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DARTMOUTH TOWN CLERK

MEETING CONVENED AT 7:07 P.M.

ATTENDANCE:

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

Absent: Richard Mallen

Mr. O'Reilly introduced and welcomed the new part-time Conservation Officer, Marc Garrett to the Commission.

ADMINISTRATIVE:

- Approval of the minutes of June 23, 2015 was unanimously accepted by those Commissioners present.
- Approval of the field trip reports of the June 23, 2015 meeting was unanimously accepted by those Commissioners present.
- Minutes of July 14, 2015 received for reading.

FIELD TRIP REPORTS:

1. A Request for Determination of Applicability from Poor Farm Realty Trust LLC who wishes to have the 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 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. Plan on record entitled "Plan To Accompany RDA", dated July 17, 2015. The permit was passed for signatures by those Commissioners present.

2. Request for a Partial Certificate of Compliance from Kathleen T. Saunders, File#15-552 Re: Map 137, Lot 10-1 on 4 Maryann Way (SFH) (Kathleen T. Saunders)

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 stated that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

With nothing further to be added, Ms. McDonald motioned to issue a partial certificate of compliance for File# 15-552, with Ms. Sweriduk seconding the motion. The permit was passed for signatures by those Commissioners present.

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3. Request for a Partial Certificate of Compliance from Jorge and Paula Fernandes, File#15-770 Re: Map 66, Lot 20-11 (111) on 14 Stonewall Avenue (SFH) (Jorge Fernandes).

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 the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

With nothing further to be added, Ms. McDonald motioned to issue a partial certificate of compliance for File# 15-770, with Ms. Sweriduk 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
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, August 11, 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, Patricia Sweriduk, Kyle Ross, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator, Marc Garrett, Conservation Officer, and Tina Cabral Administrative Clerk.

ABSENT: Richard Mallen

RECUSED: Chairman Michael A. Kehoe

Ms. McDonald convened the hearing. It was voted to waive the reading of the public hearing notice. Ms. McDonald invited the applicant/representative to comment on the project.

Richard Rheume of Prime Engineering, Inc: The applicant is proposing to expand the parking lot on the west side of the southern end of Leonard Avenue. There are bordering vegetated wetlands on the south end of the parcel, thereby requiring the filing of a Notice of Intent. The site is a 2.7 acre parcel and there is an existing concrete sidewalk east of the parking lot and a detention basin south of the parking lot. It is proposed to remove a 17' wide strip of lawn and install twenty one paved parking spaces along the eastern side of the property. The parking lot drains through a series of four deep sump catch basins into a detention basin. It is proposed to install a First Defense brand storm treatment system between the last catch basin and the detention basin. The site will be owned and developed by Eye-Man Limited Partnership. A Stormwater Management Plan has been prepared. The site's stormwater will be conveyed by pipe to the proposed storm treatment system before reaching the detention basin. The soil is Paxton fine sandy loam. The runoff will be collected in deep sump catch basin and then passed through a constructed pocket wetlands. Prior to the installation of any construction, silt fencing shall be installed as shown on the plans. In addition, silt fencing and haybales shall be placed around existing catch basins that are down gradient of the proposed construction. The following measures shall be maintained throughout the site construction phase of the project: (a) catch basin protection (b) drainage swale haybale check dams (c) silt fences and (d) haybales. The following permanent erosion control measures shall remain in place after completion of the project (a) erosion control matting (b) erosion and sediment control maintenance. The following are the material management practices that shall be used to reduce the risk of spills, etc. (a) good housekeeping (b) hazardous substances material safety (c) hazardous waste standards (d) product specific practices (e) fertilizers (f) cleaning solvents (g) cleaning solvents (h) concrete wastes (i) solid and construction wastes (j) solid and construction wastes (k) sanitary wastes and (l) contaminated soils. Plan on record is entitled "Proposed Drainage and Basin Upgrades and Proposed Parking Plan-Additional Parking", dated July 21, 2015 drawn by Prime Engineering, Inc.

Ms. McDonald asked Mr. O'Reilly if he had a chance to review the notice and plans. Mr. O'Reilly stated that he has and all revised plans look in compliance.

Ms. McDonald 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. Golen seconding motion.

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

DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
PADANARAM ACRES COMMUNITY CORPORATION
NOTICE OF INTENT
FILE 15-2271

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 Padanaram Acres Community Corporation on land located at Map 125, Lot 56 at Country Way in Dartmouth. The hearing was held on Tuesday, August 11, 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, Patricia Sweriduk, Kyle Ross, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator, Marc Garrett, Conservation Officer, and Tina Cabral Administrative Clerk.

ABSENT: Richard Mallen

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.

