



Conservation Commission

June 2, 2015 – 6:30 PM – **Minutes**
City Hall, 133 William Street

Members Present

John R. Radcliffe, Chairman
Craig Dixon, Vice Chairman
Dennis Pacheco
Jacob Gonsalves

Members Absent

Paul Pacheco

Staff Present

Agent Sarah Porter
Sandy Douglas, Administrative Specialist

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

OLD BUSINESS:

1. (Continued from 10/7/13, 10/22/13, 11/12/13, 11/26/13, 12/10/13, 1/7/14, 2/8/14, 2/19/14, 3/4/14, 3/19/14, 4/1/14, 4/25/14, 5/6/14, 5/20/14, 6/3/14, 6/17/14, 7/1/14, 7/15/14, 8/5/14, 8/19/14, 9/2/14, 9/16/14, 10/7/14, 10/21/14, 11/4/14, 11/18/14, 12/2/14, 12/16/14, 1/6/15, 1/20/15, 2/3/15, 3/3/15, 3/17/15, 4/7/15, 4/21/15, 5/9/15, & 5/19/15) - A Request for Determination of Applicability as filed by Ron Labelle, City of New Bedford Commissioner of Public Infrastructure for property identified as 1350, 1296, 1232, 1216, 1182 & 1174 Sassaquin Avenue, New Bedford (Map 138, Lots 445, 81, 67, 69, 60, 392, and 191) and the Swallow Street and Sassaquin Avenue Rights of Way. Applicant proposes to upgrade the storm water management system in the Buffer Zone. Representative is David Fredette of the Department of Public Infrastructure. **CONTINUED UNTIL END OF MAY, 2015 PER DPI'S REQUEST.**

Agent Porter advised the Commission that DPI has requested that the RDA be withdrawn and may re-file at a later date.

Commissioner Dixon made a motion to withdraw this Request for Determination of Applicability as requested by the applicant. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

2. Draft Sassaquin Pond Watershed Ordinance

Commissioner Dixon stated that he agrees with Nitsch Engineering and that he has reviewed Gloucester's Overlay District Ordinance and thinks it might be a good idea to go the same route as Gloucester. Chairman Radcliffe replied that Gloucester applies to the entire City itself rather than simply homeowners and feels that's also a good route to follow.

Agent Porter advised that she spoke with Attorney Jane Friedman and she suggested that the Commission wait to see if the City Stormwater Ordinance goes through City Council first and also to review said proposed Ordinance to see what needs to be added to it in terms making it more Citywide than just local to Sassaquin. Agent Porter suggested that the Ordinance include an Overlay District for Sassaquin that would have more stringent requirements.

Agent Porter is going to e-mail the draft form to the Commissioners for their review.

Commissioner Audette advised that he spoke with Mike Bartlett today at length with regard to the study and they are going to keep studying and have spoken to Commissioner Ronald Labelle.

Chairman Radcliffe suggested looking at some way to remediate what's already going on in the pond.

Commissioner Audette added that he and Agent Porter have spoken with Scott Turner from Nitsch Engineering and Mr. Turner disagrees with part of UMass' study and he feels that the watershed is not as big as UMass is defining it to be.

Commissioner Audette advised that the Sassaquin Betterment Alliance is going to set up a meeting with Mike Bartlett so they can break down the study for the Alliance.

Agent Porter stated that Attorney Jane Friedman advised that she doesn't think the Commission can prohibit fertilizer because it's already regulated by the State and she will get the specific language on this to the Commission. Chairman Radcliffe stated that he believes there are other Cities and Towns in Massachusetts that do prohibit the use of fertilizer. Attorney Friedman also suggested that the Commission take UMass' suggestion to offer education to the homeowners around the pond.

3. 897 Barnum Street – Mr. Rodriques requested to appear before the Commission

Chairman Radcliffe welcomed Mr. Rodriques and thanked him for his presence this evening. Chairman Radcliffe inquired of Mr. Rodriques as to when he planned to remove the pool and gravel from the wetland. Mr. Rodriques replied that he can do it next week. Chairman Radcliffe informed Mr. Rodriques that he must call Agent Porter to notify her when he intends to perform the work so that she can be present at the time. Mr. Rodriques stated that the work can probably be performed in one day with a bobcat.

Chairman Radcliffe advised Mr. Rodriques that he needs to file an RDA when he moves the pool to any area in his backyard. Agent Porter added that filing an RDA is quite a process because he would have to not only file the RDA but he has to notify the abutters, have a public hearing, advertise, and obtaining a plan.

Mr. Rodriques stated that he understands that he is to remove the pool and all structures and when he decides to move the pool he needs to file a permit.

Chairman Radcliffe inquired as to what Mr. Rodriques would be doing with the parts of the pool once he removes the pool. Mr. Rodriques replied that he would store it somewhere. Mr. Rodriques will also put the fence back up.

Chairman Radcliffe advised Mr. Rodriques that he does not need to come back before the Commission in two weeks if the work has been performed and inspected by the Agent or one of the Commissioners.

Chairman Radcliffe advised Mr. Rodriques that there cannot be any work done in the wetland area including not cutting down or removing any trees.

