



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

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DARTMOUTH TOWN CLERK

ATTENDANCE:

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

Mr. Kehoe convened the meeting at 7:10 P.M.

- Approval of the minutes of January 6, 2015 was unanimously accepted by those Commissioners present.
- Minutes of the February 10, 2015 meeting received for reading.
- Approval of the field trip report of the February 10, 2015 meeting was unanimously accepted by those Commissioners present.

FIELD TRIP REPORTS:

1. A Request for Determination of Applicability from Long Built Homes Re: Map 113, Lot 40-1 on West High Street (Boucher & Heurreux, Inc.)

Mr. Mallen motioned to waive the reading of the public meeting notice with Mr. Golen 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 regarding this project and would recommend a negative determination.

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

2. Request for Partial Certificates of Compliance from Joseph R. Benetti Re: Map 27, Lot 21-45 on 49 Slades Farm Lane, for File #15-503 and File #15-518 (single family home)

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

Mr. O'Reilly commented that the applicant was seeking a refinance and after a title search was performed it came up that partial certificates of compliances were needed. There are no wetlands on the property. These partial certificates will clear the title on the property and allow the applicant to proceed with the refinance process. Mr. O'Reilly doesn't anticipate any negative impact and would recommend a negative determination.

With nothing further to be added, Mr. Mallen motioned to issue the Partial Certificates of Compliance, with Mr. Golen seconding the motion.

2. A Request for Certificate of Compliance from Bayla Cornell Re: Map 18, Lot 6-2 on 7 Old Jetty Road, for File #15-1593 (single family home) (Boucher & Heurreux)

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

Mr. O'Reilly commented that this request is for a single family home and the work has been completed in compliance, and that he doesn't anticipate any negative impact and would recommend a negative determination.

With nothing further to be added, Mr. Mallen motioned to issue a Certificate of Compliance, with Mr. Golen seconding the motion.

Respectfully Submitted,
For the Commission,
Tina Cabral

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, March 10, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

Mr. Kehoe invited Mr. O'Reilly to comment. Mr. O'Reilly commented that he received and reviewed a Stormwater Management Plan and Drainage Analysis from Site Design Engineering. Mr. Hardman of Site Design has requested a two week continuance late in the day due to an emergency and is unable to be present at tonight's meeting.

Mr. Kehoe instructed Mr. O'Reilly to notify the engineer requesting that he submit the necessary fee within a week to the conservation office, otherwise no further continuances will be allowed.

With nothing further to be added, Mr. Mallen motioned to continue this matter to March 24, 2015 at 7:00 p.m., with Mr. Golen seconding motion.

Respectfully submitted,
For The Commission,
Tina Cabral

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, on the Notice of Intent for Michael & Jeralyn Fernandes on land located at Map 105 Lot 86 on 47 East Avenue in Dartmouth. The hearing was held on Tuesday, March 10, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

Mr. O'Reilly briefly summarized to the commission where this project stands. The commission is waiting to receive signed letters from the applicant's abutters for the shared dock. Mr. O'Reilly states that three of the six abutters have submitted letters, and the applicant, through his engineer, Mr. Alan Heureux, stated to the conservation office that the other letters are forthcoming within the next two weeks.

Mr. Kehoe suggested to the commission that this matter be continued further than two weeks.

With nothing further to be added, Mr. Mallen motioned to continue the public hearing to April 14, 2015 at 7:00 p.m., with Mr. Golen seconding the motion.

Respectfully submitted,
For The Commission,
Tina Cabral

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, March 10, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

Mr. Kehoe commented that SITEC, Inc., the representative, has requested a continuance of this public hearing to March 24, 2015 as to allow for the reduction in snow ground cover for evaluation of the wetland resource area.

With nothing further to be added, Mr. Mallen motioned to continue the public hearing to March 24, 2015, with Mr. Golen seconding the motion.

Respectfully submitted,
For The Commission,
Tina Cabral

DARTMOUTH CONSERVATION COMMISSION
CONTINUED 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 Louis Silva on land located at Map 166, Lots 31 & 136 at Brandt Avenue in Dartmouth. The hearing was held on Tuesday, March 10, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

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

Christian Farland of Thompson Farland was present to comment on the proposed project. Mr. Farland briefly summarized the project and was waiting for comments from Mr. Gus Raposo, the Planning Board, DPW and the Department of Safety and has revised the plans to reflect the minor changes.