Richard Rheume of Prime Engineering, Inc: The applicant is proposing to mow the existing lawns; removal of dead vegetation and dangerous limbs; and removal of invasive species including autumn olive, honeysuckle, rosa multiflora, etc. There is an area adjacent to Juniper Pond which has some wetland vegetation but which is clearly non-jurisdictional, since it is isolated from the rest of the wetland system and contains less than a quarter acre foot of storage. Plan on record is entitled "Vegetation Management Plan", dated July 15, 2015. Mr. Rheume expressed that he would like to have the Commission issue this order for five (5) years relative to the removal of the invasive species only on this site.

Mr. Kehoe asked Mr. O'Reilly if he had a chance to review the notice and plans. Mr. O'Reilly suggested to the Commission to place a special condition on the order of conditions stating that the applicant have the landscaper submit a timeframe and coordinate with the conservation office a date and time to meet with the landscaper on the site so that he would identify all the invasive species in the field that he wants to remove and not any additional clearing.

Mr. Kehoe invited public comment. Beverly King of Bakerville Road: Ms. King abuts the back of the said property. She questioned if this will involve the ice pond; is mowing just for the existing lawn area; will the box turtles be affected and will there be large tree cutting or clearing.

Mr. Rheume addressed all of Ms. King's concerns and affirmed that this will only be for the removal of invasive species and some broken tree limbs if needed to be removed.

No further 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 the additional special conditions: (1) landscaper shall notify the conservation office to submit a timeframe of the proposed work; (2) landscaper shall identify all invasive species prior to any removal; (3) landscaper shall submit a timeframe for proposed work; (4) this order of conditions shall be extended for five (5) years from the date of issuance relative only to the removal of the invasive species; and (5) the Commission will make no determination that this is a non-jurisdictional area due to the lack of submitted evidence. Ms. McDonald seconded motion with the aforementioned stated special conditions.

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

DARTMOUTH CONSERVATION COMMISSION
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 11, 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, Patricia Sweriduk, Kyle Ross, Richard Golen, Michael O'Reilly, Environmental Affairs Coordinator, Marc Garrett, Conservation Officer, and Tina Cabral Administrative Clerk.

ABSENT: Richard Mallen

Mr. O'Reilly presented the Commissioners each with a copy of a "draft revision" drafted by himself and Mr. Marc Garrett, Environmental Officer, relative to Section I. Piers, Docks & Floats for their review, comment and discussion. The revisions were drafted to address some ambiguities in the regulations and to provide more precise definitions regarding docks, piers and floats.

The following are ONLY proposed draft changes/revisions to the regulations and have NOT been voted into effect:

B. DEFINITIONS:

DOCK or PIER: Any elevated, open structure extending below the reach of mean high water, used as access for boating or recreational purposes, including connecting elevated walkways, ramps and stairs across a beach, salt marsh or any resource area, but not including stairs or other structures on a coastal bank. A dock or pier shall not come into contact with the shore, as defined, at any point during any tide cycle.

FLOAT: For the purposes of these Regulations, "Float, Floats" or "Floating Docks" include those structures that are attached to a permanent dock structure or those (seasonal or otherwise) which are moored independently, but a portion of which is set on the shore as defined, at any time, will be subject to this section. Seasonal floats (e.g. swim platforms) which are moored independently, away from shore, are not considered subject to these Regulations. No float, floats or floating dock shall not come into contact with the shore (bottom) at any point during any tide cycle.

(Additions) MEAN HIGH WATER (MHW)-The arithmetic average of the elevations of the higher high waters of the semi-diurnal tide over a specific 19-year period. For shorter periods of observation, corrections are applied to eliminate known variations and reduce the result to the equivalent of a mean 19-year interval.

SHORE: The shore is that strip of ground bordering any body of water which is alternately exposed or covered by tides and/or waves at or below Mean High Water. Shore is further defined as any land under lake, river, pond, stream, estuary, or the ocean, as stated in Section 2 of the Dartmouth Wetlands Protection Bylaw.

G. PERFORMANCE STANDARDS: In no case shall a dock be constructed within 25 feet of a property sideline unless a dock is to be used as a shared or community dock, or upon a clear showing of environmental benefit. When a dock is proposed less than 25 feet of a property line, the abutting property owner(s) must certify to the Commission in writing his/her/their approval of the proposed dock location.

A letter from the Division of Marine Fisheries dated August 11, 2015 was also received by the conservation office and passed around to all Commissioners for their review regarding "floating docks" and in particular to a specific dock

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located at 101 Gulf Road. The dock is comprised of about 6 floating dock segments that ground at low tide causing an estimated 520 s.f. of impact to the intertidal zone at every side. The project site lies within mapped shellfish habitat for bay scallop, soft shell clam, quahog and American oyster. The Marine Fisheries is very concerned that the type of dock structure is impacting mapped shellfish habitat and access to public tidelands and should not be authorized. Marine Fisheries recommends the dock structures to be removed as soon as possible and the impact be mitigated via a shellfish seeding program.

