

FINAL – Approved by the Conservation Commission at their December 13, 2016 Commission Meeting

**Town of Lakeville
Conservation Commission
Tuesday, September 13, 2016
6:30 PM – Lakeville Library**

On September 13, 2016, the Conservation Commission held a meeting at 6:30 PM at the Lakeville Library. The meeting was called to order by Chairman Bouchard at 6:31 PM. Members present: Robert Bouchard, Joseph Chamberlain, Mark Knox, Derek Maksy, and Katherine Goodrow-Robinson and Sarah Kulakovich, Associate, Nancy Yeatts, Conservation Agent and Christine Weston, Recording Secretary. John LeBlanc was absent. LakeCAM was recording the meeting.

6:30 PM

Interviews with Keith Jensen, and Aaron Best, interested applicants who submitted letters of interest to be appointed to the Conservation Commission

Aaron Best and Keith Jensen were present for their interview.

Chairman Bouchard asked Mr. Best to provide a bit of information about himself. Mr. Best stated that he lives on County Street. He has worked for the Massachusetts Division of Fisheries and Wildlife for the past ten (10) years and currently is working as a Land Stewardship Biologist for the state. He has a Bachelor of Science Degree in Wildlife Biology from Framingham State College. He has been interested in serving the town for a while, so when heard that there was an opportunity with an opening, he put his name in.

Chairman Bouchard asked Mr. Jensen to provide a bit of information about himself. Mr. Jensen stated that he has lived on One Mile Lane, off Hill Street since 2003. He had grown up in Avon, which is considered a small town. His wife also grew up in a small town. He is a builder by trade but does not necessarily go by that to make his decisions. Mr. Jensen added that he has always been active in the community and sees this opening as an opportunity to bring building aspects forward, to learn more about the Conservation Commission and make things fair. It seems that most people are intimidated with the Conservation Commission and meeting with them. However, if people could meet, realize that they are on the same playing field and be assured that everyone will get a fair shake; that is what it is all about. He added that he is here to learn what he can.

Individually each applicant was asked a series of questions by the Conservation Commission. Both applicants were then thanked for their time and welcomed to stay for the meeting. Chairman Bouchard stated that the Commission will discuss the appointments at the end of the agenda this evening.

Chairman Bouchard stated that he would like to discuss adopting Roberts Rules of Order for conducting the meetings. The Commission is not required to; however, the Board of Selectmen do operate under Roberts Rules of Order. Ms. Yeatts noted that the Commission can decide to follow Roberts's Rules of Order loosely, and tailor it to their needs.

7:00 PM

NOI – 18 Lakeside Ave/Tamett Brook Estates – Horton (cont'd from 7-13-16)

Tom Hardman, Site Design Engineering, LLC and Daniel Mulloy were present, representing the Horton family. Mr. Hardman stated that he had met with the Planning Board and the Highway Department early on in the process about reconfiguring the cul-de-sac wetland lines. Four (4) scenarios were developed however none were accepted. The wetland lines were approved when the ORAD was issued some months ago. Goddard Consulting has provided a replication and restoration report. Mr. Hardman briefly went over the drainage report, explaining the direction of the flow and how the detention basins are designed to comply with DEP storm water standards. They have tried to minimize wetland impacts where possible.

Ms. Yeatts then went over her report. She stated that the applicant is disputing the Title V setbacks on this three (3) lot subdivision. There will be someone from the DEP Boston office coming to do a site visit of the property. The Agent has spoken with Kermit Studley from DEP SERO today and he will be contacting her when the site visit is to take place so that she can attend. She asked that the Commission continue the hearing pending a decision from DEP. The trenches that were dug to drain off the wetland area have not yet been addressed by the Commission as noted during the ANRAD submission. The Agent also communicated with the Health Agent, Larry Perry and the Board of Health Chairman, Robert Poillucci and the Chairman requested that the Board of Health Agent be included when the site visit takes place with DEP's representative from Boston. Since the Commission will be having a second meeting this month there is time to wait until the site visit has taken place. It appears that there is no place to put septic systems on the property.

Mr. Hardman stated that there are some inaccuracies with the hydraulics and the GIS maps. A copy should have been received by Ms. Yeatts. Ms. Yeatts stated that she has not received anything and has also requested to be provided this information in writing.

Ms. Yeatts distributed the comments that she had received from the Health Agent and explained that this is allowing communication between Departments which is important. Commissioners are all welcome to come on the site visit. Right now the matter is beyond the Local Board of Health, which is why someone from the DEP is coming down from Boston.

