

DARTMOUTH CONSERVATION COMMISSION MINUTES – MAY 5, 2020

Area reserved for town clerk stamp →

THESE MINUTES WERE APPROVED BY THE COMMISSION ON:

ATTENDANCE:

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

Absent: Kelly Wilbur

Michael O'Reilly, Environmental Affairs Coordinator, Marc Garrett Conservation, Officer, Karen Aho, Administrative Assistant.

Due to the COVID-19 outbreak and in conformance with the emergency order of the Governor of Massachusetts banning public gatherings the Town of Dartmouth office building is closed. This meeting was be held remotely. Public Hearings was accessible for live interactions by the public using the following information:

Zoom Meeting:
<https://zoom.us/j/92790130274>

Meeting ID: 927 9013 0274
Password: 002424

Michael Kehoe opened the hearing of Tuesday, May5, 2020 at 7:03 p.m.

Mr. Kehoe read the following statement:

Statement Read for Remotely Conducted Conservation Commission Meeting

Confirming Member Access:

As a preliminary matter, this is Michael Kehoe, Chair of the Dartmouth Conservation Commission. Permit me to confirm that all members and persons anticipated on the agenda are present and can hear me.

- Members, when I call your name, please respond in the affirmative. *Names of members.*
- Staff, when I call your name, please respond in the affirmative. *Name(s) of staff*
- Anticipated speakers on the agenda, please respond in the affirmative. *Names of applicants/representatives.*

Remote participation by Commission members, staff and applicants representatives was confirmed by voice.

Introduction to Remote Meeting:

Good evening. This Open Meeting of the Conservation Commission is being conducted remotely, consistent with Governor Baker's Executive order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of COVID-19.

In order to mitigate the transmission of the virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspended the requirement of Open Meeting Law

RECEIVED
2020 JUL 10 PM 3:25
DARTMOUTH TOWN CLERK

DARTMOUTH CONSERVATION COMMISSION MINUTES – MAY 5, 2020

to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely.

The Order allows public bodies to meet entirely remotely so long as reasonable public access is afforded so that the public can follow along with the deliberations of the meeting.

Ensuring public access does not ensure public participation unless such participation is required by law. This meeting will feature public comment.

For this meeting, the Conservation Commission is convening by telephone and video conference via Zoom with login information posted on the Conservation Commission agenda located on the Conservation Commission portion of the Town's website.

Please note that this meeting is being recorded and that attendees are participating by video conference.

Accordingly, please be aware that other participants or viewers may be able to see and hear you, and anything that you broadcast may be captured by the recording. You have the option to turn off your video if you are participating via computer. All participants should keep their microphones or phones muted unless recognized by the Chair to reduce background noise and feedback.

Meeting Ground Rules

We are now turning to the first item on the agenda. Before we do so, permit me to cover some ground rules for effective and clear conduct of our business and to ensure accurate meeting minutes.

- The Chair will recognize Conservation Commission staff for comment as necessary.
- The Chair will introduce each speaker on the agenda. After they conclude their remarks, the Chair will go down the line of Members, inviting each by name to provide any comment, questions, or motions.
 - Please hold until your name is called.
 - Please remember to mute your phone or computer when you are not speaking.
 - Please remember to speak clearly and in a way that helps generate accurate minutes.
- For any response, please wait until the Chair yields the floor to you, and state your name before speaking.
- If members wish to engage in discussion with other members, please do so through the Chair, taking care to identify yourself.
- For items with public comment:
 - After applicants representatives and members have spoken, the Chair will afford public comment as follows:
 - The Chair will first ask members of the public who wish to speak to indicate their desire to do so using the "raise Hand" function of Zoom. Which I will described shortly. Anyone participating should identify themselves using their names and addresses only;
- For those individuals who present, please take care to speak loudly and clearly so the microphone associated with the webcam can effectively broadcast your comments to those participating remotely.
- **Finally, each vote taken in this meeting will be conducted by a roll call vote.**

How to raise your hand in Zoom:

DARTMOUTH CONSERVATION COMMISSION MINUTES – MAY 5, 2020

During a meeting, click on the icon labeled "Participants" at the bottom center of your PC or Mac screen. A list of participants will pop up. You may have to roll your cursor to the bottom of your screen to find it.

