



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 6, 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 6, 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 Paul Pacheco-Present, Commissioner Peter Blanchard-Present.

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

Anticipated speakers on the Agenda please respond in the affirmative:

Eric Pequita for 1091 Tobey Street-Present

Christopher Gilbert of Farland Corp., for 1265 Bartlett Street-Present

Jack Tabares of Farland Corp., for Farland Circle-Present



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Nick Henke of HDR Engineering for 49 State Pier-Present

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



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

OLD BUSINESS:
NONE.

NEW BUSINESS:

1. **A Request for Determination of Applicability has been filed by Eric Pequita for property identified as 1091 Tobey Street (Map 136A, Lot 827).** The applicant proposes to construct a 16' x 20' wood deck and post and rope fence along the edge of the water along with irrigation in the front yard. Representative is Eric Pequita.

Mr. Eric Pequitas was present and advised that he would like build a 16' x 20' deck in the rear of the house and would like to put a decorative rope fence along the edge of the water and install an irrigation system to the front yard along with some general landscaping.

Vice-Chairman Blanchard inquired whether there is a fence along the pond at this time. Mr. Pequita responded that there is a chicken wire fence.

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

Agent Perks recommended issuing a Determination of Applicability with Positive Box #5 and Negative Box #2 and Box#3 with the following two Special Conditions: that the erosion controls are to be installed along entire property border and to remain until site is stabile via lawn or mulch juniper beds and the use of a rubber tracked mini-excavator is permissible with the applicant paying attention that there is to be no further site disturbance.

Vice-Chairman Blanchard made a motion to issue a Determination of Applicability with a positive Box #5. Motion was seconded by Chairman Audette.

Roll Call Vote:

Vice-Chairman Peter Blanchard- Vote in favor
Chairman Dennis Audette- Vote in favor.

Vice-Chairman Blanchard made a motion to issue a Determination of Applicability with a Negative Box #2 and Box #3 with special conditions as read by the Agent. Motion was seconded by Chairman Audette.

Roll Call Vote:



Vice-Chairman Peter Blanchard- 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) - 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 April 20, 2021. Motion was seconded by Chairman Audette.

Roll Call Vote:

Vice-Chairman Peter Blanchard- Vote in favor
Chairman Dennis Audette- Vote in favor.

2. **SE49-0864** - (Continued from 2/16/21, 3/2/21, 3/16/21) - Notice of Intent as filed by **Amandio & Jose Araujo** for property identified as 1265 Bartlett Street, (Map 134, Lots 299 & 305). The applicants propose construction of a roadway within a wetland. The applicant is Christopher Gilbert of Farland Corp.

Mr. Christopher Gilbert of Farland Corp, was present and advised that their proposal to construct a roadway has been review by Nitsch Engineering and they have satisfied all their comments and submitted revised plans.

Vice-Chairman Blanchard inquired if the applicant was going to seed right away. Mr. Gilbert replied that their hope is to start soon, and it's usually done in May.

Agent Perks advised that the final correspondence has been received from Nitsch Engineering this morning and they had no further comment.



Agent Perks recommended issuing an Order of Conditions with special conditions #21- #48.

Vice-Chairman Blanchard made a motion to issue an Order of Conditions with special conditions as recommended by the Agent. Motion was seconded by Chairman Audette.

Roll Call Vote:

Vice-Chairman Peter Blanchard- Vote in favor
Chairman Dennis Audette- Vote in favor.

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

Agent Perks advised that Mr. Fitzgerald is still working with obtaining Chapter 91 and therefore, will need a continuance.

Vice-Chairman Blanchard made a motion to continue to April 20, 2021. Motion was seconded by Chairman Audette.

Roll Call Vote:

Vice-Chairman Peter Blanchard- Vote in favor
Chairman Dennis Audette- Vote in favor.

NEW HEARINGS:

1. **SE49-0855** - A Request to Amend Order of Conditions has been filed by **Vaz Construction for property identified as Farland Circle (Map 1300, Lot 475).** The applicant proposes to change the location of the house and driveway with a retaining wall. Representative is Jack Tabares of Farland Corp.

Mr. Jack Tabares of Farland Corp. was present on behalf of the applicant and advised that they are proposing to amend this project that was previously approved on 10/20/20. The driveway was initially proposed on the side of the house and have now shifted the house southwest away from the wetland and also have incorporated a retaining wall at the 25' no touch.

Chairman Audette recommended that they install split rail fence and signage.

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

Agent Perks advised that they have violated Special Conditions 22, 25, 42, and 44 of the original order of conditions, and that this amended order of conditions does not extend the issuance of the



original Order of Conditions with an expiration date of 10/28/2003 , the special conditions in the original Order of Conditions shall continue.

Vice-Chairman Blanchard made a motion to issue an Amended Order of Conditions. Motion was seconded by Chairman Audette.

Roll Call Vote:

Vice-Chairman Peter Blanchard- Vote in favor
Chairman Dennis Audette- Vote in favor.

- 2. 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.

Mr. Nick Henke of HDR Engineering was present on behalf of the applicant. Mr. Henke advised that they are working with Mass. Development Finance Agency. This property provided access to the Ferry Terminal proposed repairs including a portion of the existing stone seawall with a steel sheet pile bulkhead and repairs to the existing pile supported pier. The work area will be enclosed with turbidity curtain. Project does not negatively affect the protected resources.

Vice-Chairman Blanchard inquired as to when the project will commence. Mr. Henke replied that it would be after this summer's ferry season.

Chairman Audette inquired whether they had received Chapter 91 Waterways approval. Mr. Henke replied that they received a minor modification in mid-December.

