

April 6, 2022

### NOTICE OF INTENT

Under the Wetlands Protection Act (M.G.L. c. 131, §40), the Rivers Protection Act (M.G.L. c. 256, Acts of 1996) and their Regulations (310 CMR 10.00), and the New Bedford Wetlands Protection (Article VII)

For:

# EAST BEACH PARKING LOT GREEN INFRASTRUCTURE RETROFIT

New Bedford, Massachusetts

Owner:

# CITY OF NEW BEDFORD PARKS RECREATION & BEACHES

181 Hillman Street, Building 3 New Bedford, MA 02740

Prepared by:

#### NITSCH ENGINEERING, INC.

2 Center Plaza, Suite 430 Boston, MA 02108

Nitsch Project #14850

Building better communities with you.

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# **SECTION 1**

# NOTICE OF INTENT FORMS

WPA Form 3 - Notice of Intent



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

**A.** General Information

# 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





use the return

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

East Rodney Frenc	h Blvd	New Bedford	MA
a. Street Address		b. City/Town	c. Zip Code
Latitude and Longit	ude.	41.598412	-70.903497
-	uuc.	d. Latitude	e. Longitude
Map 4		Lots 100, 101, 102	
f. Assessors Map/Plat N	umber	g. Parcel /Lot Number	
Applicant:			
Mary		Rapoza	
a. First Name		b. Last Name	
	d, Parks Recreation & I	Beaches	
c. Organization	DUL 0		
181 Hillman Street, d. Street Address	Bidg 3		
New Bedford		MA	02740
e. City/Town		f. State	02740 g. Zip Code
		Mary.rapoza@newbedfor	•
508-961-3015			
a. First Name	i. Fax Number quired if different from a	j. Email Address	e than one owner
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c. City/Town Fee Paid

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# Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

# WPA Form 3 – Notice of Intent

Provided by MassDEP:

MassDEP File Number

Document Transaction Number New Bedford City/Town

Massachusetts Wetlands Protection Act M.G.L. c. 131,	§40
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## A. General Information (continued)

6. General Project Description:

The project proposes to construct stormwater improvements in the three (3) existing East Beach parking lots along East Rodney French Blvd.

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)

2. Limited Project Type

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:

a. County	b. Certificate # (if registered land)
c. Book	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.



# Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands Provided by MassDEP:

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

	<u>Resou</u>	rce Area	Size of Proposed Alteration	Proposed Replacement (if any)	
For all projects	a. 🗌	Bank	1. linear feet	2. linear feet	
affecting other Resource Areas, please attach a	b. 🔄	Bordering Vegetated Wetland	1. square feet	2. square feet	
narrative explaining how the resource	c. 🗌	Land Under Waterbodies and	1. square feet	2. square feet	
area was delineated.		Waterways	3. cubic yards dredged		
	<u>Resour</u>	rce Area	Size of Proposed Alteration	Proposed Replacement (if any)	
	d. 🗌	Bordering Land Subject to Flooding	1. square feet	2. square feet	
			3. cubic feet of flood storage lost	4. cubic feet replaced	
	e. 🗌	Isolated Land Subject to Flooding	1. square feet		
			2. cubic feet of flood storage lost	3. cubic feet replaced	
	f. 🗌	Riverfront Area	1. Name of Waterway (if available) - sp	pecify coastal or inland	
	2.	Width of Riverfront Area	a (check one):		
		25 ft Designated I	ed Densely Developed Areas only		
		100 ft New agricu	Itural projects only		
		200 ft All other pro	ojects		
	3.	Total area of Riverfront A	rea on the site of the proposed proj	ect: square feet	
	4.	Proposed alteration of the	Riverfront Area:		
	a. 1	total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.	
	5.	Has an alternatives analy	sis been done and is it attached to	this NOI? Xes No	
	6.	Was the lot where the act	ivity is proposed created prior to Au	igust 1, 1996? ⊠ Yes 🗌 No	
3	3. 🛛 Co	astal Resource Areas: (Se	ee 310 CMR 10.25-10.35)		
	Note:	for coastal riverfront areas	s, please complete Section B.2.f. a	above.	



#### **Massachusetts Department of Environmental Protection** Provided by MassDEP:

Bureau of Resource Protection - Wetlands

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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		Resou	rce Area	Size of Proposed Alteration	Proposed Replacement (if any)
transaction number		а. 🗌	Designated Port Areas	Indicate size under Land Und	der the Ocean, below
(provided on your receipt page) with all		b. 🗌	Land Under the Ocean	1. square feet	_
supplementary information you submit to the				2. cubic yards dredged	_
Department.		c. 🗌	Barrier Beach	Indicate size under Coastal Be	eaches and/or Coastal Dunes below
		d. 🗌	Coastal Beaches	1. square feet	2. cubic yards beach nourishment
		e. 🗌	Coastal Dunes	1. square feet	2. cubic yards dune nourishment
				Size of Proposed Alteration	Proposed Replacement (if any)
		f. 🗌	Coastal Banks	1. linear feet	_
		g. 🗌	Rocky Intertidal Shores	1. square feet	_
		h. 🗌	Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
		i. 🗌	Land Under Salt Ponds	1. square feet	_
				2. cubic yards dredged	_
		j. 🗌	Land Containing Shellfish	1. square feet	_
		k. 🗌	Fish Runs		anks, inland Bank, Land Under the der Waterbodies and Waterways,
		I. 🔀	Land Subject to Coastal Storm Flowage	1. cubic yards dredged 140,260 1. square feet	_
	4.	If the p	estoration/Enhancement project is for the purpose of a footage that has been enter	restoring or enhancing a wetlan	d resource area in addition to the bove, please enter the additional
		a. squar	e feet of BVW	b. square feet c	of Salt Marsh
	5.	🗌 Pro	oject Involves Stream Cross	sings	
		a. numb	er of new stream crossings	b. number of re	placement stream crossings



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Bureau of Resource Protection - Wetlands

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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.

