

FINAL – Approved by the Conservation Commission at their August 11, 2015 meeting

**Town of Lakeville
Conservation Commission
Tuesday, July 14, 2015
7:00 PM – Lakeville Town Office Building**

On July 14, 2015, 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: Linda Grubb, Robert Bouchard, Joseph Chamberlain, Derek Maksy, Martha Schroeder, Ryan Trahan (enter 7:35 PM), Hugh Rogers, Jr., Sara Kulakovich, Associate Member (enter 7:05 PM), Nancy Yeatts, Conservation Agent, and Christine Weston, Recording Secretary. LakeCAM was recording the meeting.

Discussion initially took place regarding the two upcoming vacancies to the Conservation Commission. Both, Ryan Trahan and Linda Grubb's terms expire July 31, 2015. The Conservation Commission will make recommendations to the Board of Selectmen for filling these upcoming vacancies. Member Maksy stated that he was uncomfortable about outgoing members having input on "their successor". He does not see that it is right. In a democracy one does not pick who will succeed them. Ms. Yeatts pointed out that there is no monetary gain. Member Maksy stated that he feels that it is ethically wrong if the outgoing member has input on making the decision. Member Grubb stated that she found the discussion offensive and stepped away from the table. Member Schroeder stated that the members of this Board have had experience in doing what they have been doing, many have gone through the MACC (Massachusetts Association of Conservation Commissions) training and have a bit of understanding and expertise of what is needed to be on the committee. The Commissioners can make a well-informed recommendation to the Selectmen who will be making the final decision. Persons who have served on the Commission have learned something during their time of service and their comments are valuable. The Selectmen want the Commission's expertise, then, they will act on it. Member Maksy stated that then Member Schroeder is agreeing that an outgoing Commission Member can decide who will take their position. Member Maksy stated that he would be uncomfortable about it. Member Schroeder expressed her concern about mostly having Administrative people making the decision since then the basic expertise for someone to have to be on the Board may be lost. Member Schroeder stated that if the particular conflict of interest was pointed out to her, she would reconsider.

Ms. Yeatts noted that there are also openings on the Commission for Associate Members as well as the two (2) openings for full members. She expressed how happy she was that there were three (3) people interested in serving on the Commission. She thanked them for their interest and for attending the meeting this evening. Ms. Kulakovich stated that she is happy being an Associate Member, until the Commission needs someone else to step up as a full member. Chairman Bouchard stated that when Ms. Kulakovich is ready, for her to make it known.

7:00 PM

Meet with those who have submitted Letters of Interest for serving on the Conservation Commission:

a. Katherine Goodrow Robinson

Ms. Robinson was invited to provide a background about herself. Ms. Robinson stated that she has been a resident of Lakeville for about five (5) years. She lives here with her husband and two children. Ms. Robinson then went over her professional experience which had been provided to the Board. She stated that she would like to get more involved in the community and to use her background to help with projects and as another set of eyes. Chairman Bouchard asked her what kinds of problems she sees the town having with its current regulations? Ms. Robinson responded that it seems to be the permitting process, residents having troubles with being too close and too far away from the resources. Different residents have different issues depending on where they live within the town. Chairman Bouchard stated that that is something that the Board is constantly dealing with. Member Maksy asked her about her availability. He explained that the Commission typically meets every other Tuesday and occasionally meets for site visits on Saturday mornings. He also asked about her flexibility. Ms. Robinson responded that she is flexible, has a good supply of babysitters in the area and is accustomed with having to meet really early in the morning or late on a Saturday. Ms. Yeatts explained that the Commission obtains site permission to access properties, therefore, if Ms. Robinson was not able to attend on a Saturday or other day that the Commission might be visiting a site, then she could go on her own. Chairman Bouchard asked questions about the work she had done at Worlds End. Ms. Robinson explained that she had helped the clams, since the pipeline had polluted the bay. This was done with restoration money from the DEM (Department of Environmental Management) Chairman Bouchard thanked her for coming.

