



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
April 25, 2014
Ashley Room, City Hall**

Members Present

John Radcliffe
Craig Dixon
Paul Pacheco

Members Absent

Kenneth Motta, Chairman
Dennis Audette

Staff Present

Agent Sarah Porter

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

HEARINGS:

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) - 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**
2. **SE49-0698** – (Continued from 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) - A Notice of Intent as filed by The City of New Bedford Planning Department for property identified as Palmers Island (Map 32, Lots 1 & 2). The applicant proposes to establish a pedestrian pathway and manage invasive species in the Buffer Zone and Land Subject to Coastal Storm Flowage. Representative is Mathew Creighton of BSC Group.

Agent Porter updated the Commission on the project and advised that Mr. Creighton is not present and been through the Natural Heritage and the Endangered Species Program and have issued a no take on the project which means there is no issues with endangered species on the island as far as what is being proposed and are currently in coordination with the Massachusetts Historical Commission because of the sensitivity of archeological resources out on the island they do not want invasive plants pulled out and would rather have them treated with herbicide. They have expanded the herbicide per NOAA to include all of the phragmites area and also the invasive sweet autumn clematis and bittersweet.

Agent Porter stated that the City would like an Order of Conditions on the project. The Agent would like to place a special condition on the Order that when the RFP goes out for plan for herbicide application that it come before the Commission for approval.

Commissioner Radcliffe stated that he is opposed to using herbicide in that area and doesn't feel that it's an appropriate place for herbicide. But that placing that special condition would make him feel a little better about it.

Commissioner Pacheco inquired if there was another alternative to using herbicide. Commissioner Radcliffe stated that things could be pulled out by hand. Agent Porter replied that it's impossible to pull things out by hand. Commissioner Radcliffe stated that he has brought back literature twice from MACC with regard to phragmites control.

Commissioner Radcliffe stated that he would be fine with that condition and would like to see this project move forward.

Commissioner Radcliffe inquired whether any of the other Commissioners had any comments or concerns. None heard.

Agent Porter recommended the following special conditions that on the final revised plan dated 3/27/14 one of the changes has to go to condition #38 because this is a City project and that condition states that the Conservation Commission and/or the City of New Bedford shall not be responsible or liable for the construction operation or maintenance of any part of this project and doesn't warrant safety of the same. The City of New Bedford shall be deleted from the condition and leave the Conservation Commission. It's not the Conservation Commission's responsibility to be liable for the project, we are the permitting agent. The vegetation management plan for invasive species control shall be valid for five years from the date of issuance, which is a standard for a VMP. The contractor shall submit a plan for control of the invasive species to the Conservation Commission twenty one days prior to implantation for approval by the Commission. Plans shall specify application methods and types of herbicide to be used on the various plant communities and any annual monitoring report shall be submitted to the Conservation Commission by December of each year and shall include using the invasive planting monitoring data sheet which is included as Appendix C in the Notice of Intent.

Commissioner Dixon made a motion to issue an Order of Conditions with the recommended Special Conditions as read by Agent Porter. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

3. **SE49-597 – (Continued from 1/7/14, 2/8/14, 3/4/14, 3/19/14 & 4/1/14) - A Request for Certificate of Compliance as filed by Ana M. Reis, Trustee of Bismark Meadows Realty Trust for property identified as Bismark Street (Bismark Meadows Road), (Map 136, Lot 131).** Representative is Edwin H. Gless of Existing Grade, Inc.
4. **(Continued from 4/1/14) - A Notice of Intent as filed by Claremont Companies for property located on Downey Street (Map 123, Lot 3).** The applicant seeks to construct an airplane hangar building along with 12 paved parking spaces, utilities, landscaping and stormwater management. Representative is Christian Farland of Thompson Farland, Inc.

Nicholas Dufresne of Thompson Farland, Inc. was present on behalf of the applicant and advised the Commission that they proposing to build a airplane hangar in the City airport located on the Northern side of Downey Street. The leased area is appx. 45,000 s.f. The area is currently mainly paved with limited grass area. They are proposing improved drainage to collect the roof and runoff from the paved area and new parking area. There is an 11 new parking space facility. They are proposing to install a water quality until to catch the water and treat it before it is discharged.

