



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

**Meeting Minutes of the Conservation Meeting of
October 2, 2019
Brooklawn Senior Center**

Members Absent

Peter Blanchard

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

Vice Chairman, Dennis Audette, Chairman, Craig Dixon, and Commissioner Paul Pacheco

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) – 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 the representative has requested a continuance. Commissioner Audette made a motion to table this matter to the next meeting. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

NEW BUSINESS:

1. **SE49-0805** – South Coast Rail - Request to conduct a test pit. Representative is Lars Carlson of VHB, Inc.

Mr. Carlson advised that he is waiting for Mr. Ken Caputo from VHB to arrive, that he was stuck in traffic. Commissioner Audette made a motion to table this matter until Mr. Caputo arrives. Motion was seconded by Commissioner Pacheco.

Commissioner Pacheco made a motion to open the hearing at 7:05 pm. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

Mr. Lars Carlson of VHB, Inc., was present together with Ken Caputo of VHB. Mr. Carlson advised that there has been a change in field conditions that requires them to do a test pit in the wetland resource.

Mr. Caputo stated that this is part of the Tarkiln Hill Road existing drainage system, a 24" pipe to manhole. From inspection that was conducted it was found that the pipe coming from railroad track is a reinforced concrete pipe and they had no plans to change it and were going to leave it in place. When they started construction of the ditch line they found this buried pipe and it's a granite box culvert with a piece of concrete pipe put on the end extending it over to the existing ditch. On this railroad, they cannot have any granite box culvert so they are replacing all granite box culverts from NB to Taunton and Fall River. They must get to that structure first to find out what is going on. Once they find out what is going on at that structure, then they can come back to the commission with an amendment or minor modification to replace it. They may need to do some excavation outside the manhole to see how the structure condition is and will then be able to design a replacement culvert and for that would file for a modification under the current Order of Conditions. They will scratch the surface with small equipment to get manhole cover off, stockpile and separate the surface soils from any subgrade soils, backfill immediately, re-spread surface soils and seed.

Commissioner Pacheco inquired as to the type of equipment will be used. Mr. Caputo replied it will be a small backhoe.

Mr. Caputo requested permission to conduct this investigation in the resource area and would like to commence as early as next week and will reseed the same day. Erosion controls are already in place.

Commissioner Audette inquired if the box is not good if they are going to replace it. Mr. Caputo replied would come to the Commission with another modification filing to seek approval and have contractor conduct that work in late November.

Agent Porter stated for the record that the Commission received a letter dated 9/26/19 requesting to conduct test pits as described with plan dated 9/26/19 it's a temporary impact because it's in the wetland so they needed permission from the Commission. It's a minor impact and will only take a day to do the work and replace the subsoil and reseed it. Agent recommended approving this activity.

Wendy Graca of 26 Elizabeth Street, New Bedford, inquired if they have to replace the pipe if they will have to do the restoration twice and come back before the commission? Mr. Caputo replied that was correct.

Commissioner Audette made a motion to approve the test pit. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

2. SE49-0826 – Buttonwood Park Pond – Update on water quality treatment of the pond.

Representatives are Jeff Young of Advanced Marine Technologies and Amber Unruh of SMAST.

Mr. Jeff Young of Advanced Marine Technologies was present together with Amber Unruh of SMAST. Mr. Young advised that when they received approval from the Conservation Commission, they did their first application to the pond on July 24, 2019 which is very late, and they had made three promises to this Commission. First being that there would be no algae bloom. Amber is at the pond 1-2 times a week and has seen no evidence of algae except for one small area near loading dock, which has dissipated. Second,

would not get a fish kill, and there has been no reports of any fish kill in contrary he has watched in area of loading boat and heavy application area has noticed more and more fish every week. Went there this morning and he took pictures of it and emailed it to Sarah. There were fish jumping and school of fish swimming away. Finally, that there would be no harm to the environment. Dr. House agrees with everything he has seen and reported that there is no harm. Has pulled turbidity screen when water levels were low cause zoo having issues getting water, per Agent's request. Turbidity screen is not necessary and it states that in the data. In terms of how project is going, it's not happening fast enough because went in late and there was already a heavy growth of green and have not put a dent in that yet. The one positive thing in the data from Amber is that there has been a slight reduction in the bottom sludge which was expected. On the first day of application he took pictures because he knew there would be a reduction of that. This morning he took pictures of same exact spots and he saw shells in the pond. Ms. Unruh stated the shells were around the island and are freshwater mussel shells but look like they have been there.

