



City of New Bedford  
Jonathan F. Mitchell, Mayor

**Meeting Minutes of the Conservation Meeting of  
January 17, 2017  
Room 314, City Hall**

**Members Present**

Craig Dixon, Vice Chairman  
Jacob Gonsalves  
Paul Pacheco

**Members Absent**

John Radcliffe, Chairman  
Dennis Audette

**Staff Present**

Agent Sarah Porter  
Sandy Douglas, Admin. Coordinator

Vice Chairman Dixon called the meeting to order at 6:30 p.m.

**NEW HEARINGS:**

NONE.

**CONTINUED HEARINGS:**

1. SE49-0745 – (Continued from 10/18/16, 11/1/16, 11/15/16, 12/6/16, 12/27/16) - A Notice of Intent as filed by Paul Barton, Chairman of the New Bedford Regional Airport Commission for property identified as 1569 Airport Road (Map 123 - Lot 3, Map 122 - Lot 3, Map 124 - Lot 28 and Map 125 - Lot 22). Applicant proposes to reconstruct and expand the terminal apron area with associated stormwater management improvements and replace an existing culvert. A portion of this work is proposed in the Buffer Zone and within a Bordering Vegetated Wetland. Representative is Amanda Atwell of Epsilon Associates, Inc.

Amanda Atwell of Epsilon Associates was present together with Rich Lasdin of Airport Solutions Group.

Mr. Lasdin advised the Commission that they have been working on Nitsch Engineering's comments with regard to the splash pads for the outfall, treatment and pulling it back as far away as possible from the wetland.

Ms. Atwell added that there are no comments on the wetland replication plans just need to finalize clarification on the stormwater with Nitsch.

Agent Porter advised that she spoke with Scott Turner today and he feels that the new headwall could still be pulled back approximately 5'. Mr. Lasdin replied they can pull the headwall back but they will still have to cut a channel to the edge of the wetland and that will make the splash pad longer but it will not completely eliminate construction in the buffer zone because the ground is flat. Agent Porter suggested

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NEW BEDFORD, MA

they provide a detail of the splash pad and size of the stone. The Commissioners agree that pulling it back would not bring any benefit and to leave it.

Agent Porter commented that comment #3 from Nitsch states that the applicant has an increase in peaks flows to one of the wetland system and a decrease in the flow to two other wetland systems and suggested decreasing the flow to all of the wetland systems. Mr. Lasdin replied that he will look at this again but not sure it can be done.

Agent Porter stated that the applicant is requesting a waiver from the groundwater recharge requirements of the stormwater standards for this project and said request seems reasonable given the high water table within the project limits and the removal of large amounts of pavement around the airport that will allow for infiltration.

Commissioner Gonsalves made a motion to continue this hearing to February 7, 2017. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

- 2. SE49-0746 – (Continued from 11/15/16, 12/6/16, 12/27/16) - A Notice of Intent as filed by Paul Barton, Chairman of the New Bedford Regional Airport Commission for property identified as 1569 Airport Road (Map 123 - Lot 3, Map 124 - Lots 14, 28 & 113 and Map 125 - Lot 122).** Applicant proposes to redevelop Runway 14/32 which includes work proposed in the Buffer Zone and within a Bordering Vegetated Wetland. Representative is Amanda Atwell of Epsilon Associates, Inc.

Amanda Atwell of Epsilon Associates and Mr. Rich of Airport Solution were present on behalf of the applicant.

Ms. Atwell advised that there were before this Commission approximately one month ago and all the suggested changes have been made. Mr. Lasdin stated that the FAA wants to replace the power feed to navigation and are proposing to run it through the upland piece of road to get back to power feed.

Mr. Lasdin advised that they have responded to all of Nitsch's comments.

Ms. Atwell advised that she has received tentative approval from Natural Heritage.

Agent Porter advised that she did get a letter from an abutter approximately one month ago encouraging the project but made a recommendation for a special condition. Agent Porter discussed said request with City Solicitor Jane Friedman. Attorney Friedman advised that it cannot be added as a special condition because it's out of this Commission's jurisdiction.

Agent Porter recommended the issuance of an Order of Conditions with the following special conditions:

1. Prior to work commencing all wetland flags in and within 100' of the work area and the replication area shall be staked in the field and marked with the corresponding flag numbers. This shall occur prior to placement of the erosion controls. The Conservation Agent shall review the flagging prior to work commencing.
2. All erosion controls shall be installed and inspected by the Conservation Agent prior to work commencing.
3. The Conservation Agent shall meet in the field with the Wetland Specialist and the Resident Engineer and/or the contractor to stake out the location for the swamp mats to access the Wetland Replication Area.

