



**Environmental Stewardship Department/  
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of  
March 8, 2018  
Brooklawn Senior Center**

**Members Absent**

**Paul Pacheco**

**Staff Present**

**Agent Sarah Porter**

**Sandy Douglas, Admin., Coordinator**

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

**CALL MEETING TO ORDER**  
**ROLL CALL OF COMMISSIONERS**

**Roll Call of all Commissioners' Present: Vice-Chairman Dennis Audette, Chairman Craig Dixon, Commissioner Jacob Gonsalves, Commissioner Chancery Perks and Commissioner Peter Blanchard.**

**OLD BUSINESS:**

**NONE.**

**NEW BUSINESS:**

- 1. SE49-0772 – Request for a partial Certificate of Compliance as filed by DPM Development for property identified as 21 Rosa Drive (Map 136, Lot 474). Representative is Jeffrey Tallman of SITEC Engineering.**

Mr. Jeffrey Tallman of SITEC Engineering was present on behalf of the applicant, DPM Development. Mr. Tallman advised the Commission that the single family dwelling has been constructed and the post and rail fence has been placed and the rough grading is done and the site just needs to be stabilized.

Agent Porter recommended the issuance of a partial Certificate of Compliance with ongoing Condition #51.

Chairman Dixon inquired whether there was anyone present who wished to comment on this matter. None heard.

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

- 2. SE49-0733 – Request for Certificate of Compliance as filed by North Coast Seafoods for property identified as 43 Blackmer Street (Map 25, Lots 1, 3 and 52).** Representative is Brendan Sullivan of Cavanaro Consulting, Inc.

Agent Porter advised that the complete as-built has been filed and the project is complete and that this project did go to Nitsch but because it was a coastal project there were no calculations to review. The only storm water management was an underground infiltration chamber and the installation of stormceptor. Agent Porter inquired whether or not the Commission wants this to go to Nitsch to review the storm water but there are no calculations to review.

The Commission felt that it was not necessary to forward this to Nitsch for further review.

Agent Porter recommended the issuance of a complete Certificate of Compliance with ongoing Condition #50 which requires the filing of an annual Storm water Maintenance Report with the Commission.

Commissioner Audette made a motion to issue a full Certificate of Compliance as recommended by the Agent with ongoing condition as read. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

## **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) - 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. SE49-0739 – (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, 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) - 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**

- 3. SE49-0785 – (Continued from 1/2/18, 1/16/18, 2/6/18, 2/20/2018) - A Notice of Intent as filed by Heik Milhench for property identified as 127 Duchaine Blvd (Map 133, Lot 21 and a portion of Lot 12).** Applicant proposes to construct an 18,000 square foot addition with associated parking, grading and utilities. Project proposes 3,200 square feet of Bordering

Vegetated Wetland alteration with associated replication. Representative is Stevie Carvalho of Farland Corp. **CONTINUED**

- 4. A Notice of Intent as filed by Jonah Mikutowicz of AGM Marine Contractors, Inc. for property identified as 7 Fish Island, New Bedford, Massachusetts (Map 60, Lot 4).** Applicant requests after-the-fact approval for the installation of a 6' wide 80' long floating dock with 7 timber anchor piles and 10 timber fender piles driven into Land Under the Ocean. Representative is Richard FitzGerald of AGM Marine Contractors, Inc.

Mr. Richard FitzGerald of AGM Marine Contractors advised that this matter had been continued from a couple of weeks ago because the DEP File number had not yet been received and since then, it has been received.

Agent Porter advised that this is an after-the-fact approval and it's a recommendation for the issuance of an Order of Conditions with no additional special conditions as the project is already constructed.

Commissioner Audette made a motion to issue an Order of Conditions as recommended by the Agent. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

## **NEW HEARINGS:**

- 1. SE49-0791 - A Notice of Intent as filed by Tim Cusson of SMRE 61, LLC for property identified as 61 John Vertente Boulevard (Map 133, Lot 47).** Applicant proposes to construct an alternate access driveway with associated grading and a rain garden in the 100' Buffer Zone to a Bordering Vegetated Wetland. Representative is Christian Farland of Farland, Corp.

