

**DARTMOUTH CONSERVATION COMMISSION
DARTMOUTH TOWN HALL- ROOM 103 - 7:00 P.M.
AGENDA - THURSDAY, JUNE 06, 2013**

Next scheduled Dartmouth Conservation Commission meeting: Tuesday, June 18, 2013 at
7 P.M. - in Room 103

APPROVAL of the minutes of May 07, 2013 meeting

RECEIVE the minutes of May 21, 2013 meeting

APPROVAL of the field trip report of the May 21, 2013 meeting

BILL Ecosystem Solutions, Inc. re: site work on Summit Smith Healthcare Facilities \$1700

1. **CONTINUED PUBLIC HEARING-** Boston Environmental Corporation re: Map 72 Lot 6 & 9 on 452 Old Fall River Rd File 15-2186 (Capping and Final Closure of the Former Cecil Smith Landfill) (Sitec Environmental Inc.) (Continuance until July 30, 2013 requested by applicant) (meeting will be held in the room 304 in the Selectmen's meeting room)
2. **CONTINUED PUBLIC HEARING-** Saladar Nominee Trust re: Map 104, Lot 6-7 on Smith Neck Road File 15-2182 (expand kayak storage building) (Prime Engineering)
3. **CONTINUED PUBLIC HEARING-** Blue Wave Capital re: Map 84 Lots 7,8 and 8-18 and Map 85 Lots 7 and 8 off Castaldi Drive File 15-2196 (Solar array) (Field Engineering Co. Inc.)
4. **CONTINUED PUBLIC HEARING -** A&A Jewelers re: Map 167 Lot 102 on 279 State Road File 15-2180 (parking lot improvements and stormwater infiltration) (Sitec, Inc.)
5. **PUBLIC HEARING -** Mary Robinson re: Map 67 Lot 8 on Hixville Road File 15-2197 (subdivision road for two lots) (Sitec, Inc.)

ITEMS FOR DISCUSSION:

- A) DNRT Conservation Restriction request for "Jane Rose Realty Trust Lot 15A-Open Space Parcel" along Gaffney Road
- B) Gas line maintenance on Collins Lane (add by Mike O'Reilly)
- C) Alteration violation - Victor Reis - Map 62, Lot 13 on Hixville Road
- D) Release parcel Map 95 Lot 5-2 on Featherbed Lane from Agricultural Act 61A
- E) Alteration violation - Edgar P & Stephanie W Pereira - Map 79, Lot 48-31 on Sundance Road
- F) New Business - This time is being reserved for topics that the chair did not reasonably anticipate would be discussed.

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2013 JUL - 3 P 2:55
DARTMOUTH TOWN CLERK

(Please be advised this agenda is subject to change. We advise you to call that afternoon of the schedule meeting for any updates to this agenda.)

**DARTMOUTH CONSERVATION COMMISSION
DARTMOUTH TOWN HALL- ROOM 103 - 7:00 P.M.
MINUTES - TUESDAY, JUNE 06, 2013**

Present Michael Kehoe, Chairperson, Jacquelyn McDonald, Vice-chair, Richard Mallen, Jennifer Brindisi, Richard Golen, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Donna Farias, Administrative Clerk

ABSENT: Patricia Sweriduk

Mr. Kehoe, Chair convened the meeting at 7:06 PM.

Approval of the minutes of May 09, 2013 was unanimously accepted by those Commissioners present.

Minutes of the May 21, 2013 meeting received for reading.

Approval of the field trip report of the May 21, 2013 meeting was unanimously accepted by those Commissioners present.

Discussion regarding DNRT Conservation Restriction request for "Jane Rose Realty Trust Lot 15A Open Space Parcel" along Gaffney Road- Ms. Brindisi recused herself from the discussion and voting on this matter. Mr. O'Reilly explained this is for a Conservation Restriction (CR) for a 2 acre parcel owned by Jane Rose Realty Trust. The CR will protect woodlands along Gaffney Road. Mr. O'Reilly explained this property is contiguous with Peter's Creek Reserve which was recently protected. Mr. O'Reilly would recommend the Commission signing the Municipal Certification. Ms. McDonald motioned that the Commission should sign the Municipal Certification with Mr. Mallen seconding the motion. It was an unanimous decision of those present and voting.