- 4. Dewatering locations and methods shall be approved by the Conservation Agent prior to the commencement of dewatering.
- 5. In as much as practicable, this Order of Conditions requires that the construction of the wetland replication area be completed prior to the filling of the BVW. Complete is defined as all activities leading up to and including, the wetland plantings, the submission of the certification of the final elevations of the wetland replication area and the verification of the seasonal high groundwater elevation
- 6. The resume of the Applicant's Wetland Professional who shall oversee the construction of the wetland replication area, is to be submitted to the Conservation Commission, or its designated agent, for acceptance two weeks prior to initiation of replication activities.
- 7. The final elevations of the wetland replication area shall be shown on an as-built plan and stamped by a Massachusetts Professional Land Surveyor. A copy of the stamped as-built shall be provided to the New Bedford Conservation Commission for acceptance prior to the plantings of the wetland replication area.
- 8. The seasonal high groundwater table in the wetland replication area shall be verified by a Certified Soil Scientist or Professional Civil Engineer prior to plantings. A stamped plan showing the elevation of the seasonal high groundwater table shall be provided along with verification that it will support the proposed wetland plantings.
- 9. In compliance with 310 CMR 10.55 (4), the wetland scientist shall submit monitoring reports documenting the success of the wetland replication areas. These reports will document the establishment of at least 75% coverage of indigenous wetland plants within the replication areas. These reports will be provided at the end of construction and once a year for 2 years. The Conservation Commission reserves the right to request additional seeding or planting to guarantee the success of the replication areas. Proposed shrub and tree plantings that die during this time period shall be replaced. The reports shall also document the present of invasive species within the replication area and recommend control methods.
- 10. Add erosion controls around the FAA cable replacement in the buffer zone.
- 11. All construction material is to be disposed of in a legal upland location.
- 12. Annual Stormwater Management System Operations and Maintenance Report shall be submitted to the Conservation Commission in January of each year detailing the maintenance of the stormwater system for this project for the previous year using the stormwater management review reports provided in Appendix C of the operations and maintenance plan.

The plans for approval are Updated Stormwater Operations and Maintenance Plan dated 10/2016, Drawings G1.1, G1.2, G1.3, G1.4, C2.1, W1.1 W1.2 all dated 10/26/16 and C1.1, C1.2, C2.2, L1.1, all dated 10/26/16 with a revised dated of 12/2016.

Commissioner Pacheco made a motion to approved as recommended by the Agent with special conditions as read. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

- 3. **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) - 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**
- 4. **SE49-0739 – (Continued from 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) - A Notice of Intent as filed by Michele Paul, Director of Environmental Stewardship for the City of New Bedford for**

property identified as Ruggles Street and Hathaway Boulevard (Map 69, Lots 86, 88-93, 96-100, and 125). The applicant proposes to conduct remediation activities to remove contaminated soils followed by construction of an athletic facility. Representative is David Sullivan of TRC Environmental. **CONTINUED**

5. SE49-0747 – (Continued from 12/27/16) - A Notice of Intent as filed by NStar Energy Company for property located at 50 Duchaine Boulevard (Map 134, Lots 456, 457, 458 & 459). Applicant proposes site improvements including improvements to storm water management, additional parking for employees and company vehicles, additional docks and expansion of existing parking spaces. Representative is Christian Farland of Farland Corp. **CONTINUED**

## **NEW BUSINESS:**

### **1. Agent Updates**

Agent Porter advised that while replacing wetland flags at 50 Duchaine Blvd., she observed a chain link fence on the property. Agent contacted Mr. Farland of Farland Corp., to inquire as to why there was a fence installed prior to any order being issued. Mr. Farland advised that OSHA required that they temporarily install a fence prior to construction.

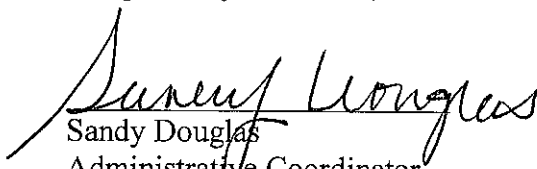
### **2. State Ethics Test**

Agent Porter advised con com that they have to take their online State Ethics Test and submit their Certificates so that we may forward them to Personnel.

### **3. General Correspondence**

Commissioner Gonsalves made a motion to adjourn at approximately 7:07. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

Respectfully submitted,

  
Sandy Douglas  
Administrative Coordinator



Environmental Stewardship Department/  
Conservation Commission

City of New Bedford  
Jonathan F. Mitchell, Mayor

Meeting Minutes of the Conservation Meeting of  
February 7, 2017  
Room 314, City Hall

**Members Present**

Craig Dixon, Chairman  
Dennis Audette, Vice Chairman  
Paul Pacheco

**Members Absent**

Jacob Gonsalves

**Staff Present**

Agent Sarah Porter  
Sandy Douglas, Admin. Coordinator

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Chairman Dixon called the meeting to order at 6:30 p.m.

**CONTINUED HEARINGS:**

1. SE49-0745 – (Continued from 10/18/16, 11/1/16, 11/15/16, 12/6/16, 12/27/16, 1/17/17) - A Notice of Intent as filed by Paul Barton, Chairman of the New Bedford Regional Airport Commission for property identified as 1569 Airport Road (Map 123 - Lot 3, Map 122 - Lot 3, Map 124 - Lot 28 and Map 125 - Lot 22). Applicant proposes to reconstruct and expand the terminal apron area with associated stormwater management improvements and replace an existing culvert. A portion of this work is proposed in the Buffer Zone and within a Bordering Vegetated Wetland. Representative is Amanda Atwell of Epsilon Associates, Inc.

