



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
July 6, 2021**

**PUBLIC HEARING held at the Brooklawn Senior center,
1997 Acushnet Avenue, New Bedford, MA**

Members Absent

Staff Present

Chancery Perks, Conservation Agent
Sandy Douglas, Admin. Coordinator

CALL MEETING TO ORDER

Chairman Audette called the meeting to order at 6:30 pm

ROLL CALL OF COMMISSIONERS

Chairman, Dennis Audette, Vice Chairman Peter Blanchard, Commissioner Peter Blanchard, Commissioner Sean Carney, Commissioner Kimberly Rioux was not present at time of roll call and arrived at 7:25 pm.

GENERAL PROCUEDEURES FOR HEARING

Chairman Audette read General Procedure for Hearings for the record.

OLD BUSINESS:

NONE.

NEW BUSINESS:

NONE.



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

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, 12/15/20, 1/5/21, 1/19/21, 2/16/21, 3/2/21, 3/16/21, 4/6/21, 4/20/21, 5/4/21, 5/18/21, 6/1/21, 6/15/21) - 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. Representative is Tom Crotty, Esquire.

CONTINUED

2. **SE49-0865** - (Continued from 2/6/21, 3/2/21, 3/16/21, 4/6/21, 4/20/21, 5/4/21, 5/18/21, 6/1/21, 6/15/21) - A Notice of Intent as filed by Joseph Swift of Crystal Ice Co., Inc., for property identified as 155, 178 Front Street, (Map 53, Lots 116-119, 241). The applicant proposes to repair/replace portions of the timber wharf structure which are moderately to severely damaged due to vessel impact and timber deterioration. Representative is Richard Fitzgerald of AGM Marine. **CONTINUED**
3. **SE49-0870** – (Continued from 5/4/21, 5/18/21, 6/1/21, 6/15/21) - A Notice of Intent as filed by Michael Panagakos for property identified as Phillips Rd., Braley Rd. (Map 136, Lot 468). Applicant proposes to construct a commercial building within the 100' buffer zone. Representative is Dan Gioiosa of SITEC, Inc.

Commissioner Carney made a motion to continue to July 20, 2021. Motion was seconded by Vice-Chairman Blanchard.

Roll Call Vote:

Vice-Chairman Peter Blanchard- Vote in favor

Commissioner Sean Carney-Vote in favor.

Chairman Dennis Audette- Vote in favor.

4. **A Notice of Intent as filed by Jason Braz for property identified as Riverview Terrace (Map 6, Lot 54).** The applicant is proposing construction of a single-family dwelling with a deck, landscaping and associated grading and utilities. Work is located in the Flood Zone AE17. Representative is Jamie Bissonnette of Zenith Consulting Engineering, LLC.



Mr. Rene Gagnon of Zenith Consulting Engineering was present on behalf of the applicant and Mr. Jamie Bissonnette who is on vacation this week. Mr. Gagnon advised that at the last hearing the Commission asked that the roof drain system be changed from piping stone system to a cultex system and that has been done and the plans have been updated and submitted.

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

Agent Perks advised that this is a fairly procedural project and because it's subject to coastal storm flowage and far from any resource area so doesn't need for riverfront special conditions because it does not pertain.

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

Roll Call Vote:

Vice-Chairman Peter Blanchard- Vote in favor

Commissioner Sean Carney-Vote in favor.

Chairman Dennis Audette- Vote in favor.

- 5. A Notice of Intent as filed by New Bedford Port Authority for property identified as Pier 3/Fisherman's Wharf, Steamship Pier, Homers Wharf & South Terminal (Map 53, Lot 120).** The applicant is proposing repairs/improvements to maintain the existing licensed waterfront structures, including maintenance repairs to the existing licensed steel bulkheads and pile supported piers which are located at Pier 3 /Fisherman's Wharf, Steamship Pier, Homers Wharf, Leonard's Wharf, & South Terminal. Representative is Daniela Abbot of Foth Infrastructure.

Mr. Ceasar Duarte of New Bedford Port Authority was present together with Daniela Abbot of Foth Infrastructure. Ms. Abbott advised that they were here a couple of weeks ago and have since submitted an addendum to address the Commission's concerns from that meeting. There are five proposed project sites that consist of steel bulkhead repairs, pile jacketing at the Steamship Pier and tow repair at the South Terminal. As requested, they have revised the plans that each site has a detail sheet outlining the work to be completed together with a timeline as to how projects will be staggered which is subject to approval by the contractor. Once they have a contractor, they will finalize the timeline and order is subject to change.

