



Environmental Stewardship Department/  
Conservation Commission

City of New Bedford  
Jonathan F. Mitchell, Mayor

Meeting Minutes of the Conservation Meeting of  
September 20, 2016  
Room 314, City Hall

CITY CLERKS OFFICE  
NEW BEDFORD, MA  
JUL 19 P 2:32  
CITY CLERK

**Members Present**

Craig Dixon, Vice Chairman  
Dennis Audette  
Paul Pacheco  
Jacob Gonsalves

**Members Absent**

John Radcliffe, Chairman

**Staff Present**

Agent Sarah Porter  
Sandy Douglas, Admin., Specialist

Vice Chairman Dixon called the meeting to order at 6:35 p.m.

**NEW BUSINESS:**

1. SE49-0521 – Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 126 Mate Drive (Map 130G, Lot 192). Representative is Richard Rheume of Prime Engineering.

Agent Porter advised that Richard Rheume of Prime Engineering will not be present this evening.

Agent Porter also advised the Commission that this site is in full compliance and recommended the issuance of a full Certificate of Compliance with ongoing conditions #50 and #51.

Commissioner Pacheco made a motion to issue a full Certificate of Compliance as recommended by the Agent for SE 49-0521 with conditions as read. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

2. SE49-0522 – Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 134 Mate Drive (Map 130G, Lot 193). Representative is Richard Rheume of Prime Engineering.

Agent Porter advised the Commission that this site is in full compliance with the Order and recommended the issuance of a full Certificate of Compliance with ongoing conditions #50 and #51.

Commissioner Gonsalves made a motion to issue a full Certificate of Compliance for SE49-0522 as recommended by the Agent with conditions as read. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

3. **SE49-0523 – Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 142 Mate Drive (Map 130 G, Lot 194).** Representative is Richard Rheume of Prime Engineering.

Agent Porter advised the Commission that this site is in full compliance with the Order and recommended the issuance of a full Certificate of Compliance with ongoing conditions #50 and #51.

Commissioner Pacheco made a motion to issue a full Certificate of Compliance for SE49-0523 as recommended by the Agent with conditions as read. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

4. **SE49-0524 – Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 150 Mate Drive (Map 130G, Lot 195).** Representative is Richard Rheume of Prime Engineering.

Agent Porter advised the Commission that this site is in full compliance with the Order and recommended the issuance of a full Certificate of Compliance with ongoing conditions #50 and #51.

Commissioner Audette made a motion to issue a full Certificate of Compliance for SE49-0524 as recommended by the Agent with conditions as read. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

5. **SE49-0525 – Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 158 Mate Drive (Map 130G, Lot 196).** Representative is Richard Rheume of Prime Engineering.

Agent Porter recommended the issuance of a full Certificate of Compliance with no ongoing conditions as this site is in full compliance.

Commissioner Audette made a motion to issue a full Certificate of Compliance for SE49-0525 as recommended by the Agent. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

6. **SE49-0526 – Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 153 Mate Drive (Map 130G, Lots 198 & 208).** Representative is Richard Rheume of Prime Engineering.

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing conditions #50 and #51 as this site is in full compliance.

Commissioner Audette made a motion to issue a full Certificate of Compliance for SE49-0526 as recommended by the Agent with conditions as read. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

7. **SE49-0527 – Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 145 Mate Drive (Map 130G, Lots 199 & 209).** Representative is Richard Rheume of Prime Engineering.

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing conditions #50 & #51 as this site is in full compliance.

Commissioner Pacheco made a motion to issue a full Certificate of Compliance for SE49-0527 as recommended by the Agent with conditions as read. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

- 8. SE49-0528 – Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 137 Mate Drive (Map 130G, Lots 200 & 210).** Representative is Richard Rheame of Prime Engineering.

Agent Porter advised the Commission that this site is not in compliance because she found grass clippings in the no disturb zone at the time of inspection. Agent Porter is trying to determine who the new owners are and when she has that information she will send them a letter notifying them that they are to remove the grass clippings and dispose of it off site by October 21, 2016 and when the grass clippings have been removed to contact the Agent.

Commissioner Audette made a motion to table this matter to the next meeting so that the new owners may be contacted. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

- 9. Request for Determination of Applicability as filed by City of New Bedford Department of Parks, Recreation & Beaches for property identified as Brock Avenue and Freedom Boulevard (Map 006, Lot 1).** Applicant requests to remove and/or cut wetland vegetation in Victory Pond. Representative is Mary Rapoza of Parks Recreation & Beaches. **CONTINUED**

- 10. 1551 Morton Avenue. Ratify Enforcement Order – owner invited to appear.**

Mr. John Durant of 1551 Morton Avenue was present.

Agent Porter advised the Commission that she had been notified by Commissioner Dennis Audette of activity being performed along the edge of the pond. Agent Porter then went to the site and found that the concrete retaining wall that abuts Sassaquin pond was being rebuilt and the forms were up and some of the concrete that was deteriorated had been demolished. Agent Porter then spoke to Chairman Radcliffe and it was decided that the best thing to do was to have Mr. Durant finish the work under an Enforcement Order as soon as possible since forms were already up and pond water was low.

Agent Porter stated that the extent and type of activity consisted of removal of a deteriorated portion of the concrete retaining wall approximately 33' linear feet which acts as the Bank of Sassaquin Pond. The work being performed is the placement of forms to pour a new concrete wall and a stairway to the Beach and placement of the concrete rubble from the deteriorated wall onto the Sassaquin Pond Beach. The activity is being conducted without a valid Order of Conditions or negative Determination of Applicability.

Agent Porter recommended that the property owner shall complete the wall repair by pouring new concrete in between the existing concrete wall and the forms. The concrete rubble on the Beach shall be utilized as backfill and/or disposed of off-site in a legal upland location. The beach shall be cleaned and restored to its original condition and all work shall be done by hand and completed by September 17, 2016. The Agent advised that the work has been completed. When speaking with Commissioner Radcliffe the fee was discussed because this was an after-the-fact and was done without knowing he had to file an application.

Mr. Durant stated that he didn't realize that he needed a permit because he was just repairing an existing wall that was deteriorating. He had waited a couple of years to repair the wall hoping that the water level would go down and since it has he decided it was a good time to make the repairs. Mr. Durant stated that he's been living in Sassaquin Pond since 1961 and is a huge advocate for the pond and would never do anything to harm it.

Agent Porter advised the Commission that the fee would be \$16.50 for the linear feet repaired plus the \$150.00 administration fee for a total of \$166.50 and that amount could be multiplied by two for an after the fact violation for a total of \$333.00. The Commission agreed to waive the doubling of the fee and that Mr. Durant is to pay \$166.50 for an after the fact violation fee.

Commissioner Pacheco made a motion to ratify the Enforcement Order. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

Commissioner Gonsalves made a motion that Mr. Durant is to pay an after-the-fact fee of \$166.50, as agreed. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

## **CONTINUED HEARINGS:**

1. SE49-0735 – (Continued from 3/15/16, 4/5/16, 4/19/16, 5/3/16, 5/17/16, 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16) - A Notice of Intent as filed by Anthony R. DeCosta d/b/a A-1 Asphalt for property located at 1861 Shawmut Avenue, New Bedford (Map 124, Lot 27). Applicant proposes improvements to a soil and aggregate re-cycling facility in the Buffer Zone to Bordering Vegetated Wetlands. Representative is Rick Charon of Charon Associates, Inc.

**CONTINUED**

2. SE49-0739 – (Continued from 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16) - 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**

## **OLD BUSINESS:**

1. SE49-267 (Continued from 9/6/16)- Request for Certificate of Compliance as filed by David Fredette, City of New Bedford DPI, for property identified as John Vertente Boulevard (East Side) (Map 135, Lot 2). Representative is David Fredette. **CONTINUED**
2. SE49-0517 (Continued from 9/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 94 Mate Drive (Map 130G, Lot 188/239). Representative is Richard Rheume of Prime Engineering. Owner has been requested to appear to address violations of the 25' No Disturb Zone/Conservation Area.

Mr. Gora the owner of the property was present.

Agent Porter advised the Commission that there was a letter sent to the homeowner outlining the violations and the Commission needs to make a decision as to how to proceed.

Commissioner Dixon stated that he would like to see everything pulled out of the no disturb zone, the fence restored to its original condition and the placard placed back on the fence. Mr. Gora stated that the split rail fence was falling apart and some of the pieces had fallen to the ground, Mr. Gora showed the Commission pictures of the fence's existing conditions. Mr. Gora advised that he and his wife had gone away for some time and upon their return home, his father had planted a garden in the no disturb zone. He has since explained to his father that he cannot do any activity in the no disturb area.

Mr. Gora will repair/replace the fence and remove everything out of the no disturb zone. Once all is done, he will then contact the Agent so she can conduct an onsite inspection.

