



City of New Bedford
Jonathan F. Mitchell, Mayor

**Meeting Minutes of the Conservation Meeting of
May 17, 2016
Room 314, City Hall**

Members Present

Craig Dixon, Vice Chairman
Dennis Audette
Paul Pacheco

Members Absent

John Radcliffe, Chairman
Jacob Gonsalves

Staff Present

Agent Sarah Porter
Sandy Douglas, Admin., Specialist

Commissioner Dixon 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 & 5/3/16) – 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 on behalf of the applicant and advised the Commission that he received the friendly Enforcement Order and the applicant is prepared to get the work done under the order. Agent Porter had requested that some changes be made to the restoration plan and the applicant is ready to do the recommended changes.

Agent Porter advised that the Enforcement Order asked that they file a restoration plan by June 7th in case there were any issues with changing the wetland boundary but they are now set with the restoration area. The Commission under the EO has to set up a schedule for compliance and Friends Realty or Sid Wainer is anxious to complete this project but this growing season ends June 15th. Mr. Hardman replied that they are prepared to get contractor, WC Smith, out there tomorrow, if they are available, they have performed work at this site before.

Agent Porter advised the Commission that the two restoration plans have to be approved.

Commissioner Audette made a motion to approve the two restoration plans from Site Design Engineering and Goddard Consulting. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Commissioner Audette made a motion that the work be completed by the end of the 2016 year. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Agent Porter advised that there is a two year monitoring on the project and therefore, cannot issue a Certificate of Compliance until the monitoring is complete and suggested removing this item from the agenda. Mr. Hardman agreed to take this item off the agenda for the time being.

Commissioner Audette made a motion to remove this item from the Agenda. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

2. **(Continued from 5/3/16) - 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 and advised that since the last meeting he has been in contact with the Division of Marine Fisheries, as requested by the Commission, and has received their letter today with their recommendations for this project.

Agent Porter recommended that the Division of Marine Fisheries' recommendations be incorporated into the Special Conditions into the Determination of Applicability. Agent Porter also recommended the issuance of a Negative Determination of Applicability and that the work as proposed is within a resource area, Acushnet River, and the buffer zone but shall not alter the resource area provided that the debris boom is in place prior to all in water activities to prevent construction debris from moving into the Acushnet River; containment measures are to be taken to prevent loose sediment from entering the Acushnet River; repair of the fender system is limited to the existing footprint; fuel spill containment and clean-up material should be kept on site at all times in case of a fuel spill and all work is to be conducted as stated in the Request for Determination of Applicability. The plan for approval is Fender System Repair Details dated 6/8/15.

Commissioner Audette made a motion for a Negative Determination of Applicability with Special 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, 4/19/16 & 5/3/16) - 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 recycling facility in the Buffer Zone to Bordering Vegetated Wetlands. Representative is Rick Charon of Charon Associates, Inc. **CONTINUED TO JUNE 7, 2016.**
2. **SE49-0736 - (Continued from 3/15/16, 4/5/16, 4/19/16 & 5/3/16) - 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 JUNE 7, 2016.**

3. **SE49-0738 – (Continued from 5/3/16) - 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 the Commission that he has received Nitsch's letter and he has addressed their concerns. The one concern that Nitsch had was the detention basin is possibly 16" from the seasonal high ground water, this is a limited site and they have raised it as high as they can and doesn't feel it will have any impact upon the resource area.

Agent Porter advised that all of Nitsch's comments have been addressed except that the bottom of the infiltration basin will be less than 2' from the seasonal high groundwater elevation. They are basically constructing a giant sedimentation basin versus an infiltration basin as normally would be seen for impervious surfaces. Agent Porter stated that it's up to the Commission as to how they would feel about this standard not being met and she doesn't feel it's a major issue.

Agent Porter recommended the following special conditions: removal of all stockpiled fill material at the wetland edge, removal of the landscaping debris in the wetland, removal of all trash and debris in the 100' Buffer Zone, these three items shall be completed before utilizing the site for stockpiling purposes; the limits of work shall be staked in the field and silt socks placed prior to any tree clearing; erosion controls established and inspected by the Conservation Agent prior to any tree clearing on site; a stormwater operation and maintenance report shall be submitted to the Conservation Commission at the end of each calendar year documenting the stormwater operation and maintenance in accordance with the approved Long Term Operation and Maintenance Plan; the consultant for the Conservation Commission shall conduct periodic inspections of the work associated with the construction of the stormwater management system during the construction period for compliance with the approved Order of Conditions document. These inspections will include but are not limited to the following:

- a. A pre-construction meeting to be combined with the Conservation Agent's initial inspection of the limits of work/erosion controls.
- b. Sub-grade excavation of the infiltration basin.
- c. During and/or following the installation of the outlet control structure and/or rip rap for the infiltration basin.
- d. Following completion of site grading and stabilization of the site and prior to use as a stockpile area.

