



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
December 5, 2017
Brooklawn Senior Center**

Members Absent

None.

Staff Present

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

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

Roll Call of all Commissioners' Present: Chairman Jacob Gonsalves, Commissioner Peter Blanchard, Commissioner Chancery Perks, Commissioner Paul Pacheco, Chairman Craig Dixon, Vice Chairman Dennis Audette

CALL MEETING TO ORDER

ROLL CALL OF COMMISSIONERS

OLD BUSINESS:

- 1. SE49-0722 – (Continued from 11/21/2017) Request for Certificate of Compliance as filed by Leslie Braz for property located at 5 Ava's Way (Map 138, Lot 494).**

Agent Porter advised the Commission that the split rail fence is up and meets with the detention pond fence but it's about 10' into the no disturb zone. Agent Porter inquired whether the Commission would like them to remove and move the fence or leave it the way it is since it is matched up with detention pond.

The Commission agreed to have the owner/applicant remove the fence and place it where it belongs.

Commissioner Audette made a motion to table to the next meeting so the Agent can notify the owner/applicant to move the fence. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

NEW BUSINESS:

NONE.

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) - 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) - 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. **SE49-0777** - (Continued from 10/3/17, 10/17/17, 11/7/17, 11/21/17) - A Notice of Intent as filed by Jean Fox of the Massachusetts Department of Transportation for property identified as 217 Herman Melville Boulevard (Map 72, Lot 275) New Bedford, Massachusetts. Applicant proposes to construct the Wamsutta Layover railroad facility, a portion of which is in the buffer zone to a Bordering Vegetated Wetland. Representative is Lisa Standley of Vanasse, Hangen, Brustlin, Inc. **CONTINUED**
4. **SE49-0778** - (Continued from 10/17/17, 11/7/17, 11/21/17) - A Notice of Intent as filed by Mickey Higgins of South Coast Development, LLC for property identified as 209 Theodore Rice Boulevard (Map 136, Lot 322). Applicant proposes to construct a convenience store/gas station with associated parking and utilities. A wetland crossing is proposed as well as work within the 100' buffer zone. Representative is Steven Gioiosa of SITEC, Inc.

Mr. Dan Aguiar of SITEC was present together with Mickey Higgins. Mr. Aguiar advised that since the last hearing they have been working with Nitsch Engineering and have addressed all the outstanding issues.

Mr. Aguiar stated that there were only four changes made to the site. They were with regard to the oil/water separator, the proposed construction entrance, the drainage and labeled the 700 s.f. of wetlands that were being altered on the plan.

Commissioner Audette had inquired at the last meeting with regard to using an alternative to salting the parking lot. Mr. Aguiar responded that he does not have any objection to using an alternative to salt and this can be a condition in the order.

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

Agent Porter stated that they have removed the catch basins and put in stormceptors and have reduced the amount of wetland impact by putting headwalls in. Nitsch is satisfied with the responses and needs a structural engineer to submit the retaining wall design when it's ready. Agent Porter recommended the issuance of an Order of Conditions with the following special conditions: that the Storm Water Pollution Prevention Plan be submitted electronically two weeks prior to start up of construction for acceptance; annual Storm Water Operation and Maintenance reports shall be submitted to the Conservation Commission annually detailing the maintenance of the storm water system as provided in the Long Term Pollution Prevention Plan included in the NOI. Stormceptor maintenance, as recommended by the manufacturer, shall also be included in the Operation and Maintenance report; the engineering consultant for the Conservation Commission shall conduct periodic inspections of the work associated with the construction of the approved Order of Conditions documents. These inspections shall include but not be limited to: a) a preconstruction meeting (a construction schedule is to be received from the contractor at that time); b) subgrade excavation of the infiltration system; c) during and/or immediately following construction of the rip rap outfall. Additional inspections may be warranted at the discretion of the consultant for the Conservation Commission. Daily reports for each inspection shall be submitted to the applicant and the Conservation Commission; as-built plans shall be submitted to the Conservation Commission when the work is complete; prior to the commencement of the wetland crossing, plans for the crossing, including a detail of the retaining walls shall be prepared by a structural engineer and submitted to the Conservation Commission. The approved footprint of wetland alteration (700 s.f.) shall not change unless an Amended Order is filed; the wetland replication areas are to be constructed as specified on the approved plans. The approved plans include all requirements of the Conservation Commission, including the two year monitoring requirements. Any deviation from these plans shall require the approval of the Conservation Commission; a road salt alternative shall be used in the parking lot and entrance ways and a conservation seed mix shall be used on those areas in the buffer zone outside of the constructed area footprint and shall be mowed annually in the fall time. The plans for approval are Sheets 1-12 of 12, Proposed Convenience Store/Gas Station 209 Theodore Rice Blvd., NB, MA prepared by SITEC, Inc. with revised date of 12/5/17.

