



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
July 19, 2022
PUBLIC HEARING held at the Brooklawn Senior Center, 1997
Acushnet Avenue, New Bedford, MA**

Members Absent

Dennis Audette

Staff Present

Chancery Perks, Conservation Agent

Teresa Alves, Admin. Coordinator

CALL MEETING TO ORDER

Vice-Chairman Carney called the meeting to order at 6:30 pm.

ROLL CALL OF COMMISSIONERS

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

GENERAL PROCUEDEURES FOR HEARING

Vice-Chairman Carney read General Procedure for Hearings for the record.

OLD BUSINESS:

NONE

NEW BUSINESS:

2044 Shawmut Ave - Representative from Zenith Land Surveyors for Allison Vigna presents initial site survey for restoration plan. Representative is John Romanelli.

Agent Perks reminded the Commission that the residents of Shawmut Ave. were given till the meeting of July 19th to submit a surveyor's plan, which was provided on time. No one was present at the time Vice-Chairman Carney read this into record originally at 6:32pm. At the end of the Hearing, Mr. John Romanelli who is representing Mrs. Allison Vigna asked if this could be reopened in order for him to make his statements and be able to give feedback to his constituents.

Commissioner Carney made a motion to reopen at 8:37 pm.

Motion was seconded by Commissioner Linhart.

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.

Commissioner Scott Grant-Vote in favor.

All in favor. Motion carries.

Mr. Romanelli is looking for feedback from the Commission on the site survey that showed there was no disturbance with in the 25ft buffer zone. The driveway and the concrete patio do fall with in the 100ft buffer zone. Agent Perks stated that they would need a plan to mitigate the runoff effects of the driveway, patio, and to establish plantings on either edge of the pond shore opening. Agent Perks made note that the residents have been fully compliant thus far. Agent Perks recommends an *After the Fact Notice of Intent* and the Commissioners agreed to a 4 week time frame to have the *After the Fact Notice of Intent* filed by the hearing date of 8/16/22.

Commissioner Blanchard made a motion to continue to 8/16/22.

Motion was seconded by Commissioner Grant.

Vice-Chairman Sean Carney-Vote in favor.

Commissioner Peter Blanchard-Vote in favor.

Commissioner Rebeca Linhart- Abstained from voting.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Scott Grant-Vote in favor.

Motion carries.

CONTINUED HEARINGS:

1. **SE049-0867** - (Continue from 11/16/21, 12/7/21, 12/21/21, 1/4/22, 1/18/22, 2/1/22, 2/15/22,3/1/22,3/15/22,4/5/22,4/19/22,5/3/22,5/17/22,6/7/22,6/21/22,7/5/22)- **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 is Lauren Gluck of Pare Corp. **CONTINUED TO 8/2/22**

Vice-Chairman Carney made note that this hearing was on the agenda to be continued to 8/2/22.

2. **SE049-0892** – (Continued from 4/5/22,4/19/22,5/3/22,6/7/22,6/21/22,7/5/22) - 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 8/2/22**

Vice-Chairman Carney made note that this hearing was on the agenda to be continued to 8/2/22.

3. **SE049-0893** – (Continued from 6/21/22,7/5/22) - A Notice of Intent as filed by Mary Rapoza for property identified as East Rodney French Blvd. parking lots, New Bedford, MA (Map 4, Lots 100, 101, 102). The applicant is proposing to construct stormwater improvements in the three existing East Beach parking lots along East Rodney French Blvd. Representative is Jessica Wala of Nitsch Engineering.

