

TOWN OF DARTMOUTH - CONSERVATION MINUTES - Tuesday, October 6, 2015

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ATTENDANCE:

DARTMOUTH TOWN CLERK

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

Absent: Chairman Michael A. Kehoe and Patricia Sweriduk

Ms. McDonald convened the meeting at 7:05 p.m.

Ms. McDonald introduced the new Commissioner to the Conservation Commission, Dr. Joseph Burke, Jr.

ADMINISTRATIVE:

- Approval of the minutes of August 25, 2015 was unanimously accepted by those Commissioners present.
- Approval of the field trip reports of the September 8, 2015 meeting was unanimously accepted by those Commissioners present.
- Minutes of September 8, 2015 received for reading.

FIELD TRIP REPORTS:

1. CONTINUED Request for a Certificate of Compliance from David H. Bor & Henrietta N. Barnes on File#15-1644 for land located at Map 19, Lot 19-3 at 576 Potomska Road (maintain fixed pier, gangway and float) (Boucher & Heureux)

Ms. McDonald invited Mr. O'Reilly to comment on this request. Mr. O'Reilly stated that he has received correspondence from the engineer stating the work was never commenced or completed and therefore, requests the issuance of a certificate of compliance for no work.

With nothing further to be added, Mr. Mallen motioned to issue the Certificate of Compliance on File #15-1644, with Mr. Golen seconding the motion. The permit was passed for signatures by those commissioners present.

2. CONTINUED Request for Certificate of Compliance from Joel Brenner and Victoria Pope for File#15-2233 on land located at Map 23, Lot 39 at 802 Rock O'Dundee Road (Boucher & Heureux)

Ms. McDonald invited Mr. O'Reilly to comment on this request. Mr. O'Reilly commented that he has received correspondence from the engineer stating all work has been completed in compliance and Mr. O'Reilly recommends the issuance of a certificate of compliance.

With nothing further to be added, Mr. Mallen motioned to issue the Certificate of Compliance on File #15-2233, with Mr. Golen seconding the motion. The permit was passed for signatures by those commissioners present.

3. Request for Determination of Applicability from Ron Clement who wishes to install a 14'x27' in-ground swimming pool on land located at Map 48, Lot 24 on 586 Old Westport Road (Aaron Pools and Spas)

It was voted to waive the reading of the public notice. Ms. McDonald 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, Mr. Mallen motioned to issue a negative determination, with Mr. Golen seconding the motion. The permit was passed for signatures by those commissioners present.

4. Request for Determination of Applicability from Joseph Burke who wishes to construct a 20'x12' canopy roof over the existing pool deck supported by four posts on land located at Map 106, Lot 17 on 12 Salt Creek Road (Prime Engineering)

It was voted to waive the reading of the public notice. Ms. McDonald 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, Mr. Mallen motioned to issue a negative determination, with Mr. Golen seconding the motion. The permit was passed for signatures by those Commissioners present.

5. Request for Certificate of Compliance from Ledgemont Development LLC on File #15-1846 on land located at Map 25, Lots 1 & 2 on Rock O'Dundee Road (Prime Engineering, Inc.)

Ms. McDonald invited Mr. O'Reilly to comment on this request. Mr. O'Reilly commented that he has received correspondence from the engineer stating that all work has been completed in compliance and Mr. O'Reilly recommends the issuance of a certificate of compliance.

With nothing further to be added, Mr. Mallen motioned to issue a Certificate of Compliance for File #15- 1846, with Mr. Golen seconding the motion. The permit was passed for signatures by those commissioners present.

6. Request for Determination of Applicability from Town of Dartmouth Department of Public Works who is proposing drainage improvement to alleviate flooding problem at Town library at Map 128, Lot 206 at 732 Dartmouth Street (Town of Dartmouth)

It was voted to waive the reading of the public notice. Ms. McDonald 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 noting further to be added, Mr. Mallen motioned to grant a negative determination, with Mr. Golen seconding the motion. The permit was passed for signatures by those commissioners present.

7. Request for Determination of Applicability from Long Built Homes who is proposing to construct a residential dwelling with ancillary well and installation of a septic system on land located at Part of Lot 45, Map 72, Lot 9-1, Map 73, Lot 10, Map 73, Lot 11-1, Map 73, Lot 1-4 on Lot 1 Ivy Way (Prime Engineering)

It was voted to waive the reading of the public notice. Ms. McDonald 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, Mr. Mallen motioned to grant a negative determination, with Mr. Golen seconding the motion. The permit was passed for signatures by those commissioners present.

8. Request for Certificate of Compliance from Dartmouth Pride LLC on File #15-2264 on land located at Map 162, Lot 3-1 at Reed Road (Sitec, Inc.)

Ms. McDonald invited Mr. O'Reilly to comment on this request. Mr. O'Reilly commented that he has received correspondence from the engineer stating that all work has been completed in compliance and Mr. O'Reilly recommends the issuance of a certificate of compliance.

