



**Environmental Stewardship Department/
Conservation Commission**

**City of New Bedford
Jonathan F. Mitchell, Mayor**

**Meeting Minutes of the Conservation Meeting of
November 19, 2019
Brooklawn Senior Center**

Members Absent

Staff Present

**Agent Sarah Porter, Conservation Agent
Sandy Douglas, Admin. Coordinator**

CALL MEETING TO ORDER

Chairman Dixon called the meeting to order at 6:30 pm

ROLL CALL OF COMMISSIONERS

Chairman, Craig Dixon, Commissioner Dennis Audette and Commissioner Peter Blanchard

Chairman Dixon read General Procedure for Hearings for the record.

OLD BUSINESS:

1. **SE49-0771** - (Continued from 5/7/19, 5/21/19, 6/4/19, 6/18/19, 7/2/19, 7/16/19, 8/6/19, 8/27/19, 9/17/19, 10/2/19, 10/15/19, 11/5/19) – A Request for partial Certificate of Compliance as filed by Tim Cusson of Parallel Products of New England for property identified as 100 Duchaine Boulevard (Map 134, Lot 5). Representative is Matthew White of Farland Corp.

Agent Porter advised that a continuance has been requested.

Chairman Dixon inquired if there was anyone present who wished to speak in favor, none heard.

Chairman Dixon inquired if there was anyone present who wished to speak in opposition.

Chairman Dixon added that this application is for work on the driveway that is outstanding and not for the rail. Agent Porter also added that this is for partial COC for work that they already done and the application for the work they will be doing for the recycling facility and the rail is on the agenda for later.

Mr. Vincent Carolyn of 75 Stephanie Place was present and stated that he is feels this project is a hair brain scheme and he will come to the meetings to voice his opposition.

Commissioner Audette made a motion to table to the next meeting. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

2. **SE49-0727** – (Continued from 10/15/19, 11/5/19) - Request for a Certificate of Compliance as filed by Susan Nilson of Foth Infrastructure and Environment, LLC for property identified as 137 Popes Island (Map 60, Lot 13). Representative is Susan Nilson.

Agent Porter advised the she has sent Susan Nilson an email as a result of the last meeting requesting a filing for the small barge and the dock and has not received a response from her.

Chairman Dixon inquired if there was anyone present who wished to speak in favor, none heard.

Chairman Dixon inquired if there was anyone present who wished to speak in opposition. None heard.

Commissioner Audette made a motion to table to the next meeting. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

3. **A Request for Determination of Applicability as filed by Sean Moriarty & Christina Connelly for property identified as 424 West Rodney French Boulevard (Map 7 – Lot 2).** Applicants propose porch renovations including replacing stairs, railings, columns and decking within the Coastal Velocity Zone of the Floodplain. Representatives are Sean Moriarty and Christina Connelly.

Ms. Christina Connelly was present and stated this project is just for a porch renovation and they will not be changing the footprint at all.

Agent Porter advised that this project is for a porch renovation, replacing stairs, columns and decking in the coastal velocity zone and flood plain. It's a straightforward project and recommended a negative determination that the work as describe in the request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent. Plans for approval are Existing Porch Plans and Proposed Porch Plans both dated June 11, 2019.

Chairman Dixon inquired whether there was anyone present who wished to speak in opposition of this project. None heard.

Chairman Dixon inquired whether there was anyone present who wished to speak in favor of this project. None heard.

Commissioner Audette made a motion to issue a negative determination as recommended by the Agent. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

CONTINUED HEARINGS:

1. **SE49-0735** – (Continued from 3/15/16, 4/5/16, 4/19/16, 5/3/16, 5/17/16, 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16, 11/15/16, 12/20/16, 12/27/16, 1/17/17, 2/7/17, 2/21/17, 3/7/17, 3/21/17, 4/4/17, 4/18/17, 5/2/17, 5/16/17, 6/6/17, 6/20/17, 7/5/17, 7/18/17, 8/8/17, 8/22/17, 9/5/17, 9/19/17, 10/3/17, 10/17/17, 11/7/17, 11/21/17, 12/5/17, 12/19/17, 1/2/18, 1/16/18, 2/6/18, 2/20/18, 3/6/18, 3/20/18, 4/3/18, 4/17/18, 5/1/18, 5/15/18, 6/5/18, 6/19/18, 7/3/18, 7/17/18, 8/7/18, 8/21/18, 9/4/18, 9/17/18, 10/2/18, 10/16/18, 11/6/18, 1/20/18, 12/4/18, 12/18/18, 01/8/19, 1/22/19, 2/5/19, 2/19/19, 3/5/19, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19, 7/2/19, 7/16/19, 8/6/19, 8/27/19, 9/3/19, 9/17/19, 10/2/19, 10/15/19, 11/5/19) - A Notice of Intent as filed by Anthony R. DeCosta d/b/a A-1 Asphalt for property

located at 1861 Shawmut Avenue, New Bedford (Map 124, Lot 27). Applicant proposes improvements to a soil and aggregate re-cycling facility in the Buffer Zone to Bordering Vegetated Wetlands. Representative is Rick Charon of Charon Associates, Inc. **CONTINUED**

