

*FINAL – Approved by the Conservation Commission at their October 13, 2015 meeting*

**Town of Lakeville  
Conservation Commission  
Tuesday, September 8, 2015  
7:00 PM – Lakeville Library**

On September 8, 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 7:02 PM. Members present: Robert Bouchard, Joseph Chamberlain, Mark Knox, John LeBlanc, Derek Maksy, and Martha Schroeder, and Katherine Goodrow-Robinson, Associate Member, Nancy Yeatts, Conservation Agent and Christine Weston, Recording Secretary. Members absent: Sarah Kulakovich. LakeCam was recording the meeting.

The new members; Ms. Robinson, Mr. Knox and Mr. LeBlanc, were welcomed to the Conservation Commission.

**7:00 PM**

**NOI 12 Village Road – Jessica & Justin Bradley SE192-731**

*Jen Silva of Outback Engineering was present for the discussion representing the Bradleys.* Chairman Bouchard read the legal notice into the record. Ms. Silva took the floor and provided an update of what the Bradleys would like to do on their property. They would like to install an 18x36 foot pool with an attached shed and a new screened porch and patio in place of an existing deck. On September 4<sup>th</sup> Ms. Silva and the Conservation Agent met at the location of the project to look at the wetland line, and the line was agreed upon. After notice of the filing had been advertised in the newspaper, and before the hearing, the office received an amendment that called for the cutting of 16 trees. Ms. Emily Holt, of NHESP (Natural Heritage Endangered Species Program), was contacted by the Agent to discuss the addition of the cutting of the trees to the plan. The amended plan was also emailed to Ms. Holt, and provided to the DEP, so that another filing did not have to take place. Since these additional plans were not noticed in the paper to notify the abutters. The applicant provided the two immediate abutters with the revised plan. Both neighbors then wrote letters stating that they were in agreement about the trees. It was discussed with the applicants' representative that 13 trees could come down and it would be good if 3 healthy trees could be saved. The trees intended to remain have been marked with tape. The owner was invited out to look at the trees and has agreed with what the Agent and Ms. Silva had discussed.

However, this AM an email was received from Natural Heritage stating that the applicant has to file with MESA (Massachusetts Endangered Species Act). The trees are considered in a forested area. NHESP has 30 days to respond. Thus, it should be noted in the OOC (Order of Conditions) that approval is pending any conditions that Natural Heritage asks to be additionally done. Ms. Silva noted that Natural Heritage has the plan which has 16 trees and will be provided a new plan removing three of the trees. Ms. Yeatts further stated that there were a lot of grass clippings on the property which should not be deposited in the wetlands. They are located very close to the edge of the wetland. Having the wetland flags in place shows specifically the boundaries. Member Chamberlain asked if Natural Heritage was aware of the condition of the

trees? Ms. Yeatts responded that that is not typically communicated. Ms. Silva stated that she had sent Natural Heritage pictures of all the trees today.

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

**VOTED: To close the hearing and issue an Order of Conditions with the Conservation Commissions standard conditions, pending Natural Heritage's approval and what they may ask to have done, and that grass or leaf debris to not be deposited into the wetlands area.  
Unanimous in favor**

### **RDA cont'd-Churchill Shores Lot-end of Sandy Point Road-Craig Cabral**

Chairman Bouchard stated that the RDA for the Churchill Shores Lot will be continued at the request of the applicant.

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

**VOTED: To continue the hearing for the Churchill Shores Lot to Tuesday, October 13, 2015 at 7 PM at the Lakeville Library on 4 Precinct Street.  
Unanimous in favor**

### **Simplified Permit/25 Twin Oaks Road**

Ms. Yeatts explained that she has been doing Simplified Permits for a long time and they are usually for such small projects as shingling a house if it is ten (10) feet from pond to make sure that the debris does not blow all around, and at the end of the day to make sure that the debris is put into an enclosed dumpster or taken off the premises. There was even a case where the applicant was asked to put a net in the water, since debris was flying around in the wind and out into the water. The Building Commissioner, Nate Darling and the Agent have been talking about coming up with a list of activities which is more clearly defined since a Simplified Permit had basically been for tree work, roofing or shingling. For 25 Twin Oaks Road a Simplified Permit was requested and this case seems to fall into that category. Ms. Yeatts wanted the Commission's vote before issuing. It is costly for an applicant to have to file an RDA. The Agent read the letter into the record that was submitted by applicant;

*Attached are the site plans you asked for regarding the small bump out we discussed. I have included a photo with an outline of the size and location of the structure. A 3x3 foot section of concrete pad will be cut and removed first by hand. The area under the pad will be dug down to approximately 3 feet to form the bottom of the entry. Concrete will be poured in the squared off hole and cinder blocks will form the walls below ground. A 2x4 framed shed will be constructed over the blocks and it will be sided to match the house. A small rubber roof will be installed. A door will be the entry from the West side of the shed. All work to be done by hand. Hay bales will be staked down slope of the area. All extra soil to be removed to prevent erosion.*

The Agent stated that this is the type of project that can be done with a Simplified Permit. Thus, Mr. Darling and the Agent anticipate sitting down and developing a list of what can be done through a Simplified Permit rather than an RDA. Once the list is developed it will be presented to the Board for review and approval.

