



**City of Fall River Massachusetts**  
**Office of the City Clerk**

**MARCH 8, 2013**  
**MEETINGS SCHEDULED FOR NEXT WEEK**

**ALISON M. BOUCHARD**  
CITY CLERK

**TUESDAY, MARCH 12, 2013**

**INÈS LEITE**  
ASSISTANT CITY CLERK

**6:30 P.M. COMMITTEE ON FINANCE**    **\*\*PLEASE NOTE LATER TIME\*\***

1. Disc. w/ City Collector, Treasurer & City Admin. re: excise tax demand fee (tabled 12-18-12)

**AGENDA**

**7:00 P.M. REGULAR MEETING OF THE CITY COUNCIL**

**PRIORITY MATTERS** – None

**PRIORITY COMMUNICATIONS**

1. \*Corporation Counsel and lease agreement – Community Development Agency
2. \*Corporation Counsel and request to consider revocation of licenses at 1082 N. Main St.

**COMMITTEE REPORTS**

**Committee on Real Estate recommending:**

**Grant leave to withdraw:**

3. Order – Offer for city owned real estate from William Lucas – Former Osborn School, 160 Osborn St.
4. Order – Offer for city owned real estate from Capitol Theater – Former N.B. Borden School, 45 Morgan St.

**Committee on Ordinances and Legislation recommending:**

**All readings with Emergency Preamble:**

5. \*Proposed Ordinance – Traffic, Handicapped Parking

**First reading:**

6. Proposed Ordinance – Traffic, Miscellaneous

**First reading, as amended:**

7. Proposed Ordinance – Amending Section 2-131 re: loan order limits within a fiscal year
8. Proposed Ordinance – Establish Community Preservation Committee

**Action:**

9. Proposed Ordinance – Zoning Revision

**Grant leave to withdraw:**

10. Proposed Ordinance – Inspector of Buildings/Building Commissioner

**ORDINANCES** – None

**RESOLUTIONS**

11. \*Com. on Public Safety convene to discuss safety and security improvements at Fall River Public Schools

**CITATIONS**

12. Catherine B. Assad “Mother of all Neighborhoods” – Founder of the Flint Neighborhood Assoc.

**ORDERS – HEARINGS FOR TONIGHT**

**Auto Body Shop License:**

13. Errol Baker, 558 Anthony Street, d/b/a Eddie & Son Auto Body Repair at 115 Maple St.

**ORDERS – HEARINGS TO BE SCHEDULED** – None

**ORDERS – NO HEARING REQUIRED**

14. Police Chief's report on licenses

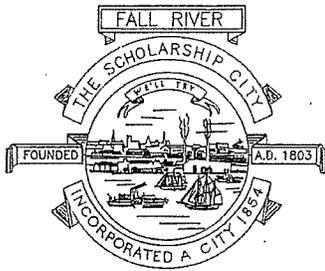
**ORDERS – MISCELLANEOUS** – None

**COMMUNICATIONS – INVITATIONS – PETITIONS**

15. \*Zoning Board of Appeals Minutes – January 17, 2013
16. \*Claims

**BULLETINS – NEWSLETTERS – NOTICES** – None

*Alison M. Bouchard*  
City Clerk



**City of Fall River**  
**Massachusetts**  
Department of Financial Services  
TREASURER • COLLECTOR • AUDITOR • ASSESSOR  
*Collector Division*

**Finance #1**  
**RECEIVED**

2012 JUN 21 A 11:21

CITY CLERK \_\_\_\_\_  
FALL RIVER, MA

**WILLIAM A. FLANAGAN**  
*Mayor*

**IDALINA GERALDES**  
City Collector

February 2, 2012

Shawn Cadime  
City Administrator  
City of Fall River  
One Government Center  
Fall River, MA 02722

Re: Motor Vehicle Excise Tax: Demand Fees

Dear Mr. Cadime:

I respectfully request your consideration to increase the Motor Vehicle Excise Tax demand fee from \$5.00 to \$25.00 in accordance with M.G.L. Chapter 60 *Collection of Local Taxes, Section 15 Fees of Collector.*

This will facilitate in the continued increasing costs of sending out demand notices as required by M.G.L. Chapter 60A *Excise Tax.* This will affect approximately 15-20% of the total bills issued.

I thank you in advance for your consideration in this matter.

Sincerely,

Idalina Geraldés  
City Collector

Cc: Mr. Ed Iacaponi

**CITY OF FALL RIVER**  
**IN CITY COUNCIL**

**JUN 26 2012**

*Referred to the  
Committee on Finance*

*Idalina  
10-18-2012*

One Government Center • Fall River, MA 02722

TEL (508) 324-2240 • FAX (508) 324-2040 • EMAIL [igeraldes@fallriverma.org](mailto:igeraldes@fallriverma.org)

# Finance #1

Town	City
Somerset	Taunton
Seekonk	New Bedford
Swansea	Brockton
Freetown	Lawrence
Lakeville	Attleboro
Acushnet	Lynn
Berkley	Cambridge
Dartmouth	Everette
Easton	
Rochester	

We send out approx 22,000 demand notices yearly

\$ 5.00	\$ 10.00	\$ 15.00	\$ 20.00	\$ 25.00	\$ 30.00
\$ 110,000	\$ 220,000	\$ 330,000	\$ 440,000	\$ 550,000	\$ 660,000
Increase	\$ 110,000	\$ 220,000	\$ 330,000	\$ 440,000	\$ 550,000

Experience in other communities show that increasing demand fees did not decrease the number of demand notices issued by the municipality.

# Finance #1

## MUNICIPAL FINANCE LAWS

### 60 § 7

whom paid, with such other matters as the town requires.

#### Historical and Statutory Notes

- St.1887, c. 110, § 1.
- St.1888, c. 390, § 4.
- R.L.1902, c. 13, § 5.
- St.1909, c. 490, pt. 2, § 5.
- St.1918, c. 48.

### § 8. Collector's books as municipal property; open to examination

All books kept by the collector, which shall be approved as to form by the commissioner, shall be furnished by, and be the property of, the town, and shall be at all reasonable times open to examination by the auditor of such town or any other agent thereof duly authorized therefor. The collector shall, on demand by the mayor, aldermen or selectmen, exhibit to them or to any persons whom they designate, at any time during ordinary business hours, the books, accounts and vouchers relating to taxes committed to him for collection and to his receipts and payments on account of taxes; and they, or the persons designated by them, shall have full opportunity to examine said books, accounts and vouchers, and to make copies and extracts therefrom.

#### Historical and Statutory Notes

- St.1887, c. 110, § 3.
- St.1888, c. 390, § 5.
- St.1897, c. 126, § 2.
- R.L.1902, c. 13, § 6.
- St.1909, c. 490, pt. 2, § 6.
- St.1918, c. 257, § 43.
- St.1919, c. 5.
- St.1920, c. 2.
- St.1926, c. 65, § 4.

### § 9. Repealed, 1976, 451

### §§ 10, 11. Repealed, 1923, 128, Sec. 2

### § 12. Custody of books, etc.; demand

A town clerk or an assessor, having knowledge of any accounts, records or papers relating to taxes in his town which should be in his custody, shall demand them of any person having them, who shall forthwith deliver them to him.

#### Historical and Statutory Notes

- St.1892, c. 370, § 6.
- R.L.1902, c. 13, § 10.
- St.1909, c. 490, pt. 2, § 10.
- St.1923, c. 128, § 3.

### § 13. Necessity and duty to give bond

The collector shall, before the commitment to him of any taxes of any year, or, if he is a city or town collector under section thirty-eight A of chapter forty-one, before such commitment or the collection of any other accounts due his city or town and not included within the provisions of a bond previously given by him and still in force, give a bond or bonds for the faithful performance of his duties in all capacities in which he is acting as collector either in the collection of taxes or of such other accounts, including a bond, which shall be separate, in respect to uncollected accounts, if any, turned over to him by the assessors under section ninety-seven. Each bond given under this section shall be in a form approved by the commissioner and in such sum or sums, not less than the amount or amounts established by the commissioner, as shall be fixed by the selectmen or mayor and aldermen. A copy of each such bond shall be delivered to the commissioner. If the collector does not give bond or bonds as herein required, the selectmen or mayor and aldermen may declare the office vacant and the vacancy may be filled in the manner prescribed by section forty or sixty-one A of chapter forty-one, as the case may be.

Amended by St.1937, c. 143, § 5; St.1939, c. 44; St.1941, c. 308.

#### Historical and Statutory Notes

- R.S.1836, c. 15, § 80.
- G.S.1860, c. 18, § 72.
- P.S.1882, c. 27, § 124.
- St.1893, c. 423, § 18.
- R.L.1902, c. 25, § 77.
- St.1916, c. 131, § 1.
- St.1926, c. 65, § 2.

### § 14. Special collector; bond

In towns, not cities, if, at the expiration of three years from the date of the commitment of tax lists and warrant to a collector of taxes, any taxes remain uncollected and recovery cannot be made upon the bond of the collector of the amount of such uncollected taxes, the selectmen shall appoint the collector of taxes for the current year or some other person as special collector thereof. He shall furnish a satisfactory bond for the faithful performance of his duties, in such sum as the selectmen require, in a form to be approved by the commissioner.

#### Historical and Statutory Notes

- St.1910, c. 272, §§ 1, 2.
- St.1916, c. 131, § 2.

## COLLEC

### § 15. )

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thereof:—

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## COLLECTION OF LOCAL TAXES

### § 15. Fees of collector

The following interest, charges and fees, and no other, when accrued, shall severally be added to the amount of the tax and collected as a part thereof:—

1. For interest, as provided by law;
2. For each written demand provided for by law, not more than \$30;
3. For preparing advertisement of sale or taking, \$10 for each parcel of real estate included in the advertisement and the necessary legal fees for search of title;
4. For advertisement of sale or taking in newspaper, the cost thereof;
5. For posting notices of sale or taking, \$5 for each parcel or real estate included in the notice;
6. For affidavit, \$10 for each parcel of land included therein;
7. For recording affidavit, the cost thereof;
8. For preparing deed or instrument of taking, \$10;
9. For the issuance and delivery of a warrant to an officer, \$10;
10. For notice by mail or other means to the delinquent that warrant to collect has been issued, \$12;
11. For exhibiting a warrant to collect or delivering a copy thereof to the delinquent or his representative or leaving it at his last and usual place of abode or of business, and without distraint or arrest, \$17.
12. For distraining goods of the delinquent, \$10 and the necessary cost thereof;
13. For the custody and safekeeping of the distrained goods of the delinquent, the cost thereof, for a period not exceeding seven days, together with the expense of parking, storage, labor and towing or teaming, and other necessary expenses;
14. For selling goods distrained, the cost thereof;
15. For arresting the body, the necessary costs of the arresting officer and the cost of the travel, at the rate of \$.30 per mile, from the office of the collector to the place where the arrest is made;
16. For custody of the body arrested, if payment of the delinquent tax is not made forthwith, \$10, and in addition thereto travel at the rate of \$.30 per

mile from the place of arrest to the jail or, if payment is made before commitment to jail, for the distance from the place where the arrest is made to the place where payment is made;

17. For service of demand and notice under section fifty-three, if served in the manner required by law for the service of subpoenas on witnesses in civil cases, the cost thereof, but not more than \$40;

18. For the mailing of each written demand or notice by registered mail, the cost thereof.

19. For the recording of the instrument of taking under section 54, the cost thereof.

The collector shall account to the town treasurer for all interest, charges and fees collected by him; but the town shall reimburse or credit him for all expenses incurred by him hereunder, including all lawful charges and fees paid or credited by him for collecting taxes.

The collector may, in his discretion, waive such interest, charges and fees when the total amount thereof is \$15 or less.

Amended by St.1934, c. 151, § 2; St.1935, c. 252, § 1; St.1943, c. 179; St.1952, c. 398; St.1955, c. 474, § 2; St.1958, c. 306, §§ 1, 2; St.1971, c. 273, §§ 1 to 3; St.1977, c. 525, § 1; St.1977, c. 669, § 1; St.1980, c. 64, § 1; St.1983, c. 189; St.1985, c. 365; St.1986, c. 297; St.1989, c. 729, § 2; St.1996, c. 450, § 108; St.2003, c. 46, §§ 56 to 69, eff. July 31, 2003; St.2008, c. 182, § 15, eff. July 1, 2008.

- St.1785, c. 70, § 8.
- R.S.1836, c. 8, § 2.
- G.S.1860, c. 12, § 2.
- St.1862, c. 183, § 10.
- St.1878, c. 266, § 13.
- St.1881, c. 138, § 2.
- P.S.1882, c. 12, §§ 3, 36, 47.
- St.1888, c. 390, §§ 7, 29, 41, 55.
- St.1889, c. 334, § 3.
- St.1890, c. 331, § 2.
- St.1894, c. 537, § 5.
- R.L.1902, c. 13, § 13.
- St.1907, c. 427.
- St.1909, c. 490, pt. 2, § 13.
- St.1909, c. 512.
- St.1915, c. 237, §§ 22, 26.
- St.1918, c. 257, §§ 45, 58.
- St.1919, c. 5.
- St.1920, c. 2.
- St.1931, c. 434.

§ 15A. Repealed, 1963, 160, Sec. 27

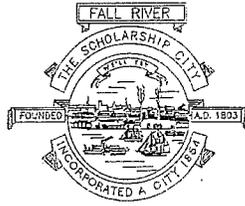
§ 16. Demand for payment of tax prior to sale of land, distraining of goods or arrest; statement of amount

The collector shall, before selling the land of a resident, or non-resident, or distraining the goods

**City of Fall River**  
*Office of the Corporation Counsel*

**WILLIAM A. FLANAGAN**  
Mayor

**ELIZABETH SOUSA**  
Corporation Counsel



**GARY P. HOWAYECK**  
Assistant Corporation Counsel

**CHRISTY M. DIORIO**  
Assistant Corporation Counsel

March 6, 2013

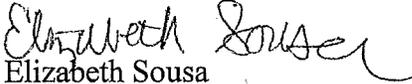
Linda Pereira  
City Council President  
One Government Center  
Fall River, MA 02722

RE: Lease Agreement

Dear Council President:

Please find attached a Lease Agreement between the City of Fall River and the Community Development Agency and an Order authorizing the lease agreement to be entered into between the City of Fall River and the Community Development Agency. I respectfully request that the Lease Agreement be placed on the agenda, for Council approval, at the next City Council meeting.