The plan for approval is titled Site Plan, 100 Duchaine Boulevard, Assessor's Map 134, Lot 5, New Bedford, MA prepared by Farland Corp., with a revised date of May 11, 2016.

Commissioner Audette 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.

NEW HEARINGS:

1. **A Request for an Amended Order of Conditions (SE49-0693) as filed by Highland New Bedford Associate Partnership for property identified as 200 Theodore Rice Boulevard (Map 136, Lot 323).** Applicant proposes to eliminate the proposed paved parking, the storage areas and the associated stormwater facilities south of the building. Also proposed is the lowering of the elevation of a proposed parking area and revisions to the stormwater system discharging to

Theodore Rice Blvd and Duchaine Blvd. Representative is Richard Riccio III, P.E. of Field Engineering.

Mr. Richard Riccio of Field Engineering was present and advised the Commission that this is the lottery building located in the Industrial Park that was previously the site that NSTAR was looking to relocate to but that fell through. The present owners of the building are now proposing to perform a portion of the approved work under the Order of Conditions. The proposed work within the buffer zone is a creation of the two extended detention/infiltration basins and parking area, which has not changed from original approval. They have lowered grade of parking lot which reduces amount of fill to the buffer zone and it still maintains the drainage calculations. The limits of pavement in the front and side of the building will remain the same as approved. It is also being proposing to install a water quality swale prior to discharging into roadway system for pre-treatment.

Mr. Riccio advised that there was a site walk conducted yesterday with Agent Porter and Mr. Turner from Nitsch Engineering. Erosion controls have been installed and have started the tree clearing under the existing Order of Conditions. The work in the buffer zone is unchanged from what was previously approved except for some of the reduction in amount of fill.

Commissioner Pacheco inquired as to what is being proposed in the new portion of the building. Mr. Riccio replied that it will be office/storage for State Department of Public Housing.

Agent Porter recommended that the amended plan be forwarded to Nitsch Engineering for review because of the stormwater and drainage calculation changes.

Commissioner Audette made a motion to forward the amended plan to Nitsch Engineering for review. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Commissioner Audette made a motion to continue this matter to June 7, 2016. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

NEW BUSINESS:

1. Ratify Enforcement Order for 2301 Purchase Street.

Agent Porter advised the Enforcement Order was sent for filling of the BVW including two wetland replication areas. The amount of wetland fill ranges from 740 s.f. which is the size of the two Wetland Replication Areas up to approximately 4,300 s.f. Due to the disturbed nature of the entire BVW, the final boundary could result in a different finding of the total amount of wetland filled. In addition, placement of various debris in the BVW and Buffer Zone has occurred. The Order is that a restoration plan shall be filed with the issuing authority on or before June 7, 2016 for the following: A wetland boundary agreed upon by both the Conservation Commission and the applicant. A Wetland Restoration Plan including a Grading Plan, Planting Plan and monitoring protocol. Removal of all trash and debris in the BVW and Buffer Zone. An additional Order is that upon completion of the Wetland Restoration, a chain link fence shall be installed along the Wetland Restoration Area to prevent future encroachment.

Commissioner Pacheco made a motion to Ratify the Enforcement Order for 2301 Purchase Street. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

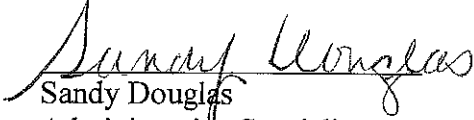
2. Agent Updates

Agent Porter advised the Commission that they have started construction at 200 Theodore Rice Boulevard.

3. General Correspondence

Commissioner Pacheco made a motion to adjourn at approximately 7:10. 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

Meeting Minutes of the Conservation Meeting of
June 7, 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

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

NEW BUSINESS:

1. **A Request for Determination of Applicability as filed by Acushnet Company for property identified as Ball Plant C 700 Belleville Avenue (Map 112, Lot 133).** Applicant proposes to conduct maintenance of stormwater drainage swales in Land Subject to Storm Flowage, the Riverfront Area and the Coastal Bank. Representative is William Madden of GAF Engineering, Inc.

Mr. Bob Rogers of GAF Engineering Inc. was present together with Kevin Kelly of the Acushnet Company. Mr. Rogers advised the Commission that this is a very straight forward project it's an existing drainage swale on the southeast corner of the property. The application is a request for maintenance, cleaning of any debris, and hand trimming of vegetation. This is something that is done annually by the Acushnet Company and they are requesting a negative determination. The original RDA has expired.

Agent Porter explained that an RDA does not allow for ongoing conditions that they would need to file a Notice of Intent. Mr. Rogers stated that he would accept the negative determination and once it runs out they will then file a Notice of Intent and in the meantime will notify the Agent annually prior to performing any routine maintenance work.

