



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
November 15, 2016
Room 314, City Hall**

Members Present

Craig Dixon, Vice Chairman
Dennis Audette
Jacob Gonsalves

Members Absent

John Radcliffe, Chairman
Paul Pacheco

Staff Present

Agent Sarah Porter
Sandy Douglas, Admin., Specialist

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

NEW BUSINESS:

- 1. SE 49-0693 – A Request for an Extension as filed by Highland New Bedford Associate Partnership for property identified as 200 Theodore Rice Blvd. (Map 136, Lot 323). Representative is Richard Riccio of Field Engineering.**

Mr. Richard Riccio of Field Engineering is requesting an extension of the original order so that they may have additional time to complete all the work under the existing order including landscaping work and stabilizing the site. The detention basins have been loamed and the swale will be seeded tomorrow.

Agent Porter stated that she visited the site today in the rain and it's puddling up okay and it is not yet seeded and they will need a tackifier. The contractor thinks that will hold the slopes in place for the winter and if not they will put down jute mesh.

Mr. Riccio stated that his only concern would be the swale slope and they will place tactifier, hydro seed everything and will make sure it's stable through the winter and will do the landscaping in the spring. Mr. Riccio stated that at the last meeting the possibility of obtaining an occupancy permit was discussed since now they are on a temporary occupancy permit and inquired once the site is loamed and seeded if the occupancy permit could be signed off.

Agent Porter inquired whether the Commission would like to have the calculations reviewed by Nitsch Engineering before deciding to sign off or not.

Mr. Riccio stated that there is an additional use of the building and that they have commenced internal work on and they will also be looking for final occupancy sometime in the spring. They have issues with the State who is occupying the portion that is on temporary occupancy.

The Commission agreed that the calculations should be reviewed by Nitsch Engineering first prior to making any decisions on the Certificate of Occupancy.

Agent Porter recommended the issuance of a three year extension of the original Order of Conditions.

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

- 2. SE49-0630 A Request for a Certificate of Compliance as filed by the Commonwealth of Massachusetts Division of Fish and Game - Fishing and Boating Access for property identified as the boat ramp on the west side of West Rodney French Blvd. (Map 7, Lot 5).** Representative is Douglas Cameron of the Division of Fish and Game.

Agent Porter advised that a Certificate of Compliance has been submitted and she visited the site and the as-built has also been submitted. Agent Porter recommended the issuance of a full Certificate of Compliance with no ongoing conditions.

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

- 3. SE49-0631 A Request for a Certificate of Compliance as filed by the Commonwealth of Massachusetts Division of Fish and Game - Fishing and Boating Access for property identified as the boat ramp on the east side of East Rodney French Blvd (Map 12, Lot 247).** Representative is Douglas Cameron of the Division of Fish and Game.

Agent Porter advised that there were no changes and it was built as proposed and recommended the issuance of a full Certificate of Compliance with no ongoing conditions.

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

NEW HEARINGS:

- 1. 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 124 - Lots 14, 28 & 113 and Map 125 - Lot 122).** Applicant proposes to redevelop Runway 14/32 which includes work proposed in the Buffer Zone and within a Bordering Vegetated Wetland. Representative is Amanda Atwell of Epsilon Associates, Inc.

Mr. Richard Lasdin of Airport Solutions, Marc Ottariano of Airport Solutions and Amanda Atwell of Epsilon Associates were all present.

Ms. Atwell advised the Commission that there is a small portion of habitat located in the project area and have submitted the NOI to Natural Heritage for review and have not received a response. The New Bedford Regional Airport is proposing to reconstruct their main runway. This runway was constructed in the 1970s and 4 years ago, Mass DOT rated this runway poor so as funds become available the airport will be making changes. Ms. Atwell also advised that this runway is out of compliance with FAA regulations and the advisory guidance and, in order to get money from FAA, you need to be in full

compliance. They are proposing to reduce the runway by 50% to go to 75 linear feet and then need to re-grade the runway areas on both ends and are also hoping to improve the storm water management system. They will also install deep sump catch basins, new infiltration trenches, and other BMPs and repair and maintain headwalls and pipes of the existing system. At the Runway 24 end work will not occur in the wetland or in the 25' New Bedford buffer zone but there is some work proposed within the 100' buffer zone. The route of access would be from Downey Street and well outside of the 100' buffer.

Runway 14 end is a little bit trickier because right now there is a fence around it. Need to remove existing pavement and remove the fence and push it out and re-establish a fence at the edge of runway object free area. There is a significant slope off of runway 14 that goes into wetland and there is a partially collapsed pipe and do not know if it is intact or not. They will need to re-grade and put up a fence. Agent Porter went to the site to identify the wetland area. Wetland replication is being proposed.

Agent Porter has not had an opportunity to review the NOI in its entirety but noticed erosion controls are not proposed inside the 25' no disturb zone. Ms. Atwell stated they will correct that and use compost tubes.

Agent Porter recommended that Nitsch Engineering review the stormwater report. The Commission agreed.

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

Commissioner Audette made a motion to table this matter to December 6, 2016. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

CONTINUED HEARINGS:

- 1. SE49-0745 – (Continued from 10/18/16, 11/1/16) - A Notice of Intent as filed by Paul Barton, New Bedford Regional Airport Manager 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.