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
August 1, 2021	1 Rabbit Hill Road Westborough, MA 01581
b. Date of map	Westborough, MA 01361

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\*

(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)
  - Photographs representative of the site (b)

<sup>\*</sup> Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see https://www.mass.gov/maendangered-species-act-mesa-regulatory-review).

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

<sup>\*\*</sup> 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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Bureau of Resource Protection - Wetlands

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

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

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, <u>https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat</u>; 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.		
2.	Separate MESA review origoing.	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 North Shore - Hull to New Hampshire border: the Cape & Islands:

Division of Marine Fisheries -Southeast Marine Fisheries Station Attn: Environmental Reviewer 836 South Rodney French Blvd. New Bedford, MA 02744 Email: <u>dmf.envreview-south@mass.gov</u> Division of Marine Fisheries -North Shore Office Attn: Environmental Reviewer 30 Emerson Avenue Gloucester, MA 01930 Email: dmf.envreview-north@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

c. Is this an aquaculture project?

Ч	Yes	$\square$	No
α.	res		110

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

	Bu	assachusetts Department of Environmental Protection areau of Resource Protection - Wetlands VPA Form 3 – Notice of Intent	Provided by MassDEP: MassDEP File Number Document Transaction Number
	Massachusetts Wetlands Protection Act M.G.L. c. 131, §40		New Bedford
			City/Town
	C.	. Other Applicable Standards and Requirements	(conťd)
	4.	Is any portion of the proposed project within an Area of Critical Environ	mental Concern (ACEC)?
Online Users: Include your document		a. Yes No If yes, provide name of ACEC (see instructions Website for ACEC locations). <b>Note:</b> electronic	
transaction		b. ACEC	
number (provided on your receipt page) with all	5.	Is any portion of the proposed project within an area designated as an (ORW) as designated in the Massachusetts Surface Water Quality Sta	
supplementary		a. 🗌 Yes 🛛 No	
information you submit to the Department.	6.	Is any portion of the site subject to a Wetlands Restriction Order under Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restrict	
		a. 🗌 Yes 🖾 No	
	7.	Is this project subject to provisions of the MassDEP Stormwater Manag	gement Standards?
		<ul> <li>a. Yes. Attach a copy of the Stormwater Report as required by th Standards per 310 CMR 10.05(6)(k)-(q) and check if:</li> <li>1. Applying for Low Impact Development (LID) site design creation Stormwater Management Handbook Vol. 2, Chapter 3)</li> </ul>	-
		2. A portion of the site constitutes redevelopment	
		3. Proprietary BMPs are included in the Stormwater Manager	ment 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 sing or equal to 4 units in multi-family housing project) with no c	
	D.	. Additional Information	
		This is a proposal for an Ecological Restoration Limited Project. Skip S Appendix A: Ecological Restoration Notice of Intent – Minimum Require 10.12).	

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

- 1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
- 2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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# D. Additional Information (cont'd)

- 3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
- 4. List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title		
Nitsch Engineering	Jessica Wala, PE	
b. Prepared By	c. Signed and Stamped by	
April 6, 2022	1"=20	
d. Final Revision Date	e. Scale	
Stormwater Report		April 6, 2022
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. Kee 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	



Massachusetts Department of Environmental Protection Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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# F. Signatures and Submittal Requirements

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

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

1. Signature of Apr 3. Signature ner (if different) 5. Signature of Representative (if any)

2. Dat

4. Date

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#### 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.

# SECTION 2

PROJECT NARRATIVE

# **PROJECT NARRATIVE CONTENTS**

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### 1.0 EXECUTIVE SUMMARY

On behalf of the Applicant, City of New Bedford Parks Recreation & Beaches (Parks), Nitsch Engineering, Inc. is filing the enclosed Notice of Intent (NOI) with the New Bedford Conservation Commission for the proposed East beach Parking Lot Green Infrastructure Retrofit improvements at the three (3) existing East Beach parking lots (subsequently referred to as the "Project"). The Project is located within jurisdictional wetland resource areas associated with the Outer New Bedford Harbor (subsequently referred to as the "Project"). The purpose of this NOI Application is to seek an Order of Conditions from the New Bedford Conservation Commission approving the proposed project under the *Wetlands Protection Act* (M.G.L. c. 131, §40), the *Rivers Protection Act* (M.G.L. c. 256, Acts of 1996) and their Regulations (310 CMR 10.00), City of New Bedford Wetlands Protection Ordinance (Article VII).

This Project is being funded by a Coastal Pollution Remediation Grant from the Massachusetts Office of Energy and Environmental Affairs (EEA) Office of Coastal Zone Management (CZM) and will provide improved water quality and flood mitigation for stormwater being discharged to the Outer New Bedford Harbor.

The Site consists of three (3) separate parking lots located along Rodney French Boulevard East. The improvements include reconstructing and greening the existing parking lot and providing water quality treatment through bioretention basins.

The Project limit of work includes the following parcels:

- Parking Lot A: Map 4, Lot 100
- Parking Lot B: Map 4, Lot 101
- Parking Lot C: Map 4, Lot 102



Figure 1. Site Locus

The Project is located within coastal jurisdictional wetland resource areas, including Land Subject to Coastal Storm Flowage and the 100-foot Buffer Zone associated with Coastal Bank.

As a green infrastructure stormwater project, the Project is designed to mitigate impacts to the jurisdictional wetland resource areas and will result in an overall improvement. Temporary construction impacts will be mitigated through erosion and sedimentation controls. These mitigation measures are further discussed in the narrative below.

### 2.0 EXISTING CONDITIONS

#### 2.1 Existing Site Description

The Project site includes the three (3) existing parking lots along Rodney French Boulevard East. The existing parking lots are entirely paved and are in poor surface condition.

- Parking Lot A:
  - 0.75 Acres
  - Bound by Rodney French Boulevard South to the south, Rodney French Boulevard East to the east, and Seymour Street to the north.

- Parking Lot B:
  - o 0.95 Acres
  - Bound by Seymour Street to the south, Rodney French Boulevard East to the east, and Hudson Street to the north.
- Parking Lot C:
  - o 1.05 Acres
  - Bound by Hudson Street to the south, Rodney French Boulevard East to the east, and Portland Street to the north.

