

**DARTMOUTH CONSERVATION COMMISSION  
DARTMOUTH TOWN HALL- ROOM 103 - 7:00 P.M.  
AGENDA - TUESDAY, AUGUST 27, 2013**

Next scheduled Dartmouth Conservation Commission meeting: Tuesday, September 10, 2013  
at 7 p.m. - in Room 103

RECEIVED  
2013 SEP 25 P 3:26  
DARTMOUTH TOWN CLERK

**APPROVAL** of the minutes of July 30, 2013 meeting

**RECEIVE** the minutes of August 13 and 19, 2013 meeting

**APPROVAL** of the field trip report of the August 13, 2013 meeting

**FIELD TRIP REPORTS**

1. A Request for Determination of Applicability from Michael Fernandes re: Map 105 Lot 86 on 47 East Avenue (septic system repair/upgrade) (Boucher & Heureux, Inc.)

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1. **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)
  2. **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 September 24, 2013 requested)
  3. **CONTINUED PUBLIC HEARING-** DPM Development re: Map 143 Lot 214-216 on Kraseman Street File 15-2206 (single family home) (Sitec, Inc)
  4. **CONTINUED PUBLIC HEARING-** Mary Robinson re: Map 67 Lot 8 on Hixville Road File 15-2197 (subdivision road for two lots) (Sitec, Inc.)
  5. **PUBLIC HEARING-** Buzzards bay Coalition representing Salters Point Improvement Association re: Map 11, Blocks 23, 24, 31, 32, 33, 34, 35, 36, 37 and Map 88, Block 10, 130 Ocean Avenue in Dartmouth. File 15-2207 (invasive plant control/management of Phragmites)

**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.

(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, AUGUST 27, 2013**

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

**ABSENT:** Richard Mallen, Patricia Sweriduk, Kyle Ross

Mr. Kehoe, Chair convened the meeting at 7:07 PM.

Approval of the minutes of July 30, 2013 was unanimously accepted by those Commissioners present.

Minutes of the August 13 and 19, 2013 meeting received for reading.

Approval of the field trip report of the August 13, 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, Ms. Brindisi, and Mr. Ross went to the aforementioned site on Friday, August 23, 2013. They were met out there with a representative from the Natural Heritage Program. They walked the perimeter, as well as the woods to see the box turtle habitat. Mr. O'Reilly would like to have everything on one plan even if it is or isn't in the Conservation jurisdiction. This meeting was an opportunity to have Natural Heritage hear the Commission's concerns. Mr. O'Reilly explained the owners didn't accompany them on the site walk. Mr. O'Reilly has been in contact with the consultant and due to this being a commercial property there will need to be storm water mitigation.

With nothing further to discussed, Mr. Kehoe entertained a motion to adjourn the public meeting. Mr. Golen motioned to adjourn the public hearing at 9:10PM with Ms. Brindisi seconding. It was an unanimous decision of those present.

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 27, 2013 in Room 103 of the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

**ABSENT:** Richard Mallen, Patricia Sweriduk, and Kyle Ross

Mr. Kehoe, chair convened the hearing at 7:03 p.m. It was voted to waive the reading of the public hearing notice.

Alan Ewing from Ewing Engineering was present to represent the applicant. Mr. Ewing explained he had met with Chief Judson about Mr. O'Reilly's concern for emergency vehicles access, he has since deleted the delineation for the rest of the 45 acre parcel and has only kept the flags that pertain to this particular structure. There was more information submitted regarding the wetland crossing per Mr. O'Reilly request.

Mr. O'Reilly stated the reason for the additional information on the wetland crossing was to make certain there was no impact to the wetlands resource area from the driveway. Mr. O'Reilly explained there is a vernal pond on the south side of the existing cart path. Mr. O'Reilly explained vernal pool habitat only extends out to the edge of the wetland and doesn't extend beyond the edge of the wetland. Mr. O'Reilly said it was important that whatever impact to this driveway wouldn't affect the vernal pond. Mr. O'Reilly went out to the site to see that the driveway wouldn't impact the wetlands resource area. Mr. O'Reilly spoke with the Fire Chief Judson who doesn't have jurisdictions with private driveways. The delineation had been done by a private consultant and reviewed earlier by Mr. O'Reilly.

