



**Environmental Stewardship Department/  
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of  
May 19, 2015  
Brooklawn Senior Center**

**Members Present**

John R. Radcliffe, Chairman  
Craig Dixon, Vice Chairman  
Dennis Pacheco  
Paul Pacheco

**Members Absent**

Jacob Gonsalves

**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) - 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.**

Commissioner Dixon commented that this matter has been on the Agenda for over a year and there has been no activity. Agent Porter replied that they were waiting for the baseline documentation report to come in and it has finally come in so DPI should be ready to come back before this Commission soon.

2. **Draft Sassaquin Pond Watershed Ordinance (Discussion of UMASS draft Baseline Monitoring report of Sassaquin Pond).**

Chairman Radcliffe stated that there is the Infrastructure issue, the resource area issue and political issue. There is another body that is responsible for some of the problems at Sassaquin Pond. Doesn't feel that this should be confrontational but this needs to be expedited. Chairman Radcliffe suggested that each of the Commissioners continue to review this ordinance.

Chairman Radcliffe also commented that he feels that there will have to be some more burden placed on the homeowners along with the City. Commissioner Audette replied that he talked to Mike Bartlett about

the report and one of the problems is the oxygen sitting in the pond and that the City is also in violation of the Mass State Law in taking care of that pond. Commissioner Audette added that the City has to do something with the water that is coming into the pond and the regulations that this Commission sets will have to be for the whole 100 acres.

Chairman Radcliffe advised that the Sassaquin Pond is in three watershed areas. There are some things that the regulations can address that are ongoing but mitigation of the current condition is not part of the regulation.

Chairman Radcliffe inquired whether Agent Porter felt that there was someone from DPI that would be willing to help this Commission draft this ordinance. Commissioner Audette suggested David Fredette. Chairman Radcliffe agreed.

Chairman Radcliffe stated that he will contact Mr. Fredette to schedule an ad hoc meeting.

Agent Porter advised that both she and Mr. Fredette have received the quality assurance program for future sampling of the pond which would consist of using the Sassaquin Pond Betterment Alliance to do monitoring of the pond for the next indescribable amount of years. But need financing in order to do the testing at UMass. Agent Porter explained that the monies in the Conservation Commission Revolving Fund cannot be used for the ordinance or pay for monitoring because the work is not directly related to the administration of the Wetlands Protection Act.

Chairman Radcliffe inquired if it would be possible to find someone that would do this pro bono. Agent Porter replied that the person that draft the Ordinance did it pro bono but that person is retiring next month. Chairman Radcliffe suggested contacting the City Solicitor for help since it would be beneficial to have some legal guidance.

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

Chairman Radcliffe stated that Mr. Rodriques has not submitted any correspondence as requested by this Commission and that Mr. Rodriques contacted Agent Porter today.

Agent Porter stated that Mr. Rodriques' wife advised that he had to work late tonight and would be unable to attend tonight's meeting and that he had attempted to email the correspondence but the e-mail bounced back and that she was placing it in the mail today. Agent Porter advised her that the next meeting is June 2<sup>nd</sup>.

Chairman Radcliffe reminded the Commission that a letter had been sent to Mr. Rodriques in addition to the onsite inspection that occurred over a week ago. The letter advised Mr. Rodriques that he needed to provide this Commission by May 15<sup>th</sup> with a plan before an Enforcement was issued. Chairman Radcliffe inquired whether the Commissioners wished to wait another two weeks for the plan to be submitted.

Chairman Radcliffe informed the Commissioners that he, Commissioner Pacheco, Agent Porter visited the site and that there is a non-conforming space and suggested that if took the responsibility of fixing the problem he created that this Commission would consider a RDA filing for the pool. Mr. Rodriques was advised that the pool has to be removed.

The Commission agreed to send Mr. Rodriques one more letter advising him that plans need to be submitted by the May 26<sup>th</sup> and no later. Sandy agreed to hand-deliver the letter to Mr. Rodriques tomorrow.

## **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) - 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 (Fort Taber – Request from Councilor Lopes, Bristol County Mosquito Request)

### **FORT TABER**

Agent Porter advised that Councilor Lopes requested that Agent Porter meet him and DPI at the entrance to Fort Tabor on the East side. The sand has accumulated up to the top of the wall and spills over onto the sidewalk. There is also dune grass there. Agent Porter showed the Commissioners pictures of the site. Agent Porter advised that DPI would like to bulldoze it and it's classified as a dune. Agent Porter also advised that you cannot disturb the vegetation and it's in the velocity zone.

The Commissioners recommended that they just shovel the sand back over the wall from the sidewalk.

### **BRISTOL COUNTY MOSQUITO**

Agent Porter advised that Bristol County Mosquito would like to go into the Business Park on Samuel Barnette Boulevard and Duchaine Boulevard. They are proposing to go in with ditch equipment and clean out the ditches because they are actively breeding mosquitoes. They have placed traps out there.

Chairman Radcliffe stated that this ends up being something that the interests of general health and checking the wetland conflict.

Chairman Radcliffe inquired as to what source of water is in the ditches. Agent Porter replied that as best as she can tell, it's groundwater. Chairman Radcliffe also inquired as to who decides whether or not they are streams. Agent Porter replied that you have to determine whether or not they are resource areas and when they flow and don't flow. If they are full of vegetation and they have water in them, then they are a wetland resource area. Chairman Radcliffe suggested just leaving it alone and they are other ways to handle mosquitoes and it has never been proven that mosquito drainage ditches solve the problem.

Chairman Radcliffe suggested that Agent Porter advise Bristol County Mosquito to go ahead and do the ditches but to be careful.

Commissioner Dixon recommended that an onsite be scheduled so that they can show this Commission exactly what they are proposing to do. The Commissioners all agreed that an onsite meeting should be scheduled.

## **BUTTONWOOD POND**

Agent Porter advised the Commission that a proposal for swan boats on Buttonwood Pond has been received.

Chairman Radcliffe stated that he felt it was a great idea it would get people to get out there and enjoy the resource.

Agent Porter stated that something will have to be done to improve the water quality because the Health Department has declared the pond to be a non-recreational because of the pollution. There is a meeting scheduled next week with other Departments that Agent Porter will attend.

Chairman Radcliffe advised that the Friends of Buttonwood Park have scheduled a meeting for Thursday at 6:00 at the Lawler Library. Chairman Radcliffe will be attending said meeting.

### **2. General Correspondence**

A motion to adjourn was made by Commissioner Dixon at approximately 7:20 pm. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,

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Sandy Douglas  
Administrative Specialist