#### 2.2 Wetland Resource Areas

The Project site is bordered by residential parcels and public roadways and is located within Land Subject to Coastal Storm Flowage (LSCSF). The Project site is also located within the 100-foot Buffer Zone associated with Coastal Bank. The Coastal Bank is coincident with the top of the vertical concrete seawall that runs parallel on the east side of East Rodney French Boulevard and landward of the Coastal Beach boundary.

LEC Environmental Consultants, Inc. conducted a site visit on February 20, 2022, to delineate these resource areas as outlined in Table 1A and Table 1B. Detailed information on these resources is provided in the Wetland Resource Area Analysis Report, prepared by LEC Environmental Consultants, Inc, provided in Section 3.

#### Table 1A. Jurisdictional Wetland Resource Areas

Wetland Resource Area	General Location		
Land Subject to Coastal Storm Flowage (Zone AE, Zone VE)	Entire Parking Lot		
Table 1b. Buffer Zones and Local Resource Areas			
Fable 1b. Buffer Zones and Local Resource Areas			
Table 1b. Buffer Zones and Local Resource Areas           Wetland Resource Area	General Location		

#### 2.3 Other Environmental Considerations

#### FEMA Flood Zone

Based on the FEMA Flood Insurance Rate Maps for New Bedford (Community Panel Number 25005 C 0482G), the Project site is located within the 100-year floodplain. The entirety of the parking lots are located with National Flood Hazard Layer (NFHL) Zone AE (1% Annual Chance Flood Hazard), while the eastern portions of the parking lots are located in Zone VE (Coastal Flood Zone With Velocity Hazard/Wave Action).

This floodplain has been classified as Land Subject to Coastal Storm Flowage (LSCSF). Refer to Figure 3 FEMA Map.

#### NHESP Priority and Estimated Habitat

Based on MASSGIS data layers of the 15th Edition of the Natural Heritage Atlas, effective August 1, 2021, published by the Natural Heritage & Endangered Species Program, the Project site is not located within designated Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species and does not

contain any Certified or Potential Vernal Pools (Figure 4 – Natural Heritage and Endangered Species Program Map).

#### Certified and Potential Vernal Pools

There are no certified or potential vernal pools or buffer zones within the Project Site. (Figure 4 – Natural Heritage and Endangered Species Program Map).

#### 3.0 PROPOSED CONDITIONS

The Project consists of the construction of stormwater green infrastructure improvements that have been designed in accordance with the MassDEP Stormwater Management Standards and the City of New Bedford Stormwater Management Rules & Regulations. A summary of these improvements is provided below, and additional information is provided in the enclosed Stormwater Report.

#### 3.1 Overview of Proposed Work

The Project is proposing the construction of repaved parking lots, with a series of infiltrating bioretention basins, non-infiltrating bioretention basin filters, and subsurface infiltration systems. The Project will divert runoff from the adjacent streets and direct this runoff into the subsurface treatment and infiltration system located in the upper portions of the parking lots. The proposed project will result in a net reduction in overall impervious area of 0.47 acres.

The subsurface infiltration system is designed to treat stormwater runoff from the upstream watershed prior to discharging to the existing closed drainage system, improving the water quality discharging to the harbor.

Land Use	Existing (acres)	Proposed (acres) Change		
Impervious Area	3.22	2.75	(0.47)	
Landscape/Pervious		0.47	+0.47	
Total	3.22	3.22		

#### Table 2. Total existing and Proposed Land Cover (Acres)

A) The total alteration area incorporates altered areas within the public way. This area exceeds total area of the lots.

#### 4.0 RESOURCE AREA IMPACTS & PERFORMANCE STANDARD COMPLIANCE

The Project has been designed to limit disturbance in resource areas to the maximum extent possible. However, due to the proximity of the Project site to New Bedford Harbor, some of the proposed work will occur in Land Subject to Coastal Storm Flowage (LSCSF) and the 100-foot Buffer Zone associated with Coastal Bank located outside of the Project limit of work. Because of the nature of the Project in providing stormwater improvements and restoring all disturbed areas, these impacts are anticipated to be temporary and will be mitigated through construction erosion and sediment controls.

The Project will result in a significant **decrease** in impervious area within the wetland resource areas and buffer zones, because of greening of the parking lot Site t.

Table 3a and Table 3b provide a summary of the wetland resource areas impacted by the proposed project.

Table 3a. Summary of alteration within jurisdictional wetland resource areas within the Site			
	Wetland Resource Area	Proposed Alteration Area <sup>A</sup> (acres)	New Impervious Area (acres)
	Land Subject to Coastal Storm Flowage (LSCSF)	3.22	(0.47)

### Table 3a. Summary of alteration within jurisdictional wetland resource areas within the Site

#### Table 3b. Summary of alteration within Buffer Zones and Local Resource Areas

Wetland Resource Area	Proposed Alteration Area (sf) (Permanent)	New Impervious Area (sf)
100-ft Buffer Zone to Coastal Bank	0.77	(0.19)

B) The total alteration area incorporates work within the public way, exceeds total area of the lots.

#### 4.1 Proposed Work Within Land Subject to Coastal Storm Flowage

The Project is located within NFHL Zones AE and VE. This floodplain has been classified as Land Subject to Coastal Storm Flowage (LSCSF). The proposed work within LSCSF includes:

- Replacing the existing impervious parking lot with new asphalt pavement;
- Installing new bioretention basins and landscape areas;
- Installing new and reset existing vertical granite curbing along roadway;
- Installing new drainage structures and pipes including subsurface infiltration systems;
- Landscaping; and
- Associated earthwork and revegetation.

The Project is proposing to maintain the surface cover (with an introduction of pervious landscape areas) and general grading patterns within the LSCSF and the project will not result in a loss of flood storage volume. The Project will largely maintain existing grades within the Sites. Within the parking lot, there may be grade differentials up to a few inches between existing and proposed grades, as the lot will be graded to provide positive drainage There will be additional subsurface storage provided at each parking lot via subsurface stone reservoirs and infiltration systems, which increase the storage capacities of the Sites.

