



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
April 5, 2022
PUBLIC HEARING held at the Brooklawn Senior Center,
1997 Acushnet Avenue, New Bedford, MA**

Members Absent

Commissioner Scott Grant

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 Rebeca Linhart, Commissioner Kimberly Rioux.

GENERAL PROCUEDEURES FOR HEARING

Chairman Audette read General Procedure for Hearings for the record.

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, 4/20/21, 5/4/21, 5/18/21, 6/1/21,6/15/21,7/6/21,7/20/21,8/3/21,8/17/21,9/9/21,9/21/21,10/5/21,10/26/21,11/2/21,11/16/21,12/7/21,12/21/21,1/4/22,1/18/22,2/1/22,2/15/22,3/1/22,3/15/22) - 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 4/19/22**

Vice-Chairman Carney made a motion to continue to April 19,2022.

Motion was seconded by Commissioner Blanchard.

Vice-Chairman Sean Carney-Vote in favor.

Commissioner Peter Blanchard-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

2. **SE049-0867** - (Continue from 11/16/21, 12/7/21, 12/21/21, 1/4/22, 1/18/22, 2/1/22, 2/15/22,3/1/22,3/15/22) 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 4/19/22**



Vice-Chairman Carney made a motion to continue to April 19,2022.

Motion was seconded by Commissioner Blanchard.

Vice-Chairman Sean Carney-Vote in favor.

Commissioner Peter Blanchard-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

3. **SE049-0891** – (Continued from 3/1/22,3/15,22) - 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 4/19/22**

Vice-Chairman Carney made a motion to continue to April 19,2022.

Motion was seconded by Commissioner Blanchard.

Vice-Chairman Sean Carney-Vote in favor.

Commissioner Peter Blanchard-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

4. **SE049-0889** – (Continued from 3/15/22) - A Notice of Intent as filed by **Andy Herlihy of the Community Boating Center for property identified as 1641 Padanaram Ave. New Bedford, MA (Map 17A, Lots 104 & 105)**. The applicant is proposing installing a security gate on the existing pier. Representative is Andy Herlihy. **CONTINUED TO 4/19/22**

Vice-Chairman Carney made a motion to continue to April 19,2022.

Motion was seconded by Commissioner Blanchard.

Vice-Chairman Sean Carney-Vote in favor.



Commissioner Peter Blanchard-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

- 5. SE049-0890 – (Continued from 3/15/22) - A Notice of Intent as filed by Dennis Audette of 21 Hudson Street New Bedford, MA (Map 4 Lot 111).** The applicant is proposing a home addition in a FEMA Flood Zone. This construction is a 28' x 26' garage with a bedroom on the 2nd floor. Representative is Dennis Audette.
CONTINUED TO 4/19/22

Vice-Chairman Carney made a motion to continue to April 19,2022.

Motion was seconded by Commissioner Blanchard.

Vice-Chairman Sean Carney-Vote in favor.

Commissioner Peter Blanchard-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

NEW HEARINGS:

- 1. SE049-0888 - A Notice of Intent as filed by Acushnet Company for property identified as Acushnet Co, Ball Plant III, 215 Duchaine Blvd. New Bedford, MA (Map 136, Lot 331).** The applicant is proposing a 1696 S.F. addition to their existing Ball Plant III manufacturing facility and associated site work adjacent to a wetland resource area. Representative is William F. Madden, P.E. of G.A.F. Engineering Inc.

