



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  
December 20, 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 PROCUEDES FOR HEARING**

Chairman Audette read General Procedure for Hearings for the record.

**OLD BUSINESS:**

NONE

## **NEW BUSINESS:**

1. **SE049-0337** – A Request for a Certificate of Compliance as filed by Casa Sol Realty Trust, Isabel Perry Trustee for property identified as 107 Welby Road, New Bedford (Map 132, Lot 850). Representative is Nick Dufresne of Farland Corp.

Mr. Nick Dufresne present tonight representing Casa Sol Realty Trust. Mr. Dufresne stated that the property is being sold and there is an open *Order of Conditions*. Mr. Dufresne noted that the original plans for the property were not found in order to compare to the *As-builts* but looks as though the plans was for an addition to the back part of the building. Agent Perks stated that *Order of Conditions* was from back to 2002 and recommends a complete *Certificate of Compliance* for the property.

*Vice-Chairman Carney made a motion to issue a Certificate of Compliance.*

*Motion was seconded by Commissioner Blanchard.*

*Commissioner Kimberly Rioux- Vote in favor.*

*Commissioner Rebeca Linhart - Vote in favor.*

*Commissioner Peter Blanchard – Vote in favor.*

*Vice-Chairman Sean Carney- 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, 2/15/22,3/1/22,3/15/22,4/5/22,4/19/22,5/3/22,5/17/22,6/7/22,6/21/22,7/5/22,7/19/22,8/2/22,8/16/22,9/6/22,9/20/22,10/4/22,10/18/22,11/1/22,11/15/22,12/6/22) - 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 1/3/23**

*Vice-Chairman Carney made a motion to continue to 1/3/23.*

*Motion was seconded by Commissioner Blanchard.*

*Commissioner Kimberly Rioux- Vote in favor.*

*Commissioner Rebeca Linhart - Vote in favor.*

*Commissioner Peter Blanchard – Vote in favor.*

*Vice-Chairman Sean Carney- 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, 11/1/22,11/15/22,12/6/22) - 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 1/3/23**

*Vice-Chairman Carney made a motion to continue to 1/3/23.*

*Motion was seconded by Commissioner Blanchard.*

*Commissioner Kimberly Rioux- Vote in favor.*

*Commissioner Rebeca Linhart - Vote in favor.*

*Commissioner Peter Blanchard – Vote in favor.*

*Vice-Chairman Sean Carney- 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, 10/4/22,10/18/22,11/1/22,11/15/22,12/6/22) - 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 1/3/23**

*Vice-Chairman Carney made a motion to continue to 1/3/23.*

*Motion was seconded by Commissioner Blanchard.*

*Commissioner Kimberly Rioux- Vote in favor.*

*Commissioner Rebeca Linhart - Vote in favor.*

*Commissioner Peter Blanchard – Vote in favor.*

*Vice-Chairman Sean Carney- 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, 11/1/22,11/15/22,12/6/22) - 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. **CONTINUED TO 1/3/23**



*Vice-Chairman Carney made a motion to continue to 1/3/23.  
Motion was seconded by Commissioner Blanchard.  
Commissioner Kimberly Rioux- Vote in favor.  
Commissioner Rebeca Linhart - Vote in favor.  
Commissioner Peter Blanchard – Vote in favor.  
Vice-Chairman Sean Carney- Vote in favor.  
Chairman Dennis Audette – Vote in favor.  
All in favor. Motion carries.*

5. **SE049-0909** – (Continued from 11/15/22,12/6/22) - 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 1/3/23**

*Vice-Chairman Carney made a motion to continue to 1/3/23.  
Motion was seconded by Commissioner Blanchard.  
Commissioner Kimberly Rioux- Vote in favor.  
Commissioner Rebeca Linhart - Vote in favor.  
Commissioner Peter Blanchard – Vote in favor.  
Vice-Chairman Sean Carney- Vote in favor.  
Chairman Dennis Audette – Vote in favor.  
All in favor. Motion carries.*

6. **SE049-0911** – (Continued from 12/6/22) - A Notice of Intent as filed by **Scot Servis for property identified as 1569 Airport Road New Bedford, MA (Map 122 & 124, Lots 3 & 28)**. The Applicant is proposing to pave an existing gravel access road that is located southwest of Runway 5 at the airport. Portions of the work will occur within BLSF, the Commission’s 25ft setback to BVW and the 100ft buffer zone. Representative is Rhianna Sommers of Epsilon Associates, Inc. **CONTINUED TO 1/3/23**

*Vice-Chairman Carney made a motion to continue to 1/3/23.  
Motion was seconded by Commissioner Blanchard.  
Commissioner Kimberly Rioux- Vote in favor.  
Commissioner Rebeca Linhart - Vote in favor.  
Commissioner Peter Blanchard – Vote in favor.  
Vice-Chairman Sean Carney- Vote in favor.  
Chairman Dennis Audette – Vote in favor.  
All in favor. Motion carries.*



7. **SE049-0912** – (Continued from 12/6/22) - A Notice of Intent as filed by **Lukas Scheurer** for property identified as **Downey Street (Airport Road) New Bedford, MA (Map 123, Lot 03)**. The Applicant is proposing the redevelopment of an existing airport tarmac area into a 124' X 60' airplane storage hanger. The site will increase green space and achieve storm attenuation, recharge, and water quality through two infiltration basins. Representative is Daniel Proper of Proper & O'Leary Engineering, DPC. **CONTINUED TO 1/3/23**

Mr. Daniel Proper present tonight along with Leon Shabot representing Lukas Scheurer. Mr. Shabot informed the Commissioners that this project has been approved by the Planning Department. Mr. Proper stated the proposed project involves the redevelopment of an existing airport tarmac area into an airplane storage hanger and parking area, while also increasing the amount of green space in the area. The proposed development aligns with the objectives of the airports plan to adjust and extend the runways and taxiways and increase storage to meet the needs of future traffic in New Bedford. Commissioner Carney questions the location of the stockpiles and requested they be shown on the plans and where the plans would be fueled. Mr. Shabot stated that planes cannot be fueled inside any building. Chairman Audette stated since there was a question about the stormwater and retention ponds, he recommends this send to Nitsch for a peer review.

*Vice-Chairman Carney made a motion to send to Nitsch for peer review and continue to 1/3/23. Motion was seconded by Commissioner Blanchard.*

*Commissioner Kimberly Rioux- Vote in favor.*

*Commissioner Rebeca Linhart - Vote in favor.*

*Commissioner Peter Blanchard – Vote in favor.*

*Vice-Chairman Sean Carney- Vote in favor.*

*Chairman Dennis Audette – Vote in favor.*

*All in favor. Motion carries.*

- **Scot Servis, Airport Manager, invited the Commission to come tour the airport and see the projects that are being worked on and the projects that are being proposed.**

## **NEW HEARINGS:**

1. **SE049-0859 – 1471 Morton Ave. a Request to Amend an Order of Conditions filed by Marc Frey for the property identified as 1471 Morton Ave New Bedford (Map 136A, Lot 796)**. The applicant is proposing to install a chain link fence along the south property line, plant Arborvitae trees to the right of fence, install a paver platform underneath the deck, install a concrete sidewalk on right side home, and build a shed to the left side of patio within the 100ft buffer zone. Representative Marc Frey.



Mr. Marc Frey present tonight. Chairman Audette stated that a certified stamp set of plans need to be submitted for this *Amended Order of Conditions*. Agent Perks recommends that the chain link fence be moved back to the 25ft buffer zone.

*Vice-Chairman Carney made a motion to continue to 1/3/23.  
Motion was seconded by Commissioner Blanchard.  
Commissioner Kimberly Rioux- Vote in favor.  
Commissioner Rebeca Linhart - Vote in favor.  
Commissioner Peter Blanchard – Vote in favor.  
Vice-Chairman Sean Carney- Vote in favor.  
Chairman Dennis Audette – Vote in favor.  
All in favor. Motion carries.*

- 2. A Request for Determination of Applicability as filed by Lauren Brouillard for property identified as 1132 Pequot Street New Bedford, MA (Map 136A, Lots 864).** The applicant is proposing to install a fence around a portion of the yard, pour multiple concrete walkways totaling 75sq ft, replacing a concrete driveway, and trenching for an electrical conduit to provide power to the garage and shed within 100ft buffer zone. Representative is Lauren Brouillard.

Ms. Lauren Brouillard present tonight and gave a brief description of what she is proposing to do. Agent Perks stated that all the majority of work that they are proposing, and stockpiles are outside the 100ft buffer zone and reason for the *RDA* is the entire property falls within an *outstand resource water overlay*. Agent Perks recommends a *Negative Box 6 Determination*.

*Vice-Chairman Carney made a motion to issue a Negative Box 6.  
Motion was seconded by Commissioner Blanchard.  
Commissioner Kimberly Rioux- Vote in favor.  
Commissioner Rebeca Linhart - Vote in favor.  
Commissioner Peter Blanchard – Vote in favor.  
Vice-Chairman Sean Carney- Vote in favor.  
Chairman Dennis Audette – Vote in favor.  
All in favor. Motion carries.*

- 3. SE049-0870 – Ratify Enforcement Order issued 12/9/22 for non-compliance of maintaining erosion controls and stockpiling within 100ft buffer zone.**

*Vice-Chairman Carney made a motion to issue Enforcement Order  
Motion was seconded by Commissioner Blanchard.  
Commissioner Kimberly Rioux- Vote in favor.  
Commissioner Rebeca Linhart - Vote in favor.  
Commissioner Peter Blanchard – Vote in favor.  
Vice-Chairman Sean Carney- Vote in favor.  
Chairman Dennis Audette – Vote in favor.  
All in favor. Motion carries.*



**4. Issue Enforcement Order to Dan Moniz of DPM Development for unpermitted activity in the 100ft buffer zone.**

*Vice-Chairman Carney made a motion to issue Enforcement Order  
Motion was seconded by Commissioner Blanchard.  
Commissioner Kimberly Rioux- Vote in favor.  
Commissioner Rebeca Linhart - Vote in favor.  
Commissioner Peter Blanchard – Vote in favor.  
Vice-Chairman Sean Carney- Vote in favor.  
Chairman Dennis Audette – Vote in favor.  
All in favor. Motion carries.*

## **AGENT UPDATES/GENERAL CORRESPONDENCE**

**1. MEETING MINUTES TO APPROVE: 11/15/22**

*Vice-Chairman Carney made a motion to issue Enforcement Order  
Motion was seconded by Commissioner Blanchard.  
Commissioner Kimberly Rioux- Vote in favor.  
Commissioner Rebeca Linhart - Vote in favor.  
Commissioner Peter Blanchard – Vote in favor.  
Vice-Chairman Sean Carney- Vote in favor.  
Chairman Dennis Audette – Vote in favor.  
All in favor. Motion carries.*

**2. Resident requesting an allowance to remove a rotting split rail fence and replace with posts with conservation signs.**

Chairman Audette stated that if there is an *Order of Conditions* and it states that a split rail fence is to be replaced, then they need to follow the *Order of Conditions*. If not, then they are able to use a post with the conservation sign.

**3. Yearly Financial Updates.**

The end of the year Revenue and Expenses were discussed per the request of the Chairman from the last meeting. Chairman Audette asked Agent Perks to inquire about doing an annual dinner with the Commissioners.

**4. Nominations.**

Agent Perks asked if there was any nominations for the positions of Chairman and Vice-Chairman.



*Commissioner Linhart made a motion to keep the positions as is.  
Motion was seconded by Commissioner Blanchard.  
Commissioner Kimberly Rioux- Vote in favor.  
Commissioner Rebeca Linhart - Vote in favor.  
Commissioner Peter Blanchard – Vote in favor.  
Vice-Chairman Sean Carney- Vote in favor of Dennis Audette as Chairman.  
Chairman Dennis Audette – Vote in favor of Sean Carney as Vice-Chairman.  
All in favor. Motion carries.*

## **ADJOURN**

*Vice-Chairman Carney made a motion to adjourn at approximately 7:28 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,

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Teresa Alves, Administrative Coordinator