The proposed work within the LSCSF will not restrict flows; the parking lot will be graded to improve drainage and allow for positive drainage to inlet structures and the planters. Additionally, the Project will not impact wildlife habitat negatively within LSCSF. The Project does not include removal of living trees within the Site. The Project will promote coastal habitat by adding over 12,600 SF of landscape area in areas that were previously paved, which will consist of trees and grass mix.

#### 4.2 Proposed Work Within 100-foot Buffer Zone to Coastal Bank

The proposed site improvements within 100-foot Buffer Zone to Coastal Bank include:

- Replacing the existing impervious parking lot with new asphalt pavement;
- Installing new bioretention basins and landscape areas;
- Installing new and reset existing vertical granite curbing along roadway;
- Installing new drainage structures and pipes;
- Landscaping; and
- Associated earthwork and revegetation.

This work within the buffer zone will result in an overall decrease in impervious area, and an increase in landscaped area, greening the Site within the Buffer Zone.

#### 5.0 PROPOSED MITIGATION MEASURES

The proposed project includes numerous mitigation measures to reduce the impact of the project on adjacent environmentally-sensitive areas.

#### 5.1 Pavement Removal

Portions of the existing pavement and adjacent degraded areas located within the Land Subject to Coastal Storm Flowage (LSCSF) will be restored to a pervious landscaped material. The area will be covered with topsoil/soil profile consistent with the natural soils, and then seeded and planted with a native grass mix and trees.

#### 5.2 Construction Period Erosion and Sedimentation Controls

Erosion and sedimentation controls are proposed to reduce the construction-related impact of the proposed project on adjacent wetland resource areas. Control measures will include, but are not limited to, minimizing land disturbance, providing temporary stabilization and covers, installing perimeter controls (silt fence and straw wattles/bales), constructing temporary sediment basins, and providing stormwater inlet protection (silt sack, straw wattles/bales). The contractor will be required to do inspections of all controls regularly to ensure that the controls are working properly. The contractor shall clean and reinstall any control that needs to be cleaned or replaced. Additionally, the contractor will clean/flush the entire stormwater management system prior to final acceptance by the owner.

The proposed project will file of a National Pollutant Discharge Elimination System (NPDES) Stormwater Construction General Permit prior to any planned land disturbance.

#### 5.3 Green Infrastructure Stormwater Management

The proposed green infrastructure stormwater improvements were designed to comply with the requirements of the City of New Bedford Stormwater Management Rules & Regulations (New Bedford Stormwater Regulations) and the Massachusetts Department of Environmental Protection (DEP) Stormwater Management Standards. Best Management Practices (BMPs) will be used to mitigate potential changes in runoff, promote infiltration, and provide water quality treatment. The Project will treat stormwater runoff from within the site, as well as portions of the upstream watershed areas.

Water quality treatment will be achieved using bioretention basins and subsurface infiltration systems. These BMPs were selected because they efficiently remove stormwater pollutants including total suspended solids and phosphorous. The proposed infiltration system will promote groundwater recharge. The enclosed Stormwater Report thoroughly details the proposed stormwater management system and its compliance with local and state regulations

The Stormwater Report includes an Operation and Maintenance Plan that was prepared in compliance with Standard 9 of the 2008 MassDEP Stormwater Handbook to provide best management practices for implementing maintenance activities for the stormwater management system in a manner that minimizes impacts to wetland resource areas. Parks has reviewed and agreed to implement the operation and maintenance practices outlined in the Plan.

#### 5.4 Long-Term Pollution Prevention

A Long-Term Pollution Prevention Plan has been prepared in compliance with the Standards 4 and 9 of the 2008 Massachusetts Department of Environmental Protection (MassDEP) Stormwater Management Standards. The project Owner has reviewed and agreed to implement the management practices outlined in the Plan and proactively conduct operations at the Project site in an environmentally responsible manner.

#### 6.0 CONCLUSION

On behalf of the Applicant, Nitsch Engineering is filing the enclosed Notice of Intent (NOI) Application with the New Bedford Conservation Commission for the stormwater green infrastructure improvements at the East Beach parking lots. The goal of the Project is to treat stormwater prior to discharging to the Harbor, improving the water quality of runoff received by the harbor.

The Project will require permanent alteration of Wetland Resource Areas under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and its Regulations (310 CMR 10.00). The Project provides numerous stormwater quality improvement measures including reducing impervious cover within the Site, treating stormwater runoff to improve the water quality discharging to the coastal resource areas, and providing temporary construction and long-term pollution prevention from the site. This NOI report and supporting documentation provide a thorough description of the design details and regulatory compliance in accordance with the pertinent Wetland Statutes and Regulations. The Applicant seeks an Order of Conditions approving the Project as proposed.

# **SECTION 3**

# WETLAND RESOURCE AREA INFORMATION

Wetland Resource Area Delineation Report



March 18, 2022

Email [bcreamer@nitcheng.com]

Mr. Brian Creamer Nitsch Engineering 2 Center Plaza, Suite 430 Boston, MA 02108

# Re: Wetland Resource Area Analysis Report East Beach Parking Lot Redesign Project New Bedford, Massachusetts

[LEC File #: NEI\21-503.01]

WATERWA

Dear Mr. Creamer:

As requested, LEC Environmental Consultants, Inc., (LEC) conducted a site evaluation and Wetland Resource Area Analysis within the vicinity of the East Beach parking lots on East Rodney French Boulevard in New Bedford, Massachusetts. The purpose of the evaluation was to determine Wetland Resource Area boundaries within and in proximity to the *East Beach Parking Lot Redesign* project area, including the three paved parking lots to the north of the intersection of East Rodney French Boulevard and South Rodney French Boulevard. The evaluation was conducted in accordance with the *Massachusetts Wetlands Protection Act* ("WPA," M.G.L. c. 131, s. 40) and its implementing *Regulations* (310 CMR 10.00), and the *City of New Bedford Wetlands Ordinance* (Section 15). The approximate location of identified Wetland Resource Area boundaries and the project area are depicted on the *Wetland Resource Area Sketch*, prepared by LEC, dated March 3, 2022 (Attachment A, Figure 1).

