Contract No. 99771

Notice of Intent – New Bedford

New Bedford Main Line

Prepared for:

Massachusetts Department of Transportation

10 Park Plaza

Boston, Massachusetts

Prepared by:

The VHB/HNTB Team – a Joint Venture

99 High Street, 10th Floor

Boston, Massachusetts

June 7, 2018

Back of cover page

Notice of Intent Application

- NOI Form
- Fee Transmittal Form
- Notice to Abutters
- List of Abutters
- Figures
    - Figure 1 – USGS Site Location Map
    - Figure 2 – Aerial map
    - Figure 3 – NHESP Map
    - Figure 4 – FEMA Map
- NOI Narrative
- List of Plans – New Bedford Notice of Intent Plans (Attachment A)

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

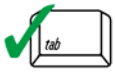
Provided by MassDEP:

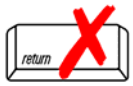
MassDEP File Number

Document Transaction Number

NEW BEDFORD
City/Town

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





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

A. General Information

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

RAILROAD RIGHT-OF-WAY — a. Street Address
NEW BEDFORD — b. City/Town
02470 — c. Zip Code

Latitude and Longitude:
N/A — d. Latitude
N/A — e. Longitude

N/A - RAILROAD RIGHT-OF-WAY — f. Assessors Map/Plat Number
-- — g. Parcel /Lot Number

2. Applicant:

JEAN — a. First Name
FOX — b. Last Name
MASSACHUSETTS DEPARTMENT OF TRANSPORTATION — c. Organization
10 PARK PLAZA — d. Street Address
BOSTON — e. City/Town
MA — f. State
02116 — g. Zip Code
857-368-8853 — h. Phone Number
i. Fax Number
JEAN.FOX@STATE.MA.US — j. Email Address

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

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

4. Representative (if any):

LARS — a. First Name
CARLSON — b. Last Name
VANASSE HANGEN BRUSTLIN, INC — c. Company
101 WALNUT STREET — d. Street Address
WATERTOWN — e. City/Town
MA — f. State
02472 — g. Zip Code
617-607-6237 — h. Phone Number
617-924-2286 — i. Fax Number
LCARLSON@VHB.COM — j. Email address

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

$2,175.00 — a. Total Fee Paid
$1,075.00 — b. State Fee Paid
$1,100.00 — c. City/Town Fee Paid

A. General Information (continued)

6. General Project Description:

MassDOT proposes to reconstruct the track infrastructure (track, signal and communication utilities, and grade crossings) along the New Bedford Main Line as part of the South Coast Rail Project, which will extend commuter rail service to Fall River and New Bedford.

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

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

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No

If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

a. County	b. Certificate # (if registered land)
BRISTOL COUNTY	
c. Book	d. Page Number
ROW - Book 14597	ROW - Page 286

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1. ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2. ☒ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☒ Bank	2,769 (perm) 259 (temp) 1. linear feet	2,769 2. linear feet
b. ☒ Bordering Vegetated Wetland	355 1. square feet	500 2. square feet
c. ☒ Land Under Waterbodies and Waterways	25,052 (perm); 58 (temp) 1. square feet	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. ☒ Bordering Land Subject to Flooding	16,840 (perm) 11,312 (temp) 1. square feet	2. square feet
	4,129 3. cubic feet of flood storage lost	5,563 4. cubic feet replaced
e. ☐ Isolated Land Subject to Flooding	0 1. square feet	
	0 2. cubic feet of flood storage lost	3. cubic feet replaced
f. ☒ Riverfront Area	unnamed perennial tributaries 1. Name of Waterway (if available) - **specify coastal or inland**	

2. Width of Riverfront Area (check one):

☒ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

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

4. Proposed alteration of the Riverfront Area:

a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.
47,605	23,802.5	23,802.5

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☒ No

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

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

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

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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☐ Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cubic yards dune nourishment

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☐ Coastal Banks	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. ☒ Land Subject to Coastal Storm Flowage	42,615 1. square feet	

4. ☐ Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings

C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

   a. ☒ Yes ☐ No

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

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

   10-1-2016
   b. Date of map

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

   c. Submit Supplemental Information for Endangered Species Review*

      1. ☐ Percentage/acreage of property to be altered:

         (a) within wetland Resource Area _____ percentage/acreage

         (b) outside Resource Area _____ percentage/acreage

      2. ☐ Assessor's Map or right-of-way plan of site

2. ☒ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

   (a) ☒ Project description (including description of impacts outside of wetland resource area & buffer zone)

   (b) ☒ Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.

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

(c) ☐ MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and ***mail to NHESP*** at above address

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

(d) ☐ Vegetation cover type map of site

(e) ☐ Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. ☐ Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☒ Separate MESA review ongoing. 98-3735 (a. NHESP Tracking #) 5-27-2011 (b. Date submitted to NHESP)

3. ☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. ☐ Not applicable – project is in inland resource area only b. ☐ Yes ☒ No

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

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

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

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

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

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

   a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

   b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

   a. ☒ Yes ☐ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

   a. ☐ Yes ☒ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

   a. ☒ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

      1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

      2. ☒ A portion of the site constitutes redevelopment

      3. ☐ Proprietary BMPs are included in the Stormwater Management System.

   b. ☐ No. Check why the project is exempt:

      1. ☐ Single-family house

      2. ☐ Emergency road repair

      3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

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

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

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

D. Additional Information (cont'd)

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

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

NEW BEDFORD NOTICE OF INTENT PLANS
a. Plan Title

VHB/HNTB
b. Prepared By

c. Signed and Stamped by

4/20/2018
d. Final Revision Date

1:40
e. Scale

f. Additional Plan or Document Title

g. Date

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

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

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

8. ☒ Attach NOI Wetland Fee Transmittal Form

9. ☒ Attach Stormwater Report, if needed.

E. Fees

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

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

332665
2. Municipal Check Number

March 19, 2018
3. Check date

332666
4. State Check Number

March 19, 2018
5. Check date

Vanasse Hangen Brustlin
6. Payor name on check: First Name

7. Payor name on check: Last Name

F. Signatures and Submittal Requirements

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

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

1. Signature of Applicant	2. Date: 6/6/2018
3. Signature of Property Owner (if different)	4. Date
5. Signature of Representative (if any)	6. Date: 6/6/2018

For Conservation Commission:
Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:
One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

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

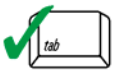
The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

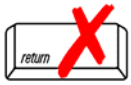
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

NOI Wetland Fee Transmittal Form

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

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





A. Applicant Information

1. Location of Project:

a. Street Address	b. City/Town
RAILROAD RIGHT-OF-WAY	NEW BEDFORD
c. Check number	**d. Fee amount**
-	$1,075.00

2. Applicant Mailing Address:

a. First Name	b. Last Name
JEAN	FOX

c. Organization: MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

d. Mailing Address: 10 PARK PLAZA

e. City/Town	f. State	g. Zip Code
BOSTON	MA	02116

h. Phone Number	i. Fax Number	j. Email Address
857-368-8853		JEAN.FOX@STATE.MA.US

3. Property Owner (if different):

a. First Name	b. Last Name

c. Organization

d. Mailing Address

e. City/Town	f. State	g. Zip Code

h. Phone Number	i. Fax Number	j. Email Address

B. Fees

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

Fee should be calculated using the following process & worksheet. ***Please see Instructions before filling out worksheet.***

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract $12.50. To calculate the city/town share of the fee, divide the total fee in half and add $12.50.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

NOI Wetland Fee Transmittal Form

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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 4(e)	1	1,450	x1.5=$2,175

Step 5/Total Project Fee: $2,175.00

Step 6/Fee Payments:

Total Project Fee:	$2,175.00 a. Total Fee from Step 5
State share of filing Fee:	$1,075.00 b. 1/2 Total Fee **less $**12.50
City/Town share of filling Fee:	$1,100.00 c. 1/2 Total Fee **plus** $12.50

C. Submittal Requirements

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

Department of Environmental Protection
Box 4062
Boston, MA 02211

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

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

Notification to Abutters under the Massachusetts Wetlands Protection Act

Pursuant to the requirements of the Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40), you are hereby notified of the following:

The Applicant, the Massachusetts Department of Transportation (MassDOT), has filed a Notice of Intent (NOI) with the New Bedford Conservation Commission proposing to reconstruct the track infrastructure along the New Bedford Main Line as part of the South Coast Rail Project, which will extend commuter rail service to Fall River and New Bedford. Portions of this work will be within buffer zone and jurisdictional wetland resources (bordering vegetated wetland, bordering land subject to flooding, bank, land under water, and riverfront area).

Information regarding this NOI may be obtained by calling the New Bedford Conservation Commission at (508) 991-6188. The NOI may be viewed at the New Bedford Conservation Office located at 133 William Street, Rm 304, New Bedford, MA 02740. You may also call Lars Carlson at VHB, Inc. at (617) 607-6237, Monday through Friday between 9:00am and 5:00pm with questions or to arrange to view the NOI.

Copies of the NOI may be obtained from the New Bedford Conservation Commission by calling the number above or by calling Lars Carlson at (617) 607-6237. You may be charged for a copy of the NOI.

The New Bedford Conservation Commission will hold a public hearing on the NOI. Notice of the public hearing (including the date, time and place) will be published in a local newspaper at least 5 business days before and posted in Town Hall at least 48 hours in advance. You may also call the New Bedford Conservation Commission (at the number identified above) to determine the date, time and place of the hearing.

Information on this NOI and the Wetlands Protection Act may also be obtained by calling the Southeast Regional of Office of the Massachusetts Department of Environmental Protection at (508) 946-2700.

City of New Bedford

REQUEST *for a* CERTIFIED ABUTTERS LIST

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

SUBJECT PROPERTY			
MAP #	N/A- See attached map	LOT(S)#	N/A- New Bedford Main Line
ADDRESS: N/A- Railroad Right of Way			
OWNER INFORMATION			
NAME: MassDOT			
MAILING ADDRESS: 10 Park Plaza, Boston MA, 02116			
APPLICANT/CONTACT PERSON INFORMATION			
NAME (IF DIFFERENT): Tess Paganelli, VHB			
MAILING ADDRESS (IF DIFFERENT): 101 Walnut Street, Watertown, MA			
TELEPHONE #	617-607-2651		
EMAIL ADDRESS:	tpaganelli@vhb.com		

REASON FOR THIS REQUEST: *Check appropriate*	
	ZONING BOARD OF APPEALS APPLICATION
	PLANNING BOARD APPLICATION
✓	CONSERVATION COMMISSION APPLICATION
	LICENSING BOARD APPLICATION
	OTHER (*Please explain*):

Note: this filing is under WPA only- not under New Bedford Wetland Ordinance (MassDOT is exempt from local bylaws)

PLANNING DEPARTMENT MAR 16 2018

PLANNING DEPARTMENT MAY 24 2018

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

Submit this form to the Planning Division Room 303 in City Hall, 133 William Street. You, as applicant, are responsible for picking up and paying for the certified abutters list from the assessor's office (city hall, room #109).

Official Use Only:

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

Carlos Amado		5/29/2018
Printed Name	Signature	Date

May 25, 2018
Dear Applicant,

Please find below the List of Abutters within 100 feet of the property known as Rail Road Right of Way.
The current ownership listed herein must be checked and verified by the City of New Bedford Assessor's Office.
Following said verification, the list shall be considered a Certified List of Abutters.

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

Parcel	Location	Owner and Mailing Address
72-138	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
92-49	435 COGGESHALL ST	ORTEM DEVELOPMENT LLC, 435 COGGESHALL STREET NEW BEDFORD, MA 02746
127A-23~~97~~ 95	WORCESTER ST	SASSEVILLE MICHAEL, SASSEVILLE DIANE M 95 WORCESTER ST NEW BEDFORD, MA 02745
59-217-A	276 MACARTHUR DR	MARITIME TERMINAL INC, LESSEE P O BOX 7745 NEW BEDFORD, MA 02742
59-152	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
78-96	1870 PURCHASE ST -1874	LINWOOD REALTY TRUST, 37 TAUNTON GREEN TAUNTON, MA 02780
59-153	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
59-154	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
59-80	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
59-145	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 PHILADELPHIA, PA 19101 Jacksonville, FL 32202
59-41	40 HERMAN MELVILLE BLVD NE	~~ASP LLC, C/O HIGH LINER FOODS INC~~ Blue Harvest Real Estate Holdings LLC 40 HERMAN MELLVILLE BLVD NEW BEDFORD, MA 02740
59-77	RIGHT OF WAY	PENN CENTRAL CO., CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
66-101 ES	ACUSHNET AVE	NEW BEDFORD HARBOR DEVELOPMENT, COMMISSION (THE) PIER 3 WHARFINGER BUILDING NEW BEDFORD, MA 02740

May 25, 2018
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Parcel	Location	Owner and Mailing Address
66-121 SS	PEARL ST	N B REDEVELOPMENT, AUTHORITY 133 WILLIAM STREET NEW BEDFORD, MA 02740
66-157 SS-R	PEARL ST	N B REDEVELOPMENT AUTHORITY, 133 WILLIAM STREET NEW BEDFORD, MA 02740
66-127	E OF O C R R TRACK	CITY OF NEW BEDFORD, HARBOR DEVELOPMENT 131 WILLIAM ST NEW BEDFORD, MA 02740
92-317	441 COGGESHALL ST	SONS OF GOD APOSTOLIC SPIRITUAL BAPTIST FAITH, SCARLET CORD SPIRITUAL BAPTIST CHURCH (THE) 441 COGGESHALL STREET NEW BEDFORD, MA 02746
114-3	429 CHURCH ST	JONES J THOMAS "TRUSTEE", JONES KEVIN J "TRUSTEE" P O BOX 51687 NEW BEDFORD, MA 02745
114-325	475 CHURCH ST	475 CHURCH STREET LLC, 268 DEXTER ROAD ST ALBANS, ME 04971
125-113	1076 KINGS HWY	PANAGAKOS MICHAEL, 133 FAUNCE CORNER ROAD DARTMOUTH, MA 02747
66-99	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
66-131	PEARL ST (end of)	COMMONWEALTH ELECTRIC CO, C/O PROPERTY TAX DEPARTMENT P O BOX 270 HARTFORD, CT 06141
72-173	1 PEARL ST	AGUIAR KIMBERLY "TRS", FERREIRA JOHN JEFFREY "TRS" FERREIRA THOMAS F "TRS" 680 ACUSHNET AVENUE NEW BEDFORD, MA 02740
72-137	RIGHT OF WAY	PENN CENTRAL CO., CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 Jacksonville, FL 32202 ~~PHILADELPHIA, PA 19101~~
72-274	700 ACUSHNET AVE	PLUMBERS SUPPLY COMPANY, P O BOX 51687 NEW BEDFORD, MA 02745
72-270 ES	ACUSHNET AVE	GLICKSMAN DAVID, GLICKSMAN RUTH 1550 PADANARAM AVENUE NEW BEDFORD, MA 02740

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Parcel	Location	Owner and Mailing Address
72-139	730 ACUSHNET AVE	GLICKSMAN DAVID P "TRUSTEE", DAVID P GLICKSMAN REVOCABLE TRUST - 2003 1550 PADANARAM AVENUE NEW BEDFORD, MA 02740
72-140	RIGHT OF WAY	PENN CENTRAL CO., C/O CSX TRANSPORTATION (J910) 500 WATER STREET JACKSONVILLE, FL 32202
72-275	217 HERMAN MELVILLE BLVD	HOUSING 70 CORPORATION, 131 WILLIAM STREET NEW BEDFORD, MA 02740
78-138	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
78-104	1736 PURCHASE ST-1746	WILLIAM STREET CORPORATION, 92 KILBURN STREET NEW BEDFORD, MA 02740
78-136	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
84-199	1956 PURCHASE ST	DOSSANTOS BENJAMIN, LEITE SANDRA C 230 COUNTY STREET NEW BEDFORD, MA 02740
78-219	75 WAMSUTTA ST	WAMSUTTA LLC, C/O ACORN MANAGEMENT CO INC ~~P O BOX 690307~~ 218 Willard Street QUINCY, MA ~~02269~~ 02169
84-202	1926 PURCHASE ST	~~KALYMNOS REALTY LLC,~~ Joaquim C. Teixeira, Gloria Teixeira, ~~23 SIERRA DRIVE~~ 56 Lafayette St. Carlos Teixeira ~~SOUTH EASTON, MA 02375~~ New Bedford, MA 02745
78-99 ES-R	PURCHASE ST	COMMONWEALTH OF MASS, NEW BEDFORD, MA 02740
78-97	1854 PURCHASE ST	RHODES MICHAEL "TRUSTEE", RHODES KATHLEEN "TRUSTEE" 14 SUMMIT DRIVE FAIRHAVEN, MA 02719
84-113 ES	PURCHASE ST	PENN CENTRAL CO., C/O CSX TRANSPORTATION (J910) 500 WATER STREET JACKSONVILLE, FL 32202
78-93	1892 PURCHASE ST -1914	GIAMMALVO FAMILY LIMITED PARTNERSHIP, 72 PECKHAM STREET NEW BEDFORD, MA 02746

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78-217 WS	DOWNTOWN CONNEC	L&S CONCRETE INC, 32 LAMBETH STREET NEW BEDFORD, MA 02745
84-203	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP P O BOX 8499 PHILADELPHIA, PA 19101
84-201	1938 PURCHASE ST -1940	~~KALYMNOS REALTY LLC,~~ Joaquim, Gloria, Carlos Teixeira ~~23 SIERRA DRIVE~~ 56 Lafayette St. ~~SOUTH EASTON, MA 02375~~ New Bedford, MA 02745
84-335	1968 PURCHASE ST	MOUJABBER NABIH G "TRUSTEE, PURCHASE STREET REALTY TRUST 1487 PURCHASE STREET NEW BEDFORD, MA 02740
92-17 WS	PURCHASE ST	MARTINS & AFONSO REALTY LLC, ~~1070 COUNTY STREET~~ 4 Amanda Lane ~~NEW BEDFORD, MA 02740~~ Acushnet, MA 02743
84-349	2015 PURCHASE ST	~~INVESTMENT CAPITAL FUND IV LLC,~~ Manuel B. Almeida ~~82 CRANBERRY HIGHWAY~~ 2015 Purchase St. ~~ORLEANS, MA 02653-2411~~ New Bedford, MA 02740
84-233	PENNIMAN ST	CITY OF NEW BEDFORD, 133 WILLIAM ST NEW BEDFORD, MA 02740
84-244	RIGHT OF WAY	PENN CENTRAL CO., C/O CSX TRANSPORTATION (J910) 500 WATER STREET JACKSONVILLE, FL 32202
84-112	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
84-245	RIGHT OF WAY	PENN CENTRAL CO., C/O CSX TRANSPORTATION (J910) 500 WATER STREET JACKSONVILLE, FL 32202
84-80	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
84-1	2105 PURCHASE ST	CITY OF NEW BEDFORD, HAYDEN-MCFADDEN SCHOOL 131 WILLIAM ST NEW BEDFORD, MA 02740
84-360 WS	PURCHASE ST	COMMONWEALTH OF MASS, N B SCHOOL DEPT (LESSEE) NEW BEDFORD, MA 02740

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84-357 WS	PURCHASE ST	CITY OF NEW BEDFORD, 131 WILLIAM ST NEW BEDFORD, MA 02740
84-362	2071 PURCHASE ST	2071 PURCHASE STREET CO INC, 27 DRISCOLL LANE MATTAPOISETT, MA 02739
92-22 ES	COUNTY ST	CITY OF NEW BEDFORD, SCHOOL DEPT 131 WILLIAM ST NEW BEDFORD, MA 02740
92-56	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
92-226	RIGHT OF WAY	PENN CENTRAL CO., C/O CSX TRANSPORTATION (J910) 500 WATER STREET JACKSONVILLE, FL 32202
92-15	2167 PURCHASE ST	ESCOBAR DEOLINDA M, 2167 PURCHASE STREET NEW BEDFORD, MA 02740
91-206	1147 COUNTY ST	ST PIERRE WILLIAM R, ST PIERRE JANET L 2 KAISERHOFF LANE LAKEVILLE, MA 02347
92-9	2185 PURCHASE ST	~~MARTINS & AFONSO REALTY LLC,~~ Jordan Agv Inc. ~~1070 COUNTY STREET~~ 30 Clarks Cove Drive ~~NEW BEDFORD, MA 02740~~ South Dartmouth, MA 02748
92-7	2195 PURCHASE ST	2195 KORDA REALTY TRUST, 54 DAMON ROAD ROCKLAND, MA 02370
92-5	2201 PURCHASE ST	FURNACE VILLAGE REALTY LLC, P O BOX 248 RAYNHAM, MA 02767
92-44	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
92-249 SS	SAWYER ST	B S H LLC, 19 JEAN STREET NEW BEDFORD, MA 02746
92-267	397 SAWYER ST	HAIDER SHAMMI, 563 CHESTNUT STREET LYNN, MA 01904

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Parcel	Location	Owner and Mailing Address
91-7	1129 COUNTY ST	69 MAIN STREET,LLC, 171 MENDELL ROAD ROCHESTER, MA 02770
92-45	19 JEAN ST	B S H LLC, 19 JEAN STREET NEW BEDFORD, MA 02746
92-25	9 BROOK ST	CALVAO JOSE A "TRUSTEE", CALVAO ADRIEL "TRUSTEE" 13 BROOK STREET NEW BEDFORD, MA 02746
98-128	67 BROOK ST -73	BROOK STREET REALTY TRUST, P O BOX 1090 MATTAPOISETT, MA 02739
92-3	2221 PURCHASE ST	HAIDER SHAMMI, 563 CHESTNUT STREET LYNN, MA 01904
98-192	RIGHT OF WAY	PENN CENTRAL CO., C/O CSX TRANSPORTATION (J910) 500 WATER STREET JACKSONVILLE, FL 32202
92-2	2225 PURCHASE ST	DEMELO BECKY L, DEMELO DAVID 32 BRALEY ROAD EAST FREETOWN, MA 02717
92-270	2231 PURCHASE ST	SILVA ANTONIO DE MEDEIROS, ~~SILVA ARMINDA~~ P O BOX 80142 SOUTH DARTMOUTH, MA 02748-0142
123-43	950 KINGS HWY	CEDAR-FIELDSTONE,LLC, C/O CEDAR REALTY TRUST INC 44 SOUTH BAYLES AVE STE 304 PORT WASHINGTON, NY 11050
92-1	2243 PURCHASE ST	COUTINHO ANTONIO, ~~P O BOX 714 ASSONET, MA 02702~~ Maria Coutinho 23 Algerine Street Berkley, MA 02779
97-9	2301 PURCHASE ST	FRIENDS REALTY INC, 2301 PURCHASE ST NEW BEDFORD, MA 02746
98-138	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP P O BOX 8499 PHILADELPHIA, PA 19101
92-148 WS	BROOK ST	CITY OF NEW BEDFORD, 133 WILLIAM STREET NEW BEDFORD, MA 02740

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92-23	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
92-305	39 BROOK ST 49	~~NEW BEDFORD STORAGE AND WAREHOUSING LLC,~~ A + Sons Realty LLC 39 BROOK STREET NEW BEDFORD, MA 02746
91-218	2277 PURCHASE ST	FELLOWSHIP REALTY CORP INC, 25 BLACKSTONE VALLEY PLACE Suite 300 LINCOLN, RI 02865
98-254	83 BROOK ST	MILLER HOLDINGS LLC, 95 BROOK ST NEW BEDFORD, MA 02746
97-6 WS	PURCHASE ST	FRIENDS REALTY INC, 2301 PURCHASE ST NEW BEDFORD, MA 02740
97-168 WS	PURCHASE ST	COMMONWEALTH ELECTRIC CO, C/O PROPERTY TAX DEPARTMENT P O BOX 270 HARTFORD, CT 06141
102-98 SS	EARLE ST	PENN CENTRAL CO., C/O CSX TRANSPORTATION (J910) 500 WATER STREET JACKSONVILLE, FL 32202
102-173 WS	CHURCH ST	ICAFM REALTY LLC, C/O GOLD`S GYM 14 MCGRATH HIGHWAY SOMERVILLE, MA 02143
98-193	RIGHT OF WAY	PENN CENTRAL CO., C/O CSX TRANSPORTATION (J910) 500 WATER STREET JACKSONVILLE, FL 32202
98-292 WS	QUANSETT ST	CITY OF NEW BEDFORD, 133 WILLIAM STREET NEW BEDFORD, MA 02740
97-4	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP P O BOX 8499 PHILADELPHIA, PA 19101
97-3	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
97-5	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP P O BOX 8499 PHILADELPHIA, PA 19101

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Parcel	Location	Owner and Mailing Address
98-1	1 CHURCH ST	SOUTHCOAST INC, 2305 PURCHASE STREET NEW BEDFORD, MA 02746
114-1	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
132-702	179 DOREEN ST	ALMEIDA FELISMINO, ALMEIDA MARIA E 179 DOREEN ST NEW BEDFORD, MA 02745
102-111	53 CHURCH ST	ICAFM REALTY LLC, C/O GOLD`S GYM SOMERVILLE 14 MCGRATH HIGHWAY SOMERVILLE, MA 02143
102-104 NS	DAVIS ST	PENN CENTRAL CO., C/O CSX TRANSPORTATION (J910) 500 WATER STREET JACKSONVILLE, FL 32202
102-105	389 DAVIS ST	SA PAULO J, SA ANA C 389 DAVIS ST NEW BEDFORD, MA 02746
102-91 NS	EARLE ST	PENN CENTRAL CO., C/O CSX TRANSPORTATION (J910) 500 WATER STREET JACKSONVILLE, FL 32202
102-78	RIGHT OF WAY	PENN CENTRAL CO., C/O CSX TRANSPORTATION (J910) 500 WATER STREET JACKSONVILLE, FL 32202
102-185 R-55	NASH RD	RIBEIRO REAL ESTATE LLC, 80 OLDE KNOLL ROAD MARION, MA 02738
102-163	376 NASH RD	RIBEIRO REAL ESTATE LLC, 80 OLDE KNOLL RD MARION, MA 02738
102-84	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
102-85 SS	NASH RD	RIBEIRO REAL ESTATE, LLC, 80 OLD KNOLL ROAD MARION, MA 02738
107-2 -51	25 KING ST	~~KMGE INC, C/O BUILDING #19 INC~~ Proactive Philanthropy Inc. ~~319 LINCOLN STREET~~ Po Box 675 ~~HINGHAM, MA 02043~~ Marshfield, MA 02050

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123-37 WS	RAILROAD	KALISZ TEDDY M, 404 NASH ROAD NEW BEDFORD, MA 02746
109-1	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
113-3	321 CHURCH ST -325	KALISZ JOHN M, 130 REBECCA ST NEW BEDFORD, MA 02745
113-1	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
127B-512	464 LYNN ST	BARBOZA TARA B, 464 LYNN STREET NEW BEDFORD, MA 02745
133-2 ES	JOHN VERTENTE BLVD	COMMONWEALTH OF MASSACHUSETTS, 251 CAUSEWAY STREET BOSTON, MA 02114
123-35 ES	ROUTE 140	FIELDSTONE ACRESS LLC, C/O ELIAS PATOUCHERS 1 LAKESHORE CENTER BRIDGEWATER, MA 02324
127A-267	615 TARKILN HILL RD	TARKILN HILL REALTY CORP, P O BOX 51593 NEW BEDFORD, MA 02745
113-475	387 CHURCH ST	~~JULIUS KOCH USA INC,~~ BRK 1 LLC ~~387 CHURCH STREET~~ 31100 Telegraph Rd. Suite 250 ~~NEW BEDFORD, MA 02741~~ Bingham Farms, MI 48025
123-109	1024 KINGS HWY	CEDAR-KINGS LLC, C/O CEDAR REALTY TRUST INC 44 SOUTH BAYLES AVE STE 304 PORT WASHINGTON, NY 11050
114-341 WS	CHURCH ST	SURPRENANT CHARLES E, 268 DEXTER ROAD ST ALBANS, ME 04971
126-67 SS	TARKILN HILL RD	PENN CENTRAL CO, C/O CSX TRANSPORTATION (J910) 500 WATER STREET JACKSONVILLE, FL 32202
127A-224	19 WORCESTER ST	VIEIRA NORMAN J JR, VIEIRA BETH P 19 WORCESTER ST NEW BEDFORD, MA 02745