Mr. William Madden present tonight on behalf of Acushnet Company along with Kevin Kelly of Acushnet Company. Mr. Madden stated that they are proposing a small addition to the northwest corner of the Ball Plant III building. Mr. Madden stated that they have been working on several projects at this location since 2008. In the original 2008 plan, calculations included square footage that was not constructed and the stormwater management system constructed and modified in 2008 was based on the proposed building construction and essentially was overbuilt to accommodate the original building program of



10,454 SF. Mr. Madden also stated that the current project planned for the site will not increase building or impervious beyond what was originally planned for 2008, consequently, the stormwater management system was constructed to the design parameters established in 2008, the size of which accommodates this current project. Mr. Madden informed that they would be repaving a small area and replacing the stones that have been damaged due to the winter season. Commissioner Linhart questioned the 25 Ft buffer zone and asked it be added to the plans and would cleaning the rocks be an option. Mr. Madden replied that replacing the stones and disposing the old ones to be a better option and a yearly maintenance would be implemented and the project should be complete by late fall. Commissioner Blanchard question about the mentioned clean up. Mr. Madden clarified that the clean up was due to the snow and salt from the winter season being pushed up against the building and rocks. Vice-Chairman Carney asked what plan they have for the stockpile. Mr. Madden stated that all excavation would be taken out in trucks and there would be no stockpiles. Chairman Audette questioned on whether they could have a designated area that the snow could be piled. Chairman Audette motioned to send out the plan to Nitsch Engineering for peer review. Motion was second by Vice-Chairman Carney and all in favor. Agent Perks recommendation was to have no stockpile area, all material to be removed daily, and he will follow up with Mr. Madden and Nitsch Engineering. **CONTINUED TO 4/19/22**

Vice-Chairman Carney made a motion to continue to April 19,2022.

Motion was seconded by Commissioner Blanchard.

Vice-Chairman Sean Carney-Vote in favor.

Commissioner Peter Blanchard-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

- 2. SE049-0892 - A Notice of Intent as filed by Michael Quinn of Shoreline Marine Terminal, LLC. for property identified as 24 N Front St New Bedford, MA (Map 79, Lot 2 & 5).** The applicant is proposing the partial demolition of building #2 and full demolition of building #12 within a coastal flood zone on the Shoreline Resources property, formerly Revere Copper. Representative is Lauren Gluck of Pare Corp. **CONTINUED TO 4/19/22 – Informational Presentation only**

Mr. Al Hanscom present tonight representing Shoreline Resources. Mr. Hanscom made note that Shoreline Resources is now Shoreline Marine Terminal, LLC. Mr. Hanscom here tonight to present the *Notice of Intent* for the demolition of buildings 2 & 12 only and not for the pipeline project.



Chairman Audette made a motion to send to Nitsch for a peer review. Motion was 2nd by Vice-Chairman Carney. All in favor.

Vice-Chairman Carney made a motion to continue to April 19,2022.

Motion was seconded by Commissioner Blanchard.

Vice-Chairman Sean Carney-Vote in favor.

Commissioner Peter Blanchard-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

- 3. SE049-0857 - A request to amend an Order of Conditions as filed by Abra Deghor for property identified as 1309 Sassaquin Ave New Bedford, MA (Map 138, Lot 413).** The applicant is proposing the demolition of an existing dwelling and the construction of a single-family home in the Sassaquin Pond buffer zone, which differs from the original Order of Conditions specifications. Representative Stevie Carvalho, E.I.T of Farland Corp.

Chairman Audette noted that he will not be voting on this project.

Mr. Stevie Carvalho present tonight representing Abra Deghor. Mr. Carvalho stated that the proposed project scope and footprint is less than the original, does not increase any impact on the wetland resource area and is actually closer to the house that is being demolished. With this being said, Mr. Carvalho feels this should be an *Amended Order of Conditions*.

Ms. Linhart asked if there was an existing basement and if the slope would stay as is. Mr. Carvalho informed that there is an existing basement and that instead of having 2 recharge systems, they have combined it to one system with the same number of chambers.

Vice-Chairman Carney questioned if the underground tank was in the original plan and if a garage will be built or just the concrete slab laid down. Mr. Carvalho stated that on the original plan, it had not been decided what type of fuel would be using and the applicant decided to go with a propane tank, which would be placed underground. Also, the applicant is not sure if they would be able to build a garage in the 3 year time frame, but the concrete foundation would be laid down for this project. Chairman Audette stated that if the garage is not going to be built, than it would need to be taken off the plan, but if the concrete foundation is laid out then it should stay on the plan.