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

3. **SE49-0519 (Continued from 9/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 110 Mate Drive (Map 130G, Lot 190).** Representative is Richard Rheume of Prime Engineering. **CONTINUED**
4. **SE49-520 (Continued from 9/6/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 118 Mate Drive (Map 130G, Lot 191).** Representative is Richard Rheume of Prime Engineering. **CONTINUED**
5. **SE49-0533 (Continued from 9/6/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 29 Schooner Court (Map 130G, Lot 231).** Representative is Richard Rheume of Prime Engineering. **CONTINUED**
6. **SE49-0514 (Continued from 9/6/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 52 Mate Drive (Map 130G, Lot 236).** Representative is Richard Rheume of Prime Engineering. **CONTINUED**
7. **SE49-0515 (Continued from 9/6/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 60 Mate Drive (Map 130G, Lot 262).** Representative is Richard Rheume of Prime Engineering. **CONTINUED**

## **CONTINUED NEW BUSINESS:**

### **1. Agent Updates**

#### **OCTOBER 4, 2016 MEETING**

Agent Porter advised the Commission that the October 4<sup>th</sup> meeting needs to be rescheduled because it is a Jewish Holiday. Agent Porter recommended continuing it to Wednesday, October 5<sup>th</sup> or Thursday, October 6<sup>th</sup>. The Commission agreed to continue the October 4<sup>th</sup> meeting to Thursday, October 6<sup>th</sup>. Commissioner Audette advised that he is not available on October 6<sup>th</sup> but Commissioners Dixon, Gonsalves and Pacheco will be present.

## **BUTTONWOOD PARK-FRIENDS OF BUTTONWOOD**

Mr. Ray Castino, President of Friends of Buttonwood Park was present. Mr. Castino advised that last year they cleaned out the tree farm and found a very large stand of Japanese knotweed and since then it's continued to grow detrimentally. They are presently working with a landscape architect, environmental consultant and a company that specializes in vegetation control. That company has advised that this is the perfect time to control the Japanese knotweed by spraying herbicide into the roots. Mr. Castino showed the Commission on the map of where the Japanese knotweed is located. It is approximately 150' from the SW corner of the tree farm.

Commissioner Audette inquired as to what herbicide would be used. Mr. Castino replied it would most likely be rodeo. Mr. Castino added that the vendor is willing to donate their services to perform this work.

Agent Porter stated that the problem is they don't have an RDA and the work proposed is within the buffer zone.

Mr. Castino replied that not all of it is in the buffer zone but it's growing into the pond.

Commissioner Dixon inquired as to whether there were any longer term affects from using rodeo herbicide. Agent Porter stated she hasn't had time to research it. Mr. Castino replied that it's generally used in wetland application and the only other way would be to use heavy equipment and try to dig out the roots. Agent Porter stated that they would have to apply for a permit and see if it's in the window to do application and if it isn't, they will have to wait until next year at this time.

Commissioner Audette stated that one of the problems is if Mr. Castino is allowed to perform the work without a filing then others would expect the same treatment for other restoration projects.

Mr. Castino replied if an application needs to be filed, that they will do so and he is not looking to be put on a higher level than anyone else and whatever the commission recommends be done, they will do.

Commissioner Gonsalves inquired as to what type of equipment will be used in the future to place the trail and maybe it could all be done at the same time. Mr. Castino replied that the trails and boardwalks will be placed in the far future because they need to raise a lot of money and he is not sure what type of equipment will be used.

Mr. Castino inquired whether they could spray the portions that are not in the wetlands. Agent Porter replied that some of the wetland flags are missing and they would still be working in the 100' Buffer Zone. In addition, the City is planning on rebuilding the dam and work on the pond so may have to coordinate with that project as far as the trails.

Commissioner Audette inquired as to who would be performing the spraying. Mr. Castino replied that it would be the vendor, Groundscape a/k/a Eastern Landscape.

Commissioner Dixon stated that this looks like a straight forward project but an application will need to be filed. Agent Porter advised that the permits are good for three years and suggested a filing sooner rather than later.

Mr. Castino will contact Agent Porter when they are ready to file an application.

## 2. General Correspondence

**Sassaquin Pond Emergency Certification:** Agent Porter advised the Commission that David Fredette requested an Emergency Certification (EC) for Sassaquin Pond for two outfalls. One of the headwalls has completely collapsed and the other one has a cracked pipe and the headwall is crushed. DPI is looking to repair both under EC's. The Commission did not have an issue with the proposed work.

Mr. Fredette had also inquired about removing vegetation in Sassaquin Pond (Phragmites etc.). Agent Porter informed him he would need to file a Notice of Intent.

**Victory Pond** Agent Porter also reminded the Commission that Victory Pond has a filing for removal of vegetation and she conducted some research on the regulations and found that anything up to 5,000 s.f. is okay with the filing of a NOI and anything over 5,000 s.f. will require a Wildlife Habitat Assessment. The Commission needs to keep this in mind with respect to the upcoming filing of Victory Pond.

Commissioner Dixon inquired whether they had filed an application for Victory Pond yet. Agent Porter replied that they have filed an RDA but will need to file an NOI to do the proposed work. Commission agreed to discuss this matter further when it comes before them.

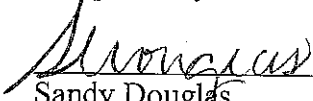
**Chapter 91 permit** Agent Porter advised that Chapter 91 permit has been filed for the dredging at Rodney French Boulevard Boat Ramp and Beach Nourishment. The Commission has issued an Order of Conditions for this activity.

## 3. Meeting Minutes of 3/15/16 for approval.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of March 15, 2016 was made by Commissioner Audette. Motion was seconded by Commission Pacheco. All in favor. Motion carries.

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

Respectfully submitted,

  
Sandy Douglas  
Administrative Specialist



Environmental Stewardship Department/  
Conservation Commission

City of New Bedford  
Jonathan F. Mitchell, Mayor

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

CITY CLERK'S OFFICE  
NEW BEDFORD, MA  
2017 JUL 19 P 3:32  
CITY CLERK

**Members Present**

Craig Dixon, Vice Chairman  
Dennis Audette  
Paul Pacheco  
Jacob Gonsalves

**Members Absent**

John Radcliffe, Chairman

**Staff Present**

Agent Sarah Porter  
Sandy Douglas, Admin. Specialist

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

**NEW BUSINESS:**

1. SE49-0501 – Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 181 Tarkiln Place (Map 130G, Lot 214). Representative is Richard Rheume of Prime Engineering. CONTINUED TO 10/18/16.
2. SE49-0505 – Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 113 Tarkiln Place (Map 130G, Lot 220). Representative is Richard Rheume of Prime Engineering. CONTINUED TO 10/18/16.
3. SE49-0506 – Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 121 Tarkiln Place (Map 130G, Lot 219). Representative is Richard Rheume of Prime Engineering. CONTINUED TO 10/18/16.
4. SE49-0508 – Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 149 Tarkiln Place (Map 130G, Lot 217). Representative is Richard Rheume of Prime Engineering. CONTINUED TO 10/18/16.
5. SE49-0511 – Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 173 Tarkiln Place (Map 130G, Lot 264). Representative is Richard Rheume of Prime Engineering. CONTINUED TO 10/18/16.
6. SE49-0512 – Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 189 Tarkiln Place (Map 130G, Lots 203/213). Representative is Richard Rheume of Prime Engineering. CONTINUED TO 10/18/16.



7. **SE49-0529 – Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 121 Mate Drive (Map 130G, Lots 202/212).** Representative is Richard Rheame of Prime Engineering. CONTINUED TO 10/18/16.
8. **SE49-0539 – Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as (Map 130G, Lots 200/210).** Representative is Richard Rheame of Prime Engineering. CONTINUED TO 10/18/16.
9. **SE49-0534 – 21 Schooner Court. Owner requested to appear to address non compliance with the 25' Setback/Conservation Area.**

Agent Porter advised the Commission that when they visited the property it was noted that the split rail fence had been taken down and a Christmas tree was in the no disturb zone which is minor and there was a slate pathway that went into the no disturb zone.

Ms. Corinne M. Dinucci of 21 Schooner Court was present and inquired as to who placed the split rail fence there originally. Agent Porter explained to Ms. Dinucci that when a building permit was applied for the Conservation Commission had the builder put up the split rail fence to protect the wetlands from encroachment. Ms. Dinucci replied that she did not agree to a fence being put up in her backyard and that when she purchased the property she was told that she could walk in there, play in there but cannot build in there. Mr. Dixon explained that the fence is a boundary to let you know that you cannot do anything beyond that fence but that you could walk in the wetlands. Mr. Dixon advised Ms. Dinucci that she needs to put the fence back up. Ms. Dinucci replied that the fence is rotted and that's why she took it down and that she does not like the fence or the sign that's on the fence which someone recently placed there.

