

**Town of Dartmouth
Soil Board
Minutes of the Meeting of
21 May 2014**

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The meeting notice was duly posted. This meeting was called to order at 6:05 p.m.

Thomas Hardman, Chair, Jacquelyn E. McDonald, Richard Mallen, Joseph Toomey, and John Haran were present. Also present was Christopher Michaud, Soil Board Inspector.

Absent: Lee Azinheira, John George

The minutes of the meeting of January 16, 2014 were discussed with Mr. Hardman requesting all references to members to be in the Mr., Ms., Mrs. form. Motion made to accept minutes with the modifications made by Mr. Toomey and seconded by Ms. McDonald and voted all in favor.

Soil Conservation By-law Revisions to Articles 34 and 67

Mr. Michaud updated the Board on the comprehensive revisions to the Soil Board's by-laws. The articles were presented to the Finance Committee in April. As a result of the presentation to the Finance Committee, it was felt that the Soil Board should prepare a summary of the proposed by-law for the benefit of town meeting members by including it in their agenda. Also Mr. Michaud mentioned that a representative from the Soil Board will need to present Articles before town meeting. Given Mr. Michaud's involvement it would be best if he presented to eliminate confusion arising out of the multiple uses of article in reference to the designation in the by-laws and the location on the warrant.

➤ A lengthy discussion ensued with audience participation regarding the Soil Board and their interests with partnering in or supporting an Earth Filling Zoning By-Law. As a result of the topic being more relevant to the next item on the agenda discussion was suspended so the comprehensive revisions to the Soil Board's By-Laws could be completed. Motion made for Mr. Michaud to present the articles for the comprehensive revisions to Articles 34 and 67 at the Spring Town Meeting by Ms. McDonald and seconded by Mr. Toomey with all voting in favor.

Earth and Soil By-Law

The letter from Wendy Henderson, Director of Public Health was discussed by the Board. The Board discussed the regulation that recently went into effect and the Board of Health's continued interest in investigating fill materials of concern.

➤ The discussion continued with participation from Michelle Keith and Gloria Bancroft in the audience. Both expressed an interest adding additional restrictions to filling land in town through a zoning by-law. Ms. Bancroft asked the Board members if they would partner or support a zoning by-law if one was proposed at a town meeting. No objections were raised to the concept with Mr. Haran, Mr. Toomey and Mr. Hardman expressing support if a proposal arises in the future.

Robert Mello, South Side of Old Westport Road-Bond-

Mr. Michaud advised the Board that the bond on deposit with the Town Treasurer is held for Plat 48, Lots 40, 45, 46, 47 and 48 off Old Westport Road. Furthermore, the lots where excavation of soils occurred are now owned by the Town of Dartmouth and the Board of Public Works. The Select Board and the Board of Public Works were notified of the intent to release the surety and were asked for comment or concerns. No comments or concerns were raised about the condition of the properties as they relate to past mining activities associated with Robert Mello, the individual who provided the surety.

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- Motion to release the bonding and interest held by the Town Treasurer to Robert Mello was made by Ms. McDonald and seconded by Mr. Haran with all members having voted in favor.

Fairland Farms Irrigation Pond, Plat 79, Lot 34-1, 293 Flag Swamp Road - Cease & Desist - Irrigation Pond-

- Nothing further at this time.

523 Rock O'Dundee Road permit transfer request, from Paul Mello to David Medeiros, d.b.a Russells Mills Contracting -

The Board discussed a request to transfer the permit from Paul Mello to David Medeiros for the property at 523 Rock O'Dundee Road. Mr. Toomey asked if it would be better to table the request until after the new by-laws are in effect. Mr. Mallen advised that such action would be problematic and should not be considered. Mr. Michaud told the Board that permit transfers under the existing by-law have been allowed and as recently as a few years ago when T&D Inc. was changed to T. R. Laberge Wrecking. Furthermore, the transfer if allowed should be conditioned as listed in the inspector's report to assure proper bonding and permitting procedures.

- Motion made by Ms. McDonald and seconded by Mr. Haran to transfer the permit at 523 Rock O'Dundee Road to David Medeiros d.b.a. Russells Mills Contracting with the following conditions; filing of a renewal application with permit and inspection fees, acceptable surety in the name of the new permit holder with the surety for Paul Mello to be released upon satisfaction of these conditions and expiration of permit to follow the date of issuance of this transferred permit - not the date for Mr. Mello's permit. All voted in favor.

Reorganization of Board

- Ms. McDonald made a motion with Mr. Mallen seconding for Mr. Hardman to be chairman of the Board. All voted in favor
- Mr. Hardman motioned with Mr. Mallen seconding for Ms. McDonald to be vice-chairman of the Board. All voted in favor.

Appointment of clerk and inspector

- Motion to appoint Christopher Michaud and all of the Board members as inspectors made by Ms. McDonald and seconded by Mr. Haran with all members having voted in favor.
- Motion to appoint Donna Farias clerk made by Ms. McDonald with Mr. Haran seconding with all members having voted in favor.

Discussion for any item not known 48 hours in advance-

- Nothing further at this time.


Thomas W Hardman, Chair entertained a motion to close the regular Soil Board Conservation meeting made by Mr. Toomey and seconded by Ms. McDonald with all members having voted in favor.

With no further business to discuss, the Chair adjourned the meeting at 6:45 p.m.

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Transcribed by

Donna Farias
Administrative Clerk