



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
June 7, 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

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

NEW BUSINESS:

- 1. A Request for Determination of Applicability as filed by Acushnet Company for property identified as Ball Plant C 700 Belleville Avenue (Map 112, Lot 133).** Applicant proposes to conduct maintenance of stormwater drainage swales in Land Subject to Storm Flowage, the Riverfront Area and the Coastal Bank. Representative is William Madden of GAF Engineering, Inc.

Mr. Bob Rogers of GAF Engineering Inc. was present together with Kevin Kelly of the Acushnet Company. Mr. Rogers advised the Commission that this is a very straight forward project it's an existing drainage swale on the southeast corner of the property. The application is a request for maintenance, cleaning of any debris, and hand trimming of vegetation. This is something that is done annually by the Acushnet Company and they are requesting a negative determination. The original RDA has expired.

Agent Porter explained that an RDA does not allow for ongoing conditions that they would need to file a Notice of Intent. Mr. Rogers stated that he would accept the negative determination and once it runs out they will then file a Notice of Intent and in the meantime will notify the Agent annually prior to performing any routine maintenance work.

Agent Porter advised that the swale functions well, they are not in the coastal bank, they are in the buffer to the coastal bank but are in the riverfront area and floodplain. Agent Porter recommended a negative determination with the condition that they remove sediment and vegetation by hand and the silt currently in place at the end of the swale shall remain in place and be replaced if it becomes damaged. The plans for approval are Figure 2, Property Locus Map and Figure 3 Existing Conditions both undated but received on May 19, 2016.

Commissioner Dixon made a motion for a negative determination as recommended by the Agent with conditions as read. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

- 2. A Request for Determination of Applicability as filed by AVX Corporation for property identified as 740 Belleville Avenue (Map 112, Lots 88 & 252).** This application is filed in association with the proposed design and implementation of an April 2016 Immediate Response Action Plan Modification for the former Aerovox Facility. The Applicant proposes to remove recoverable Dense Non Aqueous Liquid (DNAPL) from soil and groundwater in the Riverfront Area and Buffer Zone to the Acushnet River. Representative is Marilyn Wade of Brown and Caldwell.

Ms. Marilyn Wade of Brown and Caldwell was present on behalf of the applicant. Ms. Wade advised the Commission that this is the Aerovox property, in 2011 AVX worked with the City for a demo of the old building since that time have been doing subsurface investigation work under Massachusetts 21E rules. Ms. Wade is the LSP of record for the site and in the course of doing Phase II comprehensive site assessment they did find a few instances of non aqueous liquid measurable in two wells on the property and in some shallows soils along the riverfront in two discreet areas. These are conditions under the MCP that require an immediate response action be taken. She has prepared a modification which includes installation of an automated systems to recover the DNAPL in the NE corner of the former Aerovox property and then excavate the two small hot spots in the shallow soil areas for a total of approximately 500 cubic yards. The soils will be excavated, moved and disposed of offsite, backfilled and surface returned to its current condition and will also restore the cap that is currently present.

Chairman Radcliffe inquired as to how they will be able to determine whether or not there are any more hot spots. Ms. Wade responded that the MCP requires that an immediate response action be taken and the only two hot spots are these two wells and the two soil hot spots. They have collect hundreds of samples across the site along with other tests. Over 60 wells have been placed across the property.

Chairman Radcliffe inquired as to the form of barrier they will be using during recovery. Ms. Wade responded that they will be placing straw waddles across the waterfront area to contain any of the areas being used during construction. Chairman Radcliffe inquired as to how long this recovery will take. Ms. Wade responded that it would probably be 1 ½ to 2 years.

Agent Porter stated that the resource areas are top of sheeting which is manmade coastal bank and riverfront is paved, they are removing the pavement from the excavation areas, excavating out the material and brining in clean fill, repaving and doing the well extraction activities. Agent Porter recommended that all the recovery drums and roll off containers be stored outside of the 100' buffer zone and the 100 year FEMA Floodplain. That straw waddles be placed along eastern edge of excavation and that all straw waddles are to be kept in an effective condition. That storm drain inserts be placed on all catch basins within the 100' buffer zone and that the inserts be inspected after every rain event, cleaned and repaired as necessary. All dewatering liquid and extracted groundwater is to be pumped to a frac tank and disposed of off-site in accordance with all applicable local, state and federal laws and regulations. Material stored within them disposed of off-site in accordance with all applicable, local, state and federal laws and regulations. Roll off containers are to be lined with an impermeable liner and covered with impermeable sheeting when not in use. All work shall conform to the Request for Determination of Applicability Narrative and the Immediate Response Action Plan Modification dated April, 2016 submitted with the RDA. The Plan for approval is Fig. 1 Resource Area Map dated May, 2016.

