

ConCom Appendix 7-2-14



1. Title opinion Attorney John Mathieu.
2. Faulty Misrepresentation Petition to Council assumed by Amaral?
3. Motion carried –factually untrue
4. Letter by Judge Tierney
5. Letter threatening injunctive relief from Forman Bullock for cutting grass and tending to fauna.
6. Picture from Amaral condemning parking and methodology lacking safety
7. Amaral in past Stalking of building, all work permitted
8. Notice of easement, the law as presented MGL of MA chapter 187 section 3 for agent, guardian conservator or owner of land .

9. Notice as conceived by author and “Certified” by Notary Public, Judy MacMullen; Registered in Registry of Deeds New Bedford The version of the “Notice” as registered in Registry of Deeds, New Bedford, bk/9509 pg 65-pg 66 pg 67

10. Shows Plot and Lot effected (112, 122) and specifications

Explains the author’s opinion of what allowed on the lots that are owned by City of New Bedford

CLEARLY STATES THAT THIS IS NOT WRITTEN IN THE DEEDS IN QUESTION, PERTAINING TO LOT 122 AND 112

SEE TITLE OPINION OF ATTORNEY JOHN MATHIEU

The reading goes on giving the actual events that occurred.

A list is provided and the events as they occurred 1-4

Five through 10.

5. Explains Attorney letter sent on Amaral’s behest, threats of legal action and explaining Amaral not allowing my Wife and others to walk on Lot 122.
6. The constant changing of fence configurations, installing poles in a manner requiring NOI to install.
7. Pat Conlon assigning children under his control to go to beach without supervision. Stating I do not have the power or desire to interfere with Conlon’s right to assign the right to pass and repass. We (Glicksman’s liability) are in jeopardy if injured as they trespass on our wall.
8. Stating that the walls were put up by someone else and were over the bound, occurring prior to Lot 122 being Taken by the City of New Bedford for failure to pay taxes.
9. Attempt to cancel easement that ConCom had a hand in needing. We paid for as sundry necessities to attain

11. Letter from Attorney Pamela F. Lafreniere pertains to swim floats and designated swim areas.

12. E-mail from Mr. Mahala DEP Lakeville.

13. Title 780 CMR: STATE BOARD OF BUILDING REGULATIONS
R192.7.3 Laws not in existence.

R105.2 Work Exempted from Permits

14. Conservation Agent Sarah Porter 1-11-13

Nature of Work; Remove post and rail fence from 3 sides of this lot, leave N/C Corner Post and Stairway as is

ACTION TAKEN: Remove fence and poles fill in holes

Date Completed 1-14-13 by AI

15. Stairs before any hurricane.

16. Picture with not pole on south wall of Glicksman

17. Stairs installed in a manner requiring NOI

18. One of key parties to this entire event. Judy MacMullen former neighbor on other side as abutter to

Lot 122 has always "stirred the pot". At most of hearing and anything to do with Lot 122 she is there. I do not know her profession or certification other than Notary Public Stamp. She has claimed to be legal assistant among other things. She has moved out many years ago. I do not know her status in relationship to the house. She has stood up at Variance meetings and stated FEMA did not allow us to build. A letter "somehow "states this?

The other man is Eddie Johnson, he is another one of Amaral's malcontent friends. He is notorious "mudraker". In this picture he was droning on with the women about how bad I was for cutting down a pine tree that was over grown. They are claiming that I unjustifiably cut the tree owned by the City. From my point of view I was cleaning up my yard. In the u-tube the Glicksman's are in some way hurting the Christmas of Children cutting some holly trees together with the Pine Tree. The reader will have to make a judgment as to the comment.

19. A Plan of the Proposed easement that was attained from the City of New Bedford which was done by
20. Braman and Handy Engineering Inc.. The Glicksman household paid for all the expenses and insurance on the easement
21. The Sketch by L.C.H. showing lot 122, 123, and 124. Of note is the observation the people of the area never was sure of the bound. The wall is a bit over lot 122 and the fence is over the bound of 123.
22. Picture taken 3/28/75 does not show any fence and this was after Wetland Protection Act was the law of the City of New Bedford. Note electric pole can be seen. I believe this is before Wetland Protection Act is Law in New Bedford. I believe this is in the 50's note the wall is built as it is today, before land was take for failure to pay taxes.
23. A. Picture of stairs before hurricane. B. as opening is today. C. Second loose rock wall put in not beach a little rough. D. Large opening when we arrived in 1996. They were quickly reconfigured.
24. A. Rat placed lovingly by our neighbors (we think). B. The first loose rock wall put up note nice beach. C. Beach as it is today. There have been no changes in the southern wall. C. Second loose rock wall put up.
26. Affidavit: Pat Conlon pinned me in the lot while Amaral banged on window and put his foot by where I might roll over it.

111
Mathieu & Mathieu

Attorneys and Counsellors At Law

168 EIGHTH STREET
CORNER OF EIGHTH AND ELM STREETS
NEW BEDFORD, MASSACHUSETTS 02740

PAUL J. MATHIEU
THOMAS J. MATHIEU
JOHN P. MATHIEU
PAULA MATHIEU CHAUSSE

TELEPHONE (508) 996-8283
FAX (508) 994-0155

August 29, 2000

Mr. David Glicksman
53 Evelyn Street
North Dartmouth, Massachusetts 02747

RE: Assessor's Plat 17A Lot 122
vacant Land Padanaram Avenue
New Bedford, Massachusetts

Dear Mr. Glicksman:

Enclosed herewith, please find our Title Opinion Letter regarding the above-captioned matter.

Also enclosed is our statement for professional services rendered in this matter.

If you should have any questions, please feel free to contact this office.

Very truly yours,
MATHIEU & MATHIEU


JOHN P. MATHIEU

JPM:dsc
enc.
ff: 9/15/00

1-2
Mathieu & Mathieu

Attorneys and Counsellors At Law

168 EIGHTH STREET
CORNER OF EIGHTH AND ELM STREETS
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TELEPHONE (508) 996-8283
FAX (508) 994-0155

August 29, 2000

Mr. David Glicksman
53 Evelyn Street
North Dartmouth, Massachusetts 02714

RE: Assessors Plat 17A, Lot 122
Vacant Land, Padanaram Avenue
New Bedford, Massachusetts

Dear Mr. Glicksman:

I have searched the title to the above-entitled premises from January 24, 1936 to date and find the same to be owned by the City of New Bedford, subject to the rights of others who have had rights granted in their deeds.

Upon searching this property in the Bristol County (S.D.) Registry of Deeds, the record showed Lot 122 was created in a plan recorded on July 9, 1926 in the Bristol County (S.D.) Registry of Deeds Plan Book 19 Page 91.

BRIEF HISTORY

On January 24, 1936 ownership of Lot 122 along with several other lots came into possession of Patrick Sweeney and Ellen C. Sweeney from a deed from Edward E. Clark, Joanne Sweeney, Annie M. Brown and Mary W. Nickleson. Said deed was recorded in the Bristol County (S.D.) registry of Deeds in Book 776, Page 406.

From January 24, 1936 to February 21, 1963, Patrick and Ellen Sweeney conveyed lots in this subdivision to various people. At some point during these conveyances it would appear the Sweeney's began granting the right to pass and repass over Lots 112 and 122 to access the beach area fronting these lots to people buying property in the subdivision on the West side of Padanaram Avenue.

1-3

Mr. David Glicksman
August 29, 2000

Page Two

From searching the record it does not appear that Lot 112 or 122 were ever designated as right of ways or as having easements over the lots on any plan.

On February 21, 1963, the City of New Bedford filed a tax taking on Lot 122 and Lot 112 due to the fact that the Sweeney's had failed to pay taxes on the Lots. Said taking is recorded in the Bristol County (S.D) Registry of Deeds Book 1398, Page 415. On May 6, 1968 the property was sold to the City of New Bedford for non-payment of taxes. Said sale is recorded in the Bristol County (S.D) Registry of Deeds Book 1564, Page 612.

From February 21, 1963 to November 14, 1996 the City of New Bedford did nothing with the two lots. On November 14, 1996 the City of New Bedford Sold Lot 112 to Benjamin Pedrosa of New Bedford for the consideration of five hundred (\$500.00) dollars. Said conveyance was finalized on December 13, 1996; with a deed being recorded at the Bristol County (S.D.) Registry of Deeds, in Book 3785, Page 71.

Sometime subsequent to this conveyance it was discovered that Lots 112 and 122 should have been removed from the "roll of city property to be sold" back in 1983 after the City Counsel had voted on a motion after a report to the Committee on City Property regarding the two Lots on March 10, 1983. The language contained in the decision reads as follows:

"RELATED MOTION, Coun. Rogers, that Lots 112 and 122 on Assessors' Plat 17A be removed from the roll of the City Property to be sold so that the land may be used in perpetuity by only those people whose rights to that land are stated on their deeds; and that the City Solicitor's Office be requested to draft suitable action to be taken by the Property Committee so that this end can be accomplished. Adopted. Rule 40 waived. Approved by the Acting Mayor 3/15/83"

On April 21, 1998, one of the property owners having rights of way over Lots 112 and 122 recorded the Decision of the City Counsel dated April 22, 1983. Said Decision is now on record at The Bristol County (S.D) Registry of Deeds in Book 4091, Page 246

From the record at the Bristol County (S.D.) Registry of Deeds, Lot 112 is owned by Benjamin Pedrosa and Lot 122 is owned by the City of New Bedford.

