



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
August 2, 2016
Room 314, City Hall**

Members Present

John Radcliffe, Chairman
Craig Dixon, Vice Chairman
Dennis Audette
Paul Pacheco
Jacob Gonsalves

Members Absent

Staff Present

Agent Sarah Porter
Sandy Douglas, Admin., Specialist

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

NEW BUSINESS:

- 1. A Request for Determination of Applicability as filed by David Bizarro for property identified as Osborn St., New Bedford (Map 17A, Lot 87).** Applicant proposes a strategy for removing a shipping container in case of a catastrophic storm in the coastal velocity zone. Representative is David Bizarro.

Mr. David Bizarro was present. Mr. Bizarro stated that in the event of a catastrophic storm Valtran Company, who he purchased the container from, will come to the premises, pick up the storage container and place it on a flatbed truck and haul it away to higher ground. This can be done within 24 hours notice and if Valtran is not available he may contact any towing company with a flatbed. Mr. Bizarro will also be able to unplug the electricity from the outlet and turn off the meter.

Chairman Radcliffe inquired as to where the storage container would be hauled off to. Mr. Bizarro replied that it could go to either his lot on Larch Street or to his uncle's property on Sharp Street in Dartmouth.

Agent Porter advised that this is a straight forward project and that Councilor Joseph Lopes sent a letter in support of said project. Agent Porter recommended a positive Determination of Applicability that the work as proposed is within a resource area (Land Subject to Coastal Floodplain) but will not alter the resource area provided the following Special Conditions are adhered to: 1) the shipping container shall be disconnected from the electrical power, removed from the flood zone and stored outside of the 100 year floodplain in advance of a catastrophic storm event. The Plan for approval is Lot 87 Evacuation Plan and Images 1, 2, and 3.

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

Commissioner Dixon 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.

2. **SE49-548 – A Request for a Partial Certificate of Compliance for property identified as 4095 Acushnet Avenue, New Bedford (Map 136 – Lot 1 which is a Portion of Lot 271).** Representative is Kevin P. Medeiros, Esquire.

Agent Porter advised that Attorney Medeiros is not present this evening. But that Lot 1 at 4095 Acushnet Avenue is the house located in the Maddie Drive Subdivision at the top of hill, outside of the buffer zone, and is only before the Commission because the entire subdivision was permitted as part of the Order of Conditions. Agent Porter advised that Attorney Medeiros is requesting a partial Certificate of Compliance.

Commissioner Dixon made a motion to issue a partial Certificate of Compliance as requested. 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) - 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 TO 8/16/16**
2. **SE49-0739 – (Continued from 6/7/16, 6/21/16, 7/5/16, 7/19/16) - 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 TO 8/16/16**

NEW HEARINGS:

1. **A Notice of Intent as filed by Richard Poyant of Poyant Signs, Inc for property identified as 125 Samuel Barnet Blvd., New Bedford (Map 133, Lot 46).** Applicant proposes to conduct tree removal in the Buffer Zone to an Inland Bank to allow for installation of roof top PV solar panels. Representative is Andrew Poyant, PWS.

Mr. Andrew Poyant was present together with Richard Poyant of Poyant Signs and Mr. Bob Sherman of Beaumont Solar Companies. Mr. Andrew Poyant presented the project.

Mr. Poyant advised that Poyant Signs, Inc., is looking to obtain 100% solar energy at 125 Samuel Barnet Boulevard and that a large portion of the building is shaded along the west and south of the building. Mr.

Poyant is proposing to cut 20' in from the current tree line which is outside of the 25' no disturb zone. There are three isolated wetlands that are from stormwater outfalls (roof drainage). Mr. Poyant and Agent Porter walked the site yesterday and Mr. Poyant is going to update the flags on the plan as a result of said visit. Mr. Poyant is also proposing to plant a stormwater based seed mix and native wetland shrubs in the areas of isolated wetland and then plant shrubs along with conservation seed mix in the upland buffer zone. The shrubs will be planted approximately every 15'. Trees will be cut down at grade and the stumps will not be removed so there is no proposed ground disturbance. Mr. Poyant is also proposing straw wattles at the limit of work.

Chairman Radcliffe inquired as to what is the current vegetation. Agent Porter replied that there are primarily Red Maple, White Pine and one white cedar which will not be cut.

Agent Porter advised that the project is outside of the 25' No Disturb Zone but the Commission needs to hear from Natural Heritage before an order can be issued. The special conditions would be that they do the planting during planting season.

Mr. Poyant asked that, as a condition in the order, that they be allowed to maintain the trees every three years.

Commissioner Dixon made a motion to table this matter until August 16, 2016. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

CONTINUED NEW BUSINESS:

1. Agent Updates

1500 COVE ROAD

Agent Porter advised that Paul Parsons of 1500 Cove Road originally proposed to operate a horseshoe crab business that was permitted by Conservation a while back. The establishment of the docks or rafts out in Clark's Cove is what was permitted and he could attach the pens as a holding area for the horseshoe crabs. DMF commented at the time that if they had a valid section 10A permit from the Harbormaster they would not need a permit from the Conservation Commission but they applied for one anyway. The permit has expired now. The Agent will contact DMF regarding his current operations. There have been complaints by a neighbor about the upland portion of the site being used for storage of various materials.

2. General Correspondence

NEMASKET STREET

Agent Porter advised that Jim Murphy, the LSP on Nemasket Street has determined that he does not see an impact to groundwater. But, the project has gone back for a re-design and the Agent doesn't feel that it will need to be resent to LSP because no infiltration is being proposed.

A-1 ASPHALT

Agent Porter advised that Mr. Rick Charon requested continuance on A-1 Asphalt since the memorandum of understanding has not yet been drafted between A-1 Asphalt and the Airport Commission to permit the work on the airport property. Attorney Eric Jaikes from the Solicitor's Office has been on vacation and has not had an opportunity to draw up said memorandum but will now be working on it.

THEODORE RICE BOULEVARD

Received letter from Nitsch Engineering summarizing the construction inspection at Theodore Rice Boulevard. Things are progressing okay.

EVERSOURCE

Agent Porter advised that Eversource sent correspondence regarding maintenance of the right-of-way of the actual roadways itself. Swamp maps have been placed in the wetlands and stay there for a maximum period of time of three months. The work is exempt under the Wetlands Protection Act.

Commissioner Dixon made a motion to adjourn at approximately 7:52. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas
Administrative Specialist