



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
February 19, 2019
Brooklawn Senior Center**

Members Absent

Paul Pacheco

Staff Present

**Agent Sarah Porter, Conservation Agent
Sandy Douglas, Admin. Coordinator**

**CALL MEETING TO ORDER
ROLL CALL OF COMMISSIONERS**

NEW BUSINESS:

1. **SE49-0753** - Request for a Certificate of Compliance by Aspen Properties Holdings, LLC for property identified as 1703 Phillips Road (Map 134, Lot 474). Representative is Nick Dufresne of Farland Corp.

Mr. Christopher Moniz of Aspen Properties was present and advised that a copy of the final as-built has been submitted to the Commission requesting a Certificate of Compliance. The erosion controls are still in place and arborvitaes have been planted and due to time of year the grass has not established and requesting a partial COC.

Agent Porter advised that she has been out to the site and the sign is up, arborvitaes have been planted and are doing well. Erosion controls are in place and functioning to hold back the sediment, area graded and single family home constructed only thing left is loam and seed so recommended the issuance of a partial certificate of compliance with the work completed constituting of the house construction, grading no disturbance line and sign, work not completed is loam and seed with ongoing conditions #50 and #51.

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

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

OLD BUSINESS:

1. **SE49-0794** – (Continued from 10/2/18, 10/16/18, 11/6/18, 11/20/18, 12/4/18, 12/18/18, 01/8/19, 1/22/19, 02/5/19) - Request for a Certificate of Compliance as filed by DPM Development Corp., for property located at Seth Daniel Drive (Map 136, Lot 482). Representative is Jeffrey Tallman of SITEC. **CONTINUED**

CONTINUED HEARINGS:

1. **SE49-0735** – (Continued from 3/15/16, 4/5/16, 4/19/16, 5/3/16, 5/17/16, 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16, 11/15/16, 12/20/16, 12/27/16, 1/17/17, 2/7/17, 2/21/17, 3/7/17, 3/21/17, 4/4/17, 4/18/17, 5/2/17, 5/16/17, 6/6/17, 6/20/17, 7/5/17, 7/18/17, 8/8/17, 8/22/17, 9/5/17, 9/19/17, 10/3/17, 10/17/17, 11/7/17, 11/21/17, 12/5/17, 12/19/17, 1/2/18, 1/16/18, 2/6/18, 2/20/18, 3/6/18, 3/20/18, 4/3/18, 4/17/18, 5/1/18, 5/15/18, 6/5/18, 6/19/18, 7/3/18, 7/17/18, 8/7/18, 8/21/18, 9/4/18, 9/17/18, 10/2/18, 10/16/18, 11/6/18, 1/20/18, 12/4/18, 12/18/18, 01/8/19, 1/22/19, 2/5/19) - 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. **SE49-0810** – (Continued from 9/4/18, 9/17/18, 10/2/18, 10/16/18, 11/6/18, 11/20/18, 12/4/18, 12/18/18, 01/8/19, 1/22/19, 2/5/19) - A Notice of Intent as filed by Norman Nichols for property identified as a 50' wide easement through Map 130A, Lot 720. Applicant proposes a stream crossing for a 20' wide paved drive which shall alter Bordering Vegetated Wetland, Bank and Land Under a Waterway. Representative is Richard Rheume of Prime Engineering. **CONTINUED**
3. **SE49-0814** – (Continued from 2/5/19) - A Notice of Intent as filed by Mary Rapoza, City of New Bedford Director of Parks, Recreation and Beaches for property identified as Marine Park, Popes Island, New Bedford (Map 60, Lot 2). Applicant proposes to conduct maintenance on a coastal bank by removing invasive species and replacing them with native shrubs and perennials. Representative is Mary Rapoza. **CONTINUED**

NEW HEARINGS:

1. **SE49-0815** - A Notice of Intent as filed by David Hebert of Braley Woods Condominium Assoc. for property identified as 1471-1475 Braley Road (Map 137, Lot 109). Applicant proposes to repave an existing driveway and parking lot and install a trench drain in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Paul Carlson, P.E. of InSite Engineering.

Commissioner Audette made a motion to table this matter since there is no representative present. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

2. **SE49-0818** - A Notice of Intent as filed by Michael Zylich of Eversource Energy for property identified as the existing transmission line Right of Way in New Bedford. Applicant proposes to conduct two geotechnical borings within Bordering Vegetated Wetland and one within the 100' Buffer Zone. Representative is Karen Hanecak of Power Engineers, Inc.

Ms. Karen Hanecak of Power Engineers was present on behalf of the applicant Eversource Energy. Ms. Hanecak advised that Eversource is proposing a conduit for some geotechnical investigations within their existing transmission line in the right of way in NB. There is a total of 5 soil boring locations that they would like to collect two of them are in the wetland and one in the wetland buffer zone. Typically, the soil boring investigations consists of various soil borings that are advanced to a depth of 30' x 4" in diameter. They are collected to analyze the existing subsurface geology of the areas so Eversource will be collecting information such as depth to groundwater, different soil types and profiles at these locations. There is approximately 2,700 s.f. of BVW area that will be temporary impacted and that is a direct result of installing of temporary matting so that boring equipment can come in and gain access to boring locations and provide stable platform for equipment to rest and collect the borings. A drilling contractor comes in and installs the temporary matting and any erosion controls and collects the boring. It usually takes a day to collect that boring location. Once boring complete they backfill, take out equipment and matting and stabilize and restore and once stabilized will remove erosion controls.