**CONTINUED**

2. 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) - 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**

3. SE49-0739 – (Continued from 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) - A Notice of Intent as filed by Michele Paul, Director of Environmental Stewardship for the City of New Bedford for property identified as Ruggles Street and Hathaway Boulevard (Map 69, Lots 86, 88-93, 96-100, and 125). The applicant proposes to conduct remediation activities to remove contaminated soils followed by construction of an athletic facility. Representative is David Sullivan of TRC Environmental. **CONTINUED**

4. **SE49-0747 – (Continued from 12/27/16 & 1/17/17) - A Notice of Intent as filed by NStar Energy Company for property located at 50 Duchaine Boulevard (Map 134, Lots 456, 457, 458 & 459).** Applicant proposes site improvements including improvements to storm water management, additional parking for employees and company vehicles, additional docks and expansion of existing parking spaces. Representative is Christian Farland of Farland Corp.  
**CONTINUED**

## **NEW BUSINESS:**

1. **A Request for Determination of Applicability as filed by Christopher Ciano for property identified as the northeast corner of Shawmut Avenue and New Plainville Rd. (Map 124C, Lot 27).** Applicant requests a Determination of whether the boundaries of the wetland resource areas are accurate and whether the area depicted is subject to the jurisdiction of the MA Wetlands Protection Act and/or the City of New Bedford Wetlands Ordinance. Representative is Alison Cesar of SITEC, Inc.

Mr. Dan Giosa of SITEC was present on behalf of the applicant and advised that there is a BVW that straddles the East property line that has been delineated with Flags 100-132. This property is also in flood zone A and a field analysis has been conducted.

Agent Porter advised that she has reviewed and concurs with the BVW boundary. She also looked at the soils in the isolated Phragmites wetland, and while it is in FEMA flood plain, it doesn't appear to be under Federal jurisdiction.

Commissioner Dixon inquired whether there was anyone present who wished to comment on this hearing.

Mr. Eric Pelletier of 2020 Shawmut Avenue advised that he went to the Conservation office and reviewed the plans and his main area of concern is there was no topo or tree lines. He does not understand how you see a depression on the map but when you look at the plan it's far back near the lake. He does not have any objection with anything being built on the property, his concern is just the delineation of the wetland itself and boundary line

Agent Porter cannot comment to the survey of the property boundary as she only looks at the wetland boundary and the accuracy of the boundary. The flags were placed as far as the wetland goes.

Mr. Giosa stated that a property survey was done. Mr. Ciano added that the flags were done this past fall.

Mr. Ciano stated that he does not intend to go anywhere near the wetland line with any development it will be developed closer to the street.

Agent Porter suggested that Mr. Pelletier, Mr. Ciano and SITEC do a site walk. Mr. Pelletier agreed to the site walk to confirm the boundary lines.

Commissioner Audette advised Mr. Pelletier that this Commission has to rely on SITEC's survey and the wetlands could change considerably and what he's referencing to is from a plan from 1980 and it's not this commission's job to survey the land. Mr. Pelletier isn't disagreeing with the flags he just has an issue with regard to the property line.

Mr. Giosa stated that the matter before this Commission this evening is to confirm the wetland flags.

Mr. Ciano doesn't agree with continuing this matter for another two weeks and that he is agreeable to meet with Mr. Pelletier this weekend on site to verify the boundary line.

Agent Porter recommended the issuance of a positive determination of applicability that the boundary BVW is accurate but the FEMA boundary delineates the approximate limits subject to flooding on this parcel unless a detailed flood study is completed and approved by FEMA. The plans for approval are existing conditions with a revised dated of 2/6/17.

Commissioner Audette made a motion for a positive determination of applicability as recommended by the Agent. Motion was seconded by Commission Pacheco. All in favor. Motion carries.

## **NEW HEARINGS:**

- 1. A Notice of Intent as filed by VVK Realty, LLC and GGK Realty, LLC for property identified as 1480 and 1494 East Rodney French Boulevard (Map 12, Lots 77, 290 and 287).** Applicant proposes to construct a canopy for the tiki bar, expand the tiki bar patio, demolish a building, resurface razed building area, install landscape screening and fencing, install 12 pilings and expand a timber deck. Work is proposed in Land Under the Ocean, the Buffer Zone and Land Subject to Coastal Storm Flowage. Representative is Jeramy Packard of CLE Engineering.

Mr. Jeramy Packard of CLE Engineering was present on behalf of the applicant. Mr. Packard advised the Commission that they are proposing site improvement and site reconfiguration. They are looking to install landscape buffer strip around property and in between two properties put up fence and demolish the existing smugglers den building because it would be too much money to try to restore it. They are proposing to take down building, restripe the parking lot and this side of parking lot would serve for day to day use for restaurant parking, expand timber deck approximately 18', expand the tiki bar about 22' Northerly and put a permanent canopy over the top with 9 4x4 footings and install 12 moorings along floating docks.

Vice Chairman Dixon inquired as to what fencing is being proposed. Mr. Packard replied that they are proposing an 8' fence with landscape screening for privacy and safety.

Commissioner Pacheco inquired as to how many parking spaces are being proposed. Mr. Packard replied that there is 72 existing and will increase it to 110.

Commissioner Audette commented that if the canopy over the tiki bar will be able to be removed during storm event. Mr. Packard stated that it would be removable.

Vice Chairman Dixon inquired as to the demo plan for the building and wants to ensure that debris will not be going into the ocean. Mr. Packard replied that straw waddle will be used but has not discussed it with contractor but whatever the Commission recommends will be passed onto the contractor.

Agent Porter advised that she has visited the site and they have added stone where the grass area is on the southern area around the tiki bar and there is a new fence. The Agent would like the plan to reflect these conditions. The tiki bar is still on site and needs to be removed with any other structure that is out there. Mr. Packard advised that as soon as the owner gets back from his fishing trip he will advise him to remove the structures.

