



**DARTMOUTH CONSERVATION COMMISSION
DARTMOUTH TOWN HALL - ROOM 103 - 7:00 P.M.
MINUTES OF - Tuesday, December 9, 2014**

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DARTMOUTH TOWN CLERK

ATTENDANCE:

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

Absent: Patricia Sweriduk

Mr. Kehoe convened the meeting at 7:05 P.M.

Approval of the minutes of November 10, 2014 was unanimously accepted by those Commissioners present.

Minutes of the November 24, 2014 meeting received for reading.

Approval of the field trip report of the November 24, 2014 meeting was unanimously accepted by those Commissioners present.

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 explained that this request was for a wetland delineation verification. Mr. O'Reilly made a couple of adjustments to the wetland delineation as proposed and a new revised plan has been received showing the new adjustments. Mr. O'Reilly recommends the issuance of a positive determination.

With nothing further to be added, Ms. McDonald motioned to grant a positive determination in this matter with Mr. Mallen seconding the motion.

2. A Request for Determination of Applicability from Town of Dartmouth Re: Map 132, Lot 1 at 247 Russells Mills Road (installation of a modular building in the buffer zone at the police station) (Town of Dartmouth)

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

Mr. O'Reilly reported that this request is for the installation of a new modular building for a temporary police station in the rear of the parking lot entirely over impervious surface. However, there are 63 piles proposed and 14 of those piles are located within a buffer zone adjacent to a small stream. In this request there is also reconfirmation of earlier work that had been approved by an earlier Request for Determination which includes some landscaping work along the edges of the parking lot. There is also some slope protection added on an east facing slope. Mr. O'Reilly further added that this is a relatively small project and doesn't anticipate any negative impact and would recommend a negative determination.

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

3. A Request for Determination of Applicability from Bayou Villars Holding Company Re: Map 134 Lot 33 at 58 St. John Street (site construction, utilities, grading and parking) (Sitec, Inc.)

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 a water quality improvement and completion of a condo building that was started but has not been completed in quite a while and the previous alterations are now being completed. However, there will be adjustments such as the impervious surface is being reduced from 94% down to 52% as well as the addition of water quality structures that have never been present to handle the stormwater runoff. There is no buffer zone or resource area other than land subject to coastal storm flowage. Mr. O'Reilly suggests it will be an improvement to the existing condition and would recommend a negative determination.

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

4. A Request for Determination of Applicability from Michael Carreira Re: Map 189, Lot 45 at 32 Village Drive (garage) (Michael Carreira)

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 garage within the buffer zone. Only a small portion of the garage will be located within the buffer zone and it will be going over an existing lawn area. There are wetlands shown on the plan to the adjacent lot. There are flags in the field of this wetland and Mr. O'Reilly explained he is not sure if they are correct as there are no wetlands where the flags are shown. However, the major issue of this request would be the construction of the garage. Mr. O'Reilly recommend a negative 3 determination for work within the buffer zone and recommend a positive 2b for the inaccurate wetland delineation.

DECISION: Ms. McDonald motioned to issue a negative 3 determination for work within the buffer zone and a positive 2b determination for inaccurate wetland delineation, with Mr. Mallen seconding the motion.

Respectfully submitted,
Fina 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 Tuesday, December 9, 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, Richard Golen, Jennifer Brindisi, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Patricia Sweriduk

*Mr. Kehoe convened the hearing at 7:10 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 additional revised plans were submitted which relocated the dock based on comments from the Harbormaster and the Harbormaster has not had time to comment on the revised plans. The applicant has requested a two week continuance in this matter.

With nothing further to be added, Ms. McDonald motioned to CONTINUE the public hearing until Monday, December 22, 2014 at 7:00 p.m., with Mr. Mallen seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
CONTINUED 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 Tuesday, December 9, 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, Richard Golen, Jennifer Brindisi, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Patricia Sweriduk

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 this proposed project.

Mr. O'Reilly commented that the applicant has requested a two week continuance for reasons being the stormwater management plans will not be ready by December 9, 2014. The engineer has requested more time in order to complete the plans. Applicant also reported as far the other restoration progress, once the applicant's finishes their season they will be able to put more effort into the restoration over the winter and into the springtime.

With nothing further to be added, Ms. McDonald motioned to CONTINUE the public hearing until Monday, December 22, 2014 with instructions to forward a letter to the applicant and representative stating that legal action may be considered with the request of any further continuances. Mr. Mallen 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 Tuesday, December 9, 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, Richard Golen, Jennifer Brindisi, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Patricia Sweriduk

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 applicant/representative to comment on the proposed project.