1.4

Mr. David Glicksman
August 29, 2000

Page Three

Lot 122 has been removed from the roll of city property to be sold, however nothing in the City Code is preventing the City Counsel, from voting to restore the property to roll of city property to be sold. In the event that the property is conveyed to a private owner it will remain subject to the rights of others to pass and repass to the beach opposite Lots 112 and Lot 122, as the same have been granted in deeds recorded at the Bristol County (S.D.) Registry of Deeds.

The argument may be presented that the City of New Bedford as well as the owners of the right of way may be better served with private ownership of the two Lots. The reason being that the property would be restored to the tax rolls, and a private owner, most likely one of the two abutters, would maintain and police the Lot and right of way for the benefit of the easement holders.

Furthermore, for your information, none of the owners who have granted easement rights over the Lots have any right to park any vehicles, build, erect or maintain any structure or object, or use the right of way for any other purpose that to pass and repass to the beach adjacent to the Lots.

Very truly yours,
MATHIEU & MATHIEU

JOHN P. MATHIEU

JPM/jm
ff: 9/15/00

TO THE CITY COUNCIL OF NEW BEDFORD
THE UNDER SIGNED RESPECTFULLY ASK THAT THE TWO LOTS
112 AND 122 ON PADANARAM AVE., EAST SIDE,
NOT BE SOLD.

To The City Council of New Bedford

The undersigned respectfully ask that the two Lots 112
on Padanaram Ave., East Side, not be sold.

These Lots were deeded to the City by Patrick Sweeney
provisions that they never are to be sold. They are
as Right-of-Ways to the residents living west of Pads

NAME	ADDRESS
George W. Ellis	1536 Padanaram Ave.
James Curran	1530 Padanaram Ave.
Emily Casenault	1533 Padanaram Ave.
Rita [unclear]	1572 Padanaram Ave.

THESE LOTS WERE DEEDED TO THE CITY BY PATRICK
SWEENEY UNDER PROVISIONS THAT THEY NEVER ARE TO BE
SOLD. THEY ARE TO BE USED AS RIGHT-OF-WAYS TO
THE RESIDENTS LIVING WEST OF PADANARAM AVE.

The undersigned respectfully ask that the two Lots 112 and 122
on Padanaram Ave., East Side, not be sold.

These Lots were deeded to the City by Patrick Sweeney under the
provisions that they never are to be sold. They are to be used
as Right-of-Ways to the residents living west of Padanaram Ave.

NAME	ADDRESS
Karl W. Ellis	101 Norwell St. N.B.
Julia M. Ellis	107 Norwell St. N.B. Mass
GEORGEOS KOYMPAPROS	71 NORWELL ST. N.B. MASS.
MARILYN TANGUAY	51 Norwell St N.B. Mass.
John N. Higgins	51 Norwell St. N.B. Mass.

3
ALLIANCE AVENUE
Coun. Rogers : OARS

PRESENTED TO THE MAYOR

For approval **MAR 11 1983**

A. B. ...
City Clerk

APPROVED: *3/15/83*

William ...
Mayor

VOTED that Lots 112 and 122 on Assessors' Plat 17A be removed from the roll of City Property to be sold so that the land may be used in perpetuity by only those people whose rights to that land are stated on their deeds; and that the City Solicitor's Office be requested to draft suitable action to be taken by the Property Committee so that this end can be accomplished.

IN CITY COUNCIL
March 10, 1983

Adopted - Yeas 10, Nays 0
Rule 40 Waived - Yeas 10, Nays 0

[Signature]
CITY CLERK

RECEIVED
CITY CLERK-NEW BEDFORD, MA
Date Issued APR 21 1983
A TRUE COPY ATTEST
[Signature] C.M.C.



John A. Tierney
 ASSISTANT CITY SOLICITOR
 CITY SOLICITOR
 ASSISTANT CITY SOLICITORS

CITY OF NEW BEDFORD

MASSACHUSETTS
 OFFICE OF THE CITY SOLICITOR

BK 4091 96 246
 04/21/98 09:42 DOC. 9511
 Bristol Co. S.D.

4.1

April 22, 1983

Committee on City Property
 Municipal Building
 New Bedford, Massachusetts

Members of the Committee:

This office has reviewed the question raised in the in a motion adopted by the City Council on March 10, 1983, regarding two lots of city owned land identified as Plat 17A, Lots 112 and 122.

Please be advised that Section 2-65 of the New Bedford City Code states in effect that the Committee on City Property shall have the care, custody and control of all real estate acquired by the City of New Bedford. Section 2-65 (1) (a) states that "The Committee may make determination as to whether or not it shall offer real property for sale..."

In adopting the attached motion on March 10, 1983, the City Council has determined that the said Lots 112 and 122 are not to be sold. The Committee on City Property should advise the Clerk to remove the said lots from the "roll of city property to be sold" and no further action is required.

Very truly yours,

John A. Tierney
 John A. Tierney
 City Solicitor

JAT/med
 cc: City Council.

Date Issued APR 21 1983

A TRUE COPY ATTEST

J. A. Di... C.M.C.

CITY CLERK-NEW BEDFORD, MA

5-1

Forman Bullock, Esq.
5500 North Main Street
Fall River, MA 02720
(508) 675-2967

July 22, 2000

David P. and Ruth Glicksman
53 Evelyn Street
Dartmouth, MA 02748

RE: Lot 122 on land which was owned by Patrick Sweeney, Trustee, on plan made by Frank M. Metcaf, C.E., dated June 28, 1926 and filed with the Bristol County, SD, Registry of Deeds in Plan Book 19, Page 91. Assessors Plat 17-A

Dear Mr. and Mrs Glicksman,

I am the attorney for Antone Amaral, who resides at 1539 Padanaram Avenue in New Bedford and is a neighbor of yours. You are the owners of Lots 123 and 124 as appears on a Plan of Land originally owned by Patrick Sweeney, Trustee, filed and recorded in the Bristol County, S.D. Registry of Deeds in Plan Book 19 Page 91.

Lot 122 abuts your property. Both lots 122 and 112, as they appear on the Plan of Land owned by Patrick Sweeney, Trustee, dated June 28, 1926, and in supporting documents reserved those two lots for ingress and egress to Clark's Cove shoreline for the benefit of property owners whose lots shown on the Plan did not abut the beach and waterline of Clark's Cove.

This status was further reaffirmed by the New Bedford City Counsel on March 10, 1983, when it voted that both Lots 112 and 122 be removed from the assessor's as taxable property and further reaffirmed the rights of ingress and egress of lot owners whose property did not abut Clark's Cove. See Exhibit A attached.

It has come to my client's attention that you have been in the process of making changes to the lot that are tantamount to taking control and possession of Lot 122 by adverse possession and contrary to the intentions and purposes that Patrick Sweeney, Trustee, set forth in his subdivision plan recorded June 28, 1926 and any modifications thereto.

The removal of shrubs, trees, grass, ferns, flowers, etc. from property to which you do not have title may constitute violations of G.L. ch. 87, sec 12 and G.L. ch. 266, secs. 113 and 117.

S.N

You are requested to desist from any further acts or actions with respect to Lot 122 otherwise my client will have to seek injunctive relief.

Very truly yours,

Forman Bullock

Forman Bullock

~~Certified Mail #7099-3400-0010-2629-5920~~

cc: AA

EX. G. J.

