



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
February 15, 2022
PUBLIC HEARING held at the Brooklawn Senior center,
1997 Acushnet Avenue, New Bedford, MA**

Members Absent

Staff Present

Chancery Perks, Conservation Agent
Teresa Alves, 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 Sean Carney, Commissioner Kimberly Rioux (missed roll call, arrived 6:33pm), Commissioner Rebeca Linhart, Commissioner Scott Grant Jr. (missed roll call, arrived 6:34pm)

GENERAL PROCUEDURES FOR HEARING

Chairman Audette read General Procedure for Hearings for the record.

OLD BUSINESS:



NEW BUSINESS:

NONE

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, 7/6/21, 7/20/21, 8/3/21, 8/17/21, 9/9/21, 9/21/21, 10/5/21, 10/26/21, 11/2/21, 11/16/21, 12/7/21, 12/21/21, 1/4/22, 1/18/22, 2/1/22) - 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 TO 3/1/22**

Commissioner Carney made a motion to continue to March 1, 2022

Motion was seconded by Vice -Chairman Blanchard

Vice -Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Scott Grant Jr-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.



2. **SE049-0876** - (Continued from 8/17/21, 9/9/21, 9/21/21, 10/5/21, 10/26/21, 11/2/21, 11/16/21,12/7/21,12/21/21,1/4/22,1/18/22,2/1/22) - A Notice of Intent as filed by Steven Silverstein of Cisco New Bedford, LLC for property identified as 1494 East Rodney French Boulevard, New Bedford, MA (Map 12, Lot 77). The applicant is proposing to install a gangway and floating dock on the north side of the existing timber pier. Representative is Susan Nilson of Foth Infrastructure & Environmental, LLC. **CONTINUED TO 3/1/22**

Commissioner Carney made a motion to continue to March 1,2022

Motion was seconded by Vice -Chairman Blanchard

Vice -Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Scott Grant Jr-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

3. **SE049-0867** – (Continued from 11/16/21,12/7/21,12/21/21,1/4/22,1/18/22,2/1/22) - A Request to Amend Order of Conditions as filed by Shoreline Resources, LLC for property identified as 10 & 26 N Front St (Map 79, Lot 2 & 5). The applicant is proposing to amend the Order of Conditions. Representative is Alan Hanscom of Pare Corporation. **CONTINUED TO 3/1/22**

Commissioner Carney made a motion to continue to March 1,2022

Motion was seconded by Vice -Chairman Blanchard

Vice -Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Scott Grant Jr-Vote in favor.

Chairman Dennis Audette- Vote in favor.



All in favor. Motion carries.

NEW HEARINGS:

1. **SE049-0883** - A Notice of Intent as filed by the City of New Bedford Public Infrastructure for property identified as WS Sassaquin Ave, New Bedford, Ma (Map 138, Lot 438). The City of New Bedford is proposing the following water quality improvements at Sassaquin Pond in New Bedford: Alum Treatment, Common Reed (Phragmites Australis) removal and management, and impervious area removal. Representative is Magdalena Lofstedt of CDM Smith Inc.

Shawn Syde, Engineer for the City of New Bedford, present along with Zach Eichenwald and Danielle Gallant from CDM Smith. Mr. Syde stated that they are here to file a *Notice of Intent* for three different types of projects that will be done at Sassaquin Pond for an *Order of Conditions*. Mr. Syde began with a brief description of how the City of New Bedford has been trying to improve water quality since the 1970's. In 2020 the City of New Bedford began to appropriate money and continued to install devices such as a Jelly Fish Unit that are used to remove phosphorus from storm water that gets discharged into the pond. The City wanted a better way of doing this, since using these units are expensive to maintain and repair. The City along with council members and the administration decided to step back and take a holistic review and develop a new way to improve water quality in both short and long term. September 2021 New Bedford Department of Public Infrastructure and Sassaquin Pond Betterment Alliance developed a watershed-based management approach to address water quality called *The Watershed Management Plan (WMP)* which is located on the city website.

The plan consists of 3 projects: Alum Treatment, Phragmites Removal, and Limited Impervious Area Removal.

1. **Alum Treatment**: Reduce internal phosphorus release, liquid aluminum sulfate and liquid sodium aluminate using a boat equipped with a calibrated pumping injection system, applied during spring when algae concentrations are lower, treating 22 acres of pond, monitoring before, during, and after treatment.
2. **Phragmites Removal and Management**: *Clearcast* systemic herbicide by foliar treatment for 2 consecutive years, selectively applied using low volume backpack sprayer, Labor Day-Mid October, cut stalks after 1st year of treatment, repeat treatment 2nd year, follow up monitoring and hand cut removal by DPI.
3. **Impervious Area Removal**: Remove two asphalt drainage swales and replace with naturalized bioswales, plant with sedges, Buttonbush, and Inkberry, reduce velocity of stormwater runoff into the pond and improve water quality, remove 1,000sf of old paved roadway, restore to grassy field, reduce velocity of stormwater runoff into the pond and improve water quality and provide groundwater recharge.

Mr. David Costa of 1333 Sassaquin Ave. asked how the treatment will be applied, probability of this working, and where is the money coming from? Mr. Syde stated that treatment would be done on a boat and applied directly above the water and the treatment will likely reduce the algae of reproducing. Stormwater is still a source of Phosphorus, but the project will help as the chemicals will continue to work on the bottom of the pond to eliminate the algae. The City has a \$1.5million Bond for the whole project.



Mr. Mike Frey of 1479 Morton Ave. stated he is in favor of the project.
Agent Perks read in a letter from Councilor At Large Linda Morad dated 2/15/22 in support of an *NOI*. (See attached letter).

Agent Perks recommends the commission add a condition that he be notified and brought on scene when the work is being conducted so he can better relay updates to the commission. Agent Perks recommends the issuance of an *Order of Conditions* with the *Standard Inland Special Conditions* as well as a condition as requested by Councilor Morad about a copy of the pesticides permit be sent to the Conservation office by August 2022 and to also notify the commission should there be any delays in the work in 2022.

Mr. Syde informed Agent Perks that the project is a 2 year project and he would let Councilor Morad know this, since the project will continue past the deadline she gave of the end of the calendar year 2022.

Commissioner Carney made a motion to issue an Order of Conditions with the specific conditions as read by the Agent.

Motion was seconded by Vice -Chairman Blanchard

Vice -Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Scott Grant Jr-Vote in favor.

All in favor. Motion carries.

AGENT UPDATES/GENERAL CORRESPONDECE

1. Meeting Minutes 2/1/22 to vote in.

Commissioner Carney made a motion to accept 2/1/22 meeting minutes.

Motion was seconded by Vice -Chairman Blanchard

Vice -Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Scott Grant Jr-Vote in favor.



Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

2. Commissioner training thru MACC-anyone interested.

Agent Perks recommended that the commissioners look into the trainings that MACC has to offer.

3. Stream Restoration Funding Workshop.

Agent Perks informed Commissioners that this workshop corresponds with the MACC

4. Developing violation situation at the John Vertente Blvd. Ext. solar field.

The office received an anonymous call about someone cutting down trees in the John Vertente Blvd. Ext area of industrial park in New Bedford. Agent Perks went out to take a look and heard a chainsaw. He then saw a gentleman knocking down big pine trees on the edge of the solar field. He asked the gentleman to stop cutting the trees and asked who he worked for. At that time Agent Perks was shown a map of the trees that he needed to cut down. At the same time, Agent Perks could see 6 trees that already had been cut. Once back in the office, Agent Perks looked up the area and it appeared that it might fall in the Town of Dartmouth. Agent Perks reached out to the Town of Dartmouth Conservation Department and had a meeting with them. They are taking this very seriously. By issuing a violation it will allow the Agents to enter the property to assess the damage. Agent Perks will keep the commission posted with more details as they become available. Dartmouth will be taking the lead on this.

5. Expenditure Expense \$1000 for Forestry Tools and office supplies.

Commissioner Carney made a motion to accept Expenditure request of \$1000.

Motion was seconded by Vice -Chairman Blanchard

Vice -Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Scott Grant Jr-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.



Chairman Audette requested that all commissioners, from this meeting forward, respond to the Agenda email that is sent out the Thursday before the Tuesday meeting, stating whether or not they will be present at the Tuesday Conservation Commission Meeting.

ADJOURN

*Commissioner Carney made a motion to adjourn at approximately 7:46pm.
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.
Commissioner Rebeca Linhart-Vote in favor.
Commissioner Scott Grant Jr-Vote in favor.
Chairman Dennis Audette- Vote in favor.*

Respectfully submitted,

Teresa Alves, Administrative Coordinator





City of New Bedford

Office of City Council

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Linda M. Morad

Councillor at Large

February 15, 2022

New Bedford Conservation Commission

Dennis Audette, Chairperson

133 William Street

New Bedford, MA 02740

Reference: Conservation Commission Meeting Agenda February 15, 2022

Notice of Intent as filed by the City of New Bedford Public Infrastructure for property identified as WS Sassaquin Avenue, New Bedford (Map 138, Lot438)

Dear Chairman Audette and Members of the Conservation Commission:

I am writing in reference to the above-referenced request which is to be heard by the Conservation Commission on Tuesday, February 15, 2022. Unfortunately, I am not able to attend the meeting due to a prior commitment scheduled for the same date and time. I would however like to offer my support for, and comments related to this Notice of Intent regarding several projects proposed for Sassaquin Pond.

While I strongly support the petitioner's request that will begin a series of long overdue projects to improve the water quality in Sassaquin Pond, I want to be sure that once approved by the Conservation Commission that there are no further delays in completing the three phases of this work covered by this Notice of Intent. It is my understanding that this work is to be completed in 2022; therefore, I would like the Conservation Commission to condition the approval of this application in a manner that requires the petitioner to report any delays that would affect the completion of the three phases of this project by the end of the calendar year.

Further, there is a state license that will need to be obtained by the contractor, Solitude Lake Management, who will be completing the phragmites removal phase of this project from the MASS Department of Environmental Protection. I am requesting that the Conservation Commission require that said license be presented to the Commission no later than August 01, 2022 to ensure that this phase of the project can be completed in early fall.

Thank you in advance for your attention to this correspondence. Kindly read this letter into the record of the Conservation Commission meeting to make those in attendance and the general public aware of my support and concerns for the proposed Notice of Intent.

Sincerely,

Linda M. Morad
Councillor At Large

xc: Ward 1 City Councillor William Markey

Department of Public Infrastructure Commission Jamie Ponte