

Revised
06/24/2013

DARTMOUTH CONSERVATION COMMISSION
DARTMOUTH TOWN HALL- ROOM 103 - 7:00 P.M.
AGENDA - TUESDAY, JULY 02, 2013

Next scheduled Dartmouth Conservation Commission meeting: Tuesday, July 30, 2013 at 7 p.m. - in Select Board Meeting Room - Room 304

APPROVAL of the minutes of June 06, 2013 meeting

RECEIVE the minutes of June 18, 2013 meeting

APPROVAL of the field trip report of the June 18, 2013 meeting

FIELD TRIP REPORTS

1. A Request for Determination of Applicability from George Berrish re: Map 112 Lot 30 on Bourne Place (Clearing) (Boucher & Heureux, Inc)
2. A Request for Determination of Applicability from YMCA Southcoast, Inc re: Map 35 Lot 3 on Gulf Road (tree cutting) (YMCA Southcoast)
3. A Request for Determination of Applicability from Antonio Raposa re: Map 138, Lot 52 on 86 Center Street (bedroom and deck addition) (Antonio Raposa)
4. A Request for Certificate of Compliance from Robin LaFoley Dong re: Map 107 Lot 19 on Smith Neck Road File 15-1907 (wood walkway and shed) (Prime Engineering)
5. A Request for Certificate of Compliance from Ana Reis Trustee Dexter Realty Trust re: Map 123 Lots 152-1 through 152-19 on Clarks Cove Drive file 15-1437 (roadway) (Existing Grade)

PUBLIC HEARINGS:

1. **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)
2. **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)
3. **CONTINUED PUBLIC HEARING** - Mary Robinson re: Map 67 Lot 8 on Hixville Road File 15-2197 (subdivision road for two lots) (Sitec, Inc.) **Continuance until July 30, 2013 requested**
4. **PUBLIC HEARING-** Summit Smith Healthcare Facilities Inc re: Map 68 Lots 29-1, 29-2, 31 & 32 on 495 & 509 Faunce Corner Road 15-2203 (medical office) (Sitec, Inc)
5. **CONTINUED PUBLIC HEARING** - Michael & Jeralyn Fernandes re: Map 105 Lot 86 on 47 East Avenue File 15-2160 (pier, gangway & float) (Boucher & Heureux, Inc) **Continuance until August 13, 2013 requested**
6. **PUBLIC HEARING-** Christopher Ross re: Map 95 Lot 5-2 on Featherbed Lane 15-2202 (Single family home) (Boucher & Heuruex)

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7. **PUBLIC HEARING-** Cecelia Roberts re: Map 171 Lot 41 on 5 Lakewood Drive (Raze and reconstruction Single Family) (Existing Grade)
8. **CONTINUED PUBLIC HEARING-** Francis and Elizabeth Gray re: Map 105 Lot 67 and 69 on 7 Birchfield Road **File 15-2200** (remove and replace the existing stone revetment-seawall) (N. Douglas Schneider & Associates, Inc)
9. **CONTINUED PUBLIC HEARING-** Edward and Peggy Barry re: Map 105 Lot 65 and 69 on 11 Birchfield Road **File 15-2199** (remove and replace the existing stone revetment-seawall) (N. Douglas Schneider & Associates, Inc)
10. **CONTINUED PUBLIC HEARING-** Birchfield Farms, Inc re: Map 105 Lot 69 on Birchfield Road and Guernsey Way **File 15-2198** (reconstruct the existing licensed stone groin) (N. Douglas Schneider & Associates, Inc)

ITEMS FOR DISCUSSION:

- A) Alteration violation - Victor Reis - Map 62, Lot 13 on Hixville Road
- B) Map 94 Lot 25 on 29 Mattarest Lane - John and Margaret Reichenbach
- C) New Bedford Airport 15-2193 - Order of Conditions expiration
- D) **New Business** - This time is being reserved for topics that the chair did not reasonably anticipate would be discussed.

(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, JULY 02, 2013**

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

Mr. Kehoe, Chair convened the meeting at 7:05 PM.