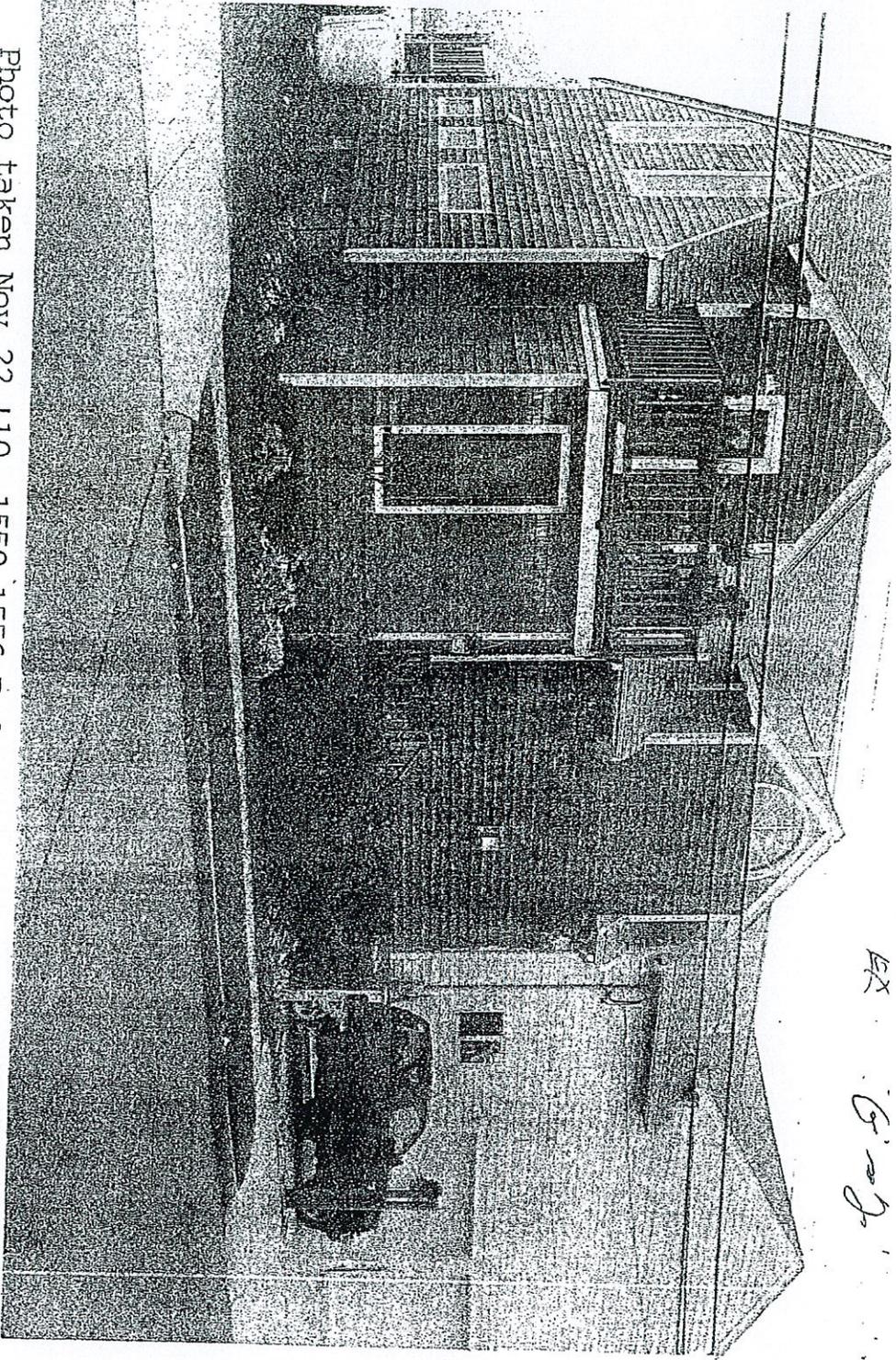
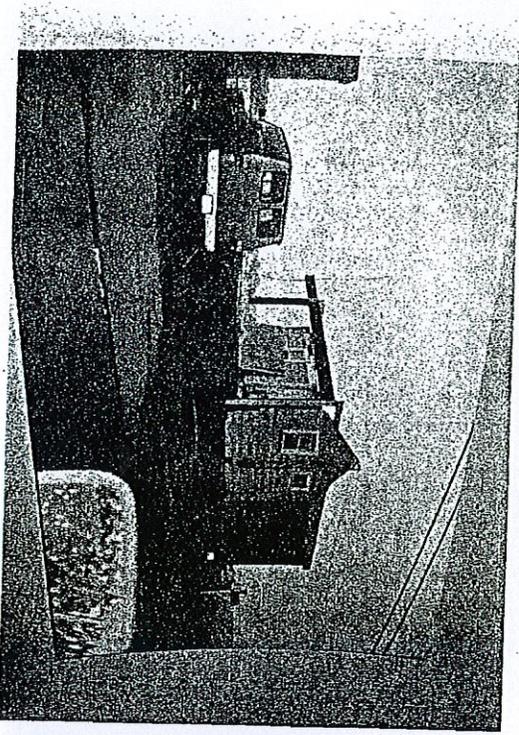
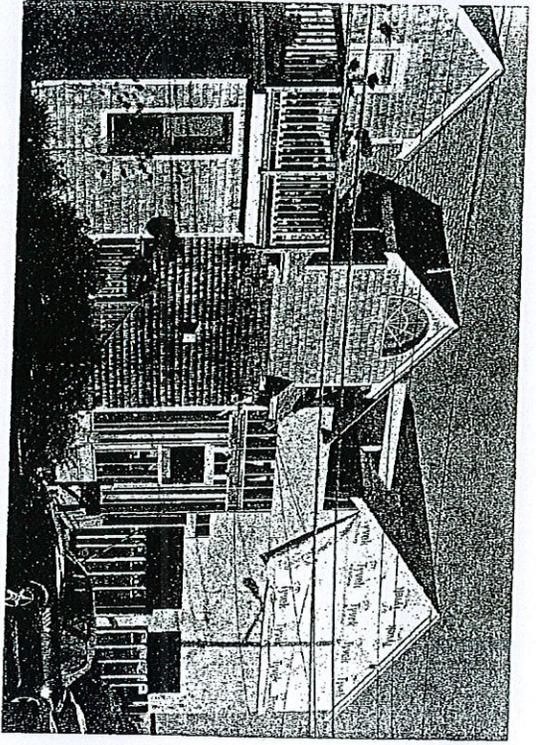
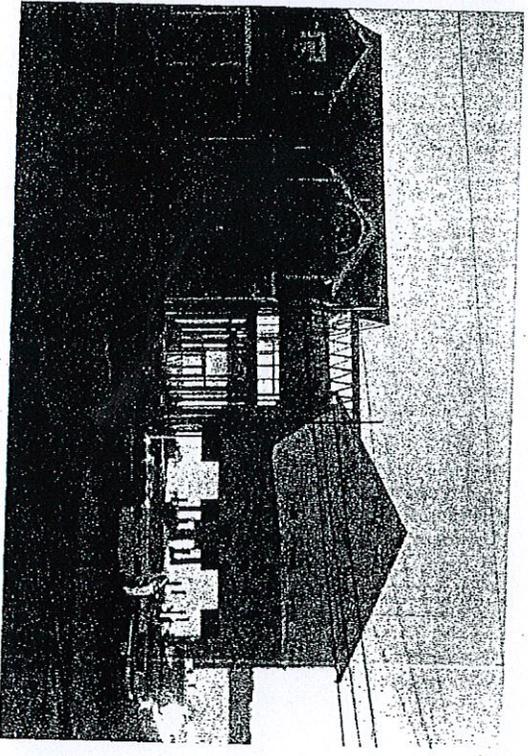


Photo taken Nov. 22, '10, 1550-1556 Padanaram Avenue, looking south east to the Glicksman property, the truck is driven on the left side of the street then backed on the pedestrian walk across the two driveways then backed up to the entrance to the house, and the public safety be dammed.



EX-F 樓



9.1

PUBLIC NOTICE OF OWNERS AND DEEDED EASEMENT HOLDERS TO PREVENT ACQUISITION OF EASEMENT

General Laws of Massachusetts Chapter 187 section 3

Section 3. If a person apprehends that a right of way or other easement in or over his land may be acquired by custom, use or otherwise by any person or class of persons, he may give public notice of his intention to prevent the acquisition of such easement, by causing a copy of such notice to be posted in a conspicuous place upon the premises for six successive days, and such posting shall prevent the acquiring of such easement by use for any length of time thereafter; or he may prevent a particular person or persons from acquiring such easement by causing a copy of such notice to be served upon him or them as provided by law for the service of an original summons in a civil action.

Such notice from the agent, guardian or conservator of the owner of land shall have the same effect as a notice from the owner himself. A certificate, by an officer qualified to serve civil process, that such copy has been served or posted by him as above provided, if made upon the original notice and recorded with it, within three months after the service or posting, in the registry of deeds for the county or district in which the land lies, shall be conclusive evidence of such service or posting.

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This seems to include square footage of land and at low water mark , from 112 to 122 if not now it will be mover to the entire area.

Ask Pat what he told me when I asked him if he authorized Judy McMuffin to speak for her. He mentioned a romantic situation, as I said “hell hath no fury as a scorned women” MGL does not apply they are not owners. To Amaral he is as he has so stated.

EXHIBIT 55

BK 9509 PG 65
09/24/09 12:21 DOC. 24576
Bristol Co. S.D.

Ref 1564 - 6/2

NOTICE

PUBLIC NOTICE OF OWNERS AND DEEDED EASEMENT HOLDERS TO PREVENT ACQUISITION OF EASEMENT

To whom it may concern:

Notice is hereby given in accordance with the General Laws of Massachusetts, Chapter 187, section 3 that no right-of-way or other easement in or over the land, beach and protected swimming area described herein, has been or may be acquired by custom, use, or otherwise.

The land bounded and described as lot 122 as described in 1983:
On Assessors Map 17A, lot 122; Southeast side of Padanaram Ave.
Containing area of 5,926 Sq. Ft.
with the frontage along Padanaram Ave. being 39.11 ft +-
with a depth of 108+- ft on the West side
94+- ft on the East side.

