



City of New Bedford
Jonathan F. Mitchell, Mayor

**Meeting Minutes of the Conservation Meeting of
April 5, 2016
Room 314, City Hall**

Members Present

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

Members Absent

Paul Pacheco

Staff Present

Agent Sarah Porter
Sandy Douglas, Admin., Specialist

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

OLD BUSINESS:

1. **SE49-466 (Continued from 2/16/16, 3/1/16 & 3/15/16) – Request for Certificate of Compliance for property identified as 2301 Purchase Street, New Bedford, MA (Map 97, Lots 6 & 9).** Representative is Alan J. Heureux of Boucher & Heureux. **CONTINUED APRIL 19, 2016.**
2. **1151 Cardinal Street status**

Agent Porter advised that the owners of 1151 Cardinal Street did not appear at the last meeting. Since then she has visited the site and they haven't done anything to the site and she would like to know how the Commission would like to proceed. The Agent also advised that they have not responded at all to the certified mail that they received.

Chairman Radcliffe suggested that a Notice of Violation be prepared in case they do not make an effort to respond and in the meantime, he and the Agent will go to the property and try to knock on the door.

NEW BUSINESS:

1. **SE49-249 – Request for Certificate of Compliance for property identified as John Vertente Boulevard, New Bedford, MA (Map 135, Lot 2).** Representative is Blair Bailey of the City of New Bedford. **CONTINUED TO APRIL 19, 2016.**
2. **SE49-253 – Request for Certificate of Compliance for property identified as 129 John Vertente Boulevard, New Bedford, MA (Map 135, Lot 2).** Representative is Blair Bailey of the City of New Bedford. **CONTINUED TO APRIL 19, 2016.**

3. **SE49-267 – Request for Certificate of Compliance for property identified as John Vertente Boulevard, New Bedford, MA (Map 135, Lot 2).** Representative is Blair Bailey of the City of New Bedford. CONTINUED TO APRIL 19, 2016.
4. **SE49-324 – Request for Certificate of Compliance for property identified as John Vertente Boulevard, New Bedford, MA (Map 135, Lot 2).** Representative is Blair Bailey of the City of New Bedford. CONTINUED TO APRIL 19, 2016.

CONTINUED HEARINGS:

1. **SE49-0733 – (Continued from 3/1/16 & 3/15/16) - A Notice of Intent as filed by North Coast Seafoods for property located at 43 & 49 Blackmer Street, New Bedford (Map 25A, Lots 1, 3, & 52).** Applicant proposes building and parking lot expansions partially located within Land Subject to Coastal Storm Flowage. Representative is John Cavanaro of Cavanaro Consulting.

Mr. John Cavanaro of Cavanaro Consulting was present together with Brian Jones. Mr. Cavanaro stated that since the last meeting has received from comments from Nitsch Engineering and have made some minor revisions to the plan but the design as a whole has not changed. Performed additional test pit and did confirm that the soil were consistent and did locate water table. The TSS removal has been updated and the construction entrances have been detailed as requested by Nitsch Engineering.

Agent Porter that Nitsch only received the response from Cavanaro yesterday but they did review it and advised the Agent via telephone that it is all satisfactory but they would not have an opportunity to put it in writing prior to tonight's hearing.

Chairman Radcliffe inquired as to how the Commission felt about accepting Nitsch's verbal telephone acceptance. The Commission all agreed that they were comfortable moving forward with this matter with Nitsch's verbal acceptance.

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

Agent Porter stated that there is one Special Condition: 1) The Stormwater Operation and Maintenance Plan and Illicit Discharge Statement is an approved document of the Order OF Conditions and that annual monitoring reports shall be submitted to the Commission at the end of January of each year documenting the maintenance of the storm water Best Management Practices for the previous year. Plans for approval are sheets 1 of 6 with a revised date of 4/4/16; Sheet 2 of 6 with a revised date of 3/22/16; Sheet 3 of 6 with a revised date of 4/4/16; Sheet 4 of 6 with a revised date of 3/22/16; Sheet 5 of 6 with a revised date of 3/22/16 and Sheet 6 of 6 with a revised date of 4/4/16.

Commissioner Dixon made a motion to approve with the Special Condition as read by the Agent. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

2. **SE49-0735 – (Continued from 3/15/16) - 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 APRIL 19, 2016.

3. **SE49-0734 – (Continued from 3/15/16) - A Notice of Intent as filed by Charles Paradie of the University of Massachusetts Building Authority for property located at 706 & 838 South Rodney French Boulevard (Map3, Lots 1,2,& 5 and Map 4, Lot 3).** Applicant proposes to upgrade existing seawater pump system within Land Subject to Coastal Storm Flowage, Coastal Bank and the 100' Buffer Zone to Coastal Bank. Representative is Michele Simoneaux of GZA GeoEnvironmental, Inc.

Ms. Michele Simoneaux of GZA GeoEnvironmental was present and advised that since the last hearing, they were just waiting for a reviews response from Endangered Species. Since then, a response has been received and they found there to be no adverse affects on the rare and endangered species habitat or individual species.

