



MAYOR
JON MITCHELL

**City of New Bedford Conservation Commission •
Department of Environmental Stewardship**

133 William Street • Room 304 • New Bedford, Massachusetts 02740

Telephone: (508) 991.6188

Conservation • Environmental Stewardship • Resilience

**Meeting Minutes of the Conservation Meeting of
December 15, 2020
REMOTE PUBLIC HEARING VIA ZOOM**

Members Absent

Staff Present

Sarah Porter, Conservation Agent

Sandy Douglas, Administrative Coordinator

CALL MEETING TO ORDER

Chairman Audette read Conservation Commission Remote Open Meeting Procedures as follows:

This is Conservation Commission Chairman Dennis Audette speaking and opening the remote Conservation Commission meeting of December 1, at 6:30 PM.

Please permit me to confirm that all members and persons anticipated on the agenda are present and can hear me:

Conservation Commission members when I call your name please respond in the affirmative: Vice Chairman Paul Pacheco-Present, Commissioner Peter Blanchard-Present.

Conservation Commission staff please respond in the affirmative: Acting Conservation Agent Bruce Hebbel-Present, Administrative Coordinator Sandy Douglas-Present.

Anticipated speakers on the Agenda please respond in the affirmative:

Jack Tabares of Farland Corp., 53 Farland Circle – COC- PRESENT

Alison Ceasar for Lambeth Street - RDA- NOT PRESENT BUT KORY MEDEIROS WILL SPEAK ON HER BEHALF

Stevie Carvalho of Farland Corp., for 1309 Sassaquin Avenue – NOI – PRESENT



133 William Street-Room 304, New Bedford, MA 02740 - Telephone 508-991-6188

Kory Medeiros - SITEC – North Side of New Plainville - NOI - PRESENT

Jamie Bissonnette – Zenith Consulting Engineers – 1475 and 1489 Morton Ave – NOI – NOT PRESENT BUT WILL CONNELLY WAS PRESENT ON HIS BEHALF

Marilyn Wade – Brown and Caldwell- 700 & 740 Belleville Ave – NOI- PRESENT TOGETHER WITH LIZ WILSON

This Open meeting of the Conservation Commission is being conducted remotely consistent with Governor Baker’s Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the COVID-19 Virus.

The Order allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will feature public comment.

Meeting Materials: All supporting materials have been provided to members of this body and are available on the City website unless otherwise noted. The public is encouraged to follow along using the posted agenda.

Meeting Ground Rules

Before turning to the first item on the agenda, I will review the ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes:

I will introduce each speaker on the agenda. After they conclude their remarks, I will go down the list of Commissioners, inviting each by name to provide any comment, questions or motions. Please hold until your name is called. Further,

- Please mute your phone or computer when you are not speaking
- Please remember to speak clearly and in a way that helps generate accurate meeting minutes.

For any response, please wait until the Chair yields the floor to you and state your name before speaking.

If Commissioners wish to engage in colloquy with other members, please do so through the Chair, taking care to identify yourself.

After Commissioners have spoken, I will afford public comments as follows:

- I will first ask whether there are any written public comments submitted via email and whether such comments were distributed to the commission prior to the meeting. If time has not allowed for the email comments to be reviewed by the commission prior to the meeting, I will ask that those comments be read aloud by the Conservation Agent.
- I will first ask members of the public who wish to speak to identify with their names and addresses



- Once I have a list of all public commenters, I will call on each by name and afford 3 minutes for any comments.

Finally, each vote taken in this meeting will be conducted by roll call vote.

OLD BUSINESS:

1. **SE49-0846 – (Continued from 12/1/20) - Request for a Certificate of Compliance as filed by Jack Tabares, Farland Corp. on behalf of MIH1, LLC for property identified as 53 Farland Circle (Map 130D, Lot 46).** Representative is Jack Tabares of Farland Corp.

Mr. Jack Tabares of Farland Corp. was present and advised that he had a site visit with Agent Hebbel and the only issue was stabilization of the rear yard which. Mr. Tabares is only asking for a partial Certificate of Compliance at this time because they cannot stabilize the rear yard until the Spring. They have put up staked straw waddles and put up the post and rail fence with signage. In the Spring they will loam and seed and will then ask for a full Certificate of Compliance at that time.

No comments were heard in favor or in opposition of this project.

Agent Hebbel advised that he has visited the site and confirmed that he and Mr. Tavares agreed that a partial COC with special conditions that erosion controls are to be maintained and if damaged to be replaced and that it be loam and seeded.