Ms. Dinucci inquired as to is responsible for maintaining the fence. Mr. Dixon replied that it is the homeowner's responsibility to maintain the fence as she agreed to when she purchased the property. Ms. Dinucci stated that she did not sign anything agreeing to have a fence placed on her property and she cannot afford to replace the fence and she doesn't like the fence there and since it's her property why does she need a fence there while she understands there is a boundary there. Ms. Dinucci requested documentation that states that it's mandatory to have a fence. The builder tried to get Ms. Dinucci to sign something recently and she refused to sign it. She is not trying to destroy the wetlands but the fence was not safe that's why she took it down.

Agent Porter explained that the Order of Conditions was attached to the Purchase & Sale Agreement with Special Condition #50, which states that upon completion of the construction the split rail fence, shall be installed along the hay bale/ silt fence line to establish a no disturbance boundary in perpetuity. A sign/placard shall be placed on the fence stating that "a protected Conservation Area exists beyond the fence and is to remain undisturbed per Order of the New Bedford Con Com.

Ms. Dinucci stated that she understands the Order but it doesn't state she is responsible for the maintenance. Mr. Dixon explained that it states "in perpetuity" and that would make it the homeowner's responsibility. Ms. Dinucci continued to disagree that she is responsible for the maintenance of said fence.

Agent Porter added that there was also Condition #51 in the order that states that at the time of the land transfer the proponent, Whalers Woods Realty Trust, or any successor, shall require the buyer to sign an acknowledgement that they have read and understand Condition #50 and a copy of said acknowledgement shall be forwarded to the Commission, this acknowledgement has not been received.

Mr. Dixon advised Mr. Dinucci that she needs to put the fence rails back as a delineation and take the Christmas tree out of the wetland. Agent Porter stated that if Ms. Dinucci does not want to place a fence she can use rocks instead. Ms. Dinucci replied that she rather do a rock wall then have a fence.

Ms. Dinucci understood that she has to remove the Christmas tree and she needs to place some sort of delineation boundary.

## **CONTINUED HEARINGS:**

1. SE49-0735 – (Continued from 3/15/16, 4/5/16, 4/19/16, 5/3/16, 5/17/16, 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16, 9/20/16) - A Notice of Intent as filed by Anthony R. DeCosta d/b/a A-1 Asphalt for property located at 1861 Shawmut Avenue, New Bedford (Map 124, Lot 27). Applicant proposes improvements to a soil and aggregate re-cycling facility in the Buffer Zone to Bordering Vegetated Wetlands. Representative is Rick Charon of Charon Associates, Inc. **CONTINUED**
2. SE49-0739 – (Continued from 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16, 9/20/16) - 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**

## **OLD BUSINESS:**

1. SE49-0528 – (Continued from 9/20/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 137 Mate Drive (Map 130G, Lots 200 & 210). Representative is Richard Rheume of Prime Engineering. **CONTINUED**
2. (Continued from 9/20/16) - Request for Determination of Applicability as filed by City of New Bedford Department of Parks, Recreation & Beaches for property identified as Brock Avenue and Freedom Boulevard (Map 006, Lot 1). Applicant requests to remove and/or cut wetland vegetation in Victory Pond. Representative is Mary Rapoza of Parks Recreation & Beaches.

Mr. David Fredette, Engineer with the City of New Bedford representing Parks, Recreation and Beaches. Mr. Fredette stated that there is an issue with working by hand in waders or from a non-motorized boat as they cannot pull out the vegetation because it's so long and embedded that they cannot do it by hand.

Agent Porter stated that the problem is that there are two resources areas, one is land under water way and water bodies and the vegetation is in the pond that needs to be removed. Under the Performance Standard of the Wetlands Protection Act, if the wetland exceeds 5,000 s.f. of alteration you are required to file a Notice of Intent and have to perform a wildlife habitat evaluation.

The second resource area is the Bank of the Pond where it exceeds 50 linear feet of Bank alteration and also requires the filing of an NOI and a wildlife habitat evaluation.

Agent Porter explained that they are currently performing work under an old RDA that expires tomorrow. This RDA is for additional work but it requires the filing of Notice of Intent.

Mr. Fredette stated that he will report all this back to Mary Rapoza.

3. **SE49-267 (Continued from 9/6/16, 9/20/16)- Request for Certificate of Compliance as filed by David Fredette, City of New Bedford DPI, for property identified as John Vertente Boulevard (East Side) (Map 135, Lot 2). Representative is David Fredette.**
4. **SE49-0517 (Continued from 9/6/16, 9/20/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 94 Mate Drive (Map 130G, Lot 188/239). Representative is Richard Rheume of Prime Engineering. Owner has been requested to appear to address violations of the 25' No Disturb Zone/Conservation Area. CONTINUED**
5. **SE49-0519 (Continued from 9/6/16, 9/20/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 110 Mate Drive (Map 130G, Lot 190). Representative is Richard Rheume of Prime Engineering. CONTINUED**
6. **SE49-520 (Continued from 9/6/16, 9/20/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 118 Mate Drive (Map 130G, Lot 191). Representative is Richard Rheume of Prime Engineering. CONTINUED**
7. **SE49-0533 (Continued from 9/6/16, 9/20/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 29 Schooner Court (Map 130G, Lot 231). Representative is Richard Rheume of Prime Engineering. CONTINUED**
8. **SE49-0514 (Continued from 9/6/16, 9/20/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 52 Mate Drive (Map 130G, Lot 236). Representative is Richard Rheume of Prime Engineering. CONTINUED**
9. **SE49-0515 (Continued from 9/6/16, 9/20/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 60 Mate Drive (Map 130G, Lot 262). Representative is Richard Rheume of Prime Engineering. CONTINUED**

## **CONTINUED NEW BUSINESS:**

### **1. Emergency Certifications for Sassaquin Pond**

Mr. David Fredette, Engineer with the City of New Bedford DPI was present and stated that the work has commenced and the work off of Leroy Street has already been completed.

Agent Porter stated that these Emergency Certifications were discussed at the last meeting and the Commission had given her approval to issue them so they need to ratify them tonight. The Leroy Street repair has been completed, the work to be allowed is to repair the stone headwall as described on accompanying plan. The headwall has collapsed and shall be rebuilt. Extreme low water in Sassaquin Pond shall allow the work to be completed in the dry which is essential to minimizing impacts on the pond. The Special Conditions are as follows: the work area shall be encircled in silt fence and straw waddles prior to the onset of construction, erosion controls shall remain in place until all bare soil has

- been re-vegetated, removal of native vegetation shall be kept to a minimum and not to exceed 2' on either side of the headwall to be repaired, and all construction debris on the beach shall be removed following completion of repair.

Commissioner Gonsalves made a motion to ratify the Emergency Certification for off of Leroy Street. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

The second Emergency Certification is for Morton Avenue. Agent Porter advised that she has spoke with Commissioner Audette with regard to said matter. The work to be allowed is rebuilding of the headwall and eroded bank as described in plan and shown in photos. They are proposing a concrete wall and then backfilling behind it to prevent erosion. There is a tree that also has to be cut down. Mr. Fredette stated that that the tree has already been cut down and the work was started today. Agent Porter added that the Special Conditions are as the same as mentioned for Leroy Street.

Commissioner Gonsalves made a motion to ratify the Emergency Certification for Morton Avenue. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

### **1. Agent updates**

Agent Porter advised that the AM Radio Tower site on Rte. 140 they have requirement for monitoring the wetland plantings,, they were supposed to come in with cables and go through the wetland but ended up not having to go through the wetland instead just cut the wetland vegetation down, planted wetland shrubs and seeded it with a wetland seed mix and also did a re-planting in the 25' no disturb area. They are inquiring whether they can do the monitoring themselves as engineers or if they have to have a wetland specialist do the monitoring. Agent Porter feels that they can do the shrub monitoring but did question them on the seed mix because they have to look at plant diversity, general plant cover, signs of drought, etc and does not think they are capable of looking at the diversity and offer input on the invasive species for that area. They will have a specialist come in next spring/fall to look at seed mix success and incorporate their findings into the wetland monitoring report. Agent Porter and the Commission agreed that this is reasonable.

### **2. General Correspondence**

129 Schooner Court, sent them letter with regard to the grass clippings along with three other letters to Whalers Woods. All letters will be mailed out tomorrow.

