



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
August 2, 2016
Room 314, City Hall**

Members Present

John Radcliffe, Chairman
Craig Dixon, Vice Chairman
Dennis Audette
Paul Pacheco
Jacob Gonsalves

Members Absent

Staff Present

Agent Sarah Porter
Sandy Douglas, Admin., Specialist

Chairman Dixon called the meeting to order at 6:30 p.m.

NEW BUSINESS:

1. **A Request for Determination of Applicability as filed by David Bizarro for property identified as Osborn St., New Bedford (Map 17A, Lot 87).** Applicant proposes a strategy for removing a shipping container in case of a catastrophic storm in the coastal velocity zone. Representative is David Bizarro.

Mr. David Bizarro was present. Mr. Bizarro stated that in the event of a catastrophic storm Valtran Company, who he purchased the container from, will come to the premises, pick up the storage container and place it on a flatbed truck and haul it away to higher ground. This can be done within 24 hours notice and if Valtran is not available he may contact any towing company with a flatbed. Mr. Bizarro will also be able to unplug the electric from the outlet and turn off the meter.

Chairman Radcliffe inquired as to where the storage container would be hauled off to. Mr. Bizarro replied that it could go to either his lot on Lard Street or to his uncle's property on Sharp Street.

Agent Porter advised that this is a straight forward project and that Councilor Joseph Lopes sent a letter in support of said project. Agent Porter recommended a positive Determination of Applicability that the work as proposed is within a resource area (Land Subject to Coastal Floodplain) but will not alter the resource area provided the following Special Conditions are adhered to: 1) the shipping container shall be disconnected from the electrical power; 2) shipping container shall be removed from the flood zone and stored outside of the 100 year floodplain in advance of a catastrophic storm event. The Plan for approval is Lot 87 Evacuation Plan and Images 1, 2, and 3.

Chairman Radcliffe inquired whether there was anyone present who wished to comment on this matter. None heard.

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

- 2. SE49-548 – A Request for a Partial Certificate of Compliance for property identified as 4095 Acushnet Avenue, New Bedford (Map 136 – Lot 1 which is a Portion of Lot 271). Representative is Kevin P. Medeiros, Esquire.**

Agent Porter advised that Attorney Medeiros is not present this evening. But that Lot 1 at 4095 Acushnet Avenue is the house located in the Maddie Drive Subdivision at the top of hill, outside of the buffer zone, and is only before the Commission because the entire subdivision was permitted as part of the Order of Conditions. Agent Porter advised that Attorney Medeiros is requesting a partial Certificate of Compliance.

Commissioner Dixon made a motion to issue a partial Certificate of Compliance as requested. Motion was seconded by Commissioner Gonsalves. 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) - 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 Rick Charon of Charon Associates, Inc. CONTINUED TO 8/16/16**
- 2. SE49-0739 – (Continued from 6/7/16, 6/21/16, 7/5/16, 7/19/16) - A Notice of Intent as filed by Michele Paul, Director of Environmental Stewardship for the City of New Bedford for property identified as Ruggles Street and Hathaway Boulevard (Map 69, Lots 86, 88-93, 96-100, and 125). The applicant proposes to conduct remediation activities to remove contaminated soils followed by construction of an athletic facility. Representative is David Sullivan of TRC Environmental. CONTINUED TO 8/16/16**

NEW HEARINGS:

- 1. A Notice of Intent as filed by Richard Poyant of Poyant Signs, Inc for property identified as 125 Samuel Barnet Blvd., New Bedford (Map 133, Lot 46). Applicant proposes to conduct tree removal in the Buffer Zone to an Inland Bank to allow for installation of roof top PV solar panels. Representative is Andrew Poyant, PWS.**

Mr. Andrew Poyant was present together with Richard Poyant of Poyant Signs and Mr. Bob Sherman of Beaumont Solar Companies.

Mr. Poyant advised that Poyant Signs, Inc., is looking to obtain 100% solar energy at 125 Samuel Barnet Boulevard and that a large portion of the building is shaded along the west and south of the building. Mr. Poyant is proposing to cut 20' in from the current tree line which is outside of the 25' no disturb zone. There are three isolated wetlands that are from stormwater outfalls of roof drainage. Mr. Poyant and

Agent Porter walked the site yesterday and Mr. Poyant is going to update the flags on the plan as a result of said visit. Mr. Poyant is also proposing to plant stormwater based seed mix and native wetland shrubs in the areas of isolated wetland and then plant shrubs along with conservation seed mix in the upland buffer zone. The shrubs will be planted approximately every 15'. Trees will be cut down at grade and the stumps will not be removed so there is no proposed ground movement. Mr. Poyant is also proposing straw wattles at limit of work.