Chairman Audette inquired whether they were proposing any dewatering.

Bryan Jones is the engineer and he replied that there will be no dewatering required. They are just driving the piles.

Chairman Audette inquired whether there was anyone present who wished to comment on this project.

Mark Driscoll of DCR, owner of the New Bedford State Pier was present and advised that he is in full support of this project.

Agent Perks advised that he does not have any further comments other recommending the issuance of an Order of Conditions with special conditions 21-48.

Vice-Chairman Blanchard made a motion to issue a NOI with special conditions as recommended. Motion was seconded by Chairman Audette.

Roll Call Vote:



Vice-Chairman Peter Blanchard- Vote in favor
Chairman Dennis Audette- Vote in favor.

Agent Perks will be contacting the applicant and/or its representatives to advise them that an Order of Conditions will NOT be issued until the DEP File number is received. At the time the motion was made the Commissioners' were unaware of not having received the DEP File number.

- 3. 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.

Ms. Lauren Gluck, Alan Hanscom, Victoria Howland of Pare Corp., were present together with Patrick Rezendes of Foth and the owner Scott Taber.

Mr. Alan Hanscom advised that this project is located at the old Revere Copper Building. They are proposing to relocate the existing rail line, existing ROW across Sea trade property and they are in support of this project. There is an overflow storm drain on North Front Street that runs down to Acushnet river to where the travel pier will be located. Negotiations now for seafood processing facilities that will be one of the projects that will be done later this year.

Lauren Gluck went over where the rail spurs will be located in between two buildings. Most of site is below flood elevation of 6, for construction of lifting pier all of the impacts within the bank and waterway are already areas being disturbed. in order to construct the rail spur will move elevated floating dock for construction of lifting pier there is so impact to coastal bank and land under the ocean. All the impacts within the bank are in areas that already being disturbed by work being done by SCR.

The Commission had recommended some mitigation and they are proposing that in area adjacent surrounding the parking lot that will restore with trees.

Victoria Howland Pare Corp, spoke on the site improvement limit of disturbance is expanding beyond the improvements to accommodate the potential future work. This project is considered a redevelopment project because no net increase of impervious. Ms. Howland also spoke with regard to the stormwater.

Recent modification was made to the rail line to pull it the south line will lineup with center line of the lift pier this change will be made to the plans.

Peter Blanchard is owner going to buy the property next door too in the future, trying to understand the outlook

Mr. Hanscom advised that the plan is Revere Cooper will be leasing out portions of the site.



Vice-Chairman Blanchard inquired if the work would be done by June 1?

Mr. Hanscom replied that MASSDOT has funding source that is available, and the project needs to be completed by June 1, so there is a matter of urgency.

Chairman Audette confirmed that they are just proposing to do the railway and nothing else.

Mr. Hanscom replied that was correct and the rail work is the most pressing and the NOI does address the lifting pier and rail.

Chairman Audette inquired if any drainage needs to be moved because there are no stormwater calculations filed.

Ms. Howland replied that a portion of 100 linear feet will have to be moved and sewer will be abandoned in place and are not proposing any other revisions to the drainage system

Chairman Audette inquired if they are proposing to move trees and make another area for the trees.

Ms. Gluck replied that the mitigation is on the plans, but they did not specify the species. Chairman Audette would like the species identified in a restoration plan and that the mitigation area should be increased by additional footage.

Chairman Audette read through some plans and inquired if the bulkhead is being proposed and if there is there is going to be any dewatering. Ms. Gluck replied that the bulkhead is not part of their process its part of SCR process. Chairman Audette stated dewatering was mentioned in the plans for the pier.

Mr., Patrick Rezendes of Foth stated that pier is pile supported and the piles would not require dewatering to be done there will be concrete or timber forms, they will be pulled during low tide so no dewatering process will be necessary.

Scott Taber added that the pier is not part of this phase and they are just doing the rail during this phase and are removing the platform.

Chairman Audette wanted to make clear that this is just for the rail. Mr. Taber replied that is correct that this is just for the rail and construction of pier will be at a later time.

No comments were heard in favor or in opposition of said project.

Agent Perks clarifying for the rail construction and platform demolition inquired if they knew what sewer line material is made of. Mr. Hanscom replied that 24" storm drain is acrid pipe and relatively brittle and have replaced a portion of it along the building but still doing final design and there is possibility it might become a reinforced concrete pipe but this would be done under Phase II. They need to get the rail under construction because of the funding.



Vice-Chairman Blanchard made a motion to continue to April 20. Motion was seconded by Chairman Audette.

Roll Call Vote:

Vice-Chairman Peter Blanchard- Vote in favor
Chairman Dennis Audette- Vote in favor.

NEW BUSINESS CONTINUED:

1. Agent Updates/General Correspondence

Agent Perks advised that there will be an RDA filed from TEC Associates for railroad vegetation management and they would like to know if they can have a waiver's to abutters. Chairman Audette advised that they cannot discuss this because they are not before us this evening.

2. Approval of March Meeting Minutes of March 16, 2021

Vice-Chairman Blanchard made a motion to approve the Meeting Minutes of March 16, 2021. Motion was seconded by Chairman Audette.

Roll Call Vote:

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

3. Split Rail Fence Discussion

Chairman Audette advised that a split rail fence is historical for the City of New Bedford, homeowner's or applicants are given a choice of either stonewall, arborvitaes and split rail fence.

ADJOURN

Vice-Chairman Blanchard made a motion to adjourn at approximately 7:45 Motion was seconded by Chairman Audette.

Roll Call Vote:

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



All in favor. Motion carries

Respectfully submitted,

Sandy Douglas, Administrative Coordinator

