



DARTMOUTH CONSERVATION COMMISSION
DARTMOUTH TOWN HALL - ROOM 103 - 7:00 P.M.
MINUTES OF - Tuesday, February 10, 2015

RECEIVED

ATTENDANCE:

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

APR 16 AM 10:44
DARTMOUTH TOWN CLERK

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

Approval of the minutes of December 9, 2014 was unanimously accepted by those Commissioners present.

Minutes of the January 6, 2015 meeting received for reading.

Approval of the field trip report of the January 6, 2015 meeting was unanimously accepted by those Commissioners present.

APPOINTMENT:

Appointment with AT&T regarding proposed locations of cellular tower-Gulf Road and Bakerville Road area: *(In Attendance: Attorney Edward D. Pare, Jr., on behalf of AT&T, and Town Counsel, Anthony Savastano for the Town of Dartmouth)*

For the record, Mr. Kehoe stated that this appointment is a discussion and the Commission is not going to conduct a public hearing or to vote. The AT&T applicant asked the Commission to review the proposed site and that is exactly what the Environmental Officer did. Mr. Kehoe invited Mr. O'Reilly to comment on this matter.

Mr. O'Reilly prepared an aerial map showing the sites in question, buffer zones and wetland areas. There are two types of wetlands on this site (Dartmouth wetland and DEP wetland) which are combined. This wetland is subject to verification. There has been no field verification on this site. Without knowing for sure, there could be more potential wetland on this site.

Town Counsel, Anthony Savastano commented on behalf of the Zoning Board of Appeals. Attorney Savastano explained that the ZBA has requested AT&T to evaluate other possible alternative sites to install a cellular tower. This particular site in discussion came up requested by the owner of the site, Kevin Santos that he would be willing to allow the cellular tower to be placed on this property. Mr. O'Reilly spoke with Mr. Santos and told him that the parcels consisted of mainly wetlands. Mr. Santos then requested that this matter be brought before the Commission for discussion. Attorney Savastano stated that he would like to get a sense from the Conservation Commission relative to these particular parcels. Attorney Savastano commented that he has looked at this site on a zoning aspect and will be reporting back to the Board of Appeals.

Mr. Kehoe invited the representative on behalf of the applicant to ask any questions that they would have to this particular site. Attorney Edward J. Pare, Jr. on behalf of AT&T commented that AT&T was asked by the Zoning Board of Appeals to follow up with the Conservation office to verify if there are wetlands on these sites. He further commented that AT&T had shared with the ZBA an analysis report on this particular site which stated that these sites are not feasible to install a cellular tower. Attorney Pare further commented that he would like to get a sense from the Commission so that he can report back to the Board of Appeals on a feasibility task.

Mr. Kehoe commented that from what he can see and from what he has heard from Mr. O'Reilly is that AT&T would require significant relief from Conservation. The Commission cannot comment on the zoning relief. Mr. Kehoe further commented that the Commission has not studied the proposed site but from what he can see from the aerial map there are significant wetlands on both the Brehaut and Santos parcels. Mr. Kehoe stated that the Commission is looking at these parcels under the Conservation Act and not a zoning prospective and context comes into play.

Mr. O'Reilly commented that he looked at the Brehaut parcel informally and much of the parcel is wetland and is subject to field verification. Mr. O'Reilly further commented that the feasibility of installing a cell tower on this parcel is difficult at best.

Mr. Kehoe further commented that the Commission is not encouraging or discouraging a formal filing but from what the Commission can see from tonight's discussion is that both parcels are very challenging and would require extensive relief. The discussion was concluded on this issue.

FIELD TRIP REPORTS:

1. A Request for Determination of Applicability from Chad Labelle Re: Map 20, Lot 47-2 on Gentry Lane (single family home) (Ferreira Engineering)

Ms. McDonald motioned to waive the reading of the public meeting notice with Mr. Mallen seconding the motion. Mr. Kehoe invited Mr. O'Reilly to comment on this request.

Mr. O'Reilly commented that he doesn't anticipate any negative impact and would recommend a negative determination.

With nothing further to be added, Ms. McDonald motioned to issue a negative determination, with Mr. Mallen seconding the motion.