Discussion regarding Gas line maintenance on Collins Lane (add by Mike O'Reilly)- Mr. O'Reilly wanted to bring this situation to the Commission's attention. He met with Fire Chief Arruda and Michael Labossiere at the gas line on Collins Lane. Mr. O'Reilly showed pictures of the site to the Commission. Mr. O'Reilly explained due to illegal all-terrain vehicle traffic in this area they have made some ruts that the gas company would like to repair. Mr. O'Reilly stated they would like to place crushed stone down to cover the ruts and install gates. In Mr. O'Reilly's opinion, he feels the repairs would fall under maintenance. Mr. O'Reilly read a portion of The Wetlands Protection Act Massachusetts General Law Chapter 131, § 40 for the Commission pertaining to maintenance. Mr. O'Reilly said the private landowner to the entrance would be placing signage as well as DNRT would be placing signs in the area. Mr. O'Reilly feels this is a serious matter because there is an area where the high pressured gas main is becoming exposed, and the Fire Department is unable to access because it is becoming too wet.

Discussion regarding Alteration violation - Victor Reis - Map 62-Lot 13 on Hixville Road- Mr. O'Reilly explained he had sent out the enforcement letter and received an email from Mr. Reis's daughter who thought they had until June 30, 2013, and stated financial issues. Mr. O'Reilly had left a message and hasn't heard from the daughter. Mr. Kehoe instructed Mr. O'Reilly to turn this over to Town Counsel. Mr. O'Reilly explained the procedure of getting Town Counsel involved and would start the process. It was an unanimous decision to the Commission present.

DARTMOUTH CONSERVATION COMMISSION
DARTMOUTH TOWN HALL- ROOM 103 - 7:00 P.M.
MINUTES - TUESDAY, JUNE 06, 2013

Discussion regarding Release parcel Map 95 Lot 5-2 on Featherbed Lane from Agricultural Act 61A- Mr. O'Reilly explained the owner is asking to release this property from 61A and the Town has the ability to exercise their right of first refusal on the property. The owner would like to construct a single family home on the 2.8 acres. The property is staying within the family so there is no purchase and sales. Mr. O'Reilly has spoken with Dexter Mead from DNRT who is not interested at this time. Ms. McDonald motioned not to exercise the Commissions right of first refusal with Mr. Mallen seconding the motion. It was an unanimous decision.

Discussion regarding Alteration violation - Edgar P & Stephanie W Pereira - Map 79, Lot 48-31 on Sundance Road- Mr. O'Reilly explained he has been back to re-inspect the site and the owner has restored the stream which is in reasonably good condition. Mr. O'Reilly will keep an eye on it.

With nothing further to discussed, Mr. Kehoe entertained a motion to adjourn the public meeting. Ms. McDonald motioned to adjourn the public hearing at 8:25 PM with Mr. Mallen seconding. It was an unanimous decision of those present.

Respectfully submitted,

Donna Farias
Administrative Clerk

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DARTMOUTH TOWN CLERK

DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
BOSTON ENVIRONMENTAL CORPORATION
15-2186

There was a Conservation Commission hearing held in accordance with the provisions of the Dartmouth Wetlands Protection Bylaw and M.G.L., 131, § 40, the Wetlands Protection Act, on the Notice of Intent of Boston Environmental Corporation who wishes to construct a cap and final closure of the former Cecil Smith Landfill on land located at Map 72 Lots 6 & 9 on 452 Old Fall River Road in Dartmouth. The hearing was held on Thursday, June 06, 2013 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present were Michael Kehoe, Chairperson, Jacquelyn McDonald, Vice Chairperson, Richard Mallen, Jennifer Brindisi, Richard Golen, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Donna Farias, Administrative Clerk.