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126-68	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
125-29	1080 KINGS HWY	CEDAR-KINGS LLC, C/O CEDAR REALTY TRUST INC 44 SOUTH BAYLES AVE STE 304 PORT WASHINGTON, NY 11050
127A-268	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
126-227	507 CHURCH ST -513	BRODEUR FAMILY LIMITED PARTNERSHIP (THE), 513 CHURCH STREET NEW BEDFORD, MA 02745-5106
127A-225	27 WORCESTER ST	FABIAN JOHN F JR, FABIAN JEANNE M 70 NESTLES LN ACUSHNET, MA 02743
126-222	606 TARKILN HILL RD	FALCON KARYN "TRUSTEE", C/O MICHAEL PANAGAKOS 133 FAUNCE CORNER ROAD DARTMOUTH, MA 02747
127A-235	83 WORCESTER ST	VARGAS MILAGROS, VARGAS CARLOS 83 WORCESTER STREET NEW BEDFORD, MA 02745
127A-236	87 WORCESTER ST	GALANEK RICHARD "TRUSTEE", GALANEK GERALDINE R "TRUSTEE" 87 WORCESTER STREET NEW BEDFORD, MA 02745
125-13	637 TARKILN HILL RD	TARKILN HILL REALTY CORP, P O BOX 51593 NEW BEDFORD, MA 02745
127A-237	95 WORCESTER ST	SASSEVILLE MICHAEL, SASSEVILLE DIANE M 95 WORCESTER ST NEW BEDFORD, MA 02745
127B-499	415 BROCKTON ST	156 SPRINGFIELD STREET LLC, 156 SPRINGFIELD STREET NEW BEDFORD, MA 02745
127A-240	109 WORCESTER ST	GUILBEAULT PAUL N, GUILBEAULT JACQUELINE Y 109 WORCESTER ST NEW BEDFORD, MA 02745
127A-245 SS	BROCKTON ST	BETTENCOURT SUSAN M, SILVA PATRICIA 117 WORCESTER STREET NEW BEDFORD, MA 02745

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125A-427 WS	WESTMINSTER ST	JENNINGS PAULA E, 12 GRANDVIEW AVE FAIRHAVEN, MA 02719
127B-501	152 - 160 SPRINGFIELD ST	156 SPRINGFIELD ST LLC, 176 SPRINGFIELD STREET NEW BEDFORD, MA 02745
127B-516	463 LYNN ST	~~DESOUSA ADELINO, DESOUSA MARIA N~~ Maria N. Sousa 463 LYNN ST NEW BEDFORD, MA 02745
127B-506	176 SPRINGFIELD ST	176 SPRINGFIELD ST LLC, 176 SPRINGFIELD STREET NEW BEDFORD, MA 02745
127B-520 ES	SPRINGFIELD ST	MEDEIROS RICHARD A `TRS`, MEDEIROS EILEEN K `TRS` 221 WORCESTER ST NEW BEDFORD, MA 02745
127B-469 WS	CHURCH ST	COSTA ROSEMARY "TRUSTEE", COSTA MARGARET M "TRUSTEE" 751 CHURCH STREET NEW BEDFORD, MA 02745
125-37	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
127B-475	231 WORCESTER ST	GOMES GARY M, GOMES MICHELLE 231 WORCESTER ST NEW BEDFORD, MA 02745
127B-473	239 WORCESTER ST	GOMES ALBINO, GOMES JOAN M 239 WORCESTER ST NEW BEDFORD, MA 02745
130F-46 WS	CHURCH ST	~~RGM REALTY LLC,~~ Colonial Automotive South Inc. ~~867 CHURCH STREET~~ 171 Great Road ~~NEW BEDFORD, MA 02745~~ Acton, MA 01729
130F-40 R-WS	CHURCH ST	MILHENCH INC, C/O R A C SERVICES 121 DUCHAINE BLVD NEW BEDFORD, MA 02745
130G-170	39 TARKILN PL	MCCOLLESTER FAMILY LIMITED PARTNERSHIP (THE), 5 BROWNELL AVE DARTMOUTH, MA 02747-3732
125-10 NS	TARKILN HILL RD	CHURCH STREET LLC, 781 CHURCH STREET NEW BEDFORD, MA 02745

May 25, 2018
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Parcel	Location	Owner and Mailing Address
130F-43 ES	E OF R OF WAY 129	MCCOLLESTER FAMILY LIMITED PARTNERSHIP (THE), 5 BROWNELL AVE DARTMOUTH, MA 02747-3732
130F-19	9 TARKILN PL	TRIPLE HORN LLC, 9 TARKILN PLACE NEW BEDFORD, MA 02745
130F-33	919 CHURCH ST	CHURCH STREET ASSOCIATES LLC, F . W. WEBB COMPANY 160 MIDDLESEX TURNPIKE BEDFORD, MA 01730
129-45	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
130G-164	59 TARKILN PL	~~LIZOTTE THOMAS E "TRS", LIZOTTE BARBARA A "TRS"~~ ~~46 WESTLOOK LANE~~ 92 Colonial Drive CHKT LLC ~~WESTPORT, MA 02790~~ Littleton, MA 01460
132-764	137 DOREEN ST	HEMINGWAY STEVEN BRUCE, 137 DOREEN ST NEW BEDFORD, MA 02745
132-763	143 DOREEN ST	DESROSIERS ANDREW, 143 DOREEN ST NEW BEDFORD, MA 02745
132-799 WS-R	DOREEN ST	CITY OF NEW BEDFORD, 133 WILLIAM STREET NEW BEDFORD, MA 02740
132-12 R-SS	CHARLES MCCOMBS BLVD	~~SMITH NORMAND F III "TRUSTEE", RICHARD G HAWES REVOCABLE TRUST~~ Cynthia H. Ritter LLC, Peter J. Hawes LLC, ME Hawes LLC PO BOX 87121 DARTMOUTH, MA 02748-0702
132-762	149 DOREEN ST	CARVALHO EDUARDO "TRUSTEE", CARVALHO ERMELINDA "TRUSTEE" 155 DOREEN ST NEW BEDFORD, MA 02745
132-705	155 DOREEN ST	CARVALHO EDUARDO "TRUSTEE", CARVALHO ERMELINDA "TRUSTEE" 155 DOREEN ST NEW BEDFORD, MA 02745
130G-207 ES	ROUTE 140	CASTIGNETTI LEE JR "TRUSTEE", WHALERS WOODS REALTY TRUST 158 CHARLES MCCOMBS BLVD NEW BEDFORD, MA 02745
130H-34 R-SS	CHARLES MCCOMBS BLVD	~~SMITH NORMAND F III "TRUSTEE", RICHARD G HAWES REVOCABLE TRUST~~ Cynthia H. Ritter LLC, Peter J. Hawes LLC, ME Hawes LLC PO BOX 87121 DARTMOUTH, MA 02748-0702

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Parcel	Location	Owner and Mailing Address
132-13 R-55	CHARLES MCCOMBS BLVD	~~SMITH NORMAND F III "TRUSTEE", RICHARD G HAWES REVOCABLE TRUST~~ Cynthia H. Ritter LLC, Peter J. Hawes LLC, ME Hawes LLC PO BOX 87121 DARTMOUTH, MA 02748-0702
132-7 R-55	CHARLES MCCOMBS BLVD	~~SMITH NORMAND F III "TRUSTEE", RICHARD G HAWES REVOCABLE TRUST~~ Cynthia H. Ritter LLC, Peter J. Hawes LLC, ME Hawes LLC PO BOX 87121 DARTMOUTH, MA 02748-0702
132-704	163 DOREEN ST	~~SHUBITOWSKI SUSAN,~~ Kristi Machado 163 DOREEN ST NEW BEDFORD, MA 02745
132-703	171 DOREEN ST	MCCARTY DAVID E, MCCARTY ALZIRA 171 DOREEN ST NEW BEDFORD, MA 02745
132-910	120 WELBY RD	WELBY ROAD LLC, 71 MAPLE STREET MANSFIELD, MA 02048
132-662	50 WELBY RD	HCC AEGIS INC, C/O HCC INDUSTRIES INC 50 WELBY ROAD NEW BEDFORD, MA 02745
132-701	185 DOREEN ST	CHIRIGOTIS WILLIAM, CHIRIGOTIS ANITA 185 DOREEN ST NEW BEDFORD, MA 02745
132-700	191 DOREEN ST	MONTEIRO MICHAEL J, Melinda L. Monteiro 191 DOREEN STREET NEW BEDFORD, MA 02745
132-699	197 DOREEN ST	MEDEIROS STEVEN L, CABRAL MONICA S 197 DOREEN ST NEW BEDFORD, MA 02745
132-698	205 DOREEN ST	SAMPAIO MANUEL T, 205 DOREEN ST NEW BEDFORD, MA 02745
132-57	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
133-45	50 SAMUEL BARNETT BLVD	C P BOURG INC, 50 SAMUEL BARNET BLV NEW BEDFORD, MA 02745
132-14	200 WELBY RD	WELBY ROAD LLC, 71 MAPLE STREET MANSFIELD, MA 02048

May 25, 2018
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Parcel	Location	Owner and Mailing Address
134-455	107 DUCHAINE BLVD	CITY OF NEW BEDFORD, 133 WILLIAM STREET NEW BEDFORD, MA 02740
133-62 SS	SAMUEL BARNETT BLVD	GNBIF/POLAROID LLC, C/O CORPORATE REAL ESTATE ~~227 UNION STREET~~ 1213 Purchase St. NEW BEDFORD, MA 02740
133-12 R-ES	SAMUEL BARNETT BLVD	GREATER NEW BEDFORD, INDUSTRIAL FOUNDATION ~~227 UNION ST RM 607~~ 1213 Purchase St. Unit 2 NEW BEDFORD, MA 02740
133-10	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
133-50	30 SAMUEL BARNETT BLVD	IMTRA CORPORATION, 30 SAMUEL BARNET BLVD NEW BEDFORD, MA 02745
136-331	215 DUCHAINE BLVD	ACUSHNET COMPANY, C/O SUE BRENNER P O BOX 965 FAIRHAVEN, MA 02719-0965
135-22 ES	JOHN VERTENTE BLVD	GREATER NEW BEDFORD, INDUSTRIAL FOUNDATION ~~227 UNION STREET RM 607~~ 1213 Purchase St. Unit 2 NEW BEDFORD, MA 02740
133-36	55 SAMUEL BARNETT BLVD	HIGHLAND SAMUEL BARNETT ASSOCIATES L P, 65 SPRAGUE STREET HYDE PARK, MA 02136-~~2061~~
133-63 NS	SAMUEL BARNETT BLVD	GREATER NEW BEDFORD INDUSTRIAL FOUNDATION DEVELOPMENT, CORPORATION ~~227 UNION STREET~~ 1213 Purchase St. Unit 2 NEW BEDFORD, MA 02740-5960
133-11 WS	DUCHAINE BLVD	GREATER NEW BEDFORD INDUSTRIAL FOUNDATION, DEVELOPMENT CORPORATION ~~227 UNION STREET~~ 1213 Purchase St. Unit 2 NEW BEDFORD, MA 02740-~~6031~~
136-321	241 DUCHAINE BLVD	CITY OF NEW BEDFORD, 133 WILLIAM ST NEW BEDFORD, MA 02740
135-32 WS	DUCHAINE BLVD	PILLAR LLC, 150 JOHN VERTENTE BOULEVARD NEW BEDFORD, MA 02745
135-9 WS	BRALEY RD	PILLAR LLC, 150 JOHN VERTENTE BLVD NEW BEDFORD, MA 02745

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Parcel	Location	Owner and Mailing Address
135-2 ES	JOHN VERTENTE BLVD	CITY OF NEW BEDFORD, 131 WILLIAM STREET NEW BEDFORD, MA 02740
135-11 WS	BRALEY RD	PILLAR LLC, 150 JOHN VERTENTE BOULEVARD NEW BEDFORD, MA 02745
135-15 WS	RAILROAD	PILLAR LLC, 150 JOHN VERTENTE BOULEVARD NEW BEDFORD, MA 02745
135-1	FREETOWN LINE	PILLAR LLC, 150 JOHN VERTENTE BOULEVARD NEW BEDFORD, MA 02745
135-8	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
135-3 WS-R	BRALEY RD	ASHLEY MICHAEL G, 500 LAKEVIEW ROAD BARTON, VT 05822
134-5	100 DUCHAINE BLVD	LOGAL LLC, C/O ERIC DECOSTA ~~89 BLACKMER STREET~~ 100 Duchaine Blvd. NEW BEDFORD, MA ~~02744~~ 02745
134-456 R.WS	DUCHAINE BLVD	~~MULTILAYER COATING TECHNOLOGIES LLC,~~ SM Real Estate LLC ~~1 CRANBERRY HILL SUITE 401~~ 401 Industry Road-Ste 100 ~~LEXINGTON, MA 02421-7397~~ Louisville, KY 40208
66-172 WS	HERMAN MELVILLE BLVD	CITY OF NEW BEDFORD, 133 WILLIAM STREET NEW BEDFORD, MA 02740
107-1	RIGHT OF WAY	PENN CENTRAL CO, CONSOLIDATED RAIL CORP ~~P O BOX 8097~~ 500 Water St. Dept. J910 ~~PHILADELPHIA, PA 19101~~ Jacksonville, FL 32202
134-457	50 DUCHAINE BLVD	~~MULTILAYER COATING TECHNOLOGIES LLC,~~ ~~1 CRANBERRY HILL~~ 50 Duchaine Blvd. NSTAR Electric company ~~LEXINGTON, MA 02421~~ New Bedford, MA 02745
134-458 R-WS	PHILLIPS RD	~~MULTILAYER COATING TECHNOLOGIES LLC,~~ SM Real Estate LLC ~~1 CRANBERRY HILL SUITE 401~~ 401 Industry Road Ste 100 ~~LEXINGTON, MA 02421-7397~~ Louisville, KY 40208
102-100	400 EARLE ST	CARREIRO CARLOS A, CARREIRO GINA GARCIA 400 EARLE ST NEW BEDFORD, MA 02746

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Parcel	Location	Owner and Mailing Address
102-122	404 NASH RD	KALISZ JOHN M, 130 REBECCA ST NEW BEDFORD, MA 02745
113-2	355 CHURCH ST	355 CHURCH STREET LIMITED, PARTNERSHIP - C/O MJB CORP P O BOX 63100 NEW BEDFORD, MA 02746-0899
113-99	117 KING ST +143	CMC NEW BEDFORD,INC, C/O GARMENT EXPRESS 117 KING STREET NEW BEDFORD, MA 02745
123-42 NS	NASH RD	REVERE COPPER PRODUCTS, INC 24 NO. FRONT ST NEW BEDFORD, MA 02740
125A-360 ES	WORTHINGTON ST	CITY OF NEW BEDFORD, 131 WILLIAM ST NEW BEDFORD, MA 02740
125A-364 ES	WORTHINGTON ST	CITY OF NEW BEDFORD, 131 WILLIAM ST NEW BEDFORD, MA 02740
125A-385 WS	WESTMINSTER ST	CITY OF NEW BEDFORD, 133 WILLIAM ST NEW BEDFORD, MA 02740
125A-388 WS	WESTMINSTER ST	MANDEVILLE ARTHUR "TRUSTEE", ARTHUR MANDEVILLE REVOCABLE TRUST (THE) 132 ILLINOIS ST NEW BEDFORD, MA 02745-2516
125A-393 WS	WESTMINSTER ST	MANDEVILLE ARTHUR "TRUSTEE", ARTHUR MANDEVILLE REVOCABLE TRUST (THE) 132 ILLINOIS ST NEW BEDFORD, MA 02745-2516
125A-394 WS	WESTMINSTER ST	DIAS PETER J, 156 ALDEN ROAD FAIRHAVEN, MA 02719
125A-398 WS	WESTMINSTER ST	CITY OF NEW BEDFORD, 131 WILLIAM ST NEW BEDFORD, MA 02740
125A-407 WS	WESTMINSTER ST	SYLVIA DANIEL F, 63 COFFIN AVENUE NEW BEDFORD, MA 02746
125A-413 WS	WESTMINSTER ST	SYLVIA DANIEL F, 63 COFFIN AVENUE NEW BEDFORD, MA 02746

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125A-419 WS	WESTMINSTER ST	ANDRADE PAULO, ~~629~~ 638 COUNTY STREET NEW BEDFORD, MA 02740
125A-451 WS	WESTMINSTER ST	JACQUES EDWARD L, 191 SHAWMUT AVE NEW BEDFORD, MA 02740
125A-452 WS	WESTMINSTER ST	STONE FRED, C/O PAUL C LAPOLLA 407 PARK AVE NEW BEDFORD, MA 02745
125A-455 WS	WESTMINSTER ST	KENYON JOSEPH P, 207 HATHAWAY RD NEW BEDFORD, MA 02746
125A-456 WS	WESTMINSTER ST	CITY OF NEW BEDFORD, 133 WILLIAM ST NEW BEDFORD, MA 02740
127A-1	605 TARKILN HILL RD	JAN CO EAST INC, 35 SOCKANOSSETT CROSS RD CRANSTON, RI 02920
127A-227	41 WORCESTER ST	JENSEN LINDA D, JENSEN AARON A 41 WORCESTER STREET NEW BEDFORD, MA 02745
127A-229	49 WORCESTER ST	LECH KIMBERLY F, LECH JEFFREY J 49 WORCESTER ST NEW BEDFORD, MA 02745
127A-230	51 WORCESTER ST	~~PERRY JAY J, PERRY ALYSSA~~ Nathan C. Gwozdz 51 WORCESTER STREET NEW BEDFORD, MA 02745
127A-231	65 WORCESTER ST	HOUDE EDWARD H, 65 WORCESTER ST NEW BEDFORD, MA 02745
127A-233	75 WORCESTER ST	SILVIA RAYMOND J JR, SILVIA WENDY L 75 WORCESTER ST NEW BEDFORD, MA 02745
127B-477	221 WORCESTER ST	MEDEIROS RICHARD A "TRUSTEE", MEDEIROS EILEEN K "TRUSTEE" 221 WORCESTER ST NEW BEDFORD, MA 02745
127B-479	215 WORCESTER ST	MEDEIROS BENVINDA R, C/O ANTONIO FARIA 886 S W JENNIFER TERRACE PORT ST LUCIE, FL 34953

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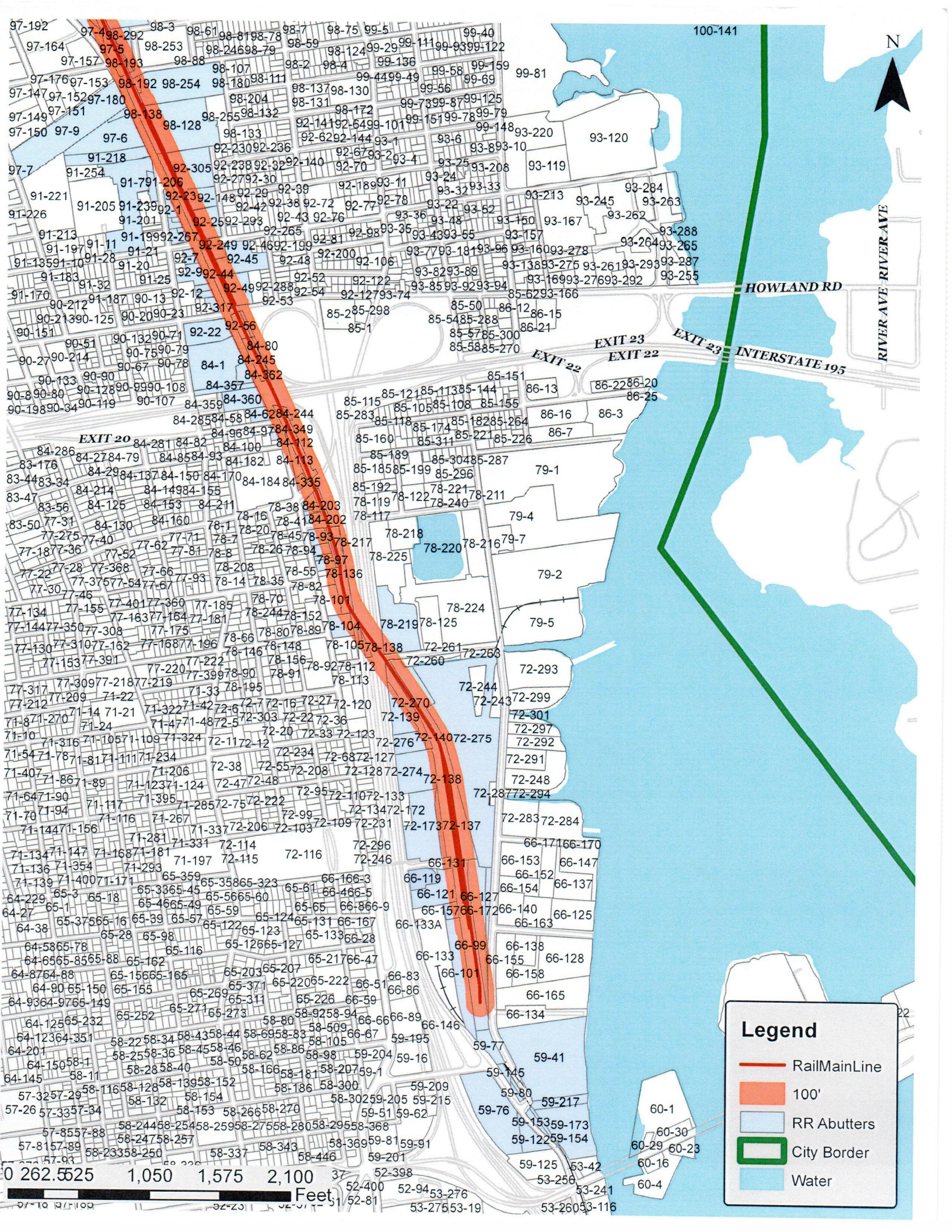
Parcel	Location	Owner and Mailing Address
127B-526 ES	SPRINGFIELD ST	~~FRANCISCO JASON A,~~ Aaron J. Demers 249 WORCESTER STREET NEW BEDFORD, MA 02745
129-1 R-NS	NEW PLAINVILLE RD	COMMONWEALTH OF MASS DEPT, DEPT OF ENVIRONMENTAL MGT OFFICE OF THE COMMISSIONER 100 Cambridge St. BOSTON, MA 02202
129-38 R-NS	TARKILN PL	CHURCH STREET LLC, 781 CHURCH STREET NEW BEDFORD, MA 02745
129-41	781 CHURCH ST	CHURCH STREET LLC, 781 CHURCH STREET NEW BEDFORD, MA 02745
131-50 R-SS	SAMUEL BARNETT BLVD	COMMONWEALTH OF MASS DEPT, DEPT OF ENVIRONMENTAL MGT OFFICE OF THE COMMISSIONER 100 Cambridge St. BOSTON, MA 02202
59-122	269 - 275 MACARTHUR DR	~~MARITIME TERMINAL INC,~~ Ice Box Storage and Freezing LLC ~~P O BOX 7745~~ 167 Huttleston Ave. ~~NEW BEDFORD, MA 02742~~ Fairhaven, MA 02719
59-173-A	276 MACARTHUR DR	MARITIME TERMINAL INC-OCC, AREA INC 170-171-149&LOWL P O BOX 7745 NEW BEDFORD, MA 02742
59-76	281-289 MACARTHUR DR	MARITIME TERMINAL INC, P O BOX 7745 NEW BEDFORD, MA 02742
72-276	706 ACUSHNET AVE	GOYETTE MAURICE, GOYETTE JEANNE C 311 AVE E CHULUOTA, FL 32766
78-94	1886 PURCHASE ST-1888	STAR OIL OF NEW BEDFORD INC, 228 ROCKDALE AVENUE NEW BEDFORD, MA 02740
84-328 ES	PURCHASE ST	LLS ENTERPRISES CORP, 181 COUNTY ROAD LAKEVILLE, MA 02347
84-62	2031 PURCHASE ST	~~YARDLEY GROUP INC,~~ Lee Miguel ~~1005 RESERVOIR AVENUE~~ 3 North St. Fairhaven, MA ~~CRANSTON, RI 02910~~ 02719
66-119	618 PURCHASE ST	COMMONWEALTH OF MASS ~~618 PURCHASE STREET~~ NEW BEDFORD, MA 02740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HOWLAND RD
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RIVER AVE
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EXIT 23
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EXIT 22
EXIT 20
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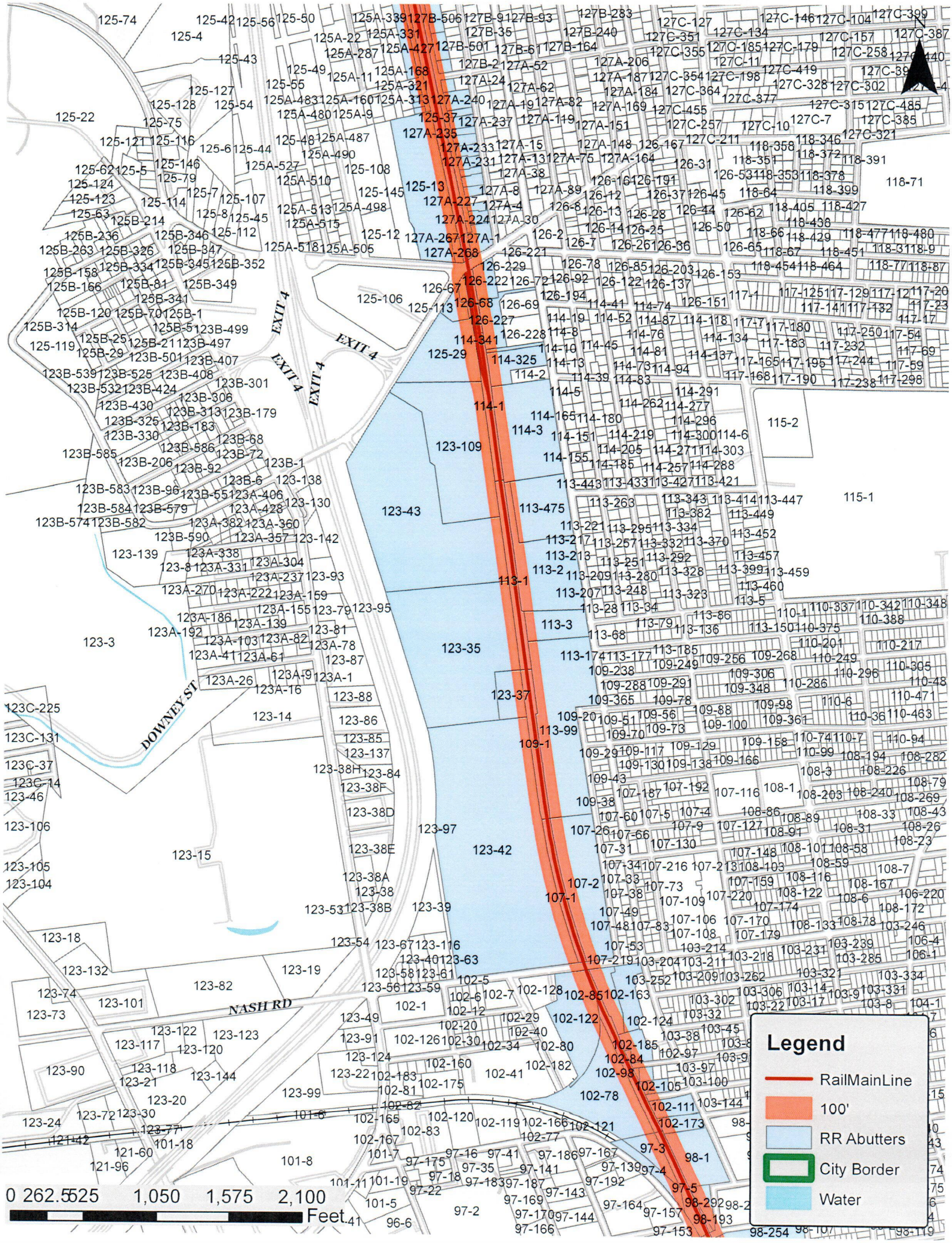
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City Border
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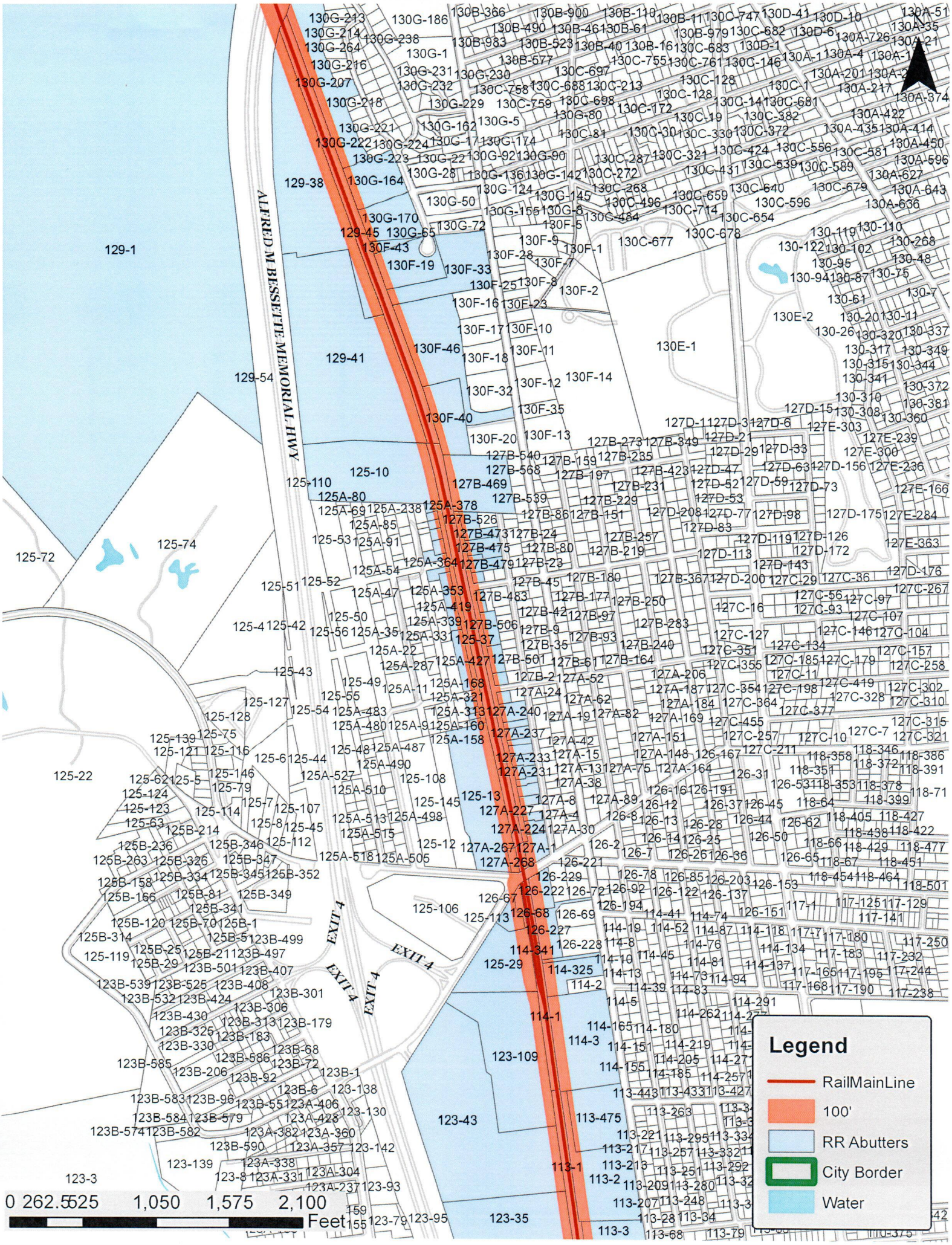
EXIT 4
EXIT 4
DOWNEY ST
NASH RD