Approval of the minutes of June 06, 2013 was unanimously accepted by those Commissioners present.

Minutes of the June 18, 2013 meeting received for reading.

Approval of the field trip report of the June 18, 2013 meeting was unanimously accepted by those Commissioners present.

Discussion regarding Alteration violation - Victor Reis - Map 62, Lot 13 on Hixville Road- Mr. O'Reilly updated the Commission that Mr. Cressman has given the Commission approval to use Town Counsel. The Reis' have a new wetland consultant Scott Goddard which the office has provided him with information on the site. Mr. O'Reilly stated progress has been made but not enough. Mr. O'Reilly will be meeting with Town Counsel to start legal action.

Discussion regarding Map 94 Lot 25 on 29 Mattarest Lane - John and Margaret Reichenbach- Mr. O'Reilly updated the Commission that the Request for Determination of Applicability was received and a response letter to the abutters concerns has also been received by the applicant's representative. The request for Determination will be heard at the Tuesday, July 30, 2013 meeting.

Discussion regarding New Bedford Airport 15-2193 - Order of Conditions expiration- Mr. O'Reilly explained that Michael Howard from Epsilon Associates remembered after the hearing to ask the Commission for a 5 year expiration which would coincide with the State variance. Mr. Kehoe asked if they had requested it at the meeting. Mr. O'Reilly stated no. Mr. Kehoe entertained motion to amend the Order of Conditions to match the State variance for 5 year expiration. Ms. McDonald motioned to amend with Mr. Mallen seconding the motion. It was an unanimous decision.

With nothing further to discussed, Mr. Kehoe entertained a motion to adjourn the public meeting. Ms. McDonald motioned to adjourn the public hearing at 8:45 PM with Mr. Mallen seconding. It was an unanimous decision of those present.

Respectfully submitted,

Donna Farias
Administrative Clerk

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 Tuesday, July 02, 2013 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

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

Richard Rheume from Prime Engineering was present to represent the applicant. Mr. Rheume explained this application is to extend the boat shed toward the land area to store Mr. Hughes' marine equipment. A letter has been received from Dartmouth Natural Resource Trust agreeing to the addition. At the last meeting, the question was whether or not there was a need for this addition. Mr. Hughes has submitted a letter and plan showing why he needs the additional area. The sketch shows how he would stack the kayaks and other equipment.

Ms. McDonald asked if this would be for the general public or just personal use. Mr. Rheume stated this was just for his use.

Mr. O'Reilly stated it was up to the Commission at this point. It is a water dependent project. It is different than what was originally discussed with the Commission. It is elevated over the wetland and not necessarily in the wetland. It is potentially approvable. Mr. Rheume stated it does meet the performance standards.

Mr. Kehoe commented that Mr. Rheume mentioned Mr. Hughes had eight kayaks. The current shed is smaller and housed eight kayaks, so it really goes on need.

Ms. McDonald feels it is extensive. Mr. Kehoe commented it is nearly doubling the size. Ms. Brindisi commented that Mr. Hughes is following Parkinson third law, so maybe if it is 12ft x 12ft it will fill the place available anyway. Mr. Kehoe stated it's a fairly sizeable, and almost equivalent in length to a home. Ms. Brindisi commented that it was established that at least two more pilings would need to be put in. Mr. Rheume agreed. Ms. Brindisi asked if all of the 12 feet covers the wetlands. Mr. Rheume agreed and no vegetation would need to be removed.

Mr. Mallen stated if this were to be approved what Mr. Hughes put in writing is what is actually going to occur and no hidden agenda.

Mr. Kehoe stated we have to take Mr. Hughes' word on what he says he will do, and if this were to be approved it would be with conditions if it is used for anything else he would be in violation.

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

Ms. Sweriduk asked if there will be any windows. Mr. Rheume stated no. Ms. Mc Donald asked if this was an after-the-fact. Mr. Rheume no. Mr. Golen asked how they would access the complex. Mr. Rheume stated through and existing footpath. Mr. Ross asked if this becomes an issue of setting a precedent is everyone going to want to build a 12 ft x 12 ft kayak shed. Mr. Kehoe stated they would need to meet the performance standards. Mr. Rheume explained there is an open space on this property and there are five lots so that all these lots would access this one pier and not to have individual piers. Ms. Sweriduk commented on the life jacket and outboard motor section of the plans.