Agent Porter also advised that she talked to Scott Turner at Nitsch Engineering with regard to proposal to remove building and add parking. Mr. Turner suggested this would be increase the pollutant loads from parking area and there is no stormwater management report in the Notice of Intent. The Commission agreed that they would like a stormwater management report submitted. Mr. Packard added that there is no increase to the impervious and are making an improvement because they are providing treatment for the vehicles that did not exist before.

Ms. Nancy Fontaine of 10 Norman Street was present and stated that she is not here in objection to the project and that everything done is in good taste and the owner has been considerate to the neighbors and is just here this evening to learn as to what will be done to existing site.

Agent Porter stated that they do not have to redo the storm water report but have to redo the pollutant loads on the storm water report. Agent Porter advised that they will also need to submit detail on the fencing, update existing conditions and erosion controls to the plan. Vice Chairman Dixon suggested adding a sediment forebay.

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

- 2. A Notice of Intent as filed by KJEC, LLC for property identified as Map 134, Lot 459 (subdivision lot 17) on Phillips Road.** Applicant proposes to construct a single family dwelling with associated grading and amenities in the Buffer Zone to Bordering Vegetated Wetlands. Representative is Nick Dufresne of Farland, Corp.

Mr. Nick Dufresne of Farland Corp., was present on behalf of the applicant. Mr. Dufresne advised that this is a newly subdivided lot to single family lots and are proposing a 36' X 28' single family home with approximately 2,000 s.f., of living space, city water and sewer.

Agent Porter advised that the wetland flags need to be refreshed and that she could not find them all. Mr. Dufresne replied that they will go to the site and correct the flags will submit a revised plan.

Agent Porter advised that she has previously submitted the special conditions to Farland Corp. for review for other lots on Phillips Road. She recommended continuing this hearing until the next meeting.

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

- 3. A Notice of Intent as filed by KJEC, LLC for property identified as Map 134, Lot 459 (subdivision lot 18) on Phillips Road.** Applicant proposes to construct a single family dwelling with associated grading and amenities in the Buffer Zone to Bordering Vegetated Wetlands. Representative is Nick Dufresne of Farland, Corp.

Mr. Nick Dufresne of Farland Corp., was present on behalf of the applicant. Mr. Dufresne advised that this is same size house with driveway under garage as proposed in the previous project and the work is further away from wetland.

Chairman Dixon stated that the same conditions would apply to this application and revised plans will need to be submitted.



Commissioner Audette inquired as to how many homes are being proposed. Mr. Dufresne replied that there are 13 lots.

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

## **NEW BUSINESS:**

### **1. Agent Updates (212 Theodore Rice Blvd.)**

Agent Porter advised that the Registry of Motor Vehicles has moved in and Agent Porter did not sign the CO but the Building Department will issue a temporary CO while there are outstanding issues with the Conservation Commission.

### **50 DUCHAINE BOULEVARD**

They have an application for interior work and parking areas with the building department but still under review by Nitsch.

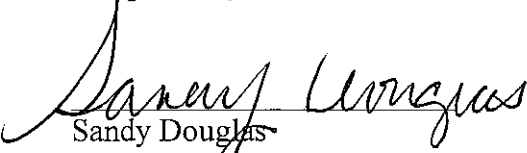
Agent Porter stated that she hasn't signed off on the application yet but she does not have issue with them doing the interior. The Commission agreed that the interior work could be conducted

Commissioner Audette suggested advising the contractor that they cannot do any exterior work that will effect storm water management

### **2. General Correspondence**

Commissioner Audette made a motion to adjourn at approximately 7:50. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,

  
Sandy Douglas  
Administrative Coordinator



Environmental Stewardship Department/  
Conservation Commission

City of New Bedford  
Jonathan F. Mitchell, Mayor

**Meeting Minutes of the Conservation Meeting of  
February 21, 2017  
Room 314, City Hall**

**Members Present**

Craig Dixon, Chairman  
Dennis Audette, Vice Chairman  
Jacob Gonsalves

**Members Absent**

Paul Pacheco

**Staff Present**

Agent Sarah Porter  
Sandy Douglas, Admin., Coordinator

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**CONTINUED HEARINGS:**

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2. 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) - 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**
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water management, additional parking for employees and company vehicles, additional docks and expansion of existing parking spaces. Representative is Christian Farland of Farland Corp.

5. **SE49-0750 – (Continued from 2/7/17) - A Notice of Intent as filed by VVK Realty, LLC and GGK Realty, LLC for property identified as 1480 and 1494 East Rodney French Boulevard (Map 12, Lots 77, 290 and 287).** Applicant proposes to construct a canopy for the tiki bar, expand the tiki bar patio, demolish a building, resurface razed building area, install landscape screening and fencing, install 12 pilings and expand a timber deck. Work is proposed in Land Under the Ocean, the Buffer Zone and Land Subject to Coastal Storm Flowage. Representative is Jeramy Packard of CLE Engineering. **CONTINUED**
6. **SE49-0748 – (Continued from 2/7/17) - A Notice of Intent as filed by KJEC, LLC for property identified as Map 134, Lot 459 (subdivision lot 17) on Phillips Road.** Applicant proposes to construct a single family dwelling with associated grading and amenities in the Buffer Zone to Bordering Vegetated Wetlands. Representative is Nick Dufresne of Farland, Corp. **CONTINUED**
7. **SE49-0749 – (Continued from 2/7/17) - A Notice of Intent as filed by KJEC, LLC for property identified as Map 134, Lot 459 (subdivision lot 18) on Phillips Road.** Applicant proposes to construct a single family dwelling with associated grading and amenities in the Buffer Zone to Bordering Vegetated Wetlands. Representative is Nick Dufresne of Farland, Corp. **CONTINUED**

## **NEW BUSINESS:**

1. **SE49-456 – Request for a Certificate of Compliance for Whalers Woods Realty Trust for the roadways and storm water management facilities in the entire subdivision.** Representative is Richard Rheume of Prime Engineering, Inc. **CONTINUED**
2. **3806 Acushnet Ave** – owner requested to appear to address cutting in Wetlands and Buffer Zone.

