



November 1, 2022

Chancery Perks, Conservation Commission Agent
New Bedford Conservation Commission
133 William Street
New Bedford, MA 02740

Re: **Request for Order of Conditions Extension**
Pope's Island Resources, LLC
DEP File No. SE49-0835
New Bedford, MA
Pare Project No. 20109.00

Dear members of the New Bedford Conservation Commission:

On behalf of the applicant, Pope's Island Resources, LLC, and pursuant to the Regulations of the Massachusetts Wetlands Protection Act 310CMR 10.00, Pare Corporation (Pare) is pleased to present a Request for Extension of the Order of Conditions (OOC) for the proposed improvements to Pope's Island, located at 137-143 Pope's Island. Enclosed with this letter is a copy of the existing OOC, issued January 9, 2020 (DEP File No SE49-0835).

The applicant requests a one-year extension to the existing OOC which is due to expire on January 9, 2023. An Amended OOC is being proposed to include installation of fuel tanks and additional docking facility on the project site, which were not part of the original plan. The requested extension will allow for plan development, obtaining the amended order, and completion of the proposed work.

On behalf of the applicant, Pare respectfully requests that the New Bedford Conservation Commission grant the current extension through January 9, 2024 to allow for proper permitting and the completion of work. Thank you for your consideration of this application. If you have any questions, please feel free to contact us.

Sincerely,
Pare Corporation

Adam Dutra.
Environmental Scientist

cc: DEP Southeast Region
Popes Island Resources, LLC.
File

Y:\JOBS\20 Jobs\20058.00 LSP Services-MA/PERMITTING/OOC Extension





WPA Form 7 – Extension Permit for Orders of Conditions

SE49-0385

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

Provided by DEP

A. General Information

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



1. Applicant:

Popes Island Resources, LLC.

Name

137 Popes Island

Mailing Address

New Bedford

City/Town

MA

State

02740

Zip Code

2. Property Owner (if different):

Name

Mailing Address

City/Town

State

Zip Code

B. Authorization

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

1/09/2020

Date

Issued by:

New Bedford Conservation Commission

Conservation Commission

for work at:

137 Popes Island

Street Address

60

Assessor's Map/Plat Number

13

Parcel/Lot Number

recorded at the Registry of Deeds for:

Bristol

County

11075

Book

274

Page

Certificate (if registered land)

is hereby extended until:

Date

Date the Order was last extended (if applicable)

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.

This Extension Permit must be signed by a majority of the Conservation Commission and a copy sent to the applicant and the appropriate DEP Regional Office (<https://www.mass.gov/service-details/massdep-regional-offices-by-community>).



WPA Form 7 – Extension Permit for Orders of Conditions

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

B. Authorization (cont.)

Issue Date (mm/dd/yyyy)

Signatures:

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name

Signature

Printed Name



WPA Form 7 – Extension Permit for Orders of Conditions

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

C. Recording Confirmation

The applicant shall record this document in accordance with General Condition 8 of the Order of Conditions (see below), complete the form attached to this Extension Permit, have it stamped by the Registry of Deeds, and return it to the Conservation Commission.

Note: General Condition 8 of the Order of Conditions requires the applicant, prior to commencement of work, to record the final Order (or in this case, the Extension Permit for the Order of Conditions) in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, it shall be noted in the Registry's Granter Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, it shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done.

Detach this page and submit it to the Conservation Commission prior to the expiration of the Order of Conditions subject to this Extension Permit.