Mr. Mallen stated an enforcement order would be issued if this was used for anything else. In Mr. Mallen's opinion, if he uses this for anything else he feels he would recommend him take it down.

Ms. McDonald motioned to close the public hearing with Mr. Mallen seconding the motion.

With nothing further to be added, Mr. Mallen motioned to issue a Standard Order of Conditions according to the plan presented with the condition the boat shed shall be used for no other purpose than to store kayaks or other marine recreational related equipment as stated in his letter dated May 23, 2013, if breached the Conservation Commission will decide on whether to take it down or comply with the use. Mr. Kehoe amended Mr. Mallen's condition it would be a breach of the Order of Conditions which would warrant removal of the structure. Mr. Mallen- yes; Ms. Sweriduk- yes; Mr. Ross- yes; Mr. Kehoe-yes; Ms. McDonald-no; Ms. Brindisi-no

Respectfully submitted,

Donna Farias
Administrative Clerk

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 Tuesday, July 02, 2013 in Room 103 in the Dartmouth town Hall at 400 Slocum Road in Dartmouth.

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

Mr. Kehoe, chair convened the hearing at 7:25 p.m. It was voted to waive the reading of the public hearing notice. Plan number 12-5083 dated June 14, 2013

Steven Gioiosa from Sitec, Inc was present to represent the applicant. Mr. Gioiosa explained they have submitted a plan showing the location of the sewage disposal system which was found by using the company Radar Solutions. The reason for the continuance was to allow time to review the submittal of the new plan.

Mr. O'Reilly suggested there should be a time frame. Mr. O'Reilly would suggest a condition that all the work be completed in six months. Mr. Mallen asked six months starting from what date. Mr. O'Reilly stated from the date of the Order.

Ms. McDonald motioned to close the public hearing with Mr. Mallen seconding the motion.

With nothing further to be added, Ms. McDonald motion to issue a Standard Order of Conditions with the condition that the work be completed by December 1, 2013, with Mr. Mallen seconding the motion.

Respectfully submitted,

Donna Farias
Administrative Clerk

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 Tuesday, July 02, 2013 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

Mr. Kehoe, chair convened the hearing at 7:26 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.

A request from the applicant's representative asking for a two week continuance has been received.

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

With nothing further to be discussed, the public hearing has been continued until Tuesday, July 30, 2013 at 7PM.

Respectfully submitted,

Donna Farias
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
SUMMIT SMITH HEALTHCARE FACILITIES INC
15-2203

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 Summit Smith Healthcare Facilities Inc who wishes to construct a medical office on land located at Map 68 Lots 29-1, 29-2, 31, and 32 on Faunce Corner Road in Dartmouth. The hearing was held on Tuesday, July 02, 2013 in Room 103 in the Dartmouth town Hall at 400 Slocum Road in Dartmouth.

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

Mr. Kehoe, chair convened the hearing at 7:27 p.m. It was voted to waive the reading of the public hearing notice. Plan file number 10-4656 dated June 3, 2013 of site were displayed. Certified mail receipts showing proof of abutter notification were submitted for the file.

