

DARTMOUTH CONSERVATION COMMISSION
DARTMOUTH TOWN HALL- SELECTMEN'S MEETING ROOM 304 – 7:00 P.M.
AGENDA – TUESDAY, AUGUST 13, 2013

Next scheduled Dartmouth Conservation Commission meeting: Tuesday, August 27, 2013 at
7 p.m. – in Room 103

RECEIVED

APPROVAL of the minutes of July 02, 2013 meeting

RECEIVE the minutes of July 30, 2013 meeting

APPROVAL of the field trip report of the July 30, 2013 meeting

2013 SEP 13 A 9:29
DARTMOUTH TOWN CLERK

FIELD TRIP REPORTS

1. A Request for Determination of Applicability from Victoria Wood Nagle re: Map 89 Lot 23 on 21 Little River Road (driveway drainage plan) (Ferreira Engineering)
2. A Request for Determination of Applicability from Ricardo Corporation re: Map 165 Lot 143 on 611 State Road (building addition with roof top infiltration system – none of the proposed work is located within the 100' buffer to the bordering vegetative wetland) (Sitec, Inc)
3. A Request for Determination of Applicability from Enterprise Holdings re: Map 167 Lot 71 on 13 Faunce Corner Road (building, parking, and grading) (Thompson Farland, Inc)
4. A Request for a Partial Certificate of Compliance from Thomas and Sylvia F Gregory re: Map 66 Lot 20-57 (104) on 6 Autumn Court – originally 1101 Reed Rd File 15-770 (single family home) (Thomas and Sylvia Gregory)

PUBLIC HEARINGS

1. **CONTINUED PUBLIC HEARING** - Cecelia Roberts re: Map 171 Lot 41 on 5 Lakewood Drive File 15-2204 (Raze and reconstruct single family home) (Existing Grade)
2. **CONTINUED PUBLIC HEARING**- The 2006 Nancy Coykendall Family Revocable Trust re: Map 29 Lots 13, 26, 26-2, 26-3, 26-4, 26-5 on Bakers Brook Road File 15-2205 (single family home) (Ewing Engineering)
3. **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 27, 2013 requested)
4. **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 August 27, 2013 requested)
5. **CONTINUED PUBLIC HEARING**- DPM Development re: Map 143 Lot 214-216 on Kraseman Street File 15-2206 (single family home) (Sitec, Inc) (Continuance until August 27, 2013 requested)

CLOSED PUBLIC HEARING

1. **CLOSED 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)

ITEMS FOR DISCUSSION:

- A) Alteration violation - Victor Reis - Map 62, Lot 13 on Hixville Road
- B) **New Business** – This time is being reserved for topics that the chair did not reasonably anticipate would be discussed.

**DARTMOUTH CONSERVATION COMMISSION
DARTMOUTH TOWN HALL- SELECTMEN'S MEETING ROOM 304 - 7:00 P.M.
MINUTES - TUESDAY, AUGUST 13, 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 7:07 PM.

Approval of the minutes of July 02, 2013 was unanimously accepted by those Commissioners present.

Minutes of the July 30, 2013 meeting received for reading.

Approval of the field trip report of the July 30, 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 he had received a call from the owners daughter that Site Design would be going out there to do the topography and survey work. Mr. O'Reilly said the final development plans will require stormwater management. The Notice of Intent plans must contain wetlands, wetlands restoration, buffer zone and stormwater but nothing has been submit as of yet.

With nothing further to discussed, Mr. Kehoe entertained a motion to adjourn the public meeting. Ms. McDonald motioned to adjourn the public hearing at 7:45PM with Mr. Mallen seconding. It was an unanimous decision of those present.

Respectfully submitted,

Donna Farias
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
CECELIA ROBERTS
15-2204

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 Cecelia Roberts who wishes to construct a single family home on land located at Map 171 Lot 41 on 5 Lakewood Road in Dartmouth. The hearing was held on Tuesday, August 13, 2013 in Room 304 of the Dartmouth Town Hall Selectmen's meeting room 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 7:12 p.m. It was voted to waive the reading of the public hearing notice.

Edward Gless from Existing Grade was present to represent the applicant. Mr. Gless explained this had been heard at a previous meeting and the Commission was waiting on a file number and Natural Heritage comments which have now been received.

