



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
November 1, 2022
PUBLIC HEARING held at the Brooklawn Senior Center,
1997 Acushnet Avenue, New Bedford, MA**

Members Absent

Chairman Dennis Audette
Commissioner Rebeca Linhart

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.

GENERAL PROCUEURES FOR HEARING

Vice-Chairman Carney 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 tonights hearing. This is the third consecutive meeting that the applicant has not appeared. Vice-Chairman Carney requested that the *Vegetation Alteration* be taken off the agenda and applicants will need to refile when they intend to be at a meeting. Commissioner Blanchard authorized Agent Perks to send an email to DPI requesting they remove the hanging limb.

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, 2/15/22,3/1/22,3/15/22,4/5/22,4/19/22,5/3/22,5/17/22,6/7/22,6/21/22,7/5/22,7/19/22,8/2/22,8/16/22,9/6/22,9/20/22,10/4/22,10/18/22) - **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 11/15/22**

Commissioner Grant 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.

All in favor. Motion carries.

2. **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, 10/18/22) - **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 11/15/22**

Commissioner Grant 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.
All in favor. Motion carries.

3. **SE049-0901**- (Continued from 7/5/22,7/19/22,8/2/22,8/16/22,9/6/22,9/20/22, 10/4/22,10/18/22) - 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 11/15/22**

Commissioner Grant 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.
All in favor. Motion carries.

4. **SE049-0904** – (Continued from 8/2/22,8/16/22,9/6/22,9/20/22,10/4/22,10/18/22) - 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 11/15/22**

Commissioner Grant 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.
All in favor. Motion carries.

5. **SE049-0907** – (Continued from 10/18/22) - 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 11/15/22**

Commissioner Grant 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.
All in favor. Motion carries.*

- 6. SE049-_____ - (Continued from 10/18/22) – 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 11/15/22**

*Commissioner Grant 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.
All in favor. Motion carries.*

NEW HEARINGS:

- 1. SE049-0908 - A Notice of Intent as filed by Paul Weckesser for property identified as 26 Green & Wood Pier New Bedford, MA (Map 42, Lot 268).** The Applicant is proposing to demolish part of the existing structure which is situated within a mapped flood zone. Representative is Jay Elsner of Green & Wood Pier, Inc.

Mr. Jay Elsner present tonight along with Mr. Paul Weckesser of Green & Wood Pier, Inc. Mr. Elsner stated that they are seeking to demolish part of the north-eastern section of the building, which is approximately 6,000sq ft, that is situated on a timber pile pier and the demolition will not alter or change existing waterfront conditions. They will employ a floating containment boom and a vessel to capture any debris that may fall into the water with addition of a standby diver to retrieve any material that may sink below the surface. A temporary decking will be installed under the existing building floor slab and any areas open to the water below, in order to prevent debris from going into the water. To minimize any impacts on the water resource, they will be installing an erosion control barrier and have a designated area to store debris away from the water prior to disposal and use dust control measures. The building will be demolished from the south side and the debris will be pulled away from the riverfront and disposed of as work progresses northward. Mr. Weckesser stated the building is starting to fall down and they want to demolish before it becomes a major problem. Vice-Chairman Carney inquired about how long this project would take and Mr. Jay Alves stated it would take approximately three weeks, weather permitting. Agent Perks has been on site, stated that the building is in rough shape and recommends an issuance of an *Order of Conditions* with the *Standard Coastal Zone Special*



Conditions, with one special condition that he be called on site for one final look thru before the demolition begins.

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

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.

All in favor. Motion carries.

- 2. SE049-___ - A Notice of Intent as filed by James Clancy of Eversource Energy for property identified as Flaherty Drive New Bedford, MA (Map 133, Lots 62, 12, 10, 54,66).** The Applicant is proposing to install entrenched underground conduit along their right-of-way (ROW) beginning at Flaherty Dr. and extending approximately 3,470 linear feet east. Additional infrastructure proposed to support the conduit includes manholes, riser poles, and pad mounted switch boxes. All work will occur within Eversource's existing ROW. Representative is Eileen Piskura of Kleinfelder.

Ms. Eileen Piskura of Kleinfelder present tonight representing James Clancy of Eversource Energy. Ms. Kleinfelder gave a brief description of the project, since they do not have a DEP number assigned yet, it will be continued to the Nov. 15 meeting. Eversource Energy is expecting to start the project as soon as possible and will take a couple of months to complete.

Commissioner Grant made a motion to continue to 11/15/22.

Motion was seconded by Commissioner Rioux.

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.

All in favor. Motion carries.

AGENT UPDATES/GENERAL CORRESPONDENCE

1. Meeting minutes to approve: 10/18/22

Commissioner Grant made a motion to accept the Meeting Minutes of 10/18/22.

Motion was seconded by Commissioner Rioux.

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.

All in favor. Motion carries.



2. 701 New Plainville Road Enforcement Order

Mr. Joseph Machado present at tonights meeting to inform the commission the situation regarding the property. Mr. Machado stated that he purchased this property from the previous owner who did not want to finish the residential dwelling after installing a septic system, well and foundation. At the time of closing, Mr. Machado was told that there was a *Notice of Intent* but unaware of the *Orders of Conditions* on this property. Mr. Machado took over the project, built a house, and continued forward. Mr. Machado stated that they are supposed to close on this property with new buyers on Thursday and when he went to the building department to close out on all the permits, he was informed to see Agent Perks It wasn't until Agent Perks did a site visit and noticed a fence around the property that was not on the original plans and spoke with Mr. Machado and notified him that there was numerous issues with the previous owner and he was in violation of the Order of Conditions on this property. Mr. Machado is looking to do an *Amended Order of Conditions* and get approval from the commission in order to close on this property this week. Mr. Machado presented a notarized letter from his business partner Scott Dutra and the two buyers stating that he will be responsible for *Amending the Order of Conditions* and following the rest of the *Order of Conditions* and stated that the haybales that were in violation have already been taken care of prior to tonights meeting. Agent Perks read the letter into record. Vice-Chairman Carney asked Agent Perks to list the violations he found while on site. Agents Perks stated that the erosion controls are in poor shape and needed to be replace immediately due to being within the 100ft buffer zone to Turner's Pond and as of this morning the straw wattles controls have already been replaced. The down spout wyes need to be inverted and did not reflect what the design was called for, the three conservations signs are not present and the observation port for the roof recharge system was not in place. The paved driveway was not on the original plans from 12/3/2020 *Order of Conditions* but on updated plans that were never brought to Conservation. What is required now is the filing of an *Amended Order of Conditions* for the paved driveway and fence which were not permitted. Agent Perks recommends the Commission issue an *Enforcement Order* which puts this all into writing, the violations, notarized letter, and a filing time-line.

Commissioner Grant made a motion to issue an Enforcement Order as recommended by the Agent.

Motion was seconded by Commissioner Rioux.

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.

All in favor. Motion carries.



ADJOURN

*Commissioner Grant made a motion to adjourn at approximately 7:16 pm.
Motion was seconded by Commissioner Rioux.*

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.*

Respectfully submitted,

Teresa Alves, Administrative Coordinator