Mr. Matthew White of Farland Corp., was present on behalf of the applicant, Tim Cusson. Mr. White advised that they are proposing to develop a portion of the northern buffer zone, there is a large warehouse on the property along with a large parking area with access point on the easterly side. The building is currently vacant but will accommodate two tenants. The first tenant who will be moving in shortly will utilize the access road on John Vertente Blvd. and the second tenant will be using the proposed access driveway to keep traffic flow separate. The proposed access driveway and rain garden is in a buffer zone of the BVW. The wetland itself is oddly shaped with fingerlike projection and per general performance standards of The Wetlands Protection Act, the buffer was adjusted by taking away 500' s.f. of fingerlike project because of location for access driveway and by adjusting the buffer zone were able to keep all proposed work outside of new 25' buffer and as well as outside the original line of wetland - no wetlands will be disturbed. The access driveway would be paved impervious surface with Cape Cod berm on westerly side and stone diaphragm on easterly side and rain garden. By using rain garden they are able to capture the majority of runoff from the proposed access driveway. In addition to the proposed access driveway and rain garden, it is also being proposed to reinforce the concrete pipe underneath the access driveway.

Agent Porter stated that she is confused on 500' s.f. fingerlike area and are they filling it? Mr. White stated the wetlands will not be altered. Agent Porter has reviewed and confirmed the wetland boundary and would like to see a planting plan for the rain garden. Agent Porter questioned whether or not the commission would like to send this project to Nitsch for peer review.

The Commission agreed to send this project for peer review.

Commissioner Audette made a motion to forward this application to Nitsch for peer review. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

2. **SE49-0788 - A Notice of Intent as filed by DPM Development, Inc. for property identified as Map 136, Lot 483 Seth Daniel Drive in the Settlement subdivision, East of Acushnet Avenue, New Bedford.** Applicant proposes to construct a single family dwelling with associated driveway, utilities and grading within the 100' Buffer Zone to a Bordering Vegetated Wetland. Representative is Jeffrey Tallman of SITEC, Inc.

Mr. Jeffrey Tallman from SITEC was present on behalf of the applicant, DPM Development. Mr. Tallman informed the Commission that this application is for construction of a single family 28'x 28' dwelling with a 14'x 24' one stall garage and that the limit of work has already been established. There will be 5,634 s.f. of disturbance to the buffer zone. After filing of the NOI, the Agent reviewed it and questioned the location of the post and rail fence and it has to be moved because it encroaches into the wetland replication area. As shown on the revised plan, the post and rail fence will be relocated 5' away from the replication area.

Agent Porter advised that she reviewed the plans and it has been revised to her satisfaction including the relocation of the post and rail fence. Agent Porter recommended the issuance of an Order of Conditions with the following special conditions: 1) that the straw wattles are to be replaced prior to the onset of construction and new straw waddles to be placed at same location as existing waddles; 2) at time of land transfer the property owner and any successor shall be required to sign an acknowledgement that the split rail fence on property is limit of disturbance on lot in perpetuity and this acknowledgment shall be notarized and submitted to the Conservation Commission. The Plans for approval is Plot Plan Assessor's Map 136, Lot 483 Seth Daniels Drive with revised date of 3/6/18.

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

3. **SE49-0787 - A Notice of Intent as filed by DPM Development, Inc. for property identified as Map 136, Lot 484 Seth Daniel Drive in the Settlement subdivision, East of Acushnet Avenue, New Bedford.** Applicant proposes to construct a single family dwelling with associated driveway, utilities and grading within the 100' Buffer Zone to a Bordering Vegetated Wetland. Representative is Jeffrey Tallman of SITEC, Inc.

Mr. Jeffrey Tallman of SITEC was present on behalf of the applicant, DPM Development. Mr. Tallman informed the Commission that this application is for the construction of a 26'x 36' single family dwelling without a garage but with driveway on left side of the house. The roof area is 936 s.f. requiring the installation of four cultec recharge chambers. Overall disturbance is 4,187 s.f. of buffer zone area. This post and rail fence will also be relocated based on the Agent's comments.

Agent Porter advised that she reviewed the plans and has been revised to her satisfaction including the relocation of the post and rail fence. Agent Porter recommended the issuance of an Order of Conditions with the following special conditions: 1) that the straw wattles are to be replaced prior to the onset of construction and new straw wattles to be placed at same location as existing wattle; 2) at time of land transfer the property owner and any successor shall be required to sign an acknowledgement that the split rail fence on property is limit of disturbance on lot in perpetuity and this acknowledgment shall be

notarized and submitted to the Conservation Commission. The Plans for approval is Plot Plan Assessor's Map 136, Lot 484 Seth Daniels Drive with revised date of 3/6/18.