Steven Gioiosa from Sitec, Inc and Sean Roberts the applicant from Summit Smith were present. Mr. Gioiosa explained the new medical office will be to the south of Hawthorn Medical on Faunce Corner Road. There are a couple of primary wetland systems that impact the property. Mr. Gioiosa explained the existing condition of the site. This proposal is for a three story medical building adjacent to 535 Faunce Corner Road with parking that would wrap around the building. They would like to maintain the topography but there is a significant grade change down towards the stormwater control area. Mr. Gioiosa explained there is a small finger like wetland near the parking lot they are looking for permission to fill in. The total amount of alteration is three thousand square feet. Mr. Gioiosa stated there is an area of replication on the plan. This alteration will help with the traffic flow and safety of the patients situating the parking in this manner. Mr. Gioiosa went into depth on the stormwater and its operations and filtering. Mr. Gioiosa explained it will flow through a stone line channel to the detention ponds which are a two tiered system. This will not flow directly into any resource areas but to an upland area before reaching any wetland. The roof runoff will be recharged which will have an overflow in an easterly direction. Mr. Gioiosa explained there is an intermittent stream which runs in an east-west direction. It was identified as part of the wetland verification. They are proposing to create a swale and putting a conservation mix. Mr. Gioiosa feels this will be an improvement making it longer with a stable base. Mr. Gioiosa mentioned he has been in touch with a wildlife biologist to evaluate the planting and get a better idea on creating a more natural feel to the channel. The project does contain an area of rare species. Natural Heritage has submitted a letter that this project will not have a negative impact. Finally, Mr. Gioiosa explained there is a vernal pool on site. Mr. Gioiosa explained the habitat delineation for the vernal pool and construction would be approximately 300 feet away. There is no drainage going toward Faunce Corner Road, according to Mr. Gioiosa.

Mr. O'Reilly explained a Determination of Applicability was issued with the notation that there is potential vernal pond habitat on this site. It is Mr. O'Reilly opinion, the Commission should treat it as such. It is not certified as a vernal pond habitat but it is clearly a certifiable habitat. Mr. O'Reilly spoke with Mr. Gioiosa about this. The Commission will need to see an analysis on rain fall events. This will determine the horizontal determination of the vernal pool. It becomes an issue with the Federal Corp of Engineers which has standards for doing work within a vernal pools. The intermittent stream has bank associated with it. The bank has certain wildlife characteristics. Mr. O'Reilly read to the Commission 10.63(D) from the Wetlands Protection Act about intermittent stream and relocation. Mr. O'Reilly spoke with Mr. Gioiosa about the intermittent stream and how to make it more viable. Mr. O'Reilly explained a letter has been received by the Stormwater Consultant with some minor changes needed and Mr. O'Reilly will be forwarding this to Mr. Gioiosa. Mr. O'Reilly isn't happy with the wetland replication planting and would like to strengthen this area. Mr. O'Reilly asked Mr. Gioiosa how they plan on accessing the

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
SUMMIT SMITH HEALTHCARE FACILITIES INC
15-2203

detention ponds for maintenance. Mr. Gioiosa explained along the stoneline. Lastly, Mr. O'Reilly spoke with Sue Guiducci about the agricultural fields and the potential of having a farmer interested in maintained the fields. This maybe something they want to look into.

Ms. Brindisi asked if it will be draining into the Paskamasett. Mr. Gioiosa explained it would eventually drainage down to the Paskamansett but it's a couple of thousand feet away. Ms. Brindisi asked if the elevation of the replication area is at 168 feet. Mr. Gioiosa agreed. Ms. Brindisi asked thought the actual replication area, and whether it might be a tough thing to do from 165 to 163. Mr. Gioiosa explained it's all going to come down to the soils. This is keeping within the same general area.

Mr. Mallen asked about snow being pushed into the wetlands. Mr. Gioiosa explained the snow disposal will be pushed toward the detention ponds. Mr. Mallen asked about barriers or fences to protect wetlands. Mr. Gioiosa showed how it is directed toward the catch basin. There is a Cape Cod berm along the edges.

Mr. Kehoe asked where the employee parking was and could it be moved. Mr. Gioiosa showed where the patients parking and the employee parking are located. Mr. Kehoe commented then the back of the building is facing Faunce Corner Road. Mr. Gioiosa stated yes, it was circulation and parking issues. Mr. Kehoe stated if he heard correctly there is a slight disagreement to where the extent of the vernal pool would be. Mr. O'Reilly explained agreed. Mr. Kehoe stated it was narrow and by the existing laneway and Mr. O'Reilly feels it is more north. Mr. O'Reilly agreed. Mr. Kehoe asked would this impact the proposed area for mitigation. Mr. O'Reilly explained they won't be sure until the calculations are done. Mr. O'Reilly asked about the parking requirements for the Planning Board. Mr. Gioiosa explained they are right at code.

