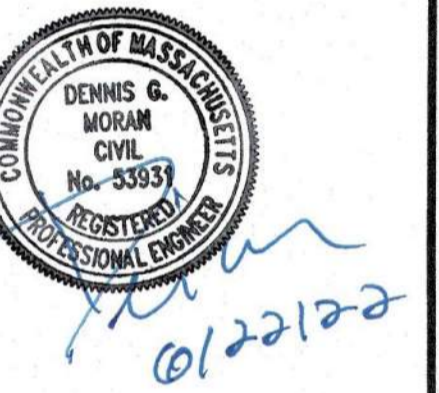
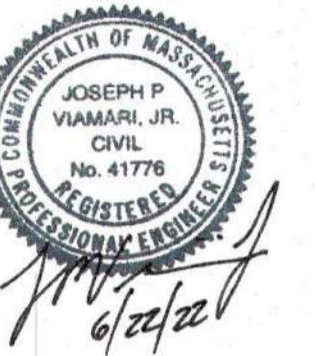


SILTSACK MANUFACTURED BY:  
ACF ENFIRONMENTAL  
2831 CARDWELL ROAD  
RICHMOND, VIRGINIA 23237

**SILTSACK®**  
NO SCALE



**DUCKBILL CHECK VALVE**  
NO SCALE



**PERMIT SET**  
NOT FOR CONSTRUCTION

**East Rodney  
French  
Boulevard -  
Seawall  
Rehabilitation**

City of New  
Bedford

New Bedford,  
Massachusetts

MARK	DATE	DESCRIPTION

PROJECT NO: N1011-007-02  
DATE: April 12, 2022  
FILE: N1011-007-02\_C-DSGN.dwg  
DRAWN BY: CKJ  
CHECKED: DGM  
APPROVED: IM

**DETAILS SHEET**

SCALE: AS SHOWN

**C.502**

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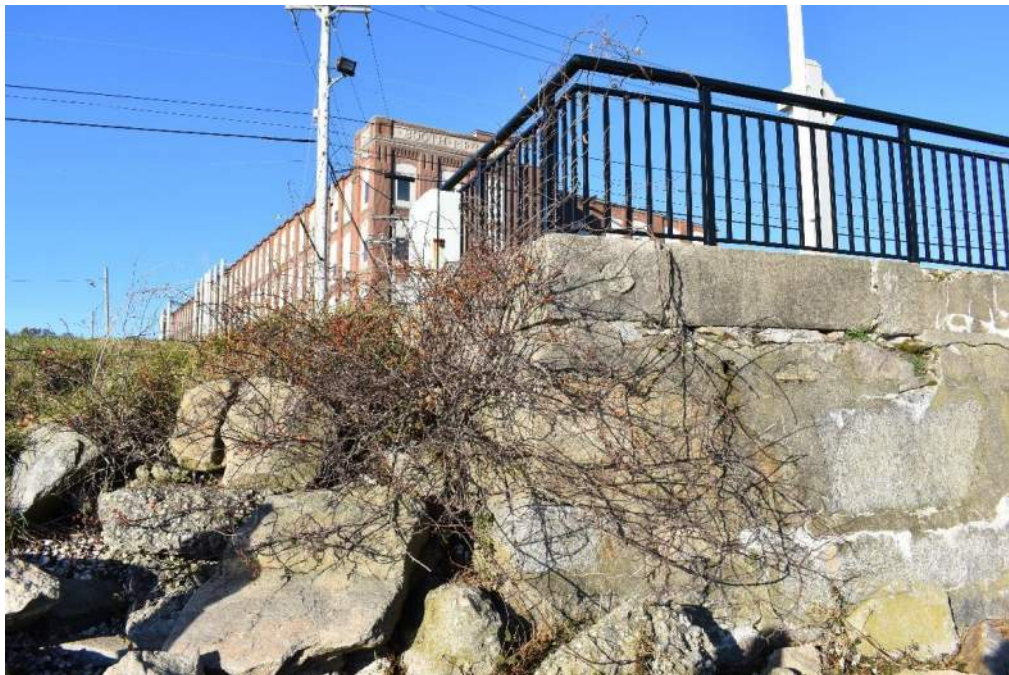
**Tighe&Bond**

**APPENDIX C**

## Photo Log – November 16, 2021



*Photo 1: Most southern portion of the seawall at the Irish Memorial Monument, looking East.*



*Photo 2: Most southern portion of the seawall at the Irish Memorial Monument, from the beach looking West.*





*Photo 3: Photo of the face of the Irish Monument*



*Photo 4: Missing block at the corner of the Irish Monument*



*Photo 5: Missing block at the corner of the Irish Monument*



*Photo 6: North inside corner of the Irish Monument*





*Photo 7: Face of wall looking North*



*Photo 8: Outfall pipe near the Irish Monument in poor condition*



*Photo 9: Outfall pipe near the Irish Monument in poor condition*



*Photo 10: Face of wall looking south*





*Photo 11: Face of wall*

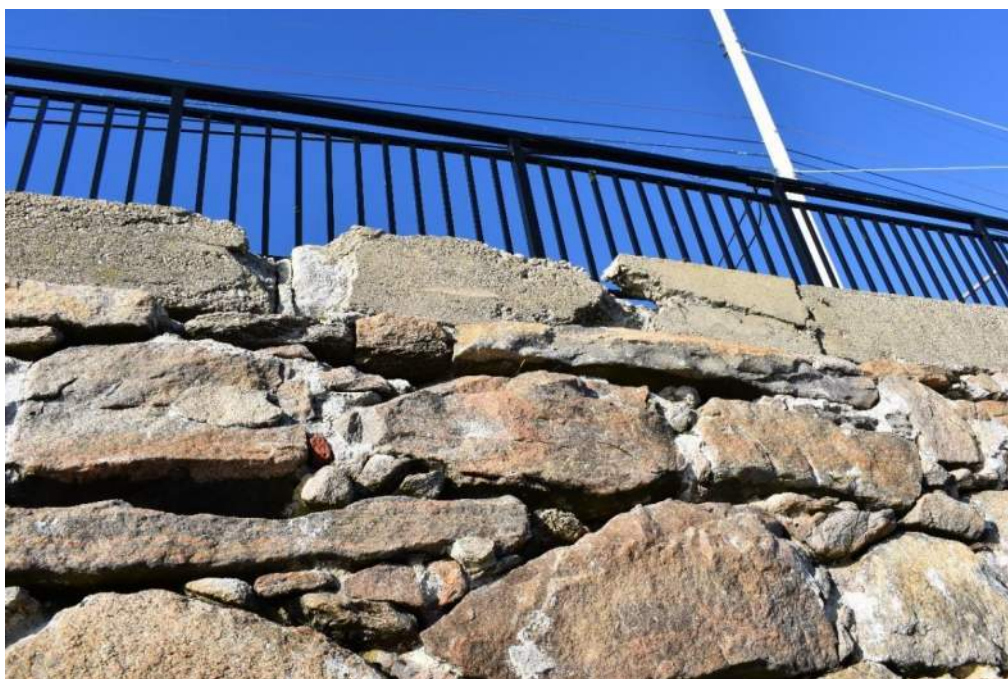


*Photo 12: Concrete Cap in poor condition*





*Photo 13: Face of wall looking south*



*Photo 14: Concrete Cap in poor condition*





*Photo 15: Concrete Cap in poor condition*



*Photo 16: Face of wall*





*Photo 17: Face of wall*



*Photo 18: Outfall pipes*





*Photo 19: Face of wall looking south*



*Photo 20: Face of wall and concrete cap*





*Photo 21: Concrete cap in poor condition*



*Photo 22: Concrete cap and fence*





*Photo 23: Concrete cap and fence*



*Photo 24: Concrete cap and fence*





*Photo 25: Concrete cap and fence*



*Photo 26: Outfall pipe*





*Photo 27: Concrete cap and fence*



*Photo 28: North side of Irish Monument*



**Tighe&Bond**

**APPENDIX D**

## SHEZLAIR, ONE

Samuel Joslin, of New Bedford, Bristol County, Commonwealth of Massachusetts, and National Pacific Realty Corp., a corporation organized and existing under the laws of the Commonwealth of Massachusetts and having a usual place of business at 240 North Main Street, Fall River, Bristol County, Massachusetts, for consideration paid and in full consideration of less than One (\$1.00) dollar, grant to HAY VIEW REALTY ASSOCIATES, LIMITED PARTNERSHIP, a limited Partnership organized and existing under the laws of the Commonwealth of Massachusetts and having its principal office at 240 North Main Street, Fall River, Bristol County, Massachusetts, with GUILTIAM COVENANTS, three certain parcels of land, together with the buildings thereon, situated in New Bedford, Bristol County, Massachusetts, and bounded and described as follows:

FIRST PARCEL:

Beginning at the northwesterly corner thereof at the intersection of the southerly line of Kilburn Street with the easterly line of North Front Street:

Thence easterly by Kilburn Street, nine hundred (900) feet, more or less, to the Acushnet River and on the same course into the said River as far as the grantor's title extends;

Thence commencing again at the point of beginning and running southerly by North Front Street three hundred fifty-six (356) feet, more or less, to the northwesterly corner of land of Bevers Copper and Brass Incorporated;

Thence running easterly on a course at right angles with the westerly line of North Front Street through a stone bound in said easterly line of North Front Street, one hundred ninety-eight and 15/100 (198.15) feet to a point, said point being seventeen one hundredths (17/100) of a foot north of a copper plug in the ground or concrete;

Thence northeasterly, thirty-seven and 64/100 (37.64) feet for a corner;

Thence easterly again sixty-six and 83/100 (66.83) feet for a corner;

Thence northeasterly again, eighty and 34/100 (80.34) feet for a corner;

Thence easterly again, one hundred eighty-one and 47/100 (181.47) feet for a corner;

Thence southerly two hundred sixty-three and 41/100 (263.41) feet for a corner;

Thence westerly again, two hundred eighty-three and 75/100 (283.75) feet, more or less, to a stone bound near the Acushnet River and on the same course into the said River as far as the grantor's title extends;

And bounding westerly by said Acushnet River.