Agent Porter advised that this is a very large project but there is very small impact to the resource area. Agent Porter recommended the issuance of an Order of Conditions with the following Special Conditions:

- 1) Trenches in the Buffer Zone and Coastal Bank area shall not be left open overnight; 2) construction debris on the pier shall be removed on a daily basis and care shall be taken to avoid dropping construction materials into the underlying Coastal Resource Areas; 3) any construction debris from the pier which falls into the underlying Coastal Resources shall be retrieved and discarded in a legal upland location; 4) the final Stormwater Pollution Prevention Plan is an approved document of this Order of Conditions and shall be forwarded to the Conservation Commission two weeks prior to the onset of construction.

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

4. **SE49-0736 - (Continued from 3/15/16) - A Notice of Intent as filed by Terrence Tedeschi of New Bedford Cousins, LLC for property identified as Northside Farms (Registry of Deeds: Plan Book 164, Pg 75) which consists of Declan Dr., Horseshoe Rd., Monson St. Northside Dr. & Acushnet Ave. (Map 130 D, Lots 117, 402, 380, 381, 382, 407, 408, 409, 410, 411, 379, 398, 399, 400, 401, 397, 395, 396, 412, 419, 403, 404, 405, 406, 416, 417, 418, 413, 414, 415, 393, 383, 384, 394, 392, 385, 386, & 387).** Applicant proposes a subdivision roadway with associated utilities and grading including wetland filling and replication. Representative is John Cavanaro of Cavanaro Consulting. **CONTINUED TO APRIL 19, 2016.**

5. **SE 49-0730 - (Continued from 2/16/16, 3/1/16 & 3/15/16) - A Notice of Intent as filed by Michele Paul, Director of the City of New Bedford Department of Environmental Stewardship for property located at 241 Duchaine Boulevard, New Bedford, MA (Map 136, Lot 321).** Applicant proposes to demolish the abandoned building on site, conduct PCB related clean up and cap the site within the Buffer Zone and Bordering Vegetated Wetland. Representative is Todd Kirton of Tighe & Bond.

Mr. Raymond Holberger from the City of New Bedford's Environmental Stewardship office advised that he has been unsuccessful in trying to reach his representative and requested a continuance to the next meeting. Mr. Holberger advised that they have been corresponding with Nitsch and it seems that he is now satisfied with the best management practices but unfortunately he doesn't have the stamped drawings. Mr. Holberger at this time requested that the matter be continued to the next meeting since the representative was not present.

Commissioner Dixon made a motion to continue this matter to the 19th as requested. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

At 6:56 Ms. Amanda Smith, the representative arrived. At this time Commissioner Dixon made a motion to re-adjoin this meeting. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

Ms. Smith apologized for her late arrival, she got stuck in traffic. Ms. Smith advised that they have responded to Nitsch's comments and have made all of their suggested revisions. Ms. Smith submitted revised stamped plans.

Ms. Smith stated that this is a redevelopment project and they were not achieving the 80% of maximum extent practicable and were at 63% and now are at 70%. They have created and extended swales. They are also proposing wetland replication with proposed temporary erosion control. Ms. Smith advised that Natural Heritage did respond with a no take.

Agent Porter advised that Nitsch is satisfied with the new storm water design. Agent Porter suggested the following Special Conditions: 1) the bottom of the wetland restoration area be inspected by the Conservation Agent prior to the placement of the soils with high organic content; 2) the final grade of the wetland restoration area is to be inspected by the conservation agent prior to seeding with wetland seed mix; 3) submit annual wetland restoration monitoring reports documenting the success of the wetland restoration area. The reports shall be due at the completion of construction and on July 31st of each subsequent year for two years. The monitoring reports shall also document the presence of invasive species within the restoration area and recommend control methods. During the two year monitoring period, the Conservation Commission reserves the right to request additional wetland seeding to guarantee the success of the restoration area. The revised Stormwater Operation & Maintenance Plan is an approved document of this Order. 4) Annual monitoring reports shall be submitted to the Commission at the end of January of each year documenting the maintenance of the stormwater Best Management Practices for the previous year; 5) The Stormwater Pollution Prevention Plan shall be submitted to the Conservation Commission two weeks prior to construction start-up; 6) The commission's consulting engineer shall attend the projects pre-construction meeting. A construction schedule shall be received from the contractor at that time. At a minimum, the Commission's consulting engineer shall perform construction observation at the following times: a) during the preparation of the subgrade for the water quality swales and vegetative strips; b) during construction of the water quality swales, sediment forebay and crushed stone filter strip; c) following completion of the site grading and stabilization of the site. Additional observations may be warranted at the discretion of the Commission and/or the consulting engineer based on the results of the pre-construction meeting or the progression of construction. Reports for each observation will be prepared and submitted to the Commission and the Applicant.

Mr. Kevin Kelly from adjacent property was present and stated that he did not have any questions pertaining to the protection of the resource area.

