



**DARTMOUTH CONSERVATION COMMISSION
DARTMOUTH TOWN HALL - ROOM 103 -7:00 P.M.
MINUTES - Tuesday, May 26, 2015**

ATTENDANCE:

Present: Chairman Michael Kehoe, Vice-Chairman Jacquelyn McDonald, Richard Mallen, 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.

ADMINISTRATIVE:

- Approval of the minutes of April 28, 2015 was unanimously accepted by those Commissioners present.
- Minutes of the May 12, 2015 meeting received for reading.
- Approval of the field trip reports of the May 12, 2015 meeting was unanimously accepted by those Commissioners present.

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FIELD TRIP REPORTS:

1. A Request for Determination of Applicability from DSDRT c/o Janice McDonough on vacant, wooded land located off of Reed Road and Old Reed Road on land located at Map 61, Lots 5, 5-3, 5-4 & 5-5 on Old Reed Road (Prime Engineering, 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 this request was for a wetland delineation and would recommend a positive determination.

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

2. A Request for Determination of Applicability from Richard Rheaume who is proposing to clear two areas of existing woodlands RE: Map 14, Lot 4 on Potomska Road (Prime Engineering, 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 he doesn't anticipate any negative impact and would recommend a negative and positive determination.

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

3. A Request for Determination of Applicability from Town of Dartmouth Parks and Recreation RE: Map 90, Lot 1 on 231 Smith Neck Road (Bike Racks) (Parks and Recreation)

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.

4. Request for Certificate of Compliance from Roger E. Surprenant RE: Map 157, Lot 7 on Wollcott Avenue (Roger E. Surprenant)

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.

5. A Request for Determination of Applicability from Per Lofberg, Trustee of the 7-9 Bridge Street Nominee Trust RE: Map 117, Lot 5 on 7-9 Bridge Street (construction of retail space/marketplace/residential condominiums) (Boucher & Heureux)

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.

5. Request for Certificate of Compliance from CLE Engineering Re: Map 93, Lot 3 on 25 Ray Peck Drive (Round Hill Community Corp) (CLE 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 all work has been completed and would recommend the issuance of a certificate of compliance.

With nothing further to be added, Ms. McDonald motioned to issue a certificate of compliance, with Mr. Mallen seconding the motion.

6. Request for Certificate of Compliance from Dartmouth Pride, LLC Re: Map 144, Lot 110 on 2 Fern Street, formerly 127 Sharp Street (Sitec, 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 he has received a letter from the engineer and that all work has been completed in compliance with the order and would recommend the issuance of a certificate of compliance.

With nothing further to be added, Ms. McDonald motioned to issue a certificate of compliance, with Mr. Mallen seconding the motion.

7. Request for Certificate of Compliance from Eric & Jessica Medeiros Re: Map 153, Lot 20 on 50 Whiteweed Drive (Sitec, Inc.).

Mr. Kehoe 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 has received a letter from the engineer and all work has been completed in compliance with the order and would recommend the issuance of a certificate of compliance.

With nothing further to be added, Ms. McDonald motioned to issue a certificate of compliance, with Mr. Mallen seconding the motion.

Respectfully Submitted,
For the Commission,
Tina Cabral

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
OLIVEIRA INVESTMENT, INC.
NOTICE OF INTENT
FILE 15-2266

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 from Oliveira Investment, Inc. on land located at Map 56, Lot 17-7 at 11 Digger Drive in Dartmouth. The hearing was held on Tuesday, May 26, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

ABSENT: 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.

Kory Medeiros of Sitec, Inc: The applicant is proposing to construct a single-family home, including a driveway and utilities with associated grading, as shown on the plan filed with this application. A portion of the dwelling and grading will take place within the 100' buffer zone to a bordering vegetated wetland. As depicted on the plan, silt fencing will be placed prior to the start of and maintained throughout the construction.

Mr. Kehoe invited Mr. O'Reilly to comment on this project. Mr. O'Reilly commented that this project conforms with the performance standards and doesn't anticipate any negative impact.

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 and approval of Plan entitled "Subsurface Sewage Disposal System", dated March 20, 2015, with Mr. Mallen seconding motion.

Respectfully submitted,
For The Commission,
Tina Cabral

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
OLIVEIRA INVESTMENT, INC.
NOTICE OF INTENT
FILE 15-2265

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 from Oliveira Investment, Inc. on land located at Map 56, Lot 17-8 at 13 Digger Drive in Dartmouth. The hearing was held on Tuesday, May 26, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

ABSENT: Patricia Sweriduk

Ms. 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.

