



**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  
April 20, 2021  
REMOTE PUBLIC HEARING VIA ZOOM**

**Members Absent**

**Paul Pacheco, Chairman**

**Staff Present**

**Chancery Perks, Conservation Agent  
Sandy Douglas, Administrative  
Coordinator**

**CALL MEETING TO ORDER**

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

This is Conservation Commission Chairman Dennis Audette speaking and opening the remote Conservation Commission meeting of April 20, 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: Vice Chairman Peter Blanchard-Present, Commissioner Paul Pacheco-Present, Commissioner Sean Carney.

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:

**Nick Henke of HDR Engineering for 49 State Pier-NOT PRESENT**



133 William Street-Room 304, New Bedford, MA 02740 - Telephone 508-991-6188

**Lauren Gluck of Pare Corp., for 10 & 26 North Front Street together with Victoria Howland, Alan Hanscom and Patrick Rezendes-All Present**

**Stephen Silverstein of Cisco New Bedford, LLC., for East Rodney French Blvd-  
PRESENT**

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 colloquy 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.**

**CHAIRMAN AUDETTE CALLED MEETING TO ORDER**  
**ROLL CALL OF COMMISSIONERS**  
**General Procedures for Meeting**

**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) - 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**

Commissioner Pacheco made a motion to continue to May 4, 2021. Motion was seconded by Vice-Chairman Blanchard.

Roll Call Vote:

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



Agent Perks advised that he met with Mr. Crotty on site and he advised that work should commence in the next week or so.

2. **SE49-0865** - (Continued from 2/6/21, 3/2/21, 3/16/21, 4/6/21) - 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.

Vice-Chairman Blanchard made a motion to continue to May 4, 2021. Motion was seconded by Commissioner Pacheco.

Roll Call Vote:

Vice-Chairman Peter Blanchard- Vote in favor

Commissioner Paul Pacheco-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Chairman Dennis Audette- Vote in favor.

3. A Notice of Intent has been filed by Gary Walker of Mass. Development Finance Agency for property identified as 49 State Pier (Map 053, Lot 217). The applicant proposes repairs to the North Wharf to include replacing a portion of the existing pile supported pier and stabilizing and replacing a portion of the existing stone seawall with a steel sheet pile bulkhead. Representative is Nick Henke of HDR Engineering.

**This application has been previously approved and was inadvertently added to this agenda.**

4. A Notice of Intent as filed by Scott Taber of Shoreline Resources, LLC for property identified as 10 & 26 North Front Street (Map 79, Lots 2 & 5). Applicant proposes to install new railroad spur to replace existing one in different location due to change in arc radius to accommodate modern train dimensions, relocation of a portion of the existing track, demolition of a loading dock installation of a new lifting pier and associated site improvement. Representative is Lauren Gluck of Pare Corp.

Lauren Gluck of Pare Corporation, Victoria Howland of Pare Corporation and Scott Taber were all present on behalf of the applicant.

Ms. Gluck advised that they have resubmitted a revised NOI and plans. The plans include Phase 1 and moved lifting pier to Phase 11 and all of the work is now on the land side and no work is now being proposed in the water.

Ms. Gluck advised that the changes still show the lifting pier on plan for future work, the limit of work stops at coastal bank down to rail spur that will be replaced, line of rail spur changed slightly to south, the existing drain line will be replaced in same alignment connecting with



existing outfall that discharges to the Acushnet River. Travel lift pier and bulkhead will be done under a future NOI. The resource areas limits are 25' riverfront area which is at very end of rail spur. There is a small amount of disturbance to vegetation that is getting removed to offset the removal of trees in that area and will plant trees in the gravel area in between the buildings.

Chairman Audette inquired if they are going to work on the stormwater system at the same time.

Victoria Howland Sr Project Engineer with Pare replied that they are relocating the 24' clay drainpipe which is shown on plan to the South, the existing 24' drain line and a portion of that pipe will be relocated to the north.

