



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
May 17, 2022
PUBLIC HEARING held at the Brooklawn Senior Center,
1997 Acushnet Avenue, New Bedford, MA**

Members Absent

NONE

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 Sean Carney, Commissioner Peter Blanchard, Commissioner Rebeca Linhart, Commissioner Kimberly Rioux, Commissioner Scott Grant.

GENERAL PROCUEDESURES FOR HEARING

Chairman Audette read General Procedure for Hearings for the record.

OLD BUSINESS:

NONE

NEW BUSINESS:

NONE



CONTINUED HEARINGS:

1. **SE049-0735** – (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, 4/5/22, 4/19/22, 5/3/22) – A request for a Certificate of Compliance 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 Mike Josefek, Esquire.

Mr. Mike Josefek present tonight representing Anthony R. DeCosta of A-1 Asphalt. Agent Perks stated that he was onsite today, seeding has been completed, and letter from Airport has been received. Agent Perks recommends an issuance of a Certificate of Compliance after 2,254 days in front of the Conservation Commission.

Vice-Chairman Carney made a motion to issue a Certificate of Compliance.

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 Scott Grant Jr-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, 2/15/22,3/1/22,3/15/22,4/5/22,4/19/22,5/3/22) - **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 replace the existing 24-inch akron stormwater line with a new 24-inch PVC stormwater drain outside the limits of the travel lift area and continue to accommodate overflows from the City-owned stormwater system, property stormwater, and existing building roof run off within a coastal flood zone on the Shoreline Resources property, formerly Revere Copper. Representative if Lauren Gluck of Pare Corp. **CONTINUED TO 6/7/22**

Vice-Chairman Carney made a motion to continue to 6/7/22.

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 Scott Grant Jr-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

3. **SE049-0892** – (Continued from 4/5/22,4/19/22,5/3/22) - **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 6/7/22**

Vice-Chairman Carney made a motion to continue to 6/7/22.

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 Scott Grant Jr-Vote in favor.



Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

- 4. SE049-0857 - (Continued from 4/5/22,4/19/22,5/3/22) - A request for a Certificate of Compliance as filed by Abra Deghor for property identified as 1309 Sassaquin Ave New Bedford, MA (Map 138, Lot 413).** The applicant is withdrawing their proposal to demolish an existing dwelling and the construction of a single-family home within the buffer zone to Sassaquin Pond. Representative Stevie Carvalho, E.I.T of Farland Corp.

Agent Perks stated that the applicant has filed for a Formal *Certificate of Compliance*, plans to upgrade the existing house, and has filed all the paperwork and paid the fees. Agent Perks recommends an issuance of an Invalid *Certificate of Compliance*, which is a *Certificate of Compliance* that acknowledges no work has been done.

Vice-Chairman Carney made a motion to issue an Invalid Certificate of Compliance.

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 Scott Grant Jr-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

NEW HEARINGS:

- 1. SE049-0894 -A Notice of Intent as filed by Andrew Saunders for the property identified as MacArthur Drive. New Bedford, MA (Map 42&47, Lot 84,160,178,181,241,274,287).** The applicant is proposing to demolish several commercial/ industrial buildings as well as dismantling the former fuel storage tanks on site adjacent to a coastal resource area. Representative is Steven Gioiosa P.E. of Civil and Environmental Consulting.



Mr. Steven Gioiosa present tonight with Andrew Saunders. Mr. Gioiosa stated that they are requesting the first phase demolition approval for several buildings and formal fuel storage tanks at the old Eversource property by the waterfront. Castelo Demolition will be demolishing and most of the materials will be recycled. Commissioner grant inquired about a safety plan and the tanks being free of any chemicals. Mr. Saunders explained briefly the safety plan and cleaning. Chairman Audette asked to know the phases and timeline of the demolition, a plan for the cleanup and a plan in case anything goes wrong with the demolition of the smoke stack. Mr. Saunders stated that they would be back in Sept to file for the second phase of the project. But as far as the demolition part of the project, tanks would be the first ones taken down and the power plant would be taken down last and the demolition part of the project should be finished by December. Agent Perks made note on Condition #37, and also would like to see haybales and silt fencing on the perimeter adjacent to the building structures, hay wattles acceptable along the remaining perimeter. Agent Perks recommends the issuance of an *Order of Conditions* with a special condition about a preconstruction plan that does discuss phasing of the demolition timeline and stock piling of material. The second special condition requires a contingency plan for the removal of materials from the resource area regardless of where they come from.