Agent Porter advised that the swale functions well, they are not in the coastal bank, they are in the buffer to the coastal bank but are in the riverfront area and floodplain. Agent Porter recommended a negative determination with the condition that they remove sediment and vegetation by hand and the silt soc currently in place at the end of the swale shall remain in place and be replaced if it becomes damaged. The plans for approval are Figure 2, Property Locus Map and Figure 3 Existing Conditions both undated but received on May 19, 2016.

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

- 2. A Request for Determination of Applicability as filed by AVX Corporation for property identified as 740 Belleville Avenue (Map 112, Lots 88 & 252).** This application is filed in association with the proposed design and implementation of an April 2016 Immediate Response Action Plan Modification for the former Aerovox Facility. The Applicant proposes to remove recoverable Dense Non Aqueous Liquid (DNAPL) from soil and groundwater in the Riverfront Area and Buffer Zone to the Acushnet River. Representative is Marilyn Wade of Brown and Caldwell.

Ms. Marilyn Wade of Brown and Caldwell was present on behalf of the applicant. Ms. Wade advised the Commission that this is the Aerovox property, in 2011 AVX worked with the City for a demo of the old building since that time have been doing subsurface investigation work under Massachusetts 21E rules. Ms. Wade is the LSP of record for the site and in the course of doing Phase II comprehensive site assessment they did find a few instances of non aqueous liquid measurable in two wells on the property and in some shallows soils along the riverfront in two discreet areas. These are conditions under the MCP that require an immediate response action be taken. She has prepared a modification which includes installation of an automated systems to recover the DNAPL in the NE corner of the former Aerovox property and then excavate the two small hot spots in the shallow soil areas for a total of approximately 500 cubic yards. The soils will be excavated, moved and disposed of offsite, backfilled and surface returned to its current condition and will also restore the cap that is currently present.

Chairman Radcliffe inquired as to how they will be able to determine whether or not there are any more hot spots. Ms. Wade responded that the MCP requires that an immediate response action be taken and the only two hot spots are these two wells and the two soil hot spots. They have collect hundreds of samples across the site along with other tests. Over 60 wells have been placed across the property.

Chairman Radcliffe inquired as to the form of barrier they will be using during recovery. Ms. Wade responded that they will be placing straw waddles across the waterfront area to contain any of the areas being used during construction. Chairman Radcliffe inquired as to how long this recovery will take. Ms. Wade responded that it would probably be 1 ½ to 2 years.

Agent Porter stated that the resource areas are top of sheeting which is manmade coastal bank and riverfront is paved, they are removing the pavement from the excavation areas, excavating out the material and brining in clean fill, repaving and doing the well extraction activities. Agent Porter recommended that all the recovery drums and roll off containers be stored outside of the 100' buffer zone and the 100 year FEMA Floodplain. That straw waddles be placed along eastern edge of excavation and that all straw waddles are to be kept in an effective condition. That storm drain inserts be placed on all catch basins within the 100' buffer zone and that the inserts be inspected after every rain event, cleaned and repaired as necessary. All dewatering liquid and extracted groundwater is to be pumped to a frac tank and disposed of off-site in accordance with all applicable local, state and federal laws and regulations. Material stored within them disposed of off-site in accordance with all applicable, local, state and federal laws and regulations. Roll off containers are to be lined with an impermeable linter and covered with impermeable sheeting when not in use. All work shall conform to the Request for Determination of Applicability Narrative and the Immediate Response Action Plan Modification dated April, 2016 submitted with the RDA. The Plan for approval is Fig. 1 Resource Area Map dated May, 2016.

Commissioner Dixon made a motion for a negative determination of applicability with the conditions as read by the Agent. 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) - 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 advised that he has not yet received any response from the airport with regard to the proposed 3,000 s.f. of remediation work. Mr. Charon suggested that the Commission place a condition that would prevent A-1 Asphalt from doing any work on airport property until all the correspondence and permission is received from the airport. Agent Porter replied that she would have to consult with the Solicitor's Office as to whether or not the Commission would be allowed to place such a condition.

Mr. Charon stated that a sequence of work has been submitted to start with work in the front of Shawmut Avenue to help control the dust and satisfy the neighbor issues. They will then be doing the front basin and drainage work and then after berm is done will move to the back of the property to enlarge the storm water pond by raising the bottom elevation by 2' and then swale along the south portion of the property. It will be done in four phases, 200' feet at a time so there isn't too much going on out there at the same time.

Agent Porter stated that she tried to contact the airport and did not receive a response from them and she will contact the Solicitor's Office to get their legal opinion.

Commissioner Dixon made a motion to continue this matter to June 21, 2016. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

2. **SE49-0736** - (Continued from 3/15/16, 4/5/16, 4/19/16, 5/3/16 & 5/17/16) - 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.

