



**Environmental Stewardship Department/
Conservation Commission**

**City of New Bedford
Jonathan F. Mitchell, Mayor**

**Meeting Minutes of the Conservation Meeting of
July 2, 2019
Brooklawn Senior Center**

Members Absent

Staff Present

**Agent Sarah Porter, Conservation Agent
Sandy Douglas, Admin. Coordinator**

**CALL MEETING TO ORDER
ROLL CALL OF COMMISSIONERS**

Dennis Audette, Vice Chairman, Craig Dixon, Chairman, Paul Pacheco, Chancery Perks and Peter Blanchard

OLD BUSINESS:

1. **SE49-0771** - (Continued from 5/7/19, 5/21/19, 6/4/19, 6/18/19) – A Request for partial Certificate of Compliance as filed by Tim Cusson of Parallel Products of New England for property identified as 100 Duchaine Boulevard (Map 134, Lot 5). Representative is Matthew White of Farland Corp. **CONTINUED**
2. (Continued from 6/18/19) - A Request for Determination of Applicability as filed by Verizon Wireless for property identified as 3057 Acushnet Ave (Map 132 -I, Lot 72). Applicant proposes to extend the existing fenced compound and install a generator and equipment cabinets on concrete pads within the Buffer Zone to Bordering Vegetated Wetland. Representative is Audra Klumb of A&D Klumb Environmental, LLC.

Mr. Jonathan McNeal of SAI Group was present and stated that he was before the Commission a couple of weeks ago and the only outstanding issue was the size of the diesel containment pan versus the capacity of the diesel generator. Specifications have been provided for diesel generator that shows it has a 54-gallon tank and the containment pan is 90 gallons.

Commissioner Dixon inquired whether there was anyone present who wished to comment on this matter. None heard.

Agent Porter stated that he has provided the specifications for the generator as requested at the last meeting and recommended a Negative Determination of Applicability that the work is within the buffer

zone and it will not alter an area subject to protection under the act and will not require the filing of a Notice of Intent with the following Special Conditions: the Conservation Commission Agent is to be notified to inspect the site once the silt sock has been installed and following completion of all construction activities.

Commissioner Audette made a motion to issue a Negative Determination of Applicability as recommended by the Agent with conditions as read. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

CONTINUED HEARINGS:

1. **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, 7/5/17, 7/18/17, 8/8/17, 8/22/17, 9/5/17, 9/19/17, 10/3/17, 10/17/17, 11/7/17, 11/21/17, 12/5/17, 12/19/17, 1/2/18, 1/16/18, 2/6/18, 2/20/18, 3/6/18, 3/20/18, 4/3/18, 4/17/18, 5/1/18, 5/15/18, 6/5/18, 6/19/18, 7/3/18, 7/17/18, 8/7/18, 8/21/18, 9/4/18, 9/17/18, 10/2/18, 10/16/18, 11/6/18, 1/20/18, 12/4/18, 12/18/18, 01/8/19, 1/22/19, 2/5/19, 2/19/19, 3/5/19, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19) - 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.

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2. **SE49-0810** – (Continued from 9/4/18, 9/17/18, 10/2/18, 10/16/18, 11/6/18, 11/20/18, 12/4/18, 12/18/18, 01/8/19, 1/22/19, 2/5/19, 2/19/19, 3/5/19, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19) - A Notice of Intent as filed by Norman Nichols for property identified as a 50' wide easement through Map 130A, Lot 720. Applicant proposes a stream crossing for a 20' wide paved drive which shall alter Bordering Vegetated Wetland, Bank and Land Under a Waterway. Representative is Richard Rheume of Prime Engineering. **CONTINUED**

3. **SE49-0819** - (Continued from 3/5/19, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19) - Notice of Intent as filed by MIH1, LLC for property identified as Farland Circle (Map 130D, Lot 472). Applicant proposes to construct a single-family dwelling on each lot in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Jack Tabares of Farland Corp.

