



Environmental Stewardship Department/
Conservation Commission

City of New Bedford
Jonathan F. Mitchell, Mayor

Meeting Minutes of the Conservation Meeting of
March 3, 2015
Brooklawn Senior Center

Members Present

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

Members Absent

Dennis Audette

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) - 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 MARCH, 2015 PER DPI'S REQUEST.**
2. (Continued from 12/16/14, 1/6/15, 1/20/15, 2/3/15) - A Request for Determination of Applicability as filed by John Fernandes Jr., and Marsha Fernandes for property located at 1219 East Rodney French Boulevard (Map 8, Lot 226). Applicant proposes to reconstruct a porch and stairway in the Velocity Zone of the Coastal Floodplain. Representative is Steven Gioiosa of SITEC, Inc.

Agent Porter advised that the revised, stamped plans were received from SITEC, Inc., yesterday as had previously been requested by the Commission. Agent Porter also stated that she tried to contact the building inspector to inquire whether or not this plan was satisfactory to him. The plans seem to meet the FEMA Standards for construction in the coastal flooding zone, the MA State Building Code Construction and it's stamped by a P.E.

Agent Porter recommended one of the conditions be that it be constructed in compliance with the FEMA Flood plain Code for Construction in a Coastal Velocity Zone and the plan for approval is proposed Porch Repair Plan with a revised date of 3/2/2015.

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

3. Draft Sassaquin Pond Watershed Ordinance – Scott Turner of Nitsch Engineering to discuss the Ordinance with the Commission. CONTINUED

CONTINUED HEARINGS:

1. (SE49-0711) - (Continued from 12/2/14, 12/16/14, 1/6/15, 1/20/15, 2/3/15) - 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:

1. A Request for an Amended Order of Conditions for SE49-705 as filed by Massachusetts Clean Energy Technology Center for property located at 1277 Kempton Street (Map 61, Lot 2). Applicant proposes to conduct stump and boulder removal within the Buffer Zone. Representative is John McAllister of Apex Companies.

Mr. Rob Ryan of Apex Companies was present together with Stacey Minihane of Beals & Thomas.

Ms. Minihane advised that this project is for the AM tower relocation. This matter had been before the Commission proposing temporary impact within the wetland for clearing, nothing within the wetland resource area has changed under this request to Amend. In the outer 50' of the Buffer Zone they had proposed clearing and grubbing and in the inner 50', in an attempt to minimize impact to the maximum extent practicable, clearing and no grubbing was proposed. However, since the site has been cleared, the outer 50' has been grubbed and the contractor then saw a significant number of large boulders and more large stumps than anticipated in the inner 50' Buffer Zone creating an issue with installing the underground copper wiring because they wouldn't be able to create the trench as needed.

Ms. Minihane is requesting a minor modification to allow the applicant to selectively remove large boulders and large stumps within that inner 50' of the Buffer Zone.

Chairman Radcliffe inquired as to how and when the work will be done.

Mr. Ryan replied that the best time to do the work would be sometime in April. They will go in with a machine that can handle the boulders and stumps. The new FM tower cannot be built without the AM tower going up first.

Chairman Radcliffe inquired as to the methodology. Mr. Ryan replied that they would use a track machine to pick these up and carry it out. There are very large boulders out there and will need a decent size machine. All the stumps will be taken off site into a dumpster and the boulders will also be carted off site.

Chairman Radcliffe inquired as to the timeline. Mr. Ryan replied that the work could be completed within a week.

Agent Porter recommended the issuance of an amended Order of Conditions and that prior to boulder and stump removal that Agent be notified to schedule a site walk through to check the conditions of the erosion controls in the cleared wetland areas to ensure that they don't require maintenance or replacement, and that all previous special conditions to remain in effect in this Amended Order. The Plans for approval would be the Revised Set of Plans dated 2/5/15. The documents for approval are the Revised Project Narrative and Construction Methodology both dated 2/2015 and the Operation, Maintenance and Monitoring Plan for the Stormwater Best Management Practices for the Wetland and Buffer Zone Plantings at the AM Radio Tower Location, 1277 Kempton St., N.B., MA dated 7/1/2014.

