



Conservation Commission

July 15, 2014 – 6:30 PM – **Minutes**

Brooklawn Park Senior Center, 1997 Acushnet Avenue

Members Present

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

Members Absent

Staff Present

Agent Sarah Porter
Sandy Douglas, Administrative Specialist

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

HEARINGS:

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) - 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) - 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).** Ratify Enforcement Order. The Planning Board has seized the bond on this subdivision. Update from the Agent.

Agent Porter advised that the Commission needs to ratify the 7/2/2014 Enforcement Order which was a repeat of the 5/23/2014 Enforcement Order. Said order is requesting compliance of Condition #12 of the Order of Conditions which says the work shall conform to the plans and special conditions referenced in the Order. Specifically the detention pond has not been constructed in compliance with the approved plans as documented in correspondence from Nitsch Engineering to the Conservation Commission dated 3/3/2014. The Order also requests that the detention pond be reconstructed in compliance with the approved plans. Erosion controls be installed and inspected by the Conservation Agent prior to any work start up. A stamped as-built drawing and a certification by a registered P.E. of the detention pond shall be submitted to the Conservation Commission demonstrating compliance with the approved plans and that a Certificate of Compliance be issued by the Conservation Commission upon satisfactory complete of the work. All these items are to be completed by October 1, 2014.

Agent Porter explained that on the Planning Board met on July 9th, 2014 and they seized the remaining bond money that was being held to complete the subdivision. There are other outstanding issues besides the detention pond. There is a meeting scheduled for Thursday with Agent Porter, Solicitor's Office, DPI and the Planning Department to figure out how to come into compliance with all the outstanding activities. DPI will be conducting the work so the Conservation Commission will have to issue them the Enforcement Order to give them the authority to complete the detention pond in accordance with the approved plans or else they would have to submit an NOI.

Commissioner Dixon made a motion to ratify the Enforcement Order. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

- 3. SE 49- 0704 - (Continued from 7/1/14) - 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 8/5/14.**

Agent Porter advised the Commission that she will be meeting with the David Porter, the consulting engineer from Child's Engineering at 10:00 am on Monday.

Commissioner Audette inquired whether there are any plans for a public meeting. Agent Porter replied that she had not heard of any public meeting.

OTHER BUSINESS:

1. 1147 Forbes Street shed

Agent Porter read the letter from Chairman John Radcliffe addressed to Mr. Rui Antao at 1147 Forbes Street aloud. Said letter states that the Conservation Commission has determined that it would be more disruptive to the Wetland to have the shed moved since it is located on the concrete footings which would have to be relocated in order to remove the shed. The Commission requested that Mr. Antao immediately seed the disturbed ground with a Conservation Seed mix to stabilize the soils. Also advised Mr. Antao that any future activities located within the Buffer Zone or the Wetland would require the filing of an application with the Conservation Commission.

Chairman Radcliffe stated that since Mr. Antao was cooperative, the Commission did not go to the extreme of levying a fine and asked that Mr. Antao send notification to Agent Porter as soon as the seed is done so she can then inspect it within a few weeks and will close this matter.

The letter was hand delivered to Mr. Antao at this meeting.

2. Agent updates

HOWARD AVENUE

Agent Porter advised the Commission that she was contacted yesterday by DPI requesting an Emergency Certification for Howard Avenue, Map 116, Lot 94. The City has a drainage easement through this property and there is a 24" pipe there that is blocked and need to be repaired because it has caused flooding of up to 2' of water on Sylvia Street. They need to remove one tree at the top of the coastal bank in order to access the excavation area. Agent Porter stated that work be conducted at low tide, install hay bales around 24" outfall into the Acushnet River, remove one tree along the Acushnet River bank, excavate pipes from 10' west of the top of the bank of the Acushnet River, approximately 10 linear feet of disturbed replace stone to stabilize the bank. Replace broken 24" drain pipe, clean pipe and removed all crushed debris at debris. They plan on commencing the project on Monday and it should be complete by August 11, 2014.

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

CARDINAL PLACE

Agent Porter advised the Commission that she has a pre-construction meeting scheduled for Monday at 9:00 with Scott Turner, Rick Hopps and the contractor at the site. Commissioners Audette and Pacheco plan to attend.

100 DUCHAINE BOULEVARD

Agent Porter advised that Logal, LLC will be scheduling a pre-construction meeting sometime this week.

PALMER'S ISLAND

Agent Porter inquired if any of the Commissioners had any questions with regard to the Palmer's Island scope of work by Polatin Ecological Services that was in their packets. Agent Porter advised that they start the mowing on Thursday and the herbicide application will be done in September. The Order states that the Commission is to approve the vegetation management methods.

Chairman Radcliffe suggested that he approach someone at UMass Dartmouth Maritime Division to discuss various herbicides.

NEW BEDFORD AIRPORT

Agent Porter stated that herbicide is being used in the replication areas and that they have a phragmites mower. But they are approved under the Vegetation Management Plan with DEP.

3. General Correspondence

There was a packet of information submitted by Mr. David Glicksman of Padanaram Avenue. The City Solicitor's office advised that the Conservation Commission does not need to respond to this because it is just information being submitted for the record.

4. Miscellaneous

Chairman Radcliffe stated that he looked up the rules of meeting with the Attorney General's Office and the question of the exact amount of public participation at meeting needs to be allowed is rather narrowly defined by the Attorney General's Office. The Commission will be able to set time limits on people speaking. If a member of the public wishes to record a meeting, they have to notify the Chairman. Chairman Radcliffe included all this information in the meeting packets for the Commissioners.

A motion to adjourn was made by Commissioner Dixon at approximately 7:10 pm. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas
Administrative Specialist