Commissioner Pacheco inquired as to the purpose of the proposed hangar. Mr. Dufresne replied that he believed it was for parking one single jet and there will be some minor maintenance performed there as well. Commissioner Pacheco also inquired if there is any proposed device to protect against spills. Mr. Dufresne replied that that falls under the Plumbing Code for interior drainage.

Agent Porter stated that she had some written comments that she didn't get responses too. But they did add the intermittent stream which discharges from a headwall. The Notice of Intent Plan notes a stormwater checklist reference and erosion and sediment control plan but none was provided. So they need to provide that. Agent Porter asked whether there was a net increase in impervious area from the paving of the grassy area. Mr. Dufresne replied that the impervious onsite is approximately 9,000 s.f. and will be adding an additional 6,500 s.f. of impervious. Mr. Dufresne stated that they can provide a separate erosion plan showing some waddles on the south portion of the project to encompass the work area.

Commissioner Pacheco inquired as to how they came to the figure of 11 parking spaces. Mr. Dufresne replied that he has a parking calculation and it's calculated based on one space per 200 s.f. of office space and then one space per 1,500 s.f. of warehouse.

Commissioner Radcliffe stated that this Commissioner would be happier if there were less parking spaces and recommended that Mr. Dufresne ask the Zoning Board for less parking spaces so that they wouldn't have to create so much additional impervious space.

Commissioner Pacheco inquired as to what kind of office they are proposing. Mr. Dufresne replied that it will be a small office with a desk for daily operations.

Agent Porter stated that there is no construction period pollution prevention plan included and the stormwater report references groundwater recharge in reference to a table 3 which was not provided. Mr. Dufresne replied that he believes that was inadvertently placed there because there is no recharge due to the high groundwater in the area and there is no detention either.

Commissioner Radcliffe inquired as to what the proposed plan is for runoff. Mr. Dufresne replied that there are existing catch basins that discharges directly into the wetland area. Commissioner Radcliffe inquired if they had numbers of capacity. Mr. Dufresne replied that they do and it has been submitted and the water quality unit that is proposed will provide a little bit of storage.

Commissioner Radcliffe inquired of Agent Porter if she was of the opinion that this matter should be forwarded to peer review. Agent Porter replied that they have to meet to the best practicable standards and feels that it wouldn't hurt to send this to peer review.

Commissioner Dixon made a motion to submit this matter for peer review. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Agent Porter also commented that she would like it mentioned in the long term pollution prevent plan that the dumping of snow in the BVW and stockpiling of snow on top of catch basin be prohibited for water quality purposes.

Commissioner Pacheco made a motion to continue this matter to the May 20th meeting. Motion was seconded by Commissioner Dixon. All in favor. Motion carries.

5. **A Request for Determination of Applicability as filed by Ron Labelle, City of New Bedford Commissioner of Public Infrastructure for property identified as 102 Popes Island (Map 60, Lot 2).** Applicant proposes to replace and expand an existing fence and construct a pavilion in the Buffer Zone and in Land Subject to Coastal Storm Flowage. Representative is Stephanie Dupras of the City of New Bedford Department of Infrastructure.

Ms. Stephanie Dupras was present on behalf of the City of New Bedford DPI. Ms. Dupras advised that the fence is currently the solid line that wraps all around and it goes 48' onto the dock. They would like to replace the chain link fence to meet at the building edge with a 5' gate and continue the chain link fence down the dock. There is an existing fire access gate that will also be replaced. There is an expansion of 32' x 35' to allow for a picnic area.

Agent Porter stated that this is a combination plan because there is also plans from DPF for the construction of the pavilion. Ms. Dupras stated that the proposed pavilion is 18' x 20'. Commissioner Pacheco inquired as to how many people it would sit. Ms. Dupras replied that she was not sure. Commissioner Radcliffe stated that it would seat approximately 40 people.

Ms. Dupras stated that there will be 12 columns by concrete footing with reinforced steel and brickwork around. DPF will construct the roof.

