

TOWN OF DARTMOUTH - CONSERVATION COMMISSION MINUTES - Tuesday, July 14, 2015

MEETING CONVENED AT 7:05 P.M.

ATTENDANCE:

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

ADMINISTRATIVE:

- Approval of the minutes of June 9, 2015 was unanimously accepted by those Commissioners present.
- Approval of the field trip reports of the June 9, 2015 meeting was unanimously accepted by those Commissioners present.
- Approval of the Executive Session Minutes of June 9, 2015 was unanimously accepted by those Commissioners present with the exclusion of Ms. McDonald who recused herself from the approval.
- Minutes of June 23, 2015 received for reading.
- Approval of the Bill for the 2016 MACC dues in the amount of \$585.00 was unanimously accepted and passed for signatures by those Commissioners present.
- Approval of the Enforcement Order issued to Antone L. Vincent, Jr., Trustee for land located at Lots 70, 71 (Plat 28) and Lot 13 (Plat 24) was unanimously accepted and passed for signatures by those Commissioners present.

FIELD TRIP REPORTS:

1. A Request for Determination of Applicability from Town of Dartmouth Park Department who wishes to install a 40'x30' concrete pad to hold accessible tables; install at 5'x20' walkway and a 5'x30' walkway to concrete pad and existing walkway on land located at Map 111 Lot 11 at 77 Gulf Road (Apponagansett Park) (Town of Dartmouth)

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. Plan on record entitled "Apponagansett Park", dated June 29, 2015. The permit was passed for signatures by those Commissioners present.

2. A Request for Determination of Applicability from Marco DaSilva who wishes to perform site clean-up; cut and grade backyard in order to construct a building on land located at Map 75, Lot 2-1 on 2 Collin's Lane (Westport Environmental Design)

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.

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With nothing further to be added, Ms. McDonald motioned to issue a negative determination, with Mr. Mallen seconding the motion. Plan on record entitled "Site Plan, dated June 25, 2015 and prepared by Westport Environmental Design, Inc. The permit was passed for signature by those Commissioners present.

3. A Request for Determination of Applicability from Richard Rheaume of Prime Engineering, Inc. who wishes to repair a failed sewage disposal system Re: Map 20, Lot 12, 19-1 on 482A Smith Neck 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 determination.

With nothing further to be added, Ms. McDonald motioned to issue a negative determination, with Mr. Mallen seconding the motion. Plan on record entitled "Subsurface Sewage Disposal System (Upgrade), dated July 9, 2015 and prepared by Prime Engineering, Inc. The permit was passed for signatures by those Commissioners present.

4. A Request for Determination of Applicability from Barbara Purdy who wishes to construct an addition to the existing dwelling, construct a driveway and remove a tree Re: Map 123, Lot 149 on 75 Rockland Street (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 determination.

With nothing further to be added, Ms. McDonald motioned to issue a negative determination, with Mr. Mallen seconding the motion. Plan on record entitled "Plan to Accompany RDA", dated July 1, 2015 and prepared by Prime Engineering, Inc. The permit was passed for signatures by those Commissioners present.

5. A Request for Determination of Applicability from Poor Farm Realty Trust LLC who wishes have site delineated and remove some trees to construct a barn Re: Map 23, Lots 4 & 5 on 211 Horseneck Road (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 a Plan was received by Sitec, Inc. on July 14, 2015 and was not within the five (5) day time period for review. Therefore, Mr. O'Reilly suggested that this Request be continued to the next meeting for sufficient time for review of the submitted Plan.

With nothing further to be added, Ms. McDonald motioned to CONTINUE this request to Tuesday, July 28, 2015, with Mr. Mallen seconding the motion.

6. Request for Certificate of Compliance from Richard Barry File#15-2056 Re: Map 148, Lot 84-29 on 7 Nicole Way (single family home) (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 received a letter from Mr. Alan Heureux stating that the construction of the single family house and associated grading & utilities has been satisfactory completed in substantial compliance with the Order of Conditions. It is important to note that a pool was constructed in the rear yard as permitted by a Determination of Applicability (negative), issued on September 30, 2010. Therefore, Mr. O'Reilly recommends the issuance of a Certificate of Compliance.

With nothing further to be added, Ms. McDonald motioned to issue a certificate of compliance for File#15-2056, with Mr. Mallen seconding the motion. The permit was passed for signatures by those Commissioners present.

Respectfully Submitted,
For The Commission,
Tina Cabral, Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
CONTINUED - PUBLIC HEARING MINUTES OF
SAMC REALTY TRUST
NOTICE OF INTENT
FILE 15-2180

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 SAMC Realty Trust on land located at Map 164, Lot 21 at 710 State Road in Dartmouth. The hearing was held on Tuesday, July 14, 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, Patricia Sweriduk, Kyle Ross, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT:

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.