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

Commissioner Carney inquired as to how much is the timelines subject to change with the contractor. Ms. Abbot replied that a couple of the variables are contractors and equipment availability, and that time of year may have an impact, but the duration of each project is pretty firm and established.

Chairman Audette inquired if the fiberglass piles are going to be grout filled and, if so, if they have provided detail information on the grout? Ms. Abbot replied that they will be grouting but has not provided detail information on the grout yet. The majority of the piles are timber piles



that were concrete jacketed in the 1970s. The contractor will set up nets to catch the stuff and then put fiberglass jacket over that and pump grout over the top, but she does not have the detail specifications as to what grout will be used and that will be developed during detail design and can be provided to the Conservation then.

Chairman Audette inquired if an underwater inspection has been done to identify which ones need to be replaced. Ms. Abbott advised that they did a thorough dive inspection of the pier last winter and have identified all the ones that need to be replaced and are identified on the plan by dots.

Chairman Audette inquired whether it will be required that the contractor take photos of the work underwater. Mr. Duarte replied that it is required that the contractor provide those. Chairman Audette recommended those photos be submitted to the Agent.

Chairman Audette inquired if they have the permitting for the proposed stacking of cement and grout bags. Ms. Abbott replied that they have initiated that permit with The Army Corps.

Chairman Audette inquired if they received a response from Natural Heritage. Mr. Duarte replied that they have not yet received a response.

Agent Perks requested that they describe why the pier is broken down into cells. Ms. Abbott replied that it's how they were constructed.

Agent Perks inquired as to what is the sequence of the work. Ms. Abbott replied that might be subject to change, but they did want Pier 3 to be last because still working on permitting with The Army Corp., and Chapter 91 license.

Agent Perks suggested doing a weekly check-in and would like to add this as a condition along with an end of each pier update to the Commission. Mr. Duarte and Ms. Abbott agreed.

Chairman Audette would like the Commission to be notified as to what pier they will be starting at and if there are any changes they would have to come back for an Amended Order and suggested putting a condition that they won't start the work until the Commission is notified.

Agent Perks clarified that if the sequence is changed it would not trigger an amended order but if procedure and/or material change per pier then that would trigger an Amended Order.

Commissioner Carney made a motion to continue to July 20, 2021. Motion was seconded by Vice-Chairman Blanchard.

Roll Call Vote:

Vice-Chairman Peter Blanchard- Vote in favor

Commissioner Sean Carney-Vote in favor.

Chairman Dennis Audette- Vote in favor.



NEW HEARINGS:

- 1. A Notice of Intent as filed by Mary Rapoza, City of New Bedford Parks, Recreation & Beaches for property identified as 1 Oneida Street (Map 49, Lot 14).** The applicant is proposing to redesign the existing parking at the Buttonwood Park Community Center, add a new sidewalk and other site improvements, a new access pathway to the pond on site as well as stormwater management improvements. Representative is Danielle Spicer of Green International Affiliates, Inc.

Ms. Danielle Spicer of Green International Affiliates, Inc., was present together with Val Costa of New Bedford Parks, Recreation & Beaches and Juli Riemenschneider, Landscape Architect, and Oxana Fartushnaya both of Green International Affiliates.

Ms. Riemenschneider advised that she has been hired by the City of New Bedford to design improvements at the Buttonwood Park and Community Center. The major component of the project is solving some stormwater management issues. Currently the water from Lake Street parking lot and fields runs to Lake Street and then flows over land and causes erosion, sediment, and pollution from the roadways into the pond. They are also requesting to improve the parking areas and pedestrian circulation to the center. They looked at low impact design best management practices for stormwater management and looked carefully at the site landform and typography at hydrology and groundwater levels and came up with solution as proposed. They also wanted to design infrastructure in a way to compliment the park and tried to keep them to the side and add as much green area around the Community Center and pond as possible. They are proposing two bioretention areas/rain gardens, improving parking lot so will have to regrade it but remaining in same location, adding curbing, and grading it to two low points. One of the low points will take care of some of Lake Street, some of parking. The Oneida Street water will go to low point curb inlet under sidewalk and before getting to raingarden and will go to Questrom diaphragm and that provides first stormwater cleansing. The rain garden is flat, the sides of the rain garden will go up 2'-3'. The second low point will take care of rest of parking lot, the water will flow under sidewalk through filter strip into raingarden. There is a spillway that goes directly into the pond.

