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MEETING CONVENED AT 7:07 P.M.

ATTENDANCE:

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

Absent: Kyle Ross

ADMINISTRATIVE:

- Approval of the minutes of July 14, 2015 was unanimously accepted by those Commissioners present.
- Approval of the field trip reports of the July 14, 2015 meeting was unanimously accepted by those Commissioners present.
- Minutes of August 11, 2015 received for reading.

FIELD TRIP REPORTS:

1. A Request for Determination of Applicability from Richard and Dorothy Perry who wishes to upgrade a residential septic system for an existing residential home on land located at Map 42, Lot 6 on 450 Chase Road in Dartmouth. (Collins Civil Engineering Group, Inc.)

Ms. McDonald motioned to waive the reading the reading of the public 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 is entitled "Subsurface Sewage Disposal System Upgrade", dated August 5, 2015. The permit was passed for signatures by those Commissioners present.

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

DARTMOUTH TOWN CLERK

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DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
DARTMOUTH WETLANDS PROTECTION BY-LAW REGULATIONS
PURSUANT TO 310 CMR 10.00

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 from the Dartmouth Conservation Commission who wishes to propose amendments to the regulations pursuant to 310 CMR 10.00. The hearing was held on Tuesday, August 25, 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, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator and Tina Cabral, Administrative Clerk.
ABSENT: Kyle Ross

Mr. O'Reilly distributed amongst the Commissioners a final draft revision of Section 1. Piers, Docks & Floats reflecting a few additional minor changes. The Commissioners present reviewed the new final draft revisions and addressed the public of the revisions.

Mr. Kehoe invited public comment regarding the newly submitted final draft revisions.

AL MEDEIROS, a local shell-fisherman questioned what will happen to the current docks that are currently placed in the shellfish area. Mr. Kehoe addressed Mr. Medeiros stating that those docks are legal per the regulations under the Dartmouth Bylaw at the time they were placed and permitted through the Harbormaster. Should the state want to take legal action they can do so, but the town is not required to pursue legal action.

Mr. Kehoe commented that the Commission strongly felt that the regulations needed to be revised relative to the issue of piers, dock and floating docks.

There was no further public comment. It was moved and seconded to close the public hearing.

The Commissioners present unanimously approved and seconded to amend the Dartmouth Wetlands Protection Bylaw Regulations by adding the proposed revised amendments to Section 1. Piers, Docks & Floats to said Regulations.

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

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
ELIZABETH H. & PAMELA M. SOUZA
NOTICE OF INTENT
FILE 15-2272

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 Elizabeth H. & Pamela M. Souza on land located at Map 122, Lot 91-1 at Thatcher Street in Dartmouth. The hearing was held on Tuesday, August 25, 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, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.
ABSENT: Kyle Ross

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

Thomas W. Hardman of Site Design Engineering: Applicants are proposing to construct a single family residence, driveway, and associated landscaping/grading. The subject property consists of approx. 1.5 acres located on the southwestern side of Thatcher Street. Portion of the subject property are located within the 100' buffer zone to a BVW. The proposed single family residence will be located almost entirely within the 100' buffer zone. The single family home will be connected to town water and sewer. In order to minimize impacts to the BVW and associated 25' buffer zone, the applicant is proposing to install a silt fence and all materials and equipment will be stored landward of the proposed silt fence. Plan on record is entitled "Proposed Site Plan" prepared by Site Design Engineering, LLC and signed and stamped by Daniel C. Mulloy, PE, dated June 29, 2015.

Mr. Kehoe asked Mr. O'Reilly if he had a chance to review the notice and plans. Mr. O'Reilly first read into the record a letter from an abutter, Kevern Joyce, of 28 Bush Street, dated August 19, 2015. Mr. O'Reilly went on further to state that back in 2002 the wetlands on this property were flagged and approved by a consultant. There was a current A-1 wetland inspection performed on the site.

Mr. Kehoe invited public comment.

BRIAN RAPOZA resides at 29 Thatcher St. directly in front of the proposed new construction lot and states that this new home will be in his backyard. Mr. Rapoza submitted colored photos for viewing purposes to the Commissioners. One photo showed water on the site during the winter months, photos of ferren, wild turkey, deer and a landscaped pond on his property. He is worried that this new construction will disturb the current wildlife that appears on his property.