Commissioner Audette inquired as to what are the boring samples for. Ms. Hanecak replied for further engineering design for probably transmission that Eversource has coming up. Commissioner Perks inquired as to the timeline. Ms. Hanecak replied they are hoping to get done this spring.

Agent Porter advised that two abutters called today and spoke to Sandy and wished their opposition to the project be noted, Edwin Dolan 142 Heritage Drive and other is Irene and Leo Cardinal of 1028 Churchill Street. Agent Porter added that this filing is different because there were no wetland numbers on flags that are on plans. Ms. Hanecak will add that to the plans. Agent Porter requested details of the mats be submitted to her. Ms. Hanecak agreed to do so.

Chairman Dixon opened this matter to public comment and instructed everyone that they would have a maximum of two minutes to speak in favor or in opposition and ask any questions and they would be answered to the best of their abilities. Only thing before this commission's jurisdiction is the three borings that is being discussed this evening. Eversource is not talking about building anything right now it's in the investigatory phase.

Kathleen Lewis 86 Puritan Way, wondering what goal Eversource has of doing these borings. Ms. Hanecak replied that Eversource and Nation Grid have a proposed project which includes installation of new transmission lines there. An Expanded Environmental Notification form was filed in November and that information is available online if anyone would like to review it. Ms. Lewis question if whatever is going to be done is going to interfere with anyone's property. Mr. Hanecak replied that it's too early to say the exact location, but it will be done in Eversource's right of way.

Marlene Araujo of 15 Puritan way inquired if anything proposed will affect the electricity. Karen replied there is no project proposed that would affect the distribution of electricity.

Ray Gilbert of 1157 Westgate Street questioned if Eversource has any knowledge of a less invasive way of doing these borings like digital imaging. Ms. Hanecak replied that she is not aware of any other technology this is their typical practice.

Manny Roque of 1067 Churchill Street commented that when a boring is done it's because they have intentions of doing something else. She was also concerned about the impacts the temporary mats would cause to the wetlands. Questioned why there are spill kits proposed. Ms. Hanecak replied in case there is any equipment spills of gas or oil and this is part of the best management practice.

Bob Ladino of 81 Longview Road inquired if future project goes forward is there any other opportunity for public to comment? Chairman Dixon answered if they decide to do a future project it will have to come before this Commission and there would be another Conservation Commission meeting and all the abutters would be notified.

Joel Cosmo of 1114 Churchill Street expressed concern about spillage in the wetlands and why not move these trucks to the access road away from the wetlands so there aren't any accidents. Ms. Hanecak replied that the trucks and equipment will be fueled outside of the 100' buffer zone but there are emergency spill kits in case.

Elizabeth Saulnier of 94 Birchwood Drive inquired as to when will the next meeting take place. Chairman Dixon informed her it will be March 6 at same time and place

John of 70 Puritan Way inquired as to the size of the matting. Ms. Hanecak answered with the dimensions of the mat and the process of laying the mats on the ground.

Manny Martins of 514 Barnard Street also added to the explanation of how the mats are laid on the ground.

John Rodrigues of 1042 Beverly Street inquired as to who is going to oversee this project. Dixon answered that the city has its conservation commission agent that will be on site. Porter Eversource also has engineers on site together with a safety representative and construction supervisor.

Commissioner Audette made a motion to table until the next meeting. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

NEW BUSINESS CONTINUED:

1. The Willows

Agent Porter advised that she sent out another Enforcement Order on February 6th after talking to Jane in the Solicitor's office. Agent received a call from Chris Billody that owns the Willows and he said after speaking with the building department he is not going to do any other work out there because building department was asking for detailed plans and does not want to spend any more money. In Enforcement Order was asked to file an NOI and not to do any work until have valid order from Con Com. They are not discharging anything now into the wetland would like to not take any further action at this time and just have a valid Enforcement Order.

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

Agent Porter drafted letter to the owner of the Willows and gave it to the Commissioners to read. Commissioners read the letter and agreed that letter be sent.

2. West Beach Nourishment Project

Agent Porter advised that she went to meeting last week and will be filing a NOI soon for nourishment of beach and construction of t-shaped jetties proposing bringing in of 31,150 cubic yards of sand by truck or

bring in shallow barge to Hazelwood park. They will also have to get a Chapter 91 waterway license and water quality certificate and Army Corp.

3. Parallel Products MEPA Expanded ENF

Agent Porter advised that Parallel Products has filed an expanded ENF for 100 Duchaine Boulevard for a municipal solid waste processing and transferring facility which involves wetland impacts less than 500 square feet and thinks it is for the rail. MEPA has not issued a file # yet for the onsite and when gets that date will notify the commission.

4. Agent Updates/General Correspondence

5. Meeting Minutes of 6/5/18, 8/21/18 and 9/17/18 for approval.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of June 5, 2018 was made by Commissioner Audette. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of August 21, 2018 was made by Commissioner Audette. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes September 17, 2018 was made by Commissioner Audette. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

ADJOURN

Commissioner Audette made a motion to adjourn at approximately 7:50. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas, Administrative Coordinator