### **3. Meeting Minutes of 4/5/16, 4/19/16 & 5/3/16 for approval**

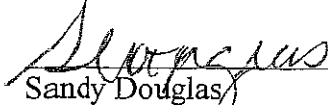
There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of April 5, 2016 was made by Commissioner Gonsalves. Motion was seconded by Commission Pacheco. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of April 19, 2016 was made by Commissioner Gonsalves. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of May 3, 2016 was made by Commissioner Gonsalves. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

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

Respectfully submitted,

  
Sandy Douglas  
Administrative Specialist



Environmental Stewardship Department/  
Conservation Commission

City of New Bedford  
Jonathan F. Mitchell, Mayor

Meeting Minutes of the Conservation Meeting of  
October 18, 2016  
Room 314, City Hall

**Members Present**

Craig Dixon, Vice Chairman  
Dennis Audette  
Paul Pacheco  
Jacob Gonsalves

**Members Absent**

John Radcliffe, Chairman

**Staff Present**

Agent Sarah Porter  
Sandy Douglas, Admin., Specialist

CITY CLERK

2017 JUL 19 2:32

CITY CLERKS OFFICE  
NEW BEDFORD, MA

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

**NEW HEARINGS:**

1. A Notice of Intent as filed by Paul Barton, New Bedford Regional Airport Manager for property identified as 1569 Airport Road (Map 123 - Lot 3, Map 122 - Lot 3, Map 124 - Lot 28 and Map 125 - Lot 22). Applicant proposes to reconstruct and expand the terminal apron area with associated storm water management improvements and replace an existing culvert. A portion of this work is proposed in the Buffer Zone and within a Bordering Vegetated Wetland. Representative is Amanda Atwell of Epsilon Associates, Inc.

Ms. Amanda Atwell of Epsilon Associates was present together with Rich Lasdin and Mark Ottariano of Airport Solutions.

Ms. Atwell advised that this project is for the terminal apron reconstruction project at the airport. In 2012 a pavement study was performed and the apron and portions of the airport near Colonial Air received a poor to failing grade. Another issue is that current regulations through FAA and the National Fire Protection Standards were not in compliance for the apron. Aprons and places that have potential for flammable chemicals have to be graded away from the hangers and the buildings. Mass DEP, as part of the 2012 Variance Special Condition #49, requires New Bedford to provide additional treatment in pretreatment measures for the storm water system and the general concerns was that NB needed to upgrade the storm water system for land uses with higher pollutant loads. Mass DEP recommended that the apron be separated from the rest of the storm water system at the airport. In order to attain compliance with this higher standard, oil and water separators and additional outfalls in the apron area need to be installed. The entire apron is 505,555 square feet of pavement. If all the work was performed at once, it would affect all the business so they are proposing to do it in phases. The upgrades are for all of the aprons but Phase I of the project is only within buffer zone and BVW. Phase II and III are out of the Wetlands Protection Act and the buffer zone.

With regard to Phase I, an additional 22,000 s.f. of additional pavement is being proposed and the existing pavement will be reclaimed in kind.

Ms. Atwell continued to state that the other aspect to this project is the gravel access road. They have noticed during the last project that the 12" culvert was crushed and in pieces along the area of the road and they are proposing to replace that culvert in kind.

The wetland replication is away away from the stream and they are proposing to basically make a wetland replication area that will have existing wetland on two sides. The applicant is also proposing to plant 6 red maples and approximately 30 shrubs to match the wildlife habitat.

Agent Porter inquired whether they would like the storm water report forwarded to Nitsch for review.

The Commission agreed that it should be sent to Nitsch for review.

Agent Porter also advised that this application needs to be reviewed by Natural Heritage. The wetland boundary was approved under the ANRAD that was approved under the variance. There will be special conditions as follows: will have to replace all the wetland flags within 100 feet prior to work commencing, agent will have to inspect the wetland flagging and erosion control also prior to work commencing. Any old fill or asphalt located within the work site and adjacent to the wetlands is to be removed carefully and area immediately seeded with erosion control seed mix. Dewatering locations and methods should be approved by the Con Com Agent prior to dewatering. The proposed culvert replacement shall have the same invert elevations and existing culvert so there is the same hydrological connection between the two wetlands.

Ms. Atwell advised that has already submitted this application to Natural Heritage.

Ms. Atwell also added that they will add erosion controls to end of outfall and both ends of the culverts.

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

Commissioner Pacheco made a motion to table this matter to November 1, 2016. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

## **CONTINUED HEARINGS:**

1. **SE49-0735 – (Continued from 3/15/16, 4/5/16, 4/19/16, 5/3/16, 5/17/16, 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16, 9/20/16, 10/6/16) - A Notice of Intent as filed by Anthony R. DeCosta d/b/a A-1 Asphalt for property located at 1861 Shawmut Avenue, New Bedford (Map 124, Lot 27). Applicant proposes improvements to a soil and aggregate re-cycling facility in the Buffer Zone to Bordering Vegetated Wetlands. Representative is Rick Charon of Charon Associates, Inc.**

### **CONTINUED**

2. **SE49-0739 – (Continued from 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16, 9/20/16, 10/6/16) - 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**

## **OLD BUSINESS:**

1. **SE49-0501 – (Continued from 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 181 Tarkiln Place (Map 130G, Lot 214).** Representative is Richard Rheaume of Prime Engineering.

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing conditions 50 and 51.

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

2. **SE49-0505 – (Continued from 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 113 Tarkiln Place (Map 130G, Lot 220).** Representative is Richard Rheaume of Prime Engineering.

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing conditions 50 and 51.

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

3. **SE49-0506 – (Continued from 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 121 Tarkiln Place (Map 130G, Lot 219).** Representative is Richard Rheaume of Prime Engineering.

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing conditions 50 and 51.

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

4. **SE49-0508 – (Continued from 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 149 Tarkiln Place (Map 130G, Lot 217).** Representative is Richard Rheaume of Prime Engineering.

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing conditions 50 and 51.

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



5. **SE49-0511 – (Continued from 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 173 Tarkiln Place (Map 130G, Lot 264).** Representative is Richard Rheume of Prime Engineering.

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing conditions 50 and 51.

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

6. **SE49-0512 – (Continued from 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 189 Tarkiln Place (Map 130G, Lots 203/213).** Representative is Richard Rheume of Prime Engineering.

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing conditions 50 and 51.

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

7. **SE49-0529 – (Continued from 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 121 Mate Drive (Map 130G, Lots 202/212).** Representative is Richard Rheume of Prime Engineering.

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing conditions 50 and 51.

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

8. **SE49-0539 - (Continued from 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 129 Mate Dr. (Map 130G, Lots 201/211).** Representative is Richard Rheume of Prime Engineering.

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing conditions 50 and 51.

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

9. **SE49-0534 – (Continued from 10/6/16) - 21 Schooner Court. Continued until owner is in compliance.**

Agent Porter advised the Commission that he has placed the split rail fence back up and Agent Porter is going to meet on site with owner on Thursday.

10. **SE49-0528 – (Continued from 9/20/16 & 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 137 Mate Drive (Map 130G, Lots 200 & 210).** Representative is Richard Rheume of Prime Engineering.
-

Agent Porter advised that this property is not ready for issuance.

- 11. (Continued from 9/20/16 & 10/6/16) - Request for Determination of Applicability as filed by City of New Bedford Department of Parks, Recreation & Beaches for property identified as Brock Avenue and Freedom Boulevard (Map 006, Lot 1).** Applicant requests to remove and/or cut wetland vegetation in Victory Pond. Representative is Mary Rapoza of Parks Recreation & Beaches.

Mary Rapoza of Parks and Recreation & Beaches was present.

Agent Porter advised that Mr. David Fredette was present at the last meeting and was informed that what was being proposed exceeded the thresholds in the regulations because of altering greater than 5,000 s.f. of land under waterways and water bodies and greater than 50 linear feet of bank which means they need to perform a wildlife habitat evaluation and file a NOI

They are proposing to do what they had permission to do the last 3 years the last one approved was for 10' clear zone in the area underwater and this time hoping on the south and west side to do a 6' clear zone and a 15' clear zone on the north and east side other than that everything would be the same. They are proposing non-mechanized methods to pull the cattail and Phragmites.

Agent Porter added that may end up having to use herbicide. Hand removal does not get all of the roots and using a clam shell, as recommended by DPI will also is not get all the roots and would need a dredging permit. Agent Porter suggested that Rapoza consult with a certified herbicide applicator.

Rapoza will be working on the NOI. Agent Porter recommended that the Commission close out this RDA and issued a positive determination that the work described in the reference plans and documents is within an area subject to protection under the act and will remove fill dredge or alter that area therefore said work requires the filing of a Notice of Intent.

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

- 12. SE49-267 (Continued from 9/6/16, 9/20/16, 10/6/16)- Request for Certificate of Compliance as filed by David Fredette, City of New Bedford DPI, for property identified as John Vertente Boulevard (East Side) (Map 135, Lot 2).** Representative is David Fredette.  
**CONTINUED**

- 13. SE49-0517 (Continued from 9/6/16, 9/20/16, 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 94 Mate Drive (Map 130G, Lot 188/239).** Representative is Richard Rheume of Prime Engineering. Owner is addressing non compliance with the 25' no disturb zone.

Agent Porter advised that this property is not ready for issuance of a Certificate of Compliance.

- 14. SE49-0519 (Continued from 9/6/16, 9/20/16, 10/6/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 110 Mate Drive (Map 130G, Lot 190).** Representative is Richard Rheume of Prime Engineering.
-

Agent Porter advised that this property is not ready for issuance of a Certificate of Compliance.

