



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

**Meeting Minutes of the Conservation Meeting of
August 21, 2018
Brooklawn Senior Center**

Members Absent

Dennis Audette

Peter Blanchard

Staff Present

Agent Sarah Porter

Sandy Douglas

CALL MEETING TO ORDER

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

ROLL CALL OF COMMISSIONERS

Craig Dixon, Chairperson, Paul Pacheco, Chancery Perks

NEW BUSINESS:

- 1. A Request for Determination of Applicability as filed by Christopher Fox of Eversource Energy for property located off of 100 Duchaine Boulevard, New Bedford (Map 134, Lot 5).** Applicant proposes restoration work to mitigate impacts associated with a recently installed utility manhole in the Buffer Zone. Representative is Brad Holmes of Environmental Consulting and Restoration, LLC.

Brad Holmes of ECR was present together with Christopher Fox of Eversource. Mr. Holmes advised that this is an after the fact RDA to address a utility manhole that was installed on Duchaine Blvd. There is a BVW right off to the west of the installed manhole, the work that was done on the edge of the BVW and required a permit. Some soil was disturbed, and some debris piles left on the edge of the work area. A restoration plan has been submitted. Work was necessary to bring up power to overhead lines.

Agent Porter advised that it's an after the fact filing and recommended a negative determination that the work as proposed is in the buffer zone but shall not alter the adjacent resource area therefore no filing of NOI is required but to incorporate their restoration steps into the RDA as special conditions. Special conditions are as follows: all remaining soil piles and broken hay bales shall be removed and disposed of in a legal upland location, overhanging broken limbs from shrubs and trees to be trimmed back to the edge of disturbance; planting 10 native shrubs, (4 sweet pepper bush, 3 high bush blueberry, and 3 winterberry) in the area closest to the disturbed BVW and the area immediately surrounding the manhole

shall be raked by hand and seeded with conservation seed mix. Upon completion of these tasks the conservation agent should be notified for an inspection of the restored area.

Commissioner Pacheco made a motion for a negative determination with special conditions as recommended by the Agent. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

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, 6/5/18, 6/19/18, 7/3/18, 7/17/18, 8/7/18) - 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. **A Notice of Intent as filed by Mary Rapoza, Director of Parks, Recreation & Beaches for the City of New Bedford for property identified as the Victory Park Pond (Map 6, Lot 1).** Applicant proposes to conduct a vegetation management plan involving the cutting of 50 linear feet of Bank vegetation and the removal of 11,250 s.f. of vegetation in Land Under Water. Representative is Mary Rapoza. **CONTINUED**

NEW HEARINGS:

1. **A Notice of Intent as filed by Heike Milhench of Milhench Supply Company for property located at 127 Duchaine Boulevard, New Bedford (Map 133, Lot 21).** Applicant proposes to construct a 10,680 s.f. building addition with associated wetland filling and replication. Representative is Mathew White of Farland, Corp.

Mr. Matthew White of Farland Corp., was present on behalf of the applicant and advised that the proposed project is an addition of over 10,000 s.f., with alteration to the wetland of approximately 4,995 s.f., and are proposing two areas of mitigation for that disturbance. Erosion controls around limit of work and no other work besides grading and infiltration basin south of the building. The infiltration basin is designed and sized to handle 100 year storm. No other proposed work stormwater management is simple in this case. Replication being proposed is similar to what has been proposed in other project at the industrial park.

Commissioner Dixon inquired if the addition is for more warehousing space. Mr. White replied yes and it's a steel warehouse style with open floor plan for storing product.

Agent Porter advised that the DEP File number has not yet been received and suggested that the 1 to 1 mitigation ratio be beefed up to 1 ½ to 1. Agent Porter inquired whether working with wetland specialist and Mr. White replied they are.

The Commission agreed to send to this application to Nitsch for peer review. Commissioner Perks made a motion to forward this application to Nitsch for review. 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 Perks. All in favor. Motion carries.

NEW BUSINESS CONTINUED:

1. New England Farms – ratify E.O. and update

Agent Porter advised that the EO went out because they failed to notify the Agent and failure to have the subgrade of the infiltration system inspected per Conditions #52 of the Order of Conditions. It was stated by Tim Bowin of J.B. Lanagan Company., Inc., on 8/6/18 that they had dewatered groundwater in order to install the roof infiltrators and this should not have happened according to the approved plans. The property, his agents, permittees and all other shall immediately cease and desist from any activity. The property owner shall take the following action to prevent further violations of the Act: a test pit shall be dug adjacent to the roof infiltrator system to determine the seasonal high groundwater. The Conservation Agent shall be notified prior to excavation so that arrangements can be made to have the test pit witnessed by the Agent and the Conservation Commission's consulting engineer. Following completion of the test pit, the results shall be discussed at the next regularly scheduled Conservation Commission Meeting.

Agent Porter advised that the test pit was excavated and found that it was actually above seasonal high water table at 1.2'

Commissioner Pacheco made a Motion to ratify the EO. Motion was seconded by Commissioner Perks.

Agent Porter will also issue the amended order and once it is recorded they can continue the work.

Buttonwood Park Pond

Agent Porter advised that she met with Mary Rapoza and advance marine technology and port of New Bedford would like to conduct clean up of buttonwood pond. They are planning to run an experimental trial at UMASS SMast this winter. Agent Porter will post the reports for review. Commissioner Perks advised that he may be sitting on the research side of this at a later time and he will speak with Solicitor's office.

2. 3/20/2018 meeting minutes for approval

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of March 20, 2018 was made by Commissioner Pacheco. 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