

# BEH

**B.E.H. TITLE SERVICES LLC**  
7 Plantation Road  
Mansfield, MA 02048

Phone: 508 889 7079  
Email: [behtitle@comcast.net](mailto:behtitle@comcast.net)

**Client:** Marsh, Moriarty, Ontell & Golder PC

## REPORT

**Sh #**

**Property :** 86 Popes Island New Bedford

**Owners:** City of New Bedford

<b><u>Current Deed:</u></b>	Bk 653 Pg 294	34
	Bk 650 Pg 313	33

<b><u>Plan:</u></b> None of Record – See Assessors Map 60 Lot 2	4
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**Subject to :**

License No.3885 - Bk 412 Pg 303 Rec'd 9/15/1914	25
Shown on plan Bk 13 Pg 67 – 1A-1C	27-29

License No. 111 – Bk 514 Pg 316 Rec'd 3/12/1921	30
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Right of Way granted to City of New Bedford Bk 877 Pg 285 Rec'd 3/1/1944 ( New Bedford Yacht Club owned Map 60 Lot 11 – abuts locus)	37
Property is shown on plan Bk 42 Pg 47	42

Hurricane Barrier Bk 1539 Pg 4 Rec'd 11/23/1966	47
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Grant of Easement Bk 1634 Pg 297 Rec'd 1/27/1972	49
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Grant of Easement Bk 1634 Pg 764 Rec'd 2/3/1972	51
Vote Bk 1689 Pg 851 Rec'd 8/26/1974	53
Shown on Plan Bk 86 Pg 120	54

Order of Conditions DF 805-M Bk 1646 Pg 970 Rec'd 8/21/1972	55
Certificate of Compliance Bk 9259 Pg 230 Rec'd 2/9/2009	57
Possibly non locus – could not determine by Order itself – Compliance indicates this is non locus.	
Order – Wetland Protection Act – File # 49-13 Bk 1754 Pg 734 Rec'd 1/14/1978 ( could not determine if locus by document info ?)	59
Order of Conditions SE 49-72 Bk 1988 Pg 1187 Rec'd 10/6/1986	69
Extension Permit Bk 2680 Pg 97 Rec'd 8/13/1991	73
Order – Dept of Environmental Protection Bk 2431 Pg 330 Rec'd 12/28/1989	75
Shown on Plan Bk 124 Pg 100	79-85
Order of Taking – Highway Layout Bk 3589 Pg 155 Rec'd 12/28/1995	86
Order of Conditions SE 49-442 Bk 6342 Pg 172 Rec'd 7/8/2003	91
Order of Conditions SE 49-0538 Bk 7536 Pg 202 Rec'd 5/4/2005	100
Certificate of Compliance Bk 12876 Pg 126 Rec'd 7/31/2019	111
Order of Conditions SE 49-643 Bk 9803 Pg 327 Rec'd 8/25/2010	113
Order of Conditions SE 49-664 Bk 10117 Pg 207 Rec'd 8/1/2011	127
Order of Conditions SE 49-0703 Bk 11102 Pg 26 Rec'd 6/20/2014	131
Order of Conditions SE 49-0754 Bk 12068 Pg 47 Rec'd 5/8/2017	144
Certificate of Compliance Bk 13810 Pg 222 Rec'd 5/13/2021	158
Order of Conditions SE 49-0805 Bk 12652 Pg 158 Rec'd 12/5/2018 ( I could not 100% determine if this is locus ?)	164
Order of Conditions SE 49-0814 Bk 12814 Pg 138 Rec'd 6/4/2019	181

**There are no current Bankruptcy Records filed at the Registry of Deeds.**

**Exam Begins:** 8/9/1927 and 5/18/1927

**Exam Ends:** 9/15/2025

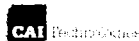
***Brian E Hall – Title Examiner***

***Note: This is a Report based upon a search of records of the Registry of Deeds. I shall not be responsible or liable for mistakes or misrepresentations in the Registry indices/records. My liability in such circumstances shall be limited to a charge of this report.***

**Property Card: 86 POPES ISLAND**  
City of New Bedford, MA

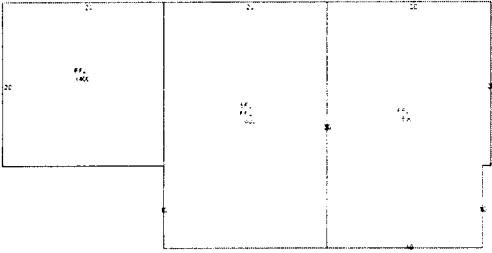



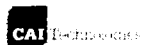
Parcel Information	
<b>Location:</b> 86 POPES ISLAND <b>Parcel ID:</b> 060 0002 <b>Condo Complex:</b> <b>Owner:</b> CITY OF NEW BEDFORD <b>Co-Owner:</b> MARINE PARK <b>Mailing Address:</b> 131 WILLIAM ST NEW BEDFORD, MA 02740  <b>Patriot Account #:</b> 32701	<b>Land Use Code:</b> IMP-CTY CNCL <b>Zone:</b> IA <b>Acres:</b> 9.725 <b>Total Gross Building Area:</b> 2,190 sq. ft. <b>Total Finished Building Area:</b> 2,190 sq. ft.
Sale History	Assessed Value
<b>Sale Date:</b> 12/31/1989 <b>Book &amp; Page:</b> 653-294 <b>Sale Price:</b> <b>Sale Description:</b> <b>Seller:</b> N/A	<b>Land:</b> 11,522,500 <b>Yard:</b> 1,482,100 <b>Building:</b> 220,300 <b>Total:</b> \$13,224,900
Building Details: Building # 1	
<b>Building Type:</b> 132 - Public OFC <b>Year Built:</b> 1991 <b>Quality:</b> C - Average <b>Residential Units:</b> 0 <b>Stories:</b> 2 - 2 <b>Kitchens:</b> 0 <b>No. Full Baths:</b> 0 <b>Add'l Full Baths:</b> 0 <b>3/4 Baths:</b> 0 <b>Half Bath:</b> 1 <b>Add'l Half Bath:</b> 0 <b>Other Fixtures:</b> 20 <b>WS Flues:</b> 0	<b>Int Wall Desc 1:</b> 3 - Drywall <b>Int Wall Desc 2:</b> 0 <b>Ext Wall Desc 1:</b> 11 - Wood Shingle <b>Ext Wall Desc 2:</b> 0 <b>Floor Cover 1:</b> 05 - TileVinAsph <b>Floor Cover 2:</b> - <b>Roof Cover:</b> 1 - Asphalt <b>Roof Structure:</b> 1 - Gable <b>Foundation:</b> 6 - Slab <b>Frame:</b> 1 - Wood <b>Heat :</b> 14 - Baseboard <b>Heat Fuel:</b> 2 - Oil <b>% Air Conditioned:</b> 50



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.

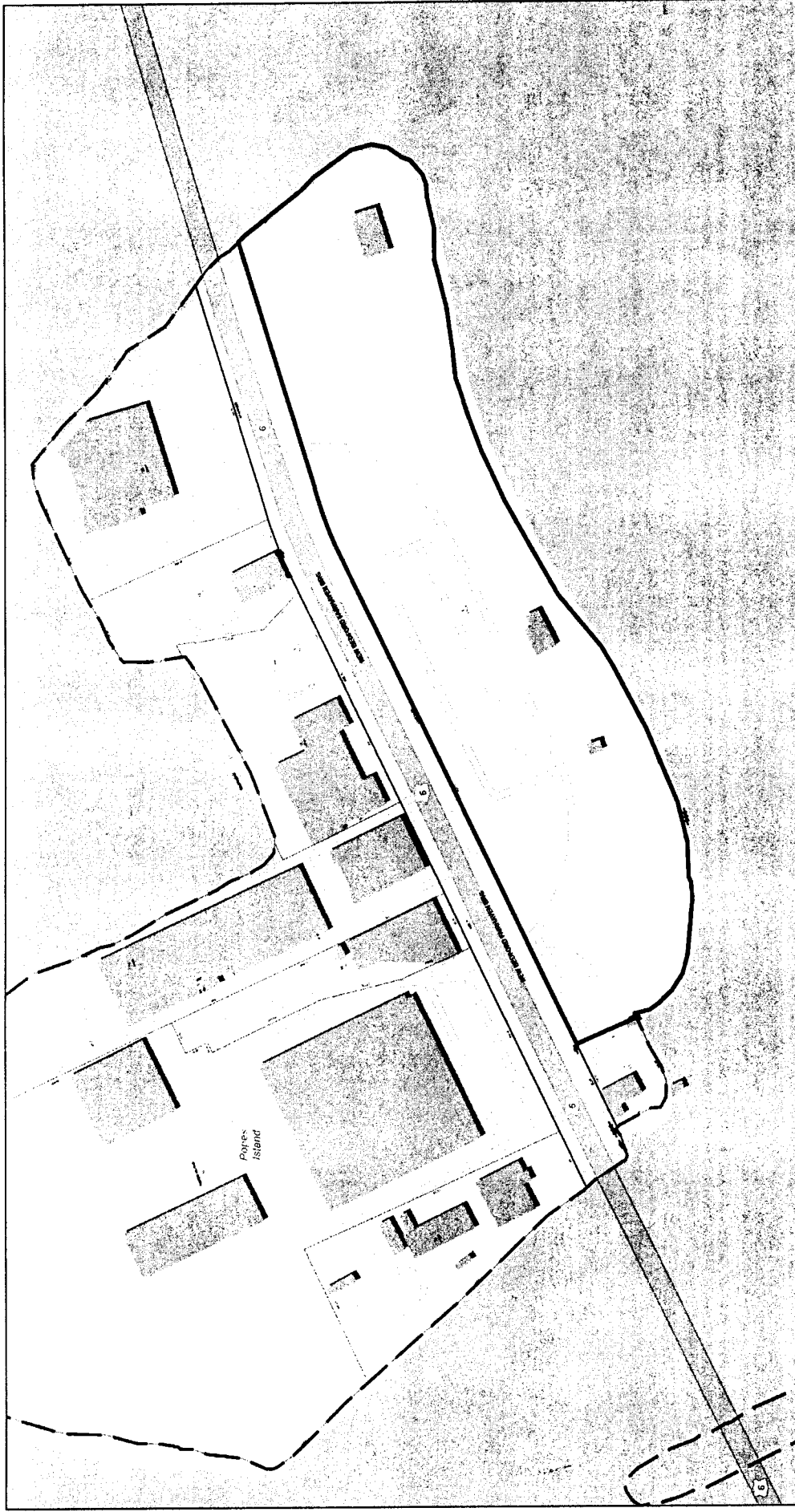
SKETCH		PHOTO
		
<b>Total Tax</b>		
Fiscal Year	Total Valuation	Total Taxes
2025	\$13,224,900	#Error
2024	\$9,988,100	\$0.00
2023	\$4,700,600	\$0.00



[www.cai-tech.com](http://www.cai-tech.com)

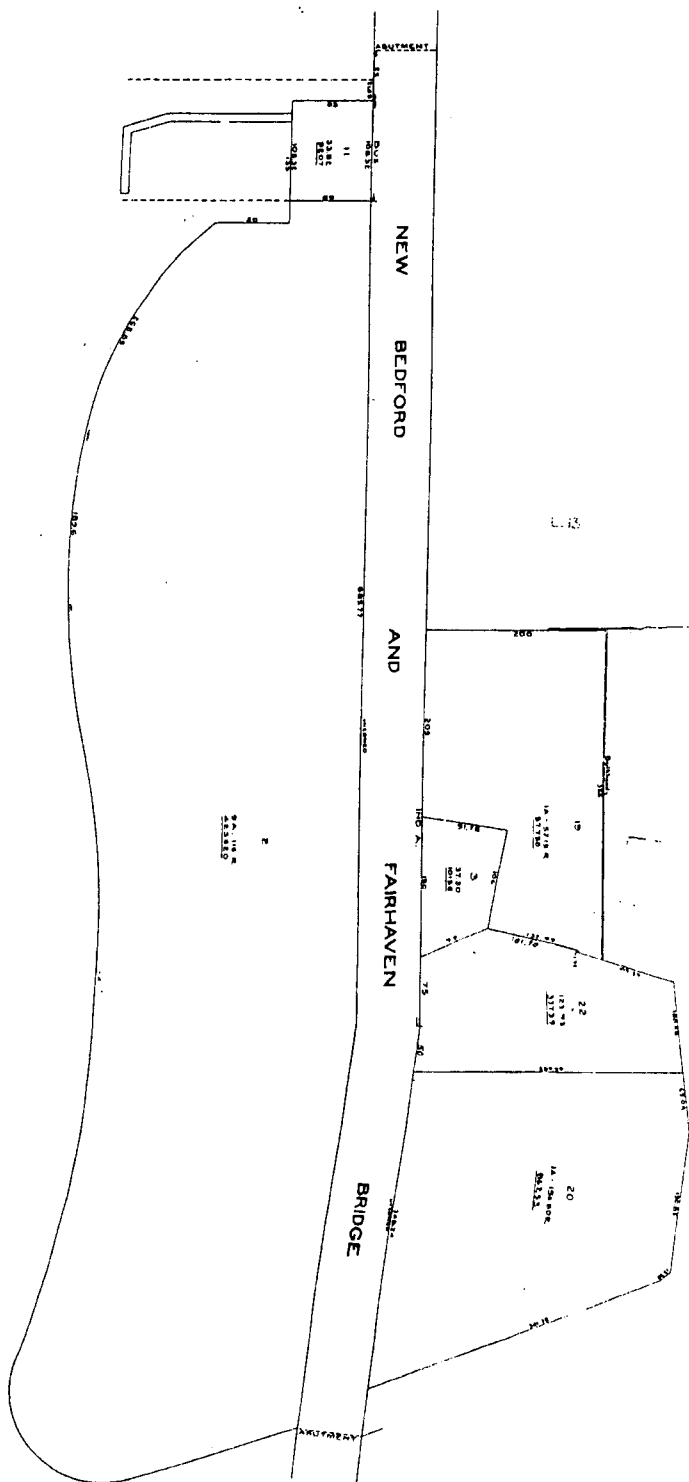
This information is believed to be correct but is subject to change and is not warranted.



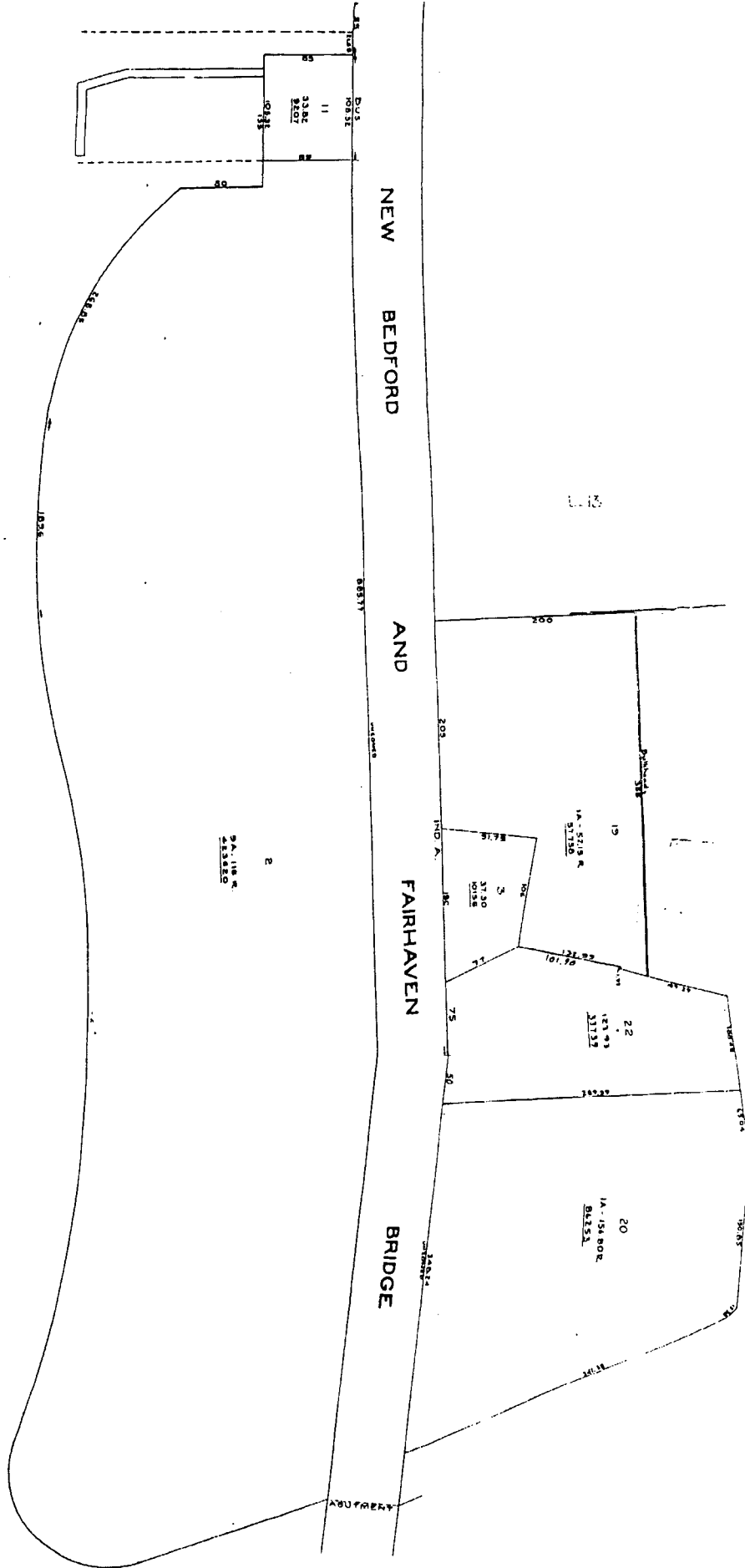


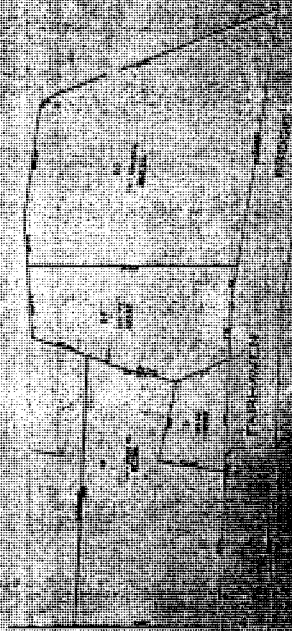
Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

4 map 6



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# BEH TITLE SERVICES., LLC

## SCHEDULE

-CITY OF NEW BEDFORD-

NB + Fairhaven Bridge

Locus: Pope Island New Bedford  
Deed: Book: 653 Page: 294 Date: 8.9.27  
Plan: Book: Page: Lot:

Disposition Code: DIS: Discharged NL: Not Locus PR: Partial Release C: Copy RDMP: Redeemed REL: Released TERM: Terminated

DATE	GRANTEE	BOOK	PAGE	INST.	DISP	BOOK	PAGE	DATE	DESCRIPTION
3-12-21	LICEN	514	316	LICN	Copy	to Fill (Solid)			<del>1-22</del> <del>23-27</del> <del>28-30</del> <del>1935-57</del>
5-16-27	Deed in	650	313	Deed	Copy				
6-15-30	Anthony	692	205	Deed	NL	Map 71 Lt 255			
12-1-30	Houmell	698	343	Deed	NL	Map 137 Lt 41			
3-26-31	Don Don	701	46	Don	NL	County Sr.			
1-29-51	Discharge	710	497	DISC	NL	Map 136 Lt 135			Sylvia PK Plan 318
12-1-50	Rand	688	171	MFR	DIS	1017 5th (4.3.31)			NB + Fairhaven NB Yacht Club Mill / County Sr.
7-4-57	Lis Sanders	793	357	Deed	NL				
1-13-39	NB Hwy	820	373	Deed	NL	Smith Sr			
1-15-29	"	820	329	Deed	NL	Acushnet Ave			
12-30-79	Smith	525	231	Deed	NL				Park Sr.
12-4-40	Agar	834	375	Deed	NL				Numerous T. T. titles - Low Value Springfield Sr.
1-5-50	DeMelle	835	379	Deed	NL				
4-15-46	Smith + Sons	908	311	Deed	NL				Map at 5 Buckle.
11-4-46	Mendoca	922	235	Deed	NL				Temple Sr
11-6-46	Adm	916	347	Deed	NL				ashorn Sr
1-1-77	TK6 - Ernest on	951	80	TK6	NL				16 Acres at Airport



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DATE	GRANTEE	BOOK	PAGE	INST.	DISP	BOOK	PAGE	DATE	DESCRIPTION
<del>7.11.49</del>	N.S. Hawkey	PI-360	714	TLG	NL				Hawkey Blms
<del>5.22.50</del>	Gnd	921	372	D20	NL				Adams St
<del>12.31.51</del>	Dewey	999	1	D20	NL				Morton St
<del>12.31.51</del>	N.S. Hawkey	1037	301	D20	NL				Walker St / Hawkey St.
<del>3.1.49</del>	Street	877	245	CSMT	Cpy				
<del>4.3.51</del>	Wm D20	1017	68	D20	Cpy				42/47 Cpy
<del>6.26.60</del>	N.S. Gm	1315	514	D20	NL				Acushet
<del>6.29.60</del>	Body	1321	1	D20	NL				5272
<del>6.27.62</del>	Lege	1325	127	Lege	-Expired-	NL			Cofra St
<del>7.2.62</del>	City	1375	367	D20	NL				Mgmt
<del>6.14.62</del>	Sicong	1360	196	D20	Cpy				No new what
	Muhit								
<del>12.4.62</del>	Gm	1391	477	CSMT	NL				den 63-23
<del>12.27.62</del>	TKNG Hwy	1393	485	TKG	NL				Rt 195/140
<del>3.7.63</del>	Lege	1400	22	Lege	Expire on NV				Homer's what
<del>6.15.63</del>	Logan Hwy	1417	176	TKNG	NL				Rt 195

# BEH TITLE SERVICES., LLC

1634

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DATE	GRANTEE	BOOK	PAGE	INST.	DISP	BOOK	PAGE	DATE	DESCRIPTION
<del>9/16/63</del>	Order Trng	1420	155	TRNG	NL				Rt 195
<del>9/16/63</del>	"	1420	158	TRNG	NL				Connector Plan 65/R
<del>9/16/63</del>	"	1421	199	TRNG	NL				" plan 65/P
<del>10/26/68</del>	Loge	1425	435	Lease	Term of Lease				" " 65/11
<del>2/4/69</del>	"	1435	251	Lease	Term - B & G Title C.				
<del>2/26/66</del>	Drainage	1511	21	ESMT	NL				71/45
<del>2/26/66</del>	ESMT	1511	27	ESMT	NL				71/49
<del>3/27/66</del>	CASLMT	1512	369	TRNG	NL				Rt 195
<del>9/21/66</del>	OLDEN	1536	376	TRNG	NL				66/10
<del>9/21/66</del>	TRNG								
<del>9/21/66</del>	N.B. Roder	1536	376	TRNG	NL				S. FIRST S.
<del>9/21/66</del>	Grant								
<del>9/21/66</del>	Donor								
<del>11/25/66</del>	Hurricane Barrier	1639	4	TRNG	✓ 12/24 Map 60 1.				Hurricane Barrier -
<del>11/25/66</del>	Grant	1555	991	ESMT	NL				73/34
<del>11/25/66</del>	Grant	1555	991	ESMT	NL				Hathaway's
<del>11/25/66</del>	Lease	1565	694	Lease	(Expired)				75/30
<del>11/25/66</del>	N.B. Roder	1587	298	DAD	NL				Rt 140
<del>11/25/66</del>	TRNG	1587	298	DAD	NL				Abmms vha P
<del>11/25/66</del>	TRNG	1587	298	DAD	NL				21/12
<del>11/25/66</del>	TRNG	1587	298	DAD	NL				Rt 140
<del>11/25/66</del>	License	1602	97	LICN	NL				22/38
<del>11/25/66</del>	License	1602	97	LICN	NL				Ashty RLO



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DATE	GRANTEE	BOOK	PAGE	INST.	DISP	BOOK	PAGE	DATE	DESCRIPTION
<del>11.30.79</del>	<del>Eastmont</del>	<del>1609</del>	<del>451</del>	<del>CSMT</del>	<del>NL</del>				<del>2.7A. TR 1540</del>
									<del>R.6 A 1120</del>
<del>11.3.79</del>	<del>"</del>	<del>1609</del>	<del>453</del>	<del>CSMT</del>	<del>NL</del>				
<del>2.5.72</del>	<del>Stewart</del>	<del>1624</del>	<del>764</del>	<del>CSMT</del>	<del>Cym</del>				<del>R-6</del>
* <del>4.17.72</del>	<del>Campbell</del>	<del>1646</del>	<del>751</del>	<del>DEED</del>	<del>NL</del>	<del>Mpg 60</del>	<del>4,78</del>		<del>Risk 1/16</del>
									<del>NB. Fairview</del>
* <del>5.2.72</del>	<del>OROCAL</del>	<del>1646</del>	<del>970</del>	<del>o/c</del>	<del>Cym</del>	<del>(NL)</del>			<del>R-6</del>
	<del>(md)</del>				<del>Comp</del>	<del>9259</del>	<del>235</del>		
<del>2.17.75</del>	<del>TAKNE</del>	<del>1672</del>	<del>13</del>	<del>TRAC</del>	<del>NL</del>	<del>Order of</del>	<del>Contract</del>	<del>73-27</del>	
<del>2.19.75</del>	<del>LORSC</del>	<del>1696</del>	<del>1092</del>	<del>ASMT</del>	<del>NA</del>	<del>NL</del>			<del>Southwest Air</del>
	<del>ASMT</del>								
<del>4.22.78</del>	<del>Lispenders</del>	<del>1737</del>	<del>237</del>	<del>SMIT</del>	<del>NL</del>	<del>LT 18</del>	<del>Mpg 60</del>		<del>1614-452</del>
<del>3.27.75</del>	<del>CEA-</del>	<del>1659</del>	<del>271</del>	<del>CF</del>	<del>OK</del>	<del>(NA)</del>			
				<del>Vote</del>					
<del>4.26.74</del>	<del>Eastmont</del>	<del>1669</del>	<del>851</del>	<del>CSMT</del>	<del>Cym</del>				
<del>4.31.79</del>	<del>Deed in</del>	<del>1552</del>	<del>433</del>	<del>DEED</del>	<del>NL</del>				<del>Long treatment</del>
									<del>Rolling Ranch</del>

8. 1986

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DATE	GRANTEE	BOOK	PAGE	INST.	DISP	BOOK	PAGE	DATE	DESCRIPTION
									1978 - 99
									2000 - 10
1878	Orla Cur	1784	734	O/C	NL				plan 3, 4
604. 21	ext o/c	1763	478	ext	NL				
62478	ORION	1764	552	O/C	NL				
72571	"	1764	388	O/C	NL				Map 9, 10 215
122078	Siscom	1775	1009	DMT	NL				plan 97/59
122078	"	1775	1013	DMT	NL				plan 97/40
94779	TAKING	1776	483	TR	NL				pumping station
94779	Beaujeu	1790	1125	DOLO	NL				Light house
92079	Pontes	1792	28	DOLO	NL				" "
10879	Beaujeu	1793	57	DOLO	NL				Riviera Terr
14879	MUNY	1795	703	DOLO	NL				Douglas St
122479	Orla Cur	1798	299	O/C	NL				Mobile Rms Map 58
41079	AFEDANT	1803	256	NL	NL	ALBESOX	C		Re 1795-102
51500	Petition	1804	238	PR	NL				Coffin St.
61150	Rentado	1805	491	DOLO	NL				church St
51000	LAHUNT	1807	1046	DMT	NL				FS/55
									Herman Melville Rms



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DATE	GRANTEE	BOOK	PAGE	INST.	DISP	BOOK	PAGE	DATE	DESCRIPTION
<del>12480</del>	<del>FRASWORTH</del>	<del>1814</del>	<del>454</del>	<del>ESMT</del>	<del>NL</del>				<del>plg 106/60</del>
<del>12480</del>	<del>TITLING</del>	<del>1816</del>	<del>90</del>	<del>TRNG</del>	<del>NL</del>	<del>SPRINGFIELD ST</del>			<del>airport TN 342</del>
<del>14381</del>	<del>O/C</del>	<del>1816</del>	<del>724</del>	<del>CL</del>	<del>NL</del>	<del>TR 418/432</del>			<del>purchase S 20</del>
						<del>UNION ST</del>			<del>State Plon</del>
<del>32681</del>	<del>ORDON TNA</del>	<del>1820</del>	<del>320</del>	<del>TRNG</del>	<del>NL</del>				<del>John F Kennedy</del>
<del>2681</del>	<del>CASEY</del>	<del>1825</del>	<del>891</del>	<del>DEED</del>	<del>NL</del>				<del>memorial Hwy</del>
									<del>Freedom Blvd</del>
<del>9381</del>	<del>REITMS</del>	<del>1828</del>	<del>1134</del>	<del>DEED</del>	<del>NL</del>				<del>Lt 37</del>
									<del>Riverview Tenn</del>
<del>9881</del>	<del>VEIGA</del>	<del>1828</del>	<del>1137</del>	<del>DEED</del>	<del>NL</del>				<del>Lt 68</del>
									<del>Freedom Blvd</del>
									<del>Lt 34</del>
<del>32881</del>	<del>FRASWORTH</del>	<del>1838</del>	<del>483</del>	<del>ESMT</del>	<del>NL</del>				<del>106/10</del>
	<del>COMM ELECTRIC</del>								<del>Herman McMillan Blvd</del>
<del>8882</del>	<del>"</del>	<del>1840</del>	<del>454</del>	<del>ESMT</del>	<del>NL</del>				<del>71/36</del>
									<del>Acushnet Ave</del>
<del>12282</del>	<del>ORDON TNA</del>	<del>1845</del>	<del>50</del>	<del>TRNG</del>	<del>NL</del>				<del>John F Kennedy</del>
									<del>Memorial Hwy</del>
<del>12682</del>	<del>NIC VIL</del>	<del>1848</del>	<del>1080</del>	<del>VAR</del>	<del>NL</del>				<del>Map 66 - Lt 112, 121</del>
<del>12282</del>	<del>GRUGIA</del>	<del>1853</del>	<del>246</del>	<del>DEED</del>	<del>NL</del>				<del>William St Acushnet A</del>
<del>13183</del>	<del>FRASWORTH</del>	<del>1855</del>	<del>1070</del>	<del>ESMT</del>	<del>NL</del>				<del>107/25 C1 C</del>
									<del>Herman McMillan Blvd</del>
<del>24683</del>	<del>COMM ELECT</del>	<del>1856</del>	<del>915</del>	<del>ESMT</del>	<del>NL</del>		<del>107/75</del>		<del>NORTH</del>
									<del>TERMINAL</del>
<del>91995</del>	<del>Correm -</del>	<del>1860</del>	<del>866</del>	<del>DEED</del>	<del>NL</del>	<del>WASHINGTON A</del>			<del>Acushnet Ave</del>
<del>4685</del>	<del>FRUNION</del>	<del>1870</del>	<del>392</del>	<del>DEED</del>	<del>NL</del>				<del>Herman McMillan Blvd</del>
<del>41283</del>	<del>COLLETA</del>	<del>1877</del>	<del>160</del>	<del>DEED</del>	<del>NL</del>				<del>Madison St</del>



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3684	Cutino	1886	510	DEED	NL				Monterey St.
7084	Comm Elect	1896	1006	ESMT	NL				Coffin St Margaret St
92284	ORDER <del>NL</del>	1904	20	O/C	NL				Popa's Island - TR 1879-904
32205	CONDITIONS	1917	231	O/C	NL				TR 938/234 Green Lucker Co 38/32
7188	ORDER <del>NL</del>	1925	1066	O/C	NL				(9 Acres) TR 1853-813 81/32
101785	Comm. Elect	1938	880	ESMT	NL				Riverside Ave 112/B1
5886	"	1962	1244	ESMT	NL				Coffin St 113/113
71786	"	1974	630	ESMT	NL				MT. Pleasant St 113/72
71782	"	1974	633	ESMT	NL				Herman Melville Blvd 114/21
10082	ORDER <del>NL</del>	1988	1187	O/C	NL				
7687	CONDITIONS	2034	1204	O/C	NL				
10187	"	2045	417	O/C	NL				NORTH TERMINAL SE 49-24 TAKIN Place
101987	Approval	2053	1042	APR	NL				Audubon Pl 118/50
4388	Comm Elect	2117	70	ESMT	NL				pcl L 109/152
82088	Comm " "	2143	200	ESMT	NL				TR 1216/313 120/1
61788	Comm Elect	2155	49	ESMT	NL				Herman Melville Blvd 31/20
47084	Comm of Mass	2308	115	DEED	NL				Hathaway Pl MAXFIELD St
									purchase St



