



City of New Bedford
Jonathan F. Mitchell, Mayor

**Meeting Minutes of the Conservation Meeting of
March 15, 2016
Room 314, City Hall**

Members Present

Craig Dixon, Vice Chairman
Dennis Audette
Jacob Gonsalves
Paul Pacheco

Members Absent

John Radcliffe

Staff Present

Agent Sarah Porter
Sandy Douglas, Admin., Specialist

Vice-Chairman Dixon called the meeting to order at 6:30 p.m.

OLD BUSINESS:

1. **SE49-466 (Continued from 2/16/16)– Request for Certificate of Compliance for property identified as 2301 Purchase Street, New Bedford, MA (Map 97, Lots 6 & 9).** Representative is Alan J. Heureux of Boucher & Heureux.

Mr. Thomas Hardman of Site Design Engineering was present and advised that the proposed work for an expansion of the loading area was never constructed. There are some issues with the site with regard to a piece of pavement that was added and the replication areas. There is also some debris in the wetland. Agent Porter has visited the site. Mr. Hardman stated that the applicant would like to come into Compliance so that a Certificate may be issued

Agent Porter advised that she met on site with Mr. Heureux the design engineer and Mr. Furtado of Sid Wainer. There are some preliminary as-built that show wetland replication areas that were filled in along with other wetlands so that trucks could drive and turning around. Agent Porter advised that the Commission has to determine as to how they would like to proceed to remove fill from wetland and restoration of the wetland areas.

Agent Porter recommended that the applicant hire a wetland specialist and do a restoration plan. Mr. Hardman replied that they can put it back to the way it was originally approved to be along with a restoration plan and come back before the Commission at the next meeting.

Agent Porter inquired as to whether the applicant would be willing to put up a fence. Mr. Hardman replied that was a great idea and it would help give a visual barrier to keep everyone out. Agent Porter added that there used to be a chain link fence and he can put up the same. Mr. Hardman agreed.

Mr. Furtado inquired as to how they would go about donating the land back to the City once all the work is complete. Agent Porter replied that it would have to be determined whether said land had any value to the Commission before taking responsibility over it.

Commissioner Pacheco made a motion to continue this hearing to April 5, 2016. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

NEW BUSINESS:

- 1. A Request for Determination of Applicability as filed by Bridge Real Estate Investors, LLC for property located at 12 Fish Island (Map 60, Lot 1).** Applicant proposes to construct an elevated platform for placement of a new condenser within the Buffer Zone to a Coastal Bank and within Land Subject to Coastal Storm Flowage (Zone AE el. 6 of the 100 year Floodplain). Representative is David Davignon of N. Douglas Schneider & Associates, Inc.

Mr. David Davignon of Douglas Schneider was present on behalf of the applicant. Mr. Davignon advised that the property is a three acre parcel on the north side of Fish Island. The project is on the northwest corner of the building. The applicant is proposing to replace the existing condenser on the roof. The new condenser pad will be built so that it is leveled with the rooftop of the building and it would be supported by 4 steel columns 12"x12", 24' pedestals down to ground level with two concrete pads. They are proposing to excavate 4' down with 6 anchors with concrete pads. The entire site is in the flood zone. Mr. Davignon requested a negative determination.

Agent Porter advised that this is a fairly straight forward project. They are within the floodplain and a small corner within the 100' buffer. Agent Porter recommended a negative determination that the work as proposed is within a resource area being the flood plain and buffer zone and shall not alter those resource areas provided the special conditions are adhered too. The special condition is: 1) that all excavated material be loaded into a truck for disposal in a legal upland location and not stockpiled in the floodplain. The plans for approval are Site Plans showing the Proposed Condenser Unit prepared by N. Douglas Schneider dated 3/1/2016 and Drawings S1-S4 dated 12/8/15 prepared by Rivermore Engineering, LLC.

Commissioner Dixon inquired whether there was anyone present who wished to comment on this matter. None heard.