Steve Gioiosa of Sitec, Inc: Mr. Gioiosa briefly recapped the purpose of this Notice of Intent. He presented the Commission with revised plans dated November 24, 2014. Mr. Gioiosa explained that he has received the comments from Raposo Engineering Consultants in a letter dated 12/4/14. With respect to Mr. Raposo's comments, Sitec has provided a revised Drainage Summary; Detail Sheet #1, General Note 4 has been amended and the Drawing DC-1 has been revised to reflect the correct scale. Mr. Gioiosa further noted that Sitec has analyzed the flagged isolated pocket (flag numbers C1-C6) as shown on the Existing Conditions Plan (Sheet 6 of 8) for relevance to the Dartmouth Wetlands Bylaw.

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

Mr. O'Reilly reported that he met with the consultant out in the field and reviewed the wetland delineation. First, the flags had been torn down and they all had to be relocated. Once the flags were relocated, there were adjustments made to the wetland delineation. The drainage calculations were reviewed as well as the standards for isolated land subject to flooding and the standards within the local wetland protection bylaw. This particular wetland is not large enough to be jurisdictional under the wetlands protection act or under the wetlands protection bylaw. The overall drainage strategy as explained by Mr. Gioiosa is much improved and complies with the regulations. Comment from the drainage consultant has been received. This project complies with the stormwater management performance.

Mr. Kehoe invited comments from Commissioners. No comment from Commissioners.

Mr. Kehoe invited public comment.

A number of abutters were present and voiced certain questions that were irrelevant and out of the jurisdiction of the Conservation Commission. Other concerns and questions asked were as follows:

- *Will project affect the wildlife habitat*
- *Will there be a greater backup coming from the retention pond*
- *Will the 50' buffer to the abutting neighborhood remain the same*
- *Will there continue to be runoff onto abutting properties with large rain storms*
- *Will there be waivers considered due to not even frontage and relative to lot sizes*
- *What will happen to the extra land*
- *Will there be a drainage area to keep extra water off the other properties*
- *Will there be additional or future changes to the plan presented at tonight's meeting*

DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
I&T HOME BUILDERS
NOTICE OF INTENT
FILE 15-2232

Mr. Gioiosa answered most of the questions and concerns from residents. The OSRD is a benefit to the wetlands as it preserves open space. He further continued to state that this NOI was filed with the Division of Fisheries and Wildlife. A response letter dated June 5, 2014 was received from the Division of Fisheries & Wildlife stating that "this project will not result in a prohibited "take" of state-listed rare species". The retention pond helps slow the flow and not increase the flow of water. There is a 24" culvert that will maintain the flow for the stormwater in an easterly direction. The proposed driveway will pitch inwards towards the retention pond area for water to drain down to the swale. This project will need to go before the Planning Board for further approvals. The extra land space could be deeded to the town as land conservation or remain as open space. There are very specific restrictions that will prohibit from clearing and/or cutting trees/shrubs. There will be no altering to structures on the land and/or to the topography of the land. Mr. Gioiosa made it clear that there are no additional proposed changes to the current plan submitted at tonight's meeting. Mr. Gioiosa assured the abutters that he takes full responsibility as the design engineer for this project and has stamped the plans accordingly.

No further public comment. No further comment from Commissioners. It was voted to close the public hearing.

Ms. McDonald motioned to GRANT the Notice of Intent with the standard Order of Conditions, with Mr. Mallen seconding the motion.

Respectfully submitted,
Fina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
CONTINUED 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 Tuesday, December 9, 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, Richard Golen, Jennifer Brindisi, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Patricia Sweriduk

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

Jennifer Brindisi recused herself.

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

Steve Gioiosa of Sitec, Inc.: Mr. Gioiosa commented that the original presentation on this proposed project contemplated a wall in the velocity to be located behind the proposed patio area. This is an existing altered portion within the shoreline and property owners are creating a small seating area and barbeque area with standard ramps leading to their personal dock. Mr. O'Reilly pointed out at the last meeting that the vertical wall in the velocity zone would be a problem. Mr. Gioiosa commented that a review of the grades were performed and depicted an angle to the wall so that it is no longer in a vertical configuration so that there may be stability; additional stonework to the side is proposed but it works with a grading stand point and addresses the major issue raised at the last meeting.