Commissioner Blanchard made a motion to issue a partial Certificate of Compliance with special conditions that must be reseeded, stabilized and erosion controls to be kept in place during the winter. Motion was seconded by Vice-Chairman Pacheco.

Roll Call Vote:

Vice-Chairman Paul Pacheco- Vote in favor.
Commissioner Peter Blanchard- Vote in favor
Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries

NEW BUSINESS:

1. **A Request for Determination of Applicability as filed by DPM Development, Inc., for property identified as Lambeth Street (Map 125A, Lots 490 & 542).** Applicant proposes to construct a duplex home on Lot 1 with associated grading and utilities outside of the 100' BVW and the construction of a single-family home on lot 2 with associated grading and utilities outside of the 100' BVW. Representative is Alison Cesar of Civil & Environmental Consultants, Inc.



Mr. Kory Medeiros was present on behalf of the applicant for Alison Ceasar. Mr. Medeiros advised that this RDA, wetland line is on the west side above Dana Street, 100' buffer zone they are proposing two dwellings one dwelling is to be a duplex and the other a single family home lot with single family is going to be demolished and rebuilt, proposing silt fencing along existing fence which will be removed, no work being proposed in the buffer zone this is to get wetland lines approved.

No comments were heard in favor or in opposition of this project.

Chairman Audette inquired whether if any work is being proposed on lot #2. Mr. Medeiros replied no work is proposed on lot #2.

Agent Hebbel recommended the issuance of a Positive Determination #5 and a Negative #3. Lot 2 is in the buffer zone but work for the house and garage is outside the buffer zone and that no additional clearing is to occur.

Chairman Audette inquired if there was anyone present who wished to speak in favor or in opposition of this project. Mr. Steven Verronema of 56 Dana Street, New Bedford, MA inquired whether it was going to be a slab or full foundation because it's a wet lot and he's concerned about water runoff to his property. Chairman Audette replied that it's out of this Commission's jurisdiction because it's outside of 100' buffer. Mr. Medeiros replied that as far as the foundation once the applicant proceeds forward with construction that's when it will be decided whether it will be slab or foundation.

No further comments were heard in favor or in opposition of this project.

Vice-Chairman Pacheco made a motion to issue a positive determination for box #5. Motion was seconded by Commissioner Blanchard.

Roll Call Vote:

Vice-Chairman Paul Pacheco- Vote in favor.
Commissioner Peter Blanchard- Vote in favor
Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

Commissioner Blanchard made a motion to issue a positive determination for box #5. Motion was seconded by Vice-Chairman Pacheco.

Roll Call Vote:

Vice-Chairman Paul Pacheco- Vote in favor.
Commissioner Peter Blanchard- Vote in favor
Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries



CONTINUED HEARINGS:

1. **SE49-0735** – (Continued from 3/15/16, 4/5/16, 4/19/16, 5/3/16, 5/17/16, 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16, 11/15/16, 12/20/16, 12/27/16, 1/17/17, 2/7/17, 2/21/17, 3/7/17, 3/21/17, 4/4/17, 4/18/17, 5/2/17, 5/16/17, 6/6/17, 6/20/17, 7/5/17, 7/18/17, 8/8/17, 8/22/17, 9/5/17, 9/19/17, 10/3/17, 10/17/17, 11/7/17, 11/21/17, 12/5/17, 12/19/17, 1/2/18, 1/16/18, 2/6/18, 2/20/18, 3/6/18, 3/20/18, 4/3/18, 4/17/18, 5/1/18, 5/15/18, 6/5/18, 6/19/18, 7/3/18, 7/17/18, 8/7/18, 8/21/18, 9/4/18, 9/17/18, 10/2/18, 10/16/18, 11/6/18, 1/20/18, 12/4/18, 12/18/18, 01/8/19, 1/22/19, 2/5/19, 2/19/19, 3/5/19, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19, 7/2/19, 7/16/19, 8/6/19, 8/27/19, 9/3/19, 9/17/19, 10/2/19, 10/15/19, 11/5/19, 11/19/19, 12/3/19, 12/17/19, 1/7/20, 1/21/20, 2/4/20, 2/18/20, 3/10/20, 3/24/20, 6/16/20, 7/7/20, 7/21/20, 8/3/20, 8/18/20, 9/1/20, 9/15/20, 10/6/20, 11/3/20, 11/17/20, 12/1/20) - **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.

