



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
September 20, 2022
PUBLIC HEARING held at the Brooklawn Senior Center,
1997 Acushnet Avenue, New Bedford, MA**

Members Absent

Chairman 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 Kimberly Rioux, Commissioner Rebeca Linhart.

GENERAL PROCEDURE FOR HEARING

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

OLD BUSINESS:

1. **SE049-0892** - (Continued from 8/2/22,8/16/22,9/6/22) - A request to alter the original Notice of Intent as filed by Michael Quinn of Shoreline Marine Terminal, LLC. for property identified as 26 North Front Street New Bedford, MA (Map 79, Lot 2). The applicant is proposing the demolition of 7 buildings, disconnection and abandonment of associated building utility services, installation of asphalt pavement, and dense grade aggregate within a coastal flood zone on the Shoreline Resources property, formerly Revere Copper. Representative is Al Hanscom of Pare Corp. **CONTINUED TO 10/04/22**

*Commissioner Grant made a motion to continue to 10/04/22.
Motion was seconded by Commissioner Linhart.
Vice-Chairman Sean Carney- Vote in favor.
Commissioner Peter Blanchard- Vote in favor.
Commissioner Scott Grant Jr- Vote in favor.
Commissioner Kimberly Rioux- Vote in favor.
Commissioner Rebeca Linhart- Vote in favor.
All in favor. Motion carries.*

NEW BUSINESS:

1. SE049-0811 – A Request for a Certificate of Compliance as filed by David Rosonina for property identified as 3806 Acushnet Ave. New Bedford (Map 135, Lots 298 & 350). Representative is David Rosonina.

Mr. David Rosonina present tonight stating that 3 years ago he disturbed the wetlands on his property and was required to get his land surveyed to show where the wetlands are and to clean up his mess. Mr. Rosonina is requesting a *Certificate of Compliance* for the completing of this project. Agent Perks stated that he has been on site and that all work is completed and noted that the commission had asked for a letter from the surveyor stating that the work was completed. Agent Perks recommends the issuance of a *Certificate of Compliance*.

*Commissioner Grant made a motion to issue a Certificate of Compliance.
Motion was seconded by Commissioner Linhart.
Vice-Chairman Sean Carney- Vote in favor.
Commissioner Peter Blanchard- Vote in favor.
Commissioner Scott Grant Jr- Vote in favor.
Commissioner Kimberly Rioux- Vote in favor.
Commissioner Rebeca Linhart- Vote in favor.
All in favor. Motion carries*

2. Acushnet Cedar Swamp presentation by Joseph Ingoldsby

Mr. Joseph Ingoldsby present tonight to give a presentation on the Acushnet Cedar Swamp Project and asking for the Conservation Commission's support to pursue the project further with a Wicked Cool Places and/or New Bedford Cultural Council grant. Mr. Ingoldsby stated a letter of support is required for grant applications, which are due by the close of September and this would be very helpful and allow him to defray expenses. Also requesting the help of Agent Perks with the project.

*Commissioner Grant made a motion to allow the Agent to assist in this project.
Motion was seconded by Commissioner Blanchard.
Vice-Chairman Sean Carney- Vote in favor.
Commissioner Peter Blanchard- Vote in favor.
Commissioner Scott Grant Jr- Vote in favor.
Commissioner Kimberly Rioux- Vote in favor.
Commissioner Rebeca Linhart- Vote in favor.
All in favor. Motion carries.*

3. Vote to approve CPA Eligibility application as read by the Agent

Agent Perks is asking the Commission to vote to approve the CPA Eligibility application for the Pine Hill Park-Mill Interpretive Overlook. This project will also involve the Department of Parks, Recreation, and Beaches.

Commissioner Linhart made a motion to accept the CPA Eligibility application.

Motion was seconded by Commissioner Grant.

Vice-Chairman Sean Carney- Vote in favor.

Commissioner Peter Blanchard- Vote in favor.

Commissioner Scott Grant Jr- Vote in favor.

Commissioner Kimberly Rioux- Vote in favor.

Commissioner Rebeca Linhart- 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, 2/15/22,3/1/22,3/15/22,4/5/22,4/19/22,5/3/22,5/17/22,6/7/22,6/21/22,7/5/22,7/19/22,8/2/22,8/16/22,9/6/22)- **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 10/4/22**

Commissioner Grant made a motion to continue to 10/04/22.

Motion was seconded by Commissioner Linhart.

Vice-Chairman Sean Carney- Vote in favor.

Commissioner Peter Blanchard- Vote in favor.

Commissioner Scott Grant Jr- Vote in favor.

Commissioner Kimberly Rioux- Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

All in favor. Motion carries.

2. **SE049-0892** – (Continued from 4/5/22, 4/19/22, 5/3/22, 5/17/22,6/7/22, 6/21/22, 7/5/22, 7/19/22, 8/2/22,8/16/22,9/6/22) - **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 10/4/22**

Commissioner Grant made a motion to continue to 10/04/22.
Motion was seconded by Commissioner Linhart.
Vice-Chairman Sean Carney- Vote in favor.
Commissioner Peter Blanchard- Vote in favor.
Commissioner Scott Grant Jr- Vote in favor.
Commissioner Kimberly Rioux- Vote in favor.
Commissioner Rebeca Linhart- Vote in favor.
All in favor. Motion carries.

3. **SE049-0864** – (Continued from 7/5/22,7/19/22,8/2/22,8/16/22,9/6/22) - 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 10/4/22

Commissioner Grant made a motion to continue to 10/04/22.
Motion was seconded by Commissioner Linhart.
Vice-Chairman Sean Carney- Vote in favor.
Commissioner Peter Blanchard- Vote in favor.
Commissioner Scott Grant Jr- Vote in favor.
Commissioner Kimberly Rioux- Vote in favor.
Commissioner Rebeca Linhart- Vote in favor.
All in favor. Motion carries.

4. **SE049-0901-** (Continued from 7/5/22,7/19/22,8/2/22,8/16/22,9/6/22) - 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 10/4/22**

Commissioner Grant made a motion to continue to 10/04/22.
Motion was seconded by Commissioner Linhart.
Vice-Chairman Sean Carney- Vote in favor.
Commissioner Peter Blanchard- Vote in favor.
Commissioner Scott Grant Jr- Vote in favor.
Commissioner Kimberly Rioux- Vote in favor.
Commissioner Rebeca Linhart- Vote in favor.
All in favor. Motion carries.



5. **SE049-0904** – (Continued from 8/2/22,8/16/22,9/6/22) - 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 was present tonight representing Andrew Bernstein of Kearsarge Energy. Mr. Rheume stated that the applicant would like to contribute to a cash fund as opposed to paying to replace the trees that were cut down, this would allow money to be used for other projects approved by the commission. Agent Perks, from his site visit, stated that no replication would resemble what nature did on its own. Agent Perks recommends a continuance to the next meeting, since he will be meeting with the city solicitors to discuss the best option and gather more information for this case, being the first one that the commission has had to vote on like this.

Commissioner Grant made a motion to continue to 10/04/22.

Motion was seconded by Commissioner Linhart.

Vice-Chairman Sean Carney- Vote in favor.

Commissioner Peter Blanchard- Vote in favor.

Commissioner Scott Grant Jr- Vote in favor.

Commissioner Kimberly Rioux- Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

All in favor. Motion carries.

NEW HEARINGS:

1. **SE049-0905** - A Notice of Intent as filed by Michael Panagakos for property identified as Phillips Road New Bedford, MA (Map 136, Lot 468). The Applicant is proposing the construction of a 3500 SF commercial building, with associated parking and drainage utilities. Representative is Steven Gioiosa of SITEC.

Mr. Steven Gioiosa present tonight along with the applicant Mr. Michael Panagakos., Mr. Gioiosa stated that the parcel land is located on the west side of Phillips Road at the entrance of Industrial Park. Since there is history with this project with the commission, Mr. Gioiosa gave a brief description of the project.

- A year ago received an *Order of Conditions* from the Commission for the development of this particular piece of property consisting of 35,000SF building with a paved parking facility with two entrances to Phillips Road.
- Few months back the commission was presented with an *Amended Order of Conditions* that the commission refused to issue due to the proposed work entering the 25ft buffer zone adjacent to the wetlands.
- Acknowledges that they are not outside the 25ft buffer zone which is really driven by the economics of this project, that consists of a small commercial building, the cost of retaining walls, the additional paving, and lot coverage, all of those things work against us from



making an economically viable project.