Further described as being that parcel lot 122 in the plan Book 19, Page 91, recorded June 28, 1926 in the Bristol County Registry of Deeds (SD)

The land bounded and described as lot 112 as described in 1983
On Assessors Map 17A, lot 112, Southeast side of Padanaram Ave.
Containing areas of 4,725 sq. ft.
With the frontage of 45 ft +-
With a depth of 105 ft +-

Further described as being that parcel lot 112 in plan Book 19, Page 91 recorded June 28, 1926 in the Bristol County Registry of Deeds (SD)

The land in New Bedford, MA at Clarks Cove, Bristol County, MA bounded and described as above; maintain and continue the following but not limited to, uses of bathing swimming boating (non-motor) fishing shellfishing and other recreational uses of the beach and water easement exclusively in perpetuity to all heirs and or assigned:

Lots 122 and 112 map 17A as on assessors map and in the plan Book 19, Page 91 recorded in the Bristol County Registry of Deeds (SD) and thrown out as private ways in June 28, 1926 by Patrick Sweeney and recorded in the Bristol County Registry of Deeds including the following description that have been placed in approximately 104 deeds:

"Lots one hundred and twelve (112) and one hundred twenty-two (122) on said plan have been thrown out as

private ways which the grantees and their assigns have the privilege to pass and repass over said ways to the beach opposite said lots numbered one hundred twelve (112) and one hundred twenty-two (122) and the privilege to use said beaches for the purpose of bathing, boating and fishing, but no boat or boats are to be left on said beaches and ways."

In October 16, 1967 after reported notice was given in the public library an affidavit the taking of low value land was recorded in the registry of deeds in Book 1556 page 1084. The City issued itself 2 tax deeds to lots 112 & 122 in Book 1664 pages 612-614 reported May 6, 1998. The City held these properties stating they would not be sold, and further removed and set aside by the City Council vote March 10, 1983 restored unrestricted, unencumbered and exclusive right to use lots 112 and 122 in perpetuity to those individuals with rights to the property in their deeds.

"VOTED that Lots 112 and 122 on Assessors Plat 17A be removed from the roll of City Property to be sold so that the land may be used in perpetuity and only those people whose rights to that land are stated on their deeds; and that the City Solicitor's Office be requested to draft suitable action to be taken by the Property Committee so that this end can be accomplished."

This was confirmed in April 22, 1983 and recorded in the Bristol County Registry of Deeds (SD) an recorded in the Bristol County Registry of Deeds (SD) Book 4091 Page 246-247.

On August 17, 2006 the City Council further voted and approved swimming floats to protect those swimming from motor boats, to be installed as described , in accordance with Army Corp. into the waters of Clarks Cove from lot 122 and in compliance with Mass. General Laws and 323 CMR2:07

- into the waters of Clarks Cove from lot 112
- from the low water mark 150' from the corner of lot 112
- 45' across
- 150' back to the corner of lot 112
- within the parameter of two swim area buoys
- buoy one at
- 41° 36' 33.02" N
- 70° 55' 47.77" W
- buoy two at
- 41° 36' 30.90" N
- 70° 55' 49.36" W

into the waters of Clarks Cove from lot 122

from the low water mark 150' from the corner of lot 122
65' across
150' back to the corner of lot 122
within the parameter of two swim area buoys
buoy one at
41° 36' 36.66" N
70° 55' 45.10" W
buoy two at
41° 36' 35.10" N
70° 55' 46.02" W

BK 9509 PG 67

Signed by the easement holders on the West side of
Padanaram Ave., New Bedford

Antonio Amoral
Antonio Amoral

Kenneth R. Ellis
Kenneth Ellis

Michael Ford
Michael Ford

~~*Richard [unclear]*~~

Keneth Daugherty
Keneth Daugherty

George A. Vasconcelos
George Vasconcelos

Virginia [unclear]
Virginia [unclear]

10-1

Lot 122 Plat 17A	Lot 112 Plat 17A \
5926 sq ft	sq ft 4725
39' frontage	45' frontage
108' West side	depth 45'
94' east side	

The Land bounded in New Bedford, MA at Clarks Cove, Bristol County, MA bounded and described as above; *maintain and continue the for the following but not limited to, uses of bathing swimming boating (non-motor) fishing, shell fishing and other recreational uses of the beach and water easement exclusively in perpetuity to all heirs and or assigned:*

This is not written in the deeds in question, underneath is the proper verbiage

Lots 122 and 112 Map 17Aas on assessors ma and in the plan Book 19, Page91

Recorded in the Bristol County Registry of Deeds (SD) and thrown out as private ways in June 28, 1926 by Patrick Sweeney and recorded in the Bristol County Registry of Deeds

"Lots one hundred and twelve (112) and one hundred Twenty-two (122) on said plan have **been thrown out as PRIVATE WAYS** which the grantees and their assigns have The privilege pass and repass over said ways to the Beach opposite said lots numbered one hundred twelve (112) and one hundred twenty-two (122) and the privilege To use said beaches for the purpose of bathing, boating and fishing but no boat or boats are to be left on said beaches **ways**".

I have provided in the papers presented other material supporting this writing.

1. A Title Opinion from Mathieu & Mathieu Attorneys at Law
2. The remaining partial copy of a petition presented to the Council.
*To The City Council of New Bedford;
 The undersigned respectfully ask that the two lots 112 and 122 On Padanaram Ave., East Side, not be sold.
 These Lots were deeded to the City by Patrick Sweeney under the provision that they never are to be sold. They are to be used as Rights-of Ways to the residents living west of Padanaram Ave.*
3. A copy of the of the motion voted on:
 VOTED that Lots 112 and 122 on Assessors' Plot 17A be removed from

10'2

The roll of City Property to be Sold so that the land may be used In perpetuity by only those people whose right to that land is stated on their deeds; and that the City Solicitor's Office be requested to draft suitable action to be taken by the Property Committte so that this end cam be accomplished.

IN CITY COUCIL

March 20, 1983

Adopted -Yeas 10, Nays 0

It was signed by the acting Mayor 3-15-83

Signed by the City Clerk

4. A letter to the Property Committee on City Property 4-22-1983

This states that the Property Committee has care custody and control over the Property of New Bedford. The City Solicitor (now Judge Tierney) further stated "in adopting the attached motion on March 10 1983, the City Council has determined that the said Lots 112 and 122 are not to be sold. The Committee on City Property should advise the Clerk to remove the said lots from the "roll of City property to be sold and no further action is required.

The petition was not true. The Petitioner duped the City Council and his neighbors who signed the petition. The land on Plot 17A lot 112 and 122 was taken for lack of paying the taxes.

I have personally will give \$1000,00 if they can prove certified giving of the property to the City of New Bedford and New Bedford accepting it.

5. Letter from Mr. Amaral's Attorney threatening legal action for cutting grass.

Amaral has not allowed my Wife and me to step on the lot 122 plot. He has threatened legal action if I did not stop cutting the grass.

6. The poles on the fence change around and are constantly are reconfigured, unauthorized. There are parties given on the property which gives a liability on the City of New Bedford. Enclosed in package is during the first time we bought 1550 Padanaram Ave., within a short time the posts were moved at the entrance. This was pointed out to me; being new I had no idea of who did this.

7. . The children under the roof of Pat Conlon and are left to play on beach alone most of the time. I have to put no trespassing signs to protect myself if anyone gets injured on my walls. I would never refuse anyone from passing to the beach and repassing back to the street. I do worry one of the children might get hurt.

8. The walls that are built around my house were built before the property was taken by the City.

9. We paid for plans to the easement which ConCom wanted

10. The HDC has not allowed swimming floats etc. Or a swimming area. A letter from the HDC Attorney has been enclosed. No one in City Hall knows about any motion from the Council

11/1

Pamela F. Lafreniere
Attorney and Counselor at Law

888 Purchase Street, Suite 217, New Bedford, Massachusetts 02740

Telephone: (508) 979-5911

Facsimile: (508) 993-3117

May 24, 2007

Mr. Antone Amaral
1539 Padanaram Avenue
New Bedford, MA 02740

Re: **Request for Swim Floats on Plat 17A, Lots 112, 122**

Dear Mr. Amaral:

After your meeting with Kristin Decas, Executive Director of HDC, she asked me to write to you once again regarding your requests for swim floats and now a request for a designated swim area in Clark's Cove.

At the outset, let me correct my letter of April 27, 2007 wherein I stated that the City of New Bedford owned Lots 112 and 122. In fact, Lot 112 is owned by Donald Saccone and Lot 122 is owned by the City. I apologize for the error.

The balance of the positions I stated in the earlier letter remain the same. As I stated in my earlier letter, it is inappropriate to allow a non owner to make a request that encumbers the property of the lawful owner. Thus, the owners of the property, namely the City and Mr. Saccone would have to request swim floats and a designated swim area.

The HDC has the authority to issue swim float permits but not to establish designated swim areas which rests with the Massachusetts Division of Environmental Protection and Massachusetts Department of Conservation and Recreation with consultation with the Massachusetts Division of Marine Fisheries pursuant to MGL ch. 91 §§1 and 10. The next step would be for the city and Mr. Saccone to request a designated swim area from the state. Accordingly, I have provided a copy of this correspondence to the New Bedford City Council Property Committee.