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

CONTINUED HEARINGS:

- 1. SE49-0728 - (Continued from 1/5/16, 1/19/16, 2/2/16, 2/16/16, 3/1/16) - A Notice of Intent as filed by Parallel Products for property identified as 50 Duchaine Boulevard (Map 134, Lots 456, 457, 458, and 459).** Applicant proposes to conduct site improvements to existing developed site, including additional parking and additional trailer loading services. Work is proposed within the Buffer Zone to Bordering Vegetated Wetlands. Representative is John Marchand of Thompson Farland, Inc.

Mr. John Marchand of Farland Corp., was present. Mr. Marchand advised that there were two outstanding items that were being reviewed by Nitsch Engineering. One of the items was additional pipe

capacity calculations for the entire drainage system. Said calculations have been performed and it was determined that the system is capable of conveying the ten year storm. The other item requested was documentation as to the reason why the drainage calculations had been revised to show that the roof runoff had gone directly to a basin as opposed to other basin before being discharged. The reason for this is because they discovered another manhole subsequent to the survey.

Agent Porter advised that Scott Turner did respond that the revised pipe sizing and information demonstrates that the storm piping onsite is adequate to convey storm water that is generated onsite. The applicant has also revised the existing conditions plans showing roof leaders from the existing building connecting to the onsite drain system, which ultimately drains to the onsite wetland. The size of the pipes exiting the building implies that this piping conveys all of the flows from the existing building. Agent Porter added that the building has been discharging all the roof runoff to the wetland resource area under the existing conditions.

Agent Porter recommended the issuance of an Order of Conditions including all of the work having to be done in the riverfront area. The Special Conditions are as follows: 1) pull back and dispose of all fill material in the 25' Riverfront Area. This shall be done using Best Management Practices such that the Banks of the stream are not disturbed and the existing vegetation in the Riverfront Area is minimally disturbed. Wattles shall be placed at the edge of the fill prior to removal of the fill. Erosion controls, spread hay or erosion control blankets shall be used as necessary to stabilize the disturbed area following removal of fill. 2) remove all fill piles within 15' of the Bordering Vegetated Wetlands identified by Wetland Flags 6-13 through 6-20. Locate by survey wetland flags 6-13 through 6-20. Measure the 15' distance from these flags and remove all fill piles located within 15' of wetland flags 6-13 through 6-20. Place appropriate erosion controls along the edge of the disturbed area prior to fill removal staked wattles or hay bales. 3) spread conservation seed mix in the 25' Riverfront Area and the Buffer Zone after removing fill and prior to placement of spread hay or erosion control blanket. 4) Special Conditions 50-53 shall be completed by June 30, 2016. 5) do not dispose of snow in the storm water management devices including but not limited to swales and stormwater basins and Bordering Vegetated Wetlands. 6) 2 weeks prior to construction start-up the Stormwater Pollution Prevention Plan is to be submitted to the Conservation Commission electronically for acceptance; 7) The Long Term Operation and Maintenance Plan provided in the 2/24/16 Revised Stormwater Report is an approved document of this Order of Conditions. Annual Stormwater Management System Operation and Maintenance reports shall be submitted to the Conservation Commission in January of each year detailing the maintenance of the stormwater system for the previous year as provided in the Long Term Operation and Maintenance Plan. 8) The Long Term Pollution Prevention Plan provided in the 2/24/16 Revised Storm water report is an approved document of this Order of Conditions. 9) The Commission's consulting engineer shall attend the projects pre-construction meeting. A construction schedule shall be received from the contractor at that time. At a minimum, the Conservation's consulting engineer shall perform construction observations at the following times:

- During the preparation of the subgrade of the storm water basins
- During construction of the stormwater basins
- During and/or following the installation of the outlet control structures and/or rip rap
- Following completion of the site grading and stabilization of the site

Additional observations may be warranted at the discretion of the Commission and/or the consulting engineer based on the results of the pre-construction meeting or the progression of construction. Reports for each observation will be prepared and submitted to the Commission and the Applicant.