The parcel is conveyed subject to and together with the benefit of the rights, easements, and reservations contained in a

dead true Grinnell Manufacturing Corporation to Hevers Copper and Brass Incorporated, dated December 21, 1914, for the maintenance of pipes therein, and in a deed to said Hevers Copper and Brass Incorporated dated April 24, 1937, and recorded with Bristol County (S.D.) Registry of Deeds, Book 781, Page 118, and is conveyed together with the benefits of an easement granted by Hevers Copper and Brass, Incorporated, dated July 3, 1917 and recorded with said registry of deeds, Book 781, Page 27. If said easement now exists.

SECOND PARCEL:

Beginning at the southeasterly corner thereof at the intersection of the north line of Kilburn Street with the west line of Belleville Avenue (formerly Rock Street);

Thence westerly by said Kilburn Street, one hundred fifty-six and 13/100 (156.13) feet to land formerly of William Potawke;

Thence northerly by said Potawke land and by land formerly of Levi W. Bradley, one hundred twenty-seven and 10/100 (127.10) feet to land formerly of Daniel McCarthy;

Thence westerly by said McCarthy land seventy-five (75) feet to land of owners unknown;

Thence southerly by last named land and land now or formerly of Albert Lewis, forty-six and 40/100 (46.40) feet;

Thence easterly by said Lewis land, eighty-four and 10/100 (84.10) feet to the west line of Belleville Avenue;

Thence southerly by Belleville Avenue, seventy-eight and 40/100 (78.40) feet, more or less, to the place of beginning;

containing fifty-nine and 17/100 (59.17) square rods.

PARCEL THREE

Beginning at the northwest corner thereof at the southeast corner of the fourth parcel hereinafter described at a point in the westerly line of land formerly of Catherine A. Menden;

Thence running easterly by said fourth parcel about two hundred seventy-two and 65/100 feet (272.65) feet, more or less, to a drill hole in the west line of Rodney French Boulevard that, formerly called East French Avenue;

Thence continuing in the same course to and into the Assonet River or sea;

Thence beginning again at the first mentioned point and running thence southerly by land formerly of Patience Butler, five hundred twenty-one (521) feet, more or less to a corner;

Thence westerly by land of said Butler, by land formerly of George Kington, and by land formerly of Catherine A. Berden, six hundred two and 29/100 (602.29) feet to land formerly of Anne G. Wood and now supposed to be of Edmund Wood;

Thence southerly by said Wood land, ninety-seven and 10/100 (97.10) feet to a point where the westerly line of said Wood land intersects the westerly line of Swan Street;

Thence easterly in the east line of Swan Street, one hundred ninety-two and 54/100 (196.54) feet, more or less, to the north line of Apponansett Street;

Thence westerly in said line eight hundred twenty-nine and 25/100 (829.25) feet, more or less, to the west line of said Rodney French Boulevard East;

Thence continuing in the same course to and into the Salt Asshetat River or sea;

Thence northerly by the channel of said river to the westerly termination of the northerly boundary line of this parcel.

Together with all the grantor's right, title and interest in and to a right of way from the southeasterly part of the above described parcel north to Butler Street over a strip of land twenty (20) feet wide along the east line of land recently of George Kingston and on the east side of the road which is 1400 said George Kingston conveyed to Charlotte E. Leonard.

Subject to whatever rights the City of New Bedford may have in, on and over the property included in the limits of said Rodney French Boulevard East.

#### **THIRD PARCEL**

Beginning at the northeast corner thereof at the intersection of the south line of SCRIED STREET WITH THE SAID WEST LINE OF RODNEY FRENCH BOULEVARD EAST;

Thence westerly by said boulevard one hundred forty-two and 84/100 (142.84) feet to the north line in the west line of said boulevard in the northerly line of the said third parcel last described;

Thence westerly by said third parcel, two hundred seventy-two and 65/100 (272.65) feet, more or less, to the northeast corner of said third parcel, and the easterly line of land now or formerly of Catherine A. Norden;

Thence northerly by said Boden land, one hundred thirty-seven and 72/100 (137.72) feet, more or less, to the south line of Butler Street;

Thence easterly in said south line of BUTLER STREET, two hundred forty-five and 58/100 (245.58) feet to the place of beginning.

The third and fourth parcels together contain about ten (10) acres, eleven and 42/100 (11.42) square rods.

Subject to an easement given by Reconstruction Finance Corporation to the City of New Bedford by deed dated June 15, 1938, and duly recorded in said deeds.

Including however, from the aforesaid parcels, the following property conveyed by Bay View Realty, Inc. to Mikken Realty Corp. by deed dated November 7, 1944, recorded in the Bristol County (N. P.) Registry of Deeds in Book 1838 at Page 457, bounded and described as follows:



PAGE 1

Beginning of a stake at the intersection of the east line of Swan Street with the north line of Apponaugsett Street;

Thence northerly in said east line of Swan Street one hundred ninety-six and 34/100 (196.34) feet to the southerly point of a triangular plot of land of the City of New Bedford;

Thence northerly in the easterly line of lot named land ninety-seven and 24/100 (97.24) feet to a stake in the easterly line of land of Kilburn Realty Corp.

Thence easterly in line of lot named land three hundred sixty-seven and 42/100 (367.42) feet to a stake;

Thence southerly in a line forming an interior angle of 89 degrees 52' a distance of one hundred four and 83/100 (104.83) feet to a drill hole for a corner;

Thence westerly in a line forming a right angle a distance of one hundred seventy-seven and 41/100 (177.41) feet to a stake;

Thence southerly in a line forming a right angle a distance of one hundred eighty-nine and 24/100 (189.24) feet to a stake in the north line of Apponaugsett Street;

Thence westerly in said north line of Apponaugsett Street one hundred ninety and 18/100 (190.18) feet to the point of beginning, containing 74,929 square feet more or less, and being the premises above as parcel "No. 2" on Plan of Land in New Bedford, Massachusetts, belonging to May View Realty, Inc., same July 19, 1944 by E.J. Minninnroog Co., Inc. to be filed with Bristol County (S.C.) Registry of Deeds.

Together with all the grantor's right, title and interest in and to a right of way from the above granted premises North to Butler Street over a strip of land 20 feet wide along the East line of land formerly of George Knappson and on the East side of land which in 1888 said Knappson conveyed to Charlotte A. Leonard. Being the same way as set forth immediately following the description of the "Third Parcel" in the deed of Olin Realty Corp. to May View Realty, Inc. dated December 1, 1941 and recorded in said Registry in Book 614, Page 130.

Together also with a right of way shown on said plan over the land abutting the aforesaid granted premises, described as follows:

Beginning in the northerly line of Apponaugsett Street at a point formed by the extension southerly to said street of the westerly wall of the Mill Building shown on parcel "No. 1" on the aforesaid plan;

Thence westerly in said north line of Apponaugsett Street thirty (30) feet to a stake for a corner;

Thence northerly in a line forming a right angle and parallel to said westerly wall one hundred eighty-nine and 24/100 (189.24) feet to a stake;

Thence easterly in a line forming a right angle thirty (30) feet to a point for a corner;

Thence southerly in a line bounded by the northerly extension of said westerly wall, by said westerly wall and by the extension southerly of said wall, a distance of one hundred eighty-nine and 24/100 (189.24) feet to the north line of Apponagansett Street and point of beginning.

The above described right of way shall be maintained at the sole expense of the Grantee, its successors and assigns, and is herein granted to the Grantee for the purpose of access by foot or vehicle, in common with Grantor and others lawfully entitled thereto, to and from Apponagansett Street.