Kory Medeiros of Sitec, Inc: The applicant is proposing to construct a single-family home, including a driveway and utilities with associated grading, as shown on the plan filed with this application. A portion of the dwelling and grading will take place within the 100' buffer zone to a bordering vegetated wetland. As depicted on the plan, silt fencing will be placed prior to the start of and maintained throughout the construction.

Mr. Kehoe invited Mr. O'Reilly to comment on this project. Mr. O'Reilly commented that this project conforms with the performance standards and doesn't anticipate any negative impact.

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 and approval of Plan entitled "Subsurface Sewage Disposal System", dated March 20, 2015, with Mr. Mallen seconding motion.

Respectfully submitted,
For The Commission,
Tina Cabral

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
ROLAND & SUZANNE VALOIS
NOTICE OF INTENT
FILE 15-2267

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 from Roland & Suzanne Valois on land located at Map 88, Lots 19, 19-1 & 20 at 1 Meadow Shores Road in Dartmouth. The hearing was held on Tuesday, May 26, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

ABSENT: 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.

Alan Hereux PE of Boucher & Heureux: The applicant is proposing to renovate the existing single-family house with a new terrace, sunroom, deck and detached garage with associated building additions, driveway reconfiguration, grading and utilities in a flood zone and buffer zone to wetland resources. The existing utility poles will be eliminated and should the 8" culvert be damaged during construction, it shall be repaired or replaced with PVC piping. The propane tank will be tied down on an 8" concrete slab.

Mr. Kehoe invited Mr. O'Reilly to comment on this project. Mr. O'Reilly suggested that a special condition be in place relative to the replacement of the culvert be the same elevation and same diameter as the existing pipe.

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 and approved Plan entitled "Site Plan", dated May 1, 2015, with Mr. Mallen seconding motion.

Respectfully submitted,
For The Commission,
Tina Cabral

ITEMS FOR DISCUSSION

- A) File 15-2212 for Reis Asphalt on land located at Map 62, Lots 10, 12, 13 and 16 on Hixville Road: *The Commission proposed a special condition to be placed in the order of conditions stating that the Stormwater Management Ponds shall be completed within six months of the issuance of the order of conditions with monthly progress reports to be submitted to the commission in accordance with the approved plans beginning June 1, 2015 through December 31, 2015.*
- B) VIOLATION, Map 56, Lot 20 on Hixville Road: *Mr. O'Reilly commented that he received a complaint from Manny Soares relative to Joe Lemieux doing work within a buffer zone. Mr. O'Reilly met with Mr. Lemieux at the site and suggested to Mr. Lemieux that he engage with Sitec, Inc. to begin working on this situation. Mr. Lemieux was in compliance with the suggestion. The Commission motioned and voted unanimously to order a CEASE and DESIST, A WETLAND DELINEATION TO BE PERFORMED WITHIN 30 DAYS and ANY ALTERATION MUST BE RESTORED.*
- C) VIOLATION, Map 163, Lot 56 & 52-9: *Mr. O'Reilly commented that he received a complaint from Joe Lemieux relative to Manny Soares encroaching in the buffer zone and clearing. Mr. O'Reilly further stated that Mr. Soares is currently involved in a lawsuit with the Town of Dartmouth and that the Commission seek recommendation from town counsel, Anthony Savastano, should any enforcement order be ignored. The Commission motioned and voted unanimously to order a CEASE and DESIST, WETLAND DELINEATION TO BE PERFORMED WITHIN 30 DAYS and ANY ALTERATION MUST BE RESTORED. The Commission further voted unanimously to engage permission to seek town counsel's services should any enforcement order issued to Mr. Soares be ignored.*
- D) Letter Re: Part-time Environmental Officer Position: *Chairman Kehoe signed the "letter of acceptance" addressed to Marc Garret offering Mr. Garret the part-time position. Said letter will be mailed the following day with a copy to the Personnel Director, Melissa Medeiros. It was voted by the Commission to offer the position to Mr. Marc Garrett.*
- E) New Business: *Chair Kehoe commented about a "floating dock" off Gulf Road beside the small bridge in the shellfish area. He further stated this violates the town's bylaws as it touches the bottom. Mr. O'Reilly commented that he met with the owner of the floating dock, Mr. James Pragana, and also had a discussion with Steve Mello, Harbormaster and mentioned to him that per the town's bylaws any structure upon a tidal flat needs a permit in a shellfish area. The Harbormaster was not aware of the town's bylaws and was following the state's bylaws. It was voted by the Commission to order Mr. Pragana to CEASE and DESIST immediately and remove the floating dock, and to further advise Mr. Pragana to consult with an engineer for the filing of a Notice of Intent should applicant want to replace the floating dock.*
- F) MEETING ADJOURNED: 8:15 P.M.