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

NEW HEARINGS:

- 1. A Notice of Intent as filed by Ray Holberger of the Department of Environmental Stewardship for property located at 255 Hathaway Boulevard (Map 75, Lot 167). Applicant proposes to clear woody and herbaceous vegetation using mowers and hand held equipment**

NEW BUSINESS CONTINUED:

1. Agent Updates (tape recorder)

Sandy Douglas advised the Commission that transcribing equipment needs to be purchased to be able to transcribe using the new recorder and that it would cost approximately \$250.00. The Commission agreed to said expense.

Commissioner Dixon made a motion to approve purchasing the necessary transcribing equipment up to \$250.00.

2. General Correspondence (Bristol County Mosquito – Business Park)

Agent Porter advised the Commission Bristol County Mosquito is looking to finish the portions of the work on the north and south ends of Duchaine Boulevard.

Agent Porter advised that there is a holiday on Tuesday, October 4th and would need to move the meeting to Wednesday, October 5th. All the Commission agreed to move the meeting to the 5th as long as the meeting room is available.

Chairman Radcliffe advised that in the past the Commission has had an open invite the public to come and discuss Conservation and suggested doing another public invite on November 29th, 2016.

Agent Porter advised the Commission that she went to the Parallel Products site and they have exceeded their limits of clearing for cutting trees. They advised the Agent that they were going to be clearing more anyway because they are coming back before the Commission for a Phase II of the project. I was told they would prepare a plan showing the limits of clearing that have been exceeded.

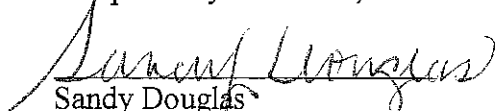
Agent Porter stated that she received a phone call from someone at the Business Park advising that work was being conducted prior to a pre-construction meeting. The applicant began cutting prior to having an on-site pre-construction meeting with Nitsch Engineering as is stated in the Orders. All the cutting has now been complete.

Chairman Radcliffe suggested that the applicant be present at the next meeting so they can be advised that there isn't any more cutting allowed and they need to stabilize the site.

A motion to adjourn was made by Commissioner Dixon at approximately 6:55 pm. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

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

Respectfully submitted,


Sandy Douglas
Administrative Specialist



Environmental Stewardship Department/
Conservation Commission

City of New Bedford
Jonathan F. Mitchell, Mayor

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Room 314, City Hall

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Craig Dixon, Vice Chairman
Paul Pacheco
Jacob Gonsalves

Members Absent

Dennis Audette

Staff Present

Agent Sarah Porter
Sandy Douglas, Admin., Specialist

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

OLD BUSINESS:

1. SE49-466 (Continued from 2/16/16, 3/1/16 & 3/15/16) – Request for Certificate of Compliance for property identified as 2301 Purchase Street, New Bedford, MA (Map 97, Lots 6 & 9). Representative is Alan J. Heureux of Boucher & Heureux.
2. 1151 Cardinal Street

Agent Porter advised that she and Chairman Radcliffe went to the house and there was no one at the home. Agent Porter left her card on the door with a note to please call and to date, has not received a call. The original letter that was sent was received by the homeowner because it was not returned to this office. Agent Porter recommended giving them a deadline to remove the material in the wetland rather than coming before the Commission. Chairman Radcliffe suggested contacting the Solicitor's Office as to how to proceed with this matter since there hasn't been any cooperation from the homeowners.

NEW BUSINESS:

1. SE49-249 – Request for Certificate of Compliance for property identified as John Vertente Boulevard, New Bedford, MA (Map 135, Lot 2). Representative is Blair Bailey of the City of New Bedford. **CONTINUED**
2. SE49-253 – Request for Certificate of Compliance for property identified as 129 John Vertente Boulevard, New Bedford, MA (Map 135, Lot 2). Representative is Blair Bailey of the City of New Bedford. **CONTINUED**

3. **SE49-267 – Request for Certificate of Compliance for property identified as John Vertente Boulevard, New Bedford, MA (Map 135, Lot 2).** Representative is Blair Bailey of the City of New Bedford. CONTINUED
4. **SE49-324 – Request for Certificate of Compliance for property identified as John Vertente Boulevard, New Bedford, MA (Map 135, Lot 2).** Representative is Blair Bailey of the City of New Bedford. CONTINUED
5. **A Request for Determination of Applicability as filed by Graham & Hunt, LLC for property identified as 978 Nash Road (Map 123, Lot 120).** Applicant proposes to install two new catch basins and a stormwater treatment unit in the Buffer Zone to Bordering Vegetated Wetlands. Representative is Alexander Trakimas of SITEC Environmental Inc.

Mr. Alexander Trakimas of SITEC was present on behalf of the applicant and advised that there are existing small catch basins behind the building with a sump pump with a 1 1/2" discharge which freezes during cold water and causes ponding. He is proposing to install a deep sump catch basin with stormwater treatment unit and sediment removal and it is going to connect to the existing municipal drain in the street. All of the work will take place in existing paved areas and it will be saw cut. A long term maintenance plan has been provided as requested by the Agent.

Chairman Radcliffe inquired whether there currently is any impact from the runoff into the resource area. Mr. Trakimas replied that there isn't any impact.

