



City of New Bedford
Jonathan F. Mitchell, Mayor

**Meeting Minutes of the Conservation Meeting of
April 5, 2016
Room 314, City Hall**

Members Present

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

Members Absent

Paul Pacheco

Staff Present

Agent Sarah Porter
Sandy Douglas, Admin., Specialist

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

OLD BUSINESS:

1. **SE49-466 (Continued from 2/16/16, 3/1/16 & 3/15/16)– Request for Certificate of Compliance for property identified as 2301 Purchase Street, New Bedford, MA (Map 97, Lots 6 & 9).** Representative is Alan J. Heureux of Boucher & Heureux. **CONTINUED APRIL 19, 2016.**
2. **1151 Cardinal Street status**

Agent Porter advised that the owners of 1151 Cardinal Street did not appear at the last meeting. Since then she has visited the site and they haven't done anything to the site and she would like to know how the Commission would like to proceed. The Agent also advised that they have not responded at all to the certified mail that they received.

Chairman Radcliffe suggested that a Notice of Violation be prepared in case they do not make an effort to respond and in the meantime, he and the Agent will go to the property and try to knock on the door.

NEW BUSINESS:

1. **SE49-249 – Request for Certificate of Compliance for property identified as John Vertente Boulevard, New Bedford, MA (Map 135, Lot 2).** Representative is Blair Bailey of the City of New Bedford. **CONTINUED TO APRIL 19, 2016.**
2. **SE49-253 – Request for Certificate of Compliance for property identified as 129 John Vertente Boulevard, New Bedford, MA (Map 135, Lot 2).** Representative is Blair Bailey of the City of New Bedford. **CONTINUED TO APRIL 19, 2016.**

3. **SE49-267 – Request for Certificate of Compliance for property identified as John Vertente Boulevard, New Bedford, MA (Map 135, Lot 2).** Representative is Blair Bailey of the City of New Bedford. **CONTINUED TO APRIL 19, 2016.**
4. **SE49-324 – Request for Certificate of Compliance for property identified as John Vertente Boulevard, New Bedford, MA (Map 135, Lot 2).** Representative is Blair Bailey of the City of New Bedford. **CONTINUED TO APRIL 19, 2016.**

CONTINUED HEARINGS:

1. **SE49-0733 – (Continued from 3/1/16 & 3/15/16) - A Notice of Intent as filed by North Coast Seafoods for property located at 43 & 49 Blackmer Street, New Bedford (Map 25A, Lots 1, 3, & 52).** Applicant proposes building and parking lot expansions partially located within Land Subject to Coastal Storm Flowage. Representative is John Cavanaro of Cavanaro Consulting.

Mr. John Cavanaro of Cavanaro Consulting was present together with Brian Jones. Mr. Cavanaro stated that since the last meeting has received from comments from Nitsch Engineering and have made some minor revisions to the plan but the design as a whole has not changed. Performed additional test pit and did confirm that the soil were consistent and did locate water table. The TSS removal has been updated and the construction entrances have been detailed as requested by Nitsch Engineering.

Agent Porter that Nitsch only received the response from Cavanaro yesterday but they did review it and advised the Agent via telephone that it is all satisfactory but they would not have an opportunity to put it in writing prior to tonight's hearing.

Chairman Radcliffe inquired as to how the Commission felt about accepting Nitsch's verbal telephone acceptance. The Commission all agreed that they were comfortable moving forward with this matter with Nitsch's verbal acceptance.

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

Agent Porter stated that there is one Special Condition: 1) The Stormwater Operation and Maintenance Plan and Illicit Discharge Statement is an approved document of the Order OF Conditions and that annual monitoring reports shall be submitted to the Commission at the end of January of each year documenting the maintenance of the storm water Best Management Practices for the previous year. Plans for approval are sheets 1 of 6 with a revised date of 4/4/16; Sheet 2 of 6 with a revised date of 3/22/16; Sheet 3 of 6 with a revised date of 4/4/16; Sheet 4 of 6 with a revised date of 3/22/16; Sheet 5 of 6 with a revised date of 3/22/16 and Sheet 6 of 6 with a revised date of 4/4/16.