Tomas Cern from 30 Bakers Brook Map 29 Lot 25 asked the Commission for an extension. One reason is they received their notice of a meeting that they attended and already these plans were in affected. They weren't aware of any plans to actual building on this property. Secondly, they have obtained an expert to basically take a look at the wetlands at the stand point of the pond and how it will be affected by runoff. They are concerned when they acquired the property that all the property behind them was all wetlands and not buildable.

Mr. Kehoe stated we would take a look at the green cards. Mr. O'Reilly explained Mr. Cern had received notice on July 27, 2013. Discussion of when the first meeting was held and that significant discussion was done at this meeting about this project. At the July 30, 2013 meeting it was announced the public hearing would be continued until August 13, 2013, and the additional information was not correct at this meeting, so it was again continue until this evening.

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THE 2006 NANCY COYKENDALL FAMILY REVOCABLE TRUST  
15-2205

Mr. Cern stated they were at the first meeting. Mr. Cern looked at the green card and it was his signature. Mr. Kehoe explained that the Commission doesn't republish and it is announced at the previous meeting when the next meeting will be held, as well as it being posted on an agenda. Mr. Kehoe asked to see the notice because it is his opinion Mr. Cern notice stated he didn't have to come until August. Mr. O'Reilly stated the issue is Mr. Cern wants his consultant to look at the project. Mr. Kehoe stated the notice was proper from what he gathers. The notice was given to open the public hearing and they notified everyone verbally at the previous meetings. Mr. Kehoe stated the issue now is whether the Commission or the applicant will be willing to continue.

Mr. Kehoe asked if Mr. Ewing thought his client would agree to a continuance until the next public meeting. Mr. Ewing doesn't see why they have to. They had the line review by the Commission's agent.

Mr. O'Reilly explained the Commission has 21 days to issue an order. Mr. O'Reilly stated the practical reality is they want to have their consultant review the project, and they can appeal to DEP which it would take a lot longer than two weeks. It is up to the applicant.

Mr. Ewing thought they had a valid wetlands line. Mr. Kehoe stated he wasn't trying to tell Mr. Ewing what to do, and Mr. Ewing doesn't have to agree to a continuance.

Anthony Savastano stated for the record he wasn't there as Town Counsel but as an abutter. Mr. Savastano and the neighbors were confused that what he thought he was showing up for was the first meeting was actually the second meeting. Mr. Savastano stated the applicant has his right to close the hearing. If Mr. Ewing is confident with his delineation, and the expert hired by the neighbors confirms that then there will be no issue. Unfortunately if the applicant doesn't continue for two weeks then the only alternative would be to go to DEP which would delay the process significantly. They would like someone to look at the plan. They do have the confidence in Mr. O'Reilly but would like to have their consultant review the plan.

Mr. Ewing stated the plans have been here at the Town Hall for weeks.

Mr. Kehoe commented we can't make any applicant continue and there is a possibility that if it is appealed it will take longer than two week. The Commission did have their agent review the plans and Mr. Kehoe is convinced that the procedure for the meeting was correct.

Mr. Kehoe asked if Mr. Ewing wanted to contact his client. Mr. Ewing agreed he would try and get in touch with his client. Mr. Ewing spoke with his client and they would like to close the public hearing.

Mr. Kehoe entertained a motioned to close the public hearing. Ms. McDonald motioned to close the hearing with Ms. Brindisi seconding the motion. Mr. Kehoe stated the Commission has 21 days to issue the Order of Conditions.

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 103 of the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

**ABSENT:** Richard Mallen, Patricia Sweriduk, and Kyle Ross

Mr. Kehoe, Chair convened the hearing at 7:21 p.m. It was voted to waive the reading of the public hearing notice.