Member Maksy stated that the Board of Health could provide waivers for new construction, so what would it change with respect to Conservation? Does the Agent concur with all the flags? Ms. Yeatts responded that through the ANRAD the flags were approved. However, the Commission never addressed the larger wetland areas. There were ditches dug and during a site visit today, it was seen that they have been filled in. They had not been filled in prior to the previous meeting of the Commission. It is a violation to drain a wetland.

Member Maksy asked if it is ok that they (trenches) have been filled in? Chairman Bouchard responded, that is not known right now, a determination needs to be made. He added that he did not recall giving explicit direction one way or another, when the Commission noted the violation. Member Chamberlain pointed out that there is now a second illegal activity that violated the first illegal activity. Chairman Bouchard agreed, there are questions now about the direction of flow, and what is natural and/or manmade. He asked if there were any other significant changes? Mr. Hardman responded that there have been changes with the drought.

Ms. Yeatts then showed the pictures of the area and stated that one can see where the (trenches) have been filled in.

Ms. Yeatts explained that the Commission is having a second meeting this month, therefore the next two (2) weeks would allow her the opportunity to write up some of the conditions.

Member Maksy stated that he didn't mind the Agents (BOH & ConComm) working together but this is not the Commissions purview. Ms. Yeatts explained that it is more than just boards working together; it is keeping everyone in the loop with what is taking place.

Chairman Bouchard stated that if it is not a hardship to hold off for two (2) weeks then the Commission will do that. He added that that the Commission would also prefer to walk the site to view any changes that have occurred.

Ms. Yeatts asked if the pipe going under the road was going to be replaced? Mr. Hardman responded that it would be, that detail is on page 6.

Member Knox asked if the Agent was satisfied with the replication area? Ms. Yeatts responded that she is, it is a 2-1 ratio.

Member Maksy asked if there should be a note on the plan about where the ditches are and if the Commission is acceptable with them being filled in?

Mr. Hardman explained that the ditches are not shown on the plan; so far.

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

**VOTED: To continue the hearing for 18 Lakeside Ave to September 27, 2016 at 7 PM
at the Town Office Building at 346 Bedford Street.
Unanimous in favor**

NOI – 119 Nelson Grove Road - Morse

Chairman Bouchard read the notice for the hearing into the record. *Nyles Zager, Zenith Consulting Engineers, was present for the hearing.* Mr. Zager provided a brief explanation about the project. There will not be siltation entering into Assawompsett Pond or the abutting property.

Ms. Yeatts went over her report about the project. She stated that the project is for the installation of a new well on Assawompsett Pond. She did have a question about the slurry pit especially since recently there was an accident at Staples Shore. Mr. Zager explained that typically this is done in a 10 x 10 area and is a few feet deep but there would be no issues if the Commission wants to have a water truck on site. Ms. Yeatts explained that the Commission has been requiring the dewatering truck on the small lots since the accident. Mr. Zager stated that there is no existing well at this time. The owner is drawing off the pond, which is not illegal. Ms. Yeatts clarified that the City of New Bedford allows water to be extracted up to less than 50,000 gallons without requiring a permit. The Agent recommended that it be required that a certified hauling truck be onsite. Chairman Bouchard asked if the existing supply line will it be abandoned? Mr. Zager responded that it would be.

Upon a motion made by Member Maksy; seconded by Member Goodrow-Robinson it was:

**VOTED: To close the hearing and approve the Order of Conditions for 119 Nelson
Grove Road including that there be a licensed de-watering truck on site to
contain all well debris, Organic Lawn Care Standards will be adhered to,
and the Conservation Commissions Standard Special Conditions.
Unanimous in favor**

NOI – 26 Dunbar Road – Mastrangelo, Michael

Chairman Bouchard read the notice for the hearing into the record. *Bob Rego of River Hawk Environmental, LLC, was present for the discussion.* Mr. Rego provided information regarding the proposed project which is located on both sides of the road. There are two (2) existing structures on the property. The filing is to raze the present structure and build the new structure away from Long Pond raised out of the flood plain. Ms. Yeatts noted that the siltation barrier had not been depicted on the plan and the Commission will need a set of plans that shows it. This project is similar to another which was done on Nelson Shore. It is important to make sure that when the demolition is done that the siltation barrier has been installed. She asked that the office also be called to notify the Agent prior to the work beginning. Member Maksy asked about the locus? Mr. Rego responded that it is in the notice but he will also include it on the next set of plans.