CONTINUED

4. **SE49-0820** - (Continued from 3/5/19, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19) - Notice of Intent as filed by MIH1, LLC for property identified as Farland Circle (Map 130D, Lot 477). Applicant proposes to construct a single-family dwelling on each lot in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Jack Tabares of Farland Corp.

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5. **SE49-0821** - (Continued from 3/5/19, 3/19/19, 4/4/19, 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19) - Notice of Intent as filed by MIH1, LLC for property identified as Farland Circle (Map 130D, Lot 478). Applicant proposes to construct a single-family dwelling on each lot in the Buffer Zone to a Bordering Vegetated Wetland. Representative is Jack Tabares of Farland Corp.
CONTINUED

6. **SE49-0824** - (Continued from 4/16/19, 5/7/19, 5/21/19, 6/4/19, 6/18/19) - A Notice of Intent as filed by Michele Paul Director of Environmental Stewardship for the City of New Bedford for property identified as Riverside Park (Map 99, Lot 81; Map 100, Lots 83 and 84) which is located on the east side of Belleville Ave. and the north side of Coffin Ave. Applicant proposes to remove invasive species. construct a six-foot wide riparian walkway and plant native vegetation adjacent to the pathway. Representative is Stevie Carvalho of Farland Corp.
CONTINUED

7. **SE49-0826** (Continued from 6/18/19) - A Notice of Intent as filed by Mary Rapoza, City of New Bedford Director of Parks, Recreation and Beaches for property identified as Buttonwood Park Pond (Map 49, Lot 14). Applicant proposes a pilot project to reduce the nitrogen content by applying liquid microbial products to the pond thereby increasing the water quality and reducing nuisance plant and algal growth. Representative is Jeff Young of Advanced Marine Technologies.

Mary Rapoza the Director from the City of New Bedford Parks, Recreation and Beaches was present together with Mr. Jeff Young of Advanced Marine Technologies.

Commissioner Perks recused himself from this hearing and left the room.

Mr. Young advised that at the last meeting the Commission had requested three items: One was validation from another municipality that the process works and he provided a press release from City of Jacksonville, the second item was a description of the water quality monitoring being done through UMass/SMASST which has been provided and also a letter from Dr. Howes (of UMASS/SMASST) providing his opinion on the technique. Mr. Young stated that one problem that has arisen as of yesterday is that someone from Fisheries believes that MEPA needs to rule on this, and Mr. Young is requesting an approval from the Commission contingent upon MEPA's approval, so they don't have to wait another two weeks when pond is getting worse every week.

Commissioner Audette stated that this commission doesn't usually issue an approval without having reviewed all comments and documents from MEPA.

Chairman Dixon inquired of the Agent if the Commission has ever proceeded without MEPA's approval being issued. Agent Porter replied that the Commission has never had an ecological restoration that went to a Public Notice that wasn't an already approved methodology. This methodology is not an approved technique under the Generic Environmental Impact Report for Eutrophic and Aquatic Plant Management and the fisheries biologist felt very strongly that there wasn't enough known about bacteria that was being released and the efficacy of the program.

Commissioner Pacheco inquired as to why Mr. Young feels that waiting two weeks is critical. Mr. Young replied that that the algae bloom that happened last year that resulted in fish kill happened around this

time. Mary Rapoza added that there is currently nothing in place that will curtail the algae bloom except for the aerator that minimally helps with the oxygen.

Porter advised that this may have to go out for public notice because it's a new type of methodology and will have to go through an analysis by a team of different people to include DEP, MEPA, Division of Agriculture, Fisheries etc. Mr. Young tried calling MEPA and has not heard back from them. There were no comments from the public.

Mr. Young stated they wanted to start putting the water treatment in on June 15th and now it's 2 weeks later and he feels like time is of the essence and every day that goes by it gets worse. Commissioner Audette understanding the willingness of getting this done but this information came in in January and the application was just filed now and understand the urgency of getting this done.

