



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

October 29, 2019

GGK Realty, LLC
c/o Susan Nilson, PE, CLE Engineering, Inc.
15 Creek Road
Marion, MA 02738

Re: Written Determination Pursuant to M.G.L. Chapter 91
Waterways License Application №: W15-4436-N
1480 East Rodney French Boulevard, Buzzards Bay, New Bedford, Bristol County

Dear Ms. Nilson:

The Department of Environmental Protection Waterways Regulation Program (the "Department") hereby issues this Written Determination, pursuant to Massachusetts General Law (M.G.L.) Chapter 91, the Public Waterfront Act, and the Waterways Regulations at 310 CMR 9.00, and its intent to approve the referenced Waterways Application, subject to the attached conditions.

GGK Realty, LLC (the "Applicant"), requests authorization pursuant to M.G.L. c.91 and applicable provisions of 310 CMR 9.00 to authorize an existing deck on the second story of an existing restaurant building and proposed expansion thereto, and to restore and enhance a previously authorized public waterfront walkway located on filled tidelands of Buzzards Bay at 1480 East Rodney French Boulevard, New Bedford, Bristol County (the "project site").

This application specifically includes a request for after-the-fact authorization of a 675-square foot deck that was constructed at the second story of an existing restaurant building (The Edge Restaurant) and for a proposed 900-square foot deck extension thereto. The 1,575-square foot existing and proposed decks are located on previously authorized filled tidelands (1,573-square feet on filled Private Tidelands and 2-square feet on filled Commonwealth Tidelands).

Additionally, the project includes the removal of an unauthorized outdoor dining area along the project shoreline and the reestablishment of a previously authorized 5-foot wide public

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5751.

TTY# MassRelay Service 1-800-439-2370

MassDEP Website: www.mass.gov/dep

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waterfront accessway to and along Buzzards Bay with a direct connection to the abutting public waterfront accessway at 1494 East Rodney French Boulevard (owned by VVK Realty, LLC), with additional public amenities and enhancements thereto. The additional public amenities and enhancements to the restored public waterfront accessway include: two (2) seating benches, two (2) trash receptacles, one (1) public access sign, and a combination of bollards, curb stops, and jersey barriers to demarcate the public accessway, ensure cars do not park onto said accessway, and to safeguard walkway users from vehicular encroachment.

Findings:

- 1) The Department determines that the outdoor dining area directly fronting the project shoreline and the existing second story deck used for seasonal outdoor dining are not authorized under M.G.L Chapter 91 and its regulations at 310 CMR 9.00. Accordingly, said outdoor dining area shall be removed and the existing second story deck will be authorized in the license to be issued pursuant hereto.
- 2) The Department's Presumptive Line Project determined that the historic high water mark and historic low water mark located on the project site both derive from a United States Coast and Geodetic Survey Plan (Sheet T-2220-1A) titled "*City of New Bedford and Vicinity, Massachusetts*" dated 1895.
- 3) The 41,910-square foot project site consists of 27,855-square feet of filled tidelands (10,640-square feet of filled Private Tidelands and 17,215-square feet of filled Commonwealth Tidelands) and 14,055-square feet of uplands located outside of Chapter 91 jurisdiction.
- 4) The 7,350-square foot restaurant building with associated existing and proposed decks is located on 2,410-square feet of filled tidelands (2,408-square feet of filled Private Tidelands and 2-square feet of filled Commonwealth Tidelands) and 4,940-square feet of uplands located outside of Chapter 91 jurisdiction.
- 5) The Department determines that the existing restaurant and associated deck used for outdoor dining is a nonwater-dependent use pursuant to 310 CMR 9.12(2)(f)(1). The Department also determines that the use of filled tidelands for public access and enjoyment of waterfront open space is a water-dependent use pursuant to 310 CMR 9.12(2)(a)(4). Given the project does not consist entirely of water-dependent uses, the Department has processed the application as a Nonwater-Dependent Use Project in accordance with 310 CMR 9.12(1).
- 6) The Department determines that the required Public Notice was published in *The Environmental Monitor* on May 20, 2015 and in *The Standard-Times* on May 26, 2015. The required Public Hearing was held on June 9, 2015 at 1:30pm at the Edge Restaurant, 1480 East Rodney French Boulevard in New Bedford, MA. The Department received one (1) written comment during the 30-day public comment period from the Massachusetts Division of Marine Fisheries, who stated that they did not have any resource concerns or recommendations on the proposed scope of work.
- 7) The Department determines that the Applicant submitted relevant documentation regarding compliance with other regulatory requirements, including but not limited to, the Wetlands

