



# Conservation Commission

August 4, 2015 – 6:30 PM – **Minutes**  
Brooklawn Senior Center

## Members Present

**John Radcliffe, Chairman**  
**Craig Dixon, Vice Chairman**  
**Dennis Audette**  
**Paul Pacheco**  
**Jacob Pacheco**

## Members Absent

## Staff Present

**Agent Sarah Porter**  
**Sandy Douglas, Admin. Specialist**

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

## OLD BUSINESS:

### 1. Draft Sassaquin Pond Watershed Ordinance

Commissioner Dixon advised the Commission that there will be an informal meeting next Tuesday at 6:30 probably here at the Brooklawn Senior Center. Agent Porter, Scott Turner of Nitsch Engineering, Craig Dixon, Dennis Audette, David Fredette from DPI and Councilors Jim Oliveira and Linda Morad will be invited to attend the meeting to go over the present Ordinance and get everyone's comments. Commissioner Dixon will then advise the Commission as to the outcome of this meeting.

### 2. Update on 897 Barnum Street

Agent Porter advised the Commission that all the fill material has been removed.

## CONTINUED HEARINGS:

1. (Continued from 7/7/15 & 7/21/15) - A request to Amend Order of Conditions SE49-0702 as filed by Eric DeCosta of Logal, LLC for property identified as 100 Duchaine Boulevard (a.k.a. a portion of 50 Phillips Rd) Map 133, Lot 15. **Applicant proposes to maintain stockpiles in the Buffer Zone to Bordering Vegetated Wetland and extend a rip rap apron associated with Wet Basin Number Two. Representative is Richard Riccio of Field Engineering.**

**Mr. Richard Riccio of Field Engineering was present on behalf of the applicant, Logal, LLC. Mr. Riccio advised that they met last week on site and reviewed the erosion controls (Mr. Riccio submitted photographs of erosion controls) and have placed the hay bales as requested across the driveway and the other request was a modification to the design of the detention basin. Mr. Riccio stated that he does have the as-built done but has not been able to revise it in accordance with the site visit with Scott Turner and at this time he requested another continuance. Mr. Riccio submitted pictures showing some repairs that have been made to the inlet to basin #2 and the rip rap at the detention basin.**

**Chairman Radcliffe stated that he and Agent Porter conducted a site visit. Agent Porter inquired if Mr. Riccio intended on responding to Mr. Turner's requests individually. Mr. Riccio replied that he does intend to respond to them as part of his re-submittal and that they would like to get the drainage done before the planting season this fall.**

Commissioner Pacheco inquired as to when the haybales were placed. Mr. Riccio replied that they were placed today and that they were not there over the weekend.

Commissioner Dixon made a motion to continue to the next meeting on August 18, 2015. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

**NEW BUSINESS:**

- 1. A Request for Determination of Applicability as filed by the City of New Bedford Department of Public Infrastructure for property identified as the south side of airport road (Map 123, portion of Lot 3).** Applicant proposes to demolish three buildings within the 100' Buffer Zone to a Bordering Vegetated Wetland. Representative is Stephanie Dupras of the Department of Public Infrastructure.

Ms. Stephanie Dupras of New Bedford DPI was present on behalf of the City of New Bedford. Ms. Dupras advised that the City of New Bedford DPI would like to disassemble and remove four buildings. Three of the buildings are within the 100' buffer zone and one is not within the Buffer Zone. They are proposing to remove the existing asphalt driveway and replace it with loam and seed. There is also a dead 60" inch that they would like to incorporate as part of this demolition project. All other trees are staying intact. The building demolition debris will be hauled off to ABC Disposal and once the asphalt is removed it will be hauled off to either the City's stockpile or PJ Keating for recycling. The tree will go to DPI's stockpile.

Agent Porter advised that the 60" tree isn't dead yet and if it has to come down because of the salt storage shed then it can be taken down.

Agent Porter advised that it's a straight forward project and recommended the issuance of a negative determination that the work as proposed is within the buffer zone but shall not alter the resource area provided that the waddles are installed prior to demolition. All demolition debris is to be disposed of in a legal upland location. The Plan for approval is New Bedford DPI-Demolition Plan SS Airport Road, New Bedford, MA dated 7/23/2015.