Despite the fact that the HDC does not have the authority to designate swim areas, it might be helpful to discuss the easements in the various deeds to help the City in determining whether it should request swim floats and a designated swim area.

RECEIVED

MAY 28 2007

**LAW DEPARTMENT
CITY OF NEW BEDFORD**

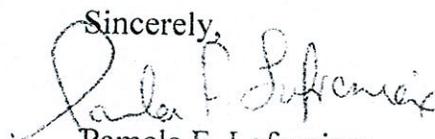
112

Since your meeting with Ms. Decas, I have taken the opportunity to review your deed. (A copy of which is enclosed for your convenience). In the text of the same it states:

"Lots numbered one hundred twelve (112) and one hundred twenty-two (122) on said plan have been thrown out as private ways which the grantees and their assigns have the privilege to pass and re-pass over said ways to the beach opposite said lots numbered one hundred twelve (112) and one hundred twenty-two (122) and the privilege to use said beaches for the purpose of **bathing, boating and fishing**, but no boat or boats are to be left on said beaches and ways. (Emphasis added).

The easement is clear that along with many others you have been granted the right to cross the land for the purposes of swimming, boating and bathing. This easement does not give swimmers access or privileges that are superior to boaters. The installation of a swim float and a designated swim area would place swimmers rights above boaters which the Grantor did not provide for in the easements. Lots 112 and 122 are encumbered for the benefit of swimmers and boaters alike and the property owners are prohibited from taking action that would take away the rights of boaters by installing swim floats and designated swim areas.

Please consider this the final action on this matter by the New Bedford Harbor Development Commission as a denial of your request for swim floats and a designated swim area.

Sincerely,

Pamela F. Lafreniere

PFL/sds

cc: Kristin Decas, Executive Director
City Solicitor
City of New Bedford City Council Property Committee

f:hdeltrs:amaral51507(Swim Floats) doc

David Glicksman

From: Mahala, Jim (DEP) <jim.mahala@state.ma.us>
Sent: Thursday, December 20, 2012 10:46 AM
To: David Glicksman
Subject: RE: procedural question

12.1

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

David,

Municipalities are exempt from the filing fees but are not exempt from the normal permitting requirements of the Wetlands Protection Act.

Jim Mahala
DEP
20 Riverside Drive
Lakeville, MA 02347
tel: 508-946-2806
fax: 508-947-6557
Jim.Mahala@state.ma.us

From: David Glicksman [<mailto:dpglix@comcast.net>]
Sent: Thursday, December 20, 2012 10:35 AM
To: Mahala, Jim (DEP)
Subject: procedural question

Are Municipal entities, i.e. a City, exempt from wetland procedures in anyway? Do RDA's and NOI rules apply to those entities. It is just a question nothing more
I apologize for the use of your e-address, If you prefer I will ask the information from Wetlands in Lakeville in the general information basis. I understand a possible conflict.

780 CMR: STATE BOARD OF BUILDING REGULATIONS AND STANDARDS

51.00: continued

R102.7.3 Add subsection:

R102.7.3. Laws Not in Existence. In cases where applicable codes, rules or regulations, bylaws or ordinances were not in existence at the time of such construction or alteration, the building or structure shall be maintained by the owner in accordance with this code.

R105.2 Work Exempt from Permit. Except for activities which may require a permit pursuant to other laws, by-laws, rules and the specialized codes, a building permit is not required for the following activities:

Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, but not garages, provided the floor area does not exceed 200 square feet (18.58 m)
2. Fences not over six feet (1829 mm) high.
3. Retaining walls that are not over four feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge, or that retain over four feet of unbalanced fill.
4. Sidewalks and driveways.
5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
6. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
7. Swings and other playground equipment.
8. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
9. Decks not exceeding 200 square feet (18.58 m) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a dwelling and do not serve the exit door required by subsection R311.4.

The following is the information needed when a person calls to have a DPF related issue taken care of. Please fill it out as completely as possible, and give the form to Elaine; she will forward the form to the proper division.

14.1

DATE OF REQUEST: 1-11-13 TIME: CALL TAKER: KCB (E. MAIL)

LOCATION: LOT 122

PADANARAW Ave

CALLER'S NAME & ADDRESS: SARAH POUTER

PHONE NUMBER: Conservation Agent

REQUIRES IMMEDIATE ATTENTION

NATURE OF PROBLEM:

NOTIFIED: TIME

WORK REQUESTED:

NATURE OF WORK: Remove post+rail fence from 3 sides of this Lot. LEAVE N/E CORNER POST + STAIRWAY AS IS.

ACTION TAKEN: Removed Fence & Poles Filled in holes

COMMENTS:

DATE COMPLETED: 1-14-13 BY: AI

15-1

10/26/2007

10:25:2007 13:47



00171 045



16-

18-1

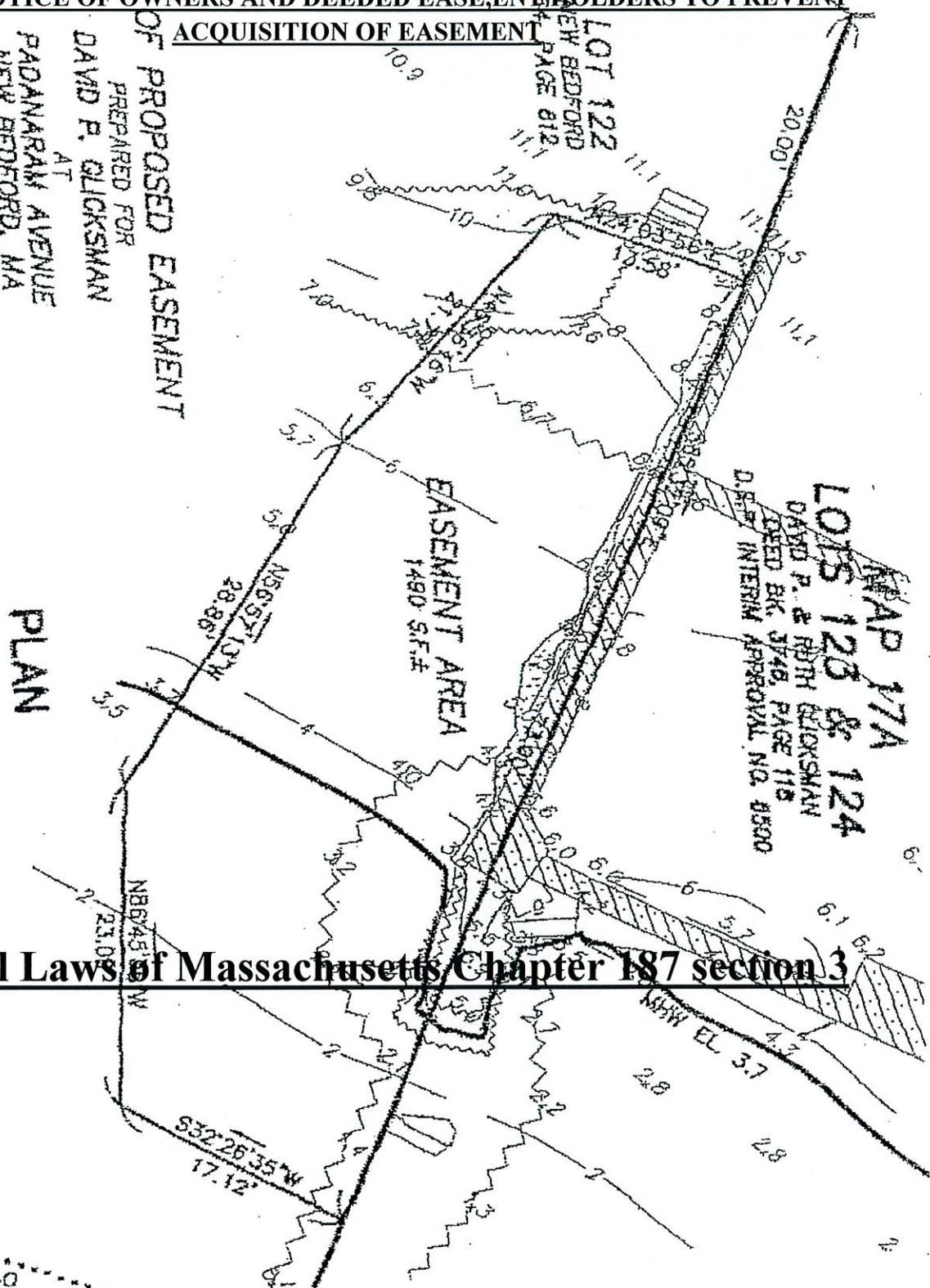


PUBLIC NOTICE OF OWNERS AND DEEDED EASEMENT HOLDERS TO PREVENT ACQUISITION OF EASEMENT

PLAN OF PROPOSED EASEMENT
 PREPARED FOR
 DAVID P. GLICKSMAN
 AT
 PADANARAM AVENUE
 NEW BEDFORD, MA
 MAY 20, 2004
 BY
 BRAMAN & HANDY ENGINEERING, INC.
 25B UNIT A-1 MAIN STREET
 BUZZARDS BAY, MA 02532

