

**DARTMOUTH CONSERVATION COMMISSION
DARTMOUTH TOWN HALL- ROOM 103 - 7:00 P.M.
AGENDA - TUESDAY, AUGUST 19, 2013**

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

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DARTMOUTH TOWN CLERK

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) **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 ROOM 103 - 7:00 P.M.
MINUTES - MONDAY, AUGUST 19, 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.

Discussion regarding Open Space & Recreation Committee- Mr. Kehoe had received a letter for the Town Administrator asking for volunteers from other boards and committees to be on the Open Space & Recreation Committee. Mr. Ross kindly accepted.

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

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 meeting was held on Tuesday, August 19, 2013 in Room 103 of 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 7:05 p.m.

Mr. Kehoe recognized Town Counsel Anthony Savastano. Attorney Savastano explained the Commission had been provided with two documents prepared by Mr. O'Reilly the Environmental Affairs Coordinator, one of which contains recommended conditions if the Commission votes to approve, and the second containing reasons for denial if the Commission votes to deny. Attorney Savastano explained that Mr. O'Reilly is here to advise the Commission. However, the Commission is in no way bound by such recommendations. Attorney Savastano further stated neither he nor Mr. O'Reilly are, in any way, advocating for an approval or a denial. If the Commission votes to approve, it can adopt or reject any or all Mr. O'Reilly's proposed conditions and/or include additional conditions. If the Commission votes to deny, it can adopt and or reject any or all of Mr. O'Reilly's proposed reasons, and add any other reasons. Attorney Savastano also recommended that any motion to approve should include any conditions in the motion and that any motion to deny include the reasons for denial.

Jacquelyn McDonald recused herself from all discussion and voting on this matter and left the table.

Mr. Kehoe expressed a concern regarding the manner in which a determination is made as to the composition of the material in the soils to be brought onto the site. Mr. Kehoe suggested there be no averaging of soils and that there should be one sample per 250 cubic yards. Mr. Kehoe feels that if any construction & demolition fines are to be used as fill material, the soils or other inert materials should be mixed with the construction & demolition fines at a ratio of not less than 3:1. Mr. Kehoe read each of Mr. O'Reilly's recommendations for conditions on an approval, and after each asked the Commissioners for comments on each of them. Mr. Ross suggested adding a provision to the sixth recommended condition that an independent consultant periodically inspect the wash station, and provide reports on those inspections to the Conservation Commission, regarding whether there is any runoff into the watershed and if so, the extent of any such runoff.

Mr. Kehoe asked if the Commission was ready to entertain a motion on this application. Mr. Mallen replied yes. Mr. Kehoe asked who wished to make the motion. Ms. Brindisi made a motion to deny with the following reasons:

- The Limited Project alternatives analysis as required by 310 CMR 10.53 (3) (p) (1) did not present sufficient detail describing the comparative effects that each alternative would have on wetland Resource Areas and whether an alternative not presented in the alternatives analysis could have been implemented that would result in less potential Resource Area impacts in both the short and long term.

DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
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- The current effects on groundwater have not been sufficiently characterized by the groundwater tests performed. The number, distribution, location and lack of multiple depth test wells is inadequate for the

Commission to determine whether the Statutory Interests of the Wetlands Protection Act (MGL ch131 Sec.40) pertaining to the protection of public and private water supply and protection of ground water supply have been protected.

-Multi-level well testing, including that which would be required as part of a Comprehensive Site Assessment, would provide additional and necessary information. This information was requested but not provided.

- The proposal did not provide for any surety or bond to address potential wetland impacts in the event of a partial or catastrophic failure of the landfill capping system.

Mr. Golen seconded Ms. Brindisi's motion. Mr. Kehoe opened the motion up to discussion and a discussion ensued.

Mr. O'Reilly suggested that if the Commission chooses to deny the Application, the denial state that if the project were approved, it would have included the conditions discussed (and listed above).

Mr. Kehoe stated he would entertain a motion to amend the current motion to include such a statement in the decision. Said motion was made, seconded, and approved unanimously.

Mr. Kehoe stated there is an amended motion in front of them and called for a vote. All in favor: Mr. Kehoe - I, Ms. Brindisi - I, Mr. Mallen - I, Mr. Golen - I, and Mr. Ross - I. It was a unanimous decision of those present and voting to deny the project.

Respectfully submitted,

Donna Farias
Administrative Clerk