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DARTMOUTH CONSERVATION COMMISSION  
DARTMOUTH TOWN HALL DARTMOUTH TOWN, MA

### MEETING MINUTES - TUESDAY, May 27, 2014

Next scheduled Dartmouth Conservation Commission meeting: Monday, June 9, 2014 at 7 p.m. - in Room 103

#### ATTENDANCE

**Present:** Jacquelyn McDonald, Richard Mallen, Jennifer Brindisi, Richard Golen, Kyle Ross

**Absent:** Michael Kehoe, Patti Sweriduk

#### APPROVAL of the minutes of April 22, 2014 meeting

- *After a motion was made by Richard Mallen and seconded by Kyle Ross, it was unanimously voted (5-0) to approve the minutes of April 22, 2014.*

#### RECEIVE the minutes of May 13, 2014 meeting

- *After a motion was made by Richard Mallen and seconded by Jennifer Brindisi, it was unanimously voted (5-0) to receive the minutes of May 13, 2014.*

#### APPROVAL of the field trip report of May 13, 2014 meeting

- *After a motion was made by Richard Mallen and seconded by Richard Golen, it was unanimously voted (5-0) to approve the field trip report of May 13, 2014.*

#### BILLS

- Mileage Record for Mike O'Reilly (\$589.12)
- Hotel and Meal- Salem, MA (\$210.05)
- Conference Registration Fee- Salem, MA (\$100.00)
- Conference Registration Fee-UMass Amherst (\$45.00)
- *After a motion was made by Richard Mallen and seconded by Richard Golen, it was unanimously voted (5-0) to approve the payment of Michael O'Reilly bills for:*
  - Mileage Record for Mike O'Reilly (\$589.12)*
  - Hotel and Meal- Salem, MA (\$210.05)*
  - Conference Registration Fee- Salem, MA (\$100.00)*
  - Conference Registration Fee-UMass Amherst (\$45.00)*

#### VIOLATION

- **2 East River Drive(Luis Pinto)**
- The Conservation Department received multiple complaints in regards to unpermitted alterations being made in the buffer zone at 2 East River Drive.
- Luis Pinto was working on the bank of the natural stream in the buffer zone. Mr. Pinto has added a waterfall that requires a pump and some landscaping activity.
- There is a few thousand sq. ft. of alterations that have been done.
- There have been no previous violations at the address or owner.
- Michael O'Reilly recommends an enforcement order.



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- Mr. Pinto will loam and seed per the Commission and then Mike O'Reilly will inspect the area and take pictures for the Commission.
  - *After a motion was made by Jennifer Brindisi and seconded by Richard Mallen, it was unanimously voted (5-0) to continue the hearing until June 9, 2014.*

**FIELD TRIP REPORTS**

1. A Request for Determination of Applicability from Sachin Maskey & Sabina Malla re: Map 84 Lot 28 on 3 Nicole Way Dartmouth, MA. (Create a lawn area) (Sitec, Inc.)
  - **Motion to waive the hearing: 1<sup>st</sup> Richard Mallen 2<sup>nd</sup> Richard Golen**
  - The home is outside of the buffer zone.
  - The owners will be creating a minor lawn area.
  - Michael O'Reilly recommends a negative determination.
    - *After a motion was made by Richard Mallen and seconded by Jennifer Brindisi, it was unanimously approved (5-0) to approve a negative determination for Sachin Maskey & Sabina Malla re: Map 84 Lot 28 on 3 Nicole Way Dartmouth, MA. (Create a lawn area) (Sitec, Inc.)*
2. A Request for Determination of Applicability from New Bedford Yacht Club re: Map 112 Lot 8 on 208 Elm Street (Repair the sea wall beneath the main (north) pier) (Prime Engineering)
  - **Motion to waive the hearing: 1<sup>st</sup> Kyle Ross 2<sup>nd</sup> Jennifer Brindisi**
  - This request is for a seawall repair.
  - All repairs will be done by hand.
  - There will be replacement of stones.
  - Michael O'Reilly recommends a negative determination.
    - *After a motion was made by Jennifer Brindisi and seconded by Richard Golen, it was unanimously approved (5-0) to recommend a negative determination for New Bedford Yacht Club re: Map 112 Lot 8 on 208 Elm Street (Repair the sea wall beneath the main (north) pier) (Prime Engineering)*



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3. A Request for Determination of Applicability from DSDRT re: Map 61 Lots 5, 5-3, 5-4 and 5-5 on Old Reed Road (wetland delineation) (Prime Engineering)
  - **Motion to waive the hearing: 1<sup>st</sup> Richard Mallen 2<sup>nd</sup> Jennifer Brindisi**
  - This request is for wetland delineation.
  - The engineer needs to submit new plans.
    - *After a motion was made by Richard Mallen and seconded by Jennifer Brindisi, it was unanimously voted (5-0) to continue the hearing until June 9, 2014 at 7p.m. in room 103.*
  
4. A Request for Determination of Applicability from Vermette Development and Real Estate Corporation re: Map 25 Lot 1-7, Ledgemont Lane (single family home) (Sitec, Inc.)
  - **Motion to waive the hearing: 1<sup>st</sup> Richard Mallen 2<sup>nd</sup> Jennifer Brindisi**
  - This request is to construct a single family home.
  - Michael O'Reilly recommends a negative determination.
    - *After a motion as made by Richard Mallen and seconded by Jennifer Brindisi, it was unanimously voted to approve a negative determination for Vermette Development and Real Estate Corporation re: Map 25 Lot 1-7, Ledgemont Lane (single family home) (Sitec, Inc.)*

