



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
June 1, 2021
REMOTE PUBLIC HEARING VIA ZOOM**

Members Absent

Commissioner Paul Pacheco

Commissioner Kimberly Rioux

Staff Present

Chancery Perks, Conservation Agent

Sandy Douglas, Admin. Coordinator

CALL MEETING TO ORDER

Chairman Audette read Conservation Commission Remote Open Meeting Procedures as follows:

This is Conservation Commission Vice-Chairman Peter Blanchard speaking and opening the remote Conservation Commission meeting of June 1, 2021, at 6:30 PM.

Please permit me to confirm that all members and persons anticipated on the agenda are present and can hear me:

Conservation Commission members when I call your name please respond in the affirmative: Commissioner Sean Carney-Present.

Conservation Commissioners not present, Chairman Dennis Audette, Commissioner Paul Pacheco, and Commissioner Kimberly Rioux.

Conservation Commission staff please respond in the affirmative: Conservation Agent Chancery Perks-Present, Administrative Coordinator Sandy Douglas-Present.

Anticipated speakers on the Agenda please respond in the affirmative:

Alison Cesar of SITEC for Old Plainville Road

Dennis Moran of Tighe & Bond for 1000 South Rodney French Boulevard



Anticipated speakers on the Agenda please respond in the affirmative: if you have other members of your team in attendance, please introduce them.

This Open meeting of the Conservation Commission is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the COVID-19 Virus.

The Order allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will feature public comment.

Meeting Materials: All supporting materials have been provided to members of this body and are available on the City website unless otherwise noted. The public is encouraged to follow along using the posted agenda.

Meeting Ground Rules

Before turning to the first item on the agenda, I will review the ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes:

I will introduce each speaker on the agenda. After they conclude their remarks, I will go down the list of Commissioners, inviting each by name to provide any comment, questions, or motions. Please hold until your name is called. Further,

- Please mute your phone or computer when you are not speaking
- Please remember to speak clearly and in a way that helps generate accurate meeting minutes.

For any response, please wait until the Chair yields the floor to you and state your name before speaking.

If Commissioners wish to engage in conversation with other members, please do so through the Chair, taking care to identify yourself.

After Commissioners have spoken, I will afford public comments as follows:

- I will first ask whether there are any written public comments submitted via email and whether such comments were distributed to the commission prior to the meeting. If time has not allowed for the email comments to be reviewed by the commission prior to the meeting, I will ask that those comments be read aloud by the Conservation Agent.
- I will first ask members of the public who wish to speak to identify with their names and addresses
- Once I have a list of all public commenters, I will call on each by name and afford 3 minutes for any comments.

Finally, each vote taken in this meeting will be conducted by roll call vote.

CALL MEETING TO ORDER

Meeting was called to Order by Chairman Audette at 6:33 pm.

ROLL CALL OF COMMISSIONERS



General Procedures for Meeting

OLD BUSINESS:

NONE.

NEW BUSINESS:

1. **A Request for Determination of Applicability as filed by Hangers4planes for property identified as Old Plainville Road, (Map124, Lot 2).** The applicant is requesting verification of the boundaries of the Bordering Vegetated Wetlands as depicted on the plan. Representative is Alison Cesar of SITEC.

Ms. Alison Cesar of SITEC was present on behalf of the applicant and advised that they are not proposing anything at this time. The project is at the airport and is located along Old Plainville Road and Shawmut Avenue there is wetland to Southwest portion of the lot. They had a wetland scientist flag it, there is approximately 10 acres that need to be verified by the Agent.

Vice-Chairman Blanchard inquired if there are any plans proposed for new hangers? Ms. Cesar replied that there isn't anything proposed for hangars at this time and they would prefer to see how much land they have to work with first before putting anything definite in motion.

Commissioner Carney commented that he cannot make a determination of where the site is on the map and would like an entire map of the airport with the wetland to be determined. Commissioner Carney suggested that Agent Porter confirm the wetland flags. Ms. Cesar replied that's what they are requesting this evening

Chairman Audette commented that this project was presented with the wetlands back on February 16th and at that time there was a plan with the BVW marked out and now it seems the plan has been redone and is curious as to how from February to April 21st the wetlands has changed and there are two different locations. Ms. Cesar replied that it could be because they found older flags and the wetland scientist came out a second time and may have found different locations for the flags. Chairman Audette is concerned that the wetland line has changed.

Agent Perks also finds it interesting that the wetland lines have changed and that this is an unofficial continuation of the February 16th hearing where they loosely proposed the project. Agent Perks also questioned the locus as did Commissioner Carney. Agent Perks requested that Ms. Cesar advise him as to who the wetland scientist is and that he would like to speak with that wetland scientist and obtain access. Agent Perks also questioned the discrepancy with the two wetland lines.

Commissioner Carney made a motion to authorize Agent Perks to delineate the wetland boundary as identified by SITEC. 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.

Motion passes.

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) - 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

Vice-Chairman Blanchard made a motion to continue to June 15, 2020. Motion was seconded by Commissioner Carney.

