



Conservation Commission

September 2, 2014 – 6:30 PM – **Minutes**
City Hall, 133 William Street

Members Present

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

Members Absent

Paul Pacheco

Staff Present

Agent Sarah Porter
Sandy Douglas, Administrative Specialist

HEARINGS:

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

1. **(Continued from 10/7/13, 10/22/13, 11/12/13, 11/26/13, 12/10/13, 1/7/14, 2/8/14, 2/19/14, 3/4/14, 3/19/14, 4/1/14, 4/25/14, 5/6/14, 5/20/14, 6/3/14, 6/17/14, 7/1/14, 7/15/14, 8/5/14 & 8/19/14) - A Request for Determination of Applicability as filed by Ron Labelle, City of New Bedford Commissioner of Public Infrastructure for property identified as 1350, 1296, 1232, 1216, 1182 & 1174 Sassaquin Avenue, New Bedford (Map 138, Lots 445, 81, 67, 69, 60, 392, and 191) and the Swallow Street and Sassaquin Avenue Rights of Way.** Applicant proposes to upgrade the storm water management system in the Buffer Zone. Representative is David Fredette of the Department of Public Infrastructure. CONTINUED
2. **SE49-0597 – (Continued from 1/7/14, 2/8/14, 3/4/14, 3/19/14, 4/1/14, 5/20/14, 6/3/14, 6/17/14, 7/1/14, 7/15/14, 8/5/14 & 8/19/14) - A Request for Certificate of Compliance as filed by Ana M. Reis, Trustee of Bismark Meadows Realty Trust for property identified as Bismark Street (Bismark Meadows Road), (Map 136, Lot 131). Agent update.**
3. **SE 49- 0704 - (Continued from 7/1/14, 7/15/14, 8/5/14 & 8/19/14) - A Notice of Intent as filed by Ron Labelle, City of New Bedford Commissioner of Public Infrastructure for property identified as Fisherman’s Memorial Pier on East Rodney French Boulevard (Map 6, Lot 2).** Applicant proposes to construct a new elevated promenade and conduct structural repairs to the existing pier in Land Subject to Coastal Storm Flowage with temporary alterations proposed on the Coastal Bank and Coastal Beach. Representative is Magdalena Lofstedt of CDM Smith. CONTINUED TO 9/16/14.
4. **A Request for Determination of Applicability as filed by Friends Realty Inc. c/o Sid Wainer & Son for property identified as 2301 Purchase Street (Map 97, Lot 9).** The applicant proposes to upgrade an existing sewer line in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Thomas Hardman of Site Design Engineering, LLC.

Mr. Thomas Hardman of Site Design Engineering was present on behalf of the applicant. Mr. Hardman advised that this is the Friendly Fruit/Sid Wainer. There is an existing sewer line that runs out the back which has collapsed and in addition to that there are grease traps inside that do not work. They are proposing to install new grease traps and a new sewer line which is unfortunately up against wetland. They will place siltation barriers along the edge of the wetland. All the work will be done on the existing pavement, the edge of pavement is against the property line. The material will be stored on site for the day and trench will be

backfilled at the end of the day. If there is any dewatering required it will be done with a haybales and a filtration sock. The only storage of materials would be some stone to place the pipe in.

Chairman Radcliffe inquired as to the limit of work. Mr. Hardman responded that the limit of work would be right up to the edge of the pavement.

Chairman Radcliffe inquired as to how long this project would take. Mr. Hardman responded that it would take approximately one week. The only hold up there may be the utilities because they don't know where they are.

Agent Porter stated that she has been out to the site and it's a narrow paved area. The wetland is a phragmites wetland and it's a bordering vegetated wetland with a 100' buffer line. The biggest concern is making sure the silt fence can work on pavement. Mr. Hardman stated that the contractor is WC Smith of New Bedford and he has proposed to use double haybales with the silt sock. Agent Porter stated that one of the conditions will be that the filter sock will need to be inspected prior to dewatering into a filter sock and a hay bale check dam. Agent Porter stated that she feels silt socks would work better than hay bales along the edge of the wetland because they conform and they are using them at the airport and has noticed that they filter better. Stockpiles are to be placed on the north side of the trench because it is the only place where there is room.

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

Agent Porter recommended the issuance of a negative determination that the work as proposed is to be in the buffer zone but shall not alter the adjacent resource area provided that the filter socks are used and inspected prior to work start up. That a filter sock haybale check dam is used around the catch basins for dewatering and that best practices will be employed during the removal of excavated soils.

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

5. A Notice of Intent as filed by Norman Nichols for property identified as Map 30A, Lot 796 Tori Lynn Drive, New Bedford 02745. The applicant proposes to construct a single family dwelling in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Kenneth Ferreira of Ferreira Engineering.

Mr. Kenneth Ferreira of Ferreira Engineering was present on behalf of the applicant and advised that the NOI is for the construction of a single family home with City utilities. The home is within a buffer zone to the BVW. Mr. Ferreira is using the flag line that was most recently approved. Hay bale silt fence and split rail fence with appropriate signage is proposed. The drain spouts in the rear will be connected to an onsite infiltration field as well as in the front, sump pump will be connected to the main drain that goes out to the detention pond.

Chairman Radcliffe inquired as to the when the calculations were done for the detention pond and if the calculations included this area. Mr. Ferreira replied that he did not do the original filing and didn't do the calculations but he would think that any competent engineer in the approval process with DPI and Conservation would have included the contributed runoff.

Agent Porter stated we have the plan that was approved with the Certificate of Compliance and it doesn't say what it was originally designed to hold. Chairman Radcliffe stated that according to the plans Mr. Ferreira has made adequate provision to capture the runoff.

Agent Porter stated that the wetland boundary is still valid but someone will need to re-establish the flags. Mr. Ferreira replied that he will re-do the flags.

Agent Porter recommended the issuance of an Order of Conditions with conditions as follows: re-do the flags, upon completion of construction a split rail fence will be installed along the haybale silt fence line to establish a permanent no disturbance boundary in perpetuity sign placard shall be placed on the fence stating a protected conservation area exists beyond this fence and is to remain undisturbed per Order of the New Bedford Conservation Commission and at the time of land transfer that the proponent or any successor shall require the buyer to sign an acknowledgement that they have read and understood the above condition and notarized original documents of said acknowledgment shall be forwarded to the Conservation Commission. The plans for approval is entitled Building Permit Plan Subject Map 130A, Lot 796 Tori Lynn Drive, New Bedford, MA dated August 20, 2014.

Chairman Radcliffe inquired whether Agent Porter had an opportunity to inspect the site and if the detention pond is adequate. Agent Porter replied that she has visited the site and it appears the pond does have the capacity.

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

6. A Notice of Intent as filed by Ron Labelle, City of New Bedford Commissioner of Public Infrastructure for property identified as the utility easement within 20 Howard Ave (Map 116, Lot 94). Applicant seeks after the fact approval for installation of a drain pipe and approval for Bank stabilization. Work was conducted and is proposed on a Coastal Bank, Coastal Beach, Riverfront Area, Land Subject to Coastal Storm Flowage and the Buffer Zone. Representative is Dwight Dunk of CDM Smith.

Mr. Dwight Dunk of CDM Smith was present on behalf of the applicant. Mr. Dunk advised the Commission issued an Emergency Certification back in July and the NOI submitted is pursuant to said Certification. The plans submitted are based on what DPI has been installing. DPI is installing the end section of the 48" storm drain. The inverts of the pipes that were surveyed will be installed and the intent was to minimize the work within the beach. The City is proposing to add the outlet to match the inverted pipe with the elevation. They are proposing not to rip rap the entire bank, the bank has been completed and subgrade has been established but are proposing two feet of stone at the end of the bank to bring stone up to mean high water elevation.

Chairman Radcliffe inquired as to the size of the stone. Mr. Dunk replied that they are using modified rock fill, its Massachusetts Highway Department standard material, and its 4"-8" angular. The idea is to have the bottom 2' of the tow be rock and it is carried over the pipe. The bank above that will be loamed and seeded with specified seed mix.

Chairman Radcliffe inquired as to what the source of water is being collected. Mr. Dunk replied that there are two new manholes being installed with sump so getting some sediment trapping. There were no manholes prior and there is some improvement in the TSS collection.

Chairman Radcliffe stated that this project needed to be done and would like to see it done quickly.

Commissioner Audette inquired if the seed is going to be hydro type. Mr. Dunk replied that because it is a small area it is more economical and effective to hand throw it and are also proposing a coconut based erosion control fabric.

Chairman Radcliffe inquired as to when this project will commence and how long will it take. Mr. Dunk replied that he needs to speak with DPI to find out when they will commence the work and as soon as the Order of Conditions is issued he will notify DPI. Agent Porter stated that she can issue the Order tomorrow so that DPI is not being held up.

Agent Porter stated the special conditions be as follows: that they use New England Coastal Salt Tolerant Grass Mix, once seeded the erosion control reinforcement mat is in place and is to be gently watered to assist in germination of the seed, the stone is to be increased to a 12" angular rock instead of the 4"-8" Mass DOT spec.

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

OTHER BUSINESS:

1. Trustees of the Reservation- Conservation Restriction and Baseline Documentation Report

Agent Porter advised the Commission that all that is left to do is sign the Conservation Restriction and that all changes have been made.

Commissioner Dixon made a motion that at a public meeting held on September 2, 2014 the City of New Bedford Conservation Commission voted to accept the grant from the Massachusetts Land Observation Trust. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

Agent Porter advised that the Baseline Documentation Report also needs to be signed. Said report goes through all different aspects of the property including description of all the property with a lot of historical information.

Commissioner Dixon made a motion stating that to the best of this Commission's knowledge the materials included in the Baseline Documentation Report including Plan of Land to be recorded in the Bristol County Southern District Registry of Deeds with Mass. GIS Aerial Photographs, CR Boundary Line, Ground Photographs taken on June 3, 2013 and other materials are an accurate representation of the premises to be preserved under the Conservation Restriction. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

Said documents were notarized by Sandy Douglas.

2. Agent Updates

CARDINAL PLACE

Agent Porter advised that she and Commissioner Audette went to a pre-construction meeting this morning with Planning, DPI, and a representative from the Contractor were all present. The limits of clearing were staked out and also have a plan showing the limits of clearing staked, walked the limits of clearing, looked at the extra pile of brush that was to be removed and basically they are ready to start.

Chairman Radcliffe stated that there are a lot of watchful eyes on this project and he is delighted that they are complying.

100 DUCHAINE BOULEVARD

Agent Porter notified the Commission that she is meeting Scott Turner at 100 Duchaine Boulevard for an inspection.

**A Request for Determination of Applicability as filed by Ron Labelle, City of New Bedford
Commissioner of Public Infrastructure for property identified as 1350, 1296, 1232, 1216, 1182 & 1174
Sassaquin Avenue, New Bedford (Map 138, Lots 445, 81, 67, 69, 60, 392, and 191) and the Swallow Street
and Sassaquin Avenue Rights of Way.**

Commissioner Audette stated that this matter has been on the agenda for almost a year and suggested contacting DPI and notifying them that since no one has appeared before this Commission nor does anyone every notify this Commission that no one will appear for an upcoming meeting that DPI should be notified that this matter will be removed from the Agenda.

Chairman Radcliffe suggested sending DPI a formal note that the Commission has been open to hearing this matter since October 7, 2013 and are still waiting to hear from them as to when they would like to have this hearing take place.

Agent Porter stated that she will research the MACC Guidelines.

3. General Correspondence (MACC Fundamentals)

The Commission will advise Sandy Douglas as to which fundamentals they would like to register for.

Chairman Radcliffe welcomed Commissioner Jacob Gonsalves to the Commission.

A motion to adjourn was made by Commissioner Dixon at approximately 7:35 pm. Motion was seconded by Commissioner Dixon. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas
Administrative Specialist