Mr. Brian Creamer of Nitsch present tonight instead of Jessica Wala, along with Val Costa of Parks and Recreation representing Mary Rapoza. Mr. Creamer gave a brief summary of the project and its four phases and stated that they are planning to start in September and finish in March and would be working on all three lots simultaneously. Commissioner Grant raised concern that the project would interfere with the Plovers coming back next spring. Mr. Creamer noted that there is still no contractor onboard and that work would not continue into the summer months, if they needed to finish, they would start back up in the fall of next year. Commissioner Linhart questioned all three lots being excavated at the same time, since at the last meeting Chairman Audette stated that they should be doing one lot at a time. Mr. Creamer stated that working on all three would not cause a problem, that they would have plenty of time working on the project to have the lots ready for the summer season and if need be, they would pave the lots next fall. Mr. Shawn Syde of DPI stated that DPI would be doing inspections after rainfall and every week to make sure all was in compliant. Agent Perks received and read into record the letter from Joel Kubick of Woods Hole Group that confirmed Nitsch had adequately addressed all their previous review comments to their satisfaction and has made the necessary changes and the project appears to meet the requirements for a redeveloped project as defined in the DEP Stormwater Management Standards. Agent Perks stated that the Plovers would be monitored to see when they come back and that they are not being disturbed. Agent Perks recommends the issuance of an *Order of Conditions* with the standard *Coastal Zone Special Conditions*.

Commissioner Blanchard made a motion to issue an Order of Conditions with the conditions as read by the agent.

Motion was seconded by Commissioner Linhart.



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.
Commissioner Scott Grant-Vote in favor.
All in favor. Motion carries.

- 4. SE049-0899 – (Continued from 6/21/22,7/5/22) - A Notice of Intent as filed by Calodesu, LLC. for property identified as Pequot Street New Bedford, MA (Map 136A, Lots 866).** The Applicant is proposing construction of a single-family house with associated grading and utilities in the 100ft buffer zone. Representative is Christopher Gilbert of Farland Corp, Inc.

Mr. Christopher Gilbert present tonight representing Calodesu, LLC. Mr. Gilbert stated that they had the soil reexamined per the Commissions requirement and that they would also be adding Evergreen trees and keeping the gravel driveway with a note to the buyer of the property that they would have to come in front of the Commission if they would like to pave it in the future. Agent Perks stated he was on site during the test pit excavation that was conducted on 7/12/22 and has the peer review that was done by Kevin Silva of S&K Engineering which Agent Perks read into record. Agent Perks asked Mr. Gilbert about the letter sent from Ana Rosa of the city's DPI dated 7/18/22, whether the plans showed an update of her comments and where does this stand. Agent Perks recommends a Special Condition that states he be on site during the fill removal and replacement to endure soil consistency with recommendations made by S&K Engineering. Agent Perks recommends the issuance of an *Order of Conditions* with the *Standard Inland Resource Area Special Conditions*.

Commissioner Blanchard made a motion to issue an Order of Conditions with the conditions as read by the agent.

Motion was seconded by Commissioner Grant.

Vice-Chairman Sean Carney-Vote in favor.

Commissioner Peter Blanchard-Vote in favor.

Commissioner Rebeca Linhart- Vote in against.

Commissioner Kimberly Rioux-Vote in favor.

Commissioner Scott Grant-Vote in favor.

Motion carries.

- 5. SE049-0864 – (Continued from 7/5/22) - A request to Amend an Order of Conditions as filed by Armando & Jose Araujo for the property identified as 1265 Bartlett Street New Bedford, MA (Map 134 Lots 299,305,314).** The applicant is proposing a change to the original plan to include the construction of a concrete sidewalk and ADA accessible ramp on the northerly side of Bartlett Court and the extension of the water main 25' northerly beyond Bartlett Court main connection. Representative is Christopher Gilbert of Farland, Corp. **CONTINUED TO 8/2/22**

Vice-Chairman Carney made note that this hearing was on the agenda to be continued to 8/2/22.



6. **SE049-0900** - (Continued from 7/5/22) - A Notice of Intent as filed by John Hitt of MassCeC for the property identified as 4 Wright Street New Bedford, MA (Map 31, Lots 247 & 288). The applicant is proposing to repair 6 holes with steel plate patching and install 6 steel plate bracings along the Shuster bulkhead. The repairs on the site also include filling an approximately 10'-2" (82 SF) diameter sinkhole with grout. Representative is Scott Skuncik of Foth Infrastructure & Environmental, LLC.