Commissioner Dixon inquired as to what the method of demolition was. Ms. Dupras replied that she does not have that information at this time but it will be as minimal as possible and will probably be building by building.

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

- 2. A Request for a Certificate of Compliance for SE49-571 as filed by Kevin Medeiros for property identified as 24 Medeiros Court (Map 136, Lot 457).** Applicant requests a Certificate of Compliance for construction of a single family dwelling in the Buffer Zone. Representative is Kevin Medeiros.

Attorney Michael Medeiros was present and advised that he is requesting a Certificate of Compliance for the single family home at 24 Medeiros Court.

Agent Porter advised that she has conducted a site visit and that the split rail fence is intact and the sign was placed up today and it's all now in compliance. Conditions #50 and #51 will be ongoing conditions.

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

Commissioner Dixon made a motion to approve the issuance of a Certificate of Compliance. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

**3. Subordination Agreements for signature – Sullivan’s Ledge (SE49-263 and SE49-292) Atty. Shannon Shreve from the Solicitor’s Office to appear.**

Shannon Shreve from the City Solicitor’s Office was present and advised that there are two Orders of Conditions on the Golf Course and as part of wrapping up the work out at Sullivan’s Ledge a Subordination Agreement is necessary stating that any work to be done on the Golf Course or Sullivan’s Ledge will have to have an LSP (Licensed Site Profession), a work plan has to be filed with DEP and it has to be approved by DEP and a copy sent to EPA. Once the work plan is approved, an LSP comes in and monitors all the work. This has to take priority over any encumbrance on Sullivan’s Ledge or the Golf Course that has these two Orders of Conditions on it. Easements have also have had to be subordinated. Everything has to be subject to the GERE (Grant of Environmental Restriction) and these Orders of Conditions were recorded prior to the GERE being recorded. Therefore, they supersede the GERE and by executing these two Subordination Agreements it will make the GERE legally become priority over the Orders of Conditions.

Attorney Shreve advised that this Commission needs to vote to approve the Agreement to Approve Subordination of the Orders of Conditions (SE 49-263 and SE 49-292) as listed in the two Subordinations Agreements to the Grant of Environmental Restrictions.

Commissioner Dixon made a motion to Approve the Subordination Agreement of the Orders of Conditions for SE49-263 and SE49-292 to the Grant of Environmental Restrictions and Easement recorded in the Bristol County Registry of Deeds, Book 11085, Page 272. Motion was seconded by Commissioner Gonsalves. All in favor, Motion carried.

**4. Agent Updates**

**(A-1 Asphalt- Tony DeCosta requested to appear)**

Mr. Rick Charon of Sharon & Associates, Dominic Nicolosi of Charon Associates, Tony De Costa of A-1 Asphalt, Tom Crotty, Esquire, were all present this evening.

Agent Porter advised that there was an onsite visit conducted by Agent Porter, the Health Department, DEP Solid Waste, Solicitor’s Office, and the Zoning Board last week to determine if there were any outstanding violations existing under anyone’s domain. There is an expired order of Conditions that expired in 2004 for stockpiling material on the site. In addition to that Order, a small buffer zone restoration area was done of 2,800 s.f., along with a wetland restoration area of 950 s.f., and a 1,200 s.f. wetland replication area. The piles of loam were to be moved back 50’ away from the bordered vegetated wetland per the Order of Conditions. The sedimentation pond was never built.

Chairman Radcliffe inquired of Agent Porter as to what is going on at the site that she witnessed as a result of her site visit. Agent Porter replied that there are stockpiles out there of loam that are vegetated with grass and it appears there maybe some encroachment into the 50’ but that cannot be determined until it is staked out. Agent Porter recommended that the area be staked out.

Mr. Charon stated that at the site visit it was agreed that the engineers would determined where that 50’ line is and once that is done it will be decided as to what application needs to be filed.

Mr. Charon advised that A-1 Asphalt is going to also file an application in the future for an asphalt access way. This is part of a process they are working with DEP on to help with dust and noise.

Agent Porter stated that once the area is staked out, then will be able to know whether or not the material needs to be pulled back.

Attorney Crotty stated that they will work on getting a Notice of Intent together with a plan with specific instructions.