Very Truly Yours,

  
Elizabeth Sousa  
Corporation Counsel

Encl/ES

cc: Michael Dion  
Director of the Community Development Agency

Shawn Cadime  
City Administrator

Alison Bouchard  
City Clerk

RECEIVED  
2013 MAR -6 P 12:00  
CITY CLERK  
FALL RIVER, MA

*City of Fall River, In City Council*

ORDERED, that the City of Fall River hereby authorizes a lease agreement to be entered into between the City of Fall River and the Community Development Agency, for office space. The leased office space to be located at One Government Center, 4<sup>th</sup> Floor, Room 414, Fall River, MA.

## LEASE AGREEMENT

WHEREAS, this Lease Agreement is made and entered into on \_\_\_\_\_ by and between the City of Fall River, a municipal corporation having its principal office at 1 Government Center, Fall River, MA 02722 ("Lessor") and the Community Development Agency, ("Lessee").

WHEREAS, the Lessor hereby leases to the Lessee office space located at 1 Government Center, 4<sup>th</sup> Floor, Room 414, Fall River, MA for the purpose of a Fall River Community Development Agency Office responsible for the administration of the U.S. Department of Housing and Urban Development ("HUD") Community Planning and Development Programs.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

1. This Lease shall be for a term commencing July 1, 2012 and ending July 1, 2015. In consideration therefore, the Lessee shall pay to the City of Fall River the sum of twenty eight thousand four hundred and eighty seven (\$28,487.00) dollars payable annually on the first day of July. The Lessee shall forthwith pay fourteen thousand two hundred and forty four (\$14,244.00) dollars as arrears payment for lease of office space and incidental costs commencing July 1, 2012 and ending December 31, 2012. **See Attachment A.**
2. The Lessee shall have non-exclusive right to use Room 414 on the 4<sup>th</sup> Floor located at 1 Government Center, Fall River, MA. **See Attachment A.**
3. The Lessee's use of the leased premises shall be associated with Lessee's mission and/or purpose to assist local government to achieve high quality locally responsive programs, improve low and low/moderate income residences and improve the quality of life in the City of Fall River.
4. The Lessor agrees to maintain the leased premises and will be solely responsible for the operation and maintenance of the leased premises. The Lessor shall provide gas, electric, telephone, internet and custodian services.
5. Lessee shall not use the property for any unlawful purpose.
6. This lease shall automatically continue to renew for an additional 3 year term ("Renewal Terms") unless either party provides written notice to the other party ninety (90) days prior to the expiration of the original term or the applicable Renewal Term, whichever applies. Said written notice must state that said party wishes to terminate this lease after the completion of the original term or the specific Renewal Term. Said Renewal Terms shall be under the same terms and conditions as are set forth in this lease.
7. This Lease Agreement constitutes the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this Lease Agreement shall not be binding upon either party, except to the extent incorporated herein.

The lease shall not be assigned or transferred without the consent of the Lessor.

Signed and sealed this \_\_\_\_ day of \_\_\_\_\_, 2013

**FOR LESSOR**

**FOR LESSEE**

\_\_\_\_\_  
William A. Flanagan  
Mayor

\_\_\_\_\_  
Michael Dion  
Executive Director  
Community Development Agency

\_\_\_\_\_  
Shawn Cadime  
City Administrator

**Approved as to form and manner of execution**

\_\_\_\_\_  
Elizabeth Sousa  
Corporation Counsel

## PROPERTY DISCRIPTION AND COST

LOCATION: 1 Government Center, Fourth Floor, Room 414, Fall River, MA.

<b>Square Feet</b>	<b>1, 557</b>
<b>Cost per square foot</b>	<b>\$14.00</b>
<b>Annual cost for square footage</b>	<b>\$21,798.00</b>
<b>Incidental Costs</b>	<b>\$6,698.00</b>
<b>Annual cost for square footage and incidental costs</b>	<b>\$28,487.00</b>

2

City of Fall River  
Office of the Corporation Counsel



WILLIAM A. FLANAGAN  
Mayor

ELIZABETH SOUSA  
Corporation Counsel

GARY P. HOWAYECK  
Assistant Corporation Counsel

CHRISTY M. DIORIO  
Assistant Corporation Counsel

March 7, 2013

Linda Pereira  
City Council President  
One Government Center  
Fall River, MA 02722

CITY CLERK  
FALL RIVER, MA

2013 MAR -7 P 4:59

RECEIVED

RE: Licenses granted to Toros LLC and Shaun Cyr (dba Tony's Service and Sale)

Dear Council President:

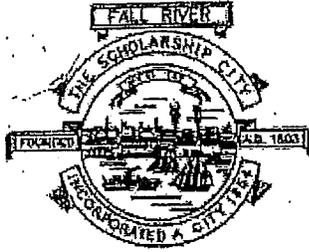
I respectfully request that the City Council hold a hearing to address whether the Council shall revoke the above mentioned licenses due to serious criminal activity occurring at 1082 North Main Street, Fall River, MA. As a result Toni Saade, the Manager of Toros LLC and Shaun Cyr were charged with various criminal charges. Please find attached police report numbers 13-336-AR and 13-337-AR and photographs of the seized evidence.

Very Truly Yours,

Elizabeth Sousa  
Corporation Counsel

Encl/ES

Please Note: Photos attached  
as a separate file.



City of Fall River  
Office of the City Clerk  
LICENSE TO OPERATE AN AUTO REPAIR SHOP

No. 318

NAME OF APPLICANT: SHAUN CYR DBA TONY'S SERVICE & SALES

RESIDENCE: 99 HERITAGE DRIVE PORTSMOUTH, RI 02871

LOCATION OF BUSINESS: 1082 N MAIN ST FALL FALL RIVER, MA 02723 LOT NO. O-07-0012

DATE OF APPROVAL OF ORIGINAL LICENSE

BY CITY COUNCIL: FEBRUARY 13, 2012

BY CITY CLERK: \_\_\_\_\_

LICENSE ISSUE 2/24/2012

LICENSE EXPIRES: 2/24/2014

*Alison M. Bouchard*

City Clerk



# City of Fall River, Massachusetts

OFFICE OF THE CITY CLERK

## CERTIFICATE OF REGISTRATION

FEE \$390.00 DATE APR 10 2012 NO. 253

In accordance with the provisions of Chap. 148, Sec. 13 of the General Laws, the undersigned hereby certifies that:

Name Toros LLC

Address 1082 North Main Street, Fall River, MA 02720

is the holder of the license granted 10/6/44, 7/19/48, 5/18/55, 6/18/55, 2/11/79, 9/5/89 for the lawful use of the building(s) or other structures (s) situated at 1082 North Main Street & 290 President Avenue

as related to the KEEPING, STORAGE, MANUFACTURE OR SALE OF FLAMMABLES OR EXPLOSIVES AS FOLLOWS:

to store 30,000 gallons of gasoline in three 10,000 gallon tanks, 1,000 gallons of waste oil, 1,000 gallons of fuel oil for a total of 32,000 gallons underground (an increase of 1,000 gallons of waste oil and 1,000 gallons of fuel oil); and to store four vehicles with gasoline in tanks therein on Lot 0-07-0012, Assessors Plan.

Received APR 10 2012  
by Alison M. Bouchard  
City Clerk  
(Official Title)

Mailed  
(signature)  
(State whether owner/occupant or holder)  
None  
(Address)



Fall River Police Department  
Summons Report

2

Summons #: 13-336-AR  
Call #: 13-5246  
Incident #: 13-537-OF

Date/Time Reported: 01/23/2013 @ 1914  
Arrest Date/Time: 02/04/2013 @ 1524  
OBTN: TFAL201300336  
Additional Cases: 13-337-AR  
Reporting Officer: Officer Brett Kimball  
Assisting Officer: Officer Kevin Bshara

Signature: \_\_\_\_\_

#	DEFENDANT(S)	SEX	RACE	AGE	SSN	PHONE
1	SAADE, TONI 51 LUCY LN SOMERSET MA 02726	M	W	41	033-72-3819	508-558-0098

Military Active Duty: N  
 BODY: NOT AVAIL. COMPLEXION: NOT AVAIL.  
 DOB: 05/15/1971 PLACE OF BIRTH: NOT AVAIL.  
 STATE ID: MA FBI ID:  
 LICENSE NUMBER: MA 033723819 ETHNICITY: NOT HISPANIC  
 PCF #: 2726499

[CONTACT INFORMATION]

Home Phone (Primary) 508-558-0098

ALIAS LAST NAME FIRST NAME MIDDLE NAME SSN DOB  
 SAADE TONI NOT AVAIL 05/15/1971

EMPLOYER/SCHOOL: SHELL SERVICE STATION · 508-646-9899

#	OFFENSE(S)	ATTEMPTED	TYPE
	LOCATION TYPE: Service/Gas Station Zone: Zone 256, Sec 3 FALL RIVER SHELL SERVICE STATION 1082 NORTH MAIN ST FALL RIVER MA		
1	TRAFFICKING CLASS B IN SCHOOL ZONE 94C/32J/F 94C 32J OCCURRED: 01/23/2013 1944 CRIMINAL ACTIVITY: Possessing/Concealing	N	Felony
2	TRAFFICKING CLASS A IN SCHOOL ZONE 94C/32J/C 94C 32J OCCURRED: 01/23/2013 1914 CRIMINAL ACTIVITY: Possessing/Concealing	N	Felony
3	POSS TO DISTRIB CLASS B IN SCHOOL ZONE 94C/32J/D 94C 32J OCCURRED: 01/23/2013 1914 CRIMINAL ACTIVITY: Possessing/Concealing	N	Felony
4	POSS TO DISTRIB CLASS B IN SCHOOL ZONE 94C/32J/D 94C 32J OCCURRED: 01/23/2013 1914 CRIMINAL ACTIVITY: Possessing/Concealing	N	Felony

Fall River Police Department  
 Summons Report

2

Summons #: 13-336-AR  
 Call #: 13-5246  
 Incident #: 13-537-OF

#	OFFENSE (S)	ATTEMPTED	TYPE
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5	POSS TO DISTRIB CLASS A IN SCHOOL ZONE 94C/32J/A	N	Felony
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94C 32J  
 OCCURRED: 01/23/2013 1914  
 CRIMINAL ACTIVITY: Possessing/Concealing

#	DRUG (S)	PROPERTY #	STATUS
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1	COCAINE APPROX. 234 GRAMS QUANTITY: 234.800 (Dosage of Units/Items) Seized (Not Previously Stolen) OWNER: SAADE, TONI	13-468-PR VALUE: \$0.00 LAB#: 13-02412	Seized (Not Previously Stolen) DATE: 02/05/2013
2	OXYCODONE HYDROCHLORIDE (15 GRAMS) QUANTITY: 100.000 (Dosage of Units/Items) Seized (Not Previously Stolen) OWNER: SAADE, TONI	13-500-PR VALUE: \$0.00 LAB#: 13-02412	Seized (Not Previously Stolen) DATE: 02/05/2013
3	OXYCODONE HYDROCHLORIDE (10 GRAMS) QUANTITY: 71.000 (Dosage of Units/Items) Seized (Not Previously Stolen) OWNER: SAADE, TONI	13-469-PR VALUE: \$0.00 LAB#: 13-02412	Seized (Not Previously Stolen) DATE: 02/05/2013
4	OPANA (OXYMORPHONE) QUANTITY: 44.000 (Dosage of Units/Items) OWNER: SAADE, TONI	13-471-PR VALUE: \$0.00	Seized (Not Previously Stolen) DATE: 02/05/2013

Ref: 13-336-AR

2

On Sunday, January 20, 2013 I, Officer Brett Kimball, was trying to locate a male who listed his place of employment as Shell Gas Station, 1082 North Main Street. This male has several active warrants for his arrest. I went to the business, which was open and operating, attempting to locate this male. When I entered the store, I noticed the clerk was not the male I was looking for. While in the store, I noticed several bottles, in several flavors, of "HIGH VOLTAGE DETOX" a banned substance under the Fall River Drug Paraphernalia Ordinance. The bottles were in plain view and clearly for sale. I exited the store.

It should be noted that on Wensday November 21, 2012 at approximately 2:30PM Officers Eric Copsetta and John Lapointe went to the Shell Gas Station located at the intersection of President Avenue and North Main Street, 1082 North Main Street, Fall River, MA. Officer Lapointe explained and provided a copy of the City of Fall River Drug Paraphernalia Ordinance, Massachusetts General Law Chapter 94C Section 32I. Officer Lapointe spoke to the store manager Shaun Cyr 02/09/81. Officer Lapointe stated that Shaun Cyr informed him that in the absence of Tony Saade, he(Shaun) is responsible for the day to day operations and business transactions regarding the sale of fuel, merchandise in the convenience store and mechanical repairs in the garage. Officer Lapointe noted that while speaking with Cyr, the store owner Tony Saade 05/15/71 called and was made aware of the Ordinance and what was covered. Officer Lapointe left a copy of the Ordinance for Saade, adding if there were any questions to contact Tobacco Control Coordinator of the City of Fall River, Marilyn Edge.(Refer to case#12-940-FI)

On January 23, 2013 I, Officer Brett Kimball, applied for and was granted a search warrant for 1082 North Main Street, the Shell Gas Station. Officers Kevin Bshara, Luis Duarte, Sgt. James Smith and I went to 1082 North Main Street. We entered the store and I spoke with the clerk, identified as "George" advising him that I had a search warrant for the property. I requested he contact the owner, Tony Saade, requesting he come to the property. I also showed "George" a copy of the search warrant. I requested Officer Bshara lock both entrance doors to the store. "George" reviewed the search warrant then called Saade. "George" then relayed to me that Saade was on his way, coming from Providence, RI. As time passed, "George" then received a call from Tony that he was having car trouble and would not be able to come to the store. I spoke with Tony via "George's" phone and advised him of the search warrant. I also repeated my request that he, Tony, come to the store. Tony stated he could not. I then requested Officers Bshara and Duarte start searching. I also started to search behind the counter. I located, in a drawer on the right side of the cash register, an open, partially empty, box of 14 "love roses" and 5 bags of small zip lock style bags, each of the five bags contain 125 individual bags. Through my training and experience, I have learned that the "love roses" are commonly used to smoke crack cocaine. I have also learned that the small zip lock style bags are commonly referred to as "bullet bags" used to package narcotics for quick street sales. Officer Duarte observed 15 beaded metal "roach" clips in a glass cases on the left side of the register. This case was on top of the counter, clearly viewable by customers. Officer Duarte located 2 bottles of "High Voltage Detox" and 3 bottles of "Ultra Mask" another product used to "detox" one's system before a drug test, to avoid detection. Officer Bshara then located, in the drawer below the lottery tickets, several packages of synthetic marijuana, both in foil enevoples and plastic jars. Officer Bshara also located a box of "chor boy" on the floor, behind the register, next to tobacco products. Through my training and experience, I have learned that the "chor boy" is used in the glass "love roses" as a filter or stopper to smoke crack cocaine. It was at this time, a male, identified as Andrew Daher 07/07/79, arrived. He knocked on the door to the store and I spoke with him. Daher stated that he had some tools in the garage area and was trying to put his son's bed together at home. Daher stated he need to retrieve a screwdriver to complete this task. I asked Daher if he worked at the store or garage and he stated "Not anymore, I still have some tools here though." I then asked if he had any keys to the locked rooms in the back, Daher interrupted me and stated "Listen, I don't know about anything happening here, I just have some tools and need a screwdriver for my son's bed." I then informed Daher that he could retrieve the screwdriver, but would be escorted by Officer Bshara. Daher seemed distraught over this, but then agreed and was escorted to the garage area to get his screwdriver.