Commissioner Audette made a motion to table this matter until the next meeting. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

NEW HEARINGS:

- 1. A Notice of Intent as filed by Mary Rapoza, Director of the City of New Bedford Parks, Recreation & Beaches for property identified as East Beach (Map 4, Lot 2).** Applicant proposes to install a seasonal floating inflatable water park (172' x 190') in the water south of the East Beach Pier. The water park will be in approximately 4' to 8' deep water and secured in place by approximately 25 anchors. Representative is Mary Rapoza of the Department of Parks, Recreation and Beaches.

Mary Rapoza Director of Parks, Recreation and Beaches was present together with Amy Goldman representative of Altitude H20. Ms. Rapoza advised that she is in the process of obtaining all the permits and anticipating getting the Chapter 91 and moorings Permit today or tomorrow and is working with the Army Corps. of Engineers. Ms. Rapoza did provide new information in the NOI on the anchorage and the information on the policy and safety procedure on a weather event. They had a meeting with all the emergency management team to review all procedures for the facility.

Audette asked if anchors have been installed. Rapoza, yes.

Agent Porter advised that the Harbormaster issues the 10A permit for Chapter 91 it is issued by the city because it is just for moorings.

Audette what is plan at end of season with the anchorage. Mary everything will be pulled it's only temporary. Audette how going to keep raft system clean. Goldman responded that it will be cleaned daily with scrub brushes and at the end of the season it will be pulled out of the water onto the parking lot or pier and power washed. Audette replied that it cannot be power washed in the parking lot or the pier it must be taken off site to make sure it doesn't flow into the water. Goldman stated they would take it elsewhere.

Audette commented that if there is any forecast of a storm or storm warning the structure must be removed from the water, it cannot be left in there. Audette wants to make sure it completely comes out and if forecast of 45 mph sustained winds. Further, no cleaning of the structure in the parking lot or use of cleaning chemicals.

Agent Porter stated that the DMF does not have any concerns with the proposal but do have to go through Endangered Species program with MA Natural Heritage. Agent Porter asked how many anchors? Goldman stated close to 40 and she can provide the exact amount. Porter when take floats out in case of a storm what happens to the support chains. Goldman, they get buoyed, so they don't fall into the sand. Porter where are storing the materials when it gets removed in case of storm event. Goldman it gets deflated and packed onto the beach. Commissioner Audette: it cannot stay on the beach it will not be safe especially with high winds. Goldman stated some of those pieces are several hundred pounds. Commissioner Audette would like the material stored off site and not on the beach.

Commissioner Perks inquired as to what the 10A Permit entails. Agent Porter explained that the 10A permit allows them to anchor something in the water and it's a chapter 91 license administered at the local level.

Agent Porter stated that she had concerns with leaving the inflatable on the beach and thought it was going to be stored in a pod. Ms. Rapoza stated that they did receive permission to store a pod in corner of one of the parking lots and will have that option for storage. The commission agreed that it should be a special condition that it be stored off the beach.

Pacheco inquired as to what is the season. Goldman typically it's when children get out of school and when they go back so usually from Memorial Day to Labor Day. Pacheco expressed concerns about the additional trash that will be on the beach and eventually end in the water. Ms. Goldman replied that her staff will be responsible to pick up the trash and they will have additional barrels and a dumpster from ABC in the back-parking lot.

Before opening it to the public for comment, Chairman Dixon advised that he give everyone two minutes to speak so everyone has an opportunity to speak and reminded everyone this is the Conservation Commission and they cannot deal with the way it looks, parking, traffic etc. Different Committees (and Departments) deal with those issues. Dixon instructed everyone to please sign in and that this commission would not be voting on this request this evening as they are waiting for comments from Natural Heritage.

Barry Sylvia of 10 Seaview Terrace stated that he was chairman of the zoning board for 8 years and whenever saw an appointed or elected official in the audience he would also yield to that person first and so he would like to hear from Councilor Lopes. Councilor Lopes stated most of his concerns were already addressed by Commissioner Audette and those concerns were the storing and removal of the structure during the storm and that it be cleaned with only nonabrasive products and that it be taken offshore for cleaning.

Mr. Sylvia would like copy of the audio. Sandy stated they cannot provide him with an audio copy, but he is more than welcome to come into the office and listen to the audio and that there will be meeting minutes.

Mr. Sylvia asked Chairman Dixon to read and receive and place on file a petition as Mr. Sylvia was advised to do so by his attorney. Chairman Dixon read said petition aloud into the record. Mr. Sylvia handed the four-page petition to Agent Porter for the file. Mr. Sylvia stated this could go to court and can only be pursued by the abutters and he feels they will prevail. Mr. Sylvia did a FOIA request and he does not have copies of what was submitted this evening and would like copies. Ms. Rapoza will submit it to through the solicitor's office. Mr. Sylvia feels this structure belongs in Clark's Cove and is not totally against the project but feels it's in the wrong spot. Mr. Sylvia feels if this structure is not properly

secured it will become wind debris and cause damage and violate FEMA regulations. It took them five days to put this structure in.

Armando Estudante 1157 E. Rodney French how many people do you anticipate July to September. Ms. Goldman estimates approximately 10-12,000 people. Concerned about windstorms and the structure being blown into the yards.

Robert Viveiros, 1177 East Rodney French Boulevard, New Bedford, MA asked about the study from National Heritage, Agent Porter explained that when you get to a certain distance into the water the Natural Heritage and Endangered Species program must comment on the activity that is proposed. Do you know the time frame to get response? Porter probably a couple of weeks. They cannot do this waterpark without this board's approval? Chairman Dixon stated that was correct. Can this be constructed without the conservation commission's approval. Agent Porter replied, technically no. Mr. Viveiros questioned: so, it was installed without the Con Com's approval? So, what does this Commission do for a project that has gone forward without your approval?

Chairman Dixon explained that they found out about this project at the last meeting. No application for a permit had been filed so it's now known as an after the fact filing. They are installing the waterpark there with the idea they are going to get all the necessary approvals. Mr. Viveiros confirmed that the bottom line is that they should not be operating without this commission's approval. Chairman Dixon yes that is the bottom line.

Dennis Audette (21 Hudson St.): why weren't any of the abutters notified of the project? how many kids per lifeguard? Goldman 1-25 ratio for lifeguards. Only temporary bathrooms down there, how is that problem going to be addressed? What about trash? Goldman will have additional trash barrels and the lifeguards will also be responsible to pick up the trash. Audette this shouldn't have been allowed without everyone's knowledge.

Darvelino De Medeiros 1242 E. Rodney French Boulevard, this went down very fast and very sneaky there is not enough parking down there. Doesn't feel there is enough parking spaces now never mind when this waterpark goes up and people will be parking in the neighborhood. Is not comfortable with this.

Susan Dumont 1291 E. Rodney French Boulevard is in support of everything that has been said by the abutters this evening.

Ed Silvia 300 Hawes Street, how are they going to accommodate the kids going to the bathroom where you have only 4 units and parking lot closes at 8 and bathroom closes at 5:00 p.m.

Ms. Rapoza addressed some of the concerns. The parking lots are barely full now and are only full during events. As far as the parking concerns this is a police matter and the police should be called. The traffic department will be out there to issue citations. If traffic becomes a problem the provider knows they will be responsible to get a police detail. The location of the pod or dumpster being near people's home can be addressed by finding a different suitable location. The four restrooms are appropriate for that size of public participation. As far as Restrooms being open later, they can accommodate that. Rapoza all permitting is in process and will have all the permits in place and will not move forward without all the appropriate permits. There was a public meeting on May 15 at the Clark's Point neighborhood association., Councilor Lopes was also present at that meeting and residents that were there were generally in favor. People are welcome to contact her office about their concerns. This is a one-year

agreement and any money generated will go into the Fort Tabor Revolving Fund dedicated to Fort Tabor, East and West Beach lots.

Susan Dumont stated she was at the south end meeting and there was not necessarily a rousing approval of this project but there were questions.

Commission Perks made a motion to table this matter to the next meeting. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

- 2. A Notice of Intent as filed by Adam Hart of the City of New Bedford Department of Public Infrastructure for property identified as East Beach Pier (Map 6, Lot 2).** Applicant proposes to repair existing pier pavement and perform limited redevelopment of the pier including the installation of three concrete pads and one concrete foundation which will be installed for a decorative art display. Representative is Shawn Syde of the Department of Public Infrastructure.

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- 3. SE49-0828 - A Notice of Intent as filed by the Massachusetts Department of Transportation for property identified as 355 & 387 Church Street and the associated Railroad Right-of-Way in New Bedford (Map 113, Lots 1, 2 & 475).** Applicant proposes to construct a new commuter rail station on the New Bedford Main Line (North New Bedford Station) as well as associated drainage infrastructure and sidewalk improvements, as part of the South Coast Rail Project. Portions of the project fall within the 100' Buffer Zone to a wetland resource area identified as inland bank. Representative is Lars Carlson of Vanasse Hangen Brustlin, Inc.

Mr. Lars Carlson and Ken Caputo both of Vanasse Hangen Brustlin, and Jean Fox of Mass DOT were all present on behalf of the applicant. Mr. Carlson advised that this project is part of the South Coast Rail for the North New Bedford station located in the buffer zone the station will be located on Church Street there is an existing building on the site that will be demolished, and a parking lot will be constructed. Also proposing a rehabilitation of the sidewalk along Church Street down to Irvington Street. At sidewalk location there is a wetland that extends between church street and right of way. The work is to restore the sidewalk in place and in kind with minor improvements. As far as the station itself, the resource within which work is being proposed is existing track site drainage ditch on west side of the tracks from the station. There is a 100' buffer zone from that bank that overlaps a portion of the site. The proposed work will start with demolishing the existing building and clearing an area of vegetation, existing material will be removed, and capped, existing drainage structure will be removed and demolished and then the new station will be constructed. Also proposing a stormwater management system which does improve conditions. Erosion controls are also being proposed around the site to mitigate any runoff. There also is a provision for areas for snow to be stored during winter. There will be no impact to the jurisdictional resource and meet all the performance standards under the Wetlands Protection Act.

Commissioner Perks inquired as to the type of erosion controls being proposed. Mr. Carlson replied they are using compost filter tubs and Mr. Caputo added that they are also proposing filter bags in the catch basin.

Agent Porter inquired if the plans show the proposed erosion controls. Mr. Carlson replied that they submitted that plan.

Commissioner Perks inquired at to the demo time of year timeline. Mr. Caputo would like to demo the building next year in the Spring of 2020, the latest.

Agent Porter questioned whether the Commission would like to forward this application to Nitsch for review since this is a stormwater management proposal.

Commissioner Audette made a motion to forward this to Nitsch for peer review. Motion was seconded by Commissioner Pacheco. All in favor. Motion carries.

Ms. Patricia Ezyk of 74 Seabury Street, New Bedford, MA was present and inquired if this project had been approved by City Council and switching the station to this location will cause more traffic. Ms. Fox replied that it's a State project, so it doesn't necessarily go before the City Council and they are working with the City on a technical assistance program to look at traffic flow and have done some analysis. Mr. Caputo explained that there will not be a constant flow of traffic throughout the day it will be mostly in the mornings upon commuter arrivals and in the evenings when they return.

Commissioner Audette made a motion to table. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

NEW BUSINESS:

1. 1089 Tobey Street-owner to appear

Mr. Eric Pequita of 332 Oliver Street was present together with his parents, Nancy and David Pequita who are the owners of the property. Mr. Eric Pequita apologized to the Agent and the Commission for his ignorance for not knowing he had to obtain permission from the Conservation Commission to do the work. He was under the impression that if he built a dock or deck or substantial structure that would impact the wetland than he would have to notify this Commission. that he made an error He had a landscaper come in to strip the top soil and put down loam to seed. Mr. Pequita was before this Commission back in March for a tree removal. Because of that tree removal it caused a ton of damage to the property, the crane that came in crushed the driveway and damage it, the use of machine coming in and out to haul out debris left deep ruts that needed to be filled in so stripping top soil turned into more work because of the roots of the tree which had to be pulled out. The contract did install hay wattles. Mr. Pequita would like to fix his error and is looking to the commission for some guidance for future work.

Commissioner Audette stated that anything landward 100' from the bank needs to come before the commission and if the contractor knew enough to place erosion controls, he should have known that he needed to come before this Commission.

Agent Porter they stripped the loam off the site and had the grading around the tree that was removed.

Once Chairman Dixon learned that the contractor was WC Smith, he recused himself from this matter and left the room.

Commissioner Audette inquired whether the seeding was done, and Mr. Pequita replied it was done today.

Agent Porter advised that the Commission needs to decide whether to have Mr. Pequita just stabilize it and leave it or file an after the fact Request for Determination of Applicability or the Commission can

also issue an Enforcement Order to have them complete the project and doesn't have to go through a filing.

Commissioner Audette requested that Mr. Pequita notify his contractor to clean the street.

Commissioner Perks made a motion to issue an Enforcement Order. Motion was seconded by Commissioner Blanchard. All in favor. Motion carries.

Agent Porter advised that she issue the Enforcement Order tomorrow but that he can go ahead and finish the project.

2. Briarwood Court update on Enforcement Order

Agent Porter advised that they have not done anything yet and have until Friday to remove the material. Agent Porter spoke with Liz from the Solicitor's office today and she advised that the Commission has an option to fine them or another option was for the Araujo's to get an affidavit from the neighbor that has seen all the dumping and that will preclude them from having to take responsibility for the dumping.

Chairman Dixon inquired if the neighbor has made himself public, Agent Porter replied that she knows who the abutter is. Chairman Dixon feels that it could be problematic to just give the Araujo's this neighbor's name.

Chairman Dixon suggested the City work with the Araujo's to gate that easement, but the Araujo brothers need to maintain that property and they have a couple more days to come into compliance and if they don't then fine them.

Agent Porter stated that she will start fining them on Monday if they have not done the work. The Commission agreed.

3. 3782 Acushnet Avenue update on Enforcement Order

Agent Porter advised that the fence and sign is up, and they are in compliance and she signed off on the permit for the shed with the Building Department.

4. 3806 Acushnet Avenue update on Enforcement Order

Agent Porter advised that the wetland seed mix is in, trees are planted, posts are in, and would like to install 2" thick rope instead of rails in between the posts. The Commission and Agent don't have an issue with him installing the rope instead of rails. Owner has inquired if he could put down loam before he seeds everything. His representative doesn't feel that he needs to do that. Agent Porter thinks he just needs to scratch the surface of the area and can seed it with conservation seed mix.

Commissioner Perks doesn't want any machines brought in, nothing more than a shovel, rake or wheelbarrow. Commissioner Perks suggested that he not bring in more than two yards.

Commissioners agreed to allow 2 yards to be added and all handwork (just seed it and rake it). Agent Porter will speak with his consultant.

5. Almy Street – update on Enforcement Order

Agent Porter advised that the owners have not seeded their wetlands yet and they have not paid their consultant, Stephen Chmiel. The side slopes and restoration work has been done but not the seeding of the wetland. The Commission granted them another two weeks to do the work.

