



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

PLANNING
AUG 29 2016
DEPARTMENT

August 29, 2016

Ms. Debra Trahan, Chair
Zoning Board of Appeals
133 William Street
New Bedford, MA 02740

Dear Ms. Trahan and Members of the Zoning Board,

This letter is in regard to Public Hearing 4236 - Anthony R. DeCosta 1861 Shawmut Avenue (A-1 Asphalt). For the Zoning Board's information, A-1 Asphalt is currently before the Conservation Commission to obtain an Order of Conditions. Mr. DeCosta filed a Notice of Intent with the Conservation Commission for improvements to a soil and aggregate recycling facility in the Buffer Zone to a Bordering Vegetated Wetland.

The improvements include dust and noise mitigation and movement of stockpiled materials to a distance of 50' from the Bordering Vegetated Wetlands. In addition stormwater management practices are proposed and include swales, retention ponds and stone check dams. The stormwater management proposal has undergone a peer engineering review by the Commission's engineering consultant and their comments have been incorporated into the stormwater design.

The Order of Conditions shall be issued by the Conservation Commission once the Airport Commission provides their approval for the work proposed on the airport's property. It is my understanding from speaking to Attorney Eric Jaikes of the Solicitor's Office that a Memorandum of Understanding shall be drawn up that shall permit A-1 Asphalt to conduct the work on airport property without any of the parties waiving any claims or defenses relative to A-1 adverse possession claim, the airport's trespass claim and the City's previously issued cease and desist orders. Please contact me if you should have any questions regarding this correspondence.

Sincerely,

Sarah E. Porter
Sarah E. Porter
Conservation Agent

cc: Conservation Commissioners, Jane Medeiros Friedman, Eric Jaikes, Kreg Espinola

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