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2

Officer Bshara and Daher returned and Daher had a very long screwdriver. Daher then left.

Officers Duarte and Bshara continued the search and I entered the side door of the store. This door led to a sink and also had three car seats that had been removed from vehicles on the floor, arranged near a table. I also observed a door to a room on the right side. I also observed another storage area with store items were stored and this area gave access to the store coolers. I then walked around the corner and noticed that the room with the locked door had a glass or plexi glass window. When I illuminated the interior of this room with my flashlight, I could clearly see additional boxes of glass "love roses" and other packages of synthetic marijuana. I continued walking into the garage area and observed a blue standing toolbox with it's doors open. I could see, in plain view, a "sling" style belt with several "live" rounds for a shotgun. I also observed a white digital scale. I retrieved one round and confirmed it was a "live" unfired round for a shotgun. I then returned to speak with Officers Bshara and Duarte.

It was at this time that Officer Bshara informed me that Attorney Renee Brown had arrived and had knocked on the door, attempting to enter the store. Officer Bshara stated that Attorney Brown entered the store and demanded to see the search warrant. Officer Bshara then showed Attorney Brown the copy of the search warrant. Officer Bshara stated that Attorney Brown was talking very fast and he was unable to understand all of what Attorney Brown was saying. Officer Bshara stated that Attorney Brown then demanded to know "who" was named on the search warrant. Officer Bshara then requested that Attorney Brown wait outside, that he would have the investigating officer speak with her, momentarily. As I listened to Officer Bshara, I observed Attorney Brown pacing back and forth, watching us, but also speaking on her cell phone. I then watched as Attorney Brown walked over to a vehicle and left. It was at this time, Sgt Smith, who had left to address another police emergency, arrived back at the Shell Gas Station. While speaking with Sgt. Smith, advising him what had taken place, Attorney Brown arrived, for a second time. Sgt. Smith exited the store to speak to Attorney Brown.

I then spoke with Tony Saade on the telephone, again. I repeated my request for Saade to come into the store. I also, repeated my request, that Saade bring keys to the two locked storage areas. I explained to Saade that I didn't want to damage the doors. Saade stated "I'll try to get someone there, but do what you gotta do!" I asked Saade about Daher and Saade stated "He used to work there, but he doesn't anymore." Our conversation then ended.

I then spoke with a male, who identified himself as Shaun Cyr, by telephone. It should be noted that Shaun Cyr was the male who identified himself to Officers Lapointe and Copsetta as the store manager when served the copy of the ordinance from the City of Fall River. I asked Cyr to come to the store, asking if he had keys to the two locked storage areas. I explained to Cyr that I had a search warrant for the business at 1082 North Main Street and I was looking for drug paraphernalia. I explained to Cyr that I could hear two dogs in one of the storage areas and preferred that he come and secure the dogs. Cyr stated he could not and was "not around" to unlock the doors.

I then noticed that attorney Brown had left the area and Sgt. Smith re-entered the store. Officers Bshara and Duarte where able to gain entry into the first storage area with no damage to the door. Inside this area, Officers Bshara and Duarte located additional packages of synthetic marijuana and boxes of "love roses." Officer Duarte then located a switchblade knife on top of the filing cabinet. Officer Bshara also located a mini zip display. Officer Bshara also located a digital scale. Officer Bshara also located several repair slips for "Tony's road service, 1082 North Main Street, Fall River, MA" on a desk, next to this storage area door.

Sgt. Smith had summoned the Fall River Police Department's Dog Officer to assist with securing the dogs, within the other locked storage area. Officer Bshara forced the door open. We observed a chair which had a bullet proof vest on the chair. This chair was near a round table, which had a digital scale on it, along with a prescription medicine bottle on it. This bottle had the label removed and had "valium" written on it. Officer Duarte then noticed a grey backpack behind the chair, but on top of some other items. Officer Duarte

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2

looked inside the backpack and discovered two clear, plastic bags. Each bag contained a large amount of a white rocky substance. Through our training and experience, we recognize this substance to cocaine. Officer Bshara then located a box of clear sandwich bags. Through our training and experience, we have learned that clear, plastic bags are used to package narcotics for street sales. I then open a drawer of a tool chest and noticed a clear, plastic bag which contained a large amount of round, blue, circular pills. Through my training and experience, I recognize the pills to be prescription narcotics. Also located in this drawer was two glass vials with Trena 100mg, an injectable steroid. I then opened another drawer of the tool chest and located a plastic bottle, which contained additional round, blue pills. This draw also contained \$225.00 dollars. This draw also had a plastic bag with round, orange pills in it. I did not recognize what the pills where, but were later identified as "Opana (Oxymorphone)" a prescription pain killer. I also located 16 oblong pills and 4.1 round pills. The pills were later identified as Oxycodone Hydrochloride and Endocet, both prescription pain killers. The pills were identified using the website Drugs.com, along with the assistance of Officer Eric Copsetta

. I also located a plastic bag which contained a white rocky substance in the refrigerator. Through my training and experience, I recognize this substance to be cocaine. I also located storage boxes that contained receipts for the business. I also located additional paperwork from the store, such as shift close and store closing sheets. I also located envelope style package from FEDEX addressed to "Tony Saade, c/o Fall River Shell, 1082 North Main Street, Fall River, MA" I also located another FEDEX envelope style package addressed to "Shaun Cyr 1082 North Main Street, Fall River, MA" Officer Bshara also noticed food items stored in this area, that were the same as food for sale in the front of the store. The items were photographed.

Officer Duarte explained to me that he had located a large amount of money in the other storage unit. Due to the discovery of the large amount of narcotics, I requested he seize the money.

All evidence was confiscated and transported to the Fall River Police Department for processing, then turning over the evidence to the Fall River Police Department's Evidence Officer.

The following is a list of evidence seized:

- 1) 1--box of chor boy
- 2) 49--packages of MG(synthetic marijuana)
- 3) 14--Love roses(glass tubes)
- 4) 1---Box of glad sandwich bags
- 5) 5---bags of zip lock bags
- 6) 15-beaded "roach clips"
- 7) 3-- bottles of 25oz Ultra Mask
- 8) 2--bottles of 16oz High Voltage Detox
- 9) 7--packages of "Scooby Snax" (synthetic marijuana)
- 10) 17--packages of Down2Earth climaxx (synthetic marijuana)
- 11) 47--packages of WTF (synthetic marijuana)
- 12) 4--Tony's road service repair slips
- 13) 1-- mini zip display
- 14) 46--Ace of Spades (synthetic marijuana)
- 15) 3--Boxes of love roses
- 16) 1--Switchblade
- 17) 4--digital scales
- 18) 1--backpack
- 19) 13--shotgun shells with sling style carrier
- 20) 1---First choice body armour

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- 21) 1--FedEx package addressed to Shaun Cyr
- 22) 1--FedEx package addressed to Tony Saade
- 23) 2--store closing forms Tony Saade listed as the operator
- 24) 4--shift closing forms Tony Saade listed as the operator
- 25) 88--receipts with "Shell 1082 North Main Street" printed on the receipts
- 26) \$3,107--U.S. Currency
- 27) 5--bags of Apple Bags (125 in each)
- 28) 3--plastic bags of cocaine (approximately 234 grams)
- 29) 71--Oxycodone Hydrochloride
- 30) 100--Oxycodone Hydrochloride
- 31) 44---Opana (Oxymorphone)
- 32) 82---Diazepam
- 33) 16--Oxycodone Hydrochloride
- 34) 4.1--Endocet
- 35) 2---Bottles of Trean (steroids)
- 36) Several photographs (to be submitted by Officer Bshara)

This report written under the pains and penalties of perjury.

Requesting Officer \_\_\_\_\_

Supervisor \_\_\_\_\_

2

On Thursday January 24, 2013 at approximately 12:30pm Officer Brett Kimbell responded to the Vice & Intelligence Unit, with property # 13-468-PR (approximately 234 grams of a white rocky/powder substance suspected of being cocaine, in three separate clear plastic bags) and requested that it be field-tested

On this date and time I, Detective Bernardo retrieved a small sample of the white rocky/powder substance, from one of the clear plastic bags. As a result of the field-testing the sample, it came back positive for cocaine.

Detective Manuel Bernardo 01/24/2013

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On January 23, 2013 as a result of an investigation that I conducted at 1082 North Main Street, I made a seizure of narcotics, resulting in trafficking narcotics and possession with intent to distribute narcotics. A warrant was requested for Toni Saade 05/15/71. Saade has since turned himself in. After further investigation, I found that a day care, Childrens Paradise School, which is located at 278 President Avenue, border's the West side of the property.

I, Officer Brett Kimball, respectfully request that Toni Saade 05/15/71 be summoned into Second District Court to answer the charges listed.

This report written under the pains and penalties of perjury.

Requesting Officer \_\_\_\_\_

Supervisor \_\_\_\_\_



Fall River Police Department  
Summons Report

2

Summons #: 13-337-AR  
Call #: 13-5246  
Incident #: 13-537-OF

Date/Time Reported: 01/23/2013 @ 1914  
Arrest Date/Time: 02/05/2013 @ 1001  
OBTN: TFAL201300337  
Additional Cases: 13-336-AR  
Reporting Officer: Officer Brett Kimball  
Assisting Officer: Officer Kevin Bshara

Signature: \_\_\_\_\_

#	DEFENDANT(S)	SEX	RACE	AGE	SSN	PHONE
1	CYR, SHAUN P 70 HARGRAVES ST Apt. #2ND FALL RIVER MA 02720	M	W	31	048-74-8320	401-569-3892

Military Active Duty: N  
BODY: NOT AVAIL. COMPLEXION: NOT AVAIL.  
DOB: 02/09/1981 PLACE OF BIRTH: NOT AVAIL.  
STATE ID: MA FBI ID:  
LICENSE NUMBER: RI 2094893 ETHNICITY: NOT HISPANIC  
PCF #: 2729749

[CONTACT INFORMATION]

Home Phone (Primary) 401-569-3892

ALIAS LAST NAME FIRST NAME MIDDLE NAME SSN DOB  
CYR SHAUN P NOT AVAIL 02/09/1981

EMPLOYER/SCHOOL: SHELL GAS STATION

#	OFFENSE(S)	ATTEMPTED	TYPE
	LOCATION TYPE: Service/Gas Station Zone: Zone 256, Sec 3 FALL RIVER SHELL SERVICE STATION 1082 NORTH MAIN ST FALL RIVER MA		
1	TRAFFICKING CLASS B IN SCHOOL ZONE 94C/32J/F 94C 32J OCCURRED: 01/23/2013 CRIMINAL ACTIVITY: Possessing/Concealing	N	Felony
2	TRAFFICKING CLASS A IN SCHOOL ZONE 94C/32J/C 94C 32J OCCURRED: 01/23/2013 CRIMINAL ACTIVITY: Possessing/Concealing	N	Felony
3	POSS TO DISTRIB CLASS B IN SCHOOL ZONE 94C/32J/D 94C 32J OCCURRED: 01/23/2013 CRIMINAL ACTIVITY: Possessing/Concealing	N	Felony
4	POSS TO DISTRIB CLASS B IN SCHOOL ZONE 94C/32J/D 94C 32J OCCURRED: 01/23/2013 CRIMINAL ACTIVITY: Possessing/Concealing	N	Felony

B-1079

Fall River Police Department  
Summons Report

Page: 2  
02/12/2013

2

Summons #: 13-337-AR  
Call #: 13-5246  
Incident #: 13-537-OF

#	OFFENSE(S)	ATTEMPTED	TYPE
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5	POSS TO DISTRIB CLASS A IN SCHOOL ZONE 94C/32J/A	N	Felony
	94C 32J OCCURRED: 01/23/2013 CRIMINAL ACTIVITY: Possessing/Concealing		

#	DRUG(S)	PROPERTY #	STATUS
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1	COCAINE APPROX. 234 GRAMS QUANTITY: 234.800 (Dosage of Units/Items) Seized (Not Previously Stolen) OWNER: CYR, SHAUN P	13-468-PR VALUE: \$0.00 LAB#: 13-02412	Seized (Not Previously Stolen) DATE: 02/05/2013
2	OXYCODONE HYDROCHLORIDE (15 GRAMS) QUANTITY: 100.000 (Dosage of Units/Items) Seized (Not Previously Stolen)	13-500-PR VALUE: \$0.00 LAB#: 13-02412	Seized (Not Previously Stolen) DATE: 02/05/2013
3	OXYCODONE HYDROCHLORIDE (10 GRAMS) QUANTITY: 71.000 (Dosage of Units/Items) Seized (Not Previously Stolen)	13-469-PR VALUE: \$0.00 LAB#: 13-02412	Seized (Not Previously Stolen) DATE: 02/05/2013
4	OPANA (OXYMORPHONE) QUANTITY: 44.000 (Dosage of Units/Items)	13-471-PR VALUE: \$0.00	Seized (Not Previously Stolen) DATE: 02/05/2013

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On Sunday, January 20, 2013 I, Officer Brett Kimball, was trying to locate a male who listed his place of employment as Shell Gas Station, 1082 North Main Street. This male has several active warrants for his arrest. I went to the business, which was open and operating, attempting to locate this male. When I entered the store, I noticed the clerk was not the male I was looking for. While in the store, I noticed several bottles, in several flavors, of "HIGH VOLTAGE DETOX" a banned substance under the Fall River Drug Paraphernalia Ordinance. The bottles were in plain view and clearly for sale. I exited the store.

