



**Environmental Stewardship Department/
Conservation Commission**

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

**Meeting Minutes of the Conservation Meeting of
September 17, 2019
Brooklawn Senior Center**

Members Absent

Staff Present

**Agent Sarah Porter, Conservation Agent
Sandy Douglas, Admin. Coordinator**

CALL MEETING TO ORDER

Chairman Dixon called the meeting to order at 6:30 pm

ROLL CALL OF COMMISSIONERS

Vice Chairman, Dennis Audette, Chairman, Craig Dixon, Commissioner Peter Blanchard, and Commissioner Paul Pacheco

OLD BUSINESS:

1. **SE49-0771** - (Continued from 5/7/19, 5/21/19, 6/4/19, 6/18/19, 7/2/19, 7/16/19, 8/6/19, 8/27/19) – A Request for partial Certificate of Compliance as filed by Tim Cusson of Parallel Products of New England for property identified as 100 Duchaine Boulevard (Map 134, Lot 5). Representative is Matthew White of Farland Corp.

Neither the representative nor applicant were present. Agent Porter advised that a letter was received from Nitsch and the representative was to file an amended order and it has not been filed yet.

Commissioner Audette made a motion to table to October 1st. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

2. **SE49-0798** - (Continued from 7/16/19, 8/6/19, 8/27/19) - Request for a Certificate of Compliance as filed by Plumbers Supply Co., Inc., for property identified as Flaherty Drive (Map 133, Lot 61). Representative is Richard Riccio of Field Engineering.

Mr. Richard Riccio of Field Engineering was present on behalf of the applicant. Mr. Riccio advised that since the last meeting they have met on site with Sarah and Nitsch and Nitsch has sent memo dated September 13, 2019 with comments that have all been addressed and work performed.

Agent Porter advised that she received comment letter from Nitsch dated September 13, 2019 from field visit on August 30th, they have satisfied all Nitsch's comments and did visit the site today and it's all set. Recommended the issuance of a full certificate of Compliance with ongoing conditions #19 and #50.

No further comments were heard.

Commissioner Pacheco made a motion to approve a full Certificate of Compliance with ongoing conditions as read by the Agent. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

NEW BUSINESS:

1. **SE49-0713 - Request for a Certificate of Compliance as filed by Gregory Kulpinski, VVK Realty, LLC., for property identified as 1494 East Rodney French Boulevard (Map 12, Lot 77).** Representative is Susan E. Nilson, P.E., of Foth.

Agent Porter advised that the representative asked this matter to be discussed without their presence since it is a straightforward project. Agent advised that she received letter dated September 11, 2019 together with as-built dated September 9, 2019. This was for the relocation of the tiki bar and associated pervious pavers, timber posts, electrical system and arborvitae. The outline is smaller than designed. Agent recommended the issuance of a complete Certificate of Compliance that the project is in substantive compliance with the Order of Conditions with no ongoing conditions.

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

2. **SE49-0718 – Request for a Certificate of Compliance as filed by Gregory Kulpinski, VVK Realty, LLC., for property identified as 1494 East Rodney French Boulevard (Map 12, Lots 77 & 290).** Representative is Susan E. Nilson, P.E., of Foth.

Agent Porter advised that this project was never built. It was for the construction of the pile anchor floating dock, gangways, installation of moorings and public access way. The work was not done and recommended the issuance of an invalid Order of Conditions - it is hereby certified that the work regulated by the above referenced Order of Conditions never commenced, the time has lapsed and is no longer valid. No future work subject to the regulations of the MA Wetland Protection Act may commence without filing a new Notice of Intent and receive a new Order of Conditions.

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

Commissioner Audette made a motion for an invalid Order of Conditions. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

3. **SE49-0805 – South Coast Rail - Request to conduct additional vegetation clearing in the Buffer Zone.** Representative is Lars Carlson of VHB, Inc.