Ronald Dippipo from 16 Bayview Ave asked about a green roof. Mr. Gioiosa said he couldn't speak for the architect. A second client approached him today about doing solar.

Mr. Gioiosa asked if the Commission would feel comfortable to close the hearing and getting a condition approval. Mr. Kehoe stated the Commission have received request before and haven't done it as a matter of policy matter.

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, this public hearing will be continued until Tuesday, July 30, 2013, at 7 PM.

Respectfully submitted,

Donna Farias
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
MICHAEL AND JERALYN FERNANDES
15-2160

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 Michael and Jeralyn Fernandes who wishes to construct a pier, gangway & float on land located at Map 105 Lot 86 on 47 East Avenue in Dartmouth. The hearing was held on Tuesday, July 02, 2013 in Room 103 in the Dartmouth town Hall at 400 Slocum Road in Dartmouth.

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

Mr. Kehoe, Chair convened the hearing at 8:12 p.m. It was voted to waive the reading of the public hearing notice

A request from the applicant's representative asking for a two week continuance has been received.

Ms. McDonald motioned to continue the public hearing until Tuesday, August 13, 2013, with Mr. Mallen seconding the motion.

With nothing further to be discussed, the public hearing has been continued until Tuesday, August 13, 2013 at 7PM.

Respectfully submitted,

Donna Farias
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
Christopher Ross
15-2202

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 Christopher Ross who wishes to construct a single family home on land located at Map 95 Lot 5-2 on Featherbed Lane in Dartmouth. The hearing was held on Tuesday, July 02, 2013 in Room 103 in the Dartmouth town Hall at 400 Slocum Road in Dartmouth.

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

Mr. Kehoe, chair convened the hearing at 8:13 p.m. It was voted to waive the reading of the public hearing notice. Plan file number 1572-01 dated 6/6/2013 of site were displayed. Certified mail receipts showing proof of abutter notification were submitted for the file.

Alan Heureux from Boucher and Heureux was present to represent the applicant. Mr. Heureux stated this application is for a single family home outside the buffer zone with limited amount of landscaping in the buffer zone. There are various flood zones on the property. The house is in A flood zone. This project meets the performance standards of building in a flood zone. The waste water will be pumped to the edge of Featherbed lane.

Mr. O'Reilly explained a vast majority of the project is outside of the buffer zone. It does meet the performance standards and Mr. O'Reilly doesn't have any issues with the project.

Ms. Brindisi asked if the pump chamber and leaching area is at grade or raised. Mr. Heureux explained the pump chamber is at ground level and the leaching area is raised.

Ms. McDonald motioned to close the public hearing with Mr. Mallen seconding the motion.

With nothing further to be added, Ms. McDonald motioned to issue a Standard Order of Conditions according to the plan dated June 6, 2013, with Mr. Mallen seconding the motion.

Respectfully submitted,

Donna Farias
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
FRANCIS AND ELIZABETH GRAY
15-2200

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 Francis and Elizabeth Gray who wishes to construct, remove and replace existing stone revetment-seawall on land located at Map 105 Lot 67 and 69 on 7 Birchfield Road in Dartmouth. The hearing was held on Tuesday, July 02, 2013 in Room 103 in the Dartmouth town Hall at 400 Slocum Road in Dartmouth.

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

Mr. Kehoe, chair convened the hearing at 8:23 p.m. It was voted to waive the reading of the public hearing notice. Plan file number 2458 and 2459 dated May 20, 2013 of site were displayed. Certified mail receipts showing proof of abutter notification were submitted for the file.

David Davignon, from N. Douglas Schneider & Associates, Inc was present to represent the applicant. Mr. Davignon explained the lot contains a single family home on 1.26 acres. This was continued from the last hearing so they could go out to the site to stake out the top and bottom of the bank.