Member Goodrow-Robinson asked if the silt fence will extend the entire shoreline? Mr. Rego responded that it will go around the inlet.

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

**VOTED: To close the hearing and approve the Order of Conditions for the demolition and construction at 26 Dunbar Road pending receipt of new plan with the siltation barrier included and how it will be constructed, receiving the comments from Natural Heritage, a locus to be included on the plan of record, Organic Lawn Care Standards will be adhered to, and the Conservation Commission's Standard Special Conditions.
Unanimous in favor**

Mr. Jeff Bernier, abutter, asked if the new home would be closer or further from the property line.

Mr. Rego responded that it will be about the same.

NOI – 27 Twin Oaks Road – Thwing, Jared

Chairman Bouchard read the notice for the hearing into the record. *Jon Pink, of AZOR Land Sciences, Inc., was present for the discussion.* Mr. Pink explained that it is a fairly simple septic repair since the site presently has a cesspool. The leaching field is well beyond the buffer zone. The system is within the 100' buffer zone.

Ms. Yeatts stated that the DEP number for the project was received today, however, the comments from Natural Heritage have not yet been received. The approval should be pending positive comments from Natural Heritage, Organic Lawn Care Standards and the Conservation Commissions Standard Special Conditions.

There were two (2) abutters present, Walter Hotz, and David Marzelli of 7 Pine Bluff who felt it was a positive project.

Upon a motion made by Member Goodrow-Robinson; seconded by Member Maksy it was:

VOTED: To close the hearing and issue an Order of Conditions for 27 Twin Oaks Road pending positive comments from Natural Heritage, Organic Lawn Care Standards and the Conservation Commissions Standard Special Conditions. Unanimous in favor

COC – 24 Hickory Lane – Maguire

Ms. Yeatts showed a picture of the lawn at 24 Hickory Lane. All conditions have been satisfactorily met. She stated that she would like to include Organic Lawn Care Standards as part of the Standard Special Conditions. Member Maksy stated that the Commission should discuss this since it should be on a case by case basis.

Upon a motion made by Member Knox; seconded by Member Goodrow-Robinson it was:

VOTED: To approve and issue the Certificate of Compliance for 24 Hickory Lane. Unanimous in favor

COC – 63 Bedford Street – GebSCO Realty

Nyles Zager of Zenith Consulting Engineers, LLC., was present for the discussion. He stated that he was asking for a Certificate of Compliance on the two (2) drainage basins. The as-builts are now being provided as requested by the Agent. Mr. Zager provided additional plans for the record. He explained how the basins have been cleaned. They had not been cleared or maintained for a long time. GebSCO hired a company to come in and clean them out. It is now a grass basin. Since Merrill Associates was the original design engineer, his firm is working in conjunction with them. That way they are included to make sure that the project is in compliance with the OOC (Order of Conditions).

Ms. Yeatts went over her report. The Agent had met on site with Mr. Bissonnette to view the basins. The area had not been maintained, however, the work that has now been done looks fabulous. The original Operations and Maintenance report as prepared by Merrill Associates is acceptable to keep in place. The Conservation Commission does not have a system that allows the Office to be notified when ongoing maintenance needs to be done. The responsibility will be placed on GEBSCO. They should be asked to provide photos each year of the yearly cleaning of the basins. Pictures are to be taken during the month of September and provided to the Office no later than September 30th of each year. This will be a perpetual condition to be recorded along with the Operation and Maintenance Plan. The Condition that the Commission had set into place no longer needs to remain in place since the Merrill Associates O&P is adequate. Member Maksy-we need to rescind the old one so would feel better doing that.

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

**VOTED: To rescind the additional conditions that were set into place on May 20, 2002 and implement the new proposed Operational and Maintenance Plan as drawn up by Merrill Associates from 2002. GebSCO will also be required to provide photos of the yearly cleaning of the basins to be taken during the month of September and received by September 30th of each year as a perpetual condition to be recorded with the O&M Plan and to issue a Certificate of Compliance for 63 Bedford Street.
Unanimous in favor**

8:00 PM

NOI – Stonebridge Homes – LeBaron Boulevard

Chairman Bouchard read the notice for the hearing into the record. He then read the official notice received from Outback engineering to continue the hearing.

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

**VOTED: To open and continue the hearing for Stonebridge Homes – LeBaron Boulevard to Tuesday, September 27, 2016 at 7 PM at the Town Office Building located at 346 Bedford Street.
Unanimous in favor**

Jeremy Motta, abutter, stated that he just moved to the area and wondered if he could view the plans.

