



# Conservation Commission

September 29, 2015 – 6:30 PM – **Minutes**  
Brooklawn Senior Center

## Members Present

**Craig Dixon, Vice Chairman**  
**Dennis Audette**  
**Paul Pacheco**  
**Jacob Gonsalves**

## Members Absent

**John Radcliffe, Chairman**

## Staff Present

**Agent Sarah Porter**  
**Sandy Douglas, Admin, Specialist**

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

## **OLD BUSINESS:**

### **1. A-1 Asphalt – update from the Agent**

Agent Porter advised that she and Chairman Radcliffe visited the site (Agent Porter provided pictures of their site visit). They are having the wetland reflagged because the boundary has expired and it appears that some of the stockpiles may be in the buffer zone.

Agent Porter stated that the stockpiles are stable and that nothing is going into the wetland areas. Agent Porter suggested that once the wetland boundary has been re-established, submit plans that show where the stockpiles are and then give them marching orders to file a Notice of Intent. Agent Porter and Chairman Radcliffe suggested to the surveyor about possibly putting up some sort of fence or barricade to keep them from encroaching into the 50' area.

## **CONTINUED HEARINGS:**

- 1. (Continued from 7/7/15, 7/21/15, 8/4/15, 8/18/15, 9/8/15) - A request to Amend Order of Conditions SE49-0702 as filed by Eric DeCosta of Logal, LLC for property identified as 100 Duchaine Boulevard (a.k.a. a portion of 50 Phillips Rd) Map 133, Lot 15. Applicant proposes to maintain stockpiles in the Buffer Zone to Bordering Vegetated Wetland and extend a rip rap apron associated with Wet Basin Number One. Representative is Richard Riccio of Field Engineering. Owner also requested to appear to address the lack of erosion controls across the access roadways to the stockpile location.**

**Mr. Richard Riccio of Field Engineering was present together with Mr. Eric DeCosta. Mr. Riccio advised that the erosion controls have been corrected as had been requested by Chairman Radcliffe at the last meeting.**

**Agent Porter stated that Chairman Radcliffe had also requested that the erosion controls also placed across the driveway even when they weren't doing any activity. Mr. DeCosta stated that has been done at the end of each and every night.**

**Agent Porter questioned Mr. DeCosta if they have been working in the stockpiles every day. Mr. DeCosta replied that it depends. He is not bringing anything else in it is all just being hauled out.**

**Mr. Riccio advised that the erosion control was the only outstanding issue with regard to issuing the amended Order of Conditions so that the drainage remediation could be done.**

Agent Porter addressed the two deficiencies that were noted by Scott Turner. One being the storm water management facilities that were built smaller than designed and approved and the second is slopes that are steeper than approved, deficient rip rap pads and improper graded parked areas etc. Mr. Turner's conclusion was the fact that the site was functioning, these issues needed to be taken care of as soon as possible especially since the applicant has applied for a Certificate of Compliance. Agent Porter recommended that Mr. Riccio prepare a schedule for implementation of these outstanding issues. Mr. Riccio replied that he has addressed these concerns in his response letter to Mr. Turner but that he put together a schedule and speak to Mr. Turner.

Agent Porter recommended the issuance of an Amended Order of Conditions with the following special conditions: 1) that the erosion controls surrounding the stockpile area is to remain in good condition; 2) the hay bales are to remain across the access roadways at all times except when stockpiled material is being removed from the area. The Plans for approval are Wet Basin 1 Remediation Exhibit Plan, Logal LLC, Amended OOC Exhibit Plan 1 Logal LLC. Also approved are all the previously approved plans and special conditions of the original Order of Conditions.

Vice Chairman Dixon inquired whether there was anyone present who wished to comment on this matter. None heard.