2. Request for Determination of Applicability from the Town of Dartmouth, DPW who wishes to improve the safety and operation efficiency of the corridor on land located on Faunce Corner Road, Route 6 & Old Westport Road (Vanasse Hangen Brustlin, Inc.)

Ms. McDonald motioned to waive the reading of the public meeting notice with Mr. Mallen seconding the motion. Mr. Kehoe invited Mr. O'Reilly to comment on this request.

Mr. O'Reilly commented that all the work is within the buffer zone and work layout and he doesn't anticipate any negative impact and would recommend a negative determination.

With nothing further to be added, Ms. McDonald motioned to issue a negative determination, with Mr. Mallen seconding the motion.

3. Request for Determination of Applicability from Paul Lima Re: Map 33, Lot 18-4 at 122 Woodcock Road who wishes to permit existing well; loam and seed disturbed area; allow section/portion of driveway and possible future shed within the buffer zone.

Ms. McDonald motioned to waive the reading of the public meeting notice with Mr. Mallen seconding the motion. Mr. Kehoe invited Mr. O'Reilly to comment on this request.

Mr. O'Reilly commented that the well has already been installed and most of the work and house is outside of the buffer zone. Mr. O'Reilly doesn't anticipate any negative impact and would recommend

a negative determination only permitting existing well, water line and to loam and seed disturbed area. Any further work within the buffer zone would require a new filing with the Conservation office with the submission of a plan.

With nothing further to be added, Ms. McDonald motioned to issue a negative determination on the existing well, water line and loam and seed disturbed area, a new filing is required with regard to any further work outside the buffer zone, 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, February 10, 2015 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, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Jennifer Brindisi, Patricia Sweriduk

Mr. Kehoe convened the hearing. It was voted to waive the reading of the public hearing notice. Mr. Kehoe invited the applicant/representative to comment on the project.

Thomas Hardman of Site Design was present to comment on this project. Mr. Hardman stated that the applicant did not keep him apprised and up to date on this matter. Mr. Hardman prepared a revised plan which needs a few further minor additions. The plan is 90% prepared and a drainage report is also in the process of preparation.

Mr. O'Reilly commented that this revised draft plan is an improvement and is heading in right direction. He further commented that DEP has contacted him on an update on this project and is very close to "getting it on the Board".

Mr. Kehoe commented the Commission will allow one further continuance in order to receive a final revised plan. The deadline to submit the revised plan is March 4th and the continuance would be allowed to March 10, 2015.

With nothing further to be added, Ms. McDonald motioned to continue the public hearing to March 10, 2015, with Mr. Mallen seconding 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 Tuesday, February 10, 2015 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, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Jennifer Brindisi, Patricia Sweriduk

Mr. Kehoe convened the hearing. It was voted to waive the reading of the public hearing notice.

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

Alan Heureux of Boucher & Heureux, Inc. commented on this project. Mr. Heureux stated that he has contacted Mr. Steve Melo/Harbormaster through numerous emails and phone messages and cannot reach him for a verbal or written comment. Mr. Heureux revised the plan per Mr. Melo's first suggestions but has not heard back from him on the revisions. He would prefer to have Mr. Melo's written confirmation but states his client is getting impatient and Mr. Heureux would like a recommendation from the Commission to either close the public hearing and vote on this project or perhaps continue this hearing.

Mr. O'Reilly commented that the harbormaster has 30 days to comment on this project and he has commented based on the first plan submitted. Mr. Heureux then took into consideration the harbormaster's suggestions and revised the plan accordingly. To date, the harbormaster has not commented on the second revised plan.

Mr. Kehoe expressed his suggestion to close the public hearing as reasons being that the harbormaster has had more than 30 days to comment and no comment has been received. 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
CONTINUED PUBLIC HEARING MINUTES OF
MICHAEL & JERALYN FERNANDES
FILE 15-2160

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 Michael & Jeralyn Fernandes on land located at Map 105 Lot 86 on 47 East Avenue in Dartmouth. The hearing was held on Tuesday, February 10, 2015 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, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Jennifer Brindisi, Patricia Sweriduk

Mr. Kehoe convened the hearing. It was voted to waive the reading of the public hearing notice.

