



MAYOR
JON MITCHELL

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

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Conservation • Environmental Stewardship • Resilience

**Meeting Minutes of the Conservation Meeting of
November 2, 2021
PUBLIC HEARING held at the Brooklawn Senior center,
1997 Acushnet Avenue, New Bedford, MA**

Members Absent

Commissioner Kimberly Rioux

Staff Present

Chancery Perks, Conservation Agent
Teresa Alves, Admin. Coordinator

CALL MEETING TO ORDER

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

ROLL CALL OF COMMISSIONERS

Chairman Dennis Audette, Vice-Chairman Peter Blanchard, Commissioner Sean Carney, Commissioner Rebeca Linhart (3mins late missing roll call).

GENERAL PROCUEDEURES FOR HEARING

Chairman Audette read General Procedure for Hearings for the record.

Commissioner Carney made a motion to take the agenda out of order.

Motion was second by Vice-Chairman 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, 9/9/21, 9/21/21, 10/5/21, 10/26/21) - Request for Determination of Applicability as filed by Phillips Road Business Park, LLC for property identified as Phillips Road, New 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.

Mr. Steven Gioiosa was present in place of Alison Cesar. Mr. Gioiosa is asking that the *Request for Determination of Applicability* be closed out and the wetland line be verified. Mr. Gioiosa had retained a report from Chris Capone, the Conservation Agent of Westport, due to the Commission asking for a peer review at the last meeting. Agent Capone's report was in agreement with the wetlands delineation.

Agent Perks stated that he noticed a flagged tree had been knocked down with a bulldozer and would like to know how the commission would like to handle this.

Chairman Audette recommended two option, to either fine the applicant or send a letter stating no addition work could be done on the site until Agent Perks walks the line and the applicant comes before the commission with a *Notice of Intent*

Agent Perks agreed to proceed but would still like to meet with Chris and walk the line.

Agent Perks has not been back since they adjusted the flags to accommodate Agent Perks recommendations from the last meeting.

Commissioner Carney motioned to issue a Determination of Applicability.

Motion was seconded by Vice-Chairman Blanchard.

Vice-Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor

Commissioner Rebeca Linhart-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

Commissioner Carney motioned to issue a letter stating the violations, and that all future work will require the filing of a Notice of Intent.

Motion was seconded by Vice-Chairman Blanchard.

Vice-Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor

Commissioner Rebeca Linhart-Vote in favor.



Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

NEW BUSINESS:

NONE

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, 9/9/21, 9/21/21, 10/5/21, 10/26/21) - 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 TO 11/16/21**

Commissioner Carney made a motion to continue to Nov 16, 2021.

Motion was seconded by Vice-Chairman Blanchard.

Vice-Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor

Commissioner Rebeca Linhart-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, 9/9/21, 9/21/21, 10/5/21, 10/26/21) - 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 TO 11/16/21**

Commissioner Carney made a motion to continue to Nov 16, 2021.

Motion was seconded by Vice-Chairman Blanchard.

Vice-Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Rebeca Linhart-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

3. **SE49-0876** - (Continued from 8/17/21, 9/9/21, 9/21/21, 10/05/21, 10/26/21) - 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 TO 11/16/21**

Commissioner Carney made a motion to continue to Nov 16, 2021.

Motion was seconded by Vice-Chairman Blanchard.

Vice-Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Rebeca Linhart-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.



4. **SE49-0877** – (Continued from 9/21/21, 10/05/21, 10/26/21) - A Notice of Intent as filed by Harborview, LLC for property identified as 226 Popes Island (Map 60, Lot 11). The applicant is proposing to improve the commercial docking capabilities of the facility by removing an aged pile supported timber pier and replacing it with a concrete wave attenuator floating dock in the same general location. Representative is David M. Davignon, PE of Schneider, Davignon & Leone, Inc. **CONTINUED TO 11/16/21**

Commissioner Carney made a motion to continue to Nov 16, 2021.

Motion was seconded by Vice-Chairman Blanchard.