Mr. Rodriques stated that there are a few trees in the wetland that are just leaning over and he was hoping to just knock them down to the ground. Mr. Rodriques added that he was hoping to tie a rope to the trees and pull

them to the ground with the bobcat while he is performing the work. Chairman Radcliffe replied that if Mr. Rodriques can do this to the trees without putting the bobcat in the wetland then he can go ahead and do that but that he still has to notify this Commission when he will be performing the work so that someone can be present to insure he is doing the work correctly.

Sandy Douglas translated for Mr. Rodriques.

CONTINUED HEARINGS:

1. (SE49-0711) - (Continued from 12/2/14, 12/16/14, 1/6/15, 1/20/15, 2/3/15, 3/3/15, 3/17/15, 4/7/15, 4/21/15, 5/9/15, 5/19/15) - A Notice of Intent as filed by Ronald Labelle, Commissioner of Public Infrastructure for the City of New Bedford for property known as the Sawyer Street Outfall (Map 93, Lot 265). Applicant proposes to install a tide gate in the existing Combined Sewer Overflow which discharges into the Acushnet River. Representative is Danielle Gallant of CDM Smith. CONTINUED UNTIL FURTHER NOTICE PER APPLICANT'S REQUEST.

NEW HEARINGS:

None.

NEW BUSINESS:

1. **Agent Updates (beaches and mosquito control meetings)**

Beaches

Agent Porter advised the Commissioners that there is a meeting scheduled for Friday at 9:00 at Fort Tabor with Councilor Lopes, DPI, Parks & Recreation Dept., to discuss sand clean-up and dune grass. Agent Porter added that there are two RDAs, one allowed them to remove some dune grass on East and West Rodney French beaches and the other was to shift the sand.

The permit was given to DPI in 2013 to remove some of the sparse patches of dune grass and some of the weedy areas where it was growing along the crevices of the walls. Agent Porter advised that she has contacted DEP and they have stated that this is an alteration of the resource area and this activity should not be allowed. But the permit is for the beaches and not the dune that Councilor Lopes is inquiring about.

Chairman Radcliffe stated that this could be resolved by taking a shovel and shoveling the sand back onto the beach and he would not have any objection to this being done.

Mosquito Control

Agent Porter advised the Commission that the Mosquito Control meeting is scheduled for Monday, June 8th at 12:00 at the corner of Samuel Barnett and Duchaine Boulevard.

Howard Avenue

Agent Porter advised the Commission that she has received a copy of the Chapter 91 License for Howard Avenue which happened last year.

Chapter 91 Public Hearings

Agent Porter advised the Commissioners that there is two Chapter 91 Public Hearings scheduled for June 9th. One is for the Edge Restaurant to maintain an elevated deck and it is scheduled at the Edge Restaurant for 1:30. This deck has already been permitted by this Commission and a Certificate of Compliance has also been issued.

The second hearing is for the Tiki Bar and the docks at the Edge Restaurant at 2:00. An Order has been issued for the Tiki Bar but not for the floating docks, moorings & gangways.

Cardinal Place

Agent Porter advised that she and Commissioner Audette met with Scott Turner and the contractor and received today the summary of findings as a result of said meeting. The summary of findings stated that the utilities and roads have been installed, binder pavement is in place on the road surface and most curbing has been installed. Significant discussion occurred with the site contractor regarding the catch basins located at the end of the entrance to the project at the very end of Swallow Street. The existing catch basins need to be replaced with catch basins with sumps but a new utility pole has been installed directly adjacent to one of the catch basins. Replacing that catch basin will undermine a newly installed pole. Also the pipe discharging from the catch basin is extremely shallow. A number of alternatives were discussed with the contractor and the contractor will follow up with the owner, the project design engineer, and the DPI regarding adjusting the design in this area. But the applicant will also need to seek an Amended Order of Conditions for this activity.

Agent Porter added that they have worked on the infiltration basin at the rear of the proposed project that had been shaped. The contractor was asked to remove some of the subsoil throughout the basins to encourage more infiltration and the same thing with the drainage swale located near the entrance to the subdivision. There were areas of silt materials that were observed and recommend that the contractor remove those pockets of silt material. Erosion controls appeared to be in good condition, there was little sediment observed on Swallow Street.

Agent Porter forwarded a copy of said report to the contractor today.

Proposed Casino

Agent Porter advised that the ENF has been published for the casino.

Chairman Radcliffe stated that there are serious problems with toxins on this property

2. General Correspondence

None.

3. Meeting Minutes of 12/2/14, 12/16/14, 1/6/15 and 1/20/15 for approval.

There being no additions, corrections or deletion of substance, a motion to approve the Meeting Minutes of December 2, 2014 was made by Commissioner Dixon. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

There being no additions, corrections or deletion of substance, a motion to approve the Meeting Minutes of December 16, 2014 was made by Commissioner Dixon. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

There being no additions, corrections or deletion of substance, a motion to approve the Meeting Minutes of January 6, 2015 was made by Commissioner Dixon. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

There being no additions, correction or a deletion of substance, a motion to approve the Meeting Minutes of January 20, 2015 was made by Commissioner Dixon. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

A motion to adjourn was made by Commissioner Dixon at approximately 7:55 pm. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas
Administrative Specialist