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DARTMOUTH TOWN CLERK

DARTMOUTH CONSERVATION COMMISSION  
DARTMOUTH TOWN HALL- ROOM 103 - 7:00 P.M.

## MEETING MINUTES - TUESDAY, February 11, 2014

Next scheduled Dartmouth Conservation Commission meeting: Tuesday, February 25, 2014 at 7 p.m. - in Room 103

**Absent: Michael Kehoe, Patricia Sweriduk and Jennifer Brindisi**

### APPROVAL

- Motion to approve the minutes of December 17, 2013

After a motion was made by Richard Mallen and seconded by Richard Golen, it was unanimously voted to approve the minutes of December 17, 2013.

### RECEIVE

- Receive the minutes of January 6, 2014.

After a motion was made by Richard Mallen and seconded by Richard Golen, it was unanimously voted to receive the minutes of January 6, 2014.

### APPROVAL

- Motion to approve the Field Trip Reports of January 6, 2013.

After a motion was made by Richard Mallen and seconded by Richard Golen, it was unanimously voted to approve the Field Trip Reports of January 6, 2013.

### FIELD TRIP REPORTS

1. A Request for Determination of Applicability from Joe Verissimo re: Map 148 Lot 84-26 on Elise Lane (Single family home) (Sitec, Inc.)
  - Motion to waive the reading of the Public Meeting (1<sup>st</sup> Richard Golen, 2<sup>nd</sup> Richard Mallen)
  - Work will be completed outside of the buffer zone.
  - No work will be completed within 50ft. of the adjacent wetland area.
  - No negative impact.
  - Negative Determination recommended.



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- **After a motion was made by Richard Golen and seconded by Richard Mallen, it was unanimously voted to approve a Negative Determination for the RDA from Joe Verissimo re: Map 148 Lot 84-26 on Elise Lane.**
2. A Request for Determination of Applicability from Joe Verissimo re: Map 148 Lot on 84-27 Elise Lane (Single family home) (Sitec, Inc.)
    - Motion to waive the reading of the Public Meeting (1<sup>st</sup> Richard Mallen, 2<sup>nd</sup> Richard Golen)
    - The scope of work is outside of the wetland (50 ft.).
    - Undisturbed vegetation within 50 ft. of the buffer zone.
    - No negative impact.
    - Negative Determination recommended.
    - **After a motion was made by Richard Mallen and seconded by Richard Golen, it was unanimously voted to approve a Negative Determination for the RDA from Joe Verissimo re: Map 148 Lot 84-27 on Elise Lane.**
  3. A Request for Determination of Applicability from David Lima re: Map 33 Lot 18-5 on Woodcock Rd. (Single Family home) (Sitec, Inc.)
    - Motion to waive the reading of the Public Meeting (1<sup>st</sup> Richard Mallen, 2<sup>nd</sup> Richard Golen)
    - The work is outside of 50 ft.
    - The house is outside of 50 ft.
    - No work proposed within 50 ft. of the adjacent wetland.
    - Negative Determination recommended.
    - **After a motion was made by Richard Mallen and seconded by Richard Golen, it was unanimously voted to approve a Negative Determination for the RDA from David Lima re: Map 33 Lot 18-5 on Woodcock Rd.**
  4. A Request for Determination of Applicability from Patrick & Ute Prevost re: Map 97 Lot 57 on 59 Nonquitt Avenue. (Construct a garage and new septic leaching bed) (Alan Heureux, P.E.)
    - Motion to waive the reading of the Public Meeting (1<sup>st</sup> Richard Mallen, 2<sup>nd</sup> Richard Golen)
    - A continuance was requested for February 25, 2014.
    - Plan changes will be coming in at a later date for this project as a result of Michael O'Reilly's review of the RDA.



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- **After a motion was made by Richard Golen and seconded by Richard Mallen, it was unanimously voted to approve the requested continuance for the RDA from Patrick Prevost re: Map 97 Lot 57 on 59 Nonquitt Ave. until Tuesday, February 25, 2014 at 7 p.m.**
5. A Request for Determination of Applicability from Steven Chmielewski re: Map 56 Lot 14-14 on Lot 7- Thomas Henry Heights (Single Family Home and New Septic System) (Sitec, Inc.)
- Motion to waive the reading of the Public Meeting (1<sup>st</sup> Richard Golen, 2<sup>nd</sup> Richard Mallen)
  - Most of the work is outside the 50 ft. buffer zone.
  - No work within 50ft. of the wetland area.
  - Negative Determination recommended.
  - **After a motion was made by Richard Mallen and seconded by Richard Golen, it was unanimously voted to approve a Negative Determination for the RDA from Steven Chmielewski re: Map 56 Lot 14-4 on Lot 7- Thomas Henry Heights.**
6. A Request for Certificate of Compliance from Empire Management Corporation re: Map 168 Lot 128 and 112 on 225 State Road File 15-2074 (Commercial) (Waterman Design Assoc.)
- Motion to waive the reading of the Public Meeting (1<sup>st</sup> Richard Golen, 2<sup>nd</sup> Richard Mallen)
  - Colonial Honda dealership.
  - A letter was received from the engineer stating that the work was done in compliance.
  - Michael O'Reilly visited the site and agrees that the work at the site is done in compliance.
  - The standards of the Order of Conditions have been met.
  - Certificate of Compliance recommended.
  - **After a motion was made by Richard Mallen and seconded by Richard Golen, it was unanimously voted to approve the Request for the Certificate of Compliance from Empire Management Corp. re: Map 168 Lot 128 & 112 on 225 State Road.**



