

**Town of Lakeville  
Conservation Commission  
Tuesday, October 11, 2016  
7:00 PM – Lakeville Library**

On October 11, 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 PM. Members present: Robert Bouchard, John LeBlanc, Joseph Chamberlain, Keith Jensen, Mark Knox, Derek Maksy, and Katherine Goodrow-Robinson. Sarah Kulakovich, Associate, was absent. Nancy Yeatts, Conservation Agent and Christine Weston, Recording Secretary. LakeCAM was recording the meeting.

Chairman Bouchard welcomed new member, Keith Jensen, to the Commission.

**7:00 PM**

**NOI – 18 Lakeside Ave/Tamett Brook Estates – Horton (cont'd from 9-27-16)**

Chairman Bouchard read the legal notice into the record. *Tom Hardman of Site Design Engineering was present for the discussion along with David and Renee Horton and several abutters (Carolyn Granfield-19 Lakeside Ave, Debra Smith-16 Lakeside Ave, Louise Richard-13 Lakeside Ave, Robert & Judy Cossaboom-18 Lakeside Ave, Timothy Jump-12 Lakeside Ave, and Wendy Messaline-18 Lakeside Ave, George Doyle (friend)- 23 Lakeside Ave.* Mr. Hardman stated that he had attended the site walk and there is information pending along with preliminary information from DEP.

Ms. Yeatts explained that the hearing was continued from September, pending a site visit from Bruce Bouck of DEP's Boston office to review the status Title V setback areas. Mr. Bourke arrived on September 23, 2016 and Member Chamberlain was present to represent the Commission, with the Agent. New set back areas will be forthcoming. Ms. Yeatts had spoken with Bernadette DeBelander from DEP about this case. The Agent has been asking for a 401 Water Quality Report or at least proof that as required by DEP one has been filed. The Engineer has stated to the Agent that it cannot be done until the OOC has been issued. Ms. DeBelander has informed the Agent that this is not the case, and in fact some applicants file both a Notice of Intent and a 401 simultaneously. Ms. DeBelander also said that it would be in the best interest of the Town to have a peer review of the stormwater management. Jeremy Peck, Superintendent of Streets, has reviewed the plan for the Planning Board, however, he does not review it with DEP Stormwater Standards in mind. The Agent has spoken with Nick Lanney and he would be willing to do the review should the Commission decide to require it. Copies of correspondence with DEP/Ms. DeBelander were distributed. Ms. DeBelander had asked to please note the following:

*Proposed work includes alteration of BVW without a detailed plan for the construction of proposed wetland replication area. The General Performance Standards at 310 CMR 10.55(4)(b)1-7 must be met. Please review the department's inland wetland replication guidance.*

*Project appears to be located within a critical area and is subject to the stormwater regulations, 310 CMR 10.05(6)(b) and (k-q), and requires the submission of the DEP stormwater checklist and a stormwater report.*

*Additional Requirements:*

*401 Water Quality Certification (314 CMR 9.00) may be required. The project qualifies for 401 Certification under the Army Corps of Engineers' General Permit for Massachusetts (MAGP), provided that the project meets certain conditions outlined in 314 CMR 9.03 and 9.04, and the conditions under MAGP. The MAGP and Stream Crossing Guidelines are available on the web.*

*Before the activity described in the Notice of Intent can commence, you must obtain a Water Quality Certification. Please complete a 401 Water Quality Certification application form and file it with this Regional Office for review.*

*Review under Section 404 may be required. Applicant is advised to forward a copy of the Water Quality Certification Application to the Army Corps of Engineers for review.*

*The NOI plans that the Department received shows placement of fill in Bordering Vegetated Wetland (BVW) with no details or notes for the construction of the proposed replication area. Replication of BVW is to be completed in accordance with 301 CMR 10.55(4)(b) and the Department's Inland Wetland Replication Guidelines. Please provide revised plans showing this information to the Conservation Commission and the Department.*

Mr. Hardman stated that he hasn't filed a 401 in some time and will do so if the Commission asks for it as a condition. He stated that the stormwater standards have been met.

Member Maksy stated that the Commission doesn't have anything from Bruce Bourke. Member Knox stated that it is a tributary regardless. Ms. Yeatts explained that it does not matter if it is intermittent or perennial it is still a tributary to a water supply. Mr. Hardman showed the topo, the connections and indicated that there are hydraulic connections during certain times of the year, so then technically it is a tributary to a water supply, which will have a 200' setback for Title V systems. Member Maksy stated that this is for the Title V and the Board of Health does not have anything to do with the Conservation Commission.

Deb Smith, 16 Lakeside Ave, suggested that perhaps the original information was incorrect, and, now the Commission has the information from the Boston guy, which needs to be looked at. Ms. Yeatts explained that it has only been agreed that it is a tributary to a water supply. Mr. Hardman stated that it is still an intermittent stream and the tributary only applies to the setbacks for Title V. Member Chamberlain asked about the replication? Ms. Yeatts explained that it has been rectified. Mr. Hardman stated that the consultant has prepared a full replication report. Ms. Smith tried to clarify, so the plan is saying that the present wetlands will be destroyed and rebuilt elsewhere? Mr. Hardman responded that in order to put the road in, a corner has to be altered. The replication area will be recreated at a ratio of 2:1. Ms. Smith stated that then water will be put closer to other people's homes and they will have water issues. She stated that she already pumps out more often than you know. Mr. Hardman responded that this will not exacerbate the present situation. Ms. Smith stated that if it does not affect us, will it affect my neighbors? Mr. Hardman responded that it will not affect anyone.

The storm drainage report was then discussed. Ms. Yeatts mentioned that a Peer Review is needed. That way it can be reviewed by an Engineer. Member Chamberlain stated that on paper it follows the intent of the law. One cannot increase the flow off their property. But according to the plan presented, it does increase the flow. Mr. Hardman stated that if the Commission wanted a Peer Review that should have been requested up front in June, not now in October. Member Maksy asked what the Commission would be asking for in the Peer Review and that the Planning Board does this. Ms. Yeatts read the correspondence provided from Nick Laney after his review for the Planning Board. The Planning Board is looking at planning, not how the stormwater will affect the resource areas. Mr. Peck is also looking at this differently, not from a Conservation aspect, this is the job of the Conservation Commission. Member Maksy stated that the Commission is to identify and verify the wetlands. Ms. Yeatts added that the

Commission is also in charge of protecting them. And, to make sure that what is going into the drinking water is properly treated. Mr. Hardman stated that the Commission was copied on what went to the Planning Board and Superintendent of Streets. Ms. Yeatts explained that the Commission was not copied on this correspondence. Mr. Hardman stated that it is irrelevant in any case. Member Knox commented that Ms. Yeatts was trying to explain that the Highway Department reviews the stormwater runoff but not from a conservation aspect. Are the appropriate items in the drains, since the drainage is very close to the wetlands? Mr. Hardman responded that they are on the plans. Member Knox stated that he did not see them and only one copy of that report was provided. Mr. Hardman stated that the DEP stormwater report was filled out, it is in the application and it does meet the DEP standards.

An abutter from 13 Lakeside Ave, (across the street), stated that they had missed the first meeting and were concerned with what is taking place on the property. It was thought that the Hortons' were going to do this to help their dad, now it sounds like a 40B and cluster zoning. Till now there have not been issues with the neighbors. Ms. Smith added that they have also said 40B to their face. Mr. Hardman responded that he has not, it is a conventional subdivision. They are 175' or more away. Mr. Hardman added that he is not sure that it needs a 401 Water Quality Study. The Commission can make that a condition; then he will do so. Member LeBlanc pointed out that it is needed in the response from the DEP.

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

**VOTED: To close the hearing and issue an Order of Conditions including: the Conservation Commissions' Standard Order of Conditions, and additionally before work can commence, the applicant will provide the Lakeville Conservation Commission with the following:**

- 1. Verification in writing that the applicant has applied for and received a 401 Water Quality Certification and filed it with the Department of Environmental Protection.**
- 2. Verification in writing that a review under 404 is not required.**
- 3. Verification that all local permitting has been obtained, including the Board of Health.**
- 4. A plan including details of the proposed plantings and seeding including the soil profile to be created.**
- 5. The name, qualifications and contact information of the wetland scientist that will be supervising the project.**
- 6. A detailed schedule for the replication work including approximate dates when each of the steps #'s 1-9 of the Wetland Replication Plan will commence.**

**Unanimous in favor**

**NOI – Stonebridge Homes – LeBaron Boulevard (cont'd from 9-27-16)**

Chairman Bouchard read the letter from Outback Engineering into the record:

*On behalf of the applicant, Stone Bridge Homes, Inc., we would like to officially request that the NOI public hearing for LeBaron be continued to November 15, 2016.*

*Thank you, Jennifer Silva, Wetland Scientist, Outback Engineering, Inc.*

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

**VOTED: To continue the hearing for Stonebridge Homes to Tuesday, November 15, 2016 at 7 PM at the Lakeville Public Library located at 4 Precinct Street.  
Unanimous in favor**

**7:30 PM**

**NOI – 21 Parkhurst Drive - Cody**

Chairman Bouchard read the legal notice into the record. *Steve Gilbert of SFG Engineering was present for the discussion.* There will be no increases to the amount of bedrooms, presently two (2), and the septic is not being increased. A few changes were made once the project was discussed with the Agent. The siltation barriers will be at least 50' from the pond. The present deck will be taken down and also a bedroom. A small addition will be added. The new deck will be about 8-9 feet closer to the pond.

