



Environmental Stewardship Department/
Conservation Commission

City of New Bedford
Jonathan F. Mitchell, Mayor

Meeting Minutes of the Conservation Meeting of
February 21, 2017
Room 314, City Hall

Members Present

Craig Dixon, Chairman
Dennis Audette, Vice Chairman
Jacob Gonsalves

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.

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, 2/7/17) - 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 storm water 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, 2/7/17) - 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, 2/7/17) - 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, 2/7/17) - 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.

5. **SE49-0750 – (Continued from 2/7/17) - A Notice of Intent as filed by VVK Realty, LLC and GGK 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. **CONTINUED**
6. **SE49-0748 – (Continued from 2/7/17) - 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. **CONTINUED**
7. **SE49-0749 – (Continued from 2/7/17) - 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. **CONTINUED**

NEW BUSINESS:

1. **SE49-456 – Request for a Certificate of Compliance for Whalers Woods Realty Trust for the roadways and storm water management facilities in the entire subdivision.** Representative is Richard Rheaume of Prime Engineering, Inc. **CONTINUED**
2. **3806 Acushnet Ave** – owner requested to appear to address cutting in Wetlands and Buffer Zone.

The owner of 3806 Acushnet Avenue, David Rosanina, was present. Agent Porter advised that Mr. Rosanina has previously been before this Commission with regard to tree cutting and showed the Commission the meeting minutes of said meeting.

Agent Porter received a call from a neighbor advising that there was cutting going on. Agent Porter went to the site and asked Mr. Rosanina to stop cutting until he appeared before the Commission. There is an old map that shows where wetlands are and it shows the wetlands going into the lot there is about 4,000 s.f. of wetland.

Mr. Rosanina stated that he is 45 years old and lived in NB his whole life and has been married for 26 years. He has never owned property before purchasing this home that he purchased 3 years ago and that if it was today he wouldn't have purchased this property because of the land. Mr. Rosanina stated that Conservation Commission is welcome to come to his property and inspect anything. He continued that when he purchased property he noticed that there was a lot of debris that had been dumped onto lots 1 & 2 he also noticed on Charbonneau Lane (paper trail) that there is dumping in that area. When he purchased this property he didn't know anything about wetlands except you could not build on it. When he purchased the property it was a mess and he has personally done a lot of cleaning of this property including debris and brush.

Mr. Rosanina stated that he did cut the trees after he was asked by this Commission not to cut trees. The reason he did it is because the trees are uprooted and are unsafe and was afraid of them falling and he should have asked for permission prior to him cutting the trees on lot 1 in the corner of the property. Chairman Dixon advised that whenever he is going to do any work near the wetlands he needs to come before this Commission as he was advised at the previous meeting.

Commissioner Audette stated that the issue here is at the last meeting it was well explained to him that he should have someone flag the area so he would know his wetland boundary and if he doesn't know where the wetland boundary line is then he shouldn't be performing work. And in the meantime, he was not to perform any work until that wetland boundary had been flagged.

Chairman Dixon agreed with Commissioner Audette that Mr. Rosanina was well informed at the last meeting.

Agent Porter advised Mr. Rosanina that he should contact Mr. Romanelli who did the original flagging and he could probably go back out there and reflag the wetland boundary. The flags that are currently out there are not wetland boundary flags and the Agent does not know what they signify.

There some trees by the Avenue that Mr. Rosanina would like to take down, which are the trees he was cutting when Agent arrived on his property. These trees are in the outer buffer zone.

Chairman Dixon advised Mr. Rosanina that he feels that Mr. Rosanina is trying to pull one over on the Commission since he knew that he was not allowed to do any cutting and that he should have come before this Commission before he does any work as he was advised.

Agent Porter advised Mr. Rosanina that in order for him to cut these trees in the outer buffer zone he will need to file A Request for Determination of Applicability.

Mr. Rosanina will contact Agent Porter to get assistance in filing a Request for Determination of Applicability.

3. Agent Updates

Airport

Scott Turner and Agent Porter had a telephone conference with airport because there were outstanding issues that had not been addressed yet. Amanda Atwell has requested a continuance again and it is important that Nitsch's comments are satisfied because they have increased the flows to the wetlands by a significant amount and have decreased it into another wetland and have not given a 25' setback and they advised it's because of parking requirements.

The Edge Restaurant

Agent Porter advised that there is a storage container out there with no electricity hooked it's not shown on the plans but can place a condition to get it removed during an extreme storm event

4. General Correspondence

None.

Commissioner Audette made a motion to adjourn at approximately 7:22. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas
Administrative Coordinator