AP 17A LOT 122
 NEW BEDFORD
 REED BK. 1554 PAGE 812

PADANARAM AVE



MAP 17A
 LOTS 123 & 124
 DAVID P. & RUTH GLICKSMAN
 REED BK. 3748, PAGE 118
 D.R.P. INTERIM APPROVAL NO. 8590

EASEMENT AREA
 1480 S.F.#



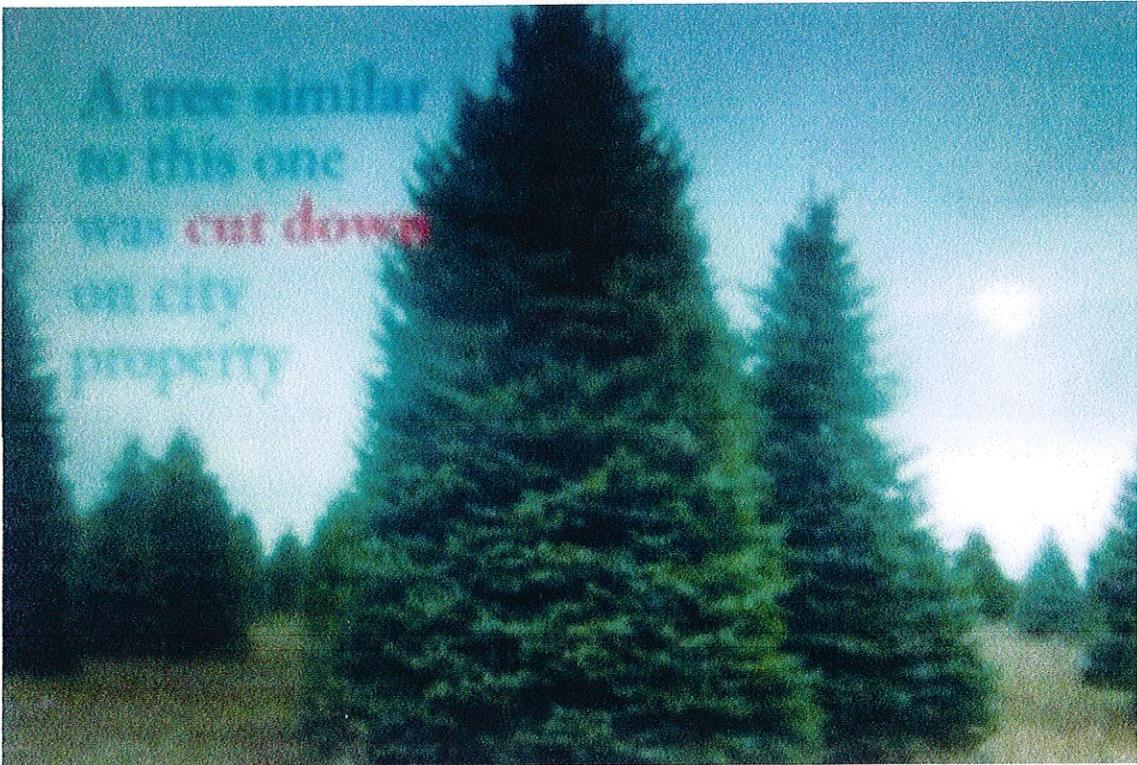
SCALE: 1" = 10'

PLAN

General Laws of Massachusetts Chapter 187 section 3

MLW EL. 0.0

19.1



1-2

PLOT 17-A

RANDANAZAM

AVENUE

(10'-7.0'-10')

L-120

L-122 (SET) 0.25' ± over line

CITY OF NEW BEDFORD

L-123

N/F DAVID GUCKSMAN

L-124

L-125

45.0



Approx 2' ± over line

Marked by survey crew 0.75' ± over line

oakzie set 2'

39.11'

2.12'

2.15'

0.55'

39.11'

2.81' ±

17' ±

18' ±

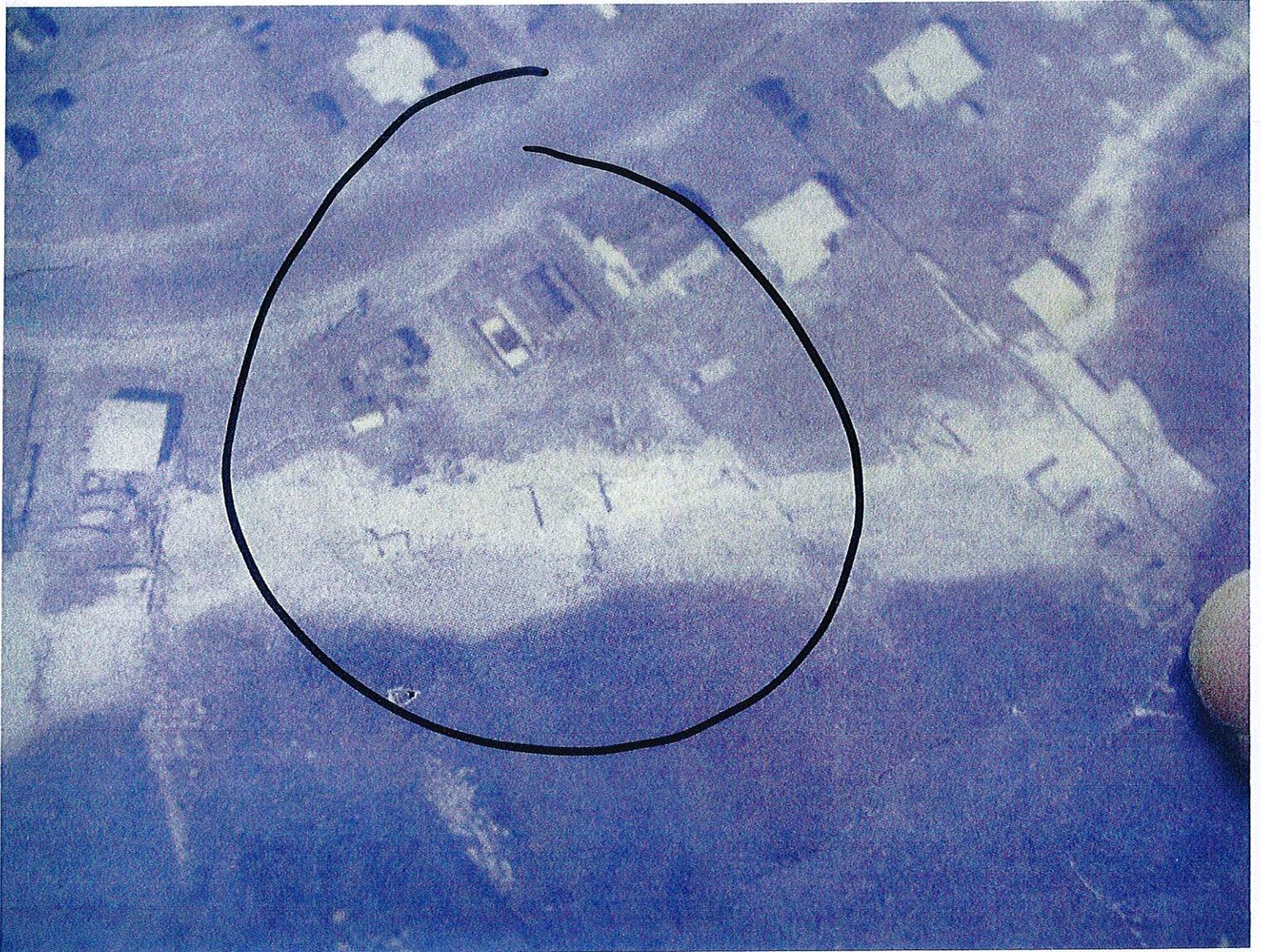
25' ±

CLARK'S COVE

SKETCH BY L.C.H.
FROM DATA IN FIELD
OF SURVEY CREW.