Chairman Radcliffe inquired as to what is the current vegetation. Agent Porter replied that there are Red Maple, White Pine and one white cedar which is outside the buffer zone and will not be cut.

Agent Porter advised that the project is outside of the 25' but need to hear from Natural Heritage before an order can be issued. The special conditions would be that they do the planting during planting season.

Mr. Poyant asked that, as a condition in the order, that they be allowed to maintain the trees every three years.

Commissioner Dixon made a motion to table this matter until August 16, 2016. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

CONTINUED NEW BUSINESS:

1. Agent Updates

1500 COVE ROAD

Agent Porter advised that Paul Parsons of 1500 Cove Road operates a horseshoe crab business that was permitted by the Conservation a while back. The establishment of the docks or rafts out in Clark's Cove is what was permitted and he could attach the pens as a holding area for the horseshoe crabs. DMF commented at the time that if they had a valid section 10A permit from the Harbormaster they would not need a permit from the Conservation Commission but they applied for one anyway. The permit has expired and he needs to know whether or not he needs to come before Commission for another permit and is not sure. Agent Porter will speak to Paul Parsons to make sure his mooring permit is valid and then report back to the Commission.

2. General Correspondence

NEMASKET STREET

Agent Porter advised that Jim Murphy, the LSP on Nemasket Street has determined that he does not see an impact to groundwater. But, the project has gone back for a re-design and the Agent doesn't feel that it will need to be resent to LSP because no infiltration is being proposed.

A-1 ASPHALT

Agent Porter advised that Mr. Rick Charon requested continuance on A-1 Asphalt since the memorandum of understanding has not yet been drafted between A-1 Asphalt and the Airport Commission to permit the work on the airport property. Attorney Eric Jaikes from the Solicitor's Office has been on vacation and has not had an opportunity to draw up said memorandum but will now be working on it.

THEODORE RICE BOULEVARD

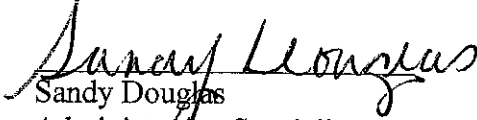
Received letter from Nitsch Engineering summarizing the construction inspection at Theodore Rice Boulevard. Things are progressing okay.

EVERSOURCE

Agent Porter advised that Eversource sent correspondence regarding maintenance of the right-of-way of the actual roadways itself. Swamp maps have been placed in the wetlands and stay there for a maximum period of time of three months. The work is exempt under the Wetlands Protection Act.

Commissioner Dixon made a motion to adjourn at approximately 7:52. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,


Sandy Douglas
Administrative Specialist



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
August 16, 2016
Room 314, City Hall**

Members Present

Craig Dixon, Vice Chairman
Dennis Audette
Paul Pacheco
Jacob Gonsalves

Members Absent

John Radcliffe, Chairman

Staff Present

Agent Sarah Porter
Sandy Douglas, Admin., Specialist

Chairman Dixon called the meeting to order at 6:30 p.m.

NEW BUSINESS:

- 1. SE49-0551 - A Request for Certificate of Compliance for property identified as 70 Dana Street, New Bedford (Map 125A, Lot 473).** Representative is Richard R. Riccio of Field Engineering Co., Inc.

Mr. Jon Connel of Field Engineering was present on behalf of Mr. Riccio. Mr. Connel stated that Mr. Riccio has submitted the as-built and is, therefore, requesting a Certificate of Compliance at this time.

Agent Porter advised that the only change to the plan was that they paved an area of the driveway that was supposed to have been crushed stone. Agent Porter spoke with Mr. Riccio with regard to this and he advised that the crushed stone infiltration trench has twice the required volume of space than what was required for the driveway so the runoff from the pavement will be cleaner than coming from crushed stone. Agent Porter also advised that the sign is up on the split rail fence and an acknowledgement that the fence is there and is to be established in perpetuity has been signed and submitted. In addition to the ongoing conditions, the modified rock spillway and paved apron is to remain clean of debris and snow at all times so that the water can freely flow off of Dana Street.

