



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
January 22, 2019
Brooklawn Senior Center**

Members Absent

Chancery Perks

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 p.m.

ROLL CALL OF COMMISSIONERS

Chairman Craig Dixon, Vice Chair Dennis Audette, Paul Pacheco, and Peter Blanchard.

NEW BUSINESS:

1. **SE49-311** – Request for a Certificate of Compliance as filed by Blue Harvest Real Estate Holdings, LLC., for property located at 40 Herman Melville Boulevard, (Map 59, Lot 41). Representative is Richard J. Charon, P.E., of Charon Associates, Inc.

Motion to table this matter since the representative is not present at this time was made at 6:35 pm by Commissioner Audette. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Motion to re-open this hearing was made at 6:55 pm by Commissioner Audette. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

Agent Porter advised a recent as-built plan has been received and that this is an old project that started when it was American Seafood. An RDA had been filed to install the sediment trap because the original Order of Conditions had expired. That trap has since been installed and a receipt from the company that cleaned the catch basins and sediment traps has been submitted. Agent Porter advised that Scott Turner never reviewed this application it was reviewed by Kenneth Motta when he was a Conservation Commissioner and she does not see the need to forward it to Nitsch because it's a coastal project and all stormwater facilities have been cleaned.

Agent Porter recommended that issuance of a full Certificate of Compliance.

Commissioner Blanchard made a motion to issue a full Certificate of Compliance. Motion was seconded by Commissioner Audette.

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, 01/8/19) **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.

Mr. Tallman of SITEC was present and advised that he is waiting for the signature on the acknowledgement form from the new property owner and requested a continuance.

Commissioner Audette made a motion to table to the next hearing. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

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) - **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) - **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**

NEW HEARINGS:

1. **A Notice of Intent as filed by D.P.M. Development, Inc. for property located on Seth Daniel Drive, New Bedford (Map 136, Lot 477).** Applicant proposes to construct a single-family dwelling with associated driveway, utilities and site grading in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Jeffrey Tallman of SITEC, Inc.

Jeffrey Tallman from SITEC was present on behalf of the applicant and advised that this application is for construction of new single-family dwelling and the limit of work shown on the plan was previously established on the superseding order. Roof drain recharge system is proposed at the front of the property, minimum grading on the site. No post and rail fence required on this site because it doesn't directly abut the wetland.

Agent Porter advised that this application is for another single-family dwelling in the buffer zone it's a straight forward project no split rail fence because there is a detention pond between proposed house and BVW.

Agent Porter recommended the issuance of an Order of Conditions with special conditions that erosion control be replaced prior to the onset of construction and that the design engineer will certify with an as-built plan that this project has been completed in accordance with the approved plan and order of Conditions before a Certificate of Compliance is issued.

Commissioner Pacheco made a motion to approve the Notice of Intent with special conditions as read by the agent. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

- 2. A Notice of Intent as filed by D.P.M. Development, Inc. for property located on Seth Daniel Drive, New Bedford (Map 136, Lot 478).** Applicant proposes to construct a single-family dwelling with associated driveway, utilities and site grading in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Jeffrey Tallman of SITEC, Inc.

Jeffrey Tallman of SITEC was present on behalf of the applicant. Mr. Tallman advised that this application is for construction of a single-family dwelling, the limit of work has been established previously. It's a similar proposed footprint and recharge system as the previously proposed house. Even though there is no split rail fence there will be a fence around the detention basin which will also serve as barrier between homeowner and wetlands.

Agent Porter recommended the issuance of an Order of Condition for a single-family home as proposed with special conditions: that erosion control replaced prior to onset of construction and that the design engineer will certify with an as-built plan that this project has been completed in accordance with the approved plan and the Order of Conditions before a Certificate of Compliance is issued.

Commissioner Audette made a motion to approve the Notice of Intent with special conditions as ready by the Agent. Motion was seconded by Commissioner Pacheco. All inf favor. Motion carries.

