



CITY OF NEW BEDFORD

APPLICATION FOR CONNECTION TO
PUBLIC SANITARY SEWER AND/OR STORM DRAIN

Application No. 22120

Date 1-10-92

The undersigned hereby requests permission to connect a building sanitary and/or storm sewer from the premises located at Acush Ave, S.S. 300' W/ Fox St., Assessors' Plot 132.
Lot 264, to the public sanitary/storm sewer(s) in Acush Ave,
Street
the same to be installed in accordance with the terms and conditions set forth herein, and the ordinances of the City of New Bedford.

Name of Property Owner: DUBAL DEVEL CORP. Tel. 999-2162
Please Print

Owner's Mailing Address: P.O. Box 80034 SO, DART, MA

If application is being submitted by other than actual property owner, indicate that person's

Name: _____ Tel. _____

Mailing Address: _____

and attach Letter of Authorization from Property Owner hereto.

BONDED CONTRACTOR OR DRAIN LAYER MAKING INSTALLATION

Name: FRANK CORP. Tel. 995-0554

Address: 4385 ACUSH AVE

JOINT MAINTENANCE AGREEMENT REQUIRED

If this connection is to be part of a private service shared jointly with other building owners, attach copy of Recorded Joint Maintenance Agreement hereto.

PERMITS TO INDUSTRIAL AND/OR COMMERCIAL APPLICANTS

Permits can be issued to Industrial and/or Commercial Applicants only upon receipt and approval by the Commissioner of Public Works of such supplemental information, including drawings, composition and quantity data, and other pertinent information as he may require.

In addition, a valid Industrial User Discharge Permit issued by the City, and a valid Permit for Sewer System Extension or Connection issued by the Commonwealth of Massachusetts, Division of Water Pollution Control, shall be required for applicants wishing to discharge industrial wastes to the City's sewer system.

Industrial User Discharge Permit No. _____ Date _____

Comm. Mass. Sewer Conn./Ext. Permit No. _____ Date _____

TERMS

- a) Type of Pipe Required: PVC SDN-35
- b) Separate Sanitary and Storm connections are required where a 2 - pipe system exists in the street.
- c) All work must be inspected and approved by a D.P.W. Inspector, both in the street and on private property, before backfilling.
- d) A Filing and Inspection Fee of \$ 100.00, plus an Entrance Fee of \$ _____ where applicable, must accompany this application.
- e) Other requirements: 1100 GPD

Applicant agrees to abide by the above terms, as well as all pertinent ordinances of the City of New Bedford, and such other special rules as the Commissioner of Public Works may deem necessary.

Leanne D. Edwards
Commissioner of Public Works

[Signature]
Signature of Property Owner

By: Bill Baer

By: _____
Signature of Owner's Representative



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

Department of Environmental Protection

Southeast Region

Lakeville Hospital, Lakeville, Massachusetts 02347

DANIEL S. GREENBAUM
Commissioner

GILBERT T. JOLY
Regional Director

December 20, 1991

Rene Bouchard
24 Maplecrest Drive
North Dartmouth, Massachusetts 02747

RE: NEW BEDFORD--Wetlands
File No. SE 49-167
Superseding Order of
Conditions

Dear Mr. Bouchard:

Following an on-site inspection, and in-depth review of the above-referenced file, and in accordance with Massachusetts General Laws, Chapter 131, Section 40, the Department of Environmental Protection is issuing the enclosed Superseding Order of Conditions. This Order approves the project as proposed, and sets conditions necessary to properly protect the interests of the Wetlands Protection Act. The Department has determined that the proposed project is significant to the following statutory interests: public and private water supply, ground water supply, flood control, storm damage prevention, prevention of pollution, and the protection of fisheries and wildlife habitat.

The proposed project consists of the construction of an apartment building with associated grading, utilities, and parking area. The project was commenced under an Order of Conditions, dated October 1, 1987, for File No. SE 49-76. The New Bedford Conservation Commission denied the applicant's request for an Extension of said Order in a letter, dated October 15, 1990. The applicant has filed a new Notice of Intent, designated by File No. SE 49-167, and approved in an Order of Conditions, dated July 19, 1991. The Department appealed said Order in a letter, dated July 30, 1991.

The plan accompanying the Notice of Intent failed to identify the presence of Bordering Vegetated Wetland (BVW), 310 CMR 10.55, on the site, some of which will be filled and altered by the proposed project. Failure to properly delineate resource areas is not taken lightly by the Department, and in the future may be cause for the Department to intervene in cases, or take other action as deemed appropriate.

