



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
September 5, 2017
Brooklawn Senior Center, 1997 Acushnet Avenue**

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

OLD BUSINESS:

NONE.

NEW BUSINESS:

- 1. SE49-647 A Request for a Certificate of Compliance as filed by Bourne Consulting Engineering Division of GEI Consultants for property identified as 26 Green & Wood Pier (Map 42, Lot 268).**

Agent Porter advised the Commission that a statement and as-built plans has been received from the engineer stating that everything was built in substantial compliance with the approved plans. A statement from Frank Corp. has also been received stating that they have inspected the catch basins and that the storm water quality management devices do not need maintenance. Agent Porter visited the site to confirm that all was built as permitted.

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing condition number 34 which states that certain conditions such as maintenance or monitoring are on-going and do not expire at the end of three years or with the issuance of a Certificate of Compliance.

Commissioner Pacheco made a motion to approve as recommended by the Agent. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

CONTINUED HEARINGS:

1. **SE49-0745** – (C/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, 8/22/17) - 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.

CONTINUED

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, 8/22/17) - 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.

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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, 8/22/17) - 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, 8/22/17) - 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. **CONTINUED**

5. **SE49-0771** - 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. **CONTINUED**

6. **SE49-0770** - 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. **CONTINUED**

NEW HEARINGS:

- 1. A Notice of Intent as filed by D.P.M. Development for property identified as Rosa Drive (East of Acushnet Avenue) Map 136, Lot 473.** Applicant proposes to construct a single family dwelling in the Buffer Zone. Representative is Jeffry Tallman of SITEC, Inc.

Mr. Jeffrey Tallman of Sitec was present on behalf of the applicant. Mr. Tallman advised the Commission that this application is for construction of a single family dwelling on Lot #3. The dwelling will be constructed 20' off of the proposed right-of-way, the post and rail fence was approved with the original subdivision.

Agent Porter advised that a DEP File # has not yet been received and this application cannot be closed this evening. The Agent has been to the site and this is a straight forward project. Agent Porter recommend straw wattles to be replaced prior to the onset of construction, straw wattles to be placed at the same location as the existing wattles on the south side of the silt fence, 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 473 in perpetuity. This acknowledgment shall be notarized and the original submitted to the property owner. The Plan for approval is Assessor's Map 136, Lot 473 Rosa Drive, New Bedford, MA dated 8/21/17.

Chairman Dixon advised Mr. Tallman that if DEP doesn't send any comments then this application can be approved at the next meeting and Mr. Tallman does not need to be present.

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

- 2. A Notice of Intent as filed by D.P.M. Development for property identified as Rosa Drive (East of Acushnet Avenue) Map 136, Lot 474.** Applicant proposes to construct a single family dwelling in the Buffer Zone. Representative is Jeffry Tallman of SITEC, Inc.

Jeffrey Tallman from SITEC was present on behalf of the applicant. Mr. Tallman advised that this application is for construction of a single family dwelling on Lot 2 within The Settlement. This project is similar to the previous application. They are proposing to maintain a 20' setback off the road and he infiltration will be along the back near split and rail fence, also proposing haybale barrier along side of fence, silt soc out there now that will need to be replaced during construction.

Agent Porter advised that she recommends the same special conditions as the previous application and that the DEP file number also has not been received. Conditions are as follows: straw wattles to be replaced prior to the onset of construction, straw wattles to be placed at the same location as the existing wattles on the south side of the silt fence, 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 474 in perpetuity. This acknowledgment shall be notarized and the original submitted to the property owner. The Plan for approval is Assessor's Map 136, Lot 474 Rosa Drive, New Bedford, MA dated 8/21/17.

Commissioner Gonsalves made a motion to table this matter for two weeks. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

NEW BUSINESS CONTINUED:

1. Emergency Certification ratification for Shawmut Avenue Sewer

Agent Porter advised the Commission that DPI needed an Emergency Certification for replacement of a sewer main on Shawmut Avenue and Nash Road. Agent Porter showed the Commission the proposed plans.

Agent Porter recommended ratification of Emergency Certification for replacement of 10" sewer force main within the existing pavement of Shawmut Avenue for a length of approximately 2,780 linear feet. A 4' deep 1' wide (minimum) trench shall be excavated and the pipe installed and backfilled with flowable fill or ordinary clean backfill to a depth of 1' below grade. A 12' deep gravel base will overlay the flowable fill/clean backfill and the top of the trench shall then be paved with a 4' of hot mix to match existing pavement. The reason for the Emergency Certification is that there have been numerous breaks in the old existing 10" sewer force main causing the need for emergency replacement (with a new 10" force main) in the Buffer Zone to Bordering Vegetated Wetlands.