Mr. Lars Carlson of VHB, Inc., was present. Mr. Carlson read the email for the record that he sent to Agent Porter on Monday, September 9, 2019. Mr. Carlson advised that he is here this evening at the request of the New Bedford Police Department. The Police Department has requested additional clearing of 16,160 sf of buffer zone to increase visibility and safety around the railroad right-of-way and the associated wetland mitigation area, which has historically been used as an encampment by homeless people. The New Bedford Police Department and MassDOT believe the additional clearing will deter repopulation of the area upon completion of mitigation area construction, which is scheduled to occur within the next few weeks. Mr. Carlson did meet on site with Agent Porter and New Bedford Police Lt. DaCosta and it was clear there were people in the area known as the Dartmouth Y. In order to do mitigation area they had to conduct invasive species management which involved spraying with herbicide. The police posted a 72-hour notice to the homeless to leave the area, which they did, but they also returned that evening. As described in NOI there will be two mitigation areas. In order to build them they will clear the existing vegetation thereby improving visibility. If Con Com agrees, they will also conduct additional shrub clearing on north and south of the larger area and with that clearing it will then give good visibility to the police.

Commissioner Audette stated that his concern is that most of these encampments are in the buffer zone or in wetlands and if allow this than it would become a precedent about this happening in other locations that have encampments in the City.

Agent Porter stated that Commissioner Audette made a good point, but they are just removing primarily invasive plants, it's going to grow back.

Agent Porter stated for the record that she received an email dated 9/9/19 from Lars Carlson of VHB describing the request to remove additional vegetation due to the presence of a homeless encampment at request of the NB Police Department. Along with the email she received a wetland mitigation plan (sheet 515) stamp dated 9/9/19 which shows the additional area of clearing and relocated erosion control barrier, photograph dated 9/5/19 of the homeless encampment. Agent's comment is that it's primarily invasive species that they are clearing and can see Dennis' point and the Commission has encountered this problem in the past at Riverside Park in the buffer zone but, again, that was all invasive species.

Elizabeth Saulnier of 94 Birchwood Drive, New Bedford, she suggested taking the police out of the equation and maybe making their decision that way.

Chairman Dixon stated that this is a straightforward request by the DOT and if the request was made by anyone, he would still agree to allow the additional clearing.

Commissioner Blanchard made a motion to approve additional clearing in the buffer zone. Motion was seconded by Commissioner Pacheco. Chairman Audette abstained from voting on this matter. Motion passed.

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, 12/18/18, 01/8/19, 1/22/19, 2/5/19, 2/19/19, 3/5/19, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19, 7/2/19, 7/16/19, 8/6/19, 8/27/19) - 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, 12/18/18, 01/8/19, 1/22/19, 2/5/19, 2/19/19, 3/5/19, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19, 7/2/19, 7/16/19, 8/6/19, 8/27/19) - 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. **SE49-0819** - (Continued from 3/5/19, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19, 7/2/19, 7/16/19, 8/6/19, 8/27/19) - Notice of Intent as filed by MIH1, LLC for property identified as Farland Circle (Map 130D, Lot 472). Applicant proposes to construct a single-family dwelling in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Jack Tabares of Farland Corp.

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

4. **SE49-0820** - (Continued from 3/5/19, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19, 7/2/19, 7/16/19, 8/6/19, 8/27/19) - Notice of Intent as filed by MIH1, LLC for property identified as Farland Circle (Map 130D, Lot 477). Applicant proposes to construct a single-family dwelling in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Jack Tabares of Farland Corp.

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

5. **SE49-0821** - (Continued from 3/5/19, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19, 7/2/19, 7/16/19, 8/6/19, 8/27/19) - Notice of Intent as filed by MIH1, LLC for property identified as Farland Circle (Map 130D, Lot 478). Applicant proposes to construct a single-family dwelling in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Jack Tabares of Farland Corp.