With nothing further to be added, Mr. Mallen motioned to issue a Certificate of Compliance for File #15- 2264, with Mr. Golen seconding the motion. The permit was passed for signatures by those commissioners present.

9. Request for Certificate of Compliance from Christopher J. Floyd on File #15-1541 on land located at Map 113, Lot 54-7 at 67 Elm Street (Boucher & Heureux)

Ms. McDonald invited Mr. O'Reilly to comment on this request. Mr. O'Reilly commented that all work has been completed in compliance and he recommends the issuance of a certificate of compliance.

With nothing further to be added, Mr. Mallen motioned to issue a Certificate of Compliance for File #15- 1541, with Mr. Golen 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
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, October 6, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

Ms. McDonald convened the hearing and invited the applicant/representative to present the project.

Kory Medeiros of Sitec, Inc.: Briefed the commission that this matter was continued per the request of Mr. O'Reilly's disapproval of the original submitted plan for the project and summarized the proposed project.

Ms. McDonald invited Mr. O'Reilly to comment on this project. Mr. O'Reilly briefed the commission that he received a revised plan for the project and has reviewed the same but stated he would like to see the Chapter 91 license and have the proper time for review.

Mr. Kehoe invited public comment. No public comment. Public comment remained open.

With nothing further to be added, Mr. Mallen motioned to continue this matter to Monday, October 19, 2015 at 7:00 p.m., with Mr. Golen seconding motion.

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

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
DIANE EAST - BARNICLE BOO CHASE NOMINEE TRUST
NOTICE OF INTENT
FILE 15-2278

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 Barnicle Boo Chase Nominee Trust on land located at Map 42, Lot 7 on 446 Chase Road. The hearing was held on Tuesday, October 6, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

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

Kory Medeiros of Sitec, Inc.: The applicant is proposing to construct a driveway access to a single family dwelling together with the extension of utilities to serve the proposed dwelling together with the extension of utilities to serve the proposed dwelling.

Ms. McDonald invited Mr. O'Reilly to comment on this request. Mr. O'Reilly commented that he would like to meet with the engineers at the site and would recommend a continuance in this matter.

Ms. McDonald invited public comment. No public comment. Public comment remained open.

With nothing further to be added, Mr. Mallen motioned to continue this matter to Monday, October 19, 2015 at 7:00 p.m., with Mr. Golen seconding motion.

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

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
WILLIAM & BETTS HOBBS
NOTICE OF INTENT
FILE 15-2277

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 William & Betts Hobbs on land located at Map 107, Lot 23 on 99 DeGaris Avenue. The hearing was held on Tuesday, October 6, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

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

Richard J. Rheume P.E. of Prime Engineering: The applicant is proposing a kitchen addition, screen porch and deck addition to an existing dwelling together with the addition of a grass swale north of the proposed addition to correct garage flooding.

Ms. McDonald invited Mr. O'Reilly to comment on this request. Mr. O'Reilly commented that a variance from FEMA was approved for the construction of this project and this proposal conforms to the performance standards.

Ms. McDonald 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 and incorporate the Building Code Appeals Board Decision dated July 14, 2015, with Mr. Golen seconding the motion. Plan on record is entitled "Proposed Building Addition", dated September 10, 2015. The permit was passed for signatures by those commissioners present.

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

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
DANIEL R. & MEAGAN LAGASSE
NOTICE OF INTENT
FILE 15- (no DEP file # issued yet)

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 Daniel R. & Meagan Lagasse on land located at Map 41, Lot 6-4 on Cedar Dell Way. The hearing was held on Tuesday, October 6, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

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

Thomas W. Hardman PE of Site Design Engineering LLC: The applicant is proposing the development of a single family residential property including the construction of a house, driveway, septic system and landscaping/grading located partially within the 100' BVW buffer zone.

Ms. McDonald invited Mr. O'Reilly to comment on this request. Mr. O'Reilly commented that when he went out to the site to perform his site visit he had noticed that most of the work had been started. Mr. O'Reilly spoke to the contractor as well as the property owner, and ordered to stop the construction until the order of standards has been issued presuming it would be approved by the conservation commission as well as waiting the additional 10 day appeal period. The proposed project is relatively minor in the buffer zone. The vast majority of the project is outside of conservation commission jurisdiction. Some work did occur in the buffer zone and, therefore, Mr. O'Reilly stopped the construction.

Ms. McDonald stated that this matter would need to be continued as DEP has not issued a file number for this matter. Ms. McDonald invited public comment. No public comment at this time. Public comment remained open.

With nothing further to be added, Mr. Mallen motioned to continue this matter to Monday, October 19, 2015 at 7:00 p.m., with Mr. Golen seconding motion.