Agent Porter advised that this is a water quality improvement project and recommended the issuance of a negative determination. The Special Conditions are as follows: the catch basins and water quality until be maintained in conformance with the Stormwater Operation and Maintenance Plan, which has been submitted. That a pre-construction meeting be held with the Conservation Agent following the installation of the straw wattles and before any other work is to commence on site. Agent Porter does not feel that this application needs to be reviewed by Nitsch Engineering. Chairman Radcliffe agreed.

Commissioner Dixon made a motion for a negative determination as recommended by the Agent with conditions as read. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

6. **A Request for Determination of Applicability as filed by Abilio Fernandes for property identified as 255 River Road, New Bedford (Map 119, Lot 94).** Applicant proposes to demolish an existing structure and construct a residential duplex with associated utilities in the Buffer Zone to the Bank of the Acushnet River. Representative is Nick Dufresne of Farland Corp.

Mr. Nick Dufresne of Farland Corporation was present on behalf of the applicant and advised the Commission that it's an old building previously used as a warehouse. The owner is proposing to demolish the building and construct a duplex with a storage garage and small parking area. The present resource area is located across River Road and top of bank is associated with the Acushnet River, the 100' buffer zone does extend across the property. The grading is associated with the new structure, and utilities will be tied into existing utilities on site, erosion controls will consist of staked straw wattles around the edge of the property.

Chairman Radcliffe inquired as to the net change in the impervious area. Mr. Dufresne replied that it is approximately 18% decrease.

Agent Porter stated that this is a straight forward project for demolition and re-construction of a duplex on a warehouse facility with an overall increase in pervious surface of 18% and recommended the issuance of a negative determination with the following special conditions: that the straw wattles be placed along River Road coming up Hamlin Street, that the straw wattles be in place prior to demolition and are to remain in place throughout construction activities, and an onsite meeting shall be held with the Conservation Agent for inspection of the straw wattles prior to any demolition.

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

CONTINUED HEARINGS:

1. **SE49-0735 – (Continued from 3/15/16 & 4/5/16) - 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.
2. **SE49-0736 - (Continued from 3/15/16 & 4/5/16) - A Notice of Intent as filed by Terrence Tedeschi of New Bedford Cousins, LLC for property identified as Northside Farms (Registry of Deeds: Plan Book 164, Pg 75) which consists of Declan Dr., Horseshoe Rd., Monson St. Northside Dr. & Acushnet Ave. (Map 130 D, Lots 117, 402, 380, 381, 382, 407, 408, 409, 410, 411, 379, 398, 399, 400, 401, 397, 395, 396, 412, 419, 403, 404, 405, 406, 416, 417, 418, 413, 414, 415, 393, 383, 384, 394, 392, 385, 386, & 387).** Applicant proposes a subdivision roadway with associated utilities and grading including wetland filling and replication. Representative is John Cavanaro of Cavanaro Consulting.

Mr. John Cavanaro of Cavanaro Consulting was present together with Mr. Terry Tedeschi. Mr. Cavanaro advised the Commission that they received a response from Nitsch Engineering this afternoon and 4:00 and is prepared to go over it with the Commission. Mr. Cavanaro advised that he would like to focus on Nitsch's last comment with regard to alteration of the small portion of the wetland in the middle of the property. Mr. Cavanaro added that the comments that were submitted today we made on assumptions based on soil classifications and producing infiltration rates that were too conservative and as a result had to look at pretreatment for infiltration rates.

Mr. Cavanaro stated that replication was proposed as part of their original proposal and Nitsch suggested reviewing a drainage report from CDM and one recommendation from the CDM report was to clean the stream in this area to improve downstream flooding and they agree with said recommendation.

Mr. Cavanaro continued to review Nitsch's comments with the Commission.

Chairman Radcliffe stated that these comments were just received from Nitsch and the Commission hasn't had an opportunity to review.

Agent Porter added that they are to avoid cutting down of trees within the 25' setback area of the stream. The Lucy street neighborhood used to flood badly and they found a crushed culvert so the Commission issued an Emergency Certification years ago to replace that culvert which took care of a lot of the upstream flooding that was occurring. The channel cleaning would trigger impacts

to the steam and Riverfront Area in terms of removal of the vegetation and the Agent does not feel it is necessary as mitigation. Agent Porter recommended that the Commission should focus on informing the applicant and engineer what new Special Conditions this subdivision may have over the initial Northside Farm Order of Conditions. Special conditions have changed if going to follow the Conditions issued for Ava's Way.

Chairman Radcliffe clarified that the application tonight is for the roadway. Agent Porter replied that was correct and that the order would be limited to those activities associated with the construction of the roadway, utility infrastructure and stormwater management systems as shown on the approved plans and documents.

Agent Porter questioned whether the Commission wants the erosion controls moved to the 100' buffer or if they are going to allow work in the 100' buffer under this application.

Chairman Radcliffe replied that he would need to review Nitsch's comments first.

