



MAYOR
JON MITCHELL

**City of New Bedford Conservation Commission •
Department of Environmental Stewardship**

133 William Street · Room 304 · New Bedford, Massachusetts 02740

Telephone: (508) 991.6188

Conservation • Environmental Stewardship • Resilience

**Meeting Minutes of the Conservation Meeting of
SEPTEMBER 9, 2021**

**PUBLIC HEARING held at the Brooklawn Senior center,
1997 Acushnet Avenue, New Bedford, MA**

Members Absent

Kimberly Rioux, Commissioner

Staff Present

**Chancery Perks, Conservation Agent
Sandy Douglas, Admin. Coordinator**

CALL MEETING TO ORDER

Chairman Audette called the meeting to order at 6:37 pm

ROLL CALL OF COMMISSIONERS

Chairman, Dennis Audette, Vice-Chairman Peter Blanchard, Commissioner Sean Carney.

GENERAL PROCUEDEURES FOR HEARING

Chairman Audette read General Procedure for Hearings for the record.

Commissioner Carney made a motion at this time to take SE49-0875 out of order. Motion was seconded by Commissioner Blanchard.

Vice-Chairman Peter Blanchard- Vote in favor

Commissioner Sean Carney-Vote in favor.

Chairman Dennis Audette- Vote in favor

All in favor. Motion carries.

OLD BUSINESS:

- 1. (Continued from 8/17/21) - Request for Determination of Applicability as filed by Phillips Road Business Park, LLC for property identified as Phillips Road, New**



133 William Street-Room 304, New Bedford, MA 02740 - Telephone 508-991-6188

Bedford, MA, (Map 136, Lot 467). The applicant is requesting verification of the wetland line and to determine if area is subject to Jurisdiction of any applicable NB Wetlands Ordinance and/or the Wetlands Protection Act. Representative is Alison Cesar, SITEC/CEC, Inc.

Ms. Alison Cesar was present this evening on behalf of the applicant and is requesting that the wetlands be delineated.

Agent Perks read his memo into record as follows:

Per the Request for Determination of Applicability (RDA) filed by Alison Cesar of SITEC Inc. filed 8/17/2021 I Chance Perks, New Bedford Conservation Agent, conducted a delineation confirmation on the Phillips Rd site.

During my review I observed unauthorized test pit excavations and destructive vegetation clearing within the 25' Buffer Zone. The 'minor activity' exemption of the test pits clause of 310 CMR 10.02(2)(b)(2)g. is not pertinent in this case since in "the judgement of the issuing authority" these activities must have negligible impacts on a Buffer Zone, which the evidenced activities were not. See attached photos from 9/3/2021 site visit.

My observations and comments on current delineation are as follows:

- No comment on flags #A1 -A4 as they overlap with other development project filed earlier.
- Delineation began with flag **A10BF** which I would like relocated 15' east of its current location in addition to alterations noted below.
- Relocate **A11BF** 8' east
- Where is/ why is **A12BF** missing from both field and map?
- Relocate **A13BF** 10' east
- Relocate **A14BF** 10' east
- Where is/ why is **A15BF** missing from both field and map?
- Relocate **A22BF** 15' northeast
- Relocate **A23BF** 15' northeast
- Where is/ why is **A24BF** missing from both field and map?
- Flags **A26BF** & **A27BF** mislabeled on the map
- Flag **A27BF** was on a tree that was knocked down by machine during test plots (See photo).
- Relocate flags **A27BF** through **A30BF** to original locations north of current locations (approximately 15-20') (flags still present but with label ripped off).

Chairman Audette inquired as to they these test pits were being done. Ms. Cesar replied that she was not aware this was happening as far as the flags they can correct those. Ms. Cesar has been in contact with her client and doesn't believe the trees were intentionally knocked down it may



have been from a weather event. Agent Perks added that Ms. Cesar is welcome to visit the site and check the trees but there are scrapes on the trees.

Agent Perks recommended an independent wetland review by a wetland firm.

Commissioner Carney made a motion for an independent wetland review and that all correspondence be forwarded to the Agent prior to any work. Motion was seconded by Commissioner Blanchard.

Vice-Chairman Peter Blanchard- Vote in favor
Commissioner Sean Carney-Vote in favor.
Chairman Dennis Audette- Vote in favor

All in favor. Motion carries.

- 1. A Request for Determination of Applicability as filed by NextGrid, Inc., for property identified as 376 Nash Road (Map 102, Lots 85, 95, 163 & 185).** The applicant is proposing to construct a solar array that will consist of five carport canopy structures and a rooftop array. Representative is Richard Riccio, P.E., of Field Engineering Co., Inc.