b. John M. LeBlanc

Mr. LeBlanc was invited to provide a brief background on himself. He stated that he has been a local business owner for just over 20 years. He just recently moved into Lakeville, about two (2) years ago. His work is in property management and he does some development on the side. He added that he has been on “this side of the table”. He has dealt with the Conservation Commission. He recently purchased a house on the lake, thus he has a vested interest in preserving Lakeville’s natural resources. He wants to protect the resource that he paid a lot of money for. He stated that Ms. Kulakovich is his neighbor. Chairman Bouchard asked Mr. LeBlanc what types of obstacles he has observed, since he has been on the other side, and what problems does and has he seen? Mr. LeBlanc responded that it seems that Conservation views matters in a negative light before they are even heard. He has had interesting discussions with Conservation Agents. But it should be understood that someone who has invested a lot of wealth and capital into a lot, should not be assumed that they will pollute the water. It is quite the contrary; they would have more of an interest in preserving it. He added that he sees that there is an adversarial relationship taking place, not just with this Board, but with others and he hopes to bring some commonsense in to help. Chairman Bouchard stated that regulatory agencies have

the slant thinking that people are going to do the wrong thing and they are trying to get people to fit into the mold that everyone else has. It would be appreciated having someone that can see both sides. Member Maksy asked Mr. LeBlanc about his availability. Mr. LeBlanc responded that his office is right up the street, so that is not a problem. Also the nights are also not a problem, nor the site visits. She suggested that maybe Mr. LeBlanc could attend the MACC workshops/conferences and see the passion that is there at those conferences. Mr. LeBlanc stated that he would like to attend and would be open to going to anything that would help him to do his job better. Ms. Kulakovich stated that there is a conference coming up in October. She added that she attended the Conservation meetings for two (2) years before attending a conference and when she did it helped explain to her further what the Commission trying to do. Member Chamberlain asked if Mr. LeBlanc handles a lot of properties in town? Mr. LeBlanc responded that he does not, but he does do a bit of developing, such as with Bridge St. Condominiums with Mr. Poillucci, but he mostly works though on the North Shore. Member Chamberlain explained that everyone is required to take the online ethics test and he wants to make sure that it is understood about the appearance of a conflict of interest.

c. **Mark Knox**

Mr. Mark Knox was asked to introduce himself and to provide a bit of background of himself and why he would like to serve on the Commission. Mr. Knox stated that he has lived in town since 1973. He likes the outdoors, is a sportsman, he conducts his business from the town and owns several properties in town. However, he doesn't do a lot of his work business in town. Mr. Knox has raised his children, who are older now, in town. He lives down the road from Ms. Grubb. He has been before the Commission a few times over the years for OOC's (Order of Conditions). He feels that he could be beneficial to the Commission, serving on the Commission. I want to see the town remain unchanged and do not want to see wetlands filled in. Mr. Knox would like to see Lakeville's resources remain preserved. Chairman Bouchard stated that since there is not a lot of room in town, it is getting difficult dealing with some of the sites (property parcels), and these small lots, and all that owners want to build on them find it difficult to comply with the regulations, the lots can only take so much. Mr. Knox stated that the guidelines have to be followed and the town bylaws that exist, and that is what you have to insist on. Chairman Bouchard asked what types of problems Mr. Knox saw. Mr. Knox responded that some of it is Boards working with other Boards. Enlightening and dealing with people, and understanding how people feel threatened about what they can or cannot do on their property. Maybe how things are presented to an applicant need to be considered, not show that you rule with an iron fist. Work with people (applicants) right out of the gate since some people come in without an engineer, they don't know or understand what they need to do, they are lost, and easily angered or frustrated. Help them, guide them, etc. Help the applicant to overcome the hurdles of what they need to do, in order that they can do what they want with their property. Chairman Bouchard stated that that is what the Commission wants to hear. The Board has made a lot of advancements in that direction and has evolved quite a bit. Chairman Bouchard stated that he has done a lot of consulting and for 35 years has seen many interactions. The Commission does bend over backwards to help people and work with them as much as possible. Mr. Knox stated that he was not trying to cast dispersions. He was aware of what had taken place recently, the hearing with the Agent and feels that she has been a great asset to the town. He mentioned that he had had a violation recently and got shut down. He had to go back to DEP