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DATE	GRANTEE	BOOK	PAGE	INST.	DISP	BOOK	PAGE	DATE	DESCRIPTION
5/12/99	Agreement	2319	328	AGMT	NL				map 125A LT 467-468
9/11/99	ORDER	2374	35	TRAC	NL				123/124
	TRAC								
9/15/99	"	2374	36	TRAC	NL	"	"		
10/6/99	Comm	2385	309	LSMT	NL				(playground)
	ELECTRIC								31/73
3/25/90	ORDER	2468	80	O/C	NL				Hathaway Co
	COND								Amador Ave
2/23/90	Comm	2486	209	LSMT	NL				125/61
	Street								Archard Ave
7/20/91	Licent	2696	229	425W	NL			Map 121	LTS 6-24
4/16/92	ORDER	2801	245	O/C	NL				NORTH DENMINER
	CONDONS								off Harvey McMillan
10/9/92	"	2847	137	O/C	NL				State prr
9/9/92	ORDER	2894	52	O/C	NL				IN 9/10-492 816/82
	COND								Map 72 LT 243
9/6/92	Receptions	2197	206	NA					IN 1575-85
			217						Receptions - for IT
3/25/93	AMOT (USA)	3022	195	DEED	NL				2 Acres
3/25/93	ORDER	3025	50	O/C	NL				Phillips Co
	COND.								
4/18/93	Comm Map	3037	67	ORDER	NL				184 St
11/29/94	SALE	3586	336	COMT	NL				16000 St.
12/20/99	Licent	2431	330	LICN	copy plan	124	100	Cy	96/40 p1/2
									NORTH TOWN

# BEH TITLE SERVICES., LLC

## SCHEDULE

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DATE	GRANTEE	BOOK	PAGE	INST.	DISP	BOOK	PAGE	DATE	DESCRIPTION
<del>11/21/95</del>	<del>ORDER</del>	<del>3520</del>	<del>150</del>	<del>ORDER</del>	<del>NL</del>				<del>C1-B.</del>
<del>11/21/95</del>	<del>Garment</del>	<del>3520</del>	<del>151</del>	<del>ESMT</del>	<del>NL</del>	<del>McArthur Burs</del>			<del>parish, Senfold</del>
<del>11/21/95</del>	<del>ORDER</del>	<del>3520</del>	<del>165</del>	<del>ORD</del>	<del>NL</del>			"	<del>Honors Wharf</del>
<del>12/29/95</del>	<del>TRNG - Hwy</del>	<del>3549</del>	<del>155</del>	<del>TRNG</del>	<del>COPY</del>	<del>Locus?</del>			
<del>12/29/96</del>	<del>ORDER</del>	<del>3691</del>	<del>314</del>	<del>ORDER</del>	<del>NA</del>	<del>Anty. Subd.</del>			<del>135/20</del>
<del>10/19/96</del>	<del>ORDER</del>	<del>3748</del>	<del>17</del>	<del>ORD</del>	<del>NL</del>	<del>SURDIVISON</del>	<del>CONTRACT</del>	<del>1488/288</del>	
<del>10/19/96</del>	<del>Curto</del>	<del>3769</del>	<del>164</del>	<del>DEEDS</del>	<del>NL</del>				<del>all low value</del>
			<del>143</del>						<del>Deeds</del>
<del>2/10/96</del>	<del>Ryos A</del>	<del>3742</del>	<del>223</del>	<del>DEEDS</del>	<del>NL</del>				<del>Sundry NL</del>
			<del>241</del>						<del>Low Value Deeds</del>
<del>12/29/96</del>	<del>ORDER</del>	<del>3785</del>	<del>10</del>	<del>O/C</del>	<del>NL</del>				<del>Shawmut Ave</del>
<del>12/29/96</del>	<del>Order</del>	<del>3785</del>	<del>77</del>	<del>DEED</del>	<del>NL</del>				<del>Map 17A LT 112</del>
<del>12/29/96</del>	<del>Amended</del>	<del>3790</del>	<del>162</del>	<del>DEEDS</del>	<del>NL</del>				<del>Sundry Deeds</del>
			<del>175</del>						
<del>12/29/96</del>	<del>Garment</del>	<del>3813</del>	<del>153</del>	<del>ESMT</del>	<del>NL</del>				<del>Christopher Ct.</del>
<del>3/29/97</del>	<del>Order</del>	<del>3832</del>	<del>76</del>	<del>O/C</del>	<del>NL</del>				<del>Green Wood Pier.</del>
<del>4/29/97</del>	<del>Shawmut</del>	<del>4096</del>	<del>335</del>	<del>ESMT</del>	<del>NL</del>				<del>Tr 1451 - 1104</del>
									<del>Map 116 LT 4</del>

# BEH TITLE SERVICES., LLC

## SCHEDULE

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DATE	GRANTEE	BOOK	PAGE	INST.	DISP	BOOK	PAGE	DATE	DESCRIPTION
6/9/91	Laguna	4128	270	TRAC	NL				Julie P. H.
1/29/92	Lauremont	4145	63	ESMT	NL				Map 121 - Lt 37
7/31/92	Convent	4123	34	ESMT	NL				Rt 195 airport.
12/4/92	NTS Red. Arth	4272	167	CR	NL	Spring St Hendrix St.			Sanjour Center Police pkg Lot
3/23/99	Order Card	4371	158	O/C	NL				Map 152 Lot 478 3596 - 377
5/4/99	Order Card	4413	283	O/C	NL				Map 17 - Lt 133
6/29/99	ORDER CONS.	4403	36	O/C	NL				Map 124C - Lt 36
5/6/01	UNASS	4400	107	ESMT	NL	Posner French Dr			132/4L
5/6/01	US A	4495	257	RMS	NL	Sanger St			145/56, 57
5/6/01	"	4495	266	RMS	NL	Sanger St			" "
5/6/01	ORDER	4495	276	ORDER	NL			Map 93 Lt 262	
12/22/01	NTZ	5306	344	NTZ	NL				Blackburn St
3/3/02	Com Glac	5418	165	ESMT	NL	North Terminal			148/117
2/19/02	Planning Mt.	5210	25	NTZ	NL	Danvers Valley			149/109, 110
2/19/02	"	5210	26	NTZ	NL	Woodford St			
2/28/02	Access	5217	149	ESMT	NL				Arson St
10/1/02	Mobile Arson	5232	128	Deed	NL				96/26 100/47

# BEH TITLE SERVICES., LLC

## SCHEDULE

6342  
172

Locus :

Deed : Book: Page: Date:

Plan: Book: Page: Lot:

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DATE	GRANTEE	BOOK	PAGE	INST.	DISP	BOOK	PAGE	DATE	DESCRIPTION
<del>112002</del>	<del>Joe Hawley</del>	<del>5433</del>	<del>190</del>	<del>MIC</del>	<del>NL</del>				<del>State Theatre Condo</del>
<del>44705</del>	<del>Belle</del>	<del>6147</del>	<del>113</del>	<del>COMT</del>	<del>NL</del>				<del>School / purchase of</del>
<del>94403</del>	<del>Comm MRS</del>	<del>6533</del>	<del>49</del>	<del>ESMT</del>	<del>NL</del>				<del>William Jr</del>
<del>42605</del>	<del>NB.</del>	<del>6678</del>	<del>38</del>	<del>DEED</del>	<del>NL</del>				<del>Aurich Ave</del>
<del>2604</del>	<del>NB. Redeem</del>	<del>6776</del>	<del>45</del>	<del>DEED</del>	<del>NL</del>				<del>Plat 66 Lt 10/</del>
<del>32004</del>	<del>S. H. Hagan</del>	<del>6850</del>	<del>11</del>	<del>DEED</del>	<del>NL</del>				<del>133</del>
<del>6904</del>	<del>Comm Steel</del>	<del>7005</del>	<del>177</del>	<del>ESMT</del>	<del>NL</del>				<del>UNOW purchase</del>
<del>42004</del>	<del>NB.</del>	<del>7132</del>	<del>223</del>	<del>DEED</del>	<del>NL</del>				<del>125/44</del>
<del>2405</del>	<del>Rede.</del>	<del>7404</del>	<del>226</del>	<del>ACMT</del>	<del>NA</del>				<del>SPRING St.</del>
<del>2905</del>	<del>Arrovox</del>	<del>7406</del>	<del>240</del>	<del>ACMT</del>	<del>NA</del>				<del>McNarden Dr.</del>
<del>42505</del>	<del>OKAON</del>	<del>7515</del>	<del>173</del>	<del>DEED</del>	<del>NL</del>				<del>108/1</del>
<del>9705</del>	<del>License</del>	<del>7775</del>	<del>80</del>	<del>AMDT</del>	<del>NL</del>				<del>Map 98 Lt 23</del>
<del>22506</del>	<del>License</del>	<del>8013</del>	<del>139</del>	<del>LICS</del>	<del>NL</del>				<del>Map 123 Lt 33.578</del>
<del>5506</del>	<del>ORDER</del>	<del>8121</del>	<del>83</del>	<del>TRNL</del>	<del>NL</del>				<del>Map 123 Lt 3</del>
<del>9206</del>	<del>LC. Done</del>	<del>8333</del>	<del>94</del>	<del>DEED</del>	<del>NL</del>				<del>14/38</del>
<del>5707</del>	<del>RECT. B. H.</del>	<del>8868</del>	<del>82</del>	<del>ACMT</del>	<del>NL</del>				<del>Tucker Hill</del>
<del>10206</del>	<del>License</del>	<del>8378</del>	<del>61</del>	<del>LICN</del>	<del>NL</del>				<del>Map 11 Bk 2</del>



# BEH TITLE SERVICES., LLC

## SCHEDULE

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7536-202 ✓

NS

CITY Planning

NS

Plans

Locus :

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DATE	GRANTEE	BOOK	PAGE	INST.	DISP	BOOK	PAGE	DATE	DESCRIPTION
<del>2207</del>	ORDER	8517	299	ORD	NL	Arushnet Ave			
<del>12207</del>	CRUMPT	8929	298	COMT	NL	Map 161 Lt 46			150/22
<del>32407</del>	APPROX	8926	158	APP	NL				Map 118 Lt 43P
<del>9107</del>	N.B.	4145	36	DCUS	NL				Water Jr ext.
<del>9107</del>	"	9145	39	DCUS	NL				J.F. Kennedy Memorial Hwy
<del>6909</del>	ORDER	9401	104	ORD	NL	Zuckerman's Inn			100/12
<del>12909</del>	"	9412	306	ORD	NL	Coggeshall St			Sanger St
<del>31809</del>	Mass Loan	9582	168	LICN	NL	E. Pooner Road			165/7
<del>71009</del>	"	9582	173	LICN	NL	Westman Road			165/5
<del>2410</del>	Groundwater	9761	157	RM	NL				740 Belleville Ave
<del>22810</del>	ORDER	9773	90	TRG	NL				John F. Kennedy Hwy
<del>91410</del>	TAYLOR	9824	115	TRG	NL	P51P			166/43 "
<del>6002</del>	APP	3669	53	APP	NL				Map 20 Lt 102
<del>1603</del>	Complete	5830	135	COMT	NL				243 pages 15/18
<del>31107</del>	ORDER	5894	61	O/C	NL				Map 60 Lt 18
<del>3308</del>	"	6042	19	O/C	NL				243 pages 15/18
<del>7103</del>	"	6327	10	O/C	NL				Phillips P1

## SCHEDULE

Plan: Book: Page: Lot:

DATE	GRANTEE	BOOK	PAGE	INST.	DISP	BOOK	PAGE	DATE	DESCRIPTION
4-19-11	CORRENT	10081	164	CMPT	NL	Hazelnuro PK		2011-6-15	
6-24-11	Comm Glect	10093	30	D220	NL	Map 11 Lot 56			Map 53 LT 12A
7-16-11	ORDR Land	10449 10150	46 11	OFE OL	NL	My 47 LT 21C			Stenaship wharf. 255
11-11-11	ORDLN	10268	51	OND	NL				f3d .S. Rading French BLVD
4-14-12	Agreement	10338	351	Amtt	NL				Pharady Dr.
3-19-15	ORDLN Comm	11317	329	O/C	NL				palmis Island Map 32 LT 1, 2
8-24-15	CPRT	11442	126	CF	(Dgn REGISTR)				Map 124 LT 3 JACK 1627-2
1-18-11	Dr. Don Car	9962	305	O/C	NL				Mc Ardlen Dr. Map 42, 47
5-16-11	"	10061	113	O/C	NL	Map 72			
6-22-11	"	10088	133	O/C	NL	Map 60 LT 1P			243 Paper Island
4-11-11	"	1017	207	O/C	COPY				
4-16-11	"	10150	11	O/C	NL				LT 47-LT 212, 175 William St.
4-19-12	"	10270	290	O/C	NL				map 134 LT 3
3-14-15	"	11317	329	O/C	NL				palmis Island map 32 LT 1, 2
4-20-14	" "	11102	26	O/A	✓ (X) (X) (X)	In index under			Drad Dred
4-21-15	Agent	11397	325	Amr	NL				Tremont Court Eun Newton S Harrington PK

# BEH TITLE SERVICES., LLC

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DATE	GRANTEE	BOOK	PAGE	INST.	DISP	BOOK	PAGE	DATE	DESCRIPTION
9/27/6	order	11626	77	ORD	NA	order to vacate	2016-220		
10/27/6	"	11641	244	ONS	NA	TN 1173/14	TN 10536-190,191		
						Re: 10546-231	Smyer Sr.		
10/27/6	ARMON	11649	339	A#	NL	mtg's affidavit	Deed 9260/216		
11/27/6	JUDGMENT	11669	278	JUDG	NA		Re: 9045-143		
							Vacation Ind.		
4/24/7	Act vt	12057	41	CF	NL		Greenwood Sr.		
4/24/7	"	12058	1	CF	NL		NB. High School		
6/27/7	Agent/CSAT	12177	160	Agent	NL		Lt 5 142/85		
							Acushet Ave		
6/27/7	M2 Act	14775	132	ACT	NL	Map 72 Lt 241	Herman Melville Blvd		
			228	CR	NA	Map 72 Lt 275			
						Map 66 Lot 101, 133, 172			
6/4/9	order end	12614	138	O/C	✓	***			
						copy			
12/6/6	"	11592	104	O/C	NL				
							137 Pope St		
							Map 60 Lt 13		
5/5/7	order end	12068	47	O/C	✓	***			
						copy			
9/5/7	"	12192	33	O/C	NL				
							Map 47		
12/5/7	"	12340	22	O/C	NL		Steamship pier		
							Vicbrich St		
12/5/7	"	12652	158	O/C	✓	NL ??	Map 130 D		
						copy			
6/4/9	"	12614	158	O/C	✓	copy			

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# BEH TITLE SERVICES., LLC

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DATE	GRANTEE	BOOK	PAGE	INST.	DISP	BOOK	PAGE	DATE	DESCRIPTION
12-03-03	ORDEN	6093	37	O/C	NL	Map	123		Airport
12-11-03	ORDEN	6699	311	O/C	NL		123		Podney French Run
12-10-06	Cons. Rn.	7492	120	O/C	NL				Map 2 Lt 1, 2 Bridley Rd ext.
4-1-10	Cons. Rn.	4683	21	Rns	NL				Map 135 - Lt 27 & 6
3-20-09	ORDEN	9281	348	ORDEN	NL				116 Piggles Sr
6-25-10	ORDEN	9803	327	O/C	Copy	Locus			Map 69 Lt 16 102 paper Island
2-2-00	ORDEN	4630	160	ORDEN	NL				144/56 John Van Houten Blvd
5-31-00	RES. Convey	4693	319	Rns	NL				5th Sr Bethel water Sr
2-20-03	ORDEN	6342	172	O/C	Copy				
8-10-01	ORDEN	4445	140	JUR	NL				Map 1230 Lt 242
4-10-07	ORDEN	7271	250	MBR	NL				Nh. Kinnick Den
5-12-05	ORDEN	7547	127	ORDEN	NL				Map 115 Lt 1 In 14-501
5-10-05	ORDEN	7536	202	O/C	Copy	1276	126		



May 18 1927

July 31 1927

City of New York

This image shows a dark, high-contrast, black and white photograph of a heavily textured surface. The texture is grainy and uneven, with many small, light-colored specks and fibers visible against the dark background. A prominent vertical crease or fold line runs down the center of the image, suggesting it might be a book cover or endpaper. The lighting is very low, creating a dramatic, almost abstract effect.

## The Commonwealth of Massachusetts

No. 3885.

(State Seal)

Whereas, the City of New Bedford, in the County of Bristol, and Commonwealth aforesaid, has applied to the Board of Harbor and Land Commissioners for licence to build bulkheads, sea walls and other structures, to fill solid and to dredge in Acushnet River in the city of New Bedford, and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the Mayor and Aldermen of the city of New Bedford; Now said Board, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor and Council, authorizes and licenses the said City of New Bedford, subject to the provisions of the ninety-sixth chapter of the Revised Laws, and of all laws which are or may be in force applicable thereto, to build bulkheads, sea walls and other structures, to fill solid and to dredge in Acushnet River southerly of and adjacent to the New Bedford and Fairhaven bridge in the city of New Bedford, for the purpose of providing a marine park, in conformity with the accompanying plan No. 3885, which shows the outline of the area to be filled and to be enclosed by a temporary pile and timber bulkhead or a permanent retaining wall as shown in section on said plan, and the location of a proposed public landing. No filling shall be done in tide water until a timber bulkhead or retaining wall has been first built to prevent the escape or flow of material into the tide waters of said river beyond the area herein authorized to be filled. This license is granted subject to the laws of the United States. The Plan of said work is on file in the office of said Board, numbered 3885, and a duplicate of said plan accompanies this License, and is to be referred to as a part hereof. Nothing in this License shall be so construed as to impair the legal rights of any person. This License shall be void unless the same, and the accompanying plan, are recorded within one year from the date hereof, in the Registry of Deeds for the Southern District of the County of Bristol. In Witness Whereof, said Board of Harbor and Land Commissioners have hereunto set their hands this fourth day of August, in the year nineteen hundred and fourteen.

Wm E. McNary ) Harbor and  
Chas C Paine ) Land  
Geo. M. Harlow ) Commissioners.

THE COMMONWEALTH OF MASSACHUSETTS.

Boston, Aug. 6, 1914

Approved by the Governor and Council.

E. F. Hamlin  
Executive Secretary.

IN BOARD OF ALDERMEN. Aug 24 1914 191 Received, placed on file and sent  
down for concurrence. W H B Remington CITY CLERK.

5639

Harbor & Land  
Commissioners

to

City of New  
Bedford



IN COMMON COUNCIL, SEP 10 1914 19 Concurred. Charles P. Sawyer CJFRK.  
Received and recorded Sept. 15, 1914 at 9 hrs. 17 min. A. M.

Attest,

*Robert G. Collins* Register

5642  
Connors  
to  
Mello

Know all men by these presents that I, John Connors, of New Bedford, in the County of Bristol, and Commonwealth of Massachusetts in consideration of One Dollar and other valuable considerations paid by Carlos C. Mello, of said New Bedford the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sell and convey unto the said CARLOS C. MELLO hereinafter called the "Grantee", a certain lot or parcel of land, situated in said New Bedford, and bounded and described as follows: Viz: Beginning at the North-east corner of this lot at a point in the South line of Brier Street, so called, said point being about four hundred twenty-one (421) feet Westerly from the West line of Rookdale Avenue and at the North-west corner of land now or formerly of Ellen Buroher: Thence Southerly in line of said Buroher land one hundred five (105) feet to land now or formerly of F. C. Fermino: thence Westerly in line of said Fermino land and land of E. A. Sylvia fifty-one and 85/100 (51.85) feet to land now or formerly of G. Pena: thence Northerly in line of said Pena Land one hundred five (105) feet to said South line of Brier Street: and thence Easterly in said South line of Brier Street fifty-one and 85/100 (51.85) feet to the place of beginning. Containing Twenty (20) Rods, more or less. Being the first lot described in the deed of Joseph M. Tripp to me dated October 11, 1906, and recorded with Bristol County (S.D.) Deeds, Book 253 page 198. To have and to hold the granted premises, with all the privileges and appurtenances thereto belonging, to the said Grantee, CARLOS C. MELLO, and his heirs and assigns, to their own use and behoof forever. And I hereby for myself and my heirs, executors, and administrators covenant with the said grantee and his heirs and assigns that I am lawfully seized in fee-simple of the granted premises; that they are free from all incumbrances; that I have good right to sell and convey the same as aforesaid; and that I will and my heirs, executors, and administrators shall warrant and defend the same to the said grantee and his heirs and assigns forever against the lawful claims and demands of all persons. And for the consideration aforesaid I, Johanna Connors, wife of said John Connors, do hereby release unto the said grantee and his heirs and assigns all right of or to both dower and homestead in the granted premises, and all other rights and interests therein In witness whereof we the said John Connors and Johanna Connors, hereunto set our hands and seals this Third (3rd) day of September in the year one thousand nine hundred and fourteen.

Signed and sealed in presence of

Chas. N. Richmond to J. C.

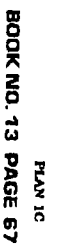
John Connors (I.S.)

Joanna Connors (I.S.)

Commonwealth of Massachusetts

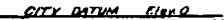
BRISTOL ss. New Bedford, Sept 3 1914. Then personally appeared the above-





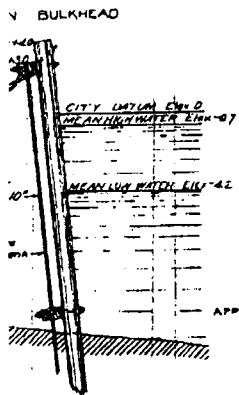
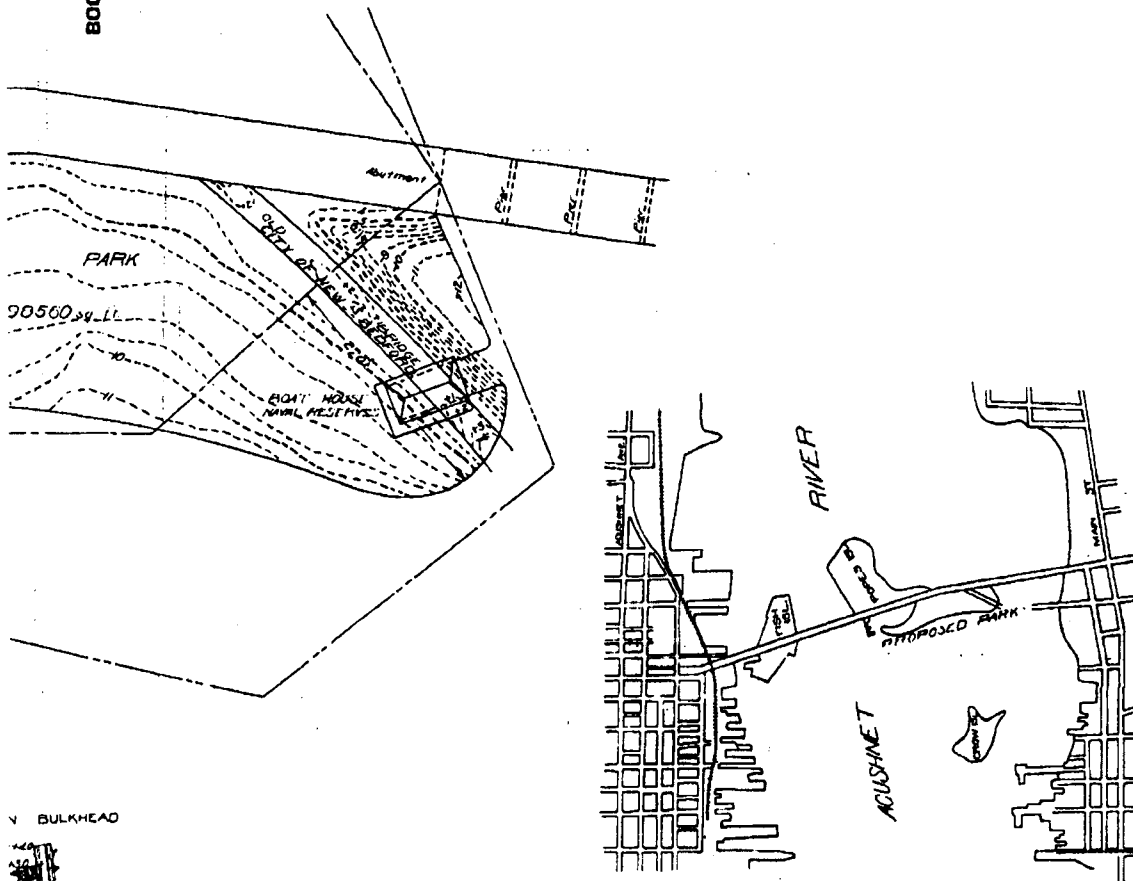


Dimensions to vary with the depth of water.



TYPE OF TEMPORARY WOODEN BUL





PLAN TO ACCOMPANY THE PETITION OF THE  
CITY OF NEW BEDFORD  
FOR LICENSE TO BUILD A MARINE PARK SOUTH  
OF THE NEW BEDFORD AND FAIRHAVEN BRIDGE  
APRIL 13 1914. SCALE - 1 INCH = 20 FEET  
PREPARED BY THE ENGINEERING DEPARTMENT

NO. 3885  
APPROVED BY HARBOR AND LAND COM.  
AUGUST 4, 1914

*George W. C. C. C.*  
CITY ENGINEER.

*W. L. McFarland*  
*Charles E. Harris*  
*Geo. H. Harlow*

*24.15.14*  
*Robert D. Sullivan*

thence North sixty-one (61) degrees fifty-five (55) minutes West, one hundred eighty (180) feet to a stone bound;  
thence North thirty-three (33) degrees twenty (20) minutes East four hundred forty-five (445) feet to a stone bound, in said South line of Betty Lane;

thence South thirty-seven (37) degrees thirty-five (35) minutes East in said South line of Betty Lane, one hundred eighty-nine and one half (189 1/2) feet to point of beginning.

Containing one and 67/100 (1.67) Acres, more or less.

Together with the right to pass and repass to and from, over and upon said way called Betty Lane, to and from County Road, now called Acushnet Avenue.

For reference see deed of John A. Cunniff, to Thomas Whitworth and Elizabeth Ann Whitworth, dated April 17, 1919 and recorded with Bristol County (S.D.) Registry of Deeds, Book 473, pages 228-229. Also see deed of Ernest Whitworth, et al, all the heirs at law of Thomas Whitworth to me dated February 28, 1921, and recorded herewith.

Witness my hand and seal this 12th day of March 1921

1-@1. 4-50¢ Int. Revenue Stamps

Cancelled C N R 3/12/21

Elizabeth A. Whitworth (L.S.)

Commonwealth of Massachusetts

Bristol ss. New Bedford, March 12th 1921. Then personally appeared the above named Elizabeth A. Whitworth and acknowledged the foregoing instrument to be her free act and deed, before me Chas. M. Richmond Justice of the Peace My commission expires Sept. 11, 1922.

Received and recorded Mar. 12. 1921 at 12 hrs and 41 min P. M.

Attest:

*Albert B. Collins*  
Register

The Commonwealth of Massachusetts No. 111

Public Works  
Water-  
Lands.

B.

Whereas, the City of New Bedford, in the County of Bristol and Commonwealth aforesaid, has applied to the Department of Public Works, Division of Waterways and Public Lands, for license to continue the construction of the timber and riprap bulkhead and solid fill on the south side of the New Bedford and Fairhaven Bridge, in Acushnet River, at Pope's Island, in the city of New Bedford, (the New Bedford Yacht Club joining in said application) and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon has been given, as required by law, to the Mayor and Aldermen of the city of New Bedford;

Now, said Department, Division of Waterways and Public Lands, having heard all parties desiring to be heard, and having fully considered said application, hereby authorizes and licenses the said City of New Bedford subject to the provisions of the ninety-first chapter of the General Laws and of all laws which are or may be in force applicable thereto, to build and maintain a pile and timber bulkhead, and riprap slope, and to fill so in Acushnet River, at Pope's Island, in the city of New Bedford on the

southerly side of the New Bedford and Fairhaven Bridge, for the purpose of providing a marine park adjoining an area which said city was authorized to fill solid for said purpose by License No. 3885 granted by the Harbor and Land Commissioners August 4, 1914, in conformity with the accompanying plan No. 111.

A bulkhead, shown as type B on said plan, is to be built on lines described as follows: Beginning at a point marked A on said plan, in the southerly side line of said bridge and 55 feet easterly from the abutment of said bridge, and running southerly, at right angles with said southerly side line of said bridge, 170 feet to a point marked B on or within the Massachusetts Harbor Line; thence running at right angles with said line A-B, 100 feet to a point marked C. Beginning again at said point C, a bulkhead shown as type A on said plan, is to be built on a curved line extending in a general easterly direction 476 feet, more or less, to a point marked D. in the present structure, thence running in the present structure and the line of completed fill as shown on said plan, passing through a point marked E on said plan, to a point marked F. in said southerly side line of said bridge; thence running westerly to A. the point of beginning.

A riprap slope may be constructed outside of said lines A-B, B-C, C-D, the toe of said slope to be on or within the line marked "Toe of Riprap" on said plan.

The area enclosed by the proposed bulkhead and riprap slope may be filled solid, said bulkhead and slope to be constructed before the filling is commenced.

This license is granted subject to the laws of the United States, and on the express condition that the acceptance hereof shall constitute an agreement thereto by said City, its successors and assigns, that if the whole or any part of the area enclosed and filled under this license shall be devoted to other than public park purposes, payment for tide water displaced by the work authorized by this license shall be made to the Commonwealth of Massachusetts, the amount to be so paid to be determined by the Department of Public Works, Division of Waterways and Public Lands, or its successors in authority.

The plan of said work, numbered 111 is on file in the office of said Department, Division of Waterways and Public Lands, and a duplicate of said plan accompanies this License, and is to be referred to as a part hereof.

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within one year from the date hereof, in the Registry of Deeds for the Southern District of the County of Bristol.

In Witness Whereof, said Department of Public Works, Division of Waterways and Public Lands, have hereunto set their hands this twenty-fifth day of February, in the year nineteen hundred and twenty-one.

John W. Cole

514-318

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318

Jesse B. Baxter  
Richard K Hale

Department of Public Works,  
Division of Waterways and Public  
Lands.

Approved, John W. Cole Commissioner of Public Works.

Received and recorded Mar. 12, 1921 at 9 hrs and 49 min A. M.

Attest:

*Albert B. Collins*  
Register

Know all men by these presents that I, John M. Cabral, of New Bedford, County of Bristol and Commonwealth of Massachusetts, in consideration of two hundred fifty (\$250. 0/100) Dollars paid by Domingos S. Tavares, of said New Bedford the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sell and convey unto the said Domingos S. Tavares, a certain lot or parcel of land situated in Dartmouth in said County and bounded and described as follows: Viz: Beginning at the South Westerly corner of land to be conveyed at a point in the Easterly line of contemplated Cherry Street one hundred thirty-seven and 39/100 (137.39) feet distant therein Northerly from its intersection with the Northerly line of Russells Mills Road; Thence Easterly ninety-seven and 50/100 (97.50) feet; thence Northerly fifty (50) feet; thence Westerly ninety seven and 50/100 (97.50) feet to said Easterly line of contemplated Cherry Street; thence Southerly therein fifty (50) feet to the point of beginning.

Containing seventeen and 90/100 (17.90) Rods, more or less.

Being lot no. 562 on plan of Dartmouth Terrace, and the same premises conveyed to me by Cabriel Schultz and wife, by deed dated October 14th 1916, recorded with Bristol County (S.D.) Deeds, Book 441 pages 513-514

To have and to hold the granted premises, with all the privileges and appurtenances thereto belonging, to the said Domingos S. Tavares and his heirs and assigns, to their own use and behoof forever.

And I hereby for myself and my heirs, executors and administrators, covenant with the grantee and his heirs and assigns that I am lawfully seized in fee simple of the granted premises, that they are free from all incumbrances, that I have good right to sell and convey the same as aforesaid; and that I will and my heirs, executors, and administrators shall warrant and defend the same to the grantee and his heirs and assigns forever against the lawful claims and demands of all persons

And for the consideration aforesaid I, Thomazia L. Cabral, wife of said John M. Cabral hereby release unto the said grantee and his heirs and assigns all right of or to both dower and homestead in the granted premises, and all other rights and interests therein.

In witness whereof We the said John M. Cabral & Thomazia L. Cabral hereunto set our hands and seals this sixth day of October in the year one thousand nine hundred and nineteenth

Signed and sealed in presence of  
John Manuel de Carvalho

his  
John M. X Cabral (I.S.)  
mark

Thomazia L. Cabral

1-50¢ Int. Revenue Stamp  
October 6-1919

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KNOW ALL MEN BY THESE PRESENTS that I, Isabelle L. Spooner of Acushnet in the County of Bristol, Commonwealth of Massachusetts widow of Walter R. Spooner of said Acushnet in consideration of one dollar and other considerations the receipt whereof is hereby acknowledged, do hereby remise, release and forever quitclaim unto the City of New Bedford, a municipal corporation, all the right, title and interest which I have in and to any and all portions of Popes Island in the Acushnet River, lying southerly of the south line of the highway bridge between New Bedford and Fairhaven.

This conveyance is strictly upon the following conditions: that the said City of New Bedford shall use the property hereby released for such uses only as are made of public parks, except as is hereinafter provided; (2) that no portion of the property hereby released shall be used for any manufacturing, commercial or wharfage uses, municipal or private, except as a public landing for small boats; (3) that no buildings or structures shall be placed on said property except such as may be incidental to the use of the premises as a public park or place of resort or for the use of the naval militia of said Commonwealth or of any militia forces organized under authority of said Commonwealth or of the United States.

This deed is given because a similar deed executed by Eliot D. Stetson and Walter R. Spooner, Trustees, in the year 1916, and delivered to the City of New Bedford, was lost and was never recorded. Grantor possessed all estate formerly in said trustees and afterwards in said Walter R. Spooner as surviving trustee and individually.