Chairman Radcliffe inquired if Mr. De Costa anticipated that he would get busier. Mr. DeCosta responded that he doesn't think he will get any busier and that this year it has not been that busy.

Mr. DeCosta advised that he will be placing an irrigation well in to give him some water for dust control.

Chairman Radcliffe stated that this matter needs to move forward as quickly as possible so that the site can be stabilized.

A site visit will be conducted with the Agent and the Chairman prior to the next meeting.

### **Airport – emergency certification request**

Chance Perks - the Arborist for the City of New Bedford was present and stated that he and his crew will be doing the work for this project. Mr. Perks advised that it is proposed to remove about 15 trees and trim approximately 5 red maple trees that have grown over the fuel tanks at the Airport behind Colonial Air. Will be doing the asphalt apron around the airport so that they can park planes and will be resurfacing the airplane parking lot, there are 2 large above ground fuel tanks and the trees that are outside of the ramp parking lot have grown over it and are looking to cut that back. Mr. Perks requested an Emergency Certification to perform the work.

Agent Porter advised that the resurfacing could not be done as part of an Emergency Certification and would have to be done under a separate application. Agent Porter read aloud letter from Robert P. Coluccio of Web Engineering Associates as follows:

“As you are aware, Web Engineering Associates, Inc., performs third party tank inspections at the Colonial Air Tank farm in accordance with Massachusetts State Fire Marshal requirements. This letter is written in regard to the trees and vegetation in the vicinity of the tank farm.

Aboveground storage tanks are generally safe, as long as the presence of ignitable materials such as wood, leaves, branches, vegetation, etc., are kept a safe distance from tanks. The presence of these materials in close proximity to aboveground storage tanks containing petroleum products may result in the spreading of a fire to or from the tanks, as well as hamper fire fighter response activities.

Therefore, Web Engineering Associates recommends that all ignitable materials, including branches, leaves, vegetation, etc. be cleared within 20 to 30 feet of the tanks in order to provide adequate isolation around the tanks, as well as facilitate fire fighting activities.”

Chairman Radcliffe stated that this Commission is only going to deal with the Emergency Certification tonight with regard to the removal of the brush and trees.

Agent Porter recommended granting an Emergency Certification with the following conditions: That an onsite with the conservation agent is required prior to vegetation removal and that all trees to be removed shall be marked prior to the site meeting.

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

Commissioner Dixon made a motion to grant the Emergency Certification as recommended by the Agent with conditions as read. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

### **FORT TABER BATTERIES**

Agent Porter stated that an RDA was issued to DPI to mow down the brush but it has expired. DPI would like to know if they could mow this area again. Agent Porter advised that mowing lawn is exempt under WPA but this is more like weeds than lawn.

Chairman Radcliffe stated that he has seen that there has recently been some repairs done at Fort Taber. Agent Porter replied that work is being done by the Army Corps., and not DPI.

Chairman Radcliffe stated that as long as they don't drop the trimmings in the cove, they can go ahead and trim it back but reasonable methodology applied for removal of the brush. Agent Porter replied that she believes they are just going to leave the brush there.

The Commissioners agreed.

### **5. General Correspondence**

1. Agent Porter advised that there was a Wetland's Enforcement Order issued by DEP on 302 Herman Melville Boulevard. The violation was violation for discharge of bilge water into the port.
2. The Army Corps of Engineering sent their yearly correspondence with regard to the Harbor Dredging.
3. Agent Porter advised that she received a telephone call from Mr. Hugh Rowlett with regard to Cardinal Place. They would like to remove the trees that are outside of the buffer zone on Lot 6. Agent Porter stated that if the trees are outside of the buffer zone there is nothing that this Commission can do. They are in compliance with Condition 51.

### **6. Meeting Minutes of June 16, 2015 & July 7, 2015 for approval.**

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of June 16, 2015 was made by Commissioner Dixon. 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 Meetings Minutes of July 7, 2015 was made by Commissioner Dixon. Motion was seconded by Commissioner Audette. All in favor. Motio carries.

A motion to adjourn was made by Commissioner Dixon at approximately 7:45 pm. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

Respectfully submitted,

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Sandy Douglas  
Administrative Specialist