Agent Hebbel advised that Attorney Tom Crotty requested a continuance as he is working with the Airport on the access agreement.

Vice-Chairman Pacheco made a motion to continue to January 5, 2021. Motion was seconded by Commissioner Blanchard.

Roll Call Vote:

Vice-Chairman Paul Pacheco- Vote in favor.

Commissioner Peter Blanchard- Vote in favor

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

2. **SE49-0857** – (Continued from 10/20/20, 11/3/20, 11/17/20, 12/1/20) - **A Notice of Intent as filed by Abra Degbor for property identified as 1309 Sassaquin Avenue (Map 138, Lot 413).** Applicant proposes to demolish an existing house and carport and construct a single-family dwelling, garage, deck, porch and stone retaining wall with associated grading and utilities in the 100' Buffer Zone to the Bank of Sassaquin Pond. Representative is Stevie Carvalho of Farland Corp.

Mr. Stevie Carvalho of Farland Corp. was present and spoke on behalf of the applicant. Mr. Carvalho advised that the applicant is looking to demolish the existing home. The resource area is the edge of Sassaquin Pond and the majority of the proposed work is within 100' of the buffer zone to edge of water and they are outside of the 25' no touch. Proposing to build a single-family home with a garage and expansion of the driveway to configure to the garage. Proposing two roof recharge systems which have been sized to accommodate the impervious runoff downspouts connected to recharge system and all this has been noted on the plan. There are no



plans to demolish the existing garage at this time. The limit of work will be depicted by straw waddles.

Chairman Audette commented that the on the original plan it showed as a deck and needs to be clarified if it's part of the house now. Mr. Carvalho replied that it's part of the house and he will correct it on the plan. Chairman Audette stated that he doesn't feel that the two-recharge system will capture the back of the house and doesn't feel that all the gutters will be able to pitch to the points.

Mr. Carvalho feels that the two roof recharge systems is more than adequate for this home and explained how two recharge systems is enough and disagrees with Chairman Audette.

Chairman Audette also added that if piping is going to be used underground then it needs to be depicted on the plans because right now it just shows two recharge systems coming from the back of the house. Chairman Audette does not want to depend on the contractor to decide on how the water will be captured on the plan he would like it all noted on the plan.

Agent Hebbel stated that Mr. Carvalho needs to specify on the notes on the plan how the water will be captured and revise the plans.

Chairman Audette stated that there is no note on the plan on how or where the dirt will be stored. Mr. Carvalho stated that whatever is being excavated for the foundation will be taken off site. Chairman Audette advised that it all needs to be noted on the plan whether it's going to be stockpiled or disposed of off-site.

Chairman Audette inquired whether Mr. Carvalho has flagged the no touch zone because they will need to add a split rail fence or rock wall with signage to mark the buffer zone. Mr. Carvalho replied that they have not flagged the wetlands and will have to discuss with the applicant whether they would like to place a fence up. Chairman Audette replied that the applicant will have to put up split rail fence or arborvitaes etc., this is a requirement of the Conservation Commission.

Agent Hebbel advised that the 25' no touch zone will need to be marked with split rail fence or arborvitaes and/or minimum 3' high rock wall.

Chairman Audette stated that there is another project that is right across the pond and that owner has been required to put up a fence to establish the 25' no touch.

No further comments were heard in favor or in opposition of this project.

Commissioner Blanchard made a motion to continue to January 5, 2021. Motion was seconded by Vice-Chairman Pacheco.

Roll Call Vote:

Vice-Chairman Paul Pacheco- Vote in favor.



Commissioner Peter Blanchard- Vote in favor
Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

3. **SE49-0861** – (Continued from 12/1/20) - A Notice of Intent as filed by Christopher Ciano for property identified as the north side of New Plainville Road (Map 124C – Lot 54). Applicant proposes to construct a dwelling with associated garage, deck, septic system, well, grading and utilities in the Buffer Zone to Bordering Vegetated Wetlands. Representative is Kory Medeiros of SITEC.

Mr. Kory Medeiros of SITEC spoke on behalf of the applicant. Mr. Medeiros advised that they have made all the revisions that were suggested by the Commission which was to show the 25' no activity zone around the entirety of the lot on the plan, the signage is in place and Natural Heritage has completed their review and given their letter of consent.

No comments were heard in favor or in opposition of this project.

Agent Hebbel advised that the plan has been revised and recommended the issuance of a Notice of Intent.

Vice-Chairman Pacheco made a motion to issue an Order of Conditions. Motion was seconded by Commissioner Blanchard.