Commissioner Dixon made a motion for a negative determination of applicability with the conditions as read by the Agent. 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) - 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.

Mr. Rick Charon of Charon Associates was present on behalf of the applicant. Mr. Charon advised that he has not yet received any response from the airport with regard to the proposed 3,000 s.f. of remediation work. Mr. Charon suggested that the Commission place a condition that would prevent A-1 Asphalt from doing any work on airport property until all the correspondence and permission is received from the airport. Agent Porter replied that she would have to consult with the Solicitor's Office as to whether or not the Commission would be allowed to place such a condition.

Mr. Charon stated that a sequence of work has been submitted to start with work in the front of Shawmut Avenue to help control the dust and satisfy the neighbor issues. They will then be doing the front basin and drainage work and then after berm is done will move to the back of the property to enlarge the storm water pond by raising the bottom elevation by 2' and then swale along the south portion of the property. It will be done in four phases, 200' feet at a time so there isn't too much going on out there at the same time.

Agent Porter stated that she tried to contact the airport and did not receive a response from them and she will contact the Solicitor's Office to get their legal opinion.

Commissioner Dixon made a motion to continue this matter to June 21, 2016. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

- 2. SE49-0736 - (Continued from 3/15/16, 4/5/16, 4/19/16, 5/3/16 & 5/17/16) - A Notice of Intent as filed by Terrence Tedeschi of New Bedford Cousins, LLC for property identified as Northside Farms (Registry of Deeds: Plan Book 164, Pg 75) which consists of Declan Dr., Horseshoe Rd., Monson St. Northside Dr. & Acushnet Ave. (Map 130 D, Lots 117, 379 through 387 and 392 through 419).** Applicant proposes a subdivision roadway with associated utilities and grading including wetland filling. Representative is John Cavanaro of Cavanaro Consulting.

Mr. John Cavanaro of Cavanaro Consulting was present together with Mr. Terry Tedeschi the applicant and owner. Mr. Cavanaro advised the he has received final response from Nitsch Engineering and have satisfied all of their comments. He feels that the slopes of the detention basin are more than adequate. He has provided an access path around the top of the basin which is a critical element and tried to keep as much separation as practicable between the back of the house and the top of the basin.

Agent Porter advised that they have addressed all the outstanding issues and recommended the issuance of an order with special conditions for a subdivision. The Agent had already sent a draft of said special conditions to Mr. Cavanaro. The special conditions are as follows:

The scope of this Order is limited to those activities associated with the construction of the roadway, utility infrastructure and stormwater management systems as shown on the approved plans and documents

referenced herein. All activities associated with the development of the individual lots in the Buffer Zone including but not limited to land clearing, earthwork, and grading is outside the scope of this Order and is subject to further review by the Conservation Commission. Prior to the Conservation Commission's issuance of any further Orders of Conditions on this property, the stormwater management system shall be substantially complete and functional. As-built drawings of the entire stormwater management system and hydrologic calculations for the 2, 10 and 100 year storm events shall be certified by a Massachusetts Registered Professional Engineer and shall be submitted to the Conservation Commission and reviewed by the consultant for the Conservation Commission. The applicant shall correct any deficiencies noted in the review of the as-built plans and documents prior to the Conservation Commission's issuance of any further Orders of Conditions on this property. The consultant for the Conservation Commission shall conduct periodic inspections of the work associated with the construction of the stormwater management systems during the construction period for compliance with the approved Order of Conditions documents. These inspections will include but are not limited to:

- a. A preconstruction meeting where a construction schedule shall be received from the contractor at that time.
- b. Subgrade excavation of the infiltration basin prior to the placement of the sand.
- c. Subgrade excavation for the proposed underground infiltration system No. 2.
- d. During and/or following installation of the outlet control structure and/or rip rap for the infiltration basin.
- e. Following completion of site grading and stabilization of the site.

Additional inspections may be warranted at the discretion of the consultant for the Conservation Commission upon receipt of a schedule of operations from the contractor. Reports for each inspection shall be submitted to the applicant and the Conservation Commission. Prior to land clearing activity, the hay bales/silt fence line shall be staked out in the field and inspected by the agent for the Conservation Commission. Storage and use of pesticides and fertilizers in the Buffer Zone is prohibited. All stormwater management devices shall be maintained as established in the Long Term Operation and Maintenance Plan and Illicit Discharge Statement found in the 4/26/16 correspondence to the Conservation Commission. Annual stormwater management system and operation and maintenance reports shall be submitted to the Commission detailing the maintenance of the stormwater in accordance with the Long Term Operation and Maintenance Plan and Illicit Discharge Statement. Construction shall follow the Construction Period Erosion, Sedimentation and Pollution Prevention Plan found in the 5/25/16 correspondence to the Conservation Commission. The Stormwater Pollution Prevention Plan shall be forwarded electronically to the Conservation Commission two weeks prior to the onset of construction. Snow shall not be stored in the stormwater management basins or swales nor shall it be stored in the Bordering Vegetated Wetlands or the 100' Buffer Zone.