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

2. **SE49-0735 – (Continued from 3/15/16) - 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 TO ARPIL 19, 2016.**

3. **SE49-0734 – (Continued from 3/15/16) - A Notice of Intent as filed by Charles Paradie of the University of Massachusetts Building Authority for property located at 706 & 838 South Rodney French Boulevard (Map3, Lots 1,2,& 5 and Map 4, Lot 3).** Applicant proposes to upgrade existing seawater pump system within Land Subject to Coastal Storm Flowage, Coastal Bank and the 100' Buffer Zone to Coastal Bank. Representative is Michele Simoneaux of GZA GeoEnvironmental, Inc.

Ms. Michele Simoneaux of GZA GeoEnvironmental was present and advised that since the last hearing, they were just waiting for a reviews response from Endangered Species. Since then, a response has been received and they found there to be no adverse affects on the rare and endangered species habitat or individual species.

Agent Porter advised that this is a very large project but there is very small impact to the resource area. Agent Porter recommended the issuance of an Order of Conditions with the following site specific Special Conditions:

- 1) Trenches in the Buffer Zone and Coastal Bank area shall not be left open overnight; 2) construction debris on the pier shall be removed on a daily basis and care shall be taken to avoid dropping construction materials into the underlying Coastal Resource Areas; 3) any construction debris from the pier which falls into the underlying Coastal Resources shall be retrieved and discarded in a legal upland location; 4) the final Stormwater Pollution Prevention Plan is an approved document of this Order of Conditions and shall be forwarded to the Conservation Commission two weeks prior to the onset of construction.

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

4. **SE49-0736 - (Continued from 3/15/16) - 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, 402, 380, 381, 382, 407, 408, 409, 410, 411, 379, 398, 399, 400, 401, 397, 395, 396, 412, 419, 403, 404, 405, 406, 416, 417, 418, 413, 414, 415, 393, 383, 384, 394, 392, 385, 386, & 387).** Applicant proposes a subdivision roadway with associated utilities and grading including wetland filling and replication. Representative is John Cavanaro of Cavanaro Consulting. **CONTINUED TO APRIL 19, 2016.**

5. **SE 49-0730 - (Continued from 2/16/16, 3/1/16 & 3/15/16) - A Notice of Intent as filed by Michele Paul, Director of the City of New Bedford Department of Environmental Stewardship for property located at 241 Duchaine Boulevard, New Bedford, MA (Map 136, Lot 321).** Applicant proposes to demolish the abandoned building on site, conduct PCB related clean up and cap the site within the Buffer Zone and Bordering Vegetated Wetland. Representative is Todd Kirton of Tighe & Bond.

Mr. Raymond Holberger from the City of New Bedford's Environmental Stewardship office advised that he has been unsuccessful in trying to reach his representative and requested a continuance to the next meeting. Mr. Holberger advised that they have been corresponding with Nitsch and it seems that he is now satisfied with the best management practices but unfortunately he doesn't have the stamped drawings. Mr. Holberger at this time requested that the matter be continued to the next meeting since the representative was not present.

Commissioner Dixon made a motion to continue this matter to the 19th as requested. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

At 6:56 Ms. Amanda Smith, the representative arrived. At this time Commissioner Dixon made a motion to re-adjoin this meeting. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

Ms. Smith apologized for her late arrival, she got stuck in traffic. Ms. Smith advised that they have responded to Nitsch's comments and have made all of their suggested revisions. Ms. Smith submitted revised stamped plans.

Ms. Smith stated that this is a redevelopment project and they were not achieving the 80% of maximum extent practicable and were at 63% and now are at 70%. They have created and extended swales. They are also proposing wetland replication with proposed temporary erosion control. Ms. Smith advised that Natural Heritage did respond with a no take.

