



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
August 2, 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 Scott Grant, Commissioner Rebeca Linhart, Commissioner Kimberly Rioux (missed roll call arrived 6:32pm).

GENERAL PROCUEDES FOR HEARING

Chairman Audette read General Procedure for Hearings for the record.

OLD BUSINESS:

NONE

NEW BUSINESS:

SE049-0878 – A request to approve a ‘minor modification’ to an Order of Conditions issued 11/16/21 for JoAnn Burnett of 139 Stevenson Street. Representative is Christopher Gilbert of Farland Corp.

Christopher Gilbert present tonight representing JoAnn Burnett. Mr. Gilbert stated that this project was approved last November with an Order of Conditions and since then they have made some minor modifications, mainly reducing the size of the addition and the stormwater recharge system. Chairman Audette questioned the reduction of the stormwater recharge system and if the Building Department approved the reduction of the stormwater recharge system. Mr. Gilbert stated that they have received all city department approvals and had email correspondences stating the departments approvals. Agent Perks stated within means to approve.

Vice-Chairman Carney made a motion to accept the minor modifications with a letter from the Building Department approving recharge system.

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

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, 2/15/22,3/1/22,3/15/22,4/5/22,4/19/22,5/3/22,5/17/22,6/7/22,6/21/22,7/5/22,7/19/22)- **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 8/16/22**

Vice-Chairman Carney made a motion to continue to 8/16/22.

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

2. **SE049-0892** – (Continued from 4/5/22,4/19/22,5/3/22,6/7/22,6/21/22,7/5/22,7/19/22) - **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 8/16/22**

Vice-Chairman Carney made a motion to continue to 8/16/22.

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. **SE049-0864** – (Continued from 7/5/22,7/19/22) - **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 8/16/22**

Vice-Chairman Carney made a motion to continue to 8/16/22.

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. **SE049-0902** - (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.



Nick Dufrense present tonight representing Tim Cusson, who is present along with Richard Frades. Mr. Dufrense stated that this was their third time in front of the Commission and spoke about the changes made that was requested at the last meeting. Mr. Dufrense stated that they do not have a plan in place for the debris barrier along the property and that a phase one assessment is not required for this project. Mr. Dufrense also noted that Mr. Frades had started cleanup of the property back in the spring which was paused during the summer and will commence once the conditions allow in the fall. Commissioners Grant and Linhart both questioned the soil being contaminated due to years of debris and tires being on the property and what is going to happen to the soil that is dug up to install the panels. Mr. Cusson stated that the extra soil will be spread out on the rest of the property and that there's no soil contamination found on the property. Commissioner Linhart stated that a special condition be added that Agent Perks be onsite to make sure the solar panels are not in the 25ft buffer before being finalized and plans on how the wetlands are going to be cleaned up and phased into the project. Chairman Audette stated that the plans still show that the solar panel still hangs over the 25ft buffer zone. Mr. Cusson was adamant that the plans do show the solar panel does not fall in the 25ft buffer and stated they have no problem making sure the panel does not hang over the 25ft buffer line. Chairman Audette stressed that they need to maintain the 25ft buffer line and signage be added to show where the line is on the property. Agent Perks recommends some type of barrier placed and signage to show the 25ft buffer line and recommends the Commission condition a yearly walkthrough due to debris being blown off site into the surrounding resource areas. Agent Perks is recommending an issuance of an *Order of Conditions* with the *standard inland special conditions* along with the special conditions of confirming that the solar panels do not cross over the 25ft buffer line, the debris clean up must happen prior to any construction and signage be hung along the western boarder noting the 25ft buffer line.

Commissioner Linhart made a motion to issue an Order of Conditions with the standard inland special conditions and the 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 against.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

Motion carries

- 5. SE049-0901- (Continued from 7/5/22,7/19/22) - 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. **CONTINUED TO 8/16/22**

Mr. Richard Rheume present tonight representing Richard Frade who was also present. Mr. Rheume presented the revised plan that showed the over lay of both the solar panel project and



the rail spur project that was requested at the last meeting. Agent Perks appreciated the revised design that showed the over lay of both projects and by the redesign and relocation of the rail spur so that it does not fragment the wetlands area and makes it easier to clean up the tires that are on the property.

Commissioner Linhart made a motion to send out for a peer review to Nitsch.

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 in favor.

Commissioner Kimberly Rioux-Vote in favor.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries

- 6. SE049-0904 - 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. **CONTINUED TO 8/16/22.**

Mr. Richard Rheume present tonight representing Andrew Bernstein. Mr. Rheume made note that the trees being planted were not the same as the ones that were cut down. Agent Perks stated that the *Certificate of Compliance* that was issued was just a partial *CoC* and a new plan is needed to show the plantings.

Vice-Chairman Carney made a motion to continue to 8/16/22.

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

NEW HEARINGS:

- 1. A Request For Determination of Applicability as filed by Jessica Shahdan of MA Department of Conservation and Recreation for property identified as 49 State Pier, New Bedford, MA (Map 47, Lot 203).** Applicant is proposing to replace five damaged fender piles and new fender system within land under the ocean resource area. Representative is Jessica Shahdan of MA DCR.

Mr. Michael Driscoll, owner of the pier, present tonight along with Jessica Shahdan, manager of



the pier, and both of the *Department of Conservation and Recreation* (DOR). Mr. Driscoll stated that the project consisted of replacing 5 damaged fender piles on the southwest corner of the state pier with 5 new ones. The intention is to removed the piles entirely so new ones can be placed in the same hole and turbidity curtains in place to catch any debris. If the pile is not removed in its entirety, then a diver will be used to inspected and retrieve. Agent Perks stated that since they are in designated port area and replacing one for one, this is considered a *Request for Determination*. Chairman Audette requested to have a condition that if part of the pile breaks, a diver would need to be sent to retrieve the broken pieces. Agent Perks recommends a Negative Box 6.

Vice-Chairman Carney made a motion to issue a Negative Box 6.

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 CORRESPONDECE

1. Piping Plovers have officially fledged

2. Mary Rapoza from Parks and Recreation updating Commission on Water Park anchor removal plan.

Mrs. Rapoza is waiting for the Funding in order to have the marine engineer group create a summary of the options of leaving the anchors or taking them out. Once the summary is done, the city will determine what is best in this situation. The consultation will be around \$9000. Chairman Audette and Commissioner Blanchard both stated that while they wait for the funding, someone needs to tie down the ropes that are in the water so that no one gets hurt.

3. Meeting minutes to approve: 7/19/22

Vice-Chairman Carney made a motion to approve the minutes of 7/19/22.

Motion was seconded by Commissioner Grant.

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

*Commissioner Grant made a motion to adjourn at approximately 8:02 pm.
Motion was seconded by Vice-Chairman Carney.*

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