Mr. Kehoe invited Mr. O'Reilly to comment on his review of the revised plans.

Mr. O'Reilly commented that he has reviewed the revised plan as well as Mr. Gus Raposo and the plan is in accordance with all comments. Mr. O'Reilly commented that he suggested to Mr. Farland to revise the plan to show additional construction to replace the stream beds that was lost 30+ years ago on this site as well as some additional plantings for some wetland replication details. Mr. O'Reilly had one question about the diversion structure flow and has discussed this with Mr. Farland and recommends that this is a great project and has nothing further to add.

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

With nothing further to be added, Mr. Golen motioned to GRANT the notice of intent with the standard order of conditions, with Mr. Ross seconding the motion.

Respectfully Submitted,
For The Commission,
Tina Cabral

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
JOSE CARDOSO
NOTICE OF INTENT
FILE 15-2251

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 Jose Cardoso on land located at Map 156, Lot 78-1 on Duane Avenue in Dartmouth. The hearing was held on Tuesday, March 10, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

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.

Kenneth R. Ferreira of Ferreira Engineering: Mr. Ferreira explained that the proposed project is to construct a single family dwelling with municipal water and sanitary sewer services. This property is a small lot located across from UMass Dartmouth.

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

Mr. O'Reilly commented that there are not wetland alterations and suggests that this is a straight forward project.

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

With nothing further to be added, Ms. Sweriduk motioned to GRANT the notice of intent with the standard order of conditions, with Mr. Ross seconding the motion.

Respectfully Submitted,
For The Commission,
Tina Cabral

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
DOROTHY SHATTUCK
NOTICE OF INTENT
FILE 15-2252

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 Dorothy Shattuck on land located at Map 6, Lot s 13, 13-3, 13-4, 13-5, 14, 15, and 16 on Barneys Joy Road/Barneys Joy Point in Dartmouth. The hearing was held on Tuesday, March 10, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present were Chair Michael Kehoe, Richard Mallen, Patricia Sweriduk, Richard Golen, Kyle Ross, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT: Jennifer Brindisi and Vice-Chair Jacquelyn McDonald

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 but stated that it cannot be voted on tonight as we have not yet received a file number from DEP.

Joel Carlson of Northeast Forest and Fire Management, LLC: The request is for a project that will be conducted for habitat management using prescribed fire during multiple years. It is proposed to begin in March or April of 2015 or 2016. The first burn will consist of approximately 100 acres and follow up burns in future years as outlined in the burn plan submitted. The Barneys Joy Point prescribed burn project area consists of approximately 233 acres. Two of the prescribed burn subunits (G and L) are primarily grass/hay fields, totaling 68 acres. The 12 other prescribed burn subunits have approximately 114 acres of Sandplain Heathland/Maritime Shrubland in them, with three (F, H and I) having no DEP mapped wetlands. The remaining 51 acres consists of MA DEP mapped wetlands with Sandplain Heathland/Maritime Shrubland intermingled, this occurring in 9 of the subunits. The entire project area is within MA Natural Heritage Priority Habitat and then prescribed burn plan has been reviewed by NHESP. The Dartmouth Fire Chief was consulted during the winter of 2014/2015 and has expressed support for the project and submitted a letter of support. MA DEP has been provided a copy of the prescribed burn plan and will be providing a burn permit for the project, the draft permit limits burning to 117 acres in a calendar year. Allowing fire to natural burn into wetland buffers and wetlands during the proposed Barneys Joy prescribed burn project would enhance safety and efficiency of the burning without affecting water quality or wetland function. Additionally, by allowing the fire to burn into these areas as it would have historically will help to maintain the structural diversity of the wetlands while helping to prevent the development of advanced woody vegetation growth. In the wetlands and wetland buffers, fire intensities and severity will be low, meaning lower flame lengths and slower rate of spread, fire will extinguish itself in damp areas or in standing water, resulting in little to no impact on the root systems of wetland vegetation. The intensity of prescribed fire under similar conditions only flares or propane torches will be used in wetland buffers if ignition measures are required. The number and exact subunits to be burned in the first year will be determined based on environmental conditions on the burn day. DEP's air quality program will issue a burn permit contingent upon an Order of Conditions from this Commission.