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

With nothing further to be added, Ms. McDonld motioned to continue public hearing until Tuesday, September 24, 2013 at 7 PM with Ms. Brindisi 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 103 of the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

**ABSENT:** Richard Mallen, Patricia Sweriduk, Kyle Ross

Mr. Kehoe, Chair convened the hearing at 7:22 p.m. It was voted to waive the reading of the public hearing notice. Plan 12-5265 dated June 17, 2013 of the site was displayed.

Steven Gioiosa from Sitec Inc was present to the represent the applicant. Mr. Gioiosa explained this project is on the north side of Kraseman Street. Mr. Gioiosa explained Gibson Terrace is to the north and Kraseman Street is on the south side of West McCabe Street. Mr. Gioiosa stated Mr. O'Reilly raised the question if any other local permits would be needed for this project. The Planning Board was on board with the improvements with the roadway and gave some suggestions of putting boulders at the end of Gibson Terrace. The Building Commissioner thought it would be a grandfathered lot. They did do a title review and spoke to the attorney for the owner who purchased the three 9,000 square foot lots and 300 feet of frontage. The owner has put a petition in with Zoning for the lot size. Mr. Gioiosa stated this is a buffer zone application. The applicant wants to have a single family home with detached garage and deck. The applicant has limited the landscape area as well. They met with Planning for a street determination where they have to create an eighteen foot roadway. Mild slope to the roadway no direct drainage to the wetland area. There is an utility easement which had been obtained to bring sewer and water to the property. The house is approximately 70 feet from the wetlands with the deck being a little bit closer.

Mr. O'Reilly explained there is no wetland alteration. Mr. O'Reilly asked about the access. Mr. Gioiosa went into depth about the reasonable alternative to get to the property. Mr. Gioiosa also mentioned about Mr. O'Reilly mentioning the large oak tree and his client is willing to work around the trees. They would meet with Donald Perry the Town Planner about offsetting the roadway to preserve the trees.

Mr. Kehoe asked about runoff from the newly impervious area on Kraseman. Mr. O'Reilly explained there is no storm water required for a single family home and it does drainage off into a heavily wooded area.

Ms. Brindisi asked about moving the deck. Mr. Gioiosa explained about the setbacks and the deck does count as part of the setback. The deck would be an open deck.

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DPM DEVELOPMENT  
15-2206

Ms. McDonald asked if it was a discontinued street or a paper street. Mr. Gioiosa stated a paper street and it couldn't continue to Alpha Street.

Paul Mendes W McCabe Street stated they proposed this project 8 years ago. They aren't showing all the wetlands. There is a lot of runoff coming from there. Stated he can't go into his backyard since it rains. They need to put drains or overflows and this will be draining into their property. Wants to know where this water will drain too.

Duarte Borges 276 West McCabe Street - stated he doesn't know how this could have changed from 10 years ago. Now they are trying to build a house again. They had received letters stating it wasn't buildable. Mr. Kehoe doesn't know if a decision was made, but it wasn't to do with this plan. Mr. Borges stated that they had mentioned that they could move the wetlands in another place. Mr. Kehoe stated they can replicate but that isn't what they are asking. Mr. Kehoe stated the applicant is working within the buffer zone. Mr. Borges asked how they would access the house. Mr. Gioiosa explained how they would access the property.

Mr. O'Reilly made a suggestion which is not required to put roof infiltrators to collect the roof runoff. Mr. Gioiosa would not have a problem to provide roof recharge. Mr. O'Reilly asked why the pavement on Kraseman Street was so long which makes no sense to him. Mr. Gioiosa agrees. Mr. O'Reilly suggested sending correspondence to the Planning Board. Discussion ensued on the practicality of the roadway and Planning Board policy.