The plans for approval are Sheets 2, 4, 5, 6, 7, 9 and 10 all with a revised date of 4/26/16 and sheets 1, 3 & 8 of 11 with dated 6/26/16 and Sheet 11 of 11 dated 4/25/16.

Commissioner Dixon made a motion to approve this Order with all special conditions as read by the Agent. Motion was seconded by Commission Gonsalves. All in favor. Motion carries.

- 3. SE49-0693 – (Continued from 5/17/16) - A Request for an Amended Order of Conditions as filed by Highland New Bedford Associate Partnership for property identified as 200 Theodore Rice Boulevard (Map 136, Lot 323).** Applicant proposes to eliminate the proposed paved parking, the storage areas and the associated storm water facilities south of the building. Also proposed is the lowering of the elevation of a proposed parking area and revisions to the

storm water system discharging to Theodore Rice Blvd and Duchaine Blvd. Representative is Richard Riccio III, P.E. of Field Engineering.

Mr. Richard Riccio of Field Engineering was present on behalf of the applicant. Mr. Riccio advised that since the last meeting they have made some changes to include a substantially smaller footprint of approximately 4 ½ acres less than previously approved. The front parking will remain the same except they will be lowering the grade. The plans and calculations have been submitted to Nitsch Engineering for review and have made a couple of changes per their review. Nitsch was concerned that the water from new paved surface wasn't going to get to stormceptor so they shifted the stormceptor into grass swale off the pavement and water will sheet into that swale and into the stormceptor. Another concern Nitsch had was there was no additional treatment provided for the overlay so they cut back the existing parking 5'-6' off of property line providing a crushed stone trench. They did receive this afternoon another letter from Nitsch with two recommendations of grading in the front and parking lot grading in the southeast corner, Mr. Riccio will make these suggested changes and will provide a new plan with an additional spot grade.

Chairman Radcliffe stated that this is a redevelopment project and amending the Order because decreasing the amount of impervious area which is a positive step.

Commissioner Pacheco inquired whether they have commenced work on the what was originally approved. Mr. Riccio replied that they have commenced the work and have had an onsite pre-construction meeting with Nitsch.

Agent Porter stated that she agrees with Nitsch's disappointment that there is a little less water quality treatment with this proposal. Mr. Riccio replied that they have reduced the amount of overall impervious to the site and everything that is new pavement has required water quality treatment necessary.

Chairman Radcliffe stated that he doesn't feel that it meets the maximum extent practicable. Mr. Riccio replied that he feels they do meet the maximum extent practicable.

Agent Porter stated the plans for approval would be Amended OOC Site Plan with a revised date of 6/1/16 and Amended OOC Site Details dated 6/1/16 with the condition that a wetland seed mix is used in appropriate areas of the swale together with all prior conditions as previously approved.

Commissioner Dixon made a motion to approve with conditions as read by the Agent. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

NEW HEARINGS:

- 1. SE49-0739 - 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.

Ms. Elizabeth DeCelles, Ecologist with TRC was present together with Pete Trottier and Raymond Holberger, Environmental Project Manager with the City of New Bedford.

Ms. DeCelles stated that this is submitted on behalf of the City of New Bedford for proposed site clearing, soil sampling, remediation and a development of a recreational area. TRC personnel went to the site in 2010 and delineated the resource areas. In 2010 the City also determined an isolated wetland is not a land subject to flooding so that wetland is going to be filled (0.06 acres) as part of this project. The project is also located within the 100' wetland buffer to a BVW. The BVW is located at the base of the slope from the Nemasket street right of way. In total there will be .43 acres of the buffer zone impacted. Activities in the buffer zone will include targeted soil removal of PCBs, construction of an exposure barrier which includes up to 3' of clean fill, construction of a basketball court, soccer field, walk ways and landscaped areas. Proposed BMP with this project include use of erosion and sediment control practices including straw mulch and appropriate erosion control barriers placed between the excavation areas and wetland boundaries and there will be three stabilized construction entrances with the drains protected.

Mr. Holberger advised that they will be taking away approximately 40 spaces away and are still within the regulatory number required for the school.

Agent Porter stated that she spoke with Scott Turner. Mr. Sullivan had written a letter to Mr. Turner prior to this meeting and as a result of that letter the issue Mr. Turner had was with the infiltration of the surface water through the contaminated material and into the groundwater. Mr. Turner stated that he is not an LSP and therefore, he cannot evaluate the potential for groundwater contamination. Agent Porter questioned whether or not the Commission would like to consult with an LSP.