Mr. John Cavanaro of Cavanaro Consulting was present together with Mr. Terry Tedeschi the applicant and owner. Mr. Cavanaro advised the he has received final response from Nitsch Engineering and have satisfied all of their comments. He feels that the slopes of the detention basin are more than adequate. He has provided an access path around the top of the basin which is a critical element and tried to keep as much separation as practicable between the back of the house and the top of the basin.

Agent Porter advised that they have addressed all the outstanding issues and recommended the issuance of an order with special conditions for a subdivision. The Agent had already sent a draft of said special conditions to Mr. Cavanaro. The special conditions are as follows:

The scope of this Order is 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

referred herein. All activities associated with the development of the individual lots in the Buffer Zone, including but not limited to land clearing, earthwork, and grading is outside the scope of this Order and is subject to further review by the Conservation Commission. Prior to the Conservation Commission's 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 shall be certified by a Massachusetts Registered Professional Engineer and shall be submitted to the Conservation Commission and reviewed by the consultant for the Conservation Commission. The applicant shall correct any deficiencies noted in the review of the as-built plans and documents prior to the Conservation Commission's issuance of any further Orders of Conditions on this property. 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. These inspections will include but are not limited to:

- a. A preconstruction meeting where a construction schedule shall be received from the contractor at that time.
- b. Subgrade excavation of the infiltration basin prior to the placement of the sand.
- c. Subgrade excavation for the proposed underground infiltration system No. 2.
- d. During and/or following installation of the outlet control structure and/or rip rap for the infiltration basin.
- e. Following completion of site grading and stabilization of the site.

Additional inspections may be warranted at the discretion of the consultant for the Conservation Commission upon receipt of a schedule of operations from the contractor. Reports for each inspection shall be submitted to the applicant and the Conservation Commission. Prior to land clearing activity, the hay bales/silt fence line shall be staked out in the field and inspected by the agent for the Conservation Commission. Storage and use of pesticides and fertilizers in the Buffer Zone is prohibited. All stormwater management devices shall be maintained as established in the Long Term Operation and Maintenance Plan and Illicit Discharge Statement found in the 4/26/16 correspondence to the Conservation Commission. Annual stormwater management system and operation and maintenance reports shall be submitted to the Commission detailing the maintenance of the stormwater in accordance with the Long Term Operation and Maintenance Plan and Illicit Discharge Statement. Construction shall follow the Construction Period Erosion, Sedimentation and Pollution Prevention Plan found in the 5/25/16 correspondence to the Conservation Commission. The Stormwater Pollution Prevention Plan shall be forwarded electronically to the Conservation Commission two weeks prior to the onset of construction. Snow shall not be stored in the stormwater management basins or swales nor shall it be stored in the Bordering Vegetated Wetlands or the 100' Buffer Zone.

The plans for approval are Sheets 2, 4, 5, 6, 7, 9 and 10 all with a revised date of 4/26/16 and sheets 1, 3 & 8 of 11 with dated 6/26/16 and Sheet 11 of 11 dated 4/25/16.

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

3. **SE49-0693 – (Continued from 5/17/16) - A Request for an Amended Order of Conditions as filed by Highland New Bedford Associate Partnership for property identified as 200 Theodore Rice Boulevard (Map 136, Lot 323).** Applicant proposes to eliminate the proposed paved parking, the storage areas and the associated storm water facilities south of the building. Also proposed is the lowering of the elevation of a proposed parking area and revisions to the

storm water system discharging to Theodore Rice Blvd and Duchaine Blvd. Representative is Richard Riccio III, P.E. of Field Engineering.

Mr. Richard Riccio of Field Engineering was present on behalf of the applicant. Mr. Riccio advised that since the last meeting they have made some changes to include a substantially smaller footprint of approximately 4 ½ acres less than previously approved. The front parking will remain the same except they will be lowering the grade. The plans and calculations have been submitted to Nitsch Engineering for review and have made a couple of changes per their review. Nitsch was concerned that the water from new paved surface wasn't going to get to stormceptor so they shifted the stormceptor into grass swale off the pavement and water will sheet into that swale and into the stormceptor. Another concern Nitsch had was there was no additional treatment provided for the overlay so they cut back the existing parking 5'-6' off of property line providing a crushed stone trench. They did received this afternoon another letter from Nitsch with two recommendations of grading in the front and parking lot grading in the southeast corner, Mr. Riccio will make these suggested changes and will provide a new plan with an additional spot grade.

Chairman Radcliffe stated that this is a redevelopment project and amending the Order because decreasing the amount of impervious area which is a positive step.

Commissioner Pacheco inquired whether they have commenced work on the what was originally approved. Mr. Riccio replied that they have commenced the work and have had an onsite pre-construction meeting with Nitsch.

Agent Porter stated that she agrees with Nitsch's disappointment that there is a little less water quality treatment with this proposal. Mr. Riccio replied that they have reduced the amount of overall impervious to the site and everything that is new pavement has required water quality treatment necessary.