The owner of 3806 Acushnet Avenue, David Rosanina, was present. Agent Porter advised that Mr. Rosanina has previously been before this Commission with regard to tree cutting and showed the Commission the meeting minutes of said meeting.

Agent Porter received a call from a neighbor advising that there was cutting going on. Agent Porter went to the site and asked Mr. Rosanina to stop cutting until he appeared before the Commission. There is an old map that shows where wetlands are and it shows the wetlands going into the lot there is about 4,000 s.f. of wetland.

Mr. Rosanina stated that he is 45 years old and lived in NB his whole life and has been married for 26 years. He has never owned property before purchasing this home that he purchased 3 years ago and that if it was today he wouldn't have purchased this property because of the land. Mr. Rosanina stated that Conservation Commission is welcome to come to his property and inspect anything. He continued that when he purchased property he noticed that there was a lot of debris that had been dumped onto lots 1 & 2 he also noticed on Charbonneau Lane (paper trail) that there is dumping in that area. When he purchased this property he didn't know anything about wetlands except you could not build on it. When he purchased the property it was a mess and he has personally done a lot of cleaning of this property including debris and brush.

Mr. Rosanina stated that he did cut the trees after he was asked by this Commission not to cut trees. The reason he did it is because the trees are uprooted and are unsafe and was afraid of them falling and he should have asked for permission prior to him cutting the trees on lot 1 in the corner of the property. Chairman Dixon advised that whenever he is going to do any work near the wetlands he needs to come before this Commission as he was advised at the previous meeting.

Commissioner Audette stated that the issue here is at the last meeting it was well explained to him that he should have someone flag the area so he would know his wetland boundary and if he doesn't know where the wetland boundary line is then he shouldn't be performing work. And in the meantime, he was not to perform any work until that wetland boundary had been flagged.

Chairman Dixon agreed with Commissioner Audette that Mr. Rosanina was well informed at the last meeting.

Agent Porter advised Mr. Rosanina that he should contact Mr. Romanelli who did the original flagging and he could probably go back out there and reflag the wetland boundary. The flags that are currently out there are not wetland boundary flags and the Agent does not know what they signify.

There some trees by the Avenue that Mr. Rosanina would like to take down, which are the trees he was cutting when Agent arrived on his property. These trees are in the outer buffer zone.

Chairman Dixon advised Mr. Rosanina that he feels that Mr. Rosanina is trying to pull one over on the Commission since he knew that he was not allowed to do any cutting and that he should have come before this Commission before he does any work as he was advised.

Agent Porter advised Mr. Rosanina that in order for him to cut these trees in the outer buffer zone he will need to file A Request for Determination of Applicability.

Mr. Rosanina will contact Agent Porter to get assistance in filing a Request for Determination of Applicability.

### 3. Agent Updates

#### **Airport**

Scott Turner and Agent Porter had a telephone conference with airport because there were outstanding issues that had not been addressed yet. Amanda Atwell has requested a continuance again and it is important that Nitsch's comments are satisfied because they have increased the flows to the wetlands by a significant amount and have decreased it into another wetland and have not given a 25' setback and they advised it's because of parking requirements.

#### **The Edge Restaurant**

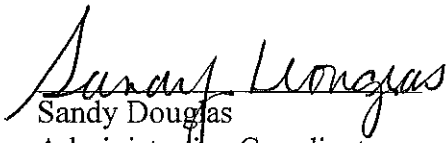
Agent Porter advised that there is a storage container out there with no electricity hooked it's not shown on the plans but can place a condition to get it removed during an extreme storm event

### 4. General Correspondence

None.

Commissioner Audette made a motion to adjourn at approximately 7:22. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,

  
Sandy Douglas  
Administrative Coordinator



City of New Bedford  
Jonathan F. Mitchell, Mayor

**Meeting Minutes of the Conservation Meeting of  
May 16, 2017  
Room 314, City Hall**

**Members Present**

Craig Dixon, Chairman  
Dennis Audette  
Paul Pacheco  
Jacob Gonsalves  
Chancery Perks

**Members Absent**

**Staff Present**

Agent Sarah Porter  
Sandy Douglas, Admin., Coordinator

Chairman Dixon called the meeting to order at 6:30 p.m.