Agent Perks asked the Commission to first decide if this is an *Amended Order of Condition* or if a *Notice of Intent* needs to be filed. Agent Perks recommends an *Amended Order of Conditions* with the Standard Resource Area Special Conditions with 2 special conditions, haybales and silt screen be installed along the north edge of the property and adherence to construction plan note #8 regarding tree protection. Agent Perks asked if the propane tank



could be moved one tank length to the west so it is out of the 100' buffer zone. Chairman Audette advised to reach out to the City of New Bedford Building Department and Fire Department for their tank guidelines on location the tank is allowed to be put.

Commissioner Linhart made a motion to issue an Amended Order of Condition with the special conditions as read by the Agent.

Motion was seconded by Commissioner Blanchard.

Vice-Chairman Sean Carney-Vote in favor.

Commissioner Peter Blanchard-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

AGENT UPDATES/GENERAL CORRESPONDENCE

1. Meeting Minutes 3/15/22 to vote in.

Vice-Chairman Carney made a motion to accept the meeting minutes of 3/15/22.

Motion was seconded by Commissioner Blanchard.

Vice-Chairman Sean Carney-Vote in favor.

Commissioner Peter Blanchard-Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

2. Enforcements

Agent Perks stated that enforcements would be in 3 phases:

1st Email 2nd Violation Notice 3rd Enforcement notice



Farland Circle Lot #8: Agent Perks sent a certified letter violation notice 3/28/22. There has been no work done, but the lot is a mess, and neighbors complaining.

2044 Shawmut Ave. develop done without any permits, will be issued a violation notice to come before the commission.

Philips Road residence cleared vegetation without notifying commission.

New Plainville Road property need erosion control spruced up.

Chairman Audette recommended reaching out to the people prior to sending the violations.

3. NBD Solar Violation

Tree felling violation map has been provided and a survey team went out and surveyed the trees that were in violation and Town of Dartmouth is looking for an *After-the-Fact Notice of Intent* with a Restoration Plan. Agent Perks is proposing that we require an *After-the-Fact Notice of Intent* to have the debris chipped on site, but instead of a Restoration Plan (which would replace trees in their solar window eventually decreasing their panel efficiency), we inquire about the potential to offset this damage caused by this violation by establishing an agreement for the City to acquire the Ashley Bogs site for public open space and rare habitat preservation.

Chairman Audette advises to contact DEP first.

4. CPC Plan Review-Peter

Plan to get funds for the Ashley Bog

5. Absent Commissioner Agreement

Not addressed at this meeting

6. Commissioner Linhart appeal

Nature walks/clean ups/ birding at Fort Taber

Identifying storm drains that lead to the harbor and paint them to draw awareness that what gets dropped in there goes into the harbor. Get people to volunteer. Asking if the commission supports the time the agent will use to help with this and Commissioner Linhart's leading this. Chairman Audette made note that we cannot pay people or supplies and anything painted needs to be approved by DPI.

7. 33 Farland Circle

Mr. Shawn Edge, owner and resident of the property, is asking the commission if he could replace the slit rail fence that marks the buffer zone and was ruined by a falling tree, with the same matching fence that he has on the rest of the property. Chairman Audette stated that the signs would need to be placed on the new fence. Agent Perks would like Mr. Edge to put in



writing what is going to be done and Agent Perks will be on site to confirm the work that is done.

8. Whaling City Golf Course

Is asking if they can use GPS to delineate vs. Survey for vegetation management plan

9. Eversource

Eversource will be conducting geotechnical borings next to the Aerovox site on Belleville Rd.

ADJOURN

*Vice-Chairman Carney made a motion to adjourn at approximately 7:54 pm.
Motion was seconded by Commissioner Blanchard.*

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.
Chairman Dennis Audette- Vote in favor.*

Respectfully submitted,

Teresa Alves, Administrative Coordinator