Mr. O'Reilly agrees this was what the Commission was waiting on.

Ms. Brindisi motioned to close the public hearing with Mr. Golen seconding the motion.

With nothing further to be added, Ms. McDonald motioned to issue an Order of Conditions according to the plan submitted with Mr. Mallen second the motion.

Respectfully submitted,

Donna Farias
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
THE 2006 NANCY COYKENDALL FAMILY REVOCABLE TRUST
15-2205

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 The 2006 Nancy Coykendall Family Revocable Trust who wishes to construct a subdivision road for two lots on land located at Map 29 Lots 13, 26, 26-2, 26-3, 26-4, 26-5 on bakers Brook Road in Dartmouth. The hearing was held on Tuesday, August 13, 2013 in Room 304 of the Dartmouth Town Hall Selectmen's meeting room 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 7:13 p.m. It was voted to waive the reading of the public hearing notice.

Mr. O'Reilly explained he had received the revised plans but there is still some additional information needed after his review. Mr. O'Reilly has been in contact with the applicant's representative who will need a two week continuance.

With nothing further, Ms. McDonald motioned to continue the public hearing until Tuesday, August 27, 2013, at 7:00 PM with Mr. Mallen seconding the motion.

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, August 13, 2013 in Room 304 of the Dartmouth Town Hall Selectmen's meeting room 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 7:14 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.

With nothing further to be added, Ms. McDonld motioned to continue public hearing until Tuesday, August 27, 2013 at 7 PM 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, August 13, 2013 Room 304 of the Dartmouth Town Hall Selectmen's meeting room 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 7:15 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.

With nothing further to be added, Ms. McDonald motioned to continue the public until Tuesday, August 27, 2013 at 7 PM with Mr. Mallen seconding the motion.

Respectfully submitted,

Donna Farias
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
DPM DEVELOPMENT
15-2206

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 DPM Development who wishes to construct a single family home on land located at Map 143 Lot 214-216 on Kraseman Street in Dartmouth. The hearing was held on Tuesday, August 13, 2013 in Room 304 of the Dartmouth Town Hall Selectmen's meeting room 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 7:16 p.m. It was voted to waive the reading of the public hearing notice.

A request from the applicant's representative requested a continuance until Tuesday, August 27, 2013.

With nothing further to be added, Ms. McDonald motioned to continue the public until Tuesday, August 27, 2013 at 7 PM with Mr. Mallen seconding the motion.

Respectfully submitted,

Donna Farias
Administrative 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 Tuesday, August 13, 2013 in Room 304 of the Dartmouth Town Hall Selectmen's meeting room 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 7:17 p.m. It was voted to waive the reading of the public hearing notice.

Mr. Kehoe explained this application was received back in March. There have been some additional information since the original filing that had been received. Mr. Kehoe explained the Commission has 21 days to issue the order from the date of the closed public hearing.

Ms. McDonald asked where they are planning on replicating the wetlands. Ms. Brindisi and some of the other Commission members showed the replication area on the plan before them and had some discussion ensued about the replication area.

Ms. Brindisi wanted to confirm where the siltation fence would be placed as well as commenting about how much money would be deposited for the remediation. Ms. Brindisi also commented if this money would be there for the future. Ms. Brindisi would like to see some sort of Performance Bond. Mr. Kehoe and Mr. Ross thought it was approximately \$500,000 that would be held for the remediation.

Mr. Mallen reiterated something he had said at the last meeting that there is no contingency plan if something goes wrong. BEC should have a contingency plan if something does go wrong. Without a contingency plan it's built in litigation for the Town and everyone in the room. This should be in the contingency plan and presented to Commission along with the CSA.

Ms. McDonald mentioned that at the last meeting BEC had mentioned it would be the Town or the State who would be responsible if something went wrong.

Ms. Brindisi stated we need to know what is in the landfill and there should be a stipulation that it is mined.

Mr. Kehoe stated they can't do work without the information. Ms. McDonald stated this is why she asked at the last meeting for a CSA.

Mr. Kehoe has a concerns they haven't given all the information on the alternatives analysis. In Mr. Kehoe's view, this is a real problem because they are asking us to vote without having the information. Mr. Kehoe mentioned he thought he read in the regulations they are allowed to make a profit.

Ms. McDonald commented why they don't clean up the wetlands and leave it alone.