**CONTINUED HEARINGS:**

CITY CLERK  
2017 AUG 31 P 2:  
CITY CLERKS OFFICE  
NEW BEDFORD, MA

1. SE49-0745 – (Continued from 10/18/16, 11/1/16, 11/15/16, 12/6/16, 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) - A Notice of Intent as filed by Paul Barton, Chairman of the New Bedford Regional Airport Commission for property identified as 1569 Airport Road (Map 123 - Lot 3, Map 122 - Lot 3, Map 124 - Lot 28 and Map 125 - Lot 22). Applicant proposes to reconstruct and expand the terminal apron area with associated storm water management improvements and replace an existing culvert. A portion of this work is proposed in the Buffer Zone and within a Bordering Vegetated Wetland. Representative is Amanda Atwell of Epsilon Associates, Inc. **CONTINUED**
2. 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) - 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**
3. SE49-0739 – (Continued from 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) - A Notice of Intent as filed by Michele Paul, Director of Environmental Stewardship for the City of New Bedford for property identified as Ruggles Street and Hathaway Boulevard (Map 69, Lots 86, 88-93, 96-100, and 125). The applicant proposes to conduct remediation activities to remove contaminated soils followed by construction of an athletic facility. Representative is David Sullivan of TRC Environmental. **CONTINUED**

4. **SE49-0751 – (Continued from 3/7/17, 3/21/17, 4/4/17, 4/18/17, 5/2/17) - A Notice of Intent as filed by Eric DeCosta for property identified as 100 Duchaine Boulevard (Map 134, Lot 5).** Applicant proposes to construct a new building, parking for company and employee vehicles and parking for additional trailers. Representative is Christian Farland of Farland, Corp.  
**CONTINUED**

5. **SE49-0762 (Continued from 5/2/17) -A Notice of Intent as filed by Mary Rapoza of the City of New Bedford Department of Parks, Recreation and Beaches for property identified as East Beach (Map 4, Lots 2 & 6) and West Beach (Map 11, Lot 30).** Applicant proposes to conduct beach maintenance on East and West Beaches in New Bedford. Maintenance includes removing weedy plants and trees, removal of select areas of dune grass, mechanical raking above Mean High Water, and removal of seaweed in July and August if necessary. Representative is Mary Rapoza, Director of Parks, Recreation & Beaches.

Mary Rapoza, Director of Parks, Recreation and Beaches was present and advised that the DEP File # has been received and that's what this Commission was waiting for.

Agent Porter advised that they will be removing dune grass, seaweed, and woody trees and performing mechanical raking above mean high water. All the special conditions are listed in the operation and maintenance plan filed with this Notice of Intent and listed in the Order of Conditions.

Commissioner Audette made a motion to issue an Order of Conditions. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

6. **SE49-0757 - A Notice of Intent as filed by Terrance Tedeschi of New Bedford Cousins, LLC for property identified as the east of Acushnet Ave., south of Phillips Rd and north of Victoria St. (Map 130D, Lots 117, 379-387, 392-419).** Applicant proposes a 15 lot subdivision with a detention basin located in the Buffer Zone to Bordering Vegetated Wetlands. Representative is John Cavanaro of Cavanaro Consulting, Inc. **CONTINUED**

## **NEW HEARINGS:**

**NONE.**

## **NEW BUSINESS:**

1. **A Request for Determination of Applicability as filed by Revere Copper Products, Inc for property located at 24 North Front Street (Map 79, Lots 2, 4, & 7).** Applicant proposes to install sheet piling along the landside of the bulkhead and excavate petroleum impacted soils. Representative is Craig Ellis of BETA Group, Inc.

Mr. Craig Ellis of BETA Group was present on behalf of the applicant. Mr. Ellis advised the Commission that they are working on petroleum release that is under the building and have filed reports with DEP to remediate the petroleum. As part of the work they conducted a test pit and found petroleum contamination approximately 4' down. It was reported to DEP. A boom has been placed in the river and they are proposing to put new sheet piling between the monitoring well along wooden bulkhead, excavate down 3'-4' and vibrate the sheet piling in. Once the sheet piling is in place they will excavate the soil out of that area and dewater. There is a dewatering system inside the building that would be used. Soil

excavation would be done at low tide. As the soil is being excavated, they will keep it 50' away from bank and cover it with poly sheeting and surround it with hay bales and haul soil off site.

Chairman Dixon inquired whether the oil was migrating. Mr. Ellis replied that's the reason why they performed a test pit.

Commissioner Audette inquired whether they would be performing any work from the water. Mr. Ellis replied that all work will be performed from land.

Commissioner Audette inquired as to where they will be stockpiling the material. Mr. Ellis replied that the stockpiling will be done 50' away from the shore or inside the building. Commissioner Audette recommended stockpiling it further away from the buffer zone in one of the parking lots. Mr. Ellis agreed.

Commissioner Perks inquired as to how often are the wells tested. Mr. Ellis replied that there is a system that they send in reports to DEP every six months and test the wells every three months.

Commissioner Dixon inquired as to how long does it takes to characterize the soil. Mr. Ellis replied that it normally takes five to seven business days.

Agent Porter stated that there will be a condition to store it in the parking lot away from buffer zone. Agent porter inquired as to how they propose to clean the trucks if they are moving around. Mr. Ellis replied that they will place pads down and brush the tires to keep it contained.

Chairman Dixon inquired as to how long this project will it take. Mr. Ellis replied it will take approximately three to four months.

Agent Porter recommended a negative determination with special conditions that all excavated materials are to be stockpiled outside of the buffer zone and covered with and stockpiled on polysheeting, straw waddles are to encircle excavated material, absorbent pads kept on site to clean up any oily residue outside of the excavation area, absorbent and containment booms are to remain in the Acushnet River throughout the operation.

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

## **OLD BUSINESS:**

1. **SE49-456 – (Continued from 2/21/17, 3/7/17, 3/21/17, 4/4/17, 4/18/17, 5/2/17) - Request for a Certificate of Compliance for Whalers Woods Realty Trust for the roadways and storm water management facilities in the entire subdivision.** Representative is Richard Rheume of Prime Engineering, Inc.

