



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  
January 4, 2022  
PUBLIC HEARING held at the Brooklawn Senior center,  
1997 Acushnet Avenue, New Bedford, MA**

**Members Absent**

**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, Commissioner Rebeca Linhart.

**GENERAL PROCUEDEURES FOR HEARING**

Chairman Audette read General Procedure for Hearings for the record.

**OLD BUSINESS:**

1. **SE049-0863** -A Request for a Certificate of Compliance as filed by Kathy Downey of Trio Algarvio, Inc. for property identified as 26 Green and Wood Pier (Map 42, Lot 268). Representative is Kathy Downey.



Agent Perks stated from last meeting, per the Commissioners request, the applicant did not need to be present and read the resubmitted letter with the correct language from Blake Peters GEI that had been requested. Letter reads as follows:

*Dear Members of the Conservation Commission:*

*This is to certify that the work authorized in the Order of Conditions for Trio Algarvio issued under DEP File #SE49-213 on June 27, 1996, was completed. Accordingly, there have been no known violations of, or deviations from, the terms and conditions of that Order of Conditions.*

*To the best of our knowledge all work was performed for the aquaculture.*

*If you have any questions concerning this certification statement, please contact Blake Peters at 781-277-6005.*

*Sincerely,*

*GEI CONSULTANTS, INC.*

Agent Perks recommends a complete *Certificate of Compliance*.

*Vice -Chairman Blanchard made a motion to issue a Certificate of Compliance.*

*Motion was seconded by Commissioner Linhart.*

*Vice -Chairman Peter Blanchard-Vote in favor.*

*Commissioner Kimberly Rioux-Vote in favor.*

*Commissioner Rebeca Linhart- Vote in favor.*

*Chairman Dennis Audette- Vote in favor.*

*All in favor. Motion carries.*

## **NEW BUSINESS:**

- 1. A Request for Determination of Applicability as filed by James Clancy, Eversource Energy for property identified as Flaherty Drive (Map 134, Lot 307).** The applicant is proposing to the installation of distribution poles, riser poles and entrenched underground conduit to provide service to a new customer. Representative is Eileen Piskura of Kleinfelder.

Ms. Eileen Piskura present with Mr. James Clancy representing Eversource Energy. Ms. Piskura stated the majority of the project falls in Dartmouth and the New Bedford portion is about 65ft of conduit and 33ft falls within the 100ft buffer. Eversource will be using an existing access road for this project.

Commissioner Linhart asked the height of the poles, do they have lights on them, and how deep will the poles be buried and during excavation, we will the dirt go.

Ms. Piskura stated that the poles are your regular distribution poles with no lights on them.

Mr. Clancy replied that they would be no deeper than 10ft into the ground, but that would depend on the manhole and during excavation, they only take enough dirt to put in the pole and then fill it back up.



Commissioner Carney asked to be educated on the exception they are relying on to take them out of the applicability of the *Wetlands Protection Act*, he would like to know how this is a maintenance project and not a new development.

Ms. Piskura stated that Eversource is not changing or enlarging.

Chairman Audette asked if they would be pulling lines through the existing trench or building a new one if any poles were being put in on the New Bedford side.

Ms. Piskura stated that they would be using the existing trench to pull the lines through, no poles being put in the New Bedford side. They would be pulling 65ft in New Bedford and the project would take 1-2 days.

Agent Perks stated that due to the majority of the work being done in Dartmouth and not in New Bedford, he recommends an issuance of a *Request for Determination of Applicability* with a *Negative Box 6*.

*Commissioner Linhart made a motion to issue an RDA with a Negative Box 6.*

*Motion was seconded by Vice-Chairman Blanchard.*

*Vice -Chairman Peter Blanchard-Vote in favor.*

*Commissioner Sean Carney-Vote against.*

*Commissioner Kimberly Rioux-Vote in favor.*

*Commissioner Rebeca Linhart- Vote in favor.*

*Chairman Dennis Audette- Vote 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, 9/9/21, 9/21/21, 10/5/21, 10/26/21, 11/2/21, 11/16/21, 12/



**7/21,12/21/21) - 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.

Mr. Tom Crotty stated that *the Notice of Intent* (SE049-0735) has been withdrawn and now they are only focused on the *Order of Conditions* (SE049-0294) from September 2000 that never received a *Certificate of Compliance* due to being on the Airport property and getting permission from the Airport. At this time all the material in violation has been removed from the resource area buffer zone and seeded with winter rye, per Agent Perk's recommendation. The remaining work includes reseeding the area come spring under the supervision of Agent Perks in addition to submitting an Engineered stamped As-Built of the restored buffer zone. Mr. Crotty explained that the expense of getting a survey showing this area is an issue for the applicant.

Chairman Audette requires that they get an Engineer stamped As-Built and a letter from the Airport stating that they are satisfied with all the cleanup done.

Chairman Audette emphasized that the applicant has been given enough time for this project and wants to end this now.

Vice-Chairman Blanchard asked when they received the letter from the Airport Commission allowing them to do the cleanup work.

Mr. Crotty replied the letter was in 2020 and Chairman Audette stated the letter was received and they were given until November of 2021 to complete this project.

Agent Perks stated that the Airport Commission is just waiting on the As-Built.