6. 68 Erin Court – update on Enforcement Order

Agent Porter advised the Commission that she went to the site and owner is going to install shrubs and put up the sign. He had hernia surgery and needed some additional time. The Commission agreed to give him an extra month.

7. Agent Updates/General Correspondence

Bartlett street extension

Agent Porter advised that Prime Engineering filed corresponds that they are now going to try and come in through Tori Lynn Drive instead of stream crossing and if they must file a new Notice of Intent. Agent Porter spoke with Chairman Dixon and it was agreed that a new Notice of Intent needs to be filed. The Commissioners agreed with that decision.

Phillips Road

Agent Porter advised that Mr. George Scott now needs a sign-off on a Certificate of Occupancy and she rejected it because he has bounced the check, there are still outstanding items and he needs a final COC because he never installed the arborvitaes. Agent received a telephone call today from the new buyer and he said that George Scott had him sign something that he would be responsible to plant the arborvitaes. Agent explained to him that she didn't think that would make a difference to the Commission because someone needs to come in pay the outstanding \$900.00 and get a final certificate of Compliance. Agent will speak with the Solicitor's Office.

Agent Porter and Sandy have been looking at other Board Protocol's and will draw something up and will send to the Commission for review. For example, at the beginning of every meeting need to ask for the green cards because cannot open a meeting without them. chairman Dixon requested that we add another line to the sign-off sheet for project. Sandy mentioned that when something is asked to be read into the record the Commission should state what is being read.

Waterpark

Chairman Dixon been on this board for some time and it's very exceedingly rare to have the crowd that we had this evening. Commissioner Perks stated that he learned a lot from that meeting.

Agent Porter added that when you go through all the interests of the Act that Mr. Sylvia had Chairman Dixon read off about land containing shellfish, beaches, land under the ocean, this commission takes direction from Division of Marine Fisheries.

Chairman Dixon does not want to dwell on specifics but part of the process that gets people riled up is no transparency and people aren't informed and their concerns aren't heard and that's what we witnessed tonight, and we explained what this commission can do and what are waiting on.

Commissioner Audette asked that Agent Porter ask Liz in case they decide to open that water park without this Commission's permission, are we going to be the ones that have to shut it down and if we do how do we shut it down.

Chairman Dixon agreed that she speak with Solicitor's Office.

Agent Porter inquired as to what is the commission's position if they move to open the waterpark. Chairman Dixon replied that he understands they are filing an after the fact but this whole thing has put this Commission in a horrible position this is not the way it's supposed to work, you need to file the proper permits.

Chairman Blanchard inquired of the Agent if she sees all the permits that are necessary passing. Agent Porter replied yes since the anchors that they put in are not intrusive, but that natural Heritage will take a while.

Dixon are they waiting on any other city permits. Agent Porter replied she did not know.

Agent inquired if Commission wants to issue a stop work? Agent Porter stated that the facility is already in place and if issue no work they can't start up their project. Commissioner Perks and Chairman Dixon stated that they thought that was what was agreed upon today that they would not open until they have the proper permits in place.

Agent Porter stated that she is going to take it from the Commissioners statements that if they open the park the Agent will issue an Enforcement Order.

Commissioner Dixon asked for a motion to issue an Enforcement Order to H2O waterpark on east beach if they open without having the proper permits in place, construction has not been the issue here, the cease here is on the opening. Commissioner Perks made that motion and that motion was seconded by Commissioner Audette. All in favor. Motion carries.

Chairman Dixon wanted to be clear that this Commission is not re-opening the hearing and just wanted to clarify what was stated when the abutters were all present.

ADJOURN

Commissioner Audette made a motion to adjourn at approximately 8:45. Motion was seconded by Commissioner Perks. All in favor. Motion carries.

Respectfully submitted,

Sandy Douglas, Administrative Coordinator