Commissioner Dixon made a motion as recommended by Agent Porter with conditions as read. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

NEW BUSINESS:

1. RDA – Request for Determination of Applicability for property located at England Street, Map 123A, Lot 382. Commission to review revised plans prepared by SITEC.

Agent Porter advised that they already have a Determination of Applicability and instead of building duplexes they would like to build single family dwellings it will be less disturbance in the buffer zone.

Chairman Radcliffe commented that it looks like there is more open space being proposed, two smaller driveways and less impact than it would have been with the original plans.

Agent Porter stated that this is a better plan and recommended that the Commission accept this plan for the record because there is less disturbance than what was originally approved.

Commissioner Dixon made a motion to approve this plan as recommended by the Agent. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

2. Agent Updates

WAMSUTTA STREET

Agent Porter advised that she had been asked by an engineer to provide comments on a proposed remediation project on Wamsutta Street ditch. There is a ditch there that is full of phragmites and contaminants like PCB, lead, arsenic, etc.

Chairman Radcliffe stated that he was out there a couple of months ago and he thinks that stuff is still leeching from the gas station.

Agent Porter advised that the engineer from Matrix has proposed to remediate the PCB contaminated sediments from the lower half of the drainage ditch without risking recontamination by installing a tide gate that would stop harbor water and transported sediments from entering the ditch during the high tide cycles. They want to know if this is permissible by the Conservation Commission. Matrix does not believe the ditch area is of great ecological significance and their review of ecological data bases did not

identify any endangered species in this area. They are proposing to change the wetland types and the ecology.

Chairman Radcliffe inquired as to the reason for this request. Agent Porter replied they would like to remediate the PCB contamination.

Chairman Radcliffe stated that this Commission has to weigh value of removing the PCB or at least stanching the PCB contamination versus the alteration of the wetland area.

Agent Porter does not know how big the area is or the level of contamination. Chairman Radcliffe stated that this Commission will need this information.

Agent Porter stated that Matrix is ultimately looking for guidance and are working for the City because the City owns the land.

Chairman Radcliffe stated that he doesn't feel this Commission can give an opinion without knowing what the project entails. Agent Porter stated that she feels an NOI would have to be filed because there isn't enough information and this Commission may not be able to give a yes or no answer without a filing.

Chairman Radcliffe advised that they will need to file a NOI and go through the process.

Commissioner Dixon stated that he is not certain whether the project is necessary as proposed.

Agent Porter replied that they are trying to get the Conservation Commission to say that the tidal gate is not an answer to their problem so that they can place this on the back burner because they don't want to do this.

Chairman Radcliffe suggested that a representative should appear before this Commission at a future meeting. The Commissioners agreed.

FIELDSTONE APARTMENTS

Agent Porter advised that she has received a complaint about snow dumping at Fieldstone Apartments in the rear. Agent Porter stated that she can call John Pereira and advise him that he cannot dump the snow in the wetlands. The Commission agreed that Agent Porter will give Mr. Pereira a call.

3. Approval of minutes for 7/1/2014 & 8/5/2014.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of July 1, 2014 was made by Commissioner Dixon. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of August 5, 2014 was made by Commissioner Dixon. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

4. General Correspondence

1494 EAST RODNEY FRENCH BOULEVARD

Agent Porter advised that she received comments from the Division of Marine Fisheries on the Environmental Notification Form for 1494 E. Rodney Fr. Blvd. The Division of Marine Fisheries will not be looking for shellfish mitigation for the proposed floats. But the Shellfish Warden may be looking for shellfish mitigation in terms of relocation of the shellfish that are underneath the proposed floats. They are also proposing to move the tiki bar from The Edge to 1494 East Rodney French Boulevard.

A motion to adjourn was made by Commissioner Dixon at approximately 7:05 pm. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas
Administrative Specialist