MEGAN SCHAFFER resides at 17 Thatcher St. Ms. Schaffer states that there is a large amount of water in the area. The storm drains are constantly backed up and it backs into these particular wetlands. She said DPW acknowledges this situation and says there is an underground drainage pipe of inadequate size.

JOE DESOUSA stated that he arrives in the area on occasion and notices that the site is very wet especially after a rain storm. The land floods in the winter and forms a large ice rink on the large pond. He further commented that since DPW has indicated and acknowledged there is a problem, what recourse can be taken should the water table in the area be affected due to this new construction.

KEN VINCENT of South Dartmouth Cemeteries commented that he does not have a problem with this proposal but requests that at least some type of buffer be provided between the cemetery and the new dwelling.

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
ELIZABETH H. & PAMELA M. SOUZA
NOTICE OF INTENT
FILE 15-2272

Mr. Kehoe addressed the public in attendance that under the Commission's jurisdiction this proposal meets all the requirements under the wetlands bylaw.

The following recommendations were proposed: A minimum 15 foot vegetated buffer along the northern property line shall remain and natural vegetation in strip shall remain unaltered.

No further public comment. It was moved and seconded to close the public hearing. No further comment from Mr. O'Reilly.

With nothing further to be added, Ms. McDonald motioned to grant the notice of intent with the standard order of conditions with the addition of one (1) special condition, with Mr. Mallen seconding the motion.

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

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
DECHERT REALTY TRUST
NOTICE OF INTENT
FILE 15-2273

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 Dechert Realty Trust on land located at Map 95, Lot 4 at Featherbed Lane in Dartmouth. The hearing was held on Tuesday, August 25, 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, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.
ABSENT: Kyle Ross

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 W. Hardman of Site Design Engineering: The applicant is proposing to construct a single family residence, driveway, installation of a septic system and associated landscaping/grading. All proposed activities will occur outside of the 25' BVW buffer zone. The proposed single family residence and a very small portion of the proposed driveway will be located within the 100' BVW buffer zone. The remainder of the driveway and the proposed septic system will be located entirely outside of the 100' BVW buffer zone. The project is located within the LSCSF. The project will occur in a BVW buffer zone and will not alter any BVW. All proposed work within the LSCSF will be performed in compliance with both state and local building codes for work within the floodplain. Plan on record is entitled "Subsurface Sewage Disposal System" signed and stamped by Daniel C. Mulloy, PE of Site Design Engineering, Inc, dated July 27, 2015.

Mr. Kehoe asked Mr. O'Reilly if he had a chance to review the notice and plans. Mr. O'Reilly stated he has one issue with regards to delineation purposes which were completed a number of years ago but never finalized. Mr. O'Reilly suggested that data sheets be submitted by Mr. Hardman showing a delineation of the soils, flags, etc.

Mr. Kehoe suggested to Mr. Hardman that fencing be placed on the wetlands line. Mr. Hardman requested a continuance in order to provide the data sheets and revise the plan.

Mr. Kehoe invited public comment. No public comment at this time. It was voted that public comment remain open.

With nothing further to be added, Ms. McDonald motioned to continue this public hearing to Tuesday, September 8, 2015 at 7:00 p.m., with Mr. Mallen seconding the motion.

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

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
MICHAEL DEALMEIDA
NOTICE OF INTENT
FILE 15-2274

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 Michael DeAlmeida on land located at Map 134, Lots 27 & 28 at 6 Mariana Street in Dartmouth. The hearing was held on Tuesday, August 25, 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, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral, Administrative Clerk.

ABSENT: Kyle Ross

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.

John Keegan of Sitec, Inc., The applicant is proposing to repair an existing, licensed, stone groin and to install a 6'x20' bottom anchored floating dock. The proposed float will be used for non-commercial recreational boating access. The groin repair work will reuse existing displaced stones. If needed, similar size stones will be used to augment the reconstruction work. The property is located in the coastal resource area with no change to the existing alteration. Plan on record is entitled "Proposed Reconstructed Groin", prepared by Sitec, Inc. and signed and stamped by Steven Gioiosa, P.E., dated July 15, 2015.