And together also with another right of way shown on said Plan over the land abutting the aforesaid granted premises, described as follows:

Beginning at a grate in the north line of land of Bay View Realty, Inc., the said grate being three hundred seventy-seven and 28/100 (377.28) feet easterly from the west line of Swan Street and at the northeast corner of land shown as parcel "No. 2" on plan of Land in New Bedford, Massachusetts belonging to Bay View Realty, Inc., dated July 13, 1956 by E.J. Engineering Co., Inc. to be filed with Bristol County (S.D.) Registry of Deeds;

Thence southerly in the northerly line of land of Bay View Realty, Inc. two hundred thirty-nine and 82/100 (239.82) feet to a point at the southwest corner of said land.

Then beginning again at the point of beginning, and thence running southerly in the westerly line of said parcel "No. 2" thirty (30) feet for a corner;

Thence easterly in a line parallel with the first described line herein and running in part along the northerly line of the boiler house shown on parcel "No. 1" on the aforesaid plan two hundred thirty-three and 07/100 (233.07) feet to the westerly line of another right of way previously granted to Milburn Realty Corp. by deed of Bay View Realty, Inc. dated May 31, 1945 and recorded in said Registry of Deeds in Book 497, Page 135;

Thence northerly along the westerly line of the last mentioned right of way about thirty (30) feet to the end of the first described line.

The above right of way shall be maintained at the sole expense of the Grantee, its successors and assigns and is herein granted to the Grantee for the purpose of access by foot or vehicle, in common with the Grantor and others lawfully entitled thereto, to and from Apponagansett Street. The above-described right of way connecting to said street through the previously granted right of way set forth in the above referred to deed.

#### PARCEL 2

Beginning at a drill hole in the southerly line of land conveyed by Bay View Realty, Inc. to Milburn Realty Corp. by deed dated May 11, 1945, and recorded in Bristol County (S.D.) Registry of Deeds in Book 497, Page 135, which drill hole marks the westerly extremity of a line described in said deed as "the southerly line of the curb 78.85 feet";

Thence north 2 degrees 44' 40" West parallel with the elevator shaft twenty-three and 20/100 (23.20) feet to a point for a corner;

Thence south 82 degrees 15' 30" west along the northerly side of the elevator shaft fifteen and 15/100 (15.15) feet to a point for a corner;

Thence south 5 degrees 44' 48" east parallel with the elevator shaft twenty-two and 64/100 (22.64) feet to a drill hole;

Thence north 82 degrees 42' 30" east fifteen and 15/100 (15.15) feet to the point of beginning.

Containing about 340 square feet, and shown as Parcel "No. 3" on said Plan of Land in New Bedford, Massachusetts belonging to Bay View Realty, Inc. dated July 19, 1966 by E.J. Engineering Co., Inc. recorded with Bristol County (S.C.) Registry of Deeds in Book 74 at Page 46.

Being the same premises conveyed to Grantor Kenneth Joblon by deed of Kenneth Joblon, Tom C. Beatty, Jr. and Joel S. Stone, as Trustees of the "George Joblon 1918 Revocable Trust" and conveyed to Grantor, National Pacific Realty Corp. by deed of Kenneth Joblon, which deeds are both dated ~~February 17, 1963~~ 1963 and are recorded herewith at the Bristol County (S.C.) Registry of Deeds and to which deeds reference is hereby made for Grantors' titles hereunder.

Subject to an easement granted by Bay View Realty, Inc. to New Bedford Gas and Edison Light Company dated February 15, 1962 and recorded in said Registry in Book 1373, Page 75.

Subject also to a sidewalk easement order of the City of New Bedford dated August 15, 1966, recorded in said Registry in Book 1512, Page 420, and the Grantor hereby assumes and agrees to pay any assessment therefor insofar as it affects the property herein conveyed.

Excluding further from said premises however, the following property conveyed by Bay View Realty, Inc. to Milbrun Realty Corp. by deed dated July 6, 1967 and recorded in the Bristol County (S.C.) Registry of Deeds in Book 1568 at Page 202, bounded and described as follows:

**PARCEL 1**

Beginning in the northerly line of Apponagansett Street at a point formed by the extension northerly to said Street of the westerly wall of the mill building shown on parcel "No. 1" on said Plan hereinafter referred to;

Thence northerly in a line formed by the northerly extension of said westerly wall, by the said westerly wall, and by an extension northerly of said westerly wall a total distance of one hundred fifty-nine and 29/100 (159.29) feet for a corner;

Thence easterly two hundred six (206) feet more or less to a drill hole for a corner;

Thence northerly one hundred thirty-four and 82/100 (134.82) feet to a tack in the north line of land of Milbrun Realty Corp.;

Thence westerly in line of last named land forty-six (46) feet to a stake for a corner;

Thence southerly one hundred four and 10/100 (104.10) feet to a drill hole for a corner;

Thence westerly in a line forming a right angle one hundred ninety (190) feet more or less to a stake for a corner;

Thence southerly in a line forming a right angle one hundred eighty-nine and 19/100 (189.19) feet to a stake in the northerly line of Appaganneatt Street;

Thence easterly in said northerly line of Appaganneatt Street thirty (30) feet to the point of beginning.

Containing 10,650 square feet more or less and being Parcel No. 1 on plan of Subdivision of Land in New Bedford, Massachusetts belonging to Bay View Realty, Inc. dated May 1, 1927, by E.J. Bingham & Co., Inc. to be filed with Bristol County (D.B.) Registry at Taos.

Subject to the reservation by Bay View Realty, Inc. of a thirty (30) feet wide right of way over such portions of the aforesaid premises as are described as follows:

Beginning in the northerly line of Appaganneatt Street at a point formed by the extension southerly to said Street of the westerly wall of the Mill Building shown on parcel "No. 1" of the plan above referred to;

Thence southerly in a line formed by the southerly extension of said westerly wall, by the said westerly wall, and by an extension northerly of said westerly wall a total distance of one hundred thirty-nine and 29/100 (139.29) feet for a corner;

Thence easterly two hundred six (206) feet more or less to a drill hole for a corner;

Thence northerly one hundred thirty-four and 82/100 (134.82) feet to a tack in the south line of land of Millman Realty Corp.;

Thence westerly in line of last named land thirty (30) feet to a point for a corner;

Thence southerly one hundred four and 30/100 (104.30) feet to a point for a corner;

Thence westerly about sixteen (16) feet to a drill hole;

Thence continuing westerly one hundred ninety (190) feet more or less to a stake for a corner;

Thence southerly in a line forming a right angle one hundred eighty-nine and 29/100 (189.29) feet to a stake in the northerly line of Appaganneatt Street;

Thence easterly in said northerly line of Appaganneatt Street thirty (30) feet to the point of beginning.

#### TABLE 2

All right, title and interest whatsoever, in and to the aforesaid described portions of a right of way previously reserved by the grantor in the deed of Bay View Realty, Inc. to Millman Realty Corp. dated May 31, 1925 and recorded in Bristol County (D.B.) Registry of Deeds in Book 897, Page 115, namely:

Beginning at a point, in the southerly side of a curb, fifteen (15) feet easterly from a well hole in said curb, the said



drill hole being located at an angle in the line between Parcel A and Parcel B as plan hereinafter mentioned:

Thence easterly along the southerly side of the curb ninety-one (91) feet more or less to the westerly side of Rodney French Boulevard (asot):

Thence southerly in the westerly line of said Boulevard twelve (12) feet:

Thence southeasterly sixty-seven (67) feet more or less to a point four (4) feet diagonally northwesterly from the northwesterly corner of the office building;

Thence more southwesterly twenty (20) feet more or less to an angle:

Thence southerly near the end of the slope of the office building fifty-seven (57) feet more or less to a stake, formerly located by a drill hole, at an angle in the line between the said two parcels of land;

Thence northerly ninety-eight (98) feet more or less to the point of beginning.

See Plan Showing Proposed Rights of Ways Surveyed for Bay View Realty Corp., New Bedford, Massachusetts dated April 11, 1945, Samuel M. Curran, Surveyor, Filed with Bristol County (S.D.) Registry of Deeds in Plan Book 34, Page 13.

IN WITNESS WHEREOF, the said Kenneth Johnson has set his hand and seal and the said National Pacific Realty Corp. has caused its corporate seal to be hereto affixed and this instrument to be signed in its name and behalf by Kenneth Johnson, its President and Treasurer, this 11th day of January, 1990.

  
KENNETH JOHNSON

NATIONAL PACIFIC REALTY CORP.

By:

  
KENNETH JOHNSON,  
President and Treasurer

COMMONWEALTH OF MASSACHUSETTS

Witnessed, ss.

January 11, 1990

Then personally appeared the above named KENNETH JOHNSON, and acknowledged the foregoing instrument to be his free act and deed, before me,

  
Notary Public

My Commission expires: 1/1/96

COMMONWEALTH OF MASSACHUSETTS

City of Boston, ss.

