



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 15, 2022
PUBLIC HEARING held at the Brooklawn Senior Center,
1997 Acushnet Avenue, New Bedford, MA**

Members Absent

Commissioner Scott Grant

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 Rebeca Linhart, Commissioner Kimberly Rioux.

GENERAL PROCUEURES FOR HEARING

Chairman Audette read General Procedure for Hearings for the record.

OLD BUSINESS:

NONE

NEW BUSINESS:

1. 638 West Rodney French Blvd – Matt Bivens to discuss minor modifications to DoA.

Ms. Svetlana Bivens present tonight asking for a minor modification to the original *Determination of Applicability*. Agent Perks stated that they are putting up a couple of decks and extending their original plan by five more footings and reason for coming in front of the commission is that they are right on the line of the coastal flood zone. Would this require a new filing or can this be considered a minor modification and revised plans have been presented. Chairman Audette reminded that the original RDA storage of supplies and controls need to be meet and this does not eliminate those conditions.

Vice-Chairman Carney made a motion to approve the Minor Modification.

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 Kimberly Rioux- Vote in favor.

Chairman Dennis Audette – Vote in favor.

All in favor. Motion carries.

2. 1377 Sassaquin Ave. *Vegetation Alteration Application* – Dennis Audette looking to cut vegetation within 100ft buffer zone.

Vice-Chairman Carney read into record and asked if this was a continuation of the regular maintenance that Mr. Audette has been doing. Mr. Audette replied that it is and that the greenbrier had grown heavily this year.

*Commissioner Linhart made a motion to approve the *Vegetation Alteration Application*.*

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.

Chairman Dennis Audette – Refrained from vote.

All in favor. Motion carries.

3. 1309 Sassaquin Ave. *Vegetation Alteration Application* - J.Abra Degbor.

Chairman Audette stated that Mass DEP had misplaced Ms. Degbor's application, they have been waiting almost a month and have not received their DEP number. Chairman Audette and Agent Perks suggested to the commission that a *Vegetation Alteration Application* be filed in order for Ms. Degbor to take care of the 13 trees in the Notice of Intent while they wait for the DEP number.

*Vice-Chairman Carney made a motion to approve the Vegetation Alteration Application.
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 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, 2/15/22,3/1/22,3/15/22,4/5/22,4/19/22,5/3/22,5/17/22,6/7/22,6/21/22,7/5/22,7/19/22,8/2/22,8/16/22,9/6/22,9/20/22,10/4/22,10/18/22,11/1/22) - **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 12/6/22**

*Vice-Chairman Carney made a motion to continue to 12/6/22.
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 Kimberly Rioux- Vote in favor.
Chairman Dennis Audette – 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, 11/1/22) - **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 12/6/22**

*Vice-Chairman Carney made a motion to continue to 12/6/22.
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 Kimberly Rioux- Vote in favor.*

*Chairman Dennis Audette – 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, 10/4/22,10/18/22,11/1/22) - 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 12/6/22**

*Vice-Chairman Carney made a motion to continue to 12/6/22.
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 Kimberly Rioux- Vote in favor.
Chairman Dennis Audette – 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, 11/1/22) - 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 12/6/22**

*Vice-Chairman Carney made a motion to continue to 12/6/22.
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 Kimberly Rioux- Vote in favor.
Chairman Dennis Audette – Vote in favor.
All in favor. Motion carries.*

5. **SE049-0907** – (Continued from 10/18/22,11/1/22) - 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 retention gardens onsite to account for paving in the buffer zone. Representative is William McGovern of Zenith Land Surveyors, LLC.



Mr. William McGovern present tonight representing Ian Yates. Mr. McGovern stated that he submitted a revised narrative with the changes to the plan from the comments made by the Commission from the last meeting involving the volleyball court, which the owner stated it is just a sand clearing and moving back the sand clearing that falls in Department of Conservation Recreation (DCR) owned land. Chairman Audette made it clear that Mr. Yates needs to be aware of the red property line, where his property and DCR owned property meet and he is not to build on DCR land. Chairman Audette suggested that a deadline of June 15, 2023 be added to the *Order of Conditions* for the completion of this project. Agent Perks recommends 2 special conditions be added to the *Order of Conditions*:

1. The completion date of June 15, 2023.
2. Work pulled back from DCR overreach area.

Commissioner Linhart questioned how they are going to cut the paved driveway. Mr McGoven stated they would saw cut it. Chairman Audette made note that once the paved driveway was cut, that area would need to be restored back to its original state, with natural vegetation. Agent Perks recommends an *Order of Conditions* with the *Standard Inland Special Conditions* and the 2 special conditions mentioned above.