Agent Porter recommended the issuance of a full certificate of Compliance with ongoing Conditions 51 and 52.

Commissioner Gonsalves made a motion to approve as recommended by the Agent with conditions as read. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

- 2. SE49-8 – A Request for Certificate of Compliance for property identified as Purchase Street, New Bedford (Map 97, Lot 6).** Representative is Marc R. Deshaies, Esquire.

Agent Porter advised that this project is very old (1975). It was supposed to have been the construction of a tennis facility near the Sid Wainer property and it was never built. Agent Porter did visit the site. Attorney Deshaies is requesting a Certificate of Compliance so that he can clear title on this property.

Agent Porter recommended the issuance of a Certificate of Compliance that states it is an invalid order of conditions, the work never commenced, the order of conditions has lapsed and is, therefore, no longer valid. No future work subject to the Wetlands Protection Act may commence without the filing of a new Notice of Intent and receiving a new Order of Conditions.

Commissioner Gonsalves made a motion to approve as recommended by the Agent with conditions as read. Motion was seconded by Commissioner Pacheco. 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) - 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 Rick Charon of Charon Associates, Inc. CONTINUED**
2. **SE49-0739 – (Continued from 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16) - A Notice of Intent as filed by Michele Paul, Director of Environmental Stewardship for the City of New Bedford for property identified as Ruggles Street and Hathaway Boulevard (Map 69, Lots 86, 88-93, 96-100, and 125). The applicant proposes to conduct remediation activities to remove contaminated soils followed by construction of an athletic facility. Representative is David Sullivan of TRC Environmental. CONTINUED TO 9/6/16.**
3. **SE49-0744 – (Continued from 8/16/16) - A Notice of Intent as filed by Richard Poyant of Poyant Signs, Inc for property identified as 125 Samuel Barnet Blvd., New Bedford (Map 133, Lot 46). Applicant proposes to conduct tree removal in the Buffer Zone to an Inland Bank to allow for installation of roof top PV solar panels. Representative is Andrew Poyant, PWS.**

Mr. Richard Poyant of Poyant Signs was present and advised that they have received the Notice of Finding from Natural Heritage and have revised the plans with the plantings and flag locations as requested at the last meeting.

Agent Porter recommended the issuance of an Order of Conditions with the plans for approval being Site Plan and the document for approval being Table 1 Shrub Planting Plan Where Trees Will Be Removed. The special conditions 1) shrub planting and seeding to be done in the fall or spring planting season; 2) removal of trees is permitted within the designated tree removal area as shown on the approved site plan in perpetuity to keep the area clear of trees which shade the building.

Commissioner Audette made a motion to approve as recommended by the Agent with special conditions as read. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

NEW HEARINGS:

None.

CONTINUED NEW BUSINESS:

1. Agent Updates

SE49-365

Agent Porter advised that the original Order of Conditions was issue years ago for a single family dwelling in the buffer zone and there was a Superseding Order. The applicant is now requesting an extension of the permit. Said request will be held on site August 31st at 10:00 a.m. The reason it was appealed was because the neighbors did not get along and this is not of any concern to the Commission. Agent Porter will attend the on-site meeting. The applicant had previously asked for a one year extension and now is asking for another extension.

BRISTOL COUNTY MOSQUITO

Agent Porter advised that Bristol County Mosquito is proposing ditch maintenance this fall behind the McDonald's on Kings Highway. This wetland has a lot of debris and is not a concern to the Commission.