2. **SE49-0810** – (Continued from 9/4/18, 9/17/18, 10/2/18, 10/16/18, 11/6/18, 11/20/18, 12/4/18, 12/18/18, 01/8/19, 1/22/19, 2/5/19, 2/19/19, 3/5/19, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19, 7/2/19, 7/16/19, 8/6/19, 8/27/19, 9/3/19, 9/17/19, 10/2/19, 10/15/19, 11/5/19) - A Notice of Intent as filed by Norman Nichols for property identified as a 50’ wide easement through Map 130A, Lot 720. Applicant proposes a stream crossing for a 20’ wide paved drive which shall alter Bordering Vegetated Wetland, Bank and Land Under a Waterway. Representative is Richard Rheume of Prime Engineering. **CONTINUED**
3. **SE49-0819** - (Continued from 3/5/19, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19, 7/2/19, 7/16/19, 8/6/19, 8/27/19, 9/3/19, 9/17/19, 10/2/19, 10/15/19, 11/5/19) - Notice of Intent as filed by MIH1, LLC for property identified as Farland Circle (Map 130D, Lot 472). Applicant proposes to construct a single-family dwelling in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Jack Tabares of Farland Corp.

Agent Porter advised that the applicant has requested a continuance.

Chairman Dixon inquired whether there was anyone present who wished to speak in favor of this project. None heard.

Chairman Dixon inquired whether there was anyone present who wished to speak in opposition of this project. None heard.

Commissioner Audette made a motion to table to the next meeting. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

4. **SE49-0820** - (Continued from 3/5/19, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19, 7/2/19, 7/16/19, 8/6/19, 8/27/19, 9/3/19, 9/17/19, 10/2/19, 10/15/19, 11/5/19) - Notice of Intent as filed by MIH1, LLC for property identified as Farland Circle (Map 130D, Lot 477). Applicant proposes to construct a single-family dwelling in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Jack Tabares of Farland Corp.

Agent Porter advised that the applicant has requested a continuance.

Chairman Dixon inquired whether there was anyone present who wished to speak in favor of this project. None heard.

Chairman Dixon inquired whether there was anyone present who wished to speak in opposition of this project. None heard.

Commissioner Pacheco made a motion to table to the next meeting. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

5. **SE49-0821** - (Continued from 3/5/19, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19, 7/2/19, 7/16/19, 8/6/19, 8/27/19, 9/17/19, 10/2/19, 10/15/19, 11/5/19) - Notice of Intent as filed by MIH1, LLC for property identified as Farland Circle (Map 130D, Lot 478). Applicant

proposes to construct a single-family dwelling in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Jack Tabares of Farland Corp.

Agent Porter advised that the applicant has requested a continuance.

Chairman Dixon inquired whether there was anyone present who wished to speak in favor of this project. None heard.

Chairman Dixon inquired whether there was anyone present who wished to speak in opposition of this project. None heard.

Commissioner Audette made a motion to table to the next meeting. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

6. **SE49-0824** - (Continued from 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19, 7/2/19, 7/16/19, 8/6/19, 8/27/19, 9/17/19, 10/2/19, 10/15/19, 11/5/19) - A Notice of Intent as filed by Michele Paul Director of Environmental Stewardship for the City of New Bedford for property identified as Riverside Park (Map 99, Lot 81; Map 100, Lots 83 and 84) which is located on the east side of Belleville Ave. and the north side of Coffin Ave. Applicant proposes to remove invasive species. construct a six-foot wide riparian walkway and plant native vegetation adjacent to the pathway. Representative is Stevie Carvalho of Farland Corp.

Agent Porter advised that the applicant has requested a continuance.

Chairman Dixon inquired whether there was anyone present who wished to speak in favor of this project. None heard.

Chairman Dixon inquired whether there was anyone present who wished to speak in opposition of this project. None heard.