- 3. A Notice of Intent as filed by Mary Rapoza, City of New Bedford Director of Parks, Recreation and Beaches for property identified as Marine Park, Popes Island, New Bedford (Map 60, Lot 2).** Applicant proposes to conduct maintenance on a coastal bank by removing invasive species and replacing them with native shrubs and perennials. Representative is Mary Rapoza. **CONTINUED UNTIL ABUTTER'S HAVE BEEN NOTIFIED**

NEW BUSINESS CONTINUED:

1. 939 Bristol Street

Holly Popielarz and Colin McNamee of 939 Bristol Street, New Bedford, MA were present. Agent Porter advised that this is a situation where some clearing has been done in the BVW of invasive plants, oriental bittersweet, multiflora rose, poison ivy and greenbrier by the homeowners and then they put some cardboard down with woodchips on top of it.

Ms. Popielarz advised that the previous homeowners had thrown debris back there that consisted of tires, bricks, shingles, etc., and they just wanted to clean it up and get rid of all thorny things and plant nicer stuff.

Commissioner Audette inquired if they ever signed an acknowledgment at the time of the sale of the home. Both homeowners replied that they did not, and Agent Porter added that this house was built in 1920 and there was only one other previously homeowner so there wasn't any acknowledgement.

Commissioner Blanchard inquired as to how this was brought to our attention. Ms. Popielarz replied that someone had called after people came by and weed whacked. Agent Porter spoke with DPI and found out that Bristol County Mosquito Control had weed whacked adjacent to the stream and taken down all the vegetation in order to keep the stream flowing. Bristol County Mosquito Control left two elderberry bushes there because the homeowners asked them to leave it.

Agent Porter suggest that they submit a permit application with a planting plan.

Ms. Popielarz stated that all they wanted to do was plant stuff that will sustain itself and keep animals back there.

Agent Porter stated that woodchips would be considered a type of fill material and suggested putting down black plastic down instead of cardboard. Commissioner Audette suggested another option being professional landscaping cloth instead of the cardboard.

The Commission agreed with Agent Porter that a Notice of Intent should be filed because they are in the wetland area. Agent Porter advised that since their fence between the lawn area and wetland is deteriorating, they can replace it with arborvitaes or a split rail fence.

Commissioner Audette made a motion that the homeowners are to file a Notice of Intent. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

2. Ratify Emergency Cert. for 100 Herman Melville Boulevard

Agent Porter advised the Commission that this is Emergency Certification is for Cape Cod Aggregates where they sell sand, a barge hit their bulkhead and did a lot of damage to it and so they need to get back in business. They are proposing a temporary fix of putting in two 12' diameter piles and two 12" diameter steel piles and Yokohama inflatable fender piles to protect the existing bulkhead and will remove whatever is cracked so it doesn't float into the harbor. This would be temporary until they can file a NOI for the permanent repair.

Commissioner Pacheco made a motion to ratify the Emergency Certification. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

3. Election of Officers for 2019

Agent Porter stated that Commissioner Perks is not here this evening and that he advised Sandy today that he might have a conflict with attending future meetings until May because of classes and that he was going to let her know if this would be the case or not. Agent Porter inquired if the Commissioners wanted to vote this evening or wait until we get confirmation from Chance on whether he will have a conflict with meetings.

The Commissioners agreed to wait until the next meeting to give Commissioner Perks time to get confirmation of his schedule.

Agent Updates/General Correspondence

COLOR PRINTER

Agent Porter advised the Commissioners that her color printer has not been working and Michele Paul would like to get a color copier for the office instead and proposed splitting the cost of the copier with the Environmental Stewardship Department. Sandy added that the copier machine is an annual lease that is approximately \$1,500.00 a year and that cost would be split between the Conservation Commission and Environmental Stewardship Dept.

ADJOURN

Commissioner Audette made a motion to adjourn at approximately 7:05. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas, Administrative Coordinator