ABSENT: Patricia Sweriduk

Mr. Kehoe, chair convened the hearing at 7:07 p.m. It was voted to waive the reading of the public hearing notice.

Michael Toomey from Boston Environmental Corporation requested a continuance until Tuesday, July 30, 2013.

Ms. McDonald motioned to continue the public hearing until Tuesday, July 30, 2013 with Mr. Mallen seconding the motion.

With nothing further to be added, the public hearing was continued until Tuesday, July 30, 2013 at 7PM in the Selectmen's meeting room.

Respectfully submitted,

Donna Farias
Administrative Clerk

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DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
SALADAR NOMINEE TRUST
15-2182

There was a Conservation Commission hearing held in accordance with the provisions of the Dartmouth Wetlands Protection Bylaw and M.G.L., 131, § 40, the Wetlands Protection Act, on the Notice of Intent of Saladar Nominee Trust who wishes to construct expand kayak storage shed on land located at Map 104 Lot 6-7 on Smith Neck Road in Dartmouth. The hearing was held on Thursday, June 06, 2013 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present were Michael Kehoe, Chairperson, Jacquelyn McDonald, Vice Chairperson, Richard Mallen, Jennifer Brindisi, Richard Golen, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Donna Farias, Administrative Clerk.

ABSENT: Patricia Sweriduk

Mr. Kehoe, chair convened the hearing at 7:08 p.m. It was voted to waive the reading of the public hearing notice.

An email had been received by Richard Rheume from Prime Engineering asked for a two week continuance on behalf of his client.

Ms. McDonald motioned to continue the public hearing until Tuesday, June 18, 2013 with Mr. Mallen seconding the motion.

With nothing further to be added, the public hearing was continued until Tuesday, June 18, 2013 at 7PM.

Respectfully submitted,

Donna Farias
Administrative Clerk

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DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
BLUE WAVE CAPITAL
15-2196

There was a Conservation Commission hearing held in accordance with the provisions of the Dartmouth Wetlands Protection Bylaw and M.G.L., 131, § 40, the Wetlands Protection Act, on the Notice of Intent of Blue Wave Capital who wishes to construct a solar array on land located at Map 84 Lots 7, 8 and 8-18 and Map 85 Lots 7 and 8 off Castaldi Drive in Dartmouth. The hearing was held on Thursday, June 06, 2013 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present were Michael Kehoe, Chairperson, Jacquelyn McDonald, Vice Chairperson, Richard Mallen, Jennifer Brindisi, Richard Golen, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Donna Farias, Administrative Clerk.

ABSENT: Patricia Sweriduk

Mr. Kehoe, Chair convened the hearing at 7:09 p.m. It was voted to waive the reading of the public hearing notice. Plan file number 1946 dated May 30, 2013 of site were displayed.

Richard Riccio from Field Engineering was present to represent the applicant. Mr. Riccio stated he did receive the letter from Mr. Raposo the stormwater consultant with some changes which have been addressed in the revised plans submitted on Monday. The plans show the detention areas are larger; notes have been placed on the plan in regards to tree cutting and replication. A stone pad at the entrance and erosion control plan has been added. After the last meeting, Field Engineering and Blue Wave Capital looked at the shading and reduced the area within the wetlands from cutting 200 trees to just fewer than 200 trees. Ms. Brindisi asked if this was still in the wetlands. Mr. Riccio stated yes. They have submitted a comprehensive mitigation package. Mr. Riccio explained there is 85 acres and a portion of land is in land court; Mr. O'Reilly agrees he didn't want to deal with land court issues. Blue Wave will deed a 4 ½ acre parcel which 2 ½ acres are upland to the Conservation Commission. Mr. Riccio said they will be working within 20 acres of upland. There is a conservation management plan on file. Mr. Riccio has spoken with David Paulson from Natural Heritage who was looking for clarification and making sure conditions with the management plan are being followed. The first condition is once the silt fence is set a turtle sweep needs to be conducted and when the property changes hands they need to be notified.