Mr. Borges commented about what will be at the end of the road. Mr. Kehoe stated nothing. Mr. Borges stated all the water will be coming to his yard. Mr. Borges stated the water will be coming fast onto his property because of the blacktop and they have to put drainage. The water can't land on his land.

Mr. O'Reilly explained to Mr. Borges the reason the application is in front of the Commission is they are proposing to do work within 100 feet of a wetland. Mr. O'Reilly has walked this site. Mr. O'Reilly stated he hopes Mr. Borges understands any work he has done on his land within 100 feet of a wetland needs a permit. Mr. O'Reilly has seen Mr. Borges has done some work. Mr. Borges stated he has not done a lot of work. Mr. Borges asked what kind of work he did. Mr. Borges said he just planted trees. Mr. Kehoe stated that is within the buffer zone. Mr. Borges stated he didn't build anything. Mr. Kehoe stated you need to get permission. Mr. Borges didn't put anything over there. Mr. O'Reilly asked if he wanted him to take pictures. Mr. O'Reilly wasn't going to bring it up. There are landscape features that have been cut, and plantings. Mr. Borges stated they are things that he trims from his yard and throws in there. Mr. Kehoe strongly suggested that Mr. Borges obtain an attorney because he is admitting to violating the Wetlands Protection Act in the Town of Dartmouth. Mr. Kehoe stated the Commission could go after you for that. Mr. Borges asked again what is going at the end of the road. Mr. Kehoe stated what is there now. Mr. Borges stated when he moved there it was a big whole and people had thrown tons of garbage and he was the one who has been keeping this area clean. Trees had fallen and he cut it. Mr. Kehoe asked Mr. Borges not to say anything further so not to incriminate himself further. Mr. Borges said he has nothing to hide.

Carolyn Medeiros 210 Sharp Street stated on a plan she had seen the wetlands appeared to be much larger than what is proposed, so she was wondering if the wetlands had

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DPM DEVELOPMENT  
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changed. Her second question was what would stop someone from clearing the area as years go on.

Mr. Kehoe asked if there was a delineation done for this property. Mr. O'Reilly stated the delineation was updated from the one that was done a number of years ago. Ms. Medeiros commented if it could shrink. Mr. O'Reilly stated yes. Ms. Medeiros stated it was much larger. Mr. O'Reilly stated that a delineation done wasn't submitted to the Conservation Commission. Ms. Medeiros stated the wetlands were marked on a plan. Mr. O'Reilly stated it hadn't been submitted for review and explained how the wetlands are delineated. Ms. Medeiros asked if it had been reflagged since then. Mr. O'Reilly stated it had for this particular project. Ms. Medeiros asked if this wetland area could change again. Mr. O'Reilly doubts it. There was a major change to how wetlands are delineated. Ms. Medeiros asked what would prevent them from doing further clearing. Mr. O'Reilly stated he would suspect the Commission would hear about it. Mr. Kehoe explained to Ms. Medeiros the process if someone were to call and complain about further cutting. Ms. Medeiros was surprised to see the wetlands had shrunk. Mr. Kehoe commented that wetland doesn't mean just water.

Joe Ignanco 224 Sharp Street had an opportunity to purchase this property. He was told by lawyer who researched it, that it was wetlands and could never be built. Mr. Ignanco said now the laws changed cause it doesn't mean water. If it was wetland; it was wetland, so we going to change the law now. Mr. O'Reilly asked if a lawyer had told him it was wetland. Mr. Kehoe suggested he could have a malpractice suit. Mr. Ignanco stated another neighbor had looked into it and didn't want jokes made of the situation. Mr. Ignanco stated they said it could never be built. Mr. Kehoe didn't know where the wetlands were before.

Mr. Gioiosa stated when the application for the two houses where made the delineation on the plan didn't come any further west on Kraseman Street. Mr. Gioiosa stated there was no application made with the Conservation Commission because it never got through Zoning. Mr. O'Reilly agreed with Mr. Gioiosa about the delineation he had saw and that the wetland delineation at the time wasn't verified. Mr. O'Reilly apologized for being glib to Mr. Ignanco.

