



**Environmental Stewardship Department/  
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of  
March 5, 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**

Commissioner Dennis Audette, Chairman Craig Dixon, Commissioner Chancery Perks and Commissioner Peter Blanchard.

**NEW BUSINESS:**

1. **SE49-0729** – Request for Extension of Order of Conditions as filed by Scot Servis, Director of New Bedford Regional Airport for property located at 1569 Airport Road, (Map 123-Lot 3; Map 124-Lot 28 & 82; Map 125-Lot 22; Map 128-Lot 32). Representative is Amanda Atwell of Epsilon Associates, Inc.

Agent Porter advised that the Order of Conditions is expiring and she has inspected the wetland mitigation site with Scott Servis and Amanda Atwell and found it to be in compliance. The gravel access road has always been constructed and they do have the wetland replication monitoring report. Since the site is in compliance, Agent Porter recommended the issuance of a three year extension of the order of conditions.

No further comments.

Commissioner Audette made a motion to extend the Order of Conditions. Motion was seconded by Commissioner Perks. 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, 2/19/19) - Request for a Certificate of Compliance as filed by DPM

## 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, 2/19/19) - 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, 2/19/19) - 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, 2/19/19) - 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.

Mary Rapoza from the City of New Bedford was present and advised that the Marina and Rowing Club made the request to clear the bittersweet overgrowth along the shoreline. Proposing to pull the lawn back, remove invasive and introduce a bed of native shoreline plant material.

Commissioner Blanchard questioned if work was being done in the spring. Ms. Rapoza replied that it all depends on funding and hoping for the fall.

Agent Porter advised this is a proposal for enhancement of the coastal bank of the buffer zone with rodeo herbicide to be wiped onto the stems after cut but no spraying. The special conditions are that all work is to be done as specified in the NOI narrative planting plan and specification revised date of 2/14/19, rodeo is only to be wiped on the cut stems of invasive plants and not to be sprayed, upon completion an as built planting plan shall be submitted before issuance of COC.

Commissioner Audette made a motion to issue an order of conditions with special conditions as read by the Agent. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

4. **SE49-0815** – (Continued from 2/19/19) - 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.

Mr. Shane Ainsworth was present on behalf of the applicant. Mr. Ainsworth advised that there is an existing parking lot and it is in terrible shape and are proposing to repave it. They are in the 100'/ 50' buffer zone and only proposed change is installing drain in the entrance way.

Commission Dixon inquired if going to repave in kind. Mr. Ainsworth replied it will be the same size And the only change is the trench drain.

Commissioner Audette requested that an oil/water separator be installed in the drain. Mr Ainsworth agree to add oil/water separator inside.

Agent Porter advised that she reviewed the wetland boundary flags and they are okay but only flags 1-6 will be approved because the back was not flagged and because only working in the buffer zone don't need to continue to flag the area out. They have submitted a stormwater management report with calculations if want it to go to Nitsch for review. Agent Perks commented since this parking lot hasn't been touched in 20 years he feels that having Nitsch review it would be a good idea.

Commissioner Audette made a motion to send to Nitsch for review. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

Commissioner Audette made a motion to table the matter to March 19, 2019. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

**5. SE49-0818 – (Continued from 2/19/19) - 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 and advised that at the last meeting the commission had requested additional information to Eversource's their Best Management Practices Manual and construction detail for the construction matting being used to access the two borings in the wetlands and revised the NOI Plans to depict the location of the actual wetland delineation flag locations. All this information has been submitted to the conservation commission on February 21<sup>st</sup>.

Agent Porter advised that she has reviewed the flags and with winter conditions out there she was not able to get auger into the ground. Agent Porter recommended approval for winter delineation for purpose of this project, page 2 of 5 wetland flags d41-1, d42-4 and d42-15 through d42-22 and on page 1 of 5 wetland flag sequences goes from d-21 is connected to d17 and eliminate D44, 18, 19 and 20 didn't agree with those flags. Wetlands 23-d21 eliminating flag d44-22. The remainder of wetland flags shown on approved plan is not verified under this Order of Conditions and will be verified in the future when winter conditions cease.

Matthew Araujo was not present at last meeting and inquired as to the scope of work and when would the work be done. Mr. Araujo also inquired whether it would change the water table because he is concerned about flooding in his basement Mr. Zylich answered Mr. Araujo's questions in detail.

Mary Connoly, 1067 Churchill Street stated she was present two weeks ago and is still concerned about damage the equipment will cause to the wetland and also concerned about water problems basements.

Agent Porter recommended the following special conditions: prior to onset of drilling in wetland area on-site meeting is to be held with the Conservation Commission Agent to go over means and methods for drilling, wetland specialist is responsible for permit compliance and shall be present together with contractor, prior to onset of drilling straw waddles or equivalent erosion control shall be staked around construction mats and the soil boring locations to prevent erosion to advance wetlands upon completion of borings, the mats shall be removed and ground surface restored to pre-existing contours as necessary, disturbed soil shall be seeded with wetland seed mix or equivalent, once ground stabilized all erosion controls to be removed from the site. Refueling of equipment shall take place outside of 100' buffer zone, spill kits shall be kept onsite at all times if spill occurs con com is to be notified along with other applicable parties such as MA DEP boring to occur after June 15.

Commissioner Audette made a motion to approve an order of conditions with special conditions as read by the agent. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

6. **SE49-0819** - Notice of Intent as filed by MIH1, LLC for property identified as Farland Circle (Map 130D, Lot 472). Applicant proposes to construct a single-family dwelling on each lot in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Jack Tabares of Farland Corp. **CONTINUED**
7. **SE49-0820** - Notice of Intent as filed by MIH1, LLC for property identified as Farland Circle (Map 130D, Lot 477). Applicant proposes to construct a single-family dwelling on each lot in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Jack Tabares of Farland Corp. **CONTINUED**
8. **SE49-0821** - Notice of Intent as filed by MIH1, LLC for property identified as Farland Circle (Map 130D, Lot 478). Applicant proposes to construct a single-family dwelling on each lot in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Jack Tabares of Farland Corp. **CONTINUED**

## **NEW HEARINGS:**

NONE.

## **NEW BUSINESS CONTINUED:**

1. **Emergency Certification – 3 Wildwood Rd (Greater New Bedford Vocational School)**

Agent Porter advised the commission that Voke needs to dismantle three structures, house, garage and shed and will install stake waddles and will inspect prior to demolition activity they also need to cut 12-15 trees located on Wildwood Road they are in the buffer zone and not in the wetland.

Voke purchased that parcel of property and will be coming in the future with a NOI to create a playing field but in the meantime need to cut down the trees to be able to get the equipment in and out of there.

Commissioner Blanchard made a motion to ratify the Emergency Certification. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

2. **1089 Tobey Street – tree removal**

Agent Porter advised the Commission that she met onsite with Eric Pequita and the tree is only 15' from the house and it's about 25' from the edge of the pond and the roots are under the house and tree needs to be taken down. They are going to use a crane and grinding the stump. Mr. Pequita stated that it's a liability and can cause structural damage.

Commissioner Audette made a motion to approve the cutting of the tree and grinding of the stump. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

Commissioner Perks abstained from voting on this matter.

### **3. Agent Updates/General Correspondence**

#### **Parallel Products**

Agent Porter advised that an ENF has been received for 100 Duchaine Blvd., and the due date for comments is March 22<sup>nd</sup> plan on having letter for March 19<sup>th</sup> meeting for the commissioner's review.

Commissioner Audette advised that there is a group that is doing a mass mailing against Parallel Products that is being circulated in the north end.

Elizabeth Saunier of 94 Birchwood Drive was present and advised that she did receive a mailing with regard to Parallel Products asking people to appeal it and there was no indication where it came from or who the author was.

Agent Porter explained to Ms. Saunier that the Commission will comment on the ENF with respect to wetlands protection act because there are wetland impacts from railroad spur that they plan on building to get the material, recycling and municipal solid waste from plant to railroad tracks.

#### **127 Duchaine Boulevard**

Agent Porter went today to construction start-up meeting at Milhench, 127 Duchaine Blvd., and they have 2 wetland replication areas. They are supposed to construct these before do any other work on the site can't really do that because they can't get in there. Agent advised them they don't get CO until wetland replication area is built.

Commissioner Audette asked that it be noted on the plans that nothing will be approved until it is complete.

Agent Porter met with the wetland specialist, general and site contractor and will send contractor a memo that the Commission is okay with them doing this in the fall.

### **4. Meeting Minutes of 10/2/18 for approval.**

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes October 2, 2018 was made by Commissioner Audette. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

#### **NEW ENGLAND FARMS**

Commissioner Audette questioned whether NE Farms received a partial Certificate of Compliance. Agent Porter replied that was correct. Agent Porter they can't do anything because it's the winter and have to wait because didn't get everything done in fall for complete stabilization so had to put down erosion control and not ready for sign off on Certificate of Occupancy.

Audette suggested Agent visit the site and see what they are using out there for the snow removal.

## **ADJOURN**

Commissioner Audette made a motion to adjourn at approximately 7:30. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

Respectfully submitted,

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Sandy Douglas, Administrative Coordinator