



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
August 16, 2016
Room 314, City Hall**

Members Present

Craig Dixon, Vice Chairman
Dennis Audette
Paul Pacheco
Jacob Gonsalves

Members Absent

John Radcliffe, Chairman

Staff Present

Agent Sarah Porter
Sandy Douglas, Admin., Specialist

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

NEW BUSINESS:

- 1. SE49-0551 - A Request for Certificate of Compliance for property identified as 70 Dana Street, New Bedford (Map 125A, Lot 473).** Representative is Richard R. Riccio of Field Engineering Co., Inc.

Mr. Jon Connel of Field Engineering was present on behalf of Mr. Riccio. Mr. Connel stated that Mr. Riccio has submitted the as-built and is, therefore, requesting a Certificate of Compliance at this time.

Agent Porter advised that the only change to the plan was that they paved an area of the driveway that was supposed to have been crushed stone. Agent Porter spoke with Mr. Riccio with regard to this and he advised that the crushed stone infiltration trench has twice the required volume of space than what was required for the driveway so the runoff from the pavement will be cleaner than coming from crushed stone. Agent Porter also advised that the sign is up on the split rail fence and an acknowledgement that the fence is there and is to be established in perpetuity has been signed and submitted. In addition to the ongoing conditions, the modified rock spillway and paved apron is to remain clean of debris and snow at all times so that the water can freely flow off of Dana Street.

Agent Porter recommended the issuance of a full certificate of Compliance with ongoing Conditions 51 and 52.

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

- 2. SE49-8 – A Request for Certificate of Compliance for property identified as Purchase Street, New Bedford (Map 97, Lot 6).** Representative is Marc R. Deshaies, Esquire.

Agent Porter advised that this project is very old (1975). It was supposed to have been the construction of a tennis facility near the Sid Wainer property and it was never built. Agent Porter did visit the site. Attorney Deshaies is requesting a Certificate of Compliance so that he can clear title on this property.

Agent Porter recommended the issuance of a Certificate of Compliance that states it is an invalid order of conditions, the work never commenced, the order of conditions has lapsed and is, therefore, no longer valid. No future work subject to the Wetlands Protection Act may commence without the filing of a new Notice of Intent and receiving a new Order of Conditions.

Commissioner Gonsalves made a motion to approve as recommended by the Agent with conditions as read. Motion was seconded by Commissioner Pacheco. 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) - 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) - 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 TO 9/6/16.**
3. **SE49-0744 – (Continued from 8/16/16) - A Notice of Intent as filed by Richard Poyant of Poyant Signs, Inc for property identified as 125 Samuel Barnet Blvd., New Bedford (Map 133, Lot 46).** Applicant proposes to conduct tree removal in the Buffer Zone to an Inland Bank to allow for installation of roof top PV solar panels. Representative is Andrew Poyant, PWS.

Mr. Richard Poyant of Poyant Signs was present and advised that they have received the Notice of Finding from Natural Heritage which stated the project would have no impact, and they have revised the plans with the plantings and flag locations as requested at the last meeting.

Agent Porter recommended the issuance of an Order of Conditions with the plans for approval being Site Plan and the document for approval being Table 1 Shrub Planting Plan Where Trees Will Be Removed. The special conditions 1) shrub planting and seeding to be done in the fall or spring planting season; 2) removal of trees is permitted within the designated tree removal area as shown on the approved site plan in perpetuity to keep the area clear of trees which shade the building.

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

NEW HEARINGS:

None.

CONTINUED NEW BUSINESS:

1. Agent Updates

SE49-365

Agent Porter advised that the original Order of Conditions was issued years ago for a single family dwelling in the buffer zone and there was a Superseding Order. The applicant is now requesting an extension of the permit. Said request will be held on site August 31st at 10:00 a.m. The reason it was appealed was because the neighbors did not get along and this is not of any concern to the Commission. Agent Porter will attend the on-site meeting. The applicant is requesting a 3 year extension.

BRISTOL COUNTY MOSQUITO

Agent Porter advised that Bristol County Mosquito is proposing ditch maintenance this fall behind the McDonald's on Kings Highway. This wetland has a lot of debris and is not a concern to the Commission.

SASSAQUIN POND

Agent Porter advised that Ms. Maria Fortes DeAraujo of 1234 Robin Street came by the office yesterday and informed the Agent that she had paid \$30.00 to belong to the Pineland Park Private Reservation at Sassaquin Pond. She went swimming there with some guests and was told she needed to leave because she was not allowed there. Commissioner Audette stated that she would have to contact Mike Frye. Agent Porter replied that Mike Frye was the one that asked her to leave and she felt very intimidated and now wants to know why she couldn't swim there. Agent Porter informed Ms. DeAraujo that this had nothing to do with the Conservation Commission. Agent Porter asked Commissioner Audette if he knew what this private association was. Commissioner Audette responded that all the land except for City owned land is all in trust and most of it is in trust to houses across the street. Years ago they started this Pineland Park Association and they collect a fee for people to use it and the money would help pay the taxes. Commissioner Audette does not know why Mr. Frye would have asked her to leave if he collected her \$30.00 fee. Agent Porter is going to contact Mr. Frye directly.

General Correspondence

Commissioner Audette made a motion to adjourn at approximately 6:52. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas
Administrative Specialist