



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 16, 2021**

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

Members Absent

Commissioner Rebeca Linhart

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 Kimberly Rioux

GENERAL PROCUEDEURES FOR HEARING

Chairman Audette read General Procedure for Hearings for the record.

OLD BUSINESS:

NONE

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, 10/26/21,11/2/21) - 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 12/7/21

Commissioner Carney made a motion to continue to Dec 7, 2021.

Motion was seconded by Vice-Chairman Blanchard.

Vice-Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor

Commissioner Kimberly Rioux-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, 10/26/21,11/2/21) - 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.

Mr. Richard Fitzgerald representing Joseph Swift of Crystal Ice Inc. Mr. Fitzgerald stated that they are proposing to repair the waterfront facility timber wharf with timber and asking for an



Order of Conditions which includes a *Special Condition* that states that they will not start any work till they file a Chapter 9 application for license.

Commissioner Carney asked what they are using to stop the pieces of timber falling off the structure, where will the debris be stored, and how long the project will last.

Mr. Fitzgerald stated that a floating boom will be used to catch any debris, the debris will be stored on the deck and disposed daily and the project should last about 3 weeks.

Vice-Chairman Blanchard asked when will the project start.

Mr. Fitzgerald replied that the project will not start till a Chapter 9 application has been filed and an *Order of Conditions* issued.

Chairman Audette asked how many are being replaced now, since the last emergency order.

Mr. Fitzgerald stated that 5 steel piles will be replaced and the rest will be timber.

Agent Chance stated that since the *Notice of Intent* was filed back in February and some work has been done, is a new narrative needed for the *Notice of Intent* or can we proceed as is.

Chairman Audette stated that we can proceed as is as nothing done has changed the *Notice of Intent*.

Commissioner Carney made a motion to issue an Order of Conditions with Standard Coastal Zone Special Conditions.

Motion was seconded by Vice-Chairman Blanchard.

Vice-Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor

Commissioner Kimberly Rioux-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, 10/26/21,11/2/21) - 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 12/7/21**

Commissioner Carney made a motion to continue to Dec 7, 2021.

Motion was seconded by Vice-Chairman Blanchard.

Vice-Chairman Peter Blanchard-Vote in favor.



Commissioner Sean Carney-Vote in favor

Commissioner Kimberly Rioux-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, 10/26/21,11/2/21) - 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.

Mr. David Davignon representing Harborview, LLC. Mr. Davignon stated that they were given a peer review from Nitsch Engineering and then sent another peer review letter from Coastal Engineering. Mr. Davignon stated that he complied with what was asked from him and changing engineering companies midway has caused some confusion, due to Coastal Engineering stated boxes were not checked. He would like to have this hearing closed and move on with this project.

Chairman Audette asked about the line delineated south with pipelines and cables shown on the review but not on the plans and on your plans does it show how are you going to drive the piles and when you are going to drive the piles.

Mr. Davignon stated that anything south of the floating pier is irrelevant and does not pertain to the project, nothing more than taking out a 50 year old pier and adding something more functional for a new owner. Mr. Davignon stated they were asked to peer reviewed and submit a detailed construction methodology. The contractors will be doing the work in phases and only barges will be used in order not to disturb any land. Booms will be placed to catch any floating debris and divers will be sent to retrieve any debris that falls into the water.

Chairman Audette raised the question from the Harbor Commission about the depth of the channel. Mr. Davignon was not sure due to the fact he was unaware or given any documentation about this matter.

Agent Perks would like to go on record that he concurs with Mr. Davignon that the Peer review from Coastal engineering had several irrelevant issues.

Agent Perks stated that a letter of acknowledgement is needed from the Harbor Commission.

Chairman Audette required pictures from the divers of the area before it was cleaned and after it has been cleaned.

Agent Perks recommends the issuance of *Order of Conditions* with the *Standard Coastal Zone Special Conditions* that include 1. The divers to conduct post construction inspection of the site that includes photos and the removal of artificial material and 2. A letter of acknowledgement from the Port Authority.



Commissioner Carney made a motion to issue an Order of Conditions with the Special Conditions as read by the Agent.

Motion was seconded by Vice-Chairman Blanchard.

Vice-Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

5. **SE049-0878 – (Continued from 10/26/21,11/2/21) - 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.

Mr. Jack Tabares present in place of Christopher Gilbert. Mr. Tabares stated that he was here today due to the fact there was not enough commissioners to vote on this at the last meeting. Agent Perks recommends the issuance of an *Order or Conditions* that includes the standard 'Inland Resource Area Special Conditions' that includes Condition # 49 that reads:
Upon completion of construction, sign posts shall be erected (via rammed earth method, not concreted) every 50' along the 25' No Disturb Zone (outside of proposed fence) to establish *the Limit of Disturbance* in perpetuity to be maintained by the property owners. The signs shall be placed on 4" x 4"x 4' pressure treated wood posts. The sign shall state, "A protected Conservation Area exists beyond this point and is to remain undisturbed per Order of the New Bedford Conservation Commission".

Commissioner Carney made a motion to issue an Order of Conditions with the Special Conditions as read by the Agent.

Motion was seconded by Commissioner Rioux

Commissioner Sean Carney-Vote in favor

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.



6. **SE049-0880 – (Continued from 11/2/21) -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

Mr. Jack Tabares present in place of Christopher Gilbert. Mr. Tabares stated that all the comments made by the commissioners at the last meeting have been addressed and completed. Agent Perks recommends the issuance of an *Order of Conditions* that includes the standard “Inland Resource Area Special Conditions’ that include

Condition #49 that reads:

Upon completion of construction, a sign post shall be erected (via rammed earth method, not concreted) every 50’ along the 25’ No Disturb Zone (outside of proposed fence) to establish *the Limit of Disturbance* in perpetuity to be maintained by the property owners. The signs shall be placed on 4” x 4”x 4’ pressure treated wood posts. The sign shall state, “A protected Conservation Area exists beyond this point and is to remain undisturbed per Order of the New Bedford Conservation Commission”.