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

Mr. O'Reilly affirmed that the new proposed revised plan showing the proposed slope wall does comply with the standards.

Mr. Kehoe invited public comment. No public comment. It was voted to close the public hearing.

With nothing further to be added, Ms. McDonald motioned to GRANT the Notice of Intent with the standard Order of Conditions, with Mr. Mallen seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
EDWARD PIRES, JR.
NOTICE OF INTENT
FILE 15-2242

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 Edward Pires, Jr. on land located at Map 79, Lot 58-7 on Collins Corner Road in Dartmouth. The hearing was held on Tuesday, December 9, 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, Richard Golen, Jennifer Brindisi, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Patricia Sweriduk

Mr. Kehoe convened the hearing at 7:55 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.

Steven Gioiosa of Sitec, Inc: Mr. Gioiosa reported that this property was before the commission for an RDA back in beginning of the year which was granted. Subsequently, a series of perc tests were done on the property within the 100' buffer zone at the back portion of the property. The applicant is proposing an open space plan which will include a single family lot in the front including a garage, and septic system; his personal home which is the subject of the application to the rear of the property; a driveway entering the property running around to the point of an existing car path that runs through a break in the well for access to the back portion of the property. This property is historic, interesting and unique. It would consist of a 2 acre lot, mainly dry area; 1,300 s.f. of wetlands will be altered to create the access path; proposing a replication area; minor grade to the driveway; erosion control measures; and ultimately minimize impacts on this area. This project will create about 400,000 s.f. of open space once the process is completed with the Planning Board. This parcel abuts land owned by the DNRT which would be a benefit.

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

Mr. O'Reilly commented that the only concern he has would be the fence line erosion control and that it must continue around the back side of the site to protect the downgrading from the erosion control impacts due to the property being very steep. The septic system and the house are located on a prominent knoll where an old historic dam is. Mr. O'Reilly doesn't see any further impacts for this project.

Mr. Kehoe invited public comment. No public comment. It was voted to close the public hearing.

With nothing further to be added, Ms. McDonald motioned to GRANT this Notice of Intent with the standard Order of Conditions, with Mr. Mallen seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
DARTMOUTH FARMS SOLAR, LLC
NOTICE OF INTENT
FILE 15-2240

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 Dartmouth Farms Solar, LLC on land located at Map 67, Lot 8-1 on Hixville Road in Dartmouth. The hearing was held on Tuesday, December 9, 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, Richard Golen, Jennifer Brindisi, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Patricia Sweriduk

Mr. Kehoe convened the hearing at 8:00 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.

Steven Gioiosa of Sitec, Inc.: Mr. Gioiosa reported that this is a proposal for a large scale solar array to be located on an 82 acre of land off Hixville Road. The project will take up approximately 35-38 acres of the site. This site contains a minimal amount of impervious area. This property is grandfathered and subject to prior zoning to allow for a large scale solar array and was before the Zoning Board of Appeals. The solar array will be located on the eastern portion of the site. NSTAR power lines run through the property. The wetland resource areas on the property have been flagged and located. There are three basic wetland areas. An A-1 Site Inspection has been filed and Mr. O'Reilly is not complete with the inspection. Therefore, at the conclusion of this meeting, a request for continuance will be needed for adequate time to review the delineation. Access would be from Hixville Road based on an existing car path that runs through the wetlands. The car path is accessible and visible. The car path will cross over the wetlands and a proposal of an 18' wide gravel way keeping the narrowest allowable for public safety fire for the back of the property. The solar panels are located approximately 75' away from any adjacent property. Project proposes block retaining walls on either side of the crossing; analyzing of the shading, topography, alignment have been done; minimize amount of clearing; no trees will be altered; top soil and seed will be brought in. The runoff from the solar field facility is being directed to water quality swales and two stormwater detention basins prior to the exiting the site. The calculation for the required water quality volume is $1800 \text{ s.f.} \times 0.5/12=75\text{CF}$. 100% of the impervious surface area is directed to the water quality swale and detention pond. A construction period pollution prevention and erosion and sedimentation control plan is part of the site plan package. The maintenance of the stormwater management system for the proposed project shall be the responsibility contractor during the construction period. Upon completion of construction, the responsibility for the maintenance will shift to the property owner. There are no illicit discharges either existing or proposed on this site. A perennial stream analysis was performed from August 26, 2014 to August 30, 2014 and again from October 3, 2014 to October 7, 2014 inclusive of all days. On each of these days, observations were completed at the existing gravel drive crossing and on each occasion, there was no water flow in the stream. The observations coupled with the fact that the watershed for this stream at the project design point is only 0.2 square miles and, therefore, the stream in the vicinity of the project is classified as intermittent and not perennial.

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
DARTMOUTH FARMS SOLAR, LLC
NOTICE OF INTENT
FILE 15-2240

Mr. Kehoe invited Commissioners to comment on the proposed project. Ms. McDonald questioned if this property abuts the Cecil Smith Landfill.

Mr. Gioiosa commented that this property is approximately 1,700 feet away from the landfill.

Mr. Kehoe questioned the total megawatts for this project.

Mr. Gioiosa answered that this would be a 6 megawatt facility.

Mr. Kehoe invited public comment. A number of residents were present and raised the following questions and concerns:

- What is Mary Robinson paying Sitec, Inc. for this project (irrelevant-inappropriate)*
- What is the intended truck load-what kind of trucks, materials, etc. and what company*
- How much truck activity will there be*
- Will the landfill be used for access to the solar farm*
- Where will access to the solar farm be*
- What is the time table for construction*
- Has this site been tested for hazardous materials, etc. or illegal dumping*
- How close is the drainage for this property to the contaminated land*
- Will there be detention ponds on the site*
- What is the maintenance process for the solar site*
- What happens when the lease is up on the solar farm*
- Old Plainville Road has enough traffic now due to Faunce Corner Rd. What will happen to all the traffic with all these repairs and projects now*
- How many panels will be installed*
- Is there an estimated amount of panels for this project*
- What will happen in a course of 12 months with all this solar*
- How many tons of CO2 will be lost with trees being removed (irrelevant)*
- Are there any whirlpools on the site*
- Will entire site be cleared or just the area where the panels will be placed*
- This property abuts the contaminated landfill and the access road does enter into landfill. Will access road be cut off.*
- Will runoff run onto the landfill land*
- Will the ponds attract mosquitoes*
- Will the road continue to flood as it currently does now*
- What other impacts will be brought up due to the drainage on Hixville Road*
- How many trees will be cut down*
- Are there any contaminants from the solar panels that will enter into the land*

Mr. Gioiosa addressed most of the questions and concerns raised as follows: A contractor has not yet been chosen for this project. There is no access through the landfill property to access the solar array farm. This is a currently undisturbed portion of the property and short term construction access will be off Hixville Road. Time table for construction is unpredictable, but may be 5-6 months followed by stabilization of the site

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
DARTMOUTH FARMS SOLAR, LLC
NOTICE OF INTENT
FILE 15-2240

as this is the first step and this project will require reaching out to NSTAR and other boards and departments with the town. Solar arrays are delivered in large tractor trailer trucks. Trucks will be leaving and/or exporting with loads of chipped trees, etc. in and out of the site as well. The site has been extensively tested and there are no hazardous materials or dumping of any kind on the site. There will be two detention ponds on the site. The maintenance is very minor and will be done by a pickup truck. There will be stormwater management maintenance; site will be monitored and inspected once or twice a week or may even be less for any repairs if needed, grass cutting, etc. Mr. Gioiosa explained he is not involved in any lease process for the site. The solar panels will be compressed within the 35-38 acres on this site. The site needs to be inspected by Mr. O'Reilly for wetland verification. The entire solar panel array area will be fenced in. Vehicle access will not be allowed into solar array farm. The fence will have locked gates and will be monitored by the solar operator. No pathways or travel ways to the public will be allowed. Any runoff will flow and loop around the landfill. There is a good grading on the site. The stream flows north on this site and loops around the landfill and down to the south. Any surface flow will bypass the landfill. Ponds are dry unless it rains and will charge down. The power company is working on the flooding issue and Mr. Gioiosa cannot answer on behalf of the power company. Mr. Gioiosa explained the flow is away from Hixville Road. An analysis has not been performed to determine how many trees will be cut. The solar panels are sealed self-contained units and there will be no chemicals releasing from these panels into the soil. All panels will be installed outside of the 100' buffer zone. Mr. Gioiosa expressed that this project is in the beginning stage and there will be further stages that must be completed before this project becomes approved and finalized. There will be some selective clearing to get cable through the ground for the power line. No surface altering.

Mr. Kehoe continued to stress to the residents that the Conservation Commission has no jurisdiction over certain issues and questions raised by abutters who were upset over the landfill issue and government solar issues. The commission has no authority over policy issues and to issue orders beyond the scope of the commission.

Mr. Kehoe invited Mr. O'Reilly to comment on this project.

Mr. O'Reilly commented that the wetland delineation has not been verified yet. Mr. O'Reilly suggested that the commission allow him to hire a consultant to review, and work with him on this site in an efficient manner as this is a very large wetland delineation and will take quite some time to complete. Wetland delineation will be very critical and any relocation of the wetland flags could have impact on this site. The most critical component is the status and location of the stream. The stream that runs through the middle of the site is being proposed as an intermittent stream and if it is it does not have a riverfront area associated with it. The applicant had submitted an analysis with the NOI. It was stated that it was intermittent. Observations were made in beginning of August and then again in beginning of October. Mr. O'Reilly had requested additional information and Mr. Gioiosa has submitted the additional information with photos and it showed no flow and the stream was dry. The DEP standards apply on this site for intermittent streams for fish habitat and needs to be protected with stream crossing standards. The two culverts being proposed for this project should be replaced in accordance to the DEP Core Engineer Stream Crossing Standards. There is additional wetland alteration for the power lines, but there is a connector that runs across the wetland and will it be strung across the wetland. We will need verification for no altering relative to the power line cable. Additional information relative to shading analysis should be provided.

It was voted to allow Mr. O'Reilly to hire a consultant to work with him on this wetland delineation project.

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
DARTMOUTH FARMS SOLAR, LLC
NOTICE OF INTENT
FILE 15-2240

Mr. Gioiosa requested that this public hearing be continued for four weeks in order to further work on the project.

With nothing further to be added, Ms. McDonald motioned to CONTINUE this public hearing to Tuesday, January 6, 2014 at 7:00 p.m., with Mr. Mallen seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
KATHLEEN L'ITALIEN
NOTICE OF INTENT
FILE 15-2241

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 Kathleen L'Italien on land located at Map 25, Lot 1-6 on Ledgemont Lane in Dartmouth. The hearing was held on Tuesday, December 9, 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, Richard Golen, Jennifer Brindisi, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Patricia Sweriduk

Mr. Kehoe convened the hearing at 8:50 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.

Steven Gioiosa of Sitec, Inc: Mr. Gioiosa announced that this filing is a repeat filing from back in 2006 and an order of conditions was issued, but the applicant did not follow through with the construction on the project. Therefore, it has expired and applicant is requesting to continue the construction of a single family home. The septic system is placed on the lot outside of the 100' buffer zone. The wetlands have been reflagged on the site.

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

Mr. O'Reilly commented that this filing is in order and recommends the granting of the notice of intent.

Mr. Kehoe invited public comment. No public comment. No comments by Commissioners. It was voted to close the public hearing.

With nothing further to be added, Ms. McDonald motioned to GRANT this Notice of Intent, with Mr. Mallen seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
FALL RIVER DEPARTMENT OF COMMUNITY UTILITIES-WATER DIVISION
NOTICE OF INTENT
FILE 15-2243

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 Fall River Department of Community Utilities-Water Division on land located at Map 75, Lot 11 on Copicut Road Rear in Dartmouth. The hearing was held on Tuesday, December 9, 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, Richard Golen, Jennifer Brindisi, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Patricia Sweriduk

Mr. Kehoe convened the hearing at 9:00 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.