Mr. Richard Rheume of Prime Engineering was present on behalf of the applicant. Mr. Rheume advised that updated detailed plans with topography have been submitted. Peer review has been completed and there are no further comments.

Agent Porter advised that this project is all set for a Certificate of Compliance but cannot verify the as-built plans for the southern portion of Schooner Court and Mate Drive. The Agent spoke with Manny Silvia at DPI and he advised that all catch basins and ponds have been cleaned. Agent Porter



recommended the issuance of a full Certificate of Compliance for Whalers Woods with ongoing conditions #34.

Commissioner Audette made a motion to issue a Certificate of Compliance. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

2. **SE49-0702 – (Continued from 4/4/17, 4/18/17, 5/2/17) – Request for Certificate of Compliance for 100 Duchaine Boulevard (Map 24, Lot 2) as filed by Logal, LLC.** Representative is Rich Riccio of Field Engineering.

Mr. Rich Riccio of Field Engineering was present on behalf of the applicant. Mr. Riccio advised that he received letter from Nitsch Engineering with comments with regard to the following: The fire hose in the basin, that will be removed. The applicant will clean the catch basins and stormceptors before a Certificate of Compliance is issued and is aware of the structure concern and will get it more secure. The applicant will add larger stone to the outlets, this will be done by Farland Corp. The basin slopes at this point are stable and it might do more damage than good to fix those and are functioning as designed, which Nitsch agreed. Woody vegetation in the stormwater pond near the vehicle parking area was discussed onsite with the Agent and will be taken care of so it continues to function as a basin.

Commissioner Audette made a motion to table this matter to June 6, 2017. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

## **NEW BUSINESS CONTINUED:**

### **1. Agent Updates (Excel Scrap)**

Agent Porter advised the Commission that a draft letter to Excel Scrap was posted on the website for review by the Commissioners. The letter is now ready to be signed by the Chairman and mailed.

### **50 Duchaine Blvd.**

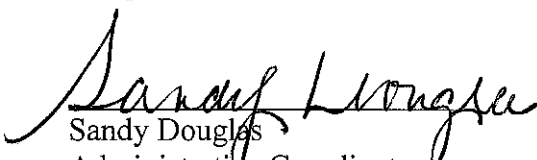
Agent Porter advised that Farland has done everything required for the SWPPP except contact the agencies and they need the owner operator on the NOI and the acknowledgment letter from EPA. These issues are still outstanding.

Commissioners agreed when all is done, then this project can be approved.

### **2. General Correspondence**

Commissioner Gonsalves made a motion to adjourn at approximately 7:10. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,

  
Sandy Douglas  
Administrative Coordinator



Environmental Stewardship Department/  
Conservation Commission

City of New Bedford  
Jonathan F. Mitchell, Mayor

Meeting Minutes of the Conservation Meeting of  
July 5, 2017  
Room 314, City Hall

**Members Present**

Craig Dixon, Chairman  
Dennis Audette  
Chancery Perks

**Members Absent**

Paul Pacheco  
Jacob Gonsalves

**Staff Present**

Agent Sarah Porter  
Sandy Douglas, Admin., Coordinator

Chairman Dixon called the meeting to order at 6:30 p.m.

**OLD BUSINESS:**

1. SE49-0702 – (Continued from 4/4/17, 4/18/17, 5/2/17, 5/16/17, 6/6/17, 6/20/17) Request for Certificate of Compliance for 100 Duchaine Boulevard (Map 24, Lot 2) as filed by Logal, LLC. Representative is Rich Riccio of Field Engineering. **CONTINUED**

**NEW BUSINESS:**

1. SE49-0699 - Request for Certificate of Compliance for Downey Street (Map 123, Lot 3) as filed by Claremont Companies. Representative is Matthew J. White of Farland Corp. **CONTINUED**
2. A Request for Determination of Applicability as filed by Blue Harvest Fisheries, LLC for property located at 40 Herman Melville Blvd. (Map 59, Lot 41) Applicant proposes to relocate an existing stairway, remove and backfill two existing waste drains and install approximately 1200 s.f. of new pavement over an existing paved area in the Buffer Zone to the Acushnet River. Representative is Rick Charon, P.E. of Charon Associates.

Mr. Rick Charon of Charon Associates was present on behalf of the applicant and advised the Commission that they are proposing to pump out two old pits back fill them and relocate the stairway to add a 15' wide door. They have gotten rid of the old dumpster and collection unit and will backfill this area and add new pavement. Mr. Charon stated that he did not propose any hay bale barriers because will not be disturbing any soil.

Commissioner Audette inquired if the old fill was going to be hauled off site. Mr. Charon responded that they will pump it out, back fill it and dispose of it.

Agent Porter stated that this is pretty straight forward project and they are primarily proposing work in the interior of the receiving dock and the only exterior work being proposed is cleaning up the old oil (grease) drains, backfilling them, moving the staircase and repaving the shaded area and she does not see a need for erosion controls.

Agent Porter recommended the issuance of a negative determination of applicability that the work as described is within the buffer zone and shall not alter the adjacent resource area provided that all construction debris be placed in containers or trucks and disposed of in a legal upland location.