Condition #50 that reads:

At the time of land transfer the owner or any successor shall require the buyer to sign an acknowledgement that they have read and understand Condition #49 and the notarized original document shall be forwarded to Conservation Commission.

Condition #51 that reads:

All exterior lighting, security, or otherwise, must be designed, aligned, or shrouded to not project beyond the property boundaries. The source of the light should not be visible (i.e. the bulb) from beyond the property boundaries in consideration of nocturnal wildlife.

Condition # 52 that if land is cleared beyond the 100’ buffer zone, whoever owns it at that time needs to install a split rail fence with all the signs.

Commissioner Carney made a motion to issue an Order of Conditions with the Special Conditions as read by the Agent.

Motion was seconded by Vice-Chairman Blanchard.

Vice-Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.



NEW HEARINGS:

1. **SE049-0879 - A Notice of Intent as filed by Tim Cusson for property identified as 1250-1260 Shawmut Ave New Bedford, Ma (Map 123, Lots 46 & 106).** The applicant is proposing construction of solar canopies and concrete column foundations. Representative is Christian Farland of Farland Corp.

Mr. Christian Farland representing Tim Cusson. Mr. Farland stated land is occupied by Goyettes salvage and cars will be moved in the area where work is being done and then moved back. The limited work done is minor and a drill rig will be used to install 111 steel columns, one at a time, for this project.

Agent Perks would like to state on record that the owners of the property in mention are relatives of his.

Agent Perks stated that updated plans were needed to show the finding of his site visit on 10/28. The power poles are on the 25ft buffer zone on top of the flags. Agent Perks addresses 5 items from his site review. 1. Flags themselves from the delineation were on pare from the plans. 2. Several tires and large vehicle parts need to be removed from the resource area. 3. Large pill of concrete rubble was placed in the resource area boundary adjacent to A24 along the northern property boundary that needs to be removed from the 25ft buffer zone. 4. Several salvage vehicles along the perimeter that reside within the 25ft buffer zone were observed to still contained full fluid reservoirs and need to be emptied before they erupt. 5. The drainage area in the northwest area had salvage debris and dirt that needs to be remove during the scope of this project.

Chairman Audette requested to have updated plans and location of power poles and pads changed. **CONTINUED TO 12/7/21**

Commissioner Carney made a motion to continue to Dec.7,2021

Motion was seconded by Vice-Chairman Blanchard.

Vice-Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

2. **A Request to Amend Order of Conditions SE49-0867 as filed by Shoreline Resources, LLC for property identified as 10 & 26 N Front St (Map 79, Lot 2 & 5).** The applicant is proposing to amend the Order of Conditions. Representative is Alan Hanscom of Pare Corporation.



Mr. Alan Hanscom representing Shoreline Resources, LLC accompanied by Lauren Gluck. Mr. Hanscom stated that they are asking to amend the original *Order of Conditions* for the installation of the pipeline in the resource area. The original order was about replacing the pipeline, but due to the fact that the pipeline might not be able to handle the weight of the Lifting Pier, they would like to run the pipeline thru the Sea Trade property. Shoreline has successfully acquired a grant to get the rail service to go thru this property. Mr. Hanscom stated that they have submitted plans to the Building Department to be approved.

Chairman Audette stated that Commissioner Rioux could not vote on this matter since she was not present at the meeting that the original *Order of Conditions* was issued.

Mr. Hanscom stated that they will be filing a *Notice of Intent* in a month or so for the demolition of building #2 and #12 for the staging area and repaving the parking lot.

Chairman Audette will not have the commission vote until approval from the Department of Public Infrastructure.

Agent Perks requested a follow up email whether the Sea Trade drain is still active and to confirm that the straw wattles are weighted down every six feet with sandbags. **CONTINUED TO 12/7/21**

Commissioner Carney made a motion to continue to Dec.7,2021

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.

AGENT UPDATES/GENERAL CORRESPONDENCE

1. A-1 Asphalt Memo

Agent Perks handed out a memo and a visual from Tom Crotty and A-1 asphalt stating that they have 98% of the work completed and still need to seed the area. Another memo showing that today they issued a withdrawal for a *Notice of Intent* since they had two *Notice of Intents* out for the same project. Agent Perks requested a letter with their business letterhead to formally ask to withdraw the original *Notice of Intent*. Agent Perks stated that their next step would be to get a *Certificate of Compliance* from the commissioners and would need an As Built plan to do that, do the commissioners consider this as an As Built plan. Chairman Audette stated a plan needs to be stamped by an Engineering and Commissioner Carney agreed. Chairman Audette agreed to give a partial *Certificate of Compliance* with an As Built contingent professionally stamped by an Engineer. To get a *Certificate of Compliance* they need to get a letter of acknowledgement from the Airport commission and the seeding done.



2. Present Open Meeting Booklet & MAAC Handbook

Agent Perks recommends to get the online MAAC Handbook for all the commissioners. Commissioners agreed to a subscription to the MAAC Handbook and the Open Meeting Booklet email to each commissioner.

ADJOURN

Commissioner Carney made a motion to adjourn at approximately 7:49pm. Motion was seconded by Vice-Chairman Blanchard.

Roll Call Vote:

Vice-Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

Respectfully submitted,

Teresa Alves, Administrative Coordinator