It should be noted that on Wednesday November 21, 2012 at approximately 2:30PM Officers Eric Copsetta and John Lapointe went to the Shell Gas Station located at the intersection of President Avenue and North Main Street, 1082 North Main Street, Fall River, MA. Officer Lapointe explained and provided a copy of the City of Fall River Drug Paraphernalia Ordinance, Massachusetts General Law Chapter 94C Section 32I. Officer Lapointe spoke to the store manager Shaun Cyr 02/09/81. Officer Lapointe stated that Shaun Cyr informed him that in the absence of Tony Saade, he(Shaun) is responsible for the day to day operations and business transactions regarding the sale of fuel, merchandise in the convenience store and mechanical repairs in the garage. Officer Lapointe noted that while speaking with Cyr, the store owner Tony Saade 05/15/71 called and was made aware of the Ordinance and what was covered. Officer Lapointe left a copy of the Ordinance for Saade, adding if there were any questions to contact Tobacco Control Coordinator of the City of Fall River, Marilyn Edge.(Refer to case#12-940-FI)

On January 23, 2013 I, Officer Brett Kimball, applied for and was granted a search warrant for 1082 North Main Street, the Shell Gas Station. Officers Kevin Bshara, Luis Duarte, Sgt. James Smith and I went to 1082 North Main Street. We entered the store and I spoke with the clerk, identified as "George" advising him that I had a search warrant for the property. I requested he contact the owner, Tony Saade, requesting he come to the property. I also showed "George" a copy of the search warrant. I requested Officer Bshara lock both entrance doors to the store. "George" reviewed the search warrant then called Saade. "George" then relayed to me that Saade was on his way, coming from Providence, RI. As time passed, "George" then received a call from Tony that he was having car trouble and would not be able to come to the store. I spoke with Tony via "George's" phone and advised him of the search warrant. I also repeated my request that he, Tony, come to the store. Tony stated he could not. I then requested Officers Bshara and Duarte start searching. I also started to search behind the counter. I located, in a drawer on the right side of the cash register, an open, partially empty, box of 14 "love roses" and 5 bags of small zip lock style bags, each of the five bags contain 125 individual bags. Through my training and experience, I have learned that the "love roses" and commonly used to smoke crack cocaine. I have also learned that the small zip lock style bags are commonly referred to as "bullet bags" used to package narcotics for quick street sales. Officer Duarte observed 15 beaded metal "roach" clips in a glass cases on the left side of the register. This case was on top of the counter, clearly viewable by customers. Officer Duarte located 2 bottles of "High Voltage Detox" and 3 bottles of "Ultra Mask" another product used to "detox" one's system before a drug test, to avoid detection. Officer Bshara then located, in the drawer below the lottery tickets, several packages of synthetic marijuana, both in foil envelopes and plastic jars. Officer Bshara also located a box of "chor boy" on the floor, behind the register, next to tobacco products. Through my training and experience, I have learned that the "chor boy" is used in the glass "love roses" as a filter or stopper to smoke crack cocaine. It was at this time, a male, identified as Andrew Daher 07/07/79, arrived. He knocked on the door to the store and I spoke with him. Daher stated that he had some tools in the garage area and was trying to put his son's bed together at home. Daher stated he need to retrieve a screwdriver to complete this task. I asked Daher if he worked at the store or garage and he stated "Not anymore, I still have some tools here though." I then asked if he had any keys to the locked rooms in the back, Daher interrupted me and stated "Listen, I don't know about anything happening here, I just have some tools and need a screwdriver for my son's bed." I then informed Daher that he could retrieve the screwdriver, but would be escorted by Officer Bshara. Daher seemed distraught over this, but then agreed and was escorted to the garage area to get his screwdriver.

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Officer Bshara and Daher returned and Daher had a very long screwdriver. Daher then left.

Officers Duarte and Bshara continued the search and I entered the side door of the store. This door led to a sink and also had three car seats that had been removed from vehicles on the floor, arranged near a table. I also observed a door to a room on the right side. I also observed another storage area with store items were stored and this area gave access to the store coolers. I then walked around the corner and noticed that the room with the locked door had a glass or plexi glass window. When I illuminated the interior of this room with my flashlight, I could clearly see additional boxes of glass "love roses" and other packages of synthetic marijuana. I continued walking into the garage area and observed a blue standing toolbox with it's doors open. I could see, in plain view, a "sling" style belt with several "live" rounds for a shotgun. I also observed a white digital scale. I retrieved one round and confirmed it was a "live" unfired round for a shotgun. I then returned to speak with Officers Bshara and Duarte.

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looked inside the backpack and discovered two clear, plastic bags. Each bag contained a large amount of a white rocky substance. Through our training and experience, we recognize this substance to cocaine. Officer Bshara then located a box of clear sandwich bags. Through our training and experience, we have learned that clear, plastic bags are used to package narcotics for street sales. I then open a drawer of a tool chest and noticed a clear, plastic bag which contained a large amount of round, blue, circular pills. Through my training and experience, I recognize the pills to be prescription narcotics. Also located in this drawer was two glass vials with Trena 100mg, an injectable steroid. I then opened another drawer of the tool chest and located a plastic bottle, which contained additional round, blue pills. This draw also contained \$225.00 dollars. This draw also had a plastic bag with round, orange pills in it. I did not recognize what the pills where, but were later identified as "Opana (Oxymorphone)" a prescription pain killer. I also located 16 oblong pills and 4.1 round pills. The pills were later identified as Oxycodone Hydrochloride and Endocet, both prescription pain killers. The pills were identified using the website Drugs.com, along with the assistance of Officer Eric Copsetta

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- 36) Several photographs (to be submitted by Officer Bshara)

This report written under the pains and penalties of perjury.

Requesting Officer \_\_\_\_\_

Supervisor \_\_\_\_\_

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On this date and time I, Detective Bernardo retrieved a small sample of the white rocky/powder substance, from one of the clear plastic bags. As a result of the field-testing the sample, it came back positive for cocaine.

Detective Manuel Bernardo 01/24/2013

2

On January 23, 2013 as a result of an investigation that I conducted at 1082 North Main Street, I made a seizure of narcotics, resulting in trafficking narcotics and possession with intent to distribute narcotics. A warrant was requested for Shaun Cyr 02/09/81. After further investigation, I found that a day care, Childrens Paradise School, which is located at 278 President Avenue, border's the West side of the property.

I, Officer Brett Kimball, respectfully request that Shaun Cyr 02/09/81 be summoned into Second District Court to answer the charges listed.

This report written under the pains and penalties of perjury.

Requesting Officer \_\_\_\_\_

Supervisor \_\_\_\_\_

Proposed Ordinance – Traffic, Handicapped Parking  
**CITY OF FALL RIVER**

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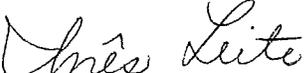
5

To the City Council

Councillors:

The Committee on

Ordinances and Legislation, at a meeting held on March 5, 2013  
voted unanimously to recommend the accompanying proposed ordinance,  
accompanied by an emergency preamble, be passed through first reading,  
second reading, passed to be enrolled and passed to be ordained.

  
Assistant Clerk of Committees

EMERGENCY PREAMBLE

WHEREAS, the immediate passage of the accompanying proposed ordinance is deemed necessary inasmuch as it vitally affects the health and safety of the public, now therefore

BE IT RESOLVED, that said ordinance is hereby deemed an emergency measure in accordance with the provisions of Chapter 43, Section 20 of the Massachusetts General Laws.

City of Fall River, *In City Council*

5

BE IT ORDAINED by the City Council of the City of Fall River, as follows:

That Chapter 70 of the Revised Ordinances of the City of Fall River, Massachusetts, 1999, which chapter relates to traffic be amended as follows:

By inserting in Section 70-387, which section relates to handicapped parking, in proper alphabetical order the following:

Crawford Street, west side, starting at a point 62 feet south of Charles Street,  
for a distance of 20 feet south

Robeson Street, west side, starting at a point 105 feet north of Walnut Street,  
for a distance of 20 feet north

Shawmut Street, east side, starting at a point 185 feet north of Maple Street,  
for a distance of 20 feet north

Whipple Street, east side, starting at a point 400 feet south of Cottage Street,  
for a distance of 20 feet south

City of Fall River, *In City Council*

//

(Councilor Michael L. Miozza)

WHEREAS, in December 2012 there was a horrific school shooting at Sandy Hook Elementary School located in Newtown, Connecticut followed by an alleged threat at the Frank M. Silvia Elementary School, and

WHEREAS, the City and the School Department have been working on improving safety measures and putting those plans in place, now therefore

BE IT RESOLVED, that the Committee on Public Safety convene to discuss the safety and security improvements at Fall River Public Schools with the Chief of Police as well as representatives from the School Department and the administration.

15



# City of Fall River Massachusetts

## Department of Community Services

PLANNING • HEALTH & HUMAN SERVICES  
LIBRARY • INSPECTIONAL SERVICES • ELECTIONS

RECEIVED

MAR -7 A 11:37

*Planning Division*

CITY CLERK

HENRY R. VAILLANCOURT MD, MPH  
Director

*Department of Community Services*

ELIZABETH R. DENNEHY, MPA  
*Planning Director*

WILLIAM A. FLANAGAN  
*Mayor*

**TO:** Alison Bouchard  
City Clerk

**FROM:** Elizabeth Dennehy  
Planning Director

**RE:** **Fall River Zoning Board of Appeals Meeting  
January 17, 2013**

The Fall River Zoning Board of Appeals held a Public Hearing on Thursday, January 17, 2013, at 6:00 PM in the City Council Hearing Room for the purpose of considering the petitions set forth in the attached minutes of said Public Hearing.

Members present were as follows:  
David Assad, Chairman  
Gene P. Alves, Vice-Chairman  
Andrea Merolla-Simister, Clerk  
John Frank  
John Martin, Alternate

Notice of the meeting was advertised in the Fall River Herald News on Wednesday, January 2, 2013, and Wednesday, January 9, 2013. The hearing was also posted in the Government Center and notice was sent to the petitioners and abutters of the specified property as well as the City of Fall River's Planning Board.

**ELECTION OF OFFICERS**

Mr. Assad opened the hearing by stating that this is the first meeting of the year and officers must be elected as mandated by the Zoning Board Rules and Regulations.

A motion was made by Mr. Alves and seconded by Mrs. Merolla-Simister to elect Mr. Assad as Chairman, Mr. Alves as the Vice-Chairman, and Mrs. Merolla-Simister as Clerk.

In a vote of 5-0 the Board voted to elect Mr. Assad as Chairman, Mr. Alves as the Vice-Chairman, and Mrs. Merolla-Simister as Clerk. Mr. Frank, Mrs. Merolla-Simister, Mr. Martin, Mr. Assad and Mr. Alves voted in favor of the motion and the Officers were elected.

**KNITTING MILLS APARTMENTS, LLC**  
**C/O Atty. James W. Clarkin**  
**69 Alden Street, Lot J-27-4**

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In the matter of Knitting Mills Apartments, LLC for a Variance and Special Permit request to convert the existing mill building into eighty (80), one-bedroom (over 62) apartment units, senior center, and tenant related accessory uses waiving use and dimensional requirements in an Industrial District [IND]. Lot size 136,564 +/- s.f.

**FAVOR**

Attorney James Clarkin, of 84 North Main Street, and Lee Woltman, Housing Consultant for Liberty Affordable Housing Inc., were present to address the Board in this matter. Representatives from Corporate Headquarters, located in Rome, New York were present. Mr. Clarkin stated that John Varecka, of CRM Management, will manage the project. Mr. Clarkin stated that they were changing the minimum age residency requirement from 55 and over to 62 and over.

Mr. Clarkin stated that the project is planned in two phases. Phase I is for 75 one-bedroom apartments. He stated that the application was for 80 apartments but it is currently planned for 75 instead. Phase II is for 41 additional apartments which would have to come before the Board in the future.

Mr. Clarkin stated that under Section 86-55 (e), Special Permit, multi-family residential use is permitted in an Industrial District if public good can be served and after a finding by the Board of Appeals that such a non-residentially zoned area would not be adversely affected by such residential use and that the permitted use in such a zone is not noxious to a multifamily use. He stated that there is a need for this type of housing in this area with a reasonable percentage of the area's population falling in the required age group for this project. There will be four handicap apartments, which is 5% of the units.

This mill building was built in 1877 and is in disrepair. This mill was the former site of Fall River Knitting Mills and currently houses one business, which will move to a nearby location. Mr. Clarkin submitted a packet to the Board containing renderings of the proposal and photos of the existing conditions. The proposal will enhance the values of houses and buildings in the area. He submitted a petition with 110 signatures of area residents in favor of the proposal.

Mr. Clarkin stated that there is a 9,000 s.f. area on the lower level of the building that will house a fitness center, senior center, meeting room and offices. The senior center will occupy 5,000 s.f. and will be offered to the City for a \$1 per year rate. He stated that the building is located in a good area for seniors, with a supermarket, shopping and Health First nearby.

It's unlikely that the proposed age group would generate high traffic or have as many cars as younger residents. There will be much less traffic than generated by the mill when it was in operation. Mr. Clarkin noted that there are three means of ingress and egress to the site.

Mr. Clarkin asked that the Special Permit have a two-year expiration as allowed under Section 86-55 (c), if the Board grants the request. He stated that the petitioners met with the president of the Flint Neighborhood Association, and have addressed his concerns.

Mr. Clarkin stated there will be an overhang, which may require a variance so he has included the variance request along with the Special Permit. Architect, Scott Maezana, stated that a portico has been proposed to provide shelter to residents at the entrance of the building.

Mrs. Merolla-Simister asked how many parking spaces there are for the site. Mr. Clarkin stated that there are 193 spaces on the plan. This is the maximum number of spaces for the total project including Phase I and Phase II of the project. He stated that there would be at least one space per unit for Phase I.

Carlos Ceasar, President of the Flint Neighborhood Association, stated that he was originally opposed to the petition but is no longer opposed after speaking to the people from Liberty Affordable Housing. He feels that this is a good way to save the mill. The Neighborhood Association has been making great efforts to clean up Father Travassos Park and feels the tenants will make use of the park.

Lucy Oliveira, of 84-92 Alden Street, stated that this parcel has been used as a dumping ground and feels this proposal will clean up the area. She stated that she is in support of the petition.