ALFRED M BESSELLE MEMORIAL HWY
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Legend
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City Border
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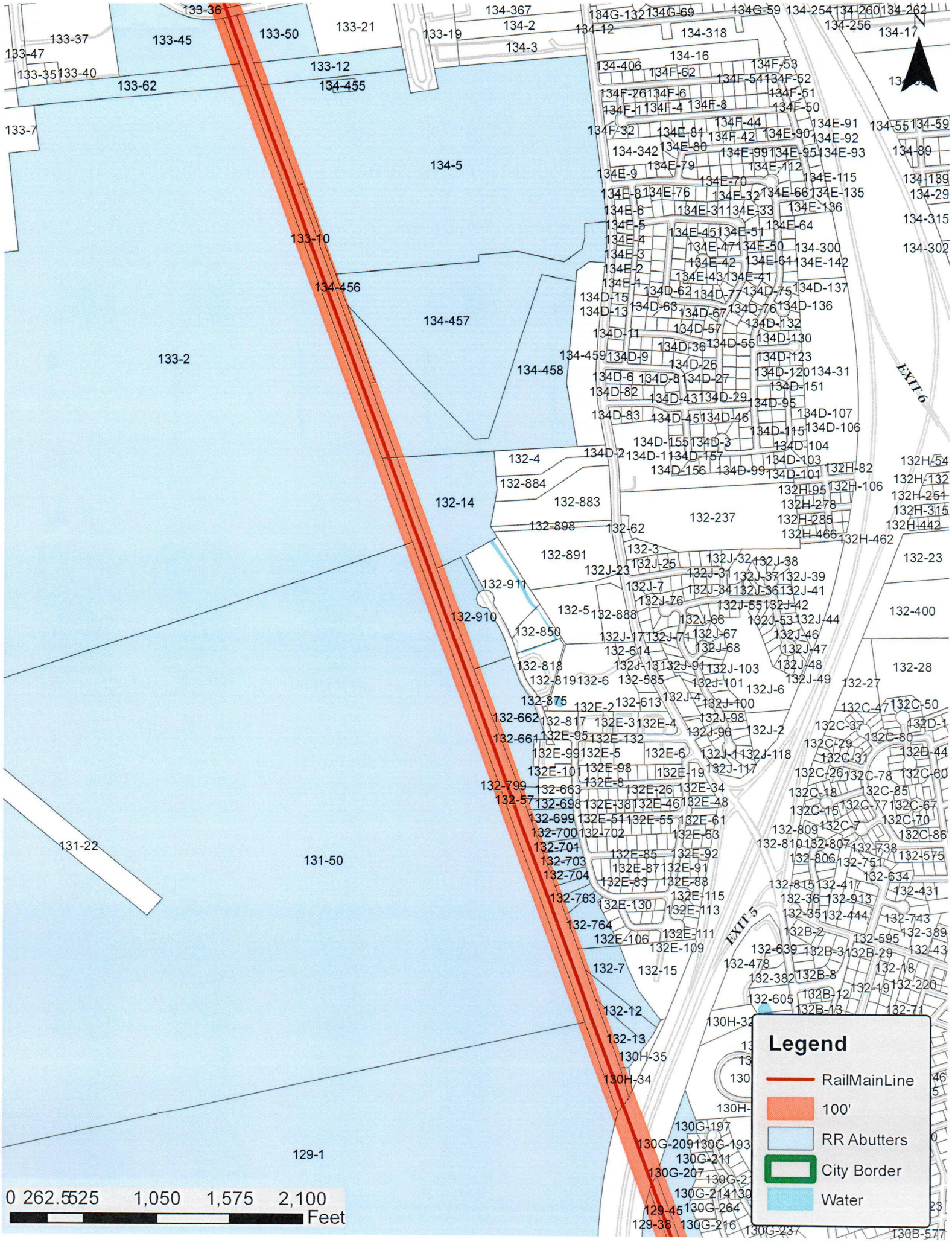
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EXIT 5
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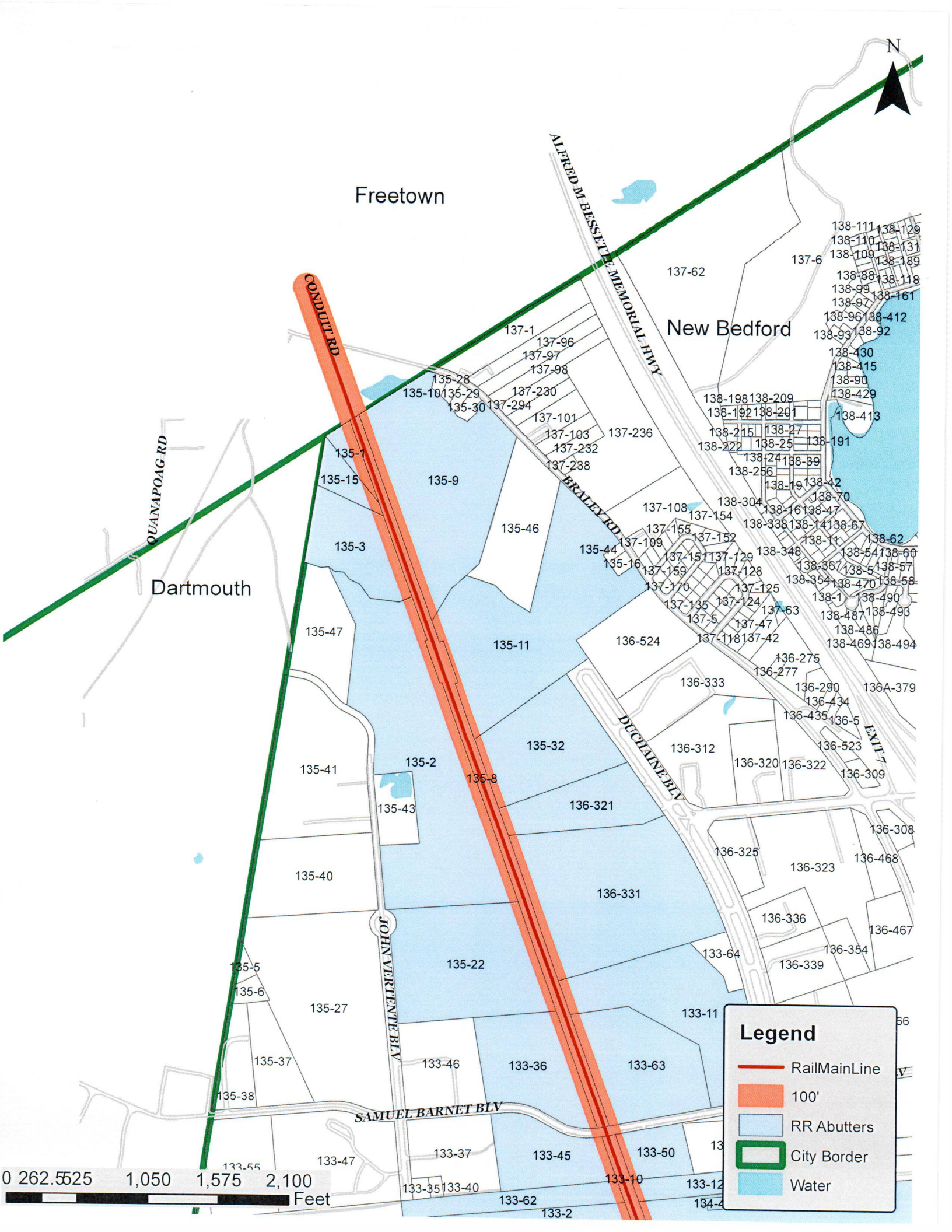
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Freetown
Dartmouth
New Bedford
CONDUIT RD
ALFRED M BESSETTE MEMORIAL HWY
QUANAPOAG RD
BRALEY RD
DUCHAINE BLV
JOHN VERTENTE BLV
SAMUEL BARNET BLV
EXIT 7
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138-490
138-487
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136A-379
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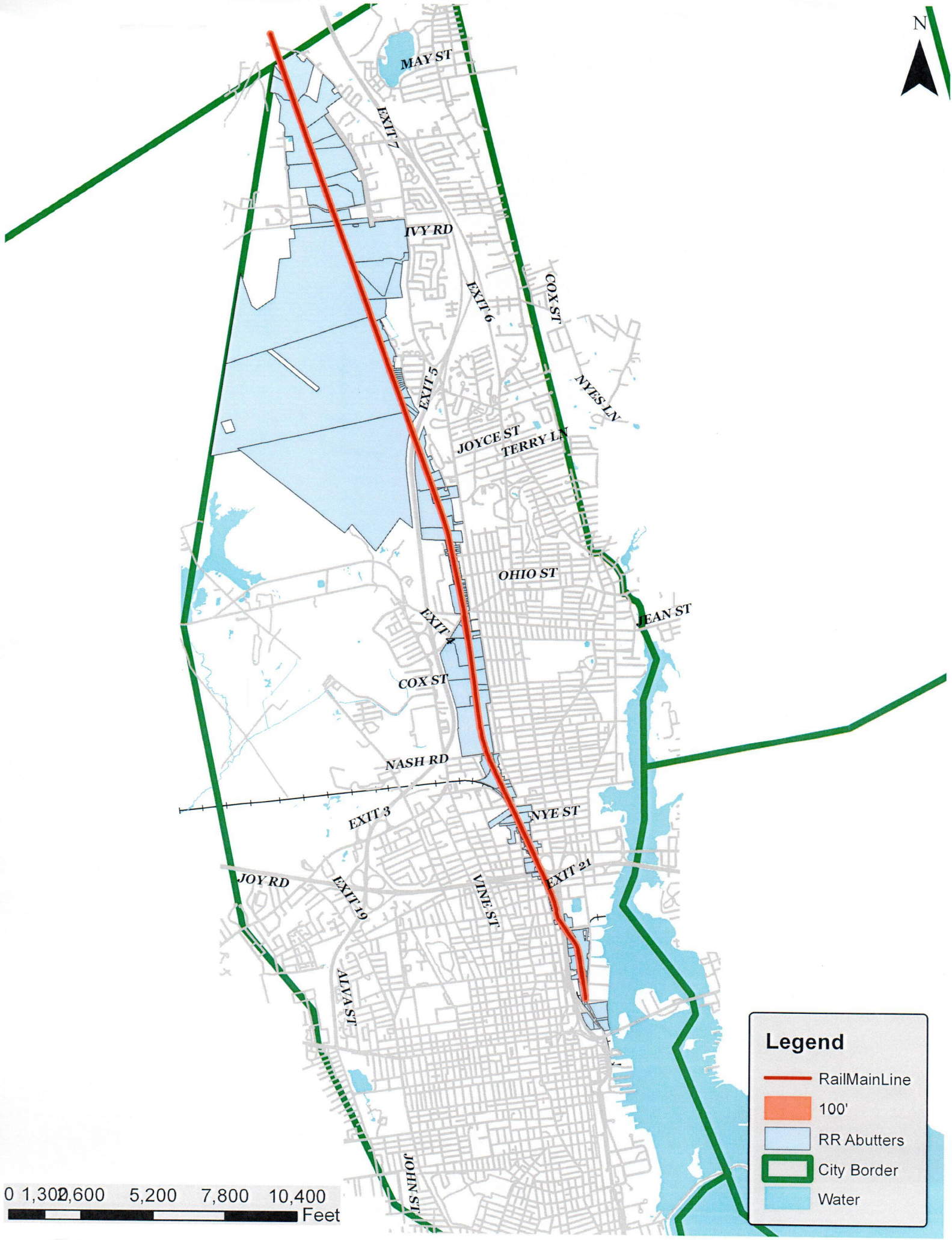
Feet
Legend
RailMainLine
100'
RR Abutters
City Border
Water


N
MAY ST
EXIT 7
IVY RD
EXIT 6
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EXIT 5
NYES LN
JOYCE ST
TERRY LN
OHIO ST
JEAN ST
EXIT 4
COX ST
NASH RD
EXIT 3
NYE ST
JOY RD
EXIT 19
VINE ST
EXIT 21
ALVA ST
JOHN ST
Legend
RailMainLine
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RR Abutters
City Border
Water
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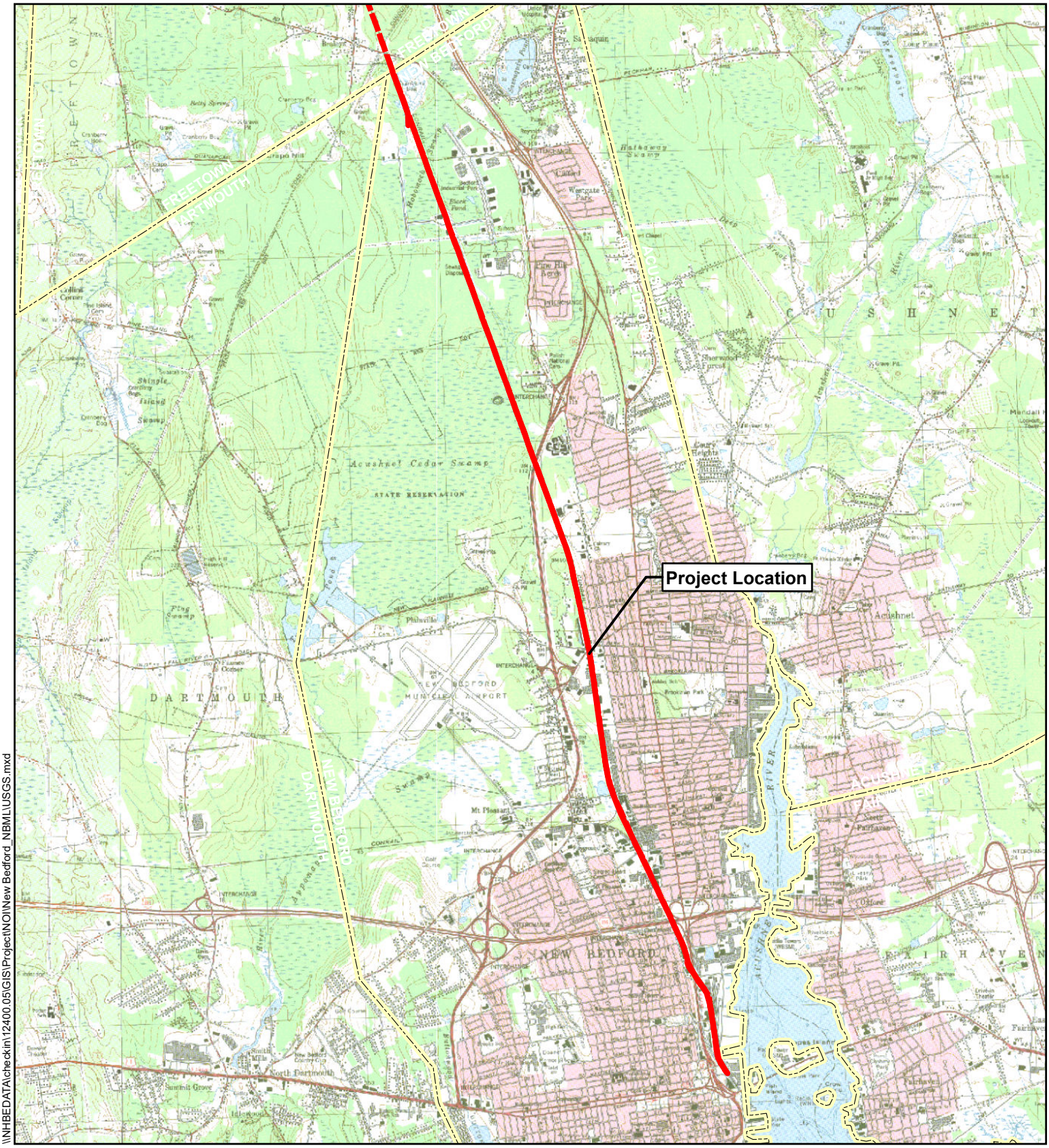
Feet



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SCR SOUTH COAST RAIL

Legend

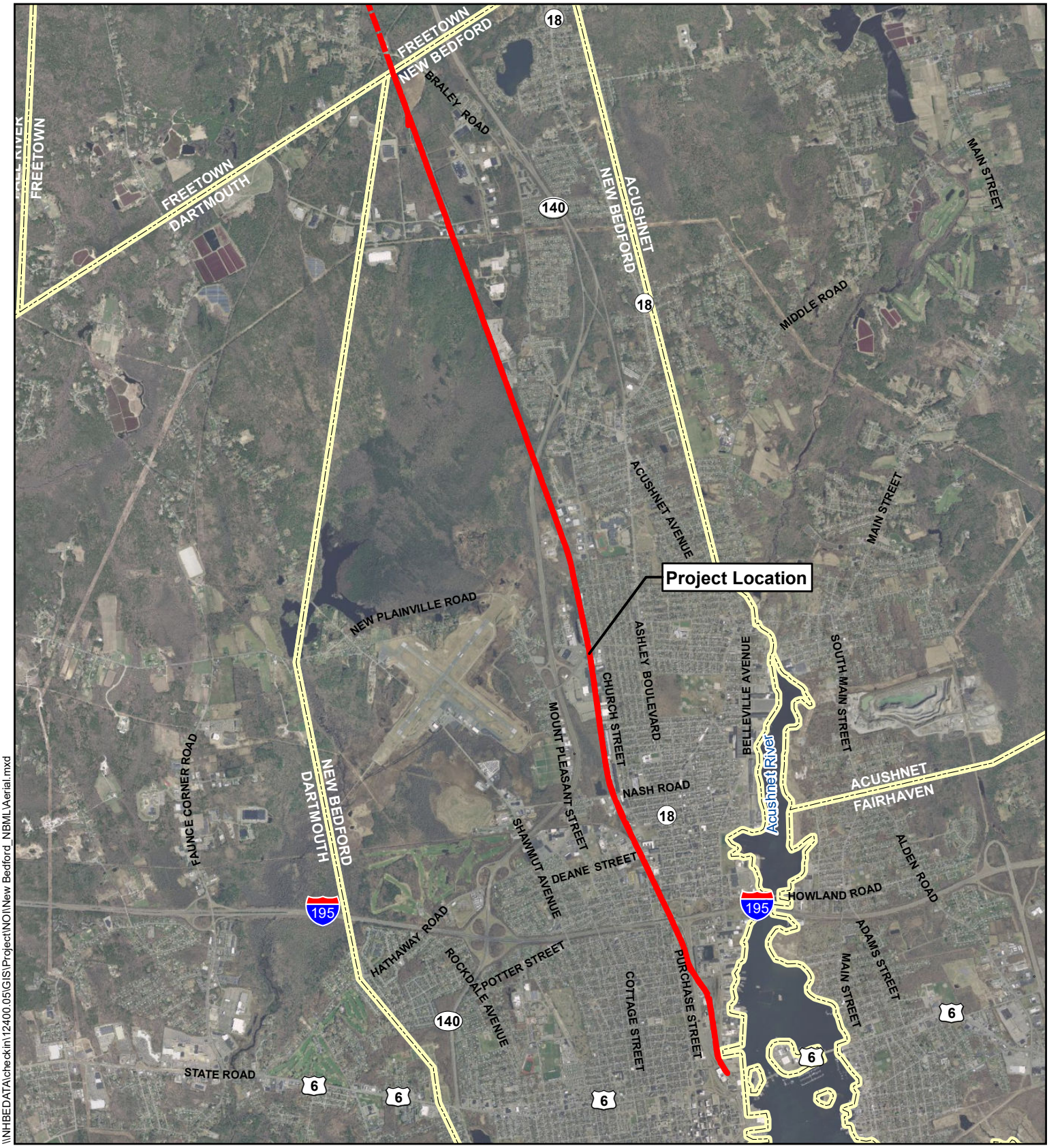
- Project Location
- Portion of the project not included in this Notice of Intent filing.
- Town Boundary

Massachusetts Bay Transportation Authority

0 4,500 9,000 Feet

Source: MassGIS, VHB, USGS

Figure 1
USGS Site Location Map
South Coast Rail
New Bedford, Massachusetts



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SCR SOUTH COAST RAIL

Legend

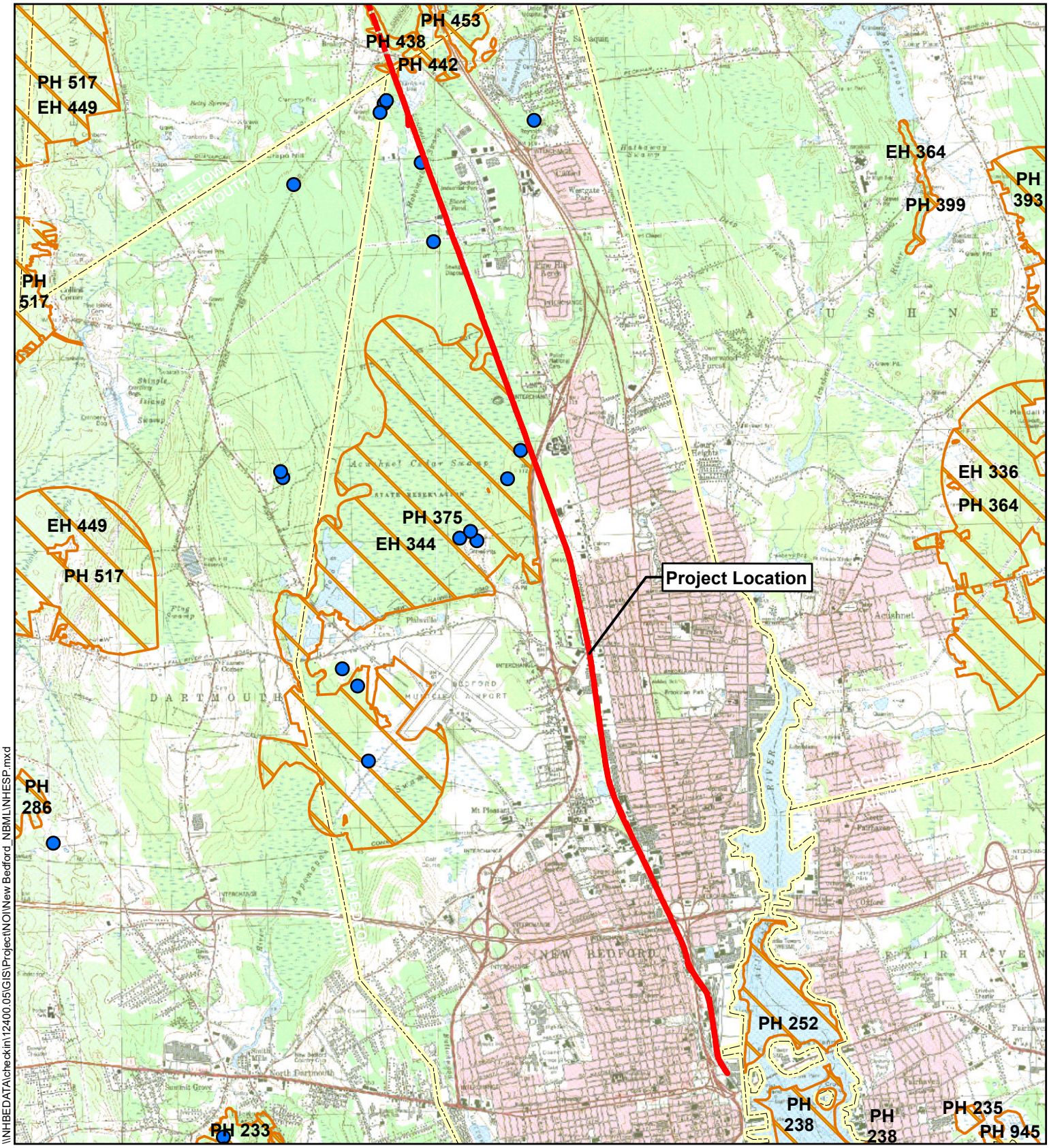
- Project Location
- Portion of the project not included in this Notice of Intent filing.
- Town Boundary