Protection Act via Order of Conditions (DEP File #SE49-0750) issued on March 27, 2017 by the New Bedford Conservation Commission; Municipal Planning Board Notification signed by the New Bedford Planning Director on October 23, 2019, and Municipal Zoning Certificate signed by the New Bedford Director of Inspectional Services on October 21, 2019.


- 8) The Department determines that the project, as conditioned, complies with all applicable standards of the Waterways Regulations, including the special provisions for nonwater-dependent use projects at 310 CMR 9.51 through 9.53.
 - a) The Department determines that the width of the Water-Dependent Use Zone (WDUZ) on the project site measures 68-feet from the mean high water mark. No new or expanded nonwater-dependent use buildings are located within the WDUZ and the existing nonconforming parking located within the WDUZ (and on filled Commonwealth Tidelands) was granted Amnesty under DEP License No. 6504.
 - b) The Department also determines that the nonconforming public access requirements to and along the project shoreline were granted Amnesty under DEP License No. 6504.
- 9) The Department determines that the project as conditioned serves a proper public purpose that provides greater benefit than detriment to the rights of the public in tidelands in accordance with 310 CMR 9.31(2)(b).
- 10) The Department determines that all existing and proposed structures meet 310 CMR 9.37(1) and (3)(a). The regulations at 310 CMR 9.37(2) shall not apply, as no new or expanded buildings for residential use are proposed on site.
- 11) The Department presumes that the proposed project is consistent with all applicable Massachusetts Office of Coastal Zone Management policies, in accordance with M.G.L. c.91 § 18 and 310 CMR 9.13(2)(a).

Conclusion:

On the basis of the foregoing analysis, the Department will approve the existing and proposed structures described herein and as shown on the draft license plans and as shall be modified and delineated on the final license plans in accordance with the terms of this Determination. This Determination is subject to the attached Special Conditions to be carried out by the referenced Applicant (hereinafter the "Licensee"). These Special Conditions will be included, in substantially the same form, along with the Standard Conditions, with the final License to be issued pursuant hereto. This Determination, including the attached Special Conditions, is subject to appeal as described in more detail in the Notice of Appeal Rights section on Pages 4 and 5. The Department will grant the Chapter 91 Waterways License if no appeals are filed within twenty-one (21) days of the issuance of this Determination and upon receipt of the final Mylar License Plans.

No construction or alteration in or to any portion of the site within jurisdiction pursuant to M.G.L. c.91 is authorized unless and until a license has been issued and duly recorded at the applicable County Registry of Deeds. If you have any questions, please contact Frank Taormina at frank.taormina@mass.gov or at (617) 292-5551.

THIS DETERMINATION IS ISSUED BY THE DEPARTMENT OF ENVIRONMENTAL
PROTECTION ON THE 29th DAY OF October IN THE YEAR 2019.



Christine Hopps
Assistant Director
Waterways Regulation Program

Cc: Mayor Jonathan F. Mitchell, City of New Bedford
New Bedford City Council
New Bedford Planning Board
New Bedford Conservation Commission (DEP File #SE49-0750)
Ecc: Gregory Kulpinski, GKG Realty, LLC
Massachusetts Office of Coastal Zone Management
Massachusetts Division of Marine Fisheries

NOTICE OF APPEAL RIGHTS

Who has the right to appeal?