**CONTINUED PUBLIC HEARING MINUTES OF
BOSTON ENVIRONMENTAL CORPORATION**

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Mr. Kehoe feels there is more in there than nature could take care of.

Mr. Golen commented on the contingency plan and the Town and State being responsible to be left to clean it up. Mr. Golen stated this has been going on for how long and it is unacceptable.

Ms. McDonald putting contaminated soil on top of contaminated soil makes no sense.

Ms. Brindisi asked about the compensatory story and whether it was adequate. Mr. O'Reilly explained due to the extensive analysis on the flood plain there is no need for compensatory storage. Ms. Brindisi asked if we had received anything from Natural Heritage. Mr. O'Reilly stated they had issued a plan.

Mr. Kehoe stated the applicant has left it up to us with making a decision if we don't approve the applicant has only themselves to blame. Mr. Kehoe asked if Mr. O'Reilly had any comments.

Mr. O'Reilly commented there are two groups DEP and the Commission who can render conditions. Mr. O'Reilly read for the record the following conditions the Commission could consider:

-All incoming materials shall be tested at a rate of one sample per 250 cubic yards;

-There shall be no averaging of the soil or fill material data to determine acceptability of the materials in meeting the COMM-97 Policy soil criteria;

-Construction & demolition fines may be used as fill material providing that soils, or other inert materials, are mixed with the construction & demolition fines at a ratio of not less than 3:1 as set forth in the DEP July 6, 2001 "Revised Guidelines for Determining Closure Activities at Inactive Unlined Landfill Sites,";

-Under no circumstances shall the soil and fill materials, used for grading and shaping in preparation for landfill closure consist of, or contain, the following:

- fly ash
- Dredge sediment, street sweepings and/or material excavated from catch basin sumps,
- Treated Toxicity Leaching Characteristic Procedure (TCLP) Lead and Non-Lead Soil as defined by the DEP Policy COMM-97-001,
- Residential Lead Soil,
- No waste banned materials as identified at 310 CMR 19.017. In addition any solid waste materials removed from wetlands and surficial waste remaining related to recent farming activities (including but not limited to - wood timber boards, wooden huts, sheds, barns, fences, metal), wood pallets from the pallet reconditioning operation shall be removed to a properly approved off-site disposal facility and must be managed in accordance with the Solid Waste Regulations;

-The project proponent (BEC) to develop and submit an off-site waste management plan to address the "waste banned" materials and to identify where these materials will be disposed/incinerated;

**CONTINUED PUBLIC HEARING MINUTES OF
BOSTON ENVIRONMENTAL CORPORATION**

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-The project proponent shall fund an independent third party consultant representing the Town of Dartmouth to oversee all closure activities, review and verify all incoming fill material and soil data prior to acceptance at the landfill, and to periodically collect split samples at the point of generation and/or at the landfill prior to grading. The third party consultant should also participate in the review and comment of the Initial Site Assessment (ISA)/Comprehensive Site Assessment (CSA) Scope of Work, oversee field data collection activities, and review site relevant data;

-Fugitive dust levels shall be kept to a minimum through the use of Best Management Practices (BMP) such as chemical addition or other approved method. Trucks must be covered at the point of generation and the covers must be maintained secured at all times except when delivering soil at the working face of the landfill;

-The project proponent, BEC, shall provide all documentation associated with the results of the initial Site Assessment, Comprehensive Site Assessment Scope of Work, and the Comprehensive Site Assessment to the Conservation Commission. The documentation shall include data interpretation and presentations, maps, plans, and figures, summaries, tables and human health and ecological risk assessment in compliance with the Solid Waste Guidance for land fill operations. BEC shall provide the Conservation Commission with the results of any follow-up assessment and/or quantitative risk assessment as required by the Massachusetts Solid Waste Management Regulations, the landfill Technical Guidance Manual and MassDEP. It is noted that should any intrusive assessment and/or remedial actions be required of the resource areas, adjacent to or in the vicinity of the project site, the Conservation Commission may require the filing of a Notice of Intent and subsequent Order of Conditions;

