



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
March 1, 2022
PUBLIC HEARING held at the Brooklawn Senior Center,
1997 Acushnet Avenue, New Bedford, MA**

Members Absent

Staff Present

Chancery Perks, Conservation Agent
Teresa Alves, 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 Sean Carney, Commissioner Kimberly Rioux, Commissioner Rebeca Linhart, Commissioner Scott Grant Jr.

GENERAL PROCUEDEURES FOR HEARING

Chairman Audette read General Procedure for Hearings for the record.

OLD BUSINESS:

NONE



NEW BUSINESS:

1. **SE049-0855** – A Request for a Certificate of Compliance filed by Ryan Smith of Vaz Construction for property identified as Farland Circle Lot #6 (Map 130D, Lot 475). The applicant requests a Certificate of Compliance for a single-family house construction. Representative is Ryan Smith. **CONTINUED 3/15/22**

Commissioner Carney made a motion to continue to March 15, 2022.

Motion was seconded by Vice -Chairman Blanchard

Vice -Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Scott Grant Jr-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, 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, 6/1/21,6/15/21,7/6/21,7/20/21,8/3/21,8/17/21,9/9/21,9/21/21,10/5/21,10/26/21,11/2/21,11/16/21,12/7/21,12/21/21,1/4/22,1/18/22,2/1/22,2/15/22) - 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, MA (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 TO 3/15/22**

Commissioner Carney made a motion to continue to March 15,2022

Motion was seconded by Vice -Chairman Blanchard

Vice -Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Scott Grant Jr-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

- 2. SE049-0876 - (Continued from 8/17/21, 9/9/21, 9/21/21, 10/5/21, 10/26/21, 11/2/21, 11/16/21,12/7/21,12/21/21,1/4/22,1/18/22,2/1/22,2/15/22) - A Notice of Intent as filed by Steven Silverstein of Cisco New Bedford, LLC for property identified as 1494 East Rodney French Boulevard, New Bedford, MA (Map 12, Lot 77). The applicant is proposing to install a gangway and floating dock on the north side of the existing timber pier. Representative is Susan Nilson of Foth Infrastructure & Environmental, LLC.**

Susan Nilson present on behalf of Steven Silverstein of Cisco's New Bedford, LLC. Ms. Nilson stated from previous meeting from August that they are proposing to install a seasonal floating dock on the north side of the existing pier. Comprised of a 4ft X 40ft gangway and a 38ft X 60ft floating dock secured with concrete block anchors and bottom chains. Reason for the *NOI* being a resource area with land under ocean. The floating dock would be removed during the winter and during hurricane season when winds reached over 70mph. Susan stated that they took the commissioners comments from the last meeting and looked into other alternatives and this was the best design.

Commissioner Linhart asked about seagrass and the chain touching the bottom of the ocean floor. Ms. Nilson responded that there is no seagrass mapped in that area and the bottom chain would touch the ocean floor and drag during storms and the top chain would move with the tides and only touch the bottom during low tide.

Commissioner Carney inquired about removing the dock during hurricane season and cost of project if a different method of securing the dock is used. Ms. Nilson stated that during hurricane season, no boats would be permitted to dock with winds over 40mph and removal with winds over 70mph. The cost of using a non-traditional method to secure would be a significant amount and would still be anchored to the ocean floor.



Commissioner Blanchard asked on having 8 blocks. Ms. Nilson responded with the blocks being paired for the weight.

Chairman Audette asked what happens to the chains when the dock is removed. Are they going to be dropped or will they be floating and how long are the chains? Ms. Nilson stated that the chains are 60ft long each and in their plans they have them being dropped to the floor. But she said that they could have them pair together and attached to a floating device, so that the chains are not dragging on the ocean floor during the winter.

Chairman Audette requested that signs be put up that state when winds reach 40mph and higher and a red flag is up, that no boats are allowed to dock, and trash cans placed on the dock so trash does not end up in the water.

Agent Perks stated he would like provided a O&M Plan for the pier that includes inclement weather readiness and removal plan of where the dock will be stored during the winter. Will it be stored in the Cisco's owned overflow lot across the street or the parking lot.

