



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
April 3, 2018
Brooklawn Senior Center**

Members Absent

Paul Pacheco

Staff Present

Agent Sarah Porter

Sandy Douglas, Admin., Coordinator

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: Vice Chairman Dennis Audette, Chairman Craig Dixon, Commissioner Jacob Gonsalves, Commissioner Chancery Perks, Commissioner Peter Blanchard.

OLD BUSINESS:

NONE.

NEW BUSINESS:

- 1. A Request for Determination of Applicability as filed by Jose Machado for property identified as 1233 East Rodney French Boulevard (Map 8, Lot 182). Applicant proposes to demolish a single family dwelling in the Coastal Velocity Zone of the Floodplain. Representative is Jose Machado.**

Mr. Jose Machado was present and advised that he would like to demolish the current dwelling and then build a 1,400-1,500 s.f. single family home on stilts.

Agent Porter advised that this application is for a demolition of a single family home in the coastal velocity zone and recommended a negative determination that the work as proposed is within a resource area being the coastal velocity zone and shall not remove, fill, dredge or alter that area. Special Conditions are as follows; all demolition debris is to be placed in a closed dumpster at the end of each work day; all loose debris is to be cleaned at the end of every work day, basement is to be filled with clean fill material and to follow all requirements of the Building Department for demolition of a building.

Chairman Dixon inquired whether there were any comments from the public. None heard.

Commissioner Audette made a motion for a negative determination as recommended by the Agent with conditions as read. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

2. **SE49-593** – **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. Richard Riccio of Field Engineering was present on behalf of the applicant. Mr. Riccio advised that a topographic as-built has been done of the storm water management detention basins that service the roads and submitted the calculations that system has been built in accordance with the plans.

Chairman Dixon inquired if there was anyone present who wished to comment on this matter. None heard.

Agent Porter advised that this will have to be forwarded to Nitsch to review the storm water calculations. Agent Porter has not been out to see if storm water basins need maintenance. Mr. Riccio replied they are not wooded but are a little overgrown. Agent Porter will visit the site.

Commissioner Audette made a motion to forward to Nitsch Engineering for review. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries,

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

3. **SE49-0716** – **Request for a Certificate of Compliance as filed by N. Douglas Schneider & Associates for property identified as 12 Fish Island (Map 60, Lot 1).** The project consists of the construction of a 28' wide 213' long commercial pile supported pier.

Agent Porter advised that this is a straight forward request for a Certificate of Compliance and that the engineer wrote a letter that he feel it's in substantive compliance.

Agent Porter recommended the issuance of a full Certificate of Compliance with no ongoing conditions.

Commissioner Audette made a motion to issue a full Certificate of Compliance as recommended by the Agent. Motion was seconded by Commissioner Gonsalves. 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) - **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, 2/20/18, 3/6/18, 3/20/18) - 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) - 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. **SE49-0792** - Vote to Rescind Order of Conditions SE49-0792 from Hearing closed on 3/20/2018 due to failure to notify the MA Division of Marine Fisheries in accordance with 310 CMR 10.11(4). The project was 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 proposed to conduct an Aquatic Management Program at Buttonwood Park Pond. Representative was Colin Gosselin of Solitude Lake Management.

Agent Porter advised the Commission that the day after the last hearing she was notified by MA Division of Marine Fisheries that they had comments but did not get a submission of the Notice of Intent. Agent Porter spoke with City Solicitor, Jane Friedman and she advised that the Commission would have to vote to rescind the Order of Conditions and that the applicant would have to re-file a new NOI and send it to MA Division of Marine Fisheries.

Commissioner Audette made a motion to rescind SE49-0792 Order of Conditions. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

5. **SE49-0791** – (Continued from 3/6/18, 3/20/18) - 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**
6. **SE49-0797** – (Continued from 3/20/18) - 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**

NEW HEARINGS:

1. **SE49-0795** - A Notice of Intent as filed by DPM Development, Inc. for property identified as **Map 136, Lot 479 Seth Daniel Drive in the Settlement subdivision, East of Acushnet Avenue, New Bedford.** Applicant proposes to construct a single family dwelling with associated driveway, utilities and grading within the 100' Buffer Zone to a Bordering Vegetated Wetland. Representative is Jeffrey Tallman of SITEC, Inc.