0 4,500 9,000 Feet

Source: MassGIS, VHB

Massachusetts Bay Transportation Authority

Figure 2
Aerial Map
South Coast Rail
New Bedford, Massachusetts



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SCR SOUTH COAST RAIL

Legend

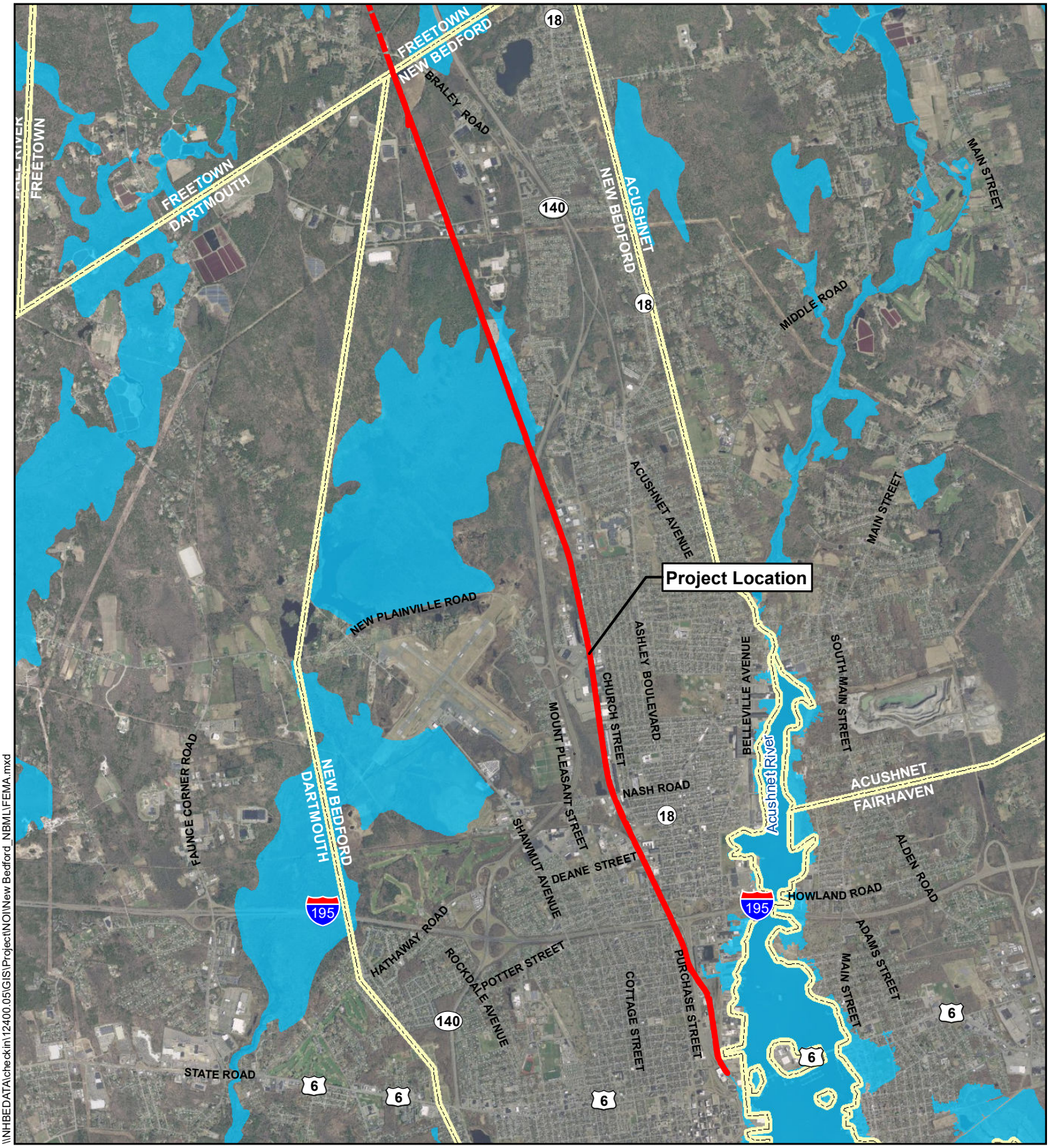
- Project Location
- Portion of the project not included in this Notice of Intent filing.
- NHESP Priority/Estimated Habitat
- Certified Vernal Pool
- Town Boundary

0 4,500 9,000 Feet

Source: MassGIS, VHB, NHESP

Massachusetts Bay Transportation Authority

Figure 3
NHESP Map
South Coast Rail
New Bedford, Massachusetts



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SCR SOUTH COAST RAIL

Legend

- Project Location
- Portion of the project not included in this Notice of Intent filing.
- 100-Year Floodplain (FEMA)
- Town Boundary

0 4,500 9,000 Feet

Massachusetts Bay Transportation Authority

Figure 4
FEMA Map
South Coast Rail
New Bedford, Massachusetts

Source: MassGIS, VHB, FEMA

NOI Narrative and Supporting Information

Table of Contents

1. Introduction 1-1

1.1 Summary of Proposed Work and Impacts in New Bedford 1-2
1.2 Permitting Process 1-3
1.3 NHESP Review 1-4
1.4 Design Status 1-4
1.5 NOI Contents 1-4

2. Resource Areas 2-1

2.1 BVW 2-1
2.2 Bank 2-5
2.3 BLSF 2-6
2.4 ILSF 2-7
2.5 LSCSF 2-7
2.6 Land Under Water Bodies and Waterways 2-8
2.7 Riverfront Area 2-8
2.8 Vernal Pool Habitat 2-8
2.9 Estimated Habitat of Rare Wetland Wildlife 2-9
2.10 Outstanding Resource Waters 2-10

3. Proposed Project 3-1

3.1 Track Construction 3-2
3.2 Grade Crossings 3-2
3.3 Stations 3-3
3.4 Erosion and Sedimentation Controls 3-4

4. Wetland Impacts 4-1

4.1 BVW 4-1
4.2 Bank 4-2
4.3 BLSF 4-2
4.4 LSCSF 4-3
4.5 Land Under Water Bodies and Waterways 4-4
4.6 Riverfront Area 4-5

4.7 Vernal Pool Habitat 4-5
4.8 Estimated Habitat 4-5
4.9 Outstanding Resource Waters 4-6

5. Wildlife Habitat Evaluations and Mitigation 5-1

5.1 Methodology 5-1
5.2 Results 5-2
5.3 Mitigation 5-2

6. Stormwater Management 6-1

6.1 Track 6-1
6.2 Station 6-5

7. Mitigation 7-1

7.1 BVW 7-1
7.2 LUWW 7-9
7.3 BLSF 7-9
7.4 Riverfront Area 7-10

8. Performance Standards 8-1

8.1 BVW 8-1
8.2 Land Under Water Bodies and Waterways 8-2
8.3 BLSF 8-3
8.4 ILSF 8-4
8.5 Riverfront Area 8-4

Attachments

Attachment A - Plans
Attachment B - Wildlife Habitat Assessments
Attachment C - Representative Photos
Attachment D - Stormwater Calculations (Bound Separately)

List of Tables

Table 1-1 Proposed Impacts to Wetland Resource Areas in New Bedford 3
Table 2-1 Bordering Vegetated Wetlands 2
Table 2-1 Bordering Vegetated Wetlands (Continued) 3
Table 2-1 Bordering Vegetated Wetlands (Continued) 4
Table 2-2 Bank 6
Table 2-3 Bordering Land Subject to Flooding 7
Table 2-4 Bordering Land Subject to Flooding 8
Table 2-5 Outstanding Resource Waters 10
Table 4-1 Direct Impacts to Bordering Vegetated Wetlands 1
Table 4-2 Direct Impacts to Bank 2
Table 4-3 Direct Impacts to Bordering Land Subject to Flooding 3
Table 4-4 Summary of Floodplain Storage Volume Lost and Associated Mitigation 3
Table 4-5 Direct Impacts to Land Subject to Coastal Storm Flowage 4
Table 4-6 Direct Impacts to LUWW 4
Table 4-7 Direct Impacts to Riverfront Area 5
Table 7-1 Planting Specifications 2
Table 7-2 Summary of Compensatory Floodplain Storage Volume 10

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List of Acronyms

AHCW	Automatic Highway Crossing Warning
ANRAD	Abbreviated Notice of Resource Area Delineation
BFE	Base Flood Elevation
BLSF	Bordering Land Subject to Flooding
BVW	Bordering Vegetated Wetland
DEP	Department of Environmental Protection
CVP	Certified Vernal Pool
EH	Estimated Habitat
FEIR	Final Environmental Impact Report
FEIS	Final Environmental Impact Statement
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
ILSF	Isolated Land Subject to Flooding
LOMA	Letter of Map Amendment
LSCSF	Land Subject to Coastal Storm Flowage
LUWW	Land Under Waterbodies and Waterways
MassDOT	Massachusetts Department of Transportation
MassGIS	Massachusetts Office of Geographic Information Systems
MBTA	Massachusetts Bay Transportation Authority
MCR	Massachusetts Coastal Railroad, LLC
MEPA	Massachusetts Environmental Policy Act
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NHESP	Natural Heritage and Endangered Species Program
NOI	Notice of Intent
OCS	Overhead Catenary System
OOC	Order of Conditions
ORAD	Order of Resource Area Delineation
PM-CM	Program Manager-Construction Manager
PPA	Priority Preservation Area
PVP	Potential Vernal Pool
RA	Riverfront Area
SCR	South Coast Rail Project
SERO	Southeast Regional Office of DEP
SFHA	Special Flood Hazard Area

TSS	Total Suspended Solids
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency
WPA	Wetlands Protection Act

1. Introduction

The South Coast Rail (SCR) project is an initiative of the Massachusetts Department of Transportation (MassDOT), implemented through the Massachusetts Bay Transportation Authority (MBTA). The purpose of the project is to more fully meet the existing and future demand for public transportation between Fall River/New Bedford and Boston, Massachusetts, and to enhance regional mobility while supporting smart growth planning and development strategies in the affected communities. The SCR project will extend the existing Stoughton Line commuter rail service south to Fall River and New Bedford using the out-of-service portion of the Stoughton Line from Stoughton to Taunton, the New Bedford Main Line from Taunton to New Bedford, and the Fall River Secondary from Myricks Junction (Berkley) to Fall River.

MassDOT intends to construct the South Coast Rail in phases, due to the cost and lengthy permitting and construction schedules for the complete project. Currently, MassDOT is advancing the design and permitting for Phase 1, which will extend the existing Middleborough-Lakeville service to Cotley Junction in Taunton using the Middleborough Secondary line, then to New Bedford and Fall River using the New Bedford Main Line and Fall River Secondary. All of these are active freight or commuter rail lines.

Phase 1 of the project will provide diesel commuter rail service, and construct six new stations south of Cotley Junction (East Taunton, Freetown, Fall River Depot, Kings Highway and Whale's Tooth). Two new overnight layover facilities will also be constructed (Weaver's Cove in Fall River and Wamsutta in New Bedford). The project will improve 7 miles of the Middleborough Secondary, reconstruct approximately 20 miles of the New Bedford Line from Taunton to New Bedford; and reconstruct 12.3 miles of the Fall River Line between Berkley and Fall River. The project will add a second track and passing track where needed to support the future commuter and freight operations. The project will also reconstruct or replace railroad bridges over roads and waterways, and three highway bridges that cross over the railroad. The project will also upgrade equipment and signals at all at-grade crossings to meet modern standards.

The SCR project was reviewed under the Massachusetts Environmental Policy Act (MEPA) in 2002 and 2013 (EOEEA 14346). The Final Environmental Impact Statement (FEIS) was released in September 2013 with a Final Certificate issued in November 2013. The project has also been reviewed under the National Environmental Policy Act (NEPA) with the U.S. Army Corps of Engineers (USACE) as the lead federal agency. In March 2017 MassDOT filed a Notice of Project Change with the Executive Office of Energy and Environmental Affairs to initiate public and agency review of its plans to construct the South Coast Rail in phases. In January 2018 MassDOT filed a Draft Supplemental Environmental Impact Report (DSEIR) for Phase 1 of the project. MassDOT accepted public comments on the DSEIR until closure of the public comment period on March 23, 2018. MassDOT submitted a Final Supplemental

Environmental Impact Report (FSEIR) as required by EOEEA on April 30, 2018. Currently, MassDOT is accepting comments on FSEIR until closure of the comment period on June 8, 2018.

Chapter 4 Section 16 of the 2013 FEIS/FEIR and Chapter 8 of the 2018 DSEIR explain the jurisdictional authority and wetland regulatory procedures, and describes the methods and procedures used to delineate wetland resource areas along the SCR alternatives. The chapters also present the methods used to quantify the direct impacts (both permanent and temporary) to all categories of wetland resource areas, and the methods used to assess secondary and/or indirect impacts to wetland functions and values. Finally, the chapters identify the goals and opportunities for wetland mitigation, based on regulatory requirements and wetland impacts presented. The DSEIR, FEIS/FEIR and the Secretary's Certificate can be viewed on the project website:

(www.massdot.state.ma.us/southcoastrail/documents/environmental.aspx)

1.1 Summary of Proposed Work and Impacts in New Bedford

The SCR project in New Bedford includes railroad track improvements along the New Bedford Main Line (NBML), a generally north-south oriented railroad right-of-way traversing the western portion of New Bedford from the Freetown municipal boundary to the end of the line at the intersection of Hillman Street and MacArthur Drive. The NBML is currently an active freight line operated by the Massachusetts Coastal Railroad, LLC (MCR). Additionally, the SCR project in New Bedford includes two new stations, Whales Tooth Station and Kings Highway Station. The proposed stations will include new platforms, associated track improvements, parking facilities, and stormwater drainage features. Portions of the proposed stations are located within buffer zone and bank resources.

The work proposed within this NOI includes the proposed Whales Tooth Station and approximately 7 miles of construction on the NBML railroad right-of-way in New Bedford, including approximately 3.7 miles of second track. Track work will include track improvements, grade crossing improvements, track drainage, and installing signals and communication systems. The proposed Kings Highway Station will be submitted separately at a later date.

Pursuant to c. 79 § 24 of the Acts of 2014, the proposed work on all bridges and culverts on the NBML in New Bedford is being advanced in accordance with the Footprint Bridge exemption and is not subject to the Wetlands Protection Act (WPA). MassDOT, in consultation with DEP, has determined that all proposed bridge and culvert replacements on the NBML in New Bedford are functionally equivalent to the existing structures and are on alignments similar to the existing structures. Impacts to jurisdictional areas as a result of work exempt under the Footprint Bridge exemption are not included in this NOI application.

Table 1-1 summarizes the impacts to wetland resource areas in New Bedford subject to this NOI application. Figures 1 and 2 show the project location.

Table 1-1 Proposed Impacts to Wetland Resource Areas in New Bedford[1]

Resource Area	Permanent Impacts	Temporary Impacts	Total Impacts
Bank	2,769 LF	259 LF	3,028 LF
Bordering Vegetated Wetland	355 SF	0 SF	355 SF
Bordering Land Subject to Flooding	16,840 SF	11,312 SF	28,152 SF
Land Subject to Coastal Storm Flowage	42,615 SF	0	42,615 SF
Land Under Water	25,052 SF	58 SF	25,110 SF
Riverfront Area	0 SF	47,605 SF	47,605 SF

LF – Linear Feet; SF – Square Feet
1 - Based on 30% design plans dated 04/20/2018

1.2 Permitting Process

MassDOT is preparing and filing Notices of Intent in all corridor communities, and anticipates that the project can be designed and constructed in compliance with the relevant performance standards of the WPA regulations. Orders of Conditions have been issued for the SCR Phase 1 Project in Raynham, Berkley, Fall River, Taunton, Freetown, Middleborough and New Bedford (for the Wamsutta Layover facility).

In addition to the WPA permitting, the SCR project will require that DEP issue a Water Quality Certification (WQC) under the requirements of 314 CMR 9.00, and Section 401 of the Federal Clean Water Act (CWA). A Chapter 91 license is required for work within filled former tide lands in Fall River protected under Chapter 91.

The SCR Project will also require a Department of the Army Section 404 permit from the U.S. Army Corps of Engineers (USACE) for placement of fill in jurisdictional wetlands (which include LUW).

Bridges and culverts that are being replaced in accordance with the Footprint Bridge exemption are being permitted separately as a stand-alone "state of good repair" project. This work will require the issuance of a DEP Section 401 WQC and USACE approval under Section 404 of the CWA.

MassDOT, through its enabling legislation as a state agency, is not subject to jurisdiction under local wetland ordinances or bylaws. Only the state WPA regulations and resource areas are applicable to the project.

1.3 NHESP Review

As documented in the FEIS/FEIR, Phase 1 of the SCR project may have unavoidable impacts to Estimated Habitat of Rare Wetlands Wildlife in various locations. The species potentially affected include wood turtle, eastern box turtle, Hessel's hairstreak butterfly, mocha emerald dragonfly, several moths, and coastal swamp amphipod. MassDOT is working with the Natural Heritage and Endangered Species Program (NHESP) of the Division of Fish and Game to reduce impacts to these species, and to develop appropriate mitigation measures. MassDOT is developing a project-wide Conservation and Management Plan, and anticipates that the NHESP will issue a Conservation and Management Permit for the project. The NBML crosses mapped Estimated Habitat in New Bedford. This NOI has been sent to the NHESP for review and comment as required by 310 CMR 10.59.

1.4 Design Status

Since the publication of the FEIS/FEIR in 2013, MassDOT has advanced the project design to the 30% level for the entire Corridor. This includes the track horizontal alignment and vertical profile, station platform locations, power substations, and bridges over waterways. MassDOT is advancing the design for Phase 1 (Middleborough, Lakeville, Raynham, Taunton, Berkley, Freetown, New Bedford and Fall River) to support the permitting process, which includes grading and drainage for track and stations; culvert replacements or extensions; bridge design; platform and station layout; and grade crossing improvements. MassDOT anticipates that the design of the northern half of the project (Canton, Stoughton, Easton, Raynham and Taunton) will be advanced concurrent with the design and construction of Phase 1.

1.5 NOI Contents

This NOI provides information based on the current design plans for New Bedford, on the New Bedford Main Line, now advanced to the 30% design level. This NOI includes information on wetland resource areas, impacts to wetland resource areas and compliance with regulatory performance standards. Chapters included in this NOI are:

- Chapter 2 provides an updated description of existing wetland resource areas;
- Chapter 3 provides a detailed description of the proposed work;
- Chapter 4 describes and quantifies impacts to wetland resource areas;
- Chapter 5 provides wildlife habitat evaluations and mitigation measures;
- Chapter 6 addresses the stormwater management standards;
- Chapter 7 describes the proposed mitigation for unavoidable impacts to wetland resource areas; and
- Chapter 7 discusses compliance with the regulatory performance standards.

2. Resource Areas

An Abbreviated Notice of Resource Area Delineation (ANRAD) was submitted to the New Bedford Conservation Commission in April 2011 to confirm the limits of Bank, BVW, Isolated Land Subject to Flooding (ILSF), Bordering Land Subject to Flooding (BLSF), and Riverfront Area (RA) within and adjacent to the existing right-of-way of the New Bedford Main Line railroad within the Town of New Bedford. The Commission determined the limits of the resource areas were accurate and issued an Order of Resource Area Delineation (ORAD) on July 12, 2011. The ORAD was originally set to expire in July 2014 but was extended through the Massachusetts Permit Extension Act (Sections 74 and 75 of Chapter 238 of the Acts of 2012) until July 11, 2018.

Since the issuance of the ORAD, MassDOT obtained updated and more precise topographic mapping of the project corridor. Due to the lapse of time since the ORAD, MassDOT also made the decision to re-establish the wetland flags to facilitate the Conservation Commission's review under this NOI, as many flags were no longer visible in the field. Field work commenced in October 2015, and consisted of adjustments to existing BVW and Bank delineations, which were previously approved under the 2012 ORAD. The field review included an assessment of all wetland flags and adjustments (perpendicular and/or parallel to the railroad) of any wetland flags that were found to be incorrectly placed. In particular, at culvert locations, wetland flags that did not correspond with topography were relocated to accurately reflect topographic contours. All flag adjustments were recorded by VHB personnel, and the changes are reflected in the updated design plans. In addition, the limits of BLSF were determined based on the more accurate topographic mapping and current Federal Emergency Management Agency (FEMA) flood data. Changes or additions to wetland resource areas are described in the following sub-sections.

Plan Sheets SV-301 through SV-318 show the existing wetland resource areas along the NBML in New Bedford (See Attachment A- New Bedford Notice of Intent Plans).

2.1 BVW

As defined by 310 CMR 10.55(2)(a)&(c), BVWs are "freshwater wetlands which border on creeks, rivers, streams, ponds, and lakes." The boundary of BVW is determined by the presence of 50 percent or more of wetland indicator plants and saturated or inundated conditions.

Thirty-three BVWs are located along the railroad right-of-way in New Bedford. Wetlands are numbered sequentially from north to south, NB-1 to NB-29, with one wetland at the northern extent of the line numbered as FRN-28. In addition, one wetland within the town of Freetown is located within 100 feet of the town of New Bedford (FRN-27). The BVWs in New Bedford include extensive forested areas dominated by red maple (*Acer rubrum*) and Atlantic white cedar (*Chamaecyparis thyoides)*

swamps, and highly disturbed systems dominated by common reed (*Phragmites australis*) and other invasive plant species. Wetlands NB-21 and NB-22 are part of the Acushnet Cedar Swamp State Reservation. Adjustments were made to wetland flags in the following locations: FRN-27, NB-6, NB-10, NB-13, NBS(1), NBS(3), NB-13, NB-20, NB-20.1, NB-22, NB-23, NB-24, NB-25, and NB-28. Wetland flags A1-A15 and 64-79 were added to NBS(3), and NB-24.1 was delineated in November 2015. Wetland locations are shown on sheets SV-301 to SV-318 of the attached plan set.

Table 2-1 lists the BVWs delineated along the right-of-way in New Bedford.

Table 2-1 Bordering Vegetated Wetlands

Wetland	Sheet Number	Cowardin Type[1]	Location	Vernal Pool	Estimated Habitat of Rare Wildlife
FRN-27	SV-301	PFO/PEM Forested wetland with intermittent stream connected to NB-1 (100 series).	South of Chipaway Road, west of right-of-way	No	Yes
FRN-28	SV-301	PFO Red maple swamp bordering an intermittent stream. Connect to NB-2 beyond limit of delineation.	South of the Freetown/New Bedford line, west of right-of-way	No	Yes
NB-1 (100 numbered flag series)	SV-301	PSS Shrub scrub wetland associated with cranberry bog. Connected to NB-1. Pond eventually becomes an intermittent stream.	South of Freetown/New Bedford town line, east of right-of-way	No	Yes
NB-1 (200 series)	SV-302	Cranberry bog	South of Freetown/ New Bedford town line, east of right-of-way	No	Yes
NB-2	SV-301	PFO Red maple swamp	South of Freetown/New Bedford town line, south of FRN-28	No	Yes
NB-6	SV-301	PFO/PSS Forested wetland with shrub-scrub components	West of right-of-way, across NB-1 (100 series)	No	Yes
NB-8	SV-302	PFO/PSS Red maple swamp with shrub-scrub components. Separated from NB-6 by an upland berm.	West of right-of-way, across NB-1 (200 series)	No	Yes
NB-10	SV-302	PFO Red maple swamp	West of right-of-way, across NB-1 (200 series)	Yes	Yes

Table 2-1 Bordering Vegetated Wetlands (Continued)

Wetland	Sheet Number	Cowardin Type[1]	Location	Vernal Pool	Estimated Habitat of Rare Wildlife
NB-11	SV-302	PFO/PSS Forested wetland bordering an intermittent stream	West of right-of-way, north of Samuel Barnet Boulevard and NB-14	No	Yes
NB-12	SV-302	PSS Shrub-scrub wetland	East of right-of-way, south of NB-1 (200 series)	No	Yes
NB-13 (100 series)	SV-301	PSS Perennial stream with shrub-scrub components	East of right-of-way, south of NB-12	No	Yes
NB-13 (200 series)	SV-302	OW Perennial stream separated from NB-13 (100 series) by a footpath	East of right-of-way, north of Samuel Barnet Boulevard	No	Yes
NB-14	SV-302 SV-303	PFO/PSS Forested wetland bordering an intermittent stream	West of right-of-way, across NB-13	No	Yes
NB-15	SV-304	PFO Forested wetland bordering a perennial stream	South of Samuel Barnet Boulevard, east of right-of-way	No	No
NB-15a	SV-304	PFO Forested wetland	South of Samuel Barnet Boulevard, east of right-of-way	No	No
NB-16	SV-304	PFO Forested wetland, part of Acushnet Cedar Swamp	South of Samuel Barnet Boulevard, west of right-of-way	No	Yes
NB-17	SV-304 SV-305	PFO/PSS Forested wetland bordering an intermittent stream	East of right-of-way, south of Samuel Barnet Boulevard	No	Yes
NB-18	SV-304 SV-305	PFO Forested wetland, part of Acushnet Cedar Swamp	West of right-of-way, south of NB-16	No	Yes
NB-19	SV-305	PFO Forested wetland	East of right-of-way, north of NB-20	No	No
NB-20	SV-305 SV-306 SV-307	OW Perennial stream parallel to the right-of-way	East of right-of-way, south of NB-19	No	Yes
NB-20.1	SV-307	PFO Small forested wetland connected to NB-20	North of Route 140, across from NB-22	No	Yes
NB-21	SV-305	PFO Forested wetland, part of Acushnet Cedar Swamp	West of right-of-way, across from NB-19	No	Yes

Table 2-1 Bordering Vegetated Wetlands (Continued)

Wetland	Sheet Number	Cowardin Type[1]	Location	Vernal Pool	Estimated Habitat of Rare Wildlife
NB-22	SV-305 SV-306 SV-307	PFO Perennial stream channel with bordering forested wetland, part of the Acushnet Cedar Swamp	West of right-of-way, across from NB-20	No	Yes
NB-23 (100 series)	SV-309 SV-310	PFO Red maple swamp bordering an intermittent stream connected to NB-23 (200 series)	West of right-of-way, south of Route 140	No	No
NB-23 (200 series)	SV-308 SV-309	PFO Red maple swamp	South of Route 140, west of right-of-way	No	No
NB-24	SV-308	PFO/PEM Forested wetland with emergent marsh	South of Route 140, east of right-of-way	No	No
NB-24.1	SV-308	PEM Forested wetland with emergent marsh	South of Route 140, east of right-of-way	No	No
NB-25.1	SV-310	PSS Shrub scrub wetland associated with intermittent stream	East of right-of-way, north of Tarkin Hill Road	No	No
NBS(3)	SV-311 SV-312	PEM Emergent wetland bordering an intermittent stream	Along the right-of-way, west of NBS(1) and NBS(2)	No	No
NB-28	SV-312 SV-313	PFO Red maple swamp bordering an intermittent stream	North of Nash Road, west of right-of-way	No	No
NB-29	SV-313	PFO/PEM Emergent marsh dominated by common reed	South of Nash Road	No	No

Source: Vanasse Hangen Brustlin, Inc., 2015
Cowardin Types: OW = Open Water, PEM = Palustrine Emergent, PFO = Palustrine Forested, PSS = Palustrine Scrub/Shrub.