Mr. O'Reilly stated it was difficult to determine where the toe of the slope was to the existing rocks that were there and on the beach. The staking is better than he thought. The toe of the slope is further from the existing bank than what he had visualized. Mr. O'Reilly asked how much of the stone that came off the bank will be reused, left on the beach and brought in. Mr. O'Reilly asked this because they want to avoid removing any existing stone that are within the intertidal area or natural occurring stones. It's hard to differentiate between stone on the bank and on the beach.

Mr. Davignon explained the intent is to remove the large stones that clearly fell down. Mr. Davignon stated he doesn't feel the need to go any distance from the staked wall as the maximum limit of removal. Mr. Davignon suggested only removing from 5 to 7 feet from the base of the wall, so to have a walking path at the base of the wall. Mr. O'Reilly felt that was reasonable.

Ron Dippipo from 16 Bayview Ave - would south beach be impacted by this wall; has any additional work been done to give them insurance there will be no impact. Mr. Davignon stated they had not and he couldn't see how this would impact them. They aren't touching the existing jetty and as it was discussed if they stay 5 to 7 feet they wouldn't touch any of the rocky outlet. Mr. Dippipo asked if the jetty Mr. Davignon was referring to was the stone. Mr. Davignon agreed.

Ms. McDonald motioned to close the public hearing with Mr. Mallen seconding the motion. With nothing further to be added, Ms. McDonald motioned to issue a Standard Order of Conditions according to the plan, with Mr. Mallen seconding the motion.

Respectfully submitted,

Donna Farias
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
EDWARD AND PEGGY BARRY
15-2199

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 Edward and Peggy Barry who wishes to construct, remove and replace existing stone revetment-seawall on land located at Map 105 Lot 65 and 69 on 11 Birchfield Road in Dartmouth. The hearing was held on Tuesday, July 02, 2013 in Room 103 in the Dartmouth town Hall at 400 Slocum Road in Dartmouth.

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

Mr. Kehoe convened the hearing at 7:49 p.m. It was voted to waive the reading of the public hearing notice. Plan file number 2458 and 2459 dated May 20, 2013 of site were displayed. Certified mail receipts showing proof of abutter notification were submitted for the file.

David Davignon from N Douglas Schneider & Associates, Inc was present to represent the applicant. Mr. Davignon explained this project is the same thing as the previous proposal. This lot contains a single family home on 1.41 acres. Mr. Davignon explained this project is the same as the previous one. They would agree to only removing 5 to 7 feet from the base of the wall, so to have a walking path at the base of the wall.

Mr. Kehoe stated it would be consistent with the previous filing. Mr. Kehoe follow-up from a previous comment that it is Mr. Davignon's belief there will be no adverse impact on the south beach on Bayview as a result of this application. Mr. Davignon agreed.

Mr. O'Reilly had the same comments from the previous filing.

Mr. Dippipo 16 Bayview - asked about the drain pipe not being installed in the north section. Mr. Davignon explained they are modifying the pipe to dump into the wall but they aren't putting in a new pipe. The existing drainage pipe which was put in by the Barry's and they are just connecting into to it. Mr. Dippipo stated the concern from the Perry's that there wouldn't be any adverse impact from any surface flow along the ground which would come down to their property. Mr. Davignon explained only if they cut the pipe off.

Ms. McDonald motioned to close the public hearing with Mr. Mallen seconding the motion.

With nothing further to be added, Ms. Sweriduk motioned to issue a Standard Order of Conditions according to the plan submitted on May 20, 2013, with the condition the extent of the rock removed be 5 to 7 feet, with Mr. Mallen seconding the motion.

Respectfully submitted,

Donna Farias
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
BIRCHFIELD FARMS, INC
15-2198

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 Birchfield Farms Inc who wishes to reconstruct the existing Licensed Stone Groin on land located at Map 105 Lot 69 on off Birchfield Road and Guernsey Way in Dartmouth. The hearing was held on Tuesday, July 02, 2013 in Room 103 in the Dartmouth town Hall at 400 Slocum Road in Dartmouth.

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

Mr. Kehoe, chair convened the hearing at 8:33 p.m. It was voted to waive the reading of the public hearing notice. Plan file number 2447 dated May 22, 2013 of site were displayed. Certified mail receipts showing proof of abutter notification were submitted for the file.

