

DARTMOUTH CONSERVATION COMMISSION MINUTES – NOVEMBER 19, 2019

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THESE MINUTES WERE APPROVED BY THE COMMISSION ON: DECEMBER 17, 2019

ATTENDANCE:

Present: Michael Kehoe, Kyle Ross, Patricia Sweriduk, Richard Golen, Joseph Burke

Michael O'Reilly, Environmental Affairs Coordinator and Karen Aho, Administrative Assistant

Kyle Ross opened the hearing of Tuesday, November 19, 2019, 2019 at 7:00 p.m.

ADMINISTRATIVE:

MINUTES of the October 22, 2019 meeting were unanimously approved by the Commissioners present.

Approval of the FIELD TRIP REPORTS of October 22, 2019 meeting was unanimously accepted by those Commissioners present.

Receipt of the Minutes of November 5, 2019 meeting.

FIELD TRIP REPORTS:

1. *CONTINUED Request for an Extension on the Order of Conditions DEP File# 15-2157 for Leonardo Botelho at Map 53, Lot 1-2 and Map 174, Lot 72 at 150 Cross Road. (SITEC)*

Mr. O'Reilly informed the Commission that this application is for the purpose of an extension request. Mr. O'Reilly explained that an as built plan has been received. Mr. Jon Connell from SITEC appeared on behalf of the applicant. It was explained that debris needs to be removed under the Order of Conditions. Kyle Ross motioned for a continuance to the December 3, 2019 meeting, with a remediation proposed completion date of December 3, 2019. Richard Golen seconded the motion. It was unanimously voted.

2. *Request for Determination of Applicability for Natalie & Ralph Hirshorn for the removal of the existing stairs and adding a deck at Map 88. Lot 32 on 25 Buzzards Bay Avenue (Schneider, Davignon, and Leone Inc)*

Mr. O'Reilly informed the Commission that this application is for the purpose of the removal of existing stairs and deck addition to a house located within the upper edges of the flood plain and fairly remote from beach and coastal dune. Mr O'Reilly explained that it is a minor project and does not anticipate a negative impact. Mr. O'Reilly recommended the issuance of a negative determination. Kyle Ross motioned to issue a negative determination. Patricia Sweriduk seconded the motion. It was unanimously voted.

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3. *Request for Determination of Applicability for Dartmouth Natural Resource Trust for the installation of a boardwalk on Dike Creek and Red Trail on Map 29. Lot 46 on 205 Bakerville Road (DNRT)*

Mr. O'Reilly informed the Commission that this application is for the installation of boardwalks over wetland and does not anticipate a negative impact. Mr. O'Reilly recommended the issuance of a negative determination. Patricia Sweriduk motioned to issue a negative determination with Kyle Ross seconding the motion. It was unanimously voted.

4. *Request for a Partial Certificate of Compliance for DEP File #15-770 for Brian Glover, PC at Map 66, Lot 20-51 on 23 Harvest Avenue.*

Mr. O'Reilly explained that this application is for a partial certificate of compliance that is part of a single lot within a subdivision. Mr. O'Reilly recommended the issuance of a Partial Certificate of Compliance. Kyle Ross motioned to issue a Partial Certificate of Compliance with Joseph Burke seconding the motion. It was unanimously voted.

5. *Request for a Partial Certificate of Compliance for DEP File #15-715 for Michael Correia at Map 60, Lot 1-39 on 18 Melissa Lynn Drive.*

Mr. O'Reilly explained that this application is for a partial certificate of compliance that is part of a single lot within a subdivision. Mr. O'Reilly recommended the issuance of a Partial Certificate of Compliance. Richard Golen motioned to issue a Partial Certificate of Compliance with Kyle Ross seconding the motion. It was unanimously voted.

6. *Request for a Certificate of Compliance for DEP File #15-1109 for Brian Glover, PC at Map 79, Lot 6-4 on 2 Medeiros Lane.*

Mr. O'Reilly informed the Commission that this application is for a certificate of compliance. Mr. O'Reilly stated there was no problem with the lot and recommended the issuance of a Certificate of Compliance. Richard Golen motioned to issue a Certificate of Compliance with Kyle Ross seconding the motion. It was unanimously voted.

7. *Request for a Certificate of Compliance for DEP File #15-2190 for Jason Hutchens at Map 121, Lot 72 on 64 Wilson Street. (Farland Corp).*

Mr. O'Reilly informed the Commission that this application is for a certificate of compliance. We have a letter from an engineer certifying that the work was done in compliance with the approved plans. He performed a site visit today and the project appears to be in compliance with the approved plans. Mr. O'Reilly recommended the issuance of a Certificate of Compliance. Kyle Ross motioned to issue a Certificate of Compliance with Joseph Burke seconding the motion. It was unanimously voted.

8. *Request for a Certificate of Compliance for DEP File #15-2279 for Jason Hutchens at Map 121, Lot 72 on 64 Wilson Street. (Farland Corp)*

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Mr. O'Reilly informed the Commission that this application is for a certificate of compliance. We have a letter from an engineer certifying that the work was done in compliance with the approved plans. He performed a site visit today and the project appears to be in compliance with the approved plans. Mr. O'Reilly recommended the issuance of a Certificate of Compliance. Kyle Ross motioned to issue a Certificate of Compliance with Joseph Burke seconding the motion. It was unanimously voted.

