



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
July 20, 2021**

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

Members Absent

Kimberly Rioux

Staff Present

Chancery Perks, Conservation Agent
Sandy Douglas, 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 Peter Blanchard,
Commissioner Sean Carney,

GENERAL PROCUEDES FOR HEARING

Chairman Audette read General Procedure for Hearings for the record.

OLD BUSINESS:

NONE.

NEW BUSINESS:

1. **A Request for Determination of Applicability as filed by Matt Bivens for property identified as 638 West Rodney French Boulevard (Map 5, Lot 55).** The applicant is proposing to build a deck on the front of the house, renovate and extend the balcony on



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the upper level and build a bulkhead stairwell to the basement. Representative is Matt Bivens.

Mr. Matt Bivens was present and advised that he is proposing to build a deck on the front of the house and the second-floor balcony needs to be refurbished and would like to extend it out and there is a basement bulkhead stairwell that he would like to build. Mr. Biven advised that the proposed deck is consistent with neighboring decks.

Commissioner Carney inquired whether they are proposing any erosion controls because he did not see it on the plans. Mr. Bivens stated that he believes that his contractor is planning on installing erosion controls.

Agent Perks advised that he has been on site and the front of the deck crosses the 100' buffer zone and most of the property falls in the AE zone and that's where the Commission's jurisdiction comes in. Agent Perks stated that is not so concerned with erosion controls for the two decks but suggested straw waddles around the bulkhead if the project lasts longer than one day and there is to be no stockpiling on site. Agent Perks advised that he be contacted prior to work commencing.

Agent Perks recommended the issuance of a negative determination.

Commissioner Carney made a motion to issue a negative determination of applicability. 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.

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) - 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. **CONTINUE**

Agent Perks advised that he emailed Attorney Crotty and Mr. Josefek requesting an update on the project and Attorney Crotty advised that they are in the process of pulling stuff away from the stonewall and Agent Perks would like to visit the site by the end of August and reminded Attorney Crotty that November is the hard deadline.

Commissioner Carney made a motion to continue to August 3, 2021. 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.

- 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) - A Notice of Intent as filed by Joseph Swift of Crystal Ice Co., Inc., for property identified as 155, 178 Front Street, (Map 53, Lots 116-119, 241).** 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 August 3, 2021. 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.

- 3. SE49-0870 – (Continued from 5/4/21, 5/18/21, 6/1/21, 6/15/21, 7/6/21) - A Notice of Intent as filed by Michael Panagakos for property identified as Phillips Rd., Braley Rd. (Map 136, Lot 468).** Applicant proposes to construct a commercial building within the 100' buffer zone. Representative is Dan Gioiosa of SITEC, Inc.

Mr. Dan Gioiosa of SITEC was present on behalf of the applicant and advised that they have addressed all of Nitsch Engineering's comments and concerns.

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

Agent Perks recommended a special condition that they use a salt alternative in addition to Conditions #49 and #50. Chairman Audette stated that they cannot use salt or sand that it will have to be a liquid.



Commissioner Carney made a motion to issue a Notice of Intent with special conditions as recommended by the Agent. 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.

4. **SE49-0873 - (Continued from 7/6/21) - A Notice of Intent as filed by New Bedford Port Authority for property identified as Pier 3/Fisherman's Wharf, Steamship Pier, Homers Wharf & South Terminal (Map 53, Lot 120).** The applicant is proposing repairs/improvements to maintain the existing licensed waterfront structures, including maintenance repairs to the existing licensed steel bulkheads and pile supported piers which are located at Pier 3 /Fisherman's Wharf, Steamship Pier, Homers Wharf, Leonard's Wharf, & South Terminal. Representative is Daniela Abbot of Foth Infrastructure.

Commissioner Carney made a motion to continue to August 3, 2021. 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.

5. **SE49-0874 – (Continued from 7/6/21) A Notice of Intent as filed by Mary Rapoza, City of New Bedford Parks, Recreation & Beaches for property identified as 1 Oneida Street (Map 49, Lot 14).** The applicant is proposing to redesign the existing parking at the Buttonwood Park Community Center, add a new sidewalk and other site improvements, a new access pathway to the pond on site as well as stormwater management improvements. Representative is Danielle Spicer of Green International Affiliates, Inc.