LANDS

WILDLIFE

The following report provides a general site description, wetland delineation methodology, a description of the Wetland Resource Areas, and potential regulatory implications.

#### **General Site Description**

The *East Beach Parking Lot Redesign Project* area is comprised of three paved parking lots (Assessor's Map 4, Lots 100, 101, & 102) located north of the intersection of East Rodney French Boulevard and South Rodney French Boulevard and west of East Beach in southern New Bedford, Massachusetts (Attachment A, Figures 2 & 3). The project area is located immediately west of East Rodney French Boulevard, north of South Rodney French Boulevard, east of Brock Avenue, and south of Portland Street. A vertical concrete seawall and bike path are situated between the beach and the East Rodney French Boulevard.

Residential development occurs to the north and west, and Fort Tabor Park and associated buildings, landscaping, and Tabor Beach remains to the south. Topography descends from a high point (elevation 29 feet) at the intersection of Portland Street and Brock Avenue towards the project area (elevation 9 feet).

LEC Environmental Consultants, Inc.

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PLYMOUTH, MA

WAKEFIELD, MA

WORCESTER, MA

RINDGE, NH

EAST PROVIDENCE, RI



LEC's site evaluation focused on the project area, comprised of the three East Beach parking lots and surrounding areas, in order to accurately identify and describe Wetland Resource Areas located in proximity to the proposed project. The three parking lots, measuring 0.75-acres, 0.95-acres, and 1.05-acres from south to north, are entirely paved and each is surrounded by paved residential roads and associated residential development to the north and west. Hudson Street and Seymour Street, two residential paved roads, extend in a southeast/northeast direction between Brock Avenue and East Rodney French Boulevard, separating the three parking lots. Access to the parking lots is provided via the aforementioned residential paved roadways.

Topography within the parking lots is generally flat, sloping very gently downgradient to the east towards East Beach. East Beach is a sandy public beach located east of the site, owned and managed by the New Bedford Parks, Recreation & Beaches Department. The beach extends in a northeast/southwest direction between a jetty to the southeast and a concrete pier to the northeast of the project area, and two wooden structures providing shelter for lifeguards and restroom facilities are located on the beach near the intersection of Portland Street and East Rodney French Boulevard.

According to the Natural Resource Conservation Service (NRCS) Soil Survey (Web Soil Survey Bristol County, Massachusetts, Version 15, September 2, 2021), the parking lots are mapped as urban ILand. NRCS describes the Urban Land Series as nearly level to moderately steep areas where the soils have been altered or obscured by urban works and structures. LEC's field observations of the existing conditions were consistent with the NRCS Soil Survey description, as the site is entirely paved. East Beach is mapped as beaches, sand, which is described by NRCS as nearly level to gently sloping areas along the shoreline of the ocean, bays, and coastal lagoons consisting of unconsolidated material. LEC's field observations along East Beach were consistent with the NRCS Soil Survey description.

#### Natural Heritage and Endangered Species Program Designation

According to the 15<sup>th</sup> Edition of the *Massachusetts Natural Heritage Atlas* (effective August 1, 2021) published by the Natural Heritage & Endangered Species Program (NHESP), the site is <u>not</u> located within or in proximity to a *Priority Habitat of Rare Species* (PH) or *Estimated Habitat of Rare Wildlife* (EH); however, the ocean below Mean Low Water (MLW) is mapped within a PH #887 (outside the project area). No Certified Vernal Pools (CVP) or Potential Vernal Pools (PVP) are mapped on or within the immediate vicinity of the site (Attachment B, Figure 3).

#### **Floodplain Designation**

According to the *Federal Emergency Management Agency* (FEMA) *Flood Insurance Rate Map* (FIRM) for the City of New Bedford (Community Panel 25005C0482G), dated July 16, 2014, the entire project area is mapped within a Zone VE (elevation 18-19 NAVD88) – Special Flood Hazard Areas (SFHAs) Subject to the Velocity Zone and Zone AE (elevation 17 NAVD88) - SFHAs subject to inundation by the 1% annual chance flood, Base Flood Elevations Determined. As a result, the site is located within the 100-year floodplain (Attachment A, Figure 4).



#### **Chapter 91 Jurisdiction**

According to the MassGIS Data Layer the project area <u>is not</u> mapped within Chapter 91 Tidelands Jurisdiction (Attachment A, Figure 5).

#### Wetland Boundary Determination Methodology

On February 10, 2022, LEC conducted a site evaluation to identify and characterize existing protectable Wetland Resource Areas located on the site. The presence/absence of BVW was determined through observations of the existing plant communities, using the "fifty percent criteria" to determine dominance of wetland/upland vegetation, the interpretation of soil characteristics, and other indicators of wetland hydrology in accordance with the Massachusetts Department of Environmental Protection (MassDEP) handbook, *Delineating Bordering Vegetated Wetlands under the Massachusetts Wetlands Protection Act* (March 1995), the *Field Indicators for Identifying Hydric Soils in New England* (Version 4, April, 2019), the *Interim Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeastern Region*, and the criteria set forth in 310 CMR 10.55. No BVW was identified within or in proximity to the project area.

Coastal Wetland Resource Areas were identified and demarcated in accordance with criteria set forth at 310 CMR 10.27 through 10.35, as further described below.

#### Wetland Resource Areas

Wetland Resource Areas located within the project area include Land subject to Coastal Storm Flowage (LSCSF). Costal Bank, Coastal Beach, Coastal Dune, Land Under the Ocean, and Land Containing Shellfish are associated with East Beach and located in close proximity to the project area. A brief description of the Wetland Resource Areas is provided below.