9. *Request for a Certificate of Compliance for DEP File #15-2041 for Jason Hutchens at Map 121, Lot 72 on 64 Wilson Street. (Farland Corp)*

Mr. O'Reilly informed the Commission that this application is for a certificate of compliance. We have a letter from an engineer certifying that the work was done in compliance with the approved plans. He performed a site visit today and the project appears to be in compliance with the approved plans. Mr. O'Reilly recommended the issuance of a Certificate of Compliance. Kyle Ross motioned to issue a Certificate of Compliance with Joseph Burke seconding the motion. It was unanimously voted.

APPOINTMENT: *DPW Violetta Drinking Water Well MEPA filing*

Mr. O'Reilly explained that the Department of Public Works is proposing to relocate two wells in the Violetta well field located south of Old Westport Road and west of Cedar Dell Pond. As a result of the project, a MEPA filing and site visit occurred. A group of citizens expressed concerns about the possible impacts of the replacement wells on water levels in Cedar Dell Lake. DPW plans to continue monitoring the water levels. This appointment was placed on the agenda in order for the Conservation Commission to hear additional information and comment to DEP.

END OF FIELD TRIP REPORT

**CONTINUED PUBLIC HEARING
NOTICE OF INTENT
JASON HUTCHENS
MAPS 106 & 107, LOTS 23, 28 AND 13
17 W. SMITH NECK ROAD
DEP FILE 15-2499**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L. ch.131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw, a Notice of Intent for Jason Hutchens who wishes to construct a single family home on land located at Maps 106 & 107, Lots 23, 28 and Lot 13 on 17 West Smith Neck Road. The public hearing was held on November 19, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Kyle Ross, Patricia Sweriduk, Richard Golen, Joseph Burke

Absent: Richard Mallen, Kelly Wilbur

It was voted to waive the reading of the public notice.

Stevie Carvalho from Farland Corp. appeared on behalf of the applicant. He explained that the proposal consists of the construction of a single family home. The demarcation of the wetland line on the submitted plan was discussed.

It was motioned by Chairman Michael Kehoe to continue this hearing to December 3, 2019 in order to allow time for the submittal of a new plan. Patricia Sweriduk seconded the motion.

It was unanimously voted.

**CONTINUED PUBLIC HEARING
AMEND AN ORDER OF CONDITIONS
MARGARET SPRAGUE
MAP 113, LOT 4
ELM STREET
DEP FILE 15-2415**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L. ch. 131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw on a Request from Margaret Sprague who wishes to Amend an Order of Conditions on land located at Map 113, Lot 4 on Elm Street. The public hearing was held on November 19, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Kyle Ross, Patricia Sweriduk, Richard Golen, Joseph Burke

Absent: Richard Mallen, Kelly Wilbur

It was voted to waive the reading of the public notice.

Patricia Sweriduk requested to be recused of this matter.

Thomas Hardman of Site Design Engineering represented the applicant. Mr. Hardman explained that this filing is for an Amended Order of Conditions. He described that as a result of clearing and it has come to their attention new growth has occurred. This filing is because of the proximity to the wetlands.

Mr. O'Reilly inspected the site and does not have a problem with it.

Chairman Kehoe motioned to close the public hearing with Kyle Ross seconding the motion. Kyle Ross motioned to issue an Amended Order of Conditions according to the latest plan submitted. Richard Golen seconded the motion.

It was unanimously voted.

**CONTINUED PUBLIC HEARING
NOTICE OF INTENT
MATTHEW WALDRIP
CROSS ROAD TO FISHER ROAD
DEP FILE 15-2488**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L. ch.131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw, on A Notice of Intent for Matthew Waldrip for the construction and operation of a new overhead electric transmission line on land located on Utility Row from Cross Road to Fisher Road. The public hearing was held on November 19, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Kyle Ross, Patricia Sweriduk, Richard Golen, Joseph Burke

Absent: Richard Mallen, Kelly Wilbur

It was voted to waive the reading of the public notice.

Applicant Matthew Waldrip of Eversource Energy, Rebecca Weismann of SWCA Environmental and David Halliwell of Powell Engineering were present. Ms. Weismann explained that the 401 water quality report certification has been submitted and the Army Corp approval has been received. Mr. Garrett, Wetland Consultant has approved the wetland line delineation.

Chairman Kehoe motioned to close the public hearing, Kyle Ross seconding the motion. Patricia Sweriduk motioned to issue a standard Order of Conditions according to the latest plan submitted. Richard Golen seconded the motion.

It was unanimously voted.

**CONTINUED PUBLIC HEARING
NOTICE OF INTENT
BRIAN STORER, WINDSONG, LLC
MAP 125, LOTS 19, 19-1 THRU 19-7
OFF JASON DRIVE
DEP FILE 15-2491**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L. ch.131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw, on a Notice of Intent for Brian Storer, Windsong LLC, who proposes a five lot open space residential development on land located at Map 125, Lots 19, 19-1 through 19-7 Off Jason Drive. The public hearing was held on November 19, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Kyle Ross, Patricia Sweriduk, Richard Golen, Joseph Burke

Absent: Richard Mallen, Kelly Wilbur

It was voted to waive the reading of the public notice.

