



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

**Meeting Minutes of the Conservation Meeting of  
April 2, 2019  
Brooklawn Senior Center**

**Members Absent**

**Paul Pacheco  
Chancery Perks**

**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 pm.

**ROLL CALL OF COMMISSIONERS**

Chairman Craig Dixon, Co-Chairman Dennis Audette, and Peter Blanchard

**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, 3/19/19) - 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.

Agent Porter advised that this Commission was waiting for the acknowledgement and it has been signed and all other conditions have been satisfied. Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing Condition #51.

Commissioner Audette made a motion to issue a full Certificate of Compliance as recommended by the agent with special condition as read. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

**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, 3/19/19) - 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, 3/19/19) - 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, 3/19/19) - 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 UNTIL MAY 7, 2019**
4. **SE49-0819** - (Continued from 3/5/19, 3/19/19) - 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 UNTIL MAY 2019**
5. **SE49-0820** - (Continued from 3/5/19, 3/19/19) - 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 UNTIL MAY 2019**
6. **SE49-0821** - (Continued from 3/5/19, 3/19/19) - 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 UNTIL MAY 2019**
7. **SE49-0822** - (Continued from 3/19/19) - 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. Richard Fitzgerald of AGM Marine was present on behalf of the applicant. Agent Porter advised that this Commission was just waiting for the DEP File # and comments from the Division of Marine Fisheries. DMF did not have many comments but did incorporate their comments into the special conditions as follows: work shall be conducted from barge-based crane, boom in demo area at all times and no debris is to enter the Acushnet River.

Commissioner Audette made a motion to approve as recommended by the Agent. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

## **NEW HEARINGS:**

1. **SE49-0823 - A Notice of Intent as filed by Michael Frey for property located at 1479 Morton Ave. (Map 136A, Lots 800, 802 and 803).** Applicant proposes to demolish an existing summer cottage and replace it with a garage in the Buffer Zone. Representative is Stephen Chmiel.  
**CONTINUED FOR LACK OF QUORUM**

## **NEW BUSINESS:**

### **1. Ratify Enforcement Order for Shawmut Avenue**

Agent Porter showed color photos of the site to the Commissioners. The site of violation is within the City's ROW 80' city layout, its a wide street. Issued Enforcement Order to Fall River Ready Mix Concrete together with a \$25.00 fine with a copy to DPI for their information.

Commissioner Audette made a motion to ratify the Enforcement Order. Motion was seconded by Commissioner Blanchard.

### **60 Norwell Street violation**

Agent Porter showed the Commissioners a picture of the shed and advised that the owner is running a business out of the shed. The building department sent him a notice of violation that he did not comply with and a couple of other documents that he has refused to comply with and have filed a complaint with Housing Court. He is in velocity zone elevation 16 there was a little shed there but that is no longer there.

Commissioner Dixon inquired if the shed is built on a slab. Agent Porter advised its concrete blocks and the owner wants to put wheels on it so if there is a storm, he can put it on a flatbed and move it. Agent Porter has drafted an EO and inquired as to what the commission would like to do and suggested, once matter is resolved with building department, they can file a Notice of Intent. Chairman Dixon commented that this homeowner will have to build the shed in accordance with the building requirements.

The Commissioners all agreed to issue the Enforcement Order. Commissioner Audette made a motion to issue the Enforcement Order. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

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

## **PARALLEL PRODUCTS**

Agent Porter advised the Commission that she has drafted the letter to the planning department, and they did incorporate the 25' setback back into the letter.

## **ADVISORY LETTER FROM ARMY CORP.**

Letter from Army Corp., and if anyone had any comments.

## **DRAFT LETTER FOR SASSAQUIN**

Chairman Dixon will stop by the office and sign the letter so it can be mailed out to the Trustees and then Commissioner Audette will post it on the Sassaquin site.

## **34 WELBY ROAD**

Agent Porter advised this property is in the floodplain to the Acushnet Cedar Swamp and they are changing owners and went to FEMA and got a Letter of Map Amendment determining the building was outside of the 100 floodplains but not establishing a floodplain elevation. They are proposing a daycare for the elderly in the existing building and would like to install a canopy with six columns to park the van under for the elderly. Does the commission want them to file and provide flood storage and have stamped plans show can stand flood waters? Agent Porter also advised that they must go for site plan review.

Commissioner Audette inquired if there is a highwater table in that area. Agent Porter replied it is.

The Commission agreed they should file an RDA unless they are going to do something with the parking lot. Agent Porter advised that this will be a redevelopment project, so they won't have to achieve all the Standards. Agent Porter will speak with the owner and will then determine whether he shall file an RDA or NOI.

## **96 SETH DANIEL DRIVE**

Agent Porter advised that the owner of 96 Seth Daniel Drive like to install an above ground pool only 12' off the fence which is the wetland boundary. Does the Commission want a filing?

The Commissioners agreed that an RDA should be filed for this activity.

## **BEACH GRASS REMOVAL**

Agent Porter advised the Commission that she is going to meet next Monday with Councilor Lopes, Mary Rapoza and Jaime Ponte from DPI. Agent has talked to Liz Lyden from the Solicitor's Office and she was surprised that beach grass was being removed. The permit says have to coordinate for removal of beach grass and agent establishes where beach grass will be removed. Councilor Lopes would like the large areas of beach grass pulled back and trimmed. Agent Porter in the past the Commission has allowed to remove it along the base of wall and volleyball courts and areas were sprouting on the beach. How does the Commission feel to allow them to continue pulling out beach grass? Commission agreed to have Agent Porter work with them and give them a little pathway. Liz from Solicitor's was going to investigate this request because she was shocked that they wanted to pull out beach grass.

## **POTTER STREET WETLAND REMEDIATION**

Agent Porter advised the Commission wanted to know if the stream is trickling or when it's completely dry if it's trickling will just place a straw waddle across it and dam it. Chairman Dixon doesn't think they have to necessarily wait until it's completely dry. Agent Porter will speak with them and advise them that it must be either a trickle or wait for it to dry out.

## **WORKSHOP**

Agent Porter inquired whether the Commission wants to do an internal workshop. The Commissioners all agreed to an internal workshop. Agent Porter will work on the agenda.

**3. Meeting Minutes for approval of 10/16/18, 11/6/18, 11/20/18, 12/4/18, 12/18/18, 1/8/19 and 1/22/19**

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes October 16, 2018 was made by Commissioner Audette. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

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

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

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes December 4, 2018 was made by Commissioner Audette. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes December 18, 2018 was made by Commissioner Audette. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes January 8, 2019 was made by Commissioner Audette. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes January 22, 2019 was made by Commissioner Audette. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

## **ADJOURN**

Commissioner Audette made a motion to adjourn at approximately 7:15. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

Respectfully submitted,

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Sandy Douglas, Administrative Coordinator