



City of New Bedford  
Jonathan F. Mitchell, Mayor

**Meeting Minutes of the Conservation Meeting of  
July 5, 2017  
Room 314, City Hall**

**Members Present**

Craig Dixon, Chairman  
Dennis Audette  
Chancery Perks

**Members Absent**

Paul Pacheco  
Jacob Gonsalves

**Staff Present**

Agent Sarah Porter  
Sandy Douglas, Admin., Coordinator

Chairman Dixon called the meeting to order at 6:30 p.m.

**OLD BUSINESS:**

1. **SE49-0702 – (Continued from 4/4/17, 4/18/17, 5/2/17, 5/16/17, 6/6/17, 6/20/17) – Request for Certificate of Compliance for 100 Duchaine Boulevard (Map 24, Lot 2) as filed by Logal, LLC. Representative is Rich Riccio of Field Engineering. CONTINUED**

**NEW BUSINESS:**

1. **SE49-0699 - Request for Certificate of Compliance for Downey Street (Map 123, Lot 3) as filed by Claremont Companies. Representative is Matthew J. White of Farland Corp. CONTINUED**
2. **A Request for Determination of Applicability as filed by Blue Harvest Fisheries, LLC for property located at 40 Herman Melville Blvd. (Map 59, Lot 41) Applicant proposes to relocate an existing stairway, remove and backfill two existing waste drains and install approximately 1200 s.f. of new pavement over an existing paved area in the Buffer Zone to the Acushnet River. Representative is Rick Charon, P.E. of Charon Associates.**

Mr. Rick Charon of Charon Associates was present on behalf of the applicant and advised the Commission that they are proposing to pump out two old pits back fill them and relocate the stairway to add a 15' wide door. They have gotten rid of the old dumpster and collection unit and will backfill this area and add new pavement. Mr. Charon stated that he did not propose any hay bale barriers because will not be disturbing any soil.

Commissioner Audette inquired if the old fill was going to be hauled off site. Mr. Charon responded that they will pump it out, back fill it and dispose of it.

Agent Porter stated that this is pretty straight forward project and they are primarily proposing work in the interior of the receiving dock and the only exterior work being proposed is cleaning up the old oil (grease) drains, backfilling them, moving the staircase and repaving the shaded area and she does not see a need for erosion controls.

Agent Porter recommended the issuance of a negative determination of applicability that the work as described is within the buffer zone and shall not alter the adjacent resource area provided that all construction debris be placed in containers or trucks and disposed of in a legal upland location.

Commissioner Audette made a motion as recommended by the Agent. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

## **CONTINUED HEARINGS:**

1. **SE49-0745 – (Continued from 10/18/16, 11/1/16, 11/15/16, 12/6/16, 12/27/16, 1/17/17, 2/7/17, 2/21/17, 3/7/17, 3/21/17, 4/4/17, 4/18/17, 5/2/17, 5/16/17, 6/6/17, 6/20/17) - A Notice of Intent as filed by Paul Barton, Chairman of the New Bedford Regional Airport Commission for property identified as 1569 Airport Road (Map 123 - Lot 3, Map 122 - Lot 3, Map 124 - Lot 28 and Map 125 - Lot 22). Applicant proposes to reconstruct and expand the terminal apron area with associated storm water management improvements and replace an existing culvert. A portion of this work is proposed in the Buffer Zone and within a Bordering Vegetated Wetland. Representative is Amanda Atwell of Epsilon Associates, Inc. **CONTINUED DUE TO LACK OF QUORUM****
2. **SE49-0735 – (Continued from 3/15/16, 4/5/16, 4/19/16, 5/3/16, 5/17/16, 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16, 11/15/16, 12/20/16, 12/27/16, 1/17/17, 2/7/17, 2/21/17, 3/7/17, 3/21/17, 4/4/17, 4/18/17, 5/2/17, 5/16/17, 6/6/17, 6/20/17) - A Notice of Intent as filed by Anthony R. DeCosta d/b/a A-1 Asphalt for property located at 1861 Shawmut Avenue, New Bedford (Map 124, Lot 27). Applicant proposes improvements to a soil and aggregate re-cycling facility in the Buffer Zone to Bordering Vegetated Wetlands. Representative is Rick Charon of Charon Associates, Inc. **CONTINUED****
3. **SE49-0739 – (Continued from 6/7/16, 6/21/16, 7/5/16, 7/19/16, 8/16/16, 9/6/16, 9/20/16, 10/6/16, 10/18/16, 11/1/16, 11/15/16, 12/20/16, 12/27/16, 1/17/17, 2/7/17, 2/21/17, 3/7/17, 3/21/17, 4/4/17, 4/18/17, 5/2/17, 5/16/17, 6/6/17, 6/20/17) - A Notice of Intent as filed by Michele Paul, Director of Environmental Stewardship for the City of New Bedford for property identified as Ruggles Street and Hathaway Boulevard (Map 69, Lots 86, 88-93, 96-100, and 125). The applicant proposes to conduct remediation activities to remove contaminated soils followed by construction of an athletic facility. Representative is David Sullivan of TRC Environmental. **CONTINUED****
4. **SE49-0751 – (Continued from 3/7/17, 3/21/17, 4/4/17, 4/18/17, 5/2/17, 5/16/17, 6/6/17, 6/20/17) - A Notice of Intent as filed by Eric DeCosta for property identified as 100 Duchaine Boulevard (Map 134, Lot 5). Applicant proposes to construct a new building, parking for company and employee vehicles and parking for additional trailers. Representative is Christian Farland of Farland, Corp. **CONTINUED****