Special Conditions are to stake straw wattles along the east side of the roadway and trench in as shown on the plan, if dewatering is required, pump water to a sedimentation filter bag which shall be set inside a temporary hay bale detention area as described in the notes on the plan. Haybales shall be trenched and staked into the ground and any excess fill material is to be removed from construction site and disposed of in a legal upland location.

Commissioner Gonsalves made a motion to ratify this Emergency Certification. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

2. Agent Updates (Lucy/Winston St., Budget Allocation)

Agent Porter advised the Commission that the Mayor's Task Force Office received a report of dumping of debris at the base of the slope on Lucy/Winston Streets. The Board of Health cited the owner. Agent Porter went out to the site with the Health Department and then sent the owner a letter with regard to debris and that the debris can be removed by hand and leaving the debris in place can lead to further action taken by this Commission and asked that all debris be removed by September 1, 2017. The property owner did contact the Agent and the owner did not place the debris there it was done by someone else. There is a sign posted on site advising that there is no dumping on site. DEP used to have a security camera posted on this site because of the dumping but it has been removed.

Chairman Dixon stated that he would like to know how many fines are issued on the ordinance against littering a year. Agent Porter replied that the Health Department responds to complaints received, they don't go out looking for sites and that they would know the answer to that.

Commissioner Perks inquired as to how this was brought to this Commission's attention. Agent Porter replied that it was reported to the Mayor's Task Force by a certain individual. The property owner would like to put a fence up.

Commissioner Perks commented that this is a matter between two neighbors and this will not be the last time this matter comes before this Commission and he personally would not like to see a fence erected on this property.

The City has cleaned up the City property that goes along there.

BUDGET ALLOCATION

Agent Porter advised that a change order in the amount of \$25,000.00 needs to be filed for the next year for Nitsch Engineering.

Chairman Dixon inquired as to how much is currently in the budget. Agent Porter replied approximately \$99,000.00.

Commissioner Audette made a motion to approve the change order in the amount of \$25,000.00 to Nitsch Engineering for the peer review contract. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

3. General Correspondence

KINGS HIGHWAY

Agent Porter advised the Commission that McDonald's was flooding out and they cleared the drainage ditch in the back and it got called into MADEP who in turn called this Agent. Agent Porter went to the site and encountered the maintenance person for Cedar Realty Trust on site and instructed him to install some hay bales so it wouldn't send any sediment further downstream and asked him to immediately hydro seed the embankments with a conservation seed mix and to mow it once a year in September. Agent Porter did visit the site today and the stream is not flowing and it has been seeded.

POPES ISLAND PLAYGROUND

Agent Porter advised the Commissioner that the limit of work has not changed for work in the buffer zone but changed a little bit outside of the buffer zone because they have been advised to bring it in more and only way to accommodate request was to eliminate some of the plantings. Mary Rapoza will work with the landscaper.

Agent Porter stated that most of the changes are outside of the buffer zone and they will be erecting a 5' aluminum fence along the edge of rip rap. A fence was approved with the original plans but no specification as to type of fence.

Commissioner Gonsalves made a motion to approve the changes to the Noah's Playground. Motion was seconded by Commissioner Audette. Commissioner Perks stated that he was going to abstain from this vote because he has some concerns with regard to this alteration and that he was on edge with this project initially. The other Commissioners were all in favor.

241 Duchaine Boulevard

Agent Porter advised the Commission that there was a building on this site with PCB contamination in the building and the surrounding area and it has been demolished. The only thing out there now is asphalt

and concrete left over from the floor of the building that was demolished. They had proposed to demolish the pad and were going to place asphalt on top. Now they have a proposed buyer and don't see any reason to place an asphalt cap because it will be removed. The original order approved the asphalt cap with storm water management associated with the swales together with proposed work in the wetlands which they are still going to do. Instead of capping it with asphalt they want to leave as permeable surface and leave the gravel on top.

Agent Porter also advised that the new buyer would have to come before this Commission with a new Notice of Intent.

Chairman Dixon inquired if there is any knowledge as to who the prospective buyer is. Agent Porter responded that she did not know except it's a business in the Business Park.

Agent Porter inquired whether the Commission wants an amended order filed to replace the impervious asphalt cap with pervious gravel surface.

Chairman Dixon stated that thinks his company might be purchasing this property because they have been talking about building a new facility and he might have to recuse himself in the future.

Commissioner Audette stated there is no date on this and it can go on for three years before someone buys it.

The Commissioners all agreed that an Amended Order needs to be filed because the Commission feels that they need more information.

4. Meeting Minutes for approval of 8/8/17

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of August 8, 2017 was made by Commissioner Audette. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Commissioner Gonsalves made a motion to adjourn at approximately 7:25. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas
Administrative Coordinator