Agent Perks recommends the issuance of an *Order of Conditions* with the standard *Coastal Zone Special Conditions* that include the following conditions:

- Floating dock to be removed when hurricane winds are forecasted [SIC-a *Category 1 Hurricane Warning* or greater, Hurricane conditions are sustained winds of 74mph or greater expected somewhere within the New Bedford area, consistent with the communications of the New Bedford Emergency Management Department warning system pursuant to the National Weather Service]
- Erect a sign on the Pier that states "No dockage if winds in excess of 40mph (35 knots)"
- Pier to be removed to overflow during winter
- Make provisions for garage collection and trash removal
- The chains paired together to float and not dropped to ocean floor

Commissioner Carney made a motion to issue an Order of Conditions with the conditions as recommended by the Agent.

Motion was seconded by Vice -Chairman Blanchard

Vice -Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Scott Grant Jr-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.



3. **SE049-0867-(Continued from 11/16/21, 12/7/21, 12/21/21, 1/4/22, 1/18/22, 2/1/22, 2/15/22)**
A Request to Amend Order of Conditions as filed by Shoreline Resources, LLC for property identified as 10 & 26 N Front St (Map 79, Lot 2 & 5). The applicant is proposing to amend the Order of Conditions. Representative is Alan Hanscom of Pare Corporation. **CONTINUED TO 3/15/22**

Commissioner Carney made a motion to continue to March 15, 2022

Motion was seconded by Vice -Chairman Blanchard

Vice -Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Scott Grant Jr-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

NEW HEARINGS:

1. **SE049-0** - A Notice of Intent as filed by Ryan Harrington for property identified as **450 West Rodney French Blvd. New Bedford, MA (Map 7, Lot 78).** The applicant is proposing raising a masonry patio and addition to existing stone wall. Representative is Ryan Harrington. **CONTINUED TO 3/15/22**

Mr. Ryan Harrington present tonight on his own behalf. Mr. Harrington has lived at this property for 17 years and is proposing raising a masonry patio and addition to existing stone wall and regrade the sidewalk area in front of the stone wall to make it flat. Any materials will be store at the top of the driveway, silt fences and hay bales will be used, and any excavated material will be removed and hauled away the same day. Mr. Harrington has reached out to the Department of Public Infrastructure (DPI) since the area in front of the stone wall that he wants to regrade is city property.

Commissioner Grant asked about storm drains in the area and would benefit putting silt fence around to stop debris.

Commissioner Linhart inquired if the patio was being replaced or changing it completely and if it was wood or concrete. Mr. Harrington stated that it was stone and that it he was using blue stone and the patio would be bigger than the original one.

Commissioner Carney would like marked on the plan where the material would be stored and where the hay bales and silt fences are for erosion control.



Chairman Audette asked where Mr. Harrington stood with DPI and required a letter from DPI that they are giving permission for the work on city property, before any work is done.

Agent Perks stated since there is no *DEP* number yet, this will need to continue to the next meeting allowing Mr. Harrington to get the DPI letter. Agent Perks also requested to be called to the property once the hay bales are in place for erosion control.

Chairman Audette stated that if *DEP* number is issued and the DPI letter is submitted, Mr. Harrington would not need to be present at the next meeting.

Commissioner Carney made a motion to continue to March 15,2022

Motion was seconded by Vice -Chairman Blanchard

Vice -Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Scott Grant Jr-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

- 2. SE049-0 – A Notice of Intent as filed by Nordic Fisheries, Inc. for the property identified as 14 Hervey Tichon Avenue New Bedford, MA (Map 66, Lots 137,147,170,171).** The Applicant is proposing to replace the existing and deteriorated pile-supported pier with a solid-fill pier. The new bulkhead will be placed 38 feet east of the existing bulkhead and extending north to south by 450 feet for a total of 17,100SF. This replacement is approximately the size of the existing pile supported pier. Representative is Sean Scannell of Epsilon Associates. **CONTINUED TO 3/15/22**

Sean Scannell present with Mike Livingstone of Nordic Fisheries, Craig Sams of Waterfront Structural Consulting, and Dwight Dunk of Epsilon Associates. Mr. Scannell gave a presentation about Nordic Fisheries and stated that this is an active fishing pier. Nordic needs to replace the existing infrastructure to support ship refueling and provisioning, offloading, fish icing, and transport to the Nordic processing site. These activities involve weights exceeding the 100 pounds per square foot capacity in the CLE Engineering report. The existing pier is a pile-supported pier that through structural inspections, was determined to be significantly deteriorated diminishing the structural load capacity of the pier. The pier therefore poses a safety hazard and threat to the commercial fishing operations.