Mr. Kehoe invited public comment. A gentleman who has been a shell-fisher for 20+ years (name not clear on record) was present and voiced his opinion relative to a particular dock located at 101 Gulf Road which is located in a shellfish area and which hits the bottom of the shellfish area. He further went on to state that on the Smith Neck Road side shell fish area has been closed due to bacteria in the water and now due to this dock located at 101 Gulf Road he is not able to shell fish in this area.

Mr. Kehoe answered that this is the reasoning behind the Commission revising the regulations to have more precise definitions of floats, dock, piers in the Commission's Regulations.

There was no further public comment at this time. The public hearing remained open. Mr. Kehoe suggested continuing this public hearing to August 25, 2015 for further discussion and review.

With nothing further to be added, Ms. McDonald motioned to continue this public hearing to August 25, 2015 at 7:00 p.m., with Ms. Sweriduk seconding motion.

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

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ITEMS FOR DISCUSSION:

- A) Letter from Planning Director Re: Chapter 91 Waterways License Application-Star of the Sea Drive, Apponagansett Bay. *Mr. O'Reilly briefed the Commission relative to this letter. The Dartmouth Planning Board offered the following recommendation, as per 310 CMR 9.13(5) for the tidal restoration project at the above-referenced location (providing extra protection to some of the Town's most fragile natural resources). The Planning Board has determined that this proposal will not be detrimental to the public rights in tidelands and serves a proper public purpose.*
- B) Letter from Attorney Alvin Youman representing Roger & Joan Mendoza Re: Renter at 33 Pembroke Drive performing work in the wetlands area and Owner at 37 Pembroke Drive (water runoff). *Mr. O'Reilly and Mr. Garrett viewed the site at 33 Pembroke Drive per allegations raised in a letter received from Attorney Youman regarding the renter at said property allegedly clearing wetlands, removing trees and brush. Mr. O'Reilly and Mr. Garrett's observations were that there is no wetlands alteration; renter had removed demolition material located at same location and it is only a debris pile in the process of being removed off the property.*
- C) Letter from Attorney Ralph "Chip" Mulford Re: Chapter 61B Property from property owner Mary Robinson on land located at Map 67, Lot 8-1 on 383 Hixville Road. *Mr. O'Reilly briefed the Commission that the Town of Dartmouth Development offices have received a letter from Attorney Mulford who represents, Mary Robinson, owner of property located at Map 67, Lot 8-1 at 383 Hixville Road and which said property has historically been utilized as open space/recreational land, and is presently classified by the Town Assessor's office under the provisions of MGL Chapter 61B. In January of 2012, property owner agreed with NexAmp, INC. to enter into a long term ground lease of an appropriate portion of her property for NexAmp's use as a large scale solar farm on the condition that NexAmp could obtain the requisite permits and approvals. NexAmp has advised the property owner that they are now ready to proceed with construction of the solar farm. It is now necessary to file this notice of conversion with the pertinent town development offices in order to trigger the 120 day option period during which the Town of Dartmouth or its qualified conservation agency can exercise its right of first refusal to pay fair market value for the property. Property owner is seeking a conversion of 41.01 acres of a 81.81 acre property located at Map 67, Lot 8-1 (383 Hixville Road) for Use as a Solar Farm. Mr. O'Reilly stated to the Commission that the Building Commissioner, Planning Director, Assessor's Office, Board of Health Director and the Conservation Officers along with the Town Administrator are currently attending meetings relative to this issue and recommended to the Commission that they hold off on a proposition until further information is provided to the Commission as the Commission has 120 days from receipt of this letter to respond. The Commission unanimously agreed to continuing the discussion of this matter to the next meeting scheduled for August 25, 2015.*
- D) DEP File#15-2204, 5 Lakewood Drive, Map 171, Lot 41 (proposed plan wall changes) (Cecelia Roberts) *Mr. O'Reilly briefed the Commission that the applicant is proposing to replace the pre-existing wall with one similar structure which allows for a more terraced effect creating a gentler slope to eth land and minimizing erosion from draining water. This new wall will be built with "ready blocks". The top soil would backfill against the block. The wall will "die out" on either end of the property allowing access to the lower level for grass mowing. The commission unanimously agreed that this proposal will significantly improve the site.*
- E) New Business: No New Business.

THE NEXT CONSERVATION COMMISSION MEETING IS SCHEDULED FOR AUGUST 25, 2015 AT 7:00 P.M.

MEETING ADJOURNED: 8:15 P.M.