Agent Porter recommended reviewing the following special conditions that were issued to Ava's Way to see if they are applicable to this subdivision: 1) all activities associated with the development of the individual lots in the Buffer Zone including but not limited to land clearing, earthwork, grading, etc., is outside the scope of this Order and will be subject to further review by the Conservation Commission. 2) Erosion controls at the 50' line. 3) Prior to the Conservation Commission's endorsement of any building permit applications and/or issuance of any further Orders of Conditions on this property, the stormwater management system shall be substantially complete and functional. As-built drawings of the entire stormwater management system and hydrologic calculations for the 2, 10 and 100 year storm events certified by a Mass. Registered P.E., shall be submitted to the Commission and reviewed by consultant for the Commission. 4) The consultant for the Conservation Commission shall conduct periodic inspections of the work associated with the construction of the stormwater management systems during the construction period for compliance with the approved Order of Conditions documents and these inspections will include but not limited to: a) subgrade excavation of the infiltration basin prior to the placement of the loam and b) subgrade excavation of proposed underground infiltration system. 5) Prior to land clearing activity, the erosion control line shall be staked out in the field and inspected by the agent for the Conservation Commission. Agent Porter recommended that their roof infiltrators be sized to accommodate a 100 year storm event. Mr. Cavanaro replied that right now they are sized for a 2 year storm event. Agent Porter will consult with Nitsch regarding the sizing. 6) That storage or use of pesticides and fertilizers in the Buffer Zone is prohibited. 7) Stormwater management devices shall be maintained as established in the Long Term Operation and Maintenance Plan and Illicit Discharge Statement.

Mr. Cavanaro requested a continuance.

Commissioner Dixon made a motion to continue to May 3, 2016. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

NEW HEARINGS:

1. **A Notice of Intent as filed by Ray Holberger of the Department of Environmental Stewardship for property located at 255 Hathaway Boulevard (Map 75, Lot 167).** Applicant proposes to clear woody and herbaceous vegetation using mowers and hand held equipment in the

Buffer Zone to Bordering Vegetated Wetland. Representative is Ray Holberger of the Department of Environmental Stewardship.

Mr. Raymond Holberger with the City of New Bedford's Environmental Stewardship Department was present and advised the Commission that in 2010 a deed restriction was placed on the property under the Toxic Substance Control Act it is required that the during the entirety of the cap it be kept clear of any deep rooted vegetation and between then and now some deep rooted vegetation has become established on the cap of the slope between the chain link fence that surrounds the KMS parking lot, driveway and the wetlands below it. They are proposing an ongoing condition to allow for the physical clearing of any deep rooted vegetation on the vegetated slope on an annual and ongoing basis. All the stakes and flags have been labeled out on the field. The work would most likely be done by hand. The arborists with the Department of Public Infrastructure will be performed the work. The vegetation would either be chipped on site or taken off site.

Agent Porter stated that this is her first look at the plans, when she visited the site there weren't any numbers on the stakes and it's been a struggle to get a plan that accurately represents what is out in the field. They are requesting an ongoing maintenance clause so that when they have the slopes cleared and they apply for a Certificate of Compliance there would be an ongoing condition that would permit the cutting of the slope vegetation in perpetuity. Another condition would be that the vegetation on the slopes is to be cut periodically, annually at a minimum, to prevent the establishment of trees, shrubs, and other deep rooted vegetation and prior to any cutting the Agent will conduct a site visit. It is also recommended that the wetlands be flagged annually prior to cutting.

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

- 2. A Request for an Amended Order of Conditions (SE 49-0719) as filed by McDonald's USA, LLC for property identified as 1080 Kings Highway, New Bedford (Map 125, Lot 29).** Applicant proposes to amend the previously approved project to incorporate a 750 S.F. building addition which will include an indoor Playplace. The project still results in a decrease in impervious area over existing conditions and does not change the approved water quality improvements. Representative is Eric Dubrule of Bohler Engineering.

Mr. Eric Dubrule of Bohler Engineering was present on behalf of the applicant and advised that they were before the Commission back in October of 2015 and was granted an Order of Conditions for the McDonald's on Kings Highway. The amendment they are requesting is to incorporate a 750 s.f. building addition with small adjustment to the parking. The proposed work will be conducted outside of the 100' buffer and no increase to the original approved proposed footprint.

Agent Porter stated that this is a very straight forward project and recommended the issuances of an Amended Order Of Conditions with the same special conditions that are in the original order with approved updated plans titled Site Development Plans Sheets C-1 through C-15 of 15 revised dated 1/12/16, Alta/ACSM Land Survey Sheets 1 and 2 of 2 dated 11/24/14 and A2.0 and A2.1 dated 2/25/16.

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

NEW BUSINESS CONTINUED:

1. Parallel Products (SE49-0728) Farland Corp to present as-built plan of where Limit of Disturbance has been exceeded.

Mr. Nick Dufresne of Farland Corporation was present and advised that some tree clearing was done that exceeded the limit of clearing shown on the approved plans. Seeding has been done. The tree service went above and beyond what was to have been cleared and the engineer was not present.

Chairman Radcliffe requested that Mr. Dufresne provide the name of the tree service company.

