



Environmental Stewardship Department/
Conservation Commission

City of New Bedford
Jonathan F. Mitchell, Mayor

Meeting Minutes of the Conservation Meeting of
March 4, 2014
Ashley Room, City Hall

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. **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, 2/8/14, 2/19/14 & 3/4/14) - 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**
2. **(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) - 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**
3. **SE49-0698 – (Continued from 11/12/13, 11/26/13, 12/10/13, 1/7/14, 2/8/14, 2/19/14 & 3/4/14) - 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**
4. **SE49-597 – (Continued from 1/7/14 & 2/8/14) - 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. Commission has requested the developers to appear to address the outstanding items in the Certificate of Compliance.

Agent Porter advised that she has received a response from the developer and that she will be meeting with them at her convenience. The Agent also advised that she received correspondence today from Nitsch Engineering and they have reviewed the as-built plans and compared it with the original approved plans and they found six discrepancies that need to be addressed. One of the discrepancies is the approved plans show the bottom of basin elevation at 122.8. The elevation was based on a seasonal high ground water of 120.84 and the bottom of the constructed basin is shown at elevation 122. Therefore, the constructed detention basin has a separation to groundwater of 1.2' instead of the required 2'.

Commissioner Radcliffe stated that it is critical that they achieve the standard and this Commission cannot go forward and approve this Certificate without significant changes to the structure.

Agent Porter stated that the approved design calculations show a calculated storage volume to be at least 25% less than the approved plans. That's a huge amount. They are also trying to determine whether the top of the sediment fore bay is calculated correctly

Commissioner Radcliffe inquired whether there has been any expression on the part of the developer to tackle this problem to a satisfactory conclusion. Agent Porter stated that she has not heard from the developer but there is a meeting with the Solicitor's Office, DPI, Conservation and Planning on Thursday to discuss how to go forward with this matter.

Agent Porter has asked Nitsch Engineering to conduct a construction estimate as to what it would cost to redo the basin in accordance with the approved design. There are two ways to go about this. The City can either take the money that is being held to hire a contractor to do the work or go after the developer and tell him that under Conservation enforcement he is not in compliance and that he has to fix this problem within a certain amount of time.

Commissioner Radcliffe suggested tabling this matter to the next meeting.

Commissioner Dixon made a motion to table this matter to March 19th. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

5. **SE 49-660 - Request for a Certificate of Compliance as filed by NSTAR Gas for property identified as 180 MacArthur Drive/1 Pine Street (Map 42 & 47, Lots 160, 84, 287, 181, 241).** Representative is Stacy H. Minihane of Beals And Thomas, Inc.

Ms. Stacy Minihane of Beals and Thomas was present and stated she was here a few years ago for a partial Certificate of Compliance for NSTAR's boat slip remediation project on MacArthur Drive and at that point the project had been completed and the inner slip had been solidified and the outer slip had been capped. The partial Certificate of Compliance was issued on 2/2012 and the remaining outstanding item was the three year monitoring. Beals and Thomas have submitted the final report to the Commission along with a request for Certificate of Compliance. The latest round of monitoring was completed in November. The first year of monitoring it showed that the sample sites along the edge of the undisturbed harbor had the most richness and every year since then it has gone up and this last year there were 34 identified within the disturbed area. Algae shells were observed on the bottom. It seems that the site of completely and successfully re-established similar or better than the adjacent harbor areas.

Ms. Minihane stated that the other part of the conditions required that the inner slip be reviewed by the professional engineer that designed it for stability and integrity and there certification has been submitted that there isn't any issues with the slip.

Agent Porter stated that they have fulfilled their requirements seeing that they have a re-colonization of the newly capped area and recommended the issuance of a Certificate of Compliance for the project.

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

OTHER BUSINESS:

1. Agent updates

COMMUNITY BOATING

Agent Porter advised the Commission that Community Boating will be coming before the Commission with an application and will be requesting a waiver of fees.

2. Sassaquin Pond update

Commissioner Radcliffe and Commissioner Dixon went to the MACC Conference and were able to pick up some pamphlets with regard to tree box filters. Commissioner Radcliffe was able to speak with a company with regard to the maintenance of tree box filters and also inquired as to where there oldest currently installed tree box is and was advised that it is in South Portland, Maine. Commissioner Radcliffe will be in South Portland, Maine next week and he is going to make arrangements to meet with a DPW person while he is there to try and get some information on the maintenance schedule of these tree box filters.

Commissioner Audette suggested contacting Ron Labelle and letting him that the tree box filters they are installing are not right. The one that is currently installed didn't last two months.

3. General Correspondence

River Road

Agent Porter advised that there was correspondence in their packets with regard to a need to do six more soil/sediment samples at the project site. They already have a valid permit are asking for permission to conduct the additional borings so the project could move forward to a clean-up phase. Three of the borings are in the salt marsh and three are on the slope being on the top of the coastal bank. Agent Porter doesn't see an issue with them doing small borings by hand with a hand auger. Agent Porter recommended the Commission accept their request by letter for the file.

Commissioner Dixon made a motion to accept the letter of February 27, 2014 for the file. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

NSTAR

Agent Porter advised that this Commission received the Yearly Operational Plan from NSTAR for the New Bedford Business Park and looked at the plan and could not understand why all of the areas in black are to be considered Massachusetts Zone A, and then as they go through the Business Park as proposed in

red there is nothing in black and they are going right through the wetlands. So Agent Porter drafted a letter to Mr. Williams Hayes the Senior Transmission Arborist explaining her concerns.

The Commission agreed to have Agent Porter submit the letter to Mr. Hayes and send a copy to Mr. Tom Davis.

DAVY'S LOCKER

Agent Porter advised that DEP is giving them a deadline for construction of the pedestrian pathway. Commissioner Audette advised that there is a new owner and inquired whether the new owner should be summonsed to come before this Commission. Agent Porter replied that the Order of Condition goes along to the next owner.

Commissioner Radcliffe suggested that the new owners be invited to appear before this Commission to explain the history of this project. Commissioner Radcliffe advised that he would acquire the new owner's contact information.

COLBY'S VILLAGE

Commissioner Audette stated that they just finished building a house there. Agent Porter stated that the house being built is under the RDA and not under the Order of Conditions. Commissioner Audette advised that he was reviewing the Order Of Conditions and it states the roof drains from that house have to be tied into the detention pond and need to check and see what has been done out there. Agent Porter replied that she will have to review the Order of Conditions. Commissioner Audette just wants to make sure that everything is done correctly before the house goes up for sale.

A motion to adjourn was made by Commissioner Dixon at 7:14 pm. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas
Administrative Specialist