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

Alan Heureux of Boucher & Heureux, Inc. explained that he tried reaching Mr. Fernandes to determine whether he was able to obtain the signatures of his abutters on this project. Mr. Heureux is not sure if he is out traveling due to his employment as he is unable to get ahold of him.

Mr. Kehoe suggested that a letter be sent out to Mr. Fernandes stating only one further continuance to March 10, 2015 will be allowed at this time in order to obtain at least one signature from an abutter. Should Mr. Fernandes not be able to obtain any signatures, the public hearing will be closed on March 10, 2015 and a denial will be issued. Mr. Fernandes would then have to file a new Notice of Intent should this be denied.

With nothing further to be added, Ms. McDonald motioned to continue the public hearing to Tuesday, March 10, 2015 with no further continuances thereafter, with Mr. Mallen seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
CONTINUED 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, February 10, 2015 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, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Jennifer Brindisi, Patricia Sweriduk

Mr. Kehoe convened the hearing. It was voted to waive the reading of the public hearing notice.

Mr. O'Reilly commented that a request for a continuance of this meeting to Tuesday, February 24, 2015 was made submitted by SITEC, Inc. The reason for the continuance is to allow for the reduction in snow ground cover for evaluation of the wetland resource area.

With nothing further to be added, Ms. McDonald motioned to continue the public hearing to Tuesday, February 24, 2015, with Mr. Mallen seconding the motion.

Respectfully submitted,
Tina Cabral
Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
LUIS PINTO
NOTICE OF INTENT
FILE 15-2247

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 Luis Pinto on land located at Map 140, Lot 2 at 2 East River Drive in Dartmouth. The hearing was held on Tuesday, February 10, 2015 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, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.
ABSENT: Jennifer Brindisi, Patricia Sweriduk

Mr. Kehoe convened the hearing. It was voted to waive the reading of the public hearing notice. Mr. Kehoe invited Mr. O'Reilly to comment on this public hearing.

Mr. O'Reilly commented that Mr. Rheaume of Prime Engineering has revised the plan to add the limit of the proposed loam and seed and to reduce the stone sizes. Mr. O'Reilly suggests that the revised plan submitted is in good order.

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
CONTINUED PUBLIC HEARING MINUTES OF
MASSACHUSETTS AUDUBON SOCIETY
NOTICE OF INTENT
FILE 15-2249

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 Massachusetts Audubon Allens Pond Wildlife Sanctuary on land located on Little Beach at 1280 Horseneck Road in Dartmouth. The hearing was held on Tuesday, February 10, 2015 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, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Jennifer Brindisi, Patricia Sweriduk

Mr. Kehoe convened the hearing. It was voted to waive the reading of the public hearing notice. Mr. Kehoe invited Mr. O'Reilly to comment on the project.

Mr. O'Reilly commented that the reason this hearing was continued in order to receive a file number from DEP. A file number has been received and all is in order.

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
CONTINUED PUBLIC HEARING MINUTES OF
TOWN OF DARTMOUTH DEPARTMENT OF PARKS & RECREATION
NOTICE OF INTENT
FILE 15-2246

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 Town of Dartmouth Department of Parks & Recreation on land located at Map 72, Lot 36 at 443 Old Fall River Road in Dartmouth. The hearing was held on Tuesday, February 10, 2015 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, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.
ABSENT: Jennifer Brindisi, Patricia Sweriduk

Mr. Kehoe convened the hearing. 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 this matter was continued in order to receive comment from Natural Heritage which has been received and revised and all is in order.

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
LOUIS SILVA
NOTICE OF INTENT
FILE 15-2250

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 Town of Louis Silva on land located at Map 166, Lots 31 & 136 at Brandt Avenue in Dartmouth. The hearing was held on Tuesday, February 10, 2015 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, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.
ABSENT: Jennifer Brindisi, Patricia Sweriduk

Mr. Kehoe convened the hearing. It was voted to waive the reading of the public hearing notice.

