



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
April 16, 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 pm.

ROLL CALL OF COMMISSIONERS

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

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, 4/4/19) - 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, 4/4/19) - 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, 4/4/19) - 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, 3/19/19, 4/4/19) - 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, 4/4/19) - 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, 4/4/19) - 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**

NEW HEARINGS:

1. **SE49-0823**– (Continued from 4/4/2019) 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.

Commissioner Audette abstained himself from this hearing because he is friends with Mr. Frey and they both are members of the same alliance.

Michael Frey was present and advised that he would like to demolish the existing cottage that he currently uses now just for storage and is proposing building a two-car attached garage that would be less in size than existing cottage to store two vintage vehicles.

Agent Porter advised that area that he is working on is already lawned so not disturbing any native vegetation, close to the pond, erosion controls will be as close as 16' to edge of pond. Erosion controls are shown on the plan, no detail was provided for the erosion controls, so Agent Porter provided him with one. The detail is an approved plan.

Agent Porter recommended the issuance of an Order of Conditions with the following special conditions: Con Com agent is to inspect the erosion control prior to work commencing, silt fence remain in place until all disturbed areas are seeded and grass grown in, as built garage to be submitted prior to issuance of

a Certificate of Compliance, Conservation Agent will not sign-off on a Certificate of Occupancy, if one is required, until the applicant has obtained a Certificate of Compliance from the Conservation Commission.

Commissioner Perks made a motion to issue an Order of Conditions as recommended by the Agent. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

2. **SE49-0824** - A Notice of Intent as filed by Michele Paul Director of Environmental Stewardship for the City of New Bedford for property identified as Riverside Park (Map 99, Lot 81; Map 100, Lots 83 and 84) which is located on the east side of Belleville Ave. and the north side of Coffin Ave. Applicant proposes to remove invasive species. construct a six-foot wide riparian walkway and plant native vegetation adjacent to the pathway. Representative is Stevie Carvalho of Farland Corp.

Mr. Stevie Carvalho of Farland Corp. was present on behalf of the applicant. Mr. Carvalho advised this is the second segment of the Riverwalk it's from Riverside Park to Riverside Avenue. EPA has already done cleanup and plantings, southside has gravel access road, looking to pave that access road and walkway and plant some landscaping for riverfront area on the northside on Coffin Avenue looking to connect the northside and continue it towards the east and either go along the water or straight down Coffin Ave. to Acushnet River. North side there is a lot of invasive species EPA has done clearing and planting but looking to do some selective removal of invasive species on site. Met on site with planning department, parks department and discussed how to handle the removal of invasive species and left it as selective removal to be overseen by Conservation Commission.

Agent Porter advised that she did look at the plans and was confused with some of the existing conditions plan got some line type for three different features, Carvalho can change the lines to make it clearer. Since have not met since last fall and Mary Rapoza hasn't had a chance to review these plans yet, sent NOI to Mary and DPI and need feedback from them.

Commissioner Audette made a motion to table this matter to the next meeting. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

NEW BUSINESS:

1. **1063 Almy Street N.O.V. - owners requested to appear.**

Mr. John Miguel and Linda Andrade were present. Mr. Miguel leveled the backyard and put a pool up. Mr. Miguel advised that he had a land surveyor come to property to put up a fence brought truck full of loam and disturbed some of the wetland and did cut down three trees because he felt they were in danger of falling. Apologized did not understand he was doing anything wrong. There were existing stone/concrete and he just pushed it all back.

Agent Porter advised that she cannot tell how much wetland was filled and did not have soil auger with her to see how much they were into the wetland. Commission needs to decide how to go about this matter a notice of violation has been issued.

Mr. Miguel just wanted to clean up the property and make it look good.

Commissioner Audette's main problem is Mr. Miguel filled in the wetland. Brought in a triaxle of loam and then leveled it for the pool. Mr. Miguel said it was squared off enough to be able to put up a fence. Ms. Andrade just wants to put up a fence.