Ms. Yeatts stated that he is welcome to come to the Conservation Office to view the plans and during the day Wednesday and Thursday, the Agent will be able to go over them with him.

Other Business

Ms. Yeatts stated that 4 Highland Road needs a septic system. The engineer had indicated that the wetlands were 67 feet away, though it looked on Oliver to be 200 feet. Upon a site visit the wetlands are definitely not 200 feet away, however, there is a road between the project site and the wetlands. The wetlands are a tributary to a water supply. What would the Commission like to see put in place, an RDA or and NOI? It was indicated that an RDA would be appropriate.

1. Vote on topics for discussion for second meeting of the month (Sept 27)

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

**VOTED: To discuss the Vigers Rules and Regulations at the October 11, 2016 meeting of the Commission which will be at the Lakeville Library to allow for a group of people to be present.
Unanimous in favor**

The Agent mentioned that Mike Schroeder has indicated that she would like to come before the Commission to give a report on Tamarack Park and to present the wetland bylaw.

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

**VOTED: To schedule the discussions with Ms. Schroeder for the Commission meeting on September 27, 2016.
Unanimous in favor**

2. Discussion regarding November and December Conservation meetings

It was decided to hold only one (1) meeting in November and December unless something comes up that demands immediate attention. The dates will be November 15 and December 23. The engineers will be notified.

The Clerk can check with the Librarian, Jayme Viveiros about the availability of the Library on November 15, 2016.

Ms. Yeatts stated that Ms. Schroeder will continue with a booth for the Lakeville Arts Festival for the Open Space Committee. The Festival is scheduled for Saturday, October 1, 2016. Member Goodrow-Robinson will be there for Conservation and office will supply her all the materials that she will need.

Ms. Yeatts reminded the Commission that the MACC training workshop will take place on Saturday, September 17, 2016 at the Library.

3. Approve meeting minutes of August 9, 2016 and February 25, 2014

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

**VOTED: To approve the Conservation Commission meeting minutes of August 9, 2016 as presented.
Unanimous in favor**

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

**VOTED: To accept the Conservation Commission meeting minutes of February 25, 2014 as presented.
In favor 2, Abstain 3, Against 0, Absent 1**

Member Chamberlain mentioned that there have been a lot of violations lately at the Cowboy House for example, people taking down "No Trespassing Signs", horses going through the property, and people making their own trails. The large sign on the property itself has been taken down. The poles may have been rotted, since they were the original. Member Knox suggested that the maintenance should be discussed at a meeting as well. Ms. Grubb noted that some trees have been taken down and it appears that the granite posts have been pulled up. Member Chamberlain noted that they are resetting the posts since they all have the original iron

work on them. Someone will be donating the fencing material to allow the fencing to be on each side of drive.

At this time the Commission had a discussion about the two applicants, Keith Jensen and Aaron Best. The positives and negatives of each candidate were debated.

A motion was made by Member Maksy to recommend Mr. Best as an Associate Member. There was no second to the motion.

Upon a motion made by Member Goodrow-Robinson; seconded by Member Knox it was:

**VOTED: To recommend Mr. Best as a full Member to the Conservation Commission.
In favor 3, a No vote-against, Abstain 1, Absent 1**

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

**VOTED: To recommend Mr. Jensen as a full Commission Member.
In favor 2, Abstain 1, Against 2, Absent 1**

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

**VOTED: To recommend Mr. Jensen as an Associate Member.
In favor 3, Oppose 1, Abstain 1, Absent 1**

A motion was made by Member Maksy; seconded by Member Knox to recommend Mr. Best as an Associate Member. No vote was taken on the motion and second.

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

**VOTED: To rescind all previous motions made regarding appointments and to recommend both applicants to the Board of Selectmen as qualified candidates.
In favor 3, Against 2, Abstain 0, Absent 1 (Member LeBlanc)**

4. Approve Bills (if necessary)

There were no bills necessary for approval.

Schedule next meeting.

It was noted that the Lakeville Arts Festival will take place on Saturday, October 1, 2016 from 10 AM – 4 PM.

The next meeting of the Conservation Commission was scheduled for Tuesday, September 27, 2016 at 7:00 PM at the Town Office Building.

Adjournment

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

**VOTED: To adjourn the Conservation Commission meeting at 9:16 PM.
Unanimous in favor**

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