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

- 4. SE49-0789 - A Notice of Intent as filed by DPM Development, Inc. for property identified as Map 136, Lot 485 Seth Daniel Drive in the Settlement subdivision, East of Acushnet Avenue, New Bedford.** Applicant proposes to construct a single family dwelling with associated driveway, utilities and grading within the 100' Buffer Zone to a Bordering Vegetated Wetland. Representative is Jeffrey Tallman of SITEC, Inc.

Mr. Jeffrey Tallman of SITEC was present on behalf of the applicant, DPM Development. Mr. Tallman advised the Commission that this application is for the construction of a 28' x 30' single family dwelling with attached 18' x 28' one stall garage. The roof area is 1,344 s.f. requiring 6 cultec chambers at the rear of the property. On this particular lot the replication area is 200 s.f. larger, than in the proposed design plan.

Agent Porter advised that revision has been made to her satisfaction and recommended the issuance of an Order or Conditions with the following special conditions: 1) that the straw wattles are to be replaced prior to the onset of construction and new straw wattles to be placed at same location as existing wattle; 2) at time of land transfer the property owner and any successor shall be required to sign an acknowledgement that the split rail fence on the property is limit of disturbance on lot in perpetuity and this acknowledgment shall be notarized and submitted to the Conservation Commission. The Plans for approval is Plot Plan Assessor's Map 136, Lot 485 Seth Daniels Drive with revised date of 3/6/18.

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

- 5. SE49-0790 - A Notice of Intent as filed by DPM Development, Inc. for property identified as Map 136, Lot 486 Seth Daniel Drive in the Settlement subdivision, East of Acushnet Avenue, New Bedford.** Applicant proposes to construct a single family dwelling with associated driveway, utilities and grading within the 100' Buffer Zone to a Bordering Vegetated Wetland. Representative is Jeffrey Tallman of SITEC, Inc.

Mr. Jeffrey Tallman of SITEC was present on behalf of the applicant, DPM Development. Mr. Tallman advised the Commission that this application is for the construction of a 46' x 40' single family dwelling with garage built-in. The roof area is 1,790 s.f. requiring eight cultec chambers.

Agent Porter advised that revisions have been made to her satisfaction and recommended the issuance of an Order of Conditions with the following special conditions: 1) that the straw wattles are to be replaced prior to the onset of construction and new straw wattles to be placed at same location as existing wattle; 2) at time of land transfer the property owner and any successor shall be required to sign an acknowledgement that the split rail fence on property is limit of disturbance on lot in perpetuity and this acknowledgment shall be notarized and submitted to the Conservation Commission. The Plans for approval is Plot Plan Assessor's Map 136, Lot 486 Seth Daniels Drive with revised date of 3/6/18.

Commissioner Blanchard made a motion to approve as recommended by the Agent with special conditions as read. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

# **NEW BUSINESS CONTINUED:**

## **1. Ratify Emergency Certification for Shawmut Avenue Pump Station**

Agent Porter advised the Commission that DPI left a piece of equipment at the site and a hole in ground at the sewer pump station and didn't realize they hadn't completed the emergency certification for sewer force main on Shawmut Avenue that had been granted last year. The reason they couldn't complete it was because they couldn't get proper pipes for connection to sewer pump station on Shawmut Avenue and now they want to do the work. Agent Porter spoke with Chairman and he recommended authorizing the installation of a new pipe from pump station to new force main on Shawmut Avenue. The new pipes will have to be tested for leaks and repairs made if any leaks are discovered. They will then back fill the area where pipes will be installed and replace the safety fence that was removed to accommodate construction.

Agent Porter showed the Commissioners pictures of the pipe.

Commissioner Audette made a motion to approve the ratification for an Emergency Certification for the Shawmut Avenue Pump Station. Motion was seconded by Commissioner Gonsalves. All in favor. Motion carries.

## **2. Agent Updates**

### **AIRPORT UPDATE**

Agent Porter advised the Commission that there are two projects underway at the airport. One is for the access road to Plainville Road and the other is Runway 5 obstruction clearing. The Agent has attended both pre-construction meetings and Runway 5 two times and hasn't inspected erosion controls yet because not in place. The Runway 5 project is going well, they are overall doing a good job and not leaving a footprint in the area.

### **PIERCE MILL COVE**

Agent Porter advised that she has been involved in the restoration of Pierce Mill Cove and EPA has been in there after the dredging and they have given up trying to create mud flats, they have also done salt marsh creation at the edge of Market Basket. They monitor it for five year and after that City has responsibility to monitor and will fall under Environmental Stewardship Department.

## **3. General Correspondence**

# **ADJOURN**

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

Respectfully submitted,

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Sandy Douglas, Administrative Coordinator