- 15. SE49-520 (Continued from 9/6/16, 9/20/16, 10/6/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 118 Mate Drive (Map 130G, Lot 191).** Representative is Richard Rheume of Prime Engineering.

Agent Porter advised that this property is not ready for issuance of a Certificate of Compliance.

- 16. SE49-0533 (Continued from 9/6/16, 9/20/16, 10/6/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 29 Schooner Court (Map 130G, Lot 231).** Representative is Richard Rheume of Prime Engineering.

Agent Porter advised that this property is not ready for issuance of a Certificate of Compliance.

- 17. SE49-0514 (Continued from 9/6/16, 9/20/16, 10/6/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 52 Mate Drive (Map 130G, Lot 236).** Representative is Richard Rheume of Prime Engineering.

Agent Porter advised that this property is not ready for issuance of a Certificate of Compliance.

- 18. SE49-0515 (Continued from 9/6/16, 9/20/16, 10/6/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 60 Mate Drive (Map 130G, Lot 262).** Representative is Richard Rheume of Prime Engineering.

Agent Porter advised that this property is not ready for issuance of a Certificate of Compliance.

## **NEW BUSINESS**

### **1. Agent updates**

**SE49-0509 – 157 Tarkiln Place** - This matter was not on the agenda. The owner was requested to appear to discuss removal of split rail fence into the 25' setback conservation area and installation of stockade fence in front of and abutting the split rail fence. Mr. Mario Xavier was present. Agent Porter advised that the split rail fence went along the edge of the wall and it appears they removed the split rail fence and moved it back into the wetland and now have an extended backyard. Need to meet out at the property and tape off the area to see where the 25' zone is and the split rail fence needs to be placed back. Mr. Xavier advised that he did not realize that he was doing anything wrong. Mr. Xavier stated that he built the retaining wall to stop erosion.

The Commission stated that the split rail fence will have to be replaced and the stockade fence removed.

Mr. Xavier added that he has also built a shed in the backyard near the wall and just finished it this past Saturday. The shed is approximately 8'x10' and sits on blocks. Commissioner Audette stated that Mr. Xavier might have to move that shed.

Agent Porter will meet Mr. Xavier at the property on Thursday at 5:30.

Commissioner Audette made a motion to table this for November 1, 2016. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

### **200 Theodore Rice Boulevard**

Agent Porter advised that they have applied for a Certificate of Occupancy for the building but the stormwater facility has not been completed. As part of the order of conditions, it states that there is prohibited the use of storm water facilities until as as-built has been certified by a PE including that the site has been fully stabilized and ready to receive post construction runoff. The site is not ready to receive post construction runoff and therefore, Agent Porter cannot sign off on a Certificate of Occupancy. Mr. Riccio advised the Agent that there is a new contractor and he would be out there working getting rid of the weeds, seeding it and placing an erosion control blanket.

### **Coffin Avenue Mill Property**

Agent Porter advised that the Fire Chief will be requesting an Emergency Certification for an abandoned old mill located at end of Coffin Avenue that fronts the river. The building is full of contaminated materials and it attracts homeless people. They are proposing to cut down the vegetation so no one can hide back there and try to break into the building and start fires. The Commission agreed to issuing said Emergency Certification and it will be ratified at the next meeting.

### **21 Schooner Court**

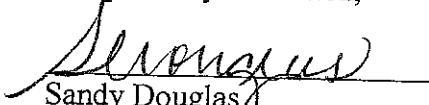
Agent Porter advised the Commission that she has the property owner a letter with regard to the stonewall. The Commission agreed that she needs to place a barrier there and if she wants a field stone wall, the Commissioner suggested it be approximately 3' tall x 1' wide.

## **2. General Correspondence**

The Commission asked that Agent Porter inform the Mayor's Office that Chairman Jack Radcliffe has not been present for the past few meetings and has had no contact with this Commission and at a previously meeting he announced his resignation from this Board.

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

Respectfully submitted,

  
Sandy Douglas  
Administrative Specialist



City of New Bedford  
Jonathan F. Mitchell, Mayor

**Meeting Minutes of the Conservation Meeting of  
November 1, 2016  
Room 314, City Hall**

CITY CLERK'S OFFICE  
NEW BEDFORD, MA  
2017 JUL 19 P 32

**Members Present**

Craig Dixon, Vice Chairman  
Dennis Audette  
Paul Pacheco  
Jacob Gonsalves

**Members Absent**

John Radcliffe, Chairman

**Staff Present**

Agent Sarah Porter  
Sandy Douglas, Admin., Specialist

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

**CONTINUED HEARINGS:**

1. SE49-0745 – (Continued from 10/18/16) - A Notice of Intent as filed by Paul Barton, New Bedford Regional Airport Manager for property identified as 1569 Airport Road (Map 123 - Lot 3, Map 122 - Lot 3, Map 124 - Lot 28 and Map 125 - Lot 22). Applicant proposes to reconstruct and expand the terminal apron area with associated storm water management improvements and replace an existing culvert. A portion of this work is proposed in the Buffer Zone and within a Bordering Vegetated Wetland. Representative is Amanda Atwell of Epsilon Associates, Inc. **CONTINUED**
2. SE49-0735 – (Continued from 3/15/16, 4/5/16, 4/19/16, 5/3/16, 5/17/16, 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16, 9/20/16, 10/6/16, 10/18/16) - 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**
3. SE49-0739 – (Continued from 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16, 9/20/16, 10/6/16, 10/18/16) - 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**

**OLD BUSINESS:**

1. **SE49-0509 – (Continued from 10/18/16) 157 Tarkiln Place (Map 130G, Lot 216) Owner requested to appear to address movement of split rail fence.**

Mr. Mario Xavier of 157 Tarkiln Place, New Bedford was present.

Agent Porter advised the Commission that she met with Mr. Xavier at the property and taped off the distance of the encroachment and it is 16' into the no disturb zone but the shed is only 8' into it. Mr. Xavier was wondering if he could pay a fine instead of putting the fence back. Agent Porter consulted with the solicitor's office with regard to whether or not Mr. Xavier could pay a fine in lieu of restoration and Atty. Friedman advised that he could pay a fine and restore the area but not in lieu of restoration.

Agent Porter inquired as to how the Commission would like to proceed with this matter. Attorney Friedman suggested that the split rail be placed back to its original location or file a Notice of Intent. Agent Porter advised that there is no place in the backyard that the shed could be moved to.

Commissioner Gonsalves inquired if there was any benefit to the filing of a Notice of Intent. Agent Porter replied that Mr. Xavier would have to convince the commission that he could encroach into the no disturb zone.

Commissioner Dixon doesn't feel it is necessary to file a notice of intent and that a compromise can be reached with regard to the shed.

Commissioner Pacheco inquired whether Mr. Xavier signed an acknowledgment upon the purchase of this property. Agent Porter replied that he did sign one.

Commissioner Dixon recommended that Mr. Xavier put the split rail fence or stockade fence back to its original place and place the placard on the fence. As far as the shed, since there is no other place for the shed to go in the back yard to just leave it where it is now. Agent Porter inquired whether the Commission wants her to approve the shed through the building department. Commissioner Dixon replied that she can approve said shed.

The Commission agreed to give Mr. Xavier thirty days to correct this.

Mr. Xavier advised that he did clean up the grass clippings.

2. **SE49-0534 – (Continued from 10/6/16, 10/18/16) - 21 Schooner Court. Continued until owner is in compliance.**

Agent Porter advised that she sent the Owner of 21 Schooner Court a letter. The Commission agreed with the letter that was sent to the owner and are hoping that she responds with a proposed resolution. If the Owner does not respond, she will have to be served with a violation. Agent Porter advised that the owner has moved the flower pot and has not doing anything else.

Commissioner Audette made a motion to continue to the next hearing. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

3. **SE49-0528 – (Continued from 9/20/16, 10/6/16, 10/18/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 137 Mate Drive (Map 130G, Lots 200 & 210). Representative is Richard Rheau of Prime Engineering. Owner has until 11/18/16 to address non compliance in the 25' No Disturb Zone.**

Agent Porter advised the Commission that the owner has until November 18, 2016 to address the grass clippings that are in the no disturb zone.

4. **SE49-267 (Continued from 9/6/16, 9/20/16, 10/6/16, 10/18/16)- Request for Certificate of Compliance as filed by David Fredette, City of New Bedford DPI, for property identified as John Vertente Boulevard (East Side) (Map 135, Lot 2). Representative is David Fredette.**  
**CONTINUED**

5. **SE49-0517 (Continued from 9/6/16, 9/20/16, 10/6/16, 10/18/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 94 Mate Drive (Map 130G, Lot 188/239). Representative is Richard Rheume of Prime Engineering. Update from the Agent on non compliance with the 25' no disturb zone.**

Agent Porter advised that she visited the site and the owner has removed the garden and toys out of the no disturb zone and has replaced the split rail fence and has placed the sign up.