January 27 1960

Then personally appeared the above named ALBERTA JOHNSON, President and Treasurer, as aforesaid, and acknowledged the foregoing instrument to be the free act and deed of National Pacific Realty Corp., before me.

Frank T. Dejean  
 Notary Public  
 My Commission Expires: 4/14/62

146.33

RECEIVED BY  
 MURPHY SOUTH  
 01/28/60

DUPT 2.50  
 CASH 6.80

ADDITIONAL 1942  
 EXCISE TAX

Received & Recorded

*John Jones* 1/28/60 3:15 PM

Attest: John Jones Register

**Quitclaim Deed**

This Deed is made and entered into as of the 24<sup>th</sup> day of September, 2002, by Simeon Bruner of Cambridge, Massachusetts (the "Grantor").

In consideration of ten and 00/100 Dollars (\$10.00) paid, the Grantor hereby grants to Milbrun Realty, LLC, a Massachusetts limited liability company with a principal place of business at 130 Prospect Street, Cambridge, MA 02139, with Quitclaim Covenants, to hold as tenant in common, all of his right, title and interest including, without limitation, his undivided one-third (1/3) interest in each of the parcels of land situated in New Bedford, Massachusetts and described in Schedule A attached hereto and made a part hereof, together with any buildings and improvements thereon (the "Premises").

Together with any and all property rights, benefits and easements to which Grantor may be entitled, whether or not specifically referred to in Schedule A;

Together with the benefit of any existing leases or any portion of the Premises;

Subject to all recorded and unrecorded restrictions, reservations, encumbrances, rights and conveyances to others, whether or not specifically referred to in Schedule A;

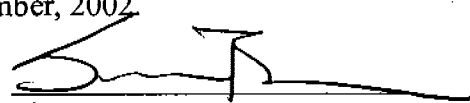
Subject to any existing leases or any portion of the Premises;

Subject to any portion of the Premises acquired by the City of New Bedford for street widening; and

Subject to any conveyances of any nature whatsoever heretofore made affecting the Premises.

For Grantor's title, see deed from Milbrun Realty Corp. dated December 21, 1973, recorded at Book 1677, page 236, at the Bristol County Registry of Deeds, Southern District.

Executed under seal as of the 24th of September, 2002.

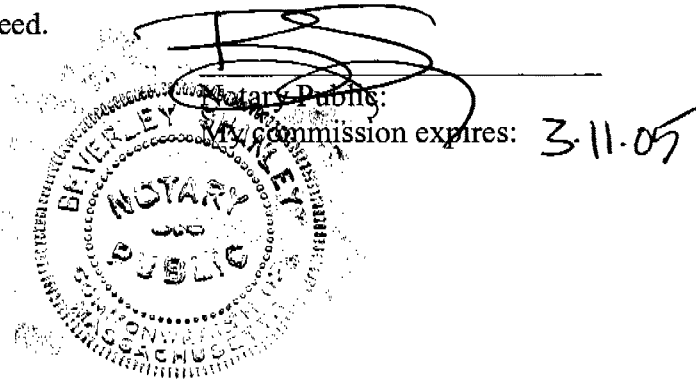
  
Simeon Bruner

COMMONWEALTH OF MASSACHUSETTS

M. Adhesey, ss.

9-24, 2002

Then personally appeared before me the above named Simeon Bruner and acknowledged the foregoing to be his free act and deed.



## SCHEDULE A

LOT 1

A certain parcel of land located in New Bedford, Bristol County, Massachusetts and being shown as Lot 1 on a plan of land entitled, "Plan of Land in New Bedford, Massachusetts, drawn for Milbrun Realty Corporation, scale 1"=80', revised through September 26, 1984, by Olde Boston Land Survey Co., Inc., Surveyors-Engineers, 261 Union Street, New Bedford, Massachusetts", to be filed in Bristol County, Southern District Registry of Deeds, is further bounded and described as follows:

Beginning at the southeast corner of the parcel to be described and the northeast corner of land now or formerly owned by Ferreira at a drill hole on the westerly sideline of Rodney French Boulevard East.

Thence by land of said Ferreira and by land of Caton, the end of Margaret St., lands of Susany, Aguiar, the end of Teresa St., lands of Winn, Morgan, the end of Frieda St., lands of Anderson, Normand, S86°-12'-29"W, 834.90 feet to an angle point.

Thence still by said land of Normand, the end of Mina St., lands of Mendonca, Mello, Dumont and Roberts, S86°-21'-28"W, 461.53 feet to a corner and land now or formerly of Belanger.

Thence by said land of Belanger and by land of Carrol, N02°-37'-01"E, 325.39 feet to a concrete bound for a corner on the southerly sideline of Apponagansett St.

Thence by said sideline N86°-16'-31"E, 1276.87 feet to the westerly sideline of Rodney French Boulevard East for a corner.

Thence by said sideline along a curve deflecting to the left 323.50 feet to the point of beginning.

Containing 9.55 acres more or less.

SUBJECT to a revocable easement given by Milbrun Realty Corp. to the New Bedford Gas and Edison Light Company over a portion of the granted premises as described in the deed dated May 22, 1972, and recorded in Bristol County, Southern District Registry of Deeds, Book 1642, Page 378, for use as a parking lot. Said easement is subject to revocation at any time after two years from its creation, upon 90 days' prior notice to New Bedford Gas and Edison Light Company.

LOT 2

A certain parcel of land located in New Bedford, Bristol County, Massachusetts and being shown as Lot 2 on a plan of land entitled, "Plan of Land in New Bedford, Massachusetts, drawn for Milbrun Realty Corporation, Scale 1"=80', revised through September 26, 1984 by

Olde Boston Land Survey Co., Inc., Surveyors-Engineers, 261 Union St., New Bedford, Massachusetts”, to be filed in Bristol County, Southern District Registry of Deeds is further bounded and described as follows:

Beginning at the northwest corner of the lot to be described at the intersection of the southerly sideline of Apponagansett St. projected and the easterly sideline of Rodney French Boulevard East.

Thence by said southerly line projected N86°-16'-31"E, 70 feet more or less to the Acushnet River.

Thence beginning again at the point first mentioned along a curve deflecting to the left 323.4 feet more or less along the easterly sideline of Rodney French Boulevard East to a corner.

Thence turning and running N86°-12'-29"E, 35 feet more or less to the Acushnet River.

Thence by said Acushnet River to the end of the first course mentioned.

Containing 10,116 square feet more or less.

### LOT 3

A certain parcel of land located in New Bedford, Bristol County, Massachusetts and being shown as Lot 3 on a plan of land entitled, "Plan of Land in New Bedford, Massachusetts, drawn for Milbrun Realty Corporation, Scale 1"=80', revised through September 26, 1984 by Olde Boston Land Survey Co., Inc., Surveyors-Engineers, 261 Union St., New Bedford, Massachusetts”, to be filed in Bristol County, Southern District Registry of Deeds is further bounded and described as follows:

Beginning at the southeast corner of the parcel to be described and the northeast corner of land now or formerly owned by Bayview Realty Company, said point being on the westerly sideline of Rodney French Boulevard East, 71.30 feet north of the northerly sideline of Apponagansett St.

Thence by said Bayview Realty Company, N87°-08'-44"W, 59.68 feet to a corner.

Thence by said Bayview Realty Company, N21°-09'-34"W, 89.19 feet to a corner.

Thence by said Bayview Realty Company, S89°-12'-26"W, 120.50 feet to a corner.

Thence by said Bayview Realty Company, N03°-46'-24"W, 128.42 feet to a corner.

Thence by said Bayview Realty Company, S85°-57'-53"W, 199.00 feet to a corner.

Thence by said Bayview Realty Company, S03°-43'-30"E, 134.82 feet to a corner.



Thence by said Bayview Realty Company, S86°-21'-00"W, 206.00 feet to a corner.

Thence by said Bayview Realty Company, S03°-43'-30"E, 159.29 feet to a corner and the northerly sideline of Apponagansett St.

Thence by said northerly sideline, S86°-16'-30"W, 220.19 feet to the easterly sideline of Swan St.

Thence by said easterly sideline, N03°-15'-24"W, 196.54 feet to a corner and land now or formerly owned by the City of New Bedford.

Thence by said land of the City of New Bedford, N02°-32'-24"E, 95.63 feet to a corner and land now or formerly owned by Aguiar.

Thence by said Aguiar, N85°-57'-53"E, 246.94 feet to a corner.

Thence N00°-49'-21"W, 100.15 feet to the southerly sideline of Uxbridge St.

Thence by said southerly sideline, N85°-57'-53"E, 263.41 feet to a corner and the easterly sideline of Milbury St.

Thence by said easterly sideline, N00°-49'-21"W, 40.06 feet to a corner and land now or formerly owned by Marsh.

Thence by said Marsh, N85°-57'-53"E, 112.71 feet to a corner.

Thence by said Marsh and by lands of Rogers, Silva, Nunes, Chipelo and Raphael, N03°-00'46"E, 517.68 feet to a corner and the southerly sideline of Butler St.

