

William P. Walsh
78 Atlantic Street
New Bedford, MA 02740
(508) 992-1214

August 23, 2017

Commissioner Elin M. Howe
Department of Developmental Services
500 Harrison Avenue
Boston, MA 02118

To Whom It May Concern:

I am writing to alert you to a serious and urgent public safety issue regarding a property owned by your agency, DDS.

The property in question is a 2.89-acre tract of open land at 124 Maple St., bordered on the other side by Hawthorne St. in New Bedford, Mass. (parcel id 345-237) formerly known as the Reed estate.

Recently this area has become a favorite place for amateur drone operators to fly their machines, a dangerous activity in and of itself.

The serious public safety concern is that the property is located a mere 150 yards from St. Luke's Hospital, where Med Flight helicopters fly to and from daily, landing and taking off from the helipad there. The helicopter's flight path often carries it directly over the DDS-owned field, at that point coming in at a very low altitude

Flying drones 400 feet into the sky a mere 150 yards from a busy helipad is a surefire recipe for a disaster of major proportions.

This area in question is an unlit, unmonitored open space with large trees and unrestricted access in the middle of residential homes. It has a history of problems due to this very lack of oversight. Crime, drug dealing, dog racing and feces, gunshots, fireworks and discarded hypodermic needles were some of the hardships the neighborhood had to endure. They even pulled a dead body out of there a few years back.

As detrimental to the neighbors' quality of life as the property has been, the present challenge is especially alarming due to the danger to large numbers of people.

Area director Duffy suggested no trespassing signs with police to be notified of violators. While well intentioned, this was already tried and failed badly. A number of years ago City Hall

ordered Animal Control to place "NO DOGS" signs. The dog activists tore down the signs that very day. After a few more such confrontations Animal Control backed off and ceased enforcement.

The area is also a two way "short-cut" with a high volume of foot traffic. People continue to drive up, unleash their dogs, let them run and do their business, and it remains a safe place to conduct drug deals in the evening.

By the time police receive a complaint and go to the location, the offenders would be gone. When police have arrived with suspicious activity in progress in the evening, they've easily eluded them due to the size, configuration, and multiple routes of escape. It's an excellent base of operations for illegal activity.

"NO TRESPASSING," signs won't deter anyone presently using the park, and they won't be there long enough to be caught.

The added difficulty of catching drone operators is that when they're out there, it doesn't appear that's what they're doing. It's obvious mostly when the machines are taking off and landing, or when they're walking in and out of the "park" carrying the devices. Most also are looking down at a televised image on a screen instead of staring up at the drone itself. From a distance it appears that they're dialing or texting on a cell phone. They also are virtually silent, so neighbors aren't alerted when they're starting them up.

One can only imagine the devastation should one of these drones hit the helicopter as it's landing or taking off from the hospital.

The official neglect of this property has been going on for so long that half-measures to keep people out won't work.

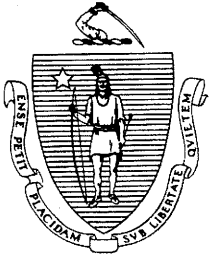
The obvious solution to prevent access is to place the same fencing on the south side of the property as exists now on the north side, install security locks on the three gates, along with signage to "keep out."

I trust you fully understand the urgency of this situation and would appreciate your getting back to me, a concerned nearby homeowner, with an effective remedy to this newest problem. I, and a number of nervous neighbors look forward to hearing from you as soon as possible.

Rather than respond to a disaster, let's take the steps necessary to prevent it from happening in the first place.

Sincerely,

William P. Walsh



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Developmental Services
500 Harrison Avenue
Boston, MA 02118

CHARLES D. BAKER
Governor

KARYN E. POLITO
Lieutenant Governor

MARYLOU SUDDERS
Secretary

ELIN M HOWE
Commissioner

August 4, 2016

Tel: 617-727-5608
Fax: 617-624-7577
www.mass.gov/dds

Mr. William P. Walsh
78 Atlantic Street
New Bedford, MA 02740

Dear Mr. Walsh:

I am responding to your July 21, 2016 communication in which you expressed concerns and recommendations about the property located on Maple Street in New Bedford.

First, the statement that "this tract of state owned land has been ignored by authorities for so many years" is not an accurate portrayal of the Department of Developmental Services (DDS) management of the property. Upon receiving complaints about trespassing and alleged crime on the property several years ago, the Department committed to improve the property in order to deter evening activity. This included removing and disposing the residential grade fence and footing and furnishing a new commercial grade galvanized fence; removal of trees, stumps and brush that blocked the view from authorities; significant landscaping improvements such as filling holes and other depressions, spreading loam and planting grass seed and fertilizer; repaired the existing antique wrought iron gates, replaced missing sections, affixed locking mechanisms, re-secured them to existing columns, and installed a furnished six foot high galvanized gate in the opening of the fence. Additionally, the Department spends thousands of dollars each year to maintain the property.