Agent Porter advised that Nitsch is satisfied with the new storm water design. Agent Porter suggested the following Special Conditions: 1) the bottom of the wetland restoration area be inspected by the Conservation Agent prior to the placement of the soils with high organic content; 2) the final grade of the wetland restoration area is to be inspected by the conservation agent prior to seeding with wetland seed mix; 3) submit annual wetland restoration monitoring reports documenting the success of the wetland restoration area. The reports shall be due at the completion of construction and on July 31st of each subsequent year for two years. The monitoring reports shall also document the presence of invasive species within the restoration area and recommend control methods. During the two year monitoring period, the Conservation Commission reserves the right to request additional wetland seeding to guarantee the success of the restoration area. The revised Stormwater Operation & Maintenance Plan is an approved document of this Order. 4) Annual monitoring reports shall be submitted to the Commission at the end of January of each year documenting the maintenance of the stormwater Best Management Practices for the previous year; 5) The Stormwater Pollution Prevention Plan shall be submitted to the Conservation Commission two weeks prior to construction start-up; 6) The commission's consulting engineer shall attend the projects pre-construction meeting. A construction schedule shall be received from the contractor at that time. At a minimum, the Commission's consulting engineer shall perform construction observation at the following times: a) during the preparation of the subgrade for the water quality swales and vegetative strips; b) during construction of the water quality swales, sediment forebay and crushed stone filter strip; c) following completion of the site grading and stabilization of the site. Additional observations may be warranted at the discretion of the Commission and/or the consulting engineer based on the results of the pre-construction meeting or the progression of construction. Reports for each observation will be prepared and submitted to the Commission and the Applicant.

Mr. Kevin Kelly from adjacent property was present and stated that he did not have any questions pertaining to the protection of the resource area.

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

NEW HEARINGS:

- 1. A Notice of Intent as filed by Ray Holberger of the Department of Environmental Stewardship for property located at 255 Hathaway Boulevard (Map 75, Lot 167). Applicant**

NEW BUSINESS CONTINUED:

1. Agent Updates (tape recorder)

Sandy Douglas advised the Commission that transcribing equipment needs to be purchased to be able to transcribe using the new recorder and that it would cost approximately \$250.00. The Commission agreed to said expense.

Commissioner Dixon made a motion to approve purchasing the necessary transcribing equipment up to \$250.00.

2. General Correspondence (Bristol County Mosquito – Business Park)

Agent Porter advised the Commission Bristol County Mosquito is looking to finish the portions of the work on the north and south ends of Duchaine Boulevard.

Agent Porter advised that there is a holiday on Tuesday, October 4th and would need to move the meeting to Wednesday, October 5th. All the Commission agreed to move the meeting to the 5th as long as the meeting room is available.

Chairman Radcliffe advised that in the past the Commission has had an open invite the public to come and discuss Conservation and suggested doing another public invite on November 29th, 2016.

Agent Porter advised the Commission that she went to the Parallel Products site and they have exceeded their limits of clearing for cutting trees. They advised the Agent that they were going to be clearing more anyway because they are coming back before the Commission for a Phase II of the project. I was told they would prepare a plan showing the limits of clearing that have been exceeded.

Agent Porter stated that she received a phone call from someone at the Business Park advising that work was being conducted prior to a pre-construction meeting. The applicant began cutting prior to having an on-site pre-construction meeting with Nitsch Engineering as is stated in the Orders. All the cutting has now been complete.

Chairman Radcliffe suggested that the applicant be present at the next meeting so they can be advised that there isn't any more cutting allowed and they need to stabilize the site.

A motion to adjourn was made by Commissioner Dixon at approximately 6:55 pm. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

Commissioner Dixon made another motion to adjourn at approximately 7:15. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas

