



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
October 18, 2022
PUBLIC HEARING held at the Brooklawn Senior Center,
1997 Acushnet Avenue, New Bedford, MA**

Members Absent

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 Kimberly Rioux, Commissioner Rebeca Linhart.

GENERAL PROCUEDURES FOR HEARING

Chairman Audette read General Procedure for Hearings for the record.

OLD BUSINESS:

NONE

NEW BUSINESS:

1. **1453 Morton Avenue.** The applicant is requesting a Vegetation Alteration within the 100ft buffer zone. Representative is Mark and Tiffany Raposo.

Applicant is not present at tonight's hearing. Chairman Audette made note that this is the second consecutive hearing that they have not appeared and requested that this be taken off the agenda.

Vice-Chairman Carney made a motion to remove the Vegetation Alteration from Agenda.

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.

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, 8/2/22, 8/16/22, 9/6/22, 9/20/22, 10/4/22) - **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 11/1/22**

Vice-Chairman Carney made a motion to continue to 11/1/22.

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.

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, 5/17/22,6/7/22, 6/21/22, 7/5/22, 7/19/22, 8/2/22,8/16/22,9/6/22,9/20/22,10/4/22) - 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.

Mr. Al Hanscom of Pare Corporation present tonight along with Scott Taber of Shoreline Marine representing Michael Quinn of Shoreline Marine Terminal. Mr. Hanscom gave a brief description of the project and stated that tonight he is here for an *Order of Conditions* for the demolition of building #12 and a partial demolition of building #2. This project has been approved by the necessary City Departments and City Council, with permits on hand and looking to start the demolition next week. Mr. Hanscom stated the demolition would start in area closest to the river and work inward due to the project of replacing the bulkhead which is taking place next month. Chairman Audette requested to have a special condition that all buildings are not demolished at once and a sequencing of demolition of buildings. Mr. Hanscom stated they will have a demolition plan by the contractor and stockpile would be outside the resource area. Agent Perks questioned what will be happening with the barges. Mr. Taber stated that the barges are being taking care of at the present time and they will be dismantled and salvaged. Agent Perks recommends an *Order of Conditions* with the *Standard Coastal Special Conditions* in addition to the one special condition with one building demolished at a time based on the construction sequence.

Commissioner Grant made a motion to issue an Order of Conditions with the conditions as outlined by the Conservation Agent.

Motion was seconded by Vice-Chairman Carney.

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.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

3. **SE049-0864** – (Continued from 7/5/22,7/19/22,8/2/22,8/16/22,9/6/22,9/20/22,10/4/22) - 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 11/1/22



*Vice-Chairman Carney made a motion to continue to 11/1/22.
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.
Chairman Dennis Audette- Vote in favor.
All in favor. Motion carries.*

- 4. SE049-0901- (Continued from 7/5/22,7/19/22,8/2/22,8/16/22,9/6/22,9/20/22, 10/4/22) - 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 11/1/22**

*Vice-Chairman Carney made a motion to continue to 11/1/22.
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.
Chairman Dennis Audette- Vote in favor.
All in favor. Motion carries.*

- 5. SE049-0904 – (Continued from 8/2/22,8/16/22,9/6/22,9/20/22,10/4/22) - 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. **CONTINUED TO 11/1/22**

Agent Perks stated that he has been in contact with Mr. Richard Rheume and informed the commission that the Dartmouth side has been having problems with source materials and is three months behind on their restoration, and they have acquired a new firm from out of state that will be submitting a cost break down. Agent Perks made note that if they do not receive anything by the next meeting, then more official actions will need to take place.

*Vice-Chairman Carney made a motion to continue to 11/1/22.
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.
Chairman Dennis Audette- Vote in favor.
All in favor. Motion carries.*

NEW HEARINGS:

1. **SE049-0907** - A Notice of Intent as filed by Ian Yates for property identified as **2044-2046 Shawmut Ave, New Bedford, Ma (Map 128, Lots 24)**. The applicant is submitting this after-the-fact NOI for paving a driveway and constructing a sand volleyball court and clearing within the 100ft Buffer Zone to a bordering Vegetated Wetland and in an area of Bordering Land Subject to Flooding. Applicant is installing stormwater retainment gardens onsite to account for paving in the buffer zone. Representative is William McGovern of Zenith Land Surveyors, LLC. **CONTINUED TO 11/5/22**

Mr. William McGovern of Zenith Land Surveyors present tonight representing Ian Yates. Mr. McGovern stated that the property contained a gravel driveway, which was recently altered by the paving of the driveway area, an installation of a sand volleyball court, which is an elevated sand surface that replaced a sand and sparse lawn area. Approximately 1,640ft of the paved driveway falls within the 100ft Buffer Zone as well as parts of the concrete patio. The overall rear yard area generally drains towards the pond and slightly northeast, as such, impact from the paved driveway by an increase on runoff and potential pollutants would be a concern. The proposed mitigation consists of best management practices designed to mitigate and slow runoff from the driveway and trap potential pollutants. It is proposed to construct a grassed swale along the driveway to capture, slow and filter runoff from the paved driveway. The swale, approximately 80ft long and 5ft wide, would contain stone check dams to slow and filter runoff. The swale will discharge to a 460sq ft Rain Garden to further slow and filter the runoff before it reaches the pond and with the existing soil conditions being sand, infiltration will take place. Also proposing to plant a combination of trees and shrubs adjacent to the pond to mitigate clearing which has taken place over the years. Mr. McGovern requested a continuance to the November 15th hearing since they are waiting for a response from *NHESP* on what species are mapped in that area. Commissioner Grant requested the elevation markers be noted better on the plan. Chairman Audette questioned if the applicant is aware that part of the volleyball court falls outside their deed line and if they plan on removing the volleyball court, also the end of the driveway falls in another lot, and who actually owns that lot. Agent Perks raised concern on the Commission voting on projects that fall outside a deeded area. Agent Perks appreciates the design and the species selection and inquired on who would be doing the planting.

*Vice-Chairman Carney made a motion to continue to 11/15/22.
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- Abstained from Voting.
Chairman Dennis Audette- Vote in favor.
All in favor. Motion carries.

- 2. SE049-_____ – A Notice of Intent as filed by J.Abra Degbor and Peter Silva for property identified as 1309 Sassaquin Ave. New Bedford, MA (Map 138, Lot 413).**
The Applicant is proposing the removal of thirteen trees and addition of two decks with in the 100ft buffer zone. Representative is J.Abra Degbor and Peter Silva.
CONTINUED TO 11/1/22

Ms. J.abra Degbor present tonight along with Jim O’Mara. Ms.Degbor stated that the plans show 17 points of trees being taken down but that would depend on the company they decide to use. There are 13 trees that would need to be taken down and depending how the company needs to get to the trees and safety issues, there could be less or more. Mr. O’Mara stated that during the basement and tube excavation, they would have tarps set up to store the tubes and fill and they will be covered. Commissioner Linhart requested that erosion controls be placed at the 100ft barrier. Chairman Audette made note that a DEP number has not been issued yet. Agent Perks asked the timeline for the project, which will be November.

Commissioner Grant made a motion to continue to 11/1/22.
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.
Chairman Dennis Audette- Vote in favor.
All in favor. Motion carries.

AGENT UPDATES/GENERAL CORRESPONDECE

1. Meeting minutes to approve: 10/04/22

Commissioner Grant made a motion to accept the Meeting Minutes of 9/20/22.
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.
Chairman Dennis Audette- Vote in favor.
All in favor. Motion carries.

2. Piping Plovers: starting to discuss a plan for next year.



3. 1475 Morton Ave Enforcement Order.

Issuing an *Enforcement Order* to put into writing our observations for 1475 Morton Avenue. As of 10/17/22, unauthorized work within the 100ft buffer zone to a Massachusetts State listed great pond bank as listed below, the site resident currently holds an *Order of Conditions* SE049-0859. The three main points observed and are listed in the OoC are Alterations of native vegetation within the 25ft no disturb buffer zone, approximately 15X20 excavation within the 100ft buffer zone, and a stockpile of film and stone outside the permitted stockpile area within the 100ft buffer zone. The residences are present at the meeting tonight, Mr. Mike and Mark Frey. Agent Perks informed that the letter would be ratified tonight and would be sent by certified mail tomorrow. Agent Perks inquired about the excavated area. Mr. Frey replied that since the patio was just pavers and no foundation was being done, he did not realize he needed to do a separate filing. Agent Perks stated that since the patio was not on the original plan, that an *Amended Order of Conditions* would need to be filed.

Commissioner Grant made a motion to issue an Enforcing Order.

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.

Chairman Dennis Audette- Vote in favor.

All in favor. Motion carries.

ADJOURN

Commissioner Linhart made a motion to adjourn at approximately 7:58 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.

Chairman Dennis Audette-Vote in favor.

Respectfully submitted,

Teresa Alves, Administrative Coordinator

