

**DARTMOUTH CONSERVATION COMMISSION
DARTMOUTH TOWN HALL- ROOM 103 - 7:00 P.M.
AGENDA - TUESDAY, NOVEMBER 05, 2013**

Next scheduled Dartmouth Conservation Commission meeting: Tuesday, November 19, 2013 at 7 p.m. -
in Room 103

APPROVAL of the minutes of September 24, 2013 meeting

RECEIVE the minutes of October 22, 2013 meeting

APPROVAL of the field trip report of the October 22, 2013 meeting

BILL conference stay in August for Michael O'Reilly \$140.74

FIELD TRIP REPORTS

1. A Request for Determination of Applicability from Rebecca Berkowitz and David Silverman re: Map 129 Lot 36 on 85 Mosher Street (deck addition)(Silva Building Contractors, Inc)
2. A Request for Determination of Applicability from Alan Coutinho re: Map 125 Lot 57-PC04 on 15 Country Way (overflow pipe)(Alan Coutinho)
3. A Request for Determination of Applicability from James Costa re: Map 152 Lot 21-1 on 459 Old Westport Road (garage)(Ferreira Engineering)
4. A Request for Determination of Applicability from DNRT re: Map 132 Lot 51 on Russells Mills Road between Windjammer Court & Vieira Drive (walking paths)(DNRT)

PUBLIC HEARINGS

1. **CONTINUED PUBLIC HEARING** - Department of Public Works re: Map 34 on Russells Mills Road File 15-2209 (repair culvert) (Tibbetts Engineering Corp)
2. **CONTINUED PUBLIC HEARING** - Department of Public Works re: Map 28 on Rock O'Dundee Road File 15-2210 (repair culvert) (Tibbetts Engineering Corp)
3. **PUBLIC HEARING** - Christopher Bottiglieri re: Map 19 Lot 6 & 7 on Integrity Lane File 15-2211 (Single Family Home) (Ferreira Engineering) **Continuance until November 19, 2013 requested**

ITEMS FOR DISCUSSION:

- A) Construction of rifle range in wetland and on Conservation Commission property
- B) Violation at Map 121 Lot 72 on 64 Wilson Street filling of Saltmarsh
- C) Awarding of grant of 2.7 million for Round Hill Saltmarsh
- D) Land donation on Map 42 Lot 30 on Chase Road
- E) Jared DeAndrade re: Map 166 Lot 56 on 19 Greystone Avenue - Proposed drain layout **(Continuance requested until November 19, 2013 requested)**
- F) Friedland & Youman, PC representing Joan and Roger Mendoza 31 Pembroke Dr regarding neighbor at 37 Pembroke Drive
- G) Alteration violation - Victor Reis - Map 62, Lot 13 on Hixville Road
- H) **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.)

RECEIVED
2013 DEC - 3 P 4:30
DARTMOUTH TOWN CLERK

**DARTMOUTH CONSERVATION COMMISSION
DARTMOUTH TOWN HALL - ROOM 103 - 7:00 P.M.
MINUTES - TUESDAY, NOVEMBER 5, 2013**

Present Michael Kehoe, Chairperson, Patricia Sweriduk, Richard Mallen, Richard Golen, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Donna Farias, Administrative Clerk

Absent: Jacquelyn McDonald, Vice-chair, Jennifer Brindisi

Mr. Kehoe, chair convened the meeting at 7:08 PM.

Approval of the minutes of September 24, 2013 was unanimously accepted by those Commissioners present.

Minutes of the October 22, 2013 meeting received for reading.

Approval of the field trip report of the October 22, 2013 meeting was unanimously accepted by those Commissioners present.

Discussion regarding construction of rifle range in wetland and on Conservation Commission property- Mr. O'Reilly received a call from a resident on Red Oak Lane of a motorcycle trail. The Silva property is a 12 acre parcel that is north of the Cedar Dell subdivision. A 5 acre piece of the Cedar Dell subdivision was donated to the Conservation Commission. Mr. O'Reilly went to the site and observed a rifle range had installed on the Conservation Commission property and possibly on another parcel. Mr. O'Reilly met with the Silva's, Paul Murphy, Director of Inspectional Services, and Sgt. William Garcia, Dartmouth Police Department to view the site. Mr. O'Reilly stated the Silva's were cooperative and acknowledged they built the rifle range. Mr. O'Reilly explained the wetlands had been altered; a building had been built on Town Conservation Commission property. Mr. O'Reilly said all structures and construction materials need to be removed immediately from the Conservation Commission property, a wetlands delineation to be performed by a qualified wetlands consultant on Conservation Commission property and on the eastern side of the Silva property where all-terrain vehicle trails were constructed, wetlands restoration plan, prepared by a qualified wetlands consultant must be submitted to the Conservation Commission. The restoration plan shall include restoration of any and all wetland areas altered on both Conservation Commission property and the Silva property, and any all-terrain vehicle trails, or any other alteration within the buffer zone need to be properly permitted. Mr. Kehoe appreciates the Silva's willingness to cooperate and file the appropriate request to remediate the violation. Mr. Silva said had a copy of a map showing the wetlands towards the back of the property. Mr. O'Reilly explained the map he was referring to was an assessor map which shows old zones that are in the process of being removed. Ms. Silva stated that they have contacted Site, Inc. who will be going to the site on Saturday. Ms. Sweriduk expressed her appreciation for their efforts. Mr. O'Reilly feels this structure can be removed immediately. Mr. Kehoe stated if Site, Inc can't get the delineation and restoration plan in by December 17, 2013 for them to contact the office.

