



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
December 6, 2016
Room 314, City Hall**

Members Present

Craig Dixon, Vice Chairman
Dennis Audette
Jacob Gonsalves
Paul Pacheco

Members Absent

John Radcliffe, Chairman

Staff Present

Agent Sarah Porter
Sandy Douglas, Admin., Specialist

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

CONTINUED HEARINGS:

1. **SE49-0745 – (Continued from 10/18/16, 11/1/16, 11/15/16) - 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. **CONTINUED**
2. **SE49-0745 – (Continued from 11/15/16) - 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. **CONTINUED**
3. **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) - 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**
4. **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) - 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, 11/15/16)- 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. Commission to review letter to David Fredette, City Engineer.

The Commission reviewed the letter to DPI drafted by Agent Porter as agreed upon at the last meeting explaining why a Certificate of Compliance could not be issued at this time.

Commissioner Pacheco made a motion to send this letter to DPI as drafted. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

- 2. SE49-0509 – (Continued from 10/18/16, 11/1/16, 11/15/16) 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 fence has been moved back and the owner is now in compliance and this matter can now be removed from the agenda.

Commissioner Audette made a motion to remove this item from the agenda. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

- 3. SE49-0534 – (Continued from 10/6/16, 10/18/16, 11/1/16, 11/15/16) - 21 Schooner Court. Continued until owner is in compliance.**

Agent Porter advised that the owner has submitted a response in writing to the Commission's letter advising that she has put the split rail fence back and that she will sign the acknowledgment of receipt. Agent Porter has not had a chance to visit the site to confirm this and she has advised that she will now sign the acknowledgment of receipt but this will have to be handled with the builder.

Commissioner Audette made a motion to remove this item from the agenda. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

- 4. SE49-0528 – (Continued from 9/20/16, 10/6/16, 10/18/16, 11/1/16, 11/15/16) - 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 Rheume of Prime Engineering. Owner has until 11/18/16 to address non compliance in the 25' No Disturb Zone.

Agent Porter advised that they have removed the grass clippings and recommended the issuance of a 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:

1. SE49-0693 - 200 Theodore Rice Boulevard. Commission to review as built information from Field Engineering and review letter from Nitsch.

Mr. Richard Riccio from Field Engineering was present and stated that he submitted an as-built and received letter from Nitsch with regard to some of the outstanding issues at the site that he reviewed with the Commission at this time.

The biggest issue is the erosion issues on the swale with heavy rains last week and is that scheduled to be repaired with jute netting this Thursday.

Agent Porter advised that there are portions of the drainage system that were not built and are going to be built in the spring time, is unsure as to how the commission would like to proceed, the jute mesh needs to be installed on the swale and that is being done this week.

Mr. Riccio stated that the landscape plantings and the island is part of the reason they went back to the planning board and the Planning Department is going to make sure that everything is done June 1st. Agent Porter inquired as to what would happen if it not done by June 1st. Mr. Riccio replied that the Planning Department would hold the occupancy permit for the final occupancy for the Registry.

Commissioner Audette recommended getting the islands done while the weather is still nice.

Commissioner Gonsalves stated that the applicant is asking for an as-built to be accepted when the project is not complete and he understands that the things that have not been built are not critical but it's still not complete.

Mr. Riccio stated that he's not trying to represent to the Commission that this as-built is the final as-built for the entire site it's for the stormwater facilities.

Agent Porter required when the applicant anticipates having all the work on site done including the cut outs and the tree plantings. Mr. Riccio replied it will all be done by June 1st. Mr. Riccio added that this is not a complete site, there is work ongoing and once the slopes and swales are corrected he doesn't feel there are any violations within the jurisdictional areas that could hold something up or require issuance of an enforcement order but understands that portions of the stormwater management are not complete at this time but those portions do not impact the wetland.

Agent Porter advised that Condition 19 says that prior to the use of the stormwater facilities, they will be stabilized and that's the 2 detention ponds and swale. The Commission can decide whether or not tackifier is something that will keep this stable all through the winter or not.

Commissioner Dixon recommended that the slopes should be stabilized to keep erosion down for the winter. Mr. Riccio stated that it will be the contractor's responsibility to keep these slopes stabilized for the winter.

Dixon is the drainage somewhat working

Audette wants to make sure everything is done before moving on so that it doesn't develop any problems for the City down the road as some other developments.

Mr. Riccio stated that this is a little different from a residential subdivision this is an existing building with one developer who has owned it for many years. DPI signed off on the drainage system that is tied into them and there is an OC that says everything needs to get done and it will get done. This is private land and the city will never have responsibility for this piece of land.

Dixon said it is important right now to get this site stabilized and suggested continuing this matter.

Mr. Riccio inquired if they get the swale, slopes and basins stabilized for the winter if that would be sufficient for this CO. The Commission agreed that if everything gets stabilized then they can sign off on this CO and agreed to continue this matter to the next meeting.

2. Agent updates

NEW PLAINVILLE ROAD LOT CLEARING

Agent Porter advised that she sent a letter requesting the owner cease from clearing the lot. She visited the site and contacted the owner. The potential buyer was doing the clearing whoever the clearing does not extend to the buffer zone yet but there is a stand of Phragmites that is midway and they had mowed all around it, it's very dense out there. She requested that the buyer file a RDA to get the wetland boundary defined and asked him to please have SITEC establish whether the stand of Phragmites was isolated wetland subject to flooding or federally regulated wetland.

WHALER'S WOODS

Agent Porter advise that a request for Certificate of Compliance from whaler's woods was received and the streets have never been accepted. They are now applying for acceptance of the street. The calculations need to be sent to Nitsch for review of roadways and detention ponds.

Commissioner Audette made a motion to send COC and calculation to Nitsch Engineering for review. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

241 DUCHAINE BOULEVARD

Agent Porter advised that Ray Holberger from Environmental Stewardship has asked to come before the commission at the next meeting to update the commission of a new proposal for 241 Duchaine boulevard that consists of a new building and in addition are applying for an EPA Grant for additional risk assessment and possible remediation in the wetlands.

Commissioner Audette advised the Commission that he has been appointed to the Community Preservation Committee.

3. General Correspondence

2017 calendar of meetings was circulated to the Commissioners

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 Specialist