Agent Porter confirmed that it was seeded today.

2. Agent Updates (airport, 1463 Morton Avenue)

AIRPORT

Agent Porter advised that they didn't know that there was a crushed pipe under Phase I and they replaced it without consulting the Commission. It was replaced in kind and placed crushed stone around it and it was already within the confines of the straw waddles and nothing got into the wetland area. Agent Porter informed them that this work qualified for an Emergency Certification and they should have notified this Commission before replacing it.

1463 MORTON AVENUE

Agent Porter advised the Commission that Commissioner Audette informed her that they were cutting down trees at 1463 Morton Avenue in the outer buffer zone. By the time she visited the site there were only two left and was informed by owner that several arborists had informed him that the trees were diseased and that it was a safety issue.

Chairman Radcliffe inquired as to how many trees were taken down. Agent Porter advised that there were 6 trees. Agent Porter suggested sending the owner of the property a letter advising him that he is in the buffer zone and whenever he performs any activities in the buffer zone he must call the Commission. The Commission agreed.

KEITH MIDDLE SCHOOL

Agent Porter advised that Mr. Raymond Holberger from the Dept of Environmental Stewardship was present with regard a request if Nitsch could get involved with a pre-application conference call for a soccer field project south of the existing KMS site. TRC is the consultant for the City and they would like input into the design before they go too far.

Mr. Holberger stated that there are 6 vacant lots on Ruggles Street and the City intends to extend the KMS cap and creating artificial turf soccer fields for the KMS students and a basketball court. The EPA PCB coordinator prefers remedial caps to include artificial turf because they provide a better barrier. TRC is curious on the Commission's view on whether or not an artificial turf field could be considered a pervious surface.

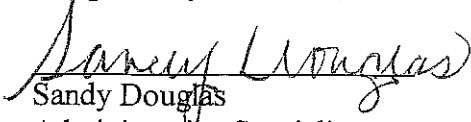
Chairman Radcliffe stated they will approve a pre-conference call prior to any submittal and to cost up to \$500.00.

Commissioner Dixon made a motion to authorize the expenditure of up to \$500.00 for a conference call for the purpose of determining additional information and exchanging information as cited by the applicant. Motion was seconded by Commissioner Pacheco.

3. General Correspondence

A motion to adjourn was made by Commissioner Dixon at approximately 7:55 pm. 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

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May 3, 2016
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Craig Dixon, Vice Chairman
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Paul Pacheco

Members Absent

Jacob Gonsalves

Staff Present

Agent Sarah Porter
Sandy Douglas, Admin., Specialist

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

OLD BUSINESS:

1. SE49-466 (Continued from 2/16/16, 3/1/16, 3/15/16, 4/5/16 & 4/19/16) – Request for Certificate of Compliance for property identified as 2301 Purchase Street, New Bedford, MA (Map 97, Lots 6 & 9). Representative is Tom Hardman of Site Design Engineering, LLC.

Mr. Tom Hardman of Site Design Engineering, LLC was present. Mr. Hardman advised that he is not the original engineer when this project began twelve years ago. This project is at Sid Wainer, they have hired a wetland consulting company to get current wetlands delineated and have done a topography of the site. They are proposing a 4,900 s.f. of replication area with plantings and also proposing a fence to prevent any further intrusion into this area.

Agent Porter advised that she has looked at the wetland plantings plan and agrees with it and its notes. The site is highly disturbed. She visited the site this afternoon and does not concur with the wetland flagging but does concur with the wetland restoration replication restoration plan. Agent Porter inquired whether the commission would like the wetland boundary re-delineated or stay with original proposal which is basically to take care of the replication areas that have been filled in. Agent Porter added that the original Order of Conditions has expired and in order to do this procedurally correct the applicant would either have to file a new Notice of Intent or a friendly Enforcement Order to approve the restoration plan.

Chairman Radcliffe suggested that a friendly Enforcement Order be issued and that the wetland boundary be re-delineated. Mr. Hardman agreed and suggested this matter be continued so that he can contact the wetland consultant to meet onsite with the Agent to have wetland boundaries re-delineated.

Commissioner Dixon made a motion that Agent Porter issue a friendly Enforcement Order. Motion was seconded by Commissioner Pacheco.

Commissioner Dixon made a motion to table this matter to May 17, 2016. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

2. 1151 Cardinal Street – update from the Agent

Chairman Radcliffe advised that he and Agent Porter went to the site and they spoke with the land owner of 1151 Cardinal Street and the pile of rocks is not on his property but they did also meet the new neighbor and advised him that the rocks at this point are habitat for garden snakes and other wildlife. They do not plan on doing anything with the rocks. They both understand if anything is going to change with that rock pile, they would have to notify this Commission. At this time there is no need for a violation or Enforcement Order as the rock pile is in the Buffer Zone and not the Wetland.

3. SE49-249 (Continued from 4/5/16 & 4/19/16) – Request for Certificate of Compliance for property identified as John Vertente Boulevard, New Bedford, MA (Map 135, Lot 2). Representative is Blair Bailey of the City of New Bedford.