At the bottom of the window on the right side of the screen, click the button labeled "Raise Hand." The Chair will unmute your microphone to allow you to talk.

You can lower it by clicking the same button, now labeled "Lower Hand."

ADMINISTRATIVE:

MINUTES of the February 1, 2020 meeting were unanimously approved by the Commissioners present.

Approval of the FIELD TRIP REPORTS of February 18, 2020 meeting was unanimously accepted by those Commissioners present.

Receipt of the Minutes of April 8, 2020 meeting.

FIELD TRIP REPORTS:

1. *Request for Determination of Applicability from Frank Scott Stephens for the Subsurface Sewage Disposal System on land located at Map 86, Lot 11 on 45 Naushon Avenue. (Site Design Engineering)*

Mr. O'Reilly explained that that is an improvement to a substandard septic system and does not anticipate a negative impact.

Richard Golen motioned for a negative determination, Richard Mallen seconded, unanimously voted.

2. *Request for Determination of Applicability from Michael & Diane Lopes who wish to enlarge an existing single family house for an enhanced kitchen area, add a 10' x 12' deck, and a fence within the Riverfront Area and in the 100-ft Buffer Zone on land located at Map 28, Lot 89 at 80 Slades Corner Road.*

Mr. O'Reilly explained that that is a very small project and does not anticipate a negative impact.

Patty Sweriduk motioned for a negative determination, Richard Mallen seconded, unanimously voted.

4. *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 new plans have been submitted and they are accurate.

Patty Sweriduk motioned for a positive determination for the purposes of wetlands delineation verification, Richard Golen seconded, unanimously voted.

DARTMOUTH CONSERVATION COMMISSION MINUTES – MAY 5, 2020

5. Request for a Partial Certificate of Compliance for DEP File #15-123 for Emiliano Dias, PC at Map 141, Lot160 at 8 Country Club Blvd.

Mr. O'Reilly explained that this request is for a release of a lot from a very old Order of Conditions. There are no problems with this lot and it is not near wetlands

Patricia Sweriduk motioned to issue a Partial Certificate of Compliance, Richard Golen seconded, unanimously voted.

6. Request for a Certificate of Compliance for DEP File #15-2449 for Linda Burke at Map 106, Lot17-1 at 12 Salt Creek Rd.

Mr. O'Reilly explained that this request is for a Certificate of Compliance. A letter from an engineer was received certifying that this project is on compliance with the Order of Conditions. Mr. O'Reilly did a field visit and confirmed that there are no problems with his project and recommended the issuance of a Certificate of Compliance.

Patricia Sweriduk motioned to issue a Partial Certificate of Compliance, Richard Golen seconded, unanimously voted. Commissioner Joseph Burke, MD recused himself.

7. Request for a Certificate of Compliance for DEP File #15-1998 for Linda Burke at Map 106, Lot17-1 at 12 Salt Creek Rd.

Mr. O'Reilly explained that this request is for a Certificate of Compliance. A letter from an engineer was received certifying that this project is on compliance with the Order of Conditions. Mr. O'Reilly did a field visit and confirmed that there are no problems with his project and recommended the issuance of a Certificate of Compliance.

Patricia Sweriduk motioned to issue a Partial Certificate of Compliance, Richard Golen seconded, unanimously voted. Commissioner Joseph Burke, MD recused himself.

