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THESE MINUTES WERE APPROVED BY THE COMMISSION ON: 12/15/16

Mr. Kehoe convened the meeting at 7:02 p.m.

ATTENDANCE:

Present: Chairman Michael A. Kehoe, Vice-Chair Jacquelyn McDonald, Kyle Ross, Richard Golen, Joseph Burke, Michael O'Reilly, Environmental Affairs Coordinator, and Donna Farias, Administrative Clerk.

Absent: Patricia Sweriduk, Richard Mallen

ADMINISTRATIVE:

RECORDED
2015 DEC 16 PM 10 28
DARTMOUTH TOWN CLERK

- Approval of the minutes of October 6, 2015 was unanimously accepted by those Commissioners present.
- Approval of the field trip reports of the October 19, 2015 meeting was unanimously accepted by those Commissioners present.
- Minutes of October 19, 2015 received for reading.

FIELD TRIP REPORTS:

1. Request for Determination of Applicability from Robert Anderson who is proposing to install 2' x 24' panel ground mounted solar arrays covering approximately 800 s.f. on land located at Map 23, Lot 58 at 160 Horseneck Road (Artie Leonard of Reliable Solar Solutions)

It was voted to waive the reading of the public notice. Mr. Kehoe invited Mr. O'Reilly to comment on this request. Mr. O'Reilly commented that the solar array is located within flood plain, but 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. Ross seconding the motion. The permit was passed for signatures by those commissioners present.

2. Request for Partial Certificate of Compliance from Lisa M. Katz on DEP File #15-767 on land located at Map 129, Lot 28-12 at 18 Flagship Drive (Downey & Downey PC).

Mr. Kehoe recused himself from all discussion and voting on this particular matter.

Ms. McDonald invited Mr. O'Reilly to comment on this request. Mr. O'Reilly commented this lot was part of the overall subdivision and there was no resource areas associated with this lot. This partial certificate of compliance is to clear lot 28-12 from the original Order of Conditions. Mr. O'Reilly recommends the issuance of a partial certificate of compliance.

With nothing further to be added, Mr. Golen motioned to issue a partial certificate of compliance for File #15-767, with Mr. Ross seconding the motion. The permit was passed for signatures by those commissioners present.

3. Request for Certificate of Compliance from Sandra Cambra on DEP File#15-2092 on land located at Map 186, Lot 23 on Glade Street (SFH) (Romanelli Associates, Inc.)

Mr. Kehoe invited Mr. O'Reilly to comment on this request. Mr. O'Reilly commented that Mr. Garret conducted a site visit and there was some minor deviation from the plan. Instead of a post and rail fence being installed the owner installed a retaining wall. Mr. O'Reilly's feels the alteration is deminimis, 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 for File#15-2092, with Mr. Golen seconding the motion. The permit was passed for signatures by those commissioners present.

Respectfully submitted,
For the Commission,

Donna Farias, 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. The hearing was held on Tuesday, November 3, 2015 at 7:00 p.m. in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present were Chairman, Michael A. Kehoe, Vice-Chair, Jacquelyn E. McDonald, Richard Golen, Kyle Ross, Joseph Burke, Michael O'Reilly, Environmental Affairs Coordinator, and Donna Farias, Administrative Clerk.

Absent was Patricia Sweriduk, Richard Mallen

Mr. Kehoe convened the hearing. It was voted to waive the reading of the public notice.

Mr. Kehoe invited the applicant/representative to present the project.

Kory Medeiros of Sitec, Inc described that his client would like to repair an existing, licensed stone groin and install an anchored floating dock. Mr. Medeiros met with Mr. O'Reilly in the office this morning to go over the revised plan dated November 3, 2015. The applicant is not looking to enlarge the groin and the float is for recreational use only.

