



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
June 4, 2019
Brooklawn Senior Center**

Members Absent

Dennis Audette

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.

ROLL CALL OF COMMISSIONERS

Chairman Craig Dixon, Commissioner Paul Pacheco, Commissioner Chancery Perks, and Commissioner Peter Blanchard

OLD BUSINESS:

1. **SE49-0771** – (Continued from 5/7/19, 5/21/19) - Request for a partial Certificate of Compliance as filed by Tim Cusson of Parallel Products of New England for property identified as 100 Duchaine Boulevard (Map 134, Lot 5). Representative is Matthew White of Farland Corp. **CONTINUED TO JUNE 18, 2019**

NEW BUSINESS:

NONE

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, 4/16/19, 5/7/19, 5/21/19) - 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, 4/16/19, 5/7/19, 5/21/19) - 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 TO JUNE 18, 2019**
3. **SE49-0815** – (Continued from 2/19/19, 3/5/19, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19) - 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.

Mr. Shane Ainsworth of InSite Engineering was present and advised that they have corresponded back and forth with Nitsch Engineering and have made some modifications to the site initially were just going to repave it and install trench drain. Still going to install trench drain and putting in cultec system to maintain increase in flow. Have addressed all Nitsch's concerns regarding the stormwater management. The discharge statement will be provided to the Conservation Commission prior to the start-up of construction.

Agent Porter advised that the only item that they did not address with was Nitsch's request for test pit for cultex units Nitsch did comment that based on the elevation of the BVW that would have separation of 1.8 instead of 2 but do not know that because did not do test pit. Mr. Ainsworth replied that as far as test pit, they are trying to minimize any disturbance. Agent Porter stated that they have such a small increase going into the system so it's up to the Commission as to whether they want them to conduct a test pit. Commissioner Pacheco confirmed that Nitsch recommended a test pit be done. Agent Porter replied that was correct. Commissioner Pacheco stated that this Commission's depends on their engineers' comments and suggestions so he feels that a test pit should be done.

Agent Porter suggested that Nitsch come and witness the test pit. Mr. Ainsworth stated that he can do the test pits prior to construction and will notify Nitsch.

Agent Porter recommended the issuance of an Order of Conditions with approval of the Post Construction Operation and Maintenance plan received May 20, 2109 and plans entitled NOI Braley Woods Condominium Sheet 1 of 1 revised date May 15, 2019 MA DEP Standard Conditions #19, stormwater system will be an ongoing condition when issue COC. The Special Conditions are as follows: the wetland boundary shown on this plan is not the approved limit of BVW, the bottom of infiltration unit to be inspected by the Conservation Commission's consulting engineer prior to backfilling with washed crushed stone, an as-built of parking lot and drainage system to be submitted upon completion of

construction and prior to issuance of Certificate of Compliance; prior to construction, Nitsch will witness the test pit with InSite Engineering and make any adjustments as required.

Commissioner Pacheco made a motion to issue an Order of Conditions with conditions as read by the Agent. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

4. **SE49-0819** - (Continued from 3/5/19, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19) - **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, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19) - **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, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19) - **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**
7. **SE49-0824** - (Continued from 4/16/19, 5/7/19, 5/21/19) - **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. **CONTINUED**

NEW HEARINGS:

NONE

NEW BUSINESS CONTINUED:

1. The Willows

Mr. Chris Bilotti Owner of the Willows was present. Mr. Bilotti stated that the buildings in the back are where the wetlands are and has come before this Commission and said could not drain to the front but to continue to the back. Trying to get moisture out of the basement and jack hammering the floor and want to put new pumps in.

Chairman Dixon confirmed that Mr. Bilotti is proposing to put in French drains, cut the concrete and put perforated pipes on the inside and run the water out. Mr. Bilotti replied that was correct and that it's only groundwater.

Commissioner Blanchard inquired whether there is still murky water being discharged. Mr. Bilotti wasn't sure if there was ever murky water discharge. Agent Porter replied that she did witness murky water being discharged and presented a picture.

June 4, 2019

Mr. Bilotti does not know where the murky water came from and doesn't know if it was from a tenant that was being evicted and knows that was the same tenant that called to complain about the murky water. Agent Porter stated that she called EPA and DEP and they notified the Agent.

Mr. Bilotti: the basements are now completely locked to the tenants and they only have access to laundry area.

Commissioner Perks inquired as to how many residents live at the Willows. Mr. Bilotti responded that there are 90 residents.