The Plans for Approval are Sheets 1, 2, 3A, 4,5,6,7,8 all with a revised date 2/14/16 and Sheets 3 & 5 revise dated 3/4/16.

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

- 2. SE49-0733 – (Continued from 3/1/15) - A Notice of Intent as filed by North Coast Seafoods for property located at 43 & 49 Blackmer Street, New Bedford (Map 25A, Lots 1, 3, & 52).** Applicant proposes building and parking lot expansions partially located within Land Subject to Coastal Storm Flowage. Representative is John Cavanaro of Cavanaro Consulting.

Mr. Brendan Sullivan of Cavanaro Consulting was present. Mr. Sullivan advised that since the last meeting they have replied to Nitsch Engineering's comments and have addressed all their concerns.

Mr. Sullivan went over the responses to Nitsch in letter dated today. In response to comment #1, the "new development" portion of the project meets the storm water management guidelines fully and the redeveloped portion is met to the maximum extent practicable. In response to comment #2, the landscape plan has been updated to show construction entrances & additional constructions notes. The hay bale erosion control is also shown on detail sheet to be placed on all catch basins. In response to comment #3, the applicant will have the illicit discharge statement signed by the final submittal. In response to comment #4, they have received approval from the planning board this past week and one of the comments from DPI was to minimize the infrastructure in order for the drainage in the street could handle the additional flow. In response to comment #5, they have not conducted any soil testing on site. In response to comment #6, groundwater was determined from the borings that were performed in 2003. In response to comment #7, the borings show a fine coarse sand substrate and infiltration was changed to 2.41/hr. In response to comment #8, the pipes were modeled. In response to comment #9 the stormceptor sizing calculations will be submitted. In response to comment #10 the total suspended solids worksheet the inverts and rim elevations have been added. In response to comment to #13 the existing catch basin in parking lot can accommodate additional flow. In response to comment #14 there are currently 3 pipes going into stormceptor. In response to comment #15 the proposed addition will not generate 1,000 trips per day and some of the trucks will be stored on site.

Agent Porter advised that she does not have any comments with regard to this matter because it is land Subject to Coastal Storm Flowage and it is just a matter of the applicant satisfying Nitch's comments. Agent Porter inquired as to whether they will be fueling trucks on site regularly, because while conducting a site visit she noticed trucks being fueled. Mr. Cavanaro replied that he will have to speak with the owner, he wasn't aware of any fueling being done on site.

Commissioner Pacheco inquired as to how many trucks will be stored on site. Mr. Cavanaro replied that there will be approximately 3-4 trailers.

Chairman Dixon inquired whether there was anyone present who wished to comment on this matter. None heard.

Commissioner Audette made a motion to continue this matter to April 5, 2016 so that Nitsch may review Mr. Sullivan's responses. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

- 3. SE49-0730 - (Continued from 2/16/16 & 3/1/16) - A Notice of Intent as filed by Michele Paul, Director of the City of New Bedford Department of Environmental Stewardship for property located at 241 Duchaine Boulevard, New Bedford, MA (Map 136, Lot 321).** Applicant proposes to demolish the abandoned building on site, conduct PCB related clean up and

NEW HEARINGS:

- 1. A Notice of Intent as filed by Anthony R. DeCosta d/b/a A-1 Asphalt for property located at 1861 Shawmut Avenue, New Bedford (Map 124, Lot 27).** Applicant proposes improvements to a soil and aggregate re-cycling facility in the Buffer Zone to Bordering Vegetated Wetlands. Representative is Rick Charon of Charon Associates, Inc.

Mr. Rick Charon of Charon Associates was present together with Attorney Tom Crotty. Mr. Charon advised that there was a previous Order of Conditions issued in October, 2000 to do work along wetland/property line and construct a retention basin, swales, and forebay and replication of wetland. Only a portion of the work was completed and the Order of Conditions has since expired and they would like to complete the work that was originally approved. In addition to that work, they would like to make improvement to the front of the lot to add a 15' strip of trap stone to help remove mud and a 75' strip that could be washed down to a sediment forebay. They are proposing to improve the soil stockpiles, berm and trying to control the noise. Some of the work proposed is within the 25' buffer zone and they are also proposing silt fencing in those areas.