Mr. Kehoe invited comment from Mr. O'Reilly on this project. Mr. O'Reilly informed the Commission due to the revised plan being submitted today a five (5) day review period is required and continuance will be needed. Mr. O'Reilly explained there are two prior chapter 91 licenses for this site, and this project conforms to the original chapter 91 license. The applicant is not expanding.

Ms. McDonald asked if the Board had copies of chapter 91 license. Mr. O'Reilly stated the Commission does have copies in the file. Question was asked about the residency. Mr. Medeiros explained it was a cottage/beach house not year around.

Mr. Kehoe invited public comment. The public hearing remained open due to the plans requiring a five (5) day review period.

With nothing further to be added, Ms. McDonald motioned to continue this public hearing to Tuesday, November 17, 2015 at 7:00 p.m., with Mr. Golen seconding motion.

Respectfully submitted,
For The Commission,

Donna Farias, Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
CONTINUED 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 Diane East-Barnicle Boo Chase Nominee Trust on land located at Map 42, Lot 7 on 446 Chase Road. The hearing was held on Tuesday, November 3, 2015 at 7:00 p.m. in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present were Chairman, Michael A. Kehoe, Vice-Chair, Jacquelyn E. McDonald, Richard Golen, Kyle Ross, Joseph Burke, Michael O'Reilly, Environmental Affairs Coordinator, and Donna Farias, Administrative Clerk.

Absent was Patricia Sweriduk, Richard Mallen

Mr. Kehoe convened the hearing. It was voted to waive the reading of the public notice.

Mr. Kehoe invited the applicant/representative to present the project.

Kory Medeiros of Sitec, Inc, had previously been before the Commission for his client who would be 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. Mr. Medeiros explained they have received Planning Board approval, revised the grass mixture, and have added an equalizer pipe to connect the wetlands.

Mr. Kehoe invited comment from Mr. O'Reilly on this project. In Mr. O'Reilly's opinion, all the issues have been addressed.

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 issue a Standard Order of Conditions according to the plan dated October 9, 2015, with Mr. Ross seconding the motion. The permit was passed for signatures by those commissioners present.

Respectfully submitted,
For The Commission,
Donna Farias, Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
CONTINUED PUBLIC HEARING MINUTES OF
DANIEL R. & MEAGAN LAGASSE
NOTICE OF INTENT
FILE 15-2280

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, November 3, 2015 in Room 103 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present were Chairman Michael A. Kehoe, Vice-Chair Jacquelyn E. McDonald, Richard Golen, Kyle Ross, Joseph Burke, Michael O'Reilly, Environmental Affairs Coordinator, and Donna Farias, Administrative Clerk.

Absent was Patricia Sweriduk, Richard Mallen

Mr. Kehoe convened the hearing. It was voted to waive the reading of the public notice.

Mr. Kehoe invited Mr. O'Reilly to comment. Mr. O'Reilly stated all the Commission was waiting on was a DEP file number.

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

With nothing further to be added, Mr. Golen motioned to issue a standard order of conditions according to the plan dated August 20, 2015, with Mr. Ross seconding the motion.

Respectfully submitted,
For The Commission,

Donna Farias, Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
CONTINUED 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, November 3, 2015 at 7:00 p.m. 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 Golen, Kyle Ross, Joseph Burke, Michael O'Reilly, Environmental Affairs Coordinator, and Donna Farias, Administrative Clerk.

Absent was Patricia Sweriduk, Richard Mallen

Mr. Kehoe convened the hearing. It was voted to waive the reading of the public notice.

Mr. Kehoe stated a request has been received by the applicant's representative, asking the Commission for a continuance until to the next meeting of Tuesday, November 17, 2015.

The public hearing remained open.

With nothing further to be added, Ms. McDonald motioned to continue this public hearing to Tuesday, November 17, 2015 at 7:00 p.m., with Mr. Ross seconding motion.