Chairman Radcliffe stated that he doesn't feel that it meets the maximum extent practicable. Mr. Riccio replied that he feels they do meet the maximum extent practicable.

Agent Porter stated the plans for approval would be Amended OOC Site Plan with a revised date of 6/1/16 and Amended OOC Site Details dated 6/1/16 with the condition that a wetland seed mix is used in appropriate areas of the swale together with all prior conditions as previously approved.

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

NEW HEARINGS:

- 1. SE49-0739 - 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.

Ms. Elizabeth DeCelles, Ecologist with TRC was present together with Pete Trottier and Raymond Holberger, Environmental Project Manager with the City of New Bedford.

Ms. DeCelles stated that this is submitted on behalf of the City of New Bedford for proposed site clearing, soil sampling, remediation and a development of a recreational area. TRC personnel went to the site in 2010 and delineated the resource areas. In 2010 the City also determined an isolated wetland is not a land subject to flooding so that wetland is going to be filled (0.06 acres) as part of this project. The project is

also located within the 100' wetland buffer to a BVW. The BVW is located at the base of the slope from the Nemasket street right of way. In total there will be .43 acres of the buffer zone impacted. Activities in the buffer zone will include targeted soil removal of PCBs, construction of an exposure barrier which includes up to 3' of clean fill, construction of a basketball court, soccer field, walk ways and landscaped areas. Proposed BMP with this project include use of erosion and sediment control practices including straw mulch and appropriate erosion control barriers placed between the excavation areas and wetland boundaries and there will be three stabilized construction entrances with the drains protected.

Mr. Holberger advised that they will be taking away approximately 40 spaces away and are still within the regulatory number required for the school.

Agent Porter stated that she spoke with Scott Turner. Mr. Sullivan had written a letter to Mr. Turner prior to this meeting and as a result of that letter the issue Mr. Turner had was with the infiltration of the surface water through the contaminated material and into the groundwater. Mr. Turner stated that he is not an LSP and therefore, he cannot evaluate the potential for groundwater contamination. Agent Porter questioned whether or not the Commission would like to consult with an LSP.

Chairman Radcliffe agrees with Mr. Turner that an LSP should review this application. Agent Porter will speak with Mr. Turner so that he can make an LSP recommendation that the Commission may consult with.

Commissioner Dixon made a motion to confer with Nitsch Engineering with regard to a recommended LSP firm to consult with for review of this application. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

Mr. Holberger added that there are documents for Phase III and suggested that the LSP review these documents also. Mr. Holberger stated that the other part of the project deals with a lot of new stormwater structures and regarding. Chairman Radcliffe stated that will go to Nitsch Engineering for stormwater review.

Commissioner Dixon made a motion to submit the stormwater plans to Nitsch Engineering for review. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

Commissioner Dixon made a motion to continue this matter to June 21, 2016. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

2. **SE49-0740 - A Notice of Intent as filed by David Condon of the City of New Bedford and Douglas Cameron of the MA Dept of Fish & Game – Office of Fishing and Boating Access for property identified as the West Rodney French Boulevard Clark's Cove Public Access Facility (Map 7, Lot 5).** Applicant proposes to dredge approximately 85 cubic yards of accumulated sediment at the seaward edge of the boat ramp and use the sediment as beach nourishment if grain sizes are compatible. Representative is Michael Count of CLE Engineering.

Mr. Michael Count of CLE Engineering was present together with Mr. Douglas Cameron of the MA Department of Fish and Game. Mr. Count advised that the proposed project involves the existing public access facility at West Rodney French Boulevard. The existing boat ramp was constructed in 1957 and in 2010 it was reconstructed. Over time, sediments have accumulated at the base of the boat ramp. They are proposing to dredge in mean low water that is consistent with the construction of 2010. They are also proposing a temporary siltation curtain around the outside during the dredging. The work will be performed from either land or barge based depending on contractor availability. The work via land will

use a long reach excavator from the boat ramp at low tide to dig out material and use it as beach nourishment material at the adjacent beach.

Chairman Radcliffe commented that it seems that they are proposing two different construction methods and inquired whether they are able to present a construction plan for either. Mr. Cameron replied that he understands Chairman Radcliffe's concerns with regard to the different impacts on the resource areas and they could provide the Commission with a construction plan with both scenarios.

Mr. Count stated that they are proposing installing a floating silt boom that would isolate the area from sedimentation resulting from the actual removal of the material as well as it would if there were a disruption of upland for non-land work activities and maybe mentioning this would allow the Commission to move this forward. Mr. Cameron stated that in both cases the impact to this area would be temporary above the mean low water line versus land based operation they would walk excavator down existing boat ramp dig out material and transfer it to beach area or use a crane with closed bucket on lawn area and do the same operation. From the barge it would be essentially the same construction method and unload it to a truck.

Chairman Radcliffe stated that the impact to the resource area is different with each construction method.

