



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

**Meeting Minutes of the Conservation Meeting of
September 4, 2018
Brooklawn Senior Center**

Members Absent

Chancery Perks

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

Peter Blanchard, Dennis Audette, Paul Pacheco, Chairman Craig Dixon

OLD BUSINESS:

1. **SE49-891 – (Continued from 9/4/18) - A Request for Certificate of Compliance as filed by NSTAR Electric Company for property located at 50 Duchaine Boulevard, New Bedford (Map 134, Lots 456, 457, 458, & 459). Representative is Matthew J. White of Farland Corp.**
CONTINUED

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, 8/21/18, 9/4/18) - 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- 0809 (Continued from 8/21/18, 9/4/18) - 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.
CONTINUED

3. **SE49-0810 – (Continued from 9/4/18) - A Notice of Intent as filed by Norman Nichols for property identified as a 50’ wide easement through Map 130A, Lot 720.** Applicant proposes a stream crossing for a 20’ wide paved drive which shall alter Bordering Vegetated Wetland, Bank and Land Under a Waterway. Representative is Richard Rheume of Prime Engineering.
CONTINUED UNTIL 10/2/2018

Fee Schedule that was posted under separate public hearing notice

Notice is hereby given that in accordance with Section 2-9 of the City of New Bedford Code of Ordinances, the City of New Bedford Conservation Commission shall hold a Public Hearing on Monday, September 17, 2018 at 6:30 P.M., at the Brooklawn Senior Center, 1997 Acushnet Avenue, New Bedford, for the purposes of approving a revised fee schedule as permitted under Section 15-107 of the City Wetlands Ordinance.

Chairman Dixon advised that this came about because some of the costs for some of the projects were too large. Agent Porter advised these fees are determined by what it costs our consulting engineer and the conservation agent to review the application. Some of the standard fees have increased by \$50.00. and the wetland boundary verification fee decreased because it is based on the Agent’s salary and not Nitsch Engineering’s fees. Fees are also based on the alteration of a resource area.

The Commission agreed that the fee for a wetland delineation review is not to exceed \$3,500.00 (1/2 acre costs \$250.00 & ½ acre to 2 acres = \$500.00 with \$100.00/acre for every acre over 2 acres). \$3,500 would allow for 3 weeks to review a very large wetland boundary.

Commissioner Audette made a motion to approve the updated fee schedule. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

NEW BUSINESS:

1. Airport access roadway widening

Amanda Atwell with Epsilon Associates, Scott Servis New Bedford Airport Manager, Michael Crane, of New Bedford Airport were all present. Ms. Atwell advised that this project has to do with the Order of Conditions that was issued under SE49-0729 runway 3 project which is currently finishing up.

Mr. Scott Servis advised that FAA wants the switch gear on the fence in the woods moved to an easier location and in order to do that, they had to trench to run new conduit. In the process of trenching, they pulled up big stones and boulders and cannot have that because they won’t be able to mow it. The contractor put gravel over the top of it to make it easier for access to the switch gear. The current agreement between ASG, Epsilon and contractor is they are going to go back in strip out everything and but it back to original state, hydro seed it with grass. Mr. Servis wanted to make the commission aware of this because of wetlands in that area.

Ms. Atwell added that Agent Porter has met on site with the contractor and noticed in the process of putting gravel down in the buffer zone area that they put gravel up in a couple of erosion control areas and will be restoring it and seeding it as necessary.

Agent Porter inquired as to when they plan on doing this. Mr. Servis replied that they plan on doing this within the next couple of weeks. Porter suggested leaving erosion controls in place until well stabilized. Mr. Servis agreed and will forward pictures of the project once completed to the agent.

2. State Pier Construction Modifications

Brad Saunders of GEI Consultants and Mike Driscoll of DCR were present. Mr. Saunders advised that there has been reconstruction to the east side of the pier under the Order of Conditions and part of the work was to do some reconstruction of the seawall and timber platform and the work as originally proposed was to remove the concrete seawall to about 1' above mean high water. Based on old license plans, it was believed that the timber pier piles that are holding concrete seawall extended up to the seawall when started to construct found that the piles do not go up that high and need to now stay there. The issue is how to still do the work and keep existing seawall section in place. The solution is to install 28 14' high piles around the whole edge of the concrete wall up to 1' from mean high water and from there everything can be constructed as proposed. There is nothing being extended outside of the existing pier. Mr. Saunders has spoken to the Army Corps. Of Engineers and Chapter 91 and they do not have an issue. Mr. Saunders inquired whether the Commission will need an amendment or if they can proceed without an amended NOI.

Agent Porter stated the 28 new piles to be replaced in the water alter about 5.6 s.f of land under water which is not a whole lot and they are not expanding the footprint of the project at all and not changing the purpose of the project just making a construction modification and does not feel an amended order is necessary.

Commissioner Audette made a motion to accept the revised plans for the record. Motion as seconded by Commissioner Pacheco. All in favor. Motion carries.

3. Agent Updates/General Correspondence (MACC Fall Conference)

MACC FALL CONFERENCE

Agent Porter notified the Commissioners that MACC Fall Conference is on October 20th if anyone would like to attend to please let Sandy know.

PLUMBER'S SUPPLY

Agent Porter advised that the project is located on Flaherty Drive and it's a big project. She was out there last Monday and Friday and it's been stripped and have foundation in. Agent Porter met with Scott Turner on Friday to look at the bottom of the infiltration pond. Scott Turner submitted a memo with a number of concerns. The bottom of basin has more naturally occurring silt in it than normal, there was quite a bit of water in the bottom of the basin and wanted to know how long it would take to dry out. There were several areas of erosion into the pond one major one at the south end and the north end had a lot of sediment from construction vehicles entering. The stone in the construction vehicle entrance contained a significant amount of silt. The stone needs replacing and Flaherty drive needs to be swept. Scott returned today to see if pond had drained at all and it was drier but there was some water in it because they used it to dewater the foundation and were sticking the hose into the infiltration basin which

is not allowed under the SWPPP. Mr. Turner suggested they add haybales and/or silt fencing around areas of wash out and/or around entire pond to protect it. Scott visited the site again on Monday and they had added stone at the big washout area but had not done any other additional erosion controls yet. Scott also recommended that they put in crushed stone infiltration trench in at the detention pond. Mr. Rich Riccio of Field Engineering will be dealing with that. Agent Porter will be visiting the site again on Wednesday after the rain to see how they made out after the rain and see if they have added additional erosion controls as suggested. If erosion controls are not installed by Friday Agent suggested shutting down their job until erosion controls are up, construction entrance replaced and road swept. If not done by Monday when she goes to visit will issue a stop work. Agent Porter inquired whether the Commission wants to issue a fine or just stop work which is in the form of an Enforcement Order.

The Commission agreed if not done by Monday to issue an Enforcement Order and fine them.

NEMASKET STREET

Agent Porter advised that the SWPPP for Nemasket Street was submitted to the Conservation Commission and Nitsch submitted comments today and once TRC addresses the comments, they will be ready for construction.

CPA

Commissioner Pacheco notified that he had advised the Mayor's office that he can only attend the grant proposal meetings with the CPA and cannot attend all the other meetings. The Mayor's office did not have an issue.

ADJOURN

Commissioner Audette made a motion to adjourn at approximately 7:10. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas, Administrative Coordinator