Chairman Audette inquired if they would be installing an oil separator at the same time. Mr. Alan Hanscom advised that the oil water separator has been removed but will temporarily reconnect.

Chairman Audette inquired as to why stormwater plans were not submitted. Mr. Hanscom replied that they are not changing any conditions and are replacing the 24' with a 24' and have been working the City Engineer who they will provide an engineered plan for their review. Chairman Audette stated that this Commission will need to receive a letter from DPI okaying the moving of the pipes. Mr. Hanscom replied that he does have a letter from DPI. Chairman Audette stated that he read that letter, but it does not okay the moving of the pipes and discharging into the water. Mr. Hanscom stated that he did speak with Sean Syde at DPI and he said he could not give approval until he received an engineered plan. Chairman Audette stated that in the past, anything stormwater introduced gets sent out by this Commission to Nitsch for review.

Ms. Howland added that they are not changing any of the inverts and the length will be slightly increased. Chairman Audette stated that this Commission would need the calculations verified by Nitsch if do not get approval from DPI.

Ms. Cluck added that they have not yet received the DEP File #. Chairman Audette stated this matter will need to be continued because do not have a DEP File # and would need approval from DPI on the stormwater calculation which are not in the plan.

Mr. Hanscom added that they are increasing the flow capacity in the pipe and that the current pipe is close to 100 years old and this has been discussed with Sean Syde and he will provide flow calculations.

Chairman Audette suggested that Mr. Hanscom get a letter from Sean and if he agrees that the flow is not going to change, and he has no concerns then that will be fine.

Vice-Chairman Blanchard made a motion to continue to May 4, 2021. Motion was seconded by Commissioner Pacheco.

Roll Call Vote:

Vice-Chairman Peter Blanchard- Vote in favor



Commissioner Paul Pacheco-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Chairman Dennis Audette- Vote in favor.

## **NEW HEARINGS:**

- 1. A Notice of Intent as filed by Stephen Silverstein of Cisco New Bedford, LLC., for property identified as East Rodney French Boulevard (Map 012, Lots 264, 215 & 216).** Applicant proposes to groom the beach to remove shells that have piled up over the sand to improve recreational usage. Representative is Stephen Silverstein of Cisco New Bedford, LLC.

Mr. Stephen Silverstein of Cisco New Bedford, LLC was present and stated that he is requesting to remove the shells that have accumulated over the last 20 years and will not disturb the sand. Mr. Silverstein sent pictures of the site with his packet. It is his understanding that if this work is approved, the work will need to be done by April 30 before horseshoe crab season begins.

Mr. Silverstein stated that he will bring in a tractor type piece of equipment to remove the shells and estimated that the work will take one to two days. There are regulations that cannot go below certain tide line and the Agent has given him the regulations that he agrees to abide by. The removed shells would be placed on the Cisco Driveway.

Commissioner Pacheco inquired as to why they are doing this. Mr. Silverstein replied that the beach has at least 3' deep of shells and makes it almost unused for beach recreation. Commissioner Pacheco inquired as to who owns the land. Mr. Silverstein replied that it's owned by him and the Crooks that live across the street. Commissioner Blanchard inquired if the other owners are okay with the cleaning of the beach. Mr. Silverstein replied that they are co-applicants and are present this evening

Commissioner Carney inquired if the plan is to take the shells and place them in parking lot to use for shell surface on the parking lot. Mr. Silverstein replied that the parking lot will require about 1,500 yards of shells and doesn't know how many yards are there now on the beach so they will be integrated into the shells. Commissioner Carney inquired as to how long the shells will sit in parking lot piled up. Mr. Silverstein replied that they will be spread within a week or so into the parking area.

Linda Faggioli of 16 Norman Street inquired if an environmental study was done because she believes they are ducks nesting there and wonder if anyone has investigated that.

Chairman Audette inquired if there is signoff from the City for the City owned right-of-way? Mr. Silverstein stated that he is of the understanding that because it's an abandoned paper street that the ownership of the property reverts 50/50 to the abutters.