2.2 Bank

As defined in 310 CMR 10.54 (2)(a)&(c), Bank is "... the portion of the land surface which normally abuts and confines a waterbody." This land surface "... may be partially or totally vegetated, or it may be comprised of exposed soil, gravel, or stone. The upper boundary of a Bank is the first observable break in the slope or the mean annual flood level, whichever is lower." Bank is present between a perennial river, lake or pond and the adjacent BVW or upland and within intermittent streams.

The regulations define a stream as (in part) "a body of running water which flows within, into or out of an Area subject to protection under the Act… Such a body of running water which does not flow throughout the year (i.e. which is intermittent) is a stream except for that portion upgradient of all bogs, swamps, wet meadows and marshes." Accordingly, only those intermittent channels that convey water in response to a hydraulic gradient and those that are within or downgradient of BVW contain the resource area Bank.

Within the City of New Bedford, 11 streams are within the vicinity of the railroad right-of-way. Streams along the right-of-way in New Bedford are part of the Buzzards Bay regional watershed. The right-of-way in New Bedford crosses three stream channels, all of which are intermittent. No additional streams were delineated or added since the 2011 ANRAD. Adjustments were made to bank flags in wetlands NB-23 and NB-28. Table 2-2 lists the Bank areas located in New Bedford.

Table 2-2 Bank

Wetland	Stream Type	Location	Vernal Pool	Estimated Habitat of Rare Wildlife
FRN-27	Intermittent stream	South of Chipaway Road, west of right of way	No	Yes
NB-1 (100 series)	Intermittent stream	South of Freetown/New Bedford town line, east of right of way	No	Yes
NB-1 (200 series)	Intermittent stream	South of NB-1 (100 series), east of right of way	No	Yes
NB-13 (100 series)	Unnamed perennial stream	East of right of way, south of NB 12	No	Yes
NB-13 (200 series)	Perennial stream separated from NB 13 (100 series) by a footpath.	East of right of way, north of Samuel Barnet Boulevard	No	Yes
NB-15	Unnamed perennial stream	South of Samuel Barnet Boulevard, east of right of way	No	No
NB-20	Unnamed perennial stream	East of right of way, south of NB 19	No	Yes
NB-22	Unnamed perennial stream	West of right of way, across from NB 20	No	Yes
NB-23 (100 series)	Intermittent stream	West of right of way, south of Pig Farm Road	No	No
NB-23 (200 series)	Intermittent stream	West of right of way, south of Route 140	No	No
NBS(3)	Intermittent stream	West of right of way, south of Kings Highway	No	No
NB-28	Intermittent stream	West of right of way, North of Nash Road	No	No

2.3 BLSF

BLSF was not delineated in the field. The extent of this resource area is based on published Federal Emergency Management Agency (FEMA) flood elevations, which estimate the elevations to which water will flood during a 100-year storm event; any area below this elevation to the Bank of a corresponding waterway or waterbody is BLSF. Figure 4 shows the FEMA flood zones within the project location.

VHB determined flood elevations for areas subject to inundation by the 1.0% annual chance flood event using a hierarchy of data sources. For locations within special flood hazard area (SFHA) Zone AE (an area of detailed study and flood elevations are specified) VHB used the base flood elevation (BFE) specified on the National Flood Insurance Program (NFIP) Flood Insurance Rate Map (FIRM) and included in the Flood Insurance Study (FIS). For locations within SFHA Zone A (a floodplain area determined using approximate methodologies with no BFE), VHB completed a model of this area and the wetland system following procedures in 310 CMR 10.57(2)(a) in order to more accurately

determine the limits of the BLSF and to determine the BFE associated with the 1.0% annual chance flood event.

BLSF is associated with two wetlands along the right-of-way in New Bedford, NB-20 and NB-22. These wetlands are associated with an unnamed perennial stream within the Acushnet Cedar Swamp, north of Route 140. Floodplain elevations were determined based on a Letter of Map Amendment. Table 2-3 describes the two BLSF areas in New Bedford.

Table 2-3 Bordering Land Subject to Flooding

Wetland	Stream Type	Location	Elevation	Estimated Habitat of Rare Wildlife
NB-20/BLSF-1	Unnamed perennial stream	East of right-of-way, south of NB-22	71.0	Yes
NB-22/BLSF-2	Unnamed perennial stream	West of right-of-way, across from NB-20	70.0	Yes

2.4 ILSF

As defined in 310 CMR 10.57(2)(b), ISLF is "an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water to a volume of at least one quarter acre-feet and to an average depth of at least six inches."

NB-19 and NB-25 are isolated vegetated wetlands under federal jurisdiction; however, they do not meet the criteria of ILSF after adjustments were made to the flags during the 2015 field activities. Additionally, field inspections in 2017 revealed that wetlands NB-1 and NB-2 are not hydrologically connected to the drainage ditch NBS-3; therefore NB-1 and NB-2 are isolated vegetated wetlands under federal jurisdiction, however do not meet the criteria of ILSF.

There is no ILSF within the project area in New Bedford.

2.5 Land Subject to Coastal Storm Flowage

As defined in 310 CMR 10.04, "Land Subject to Coastal Storm Flowage means land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater." The extent of this resource area is based on published Federal Emergency Management Agency (FEMA) flood elevations. LSCSF in New Bedford is associated with the Acushnet River. The floodplain elevation within this area is 6.0 feet. Figure 4 shows the FEMA flood zones in the vicinity of the project.

2.6 Land Under Water Bodies and Waterways

As defined in 310 CMR 10.56 (2)(a)&(c), Land under Water Bodies and Waterways (LUWW) "is the land beneath any creek, river, stream, pond or lake. Said land may be composed of organic muck or peat, fine sediments, rocks or bedrock. The boundary of LUWW is the mean annual low water level."

Per the direction of DEP, the channel beds of intermittent streams are being considered LUWW resource areas within the context of this Notice of Intent application. Table 2-2 in Section 2-2 list the resources with associated LUWW in New Bedford.

2.7 Riverfront Area

As defined in 310 CMR 10.58 (2)(a)3, RA is "the area of land between a [perennial] river's mean annual high-water line measured horizontally outward from the river and a parallel line located 200 feet away, except that the parallel line is located: 25 feet away in Boston, Brockton, Cambridge, Chelsea, Everett, Fall River, Lawrence, Lowell, Malden, New Bedford . . . " Based on the definition in 310 CMR 10.58(2)(1)(b), streams identified as intermittent do not contain RA. Table 2-5 lists the locations of the 25-foot RA in New Bedford.

Table 2-4 Bordering Land Subject to Flooding

Wetland	Perennial Stream	Location	Estimated Habitat of Rare Wildlife
NB-13 (100 series)	Unnamed perennial stream	East of right-of-way, south of NB-12	Yes
NB-13 (200 series)	Unnamed perennial stream	East of right-of-way, north of Samuel Barnet Boulevard	Yes
NB-15	Unnamed perennial stream	South of Samuel Barnet Boulevard, east of right-of-way	No
NB-20	Unnamed perennial stream	East of right-of-way, south of NB-19	Yes

2.8 Vernal Pool Habitat

As defined in 310 CMR 10.04, vernal pool habitat "means confined basin depressions which, at least in most years, hold water for a minimum of two continuous months during the spring and/or summer, and which are free of adult fish populations, as well as the area within 100 feet of the mean annual boundaries of such depressions, to the extent that such habitat is within an Area Subject to Protection under M.G.L. c. 131, § 40 as specified in 310 CMR 10.02(1). These areas are essential breeding habitat, and provide other extremely important wildlife habitat functions during non-breeding season as well,

for a variety of amphibian species such as wood frog (*Rana sylvatica*) and spotted salamander (*Ambystoma maculatum*), and are important habitat for other wildlife species.

The boundary of a vernal pool is defined only for BLSF (310 CMR 10.57[2][a]) and ILSF (310 CMR 10.57[2][b]) for the purposes of determining whether these resource areas provide important wildlife habitat. The regulations acknowledge that vernal pools can also occur within RA, but do not define a boundary for this resource area. Although the regulations for BVW (310 CMR 10.55) do not make reference to vernal pools and the NHESP definition of vernal pools (lacking an outlet) would seem to indicate that vernal pools do not occur in BVW, it has been the practice of NHESP and DEP to certify vernal pools even if these depressions are within BVW.

The NHESP mapping includes two certified vernal pools (CVP 7391 and CVP 2647) along the right-of-way in New Bedford. CVP 7391 is located in wetland NB-22; however, the vernal pool is more than 100 feet from the right-of-way. CVP 2647 is located in wetland NB-10 within the right-of-way, however, NB-10 will not be impacted by the project. No other vernal pools (certified, certifiable, or potential) were identified within 100 feet of the NBML right-of-way in New Bedford.

2.9 Estimated Habitat of Rare Wetland Wildlife

NHESP has designated areas of the Acushnet Cedar Swamp as Estimated Habitat of Rare Wildlife (PH375/EH344). The right-of-way is adjacent to an estimated 0.8 mile section of this Estimated Habitat. Additionally, NHESP has designated an area of Estimated Habitat of Rare Wildlife at the New Bedford/Freetown town line (PH 442). Table 2-1, above, lists the BVWs in New Bedford that are in NHESP Estimated Habitat. Figure 3 shows the NHESP designated areas.

2.10 Outstanding Resource Waters

As defined in the Massachusetts Surface Water Quality Standards (WQS), 314 CMR 4.00 (WQS), Outstanding Resource Waters (ORWs) are waters that "include Class A Public Water Supplies (314 CMR 4.06(1)(d)(1) and their tributaries, certain wetlands as specified in 314 CMR 4.06(2) and other waters as determined by the Department based on their outstanding socio-economic, recreational, ecological and/or aesthetic values." As defined in 314 CMR 4.06(2), "wetlands bordering Class A Outstanding Resource Waters are designated Class A Outstanding Resource Waters."

Table 2-6 lists the features that qualify as ORWs along the New Bedford Main Line right-of-way in New Bedford.

Table 2-5 Outstanding Resource Waters

Wetland	Sheet Number	Cowardin Type[1]	Location
CVP 2647	SV-302	PFO Red maple swamp	West of right-of-way, across NB-1 (200 series)

Cowardin Types: OW = Open Water, PEM = Palustrine Emergent, PFO = Palustrine Forested, PSS = Palustrine Scrub/Shrub

3. Proposed Project

This section provides information on constructing each of the project elements including track and grade crossing infrastructure improvements, and the proposed Whales Tooth Station associated with the project along the New Bedford Main Line in New Bedford. All construction will be performed in close coordination with the operating railroads - MBTA and MCR. The work will include constructing retaining walls, track, maintenance of utilities, and grade crossings.

Pursuant to c. 79 § 24 of the Acts of 2014, the proposed work on certain bridges and culverts on the SCR Project in New Bedford qualifies for being advanced in accordance with the Footprint Bridge exemption and is not subject to the Wetlands Protection Act. As stated in the 2014 Act:

SECTION 24: Notwithstanding any general or special law to the contrary, section 61 and sections 62A to 62I, inclusive, of chapter 30 of the General Laws, chapter 91 of the General Laws and section 40 of chapter 131 of the General Laws shall not apply to bridge projects of the Massachusetts Department of Transportation and the Massachusetts Bay Transportation Authority for the repair, reconstruction, replacement or demolition of existing state highway, authority and municipally-owned bridges, including the immediate approaches necessary to connect the bridges to the existing adjacent highway and rail system, in which the design is substantially the functional equivalent of, and in similar alignment to, the structure to be reconstructed or replaced; provided, however, that said section 61 and said sections 62A to 62I, inclusive, of said chapter 30 shall apply to the repair, reconstruction, replacement or demolition project where the project requires a mandatory environmental impact report pursuant to 301 CMR 11.00, and all work shall be subject to the requirements of the then current edition of the Massachusetts Department of Transportation's Stormwater Handbook as approved by the department of environmental protection under applicable law. (…) For the purposes of this section, "bridge" shall include any structure spanning and providing passage over water, railroad right-of-way, public or private way, other vehicular facility or other area. Any project exempted from any law pursuant to this section shall be subject to the public consultation process required by the then current version of the Massachusetts Department of Transportation's Project Development and Design Guidebook."

MassDOT, in consultation with DEP, has determined that all proposed bridge and culvert replacements throughout the SCR corridor in New Bedford are functionally equivalent to the existing structures and are on alignments similar to the existing structures. There are four culverts and two bridges of varying size that cross the NBML within New Bedford. These bridge and culvert replacements are considered exempt from the Massachusetts Wetlands Protection Act (MGL Ch. 131 § 40) and are excluded from this NOI.

3.1 Track Construction

The proposed track work in New Bedford consists of constructing new track structure within the existing active freight right-of-way. The New Bedford Main Line new track construction consists mostly of single track, with a 0.3 mile siding for the future Kings Highway Station and a 0.4 mile siding for the proposed Whales Tooth Station. This double track is necessary for railroad operations between the proposed Whales Tooth Station and the Wamsutta Layover Facility, as well as for operation of the future Kings Highway Station. The proposed work from Nash Rd south to Wamsutta Street involves signal and communication utility installation only.

Common elements of the track construction include excavation, new track bed, ditches, ballast, ties, and new steel rail. These improvements include the specific elements listed below. Plan Sheets TK-3055 to TK-3089 show the track construction and profile for the New Bedford Main Line in New Bedford. Plan Sheets XS-301 to XS-353 provide cross-sections of work on the New Bedford Main Line at 100-foot intervals. Sheets CV-302 through CV-306 provide typical cross-sections for the track and track drainage. Track reconstruction generally includes these steps:

- The existing track and ties will be lifted approximately 6 inches and new ballast placed beneath the ties.
- Existing embankments will be modified to accommodate the new track cross section, including (where appropriate) side drainage ditches and ballast side slopes.
- Signal and communication cables will be installed in a trench located outside of the new ballast footprint (within footprint of subballast).
- Ties will be completely replaced with timber ties.
- Along the NBML, the existing jointed rail will be replaced with new 132-pound continuously welded rail.
- A retaining wall will be installed in one location at the Whales Tooth Station location on the NBML. This will be low placed concrete block or field stone walls as shown on detail sheet CV-303.

3.2 Grade Crossings

Three at-grade crossings are located within 100 feet of wetland resource areas on the NBML in New Bedford, including Samuel Barnet Road, Pig Farm Road, and Tarkiln Hill Road. Plan Sheets GX-301 through GX-303 show design details and erosion control measures for these grade crossings.

At a minimum, public grade crossings will consist of automatic gates, LED flashers, and an electronic bell. Where required, this standard arrangement may be supplemented with additional equipment such as additional gates and cantilevered flashers to optimize visibility for the roadway approaches.

Each crossing will be supported by a minimum 10-foot by 16-foot aluminum shed that will house the Automatic Highway Crossing Warning (AHCW) system. The houses will be placed at the most advantageous quadrant of the crossing so as to not impede sight distance of pedestrians, motorists, and train engineers. Crossings will require a power utility feed from the nearest commercial source. Additional or supplemental devices may require additional system infrastructure to support a particular application such as traffic preemption or advance active warning signs. Each AHCW system will be supported by storage batteries during times of power outages. These batteries will be housed in a separate box (battery well) located adjacent to the AHCW housing.

3.3 Stations

Two new stations are proposed in New Bedford along the New Bedford Main Line as part of the SCR Phase 1 project- Kings Highway Station south of Tarkiln Hill Road (not included within this NOI) and Whales Tooth Station south of Wamsutta Street (Sheet TK-3087). The drainage for the proposed Whales Tooth Station will require connecting to trackside drainage ditches which outflow into jurisdictional resources. Stormwater reports illustrating adequate water treatment have been provided (Attachment D).

The Station will include a platform with canopy, landscape improvements, a pick up/drop off area, bicycle parking facilities, and utility improvements to support this use. The drainage from the paved areas will be captured and treated in two bioretention basins with sediment forebays. The proposed basins are designed to decentralize stormwater management, reduce peak runoff rates, maximize groundwater recharge and treat for water quality. Refer to Attachment D for the Station Stormwater Report for Whales Tooth Station.

The proposed Whales Tooth Station platform and drainage design can be found on Sheets LO-300, LO-301, GD-300 and GD-301. The Key Plan, Sheet CV-301, shows the proposed station location.

3.4 Erosion and Sedimentation Controls

During construction, impacts will be minimized by proper implementation of the erosion and sedimentation control program. This program will:

- Minimize exposed soil areas through sequencing and permanent stabilization;
- Place structures to manage stormwater runoff and erosion; and
- Establish a permanent vegetative cover or other forms of stabilization as soon as practicable.

Both non-structural and structural practices will be used during construction and all of these practices comply with criteria contained in the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Large and Small Construction Activities issued by the EPA.

Non-structural practices to be used during construction will be initiated as soon as practicable in appropriate areas at the site and may include:

- **Permanent Seeding** - Upon completion of final grading, all restored areas will be seeded with the seed mixes called for in the site plans or, for any areas not specified in the site plans, a natural grass seed mix appropriate to the region. The mix will be applied at a rate as specified by the manufacturer and will be covered with mulch or bonded fiber matrix as needed.
- **Pavement Sweeping** - Paved portions of the site proximal to the work zone will be swept as needed during construction. The sweeping program will remove sediment and other contaminants directly from paved surfaces to avoid their release into stormwater runoff. Pavement sweeping has been demonstrated to be an effective initial treatment for reducing pollutant loading into stormwater.[1]

Structural erosion and sedimentation controls may include:

- **Erosion Control Barriers** - Prior to any ground disturbance, a barrier of compost filter tubes (CFT) will be installed at the downgradient limit of work. If sediment has accumulated to a depth that impairs proper functioning of the barrier, it will be removed by hand or by machinery operating upslope of the barriers. This material will be either reused at the site or disposed of at a suitable offsite location. Any damaged sections of CFT will be repaired or replaced immediately upon discovery.
- **Catch Basin Inlet Protection** - The active inlets of existing catch basins in the vicinity of the work will be protected from sediment inflow during the work period by installing an in-basin sediment trap. If sediment has collected in the basin sediment trap to a point where it impairs proper functioning, the sediment will be removed and will be either reused onsite or disposed of at a suitable offsite location.

1 U.S. Environmental Protection Agency, 1979. *Demonstration of Nonpoint Pollution Abatement Through Improved Street Cleaning Practices.*

4. Wetland Impacts

The following sections describe in detail the impacts to each resource area based on 30% design plans dated 04/20/2018 attached to this NOI, the reasons for unavoidable wetland impacts, and efforts to minimize impacts at each location. Direct impacts to wetland resources were calculated as being either permanent or temporary. Permanent impacts are any direct impact (fill) that will eliminate the characteristics that qualify an area as jurisdictional; replacing a natural substrate with non-natural substrate (for example, riprap or concrete), or placing a permanent structure in a wetland resource area. Permanent impacts were determined by calculating the areas of wetland resources which will be lost or converted due to the proposed work. Temporary impacts represent unavoidable temporary disturbance to resource areas associated with constructing the project. These impacts mainly occur where it is necessary for crews or machinery to work within the limit of disturbance in order to construct slopes, retaining walls, and other portions of the project. Temporary impacts also occur where the existing railroad ballast and track are within RA. Temporarily impacted areas will be restored following construction.

4.1 BVW

Thirty-three BVWs are located along the railroad right-of-way in New Bedford, as confirmed by the New Bedford Conservation Commission through an ANRAD review process.

Reconstructing the existing New Bedford Main Line in New Bedford is expected to result in a total of 385 square feet of permanent impact to BVW in four wetlands, based on the 30% design plans..

Areas of permanent BVW impact are in locations of sideslope re-grading due to an increase in track elevation. Table 4-1 lists the impacts to BVW and the size of each impacted area.

Table 4-1 Direct Impacts to Bordering Vegetated Wetlands[1]

Wetland ID	Plan Sheet Number	Permanent (square feet)	Temporary (square feet)	Total (square feet)
NB-22	TK-3068	16	0	16
NB-23	TK-3070 TK-3071	103 100	0	203
NB-25.1	TK-3074	136	0	136
Total for New Bedford Main Line (square feet):		355	0	355

1 - Based on 30% design plans dated 04/20/2018

4.2 Bank

Reconstructing the existing NBML will result in permanent impacts to Bank in one location (NBS-3) and temporary impacts to Bank in one location (NB-23/NB-23 (100 series)). Bank impacts were calculated as the linear feet of channel affected by the project based on 30% design plans:

- NB-23 is an intermittent stream abutting the rail west of Pig Farm Road. Direct fill will extend into this existing Bank from grading to widen and adjust the profile of the track at the intersection with Pig Farm Road. The track and drainage reconfiguration will result in 259 linear feet of temporary impacts.
- NBS(3) is an intermittent stream channel initially created by the railroad for stormwater conveyance. In order to ensure adequate track drainage, this channel will be cleaned out and re-graded. Regrading of the ditch will result in a total of 2,769 linear feet of permanent impacts to bank.

Table 4-2 lists the impacts to Bank and the size of each impacted area.

Table 4-2 Direct Impacts to Bank[1]

Wetland ID	Plan Sheet Number	Permanent (linear feet)	Temporary (linear feet)	Total (linear feet)
NB-23	TK-3071	0	120	120
NB-23 (100 series)	TK-3071	0	139	139
NBS-3	TK-3075	165	0	2,769
	TK-3076	1,100	0	
	TK-3077	1,100	0	
	TK-3078	404	0	
Total for New Bedford Main Line (linear feet):		2,769	259	3,028

1 - Based on 30% design plans dated 04/20/2018

4.3 BLSF

Reconstructing the existing rail line will result in impacts to BLSF in multiple locations for a total of 16,840 square feet of permanent impacts and 11,312 square feet of temporary impacts. Permanent impacts result from direct fill and/or converting vegetated areas to ballast. Temporary impacts result from excavation or disturbance to areas which will be subsequently restored and revegetated. Table 4-3 lists the impacts to BLSF and the size of each impacted area. These impacts are unavoidable, as the existing rail right-of-way and track are immediately adjacent to BLSF. In portions of these areas, the BLSF also extends over the existing track. Loss of flood storage was minimized by adjusting the profile of the track (minimizing increases in track elevation), shifting the track centerline away from the BLSF, and using retaining walls.

Table 4-3 Direct Impacts to Bordering Land Subject to Flooding[1]

BLSF ID	Plan Sheet Number	Permanent (square feet)	Temporary (square feet)	Total (square feet)
BLSF 1 NB	TK-3064	783	1,558	26,234
	TK-3065	7,238	3,050	
	TK-3066	6,115	1,758	
	TK-3067	1,595	3,938	
	TK-3068	0	199	
BLSF 2 NB	TK-3065	0	586	1,918
	TK-3066	1,000	223	
	TK-3067	109	0	
Total New Bedford Main Line (square feet):		16,840	11,312	28,152

1 - Based on 30% design plans dated 04/20/2018

Work will include a net total of 4,129 cubic feet of fill on the New Bedford Main Line in New Bedford. The majority of this volume (3,421 cubic feet at BLSF 1 NB) will be placed in BLSF associated with wetland NB-20 due to sideslope re-grading and fill associated with track bed improvements where the existing track is located within BLSF. Table 4-4 provides a breakdown of the impact to floodplain volume and associated mitigation from the project in one-foot increments.[1]

Table 4-4 Summary of Floodplain Storage Volume Lost and Associated Mitigation[1]

BLSF ID	Elevation Increment (feet)	Volume Filled (cubic feet)	Volume Mitigated (cubic feet)
BLSF 1 NB	70-71	3,211	4,215
	69-70	210	640
BLSF 2 NB	69-70	708	714
Total BLSF Impacts (cubic feet):		4,129	5,563

1 - Based on 30% design plans dated 04/20/2018

4.4 LSCSF

Reconstructing the existing rail line will result in impacts to LSCSF in one location along the New Bedford Main Line in New Bedford for a total of 42,615 square feet of permanent impacts. Within LSCSF, ballast and subballast will be added and track drainage is proposed which will be connected to the existing closed drainage system. The proposed grading will raise the track and ties above the 100-year flood elevation. Permanent impacts result from direct fill and/or converting vegetated areas to ballast. Table 4-5 lists the impacts to LSCSF and the size of each impacted area. These impacts are unavoidable, as the existing rail right-of-way and track are immediately adjacent to or within LSCSF.

Impacts were minimized by adjusting the profile of the track (minimizing increases in track elevation), shifting the track centerline away from the LSCSF, and using retaining walls.

Table 4-5 Direct Impacts to Land Subject to Coastal Storm Flowage[1]

LSCSF ID	Plan Sheet Number	Permanent (square feet)	Temporary (square feet)	Total (square feet)
LSCSF 5 NB	TK-3088 TK-3089	14,415 28,200	0	42,615
Total New Bedford Main Line (square feet):		42,615	0	42,615

1 - Based on 30% design plans dated 04/20/2018

4.5 Land Under Water Bodies and Waterways

The project will permanently alter LUWW in two locations on the New Bedford Main Line (NB-23 and NBS-3). Regrading of a trackside ditch will cause a total of 25,052 square feet of permanent impacts at NBS-3.

Required re-grading for construction of the Pig Farm Road grade crossing will result in 1,318 square feet of permanent impacts to NB-23/NB-23 (100 series). Additionally, Pig Farm Road grade crossing construction will result in 58 square feet of temporary LUWW impacts to NB-23. Temporarily impacted LUWW will be restored to existing grade and stabilized with an appropriate wetland seed mix. Table 4-6 lists the impacts to LUWW and the size of each impacted area.

Table 4-6 Direct Impacts to LUWW[1]

Wetland ID	Plan Sheet Number	Permanent (square feet)	Temporary (square feet)	Total (square feet)
NB-23	TK-3071 TK-3072	465 31	58 0	554
NB-23 (100 series)	TK-3071	822	0	822
NBS-3	TK-3075 TK-3076 TK-3077 TK-3078	2,338 11,581 7,594 2,221	0	23,734
Total (square feet):		25,052	58	25,110

1 - Based on 30% design plans dated 04/20/2018

4.6 Riverfront Area

The 25-foot RA associated with the four perennial stream channels consists primarily of previously disturbed areas within the existing railroad ballast. In accordance with the WPA (310 CMR 10.58(5)), work within previously developed RA may include 'replacement, rehabilitation or expansion of existing structures, improvement of existing roads, or reuse of degraded or previously developed areas'. Impacts to previously disturbed RA have been calculated separately. Reconstructing the railbed will result in temporary construction related impacts to RA due to alterations on the railroad embankment. Temporarily impacted RA will be restored to existing conditions. Table 4-7 lists the total impacts to RA.

Table 4-7 Direct Impacts to Riverfront Area[1]

Plan Sheet Number	Previously Disturbed (square feet)	Undisturbed (square feet)	Total (square feet)
TK-3056	6,497	0	47,605
TK-3057	1,299		
TK-3062	10,082		
TK-3064	10,978		
TK-3065	15,898		
TK-3066	2,851		

1 - Based on 30% design plans dated 04/20/2018

4.7 Vernal Pool Habitat

The project will not require work in Vernal Pools or Vernal Pool Habitat in New Bedford. CVP 7391 is located greater than 100 feet from the New Bedford Main Line ROW and therefore will not be impacted by the project. CVP 2647 is located within NB-10 within the ROW, however, NB-10 will not be impacted by the project. No other vernal pools were identified within 100 feet of the NBML right-of-way in New Bedford.