Admittedly, the public does access the property. I acknowledge that previous efforts such as posting NO TRESSPASSING signs have had little effect. As you know, the property is accessible from the Hawthorn Street side as there is a stone wall that is easy to simply climb over. Past efforts to put up locked fences have only resulted in those fences being knocked down, resulting in an eyesore in the neighborhood, which neighbors complained of. We have cleared the property to make sure that all areas are visible. Previously, people were able to access the property and not be seen, which had been a concern. We have expended a considerable amount of resources to clear the property and decrease activity in the area, particularly in the evenings.

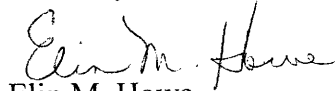
Overall, the property is in good condition. It appears that neighbors who access the property with their dogs continue to clean up after their use.

Unfortunately, there is no way for DDS to prevent people from accessing the property given the layout and numerous possibilities for entry. DDS has no means to police the property, nor do we have any authority to regulate drone activity around St. Lukes hospital. This is a matter best addressed with St. Lukes Hospital and local police authorities. This is a residential property, and staff are responsible for

caring for the individuals living in the home. If neighbors witness activity they believe to be illegal, we would anticipate that they would call the police.

Thank you for expressing your concern and offering suggestions. We will continue to maintain the property, as we have over the years, so that it blends in with care of other homes in the neighborhood. Our local staff continue to visit and monitor the condition of the property.

Sincerely,



Elin M. Howe
Commissioner

Cc: Mayor Jon Mitchell
Sec. Marylou Sudders, Health and Human Services
Police Chief Joseph C. Cordeiro
Fire Chief Michael Gomes
Mark M. Mahoney, Emergency Management
President Linda Morad, New Bedford City Council
Keith A. Hovan, President & CEO of South Coast Health
Peter Bullard, Esq.
Senator Mark C.W. Montigny
Rep. Antonio Cabral
Councilor Kerry Winterson
Hon. Scott W. Lang, Esq.
Board of Directors, South Coast Health
William Burns, South Coast Health
Richard O'Meara, Department of Developmental Services
James Millin, Property Manager DDS
Elizabeth Duffy, DDS Area Director

September 1, 2017

Robert Cordeiro, Chief
New Bedford Police Department
871 Rockdale Avenue
New Bedford, Massachusetts 02740

Dear Chief Cordeiro:

I tried contacting you by phone. I know you are busy, but this is a matter that should be brought to your personal attention, as I am receiving mixed messages from other police officials.

The area in question is the former Reed estate in the west end, bordered by Hawthorne St. and Maple St; Page St. runs into it. The problem is people flying drones on the property and the public safety danger is that this open field is 300 yards away from St. Luke's Hospital and the helipad there. Med flight helicopters fly in and out of there numerous times each week at low altitudes and often times in a direct path over this area. The property is owned by the Mass. Department of Developmental Services who has historically refused to respond to neighbors and community concerns, even resisting the city's attempts years ago to clean up the property.

On Saturday, July 8, 2017, I called the downtown Police station to report individuals flying drones there and was told that they would not send anyone out; that the Federal Aviation Administration had jurisdiction and for me to call them. (Last year, I had spoken to the acting director of the New Bedford airport regarding this whole issue. He informed me that their protocol upon a drone sighting was to call the local police to locate the operator, and then to notify the FAA, though he could not recall any occasion when this had happened at the airport).

I contacted the FAA on July 10, 2017, and was directed to a Mr. Keith LaPierre of the Boston-area Flight Standards District office, (781) 238-7503. He confirmed that the DDS property was within the 5-mile radius of the New Bedford Airport and is thus "controlled airspace," meaning that no drones may be flown in this area. He went on to say that even licensed and certified drone "pilots" must notify and get permission from the Airport beforehand for commercial, photographic, and inspectional uses. Also, the closeness of the helipad would make the area high priority as it is a secondary landing area.

Mr. LaPierre explained that while the FAA does have ultimate jurisdiction for punitive measures (fines, confiscation, etc.), the policy is to have the matter reported to local police officials to put a stop to the activity, take a police report identifying the law breakers and circumstances, and forward it to the FAA for action.

I called your office during the week of July 10, 2017, and spoke to your administrative assistant. I explained the problem to her and she said that she would relay the message to you.

On July 12, 2017, I received a call from Captain Correia who assured me that the situation did present a serious public safety risk, that officers would respond and take any action necessary to stop them,

remove them from the property, and even charge them if necessary. He further said the stations would be notified this week and this policy would be in place for future complaints.

The very next weekend, the drone operators were out in force again; at least six individuals were seated at tables while various operators flew their drones at targets with boundary markers in an organized competition. I notified the station and they sent a cruiser out. The officer spoke with the individuals and then left, allowing them to continue flying the drones.

I called to find out what was going on and was connected to a Lt. Netinho. He explained he was a drone operator for the department and knew a lot about rules and regulations of drone use, and that those drones at the DDS property were of a smaller variety, flying at a low level, and didn't constitute a threat to aviation; thus, were allowed to continue.

I explained to him what Captain Correia said to me and asked had they been notified of the new policy. He said it takes a lot longer than just a few days to formulate a policy and put it in place on a complicated issue such as this.