Jim Cost 274 West McCabe Street there is flooding with rain.

Carolyn Medeiros 210 Sharp Street - concerned if the wetland existed and now they have changed it makes it a lot easier for people to do things; if wetlands were larger in the past it would have impacted one house; she is concerned and feels things don't shrink

Mr. O'Reilly would like the opportunity to review and see what occurred. Mr. Kehoe stated things change and Mr. O'Reilly will look into this situation. Mr. O'Reilly stated if we needed a second opinion we could hire a consultant under the provision of the By-law at the expense of the applicant.

Mr. Mendes 278 West McCabe Street stated they never replaced the trees that they cut back then. Mr. Mendes feels they are looking for an easy way out with the roadway. Mr. Kehoe stated if DEP went out there, they would have shut them down and wouldn't have contacted the Commission. Mr. Kehoe further stated if we don't get a complaint then we can't act on it. In Mr. Kehoe's personal opinion, there shouldn't be a house on 9,000 square feet. Mr. Kehoe



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DPM DEVELOPMENT

15-2206

stated maybe it's the hydrology of the area. If someone had complained, we would have investigated it and issued enforcement. As far as, Mr. Kehoe knows there hasn't been any complaints.

Maria Borges 276 West McCabe Street - she had called the State. Elizabeth came down and made the man who was cutting the trees without a permit leave the same time she did. Mr. O'Reilly remembers Elizabeth coming back to the office and said there was cutting in the backyards. It was Mr. O'Reilly's impression that the cutting was behind the gentlemen's house and not within the wetland area. He was not aware there was any violation of the wetlands protection act. If he would have realized it the Commission would have taken enforcement action, and now the Commission has a formal permit. Mr. O'Reilly would like to look into it. Ms. Medeiros asked if this is why the wetlands are smaller because of this cutting. Mr. O'Reilly stated no.

Mr. Gioiosa asked for a two week continuance and asked if the Commission could send a letter to Planning about the roadway. Mr. Kehoe agreed to send this in letter form.

Ms. McDonald motioned to continue the public hearing with Ms. Brindisi seconding the motion.

With nothing further to be added, Ms. McDonald motioned to continue the public until Tuesday, September 10, 2013 at 7 PM with Mr. Golen 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 27, 2013 Room 103 of the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

**ABSENT:** Richard Mallen, Patricia Sweriduk, and Kyle Ross

Mr. Kehoe, chair convened the hearing at 8:22 p.m. It was voted to waive the reading of the public hearing notice. Plan file number 12-5184 dated 12/24/12 revised 8/13/13 of site were displayed.

Steven Gioiosa from Sitec Inc was present to represent the applicant. Mr. Gioiosa explained they appear in front of the Commission some time ago. The application is for a roadway leading to a two lot subdivision. At that meeting, Mr. O'Reilly had raised some concerns about the isolated wetlands on this property and whether it would qualify as a vernal pond. They allowed the Town to have a consultant take a look at this. They have come up with a plan to minimize alteration within the resource area. The road now is more of a winding road which allows them to eliminate a lot of the work within the isolated vegetated wetland area. Mr. Gioiosa spoke with Mr. O'Reilly who had a recommendation to consider after he spoke with Donald Perry. It was to move the pavement by sliding it another 4 feet to the east. It would put it a foot off the boundary line and it would pull the entire pavement outside the resource area. The applicant would build a stone embankment creating a guardrail adjacent to the resource area. There would be no direct discharge to the wetlands and no discharge to the vernal pond area.

Mr. O'Reilly wants to go back and review the plans because there has been significant work that has been done. Mr. O'Reilly stated an important point is no alteration to the vernal pond resource area can occur. With the elimination of any alteration to the resource area it removes the concern for this issue. Mr. O'Reilly suggests the applicant get a Federal Determination for the vernal pond.

