



**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

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 approximates 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 GJK 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