



**Environmental Stewardship Department/  
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of  
November 20, 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, Chancery Perks, Paul Pacheco, and Peter Blanchard.

**NEW BUSINESS:**

**NONE.**

**OLD BUSINESS:**

1. **SE49-0794** – (Continued from 10/2/18, 10/16/18, 11/6/18) - 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) - 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) - 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. **SE49-0811** – (Continued from 10/16/18, 11/6/18) - 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. **CONTINUED**

## **NEW HEARINGS:**

1. A Request to Amend **SE49-0802** as filed by the City of New Bedford Department of Environmental Stewardship for property identified as 225 Hathaway Boulevard (Map 75, Lot 167). Applicant proposes to modify the wetland remediation techniques to minimize impacts to the wetland resource areas. Representative is Scott Heim of TRC.

Mr. Scott Heim of TRC was present on behalf of the applicant. Mr. Heim advised that they did receive an Order or Conditions and an Amended Order as well and is here this evening for another Amended Order to change the temporary port a dam to go straight across the impact area. Now there are two impact areas instead of three and they have avoided wetland vegetation and stumps as much as possible. This work will not be done until next summer.

Agent Porter advised that she does not have any comments and recommended the issuance of an Amended Order along with all ongoing conditions that were previously issued. The plans for approval are Drawing 1: Construction Sequence and Site Preparation Map (revised dated 11/5/2018), Drawing 2: Porta- Dam Cross Section Detail dated July, 2017, Drawing 3: Cap Construction Detail dated September, 2017; Drawing 4 Remedial Construction Details dated December, 2017 and Drawing 5: Final Conditions Map revised date 11/5/2018.

Commissioner Audette made a motion to approve an amended order as recommended by the Agent. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

## **NEW BUSINESS CONTINUED:**

1. **3806 Acushnet Avenue violation.**

Agent Porter notified the Commission that she went out to the site and has not sent an Enforcement Order but has prepared the Notice of Violation. When the Agent visited the site, the property owner, Mr. David Rosonina, was just putting loam on top of the existing lawn. There have been instances that other people have done this and weren't issued an Enforcement Order or a fine. Agent Porter spoke with Mr. Rosonina on the telephone and he still doesn't understand that he is in the buffer zone and referred him to

Romanelli's plan and he got upset and hung up on her. The violation states that on 11/9 she inspected property after it was reported that loam was being spread in the 100' buffer zone and BVW. The wetlands are protected under the Massachusetts Wetlands Protection Act and the New Bedford Wetlands Ordinance. The inspection revealed that loam had been spread in the buffer zone and no clearing of native vegetation. The buffer zone is shown on the plan prepared by Romanelli. The plan was prepared in response to the Enforcement Order issued to you by the New Bedford Conservation Commission for the alteration of BVW and buffer zone located west of the area recently loamed. The Conservation Commission has informed you numerous times that landscaping work on your property likely falls within the 100' buffer zone and that you need to contact the Conservation Commission office before conducting landscaping or other construction activities on your property. Further, you have a plan that shows where the 100' buffer zone is on your property. I am also available to meet any time you have questions about whether the proposed work on your property is within the buffer zone and/or wetlands and requires approval of the Conservation Commission.

This Notice of Violation is issued to you in response to the loam placed within the 100' buffer zone. If other activities occur within the buffer zone without consultation with the Conservation Commission, another Enforcement Order may be issued. Please contact me if you should have any questions regarding this letter.

The Agent also advised that Mr. Rosonina's representative could not be present tonight because he had a scheduling conflict. Commissioner Audette inquired if he planned on being present at the next meeting to get the order since Mr. Rosonina does not understand. Agent Porter stated that Mr. Chmeil spoke with Mr. Rosonina at length about the restoration order, plans, and sequence of construction and that Mr. Rosonina understood it and agreed that he would be able to undertake this project.

The Commission agreed to send the Notice of Violation to Mr. David Rosonina.

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

**Received Environmental Notification Form** for NStar Electric and they are proposing project from Acushnet to Fall River that also goes through New Bedford. It has 4 different alternatives and their preferred alternative is to expand within the existing ROW through NB and put up another transmission line in between the other transmission lines using swamp mats. Agent Porter informed that they have a Vegetation Management Plan that goes through the approval process and is good for several years that allows them to go in and place swamp mats and cut vegetation within the existing utility lines. For the new project they have a limited project status that allows them to alter wetlands above and beyond what is normally allowed by the usual application. For the entire 12 miles they have over 2 acres of forested wetland clearing and hard to determine what will be in new Bedford because didn't divide the impacts by town. This is out for public comment and they will be using the swamp timber mats and work pad on top of timber mats and will be filing with each individual Con Com for approval so will get to see details then.

## **NITSCH CONTRACT**

Agent Porter advised that there is one more year remaining on the Nitsch Contract and there is only \$8,000.00 left and would like to renew the contract for another year and would also like to add an additional \$25,000.00 to that balance.

Commissioner Audette made a motion to transfer \$25,000.00 to Nitsch Engineering's Contract and to renew it for one year. Motion was seconded by Commissioner Pacheco.

## **2019 AGENDA**

Commissioners were given a copy of the 2019 Meeting Agenda. Commissioner Audette made a motion to approve the 2019 Meeting Agenda. Motion as seconded by Commissioner Perks.

## **CPA COMMITTEE**

Commissioner Pacheco stated that he is going to resign from the CPA Committee because it is conflicting with his personal schedule.

## **ADJOURN**

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

Respectfully submitted,

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Sandy Douglas, Administrative Coordinator