4.8 Estimated Habitat

NHESP has designated areas of the NBML as Estimated Habitat of Rare Wildlife (PH442 and PH375/EH344), which includes box turtles (*Terrapene carolina*). Construction activities including slope grading will occur within Estimated Habitat bank wetland resources. MassDOT has consulted with NHESP, regarding impacts to the habitat of these species. NHESP has determined that the loss of wetlands may constitute a "take" under the WPA to this species. MassDOT anticipates issuance of a NHESP Conservation and Management Plan regarding proposed work within estimated habitat in New Bedford. MassDOT has provided NHESP with a copy of this NOI for review and comment.

4.9 Outstanding Resource Waters

Along the New Bedford Main Line right-of-way in New Bedford, CVP 2647 is an ORW, but as stated in Section 4.6, the vernal pool will not be impacted by the project.

5. Wildlife Habitat Evaluations and Mitigation

Wetland resource areas are presumed significant for protection of wildlife habitat based on the presence of characteristics within the resource areas that provide wildlife habitat functions of food, shelter, migratory and over-wintering areas, or breeding areas. To ensure no significant adverse effect on those important habitat features, an evaluation must be made to determine whether the resource provides important wildlife habitat, assess the nature and scope of the alteration contemplated to that habitat, and condition the proposed project accordingly.

5.1 Methodology

For WPA resource areas which will be impacted by the proposed project, MassDOT conducted wildlife habitat evaluations in accordance with Appendix A of the DEP document *Massachusetts Wildlife Habitat Protection Guidance for Inland Wetlands*. This Guidance considers potential impacts to wildlife habitat for species other than rare or endangered species.

5.1.1 Bordering Vegetated Wetlands

BVW is by definition assumed to provide important wildlife habitat. For that reason, MassDOT did not conduct a wildlife habitat evaluation at each location of BVW loss. Most of the impacted wetlands are narrow linear strips immediately adjacent to the existing active freight railroad, providing minimal habitat value. The restoration of relevant wildlife habitat functions currently provided by these areas is addressed in the wetland mitigation area design as described in Section 7.1 below.

5.1.2 Bank

For the resource area Bank, MassDOT conducted a wildlife habitat evaluation based on the size of the alteration relative to the regulatory threshold allowance. For Bank, this is the loss of 50 linear feet. A combined 2,769 linear feet of permanent impacts to Bank are proposed along the NBML at NBS-3 and NBS-23 in New Bedford as a result of the project. MassDOT conducted an Appendix A and B wildlife habitat assessment of both Banks based on the proposed alteration being more than twice the threshold allowance (See Attachment B).

5.1.3 LUWW

For the resource area LUWW, MassDOT conducted an Appendix A wildlife habitat assessment at NBS-3 based on the size of the proposed alteration (23,734 square feet) relative to the regulatory threshold allowance (impacts greater than 5,000 square feet or 10% of land in this resource area).

Additionally, MassDOT conducted an Appendix B wildlife habitat assessment at NBS-3 based on the proposed alteration being more than twice the threshold allowance (See Attachment B).

5.1.4 BLSF

No wildlife habitat assessments were conducted for BLSF. As defined in the WPA Regulations, BLSF that has been "so extensively altered by human activity that their important wildlife habitat functions have been effectively eliminated" do not provide important wildlife habitat. These areas, as defined at 301 CMR 10.57(1)(a)(3) include railroad tracks, ballast and embankments. All of the areas of BLSF permanently altered in New Bedford consist of active railroad tracks, ballast and embankments and therefore do not provide Important Wildlife Habitat.

5.1.5 Riverfront Area

No wildlife habitat assessments were required for RA due to zero proposed alterations to undisturbed RA relative to the regulatory threshold allowance (impacts greater than 5,000 square feet or above 10% of RA) [301 CMR 10.58(4)(d)(1)(c)].

5.2 Results

Based on the wildlife habitat evaluations conducted (included as Attachment B), no important habitat features are associated with the impacted wetland resources within New Bedford.

5.3 Mitigation

Based on the findings of the wildlife habitat evaluations, no wildlife habitat mitigation is required for the permanent impacts to Bank or LUWW resource areas. The impacted Bank and LUWW does not provide any important wildlife habitat features.

6. Stormwater Management

The Stormwater Management Standards, defined and specified in the Massachusetts Stormwater Handbook and the WPA 310 CMR 10.05(6)(k), are ten standards that must be met to the extent that they apply to a particular project. If the standards are met there is a presumption that the stormwater design meets the requirements of several different State and Federal permitting authorities.

6.1 Proposed Track Improvements Compliance

For most of the length of the existing railroad track corridor, stormwater runoff is conveyed from the track bed area in shallow depth ditches or in sheet flow runoff to the edge of the track bed or fill slope, continuing on to numerous isolated untreated discharged points. The drainage systems for the proposed project have been designed to collect and convey the runoff from the 50-year storm. Piped systems must not surcharge for this storm and flow depths in ditches are not to exceed 3 feet below top of rail. The proposed railroad track typical section will include a ditch that in many locations is deeper than what exists today. Flow that discharges to open ditches upgradient of resource areas will enter sediment forebays for suspended solid removal. There are some instances where, due to topography or retaining walls, ditches are not practicable and underdrain systems will be installed. In these cases, the piped underdrains will eventually daylight to discharge to the same flow path or outlet point as the existing ditch. The pipes will be wrapped with a geotextile fabric to minimize sediment transport and stormwater runoff will discharge through a flared end to a riprap splash pad.

Track drainage system design is dependent on an estimate of the magnitude, volume and distribution of storm water runoff. The Rational Method was used to compute peak storm runoff flow rates generated from the contributory sub-areas along the track corridor. This method also provides the flow rates necessary to size ditch and pipe outlet stone protection pads and sediment forebays. Track drainage system components, such as ditches and underground underdrains and pipe were sized hydraulically using standard hydraulic open channel flow formulae. See Attachment D for the Stormwater Report including computations for the track drainage system components.

The track right-of-way portion of the South Coast Rail project in New Bedford constitutes a Redevelopment Project, as it will reconstruct an existing railroad bed, ballast, track, and infrastructure within the footprint of the existing active freight railroad. No new impervious areas will be created. The entire railroad bed is composed of pervious material.

The following sections describe how the track right-of-way portion of the project, complies with each of the Stormwater Standards.

Standard 1 - Stormwater Discharges – "No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth."

The existing railroad bed, in most locations, was constructed with a drainage ditch along each side of the railbed to convey runoff to adjacent wetlands. The project will maintain or reconstruct those ditches, and will not create new stormwater outfalls. The project will improve water quality by adding stormwater treatment BMPs at each discharge point. Ditch or pipe outfalls discharging to wetlands or other resource areas will be treated by use of sediment forebays and/or geotextile filter fabric. Pipe outlets not needing to pass through a sediment forebay will discharge to stone end protection pads prior to its ultimate discharge. Overflow from these forebays will be through a stone check dam. Track corridor stormwater runoff that cannot be collected and conveyed by a ditch will be intercepted and conveyed by a buried pipe underdrain system. This runoff will have received suspended solids removal treatment due to the geotextile filter fabric the flow must pass through prior to being intercepted by the underdrain. Unless protected by a sediment forebay and check dam, stone protection measures will be constructed at all pipe and ditch outlets to mitigate erosion..

Standard 2 - Stormwater Discharge Rates - "Stormwater management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates. This standard may be waived for discharges to land subject to coastal storm flowage as defined in 310 CMR 10.04."

The proposed improvements within this existing railroad corridor typically includes reconstruction of existing railroad tracks; no new impervious surfaces are to be constructed within the railroad corridor. As a result, post-construction peak runoff rates will be effectively the same as the pre-construction runoff rates.

Standard 3 - Groundwater Recharge - "Loss of annual recharge to groundwater shall be eliminated or minimized through the use of infiltration measures including environmentally sensitive site design, low impact development techniques, stormwater best management practices, and good operation and maintenance. At a minimum, the annual recharge from the post-development site shall approximate the annual recharge from the pre-development conditions based on soil type. This standard is met when the stormwater management system is designed to infiltrate the required recharge volume as determined in accordance with the Massachusetts Stormwater Handbook."

The proposed improvements within this existing railroad corridor includes reconstructing the existing railroad tracks; no new impervious surfaces are to be constructed within the railroad corridor. As a result, the post-construction annual groundwater recharge will be the same as the annual recharge for the pre-construction conditions.

Standard 4 - 80% Total Suspended Solids Removal - "Stormwater management systems shall be designed to remove 80% of the average annual post-construction load of Total Suspended Solids (TSS)."

Rail operations typically generate negligible quantities of TSS. The surface of the trackbed structure is predominantly ballast, a non-erodible substance, protecting the more erodible surface beneath. To the extent practicable, TSS will be removed from stormwater runoff by use of sediment forebays and underdrain filter fabric for all discharges to resource areas. Sediment forebays are being proposed as a post-construction practice to slow incoming stormwater runoff and facilitate the gravity separation of suspended solids before entering the adjacent wetlands. Due to the limited available land on the project site, the volume of the sediment forebay is sized at a minimum to hold 0.1-inch per impervious acre. The impervious area was conservatively computed assuming the width of the typical subballast track foundation is impervious.

Standard 5 - Discharge from Areas with Higher Pollutant Loads - "For land uses with higher pollutant loads, source control and pollution prevention shall be implemented in accordance with the Massachusetts Stormwater Handbook to eliminate or reduce the discharge of stormwater runoff from such land uses to the maximum extent practicable. If through source control and/or pollution prevention all land uses with higher potential pollutant loads cannot be completely protected from exposure to rain, snow, snow melt, and stormwater runoff, the proponent shall use the specific structural stormwater BMPs determined by the Department to but suitable for such uses as provided in the Massachusetts Stormwater Handbook."

This project is not considered a land use with higher potential pollutant loads (LUHPPL) as defined in 310 CMR 10.04.

Standard 6 - Discharge to Critical Areas - "Stormwater discharges within the Zone II or Interim Wellhead Protection Area of a public water supply and stormwater discharge near or to any other critical area, require the use of specific source control and pollution prevention measures and the specific structural stormwater best management practices determined by the Department to be suitable for managing discharges to such areas, as provided in the Massachusetts Stormwater Handbook."

This standard is not applicable since stormwater from the track corridor does not discharge to Wellhead Protection Zones or Critical Environmental Areas. Presently, the stormwater runoff from the trackbed is via overland/sheet flow with no point discharges. The existing drainage patterns in this area are proposed to be maintained with no new point discharges.

Standard 7 - Redevelopment Site - "A redevelopment project is required to meet the following Stormwater Management Standards only to the maximum extent practicable: Standard 2, Standard 3,

and the pretreatment and structural best management practice requirements of Standard 4, 5 and 6. Existing stormwater discharges shall comply with Standard 1 only to the maximum extent practicable. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions."

The project is a redevelopment of an existing rail line. The proposed improvements within this existing railroad corridor typically includes realignment of existing railroad tracks; no new impervious surfaces are to be constructed within the railroad corridor. Stormwater discharge and groundwater recharge rates will be the same as pre-construction conditions; therefore, Standard 2 and Standard 3 are met. To address Standard 1 and to the extent practicable for Standard 4, all stormwater runoff discharges to resources areas will be treated by use of sediment forebays and/or geotextile filter fabric. Pipe outlets not needing to pass through a sediment forebay will discharge to stone end protection pads prior to its ultimate discharge.

Standard 8 - Erosion and Sedimentation Control - "A plan to control construction-related impacts including erosion, sedimentation and other pollutant sources during construction and land disturbance activities (construction period erosion, sedimentation, and pollution prevention plan) shall be developed and implemented."

The project will be required to obtain coverage under the U.S. Environmental Protection Agency (USEPA) National Pollutant Discharge Elimination System (NPDES) Construction General Permit (CGP). As required under that permit, a stormwater pollution prevention plan (SWPPP) is required to be prepared. Construction period pollution prevention and erosion and sedimentation controls will be prepared and implemented by the contractor and MassDOT during construction in accordance with the final design and NPDES SWPPP.

To minimize temporary impacts to wetland resource areas during the construction phase of the project, an erosion and sedimentation control program will be implemented consistent with the requirements of USEPA's NPDES General Permit for Discharges from Large and Small Construction Activities. The program incorporates Best Management Practices specified in guidelines developed by the DEP[2] and the USEPA.[3]

Proper implementation of the erosion and sedimentation control program will:

- *Minimize exposed soil areas through sequencing and permanent stabilization;*
- *Place structures to manage stormwater runoff and erosion; and*
- *Establish a permanent vegetative cover or other forms of stabilization as soon as practicable on all areas not stabilized by railroad ballast. Upon completion of final grading, all restored areas will be*

2 DEP, 1997. *Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas: A Guide for Planners, Designers, and Municipal Officials.*

3 USEPA, 2007. *Interim Developing Your Stormwater Pollution Prevention Plan: A Guide for Construction Sites*. Office of Water Report USEPA 833-R-060-04.

seeded with the seed mixes called for in the site plans or, for any areas not specified in the site plans, a natural grass seed mix appropriate to the region. The mix will be applied at a rate as specified by the manufacturer and will be covered with mulch or bonded fiber matrix as needed.

Structural erosion and sedimentation controls will include:

- *Erosion Control Barriers - Prior to any ground disturbance, a barrier of compost filter tubes (CFT) will be installed at the downgradient limit of work. If sediment has accumulated to a depth that impairs proper functioning of the barrier, it will be removed by hand or by machinery operating upslope of the barriers. This material will be either reused at the site or disposed of at a suitable offsite location. Any damaged sections of CFT will be repaired or replaced immediately upon discovery. Temporary sedimentation controls will be placed within stream channels during culvert replacement activities.*
- *Catch Basin Inlet Protection - The active inlets of existing catch basins in the vicinity of the work will be protected from sediment inflow during the work period by installation of an in-basin sediment trap. If sediment has collected in the basin sediment trap to a point where it impairs proper functioning, the sediment will be removed and will be either reused onsite or disposed of at a suitable offsite location.*

Standard 9 - Operation & Maintenance Plan - "A long term operation and maintenance plan shall be developed and implemented to ensure that stormwater management systems function as designed."

A Long Term Stormwater Operation and Maintenance Plan will be developed by MassDOT during the final design phase of the project and provided to the DEP.

Standard 10 – Prohibition of Illicit Discharges - "All illicit discharges to the stormwater management system are prohibited."

MassDOT will not permit illicit discharges to open or closed drainage system within the project limits.

6.2 Proposed Station Compliance

The Whales Tooth Station is located on a separate property outside of the railroad right-of-way and has a separate stormwater management system. At the station, stormwater runoff from the paved areas will be captured and treated in two bioretention basins with sediment forebays. The proposed basins are designed to decentralize stormwater management, reduce peak runoff rates, maximize groundwater recharge and treat for water quality. See Attachment D for the Whales Tooth Station Stormwater Report, including computations pertaining to the drainage system components.

The following sections describe how the Stations portion of the project complies with each of the Stormwater Standards.

Standard 1 - Stormwater Discharges – "No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth."

Full compliance will be achieved. The BMPs included in the proposed stormwater management system have been designed in accordance with the Massachusetts Stormwater Handbook. Supporting information and computations demonstrating that no new untreated discharges will result from the project are presented through compliance with Standards 4 through 6. All proposed Project stormwater outlets and conveyances have been designed to not cause erosion or scour to wetlands or receiving waters. Outlets from closed drainage systems have been designed with flared end sections and stone protection to dissipate discharge velocities. Overflows from BMPs that impound stormwater have been designed with stone to protect down gradient areas from erosion. Computations and supporting information for the sizing and selection of materials used to protect from scour and erosion are included in Appendix A of the Kings Highway and Whales Tooth Station Stormwater Reports.

Standard 2 - Stormwater Discharge Rates – "Stormwater management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates. This standard may be waived for discharges to land subject to coastal storm flowage as defined in 310 CMR 10.04."

Full compliance will be achieved. The rainfall-runoff response of the Site under existing and proposed conditions was analyzed for storm events with recurrence intervals of 2, 10, and 100-years. The results of the analysis, indicate that there is no increase in peak discharge rates between the existing and proposed conditions. Computations and supporting information regarding the hydrologic modeling are included in Appendix B of the Kings Highway and Whales Tooth Station Stormwater Reports.

Standard 3 - Groundwater Recharge – "Loss of annual recharge to groundwater shall be eliminated or minimized through the use of infiltration measures including environmentally sensitive site design, low impact development techniques, stormwater best management practices, and good operation and maintenance. At a minimum, the annual recharge from the post-development site shall approximate the annual recharge from the pre-development conditions based on soil type. This standard is met when the stormwater management system is designed to infiltrate the required recharge volume as determined in accordance with the Massachusetts Stormwater Handbook."

Full compliance will be achieved. Recharge of stormwater has been provided through the use of infiltration basins which have been sized using the static method. Each infiltration BMP has been designed to drain completely within 72 hours. Therefore, recharge will meet the Required Recharge Volume for the project, determined in accordance with the Stormwater Handbook. NRCS Soil Map, computations, and supporting information are included in Appendix C of the Kings Highway and Whales

Tooth Station Stormwater Reports. A copy of the geotechnical report prepared for the Site is included in this report in Appendix G of the Stormwater Report.

Standard 4 - 80% Total Suspended Solids Removal – "Stormwater management systems shall be designed to remove 80% of the average annual post-construction load of Total Suspended Solids (TSS)."

The project has been designed to fully comply with Standard 4. The proposed stormwater management system implements a treatment train of BMPs that has been designed to provide 80% TSS removal of stormwater runoff from all proposed impervious surfaces. Computations and supporting information, including the Long-Term Pollution Prevention Plan, are included in Appendix A and B of the Kings Highway and Whales Tooth Station Stormwater Reports.

Standard 5 - Discharge from Areas with Higher Pollutant Loads – "For land uses with higher pollutant loads, source control and pollution prevention shall be implemented in accordance with the Massachusetts Stormwater Handbook to eliminate or reduce the discharge of stormwater runoff from such land uses to the maximum extent practicable. If through source control and/or pollution prevention all land uses with higher potential pollutant loads cannot be completely protected from exposure to rain, snow, snow melt, and stormwater runoff, the proponent shall use the specific structural stormwater BMPs determined by the Department to but suitable for such uses as provided in the Massachusetts Stormwater Handbook."

No changes to the existing parking lot is proposed as part of the project. Therefore, the station is not considered a LUHPPL.

Standard 6 - Discharge to Critical Areas – "Stormwater discharges within the Zone II or Interim Wellhead Protection Area of a public water supply and stormwater discharge near or to any other critical area, require the use of specific source control and pollution prevention measures and the specific structural stormwater best management practices determined by the Department to be suitable for managing discharges to such areas, as provided in the Massachusetts Stormwater Handbook."

The project does not discharge stormwater near or to a critical area.

Standard 7 - Redevelopment Site – "A redevelopment project is required to meet the following Stormwater Management Standards only to the maximum extent practicable: Standard 2, Standard 3, and the pretreatment and structural best management practice requirements of Standard 4, 5 and 6. Existing stormwater discharges shall comply with Standard 1 only to the maximum extent practicable. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions."

The project has been designed to fully comply with all ten of the Stormwater Management Standards.

Standard 8 - Erosion and Sedimentation Control – "A plan to control construction-related impacts including erosion, sedimentation and other pollutant sources during construction and land disturbance activities (construction period erosion, sedimentation, and pollution prevention plan) shall be developed and implemented."

The project will disturb approximately 5 acres of land and is therefore required to obtain coverage under the USEPA NPDES Construction General Permit. As required under this permit, a Stormwater Pollution Prevention Plan (SWPPP) will be developed and submitted before land disturbance begins. Recommended construction period pollution prevention and erosion and sedimentation controls to be finalized in the SWPPP are included in Appendix F of the Kings Highway and Whales Tooth Station Stormwater Reports.

Standard 9 - Operation & Maintenance Plan – "A long term operation and maintenance plan shall be developed and implemented to ensure that stormwater management systems function as designed."

In compliance with Standard 9, a draft Post Construction Stormwater Operation and Maintenance (O&M) Plan has been developed for the project. The O&M Plan is included in Appendix F of the Whales Tooth Station Stormwater Report as part of the Long-Term Pollution Prevention Plan.

Standard 10 – Prohibition of Illicit Discharges – "All illicit discharges to the stormwater management system are prohibited."

The site was previously developed and sanitary sewer and storm drainage infrastructure is known to exist on the site. The design plans submitted with this report have been designed in full compliance with current standards. The Long-Term Pollution Prevention Plan includes measures to prevent illicit discharges.

7. Mitigation

The SCR project will result in unavoidable impacts to wetlands regulated under both state and federal jurisdiction. This NOI identifies anticipated impacts based on 30% design plans, which accurately represent the order of magnitude of impacts associated with the project facilities. The WPA and its regulations establish mitigation requirements for the majority of wetland resource areas. Performance standards exist for each resource area. MassDOT will design mitigation for the project that complies with the requirements of the WPA and federal regulations protecting wetland resources including Sections 401 and 404 of the Clean Water Act.

7.1 BVW

As described in Section 4.2, the project will result in the permanent loss of 355 square feet of BVW in New Bedford. State mitigation replacement ratios include a 1:1 ratio for BVW.

Construction on the NBML railroad right-of-way in New Bedford will result in permanent impacts (loss) of BVW in four wetlands as described in Section 4.2. A 500 square foot replacement wetland will be constructed in New Bedford in compliance with the DEP performance standards as described in Section 8.2. The selected replacement site will connect to wetland NB-29, located within the Dartmouth Wye at Station 2800+00. Wetland NB-29 receives flow wetland NB-28, located north of Nash Road. This section identifies the replacement wetland proposed in New Bedford.

Vegetation Types and Mitigation Goals

The general vegetation types used in the design concept for the wetland establishment site were based on the Cowardin classification of the natural vegetation of the wetlands adjacent to each site. Generally, the design concepts propose equivalent vegetation types adjacent to existing vegetation types, such as palustrine forested wetland adjacent to existing palustrine forested wetlands and scrub-shrub wetlands adjacent to existing scrub-shrub wetlands. Using this design framework is more likely to result in the successful establishment of the target plant communities. The minimum mitigation ratios and total acreage goals were considered when creating the mitigation concept design. The proposed acreage of each vegetation type seeks to meet or exceed the previously stated mitigation goals. This allows for adjustments to the total mitigation goals that may be necessary in final design. The sum of each vegetation type also meets or exceeds the mitigation goals laid out in the DEP's Inland Wetland Replication Guidelines. The regulations at 310 CMR 10.55(4) include a requirement that at least 75 percent of the surface of the replacement area be established with indigenous wetland plant species within two growing seasons.

Planting Plan

A planting plan was developed based on the vegetation type (forested wetland) proposed for establishment at the site. The recommended plant list is included in Table 7-1. In addition, a wetland seed mix will be used to establish herbaceous cover. This plant list is a general recommendation and species may change in final design. The plant list was generated using species native to Massachusetts and New England, and do not use invasive species, such as those listed on the Massachusetts Prohibited Plant List[4]. Refer to the Project Plans for the planting and seeding notes, including a list of species included in the wetland seed mix.

Table 7-1 Planting Specifications

Common Name	Latin Name	Wetland Indicator Status	Quantity	Size	Spacing
Winterberry	*Ilex verticillata*	FACW	3	2-3 ft	12 ft. oc
Highbush blueberry	*Vaccinium corymbosum*	FACW	2	2-3 ft	12 ft. oc
Sweet pepperbush	*Clethra alnifolia*	FAC	2	2-3 ft	100 /ac

Source: Vanasse Hangen Brustlin, Inc., 2017
1 oc = on center
2 Listed as a wetland indicator in the Massachusetts Wetland Protection Act

Soils

Soils used for the wetland establishment site will be created with soil amendments. While translocation is the preferred method stated in the DEP mitigation guidance, created wetland soils may also be used. Generally, wetland soils are created from a 1:1 mixture (or equal volumes) of organic and mineral materials, with the final product containing at least 12 percent organic carbon by weight. According to USACE's guidance, soils to be used for emergent wetlands in permanently or semi permanently flooded areas should have a target organic carbon level of 4 to 6 percent. Soil specifications will be generated for the wetland establishment site to include a description of the composition of the existing soil, added material, and the techniques used in its preparation. A detailed schedule will be developed for the collection and stockpiling of soils. No soil used for creation of wetland soils will be taken from any area supporting invasive species. The project will not translocate or reuse potentially contaminated wetland soils from areas adjacent to the existing railroad.

4 Massachusetts Department of Agriculture Resources, Massachusetts Prohibited Plant List. Effective January 1, 2009. http://www.mass.gov/agr/farmproducts/prohibitedplantlist.htm, accessed November 4, 2012.

Wildlife Habitat Features

In addition to wetland plantings and establishment of appropriate wetland hydrology within the wetland establishment site, wildlife habitat features will be established wherever feasible. The creation of hummock and hollow microtopography where appropriate creates burrowing opportunities. Any large rocks or boulders uncovered during excavation will be left in place or set aside to be reused. These can provide nesting, burrowing, and hiding places. Fallen logs and woody debris provide important cover and foraging habitat to a variety of wildlife species. Logs and woody debris in varying stages of decay can be used to provide habitat features. Upland tree species close to the wetland boundary may not be affected by excavation, but are likely to suffer mortality in the increased hydrologic regime of the newly established wetland. These trees can be left to stand in place, and when they die they will provide snags for perching, foraging, and nesting opportunities for a variety of bird species including woodpeckers. Alternatively, whole trees can be pushed over into the newly established wetland to provide wildlife habitat features.

Construction Guidelines

Construction of the wetland establishment site will seek to minimize erosion and sedimentation into existing wetlands, and to maximize the establishment and survival of plantings. Final mitigation plans will be developed for the wetland establishment site based on a detailed updated topographic survey, groundwater monitoring, test borings, and soil sampling. The replacement wetlands will be designed to conform to the guidelines developed by the USACE and DEP guidance and to meet the performance standards in the WPA regulations.

The construction of the wetland establishment site will involve excavation of the non-wetland area adjacent to the existing wetland. The excavation will bring the elevation of the non-wetland areas down to the grade of the existing wetlands or lower, depending on the type of vegetation community desired. The excavation will bring the replacement area into contact with groundwater, which establishes a hydrologic connection to a water source of sufficient volume and duration to maintain wetland hydrology. This in turn supports wetland vegetation and the development of hydric soils. The site will be graded with microtopography to mimic the surface of the wetlands that will be impacted.

The wetland establishment site will be vegetated (planted) with native wetland species in accordance with USACE and DEP guidance, and in accordance with the plant list provided above.

Construction Oversight

The construction of a successful replacement wetland site will require oversight by a supervising wetland scientist who is an experienced field professional. The supervising wetland scientist may need to make field adjustments in grading and/or planting in response to field conditions at the wetland establishment site. These modifications will ensure that hydrologic conditions necessary to support wetland vegetation and functions are created. During construction, the supervising wetland scientist may relocate up to 50 percent of the plantings if conditions require.

