



**Environmental Stewardship Department/
Conservation Commission**

**City of New Bedford
Jonathan F. Mitchell, Mayor**

**Meeting Minutes of the Conservation Meeting of
June 5, 2018
Brooklawn Senior Center**

Members Absent

Staff Present

**Agent Sarah Porter
Sandy Douglas**

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

CALL MEETING TO ORDER

ROLL CALL OF COMMISSIONERS

Roll Call of all Commissioners' Present: Chairman Craig Dixon, Vice Chairman Dennis Audette, Commissioner Peter Blanchard, Commissioner Chancery Perks, Commissioner Paul Pacheco

NEW BUSINESS:

NONE.

OLD BUSINESS:

NONE.

CONTINUED HEARINGS:

1. **SE49-0735** – (Continued from 3/15/16, 4/5/16, 4/19/16, 5/3/16, 5/17/16, 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16, 11/15/16, 12/20/16, 12/27/16, 1/17/17, 2/7/17, 2/21/17, 3/7/17, 3/21/17, 4/4/17, 4/18/17, 5/2/17, 5/16/17, 6/6/17, 6/20/17, 7/5/17, 7/18/17, 8/8/17, 8/22/17, 9/5/17, 9/19/17, 10/3/17, 10/17/17, 11/7/17, 11/21/17, 12/5/17, 12/19/17, 1/2/18, 1/16/18, 2/6/18, 2/20/18, 3/6/18, 3/20/18, 4/3/18, 4/17/18, 5/1/18, 5/15/18) - 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. **CONTINUED**

2. **SE49-0739** – (Continued from 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16, 11/15/16, 12/20/16, 12/27/16, 1/17/17, 2/7/17, 2/21/17, 3/7/17, 3/21/17, 4/4/17, 4/18/17, 5/2/17, 5/16/17, 6/6/17, 6/20/17, 7/5/17, 7/18/17, 8/8/17, 8/22/17, 9/5/17, 9/19/17, 10/3/17, 10/17/17, 11/7/17, 11/21/17, 12/5/17, 12/19/17, 1/2/18, 1/16/18, 2/6/18, 2/20/18, 3/6/18, 3/20/18, 4/3/18, 4/17/18, 5/1/18, 5/15/18) - A Notice of Intent as filed by Michele Paul, Director of Environmental Stewardship for the City of New Bedford for property identified as Ruggles Street and Hathaway Boulevard (Map 69, Lots 86, 88-93, 96-100, and 125). The applicant proposes to conduct remediation activities to remove contaminated soils followed by construction of an athletic facility. Representative is David Sullivan of TRC Environmental. **REQUEST BY APPLICANT TO WITHDRAW NOI**

Mr. Raymond Holberger with the City from Environmental Stewardship Department was present and advised that he is requesting a withdrawal.

Commissioner Audette made a motion to approve the applicant's request to remove this application from the agenda. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

3. **SE49-0785** – (Continued from 1/2/18, 1/16/18, 2/6/18, 2/20/2018, 3/6/18, 3/20/18, 4/3/18, 4/17/18, 5/1/18, 5/15/18) - A Notice of Intent as filed by Heike Milhench for property identified as 127 Duchaine Blvd (Map 133, Lot 21 and a portion of Lot 12). Applicant proposes to construct an 18,000 square foot addition with associated parking, grading and utilities. Project proposes 3,200 square feet of Bordering Vegetated Wetland alteration with associated replication. Representative is Stevie Carvalho of Farland Corp.

Mr. Stevie Carvalho of Farland Corp. was present and requested that this application be withdrawn because of conflict with proposed work and not being able to get an easement from Eversource and the applicant will be seeking an alternative location.

Commissioner Audette made a motion to withdraw this application. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

4. **SE49-0797** – (Continued from 3/20/18, 4/3/18, 4/17/18, 5/1/18, 5/15/18) - A Notice of Intent as filed by David Fredette City of New Bedford Department of Public Infrastructure for property identified as the Tarkiln Hill Road and Kings Highway intersection. The intersection falls within the MASS DOT Railroad Right of Way adjacent to Map 125, Lots 113 & 29 and Map 123 Lot 109. Wetland replication also falls within MASS DOT Railroad property (Map 102, Lot 78). Applicant proposes to reconstruct the Tarkiln Hill Road and Kings Highway intersection and provide associated drainage improvements and wetland replication. Representative is David Fredette, City Engineer. **CONTINUED**

5. **SE49-0799** – (Continued from 4/17/18, 5/1/18, 5/15/18) - A Notice of Intent as filed the City of New Bedford Department of Environmental Stewardship for property identified as south of Sawyer Street (Map 93-2 Lots 263 & 265). Applicant proposes a restoration project involving the construction of a Riverwalk with a 6' wide bituminous walkway and associated amenities, the removal of invasive plants followed by the planting of native species. Representative is Stevie Carvalho of Farland Corp.