Mr. Kehoe asked Mr. O'Reilly if he had a chance to review the notice and plans. Mr. O'Reilly stated that he performed a visit to the groin and walked along to the end. The width of the groin on the plan shows a 20' wide groin and Mr. O'Reilly measured the groin and it is not anywhere near 20' wide. Mr. O'Reilly commented that he does not agree with the plan submitted as it also shows a dock attached to the groin. Mr. O'Reilly presented the Commissioners with a colored photo of the groin and showing a floating swim float not attached to the groin which contradicts the plan showing a proposed attached dock to the groin. Mr. O'Reilly suggests to the Commission he is not in support of this proposal.

Mr. Kehoe invited public comment. No public comment at this time. The public hearing remained open.

Mr. Kehoe suggested to Mr. Keegan that he bring the proposal back to the applicants to determine how they would like to proceed. Mr. Kehoe also recommended that this public hearing be continued.

With nothing further to be added, Ms. McDonald motioned to continue this public hearing to Tuesday, September 8, 2015 at 7:00 p.m., with Mr. Mallen seconding motion.

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

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
FIELD ENGINEERING CO., INC. for APPLICANT, JESSE SANTOS
REQUEST TO AMEND ORDER OF CONDITIONS
FILE 15-2047

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 from Field Engineering Co., Inc. for applicant, Jesse Santos on land located at Map 79, Lot 25 at 75 Pine Island Road in Dartmouth. The hearing was held on Tuesday, August 25, 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, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral Administrative Clerk.
ABSENT: Kyle Ross

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.

Jesse Santos was present. Mr. Santos is requesting to amend an existing order of conditions on the aforementioned property. Mr. Santos is also requesting approval to construct a two story addition on the existing single family residence, including a 24'x24' garage with second story over existing lawn and paved driveway area. The work will also include the construction of a stone patio beneath a portion of the second story. The proposed building addition will not encroach any closer to the existing wetlands than the existing house and silt fence erosion controls are shown at the limit of work which is further away from the previous approved limit of work associated with the construction of the replacement septic system. The replacement septic system has been installed in substantial conformance with the approved plans and a Certificate of Compliance was issued by the Board of Health. Plan on record is entitled "Plan To Accompany Request for Amended Order of Conditions", dated August 14, 2015.

Mr. Kehoe asked Mr. O'Reilly if he had a chance to review the notice and plans. Mr. O'Reilly stated that he has reviewed all documents furnished and considered the project to be in order and recommends the issuance of a standard order of conditions.

Mr. Kehoe invited public comment. 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. Mallen seconding motion.

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

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
TOWN OF DARTMOUTH-APPONAGANSETT BAY MARSH
NOTICE OF INTENT FOR AN ECOLOGICAL RESTORATION PROJECT
FILE 15-2270

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 for an Ecological Restoration Project from the Town of Dartmouth on land located at Map 40, Lot 4 at Apponagansett Bay Marsh off Star of the Sea Drive in Dartmouth. The hearing was held on Tuesday, August 25, 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, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator, and Tina Cabral, Administrative Clerk.

ABSENT: Kyle Ross

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.