Agent Porter recommended the issuance of a Certificate of Compliance with ongoing conditions 50 and 51.

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

6. **SE49-0519 (Continued from 9/6/16, 9/20/16, 10/6/16, 10/18/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 110 Mate Drive (Map 130G, Lot 190). Representative is Richard Rheume of Prime Engineering. Update on sign installation.** **CONTINUED**
7. **SE49-520 (Continued from 9/6/16, 9/20/16, 10/6/16, 10/18/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 118 Mate Drive (Map 130G, Lot 191). Representative is Richard Rheume of Prime Engineering. Update on sign installation.** **CONTINUED**
8. **SE49-0533 (Continued from 9/6/16, 9/20/16, 10/6/16, 10/18/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 29 Schooner Court (Map 130G, Lot 231). Representative is Richard Rheume of Prime Engineering. Update on non compliance in 25' No Disturb Zone.**

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing conditions 50 and 51.

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

9. **SE49-0514 (Continued from 9/6/16, 9/20/16, 10/6/16, 10/18/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 52 Mate Drive (Map 130G, Lot 236). Representative is Richard Rheume of Prime Engineering. Update on sign installation.** **CONTINUED**

10. SE49-0515 (Continued from 9/6/16, 9/20/16, 10/6/16, 10/18/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 60 Mate Drive (Map 130G, Lot 262). Representative is Richard Rheume of Prime Engineering. Update on sign installation. CONTINUED

## **NEW BUSINESS:**

### **1. Agent updates**

#### **SHAWMUT AVENUE- A1 Asphalt**

A-1 has an application before the zoning board of appeals and the matter has been continued various times and Con Com has wait until the ZBA make a decision in order to proceed.

#### **200 DUCHAINE BOULEVARD**

Agent Porter advised that Health and Human Service was given a 90 day temporary Certificate of Occupancy in the summer and it's about to expire, They are now requesting a sign off on the CO but the storm water management is not complete. Health and Human Services has been utilizing a portion of the existing parking lot. Agent Porter inquired as to whether or not the Commission agrees to her signing off on said CO.

Agent Porter also stated that the Department of Motor Vehicles (DMV) will also be requesting a CO when they are ready and the Commission could decided to hold off until they are in compliance with their stormwater management controls.

Commissioner Dixon stated that if Health and Human Services is given a sign off then DMV will expect the same courtesy.

Agent Porter advised that there are two options,: 1) not signing off on this at all because did not know there was a temporary CO and they are presently utilizing the existing parking facilities; and 2) issue a sign off to Health and Human Services and not issue one to DMV until the storm water is in full compliance.

Agent Porter advised that Mr. Riccio stated that it will take them another week to place jute mesh down. Agent Porter recommended waiting until this is complete before making a decision on whether or not to sign off on CO.

This commission decided to wait until the jute mesh is down before making any decision.

### **ENGINEER PROPOSALS**

Agent Porter advised that the engineering proposals have been received from Apex Companies, Nitsch Engineering and Beals and Thomas. Agent Porter has reviewed said proposals.

Apex Companies is located at 1213 Purchase Street. Apex does primarily waterways work and has done a lot of work at the South Terminal. John McAllister who would be program director if awarded did storm water reviews but did them while he worked at different company prior to 2013. Apex did submit a storm



water design and report for the radio tower on 140, the construction oversight was too brief in comparison to what Nitsch provides. They did not give sample peer review for DEP storm water management regulations but gave one on for a local storm management bylaw so don't know how they would make out with DEP storm water standards on a peer review. Beals and Thomas submitted a project outline that included utilizing professional wetland scientist which we did not ask for if contracted with them would have to specify that we do not want to pay for wetland scientist in that contract. The engineer review submitted to con com did not zero in on DEP stormwater standards but instead focused on other stormwater engineering discrepancies and the construction monitoring would be done by someone with 6 years of experience and the same with the soil evaluator. With Nitsch The Commission gets Scot Turner who has performed peer review work for the City for 15 years and has 24 years engineering experience or Jennifer Johnson with 10 years exp who works in combination with Scott and he approves her memos

Agent Porter added that she feels Nitsch Engineering's review goes above and beyond with inspecting the quality of detention ponds. They don't waste time on trivial matters and always conduct site inspections which are important rates may be higher than Beals and Thomas but it might be worth it.

Commissioner Pacheco inquired as to how many years Nitsch Engineering has been working with the City. Agent Porter replied that they have doing peer review work for the past 15 years and there have never been any problems and they always stick to the storm water standards.

Commissioner Audette added that he likes all the detail that Nitsch Engineering submits.

The Commission all agreed that they continue their contract with Nitsch Engineering.

### **SOUTH TERMINAL a/k/a WIND TERMINAL**

Agent Porter advised that she contacted John McAllister at Apex when she saw that the scrap metal facility was going in and needed to know whether or not it applies to the wetland protection act. Mr. McAllister advised that he has contacted DEP to confirm as to what their interpretation of the act was but they believe that the terminal and its subsequent operational uses are permitted under the U.S. EPA's final determination for the south terminal project and especially under the applicable rules and regulations ARAR. ARAR is the process that requires compliance with standard associated with other environmental regulations in this case the wetlands protection act.

Agent Porter is thinking of contacting EPA directly to inquire whether they feel the land uses are under ARAR.

The Commission agreed that Agent Porter speak with EPA with regard to the designation of ARAR and obtain some more information on MSGP and then advise the Commission.

## **2. General Correspondence**

### **Meeting Minutes of May 17, 2016, June 7, 2016, June 21, 2016 and July 5, 2016 for approval.**

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of May 17, 2016 was made by Commissioner Gonsalves. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

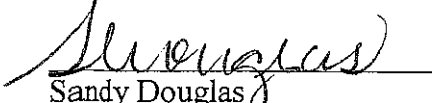
There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of June 7, 2016 was made by Commissioner Gonsalves. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of June 21, 2016 was made by Commissioner Gonsalves. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of July 5, 2016 was made by Commissioner Gonsalves. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Commissioner Gonsalves made a motion to adjourn at approximately 7:35. 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  
November 15, 2016  
Room 314, City Hall**

CITY CLERK'S OFFICE  
NEW BEDFORD, MA  
2017 JAN 19 PM 2:32

**Members Present**

Craig Dixon, Vice Chairman  
Dennis Audette  
Jacob Gonsalves

**Members Absent**

John Radcliffe, Chairman  
Paul Pacheco

**Staff Present**

Agent Sarah Porter  
Sandy Douglas, Admin., Specialist

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

**NEW BUSINESS:**

1. **SE 49-0693 – A Request for an Extension as filed by Highland New Bedford Associate Partnership for property identified as 200 Theodore Rice Blvd. (Map 136, Lot 323). Representative is Richard Riccio of Field Engineering.**

Mr. Richard Riccio of Field Engineering is requesting an extension of the original order so that they may have additional time to complete all the work under the existing order including landscaping work and stabilizing the site. The detention basins have been loamed and the swale will be seeded tomorrow.

Agent Porter stated that she visited the site today in the rain and it's puddling up okay and it is not yet seeded and they will need a tactifier. The contractor thinks that will hold the slopes in place for the winter and if not they will put down jute mesh.

Mr. Riccio stated that his only concern would be the swale slope and they will place tactifier, hydro seed everything and will make sure it's stable through the winter and will do the landscaping in the spring. Mr. Riccio stated that at the last meeting the possibility of obtaining an occupancy permit was discussed since now they are on a temporary occupancy permit and inquired once the site is loamed and seeded if the occupancy permit could be signed off.

Agent Porter inquired whether the Commission would like to have the calculations reviewed by Nitsch Engineering before deciding to sign off or not.

Mr. Riccio stated that there is an additional use of the building and that they have commenced internal work on and they will also be looking for final occupancy sometime in the spring. They have issues with the State who is occupying the portion that is on temporary occupancy.

The Commission agreed that the calculations should be reviewed by Nitsch Engineering first prior to making any decisions on the Certificate of Occupancy.

Agent Porter recommended the issuance of a three year extension of the original Order of Conditions.

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

2. **SE49-0630 A Request for a Certificate of Compliance as filed by the Commonwealth of Massachusetts Division of Fish and Game - Fishing and Boating Access for property identified as the boat ramp on the west side of West Rodney French Blvd. (Map 7, Lot 5).** Representative is Douglas Cameron of the Division of Fish and Game.

Agent Porter advised that a Certificate of Compliance has been submitted and she visited the site and the as-built has also been submitted. Agent Porter recommended the issuance of a full Certificate of Compliance with no ongoing conditions.

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

3. **SE49-0631 A Request for a Certificate of Compliance as filed by the Commonwealth of Massachusetts Division of Fish and Game - Fishing and Boating Access for property identified as the boat ramp on the east side of East Rodney French Blvd (Map 12, Lot 247).** Representative is Douglas Cameron of the Division of Fish and Game.