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

2. (Continued from 8/18/15 & 9/8/15) Notice of Intent as filed by the City of New Bedford Department of Public Infrastructure for property identified as 1484 Airport Road (Map 123, portion of Lot 3). **Applicant proposes to construct a salt shed in the Buffer Zone to a Bordering Vegetated Wetland. Representative is City Engineer David Fredette, P.E. of the Department of Public Infrastructure. CONTINUED TO 10/6/15.**
3. (Continued from 9/8/15) - A Notice of Intent as filed by Gregory Kulpinski of VVK Realty, Inc for property identified as 1494 East Rodney French Boulevard (Map 12, Lots 77 and 290). **Applicant proposes to renovate the site including building renovations and expansion, installation of four floating docks and 12 moorings, rehabilitation of the existing pier, repaving parking lot and construction of a 10' wide public access way. These improvements are being conducted in the Coastal Buffer Zone and within Land Under the Ocean, Land Containing Shellfish and Land Subject to Coastal Storm Flowage. Representative is Susan Nilson of CLE Engineering. CONTINUED TO 10/20/15.**
4. (Continued from 9/8/15) - A Notice of Intent as filed by Adam Guilmette of McDonald's USA, LLC for property located at 1080 Kings Highway (Map 125, Lot 29). **Applicant proposes to raze and rebuild the existing McDonald's including new utilities and improvements to landscaping and storm water management within the Buffer Zone to Bordering Vegetated Wetlands. Representative is John Kucich of Bohler Engineering. CONTINUED TO 10/6/16.**

#### **NEW BUSINESS:**

1. A Request for Determination of Applicability as file by Nordic Fisheries, Inc for property identified as 216 Herman Melville Blvd. (Map 72, Lot 283A). **Applicant seeks a Determination as to whether the property is subject to the Wetlands Protection Act. Representative is Attorney Mary Kelleher.**

Attorney Mary Kelleher was present on behalf of Nordic Fisheries, Inc., and advised that this property is known as the Old Wharf Tavern on the corner of Herman Melville Blvd., and Hervey Tichon. Attorney Kelleher advised that there is no work being proposed. This application is being made in connection with a request being made to the State to license this property under the Waterway License Rules and Regulations. This request is just a matter of formality.

Agent Porter advised that this request is for Chapter 91 and the applicant needs a negative determination in order to go forward with their licensing process. The property is greater than 100' away from the river and is not within the coastal floodplain. Therefore, Agent Porter recommended a negative determination that the property is not located within an area subject to protection under the Act or the Buffer Zone. The Plans for approval is Plan Accompanying Petition of the City of New Bedford Harbor Development Commission, Lessor Nordic Fisheries, Inc., Lessee to License and Maintain the existing #216 Building on Licensed Filled Tideland in New Bedford North Terminal, City of New Bedford, Bristol County, MA dated August 24, 2016 (sheets 1 and 2 of 2).

Vice Chairman Dixon inquired whether there was anyone present who wished to comment on this matter. None heard.

Commissioner Audette made a motion to approve as recommended by the Agent with the conditions as read. Motion was seconded by Commission Gonsalves. All in favor. Motion carries.

NEW HEARINGS:

**None.**

### **NEW BUSINESS CONTINUED:**

#### **1. 3806 Acushnet Avenue – tree cutting – owner requested to appear**

Agent Porter advised that she received a complaint with regard to tree cutting in a wetland area and she sent a letter to Mr. David Rosonina, the property owner. Apparently four to five trees have been cut in the buffer zone and in the wetland area and there is an open field area that is not wetland. There is also a brush pile out there. Agent Porter presented pictures of the site to the Commission. Agent Porter advised that the wetlands have been delineated but it has never come before the Commission for verification.

Mr. David Rosonina was present. Mr. Rosonina advised that he purchased this property approximately a year ago and the land is overgrown, it has rodents, turkeys, and ticks. Mr. Rosonina stated that he is just trying to clean up the property since there are two buildable lots. He did see some markings on the north & side of his property. His land abuts Acushnet also. Mr. Rosonina stated that he did the tree cutting and none of the cutting was done in the wetland, he just moved all the cuttings to the border of the wetlands. He tried his best not to have it fall into the wetlands. Mr. Rosonina doesn't feel he is doing anything illegal. Mr. Rosonina would like to install a fence at some point for privacy. Mr. Rosonina stated that he will cease from cutting any trees until everything is flagged his intentions was just to clean up the property and not to harm the wetlands. Mr. Rosonina advised that the Commission has his permission to enter his property and conduct a site visit.

Commissioner Dixon explained that this Commission's job is to protect the wetlands.

Agent Porter stated that the wetlands have not been delineated and the flags are gone. This was done a very long time ago.

Agent Porter added that it appears that one of the trees was cut in the wetlands. Mr. Rosonina doesn't feel that he cut any trees in the wetlands.