-Beginning one month after the Start of construction monthly reports shall be submitted to the Conservation Commission via email and hard copy describing the current state of construction and describing any discrepancies or deviations from the approved plan-of-record on file with the order of conditions. The monthly report shall continue until the time that all final grades, loaming and seeding of all slopes, stormwater management facilities, and perimeter berm and wetlands replication/restoration as shown on the plan-of-record have been established. The report shall be prepared and stamped by a registered professional engineer; with contribution within the report regarding issues related to wetlands and/or stormwater facilities by a wetland scientist when appropriate. The report shall contain status and updates on all construction activity as shown on the plans of record contained with this order of conditions, including but not limited to, stormwater management facilities and structures, erosion and sedimentation control measures, and anyother items considred significant to the applicants engineer and/or wetland scientist, or as required by the conservation commission or its agent. Email copies shall be sent to the following addresses: moreilly@town.dartmouth.ma.us and dfarias@town.dartmouth.ma.us;

-Upon completion of any portion of the perimeter berm and/or stormwater management system ponds, and before the placement of final loam and seed, or stabilization per the approved plan detail, an as-built plan prepared and stamped by the applicants registered professional engineer shall be submitted to the Conservation Commission. The as-built plan shall contain all information necessary to ascertain compliance with approved plans (E.G. including but not limited to, invert elevations of pond structures, berm elevation, slopes, and perimeter berm detail etc) The design engineer shall certify in writing to the Conservation Commission that the stormwater management system is in compliance with the plans of record contained within this order of conditions and in compliance with any and all notes regarding the stormwater management system components contained anywhere within the plan-of-record.

**CONTINUED PUBLIC HEARING MINUTES OF
BOSTON ENVIRONMENTAL CORPORATION**

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Mr. Kehoe further mentioned that the Commission could put in additional conditions like Performance Bond and a contingency plan. Mr. Kehoe stated the Commission will reconvene this closed public hearing on Monday, August 19, 2013 at 7:00 PM in room 103.

Respectfully submitted,

Donna Farias
Administrative Clerk

Dartmouth Conservation Commission
Field Trip Report
August 13, 2013

1. A Request for Determination of Applicability from Victoria Wood Nagle re: Map 89 Lot 23 on 21 Little River Road (driveway drainage plan) (Ferreira Engineering)

ABSENT: Patricia Sweriduk

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

Mr. O'Reilly explained this to do some minor driveway drainage repair with some pipe replacement. Mr. O'Reilly doesn't feel there would be any negative impact and would recommend a negative determination.

DECISION Mr. Mallen motioned to issue a NEGATIVE 3 determination with Ms. McDonald seconding the motion.

2. A Request for Determination of Applicability from Ricardo Corporation re: Map 165 Lot 143 on 611 State Road (building addition with roof top infiltration system – none of the proposed work is located within the 100' buffer to the bordering vegetative wetland) (Sitec, Inc)

ABSENT: Patricia Sweriduk

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

Mr. O'Reilly explained this project was for a building addition with roof top infiltration system. There will be some minor work within the buffer zone. Mr. O'Reilly doesn't feel there would be any negative impact and would recommend a negative determination.

DECISION Mr. Mallen motioned to issue a NEGATIVE 3 determination with Ms. McDonald seconding the motion.

3. A Request for Determination of Applicability from Enterprise Holdings re: Map 167 Lot 71 on 13 Faunce Corner Road (building, parking, and grading) (Thompson Farland, Inc)

ABSENT: Patricia Sweriduk

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

Mr. O'Reilly explained this is where the old DeAngelo's was on Faunce Corner Road and they would like to put an Enterprise Rent a car. The work is within the buffer zone to the River front. There will be no significant changes with the minor parking, grading and building work. Mr. O'Reilly doesn't feel there will be any negative impact and would recommend a negative determination.

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

Dartmouth Conservation Commission
Field Trip Report
August 13, 2013

4. A Request for a Partial Certificate of Compliance from Thomas and Sylvia F Gregory re: Map 66 Lot 20-57 (104) on 6 Autumn Court - originally 1101 Reed Rd File 15-770 (single family home) (Thomas and Sylvia Gregory)

ABSENT: Patricia Sweriduk

Mr. O'Reilly explained this was part of the original subdivision. There was no work in the buffer zone but the title shows the order, so they need to have it released. None of the work for 6 Autumn Court was in the jurisdiction of the Commission.

DECISION Ms McDonald motioned to **GRANT** the issuance of a Partial Certificate of Compliance with Mr. Golen seconding the motion.