Mr. Ben Foley present tonight in place of Scott Skuncik representing John Hitt of MassCEC. Mr. Foley gave a brief description of the project and returning tonight due to not having a DEP number at the last meeting. Agent Perks recommended he be onsite when the sinkhole is being corrected to document and recommends the issuance of an *Order of Conditions* with the standard *Coastal Zone Special Conditions*.

Commissioner Blanchard made a motion to issue an Order of Conditions with the conditions as read by the agent.

Motion was seconded by Commissioner Linhart.

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.

Commissioner Scott Grant-Vote in favor.

All in favor. Motion carries.

7. **SE049-0903** - (Continued from 7/5/22) - A Notice of Intent as filed by Shawn Syde of the Department of Public Infrastructure for the property identified as 1257 East Rodney French Blvd New Bedford, MA (Map 10 Lots 10-33). The applicant is proposing to rehabilitate portions of the East Rodney French Blvd. seawall. Representative is Dennis Moran of Tighe & Bond, Inc.

Mr. Dennis Moran present tonight along with Shawn Syde of DPI. Mr. Syde gave a brief description of the project and stated that the city just received a grant that would help fund other seawall projects at other areas of the beach. Mr. Moran stated that this is basically a maintenance project to the seawall to be done so that it doesn't become a wall rebuilding project. Mr. Moran stated that this would be all manual labor and they would be reusing the stones from the area and might have to import a few depending on if there was not enough. Commissioner Linhart would like a special condition added to the *Order of Conditions* that states the work is to cease during extreme high tides. Mr. Moran stated that the seawall doesn't usually get hit by high tide, just during bad storms. Mr. Moran also stated that the concrete would be transported to the site by truck and that it would lowered down to the beach from above. Agent Perks recommends that this project be completed, and a Certificate of Compliance be filed, to close this completely out without delay due to the everchanging nature of coastal work. Agent Perks recommends the issuance of an *Order of Conditions* with the standard *Coastal Zone Special Conditions* with the special condition of work ceasing during extreme high tides.

Commissioner Blanchard made a motion to issue an Order of Conditions with the conditions as read by the agent.

Motion was seconded by Commissioner Linhart.

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.
Commissioner Scott Grant-Vote in favor.
All in favor. Motion carries.

8. **SE049-0902 - (Continued from 7/5/22) - A Notice of Intent as filed by Tim Cusson of Parallel Products Solar Energy for the property identified as 781 Church Street New Bedford, MA (Map 129 Lots 41).** The applicant is proposing construction of two solar canopies with concrete column foundations. Representative is Christian Farland of Farland Corp, Inc.

Mr. Nick Dufresne present tonight representing Tim Cusson. Mr. Dufresne stated that the updated plans showed that they had moved the part of the canopy that was in the 25ft buffer zone and that this project did not conflict with the rail spur project on the same property. Commissioner Linhart raised concerns that the panels were still too close to the 25ft buffer zone and could they be moved further away. Vice-Chairman Carney questioned the northern part of the panels on the plan and not seeing any delineation line and agrees with Commissioner Linhart that he would like to see the panels further away from the 25ft buffer zone. Commissioner Grant inquired about any paperwork stating that this land has no contamination before any construction is done such as a Phase 1 report. Agent Perks requested an overlay of the two projects be presented to the Commission that was requested at the last hearing. Agent Perks has no concerns with the solar layout but has concerns with all the trash that has been blown off the cleared property over the years. Agent Perks recommends a barrier around the entire site in order to keep the debris that is blown around from entering into the forested property and that all the debris be removed before any construction begins for this project. Agent Perks also recommends a memo for both projects that shows a timeline, clean up plans, and who will be doing all the work.

Commissioner Blanchard made a motion to continue to 8/2/22.
Motion was seconded by Commissioner Linhart.
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.
Commissioner Scott Grant-Vote in favor.
All in favor. Motion carries.