Commissioner Audette made a motion as recommended by the Agent with special conditions as read. Motion was seconded by Commissioner Peter Blanchard.

NEW HEARINGS:

None.

NEW BUSINESS:

1. Wamsutta Street ditch remediation alternatives – Michele Paul to address the Commission.

Michele Paul, Director of City of New Bedford Environmental Stewardship Department. Ms. Paul advised the Commission that the City is finally ready to have a regulatory close out on the rail yard so that DOT can release the city's responsibility for remediation. There is an engineered barrier on site and the site is capped except for drainage ditch along Wamsutta. From Herman Melville Blvd. to Acushnet Ave. there is one area closest to Melville where there is PCB's at 1.4 ppm and the Massachusetts Contingency Plan limit is 1 ppm. They have conducted an environmental risk analysis and the screening level in that location was about .2 ppm but the ditch goes into the harbor and they have cleaned up to 50 ppm in the harbor. In the Phase II comprehensive site assessment, it was undetermined whether the residual

concentration was there from the rail yard or from the influx of tidal flow to the ditch. An alternative to install a tidal gate was presented as a way to eliminate contamination of the wetlands and ditch from the Acushnet River.

Commissioner Audette inquired as to what affect this would have on the railroad if a gate was placed there. Mrs. Paul responded that they don't necessarily want a gate there. Commissioner Audette also inquired if this is going to become worse when rail road dumps into it. Ms. Paul responded that they City is responsible to close it out with DEP and if DOT is going to do something and then there work would exacerbate the issue because they didn't do clean-up first then it would be on them to do clean-up first. City is trying to address its obligations and existing conditions and if DEP is to increase flow or do any construction in that area it would be on them to incorporate that.

Commissioner Perks inquired as to what does it mean to close it out regulatory. Ms. Paul replied that it will have permanent solution on the majority of rail yard with activity use limitation that would require the operator to maintain the cap and engineer barrier and document their inspections, monitoring and maintenance for larger portion of the site and for the ditch it would a temporary solution.

Agent Porter advised that DOT is planning to add clean storm water to it.

Chairman Dixon and the Commission agree with the City to not place a tide gate especially with the harbor being so close.

Ms. Paul requested a letter of concurrence that that Conservation Commission would rather not see the tide gate installed.

Commissioner Audette made a motion to send letter of concurrence. Motion was seconded by Commissioner Blanchard.

2. West Rodney French Beach nourishment proposal

Agent Porter stated that she placed this information in the Commissioner's packets so they could know what is going on and that she attended a meeting with Army Corp., DEP wetland people, EPA, Division of Marine Fisheries to discuss the preliminary outcome of the study that they did with regard to beach nourishment for West Rodney French Boulevard.

3. Agent Updates (MADEP Photovoltaic policy)

Agent Porter advised the Commission that MA DEP has a policy now on solar arrays.

4. General Correspondence

- Agent Porter advised that she sent letter to community preservation committee with regard to the Buttonwood Park parking lot proposal and its ability to improve the water quality to the pond if they happen to obtain funding for it.

Commissioner Perks inquired if there was a plan for the canal (ditch) on the seaward side. Agent Porter stated that would be a question to have asked Michele Paul. Commissioner Perks will e-mail her this question.

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

Respectfully submitted,

Sandy Douglas
Administrative Coordinator