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7. Continued Request for a Certificate of Compliance from DNRT re: Map 19 Lot 45 on Smith Neck Road File 15-2189 (Boardwalk) (Azore)
  - This is for the Boardwalk that was constructed on Smith Neck Road.
  - The letter was received from the engineer in regards to this project.
  - Certificate of Compliance with conditions of ongoing maintenance of the boardwalk and replacement of all decking materials and piles as needed recommended.
  - **After a motion was made by Richard Golen and seconded by Richard Mallen, it was unanimously voted to approve DNRT's Request for a Certificate of Compliance with special conditions including ongoing maintenance of the boardwalk and replacing of all decking materials and piles as needed re: Map 19 Lot 45 on Smith Neck Road.**
  
8. A Request for Partial Certificate of Compliance from Doris Basel re: Map 27 Lot 21-26 (47) on 29 Abner Potter Way File 15-503 & 15-518 (single family home) (Doris Basel)
  - No wetland
  - No buffer zone
  - A simple release from the earlier order of conditions for the previous subdivision.
  - Partial Certificate of Compliance recommended.
  - **After a motion was made by Richard Golen and seconded by Kyle Ross, it was unanimously voted to approve the Partial Certificate of Compliance from Doris Basel re: Map 27 Lot 21-26 (47) on 29 Abner Potter Way.**
  
9. A Request for Extension from Heritage Wharf, LLC. Re: Map 112 Lot 10 on 218-278 Elm Street File 15-1950 (Construct a stone sea wall) Southwharf Yacht Yard.
  - Removal of the old railway.
  - Reconstruction of the wash pad.
  - Construction of a stone seawall.
  - Two separate Order of Conditions.
  - 5 year extension requested to remain active while construction is completed.
  - **After a motion was made by Richard Golen and seconded by Richard Mallen, it was unanimously voted to approve a Five (5) year Request for Extension from Heritage Wharf, LLC. Re: Map 112 Lot 10 on 218-278 Elm Street.**



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**PUBLIC HEARINGS**

1. **7:19 p.m. CONTINUED PUBLIC HEARING -** Reis Asphalt re: Map 62 Lot 10, 12, 13 and 16 on Hixville Road **File 15-2212** (After-the-fact alteration of BVW and Buffer zone) (Scott Goddard)
  - Motion to waive the reading of the Public Hearing (1<sup>st</sup> Richard Mallen, 2<sup>nd</sup> Richard Golen)
  - Final Plan is almost complete.
  - The restoration plan should be received by the February 25, 2014 meeting.
  - Survey work is complete.
  - Reis Asphalt is requesting a continuance to February 25, 2014.
  - **After a motion was made by Richard Mallen and seconded by Richard Golen, it was unanimously voted to approve Reis Asphalt's continuance of the Public Hearing until Tuesday, February 25, 2014 at 7p.m.**
  
2. **7:20 p.m. PUBLIC HEARING-** Roberta Gates re: Map 14 Lot 7 on 452 Potomska Road **File 15-2215** re: install subsurface utility lines to existing fixed pier **File:** (Prime Engineering)
  - Motion to waive the reading of the Public Hearing (1<sup>st</sup> Richard Golen, 2<sup>nd</sup> Richard Mallen)
  - Richard Rheaume was present representing Roberta Gates.
  - Repair of existing pier.
  - Installation of subsurface utility lines.
  - Removal of landscaping (cutting sod).
  - Temporary alterations.
  - Motion to close the Public Hearing (1<sup>st</sup> Richard Golen, 2<sup>nd</sup> Richard Mallen)
  - **After a motion was made by Richard Mallen and seconded by Richard Golen, it was unanimously voted to approve a standing Order of Conditions for plan dated (November 21, 2013) for Roberta Gates re: Map 14 Lot 7 on 452 Potomska Road.**