They have been working with Eric Jaikes of the City Solicitor's Office to get the work done which is on the airport property.

Agent Porter advised that this project came about because there was activity in the buffer zone and it encroached more than the 50' line

Agent Porter recommended that this matter go to Nitsch Engineering for stormwater management review and that applicant get on track with managing their stockpiles.

Commissioner Audette inquired as to how long said project would take. Mr. Charon replied that there is approximately 4-6 months of work to be performed.

Mr. Charon added that they are also proposing boulders at the 50' mark.

Commissioner Pacheco inquired as to how the Conservation Commission was made aware of this situation. Agent Porter replied that it was brought to her attention by EPA.

Mr. Craig Sirois was present and advised that he is in opposition of this project and the applicant filed the application with the Conservation Commission citing that it is an aggregated recycling company and it's a paving company and he doesn't feel that the Conservation Commission should act on this permit. Mr. Sirois added that there is no way that A-1 Asphalt can prevent the dust from coming off the trucks onto the road and that there is a pile of dirt that would fill half a gallon on a daily basis. It doesn't matter how many times the applicant sweeps the street. Mr. Sirois does not feel that this business belongs in the residential area.

Mr. Thomas Welch of 1878 Shawmut Avenue was present. Mr. Welch is an abutter to the A-1 Asphalt property and he is in opposition of this project. Mr. Welch expressed his concern with regard to the dust, traffic, noise and activity at A-1 Asphalt. Mr. Welch feels that the applicant's street sweeper makes more

of a mess than cleaning the street, all it does it bring up the dust into everyone's homes through any open windows.

Mr. Patrick Sheridan of 1194 Old Plainville Road was present and had a couple of questions for the representative. One of them being the amount of time it would take to complete the work. If there will be any annual reports submitted to the Conservation Commission with regard to inspection and maintenance being done on the property. And that if there is ever a transfer of this property, the Order should be attached to the title of the land.

Agent Porter advised that she did speak with the City Solicitor with regard to the application stating it's an aggregated recycling facility and the Solicitor's Office informed Agent Porter that under the Wetlands Protection Act, the Commission can proceed as they normally would proceed and that the Building Department is currently investigating that aspect of it.

Attorney Tom Crotty stated that the Conservation Commission's is limited as to the impact of the wetlands and as Agent Porter stated the Conservation Commission needs to proceed with this application and that any request not to proceed with this request is not within this Commission's jurisdiction.

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

2. A Notice of Intent as filed by Charles Paradie of the University of Massachusetts Building Authority for property located at 706 & 838 South Rodney French Boulevard (Map3, Lots 1,2,& 5 and Map 4, Lot 3). Applicant proposes to upgrade existing seawater pump system within Land Subject to Coastal Storm Flowage, Coastal Bank and the 100' Buffer Zone to Coastal Bank. Representative is Michele Simoneaux of GZA GeoEnvironmental, Inc.

Christine Bowen, Project Manager of UMass Dartmouth, Ms. Michele Simoneaux of GZA GeoEnvironmental was present along with several representatives of UMass, Michael Cole, Department of Marine Fisheries, Michelle Callahan of Nitsch Engineering and the Architect.

Ms. Simoneaux advised that a filing has been made with Natural Heritage & Endangered species. There are two coastal banks associated with this project. There will be some minor work conducted in the 100' buffer zone. The work proposed under this notice just involves drilling down into an existing manhole and the new line will travel to existing parking lot and connect to the Seawater Lab at the SMAST II property. In order to conduct the work, a lot of work will take place in existing impervious surface. They will saw cut a 3'x5' trench in existing pavement, there is no grade change proposed and backfill, tamp it, pave it or loam and seed it. There are erosion and sedimentation control proposed during the construction and infrastructure upgrade. Other than that going on in the 100' buffer zone is some landscaping which will take place later.