Agent Porter advised that there were no changes and it was built as proposed and recommended the issuance of a full Certificate of Compliance with no ongoing conditions.

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

## **NEW HEARINGS:**

1. **A Notice of Intent as filed by Paul Barton, Chairman of the New Bedford Regional Airport Commission for property identified as 1569 Airport Road (Map 123 - Lot 3, Map 124 - Lots 14, 28 & 113 and Map 125 - Lot 122).** Applicant proposes to redevelop Runway 14/32 which includes work proposed in the Buffer Zone and within a Bordering Vegetated Wetland. Representative is Amanda Atwell of Epsilon Associates, Inc.

Mr. Richard Lasdin of Airport Solutions, Marc Ottariano of Airport Solutions and Amanda Atwell of Epsilon Associates were all present.

Ms. Atwell advised the Commission that there is a small portion of habitat located in the project area and have submitted the NOI to Natural Heritage for review and have not received a response. The New Bedford Regional Airport is proposing to reconstruct their main runway. This runway was constructed in the 1970s and 4 years ago, Mass DOT rated this runway poor so as funds become available the airport will be making changes. Ms. Atwell also advised that this runway is out of compliance with FAA regulations and the advisory guidance and, in order to get money from FAA, you need to be in full

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compliance. They are proposing to reduce the runway by 50% to go to 75 linear feet and then need to re-grade the runway areas on both ends and are also hoping to improve the storm water management system. They will also install deep sump catch basins, new infiltration trenches, and other BMPs and repair and maintain headwalls and pipes of the existing system. At the Runway 24 end, work will not occur in the wetland or in the 25' New Bedford buffer zone but there is some work proposed within the 100' buffer zone. The route of access would be from Downey Street and well outside of the 100' buffer.

Runway 14 end is a little bit trickier because right now there is a fence around it. Need to remove existing pavement and remove the fence and push it out and re-establish a fence at the edge of runway object free area. There is a significant slope off of runway 14 that goes into wetland and there is a partially collapsed pipe and do not know if it is intact or not. They will need to re-grade and put up a fence. Agent Porter went to the site to identify the wetland area. Wetland replication is being proposed.

Agent Porter has not had an opportunity to review the NOI in its entirety but noticed erosion controls are not proposed inside the 25' no disturb zone. Ms. Atwell stated they will correct that and use compost tubes.

Agent Porter recommended that Nitsch Engineering review the stormwater report. The Commission agreed.

Commissioner Audette made a motion to forward the storm water report to Nitsch Engineering for review. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

Commissioner Audette made a motion to table this matter to December 6, 2016. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

## **CONTINUED HEARINGS:**

- 1. SE49-0745 – (Continued from 10/18/16, 11/1/16) - A Notice of Intent as filed by Paul Barton, New Bedford Regional Airport Manager for property identified as 1569 Airport Road (Map 123 - Lot 3, Map 122 - Lot 3, Map 124 - Lot 28 and Map 125 - Lot 22).** Applicant proposes to reconstruct and expand the terminal apron area with associated storm water management improvements and replace an existing culvert. A portion of this work is proposed in the Buffer Zone and within a Bordering Vegetated Wetland. Representative is Amanda Atwell of Epsilon Associates, Inc.

Ms. Amanda Atwell of Epsilon Associates was present on behalf of the applicant. Ms. Atwell advised that she has received an email from DEP stating that they have no comments and also received letter from Fish and Wildlife (Natural Heritage Program) advising that the project will not result in a take.

Ms. Atwell and Mr. Lasdin of Airport Solutions went through and addressed each of the 16 items listed on Nitsch Engineering's November 1<sup>st</sup> letter. All these responses will be put in writing and forwarded to Nitsch Engineering for further comment and review.

Commissioner Audette advised that these comments should have already been forwarded to Nitsch Engineering for their review prior to tonight's meeting.

Commissioner Audette made a motion to continue to the next meeting on December 6, 2016. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

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2. **SE49-0735 – (Continued from 3/15/16, 4/5/16, 4/19/16, 5/3/16, 5/17/16, 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16) - 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**
3. **SE49-0739 – (Continued from 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16) - 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**

## **OLD BUSINESS:**

1. **SE49-267 (Continued from 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16)- Request for Certificate of Compliance as filed by David Fredette, City of New Bedford DPI, for property identified as John Vertente Boulevard (East Side) (Map 135, Lot 2).** Representative is David Fredette.

Mr. David Fredette, Engineer with the City of New Bedford was present and stated that the Agent had advised him that the swale did not have calculations and that he does not know what the Commission needs. Mr. Fredette continued to explain that this is an empty lot across from Aerovox and it was in the process of being developed and Blair Bailey with the City of New Bedford asked DPI to get Certificate of Compliance filed so that they may be able to move forward with the sale transaction. Mr. Fredette stated that DPI only has two sheets of the original plan and that he superimposed actual survey information for the pond, replication area and the swale and have actual volumes based on the bottom and top does not know what the Commission needs in order to get a Certificate of Compliance.

Agent Porter advised that this road was built in 2000 and it was not built or designed by DPI it was done by Tibbett's Engineering and the only plans that DPI has are the 2 sheets submitted and no as-built of the system. Agent Porter contacted Tibbett's Engineering and they advised that they don't have anything else in their records. Agent Porter also advised that Mr. Fredette has calculated for the storm water pond for 2 year and 10 year event and it will hold that but did not do a 100 year storm.

Mr. Fredette stated that he will try to do the best he can to comply with the Commission's requests but doesn't have any data except for what Tibbett's has provided and it's now 16-17 years later.

Agent Porter advised that there is an ongoing condition for maintenance of the storm water management system and regardless of the fact that the system has not been maintained, the Commission has to approve it with a Certificate of Compliance with a fact that it has an ongoing condition for maintenance of the storm water system.

Mr. Fredette believes that nothing will ever be built on this property because of the wetlands and this area was designated for wetlands replication which cannot be built on. Mr. Fredette is unaware of what is going to be done on this piece of property he was just advised to obtain the COC.

Mr. Fredette added that the pond has been cleared, cleared the west side of the banks and the east side will be done within the next month or two and found more or less where the replication area is. Mr. Fredette stated that DPI can continue to maintain.

Agent Porter stated that DPI can continue with the maintenance and doesn't feel that it's appropriate to issue a COC without all the proper information.

The Commission agreed that Agent Porter write a letter for the file explaining as to why a COC cannot be issued at this time.

- 2. SE49-0509 – (Continued from 10/18/16, 11/1/16) 157 Tarkiln Place (Map 130G, Lot 216) Owner has until January 2, 2017 to move fence back and re-establish compliance.**

Agent Porter advised that the owner has until January 2, 2017 to put the fence back and re-establish compliance.

- 3. SE49-0534 – (Continued from 10/6/16, 10/18/16, 11/1/16) - 21 Schooner Court. Continued until owner is in compliance.**

Agent Porter advised that the owner did not appear tonight and has until next Friday to respond to the Commission.

- 4. SE49-0528 – (Continued from 9/20/16, 10/6/16, 10/18/16, and 11/1/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 137 Mate Drive (Map 130G, Lots 200 & 210). Representative is Richard Rheume of Prime Engineering. Owner has until 11/18/16 to address non compliance in the 25' No Disturb Zone.**

Agent Porter advised that the owner has until Friday to remove the grass clippings from the no disturb zone.

- 5. SE49-0519 (Continued from 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 110 Mate Drive (Map 130G, Lot 190). Representative is Richard Rheume of Prime Engineering. Update on sign installation.**

Agent Porter recommended the issuance of a full certificate of compliance with ongoing Conditions 50 and 51.

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

- 6. SE49-520 (Continued from 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 118 Mate Drive (Map 130G, Lot 191). Representative is Richard Rheume of Prime Engineering. Update on sign installation.**

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing Conditions 50 and 51.

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

7. **SE49-0514 (Continued from 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 52 Mate Drive (Map 130G, Lot 236).** Representative is Richard Rheaume of Prime Engineering. Update on sign installation.

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing Conditions 50 and 51.

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

8. **SE49-0515 (Continued from 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16) Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 60 Mate Drive (Map 130G, Lot 262).** Representative is Richard Rheaume of Prime Engineering. Update on sign installation.

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing Conditions 50 and 51.