Thence by said sideline, N86°-30'-06"E, 225.05 feet to a point of curvature.

Thence by a curve deflecting to the right with radius of 10 feet and length of 14.09 feet to another point of curvature on the westerly sideline of Rodney French Boulevard East.

Thence by said westerly sideline by two curves deflecting to the right, the first having a radius of 1600 feet and length of 394.37 feet and the second having a radius of 2800 feet and length of 489.85 feet to the point of beginning.

Containing 8.071 acres more or less.

SUBJECT TO rights of ways reserved by Bay View Realty, Inc. over such portions of the granted premises as appear on a plan entitled, "PLAN SHOWING PROPOSED RIGHTS OF WAYS SURVEYED FOR BAY VIEW REALTY CORP., NEW BEDFORD, MASS." dated April 11, 1945, Samuel H. Corse, Surveyor, recorded in Bristol County, Southern District Registry of Deeds, Book 36, Page 13, and described in the deed from Bay View Realty, Inc. to Milbrun Realty Corp. dated May 31, 1945 and recorded in Bristol County, Southern District

Registry of Deeds, Book 897, Page 135, except that for that portion of the above described rights of ways granted by Bay View Realty, Inc. to Milbrun Realty Corp. by a deed dated July 6, 1967 and recorded in Bristol County, Southern District Registry of Deeds, Book 1549, Page 292.

TOGETHER WITH rights of ways over such portions of the granted premises as appear on a plan entitled "PLAN SHOWING PROPOSED RIGHTS OF WAYS SURVEYED FOR BAY VIEW REALTY CORP., NEW BEDFORD, MASS." dated April 11, 1945, Samuel H. Corse, Surveyor, recorded in Bristol County, Southern District Registry of Deeds, Book 36, Page 13, and described in the deed from Bay View Realty, Inc. to Milbrun Realty Corp. dated May 31, 1945 and recorded in Bristol County, Southern District Registry of Deeds, Book 897, Page 135, and that right of way granted by Bay View Realty, Inc. to Milbrun Realty Corp. by a deed dated July 6, 1967 and recorded in Bristol County, Southern District Registry of Deeds, Book 1549, Page 292.

TOGETHER WITH the reservation of use of a parcel of land adjacent to Lot 3 for parking two automobiles and also the right to enter for the purpose of maintaining and repairing its office building as described in the deed from Bay View Realty, Inc. to Milbrun Realty Corp. dated September 1, 1967 and recorded in Bristol County, Southern District Registry of Deeds, Book 1552, Page 496, and further described in the deed from Milbrun Realty Corp. to Bay View Realty, Inc. dated September 1, 1967 and recorded in Bristol County, Southern District Registry of Deeds, Book 1552, Page 498.

SUBJECT TO an easement granted by Bay View Realty, Inc. to New Bedford Gas and Edison Light Company dated February 15, 1962 and recorded in said Registry in Book 1373, Page 74.

SUBJECT TO a thirty (30) foot wide right of way reserved by Bay View Realty, Inc. as described in Parcel One in the deed from Bay View Realty, Inc. to Milbrun Realty Corp. dated July 6, 1967 and recorded in Bristol County, Southern District Registry of Deeds, Book 1549, Page 292.

TOGETHER WITH all the right, title and interest in and to a thirty (30) foot wide right of way described in Parcel One in the deed from Bay View Realty, Inc. to Milbrun Realty Corp. dated July 6, 1967 and recorded in Bristol County, Southern District Registry of Deeds, Book 1549, Page 286.

TOGETHER WITH all of the right, title and interest in and to a twenty (20) foot right of way from the above granted premises as described in Parcel One in the deed from Bay View Realty, Inc. to Milbrun Realty Corp. dated July 6, 1967 and recorded in Bristol County Southern District Registry of Deeds, Book 1549, Page 286, further described as follows: North to Butler Street over a strip of land 20 feet wide along the East line of land formerly of George Kempton and on the East side of land which in 1889 said Kempton conveyed to Charlotte E. Leonard. Being the same way as set forth immediately following the description of the "Third Parcel" in the deed of Otis Realty Corp. to Bay View Realty, Inc. dated December 1, 1943 and recorded in said Registry in Book 876, Page 330.

LOT 4

A certain parcel of land located in New Bedford, Bristol County, Massachusetts and being shown as Lot 4 on a plan of land entitled, "Plan of Land in New Bedford, Massachusetts drawn for Milbrun Realty Corporation, Scale 1"=80', revised through September 26, 1984 by Olde Boston Land Survey Co., Inc., Surveyors-Engineers, 261 Union St., New Bedford, Massachusetts", to be filed in Bristol County, Southern District Registry of Deeds is further bounded and described as follows:

Beginning at this southwest corner of the parcel to be described and the northwest corner of land now or formerly owned by Bayview Realty Company, said point being on the easterly sideline of Rodney French Boulevard East.

Thence by land of said Bayview Realty Company running easterly 40 feet more or less to the Acushnet River.

Thence beginning again at the point first mentioned, thence running northerly by the easterly sideline of Rodney French Boulevard East along a curve deflecting to the left 645 feet more or less to land now or formerly owned by Pimental.

Thence running easterly by said land of Pimental 25 feet more or less to the Acushnet River.

Thence southerly by said Acushnet River to the end of the first course mentioned.

Containing 9,490 square feet more or less.

SUBJECT TO an easement given by the Reconstruction Finance Corporation to the City of New Bedford by deed dated June 28, 1939, and recorded in Bristol County, Southern District Registry of Deeds, Book 819, Page 188.

LOT 5

A certain parcel of land located in New Bedford, Bristol County, Massachusetts and being shown as Lot 5 on a plan of land entitled, "Plan of Land in New Bedford, Massachusetts, drawn for Milbrun Realty Corporation, Scale 1"=80' revised through September 26, 1984 by Olde Boston Land Survey Co., Inc., Surveyors-Engineers, 261 Union St., New Bedford, Massachusetts", to be filed in Bristol County, Southern District Registry of Deeds is further bounded and described as follows:

Beginning at the northeast corner of the parcel to be described on a point in the westerly sideline of Rodney French Boulevard East, said point being 108.95 feet south of Clara Street.

Thence S86°-30'-06"W, 118.55 feet to a corner.

Thence S03°-29'-94"E, 129.08 feet to a corner and the northerly sideline of Butler St.

Thence by said northerly sideline, N86°-30'-06"E, 153.21 feet to the point of curvature.

Thence by a curve deflecting to the left having a radius of 10 feet and length of 20.32 feet to the westerly sideline of Rodney French Boulevard East and a point of reverse curvature.

Thence by said westerly sideline by a curve deflecting to the right having a radius of 905.13 feet and a length of 122.43 feet to the point of beginning.

Containing 18,028 square feet more or less.

SUBJECT TO the following restriction for the benefit of the adjoining land at 1465 Rodney French Boulevard now or formerly occupied by Leslie and Pearl T. Crook: That no vehicles shall use the granted premises for parking other than: (i) passenger motor vehicles owned or controlled by Milbrun Realty Corp., or by any corporation affiliated with it; and, (ii) passenger motor vehicles owned or controlled by employees or invitees of Milbrun Realty Corp., or of such affiliated corporation.

0915\0005\108752.2



2018 00124047

Cert: 24659 Doc: DEED BS  
Registered: 08/08/2018 02:44 PM



2018 00017820

Bk: 12529 Pg: 147 Pg: 1 of 4 BS  
Doc: DEED 08/08/2018 02:54 PM

REGISTERED AND UNREGISTERED

KNOW ALL MEN BY THESE PRESENTS that WE, **KARA L. PIMENTEL, MICHAEL PIMENTEL, KURT PIMENTEL** and **IAN FLETCHER**, the TRUSTEES named in clause EIGHTH of a certain Trust Agreement in writing known as the **CARL P. PIMENTEL TRUST - 1995** dated January 5, 1995 and amended by its First Amendment, dated August 17, 2012, and its Second Amendment, dated January 4, 2013, between **CARL P. PIMENTEL** as Grantor and **CARL P. PIMENTEL** as Trustee (see Certificate of Acceptances filed on Certificate No 23335 filed with the Bristol County Division of the Land Court), for consideration paid, and in full consideration of One and 00/100 (\$1.00) Dollar grant to **RODNEY STREET APARTMENTS, LLC\*** with a mailing address of PO Box 40159, New Bedford, Massachusetts 02744 with QUITCLAIM COVENANTS

\*a Massachusetts Limited Liability Company,

PARCEL ONE – REGISTERED LAND

the land in New Bedford, Bristol County, Massachusetts, with any buildings thereon, bounded and described as follows:

- SOUTHERLY by the northerly line of Rodney Street, eighty-two (82) feet;
- WESTERLY by Lot L on plan hereinafter mentioned, ninety-five (95) feet;
- NORTHERLY by Lots 39, 38, and 37 on said plan, eighty-two (82) feet; and
- EASTERLY by Lots O and P on said plan, ninety-five (95) feet.