Chairman Radcliffe stated that the biggest concern he would have would be with construction itself in terms of where the material would be kept and how quickly the work will be done. Ms. Dupras stated that there is a small strip of grass behind the fence line on both sides before the rip rap starts and they could line the rip rap with a waddle. Ms. Dupras stated that as far as construction they want to do it in pieces in order to keep the fence completely locked because one of their concerns is security.

Commissioner Pacheco inquired as to how long the project would take to complete. Ms. Dupras replied that she was not sure.

Chairman Radcliffe inquired as to when they would like to begin this project. Ms. Dupras replied as soon as possible.

Agent Porter inquired as to the type of posts were being installed into the ground. Ms. Dupras replied that they are galvanized steel posts and aluminum posts.

Agent Porter recommended a negative determination with the plans for approval being Construction Plan Popes Island Marina dated March, 2014 and New Pavilion Popes Island Marine Harbor Development Commission Port of New Bedford, Popes Island, New Bedford, MA drawing A-1 and S-1 dated 3/31/2014. The special conditions are that waddles be placed along the Southside of the proposed fence.

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

6. **A Notice of Intent as filed by Phil and Debbie Rose of Remax Classic for property identified as the west side of Maddie Drive (Map 136, Lot 501).** Applicant proposes to construct a single family dwelling in the Buffer Zone to Bordering Vegetated Wetlands. Representative is Seth Dufort of Outback Engineering, Inc.

OTHER BUSINESS:

1. Trustees of the Reservation CR on the Haskell Property – Shawmut Avenue

Mr. John Vasconcellos, the Director of the Southeast and Kelly Whitmore were present.

Agent Porter advised that there was meeting held with the City Solicitor's office, a representative from the Mayor's office and Chairman Motta to go over some of the issues and City Solicitor Jane Friedman and Chairman Motta are both comfortable with the language that is currently in the CR.

Commissioner Radcliffe stated that the Commission did not want to be in the position of actually granting usage that's prescribed by City By-Laws and are content with the legal advice of counsel.

Chairman Pacheco advised that he has not yet had an opportunity to walk the site. Ms. Whitmore advised Commissioner Pacheco to just let them know when he would like to go and they will meet him on site.

Mr. Vasconcellos advised that he oversees the Southeast Region for the Trustee Reservation and that he's been working on this project for the past two years. Mr. Vasconcellos advised Commissioner Pacheco that he can visit the property at anytime and that Kristine the Superintendent lives there at the site.

Commissioner Radcliffe inquired of Agent Porter as to what was procedurally necessary to be done at this point. Agent Porter replied that they will need a vote from the Commission in order to go forward.

Commissioner Dixon made a motion to approve the Conservation Restriction. The motion was approved by Commissioner Pacheco. All in favor. Motion carries.

2. Agent Updates (700 Belleville Avenue)

Agent Porter advised that it was decided that right now there is a hot spot behind the Titliest building and there is an existing fence there along the river. They are requesting to install another fence and place crushed stone to get rid of dirt driveway that is there. They need to seal this off as soon as possible and are wondering whether they can go ahead and do this without an RDA filing since it's a safety hazard.

Commissioner Dixon made a motion to permit the installation of the fence and the gravel pad without the filing of an RDA. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

RIVERFRONT AREA

Agent Porter advised that she received a call a couple of weeks ago from DW White with regard to the riverfront area near Market Basket. He advised that the land is owned by Market Basket and to take it up with them. Commissioner Radcliffe requested that a letter be sent to Market Basket with regard to the parking lot along the river edge that needs to be cleaned up.

3. General Correspondence

4. Approval of 1/7/14, 1/28/14, 2/4/14 & 2/19/14 Meeting Minutes

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of January 7, 2014 was made by Commissioner Pacheco. Motion was seconded by Commissioner Dixon. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of January 28, 2014 was made by Commissioner Pacheco. Motion was seconded by Commissioner Dixon. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of February 4, 2014 was made by Commissioner Pacheco. Motion was seconded by Commissioner Dixon. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of February 19, 2014 was made by Commissioner Pacheco. Motion was seconded by Commissioner Dixon. All in favor. Motion carries.

A motion to adjourn was made by Commissioner Radcliffe at 7:50 pm. Motion was seconded by Commissioner Dixon. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas
Administrative Specialist