The following persons shall have the right to an adjudicatory hearing concerning this decision by the Department to grant or deny a license or permit, in accordance with 310 CMR 9.17(1): (a) an applicant who has demonstrated property rights in the lands in question, or which is a public agency; (b) any person aggrieved by the decision of the Department to grant a license or permit who has submitted written comments within the public comment period; (c) 10 residents of the Commonwealth who, pursuant to M.G.L. Chapter 30A, § 10A, have submitted comments within the public comment period with at least 5 of the 10 residents residing in the municipality(s) in which the license or permitted activity is located. The appeal shall clearly and specifically state the facts and grounds for the appeal and the relief sought, and each appealing resident shall file an affidavit stating the intent to be part of the group and to be represented by its authorized representative; (d) the municipal official in the affected municipality who has submitted written comments within the public comment period; and (e) CZM, for any project identified in 310 CMR 9.13(2)(a) for CZM participation or 310 CMR 9.13(2)(b) for DCR participation, if it has filed a notice of participation within the public comment period.

How can I request an adjudicatory hearing?

A person requesting an adjudicatory hearing must submit a "Notice of Claim" to the Department, with a copy of the MassDEP Adjudicatory Hearing Fee Transmittal Form and include the details specified below, within twenty-one (21) days of the date of issuance of this decision. The Fee Transmittal Form is available at the following website: <http://www.mass.gov/eea/docs/dep/service/adr/adjherfm.doc> The Notice of Claim must be made in writing and sent by certified mail or hand delivery to:

MassDEP
Case Administrator
One Winter Street, 2nd Floor
Boston, MA 02108

A copy of the complete Notice of Claim must be sent at the same time by certified mail or hand delivery to: (1) the Applicant, (2) the municipal official of the city or town where the project is located, and (3) the issuing office of the MassDEP, which in this case is located at:

MassDEP
Waterways Regulation Program
One Winter Street, 5th Floor
Boston, MA 02108

The MassDEP Adjudicatory Hearing Fee Transmittal Form and a valid check payable to "*The Commonwealth of Massachusetts*" in the amount of one hundred dollars (\$100) must be mailed to:

MassDEP
Commonwealth Master Lockbox
P.O. Box 4062
Boston, MA 02211

What information must be included in the hearing request?

Pursuant to 310 CMR 9.17(3), any Notice of Claim requesting an adjudicatory hearing must include the following:

- (a) the MassDEP Waterways Application File Number;
- (b) the complete name, address, fax number and telephone number of the Applicant;
- (c) the address of the project;
- (d) the complete name, address, fax number, and telephone number of the party filing the request and, if represented by counsel, the name, address, fax number, and phone number of the attorney;
- (e) if claiming to be a person aggrieved, the specific facts that demonstrate that the party satisfies the definition of "aggrieved person" found in 310 CMR 9.02;
- (f) a clear statement that a formal adjudicatory hearing is being requested;
- (g) a clear statement of the facts which are the grounds for the proceedings, the specific objections to the MassDEP's written decision, and the relief sought through the adjudicatory hearing, including specifically the changes desired in the final written decision; and
- (h) a statement that a copy of the request has been sent to: the Applicant and the municipal official of the city or town where the project is located.

Dismissal of request

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

Exemptions

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

Waiver

The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

DRAFT LICENSE AND
SPECIAL CONDITIONS

GGK Realty, LLC

of -- Dartmouth -- in the County of -- Bristol -- and Commonwealth aforesaid -- has applied to the Department of Environmental Protection for license to -- maintain an existing deck on the second floor of an existing restaurant building with proposed expansion thereto, and to enhance a previously authorized publicly accessible waterfront walkway, as further detailed below -----

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

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

GGK Realty, LLC-- subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, is hereby granted a license to -- maintain an existing 675-square foot deck on the second floor of an existing restaurant building and construct and maintain a 30-foot wide by 30-foot long (900-square foot) expansion thereto, and enhance a 5-foot wide previously authorized publicly accessible waterfront walkway (per DEP Waterways License No. 6504) by installing the following public amenities: trash receptacles, benches, bike racks, curb stops, bollards, jersey barriers, and public access signs -----

on filled tidelands of -- Buzzards Bay -- at 1480 East Rodney French Boulevard -- in the -- City of New Bedford -- and in accordance with the locations shown and details indicated on Draft License Plan No. W15-4436-N, (3 Sheets), dated May 13, 2015 and revised on Sept. 16, 2019.

