



City of New Bedford  
Jonathan F. Mitchell, Mayor

**Meeting Minutes of the Conservation Meeting of  
April 21, 2015  
Brooklawn Senior Center**

**Members Present**

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

**Members Absent**

**Staff Present**

Agent Sarah Porter

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

## **OLD BUSINESS**

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) - 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.Sassaquin Pond Watershed Ordinance:** City Councilor James Oliveira was present and Marie Pepin, Jeff Miller and Mike Frey were present from the Sassaquin Pond Betterment Alliance. Chairman Radcliffe stated the purpose of the discussion was to include the City Councilor in the stormwater ordinance development. Councilor Oliveira stated he brought with him the representatives from the Sassaquin Pond Betterment Alliance because that is who he relies on to determine if the ordinance properly represents the interests of the watershed.

Jeff Miller read the following from a prepared statement: *We applaud the City of New Bedford for the efforts with a proposed Stormwater Ordinance. We do however have some concerns as to how this first draft is written. The Sassaquin Pond Betterment Alliance would like some assurances that the City is*

*behind us in making the changes and the infrastructure of the storm drain system, a step that will provide the most significant benefit to the pond. The pond was seriously compromised in the late 1980's when the City installed storm drains that diverted stormwater directly into Sassaquin Pond. In 1987, residents of the pond won a lawsuit in Supreme Court (#1934) against the City in which the City was deemed responsible for keeping the pond at a level suitable for recreational use. Efforts of the City of New Bedford have fallen far short of this responsibility over the past 28 years.*

*We feel that this ordinance as proposed puts most of the burden on the homeowners in the watershed and downplays the role of the City and DPI in solving this problem. The ordinance currently under review even goes so far as to suggest that work performed by the City of New Bedford be exempt from obtaining a Stormwater Permit. We strongly disagree with this exclusion.*

*We are also concerned that this ordinance has been drawn up before the report from the study conducted by scientists at UMASS Dartmouth (paid for by the City) is made available. We suggest that before any ordinance is finalized the results of the study be made available and the recommendations of UMASS Dartmouth's scientists be sought out.*

*Additionally, we believe this ordinance should address the use of fertilizers, car washing, oil changing, pet waste etc. and the City should provide additional staffing to assure the enforcement of these regulations.*

*We would also like to see a threshold set for land disturbance. The current proposal suggests that any disturbance of land require a permit. We suggest a certain amount of disturbance be determined in order to require a permit and that small levels of land disturbance, such as gardens, not be regulated.*

*Consideration should also be given to a grandfathering clause for facilities or structures that do not meet the standards of the Ordinance as proposed. We ask that you work closely with the Sassaquin Pond Betterment Alliance as your partner in the final development of a Stormwater Ordinance for the City of New Bedford.*

Councilor Oliveira then spoke and strongly suggested that close coordination occur with DPI and the administration on the development of the Ordinance and that the Ordinance needs an enforcement and inspection mechanism.

## **CONTINUED HEARINGS:**

**(SE49-0711) - (Continued from 12/2/14, 12/16/14, 1/6/15, 1/20/15, 2/3/15, 3/3/15) - 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. CONTINUED UNTIL FURTHER NOTICE PER APPLICANT'S REQUEST**

## **NEW HEARINGS:**

**1. A Notice of Intent as filed by Gregory Kulpinski for property located at 1494 East Rodney French Boulevard (Map 12, Lot 77).** Applicant proposes to locate a Tiki Bar with associated tables and chairs on landscaping pavers, install electrical hookup and plantings all within the Buffer Zone to Coastal Bank and Land Under the Ocean and within Land Subject to Coastal Storm Flowage. Representative is Susan Nilson of CLE Engineering.

Jeremy Packard and Scott Skuncik were present from CLE engineering. They presented the proposed relocation of the Tiki Bar to 1494 East Rodney French Boulevard from Davys Locker. They explained that the project is in the Buffer Zone to Coastal Bank and in the Coastal Velocity Zone. The hardpacked fill shall be removed and clean stone brought in. The Tiki Bar shall only be on site seasonally from May through October. Commissioner Audette inquired how this project relates to the Chapter 91 license for Davys locker and the access pathway required by Chapter 91 for that facility. CLE responded that they are in coordination with Chapter 91 but this application relates to the Wetlands Protection Act. Discussion ensued about the type of surface for the patio and the Commission requested that the surface be permeable and that voids be left in between the pavers to allow for more infiltration. Special Conditions for the project were discussed at length and the following are to be incorporated into the Order of Conditions: 1. Tiki Bar is to be erected in compliance with all FEMA requirements for a temporary structure in the Coastal Velocity Zone, 2. the Tiki Bar is to be on site from May through October and shall not be on site for more than 180 days per year, 3.the Tiki Bar is to be stored in an area north of the Hurricane Barrier (or outside of the coastal floodplain) during the off season, 4.when the Tiki Bar is on site, a trailer is to be maintained at Bayline Inc., or the applicant's property to be used to transport the Tiki Bar out of the floodplain in case of a flood warning, 5.all relevant utilities are to have quick disconnect, 6.the patio surface is to be a combination of permeable pavers and voids between the pavers, 7.the patio surface is to be maintained in a permeable condition. A motion was made by Commissioner Dixon and seconded by Commissioner Pacheco to issue the Order of Conditions with the Special Conditions as discussed. All in favor, Motion carried.

## **NEW BUSINESS:**

- 1. Buttonwood Park proposed trails and improvements – Friends of Buttonwood to informally present project to the Commission.** Ray Castino from the Friends of Buttonwood was present and discussed the tree farm project. He stated it will be done in two phases and that Phase 1 is what they would like to do now. Phase 1 consists of removing all manmade litter and the bittersweet vines. Phase 2 would be the removing the remaining invasive species and the dead and fallen tree branches where permitted. The Commission agreed that they could undertake Phase 1 of the project now. Phase 2 would likely require an RDA filing.
- 2. Agent Updates – Colonial Air.** - The agent received a call from EPA who had received a wetlands complaint about Colonial Air. She will go to the site tomorrow to investigate.  
Pope's Island Boathouse – instead of utilizing the earthen augers to anchor the boathouse, they need to pour concrete footings. The Commission agreed that this would appear to be a minor modification but they want erosion controls in place.
- 3. Meeting Minutes for Approval** A motion was made by Commissioner Audette and seconded by Commissioner Dixon to accept the 8/19/2014, 9/2/2014, 10/7/2014, 10/21/2014, 11/4/2014 and 11/18/2014 meeting minutes without any changes.

Respectfully submitted:

DRAFT