Mr. Kehoe asked when the plans where submitted. Mr. O'Reilly explained on Monday. Mr. Riccio is aware of the five day review period.

Mr. O'Reilly explained the 4 ½ acres is reduced from what was originally discussed. The other land that is outside the area is part of the Conservation Management plan and is protected away. The vernal pool extensive study, which was received at the last meeting indicates fish in the pond which would disqualify it from being a vernal pool. Mr. O'Reilly leaves the issue of what is alteration with this project up to the Commission. The question is whether trimming of trees in wetlands is alteration. There have been significant improvements made to the plan.

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DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
BLUE WAVE CAPITAL (continued)
15-2196

Ms. Brindisi asked is the 4 ½ acres upland that will be donated. Mr. Riccio explained 2 ½ acres are upland and the rest are wetland this cuts off access from Vertente Blvd. Ms. Brindisi has been thinking about this and is in favor of alternative energy. Ms. Brindisi has a problem with cutting in the wetlands. In Ms. Brindisi's opinion, she feels the job of the Conservation Commission is to protect the wetlands, and she has a problem with 200 trees being cut in the wetlands. She further stated this is a for profit organization which makes money on our natural resources by cutting them. The Federal and State are giving substantial tax incentives. BlueWave is asking the Commission to sacrifice our resources. Ms. Brindisi knows Mr. Howard stated this to be a "Clean Project" for the corporate park. There won't be any more jobs and doesn't see the benefit unless energy is being used in the corporate park. In Ms. Brindisi's opinion, she doesn't feel this is a great project.

Mr. Riccio explained they would be converting 30 feet of wetland to a different type of wetland and the benefit of the Town would be no stress on any Town services.

Mr. Ross asked if it is zoned for commercial use. Mr. Riccio stated it was.

Tom Davis from GNBIF stated if the Commission doesn't allow the cutting of the trees in the wetland the project would go under. One acre of solar panels is equal to the carbon benefit of 100 acres of trees.

Ms. Brindisi asked if all the electricity would be for this site.

John DeVillars from Blue Wave Capital stated the benefit is shared and connected into the grid.

Ms. McDonald asked what the alteration would be. Mr. Riccio stated under 5,000 square feet.

Gloria Bancroft 748 Collins Corner Road asked to have a turtle sweep explained. Michael Howard from Epsilon explained once the silt fence is in place they sweep the area, document, tag the turtles and then place them in another area.

Ms. McDonald motioned to continue the public hearing until Tuesday, June 18, 2013, with Mr. Mallen seconding.

With nothing further to be added, the public hearing was continued until Tuesday, June 18, 2013, at 7PM.

Respectfully submitted,

Donna Farias
Administrative Clerk

DARTMOUTH TOWN CLERK

2013 JUL - 3 P 2:55

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DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
A&A JEWELERS
15-2180

There was a Conservation Commission hearing held in accordance with the provisions of the Dartmouth Wetlands Protection Bylaw and M.G.L., 131, § 40, the Wetlands Protection Act, on the Notice of Intent of A&A Jewelers who wishes to do parking lot improvements and stormwater infiltration on land located at Map 167 Lot 102 on 279 State Road in Dartmouth. The hearing was held on Thursday, June 06, 2013 in Room 304 in the Dartmouth town Hall at 400 Slocum Road in Dartmouth.

Present were Michael Kehoe, Chairperson, Jacquelyn McDonald, Vice Chairperson, Richard Mallen, Jennifer Brindisi, Richard Golen, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Donna Farias, Administrative Clerk.

ABSENT: Patricia Sweriduk

Mr. Kehoe, chair convened the hearing at 7:30 p.m. It was voted to waive the reading of the public hearing notice.