Commissioner Audette made a motion as recommended by the Agent. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

## **CONTINUED HEARINGS:**

1. **SE49-0745 – (Continued from 10/18/16, 11/1/16, 11/15/16, 12/6/16, 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) - A Notice of Intent as filed by Paul Barton, Chairman of the New Bedford Regional Airport Commission for property identified as 1569 Airport Road (Map 123 - Lot 3, Map 122 - Lot 3, Map 124 - Lot 28 and Map 125 - Lot 22).** Applicant proposes to reconstruct and expand the terminal apron area with associated storm water management improvements and replace an existing culvert. A portion of this work is proposed in the Buffer Zone and within a Bordering Vegetated Wetland. Representative is Amanda Atwell of Epsilon Associates, Inc. **CONTINUED DUE TO LACK OF QUORUM**
2. **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) - 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**
3. **SE49-0739 – (Continued from 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) - A Notice of Intent as filed by Michele Paul, Director of Environmental Stewardship for the City of New Bedford for property identified as Ruggles Street and Hathaway Boulevard (Map 69, Lots 86, 88-93, 96-100, and 125).** The applicant proposes to conduct remediation activities to remove contaminated soils followed by construction of an athletic facility. Representative is David Sullivan of TRC Environmental. **CONTINUED**
4. **SE49-0751 – (Continued from 3/7/17, 3/21/17, 4/4/17, 4/18/17, 5/2/17, 5/16/17, 6/6/17, 6/20/17) - A Notice of Intent as filed by Eric DeCosta for property identified as 100 Duchaine Boulevard (Map 134, Lot 5).** Applicant proposes to construct a new building, parking for company and employee vehicles and parking for additional trailers. Representative is Christian Farland of Farland, Corp. **CONTINUED**

- 5. SE49-0763 (Continued from 6/20/17) - A Notice of Intent as filed by Robert Draper, President of Rincon Etal Investments, Inc. for property identified as the Butler Flats Lighthouse, New Bedford.** Applicant proposes to repair and maintain the existing private ATON lighthouse at Butler Flats and construct a boat mooring on the northerly side of the lighthouse. **Representative is Alan Heureux of Boucher & Heureux, Inc.**

Mr. Alan Heureux of Boucher and Heureux was present on behalf of the applicant. Mr. Heureux advised the Commission that at last hearing he presented waterways license plans and the applicant is proposing to repair and maintain the existing lighthouse and construct a boat mooring which will be pile supported and in compliance with all regulations. The waterways license application number has been received. Mr. Heureux stated that they will need sign offs from Zoning Board and Planning Board and an Order of Conditions from the Conservation Commission to satisfy the waterway license. The structural engineer report has been submitted along with letter from Division of Marine Fisheries suggesting a condition that requires appropriate containment techniques to prevent construction debris from entering the marine environment during construction. Mr. Heureux agrees with said condition.

Mr. Heureux stated that when his client obtains a license then GSA will sell the applicant the lighthouse and then he would be able to provide construction plans, get bids and the contractor can provide containment measurements but at this time they are not at that stage yet. The boat mooring is straight marine construction and rest of work is within the lighthouse or on it and there will be some measure to protect marine environment. Mr. Heureux added that the Order of Conditions will reference to waterways plan, structural report and condition from Marine Fisheries.

Commissioner Audette would like to know in advance what the containment plan would be. Agent Porter recommended an amended order. Mr. Heureux agreed that he could come back before the Commission for an amended order for the repair work and for now to construct boat mooring and just license existing lighthouse and not do any repair work to it.

Agent Porter suggested just permitting construction of the boat mooring, deck, stairway only and that an amended order is to be filed for the repair work to the lighthouse itself. Agent Porter does not see a need for silt curtain because it's only two steel pilings.

Agent Porter recommended the Issuance of an order of conditions with special condition that this order only permits the construction of the boat mooring, deck and stairway and that an amended order is to be filed for the repair work to the lighthouse.

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

## **NEW HEARINGS:**

None.

## **NEW BUSINESS CONTINUED:**

- 1. Agent Updates (General Fund Update, Excel Recycling Update, 1542 Padanaram Ave.)**
- 2. General Correspondence**

## **GENERAL FUND**

Agent Porter advised the Commission that there is approximately \$99,000.00 in said account.

### **EXCEL RECYCLING**

Agent Porter advised the Commission that she received email as follows: Thank you for your letter regarding Excel's recycling operation at the New Bedford Marine Commerce Terminal and we have been carefully reviewing your concerns and working diligently to prepare a response by the requested date and we hope it will be okay by you and Commission that we will be slightly delayed in submitting our response. Your letter requests response by this Thursday, June 22<sup>nd</sup> and there is delay due to necessary review and coordination of this topic and will submit response to Commission by early July. Letter was submitted by Bill White who is the Senior Director of the Clean Energy Center.

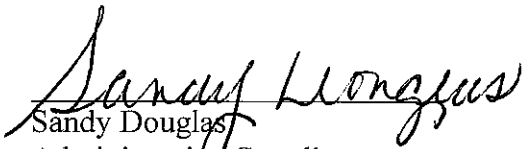
Chairman Dixon stated that we can give them until the next meeting for a response.

### **1542 PADANARAM AVENUE**

Agent Porter advised the Commission that the Harbor Development Commission was advised that someone was installing a dock out there. Agent Porter visited the site and found the owner of the property replacing four pilings on the existing dock and is proposing to upgrade some of the planks. Said owner will be filing a Notice of Intent.

Commissioner Audette made a motion to adjourn at approximately 7:00. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

Respectfully submitted,

  
Sandy Douglas  
Administrative Coordinator