



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
February 20, 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 and Commissioner Peter Blanchard.

OLD BUSINESS:

NONE.

NEW BUSINESS:

- 1. SE49-562 - Request for Certificate of Compliance as filed by New Homes by Castelo, Inc., for property identified as 1007 Mount Pleasant Street, New Bedford (Map 123-B, Lot 405).**

Agent Porter advised the Commission that this is a request for Certificate of Compliance and the split rail fence is in good condition and the sign was just recently installed and there is no indication of any dumping behind the split rail fence.

Attorney Carlton Abbott was present with the potential buyers and advised that his clients have read the Order of Conditions and have signed the Acknowledgment.

Agent Porter confirmed that the Acknowledgment has been received and recommended the issuance of a full Certificate of Compliance with ongoing Condition #53.

Commissioner Audette made a motion to approve the issuance of a Certificate of Compliance. 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) - 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) - 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) - 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

NEW HEARINGS:

1. **A Notice of Intent as filed by Jonah Mikutowicz of AGM Marine Contractors, Inc. for property identified as 7 Fish Island, New Bedford, Massachusetts (Map 60, Lot 4). Applicant requests after-the-fact approval for the installation of a 6' wide 80' long floating dock with 7 timber anchor piles and 10 timber fender piles driven into Land Under the Ocean. Representative is Richard FitzGerald of AGM Marine Contractors, Inc.**

Commissioner Gonsalves abstained from this hearing because of work conflict.

Mr. Richard FitzGerald of AGM Marine Contractors was present on behalf of the applicant. Mr. FitzGerald advised that the applicant is proposing a floating dock.

Agent Porter added that this is an after-the-fact filing for driving pilings into the water and building the dock, there is no DEP File # and doesn't know if DEP will require they reapply for a Chapter 91 or get

reauthorized and DMF has no comments on this. Agent Porter stated that it's just a matter to see what DEP has to say and cannot close hearing until DEP File # is received.

Commissioner Perks inquired if there was any debris in the water. Mr. Fitzgerald replied there isn't anything in the water, at low tide you can clearly see the bottom.

Chairman Dixon inquired if there was any one present who wished to comment. None heard.

Commissioner Audette made a motion to continue until March 6th. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

NEW BUSINESS CONTINUED:

1. Airport Vegetation Management (Scot Servis, Airport Manager to address the Commission).

Mr. Scott Servis, the Airport Manager was present together with Randy Christensen, Consultant from Stantec Consulting Services. Mr. Christensen advised that he is working with the Massachusetts DOT on a program to get airports back in compliance with the Vegetation Management Plan (VMP). This is the third year for this program it started in 2014. They are doing Yearly Operational Plan (YOP) updates under the VMP, it's a prescribed 5 year recipe of how they are going to keep maintaining the previously approved vegetation management area and trying to get YOP in compliance with original VMP. New Bedford airport has gone through a significant expansion. And in 2010, the airport went through a VMP update. In that update, which was approved by this Commission was a YOP from 2010-2015 and this now is the next 5 year add on to that YOP as part of the VMP update. There are two plans, one is for year one and second plan is for all areas that would be done under the five year plan.

The green area on the plans is being funded by MASS DOT. The trees right now are taller than the lights and the lights are starting to be obstructed by the vegetation. They are proposing to go in with flail mowers and on mats where necessary and hit target vegetation down to ground level. Herbicide cannot be used because of the open waters areas. The airport will have to do this on a five year rotation.

Mr. Christensen advised that the company selected to do this work have demonstrated that they can do the work in the wetlands and Stantec has worked with them on previous projects.

Mr. Servis stated that he would like to get the vegetation management plan back on track.

Agent Porter and Mr. Christensen discussed the vernal pools. Mr. Christensen stated that he will mark out the perimeter limit of habitat 100' from the pool and reach in from there. Mr. Christensen also suggested meeting out on site with the Agent to map it out. Agent Porter agreed.

Commissioner Perks would like to see this get whacked hard this year and try to get it to the maintainable level as opposed to getting aggressive every five years.

Agent Porter advised that there is a little vernal pool where the gravel pits used to be north of New Plainville Road that have been identified and have shrubs around them and will not be problem to avoid them and would like to go over this area with Mr. Christensen on site. Mr. Christensen advised that the Agent can attend the pre-construction meeting and he will advise her of said date.

Agent Porter advised that the 2010 VMP update was approved as part of the variance and does not expire until next February and they are in compliance and the other issue was use of swamp mats which they need to use out there.

2. Agent Updates and General Correspondence

- **South Coast Rail**: Agent Porter advised the Commission that she provided the Commissioners' as part of their packets a copy of the Executive Summary of the Draft Supplemental Environmental Impact Report with regard to the South Coast Rail and as it turn out it does not affect New Bedford. All of the DSEIR work discussed will be in Middleboro, Freetown, Fall River, and Taunton areas. Phase I and will be complete by 2022 and the will be starting it up with diesel locomotive instead of a tier 4 locomotive but that is not a wetland protection issue.
- **Horacio's Sheet Metal** Agent Porter advised that Horacio's Sheet Metal is located on John Vertente Boulevard and they would like to erect a 10' wide sign. Agent Porter showed the Commissioners a copy of the proposed sign. It requires a concrete footing and everything behind it has a stream and wetland vegetation and doesn't think there is enough room to place this sign there. Agent called Poyant but has not received a return call. They are also proposing to cut some vegetation. Does not own where he wants to place sign it's part of roadway which is Industrial Foundation property and would require a sign-off from them. The Commissioner's agreed that a Notice of Intent filing will be necessary for this request. Agent Porter will wait for a return call from Poyant Signs and go over these concerns.
- Paul Pacheco advised Sandy Douglas that because of tax season he will not be able to attend meetings unless there is a quorum issue and then he will try to arrange his schedule to attend.
- Agent Porter inquired if this Commission would want to require a Certificate of Compliance before signing off on a Certificate of Occupancy. Past Commissioners had agreed that as long as project was in compliance Conservation could sign off on Certificate of Occupancy. The Commission agreed to require a Certificate of Compliance prior to signing off on the Certificate of Occupancy. A Partial Certificate of Compliance with evidence that everything is all set and is just waiting for grass to grow in or other minor items would also result in the issuance of a Certificate of Occupancy.

ADJOURN

Commissioner Audette made a motion to adjourn at approximately 7:35. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas, Administrative Coordinator