Estimated to contain twenty-eight and 6/100 (28.6) rods.

Said land is shown as LOTS M and N on subdivision plan 566D, dated September 2, 1904, drawn by Albert B. Drake, Civil Engineer, filed in the Land Registration Office at Boston, a copy of which is filed in Bristol County (SD) Registry of Deed, in Land Registration Book 1A, page 223, with Certificate of Title No. 53.

For title, see Certificate of Title 23335 filed in the Bristol County (SD) Registry of Deeds

Property Address: Vacant Lots – New Bedford  
Parcel 1 – Rodney St. - Assessors' Map 14, Lot 37 (& merged lot 125)  
Parcel 2 – Mott St. – Assessors' Map 14, Lot 92 (& merged lots 91 & 93)  
Parcel 3 – Butler St. & E. Rodney French Blvd. – Assessors' Map 10, Lot 108

Mail to:  
Downey & Downey, P.C.  
P.O. Box 8936  
New Bedford, MA 02742



- 2 -

PARCEL TWO – REGISTERED LAND

the land in New Bedford, Bristol County, Massachusetts, with any buildings thereon, bounded and described as follows:

NORTHERLY by the southerly line of Mott Street, one hundred forty-six and 07/100 (146.07) feet;

EASTERLY by the westerly line of Rodney French Boulevard (East), ninety-five and 02/100 (95.02) feet;

SOUTHERLY by Lots 102 & 101 on a plan hereinafter mentioned, one hundred forty-three and 94/100 (143.94) feet; and

WESTERLY by Lot 39 on said plan, ninety-five (95) feet.

Sais land is shown as LOTS 36, 37, and 38 on Plan (Sheet 2), drawn by Albert B. Drake, C.E., dated February 7, 1903, filed in the Land Registration office at Boston, a copy of a portion of which is filed in the Bristol County (SD) Registry of Deeds, in Land Registration Book 1A, page 17, with Certificate of Title No. 6

For title, see Certificate of Title 23335 filed in the Bristol County (SD) Registry of Deeds

PARCEL THREE – UNREGISTERD LAND

the land in New Bedford, Bristol County, Massachusetts, with any buildings thereon, bounded and described as follows:

On the North by Butler Street;

On the east by the channel of the Acushnet River;

On the South by land now or formerly of Booth Manufacturing Company; and

On the West by East Rodney French Boulevard.

Being the same premises conveyed to this Grantor by deed of Billy Woods Wharf Property, LLC, dated 8/6/2015 and recorded in the Bristol County (SD) Registry of Deeds in Book 11453, Page 349.

Said premises are conveyed subject to real estate taxes for the current fiscal year, which the Grantee(s), by the acceptance of this deed, hereby assume(s) and agree(s) to pay.

TITLE NOT EXAMINED.

WITNESS our hands and seals this 31 day of ~~August~~<sup>July</sup>, 2018.

Kara L. Pimentel, Trustee      Michael Pimentel, Trustee  
KARA L. PIMENTEL, Trustee      MICHAEL PIMENTEL, Trustee

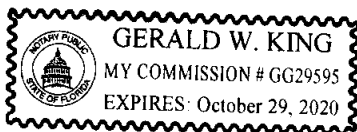
Kurt Pimentel  
KURT PIMENTEL, Trustee

Ian Fletcher  
IAN FLETCHER, Trustee

STATE OF FLORIDA

County of Sarasota

On this 31<sup>st</sup> day of ~~August~~<sup>July</sup>, 2018, before me, the undersigned notary public, personally appeared **KARA L. PIMENTEL** whose identity was proved to me through  personal knowledge or  viewing of the signatory's valid driver's license to be the person whose name is signed on the preceding or attached document, and acknowledged to me that the signatory signed it voluntarily for its stated purpose.

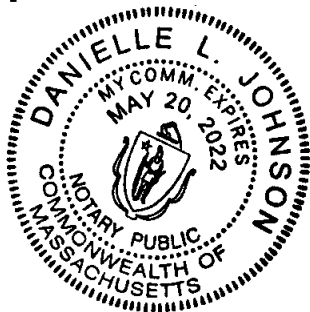


Gerald W. King  
Notary Public  
My Commission Expires: 10/29/20

COMMONWEALTH OF MASSACHUSETTS

County of Bristol

On this 3<sup>rd</sup> day of August, 2018, before me, the undersigned notary public, personally appeared **MICHAEL PIMENTEL** whose identity was proved to me through  personal knowledge or  viewing of the signatory's valid driver's license to be the person whose name is signed on the preceding or attached document, and acknowledged to me that the signatory signed it voluntarily for its stated purpose.

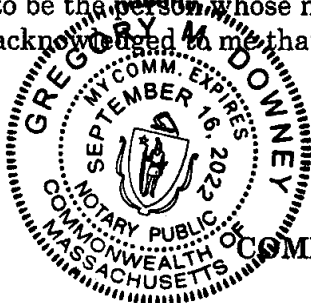


Danielle L. Johnson  
Notary Public  
My Commission Expires: 5/20/22

COMMONWEALTH OF MASSACHUSETTS

County of Bristol

On this 2nd day of August, 2018, before me, the undersigned notary public, personally appeared **KURT PIMENTEL** whose identity was proved to me through  personal knowledge or  viewing of the signatory's valid driver's license to be the person whose name is signed on the preceding or attached document, and acknowledged to me that the signatory signed it voluntarily for its stated purpose.



[Signature]  
Notary Public  
My Commission Expires: 9/16/2022

COMMONWEALTH OF MASSACHUSETTS

County of Bristol

On this 3rd day of August, 2018, before me, the undersigned notary public, personally appeared **IAN FLETCHER** whose identity was proved to me through  personal knowledge or  viewing of the signatory's valid driver's license to be the person whose name is signed on the preceding or attached document, and acknowledged to me that the signatory signed it voluntarily for its stated purpose.



[Signature]  
Notary Public  
My Commission Expires: 5/20/22

**Tighe&Bond**

**APPENDIX E**





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

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

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

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

Submit this form to the Department of City Planning, Room 303 in City Hall, 133 William Street, or Email to [Angela.Goncalves@newbedford-ma.gov](mailto:Angela.Goncalves@newbedford-ma.gov). The applicant is responsible for picking up and paying for the certified abutters list from the Assessor's Office (city hall, room #109).

**Official Use Only:**

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

**Michael J. Motta**

Printed Name

*Michael J Motta (JMS)*

Signature

Date

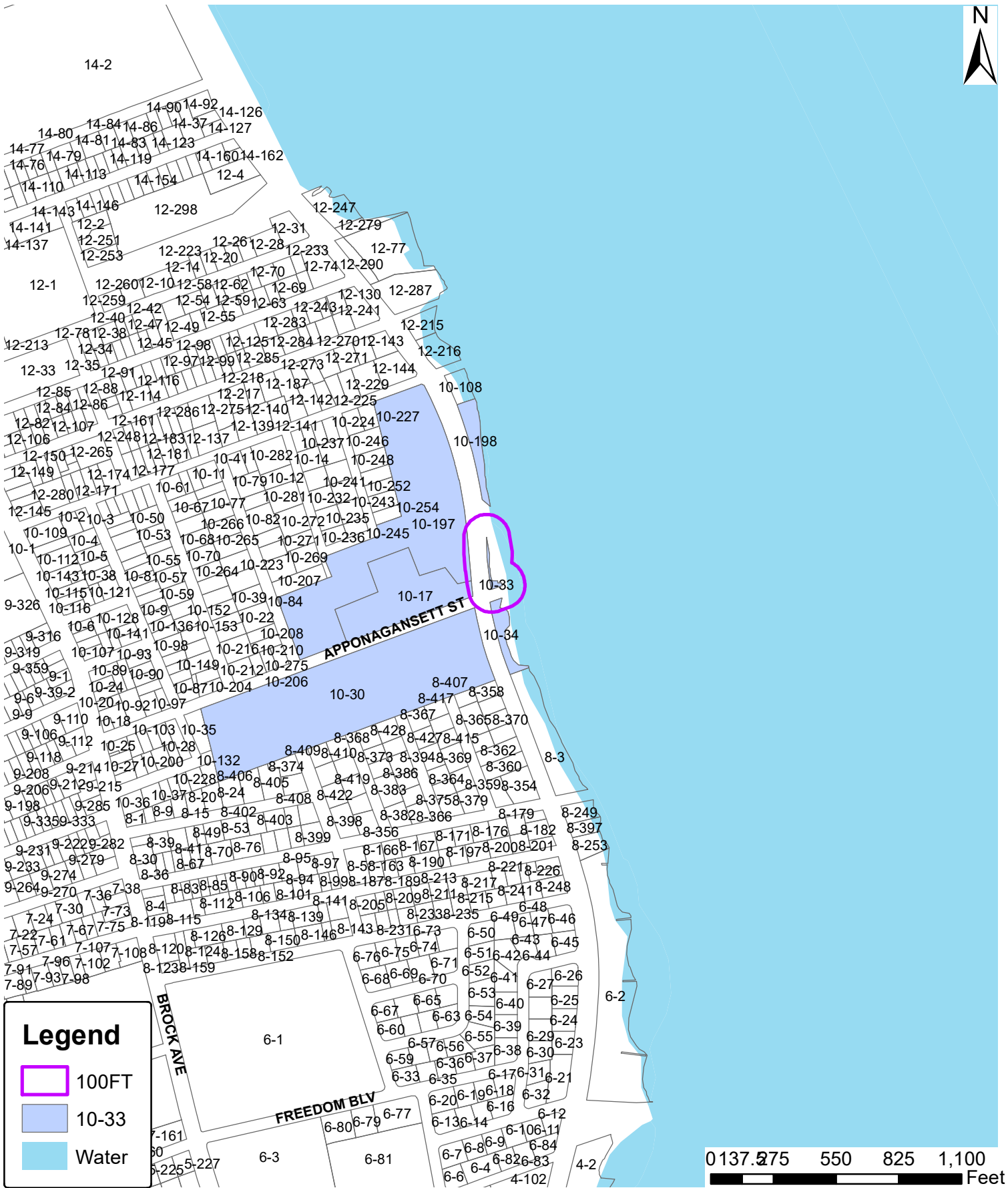
June 22, 2022  
Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as East Rodney French Blvd (Map: 10, Lot: 33). The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office. Following said verification, the list shall be considered a Certified List of Abutters.