Ms. Riemenschneider continued to state that the other part of this project is providing a pedestrian access from Lake Street to fuller parkway and also allow people to access the Community Center without walking through the street. They are also proposing to regrade the field side of the project to provide better infiltration before it gets to Oneida Street.

Ms. Riemenschneider added that they are protecting the Oak trees along Oneida Street, and not grading within the canopy, proposing a number of canopy trees to be added the site. Have flowering trees, rain garden plantings. Also proposing native shrubs at the edge of the pond, they put shrubs a lot of effort into finding the ones that were lower growing because do not want high vegetation around the pond because will lose view around the pond.

Ms. Oxana Fartushnaya the Environmental Scientist for Green stated that the project is allocated within 100' buffer zone, no work proposed in the pond, this project is considered to be a mix of



new development and redevelopment under Mass. Stormwater Standards and designed it as new developments and meets all stormwater standards completely. They are improving drainage and stormwater quality that discharges into the pond and overall, the site will have a better look and better characteristics and stormwater quality will be improved.

Mr. Val Costa of New Bedford Parks advised that they have been trying to improve stormwater in that area for a long time, DPI is also on board with this project and will be on top of this as far as long-term maintenance.

Vice-Chairman Blanchard inquired as to whether DPI has the funds to start this project soon. Mr. Costa replied that they only have funds for design portion right now.

Commissioner Carney inquired if there was any other alternative considered other than raingardens.

Ms. Spicer added that they tried but because of the groundwater was an issue and wanted to have something that complemented the park and not a giant hole like an infiltration basin, added benches, picnic tables so people can sit around them and enjoy it as it treats the stormwater.

Chairman Audette inquired as to who will maintain the plantings being proposed around the edge of the pond. Cannot force DPI to maintain it and has big concern that if there isn't a maintenance program how this will be handled

Ms. Riemenschneider replied that she picked these plantings because they are native plants that don't require a lot of maintenance and if they spread out it will be low and not tall, and she wanted to plant something that will hold the slope and provide an edge.

Chairman Audette would like to know how are they planning on controlling the geese during construction, they cannot be moved, they are protected.

Ms. Riemenschneider replied that they do have erosion controls proposed along the edge of pond that consist of filter tubes but can use silt fence instead. Ms. Spicer added that is part of the reason they are proposing the plantings around the edge of the pond cause of geese and can add a construction fence during construction.

Chairman Audette recommended that they look into how they will control the geese in the plan whether it's through a fence, etc., and suggested that maybe Natural Heritage may be able to guide them.

Agent Perks stated that the DPI Letter of Support was received from Adam Hart and inquired as to what prompted the shoreline plantings. Ms. Spicer replied that it was the City's request to mitigate the erosion control problems. Agent Perks feels that is a great idea and suggested an extensive tree protection zone.

Agent Perks proposed the use of staked waddles and silt fence because of the proximity to the resource area. Agent advised that he did receive a call from a neighbor with regard to the geese concern so please be aware.



Agent Perks stated that DPI be conditioned that they have the latitude to do what they need to do like weed in the spring and cut back in the fall.

Chairman Audette recommended that this application be sent to Nitsch Engineering for peer review.

Commissioner Carney made a motion to send to Nitsch Engineering for review. Motion was seconded by Vice-Chairman Blanchard.

Roll Call Vote:

Vice-Chairman Peter Blanchard- Vote in favor

Commissioner Sean Carney-Vote in favor.

Chairman Dennis Audette- Vote in favor

Commissioner Carney made a motion to continue to July 20, 2021. Motion was seconded by Vice-Chairman Blanchard.

Roll Call Vote:

Vice-Chairman Peter Blanchard- Vote in favor

Commissioner Sean Carney-Vote in favor.

Chairman Dennis Audette- Vote in favor

NEW BUSINESS CONTINUED:

1. Agent Updates/General Correspondence

Woods Hole Group

Woods Hole Group was the consultant for the Aerovox Project, and that project has been dissolved so additional funds will not be needed

2. Meeting Minutes of June 1, 2021 for approval.

Commissioner Carney made a motion to approve the meeting minutes of June 1, 2021. Motion was seconded by Vice-Chairman Blanchard.

Roll Call Vote:

Vice-Chairman Peter Blanchard- Vote in favor

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.



Chairman Dennis Audette- Vote in favor.

ADJOURN

Commissioner Carney made a motion to adjourn at approximately 7:45. Motion was seconded by Vice-Chairman Blanchard.

Roll Call Vote:

Vice-Chairman Peter Blanchard- Vote in favor

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

Respectfully submitted,

Sandy Douglas, Administrative Coordinator