I informed him of the airport and FAA procedures regarding drone reports in controlled airspace. He seemed to think this was more a matter of interpretation of the regulations and wanted to look into it further. I gave him the telephone number of the FAA administrator LaPierre and agreed to speak with him next week to find what he learned before I got back to Captain Correia.

On Thursday, July 20, 2017, I called Lt. Netinho back. He said he had researched the matter online and had concluded it was probably permissible to fly there if under 400 feet using the smaller sized drones. I informed him that many people have been seen walking out of the field with large drones and that the helipad is only 65 feet high. He did not call the FAA specialist.

I reached Captain Correia, informed him of the officer allowing the drone operators to continue flying them and he told me the policy may have to be adjusted if flyers are under a 400-foot ceiling, drones are of a smaller size, etc. I thanked him and now am appealing to you to straighten this problem out.

Helicopters are susceptible to drone collisions due to a variety of factors, and a number of recent incidents are especially concerning. There was a scary, near-miss of a state police helicopter on August 16th, 2017, in the Lawrence area (article enclosed). Only a drastic evasive maneuver averted a tragedy. Also, a drones ban was enforced at the "Free Speech Rally" at the Boston Common last week. This was put in place by Boston officials after the State Police helicopter crash at the Robert E. Lee monument protest in Charlottesville, VA, killing two troopers. A drone collision is being looked into as the cause, as many drones were sighted in the area, and there was no distress call from the troopers who plummeted over 500 feet to their deaths.

As alarming as these two examples are, a wide-open field welcoming drone clubs from the southeast region to fly their missiles next to a helicopter take-off and landing site is a "perfect storm" scenario for a mid-air catastrophe. Not to mention the possibility of a disabled helicopter crashing into the hospital which could be a human tragedy of epic proportions.

In the absence of any responsibility of the owners to restrict access to the area, we reach out to you to put in place a clear, firm, uniform policy regarding reporting, response, and enforcement of drone violators within the "controlled airspace" of 5 miles surrounding the airport and the priority secondary landing area next to the hospital helipad.

I would appreciate your attention to this matter and your getting back to me about this as it is a concern to a lot of neighbors in the area.

Thank you.

Sincerely,

A handwritten signature in black ink that reads "William P. Walsh". The signature is written in a cursive style with a large, prominent 'W' at the beginning.

William P. Walsh
78 Atlantic Street
New Bedford, MA 02740
(508) 992-1214

FAA looking into near-collision of drone, chopper

Craft was in restricted air

By **MARIE SZANISZLO,**
CHRIS VILLANI and **JORDAN FRIAS**

The Federal Aviation Administration is investigating after a state police helicopter narrowly avoided a potentially “catastrophic and fatal” collision with a drone that was flying at an illegal altitude and in a restricted area, authorities said.

The hair-raising near-miss occurred shortly after 11 a.m. yesterday while state police helicopter Air 2 was on a training flight from the Holliston area en route to Newburyport, state police spokesman David Procopio said.

The helicopter was over Interstate 495, about 3½ miles north of Lawrence Municipal Airport, when authorities say the two-man crew suddenly saw something approaching at an altitude

of 600 feet.

“The pilot and TFO (tactical flight officer) estimated it to be at 100 feet to their direct front,” Maj. Rich Prior of the Division of Homeland Security told reporters at a press conference at the airport. “It flew across the front of the windshield of the helicopter. They thought it was a bird initially until they came right up on it.”

The drone was about 2 to 3 feet wide and probably weighed 2 to 4 pounds — big enough and, at only 100 feet away, close enough to cause a devastating crash, Prior said.

“The helicopter was traveling at 120 mph, and you could imagine driving at 120 mph with just a thin sheet of glass to your direct front,” he said. “Had the drone flown into the helicopter, especially through the windshield, it



STAFF PHOTO BY PATRICK WHITEMORE

CLOSE CALL: This state police helicopter narrowly avoided colliding with a drone yesterday morning, that was flying in restricted airspace and an illegal altitude, according to officials.

would have been a catastrophic and fatal accident for the aircrew.”

The operator of the drone likely spotted the helicopter, Prior said, because the unmanned aircraft suddenly dropped out of sight, but not before the helicopter pilot was “forced to take evasive action to avoid a collision.”

After banking hard left, the crew turned around to search for the drone’s pilot, and cruisers also responded to the area, Procopio said, but no one was found.

Because airplanes are much less maneuverable than helicop-

ters, Prior said, the drone also could have flown into the engine of a jet near the airport.

It is illegal for private drones to fly within five miles of an airport or at an altitude greater than 400 feet, Procopio said, and those heavier than 0.55 pounds must be registered with the FAA. Unauthorized operators may be subject to stiff fines and criminal charges, including jail time, according to the FAA.

“We’re asking people just to please be conscientious of where you’re flying drones, be aware of the rules and the regu-

lations, and if any member of the public knows who was manning that drone today they are to call Massachusetts State Police headquarters in Danvers with any information,” Prior said.

Reports of unmanned aircraft sightings from pilots, citizens and law enforcement have increased dramatically over the past two years, according to the FAA, which now receives more than 100 such reports each month. According to FAA data, there were 41 reports last year in Massachusetts.

— mszaniszlo@bostonherald.com