Commissioner Dixon commented that he believes Mr. Rosonina's ignorance as to where the delineation of the wetlands existed but he cannot have anymore disturbance in the wetlands from here on. Mr. Rosonina agreed to cease all activity.

Agent Porter recommended that Mr. Rosonina contact the surveyor that conducted the original wetland delineation which is Romanelli & Associates and they could replace & relocate the wetland flags and then Mr. Rosonina would need to file for a Determination before this Commission. Agent Porter explained to Mr. Rosonina that this would also help him determine how much of his land is wetlands. Agent Porter also explained that once the application is submitted she would go to the site and verify the wetland boundary and a hearing would be scheduled before this Commission and at that time the Commission would determine the limit of the wetland. If Mr. Rosonina would like to propose any activity, he would need to declare it at the time of filing.

Mr. Rosonina asked the Commission to explain what the 100' buffer zone means. Commissioner Dixon explained that it means that if he is going to propose any work within that 100' buffer zone he would have to come before this Commission.

Commissioner Dixon inquired whether or not the trees that were cut were in the wetlands. Mr. Rosonina does believe he dropped the trees into the wetland.

Commissioner Dixon strongly suggested to Mr. Rosonina that he follow the Agent's recommendations and have the property delineated.

Mr. Rosonina advised that he will just clean everything up including the one tree that goes across the paper street. That tree is already cut and just laying on the ground. The Commission advised Mr. Rosonina that he could clean up the tree across the paper street and that he would not conduct any more activity without filing an application and having the site delineated.

Commissioner Dixon inquired whether anyone present wished to comment on this matter. None heard.

- 2. Agent Updates** (Whalers Woods, Maddie Drive, City Stormwater Ordinance status, Sassaquin Pond Watershed Protection Ordinance - update on Nitsch contract) .

### **WHALERS WOODS**

Agent Porter advised that "No Disturb" signs need to be put up along the split rail fences. The Commission had agreed to supply these rather than having the applicant place the signs. Agent Porter contacted DPI and they have agreed to make 34 signs.

Commissioner Gonsalves made a motion to approve DPI making 34 signs for Whalers Woods. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

### **MADDIE DRIVE**

Agent Porter advised that the Superseding Order was never received from DEP and Agent Porter contacted them and they have now sent her a copy of it. The Commission's denial was overturned since there were two previous filings that a wetland boundary had already determined, the Commission could not change the wetland boundary. So basically, this decision allows the home to be built on the lot.

### **STORMWATER ORDINANCE STATUS**

Agent Porter advised that this was recommended by the Ordinance Committee to City Council for approval and they have passed it to a second meeting, so it looks positive that the City Stormwater Ordinance will go through.

### **SASSAQUIN POND WATERSHED PROTECTION ORDINANCE**

Agent Porter advised that there was only \$5,000.00 for assistance and after Scott's last visit it used up the remaining funds. So at a point now cannot use Scott Turner because do not have the funds to pay him. The funds came from the Environmental Stewardship's budget but their budget was cut this fiscal year and only have money available for the monitoring of the Shawmut Avenue Landfill.

Commissioner Dixon inquired since there isn't any funds left, do they just maintain now until the next fiscal year and hope there are funds.

Agent Porter replied that she has requested that Mr. Turner present a quote as to how much it would cost to assist the Commission but has not received one yet because Mr. Turner does not know how to quote that amount. Agent Porter stated that it would be a lot of money to have him assist in writing the Ordinance.

Commissioner Dixon inquired whether there was anyone else in mind that the Commission could forward the draft to for review.

Commissioner Audette advised that he could ask Mr. Bartlette at UMass to look at it.

Commissioner Dixon advised that he is still working on the draft and will provide a copy to everyone for review and comments.

### **CARDINAL PLACE**

Commissioner Audette advised that they are stockpiling in the buffer zone on the lot that they have not come before the Commission on. Agent Porter stated that she noticed that and doesn't know what to do about it because they don't have space. Commissioner Audette suggested the rent a dumpster to haul the brush out of there.

The Commission agreed to have the owner/applicant appear at the next meeting to discuss the stockpiling materials and brush piles on lots 5 and 6.

### **3. General Correspondence**

None.

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

Respectfully submitted,

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Sandy Douglas  
Administrative Specialist