PLAN SUBMITTED: Prescribed Fire Plan, Barney's Joy Burn Unit (Subunits A-N), prepared by Northeast Forest and Fire Management LLC, and dated, November 2014.

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

Mr. O'Reilly asked Mr. Carlson a series of questions on this proposed project: (1) What is the intent or benefit of this project? (2) What is the elaborate effect on the wetlands? (3) Is there a specific species that will be targeted by this burn? (4) Will any frag mites on the site fertilize as a result of the burning control techniques? (5) Is the proposal to change more to a Sandplain habitat? (6) Will the project enhance wildlife habitat? (7) Is there a separate Management Plan? (8) When is the burn proposed to begin? (9) How long will the burn last? and (10) Do you notify anyone the day and time of the burn?

Mr. Carlson answered all of Mr. O'Reilly's questions and concerns as well as questions by the Commission. The burn is anticipated in early Spring, 2015 or early Spring, 2016. With a North wind and the proposed units the actual burn time would be about four hours. The team does not leave the site until all is secured and the fire is completely burned. All local fire departments and abutters in the area are notified. This project will enhance wildlife habitat and all species and extremely ecological.

Mr. O'Reilly reported that the office has received a letter from the Fire Chief in support of this project as well as a letter from Mass Wildlife Fisheries also in support of this project. Mr. O'Reilly recommends that this is a good project and that wildlife and species will benefit from this project.

Mr. Kehoe invited public comment on this project. No public comment. Mr. Kehoe suggested that this matter be continued so that a DEP file number is issued. The public hearing remained open for comment.

With nothing further to be added, Mr. Mallen motioned to continue the public hearing to March 24, 2015 at 7:00 p.m., with Mr. Golen seconding the motion.

Respectfully Submitted,
For The Commission,
Tina Cabral

ITEMS FOR DISCUSSION:

- A. New Business-This time is being reserved for topics that the chair did not reasonably anticipate would be discussed. *No new business.*
- B. M.G.L. c61A § -Notice of Intent to Sell Land Map 20, Lot 19-2 on Smith Neck Road for David Brownell. *Mr. Brownell notified the town that he intends to sell approximately 1.84 acres of land located on Smith Neck Road, currently assessed under c. 61A. The conservation commission has the right of first refusal. Mr. Brownell is selling the land for \$100,000.00 to Mr. Howland for agricultural use. Mr. Brownell has been informed that the property cannot continue to be assessed under c61A because Mr. Howland does not own the minimum acreage required, however, the use of the property as agricultural land will not change. Mr. O'Reilly suggested to the commission that this land is no benefit to the town recommends that the commission not pursue it. It was unanimously voted by the Commission to refuse the right of first refusal for land located at Map 20, Lot 19-2 on Smith Neck Road.*
- C. Destruction Brook Woods-conservation restriction co-held with the Trustees of Reservations-baseline documentation report update, acknowledgment request. *This property is jointly owned by DNRT and the town and is subject to a permanent conservation restriction. The trustees of reservations keep updated BDRs for the conservation restrictions it holds, in order to monitor and enforce the terms of the restriction. They have provided a copy of the updated BDR for the Destruction Brook property. DNRT is requesting that the commission review the updated BDR, and sign an acknowledgement that the materials appear to be an accurate representation of the property. Mr. O'Reilly has reviewed the documents and all is in order. It was unanimously voted by the commission their acknowledgement of the accuracy of the BDR.*
- C. MassDOT's request for concurrence on our preliminary Section 4(f) *de minimis* determination for Padanaram Causeway Reconstruction Project. *Mr. O'Reilly informed the commission that one of the components we were able to work into the reconstruction project is the installation of two culverts that drain the pond at the corner of Smith Neck Road and Gulf Road (the one that releases the bad odor). MassDOT is the applicant for this project and there is a small easement which was granted at Town Meeting on the conservation commission property that is the rip raff for the culverts. The design is finished and project will probably commence in year 2016. Mr. O'Reilly has signed the document and needs the approval from the commission. It was unanimously voted for the concurrence on the *de minimis* determination.*
- D. Jennifer Brindisi letter of resignation dated February 27, 2015. *It was unanimously voted to accept Ms. Brindisi's resignation from the conservation commission and to forward a "thank you" letter to Ms. Brindisi for her 7 year term serving on the conservation commission.*
- E. Meeting Adjourned at 8:00 P.M.

Respectfully submitted,
For The Commission,
Tina Cabral