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**PUBLIC HEARINGS**

1. **CONTINUED PUBLIC HEARING** - Michael & Jeralyn Fernandes re: Map 105 Lot 86 on 47 East Avenue File 15-2160 (pier, gangway & float) (Boucher & Heureux, Inc.)
  - **Motion to waive the hearing: 1<sup>st</sup> Jennifer Brindisi 2<sup>nd</sup> Richard Golen**
    - *After a motion was made by Richard Mallen and seconded by Kyle Ross, it was unanimously voted (5-0) to continue the hearing until June 9, 2014 at 7p.m. in room 103.*
  
2. **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 hearing: 1<sup>st</sup> Richard Golen 2<sup>nd</sup> Jennifer Brindisi**
  - The restoration plan for Reis Asphalt needs to be enforced.
  - Michael O'Reilly recommends that a call be placed to Mass DEP to have them write a letter to Reis Asphalt in regards to the restoration.



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- *After a motion was made by Jennifer Brindisi and seconded by Richard Mallen, it was unanimously voted (5-0) to have Michael O'Reilly call DEP and ask them to write a letter to Reis Asphalt in regards to the restoration process.*
3. **PUBLIC HEARING-** Notice of Intent from Christopher Crowther re: Map 171 Lot 25 at 47 Lakewood Road in Dartmouth, MA File 15-2223 (Demolish existing dwelling and reconstruct a new single family dwelling) (Boucher & Heureux)
- **Motion to waive the hearing: 1<sup>st</sup> Richard Mallen 2<sup>nd</sup> Kyle Ross**
  - Alan Heureux was present on behalf of Christopher Crowther.
  - The single family dwelling will be on municipal water & sewer.
  - It is in compliance with the aquifer.
  - The Conservation Commission would like to continue the hearing for two weeks.
    - *After a motion was made by Richard Golen and seconded by Kyle Ross, it was unanimously voted (5-0) to continue the hearing until June 9, 2014 at 7p.m. in room 103.*
4. **CONTINUED PUBLIC HEARING -** Notice of Intent from Elizabeth Flynn re: Map 2 Lot 15, Off Little Beach Road (deck, shed, and boardwalk) (Stephen Chmiel) File #15-2224
5. **Motion to waive the hearing: 1<sup>st</sup> Richard Mallen 2<sup>nd</sup> Richard Golen**
- The current space is solely occupied by pilings and an existing driveway.
  - The development will be for two sheds with decks. (10x20)
  - The sheds will have split rail fencing surrounding them, to split them from the sand dunes.
  - A very minimal site design will be used.
  - Both sheds will be raised.
  - This project does not qualify as an accessory use.
  - The site is located on a back dune.
  - The reconstruction does comply with Barrier Beach performance standards.
  - The time gap for reconstruction does not matter.
    - **Motion to close the hearing: 1<sup>st</sup> Richard Mallen 2<sup>nd</sup> Kyle Ross**
    - *After a motion was made by Richard Mallen and seconded by Kyle Ross, it was voted (5-0) to re-open the public hearing for a Notice of Intent for Elizabeth Flynn re: Map 2, Lot 15 Off Little Beach Road (deck, shed and boardwalk) File # 15-2224*



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- *After a motion was made by Richard Mallen and seconded by Kyle Ross, it was unanimously voted (5-0) to continue the hearing until June 9, 2014 at 7p.m. in room 103 and to have the applicant submit a new plan for an Order of Conditions with special conditions.*
6. **PUBLIC HEARING** - Notice of Intent from Dartmouth Natural Resources Trust, Inc. re: Map 28 Lot 5 on 109 Slade Corner Road (reconstruct water control structure) (GAF) File #
- **Motion to waive the hearing: 1<sup>st</sup> Richard Mallen 2<sup>nd</sup> Kyle Ross**
  - The request is to reconstruct the existing stone water control structure at Destruction Brook.
  - This is a flood control project.
  - Flume planks will be used in the reconstruction.
  - Projected timeline for this project is 4-6 weeks.
  - This is a seasonal sensitive project and it would be better to start in the late fall.
  - Abutters feel that the stream should not be allowed to dry up; they want to keep the ponds.
  - Michael O'Reilly recommends a comprehensive water management plan be submitted by the applicant.
  - Present at hearing - Jeff Graber, Jane Tuckerman, William Millbury, Audrey Hebert, George Leontire and Clifford Tracy
  - *After a motion was made by Richard Golen and seconded by Richard Mallen, it was voted (4-0, 1 abstention- Jennifer Brindisi) to continue the hearing until June 9, 2014 at 7p.m. in Room 103.*
7. **PUBLIC HEARING**- Notice of Intent from Long Built Homes re: Map 65, portion of Lot 27 on Old Fall River Road (Single Family Home) (Sitec, Inc.) File #
- **Motion to waive the hearing: 1<sup>st</sup> Richard Golen 2<sup>nd</sup> Richard Mallen**
  - 6 lot OSRD subdivision.
  - Standard house in buffer zone.
  - No wetland alterations will be done.
  - There is a stonewall located between the home and the wetlands.
  - Present at the hearing: George Malteis, Richard Ratner (Abutters) and Lee Castagnetti. (Long Built Homes)



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**ITEMS FOR DISCUSSION:**

- A) **New Business** - This time is being reserved for topics that the chair did not reasonably anticipate would be discussed.

Stephaney L. Santiago  
Administrative Clerk

Transcribed by: Stephaney L. Santiago