



Environmental Stewardship Department/
Conservation Commission

City of New Bedford
Jonathan F. Mitchell, Mayor

Meeting Minutes of the Conservation Meeting of
August 22, 2017
Room 314, City Hall

Members Absent

Craig Dixon, Chairman
Dennis Audette, Vice Chairman
Paul Pacheco
Jacob Gonsalves
Chancery Perks
Peter Blanchard

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

OLD BUSINESS:

NONE.

CONTINUED HEARINGS:

- 1. SE49-0745 – (Continued from 10/18/16, 11/1/16, 11/15/16, 12/6/16, 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) - A Notice of Intent as filed by Paul Barton, Chairman of the New Bedford Regional Airport Commission for property identified as 1569 Airport Road (Map 123 - Lot 3, Map 122 - Lot 3, Map 124 - Lot 28 and Map 125 - Lot 22). Applicant proposes to reconstruct and expand the terminal apron area with associated storm water management improvements and replace an existing culvert. A portion of this work is proposed in the Buffer Zone and within a Bordering Vegetated Wetland. Representative is Amanda Atwell of Epsilon Associates, Inc.**
- 2. 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) - 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**

3. **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) - 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**
4. **SE49-0751 – (Continued from 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) - A Notice of Intent as filed by Eric DeCosta for property identified as 100 Duchaine Boulevard (Map 134, Lot 5).** Applicant proposes to construct a new building, parking for company and employee vehicles and parking for additional trailers. Representative is Christian Farland of Farland, Corp.
5. **SE49-0768 – (Continued from 8/8/17) - A Notice of Intent as filed by Edward Anthes-Washburn, Executive Director of the New Bedford Harbor Development Commission for property identified as Coal Pocket Pier (Map 24, Lot 204), Steamship Pier (Map 47, Lot 179) and Leonard's Wharf (Map 47, Lot 212).** Applicant proposes to reconstruct Coal Pocket Pier and conduct repairs to Steamship Pier and Leonard's Wharf in New Bedford Harbor. Representative is Briscoe Lang, P.W.S. of Pare Corporation.

Commissioner Jacob Gonsalves is abstaining from this hearing and will be heading to the other side of the table to represent the Harbor Development Commission and he has discussed this with the City Solicitor's office who said it was permissible.

Mr. Brian McCoy of Pare Corporation was present on behalf of the applicant. Mr. McCoy stated that at the last meeting the Commission had requested a scope of work plan. The work at Coal pocket pier consists of demolishing the existing pier and reconstructing a new pier of the same length with mooring piles. The reason for the project is that during the last several years inspections have been conducted and the result being that the structure is in critical condition. Proposed work will have some impact on land under the ocean. They will be removing 220 timber piles and replacing 150 of them. Anticipate the work being performed from the water side from a barge.

The proposed work at Steamship Pier will consist of a the encasement of deteriorated piles and the critical piles will have new concrete encasements. The other is replacement of timber fender piles that are broken which will be removed and replaced.

The proposed work at Leonard's Wharf will consist of sheet piles that was started back in 2011. They do not anticipate the need for dewatering because all work will be coordinated with the tide cycles. It is about a week's worth of work. Proposing hay bales to encompass excavated material. All work will be done behind bulkhead on landside with no impact to the resource area.

Commissioner Pacheco inquired as to what project will be completed first. Mr. McCoy stated the order of the project would be up to the contractor, they have no preference as to what project happens first.

Commissioner Audette inquired as to how they are going to collect the cement off the piles. Mr. McCoy replied that they are proposing to go around it and will not be removing the concrete.

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

Agent Porter recommended the issuance of an Order of Conditions with the following special conditions: to ensure the protection of winter flounder spawning habitat a Special Condition as recommended by DMF is required for a time of year restriction be placed on in the water silt producing activities during winter flounder spawning season (January 15 to May 31st) unless otherwise directed by DMF. The time of year restriction may be waived if a bottom weighted silt curtain is to be installed around the entirety of each pier prior to the time of year restoration and remain in place for the duration of the project, piles are to be driven in place and not jetted, stockpiled excavation material is to be surrounded by hay bales to prevent soil from entering into the harbor; contractor to demobilize if gusts up to 80 mph and contractor to survey work bottom at the end of every week for construction debris. The plans for approval are Sheet No. 1.0 notes and legend, Sheet 2.0 Coal Pocket Pier existing site plan, Sheet 2.1 Coal Pocket Pier proposed site plan and sections, Sheet 2.2 coal pocket pier sections and detail, Sheet 3.0 steamship pier repairs proposed site plan, Sheet 3.1 steamship pier and repairs sections and details, Sheet No. 4 Leonard's Wharf Repairs proposed site plan and details and Sheet 4.1 Leonard's Wharf Repairs Sections and details all dated July, 2017 and prepared by Pare Corporation. Document for approval is Technical Specifications New Bedford Harbor Development Commission Coal Pocket Pier Reconstruction and Fishing Pier Repairs, New Bedford, MA received 8/22/17.