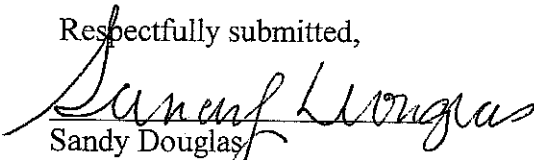
SASSAQUIN POND

Agent Porter advised that Ms. Maria Fortes DeAraujo of 1234 Robin Street came by the office yesterday and informed the Agent that she had paid \$30.00 to belong to the Pineland Park Private Reservation at Sassaquin Pond. She went swimming there with some guests and was told she needed to leave because she was not allowed there. Commissioner Audette stated that she would have to contact Mike Frye. Agent Porter replied that Mike Frye was the one that asked her to leave and she felt very intimidated and now wants to know why she couldn't swim there. Agent Porter informed Ms. DeAraujo that this had nothing to do with the Conservation Commission. Agent Porter asked Commissioner Audette if he knew what this private association was. Commissioner Audette responded that all the land except for City owned land is all in trust and most of it is in trust to houses across the street. Years ago they started this Pineland Park Association and they collect a fee for people to use it and the money would help pay the taxes. Commissioner Audette does not know why Mr. Frye would have asked her to leave if he collected her \$30.00 fee. Agent Porter is going to contact Mr. Frye directly.

General Correspondence

Commissioner Audette made a motion to adjourn at approximately 6:52. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,


Sandy Douglas
Administrative Specialist



Environmental Stewardship Department/
Conservation Commission

City of New Bedford
Jonathan F. Mitchell, Mayor

Meeting Minutes of the Conservation Meeting of
September 6, 2016
Room 314, City Hall

CITY CLERKS OFFICE
NEW BEDFORD, MA
2016 NOV 23 P 2:31
CITY CLERK

Members Present

Craig Dixon, Vice Chairman
Dennis Audette
Paul Pacheco
Jacob Gonsalves

Members Absent

John Radcliffe, Chairman

Staff Present

Agent Sarah Porter
Sandy Douglas, Admin., Specialist

Chairman Dixon called the meeting to order at 6:30 p.m.

NEW BUSINESS:

1. **Request for Determination of Applicability as filed by Michele Paul, Director of Environmental Stewardship for the City of New Bedford, for property identified as the Nemasket Street Lots (Map 69, Lots 86, 88, 93, 96-100).** Applicant proposes soil excavation at four locations to remove soils contaminated with elevated concentrations of PCB's. Approximately 3,000 s.f. of the 100' Buffer Zone is proposed to be disturbed. Representative is David Sullivan of TRC.

Ms. Elizabeth DeCelles, Ecologist and Project Manager of TRC were present together with Mr. Raymond Holberger, Environmental Project Manager with the City of New Bedford Department of Environmental Stewardship.

Ms. DeCelles advised that she is here on behalf of the City of New Bedford and is requesting soil excavation at four locations to remove 63 cubic yards of contaminated materials which will be removed and hauled off site. This work will take approximately one week. All excavated materials whether in the buffer or uplands will be surrounded by erosion controls and contaminated materials being removed will be placed on poly sheets before taken off site. Ms. DeCelles requested a negative determination so that the project may proceed as planned.

Commissioner Dixon inquired as to whether there was an area delineated for stockpiling. Mr. Holberger replied that they are going to try to avoid stockpiling.

Agent Porter stated that this is a pretty straight forward excavation project of PCB contaminated soils and for the most part the excavated materials will be loaded into trucks and hauled off site. The notes on the plan state they intend to implement erosion controls surrounding the excavated areas and any temporary stockpile areas on site within the 100' Buffer Zone. Since these notes are all on the plan, Agent Porter does not see any need to repeat them as Special Conditions. At this time, Agent Porter recommended the

issuance of a Negative Determination that the work as proposed is within the Buffer Zone and shall not harm the adjacent resource area, impact the adjacent resource area provided that all work is done as proposed on the plan. The plan for approval is titled Site Plan Targeted Excavations and 100' Wetland Buffer with a stamp date received of 9/2/2016.

Commissioner Dixon inquired whether there was anyone present who wished to comment on this matter. None heard.

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

2. **SE49-267 - Request for Certificate of Compliance as filed by David Fredette, City of New Bedford DPL, for property identified as John Vertente Boulevard (East Side) (Map 135, Lot 2).** Representative is David Fredette. CONTINUED TO 9/20/16.

Agent Porter advised that Mr. Fredette was not present this evening and inquired whether or not the Commission would like Mr. Fredette to be present at the time this hearing is heard. Agent Porter continued this matter because she has not had an opportunity to visit the site with Mr. Fredette. The Commission agreed that Mr. Fredette should be present during the hearing.

3. **SE49-0517 - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 94 Mate Drive (Map 130G, Lot 188/239).** Representative is Richard Rheume of Prime Engineering.

