



**DARTMOUTH CONSERVATION COMMISSION
 DARTMOUTH TOWN HALL - ROOM 103 - 7:00 P.M.
 MINUTES - Tuesday, September 23, 2014**

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 DARTMOUTH TOWN CLERK

ATTENDANCE:

Present: Patricia Sweriduk, Richard Mallen, Jennifer Brindisi, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator, Donna Farias, Administrative Clerk and Tina Cabral, Administrative Clerk.

Absent: Michael Kehoe, Chair, Jacquelyn McDonald, Vice-Chair and Kyle Ross

Ms. Sweriduk convened the meeting at 7:15 PM.

Approval of the minutes of August 19, 2014 was unanimously accepted by those Commissioners present.

Minutes of the September 9, 2014 meeting received for reading.

Approval of the field trip report of the September 9, 2014 meeting was unanimously accepted by those Commissioners present.

FIELD TRIP REPORTS:

1. A Request for Determination from Long Built Homes Re: Map 65, Portion of Lot 27 (subdivision Lot 2) (Single Family Home) (Sitec, Inc.)

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

Mr. O'Reilly explained this is for a single family home off of a subdivision on Old Fall River Road. This is the last of the lots in that subdivision. This particular house is located across the driveway from a wetland which is located a little off to the east. The house itself is approximately 92 ft. away from the wetland. Behind the house is an existing field and a stone wall at the existing end of the field. The construction is a fair distance away from the wetland. Mr. O'Reilly doesn't see any negative impact and would recommend a negative determination.

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

2. A Request for Determination from Massachusetts Department of Transportation-Highway Division Re: Map 63, Lot 1 (new maintenance building) (Bayside Engineering)

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

Mr. O'Reilly explained that this request is for a new maintenance building. There is an existing paved area within the existing Department of Transportation facility. The new maintenance building is located entirely on the paved surface area.

Present: Brian Silva of Bayside Engineering: MASS DOT is proposing a new 16 x 20 Faunce Corner Depot maintenance building for administrative and storage space. The existing trailer structure will be removed and a new maintenance building will be placed on the lot which will include a pad foundation will be poured and repair the pavement around the building. No expansion is proposed.

Mr. O'Reilly doesn't see any negative impact and would recommend a negative determination.

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

3. A Request for Certificate of Compliance from John Amaral Re: Map 25, Lot 10 on 125 Rock O'Dundee Road File 15-2212 (sewage disposal system) (Ferreira Engineering)

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

Mr. O'Reilly explained that this Certificate of Compliance was for an improvement substandard sewage disposal system. The work has been completed and confirmed by letter of the engineer. Mr. O'Reilly performed a site inspection today and all work on the plan has been completed in compliance. Mr. O'Reilly would recommend a Certificate of Compliance.

DECISION: Mr. Mallen motioned to **GRANT** a Certificate of Compliance with Ms. Brindisi seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
REIS ASPHALT
15-2212

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 After the Fact alteration of BVW and Buffer Zone Notice of Intent of Reis Asphalt on land located at Map 62 Lot 10, 12, 13, and 16 on Hixville Road in Dartmouth. The hearing was held on Tuesday, September 23, 2014 in Room 103 in the Dartmouth town Hall at 400 Slocum Road in Dartmouth.

Present were Patricia Sweriduk, Richard Mallen, Jennifer Brindisi, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator, Donna Farias and Tina Cabral Administrative Clerks.

ABSENT: Michael Kehoe, Jacquelyn McDonald and Kyle Ross.

Ms. Sweriduk convened the hearing at 7:22 p.m. It was voted to waive the reading of the public hearing notice.

The applicant's representative sent a request for a two week continuance.

Ms. Sweriduk invited Mr. O'Reilly to comment on the proposed project.

Mr. O'Reilly explained the applicant is requesting a continuance in order to work on the stormwater management on the site.

With nothing further to be added, Mr. Mallen motioned to CONTINUE the public hearing until Tuesday, October 14, 2014 at 7 PM with Ms. Brindisi seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
AMENDED ORDER OF CONDITIONS
15-1920

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, of Bruce Poor on Annie's Path a.k.a. Avis Street in Dartmouth, located on Map 128 Lot 14. The hearing was held on Tuesday, September 23, 2014 in Room 103 in the Dartmouth town Hall at 400 Slocum Road in Dartmouth.

Present were Patricia Sweriduk, Richard Mallen, Jennifer Brindisi, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator, Donna Farias and Tina Cabral Administrative Clerks.

ABSENT: Michael Kehoe, Jacquelyn McDonald and Kyle Ross.

Ms. Sweriduk convened the hearing at 7:24 p.m. It was voted to waive the reading of the public hearing notice.

Ms. Sweriduk invited the petitioner or representative to present the proposed project.

Present: Richard Rheaume/Prime Engineering: Mr. Rheaume stated that this hearing was continued in order to submit revised plans and that the revised plans have been submitted and reviewed by Mr. O'Reilly.

Mr. O'Reilly explained that the applicant did submit in a timely manner the revised plan and it was reviewed.

With nothing further to be added, Mr. Mallen motioned to GRANT the Amended Order of Conditions in accordance with the revised plan prepared by Prime Engineering, Inc., dated August 25, 2014 with Ms. Brindisi seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
NINA KNOWLTON
15-2230

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 Nina Knowlton on land located at Map 125 Lot 56 on Country Way in Dartmouth. The hearing was held on Tuesday, September 23, 2014 in Room 103 in the Dartmouth town Hall at 400 Slocum Road in Dartmouth.

Present were Patricia Sweriduk, Richard Mallen, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator, Donna Farias and Tina Cabral Administrative Clerks.

ABSENT: Michael Kehoe, Jacquelyn McDonald and Kyle Ross.

RECUSED: Jennifer Brindisi

Ms. Sweriduk convened the hearing at 7:25 p.m. It was voted to waive the reading of the public hearing notice.

Ms. Sweriduk invited the petitioner or representative to comment on the proposed project.

Present: Richard Rheaume/Prime Engineering: Mr. Rheaume stated that this hearing was continued in order to obtain a letter from Natural Heritage and said letter was submitted to Mr. O'Reilly for review.

Ms. Sweriduk invited Mr. O'Reilly to comment on the proposed project.

Mr. O'Reilly stated that he did receive the letter from Natural Heritage and has reviewed the same.

With nothing further to be added, Mr. Mallen motioned to GRANT the Notice of Intent with the standard order of conditions in accordance with the plan prepared by Prime Engineering, Inc., dated August 24, 2014 with Mr. Golen seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
MICHAEL KALISZ
15-2231

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, of Michael Kalisz on land located at Map 155 Lot 81-2 on Carroll Street in Dartmouth. The hearing was held on Tuesday, September 23, 2014 in Room 103 in the Dartmouth town Hall at 400 Slocum Road in Dartmouth.

Present were Patricia Sweriduk, Richard Mallen, Jennifer Brindisi, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator, Donna Farias and Tina Cabral Administrative Clerks.

ABSENT: Michael Kehoe, Jacquelyn McDonald and Kyle Ross.

Ms. Sweriduk convened the hearing at 7:29 p.m. It was voted to waive the reading of the public hearing notice.

Ms. Sweriduk invited the petitioner or representative to comment on the proposed project.

Present: Richard Rheaume/Prime Engineering: Mr. Rheaume stated that this hearing was continued in order to submit a final revised plan.

Ms. Sweriduk invited Mr. O'Reilly to comment on the proposed project.

Mr. O'Reilly stated that he had no comments.

With nothing further to be added, Mr. Mallen motioned to GRANT the Notice of Intent with the standard order of conditions in accordance with the plan prepared by Prime Engineering, Inc., dated August 28, 2014 with Ms. Brindisi seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
Abbreviated Notice of Resource Area Delineation
15-2229

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, for Abbreviated Notice of Resource Area Delineation-Quinary Irrevocable Trust and located at Map 57, Lot 1 on Hathaway Road in Dartmouth. The hearing was held on Tuesday, September 23, 2014 in Room 103 in the Dartmouth town Hall at 400 Slocum Road in Dartmouth.

Present were Patricia Sweriduk, Richard Mallen, Jennifer Brindisi, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator, Donna Farias and Tina Cabral Administrative Clerks.

ABSENT: Michael Kehoe, Jacquelyn McDonald and Kyle Ross.

Ms. Sweriduk convened the hearing at 7:30 p.m. It was voted to waive the reading of the public hearing notice.

Ms. Sweriduk invited Mr. O'Reilly to comment on the proposed project.

Mr. O'Reilly stated that this matter was an Anrad. He met with the consultant last week out in the field. Quite a few changes to the wetland delineation were made. Mr. O'Reilly stated that there is nothing to review tonight as applicant must submit a revised plan reflecting the changes recommended.

With nothing further to be added, Mr. Mallen motioned to CONTINUE the public hearing to Tuesday, October 14, 2014. with Ms. Brindisi seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
J&T HOME BUILDERS
15-2232

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, of J&T Home Builders on land located at Map 131, Lot 61 on Sagamore Drive in Dartmouth. The hearing was held on Tuesday, September 23, 2014 in Room 103 in the Dartmouth town Hall at 400 Slocum Road in Dartmouth.

Present were Patricia Sweriduk, Richard Mallen, Jennifer Brindisi, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator, Donna Farias and Tina Cabral Administrative Clerks.

ABSENT: Michael Kehoe, Jacquelyn McDonald and Kyle Ross.

Ms. Sweriduk convened the hearing at 7:31 p.m. It was voted to waive the reading of the public hearing notice.

Ms. Sweriduk invited the petitioner or representative to present the proposed project.

Present: Steve Gioiosa/SITEC, Inc. Mr. Gioiosa explained that the applicant is filing for a proposed common driveway construction (18' width) on an 8.1 acre parcel of land located off Sagamore Drive and is a part of the Apponagansett Village Subdivision which has been vacant. The proposal is for a common driveway construction originating off Sagamore Drive for access to an Open Space Residential Development ("OSRD") which will include four (4) 40,000 s.f. lots for single family homes. A wetland delineation has been completed by Chris Capone who has identified a wetland system on the site, an upland area in the middle of the site and a wetland area to the rear. The wetland areas drain to culverts to the east and to the Algonquin Drive storm drain system. The land has been mapped as a Natural Heritage Area. The proposed plan has been filed with Natural Heritage. Natural Heritage has reviewed the plan and submitted a letter including that the proposal including the lot development component (which is not before the Commission tonight) and has deemed this project not being a take under the Natural Heritage. A replication area has been designated to the rear of the property. The common driveway will cross the wetlands and narrow its position to enter into the rear upland portion of the site. This concept has been reviewed by the Town Planner, Donald Perry, and was acceptable but has not yet been approved by the Planning Board at this point. An initial review of the drainage calculations have been prepared and submitted to the town's drainage consultant, Mr. Rapoza. A review by Mr. Rapoza indicated a few minor modifications which have been addressed and resubmitted. There will be no septic systems. It will be municipal town water and sewer. The purpose of the Open Space plan is to preserve surrounding buffer spaces to the maximum extent feasible. In this case there are 5.3 acres of space being created that would be restricted from development.

Ms. Sweriduk invited Mr. O'Reilly to comment on the proposed project.

Mr. O'Reilly asked Mr. Gioiosa how many lots and homes could be created in this subdivision and will that be presented to the Planning Board.

Mr. Gioiosa answered that five (5) lots could be created under a conventional subdivision cul-de-sac which would end up being more intense for this subdivision, but that there is enough space to create five 5 single family houses. He further indicated that there is a cost to do the five lots and that four lots

would be more feasible for this area. He further answered that before any lots or homes could be created that yes he would have to present it before the Planning Board with a density plan for review and approval in accordance to zoning regulations and subdivision regulations to determine that the lots are in fact buildable under conventional development.

Mr. O'Reilly commented that the "OSRD" is a very good subdivision concept and does preserve open space. There was wetland delineation prior to this proposal on this site which had to do with another subdivision up to the west side. Mr. O'Reilly stated that he would like to meet with the wetland consultant at this site as he suggests that some changes could be made. There is also an additional wetland area which needs some further investigation behind 26 or 27 Sagamore Drive. This wetland area needs to be identified as to whether or not it is jurisdictional, how large it is, where it drains and the overall extent of it as it could have a significant effect on this site. He further stated he is not sure if this particular area qualifies as a wetland but it is an area that needs further investigation. This area is tricky and difficult wetland delineation on this site. With regard to the stormwater management, there is a retention pond located at the front portion of the site and ground water elevation information will be needed as well as a detailed sheet for the detention pond. The overall number for the discharge post development does show a decrease in the rate of runoff on this site. However, one of the water-sheds does show a slight increase in the amount of runoff. The requirements are to be no impact, but there will be some additional runoff from that additional water shed. The culvert underneath the proposed driveway is being used as a control point, and the wetland upgradient in that is being used to store stormwater. The proposed elevation is 65 ½ and, for example, in a 100 year storm there would be water backed up to some of the abutting properties. Mr. O'Reilly major concern is should wetlands be used for stormwater- retention. Mr. O'Reilly's other concern is the bypass area may generate additional runoff that is heading out to the Algonquin Drive. Mr. O'Reilly further explained he met with Gus Rapoza (drainage consultant) today and went over all the above concerns. Mr. O'Reilly suggests that a meeting should be scheduled with Mr. Gioiosa, Gus Rapoza and himself to review the plans further.

Mr. Gioiosa agreed to meet with the drainage consultant and Mr. O'Reilly to further discuss the plans.

Ms. Sweriduk invited public comments regarding this project.

Michael Heath of 1 Algonquin Drive raised concerns relative to when it rains as his backyard presently becomes a swamp. When this proposed driveway is constructed he feels that water will continue to run down into the abutting properties. He further raised concerns about the turkeys and deer currently present in the wetlands and where will they go.

Scott Mosher of 28 Sagamore Drive raised concerns that a great amount of water accumulates from the Merrymount area into the abutting lots presently.

Roseann Marques of 13 Alconquin Drive commented that she has lived in this neighborhood for more than 40 years and that a culvert runs on her property and when it gets full it overflows onto the lots in front of her property and where will the wildlife habitat and also when the roads get salted due to ice or snow will the salt leach into the abutting properties or wetlands.

DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
J&T HOME BUILDERS
15-2232

Mr. O'Reilly commented that the Commission does not protect wildlife but has standards and regulations to protect habitat for wildlife.

Steve of 11 Algonquin Drive asked if the site has been purchased, commented that his backyard gets flooded with rain water and takes at least two sunny days to dry up. He also commented that he would not even be eligible to apply for a pool permit due to the water problem.

Mr. Gioiosa answered Steve's comment about the purchase of the site and answered yes the site has been purchased.

Pat Sylvia of 7 Sagamore Drive commented that her father-in-law owned this particular site before the 1970s and tried to build on the land but was told that he could not due to the wetlands. He then subsequently sold it to Campenelli in the 1970s. Ms. Sylvia commented that her father-in-law had told her that this site consisted of wetlands and pasture.

Rosalie Thatcher of 9 Algonquin Drive commented that she has lived in this neighborhood for 40 years and her backyard floods quite a lot and stated that her neighbor who resides at 7 Algonquin Drive inquired about purchasing this site and was told he could not due to the wetlands and the land being unbuildable.

Chad Almeida commented that years back there were streams all over the neighborhood.

Ed Roxnall commented that he does not have a problem with runoff on his property but wants to know if there will be any kind of reassurance that he will continue to not have problems with water runoff and questioned if an appeal process is available.

Mr. O'Reilly explained that if any abutter doesn't agree with the decision the appeal process is done through the Department of Environmental Protection ("DEP"). The evaluation will then begin from scratch and the DEP engineers will look and evaluate the site. Anyone individually, or any 10 citizens of the town may appeal. Mr. O'Reilly suggested that this matter be continued for further evaluation.

With nothing further to be added, Mr. Mallen motioned to CONTINUE this hearing to Tuesday, October 14, 2014 at 7:00 p.m. with Ms. Brindisi seconding the motion.

Respectfully submitted,
Fina Cabral
Administrative Clerk

ITEMS FOR DISCUSSION:

- A. DNRT- "Pattullo Conservation Restriction": Mr. O'Reilly explained that DNRT is located on Potomska Road and a conservation restriction will be placed on approximately 13.24 acres that DNRT is acquiring from Faith and Mary Barnes. The property is currently under contract by DNRT after the Select Board, in accordance with its authority under M.G.L. ch.61A, assigned the Town's first refusal option to DNRT. After DNRT acquires the property, DNRT will immediately sell it to Elizabeth Pattullo subject to the attached CR which will limit the parcel to 2 residential building envelopes while preserving the woodland along Potomska Road and the agricultural field. Mr. O'Reilly highly recommends the Commission to sign the Municipal Certification form as he suggests this will become a nice addition to the parcels.
- B. RECUSED-Jennifer Brindisi
Update-Duplicate original Order of Condition for File 15-1888 for Jayesh Patel/618 State Road-Fairhaven Excavating: The property on State Road has been vacant for a number of years and there were issues on this site and they were working with an expired order of conditions. The original order of conditions has been acquired and recorded by the applicant. We need to inquire of the applicant as to whether or not they want to proceed with their initial request of 1 ½ years ago of an extension permit which is available to be granted at this point or because the construction has been completed whether or not they want to proceed directly with a certificate of compliance. The applicant will need to be contacted to determine how they would like to proceed.
- C. Duplicate Certificate of Compliance for File 15-258 for Barry Sachs: The applicant requested a duplicate certificate of compliance for a project that has been closed for 30 years.
- D. New business discussion: Conservation Commission Minutes will be transcribed to its original fashion with lengthier paragraphs, detailed and more specific.
- E. Taxes for Assessor's Parcel Map 56 Lot 17 & Map 56 Lot 17-20, Henry Heights-Hixville Road: There was some back taxes owed on this property and the Assessor's office is requesting a letter to be signed by the Commission requesting that the back taxes be waived due to the parcel that has the back taxes is being held for conversation purposes.

8:45 p.m. Meeting Adjourned