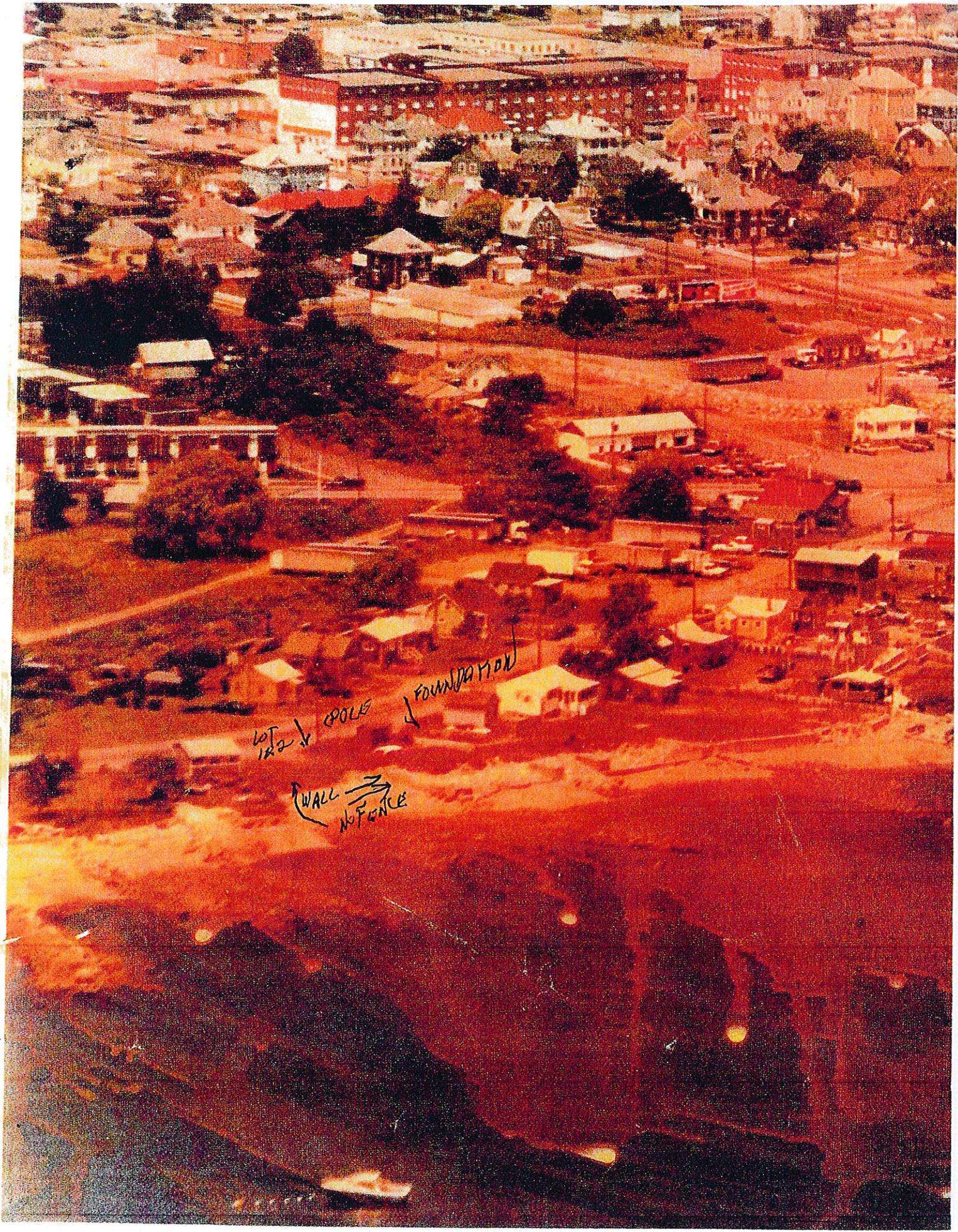
11/13/01

PLAT 17A Lot 123
124

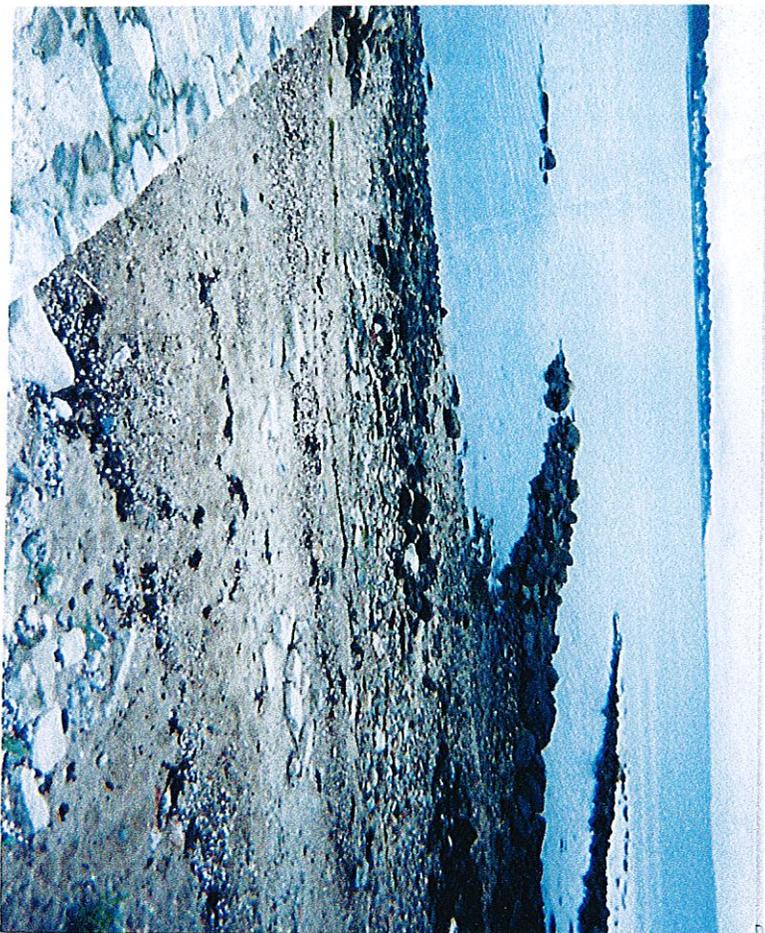
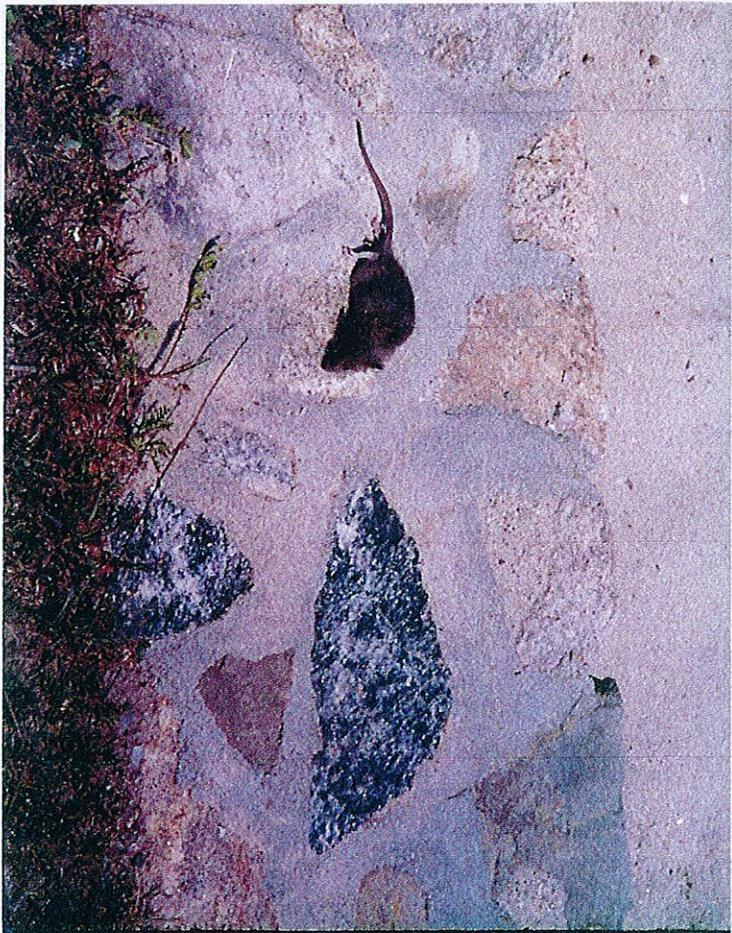