Mr. Lee Castignetti, in house counsel for Long Built Homes, was present on behalf of the applicant.

Mr. Richard Rheume of Prime Engineering will not be present this evening and submitted a letter explaining that he, Agent Porter and Mr. Castignetti conducted site visits of each property.

Agent Porter advised the Commission that one of the violations was the rails of the split rail fence has been removed, cleared the no disturb zone and installed 2 gardens, a children's play area and lawn. The signage is still there. Agent Porter suggested that the owner contact her.

Mr. Castignetti advised that all the homeowners were well informed at the time of purchase that there were to be no intrusions beyond the fence and any activity done was intentional. As a requirement under the Order of Conditions, the seller had to attach a copy of the Order of Conditions to each P&S which was done 36 times and each of the buyers were informed of special condition #50 that pertained to the fence and why it was being installed and this took place with every buyer in the development. There were 36 orders of conditions and there are 3 that are blatant violations.

Agent Porter has drafted a letter to the homeowner advising that during an inspection of the property for the Certificate of Compliance with Long Built Home it was observed that the split rail fence had been removed and reminded them of the Acknowledgement that they signed at the time of transfer. The letter requests that the homeowner appear at the next meeting on Tuesday, September 20th, 2016 at 6:30.

The Commission agreed that the Agent forward this letter to the homeowner.

Commissioner Gonsalves made a motion to table this matter to the next meeting. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

4. **SE49-0519 - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 110 Mate Drive (Map 130G, Lot 190).** Representative is Richard Rheume of Prime Engineering.

Agent Porter advised that this lot is in compliance but Long Built Homes has not installed the signage and as soon as that is done, the Certificate of Compliance can be issued.

Commissioner Gonsalves made a motion to continue this hearing until signs have been installed. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

5. **SE49-0520 - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 118 Mate Drive (Map 130G, Lot 191).** Representative is Richard Rheume of Prime Engineering.

Agent Porter advised that this lot is in full compliance, the sign has been installed. The Agent recommended the issuance of a full Certificate of Compliance for SE49-0520 with ongoing Conditions #50 & 51.

Commissioner Audette made a motion to issue a full Certificate of Compliance as recommended by the Agent with conditions as read. Motion was seconded by Commission Pacheco. All in favor. Motion carries.

6. **SE49-0513 - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 44 Mate Drive (Map 130G, Lot 235).** Representative is Richard Rheume of Prime Engineering.

Agent Porter advised that this lot is in full compliance, the sign has been installed. The Agent recommended the issuance of a full Certificate of Compliance for SE49-0513 with ongoing Conditions #50 & 51.

Commissioner Pacheco made a motion to issue a full Certificate of Compliance as recommended by the Agent with conditions as read. Motion was seconded by Commission Gonsalves. All in favor. Motion carries.

7. **SE49-0533 - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 29 Schooner Court (Map 130G, Lot 231).** Representative is Richard Rheume of Prime Engineering.

Agent Porter advised that there is a small pile of grass clippings in the no disturb zone. The homeowners do not need to come before the Commission. Agent Porter will send them a letter requesting they remove the debris within 30 days and to notify the Commission when it has been done. Once the debris has been removed, a full Certificate of Compliance can be issued.

Commissioner Audette made a motion to send the homeowners a letter and to continue this hearing. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

8. **SE49-0535 - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 31 Whalers Woods Boulevard (Map 130G, Lot 234).** Representative is Richard Rheume of Prime Engineering.

Agent Porter advised that this lot is in full compliance, the sign has been installed. The Agent recommended the issuance of a full Certificate of Compliance for SE49-0535 with ongoing Conditions #50 & 51.

Commissioner Audette made a motion to issue a full Certificate of Compliance as recommended by the Agent with conditions as read. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

9. SE49-0514 - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 52 Mate Drive (Map 130G, Lot 236). Representative is Richard Rheume of Prime Engineering.

Agent Porter advised that this lot is in compliance but Long Built Homes has not installed the signage and as soon as that is done, the Certificate of Compliance can be issued.

Commissioner Pacheco made a motion to table this matter. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

10. SE49-0515 - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 60 Mate Drive (Map 130G, Lot 262). Representative is Richard Rheume of Prime Engineering.

