



**DARTMOUTH CONSERVATION COMMISSION
DARTMOUTH TOWN HALL - ROOM 103 - 7:00 P.M.
MINUTES OF - Monday, November 24, 2014**

2015 JAN 8 AM 8 41
DARTMOUTH TOWN CLERK RECEIVED

ATTENDANCE:

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

Absent: Chairman Michael Kehoe

Ms. McDonald convened the meeting at 7:05 P.M.

Approval of the minutes of October 14, 2014 was unanimously accepted by those Commissioners present.

Minutes of the November 10, 2014 meeting received for reading.

Approval of the field trip report of the November 10, 2014 meeting was unanimously accepted by those Commissioners present.

APPOINTMENT:

- (1) Rich Riccio- Informal consultation meeting: Mike Howard spoke on behalf of the discussion regarding a solar project from Com Edison that came before the Commission 2010. In 2011 they came back before the Commission for proposed work within the buffer zone and the Commission did not approve this request to conduct the work in the east side of the buffer zone. The solar project was completed in 2012. Com Edison is now requesting selective tree cutting within 35' of the wetland buffer zone to minimize the shading that is over the solar panels. A lengthy discussion ensued between the Commission and Mr. Howard and Mr. Riccio inquiring the exact number of trees that will be cut. Mr. Howard did not have an exact figure. The Commission's main concern is the trees that are located in the wetland area. The Commission suggested to the applicants to determine the exact number of trees if they so wish to submit a further Notice of Intent.

- (2) DPW regarding Tucker Road drainage: Tim Barber spoke on behalf of DPW to explain the large amounts of flooding on Tucker Road and Country Club Boulevard as well as the house at 953 Tucker Road. DPW is trying to find out a way to alleviate the flooding without staining the culvert on Tucker Road and Country Club Boulevard. Engineer, Alan Heureux, and Gus Raposo came up with a proposal design to cover up the stormwater basins on Elise Lane, Nicole Way and John Alden Farm to reduce the flow during large rain events. Mr. O'Reilly commented that he has had several meetings with DPW Mr. O'Reilly stated he met with Mr. Heureux and Mr. Raposo to discuss the analysis proposed by them on this issue and relative to the function of the pond and water quality, etc. Modifying these ponds with the design suggested by Mr. Heureux was reviewed by Mr. Raposo and is agreeable to him and DPW as well. The final stage is to get an approval by the Commission to go ahead with this project.

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

Mr. O'Reilly discussed that this request is for delineation of wetlands. Mr. O'Reilly stated that he still needs to make changes at the site and has not been able to get out to the site. He suggests that this matter be continued for two weeks.

With nothing further to be added, Ms. Sweriduk motioned to CONTINUE this matter until December 9, 2014 with Mr. Mallen seconding the motion.

2. A Request for Determination of Applicability from Town of Dartmouth Re: Apponagansett Harbor (Aquaculture) (Town of Dartmouth)

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

Mr. O'Reilly reported that this request is from the Town of Dartmouth regarding a single site for aquaculture. About a year or so ago there were maps that were prepared along with regulations that were promogated for the licensing of aquaculture plots within the harbor. This is for the first of the aquaculture plots that are within this zone. The dimension of the proposed site is rectangular and is 120' x 180' and is approximately 143' from the shore on the east side of Padanaram Harbor within the previously approved zones. It is relatively low impact and floating cages. Mr. O'Reilly doesn't anticipate any negative impact and would recommend a negative determination.

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

3. A Request for Determination of Applicability from Michael and Sarah Silva Re: Map 123 Lot 201 on 104 William Street (wetland verifying; clear and grub rear yard; loam and seed) (Boucher & Heureux)

Ms. Sweriduk 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 a wetland delineation within 20' on the west side of the property to clear and grub a rear yard and to create a yard with loam and seed. There is no wetland alteration to this delineation as there is no yard at all. Mr. O'Reilly doesn't anticipate any negative impact and would recommend a negative determination.

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

4. A Request for Determination of Applicability from Comcast Cable Communications Re: John Vertente Boulevard Right-of-Way (installation of cable conduit and associated equipment) (LEC)

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

Mr. O'Reilly reported this request is for the installation of a cable conduit and associated equipment for high speed internet. The project is located in the buffer zone to a town bylaw wetland. There exists a small isolated wetland across the street from this trench to install a cable. The trench is 36" deep and 50' long all within the right-of-way but is located on the opposite side of the street. This is a small project and Mr. O'Reilly doesn't anticipate any negative impact and would recommend a negative determination under the bylaw for this project.

DECISION: Ms. Sweriduk motioned to issue a negative 3 determination under the bylaw for this project 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
NOTICE OF INTENT
FILE 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 24, 2014 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

ABSENT: Chair Michael Kehoe

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

Ms. McDonald invited the representative/applicant to comment on the proposed project.

Alan Heureux of Boucher & Heureux: Mr. Heureux explained that he revised the plan with suggestions from the Harbormaster showing a different configuration by shortening the pier from 4' to 3' and moving it away from two large boulders.

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

Mr. O'Reilly explained that the applicant has submitted a revised plan with improvements, but is waiting from a letter from the Harbormaster with his comments and this letter is critical in this matter. Mr. O'Reilly recommends a two week continuance.

With nothing further to be added, Ms. Sweriduk motioned to CONTINUE the public hearing until Tuesday, December 9, 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
J&T HOME BUILDERS
NOTICE OF INTENT
FILE #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, on a Notice of Intent of J&T Home Builders on land located at Map 131 Lot 61 on Sagamore Drive in Dartmouth. The hearing was held on Monday, November 24, 2014 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

ABSENT: Chair Michael Kehoe

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

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

Mr. O'Reilly explained that the representative forwarded a letter requesting a two week continuance as they need more time. Mr. O'Reilly recommends that this matter be continued for two weeks.

With nothing further to be added, Ms. Sweriduk motioned to CONTINUE the public hearing until Tuesday, December 9, 2014 at 7:00 PM with Mr. Mallen seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
CAREN HARPLE
NOTICE OF INTENT
FILE #15-2239

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 a Notice of Intent of Caren Harple on land located at Map 102 Lot 32 at 685 Smith Neck Road in Dartmouth. The hearing was held on Monday, November 24, 2014 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

ABSENT: Chair Michael Kehoe

Ms. McDonald convened the hearing at 7:45 p.m. It was voted to waive the reading of the public hearing notice.

Ms. Brindisi recused herself.

Ms. McDonald invited the applicant/representative to comment on the proposed project.

Steve Gioiosa of Sitec, Inc.: Mr. Gioiosa commented that this project is to reconfigure a portion of an existing bank alteration which will include the construction of a bluestone slate seating area and the construction of one stone retaining wall and one stone seating area wall. The existing stone steps and concrete ramp will be relocated to a more suitable location. The existing stone foundation will be rehabilitated and there will be no alternation of the existing seawalls or existing dock.

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

Mr. O'Reilly explained that although this is a reasonable proposal, he has two concerns. One is the angle of the new proposed wall in the velocity zone which can be problematic and the second concern is with regard to what type of base will be used for the blue stones.

Mr. O'Reilly recommends that this matter be continued for two weeks.

With nothing further to be added, Ms. Sweriduk motioned to CONTINUE the public hearing until Tuesday, December 9, 2014 at 7:00 PM with Mr. Mallen seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
REIS ASPHALT
AFTER-THE-FACT ALTERATION OF BVW AND BUFFER ZONE
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 a After-the-fact Alteration of BVW and Buffer Zone of Reis Asphalt on land located at Map 62 Lots 10, 12, 13 and 16 on Hixville Road in Dartmouth. The hearing was held on Monday, November 24, 2014 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

ABSENT: Chair Michael Kehoe

Ms. McDonald convened the hearing at 7:55 p.m. It was voted to waive the reading of the public hearing notice.

Ms. McDonald invited Mr. O'Reilly to comment on this proposed project.

Mr. O'Reilly commented that he received an email from the representative requesting a continuance as work is still progressing on the stormwater management and Mr. O'Reilly suggests that this matter be continued for two weeks.

With nothing further to be added, Ms. Sweriduk motioned to CONTINUE the public hearing until Tuesday, December 9, 2014 at 7:00 PM 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 73 Block 18 and Map 68, Lots 17 and 18 on Old Fall River Road in Dartmouth. The hearing was held on Monday, November 24, 2014 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

ABSENT: Chair Michael Kehoe

Ms. McDonald convened the hearing at 8:00 p.m. It was voted to waive the reading of the public hearing notice.

Ms. McDonald invited the representative to comment on the proposed project.

Andrew Poyant of CDM Smith: 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.

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

Mr. O'Reilly explained that he performed a site visit at the Turner Pond Dam and also has had communications with Sarah Porter from the City of New Bedford. He also commented that a draft Operations & Maintenance Plan was approved by the City of New Bedford together with eight (8) special conditions imposed by the City of New Bedford. Mr. O'Reilly suggests we implement these special conditions minus special condition #3 on the order of conditions. Mr. O'Reilly continued to explain that this is a limited project and must be done per the Dam Safety.

With nothing further to be added, Ms. Sweriduk motioned to GRANT this Notice of Intent including the eight (8) special conditions minus special condition #3, with Mr. Mallen seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

ITEMS FOR DISCUSSION:

A. No New Business was discussed.

B. 8:30 p.m. Meeting Adjourned

Respectfully submitted,
Sina Cabral
Administrative Clerk