



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

October 26, 2016

Corinne M. Dinucci
21 Schooner Court
New Bedford, MA 02745

Re: Order of Conditions SE49-0534
Map 130G, Lot 232
Whalers Woods Estates

Dear Ms. Dinucci,

This letter is to follow up on your appearance before the Conservation Commission on October 6th, 2016. The Conservation Commission is requesting that you install a permanent immovable barrier where the split rail fence was located on your property as required by the Order of Conditions. It is up to you to present to the Commission the dimensions and type of barrier you would like to install. The barrier could be composed of a split rail fence, large boulders, a fieldstone wall, or a living barrier such as Arbor Vitae. The sign is to remain installed as required by Special Condition 50 of the Order of Conditions. Special Condition 50 states that *"Upon completion of construction, a split rail fence shall be installed along the hay bale/silt fence line to establish a no disturbance boundary in perpetuity. A sign/placard shall be placed on the fence stating that a protected Conservation Area exists beyond this fence and is to remain undisturbed per Order of the New Bedford Con Com. Work on the developed side of the split rail fence requires the permission of the Conservation Commission wherever such work falls within the 100' Buffer Zone."* The Commission is willing to consider barriers other than a split rail fence for your property provided you provide a plan of how you are going to accomplish this and a date by which it will be completed.

You have indicated you do not intend to comply with Special Condition 51 of the Order of Conditions. Special Condition 51 states that *at the time of land transfer the proponent (Whalers Woods Realty Trust or any successor), shall require the buyer to sign an acknowledgement that they have read and understand Condition 50 and a copy of said acknowledgement shall be forwarded to the Commission.* Whalers Woods Realty Trust has attempted to have you sign the acknowledgement but you have not done so. Please be aware that this means a Certificate of Compliance cannot be issued for your property. The Order of Conditions for SE49-0534 shall remain as an encumbrance on your deed without a Certificate of Compliance from the Conservation Commission. Should you intend to sell the property, a Certificate of Compliance is normally required before you can close on the real estate transaction. The Conservation Commission hereby requests that you submit a letter by November 18th, 2016 detailing how you intend to replace the No Disturb Boundary and a date by which this will be accomplished.

Alternatively, you can attend the next Conservation Commission meeting on Tuesday November 15th at 6:30 PM in Room 314 of City Hall to present to the Commission your plans for replacing the No Disturb Boundary. Please contact me at 508-979-1497 if you should have any questions regarding this correspondence.

Sincerely,

Sarah E. Porter
Conservation Agent

cc: Conservation Commissioners, file