Agent Porter advised that this lot is in compliance but Long Built Homes has not installed the signage and once that is done, a Certificate of Compliance can be issued.

Commissioner Audette made a motion to table this matter. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Agent Porter stated that she walked the entire subdivision with Mr. Castignetti and noted the lots in compliance and not in compliance but the majority of the lots are in compliance. There are some lots with grass clipping in the no disturb zone and will contact each of those individuals requesting that they remove it and place it in the trash for landscape debris pick-up by the City. There is one where they stacked firewood in the no disturb zone. The stacking of firewood in a no disturb zone does not cause much harm to the wetland as long as the area is not cleared to place the stacked firewood. Agent Porter will send these homeowners a letter advising them not to expand the no disturb zone. The Commission agreed that said letter should be sent to the homeowner.

Agent Porter also advised that they found one area where the contractor incidentally exceeded the area during the construction. It's approximately 5' wide of grass that they have been mowing which is part of the no disturb zone. The Agent will send them a letter advising them to stop mowing. Mr. Castignetti added that the fences were all put up after the completion of construction and they over graded in this area. The area is stabilized and will let the homeowners know to let it re-vegetate naturally instead of maintaining the lawn.

The second noted violation was the fence rails were removed and they intruded into the no disturb zone with grass, lawn chairs, a flagstone pathway through the no disturb zone to the brush pile in the back. Agent Porte recommended sending them a letter to appear before the Commission because it's a knowing violation.

The third noted violation was they moved the spilt rail fence back into the no disturb zone and placed a stockade fence and increased their lawn substantially. The Commission agreed that Agent Porter send letters to the homeowners that are in violation.

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) - 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 Rick Charon of Charon Associates, Inc. **CONTINUED**
2. SE49-0739 – (Continued from 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16) - A Notice of Intent as filed by Michele Paul, Director of Environmental Stewardship for the City of New Bedford for property identified as Ruggles Street and Hathaway Boulevard (Map 69, Lots 86, 88-93, 96-100, and 125). The applicant proposes to conduct remediation activities to remove contaminated soils followed by construction of an athletic facility. Representative is David Sullivan of TRC Environmental. **CONTINUED TO 9/20/16.**

NEW HEARINGS:

1. SE49-0725 – Request to Amend Order of Conditions as filed by Ray Holberger, Environmental Planner for the City of New Bedford Department of Environmental Stewardship for property identified as 194 Rear Riverside Avenue, New Bedford, MA (Map 105, Lots 183, 208 & 209). Applicant is requesting to Amend the Order of Conditions to permit the demolition of the concrete coal bin located with the 100 year floodplain and the 100' Buffer Zone. Representative is Ray Holberger.

Mr. Raymond Holberger of the City of New Bedford was present and stated that this project involved some exploratory excavation test pitting around the large oil tanks and then proposed some potential remedial excavation. They have cleaned out the tanks and removed 50,000 gallons of waste oil successfully. In presenting the project to local community members, as required by EPA Grant, their greatest concern was the 8' wall which abuts the parking lot and are afraid of unsavory activities occurring on the other side of wall and have requested that it be removed. Anticipating going out there in late September and capping top of tanks and backfilling with clean sand and at that time the wall could be taken down.

Agent Porter advised that the erosion controls are already installed as part of the original order and the proposed walls are approximately 80' away from the resource area, it is within the floodplain and it's a straight forward project because not taking out the bottom of the coal bin. Agent Porter recommended the special conditions cited in the original Order of Conditions along with the original approved plans apply to this order. Additional Plan for approval is Figure 1 Conceptual Remediation Design Plan dated 8/25/16.

Commissioner Pacheco made a motion to approve the Amended Order of Conditions as recommended by the Agent. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

CONTINUED NEW BUSINESS:

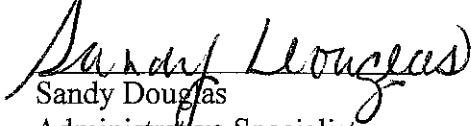
1. Agent Updates

2. General Correspondence – MACC fundamentals workshop in New Bedford on 9/24/2016

Commissioners Dixon, Audette, Pacheco and Gonsalves are all going to attend the workshop on September 24, 2016 in New Bedford.

Commissioner Audette made a motion to adjourn at approximately 7:15. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,


Sandy Douglas
Administrative Specialist