

FINAL – Approved by the Conservation Commission at their August 9, 2016 Meeting

**Town of Lakeville
Conservation Commission
Tuesday, July 7, 2016
7:00 PM – Lakeville Library**

On July 7, 2016, the Conservation Commission held a meeting at 7:00 PM at the Lakeville Library. The meeting was called to order by Chairman Bouchard at 7:00 PM. Members present: Robert Bouchard, John LeBlanc, Joseph Chamberlain, Peter DeFusco, Mark Knox, and Martha Schroeder; Katherine Goodrow-Robinson, Associate and Sarah Kulakovich, Associate, Nancy Yeatts, Conservation Agent and Christine Weston, Recording Secretary. Derek Maksy was absent. LakeCAM was recording the meeting.

7:00 PM

ANRAD – LeBaron Boulevard – Stone Bridge Homes Inc. – Outback Engineering

Chairman Bouchard read the notice into the record. *Jennifer Silva, Wetland Scientist, of Outback Engineering, was present for the discussion.*

Ms. Yeatts stated that she had gone out to review the flags with Ms. Silva. However, the flags had been located from a 15 year old plan. The land and its resources have changed and some flags were over water. The flag review was done before the filing had been received. Some flags were moved during the site visit, but due to the density of the project, the Agent did not want the responsibility of agreeing to the line as it was flagged. The Agent recommended that there be a third party review. The Agent suggested LEC Environmental Consultants, Inc. who has worked for the Town in the past on projects including Ted Williams Camp and the Lakeville Hospital property. The density of the proposed project makes it very difficult to protect the resource areas. Ms. Yeatts showed the areas on the large plan. Member Knox asked about the unfinished or unresolved issues from Phase Two. Ms. Yeatts responded that she was looking into it. It has been found that there had been a bond put in place, however, since it was not renewed, it no longer exists. There was also a list of things that were supposed to have been done, including the removal of invasive plants.

When notification was received from the DEP regarding the file number for the project they had questioned areas of wetland loss that were not permitted and they are asking why. The Agent read the comment from DEP. Specifically; *The MassDEP Wetland Change database indicates there is a Wetland Change (WC) either on or near the project site – WC4-146-1, WC-146-22, WC-146-23 & WC-146-24. Please investigate the status of this WC and whether it was authorized by a local Order of Conditions. The Wetland Change areas are shown on the MASSGIS website (oliver) in the data layer titled “theme maps” under the subfolder “MASSDEP Wetland and Wetland Change Areas.”* The Agent distributed copies of the GIS locator picture. The Agent reported that no Order of Conditions authorized the change. It is the Agents opinion that an outside consultant is needed to verify that the wetland is line correct. Member Knox questioned what the Commission should do about the filling of the wetlands. Ms. Yeatts responded that the Commission can let DEP know that it was not authorized. Ms. Yeatts had consulted with the Building Commissioner, Nate Darling regarding the project. Mr. Darling provided the following correspondence; *Per our discussion, I feel it is commendable for you to recognize that the LeBaron 40B project may be too significant to handle without third*

party review on behalf of the Town. This type of assistance is frequently requested and/or mandated from the BOH (Board of Health), ZBA (Zoning Board of Appeals) Building Department and Planning Board. I (Mr. Darling) feel that the Conservation Commission should have this same availability of resources and if need be, utilize them to the extent necessary to assure the project and permitting is done accurately. This is an invaluable tool if used responsibly and you have my full support moving forward with this request. Also note, this is an additional expense to the applicant and should only be used on projects of this magnitude. Please feel free to share this email and contact me if any issue should arise. The Agent then suggested that LEC Environmental do the peer review. Member DeFusco stated that he would like to suggest another firm. Ms. Yeatts explained that she personally has had good results working with LEC, but would consider another consultant. If the Commission doesn't vote on a firm tonight, it will be necessary to meet again in a few weeks, once that information has been researched, and that would hold up the process. Ms. Yeatts asked Member DeFusco to email her his suggestions.

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

**VOTED: To hire a peer review consultant; obtain two (2) bids, with the decision of the firm to be made by the Conservation Agent.
Unanimous in favor**

Reports: Agent

149 Staples Shore Road – Kevin Bernardo. Ms. Yeatts provided an update regarding the Emergency Stop Work Order that was issued due to breaching of the silt fence and material entering the water during the well drilling. The well has still not been completed, yet the Agent has received calls from different well drilling companies about the project. There is also a question of how much more fill they are going to bring in to back-fill the house, and if this will result in water contributing to the neighboring properties. The calculations need to be reviewed. The Agent questioned the need for a preliminary “as built” plan since the applicant seems to have gone *past* what their plan called for. The Commission asked Ms. Yeatts to talk to Mr. Darling (Building Commissioner) about all this including the fact that the shed is now being turned into a garage. Additionally, the neighbors have expressed their concern since they thought changes were made after Mr. Darling had visited the site.

Photos of three (3) oil spills were distributed to the Commission. On the Plan of Record from the applicant, it states under *General Construction Notes: Contractor to have oil-spill kit on site.* It also reads under *Site Notes: The system is located within a surface water supply protection area. Oil clean-up kit to be on site during construction.* The same requirements are in their Order of Conditions.

Other Business

1. Approve meeting minutes of: February 11, 2014, February 25, 2014, June 10, 2014, July 8, 2014, June 11, 2013 and December 10, 2013.

The Clerk, Ms. Weston, provided an explanation on the changes that should be made to the outstanding minutes. She was directed by the Commission to make the modifications and bring back the minutes to the Commission for review/approval at their August 9, 2016 meeting.

The Agent stated that Member DeFusco is moving to Westport and thus will not seek to be reappointed. He was thanked for his time serving on the Commission.

Associate Member, Ms. Goodrow-Robinson expressed her interest in being a full member on the Commission. She stated that she has written a memo to the Selectmen requesting this appointment when there is an opening. Since there will now be an opening, Ms. Goodrow-Robinson will write a follow up letter to the Board of Selectmen.

Adjournment

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

**VOTED: To adjourn the Conservation Commission meeting at 7:43 PM.
Unanimous in favor**

ConComm7-7-16final