Mr. Stevie Carvalho of Farland Corp., was present on behalf of the applicant. Mr. Carvalho advised that he has submitted revised plans with minor revisions mainly to the landscaping. At the last meeting Agent

Porter asked to depict the area of existing beach grass onsite and that it is to be left in place and to revise the location of erosion control measure right to the edge of the beach grass. And, on the landscaping plan they specified to loam and seed the disturbed area with New England Conservation wildlife mix and to loam and seed areas landwards of the paved path with contractors mix in addition, adjacent to all trees and light poles provided additional landscaping and updated the landscaping schedule. Storm water calculations have been forwarded to Nitsch and they demonstrated under the existing conditions was a total reduction of run-off and they have provided the storm water check list which was also provided to Nitsch today.

Agent Porter advised that she had asked them to replace the cultivars with native plants which they have done throughout the entire lawn. She has reviewed the plans and worked with Stevie and Mary Rapoza who is a landscape architect and is involved with doing the landscaping designs and she is ready to issue an Order of Conditions with the following special conditions: plantings and seeding to be done during spring and fall planting season, planting season shall be determined by the Environmental Stewardship Department in coordination with the Parks Director, any dead trees, shrubs, perennials or grass shall be replaced or re-seeded if they die within the first year, erosion controls shall consist of 16" waddles staked every 4' and inspected by the Conservation Agent prior to any other soil disturbance, monitoring is to be done by the Environmental Stewardship Department and shall be responsible for the riparian habitat monitoring to ensure success of the restored area. The Env. Stew. Department will establish an Upland Riparian Zone Restoration monitoring protocol and monitoring will begin upon the completion of each segment. Monitoring protocol shall include establishing transects through the upland riparian zone and randomly establishing vegetation monitoring plots in each restoration habitat - shrubs, forbs and grasses. The presence of soil or bank erosion shall be documented and photographed with restoration methods recommended. We expect the same invasive plants will colonize the upland riparian zone immediately following completion of the project. Invasive plants will be managed according to accepted protocol such as digging up the plants, cutting them down at critical times during their life cycle or if required utilizing herbicide treatment. City will submit annual reports for three years to the conservation commission, a northeast native perennial grass shall be substituted for sand love grass and a storm water pollution prevention plan shall be submitted for approval two weeks prior to the pre-construction meeting.

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

- 6. SE49-0801 – (Continued from 5/1/18, 5/15/18) - A Notice of Intent as filed by Adam Hart of the City of New Bedford Department of Public Infrastructure for property identified as East Beach (Map 4, Lots 2 & 6) located on the east side of East Rodney French Blvd. from Nina St. to the entrance to Fort Taber.** Applicant proposes to conduct beach nourishment above Mean High Water. Representative is David Fredette of the Department of Public Infrastructure.
CONTINUED

NEW HEARINGS:

- 1. SE49-0802 - A Notice of Intent as filed by the City of New Bedford Department of Environmental Stewardship for property identified as 225 Hathaway Boulevard (Map 75, Lot 167).** Applicant proposes to remediate three areas in the northern wetland in order to achieve site closure. Representative is Scott Heim of TRC.

Mr. Scott Heim of TRC was present on behalf of the applicant. Mr. Heim advised that this site is behind Keith Middle School and area was previously excavated in 2006 primarily because of PCB's and since

then there has been some required monitoring and some elevated PCBs detected in 3 three areas and the proposal is to either cap or excavate in these three areas. There are three phases, one is to collect sediment samples in the proposed areas to delineate the extent of capping or excavation, the second phase is to perform excavation and the third phase is to cap sediment. The first step is to install a frame structure (porta dam) which creates a barrier to the area that will be remediated. The area will then be dewatered by a pump to a frac tank into a filter sock and water will be discharged to wetland. Areas 1 & 2 are just going to be capped. There is about 1350 s.f, impact to land under water ways or BVW and there is some 8,500 s. f. of temporary impact from dewatering.

David Sullivan of TRC stated that reason they are using porta dams to dewater is because prior remediation that was conducted did poor management job and did not manage water well when dealing with the sediments. They allowed the cap to leak out and let higher levels of contamination enter the wetlands than were there originally. This project is using porta dams because they are more effective and they want to manage the water well.

Chairman Dixon questioned if the PCBs are in the soil or water. Mr. Heim replied that that they are bound in the sediment and not in the water.

Commissioner Audette stated that he would prefer to have EPA's approval prior to the Commission making a decision. Mr. Sullivan replied that the project is jointly regulated by DEP and EPA and EPA would probably place some conditions as to the approach. When EPA approved the remedy of the KMS property and this wetland long term monitoring plan, one of the things required was to take random samples. The first samples taken discovered these elevated PCB areas. Ongoing monitoring shall likely be an EPA requirement.

Commissioner Audette stated that he would like to see the plan in writing if this work is performed during the school year. Mr. Sullivan replied that he will send a letter outlining how the students would be protected.

Commissioner Pacheco inquired as to the timeline of this project. Mr. Sullivan replied that it will take approximately one month.

Chairman Dixon inquired if there was anyone present who wished to comment. None heard.

Agent Porter asked why the waddle shown on the plan are at the locations they are at and not at other locations understanding not doing a pathway. Mr. Heim stated that the waddles proposed are around the two staging areas.