Vice-Chairman Carney made a motion to issue an Order of Conditions with the conditions as recommended 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 - Abstained from Voting.

Commissioner Kimberly Rioux- Vote in favor.

Chairman Dennis Audette – Vote in favor.

All in favor. Motion carries.

6. **SE049-_____** - (Continued from 10/18/22,11/1/22) – 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 12/6/22**

Chairman Audette made motion to continue to next meeting since there is still no DEP number.

Vice-Chairman Carney made a motion to continue to 12/6/22.

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 Kimberly Rioux- Vote in favor.

Chairman Dennis Audette – Vote in favor.

All in favor. Motion carries.



7. **SE049-0909** - 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.
CONTINUED TO 12/6/22

Ms. Emma Mrowka of Kleinfelder present tonight along with James Clancy of Eversource Energy. Chairman Audette stated that there is a requirement that updated engineered plans be resubmitted along with a formal presentation about the project in front of the Commission as part of submitting a *Notice of Intent* in order to make a decision. Agent Perks asked for a better understanding of the stream crossing included in the presentation of this project.

Vice-Chairman Carney made a motion to continue to 12/6/22.

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 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 Jose Matos for property identified 103 Willard Street New Bedford, MA (Map 11, Lots 2,3, & 90).** The applicant is proposing the construction of a new deck structure within a mapped flood zone. Representative is Jose Matos.

Mr. Jose Matos present tonight requesting an *RDA*. Agent Perks read into record a letter from Ward 6 City Councilor Ryan Pereira voicing his support of this project. Chairman Audette requested that a special condition be added that the tubes be backfilled by Saturday November 26th. Agent Perks recommends an *RDA* with the special condition of backfilled be done by November 26th. Commissioner Blanchard had questioned if the project had already commenced, which Mr. Matos replied in the affirmative.

Vice-Chairman Carney made a motion to issue an RDA with the special condition recommended 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 Kimberly Rioux- Vote in favor.

Chairman Dennis Audette – Vote in favor.



All in favor. Motion carries.

AGENT UPDATES/GENERAL CORRESPONDENCE

1. MEETING MINUTES TO APPROVED: 11/15/2022

Vice-Chairman Carney made a motion to accept meeting minutes from 11/15/22.

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 Kimberly Rioux- Vote in favor.

Chairman Dennis Audette – Vote in favor.

All in favor. Motion carries

2. Pine Hill Park-Mill site land acquisition application submitted to CPA

Agent Perks stated that they have submitted to CPA the application to phase 2, this helps to show that conservation is taking more proactive approaches and will update after his meeting with the CPA commission in January and hoping to know if they land has to be purchased or will be donated.

3. Approval of 2023 Meeting Schedule

Agent Perks informed the commission that the July 4th meeting falls on a holiday and suggested that the meeting be changed to a different day. Chairman Audette recommended it be changed to July 11th.

Vice-Chairman Carney made a motion to change the July 4th meeting to July 11th and to accept the 2023 Meeting schedule after the change is made.

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 Kimberly Rioux- Vote in favor.

Chairman Dennis Audette – Vote in favor.

All in favor. Motion carries

4. Plover Management with Parks and Recreation

Chairman Audette suggested sending a letter to Parks and Recreation to set a meeting to discuss management of the Plovers before they arrive next season.



*Vice-Chairman Carney made a motion to send a letter to Parks and Recreation.
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 Kimberly Rioux- Vote in favor.
Chairman Dennis Audette – Vote in favor.
All in favor. Motion carries*

5. Pequot Street

Agent Perks let the commission know that he gave the owners permission to lay down winter rye since it is at the end of the season, and they will be filing an RDA at the next meeting.

ADJOURN

*Vice-Chairman Carney made a motion to adjourn at approximately 7:25 pm.
Motion was seconded by Commissioner Blanchard.*

Roll Call Vote:

*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.
Chairman Dennis Audette – Vote in favor.*

Respectfully submitted,

Teresa Alves, Administrative Coordinator

