



Conservation Commission

February 4, 2014 – 6:30 PM – **Minutes**
City Hall, 133 William Street

****View Agenda ****

Members Present

Jack Radcliffe
Craig Dixon
Dennis Audette
Paul Pacheco

Members Absent

Kenneth Motta, Chairman

Staff Present

Agent Sarah Porter
Sandy Douglas, Admin. Specialist

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

HEARINGS:

- 1. A Request for Determination of Applicability as filed by David Cardoso for property identified as Map 130F, Lot 52, Wildwood Road, New Bedford MA.** Applicant proposes to construct a single family home in the Buffer Zone to Bordering Vegetated Wetland. Representative is Ken Ferreira of Kenneth R. Ferreira Engineering.

Mr. Kenneth Ferreira of Kenneth R. Ferreira Engineering was present on behalf of the applicant and requested that item #2 be done concurrent with this hearing and then take separate votes in the end. The Commission did not object with this request.

Mr. Ferreira advised that the wetland flags have been previously identified on an Order of Conditions and are using the flags which are still current. The plan of record that was submitted shows both lots together, a hay bale silt fence will be installed along the westerly property line. The only activity that will take place within the 100' buffer zone is an underground infiltration field for the discharge of the roof run off in the lawn area. All the activity will take place more than 50' from the wetlands. There will be very little grading and it will occur outside the 100' buffer zone towards the street. The property is served by City sewer and City water.

Agent Porter stated that this is a fairly straight forward project. The boundary has expired on the wetland but she has been to the site and the boundaries have not changed significantly and are off property.

Commissioner Radcliffe inquired as to the roof run off. Mr. Ferreira replied that all the roof run off will be collected by underground piping and as per the City's Standards has designed a downspout that will go into infiltrators and they handle 1" rainfall event.

Agent Porter recommended a negative determination for Lot #52 and that the work as proposed is within the buffer zone but shall not alter the adjacent resource area provided that the erosion controls are installed and inspected by the Conservation Agent prior to construction. The Plans for approval are Building Permit Plan with David Cardoso, Map 130F, Lot 52 of Wildwood Road, New Bedford, MA dated 1/15/2014 prepared by Kenneth F. Ferreira Engineering. Agent Porter advised that she will not sign off on the building permit until she has inspected the erosion controls.

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

- 2. A Request for Determination of Applicability as filed by David Cardoso for property identified as Map 130F, Lot 6, Wildwood Road, New Bedford MA.** Applicant proposes to construct a single family home in the Buffer Zone to Bordering Vegetated Wetland. Representative is Ken Ferreira of Kenneth R. Ferreira Engineering.

Agent Porter recommended the issuance of a negative determination and that the work as proposed is within the buffer zone but shall not alter the adjacent resource area provided that the erosion controls are installed and inspected by the Conservation Agent prior to construction. The Plans for approval are Building Permit Plan with David Cardoso, Map 130F, Lot 6 of Wildwood Road, New Bedford, MA dated 1/15/2014 prepared by Kenneth R. Ferreira Engineering.

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

- 3. SE49-0692 – (Continued from 6/11/13, 6/25/13, 7/9/13, 7/23/12, 8/13/13, 8/27/13, 9/10/13, 9/24/13, 10/7/13, 10/22/13, 11/12/13, 11/26/13, 12/10/13, 1/7/14, 1/28/14) - A Notice of Intent as filed by Richard Hopps for property identified as south side of Cardinal Street/ 1156 & 1158 Cardinal St. (Map 136, Lot 353; Map 138, Lots 377 & 378).** Applicant requests a wetland boundary verification and approval for an eight lot subdivision in the Buffer Zone to Bordering Vegetated Wetland. Representative is Richard Rheume of Prime Engineering, Inc. CONTINUED TO 2/19/14
- 4. (Continued from 10/7/13, 10/22/13, 11/12/13, 11/26/13 & 12/10/13, 1/7/14, 1/28/14) - 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 TO 2/19/14
- 5. SE49-0698 – (Continued from 11/12/13, 11/26/13, 12/10/13, 1/7/14, 1/28/14) - A Notice of Intent as filed by The City of New Bedford Planning Department for property identified as Palmers Island (Map 32, Lots 1 & 2).** The applicant proposes to establish a pedestrian pathway and manage invasive species in the Buffer Zone and Land Subject to Coastal Storm Flowage. Representative is Mathew Creighton of BSC Group. CONTINUED TO 2/19/14
- 6. SE49-597 – (Continued from 1/7/14, 1/28/14) - 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).** Representative is Edwin H. Gless of Existing Grade, Inc. CONTINUED TO 2/19/14

OTHER BUSINESS:

- 1. Agent updates**

BISMARK MEADOWS

Agent Porter advised the Commission that there is a meeting this Friday with DPI, Solicitor's Office, Planning and the Conservation Commission to discuss the acceptance of the street and the outstanding problems. The City Planner inquired if there was something that Conservation could do to facilitate the resolution of the detention pond issue. Agent Porter stated that the next step for the Commission is to send the as-built plan to Nitsch Engineering for an evaluation and see what stormwater management standards have not been met because the basin appears to be undersized.

Commissioner Audette inquired if the Engineer that was previously before this Commission at the last meeting submitted any figures. Agent Porter replied that she has not received anything.

Commissioner Radcliffe stated that it seems that the developer seems to be dragging his feet at this point. Agent Porter replied that seems to be correct. Commissioner Radcliffe also stated that it puts this Commission in an awkward position when the developer is not cooperating and the City is offering him all sorts of help to move forward.

Agent Porter explained that the first step is to get what's wrong with the detention pond determined and then go through the Order of Conditions and pick out a variety of different conditions that they are not in compliance with that have to do with the stormwater management system such as the fact that he hasn't maintained it. The developer also built something that is not in conformance with the approved plans.

Commissioner Radcliffe stated that once the street is accepted it becomes the City's responsibility for the maintenance. Agent Porter explained that the City is supposed to take over the catch basins and the detention pond is supposed to be taken over by the neighborhood association according to the developer.

Commissioner Radcliffe suggested that this Commission informally ask the developer to appear at the next meeting on February 19th. Agent Porter will send him a note.

Commissioner Dixon made a motion to send this matter to Nitsch Engineering for review. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

2. General Correspondence

COMMUNITY BOATING

Agent Porter advised the Commission that DEP has scheduled an on-site meeting tomorrow for Community Boating's Certificate of Compliance. Agent Porter stated that she reviewed the on-going conditions and some are as follows: 1) to provide permission to the City to pick up seaweed periodically in the late summer by hand; 2) that float stops be installed to maintain a 24" separation from the bottom of the float and cove; 3) dredging including but not limited to the effects of propwash is neither proposed in the NOI or the Order of Conditions; together with conditions #16, 51, 52, 57, 58 be ongoing. The Commission is in agreement with the proposed ongoing conditions.

Agent Porter will forward these conditions to the DEP and hopefully they will include them.

Commissioner Dixon made a motion to forward these conditions to DEP. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

DAVY'S LOCKER

Commissioner Audette inquired if the Davy's Locker project has to come back before this Commission for the proposed public access boardwalk since there are new owners now. Agent Porter replied that they do not have to come back before this Commission because they automatically inherit the Order.

A motion to adjourn was made by Commissioner Dixon at 7:03 pm. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas
Administrative Specialist