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

NEW HEARINGS:

- 1. A Notice of Intent as filed by D.P.M. Development, Inc for property identified as the north side of Rosa Drive (Map 136, Lot 23).** Applicant proposes to construct a single family dwelling in the Buffer Zone. Representative is Jeffrey Tallman of SITEC, Inc.

Mr. Jeffrey Tallman of SITEC was present on behalf of the applicant. Mr. Tallman advised that they are proposing a single family dwelling with an associated driveway and utilities and a force main gravity sewer. Also proposing six culvert roof drain infiltration system at the rear of the building. Limit of work was established at time of the Order of Conditions for the subdivision. Post and rail fence is currently in place and proposing hay bale barrier behind that existing fence and will remain in place during construction.

Commissioner Perks inquired as to how many homes are proposed in this subdivision. Mr. Tallman replied that there are 23.

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

Agent Porter this was all from a 2006 Superseding Order of Conditions which was extended under the Permit Extension Act and the superseding order from DEP did include the split rail fence be placed on

each lot with a placard. There is erosion controls out there now are in front of the fence and that is where the replacement erosion controls should go.

Special condition to replace the straw wattles prior to construction; the property owner or its successor shall require the buyer to sign an acknowledgment that the split rail fence on the property is the limit of disturbance on Lot 23 in perpetuity. This acknowledgment document shall be notarized and the original submitted to the Conservation Commission. The Plan for approve is Assessor's Map 136, Lot 23 Rosa Drive, New Bedford, MA with a final revised date of 8/21/17.

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

2. A Notice of Intent as filed by Tim Cusson of Parallel Products, New England for property identified as 100 Duchaine Boulevard (Map 134, Lot 5). Applicant proposes to construct an addition with associated parking and drainage, a concrete pad with asphalt apron and a steel vehicle scale with scale house in the Buffer Zone. Representative is Christian Farland of Farland, Corp.

Mr. Matthew White of Farland Corp., was present together with the applicant, Tim Cusson of Parallel Products. Mr. White advised the Commission that this project is located in the Industrial Park southern half of the property currently in use by a food distribution company existing commercial building with several parking areas one located to the east and another larger parking area for trailers located to the south of the building with many storm water management practices in effect at this time.

The applicant is seeking to take over property and transfer use over to a recycling facility and will make changes to the property to construct a 15,000 s.f. addition to the existing building along with a large concrete pad with a proposed asphalt apron to the front of the concrete pad because of high traffic area. Will also add a couple of vehicle scales and a scale house at the entrance of the property and two large solar canopies that will go over the parking area, the layout of the parking lot will not change.

Much of the existing drainage system will be utilized and they will add subsurface roof recharge for the addition and will double the size of the existing stormwater system located to the west of the building. Proposed staked straw waddles are also being proposed for erosion controls.

Commissioner Pacheco inquired as to what kind of materials will be processed.

Mr. Tim Cusson replied that they would be recycling glass, aluminum, deposit beverage containers and the glass will be handled outside. Mr. Cusson advised that they are also proposing a MSW processing facility for solid waste. They are beginning the process of going through permitting with the state and local board of health for the transfer station.

But this evening they are here just for the building exterior addition itself and not for the MSW process because that is not designed yet and they have to go through site assignment with different engineers. MA DEP will dictate how the leeching gets treated and processed which has not been designed yet.

Commissioner Perks commented that the last time he was on site a couple of months ago and there was a lot of deferred maintenance on the property including maintenance of the swale. Mr. Cusson replied that they only took possession of the entire property in March and there was a lot of things that had not been done on the prior O.C. and once they have taken possession they have tried to work with the Agent

diligently to get most of that work in the original O.C. done and their intention is to clean up the whole property and develop it to full use.

Commissioner Audette stated once the building is done and permitted he would like traps installed. Mr. Cusson stated that the runoff from the MDC facility will not go back into the stormwater and will have to go through a treatment process.

Commissioner Dixon inquired whether there were any further questions from the Commission or public. None heard.