TO HAVE AND TO HOLD the above released premises, together with all rights, privileges and appurtenances thereto belonging, to the said City of New Bedford to its own use and behoof forever in fee simple, but strictly upon the conditions above set forth; and reserving to the said Isabelle L. Spooner, her heirs and assigns, in case of the breach of any of the foregoing conditions the right to enter upon the premises and take possession thereof, in which case the premises shall revert to the said Isabelle L. Spooner, her heirs and assigns.

IN WITNESS WHEREOF I the said Isabelle L. Spooner, hereto set my hand and seal this 18th day of May in the year one thousand nine hundred and twenty-seven.

Signed and sealed in the presence of: Isabelle L. Spooner (L.S.)

## COMMONWEALTH OF MASSACHUSETTS

Bristol ss May 18, 1927 Then personally appeared the above named Isabelle L. Spooner and acknowledged the foregoing instrument to be her free act and deed before me Rodolphus A. Swan Justice of the Peace my commission expires Dec. 28, 1928

RODOLPHUS A. SWAN  
MY COMMISSION EXPIRES  
DEC. 28, 1928  
MASSACHUSETTS U.S.A.  
JUSTICE OF THE PEACE

Facsimil  
Official  
as in or  
Attest:

Received and recorded May 18, 1927 at 1 hr. and 16 min. P. M.

Attest:

*Samuel P. McEachern*

653/294

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294

Acushnet Avenue; and thence in said west line of Acushnet Avenue southerly fifty-four (54) feet and one half ( $\frac{1}{2}$ ) inch to the point of beginning. Containing thirteen and 88/100 (13.88) square rods more or less. Being the same premises conveyed to me by deed of Elmore P. Haskins et al dated May 28, 1920 and recorded in Bristol County S. D. Registry of Deeds Book 500 Page 192.

Subject to a first mortgage of \$4000 payable to the New Bedford Five Cents Savings Bank.

This mortgage is upon the statutory condition for any breach of which the mortgagee shall have the statutory power of sale.

I, Mary R. Coelho wife of said mortgagor release to the mortgagee all rights of dower and homestead and other interests in the mortgaged premises.

Witness our hands and seals this ninth day of August 1927

Victor M. Coelho (L.S.)

Mary R. Coelho (L.S.)

Commonwealth of Massachusetts

Bristol ss New Bedford August 9, 1927 Then personally appeared the above-named Victor M. Coelho and acknowledged the foregoing instrument to be his free act and deed before me Murray F. Barrows Notary Public my Commission expires Mar. 18, 1932

Received and recorded Aug. 9, 1927 at 12 hrs. and 12 min. P. M.

Attest:

James P. McCrohan  
Register

KNOW ALL MEN BY THESE PRESENTS I, Napoleon Ricard of New Bedford holder of a mortgage from Manuel E. Frazier and Mary Frazier to me dated November 15th 1924 recorded with Bristol County S. D. Registry of Deeds Book 600 Pages 481-2 assign said mortgage and the note and claim secured thereby to Manuel Goulart of said New Bedford.

Witness my hand and seal this 25th day of May 1927

Charles F. Archambault

Napoleon Ricard (L.S.)

ss witness

Commonwealth of Massachusetts

Bristol ss New Bedford May 25th 1927 Then personally appeared the above-named Napoleon Ricard and acknowledged the foregoing instrument to be his free act and deed before me Charles F. Archambault Justice of the Peace my commission expires Nov. 22, 1929

Received and recorded Aug. 9, 1927 at 2 hrs. and 5 min. P. M.

Attest:

James P. McCrohan  
Register

KNOW ALL MEN BY THESE PRESENTS THAT WHEREAS at a meeting of the Board of Directors of the Union Street Railway Company, a corporation organized by law and having a usual place of business at New Bedford in the County of Bristol and Commonwealth of Massachusetts duly called and held on January 20, 1916, a quorum being present, the following vote was adopted:



"That the President and Treasurer are hereby authorized to convey to the City of New Bedford, a municipal corporation, all the right, title and interest which the Company has in and to that portion of Popes Island which lies south of the south line of the New Bedford and Fairhaven Bridge for public use under such conditions as to them seem advisable."

AND WHEREAS on February 9, 1916 under the authority contained in the above vote the Union Street Railway Company by Henry H. Crapo, its President and Edward F. Nicholson its Treasurer, executed and delivered a certain deed to the City of New Bedford of the property mentioned in the above vote as hereinafter described and upon the conditions hereinafter set forth.

AND WHEREAS the said deed from the Union Street Railway Company to the City of New Bedford was never placed on record in the Bristol County (S.D.) Registry of Deeds and has now been lost.

NOW THEREFORE the said Union Street Railway Company for consideration paid, does hereby remise, release and forever quitclaim unto the said City of New Bedford all the right, title and interest which the said Railway Company has in and to any and all portions of Popes Island in the Acushnet River, lying southerly of the south line of the Highway Bridge between New Bedford and Fairhaven. This conveyance is strictly upon the following conditions:

That the said City of New Bedford shall use the property hereby released for such uses only as are made of public parks, except as is hereinafter provided; (2) That no portion of the property hereby released shall be used for any manufacturing, commercial or wharfage uses, municipal or private, except as a public landing for small boats; (3) That no buildings or structures shall be placed on said property except such as may be incidental to the use of the premises as a public park or place of resort or for the use of the naval militia of said Commonwealth or of any militia forces organized under authority of said Commonwealth or of the United States.

TO HAVE AND TO HOLD the above released premises, together with all rights, privileges and appurtenances thereto belonging, to the said City of New Bedford to its own use and behoof forever in fee simple, but strictly upon the conditions above set forth; and reserving to the said Union Street Railway Company, its successors and assigns, in case of the breach of any of the foregoing conditions the right to enter upon the premises and take possession thereof, in which case the premises shall revert to the Union Street Railway Company, its successors and assigns.

This deed is given to confirm the said deed of the Union Street Railway Company to the said City of New Bedford dated February 9, 1916 and to give to the said City of New Bedford a good record title to the premises above described.

IN WITNESS WHEREOF the Union Street Railway Company by Elton S. Wilde, its President and Edward F. Nicholson its Treasurer hereto duly authorized has caused its corporate name to be signed and its corporate seal affixed this twenty-first day of July A. D. 1927.

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UNION STREET RAILWAY COMPANY

By Elton S. Wilde, President  
Edw. F. Nicholson Treasurer

UNION STREET RY. CO.  
INCORPORATED 1887  
NEW BEDFORD.

COMMONWEALTH OF MASSACHUSETTS

Bristol ss New Bedford July 29th 1927 Then personally appeared the above named Elton S. Wilde President and acknowledged the foregoing instrument to be the free act and deed of the Union Street Railway Company before me Oliver Prescott Jr. Justice of the Peace my commission expires May 13rd, 1930

VOTE OF THE BOARD OF DIRECTORS.

At a meeting of the Board of Directors of the Union Street Railway Company duly called and held on the twenty-first day of July 1927, a quorum being present, the following vote was unanimously adopted.

"That the President and Treasurer are hereby authorized to convey to the City of New Bedford all the right, title and interest which the Company has in and to that portion of Popes Island which lies south of the south line of the New Bedford and Fairhaven Bridge, for public use; said conveyance to be in confirmation of and upon the same conditions as a certain deed of the said property to the City of New Bedford executed and delivered on February 9th 1916 in the name of the Union Street Railway Co. by Henry H. Crapo, its president, and Edward F. Nicholson its treasurer, under authority of a vote of this Board adopted January 20th 1916, which deed has never been recorded in the Bristol County (S.D.) Registry of Deeds and is now lost."

Attest:

Edw. F. Nicholson

Clerk

Received and recorded Aug. 9, 1927 at 1 hr. and 12 min. P. M.

Attest:

*James P. McCookham*  
Register

I, Emma P. Tore also called Emma R. Tore married residing in New Bedford Bristol County Massachusetts for consideration paid grant to Malvina R. Menino married residing in said New Bedford with mortgage covenants to secure the payment of twenty-five hundred Dollars on demand with six (6) per cent interest per annum payable semi-annually as provided in our note of even date the land in said New Bedford bounded and described as follows:

Beginning at the southwesterly corner thereof at the intersection of the east line of Brock Avenue with the north line of Charles Street; thence northerly in said east line of Brock Avenue 49.38 feet; thence easterly 93.25 feet; thence southerly in line of Lot No. 53 on a plan hereinafter mentioned 63.70 feet to said north line of Charles Street; and thence westerly therein 89.20 feet to the point of beginning. Containing 18.85 square

## NEW BEDFORD YACHT CLUB

and

## CITY OF NEW BEDFORD

N.B. Yac

t

City of

The New Bedford Yacht Club, a corporation duly established by law in New Bedford, in the County of Bristol and Commonwealth of Massachusetts, for consideration paid, hereby GRANTS to the City of New Bedford, a municipal corporation in the County of Bristol and the Commonwealth of Massachusetts, its successors and assigns, hereinafter called the City, a right of way over and through a strip of land adjacent to the New Bedford-Fairhaven Bridge in said New Bedford, for the purpose of installing, operating, maintaining, repairing and removing as a part of the water works system of the said City an underground water pipe, said strip being bounded and described as follows:

Beginning at the northwesterly corner of the strip herein described at a point in the south line of the New Bedford-Fairhaven Bridge which is 75.15 feet easterly from the west face of the west abutment of the bridge on Pope's Island; thence southerly  $12\frac{1}{2}$  feet to a corner; thence westerly  $6\frac{1}{2}$  feet to a corner; thence southwesterly 17 feet to a point in the west line of property of the New Bedford Yacht Club at a point  $22\frac{1}{2}$  feet south from the south line of the New Bedford-Fairhaven Bridge; thence southerly in said westerly line of said property 7.7 feet; thence northwesterly 19 feet to a corner; thence easterly 14 feet to a corner; thence 18.6 feet northerly to the south line of the New Bedford-Fairhaven Bridge; thence westerly  $7\frac{1}{2}$  feet in said south line of New Bedford-Fairhaven Bridge to point of beginning; being a portion of the premises conveyed to the New Bedford Yacht Club by deed of Pope and others dated March 1880, and recorded in the Bristol County Southern District Registry of Deeds in Book 93 at Page 28.

This grant is made and accepted on the following covenants and conditions, each of which the said City of New Bedford agrees to observe and perform:

1. The City shall give to the New Bedford Yacht Club such notice as it reasonably can of its intention to enter upon the premises for the purposes of construction or repairs of the said water pipe. During the period of said construction or repair, the City and its agents, contractors, or workmen may enter upon and use additional land of the New Bedford Yacht Club on either side of said right of way to such extent as may be necessary to accommodate construction materials, excavated material, and the equipment used on such water pipe construction or repair; provided that when the construction of said water pipe has been commenced the City will cause the work to be completed as rapidly as possible so as to cause a minimum of interference with the normal use of the premises by the Yacht Club.
2. After construction or repair has been completed, the surface of said land and all fences, walls and bulkheads shall be restored to a condition as good as existed prior to such construction or occupancy.
3. The City covenants to indemnify and save harmless the New Bedford Yacht Club against any and all claims arising from the installation, maintenance, repair, operation, cleaning or removal of said water pipe.
4. The City agrees that it will levy no betterment assessment against the property of the New Bedford Yacht Club by reason of the construction of said water pipe.
5. The City agrees that the said water pipe shall be buried at least three (3) feet below the surface of the ground, and that it shall be installed in such a manner as not to interfere with any of the New Bedford Yacht Club's present construction on the premises.
6. In the event said water pipe is removed or the use thereof as part of the water works system of said City is permanently discontinued, the rights

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hereby granted shall thereupon terminate and the premises hereby affected shall revert to the New Bedford Yacht Club, its successors or assigns, free and discharged of the easement hereby granted.

IN WITNESS WHEREOF, the parties hereto have hereunto caused their corporate names to be set and their corporate seals to be affixed, this 28th day of February in the year 1944.

NEW BEDFORD YACHT CLUB  
NEW BEDFORD, MASS.  
1878

NEW BEDFORD YACHT CLUB  
By Albert R Pierce, Jr. Com.  
Edson S Cowen Ex Com  
Alfred H Knechtel  
F. Kimball White

CITY OF NEW BEDFORD  
By its Water Board  
Arthur N Harriman Mayor Chairman  
Edward V. Lahey  
Michael Zajac

NOVA BEDFORDIA CONDITA A.D. 1787  
LUCEM DIFFUNDO  
CIVITATIS REGIMINE DONATA A.D. 1847

Approved as to form  
Thomas M. Quinn  
City Solicitor

Received and recorded March 1, 1944 at 1 hr. and 59 min. P. M.

Attest:

*Laurence W. Caton*  
Register

Know all Men by these Presents The New Bedford  
for Institution for Savings, holder of a first mortgage from Yvonne Ducharme to  
said Institution dated Dec. 14, 1943 recorded with Bristol County (S. D.)  
Registry of Deeds, Book 876, Page 542, 543, acknowledges satisfaction  
of the same.

In Witness Whereof said New Bedford Institution for Savings has caused  
its corporate seal to be affixed and this instrument to be signed in its  
name and behalf by Adoniram T. Rounsevell, Asst. Treasurer hereunto duly  
authorized, this first day of March 1944.

NEW BEDFORD INSTITUTION FOR SAVINGS.  
INCORPORATED 1825.

New Bedford Institution for Savings,  
By Adoniram T. Rounsevell  
Asst. Treasurer.

Commonwealth of Massachusetts

Bristol, ss. March 1 1944. Personally appeared the above-named officer  
of said Institution and acknowledged the foregoing instrument to be the  
free act and deed of said New Bedford Institution for Savings, before me,  
Clifford E. Hunt, Notary Public My commission expires September 7, 1945  
Received and recorded March 1, 1944 at 3 hrs. and 26 min. P. M.

Attest:

*Laurence W. Caton*  
Register

an HOME OWNERS' LOAN CORPORATION, of Washington,  
D. C., a corporate instrumentality of the United States of America, the  
mortgagee named in and the present holder of a mortgage from Martin McCoy  
to it, dated September 28th, 1934 recorded with Bristol County South  
District Registry of Deeds, book 753 page 108, acknowledges satisfaction



KNOW ALL MEN BY THESE PRESENTS that the New Bedford Yacht Club, a club organized under the laws of the State of Massachusetts, and having a usual place of business in New Bedford in the County

of Bristol and Commonwealth of

County, Massachusetts,

of Fifteen Thousand Dollars

~~being~~ for consideration/paid, grant to John L. Waldo, Jr., and Kenneth B. Cooper, both

of Dartmouth in said County

with/

all its right, title and interest in and to

the land ~~xxx~~ bordering on and in the Acushnet River in said New Bedford, Bounded and described as (Description and encumbrances, if any) follows:

Beginning at the northwest corner of the land to be conveyed at a drill hole in the south edge of the coping on the present New Bedford-Fairhaven Bridge as shown on the plan hereinafter referred to; thence easterly in line of the south edge of said coping 130 feet to an old drill hole; thence about southerly and at a right angle to the last described line in line of land of the City of New Bedford 85.10 feet to a drill hole in a retaining wall; thence continuing in the same course and direction 215 feet more or less to the U.S. Harbor line as shown on said plan; thence about westerly and at an approximate right angle to the last described line, in line of the U.S. Harbor line to the U.S. Harbor line intersecting this last mentioned U.S. Harbor line as shown on said plan; thence about northwesterly in line of said U.S. Harbor line as shown on said plan to a point 100 feet more or less southerly from the point of beginning, which point is in a line at a right angle to the south edge of the coping; thence about north 100 feet more or less to the drill hole and place of beginning. As heretofore described the land area is approximately 33.82 square rods, more or less, the water area 92.00 square rods, more or less, as shown on said plan.

Also included in the above conveyance so far as the grantor has a right to convey is the area under the water in the Acushnet River to the west of the U.S. Harbor line as described in certain deeds hereinafter referred to.

Subject to an easement to the City of New Bedford for its water system as described in deed dated February 28, 1944, and recorded in Bristol County, S.D., Registry of Deeds in Book 877 Page 285.

For the title of the grantor see the following deeds: from William G. E. Pope, trustee et al, to the New Bedford Yacht Club dated March 29, 1880, recorded in said Registry in Book 93 Page 23; and from Pope's Island Manufacturing Co. to the New Bedford Yacht Club dated October 23, 1890, and recorded in said Registry in Book 185 Page 186.

Included in this conveyance, so far as they are assignable, are licenses granted to the grantor by the Commonwealth of Massachusetts for the extension and erection of piers and bulkheads and for the placing of riprap and filling in the Acushnet River.

All as shown on Plan of Land belonging to the New Bedford Yacht Club dated April 17, 1951, and drawn by Thomas W. Williams, C.E., to be recorded.

Also included in this sale is a wooden float now on the premises.

Subject to the taxes for the year 1951 which the grantees assume and agree to pay.

*Shuttle  
Mey  
Lot 11*

F 1917 09

In witness whereof the New Bedford Yacht Club has caused its corporate seal to be hereto affixed and these presents signed and acknowledged by Edmund Rigby, its Commodore, hereunto duly authorized, this thirtieth day of April, 1951.

husband - to said grantee.  
wife -

reference to said grantee all rights of - to wit: the courtesy - and other interests therein.  
dower and homestead

- Witness - - - - - and seal - - - - - this - - - - - day of - - - - - 1951

*Edmund Rigby*

NEW BEDFORD YACHT CLUB

By

*Edmund Rigby*  
Commodore

The Commonwealth of Massachusetts

Bristol ss.

April 30 1951

Then personally appeared the above named Edmund Rigby, Commodore as aforesaid,

and acknowledged the foregoing instrument to be the of the New Bedford Yacht Club  
free act and deed before me

*Geo. H. Potter*

Geo. H. Potter

Notary Public - State of Massachusetts

My Commission expires May 25 1956

1017 - 70



NEW BEDFORD YACHT CLUB

NEW BEDFORD AND  
SOUTH DARTMOUTH  
MASSACHUSETTS

April 27, 1951

I, Merrill Hunt, Jr., certify that attached is a true copy of the Call of the Meeting, respecting the proposed sale and authorization to execute, acknowledge and deliver a deed of the Pope's Island Station of the New Bedford Yacht Club, which notice was sent to the members of the New Bedford Yacht Club seven days at least before the date of the Annual Meeting on February 9, 1951.

I further certify that at the Annual Meeting on February 9, 1951, a quorum was present. Upon motion duly made and seconded, it was Voted:

To authorize the sale of the Pope's Island Station Property of the New Bedford Yacht Club at private sale (or public auction) and, to authorize the Commodore with the consent or the approval of the Board of Directors to sign, seal, acknowledge, and deliver in the name and on behalf of the New Bedford Yacht Club a Warranty Deed conveying said premises

I further certify that on February 14, 1951, the Board of Directors of the New Bedford Yacht Club held a regular monthly meeting, at which a quorum was present. Upon motion duly made and seconded, it was Voted to sell the Pope's Island Station at a price of not less than \$15,000, and that the Commodore be authorized to sign, seal, acknowledge and deliver in the name of, and behalf of the New Bedford Yacht Club, a deed of the premises. I further certify that Edmund Rigby is the Commodore of the New Bedford Yacht Club.

*Merrill Hunt Jr.* Secretary, New Bedford Yacht Club

*Merrill Hunt Jr.* Secretary, Board of Directors



PLAN 2 BOOK NO. 42 PAGE 47

Commonwealth of Massachusetts

**Registry of Deeds:**

New Bedford,....Apr 11...30,....19451.

At 4 Hour 27 Min. A.M.

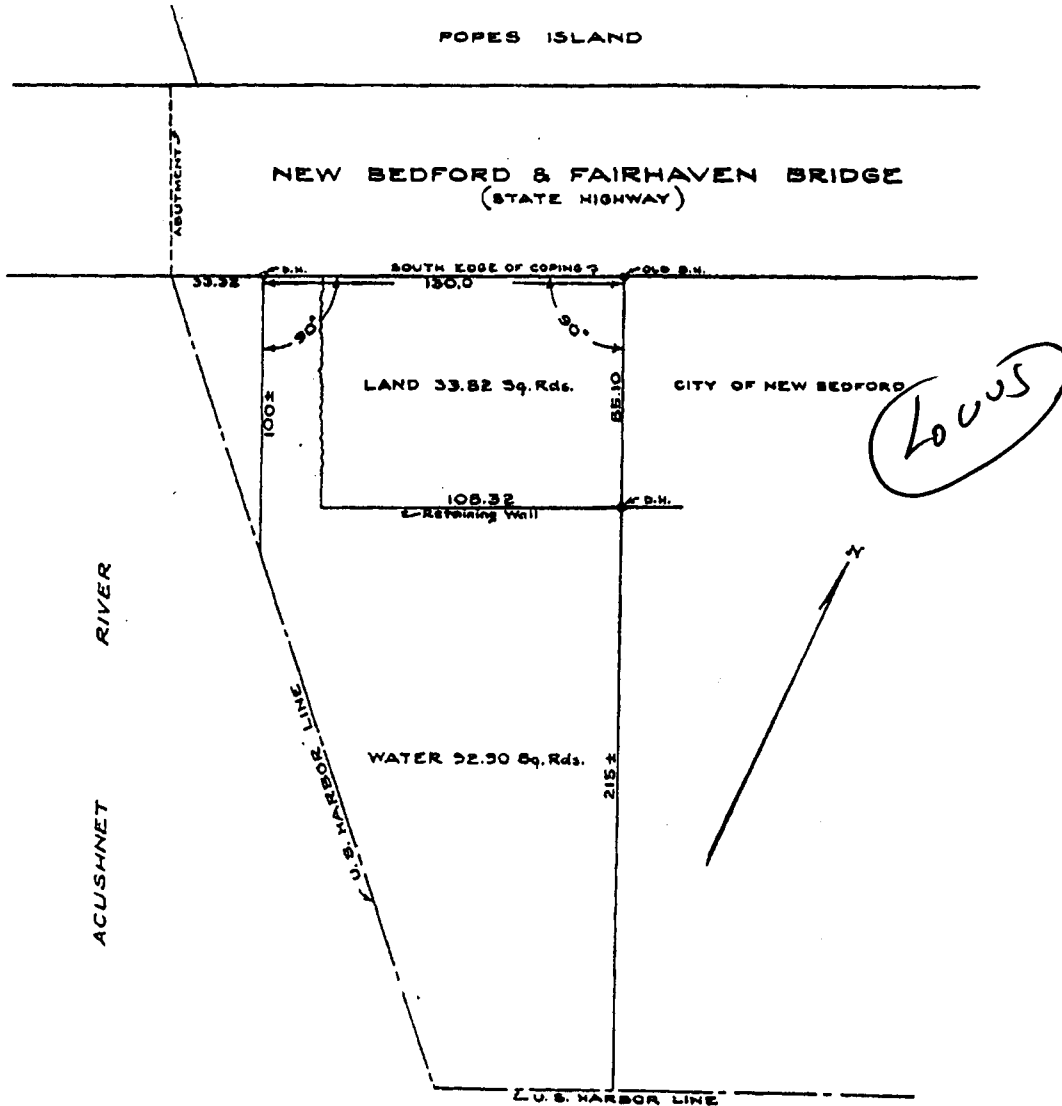
Received and Filed in Bris. Co. S.D.

Attest *John D. [Signature]*

~~Asst.~~ Register.

POPES ISLAND

NEW BEDFORD & FAIRHAVEN BRIDGE  
(STATE HIGHWAY)



# PLAN OF PROPERTY BELONGING TO NEW BEDFORD YACHT CLUB

SITUATED IN

NEW BEDFORD, MASS.

SCALE 1 in. = 50 FT.

APRIL 17, 1951





BOOK 1380 PAGE 196

6850

The CITY OF NEW BEDFORD, a municipal  
 corporation duly established under the laws of Massachusetts  
 and having its usual place of business at said New Bedford,

Bristol County, Massachusetts, for consideration paid,  
 in consideration of the sum of THREE THOUSAND DOLLARS (\$3,000) paid,  
 grants to

SOCONY MOBIL OIL COMPANY, INC., a New York corporation,  
 having its office and principal place of business at 150 East 42nd Street, in the  
 Borough of Manhattan, City, County and State of New York,

ack

with quitclaim covenants

the land in said New Bedford bounded and described as follows:

[Description and encumbrances, if any]

Beginning at the point of intersection of the southerly line of the New Bedford-Fairhaven Bridge and the easterly line of land belonging to Socony Mobil Oil Company, Inc.; thence southerly in said easterly line of land belonging to Socony Mobil Oil Company, Inc., a distance of thirty-seven and 95/100 (37.95) feet to an angle; thence southwesterly in the southeasterly line of land belonging to Socony Mobil Oil Company, Inc., a distance of fifty-two and 89/100 (52.89) feet to an angle; thence westerly in the southerly line of land belonging to Socony Mobil Oil Company, Inc., a distance of one hundred twenty-five and 41/100 (125.41) feet to a point in the westerly line of land belonging to Socony Mobil Oil Company, Inc.; thence southerly in the extension of the westerly line of land belonging to Socony Mobil Oil Company, Inc., a distance of twenty-four and 70/100 (24.70) feet to a point; thence easterly in a line parallel to and twenty-four and 70/100 (24.70) feet distant southerly from the third described line, a distance of one hundred thirty-nine (139) feet, more or less, to an angle; thence northeasterly in a line parallel to and twenty-five (25) feet distant southeasterly from the second described line, a distance of seventy-five (75) feet, more or less, to an angle; thence northerly in a line parallel to and twenty-five and 83/100 (25.83) feet distant easterly from the first described line, a distance of forty-five (45) feet, more or less, to a point in the southerly line of the New Bedford-Fairhaven Bridge; thence westerly in said southerly line of the New Bedford-Fairhaven Bridge, a distance of twenty-five and 83/100 (25.83) feet to the point of beginning, containing 5939 square feet, more or less.

Excepting and reserving to the Grantor, its successors and assigns, from and out of the premises hereby described, a right of way for ingress and egress of men and/or vehicles to pass and repass in common with Grantee, bounded and described as follows:

Beginning at a point in the southerly line of New Bedford-Fairhaven Bridge at the northeasterly corner of the premises herein conveyed; thence southerly forty-five (45) feet to a point; thence northwesterly thirty-eight and 88/100 (38.88) feet to a point in the easterly line of premises reserved by this grantee in deed to the City of New Bedford dated April 16, 1956, and recorded in Bristol County (S.D.) Registry of Deeds, Book 1179, Page 394, which point is fifteen and 94/100 (15.94) feet southerly of said New Bedford-Fairhaven Bridge; thence northerly fifteen and 94/100 (15.94) feet to said bridge; thence easterly in line of said bridge twenty-five and 83/100 (25.83) feet to the point of beginning.

The Grantor herein hereby conveys to the Grantee all its right, title and interest in and to that portion of a certain right of way described in said deed from this Grantee to this Grantor, as is bounded and described as follows:

Beginning at a point in the southerly line of the New Bedford-Fairhaven Bridge fourteen and 17/100 (14.17) feet westerly of the west

BOOK 1380 PAGE 197

line of the above described easement; thence southeasterly twenty-one and 33/100 (21.33) feet to the southwesterly corner of said easement at a point fifteen and 94/100 (15.94) feet southerly of said bridge; thence southerly twenty-two and 01/100 (22.01) feet to a corner; thence northwesterly fifty-five and 21/100 (55.21) feet to the southerly line of said bridge; thence easterly in said southerly line of said bridge twenty-five and 85/100 (25.85) feet to the point of beginning. The remainder of said right and all other rights of way and easements in favor of the City of New Bedford described in said deed are hereby expressly retained.

Excepting and reserving to the Grantor, its successors and assigns, the right to maintain, operate, use, repair, replace and/or remove one or more water lines under said right of way for the purpose of serving other premises retained by this Grantor, and to maintain, operate, use, repair, replace and/or remove the existing water main on the premises hereby conveyed; and the right to install, maintain, use, repair, replace and/or remove electric light and power wires to, over and under the portion of the westerly end of said premises herein conveyed seventeen and 10/100 (17.10) feet in width running from the southerly line of land retained by this Grantee in said deed from this Grantee to this Grantor to the southerly line of the premises herein conveyed.

The said premises are conveyed subject to an easement for telephone wires as described in said deed from this Grantee to this Grantor, to the extent that it is in force and applicable.

See order of the City Council adopted July 26, 1962, and approved by the Mayor July 30, 1962, by virtue of which order this conveyance is made. (See copy of order annexed hereto and made a part hereof.)

For title of the City of New Bedford see Bristol County (S.D.) Registry of Deeds, Book 1179, Page 394.

Full compliance with the provisions of Chapter 247 of the Acts of 1955 has been made.

**In witness whereof,** the said City of New Bedford

has caused its corporate seal to be hereto affixed and these presents to be signed, acknowledged and delivered in its name and behalf by Edward F. Harrington, Mayor and Chairman of its Harbor Development Commission

hereto duly authorized, this 14th

day of August in the year one thousand nine hundred and sixty-two.

Signed and sealed in presence of

by

MAYOR AND CHAIRMAN OF

HARBOR DEVELOPMENT COMMISSION



BRISTOL  
SOUTH



The Commonwealth of Massachusetts

ss.

August 14, 1962

Bristol,

Then personally appeared the above named Edward F. Harrington, Mayor and Chairman as aforesaid, and acknowledged the foregoing instrument to be the free act and deed of the City of New Bedford,

before me

Maurice J. Dorney  
Notary Public Justice of the Peace

My commission expires November 29 1963

44

BOOK 1380 PAGE 198

NEW BEDFORD HARBOR DEVELOPMENT COMMISSION  
222 UNION STREET NEW BEDFORD, MASSACHUSETTS

OFFICE OF THE DIRECTOR

TELEPHONE  
WYMAN 3-1778

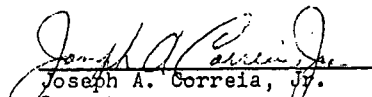
August 14, 1962

## CERTIFICATE

I certify that the following is a true extract from the minutes of the meeting of the New Bedford Harbor Development Commission held on June 7, 1962, in the offices of the Mayor in City Hall, at which all members of the Commission were present with one exception. Absent was Commissioner Vigeant.

"Item 1. On a motion made by Mr. Desrosiers and seconded by Mr. Anderson, it was

VOTED: To sell to the Socony Mobile Company land on the south side of Fish Island adjacent to the property now owned by the Socony Mobile Company according to a plan prepared and approved by the Director of Harbor Development, for a sum of three thousand dollars (\$3,000); and containing approximately five-thousand eight-hundred (5,800) square feet.

  
Joseph A. Correia, Jr.  
Secretary



BOOK 1380 PAGE 199

CITY OF NEW BEDFORD  
IN CITY COUNCIL

July 12, 1962

Ordered, That His Honor, the Mayor, be and he is hereby authorized to sell the following parcel of land in the City of New Bedford to the Corporation and for the amount listed below:

A strip of land approximately 25 feet wide located on Fish Island, so-called, adjacent to the south side of the New Bedford-Fairhaven Bridge and running along the southeasterly and southerly lines of premises now owned by Socony Mobil Oil Company, Inc., being part of lots 4 and 8 on Plat 60, containing 5,939 square feet, be sold to Socony Mobil Oil Company, Inc., for Three Thousand (\$3,000) Dollars.

AND BE IT FURTHER ORDERED, That the Mayor and Chairman of the Harbor Development Commission is hereby authorized to execute and deliver in behalf of the City of New Bedford a quitclaim deed of the aforesaid described property for such amount and to the Corporation hereinbefore named.

AND BE IT FURTHER ORDERED, That the Corporation shall pay the recording fee for said deed and such sum in lieu of taxes as required under Chapter 247 of the Acts of 1955; and that said deed shall be recorded by the Harbor Development Commission of the City of New Bedford forthwith.

IN CITY COUNCIL, July 12, 1962  
Referred to the Committee on City Property.  
Charles W. Deasy, City Clerk

IN CITY COUNCIL, July 28, 1962  
Adopted - Yeas 7, Nays 4. Charles W. Deasy, City Clerk  
Presented to the Mayor for approval July 30, 1962.  
Ellen M. Gaughan, Asst. City Clerk  
Approved July 30, 1962. Edward F. Harrington, Mayor

A true copy, attest:

*Ellen M. Gaughan*  
City Clerk

Received & recorded Aug. 14, 1962 at 11 AM. 22-1111-9 M.





11785  
CITY OF NEW BEDFORD  
IN CITY COUNCIL

November 22, 1966

*Amended  
Order of  
Assessment  
as to New  
Bedford Gas  
and Electric  
Light Company  
1/29/67  
1541-781*

*W. J.  
Whittemore  
12/19/67  
1558-624*

*Assmnt. to  
Rentals  
3/10/80  
1801-230  
See  
Book 1801  
Page 277*

*Ordered.* WHEREAS, the Hurricane Protection Barrier in New Bedford harbor was constructed under authority of the Federal Flood Control Act of 1958 which required initial payment of the entire non-federal share of the cost of the project by the Commonwealth of Massachusetts, and

WHEREAS, the City of New Bedford has given assurance to the Water Resources Commission of the Commonwealth of Massachusetts that it will reimburse said Commonwealth for forty-five per cent (45%) of the interest and principal payments of the bonded indebtedness incurred to finance the non-federal share of the cost of the Hurricane Protection Barrier in New Bedford harbor, and

WHEREAS, under the provisions of Chapter 565 of the Acts of 1962 of the Commonwealth of Massachusetts, the City of New Bedford is authorized to assess fifty (50) per cent of the amount it is obligated to pay the Commonwealth under said Act on the land benefited by said Hurricane Protection Barrier in accordance with the provisions of Chapter 80 of the General Laws, now therefore

BE IT ORDERED, That the area which will receive benefit or advantage, other than the general advantage to the community, from said Hurricane Protection Barrier is the land as shown and outlined on a plan entitled "Plan for Hurricane Protection Assessments--New Bedford, Massachusetts" consisting of nine sheets, which sheets and plan are attached hereto and made a part hereof; said land being bounded and described in a description marked "A" consisting of twenty-seven pages, which description is attached hereto and made a part hereof, and

BE IT FURTHER ORDERED, That the betterments that will be assessed upon each parcel of land within said area as estimated by the City Council and the benefit or advantage to each such parcel as determined by the City Council are the amounts set forth in the following schedule, and

BE IT FURTHER ORDERED, That the betterment taxes be and they are hereby made and assessed in accordance with the following schedule as provided by law, and

BE IT FURTHER ORDERED, That the following schedule of assessments be certified to the Assessors, who shall forthwith commit such assessments with their warrant to the City Treasurer and Collector of Taxes, and that said City Treasurer and Collector of Taxes be and he is hereby directed to collect and pay into the City treasury the sum or sums set against the names of persons in the following schedule on account of the construction of the Hurricane Protection Barrier, in accordance with applicable provisions of law.