Mr. Jeffrey Tallman of SITEC, Inc., was present on behalf of the applicant, DPM Development, Inc. Mr. Tallman stated that this project is for construction of a 26' x 36' single family dwelling with a single stall garage.

Chairman Dixon inquired whether there was anyone present who wished to comment on this matter. None heard.

Agent Porter stated that this project is for a single family dwelling in The Settlement and recommended the issuance of an Order of Conditions with the following Special Conditions: 12" diameter wattles are to be replaced prior to the onset of construction; new wattles to be placed in front of the split rail fence; at the time of land transfer the property owner and any successor shall require the buyer sign an acknowledgement that a split rail fence is the limit of disturbance on lot 479 in perpetuity. This acknowledgement shall be signed and notarized, the original of which shall be submitted to the Conservation Commission.

Commissioner Gonsalves made a motion to issue a Notice of Intent with conditions as read by the Agent. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

2. **SE49-0796** - A Notice of Intent as filed by DPM Development, Inc. for property identified as **Map 136, Lot 480 Seth Daniel Drive in the Settlement subdivision, East of Acushnet Avenue, New Bedford.** Applicant proposes to construct a single family dwelling with associated driveway, utilities and grading within the 100' Buffer Zone to a Bordering Vegetated Wetland. Representative is Jeffrey Tallman of SITEC, Inc.

Mr. Jeffrey Tallman of SITEC, Inc., was present on behalf of the applicant, DPM Development, Inc. Mr. Tallman stated that this project is for construction of a 26' x 36' single family dwelling. The split rail fence that was installed at time of construction was placed in the wrong location so it will be relocated as indicated on the plan.

Chairman Dixon inquired whether there was anyone present who wished to comment on this matter. None heard.

Agent Porter stated that this project is for a single family dwelling in The Settlement and recommended the issuance of an Order of Conditions with the following Special Conditions: 12" diameter wattles are to be replaced prior to the onset of construction; new wattles to be placed in front of the split rail fence; at the time of land transfer the property owner and any successor shall require the buyer sign an acknowledgement that a split rail fence is the limit of disturbance on lot 480 in perpetuity. This

acknowledgement shall be signed and notarized, the original of which shall be submitted to the Conservation Commission.

Commissioner Gonsalves made a motion to issue a Notice of Intent with conditions as read by the Agent. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

- 3. A Notice of Intent as filed by Mary Rapoza, City of New Bedford Director of Parks, and 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.

Ms. Mary Rapoza from City of New Bedford Parks, Recreation & Beaches was present together with Keith Gazelle of Solitude Lake Management.

Mr. Gazelle advised that based on the comments received from the Division of Marine Fisheries, they were given a time of year restriction from March 30th to June 15th and will do management after June 15th, asked for monitoring of dissolved oxygen pre and post treatment and some PH monitoring.

Chairman Dixon any other changes other than the comments from Marine Fisheries? Mr. Gazelle replied there aren't any.

Commissioner Audette inquired as to how many acres going to be treated. Mr. Gazelle replied that the management area is 6.4 acres but only treating areas of vegetation and algae growth. Going to hit north end of pond.

Commissioner Audette since using chemical what if there is fish kill is there a plan to refurbish. Can restock if that problem occurs and can condition that there be a plan for restocking.

Commissioner Audette inquired if the swan boat company has a five year lease on the pond since they are paying for this and will be performing the treatment. Ms. Rapoza replied that they have a three year contract with two one year renewals. Commissioner Audette suggested doing a three year plan that is guaranteed paying for in case the swan boat company decides to bail out on the fourth year.

Agent Porter replied that she has not received any comments from the Division of Marine Fisheries nor has a DEP File number been received. Agent Porter consulted with Solicitor Friedman with regard to the lack of comments from DMF. Because DMF was willing to work the Conservation Commission and allowing the closing of this hearing while issuing their comments by the end of the week, she said that it is okay provided the motion is that public hearing be closed but leave the record open for additional comments from the DMF that are expected to be issued in the next week.