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

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
JASON & GISELE HUTCHENS
NOTICE OF INTENT
FILE 15-2259

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 Jason & Gisele Hutchens on land located at Map 121, Lot 72 on 64 Wilson Street. The hearing was held on Tuesday, October 6, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

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

John Marchand of ThompsonFarland, Inc.: The applicant is seeking approval for the construction on the premises of a 6' wide walkway with Thruflow decking. The entire length of the proposed walkway is located within bordering land subject to flooding and within the 100' buffer from the top of coastal bank. The walkway will be installed above the existing ground elevation and will not result in a loss of flood storage volume. The decking will be anchored to 6"x6" P.T. posts installed to minimum depth of 4 ft. below the ground surface. The size of the site is 89,200 s.f. +/- and within the coastal bank 0 to 100' buffer zone is 16,800 s.f. The design of the walkway includes all reasonable and appropriate engineering procedures for the mitigation of any impact from the changes to the site. During the construction phase, there will be disturbance of the area within the siltation control fence. The runoff is to be controlled by using hay bale fencing or straw wattles at the limit of the work. The project does not involve alteration of existing sewage disposal system or installation of a new sewage disposal system. The project does not involve alteration of existing underground utilities or installation of new underground utilities. The project does not require stormwater mitigation or attenuation. The estimated time for construction will be three weeks; install erosion/siltation control fences; install posts and walkway substructure; install decking surface; loam and seed any disturbed areas; and remove accumulated sediment and erosion control barriers.

Ms. McDonald invited Mr. O'Reilly to comment on this proposal. Mr. O'Reilly stated that the proposed project conforms to the performance standards.

Ms. McDonald 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 the conditions, with Mr. Golen seconding the motion. Plan on record is entitled "Site Plan-64 Wilson Street", dated September 24, 2015. The permit was passed and signed by those Commissioners present.

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

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
DAVID BOR & HENRIETTA BARNES
NOTICE OF INTENT
FILE 15-2275

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 David Bor & Henrietta Barnes on land located at Map 19, Lot 19-3 on 576 Potomska Road. The hearing was held on Tuesday, October 6, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

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

Alan J. Heureux, P.E. of Boucher & Heureux, Inc.: The applicant is proposing to construct an elevated walkway across the marsh to a platform on an old boathouse foundation; construct an elevated walkway from this platform for storing kayaks and canoes to the shore of the Slocum River. The Division of Fisheries & Wildlife has determined that this project, as currently proposed, will not result in a prohibited "take" of state-listed rare species. Mr. Heureux requested a site meeting with the applicant and with Mr. O'Reilly to discuss the proposal and options. Mr. Heureux requested a one month continuance.

Ms. McDonald invited Mr. O'Reilly to comment on this proposal. Mr. O'Reilly commented that his concern is that the proposal would impact on the salt marsh. Mr. O'Reilly further agreed that a site meeting would be feasible.

Ms. McDonald invited public comment. No public comment at this time. Public comment remained open.

With nothing further to be added, Mr. Mallen motioned to continue this matter to Tuesday, November 3, 2015 at 7:00 p.m., with Mr. Golen seconding the motion.

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

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
MOLLY & JEFFREY GOODMAN
NOTICE OF INTENT
FILE 15-2276

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 Molly & Jeffrey Goodman on land located at Map 7, Lot 24 on 148 Mishaum Point Road. The hearing was held on Tuesday, October 6, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

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

Alan J. Heureux, P.E. of Boucher & Heureux, Inc: The applicants are proposing to demolish the existing structures on the property and are proposing to raze the existing house and construct a new house in its place with associated subsurface sewage disposal system, pool, grading and utilities in the buffer zone to the Coastal Bank. No work is proposed within the buffer zone to the wetland within the flood plain or the coastal bank. Work is proposed within the 100' to the coastal bank. The pool will be located behind the house and will have a deck around it supported on pilings. Retaining walls will be placed around the site.

Ms. McDonald invited Mr. O'Reilly to comment on this proposal. Mr. O'Reilly comments that the proposal for this project conforms to the performance standards.

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 continue grant the notice of intent with the standard order of the conditions, with Mr. Golen seconding the motion. Plans on record are entitled "Subsurface Sewage Disposal System", dated September 10, 2015 and "Existing Conditions Site Plan", dated June 4, 2015. The permit was passed and signed by those Commissioners present.

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

ITEMS FOR DISCUSSION:

- A) Correspondence from Attorney Dorothy Tongue Re: Affidavit of M&M Ferry Brothers LLC (“Buyers”) and David A. Brownell and Judith C. Brownell (“Sellers”) for 482-482A Smith Neck Road (Chapter 61A Section 14). *Mr. O’Reilly informed the commission that the correspondence states that this property will not be removed from Chapter 61A, Section 14.*
- B) Correspondence from TRC Solutions Re: Algonquin Gas Transmission LLC, Lind G-3 System Pipeline Immediate Repair Condition Anomaly Investigation Project-Utility Maintenance Notification. *Mr. O’Reilly informed this correspondence was received strictly for notification purposes relative to routine inspections to the gas lines in the north part of town wherein five locations require immediate repair.*
- C) New Business: No New Business.

MEETING ADJOURNED: 8:20 P.M.