To:

New Bedford
Conservation Commission

Please be advised that the Extension Permit to the Order of Conditions for the project at:

137-141 Popes Island
Project Location

SE49-0835
DEP File Number

has been recorded at the Registry of Deeds of:

Bristol
County

for:

Charles Quinn Jr.
Property Owner

and has been noted in the chain of title of the affected property in accordance with General Condition 8 of the original Order of Conditions on:

Date

Book

Page

If recorded land the instrument number which identifies this transaction is:

Instrument Number

If registered land, the document number which identifies this transaction is:

Document Number

Signature of Applicant

COPY



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE49-0835

MassDEP File #

eDEP Transaction #

New Bedford

City/Town

A. General Information

Please note:
this form has
been modified
with added
space to
accommodate
the Registry
of Deeds
Requirements

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



1. From: New Bedford
Conservation Commission
2. This issuance is for
(check one): a. Order of Conditions b. Amended Order of Conditions
3. To: Applicant:
- | | |
|---------------------------------|--------------|
| <u>Scott</u> | <u>Taber</u> |
| a. First Name | b. Last Name |
| <u>Shoreline Resources, LLC</u> | |
| c. Organization | |
| <u>137 Popes Island</u> | |
| d. Mailing Address | |
| <u>New Bedford</u> | <u>MA</u> |
| e. City/Town | f. State |
| | <u>02740</u> |
| | g. Zip Code |
4. Property Owner (if different from applicant):
- | | |
|---------------------------------|-------------------|
| <u>Charles</u> | <u>Quinn, Jr.</u> |
| a. First Name | b. Last Name |
| <u>Shoreline Resources, LLC</u> | |
| c. Organization | |
| <u>137 Popes Island</u> | |
| d. Mailing Address | |
| <u>New Bedford</u> | <u>MA</u> |
| e. City/Town | f. State |
| | <u>02740</u> |
| | g. Zip Code |
5. Project Location:
- | | |
|------------------------------------------|----------------------|
| <u>137-143 Popes Island</u> | <u>New Bedford</u> |
| a. Street Address | b. City/Town |
| <u>Map 60</u> | <u>Lot 13</u> |
| c. Assessors Map/Plat Number | d. Parcel/Lot Number |
| <u>Latitude and Longitude, if known:</u> | |
| <u>41d38m57s</u> | <u>70d54m16s</u> |
| d. Latitude | e. Longitude |



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

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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Bristol (S.D.)
- | | |
|-----------|--------------------------------------------|
| a. County | b. Certificate Number (if registered land) |
| 11075 | 274 |
| c. Book | d. Page |
7. Dates:
- | | | |
|--------------------------------|-------------------------------|---------------------|
| 10/03/2019 | 01/07/2020 | 01/09/2020 |
| a. Date Notice of Intent Filed | b. Date Public Hearing Closed | c. Date of Issuance |
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
True Value Marine Hardware (Existing Conditions, Proposed Condition.Details)
- | | | |
|----------------------------------------------------------------------------------------------------------------|----------------|--------------------------|
| a. Plan Title | b. Prepared By | c. Signed and Stamped by |
| BETA | 12/17/2019 | Danny P. Rebelo, P.E. |
| d. Final Revision Date | e. Scale | g. Date |
| Construction Period Pollution Prevention and Sediment and Erosion Control Plan, Long Term Oper. & Maint. Plan. | 1"=40' | |

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
- Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- | | | |
|--------------------------------------------------|------------------------------------------------------------------|----------------------------------------------------------------|
| a. <input type="checkbox"/> Public Water Supply | b. <input checked="" type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries | f. <input type="checkbox"/> Protection of Wildlife Habitat |
| g. <input type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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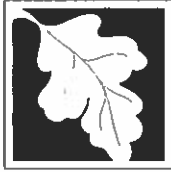
B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 0'
 a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet _____	b. linear feet _____	c. linear feet _____	d. linear feet _____
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
	e. c/y dredged _____	f. c/y dredged _____		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
Cubic Feet Flood Storage	e. cubic feet _____	f. cubic feet _____	g. cubic feet _____	h. cubic feet _____
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet _____	b. square feet _____		
Cubic Feet Flood Storage	c. cubic feet _____	d. cubic feet _____	e. cubic feet _____	f. cubic feet _____
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet _____	b. total sq. feet _____		
Sq ft within 100 ft	c. square feet _____	d. square feet _____	e. square feet _____	f. square feet _____
Sq ft between 100-200 ft	g. square feet _____	h. square feet _____	i. square feet _____	j. square feet _____