Please note that multiple listed properties with identical owner name and mailing address shall be considered duplicates and shall require only 1 mailing. Additionally, City of New Bedford-Owned properties shall not require mailed notice.

<u>Parcel</u>	<u>Location</u>	<u>Owner and Mailing Address</u>
10-198	ES E RODNEY FRENCH BLVD	MILBRUN REALTY LLC, C/O ALLEGHENY LUDLUM 1357 E RODNEY FRENCH BLVD NEW BEDFORD, MA 02744
10-30	SS APPONAGANSETT ST	MILBRUN REALTY LLC, C/O ALLEGHENY LUDLUM, 1357 EAST RODNEY FR BLVD NEW BEDFORD, MA 02744
10-33	E RODNEY FRENCH BLVD	BAY VIEW REALTY ASSOCIATES, LIMITED PARTNERSHIP 1357 E RODNEY FRENCH BLVD NEW BEDFORD, MA 02744
10-34	ES E RODNEY FRENCH BLVD	MILBRUN REALTY LLC, C/O ALLEGHENY LUDLUM 1357 EAST RODNEY FR BLVD NEW BEDFORD, MA 02744
10-197	1357 E RODNEY FRENCH BLVD	MILBRUN REALTY LLC, C/O ALLEGHENY LUDLUM 1357 EAST RODNEY FR BLVD NEW BEDFORD, MA 02744
10-17	1351 E RODNEY FRENCH BLVD	BAY VIEW REALTY ASSOCIATES, LIMITED PARTNERSHIP 1357 E RODNEY FRENCH BLVD NEW BEDFORD, MA 02744





City of New Bedford, Massachusetts  
Department of City Planning

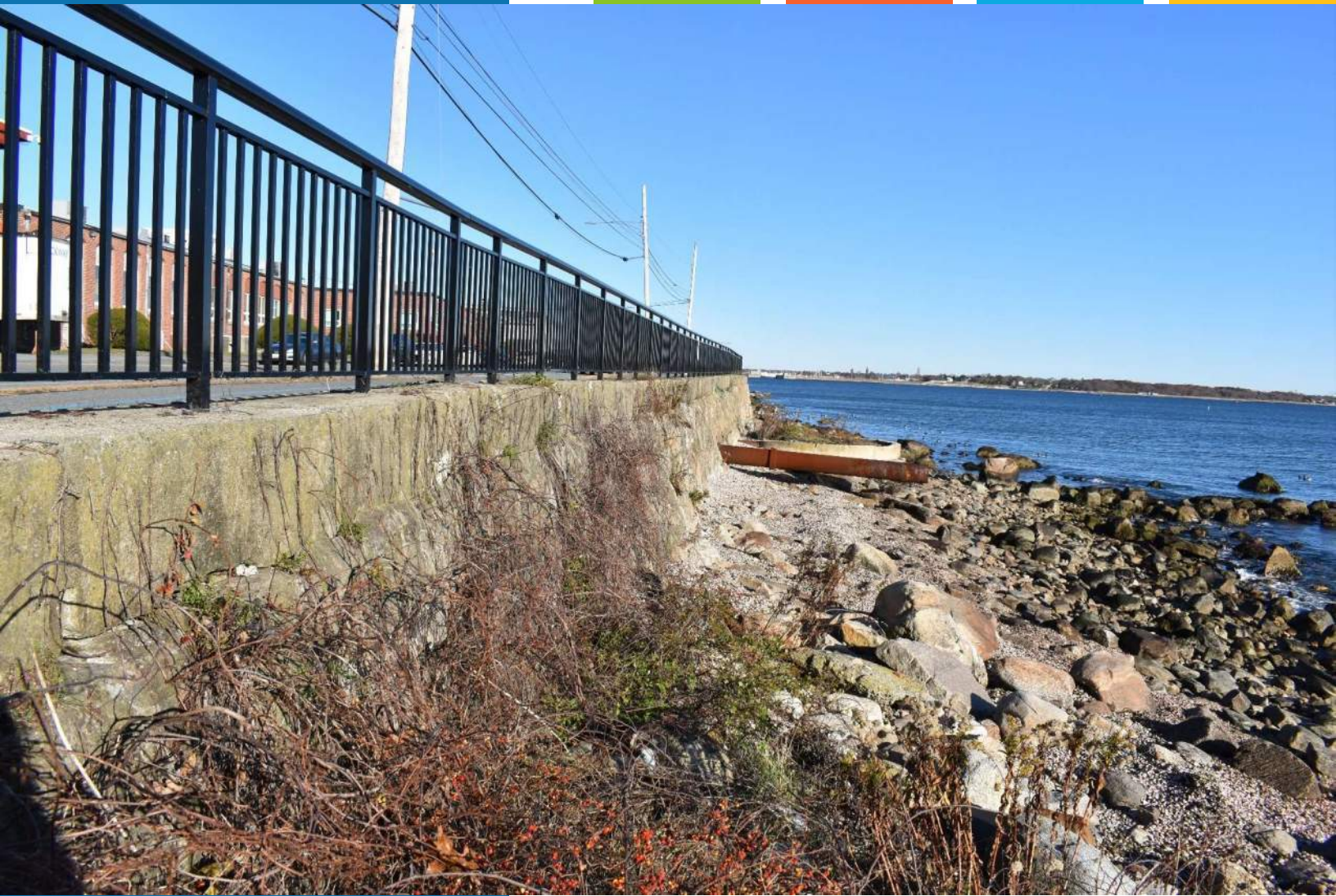
Parcel within 100FT



**Tighe&Bond**

**APPENDIX F**





East Rodney French Boulevard Seawall  
Rehabilitation  
1357 East Rodney French Boulevard  
New Bedford, Massachusetts

## **Stormwater Report**

**City of New Bedford**  
**133 William Street**  
**New Bedford, Massachusetts**

April 2022

**Tighe&Bond**

**Stormwater Checklist**

**Section 1 Registered Professional Engineer's Certification**

**Section 2 Project Type**

**Section 3 LID Measures**

**Section 4 Stormwater Management Standards**

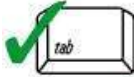




# Checklist for Stormwater Report

## A. Introduction

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



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

The Stormwater Report must include:

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

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

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

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

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

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



# Checklist for Stormwater Report

## B. Stormwater Checklist and Certification

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

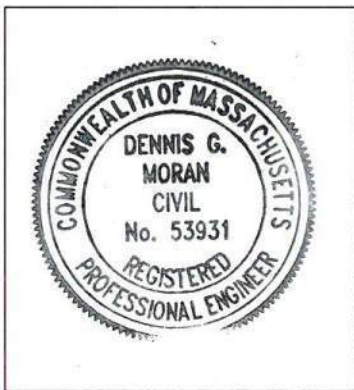
*Note:* Because stormwater requirements vary from project to project, it is possible that a complete Stormwater Report may not include information on some of the subjects specified in the Checklist. If it is determined that a specific item does not apply to the project under review, please note that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

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

### Registered Professional Engineer's Certification

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

Registered Professional Engineer Block and Signature



*D. Moran* 3-29-22  
Signature and Date

## Checklist

**Project Type:** Is the application for new development, redevelopment, or a mix of new and redevelopment?  **N/A –no new point source discharges**

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





# Checklist for Stormwater Report

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## Checklist (continued)

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

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

### Standard 1: No New Untreated Discharges

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



# Checklist for Stormwater Report

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## Checklist (continued)

### Standard 2: Peak Rate Attenuation

- N/A – No increases in impervious area or changes to peak rate**
- Standard 2 waiver requested because the project is located in land subject to coastal storm flowage and stormwater discharge is to a wetland subject to coastal flooding.
- Evaluation provided to determine whether off-site flooding increases during the 100-year 24-hour storm.
- Calculations provided to show that post-development peak discharge rates do not exceed pre-development rates for the 2-year and 10-year 24-hour storms. If evaluation shows that off-site flooding increases during the 100-year 24-hour storm, calculations are also provided to show that post-development peak discharge rates do not exceed pre-development rates for the 100-year 24-hour storm.

