



**Environmental Stewardship Department/  
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of  
January 2, 2018  
Brooklawn Senior Center**

**Members Absent**

**Dennis Audette  
Jacob Gonsalves**

**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: Chairman Craig Dixon, Commissioner Paul Pacheco, Commissioner Chancery Perks, Commissioner Peter Blanchard.**

**OLD BUSINESS:**

**NONE.**

**NEW BUSINESS:**

- 1. SE49-0769 – Request for Certificate of Compliance as filed by DPM Development for property identified as Rosa Drive (Map 136, Lot 23). Representative is Jeffrey Tallman of SITEC.**

Agent Porter advised that she inspected the site today and everything is in order, the split rail fence is up and the sign are being placed this afternoon. Agent Porter stated that before she signs off on the Certificate of Occupancy she will go back out to the site to verify that the signs have been installed.

Agent Porter recommended the issuance of a full Certificate of Compliance with the following ongoing special condition: Condition #51 states that at the time of land transfer the property owner or any successor shall require the buyer to sign an acknowledgement that the split rail fence on the property is the limit of disturbance in perpetuity and said acknowledgement shall be notarized and original submitted to the Conservation Commission.

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

## **2. Fish Island Pier – Jonah Mikutowicz to appear before the Commission.**

Mr. Jonah Mikutowicz was present. Agent Porter advised that she observed a crane on site and saw what appeared to be a pier. She then went out there with Brian from HDC and contacted AGM and they informed her they had an original license. Mr. Mikutowicz explained that the license was not for floating dock it was for fixed pier. Mr. Mikutowicz stated that along the edge of rip rap and bulkhead they took existing piles, added piles and floats and gangway. Mr. Mikutowicz showed the Commissioners pictures of the site as he gave explanation as to work that was performed. Mr. Mikutowicz stated that existing pier was originally licensed in 1903 with subsequent license in 1930s that said the pier maybe removed and filled with riprap. They have added pilings and replaced some of the deteriorated fender piles and in the process of filing a NOI as per discussion with the Agent to be submitted at the next meeting.

Agent Porter inquired if they require a permit from the Army Corps. Mr. Mikutowicz replied that he's not sure he thinks it is all general permits.

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

## **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) - 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) - 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**

## **NEW HEARINGS:**

1. **SE49-0736** - A Request to Amend Order of Conditions as filed by Farland Corporation for property identified as East of Acushnet Ave., South of Phillips Rd. and North of Victoria St. (Map 130D, Lots 117, 379-387, 392-419). Applicant proposes to reduce the subdivision from 39

lots to 27 lots with an associated reduction in the roadway layout. The storm water management facilities remain unchanged. Representative is Christian Farland of Farland Corp.

Mr. Christian Farland for Farland Corp., was present on behalf of the applicant MIH1LLC to amend the Order of Conditions for 39 lot subdivision. In 2017 it was also revised to a 15 lot subdivision. He would like to Amend the 39 lot subdivision Order of Conditions design to 27 lots. Applicant has eliminated the through street to Victoria Street and eliminated a cul-de-sac and made lots larger. The roadway is presently approved for 34' pavement the applicant is proposing to reduce it to 28' and remove the sidewalks on the inner circle. This design means less impervious area overall but even with the reductions they are keeping the proposed drainage system as originally designed. Mr. Farland is requesting to amend the Order of Conditions and commence clearing. Most of the work is outside of Con Com jurisdiction.

Commissioner Perks inquired if the applicant will have to file a NOI for each individual lot. Agent Porter replied yes he would for all the lots in the buffer zone which is also specified in the Order of Conditions.

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

Agent Porter advised that she reviewed both sets of plans to compare them and confirmed the reduction in pavement width and sidewalk. Agent Porter advised Mr. Farland that she noticed that there was a generic 5,500 gallon water quality control structure proposed under this amended order versus the stormtek approved under the original Order of Conditions and doesn't have a maintenance protocol for the type of water quality structure. Mr. Farland agreed to provide said information to the Conservation Commission.

Agent Porter inquired whether the Commission who like to forward this to Nitsch for review.

Chairman Dixon responded that he doesn't feel it is necessary to send it to Nitsch because they are proposing a dramatic reduction. All the Commissioners agreed that it was not necessary to forward this to Nitsch for further review.

Agent Porter recommended the issuance of an amended Order of Conditions with the same special conditions as cited in the Original Order of Conditions with one addition; to provide the calculations and maintenance schedule for the water quality unit prior to the issuance of an Order of Conditions. The plans for approval are those submitted with the Amended Order.

Commissioner Perks made a motion to issue an Amended Order of Conditions with additional special condition as read by the Agent. Motion was seconded Commissioner Blanchard. All in favor. Motion carries.

- 2. 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.

Agent Porter advised that this matter cannot be heard because the certified green cards have not been received. Mr. Farland apologized and requested that this matter be continued to the next hearing.

## **NEW BUSINESS CONTINUED:**

## 1. Agent Updates and General Correspondence

- Agent Porter advised the Commission that correspondence was received from Bristol County Mosquito Control requesting to perform ditch cleaning at the airport. Agent Porter left a message for Diana Brennan, the Wetlands Coordinator for BCMC requesting a meeting with her and Airport Manager to go over these areas.
- Agent Porter advised the Commission that Nitsch submitted two letters with regard to the two storm water pollution prevention plans. One is for 61 John Vertente Boulevard and the other is for 100 Duchaine Boulevard. Both have the same comment that the SWPPP states that Parallel Products is an owner/operator on Page 3 of the SWPPP and that Parallel Products as owner of the property has operational control over construction plans and specs and is required to maintain work on their property in compliance with 2017 construction general permit and recommended that Parallel Products file a NOI with EPA. Agent Porter forwarded this correspondence to Farland Corporation today,
- Chairman Dixon inquired as to how long the continued hearings can remain on the Agenda. Agent Porter advised that it can sit on agenda for two years. The one for A-1 Asphalt is getting close to the two year mark and she believed they are in executive session with Planning Board and knows it's pending in court but does not know the status. The Agent also does not know the status with the ZBA.
- Agent Porter stated that she spoke to Michele Paul with regard to Ruggles Street approaching two year mark in a couple of months and Mrs. Paul advised that they have to wait for funding and once funding is available they will be submitting the revised plans. Commissioner Pacheco inquired as to what happens when it hits the two year mark. Agent Porter responded that a new NOI will have to be filed.

## **ADJOURN**

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

Respectfully submitted,

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Sandy Douglas  
Administrative Coordinator