Chairman Audette raised concern that there is no plan and the project is left up to the contractor, which at this time, there is no contractor. Also, cannot condition anything until a letter from DPI is received about the pipe and that they have approved and signed off on the project.



Agent Perks stated that they are still waiting on the *DEP* number, the time restriction per *DMF* is January 15th to May 31st, need the letter from DPI, mark on plan where the silt curtains will be, and will it be land base or barge mounted.

Commissioner Carney made a motion to continue to March 15,2022

Motion was seconded by Vice -Chairman Blanchard

Vice -Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Scott Grant Jr-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

3. SE049-0 – A Notice of Intent as filed by Faria & Oliveira Properties, LLC. For property identified as Pequot Street New Bedford, MA (Map 136A, Lot 884). The Applicant is proposing construction of a single-family house with associated grading and utilities. Representative is Christopher Gilbert of Farland Corp, Inc. CONTINUED TO 3/15/22

Chairman Audette stated that the commission is here to vote on whether or not Faria & Oliveira Properties meets *The Wetland Requirement* and a house can be built on this property. The Commission does not have any other jurisdiction in Zoning or any other areas.

Christopher Gilbert present tonight representing Faria & Oliveira Properties. Mr. Gilbert stated that the owner did go to the Zoning Board of Appeals and was granted variance for construction of a single-family house.

Commissioner Linhart asked about the contour lines on the map and being that this is a pretty flat area and which way does the water run. Also is there a way to minimize the loss of the wildlife habitat. Mr. Gilbert stated that the water would flow into the wetlands and away from the house. The lot being undersized, there is a limited amount of space to replant.

Commissioner Carney inquired how many trees would be cut down, any other type of bushes, how they would be cut, where would the stockpile be store, what types of erosion control would be used, how long would the stockpile be on the property, and would like it marked on the plan. Mr. Gilbert stated that about a dozen mature trees would be cut and dense bushes and chainsaws would be used and the rest would be excavated. The dirt stockpile would be placed to the left of



the property and unsure for how long and silt fences and straw wattles would be used for erosion control.

Chairman Audette questioned if the property has been re-delineated since 2019 by Farland and if the flags are still there. Need a delineation to see where the wetland is and if it has moved and requested to restore some of the trees that were cut.

Mr. and Mrs. Campoli of 1085 Pequot street both spoke against this project. They are concerned that allowing this house to be built will then open it up to more houses being built into a cul-de-sac.

Ms. Rose Vieira of 1109 Pequot Street also spoke in opposition of this project. Ms. Vieira lives across the street is concerned about destroying the wetlands and where is the water going to flow with more development in this area.

Chairman Audette stated that the house being built is not in the wetlands and as long as it meets the criteria, the commission cannot stop the project.

Agent Perks stated there is no *DEP* number at this time. Need to mark on the plan the stockpile location and erosion controls. Agent Perks recommending the special condition that when the vegetation is removed, erosion control is installed immediately and wattles be staked every 3 feet.

Commissioner Carney made a motion to continue to March 15,2022

Motion was seconded by Vice -Chairman Blanchard

Vice -Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Scott Grant Jr-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

- 4. SE049-0884 – A Notice of Intent as filed by Michael Quinn for property identified as 26 N. Front Street New Bedford, MA (Map 79, Lot 2).** The Applicant is proposing to construct a concrete pile supported single travel lift pier to support a 620-tonne travel lift crane, with associated site work. Representative is Patrick Rezendes of Foth Infrastructure and Environment, LLC.