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3. **7:22 p.m. PUBLIC HEARING-** Long Built Homes re: Map 65, Lot 26& 27 on Old Fall River Road File 15-2217 re: construct a common driveway for 5 proposed house lots. (Sitec, Inc.)
- Motion to waive the reading of the Public Hearing (1<sup>st</sup> Richard Mallen, 2<sup>nd</sup> Richard Golen)
  - Dan Gioiosa was present and Lee Castagnetti on behalf of Long Built Homes.
  - Abutters present to speak on the above referenced project: Richard Ratner, George Malteis and Glenyss Wolcott.
  - The lots are located in Natural Heritage but no work is proposed in it.
  - Construction of a common driveway. (road way only)
  - The lots will have their own filings.
  - Drainage patterns will need to be maintained.
  - The review was completed by Gus Raposa.
  - There will be a water quality swale system.
  - This is preserved open space with smaller lots.
  - This proposal needs to comply with DEP storm water.
  - The run off will need to decrease or stay the same.
  - There will be changes in the next version of the plans.
  - This is an Open Space Residential Subdivision (OSRD) which allows developers to develop smaller areas.
  - **After a motion was made by Richard Mallen and seconded by Richard Golen, it was unanimously voted to approve a continuance until Tuesday, February 25, 2014 at 7p.m. for Long Built Homes re: Map 65, Lot 26& 27 on Old Fall River Road.**
4. **7:44 p.m. PUBLIC HEARING-** DPW re: Map 48, Lot 33 & 35 on Old Westport Rd. File 15-2216 re: install four 18-inch diameter water supply wells and upgrade existing access road. (Prime Engineering Inc.)
- Motion to waive the reading of the Public Hearing (1<sup>st</sup> Richard Mallen, 2<sup>nd</sup> Richard Golen)
  - Steve Sullivan was present on behalf of the DPW.
  - Abutters present to speak on the above referenced project: John DeMello and Tom Macedo.
  - Installation of four (4) submersible wells. (1000 ft. away from the furthest back property line)
  - Widening of existing access road. (9ft. to 12-14ft.)



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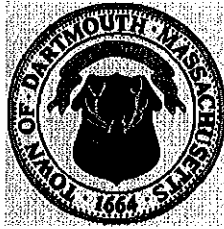
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- Verified wetland delineation was completed.
- Mr. O'Reilly met with AECOM and DEP in regards to monitoring the proximity of the wells to the wetlands.
- Preliminary approval has been given for water permitting and pumping can start.
- This has been filed as a limited project.
- Wetlands monitoring will be done.
- There will be no tree cutting.
- No land takings.
- There will be a limitation put in place in regards to pumping times.
- This project will have no impact and will remain open space.
- **After a motion was made by Richard Mallen and seconded by Richard Golen, it was unanimously approved to grant a Standing Order of Conditions for plan dated 1/30/2014 to the DPW re: Map 48, Lot 33 & 35 on Old Westport Rd.**

**ITEMS FOR DISCUSSION:**

- A) Jared DeAndrade re: Map 166 Lot 56 on 19 Greystone Avenue - Proposed drain layout
- There has been an agreement signed and executed between all parties.
  - We have a plan to approve a Negative Determination of Applicability.
  - Enforcement order is in place.
  - The drain pipe has been moved to a different location then the original location. (minor change)
  - The final agreement on the moving of the pipe has been signed.
  - There will need to be a re-filing for the Request for Determination of Applicability reflecting the relocated pipe.
  - Works will need to be completed by May 1, 2014.
  - **After a motion was made by Richard Mallen and seconded by Richard Golen, it was unanimously voted to have Jared DeAndrade re: Map 166 Lot 56 on Greystone Ave. re-file for a Request for Determination of Applicability with the work being completed by May 1, 2014.**

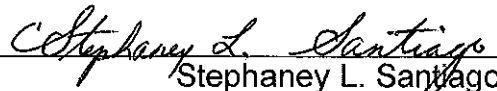


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- B) Potential Solar Field Development Parcel B on Portion of lots 17, 17-20, Assessors Map 56 Hixville Road
- There may be potential development (Solar Field) behind Thomas Henry Heights.
  - Mike O'Reilly will call to follow up.
- C) Update on Reichenbach
- A pre-trial conference was held last Thursday, February 6, 2014 in regards to this project via a telephone conference.
  - A full hearing will be scheduled sometime in April 2014.
  - There are five issues in regards to the Request for Determination but only one will be discussed. The issue discussed will be the pump chamber for the irrigation system.
  - Both the transformer pad and air conditioner pad are located above the base flood elevation. The base flood elevation is 16.8 and both pads are elevated at 17. The transformer is not subject to building code or conservation regulation and is not within our jurisdiction.
- D) **New Business** - This time is being reserved for topics that the chair did not reasonably anticipate would be discussed.
- **After a motion was made by Richard Mallen and seconded by Richard Golen, it was unanimously voted to adjourn the meeting at 8:10 p.m.**



Stephaney L. Santiago  
Conservation Commission Aide

Transcribed by: Stephaney L. Santiago