



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
October 18, 2016
Room 314, City Hall**

Members Present

Craig Dixon, Vice Chairman
Dennis Audette
Paul Pacheco
Jacob Gonsalves

Members Absent

John Radcliffe, Chairman

Staff Present

Agent Sarah Porter
Sandy Douglas, Admin., Specialist

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

NEW HEARINGS:

1. **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 together with Rich Lasdin and Mark Ottariano of Airport Solutions.

Ms. Atwell advised that this project is for the terminal apron reconstruction project at the airport. In 2012 a pavement study was performed and the apron and portions of the airport near Colonial Air received a poor to failing grade. Another issue is that current regulations through FAA and the National Fire Protection Standards were not in compliance for the apron. Aprons and places that have potential for flammable chemicals have to be graded away from the hangers and the buildings. Mass DEP, as part of the 2012 Variance Special Condition #49, requires New Bedford to provide additional treatment in pretreatment measures for the storm water system and the general concerns was that NB needed to upgrade the storm water system for land uses with higher pollutant loads. Mass DEP recommended that the apron be separated from the rest of the storm water system at the airport. In order to attain compliance with this higher standard, oil and water separators and additional outfalls in the apron area need to be installed. The entire apron is 505,555 square feet of pavement. If all the work was performed at once, it would affect all the business so they are proposing to do it in phases. The upgrades are for all of the aprons but Phase I of the project is only within buffer zone and BVW. Phase II and III are out of the Wetlands Protection Act and the buffer zone.

With regard to Phase I, an additional 22,000 s.f. of additional pavement is being proposed and the existing pavement will be reclaimed in kind.

Ms. Atwell continued to state that the other aspect to this project is the gravel access road. They have noticed during the last project that the 12" culvert was crushed and in pieces along the area of the road and they are proposing to replace that culvert in kind.

The wetland replication is away away from the stream and they are proposing to basically make a wetland replication area that will have existing wetland on two sides. The applicant is also proposing to plant 6 red maples and approximately 30 shrubs to match the wildlife habitat.

Agent Porter inquired whether they would like the storm water report forwarded to Nitsch for review.

The Commission agreed that it should be sent to Nitsch for review.

Agent Porter also advised that this application needs to be reviewed by Natural Heritage. The wetland boundary was approved under the ANRAD that was approved under the variance. There will be special conditions as follows: will have to replace all the wetland flags within 100 feet prior to work commencing, agent will have to inspect the wetland flagging and erosion control also prior to work commencing. Any old fill or asphalt located within the work site and adjacent to the wetlands is to be removed carefully and area immediately seeded with erosion control seed mix. Dewatering locations and methods should be approved by the Con Com Agent prior to dewatering. The proposed culvert replacement shall have the same invert elevations and existing culvert so there is the same hydrological connection between the two wetlands.

Ms. Atwell advised that has already submitted this application to Natural Heritage.

Ms. Atwell also added that they will add erosion controls to end of outfall and both ends of the culverts.

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

Commissioner Pacheco made a motion to table this matter to November 1, 2016. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

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) - 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) - 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. SE49-0501 – (Continued from 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 181 Tarkiln Place (Map 130G, Lot 214).** Representative is Richard Rheume of Prime Engineering.

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

Commissioner Audette made a motion to issue a full Certificate of Compliance as recommended by the Agent. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

- 2. SE49-0505 – (Continued from 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 113 Tarkiln Place (Map 130G, Lot 220).** Representative is Richard Rheume of Prime Engineering.

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

Commissioner Audette made a motion to issue a full Certificate of Compliance as recommended by the Agent. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

- 3. SE49-0506 – (Continued from 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 121 Tarkiln Place (Map 130G, Lot 219).** Representative is Richard Rheume of Prime Engineering.

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

Commissioner Audette made a motion to issue a full Certificate of Compliance as recommended by the Agent. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

- 4. SE49-0508 – (Continued from 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 149 Tarkiln Place (Map 130G, Lot 217).** Representative is Richard Rheume of Prime Engineering.

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

Commissioner Audette made a motion to issue a full Certificate of Compliance as recommended by the Agent. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

- 5. SE49-0511 – (Continued from 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 173 Tarkiln Place (Map 130G, Lot 264).** Representative is Richard Rheume of Prime Engineering.

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

Commissioner Audette made a motion to issue a full Certificate of Compliance as recommended by the Agent. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

- 6. SE49-0512 – (Continued from 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 189 Tarkiln Place (Map 130G, Lots 203/213).** Representative is Richard Rheume of Prime Engineering.

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

Commissioner Audette made a motion to issue a full Certificate of Compliance as recommended by the Agent. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

- 7. SE49-0529 – (Continued from 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 121 Mate Drive (Map 130G, Lots 202/212).** Representative is Richard Rheume of Prime Engineering.

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

Commissioner Audette made a motion to issue a full Certificate of Compliance as recommended by the Agent. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

- 8. SE49-0539 - (Continued from 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 129 Mate Dr. (Map 130G, Lots 201/211).** Representative is Richard Rheume of Prime Engineering.

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

Commissioner Audette made a motion to issue a full Certificate of Compliance as recommended by the Agent. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

- 9. SE49-0534 – (Continued from 10/6/16) - 21 Schooner Court. Continued until owner is in compliance.**

Agent Porter advised the Commission that he has placed the split rail fence back up and Agent Porter is going to meet on site with owner on Thursday.

- 10. SE49-0528 – (Continued from 9/20/16 & 10/6/16) - 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.
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Agent Porter advised that this property is not ready for issuance.