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

6. **SE49-0824** - (Continued from 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19, 7/2/19, 7/16/19, 8/6/19, 8/27/19) - A Notice of Intent as filed by Michele Paul Director of Environmental Stewardship for the City of New Bedford for property identified as Riverside Park (Map 99, Lot 81; Map 100, Lots 83 and 84) which is located on the east side of Belleville Ave. and the north side of Coffin Ave. Applicant proposes to remove invasive species. construct a six-foot wide riparian

walkway and plant native vegetation adjacent to the pathway. Representative is Stevie Carvalho of Farland Corp.

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

NEW HEARINGS:

NONE.

OLD BUSINESS CONTINUED:

1. 3806 Acushnet Avenue - update on Restoration Plan

Agent Porter advised that the only update she has is she is waiting for the sign to be installed. She spoke with Steve Chmiel and he is going to order the sign and bill Mr. Rosanina.

2. Briarwood Court – update

Agent Porter advised that she spoke with John Flor and he could not find the area so he is going to need to go back there and look at the property and will then refer it to Inspectional Services and if the property owners do not clean the property, the City will clean it and then bill the owners.

NEW BUSINESS CONTINUED:

1. Agent Updates/General Correspondence

Green Infrastructure Workshop

Agent Porter advised that the Green Infrastructure Workshop will take place this Friday at Fort Taber Community Center. Agent Porter, Peter and Paul will be present.

Mass DEP Wetlands Forum

Agent Porter advised that the MA DEP Wetlands Forum in Lakeville on September 26th, has been cancelled.

MACC Conference

Agent Porter advised that the Fall MACC Conference will take place on October 19th and if anyone is interested in attending to please let Sandy know.

424 West Rodney French Boulevard

Agent Porter advised that she received a set of plans for 424 W. Rodney French Blvd., they are remodeling their outside porch and replacing the steps with new steps, taking down all the columns and decking. Deck frame is to remain in their and some existing columns, replacing brick stairs and putting in new decking. Agent Porter inquired as to the filing. Commission agreed that an RDA should be filed.

Victory Park

Agent Porter advised that Christian Smith would like to create a native pollinator garden in an open field North of Victory Pond. Because it's all native species, he is exempt under the Wetlands Protection Act from having to file with the Conservation Commission and is separated from the pond by a road and should not have any impact on the pond. Agent Porter will meet with him tomorrow to go over the proposed project.

Swallow Street Extension

Agent Porter stated for the record she received a letter with photos of the site dated 9/13/19 from Prime Engineering requesting that they not have to submit the NOI by 10/3/19 because the subdivision must be redesigned. Agent spoke with Rich Rheame and they have erosion controls installed and he thinks it has to be redesigned. Agent inquired as to how the Commission feel about not pursuing the EO to have NOI submitted by 10/3/19? Mr. Carvalho has assured that no further work will be done until an Order of Conditions has been obtained. The Commission agreed to not pursue the Enforcement Order deadline.

Waterpark

Agent Porter advised that the waterpark was being dismantled about two weeks ago and Barry Sylvia went out there and filmed them and told them that they were in violation of the OC which says they cannot do any cleaning on the beach. They weren't really cleaning they were brushing off algae and barnacles. They cannot use cleaners or detergents out there. He then proceeded to call DEP to inform them that they were in violation of the OC. DEP contacted Sarah and asked her to contact Mr. Sylvia since it was a local violation. Agent Porter called him and left a detailed message and he has not called back.

2. Leasing of Color Copier

Agent Porter advised that we have a new lease and the Conservation Commission will share one half of the yearly cost with the Environmental Stewardship Department. The yearly cost would be \$1,162.00 that would be paid from the revolving account.

Commissioner Pacheco made a motion to pay the sum of \$1,162.00 from the revolving fund. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

3. Meeting Minutes of 8/27/19 for approval.

Commissioner Audette made a motion to approve the meeting minutes of 8/27/19. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Revere Copper

Commissioner Audette inquired as to what was going on at Revere Copper & Brass. Agent Porter stated that she has been there for a pre-application meeting for a boatyard. They will be filing a NOI and plan on rebuilding the bulkhead entirely.

ADJOURN

Commissioner Audette 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