END OF FIELD TRIP REPORT

PUBLIC HEARINGS:

DARTMOUTH CONSERVATION COMMISSION MINUTES – MAY 5, 2020

**CONTINUED PUBLIC HEARING
NOTICE OF INTENT
JASON & GISELE HUTCHENS
MAP 107, LOT 19
SMITH NECK RD.
DEP FILE #15-2510**

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 A Notice of Intent for Jason & Gisele Hutchens who wish to construct a timber pier on land located at Map 107, Lot 19 on Smith Neck Road. The public hearing was held on May 5, 2020. The public hearing was held by publically accessible teleconference as described in opening section of the meeting minutes of the date of this Hearing.

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

Absent: Kelly Wilbur

Michael O'Reilly, Environmental Affairs Coordinator, Marc Garrett Conservation Officer.

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

Mr. O'Reilly explained that there has been a request by the applicant that this Hearing be continued to the May 19, 2020 agenda. Mr. Kehoe noted that a letter from the Harbormaster was received by the Commission and had been submitted to the applicants engineer the previous day.

Patricia Sweriduk motioned to continue the Public Hearing to May 19, 2020, Richard Mallen seconded, unanimously voted.

DARTMOUTH CONSERVATION COMMISSION MINUTES – MAY 5, 2020

**PUBLIC HEARING
NOTICE OF INTENT
V-CORP, LLC
MAP 42, LOT 14-2
408 CHASE ROAD
DEP FILE 15-2513**

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 V-Corp who wishes to construct a single family house with associated driveway, grading and utilities in the buffer zone on land located at Map 42, Lot 14-2 at 408 Chase Road in Dartmouth. The public hearing was held by publically accessible teleconference as described in opening section of the meeting minutes of the date of this Hearing.

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

Absent: Kelly Wilbur

Michael O'Reilly, Environmental Affairs Coordinator, Marc Garrett Conservation, Officer, Karen Aho, Administrative Assistant.

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

Cory Medeiros of STIEC Engineering represented the applicant. Mr. Medeiros described the sits and the proposal. This lot is the second and last lot of a previously approved 3 lot residential subdivision. The single family house is located across the recently constructed driveway from the wetlands. Only a portion of the deck associated with the house, a minor amount of grading, pump chamber and piping for the septic system is located within the 100-foot Buffer Zone.

Patricia Sweriduk asked what the closest distance to any wetlands is. Mr. Medeiros stated that it is approximately 60 feet. Mr. Kehoe questioned the separation from wetlands and asked if some sort of barrier should be erected. Mr. Medeiros sated that there is already a separation with the roadway. Mr. O'Reilly and Mr. Garrett concurred.

Patricia Sweriduk motioned to close the Public Hearing with Richard Mallen seconded the motion.

It was unanimously voted.to issue a standard Order of Conditions. Richard Golen recused himself.

DARTMOUTH CONSERVATION COMMISSION MINUTES – MAY 5, 2020

**PUBLIC HEARING
NOTICE OF INTENT
TOWN OF DARTMOUTH, DEPARTMENT OF PUBLIC WORKS
MAP 48, LOT 6
OLD WESTPORT RD.
DEP FILE 15-2512**

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 the Town of Dartmouth Department of Public Works who wishes to construct two public water supply wells and an enclosed pumping station, rehabilitate a second pumping station, install a water main and underground utilities and to construct access roads to the wells/pumping facilities on land located at Map 48, Lot 6 south of Old Westport Road. The public hearing was held by publically accessible teleconference as described in opening section of the meeting minutes of the date of this Hearing.

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

Absent: Kelly Wilbur

Michael O'Reilly, Environmental Affairs Coordinator, Marc Garrett Conservation, Officer, Karen Aho, Administrative Assistant.

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

David Hickox represented the Department of Public Works. He explained this this filing is only for the well construction, fencing and utility connections associated with the well construction. Water withdrawal is not part of this filing. This project is the replacement of the original Violetta wells that are no longer functional.

