



City of New Bedford  
Jonathan F. Mitchell, Mayor

**Meeting Minutes of the Conservation Meeting of  
December 16, 2014  
Ashley Conference Room, City Hall**

**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, 9/16/14, 10/7/14, 10/21/14, 11/4/14 & 11/18/14, 12/2/14) - 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. **(Continued from 12/2/14) - A Request for an Amended Order of Conditions (SE49-0551) for property located on Dana Street (Map 125A, Lot 473). Applicant proposes to widen the gravel driveway, revise the stormwater drainage and move the house in the Buffer Zone. Representative is Richard Riccio of Field Engineering.**

Mr. Richard Riccio was present and stated that at the last meeting this request was sent to Nitsch Engineering for review and he did receive Nitsch's comments and addressed them. Mr. Riccio stated that the proposed edge drain is larger than what was previously approved and there is an increase in the amount of run off because the driveway is larger. He has revised the plans and it includes fewer disturbances and he believes they have satisfied all of the concerns.

Agent Porter stated that the review letter has been received from Nitsch Engineering and that the applicant has addressed as best as possible the flooding at the end of Dana Street and they have satisfied the concerns.

Agent Porter recommended the issuance of an Amended Order with special conditions to include: upon completion of construction, a split rail fence shall be installed along the haybale/silt fence line to establish a permanent no disturbance boundary in perpetuity. A sign shall be placed on the fence state that: "A protected conservation area exists beyond this fence and is to remain undisturbed per Order of the New Bedford Conservation Commission" and that at the time of land transfer the proponent (Kenneth Koroski or any successor) shall require the buyer to sign an acknowledgement that they have read and understand said condition and a notarized copy of said acknowledgment shall be forwarded to the Commission. The paved apron, modified rock fill spillway and existing drainage swale is to be kept clean of debris and snow at all times so that the water can freely flow off of Dana Street. The Plan for approval is Site Plan with a revised date of 11/17/14.

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

- 3. (Continued from 12/2/14 – (SE49-0711) - A Notice of Intent as filed by Ronald Labelle, Commissioner of Public Infrastructure for the City of New Bedford for property known as the Sawyer Street Outfall (Map 93, Lot 265).** Applicant proposes to install a tide gate in the existing Combined Sewer Overflow which discharges into the Acushnet River. Representative is Danielle Gallant of CDM Smith.

Agent Porter advised the Commission that Ms. Gallant has requested a continuance until the next meeting so they can resolve property ownership.

Commissioner Dixon mad a motion to continue to the next meeting. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

- 4. A Request for Determination of Applicability as filed by John Fernandes Jr., and Marsha Fernandes for property located at 1219 East Rodney French Boulevard (Map 8, Lot 226).** Applicant proposes to reconstruct a porch and stairway in the Velocity Zone of the Coastal Floodplain. Representative is Steven Gioiosa of SITEC, Inc.

Mr. Steven Gioiosa of SITEC, Inc., was present together with John and Marsha Fernandes. Mr. Gioiosa advised that the property is located on the west side of East Rodney French Boulevard and that the front porch has experienced some rot and deterioration. The Building Department advised the owners that they could no longer use the front porch because it was unsafe. The Fernandes' would like to demolish the existing porch and reconstruct with the exact same footprint and in accordance with current standards. Mr. Gioiosa advised that there would be no change in elevation, no modifications to the main building, and no grade changes. The porch runs from side to side the entire width of the house and the stairs are centered in the middle. Mr. Gioiosa requested that this application be approved.

Chairman Radcliffe inquired as to what the elevation was closest to the water. Mr. Gioiosa responded that it is elevation 9 and flood elevation in this area is 19.

Councilor Joseph Lopes was present and spoke in favor of this project.

Mr. John Fernandes stated that the porch is the best and most enjoyable feature of the house and would like to get his porch reconstructed.

Agent Porter stated that she spoke with the building inspector today and he advised that he had put a stop work on this activity approximately two years ago because the project had started without the proper structural engineer's stamped plans. This property is in the velocity zone and still do not have stamped plans for the construction of the porch.

Mr. Gioiosa advised that he does have a structural engineer at the office that will help prepare the requested stamped plans to satisfy the Building Department and this Commission.

Chairman Radcliffe stated that this Commission would like to have the stamped plans submitted prior to issuing a negative determination.

Mr. Gioiosa advised that he will have the stamped plans submitted to Agent Porter within a week.