Earle Gaudette, of 38 Gaudette Drive, President of the Maplewood Neighborhood Association, Ron Seigny, of 250 Kennedy Street, James Finglas, of 156 Emmett Street, and Paul Lopes, of 257 America Street, stated that they are in favor of the petition.

City Councillor Daniel Rego stated that he would like the Board to assure him that they would ensure Fall River residents would get jobs from this project. He stated that there are hundreds of union tradesmen out of work and cannot get jobs because there are immigrants willing to work for much less. These immigrants are being taken advantage of and are being hired for prevailing wage jobs at \$8 per hour instead of the union tradesmen. Mr. Assad stated that the Board does not have the authority to control where the workers on the project come from.

Jim Soule, of 577 Rock Street, President of the Preservation Society of Fall River Inc. stated that he feels this project is good for the city and supports the proposal. He also submitted a letter in support of the petition.

Al Lima, of 488 Hood Street, stated that the bike path connecting Westport to Somerset travels along the site and asked the petitioners to consider granting an easement for the bike path along their property.

Letters of support were submitted by Union City Inc. and Ken Fiola, of the Fall River Office of Economic Development.

**OPPOSITION**

There was no one present to speak in opposition to the petition.

**DECISION**

A motion was made by Mr. Alves and seconded by Mr. Frank to grant the petitioner's request with the conditions being that: 1. Site Plans shall be submitted to the Planning Board for review and approval. 2. There shall be a minimum of one parking space per unit. 3. There shall be no more than eighty (80) one-bedroom units. 4. At least 80% of the occupied units shall be occupied by at least one person who is 62 years of age or older and the facility shall adhere to a policy that demonstrates intent to house persons who are age 62 or older. 5. The maximum size of the portico overhang shall not exceed 30'x 20'. 6. All units shall be one-bedroom. Pursuant to MGL chapter 40A section 9 the special permit granted shall lapse in two years and pursuant to MGL 40A section 10 the variance shall lapse in one year.

In a vote of 5-0 the Board voted to grant the petitioner's request with the conditions being that: 1. Site Plans shall be submitted to the Planning Board for review and approval. 2. There shall be a minimum of one parking space per unit. 3. There shall be no more than eighty (80) one-bedroom units. 4. At least 80% of the occupied units shall be occupied by at least one person who is 62 years of age or older and the facility shall adhere to a policy that demonstrates intent to house persons who are age 62 or older. 5. The maximum size of the portico overhang shall not exceed 30'x 20'. 6. All units shall be one-bedroom. Pursuant to MGL chapter 40A section 9 the special permit granted shall lapse in two years and pursuant to MGL 40A section 10 the variance shall lapse in one year. Mr. Frank, Mr. Alves, Mr. Martin, Mrs. Merolla-Simister and Mr. Assad voted in favor of the motion and the petition was granted with conditions.

The Board found that owing to the circumstances relating to the existing parcel, especially affecting the locus but not affecting the Industrial District in which it is located, a literal enforcement of the zoning ordinance would involve substantial hardship to the petitioner and that if relief were not granted, the petitioner would be denied reasonable use of the property. The Board determined that the area consists of a variety of uses including residential, commercial and industrial and that the nonresidential uses would not be adversely affected by the existing or proposed residential uses. The Board found that the existing industrial uses in the area would not be noxious to the proposed residential use. Additionally, the Board found that the proposed conversion of the building into residential units would not be detrimental to the neighborhood nor would it derogate from the intent and purpose of the zoning ordinance.

**WILLIAM R. PAVAO**  
261 Mt. Pleasant Street, Lot T-9-18

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In the matter of William R. Pavao for a Variance request to divide property into two lots leaving the existing single family dwelling on one lot and to construct a single family dwelling on the other lot waiving dimensional requirements in a Single Family Residence District [S]. Lot sizes 7,793 +/- s.f. and 9,716 +/- s.f.

**FAVOR**

Attorney James Clarkin, of 84 North Main Street, was present to address the Board in this matter. He stated that this is a large odd-shaped lot with an existing single family dwelling located to one side of the parcel. The petitioner would like to divide the property into two lots in order to build a single family dwelling on the other side of the lot. The lots will be similar to other lots in the area. Most lots in the area do not meet the area size requirements nor do they meet the frontage requirements.

**OPPOSITION**

Bill Wrightington, of 294 Calvin Street, stated that trees have been taken down and doesn't know where there is room to fit a home on the lot. After review of the plan, it was found that the lot Mr. Wrightington referred to was not the lot in question so he had no objection to the petition.

Jacob Lopes, of 291 Mt. Pleasant Street, stated that he bought his house because the houses in this area are not on top of one another and feels that if the Board grants this variance the new house will be too close to his house. He stated that there are water problems in that area and is concerned that they will worsen with the construction of a new home.

Joseph Medeiros, of 296 Mt. Pleasant Street, agreed with Mr. Lopes about the water problem in that area and is opposed to the petition.

Don Mattos, of 251/253 Mt. Pleasant Street, stated that he wants the area to stay as it is.

Al Lima, of Save Our Neighborhoods, stated that the lot meets the area requirements and the Board does not have the authority to grant substandard lots under Chapter 40 Section 10.

**DECISION**

A motion was made by Mr. Alves and seconded by Mrs. Merolla-Simister to grant the petitioner's request with the conditions being that: 1. There shall be a minimum of two off-street parking spaces. 2. Certificate of Occupancy shall not be issued until the garage is razed. 3. Minimum sideyard setbacks for the proposed dwelling shall be 8.8' 4. The proposed dwelling shall not exceed 28'x 40'.

In a vote of 4-1 the Board voted to grant the petitioner's request with the conditions being that: 1. There shall be a minimum of two off-street parking spaces. 2. Certificate of Occupancy shall

not be issued until the garage is razed. 3. Minimum sideyard setbacks for the proposed dwelling shall be 8.8' 4. The proposed dwelling shall not exceed 28'x 40'. Mr. Alves, Mr. Martin, Mrs. Merolla-Simister and Mr. Assad voted in favor of the motion. Mr. Frank voted against the petition and the variance was granted with conditions.

The Board found that owing to the circumstances relating to the existing parcel, especially affecting the locus but not affecting the Single Family Residence District in which it is located, a literal enforcement of the zoning ordinance would involve substantial hardship to the petitioner and that if relief were not granted, the petitioner would be denied reasonable use of the property. The Board found that the relief requested may be granted, as it would not be detrimental to the neighborhood nor would it derogate from the intent and purpose of the zoning ordinance.

**RONALD RUSIN**  
25 Chavenson Street, Lot L-9-45

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In the matter of Ronald Rusin for a Variance request to construct a single family dwelling waiving dimensional requirements in a General Residence District [G]. Lot size 5,730 +/- s.f.

**FAVOR**

Attorney Mark Levin, of 138 Rock Street, was present to address the Board in this matter. He stated that this lot is located in a General Residence District and previously had a six family dwelling on it that was destroyed by fire. The petitioner would like to replace the six family dwelling with a single family dwelling but needs a 4' frontage waiver. There will be two off-street parking spaces provided for the proposed dwelling.

**OPPOSITION**

There was no one present to speak in opposition to the petition.

**DECISION**

A motion was made by Mrs. Merolla-Simister and seconded by Mr. Martin to grant the petitioner's request with the condition being that there shall be a minimum of two off-street parking spaces.

In a vote of 5-0 the Board voted to grant the petitioner's request with the condition being that there shall be a minimum of two off-street parking spaces. Mr. Frank, Mr. Alves, Mr. Martin, Mrs. Merolla-Simister and Mr. Assad voted in favor of the motion and the petition was granted with conditions.

The Board found that owing to the circumstances relating to the existing parcel, especially affecting the locus but not affecting the General Residence District in which it is located, a literal enforcement of the zoning ordinance would involve substantial hardship to the petitioner and that if relief were not granted, the petitioner would be denied reasonable use of the property. The Board found that the relief requested may be granted, as it would not be detrimental to the neighborhood nor would it derogate from the intent and purpose of the zoning ordinance.

**EDUARDO COSTA**  
C/O Levin & Levin  
1212 & 1214 Stafford Road, Lots D-2-44,81

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In the matter of Edwardo Costa for a Variance request to divide property into two lots demolishing the existing single family dwelling while leaving the existing two family dwelling on one lot and to construct a single family dwelling on the other lot waiving use and dimensional requirements in a Single Family Residence District [R-8]. Lot sizes 4,714 +/- s.f. and 6,846 +/- s.f.

**FAVOR**

Attorney Mark Levin, of 138 Rock Street, was present to address the Board in this matter. He stated that Mr. Costa obtained his former partner's interest in the property and would like to demolish the existing single family dwelling, divide the property and build a new single family dwelling on the new lot to replace the existing single family dwelling, which is in deplorable condition. There will be no increase in density. The lot is odd-shaped and will be squared off by dividing the property. The existing two family dwelling will maintain four off-street parking spaces and the single family dwelling will have two off-street parking spaces.

James Finglas, of 156 Emmett Street, representing Maplewood Neighborhood Association, asked if the existing single family dwelling house could be demolished within 60 days. Mr. Levin stated that he does not think that Mr. Costa could do that considering that the decisions are not ready for 35 days and the time it takes for permitting.

Earl Gaudette, of 38 Gaudette Drive, stated that as President of the Maplewood Neighborhood Association, he supports the petition as long as neighbors' concerns are met.

Anthony Lopes, of 507 Anthony Street, stated that he is in favor of the petition.

**OPPOSITION**

There was no one present to speak in opposition to the petition.

**DECISION**

A motion was made by Mr. Alves and seconded by Mrs. Merolla-Simister to grant the petitioner's request with the conditions being that: 1. There shall be a minimum of four (4) off-street parking spaces for the existing two family dwelling (1214 Stafford Rd) and two (2) off-street parking spaces for the proposed single family dwelling. 2. Certificate of Occupancy shall not be issued until the existing single family dwelling (1212 Stafford Rd) is razed. 3. All utilities shall be separated and an affidavit signed under the penalties of perjury indicating that all utilities have been separated shall be recorded at the Bristol County Registry of Deeds prior to the sale and/or transfer of the property, but no later than one year from the date of the grant of the variance.

In a vote of 5-0 the Board voted to grant the petitioner's request with the conditions being that: 1. There shall be a minimum of four (4) off-street parking spaces for the existing two family dwelling (1214 Stafford Rd) and two (2) off-street parking spaces for the proposed single family dwelling. 2. Certificate of Occupancy shall not be issued until the existing single family dwelling (1212 Stafford Rd) is razed. 3. All utilities shall be separated and an affidavit signed under the penalties of perjury indicating that all utilities have been separated shall be recorded at the Bristol County Registry of Deeds prior to the sale and/or transfer of the property, but no later than one year from the date of the grant of the variance. Mr. Frank, Mr. Alves, Mr. Martin, Mrs. Merolla-Simister and Mr. Assad voted in favor of the motion and the petition was granted with conditions.

The Board found that owing to the circumstances relating to the existing parcel, especially affecting the locus but not affecting the Single Family Residence District in which it is located, a literal enforcement of the zoning ordinance would involve substantial hardship to the petitioner and that if relief were not granted, the petitioner would be denied reasonable use of the property. The Board found that the relief requested may be granted, as it would not be detrimental to the neighborhood nor would it derogate from the intent and purpose of the zoning ordinance.

**ST INTERNATIONAL, LLC**  
115 Wordell Street, Lot K-3-9

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In the matter of ST International, LLC for a Variance request to construct an addition to the existing warehouse waiving dimensional requirements in an Industrial District [IND]. Lot size 21,570 +/- s.f.

**FAVOR**

Alan Quintin, of 28 Costa Street, N. Dartmouth, MA, was present to address the Board in this matter. He stated that the existing building is approximately 50'x 100' and petitioner would like to construct a 50' addition on the south side of the building. After doing the survey work, it was found that a corner of the addition would encroach onto the abutter's land. Mr. Quintin recommended the addition be offset so it wouldn't encroach onto the abutter's land but this is not possible because of the interior layout of the building. The petitioner approached Mr. Moniz, the owner of the abutting property, to purchase a small piece of his property in order to build this addition. A copy of the Agreement to Sell was submitted with the application. The additional space will be used for more warehouse space.

Mr. Assad stated that the owner did not sign the variance application and property needed for the variance hasn't been conveyed yet, and feels that Mr. Moniz should sign the petition because his property is involved with the petition. Mr. Assad stated that he would rather have this matter tabled so that the all owners can sign the application.

**OPPOSITION**

There was no one present to speak in opposition to the petition.

**DECISION**

A motion was made by Mr. Alves and seconded by Mrs. Merolla-Simister to table the matter until the February 21, 2013 meeting.

In a vote of 5-0 the Board voted to table the matter until the February 21, 2013 meeting. Mr. Frank, Mr. Alves, Mr. Martin, Mrs. Merolla-Simister and Mr. Assad voted in favor of the motion and the petition was tabled.

**NEW 180 LIBERTY STREET LLC**  
**180 Liberty Street, Lots H-7-19,27**

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In the matter of New 180 Liberty Street LLC for a Variance request to construct an addition to the existing industrial building waiving dimensional requirements in an Industrial District [IND]. Lot sizes 40,440 +/- s.f. and 25,000 +/- s.f.

**FAVOR**

Dan Aguiar, of SITEC Engineering, and Jason Rizzardi, CFO, of Walter Furman Co., were present to address the Board in this matter. Mr. Aguiar stated that the Walter Furman Co. is an architectural millwork company that has been at this site for over 50 years. The building is accessed by Liberty and Beacon Streets and is located in an Industrial District. The petitioner is proposing to construct a 24,000 s.f. addition, which will contain an assembly area and storage warehouse. The addition will provide a more comfortable working environment and is not being proposed for increased workforce or expansion since product assembly is currently ongoing. The addition was originally proposed to be 30,500 s.f. being only 5' off the property line on South Beacon Street but after getting some feedback from a concerned neighbor, has been changed to increase the setback to 10'. Mr. Aguiar stated that the addition has to have staged flooring due to the topography and high water table. Mr. Aguiar stated that the new storage warehouse will allow the company to reduce the number of deliveries coming in because they will be allowed to store more goods.

Mr. Aguiar stated that Liberty Street is an unimproved accepted way but is constructed to the end of the Two Family Residence District line, after that it is an unimproved accepted way. The City owns that land, which has been the parking area for the company for the last 50 years. The Industrial District does not have a minimum parking requirement but 59 parking spaces will be provided.