for a sonar tube, he had a legal septic system near the silt fence. He added that the new applicant needs to be aware of the fact that they cannot expand the scope of their project once they have provided the original plan. Ms. Kulakovich mentioned that most of the time the Commission spends with people is at their hearings and trying to help people solve the puzzle that they came to the meeting with, there is not a lot of time to do anything else like the education piece that Mr. Knox is talking about. There is a lot more to the Conservation Commission than the two (2) hour meeting here once or twice a month. One learns from serving on the Board that there is a lot you have to learn on your own and the conferences let you know that. If Mr. Knox can and would do the education and awareness aspect, that would be great for the Board. Member Maksy asked Mr. Knox about his availability? Mr. Knox responded that Tuesdays are good, he is pretty much local and usually around on the weekend. Member Chamberlain asked him what his business is? Mr. Knox responded, Cape Cod Copper, he does roofing with sheet metal, copper roofs, etc. He renovated the cupola on the Town Hall.

7:30 PM

NOI 4 Montgomery Street – Lidia Phinney – SE192-728

Mr. Robert Phinney was present for the discussion. Chairman Bouchard read the legal notice into the record. Proof of abutter notification was provided. Mr. Phinney stated that he is just having a septic system put in. Where it is being placed is basically the only place that it can go on the lot. The BOH suggests that it be a Presbi System. Mr. Phinney stated that there will be very little grading, the water table is very low. There will be some landscaping and seeding. This is for an existing house. Ms. Yeatts mentioned that it is an upgrade. All the work will take place between the 50'-100' buffer zone. There are no Natural Heritage concerns and she recommended approval with all the Commission's standard conditions. Member Maksy asked if the BOH has signed off? Mr. Phinney responded that he will be meeting with them tomorrow night for approval. There were no abutters present that wanted to speak.

Upon a motion made by Member Maksy; seconded by Member Schroeder it was:

**VOTED: To close the hearing and approve the OOC for 4 Montgomery Street with all the standard conditions as set forth by the Conservation Commission, and with the condition that it meets with BOH approval.
Unanimous in favor**

NOI 131 Staples Shore Road Clarence & Janet Wills – SE192-727

Jennifer Silva was present from Outback Engineering. Chairman Bouchard read the legal notice into the record. Ms. Silva then explained the proposed Disposal System. She explained that there would be a pump truck onsite when the proposed well is put in. There will also be a Sediment Control Trap which is on the Plan of Record dated June 22, 2015. The well is going in close to the pond and that is why the pump truck is needed. There will be a silt fence in this area as well as another one between the wetlands and pond. Ms. Yeatts expressed caution with the tank and pump chamber since the stream at the rear of the property is a tributary to a drinking water supply. Ms. Yeatts stated that she recommended approval of the septic system upgrade and stated that the tank and pump chamber are 86' from the bank of the pond. The leaching field is 76' from a tributary to a drinking water supply. Ms. Yeatts recommended approval of the

project with the Conservation Commissions standard conditions, of which one of the conditions is that the hay bale lines/silt fence is checked prior to the start of the project, since it is so close to the pond. Once the Commission hears from Natural Heritage, and if they suggest additional conditions, they will also need to be followed. Ms. Silva stated that a filing has taken place with Natural Heritage. The meeting with the BOH is scheduled for tomorrow night. Ms. Yeatts explained that BOH approval will be another added condition. No abutters were present for discussion.

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

**VOTED: To close the hearing and approve the project at 131 Staples Shore Road subject to the standard conditions of the Conservation Committee, conditional with BOH approval, the Conservation Agent observing the silt fence installation prior to the start of work and any additional conditions that may come from Natural Heritage.
Unanimous in favor.**

NOI 213 County Street Carl Fontes SE192-729

Jamie Bissonnette was present from Prime Engineering. Proof of abutter notification was provided. It was noted that Member Rogers is not considered an abutter since he is beyond the distance. Chairman Bouchard read the legal notice into the record. Ms. Yeatts had asked him to provide additional information on the plans that he had originally brought in dated July 10, 2015.