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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____ a. square feet	_____ b. square feet		
	_____ c. c/y dredged	_____ d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____ a. square feet	_____ b. square feet	_____ c. nourishment cu yd	_____ d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	_____ a. square feet	_____ b. square feet	_____ c. nourishment cu yd	_____ d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	_____ a. linear feet	_____ b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____ a. square feet	_____ b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____ a. square feet	_____ b. square feet		
	_____ c. c/y dredged	_____ d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
20. <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			
	_____ a. c/y dredged	_____ b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____ a. square feet	_____ b. square feet		
22. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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B. Findings (cont.)

* #23. 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.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 01/09/2023 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number SE49-0835 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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

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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
 - (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
 - i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See attached Special Conditions 21 through 53.

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The New Bedford hereby finds (check one that applies):
 Conservation Commission
- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw _____ 2. Citation _____

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Wetlands Ordinance _____ Sec 15-101
 1. Municipal Ordinance or Bylaw _____ thru 15-112

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):
 MADEP General Conditions 1 through 20 are Special Conditions pursuant to the City of New Bedford Wetlands Ordinance (Sec. 15-101 through 15-112). In addition, see attached Special Conditions 21 through 53.



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 City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

01/09/2020
 1. Date of Issuance

Please indicate the number of members who will sign this form.

3
 2. Number of Signers

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

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

[Handwritten Signature]

[Handwritten Signature]
[Handwritten Signature]

by hand delivery on

by certified mail, return receipt requested, on

01/09/2020
 Date

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

TRUE VALUE MARINE HARDWARE ORDER OF CONDITIONS

Applicant: Scott Taber, Shoreline Resources, LLC

137 Popes Island, New Bedford, MA 02740

Map 60, Lot 13

Owner: Charles Quinn Jr., Shoreline Resources, LLC

137 Popes Island, New Bedford, MA, 02740

SE49-0835 SPECIAL CONDITIONS

21. No activity shall occur prior to obtaining all necessary and required permits, licenses and approvals: and until copies of the same have been furnished to the Conservation Commission.
22. Any design modifications, alterations, amendments, or additions shall be subject to the approval of the New Bedford Conservation Commission. Requests for any changes shall be made in writing and shall be accompanied by a revised plan.
23. No modification to surface features, drainage or topography shall be permitted except as indicated by this Order of Conditions.
24. Contours shall remain unchanged except as permitted by this Order of Conditions.
25. There shall be no construction other than that proposed by the Notice of Intent and included on the plans.
26. Immediately following completion of construction and grading, permanent stabilization shall be carried out to minimize erosion.
27. All wetland areas not to be altered shall be kept clear of rubbish, debris, and construction material.
28. All exposed soil or subsoil shall be replanted with vegetation such as grass, groundcover, shrubs or a wetland seed mix so as to minimize erosion.
29. There shall be minimum disruption of existing grades and vegetation in order to minimize erosion.
30. No runoff shall be caused to drain on adjoining property.