Specific Licenses and/or Legislative Authorizations issued previously at the project site include: Department of Public Works (DPW) License No. 4864 issued on October 14, 1964, DPW License No. 4961 issued on August 11, 1965, and Department of Environmental Protection License No. 6504 issued on July 24, 1997. These authorized structures and fill shall be maintained in accordance with the terms and conditions of said Licenses and plans, or as modified herein.

The structures authorized hereby shall be limited to the following uses: deck for outdoor dining, and public access to and along waterfront open space for passive recreational purposes.

The term of this License shall be limited to thirty (30) years from the date of issuance. By written request of the Licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in this License.

This Determination is subject to the following Special Conditions and Standard Conditions. These Special Conditions will be included, in substantially the same form, along with the Standard Conditions, with the Chapter 91 Waterways License to be issued pursuant hereto.

SPECIAL WATERWAYS LICENSE CONDITIONS

1. Any structural alteration, change in use, or any other modification from that explicitly authorized herein and contained on said License Plans, shall require the prior review of the Department to determine whether additional licensing is required pursuant to M.G.L. Chapter 91 and the Waterways Regulations at 310 CMR 9.00.
2. The Licensee shall provide a restroom facility free of charge for public use on the ground floor of the existing restaurant building, open to the public during normal business hours. Access to said restroom facility shall not require patronage of the restaurant. Signage of adequate size indicating availability of public restrooms on the ground floor shall be posted at eye level near the front and rear entrances to said building. The Licensee shall provide the Department with a sign specification along with proposed installation locations within sixty (60) days of license issuance. Sign specifications and locations are subject to Department review and approval. The Department-approved restroom signs shall be installed and photographic evidence of installation shall be supplied to the Department within thirty (30) days of Departmental approval.
3. The Licensee shall install and maintain in good repair one (1) public access sign of an adequate size to be clearly visible to pedestrians at the entrance to the public accessway located at the southwest corner of the site directly adjacent to the sidewalk fronting East Rodney French

Boulevard. Said sign shall be designed in accordance with all local laws, regulations, and with the Department's Sign Specifications attached hereto. Within sixty (60) days of the issuance of this License the Licensee shall submit a Sign Plan subject to Department review and approval of the proposed sign specifications and installation locations. The Licensee shall install said sign and provide the Department with photographic evidence of such installation, within thirty (30) days of Departmental approval of said Plan.

4. The ground floor of the building located on filled Commonwealth Tidelands and on filled Private Tidelands within 100-feet of mean high water mark shall be maintained by the Licensee as a Facility of Public Accommodation (FPA).
 - a) Any use specifically listed in the FPA definition at 310 CMR 9.02 shall be presumed to meet the above requirements for such facilities. Conversely, any use proposed as a FPA that is not specifically listed in the regulatory definition is subject to review and approval by the Department prior to any proposed change in use.
 - b) The interior FPA shall be maintained and programmed in accordance with a Department approved Management Plan prepared and updated in accordance with Special Condition #6 below.
5. The Licensee shall maintain a network of exterior open space of not less than 2,410-square feet (size equal to the nonwater-dependent use building located within Chapter 91 jurisdiction authorized herein) in good repair for safe, free and accessible public passage. All open space shall be accessible twenty-four (24) hours a day with no gates, obstacles, or other barriers installed that would impede pedestrian circulation, except for measures used to safeguard pedestrians from existing authorized parking spaces. The exterior open space shall include, but is not limited to, the publicly accessible waterfront walkway and associated public amenities, and parking. The exterior open space shall be maintained and programmed in accordance with a Department approved Management Plan prepared and updated in accordance with Special Condition #6 below.
6. The Licensee shall submit, within one (1) year of the issuance of this License, a Management Plan in accordance with 310 CMR 9.35(5). The Management Plan is subject to Department review and written approval.
 - a) Purpose: The objectives of the Plan are to achieve effective public use and enjoyment of all publicly accessible facilities while minimizing conflicts with other legitimate interests including the protection of private property and natural resources.
 - b) Management Oversight: The Plan shall clearly describe the roles and responsibilities of each management entity involved in the project site.
 - c) Content: At a minimum, the Plan shall address programming, management, maintenance that will be employed to all interior and exterior publicly accessible space for the term of the license. Specifically, the Plan shall address all interior and exterior public facilities,

including but not limited to, the public waterfront walkway and associated public amenities, and interior FPA. The Licensee shall identify and provide contact information for the persons responsible for carrying out the duties of said Plan and for the property manager and operator of the restaurant. Finally, the Licensee may adopt reasonable rules, subject to prior review and written approval by the Department, as are necessary for the protection of public health and safety and private property, and to ensure public use and enjoyment by minimizing conflicts between user groups.