Discussion regarding violation at Map 121 Lot 72 on 64 Wilson Street- Mr. O'Reilly received a complaint from a neighbor. Mr. O'Reilly explained Mr. Hutchens hired a landscaper because the stones were falling into the saltmarsh. Mr. O'Reilly spoke with the landscaper and told him to stop work. Mr. O'Reilly told the landscaper he would need to pull the fill out of the saltmarsh and install hay bales. Mr. O'Reilly did speak with Mr. Hutchens that he will need to file and do restoration. Mr. O'Reilly would like to have a provision that he be there when the fill is being removed from the saltmarsh. Mr. Mallen asked what Mr. Hutchens said. Mr. O'Reilly stated he said it was to hold up the old pier. The stone work was to shore up the pier. Mr. O'Reilly told him he needed a permit. Mr. Mallen suggested sending a letter to Mr. Hutchens. Ms. Sweriduk doesn't feel the Commission should consider any work until Mr. Hutchens restores. Mr. O'Reilly would agree to that. Mr. Kehoe doesn't have a problem with him filing, but the Commission could decide that the work doesn't commence until the conditions are met and if they aren't met then we could file with Town Counsel. Mr. O'Reilly would suggest an enforcement order be issued but feels it makes sense to have a portion of the area stabilized and remove the entire fill from the Saltmarsh until it satisfies the Environmental Affairs Coordinator. Then they will need to follow up with an after-the-fact for the loom and sod. Mr. Mallen suggested having Mr. Hutchen's attend the next meeting to report what he has done.

Discussion regarding award of grant of 2.7 million for Round Hill Saltmarsh- Mr. O'Reilly explained this 2.7 million dollar grant was from hurricane Sandy money that became available. This award will be added to the 1.5 million dollars that has already been received but wasn't enough to finish the project to restore the saltmarsh. Mr. O'Reilly expects to start the permitting process in the Spring, and possibly starting the overall project by the Fall or Spring of 2015.

Discussion regarding land donation on Map 42 Lot 30 on Chase Road- Mr. O'Reilly wanted to keep this on the agenda because he is waiting for the Commission to receive a formal offer for this property which should be coming shortly.

Discussion regarding Jared DeAndrade re: Map 166 Lot 56 on 19 Greystone Avenue-proposed drain layout - Mr. O'Reilly explained Ms. Castanheira hired Kenneth Ferreira from Ferreira to look at this project. Mr. Ferreira has some ideas on this issue and will be contacting Richard Rheume from Prime Engineering. No further discussion on this matter.

Discussion regarding Friedland & Youman, PC representing Joan and Roger Mendoza 31 Pembroke Drive regarding neighbor at 37 Pembroke Drive- Mr. O'Reilly hasn't heard from the Attorney or the abutter. Mr. O'Reilly explained at the last meeting the neighbor from 37 Pembroke Drive received a negative determination. It was the decision of the Commission to take this matter off the agenda.

Discussion regarding alteration violation - Victor Reis - Map 62, Lot 13 on Hixville Road - Mr. O'Reilly mentioned the Notice of Intent was submitted but he hasn't had an opportunity to look at the application. This will be discussed at the next public hearing.

With nothing further to be discussed, Mr. Kehoe entertained a motion to adjourn the public meeting. Ms. Sweriduk motioned to adjourn the public hearing at 7:58 PM with Mr. Mallen seconding. It was an unanimous decision of those present.

