



**DARTMOUTH CONSERVATION COMMISSION
DARTMOUTH TOWN HALL - ROOM 103 - 7:00 P.M.
MINUTES - Monday, November 10, 2014**

ATTENDANCE:

Present: Michael Kehoe, Chair, Jacquelyn McDonald, Vice-Chair, Richard Mallen, Patricia Swerdluk, Jennifer Brindisi, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral, Administrative Clerk.

Absent: Richard Golen

RECEIVED
24 NOV 25 PM 12 48
DARTMOUTH TOWN CLERK

Mr. Kehoe convened the meeting at 7:05 PM.

Approval of the minutes of September 23, 2014 was unanimously accepted by those Commissioners present.

Minutes of the October 14, 2014 meeting received for reading.

Approval of the field trip report of the October 14, 2014 meeting was unanimously accepted by those Commissioners present.

APPOINTMENT: Appointment with DPW regarding Tucker Road drainage. DPW was not present at meeting.

FIELD TRIP REPORTS:

1. A Request for Determination of Applicability from Stanley & Dawn Stopka Re: Map 8 Lot 1 on 892 Division Road (to verify limit of bordering vegetated wetland on the property)

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

Mr. O'Reilly requested a continuance so that further he can perform further wetland delineation on the site and requested it be continued for two weeks.

With nothing further to be added, Mr. Kehoe motioned to CONTINUE this matter until November 24, 2014 with Ms. McDonald seconding the motion.

2. A Request for Determination of Applicability from Southeastern Massachusetts Amateur Radio Association, Inc. Re: Map 138, Lot 231 on 54 Donald Street (construct precast building)

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

Mr. O'Reilly reported that this request is for an addition on an existing foundation. There is a structure that needs to be replaced and the work is located approximately 65' of the adjacent wetland. Mr. O'Reilly doesn't anticipate any negative impact and would recommend a negative determination.

DECISION: Ms. McDonald motioned to issue a negative 3 determination with Mr. Mallen seconding the motion.

3. A Request for Determination of Applicability from Claudia Arsenio Re: Map 68 Lot 16 on 155 Old Fall River Road (wetland delineation) (Mark Garrett)

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

Mr. O'Reilly reported that this request is for wetland delineation verification. Mr. O'Reilly has reviewed the wetland delineation and it looks fine and recommends a positive determination for the purposes of resource area delineation.

DECISION: Ms. McDonald motioned to issue a positive 2a determination with Mr. Mallen seconding the motion.

4. A Request for Determination of Applicability from Jorge Verissimo Re: Map 148 Lot 84-24 on Elise Lane (dwelling) (Sitec, Inc.)

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

Mr. O'Reilly reported this request is for a single family home and is located outside of the buffer zone and there is only a minor amount of work more than 50' away from the wetland. Mr. O'Reilly doesn't anticipate any negative impact and would recommend a negative determination.

DECISION: Ms. McDonald motioned to issue a negative 3 determination with Mr. Mallen seconding the motion.

5. Request for a Partial Certificate of Compliance from Edward Klein and Beth Rocha Re: 148 Lot 84-27 on 11 Elise Lane (dwelling) (Dustina Bennett, Esq.)

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

Mr. O'Reilly explained this request for a Partial Certificate of Compliance is relative to a mistake at the Registry of Deeds in recording File #15-2080 which belongs to 11 Elise Lane. 11 Elise Lane has a separate Order of Conditions and it has received a separate Certificate of Compliance.

Mr. O'Reilly doesn't anticipate any negative impact and would recommend the Request for a Partial Certificate of Compliance.

DECISION: Ms. McDonald motioned to issue the Partial Certificate of Compliance with Mr. Mallen seconding the motion.

6. Request for Certificate of Compliance from H. Austin Hoyt Re: Map 9, Lot 19-2 on 321 Barneys Joy Road File#15-1960 (dwelling) (Site Design Eng.)

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

Mr. O'Reilly explained he received a letter from the engineer stating that all work was completed. Mr. O'Reilly performed a site inspection and found all to be in compliance. Mr. O'Reilly doesn't anticipate any negative impact and would recommend the Request for Certificate of Compliance.

DECISION: Ms. McDonald motioned to issue the Request for Certificate of Compliance with Mr. Mallen seconding the motion.

7. Request for Certificate of Compliance from H. Austin Hoyt Re: Map 9, Lot 19-2 on 321 Barneys Joy Road File#15-1969 (deck, storage shed & access) (Site Design Eng)

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

Mr. O'Reilly explained he received a letter from the engineer stating that all work was completed. Mr. O'Reilly performed a site inspection and found all to be in compliance. Mr. O'Reilly doesn't anticipate any negative impact and would recommend the Request for Certificate of Compliance.

DECISION: Ms. McDonald motioned to issue the Request for Certificate of Compliance with Mr. Mallen seconding the motion.

8. Request for Duplicate Certificate of Compliance from John Rea Re: Map 134, Lot 29 on Mariana Street File#15-87 (stonewall) (Thomas Mathieu, Esq.)

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

Mr. O'Reilly explained this request is for a duplicate Certificate of Compliance which was issued many years ago as the original Certificate of Compliance was never recorded. Mr. O'Reilly doesn't anticipate any negative impact and would recommend a Duplicate Certificate of Compliance.

DECISION: Ms. McDonald motioned to issue the Request for a Duplicate Certificate of Compliance with Mr. Mallen seconding the motion.

9. Request for Determination of Applicability from Aspen Properties Group, LLC Re: Map 66, Lots 13 & 14 on Lot 1 Hixville Road (construct a single family home) (ThompsonFarland)

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

Mr. O'Reilly explained this is for the construction of a single family home. The home will be located outside of the buffer zone as well as the work to be performed. Within the buffer zone is a cornfield that will have some minor regarding. There will be no additional clearing associated with this. Mr. O'Reilly doesn't anticipate any negative impact and would recommend a Request for Determination of Applicability.

DECISION: Ms. McDonald motioned to issue the Request for Determination of Applicability with Mr. Mallen seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
JOEL BRENNER and VICTORIA POPE
15-2233

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 Joel Brenner and Victoria Pope on land located at Map 23, Lot 39 on 802 Rock O' Dundee Road in Dartmouth. The hearing was held on Monday, November 10, 2014 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present were Chair Michael Kehoe, Vice-Chair Jacquelyn McDonald, Richard Mallen, Patricia Sweriduk, Jennifer Brindisi, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Richard Golen

Mr. Kehoe convened the hearing at 7:15 p.m. It was voted to waive the reading of the public hearing notice.

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

Mr. O'Reilly explained that the applicant has submitted a request for a continuance for two weeks from the applicant in order to make revisions to the plan. Comment from the Harbormaster was received regarding the orientation of the dock. Mr. O'Reilly recommends a two week continuance on this matter.

With nothing further to be added, Ms. McDonald motioned to CONTINUE the public hearing until Monday, November 24, 2014 at 7:00 PM with Mr. Mallen seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
DOUGLAS CURTISS
NOTICE OF INTENT FILE 15-2238

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 Douglas Curtiss on land located at Map 117, Lot 11 on 14 Water Street in Dartmouth. The hearing was held on Monday, November 10, 2014 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present were Chair Michael Kehoe, Vice-Chair Jacquelyn McDonald, Richard Mallen, Patricia Sweriduk, Jennifer Brindisi, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Richard Golen

Mr. Kehoe convened the hearing at 7:20 p.m. It was voted to waive the reading of the public hearing notice.

Mr. Kehoe invited the representative to comment on the proposed project.

Alan Heureux of Boucher & Heureux: (submitted certified mail return receipt cards for the file) Mr. Heureux explained his client is proposed an addition to the existing single family house situated at 14 Water Street on the northerly side. The coastal line and water bank are highlighted on plan presented to the Commission by Mr. Heureux. There are flood zones elevation 16 and 17 around the site. The proposed new structure will be 544 s.f. and will be elevated on piles and would be 2' above the base flood elevation. There will be a second floor deck constructed consisting of 8'x 16' on the water side. All proposed work will be in compliance with all flood insurance codes and building codes.

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

Mr. O'Reilly commented that he had an opportunity to review this project and the issues are the flood code, building code and flood plain. Mr. O'Reilly has discussed this matter with the Building Commissioner and said project will conform with the current building codes. Mr. O'Reilly found no other issue with the project, but questioned Mr. Heureux if the existing house will come up to flood plain elevation.

Mr. Heureux answered that no it will not because the increase is less than 50% of the house.

Mr. Kehoe invited public comment on the proposed project.

Arthur Burke commented in favor of the proposed project.

No further public comment.

Mr. Kehoe motioned to close the public hearing with Ms. McDonald seconding this motion.

With nothing further to be added, Ms. McDonald motioned to GRANT the Notice of Intent with the standard order of conditions in accordance with the plan submitted with Mr. Mallen seconding the motion.

Respectfully submitted,

Tina Cabral

Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
AFTER-THE-FACT-ALTERATION OF BVW and BUFFER ZONE
NOTICE OF INTENT
REIS ASPHALT FILE 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 Monday, November 10, 2014 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present were Chair Michael Kehoe, Vice-Chair Jacquelyn McDonald, Richard Mallen, Patricia Sweriduk, Jennifer Brindisi, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Richard Golen

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

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

Mr. O'Reilly explained that he has had several meetings with the applicant and its representative to review the stormwater management. The stormwater management is required as it is a commercial property. Mr. O'Reilly also reports that there has been some progress as far as the wetland restoration. Mr. O'Reilly reviewed the submitted conceptual plan with applicant's representative and has suggested recommendations on how the conceptual plan may be further revised. Mr. O'Reilly recommends that this matter be continued for two weeks.

With nothing further to be added, Ms. McDonald motioned to CONTINUE the public hearing until Monday, November 24, 2014 at 7:00 PM with Mr. Mallen seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
MARY ROBINSON
NOTICE OF INTENT FILE 15-2236

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 Mary Robinson on land located at Map 67, Portion of Lot 8 at Lot 1-Mary's Way in Dartmouth. The hearing was held on Monday, November 10, 2014 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present were Chair Michael Kehoe, Vice-Chair Jacquelyn McDonald, Richard Mallen, Patricia Sweriduk, Jennifer Brindisi, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Richard Golen

Mr. Kehoe convened the hearing at 7:40 p.m. It was voted to waive the reading of the public hearing notice.

Mr. Kehoe invited the representative to comment on the proposed project.

Steve Gioiosa of Sitec, Inc.: Mr. Gioiosa stated Attorney Chip Mulford who also represents the applicant is present. Mr. Gioiosa explained that he took the Commission's recommendation to relocate the proposed caretakers' dwelling to the other side of the residence in order that relief from the buffer zone could be avoided. Mr. Gioiosa indicated he has submitted a revised plan dated October 16, 2014 reflecting this relocation of the proposed caretakers' dwelling.

Mr. Kehoe invited Mr. O'Reilly to comment on the revised plan.

Mr. O'Reilly commented that the revised plan is an improvement from the original plan previously submitted with the application.

Mr. Kehoe invited public comment on the proposed project.

No public comment.

Mr. Kehoe motioned to close the public hearing with Ms. McDonald seconding this motion.

With nothing further to be added, Ms. McDonald motioned to GRANT the Notice of Intent with the standard order of conditions in accordance with the revised plan dated October 16, 2014 with Mr. Mallen seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
NEW BEDFORD DEPARTMENT OF PUBLIC INFRASTRUCTURE
NOTICE OF INTENT FILE 15-2234

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 New Bedford Department of Public Infrastructure on land located at Map 84 Lot 25 at 300 Samuel Barnet Blvd in Dartmouth. The hearing was held on Monday, November 10, 2014 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present were Chair Michael Kehoe, Vice-Chair Jacquelyn McDonald, Richard Mallen, Patricia Sweriduk, Jennifer Brindisi, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Richard Golen

Mr. Kehoe convened the hearing at 7:50 p.m. It was voted to waive the reading of the public hearing notice.

Mr. Kehoe invited the representative to comment on the proposed project.

Magdalena Lawson-Wetland Scientist: (submitted certified return receipt cards for the file) Ms. Lawson is representing the City of New Bedford for this project regarding maintenance to the Turner Pond Dam. The City of New Bedford owns the Turner Pond Dam. The majority of the dam is located in New Bedford on Old Plainville Road with the other portion located in Dartmouth. According to the office of Dam Safety this dam is considered a significant high hazard dam and requires inspections every five years. About a year ago, a phase 1 inspection was performed and the results were poor and, therefore, maintenance needs to be performed to upgrade its status to fair and avoid a phase 2 along with additional costs. The proposed maintenance work is to remove any trees that are growing on the dam and within 20' of the downstream side of the dam; roots are not proposed to be disturbed; anything greater than 40" in diameter will be cut; clearing grub; restore and stabilize the surface; and no alterations to the bordering vegetated wetland is proposed. Most of the work proposed will be done by hand; chainsaw, a chipper, and a tractor. Wetlands have been delineated and flagged. A letter from the Division of Fisheries & Wildlife, dated October 31, 2014 was submitted for the file and stated that the Division has determined that this project, as currently proposed, will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species.

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

Mr. O'Reilly commented that there is one significant issue in the Notice of Intent. The proposal proposes work on three private properties. The private properties are noted in the Notice of Intent and those private property owners were noticed with the abutter notification issue, but the problem is unlike the New Bedford side there are three private lots that the plan submitted with the Notice of Intent shows proposed work on. The Commission cannot issue an Order of Conditions on private property without those private property owners being the signatory on the Notice of Intent or at least providing verification from those private property owners. This issue does need to be cleared.

Ms. Lawson recommended to the Commission that she would obtain the private property owners' signatures on the Notice of Intent and submit the same to the Commission for consideration.

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
NEW BEDFORD DEPARTMENT OF PUBLIC INFRASTRUCTURE
NOTICE OF INTENT FILE 15-2234

Mr. O'Reilly agreed that signatures from the private property owners would be a proper recommendation. He also questioned where the access to the site for this maintenance would be and stated that there are very large trees on this site. Mr. O'Reilly also stated that this is a limited project because of the amount of work within the riverfront area, land subject to flooding and also bordering vegetated wetland and inland banks. This project qualifies for the limited project for dam maintenance.

Ms. Lawson stated that Sarah Porter will be performing a site visit on the field and will have better knowledge and specific details as to the construction and/or maintenance of the dam project.

With nothing further to be added, Ms. McDonald motioned to CONTINUE this public hearing to Monday, November 24, 2014 at 7:00 p.m. with Mr. Mallen seconding the motion.

Respectfully submitted,
Fina Cabral
Administrative Clerk

ITEMS FOR DISCUSSION:

- A. Hiring process for the Conservation Officer: Mr. O'Reilly stated to the Commission he would like to clarify how to proceed on the hiring process. A job description has been submitted to the Human Resource Director and is ready for advertising. The position will be part-time, 16 hours per week at \$25.00/hr and no benefits. This position will require to perform accurate A-1 site inspections and wetland delineations. Mr. O'Reilly questioned the Commission on how they wanted to handle the interviewing process. The Commission agreed that a sub-committee consisting of Mr. O'Reilly, Ms. Sweriduk and Mr. Mallen who will perform the initial interviews and screening and qualifying applicants will be brought before the Commission for the final interview.
- B. Aquaculture application process/Caravana application: Mr. Kehoe commented that the Select Board has set new regulations back in June, and unfortunately, they did not find their way to this Commission. These regulations were drafted leaving a scaping hole. Mr. Kehoe stated his opinion regarding this matter that a Request for Determination of Applicability should be filed with the Commission. Mr. Kehoe also stated that this is the town's license and they should be the applicant. After this application, a dialogue must be placed between the Commission and the Select Board regarding the Aquaculture regulations.

Mr. Mallen commented that any regulation approved by the Select Board can in no way serve or supersede the Conservation Commission protection of the wetlands. This could eventually end in grief and a lawsuit for the town.

Mr. O'Reilly stated that this Aquaculture application first was filed on June 6, 2014. This is the first Aquaculture application for the town. He checked with the Town of Duxbury who has completed at least 30 of these types of applications and stated they take care of it with a Request for Determination of Applicability. The correct procedure for the Aquaculture application is to be brought before the various town offices for review, comment and signature. Mr. Caravana submitted the application to the Select Board with separate packets for each pertinent town office's review. On June 6, 2014, this application was delivered to the Board of Health for its review because the former Director of Public Health, Wendy Henderson commented on the application. This package never made its way to the Conservation office. The problem is not Mr. Caravana's but within the Town Hall.

Mr. Kehoe stated that the Commission recommends the Town of Dartmouth file a Request for Determination of Applicability with the Conservation office.

- C. 8:30 p.m. Meeting Adjourned