Ms. Michelle Callahan of Nitsch Engineering explained the proposed erosion control plan. There is sediment protection at all existing catch basins. There will be erosion controls around the perimeter. During post construction stormwater, there is no upgrade proposed and no change in site cover, the site will be maintained. All of the current stormwater flows in the south direction to a couple of existing structures. Proposing to install storm water management system that complies with Mass DEP Storm Water Standards. They are reducing impervious area by .07 acres by changing it to gravel. There are three bio-retention systems. There is also a 24" perforated pipe. Soil testing has been done which

confirmed there was underlying sand. All inlets are water quality inlets and provide 62% TSS removal for each structure.

Ms. Simoneaux also added that it is also proposed to have some hand work done at the end of the pier to bring electrical up to code and to install a new electrical box and nothing is proposed in the water.

Agent Porter advised that it is a large project but there is not much work proposed in the regulated areas and the work they do have is on impervious surfaces or grass except for area where they are working on the pier itself to install new electrical box. DMF sent their comments today that they have reviewed the Notice of Intent Application and there is no potential for impact and that the upgrades are a benefit. Natural Heritage has not yet responded and cannot close the hearing until said comments are received.

Agent Porter went over the proposed special conditions: 1) trenches in the Buffer Zone and Coastal Bank area shall not be left open overnight; 2) construction debris on the pier shall be removed on a daily basis and care shall be taken to avoid dropping construction materials into the underlying Coastal Resource Areas; 3) any construction debris from the pier which falls onto the underlying Coastal Resources shall be retrieved and discarded in a legal upland location; 4) the final Stormwater Pollution Prevent Plan is an approved document of this Order of Conditions and shall be forwarded to the Conservation Commission two weeks prior to the onset of construction; 5) There are Standard Special Conditions which require that the Agent inspect the erosion controls prior to the onset of construction. The plans for approval are all the ones listed in the Table of Contents attached to the Notice of Intent.

Agent Porter also advised that Councilor Joseph Lopes sent a letter in favor of this project and she read said letter into record.

Commissioner Pacheco made a motion to table this matter to April 5, 2016. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

- 3. A Notice of Intent as filed by Terrence Tedeschi of New Bedford Cousins, LLC for property identified as Northside Farms (Registry of Deeds: Plan Book 164, Pg 75) which consists of Declan Dr., Horseshoe Rd., Monson St. Northside Dr. & Acushnet Ave. (Map 130 D, Lots 117, 402, 380, 381, 382, 407, 408, 409, 410, 411, 379, 398, 399, 400, 401, 397, 395, 396, 412, 419, 403, 404, 405, 406, 416, 417, 418, 413, 414, 415, 393, 383, 384, 394, 392, 385, 386, & 387).** Applicant proposes a subdivision roadway with associated utilities and grading including wetland filling and replication. Representative is John Cavanaro of Cavanaro Consulting.

Mr. Brendan Sullivan of Cavanaro Consulting was present together with Mr. Terry Tedeschi and Attorney Chip Mulford. Mr. Sullivan advised that this is a 35 lot subdivision that was approved through the Planning Board and the Conservation Commission and was modified in 2008 because of the bank, Southern Mass Credit Union, being built. At this time, they are proposing to commence construction upon obtaining all necessary permits.

Mr. Sullivan advised that the proposed subdivision drainage goes to underground infiltration system that will capture most of the roadways and runoff from some houses and also the bank before it discharges to drainage system in the street. There is another underground infiltration system at the end of Declan Drive. Proposing to fill the intermittent stream area which is approximately 685 s.f. of wetland filling once the piping from headwall is removed. Also proposing a wetland replication over 1,400 s.f. All of the homes have their own roof runoff systems and there is a proposed detention pond in the rear.