Mr. Gioiosa wants to make sure there are no other issues under the Wetland Protection Act. Mr. O'Reilly doesn't want to be limiting himself to further comments until he reviews the plan.

With nothing further to be added, Ms. McDonald motioned to continue the public until Tuesday, September 10, 2013 at 7 PM with Ms. Brindisi seconding the motion.

Respectfully submitted,  
Donna Farias  
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION  
PUBLIC HEARING MINUTES OF  
BUZZARDS BAY COALITION  
15-2207

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 Buzzards Bay Coalition who wishes to construct a invasive plant control/management of 7.1 acres of Phragmites on land located at Map 11 Lot 23, 24, 31, 32, 33, 34, 35, 36, 37 and Map 88 Lot 10 on 130 Ocean Avenue in Dartmouth. The hearing was held on Tuesday, August 27, 2013 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

**ABSENT:** Richard Mallen, Patricia Sweriduk, and Kyle Ross

Mr. Kehoe, Chair convened the hearing at 8:37 p.m. It was voted to waive the reading of the public hearing notice. Plan dated August 12, 2013 of site were displayed. Certified mail receipts showing proof of abutter notification were submitted for the file.

Sara Quintal, from Polatin Restoration Ecologist for the Buzzards Bay Coalition was present to represent the applicant. Ms. Quintal explained they would like to manage 7.12 acres of Phragmites which have invaded the saltmarsh. The goal is to protect the integrity of the pond. Ms. Quintal explained they plan on mowing and using herbicide Rodeo on the Phragmites. They will use a glove technique where phragmites is low in densities, backpack sprayers will be used to treat dense areas. Ms. Quintal explained the utility vehicle will stay on solid wet ground and will not enter sensitive or difficult areas. This vehicle will disperse thatch, remove standing dead material, and facilitate access for foliar treatments. This will take place in late summer/early fall with follow-up herbicide application over the next few years. The herbicide will not be applied if it is windy. There will be monitoring and reporting of this site done by Polatin Ecological Services, LLC.

Mr. O'Reilly asked about what was the success of other locations. Ms. Quintal mentioned Falmouth being successful with this type of application. Mr. O'Reilly asked about the access with vehicles and the concern to go through the wetlands. Ms. Quintal showed on a map of the area where the vehicle would be going and in her opinion felt the invasive would grow back quickly. Mr. O'Reilly stated that Rodeo is used in aquatic situations. Mr. O'Reilly asked if the mulch phragmites would be mulched and carried away at high tide or physically removed. Mr. Quintal stated they are not proposing to be removed. The contractor didn't feel it needed to be removed. Mr. O'Reilly commented to qualify for an exemption for a Habitat Management Plan they should apply to MESA.

Christy Riley from 135 Ocean Avenue concerned with spraying. She supports the idea to rid the phragmites but concerned about applying herbicide because they swim and eat the fish in the pond.

Ms. Quintal explained there was a meeting of the residents arranged by Salter Point Association to explain what was going to be taking place. Ms. Riley didn't know anything about the meeting, and asked if she could have a copy of the proposal. Ms. Quintal went into depth on how the process of application of the herbicide to the phragmites and there is only a certain times of the year they can treat. Ms. Riley asked if she could get a copy of the proposal. A copy of the proposal was handed to Ms. Riley.

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

Respectfully submitted,

Donna Farias  
Administrative Clerk

Dartmouth Conservation Commission  
August 27, 2013  
Field Trip Report

1. A Request for Determination of Applicability from Michael Fernandes re: Map 105 Lot 86 on 47 East Avenue (septic system repair/upgrade) (Boucher & Heureux, Inc.)

ABSENT: Patricia Sweriduk, Richard Mallen, and Kyle Ross

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

Mr. O'Reilly explained this had been previously approved. There will be additional grading within the buffer zone for the sewage disposal system upgrade. Mr. O'Reilly doesn't feel there would be any negative impact and would recommend a negative determination.

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