Chairman Radcliffe agrees with Mr. Turner that an LSP should review this application. Agent Porter will speak with Mr. Turner so that he can make an LSP recommendation that the Commission may consult with.

Commissioner Dixon made a motion to confer with Nitsch Engineering with regard to a recommended LSP firm to consult with for review of this application. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

Mr. Holberger added that there are documents for Phase III and suggested that the LSP review these documents also. Mr. Holberger stated that the other part of the project deals with a lot of new stormwater structures and regarding. Chairman Radcliffe stated that will go to Nitsch Engineering for stormwater review.

Commissioner Dixon made a motion to submit the stormwater plans to Nitsch Engineering for review. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

Commissioner Dixon made a motion to continue this matter to June 21, 2016. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

- 2. SE49-0740 - A Notice of Intent as filed by David Condon of the City of New Bedford and Douglas Cameron of the MA Dept of Fish & Game – Office of Fishing and Boating Access for property identified as the West Rodney French Boulevard Clark's Cove Public Access Facility (Map 7, Lot 5).** Applicant proposes to dredge approximately 85 cubic yards of accumulated sediment at the seaward edge of the boat ramp and use the sediment as beach nourishment if grain sizes are compatible. Representative is Michael Count of CLE Engineering.

Mr. Michael Count of CLE Engineering was present together with Mr. Douglas Cameron of the MA Department of Fish and Game. Mr. Count advised that the proposed project involves the existing public access facility at West Rodney French Boulevard. The existing boat ramp was constructed in 1957 and in

2010 it was reconstructed. Over time, sediments have accumulated at the base of the boat ramp. They are proposing to dredge in mean low water that is consistent with the construction of 2010. They are also proposing a temporary siltation curtain around the outside during the dredging. The work will be performed from either land or barge based depending on contractor availability. The work via land will use a long reach excavator from the boat ramp at low tide to dig out material and use it as beach nourishment material at the adjacent beach.

Chairman Radcliffe commented that it seems that they are proposing two different construction methods and inquired whether they are able to present a construction plan for either. Mr. Cameron replied that he understands Chairman Radcliffe's concerns with regard to the different impacts on the resource areas and they could provide the Commission with a construction plan with both scenarios.

Mr. Count stated that they are proposing installing a floating silt boom that would isolate the area from sedimentation resulting from the actual removal of the material as well as it would if there were a disruption of upland for non-land work activities and maybe mentioning this would allow the Commission to move this forward. Mr. Cameron stated that in both cases the impact to this area would be temporary above the mean low water line versus land based operation they would walk excavator down existing boat ramp dig out material and transfer it to beach area or use a crane with closed bucket on lawn area and do the same operation. From the barge it would be essentially the same construction method and unload it to a truck.

Chairman Radcliffe stated that the impact to the resource area is different with each construction method.

Mr. Cameron continued to state that any disruption of the upland would be mitigated by silt boom protecting the surrounding resource areas and the other measure is a time of year restriction that the Division of Marine Fisheries has recommended and he feels that the silt boom resolves this issue and the most cost effective method to do this is from an excavator with long reach which can easily access the site and sees this being an end result and can commit to this. If a barge based operation is deemed the most feasible at the time of construction than a special condition can be placed that there be no grounding of the barge at any time during construction.

Chairman Radcliffe inquired as to when they are proposing to commence the work. Mr. Count replied that it will be done in the coming Fall or Winter.

Agent Porter read the following comments from the letter received today from the Division of Marine Fisheries into record as follows:

"Disposal of beach fill in the intertidal area should be consistent with DEP's Beach Nourishment Guide (2). Beach fill material should be of equal grain size and appropriate slope to avoid premature loss from the beach and impacts to near shore bottom habitat. To protect winter flounder spawning and juvenile development, Marine Fisheries recommends no in the water or silt producing activities during the flounder spawning season January 15-May 31 of any year."

Chairman Radcliffe suggested that they submit the grain size for the next meeting..

Commissioner Dixon made a motion to table this matter to June 21, 2016. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

NEW BUSINESS CONTINUED:

1. Agent Updates

The Settlement

Agent Porter advised that there is a meeting scheduled for Thursday at 2:30 pm with DEP to extend the permit for another three years.

2. Revolving Account Status

Agent Porter advised that the revolving account is doing well and there is a present balance of approximately \$90,000.00. Agent Porter also advised that the contract funds with Nitsch Engineering needs to be increased since there is only a \$9,000.00 balance and the contract doesn't expire until November, 2016. The Commission agreed to add an additional \$25,000.00 to said contract for peer review.

Commissioner Dixon made a motion to approve an additional \$25,000.00 to the Nitsch Engineering Peer Review contract. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

3. General Correspondence

Commissioner Dixon made a motion to adjourn at approximately 8:20. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas
Administrative Specialist