Briscoe Lang for Pare Construction: This Notice of Intent has been prepared to address proposed repairs and improvements to the Copicut Reservoir Dam in the City of Fall River and the Town of Dartmouth. Separate NOI filings are being made in each of these jurisdictions. The dam is currently classified as a Large size, High (Class I) hazard potential structure under the Commonwealth of Massachusetts dam safety rules and regulations. The repairs are necessary to correct identified deficiencies at the dam and to protect the downstream public and the public water supply. The NOI is submitted pursuant to the Limited Project provision. The Copicut Reservoir Dam impounds the Copicut Reservoir, a 600± acre water supply reservoir owned by the City of Fall River Water Division and is operated by the Fall River Department of Community Utilities-Water Division. The dam is located in the rural northeast portion of Fall River and the western part of Dartmouth, straddling the City/Town line. According to the Phase I Inspection/Evaluation identified a number of deficiencies at the dam, including the following: (1) evidence of seepage throughout the downstream toe and downstream area; (2) unwanted vegetation growth on the embankment; (3) animal burrows throughout the embankment; (4) areas of failed riprap on the upstream slope; (5) areas of unmaintained grass cover with minor erosion; (6) undulations, ruts, and depressions along the crest; (7) unwanted vegetation growth within spillway approach, discharge, and downstream channel; and (8) a saturated and unmaintained downstream toe. Additional deficiencies include loss of vehicular access to the dam over the gravel access drive during high flow conditions. The following alternatives are presented based upon a preliminary design level review of various approaches for addressing the observed concerns at the dam. Evaluation of the alternatives have resulted in a series of preferred actions appropriate and feasible for the conditions specific to this dam and dam site (1) no-build alternatives (2) improve site access (3) clear the downstream slope and toe (4) provide access roadway along toe (5) improve core wall drain discharge areas (6) restore upstream riprap slope protection (7) wetland mitigation. The need to improve the existing access from Dam Road to the dam is best addressed by installing an open box culvert spanning the spillway channel approximately 340 feet upstream from the existing access point. The structure would be at an elevation approximately 15 to 20 feet above the existing access location in an area where artesian conditions are not anticipated, and along the narrowest portion of the channel with minimal trees requiring removal. This alternative would also meet the Massachusetts Crossing Standards. According to the FEMA Flood Insurance Rate Map, an area of Bordering Land Subject to Flooding encompasses a majority of the project area both upstream and downstream of the dam. Floodplain on the site is located within Zone A, areas with 1% annual

chance of flooding. Flood elevations have not been determined for the site. Upland areas to the north, west and east of the project are located within Zone C, areas of minimal flooding. Temporary and permanent wetland impacts necessary to complete the proposed repairs and improvements are proposed in both Fall River and Dartmouth. These impacts will be offset by the wetland mitigation area to be located east of the existing pump house. The mitigation will be located entirely in the Town of Dartmouth, will total approx. 42,265 square feet, and will serve as the mitigation for the total project impacts in both municipalities. Wetland impacts in Dartmouth are associated primarily with the construction of the gravel access drive along the toe of the dam. Mitigation for the proposed wetland loss will be provided by restoring a nearby wetland that may have been altered during construction of the dam. The restored wetland will be larger in size than the wetland to be lost and will be located directly adjacent to a nearby existing, undisturbed Atlantic White Cedar swamp. The mitigation proposal, detailed in the Wetland Mitigation Report and shown on plan sheet 8.0, will seek to expand the Atlantic White Cedar community, enhancing a far more valuable resource area than that proposed to be lost for the repairs and improvements to the Copicut Reservoir Dam. The site is located within Massachusetts Natural Heritage and Endangered Species Program and the reservoir is classified as an outstanding resource waters (public water supply). Based on pre-application coordination with the NHESP, it is unlikely that the project will adversely affect state-listed populations of rare plants or animals. A single certified vernal pool has been mapped in the wetland off the southeast portion of the project area. The construction sequence is intended to be general in nature and shall not be considered direction by the engineer or the city. All work shall be performed in accordance with the project plans and specifications. The project is exempt from the Riverfront Area Regulations.

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

Mr. O'Reilly commented that is a limited project and the performance standards have been met. Mr. O'Reilly supports the waiver for the wildlife habitat evaluation portion of the NOI. Mr. O'Reilly suggests that appropriate Atlantic White Cedars should be located to plant on the site and fencing around the site would be a good idea to prevent deer eating on the trees. The project is in the best interest for the Town of Dartmouth and is a requirement by the Dam Safety Commission and recommends a granting of the Notice of Intent.

No public comment. No comment from Commissioners. It was voted to close the public hearing. Mr. Kehoe invited a motion to waive the wildlife habitat evaluation. Motion passed unanimous.

With nothing further to be added, Ms. McDonald motioned to GRANT this Notice of Intent, with Mr. Mallen seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

ITEMS FOR DISCUSSION:

- A. Pick meeting dates: The following dates were chosen: January 6, 2015; January 20, 2015; February 10, 2015 and February 24, 2015.
- B. New Conservation Commission electric vehicle: Through research, a federal and state grant was found for an electric Ford Focus for a cost of \$1,000.00, including a charging station for the vehicle. This vehicle would be used by the new part-time environmental officer.
The Commission voted unanimously to allow for the purchase of the electric Ford Focus using funds from the Conservation budget account.
- C. Meeting Adjourned at 9:30 p.m.

Respectfully submitted,
Tina Cabral
Administrative Clerk