Vice-Chairman Carney made a motion to issue an Order of Conditions 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 Scott Grant Jr-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

- 2. SE049-0895-A Notice of Intent as filed by Mary Rapoza for the property identified as 1997 Acushnet Ave. New Bedford, MA (Map 112 & 116, Lots 1 & 4). The applicant is proposing the installation of Green Stormwater Infrastructure System to collect stormwater runoff prior to it flowing into duck pond. Representative is Amy Ball of Horsley Witten Group, Inc.**

Mr. Brian Kuchar present tonight with Val Costa of Parks and Recreation. Mr. Kuchar presented an updated site plan and O&M plan from the last meeting and that they would be using the parking lot as a staging area. Agent Perks stated that since the staging area is concrete that the wattles be weighted down. Agent Perks recommends an issuance of an



Order of Conditions including the standard coastal zone special conditions as well as the two special conditions as requested by the Commissioners.

Vice-Chairman Carney made a motion to issue an Order of Conditions.

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 Scott Grant Jr-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

- 3. SE049-0897 - A Notice of Intent as filed by Shawn Edge for the property identified as 33 Farland Circle, New Bedford, MA (Map 130D, Lot 477). The applicant is proposing to install an outdoor kitchen, water garden, and shed near residence within 100 ft buffer zone. Representative is Shawn Edge.**

Mr. Shawn Edge property owner present tonight. Mr. Edge proposing to install 8ft x 4ft self-contained Zen Garden, 10ft x12ft shed and an outdoor kitchen. Agent Perks recommends an issuance of an *Order of Conditions* with the standard inland special conditions.

Vice-Chairman Carney made a motion to issue an Order of Conditions with the standard inland special conditions.

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 Scott Grant Jr-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.



4. **SE049-** - A Notice of Intent as filed by Mary Rapoza for the property identified as West Beach. New Bedford, MA (Maps 7&9, Lots 1,30,286). The applicant is proposing to manage vegetation including removal of beach grass, invasive vegetation, and beach grass mowing within a coastal beach. Representative is Valovia Costa of the Department of Parks, Recreation, and Beaches.

Mr. Val Costa of Parks and Recreation present tonight. Mr. Costa stated that the proposed project consists of three parts. Part one is the removal of all vegetation that is overtaking the beach recreational area by the boathouse, part two is seeking the permission to establish and maintain two access paths that connect the northern and southern parts of West Beach which are 6ft wide and the removal of beach grass along those paths, and part three, similar to West Beach, a 6ft corridor will be established for beach access on Squid Beach, the path would run adjacent to the existing concrete wall. Commissioner Linhart asked what the ultimate goal for this project would be. Mr. Costa replied that these beaches are popular and invasion vegetation is taking over areas that people could be using. Vice-Chairman Carney inquired about the equipment being used for mowing and where would this equipment be fueled. Mr. Costa replied that it would be fueled off site and they would be using an electric mower. Agent Perks does not recommend mowing but rather selective cultivation of American Beach Grass to keep woody and non-native species under control.

Vice-Chairman Carney made a motion to Continue to 6/7/22.

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 Scott Grant Jr-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

5. **SE049-0870-** A request to Amend an Order of Conditions as filed by Michael Panagakos for the property identified as the west side of Phillips Rd. New Bedford, MA (Map 136, Lot 468). The applicant is proposing to replace the subsurface detention system with a roof drain recharge system as well as replacing



the retaining wall with a vegetated slope adjacent to a bordering vegetated wetland. Representative is Steven Gioiosa P.E. of Civil and Environmental Consulting.