Upon a motion made by Member Grubb; seconded by Member Trahan it was:

**VOTED: To accept the new plans being provided by Prime Engineering of 213 County Street.
Unanimous in favor**

Mr. Bissonnette explained that the difference between the new set of plans and the plans earlier provided were the two green lines. There is a BVW (Bordering Vegetative Wetland) across the street. The pond is the primary concern. The entire site is within the 100 ft buffer. The project is to repair the septic system with an advanced treatment system. There will be an apparatus to drill the well in order to minimize any disturbance. A slurry pit will not be needed since a contained boxed unit is part of the drill. The majority of the site is paved. Cutting will have to take place through the pavement to get to natural sandy soil. A truck will be accepted on site for dewatering. Ms. Yeatts explained that this is a septic system upgrade on a very small lot (5,700 s.f.). The wetland's across the street have now been identified with the maps provided tonight since they were not identified on the original set of plans. Mr. Bissonnette stated that there is plenty of paved area on site for a truck. The well will be done first. Ms. Yeatts recommended approval with the Conservation Commission standard conditions and the additional condition of a 12" silt sock staked at two (2) foot intervals. Further, the truck onsite needs to be a licensed hauler. Member Chamberlain stated that the good news is that impervious lot coverage is being reduced from 83% to 74%. Chairman Bouchard asked if any information could be provided about the manufacturer and maintenance of the new system? Mr. Bissonnette explained that

there is a UV light in the pump chamber to help reduce the bacteria. The light is good for two (2) years and is inspected once a year. The system is connected through the internet by telephone. Reports on the system are to be provided to the BOH each year. An Inspection will be done before the town issues a COC (Certificate of Compliance). The Inspector will make sure that the system has been installed correctly, that the panel is installed and will then sign-off. Ms. Yeatts asked what the lifespan of the system was, since the Operation and Maintenance of the system will continue long after the COC has been issued and will need to be ongoing. Mr. Bissonnette responded that the BOH is requiring a deed restriction and acknowledgement from the owner that they are signing up for an Operation & Maintenance plan for their system through Advantix. Mr. Bissonnette stated that typically what fails is the bio mat. It is not known about failure of these systems at this time, they are having great results with them in R.I. Member Maksy asked about the heat tape? Mr. Bissonnette responded that after a foot of cover there will be heat tape. Ms. Kulakovich asked, since there is a yearly cost to the system, what happens if the homeowner is unable to the cost? Mr. Bissonnette responded that it is similar to someone having to pay their electric or heating bill. The technology runs off the service provider and they would notify the town and then the town would notify the owner and then the town can shut them down. Ms. Kulakovich stated that she was hoping that there is a fall back or check point in place. Mr. Bissonnette responded that there are some safeguards, but there is only so much anyone can do. Member Grubb mentioned that this area is loaded with Japanese Knotweed (*Fallopia japonica*) and if in there is anything that can be done to control that a little bit, it is just a jungle. Mr. Bissonnette responded that they are basically working in the area which is paved. They are proposing bollards to wrap around the tanks and the field. Member Grubb added that the Knotweed can come up through anything, even pavement.

Abutters Nancy and Howard Lennon then gave their input. They stated that they live across the street and asked if there will be any impact on their property, since the stream wraps around their yard. Mr. Bissonnette responded that water seeks its own course, but the water will be disinfected and this system has the highest level of treatment. The Lennon's asked if when things are being dug up; would it impact their site? Mr. Bissonnette responded that there will be erosion control set up, and there will be an inspection prior to any construction work. Any type of contamination that starts there; will be stopped right away. Also, there is the deed restriction of two bedrooms. Chairman Bouchard mentioned that this method will alleviate adding contaminates that sometimes takes place. Member Maksy stated that if the abutters have any concerns, they can then call the Agent immediately. The Lennon's asked about the raised section of 54 inches? Mr. Bissonnette responded that that is the bottomless sand filter and the leaching field. He then explained further about it and where it will be. The Lennon's stated that it will take up a lot of parking that they (Fontes) have in that area. Mr. Bissonnette explained that those matters were looked at. They will have to reposition such items as the jet ski's, a boat, and where the shed is. They will have to make accommodations for that. The Lennon's asked if the house was categorized by the Town as seasonal or year round, since up until a year ago the home was never occupied during the winter. If it becomes year round and they have a bunch of kids, the people that it is sold to, then what happens? Mr. Bissonnette stated that the lot will not get a system on it for more than two (2) bedrooms. The system can handle four (4) people. The Lennon's asked if this then will be a year round home? Member Chamberlain responded that one cannot say. This is something that takes place all around the pond (seasonal homes become year round residences). Member Maksy asked if there can be a failure to this type of system.

Mr. Bissonnette responded that it can fail like a regular system. There will be an alarm system in place that will “scream” if levels get too high. There is a silent switch and one can switch the breaker in the house, however they but cannot flush the toilet until the system is turned back on (corrected).

Upon a motion made by Member Schroeder; seconded by Member Maksy it was:

**VOTED: To close the hearing and issue the Conservation Commission’s Standard Order of Conditions, including a dewatering truck, the apparatus for the well truck with its mudless drilling system; and asked that the silt sock to be staked two (2) feet apart.
Unanimous in favor.**

RDA Churchill Shores Lot – end of Sandy Point Rd – Craig Cabral

Chairman Bouchard read the legal notice into the record. *Craig Cabral was present for the discussion.* Mr. Cabral explained that he had bought the property and it is all overgrown. There is a right of way and he wants to clear it out to pull onto the property with a vehicle and put in picnic tables and do what he wants to with the property. He stated that there would not be any cutting of trees or grading. There was a path down to the water and he will be cleaning that up with the brush and stuff that is overhanging. He would like to only clear a 30’ x 90’ area. Ms. Yeatts stated that the filing is to clear a lot of trees, however, now the question has come up about ownership of the property. Mr. Daniel Robbins submitted an email to the Conservation Commission addressing his concerns. Member Chamberlain asked that the letter and the email be read into the record and remain a part of the file. Ms. Yeatts read then read the two letters into the record;

July 10, 2015

I represent my family members who remain majority shareholders of the property under review on Long Pond. This property has been held in our family for 3 generations and while Mr. Cabral has recently obtained ownership for 25% share of the property we do not believe he should be permitted to make changes to the property without our approval. Please recommend that he submit his plans for our review prior to allowing him to alter or damage the property in any manner. We are concerned he has not reached out to us and has obtained a Deed that falsely suggests he is sole owner.

Sincerely, Daniel Robbins, MD

Representative for myself, my siblings Deborah and Peter Robbins; Eleanor “Debby” Jarvis and Evan Shively (descendant of Emily King). Please note that Eleanor “Debby” Jarvis has been the owner of record paying property taxes on this property for over twenty years.

July 13, 2015

Good morning, I spoke with one of your staff members who was kind enough to give me your email address so I am attaching a letter regarding the Churchill Shores property for your consideration. In short Mr. Cabral recently purchased a 25% share of the property from r. Peter Baxter (a distant uncle who owned his share by virtue of his marriage to my now deceased blood related aunt).

Mr. Cabral has not returned our phone calls nor made any effort to contact us. We are now concerned that Mr. Cabral is falsely presenting himself as sole owner of the property and wish to make it known that he is indeed a partial share owner. We are therefore asking that the Conservation Agency either turn down his proposal to remove trees from the property or at the very least postpone any final decisions on the issue until we are able to come to an agreement between the properties legal owners. This should

allow the property to be used in a manner which is most consistent with the surrounding community and the natural beauty that surrounds it.