Roll Call Vote:

Vice-Chairman Paul Pacheco- Vote in favor.
Commissioner Peter Blanchard- Vote in favor
Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

1. **SE49-0859** - (Continued from 11/17/20, 12/1/20) - A Notice of Intent as filed by Marc Frey for property identified as 1475 Morton Avenue (Map 136A – Lot 796). Applicant proposes to construct a new dwelling with associated garage, deck, grading and utilities in the Buffer Zone to the Bank of Sassaquin Pond. Representative is Jamie Bissonnette of Zenith Consulting Engineers.

Mr. Will Connelly of Zenith Consulting Engineers spoke on behalf of the applicant. Mr. Connelly advised that all the details have been added to the plan as requested by the Commission.

No comments were heard in favor or in opposition of this project.

Vice-Chairman Pacheco made a motion to issue an Order of Conditions. Motion was seconded by Commissioner Blanchard.



Roll Call Vote:

Vice-Chairman Paul Pacheco- Vote in favor.
Commissioner Peter Blanchard- Vote in favor
Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

NEW HEARINGS:

- 1. A Notice of Intent as filed by Evan Slavitt of AVX Corporation for property identified as 700 & 740 Belleville Avenue (Map 12, Lots 88 & 252). As a result of the Phase IV Remediation Action Plan, this project involves the completion of all remediation activities for the four OU's (OU1, OU2, OU3 & OU4) associated with the disposal site. The activities are located in the Riverfront Area and Storm Flowage, Coastal Resource Area, Land Under the Ocean, Coastal Banks, Salt Marshes, Land Containing Shellfish and Land Subject to Coastal Storm Flowage. Representative is Marilyn Wade of Brown and Caldwell.**

Marilyn Wade of Brown and Caldwell was present together with Liz Wilson. Ms. Wade advised that this is the former Aerovox Facility and it involved a number of remedies excavation along the shoreline, 25' from high water will be excavated to approximately down 10' highly impacted zone in that zone will be excavated, removed and disposed of offsite. In the Northeast corner the contamination extends all that impacted soils will be removed and disposed of off-site. The property to the South which is the Acushnet Company along the shoreline area, the impacted soils will be excavated, and that area will be restored in kind and the limits of that work are below mean high water. Once excavations are complete the other remedy will include installing of the reactive barrier. They have been monitoring the pilot section of the water. The North and South side of the Aerovox property hydrologic barriers will be installed that will serve as funnel to capture ground water. Remainder of site will be capped with asphalt as it is currently capped with asphalt.

Chairman Audette inquired about if dewatering would be taken off site.

Ms. Wade advised that they go through water treatment plant that will come to the site and operated to meet industrial treatment standards.

No comments were heard in favor or in opposition of this project.

Agent Hebbel advised that a DEP File # has not yet been received and due to the complexity of this project he recommended that this project be sent to Woods Hole Group for peer review.

Vice-Chairman Pacheco made a motion to forward application to Woods Hole Group for review. Motion was seconded by Commissioner Blanchard.

Roll Call Vote:



Vice-Chairman Paul Pacheco- Vote in favor.
Commissioner Peter Blanchard- Vote in favor
Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

Commissioner Blanchard made a motion to continue to January 5, 2021. Motion was seconded by Vice-Chairman Pacheco.

Roll Call Vote:

Vice-Chairman Paul Pacheco- Vote in favor.
Commissioner Peter Blanchard- Vote in favor
Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

NEW BUSINESS CONTINUED:

1. Agent Updates/General Correspondence

Agent Hebbel advised that Buzzards Bay Coalition has submitted a recorded copy of the CR.

Agent Hebbel advised that he has not heard anything regarding the MBTA Appeal.

2. Approval of December 1, 2020 Meeting Minutes

Vice-Chairman Pacheco made a motion to approve the Meeting Minutes of December 1, 2020. Motion was seconded by Commissioner Blanchard.

Roll Call Vote:

Vice-Chairman Paul Pacheco- Vote in favor.
Commissioner Peter Blanchard- Vote in favor
Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries

ADJOURN

Commissioner Blanchard made a motion to adjourn at approximately 7:55. Motion was seconded by Vice-Chairman Pacheco.

Roll Call Vote:



Vice-Chairman Paul Pacheco- Vote in favor.
Commissioner Peter Blanchard- Vote in favor
Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries

Respectfully submitted,

Sandy Douglas, Administrative Coordinator

