

FINAL – Approved by the Conservation Commission at their April 25, 2017 Meeting

**Town of Lakeville
Conservation Commission
Tuesday, March 28, 2017
7:00 PM – Lakeville Town Office Building**

On March 28, 2017, the Conservation Commission held a meeting at 7:00 PM at the Lakeville Library. The meeting was called to order by Chairman Bouchard at 7 PM. Members present: Robert Bouchard, John LeBlanc, Joseph Chamberlain, Mark Knox, and Keith Jensen, Nancy Yeatts, Conservation Agent and Christine Weston, Recording Secretary. Members absent: Katherine Goodrow-Robinson, and Sarah Kulakovich, Associate Member. LakeCAM was recording the meeting.

7:00 PM

NOI – Stonebridge Homes – LeBaron Boulevard (cont'd from 2-28-17)

Chairman Bouchard acknowledged that this was a continued hearing for Stonebridge Homes. *Jason Youngquist and Jennifer Silva of Outback Engineering, Inc. were present for the discussion.*

Ms. Yeatts went over her report. It was stated that finally, all reports, reviews and corrections are in regarding LeBaron, therefore the Commission can finally approve the project after a few final questions. How will access to the ponds be controlled? (this was a question posed by Nick Lanney, Engineer). Also, there was never an EIR (Environmental Impact Report) done for Phase III. The Commission needs a copy of the Groundwater discharge permit from the DEP. This is needed to tie-in to the existing system. It is recommended that all of the Conservation Commissions standard special conditions apply, including before, during, and after construction conditions. The Commission will also need a copy of the NPDES (National Pollutant Discharge Elimination System) Permit *and* the Stormwater Pollution Prevention Plan before any work begins.

Upon a motion made by Member Knox; seconded by Member LeBlanc it was:

**VOTED: To accept the new plan as presented for Stonebridge Homes.
Unanimous in favor**

Mr. Youngquist showed the delineation line and the silt fence. He stated that Outback Engineering will file for the NPDES's permit, before work begins and will provide that to the Commission. Ms. Yeatts mentioned that they need a DEP permit to tie-in to the existing system. Mr. Youngquist explained that those plans are being updated by Beta Engineering. The individual grading for each lot within the Buffer Zone will be provided. Mr. Youngquist explained that a site walk visit had taken place with the Agent, Chairman, Kermit Studley, and Bruce Bourke on March 2, 2017. They observed the abandoned cranberry bogs do not tie into the ponds, therefore there is no longer a hydraulic connection.

Upon a motion made by Member Chamberlain; seconded by Member LeBlanc it was:

VOTED: To close the hearing on the Residences of LeBaron, Phase III and issue an Order of Conditions (OOC) with the Conservation Commissions Standard Special Conditions. Outback Engineering will provide a copy of the NPDES permit, a copy of the Groundwater discharge permit from DEP which is needed in order to be able to tie-in to the existing system and a copy of the Stormwater Pollution Prevention Plan. There will be a standard pre construction meeting before work begins and after the erosion controls are in place.

Unanimous in favor

NOI – 23 Hilltop Acres Drive - Troiani

Chairman Bouchard read the legal notice into the record. *Jamie Bissonnette was present from Zenith Consulting Engineers, LLC.* Mr. Bissonnette explained the various options that had been looked at to deal with this septic system upgrade. It was found that there is no viable option except for a bottomless sand filter.

Ms. Yeatts mentioned that on her site visit, the homeowner was there. She was surprised that a tight tank was not recommended since the last three (3) variances have been from 400' to 10', and 400' to 5'. The Agent spoke with Bob Poillucci, BOH and told him the homeowner would rather do a tight tank. The Agent suggested waiting to see what the BOH does. Mr. Bissonnette stated that the DEP guidance manual has a clear pecking order and the BOH may deem that this be a tight tank, however, there has been a history of permitting bottomless sand filters within 15 feet of the pond, especially those with an ultra violet light and an advanced system. He agreed with Ms. Yeatts to not close the hearing this evening. The owner is required to have a septic contract with the bottomless sand filter system, the UV light has to be changed every two (2) years and the filter needs to be hosed down – this should not occur near the water's edge. Chairman Bouchard suggested that the Commission might want to put that in as a condition. Member Chamberlain asked how foolproof it is. Mr. Bissonnette responded that by the time the water gets to the chamber it is pretty much clear. They do have an alarm above the normal on and off. There is a high water alarm. Member Chamberlain asked if this is a year round home? Mr. Bissonnette responded that it is. He agreed to table approval on this. He will definitely talk to the client and the BOH to find out the best way to go. It was Mr. Bissonnette's opinion that this is a better long term solution than a tight tank.

Upon a motion made by Member Knox; seconded by Member Jensen it was:

VOTED: To continue the hearing for 23 Hilltop Acres Drive until 7 PM, Tuesday, April 11, 2017 at the Lakeville Public Library.

Unanimous in favor

NOI – 22 Montgomery Street - Dunn

Chairman Bouchard read the legal notice into the record. *Jamie Bissonnette, of Zenith Consulting Engineers, LLC, was present for the discussion.*

Upon a motion made by Member LeBlanc; seconded by Member Knox it was:

**VOTED: To accept the new plans for 22 Montgomery Street.
Unanimous in favor**

Mr. Bissonnette explained that he and Ms. Yeatts walked the land last week and noticed that there were a few flags that needed to be moved. The proposal is for a 12' wide driveway so that the land at the back of the lot can be accessed. A culvert is also being proposed. The amount of work has been minimized along with the grading. On page 2 of the plan set, the replication area is shown. The planting details have been listed. The hydric soil will be reused to plant the described bushes and spread New England wet seed mix at a ratio of 4 lbs per 1,000 s.f. The area will need to be monitored for two (2) years before a COC can be issued. The road is basically just for access to the back of the property, a house is not being proposed at this time. The property is for sale.

Ms. Yeatts reminded the Commission that this project has come before the Commission previously. Mr. Dunn and the Agent had discussed the best options. Mr. Dunn has followed all the Agents recommendations. The house should be at least 50' from the Bordering Vegetated Wetlands (BVW). Mr. Dunn added the area where the house will be is high and dry. Mr. Bissonnette noted that the driveway as proposed is paved so that over the culvert there will not be any concerns with rutting. Member Knox questioned when the property is turned over to the buyer, specifically, what would happen with the OOC. He did not want anything to get lost in the turn over. Ms. Yeatts stated that with an OOC, the OOC transfers with the property. Ms. Yeatts mentioned that she had also heard from Mr. Dunn's neighbor, Ms. Jesweld expressing her concern about the road. Member Chamberlain asked if the New England Environmental wet mix is pretty representative of the types of plants that are already there? Mr. Bissonnette responded that overall it is a pretty good mix and has been very successful.

Upon a motion made by Member LeBlanc; seconded by Member Knox it was:

**VOTED: To close the hearing for 22 Montgomery Street and issue an OOC with
the Conservation Commissions Standard Special Conditions, included in the
OOC will be the condition that the homeowner will notify the Agent when the
Property sells.
Unanimous in favor**

Other Business

- Vigers (Rules & Regulations, Signage, Eagle Scout Project, etc.)

This topic was tabled until the April 11, 2017 meeting of the Commission since Ms. Kulakovich was absent.

- Master Plan Discussion

This topic was tabled until the April 11, 2017 Commission meeting. Ms. Yeatts will solicit recommendations about Open Space.

- Letter from Parkhurst

Constance & Fred Tuffille were present for the discussion along with Bill Schwartz from the Taunton Water Department. Mr. Schwartz stated that the Taunton Water Department received the information about changing the sampling sites to a different location. It is the Water Departments position to keep the same water testing sites from the previous years. The samples should be taken from within the body of water where the herbicide is placed and not in Assawompset. That would give the Water Department time to react, if the herbicide is detected in Long Pond. Having one testing site reduces the ability to react. This matter was discussed with Charlie Kennedy of the New Bedford Water Department, and he is in agreement with this as well. Ms. Yeatts stated that she had also spoken with Mr. Kennedy today. It is agreed that once the herbicide is in Assawompset it is too late, however, she had wanted to least trade with one of the original sampling sites. Mr. Schwartz stated that it should continue at the original sites and a map will be provided. Ms. Yeatts stated that she will do an Amended Extension Order. Ms. Tuffille asked if the amended order would have to be recorded at the registry? If so, could the Commission pay for it to be recorded since the Association just paid for the initial Extended Order to be recorded?

