



**DARTMOUTH CONSERVATION COMMISSION
DARTMOUTH TOWN HALL - ROOM 103 - 7:00 P.M.
MINUTES - Tuesday, April 28, 2015**

ATTENDANCE:

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

Absent: Richard Mallen and Kyle Ross

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DARTMOUTH TOWN CLERK

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

- Approval of the minutes of March 10, 2015 was unanimously accepted by those Commissioners present.
- Minutes of the April 14, 2015 meeting received for reading.
- Approval of the field trip report of the April 14, 2015 meeting was unanimously accepted by those Commissioners present.

FIELD TRIP REPORTS:

1. A Request for Determination of Applicability from John & Laurie Kinney who are proposing house additions with associated driveway configuration, grading and utilities in the buffer zone to bordering vegetated wetland on land located at Map 40, Lot 1-1 on 80 Star of the Sea Drive (Alan Heurreux PE)

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

2. Request for Determination of Applicability from 321 Elm, LLC who wishes to construct five building additions within the 100-year flood zone on land located at Map 117, Lot 179 at 321 Elm Street/10A Bridge Street (Site Design)

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

3. Request for Determination of Applicability from Richard Rheaume who wishes to spread the existing earth piles to fill in existing hollows then to loam and seed the area on land located at Map 169, Lot 240 at Leonard Street (Prime Engineering)

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

4. Request for Determination of Applicability from Richard Rheume who wishes to construct a single family dwelling with ancillary grading, well and sewage disposal system on land located at Map 73, Lot 10 at Lot 29 Enclave (Sunflower Drive) (Prime Engineering, Inc.)

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

5. Request for Certificate of Compliance from Elizabeth Flynn File #15-2224 for the installation of decks, sheds, and a boardwalk on land located at Map 2 Lot 15 off Little Beach Rd (AVT Associates)

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

Mr. O'Reilly explained that he doesn't anticipate any negative impact and would recommend the issuance of a Certificate of Compliance.

With nothing further to be added, Ms. McDonald motioned to issue the Certificate of Compliance for File #15-2224, with Ms. Sweriduk seconding the motion.

6. Request for Certificate of Compliance from Louis Silva on File #15-504 for land located at Map 166, Lots 31 & 136 at 78 Brandt Avenue (ThompsonFarland)

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

Mr. O'Reilly explained that he doesn't anticipate any negative impact and would recommend the issuance of a Certificate of Compliance.

With nothing further to be added, Ms. McDonald motioned to issue the Certificate of Compliance for File #15-504, with Ms. Sweriduk seconding the motion.

7. Request for Certificate of Compliance from Louis Silva on File #15-899 for land located at Map 166, Lots 31 & 136 at 78 Brandt Avenue (ThompsonFarland)

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

Mr. O'Reilly explained that he doesn't anticipate any negative impact and would recommend the issuance of a Certificate of Compliance.

With nothing further to be added, Ms. McDonald motioned to issue the Certificate of Compliance for File #15-899, with Ms. Sweriduk 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 a 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, April 28, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

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 the applicant/representative to comment on this proposed project.

Mr. Steven Gioiosa of SITEC, Inc.: Mr. Gioiosa briefed the Commission that this public hearing was continued in order that the Site Plans be revised to show additional survey and re-calculations and to address comments from the Town's consultant. The plans were also revised to show the replacement of the gravel road into the site. There will be a project manager on site to monitor and control the entrance of traffic (trucks) coming and going from the site. Access will only be for the solar farm. There will be no access into or from the landfill site. Construction time is anticipated for summer 2015.

The following plans were revised:

- Vernal Pond Grading Plan #7, dated 4/17/15
- Vernal Pond Grading Plan #2, dated 4/17/15
- Vernal Pond Grading Plan #3, dated 4/17/15
- Detail Sheet, dated 4/17/15

Mr. Kehoe invited Mr. O'Reilly to comment on the proposed project. Mr. O'Reilly informed the Commission that the plans were revised and conforms with the performance standards. Mr. O'Reilly stated that a right of first refusal 61A process must be exercised by the applicant and recommends the Commission place a special condition to have the placement of hay bale, bright orange construction fencing and/or woven silt fencing around the vernal ponds on the site.

Mr. Kehoe invited public comment on this project.

Gloria Bancroft of Collins Corner Road questioned if the new entrance would be off Hixville Road and would the landfill share access with the solar farm.

Bobbi Martin questioned what the hours of operation would be for this project.

Mr. Gioiosa answered that there will be a secured access into the solar farm and hours of construction will be the normal hours of 7:00 a.m. to 5:00 p.m.

No further 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 and including a special condition for the placement of bright orange construction fencing and/or woven silt fencing around the vernal ponds on the site, with Ms. Sweriduk seconding the motion.

Respectfully Submitted,
For The Commission,
Tina Cabral

DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
CHESTER GOTAUCO
AFTER THE FACT ALTERATION OF BVW AND BUFFER ZONE
FILE 15-2258

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 Chester Gotaucou on land located at Map 101, Lot 8 at 690 Smith Neck Road in Dartmouth. The hearing was held on Tuesday, April 28, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

Mr. Kehoe convened the hearing at 7:30 p.m. It was voted to waive the reading of the public hearing notice. Mr. Kehoe invited the applicant/representative to comment on this proposed project.