BE IT FURTHER DECLARED, That the total of the following schedule of assessments is no more than fifty per cent (50%) of the amount which the City of New Bedford is obligated to pay to the Commonwealth under the assurance given by it to said Commonwealth of Massachusetts and under said Chapter 565 of the Acts of 1962.

PLAT	LOT	OWNERS AS OF JAN. 1, 1966	VALUE OF BENEFIT FOR AT ADVANTAGE AT LEAST	ESTIMATED ASSESSMENT	ASSESSMENT (Dollars)
79	1	Bedford Realty Inc.	\$18,620	\$18,620	\$18,620
79	4	Revere Copper & Brass Inc.	21,285	21,285	21,285
79	2	do	30,460	30,460	30,460
79	3 3'	do	2,200	2,200	2,200
60	1	Maripaul Realty Corp.	15,735	15,735	15,735
60	4	City of New Bedford	2,270	2,270	2,270
60	7	do	480	480	480
60	8	do	4,250	4,250	4,250
60	16	Socony Mobile Oil Com- pany, Inc.	1,795	1,795	1,795
60	12	C.R. Goodman, Tr. Pope Island Realty Trust	14,925	14,925	14,925
60	13	Marine Products Corp.	3,800	3,800	3,800
60	18	Southern Massachusetts Broadcasters	4,465	4,465	4,465
60	2	City of New Bedford	100	100	100
60	3	Tresnor Realty Co., Inc.	335	335	335
60	19	do	7,080	7,080	7,080
60	15	Antonio Katsoules	1,285	1,285	1,285
60	20	Perkat Inc.	11,410	11,410	11,410
60	11	John Waldo Jr., & Kenneth N. Cooper	645	645	645
104	6	City of New Bedford	150	150	150
104	212	Fernando S. Frade - et ali	10	10	10
104	178	Jacintho Fernandes	15	15	15
30	115	Geo. P. Silva, et ali.	5	5	5
105	132	Mohasco Industries, Inc.	195	195	195
12	2	Samuel Kaplan	5	5	5
12	250	do	5	5	5
12	251	do	5	5	5
12	252	do	5	5	5
12	253	do	5	5	5
12	254	do	5	5	5
12	4	Frank Travers	5	5	5
13	1	Clark's Cove Realty, Inc.	(See Plat 15, Lot 280)		

GRANT OF BASEMENT

John L. Waldo, Jr., 887 Rock O'Dundee Road, Dartmouth, Massachusetts and Kenneth N. Cooper, 806 Rock O'Dundee Road, Dartmouth, Massachusetts, in the County of Bristol and in the Commonwealth of Massachusetts, in consideration of an easement for access granted by the New Bedford Park Board, hereby grants to the City of New Bedford, a municipal corporation a perpetual easement to construct, locate, operate, maintain and remove water lines and other fixtures and appurtenances for the transmission of water over, under, across and upon the land situated in the City of New Bedford, Bristol County, Commonwealth of Massachusetts which is bounded and described as follows:

Permanent Easement (10 feet wide)

Beginning at a point in the easterly line of said premises, said point being two hundred seventy-five and 10/100 (275.10) feet southerly from the south line of the New Bedford-Fairhaven Route 6;

thence continuing southerly in said easterly line of said premises a distance of ten (10) feet to a point;

thence westerly in a line parallel to and two hundred eighty-five and 10/100 (285.10) feet distant from the southerly line of Route 6 a distance of seventy-four (74) feet more or less to a point in the westerly line of said premises;

thence northerly in said westerly line of the premises a distance of ten and 20/100 (10.20) feet to a point;

thence easterly in a line parallel to and ten (10) feet distant from the second described line a distance of seventy-six (76) feet more or less to the point of beginning, containing 750 square feet more or less.

Temporary Easement (25 feet wide)

Beginning at a point in the easterly line of said premises, said point being two hundred seventy and 10/100 (270.10) feet southerly from the south line of the New Bedford-Fairhaven Route 6;

thence continuing southerly in said easterly line of the premises a distance of twenty-five (25) feet to a point;

thence westerly in a line parallel to and two hundred ninety-five and 10/100 (295.10) feet distant from the southerly line of Route 6 a distance of seventy (70) feet more or less to a point in the westerly line of said premises;

thence northerly in said westerly line of the premises, a distance of twenty-six and 93/100 (26.93) feet to a point;

thence easterly in a line parallel to and twenty-five (25) feet distant from the second described line a distance of eighty (80) feet more or less to the point of beginning, containing 1,900 square feet more or less.

This temporary easement will terminate when construction of the proposed water line is completed.

The above easements are shown on "Plan of Proposed Easements to be Acquired from Lot 11-60 by the New Bedford Water Department, Camp, Dresser & McKee, Consulting Engineers, Boston, Massachusetts", dated September, 1970.

WITNESS our hands and seals this 20th day of October, 1971.

*John L. Waldo, Jr.*  
John Waldo, Jr.

*Kenneth N. Cooper*  
Kenneth N. Cooper

Bristol, ss.

October 20, 1971

Then personally appeared the above named John Waldo, Jr. and Kenneth N. Cooper and acknowledged the foregoing instrument to be their free act and deed, before me,

*Edward E. Remy*  
Notary Public

My commission expires; April 15, 1977

Received & recorded

*Jan. 2 7 1972 at 11 hrs 23 min. A.M.*

Attest: *John Gomes* Register

NOT  
OF  
RECORD



Note  
8-26-74  
1689-85

Street address of Grantees: 806 Rock-O-Dunee Road, South Dartmouth, Massachusetts

BOOK 1634 PAGE 764

1093

GRANT OF EASEMENT

The City of New Bedford, a municipal corporation in New Bedford, Bristol County, Massachusetts, acting by and through its Park Board, for consideration paid, grants to John L. Waldo, Jr. and Kenneth N. Cooper, their heirs, successors and assigns, a perpetual right and easement in and upon land of the City of New Bedford, presently under the control and jurisdiction of the Park Board, situated on the southerly side of the New Bedford-Fairhaven Road, U.S. Route 6, bounded and described as follows:

BEGINNING at a point in the southerly line of New Bedford-Fairhaven Road, U.S. Route 6, at the northeasterly corner of land belonging to John L. Waldo, Jr. and Kenneth N. Cooper; thence

EASTERLY along said southerly line of New Bedford-Fairhaven Road, U.S. Route 6, a distance of two hundred ten (210.0) feet; thence

SOUTHERLY by land belonging to the City of New Bedford a distance of thirty-one (31.0) feet; thence

WESTERLY by land belonging to the City of New Bedford a distance of two hundred ten (210.0) feet; thence

NORTHERLY by land of said Waldo and Cooper a distance of thirty-one (31.0) feet to the place of beginning.

The foregoing easement is shown on a plan entitled "Plan of proposed easement to be acquired from the City of New Bedford, Mass." dated September, 1971, John J. McKinnon, Registered Land Surveyor, on file with the Park Board.

The only purpose of this easement is to provide access for ingress and egress to property belonging to the grantees. No parking of any type vehicle will be allowed. The grantees, their heirs, successors and assigns and invitees shall have the right to enter upon the above described premises at all times with their necessary personnel, vehicles and equipment for all purposes of access, and

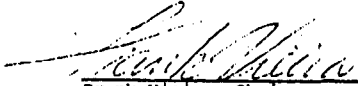
Page 2.

they shall have the right to pave, construct, repair and maintain a driveway or other way.

The grantor expressly reserves the right to cross or use such portions of this easement as may be necessary to provide access into Marine Park by the City of New Bedford, its agents and its invitees.

IN WITNESS WHEREOF, the City of New Bedford, acting by and through the Park Board, has hereunto set its hand and seal by Frank Vieira the Chairman of the Park Board hereunto duly authorized.

JAN. 20, 1972


  
Frank Vieira, Chairman

THE COMMONWEALTH OF MASSACHUSETTS

Bristol, ss. New Bedford, Massachusetts January 20, 1972

Then personally appeared the above named Frank Vieira, and acknowledged the foregoing instrument to be the free act and deed of the Park Board of the City of New Bedford

before me,

  
Notary Public

My Commission expires September 24, 1977

Received & recorded Feb. 3, 1972, at 2 hrs. - min. P.M.

Attest:  Registrar



8895

CITY OF  
NEW BEDFORD, MASSACHUSETTS  
PARK DEPARTMENT

January 6, 1972

COMMISSIONERS

Frank Vieira, Chairman  
William Smith, Secretary  
Harrie W. Johnston  
Manuel P. S. Macedo  
Carl R. Anderson  
Edward J. Lowney, Supt.

REF: 1634-764

I, Helen K. Aguiar, Clerk of the New Bedford Park Board, hereby certify that at a properly held meeting of the New Bedford Park Commissioners held January 6, 1972, at which a quorum was present and voting throughout, it was

VOTED:

To grant an easement to provide access for ingress and egress purposes only, to John L. Waldo, Jr. and Kenneth N. Cooper, in a parcel of land under the jurisdiction of the Park Board, located on the Southerly side of Route Six in New Bedford, said parcel of land being located in Marine Park, and having Two Hundred Ten (210) feet frontage on Route Six and a depth of Thirty-One (31) feet. No parking of any vehicle will be allowed.

And it was further VOTED:

that Frank Vieira, the chairman of the Board of Park Commissioners do and hereby is authorized to sign the easement in behalf of the Board of Park Commissioners.

Members present: Frank Vieira, chairman, Harrie W. Johnston, Carl R. Anderson and Edward J. Lowney, supt. of parks.

Vote: 2 yeas  
1 no ... Johnston

*Helen K. Aguiar*  
Clerk of the New Bedford Park  
Board  
Helen K. Aguiar

1634-764 FILE 851

Received & recorded *Aug. 26 1974* at 2:30 pm, P.M.

Attest: *John Jones* Register

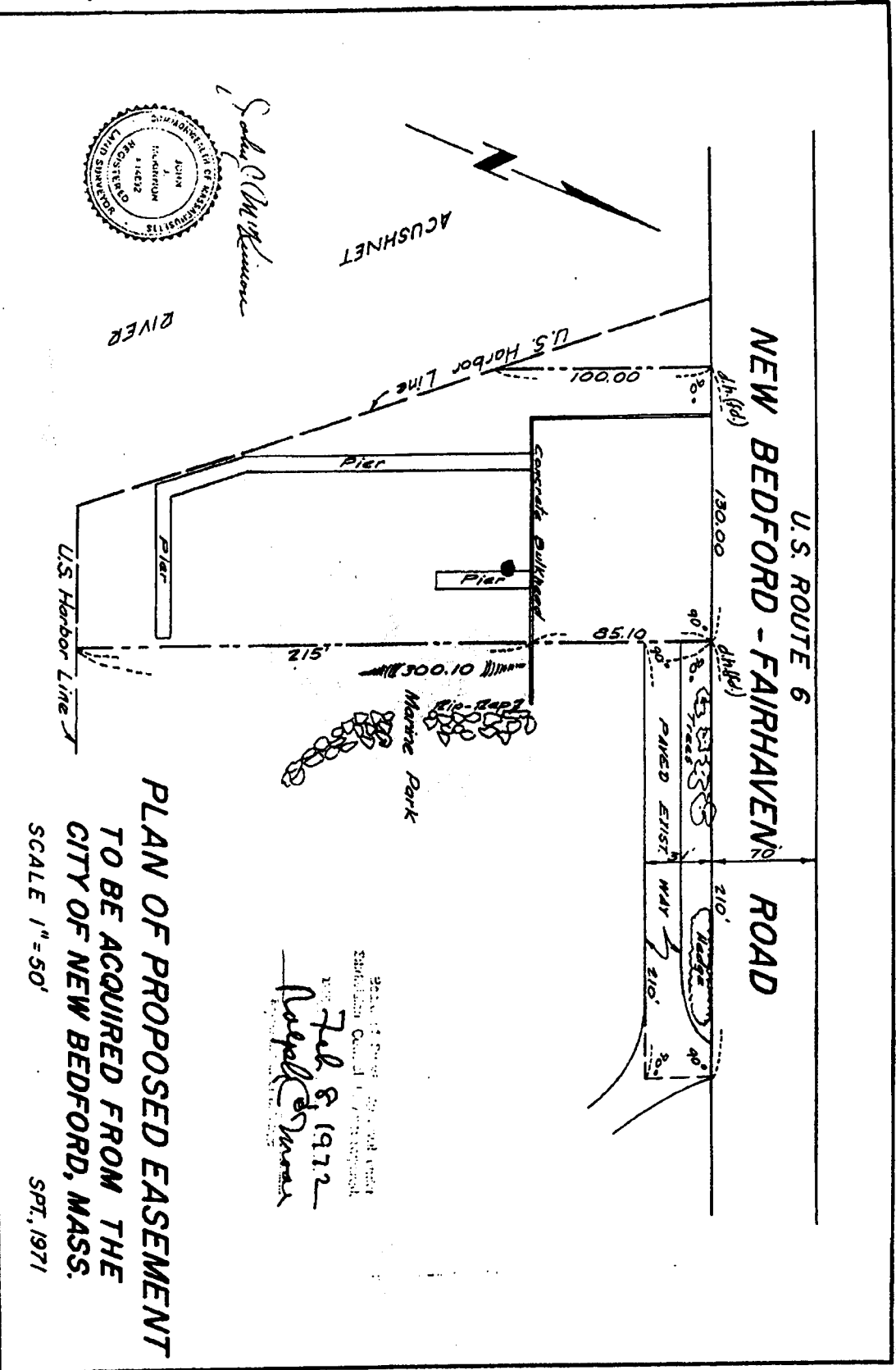
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Certificate  
of  
Compliance  
02-09-09  
9259-230

9356

THE COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF NATURAL RESOURCES

100 CAMBRIDGE STREET  
BOSTON, MASSACHUSETTS 02202

PERMIT UNDER

G.L. c.130 s.27A

FILE NUMBER: DF-805-M  
City of New Bedford  
TO: Water Department  
City Hall  
New Bedford, Massachusetts

PROJECT LOCATION: New Bedford

CERT. MAIL NO.: 332093

RE: NOTICE OF INTENT AND PLANS DATED: May 22, 1972 - Locust, Southerly of Route 6  
across New Bedford Harbor

Pursuant to the authority of G.L. c.130 s.27A, the Director of the Division of Marine Fisheries has considered your notice of intent and plans submitted therewith, and has determined that the proposed project described therein should be approved. However, the Director finds that in order to protect shellfish and other marine fisheries, the following conditions are necessary, and all work must be performed in strict conformance therewith. Therefore, the said Director issues this permit, and upon the recording thereof in the appropriate Registry of Deeds, work may commence.

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 permit.
2. The provisions of G.L. cc.91 and 111, and any regulations adopted thereunder, must be fully complied with.
3. This permit does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
4. This permit 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 and/or regulations.
5. The work authorized hereunder shall be completed within one (1) year from the date of this permit. A one (1) year extension of this period may be obtained by the submission of plans to the Director of the Division of Marine Fisheries which indicate the remaining work to be performed.
6. Any fill used in connection with this project shall be clean fill containing no trash, refuse, rubbish or debris, including, without limiting the generality of the foregoing, lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. All construction must conform in every respect with the plan submitted entitled, Proposed Submarine Water Main Across New Bedford Harbor in New Bedford and Fairhaven, dated February 1972, received by the Division of Conservation Services, June 1, 1972.
8. All excess spoil will be deposited and confined on upland.

Page 2

FILE NUMBER: DF-805-M

PERMITTEE: City of New Bedford

In the event that the permittee is aggrieved by the terms and conditions of this permit, he is entitled pursuant to G.L. C.30A, to file a petition for Judicial Review in the Superior Court within thirty (30) days after the receipt thereof or, if a petition for rehearing has been timely filed with the Department, within (30) days after the receipt of any notice from the Department denying such petition for rehearing.

PRIOR TO COMMENCEMENT OF WORK HEREUNDER, THIS PERMIT MUST BE RECORDED AND/OR REGISTERED IN THE APPROPRIATE REGISTRY OF DEEDS IN THE NAME OF THE OWNER OF THE PROPERTY UPON WHICH THE WORK IS TO BE PERFORMED.

2036

PREPARED BY:

Matthew B. Connolly, Jr.  
Director Matthew B. Connolly, Jr.  
Div. of Conservation Services

ISSUED BY:

Frank Grice  
Director Frank Grice  
Div. of Marine Fisheries

APPROVED:

Arthur W. Brownell  
Arthur W. Brownell Commissioner

On this 14th day of August 19 72, before me personally appeared to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.

My commission expires: Jan 26, 1979

Evans C. Hawes  
Notary Public

received & recorded August 21 19 72 at 1 hrs. 21 min. P.M.

Attest:

John Jones Register

BOOK 1646 PAGE 971

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**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 8B – Certificate of Compliance**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

DF-805-M

Provided by DEP

## A. Project Information

1. This Certificate of Compliance is issued to:

Joseph M. Forns, Applied Marine Ecology Lab

Name

25 Greengate Road

Mailing Address

Falmouth

MA

02540

City/Town

State

Zip Code

2. This Certificate of Compliance is issued for work regulated by a final Order of Conditions issued to:

City of New Bedford Water Department

Name

August 14, 1972

DF-805-M

Dated

DEP File Number

3. The project site is located at:

Fish Island

New Bedford

Street Address

City/Town

60

23

Assessors Map/Plat Number

Parcel/Lot Number

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

City of New Bedford Water Department

Property Owner (if different)

Bristol

1646

970&amp;971

County

Book

Page

Certificate

4. A site inspection was made on:

February 3, 2009

Date

## B. Certification

Check all that apply:

- ☒ **Complete Certification:** It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
- ☐ **Partial Certification:** It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 8B – Certificate of Compliance**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

DF-805-M

Provided by DEP

**B. Certification (cont.)**

- ☐ **Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.
- ☐ **Ongoing Conditions:** The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).

Condition Numbers: \_\_\_\_\_

**C. Authorization**

Issued by:

Department of Environmental Protection  
Issuing Authority

**FEB - 6 2009**

Date of Issuance

Signature:

*Tena J. Davies*  
Tena J. Davies, Bureau of Resource Protection



CHARLES P. SHURTLEFF  
Notary Public  
Commonwealth of Massachusetts  
My Commission Expires  
December 8, 2011

On this 6<sup>th</sup> day of FEBRUARY, 2009, before me, the undersigned Notary Public, personally appeared Tena J. Davies, known to me based on personal knowledge of his/her identity, and known to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

Notary Public

Dec. 8, 2011  
My commission expires

*file*

## ORDER

## WETLAND PROTECTION ACT

G.L.c.131 s.40

FILE NUMBER: 49-13

PROJECT LOCATION: New Bedford, Mass.

TO: City of New Bedford (Piers 3 &amp; 4)

CERT. MAIL NO:

RE: NOTICE OF INTENT AND PLANS DATED: 10/28/76

DATE OF RECEIPT BY  
CONSERVATION COMMISSION: \_\_\_\_\_

DATE OF PUBLIC HEARING: 11/17/76

Pursuant to the authority of G.L. c.131 s.40, the New Bedford Conservation Commission has considered your notice of intent and plans submitted therewith, and has determined that the area on which the proposed work is to be done is significant to one or more of the interests described in the said act. The New Bedford Conservation Commission hereby orders that the following conditions are necessary and all work must be performed in strict conformance therewith:

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 and/or regulations.
4. The work authorized hereunder shall be completed within one (1) year from the date of this order. The order may be extended by the issuing authority for one or more additional one-year periods upon application to the said issuing authority at least thirty days prior to the expiration date of the order or its extension.
5. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including, without limiting the generality of the foregoing, lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
6. No work may be commenced until all appeal periods have elapsed from the order of the Conservation Commission or from a final order by the Department of Natural Resources has elapsed.

"D"



7. No work shall be undertaken until the final Order, with respect to the proposed project, has been recorded in the Registry of Deeds for the district in which the land is located. Copy to be furnished to issuer of this Order showing book and page.
8. 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.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet bearing the words, "Massachusetts Department of Natural Resources, File Number 49-13".
10. Where the Department of Natural Resources 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 of Natural Resources.
11. The work shall conform to the following described plans and additional conditions:
  1. Sheet piling be required to be installed prior to excavation and all excavated materials be disposed of in a manner acceptable to all local and state regulations including pilings and super-structure of existing dock.
  2. Sewer connections be available to all boats to discharge waste. Water supply provisions also be made available.
  3. Sewer, storm drainage and water provisions conform to all city ordinances and regulations.

File 1754 File 736

CONDITIONS CONTINUED

PAGE 3

FILE NO. 49-13

The applicant, any person aggrieved by this order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to appeal this order to the Department of Natural Resources, provided the request is made in writing and by certified mail to the Department of Natural Resources within ten (10) days from the issuance of this order.

ISSUED BY New Bedford Conservation Comm.

Jack Turner Chairman

Thomas B. Peier

Wm. L. Hall

Chas. J. Doyle

On this 18th day of Nov. 1976, before me personally appeared Jack Turner, Chairman, New Bedford Conservation Commission to me known to be the person described in and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.



David J. Brown

My commission expires: Aug. 28, 1981

1763 478

6154

COMMONWEALTH OF MASSACHUSETTS

WETLAND PROTECTION ACT

G.L. C.131 s. 40

REF: 1763-475

EXTENSION PERMIT

DATE April 26, 1978

FILE NO. SE 49-15-West Beach Seawall

PROJECT LOCATION New Bedford, MA.

TO:

CERTIFIED MAIL NO. 431474

City of New Bedford  
Dept. of Public Works  
Municipal Bldg.  
New Bedford, MA. 02740

This document extends the order issued to New Bedford Dept. of Public Works  
for a period of one year, from the date of termination  
of the last order issued in regard to this project or extension of same which ever is  
the later date.

Jack Turner  
Signature of Issuing Authority

On this 28th day of April 19 78, before me personally  
appeared Jack Turner-Chairman-New Bedford Conservation Commission  
to me known to be the person described in and who executed the foregoing instrument  
and acknowledged that he executed the same as his free act and deed.



Notary Public  
Norman J. Lyonnais

Norman J. Lyonnais April 1980  
My commission expires

Received & recorded June 14, 1978 at 3 hrs. 9 min. P.M.

"E"  
Attest: John Jones Register

1764 DEC 532

6856

*Air Industrial Park  
Public Works Project*

6-24-78  
JLB

*JLB*

ORDER

WETLAND PROTECTION ACT

G.L. C. 131 s. 40

FILE NUMBER: 4948

PROJECT LOCATION: New Bedford

TO: City of New Bedford  
Air Industrial Pk. Aviation Way  
c/o Dept. of Public Works

CERT. MAIL NO: \_\_\_\_\_

RE: NOTICE OF INTENT AND PLANS DATED: 9/20/77

DATE OF RECEIPT BY

CONSERVATION COMMISSION: 9/21/77

DATE OF PUBLIC HEARING: 9/28/77

Pursuant to the authority of G.L. C. 131 s. 40, the New Bedford Conservation Commission has considered your notice of intent and plans submitted therewith, and has determined that the area on which the proposed work is to be done is significant to one or more of the interests described in the said act. The New Bedford Conservation Commission hereby orders that the following conditions are necessary and all work must be performed in strict accordance with said conditions and with the Notice of Intent and Plans, unless modified by said conditions:

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 and/or regulations.
4. The work authorized hereunder shall be completed within one (1) year from the date of this order unless otherwise stated below pursuant to Regulation 6.7. The order may be extended by the issuing authority for one or more additional one-year periods upon application to the said issuing authority at least thirty days prior to the expiration date of the order or its extension.
5. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including, without limiting the generality of the foregoing, lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.

"D"

12544

MASSACHUSETTS QUITCLAIM DEED INDIVIDUAL (LONG FORM) 802

KNOW ALL MEN BY THESE PRESENTS THAT WE, JOHN L. WALDO, JR. of Naples,  
Florida, and KENNETH N. COOPER  
of Dartmouth, Bristol County, Massachusetts

being unmarried, for consideration paid, and in full consideration of Seventy Thousand (\$70,000)  
Dollars

grants to Leroy Faltus and Elaine Faltus, husband and wife, as joint  
tenants and not as tenants by the entirety.

of 18 Grape Street, Fairhaven, Bristol County, with quitclaim covenants  
Massachusetts  
thelandx bordering on and in the Acushnet River in said New Bedford, with  
the buildings thereon, bounded and described as follows:  
(Description and encumbrances, if any)

BEGINNING at the northwest corner of the land to be conveyed at a drill  
hole in the south edge of the coping on the present New Bedford-Fairhaven  
Bridge as shown on the plan hereinafter referred to;

Thence, easterly in line of the south edge of said coping 130 feet to  
an old drill hole;

Thence, about southerly and at a right angle to the last-described line  
in line of land of the City of New Bedford 85.10 feet to a drill hole  
in a retaining wall;

Thence, continuing in the same course and direction 215 feet, more or  
less, to the U. S. Harbor Line as shown on said plan;

Thence, about westerly and at an approximate right angle to the last  
described line, in line of the U. S. Harbor Line to the U. S. Harbor  
Line intersecting this last mentioned U. S. Harbor Line as shown on  
said plan;

Thence, about northwesterly in line of said U. S. Harbor Line as shown  
on said plan to a point 100 feet, more or less, southerly from the  
point of beginning, which point is in a line at a right angle to the  
south edge of the coping;

Thence, about north 100 feet, more or less, to the drill hole and place  
of beginning.

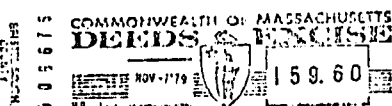
As heretofore described, the land area is approximately 33.82 square  
rods, more or less, the water area 92.90 square rods, more or less, as  
shown on said plan.

Also included in the above conveyance so far as the grantor has a  
right to convey is the area under the water in the Acushnet River to  
the west of the U. S. Harbor Line.

All as shown on Plan of Land belonging to the New Bedford Yacht Club  
dated April 17, 1951, and drawn by Thomas W. Williams, C. E., recorded  
in Bristol County, S. D., Registry of Deeds, Plan Book 42, Page 47.

Together with a permanent easement for access to and from State Highway,  
Route #6, as granted by the City of New Bedford in an easement dated  
June 20, 1972 and recorded in said Registry, Book 1634, Page 764, and  
subject to an easement granted to the City of New Bedford for the  
purpose of land and water mains in the Acushnet River by document dated  
October 20, 1971 and recorded in said Registry in Book 1634, Page 297.

Also included in the above conveyance insofar as the grantors have a  
right to transfer, are all licenses of record for the installation of  
docks and piers and retaining walls.



(\*Individual — Joint Tenants — Tenants in Common — Tenants by the Entirety.)



Witness our hands and seals this 7th day of November 1979.

Joseph P. Harrington

John L. Walcott  
John L. Walcott, Jr.  
Kenneth N. Cooper

**The Commonwealth of Massachusetts**

Bristol, ss.

November 7, 1979.

Then personally appeared the above named

**Kenneth N. Cooper**

and acknowledged the foregoing instrument to be

his free act and deed, before me

his free act and deed, before me  
*Joseph P. Harrington*  
 Notary Public - State of Michigan  
 My Commission Expires December 5, 1980

Received & recorded Nov. 17 1974 at 4 pm. 7 1974 P. 10

Attest: *John Jones* Registrar

CS

BOOK 1816 PAGE 724

301

FORM 4

ORDER OF CONDITIONS

WETLANDS PROTECTION ACT

G.L. C. 131, s. 40

CITY/TOWN New Bedford, MA.

FILE NUMBER SE 49-32

TO: NAME Mass. E.O.E.A.-D.E.Q.E.

ADDRESS 100 Nashua St.

Div. of Land and Water Use

Boston, MA. 02114

CERTIFIED MAIL NUMBER \_\_\_\_\_

Attn: J.J. Hannon, Chief Engr.

PROJECT LOCATION: State Pier, New Bedford, MA.  
Address \_\_\_\_\_

Recorded at Registry of Deeds, S.D. BRISTOL Co. Book 418, Page 492

Certificate (if registered) \_\_\_\_\_

REGARDING:

Notice of Intent dated November 8, 1980

Addition to Cargo Shed

and plans titled and dated State Pier New Bedford, MA. dtd. 10/28/80

THIS ORDER IS ISSUED ON (date) December 5, 1980

Pursuant to the authority of G.L. c. 131, s. 40, the New Bedford Conservation Commission has reviewed your Notice of Intent and plans identified above, and has determined that the area on which the proposed work is to be done is significant to one or more of the interests listed in G.L. c. 131, s. 40. The New Bedford Conservation Comm. hereby orders that the following conditions are necessary to protect said interests and all work shall be performed in strict accordance with them and with the Notice of Intent and plans identified above except where such plans are modified by said conditions.

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 and/or regulations.
4. The work authorized hereunder shall be completed within one (1) year from the date of this order unless it is for a maintenance dredging project subject to Section 5(9). The order may be extended by the issuing authority for one or more additional one-year periods upon application to the said issuing authority at least thirty (30) days prior to the expiration date of the order or its extension.

5. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including, without limiting the generality of the foregoing, lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
6. No work may be commenced until all appeal periods have elapsed from the order of the Conservation Commission or from a final order by the Department of Environmental Quality Engineering.
7. No work shall be undertaken until the final order, with respect to the proposed project, has been recorded in the Registry of Deeds for the district in which the land is located within the chain of title of the affected property. The Document number indicating such recording shall be submitted on the form at the end of this order to the issuer of this order prior to commencement of work.
8. A sign shall be displayed at the site not less than two square feet or more than three square feet bearing the words, "Massachusetts Department of Environmental Quality Engineering. Number SE49-32".
9. Where the Department of Environmental Quality Engineering 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.
10. 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.
11. The work shall conform to the following described plans and additional conditions:  

PLANS: Addition to Cargo Shed  
State Pier-New Bedford, MA.  
Sheets A-1, A-2, and ESC-1  
October 28, 1980

Additional Conditions:

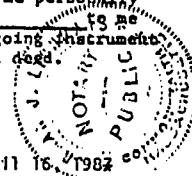
  1. Investigate the possibility of a sanitary receptacle for the Coast Guard vessels moored at state pier.
  2. A public hearing be held, this to be determined by the Environmental Notification Form
  3. Implementation of an anti-siltation method to prevent silt from leaving the project site.

The applicant, any person aggrieved by this order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to appeal this order to the Department of Environmental Quality Engineering provided the request is made in writing and by certified mail to the Department within ten (10) days from the issuance of this order.

ISSUED BY New Bedford Conservation Commission

Harold D. Farnham  
Adrian James Lopez  
Frank B. Peirce  
George L. Kelle  
Jack Turner

On this 4th day of December 1980, before me personally appeared Jack Turner known to be the person described in, and who executed the foregoing instrument and acknowledged that he executed the same as his free act and deed.



Norman V. Lyons My Commission expires April 16, 1982  
 Norman V. Lyons Attest: John Gomes Register  
 Received & Recorded Jan. 14 1981 at 8 hrs 39 min A.M.

Exit Permit  
8/13/91  
2680-97

RECEIVED 24050

SEP 5 1986 94

DIVISION OF FOREST & PARKS  
REGION 1 HEADQUARTERS

Form 5



Commonwealth  
of Massachusetts

CECE File No. SE 49-72  
(To be provided by CECE)

City/Town New Bedford

Applicant Dept. of Env. Management

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

From New Bedford Conservation Commission

To Dept. of Environmental Management City of New Bedford

(Name of Applicant)  
100 Cambridge St. 19th Floor  
Boston, MA 02202

(Name of property owner)  
City Hall, New Bedford, MA

Address

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 20 August 1986 (date)

This project is located at Pope's Island

The property is recorded at the Registry of Deeds, Bristol County, S.D.

Book 650 Page 313

Certificate (if registered) N/A

The Notice of Intent for this project was filed on 4 August 1986 (date)

The public hearing was closed on 19 August 1986 (date)

Findings

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

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

BK1908PCL1187



Therefore, the New Bedford Conservation Commission 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 N.B. Conservation Commission 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 \_\_\_\_\_ 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 Quality Engineering, File Number S.E. \_\_\_\_\_".
10. Where the Department of Environmental Quality Engineering 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:

96

Plans:

Title	Dated	Signed and Stamped by:	On File with:

Special Conditions (Use additional paper if necessary)

To use techniques to minimally disturb the harbor bed (no jetting of piles will be allowed) to reduce mobilization of any sediments and contaminants.