31. All excess material shall be removed from the site.
32. The owners shall notify the Conservation Commission of the work start date prior to its commencement so that regular inspections may be made.
33. The inspector and/or Commission members shall have the right to enter upon the land for the purpose of the inspection and/or the taking of pictures to determine and evaluate compliance with this Order.
34. All facilities and equipment shall be continually maintained so as to comply with this Order of Conditions and M.G.L. Ch. 131 S40, the Wetlands Protection Act and Regulations 310 CMR 10.00 et seq.
35. Certain conditions such as maintenance or monitoring are on-going and are not to expire at the end of three years or with the issuance of a Certificate of Compliance.
36. This Order of Conditions shall apply to any successor in interest or successor in control.
37. Any changes required by any other board or authority may require a new filing with the Conservation Commission.
38. It is the responsibility of the applicant to complete the review required by agencies with jurisdiction over the activity that is subject to this Order of Conditions and procure all required permits or approvals before work commences. These reviews, permits, and approvals may include but are not limited to:
 - The Army Corps of Engineers
 - The MA Department of Environmental Protection
 - The MA Natural Heritage and Endangered Species Program
 - Review by local Planning Boards, Zoning Boards, Board of Health and Building Inspector.
39. The Conservation Commission shall not be responsible or liable for the construction, operation, or maintenance of any part of this project and does not warrant the safety of same.
40. Any fill or construction materials shall be placed in upland areas.
41. Any mitigation and resource protection devices and measures, e.g. straw bales, siltation fence, compost tubes are to be installed prior to the initiation of any work under this Order of Conditions. Silt fence and straw bales shall be trenched into the ground. The Conservation Agent is to be notified when in place for inspection and verification. No work is to be undertaken until written or verbal approval is received from the Conservation Commission or its Agent.
42. In accordance with Condition number fourteen (14), no activity shall take place until the applicant has furnished written documentation that the plans on file with the Conservation Commission are consistent with permits and approvals of other City Boards.
43. Prior to any construction, an on-site inspection is to be held between the proposed contractor, the engineer, and the Conservation Commission Agent to go over the sequence of construction and all

other restrictions and requirements as noted on the Order of Conditions. A written construction schedule is to be received at that time.

44. Any changes in proposed drainage patterns shall require the written approval of the Conservation Commission.
45. Wetland flagging to remain in place until the project has been completed and a Certificate of Compliance issued.
46. Notice of Intent, Order of Conditions and approved plans shall be retained on the site during construction and made available to all contractors.
47. All Conditions are ongoing and do not expire until the issuance of a Certificate of Compliance.
48. As built plans with utilities and grading shall be submitted to the Conservation Commission when the work is complete.
49. Annual Maintenance & Monitoring report detailing the maintenance of the stormwater management devices (hydrodynamic separator, level spreader, salt tolerant grass, deep sump catch basins etc.) shall be submitted to the Conservation Commission in accordance with the approved Long Term Operation and Maintenance Plan.
50. Maintain all grassy areas in the Buffer Zone as shown on the approved plans, including seeding as required to maintain a healthy growth.
51. Sweep the parking lots annually in the Spring and dispose of all sediment in a legal upland location.
52. No storage of chemicals, fuel or other hazardous materials is permitted in the Proposed Storage Area shown on the approved plans.
53. Plans are to be submitted during construction showing the location, inverts, conditions of the outfalls and the associated upstream drainage system for verification by the Conservation Commissioners Consulting Engineer in the field. Any required modification(s) to the drainage system(s) shall be submitted to the Conservation Commission for a determination as to whether an Amended Order is required. Modification(s) approval shall occur during construction and prior to the actual modification(s) being constructed.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE49-0835
 MassDEP File #

eDEP Transaction #
 New Bedford
 City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

New Bedford
 Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

New Bedford
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

137-143 Popes Island, New Bedford
 Project Location

SE49-0835
 MassDEP File Number

Has been recorded at the Registry of Deeds of:

Bristol (S.D.)
 County

Book

Page

for: Shoreline Resources, LLC
 Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

01/09/2020
 Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
 SE49-0835
 MassDEP File #
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 New Bedford
 City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

New Bedford
 Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

New Bedford
 Conservation Commission

Please be advised that the Order of Conditions for the Project at:

137-143 Popes Island, New Bedford SE49-0835
 Project Location MassDEP File Number

Has been recorded at the Registry of Deeds of:

Bristol (S.D.) _____ _____
 County Book Page

for: Shoreline Resources, LLC
 Property Owner

and has been noted in the chain of title of the affected property in:

Book 47F25 Page _____ Doc 00000655

In accordance with the Order of Conditions issued on:

01/09/2020 _____
 Date Bristol South
 Registry District

If recorded land, the instrument number identifying this transaction is: Jan 10, 2020 at 10:05A

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant