



DARTMOUTH CONSERVATION COMMISSION  
DARTMOUTH TOWN HALL- ROOM 103 - 7:00 P.M.  
**MEETING MINUTES - Tuesday, August 19, 2014**

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

**PRESENT:** Michael Kehoe, Chair, Jacquelyn McDonald, Richard Mallen, Patricia Sweriduk, Jennifer Brindisi

**ABSENT:** Richard Golen, Kyle Ross

**APPROVAL** of the minutes of July 22, 2014 meeting

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

**RECEIVE** the minutes of August 5, 2014, 2014 meeting

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

**APPROVAL** of the field trip report of August 5, 2014 meeting

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

**FIELD TRIP REPORTS**

1. A Continued Request for Determination of Applicability from John Brum re: Map 125, Lot 13-1 & 13-2 on 475 & 483 Russells Mills Road (removal fill from BVW and grading work) (Sitec, Inc)
  - **Motion to Waive the Reading:** 1<sup>st</sup>: Jacquelyn McDonald, 2<sup>nd</sup>: Richard Mallen
  - Applicant requested a continuance until September 9, 2014
  - **After a motion was made by Jacquelyn McDonald and seconded by Richard Mallen, to continue the Request for Determination until September 9, 2014 at 7:00 PM voted (5-0) to continue.**
2. A Request for Determination of Applicability from Palmer River Development Co., LLC re: Map 160, Lot 122-4 on Clarendon Street (Single Family Home) (Thompson Farland)
  - **Motion to Waive the Reading:** 1<sup>st</sup>: Jacquelyn McDonald, 2<sup>nd</sup>: Richard Mallen
  - buffer zone project
  - no structures yard work only
  - **After a motion was made by Jacquelyn McDonald and seconded by Patricia Sweriduk, it was unanimously (voted 5-0) to approve a Negative Determination 3 for Map 160, Lot 122-4 on Clarendon Street.**

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DARTMOUTH TOWN CLERK



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3. A Request for Determination of Applicability from Town of Dartmouth re: Map 90, Lot 10 on Smith Neck Road (Exploratory Geotechnical Soil Borings) (Town of Dartmouth)
  - **Motion to Waive the Reading: 1<sup>st</sup>: Jacquelyn McDonald, 2<sup>nd</sup>: Richard Mallen**
  - Mr. O'Reilly explained soil borings were previously permitted for the Round Hill Saltmarsh
  - The four additional soil borings needed were not on the previous plan
  - **After a motion was made by Jacquelyn McDonald and seconded by Jennifer Brindisi, it was unanimously (voted 5-0) to approve a Negative Determination 2 for Map 90, Lot 10 on Smith Neck Road for the purpose to do additional soil borings.**
  
4. A Request for Certificate of Compliance from Bruce Bates re: Map 72, Lot 22 on 36 Cold Brook Lane File 15-1981 (Single Family Home) (GAF Engineering)
  - A letter from the engineer had been received
  - There is a septic as-built on file
  - Mr. O'Reilly stated there are no violations to the Order of Conditions and would recommend the issuance of a Certificate of Compliance
  - **After a motion was made by Jacquelyn McDonald and seconded by Patricia Sweriduk, it was unanimously (voted 5-0) to GRANT a Certificate of Compliance for Map 72, Lot 22 on 36 Cold Brook Lane.**
  
5. A Request for an Extension Permit from Bruce Poor re: Map 128, Lot 14, Annie's Path a.k.a. Avis Street File 15-1920 (dwelling) (Prime Engineering)
  - There are no violations to the current Order of Conditions and Mr. O'Reilly would recommend the issuance of a 3 year extension
  - **After a motion was made by Jacquelyn McDonald and seconded by Richard Mallen, it was unanimously (voted 5-0) to GRANT a 3 year Extension permit for Map 128, Lot 14 on Annie's Path a.k.a. Avis Street - file 15-1920.**
  
6. A Request for a Certificate of Compliance from Vermette Development and Real Estate Corporation re: map 79 Lot 6-12 on Medeiros Lane File 15-1983 (dwelling) (Sitec, Inc)
  - A letter from the engineer had been received
  - Mr. O'Reilly conducted a site visit, and is requiring an as-built plan do to some variation to the site other than what was in the original Order of Conditions
  - **After a motion was made by Jacquelyn McDonald and seconded by Richard Mallen, it was unanimously (voted 5-0) to TABLE this request for Certificate of Compliance until the as-built of the site has been received for Map 79, Lot 6-12 on Medeiros Lane - file 15-1983.**



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**PUBLIC HEARINGS**

1. **CONTINUED 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 two 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 September 9, 2014.**
  
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 Reading: 1<sup>st</sup>: Jacquelyn McDonald 2<sup>nd</sup>: Richard Mallen**
  - The applicant has requested a two 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 September 9, 2014.**
  
3. **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**
    - Steve Gioiosa from Sitec, Inc. was present along with the applicants.
    - This NOI is for a 4 acre parcel located in the riverfront area. Mr. Gioiosa explained the revised plans address all the technical issues as follows:
      - construction entrance note added to plan
      - Limit of work note added to coincide with silt fence line
      - detail roof drain overflow added to plan
      - detention pond elevations revised
      - "Sequence of Major Activities" and the "Maintenance/Inspection Procedures and Sediment Controls"
  - There had been question in regards to the NOI is whether or not this is a degraded site and if this area is a redevelopment area which would improve on existing conditions?
  - Mr. Gioiosa submitted aerial photographs from 1961 and 1971 showing the site has been disturbed. The site is known to have had a go- cart track on the parcel and evidence of it still remains.
  - All the grading has been moved to the west further away from the Riverfront



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- Mr. O'Reilly explained the amended plan does meet the performance standards and complies with the Stormwater regulations
  - Ms. Brindisi asked Mr. O'Reilly if this was an improvement
  - Mr. O'Reilly does feel this is an improvement especially with the Stormwater control
  - The plantings are show on the plan and swale will be installed along adjacent property to help flow according to Mr. Gioiosa
  - *After a motion was made by Jacquelyn McDonald and seconded by Richard Mallen, to issue a Standard Order of Conditions according to the revised plan dated August 4, 2014 it was unanimously voted (5-0) to approve.*
4. **PUBLIC HEARING** – Notice of Intent from Nina Knowlton re: Map 125 Lots 56 on Country Way (replace 12 inch diameter culvert and remove fallen trees) (Prime Engineering).
- **Motion to Waive the Reading: 1<sup>st</sup>: Jacquelyn McDonald, 2<sup>nd</sup>: Richard Mallen**
  - **Jennifer Brindisi recused herself from any discussion and voting on this particular matter**
  - Richard Rheume from Prime Engineering was present to represent the application.
  - Mr. Rheume stated they have not received notification from Natural Heritage and would need to continue this matter for two weeks.
  - Mr. Rheume explained this is to:
    - replace a 12 inch culvert
    - control invasive autumn olive vegetation
    - and remove partially fallen trees
  - Mr. Rheume wanted the guidance of the Commission on whether to leave the trees or have them removed once they have been cut
  - Mr. O'Reilly feels this project is straight forward; Mr. O'Reilly did ask how the work would be done and about the invert pipes placement
  - Mr. Rheume commented it would all be done by hand and it would be at the surface so not to drain the wetlands.
  - Discussion on the application of the herbicide and leaving the trees in place after they have been cut.
  - *After a motion was made by Jacquelyn McDonald and seconded by Richard Mallen, to continue this public hearing until Tuesday, September 9, 2014 at 7:00 PM it unanimous (4-0) with one abstention.*



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5. **PUBLIC HEARING AMENDED ORDER OF CONDITIONS-** Notice of Intent from Bruce Poor re: Map 128 Lots 14 on Annies Path a.k.a Avis Street (construct a driveway and a OOC extension) (Prime Engineering).
- Richard Rheume from Prime Engineering was present to represent the application.
  - Mr. Rheume commented a two week continuance will be need because new plans have just been resubmitted
  - The plan before the Commission this evening is to amend the driveway previously permitted, and to make it a roadway
  - Fire District 1 would like an 18 foot wide width of pavement instead of the 16 feet
  - The homes on the plan are only for demonstration purposes. Mr. Rheume explained they would come before the Commission for each individual house.
  - There is an Open Space Residential Design (OSRD) proposed
  - Ms. Sweriduk asked if they would be extending the roadway any further.
  - Mr. Rheume stated no further extension is proposed
  - Mr. O'Reilly feels the OSRD is important.
  - The 18 foot roadway, he would defer to the Fire Department
  - Discussion on the types of roadway material were discussed
  - Mr. Rheume informed the Commission that he will be working with Mr. Correia one of the abutters to address concerns he has before the Commission's next meeting
  - Aguinaldo Correia just wanted to reiterate that he would be meeting with Mr. Rheume on Saturday
  - Steven Menard an abutter asked about the hammerhead, and water main
  - *After a motion was made by Jacquelyn McDonald and seconded by Richard Mallen, to continue this public hearing until Tuesday, September 9, 2014 at 7:00 PM it unanimous (5-0).*

**ITEMS FOR DISCUSSION:**

- A) Duplicate original Order of Condition for Jayesh Patel/618 State Road-
- Mr. Rheume explained to the Commission that he has the original Order of Conditions (OC) and did not recorded the OC, because he had not been paid by the applicant
  - Mr. Rheume is willing to record the OC as long as he receives payment
  - Mr. O'Reilly explained the original request for a duplicate OC came from Fairhaven Excavating who is also owned money by the applicant
  - Mr. O'Reilly previously sent Mr. Patel a letter requesting an as-built but one has not been submitted
  - It was the decision of the Commission to send Mr. Patel a letter that he is in violation of the OC



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- B) 2 East River Drive – Pinto property
- Mr. O'Reilly handed the Commission some conceptual plans Mr. Pinto would like to submit for (after-the-fact) work to wetlands on his property
  - Mr. O'Reilly would suggest that Mr. Pinto submit engineered plans
  - The Commission felt the documents Mr. Pinto had submitted were not adequate and would like to see engineered plans
- C) **New Business** – This time is being reserved for topics that the chair did not reasonably anticipate would be discussed.

Respectfully submitted by: Donna Farias  
Administrative Clerk