



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
December 18, 2018
Brooklawn Senior Center**

Members Absent

Chancery Perks

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, and Peter Blanchard.

OLD BUSINESS:

1. **SE49-0794** – (Continued from 10/2/18, 10/16/18, 11/6/18, 11/20/18, 12/4/18) - 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) - 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) - 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) - 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. **CONTINUED**
4. **SE49-0813** – (Continued from 12/4/18) - A Notice of Intent as filed by the City of New Bedford Department of Environmental Stewardship for property identified as Potter St. (Map 81, Lot 126). Applicant proposes to remove approximately ½ cubic yard of soils/sediment in and adjacent to an intermittent stream as a component of site remediation that is required to achieve site closure under the Massachusetts Contingency Plan. Representative is Scott Heim of TRC.

Agent Porter stated that at the last meeting the representative was advised that his presence would not be required at this meeting since it was only continued because the DEP File number had not yet been received. The DEP File number has now been issued and Agent Porter recommended the issuance of an Order of Conditions with the following special conditions; that the work is to be done during dry season and when the stream not flowing, all materials to be excavated by hand and trucked to staging area in wheelbarrow, loam is to be placed where excavating occurs is to be immediately seeded with wetland seed mix, tamped down and covered with jute mesh or the approved equivalent to stabilize the area, the Conservation Commission Agent is to be notified to inspect erosion controls prior to work commencing.

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

NEW HEARINGS:

1. **SE49-0795** - A Request to Amend as filed by DPM Development for property identified as Seth Daniel Drive (Map 136, Lot 479). Applicant proposes to modify the design of the single-family dwelling and associated utilities and grading. Representative is Jeffrey Tallman of SITEC.

Mr. Jeffrey Tallman of SITEC was present on behalf of the applicant, DPM Development. Mr. Tallman advised that they proposing to amend the house configuration on the initial plan. The original house proposed was going to be a colonial style house, but the buyer is requesting a ranch style house. The footprint of the ranch is bigger, so two additional recharge systems were added to compensate for the bigger size, the driveway has been flipped from the left side to the right side but everything else is to remain the same.

Agent Porter stated that the proposed changes are within the development footprint and is outside of the 25' no disturb, there is no split rail fence because of the detention pond that has a fence around it. Recommended the issuance of amended order with standard special conditions with plan for approval Plot Plan Assessor's Map 136, Lot 479 with a revised date of 12/6/2018.

Commissioner Audette made a motion to approve an Amended Order of Conditions. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

NEW BUSINESS CONTINUED:

1. Agent Updates/General Correspondence

- Briarwood Court

Agent Porter advised that she received notice of people dumping landscaping debris at end of Briarwood Court. There is a sewer easement that goes through this property. Agent Porter stated that the property owners cannot put up fence because DPI needs access to the sewer easement and she would have to speak with DPI and see if it would be possible for the property owners to fence off the front. Agent Porter is going to send the owners, Amandio and Jose Araujo, a notice to remove the debris and put up a sign.

- The Willows

Agent Porter advised that the property owner of the Willows has appeared before this Commission and the Commission was okay with them if they kept doing what they were doing. Agent received a call from the EPA and DEP that a person that lives there is complaining that the discharge coming out of the pipes is discolored. Agent Porter went to the site and saw the area that it flows too and had milky colored water. Agent then received another complaint that the water was green when the Agent went out, she did not see evidence of green water. Agent Porter has asked the owner on a couple of occasions, to put filtration socks at the end of the pipes to filter the water but they have not done so. They have come to the building department with a proposal to extend the pipes 10' from the building and put in rip rap splash pads but they do not have a permit to do that. Agent Porter recommended sending an Enforcement Order that requires them to cease and desist from the discharge of water until they have a valid Order from the Conservation Commission.

Chairman Dixon inquired if it is ground water. Agent Porter replied that it is and explained that because some of the Willows was built in the wetlands it has high ground water and will keep seeping into the basement.

STATE PIER (SE49-0755)

Agent Porter received a request for another modification on the State Pier Project. They had requested one in September. They are now requesting relief for minor deviation requesting the Time of Year restriction to drive 19 fender piles after 1/15 time of year start date and complete work by 2/15 and forwarded that onto DMF and they do not have any objection for a 1/15-2/15 modification to install the 19 fender piles at the State Pier. The Commission approved this minor deviation.

CPA COMMITTEE

Commissioner Pacheco advised the Commission that he has gone to the Mayor's Office and has decided to finish off this year's cycle on the CPA Committee.

ADJOURN

Commissioner Audette made a motion to adjourn at approximately 6:45. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas, Administrative Coordinator