



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

**Meeting Minutes of the Conservation Meeting of  
January 8, 2019  
Brooklawn Senior Center**

**Members Absent**

**Chancery Perks**

**Paul Pacheco**

**Staff Present**

**Agent Sarah Porter**

**Sandy Douglas**

**CALL MEETING TO ORDER**

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

**ROLL CALL OF COMMISSIONERS**

Chairman Craig Dixon, Paul Pacheco, and Peter Blanchard.

**NEW BUSINESS:**

- 1. A Request for Determination of Applicability as filed by Edward Anthes-Washburn of the City of New Bedford Port Authority for property identified as 52 Fishermans Wharf, New Bedford (Map 53, Lots 120 & 253).** Applicant proposes to construct an addition to the existing Wharfinger Building including renovations to the existing building and the removal of a shed all located within Land Subject to Coastal Storm Flowage (FEMA Zone AE6). Representative is Susan Nilson of Foth Infrastructure and Environment, LLC.

Ms. Susan Nilson of Foth Infrastructure and Environment was present on behalf of the applicant together with Ceasar Duarte, Director of Engineering for Port Authority. Ms. Nilson advised that they are proposing to do an addition to the existing building. She has provided both site plans showing existing Wharfinger building as well as the proposed operations command center. They are before this Commission because it's within land subject to coastal storm flowage. The area is entirely developed, it's a paved site with no new impervious area. There is an existing steel sheet bulkhead that goes around the perimeter of the wharf that will stay in place. The total footprint of the building addition is 1,700 s.f., it is pile supported foundation and will be driving piles instead of excavating.

Chairman Dixon inquired as to when they are proposing to do the work. Ms. Nilson replied that it is going out to bid at the end of this month or next month so work can start in spring. This project is being funded through the Seaport Economic Development Council Grant and the grant June 30 so the work must be complete by then.

Agent Porter inquired as to how many piles are going to be driven? Mr. Duarte replied approximately 16-22 in the existing fill with no work proposed in the waterway.

Agent Porter recommended a negative determination that the work is within area subject to Protection Under the Act but will not remove, fill, dredge or alter that area so therefore said work does not require a NOI. The special condition is that the building is to be constructed in compliance with MA State Code for construction in a coastal flood zone.

Commissioner Pacheco made a motion for a negative determination as requested by the Agent with special condition as read. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

## **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) - 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. **CONTINUED**

## **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) - 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) - 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. **SE49-0812** – (Continued from 12/4/18, 12/18/18) - A Notice of Intent as filed by North Wharf Realty Trust for property identified as 2 Washburn Street (Map 86, Lot 3). Applicant proposes maintenance of the existing solid fill pier, improvements to the existing stone revetment and installation of spud piles for a barge. Representative is Susan Nilson of Foth Infrastructure & Environment, LLC.

Ms. Susan Nilson of Foth Infrastructure was present on behalf of the applicant. Ms. Nilson stated that since last meeting the DEP File # has been received and comments from Natural Heritage and DMF have been received. Eileen Feeney from DMF commented that she read the response letter from Foth and the project impacts have been minimized as much as practical and does not have anything further to add. Nilson provided two full size of plans that accompanied the email to DMF with depth revision

Agent Porter recommended the issuance of an Order of Conditions with the following special conditions: construction stakes to be placed 5' landward at the low marsh habitat and inspected by the Conservation Commission Agent prior to onset of revetment reconstruction and barge is to maintain a minimum of 30" of clearance from the river bottom at low tide.

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

## **NEW HEARINGS:** **NONE.**

## **NEW BUSINESS CONTINUED:**

### **1. Ratify the Enforcement Order for the Willows**

Agent Porter advised that she has sent out the Enforcement Order.

Commissioner Pacheco made a motion to ratify the Enforcement Order dated 12/20/18. Motion was seconded by Commissioner Blanchard.

### **2. Election of Officers for 2019**

**Tabled to the next meeting when all the commissioners are present.**

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

Agent Porter advised that she received an Emergency Certification request from Greater New Bedford Vocational High School to remove structures. They purchased the west side of the property and they intend to expand the playing field. They have to get rid of the structures on that property because they are in horrendous shape. Agent Porter confirmed that the buildings are unsafe and need to be removed asap. Special Conditions on the Emergency Certification is to place straw waddles 1-2' from the buildings to prevent any impact on the adjacent wetlands. Agent Porter will issue the EC once they receive all their final approvals.

## **PLAN SCANNER PURCHASE**

Agent Porter would like to purchase a plan scanner and they cost approximately \$2,500.00. Agent Porter will speak with MIS.

## **ADJOURN**

Commissioner Pacheco made a motion to adjourn at approximately 6:56. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

Respectfully submitted,

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Sandy Douglas, Administrative Coordinator