- d) Periodic Review: The Final Plan shall be periodically reviewed and revised as necessary based on changes in the operation and management of the FPAs. At a minimum, an updated Plan shall be submitted for Department review on every ten (10) year anniversary of the issuance date of this License. All updates of said Plan shall include an update of all contact information for persons responsible for carrying out the duties of said Plan, the property manager, operators of the interior FPAs. The updated Plan shall also include a copy of the Department's plan approval letter(s) and a compliance inspection report performed by the Licensee detailing compliance with the Special and Standard Conditions of this License. When said Plan is updated, it shall be submitted to the Department and be subject to review and approval.
7. The use of the public walkway and open space on the project site by the public shall be considered a permitted use, to which the limited liability provisions of M.G.L. Chapter 21, § 17c shall apply.
 8. The Licensee shall allow agents of the Department to enter the project site to verify compliance with the conditions of this license and all conditions of said underlying Licenses.
 9. All structures authorized herein shall be constructed to meet the Engineering and Construction Standards pursuant to 310 CMR 9.37(2).
 10. All work authorized herein shall be completed within five (5) years of the date of License issuance. Said construction period may be extended by the Department for one (1) or more one (1) year periods without public notice, provided that the Licensees submit to the Department no later than thirty (30) days prior to the expiration of said construction period a written request to extend the period and provides an adequate justification for said extension.
 11. The Licensee shall request in writing that the Department issue a Certificate of Compliance within sixty (60) days completion of the licensed project, but in no event later than five (5) year from the date of license issuance, or any extension thereof, in accordance with 310 CMR 9.19(1). The request shall be accompanied by a certification by a registered professional engineer licensed to do business in the Commonwealth that the project was completed in accordance with the plans, specifications, and conditions of this License.

12. This Written Determination shall remain valid for up to one (1) year after issuance. Said term may be extended for one (1) or more one (1) year periods, provided that the Applicant submits to the Department, thirty (30) days prior to the expiration of said term a written request to extend the term and provides adequate justification for said extension. This condition shall expire upon issuance of the License to be issued pursuant hereto.

Please see Page 11 for additional conditions to this License

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

STANDARD WATERWAYS LICENSE CONDITIONS

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

X Private Tidelands - In accordance with the public easement that exists by law on Private Tidelands, the Licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, and any natural derivatives thereof.

X Commonwealth Tidelands - The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. Said lands are held in trust by the Commonwealth for the benefit of the public.

_____ a Great Pond of the Commonwealth - The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.

_____ Navigable River or Stream - The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, in the waterway.

No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this License.

10. Unless otherwise expressly provided by this License, the Licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon.

The amount of tidewater displaced by the work hereby authorized has been ascertained by said Department, and compensation thereof has been made by the said -- GGK Realty, LLC -- by paying into the treasury of the Commonwealth -- (N/A) -- for each cubic yard so displaced, being the amount hereby assessed by said Department (N/A).

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

This License shall be void unless the same and the accompanying plan are recorded within sixty (60) days from the date hereof, at the Registry of Deeds for the -- Southern District -- County of -- Bristol.

~~In witness where~~as, said Department of Environmental Protection have hereunto set their

hands this _____ day of _____ in the year _____.