Commissioner Dixon made a motion to continue this matter to January 6, 2015. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

## **OTHER BUSINESS:**

### **1. FAA Middle Marker Removal – Kevin Grant to appear**

Mr. Kevin Grant was present and submitted photos of the project location and scope of work. The middle marker has been replaced by newer technology so looking to remove the facility and return it back to the airport. The project is not the wetland and back in 1970s they brought in fill to construct that access road and it is in the buffer zone. Mr. Grant stated that the area of disturbance will be where the concrete footing is. It is proposed to have a mini excavator within the fence line to remove fence posts. The work will be complete in one day and they are willing to work with the Conservation Commission with regard to soil stabilization and/or placing a silt fence.

Chairman Radcliffe recommended that the work be done on a dry day.

Mr. Grant stated that he has consulted with Fish and Wildlife and they recommend that the work be done in the winter months.

Agent Porter inquired as to whom Mr. Grant spoke with at Fish and Wildlife. Mr. Grant responded that he received an email from David Pollsiner stating that they are covered under General Condition 5 of the existing VMP.

Agent Porter recommended that the work be done no later than March, that straw waddles be placed around the perimeter of the fence and that they notify the Agent when the project will commence.

### **2. Emergency Certification – 302 Herman Melville Boulevard (Tucker Roy Marine Towing).**

Agent Porter advised that an Emergency Certification was issued after a day after the last meeting to allow the removal of 20 cubic yards of oily wood and soil on one of the barges, the debris was subject to tidal action and being washed into the harbor with sheen every time there was a high tide. It has been removed and the Emergency Certification needs to be ratified.

Chairman Radcliffe advised that he and Commissioner Pacheco visited the site a couple of days after the incident and there were a number of different agencies there. There was no fore thought planning as to how things were being stored but the response to this was quick and they were able to contain it.

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

### **3. Sassaquin Pond Watershed Ordinance Draft**

Agent Porter advised that the Sassaquin Pond Watershed Ordinance Draft was sent to Nitsch Engineering for review and they wrote a five page review on the Ordinance.

Chairman Radcliffe suggested that the Commissioners have some time to review the Draft Ordinance and Nitsch's comments and address it at the next meeting on January 6, 2015.

### **4. Agent Updates (Eliot street and Stratford street flooding)**

Agent Porter advised that she just received noticed today with regard to Elliot Street & Stratford Street flooding. There is a bad flooding situation there with a wetland and a stream that separates Elliot and Stratford and is overtopped and goes into folks' backyards. DPI is currently working on an emergency plan to address the drainage problems occurring within the wetland. The source of runoff entering the wetland is an unnamed stream that extends a substantial distance north from the subject area. In a given heavy precipitation event the wetland can flood to a point of overwhelming the single discharge pipe that has been confirmed to be partially collapsed at a point 71' westerly to sea headwall.

Agent Porter advised that in order to remediate the situation on an emergency basis, DPI proposes to replace 52 linear feet of the existing pipe from the headwall west with an 18" PVC pipe to new drain manhole. DPI has obtained permission from the owner of the two parcels located off of Elliot Street and an easement will be sought from the property owner for placement of the pipe and drainage manhole and the right to maintain this drainage system upon completion of work. Instead of attempting to rehabilitate the existing drainage pipe further downstream, a new pipe line will be installed. The pipe that goes underneath the garage at 969 Strafford Street needs to be relocated through the same property.

Agent Porter advised that they have obtained permission from all the property owners and they will put a new drain manhole on the north side of Strafford Street directly in front of the east side yard along the frontage of the Gilbert property. One additional drainage manhole structure may be required at the point of deflection in the drain pipe line necessary to ensure that the drain pipe line remains clear at the northeast corner. Upon completion of the work, DPI will seek a permanent easement from the property owners for replacement of pipe, drainage manhole and the right to maintain the drainage system. All this work is intended to be completed in the winter months of 2014 and 2015. DPI requests that the New Bedford Conservation Commission issue an Emergency Certification for the proposed work.

Commissioner Dixon made a motion to issue the Emergency Certification as requested to DPI. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

Agent Porter will advised Zeb Arruda tomorrow that the Emergency Certification has been approved so that they can start the work the week after Christmas.

### **5. General Correspondence**

A motion to adjourn was made by Commissioner Dixon at approximately 7:05 pm. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,

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Sandy Douglas  
Administrative Specialist