David Davignon from N Douglas Schneider & Associates was present to represent the applicant. Mr. Davignon explained this project was reviewed by the Commission at the last meeting and was continued solely for the signature of a private property owner who they will be accessing in order to construct the project. Mr. Davignon has obtained Mr. Forbes' signature.

Mr. O'Reilly would suggest a condition no work will commence until the Osprey nest has been abandoned.

With nothing further to be added, Ms. Sweriduk motioned to issue a Standard Order of Conditions according to the plan submitted on May 20, 2013, with the condition the work commence after the Osprey nest has been vacated, with Mr. Mallen seconding the motion.

Respectfully submitted,

Donna Farias
Administrative Clerk

1. A Request for Determination of Applicability from George Berrish re: Map 112 Lot 30 on Bourne Place (Clearing) (Boucher & Heureux, Inc)

Ms. McDonald motioned to waive the reading of the public meeting notice with Mr. Mallen seconding the motion.

Mr. O'Reilly stated this request is for clearing. There had been a request a month ago for a significant amount of clearing and this request has reduced the amount of clearing requested. The clearing is now more than seventy-five feet away from the wetland. Mr. O'Reilly doesn't anticipate any negative impact and would recommend a negative determination.

DECISION: Ms. McDonald motioned to issue a **NEGATIVE 2** determination with Mr. Mallen seconding the motion.

6. A Request for Determination of Applicability from YMCA Southcoast, Inc re: Map 35 Lot 3 on Gulf Road (tree cutting) (YMCA Southcoast)

Ms. McDonald motioned to waive the reading of the public meeting notice with Mr. Mallen seconding the motion.

Mr. O'Reilly stated this request is for cutting of a few trees to facilitate getting a track vehicle down to the ropes course. The rope course had some damage during the storms and there are some poles that need to be repaired. Mr. O'Reilly doesn't anticipate any negative impact and would recommend a negative determination.

DECISION: Ms. McDonald motioned to issue a **NEGATIVE 2** determination with Mr. Mallen seconding the motion.

7. A Request for Determination of Applicability from Antonio Raposa re: Map 138, Lot 52 on 86 Center Street (bedroom and deck addition) (Antonio Raposa)

Ms. McDonald motioned to waive the reading of the public meeting notice with Mr. Mallen seconding the motion.

Mr. O'Reilly explained this is for a bedroom and deck addition which is located in the flood plain and there are no wetlands near the site. The addition will need to comply with the flood plain codes. Mr. O'Reilly doesn't anticipate any negative impact and would recommend a negative determination.

DECISION: Ms. McDonald motioned to issue a **NEGATIVE 2** determination with Mr. Mallen seconding the motion.

8. A Request for Certificate of Compliance from Robin LaFoley Dong re: Map 107 Lot 19 on Smith Neck Road **File 15-1907** (wood walkway and shed) (Prime Engineering)

Mr. O'Reilly stated a letter had been received by an Engineering stating the work never commenced and they are trying to clear the title. Mr. O'Reilly would recommend the issuance of a Certificate of Compliance.

DECISION: Ms. McDonald motioned to **GRANT** a Certificate of Compliance with Mr. Mallen seconding.

9. A Request for Certificate of Compliance from Ana Reis Trustee Dexter Realty Trust re: Map 123 Lots 152-1 through 152-19 on Clarks Cove Drive **file 15-1437** (roadway) (Existing Grade)

Mr. O'Reilly stated a letter had been received by an Engineering requesting a Certificate of Compliance. This Order has been around for a while now. Mr. O'Reilly did conduct a site inspection and looked at the detention pond system. The detention pond does have trees growing around and in the four bay areas; however Mr. O'Reilly stated the pond is huge and functioning properly. Mr. O'Reilly doesn't feel maintenance is necessary for this due to the size of the pond and its functioning. Mr. O'Reilly would recommend the issuance of a Certificate of Compliance.

DECISION: Ms. McDonald motioned to **GRANT** a Certificate of Compliance with Mr. Mallen seconding.