Mr. Richard Riccio of Field Engineering was present on behalf of the applicant and advised that his applicant is proposing to construct a solar array behind Luzo Food, and a five-carport array structure to allow vehicles to drive underneath. None of the work is in the wetland and confirm that there is no conservation jurisdiction on the project. There is no change to the ground cover being proposed and requested a negative determination.

No comments were heard in favor or in opposition of the project.

Agent Perks advised that he met with Mr. Riccio on site and recommended a negative Box 6.

Commissioner Carney made a motion for a negative box 6. Motion was seconded by Commissioner Blanchard.

Vice-Chairman Peter Blanchard- Vote in favor
Commissioner Sean Carney-Vote in favor.
Chairman Dennis Audette- Vote in favor

All in favor. Motion carries.

- 2. A Request for Determination of Applicability as filed by Christopher Routson for property identified as 1054 Beverly Street (Map134A, Lot 5).** The applicant is proposing to construct a 16' x 20' pressure treated wooden deck to the back of the house. Representative is Christopher Routson.



Mr. Christopher Routson was present and advised that he is proposing to construct a 16'x20' deck on the back of his house and that Agent Perks has visited the site.

No comments were heard in favor or in opposition of the project.

Agent Perks advised that he did visit the site and because within the 100' buffer zone requested an RDA be filed and recommended a negative box 6.

Commissioner Carney made a motion for a negative box 6. Motion was seconded by Commissioner Blanchard.

Vice-Chairman Peter Blanchard- Vote in favor
Commissioner Sean Carney-Vote in favor.
Chairman Dennis Audette- Vote in favor

All in favor. Motion carries.

- 3. A Request for Determination of Applicability as filed by Cliftex Lofts, LLC., c/o Winn Companies, for property identified as 170 Riverside Avenue (Map 105, Lot 135).** The applicant is proposing to replace a 1,700+/- s.f. cobblestone drive with an asphalt driveway, matching the existing grade. Erosion control will be set between the construction area and the resource areas to the east. Representative is Christopher Gilbert of Farland Corp.

Mr. Christopher Gilbert of Farland Corp., was present on behalf of the applicant and advised that they are proposing to replace cobblestone driveway with asphalt, will be matching existing grades, outside of 100' buffer, proposing erosion controls.

No comments were heard in favor or in opposition of this project.

Agent Perks recommended a negative box 6.

Commissioner Carney made a motion for a negative box 6. Motion was seconded by Commissioner Blanchard.

Vice-Chairman Peter Blanchard- Vote in favor
Commissioner Sean Carney-Vote in favor.
Chairman Dennis Audette- Vote in favor

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, 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, 9/3/19, 9/17/19, 10/2/19, 10/15/19, 11/5/19, 11/19/19, 12/3/19, 12/17/19, 1/7/20, 1/21/20, 2/4/20, 2/18/20, 3/10/20, 3/24/20, 6/16/20, 7/7/20, 7/21/20, 8/3/20, 8/18/20, 9/1/20, 9/15/20, 10/6/20, 11/3/20, 11/17/20, 12/1/20, 12/15/20, 1/5/21, 1/19/21, 2/16/21, 3/2/21, 3/16/21, 4/6/21, 4/20/21, 5/4/21, 5/18/21, 6/1/21, 6/15/21, 7/6/21, 7/20/21, 8/3/21, 8/17/21) - 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 Tom Crotty, Esquire. **CONTINUED**

Commissioner Carney made a motion to continue to 9/21/21. Motion was seconded by Commissioner Blanchard.

Vice-Chairman Peter Blanchard- Vote in favor
Commissioner Sean Carney-Vote in favor.
Chairman Dennis Audette- Vote in favor

All in favor. Motion carries.

2. **SE49-0865** - (Continued from 2/6/21, 3/2/21, 3/16/21, 4/6/21, 4/20/21, 5/4/21, 5/18/21, 6/1/21, 6/15/21, 7/6/21, 7/20/21, 8/3/21, 8/17/21) - A Notice of Intent as filed by Joseph Swift of Crystal Ice Co., Inc. The applicant proposes to repair/replace portions of the timber wharf structure which are moderately to severely damaged due to vessel impact and timber deterioration. Representative is Richard Fitzgerald of AGM Marine. **CONTINUED**

Commissioner Carney made a motion to continue to 9/21/21. Motion was seconded by Commissioner Blanchard.

Vice-Chairman Peter Blanchard- Vote in favor
Commissioner Sean Carney-Vote in favor.
Chairman Dennis Audette- Vote in favor
All in favor. Motion carries.