As a result of the on-site inspection, and inquiry about the failure to properly identify resources, the applicant's consultant submitted a revised plan without a request from the Department for such a plan. This plan also fails to accurately identify resource areas. However, the Department has identified the resource area in the location of the proposed filling as the 94' contour, and is requiring that alterations below said contour be considered as additional wetland alteration beyond that shown on the plan of record. Based upon the Department's delineation, approximately 300 square feet of wetland in addition to that shown on the plan will be impacted. Because the plan proposes replication of impacted wetland areas at greater than a 1:1 ratio, the Department finds that there is still enough wetland replication area proposed to adequately compensate for the impacted wetland area, as required by 310 CMR 10.55. For this reason, the Department is approving this project, and making necessary changes through the enclosed Superseding Order of Conditions.

In the opinion of the Department, the reasons given here are sufficient to justify this Superseding Order of Conditions. However, the Department reserves the right, should there be further proceedings in this matter, to raise additional issues, and present further evidence as may be appropriate.

Very truly yours,


Elizabeth A. Kouloheras, Chief
Wetlands Section

K/LL/jt

CERTIFIED MAIL #P622 583 063
RETURN RECEIPT REQUESTED

cc: New Bedford Conservation Commission

SITEC, Inc.
13 Welby Road
New Bedford, MA 02745

Form 5

Commonwealth
of Massachusetts

DET File No.

SE 49-167

(To be certified by DET)

City/Town

NEW BEDFORD

Applicant

Rene Bouchard

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

From Department of Environmental ProtectionTo Rene BouchardSame

(Name of Applicant)

(Name of property owner)

34 Maplecrest Drive

Address North Dartmouth, MA 02747 Address _____

This Order is issued and delivered as follows:

- ☐ by hand delivery to applicant or representative on _____ (date)
- ☒ by certified mail, return receipt requested on December 20, 1991 (date)
P622 583 063

This project is located at Winston Street/Acushnet Avenue, New BedfordThe property is recorded at the Registry of Deeds, Bristol CountyBook 1684 Page 1194

Certificate (if registered) _____

The Notice of Intent for this project was filed on April 22, 1991 (date)The public hearing was closed on May 9, 1991 (date)

Findings

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

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Public water supply | <input checked="" type="checkbox"/> Flood control | <input type="checkbox"/> Land containing shellfish |
| <input checked="" type="checkbox"/> Private water supply | <input checked="" type="checkbox"/> Storm damage prevention | <input checked="" type="checkbox"/> Fisheries |
| <input checked="" type="checkbox"/> Ground water supply | <input checked="" type="checkbox"/> Prevention of pollution | <input checked="" type="checkbox"/> Protection of wildlife habitat |

Total Filing Fee Submitted \$525.00 State Share \$250.00City/Town Share \$275.00 (1/2 fee in excess of \$25)Total Refund Due \$ 0 City/Town Portion \$ 0 State Portion \$ 0

(1/2 total)

(1/2 total)

Effective 11/10/89

5-1

PLANS:

Title	Dated	Signed and Stamped by:	On File with:
Proposed Apartment Building, Acushnet Avenue, New Bedford MA	8/26/91	Steven D. Gioiosa, PE	Department of Environmental Protection

Special Conditions (Use additional paper if necessary)

1. Prior to the commencement of construction, General Condition No. 8, above, must be complied with.
2. All construction must comply with the above-referenced plans and the conditions of this Order. For any proposed change in the approved plans or in the work, the applicant shall file a new Notice of Intent or inquire, in writing, of the Department whether the change is substantial enough to require a new Notice of Intent. No change in plan, under this filing, is permissible without prior written approval from the Department allowing this change.
3. It is the responsibility of the applicant, owner and/or successor(s) to ensure that all conditions of this Order are complied with. The project engineer and contractors are to be provided with a copy of this Order and referenced documents before commencement of construction.
4. Members and agents of the local Conservation Commission and the Department shall have the right to enter and inspect the property at all reasonable times to evaluate compliance with the conditions stated in this Superseding Order, and may require the submittal of any data deemed necessary by this Department for that submittal.

SEE ATTACHED CONDITIONS

(Leave Space Blank)

Special Conditions continued:

5. The Department's review of the proposal indicates that the wetlands boundary is upgradient of that identified by the applicant's consultants. The correct wetlands boundary is considered to be the 94' contour as indicated on the above-referenced plan.
6. Prior to construction, hay bales or silt fence shall be placed immediately downgradient of the proposed limit of fill as shown on the above-referenced plan. Said siltation barrier shall be considered the limit of work, and no work shall occur on the downgradient side of said barrier. Siltation controls in the area of the proposed wetland mitigation area shall be placed as shown on the above-referenced plan. Said siltation controls shall be toed in a minimum of six inches, and staked in place. Said siltation controls shall be maintained as needed until the area has become permanently stabilized. Prior to removal of said siltation controls, any silt trapped on the upgradient side shall be removed.
7. Prior to any additional filling occurring, the applicant shall excavate the area shown on the plan as the proposed wetland replication area to one foot (1') below the proposed finished grade. Hydric soils shall then be placed in the replication area to bring the grade up to the proposed finished grade.
8. The area of proposed wetland replication shall be planted with wetland species of plants, or seeds within the first growing season following the commencement of construction. For the purposes of this Order growing season shall be defined as the period from May 15 through October 30 of any given year. Plants, or seeds to be planted within the replication area shall be cat-tail, Typha latifolia, sedge, Carex lurida, and rushes, Juncus canadensis. The planting of reeds, Phragmites communis, as proposed, IS NOT allowed.
9. Following the completion of construction, an as-built plan shall be submitted to the Department and the New Bedford Conservation Commission. Said plan shall, at a minimum, depict the following features: location of building, and appurtenances, including the proposed parking lot; final grades; area (square feet) of wetland filled based upon a delineation of the wetland as being at and below the existing 94' contour; and area (square feet) of the wetlands replication area.

NOTICE OF APPEAL RIGHTS/ADMINISTRATIVE ORDER/DETERMINATION

APPEAL RIGHTS AND TIME LIMITS

This Order/Determination is an action of the Department. If you are aggrieved by this action, you may request an adjudicatory hearing. A request for a hearing must be made in writing within and postmarked within ten (10) days of the date this Order/Determination was issued.

CONTENTS OF HEARING REQUEST

Under 310 CMR 1.01(6)(b), the request must state clearly and concisely the facts which are the grounds for the request, and the relief sought. Additionally, the request must state why the Order/Determination is not consistent with applicable laws and regulations.

FILING FEE AND ADDRESS

The hearing request along with a valid check payable to Commonwealth of Massachusetts in the amount of \$100 must be mailed to

Commonwealth of Massachusetts
Department of Environmental Protection
P.O. Box 4062
Boston, MA. 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver as described below.

EXEMPTIONS

The filing fee is not required if the appellant is a city or town (or municipal agency), county, or district of the Commonwealth of Massachusetts, or a municipal housing authority.

WAIVER

The Department may waive the adjudicatory hearing filing fee for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file, together with the hearing request as provided above, an affidavit setting forth the facts believed to support the claim of undue financial hardship.

Issued by the Department of Environmental Protection

Signature

Elizabeth A. Kouloheras

Elizabeth A. Kouloheras, Chief, Wetlands Section

On this 20th day of December 19 91 before me personally appeared Elizabeth A. Kouloheras to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Jeanne E. Jurney
Notary Public

Sept. 21, 1995
My commission expires

The applicant, the owner, any person aggrieved by the Superseding Order, any owner of land abutting the land upon which the proposed work is to be done, or any ten persons pursuant to G.L. c. 26A §10A, are hereby notified of their right to request an adjudicatory hearing pursuant to G.L. c. 26A, §10, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this Superseding Order, and is addressed to: **SEE BELOW**

A copy of the request shall at the same time be sent by certified mail or hand delivery to the conservation commission, the applicant, and any other party.

A Notice of Claim for an Adjudicatory Hearing shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(8), and shall contain the following information:

- (a) the DEP Wetlands File Number, name of the applicant and address of the project;
- (b) the complete name, address and telephone number of the party filing the request, and, if represented by counsel, the name and address of the attorney;
- (c) the names and addresses of all other parties, if known;
- (d) a clear and concise statement of (1) the facts which are grounds for the proceeding, (2) the objections to this Superseding Order, including specifically the manner in which it is alleged to be inconsistent with the Department's Wetlands Regulations (310 CMR 10.00) and does not contribute to the protection of the interests identified in the Act, and (3) the relief sought through the adjudicatory hearing, including specifically the changes desired in the Superseding Order;
- (e) a statement that a copy of the request has been sent to the applicant, the conservation commission and each other party or representative of such party, if known.

Failure to submit all necessary information may result in a dismissal by the Department of the Notice of Claim for an Adjudicatory Hearing.

PLEASE REFER TO THE ATTACHED DOCUMENT - NOTICE OF APPEAL RIGHTS For Additional Appeal Procedures/Filing Fee and Address

Detach on dotted line and submit to the _____ prior to commencement of work.

To _____ Issuing Authority

Please be advised that the Order of Conditions for the project at _____

File Number _____ has been recorded at the Registry of _____ and

has been noted in the chain of title of the affected property in accordance with General Condition 8 on _____ 19 _____

If recorded land, the instrument number which identifies this transaction is _____

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

Signature _____ Applicant

K/LCL/jt

Therefore, the Department hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Department orders that all work shall be performed in accordance with said 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.

General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. This Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - (a) the work is a maintenance dredging project as provided for in the Act; or
 - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final Order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Department on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection."
File Number SE 49-167
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.
11. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.
12. The work shall conform to the following plans and special conditions: