



Conservation Commission

November 4, 2014 – 6:30 PM – **Minutes**
Ashley Room, City Hall, 133 William Street

Members Present

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

Members Absent

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 & 9/2/14) - 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 UNTIL END OF MARCH, 2015 PER DPI'S REQUEST.**
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 & 9/2/14) - 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).** Commission to review as-built and calculations for issuance of a Certificate of Compliance.

Agent Porter stated that all documents were posted on the web along with the as-built of the pond itself. DPI did the survey, Nitsch ran the calculations for the hydraulic analysis for both pre and post and the results came out in substantive compliance with the Order of Conditions. Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing conditions #35 and #50 and that DPI will take over the operation and maintenance of the pond.

Chairman Radcliffe commented that a good resolution has finally been reached.

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

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

3. **A Notice of Intent as filed by Ronald Labelle, City of New Bedford Commissioner of Public Infrastructure for property identified as Turners Pond dam (Right of Way of New Plainville Rd and Polocz Blvd., Map 124-Lots 1, 21 and 62.).** Applicant proposes to conduct dam maintenance of the

Turners Pond dam which involves clearing vegetation in Resource Areas and the Buffer Zone. Representative is Andrew Poyant of CDM-Smith.

Mr. Andrew Poyant of CDM-Smith was present on behalf of the City of New Bedford DPI. Mr. Poyant advised that they are proposing clearing of the BVW in order to comply with the Office of Dam Safety Regulations which requires that all woody vegetation be cleared from the dams. The work in this area is approximately 6,025 s.f., in the BVW and there is also proposed work in Land Subject to Flooding. There will be no changes in the grade. There is also approximately 2,000 s.f., within riverfront area to be cleared. Mr. Poyant advised that he has received a response from Natural Heritage that this project as proposed is okay. After the clearing of trees and shrubs, the wetland will be seeded with a wetland seed mix and seed non-wetland areas with conservation wildlife seed mix. DPI will continue to maintain it and keep it free from woody vegetation. Both of the seed mixes are free of woody vegetation seeds.

Chairman Radcliffe inquired as to what equipment is proposed to be used. Mr. Poyant replied that they are currently trying to sort that out with DPI but that they will need to get some heavy equipment back there if possible. But not sure at this point how they will access it because it is pretty steep off the road. Mr. Poyant stated that there are some pretty big trees out there and wouldn't want to be carried 40'-50' uphill to the road. Mr. Poyant proposed using construction mats or swamp mats

Chairman Radcliffe inquired if this would also be going before the Town of Dartmouth Conservation Commission. Mr. Poyant replied that it would be going before the Town of Dartmouth.

Chairman Radcliffe inquired as to the purpose of removing the vegetation on the south side of the road. Mr. Poyant replied that it's one of the requirements from the Office of Dam Safety Regulations.

Commissioner Audette inquired as to whether they have come up with a plan for this project. Mr. Poyant replied that they know what has to be done but there is no plan except that they would prefer to use heavy equipment.

Chairman Radcliffe would like to see more details of the process itself as to how DPI envisions doing this work.

Mr. Poyant replied that they are proposing to use heavy equipment because by hand it will take longer and will cost the City more money.

Chairman Radcliffe stated that he does not see enough detail to make a judgment at this point.

Mr. Poyant suggested adding a condition to the Order of Conditions that prior to the work commencing that someone come to the site. Chairman Radcliffe replied that is a standard condition on any order.

Agent Porter suggested meeting on site with DPI and will report back to the Commission at the next meeting. The Commission and Mr. Poyant agreed.

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

Commissioner Dixon made a motion to table this matter to November 18, 2015. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

4. A Request for Determination of Applicability as filed by the Acushnet Company for property located at 700 Belleville Avenue (Map 112, Lot 133). Applicant proposes to install a concrete

foundation for a heating, ventilation and air conditioning condenser unit in the Buffer Zone. Representative is Stephen Chmiel of AECOM Environmental.

Mr. Stephen Chmiel of AECOM Environmental was present on behalf of the applicant. Mr. Chmiel stated that he is proposing to install an HVAC Unit and foundation pad at their Plant C facility which is located at 700 Belleville Avenue. The site for installation is at the Southern rear section of the property and is currently comprised of lawn, pavement. The activity will occur within the 100' buffer zone to coastal bank and approximately 60' from the mean high water line associated with the Acushnet River. There will be no impact to the riverfront area. All the impacts will occur within the buffer zone of the coastal bank. This site has a past relative to PCB contaminations, the past disposal and management of the Aerovox Facility which is located immediately to the North is now paved and capped. They have done some sampling at this site and have found PCB concentrations. There is a special construction sequence due to those contamination issues. Mr. Chmiel added that he outlined the sequence to follow in Section 3 of the application. Prior to construction the location will be flagged. Agent Porter will be contacted as soon as the erosion controls are installed. There will be no spoils storage on site. In the event there is dewatering they will be using a vac truck or frac tanks so there is no surface discharge. Proposing to excavate a 13'x15' hole down to 6'. This depth was selected based on some of the boring activity that has been done on site. The goal is to continue excavation process until they have laboratory results that show PCB concentration at or less than 1 par per million. As soon as that is achieved the excavation will be lined with geo-textile fabric which will be a visual barrier in the event there is future remediation work on site. The area will be backfilled with clean soil and then graded to allow for the installation of the pad. Once the pad is installed the unit will be installed and the remaining site areas will be graded by hand and seeded. The limited impact is proposed to be 63 square feet in the buffer zone.

Mr. Kevin Kelly of the Acushnet Company was present along with Marilyn Wade the LSP for URS representing Aerovox. She will be managing the remediation.

Agent Porter stated that the applicant is proposing a pad on a grassy area and they are off loading onto a paved area. The only complicated issue is the small area of disturbance with PCBs and will careful conditioning; this project is pretty straight forward.

Agent Porter recommended the following special conditions: 1) upon completion of the erosion control installation, an on-site is to be held with the Conservation Agent prior to any other work; 2) siltation fence or waddles are to be installed at the location shown on the approved plans prior to any other earthwork; 3) all excavated contaminated material is to be immediately transferred to dump trucks; 4) no stockpiling of contaminated material is permitted on site; 5) upon completion of work, any disturbed areas outside of the concrete pad and gravel apron shall be graded, loamed and seeded; 6) dewatering will be performed with a vac truck or frac tank if needed. The Plans for approval are Site Plan, Acushnet Company, Plant C, and the Project Site Plan Acushnet Company Plant C both dated 10/20/2014.

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

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

1. Dana Street modification to existing Order of Conditions (SE 49-551) Rich Riccio of Field Engineering to present.

Mr. Rich Riccio of Field Engineering was present on behalf of the applicant Mr. Kenneth Koroski. Mr. Riccio stated that Mr. Koroski purchased this property in 2004-2005 with the intent of permitting a single family dwelling on the property. An Order of Conditions was received in 2005 from the Conservation Commission for single family dwelling fronting on paper street (Dalton Street) and was going to bring driveway off end of Dana to access the upper portion of the lot. During the initial discussions with the City the paper street ended up being discontinued. The intent of that was to bring this property 25' closer to the constructed portion of Dana and they would be able to count it as frontage for access. They had to change the plan because they weren't accessing the property through the frontage, which was one of the requirements in the building code. In 2008 they revised the plan and got a minor modification to the plan of record, changed the configuration of the driveway, rotated the house so that it faced Dana Street and at the time, it was considered a minor modification to the Order of Conditions. Since then, the City no longer advised that this would not be considered constructed frontage on the street. So that put the applicant in a tough spot because he no longer had a layout to build the frontage. Mr. Riccio spoke with DPI and the Planning Board and they have advised that they would accept an 18' wide gravel driveway to the parcel off of Dana Street which is what is currently before the Commission this evening. DPI had an issue with the pond being in the layout and they don't want standing water puddle/ponds in the layout. So they are now proposing a crushed stone infiltration trench with a perforated pipe in that will provide roughly the same storage that the pond provides for the treatment.

Chairman Radcliffe inquired as to who would maintain that trench. Mr. Riccio replied that it would be the responsibility of the homeowner as part of the driveway maintenance.

Mr. Riccio stated that the request for modification consist of three things: 1) relocation of the house back to the original position 19.1' as opposed to 19.2' off of the wetland; 2) increase of the gravel driveway from 12' to 18' to satisfy DPI's concerns. With doing that they don't need to move the limits of work. and 3) the stormwater methodology from the pond to the crushed stone infiltration trench.

Chairman Radcliffe inquired as to what the slope is. Mr. Riccio replied that the slope goes from 103 to 101 and that it is not a very steep grading. Mr. Riccio added that it is also proposed to install a paved apron off of the end Dana Street to get that water off of the road quicker than what it does now.

Mr. Riccio also advised that they would refresh the wetland line before commencing any work.

Agent Porter recommended an Amended Order because they are completely changing the drainage characteristics of the project. The run off that is coming off of Dana Street, which was going to get treated in the sedimentation pond is now going to get sent over the rip rap stone way and down through a little existing swale into the wetland. That is not an improvement as to what was originally proposed. If they are going to save a tree, they then need to change the limits of disturbance on the plan so that it reflects the tree is being saved and it's not showing an abutting wetland boundary. Agent Porter stated that when she read through the policy guide from DEP for Amended Orders, this is not insignificant.

Mr. Riccio confirmed that the process then for an Amended Order would be to re-open a public hearing. That was confirmed by Chairman Radcliffe.

Chairman Radcliffe inquired as to what the current of the site is. Agent Porter replied that it looks like a forested area.

Mr. Riccio inquired as to how quickly could they get an Amended Order. Chairman Radcliffe replied that it would depend on how quickly Mr. Riccio could submit revised plans and letter requesting amendment and needs to modify his abutter's list and re-notify abutters

2. Agent Updates

NEW BEDFORD YOUTH SOCCER ASSOCIATION

Mr. Steve Gioiosa of SITEC Engineering was present representing the Soccer Association together with Gerry Houston, Jeff Harding, and Dave Vieira. Mr. Gioiosa stated that a NOI was filed back in 2006 and the parcel of land is located off of Morton Avenue. In 2006 Scott Turner from BSC Group was the review consultant for the project and an understanding was eventually reached on the design, drainage control and impacts on the wetlands. Wetlands have been delineated for the project. The Commission issued an Order of Conditions back in 2006 and the permits have expired. The association had a lack of funding and was unable to complete this project. The Association is now in a position to move forward with this project but have an expired Order of Conditions and need to file a new NOI. They are ready to come before the Commission with a new Notice of Intent but would like to request that the Commission consider waiving the consultant review fee since this is a non-profit organization and that the rules haven't changed for stormwater control. They are not proposing any new modifications to the plan at all it will be the same exact plan that was approved by the Commission in 2006. The limits of construction or grading will not be changed. Mr. Gioiosa stated that he feels that sending the notice for review again seems to be a redundant process and are looking for some consideration that fee be waived along with the City's fee being waived.

Mr. Gioiosa advised that they have been on site to see if there are any flags available but the flags are gone and they will have their survey crew re-establish the line and reset all the flags.

Chairman Radcliffe inquired as to Agent Porter's comments.

Agent Porter replied that the stormwater management standards have not changed and providing that the applicant is submitting the exact same design she doesn't see why another stormwater management review would be necessary. Agent Porter advised that DPI has advised her that only a portion of this is going to be constructed at this point and time. Agent Porter was concerned as to where would they park the vehicles if only a portion of this is being constructed.

Chairman Radcliffe stated that this Commission will have to look at the stormwater management and the sequence because that will determine whether or not this project can proceed. Agent Porter stated that a replication has not been done yet and the Order of Conditions will have to specify that the replication will be in 2015.

Commissioner Dixon confirmed that the applicant's request was whether the consultant review fee could be waived along with the fees associated with the NOI. Agent Porter replied that the State Fee cannot be fee and they would have to still pay the 1/2 of the local fee but not the fee that is in accordance with the Wetlands By Law. They will be saving thousands of dollars by the Wetlands Fee being waived.

Mr. Dave Vieira of the NBYSA thanked the Commission. Mr. Vieira inquired whether they could mow the area before the ground freezes. Agent Porter replied that could go ahead and mow the cleared area.

3 General Correspondence

PALMER'S ISLAND LIGHTHOUSE

Agent Porter advised the Commission that she will be visiting the site tomorrow to see check on the ongoing work.

AIRPORT

Agent Porter advised that she visited the site to see how they were buttoning up for the wintertime and it's pretty much buttoned up. They have left erosion controls in place where grass didn't grow. There is one wetland replication area left that they built and constructed and is looking good. They will be filing an NOI for buffer zone work and stormwater management at one of the taxi ways.

CARDINAL PLACE

Agent Porter advised that she visited Cardinal Place and they are working on the sewer line installation. Hay bales and silt fence are in okay condition and there isn't any earth disturbance. They have increased the amount of crushed stone and are street sweeping.

They are getting ready to do the infiltration pits which is when Nitsch will be on site and will also discuss winterizing.

I-195

Agent Porter advised that she will be on I-195 tomorrow when they will be placing new erosion controls. They are doing the resurfacing and not doing the stormwater management wetlands yet. That was held up because of Chapter 91 License. They did not get the Chapter 91 License yet for stormwater wetlands and will do the stormwater wetlands at a later date.

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

Respectfully submitted,

Sandy Douglas
Administrative Specialist