Steven Gioiosa from Sitec, Inc was present to represent the applicant. Mr. Gioiosa explained this filing is due to a violation. The signatures that were requested at a previous meeting have been obtained and submitted to the Commission. Mr. Gioiosa explained his client has hired Radar Solutions to locate the sewage disposal system as it relates to the detention basin. Radar Solutions was out there on Friday, May 31, 2013, but the results have not been submitted to Sitec, Inc. Mr. Gioiosa submitted an email from Amy Ziter from Radar Solutions stating the results would be into Mr. Gioiosa as soon as tonight or tomorrow. Mr. Gioiosa would ask for a continuance until the next public hearing.

Mr. Kehoe finds this a reasonably request. With nothing further to be added, Ms. McDonald motioned to continue the public hearing until Tuesday, June 18, 2013, 7 PM with Mr. Mallen seconding the motion.

Respectfully submitted,

Donna Farias
Administrative Clerk

DARTMOUTH TOWN CLERK

2013 JUL - 3 P 2:55

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DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
MARY ROBINSON
15-2197

There was a Conservation Commission hearing held in accordance with the provisions of the Dartmouth Wetlands Protection Bylaw and M.G.L., 131, § 40, the Wetlands Protection Act, on the Notice of Intent of Mary Robinson who wishes to construct a subdivision road for two lots on land located at Map 67 Lot 8 on Hixville Road in Dartmouth. The hearing was held on Thursday, June 06, 2013 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present were Michael Kehoe, Chairperson, Jacquelyn McDonald, Vice Chairperson, Richard Mallen, Jennifer Brindisi, Richard Golen, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Donna Farias, Administrative Clerk.

ABSENT: Patricia Sweriduk

Mr. Kehoe, chair convened the hearing at 7:36 p.m. It was voted to waive the reading of the public hearing notice. Plan file number 12-5184 dated February 19, 2013 of site were displayed. Certified mail receipts showing proof of abutter notification were submitted for the file.

Steven Gioiosa, from Sitec, Inc. was present to represent the applicant. Mr. Gioiosa explained this project is to construct a short dead end paved roadway beginning on Hixville Road. It is located near the main power transmission line. The overall parcel is 100 acres and independent from the landfill property. They would like to create a 400 foot by 18 foot wide paved surface. The applicant has already worked out the construction details with the Planning Department and the Department of Public Works. They will be directing the water with a water quality swale on the east side to provide physical access and frontage. The Planning Board has approved the subdivision. The applicant has worked out with the adjacent landowner an agreement to be able to create an easement to allow continued access and relocated their driveway to eliminate a curb cut. The wetlands were mapped by Christopher Capone. There is a primary wetland system to the east of the proposed roadway. A flagged little pocket in the proposed roadway area; this pocket doesn't qualify under the Wetlands Protection Act as an Isolated Land Subject to Flooding (ILSF) because it is too small of an area according to Mr. Gioiosa. There is essentially no contributing drainage. They are proposing to fill in the portion of this pocket. For a two lot subdivision the applicant doesn't have to provide stormwater but they are providing a grass swale and mitigation. The Department of Public works asked to add a paved swale to allow runoff to run its natural course. The plan is to relocate the house to lot 1, an A-1 Wetland Site Inspection has been done and a percolation test has been scheduled for next week. The applicant will have to come before the Commission for the house.

Mr. Kehoe asked how many square feet of wetland will be impacted. Mr. Gioiosa explained 1,000 square feet is being proposed to be filled.

Ms. McDonald asked if they will be replicating somewhere. Mr. Gioiosa explained they are not proposing replication since its non-jurisdictional but if the Commission requests to do replication they would accommodate the request.

Attorney Matthew Thomas 4 Park Place, New Bedford, MA representing an abutter who had some concerns with drainage but this seems to be addressed. Attorney Thomas client hasn't has an opportunity to review the plan and would like to request from the Commission a continuance. Also, Attorney Thomas mentioned testing the potential homes base for contaminants, especially where this house is coming from. Mr. Gioiosa stated that was a good question and would look into it.

