



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
December 7, 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 PROCUEURES FOR HEARING

Chairman Audette read General Procedure for Hearings for the record.

OLD BUSINESS:

NONE



NEW BUSINESS:

1. **SE049-0536** - A Request for a Certificate of Compliance as filed by Megan O'Brien of 123 Sawtooth LLC for property identified as 123 Sawyer Street (Map 93, Lot 119). Representative is Megan O'Brien.

Ms. Megan O'Brien stated that it came to their attention that the *Certificate of Compliance* was never completed from the earlier attempt last June, they started to make a big effort to clean the area in question. They have a contract with Frank Corp. Environmental Services to conduct inspections and the cleaning of the industrial oil and water separator and setting a trap and have agreed to hire him and contact him every two years by his recommendation to clean up the area. They have also submitted an As Built plan and all paperwork for the *Certificate of Compliance*. Agent Perks stated he was on site this morning and the two issues had been addressed and all work has been done.

Agent Perks asked that they get a letter every two years from Frank Corp. and recommends the issuance of a *Certificate of Compliance*.

Commissioner Carney made a motion to issue a Certificate of Compliance.

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.

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,



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Commissioner Carney made a motion to continue to Dec 21, 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. **SE049-0876** - (Continued from 8/17/21, 9/9/21, 9/21/21, 10/05/21, 10/26/21,11/2/21,11/16/21) - 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 12/21/21**

Commissioner Carney made a motion to continue to Dec 21, 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.



3. **SE049-0879** – (Continued from 11/16/21) -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. Jack Tabares on behalf of Christian Farland stated that per last meeting they were required to move the concrete pads and utility poles but that the utility poles still hug the buffer zone line. Chairman Audette questioned what type of battery storage pads are being used and make a condition that no work starts until plans are submitted depending on if they are wet cell batteries. Agent Perks recommends an *Order of Conditions* with the Standard Inland Resource Area Special Conditions with the *Special Conditions* about the wet cell battery/oil transformer sump pad, a pre-construction meeting with himself and a representative to go over all these conditions.

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.

4. **SE49-0867** - (Continued from 11/16/21) -A Request to Amend Order of Conditions 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. **CONTINUED TO 12/21/21**

Commissioner Carney made a motion to continue to Dec 21, 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.



NEW HEARINGS:

- 1. A Notice of Intent as filed by Emanuel Andrade for property identified as Farland Circle Lot 8 New Bedford, Ma (Map 130D, Lot 473).** The applicant is proposing construction of a single-family home with all associated grading and utilities. Representative is Jack Tabares of Farland Corp.

Mr. Jack Tabares stated they are proposing to install a split rail fence to match the 2 buffer zone signs that were approved and a catch basin next to the chain link fence.

Commissioner Carney asked if any work is being done in the drainage station and if the drainage station is part of this lot.

Agent Perks stated per Assessor's Office that the drainage station is in the lot but that may change since this area is still under development.

Commissioner Carney asked if a silt fence would be better than the hay bales in order to catch debris from going into the drainage station and while excavating, where is the dirt going to go.

Commissioner Carney requested it be shown in detail on the plans.

Mr. Tabares stated that the hay bales were a request from the last agent and the stock piles would be put on the empty lots for future use and he would have it shown on the plans.

Chairman Audette asked about the DEP# and the access to the detention pond in the back, if the people know that they cannot build on it since its owned by the city.

Mr. Tabares stated that a DEP# had not been issued as of yet and that the owners of the property would know before the property is purchased.

Agent Perks proposed to have straw wattles on the sides due to the area being small and no need for silt fences. **CONTINUED TO 12/21/21**

Commissioner Carney made a motion to continue to Dec 21, 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.



AGENT UPDATES/GENERAL CORRESPONDENCE

1. Steven Gioiosa for Philips Road setbacks.

Mr. Steven Gioiosa present to get some more information from the commission on this project. The applicant is looking into doing work in the 25ft buffer zone due to the small area size of the project. Before getting an *Amended Order* would like to get feedback from the Commission.

Commissioner Rioux asked what the overall goal is with this project.

Commissioner Carney asked if Mr. Gioiosa was proposing the same about the retaining wall and its protection and would wait on the Agent comments.

Commissioner Blanchard would like to know what the economic hardship is on the applicant, is it due to the building not being big enough.

Mr. Gioiosa stated that the applicant is looking to build a 3500sq ft building with parking. The hardship is due to the building only being 3500sq ft and would not generate enough rent to justify all the expenses and the retaining wall. They are at the smallest building size and the recommended parking spaces.

Chairman Audette's main question asked on May 4th was about how the retaining wall was going to be built and they were assured there was no problem and all of his time on the Commission, no one has been allowed to work in the 25ft buffer zone and will not allow it.

Agent Perks in favor of 3:1 grass slope as compared to the retaining wall for better maintenance.

Chairman Audette stated we need to focus on "do we let them work in the wetlands and buffer zone or not, not how things look or redesign of the bank".

2. New Bedford Port Authority Leonard's Wharf update.

Update was giving that all repairs have been completed and there are no safety issues regarding Leonard's Wharf.

3. MACC Environmental Handbook Access Codes.

All commissioners have received an email with their codes

4. YOU Victory Park Apiary

Agent Perks will be working with the Youth Opportunities Unlimited at Victory Park installing an Apiary and Parks and Recreation will be submitting a *Request for Determination of Applicability* in January.



5. Sassaquin pond phragmites update

A *Notice of Intent* will be filed in January to remove the phragmites (invasive grass) from the pond by Department of Public Infrastructure.

ADJOURN

Commissioner Carney made a motion to adjourn at approximately 7:24pm. 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

