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August 22, 2019

Ms. Whitney McClees,
Conservation Agent and Sustainability Coordinator
Conservation Commission
Town Hall
40 Center Street
Fairhaven, MA 02719

RE: 12 Howland Road, Fairhaven, MA.
Nye Lubricants Building 1 Re-Paving Project
Notice of Intent Review.

Dear Ms. McClees:

GCG Associates, Inc. has reviewed the following information for the Nye Lubricants Building 1 Re-Paving Project at 12 Howland Road in Fairhaven, MA with respect to stormwater and stormwater related requirements under 310 CMR 10.00 Wetlands Protection Act Regulations.

Plan References: "Nye Lubricants Building 1 Re-Paving Project, 12 Howland Road, Fairhaven, MA prepared by Apex Companies, LLC dated August 8, 2019, consists of:

E-1 - Existing Conditions
P-1 – Proposed Conditions
D-1 –Erosion Controls and Details

Documents: WPA Form 3 – Notice of Intent package prepared by Nye Lubricants Inc., dated July 16, 2019.

Long Term Pollution Prevention Plan prepared by Nye Lubricants not dated.

MassDEP Stormwater Report checklist prepared by John B. McAllister, P.E. dated 8/8/19.

Figure 1: Site Locus
Figure 2: Erosion Control Placement
Figure 3: Buffer Zone Dimension.
Operation & Maintenance Plan Prepared by Apex Companies, LLC. Not dated.

Based upon our review of the above information, we offer the following general comments and comments with respect to compliance with Town Bylaws: Chapters 192 – Wetlands; 194 - Stormwater Management, Illicit Discharge, Soil Erosion, Sediment Control By-Law; 198-31.1 – Zoning - Stormwater Management and 310 CMR 10.00 Wetlands Protection. The numerical section of the regulations is referenced at the beginning of each comment unless it is a general comment.

GENERAL PLAN AND DEVELOPMENT COMMENTS

The following are general comments with respect to the plans and development of the project.

1. This is an existing industrial development located at 12 Howland Road as identified as Assessor's map 19 Lot 100. The parcel consists of 1.927 acres and built about 1930 per Assessor's record.
2. The applicant has filed a Notice of Intent to re-pave portion of the existing pavement parking lot and loading area. The proposed work area is approximately 25,362 s.f.. Which is below the threshold of filing an USEPA - NPDES permit.
3. The proposed work limit also below the Land Disturbance Permit (Chapter 194) threshold and do not require to file.
4. Planning Board filing was not initiated, the site was developed about 1930, and is currently under pre-existing nonconforming status. This review assumed that a Planning Board review is not required and hence the project is not subject to Chapter 198-31.1 requirements.
5. The project is located within the 200 feet Riverfront Area and the proposed work is located within the AE (El. 6') Zone, Land Subject to Flooding, (FIRM 25005C0391G and 25005C0393G, effective 7/16/2014), and in the inner 100 feet Riverfront Area. Therefore, this project is subject to 310 CMR 10.00's jurisdiction and is required to file a Notice of Intent with the Fairhaven Conservation Commission and MassDEP.
6. There is no NHESP estimated habitats of rare wildlife or rare species identified in the site vicinity per MassGIS.
7. 310 CMR 10.58(5) - The proposed work is located within a previous developed riverfront area, the area was degraded prior to August 7, 1996 per Google Earth image dated 3/28/1995. Therefore, the site qualified as re-development project and the proposed work should meet 10.58(5)(a through h) requirements and the Massachusetts Stormwater Management Standard #7.
8. 10.58(5)(a). – The site is a previously paved parking lot/loading area and consists approximately 25,300 s.f. of pavement and the proposed pavement has been reduced by approximately 5,000 s.f., an improvement met 10.58 (5) (a).
9. 10.58(5)(b). – The proposed Stormwater Management BMPs consist of reducing impervious pavement area, stone level spreader to vegetated filter strip pre-treatment, and rain gardens/bioretenion areas treatments. The westerly portion of the vegetated filter strip length is shorter than the required minimum length, and the proposed rain gardens are not expected to meet the vertical separation of two feet from the seasonal high groundwater table to the bottom of the bioretention cell. Furthermore, half of the re-paved parking lot and the entire BMPs system are located within the area subject to flooding. (Area below elevation 6.0'). Massachusetts Stormwater Handbook (MSH)

