



DARTMOUTH CONSERVATION COMMISSION  
DARTMOUTH TOWN HALL- ROOM 103 - 7:00 P.M.  
MEETING MINUTES - Tuesday, July 8, 2014

Next scheduled Dartmouth Conservation Commission meeting: Tuesday, July 22, 2014 at 7 p.m. in Room 103

7:07 p.m.

**ATTENDANCE**

- **Present-** Michael Kehoe, Jacquelyn McDonald, Richard Mallen, Richard Golden, Jennifer Brindisi
- **Absent-** Kyle Ross, Patricia Sweriduk

**APPROVAL** of the minutes of June 09, 2014 meeting

- *After a motion was made by Jennifer Brindisi and seconded by Richard Mallen, it was unanimously voted (5-0) to approve the minutes of June 9, 2014.*

**RECEIVE** the minutes of June 24, 2014, 2014 meeting

- *After a motion was made by Jacquelyn McDonald and seconded by Jennifer Brindisi, it was unanimously voted (5-0) to receive the minutes of June 24, 2014.*

**APPROVAL** of the field trip report of June 24, 2014 meeting

- *After a motion was made by Jacquelyn McDonald and seconded by Richard Mallen, it was unanimously voted (5-0) to approve the field trip report of June 24, 2014.*

**APPOINTMENTS**

- Steve Burgo re: Burgo Basketball Association on Slocum Road.
- Steve Burgo was present on behalf of the Burgo Basketball Association to present the Commission with a potential plan for additional parking at the facility. He proposed additional parking toward the back edge of the building (near tennis courts) which would end before the retention pond. The additional parking would be in the buffer zone and would require permitting. A stream does run through the property however over recent years has been dry. There is a question as to whether this stream is perennial or intermittent? The Commission advised Mr. Burgo to take photos of the stream for four consecutive days with a newspaper in the photo to capture the date. This was just a preliminary discussion with the Commission no approval or votes were made and Mr. Burgo will be back before the Commission at a later date.

**FIELD TRIP REPORTS**

1. A Request for Determination of Applicability from Jason Braz re: Map 148, Lot 84-25 on Elise Lane (Single Family Home) (Sitec, Inc.)
  - Motion to Waive the Reading: 1<sup>st</sup>: Jacquelyn McDonald, 2<sup>nd</sup>: Richard Mallen

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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.)

- Motion to Waive the Reading: 1<sup>st</sup>: Jacquelyn McDonald 2<sup>ND</sup>: Richard Mallen
- There will be no more continuances going forward; if the Commission does not get an update from the applicant on the status of the NOI, the Commission will close the hearing and vote. The Commission would like Michael O'Reilly to send a letter to the applicant requesting the applicant/engineer to give an update on the NOI as to a timeframe on moving forward? The Commission would like to continue this to the next meeting on July 22, 2014.
- *After a motion was made by Jacquelyn McDonald and seconded by Richard Mallen, it was unanimously voted (5-0) to request an update from the applicant on this NOI.*

3. **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 1<sup>st</sup>: Jacquelyn McDonald, 2<sup>nd</sup>: Richard Mallen
- Crystal and Natalie Reis were present on behalf of Reis Asphalt.
- The applicants presented a revised plan to the Commission depicting a phased plan for areas 4 & 5 being completed first. This would include boulders being put in both those areas to prevent future encroachment. No dredging or alterations would be made. The applicant proposed the possibility of withdrawing the NOI and feels as though both the NOI and encroachment should be under the enforcement order. The original NOI filed was for extensive alteration within the BZ. If the NOI is withdrawn, a new enforcement order will need to be issued. A new enforcement order will be issued to fully restore all alterations in the buffer zone and resource areas. It will be a separate enforcement order meaning there would be two orders in place. Due to the extensive square footage of alteration in the buffer zone the Commission feels that there needs to be speed in the restoration process. If left as it is currently without restoration, the Reis's are profiting from a violation. The Conservation Commission got involved in late 2010 when Michael O'Reilly observed the extensive wetland violation. Aerial photos showed massive alteration within the wetlands and resource areas. The Commission is no longer supportive of a phased approach going forward and is now looking for a full restoration to be completed. The Commission would like the applicant to be in constant communication with Michael O'Reilly in regards to moving forward and whether or not the NOI will be withdrawn. This will be continued for discussion on July 22, 2014.
- *After a motion was made by Richard Mallen and seconded by Jacquelyn McDonald, it was unanimously voted (5-0) to continue the discussion on July 22, 2014.*



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4. **CONTINUED 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 #15-2226
  - Motion to Waive the Reading: 1<sup>st</sup>: Jacquelyn McDonald 2<sup>nd</sup>: Richard Mallen
  - The NOI has been withdrawn by the applicant on July 7, 2014.
  
5. **CONTINUED PUBLIC HEARING** - Notice of Intent from Barbour Realty Trust re: Map 164 Lots 29, 30, and 31 on State Road (commercial retail building) (Sitec, Inc.) File #15-2228.
  - Motion to Waive the Reading: 1<sup>st</sup>: Jacquelyn McDonald 2<sup>nd</sup>: Richard Mallen
  - A continuance was requested by the applicant until July 22, 2014.
  - *After a motion was made by Jacquelyn McDonald and seconded by Richard Mallen, it was unanimously voted (5-0) to approve a continuance until July 22, 2014.*
  
6. **PUBLIC HEARING for Abbreviated Notice of Resource Area Delineation** - Quinary Irrevocable Trust re: Map 57, Lot 1 on Hathaway Road File #15-2229 (wetland delineation) (Thompson and Farland)
  - Motion to Waive the Reading: 1<sup>st</sup>: Jacquelyn McDonald 2<sup>nd</sup>: Richard Mallen
  - The applicant has requested a six week continuance for the hearing.
  - *After a motion was made by Jacquelyn McDonald and seconded by Richard Mallen, it was unanimously voted (5-0) to approve a continuance until August 19, 2014.*

**ITEMS FOR DISCUSSION:**

- A) In the Matter of Margaret Reichenbach: Final Decision. (S15-2058)
  - The final decision on the adjudicatory hearing was made. The decision was to uphold the superseding Determination of Applicability.
- B) **New Business** - This time is being reserved for topics that the chair did not reasonably anticipate would be discussed.
  - Michael O'Reilly will be out of the office the week of July 14, 2014- July 18, 2014 for a conference in San Diego, CA.