Susan Nilson present in place of Patrick Rezendes representing Michael Quinn. Ms. Nilson stated that Shoreline Resources, LLC, as the applicant, is proposing waterfront improvements to the property located at 26 North Front St. These improvements include construction of a pile supported Travel Lift pier. Additional improvements to the New Bedford harbor waterfront on

the property are being permitted through *MassDEP* and *USEPA* under the *State Enhanced Remedy (SER)* process for the New Bedford Superfund harbor cleanup. These improvements are noted on the project drawings and include dredging, bulkhead, and deck/landside improvements associated with the remedy of the harbor cleanup. The travel lift piers currently proposed under this *NOI* will be completed following the construction of the work authorized through the *SER*.

Commissioner Grant inquired about the considerable amount of dredging and concern with PCB impacted sediments and sediment controls being put in place. Ms. Nilson stated that they have been working with the Port Authority with the dredging and silt curtains and water quality monitoring will be used.

Chairman Audette asked if the work being performed runs into the 24 inch storm drain pipe project, if it does, a letter from DPI would be needed. Ms. Nilson replied that it would not be impacted at this time and that the *Order of Conditions* is just for the travel lift pier.

Mr. John McCoy had a question about the large barge full of debris, “how is it going to be disposed of and who is going to dispose it?”. Ms. Nilson was unsure about the barge. The barge has been there before this property was bought and it will be removed since it is in the path of boats coming to this pier.

Agent Perks asked if Ms. Nilson could explain where Pare Corp. and Foth Engineering are coordinating on this site. Ms. Nilson stated that Foth has worked with the owners prior to this project, and the owners brought on Foth. Foth deals with the water side of the project, anything Marine, dredging, and with the travel lift pier. Pare has a long history of working at this site and owners continue working with Pare with anything that is upland. Foth and Pare have been meeting and coordinating with this project.

Agent Perks would like to condition that he is on site once a week to report back to the Commission weekly updates. Agent Perks recommends issuing an *Order of Conditions* with the Standard Coastal Zone special conditions and weekly updates.

Commissioner Carney made a motion to issue an Order of Conditions with the conditions as recommended by the Agent.

Motion was seconded by Vice -Chairman Blanchard

Vice -Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.



Commissioner Scott Grant Jr-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

AGENT UPDATES/GENERAL CORRESPONDENCE

1. Meeting Minutes 2/15/22 to vote in.

Commissioner Carney made a motion to accept 2/15/22 meeting minutes.

Motion was seconded by Vice -Chairman Blanchard

Vice -Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Scott Grant Jr-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

2. Nominations and vote on Board positions.

Vice-Chairman Blanchard made a motion to nominated Sean Carney for Vice-Chairman.

Motion was seconded by Commissioner Linhart.

Commissioner Blanchard made a motion to re-nominated Dennis Audette for Chairman.

Motion was seconded by Commissioner Linhart.

Vice -Chairman Peter Blanchard-Vote in favor.

Commissioner Sean Carney-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.



Commissioner Scott Grant Jr-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

3. Vegetation Alteration Application.

Agent Perks stated he would like to standardize the way tree removal request are made. Prior requests were made with a letter from the applicant requesting the tree removal. This form is a writable PDF that would be available on the Conservation website, emailed to the applicant or handed. This form would help with record keeping and making it uniformed. The application is just for minor alterations, it is then up to the commission if any further requirements are needed.

4. Funds expenditure for Pesticide exam license and training for the Agent.

Agent Perks is requesting funds expenditure for his Pesticide license and yearly education.

Vice-Chairman Carney made a motion to accept expenditure request for the Agent.

Motion was seconded by Commissioner Linhart.

Vice-Chairman Sean Carney-Vote in favor.

Commissioner Peter Blanchard-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Scott Grant Jr-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.



ADJOURN

*Vice-Chairman Carney made a motion to adjourn at approximately 8 :22 pm.
Motion was seconded by Commissioner Linhart.*

Roll Call Vote:

*Vice-Chairman Sean Carney-Vote in favor.
Commissioner Peter Blanchard-Vote in favor.
Commissioner Kimberly Rioux-Vote in favor.
Commissioner Rebeca Linhart-Vote in favor.
Commissioner Scott Grant Jr-Vote in favor.
Chairman Dennis Audette- Vote in favor.*

Respectfully submitted,

Teresa Alves, Administrative Coordinator