Standard 2 (Vol. 1 Ch.1 Pg. 5) stated that “Where an area is within the 100-year coastal flood plain or land subject to coastal storm flowage, the control of peak discharge rates is usually unnecessary and may be waived.” Based on the design layout, the applicant has reasonably satisfied the maximum extent practicable intent of the MSH Standard 7.

10. 10.58(5)(c). – GCG recommends moving the proposed westerly edge of pavement eastward approximately 7 feet to maintain the existing setback to the river. (Also see comment #13 below.)
11. 10.58(5)(d). – This project has no expansion of structures.
12. 10.58(5)(e). – This project has a net decrease of impervious pavement (degraded) area.
13. 10.58(5)(f & g). – The proposed vegetated filter strip and rain gardens meet restoration on-site of degraded riverfront area requirements, therefore comment #10 for 310 CMR 10.58(5)(d) could be allowed by the Commission.
14. 10.58(5)(h). – The Commission should 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. Prior to requesting the issuance of the Certificate of Compliance, the applicant shall demonstrate the restoration or mitigation has been successfully completed for at least two growing seasons.
15. The no Illicit Discharge Statement prepared by Nye Lubricants dated August 8, 2019 specified no illicit discharge during the construction process. A long-term illicit discharge program is mentioned in the Long Term Pollution Prevention Plan. The Commission may consider requiring a long term no illicit discharge statement be provided.
16. The Operation and Maintenance plan (O&M) should include a signature block to identify the person responsible for the O&M and for their signature. Street Sweeping should be included and make part of the O&M requirements.
17. The proposed work area is located within the AE Flood Zone, works should maintain the existing flood storage volume. Any filling within the AE zone should be replicated with a minimum of 1 to 1 ratio. GCG recommends requiring the project engineer to certify an as-built statement to assure no loss of flood storage volume due to the construction.

PLAN SET

Drawing No. E-1 – A North Arrow should be shown on the plan. The existing gravel surface appears to be crushed pavement from recent reclaim process. GCG recommends erosion control be installed immediately, (if has not been already installed).

Drawing No. P-1 – A North Arrow should be shown on the plan. The site is relatively flat, existing and proposed spot grades should be provided to assure drainage runoff flows to the two rain gardens as designed.

Drawing No. D-1 – The Bioretention Soil Mix depth should be specified as 30 inches minimum.

STORMWATER REPORT COMMENTS

GCG concurs that the stormwater report’s finding and there should be no increase of peak runoff and volume caused by this project.

Summary:

The proposed re-paving project is an improvement to the Riverfront Area. The proposed rain gardens are within the AE Flood Zone, and adjacent to the Acushnet River. The parking lot is at and slightly below the AE Zone Flood Elevation of 6', and vertically close to the River water surface and expecting the same seasonal high water table elevation. Therefore, the infiltration component of the rain gardens might not be functional. However, this is a re-development project with a net decrease of impervious pavement area. Since the groundwater recharge volume is calculated based on the increased impervious area, there is none required under Standard 7. Therefore, GCG is not considering the Ground Water Recharge credit from this drainage design, due to a functional infiltration structure needs to meet the 50' setback from any surface water of Commonwealth and vertical ground water table separation requirements (Vol. 2 Ch. 1 Page 32 Table 2.3). GCG believe the applicant has meet the requirements of Massachusetts Stormwater Handbook Standard #7 and 310 CMR 10.58 for Re-Development project in the Riverfront Area.

If you have any questions regarding this matter, please contact our office.

Respectfully Submitted,
GCG Associates

Michael J. Carter

Michael J. Carter, P.E.
Project Manager