



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 5, 2021
REMOTE PUBLIC HEARING VIA ZOOM**

Members Absent

Staff Present

Sarah Porter, 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 December 1, 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, Administrative Coordinator Sandy Douglas-Present.

Anticipated speakers on the Agenda please respond in the affirmative:

Sarah Quintal for ES Taylor Street – RDA – PRESENT

**Rhianna Sommers of Epsilon Associates for Request for COC for 1569 Airport
Road**

Stevie Carvalho of Farland Corp., for 1309 Sassaquin Avenue - NOI



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

Marilyn Wade – Brown and Caldwell- 700 & 740 Belleville Ave - NOI

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.



NEW BUSINESS:

1. A Request for Determination of Applicability as filed by Azorean Maritime Heritage Society for property identified as ES Taylor Street (Map 17A, Lots 5 & 7).

Applicant proposes to demolish and remove a chicken coop, flush cut and remove trees in the central portion of the property and install a 6' fence. Representative is Sarah N. da Silva Quintal of Azorean Maritime Heritage Society.

Ms. Sarah da Silva Quintal was present and spoke on behalf of the applicant. Ms. Quintal advised that they are a non-profit organization founded in 1997 and this property on Taylor Street was donated to them in 2019. Ms. Quintal is requesting permission to secure the perimeter of the property to be able to clean the property of debris and to demolish and remove the existing chicken coop so that they can construct a building in the property in the future.

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

Chairman Audette advised Ms. Da Silva Quintal that she is not getting permission to do any work on the Dartmouth side of Taylor Street.

Agent Hebbel advised that Councilor Joe Lopes has sent a letter dated December 31, 2020 stating that he is in full support of this project. Agent Hebbel read said letter into record. Agent Hebbel advised that he performed a site visit and the proposed work will consist of clear cutting of vegetation specifically around the house to the fence line, there will be no stump removal, no excavation or earth disturbance. Agent Hebbel recommended clearing 10' from the property line to adequately erect the fence. Dartmouth is the owner of the paper street at end of property and any improvements is not under this commission's jurisdiction and would have to go before the town of Dartmouth.

Agent Hebbel recommended a positive on Box #5 that the area/work as described on the referenced plans is subject to review and approval by this Commission and includes the New Bedford Wetland Ordinance and a negative on Box #2 that the work as described is within an area subject to protection under the Act but will not remove fill dredge or alter the area. Said work does not require filing an NOI.

Agent Hebbel also recommended the following Special Conditions that all trees and brush be cut flush to ground. There will be no disturbing or removal of stumps or other excavation. All brush and trees cut for demolition will be chipped and removed off site, there will be no stockpiling of brush, demolition debris or woodchips. Clearing for fence line will be no greater than 10' from property line. All vegetation cleared for fence line will be removed from site no stockpiles.

Vice-Chairman Pacheco made a motion to issue a positive determination of box #5 along with the special conditions as read by the Agent. Motion was seconded by Commissioner Blanchard.

Roll Call Vote:



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

All in favor. Motion carries.

Commissioner Blanchard made a motion to issue a negative determination of box #2 along with the special conditions as read by the Agent. Motion was seconded by Commissioner Blanchard.

Roll Call Vote:

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

All in favor. Motion carries.

2. Request for Certificate of Compliance as filed by the New Bedford Regional Airport for property identified as 1569 Airport Road (Map125, 123C, 123, 122 and Lots 22, 225, 3, 3). Representative is Rhianna Sommers of Epsilon Associates.

Ms. Rhianna Sommers of Epsilon Associates was present together with Craig Schuster of Airport Solutions. Ms. Sommers advised the Commission that the Order of Conditions was issued back in November 2019 and that the work as proposed has been completed and is requesting a Certificate of Compliance. The work commenced last August and was finished in October 2020. Epsilon was out there to ensure that the work is complete, and a site visit was conducted with the Agent on December 15, 2020.

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

Agent Hebbel advised that he performed a site visit with Epsilon Associates and Scott Servis of the Airport. There were minor field deviations due to general typography, but it was built in accordance with the Order of Conditions. Agent Hebbel recommended issuing a Certificate of Compliance.

Vice-Chairman Pacheco made a motion to issue a Certificate of Compliance. Motion was seconded by Commissioner Blanchard.

Roll Call Vote:

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

All 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) - 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. **CONTINUED TO 1/19/21**

Commissioner Blanchard made a motion to continue to January 19, 2021. Motion was seconded by Vice-Chairman Pacheco.

Roll Call Vote:

Vice-Chairman Paul Pacheco- Vote in favor.

