



City of New Bedford  
Jonathan F. Mitchell, Mayor

**Meeting Minutes of the Conservation Meeting of  
February 19, 2014  
Ashley Room, City Hall**

**Members Present**

Kenneth Motta, Chairman  
Craig Dixon  
Dennis Audette

**Members Absent**

Jack Radcliffe  
Paul Pacheco

**Staff Present**

Agent Sarah Porter  
Sandy Douglas, Admin. Specialist

Chairman Motta called the meeting to order at 6:56 p.m.

**HEARINGS:**

1. SE49-0692 – (Continued from 6/11/13, 6/25/13, 7/9/13, 7/23/12, 8/13/13, 8/27/13, 9/10/13, 9/24/13, 10/7/13, 10/22/13, 11/12/13, 11/26/13, 12/10/13, 1/7/14 & 2/8/14) - A Notice of Intent as filed by Richard Hopps for property identified as south side of Cardinal Street/ 1156 & 1158 Cardinal St. (Map 136, Lot 353; Map 138, Lots 377 & 378). Applicant requests a wetland boundary verification and approval for an eight lot subdivision in the Buffer Zone to Bordering Vegetated Wetland. Representative is Richard Rheume of Prime Engineering, Inc. **CONTINUED**
2. (Continued from 10/7/13, 10/22/13, 11/12/13, 11/26/13 & 12/10/13, 1/7/14 & 2/8/14) - A Request for Determination of Applicability as filed by Ron Labelle, City of New Bedford Commissioner of Public Infrastructure for property identified as 1350, 1296, 1232, 1216, 1182 & 1174 Sassaquin Avenue, New Bedford (Map 138, Lots 445, 81, 67, 69, 60, 392, and 191) and the Swallow Street and Sassaquin Avenue Rights of Way. Applicant proposes to upgrade the storm water management system in the Buffer Zone. Representative is David Fredette of the Department of Public Infrastructure. **CONTINUED**
3. SE49-0698 – (Continued from 11/12/13, 11/26/13, 12/10/13, 1/7/14 & 2/8/14) - A Notice of Intent as filed by The City of New Bedford Planning Department for property identified as Palmers Island (Map 32, Lots 1 & 2). The applicant proposes to establish a pedestrian pathway and manage invasive species in the Buffer Zone and Land Subject to Coastal Storm Flowage. Representative is Mathew Creighton of BSC Group. **CONTINUED**
4. SE49-597 – (Continued from 1/7/14 & 2/8/14) - A Request for Certificate of Compliance as filed by Ana M. Reis, Trustee of Bismark Meadows Realty Trust for property identified as Bismark Street (Bismark Meadows Road), (Map 136, Lot 131). Representative is Edwin H. Gless of Existing Grade, Inc. **Commission has requested the developers to appear to address the outstanding items in the Certificate of Compliance.**

Chairman Motta advised that the Commission did receive a letter from Nitsch Engineering but they have not completed their review. So Chairman Motta felt it unnecessary to have the applicant present this evening without having a conclusion from Nitsch Engineering.

- 5. A Request for Determination of Applicability as filed by Ron Labelle, City of New Bedford Commissioner of Public Infrastructure for property identified as the Right of Way of Nash Road and Map 123, Parcel 42.** Applicant proposes to conduct brush trimming along the stone retaining wall of Nash Pond and repair portions of the fence. Work is proposed all along the south side of the Nash Pond retaining wall. Representative is Stephanie Dupras of the Department of Public Infrastructure.

Ms. Stephanie Dupras from the City of New Bedford's Department of Public Infrastructure was present and stated that they are proposing to clear all the brush that has grown under 4" in diameter and it will be trimmed at the sidewalk level. The clearing will only be done approximately 2' towards the pond and there are two locations where the rail is broken and will be repaired.

Chairman Motta inquired if the work would be done from the sidewalk or the pond side. Ms. Dupras replied that the work would be done from the sidewalk side and no work will be done from the pond and that this work needs to be done for the maintenance of the retaining wall.

Agent Porter recommended a negative determination that the work as proposed will not alter the adjacent resource area provided their limited to cutting within 2' of the edge of the concrete retaining wall and the remaining vegetation is to remain as bank habitat. The Plans for Approval is Maintenance Plan City of New Bedford, Department of Public Infrastructure, Nash Road Pond, and dated 12/2013.

Commissioner Dixon made a motion to approve Agent Porter's recommendation together with stated conditions. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

- 6. A Request for Determination of Applicability as filed by Jeffrey Stieb, Executive Director, Harbor Development Commission for property known as the Palmers Island Lighthouse (Map 32, Lot 1).** Applicant proposes to conduct renovations to the Palmers Island Lighthouse in the Buffer Zone to Land Under the Ocean and within Land Subject to Coastal Storm Flowage. Representative is Briscoe Lang of the Pare Corporation.

Mr. Karl Hammond, the Waterfront Engineer with Pare Corporation was present on behalf of the applicant. Mr. Hammond advised that the HDC got a grant from the Seaport Advisory Council to rebuild the lighthouse and do some restoration. The last time any work was done was in 1999. They are proposing to take off the cap and wall which will be reconstructed by DPI. In the resource area there are a couple of corroded posts and are proposing to replace them and will be scraping and repainting the lighthouse with latex paint.