#### Land Subject to Coastal Storm Flowage (LSCSF)

Land Subject to Coastal Storm Flowage (LSCSF) is defined at 310 CMR 10.04 as *land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater.* 

As noted above, according to the FEMA FIRM for the City of New Bedford (Community Panel 25005C0482G), dated July 16, 2014, the entire project area is mapped within a Zone VE (elevation 18-19 NAVD88) – *Special Flood Hazard Areas (SFHAs) Subject to the Velocity Zone* and Zone AE (elevation 17 NAVD88) - *SFHAs subject to inundation by the 1% annual chance flood, Base Flood Elevations Determined.* The project area located within Zone VE and Zone AE is protected as LSCSF.

#### Coastal Bank

Coastal bank is defined at 310 CMR 10.30(2) as 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.

Coastal bank is coincident with the top of the vertical concrete seawall that runs parallel on the east side of East Rodney French Boulevard and landward of the Coastal Beach boundary. The project area is not



located within Coastal Bank; however, the project area is partially located within the 100-foot Buffer Zone associated with Coastal Bank.

### Coastal Beach

Coastal beach is defined at 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. Coastal beaches extend from the mean low water line landward to the dune line, coastal bankline or the seaward edge of existing human-made structures, when these structures replace one of the above lines, whichever is closest to the ocean.

Coastal beach associated with East Beach occurs between the shoreline of Buzzards Bay and the vertical concrete seawall that runs parallel to East Rodney French Boulevard. The two wooden structures located atop concrete pads are located on coastal beach. Coastal beach is comprised of fine to coarse sands and cobbles. Sand is imported to the beach annually by the New Bedford Parks, Recreation & Beaches Department to nourish East Beach. The project area is not located within Coastal beach.

#### Coastal Dune

Coastal Dune is defined at 310 CMR 10.32(2) as any natural hill, mound or ridge of sediment landward of a coastal beach deposited by wind action or storm overwash. Coastal dune also means sediment deposited by artificial means and serving the purpose of storm damage prevention or flood control.

Coastal Dune is located to the south of East Beach and immediately east of the vertical concrete sea wall. The vegetated coastal dune is comprised of fine – coarse sands and a vegetative community consisting of mature and sapling tree-of-heaven (*Ailanthus altissima*), patches of American beach grass (*Ammophila breviligulata*), seaside goldenrod (*Solidago sempervirens*), beach rose (*Rosa rugosa*), hawthorn (*Crataegus* sp.), and common reed (*Phragmites australis*). The project area is not located within coastal dune.

#### Land Under the Ocean

Land Under the Ocean is defined at 310 CMR 10.25(2) as *land extending from the mean low water line* seaward to the boundary of the municipality's jurisdiction and includes land under estuaries.

Land Under the Ocean extends seaward of the Mean Low Water (MLW) Line into Buzzards Bay, east of the project area. The project area does not extend within Land Under the Ocean.

#### Land Containing Shellfish

Land Containing Shellfish is defined at 310 CMR 10.34 as *land under the ocean, tidal flats, rocky intertidal shores, salt marshes and land under salt ponds when any such land contains shellfish.* 

Land Containing Shellfish is located seaward of the MHW line on East Beach (Attachment A, Figure 6). Based on the MassDEP Shellfish Suitability Area Datalayer, spawning/settlement life stages for the razor clam (*Siliqua patula*), American oyster (*Crassostrea virginica*), bay scallop (*Argopecten irradians*), and quahog (*Mercenaria mercenaria*) are mapped within Buzzards Bay east of the project footprint. The MassDEP Shellfish Growing Area Datalayer also designates the area as "Conditionally Restricted",

#### Page 4 of 5



conditional based on the rainfall. As noted above, the project area is not located below the MHW Line and thus is not located within Land Containing Shellfish.

#### Summary

The East Street Beach Parking Area project is located within Land Subject to Coastal Storm Flowage (LSCSF) and the 100-foot Buffer Zone to Coastal Resource Areas associated with East Beach. Coastal Resource Areas associated with East Beach include Coastal Bank, Coastal Beach, Coastal Dune, Land Under the Ocean, Land Containing Shellfish, and LSCSF.

The aforementioned Wetland Resource Areas are protected under the *Massachusetts Wetlands Protection Act* (M.G.L. c. 131, s. 40) and its implementing Regulations (310 CMR 10.00), and the *City of New Bedford Wetlands Ordinance* (Section 15). The proposed project area is confined to the three paved parking lots located within LSCSF and the 100-foot Buffer Zone. As such, the project will require filing a Notice of Intent Application with the New Bedford Conservation Commission and the Massachusetts Department of Environmental Protection (MassDEP). Should any portion of the proposed activities or stormwater outfalls occur seaward of the MHW/High Tide Line, additional state and federal permitting with MassDEP and/or the Department of the Army Corps of Engineers may be required.

We appreciate the opportunity to work with you on this project. If you have any questions or require additional information, please do not hesitate to contact us.