Commissioner Audette made a motion to table to the next meeting. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

7. **SE49-0831** - (Continued from 10/15/19, 11/5/19) - A Notice of Intent as filed by Tim Cusson of Parallel Products of New England for property identified as 100 Duchaine Blvd (Map 133, Lot 67 and Map 134 Lots 5 & 462). Applicant proposes to construct a rail sidetrack (from an existing rail to the glass recycling facility), an open box culvert stream crossing, a wetland crossing, bunker buildings for glass recycling, photovoltaic canopies, stormwater improvements and associated site grading and utilities. Representative is Christian Farland of Farland Corp.

Agent Porter advised that the applicant has requested a continuance.

Chairman Dixon inquired whether there was anyone present who wished to speak in favor of this project. None heard.

Chairman Dixon inquired whether there was anyone present who wished to speak in opposition of this project.

Mr. Vincent Carolyn of 75 Stephanie Place, New Bedford, MA stated that he had made his comment earlier regarding this project.

Agent Porter stated that there are comments from KP Law, who is attorney for the City on behalf of the Mayor and the Commission needs to make a determination whether or not want to submit these comments to Farland Corp. for their response.

Commissioner Pacheco made a motion to forward the correspondence from KP Law to Farland Corp. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

Commissioner Audette made a motion to table to the next meeting. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

8. **SE49-0835 - (Continued from 10/15/19, 11/5/19) - A Notice of Intent as filed by Scott Taber, Shoreline Resources, LLC for property identified as 137-143 Popes Island, New Bedford (Map 60, Lot 13).** Applicant proposes to convert a dedicated fabrication facility to a True Value Hardware Marine Store with areas for retail, item storage and machine shop. The existing bituminous pavement will be removed, graded, repaved and restriped with a Stormceptor added to capture and treat stormwater runoff. Representative is Danny Rebelo of BETA Group, Inc.

Agent Porter advised that a continuance has been requested.

Chairman Dixon inquired whether there was anyone present who wished to speak in favor of this project. None heard.

Chairman Dixon inquired whether there was anyone present who wished to speak in opposition of this project. None heard.

Commissioner Audette made a motion to table to the next meeting. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

9. **SE49-0836 – (Continued from 11/5/19) - A Notice of Intent as filed by Scot Servis, Airport Manager, New Bedford Regional Airport for property identified as 1569 Airport Road, New Bedford (Map 125 – Lot 22; Map 123C – Lot 225; Map 123 – Lot 3 & Map 122 - Lot 3).** Applicant is proposing wildlife/perimeter fence replacements at four locations on airport property. Representative is Rhianna Sommers of Epsilon Associates, Inc.

Agent Porter advised that she received the comments from Natural Heritage, and they do not have any concerns that project will adverse effect any species.

Chairman Dixon inquired whether there was anyone present who wished to speak in favor of this project. None heard.

Chairman Dixon inquired whether there was anyone present who wished to speak in opposition of this project. None heard.

Agent Porter recommended that the fence installation shall follow the methodology provided in the Notice of Intent and Plans for Approval are Fence Installation Construction Plans (G1.1 through G1.3; C1.1 through C1.11; C2.1 & C2.2 all dated October, 2019 and received on October 24, 2019.

Commissioner Pacheco made a motion to approve as recommended by the Agent. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

10. **SE49-0837** – (Continued from 11/5/19) - A Notice of Intent as filed by Adam Hart, City of New Bedford Department of Public Infrastructure for property identified as West Rodney French Beach (Map 9 - Lots 286 & 287; Map 7 – Lots 1, 5, & 122 and Map 11 – Lot 30). Project proposes to place a 31,150 cubic yard beach nourishment and nine new nearshore breakwaters along the West Rodney French Boulevard beaches, between Hazelwood Park and the West Rodney French Boulevard boat ramp, to improve resiliency and protect the City’s main sewer line. Representative is John Ramsey of Applied Coastal Research and Engineering, Inc.

Agent Porter advised that a continuance has been requested and that a Mr. Bradford Bourque has submitted a letter for the record. Agent Porter inquired whether the Commissioners want this letter submitted to the applicant’s consultant for consideration.

Commissioner Blanchard made a motion to submit Mr. Bourque’s letter to the applicant’s consultant. Motion was seconded by Commissioner Pacheco.

Chairman Dixon inquired whether there was anyone present who wished to speak in favor of this project. None heard.

Chairman Dixon inquired whether there was anyone present who wished to speak in opposition of this project. None heard.

Commissioner Audette made a motion to continue until the next meeting. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

NEW HEARINGS:

1. **An Abbreviated Notice of Resource Area Delineation as filed by Euzebio Arruda, Greater New Bedford Regional Vocational Technical High School for property identified as 3 Wildwood Road, New Bedford (Map 130F, Lot 8).** Applicant requests a verification of the wetland resource area boundaries. Representative is Stephen Chmiel.

