



Environmental Stewardship Department/
Conservation Commission

City of New Bedford
Jonathan F. Mitchell, Mayor

Meeting Minutes of the Conservation Meeting of
May 5, 2015
Brooklawn Senior Center

Members Present

John R. Radcliffe, Chairman
Craig Dixon, Vice Chairman
Dennis Pacheco
Paul Pacheco

Members Absent

Jacob Gonsalves

Staff Present

Agent Sarah Porter
Sandy Douglas, Administrative Specialist

Chairman Radcliffe called the meeting to order at 6:32 p.m.

OLD BUSINESS:

1. (Continued from 10/7/13, 10/22/13, 11/12/13, 11/26/13, 12/10/13, 1/7/14, 2/8/14, 2/19/14, 3/4/14, 3/19/14, 4/1/14, 4/25/14, 5/6/14, 5/20/14, 6/3/14, 6/17/14, 7/1/14, 7/15/14, 8/5/14, 8/19/14, 9/2/14, 9/16/14, 10/7/14, 10/21/14, 11/4/14, 11/18/14, 12/2/14, 12/16/14, 1/6/15, 1/20/15, 2/3/15, 3/3/15, 4/7/15, 4/21/15) - A Request for Determination of Applicability as filed by Ron Labelle, City of New Bedford Commissioner of Public Infrastructure for property identified as 1350, 1296, 1232, 1216, 1182 & 1174 Sassaquin Avenue, New Bedford (Map 138, Lots 445, 81, 67, 69, 60, 392, and 191) and the Swallow Street and Sassaquin Avenue Rights of Way. Applicant proposes to upgrade the storm water management system in the Buffer Zone. Representative is David Fredette of the Department of Public Infrastructure. **CONTINUED UNTIL END OF MAY, 2015 PER DPI'S REQUEST.**

2. Draft Sassaquin Pond Watershed Ordinance

Agent Porter advised the Commission that she doesn't have any new information except that the UMass Study is out and she has requested a copy of it.

The Commissioners agreed that they cannot move forward without said study.

CONTINUED HEARINGS:

1. (SE49-0711) - (Continued from 12/2/14, 12/16/14, 1/6/15, 1/20/15, 2/3/15, 3/3/15) - A Notice of Intent as filed by Ronald Labelle, Commissioner of Public Infrastructure for the City of New Bedford for property known as the Sawyer Street Outfall (Map 93, Lot 265). Applicant

proposes to install a tide gate in the existing Combined Sewer Overflow which discharges into the Acushnet River. Representative is Danielle Gallant of CDM Smith. **CONTINUED UNTIL FURTHER NOTICE PER APPLICANT'S REQUEST**

NEW HEARINGS:

- 1. A Request for a second Amended Order of Conditions (SE49-551) as filed by Kenneth Koroski for property located on the east side of Dana Street (Map 125A, Lot 473).** Applicant proposes to modify the proposed access driveway by paving a portion of it and increasing the stone infiltration trench from 3' to 4' in the Buffer Zone. Representative is Richard Riccio of Field Engineering.

Mr. Richard Riccio of Field Engineering was present on behalf of the applicant and notified the Commissioners that they have received a Variance from the Zoning Board of Appeals for a reduction in the frontage. There was one condition on the approval that a portion of the driveway be paved for emergency access to the lot. The plan now presented with said Amended Order shows the portion with the road frontage paved and the other remaining portion will remain gravel surface, as previously approved. Mr. Riccio increased the width of the trench from 3' to 4' and the silt fence will be closer to the wetland. Mr. Riccio added that he submitted calculations for the trench and runoff.

Chairman Radcliffe inquired as to the additional amount of impervious surface. Mr. Riccio replied that it's approximately 800 s.f.

Agent Porter inquired whether there is a note on the plan as to what trees will be saved. Mr. Riccio stated that they are listed on the plan.

Chairman Radcliffe inquired as to a timeframe for said project. Mr. Riccio replied that they would like to start as soon as possible since the Order expires at the end of the year and they might need to file an extension for the stabilization.

Agent Porter recommended that they replace the flags and survey the location of the haybales and silt fence line.

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

Commissioner Dixon made a motion to approve the Amended Order of Conditions. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

NEW BUSINESS:

- 1. 897 Barnum Street – Mr. Rodriques requested to appear before the Commission.**

Mr. Rodriques was not present. Agent Porter advised the Commission that she had Maria from Inspectional Services speak with Mr. Rodriques on the phone because of the language barrier and then

that conversation was followed up with a letter in Portuguese to him requesting that he appear this evening.

Agent Porter advised the Commission that there was a posted placard on the fence stating do not disturb the wetland area on Mr. Rodriques' fence and he removed a portion of the fence and put a pool in the no disturb zone/wetlands.