Commissioner Peter Blanchard- Vote in favor

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

2. **SE49-0857** – (Continued from 10/20/20, 11/3/20, 11/17/20, 12/1/20, 12/15/20) - A Notice of Intent as filed by Abra Degbor for property identified as 1309 Sassaquin Avenue (Map 138, Lot 413). Applicant proposes to demolish an existing house and carport and construct a single-family dwelling, garage, deck, porch and stone retaining wall with associated grading and utilities in the 100' Buffer Zone to the Bank of Sassaquin Pond. Representative is Stevie Carvalho of Farland Corp.

Mr. Stevie Carvalho of Farland Corp. was present. Mr. Carvalho advised that he has made the revisions to the plan to include an area of stockpiles and the out-spot connection locations. Mr. Carvalho did have a conversation with the applicants regarding establishing the 25' barrier with a fence, stonewall or arborvitaes and they don't feel it's necessary because of the slope and Mr. Carvalho agrees with them. The applicants would prefer not to put up post and rail fence, or arborvitaes. Etc.

Chairman Pacheco confirmed that established the 25' no disturb is something that has always been done by this Commission.



Chairman Audette replied that this Commission has always given them a choice to put up a fence, arborvitaes, stonewall or put up signage on a post which would work well on this property.

Chairman Audette inquired whether the applicants intend on building the house as is proposed on the plan because if they decide not to build the house as proposed, they would have to come back before this Commission. Ms. Abra Degbor advised that the plan presented by Farland is accurate and what they intend to build and that they are not changing this footprint. Ms. Degbor also understand that any changes would trigger them to come back before this Commission for an amendment. Ms. Degbor confirmed that they are willing to put up the posts with the signage.

Agent Hebbel recommended that the posts with the signs be spaced out every 50'. Mr. Carvalho stated that there will be approximately 10 signs placed on the property with the signage.

Chairman Audette suggested that there be a special condition that there is no burying of material or debris in the ground and that all debris be hauled off site.

There were no comments in favor or in opposition of this project.

Agent Hebbel recommended that at the time of transfer that an acknowledgment be signed along with all standard special conditions, any significant changes will require a filing for an amendment with the Commission. If there are trees that need to be removed, the Conservation Agent is to be notified. There will be no washing of trucks near the pond, any dewatering needs to be pumped into a trench located on the other side of the property away from the ponds and to practice all standard practices. Agent is to inspect the erosion control and to be contacted prior to the commencement of work.

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

Roll Call Vote:

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

All in favor. Motion carries.

- 3. A Notice of Intent as filed by Evan Slavitt of AVX Corporation for property identified as 700 & 740 Belleville Avenue (Map 12, Lots 88 & 252).** As a result of the Phase IV Remediation Action Plan, this project involves the completion of all remediation activities for the four OU's (OU1, OU2, OU3 & OU4) associated with the disposal site. The activities are located in the Riverfront Area and Storm Flowage, Coastal Resource Area, Land Under the Ocean, Coastal Banks, Salt Marshes, Land Containing Shellfish and Land Subject to Coastal Storm Flowage. Representative is Marilyn Wade of Brown and Caldwell.



Agent Hebbel advised that still working with purchasing department to get Woods Hole Group on board to be able to conduct the peer review, so a continuance is requested at this time.

Commissioner Blanchard made a motion to continue to January 19, 2021. Motion was seconded by Vice-Chairman Pacheco.

Roll Call Vote:

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

All in favor. Motion carries.

NEW HEARINGS:

NONE.

NEW BUSINESS CONTINUED:

1. Agent Updates/General Correspondence

A-1 Asphalt

Agent Hebbel advised that A1 Asphalt is still working on getting the access agreement from the Airport and are hoping to have it in time for the next meeting.

Commissioner Blanchard made a motion to send the Airport a letter to move this matter along as the applicant has been waiting for quite some time now so they may be able to continue with the proposed work. The letter will be sent if have not heard from Airport by next Monday. Motion was seconded by Vice-Chairman Pacheco.

Roll Call Vote:

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

All in favor. Motion carries.

2. Approval of December 15, 2020 Meeting Minutes



Commissioner Blanchard made a motion to approve the Meeting Minutes of December 15, 2020. Motion was seconded by Vice-Chairman Pacheco.

Roll Call Vote:

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

All in favor. Motion carries

ADJOURN

Commissioner Blanchard made a motion to adjourn at approximately 7:12. Motion was seconded by Vice-Chairman Pacheco.

Roll Call Vote:

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

All in favor. Motion carries

Respectfully submitted,

Sandy Douglas, Administrative Coordinator