Sincerely, Daniel Robbins

Mr. Cabral stated that he owns 50% of the property and Debby Jarvis owns 25%. Member Maksy stated that he is not sure where the Commission can go with this. Personally, Member Maksy was uncomfortable since it is not known who is considered the property owner. The Commission has been presented with an RDA, but is this a sufficient application? Chairman Bouchard mentioned that this type of situation has come up before and unless the applicant can show control of ownership, it is not a viable project. Therefore, the Commission needs to wait until that happens, or this becomes solely a civil matter. Member Chamberlain-to Mr. Cabral, the letter of the 10th states that Mr. Cabral has obtained a deed? Mr. Cabral responded that he showed it to the Town of Lakeville and now they have sent the property tax bill to him. He stated that he stated that he would pay the entire tax bill and when the Town Assessor called him he said to send it to him. Member Grubb stated that Jarvis still listed as owner. Member Maksy brought the Commissions attention to Form One, Request for Determination of Applicability, page 4 of 4 Part D. Signatures and Submittal Requirements and he read it; *I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.*

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Member Maksy stated that all owners should be aware of what is going on. Were they notified? Mr. Cabral responded that he had not contacted Ms. Jarvis since she lives in California. He stated that the rest of the people have died off generations ago and one cannot probate it. Mr. Cabral stated that he can provide information of ownership. Member Grubb stated that Mr. Cabral still only owns 50%, of the property and needs to have permission from the rest of the owners. Ms. Kulakovich stated that the Commission cannot give permission if the owners are not all present. If the owners are in agreement, then it is fine. Chairman Bouchard stated that if Mr. Cabral's attorney provides information regarding ownership and also provide sign off from the rest of the owners. The Commission needs documentation. Mr. Cabral stated that what he is asking to do is within the legal bounds of the Conservation Commission. Member Maksy stated that he does not feel that the application is complete since the other owners names should be there as well. So, the application is incomplete. Member Maksy suggested to maybe give the two other owners a call and to put their names on the application or ask DEP if Mr. Cabral could just at least list them. Ms. Yeatts stated that she can call DEP. Member Rogers stated that the Commission does not know if Mr. Cabral is the minority or majority owner. Member Maksy stated that the application is not asking the owner to sign the form, only the applicant, and it could be an engineer. Member Grubb stated that the other owners should receive a copy of the application, thus, the Commission would need green cards to know that they were notified. Member Maksy asked that DEP be asked that question as well. Chairman Bouchard noted that the applicant has filed an RDA, which is a determination, however, there is a bigger picture here. The Commission may be looking for a full filing of an NOI due to the impact that may take place on the land, since the land is adjacent to a public water supply. Chairman Bouchard then asked to hear from the abutters.

Abutters, Sandy and Mark Haworth were present for the discussion. Ms. Haworth stated that she has had discussions with Dan Robbins. The five people associated with the property are against this. The Haworth's are also in the process of purchasing the property. The property is right next to them, there is a vernal pool on the property, and an intermittent stream. Ms. Haworth has taken a video of the water running through the property, but it does dry up. They have seen a lot of wildlife on the land and have concerns. It is a thickly wooded lot and they do not see a path there to the water. For a path to be there, it would involve a lot of cutting. Ms. Haworth stated that she likes the wildlife and the privacy of the lots. That lot has quite a slope and if any cutting is allowed, she did not see how anything could sit on it, with the pitch. She added that there is also a pipe that goes across the land to their and expressed her concern about possible damage to their septic system, if any heavy equipment was brought in. Member Chamberlain stated that ownership would have to be squared away first. Ms. Haworth stated that she had brought copies of the deeds with her. Member Trahan stated that with that much cutting down of trees, this should be a filing with Natural Heritage and MESA. Member Chamberlain mentioned that with the cutting of the trees, that would then leave water there that the trees would otherwise normally take in, then with the stumps left there, that would leave area in a more negative state. Mr. Cabral stated that he has not flagged any trees. Member Chamberlain asked what caliper the trees were that he was intending to take down? Ms. Yeatts provided photos for the Commission to view. Member Chamberlain stated that there are some good sized trees there. Member Grubb asked if the vehicle remain there permanently? Mr. Cabral responded that it would be there when they were there and then it would be brought back out when he left. Member Grubb pointed out that the Town of Lakeville has no bylaw for the protection of vernal pools. Member Schroeder stated that the applicant needs to know that this is a vernal pool with a connection to the pond, there is an outflow that goes to the lake. Ms. Haworth asked about the buffer zone and protected area.