Jeff Tallman of Sitec, Inc: Mr. Tallman briefed the Commission regarding the submitted revised plans reflecting the following changes: (1) The Construction Phase Pollution Prevention and Erosion and Sediment Control Plan must be included in the "Final Construction Documents-Plans and Technical Specifications"; (2) The Operation and Maintenance Plan for the Recharge System and Detention Pond must be included in the "Final Construction Documents-Plans and Technical Specifications"; (3) Construction Sequence/Sequence of Major Activities of the Construction Erosion and Sediment Control Plan should be included on the "Final Construction Plans" and "Construction Documents"; (4) Access to the ponds for maintenance should be shown on the Site Plans; (5) The location and a construction detail of the temporary crushed stone construction entrance must be added to the plans; (6) Memorandum Page 3 (Section 20.703) Front Recharge Calculation 13,500 C.F. should be 13,500S.F.; (7) Addendum to Stormwater Report Checklist-Groundwater Recharge-Recharge Volume required should be 965 C.F. not 595 C.F.; and (8) Drainage Calculations-Addendum to Stormwater Report Checklist-Standard No. 3-Groundwater Recharge Time Required to dewater the recharge volume. A revised Plan entitled "Parking Plan & Site Layout", dated June 25, 2015 and drawn by Sitec, Inc. has been submitted and is on record.

Mr. Kehoe asked Mr. O'Reilly if he had a chance to review the revised plans. Mr. O'Reilly stated that he has and all revised plans look in compliance with the proposed project.

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

With nothing further to be added, Mr. Mallen motioned to grant the notice of intent with the standard order of conditions, with Mr. Golen seconding motion. The order of conditions was passed for signatures by those Commissioners present.

Respectfully submitted,
For The Commission,
Tina Cabral, Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
A&A JEWELERS
REQUEST TO AMEND ORDER OF CONDITIONS
FILE 15-2180

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 Request to Amend Order of Conditions on land located at Map 167, Lot 102 at 279 State Road in Dartmouth. The hearing was held on Tuesday, July 14, 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, Patricia Sweriduk, Kyle Ross, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT:

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

Jeff Tallman of Sitec, Inc.: Mr. Tallman briefed the Commission that the applicant, A&A Jewelers, would like to extend the paved parking area to the west to include approximately 700 s.f. of bituminous pavement. A Special Permit and Variance have been granted by the Zoning Board of Appeals. Currently, Sitec, Inc., is awaiting approval from the MA Highway Dept. for an alteration to the curb cut. A Plan entitled "Notice of Intent", dated October 16, 2015 has been submitted for the record.

Mr. Kehoe invited Mr. O'Reilly to comment on the proposed project. Mr. O'Reilly reiterated to Mr. Tallman that he spoke with Mr. Keegan of Sitec and stressed that the Commission requires a letter from the owner of the abutting Mobil station stating that they are in compliance with the proposal.

Mr. Kehoe invited public comment. Mr. Alex Nasrawi of A&A Jewelers announced that he had spoken with the owners of the Mobil station and they are willing to sign a document stating that Mobil is in compliance with the proposal. Mr. Kehoe expressed to Mr. Tallman and Mr. Nasrawi that the Commission will require a letter on record from the owners of Mobil before the issuance of the Amended Order of Conditions.

With nothing further to be added, Ms. McDonald motioned to grant the request to amend the order of conditions upon the receipt of a letter from the abutter, Mobil, stating their compliance with the proposed project, with Mr. Mallen seconding the motion. The amended order of conditions was passed for signatures by those Commissioners present, but will not be submitted and filed to DEP until said requested letter from Mobil is received from the applicant.

Respectfully submitted,
For The Commission,
Tina Cabral, Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
EYE-MAN LIMITED PARTNERSHIP
NOTICE OF INTENT
FILE 15-2269

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 Eye-Man Limited Partnership on land located at Map 169, Lot 240 on Leonard Ave in Dartmouth. The hearing was held on Tuesday, July 14, 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, Patricia Sweriduk, Kyle Ross, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.

ABSENT:

Mr. Kehoe revealed that he must recuse himself from this public hearing. The public hearing was not opened and remains closed.

Mr. Richard Rheaume of Prime Engineering, Inc. was present and suggested to the Commission that he would request a continuance of this public hearing for two weeks as plans for the proposed project are not yet in completion.

With nothing further to be added, Ms. McDonald motioned to CONTINUE this public hearing to Tuesday, July 28, 2015 at 7:00 p.m., with Mr. Mallen seconding motion.

Respectfully submitted,
For The Commission,
Tina Cabral, Administrative Clerk

ITEMS FOR DISCUSSION:

A) Discussion Re: Dock at Map 35, Lot 30 at 101 Gulf Road. *The Commission had a lengthy discussion regarding this issue. Mr. O'Reilly and Mr. Garrett went out to the site for a site visit and spoke with the property owner, James Pragana, at the site. Mr. O'Reilly explained to the Commission that under the current by-laws the float dock is allowed as long as it does not touch the bottom and not in a shellfish area. In this case, Mr. Pragana's floating dock is located in a shellfish area. During the site visit, Mr. O'Reilly questioned Mr. Pragana if he constructed the new concrete stairs that led to the dock as it looked as if it had been freshly mortared. Mr. Pragana explained that due to ice damage from this past winter, he had the stairs repaired. Mr. Kehoe remarked to the Commission that the bylaws should be updated and re-worded to the current regulations. Mr. O'Reilly commented that he and Mr. Garrett are in the process of drafting the by-law regulations and will specify the definition of "float" and suggested that the drafting of the regulations be placed on the next Agenda for discussion. The Commission unanimously agreed that Mr. Pragana is allowed to keep the floating dock under the current by-laws. Mr. O'Reilly will follow up with the HarborMaster relative to this issue should there be any further concerns.*

B) New Business: *The re-drafting of the by-law regulations will be addressed at the next meeting.*

MEETING ADJOURNED AT 8:15 P.M.