Mr. Stephen Chmiel was present on behalf of the applicant. Mr. Chmiel advised that this application is for the review of the delineated limits of isolated wetlands. The site is on Wildwood Road to Church Street there is a current easement access from Church Street to site. The remaining portion of sites are entirely comprised of red maple and isolated wetland with flow from Church Street. Mr. Chmiel stated that this request is limited to confirmation of the boundary as well as any jurisdiction area on map 130, lot 8 high school is looking into making this into a turf practice area in the future.

Agent Porter advised that recommendation for issuance of Order of Resource Area Delineation confirming the boundaries of isolated land subject to flooding, ANRAD Site Plan dated October 28, 2019.

Chairman Dixon inquired whether there was anyone present who wished to speak in favor of this project. None heard.

Chairman Dixon inquired whether there was anyone present who wished to speak in opposition of this project. None heard.

Commissioner Audette made a motion to approve ANRAD as recommended by the Agent. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

- 2. A Notice of Intent as filed by Christian Loranger of NBD Solar, LLC for property identified as Map 135, Lots 1, 14, 15 & 47.** Applicant proposes a ground mounted photovoltaic solar array which involves the crossing of a Bordering Vegetated Wetland. Representative is Richard Rheume of Prime Engineering.

Mr. Evan Watson of Prime Engineering was present on behalf of the applicant. Mr. Richard Rheume is presently at the Dartmouth presently this project before the Dartmouth Conservation Commission.

Mr. Watson stated this project is on Dartmouth, Freetown, New Bedford Townline. Have filed all permits in Dartmouth and in New Bedford filed for site plan review and NOI and will also need a variance which they will be filing for. This is a NOI have not confirmed the wetland lines with ANRAD, this filing is to propose work and show where resource areas are. DEP portion of site maybe in zone A, water supply and will address this in his presentation.

Mr. Watson stated that they have identified a few isolated areas on site, MGIS did identify some areas as certified vernal pools, Natural Heritage comment that those vernal pools were incorrectly mapped for this site and have corrected mapping to show them on Aerovox site. A review of the isolated areas to determine if jurisdictional or non-jurisdiction done by hydrological analysis and it shows all the isolated areas in new Bedford are non-jurisdictional. The concept would be to clear those areas and wrap panels over those areas, there is no grading proposed for this site at all. When completed security fence inside the fence would be cleared of all trees and stumps and seeded with meadow grass and flowers. Will cut the trees and leave all stumps and low vegetation in any area cleared outside of the fence. Fence will be placed 6" up from ground and 6-7' tall so deer can jump over. Access will be in Dartmouth that will go along the edge and two areas of access in new Bedford at the very north. All electricity will be grouped up into equipment pads on the racking or underground. There is a wetland crossing proposed to get to area near train tracks and small pond. There is a Zone A pertains to surface drinking water supplies, the area is mapped as flowing all the way up to Long Pond in Lakeville. The wetland crossing and replication area are outside of Zone A. Would not need a water quality certification cause wetland crossing is under 500 s.f. and have 2.4 replication area. There are no detention basins on site, typically in solar don't see a lot of need for detention basins. Mr. Watson stated that DEP has recently come up with Policy 17.1 that identifies that the increase in stormwater from solar installation is benign enough that they would classify it as low impact development and this project meets that.

Commissioner Pacheco inquired as to how many panels will this project have. Mr. Watson replied that there will be 5 megawatts of panels and each panel is approximate 380 watts so there will be thousands of panels.

Commissioner Audette inquired if they are going to be rack panels. Mr. Watson replied yes and it's a great system for sites that have rocks, they drill hole in ground and then pop panels on top.

Commissioner Audette confirmed that part of the upper solar array will be in the drinking water supply area. Mr. Watson replied it will be in Zone A which is within is 200 ft of a tributary to a surface drinking water supply and it's a critical area.

Commissioner Audette inquired as to why not propose crossing outside of water zone. Mr. Watson explained that you can do development in Zone A, B and C with appropriate BMP's if needed and this site does not generate any pollutants so there is no concern.

Mr. Bernard Loranger of 31 Weeden Road, Fairhaven, MA was present, and he stated that he texted Christian Loranger and he advised that there will be 14,400 panels.

Chairman Dixon inquired whether there was anyone present who wished to comment on this matter.

Mr. Robert Martinez of 22 Jouvette Street, New Bedford, MA was present and he stated that this is not permanent installation any construction for future projects on this site would have to come before this Commission and every 4 to 6 panels are supported by four 3" pipes and the rainwater that runs off the panels is very clean because it's glass.

Chairman Dixon inquired whether there was anyone present who wished to comment in favor or opposition of this matter. None heard.