Further discussion took place amongst the Commission for clarification and information about what can be done and where. Member Maksy stated that until the Commission has more information and can do a site visit, they cannot really say that anything can take place. Mr. Cabral asked if he could clean up the dead wood on the ground and prune the trees? Member Chamberlain stated that there is still the ownership question. Chairman Bouchard stated that typically when someone comes in with an RDA, the Commission does not ask for proof if they are the property owner. Ms. Kulakovich pointed out that in this case someone has stepped forward in dispute of the RDA. Member Chamberlain stated that it is a wetland area, which requires the owners to come before the Commission for permission to cut trees. Chairman Bouchard stated that Mr. Cabral cannot make any changes to the property unless he can prove he is the owner or has the authority. Ms. Yeatts stated that one of the conditions with the Wetlands Protection Act is that you cannot alter the area without ConComm approval. Member Maksy stated that the application needs to be cleared up, he is uncomfortable about saying anything else. Ms. Yeatts stated that the wetland needs to be identified. Before anyone can work in a wetland area or a buffer zone they need a permit from the Commission, thus, Mr. Cabral needs to get someone to delineate the wetland area which was not seen until a site visit took place on July 12, 2015. Member Chamberlain expressed the fact that clean up is different from one person than it is to someone else. The Commission has had experience with someone that wants to clean up the property, then after they do so, there is not a living thing on the property for two (2) acres. If Mr. Cabral wants to do anything, then he is proceeding at risk from other owners, the

Commission, DEP, Natural Heritage, etc., it is a sensitive area. Ms. Yeatts agreed that the area is all within the scope of NHESP. Member Maksy asked if Natural Heritage is notified on an RDA? Member Chamberlain responded that they are not, since there is no notification done on an RDA. The Commission just needs sufficient background information before any direction can be provided. The Commission doesn't want to discourage anyone; however, applicants need to be prepared for what may come.

Upon a motion made by Member Maksy; seconded by Member Rogers it was:

**VOTED: To continue the hearing on the RDA for the Churchill Shores Lot – (at the end of Sandy Point Road) with Craig Cabral until the next Conservation Commission meeting on August 11, 2015 at 7:00 PM at the Lakeville Library Conference Room.
Unanimous in favor**

COC 225 Hemlock Shore Road no work done, lapsed (Cody SE192-727)

Chairman Bouchard stated that no work was ever done at 225 Hemlock Shore Road. Ms. Yeatts added that the applicant just wants to close it out at this time.

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

**VOTED: To issue a Certificate of Compliance (COC) for 225 Hemlock Shore Road at the request of the applicant certifying that the work referenced on the OOC never commenced.
Unanimous in favor**

Ms. Yeatts then spoke on Bates Brook. The owner wants to put a shed in the backyard on posts. The owner had been issued an enforcement order previously since they had cut trees in the Buffer Zone. A picture has been provided of the shed and the location is noted to be 130 feet from Bates Brook. The owner also called and asked about a fence. Member Grubb stated that there should be a 200 feet buffer from the Brook. Ms. Yeatts asked if Member Grubb was suggesting a simplified permit? If they also want to install a fence. The owner was to provide information however it did not arrive in time for the meeting. Member Grubb suggested that a filing be done. Ms. Yeatts asked if she was suggesting an RDA? Member Chamberlain stated that it depends on how much work they are proposing and how close to the resource areas they are. Ms. Yeatts mentioned that an RDA is not enforceable. The Commission may request the applicant to dig the holes by hand and they may instead bring in equipment. Member Maksy stated that though an RDA is not recorded at the Plymouth Registry of Deeds, the applicant would be in violation if they brought in equipment. Member Chamberlain added that the Commission would need to know what type of fence they would be installing. Definitely more information is needed, but there does not seem to be any issues with a 12 x 18 shed. They will be invited to the August meeting since information about the type of shed foundation will need to be known along with other details.