Mr. Aguiar stated that Center Street is an unaccepted street so the owners on either side of the street owns to the center of the street, and if the street was abandoned, it would give them a 25' setback to the addition. He stated that they will be working on having Center Street and the southerly portion of Liberty Street abandoned.

Mr. Alves stated that he has concerns about deliveries and parking on South Beacon Street because he visited the site and there were commercial vehicles parked on South Beacon Street blocking the road. Mr. Aguiar stated that no commercial vehicles should be parking on the street or blocking the road, and stated that deliveries should be lessened with the construction of the proposed warehouse. He stated that the removal of the existing garage would create room for trucks on site so they won't have to be on the street.

A letter in favor of the petition was submitted by Ken Fiola, of the Fall River Office of Economic Development.

**OPPOSITION**

Michael and Kathleen Beleda, of 466 South Beacon Street, were present in opposition to the petition. Mr. Beleda stated that he has parking concerns because employees park on South Beacon Street and submitted a letter to the Board as well as proposed conditions to the Board in case they grant the petition. Mr. Beleda submitted pictures of tractor-trailers parked on South Beacon Street. He read Sec 86-301 (b) paragraph 3 regarding parking as well as Article 1; 86-2: definition of off-street parking. Mr. Beleda stated that there is no room for emergency vehicles on Liberty Street if cars are parked there. He stated that parking on an unimproved street is not considered parking under Section 86-301 of the City's ordinances.

Mr. Beleda submitted a letter to the Board and Mr. Aguiar with many concerns he has about the project. Mr. Aguiar stated that a chain-linked fence with privacy slats will be installed further down South Beacon Street extending from the existing fence southerly. All manufacturing and storage will be done inside. The height of the building will meet the district requirements. All storage will meet hazardous material standards. The existing large hopper will remain. Mr. Aguiar stated that signs could be put up to tell people not to park on South Beacon Street.

Daniel Cameron, of 79 Sprague Street, stated that people park on Liberty Street because the street is paved. He stated that he is concerned about traffic and the hours that trucks are leaving the site in the morning. He stated that trucks are leaving as early as 5:30 a.m.

Mr. Assad stated that the Board may be able to limit the hours trucks make deliveries and leave the site. Mr. Rizzardi, stated that much of his business is in the Boston area and north so trucks are preloaded at night and need to leave the warehouse between 5:00 a.m.- 5:30 a.m.

**DECISION**

A motion was made by Mrs. Merolla-Simister and seconded by Mr. Frank to grant the petitioner's request with the conditions being that: 1. There shall be a 6' fence with privacy slats erected from the southeast corner of the property northerly for 100' to the northeast corner of the proposed addition. 2. There shall be a minimum of 59 off-street parking spaces. 3. There shall be no parking of commercial vehicles on South Beacon Street. 4. Employees shall not park on Liberty Street from Sprague Street southerly for 112' to the Industrial District line nor shall employees park on South Beacon Street. 5. Certificate of Occupancy shall not be issued until the existing garage is razed.

In a vote of 5-0 the Board voted to grant the petitioner's request with the conditions being that: 1. There shall be a 6' fence with privacy slats erected from the southeast corner of the property northerly for 100' to the northeast corner of the proposed addition. 2. There shall be a minimum of 59 off-street parking spaces. 3. There shall be no parking of commercial vehicles on South Beacon Street. 4. Employees shall not park on Liberty Street from Sprague Street southerly for 112' to the Industrial District line nor shall employees park on South Beacon Street. 5. Certificate of Occupancy shall not be issued until the existing garage is razed. Mr. Frank, Mr. Alves, Mr. Martin, Mrs. Merolla-Simister and Mr. Assad voted in favor of the motion and the petition was granted with conditions.

The Board found that owing to the circumstances relating to the existing parcel, especially affecting the locus but not affecting the Industrial District in which it is located, a literal enforcement of the zoning ordinance would involve substantial hardship to the petitioner and that if relief were not granted, the petitioner would be denied reasonable use of the property. The Board found that the relief requested may be granted, as it would not be detrimental to the neighborhood nor would it derogate from the intent and purpose of the zoning ordinance.

**WESTPORT HORIZON DEVELOPMENT CORP.**  
**C/O Peter A. Saulino, Esq.**  
**Vacant lot between 150 & 168 Crawford Street, Lot B-19-51**

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In the matter of Westport Horizon Development Corp. for a Variance request to construct a single family dwelling waiving use and dimensional requirements in an Industrial District [IND]. Lot size 4,499 +/- s.f.

**FAVOR**

Attorney Peter Saulino, of 550 Locust Street, was present to address the Board in this matter. Mr. Saulino stated that there is an existing garage to the rear of the lot, which will be demolished, and the petitioner seeks to construct a single family dwelling. There will be two off-street parking spaces. The proposed dwelling will be 25'x 40' and will meet the dimensional area requirements in the area. Mr. Saulino stated that he feels this is the highest and best use of the property.

**OPPOSITION**

There was no one present to speak in opposition to the petition.

**DECISION**

A motion was made by Mrs. Merolla-Simister and seconded by Mr. Martin to grant the petitioner's request with the conditions being that: 1. The Certificate of Occupancy shall not be issued until the existing garage is razed. 2. There shall be a minimum of two off-street parking spaces.

In the matter of 5-0 the Board voted to grant the petitioner's request with the conditions being that: 1. The Certificate of Occupancy shall not be issued until the existing garage is razed. 2. There shall be a minimum of two off-street parking spaces. Mr. Frank, Mr. Alves, Mr. Martin, Mrs. Merolla-Simister and Mr. Assad voted in favor of the motion and the petition was granted with conditions.

The Board found that owing to the circumstances relating to the existing parcel, especially affecting the locus but not affecting the Industrial District in which it is located, a literal enforcement of the zoning ordinance would involve substantial hardship to the petitioner and that if relief were not granted, the petitioner would be denied reasonable use of the property. The Board found that the relief requested may be granted, as it would not be detrimental to the neighborhood nor would it derogate from the intent and purpose of the zoning ordinance.

**BLUEWATER HOLDINGS, LLC**  
**C/O Peter A. Saulino, Esq.**  
**150 Baker Street, Lot F-10-3**

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In the matter of Bluewater Holdings, LLC for a Variance request to construct a single family dwelling waiving dimensional requirements in a Two Family Residence District [R-4]. Lot size 6,120 +/- s.f.

**FAVOR**

Attorney Peter Saulino, of 550 Locust Street, was present to address the Board in this matter. He stated that the petitioner would like to construct a single family dwelling but needs a frontage waiver from 75' to 60'. He also stated that there will be two off-street parking spaces.

**OPPOSITION**

There was no one present to speak in opposition to the petition.

**DECISION**

A motion was made by Mrs. Merolla-Simister and seconded by Mr. Frank to grant the petitioner's request.

In a vote of 5-0 the Board voted to grant the petitioner's request. Mr. Frank, Mr. Alves, Mr. Martin, Mrs. Merolla-Simister and Mr. Assad voted in favor of the motion and the petition was granted.

The Board found that owing to the circumstances relating to the existing parcel, especially affecting the locus but not affecting the Two Family Residence District in which it is located, a literal enforcement of the zoning ordinance would involve substantial hardship to the petitioner and that if relief were not granted, the petitioner would be denied reasonable use of the property. The Board found that the relief requested may be granted, as it would not be detrimental to the neighborhood nor would it derogate from the intent and purpose of the zoning ordinance.

**WESTPORT HORIZON DEVELOPMENT CORP.**  
**C/O Peter A. Saulino, Esq.**  
**Vacant land on the north side of Kay Street, Lot B-19-3**

---

In the matter of Westport Horizon Development Corp. for a Variance request to divide property into four lots and construct a single family dwelling on each lot waiving use and dimensional requirements in a Multiple Family Residence District [A-3]. Lot sizes 4,454 +/- s.f., 4,357 +/- s.f., 4,357 +/- s.f., and 4,329 +/- s.f.

**FAVOR**

Attorney Peter Saulino, of 550 Locust Street, and Buck LeBlanc of Westport Horizon Development Corp., were present to address the Board in this matter. Mr. Saulino stated that the proposed lots and frontage are consistent with lots in the neighborhood while the sideyard setbacks are more appropriate than others in the area.

Mr. Saulino stated that there is ledge on the property that will need to be removed, which is very costly. Mr. LeBlanc is experienced in removing ledge. Mr. Saulino stated that developing this site will help pay off taxes owed to the city and the cost to remove the ledge. Mr. Assad stated that financial hardship is not a hardship for granting variances.

Mr. Saulino sated that the proposed dwellings would face Kay Street. He also stated that 14,000 s.f. is required for a four family dwelling in this district.

**OPPOSITION**

Rita Prevost, of 76 Kay Street, Donna Onorato, of 47 Kay Street, and Pedro Benjamin, of 30 Kay Street, stated that they are they are concerned about the impact that the removal of ledge will have on their properties. Ms. Onorato stated that she doesn't feel she should have to incur possible damage and worry about having to deal with a problem that was created by someone else. She feels this request should be denied. She stated that the ledge is as high as the second story on her house.

James Finglas, of 156 Emmett Street, stated that the lots are too small and don't meet any of the area's requirements.

**DECISION**

A motion was made by Mrs. Merolla-Simister and seconded by Mr. Frank to deny the petitioner's request.

In a vote of 3-2 the Board voted to deny the petitioner's request. Mr. Frank, Mr. Martin, and Mrs. Merolla-Simister voted in favor of the motion. Mr. Assad and Mr. Alves voted against the motion and the petition was denied.

The Board failed to find by the required number of votes that the petitioner had produced sufficient evidence to meet each of the prerequisites for the granting of the variance. More particularly the required number of the Board did not find that the petitioner had produced sufficient evidence of substantial hardship relating to the soil conditions, shape or topography of the land or structures and especially affecting the land or structures for which the variance was requested nor did the petitioner provide sufficient evidence that the relief requested could be granted without substantial detriment to the public good, and without substantially derogating from the intent of and purpose of the City's Zoning Ordinance.

**THOMAS REGO**  
**357 Ferry Street & 86 Mulberry Street, Lot I-5-43**

---

In the matter of Thomas Rego for a Variance request to divide property into two lots leaving the existing auto repair shop on one lot and the existing two family dwelling on the other lot waiving use and dimensional requirements in a Multiple Family Residence District [A-3]. Lot sizes 1,891 +/- s.f. and 3,651 +/- s.f.

**FAVOR**

Thomas Rego, of Pleasant View, Somerset, was present to address the Board in this matter. He stated that his father divided the property years ago but ended up merging the lots again. Mr. Rego stated that he would like to divide the property, once again. Mr. Assad explained to Mr. Rego that if the Board grants the variance the utilities would need to be separated and an affidavit would need to be filed with the Registry of Deeds stating that they have been separated. Mr. Rego stated that there is no sewer to the garage.

**OPPOSITION**

There was no one present to speak in opposition to the petition.

**DECISION**

A motion was made by Mr. Alves and seconded by Mrs. Merolla-Simister to grant the petitioner's request with the condition being that all utilities shall be separated and an affidavit signed under the penalties of perjury indicating that all utilities have been separated shall be recorded at the Bristol County Registry of Deeds prior to the sale and/or transfer of the property, but no later than one year from the date of the grant of the variance.

In a vote of 5-0 the Board voted to grant the petitioner's request with the condition being that all utilities shall be separated and an affidavit signed under the penalties of perjury indicating that all utilities have been separated shall be recorded at the Bristol County Registry of Deeds prior to the sale and/or transfer of the property, but no later than one year from the date of the grant of the variance. Mr. Frank, Mr. Alves, Mr. Martin, Mrs. Merolla-Simister and Mr. Assad voted in favor of the motion and the petition was granted with conditions.

The Board found that owing to the circumstances relating to the existing parcel, especially affecting the locus but not affecting the Multiple Family Residence District in which it is located, a literal enforcement of the zoning ordinance would involve substantial hardship to the petitioner and that division of the property would make no change in the existing use or density of the property and would not be detrimental to the neighborhood nor would it derogate from the intent and purpose of the zoning ordinance.

**PAUL & LINDA LEBOEUF**  
123 Smith Street, Lot F-13-47

---

In the matter of Paul & Linda LeBoeuf for a Special Permit request to divide property into two lots leaving the existing two family dwelling on one lot and the existing three family dwelling on the other lot waiving use and dimensional requirements in a Two Family Residence District [R-4]. Lot sizes 1,600 +/- s.f. and 6,000 +/- s.f.

**FAVOR**

Dan Aguiar, of SITEC Engineering, was present to address the Board in this matter. Mr. Aguiar stated that the petitioners have two multi-family dwellings on one lot and would like to divide the property so that each house is on its own lot in order. Due to the number of units, the petitioners are getting commercial rate financing. In order to get affordable financing they need to have each house on its own lot.

**OPPOSITION**

There was no one present to speak in opposition to the petition.

**DECISION**

A motion was made by Mr. Alves and seconded by Mrs. Merolla-Simister to grant the petitioner's request with the conditions being that that all utilities shall be separated and an affidavit signed under the penalties of perjury indicating that all utilities have been separated shall be recorded at the Bristol County Registry of Deeds prior to the sale and/or transfer of the property, but no later than **two years** from the date of the grant of the Special Permit.

In a vote of 5-0 the Board voted to grant the petitioner's request with the conditions being that that all utilities shall be separated and an affidavit signed under the penalties of perjury indicating that all utilities have been separated shall be recorded at the Bristol County Registry of Deeds prior to the sale and/or transfer of the property, but no later than **two years** from the date of the grant of the Special Permit. Mr. Frank, Mr. Alves, Mr. Martin, Mrs. Merolla-Simister and Mr. Assad voted in favor of the motion and the petition was granted with conditions.

The Board found that owing to the circumstances relating to the existing parcel, especially affecting the locus but not affecting the Two Family Residence District in which it is located, a literal enforcement of the zoning ordinance would involve substantial hardship to the petitioner and that division of the property for the purpose of separate ownership would make no change in the use or density of the property and would not be detrimental to the neighborhood nor would it derogate from the intent and purpose of the zoning ordinance.

**WESPORT FEDERAL CREDIT UNION**  
73 Reeves Street, Lot F-10-83

---

In the matter of Westport Federal Credit Union for a Variance request to construct an ATM, drive-thru and awning addition to the existing credit union building waiving use and dimensional requirements in a Two Family Residence District [R-4]. Lot size 19,308 +/- s.f.