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

## **NEW BUSINESS CONTINUED:**

### **1. Ratify Emergency Certification - 1R Coffin Avenue**

Agent Porter advised that the Emergency Certification for 1R Coffin Avenue is for vegetation clearing. Motion to ratify was made by Commissioner Gonsalves. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

### **2. Agent updates**

### **3. General Correspondence**

### **4. Meeting Minutes of 8/2/16, 8/16/16, 9/4/16 and 9/20/16 for approval.**

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of August 2, 2016 was made by Commissioner Gonsalves. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of August 16, 2016 was made by Commissioner Gonsalves. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

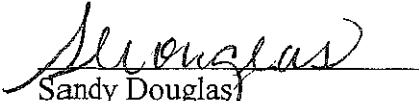


There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of September 4, 2016 was made by Commissioner Gonsalves. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of September 20, 2016 was made by Commissioner Gonsalves. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

Commissioner Gonsalves made a motion to adjourn at approximately 7:35. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

Respectfully submitted,

  
Sandy Douglas  
Administrative Specialist



City of New Bedford  
Jonathan F. Mitchell, Mayor

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

**Members Present**

Craig Dixon, Vice Chairman  
Dennis Audette  
Jacob Gonsalves  
Paul Pacheco

**Members Absent**

John Radcliffe, Chairman

**Staff Present**

Agent Sarah Porter  
Sandy Douglas, Admin., Specialist

CITY CLERK  
2017 JUL 19 PM 2:32  
CITY OF NEW BEDFORD, MA

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

**CONTINUED HEARINGS:**

1. SE49-0745 – (Continued from 10/18/16, 11/1/16, 11/15/16) - A Notice of Intent as filed by Paul Barton, New Bedford Regional Airport Manager for property identified as 1569 Airport Road (Map 123 - Lot 3, Map 122 - Lot 3, Map 124 - Lot 28 and Map 125 - Lot 22). Applicant proposes to reconstruct and expand the terminal apron area with associated storm water management improvements and replace an existing culvert. A portion of this work is proposed in the Buffer Zone and within a Bordering Vegetated Wetland. Representative is Amanda Atwell of Epsilon Associates, Inc. **CONTINUED**
2. SE49-0745 – (Continued from 11/15/16) - A Notice of Intent as filed by Paul Barton, Chairman of the New Bedford Regional Airport Commission for property identified as 1569 Airport Road (Map 123 - Lot 3, Map 124 - Lots 14, 28 & 113 and Map 125 - Lot 122). Applicant proposes to redevelop Runway 14/32 which includes work proposed in the Buffer Zone and within a Bordering Vegetated Wetland. Representative is Amanda Atwell of Epsilon Associates, Inc. **CONTINUED**
3. SE49-0735 – (Continued from 3/15/16, 4/5/16, 4/19/16, 5/3/16, 5/17/16, 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16, 11/15/16) - 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**
4. SE49-0739 – (Continued from 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16, 11/15/16) - 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

## **OLD BUSINESS:**

1. **SE49-267 (Continued from 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16, 11/15/16)- Request for Certificate of Compliance as filed by David Fredette, City of New Bedford DPI, for property identified as John Vertente Boulevard (East Side) (Map 135, Lot 2).** Representative is David Fredette. Commission to review letter to David Fredette, City Engineer.

The Commission reviewed the letter to DPI drafted by Agent Porter as agreed upon at the last meeting explaining why a Certificate of Compliance could not be issued at this time.

Commissioner Pacheco made a motion to send this letter to DPI as drafted. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

2. **SE49-0509 – (Continued from 10/18/16, 11/1/16, 11/15/16) 157 Tarkiln Place (Map 130G, Lot 216).** Owner has until January 2, 2017 to move fence back and re-establish compliance.

Agent Porter advised that the fence has been moved back and the owner is now in compliance and this matter can now be removed from the agenda.

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

3. **SE49-0534 – (Continued from 10/6/16, 10/18/16, 11/1/16, 11/15/16) - 21 Schooner Court. Continued until owner is in compliance.**

Agent Porter advised that the owner has submitted a response in writing to the Commission's letter advising that she has put the split rail fence back and that she will sign the acknowledgment of receipt. Agent Porter has not had a chance to visit the site to confirm this and she has advised that she will now sign the acknowledgment of with the builder. Agent Porter will also send the owner a letter advising her of the above-mentioned.

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

4. **SE49-0528 – (Continued from 9/20/16, 10/6/16, 10/18/16, 11/1/16, 11/15/16) - Request for Certificate of Compliance as filed by Whalers Woods Realty Trust for property identified as 137 Mate Drive (Map 130G, Lots 200 & 210).** Representative is Richard Rheaume of Prime Engineering. Owner has until 11/18/16 to address non compliance in the 25' No Disturb Zone.

Agent Porter advised that they have removed the grass clippings and recommended the issuance of a Certificate of Compliance with ongoing Conditions 50 and 51.

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

## **NEW BUSINESS:**

1. **SE49-0693 - 200 Theodore Rice Boulevard. Commission to review as built information from Field Engineering and review letter from Nitsch.**

Mr. Richard Riccio from Field Engineering was present and stated that he submitted an as-built and received letter from Nitsch with regard to some of the outstanding issues at the site that he reviewed with the Commission at this time.

The biggest issue is the erosion issues on the swale with heavy rains last week and is that scheduled to be repaired with jute netting this Thursday.

Agent Porter advised that there are portions of the drainage system that were not built and are going to be built in the spring time, is unsure as to how the commission would like to proceed, the jute mesh needs to be installed on the swale and that is being done this week.

Mr. Riccio stated that the landscape plantings and the island is part of the reason they went back to the planning board and the Planning Department is going to make sure that everything is done June 1<sup>st</sup>. Agent Porter inquired as to what would happen if it not done by June 1<sup>st</sup>. Mr. Riccio replied that the Planning Department would hold the occupancy permit for the final occupancy for the Registry.

Commissioner Audette recommended getting the islands done while the weather is still nice.

Commissioner Gonsalves stated that the applicant is asking for an as-built to be accepted when the project is not complete and he understands that the things that have not been built are not critical but it's still not complete.

Mr. Riccio stated that he's not trying to represent to the Commission that this as-built is the final as-built for the entire site it's for the stormwater facilities.

Agent Porter required when the applicant anticipates having all the work on site done including the cut outs and the tree plantings. Mr. Riccio replied it will all be done by June 1<sup>st</sup>. Mr. Riccio added that this is not a complete site, there is work ongoing and once the slopes and swales are corrected he doesn't feel there are any violations within the jurisdictional areas that could hold something up or require issuance of an enforcement order but understands that portions of the stormwater management are not complete at this time but those portions do not impact the wetland.

Agent Porter advised that Condition 19 says that prior to the use of the stormwater facilities they will be stabilized and done so given that primarily that's the 2 detention ponds and swale that is something that Commission can decide whether significant or not and whether or not tactifier is something that will keep this stable all through the winter or not.

Commissioner Dixon recommended that the slopes should be stabilized to keep erosion down for the winter. Mr. Riccio stated that it will be the contractor's responsibility to keep these slopes stabilized for the winter.

Dixon is the drainage somewhat working

Audette wants to make sure everything is done before moving on so that it doesn't develop any problems for the City down the road as some other developments.

Mr. Riccio stated that this is a little different from a residential subdivision this is an existing building with one developer who has owned it for many years. DPI signed off on the drainage system that is tied into them and there is an OC that says everything needs to get done and it will get done. This is private land and the city will never have responsibility for this piece of land.

Dixon said it is important right now to get this site stabilized and suggested continuing this matter.

Mr. Riccio inquired if they get the swale, slopes and basins stabilized for the winter if that would be sufficient for this CO. The Commission agreed that if everything gets stabilized then they can sign off on this CO and agreed to continue this matter to the next meeting.

## **2. Agent updates**

### **NEW PLAINVILLE ROAD LOT CLEARING**

Agent Porter advised that she sent a letter requesting the owner cease from clearing the lot. She visited the site and contacted the owner. The potential buyer was doing the clearing and the clearing does not extend to the buffer zone but there is a stand of phragmites that is midway and they had mowed all around it, it's very dense out there. She requested that the buyer file a RDA to get the wetland boundary defined and asked him to please have SITEC establish whether the stand of phragmites was isolated wetland subject to flooding or federally regulated wetland.

### **WHALER'S WOODS**

Agent Porter advise that a request for Certificate of Compliance from whaler's woods was received and the streets have never been accepted. They are now applying for acceptance of the street. The calculations need to be sent to Nitsch for review of roadways and detention ponds.

Commissioner Audette made a motion to send COC and calculation to Nitsch Engineering for review. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

### **241 DUCHAINE BOULEVARD**

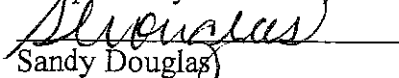
Agent Porter advised that Ray Holberger from Environmental Stewardship Department asked to come before the commission at the next meeting to update the commission of a new proposal for 241 Duchaine Boulevard that consists of a new building and in addition are applying for an EPA Grant for additional risk assessment and possible remediation in the wetlands.

Commissioner Audette advised the Commission that he has been appointed to the Community Preservation Committee.

## **3. General Correspondence (2017 calendar of meetings)**

Commissioner Audette made a motion to adjourn at approximately 7:35. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

Respectfully submitted,



Sandy Douglas  
Administrative Specialist