961109

Issued By New Bedford Conservation Commission

Signature(s)

[Signature]  
[Signature]  
[Signature]  
Adert James Lopez

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

On this 22 day of August 19 86, before me personally appeared Adert James Lopez, 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.

[Signature]  
 Notary Public Donse M. Pappas

Feb. 5, 1993  
 My commission expires

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done or any ten residents of the city or town in which such land is located are hereby notified of their right to request the Department of Environmental Quality Engineering to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department within ten 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 the applicant.

Received & Recorded Oct. 6, 1986 at 10 hrs 24 min A.M.Attest [Signature] Register

OK 2680 PG 0097

15025

Form 7



Commonwealth  
of Massachusetts

DEOE File No. SE49-72  
(To be provided by DEOE)

City/Town NEW BEDFORD

Applicant Dept. of Environmental  
Management, Division of  
Waterways.

**Extension Permit  
Massachusetts Wetlands Protection Act  
G.L. c. 131, §40**

From: New Bedford Conservation Commission Issuing Authority  
To: Dept. of Environmental Mgmt 100 Cambridge St., 19TH Floor,  
(Name) (Address) Boston, MA 02202

The Order of Conditions (or Extension Permit) issued on August 19, 1986 (date)  
to Dept. of Environmental Management (name) for work at Pope's Island  
(address) is hereby extended for a period of three year(s) from the  
date it expires.

This Extension Permit will expire on August 9, 1992 (date)

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

(Leave Space Blank)

EX 2680 PG 0098

Issued by NEW BEDFORD CONSERVATION COMMISSION

Signature(s) Alan Hemeny

Charles P. P. P.

Ron Fortin

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

On this 10<sup>th</sup> day of August, 1989, before me personally appeared Alan Hemeny, 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.

Judith Parkes  
Notary Public

12/31/90  
My commission expires

Received & Recorded August 13 1991 at 11 hrs. 44 min. AM

Attest: John Eames Register

Delash on dotted line and submit to the NB CONSERVATION COMMISSION prior to commencement of work.



26139

P.B. 124  
Pg. 100

The Commonwealth of Massachusetts

No. 1882



Whereas, Massachusetts Department of Environmental Management

of -- New Bedford, -- in the County of -- Bristol -- and Commonwealth  
aforesaid, has applied to the Department of Environmental Protection\* for  
license to -- construct and maintain a 198 slip marina; and to maintain  
existing fill and structures -----

and has submitted plans of the same; and whereas due notice of said  
application, ~~and of the time and place fixed for a hearing thereon~~, has  
been given, as required by law, to the -- Mayor -- of the City -- of --  
New Bedford -----

NOW, said Department, having heard all parties desiring to be heard, and  
having fully considered said application, hereby, subject to the approval  
of the Governor, authorizes and licenses the said

Massachusetts Department of Environmental Management, -- subject to the  
provisions of the ninety-first chapter of the General Laws, and of all  
laws which are or may be in force applicable thereto, to -- construct and  
maintain a 198 slip marina; and to maintain existing fill and structures

in and over the waters of -- Acushnet River -- in the City of -- New  
Bedford -- and in accordance with the locations shown and details  
indicated on the accompanying DEP License Plan No. 1882, (7 sheets)

\*Pursuant to Stat. 1989, c.240, s.101, "The Department of Environmental  
Quality Engineering shall be known as the Department of Environmental  
Protection," hereinafter in this document referred to as the "Department"  
or "DEP".

License No. 1882

Page 2

The structures authorized hereby shall be limited to the following use: recreational and commercial docking and boating access for the general public to navigable waters.

Waterways Special Conditions

The Licensee shall provide and maintain:

1. A suitable marine vessel pump-out facility made available to the general boating public at a reasonable cost, and shall take other appropriate measures for the storage, conveyance and discharge of sewage, so as not to contaminate tidal waters, and to convey stormwater to protect from coastal erosion.
2. The general public shall be granted pedestrian access to the property subject to this license, as well as, access to public parking for a minimum of one hundred-fifty (150) motor vehicles. Within the Facilities Building, adequate public toilets, showers and a Dockmaster's Office shall be made available. Such public access shall be available at least from sunrise to one hour after sunset and shall be subject to the ability of the licensee to establish and implement reasonable public security measures.
3. Adequate trash receptacles shall be provided on the property subject to this license. The pedestrian access, the motor vehicle parking area and the Facilities Building shall include landscaping with adequate vegetation, fencing, lighting and signs indicating the public pedestrian access, the public motor vehicle parking area and the Facilities Building with the public toilets, the public showers and the Dockmaster's Office.
4. Any contract or other agreement for exclusive use of berths at this facility shall have a maximum term of one year and may be renewed upon expiration on an annual basis.

Please see page three for additional conditions to this license.

Duplicate of said plan, number 1882 is on file in the office of said Department, and original of said plan accompanies this License, and is to be referred to as a part hereof.

STANDARD WATERWAYS LICENSE CONDITIONS

1. Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein.
2. This License is granted upon the express condition that any and all other applicable authorizations necessitated due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity or use authorized pursuant to this License.
3. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use of unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.
4. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This license may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.
5. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein and the details indicated on the accompanying license plans.
6. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner or owners thereof.
7. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to the Wetlands Protection Act, G.L. Chapter 131, s.40.
8. This Waterways License is granted upon the express condition that the use of the structures and/or fill authorized hereby shall be in strict conformance with all applicable requirements and authorizations of the DEP Division of Water Pollution Control.

License No. 1882

Page 4

The amount of tide-water displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- Department of Environmental Management -- by paying into the treasury of the Commonwealth -- two dollars and zero cents -- for each cubic yard so displaced, being the amount hereby assessed by said Department. (0.0 cu. yds. = \$0.00).

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within 60 days from the date hereof, in the Registry of Deeds for the -- County of -- Bristol -----

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands this twenty-sixth day of October in the year nineteen hundred and eighty-nine.

Commissioner

Director

Section Chief

*[Signature]*  
*Christy Holt-Smith*  
*J. A. Sipe*

Department of  
Environmental  
Protection

## THE COMMONWEALTH OF MASSACHUSETTS

This license is approved in consideration of the payment into the treasury of the Commonwealth by the said -- Massachusetts Department of Environmental Management

of the further sum of -- zero dollars and zero cents

the amount determined by the Governor as a just and equitable charge for right and privileges hereby granted in the land of the Commonwealth.

Approved by the Governor.

BOSTON,

Governor

Received &amp; Recorded

Dec. 28, 1989 at 11 hrs. 12 min. 9 M.

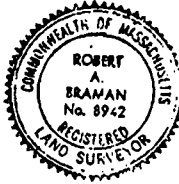
Attest:

*John Gomes* Registrar

001-471

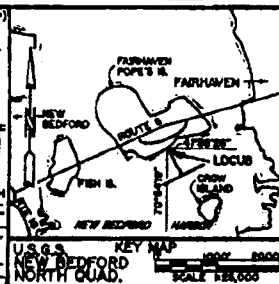
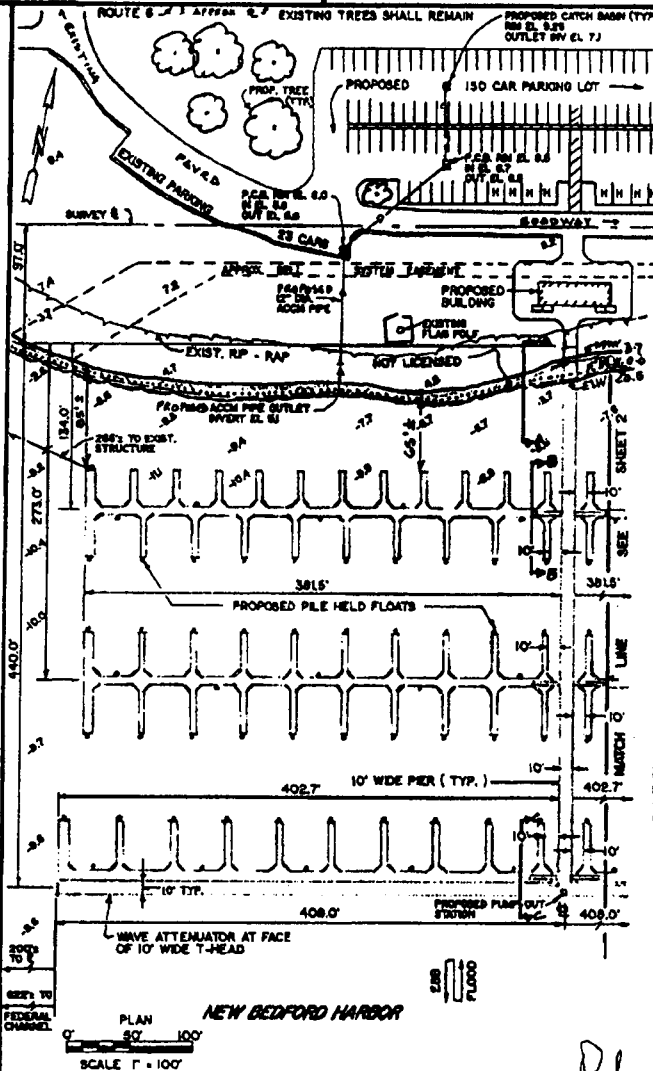
For Registry Use Only  
RECORDED & RECORDED  
1983 DEC 28 AM 11:12  
REGISTRY OF DEEDS  
BRISTOL COUNTY  
SOUTHERN DISTRICT

"I Certify That This Plan Has Been Prepared  
in Conformance With The Rules And  
Regulations Of The Registers Of Deeds."



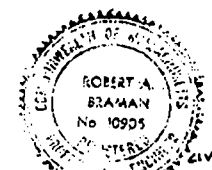
Robert A. Braman R. L. S.

124-100



- NOTES
1. ELEVATIONS ARE SHOWN IN FEET AND TENTHS BASED ON THE PLANE OF MEAN LOW WATER. MINUS FIGURES REPRESENT DEPTHS BELOW THAT SAME PLANE.
  2. TIMBER PILES WILL BE TREATED WITH CCA AT 2.5 PCF.
  3. ALL TIMBER ABOVE MHW SHALL BE CCA TREATED AT 10 PCF. ALL TIMBERS BELOW MHW AT 2.5 PCF.
  4. ALL HARDWARE SHALL BE GALVANIZED.
  5. MUNICIPAL USE.

ADJUTERS  
WESTERLY  
LEROY & ELANE FALUS  
CAPTAIN LEROY, THE OUTDOORSMAN  
ROUTE 5, POPES ISLAND  
NEW BEDFORD, MA. 02741  
NORTHERLY  
U. S. ROUTE 6  
U. S. DEPT. OF TRANSPORTATION  
88 BROADWAY STREET  
CAMBRIDGE, MA. 02142



Robert A. Braman

PLAN ACCOMPANYING PETITION OF  
DEPT. OF ENVIRONMENTAL MANAGEMENT  
DIVISION OF WATERWAYS  
TO CONSTRUCT AND MAINTAIN  
198 SLIP MARINA AT POPES ISLAND  
IN  
NEW BEDFORD HARBOR  
NEW BEDFORD, BRISTOL CO., MA.  
JULY 19, 1983  
OCT. 18, 1988 SHEET 1 OF 7  
BRAMAN ENGINEERING COMPANY, LTD  
CIVIL ENGINEERS & SURVEYORS  
256 MAIN ST., BUZZARDS BAY, MA.

LICENSED PLAN NO. 1882  
Approved by Department of Environmental Protection  
Commissioner  
JUL 26 1988

124-100

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For Registry Use Only

"I Certify That This Plan Has Been Prepared In Conformance With The Rules And Regulations Of The Registers Of Deeds."

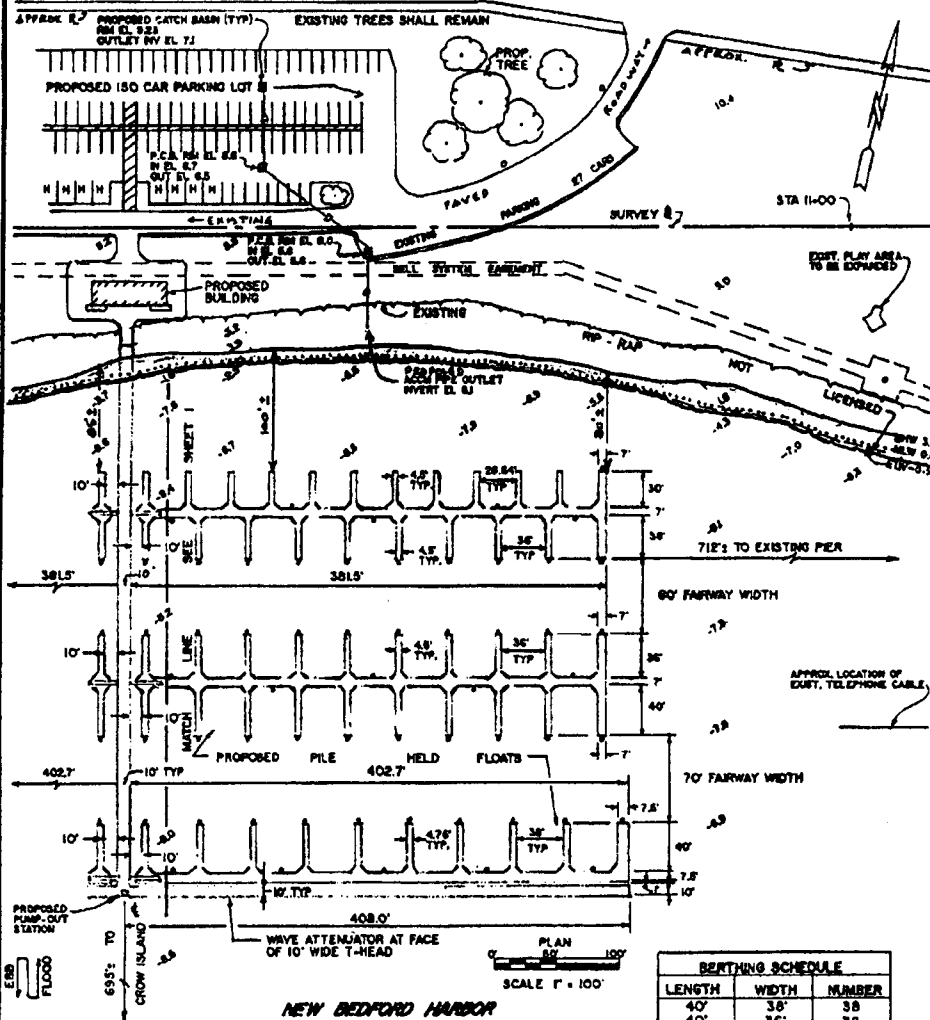


Robert A. Braman, L.S.

ROUTE

6

POPES ISLAND



BERTHING SCHEDULE		
LENGTH	WIDTH	NUMBER
40'	38'	38
40'	36'	38
38'	36'	78
30'	30'	46
TOTAL		190



Robert A. Braman

LICENSE PLAN NO. 1882  
Approved by Department of Environmental Protection

OCT 26 1989  
DEPT. OF ENVIRONMENTAL MANAGEMENT  
DIVISION OF WATERWAYS

JULY 19, 1989  
OCT. 18, 1988

SHEET 2 OF 7

124-100

124-100

5

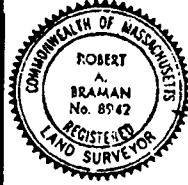


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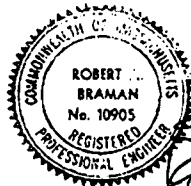
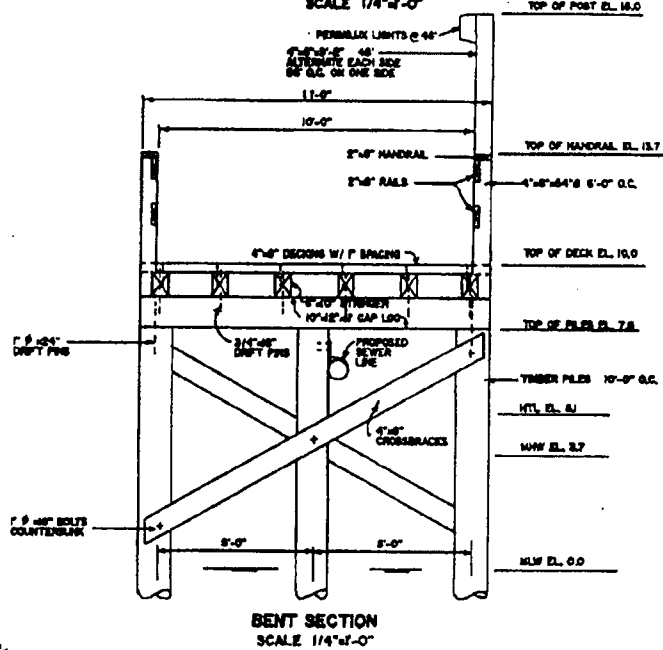
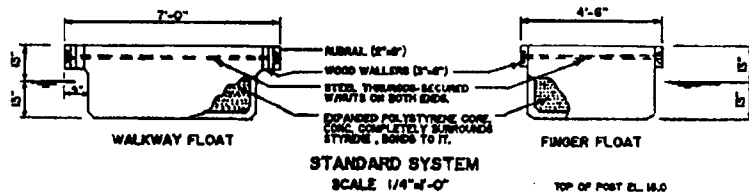
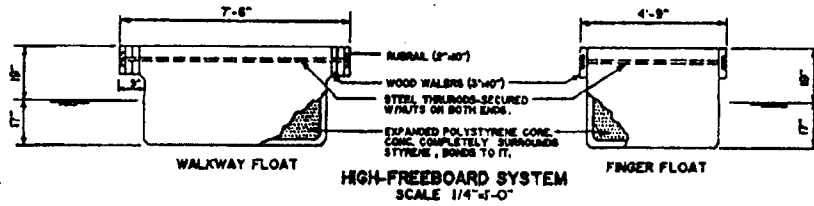
124-100

For Registry Use Only

"I Certify That This Plan Has Been Prepared in Conformance With The Rules And Regulations Of The Registers Of Deeds."



*Robert A. Braman* R. L. S.



*Robert A. Braman*

LICENSE PLAN NO. 1882  
APPROVED BY DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DATE: OCT 2'6 1989

DEPT. OF ENVIRONMENTAL  
MANAGEMENT  
DIVISION OF WATERWAYS

JULY 19, 1989  
OCT. 10, 1988

SHEET 3 OF 7

124-100

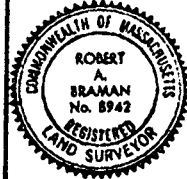
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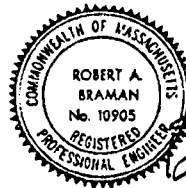
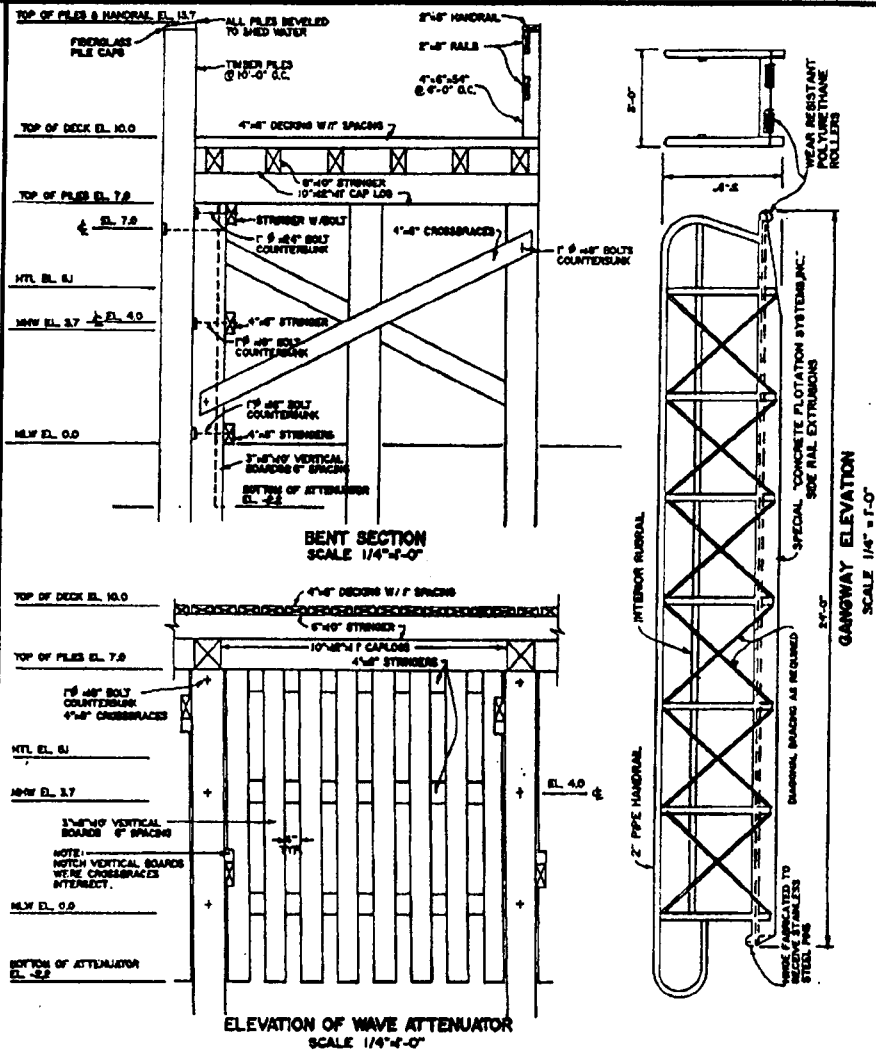
For Registry Use Only

"I Certify That This Plan Has Been Prepared  
in Conformance With The Rules And  
Regulations Of The Registers Of Deeds."



*Robert A. Braman* R. L. S.

001-421



*Robert A. Braman*

DESIGN PLAN NO. 1882  
OCT 26 1989  
OCT 26 1989

DEPT. OF ENVIRONMENTAL  
MANAGEMENT  
DIVISION OF WATERWAYS

JULY 17, 1989  
OCT. 18, 1988

SHEET 4 OF 7

124-100

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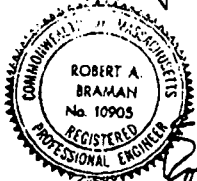
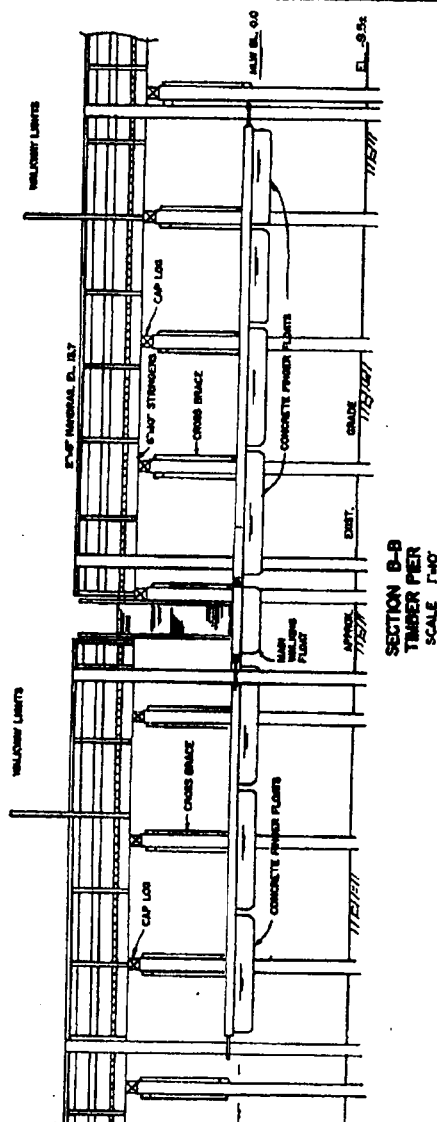
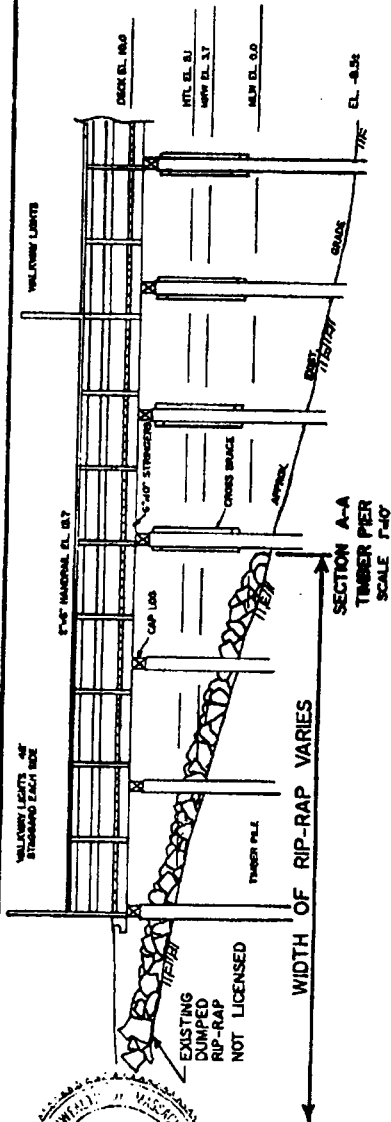
124-100

For Registry Use Only

"I Certify That This Plan Has Been Prepared  
in Conformance With The Rules And  
Regulations Of The Registers Of Deeds."



*Robert A. Braman* R. L. S.



*Robert A. Braman*

RECEIVED PLAN NO. 1882  
OCT 26 1989  
DEPT. OF ENVIRONMENTAL  
MANAGEMENT  
DIVISION OF WATERWAYS

DEPT. OF ENVIRONMENTAL  
MANAGEMENT  
DIVISION OF WATERWAYS

JULY 19, 1989  
OCT. 18, 1988

SHEET 5 OF 7

124-100

124-100

83

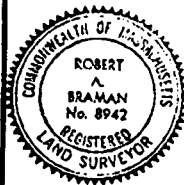
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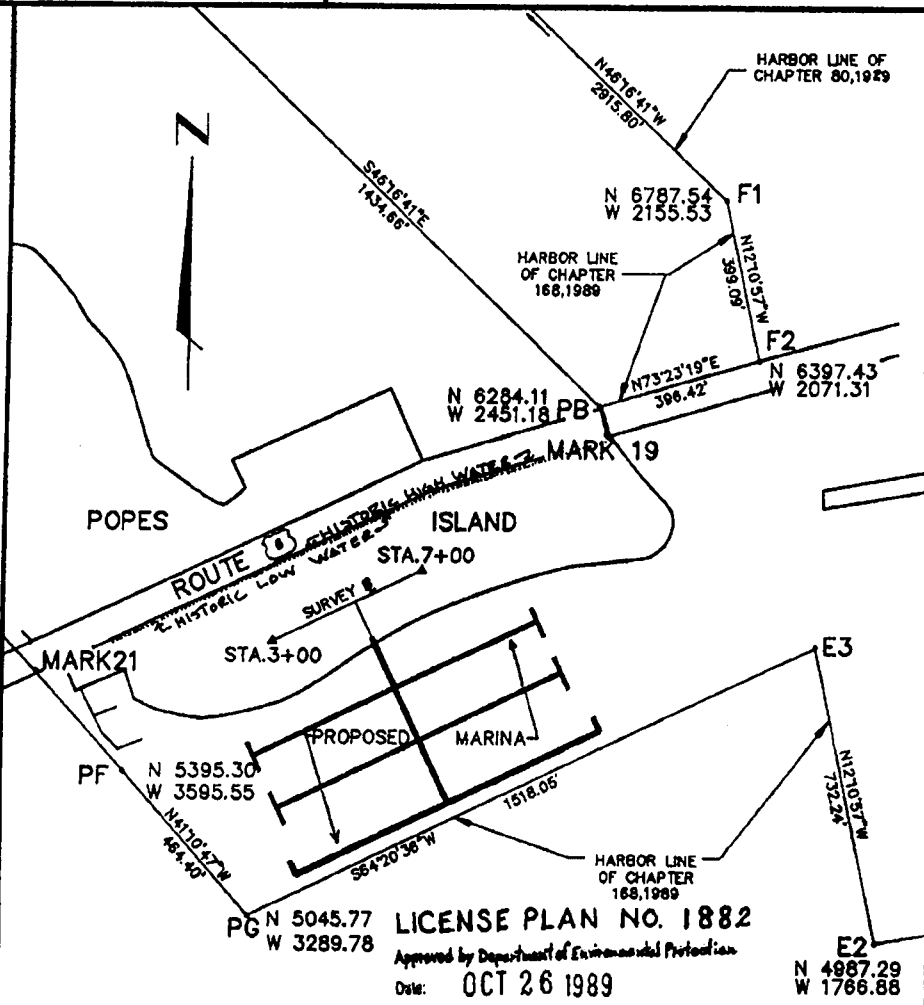
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FOR REGISTRY USE ONLY

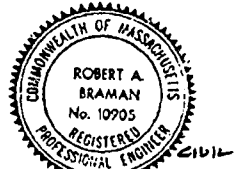
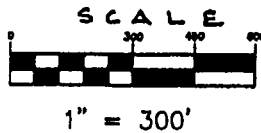
"I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS."



Robert A. Braman R.L.S.



FAIRHAVEN & NEW BEDFORD HARBORS  
PLAN OF MARINA WITH RESPECT TO HARBOR LINES



Robert A. Braman

DEPT. OF ENVIRONMENTAL  
MANAGEMENT  
DIVISION OF WATERWAYS JULY 19, 1989

SHEET 7 OF 7

124-100

124-100

05

THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF HIGHWAYS

NEW BEDFORD  
Layout 7273  
and Order of Taking

WHEREAS, the Massachusetts Department of Public Works, on behalf of the Commonwealth of Massachusetts, did, under date of November 9, 1972 (Layout No. 6091) lay out and take charge of as a Limited Access State Highway, a road in the City of New Bedford, County of Bristol, now being known as the New Bedford City Connector, as shown on the plans of said State Highway on file in the office of the Massachusetts Department of Highways, copies of which plans have been filed in the office of the County Commissioners of said County of Bristol, Southern District at New Bedford, and in the office of the Clerk of said City of New Bedford; and

WHEREAS, it now appears advisable to make certain changes in the westerly location lines of said State highway and to exclude from said State highway location three areas of land no longer needed for State Highway purposes;

NOW, THEREFORE, acting under the provisions of Chapter 81 of the General Laws, as appearing in the Tercentenary Edition thereof, and acts in amendment thereof and in addition thereto, the Department of Highways adjudges that public necessity and convenience require that the Commonwealth should alter the location of said State highway, and should lay out and take charge of said State highway as altered, with Limited Access Provisions, as hereinafter described.

The alteration consists of revising the aforesaid State highway on the westerly side thereof in two Sections, and is more fully described as follows:

The Baseline used for the alteration is the main baseline of the aforesaid 1972 State highway layout, and the stations hereinafter referred to are points thereon.

Section 1

Section 1 of the State highway hereby altered and laid out begins at a point on the aforesaid 1972 westerly location line at a point bearing south 49°57'25" west and 113.29 feet distant from station 28+93.00 and extending thence, leaving said westerly location line north 49°57'25" east 57.29 feet to a point bearing south 49°57'25" west and 56.00 feet distant from station 28+93.00, thence, south 40°02'35" east 105.58 feet to a point bearing



1995 L.O. 7273

in New Bedford

Page 2

south  $49^{\circ}57'25''$  west and being 56.00 feet distant from station 27+87.42; thence north  $27^{\circ}11'29''$  east 60.73 feet to the point of ending thereof, again on the westerly location line of the aforesaid 1972 State highway layout said point also being a point on the baseline of the aforesaid 1972 State highway layout, shown as station 28+10.92.

#### Section 2

Section 2 of the State highway hereby altered and laid out begins at a point on the aforesaid 1972 westerly location line at a point bearing south  $49^{\circ}57'25''$  west and being 249.42 feet distant from station 27+98.18 and extends thence easterly by a curve to the left of 295.00 feet radius 69.55 feet to a point bearing south  $49^{\circ}57'25''$  west and being 183.50 feet distant from station 27+76.52; thence north  $61^{\circ}23'11''$  east 93.40 feet to a point bearing south  $49^{\circ}57'25''$  west and being 91.94 feet distant from station 27+58.01; thence by a curve to the left of 30.00 feet radius 53.11 feet to a point bearing south  $49^{\circ}57'25''$  west and being 56.00 feet distant from station 27+87.42; thence following the westerly line of 1979 city layout of J.F.K. Highway (Route 18) south  $40^{\circ}02'35''$  east 122.43 feet to a point bearing south  $49^{\circ}57'25''$  west and being 56.00 feet distant from station 26+64.99; thence southwesterly by a curve to the left of 30.00 feet radius 41.14 feet to a point bearing south  $49^{\circ}57'25''$  west and being 80.06 feet distant from station 26+94.40; thence south  $61^{\circ}23'11''$  west 55.41 feet to the point of ending thereof on the westerly location line of the aforesaid 1972 state highway layout said point bearing south  $49^{\circ}57'25''$  west and 134.36 feet distant from station 27+05.38.

The location line of the State highway hereby altered and laid out is to be further defined by bounds set thereon at points of beginning and ending thereof, angle points, and points of curvature, where feasible.