Ms. Yeatts went over her report. She stated that the filing is for an addition and deck and all the work is at least 50' from the pond. She recommended approval with the Conservation Commissions' Standard Special Conditions, adhering to organic lawn care standards and 12" straw wattles for siltation barriers.

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

**VOTED: To close the hearing and issue an Order of Conditions for 21 Parkhurst Drive with the Conservation Commissions' Standard Special Conditions.  
Unanimous in favor**

Member Maksy stated that he will leave out organic lawn care. The Commission needs to have a discussion on that before putting it in as condition. He asked for that to be a discussion item on a future agenda.

### **RDA – 121 Nelson Grove - Hagerman**

Chairman Bouchard read the legal notice into the record. *Richard and Patricia Hagerman were present for the discussion.* Ms. Yeatts explained that the project is for the replacement of a deck and walkway area. The replacement will be impervious, therefore it is not likely to cause any harm to the resource area. The Agent recommended approval with a Negative 3 determination.

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

**VOTED: To close the hearing for 121 Nelson Grove and issue a Determination of Applicability, with a Negative 3 Determination: The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent.**  
**Unanimous in favor**

### **RDA – 4 Highland Road – Morsehead**

Chairman Bouchard read the notice into the record. *Michael Morsehead was present for the discussion.*

Member Knox noted that his mother is an abutter to the property and asked if he should recuse himself? It was suggested by the Commission that he do so. Mr. Knox recused himself and remained at the table.

Ms. Yeatts explained that the filing was for the installation of a Sewage Disposal System. The wetland is on the opposite side of the road. She recommended a Negative 3 determination, subject to two (2) conditions, the Commission is not approving the wetland line and a siltation barrier will be installed across the area where the septic system is going in, to keep it off the road.

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

**VOTED: To close the hearing for 4 Highland Road and issue a Determination of Applicability, with a Negative 3 Determination: The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions: the wetland line is not being approved and a 12” straw wattle line will be installed from the shed to the left side of the gravel drive.**  
**Unanimous in favor**

### **COC – 53 Highland Road – Maroney**

Ms. Yeatts stated that the applicant has done a great job in completing the project; and recommended that the Commission issue a Certificate of Compliance.

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

**VOTED: To issue the Certificate of Compliance for 53 Highland Road.  
Unanimous in favor**

### **COC – 139 Staples Shore – Stanley/Penettieri**

Ms. Yeatts went over her report and explained that the Certificate of Compliance is a housekeeping item. All necessary requirements were carried over to the new OOC. The Agent recommended approval.

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

**VOTED: To issue the Certificate of Compliance for 139 Staples Shore Road  
(SE192-713).  
Unanimous in favor**

### **Enforcement Order – 15 Pine Bluff – Blanchard**

Ms. Yeatts provided an update regarding the Enforcement Order for 15 Pine Bluff. There was a bobcat digging in the water. The Agent and Member Chamberlain had a site visit and explained that what was being done is not allowed. Member Chamberlain has signed the Enforcement Order and it now needs to be ratified by the Commission. The Agent suggested that a certified letter be sent to the homeowner that no further action shall be taken and that any future work needs Conservation approval.

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

**VOTED: To ratify the Enforcement Order for 15 Pine Bluff as signed by Member Chamberlain in September and send a certified letter to the owner that no further action shall be taken and any future work needs Conservation Approval.  
Unanimous in favor**

### **Other Business**

No meeting minutes were presented for approval this evening.

Ms. Yeatts explained that the MACC dues was due July 1, 2016, however, the membership of the Commission was changing so the form could not be sent in until the new members were appointed. The yearly cost is \$669 which includes \$15 for Ms. Yeatts handbook. The invoice was signed by the Commission along with an invoice from Winbergs True Value.

**Schedule next meeting.**

The next meeting was scheduled for Tuesday, November 15, 2016 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 8:23 PM.  
Unanimous in favor**

ConComm10-11-16final