



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

**Meeting Minutes of the Conservation Meeting of  
February 5, 2019  
Brooklawn Senior Center**

**Members Absent**

**Paul Pacheco**

**Staff Present**

**Agent Sarah Porter, Conservation Agent  
Sandy Douglas, Admin. Coordinator**

**CALL MEETING TO ORDER**

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

**ROLL CALL OF COMMISSIONERS**

Chairman Craig Dixon, Vice Chairman Dennis Audette, Chancery Perks, and Peter Blanchard.

**NEW BUSINESS:**

**NONE.**

**OLD BUSINESS:**

1. **SE49-0794** – (Continued from 10/2/18, 10/16/18, 11/6/18, 11/20/18, 12/4/18, 12/18/18, 01/8/19, 1/22/19) - Request for a Certificate of Compliance as filed by DPM Development Corp., for property located at Seth Daniel Drive (Map 136, Lot 482). Representative is Jeffrey Tallman of SITEC. **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, 9/17/18, 10/2/18, 10/16/18, 11/6/18, 1/20/18, 12/4/18, 12/18/18, 01/8/19, 1/22/19) - 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. **SE49-0810** – (Continued from 9/4/18, 9/17/18, 10/2/18, 10/16/18, 11/6/18, 11/20/18, 12/4/18, 12/18/18, 01/8/19, 1/22/19) - 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**

3. **SE49-0814** - A Notice of Intent as filed by Mary Rapoza, City of New Bedford Director of Parks, Recreation and Beaches for property identified as Marine Park, Popes Island, New Bedford (Map 60, Lot 2). Applicant proposes to conduct maintenance on a coastal bank by removing invasive species and replacing them with native shrubs and perennials. Representative is Mary Rapoza. **CONTINUED**

## **NEW HEARINGS:**

1. **SE49-0815** - A Notice of Intent as filed by David Hebert of Braley Woods Condominium Assoc. for property identified as 1471-1475 Braley Road (Map 137, Lot 109). Applicant proposes to repave an existing driveway and parking lot and install a trench drain in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Paul Carlson, P.E. of InSite Engineering. **CONTINUED**

## **NEW BUSINESS CONTINUED:**

### **1. George Scott – Phillips Road homes**

Mr. George Scott was present and stated the original approved plans has arborvitae to be planted along the border of the wetlands. He just did the final grade and if he plants the arborvitae now, they won't last because of the cold. Mr. Scott is requesting to plant the arborvitae in the Spring.

Agent Porter advised that Mr. Scott has violations on the properties, and it doesn't look like it's at final grade yet and looks like silt passed by the silt fence and straw waddles and there are areas where the grading is sitting right on top of silt fence and cannot even see silt fence and straw waddles. These situations need to be resolved first at the five lots.

Chairman Dixon inquired whether there is anything growing there now. Agent Porter replied she was just at the site this afternoon and there is no grass.

Mr. Scott inquired as to what he should do to rectify the situation. Agent Porter suggested that she walk the site with Mr. Scott lot by lot. Agent also recommended that haybales need to be placed where there are no erosion controls left at all, put the haybales behind the fill, remove the fill material and get it back to original limit of disturbance. He will need to know where that limit of disturbance is because that's where the arborvitae will go. Agent Porter suggested he use haybales because the straw waddles are not doing the trick. Agent Porter advised that Mr. Scott needs to get into compliance before a certificate of compliance can be issued and needs to put haybales down, pull material out of wetlands and that some

material will have to be removed by hand and other areas it's obvious that a machine will have to come in because the fill is deep.

Chairman Dixon stated that it makes zero sense to plant arborvitaes right now because of the cold weather. Commissioner Perks agreed and suggested planting balled & burlapped arborvitaes when they are planted.

Mr. Scott will call the Agent tomorrow morning to schedule an onsite meeting. Mr. Scott inquired whether he could get a vote today. Agent Porter explained that cannot be done this evening because he still needs to file an as-built plan together with a request for certificate of compliance, a filing fee and an acknowledgment by the new property owner needs to be submitted before/// the Commission's consideration of a Certificate of Compliance.

## **2. Emergency Certification – Route I-195 (exit 13)**

Agent Porter advised the Commission that she was informed of a spill of approximately 50 gallons of diesel from a truck on 195 and it entered the unnamed stream that flows through the Sullivan's Ledge solar field and goes into the golf course into the middle marsh from 195. The spill occurred right before a rain event and a lot of it was not captured, the catch basins were not cut off. The LSP went out to site yesterday and collected sediment and soil samples and sent it off to lab for analysis and the LSP doesn't think there will be a problem according to his observations. Depending on the lab results if impacted sediments then will need excavation.

Commissioner Audette made a motion to ratify the Emergency Certification. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

## **3. 1102 Tobey Street**

Agent Porter advised the Commission that a gentleman came by the office and expressed interest in purchasing 1102 Tobey Street. He is of the opinion that the garage on the property was built in the wetland. Agent Porter went by the site today and it doesn't look like it's on wetland but possibly on a very old fill site. The gentleman did go to the building department and talked to them and was told that garage would have to be torn down because it's illegally built on a paper street.

## **4. The Willows**

Agent Porter advised the Commission that a NOI has not been submitted by The Willows. Agent called the property manager yesterday and he informed her that he would pass the message along to his boss that he needs to file the paperwork. Agent Porter doesn't have his bosses telephone number.

Commissioner Audette inquired if they are still working there. Agent Porter replied they are not doing any work there.

Agent Porter needs to speak with Jane Friedman because there was an error on the Enforcement Order that was issues and needs to know if it needs to be re-issued or just correct it and resend it.

Chairman Dixon inquired as to what they are proposing to do. Agent Porter stated that they were to come up with a proposed design to either infiltrate clean water from basement into 100' buffer zone or discharge clean water from the basement by drain pipes onto rip rap splash pad to the 100' buffer zone they have to do something with the water and it has to be clean water that they are discharging.

The Commission will wait to hear from the Agent as to Jane Friedman's recommendation.

Agent Porter inquired if it is decided to re-issue, does the Commission want a new date on it of February 22<sup>nd</sup>? If it doesn't need to be re-issued what does the Commission want to do? The Commission agreed to fine him everyday until the NOI is filed.

#### **5. Election of Officers for 2019**

Commissioner Perks nominated Dennis Audette as Vice Chairperson. Seconded by Commissioner Blanchard. All in favor of said nomination.

Commissioner Audette nominated Craig Dixon as Chairperson. Seconded by Commissioner Perks. All in favor of said nomination.

#### **6. MACC Annual Environmental 2019 Conference, March 2, 2019**

Agent Porter reminded the Commission that the Annual MACC 2019 Conference is March 2, 2019 and if anyone is interested in attending to please let Sandy know.

#### **7. Agent Updates/General Correspondence**

Agent Porter advised that the Vegetation Management Plan has been submitted for the Eversource transmission lines.

## **ADJOURN**

Commissioner Audette made a motion to adjourn at approximately 7:00. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

Respectfully submitted,

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Sandy Douglas, Administrative Coordinator