



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
April 17, 2018
Brooklawn Senior Center**

**Members Absent
Paul Pacheco**

**Staff Present
Agent Sarah Porter**

Chairman Dixon called the meeting to order at 6:30 p.m.

CALL MEETING TO ORDER

ROLL CALL OF COMMISSIONERS

Roll Call of all Commissioners' Present: Chairman Craig Dixon, Commissioner Jacob Gonsalves, Commissioner Chancery Perks, Commissioner Peter Blanchard.

OLD BUSINESS:

- 1. SE49-593 – (Continued from 4/3/18) - Request for Certificate of Compliance as filed by Greater New Bedford Industrial Foundation for property identified as Flaherty Drive Extension.** Representative is Richard Riccio of Field Engineering.

Mr. Bob Field of Field Engineering was present on behalf of the applicant and advised that this project is on Industrial Foundation property and was done by MASS DOT. The as-built has been submitted and they have addressed Sarah's comments with regard to the state of the replication area and cleaning the detention basins.

Agent Porter stated that it is difficult to get hydrology correct in a replication area and if the Commission would like them to add soil and make red maple swamp out of it or allow it to be a wet meadow.

Chairman Dixon stated that he was okay with its current state. Agent Porter added that it's important not to get it full of invasive plants.

Mr. Field advised that the basins have been cleaned out. Agent Porter replied that one of the outfall sediment has to be cleaned out and the side slopes weed whacked. Mr. Field agreed that he will get this done before the next meeting.

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

2. SE49-0774 - Request for a partial Certificate of Compliance as filed by DPM Development for property identified as Rosa Drive (Map 136, Lot 472).

Agent Porter recommended the issuance of a partial Certificate of Compliance for the construction of the house, utilities, deck, split rail fence and sign with ongoing condition #51 that states: At the time of land transfer, the property owner or any successor shall require the buyer to sign an acknowledgement that the split rail fence on the property is the limit of disturbance on Lot 472 in perpetuity. This acknowledgement shall be notarized and the original submitted to the Conservation Commission with a copy to the property owner. The signed and notarized acknowledgement has been received. The full Certificate of Compliance was not issued because grading was still required in the front of the house and lawn needed to be established.

Commissioner Audette made a motion to issue a partial Certificate of Compliance as recommended by the Agent with condition as read. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

3. SE49-0775 - Request for a partial Certificate of Compliance as filed by DPM Development for property identified as Seth Daniel Drive (Map 136, Lot 471).

Agent Porter recommended the issuance of a partial Certificate of Compliance with ongoing condition #51 that states: At the time of land transfer, the property owner or any successor shall require the buyer to sign an acknowledgement that the split rail fence on the property is the limit of disturbance on Lot 472 in perpetuity. This acknowledgement shall be notarized and the original submitted to the Conservation Commission with a copy to the property owner. The signed and notarized acknowledgement has been received. The full Certificate of Compliance was not issued because grading was still required in the front of the house and lawn needed to be established.

Commissioner Audette made a motion to issue a partial Certificate of Compliance as recommended by the Agent with condition as read. Motion was seconded by Commissioner Perks. 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) - 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. **SE49-0739** – (Continued from 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, 20/20/18, 3/6/18, 3/20/18, 4/3/18) - A Notice of Intent as filed by Michele Paul, Director of Environmental Stewardship for the City of New Bedford for property identified as Ruggles Street and Hathaway Boulevard (Map 69, Lots 86, 88-93, 96-100, and 125). The applicant proposes to conduct remediation activities to remove contaminated soils followed by construction of an athletic facility. Representative is David Sullivan of TRC Environmental.
CONTINUED