3. **SE49-0875** - (Continued from 8/3/21, 8/17/21) - A Notice of Intent as filed by Miles Sundermeyer Ph.D. for the properties identified as 706 S. Rodney French Blvd (map 3, parcel 5) and 1641 Padanaram Ave. (map 17A, parcels 1, 104, 105). The applicant is proposing the installation of two 30' tall meteorological research towers at the two locations for a short-term project. Representative is Miles Sundermeyer Ph.D.



Chairman Audette advised that this hearing cannot be heard at this time because there isn't an appropriate quorum since Commissioner Rioux is not here tonight and it must be continued to September 21, 2021.

4. **SE49-0876 - (Continued from 8/17/21) - A Notice of Intent as filed by Steven Silverstein of Cisco New Bedford, LLC for property identified as 1494 East Rodney French Boulevard, New Bedford, MA (Map 12, Lot 77).** The applicant is proposing to install a gangway and floating dock on the north side of the existing timber pier. Representative is Susan Nilson of Foth Infrastructure & Environmental, LLC.
CONTINUED

Commissioner Carney made a motion to continue to 9/21/21. Motion was seconded by Commissioner Blanchard.

Vice-Chairman Peter Blanchard- Vote in favor
Commissioner Sean Carney-Vote in favor.
Chairman Dennis Audette- Vote in favor
All in favor. Motion carries.

NEW HEARINGS:

NONE

NEW BUSINESS CONTINUED:

1. Agent Updates/General Correspondence

RIVERSIDE PARK

Mr. Val Costa from Parks, Beaches and Recreation for the City of New Bedford was present and advised that the company is from Georgetown, MA that is providing the goats for the goat management at Riverside. It is a two-hour drive for the company, and they are requesting if the goats can be kept on site overnight instead of removing them transporting them at the end of the day as per the original Order of Conditions. There will be a fence, and someone will be on site 24/7 and there is shelter.

Carney if there is severe weather. Costa, they will then be removed.

Agent Perks did a site visit with MR. Costa and this all seems fine to him and feels that this is a good thing.

Commissioner Carney made a motion to Administratively authorize the goats to stay overnight. Motion was seconded by Commissioner Blanchard.



Vice-Chairman Peter Blanchard- Vote in favor
Commissioner Sean Carney-Vote in favor.
Chairman Dennis Audette- Vote in favor
All in favor. Motion carries.

WATERPARK

Chairman Audette mentioned to Mr. Costa that in the NOI it states that the anchors need to be removed and that his Department needs to come up with a plan on how they are proposing to take out the anchors and would like to see a plan by the next meeting.

Agent Perks if heard anything whether or not they are coming back next year. Mr. Costa stated that they are coming back next year.

2. Meeting Minutes of August 3, 2021 for approval.

Commissioner Carney made a motion to approve the meeting minutes of August 3, 2021.
Motion was seconded by Commissioner Blanchard.

Vice-Chairman Peter Blanchard- Vote in favor
Commissioner Sean Carney-Vote in favor.
Chairman Dennis Audette- Vote in favor
All in favor. Motion carries.

3. The Crooks of East Rodney French (Beach owners) want to install ‘private property’ signs on the beach and want to get the Commission’s permission

Agent Perks advised that this request has since been withdrawn.

4. Dennis Audette of 1377 Sassaquin Ave is submitting a letter to the Commission regarding tree removal from utility pole vicinity in 100’ buffer zone

Agent Perks advised that he received a written request from Mary Audette of 1377 Sassaquin Avenue dated August 27, 2021 to remove trees around the power lines. Agent Perks visited the site on August 27th. The Commissioners do not have any objection to this request.

Agent Perks requested authorization to purchase a GPS and D-Tape for a total of \$280.00

Commissioner Carney made a motion to issue a purchase order in the amount of \$280.00.
Motion was seconded by Commissioner Blanchard.

Vice-Chairman Peter Blanchard- Vote in favor
Commissioner Sean Carney-Vote in favor.
Chairman Dennis Audette- Vote in favor
All in favor. Motion carries.



MORTON AVENUE/MARK RAPOZA

Agent Perks advised that the two trees that he had asked to be removed have been cut down and will have the new ones planted by October.

ADJOURN

Commissioner Carney made a motion to adjourn at approximately 7:02. Motion was seconded by Vice-Chairman Blanchard.

Roll Call Vote:

Vice-Chairman Peter Blanchard- Vote in favor
Commissioner Sean Carney-Vote in favor.
Chairman Dennis Audette- Vote in favor.

Respectfully submitted,

Sandy Douglas, Administrative Coordinator