Agent Perks did reach out to the Solicitor's Office and DPI and they both agreed that because of the minimal scope of work that its acceptable for the City.



Chairman Audette inquired if maintenance plan is just for one year? Mr. Silverstein replied that after the removal of the shells, that in future years it would be handled by hand rakes. Chairman Audette suggested a special condition that every year, the applicant needs to contact the agent with the maintenance plan and timeline prior to commencing any work. Mr. Silverstein agreed to do so.

Agent Perks added that he did receive the okay from the Solicitors Office and DPI, it's acceptable to use a machine on site assuming that no work goes below the mean high water mark, once shells are removed and hit the sand grade, the machine is no longer to be used and are to use hand rakes, no altering of the natural slop or stone wall. There is no work to be performed whether hand rake or not other than picking up trash from May 1<sup>st</sup> to July 30<sup>th</sup>, which is the wetland protection season.

Agent Perks addressed Mr. Faggioli's comment and advised that he will check into that first thing tomorrow morning and he was on site yesterday and day prior and did not notice any type of birds and he has been working closely with Coastal Zone Management and Mass Division of Wildlife throughout the year.

Susan Crooke 1465 East Rodney French Boulevard was present and stated that her husband and her are co-applicants and they have agreed to this for one year and want to keep the beach as natural as possible and glad that it will be a yearly application and is looking to see how things works out before agreeing to anything in the future.

Chairman Audette stated that this changes the condition that this NOI is only for one year because they own a majority of the beach and if they want to do this again next year they will have to refile. Mr. Silverstein acknowledged this and understood.

Commissioner Pacheco inquired if there are nesting of ducks founds if it will interfere with this project. Agent Perks replied that, if a nest is found it completely supersedes everything discussed today and will have to revisit this because of the observation brought forth.

Agent Perks stated that the standard shoreline conditions #21- #47 will be added as special conditions together with the following special conditions that this is a one year agreement, machinery only to be used down to existing grade after that only hand tools to be used and if a nesting of shore birds are found it null and voids the entire order of conditions, not altering of the slope and no work to be done from May 1<sup>st</sup> to July 30<sup>th</sup>.

Councilor-At-Large, Linda Morad 4162 Acushnet Avenue, questioned that if the application process goes forward, in 2022 the two applicants would need to file the same documents as filed for this hearing and when should it be filed. Chairman Audette replied that it should be filed in the beginning of the year so that it would give them sufficient time. Councilor Morad confirmed that they will be able to pick up trash on the beach in that period of time. Chairman Audette replied yes and that it would be part of the maintenance plan.

Commissioner Pacheco made a motion to issue an Order of Conditions with special conditions as read. Motion was seconded by Vice-Chairman Blanchard.





Roll Call Vote:

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

## **NEW BUSINESS CONTINUED:**

### **1. Agent Updates/General Correspondence**

Agent Perks advised that he received notification that Eversource will be doing gas main work on Phillips Road.

### **2. Approval of Meeting Minutes of April 6, 2021**

Commissioner Pacheco made a motion to approve the Meeting Minutes of April 6, 2021. Motion was seconded by Vice-Chairman Blanchard.

Roll Call Vote:

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

### **3. Mass Coastal Railroad VMP Abutters Waiver Request**

Agent Perks advised that Tech Associates is the consultant for Mass Coastal Railroad and that railroads have exemptions regarding jurisdictional stuff regarding wetlands and they reached out to us as a courtesy and he has walked the tracks with them and they have jurisdiction over the tracks and they will be filing an RDA and are requesting a waiver to not send notices to all the abutters along the 16 miles of tracks.

Commissioner Carney made a motion to waive the abutter's notices. Motion was seconded by Vice-Chairman Blanchard.

Roll Call Vote:

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

## **ADJOURN**





Commissioner Pacheco made a motion to adjourn at approximately 7:25. Motion was seconded by Vice-Chairman Blanchard.

Roll Call Vote:

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

Respectfully submitted,

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Sandy Douglas, Administrative Coordinator