Other Business:

1. Outgoing Conservation Commission member – Ryan Trahan – thank you to ConComm

Chairman Bouchard thanked Member Grubb and Member Trahan for their support over the years.

Member Trahan thanked everyone for the opportunity to serve on the Commission. He stated that he learned a lot by being on the Commission.

Member Schroeder stated that both members that are leaving the Commission have left the Commission with very good attributes. It was good to have them both since they added to the Commission positively. Member Maksy concurred, both brought varying spectrums of interest and value to the Board.

2. Approve meeting minutes of 4-8-14, 4-22-14, 5-13-14, 11-18-14, 5-26-15 and 6-23-15

Upon a motion made by Member Maksy; seconded by Member Trahan it was:

VOTED: To approve the Conservation Commission meeting minutes of April 8, 2014 with minor amendments.

Unanimous in favor

Upon a motion made by Member Maksy; seconded by Member Grubb it was:

VOTED: To approve the Conservation Commission meeting minutes of April 22, 2014 as presented.

Unanimous in favor

Upon a motion made by Member Maksy; seconded by Chairman Bouchard it was:

VOTED: To approve the Conservation Commission meeting minutes of May 13, 2014 as presented.

Unanimous in favor

Upon a motion made by Member Maksy; seconded by Member Schroeder it was:

VOTED: To approve the Conservation Commission meeting minutes of November 18, 2014 as presented.

Unanimous in favor

It was the consensus of the Commission to hold approval on the Conservation Commission meeting minutes of 5-26 and 6-23 2015 so that the Commission has further time to review these minutes for their next meeting.

3. Pay Bills (if necessary)

Bills were presented by Ms. Yeatts and signed by the members.

4. Review Submittal Revisions/Forms

Ms. Yeatts went over a few items on the submittal forms. It was suggested to continue the review of the submittal forms at the next meeting of the Commission given that the agenda allows it.

5. ZBA Memo – Petitions for 53 Nelson Shore Road and 12 Main Street

It was noted that the petitions that had been provided to the Agent for review. One project has no wetlands and the other has an OOC.

6. Discussion regarding the applicants.

Discussion then took place amongst the Commission regarding the applicants and if any of them had conflicts in serving on the Board due to their professions. The strengths of the applicants were also discussed and the merits that they could bring to the Commission.

A motion was made by Member Maksy to recommend Mark Knox as a potential candidate to the Board of Selectmen. This motion was seconded for discussion by Chairman Bouchard. After brief discussion both Member Maksy and Chairman Bouchard withdrew their motion and second.

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

VOTED: To submit the name of Katherine Robinson to the BOS to fill an existing vacancy on the Conservation Commission.

In favor 3, Against 2, Abstain 2 (due to possible conflict of interest)

Upon a motion made by Member Maksy; seconded by Member Schroeder it was:

VOTED: To submit the name of Mark Knox to the BOS to fill an existing vacancy on the Conservation Commission.

In favor 5, Abstain 2 (due to possible conflict of interest)

Upon a motion made by Member Maksy; seconded by Member Schroeder it was:

VOTED: To submit the name of John LeBlanc to the BOS as an Associate Member.

In favor 4, Against 1, Abstain 2 (due to possible conflict of interest)

7. Member Grubb provided documentation of the Possible Conflict of Interest Violation that she was also submitting to the Board of Selectmen regarding 19 & 22 Beechtree. Member Maksy recused himself from the discussion. Member Rogers mentioned that when he was involved in this with Jon Lens, once he had put in the dock, and photos were shown of the dock that he recused himself, up until then he had had nothing to do with that situation. *(The letter submitted has been attached to these minutes per request)*

Schedule next meeting

The next meeting was scheduled for Tuesday, August 11, 2015 at the Town Office Building.

Adjournment

Upon a motion made by Mr. Trahan; seconded by Ms. Grubb it was:

**VOTED: To adjourn the Conservation Commission meeting at 9:48 PM.
Unanimous in favor**

ConComm7-14-15final