



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
March 19, 2019
Brooklawn Senior Center**

Members Absent

Paul Pacheco

Staff Present

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

**CALL MEETING TO ORDER
ROLL CALL OF COMMISSIONERS**

Commissioner Dennis Audette, Chairman Craig Dixon, Chance Perk, Peter Blanchard

OLL CALL OF COMMISSIONERS

NEW BUSINESS:

1. **SE49-0779** – Request for Certificate of Compliance as filed by George Scott for property located at 1661 Phillips Road (Map 134, Lot 469). Representative is George Scott.

Mr. George Scott was present and advised that he and Agent Porter walked the site yesterday and everything is in compliance. Agent Porter reminded Commission that they had agreed to issuing a partial Certificate of Compliance because not loamed and seeded yet because of winter conditions and arborvitae line not planted yet and silt has been pulled back that migrated into no disturb zone and extra haybales were installed and signs are up only thing don't have is an as-built plan. Mr. Scott advised that an as-built was being done by Alan Quintin and he was hospitalized yesterday and requested if partial could be issued and when Mr. Quintin gets out of hospital the as-built can be submitted. Agent Porter saw the draft of the as-built but it doesn't have the wetland boundary or silt fence line on it, yet which are two key components.

Agent Porter advised that the 25' no disturb is in tact and it's a matter of getting as-built complete and it's up to commission as to whether or not want her to sign off on Certificate of Occupancy before as-built is received.

Commission agreed to allow the agent to sign-off on Certificate of Occupancy. Agent is going to wait until the end of the week to give Mr. Quintin time to file the as-built to sign off on the CO.

Agent Porter recommend a partial Certificate of Compliance because arborvitae not installed and loam and seeding not done. What has been completed is the house, rough grading, installation of utilities, signs are up. Special Conditions are Conditions #50 and #51. Agent Porter stated that this is also the case for the next two requests by said applicant.

Commissioner Audette made a motion to issue a partial Certificate of Compliance with special conditions as read. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

2. **SE49-0780** – Request for Certificate of Compliance as filed by George Scott for property located at 1643 Phillips Road (Map 134, Lot 467). Representative is George Scott.

Agent Porter recommended the issuance of a partial Certificate of Compliance with ongoing conditions #50 and #51.

Commissioner Audette made a motion to issue a partial Certificate of Compliance with special conditions as read. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

3. **SE49-0781** – Request for Certificate of Compliance as filed by George Scott for property located at 1675 Phillips Road (Map 134, Lot 471). Representative is George Scott.

Agent Porter recommended the issuance of a partial Certificate of Compliance with ongoing conditions #50 and #51.

Commissioner Audette made a motion to issue a partial Certificate of Compliance with special conditions as read. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

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, 02/5/19, 2/19/19, 3/5/19) - 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, 2/5/19, 2/19/19, 3/5/19) - 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, 2/5/19, 2/19/19, 3/5/19) - 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. **SE49-0815** – (Continued from 2/19/19, 3/5/19) - 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**
4. **SE49-0819** - (Continued from 3/5/19) - Notice of Intent as filed by MIH1, LLC for property identified as Farland Circle (Map 130D, Lot 472). Applicant proposes to construct a single-family dwelling on each lot in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Jack Tabares of Farland Corp. **CONTINUED**
5. **SE49-0820** - (Continued from 3/5/19) - Notice of Intent as filed by MIH1, LLC for property identified as Farland Circle (Map 130D, Lot 477). Applicant proposes to construct a single-family dwelling on each lot in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Jack Tabares of Farland Corp. **CONTINUED**
6. **SE49-0821** - (Continued from 3/5/19) - Notice of Intent as filed by MIH1, LLC for property identified as Farland Circle (Map 130D, Lot 478). Applicant proposes to construct a single-family dwelling on each lot in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Jack Tabares of Farland Corp. **CONTINUED**

NEW HEARINGS:

1. A Notice of Intent as filed by Frederick Miller, Bridge Real Estate Investors, LLC for property identified as 12 Fish Island, New Bedford (Map 60, Lot 1). Applicant proposes to replace 340’ of the deteriorated fender system along the west side of the existing steel sheet pile bulkhead. Representative is Richard Fitzgerald of AGM Marine.