The right of access to and egress from the State highway location is limited being allowed across the location line of the highway altered and laid out as hereinbefore described, only as follows: 1.) Across the location line of Section 1 between a point thereon opposite and 56.00 feet distant from station 27+87.42 and the point of ending of said Section 1. 2.) Across the location line of Section 2 between a point thereon opposite and 56.00 feet distant from station 26+64.99 and a point thereon opposite and 56.00 feet distant from station 27+87.42.

f7

1995 L.O. 7273

in New Bedford

Page 3

The restrictions of access-egress imposed under the aforesaid 1972 State highway layout are hereby voided insofar as applicable to that portion of the westerly location line thereof extending between the points of beginning and ending of Section 1 and Section 2 of the State highway layout hereinbefore described.

For the purpose of laying out, constructing and maintaining said State highway, the Department of Highways, on behalf of the Commonwealth of Massachusetts, does hereby take, under the provisions of Chapter 79 of the General Laws, and of all other general or special laws thereto enabling, all of the land not already owned by said Commonwealth, outside the limits of the existing public way or ways, and within the limits of the layout hereinbefore described, including all trees and structures located thereon (not, however, including poles, towers, lines, wires, cables and other appurtenances for the conveyance of water, sewage, gas, oil and electricity and for telephone communication) situated in the City of New Bedford, County of Bristol, all of said land being taken in fee simple, the supposed owners of Parcels 10-1 and 10-2 being shown on the plan hereinafter referred to and being set forth on the schedule hereinafter contained, excepting from the rights herein taken, all easements for wires, pipes, conduits, poles and other appurtenances for the conveyance of water, sewage, gas, oil and electricity and for telephone communication now lawfully in or upon said premises hereby taken.

The State highway hereby altered and laid out and the aforesaid takings are shown on a plan signed by the Chief Engineer and signed by the Department of Highways and on file in its office, said plan being entitled:

"THE COMMONWEALTH OF MASSACHUSETTS  
PLAN OF ROAD  
IN THE CITY OF NEW BEDFORD  
BRISTOL COUNTY  
ALTERED AND LAID OUT AS A STATE HIGHWAY  
BY THE DEPARTMENT OF HIGHWAYS

NOVEMBER 29, 1995

SCALE: 40 FEET TO THE INCH"

an attested copy of which plan is to be recorded with this "Order of Layout of Taking" in the Registry of Deeds for Bristol County, Southern District at New Bedford.

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1995 L.O. 7273

In New Bedford

Page 4

For damages sustained by the following owners in their property by reason of the aforesaid takings, and in accordance with the provisions of the General Laws, Chapter 79, Section 6, as amended, awards are made. The Department reserves the right to amend the awards at any time prior to the payment thereof for good cause shown:

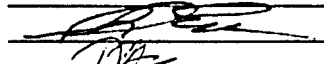
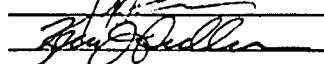
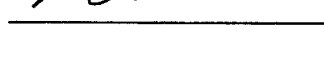
<u>Parcel Number</u>	<u>Supposed Owner</u>	<u>Area</u>
10-1	The City of New Bedford	4,148± square feet
10-2	The City of New Bedford	179± square feet

The names of owners herein given, although supposed to be correct, are such only as matters of opinion and belief.

It is therefore,

Voiced: That said way as altered, as described herein, and as described and shown on said plan, be and the same is hereby laid out and taken charge of by the Commonwealth; that the Secretary to the Highways Commission be and hereby is instructed to file in the office of the County Commissioners of the County and in the office of the City Clerk of the City in which said way is located, certified copies of said plan and of this certificate, signed by at least a majority of the members of the Highway Commission, attesting that the Department of Highways has laid out and taken charge of said way as altered in accordance with said plan, together with a copy of this adjudication and vote.

Dated at Boston this twenty-ninth day of November, 1995.

	MEMBERS
	OF
	THE
	HIGHWAYS
	COMMISSION

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE SECRETARY

NEW BEDFORD  
LAYOUT NO. 7273  
AND ORDER OF TAKING  
DATED: November 29, 1995  
PRCL(s) 10-1, 10-2

BOSTON

I hereby certify that at the date of this attestation hereto annexed, Sherman Eidelman, Kevin J. Sullivan, and Thomas Dengenis were members of the Massachusetts Highways Commission, and are Associate Commissioners, Department of Highways, duly appointed and qualified and that to their acts and attestations, as such, full faith and credit are and ought to be given in and out of Court, and further, that their signatures to the annexed instrument are genuine.

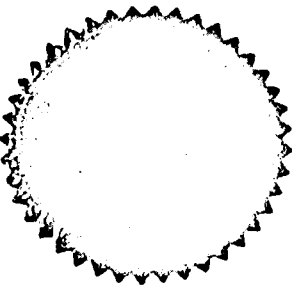
In testimony of which I have hereunto affixed the GREAT SEAL OF THE COMMONWEALTH on the date below written.

*William Francis Sullivan*

Secretary of the Commonwealth

DEC 1 1995

Date





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

DEP File Number:

SE49-442  
Provided by DEP

**A. General Information**

**BK 6342 PG 172**  
07/08/03 12:39 DOC. 32858  
Bristol Co. S.D.

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



From:

New Bedford  
Conservation Commission

This issuance is for (check one):

- ☒ Order of Conditions  
☐ Amended Order of Conditions

To: Applicant:

City of New Bedford -Water/Wastewater  
Name  
1105 Shawmut Ave  
Mailing Address  
New Bedford Mass 02740  
City/Town State Zip Code

Property Owner (if different from applicant):

Name  
Mailing Address  
City/Town State Zip Code

1. Project Location:

Pope's Island New Bedford  
Street Address City/Town  
n/a n/a  
Assessors Map/Plat Number Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

Bristol  
County Book Page  
Certificate (if registered land)

3. Dates:

5/16/03 6/10/03 7/1/03  
Date Notice of Intent Filed Date Public Hearing Closed Date of Issuance

4. Final Approved Plans and Other Documents (attach additional plan references as needed):

Sheet 1: Existing Conditions and Proposed Work	revised 1	8/10/03
Title		Date
Sheet 2: Miscellaneous Details		8/10/03
Title		Date
Specifications: Pope's Island Low Pressure Sewers		8/10/03
Title		Date

5. Final Plans and Documents Signed and Stamped by:

Roger M. Norton P.E.  
Name

6. Total Fee:

exempt  
(from Appendix B: Wetland Fee Transmittal Form)



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

DEP File Number:

SE49-442

Provided by DEP

**B. Findings**

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*. Check all that apply:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Public Water Supply  | <input checked="" type="checkbox"/> Land Containing Shellfish | <input checked="" type="checkbox"/> Prevention of Pollution        |
| <input type="checkbox"/> Private Water Supply | <input checked="" type="checkbox"/> Fisheries                 | <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| <input type="checkbox"/> Groundwater Supply   | <input checked="" type="checkbox"/> Storm Damage Prevention   | <input checked="" type="checkbox"/> Flood Control                  |

Furthermore, this Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- ☒ the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. 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.

Denied because:

- ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations to protect those interests checked above. 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 these interests, and a final Order of Conditions is issued.
- ☐ 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).

**General Conditions (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.



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

DEP File Number:

SE49-442

Provided by DEP

**B. Findings (cont.)**

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.
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. 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.
7. 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.
8. 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 this 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.
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" [or, "MA DEP"]

"File Number SE49-442 "
10. 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 DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 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.
14. 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.





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

DEP File Number:

SE49-442  
Provided by DEP

### B. Findings (cont.)

15. 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.
16. 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.
17. 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.

SEE ATTACHED SPECIAL CONDITIONS # 18 - 49

### Findings as to municipal bylaw or ordinance

Furthermore, the \_\_\_\_\_ hereby finds (check one that applies):  
Conservation Commission

- ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

Municipal Ordinance or Bylaw

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.

- ☐ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw, specifically:

Municipal Ordinance or Bylaw

Citation

The Commission orders that all work shall be performed in accordance with the said additional 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.



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

BK 6342 PG 176

DEP File Number:

SE48-442  
Provided by DEP

### B. Findings (cont.)

Additional conditions relating to municipal ordinance or bylaw:

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

July 1, 2003  
Date

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 (see Appendix A) and the property owner (if different from applicant).

Signatures:

[Signature]  
[Signature]  
[Signature]

[Signature]

On 10<sup>th</sup>  
Day

Of June 2003  
Month and Year

before me personally appeared

above Conservation Commission members

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

[Signature]  
Notary Public

December 15, 2006  
My Commission Expires

This Order is issued to the applicant as follows:

☐ by hand delivery on

Date

☒ by certified mail, return receipt requested, on

July 1, 2003  
Date



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

BK 6342 PG 177

DEP File Number:

SE49-442

Provided by DEP

### C. 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 DEP 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 Appendix E: Request of 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.

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.

### D. Recording Information

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 Page 7 of Form 5 shall be submitted to the Conservation Commission listed below.

New Bedford

Conservation Commission

**SPECIAL CONDITIONS**

DEP File Number SE49-442  
City of New Bedford – Water/Wastewater  
Pope's Island Sewer Project  
New Bedford, Mass. 02740

18. 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.
19. 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.
20. No modification to surface features, drainage or topography shall be permitted except as indicated by this Order of Conditions.
21. Contours shall remain unchanged except as permitted by this Order of Conditions.
22. There shall be no construction other than that proposed by the Notice of Intent and included on the submitted plan.
23. Immediately upon completion of the exterior construction and grading, permanent stabilization landscaping shall be carried out in order to minimize erosion.
24. All wet areas not to be altered shall be kept clear of rubbish, debris, and construction material.
25. All exposed soil or subsoil shall be replanted with vegetation such as grass, groundcover or shrubs so as to minimize erosion and siltation.
26. There shall be minimum disruption of existing grades and vegetation in order to minimize erosion.
27. No runoff shall be caused to drain on to adjoining property or on any public ways.
28. All excess material shall be removed from the site.
29. The owners shall notify the Conservation Commission of the work-start date prior to its commencement so that regular inspections may be made.
30. All work performed in accordance with said plans and this Order of Conditions shall be in compliance with the state building and/or plumbing code.

31. The Inspector and/or the Commission members shall have the right to enter upon the land for the purpose of the inspection and/or the taking of pictures to determine and evaluate compliance with this order.
32. The design engineer will certify, in writing, that this project has been complete in accordance with the above Order of Conditions before the Certificate of Compliance will be issued.
33. All facilities and equipment shall be continually operated and maintained so as to comply with this order of conditions and M.G.L. Ch. 131, S 40, the Wetlands Protection Act.
34. 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.
35. This order of Conditions shall apply to any successor in interest or successor in control.
36. Any changes required by any other board or authority may require a new filing with the Conservation Commission.
37. At the discretion of the Conservation Commission, the applicant may be required to file with any or all of the following agencies:

**The Department of Environmental Protection  
Army Corps of Engineers  
Coastal Zone Management  
Division of Waterways**

38. The Conservation Commission and/or the City of New Bedford shall not be responsible or liable for the construction, the operation, or the maintenance of any part of this project and does not warrant the safety of the same.
39. Any fill and/or construction materials shall be placed in upland areas.
40. Any mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc., are to be installed prior to initiation of any work under this Order of Conditions. The Conservation Agent shall be notified when in place for inspection and verification. No work to be undertaken under the Order of Conditions until written or verbal approval is received from the Conservation Commission or its Agent.
41. In accordance with Condition number thirteen (13), no activity shall take place until the applicant has furnished written documentation that the plans on file with the Conservation Commission are consistent with permits and approvals of other Town Boards.
42. 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 to be received at that time.

43. All erosion control barriers shall be constructed of snow fencing, silt fencing and staked hay bales and clearly depicted on the plans, and placement shall be inspected both pre and post construction by Agent
44. Any changes in proposed drainage patterns will require written approval by the Conservation Commission.
45. Wetland flagging to remain in place until the project has been completed and Certificate of Compliance issued.
46. Notice of Intent, Order of Conditions and plans shall be retained on the site during construction and made available to all contractors.
47. All conditions are on going and do not expire until the issuance of a Certificate of Compliance.
48. The design engineer will certify, with an asbuilt plan, that this project has been complete in accordance with the above Order of Conditions before the certificate of Compliance will be issued.
49. In addition to the contractor's requirements per the plans and specifications; dewatering methods and materials must be submitted to the Conservation Commission office at least two weeks prior to undertaking the dewatering. The Conservation Commission will provide review and comment to the contractor within that two week period.



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

49-0538

**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.



*Certificate  
of  
Compliance  
07-31-19  
12876-126*

From: New Bedford  
1. Conservation Commission

2. This Issuance is for (check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Brian Faltus BLF Realty Trust  
a. First Name b. Last Name c. Company  
59 Orchard Street  
d. Mailing Address  
Fairhaven MA 02719  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Mathew Thomas City of New Bedford Parks Department/HDC  
a. First Name b. Last Name c. Company  
133 William Street (Room 203)  
d. Mailing Address  
New Bedford MA 02740  
e. City/Town f. State g. Zip Code

5. Project Location:

Route 6 (Pope's Island) New Bedford  
a. Street Address b. City/Town  
Map 60 Lot 2  
c. Assessors Map/Plat Number d. Parcel/Lot Number  
Latitude and Longitude, if known (note:  
electronic filers will click for GIS locator): N41-38'22" W70-55'-00"  
e. Latitude f. Longitude

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Bristol  
a. County b. Certificate (if registered land)  
653 294  
c. Book d. Page

7. Dates: 3/24/05 4/12/05 4/28/05  
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):

Plan to Accompany Notice of Intent for Property owned by the City of New Bedford  
a. Plan Title  
N. Douglas Schneider & Associates, Inc. N. Douglas Schneider P.E. # 38540  
b. Prepared By c. Signed and Stamped by  
3/22/05 1"=20'  
d. Final Revision Date e. Scale  
none  
f. Additional Plan or Document Title g. Date



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

BK 7536 PG 203

DEP File Number:

49-0538

### 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. Check all that apply:

- a. ☐ Public Water Supply    b. ☒ Land Containing Shellfish    c. ☒ Prevention of Pollution  
d. ☐ Private Water Supply    e. ☒ Fisheries    f. ☒ Protection of Wildlife Habitat  
g. ☐ Groundwater Supply    h. ☒ Storm Damage Prevention    i. ☒ 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.

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 these interests, 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).

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

3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)

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. cu.yd dredged	f. cu.yd dredged		





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

DEP File Number:

49-0538

**B. Findings (cont.)**

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
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

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

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. cu.yd dredged	d. cu.yd 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. c/y nourishmt.	d. c/y nourishmt.
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
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. cu.yd dredged	d. cu.yd 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. cu.yd dredged	b. cu.yd dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		

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Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

## WPA Form 5 – Order of Conditions

49-0538

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

### C. General Conditions Under Massachusetts Wetlands Protection Act

(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.
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. 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.
7. 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.
8. 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 this 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.
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" [or, "MA DEP"]

"File Number 49-0538"



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

## WPA Form 5 – Order of Conditions

49-0538

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

### C. General Conditions Under Massachusetts Wetlands Protection Act

10. 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 DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. All work associated with this Order is required to comply with the Massachusetts Stormwater Policy Standards.

### Special Conditions:

See Attached Special Conditions # 19- 51

If you need more  
space for  
additional  
conditions,  
select box to  
attach a text  
document ☒



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

## WPA Form 5 – Order of Conditions

49-0538

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

### D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

a. Municipal Ordinance or Bylaw

b. 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.

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

a. Municipal Ordinance or Bylaw

b. Citation

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.

- c. The special conditions relating to municipal ordinance or bylaw are as follows:

If you need more space for additional conditions, select box to attach a text document ☐

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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

DEP File Number:

49-0538

**E. Issuance**

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

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

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.

1. Date of Issuance

2. Number of Signers

Signatures:

*[Handwritten signatures of three individuals]*

**Notary Acknowledgement**

Commonwealth of Massachusetts County of Bristol

On this 12<sup>th</sup> Day of April, 2005

Before me, the undersigned Notary Public, personally appeared

Conservation Commission member

proved to me through satisfactory evidence of identification, which was/were

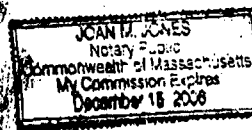
all personally known to me

Description of evidence of identification  
to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

AS member of

New Bedford

Conservation Commission



Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

☐ by hand delivery on

Date

☒ by certified mail, return receipt requested, on

Date



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

## WPA Form 5 – Order of Conditions

49-0538

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

### 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 DEP 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 of 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 Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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.

Section G, Recording Information is available on the following page.



BK 7536 PG 210

**CITY OF NEW BEDFORD  
MASSACHUSETTS**

**CONSERVATION COMMISSION**

133 WILLIAM STREET, ROOM 311

NEW BEDFORD, MA 02740

Tel: (508) 991-6188; Fax: (508) 961-3045; TTY: (508) 979-1661

**SPECIAL CONDITIONS**

**SE: 49-0538**

**BLF Realty Trust c/o Brian Faltus**

**Map 60, Lot 2**

**Pope's Island**

**NEW BEDFORD, MA**

18. 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.
19. 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.
20. No modification to surface features, drainage or topography shall be permitted except as indicated by this Order of Conditions.
21. Contours shall remain unchanged except as permitted by this Order of Conditions.
22. There shall be no construction other than that proposed by the Notice of Intent and included on the submitted plan.
23. Immediately upon completion of the exterior construction and grading, permanent stabilization landscaping shall be carried out in order to minimize erosion.
24. All wet areas not to be altered shall be kept clear of rubbish, debris, and construction material.
25. All exposed soil or subsoil shall be replanted with vegetation such as grass, groundcover or shrubs so as to minimize erosion and siltation.
26. There shall be minimum disruption of existing grades and vegetation in order to minimize erosion.
27. No runoff shall be caused to drain on to adjoining property or on any public ways.

28. All excess material shall be removed from the site.
29. The owners shall notify the Conservation Commission of the work-start date prior to its commencement so that regular inspections may be made.
30. All work performed in accordance with said plans and this Order of Conditions shall be in compliance with the state building and/or plumbing code.
31. The Inspector and/or the Commission members shall have the right to enter upon the land for the purpose of the inspection and/or the taking of pictures to determine and evaluate compliance with this order.
32. The design engineer will certify, in writing, that this project has been complete in accordance with the above Order of Conditions before the Certificate of Compliance will be issued.
33. All facilities and equipment shall be continually operated and maintained so as to comply with this order of conditions and M.G.L. Ch. 131, S 40, the Wetlands Protection Act.
34. 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.
35. This order of Conditions shall apply to any successor in interest or successor in control.
36. Any changes required by any other board or authority may require a new filing with the Conservation Commission.
37. At the discretion of the Conservation Commission, the applicant may be required to file with any or all of the following agencies:

**The Department of Environmental Protection**  
**Army Corps of Engineers**  
**Coastal Zone Management**  
**Division of Waterways**

38. The Conservation Commission and/or the City of New Bedford shall not be responsible or liable for the construction, the operation, or the maintenance of any part of this project and does not warrant the safety of the same.
39. Any fill and/or construction materials shall be placed in upland areas.
40. Any mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc., are to be installed prior to initiation of any work under this Order of Conditions. The Conservation Agent shall be notified when in place for inspection and verification. No work to be undertaken under the Order of Conditions until written or verbal approval is received from the Conservation Commission or its Agent.



41. In accordance with Condition number thirteen (13), no activity shall take place until the applicant has furnished written documentation that the plans on file with the Conservation Commission are consistent with permits and approvals of other Town Boards.
42. 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 to be received at that time.
43. All erosion control barriers shall be constructed of snow fencing, silt fencing and staked hay bales and clearly depicted on the plans, and placement shall be inspected both pre and post construction by Agent
44. Any changes in proposed drainage patterns will require written approval by the Conservation Commission.
45. Wetland flagging to remain in place until the project has been completed and Certificate of Compliance issued.
46. Notice of Intent, Order of Conditions and plans shall be retained on the site during construction and made available to all contractors.
47. All conditions are on going and do not expire until the issuance of a Certificate of Compliance.
48. The design engineer will certify, with an asbuilt plan, that this project has been complete in accordance with the above Order of Conditions before the certificate of Compliance will be issued.
49. A 2" layer of high organic loam shall be placed below the proposed crushed stone swale.
50. Following placement of crushed stone over the parking area, as shown on plan, the applicant shall be permitted to place additional crushed stone in the future to maintain a clean and non-erosive parking surface. The Conservation Agent is to be notified 1 week prior to placing supplemental stone,
51. The water quality swale shall be inspected minimally twice a year to insure slope stability. Sediment and debris to be removed annually for more frequently as necessary. Any vegetation growing in the swale shall be cut once a year in the autumn.

For Registry of Deeds Use Only



2019 00016889

Bk: 12876 Pg: 126 Pg: 1 of 2 BS  
Doc: CTF 07/31/2019 12:13 PM**Massachusetts Department of Environmental Protection**

Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 8B – Certificate of Compliance**

SE49-0538

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

Provided by DEP

**A. Project Information**

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



1. This Certificate of Compliance is issued to:

Schneider Davignan and Leone, Inc

Name

P.O> Box 480, 1 County Road

Mailing Address

New Bedford

City/Town

MA

State

02739

Zip Code

2. This Certificate of Compliance is issued for work regulated by a final Order of Conditions or Order of Resource Area Delineation issued to:

BLF Realty Trust c/o Brian Faltus

Name

April 29, 2005

Dated

SE49-0538

DEP File Number

3. The project site is located at:

Route 6 - Popes Island

Street Address

New Bedford

City/Town

Map 60

Assessors Map/Plat Number

Lot 2

Parcel/Lot Number

The final Order of Conditions or Order of Resource Area Delineation was recorded at the Registry of Deeds for:

City of New Bedford

Property Owner (if different)

Bristol (S.D.)

County

7536

Book

202

Page

Certificate

4. A site inspection was made in the presence of the applicant, or the applicant's agent, on:

June 14, 2019

Date

111



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 8B – Certificate of Compliance**  
**Massachusetts Wetlands Protection Act M.G.L. c. 131, §40**

DEP File Number:

SE49-0538

Provided by DEP

**B. Certification**

Check all that apply:

- ☐ **Complete Certification:** It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
- ☐ **Partial Certification:** It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:
- \_\_\_\_\_
- ☒ **Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.
- ☐ **Ongoing Conditions:** The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).
- Condition Numbers:
- \_\_\_\_\_
- ☐ **Order of Resource Area Delineation:** It is hereby certified that the wetland resource area delineation for the above-referenced Order of Conditions has been satisfactorily completed

**C. Authorization**

Issued by:

New Bedford  
Conservation Commission

6/28/2019  
Date of Issuance

This Certificate must be signed by a majority of the Conservation Commission and a copy sent to the applicant and appropriate DEP Regional Office (See <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).

Signatures:

\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_

BK 9803 PG 327  
08/25/10 10:45 DOC. 19241  
Bristol Co. S.D.



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:  
49-643  
MassDEP File #

eDEP Transaction #  
New Bedford  
City/Town

**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. From: New Bedford  
Conservation Commission
2. This issuance is for  
(check one): a. ☒ Order of Conditions b. ☐ Amended Order of Conditions
3. To: Applicant:  
Kristin Decas, Director  
a. First Name b. Last Name  
City of NB Harbor Dev. Commission  
c. Organization  
PO Box 50899  
d. Mailing Address  
New Bedford MA 02745  
e. City/Town f. State g. Zip Code
4. Property Owner (if different from applicant):  
City of New Bedford  
a. First Name b. Last Name  
c. Organization  
133 William Street  
d. Mailing Address  
New Bedford MA 02740  
e. City/Town f. State g. Zip Code
5. Project Location:  
102 Pope's Island New Bedford  
a. Street Address b. City/Town  
60 2  
c. Assessors Map/Plat Number d. Parcel/Lot Number  
Latitude and Longitude, if known: N41d38m22s W70d54m50s  
d. Latitude e. Longitude



**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

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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 - South  
 a. County 5473 b. Certificate Number (if registered land) 92  
 c. Book 5473 d. Page 92
7. Dates: 3-12-2010 4 20 2010 5 10 2010  
 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):  
Proposed Dinghy Docks (sheets 1 & 2)  
 a. Plan Title CLE Engineering John DeRuggeris, PE Civil  
 b. Prepared By 4/6/2010 c. Signed and Stamped by 1'=80' and others  
 d. Final Revision Date Exhibit B - Project Narrative e. Scale February, 2010  
 f. Additional Plan or Document Title g. Date

**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. ☐ Public Water Supply b. ☒ Land Containing Shellfish c. ☒ Prevention of Pollution  
 d. ☐ Private Water Supply e. ☒ Fisheries f. ☒ Protection of Wildlife Habitat  
 g. ☐ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ 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.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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Provided by MassDEP:

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MassDEP File #

eDEP Transaction #

New Bedford

City/Town

**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 checked="" type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input checked="" type="checkbox"/> Land Under the Ocean	1.5 a. square feet	1.5 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	cu yd c. nourishment	cu yd d. nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
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 checked="" type="checkbox"/> Land Containing Shellfish	1.5 a. square feet	1.5 b. square feet	c. square feet	d. square feet
20. <input checked="" 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 checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	2300 a. square feet	2300 b. square feet		



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**B. Findings (cont.)**

\* #22. 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.

22. ☐ Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

23. ☐ 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.
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. 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 5 10 2013 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.
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.





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

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                      SE49-643 "
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.
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.



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

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.

**NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS**

19. The work associated with this Order (the "Project") is (1) ☒ is not (2) ☐ 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;
  - 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.



**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:

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City/Town

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

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.



**Massachusetts Department of Environmental Protection  
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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 CONDITIONS 20-42**

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

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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 \_\_\_\_\_ 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:

1. Municipal Ordinance or Bylaw

2. Citation

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):

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

5/10/2010  
 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:

*[Signature]*

*[Signature]*

*[Signature]*

☐ by hand delivery on

☒ <sup>electronic</sup> by certified mail, return receipt requested, on

Date

Date

5/10/2010

### 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 of 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**  
Scott W. Lang, Mayor

**BK 9803 PG 338**

**SPECIAL CONDITIONS**

SE49- 643

102 Pope's Island

Map 60, Lot 2

Owner: City of New Bedford

Applicant: New Bedford Harbor Development Commission

20. 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.

21. 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.

22. No modification to surface features, drainage or topography shall be permitted except as indicated by this Order of Conditions.

23. Contours shall remain unchanged except as permitted by this Order of Conditions.

24. There shall be no construction other than that proposed by the Notice of Intent and included on the submitted plan.

25. Immediately upon completion of the exterior construction and grading, Permanent stabilization landscaping shall be carried out in order to minimize erosion.

26. All wet areas not to be altered shall be kept clear of rubbish, debris, and construction material.

27. All exposed soil or subsoil shall be replanted with vegetation such as grass, groundcover or shrubs so as to minimize erosion and siltation.

28. There shall be minimum disruption of existing grades and vegetation in order to minimize erosion.

29. No runoff shall be caused to drain on to adjoining property or on any public ways.

30. All excess material shall be removed from the site.

31. The owners shall notify the Conservation Commission of the work-start date prior to its commencement so that regular inspections may be made.

SE 49- 643  
Pope's Island

133 William Street, New Bedford MA 02740 Rm 304  
Tel: 508-991-6188 Fax: 508-961-3045, TTY: 508 979-1661

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32. All work performed in accordance with said plans and this Order of Conditions shall be in compliance with the state building and/or plumbing code.
33. The Inspector and/or the Commission members shall have the right to enter upon the land for the purpose of the inspection and/or the taking of pictures to determine and evaluate compliance with this order.
34. The design engineer will certify, in writing, that this project has been complete in accordance with the above Order of Conditions before the Certificate of Compliance will be issued.
35. All facilities and equipment shall be continually operated and maintained so as to comply with this order of conditions and M.G.L. Ch. 131, S 40, the Wetlands Protection Act.
36. 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.
37. This order of Conditions shall apply to any successor in interest or successor in control.
38. Any changes required by any other board or authority may require a new filing with the Conservation Commission.
31. At the discretion of the Conservation Commission, the applicant may be required to file with any or all of the following agencies:
  - i. The Department of Environmental Protection
  - ii. Army Corps of Engineers
  - iii. Coastal Zone Management
  - iv. Division of Waterways
32. The Conservation Commission shall not be responsible or liable for the construction, the operation, or the maintenance of any part of this project and does not warrant the safety of the same.
33. Any fill and/or construction materials shall be placed in upland areas.
34. Any mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc., are to be installed prior to initiation of any work under this Order of Conditions. The Conservation Agent shall be notified when in place for inspection and verification. No work to be undertaken under the Order of Conditions until written or verbal approval is received from the Conservation Commission or its Agent.
35. In accordance with Condition number thirteen (13), no activity shall take place until the applicant has furnished written documentation that the plans on file with the Conservation Commission are consistent with permits and approvals of other City Boards and/or Commissions.



36. 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 to be received at that time.
37. All erosion control barriers shall be constructed of snow fencing, silt fencing and staked hay bales and clearly depicted on the plans, and placement shall be inspected both pre and post construction by Agent
38. Any changes in proposed drainage patterns will require written approval by the Conservation Commission.
39. Wetland flagging to remain in place until the project has been completed and Certificate of Compliance issued.
40. Notice of Intent, Order of Conditions and plans shall be retained on the site during construction and made available to all contractors.
41. All conditions are on going and do not expire until the issuance of a Certificate of Compliance.
42. The design engineer will certify, with an as-built plan, that this project has been completed in accordance with the above Order of Conditions before the Certificate of Compliance will be issued.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 4B – Order of Resource Area  
Delineation**

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

Provided by MassDEP:

SE49-664

MassDEP File Number

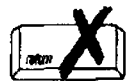
eDEP Transaction Number

New Bedford

City/Town

**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.



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

From: New Bedford  
1. Conservation Commission

**BK 10117 PG 207**  
08/01/11 10:14 DOC. 15761  
Bristol Co. S.D.

2. This Issuance is for (check one):

- a. ☒ Order of Resource Area Delineation  
b. ☐ Amended Order of Resource Area Delineation

3. Applicant:

Kristina

Egan

a. First Name

b. Last Name

Massachusetts Bay Transportation Authority (MBTA)

c. Organization

10 Park Plaza

d. Mailing Address

Boston

MA

02166

e. City/Town

f. State

g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

Massachusetts Department of Transportation (MassDOT)

c. Organization

10 Park Plaza

d. Mailing Address

Boston

MA

02116

e. City/Town

f. State

g. Zip Code

5. Project Location:

Railroad Right-of-Way from Freetown/New Bedford municipal line to Route 6

New Bedford

02740

b. City/Town

c. Zip Code

NA - Railroad Right-of-Way

NA - Railroad Right-of-Way

d. Assessor's Map/Plat Number

e. Parcel/Lot Number

Latitude and Longitude

41 55'5.21" N

71 04'35.40W

(in degrees, minutes, seconds):

f. Latitude

g. Longitude

6. Dates:

4/14/2011

7/5/2011

7/12/2011

a. Date ANRAD filed

b. Date Public Hearing Closed

c. Date of Issuance

7. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

New Bedford Main Line Resource Area Delineation Town of New Bedford  
Sheets 1 of 32 to Sheet 32 of 32

Stamp date by New Bedford Con/Com

a. Title

4/14/2011

c. Title

d. Date

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

**WPA Form 4B – Order of Resource Area  
Delineation**

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

Provided by MassDEP:

SE49-664

MassDEP File Number

eDEP Transaction Number

New Bedford

City/Town

**B. Order of Delineation**

1. The Conservation Commission has determined the following (check whichever is applicable):

- a. ☒ **Accurate:** The boundaries described on the referenced plan(s) above and in the Abbreviated Notice of Resource Area Delineation are accurately drawn for the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically:

a. \_\_\_\_\_  
 \_\_\_\_\_

- b. ☐ **Modified:** The boundaries described on the plan(s) referenced above, as modified by the Conservation Commission from the plans contained in the Abbreviated Notice of Resource Area Delineation, are accurately drawn from the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically:

a. \_\_\_\_\_  
 \_\_\_\_\_

- c. ☐ **Inaccurate:** The boundaries described on the referenced plan(s) and in the Abbreviated Notice of Resource Area Delineation were found to be inaccurate and cannot be confirmed for the following resource area(s):

1. ☐ Bordering Vegetated Wetlands
2. ☐ Other resource area(s), specifically:

\_\_\_\_\_  
 \_\_\_\_\_

3. ☐ The boundaries were determined to be inaccurate because:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 4B – Order of Resource Area**  
**Delineation**

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

Provided by MassDEP:

SE49-664

MassDEP File Number

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City/Town

### C. Findings

This Order of Resource Area Delineation determines that the boundaries of those resource areas noted above, have been delineated and approved by the Commission and are binding as to all decisions rendered pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c.131, § 40) and its regulations (310 CMR 10.00). This Order does not, however, determine the boundaries of any resource area or Buffer Zone to any resource area not specifically noted above, regardless of whether such boundaries are contained on the plans attached to this Order or to the Abbreviated Notice of Resource Area Delineation.

This Order must be signed by a majority of the Conservation Commission. The Order must be sent 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 DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>).

### D. 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 DEP Regional Office to issue a Superseding Order of Resource Area Delineation. When requested to issue a Superseding Order of Resource Area Delineation, the Department's review is limited to the objections to the resource area delineation(s) stated in the appeal request. 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 of Resource Area Delineation 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 Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

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 bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



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

**WPA Form 4B – Order of Resource Area  
Delineation**

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

Provided by MassDEP:

SE49-664

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New Bedford

City/Town

**E. Signatures**

7-12-2011

Date of Issuance

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1. Number of Signers

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

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

Signature of Conservation Commission Member

**This Order is valid for three years from the date of issuance.**

If this Order constitutes an Amended Order of Resource Area Delineation, this Order does not extend the issuance date of the original Final Order, which expires on \_\_\_\_\_ unless extended in writing by the issuing authority.