Mr. Cameron continued to state that any disruption of the upland would be mitigated by silt boom protecting the surrounding resource areas and the other measure is a time of year restriction that the Division of Marine Fisheries has recommended and he feels that the silt boom resolves this issue and the most cost effective method to do this is from an excavator with long reach which can easily access the site and sees this being an end result and can commit to this. If a barge based operation is deemed the most feasible at the time of construction than a special condition can be placed that there be no grounding of the barge at any time during construction.

Chairman Radcliffe inquired as to when they are proposing to commence the work. Mr. Count replied that it will be done in the coming Fall or Winter.

Agent Porter read the following comments from the letter received today from the Division of Marine Fisheries into record as follows:

"Disposal of beach fill in the intertidal area should be consistent with DEP's Beach Nourishment Guide (2). Beach fill material should be of equal grain size and appropriate slope to avoid premature loss from the beach and impacts to near shore bottom habitat. To protect winter flounder spawning and juvenile development, Marine Fisheries recommends no in the water or silt producing activities during the flounder spawning season January 15-May 31 of any year."

Chairman Radcliffe suggested that they submit the grain size for the next meeting..

Commissioner Dixon made a motion to table this matter to June 21, 2016. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

NEW BUSINESS CONTINUED:

1. Agent Updates

The Settlement

Agent Porter advised that there is a meeting scheduled for Thursday at 2:30 pm with DEP to extend the permit for another three years.

2. Revolving Account Status

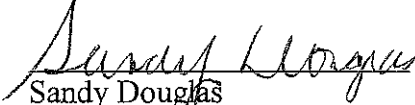
Agent Porter advised that the revolving account is doing well and there is a present balance of approximately \$90,000.00. Agent Porter also advised that the contract funds with Nitsch Engineering needs to be increased since there is only a \$9,000.00 balance and the contract doesn't expire until November, 2016. The Commission agreed to add an additional \$25,000.00 to said contract for peer review.

Commissioner Dixon made a motion to approve an additional \$25,000.00 to the Nitsch Engineering Peer Review contract. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

3. General Correspondence

Commissioner Dixon made a motion to adjourn at approximately 8:20. 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
June 21, 2016
Room 314, City Hall**

Members Present

John Radcliffe, Chairman
Craig Dixon, Vice-Chairman
Jacob Gonsalves

Members Absent

Dennis Audette
Paul Pacheco

Staff Present

Agent Sarah Porter
Sandy Douglas, Admin., Specialist

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

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) - 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 JULY 5, 2015.**
2. SE49-0739 – (Continued from 6/7/16) - 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 JULY 5, 2016.**
3. SE49-0740 – (Continued from 6/7/16) - A Notice of Intent as filed by David Condon of the City of New Bedford and Douglas Cameron of the MA Dept of Fish & Game – Office of Fishing and Boating Access for property identified as the West Rodney French Boulevard Clark's Cove Public Access Facility (Map 7, Lot 5). Applicant proposes to dredge approximately 85 cubic yards of accumulated sediment at the seaward edge of the boat ramp and use the sediment as beach nourishment if grain sizes are compatible. Representative is Michael Count of CLE Engineering.

Mr. Michael Count of CLE Engineering was present together with Mr. Douglas Cameron of Mass. Department of Fish and Game. Mr. Count advised that he has supplied the construction methodology and mitigation measures as requested at the last meeting.

Mr. Count advised that they have conducted grain size analysis and it is very similar to beach area and are very compatible and can dump the material on the beach area and use it as beach nourishment. At the last meeting a couple of different methods were discussed either by water or by land. The trucks will not be on the beach and the duration of the project is very short. It shouldn't be more than 4-5 loads. Mr. Count stated that the materials will be disposed of off-site to a safe upland location.

Chairman Radcliffe confirmed that they will not have trucks on the beach. Mr. Count confirmed that was correct and that duration of the project will be very short and it will not be more than 4-5 truck loads.

Mr. Cameron added that once the initial dredging is done any type of maintenance cleaning off the ramp will be done by the City and the Commission will be notified of that activity under the Order of Conditions.

Agent Porter recommended the issuance of an Order of Conditions with the following special conditions: that the silt curtain be a Silt-dam Type II Floating Turbidity Barrier (Semi-Permeable Turbidity Barrier) or approved equivalent; that the silt curtain is to reach the ocean floor and is to be inspected by the Conservation Commission Agent prior to commencement of dredging; no dredging is permitted during the winter flounder spawning season (January 15th to May 31st); no grounding of barges is permitted; periodic dredging within the footprint of the approved dredge area is permitted for duration of the Order of Conditions provided it does not occur during the winter flounder season; dredge material may be disposed of off-site at a legal upland location or in the beach nourishment area provided the contours, elevations and footprint (s.f.) of the beach nourishment area remain as shown on the approved plan; and all land based equipment is to stay on the grass and concrete and not disturb the dune grass, beach rose or other coastal vegetation. The plans for approval are Sheet 1 of 1 Silt-dam Type II Floating Turbidity Barriers and Site Plan Sheet 1 of 1 revised date of 5/19/16.