Mr. John Mikotowicz of AGM Marine was present on behalf of the applicant. Mr. Mikotowicz advised that the applicant is proposing to repair fender system up to the northern limit, there is existing steel sheet pile bulkhead that is deteriorating, cut down existing bulkhead above high tide line and install timber support structure back to concrete cap on the second bulkhead and build way out to create linear fender system, drive fender piles in front of that. Work will be done from a barge.

Commissioner Perks inquired as to how many piles. Mr. Mikotowicz replied there are 34 total.

Agent Porter went over the comments from DMF with Mr. Mikotowicz and the Commission.

Agent Porter advised that an Order of Conditions cannot be issued today because no file # yet from DEP. Commissioner Audette made a motion to table this matter until April 2, 2019. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

NEW BUSINESS CONTINUED:

1. Parallel Products

Agent Porter advised the Commission that she sent a memo to Tabitha in planning in lieu of sending comments to EEOA because the administration would like to have one letter submitted from all the departments and she is compiling that letter, a copy of which she provided to the Commissioners for their review. She covered all of the comments except 25' setback mostly because it's a local requirement, did not ask her why. Commissioner Audette suggested it be added. There was an internal meeting and Parallel gave presentation to Mayor's Office and all concerned departments. Agent attended that meeting and they want to install more solar on top of their existing facilities.

2. State Pier modification (SE49-0755)

Agent Porter advised that another time of year encouragement request for state pier DMF does not have a problem with it it's only for two weeks.

3. Shawmut Ave – Cement truck washings

Agent Porter advised that it was reported to Michele Paul that cement trucks were discharging into the wetlands south of ABC. They were pouring a new floor at ABC and Wayne Perry from DPI caught the trucks doing this have pictures of trucks cleaning trucks on side of road. Agent Porter visited site there are concrete deposits on the side of the road. Commissioner Perks inquired as to who the company was. Agent Porter replied that it was Fall River Ready Mix that was doing the washing and Wayne told them it was illegal, and they said that's where they were told they could do it, ABC denied advising them of that.

Commission agreed to issue an Enforcement Order and a fine to Fall River Ready Mix since they were made aware, they could not do that.

Shawmut Avenue

There is a very dirty pile of snow and contacted DPI to inquire if it was part of their snow removals or ABC disposing their snow. Pursuing that.

60 Norwell Street

Agent Porter advised that they are in coastal flood zone, gentleman came by office yesterday because building department had sent notice that this homeowner was trying to get permit to build a shed if temporary and could move it during storm might still want plans, commission might want to know how going to move it in the event of a storm. The shed has already been built. Chairman Dixon figuring out what is already there and whether the shed can be moved.

Cape Cod Aggregates, 100 Herman Melville Boulevard

Agent Porter advised she sent the information today and issued Emergency Certification to put up dolphin fenders because barge hit side of the facility on the waterfront. Sent letter today and trying to get out of

preparing engineering plans, have copies of the report from one of the engineering companies and it seems based on what they did for 12 Fish Island the work would require an engineering plan.

When barge hit it flipped and deposited gravel into land under the ocean and the gravel was not picked up because they need a permit.

Commission all agreed that they need to file an engineering plan along with their Notice of Intent.

4. Agent Updates/General Correspondence

Commissioner Perks inquired of Agent Porter if this commission has jurisdiction of land under the sea and land subject to flooding but no jurisdiction over the water itself. Agent Porter replied that is kind of true. Commissioner Perks is inquiring because he sees private companies at the Rodney French Blvd. boat ramp discharging their melt water into the Cove. Commissioner Perks has mentioned this activity to the shellfish warden.

Sassaquin Pond

Commissioner Audette requesting writing up a letter and send it to the Trustees of the three parks on Sassaquin Pond letting them know they are responsible for these parks and they cannot go in there and cut brush. Commissioner Audette stated that the three trustees are Mike Frey, Jim Gurney and himself, Dennis Audette.

ADJOURN

Commissioner Audette made a motion to adjourn at approximately 7:32. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas, Administrative Coordinator