This Order is issued to the applicant and the property owner (if different) as follows:

2. ☐ By hand delivery on \_\_\_\_\_

3. ☒ By <sup>electronic</sup> ~~certified~~ mail, return receipt requested on \_\_\_\_\_

a. Date

a. Date



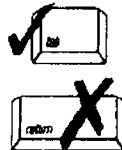
**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
SE49-0703  
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:

Mary Rapoza  
a. First Name b. Last Name  
City of New Bedford Marine Park  
c. Organization  
181 Hillman Street, Building 3  
d. Mailing Address  
New Bedford MA 02740  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

City of New Bedford - Marine Park  
a. First Name b. Last Name  
City of New Bedford - Marine Park  
c. Organization  
133 William St.  
d. Mailing Address  
New Bedford MA 02740  
e. City/Town f. State g. Zip Code

5. Project Location:

86 Popes Island New Bedford  
a. Street Address b. City/Town  
Map 60 Lot 2  
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: d m s d m s  
d. Latitude e. Longitude



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:

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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- South  
a. County  
653  
c. Book  
b. Certificate Number (if registered land)  
294  
d. Page  
6/19/2014  
7. Dates: 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):  
Proposed Boat Shelter  
a. Plan Title  
Prime Engineering, Inc  
b. Prepared By  
5/7/2014  
c. Signed and Stamped by  
1"=20'  
d. Final Revision Date  
e. Scale  
f. Additional Plan or Document Title  
g. Date

**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. ☐ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution  
d. ☐ Private Water Supply e. ☐ Fisheries f. ☐ Protection of Wildlife Habitat  
g. ☐ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ 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.



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

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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) 56'  
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 e. c/y dredged	b. square feet f. c/y dredged	c. square feet	d. square feet
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





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:

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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	2635 a. square feet	2635 b. square feet		



**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

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City/Town

**B. Findings (cont.)**

\* #22. 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.

22. ☐ Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

23. ☐ 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.
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. 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 6/19/2017 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.
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.



**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:

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MassDEP File #

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

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            SE49-0703 "
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.
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.



**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:

SE49-0703

MassDEP File #

eDEP Transaction #

New Bedford

City/Town

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

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

**NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS**

19. The work associated with this Order (the "Project") is (1) ☒ is not (2) ☐ 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;
- 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.



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:

SE49-0703

MassDEP File #

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New Bedford

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

- 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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Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

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

BK 11102 PG 34

Provided by MassDEP:

SE49-0703

MassDEP File #

eDEP Transaction #

New Bedford

City/Town

**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 20 through 51**



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

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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):

See attached Special Conditions 20 through 51



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:  
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### 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.

6/19/14  
1. Date of Issuance

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

5  
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 signatures of five individuals]*

☒ by hand delivery on

6/19/14  
Date

☐ by certified mail, return receipt requested, on

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 of 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  
MASSACHUSETTS**

BK 11102 PG 37

**CONSERVATION COMMISSION**

**133 WILLIAM STREET, ROOM 304**

**NEW BEDFORD, MA 02740**

**Tel: (508) 991-6188; Fax: (508) 961-3045; TTY: (508) 979-1661**

**ORDER OF CONDITIONS**

**SPECIAL CONDITIONS**

**SE49-0703**

**Applicant/Owner: Mary Rapoza**

**City of New Bedford Marine Park**

**86 Popes Island, New Bedford**

**Map 60, Lot 2**

20. 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.
21. 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.
22. No modification to surface features, drainage or topography shall be permitted except as indicated by this Order of Conditions.
23. Contours shall remain unchanged except as permitted by this Order of Conditions.
24. There shall be no construction other than that proposed by the Notice of Intent and included on the submitted plan.
25. Immediately upon completion of the exterior construction and grading, permanent stabilization landscaping shall be carried out in order to minimize erosion.
26. All wetland areas not to be altered shall be kept clear of rubbish, debris, and construction material.
27. All exposed soil or subsoil shall be replanted with vegetation such as grass, groundcover or shrubs so as to minimize erosion and siltation.
28. There shall be minimum disruption of existing grades and vegetation in order to minimize erosion.
29. No runoff shall be caused to drain on to adjoining property or on any public ways.

30. All excess material shall be removed from the site.
31. The owners shall notify the Conservation Commission of the work-start date prior to its commencement so that regular inspections may be made.
32. The Inspector and/or the Commission members shall have the right to enter upon the land for the purpose of the inspection and/or the taking of pictures to determine and evaluate compliance with this Order.
33. All facilities and equipment shall be continually operated and maintained so as to comply with this Order of Conditions and M.G.L. Ch. 131, S 40, the Wetlands Protection Act and Regulations 310 CMR 10.00 et seq.
34. 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.
35. This Order of Conditions shall apply to any successor in interest or successor in control.
36. Any changes required by any other board or authority may require a new filing with the Conservation Commission.
37. It is the responsibility of the applicant to complete any review required by all 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 Department
38. The Conservation Commission and/or the City of New Bedford shall not be responsible or liable for the construction, the operation, or the maintenance of any part of this project and does not warrant the safety of the same.
39. Any fill and/or construction materials shall be placed in upland areas.
40. All fill material shall be clean material and not contain materials such as asphalt, brick or concrete.
41. Any mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc., are to be installed prior to initiation of any work under this Order of Conditions. Silt fence and hay bales shall be trenched into the ground. The Conservation Agent shall be notified when in place for inspection and verification.

- No work to be undertaken under the Order of Conditions until written 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 Town 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 to be received at that time.
  44. All erosion control barriers shall be constructed of snow fencing, silt fencing, staked hay bales, and/or waddles and clearly depicted on the plans, and placement shall be inspected both pre and post construction by Agent.
  45. Any changes in proposed drainage patterns will require written approval by the Conservation Commission.
  46. Wetland flagging is to remain in place until the project has been completed and a Certificate of Compliance issued.
  47. Notice of Intent, Order of Conditions and plans shall be retained on the site during construction and made available to all contractors.
  48. All conditions are on going and do not expire until the issuance of a Certificate of Compliance.
  49. The design engineer will certify, with an as-built plan, that this project has been complete in accordance with the above Order of Conditions before the Certificate of Compliance will be issued.
  50. All Construction to be in compliance with the State Building Code for construction in the Coastal Floodplain.
  51. Sod and any earth removed for trench digging for the placement of the pea stone shall be done using Best Management Practices and the area restored to its original contours.

6/14



2017 00010424

Bk: 12068 Pg: 47 Pg: 1 of 14 BS  
Doc: OC 05/08/2017 01:20 PM



**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:  
**SE049-0754**  
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

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:

Mary Rapoza  
a. First Name b. Last Name  
Director of Parks, Recr. & Beaches  
c. Organization  
181 Hillman Street - Bldg. 3  
d. Mailing Address  
New Bedford MA 02740  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

City of New Bedford Marine Park  
a. First Name b. Last Name  
c. Organization  
131 William Street  
d. Mailing Address  
New Bedford MA 02740  
e. City/Town f. State g. Zip Code

5. Project Location:

86 Popes Island New Bedford  
a. Street Address b. City/Town  
Map 60 Lot 2  
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: d m s d m s  
d. Latitude e. Longitude

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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

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New Bedford  
City/Town

### 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  
653  
c. Book  
b. Certificate Number (if registered land)  
294  
d. Page  
3/9/2017  
4/18/2017  
5/1/2017  
7. Dates: 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):  
Site Plan (L-1)  
a. Plan Title  
Marshall Gary, LLC  
b. Prepared By  
4/17/17  
c. Signed and Stamped by  
Benjamin W. Gary Jr.  
1"=30'  
d. Final Revision Date  
e. Scale  
Existing Survey (EX-1) 1"=30'  
f. Additional Plan or Document Title  
9/6/2016  
g. Date

### 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. ☐ Public Water Supply    b. ☐ Land Containing Shellfish    c. ☒ Prevention of Pollution  
d. ☐ Private Water Supply    e. ☐ Fisheries    f. ☐ Protection of Wildlife Habitat  
g. ☐ Groundwater Supply    h. ☒ Storm Damage Prevention    i. ☒ 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.



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

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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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**Massachusetts Department of Environmental Protection**  
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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. <u>cu yd</u> nourishment	d. <u>cu yd</u> nourishment
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. <u>cu yd</u> nourishment	d. <u>cu yd</u> nourishment
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 checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	3,500	3,500		
	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



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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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 (BWV) or B 17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement \*:

a. square feet of BWV

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 5/1/2020 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            SE49-0754 "
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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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:  
SE049-0754  
MassDEP File #

eDEP Transaction #  
New Bedford  
City/Town

**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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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:  
SE049-0754  
MassDEP File #

eDEP Transaction #  
New Bedford  
City/Town

**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 51.**

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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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:

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New Bedford

City/Town

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The New Bedford Conservation Commission hereby finds (check one that applies):
  - 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:
 

<u>Wetlands Ordinance</u>	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 under the local Wetlands Ordinance. In addition see attached Special Conditions 21 through 51.



**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  
 SE49-0754

MassDEP File #

eDEP Transaction #

New Bedford

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.

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

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

5/1/17  
 1. Date of Issuance

3  
 2. Number of Signers

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 signatures]*

☒ by hand delivery on

5/1/17  
 Date

☐ by certified mail, return receipt requested, on

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 MASSACHUSETTS**

### **CONSERVATION COMMISSION**

**133 WILLIAM STREET, ROOM 304**

**NEW BEDFORD, MA 02740**

**Tel: (508) 991-6188; Fax: (508) 961-3045; TTY: (508) 979-1661**

### **ORDER OF CONDITIONS**

### **SPECIAL CONDITIONS**

**SE49-0754**

**Applicant: City of New Bedford c/o Mary Rapoza, Director  
Parks, Recreation & Beaches**

**Owner: City of New Bedford Marine Park.  
Map 60, Lot 2**

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 submitted plan.
26. Immediately upon completion of the exterior construction and grading, permanent stabilization landscaping shall be carried out in order 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 or shrubs so as to minimize erosion and siltation.
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 to adjoining property or on any public ways.
31. All excess material shall be removed from the site.

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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 the Commission members shall have the right to enter upon the land for the purpose of the inspection and/or the taking of pictures to determine and evaluate compliance with this Order.
34. All facilities and equipment shall be continually operated and maintained so as to comply with this Order of Conditions and M.G.L. Ch. 131, S 40, 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 any review required by all 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 Department
39. The Conservation Commission and/or the City of New Bedford shall not be responsible or liable for the construction, the operation, or the maintenance of any part of this project and does not warrant the safety of the same.
40. Any fill and/or construction materials shall be placed in upland areas.
41. All fill material shall be clean material and not contain materials such as asphalt, brick or concrete.
42. **Any mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc., are to be installed prior to initiation of any work under this Order of Conditions. Silt fence, hay bales and wattles shall be trenched into the ground. The Conservation Agent shall be notified when in place for inspection and verification. No work to be undertaken under the Order of**

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**Conditions until written or verbal approval is received from the Conservation Commission or its Agent.**

43. 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 Town Boards.
44. 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 to be received at that time.
45. All erosion control barriers shall be constructed of snow fencing, silt fencing, staked hay bales, and/or wattles and clearly depicted on the plans, and placement shall be inspected both pre and post construction by Agent.
46. Any changes in proposed drainage patterns will require written approval by the Conservation Commission.
47. Wetland flagging is to remain in place until the project has been completed and a Certificate of Compliance issued.
48. Notice of Intent, Order of Conditions and plans shall be retained on the site during construction and made available to all contractors.
49. All conditions are on going and do not expire until the issuance of a Certificate of Compliance.
50. Construction within the FEMA Flood Zone is to be in compliance with all building requirements for construction in the FEMA Flood Zone.
51. All canopies are to be removed during the winter season and when winds of 80 MPH or greater are forecasted.



2021 00014711

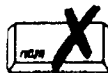
Bk: 13810 Pg: 222 Pg: 1 of 6 BS  
Doc: CTF 05/13/2021 10:54 AM

**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 8B – Certificate of Compliance**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE049-0754  
Provided by DEP**A. Project Information**

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



1. This Certificate of Compliance is issued to:

Mary Rapoza - City of New Bedford Parks, Recreation and Beaches

Name

181 Hillman St., Building 3

Mailing Address

New Bedford

City/Town

MA  
State02740  
Zip Code

2. This Certificate of Compliance is issued for work regulated by a final Order of Conditions or Order of Resource Area Delineation issued to:

Mary Rapoza - City of New Bedford Parks, Recreation and Beaches

Name

5/1/2017

Dated

SE049-0754

DEP File Number

3. The project site is located at:

86 Popes Island

Street Address

Map 60

Assessors Map/Plat Number

New Bedford

City/Town

Lot 2

Parcel/Lot Number

The final Order of Conditions or Order of Resource Area Delineation was recorded at  
 the Registry of Deeds for:

City of New Bedford

Property Owner (if different)

Bristol

County

12068  
Book47  
Page

Certificate

4. A site inspection was made in the presence of the applicant, or the applicant's agent, on:

4/29/2021

Date

**B. Certification**

Check all that apply:

- ☒ **Complete Certification:** It is hereby certified that the work regulated by the  
 above-referenced Order of Conditions has been satisfactorily completed.

Ms. Mary Rapoza  
 181 Hillman St. Building 3  
 N.B. Ma 02740



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

DEP File Number:

**WPA Form 8B – Certificate of Compliance**  
**Massachusetts Wetlands Protection Act M.G.L. c. 131, §40**

**SE049-0754**  
Provided by DEP

**B. Certification (cont.)**

- ☐ **Partial Certification:** It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:
- ☐ **Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.
- ☒ **Ongoing Conditions:** The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).

Condition Numbers:

34, 35, 51

- ☐ **Order of Resource Area Delineation:** It is hereby certified that the wetland resource area delineation for the above-referenced Order of Conditions has been satisfactorily completed

**C. Authorization**

Issued by:

New Bedford  
Conservation Commission

5/4/2021  
Date of Issuance

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

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## **CITY OF NEW BEDFORD MASSACHUSETTS**

### **CONSERVATION COMMISSION**

**133 WILLIAM STREET, ROOM 304**

**NEW BEDFORD, MA 02740**

**Tel: (508) 991-6188; Fax: (508) 961-3046; TTY: (508) 979-1661**

### **ORDER OF CONDITIONS**

### **SPECIAL CONDITIONS**

**SE49-0754**


**Applicant: City of New Bedford c/o Mary Rapoza, Director  
Parks, Recreation & Beaches**

**Owner: City of New Bedford Marine Park.  
Map 60, Lot 2**

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 submitted plan.
26. Immediately upon completion of the exterior construction and grading, permanent stabilization landscaping shall be carried out in order 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 or shrubs so as to minimize erosion and siltation.
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 to adjoining property or on any public ways.
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 the Commission members shall have the right to enter upon the land for the purpose of the inspection and/or the taking of pictures to determine and evaluate compliance with this Order.
34. All facilities and equipment shall be continually operated and maintained so as to comply with this Order of Conditions and M.G.L. Ch. 131, S 40, 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 any review required by all 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 Department
39. The Conservation Commission and/or the City of New Bedford shall not be responsible or liable for the construction, the operation, or the maintenance of any part of this project and does not warrant the safety of the same.
40. Any fill and/or construction materials shall be placed in upland areas.
41. All fill material shall be clean material and not contain materials such as asphalt, brick or concrete.
42. Any mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc., are to be installed prior to initiation of any work under this Order of Conditions. Silt fence, hay bales and wattles shall be trenched into the ground. The Conservation Agent shall be notified when in place for inspection and verification. No work to be undertaken under the Order of

**Conditions until written or verbal approval is received from the Conservation Commission or its Agent.**

43. 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 Town Boards.
  44. 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 to be received at that time.
  45. All erosion control barriers shall be constructed of snow fencing, silt fencing, staked hay bales, and/or wattles and clearly depicted on the plans, and placement shall be inspected both pre and post construction by Agent.
  46. Any changes in proposed drainage patterns will require written approval by the Conservation Commission.
  47. Wetland flagging is to remain in place until the project has been completed and a Certificate of Compliance issued.
  48. Notice of Intent, Order of Conditions and plans shall be retained on the site during construction and made available to all contractors.
  49. All conditions are on going and do not expire until the issuance of a Certificate of Compliance.
  50. Construction within the FEMA Flood Zone is to be in compliance with all building requirements for construction in the FEMA Flood Zone.
-  All canopies are to be removed during the winter season and when winds of 80 MPH or greater are forecasted.





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

**WPA Form 8B – Certificate of Compliance**  
**Massachusetts Wetlands Protection Act M.G.L. c. 131, §40**

DEP File Number:

**SE049-0754**  
Provided by DEP

**C. Authorization (cont.)**

Signatures:

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name



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**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:  
SE49-0805  
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:

Jean , Fox  
a. First Name b. Last Name  
Massachusetts Dept. of Transport.  
c. Organization  
10 Park Plaza  
d. Mailing Address  
Boston MA 02116  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name b. Last Name  
  
c. Organization  
  
d. Mailing Address  
    
e. City/Town f. State g. Zip Code

5. Project Location:

Railroad Right of Way New Bedford  
a. Street Address b. City/Town  
N/A Railroad Right of Way N/A Railroad Right of Way  
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: d m s d m s  
d. Latitude e. Longitude

20015  
Tess Paganelli, 101 Walnut St 209151 Watertown  
02471

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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:  
SE49-0805  
MassDEP File #

eDEP Transaction #  
New Bedford  
City/Town

### 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) \_\_\_\_\_  
R.O.W. - Book 009739 R.O.W. - Page 298 48  
c. Book \_\_\_\_\_ d. Page \_\_\_\_\_
7. Dates: 06/07/2018 08/07/2018 08/024/2018  
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):  
See Attachment A
- a. Plan Title \_\_\_\_\_
- b. Prepared By \_\_\_\_\_ c. Signed and Stamped by \_\_\_\_\_
- d. Final Revision Date \_\_\_\_\_ e. Scale \_\_\_\_\_
- See Attachment A
- f. Additional Plan or Document Title \_\_\_\_\_ g. Date \_\_\_\_\_

### 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. ☒ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution  
d. ☒ Private Water Supply e. ☒ Fisheries f. ☒ Protection of Wildlife Habitat  
g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ 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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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:

SE49-0805

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New Bedford

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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)                      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 checked="" type="checkbox"/> Bank	2,769 Perm 259 Temp	2,769 Perm 259 Temp	<u>                    </u> c. linear feet	<u>                    </u> d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	355 Perm 325 Temp	355 Perm 325 Temp	500 c. square feet	500 d. square feet
6. <input checked="" type="checkbox"/> Land Under Waterbodies and Waterways	25,052 Per 58 Temp	25,052 Perm 58 Temp	<u>                    </u> c. square feet	<u>                    </u> d. square feet
	<u>                    </u> e. c/y dredged	<u>                    </u> f. c/y dredged		
7. <input checked="" type="checkbox"/> Bordering Land Subject to Flooding	16,840 Per 11,312 Tem	16,840 Per 11,312 Tem	<u>                    </u> c. square feet	<u>                    </u> d. square feet
Cubic Feet Flood Storage	4,129 e. cubic feet	4,129 f. cubic feet	5,563 g. cubic feet	5,563 h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u>                    </u> a. square feet	<u>                    </u> b. square feet		
Cubic Feet Flood Storage	<u>                    </u> c. cubic feet	<u>                    </u> d. cubic feet	<u>                    </u> e. cubic feet	<u>                    </u> f. cubic feet
9. <input checked="" type="checkbox"/> Riverfront Area	<u>                    </u> a. total sq. feet	<u>                    </u> b. total sq. feet		
Sq ft within 100 ft	47,605 c. square feet	47,605 d. square feet	<u>                    </u> e. square feet	<u>                    </u> f. square feet
Sq ft between 100-200 ft	<u>                    </u> g. square feet	<u>                    </u> h. square feet	<u>                    </u> i. square feet	<u>                    </u> j. square feet

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**WPA Form 5 – Order of Conditions**

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

Provided by MassDEP:  
SE49-0805

MassDEP File #

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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 checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	42,615 a. square feet	42,615 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(1)(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 8/24/2021 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            SE49-0805 "
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.



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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 62.**

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 \_\_\_\_\_ 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:

1. Municipal Ordinance or Bylaw

2. Citation

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):

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**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.

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

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 signatures]*

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

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.

DEPARTMENT OF ENVIRONMENTAL STEWARDSHIP/  
NEW BEDFORD CONSERVATION COMMISSION



CITY OF NEW BEDFORD  
JONATHAN F. MITCHELL, MAYOR

**Attachment A**  
**List of Approved Plans & Documents**  
**SE49-0805**  
**South Coast Rail & Whale's Tooth Station**  
**Applicant/Owner: Massachusetts Department of Transportation**

Plans were prepared by VHB & HNTB and stamped by Sean P. Kullen, P.E. and  
Issued for Notice of Intent

Scale: 1" = 40'

<u>Sheet number(s)</u>	<u>Final revised date:</u>
GN-300	07/27/2018
GN-301 through GN-304	06/01/2018
CV-301 through CV-307, CV-310 & CV-311	06/01/2018
CV - 308 & CV-309	07/27/2018
CV-312	07/11/2018
SV-301 through SV-318	06/01/2018
TK-3055, TK-3056, TK-3058, TK-3060 through TK-3062, TK-3064, TK-3066, TK-3067, TK-3069, TK-3071 through TK-3089	06/01/2018
TK-3057, TK-3059, TK-3062, TK-3063, TK-3065, TK-3068, TK-3070	07/27/2018

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<u>Sheet number(s)</u>	<u>Final revised date</u>
TD-301	06/01/2018
GX-301 through GX-302	06/01/2018
EV-301, EV-302, EV-304	06/01/2018
EV-303	07/11/2018
SV-319	06/01/2018
SP-301	06/01/2018
LO-300 through LO-301	07/11/2018
GD-300 through GD-301	07/11/2018
XS-301 through XS-353	06/01/2018

**Approved Documents**

Stormwater Report for New Bedford, Track Corridor prepared by VHB/HNTB dated 5/30/2018 and revision dated 7/10/2018.

Stormwater Report, Whale's Tooth Station, New Bedford Massachusetts prepared by VHB dated 5/2018 and revision dated 7/2018.

Whale's Tooth Station Operation and Maintenance Plan prepared by VHB/HNTB and dated 7/31/2018.



## **CITY OF NEW BEDFORD MASSACHUSETTS**

### **CONSERVATION COMMISSION**

**133 WILLIAM STREET, ROOM 304**

**NEW BEDFORD, MA 02740**

**Tel: (508) 991-6188; Fax: (508) 961-3045; TTY: (508) 979-1661**

### **ORDER OF CONDITIONS**

#### **SPECIAL CONDITIONS**

**SE49-0805**

**South Coast Rail and Whale's Tooth Station**

**Applicant/Owner: Massachusetts Department of Transportation**

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 submitted plan.
26. Immediately upon completion of the exterior construction and grading, permanent stabilization landscaping shall be carried out in order 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 or shrubs so as to minimize erosion and siltation.
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 to adjoining property or on any public ways.
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 the Commission members shall have the right to enter upon the land for the purpose of the inspection and/or the taking of pictures to determine and evaluate compliance with this Order.
34. All facilities and equipment shall be continually operated and maintained so as to comply with this Order of Conditions and M.G.L. Ch. 131, S 40, 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 any review required by all 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 Department
39. The Conservation Commission and/or the City of New Bedford shall not be responsible or liable for the construction, the operation, or the maintenance of any part of this project and does not warrant the safety of the same.
40. Any fill and/or construction materials shall be placed in upland areas.
41. All fill material shall be clean material and not contain materials such as asphalt, brick or concrete.
42. Any mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc., are to be installed prior to initiation of any work under this Order of Conditions. Silt fence and hay bales shall be trenched into the ground. The Conservation Agent shall be notified when in place for inspection and verification. No work to be undertaken under the Order of Conditions until written or verbal approval is received from the Conservation Commission or its Agent.
43. 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 Town Boards.

44. 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 to be received at that time.
45. All erosion control barriers shall be constructed of snow fencing, silt fencing, staked hay bales, and/or wattles and clearly depicted on the plans, and placement shall be inspected both pre and post construction by Agent.
46. Any changes in proposed drainage patterns will require written approval by the Conservation Commission.
47. Wetland flagging is to remain in place until the project has been completed and a Certificate of Compliance issued.
48. Notice of Intent, Order of Conditions and plans shall be retained on the site during construction and made available to all contractors.
49. Prior to the start of work, final plans shall be submitted to the Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (the Division).
50. Unless otherwise pre-approved in writing by the Division, all work shall be confined to the limits of work shown on the final site plans. Prior to the start of work or as otherwise approved by the Division, symbolic flagging (e.g., snow fencing, colored flagging erosion controls, or similar) shall be erected around the limits of work shown on the final site plans. A qualified Division-approved environmental monitor shall regularly inspect the site during construction and ensure that all work is confined to the approved limits of work.
51. A qualified, Division-approved environmental monitor shall be responsible for verifying proper locations and installation of appropriate erosion and sedimentation control measures. The monitor shall regularly inspect erosion and sedimentation control measures and facilitate immediate repair or replacement as necessary. Additionally, all exposed areas shall be adequately stabilized and protected from erosion at the close of each work day. The monitor shall have the authority to halt construction if failure of erosion and sedimentation control measures appears imminent. After construction is complete and all areas of temporary disturbance are sufficiently stabilized, all erosion and sedimentation controls (as well as symbolic flagging referenced above) shall be removed from the project site and properly disposed of.
52. Within thirty (30) days of completion of work, or as otherwise approved by the Division, the environmental monitor shall submit a report detailing compliance with the conditions outlined herein.
53. The Stormwater Pollution Prevention Plan shall be submitted to the Conservation

**Commission for review (in electronic format) 30 days prior to the construction start up.**

- 54. As-built plans, including grading for compensatory flood storage areas, wetland replication areas and drainage and utility features shall be submitted upon the completion of construction.**
- 55. The final elevation of the wetland replication area shall be shown on an as-built plan (0.50' contours) and stamped by a Massachusetts Professional Land Surveyor. A copy of the stamped as-built shall be provided to the New Bedford Conservation Commission prior to the wetland plantings.**
- 56. The seasonal high groundwater elevation in the wetland replication area shall be verified by a Certified Soil Scientist, Wetland Professional or Professional Civil Engineer along with verification that it will support the proposed wetland plantings.**
- 57. In compliance with 310 CMR 10.55(4), the wetland professional shall submit monitoring reports documenting the success of the wetland replication area. These reports shall document the establishment of at least 75% coverage of indigenous wetland plants within the replication area. These reports shall be provided at the end of construction and once a year for two years. The Conservation Commission reserves the right to request additional seeding or planting to guarantee the success of the replication area. Proposed shrub and tree plantings that die within the two year period shall be replaced. The reports shall also document the presence of invasive species within the replication area and recommend control methods which the applicant shall institute.**
- 58. The Conservation Agent shall meet on site with the contractor and wetland scientist at least 72 hours prior to the initiation of construction of the wetland replication area to view and approved the erosion controls and discuss the construction sequence.**
- 59. The Conservation Agent shall inspect the subgrade and final planted conditions of the wetland replication area.**
- 60. A set of final 11" x 17" plans is to be submitted to the Conservation Commission during the preconstruction meeting or earlier.**
- 61. Upon completion of construction, all swales shall be mowed on an as needed basis to maintain grass that is between 4" and 6" tall.**
- 62. All conditions are on-going and do not expire until the issuance of a Certificate of Compliance**

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2019 00011716

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Doc: OC 06/04/2019 01:55 PM

**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:

SE49-0814

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

Mary

a. First Name

Rapoza, Director

b. Last Name

Parks, Recreation & Beaches

c. Organization

181 Hillman Street Building #3

d. Mailing Address

New Bedford

e. City/Town

MA

f. State

02740

g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

City of New Bedford

c. Organization

133 William Street

d. Mailing Address

New Bedford

e. City/Town

MA

f. State

02740

g. Zip Code

5. Project Location:

Marine Park - Popes Island

a. Street Address

New Bedford

b. City/Town

Map 60

c. Assessors Map/Plat Number

Lot 2

d. Parcel/Lot Number

Latitude and Longitude, if known:

d m s e. Longitude

P/4 5089613015

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**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:  
SE49-0814

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City/Town

**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Bristol County (S.D.)
- |           |  |
|-----------|--|
| a. County | b. Certificate Number (if registered land) |
| 650       | 313  |
| c. Book   | d. Page                                    |
7. Dates: 01/08/2019 03/05/2019 03/20/2019  
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):  
Proposed Planting Bed
- |  |                          |
|--|--------------------------|
| a. Plan Title                                | c. Signed and Stamped by |
| Mary Rapoza                                  | NTS                      |
| b. Prepared By                               | e. Scale                 |
| 1/11/2019                                    |                          |
| d. Final Revision Date                       |                          |
| Detail - Planting Plan & accompanying Budget |                          |
| f. Additional Plan or Document Title         | g. Date                  |

**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 type="checkbox"/> Land Containing Shellfish          | c. <input checked="" type="checkbox"/> Prevention of Pollution        |
| d. <input type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries                          | f. <input checked="" 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.



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:

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

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**WPA Form 5 – Order of Conditions**

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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 checked="" type="checkbox"/> Coastal Banks	550' a. linear feet	550' 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 checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	5,500 a. square feet	5,500 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 03/20/2022 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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Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

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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            SE49-0814 "
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.

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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 52.**

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 under the local Wetlands Ordinance. In addition see attached Special Conditions 21 through 52.



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**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.

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

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

3/20/2019  
1. Date of Issuance

4  
2. Number of Signers

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 signatures of three individuals]*

☒ by hand delivery on

3/20/2019

Date

☐ by certified mail, return receipt requested, on

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 MASSACHUSETTS**

### **CONSERVATION COMMISSION**

**133 WILLIAM STREET, ROOM 304**

**NEW BEDFORD, MA 02740**

**Tel: (508) 991-6188; Fax: (508) 961-3045; TTY: (508) 979-1661**

### **ORDER OF CONDITIONS**

#### **SPECIAL CONDITIONS**

**SE49-0814**

**Applicant: Mary Rapoza, City of New Bedford Director of Parks Recreation and  
Beaches**

**Owner: City of New Bedford**

**Locus: Popes Island Marine Park (Map 60, Lot 2)**

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 submitted plan.
26. Immediately upon completion of the exterior construction and grading, permanent stabilization landscaping shall be carried out in order 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 or shrubs so as to minimize erosion and siltation.
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 to adjoining property or on any public ways.
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 the Commission members shall have the right to enter upon the land for the purpose of the inspection and/or the taking of pictures to determine and evaluate compliance with this Order.
34. All facilities and equipment shall be continually operated and maintained so as to comply with this Order of Conditions and M.G.L. Ch. 131, S 40, 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 any review required by all 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 Department
39. The Conservation Commission shall not be responsible or liable for the construction, the operation, or the maintenance of any part of this project and does not warrant the safety of the same.
40. Any fill and/or construction materials shall be placed in upland areas.
41. All fill material shall be clean material and not contain materials such as asphalt, brick or concrete.
42. Any mitigation and resource protection devices and measures, e.g. hay bales, siltation fence, etc., are to be installed prior to initiation of any work under this Order of Conditions. Silt fence and hay bales shall be trenched into the ground. The Conservation Agent shall be notified when in place for inspection and verification. No work to be undertaken under the Order of Conditions until written or verbal approval is received from the Conservation Commission or its Agent.
43. 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 Town Boards.

44. 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 to be received at that time.
45. All erosion control barriers shall be constructed of snow fencing, silt fencing, staked hay bales, and/or wattles and clearly depicted on the plans, and placement shall be inspected both pre and post construction by Agent.
46. Any changes in proposed drainage patterns will require written approval by the Conservation Commission.
47. Wetland flagging is to remain in place until the project has been completed and a Certificate of Compliance issued.
48. Notice of Intent, Order of Conditions and plans shall be retained on the site during construction and made available to all contractors.
49. All conditions are on going and do not expire until the issuance of a Certificate of Compliance.
50. All work is to be done as specified in the revised Notice of Intent dated 2/14/2019 which contains an existing conditions plans and narrative dated 2/6/2019, a Coastal Bank Plant list, Proposed Planting Bed dated 1/11/2019 with accompanying Planting Plan Detail and Budget.
51. Rodeo herbicide is only to be wiped on the cut stems of the invasive plants. Spraying of Rodeo is not permitted.
52. Upon completion of the project an as-built planting plan shall be submitted prior to the issuance of a Certificate of Compliance.