Agent Porter advised that she has comments on the wetland replication area. She feels it is not detailed enough yet and needs to follow the 2002 Inland Wetland Replication Guidelines to include grading, planting and seeding plan for the wetland replication area as well as the cross section through the area including how the stream will be protected during construction. The following would be recommended Special Conditions to be attached to the Order of Conditions: 1) in as much as practicable, this Order of Conditions requires that the construction of the wetland replication area is to be completed prior to the filling of the BVW. Complete is defined as all activities leading up to and including, the wetland plantings, the submission of the certification of the final elevations of the wetland replication area and the verification of the seasonal high groundwater elevation; 2) The applicant's Wetland Professional shall oversee the construction of the wetland replication area and is to submit his/her Resume to the Conservation Commission for acceptance two weeks prior to initiation of replication activities; 3) the final elevations of the excavated wetland replication area shall be shown on an as-built plan and stamped by a Massachusetts Professional Land Surveyor. A copy of the stamped as-built shall be provided to the New Bedford Conservation Commission for acceptance prior to the planting of the wetland replication area; 4) the seasonal high groundwater table in the wetland replication area shall be verified by a Certified Soil Scientist or Professional Civil Engineer prior to planting. A stamped plan showing the elevation of the seasonal high groundwater table shall be provided along with verification that it will support the proposed wetland plantings; 5) in compliance with 310 CMR 10.55 (4), the wetland scientist shall submit monitoring reports documenting the success of the wetland replication area. These reports will document the establishment of at least 75% coverage of indigenous wetland plants within the replication areas. These reports will be provided at the end of construction and once a year (July 31st) for two years. The Conservation Commission reserves the right to request additional seeding or planting to guarantee the success of the replication areas; 6) if dewatering is required for the construction of the replication area, a dewatering plan is to be submitted to the Conservation Commission for acceptance prior to commencement of dewatering.

Agent Porter stated that she noticed that the detention pond is within part of the 25' setback area and to try to bring it out of the 25' setback area. Mr. Sullivan replied that he will try to modify it to get it out of the 25' buffer.

Agent Porter asked Mr. Sullivan to confirm that they are showing the houses on the plan but asking for approval of subdivision roadway and detention pond. Mr. Sullivan replied that was correct and would come back for individual approval on the six/seven homes.

Chairman Dixon inquired whether there was anyone present who wished to comment on this matter.

Ms. Leanne Piche of 972 Phillips Road was present and stating that she will be losing the wooded area on the eastern side of the property and has a highwater table and gets water in her basement now. She is concerned about the grading with these new homes going one. Mr. Sullivan advised that he had a conversation with Ms. Piche and advised her that tonight's hearing was just for Conservation Commission issues and that they will have a public hearing before the Planning Board and are proposing at that time some arborvitaes and pear trees as requested by the previous owners of 972 Phillips Road.

Commissioner Audette made a motion to forward this application for storm water review to Nitsch Engineering. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Commissioner Pacheco made a motion to table this matter to the next meeting. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

NEW BUSINESS CONTINUED:

1. 1151 Cardinal Street: owners Charles and Elaine Gendreau requested to appear

Agent Porter advised that Mr. and Mrs. Gendreau did not appear this evening as requested by certified letter that they did receive. The letter advised them that the recent deposit of rocks in their backyard constitutes a violation of the Wetlands Protection Act. Agent Porter will try to contact them via telephone.

2. Agent Updates

I-195

Agent Porter advised that a letter was received with regard to the upgrade of the bridges of I-195 and doesn't believe there is any wetland involvement and they are seeking comment.

RDA FOR RAILROAD

A Request for Determination of Applicability needs to be filed for approval of wetland boundary but they don't flag the wetland boundaries they just map them. They start it from the Freetown border to downtown New Bedford. The fee for this would be approximately \$50,000.00. The last time this was done the Commission agreed to a \$500.00 administrative fee and they are now inquiring as to an appropriate filing fee. The Conservation Commission agreed to charge Mass Coastal the sum of \$1,000.00 for said application fee.

Commissioner Pacheco made a motion to attach a \$1,000.00 to the RDA Application to be filed by Mass Coastal. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

3. General Correspondence

A motion to adjourn was made by Commissioner Audette at approximately 8:25 pm. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas
Administrative Specialist