Vice-Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Rebeca Linhart-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

5. **SE049-0878** – (Continued from 10/26/21) - A Notice of Intent as filed by Jo-Ann Burnett for property identified as 139 Stevenson Street New Bedford, Ma (Map 132D, Lots 191 & 206). The applicant is proposing addition to single family home with infiltration system, roof drain, patio, and fence. Representative is Christopher Gilbert of Farland Corp. **CONTINUED TO 11/16/21**

Due to not having a Quorum tonight, will be continued to 11/16/21

Commissioner Carney made a motion to continue to Nov 16, 2021.

Motion was seconded by Vice-Chairman 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:

- 1. A Notice of Intent as filed by Dave Rodrigues for property identified as 59 Tarkiln Place New Bedford, Ma (Map 130G, Lots 164).** The applicant is proposing construction of warehouse addition on to the existing building as well as a roof recharge system. Representative is Christopher Gilbert of Farland Corp. **CONTINUED TO 11/16/21**

Mr. Jack Tabares representing Dave Rodrigues in place of Christopher Gilbert of Farland Corp. Mr Tabares stated they are adding 5,000 square feet addition to the original building and a portion of the parking area will be eliminated. This area is 52ft and the addition 70ft from the wetlands.

Commissioner Carney asked if the roof recharge system was just for the addition or for the whole building, or does the building already have a recharge system and if excavating is being done, where is all the dirt going to be place and for how long.

Mr. Tabares was unsure of this due to being giving this file this afternoon and would look into the answer for Commissioner Carney. Commissioner Carney asked that it be noted on the plan.

Chairman Audette asked about the DEP number and to get bigger printouts for commissioners.

Agent Perks informed that no DEP number has been emailed as of yet. Agent Perks asked if the Fire Department has approved the plan due to the driveway being cut.

Agent Perks recommends the security lighting should be shrouded to not project beyond property borders in consideration of nocturnal wildlife (*Interest #8 of the Wetlands Protection Act*).

Agent Perks recommended issuing an *Order of Conditions* that includes the Standard Inland Special Conditions, but amend the 25' border structure Conditions #49 to require our standard sign on a 4"x4"x4'PT post at the intersection of the 25' boundary and the limit of clearing in southwest corner of property.

Commissioner Carney made a motion to continue to Nov 16, 2021.

Motion was seconded by Vice-Chairman Blanchard.

Vice-Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Rebeca Linhart-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.



AGENT UPDATES/GENERAL CORRESPONDENCE

A-1 Asphalt

Agent Perks did a site visit today and 90% removal of material from the buffer zone and off site has been completed. The aim is to be done and seeded by the November 16th hearing.

SE09-0870-Philips Road

Issued on 7/20/21 is in violation of not adhering to the Order of Conditions Special conditions 32.41,43, and 45 (all pertaining to flagging to remain during construction erosion controls, and pre-construction inspections).

Commissioner Carney made a motion to issue a cease and desist on this project.

Motion was seconded by Vice-Chairman Blanchard.

Vice-Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Rebeca Linhart-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

Commissioner Carney made a motion to continue to Nov 16, 2021.

Motion was seconded by Vice-Chairman Blanchard.

Vice-Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Rebeca Linhart-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

Updates

Agent Perks would like to revisit the split rail fence maintenance requirement.

Binders on Open Meeting Law are being work on.



Agent Perks presented the 2022 Conservation Meeting Schedule

Commissioner Carney made a motion to accept the 2022 Conservation Meeting Schedule

Motion was seconded by Vice-Chairman Blanchard.

Vice-Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Rebeca Linhart-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

ADJOURN

Commissioner Carney made a motion to adjourn at approximately 7:18pm. Motion was seconded by Vice-Chairman Blanchard.

Roll Call Vote:

Vice-Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Rebeca Linhart-Vote in favor.

Chairman Dennis Audette- Vote in favor.

Respectfully submitted,

Teresa Alves, Administrative Coordinator