Respectfully submitted,
For The Commission,

Donna Farias, Administrative Clerk

DARTMOUTH CONSERVATION COMMISSION
PUBLIC HEARING MINUTES OF
PAMELA W. & GEORGE C. MCNAMARA
NOTICE OF INTENT
FILE 15-2281

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 Pamela W. & George C. McNamara on land located at Map 23, Lot 26-1 on Gaffney Road. The hearing was held on Tuesday, November 3, 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 Golen, Kyle Ross, Joseph Burke, Michael O'Reilly, Environmental Affairs Coordinator, and Donna Farias, Administrative Clerk.

Absent was Patricia Sweriduk, Richard Mallen

Mr. Kehoe 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 of Boucher & Heureux: Mr. Heureux informed the Commission he received a letter from Natural Heritage & Endangered Species Program dated November 3, 2015, stating this project will not adversely affect the actual Resource Area Habitat of state-protected wildlife species. Mr. Heureux clarified that this project is not in the riverfront area but there are these "fingers" in the marsh (manmade mosquito trenches). The Riverfront regulations state mosquito trenches don't have riverfront associated with them. The actual river is approximately 400 away from the shoreline. The applicant is proposing to construct a single family house with associated driveway, detached garage, landscaping, grading and utilities in the buffer zone to wetland and coastal bank as well as in the flood zone along a tributary to the Slocums River. There will be no basement and septic will be constructed according to Title V. Mr. Heureux has not performed the percolation test for the septic system, but wanted to get this permit from Conservation first especially the lot being within Natural Heritage.

Mr. Kehoe invited Mr. O'Reilly to comment on this request. Mr. O'Reilly did have a chance to review the plan and visit the site. Mr. O'Reilly had performed the original Wetland Site Inspection. Mr. O'Reilly was curious about the flood code regulations and this structure would have to comply with the flood code. Mr. O'Reilly asked if Mr. Heureux had used by 92-1 policy and procedure to determine the coastal bank. Mr. Heureux stated it is noted on the plan. Mr. O'Reilly noted the Commission did receive correspondence from Natural Heritage. Mr. O'Reilly was going to bring up the riverfront but Mr. Heureux gave a good explanation about the mosquito ditches, which don't qualify as perennial streams. Mr. O'Reilly noted there is no alteration of the coastal bank, and bordering vegetated wetland.

Mr. Kehoe invited public comment.

Tally Garfield, 194 Gaffney Road commented that she would like to see the work out of the buffer zone, and as little tree removal as necessary. Ms. Garfield questioned why the percolation test wasn't the first step. Mr. Heureux explained because the property is entirely in Habitat area he wanted to make sure he had permission from the Commission this was an acceptable building envelope. Mr. O'Reilly felt this made sense because they had to remove numerous trees to get back there.

Ms. Garfield questioned the trench that is noted the plan. Ms. Garfield feels this could possibly be the end of Peters Creek. Mr. Heureux agrees that this was labeled incorrectly, and should be labeled as a mosquito ditch. Ms. Garfield questioned the bylaw about setbacks to resource areas.

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Mr. O'Reilly remarked there was never any formal setback, and the Commission prefers or asks for 25-35 feet of no activity. The Commission is working on changes to the regulations.

Ms. Garfield's asked if the Commission could condition that there be no vegetation removed below the silt fence and the driveway shouldn't be paved. Mr. Kehoe felt it was a good point about the gravel driveway. Mr. Heureux confirmed that it would remain gravel.

Mr. O'Reilly explained he had noticed there is no work proposed outside the haybale line. and no work proposed in the area 30 feet down slope to the wetlands. They would need to come back to the Commission with an amendment or another permit, if they want to do work in this area.

Peter Spindler, 704 Rock O Dundee Road commented that Peters Creek is not listed on the plan. Mr. Spindler feels Peters Creek runs along the marsh, and could be considered a river. This proposed home could potentially be 30 feet from Peters Creek. Mr. Heureux feels Peters Creek is about 400 feet away. Mr. Spindler disputed this.