Mr. Kehoe asked when the plan was submitted. Mr. O'Reilly explained more than five days ago.

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
MARY ROBINSON (continued)
15-2197

Mr. O'Reilly stated this property has been subdivided and Planning has approved the two lot subdivision. The entire 97 acres back in 2010 was placed in 61 B, so the lots can't be conveyed until the right of first refusal goes through the Town. Mr. O'Reilly mentioned the overall 97 acres doesn't have a valid wetland delineation and lot 2 has significant wetlands and some on lot 1 which haven't been identified. Mr. O'Reilly stated he isn't happy with the wetland delineation. The ISLF has to be proven that it is not large enough and stated in the Notice of Intent. If it has standing water greater than 1,000 square feet then it qualifies under the bylaw as a protectable resource area. Mr. O'Reilly mapped it out with GIS and it looks to be 4,300 square feet. Mr. O'Reilly showed pictures of the pocket. Mr. O'Reilly clearly feels it's a vernal pond and believes it is jurisdictional under the bylaw and can't be allowed.

Mr. O'Reilly would like to have a stormwater consultant review and would like the applicant to provide analysis to get a better handle on the biology conditions of the pond. Mr. O'Reilly stated under 53G, Local Bylaw, and the State at the applicant's expense to have a wetland habitat specialist take a look at this. Mr. O'Reilly doesn't support the alteration of this pocket at all.

Bobbi Martin from Hixville Road asked if BEC was paying for this. Mr. Gioiosa stated no.

Theresa Brum 585 Hixville Road asked if putting quahog shells acceptable.

Mr. O'Reilly stated he and the Board of Health are aware of the shells. Mr. O'Reilly has been to the site with Wendy Henderson, Director of Public Health. They do have a stock pile of shells on site and they do have a permit.

Gloria Bancroft asked if the roadway construction would go to Old Fall River Road. Mr. Gioiosa stated it would not. It would only be going 450 feet from Hixville to where it makes a "T" in the roadway. Ms. Bancroft asked about the powerline. Mr. Gioiosa explained they can't interfere with that easement/powerline. Ms. Bancroft asked if any of the well drilling have been done on this property. Mr. Gioiosa didn't have an answer if there was anything done on this property.

Mr. Gioiosa explained Attorney Chip Mulford who represents his client was away and he would have to touch base with him. Mr. Gioiosa would like to have a budget, so when he speaks with Attorney Mulford he knows what amount to tell him. Mr. O'Reilly stated the Commission could ask for \$2,500 for each but he would let Mr. Gioiosa know.

With nothing further to be added, Ms. McDonald motioned to continue the public hearing until Tuesday, July 2, 2013, 7 PM with Mr. Mallen seconding the motion.

Respectfully submitted,

Donna Farias
Administrative Clerk

DARTMOUTH TOWN CLERK
2013 JUL - 3 P 2: 56
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DEPARTMENT OF PUBLIC WORKS


BOARD OF PUBLIC WORKS

Director
David T. Hickox, P.E.

Lee M. Azinheira, P.E.
Manuel Branco
Mark S. Nunes

MEMORANDUM

TO: Select Board Board of Health Finance Office
 Board of Appeals Building Department Town Clerk ✓
 Planning Board Town Collector Board of Assessors
 Town Accountant Finance Committee Conservation Commission
 Legal Department Council on Aging Park Department

FROM: Michelle DeFranco, Administrative Assistant 

DATE: July 2, 2013

RE: Reorganization of the Board of Public Works

Please be advised that at its meeting of July 1, 2013, the Board of Public Works voted to reorganize with the following results:

Chairman: Lee M. Azinheira, P.E.
Vice Chairman: Mark S. Nunes
Clerk: Manuel Branco

cc: BPW
 D. Hickox
 DPW Clerical staff
 File

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DARTMOUTH TOWN CLERK