Chairman Radcliffe opened New Business #3, #4, #5 & #6 at this time.

Mr. Blair Bailey of the City of New Bedford was present and advised that Map 135, Lot 2 is a very large piece of land owned by the City. There is a commercial drywall company that has purchased a piece of land on the Dartmouth side and in order for them to do some of the work they needed more land on the New Bedford side and the City agreed to convey parcel 1. Parcel 1 and 2 together are what make up Map 135, Lot 2 which is the subject of all these Orders. In conducting the Title search they found these four open orders.

Mr. Bailey stated that SE49-249 and SE49-253 are for the demolition of Aerovox and that he could not find any plans associated with these two Orders of Conditions except for demolition instructions and disposal of trucking debris.

SE49-267 was a plan for the extension of the road that extends up to the Dartmouth line. There are a couple of things associated with this including a replication area and detention pond neither one of these are on parcel 1 but are on the remaining parcel that is to be retained by the City which is Parcel 2. Have asked the City Engineers to submit an as-built to the Commission. Mr. Bailey asked that the Commission to do a partial release on this order and reference parcel 1 and he will continue to work with City Engineer to get as-built and maintenance plan for the detention pond.

SE49-324 was proposed to be a railway extension but it was never constructed under the Notice of Intent.

Mr. Bailey advised that Book 171, Page 74 is the Registry of Deeds reference that should be used.

Agent Porter stated that SE49-249 and SE49-253 were for demolition work which was completed under the two Orders and recommended the issuance of a full certificate of compliance with no ongoing conditions.

Commissioner Dixon made a motion to issue a full certificate of compliance for SE49-249 as recommended by the Agent. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Commissioner Dixon made a motion to issue a full certificate of compliance for SE49-253 as recommended by the Agent. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Agent Porter recommended that a partial Certificate of Compliance be issued for SE49-267 and it will be referenced as for Parcel 1, recorded with Registry of Deeds in Book 171, Page 64.

Commissioner Dixon made a motion to issue a partial Certificate of Compliance for SE49-267 as recommended by the Agent. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Agent Porter recommended that an invalid Certificate of Compliance be issued for SE49-324 as the work regulated by this Order never commenced and the Order has now lapsed and is no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.

Commissioner Dixon made a motion to issue an invalid Certificate of Compliance for SE49-324 as recommended by the Agent. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

4. **SE49-253 (Continued from 4/5/16 & 4/19/16) – Request for Certificate of Compliance for property identified as 129 John Vertente Boulevard, New Bedford, MA (Map 135, Lot 2).** Representative is Blair Bailey of the City of New Bedford.

See minutes above.

5. **SE49-267 (Continued from 4/5/16 & 4/19/16) – Request for Certificate of Compliance for property identified as John Vertente Boulevard, New Bedford, MA (Map 135, Lot 2).** Representative is Blair Bailey of the City of New Bedford.

See minutes above.

6. **SE49-324 (Continued from 4/5/16 & 4/19/16) Request for Certificate of Compliance for property identified as John Vertente Boulevard, New Bedford, MA (Map 135, Lot 2).** Representative is Blair Bailey of the City of New Bedford.

See minutes above.

CONTINUED HEARINGS:

1. **SE49-0735 – (Continued from 3/15/16, 4/5/16 & 4/19/16) - 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. Mr. Rick Charon of Charon Associates was present on behalf of the applicant. Mr. Charon stated that he has forwarded the changes as recommended by Nitsch Engineering. He has placed the sediment forebay on the inside of the fence with an access way for easier maintenance access. The mud trap has been expanded out to two truck lengths (50' in length). Behind the berm there was a contour unit that has also been corrected to 84' contour.

The wetlands run along the airport property and are proposing to add some permanent siltation control that consists of a rock dam as recommended by Nitsch Engineering. A couple of test pits have been conducted and the water table indicates that the pond was put in about 2' too low. They are also proposing to increase the height of the pond.

Agent Porter advised that Nitsch Engineering sent comments late this afternoon and handed out a copy for everyone's review.

The Commission and Mr. Charon went over Nitsch Engineering's comments #1-7 in letter dated May 3, 2016. In the end, the Commission agreed that it would be best that Mr. Charon have a direct conversation with Nitsch Engineering to address these comments. Mr. Charon agreed.

Agent Porter suggested the applicant submit a construction phasing plan because of the size of the lot and the fact that there are different things going on including the paved access roadway, small detention facility and then there is the addressing of the stockpiling area and reconstruction of the retention pond in the back. Agent Porter advised Mr. Charon that Nitsch Engineering would be involved with the construction phase.

Agent Porter inquired as to what will be done with regard to the pile of asphalt. Mr. Charon was not sure on what was going to be done and will have Attorney Tom Crotty address this matter.

Agent Porter also advised that a letter from the New Bedford Airport is necessary. Mr. Charon replied that Attorney Crotty is handling this and believes there is a meeting scheduled next week.