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

NEW HEARINGS:

- 1. A Notice of Intent as filed by Mathew Sisk of the Massachusetts Dept. of Conservation and Recreation for property identified as 93 State Pier (Map 53, Lot 217 & Map 47, Lot 203).** Applicant proposes to install 8 dock levelers, enclose an existing loading dock, and construct concrete stairs, wing walls and a metal canopy in the Buffer Zone to the Acushnet River. Representative is Susan Nilson of CLE Engineering.

Mr. Michael Count of CLE Engineering was present on behalf of the applicant. Mr. Count advised that the project is located at 93 State Pier and it is being proposed by the State Dept. of Conservation and Recreation. The City received funding of \$3,500,000.000 capital investments from the State to update the refrigeration in building #2 this will allow to maintain 40 degree temperature year round. There are also some proposed improvements inside the building. There is a proposed metal canopy of 480 s.f. being constructed over the existing concrete and will also be adding a loading dock with 6 ½' levelers. It is also proposed to add a concrete step for access into the warehouse building. The only proposed excavation is for the concrete steps which are outside of the 100' buffer. The whole site is located outside of the flood zone it's in the FEMA Zone X. There are no anticipated impacts to the resource areas.

Agent Porter advised that this is a straight forward project and are not creating any erodible surface in the buffer zone and does not see a need for erosion controls, hay bales or silt fences or wattles especially when they will be actively working. The only activity on the Buffer Zone is the wing walls and metal canopy.

Recommended the issuance of an Order of Conditions with the following two conditions: that no refueling of equipment in the buffer zone and cleanup construction debris on the pier on a daily basis and disposed of in a dumpster to a legal upland location. The Plans for approval are Site Plan Minor Building Improvements Sheet 1 of 1 date June 8, 2016 and the Architectural Plans.

Chairman Radcliffe inquired as to where they would be stockpiling the material. Mr. Count responded that it would be up to the contractor and that anything stored on site, that has an ability to wash away, would have to be covered.

Chairman Radcliffe suggested adding the following condition that any material stockpiled during the construction will be properly secured to avoid run-off into 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 BUSINESS:

1. Agent Updates

Agent Porter advised that Mr. Scott Turner recommended Tracey Environmental as the LSP. They have sent a proposal in the amount of \$3,000.00-\$4,500.00. Agent Porter spoke him he is a former Conservation Commissioner in the Town of Hingham and is familiar with this Commission's concerns and he cannot commence the report until after the July 4th weekend.

Commissioner Dixon made a motion to hire Jim Murphy of Tracey Environmental. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

OSBORN STREET

There is an empty lot there and a temporary structure has been placed on the lot and it's in the velocity zone. Agent Porter advised that she believes the storage unit is being used as an office. She has spoken with the owner and suggested that he come before the Commission to discuss this matter.

Chairman Radcliffe stated that he is welcome to come before this Commission and to notify him to appear at the next meeting on July 5, 2016.

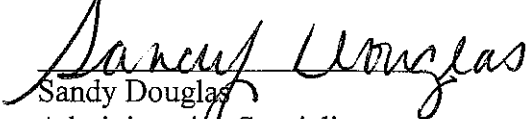
DANA STREET

Agent Porter visited Dana Street today and the wetland is doing fine but there is flooding out there from the minor rainfall. She contacted Mr. Rich Riccio and is going to meet him out there with the contractor. They cannot do anything because all the utilities have not been installed yet so they cannot finish the drainage.

2. General Correspondence

Commissioner Dixon made a motion to adjourn at approximately 6:57. Motion was seconded by Commissioner Gonsalves. 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
July 5, 2016
Room 314, City Hall**

Members Present

Craig Dixon, Vice-Chairman
Dennis Audette
Jacob Gonsalves

Members Absent

John Radcliffe, Chairman
Jacob Gonsalves

Staff Present

Agent Sarah Porter
Sandy Douglas, Admin., Specialist

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

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, 7/5/16) - 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. **CONTINUED TO JULY 17, 2016.**
2. **SE49-0739 – (Continued from 6/7/16, 7/5/16) - 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 JULY 17, 2016.**

NEW HEARINGS:

1. **An Abbreviated Notice of Resource Area Delineation as filed by Erick D'Leon, City of New Bedford Airport Manager for property identified as 1569 Airport Rd, 735 Mount Pleasant St., north side of Old Plainville Rd. and north and south sides of New Plainville Rd. (Map 123 - Lots 3, 14, 15; Map 124 - Lots 10, 51, 58 & 82; Map 124C - Lot 36 and Map 128 - Lot 32).** Applicant seeks a verification of delineated Bordering Vegetated Wetland and Inland Bank. Representative is Amanda Atwell of Epsilon Associates, Inc.

