



**Environmental Stewardship Department/  
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of  
November 6, 2018  
Brooklawn Senior Center**

**Members Absent**

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

**NEW BUSINESS:**

1. **SE49-0748** – Request for Certificate of Compliance requested by Aspen Properties Holdings, LLC for property located at 1687 Phillips Road (Map 134, Lot 472). Representative is Nicholas Dufresne of Farland Corp.

Mr. Christopher Moniz of Aspen Properties was present and stated that the work has been completed as per the Order of Conditions and was inspected by the Conservation Commission Agent. Mr. Moniz stated the grass was established and silt that was removed today from the No Disturb Zone, and he submitted pictures for the Commission to review.

Agent Porter advised that she visited the site yesterday and they have put down some sod, the arborvitae fence is up, the sign is posted, the silt that got into the no disturb area has been removed and the acknowledgement of condition 50 has been received and is ready for issuance of full Certificate of Compliance with ongoing conditions 50 and 51.

Commissioner Audette made a motion to approve the Certificate of Compliance with conditions as read by the agent. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

2. **SE49-0723** – Request for Certificate of Compliance requested by Richard J. Rheume for property located at Ava's Way, Lot 4 (Map 138, Lot 495). Representative is Richard Rheume of Prime Engineering.

Agent Porter stated Mr. Richard Rheume of Prime Engineering is not present this evening. Agent Porter advised that the house has been built for a while, the grass is well established, the sign is up, and the acknowledgement form has been received.

Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing condition #53 and #54.

Commissioner Audette made a motion to approve the Certificate of Compliance with conditions as read by the Agent. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

- 3. A Request for Determination of Applicability as filed by Olde South Wharf Realty, LLC for property located at 23 Popes Island (Map 60, Lot 20).** Applicant seeks after-the-fact approval for the excavation of soil at the location of a former Underground Oil Storage Tank in the Buffer Zone to a Coastal Bank. Representative is Susan Nilson of Foth Infrastructure and Environment, LLC.

Susan Nilson of Foth Infrastructure & Environment, was present on behalf of the applicant together with Mr. Kevin McLaughlin of Olde South Wharf Realty, LLC and Kathy Snyder, Environmental Engineer from Endpoint. Ms. Nilson advised that this site, at time of the filing and at time work was done, it was owned by Popes Island Realty Trust. As part of the potential sale, there was a Phase I site assessment performed. As part of that assessment, there was an area that had a tank removed in the 1980's that was identified as a recognized environmental concern and to further characterization. The soil borings were planned in July to do the characterizing. Ms. Nilson stated in her opinion the borings would not need a filing with the Conservation Commission. After the borings were complete, it was identified that boring B6 needed further characterization. At this time, they should have paused the work but instead it advanced and dug soil test pits. The result was that the soil was suitable to go back in. They excavated, stockpiled, put soil back in the hole and paved. Mr. Nilson stated there is no further work and this is for an after the fact for excavation and backfilling in the 100' Buffer Zone to a Coastal Bank.

Agent Porter advised that the site has been stabilized and recommend a negative determination with no special conditions. Commissioner Audette made a motion to approve a negative determination. Motion was seconded by Commissioner Perks. All inf favor. Motion carries.

## **OLD BUSINESS:**

- 1. SE49-891 – (Continued from 9/4/18, 9/17/18, 10/2/18, 10/16/18) - 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.

Mr. Matthew White of Farland Corp., was present on behalf of the applicant. Mr. White advised that he has been coordinating with Nitsch Engineering and all issues have been addressed and the site has been inspected by the Agent. Mr. White added that the volumes of the proposed basins were slightly smaller than proposed in the design and they have taken new volumes and elevations of the overflows and outlets of those basins to make sure they still work accurately, and they do.

Commissioner Dixon inquired as to why they are smaller than proposed. Mr. White replied because the grading wasn't as proposed.

Agent Porter advised that Nitsch Engineering is satisfied that all comments were addressed and she inspected detention pond #3 and that is all set. Agent Porter recommended the issuance of a full Certificate of Compliance with ongoing condition #54.

Commissioner Audette made a motion to approve the Certificate of Compliance as recommended by the Agent with conditions as read. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

2. **SE49-0787** - (Continued from 10/2/18, 10/16/18) - 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.

Agent Porter advised that this site is in compliance. The split rail fence is up, the sign installed and grass well stabilized. Recommended the issuance of a full COC with ongoing condition #51.

Commissioner Audette made a motion to approve the Certificate of Compliance as recommended by the Agent. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

3. **SE49-0788** – (Continued from 10/2/18, 10/16/18) - 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.

Agent Porter advised that this site is fully stabilized and in compliance. She recommended the issuance of a full Certificate of Compliance with ongoing Condition #51.

Commissioner Audette made a motion to approve the Certificate of Compliance as recommended by the Agent. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

4. **SE49-0794** – (Continued from 10/2/18, 10/16/18) - 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) - 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) - 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 Rheaume of Prime Engineering. **CONTINUED UNTIL 11/20/18.**

- SE49-0811** – (Continued from 10/16/18) - 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:**

**None.**

## **NEW BUSINESS CONTINUED:**

- 1. Agent Updates/General Correspondence**

### **1321 SASSAQUIN AVENUE**

Agent Porter advised that this house is built close to pond back in 1960 and tree roots are now growing underneath crawl space and is cracking the foundation. The owners are looking for permission to take down the trees and it's an emergency type of situation. Agent Porter added that they are proposing to take down three trees and she saw these trees and the roots are under the foundation.

The Commission agreed to grant permission to the homeowners to remove the trees.

### **BRALEY ROAD BOG**

Commissioner Perks stated that he walked around the cranberry bogs to familiarize himself with the area to see if it would be worth acquiring said piece of property.

Agent Porter stated that she called the developer back and he hasn't gotten back to her.

### **3806 ACUSHNET AVENUE**

Commissioner Audette stated that Mr. Rosonina is bringing in loam and landscaping and at the last meeting he was told not to do anything. Agent Porter stated he's in the buffer zone and is loaming the back of his yard. Agent Porter advised that Mr. Chmiel has been trying to get in touch with Mr. Rosonina and has been unsuccessful as of this morning.

Commissioner Perks inquired as to what the next step would be now. Agent PORTER replied that she will go onsite and inspect and if he is doing anything without a permit in the buffer zone then can take it from there with an Enforcement Order.

- 2. Meeting Minutes of April 7, 2018 and May 15, 2018 for approval.**

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of April 7, 2018 was made by Commissioner Perks. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

There being no additions, corrections or deletions of substance, a motion to approve the Meeting Minutes of May 15, 2018 was made by Commissioner Perks. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

## **ADJOURN**

Commissioner Audette made a motion to adjourn at approximately 7:15. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

Respectfully submitted,

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Sandy Douglas, Administrative Coordinator