Respectfully submitted,

Donna Farias

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
DEPARTMENT OF PUBLIC WORKS
15-2209

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 Department of Public Works who wishes to repair a culvert on land located at Map 34 on Russells Mills Road in Dartmouth. The hearing was held on Tuesday, November 5, 2013 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

ABSENT: Jacquelyn McDonald, Vice Chairperson, Jennifer Brindisi

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 stated the Commission was waiting on a file number and comments from Marine Fisheries and Heritage which have been received. Mr. O'Reilly stated he would suggest putting the stipulations from Marine Fisheries as part of the conditions

With nothing further to be added, Ms. Sweriduk motioned to issue a Standard order of conditions with a time-of-year (TOY) restriction on all in-water work under the bridge from March 15- June 30 to protect the anadromous/catadromous fish species above. If the river will be diverted to all repairs to be performed under on arch "in the dry", no TOY restriction is necessary. Leaving one arch undisturbed will allow an unimpeded upstream and downstream migration route. Once work is completed on one of arches and all staging and construction equipment have been removed, repairs on the second arch can begin "in the dry", and construction materials and equipment shall not be stored on the river bed with Mr. Mallen seconding the motion.

Respectfully submitted,

Donna Farias
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
DEPARTMENT OF PUBLIC WORKS
15-2210

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 Department of Public Works who wishes to repair a culvert on land located at Map 28 on Rock O'Dundee Road in Dartmouth. The hearing was held on Tuesday, November 5, 2013 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

ABSENT: Jacquelyn McDonald, Vice Chairperson, Jennifer Brindisi

Mr. Kehoe, chair convened the hearing at 7:14 p.m

Mr. O'Reilly stated the Commission was waiting on a file number and comments from Marine Fisheries and Heritage. Mr. O'Reilly stated he would suggest putting the stipulations from Marine Fisheries as part of the conditions but the Commission has not received Heritage comments.

Ms. Sweriduk motioned to continue the public hearing until Tuesday, November 19, 2013 with Mr. Mallen seconding the motion.

With nothing further to be added, Ms. Sweriduk motioned to continue the public hearing until Tuesday, November 19, 2013 at 7 PM with Mr. Mallen seconding the motion.

Respectfully submitted,

Donna Farias
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
CHRISTOPHER BOTTIGLIERI
15-2211

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 Bottiglieri who wishes to construct a single family home on land located at Map 19 Lot 6 & 7 on Integrity Lane in Dartmouth. The hearing was held on Tuesday, November 5, 2013 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

ABSENT: Jacquelyn McDonald, Vice Chairperson, Jennifer Brindisi

Michael Kehoe, Chair convened the hearing at 7:18 p.m. It was voted to waive the reading of the public hearing notice.

Mr. Kehoe had spoken to an abutter prior to the start of the meeting who stated he was not notified of this meeting. The abutter saw the advertisement and this was how he knew about the hearing. The abutter will not be available for the next public hearing and Mr. Kehoe suggested continuing this until Monday, December 02, 2013 at 7 PM.

With nothing further, Ms. Sweriduk motioned to continue this public hearing until Monday, December 02, 2013 at 7 PM with Mr. Mallen seconding the motion.

Respectfully submitted,

Donna Farias
Administrative Clerk

Dartmouth Conservation Commission
November 6, 2013
Field Trip Report

1. A Request for Determination of Applicability from Rebecca Berkowitz and David Silverman re: Map 129 Lot 36 on 85 Mosher Street (deck addition)(Silva Building Contractors, Inc)

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

Absent: Jacquelyn E McDonald, Jennifer Brindisi

Mr. O'Reilly stated this was for a small deck in the flood plain on sono tubes and replacing a concrete pad. Mr. O'Reilly doesn't feel there would be any negative impact and would recommend a negative determination.

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

2. A Request for Determination of Applicability from Alan Coutinho re: Map 125 Lot 57-PC04 on 15 Country Way (overflow pipe)(Alan Coutinho)

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

Absent: Jacquelyn E McDonald, Jennifer Brindisi

Mr. O'Reilly explained this was for an overflow pipe to help elevate the problem with flooding. The pipe will be installed under the roadway and discharge into the buffer zone. Mr. O'Reilly doesn't see any negative impact and would recommend a negative determination.

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

3. A Request for Determination of Applicability from James Costa re: Map 152 Lot 21-1 on 459 Old Westport Road (garage)(Ferreira Engineering)

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

Absent: Jacquelyn E McDonald, Jennifer Brindisi

Mr. O'Reilly stated this work is for a garage. Mr. O'Reilly had done a Wetland Site Inspection and the garage location is more than 75 feet away from the wetlands. Mr. O'Reilly doesn't feel there would be any negative impact and would recommend a negative determination.

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

November 6, 2013

Field Trip Report

4. A Request for Determination of Applicability from DNRT re: Map 132 Lot 51 on Russells Mills Road between Windjammer Court & Vieira Drive (walking paths)(DNRT)

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

Absent: Jacquelyn E McDonald, Jennifer Brindisi

Mr. O'Reilly explained this is for construction of a walking path across from Friendly Pizza to remove invasive and to create walking trails. This will allow better access to Buttonwood Brook. Mr. O'Reilly doesn't feel there would be any negative impact and would recommend a negative determination.

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