### Standard 3: Recharge

- N/A – No increases in impervious area or proposed activities that would impact recharge**
- Soil Analysis provided.
- Required Recharge Volume calculation provided.
- Required Recharge volume reduced through use of the LID site Design Credits.
- Sizing the infiltration, BMPs is based on the following method: Check the method used.
  - Static
  - Simple Dynamic
  - Dynamic Field<sup>1</sup>
- Runoff from all impervious areas at the site discharging to the infiltration BMP.
- Runoff from all impervious areas at the site is *not* discharging to the infiltration BMP and calculations are provided showing that the drainage area contributing runoff to the infiltration BMPs is sufficient to generate the required recharge volume.
- Recharge BMPs have been sized to infiltrate the Required Recharge Volume.
- Recharge BMPs have been sized to infiltrate the Required Recharge Volume *only* to the maximum extent practicable for the following reason:
  - Site is comprised solely of C and D soils and/or bedrock at the land surface
  - M.G.L. c. 21E sites pursuant to 310 CMR 40.0000
  - Solid Waste Landfill pursuant to 310 CMR 19.000
  - Project is otherwise subject to Stormwater Management Standards only to the maximum extent practicable.
- Calculations showing that the infiltration BMPs will drain in 72 hours are provided.
- Property includes a M.G.L. c. 21E site or a solid waste landfill and a mounding analysis is included.





# Checklist for Stormwater Report

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

## Checklist (continued)

### Standard 3: Recharge (continued)

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

### Standard 4: Water Quality

- N/A –No increases in impervious area or proposed activities that would impact water quality**

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

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



# Checklist for Stormwater Report

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## Checklist (continued)

### Standard 4: Water Quality (continued)

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

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

- N/A – No changes in land use**
- The NPDES Multi-Sector General Permit covers the land use and the Stormwater Pollution Prevention Plan (SWPPP) has been included with the Stormwater Report.
- The NPDES Multi-Sector General Permit covers the land use and the SWPPP will be submitted **prior to** the discharge of stormwater to the post-construction stormwater BMPs.
- The NPDES Multi-Sector General Permit does **not** cover the land use.
- LUHPPLs are located at the site and industry specific source control and pollution prevention measures have been proposed to reduce or eliminate the exposure of LUHPPLs to rain, snow, snow melt and runoff, and been included in the long term Pollution Prevention Plan.
- All exposure has been eliminated.
- All exposure has **not** been eliminated and all BMPs selected are on MassDEP LUHPPL list.
- The LUHPPL has the potential to generate runoff with moderate to higher concentrations of oil and grease (e.g. all parking lots with >1000 vehicle trips per day) and the treatment train includes an oil grit separator, a filtering bioretention area, a sand filter or equivalent.

### Standard 6: Critical Areas

- N/A –No new point source discharges or proposed activities that would impact water quality**
- The discharge is near or to a critical area and the treatment train includes only BMPs that MassDEP has approved for stormwater discharges to or near that particular class of critical area.
- Critical areas and BMPs are identified in the Stormwater Report.





# Checklist for Stormwater Report

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## Checklist (continued)

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

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

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

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

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



# Checklist for Stormwater Report

## Checklist (continued)

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

- The project is highly complex and information is included in the Stormwater Report that explains why it is not possible to submit the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan with the application. A Construction Period Pollution Prevention and Erosion and Sedimentation Control has **not** been included in the Stormwater Report but will be submitted **before** land disturbance begins.
- The project is **not** covered by a NPDES Construction General Permit. **N/A – less than 1 acre of disturbance**
- The project is covered by a NPDES Construction General Permit and a copy of the SWPPP is in the Stormwater Report.
- The project is covered by a NPDES Construction General Permit but no SWPPP been submitted. The SWPPP will be submitted BEFORE land disturbance begins.

### Standard 9: Operation and Maintenance Plan

- N/A –No new stormwater infrastructure proposed**
- The Post Construction Operation and Maintenance Plan is included in the Stormwater Report and includes the following information:
  - Name of the stormwater management system owners;
  - Party responsible for operation and maintenance;
  - Schedule for implementation of routine and non-routine maintenance tasks;
  - Plan showing the location of all stormwater BMPs maintenance access areas;
  - Description and delineation of public safety features;
  - Estimated operation and maintenance budget; and
  - Operation and Maintenance Log Form.
- The responsible party is **not** the owner of the parcel where the BMP is located and the Stormwater Report includes the following submissions:
  - A copy of the legal instrument (deed, homeowner's association, utility trust or other legal entity) that establishes the terms of and legal responsibility for the operation and maintenance of the project site stormwater BMPs;
  - A plan and easement deed that allows site access for the legal entity to operate and maintain BMP functions.

### Standard 10: Prohibition of Illicit Discharges

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



## **Section 1**

### **Registered Professional Engineer's Certification**

The certification of the registered professional engineer that prepared the stormwater report is included on the Stormwater Checklist Form.

## **Section 2**

### **Project Type**

The project proposes to repair the damaged portion of the seawall along East Rodney French Boulevard as well as a section of the Irish Monument Pier at the southern extent of the seawall. The seawall contains an eroded portion where grout has been lost and the precast concrete cap has experienced displacement, which has affected the alignment of the existing railing and allows for erosion of material behind the wall. There are also several displaced/missing stones along the Pier that undermined its structural integrity and pose public health and safety concerns. The seawall will be repaired by cleaning and repointing joints between granite stones, resetting areas of the precast concrete cap, repairing the existing railing, and repairing and/or retrofitting the seaward portions of existing active drainage lines that penetrate the seawall. The seawall is proposed to be repaired with minimal alteration to the existing conditions and minimal impacts to the surrounding resources.

The existing storm drainage system will be maintained, with no new collection systems or point source discharges.

## **Section 3**

### **LID Measures**

Not Applicable. No new development is proposed and no stormwater management options with less impact are available.

## **Section 4**

### **Stormwater Management Standards**

#### ***Standard 1: No New Untreated Discharges***

There are no new stormwater outfalls proposed as a part of this project. No new impervious area will result from the proposed activities.

#### ***Standard 2: Peak Rate Attenuation***

The project will not result in any changes in impervious area or changes in peak discharge rate.

#### ***Standard 3: Recharge***

The project, which is a redevelopment project, will not result in a change in impervious area or change in existing recharge capability. No groundwater recharge features are proposed as part of the project.

***Standard 4: Water Quality***

This is a redevelopment project and there will be no change in impervious area or increase in pollutant loads discharging to resource areas via stormwater runoff.

***Standard 5: Land Uses with Higher Potential Pollutant***

This proposed project is not situated within areas that qualify for consideration as a Land Use with Higher Potential Pollutant Loads.

***Standard 6: Critical Areas***

The proposed project is not located within a Critical Area.

***Standard 7: Redevelopments and Other Projects Subject to the Standards Only to the Maximum Extent Practicable***

This project is a redevelopment project. This Stormwater Report steps through each of the stormwater standards and explains how the proposed project applies to each standard, or meets each standard to the maximum extent practicable.

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

Construction Period Pollution Prevention and Erosion and Sedimentation Control measures are discussed in the Notice of Intent project narrative and are presented on the project drawings. The project will not result in overall disturbance greater than 1 acre, and therefore will not require registration under the EPA Construction General Permit and preparation of a Stormwater Pollution Prevention Plan.

Appropriate erosion and sediment controls will be implemented during construction, including:

- Designation of a site manager by the contractor, who will serve as the responsible party for installing, monitoring, inspecting, and correcting problems with erosion and sediment controls.
- No staging of equipment is proposed in tidal resource areas or in the water.
- There is no proposed plantings, however, any disturbed areas will be restored.
- All work will be conducted during low tide and not impact water quality.
- The site will be inspected daily, this includes daily equipment inspections.
- No concrete wash outs are allowed on site and trucks must return to the plant.
- The contractor is required to keep a current Inspection and Maintenance Log Form on site and available for review.

***Standard 9: Operation and Maintenance Plan***

Not applicable. The proposed redevelopment project does not include any BMPs.

***Standard 10: Prohibition of Illicit Discharges***

No illicit discharges are known on the site. If any are found, they will be disconnected.