- Would like the commission to consider allowing this which they know does not observe the 25ft no work zone but since this is a unique situation and every project should be looked at differently.
- This project does not propose any activity within the resource area and is limited to the upland portion of the site, basically we are reducing the parking lot paved area
- Back tonight with a new *Notice of Intent* to see if the commission would reconsider work being done in the 25ft buffer zone and if a denial order in some form to be issued, than the applicant would decide whether to pursue an appeal.

Commissioner Grant asked if they are still pursuing work being done in the 25ft buffer zone which Mr. Gioiosa confirmed with a yes. Agent Perks stated that the overall design is better this time but it still falls in the 25ft buffer zone. Agents Perks stated that after a deeper review of this filing, he asked if the applicant was aware that this entire property stands in an *Outstanding Resource Waters* to a public drinking supply and also when looking at *DEP* maps, looks as though there is the potential of a perennial stream just to the west which would also constitute this as a riverfront area and if in fact this is a riverfront area, the 25ft riverfront area, the interest of it supersedes and overlays all other interests and performance standards of the *Wetlands Protection Act* other resource areas. Mr. Gioiosa stated when they did the original filing there was a determination that this was not a riverfront area designated on this site. Agent Perks noted that since the original plan did not have work being done in the 25ft buffer zone, this was not brought up. Agent Perks stated assuming the commission is upholding the former declaration of the no work in the 25ft buffer zone, recommends issuing an Order of Conditions with a denial, that states the reasons for denial.

Commissioner Linhart made a motion to Order of Conditions with a denial.

Motion was seconded by Commissioner Grant.

Vice-Chairman Sean Carney- Vote in favor.

Commissioner Peter Blanchard- Vote in favor.

Commissioner Scott Grant Jr- Vote in favor.

Commissioner Kimberly Rioux- Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

All in favor. Motion carries.

2. A Request for Determination of Applicability as filed by Andrew Young for property identified as 19 Hathaway Road New Bedford, MA (Map 101, Lot 8).

The Applicant is requesting a determination confirming the jurisdictional resource areas on-site under the Massachusetts Wetland Protection Act. Representative is Scott Goddard of Goddard Consulting, LLC.

Mr. Tom Schutz present tonight in place of Scott Goddard representing Andrew Young. Mr. Schutz gave a brief description of the property located at 19 Hathaway Road and is looking for a *Negative Determination of Applicability* that there is no jurisdictional resource areas on this site. Commissioner Grant questioned what they intended to do at this site. Mr. Schutz replied that they would be putting a building in this spot as opposed to there just being a vacant lot and then coming back in front of the commission for a *Notice of Intent*. Agent Perks stated he was on site on Friday and the entire area is rubble and concrete and in tough shape and agrees that it is a non



-jurisdictional area but strongly believes the area just north of the railroad tracks is a forested wetland and part of this area will fall in the 100ft buffer zone and with this said recommends a Positive Box 5.

Commissioner Grant made a motion to issue a Positive Box 5.

Motion was seconded by Commissioner Linhart.

Vice-Chairman Sean Carney- Vote in favor.

Commissioner Peter Blanchard- Vote in favor.

Commissioner Scott Grant Jr- Vote in favor.

Commissioner Kimberly Rioux- Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

All in favor. Motion carries.

AGENT UPDATES/GENERAL CORRESPONDENCE

1. Meeting minutes to approve: 9/6/22

Commissioner Blanchard made a motion to accept the Meeting Minutes of 9/6/22.

Motion was seconded by Commissioner Linhart.

Vice-Chairman Sean Carney- Vote in favor.

Commissioner Peter Blanchard- Vote in favor.

Commissioner Scott Grant Jr- Vote in favor.

Commissioner Kimberly Rioux- Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

All in favor. Motion carries.

ADJOURN

Commissioner Linhart made a motion to adjourn at approximately 7:48 pm.

Motion was seconded by Commissioner Grant.

Roll Call Vote:

Vice-Chairman Sean Carney-Vote in favor.

Commissioner Peter Blanchard-Vote in favor.

Commissioner Scott Grant Jr-Vote in favor.

Commissioner Kimberly Rioux- Vote in favor.

Commissioner Rebeca Linhart- Vote in favor.

Respectfully submitted,

Teresa Alves, Administrative Coordinator