Agent Porter advised that a DEP file number has not yet been received so the hearing cannot be closed this evening but that she would go over the special conditions for the Order of Conditions as follows: that the conservation agent is to be notified for inspection of the erosion controls once installed, when the wetland vegetation is to be cleared, when the porta-dams are being installed, when the caps are to be placed; when area 3 is to be excavated and prior to the removal of the porta-dams. Also have to re-establish the wetland flags along the work area and buffer zone.

Commissioner Audette made a motion to continue until June 19, 2018. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

2. SE49-0803 - A Notice of Intent as filed by the City of New Bedford Department of Environmental Stewardship for property identified as the Nemasket Street Recreation Area

located north of Ruggles Street and west of Hathaway Boulevard (Map 69 - Lots 86, 88-93, 96-100 & 125). Applicant proposes to remediate three areas in the northern wetland in order to achieve site closure. Representative is Scott Heim of TRC.

Mr. Scott Heim of TRC was present on behalf of the applicant, City of New Bedford Department of Environmental Stewardship. Mr. Heim advised that this site is over 2 acres in size with a BVW off the property and an 2840 s.f isolated vegetated wetland on site. The project is in two phases: the first phase is to put erosion control of silt fence around the edge of the property and clear and remove the vegetation, remove top soil, grade, and then add fill material. The fill material will be allowed to settle and after that the second phase will commence. 1' of gravel will be spread and a geotextile fabric laid on top of that. Turf will be placed on top and a swale around the property to catch runoff off of the field. There is contamination in the soil, this is a contamination remediation project.

Mr. Sullivan of TRC stated that there have been some hot spots areas that have been removed from site by a prior approval.

Chairman Dixon inquired whether this is going to be accessible to the public. Michele Paul, Director of the Department of Environmental Stewardship stated there will be a provision for public use but that will be done by the School Department and Parks Department for after school and weekend use and there will be access to it by permit.

Agent Porter stated that the erosion control plan silt fence is going through wetland in one area and she understands why but the wetland needs to be called out for restoration at the end of the project. They are in a small section of the 25' no disturb zone but don't have a choice in order to achieve the project. A large storm water management report was submitted and does the commission want to forward it for review.

The Commission agreed to send it to Nitsch for review. Commissioner Audette made a motion to submit the storm water report to Nitsch. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

Commissioner Audette made a motion to continue this matter to the next meeting. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

NEW BUSINESS CONTINUED:

1. Phillips Rd – proposed deck(s)

Mr. George Scott from S&S Properties was present and advised the Commission that they are here this evening requesting a revision to the proposed six raised ranches to add 12'x12' decks on the six homes.

Agent advised that they are outside of the 25' no disturb zone. The Commission did not have an issue with this request.

2. 1475 Morton Avenue

Agent Porter advised that the owner, Mike Frey, has two requests. One is to take down a tree that is hanging into neighbor's property and is outside of 25' no disturb zone and tree is on its last legs. The other request is there used to be a home there and it was demolished and he maintains the weeds on the

pond side and he is inquiring if he can loam and seed this area so he doesn't have to keep maintaining the weeds.

Commissioner Perks feels that loam and seed this site is quite the project and there will be runoff into the pond.

Commissioner Audette refrained from commenting or taking part of this discussion.

The Commission agreed that it would be best to have the owner of the property come before the Commission with regard to the request to loam and seed but that he can take down the one tree

3. 1027 Forbes Street

Agent Porter advised that there is an uprooted tree and it's leaning towards the neighbor's house and would like to take it down. The Commission agreed to allow the owner of the tree to take it down and drop it in place.

4. Agent Updates/ 1388 Sassaquin Avenue

Agent Porter advised that she had received notice that the owner of this property was doing some clearing along the edge of the pond and sent the owner a letter advising her to stop clearing because she was within the buffer zone and not even in her property.

5. General Correspondence

Agent Porter advised that Eversource sent a package notifying that they are herbiciding their rights of way. In addition, Eversource Environmental contacted her and stated a work crew had put in a new manhole in the buffer zone in the north end and wanted to let Sarah know and whether or not Commission would need an after the fact filing. This is at 50 Duchaine Blvd. but in the roadway. She has an appointment to meet with Eversource and she will take photos and then Commission can decide on the type of filing.

Responses from DPI on Tarkiln Hill Project from Nitsch. Nitsch didn't feel it was a complete submission and DPI did feel it was a full submission. So Nitsch has once again corresponded with them.

6. Nitsch Engineering Contract

Sandy advised the Commission that additional money is needed to be transferred into the Nitsch Contract since there is only \$8,000.00 left in the contract and the contract doesn't expire until November 30, 2018 with an option to extend for another year. Sandy recommended transferring another \$25,000.00.

Commissioner Perks made a motion to transfer \$25,000.00 into the Nitsch contract. Motion was seconded to Commissioner Audette. All in favor. Motion carries.

7. Approval of Meeting Minutes of February 20, 2018 and March 6, 2018

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of February 20, 2018 was made by Commissioner Blanchard. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of March 6, 2018 was made by Commissioner Blanchard. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

ADJOURN

Commissioner Audette made a motion to adjourn at approximately 7:40. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas, Administrative Coordinator