Construction Sequence

- Before construction begins, an erosion control barrier will be erected around the entire proposed wetland replacement site, except the upgradient edge to allow machinery access to the site. The erosion control barrier prevents erosion of disturbed soils and sedimentation into the adjacent existing wetland areas.
- The wetland establishment site will be cleared and grubbed, and will be excavated to a depth of 12 inches below the final design elevation. In response to subsurface hydrologic conditions, the supervising wetland scientist may make minor modifications to the rough grading plan in the field. The supervising wetland scientist will inspect the sub-grade of the wetland establishment site to ensure that wetland hydrology has been established.
- The wetland establishment site will then be backfilled with wetland soils that have either been translocated or created. Hydric soils that are created will follow the guidelines discussed above. Once the final topsoil is in place, it will be graded to achieve a topography to match the existing adjacent wetland, or to achieve topography of the target wetland cover type. Often, a slight hummock/hollow microtopography simulates a natural substrate.Low spots will be created within the wetland establishment site to provide temporary ponding of surface waters.
- Rocks and boulders uncovered during the excavation may be left in place, provided they do not result in a large decrease in the plantable area of the wetland establishment site. If possible, rocks and boulders will be repositioned to provide crevices and cavities suitable for wildlife use.
- Fallen logs and other woody debris will be distributed in the wetland establishment site to provide beneficial habitat features for wildlife. Woody material will be distributed to cover approximately 2 percent of the site's surface area. Logs and woody debris will be of various sizes and in various degrees of decomposition.
- After work with heavy machinery is completed, an erosion control barrier will be erected along the upgradient edge of the wetland establishment site.
- Plantings will take place according to the planting schedule of the wetland establishment site, which specifies species, size, and quantity of plantings. Prior to delivery to the site, the supervising wetland scientist will visit the nursery or nurseries providing the planting stock to ensure that the specimens are healthy, free from pests and any invasive plant material, and suitable for use within the wetland establishment site. Unsuitable specimens will be rejected and replaced with suitable specimens. The supervising wetland scientist must approve any planting substitutions. All woody plant stock will be either bare root stock or container grown. Planting within the wetland establishment site and adjacent uplands will conform to the plans or will be completed in accordance with directions provided in the field. Only plant materials native and indigenous to the region will be used. Use of cultivars will be prohibited. Species not specified in the final planting plan will not be used without written approval from the permitting agency.

- All plantings will be spaced in similar species clusters in a random distribution, at the direction of the supervising wetland scientist, to simulate natural growth patterns.
- Upon completion of planting, the areas around each plant or cluster of plants will be mulched with a 2 inch thick layer of leaf litter or other natural organic material (not fresh wood chips)
- The erosion control barriers will be disassembled and properly disposed of before November 1 of the third full growing season after planting of the wetland establishment site. Sediment collected by the barriers will be removed and disposed of in a manner that prevents erosion and transport to a wetland or waterway. If minor grading is required in the immediate zone around the erosion control barrier to provide surface hydrologic connection between the wetland establishment site and the existing wetland area, it will be done by hand and stabilized by mulch.
- The wetland establishment site will be inspected twice a year, during the spring and fall, each year of the post construction monitoring period for invasive or unwanted plants. If invasive species are found, they will be uprooted and removed from the area, and/or treated with a glyphosate herbicide approved for wetland use and applied by hand. Invasive plants are discussed in more detail below.
- Long-term monitoring of the wetland establishment site will be conducted as recommended below.

Invasive Species Control Plan

Exotic or invasive species commonly observed in the surrounding landscape may colonize wetland establishment sites as the vegetation community develops. These species potentially include, but are not limited to:

- *Alliaria petiolata*, garlic mustard
- *Berberis thunbergii*, Japanese barberry
- *Fallopia japonica*, Japanese knotweed
- *Frangula alnus*, glossy buckthorn
- *Lonicera* spp., shrub honeysuckle
- *Lysimachia nummularia*, moneywort
- *Lythrum salicaria*, purple loosestrife
- *Phalaris arundinacea*, reed canary grass
- *Phragmites australis*, common reed
- *Rosa multiflora*, multiflora rose

- *Solanum dulcamara*, bittersweet nightshade

To protect the functions and integrity of wetland replacement sites, the site will be inspected twice a year as part of the long term monitoring plan for the site. If feasible, any exotic or invasive plants will be pulled by hand and removed from the wetland replacement site. In the event that herbaceous species become established and hand removal is not feasible, a qualified pesticide applicator will be contacted to spray plants with an appropriate herbicide. Spraying will be done using a backpack unit and dye mixed with the liquid herbicide to minimize overspray and damage to native wetland species.

Post Construction Monitoring

This section provides a monitoring and assessment plan for the wetland establishment site. A 2-year monitoring period is proposed.

Field Monitoring and Report Schedules

Monitoring reports will be prepared, based on field observations, in the format required by the USACE New England District Mitigation Guidance.[5] Monitoring of field conditions will be performed for each of the first two full growing seasons following construction of the wetland establishment site. Observations will occur at least two times during the growing season (in late spring/early summer and again in late summer/early fall). Each annual monitoring report will be submitted to the USACE and DEP no later than December 15 of the year being monitored. Failure to perform the monitoring and submit a monitoring report will constitute permit non-compliance. A self-certification form will be completed, and signed as the transmittal coversheet for each annual monitoring report and will indicate the permit number and the report number. The reports will address success standards in the summary data section and will address any additional items noted in the monitoring report requirements. The reports will also include the monitoring report appendices listed below. The first year of monitoring will be the first year that the wetland establishment site has been through a full growing season after completion of construction and planting. For the purpose of this monitoring effort, a growing season starts no later than May 31. If there are problems that need to be addressed and if the measures to correct them require prior approval from the agencies, MassDOT will contact the agencies as soon as the need for corrective action is discovered.

Remedial measures will be implemented at least one year prior to the completion of the 2-year monitoring period, to attain the success standards after completion of construction of the wetland establishment site. Should measures be required, the monitoring period will be extended as necessary to demonstrate success of the mitigation site after the remedial work is completed. Measures requiring earth movement for changes in hydrology will not be implemented without written approval from the USACE and DEP.

5 U.S. Army Corps of Engineers New England District Regulatory Division. 2010. New England District Compensatory Mitigation Guidance. Concord MA.

At least one reference site adjacent to or near the wetland establishment site will be described and shown on a locus map.

Field Monitoring Methods

Vegetation, soils, and hydrology development will be monitored within the wetland establishment site and at a reference site established in the adjacent wetland. The following data will be collected in the wetland establishment site and the reference site during each site visit:

- Two monitoring wells will be installed in the wetland establishment site and the reference site, and shown on a plan;
- Two sediment horizon markers will be established in the wetland establishment site and the reference site to characterize sediment accumulation;
- Water table height will be measured two times per year, during site visits;
- Sediment accumulation;
- Percent vegetative cover;
- Species composition, with reference to wetland indicator status;
- Height and stem density for dominant target species and invasive species; and
- Evidence of wildlife use of the area (tracks, scat, dens, nests, or evidence of browsing.

Success Standards

Each monitoring report will answer the following questions (success standards):

- Does the wetland establishment site have the hydrology, as demonstrated by observations of monitoring well levels, to support the designed wetland type?
- Is the proposed hydrology met at the site?
- What percentage of the site is meeting projected hydrology levels? Areas that are too wet or too dry should be identified along with suggested corrective measures.
- Does the wetland establishment site have at least 80 percent aerial cover of non-invasive hydrophytes, excluding planned open water areas or planned bare soil areas?
- Are invasive species being controlled so that the aerial cover of invasives is less than 5 percent?
- Does data from the substrate cores show increasing organic carbon content and sediment accumulation over time?

- Are all slopes, soils, substrates and constructed features within and adjacent to the wetland establishment area stabilized?

Monitoring Report Requirements

Each monitoring report will address the following items:

- Dates that work began and ended.
- Description of monitoring inspections since the last report.
- Soils and hydrology data.
- Remedial actions undertaken to meet success standards.
- Status of erosion control measures.
- Visual estimates of total percent cover, and visual estimate of percent cover of invasive species.
- General health and vigor of each of the plant species in the wetland establishment site, with diagnosis of cause(s) of morbidity or mortality.
- Evidence of wildlife use.
- Remedial measures recommended to achieve or maintain success, and improve the extent to which the wetland establishment site replaces the lost functions and values.
- Each monitoring report will include four appendices:
    - A copy of the permit, with mitigation special conditions and mitigation goals.
    - An as-built planting plan showing the location and extent of the designed plant community type (this is required only in the first monitoring report).
    - A species list of volunteer plant species in each community type.
    - Representative photos of the mitigation site, taken from the same location for each monitoring event.

Final Assessment

A final post-construction assessment of the condition of the wetland establishment site will be performed at the end of the monitoring period. The assessment report will be submitted to the USACE and DEP by December 15 of the year the assessment is conducted. This assessment will:

- Summarize the original or modified mitigation goals and discuss the level of attainment of these goals.
- Describe significant problems and solutions during construction and post-construction.

- Identify agency procedures or policies that encumbered implementation of the mitigation plan. The assessment will specifically note procedures or policies that contributed to lower success or effectiveness than anticipated.
- Recommend measures to improve efficiency, reduce cost, or improve effectiveness of similar projects.

The assessment will include the following appendices:

- Summary of the functions and values assessment of the wetland establishment area.
- Calculation of the area of wetlands in the site, accompanied by a scaled drawing showing the wetland boundary and representative transects, with data sheets supporting the delineation.
- Comparison of the area and extent of delineated constructed wetlands with the area and extent of created wetlands proposed in the mitigation plan.
- Photos of the wetland establishment site taken from the same locations as the monitoring photos.

7.2 Land Under Water and Waterbodies

The project will result in the permanent loss of LUWW in two locations along the NBML: NB-23/NB-23 (100 series) and NBS-3. Intermittent streams NB-23 and NBS-3 are channels initially created by the railroad for stormwater conveyance. Channel NBS-3 will be filled and partially piped, as well as partially relocated slightly west of its current location. It will continue to function as a similar stormwater conveyance. Channel NB-23 will be filled as a result of Pig Farm Road grade crossing re-grading. The channel will be relocated slightly south of its current location so that it will continue to function as a similar stormwater conveyance. Both proposed channels will be constructed to meet the existing conditions of the impacted channels, with the exception of the portion of NBS (3) proposed to be piped.

7.3 BLSF

The project will result in the permanent loss of BLSF at two locations (BLSF 1 NB and BLSF 2 NB,) along the New Bedford Main Line in New Bedford. State mitigation replacement ratios for BLSF include a 1:1 ratio of replacement in the form of compensatory flood storage based on volume of fill. The BLSF mitigation design for the project assesses the volume of compensatory flood storage provided on a foot-by-foot basis in comparison to the impacted BLSF. A total of 4,129 cubic feet of flood storage will be lost due to the project. A total of 8,084 cubic feet of flood storage mitigation is proposed to meet state mitigation goals, for a net gain of flood storage volume in all locations and elevations. Table 7-2 provides a breakdown of floodplain mitigation for the project in one-foot increments.

Table 7-2 Summary of Compensatory Floodplain Storage Volume[1]

BLSF ID	Elevation Increment (feet)	Volume Filled (cubic feet)	Volume Mitigated (cubic feet)
BLSF 1 NB	70-71	3,211	6,730
	69-70	210	640
BLSF 2 NB	69-70	708	714
Total BLSF Impacts (cubic feet):		4,129	8,084

1 - Based on 30% design plans dated 04/20/2018

The proposed compensatory flood storage will be located within the wetland mitigation area, described in section 7.1 above. The mitigation area has been designed such that the grading and extraction of volume increase flood storage capacity.

The WPA regulations for BLSF (310 CMR 10.57(4)(a)(3)) specify that, where BLSF is significant to important wildlife habitat functions, the regulations at 310 CMR 10.60(3) apply. These regulations require that alterations of wildlife habitat characteristics beyond thresholds (for BLSF, 5,000 square feet) within the 10-year floodplain be restored onsite or replicated offsite. Permanent impacts to BLSF total 4,129 square feet and will not exceed the threshold of 5,000 square feet. By definition, railroad embankments do not provide important wildlife habitat.

7.4 Riverfront Area

Proposed work on the railroad rights-of-way in New Bedford will result in 47,605 square feet of impacts within the previously disturbed 25-foot RA. No impacts are proposed to undisturbed RA.

The WPA regulations for RA (310 CMR 10.58(4)(d)(1)) do not specify mitigation requirements as part of the general performance standards; however, within the 25-foot RA, any proposed work shall 'not impair the capacity of the riverfront area to provide important wildlife habitat functions'. For work within undeveloped riverfront area which exceeds 5,000 square feet, a wildlife habitat evaluation may be required. Within New Bedford, the permanent impacts to undisturbed RA do not exceed 5,000 square feet. All impacts to RA within the rail corridor lie in previously disturbed RAs that do not provide important wildlife habitat. The proposed activities within RA comply with the performance standards, as detailed in Section 8.6, and do not require mitigation.

8. Performance Standards

This section describes how the project meets the relevant regulatory performance standards under the WPA.

8.1 BVW

The regulations at 310 CMR 10.55(4)(b) establish performance standards for BVW. The project, as described above, fully complies with these standards.

(a) The issuing authority may issue an Order of Conditions permitting work which results in the loss of up to 5,000 square feet of BVW when said area is replaced in accordance with the following general conditions and any additional, specific conditions the issuing authority deems necessary to ensure that the replacement area would function in a manner similar to the area that would be lost;

The project will result in an unavoidable loss of 355 square feet of BVW.

(b) The surface of the replacement area to be created shall be equal to that of the area that will be lost (the DEP has determined that projects requiring a Variance should provide replacement wetland area at a 2:1 ratio);

As described in Section 7.2, a mitigation site will be constructed in New Bedford with a total area of 500 square feet.

(c) The elevation of groundwater relative to the surface of the replacement area shall be approximately equal to that of the lost area;

Groundwater elevations are approximately equal to the lost areas.

(d) The overall horizontal configuration and location of the replacement area with respect to the bank shall be similar to that of the lost area;

The configuration of the replacement areas is similar to the lost areas.

(e) The replacement area shall have an unrestricted hydraulic connection to the same water body or waterway associated with the lost area;

The replacement area will have unrestricted hydraulic connections to Wetland NB-29, which is located within the same watershed as the lost areas.

(f) The replacement area shall be located within the same general area of the water body or reach of the waterway as the lost area;

The replacement area is located within the same watershed as the lost areas.

(g) At least 75 percent of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the replacement area shall be temporarily stabilized to prevent erosion in accordance with standard U.S. Soil Conservation Service methods;

The wetland mitigation site has been designed to restore native wetland plant communities. All exposed soil will be temporarily stabilized to prevent erosion.

(h) The replacement area shall be provided in a manner which is consistent with all other General Performance Standards for each resource area in Part III of 310 CMR 10.00.

The project will meet the performance standards of all other resource areas.

310 CMR 10.55(4)(d) states that "Notwithstanding the provisions of 310 CMR 10.44(4)(a), (b), and (c), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.59.

As described above in Section 4.8, MassDOT has provided a copy of this NOI to the NHESP in accordance with 310 CMR 10.59 and is consulting with NHESP under a separate review process concerning potential effects to habitat of rare species in New Bedford.

8.2 Land Under Water Bodies and Waterways

The proposed project will impact LUWW at two locations: reconstructing a trackside ditch on the New Bedford Main Line at wetland NB-23/NB-23 (100 series), and shifting a trackside ditch at wetland NBS-3. The work at NB-23/NB-23 (100 series) and NBS-3 will fully comply with all performance standards for this resource area. The regulations for LUWW (310 CMR 10.56(4)) list general performance standards which require that work within LUWW not impair any of the following:

(a) The water carrying capacity within the defined channel, which is provided by said land in conjunction with the banks;

The new channels established at NB-23/NB-23 (100 series) and NBS-3 will maintain the water carrying capacity of the existing channel and restore the loss of LUWW. The project will not reduce the width of any of the replaced channels or restrict the ability of the new channels to convey water, so the carrying capacity will not be altered.

(b) Ground and surface water quality;

The conversion of LUWW from a track drainage ditch to a replacement ditch will not alter water chemistry or groundwater or surface water quality. Erosion and sedimentation controls will be in

place during all construction activities in accordance with a written Stormwater Pollution Prevention Plan to protect groundwater and surface water quality.

(c) The capacity of said land to provide breeding habitat, escape cover and food for fisheries; and

The altered LUWW is a trackside ditch within the railroad right-of-way that does not provide fisheries habitat. The characteristics of the channels and water passage through the channels will be unchanged and therefore any potential fisheries values will be unchanged.

(d) The capacity of said land to provide important wildlife habitat functions.

The impacted LUWW does not provide important habitat value. The characteristics of the channel will be unchanged and therefore any potential habitat values will be unchanged.

310 CMR 10.56(4)(c) states that "Nothwithstanding the provisions of 310 CMR 10.56(4)(a) or (b), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.59.

As described above in Section 4.8, MassDOT has provided a copy of this NOI to the NHESP in accordance with 310 CMR 10.59 and is consulting with NHESP under a separate review process concerning potential effects to habitat of rare species in New Bedford.

8.3 BLSF

The Project will comply with all relevant performance standards for BLSF. The regulations for BLSF (310 CMR 10.57(4)(a) specify the requirement for compensatory flood storage.

1. Compensatory storage shall be provided for all flood storage volume that will be lost as the result of a proposed project within BLSF, when in the judgment of the issuing authority said loss will cause an increase or will contribute incrementally to an increase in the horizontal extent and level of flood waters during peak flows.

   Compensatory storage shall mean a volume not previously used for flood storage and shall be incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which will be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Further, with respect to waterways, such compensatory volume shall be provided within the same reach of the river, stream or creek as shown in Attachment A- New Bedford Notice of Intent Plans (Sheets XS-317 to XS-320 and XS-322 to XS-323).

   Compensatory flood storage will exceed the required replacement ratio of 1:1 for all flood storage volume that will be lost as the result of the project.

2. Work within BLSF, including that work required to provide the above-specified compensatory storage, shall not restrict flows so as to cause an increase in flood stage or velocity.

By exceeding the required volume of compensatory flood storage, the project will avoid any flow restrictions that may cause greater flood stage or velocity. No work within BLSF is in a location that would restrict flood flows – all alterations are at the upper limits of the broad floodplain.

3. Work in those portions of BLSF found to be significant to the protection of wildlife habitat shall not impair its capacity to provide important wildlife habitat functions.

   Impacted BLSF in New Bedford is contained within the NBML railroad embankment and therefore does not provide important wildlife habitat. No assessment of wildlife habitat function is required.

310 CMR 10.57(4)(c) states that "Notwithstanding the provisions of 310 CMR 10.57(4)(a) or (b), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.59.

As described above in Section 4.8, MassDOT has provided a copy of this NOI to the NHESP in accordance with 310 CMR 10.59 and is consulting with NHESP under a separate review process concerning potential effects to habitat of rare species in New Bedford.

8.4 ILSF

The proposed project will not require work within ILSF in New Bedford.

8.5 Riverfront Area

The project contains redevelopment of existing rail in previously disturbed RA. Therefore, the performance standards within previously developed RA apply to the project.

The performance standard for redevelopment within previously developed RA (310 CMR 10.58(5)) applies to the previously disturbed areas of the proposed project. These standards require that the applicant prove that the proposed project will result in an improvement over existing conditions and that the work, including proposed restoration or mitigation, will have no significant adverse impact on the RA. This standard includes:

(a) At a minimum, proposed work shall result in an improvement over existing conditions of the capacity of the riverfront area to protect the interests identified in M.G.L. c. 131, § 40.

The project will improve existing track conditions including improvements to drainage and stormwater treatment within the RA.

(b) Stormwater management is provided according to standards established by the Department.

The proposed project meets stormwater management standards established by the Department, as described in detail in the Stormwater Management Report provided as Attachment D.

(c) Within 200 foot riverfront areas, proposed work shall not be located closer to the river than existing conditions or 100 feet, whichever is less.

The project work within previously degraded RA will remain within the existing footprint. No work is proposed within undeveloped RA.

(d) Proposed work, including expansion of existing structures, shall be located outside the riverfront area or toward the riverfront area boundary and away from the river, except in accordance with 310 CMR 10.58(5)(f) or (g).

The project work within previously degraded RA will remain within the existing footprint. Proposed work within undeveloped RA is addressed in the performance standards for undeveloped RA, as listed above.

(e) The area of proposed work shall not exceed the amount of degraded area, provided that the proposed work may alter up to 10% if the degraded area is less than 10% of the riverfront area except in accordance with 310 CMR 10.58(5)(f) or (g).

The project work within previously degraded RA will not exceed the amount of currently degraded area.

(f) When an applicant proposes restoration on-site of degraded riverfront area, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), and (e) at a ratio in square feet of at least 1:1 of restored area to area of alteration not conforming to the criteria.

The project will not propose restoration of existing degraded RA, as this area is entirely an active railroad right-of-way.

(g) When an applicant proposes mitigation either on-site or in the riverfront area within the same general area of the river basin, alteration may be allowed notwithstanding the criteria of 310 CMR 10.58(5)(c), (d), and (e) at a ratio in square feet of at least 2:1 of mitigation area to area of alteration not conforming to the criteria or an equivalent level of environmental protection where square footage is not a relevant measure.

The project will not propose mitigation within New Bedford in the RA.

(h) The issuing authority shall include a continuing condition in the Certificate of Compliance for projects under 310 CMR 10.58(5)(f) or (g) prohibiting further alteration within the restoration or mitigation area, except as may be required to maintain the area in its restored or mitigated condition.

The project will not propose mitigation within New Bedford in the RA.

Attachment A - Plans

Attachment B - Wildlife Habitat Assessments

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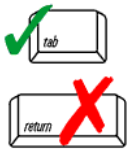
Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands program

Wildlife Habitat Protection Guidance

Appendix A: Simplified Wildlife Habitat Evaluation

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.



BVW NB23 - located between south of Pig Farm Road; New Bedford Main Line, New Bedford, MA.
Project Location (from NOI)

Jay Quattrocchi — Name of Person Completing Form

02/10/2016 — Date

Important Habitat Features

Direct alterations to the following important habitat features in resource areas may be permitted only if they will have no adverse effect (refer to Section V).

- ☐ Habitat for state-listed animal species (receipt of a positive opinion or permit from MNHESP shall be presumed to be correct. Do not refer to Section V).
- ☐ Sphagnum hummocks and pools suitable to serve as nesting habitat for four-toed salamanders
- ☐ Trees with large cavities (≥18" tree diameter at cavity entrance)
- ☐ Existing beaver, mink or otter dens
- ☐ Areas within 100 feet of existing beaver, mink or otter dens (if significant disturbance)
- ☐ Existing nest trees for birds that traditionally reuse nests (bald eagle, osprey, great blue heron)
- ☐ Land containing freshwater mussel beds
- ☐ Wetlands and waterbodies known to contain open water in winter with the capacity to serve as waterfowl winter habitat
- ☐ Turtle nesting areas
- ☐ Vertical sandy banks (bank swallows, rough-winged swallows or kingfishers)

The following habitat characteristics when not commonly encountered in the surrounding area:

- ☐ Stream bed riffle zones (e.g. in eastern MA)
- ☐ Springs
- ☐ Gravel stream bottoms (trout and salmon nesting substrate)
- ☐ Plunge pools (deep holes) in rivers or streams
- ☐ Medium to large, flat rock substrates in streams

Wildlife Habitat Protection Guidance

Appendix A: Simplified Wildlife Habitat Evaluation

Activities

When any one of the following activities is proposed within resource areas, applicants should complete a Detailed Wildlife Habitat Evaluation (refer to Appendix B).

- ☐ Activities located in mapped "Habitat of Potential Regional or Statewide Importance"
- ☐ Activities affecting certified or documented vernal pool habitat, including habitat within 100' of a certified or documented vernal pool when within a resource area
- ☐ Activities in bank, land under water, bordering land subject to flooding (presumed significant) where alterations are more than twice the size of thresholds
- ☐ Activities affecting vegetated wetlands >5000 sq. ft. occurring in resource areas other than Bordering Vegetated Wetland
- ☐ Activities affecting the sole connector between habitats >50 acres in size
- ☐ Installation of structures that prevent animal movement
- ☐ Activities for the purpose of bank stabilization using hard structure solutions that significantly affect ability of stream channel to shift and meander, or disrupt continuity in cover that would inhibit animal passage
- ☐ Dredging (greater than 5,000 sf)

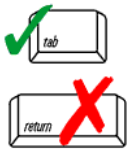
Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands program

Wildlife Habitat Protection Guidance

Appendix A: Simplified Wildlife Habitat Evaluation

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.



BVW NB23 - located between south of Pig Farm Road; New Bedford Main Line, New Bedford, MA.
Project Location (from NOI)

Jay Quattrocchi — Name of Person Completing Form

02/10/2016 — Date

Important Habitat Features

Direct alterations to the following important habitat features in resource areas may be permitted only if they will have no adverse effect (refer to Section V).

- ☐ Habitat for state-listed animal species (receipt of a positive opinion or permit from MNHESP shall be presumed to be correct. Do not refer to Section V).
- ☐ Sphagnum hummocks and pools suitable to serve as nesting habitat for four-toed salamanders
- ☐ Trees with large cavities (≥18" tree diameter at cavity entrance)
- ☐ Existing beaver, mink or otter dens
- ☐ Areas within 100 feet of existing beaver, mink or otter dens (if significant disturbance)
- ☐ Existing nest trees for birds that traditionally reuse nests (bald eagle, osprey, great blue heron)
- ☐ Land containing freshwater mussel beds
- ☐ Wetlands and waterbodies known to contain open water in winter with the capacity to serve as waterfowl winter habitat
- ☐ Turtle nesting areas
- ☐ Vertical sandy banks (bank swallows, rough-winged swallows or kingfishers)

The following habitat characteristics when not commonly encountered in the surrounding area:

- ☐ Stream bed riffle zones (e.g. in eastern MA)
- ☐ Springs
- ☐ Gravel stream bottoms (trout and salmon nesting substrate)
- ☐ Plunge pools (deep holes) in rivers or streams
- ☐ Medium to large, flat rock substrates in streams

Wildlife Habitat Protection Guidance

Appendix A: Simplified Wildlife Habitat Evaluation

Activities

When any one of the following activities is proposed within resource areas, applicants should complete a Detailed Wildlife Habitat Evaluation (refer to Appendix B).

- ☐ Activities located in mapped "Habitat of Potential Regional or Statewide Importance"
- ☐ Activities affecting certified or documented vernal pool habitat, including habitat within 100' of a certified or documented vernal pool when within a resource area
- ☐ Activities in bank, land under water, bordering land subject to flooding (presumed significant) where alterations are more than twice the size of thresholds
- ☐ Activities affecting vegetated wetlands >5000 sq. ft. occurring in resource areas other than Bordering Vegetated Wetland
- ☐ Activities affecting the sole connector between habitats >50 acres in size
- ☐ Installation of structures that prevent animal movement
- ☐ Activities for the purpose of bank stabilization using hard structure solutions that significantly affect ability of stream channel to shift and meander, or disrupt continuity in cover that would inhibit animal passage
- ☐ Dredging (greater than 5,000 sf)

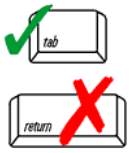
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands Program

Wildlife Habitat Protection Guidance

Appendix B: Detailed Wildlife Habitat Evaluation

Part 1. Summary Sheet

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



South Coast Rail Project (MBTA)

Project Name

NB-23; South of Pig Farm Road; New Bedford Main Line, New Bedford, MA;

Location

2,413 linear feet — Size of Area Being Impacted

02/10/2016 — Date

Impact Areas (linear feet, square feet, or acres for each of the impact areas within the site)

Name	Waterbody/ Waterway	Wetland	Upland*	Total Area
1. NB-23 - Bank				2,413 LF
2.				
3.				
4.				
5.				
6.				
7.				

*Riverfront Area/BLSF

Attach Sketch map and/or photos of the Impact Areas

Narrative Description of Site (attach separate page if necessary)

The impacted resource area is Bank of an intermittent drainage ditch. The resource area runs parallel to tracks along the western side of the railroad right-of-way. The Banks are bounded by track ballast to the east and an elevated berm (approximately 6 feet high) to the west. Banks are vegetated - primarily dominated by herbaceous and shrubby vegetation. Considerable debris (tires, bricks, and wood) was observed on the Banks and within the ditch. There were over 100 discarded tires noted during the site visit.