Mr. Steve Gioiosa present tonight representing Michael Panagakos. Mr. Gioiosa stated that to make the site work economically, they scaled back the parking lot and replaced the retaining wall to a 3 to 1 slope, but will still need to work in the 25ft buffer zone in a couple of areas. Chairman Audette stated that they have not allowed any applicant to work in the 25ft buffer zone to date and under any circumstances. Commissioner Blanchard agreed with the Chairman on no work in the 25ft buffer zone. Agent Perks inquired why not change it to a 2 to 1 slope. Mr Gioiosa stated that it can be done but this would not get them completely out of the 25ft buffer zone. Mr Gioiosa stated that his client is likely to rather appeal a denial as apposed to a continuance to rework the design plan.

Commissioner Linhart made a motion to deny the request to Amend the Order of Conditions.

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 Scott Grant Jr-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

6. **SE049-0850- A request to Amend an Order of Conditions as filed by Shawn Syde P.E. for the property identified as Pier 3 Wharfinger Building, New Bedford, MA (Map 53, Lot 120).** The applicant is proposing to connect the building sewer line to the sewer main in the municipal right of way. Representative is Shawn Syde P.E. of the Department of Public Infrastructure.

Mr. Shawn Syde present tonight representing the *Department of Public Infrastructure*. Mr. Syde stated that DPI is submitting a request to modify a *Notice of Intent* and *Order of Conditions* SE049-0850 for work to further develop the economy within the Pier 3 area by providing a new sewer service to the Wharfinger Building. The property is owned by the city and is proposed to be redeveloped into a café. DPI is proposing a 6-inch sewer service, about 17ft in length connecting to the existing service to the west side of the existing building. Once completed, the excavated areas will be paved and restored to the existing conditions. The type of work to be completed under the new project, including construction approach, is identical to that completed under *Order of Conditions* SE049-0850. Agent Perks stated that the amended



order does not change the expiration date of 7-16-23 and recommends the issuance of an *Order of Conditions*.

Vice-Chairman Carney made a motion to Amend an Order of Conditions.

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 Scott Grant Jr-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

- 7. A Request for a Determination of Applicability as filed by Ceasar Duarte for property identified as 40 Tichon Ave. New Bedford, MA (Map72, Lot 284 &294).** The applicant is requesting a determination as to whether the site is within a Designated Port Area and requires further permitting as it exists currently. Representative is Susan Nilson of Foth Engineering.

Mr. Adam Hart present tonight in place of Susan Nilson representing New Bedford Port Authority. Mr. Hart stated that no work is proposed at this time and the NBPA is seeking Chapter 91 license for the uses at this site. This is just a formality thru Chapter 91 of DEP. Chairman Audette requested a better clarification and in writing on what they are looking for.

Vice-Chairman Carney made a motion to continue to 6/7/22.

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 Scott Grant Jr-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. Legal ad fee on local filing worksheet

Commissioners would like something stating that the fee is due to the publishing company and not the Conservation Commission adding extra fees and as the market rate goes up, we are able to increase the price without bringing it up at the meetings. Agent Perks will email a draft of the worksheet to the Commissioners prior to posting it on the website.

Vice-Chairman Carney made a motion to add the legal ad fee to the filing worksheet with an automatic price adjustment as the price goes up with the publishing company.

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 Scott Grant Jr-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

2. Pequot St -Administrative Alteration request – Chris Gilbert of Farland Corp

Mr. Gilbert stated that in March this was given an *Order of Conditions* and when submitting for a building permit, DPI wanted all pervious surfaces recharged. Mr. Gilbert is here with a new plan showing the changes and requests that it is considered a minor modification, thus a new *Notice of Intent* is not required. Chairman Audette stated that this should have been under New Business and not Agent Updates since it is a modification, Agent Perks acknowledged this oversight.

Vice-Chairman Carney made a motion to grant a minor modification.

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 Scott Grant Jr-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

3. Piping Plovers Response Funding and Awareness

Due to the presence of a State listed threatened species on East Beach, Agent Perks is asking for \$1000 in order to get fencing and signage supplies.

Will be getting proposals for consulting with local Ornithological organizations and will propose at next meeting.

Vice-Chairman Carney made a motion to grant \$1000 for the Piping Plovers.

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 Scott Grant Jr-Vote in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

ADJOURN

Vice-President Carney made a motion to adjourn at approximately 8:48 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.

Commissioner Scott Grant Jr-Vote in favor.

Chairman Dennis Audette- Vote in favor.



Respectfully submitted,

Teresa Alves, Administrative Coordinator