3. **SE49-0785** – (Continued from 1/2/18, 1/16/18, 2/6/18, 2/20/2018, 3/6/18, 3/20/18, 4/3/18) - A Notice of Intent as filed by Heik Milhench for property identified as 127 Duchaine Blvd (Map 133, Lot 21 and a portion of Lot 12). Applicant proposes to construct an 18,000 square foot addition with associated parking, grading and utilities. Project proposes 3,200 square feet of Bordering Vegetated Wetland alteration with associated replication. Representative is Stevie Carvalho of Farland Corp. **CONTINUED**
4. **SE49-0791** – (Continued from 3/6/18, 3/20/18, 4/3/18) - A Notice of Intent as filed by Tim Cusson of SMRE 61, LLC for property identified as 61 John Vertente Boulevard (Map 133, Lot 47). Applicant proposes to construct an alternate access driveway with associated grading and a rain garden in the 100' Buffer Zone to a Bordering Vegetated Wetland. Representative is Christian Farland of Farland, Corp. **CONTINUED**
5. **SE49-0797** – (Continued from 3/20/18, 4/3/18) - A Notice of Intent as filed by David Fredette City of New Bedford Department of Public Infrastructure for property identified as the Tarkiln Hill Road and Kings Highway intersection. The intersection falls within the MASS DOT Railroad Right of Way adjacent to Map 125, Lots 113 & 29 and Map 123 Lot 109. Wetland replication also falls within MASS DOT Railroad property (Map 102, Lot 78). Applicant proposes to reconstruct the Tarkiln Hill Road and Kings Highway intersection and provide associated drainage improvements and wetland replication. Representative is David Fredette, City Engineer. **CONTINUED**
6. **SE49-0792** (Continued from 4/3/18) - A Notice of Intent as filed by Mary Rapoza, City of New Bedford Director of Parks, Recreation & Beaches for property identified as Buttonwood Park (Map 49, Lot 14). Applicant proposes to conduct an Aquatic Management Program at Buttonwood Park Pond. Representative is Mathew Salem of Solitude Lake Management.

Mary Rapoza, Director of NB Parks, Recreation and Beaches was present. Mr. Mathew Salem was not present.

Chairman Dixon stated that he didn't know there are American Eel at the Buttonwood Park pond and reviewed that letter that was received from DMF stating that they are not to apply during 3/15-6/16 along with some other recommendations of water quality sampling to be done. Chairman Dixon inquired whether anyone has ever performed a stock sampling. Ms. Rapoza replied that she is not aware of stock sampling being performed.

Agent Porter inquired whether the Commission would like this to be a 3 year or 5 year plan. The Commission agreed to a 5 year plan. Agent Porter recommended the following special conditions:

- All herbicide application shall be performed by certified applicators, applied in accordance with the recommended label rates and in accordance with this Order of Conditions and the MA DEP License to Apply Chemicals permits.
- Glyphosate and Imazamox are permitted for use on for nuisance water lily, common reed and purple loosestrife.
- Diquat is permitted for use on the pondweeds
- Copper based algaecides are permitted for the management of filamentous and microscopic algae
- The use of Fluioxazin on duckweed is prohibited. Duckweed does not hinder swan boat use and is valuable waterfowl food.
- The applicant can come back to the Conservation Commission with a written request to use endothal and fluoridone or other herbicides if the vegetation compositions shifts in the pond without the need to amend the order provided all information requested by the Commission is provided. If the Commission feels the request is significant or information is not provided a request for an Amended Order is to be filed by the applicant.
- The April 6, 2018 Time of Year and water quality monitoring requirements specified in the written determination from the MA Division of Marine Fisheries is hereby attached to this Order of Conditions and shall be adhered to by the applicant. In addition, as required by the Conservation Commission, the applicant shall use a secchi disk to sample the water clarity at the same locations and during the same time periods specified in the MA DMF water quality monitoring requirements.
- The Conservation Agent is to be notified via email or phone 24 hours in advance of each herbicide application.
- If an herbicide application results in a fish kill in the pond, the herbicide applicator shall be responsible for restocking the pond with the same or similar fish species within one year's time. In additions, all herbicide applications shall then be suspended until the Conservation Commission has determined that no further applications shall result in harm to fish or other aquatic fauna in the pond.
- Annual Monitoring Reports are due no later than December 31st of every year and shall provide an discuss all of the MA DMF and City of New Bedford Conservation Commission and Buttonwood Park Zoo water quality sampling data. Each day the pond is visited shall be documented, describing any actions or observations made. Annual reports shall document any impacts to non target species and modifications made to avoid impacts. The efficacy of the program shall be discussed and future recommendations provided, including the proposed herbicides to be utilized in the upcoming year.

Plans for approval are Figures 2 Vegetation Assemblage dated 3/5/2018 and Figure 3 Potential Herbicide Management Area dated 4/2/2018.

Commissioner Audette made a motion to approve with the special conditions as read by the Agent. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

- 7. SE049-0798 (Continued from 4/3/18) - A Notice of Intent as filed by Jay Jones of Plumbers Supply Company for property identified as Flaherty Drive (Map 133, Lot 61) New Bedford.** Applicant proposes to construct a 175,200 square foot office/warehouse with associated parking, loading areas and storm water management facilities within the 100' Buffer Zone of a Bordering Vegetated Wetland. Representative is Rich Riccio III, P.E. of Field Engineering.

Mr. Bob Field of Field Engineering was present on behalf of the applicant. Mr. Field advised that comments have been received from Nitsch and they suggested test pits be performed near basin and they are hoping to do those later this week and then address Nitch's comments prior to the next meeting.