Agent Porter advised that there is a big discrepancy in the boundary, she had boundary sent to her by Michael Riley and it shows it coming down further than what is shown. Mr. Watson stated he will investigate this a little bit more and if the commission would like to see them out of the critical area and approve the project, they can eliminate the need of wetland crossing and he brought revised plans with him this evening.

Agent Porter recommended the wetland replication area be smaller and be 1 ½ to 1 instead of 2.4 to 1 and needs a plan view of the plantings on the plan. Mr. Watson will provide that to the Agent. Agent Porter advised that they are proposing to clear cut the 25' no disturb zone. Agent Porter inquired as to what the width is of the wetland crossing will be, Mr. Watson replied it will be 16' wide.

Agent Porter added since they are proposing to fill isolated vegetated wetland, they are to add it that 15,000 s.f. to water quality cert. Agent Porter will provide Mr. Watson with further comments in writing.

Agent Porter recommended that the project go to Nitsch for stormwater review and review of calculations for isolated land subject to flooding.

Commissioner Audette stated that he is not in favor of happy with the proposed clearing of the trees and they have not allowed anyone do this. Mr. Watson stated the proposal is not to cut and remove all the vegetation it's only to remove the vegetation that is tall.

Chairman Dixon advised Mr. Watson that a few years ago the abutting bog came before this Commission for a solar array project and it was denied by this Commission. Mr. Watson replied that he is very familiar with that project as it was his firm that filed the application and he also worked on the project.

Commissioner Pacheco inquired as to how many trees are proposed to be cut. Mr. Watson replied that it would be all the trees within the fence that will be cut he is unsure of the exact number. Mr. Watson added that there have been studies done by solar companies that shows the carbon offset of trees vs. solar panels, the solar panels remove the need for more hydrocarbon fuels than the trees would actually be absorbing so net benefit to the environmental as far as trees providing vs how much fuel, less fuel would be needed for electricity. Chairman Dixon requested that Mr. Watson provide that study to the Commission.

Stephen Chmiel advised that he participated in the delineation of the wetlands.

Commissioner Audette made a motion to forward this to Nitsch for review. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

Mr. Watson inquired if the Commission would be interested in looking at another site. Chairman Dixon replied that it would be best to see one that was close.

Commissioner Audette made a motion to table. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

OLD BUSINESS CONTINUED:

1. 3806 Acushnet Avenue - update on Restoration Plan

Mr. Stephen Chmiel advised that he has received the signs, but he has not installed them yet but will be doing so.

Briarwood Court

Agent Porter advised that she received a call from Joe Araujo, and he stated that he would remove the concrete but that he was not going to remove the leaves and grass clippings and felt that they would just break down. Told him he would have to at least remove the shrubs. How does the Commission feel about him leaving the grass clippings and leaves? Chairman Dixon didn't understand why Mr. Araujo is he haggling and not cleaning the property since this Commission has waited quite some time for a response.

The Commissioners agreed that he clean the property and remove the leaves and grass clippings.

NEW BUSINESS:

1. Ratify Emergency Certification – Route 140 MADOT

Agent Porter advised that this is at the Rte. 3 interchange for Hathaway Road where they had severe erosion on the side slopes that needed to be addressed immediately to avoid undermining the road. Agent Porter requested they install erosion control on the downslope on the eroded areas.

Commissioner Audette made a motion to ratify the Emergency Certification. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

2. Agent Updates/General Correspondence

Agent Porter advised that the Commission had previously allowed an RDA for a demolition of building on Fish island and they have since placed two containers on site. The Building Dept. wants permits for them.

Chairman Dixon inquired if they are shipping containers? Porter they are not shipping containers, his electrical system is inside one of them and are more like trailers.

Agent Porter advised them that they need to file a Request for Determination of Applicability and they will be filing it this week.

2020 Conservation Commission Meeting Calendar

Chairman Dixon abstained from this matter.

Commissioner Audette made a motion to approve the 2020 Meeting Calendar. Motion was seconded by Commissioner Pacheco. All in favor besides Chairman Dixon who abstained. Motion carries.

3. Meeting Minutes of 11/5/19 for approval.

Commissioner Audette made a motion to approve the Meeting Minutes of 11/5/19. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

Commissioner Audette at this time commented on the letter that was received from the letter that was received from KP Law, The City's Attorney on Parallel Products, that he is a little taken back by this letter.

Commissioner Audette made a motion to forward this letter to Nitsch. Motion was seconded by Commissioner Blanchard.

ADJOURN

Commissioner Audette made a motion to adjourn at approximately 7:50. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas, Administrative Coordinator