Agent Porter stated that this application should go to Nitsch Engineering for storm water review and she needs to meet with Mr. White onsite to verify all the flags. Mr. White agreed.

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

- 3. A Notice of Intent as filed by Tim Cusson of Parallel Products, New England for property identified as 61 John Vertente Boulevard (Map 133, Lot 47).** Applicant proposes to install 16 loading dock bays, pave between the building and the existing parking lot, and construct a gravel trailer parking area within an existing utility easement which will require a wetland crossing. Representative is Christian Farland of Farland, Corp.

Mr. Matthew White of Farland Corp. was present together with the applicant Tim Cusson.

Mr. White advised that this property is located at 61 Duchaine Boulevard and it's 16 acres in size. This property is currently vacant and the business at 100 Duchaine will relocate to this location. There are stormwater management practices. The proposal is to leave building as is and take the grass area from in front of building and pave it and install 16 loading docks in the area to load and unload food products mostly seafood. In addition to proposed loading area, also proposing a gravel parking area for trailers while they are not in use. Gravel area will sheet flow to storm water basin with riprap slope. Along with gravel parking area also proposing a crossing over an existing wetland with approximately 700 s.f of disturbance and replication of 930 s.f.

Commissioner Pacheco inquired as to how many parking spaces for trailers being proposed. Mr. White replied that there is 47 parking spaces being proposed. Commissioner Pacheco asked if they are going to be long term parking. Mr. White stated the fleet is mostly out on the road. Commissioner Pacheco asked if maintenance is proposed on site. Mr. Tim Cusson added that there will be light maintenance done on the trailers inside garage. Mr. White stated there will be interior trench drains which will be treated.

Agent Porter advised that she needs to go to the site and review the wetland boundary and this needs to be sent for peer review. Agent Porter recommended that they review the wetland replication since it is not 1.5 to 1 ratio. Mr. White stated that they have room to add another 120 s.f. Agent Porter also stated that she has looked over the notes on the plans and are not what would normally be approved and she will comments on the notes and forward it to Mr. White so he can modify them.

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

NEW BUSINESS:

1. Agent Updates: MA CEC/Excel Recycling – Request for an Extension

Mr. Craig Dolan of MA CEC was present and advised that they received the Conservation Commission's Notice of Violation and will act on it but they need additional time.

John Costa of Excel Recycling was also present.

Commissioner Audette stated that he wanted to hear from the owner. MA CEC will be jointly responding with the owner. Mr. Costa stated that they have received the Notice of Violation and will file a Notice of Intent but would like more time to get all the information in order.

Chairman Dixon inquired as to how much time is necessary to get everything together. Mr. Dolan replied that he would like thirty days from today to get all the information together and will have to coordinate with MA CEC and the Executive Office of Energy and Environmental Affairs.

Mr. Dolan stated that After discussing some contents with MA CEC on previous permitting process and their previous letter stated that MA CEC feels that the wetland protection act in this case is not appropriate to be engaging in this matter but Con Com disagrees and he discussed the difference of opinion with MADEP and they suggested requesting filing a Request for Determination instead of a Notice of Intent.

Chairman Dixon didn't feel comfortable making this determination since he is not legal counsel.

Commissioner Perks inquired whether DEP put that suggestion in writing. Mr. Dolan replied that he does not have anything in writing.

The Commissioners all agreed that a Notice of Intent should be filed within thirty days from today.

Commissioner Pacheco inquired whether he could visit the site and observe the operation. Mr. Costa replied that he will be happy to accommodate.

2. General Correspondence

Agent Porter advised that there is a new amendment to the City Wetland's Ordinance which requires applicants to submit their applications to the EPA if their project falls within 100' of a coastal resource, anything north of the hurricane barrier.

Agent Porter also advised the Commission that there is a Workshop on the new coastal manual that was just published on September 20th from 9:00 am to 1:00 pm at the Dartmouth Town Hall if anyone is interested in attending. Commissioners Perks, Pacheco and Blanchard will all be present together with Agent Porter.

3. Meeting Minutes for approval of 1/17/17, 2/7/17, 2/21/17, 5/16/17 and 7/5/17

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of January 17, 2017 was made by Commissioner Gonsalves. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of February 7, 2017 was made by Commissioner Gonsalves. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of February 21, 2017 was made by Commissioner Gonsalves. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of May 16, 2017 was made by Commissioner Gonsalves. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of July 5, 2017 was made by Commissioner Gonsalves. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

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

Respectfully submitted,

Sandy Douglas
Administrative Coordinator