13



2020 00014331

Bk: 13271 Pg: 243 Pg: 1 of 13 BE  
Doc: OC 06/25/2020 02:06 PM



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:  
SE49-0848  
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

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:

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

a. First Name Harborview, LLC b. Last Name \_\_\_\_\_  
c. Organization \_\_\_\_\_  
c/o Lars Vinjerud, 20 Blackmer Street  
d. Mailing Address \_\_\_\_\_  
New Bedford MA 02744-2614  
e. City/Town \_\_\_\_\_ f. State \_\_\_\_\_ g. Zip Code \_\_\_\_\_

4. Property Owner (if different from applicant):

a. First Name \_\_\_\_\_ b. Last Name \_\_\_\_\_  
c. Organization \_\_\_\_\_  
d. Mailing Address \_\_\_\_\_  
e. City/Town \_\_\_\_\_ f. State \_\_\_\_\_ g. Zip Code \_\_\_\_\_

5. Project Location:

226 Popes Island New Bedford  
a. Street Address \_\_\_\_\_ b. City/Town \_\_\_\_\_  
Map 60 Lot 11  
c. Assessors Map/Plat Number \_\_\_\_\_ d. Parcel/Lot Number \_\_\_\_\_

Latitude and Longitude, if known:

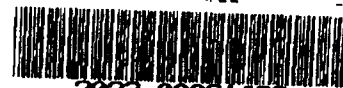
d. Latitude d m s e. Longitude d m s

195

15

Bk: 14853 Pg: 223  
Schneider, David  
PO Box 480 Mattapoisett, MA 02739

4



2023 00021463

Bk: 14853 Pg: 223 Pg: 1 of 15 Bk  
Doc: OC 11/28/2023 01:29 PM



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:

SE049-0877

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

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:

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

a. First Name Harborview, LLC b. Last Name \_\_\_\_\_  
c. Organization \_\_\_\_\_  
d. Mailing Address 20 Blackmer Street  
e. City/Town New Bedford f. State MA g. Zip Code 02744

### 4. Property Owner (if different from applicant):

a. First Name \_\_\_\_\_ b. Last Name \_\_\_\_\_  
c. Organization \_\_\_\_\_  
d. Mailing Address \_\_\_\_\_  
e. City/Town \_\_\_\_\_ f. State \_\_\_\_\_ g. Zip Code \_\_\_\_\_

### 5. Project Location:

226 Popes Island  
a. Street Address \_\_\_\_\_ b. City/Town \_\_\_\_\_  
60 c. \_\_\_\_\_  
Assessors Map/Plat Number 60 d. Parcel/Lot Number \_\_\_\_\_  
Latitude and Longitude, if known: 41d38m21s -70d54m56s  
d. Latitude \_\_\_\_\_ e. Longitude \_\_\_\_\_

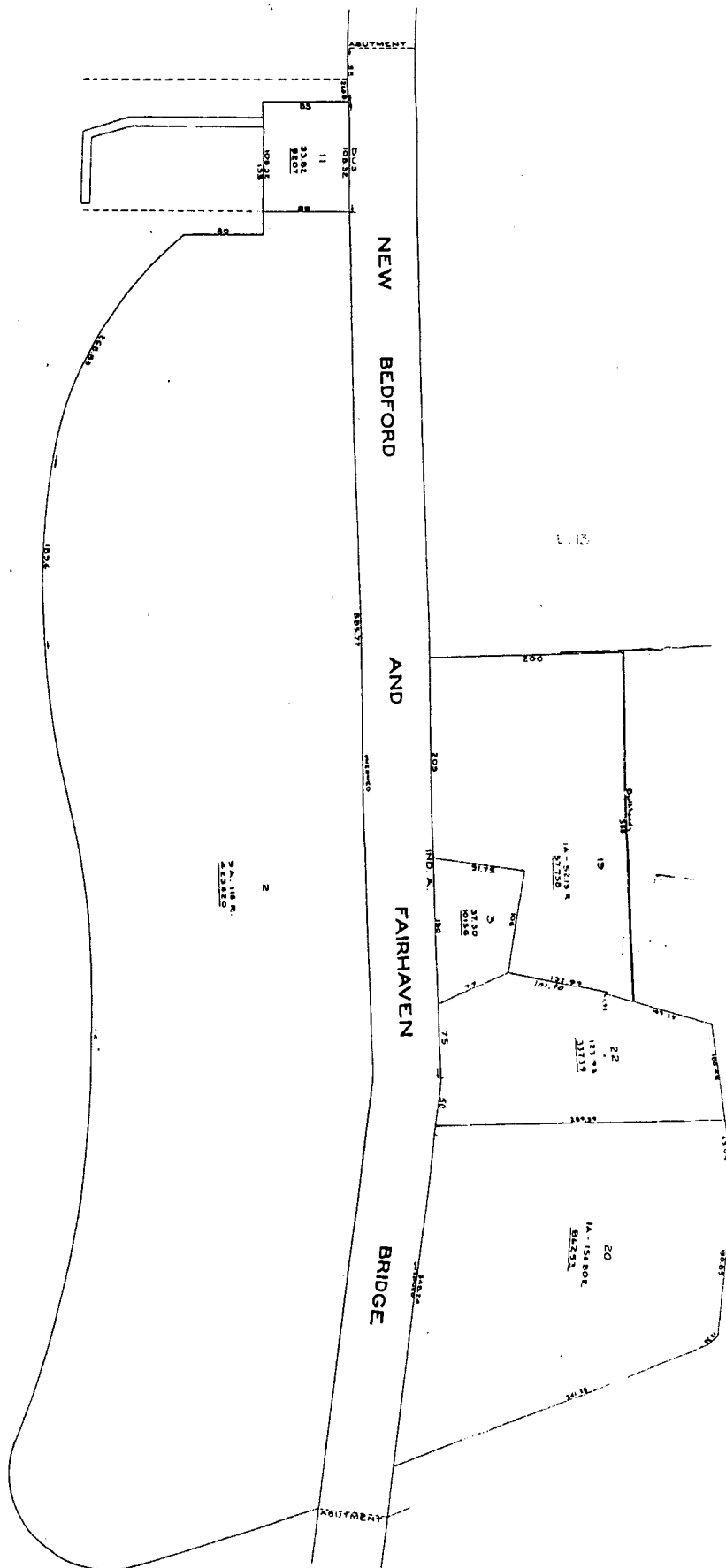
196



Abutter

60

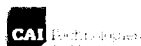
1941	to	21	3	Quackh. Hall	98	228	
1923	96				185	186	
1951				John E. Waller Jr + Kenneth J			
				Copier			
1971	1979			James + Elmer Foster	1795-291	11/2/1975	
					1019	68	11/3/1971



**Property Card: 226 POPES ISLAND**  
City of New Bedford, MA



Parcel Information	
<b>Location:</b> 226 POPES ISLAND <b>Parcel ID:</b> 060 0011 <b>Condo Complex:</b> <b>Owner:</b> HARBORVIEW LLC <b>Co-Owner:</b> <b>Mailing Address:</b> 20 BLACKMER STREET NEW BEDFORD, MA 02744  <b>Patriot Account #:</b> 32702	<b>Land Use Code:</b> MARINA <b>Zone:</b> MUB <b>Acres:</b> 0.2114 <b>Total Gross Building Area:</b> 4,512 sq. ft. <b>Total Finished Building Area:</b> 2,706 sq. ft.
Sale History	Assessed Value
<b>Sale Date:</b> 7/31/2019 <b>Book &amp; Page:</b> 12876-138 <b>Sale Price:</b> \$1,000,000 <b>Sale Description:</b> INTRA-CORP <b>Seller:</b> FALTUS BRIAN L "TRS"	<b>Land:</b> 626,100 <b>Yard:</b> 443,100 <b>Building:</b> 191,100 <b>Total:</b> \$1,260,300
Building Details: Building # 1	
<b>Building Type:</b> 018 - Gen Retail <b>Year Built:</b> 1940 <b>Quality:</b> C-2 - Average-2 <b>Residential Units:</b> 0 <b>Stories:</b> 1.5 - 1.5 <b>Kitchens:</b> 0 <b>No. Full Baths:</b> 6 <b>Add'l Full Baths:</b> 0 <b>3/4 Baths:</b> 0 <b>Half Bath:</b> 1 <b>Add'l Half Bath:</b> 0 <b>Other Fixtures:</b> 0 <b>WS Flues:</b> 0	<b>Int Wall Desc 1:</b> 2 - Plaster <b>Int Wall Desc 2:</b> <b>Ext Wall Desc 1:</b> 16 - Asbestos <b>Ext Wall Desc 2:</b> <b>Floor Cover 1:</b> 05 - TileVinAsph <b>Floor Cover 2:</b> 03 - Concrete <b>Roof Cover:</b> 1 - Asphalt <b>Roof Structure:</b> 1 - Gable <b>Foundation:</b> 5 - Piers <b>Frame:</b> 1 - Wood <b>Heat :</b> 14 - Baseboard <b>Heat Fuel:</b> 1 - Gas <b>% Air Conditioned:</b> 0



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.

SKETCH		PHOTO
Total Tax		
Fiscal Year	Total Valuation	Total Taxes
2025	\$1,260,300	\$28,797.86
2024	\$825,800	\$20,611.97
2023	\$609,600	\$18,214.85



www.cai-tech.com

This information is believed to be correct but is subject to change and is not warranted.

*201*



2019 00018897  
Bk: 12876 Pg: 138 Pg: 1 of 2 B6  
Doc: DEED 07/31/2019 12:13 PM

MASSACHUSETTS EXCISE TAX  
Bristol ROD South 001  
Date: 07/31/2019 12:13 PM  
Ctrl# 028508 18390 Doc# 00018897  
Fee: \$4,560.00 Cons: \$1,000,000.00

## QUITCLAIM DEED

I, Lori Faltus, Trustee of the BLF Realty Trust, of 59 Orchard Street, Fairhaven, Massachusetts, in consideration paid and in full consideration of One Million Dollars (\$1,000,000.00), grant to Harborview, LLC, a Massachusetts Limited Liability Company, of 20 Blackmer Street, New Bedford, Massachusetts

With QUITCLAIM COVENANTS

The land, with any buildings thereon, bordering on and in the Acushnet River in said New Bedford, Bristol County, Massachusetts bounded and described as follows:

**Beginning** at the northwest corner of the land to be conveyed at a drill hole in the south edge of the coping on the present New Bedford-Fairhaven Bridge as shown on the plan hereinafter referred to,

thence **easterly** in line of the south edge of said coping 130 feet to an old drill hole;

thence about **southerly** and at a right angle to the last-described line in line of the land of the City of New Bedford 85.10 feet to a drill hole in a retaining wall;

thence continuing in the same course and direction 215 feet, more or less, to the U.S. Harbor Line as shown on said plan;

thence about **westerly** and at an approximate right angle to the last described line, in line of the U.S. Harbor Line to the U.S. Harbor Line intersecting this last mentioned U.S. Harbor Line as shown on said plan;

thence about **northwesterly** in line of said U.S. Harbor Line as shown on said plan to a point 100 feet, more or less, southerly from the point of beginning, which point is in a line at a right angle to the south edge of the coping;

thence about **north** 100 feet, more or less, to the drill hole and place of beginning.

As heretofore described, the land area is approximately 33.82 square rods, more or less, the water area 92.90 square rods, more or less, as shown on said plan.

226 Popes Island  
New Bedford, MA

Property address:

504

201

Also included in the above conveyance so far as the grantor has a right to convey is the area under the water in the Acushnet River to the west of the U.S. Harbor Line.

All as shown on Plan of Land belonging to the New Bedford Yacht Club dated April 17, 1951, and drawn by Thomas W. Williams, C.E., recorded in the Bristol County (S.D.) Registry of Deeds, Plan Book 42, Page 47.

Together with a permanent easement for access to and from State Highway, Route #6, as granted by the City of New Bedford in an easement dated June 20, 1972, and recorded in said Registry, in Book 1634, Page 764, and subject to an easement granted to the City of New Bedford for the purpose of land and water mains in the Acushnet River by document dated October 20, 1971, and recorded in said Registry in Book 1614, Page 297.

Also included in the above conveyance insofar as the grantor has a right to transfer, are all licenses of record for the installation of docks and piers and retaining walls.

Subject to the current fiscal year's real estate taxes which the grantee assumes and agrees to pay.

For title see deed dated March 23, 2002, recorded in the Bristol County (S.D.) Registry of Deeds at Book 5746, Page 338. Brian L. Faltus, a/k/a Bryon L. Faltus died on January 3, 2019.

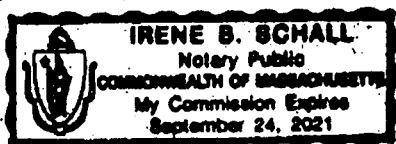
Witness my hand and seal this 31<sup>st</sup> day of July, 2019.

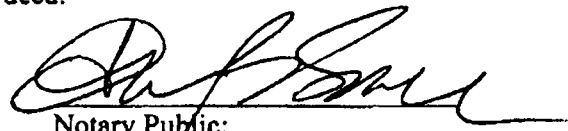
 Lori Faltus  
Witness: Lori Faltus, Trustee of the BLF Realty Trust

Commonwealth of Massachusetts

Bristol, ss.

On 31<sup>st</sup> day of July, 2019, before me, the undersigned notary public, personally appeared Lori Faltus, Trustee of the BLF Realty Trust, the above-named and proved to me through satisfactory evidence of identification being Mass driver's license, to be the person whose name is signed on this document, and acknowledged to me that she signed it voluntarily for its stated purpose and that the foregoing instrument is her free act and deed.



  
Notary Public:  
My Commission Expires:

9/24/21

PLAN 2 BOOK NO. 42 PAGE 47

Commonwealth of Massachusetts

Registry of Deeds:

New Bedford, April 30, 1951.

At 4 Hour 27 Min. A.M.

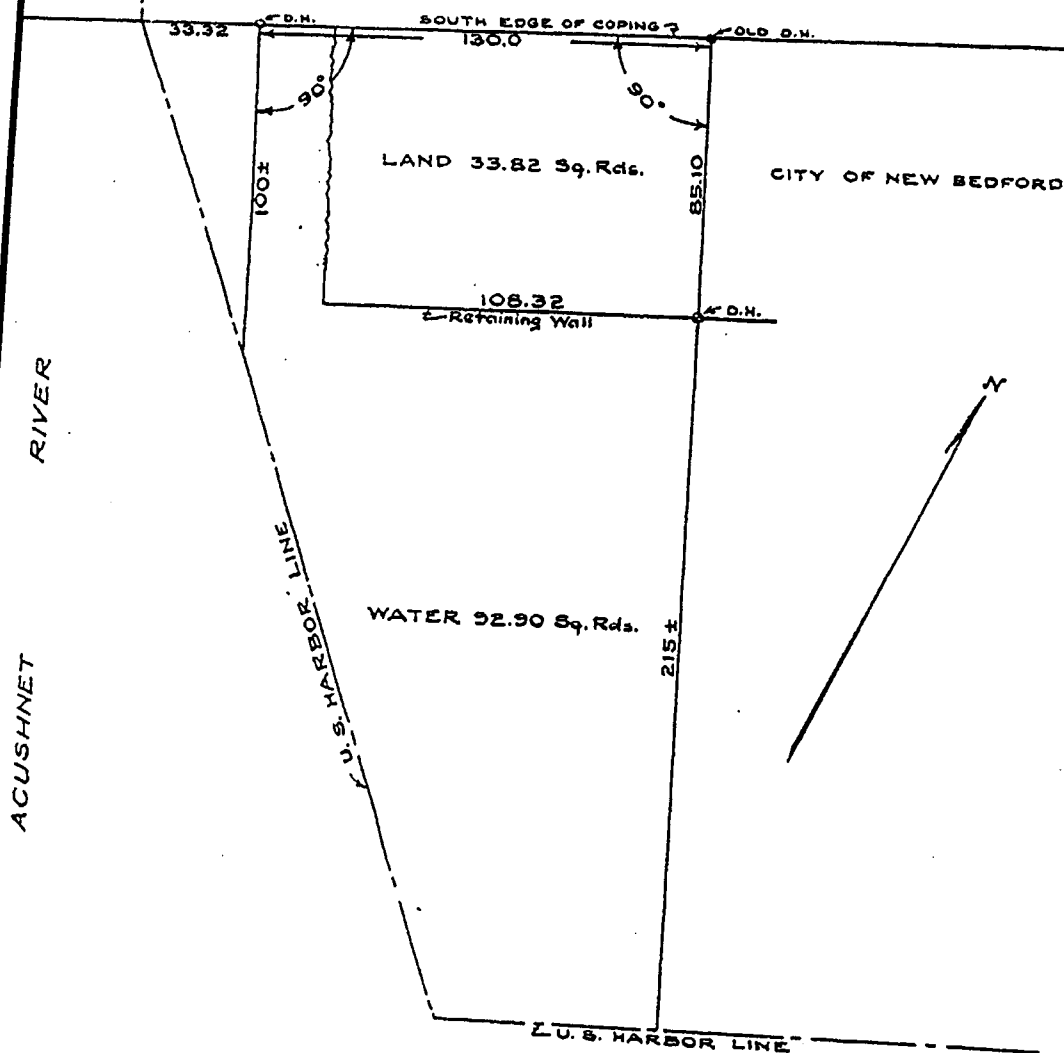
Received and Filed in Bris. Co. S.D.

Attest *John D. Ryan*

Asst. Register.

POPES ISLAND

NEW BEDFORD & FAIRHAVEN BRIDGE  
(STATE HIGHWAY)



PLAN OF PROPERTY BELONGING TO  
NEW BEDFORD YACHT CLUB  
SITUATED IN

WHEAT

201





South line of the Bridge, one hundred (100) feet to the initial point.  
That is to say, said William conveyed three (3) undivided sixths, said  
Susan, one (1) undivided sixth, said Samuel, one (1) undivided sixth.  
But it is understood that none of our real estate, outside of the above  
lands, nor our right to build wharves, or provide docks, outside of  
the above lands, are hereby conveyed. To have and to hold the  
above released premises, with all the privileges and appurtenances to  
the same belonging, to the said Grantee, its successors and assigns, to  
its and their use and behoof forever. And we the said Grantee, for  
ourselves, and our heirs, executors, and administrators, do covenant  
with the said Grantee, its successors and assigns, that the premises  
are free from all incumbrances made or suffered by us, or any of us,  
and that we will, and our heirs, executors, and administrators, shall  
assent, and defend the same to the said Grantee, its successors and  
assigns forever, against the lawful claims and demands of all per-  
sons claiming by, through, or under us, and each of us, but against  
none other. In Witness Whereof, we the said Grantee, also William  
Sporrow, husband of said Susan, in token of his assent to his action,  
herein, and to his release of all of his, our, rights, in the granted prem-  
ises, also Sarah C. wife of said Samuel, in token of her release of all  
right, and title of, or to, toll, down, and homestead, in the granted prem-  
ises, have hereunto set our hands, and seals, this Twenty-ninth day of  
March, in the year of our Lord, eighteen hundred and eighty.

Witnessed and delivered in presence	William L. C. Pope Justice	Sh. S.
+ J. M. Stilson, to W. L. C. P. S. P.	Sam <sup>l</sup> P. Pope	Sh. S.
Sh. S. & W. S.	Susan L. Spornes	Sh. S.
Sam <sup>l</sup> C. Pope, witness for Sarah	Walter Spornes	Sh. S.
C. Pope	Sarah C. Pope	Sh. S.

Witness for March 29<sup>th</sup> 1881. Then personally appeared the within named  
William L. C. Pope, S. P. Pope, S. L. Spornes and Walter Spornes, and  
acknowledged the foregoing instrument to be their free act and deed, before  
me, J. M. Stilson, Justice of the Peace.

Recorded and recorded March 29<sup>th</sup> 1881, at 3 hours, 17 mins. P.M.  
Charles C. Sayer Register.

Know all Men by these Records that We, Susan L. Spornes  
of Newbury, and Samuel P. Pope of New Bedford, in the County of  
Dorset, in consideration of money valuable consideration to us paid by  
The New Bedford Electric Light, a Corporation, duly established, at said New Bedford,  
the receipt whereof we do hereby acknowledge, do hereby give, grant,  
sell and convey unto the said Corporation, its successors and assigns,  
all our right, title and interest in the Island in New Bedford called  
Pope's Island, with all the privileges, wharfage, and dockage rights  
pertaining to our said right, title and interest. To have and to hold  
the above granted premises, with the privilege and appurtenances thereto  
belonging, to the said Grantee, its successors and assigns, to its &  
their use and behoof forever. And we the said Grantee, for ourselves,  
our heirs, executors, and administrators, do covenant with the said

Know all Men by these Presents: That the Pope's Island Manufacturing Corporation, a corporation located in New Bedford in the County of Bristol, and Commonwealth of Massachusetts, in consideration of Two Hundred and Seventy five (275) Dollars, and other considerations, to it paid by the New Bedford Yacht Club, a corporation located in said New Bedford, the receipt of which is hereby acknowledged, does hereby remise, release, and forever Quit claim unto the said New Bedford Yacht Club, all of its right, title and interest in and to the following described parcel of land, situate in the Acushnet River in said New Bedford, to wit: Beginning at a point thirty (30) feet easterly from the easterly line of the Grantee's land, in the South line of the New Bedford Bridge as lately established in the widening of said bridge by the County Commissioners of Bristol County; thence in a southerly direction in a line parallel with the said easterly line of the Grantee's land, to the line established as one of the Harbor lines in said River; thence westerly in said established Harbor Line, being the south line of said Harbor Lines, to a west line established as a Harbor Line; thence in a line in prolongation westward of and in the same direction as, said south line, to a point in line with the present west line of the said Grantee's present property extended southerly; and thence northerly in a straight line to the said southwest corner of the Grantee's property; thence easterly in said south line of Grantee's land to the South-east corner thereof; thence northerly in the east line of Grantee's property to said south line of said bridge, and thence easterly in said Bridge line to the place of beginning. But it is understood that the Grantor does not, by this conveyance, grant, release, or Quit claim any right to the Grantee, that may or can in any way operate to prevent or hinder the Grantor, or his successors or assigns, from building any walls, docks, piers, or wharfs, at any point easterly from the granted premises, or from filling in the land now under the water easterly from the granted premises to the lines established as said Harbor lines. To Have and To Hold the above granted premises with all the privileges and appurtenances to the same belonging to the said New Bedford Yacht Club and its successors and assigns, to their own use and behoof, forever. And the said Grantor for itself and its successors and assigns, does covenant with the said Grantee and its successors and assigns, that the premises are free from all encumbrances made or suffered by it, and that it will, and its successors and assigns shall warrant and defend the same to said Grantee and its successors and assigns, forever against the lawful claims and demands, of all persons claiming by through or under it, but against none other. In Witness

has caused its corporate seal to be hereto affixed and these presents to be signed in its name and behalf by William O. Sheldon, its Treasurer, this Twenty-third day of October, in the year One Thousand Eight Hundred and Ninety-

Pope's Island Manufacturing Corporation

(s)

by William O. Sheldon, (ss)

Treasurer of said Corporation

Commonwealth of Massachusetts.

Bristol ss. October 23, 1896 Then personally appeared the above named William O. Sheldon and acknowledged the foregoing instrument to be the free act and deed of the Pope's Island Manufacturing Corporation. William O. Parker Justice of the Peace.

Received and Recorded October 29<sup>th</sup> 1896, at 3 hrs. 6 min P.M.

Edw. Richmond, Register.

Commonwealth of Massachusetts.

No 1963. Whereas, the New Bedford Yacht Club of New Bedford, in the County of Bristol, and Commonwealth of Massachusetts, has applied to the Board of Harbor and Land Commissioners for license to drive piles for the support of a building, in New Bedford Harbor, in the city of New Bedford and has submitted plans of the same, and where a due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the Mayor and Aldermen of the city of New Bedford; Now, said Board, having heard all parties desiring to be heard, and having fully considered said application, hereby authorizes and licenses the said New Bedford Yacht Club, subject to the provisions of the nineteenth chapter of the Public Statutes, and of all laws which are or may be in force applicable thereto, to drive piles for the support of a building, adjoining its wharf in New Bedford Harbor, in the locations marked by red circles and wholly within the area defined by lines marked A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, on the accompanying plan No. 1963.

Nothing herein contained shall be construed as authorizing the driving of piles, or the extension of the said Yacht Club's Wharf, outside of the above defined area. The plan of said work is on file in the office of said Board, numbered 1963, and a duplicate of said plan accompanies this license, and is to be referred to as a part hereof. Nothing in this license shall be so construed as to impair the legal rights of any person. This license shall be void unless the same, and the accompanying plan, are recorded, within one year from the date hereof, in the Registry of Deeds for the South District of the County of Bristol. In Witness Whereof, said Board of Harbor and Land Commissioners do hereby certify, at New Bedford, this 23<sup>rd</sup> day of October, 1896.

day of October in the year eighteen hundred and ninety  
Woodward Emery } Harbor and  
Chas. S. Bowland } Land  
Commissioners

Received and Recorded October 29<sup>th</sup> 1896, at 3 hrs. 6 min P.M.  
Richmond Register.

Commonwealth of Massachusetts.

1896. 1972. Whereas, the New Bedford Yacht Club of New Bedford, in the County of Bristol, and Commonwealth aforesaid, has applied to the Board of Harbor and Land Commissioners for license to extend its wharf in New Bedford Harbor, in the city of New Bedford, and has submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given as required by law, to the Mayor and Aldermen of the city of New Bedford; Now, said Board, having heard all parties desiring to be heard, and having fully considered said application, hereby authorizes and licenses the said New Bedford Yacht Club, subject to the provisions of the nineteenth chapter of the Public Statutes, and of all laws which are or may be in force applicable thereto, to extend its wharf in New Bedford Harbor, on piles, in conformity with the accompanying plan No. 1972. Beginning at a point marked A on said plan, at the south westerly corner of said Yacht Club's present wharf, and running south easterly, in the prolongation of the westerly side line of said present wharf, 53 feet, more or less, to a point marked B, in the harbor line established by Chapter 269 of the Acts of 1848, thence running south-easterly, more easterly, in said harbor line 50 feet to a point marked C, thence running easterly 82 feet, more or less, to a point marked D, in the easterly boundary line of said Yacht Club's premises and 104 feet south-easterly from the south-easterly corner of said present wharf; thence running north westerly, in said easterly boundary line, 8 feet to a point marked E, thence running westerly, in a line drawn parallel with and 8 feet north-westerly from said line C-D, 76.5 feet, more or less, to a point marked F, in a line drawn parallel with and 8 feet north easterly from said line B-C; thence running north-westerly, in said parallel line, 41.5 feet, more or less, to a point marked G, in a line drawn parallel with and 8 feet easterly from said line A-B; thence running north westerly, more northerly, in said parallel line, 52 feet, more or less, to a point marked H, in the line of said present wharf; thence running westerly, in the line of said present wharf, 8 feet to A the point of beginning. A bulkhead as shown in

15  
188

said lines A-B, B-C, C-D. The Plan of said work is on file in the office of said Board, numbered 1972, and a duplicate of said plan accompanies this License, and is to be referred to as a part hereof. Nothing in this License shall be so construed as to impair the legal rights of any person. This License shall be void unless the same, and the accompanying plan, are recorded, within one year from the date hereof, in the Registry of Deeds for the South District of the County of Bristol. In Witness Whereof, said Board of Harbor and Land Commissioners have hereunto set their hands this Twenty-eighth day of October in the year eighteen hundred and ninety six.

Woodward Emery } Harbor and  
Chas. S. Howland } Land  
Commissioners

Received and Recorded October 29<sup>th</sup> 1896 at 2 hrs. 6 min P.M.

Edmond, Register.

Know all Men by these Presents that I, Andrew Burns of New Bedford in the County of Bristol and Commonwealth of Massachusetts in consideration of One Dollar and other good considerations to me paid by Mary A. McElroy of said New Bedford the receipt whereof is hereby acknowledged, do hereby give, grant, bargain, sell and convey unto the said a certain lot of land situate on the east side of Briggs Street in said New Bedford bounded and described as follows, viz: Beginning at the south west corner thereof at the North West corner of other land of said grantor - at a point in the east line of Briggs Street seventy one  $7\frac{10}{100}$  (71.10) feet north from the north line of Ricket Street, thence Northerly in said east line of Briggs Street thirty two  $2\frac{20}{100}$  (32.20) feet; thence Easterly thirty three (33) feet. Thence Southerly thirty two  $2\frac{20}{100}$  (32.20) feet to other land of said Burns and thence Westerly in line of said Burns land thirty three (33) feet to the place of beginning. Containing Eleven (11) Rods more or less - and being a portion of the premises conveyed to me by Abbott P. Smith and Morgan Porter Trustees, of deed dated May 26 A. D. 1893 and recorded in Bristol County Registry of Deeds (S. R.) Book 162 pages 149 & 150. I do have and do hold the granted premises, with all the privileges and appurtenances thereto belonging to the said Mary A. McElroy and her heirs and assigns, to their own use and behoof forever. And I do hereby for myself and my heirs, executors, and administrators, Covenant with the said grantee and her heirs and assigns that I am lawfully seized in fee simple of the granted premises, that they are free from all incumbrances that

Bu  
Mo.

at A full in the year of one hundred and eighty  
 Entered and delivered \_\_\_\_\_  
 in presence of \_\_\_\_\_  
 Charles C. Hayes, Jr. & M. E. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Bristol, ss. April 8, 1886. Then the above-named Albert M. Tabor  
 acknowledged the foregoing instrument to be his free act, and  
 did, before me Charles C. Hayes, Justice of the Peace,  
 Received and recorded April 19, 1886, at 11 A. M. 57 on A. M.  
 Charles C. Hayes Register

Commonwealth of Massachusetts.

Marine and Land Commissioners Office, Equitable Building  
 Boston. Whereas, the New Bedford Yacht Club, through  
 its Commodore John A. Howe, has given written notice to the  
 Board of its intention to construct a Pier Wharf on the  
 southerly side of the New Bedford and Fairhaven Bridge,  
 near Pope's Island, and has submitted plans of the same.  
 Now therefore, the said New Bedford Yacht Club is hereby au-  
 thorized, subject to the approval of the Board and Council,  
 to proceed and construct said Wharf on terms in conformity  
 to a plan filed in this office, and numbered 526, and on  
 land within lines described as follows. Beginning at the  
 westerly end of the abutment of said Bridge on Pope's Island  
 and running westerly by said Bridge a distance of one hun-  
 dred (100) feet; thence running southerly at right angles to the  
 southerly line of said Bridge a distance of two hundred (200)  
 feet; thence running easterly, at right angles to the last-named  
 line a distance of one hundred (100) feet; thence running easterly  
 at right angles to the last-named line, a distance of two hun-  
 dred (200) feet to the point of beginning. Within the above-  
 described lines, a structure may be built of such dimen-  
 sions and in such position as shown on the accompa-  
 nying plan by red lines and figures. Nothing in this or-  
 der shall be construed to impair the legal rights of any  
 person or corporation, municipal or otherwise. Due no-  
 tice has been given to the Mayor and Aldermen of the City  
 of New Bedford at this time, and plans filed for a hearing  
 on the petition of said New Bedford Yacht Club. This  
 license is void, unless recorded with the accompanying Plan  
 in the Registry of Deeds for the County of Bristol, Southern  
 District, within six months from the date of this license,  
 and without a majority of the Board of Harbor and  
 Land Commissioners has first affixed their signature  
 this 8th day of April. A. D. 1886.

Albert M. Tabor.

Wm. P. Phillips

E. A. Tabor.

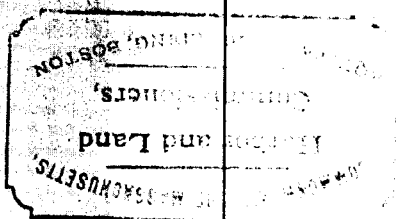
in Council, April 13, 1886. Approved Henry C. Pierce.

Received and recorded April 19, 1886

No. 526  
 Approved by State & Land Com.  
 April 7 1880

New Bedford & Fairhaven Bridge

Road across Pope's



N 13 1/2° W 200' ft.

N 76 1/2° E 100' ft.

41'

72'

33'

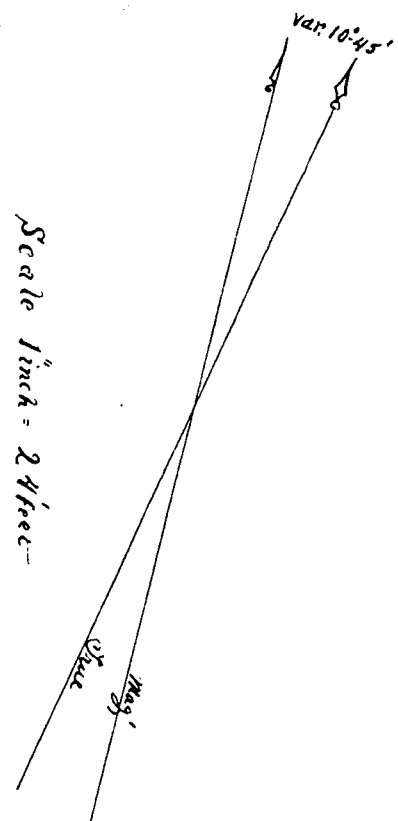
152'

S 13 1/2° E 200' ft.

48'

S 76 1/2° W 100' ft.

Scale 1 inch = 20 feet



High Water

Low Water

Abutment

Low

*Approved by Stearns & Co  
April 7 1880  
No. 526*

*Harbor Bridge*

*Road across Pope's Island*

*N 76 1/2° E. 100' ft*

*High Water Flows against the Wall.*

*41'*

*72'*

*COMMONS OF N  
Harbor and  
Commish  
of Har*

*-33'-*

*152'*

*S 13 1/2° E. 200' ft*

*Scale 1 inch = 24 feet*

*48'*

*N 76 1/2° W. 100' ft*

*Low Water*

*Var. 10' 45"*

*May  
June*

*to Dr. J. D. Payson of Decr.  
Dec 19 1880 at Hemin. P. M.  
Secura and filia (with Harbor  
murderer's license) in book 93.  
ago 14 P. of Lane Records.  
Collected Charles C. Drayton.*