Commissioner _____

*Department of
Environmental Protection*

~~Section Chief~~ _____

THE COMMONWEALTH OF MASSACHUSETTS

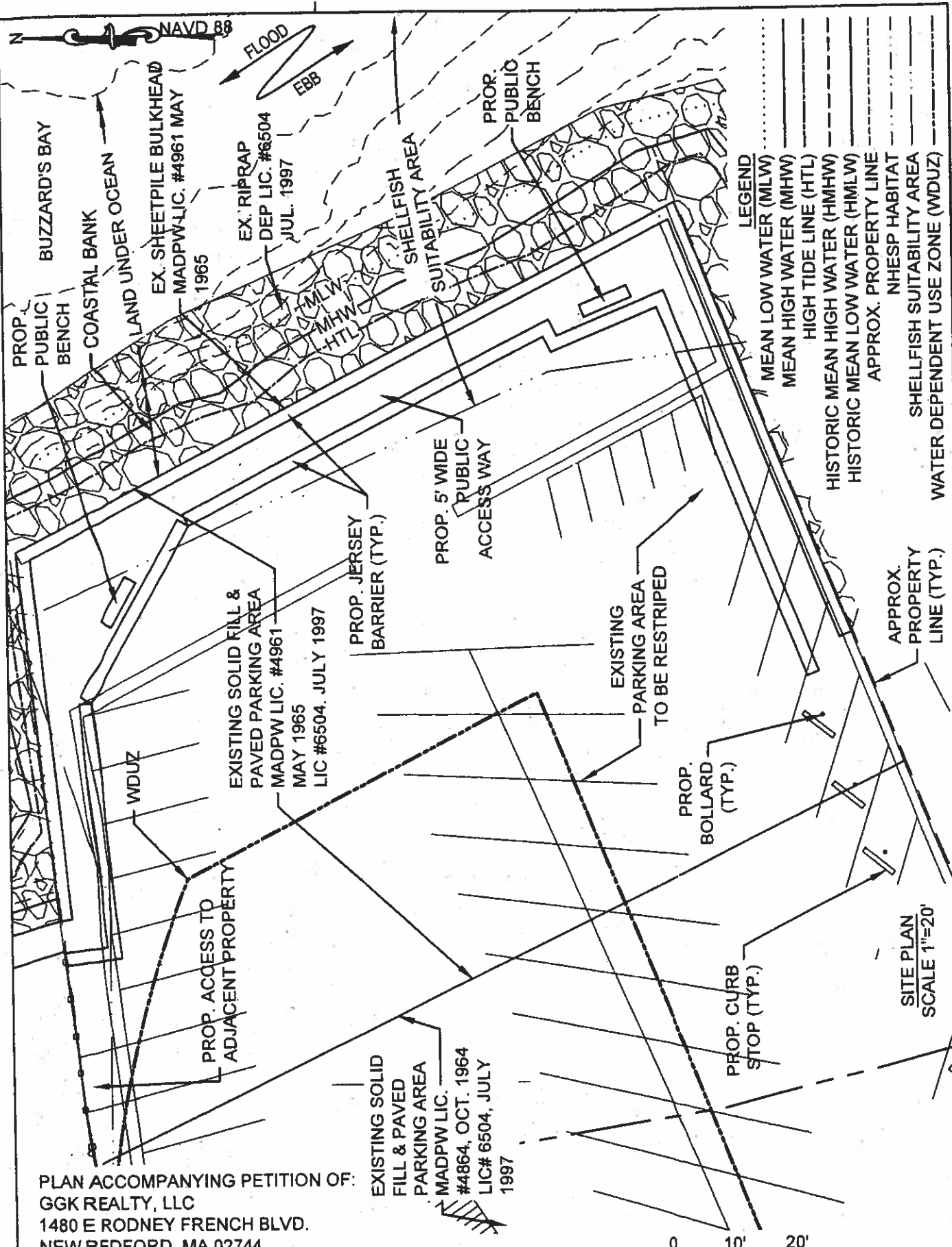
This License is approved in consideration of the payment into the treasury of the Commonwealth by the said -- GGK Realty, LLC -- the further sum of -- (N/A) -- the amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

BOSTON,

~~Approved by the Governor.~~

Governor





PLAN ACCOMPANYING PETITION OF:
 GGK REALTY, LLC
 1480 E RODNEY FRENCH BLVD.
 NEW BEDFORD, MA 02744

TO LICENSE AND MAINTAIN A DECK WITHIN AN
 AREA OF PREVIOUSLY AUTHORIZED FILLED
 TIDELANDS.