**FAVOR**

Dan Aguiar, of SITEC Engineering, was present to address the Board in this matter. Mr. Aguiar stated that Westport Credit Union recently purchased Our Lady of Health Credit Union, which is set up for a drive-thru but there actually isn't one. They would like to construct an ATM and drive-thru with vacuum shaft. There will be a small canopy over the drive-thru. Mr. Aguiar stated that this is an expansion of a non-conforming use in a residential area.

**OPPOSITION**

There was no one present to speak in opposition to the petition.

**DECISION**

A motion was made by Mrs. Merolla-Simister and seconded by Mr. Frank to grant the petitioner's request.

In a vote of 5-0 the Board to grant the petitioner's request. Mr. Frank, Mr. Alves, Mr. Martin, Mrs. Merolla-Simister and Mr. Assad voted in favor of the motion and the petition was granted.

The Board found that owing to the circumstances relating to the existing parcel, especially affecting the locus but not affecting the Two Family Residence District in which it is located, a literal enforcement of the zoning ordinance would involve substantial hardship to the petitioner and that if relief were not granted, the petitioner would be denied reasonable use of the property. The Board found that the relief requested may be granted, as it would not be detrimental to the neighborhood nor would it derogate from the intent and purpose of the zoning ordinance.

**MINUTES**

A motion was made by Mrs. Merolla-Simister and seconded by Mr. Frank to accept the minutes from the December 20, 2012 meeting.

In a vote of 5-0 the Board voted to accept the minutes from the December 20, 2012 meeting Mr. Alves, Mr. Martin, Mrs. Merolla-Simister, Mr. Frank and Mr. Assad voted in favor of the motion and the minutes were accepted.

**ADJOURNMENT**

A motion was made by Mrs. Merolla-Simister and seconded by Mr. Frank to adjourn the meeting.

In a vote of 5-0 the Board voted to adjourn the meeting. Mr. Alves, Mr. Martin, Mrs. Merolla-Simister, Mr. Frank and Mr. Assad voted in favor of the motion and the meeting was adjourned.



# Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK  
Governor

TIMOTHY P. MURRAY  
Lieutenant Governor

RICHARD K. SULLIVAN JR.  
Secretary

KENNETH L. KIMMELL  
Commissioner

## Amendment Notice

February 15, 2013

### Severe Weather Emergency Declarations under the Wetlands Protection Act and Implementation Plan for M.G.L. c. 238, section 50, of the Acts of 2012

The **Severe Weather Emergency Declaration** issued by the Massachusetts Department of Environmental Protection on February 7, has been amended as follows:

1. The duration of the Declaration's effect has been extended by **two weeks** from March 8, 2013 to **March 22, 2013**. The Declaration now reads:

"This Emergency Declaration shall be in effect from **February 8, 2013** until **March 22, 2013**. Work authorized under this Emergency Declaration must be completed by **March 22, 2013**; any work not completed by this date will require the applicant to obtain a written Emergency Certification under 310 CMR 10.06 or obtain a Negative Determination of Applicability or Order of Conditions allowing the work."

2. The Notice requirement has been extended by **two weeks** from February 15, 2013 to **March 1, 2013**. The Declaration now reads:

"Written notification is mailed by post, emailed, or hand delivered to, and received by, the conservation commission of the municipality in which the work is to be performed and the appropriate Regional Office of the Department of Environmental Protection prior to **March 1, 2013**."

The **AMENDED** Severe Weather Emergency Declaration for the February 8, 2013 Nor'easter will be provided by electronic notification to municipal conservation commissions in the geographic area subject to the severe weather emergency declaration. The Emergency Declaration will also be made available to the general public through the MassDEP web site, MassDEP ListServe, the Massachusetts Association of Conservation Commissions, and the Association of Massachusetts Wetland Scientists.

15



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

DEVAL L. PATRICK  
Governor

RICHARD K. SULLIVAN JR.  
Secretary

TIMOTHY P. MURRAY  
Lieutenant Governor

KENNETH L. KIMMELL  
Commissioner

### Amended Severe Weather Emergency Declaration

#### *February 2013 Nor'easter*

Pursuant to the authority granted by M.G.L. c. 131, § 40, as amended by Chapter 238 of the Acts of 2012 (see Appendix A) in order to protect of the health or safety of the residents of the Commonwealth, I declare a Severe Weather Emergency in the aftermath of the **February 2013 Nor'easter** on or about February 8, 2013.

#### Duration of the Declaration's Effect:

This Emergency Declaration shall be in effect from **February 8, 2013** until **March 22, 2013**. Work authorized under this Emergency Declaration must be completed by **March 22, 2013**; any work not completed by this date will require the applicant to obtain a written Emergency Certification under 310 CMR 10.06 or obtain a Negative Determination of Applicability or Order of Conditions allowing the work.

#### Geographic Area of the Declaration's Effect:

The provisions of this Emergency Declaration apply to Essex, Suffolk, Norfolk, Plymouth, Barnstable, Bristol, Dukes, and Nantucket counties in the Commonwealth of Massachusetts.

By this Emergency Declaration, I suspend the standard permitting and emergency certification provisions contained at 310 CMR 10.00 for the activities described herein, in order to allow for widespread recovery efforts, debris removal, and roadway and utility repair. The following **activities are allowed** by this Emergency Declaration without filing a Notice of Intent or requesting an Emergency Certification, provided:

- (a) the work is necessitated by damage caused by **February 2013 Nor'easter** on or about February 8, 2013;
- (b) any wetland resource areas altered by the allowed activities are restored to their pre-storm conditions;
- (c) written notification is mailed by post, emailed, or hand delivered to, and received by, the conservation commission of the municipality in which the work is to be performed and the

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-5761. TDD# 1-866-539-7622 or 1-617-574-8868

Amended Severe Weather Emergency Declaration - February 2013 Nor'easter

appropriate Regional Office of the Department of Environmental Protection prior to **March 1, 2013**;

- (d) the notification provides a detailed description of the work performed and confirms that the work is limited to that necessary to restore conditions existing on **February 7, 2013**;
- (e) the work is completed by **March 22, 2013**; and
- (f) the activity does not include any work on any structures that were previously condemned as uninhabitable by a local or state building official on or prior to **February 7, 2013**.

Activities Allowed:

Removal of objects and debris, including fallen trees, tree limbs, wood, plaster, foundation materials, cars, refuse, and plant or animal matter that does not require filling, dredging, or excavating a wetland resource area to allow for removal or access by heavy equipment. Debris may not be disposed of in any wetland resource area.

Removal of objects and debris blocking culverts, bridges, streams, or river channels to restore stream or river flow capacity existing on or prior to **February 7, 2013**. Stream restoration, including channel or bank stabilization, is not permitted under this Emergency Declaration.

Repair, stabilizing, and shoring up, but not expansion, of any building, structure, or foundation where the work is limited to the footprint of the structure that existed on **February 7, 2013** and the cost of restoring the building or structure to its pre-storm condition does not exceed fifty percent (50%), as defined in 780 CMR 120.00, of the market value of the building or structure immediately prior to the storm damage. Repairs are required to meet applicable minimum requirements of the municipality's flood plain management bylaw or ordinance adopted pursuant to 44 CFR 60.3 in conformance with minimum FEMA requirements for participation in the National Flood Insurance Program. Structures that have been displaced from their foundations are presumed to be greater than fifty (50%) percent damaged; this presumption may be overcome upon a clear showing that the structure is less than or equal to fifty (50%) percent damaged.

Repair to septic systems not requiring a variance of Title 5 (310 CMR 15.00). The installation of a tight tank is not authorized by this Emergency Declaration.

Removal of debris necessary to clear a roadway or railway provided that any such debris may not be disposed of in a wetland resource area. Clean sand removed from roadways or railways near beaches should be replaced on the beach if possible.

Emergency repair, but not expansion, to dams conducted or ordered in writing by the Massachusetts Department of Conservation and Recreation – Office of Dam Safety (MassDCR) where the work is limited to the footprint of the structure that existed on **February 7, 2013**.

Emergency pump-around of water bodies impounded by dams conducted or ordered in writing by MassDCR. Temporary lowering or drawdown of impoundments for flood control purposes or to relieve pressure on dams subject to potential failure when so ordered by MassDCR.

Repair, but not the expansion or realignment, of a roadway, bridge, causeway, or railway passing over or through a wetland resource area, dam, or culvert.

Repair, but not the expansion or realignment, of a culvert through which a stream or river flows.

15

Amended Severe Weather Emergency Declaration - February 2013 Nor'easter

Repair of publicly operated wastewater or drinking water treatment plants.

Repair or replacement of utility lines and pipes including, but not limited to, electrical, sewer, water, gas, and telecommunications.

Repair, but not the expansion, of manmade stormwater management structures such as catch basins, drainage pipes, swales, detention basins, and spillways.

Installation of temporary diversion structures to divert floodwaters or urban drainage.

Discharge of water pumped from flooded buildings to wetland resource areas, provided the discharge is not contaminated with oil or other toxic or hazardous material.

Any other storm-related activities, not authorized by this Emergency Declaration, require the request for and receipt of an Emergency Certification (310 CMR 10.06) or a Notice of Intent (310 CMR 10.05(4)), as applicable, and appropriate authorizations from the municipal building official.

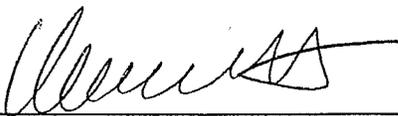
Enforcement:

This Emergency Declaration does not affect MassDEP's ability to enforce any rule or regulation that is not altered by said Emergency Declaration. The provisions of this Emergency Declaration do not apply to property or work for which an enforcement order was issued on or prior to **February 7, 2013**, or to property or work subject to an enforcement order issued while these regulations are in effect.

Notification Requirements:

This Emergency Declaration has been sent electronically to all conservation commissions in the geographic area subject to the severe weather emergency. The Emergency Declaration has been widely made available to the general public through the MassDEP web site, MassDEP ListServe, MassDEP Press Release, Massachusetts Association of Conservation Commissions, and the Association of Massachusetts Wetland Scientists.

**PLEASE NOTE:** The provisions of this Emergency Declaration pertain only to the Wetlands Protection Act. This Emergency Declaration does NOT suspend the requirements of any other statute or regulation, including but not limited to, Waterways (G.L. c. 91, 310 CMR 9.00), 401 Water Quality Certification (314 CMR 9.00), the Massachusetts Clean Waters Act (G.L. c. 21, §§ 26-53), or Inland/Coastal Restriction Orders (310 CMR 12.00 and 310 CMR 13.00).



\_\_\_\_\_  
Kenneth L. Kimmell  
Commissioner

2/15/13

\_\_\_\_\_  
Date

Appendix A

Chapter 238 of the Acts of 2012 – Section 50: The twenty-sixth paragraph of said section 40 of said chapter 131, as so appearing, is hereby further amended by adding the following 5 sentences: The permitting and emergency provisions in this paragraph shall not apply to severe weather emergencies as declared by the commissioner of environmental protection following a destructive weather event requiring widespread recovery efforts, debris cleanup or roadway or utility repair. A severe weather emergency declaration shall allow for emergency related work to occur as necessary for the protection of the health or safety of the residents of the commonwealth. A severe weather emergency declaration by the commissioner shall describe the types of work allowed without filing a notice of intent, any general mitigating measures to condition the work that may be required in performing such work, any notification or reporting requirements, the geographic area of the declaration's effect and the period of time the declaration shall be in effect which, in no event, shall be longer than 3 months unless extended by the commissioner. A severe weather emergency declared by the commissioner shall be sent electronically to all conservation commissions in the geographic area of the severe weather emergency and shall be made widely available to the general public through appropriate channels for emergency communications. A declaration of a severe weather emergency by the commissioner shall not impact the department's ability to enforce any general or special law or rule or regulation that is not altered by the commissioner's declaration.

RECEIVED

2013 FEB 22 P 2:51

CITY CLERK  
FALL RIVER, MA

# 13-14

CLAIM FORM  
City of Fall River, Massachusetts

Name: Dennis D. Griffin

Address: 176 Garden St.  
Fall River, MA 02720

Phone #: 508-674-9847

Type of Claim:  M.G.L. Chapter 84  M.G.L. Chapter 258  Other

Date of Incident: 2-8-13

Time of Incident: 9:00-11:00 PM

Location of Incident: Knox

Provide a detailed description of your claim (attach additional sheets if necessary):

A snow plow hit my car which was legally parked in the left front fender causing damage in the amount of \$1442.21. He did not stop and talk to anyone. My insurance has a \$500<sup>00</sup> deductible.

I am asking for a reimbursement of the \$500<sup>00</sup>

copy of report sent  
1 Dpw  
1 city clerk  
1 copy council

*Dennis D. Griffin*

~~Hit and Run Accident~~

RECEIVED

2013 FEB 25 P 12:02 14-A  
#13-18  
CITY CLERK  
FALL RIVER, MA

February 18, 2013

LAW DEPARTMENT

CITY OF FALL RIVER

1 CITY HALL PLAZA

FALL RIVER, MASS. 02721

Gentlemen;

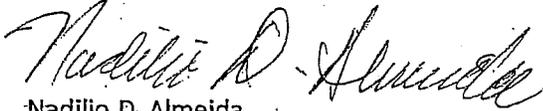
On the evening of February 8<sup>th</sup> 2013 at approximately 10:20 pm and during a heavy snowstorm, I observed a city contracted truck on Knox St. attempting to plow snow from the street. During this time, I saw this truck back into the left front fender of Mr. Dennis Griffin's red Cadillac that was legally parked on the street. At that time the operator got out of his truck to see what he had hit. The operator then got back into his truck and continued plowing the street.

The truck in question had no markings and it was not possible to read the plate on the truck.

Should anyone have any question regarding this matter, I can be reached at 508-674-2311.

I wish to point out that my home lies on the corner of Garden and Knox St.

Sincerely,



Nadilio D. Almeida

152 Garden St.

Fall River, Mass. 02720



The Hanover Insurance Company  
Citizens Insurance Company of America

Property Unit  
PO Box 15147  
Worcester MA 01615-0147  
Telephone: 774-269-5934 Ext:  
Fax Number: 508-926-5660

16

February 16, 2013

#13-15

CITY CLERK - FALL RIVER  
ONE GOVERNMENT CENTER  
ROOM 227  
FALL RIVER MA 02722

CITY CLERK  
FALL RIVER, MA

2013 FEB 22 P 2:51

RECEIVED

Re: Our Insured: William Mello  
Policy Number: HPN 4325183  
Claim Number: 15-00032686 001  
Date of Loss: 02/09/2013  
Property Address: 202 WILSON RD FALL RIVER MA

To whom it may concern :

Claim has been made involving loss, damage or destruction of the above captioned property, which may either exceed \$1,000.00 or cause Mass. General Laws, Ch. 143, Sec. 6 to be applicable. If any notice under Mass. General Laws, Ch. 139, Sec. 3B is appropriate, please direct it to the attention of the undersigned and include a reference to the captioned insured, location, policy number, date of loss, and claim number.