Ms. Unruh has conducted more testing than what was budgeted for.

Ms. Unruh stated that they are doing the same testing as was done at Sassaquin Pond. Buttonwood Park was very tough because a lot of water flows into the pond when it rains and when it stops raining the flow into the pond almost stops and out of pond is low.

Commissioner Audette inquired if any core samples have been taken? Ms. Unruh replied they did not because they did not budget for that.

Ms. Unruh stated that the muck layer is decreasing and will continue sampling for remainder of this year and will incorporate it into the study next year together with all the background from July to July. Did five pre-sampling events in the pond before the first appointment applied microbe on June 24th, pre and post sampling to see if any changes immediately did not see anything significant.

Ms. Unruh stated that there is a slight decrease in water clarity in August and there are no changes seen at this point. Overall there have been no negative effects from the treatment and has not seen a significant change in the humifications of buttonwood pond through the additions.

Commissioner Audette inquired if starting to see sand more if means muck is moving towards middle or being dissolved. Mr. Young said it means it's starting to dissolve.

Chairman Dixon inquired whether they know the locations of the out falls are for the drainage areas. Agent Porter stated that she has a copy of that map. Ms. Unruh requested a copy of that map so that she can conduct a storm water study of those nutrients loads.

Commissioner Pacheco inquired as to when they would get back into the pond next year. One week or two prior to Jeff to get nutrient concentrations before, may do it weekly and then through summer months will be bi-weekly samplings. Will draw up a scope and see what is feasible as far as funding because it can get expensive.

Agent Porter inquired whether they have any communication from EOE. Mr. Young no, MEPA said would get back to them with a team to look at this and dr. house advised him not to reach out to them and let SMAST do the research and get the data and then be able to speak to EOE. I

Porter reminded them that there is a report that is due at the end of year. Ms. Unruh will get that report to the Commission by January or early February. Agent Porter agreed to the report being filed at that time.

Mr. Young requested permission to continuing conducting this work next year. Agent Porter advised Mr. Young that the Order of Conditions is good for three years.

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) - 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) - 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 Rheaume 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) - 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 representative requested a continuance. Commissioner Pacheco made a motion to table this matter until the next meeting. Motion was seconded by Commissioner Audette. 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) - 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 representative requested a continuance. Commissioner Audette made a motion to table this matter until the next meeting. Motion was seconded by Commissioner Pacheco. 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) - 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 representative requested a continuance. Commissioner Pacheco made a motion to table this matter until the next meeting. Motion was seconded by Commissioner Audette. 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) - 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 representative requested a continuance. Commissioner Pacheco made a motion to table this matter until the next meeting. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

NEW HEARINGS: **NONE.**

OLD BUSINESS CONTINUED:

1. **3806 Acushnet Avenue - update on Restoration Plan**

Agent Porter advised that Mr. Rosanina is ordering the sign and put it up.

2. **Briarwood Court – update**

Agent Porter advised that she does not have an update except that she sent an email to Attorney Flor with additional information and he is going to get back to the Agent.

NEW BUSINESS CONTINUED:

1. **Agent Updates/General Correspondence**

Almy Street

Agent Porter advised that she spoke to Linda Andrade yesterday and she advised that Steve Schmiel was supposed to come by this week to seed the bvw and she will call Sarah when ready for inspection was supposed to be done by 9/21/19 under the EO.

Open Space & Recreation Master Plan

Agent Porter advised that she submitted information to Commission and would like to know if anyone would like to sit on the Steering Committee with Agent Porter. The meetings will probably be held

during the daytime. Chairman Dixon replied that rules him out because is not available during the daytime and maybe to keep it to as per meeting basis and whoever is available can attend.

352 Herman Melville Boulevard

Agent Porter advised that the Commission needs to ratify the Enforcement Order for 352 Herman Melville Boulevard, Tisbury Towing and Transportation owned by Ralph Packard. DEP is going to take over the Enforcement action and will keep the Conservation Commission in the loop. Tisbury Towing and Transportation dumped fill material into coastal bank that entered the Acushnet River.

Commissioner Audette made a motion to ratify the Enforcement Order for 352 Herman Melville Boulevard. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

2. Meeting Minutes of 9/17/19 for approval.

Commissioner Audette made a motion to approve the Meeting Minutes of 9/17/19. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

ADJOURN

Commissioner Audette made a motion to adjourn at approximately 7:20. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas, Administrative Coordinator