Ms. Amanda Atwell of Epsilon Associates was present on behalf of the applicant. Ms. Atwell advised that she has received an email from DEP stating that they have no comments and also received letter from Fish and Wildlife (Natural Heritage Program) advising that the project will not result in a take.

Ms. Atwell and Mr. Lasdin of Airport Solutions went through and addressed each of the 16 items listed on Nitsch Engineering's November 1st letter. All these responses will be put in writing and forwarded to Nitsch Engineering for further comment and review.

Commissioner Audette advised that these comments should have already been forwarded to Nitsch Engineering for their review prior to tonight's meeting.

Commissioner Audette made a motion to continue to the next meeting on December 6, 2016. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

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) - 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) - 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**

OLD BUSINESS:

1. **SE49-267 (Continued from 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16)- Request for Certificate of Compliance as filed by David Fredette, City of New Bedford DPI, for property identified as John Vertente Boulevard (East Side) (Map 135, Lot 2).** Representative is David Fredette.

Mr. David Fredette, Engineer with the City of New Bedford was present and stated that the Agent had advised him that the swale did not have calculations and that he does not know what the Commission needs. Mr. Fredette continued to explain that this is an empty lot across from Aerovox and it was in the process of being developed and Blair Bailey with the City of New Bedford asked DPI to get Certificate of Compliance filed so that they may be able to move forward with the sale transaction. Mr. Fredette stated that DPI only has two sheets of the original plan and that he superimposed actual survey information for the pond, replication area and the swale and have actual volumes based on the bottom and top does not know what the Commission needs in order to get a Certificate of Compliance.

Agent Porter advised that this road was built in 2000 and it was not built or designed by DPI it was done by Tibbett's Engineering and the only plans that DPI has are the 2 sheets submitted and no as-built of the system. Agent Porter contacted Tibbett's Engineering and they advised that they don't have anything else in their records. Agent Porter also advised that Mr. Fredette has calculated for the storm water pond for 2 year and 10 year event and it will hold that but did not do a 100 year storm.

Mr. Fredette stated that he will try to do the best he can to comply with the Commission's requests but doesn't have any data except for what Tibbett's has provided and it's now 16-17 years later.

Agent Porter advised that there is an ongoing condition for maintenance of the storm water management system and regardless of the fact that the system has not been maintained, the Commission has to approve it with a Certificate of Compliance with a fact that it has an ongoing condition for maintenance of the storm water system.

Mr. Fredette believes that nothing will ever be built on this property because of the wetlands and this area was designated for wetlands replication which cannot be built on. Mr. Fredette is unaware of what is going to be done on this piece of property he was just advised to obtain the CoC.

Mr. Fredette added that the pond has been cleared, cleared the west side of the banks and the east side will be done within the next month or two and found more or less where the replication area is. Mr. Fredette stated that DPI can continue to maintain.

Agent Porter stated that DPI can continue with the maintenance and doesn't feel that it's appropriate to issue a COC without all the proper information.

The Commission agreed that Agent Porter write a letter for the file explaining as to why a COC cannot be issued at this time.

2. SE49-0509 – (Continued from 10/18/16, 11/1/16) 157 Tarkiln Place (Map 130G, Lot 216) Owner has until January 2, 2017 to move fence back and re-establish compliance.

Agent Porter advised that the owner has until January 2, 2017 to put the fence back and re-establish compliance.

3. SE49-0534 – (Continued from 10/6/16, 10/18/16, 11/1/16) - 21 Schooner Court. Continued until owner is in compliance.

Agent Porter advised that the owner did not appear tonight and has until next Friday to respond to the Commission.

4. SE49-0528 – (Continued from 9/20/16, 10/6/16, 10/18/16, and 11/1/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 137 Mate Drive (Map 130G, Lots 200 & 210). Representative is Richard Rheaume of Prime Engineering. Owner has until 11/18/16 to address non compliance in the 25' No Disturb Zone.

Agent Porter advised that the owner has until Friday to remove the grass clippings from the no disturb zone.

5. SE49-0519 (Continued from 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 110 Mate Drive (Map 130G, Lot 190). Representative is Richard Rheaume of Prime Engineering. Update on sign installation.

Agent Porter recommended the issuance of a full certificate of compliance with ongoing Conditions 50 and 51.

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

6. SE49-520 (Continued from 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 118 Mate Drive (Map 130G, Lot 191). Representative is Richard Rheaume of Prime Engineering. Update on sign installation.

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing Conditions 50 and 51.

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

- 7. SE49-0514 (Continued from 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 52 Mate Drive (Map 130G, Lot 236).** Representative is Richard Rheaume of Prime Engineering. Update on sign installation.

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing Conditions 50 and 51.

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

- 8. SE49-0515 (Continued from 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 60 Mate Drive (Map 130G, Lot 262).** Representative is Richard Rheaume of Prime Engineering. Update on sign installation.

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing Conditions 50 and 51.

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

NEW BUSINESS CONTINUED:

1. Ratify Emergency Certification - 1R Coffin Avenue

Agent Porter advised that the Emergency Certification for 1R Coffin Avenue is for vegetation clearing. Motion to ratify was made by Commissioner Gonsalves. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

2. Agent updates

3. General Correspondence

4. Meeting Minutes of 8/2/16, 8/16/16, 9/4/16 and 9/20/16 for approval.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of August 2, 2016 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 August 16, 2016 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 September 4, 2016 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 September 20, 2016 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 7:35. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas
Administrative Specialist