On this date, I caused copies of this notice to be sent to the persons named above at the addresses indicated above by first class mail.

Sincerely,  
*Dionysi McGowan, AIC, AINS, AIS*

Dionysi McGowan, AIC, AINS, AIS  
Outside Property Adjuster  
Citizens Insurance Company of America  
dmcgowan@hanover.com

City Council

16

RECEIVED

CLAIM FORM

City of Fall River, Massachusetts

2013 FEB 22 P 2:52 17

Name: Lena Cornejo

CITY CLERK #13-#  
FALL RIVER, MA

Address: 328 Chester st  
Fall River ma. 02723

Phone #: 508 642-5860

Type of Claim:  M.G.L. Chapter 84  M.G.L. Chapter 258  Other

Date of Incident: 2/19/13

Time of Incident: 11:30 am

Location of Incident: Eastern Ave. ~~near~~ near Arizona st.

Provide a detailed description of your claim (attach additional sheets if necessary):

I was driving up eastern Ave.  
in the right lane I didn't see  
the pot hole and I hit it.  
I Cracked my back rim.

orig & 2 copies Law  
1 DPW  
1 City Council  
1 city clerk

\*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

City Council

16

CLAIM FORM  
City of Fall River, Massachusetts

#13-19

Name: Joseph Bostock

Address: 310 Eastern Ave  
Fall River 02723

Phone #: 74-451-2600

Type of Claim:      M.G.L. Chapter 84      M.G.L. Chapter 258      Other

Date of Incident: 2-17-13

Time of Incident: 2:00 PM

Location of Incident: opposite side from Jacava Sawbery auto parts  
Rhode Island Ave.

Provide a detailed description of your claim (attach additional sheets if necessary):

Stopped at red light, turn green proceeded  
down Rhode Island Ave and struck pot hole,  
pulled over, put on spare tire. Next day replaced  
tire with new tire, pics and receipt  
attached. Tire damage to Right front tire

Orig & 2 Cops - Linn  
1 DPH  
1 City Council  
1 city clerk

RECEIVED  
2013 FEB 22 P 4:47  
CITY CLERK  
FALL RIVER, MA

\* You should consult with your own attorney in preparing this Claim Form to understand your legal rights.

cc

# 13-2016

CITY CLERK  
FALL RIVER, MA

2013 FEB 25 P 12:02

RECEIVED

CLAIM FORM  
City of Fall River, Massachusetts

Name: Teresa Harrington

Address: 22 Richmond Rd  
Assonet, MA 02702

Phone #: 508-644-2779

Type of Claim:  M.G.L. Chapter 84  M.G.L. Chapter 258  Other

Date of Incident: January 25, 2013

Time of Incident: 9:00 AM

Location of Incident: Chestnut St Fall River

Provide a detailed description of your claim (attach additional sheets if necessary):

This claim is for damages to my  
1998 Volvo resulting from a massive  
pot hole at the Eastern End of  
Montgomery St Proceeding over  
to Chestnut St. The hole is on  
the right hand side of street (Chestnut)  
before the intersection onto Valentines  
There are many holes that have  
been there for more than 8 months  
Calls have been made to City Hall

avg 42 cop + law  
1 DPW

1 CS  
1 city clerk

\*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

CC

16

#13-21

February 22, 2013

To Whom It May Concern:

On February 14, 2013 at approximately 6 PM I was driving up Quarry Street and hit a pothole, which blew, out my tire. The pothole is located at the driveway of the Mary Fonsca School in Fall River, MA.

Due to the damage of the tire it was unable to be repaired and I made every attempt to find a used one only to be told this type of tire is rare to find used. I have enclosed all information related to this incident. I have enclosed a picture of the pothole and was hoping the city would reimburse me for having to purchase a new tire and the expense for having it fixed.

I thank you for your assistance with this matter.

Thank you,

*Nancy Jones*

Nancy Jones

51 Small Street

Fall River, MA 02720

Tire	104.13
Repair	35.00
	<hr/>
	\$ 139.13

*copy + 2 copies Lou*

*CDPM*

*LCC*

*City Council*

CITY CLERK  
FALL RIVER, MA

2013 FEB 27 A 11:42

RECEIVED

CLAIM FORM  
City of Fall River, Massachusetts

RECEIVED

2013 FEB 27 A 11:44

Name: Jose FURTADO

Address: 22 VINCENT ST  
FALL RIVER MA 02720

CITY CLERK  
FALL RIVER, MA

# 13-22

Phone #: 774-644-6969

Type of Claim:  M.G.L. Chapter 84  M.G.L. Chapter 258  Other

Date of Incident: 2-9-2013

Time of Incident: 6:00 - 7:00 pm

Location of Incident: 22 VINCENT ST.

Provide a detailed description of your claim (attach additional sheets if necessary):

Snow plow operators backed up and the Trucks  
bumper hit the light & broke it. The pole  
drive way light was snapped at the base. When  
I confronted the driver he informed me he  
was going to talk with his Superior and  
return. He never showed up again.

orig & 2 copies Jan

DPW

ICC

City Council

\*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

RECEIVED

CLAIM FORM

2013 MAR -1 A 10:55: City of Fall River, Massachusetts

#13-23

CITY CLERK

Name: Antonio Santos

FALL RIVER, MA  
Address: 1577 Meridida St.  
Fall River, Mass 02720

Phone #: 508 672 5343

Type of Claim:  M.G.L. Chapter 84  M.G.L. Chapter 258  Other

Date of Incident: 2/8/2013

Time of Incident: During night

Location of Incident: same

Provide a detailed description of your claim (attach additional sheets if necessary):

During the blizzard snow  
plows wrecked my mail box

my copier Law

1 DPW

ICC

1 city Council

CITY OF FALL RIVER, MA  
LAW DEPT  
13 FEB 20 AM 11:20

\*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

RECEIVED

CLAIM FORM  
City of Fall River, Massachusetts

2013 MAR -4 A 9:31

Name: Andrew Rasso

CITY CLERK #13-24  
FALL RIVER, MA

Address: 33 Alumni Way  
Fall River, MA 02720

Phone #: 1-508-415-9467

Type of Claim:  M.G.L. Chapter 84  M.G.L. Chapter 258  Other

Date of Incident: 2/27/13 (Wednesday)

Time of Incident: 1:45pm

Location of Incident: Traveling North on Seabury St.

Provide a detailed description of your claim (attach additional sheets if necessary):

I was driving north on Seabury St. at 1:45pm  
on Wednesday 2/27/13. As I was driving, my vehicle  
struck a pothole that was covered in rain water. due  
to the rainstorm that was occurring when I began to  
hear a noise coming from my car; I pulled over to  
discover that my right-front & back-right tires  
were flat; both with holes on the outside of the tire.

I have replaced the tires at this point. Attached is  
the invoice, pictures of the two tires that are  
damaged and the picture of the potholes that  
I went over.

Thank You.

\*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

ang v 2 copies Law  
1 SPW  
1 CC  
1 city council

CC

16

RECEIVED

CLAIM FORM  
City of Fall River, Massachusetts

2013 MAR -5 A 11:53

Name: Justin M. Trench

CITY CLERK #13-25  
FALL RIVER, MA

Address: 119 Tremont St. #1E  
Fall River, MA 02720

Phone #: (774) 225-3251

Type of Claim:  M.G.L. Chapter 84  M.G.L. Chapter 258  Other

Date of Incident: 2/25/13

Time of Incident: Around 10 PM

Location of Incident: In front of 78 Tremont St. (Fall River)

Provide a detailed description of your claim (attach additional sheets if necessary):

Please see attached police report.

On 2/25/13 around 10 PM I drove into  
a large pothole on Tremont St. (78 Tremont St.)  
It was covered (filled) with water and there is  
no street light at that location so I did  
NOT see the pot hole. My car is not  
driveable to due significant damage to my  
drivers side front end.

wrong a case law

IDPw

ICC

led counsel

\*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

CC

3-1-13  
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RECEIVED

CLAIM FORM  
City of Fall River, Massachusetts

2013 MAR -7 A 10:32

CITY CLERK #13-26  
FALL RIVER, MA

13 FEB 03 PM 2:50

CITY OF FALL RIVER, MA  
LAW DEPT.

Name: BARBARA COUTO

Address: 1592 COPICUT RD

Phone #: (508) 695-9148

Type of Claim:  M.G.L. Chapter 84  M.G.L. Chapter 258  Other Tire

Date of Incident: 2/26/13

Time of Incident: 3:00 PM

Location of Incident: COPICUT RD. FALL RIVER

Provide a detailed description of your claim (attach additional sheets if necessary):

WHILE HEADING NORTH ON COPICUT RD  
ON MY WAY HOME, I WAS FORCED  
TO DRIVE INTO ONE OF MANY  
POTHOLES IN THAT AREA, DUE TO  
ON COMING TRAFFIC (DUMP TRUCK)  
WHICH RESULTED IN A HOLE  
BEING PUNCTURED IN THE SIDE WALL  
OF MY TIRE, CAUSING A BLOW  
OUT OF MY TIRE. THEREFORE I  
AM SUBMITTING THIS CLAIM FOR MY  
TIRE DAMAGE & REPLACEMENT

THANK YOU

Original 2 copies Law  
IDP  
1 CC  
1 city clerk

Barbara Couto

\*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

P.S. THE POT HOLES ON THIS  
ROAD ARE A CONSTANT SOURCE OF  
COMPLAINTS

cc

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CLAIM FORM  
City of Fall River, Massachusetts

2013 MAR -8 A 10:43  
# 13-27  
CITY CLERK  
FALL RIVER, MA

Name: Joseph Pereira

Address: 2002 Robeson St  
Fall River, MA 02720

Phone #: 617-877-6134

Type of Claim:  M.G.L. Chapter 84  M.G.L. Chapter 258  Other

Date of Incident: Feb 8-9, 2013

Time of Incident: unknown

Location of Incident: 2002 Robeson St

Provide a detailed description of your claim (attach additional sheets if necessary):

During snow clearing on Feb 8 or 9, 2013,  
the stone wall at the corner of my  
property located at 2002 Robeson St (NW  
corner of Robeson & Valentine) was damaged  
by a plow or other piece of equipment  
clearing the intersection. Snow was piled  
on my property at the corner. When the  
snow melted, it was apparent that the  
corner of the wall was knocked down.  
I am seeking damages sufficient to  
restore the wall.

2 copies & aryt to [unclear]  
1 DPV  
1 CC  
1 City Clerk

CITY OF FALL RIVER, MA  
LAW DEPT.  
3 FEB 2013 PM 2:18

3/8/2013

\*You should consult with your own attorney in preparing this Claim Form to understand your legal rights

cc

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**MCDONALD LAW LLC**  
**139 SOUTH MAIN STREET, SUITE 401 RECEIVED**  
**FALL RIVER, MASSACHUSETTS 02721**

PHONE: 508-676-8151 FAX: 508-673-4723

2013 MAR 8 A 10:11  
CITY CLERK #13-28  
FALL RIVER, MA

March 7, 2013

City of Fall River  
City Clerk's Office  
One Government Center  
Fall River, MA 02722

**RE: My Client: Leo LePage, 264 Union St., Fall River, MA. 02721**  
**Date of Injury: February 6, 2013 at approximately 1:15 p.m.**

Dear Sir / Madam:

Please be advised that this office represents Mr. Leo LePage relative to personal injuries he sustained as a result of a fall on ice in front of the Fall River Justice Center, 186 South Main Street, Fall River, Massachusetts. Mr. LePage was walking out of the courthouse when he was caused to slip and fall due to snow and ice on the area in front of the courthouse that was negligently allowed to exist and/or was not properly treated and/or removed.

As a result of the fall, Mr. LePage fell backwards and hit his head on the ground. He was taken by ambulance to Saint Annes's Hospital where he was diagnosed with a concussion and sprains to his shoulder and elbow. Mr. LePage has also been experiencing headaches since the accident.

Please allow this to serve as notice pursuant to M.G.L. Ch. 84, s. 18-20.

Thank you for your anticipated cooperation.

Very Truly Yours,

Nicole M. McDonald, Esq.  
NMM/mm

Argy & 2 copies Law  
IDP  
ICC  
1 City Clerk  
3/8/13

Certified Mail Return Receipt Requested: 7012 0470 0002 3912 6396 And First Class Mail

cc

16



**KECHES | LAW | GROUP**

A PROFESSIONAL CORPORATION

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Suzanne CM McDonough\*\*\*\*  
Boaz N. Levin

OF COUNSEL:

Ann Marie Maguire  
Hon. Armand Fernandes, Jr. (Ret.)

\* ADMITTED IN MA AND RI  
\*\* ADMITTED IN MA AND CT  
\*\*\* ADMITTED IN MA, RI AND CT  
\*\*\*\* ADMITTED IN MA AND NH

RECEIVED

2013 MAR -8 A 10:44

CITY CLERK #13-29  
FALL RIVER, MA

March 7, 2013

**Sent via First-Class and Certified Mail RRR# 7011 3500 0000 8662 0827**

Alison M. Bouchard, City Clerk  
One Government Center, Room 227  
Fall River, MA 02722

RE: Notice Pursuant to M.G.L. 84 §18, Pearce, Shannon

Dear Madam Clerk:

Please allow this letter to serve as notice pursuant to M.G.L.c 84 § 18. Notice is hereby made on behalf of Shannon Pearce, 22 Roccliffe Street, Apt. 1, Fall River, MA 02723. On February 11, 2013 at approximately 9:15 p.m., Ms. Pearce was crossing Roccliffe Street in the vicinity of 22 Roccliffe Street, when she slipped and fell, sustaining injuries to her left ankle which required surgical intervention.

Please process in your ordinary manner.

If you have any questions, please do not hesitate to call.

Very truly yours,

KECHES LAW GROUP, P.C.

Barbara M. Callahan  
BMC/tif

Enclosure

orig + 2 copies Law  
1 DPW  
1 CC  
1 City Clerk  
3/8/13