No notable habitat features were noted.

Certification

I hereby certify that this project has been designed to avoid, minimize, and mitigate adverse effects on wildlife habitat, and that it will not, following two growing seasons of project completion and thereafter, substantially reduce its capacity to provide important wildlife habitat functions.

Signature of Wildlife Specialist (per 310 CMR 10.60 (1) (b))

Typed or Printed Name

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

Wildlife Habitat Protection Guidance

Appendix B: Detailed Wildlife Habitat Evaluation

Part 2. Field Data Form (for each wetland or non-wetland resource area)

I. General Information

New Bedford Main Line, Lakeville, MA
Project Location (from NOI page 1)

Bank NB-23
Impact Area (number/name)

10/04/2106
Date(s) of Site Visit(s) and Data Collection

Sunny - mid-60s
Weather Conditions During Site Visit (if snow cover, include depth)

Jay Quattrocchi | 11/01/2016
Person completing form per 310 CMR 10.60(1)(b) | Date this form was completed

The information on this data sheet is based on my observations unless otherwise indicated

Signature

II. Site Description (complete A or B under Classification - see instructions for full description)

A. Classification

1. For Wetland Resource Areas, complete the following:

System: _____ Subsystem: _____

Class: _____ Subclass: _____

Hydrology/Water Regime

- ☐ Permanently flooded
- ☐ Saturated
- ☐ Intermittently exposed
- ☐ Temporarily flooded
- ☐ Semi-permanently flooded
- ☐ Intermittently flooded
- ☐ Seasonally flooded
- ☐ Artificially flooded

2. For Riverfront or Bordering Land Subject to Flooding Resource Areas, complete the following. Use a terrestrial classification system such as one of the two listed below:
   a. "Classification of the Natural Communities of Massachusetts (Draft)" by Patricia C. Swain and Jennifer B. Kearsley, MA DFW NHESP, Westborough, MA. July 2000. (Department of Fish & Game Website)
   b. "New England Wildlife: Habitat, Natural History, and Distribution" by Richard M. DeGraaf and Deborah D. Rudis, USDA Forest Service, Northeastern Forest Experiment Station. General Technical Report NE-108. August 1992. 491 pages.

Community Name

Vegetation Description

Physical Description

Wildlife Habitat Protection Guidance

Appendix B: Detailed Wildlife Habitat Evaluation

Part 2. Field Data Form (continued)

B. Inventory (Plant community)

% Cover:	Trees (> 20')	Shrubs (< 20')	Woody vines	Mosses	Herbaceous
		20.5			63

Plant Lists (species that comprise 10% or more of the vegetative cover in each strata; "*" designates a dominant plant species for the strata):

Strata	Plant Species	Strata	Plant Species
Shrub	Acer rubrum	Herbaceous	Erechtites hieracifolia
Shrub	Quercus rubra		
Herbaceous	Clethora alnifolia		
Herbaceous	Solidago rugosa		
Herbaceous	Phragmites australis		
Herbaceous	Scirpus cyperinus		

C. Inventory (Soils)

Whitman fine sandy loam	very poorly drained
Soil Survey Unit	Drainage Class
Fine sandy loam	
Texture (upper part)	Depth
0-6"	
Depth to Water Table	

III. Important Habitat Features (complete for all resource areas)

If the following habitat characteristics are present, describe & quantify them on a separate sheet & attach.

Wildlife Food

Important Wetland/Aquatic Food Plants (smartweeds, pondweeds, wild rice, bulrush, wild celery)

☐ Abundant ☐ Present ☒ Absent

Important Upland/Wetland Food Plants (hard mast and fruit/berry producers)

☐ Abundant ☐ Present ☒ Absent

Shrub thickets or streambeds with abundant earthworms (American woodcock)

☐ Present ☒ Absent

Shrub and/or herbaceous vegetation suitable for veery nesting

☐ Present ☒ Absent

Wildlife Habitat Protection Guidance

Appendix B: Detailed Wildlife Habitat Evaluation

Part 2. Field Data Form (continued)

Number of trees (live or dead) > 30" DBH: 0

Number (or density) of Standing Dead Trees (potential for cavities and perches):

6-12" dbh	12-18" dbh	18-24" dbh	> 24" dbh
0	0	0	0

Number of Tree Cavities in trunks or limbs of:

0
6-12" diameter (e.g., tree swallow, saw whet owl, screech owl, bluebird, other songbirds)

0
12-18" diameter (e.g., hooded merganser, wood duck, common goldeneye, mink)

0
>18" diameter (e.g., hooded merganser, wood duck, common goldeneye, common merganser, barred owl, mink, raccoon, fisher)

Small mammal burrows

☐ Abundant ☐ Present ☒ Absent

Cover/Perches/Basking/Denning/Nesting Habitat

☐ Dense herbaceous cover (voles, small mammals, amphibians & reptiles)

☐ Large woody debris on the ground (small mammals, mink, amphibians & reptiles)

☐ Rocks, crevices, logs, tree roots or hummocks under water's surface (turtles, snakes, frogs)

☐ Rocks, crevices, fallen logs, overhanging branches or hummocks at, or within 1m above the water's surface (turtles, snakes, frogs, wading birds, wood duck, mink, raccoon)

☐ Rock piles, crevices, or hollow logs suitable for:

☐ otter ☐ mink ☐ porcupine ☐ bear ☐ bobcat ☐ turkey vulture

☐ Live or dead standing vegetation overhanging water or offering good visibility of open water (e.g., osprey, kingfisher, flycatchers, cedar waxwings)

Depressions that may serve as seasonal (vernal/autumnal) pools

☐ Present ☒ Absent

Standing water present at least part of the growing season, suitable for use by

☐ Breeding amphibians ☐ Non-breeding amphibians (foraging, re-hydration)

☐ Turtles ☐ Foraging waterfowl

Sphagnum hummucks or mats, moss-covered logs or saturated logs, overhanging or directly adjacent to pools of standing water in spring (four-toed salamander)

☐ Present ☒ Absent

Wildlife Habitat Protection Guidance

Appendix B: Detailed Wildlife Habitat Evaluation

Part 2. Field Data Form (continued)

Important habitat characteristics (if present, describe and quantify them on a separate sheet)

Medium to large (> 6"), flat rocks within a stream (cover for stream salamanders and nesting habitat for spring & two-lined salamanders)

☐ Present ■ Absent

Flat rocks and logs on banks or within exposed portions of streambeds (cover for stream salamanders and nesting habitat for dusky salamanders)

☐ Present ■ Absent

Underwater banks of fine silt and/or clay (beaver, muskrat, otter)

☐ Present ■ Absent

Undercut or overhanging banks (small mammals, mink, weasels)

☐ Present ■ Absent

Vertical sandy banks (bank swallow, kingfisher)

☐ Present ■ Absent

Areas of ice-free open water in winter

☐ Present ■ Absent

Mud flats

☐ Present ■ Absent

Exposed areas of well-drained, sandy soil suitable for turtle nesting

☐ Present ■ Absent

Wildlife dens/nests (if present, describe & quantify them on the back of this sheet)

Turtle nesting sites

☐ Present ■ Absent

Bank swallow colony

☐ Present ■ Absent

Nest(s) present of ☐ Bald Eagle ☐ Osprey ☐ Great Blue Heron

Den(s) present of ☐ Otter ☐ Mink ☐ Beaver

Part 2. Field Data Form (continued)

Project area is within:

☐ 100' of beaver, mink or otter den, bank swallow colony or turtle nesting area

☐ 200' of Great Blue Heron or osprey nest(s)

☐ 1400' of a Bald Eagle nest[1]

Emergent Wetlands (if present, describe & quantify them on a separate sheet)

Emergent wetland vegetation at least seasonally flooded during the growing season (wood duck, green heron, black-crowned night heron, king rail, Virginia rail, coot, etc.)

Flooded > 5 cm	☐ Present	■ Absent
Flooded > 25 cm (pied-billed grebe)	☐ Present	■ Absent

Persistent emergent wetland vegetation at least seasonally flooded during the growing season (mallard, American bittern, sora, common snipe, red-winged blackbird, swamp sparrow, marsh wren)

Flooded > 5 cm	☐ Present	■ Absent
Flooded > 25 cm (least bittern, common moorhen)	☐ Present	■ Absent

Cattail emergent wetland vegetation at least seasonally flooded during the growing season

Flooded > 5 cm (marsh wren)	☐ Present	■ Absent
Flooded > 25 cm (least bittern, common moorhen)	☐ Present	■ Absent

Fine-leafed emergent vegetation (grasses and sedges) at least seasonally flooded during the growing season (common snipe, spotted sandpiper, sedge wren)

Flooded > 5 cm	☐ Present	■ Absent
Flooded > 25 cm (least bittern, common moorhen)	☐ Present	■ Absent

IV. Landscape Context

A. **Habitat Continuity** (if present, describe the landscape context on a separate sheet and its importance for area-sensitive species)

Is the impact area part of an emergent marsh at least	1.0 acre in size?	☐ Yes	■ No
(marsh and waterbirds)	2.0 acres in size?	☐ Yes	■ No
	5.0 acres in size?	☐ Yes	■ No
	10.0 acres in size?	☐ Yes	■ No

[1] 1400 feet is the distance used by NHESP for evaluating potential disturbance impacts on eagle nests under MESA. Keep in mind, however, that this doesn't give jurisdiction within 1400' of an eagle's nest; it only identifies it on the checklist so that adverse effects can be avoided if work in a resource area is within 1400 feet.

Wildlife Habitat Protection Guidance

Appendix B: Detailed Wildlife Habitat Evaluation

Part 2. Field Data Form (continued)

Is the impact area part of a wetland complex at least	2.5 acres in size?	☐ Yes	■ No
(turtles, frogs, waterfowl, mammals)	5.0 acres in size?	☐ Yes	■ No
	10.0 acres in size?	☐ Yes	■ No
	25.0 acres in size?	☐ Yes	■ No
For upland resource areas is the impact area part of contiguous forested habitat at least			
(forest interior nesting birds)	50 acres in size?	☐ Yes	■ No
	100 acres in size?	☐ Yes	■ No
	250 acres in size?	☐ Yes	■ No
	500 acres in size?	☐ Yes	■ No
(grassland nesting birds)	> 1.0 acre in size?	☐ Yes	■ No
(special habitat such as gallery floodplain forest, alder thicket, etc.)	> 1.0 acre in size?	☐ Yes	■ No

B. **Connectivity with adjoining natural habitats**

- ☐ No direct connections to adjacent areas of wildlife habitat (little connectivity function)
- ■ Connectors numerous or impact area is embedded in a large area of natural habitat (limited connectivity function)
- ☐ Impact area contributes to a limited number of connectors to adjacent areas of habitat (somewhat important for connectivity function)
- ☐ Impact area serves as *part of* a sole connector to adjacent areas of habitat (important for connectivity function)
- ☐ Impact area serves as *only* connector to adjacent areas of habitat (very important for connectivity function)

V. Habitat Degradation (describe degradation and wildlife impacts on the back of the sheet)

- ☐ Evidence of significant chemical contamination
- ■ Evidence of significant levels of dumping see following page for descritpion
- ☐ Evidence of significant erosion or sedimentation problems
- ☐ Significant invasion of exotic plants (e.g., purple loosestrife, *Phragmites*, glossy buckthorn)
- ☐ Disturbance from roads or highways ☐ Other human disturbance
- ☐ Is the site the only resource area in the vicinity of an otherwise developed area

Note: These are not the only important habitat features that may be observed on a site. If the wildlife specialist identifies other features they should be noted in the application.

Wildlife Habitat Protection Guidance

Appendix B: Detailed Wildlife Habitat Evaluation

Part 2. Field Data Form (continued)

VI. Quantification Table for Important Habitat Characteristics

Habitat Characteristic	Amount Impacted in Impact Area	Current (entire site)	Post-Construction (entire site)
No important habitat characteristics			

Evidence of significant levels of dumping -

Considerable debris (tires, bricks, and wood) was noted on the Banks and within the ditch. Over 100 tires (of various sizes) were noted during the inspection.

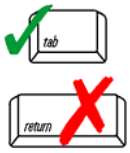
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands Program

Wildlife Habitat Protection Guidance

Appendix B: Detailed Wildlife Habitat Evaluation

Part 1. Summary Sheet

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



South Coast Rail Project (MBTA)

Project Name

NB-23; South of Pig Farm Road; New Bedford Main Line, New Bedford, MA;

Location

2,413 linear feet — Size of Area Being Impacted

02/10/2016 — Date

Impact Areas (linear feet, square feet, or acres for each of the impact areas within the site)

Name	Waterbody/ Waterway	Wetland	Upland*	Total Area
1. NB-23 - Bank				2,413 LF
2.				
3.				
4.				
5.				
6.				
7.				

*Riverfront Area/BLSF

Attach Sketch map and/or photos of the Impact Areas

Narrative Description of Site (attach separate page if necessary)

The impacted resource area is Bank of an intermittent drainage ditch. The resource area runs parallel to tracks along the western side of the railroad right-of-way. The Banks are bounded by track ballast to the east and an elevated berm (approximately 6 feet high) to the west. Banks are vegetated - primarily dominated by herbaceous and shrubby vegetation. Considerable debris (tires, bricks, and wood) was observed on the Banks and within the ditch. There were over 100 discarded tires noted during the site visit.

No notable habitat features were noted.

Certification

I hereby certify that this project has been designed to avoid, minimize, and mitigate adverse effects on wildlife habitat, and that it will not, following two growing seasons of project completion and thereafter, substantially reduce its capacity to provide important wildlife habitat functions.

Signature of Wildlife Specialist (per 310 CMR 10.60 (1) (b))

Typed or Printed Name

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

Wildlife Habitat Protection Guidance

Appendix B: Detailed Wildlife Habitat Evaluation

Part 2. Field Data Form (for each wetland or non-wetland resource area)

I. General Information

New Bedford Main Line, Lakeville, MA
Project Location (from NOI page 1)

Bank NB-23
Impact Area (number/name)

10/04/2106
Date(s) of Site Visit(s) and Data Collection

Sunny - mid-60s
Weather Conditions During Site Visit (if snow cover, include depth)

Jay Quattrocchi — Person completing form per 310 CMR 10.60(1)(b)

11/01/2016 — Date this form was completed

The information on this data sheet is based on my observations unless otherwise indicated

Signature

II. Site Description (complete A or B under Classification - see instructions for full description)

A. Classification

1. For Wetland Resource Areas, complete the following:

System: _____ Subsystem: _____

Class: _____ Subclass: _____

Hydrology/Water Regime

- ☐ Permanently flooded
- ☐ Saturated
- ☐ Intermittently exposed
- ☐ Temporarily flooded
- ☐ Semi-permanently flooded
- ☐ Intermittently flooded
- ☐ Seasonally flooded
- ☐ Artificially flooded

2. For Riverfront or Bordering Land Subject to Flooding Resource Areas, complete the following. Use a terrestrial classification system such as one of the two listed below:
   a. "Classification of the Natural Communities of Massachusetts (Draft)" by Patricia C. Swain and Jennifer B. Kearsley, MA DFW NHESP, Westborough, MA. July 2000. (Department of Fish & Game Website)
   b. "New England Wildlife: Habitat, Natural History, and Distribution" by Richard M. DeGraaf and Deborah D. Rudis, USDA Forest Service, Northeastern Forest Experiment Station. General Technical Report NE-108. August 1992. 491 pages.

Community Name

Vegetation Description

Physical Description

Wildlife Habitat Protection Guidance

Appendix B: Detailed Wildlife Habitat Evaluation

Part 2. Field Data Form (continued)

B. Inventory (Plant community)

% Cover:	Trees (> 20')	Shrubs (< 20')	Woody vines	Mosses	Herbaceous
		20.5			63

Plant Lists (species that comprise 10% or more of the vegetative cover in each strata; "*" designates a dominant plant species for the strata):

Strata	Plant Species	Strata	Plant Species
Shrub	Acer rubrum	Herbaceous	Erechtites hieracifolia
Shrub	Quercus rubra		
Herbaceous	Clethora alnifolia		
Herbaceous	Solidago rugosa		
Herbaceous	Phragmites australis		
Herbaceous	Scirpus cyperinus		

C. Inventory (Soils)

Whitman fine sandy loam	very poorly drained
Soil Survey Unit	Drainage Class
Fine sandy loam	
Texture (upper part)	Depth
0-6"	
Depth to Water Table	

III. Important Habitat Features (complete for all resource areas)

If the following habitat characteristics are present, describe & quantify them on a separate sheet & attach.

Wildlife Food

Important Wetland/Aquatic Food Plants (smartweeds, pondweeds, wild rice, bulrush, wild celery)

☐ Abundant ☐ Present ☒ Absent

Important Upland/Wetland Food Plants (hard mast and fruit/berry producers)

☐ Abundant ☐ Present ☒ Absent

Shrub thickets or streambeds with abundant earthworms (American woodcock)

☐ Present ☒ Absent

Shrub and/or herbaceous vegetation suitable for veery nesting

☐ Present ☒ Absent

Wildlife Habitat Protection Guidance

Appendix B: Detailed Wildlife Habitat Evaluation

Part 2. Field Data Form (continued)

Number of trees (live or dead) > 30" DBH: 0

Number (or density) of Standing Dead Trees (potential for cavities and perches):

6-12" dbh	12-18" dbh	18-24" dbh	> 24" dbh
0	0	0	0

Number of Tree Cavities in trunks or limbs of:

0
6-12" diameter (e.g., tree swallow, saw whet owl, screech owl, bluebird, other songbirds)

0
12-18" diameter (e.g., hooded merganser, wood duck, common goldeneye, mink)

0
>18" diameter (e.g., hooded merganser, wood duck, common goldeneye, common merganser, barred owl, mink, raccoon, fisher)

Small mammal burrows

☐ Abundant ☐ Present ☒ Absent

Cover/Perches/Basking/Denning/Nesting Habitat

☐ Dense herbaceous cover (voles, small mammals, amphibians & reptiles)

☐ Large woody debris on the ground (small mammals, mink, amphibians & reptiles)

☐ Rocks, crevices, logs, tree roots or hummocks under water's surface (turtles, snakes, frogs)

☐ Rocks, crevices, fallen logs, overhanging branches or hummocks at, or within 1m above the water's surface (turtles, snakes, frogs, wading birds, wood duck, mink, raccoon)

☐ Rock piles, crevices, or hollow logs suitable for:

☐ otter ☐ mink ☐ porcupine ☐ bear ☐ bobcat ☐ turkey vulture

☐ Live or dead standing vegetation overhanging water or offering good visibility of open water (e.g., osprey, kingfisher, flycatchers, cedar waxwings)

Depressions that may serve as seasonal (vernal/autumnal) pools

☐ Present ☒ Absent

Standing water present at least part of the growing season, suitable for use by

☐ Breeding amphibians ☐ Non-breeding amphibians (foraging, re-hydration)

☐ Turtles ☐ Foraging waterfowl

Sphagnum hummucks or mats, moss-covered logs or saturated logs, overhanging or directly adjacent to pools of standing water in spring (four-toed salamander)

☐ Present ☒ Absent

Wildlife Habitat Protection Guidance

Appendix B: Detailed Wildlife Habitat Evaluation

Part 2. Field Data Form (continued)

Important habitat characteristics (if present, describe and quantify them on a separate sheet)

Medium to large (> 6"), flat rocks within a stream (cover for stream salamanders and nesting habitat for spring & two-lined salamanders)

☐ Present ☒ Absent

Flat rocks and logs on banks or within exposed portions of streambeds (cover for stream salamanders and nesting habitat for dusky salamanders)

☐ Present ☒ Absent

Underwater banks of fine silt and/or clay (beaver, muskrat, otter)

☐ Present ☒ Absent

Undercut or overhanging banks (small mammals, mink, weasels)

☐ Present ☒ Absent

Vertical sandy banks (bank swallow, kingfisher)

☐ Present ☒ Absent

Areas of ice-free open water in winter

☐ Present ☒ Absent

Mud flats

☐ Present ☒ Absent

Exposed areas of well-drained, sandy soil suitable for turtle nesting

☐ Present ☒ Absent

Wildlife dens/nests (if present, describe & quantify them on the back of this sheet)

Turtle nesting sites

☐ Present ☒ Absent

Bank swallow colony

☐ Present ☒ Absent

Nest(s) present of ☐ Bald Eagle ☐ Osprey ☐ Great Blue Heron

Den(s) present of ☐ Otter ☐ Mink ☐ Beaver

Part 2. Field Data Form (continued)

Project area is within:

☐ 100' of beaver, mink or otter den, bank swallow colony or turtle nesting area

☐ 200' of Great Blue Heron or osprey nest(s)

☐ 1400' of a Bald Eagle nest[1]

Emergent Wetlands (if present, describe & quantify them on a separate sheet)

Emergent wetland vegetation at least seasonally flooded during the growing season (wood duck, green heron, black-crowned night heron, king rail, Virginia rail, coot, etc.)

Flooded > 5 cm	☐ Present	■ Absent
Flooded > 25 cm (pied-billed grebe)	☐ Present	■ Absent

Persistent emergent wetland vegetation at least seasonally flooded during the growing season (mallard, American bittern, sora, common snipe, red-winged blackbird, swamp sparrow, marsh wren)

Flooded > 5 cm	☐ Present	■ Absent
Flooded > 25 cm (least bittern, common moorhen)	☐ Present	■ Absent

Cattail emergent wetland vegetation at least seasonally flooded during the growing season

Flooded > 5 cm (marsh wren)	☐ Present	■ Absent
Flooded > 25 cm (least bittern, common moorhen)	☐ Present	■ Absent

Fine-leafed emergent vegetation (grasses and sedges) at least seasonally flooded during the growing season (common snipe, spotted sandpiper, sedge wren)

Flooded > 5 cm	☐ Present	■ Absent
Flooded > 25 cm (least bittern, common moorhen)	☐ Present	■ Absent

IV. Landscape Context

A. **Habitat Continuity** (if present, describe the landscape context on a separate sheet and its importance for area-sensitive species)

Is the impact area part of an emergent marsh at least	1.0 acre in size?	☐ Yes	☐ No
(marsh and waterbirds)	2.0 acres in size?	☐ Yes	☐ No
	5.0 acres in size?	☐ Yes	☐ No
	10.0 acres in size?	☐ Yes	☐ No

[1] 1400 feet is the distance used by NHESP for evaluating potential disturbance impacts on eagle nests under MESA. Keep in mind, however, that this doesn't give jurisdiction within 1400' of an eagle's nest; it only identifies it on the checklist so that adverse effects can be avoided if work in a resource area is within 1400 feet.

Wildlife Habitat Protection Guidance

Appendix B: Detailed Wildlife Habitat Evaluation

Part 2. Field Data Form (continued)

Is the impact area part of a wetland complex at least	2.5 acres in size?	☐ Yes	☐ No
(turtles, frogs, waterfowl, mammals)	5.0 acres in size?	☐ Yes	☐ No
	10.0 acres in size?	☐ Yes	☐ No
	25.0 acres in size?	☐ Yes	☐ No

For upland resource areas is the impact area part of contiguous forested habitat at least

(forest interior nesting birds)	50 acres in size?	☐ Yes	☐ No
	100 acres in size?	☐ Yes	☐ No
	250 acres in size?	☐ Yes	☐ No
	500 acres in size?	☐ Yes	☐ No
(grassland nesting birds)	> 1.0 acre in size?	☐ Yes	☐ No
(special habitat such as gallery floodplain forest, alder thicket, etc.)	> 1.0 acre in size?	☐ Yes	☐ No

B. **Connectivity with adjoining natural habitats**

- ☐ No direct connections to adjacent areas of wildlife habitat (little connectivity function)
- ☒ Connectors numerous or impact area is embedded in a large area of natural habitat (limited connectivity function)
- ☐ Impact area contributes to a limited number of connectors to adjacent areas of habitat (somewhat important for connectivity function)
- ☐ Impact area serves as *part of* a sole connector to adjacent areas of habitat (important for connectivity function)
- ☐ Impact area serves as *only* connector to adjacent areas of habitat (very important for connectivity function)

V. Habitat Degradation (describe degradation and wildlife impacts on the back of the sheet)

- ☐ Evidence of significant chemical contamination
- ☒ Evidence of significant levels of dumping
- ☐ Evidence of significant erosion or sedimentation problems
- ☐ Significant invasion of exotic plants (e.g., purple loosestrife, *Phragmites*, glossy buckthorn)
- ☐ Disturbance from roads or highways ☐ Other human disturbance
- ☐ Is the site the only resource area in the vicinity of an otherwise developed area

Note: These are not the only important habitat features that may be observed on a site. If the wildlife specialist identifies other features they should be noted in the application.

Wildlife Habitat Protection Guidance

Appendix B: Detailed Wildlife Habitat Evaluation

Part 2. Field Data Form (continued)

VI. Quantification Table for Important Habitat Characteristics

Habitat Characteristic	Amount Impacted in Impact Area	Current (entire site)	Post-Construction (entire site)
No important habitat characteristics			

Attachment C - Representative Photos

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PHOTOGRAPHIC LOG

Client Name:	Site Location:	Project No.
MBTA	South Coast Rail – New Bedford, MA	12815.02

Photo No.	Date:
1	11/16/15

Direction Photo Taken:
North

Description:
View of track north of Samuel Barnet Blvd crossing

Photo No.	Date:
2	11/16/15

Direction Photo Taken:
North

Description:
View of Samuel Barnet Blvd crossing

PHOTOGRAPHIC LOG

Client Name:	Site Location:	Project No.
MBTA	South Coast Rail – New Bedford, MA	12815.02

Photo No.	Date:
2	11/16/15

Direction Photo Taken:
South

Description:
View of track at Pig Farm Road

Photo No.	Date:
3	11/16/15

Direction Photo Taken:
North

Description:
View of track beneath Route 140 overpass

PHOTOGRAPHIC LOG

Client Name:	Site Location:	Project No.
MBTA	South Coast Rail – New Bedford, MA	12815.02

Photo No.	Date:
4	11/16/15

Direction Photo Taken:
South

Description:
View of track crossing at Tarkiln Hill Road

Photo No.	Date:
5	11/16/15

Direction Photo Taken:
North

Description:
View of track at Tarkiln Hill Road

PHOTOGRAPHIC LOG		
Client Name: MBTA	**Site Location:** South Coast Rail – New Bedford, MA	**Project No.** 12815.02

Photo No.	**Date:**
6	08/06/11

Direction Photo Taken:
South

Description:
View of wetland area adjacent to tracks near Kings Highway

Photo No.	**Date:**
7	12/2/08

Direction Photo Taken:
North

Description:
View from alignment near Kings Highway

PHOTOGRAPHIC LOG		
Client Name: MBTA	**Site Location:** South Coast Rail – New Bedford, MA	**Project No.** 12815.02

Photo No.	**Date:**
8	4/21/10

Direction Photo Taken:
East

Description:
View of NBS drainage ditch

Photo No.	**Date:**
9	4/21/10

Direction Photo Taken:
North

Description:
View of NBS drainage ditch

PHOTOGRAPHIC LOG		
Client Name: MBTA	**Site Location:** South Coast Rail – New Bedford, MA	**Project No.** 12815.02

Photo No.	**Date:**
10	04/17/14

Direction Photo Taken:
Southeast

Description:
Certified Vernal Pool 2647

Photo No.	**Date:**
11	04/17/14

Direction Photo Taken:
Northeast

Description:
Certified Vernal Pool 2647

Attachment D - Stormwater Calculations- Bound Separately

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