

# DARTMOUTH CONSERVATION COMMISSION MINUTES – JANUARY 7, 2020

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*Area reserved for town clerk stamp →*

**THESE MINUTES WERE APPROVED BY THE COMMISSION ON: FEBRUARY 18, 2020**

## ATTENDANCE:

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

Absent: Richard Mallen, Kelly Wilbur

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

Chairman Michael Kehoe opened the hearing of Tuesday, January 7, 2020 at 7:05 p.m.

FEB 24 2020  
1:02 PM  
Town Clerk's Office

## ADMINISTRATIVE:

MINUTES of the December 3, 2019 meeting were unanimously approved by the Commissioners present.

Approval of the FIELD TRIP REPORTS of December 3, 2019 meeting was unanimously accepted by those Commissioners present.

Receipt of the Minutes of December 17, 2019 meeting.

## FIELD TRIP REPORTS:

1. *CONTINUED Request for Determination of Applicability for Robert and Jane Sylvia to confirm the wetland line on land located at Map 23, Lots 48-1 and 48-2 on Horseneck Road (SITEC)*

Mr. O'Reilly explained that this request is for the purpose of a wetland delineation verification. He explained that field verification needs to be completed and recommended to continue the request until the next meeting. Richard Golen motioned to continue the request for determination until January 21, 2020, Patricia Sweriduk seconded the motion. It was unanimously voted.

2. *Request for Determination of Applicability for Timothy L. Medeiros, Trustee to construct a single family dwelling on land located at Map 81, Lot 2-7 on Medeiros Lane. (SITEC)*

Chairman Kehoe requested to be recused of this matter.

Mr. O'Reilly informed the Commission that this request is for a single family dwelling located outside of the buffer zone. A 50 foot no activity zone is being maintained. Mr. O'Reilly does not expect a negative impact and recommended the issuance of a negative determination. Kyle Ross motioned to issue a negative determination with Patricia Sweriduk seconding the motion. It was unanimously voted.

## **DARTMOUTH CONSERVATION COMMISSION MINUTES – JANUARY 7, 2020**

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- 3. Request for Determination of Applicability for McDonalds USA, LLC, to reconstruct an existing concrete sidewalk, removal and replacement of a pavement area to reconstruct a crosswalk and pavement restriping on land located at Map 183, Lot 78 on 135 Faunce Corner Road. (Bohler Engineering)*

Mr. O'Reilly informed the Commission that this request is for minor repaving and restriping work within 200 feet of the stream that cuts under Faunce Corner Road. Mr O'Reilly does not expect a negative impact on the drainage system and recommended the issuance of a negative determination. Kyle Ross motioned to issue a negative determination with Richard Golen seconding the motion. It was unanimously voted.

- 4. Request for an Extension on the Order of Conditions DEP File #15-2358 for Robert Pires at Map 169, Lot 195 on Berkshire Street.*

Mr. O'Reilly informed the Commission that this request is for an Extension permit on an access road. The work has been partially completed. Mr. O'Reilly has met the contractor at the site to go over the work. He recommended the issuance of a 3 year extension permit. Kyle Ross motioned to issue a 3 year extension on the order of conditions with Patricia Sweriduk seconding the motion. It was unanimously voted.

- 5. Request for an Extension on the Order of Conditions DEP File #15-2359 for Robert Pires at Map 169, Lot 196 on Middlesex Avenue.*

Mr. O'Reilly explained that this request is for the same lot as DEP File #15-2358 with a different access to the lot. No work has been done on the Middlesex Avenue side. Mr. O'Reilly recommended the issuance of a 3 year extension permit. Patricia Sweriduk motioned to issue a 3 year extension on the order of conditions with Kyle Ross seconding the motion. It was unanimously voted.

- 6. Request for a Certificate of Compliance for DEP File #15-2457 for 674 Dartmouth Street, LLC at Map 133, Lot 241 on 676 Dartmouth Street (Farland Corp)*

Mr. O'Reilly explained that a letter from an engineer has been received stating that the work has been done in compliance. Mr. O'Reilly performed a site inspection and recommended the issuance of a certificate of compliance. Richard Golen motioned to issue a certificate of compliance with Patricia Sweriduk seconding the motion. It was unanimously voted.

### **END OF FIELD TRIP REPORT**

## **DARTMOUTH CONSERVATION COMMISSION MINUTES – JANUARY 7, 2020**

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### **NOTICE OF INTENT TOWN OF DARTMOUTH PUBLIC WORKS ROGERS STREET DEP FILE 15-2503**

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 The Town of Dartmouth Public Works who proposes to install a concrete boat ramp on Rogers Street. The public hearing was held on January 7, 2020 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

Absent: Richard Mallen, Kelly Wilbur

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

Mr. O'Reilly explained that this notice of intent is a refile of an earlier order of conditions. The boat ramp at the end of Rogers Street was issued an order of conditions several years ago. That order of conditions was subsequently amended to add the boat ramp. It was decided to refile for a notice of intent showing the Coffey Dam (not on the original plan) and removing the stormwater management portion of the plan and show just the boat ramp. Comment letters from the Division of Fisheries and Board of Health were received.

Chairman Kehoe motioned to close the public hearing with Kyle Ross seconding the motion. Patricia Sweriduk motioned to issue a Standard Order of Conditions according to the most recent plan submitted. Kyle Ross seconded the motion.

It was unanimously voted.

## **DARTMOUTH CONSERVATION COMMISSION MINUTES – JANUARY 7, 2020**

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**CONTINUED PUBLIC HEARING  
NOTICE OF INTENT  
JENNIFER RAINVILLE  
MAP 72, LOT 23-6  
60 COLD BROOK LANE  
DEP FILE 15-2502**

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 Jennifer Rainville who wishes to remove trees within the buffer zone and construct a detached garage and shed on land located at Map 72, Lot 23-6 on 60 Cold Brook Lane. The public hearing was held on January 7, 2020 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

Absent: Richard Mallen, Kelly Wilbur

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

Mr. Joe Correia appeared on behalf of the applicant. Mr. Correia explained that the concern about a privacy fence discussed at the last meeting has been addressed. A six foot wooden privacy fence has been added to the plan and will be installed approximately one foot from the boundary line into the applicant's property. The finished side of the fence will face the abutters.

Chairman Kehoe motioned to close the public hearing with Kyle Ross seconding the motion. Patricia Sweriduk motioned to issue a Standard Order of Conditions according to the most recent plan submitted with the condition that a six foot wooden privacy fence be installed with the finished side facing the abutter. Kyle Ross seconded the motion.

It was unanimously voted.

**CONTINUED PUBLIC HEARING  
NOTICE OF INTENT  
PETER VIEIRA  
MAP 27, LOT 21\_34  
3 SLADES FARM LANE  
DEP FILE 15-2487**

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 Peter Vieira who wishes to restore the bordering vegetated wetlands on land located at Map 27, Lot 21\_34, 3 Slades Farm Lane. The public hearing was held on January 7, 2020 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

Absent: Richard Mallen, Kelly Wilbur

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

Mr. O'Reilly explained that due to scheduling conflicts, he and the wetland consultant still need to meet in the field to review the wetland delineation. Mr. O'Reilly requested the hearing remain open until the work can be completed.

Chairman Kehoe motioned to continue the Public Hearing until January 21, 2020 with Patricia Sweriduk seconding the motion.

It was unanimously voted.

# **DARTMOUTH CONSERVATION COMMISSION MINUTES – JANUARY 7, 2020**

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**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 January 7, 2020 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

Absent: Richard Mallen, Kelly Wilbur

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

The applicant has requested a continuance to January 21, 2020.

Kyle Ross motioned to continue the Public Hearing until January 21, 2020 with Patricia Sweriduk seconding the motion.

It was unanimously vote

## **DARTMOUTH CONSERVATION COMMISSION MINUTES – JANUARY 7, 2020**

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**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 January 7, 2020 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

Absent: Richard Mallen, Kelly Wilbur

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

The applicant has requested a continuance to January 21, 2020.

Richard Golen motioned to continue the Public Hearing until January 21, 2020 with Patricia Sweriduk seconding the motion.

It was unanimously vote

# **DARTMOUTH CONSERVATION COMMISSION MINUTES – JANUARY 7, 2020**

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**CONTINUED PUBLIC HEARING  
NOTICE OF INTENT  
MICHAEL PANAGAKOS  
MAP 167, LOT 55  
385 STATE ROAD  
DEP FILE 15-2501**

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 Michael Panagakos who wishes to demolish an existing structure and construct a new commercial building with associated parking, drainage and utilities on land located at Map 167, Lot 55 on 385 State Road. The public hearing was held on January 7, 2020 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

Absent: Richard Mallen, Kelly Wilbur

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

The applicant has requested a continuance to January 21, 2020.

Chairman Kehoe motioned to continue the public hearing until January 21, 2020 with Patricia Sweriduk seconded the motion.

It was unanimously voted.



**CONTINUED PUBLIC HEARING  
NOTICE OF INTENT  
CHRISTOPHER WEST  
MAP 95, LOT 3  
12 FEATHERBED LANE  
DEP FILE 15-2500**

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 Christopher West who wishes to relocate a fieldstone retaining wall and filling the area behind it and establishing lawn on land located at Map 95, Lot 3 on 12 Featherbed Lane. The public hearing was held on January 7, 2020 in the Dartmouth Town Hall at 400 Slocum Road in Dartmouth.

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

Absent: Richard Mallen, Kelly Wilbur

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

The applicant has requested a continuance to January 21, 2020.

Chairman Kehoe motioned to continue the public hearing until January 21, 2020 with Kyle Ross seconding the motion.

It was unanimously voted.

## **DARTMOUTH CONSERVATION COMMISSION MINUTES – JANUARY 7, 2020**

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### **ITEMS FOR DISCUSSION:**

A. Oil Release – 532 Russell’s Mills Rd.

The Conservation Commission discussed the clean-up at CV Variety. They agreed the work should occur as soon as possible. An after-the-face request for determination provided that no wetland is impacted by excavation activities. An after the fact Notice of Intent will be required if wetlands are impacted.

B. Bills:

- M. Garrett, wetlands consultant, clothing allowance
- WB Mason, office supplies

C. Other Items not Reasonably Anticipated by the Chair

D. This time is reserved for discussion on any topic(s) by commissioners

### **MEETING ADJOURNED: 7:35 pm**

**These minutes were tape recorded and are stored digitally in the Town of Dartmouth network folder: G:\CONCOM\MINUTES\2020\January 7, 2020 Conservation Minutes; and located in the Conservation Commission Office for listening purposes upon verbal request.**

Transcribed By,

Karen Aho, Administrative Assistant

For the Commission