Present Were: Carolyn Mostello of the Division of Marine Fisheries & Wildlife; Adam Brunette and Judy Johnson, Wildlife Biologist. The applicant is seeking a restoration project at the Apponagansett Bay Marsh. The project has been revised to incorporate proposed changes to the project. The primary change is that the bottomless concrete culverts (pedestrian walkway) have been eliminated from the design. (Pedestrian access to the trail system can still be located approximately 750 feet to the north). This permits greater restoration benefits by allowing for a more natural channel configuration, because the channel width will not be limited to the culvert span. The enhanced restoration benefits include an increase in saltmarsh creation (from 253 s.f. to 1,720 s.f.) and an increase in tidal channel creation (from 2,630 s.f. to 4,400 s.f.). The existing conditions at the site include a filled pathway (locally called the "cart path") across the salt marsh and a partially filled and degraded stone culvert one to two ft. in width. The project involves the removal of a portion of the filled path to restore the historic tidal channel, historic flushing to the marsh and the restoration and enhancement of the salt marsh resource area. The fill and existing stone culvert restrict tidal flow in the upper portions of the marsh. The upper fringes of the marsh have been invaded by *Phragmites australis*, likely due to the tidal restriction, which reduces tidal exchange and salinity. The salt marsh located in the upper northwest corner of Apponagansett Bay has been degraded through tidal restriction caused by the linear pathway fill and the stone culvert. Upstream of the pathway is a 2.8 acre salt marsh, which contains approximately .95 acres of Phragmites. Based on a Town of Dartmouth 2012 survey, the Phragmites area had expanded to 1.09 acres. There is also a 6.8 acre salt marsh located upstream of Star of the Sea Drive, which has .48 acres of Phragmites along its periphery, for a total of 1.57 acres of Phragmites for the entire site (both east and west of Star of the Sea Drive). The tidal channel will be restored by removing appx. 470 cubic yards of fill from the pathway. All of the excavated material will be transported to the town composting facility appx. 1 mile from the site. Overall, the Apponagansett Bay project provides a net increase of 1,720 ft. of Spartina salt marsh creation and 66 ft. of replacement and enhancement (the area will be subjected to less scouring). The Apponagansett Bay project will also restore 4,400 sf. of historic tidal channel restoration/enhancement, 2.3 acres of salt marsh enhancement below of the Star of the Sea Drive culvert and 6.8 acres of the salt marsh enhancement above the Star of the Sea culvert as a result of the restored. The existing cart path elevation in the area of the proposed channel ranges between 1.4 to 3.3 feet, which is below the 1 year elevation of 3.7 ft. Therefore, the existing cart path is currently overtopped during storm tide events of 1 year and greater flooding the marsh and areas upstream of the 35 inch Star of the Sea Drive. The existing culvert currently allows daily tidal exchange to the tidal marsh upstream of Star of the Sea Drive. Widening the restricted channel is expected to increase drainage from the marsh during ebb tide during both daily and storm tide tides, allowing faster drainage and alleviating flooding during these times to both the marsh upstream and downstream of the Star of the Sea Drive. To reduce the likelihood of brining invasive and weedy species to Apponagansett bay, the contractor will be required to adhere to the Massachusetts Division of Fisheries & Wildlife's

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
TOWN OF DARTMOUTH-APPONAGANSETT BAY MARSH
NOTICE OF INTENT FOR AN ECOLOGICAL RESTORATION PROJECT
FILE 15-2270

“Best Management Practices for Controlling the Spread of Invasive Plants”. The contractor is not expected to spread Phragmites from the site to other locations, as the contractor will not work in Phragmites-invaded areas of the marsh. Plan on record is entitled “Water Resources Development Project-Dartmouth Mitigation Project”, prepared by U.S. Army Corps of Engineers New England District, dated August, 2015.

Mr. Kehoe asked Mr. O’Reilly if he had a chance to review the notice and plans. Mr. O’Reilly stated that he has reviewed all documents furnished and considered the project to be in order and recommends the issuance of a standard order of conditions.

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 motion.

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

ITEMS FOR DISCUSSION:

- A) Update on Chapter 61B for 383 Hixville Road, Map 67, Lot 8-1. *The Commissioners presents unanimously voted not to exercise their option to purchase due to a lack of funds, but unanimously agreed to forward a letter to DNRT to inquire if they are interested in the purchase of the aforementioned property. A letter will be drafted and sent to DNRT.*
- B) Update on 78 Brandt Ave, Map 166, Lots 31 & 136 Re: Revised Site Plan, dated August 11, 2015. *Mr. O'Reilly briefed the Commission relative to this property. Once construction began, it seems that plans had been altered. Mr. O'Reilly had a meeting with the engineering firm and a revised site plan dated August 11, 2015 was submitted reflecting the original proposal. Mr. Garrett periodically visits the site to provide updates on the construction progress.*
- C) New Business: No New Business.

MEETING ADJOURNED: 8:35P.M.