Mr. Spindler commented the plan states an abutter as owner unknown. Mr. Spindler informed the Commission this property belongs to DNRT. Mr. Kehoe asked the Clerk for the abutter list. Mr. Kehoe informed Mr. Spindler that DNRT was notified about this hearing.

A lengthy discussion ensued about the location of Peters Creek, mosquito ditches, and overall orientation.

Mr. Spindler showed Mr. Kehoe on the aerial where he felt Peters Creek is located. Mr. Kehoe wanted for the recorded Mr. Spindler showing him that east of the finger which is clearly a mosquito ditch he believes is Peters Creek which continues across the western face of the property line and continues in a northerly direction through the bull rush area back out to the river. Mr. Spindler agreed.

Mr. Heureux remarked this is why he came before the Commission first. Ms. McDonald asked if any of the land has been cleared. Mr. Heureux described where there has been some clearing, as well as, were nothing has occurred.

Mr. Spindler seconded Ms. Garfield's concerned about the cutting of trees and wants the Commission to implement penalties if the permit is not adhered too. Mr. Spindler commented homeowners across the river have taken it upon themselves to do clearing down to the river. Mr. Kehoe explained the Commission can only approve what is before them, and assured him the Commission doesn't take enforcement action lightly.

Mr. O'Reilly doesn't doubt this is tidal. The question is it an enhance mosquito ditch or river front. Mr. O'Reilly explained to determine the mean high water by using benchmarks from Round Hill.

Mr. O'Reilly suggested using historical photographers. Mr. Kehoe feels this is an important to determine whether it is mosquito ditches, or a river before the Commission makes a determination. Mr. O'Reilly indicated if it is determined to be river front then the house will not be able to go in this location.

The Commission agreed to do a site visit on Saturday, November 7, 2015 at 10 a.m. The meeting will be posted, and the public hearing remained open.

With nothing further to be added, Ms. McDonald motioned to continue this public hearing to Tuesday, November 17, 2015 at 7:00 p.m., with Mr. Golen seconding motion.

Respectfully submitted,
For The Commission,
Donna Farias, Administrative Clerk

ITEMS FOR DISCUSSION:

- A) Dartmouth Community Preservation Committee letter dated October 19, 2015, regarding Input on FY 2017 Needs Assessment.

Each year the Community Preservation Committee (CPC) petitions Departments for input on the annual assessment of needs and statement of objectives, priorities, and strategies for the use of CPA funds. This annual assessment provides guidance to applicants seeking CPA funding for projects. The CPC welcomes comments from the Conservation Commission on its annual assessments needs.

- B) Posting sign regarding hours of Paskamansett Park.

Mr. O'Reilly provided the Commission with the Rules Governing Use of Land Under Commission Control which was adopted January 26, 1976.

Mr. O'Reilly explained the police have been called to the site, but are unable to enforce when people can or can't utilized the Paskamansett Park because there are no hours posted.

Mr. O'Reilly feels there should be signage declaring when the park is opened and closed. Mr. O'Reilly suggested the sign read open at sunrise and closed at sunset. The Department of Public Works does have a machine the Commission could utilize to make the sign.

In another matter, Mr. O'Reilly informed the Commission that the water quality structure that was funded with CPC money will be installed within the next week or two near the Paskamansett Park.

- C) Buzzards Bay Committee award

Mr. O'Reilly briefed the Commission on the \$200,000 award granted by the EPA to the Buzzards Bay Action Committee last Friday. This money will help the five partnering communities to aid them in mapping storm drains, education, and creating database to comply with the MS 4 program that will become mandatory in Massachusetts.

Mr. O'Reilly is also applying for another EPA grant called Healthy Communities that is due this Friday to help with the installation of a stormwater treatment system at the end of Rogers Street. They pre-qualified in September for the \$175,000 grant, and are now in the final application process . If the grant is awarded the installation could potentially take place next Spring.

- D) New Business: No New Business.

MEETING ADJOURNED: 8:25 P.M.