Ms. Amanda Atwell of Epsilon Associates was present on behalf of the applicant, City of New Bedford Airport. Ms. Atwell advised that they are requesting approval for nine parcels for bordering vegetated wetland, bank and land under water. There is an existing variance order in effect until 2019 that approved certain wetland lines. There are a couple of culverts along New Plainville Road that convey water to

Turners Pond. The engineers have identified a study area and have only delineated certain parts of the runway. The north side of New Plainville Road is a BVW immediately adjacent to Turners Pond. Ms. Atwell is requesting that the limited areas, that were studied, be approved. Ms. Atwell advised that she and Agent Porter walked the majority of the flags on June 22nd and the flags have been moved, corrected and verified by Agent Porter.

In 2000, VHB delineated the stream which she believes to be an intermittent stream. Epsilon Associates is requesting approval of the back side of this because there are vegetated obstructions in this area. Ms. Atwell also stated that stream stats were performed and based on the results of these she is wondering if the stream could be called an intermittent stream instead of perennial stream and looked to the Commission for guidance.

Agent Porter stated that the only question here is the stream. The stream is relatively short length and when she was out there it was flowing. Agent Porter agrees that it is an intermittent stream with bank and land under water.

Ms. Atwell also advised that all the land is not owned by the Airport but there are active easements to allow the work to be done.

Agent Porter recommended the issuance of an Order of Resource Area Delineation with plans for approval being Runway 14 Wetlands and Wetlands Runway 32 both with a revised date of June 27, 2016.

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

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

NEW BUSINESS:

1. Osborn Street - Mr. David Bizarro invited to speak with the Commission.

Mr. David Bizarro was present as requested.

Agent Porter advised the Commission that she was notified by the Building Department that there is a temporary structure in the velocity zone and the Commission needs to decide as what action to take.

Mr. Bizzaro advised that when he purchased the lot he intended on installing lighting, cameras and alarms and when he contacted Eversource Electric to come and install the electric, they informed Mr. Bizarro that he needed a placed to install the meter and that's when he purchased a storage container. His electrician, who applied for all the electrical permits, then informed him that he would also need a temperature controlled room for the alarms. Once the utilities and cameras were installed he was then informed by the Building Department that he now needs to raise the container and that's why he's here this evening.

Agent Porter stated that there is an elevation certificate and it shows that the structure is below the approved floodplain limit. The Agent also advised that she spoke with the Building Inspector and he needs an order from the Conservation Commission that this temporary structure has been approved and how can this container be moved in case of a flood event.

1. Bizarro was a little confused as to how the permits were all obtained and approved by the Building Department and now once everything is complete they are requesting additional information.

Commissioner Dixon stated it is his opinion that this since this is a temporary storage container that it could probably be moved in the event of a major storm.

Mr. Bizzaro stated that when he purchased the property he didn't know what he was going to do with the property so he intentionally placed this temporary storage container there so he could have electric service for the time being.

Agent Porter suggested to the Commission that Mr. Bizzaro should file an RDA for the container because he is in the velocity zone of a regulated area.

Commissioner Dixon agreed with the suggestion that Mr. Bizzaro file an RDA and that there be a condition that during a major storm the container could be hauled away to an upland site.

Commissioner Audette inquired as to whether the electrical service is on temporarily on the pole or attached to the container. Mr. Bizzaro replied that the temporary service is on the pole and the meter is on the container. Commissioner Audette stated that other option is to raise the container 5'. Agent Porter stated that either way he would still have to file an RDA.

Commissioner Dixon reiterated to Mr. Bizarro the possible options. One being raising the container 5' or see if there is a way to do a quick electrical disconnect in case that storage container needed to be moved immediately. Mr. Bizarro will contact his electrician to discuss whether or not disconnect is an option.

Agent Porter suggested that Mr. Bizzaro speak with his electrician so he could get a plan for a quick disconnect for the system because that is what is holding him back now. And he could file that plan along with a plan for hauling the container away together with an RDA application.

Mr. Bizzaro confirmed that the Commission is suggesting that he get a disconnect plan, a removal plan for the storage container and file an RDA application

2. Agent Updates

Agent Porter advised that Christian Farland has started up his stock piling area on his project.

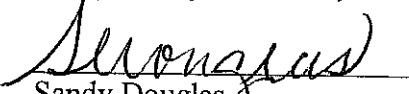
Agent Porter also checked on the recycling facility (Tim Cusson's project) and that project is on hold.

Commissioner Audette advised that they have started working on the road at The Settlement project. And that an extension has been issued for this project.

3. General Correspondence

Commissioner Audette made a motion to adjourn at approximately 7:20. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,


Sandy Douglas
Administrative Specialist