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

NEW HEARINGS:

1. **A Notice of Intent as filed by Mario Gomes for property identified as the end of Wilbur Street (Map 80, Lot 11 & 89).** Applicant proposes to construct a single family dwelling with paved parking area and associated grading in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Mathew White of Farland Corp.

Mr. Matthew White of Farland Corp., was present on behalf of the applicant. Mr. White advised that the applicant is proposing construction of single family dwelling with roof recharge system with driveway and associated grading.

Agent Porter advised that a DEP File number has not yet been received and she changed wetland flag #13.

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

2. **SE49-0799 - A Notice of Intent as filed the City of New Bedford Department of Environmental Stewardship for property identified as south of Sawyer Street (Map 93-2 Lots 263 & 265).** Applicant proposes a restoration project involving the construction of a Riverwalk with a 6' wide bituminous walkway and associated amenities, the removal of invasive plants followed by the planting of native species. Representative is Stevie Carvalho of Farland Corp.

Mr. Matthew White of Farland Corp., was present on behalf of the applicant. Mr. White advised that this portion of the Acushnet River deserves to be restored and project being proposed is broken up into different segments. This project is segment 1 beginning at Veteran's Memorial Way which is the access drive behind Market Basket and ends at existing sidewalk on Sawyer Street. There is an erosion demolition plan for around the edge of stone slope. The demolition will consist of removing invasive species and brush, constructing a 6' wide walkway with two access points with amenities, light poles, and two brick paver areas with benches. They are also proposing plantings and have submitted planting plan.

Agent Porter advised that the area doesn't have invasive species because the Army Corps. was in there at Market Basket and they seeded it with conservation seed mix and current property owners for Market Basket have been mowing it there is also a strip of Ammophila which is beach grass along the banks of the area that the Army Corps., planted that needs to be shown on the plans. It was planted to have transition between rip rap and top of bank and it's doing pretty well. The Army Corps., will come back and plant and they have to guarantee success for at least a year or more. The plantings should be natives not hybrids and Farland should look at the planting plan that Michele sent to Stevie Carvalho that has listing of examples of native species and also address the fact that there should be clumps of bushes and wildflower areas along walking path. Agent Porter suggested this be sent to Nitsch for storm water review.

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

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

NEW BUSINESS:

1. 1619-1627 Braley Road

Agent Porter advised the Commission that she was contacted by the health department about an issue at condos at 1619-1627 Braley Road, agent showed the commissioners pictures

The email stated that there is significant amount of trash and debris dumped on property found in wetlands, have had recurring issues with maintenance or lack thereof on the property. The property manager is legally the responsible party and is currently in criminal court hearings due to neglect of the property. Photos were attached from the health Agent's recent inspections.

Agent Porter stated this is more a Health Department matter although with the debris in the buffer zone it's up to the Commission as to how they want to handle this.

Chairman Dixon stated that the fact that they are not picking up the trash could be leading to debris being blown into the buffer zone & wetland.

Commissioner Audette requested sending a letter asking them to clean up the area to prevent windblown debris from ending up in the wetland and they must provide proper trash disposal.

2. Agent Updates and General Correspondence

Agent Porter advised that a letter from the Attorney from A-1 Asphalt was received stating that they want to keep the hearing open. Agent Porter advised that they are working on an appeal with the Zoning Board of Appeals.

3. Approval of 2 20 2018 meeting minutes

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of February 20, 2018 was made by Commissioner Audette. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

Commissioner Perks advised that he approached Sarah a couple of days ago with regard to the organization he works with children and now working on mentoring program that he is working with at Tabor Academy and wanted to know if there were any volunteering opportunities for high school children in NB and Chance is going to work with about 25 kids half of the kids will be working in public orchards mulching and other half will place some on the marsh at harbor walk on east Rodney French. There is a corner full of plastics and kids will start at this point and bag as much as possible to try and clean area out and will raise some awareness for this marsh. Wanted to let Sarah and the Commission know that he was planning on doing this on April 28 between 8:00 am and 12:00 pm, there is no rain. Phase II is to start thinking about getting students to do projects like this in the future.

Commissioner Perks suggested that the Conservation Commission become more proactive with regard to trash issue and work with NB Voke students for community services. Audette suggested also working

with Mass Maritime and New Bedford High School students too. Commissioner Audette also suggested working with the Mayor's office and Solicitor's Office to obtain approval especially because of liability issues prior to commencing any project.

ADJOURN

Commissioner Audette made a motion to adjourn at approximately 8:00. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas, Administrative Coordinator