9. **SE049-0901- (Continued from 7/5/22) - A Notice of Intent as filed by Richard Frade of Frades Disposal, Inc. for the property identified as 781 Church Street New Bedford, MA (Map 129 Lots 38,41,42,52,53,55 & Map 125-1 Lot 10).** The applicant is proposing to install a rail spur from the Mass Coastal Rail- New Bedford Main Line into his facility. Representative is Richard Rheume of Prime Engineering, Inc.

Mr. Richard Rheume present tonight representing Richard Frade. Richard Frade and Russell Frade also present at tonight's hearing. Mr. Rheume gave a brief description of the project and



that the rail spur would pass thru a finger like structure of the wetlands. Commissioner Linhart questioned if the replication area could be moved and do we know what animals are using the potential vernal pool that is on this property before we disturb it with this project. Mr. Frade stated that prior to route 140 being built on the property they owned and cutting it in half, that there was never any wetlands in that area. Agent Perks stated he finalized the delineation confirmation and agrees with what was presented to the Commission. Agent Perks inquired whether the rail spur could be moved closer to the property line that borders the route 140 right-of-way. This would help the rail spur from going thru the middle of the wetlands and breaking it up into two separate wetlands at the entrance of the rail spur. Agent Perks recommends that a barrier be placed around the entire site to keep the debris that is blown around from entering the property and all the debris removed before any constructions is done.

Commissioner Blanchard made a motion to continue to 8/2/22.

Motion was seconded by Commissioner Linhart.

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.

Commissioner Scott Grant-Vote in favor.

All in favor. Motion carries.

NEW HEARINGS:

- 1. SE049- A Notice of Intent as filed by Andrew Bernstein of Kearsarge Energy Inc. for property identified as John Vertente Blvd, New Bedford, MA (Map 135, Lots 1, 3, 15, & 47).** The applicant is submitting an after-the-fact NOI for the tree clearing at a ground-mounted, photovoltaic solar array. Representative is Richard Rheume of Prime Engineering, Inc.

Mr. Richard Rheume present tonight representing Andrew Bernstein. Mr. Rheume stated that the property falls in both Dartmouth and New Bedford. This filing of an after the fact *Notice of Intent* is to clean up the trees that someone cut down on the property and replant to replicate what was cut down. Mr. Rheume stated that the trees would either be taken off site or turned into wood chips that would be used to form a barrier to mark the 25ft buffer zone. Commissioner Blanchard requested that himself, Agent Perks, and Mr. Rheume meet to walk the site, to see how many and what type of trees were cut down and to take pictures to present to the Commission. Agent Perks recommended that the plantings be done in the fall and not in the hot months.

Commissioner Blanchard made a motion to continue to 8/2/22.

Motion was seconded by Commissioner Linhart.

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.

Commissioner Scott Grant-Vote in favor.

All in favor. Motion carries.



AGENT UPDATES/GENERAL CORRESPONDENCE

1. Victory Park Update

Agent Perks informed the Commission that he was told by DPI that they would let the pond dry out naturally and document it and see how it plays out. It is too early in the season to fill the pond, due to not knowing when the rain season would start and is too costly to have water pumped in for months. Agent Perks roughly calculates the pond to hold 5.1 million gallons when filled to a 2' depth.

2. Plover update

Agent Perks stated the surviving chick is now past the 25 day milestone and is now considered an adult but has not fully fledge yet. We will continue to monitor and once we see the chick has fledged, we will be able to fully take down all the fencing for the season.

3. Meeting minutes to approve: 6/21/22 & 7/5/22

Commissioner Linhart made a motion to approve the minutes of 6/21/22 & 7/5/22.

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.

All in favor. Motion carries.

ADJOURN

Commissioner Linhart made a motion to adjourn at approximately 8:51 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.

Respectfully submitted,

Teresa Alves, Administrative Coordinator