- 11. (Continued from 9/20/16 & 10/6/16) - Request for Determination of Applicability as filed by City of New Bedford Department of Parks, Recreation & Beaches for property identified as Brock Avenue and Freedom Boulevard (Map 006, Lot 1).** Applicant requests to remove and/or cut wetland vegetation in Victory Pond. Representative is Mary Rapoza of Parks Recreation & Beaches.

Mary Rapoza of Parks and Recreation & Beaches was present.

Agent Porter advised that Mr. David Fredette was present at the last meeting and was informed that what was being proposed exceeded the thresholds in the regulations because of altering greater than 5,000 s.f. of land under waterways and water bodies and greater than 50 linear feet of bank which means they need to perform a wildlife habitat evaluation and file a NOI

They are proposing to do what they had permission to do the last 3 years the last one approved was for 10' clear zone in the area underwater and this time hoping on the south and west side to do a 6' clear zone and a 15' clear zone on the north and east side other than that everything would be the same. They are proposing non-mechanized methods to pull the cattail and Phragmites.

Agent Porter added that may end up having to use herbicide. Hand removal does not get all of the roots and using a clam shell, as recommended by DPI will also is not get all the roots and would need a dredging permit. Agent Porter suggested that Rapoza consult with a certified herbicide applicator.

Rapoza will be working on the NOI. Agent Porter recommended that the Commission close out this RDA and issued a positive determination that the work described in the reference plans and documents is within an area subject to protection under the act and will remove fill dredge or alter that area therefore said work requires the filing of a Notice of Intent.

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

- 12. SE49-267 (Continued from 9/6/16, 9/20/16, 10/6/16)- 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.
CONTINUED

- 13. SE49-0517 (Continued from 9/6/16, 9/20/16, 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 94 Mate Drive (Map 130G, Lot 188/239).** Representative is Richard Rheume of Prime Engineering. Owner is addressing non compliance with the 25' no disturb zone.

Agent Porter advised that this property is not ready for issuance of a Certificate of Compliance.

- 14. SE49-0519 (Continued from 9/6/16, 9/20/16, 10/6/16) - 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 Rheume of Prime Engineering.
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Agent Porter advised that this property is not ready for issuance of a Certificate of Compliance.

15. SE49-520 (Continued from 9/6/16, 9/20/16, 10/6/16) 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 Rheume of Prime Engineering.

Agent Porter advised that this property is not ready for issuance of a Certificate of Compliance.

16. SE49-0533 (Continued from 9/6/16, 9/20/16, 10/6/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 29 Schooner Court (Map 130G, Lot 231). Representative is Richard Rheume of Prime Engineering.

Agent Porter advised that this property is not ready for issuance of a Certificate of Compliance.

17. SE49-0514 (Continued from 9/6/16, 9/20/16, 10/6/16) 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 Rheume of Prime Engineering.

Agent Porter advised that this property is not ready for issuance of a Certificate of Compliance.

18. SE49-0515 (Continued from 9/6/16, 9/20/16, 10/6/16) 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 Rheume of Prime Engineering.

Agent Porter advised that this property is not ready for issuance of a Certificate of Compliance.

NEW BUSINESS

1. Agent updates

SE49-0509 – 157 Tarkiln Place - This matter was not on the agenda. The owner was requested to appear to discuss removal of split rail fence into the 25' setback conservation area and installation of stockade fence in front of and abutting the split rail fence. Mr. Mario Xavier was present. Agent Porter advised that the split rail fence went along the edge of the wall and it appears they removed the split rail fence and moved it back into the wetland and now have an extended backyard. Need to meet out at the property and tape off the area to see where the 25' zone is and the split rail fence needs to be placed back. Mr. Xavier advised that he did not realize that he was doing anything wrong. Mr. Xavier stated that he built the retaining wall to stop erosion.

The Commission stated that the split rail fence will have to be replaced and the stockade fence removed.

Mr. Xavier added that he has also built a shed in the backyard near the wall and just finished it this past Saturday. The shed is approximately 8'x10' and sits on blocks. Commissioner Audette stated that Mr. Xavier might have to move that shed.

Agent Porter will meet Mr. Xavier at the property on Thursday at 5:30.

Commissioner Audette made a motion to table this for November 1, 2016. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

200 Theodore Rice Boulevard

Agent Porter advised that they have applied for a Certificate of Occupancy for the building but the stormwater facility has not been completed. As part of the order of conditions, it states that there is prohibited the use of storm water facilities until as as-built has been certified by a PE including that the site has been fully stabilized and ready to receive post construction runoff. The site is not ready to receive post construction runoff and therefore, Agent Porter cannot sign off on a Certificate of Occupancy. Mr. Riccio advised the Agent that there is a new contractor and he would be out there working getting rid of the weeds, seeding it and placing an erosion control blanket.

Coffin Avenue Mill Property

Agent Porter advised that the Fire Chief will be requesting an Emergency Certification for an abandoned old mill located at end of Coffin Avenue that fronts the river. The building is full of contaminated materials and it attracts homeless people. They are proposing to cut down the vegetation so no one can hide back there and try to break into the building and start fires. The Commission agreed to issuing said Emergency Certification and it will be ratified at the next meeting.

21 Schooner Court

Agent Porter advised the Commission that she has the property owner a letter with regard to the stonewall. The Commission agreed that she needs to place a barrier there and if she wants a field stone wall, the Commissioner suggested it be approximately 3' tall x 1' wide.

2. General Correspondence

The Commission asked that Agent Porter inform the Mayor's Office that Chairman Jack Radcliffe has not been present for the past few meetings and has had no contact with this Commission and at a previously meeting he announced his resignation from this Board.

Commissioner Audette made a motion to adjourn at approximately 7:40. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas
Administrative Specialist