Commissioner Dixon made a motion to continue this matter to May 17, 2017. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

2. **SE49-0736 - (Continued from 3/15/16, 4/5/16 & 4/19/16) - A Notice of Intent as filed by Terrence Tedeschi of New Bedford Cousins, LLC for property identified as Northside Farms (Registry of Deeds: Plan Book 164, Pg 75) which consists of Declan Dr., Horseshoe Rd., Monson St. Northside Dr. & Acushnet Ave. (Map 130 D, Lots 117, 379 through 387 and 392 through 419).** Applicant proposes a subdivision roadway with associated utilities and grading including wetland filling. Representative is John Cavanaro of Cavanaro Consulting. **Continued to May 17, 2016 per Cavanaro Consulting's Request.**

NEW BUSINESS

1. **A Request for Determination of Applicability as filed by Sea Watch International, Ltd for property identified as 15 Antonio Costa Blvd and the south side and east end of Antonio Costa Boulevard, New Bedford (Map 66, Lots 125 & 128).** Applicant proposes to repair an existing deteriorated pier timber fender system. Representative is Jonah Mikutowicz of AGM Marine Contractors, Inc.

Mr. Jonah Mikutowicz of AGM Marine Contractors, Inc., was present on behalf of the applicant. Mr. Mikutowicz advised that they are proposing to repair the existing deteriorated pier timber fender system in kind along the North Terminal in the same location.

Chairman Radcliffe inquired as to the timeframe for this project. Mr. Mikutowicz replied that it will take approximately 6 to 8 weeks and all the work will be performed from a barge.

Agent Porter advised that this is a straight forward pier timber fender project.

Chairman Radcliffe inquired whether there was a critter report. Agent Porter replied that this is an RDA so they did not file with the Division of Marine Fisheries. Chairman Radcliffe suggested they get a report from DMF. Agent Porter will contact DMF for the applicant.

Commissioner Dixon inquired as to how many piles were being replaced. Mr. Mikutowicz replied that there will be 60 replaced.

The Commission agreed to continue this matter so that the applicant may contact DMF. Commissioner Dixon made a motion to continue this matter to May 17, 2016. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

NEW HEARINGS:

1. **A Notice of Intent as filed by MIH1, LLC for property identified as 100 Duchaine Boulevard, New Bedford (Map 134, Lot 5).** Applicant proposes to clear and grub 65,000 s.f. of Buffer Zone for the purposes of stockpiling materials. A detention pond will also be constructed in the Buffer Zone. Representative is Christian Farland of Farland Corp.

Mr. Christian Farland of Farland Corp., was present and advised that the subject property is a portion of Map 134, lot 5 approximately 65,000 s.f., parcel is part of NWD Trucking and there isn't a lot of abutters to this parcel. This is an existing access road that has been used in the past by the City (it is a utility easement). It will remain as a vehicle access road. They are proposing hay bale lines around entire limit of work, remove stumps and area used for stockpiling of material. The site now sheet flows to the wetland area and they have added stormwater improvements to reduce runoff to the wetland. There have been some piles of debris that will be cleaned up.

Chairman Radcliffe inquired as to what type of material would be stockpiled. Mr. Farland replied that it would be construction material including clean fill and loam.

Agent Porter advised that she made minor adjustments to the wetland flagging on one area. Mr. Farland stated that he will keep the work 25' outside of those flags.

Agent Porter expressed her concern as to how they would keep the material from migrating into the 25' no disturb zone because the straw waddles would break down over time. Mr. Farland advised that he plans on bringing in some jersey barriers for the larger piles and the smaller piles will be kept 50' away.

Agent Porter inquired if the Commission would like to send this application to Nitsch Engineering for review of the detention pond. The Commission agreed that it should be reviewed.

Commissioner Dixon made a motion to send this application to Nitsch Engineering for review. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Commissioner Dixon made a motion to continue this matter to May 17, 2016. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

NEW BUSINESS CONTINUED:

1. Agent Updates

200 Theodore Rive Boulevard

Agent Porter advised the Commission that she went to a pre-construction meeting at 200 Theodore Rice Boulevard. NSTAR is no longer the applicant. The owner is now the applicant and they are only proposing to do half of the project. They need to amend the order but want to start work outside of the area they want to amend. The only area they want to amend is area to bring in fill material, the front of the material and tree clearing. They will be filing the amended order this Thursday. Agent Porter stated that they are looking to work in the areas that have already approved but will be requesting an amended order of conditions and will not do work in that area until approved by the Commission. Agent Porter advised that this is a project that was approved before Nitsch began doing construction reviews and recommended that Nitsch be involved because there are two stormwater ponds that they are constructing and one of them has a clay liner in it.

Chairman Radcliffe stated that when they come before the Commission, it can be added to the Order of Conditions that Nitsch review this matter. Agent Porter commented that construction will commence before the Amended Order is approved. Commissioner Dixon made a motion to notify Nitsch to review this project. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

Lot 6, Ava's Way

Agent Porter advised the Commission that the grass is growing, the signs are up and the split rail fence is up and a Certificate of Occupancy has been issued.

2. General Correspondence

Commissioner Dixon made a motion to adjourn at approximately 7:40. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas
Administrative Specialist