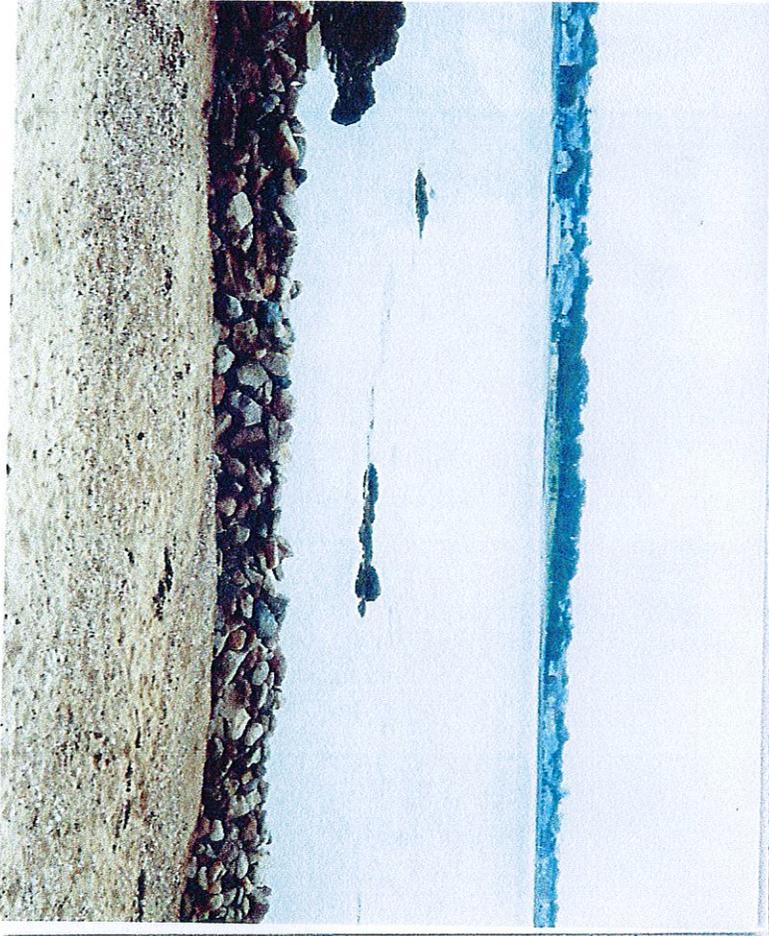
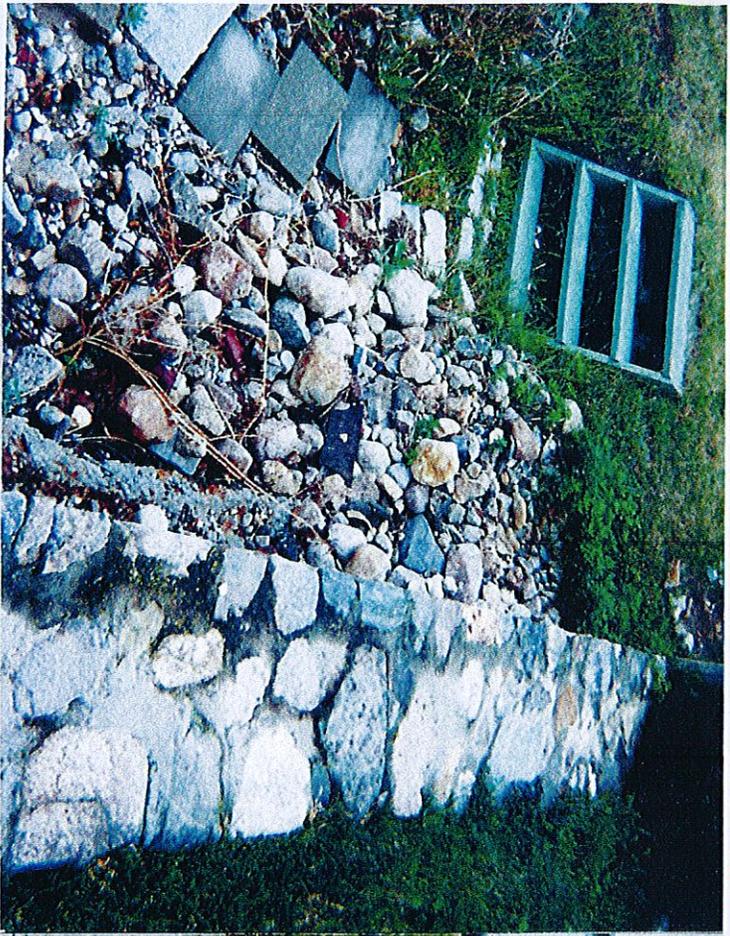
3-28-75

#3535 17-3 New
1550 DANDANARAM AVE. BEDFORD



LOT 122 ↓
POLES ↓
FOUNDATION ↓
WALL ↷
NO FENCE ↷





Affidavit attachment to affidavit

1. Sept 2, 2013

On the afternoon of Sept 2, 2013-between 4 and 4:30-I pulled into the driveway of the Lot122 (owned by the City of New Bedford) to turn around and back into my driveway –

Almost immediately, a car driven by my neighbor, Patrick Conlon blocked my ability to move my vehicle back out of the Lot 122. Quickly, after being blocked, Antone Amaral ran up and began pounding of my window –verbally threatening me and pushing himself on my pickup truck yelling, “go ahead run me over”. Since I was backing out toward the south, If I did not stop I would have hit him. I stopped; he kept screaming “you don’t belong on this lot”. I stopped the vehicle and as he backed off a bit, I crept out in short increments. Pat Conlon had semi blocked my drive way. I had to go on the side of Pat Conlon’s vehicle to back around the end of it. Wes Arsenault was walking down as I backed in. All three were yelling how we shouldn’t be in the neighborhood. In general hurling insults and threatening violence.

I had been pulling in the lot for some time, turning and backing next to the side of my garage. Two rocks were put down to block my way. I then pulled up, got out of my pickup, moved the rock and pulled in the lot and back out Arsenault and Amaral would come quickly out of their houses and yell how I was not allowed on this lot. I continued to position myself to back into the parking spot by my house. This went on for a couple of weeks. The times I noticed, Wes Arsenault would put them back. Sometimes they would hang by the front of the big ball ornament with many threats and requests for me to come out on the sidewalk by Arsenault, “come on out and you’ll get yours. Other days he threatened with Amaral to roll the ornament down the street. Did I fear violence? I do not know what else it could be. Besides claiming Lot 122, they claimed that part of Padanaram Ave that showed on the street lay out but was unused.

One day I had rolled to rocks out of the way and they were mouthy in their way. I was backing out and Arsenault gave me the similar threats only this day he stuck his head close to my open window and shouted threats, today I said, “go ahead you thug, and then I will see you in jail”. He backed away and said, “You’ll get yours, not now but it will happen”.

Another day I remember I pulled in and tried to get away without moving the rocks. After I pulled in I saw Amaral pull up in his pick up and start filming me. It was not pretty; I ended up going over one of the rocks.

One of the later days I pulled up to move the rocks. It was not easy. Pat Conlon came out hopping and holding his crutch out at me in a threatening way. He said, “You are really pissing me off”. Then make a motion like he would strike me with the crutch. I have heard he had had physical interactions with a neighbor down the street. Several days ago I saw him screaming at another person at night and calling him to comeback for a violent interaction.

Before he took on the persona of proctecting the green fauna of Lot 122 and we were speaking, he spoke of his physical rough housing abilities. I cannot recall the number of times he mentioned he was a Marine. I appreciate the sacrifice of all our people in the service of our Nation. I know I have said that to him. As I mention to my Brother who was in Korea. I have coffee three times a week with someone who was in Vietnam as a Grunt out in the field. He never brags about it in fact seldom mentions it. Mr. Conlon uses it as an opening statement. Of the three he scares me the most. When he gets well, he has a work related injury, I fear what will happen, he seems to have a very short fuse.

After they got tired of the rocks, someone put orange cones across the driveway. The Police came and they were taken down.

Then rocks appeared again, about eight of them across the driveway. I called the City Infrastructure and a back hoe came and took them away.

Shortly there after a bench and chair showed up in the middle of the lot driveway. That was taken away but I do not know who moved them.

I came home at around twelve several days ago and they were on Conlon's front stairs taking pictures. Admittedly, I immediately took out my Iphone and pretended to do the same.

All the time but especially this summer---since 1996 we have had incidents when Wes Arsenault verbally threatens us one time using vulgarities and ethnic slurs. At one time Antone Amaral had a greater following in the neighborhood. Many of them did not live on the street. Slowly thing have somewhat changed. The group has become smaller.

This summer, Pat Conlon has taken up the position that, "we (Glicksman) are not allowed on Lot 122." Under Amaral's tutelage – Pat has taken on a more of an active role.

Antone Amaral has since 1996, ben continually harassing us –taking pictures of us. Taken pictures of our workmen, harassing them on the job, even followed them home. He has been outside our bedroom window at 6:00 AM taking pictures. Antone Amaral seems to be the leader of the pack—Wes Arsenault acts as "his protector" and body guard and now Pat Conlon is doing his dirty work.

This harassment began when we bought our property in 1996 and has continued. While we were working on our property in the mid 2000's things were bad. It seems that Mr. Amaral was always, "in our face" and harassing the men working on our property—verbally threatening and continually taking pictures. He would even follow them home. Things were relatively quiet for a while with fewer incidents including one anti- sematic rant by Wes Arsenault. That was the time we were walking a dog with baggy. Mr. Amaral went on how he could get disease.

This summer things seem to have gotten out of hand and the stalking, verbal threats and harassment have escalated.

We have yet to have gotten a case adjudicated brought by Antone Amaral for an addition on our garage. We went before the Zoning Board of Appeals and they found in our favor. He waited till the last day and appealed it to the superior court. It has been over two years and was continued again by the request of his Lawyer.

The files of DEP appeals have filled two draws of files. All of which he lost.

Hurricane Irene took away the stairs that were on lot 122. I requested to be notified before they were put in. The prior stairs were not level and I did not want to have injuries we have an easement for the wall (but that is another story). Stairs were put in without a Determination of Applicability and since It was anchored by a post in concrete that Mr. Amaral had illegally put in a NOI was required. The stairs were put in and the Notice of Intent was held (as was proper, it was within the buffer zone) even though the stairs were built. Mr. Amaral even appealed that.

At the Site Visit by the DEP, Wes Arsenault got chippy with me. I mentioned his anti-semetic rant. He said, "that's old, get over it."

My Wife is very charitable with her time to the community, we are decent hard working people. She does not deserve this kind of behavior.