GENERAL NOTES:

1. EXISTING CONDITIONS BASED ON PLAN TITLED "NOTICE OF INTENT - EXISTING CONDITIONS" BY SITEC, INC., DATED 10/17/2012 AND HYDROGRAPHIC SURVEY BY CLE, ENGINEERING, INC. (CLE) DATED 3/19/14 AND 11/3/14.
2. ELEVATIONS ARE IN FEET AND TENTHS, AND REFER TO MEAN LOW WATER (MLW).
3. PROJECT BENCHMARK IS U.S. ARMY CORPS OF ENGINEERS BENCHMARK NAE32-BBCC73, ELEVATION 4.87' NAVD88 (6.71' MLW).
4. THE INFORMATION DEPICTED ON THIS PLAN REPRESENTS THE RESULTS OF SURVEYS PERFORMED ON THE DATES SHOWN, AND CAN ONLY BE CONSIDERED AS INDICATING THE CONDITIONS AT THAT TIME. INTERPOLATED INFORMATION FROM BETWEEN SOUNDING RUNS IS NOT GUARANTEED. SHOALS, OBSTRUCTIONS OR OTHER DIFFERING CONDITIONS MAY EXIST BETWEEN THESE RUNS. NO SURVEYS WERE CONDUCTED TO LOCATE PROPERTY LINES, CHANNEL LIMITS, EASEMENTS, UTILITIES, GEOTECHNICAL FEATURES, STRUCTURES, HABITATS OR ANY OTHER PHYSICAL FEATURES RELATING TO THE PROJECT SITE, NOR DOES CLE WARRANT THE EXISTENCE OR LOCATION OF SAID PHYSICAL FEATURES.
5. PROJECT SITE LOCATED WITHIN FEMA ZONE VE 17 NAVD 88.
6. FLOOD PLAIN INFORMATION FROM FEMA FIRM: CITY OF NEW BEDFORD, MA, PANEL 255216 0482 G AND EFFECTIVE DATE JULY 16, 2014.
7. APPROXIMATE PROPERTY LINE LOCATIONS, MAPPED SHELLFISH SUITABILITY AREAS, NHESP PRIORITY AND ESTIMATED HABITATS, HISTORIC MEAN LOW WATER AND HISTORIC MEAN HIGH WATER LINE ARE LOCATED FROM MOST CURRENT AVAILABLE MA GIS DATA.
8. POSSESSION AND USE OF THE MATERIAL CONTAINED ON THESE DRAWINGS IS GRANTED ONLY IN CONNECTION WITH ITS USE AS IT RELATES TO THE TITLED PROJECT, ANY OTHER USE, REPRODUCTION OR DISCLOSURE OF THE INFORMATION CONTAINED HEREON IS EXPRESSLY PROHIBITED WITHOUT THE WRITTEN CONSENT OF CLE, ENGINEERING INC.

ABUTTING PROPERTY OWNERS:

1. VVK REALTY, LLC 99 FLAG SWAMP ROAD, DARTMOUTH MA 02748
2. VVK REALTY, LLC 99 FLAG SWAMP ROAD, DARTMOUTH MA 02748
3. ROCHE, LEONARD AND MARY A, 1475 E RODNEY FRENCH BLVD, NEW BEDFORD MA 02744
4. GGK REALTY, LLC 1480 E RODNEY FRENCH BLVD, NEW BEDFORD MA 02744
5. CROOK, STEVEN AND SUSAN, 1465 E RODNEY FRENCH BLVD, NEW BEDFORD MA 02744
6. CROOK, STEVEN AND SUSAN, 1465 E RODNEY FRENCH BLVD, NEW BEDFORD MA 02744

HTL: 4.90'

MHW: 3.61'

MLW: 0.0'

PLAN ACCOMPANYING PETITION OF:
GGK REALTY, LLC
1480 E RODNEY FRENCH BLVD.
NEW BEDFORD, MA 02744

TO LICENSE AND MAINTAIN A DECK WITHIN AN
AREA OF PREVIOUSLY AUTHORIZED FILLED
TIDELANDS.

IN BUZZARD'S BAY
BRISTOL COUNTY, MASSACHUSETTS

SHEET 3 OF 3

REV : SEPT 16, 2019
DATE: MAY 13, 2015