Upon a motion made by Member LeBlanc; seconded by Member Jensen it was:

**VOTED: To go back to the Original Testing Sites and to Amend the Extension Order Of Conditions for Parkhurst.
Unanimous in favor**

Upon a motion made by Member LeBlanc; seconded by Member Knox it was:

**VOTED: That the Commission will pay the Registry (Recording) Fees and will record the Amended OOC for Parkhurst.
Unanimous in favor**

Mr. Tuffille stated that they feel that the Association was represented inappropriately at the January and February meetings of the Commission. Ms. Tuffille has written two emails to Chairman Bouchard and it is hoped that the Commission has seen them. Ms. Yeatts had implied that DEP has a problem with the ongoing extensions and they do not know what to do (Emil Maksy and his wife entered at 7:54 PM). Mr. Tuffille stated that he talked to DEP (Dan Gilmore) today and he said that they have no problem with extensions and asked why don't go with a Certificate of Compliance? I would like to take the recommendation of DEP and go for a COC and since we have the sampling in place continue to do what we have been doing. Member

LeBlanc stated that Parkhurst would still be responsible for the testing and submitting the results to the Commission. Ms. Yeatts stated that she had talked to DEP and no one ever suggested a COC. Chairman Bouchard stated that he had worked for DEP for 35 years and one hand says one thing and the other says another. Ms. Yeatts-also the man from Solitude said that this is a problem as well with other Commissions. Mr. Tuffille stated that Ms. Yeatts also mentioned about Chemlawn trucks being there and it is actually Truegreen trucks. When asked if they know about the law and they said yes they did. They stay the appropriate distance away and do not put more fertilizer down than they should. Ms. Yeatts explained that when the information was provided to the Commission on January 10th she was referring to 14 years ago. Member Knox explained that the Commission was not attacking anyone. It is great that they have found someone at DEP to help the Parkhurst Community out and the Commission will help facilitate that. Mr. Tuffille stated that they will make the modifications for the sampling sites and will apply for the COC. Ms. Yeatts stated that the office will go through the process to amend and record the extension permit. After this an application for a COC may be submitted. Chairman Bouchard stated that the Commission doesn't have a problem with Parkhurst taking the samples. Member Knox asked if the Commission approves the COC what happens if the chemicals are changed, altered, improved or discontinued. Is there a mechanism that can change that? Member Chamberlain stated that the applicator should let the Commission know. Chairman Bouchard stated that their license to apply would change and they would have to come before the Commission. Member LeBlanc stated that the Commission will make sure that it is put in the COC. Ms. Yeatts stated that Solitude had said that they would provide her with a list of what is exactly applied and that has not been provided.

Chairman Bouchard asked Mr. Bill Schwartz if he will be communicating with the New Bedford Water Department on this? Mr. Schwartz explained that he has talked to them and they want to make sure to get ahead of this next time. Ms. Tuffille questioned dropping one of the tests because one of the things that they test for has never appeared in any of 43 samples. Member LeBlanc noted that could change and he would not be comfortable changing anything from the OOC. Member Chamberlain asked if they have talked to their applicator about this? Ms. Tuffille responded that they have. Ms. Tuffille noted that the cause for concern is that it comes out in the drinking water.

Ms. Tuffille expressed her concern regarding the minutes of the 2-28 meeting since she has not seen them. Will it be taken into consideration the things that she has said? Ms. Tuffille asked for a copy of those draft minutes. Member Knox explained that from a record keeping standpoint the Commission doesn't modify the minutes once they have been approved. They are put together based on the words actually spoken.

- Approve meeting minutes of: February 28, 2017

Upon a motion made by Member LeBlanc; seconded by Member Knox it was:

**VOTED: To table approval of the February 28, 2017 meeting minutes until the
April 11, 2017 Commission meeting.
Unanimous in favor**

- Pay Bills (if necessary)

Ms. Yeatts stated that she needs a one piece hand soil augur. The cost should be about \$150.
Upon a motion made by Member LeBlanc; seconded by Member Jensen it was:

VOTED: To allow the Agent to purchase a soil auger.
Unanimous in favor

Schedule next meeting.

The next meeting was scheduled for Tuesday, April 11, 2017 at the Library.

Adjournment

Upon a motion made by Member Knox; seconded by Member LeBlanc it was:

VOTED: To adjourn the Conservation Commission meeting at 8:20 PM.
Unanimous in favor

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