Chairman Audette stated that by the next meeting on Jan 18<sup>th</sup>, the applicant must provide a contract from an Engineer whom will provide the required As-Built; daily fines beginning January 19<sup>th</sup> 2022 will be assessed if this is not provided. **CONTINUED TO 1/18/22**

*Commissioner Carney made a motion to continue to Jan. 18,2022*

*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.*

*Commissioner Rebeca Linhart- Vote in favor.*

*Chairman Dennis Audette- Vote in favor.*

*All in favor. Motion carries.*

- 2. SE049-087 - (Continued from 8/17/21, 9/9/21, 9/21/21, 10/5/21, 10/26/21, 11/2/21, 11/16/21,12/7/21,12/21/21) - 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 1/18/22**

*Commissioner Carney made a motion to continue to Jan. 18,2022*

*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.*

*Commissioner Rebeca Linhart- Vote in favor.*

*Chairman Dennis Audette- Vote in favor.*

*All in favor. Motion carries.*

- 3. SE049-0867 – (Continued from 11/16/21,12/7/21,12/21/21) - 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 1/18/22****

*Commissioner Carney made a motion to continue to Jan. 18,2022*

*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.*

*Commissioner Rebeca Linhart- Vote in favor.*

*Chairman Dennis Audette- Vote in favor.*

*All in favor. Motion carries.*

## **NEW HEARINGS:**

- 1. A Notice of Intent as filed by Jose Castelo for identified as Bartlett Street, New Bedford, Ma (Map 134, Lot 307). The applicant intends to construct a single family home**



with associated grading and utilities within an existing resource area and buffer zone, which includes wetland replication of the disturbed wetland resource area. Representative is Alison Cesar of Sitec, Inc.

Mr. Steven Gioiosa was present tonight instead of Alison Cesar representing Mr. Jose Castelo. Mr. Gioiosa stated that originally Mr. Castelo had come to them [Sitec Eng.] looking to build multiple houses and based upon their observation and where the Wetland Resource Line falls, told Mr. Castelo it would be best to consider this as a single house lot. This land has been owned by Mr. Castelo for many years. Mr. Gioiosa reached out to the Building Department to have this land grandfathered in and they agreed it was a buildable lot according to the current zoning ordinances of the City, which he presented a letter from Director Danny Romanowicz. Commissioner Rioux asked if it was a paved driveway and that it was originally intend for a development and now just a single family.

Mr. Gioiosa stated that it is paved and due to the impact to the Wetlands area and many changes to accommodate a development, they decided to do just a single family.

Commissioner Linhart asked about the section that the driveway is being built, is that going to be completely filled wetland and how would you be filling it. Also how do you ensure that future homeowners do not cut down more trees?

Mr. Gioiosa stated that this wetland is a little unusual and will be bring up the grade a bit. They started at the beginning with an elevation of 126 and now it's at 121 allowing the water to migrate thru.

Commissioner Carney asked what other solutions or alternatives about the driveway did they have and why did they decide to go this route, also where will the dirt go during the excavation and would like it marked as a detail on the plan along with a detail of the silt fence.

Mr. Gioiosa stated that they looked at what was going to create the least amount of impact and keeping it as close to the boundary line as possible and only point of entry to the property.

Commissioner Blanchard stated he would like a better mark up of the no disturb zone on the plan.

Chairman Audette stated the ledger needs to be updated and the roof recharge system added to the plans.

Chairman Audette commented on why the utilities could not be run under the driveway as oppose to cutting down trees and moving the recharge higher up.

Agent Perks commenting on the recharge area doubling as a detention area, but not sure if it is allowed under the Wetland Protection Act.

Mr. Gioiosa stated that this had been done for years, as long as its not called a detention pond. Agent Perks would like to walk the delineation line and stated that the plans need to show the recharge units, stock pile, and split rail fence. **CONTINUED TO 1/18/22**

*Commissioner Carney made a motion to continue to Jan. 18,2022*

*Motion was seconded by Commissioner Linhart.*

*Vice -Chairman Peter Blanchard-Vote in favor.*

*Commissioner Sean Carney-Vote in favor.*

*Commissioner Kimberly Rioux-Vote in favor.*



*Commissioner Rebeca Linhart- Vote in favor.*

*Chairman Dennis Audette- Vote in favor.*

*All in favor. Motion carries.*

## **AGENT UPDATES/GENERAL CORRESPONDENCE**

**Meeting Minutes** 9/9/21-9/21/21-10/26/21-12/21/21 to vote in.

Commissioner Carney stated a correction needed with the Meeting Minutes 12/21/21, section 4 motion area, changing Certificate of Compliance to Order of Conditions.

*Commissioner Carney made a motion to accept all 4 meeting minutes pending the above change.*

*Motion was seconded by Commissioner Linhart.*

*Vice -Chairman Peter Blanchard-Vote in favor.*

*Commissioner Sean Carney-Vote in favor.*

*Commissioner Kimberly Rioux-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 7:33pm.*

*Motion was seconded by Commissioner Linhart.*

*Roll Call Vote:*

*Vice-Chairman Peter Blanchard-Vote in favor.*

*Commissioner Sean Carney-Vote in favor.*

*Commissioner Kimberly Rioux-Vote in favor.*

*Commissioner Rebeca Linhart-Vote in favor.*

*Chairman Dennis Audette- Vote in favor.*

Respectfully submitted,

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Teresa Alves, Administrative Coordinator



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