Sincerely,

#### LEC Environmental Consultants, Inc.

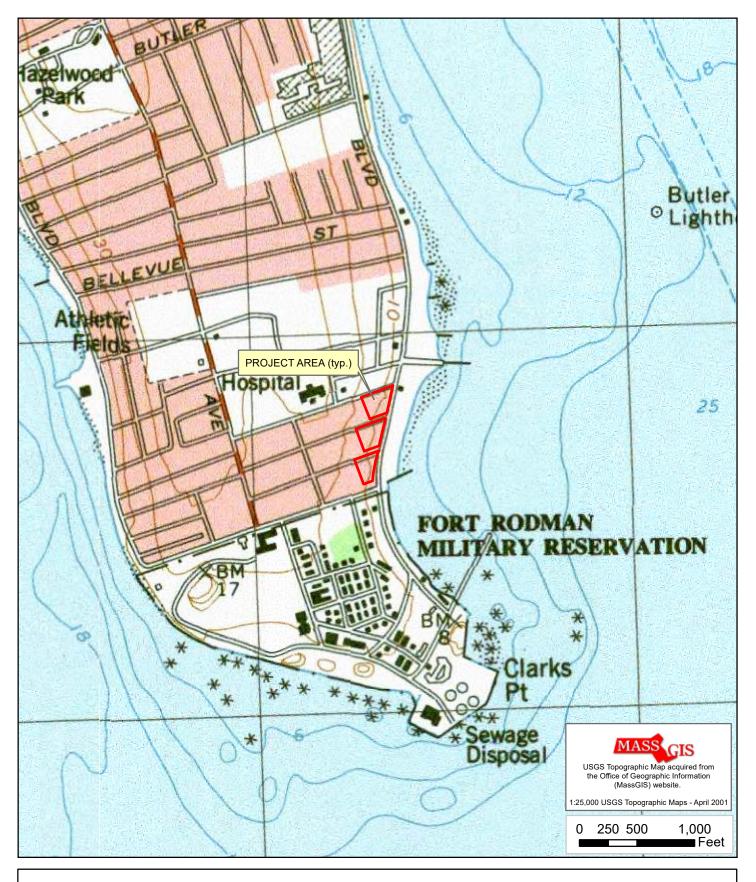
Claire A. Hoogeboom Wetland Scientist

Mark L. Manganello Assistant Director of Ecological Services

EAST PROVIDENCE, RI

### Attachment A

Locus Maps Figure 1: USGS Topographic Map Figure 2: Aerial Orthophoto with NHESP Habitats Map Figure 3: FEMA Flood Insurance Rate Map Figure 4: Chapter 91 Jurisdiction Map Figure 5: Shellfish Habitat Map





# Figure 1: USGS Topographic Map

East Rodney French Boulevard Parking Lots New Bedford, Massachusetts







Figure 1: Wetland Resource Area Sketch East Beach Parking Lot Redesign Project New Bedford, Massachusetts



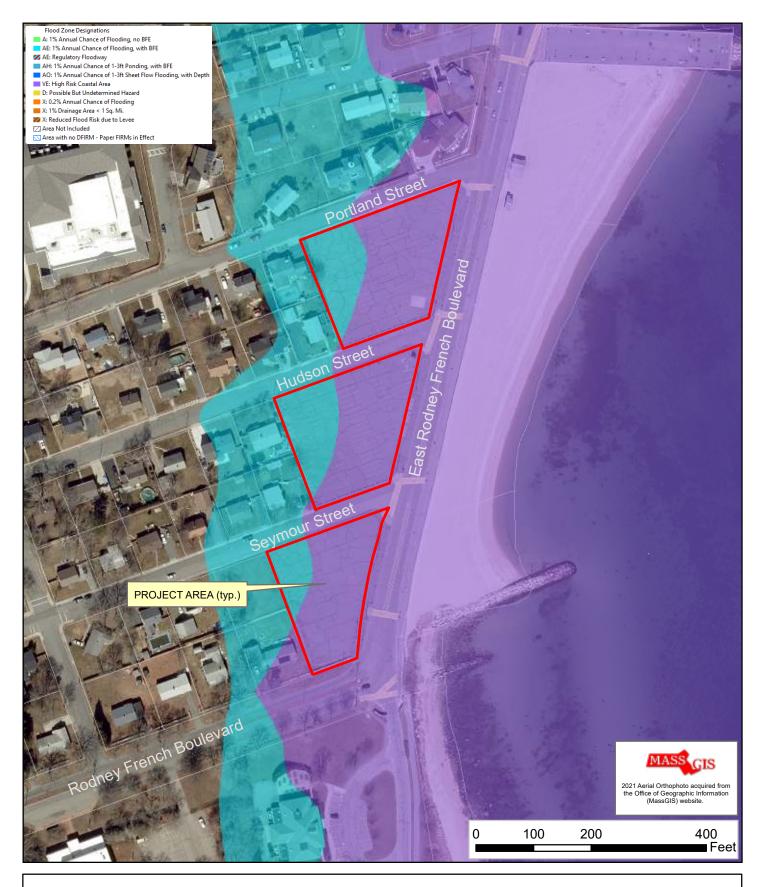


# Figure 2: Aerial Orthophoto & NHESP Map

East Rodney French Boulevard Parking Lots New Bedford, Massachusetts







# Figure 3: FEMA FIRM

East Rodney French Boulevard Parking Lots New Bedford, Massachusetts

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# Figure 4: Chapter 91 Jurisdiction Map

East Rodney French Boulevard Parking Lots New Bedford, Massachusetts

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East Rodney French Boulevard Parking Lots New Bedford, Massachusetts





### Attachment B

Photographs

### Attachment B: Photographs



Photo 1: Southwest view of southernmost parking lot from East Rodney French Boulevard.



Photo 2: West view of southernmost parking lot from East Rodney French Boulevard (continuing from Photo 1).



Photo 3: Northwest view of southernmost parking lot from East Rodney French Boulevard (continuing from Photo 2). Central and northern parking lots in the background.



Photo 4: Southwest view of central parking lot from East Beach (white car parked on Hudson Street).



Photo 5: West view of northern parking lot from East Beach (continuing from Photo 4).



Photo 6: Northwest view of northern parking lot from East Beach (continuing from Photo 5).



Photo 7: View of East Beach from bike path along East Rodney French Boulevard.



Photo 8: North view of East Beach along vertical concrete sea wall. Bike path and East Rodney French Boulevard to the left. Concrete pier in the background.



Photo 9: South view of East Beach from sea wall with northern wooden structure.



Photo 10: South view of East Beach from sea wall with southern wooden structure and electric pole.



Photo 11: South view of East Beach from sea wall south of the wooden structures.



Photo 12: East view of jetty at the southern end of East Beach. Vegetated Coastal Dune developing in central/right portion of photo.



Photo 13: South view of Coastal Dune (continuing from Photo 12), vertical concrete sea wall (with wooden barrier at an opening for pedestrian access), and bike path to the east of East Rodney French Boulevard.