Shawn Ainsworth, PE of tms engineering: Mr. Santos briefed the Commission that this public hearing was continued for further revisions per comments by Mr. O'Reilly. A site plan dated 4/17/15 was revised outlining the approximate locations of ten shrubs to be planted in the wetland restoration area. The plants will consist of five high brush blueberry and five winterberry. The plants will be procured from a nursery in 3 gallon containers. Otherwise, all specifics outlined in the restoration plan by Ecosystem Solutions, Inc. remain the same. Site Plan, dated 4/17/15.

Mr. Kehoe invited Mr. O'Reilly to comment on the proposed revisions. Mr. O'Reilly explained that the revised plans show the addition of plants to the restoration area. Mr. O'Reilly commented the revised plans look in conformance 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 Ms. Sweriduk seconding the motion.

Respectfully Submitted,
For The Commission,
Tina Cabral

DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
WILLIAM & FRANCES KEENE
NOTICE OF INTENT
FILE 15-2257

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 William & Frances Keene on land located at Map 126, Lots 152-2 & 152-3 at 128 Star of the Sea Drive in Dartmouth. The hearing was held on Tuesday, April 28, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

ABSENT: Richard Mallen and Kyle Ross

Mr. Kehoe convened the hearing at 7:35 p.m. It was voted to waive the reading of the public hearing notice. Mr. Kehoe invited the applicant/representative to comment on the project.

Mr. O'Reilly briefed the Commission that this public hearing was continued so that the driveway easement document could be submitted for review. He further stated that the driveway easement document dated April 2, 2015 and signed by all interested parties was received and reviewed by him.

Mr. Kehoe invited public comment. No public comment at this time. It was unanimously voted to close the public hearing.

With nothing further to be added, Ms. Sweriduk motioned grant the notice of intent with the standard order of conditions, with Ms. McDonald 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 an 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, April 28, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

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

Mr. O'Reilly indicated to the Commission that Mr. Thomas Hardman of Site Design had another meeting in the Town of Lakeville and has asked to push this public hearing to the end of the Agenda.

Mr. Kehoe suggested to the Commission that this public hearing be moved to the end of the Agenda and should Mr. Hardman not be in attendance at that time that the hearing be continued to the next hearing date.

Mr. Kehoe re-convened the hearing at 7:55 p.m. Mr. Hardman was still at another meeting in Lakeville. Mr. Kehoe suggested that this public hearing be continued in order that Mr. Hardman be in attendance.

With nothing further to be added, Ms. McDonald motioned to continue this public hearing to Tuesday, May 12, 2015 at 7:00 p.m., with Ms. Sweriduk seconding motion.

Respectfully submitted,
For The Commission,
Tina Cabral

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
ROBERTA GATES
NOTICE OF INTENT
FILE 15-2262

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 Roberta Gates on land located at Map 14, Lot 7 at 452 Potomska Road in Dartmouth. The hearing was held on Tuesday, April 28, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

Mr. Kehoe convened the hearing at 7:50 p.m. It was voted to waive the reading of the public hearing notice. Mr. Kehoe invited the applicant/representative to comment on the project.

Richard Rheume of Prime Engineering, Inc.: Mr. Rheume informed the Commission that this notice of intent is for a wood pier which was constructed in 1998 under waterways license 7179. It is proposed to replace the pier in the same footprint. The existing piles will be dug out by hand shovel and replaced in the same location. The excavated soil will temporarily be placed in a hopper to be located under the pier where there is no vegetation. The remainder of the pier will be constructed with workers standing on 25 foot long aluminum staging propped up on wood blocks. The first section of pier is over a cobble beach. The next four sections abut beach heather. The last section is salt marsh. There will be no disturbance of the vegetation other than where the wood blocks prop the aluminum staging. The only change in the pier design is the addition of a cable rail for pedestrian safety. All work will be done above the low tide mark. A hand rail is being added for safety.

Mr. O'Reilly informed the Commission that project should be in compliance with all dock and pier standards.

Mr. Kehoe invited public comment. No public comment at this time. 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 Ms. Sweriduk seconding the motion.

Respectfully submitted,
For The Commission,
Tina Cabral

ITEMS FOR DISCUSSION:

- A. Discussion of dock and pier ice damage. *Mr. O'Reilly informed the Commission that there are some existing piles on the East side with ice damage, some piles on the Davis & Tripp side and New Bedford Yacht Club side and the Sweriduk dock. The deck is elevated. There will be a large barge coming into the harbor to reset the pilings back to the approved elevation and maintenance. No bottom work.*
- B. Appreciation Letter for Jennifer Brindisi's service to the Town. *The Commission unanimously agreed that the letter for Jennifer should be drafted in final form and presented at the May 12, 2015 meeting for signatures by the Commissioners.*
- C. Update on "potential candidates" for the part-time conservation commission officer position. *One applicant was interviewed today. There is one further candidate that is very much interested in the position but is out of town. The Commission unanimously agreed to interview said further candidate on a day that is not a conservation meeting. The Commission further agreed that a 5:45 p.m. time frame would work best for all Commissioners who will be present at the interview.*
- D. New Business-This time is being reserved for topics that the chair did not reasonably anticipate would be discussed. *No new business.*
- E. Meeting Adjourned at 8:00 P.M.

Respectfully submitted,
For The Commission,
Tina Cabral