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

**VOTED: To allow the Conservation Agent to do a Simplified Permit for the project at  
25 Twin Oaks Road.  
Unanimous in favor**

**Upon a motion by Member Maksy; seconded by Member LeBlanc it was:**

**VOTED: To authorize the Conservation Agent to continue discussions with the Building  
Commissioner to develop a list of projects that would be appropriate to take place  
under a Simplified Permit rather than an RDA. The list will then be presented to  
the Commission for review and approval.  
Unanimous in favor**

### **Other Business**

- a. 131 Staples Shore Road/ “pending” BOH approval

Ms. Yeatts spoke with Member Maksy regarding the time frame that the Commission has to respond to an applicant to write the Order of Conditions, which is 21 days. In order to expedite the process it is necessary to change the wording on the vote for 131 Staples Shore Road *from pending to subject to* so that the Commission can process the OOC without having to wait for approval by the BOH.

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

**VOTED: To change the wording from *pending* to *subject to* BOH approval.  
Unanimous in favor**

- b. Member Maksy – Discuss Zoning By-Law Advisory Review Committee

Member Maksy stated that he had been appointed as the Conservation Commission’s representative to the Zoning By-Law Advisory Review Committee. There has been one meeting of that committee and he will continue to report back to the Commission about what has taken place after those meetings. One suggestion was that the Zoning By-Laws be read by the Boards and Commissions that have representation on them and for anything that stands out to be presented to their representative. Copies of Lakeville’s Zoning Bylaws were distributed to all Commissioners. Member Maksy asked that any input be provided to the Agent, he will then present those matters back to the Committee for discussion. Their next meeting will take place on September 30<sup>th</sup> at 6:30 PM.

Ms. Yeatts stated that a communication had been received asking that someone on the Commission be appointed as representative on the MPIC (Master Plan Implementation Committee) from the Conservation Commission. Member Maksy provided a brief update

regarding the MPIC. Basically the Master Plan is what the Town could or should do to improve its community. Such as, modifying zoning in a particular area, etc. Having a Master Plan in place will affect the amount of grants and monetary input for the Town positively. After brief discussion it was requested that the membership of the Master Plan Committee and the Charge of the Committee be provided to the Commission and a decision about a recommendation will wait until the next meeting of the committee.

- c. Approve meeting minutes of 8-11-15

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

**VOTED: To approve the Conservation Commission meeting minutes of August 11, 2015 as amended grammatically.  
Unanimous in favor**

- d. Update on 33 Shore Avenue – Enforcement Order – Manny Bugginga

Ms. Yeatts stated that at the last meeting of the Commission Mr. Manny Bugginga was present regarding an Enforcement Order that had been put into place at his property on 33 Shore Avenue. Since that time Mr. Bugginga has been provided with a copy of the submittal requirements, been contacted by telephone and sent a letter, including the draft minutes of that meeting, stating that he should be submitting an NOI. He has also been told that DEP (Department of Environmental Protection) could fine him each day and every day that his project is in violation. He has been made aware that September 30<sup>th</sup> is the deadline for the October 13<sup>th</sup> meeting.

- e. Pay Bills (if necessary)

There were no bills that necessitated being paid.

#### **Other business:**

Ms. Yeatts distributed the draft Wetlands Bylaw which showed yellow highlighted areas. She asked that it be taken home to review by the Commission.

Member Maksy, Treasurer, asked if the Commission was considering reorganization. The Selectmen routinely reorganize after an election change each year. Some boards do and some boards don't. It was noted that Member Chamberlain is the Secretary to the Commission.

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

**VOTED: To make no changes to the current organization of the Conservation Commission.  
Unanimous in favor**

Member Schroeder stated that she had purchased a few books that she would like to put on the Conservation Shelf at the Library. She will bring the books to the next meeting to show the Commission.

**Schedule next meeting.**

The next meeting of the Commission was scheduled for Tuesday, September 22, 2015 (Town Office Building), at 7 PM.

**Adjournment**

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

**VOTED: To adjourn the Conservation Commission meeting at 7:48 PM.  
Unanimous in favor**

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