Agent Porter stated he can either do a restoration plan and issue through an EO and have him file a restoration plan and he would have to get a wetland scientist to go out there and determine where wetland boundary is.

Mr. Miguel apologized again and stated that when he purchased the property he was told by the realtor that his property went back to the stone wall and even told him that he could eventually put up a building (garage) back there. Ms. Andrade added that the realtor even said past property owners even said that the property line went to the back wall.

Commissioner Perks inquired if there was proof that this is existing lawn. Ms. Andrade suggested the Commissioners google to see their property. Agent Porter stated that she can't tell if it was existing or not. Mr. Miguel added that the previous owner had already started doing work back there.

Mr. Miguel stated that he has nothing to hide and the Commission is welcome to visit his property, he just wants to put up a fence for his kids and dogs.

Chairman Dixon explained that this Commission needs to figure out where the wetland is and where the boundary is and hopefully just run the fence along that boundary. Mr. Miguel can he just put up the fence now.

Ms. Andrade commented to hire a hydrologist is crazy and questioned whether or not the boundary could be determined by Agent.

Agent Porter advised that they cleared all the vegetation in the wetland and pushed everything towards the back.

Commissioner Audette added even if trees were falling under the wetlands protection act you can't cut them and now need to fix this.

Agent Porter stated she can go and stick an auger in the ground if the commission wants to do it that way but that's not how its normally do it. The Commissioners all agreed that they need a definition of where the line is and it's not fair to other violators to just send the Agent instead of the homeowner hiring a wetland scientist.

The Commissioners all agreed that they need to contact a wetland scientist. Agnet Porter advised that the wetland scientist will also need to do a restoration plan. Agent Porter advised Mr. Miguel that he can give Romanelli her information and she can speak with him.

Agent Porter recommended the issuance of an Enforcement Order to file a restoration plan for the evaluation of the wetland boundary to determine where the wetland boundary is and do a restoration plan.

Commissioner Audette made a motion to issue an Enforcement Order as recommended by the Agent. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

1036 ACUSHNET AVENUE

Spoke with Steve Chmiel and met him on site. The site is wet and Mr. Schmiel would like a month extension until June 15.

Commissioner Audette made a motion to end until June 15th. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

2. ENF for West Beach

Agent Porter advised that an ENF for West Beach was received and comments are due on the 30th. Agent did look through it and feels comments should be submitted with regard to the eel grass beds and that we will be working with Division of Marine Fisheries to make sure the shellfish are protected. Agent Porter will put the comments together and then send it to Chairman Dixon for review. The company they have doing this is probably the best that you can get.

Internal workshop

Agent Porter inquired whether April 30th is agreeable to everyone for the internal workshop. Spoke with solicitor office and they advised that as long as there is no deliberation about a matter that is before the commission than do not have to advertise or do minutes.

Commissioner Perks will forward a couple of matters that he would like discussed at the workshop.

3057 ACUSHNET AVENUE

Agent Porter advised that there is an existing cell tower at 3057 Acushnet Avenue, they are in the buffer zone and want to construct a 5' x 20' area to contain two concrete pads, one of them will have a diesel generator on it with a containment pan of up to 90 gallons, they have to excavate down 1'-2' to get concrete pad in and will disturb the soil. Does the commission want them to file an RDA for this proposed work.

The Commission agreed that an RDA should be filed.

3. Agent Updates/General Correspondence

Agent Porter stated she received an interesting phone call today. The office phones have caller id and the number came up as Mr. Rosanina and no answer on the other end and then the phone rang again this time with no caller ID and she recognized it to be Mr. Rosanina's voice again and he introduced himself this time as Gary and was reporting a violation about a garage being built in the wetlands right next to his property. Agent Porter will follow up on this reported violation.

4. Meeting Minutes of 2/5/2019 for approval.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes February 5, 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 7:45. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

Respectfully submitted,