Commissioner Audette inquired as to what would be placed to prevent the scraping debris from falling into the harbor. Mr. Hammond replied that they would first put the cap back on and will suspend buckets and does not expect a lot of debris to be generated. Mr. Hammond added that they were not proposing to put silt foams.

Chairman Motta stated that he agrees with Commissioner Audette's concern of scraping debris falling into the harbor. Commissioner Audette suggested placing oil booms and doing a daily clean-up.

Chairman Motta inquired as to what method of installation would be used for the re-attachment of pilings. Mr. Hammond replied that they would give it a concrete overlay and it would be drilled from low water.

Chairman Motta inquired if Mr. Hammond had adequate access to the lighthouse to bring all necessary equipment. Mr. Hammond replied that they will use a crane barge to reset the cap and everything else will be done by hand.

Chairman Motta inquired as to how long it would take to complete this project. Mr. Hammond replied that it would take approximately two weeks.

Chairman Motta inquired if DPI would be doing the work under Mr. Hammond's supervision. Mr. Hammond replied that was correct.

Agent Porter stated that she was also concerned with the painting debris falling into the harbor and that DMF did not want any grounding of the barge vessel.

Chairman Motta suggested that the following conditions be placed: 1) that this Commission will not allow any paint chippings or debris to be discharged into the harbor; 2) that there be a pre-construction meeting with Agent Porter and 3) that Agent Porter observe the placement of the top, the re-installation of the footings and the painting operations.

Agent Porter recommended a negative determination with Chairman Motta's suggested conditions. The Plans for approval are Sheets 00, Cover Sheet 1 Notes, Sheet 2 Existing Conditions, Sheet 3 Temporary Construction, Sheets 4 and 4.1 for post repair section details all dated 1/27/14.

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

**7. A Request for Determination of Applicability as filed by Outer Harbor, LLC for property identified as 21 Cove Street (Map 21, Lot 46).** Applicant proposes to demolish a mill building in Land Subject to Coastal Storm Flowage. Representative is Roland Letendre of Outer Harbor LLC.

Mr. Roland Letendre was present and advised that he is proposing to dismantle the building located at 21 Cove Street. Mr. Letendre stated the building is in tough shape.

Chairman Motta inquired as to how Mr. Letendre is going to approach this project. Mr. Letendre replied that they will approach it from all angles, the brick is going to be stored and placed on pallets, and the wood will be stacked and maybe sold.

Agent Porter inquired as to what material Mr. Letendre is proposing to backfill with. Mr. Letendre replied that it would be something suitable to the State or fill used for a typical parking lot.

Chairman Motta inquired if Mr. Letendre anticipates any long term storage of the demolition materials. Mr. Letendre stated that he would keep the brick and he would not store the wood outside, it would probably be placed in trailers.

Chairman Motta suggested the following conditions: 1) any storm drain connections that are tied into the City System that are connected into the building are to be plugged; 2) whatever backfill to be used is to be clean.

Commissioner Dixon made a motion for a negative determination with said conditions. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

# OTHER BUSINESS:

## 1. Mr. Magalhaes to address the Commission regarding Worthington St.

Mr. Magalhaes was present and stated that he has lived at 6 Worthington Street for the past 27 years and it is getting harder to get home every day because of water and mud. According to him, Worthington Street is a paper street and is not privately owned.

Mr. Magalhaes stated that Dan Moniz, the business owner on same street, dumps the water from his building onto the road.

Chairman Motta inquired as to whom else lives on Worthington Street. Mr. Magalhaes replied that its all business owned.

Mr. Magalhaes stated that he has called his City Councillor, has spoke with Manny at DPI and needs help and needs something to be done. Mr. Magalhaes advised that Moniz places his snow piles on the street.

Agent Porter advised that the street has wetlands on both sides and this Commission has given two permits to people on that street, one to Dan Moniz for a concrete retaining wall but work never finished and the other was to Peirce for a landscaping maintenance facility.

Agent Porter stated that the City doesn't do anything with the street and she would have to check with the Engineering Department to find out the actual status. Mr. Magalhaes does the plowing.

Chairman Motta explained that the laws with regard to a paper street are beyond the purview of this Commission and, to his knowledge, in most cases where there is a paper street that has multiple property owners, it is each property owners' responsibility for the maintenance of that road to make it passable. Chairman Motta suggested that Mr. Magalhaes contact an attorney to find out what his obligation for the roadway is and once he gets that answer, then hopefully, all the parties can get together and find a solution to the problem.

Commissioner Audette suggested that Mr. Magalhaes take a look at his deed and it should state whether or not he was granted access or an easement.

## 2. Agent updates

Agent Porter inquired whether anyone would like to do a presentation of the Sassaquin Project to the Massachusetts Association of Planning Directors on June 5<sup>th</sup> and June 6<sup>th</sup> with Scott Turner of Nitsch Engineering. Agent Porter is not aware of how much the cost would be for this presentation. She will inquire as to the cost and let the Commissioner's know.

Commissioner Audette will let the Agent know whether or not he will be available. Agent Porter stated that if Nitsch would like to do this then they could go ahead with this presentation. The Commission will wait to authorize Nitsch Engineering until they find out the price and once they have a final draft.

## 3. General Correspondence

None.

A motion to adjourn was made by Commissioner Dixon at 8:00 pm. Motion was seconded by Commissioner Audette. All in favor. Motion carries.

Respectfully submitted,

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Sandy Douglas  
Administrative Specialist