Mr. O'Reilly explained that this proposal is pretty straight forward as far as Conservation Commission issues are concerned. The proposal is only Buffer Zone work with no wetlands are proposed to be altered. The State of Massachusetts water management permit that the Department of Public Works is required to acquire covers groundwater withdrawal. He said that the project conforms with the performance standards.

Richard Golen motioned to close the Public Hearing with Richard Mallen seconding the motion. Unanimously voted. Patricia Sweriduk motioned to issue a standard Order of Conditions according the plan submitted, Richard Mallen seconded the motion. Unanimously voted.

DARTMOUTH CONSERVATION COMMISSION MINUTES – MAY 5, 2020

**PUBLIC HEARING
NOTICE OF INTENT
ARNOLDIS & JEANETTE GIEDRIMAS
MAP 124, LOT 7
41 MOSHER ST.
DEP FILE 15-2512**

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 of Arnoldis & Jeanette Giedrimas who wishes to construct an in-ground pool, roof drain and underdrain system within the existing yard area as well as Land Subject to Coastal Storm Flowage and Buffers Zones to Coastal Beach and Land Under the Ocean on land located at Map 124, Lot 7 at 41 Mosher Street in Dartmouth.. The public hearing was held by publically accessible teleconference as described in opening section of the meeting minutes of the date of this Hearing.

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

Absent: Kelly Wilbur

Michael O'Reilly, Environmental Affairs Coordinator, Marc Garrett Conservation, Officer, Karen Aho, Administrative Assistant.

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

The applicant has requested a continuance to May 19, 2020.

Richard Mallen motioned to continue the Public Hearing until May 19, 2020, Kyle Ross seconded the motion. Richard Golen recused himself.

It was unanimously voted.

DARTMOUTH CONSERVATION COMMISSION MINUTES – MAY 5, 2020

**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 by publically accessible teleconference as described in opening section of the meeting minutes of the date of this Hearing.

Present: Michael Kehoe, Patricia Sweriduk, Richard Golen, Joseph Burke, Kelly Wilbur

Absent: Chairman Richard Mallen, Kyle Ross

Michael O'Reilly, Environmental Affairs Coordinator, Marc Garrett Conservation, Officer, Karen Aho, Administrative Assistant.

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

The applicant has requested a continuance to May 19, 2020.

Patricia Sweriduk motioned to continue the Public Hearing until May 19, 2020 Richard Golen seconded the motion.

It was unanimously voted.

DARTMOUTH CONSERVATION COMMISSION MINUTES – MAY 5, 2020

ITEMS FOR DISCUSSION:

A. Bills:

None

B. Chapter 61 Forestry Land Hathaway Road

It was voted to send a letter notifying the applicant that the Commission would not be exercising its right of first refusal.

C. Violation at Round Hill Condominium Community Corp.

Mr. O'Reilly and Mr. Garrett described the violation to the Commission. Discussion ensued. It was voted to issue an Enforcement Order

D. Violation at Map 123 Lot 67 – Merrimac St

Mr. O'Reilly and Mr. Garrett described the violation to the Commission. Discussion ensued. It was voted to issue a letter to the property owner requiring a wetlands delineation be performed by a wetlands consultant and an after the fact Notice of Intent be filed.

E. Violation at Map 123 Lot 76 – Merrimac St - Non-response to continuing violation

Mr. Garrett described that the property owner had not responded to an earlier Enforcement Order and has not provided the restoration plan required by the Commission. It was voted to send the property owner a letter stating that if the required information is not submitted to the Commission immediately then the Commission would likely issue a second Enforcement Order at its next meeting.

F. Other Items not Reasonably Anticipated by the Chair

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

These minutes were transcribed from the video recording and are stored digitally in the Town of Dartmouth network folder: G:\CONCOM\MINUTES\2020\May 5, 2020 Conservation Minutes; and located in the Conservation Commission Office for listening purposes upon verbal request.

Transcribed By,

Michael O'Reilly, Environmental Affairs Coordinator

For the Commission