Chairman Dixon suggested just tabling this matter for a couple of weeks since a DEP file number has not yet been received.

Agent Porter inquired as to how many times they plan to apply herbicide? Mr. Gazelle replied that is undetermined and that they be visiting pond monthly June to August so maybe three times at the most but will be based on conditions

Agent Porter suggested they do secchi disk monitoring at same time they do dissolved oxygen and other sampling for DMF. Mr. Gazelle agreed.

Commissioner Gonsalves made a motion to table this matter to the next meeting, April 17, 2018. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

4. **SE049-0798** - 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. Rich Riccio of Field Engineering was present on behalf of the applicant, Plumbers Supply Company. Mr. Riccio advised that this is a vacant lot at the end of Flaherty Drive Extension. The applicant is relocating their headquarter from Church Street to this site. They are proposing a 175,200 s.f. building with paved parking areas in the front and a paved loading in the back. The storm water management facility for this site includes piping system for the paved surface to large detention pond. The warehouse roof drainage will be collected in a recharge trench located under concrete loading area. The limits of work proposed include site clearing for future expansion 3-4 yrs down road and will be used as stock pile of materials.

Mr. Riccio did send this to Natural Heritage for comment.

Chairman Dixon inquired whether there was anyone present who wished to comment on this matter. None heard.

Agent Porter stated that she has to go to the site and verify the wetland boundary because it has expired and has since been reflagged by Field Engineering.

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

Commissioner Gonsalves made a motion to table this matter to the April17th meeting. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

NEW BUSINESS CONTINUED:

Agent Updates and General Correspondence

1. Registry of Motor vehicle

Agent Porter inquired as to what is going on at RMV site.

RR have not heard much from them and they have an outstanding COC and OC is still valid and from driving by everything looks stabilized but he will visit the site and do a follow-up and report back to Agent Porter.

2. Airport

Agent Porter updated on the New Plainville Road clearing by Turner's Pond and access road on left hand side. A culvert has been installed in the entrance way on access road but it was not planned but they decided they needed to install one. Agent Porter advised them that they could go ahead and do the work but inquired if the Commission requires a filing to amend the Order. The Commission agreed that they should file an amendment.

3. ROFA (Safety Extension Project at the Airport)

Agent Porter advised that there was an underground pipe discharging water out into stream and then into wetland so they had to dig out and find out where it was coming from. It was coming from an old pipe and they repaired the pipe which was in upland buffer area.

4. Yearly Operational Plan at the Airport

The yearly operational plan people have finished their work except some work that has to be performed by hand. They have a bunch of boulders and need to move them so that they can mow the areas, they aren't going to dig up the boulders, they just want to move them by grappling hook to areas in the Buffer Zone and want to know if they need a filing to move the boulders around, there won't be any earth disturbance.

Commissioner Perks suggested they pick them up, put them in a truck and dump them to create habitat and this way it's easier to mow. Commission agreed.

5. EVERSOURCE, McArthur Drive

Agent Porter updated that they are working outside of our jurisdictional areas. They will be removing an area and treat it and found out the area is bigger than they anticipated, they just wanted to give us a head's up. Agent Porter will be on site on Thursday.

6. Railroad

Agent Porter advised that VHB sent State of Good Repair Culvert and Bridge Replacement for MA DOT Rail. NB Mainline is part of that and has three culverts that need to be repaired but they are exempt because they fall under the bridge and culvert repair clause. But they wanted to give us the courtesy of notice.

1. Meeting Minutes of 12/19/2017, 01/02/2018, 01/16/2018, and 2/6/2018 for approval

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of December 19, 2017 was made by Commissioner Audette. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of January 2, 2018 was made by Commissioner Audette. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of January 16, 2018 was made by Commissioner Audette. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of February 6, 2018 was made by Commissioner Audette. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

ADJOURN

Commissioner Gonsalves made a motion to adjourn at approximately 7:55. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas, Administrative Coordinator