**5. SE49-0763 (Continued from 6/20/17) - A Notice of Intent as filed by Robert Draper, President of Rincon Etal Investments, Inc. for property identified as the Butler Flats Lighthouse, New Bedford.** Applicant proposes to repair and maintain the existing private ATON lighthouse at Butler Flats and construct a boat mooring on the northerly side of the lighthouse. **Representative is Alan Heureux of Boucher & Heureux, Inc.**

Mr. Alan Heureux of Boucher and Heureux was present on behalf of the applicant. Mr. Heureux advised the Commission that at last hearing he presented waterways license plans and the applicant is proposing to repair and maintain the existing lighthouse and construct a boat mooring which will be pile supported and in compliance with all regulations. The waterways license application number has been received. Mr. Heureux stated that they will need sign offs from Zoning Board and Planning Board and an Order of Conditions from the Conservation Commission to satisfy the waterway license. The structural engineer report has been submitted along with letter from Division of Marine Fisheries suggesting a condition that requires appropriate containment techniques to prevent construction debris from entering the marine environment during construction. Mr. Heureux agrees with said condition.

Mr. Heureux stated that when his client obtains a license then GSA will sell the applicant the lighthouse and then he would be able to provide construction plans, get bids and the contractor can provide containment measurements but at this time they are not at that stage yet. The boat mooring is straight marine construction and rest of work is within the lighthouse or on it and there will be some measure to protect marine environment. Mr. Heureux added that the Order of Conditions will reference to waterways plan, structural report and condition from Marine Fisheries.

Commissioner Audette would like to know in advance what the containment plan would be. Agent Porter recommended an amended order. Mr. Heureux agreed that he could come back before the Commission for an amended order for the repair work and for now to construct boat mooring and just license existing lighthouse and not do any repair work to it.

Agent Porter suggested just permitting construction of the boat mooring, deck, stairway only and that an amended order is to be filed for the repair work to the lighthouse itself. Agent Porter does not see a need for silt curtain because it's only two steel pilings.

Agent Porter recommended the Issuance of an order of conditions with special condition that this order only permits the construction of the boat mooring, deck and stairway and that an amended order is to be filed for the repair work to the lighthouse.

Commissioner Audette made a motion to approve as recommended by the Agent. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

## **NEW HEARINGS:**

None.

## **NEW BUSINESS CONTINUED:**

- 1. Agent Updates (General Fund Update, Excel Recycling Update, 1542 Padanaram Ave.)**
- 2. General Correspondence**

## **GENERAL FUND**

Agent Porter advised the Commission that there is approximately \$99,000.00 in said account.

### **EXCEL RECYCLING**

Agent Porter advised the Commission that she received email as follows: Thank you for your letter regarding Excel's recycling operation at the New Bedford Marine Commerce Terminal and we have been carefully reviewing your concerns and working diligently to prepare a response by the requested date and we hope it will be okay by you and Commission that we will be slightly delayed in submitting our response. Your letter requests response by this Thursday, June 22<sup>nd</sup> and there is delay due to necessary review and coordination of this topic and will submit response to Commission by early July. Letter was submitted by Bill White who is the Senior Director of the Clean Energy Center.

Chairman Dixon stated that we can give them until the next meeting for a response.

### **1542 PADANARAM AVENUE**

Agent Porter advised the Commission that the Harbor Development Commission was advised that someone was installing a dock out there. Agent Porter visited the site and found the owner of the property replacing four pilings on the existing dock and is proposing to upgrade some of the planks. Said owner will be filing a Notice of Intent.

Commissioner Audette made a motion to adjourn at approximately 7:00. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

Respectfully submitted,

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Sandy Douglas  
Administrative Coordinator