Agent Porter advised that they are proposing to install pipes and bring them up to the surface and install rip rap pads for stormwater discharge and they are in the 25' no disturb and there would be some disturbance with pipe and pad installations. Agent Porter recommended that a NOI be filed for this activity. Mr. Bilotti asked that the application be emailed to him.

2. Conservation Commission Restriction with Buzzards Bay Coalition

Mr. Allen Decker, Director of Land Protection Program at BBC was present.

Agent Porter advised that Mr. Decker had contacted her with regard to property across street from Acushnet Sawmill there is a 1.6 acres parcel and they want to use it to put a parking lot in, community gardens and a stonewall for security.

Mr. Decker advised that they applied for CPA Funding through CPC and was successful in obtaining the funding and used the bulk of the grant money at City of New Bedford Mill Road. They have acquired six house lots. They would like to expand the parking to accommodate school buses and more vehicles. Also partnering with Marion Institute Students to create urban gardens. Leaving balance of property as a wooded buffering area. Because of use of CPA money there is requirement by statute to put a Conservation Restriction placed on the property across the street has a CR held by the Acushnet Conservation Commission. Mr. Decker will be working with Agent Porter and the Solicitor's office to come up with an appropriate Conservation Restriction and once it's complete, he will be back to present it to the Conservation Commission.

3. Ratify Briarwood Court Enforcement Order

Agent Porter advised the Commission that the Enforcement Order gives them thirty days to remove the debris at the end of the road. Agent Porter has submitted a letter to the residents on Briarwood Court.

Commissioner Blanchard inquired if Agent Porter has heard from the owners. Agent Porter replied that she has not heard from them but knows they received the Enforcement Order because she received the return certified mail receipt.

Commissioner Blanchard made a motion to ratify the Enforcement Order. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

4. Ratify 68 Erin Court Enforcement Order

Agent Porter advised that she mailed the Enforcement Order and the property owner has sixty days to complete the work. The Agent has not heard from the property owner.

Commissioner Blanchard made a motion to ratify the Enforcement Order. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

5. Ratify 3782 Acushnet Avenue - Enforcement Order

Commissioner Blanchard made a motion to ratify the Enforcement Order for 3782 Acushnet Avenue. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

6. Ratify 241 Duchaine Boulevard Enforcement Order

Agent Porter advised that the Enforcement Order issued for 241 Duchaine Boulevard was for more time to do wetland restoration because original Order of conditions expired.

Commissioner Perks made a motion to ratify the Enforcement Order for 241 Duchaine Blvd. Motion was seconded by Blanchard. All in favor. Motion carries.

7. Community Preservation Committee update

Commissioner Dixon advised that he has spoken with Christina Connelly and passed along Commissioners' Pacheco and Audette concerns.

Commissioner Blanchard agreed to represent the Conservation Commission.

Commissioner Perks made a motion to nominate Commissioner Blanchard as the Conservation Commissioner's representative to CPC. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

8. Fee Schedule update

Agent Porter advised that she spoke with Solicitor's office and a sliding scale cannot be done because it's not fair, the fee must be based upon an activity so need to work on a revision to the fee schedule.

Commissioner Dixon also suggested looking at what surrounding cities and towns have as a fee schedule.

9. Certified Notification update

Agent Porter advised that she spoke with the Solicitor's Office and the Commission can do a mailing to homeowners that own wetlands by certified mail but must be sure that they own wetlands. Solicitor's would like to review the letter first before it was sent out.

Agent Porter advised that she has a list of some of the wetland property homeowners and will continue to work on it.

Commissioner Dixon suggested working with the building department.

10. Agent Updates/General Correspondence

1063 Almy Street

Agent Porter advised that the wetland restoration is looking good.

The homeowner wants to know if he could put crushed stone in the 25' riverfront area and Agent doesn't think they should be putting stone down when it's DPI's road.

Commissioner Perks agrees with the Agent and added that it will also get plowed into the wetland and suggested maybe using woodchips.

Chairman Dixon stated that it's City property and they should talk to DPI.

PARALLEL PRODUCTS

Agent Porter advised that she went by Parallel Products and they are actively working on the pile because it is smaller. Agent Porter is a meeting with them on Thursday at 8:30. They have until Friday to complete the work and if the work is not done by then what does the Commission want to do.

Commissioner Perks made a motion to issue a fine if the work is not complete by the end of the day on Friday. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

ADJOURN

Commissioner Pacheco made a motion to adjourn at approximately 7:30. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas, Administrative Coordinator