### **SECTION 4**

ABUTTER NOTIFICATION INFORMATION (TO BE SENT BY NEW BEDFORD PARKS RECREATIONS & BEACHES)

#### FIGURES

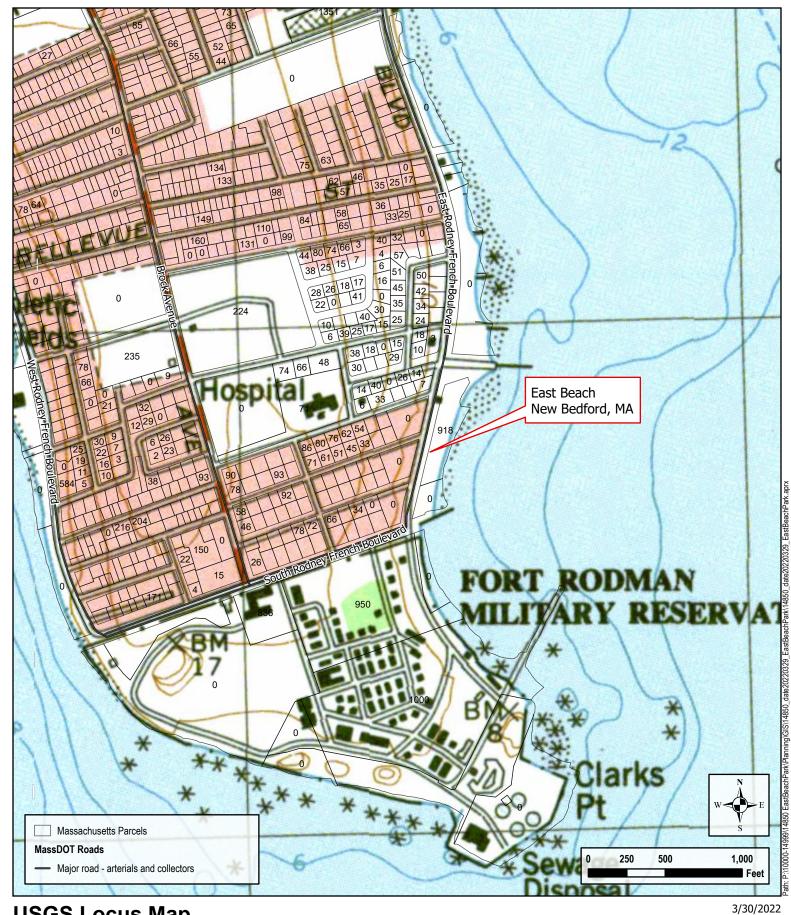
- Figure 1 Resource Area Plan
- Figure 2 USGS Locus Map Figure 3 Aerial Locus Map
- Figure 4 Natural Heritage and Endangered Species Program Map
- Figure 5 FEMA Floodplain Map
- Figure 6 Areas of Critical Environmental Concern Map
- Figure 7 Resource Area Alteration Plan



### MassDEP Wetlands East Beach 1014 E Rodney French Blvd New Bedford, MA 02744

Data Source: MassGIS Nitsch Project #14850 5,51,2022





USGS Locus Map East Beach 1014 E Rodney French Blvd New Bedford, MA 02744 Data Source: MassGIS Nitsch Project #14850





Nitsch Project #14850

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# Natural Heritage and Endangered Species Program Map East Beach 1014 E Rodney French Blvd

EastBeachPark.apr>

New Bedford, MA 02744 Data Source: MassGIS Nitsch Project #14850

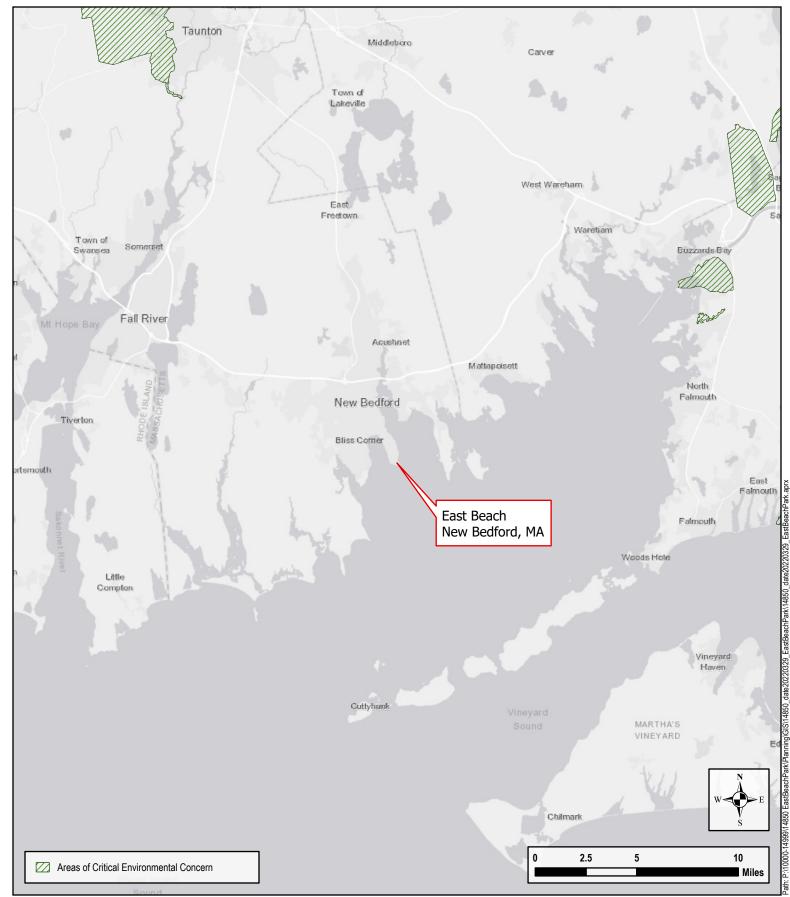




Nitsch Project #14850

3/30/2022





## Areas of Critical Environmental Concern Map East Beach 1014 E Rodney French Blvd New Bedford, MA 02744

Data Source: MassGIS Nitsch Project #14850



3/30/2022