Commissioner Carney made a motion to continue to August 3, 2021. 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.



NEW HEARINGS:

NONE.

NEW BUSINESS CONTINUED:

1. Agent Updates/General Correspondence

Sassaquin Pond

Agent Perks advised that he received a request from Mr. Rapoza with regard to the removal of two dead large pine trees and he is also working with DPI to have them removed because they are on City property. Agent Perks asked Mr. Rapoza put his request in writing to the Conservation Commission and that they plant two trees in place of the ones being removed.

2. Waterpark Update

Mary Rapoza of Parks, Beaches & Recreation with the City of New Bedford was present together with Leigh-Ann Hall of WhoaZone.

Ms. Rapoza advised that the Conservation Commission and the Park Board have sent a letter to WhoaZone letting them know that they needed to get an independent diver on site (who was there on Thursday). The independent diver found the same conditions that the divers of the water park had found but found two additional anchors. Ms. Rapoza advised them to submit a revised severe wind and weather plan to be approved by the City. The plan has been received and is being reviewed by the New Bedford Police Department Water Safety Team, the Solicitor's Office, the Mayor's Office, The Department of Public Works, Emergency Management, and she has notified everyone that she would like a determination by the end of the week.

Chairman Audette stated that at this point they do not have a plan in affect to remove the water park out of the water. Ms. Rapoza commented that she was advised that they could not do anything until they heard from the Conservation Commission. Chairman Audette stated that this has been ongoing, and, on the day, this happened there was no plan to get the water park out of the water and it failed, and they still don't have a documented plan on how this will be taken out of the water. Ms. Rapoza advised that there is a draft.

Agent Perks stated that he has been working with Ron from WhoaZone and they have gone back and forth.



Chairman Perks stated that they won't be able to proceed until have serious things implemented and don't have evidence of that. Leighe-Ann added that one of the installers that comes here is fully trained and it comes down to that person because he's the diver and installer.

Agent Perks added that the plan that was submitted is not a plan but a response to the Commissioner's concerns and this Commission needs something on paper and not just a verbal agreement.

Chairman Audette stated that there is still no actual plan to remove the water park if there is a storm and he does not see it being allowed back in the water until there is an actual approved plan.

Ms. Rapoza stated that she had a conversation with Ron of WhoaZone and he would like determination by the end of the week, so he knows whether or not to put it back in the water or remove it and leave town.

Commissioner Carney inquired as to how long would it take the diver to take it out of the water to the beach. Leigh-Ann replied that it would probably take a trained diver a matter of minutes. Commissioner Carney inquired if their diver, Zack, is local? Leigh-Ann replied that he is not, but he's willing to relocate.

Chairman Audette stated that they stored the water park on the beach because there was no way to get it out of there and this Commission has been more than fair because this Commission could have started fining WhoaZone.

Agent Perks inquired as to what options are to move the inflatables to the parking lot. Leighe-Ann stated that they have two options, one is to it pick up via forklift or 6-8 people could pick it up and carry it over and would be placed on palettes and strapped. The palettes are already on site.

Commissioner Carney would like the plan to include step by step from beginning to end.

Chairman Audette wants them to submit a detailed plan by the end of the week to include step by how how they going to remove out of the water, when diver is going there, whose going in the water and how they are going to get it off the beach, and out of the sand to the parking lot.

Commissioner Carney inquired if they have a Plan B if a diver is not available. Leighe-Ann replied that at this moment there isn't a plan B. Commissioner Carney recommended that they have a pack-up plan in case he's not available.

3. Meeting Minutes of June 15, 2021 for approval.

Commissioner Carney made a motion to approve the meeting minutes of June 15, 2021. 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.

ADJOURN

Commissioner Carney made a motion to adjourn at approximately 7:20. 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,

Sandy Douglas, Administrative Coordinator

