



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

**Meeting Minutes of the Conservation Meeting of  
October 16, 2018  
Brooklawn Senior Center**

**Members Absent**

**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, Vice Chairman Dennis Audette, Paul Pacheco, Chancery Perks and Peter Blanchard.

**OLD BUSINESS:**

1. **SE49-891** – (Continued from 9/4/18, 9/17/18, 10/2/18) - A Request for Certificate of Compliance as filed by NSTAR Electric Company for property located at 50 Duchaine Boulevard, New Bedford (Map 134, Lots 456, 457, 458, & 459). Representative is Matthew J. White of Farland Corp. **CONTINUED**
2. **SE49-0787** - (Continued from 10/2/18) - Request for a Certificate of Compliance as filed by DPM Development, Corp., for property located at Seth Daniel Drive (Map 136, Lot 484). Representative is Jeffrey Tallman of SITEC. **CONTINUED**
3. **SE49-0788** – (Continued from 10/2/18) - Request for a Certificate of Compliance as filed by DPM Development Corp., for property located at Seth Daniel Drive (Map 136, Lot 483). Representative is Jeffrey Tallman of SITEC. **CONTINUED**
4. **SE49-0794** – (Continued from 10/2/18) - 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) - 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 recycling 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) - 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 **David Rosonina for property identified as 3806 Acushnet Avenue (Map 135, Lots 298 & 350), New Bedford**. Applicant proposes to restore 4,841 square feet /of Bordering Vegetated Wetland, stabilize the 25' Setback with a conservation seed mix, and conduct minor landscaping in the 100' Buffer Zone. Representative is Stephen Chmiel.

Mr. Stephen Chmiel was present on behalf of the applicant David Rosonina. Mr. Chmiel advised that the applicant has submitted an NOI in response to two Enforcement Orders received in 7/2018 for unauthorized placement of fill, clearing of wetland and filling of 4,800 s.f. of BVW. Proposing to restore areas, revegetate, stabilize the 25' no activity zone, install split rail fence on 25' no disturb zone with signage and relocate all fill piles to an area behind the screened porch to even out the grades. Also proposing to plant arborvitaes on western property line and install chain link fence up to 25' no disturb. The restoration plan includes Romanelli back onsite to stake out wetland boundary, limit of fill, erosion control limit and the 25' no activity zone. When this is complete, the Conservation Agent will be contacted so that she can review the site independently or with a consultant to verify its accuracy. Once all has been verified, the erosion control line will be installed on Eastern side of the property and then begin cleanup operation from the back of the property to upland, fill pulled back, seed prepared, site graded to reduce constant travel in these areas. Once completed the Con Com agent will be notified again to review site. A couple of test pits were conducted, and it varied 1'-2' of fill material. After this is complete, the applicant is proposing to properly stabilize the area by lightly grading and prepping with equipment and prep to receive seed. One full growing season will be needed before reaching vegetation density before signing off on restoration. Monitoring reports submitted annually first one in Fall 2019 and then in 2020. The hope is that the site will be in satisfactory condition in the 2020 fall season and will then request a Certificate of Compliance to close out this wetland issue.

Commissioner Audette inquired whether any trees will be planted. Mr. Chmiel responded that he submitted a proposed cost estimate and in that it was Mr. Rosonina's opinion that initially he was just told to seed the area and not plant trees and Mr. Chmiel is not sure what the official direction was on this.

Agent Porter advised that Mr. Rosonina was originally told to seed the area and at a later date, one of the Commissioner's brought up putting trees but not sure if Mr. Rosonina was present during that discussion. Mr. Chmiel stated that this is an expensive project and planting trees would add to the expense. If Mr. Rosonina doesn't need to, he would prefer not to have to plant trees.

Chairman Dixon added that planting trees was discussed because some of them had been removed.

Commissioner Perks stated that he doesn't see it being 100% necessary to plant trees at this time if this project goes forward without any hiccups.

Commissioner Audette stated that he was the one that brought up the trees but there wasn't a real discussion with Mr. Rosonina about the trees or how this would all be put back together but thinks it would be a good idea to replace some of the trees.

Commissioner Pacheco agrees that some trees should be planted.

Agent Porter stated that they have 35 trees proposed and suggested meeting halfway and planting 15. Mr. Chmiel stated that he could increase to 20' on center to lower the count of trees and will revise the plan. Commission agreed.

Mr. Chmiel stated that the applicant is not opposed to starting this as soon as he can, but he feels it would be more beneficial to wait until the spring to do the work.

Commissioner Audette inquired as to a start date and how long would it take. Mr. Chmiel stated that the time line from applicant is 7-10 working days to get it completely restored including split rail fence installed so may require a two-week period. The seeding time lime would be best in middle of April where you would want to implement permanent seeding.

Commissioner Audette inquired if fill material being hauled off property. Mr. Chmiel responded that it will be loaded into a dump truck and hauled off site and if the truck is taking too long, they will stockpile the material outside 25' no activity zone and once truck arrives material will be removed. Commissioner Audette inquired if Mr. Chmiel was going to oversee the project. Mr. Chmiel responded that he will be.

Commissioner Audette inquired if any boulders were found onsite, if they would just be left in place. Mr. Chmiel responded that any native rocks and debris would be left on site.

Agent Porter inquired whether the Commission wants to set an end date to the project. Commission agreed to commence work April 15 and have the project done by May 15<sup>th</sup> unless there is a major weather event.

Agent Porter advised that this hearing cannot be closed this evening because a DEP file number has not been received and Mr. Chmiel needs to file revised plans. Agent Porter advised Mr. Chmiel to contact her again once he has the erosion controls installed so that she may go onsite for inspection.

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

## **NEW BUSINESS CONTINUED:**

### **1. Notice of Violation – 23 Popes Island**

Agent Porter stated that this is the old True Value Hardware store on Popes Island. They removed an underground storage tank and hit buffer zone nothing got into the buffer zone but sent them a Notice of Violation and will be coming before the Commission for an after-the-fact filing for the activity.

### **2. Braley Road Bog**

Agent Porter advised that at one point wanted a solar array installed and it was denied by the Commission. Someone has inquired with regard to developing the outer portion with homes and there is enough room to have homes built in there discussed selling everyone a portion of the bog at one time thought about acquiring it as open space if goes to residential can put 25' no disturb and no one would be able to go back there, it does not function as a working bog anymore, it's not active.

Agent Porter suggested that the property developer come and speak with the Commission

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

Agent Porter advised that the Nemasket Street soccer fields are about ready to go, the SWPPP has been filed and Nitsch is satisfied.

## **ADJOURN**

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

Respectfully submitted,

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Sandy Douglas, Administrative Coordinator