There was a continuance request by the applicant's representative until December 3, 2019.

Patricia Sweriduk motioned to continue until December 3, 2019 with Kyle Ross seconding the motion.

It was unanimously voted.

**CONTINUED PUBLIC HEARING
NOTICE OF INTENT
BORREGO SOLAR SYSTEMS, INC.
MAP 60, LOTS 2, 2-3, 4, 14 AND 19
451 HIGHLAND AVENUE
DEP FILE 15-2497**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L. ch. 131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw on A Notice of Intent for Borrego Solar Systems, Inc. who wishes to construct a ground mounted solar photovoltaic array on land located at Map 60, Lots 2, 2-3, 4, 14 and 19 on 451 Highland Ave. The public hearing was held on November 19, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Kyle Ross, Patricia Sweriduk, Richard Golen, Joseph Burke

Absent: Richard Mallen, Kelly Wilbur

It was voted to waive the reading of the public notice.

There was a continuance request by the applicant's representative until December 3, 2019.

Patricia Sweriduk motioned to continue until December 3, 2019, with Kyle Ross seconding the motion.

It was unanimously voted.

**PUBLIC HEARING
NOTICE OF INTENT
NBD SOLAR, LLC
MAP 85, LOTS 8-3, 8-4 AND 9
JOHN VERTENTE BLVD
DEP FILE 15-2498**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L.ch. 131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw on a Notice of Intent for NBD Solar, LLC who wishes to construct a ground mounted solar photovoltaic array on land located at Map 85, Lots 8-3, 8-4, and 9 on John Vertente Blvd. The public hearing was held on November 19, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Kyle Ross, Patricia Sweriduk, Richard Golen, Joseph Burke

Absent: Richard Mallen, Kelly Wilbur

It was voted to waive the reading of the public notice.

Richard Rheaume from Prime Engineering appeared on behalf of the applicant, NBD Solar, LLC. Mr. Rheaume explained that the filing is for the construction of a ground mounted solar photovoltaic array in the north end of the greater New Bedford industrial park. The jurisdictional area was discussed, 24 acres are in Dartmouth, 18 acres are located in New Bedford with the wetland crossing and restoration located in New Bedford.

Mr. O'Reilly commented the filing is unique as the property goes in and out of the wetlands. The same NOI has been filed in New Bedford. A vernal pond analysis was done by the applicant that showed a rare species within the isolated wetland, however it doesn't become a vernal pool because our bylaw is restrictive in the species that are resident in the pool. The applicant is not altering the isolated wetland however they are proposing no work within 25 feet of the wetland except to cut trees within the no activity zone.

It was motioned by Chairman Michael Kehoe to continue this hearing to December 3, 2019 in order to allow time for the submittal of plan changes and comments by a Stormwater Consultant. Joseph Burke seconded the motion.

It was unanimously voted.

**PUBLIC HEARING
NOTICE OF INTENT
MARIA LECA
MAP 25, LOT 17
83 ROCK O' DUNDEE ROAD
DEP FILE 15-2496**

There was a Conservation Commission hearing held in accordance with the provisions of M.G.L.ch. 131§ 40, the Wetlands Protection Act and the Dartmouth Wetlands Protection Bylaw on A Notice of Intent for Maria Leca who wishes to replace an existing cesspool with a new Title 5 septic system to service the existing dwelling on land located at Map 25, Lot 17 on 83 Rock O'Dundee Road. The public hearing was held on November 19, 2019 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

Present: Michael Kehoe, Kyle Ross, Patricia Sweriduk, Richard Golen, Joseph Burke

Absent: Richard Mallen, Kelly Wilbur

It was voted to waive the reading of the public notice.

Kenneth Fortier from Civil Engineering Concepts Inc. appeared on behalf of Maria Leca. The proposal consists of the replacement of an existing cesspool with a new Title V septic system to service the existing dwelling.

Mr. O'Reilly stated that the replacement of the cesspool with a new septic system is a big improvement.

Chairman Kehoe motioned to close the public hearing, Kyle Ross seconding the motion. Patricia Sweriduk motioned to issue a standard Order of Conditions according to the latest plan submitted. Richard Golen seconded the motion.

It was unanimously voted.

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ITEMS FOR DISCUSSION:

- A. Bills:
- B. Bylaw Permit Template
- C. Enforcement Update:
 - 82 Merrimac St
 - Mare Slocum Rd
 - Lake Noquochoke Docks
- D. Other Items not Reasonably Anticipated by the Chair
- E. This time is reserved for discussion on any topic(s) by commissioners

MEETING ADJOURNED: 8:49 pm

These minutes were tape recorded and are stored digitally in the Town of Dartmouth network folder: G:\CONCOM\MINUTES\2019\November 19, 2019 Conservation Minutes; and located in the Conservation Commission Office for listening purposes upon verbal request.

Transcribed By,

Karen Aho, Administrative Assistant

For the Commission