Roll Call Vote:

Vice-Chairman Peter Blanchard- Vote in favor
Commissioner Sean Carney-Vote in favor.
Chairman Dennis Audette- Vote in favor.

Motion passes.

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) - 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**



3. **SE49-0870** – (Continued from 5/4/21, 5/18/21) - 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-CEC, Inc. **CONTINUED TO JUNE 15, 2021**

NEW HEARINGS:

1. **A Notice of Intent as filed by Shawn Syde, City of New Bedford for property identified as 1000 South Rodney French Boulevard (Map 002, Lot 002).** The applicant is proposing to rehabilitate portions of the Fort Taber pier that have been subject to settlement and loss of granite support and face stones. The pier will be repaired through utilizing the existing granite stones that have been dislodged to restore the pier. Stone fill will be sed between the stones and will be pressure filled with grout to secure the stones in place. Representative is Dennis Moran of Tighe & Bond, Inc.

Mr. Dennis Moran and Emily Tully of Tighe and Bond were present on behalf of the applicant. Mr. Moran advised that DPI requested that they evaluate the Fort Taber Pier because of some deteriorating conditions in the last couple of feet of the pier. The pier is at least 100 years old. In 2006 there was minor rehab of the pier and since then there is a small area that needs repair at the most seaward portion of the pier. This is relatively a small project. The project site of the area of work is at northern portion of the pier at the very end, there is a shelf overhanging that stones have fallen down from and proposing to work from the top of pier with a piece of equipment over reach and replace the stones and grout the area underneath the overhang. The area of impact is very small.

Ms. Emily Tully of Tighe & Bond advised that the wetland resources areas is end of the pier, land under the ocean and still within land subject to coastal storm flowage, rare species habitat estimated habitat for rare wildlife EH756 and priority habitat rare species PH945, they did send it to Natural heritage and endangered species program for review. The other regulatory compliance of the site is that it's a historic area part of inventory on the Mass Cultural System hosted by the Mass Historical Commission it's inventoried but not listed on the State or National register its related to Fort Rodman Military Base don't expect any historical impacts.

Ms. Tully advised that there are limited repairs to the pier and the pier is old and was constructed in 1856 and that the project is permitted as a limited project under the Wetlands Protection Act. Resource area impacts is very limited, and they are proposing 3 cubic yards of dredging to remove and replace the blocks.

Commissioner Blanchard complimented their presentation and asked that they explain how they are going to do the actual work if it's from a barge or pier. Mr. Moran explained that a mini excavator will be placed on top of the pier and reach down to set stones by hand during low tide and there will be no machines in the water. They are proposing erosion controls. The work is proposed is outside the resource area on the pier.



Commissioner Carney inquired if she knew what the rare or endangers species were and what mitigation measures, they were taking to avoid the impacts to that species. Ms. Tully replied that she doesn't know the species that are present and is waiting to hear as to what species and mitigation measures to take from the Massachusetts Endangered Species Act submission they made to Natural Heritage.

Chairman Audette inquired if they have to file for Chapter 91 Waterways? Ms. Tully replied that she doesn't believe they have to file for Chapter 91. Mr. Moran explained that there is an existing Chapter 91 permit from 1935. Chairman Audette inquired if that original permit is still active? Ms. Tully added that Chapter 91 usually allows for continued use, maintenance of facilities for the life of the facility especially something like this that's just a repair and not an alteration. Mr. Moran will provide additional information with regard to whether or not the Chapter 91 is still active, but he believes it is.

Chairman Audette commented that since there isn't a DEP File # and there is additional information that needs to be submitted, he suggested a continuance.

No comments were heard in favor or in opposition of this matter.

Agent Perks added that they are also still waiting for a response from Natural Heritage. Agent Perks inquired if there is polymer component to the pressurized grout? Mr. Moran will provide additional information on the polymer for the concrete.

Commissioner Carney made a motion to continue to June 15, 2021. Motion was seconded by Vice-Chairman Blanchard.

Commissioner Rioux did not participate in this vote as she was not present during the beginning of this hearing.

Roll Call Vote:

Vice-Chairman Peter Blanchard- Vote in favor

Commissioner Sean Carney-Vote in favor.

Chairman Dennis Audette- Vote in favor.

Motion passes.

NEW BUSINESS CONTINUED:

1. Agent Updates/General Correspondence

Agent Perks introduced our new Commissioner Kimberly Rioux

2. Approval of April 20, 2021, May 4, 2021 & May 18, 2021 Meeting Minutes



Vice-Chairman Blanchard made a motion to approve the meeting minutes of April 20, 2021, May 4, 2021, and May 18, 2021. Motion was seconded by Commissioner Carney.

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.

Motion passes.

3. MS4 Comments

Agent Perks has put an inquiry to get a copy of the earlier drafts that were done so can compare and once receive it will forward to the commissioners for review.

ADJOURN

Vice-Chairman Blanchard made a motion to adjourn at approximately 8:20. Motion was seconded by Commissioner Carney.

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