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

Nick Dufresne of Thompson Farland was present to comment on the proposed project. The applicant, Louis Silva, is seeking permission to perform site improvements to the entire property located on the southerly side of Route 6 in Dartmouth. Specifically, the site is located between Brandt Avenue and Greystone Avenue and abuts residential properties and Althea Avenue to the south. The subject property consists of two parcels approx. 3.42 acres of general business zoned land. The applicant is proposing to construct two separate buildings consisting of a 16,960 s.f. building containing all retail space and a 1,819 s.f. coffee shop. The applicant is also proposing to construct 91 parking spaces, associated drive aisles, ADA compliant sidewalks, curbing and extensive landscaped areas, and associated site grading. The site is covered mostly by wooded and brush areas. There is a small wetland area located to the south of the property as depicted on the site plans. There is 26,000 s.f. of area located within the 100' of jurisdictional buffer zone to the wetland. The site contains a 50' wide Town of Dartmouth utility easement that traverses the site from north to south. The easement contains a 24" RC pipe that conveys stormwater from Route 6 to the rear of site and ultimately connects to Althea Avenue drainage system. Stormwater associated with the development will be controlled via deep-sump hooded catch basins, Stormceptor inlet units, grassed swales, manholes, wet ponds and one infiltration basin. The design of the stormwater system was designed for the post-development conditions to handle all storms' peak discharges and runoff volume to include the 2, 10, 25 and 100-year storm events. Approximately 20,000 s.f. of the 26,000 s.f. of jurisdictional buffer zone will be improved. Drainage computations were performed using the Natural Resources Conservation Services. The soils underlying the site are identified in the Soil Survey of Bristol County. The on-site tests proved slightly different characteristics of the underlying soil as compared to the soil maps. Generally, ground water was encountered from 5.5' to 7' across the site. Based on the test pit data, the underlying soil conditions represent HSG-C soils. The locations of the testholes are shown on the site plan. This project is not being considered a re-development project. A formal Construction Period Pollution Prevention Plan will be submitted prior to construction. A long-term operation and maintenance plan has been prepared to ensure that stormwater management systems function as designed. Mr. Dufresne stated that this project was before the Planning Board tonight and they have suggested a few minor revisions to the plan. Mr. Dufresne suggested that it should not be an issue and suggests the Commission to allow a continuance for two weeks.

With nothing further to be added, Ms. McDonald motioned to continue the public hearing to Tuesday, February 24, 2015, with Mr. Mallen seconding the motion.

Respectfully Submitted,
Fina Cabral
Administrative Clerk

ITEMS FOR DISCUSSION:

- A. Robert W. Matte/Map 73, Lots 7 and 14 on Faunce Corner Road-M.G.L.A. c. 61 as land in agricultural or horticultural use-Notice of Intent to Sell. *Mr. O'Reilly explained to the Commission that this parcel wouldn't be a good idea for the Conservation Commission but rather for the Agricultural purposes. The Conservation Commission has the right to first refusal. The current price is \$750,000 for the parcel of land. The Commission voted unanimously to refuse the purchase of this parcel due to lack of funds.*
- B. Open space transfer to Conservation Commission-The Enclave at The Reservoir Subdivision. *Lee Castingnetti was present to discuss with the Commission the open space transfer. He commented that he received approval today from the Planning Board of the parcels and will be recorded at the Registry of Deeds. Mr. Castingnetti is looking for an approval of the grant on this project from the Commission. Each lot has a well and a septic and many of the lots are less than 30,000 s.f. which are not developable under Title V, but because with the open space they are able to create the area for a nitrogen loading area. The Commission unanimously voted to approve the open space transfer.*
- C. Discussion of applicants relative to the part-time conservation commission officer position. *The Commission has unanimously agreed to interview the following applicants: #3, #8, #9, #12 and #13. The Commission is looking for an individual with strong education background, technical background and strong relevant Conservation/Wetland experience. The Commission and Mr. O'Reilly will comply a list of questions to ask each applicant during the interviewing.*
- D. New Business-This time is being reserved for topics that the chair did not reasonably anticipate would be discussed. *A lengthy discussion relative to the realignment/relocation of the development offices.*
- E. Meeting Adjourned at 9:00 P.M.

Respectfully submitted,
Fina Cabral
Administrative Clerk