Chairman Radcliffe suggested sending another letter to Mr. Rodriques inviting him to appear before this Commission on May 19th, or respond to said letter within seven days, or an Enforcement Order will be issued against him. The Commissioners agreed.

Commissioner Pacheco inquired whether Mr. Rodriques had cut down some trees. Agent Porter replied that he did cut trees down and he built a shed on City property. Agent Porter spoke with Blair Bailey, the City's Tax Title Attorney, with regard to the shed.

Mr. Rodriques entered the hearing at approximately 7:05. Sandy Douglas translated for Mr. Rodriques.

Chairman Radcliffe advised Mr. Rodriques that the problem is that he has built a number of improvements on his property without permits and in the wrong place including the pool that is in a protected area. Mr. Rodriques replied that he owns the wetlands behind his home. Chairman Radcliffe explained to him that when you own wetlands there are certain rules as to what you can build in it.

Chairman Radcliffe inquired as to who removed the fence. Mr. Rodriques replied that he removed the fence and that he is before this Commission this evening to try and resolve the problem. Mr. Rodriques stated that he knows that a neighbor complained and he would like to know who that was. Mr. Rodriques also advise that he did cut trees in the wetland because he felt they were unsafe and did not know at that time that he had to obtain a permit.

Chairman Radcliffe advised Mr. Rodriques that he would have to file an after the fact permit for cutting the trees down. Mr. Rodriques stated that the trees that he cut down are there, he did not remove them and he does not have any intention of cutting any more trees but would like to clean up the wetland area since there are trees that are just leaning over. Chairman Radcliffe explained to Mr. Rodriques that there has been illegal activity in the wetland and Mr. Rodriques need to remedy it by filing an after the fact.

Agent Porter advised that you cannot file an after the fact unless you have a remedy. So there isn't a remedy for cutting down the trees. Mr. Rodriques advised that he does understand some English.

Chairman Radcliffe explained to Mr. Rodriques that this Commission's job is to protect the wetland resource area and it is understood that he owns the property but it doesn't mean he owns the right to do whatever he wants and that he needs a permit for certain things. Now that there has been damage done to the wetland, Mr. Rodriques needs to work together with this Commission to repair this. Mr. Rodriques agreed.

Mr. Rodriques inquired if he can go into the wetland and clean out the wood that is in there.

Chairman Radcliffe suggested that it would be best if this Commission and the Agent could visit the property and see where the wetlands are. Mr. Rodriques agreed to allow the Commission and Agent to enter his property. Chairman Radcliffe inquired whether or not Mr. Rodriques was aware of the

conditions on this property when he purchased the home. Mr. Rodriques replied that he was aware of the conditions and wetland.

Mr. Rodriques advised the Commission that he works in Boston and he never knows what time he will arrive at home.

Commissioner Audette inquired as to whether there is water in the pool. Mr. Rodriques replied that there isn't any water in the pool that he already removed it by a pump. The Commission and Mr. Rodriques agreed to meet at his house tomorrow at 7:00 pm. Commissioner Pacheco, Chairman Radcliffe, Agent Porter and Sandy Douglas will attend.

Mr. Rodriques inquired as to what is going to be done about the shed. Agent Porter replied that it's in the buffer zone but its City property. Mr. Rodriques explained that when he purchased the house he was told that he owned approximately 175' on the side so when he built the shed he didn't know that was City property and only realized after it was built that it was on City property.

Chairman Radcliffe stated once they visit the site it will be easier to make a determination as to what needs to be done but one thing is for certain, the pool is going to have to be removed because it's in the wetland.

Agent advised that she spoke with the City Title Attorney, Blaire Bailey, and he suggested that Mr. Rodriques purchase that piece of property that he built the shed on.

Chairman Radcliffe advised Mr. Rodriques that this matter will be continued to the next meeting and at that time, it will be determined what application he needs to file.

2. Agent Updates

919 LUCY STREET

Agent Porter advised the Commission that she will be meeting with the property owner tomorrow at 919 Lucy Street to give them some guidance as to when they can and can't do in the wetland. The owner was cited by the Board of Health because of rodents in an old shed and chicken coop in the wetland.

BROOKLAWN PARK

Agent Porter advised the Commission that the Brooklawn Park Baseball League left piles of stone dust and debris within a few feet of the brook on the west side. Agent Porter spoke with Mike Ferreira and he took charge and had it removed over the weekend and disposed of into a dumpster.

1351 SASSAQUIN AVENUE

Agent Porter advised that the owner of 1351 Sassaquin Avenue contacted her because they wanted to cut the brush down along the bank of Sassaquin Pond. Agent Porter advised them that they cannot remove the brush.

3. General Correspondence

A motion to adjourn was made by Commissioner Dixon at approximately 7:20 pm. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas
Administrative Specialist

DRAFT