

FINAL – Approved by the Conservation Commission at their November 10, 2015 meeting

**Town of Lakeville
Conservation Commission
Tuesday, October 13, 2015
7:00 PM – Lakeville Library**

On October 13, 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, Katherine Goodrow-Robinson, Associate and Sarah Kulakovich, Associate, Nancy Yeatts, Conservation Agent and Christine Weston, Recording Secretary. LakeCam was recording the meeting.

7:00 PM

RDA – Continued at applicants request – Churchill Shores Lot – end of Sandy Point Road – Craig Cabral

Chairman Bouchard stated that the RDA has been continued at the applicant's request.
Upon a motion made by Member Maksy; seconded by Member LeBlanc it was:

**VOTED: To continue the RDA for Churchill Shores Lot – end of Sandy Point Road,
Craig Cabral to November 10, 2015 at 7 PM at the Lakeville Library on
Precinct Street.
Unanimous in favor**

NOI – 51 Shore Ave – Shirley Chicoine

Chairman Bouchard read the Legal Notice into the record. *Jamie Bissonnette, Prime Engineering, was present for the discussion.* Mr. Bissonnette distributed new maps which included the proposed location for the dewatering basin.

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

**VOTED: To accept the new maps as provided from Prime Engineering which included
the Dewatering basin depicted on them.
Unanimous in favor**

Mr. Bissonnette presented the plan. There will be a tight tank installed to replace the failing septic system to bring the property into compliance with Title V. The work for the project is taking place in the maintained grass area. Ms. Yeatts had reviewed the plan prior to it being updated and had recommended that a dewatering basin be on site. Ms. Yeatts also asked to make sure that the City of New Bedford and City of Taunton, who are abutters to any property on the pond, are sent a notice that the project is being proposed. Member Maksy stated that it is a courtesy that they are being notified; the Commission should not hold a project up for this. Chairman Bouchard stated that both Cities had sent letters asking that they be notified when anything was taking place around the ponds. Mr. Bissonnette stated that NHESP (Natural

Heritage and Endangered Species Program) were notified and sent a packet. The work area is 81 feet away from Long Pond.

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

**VOTED: To close the hearing and issue an Order of Conditions for 51 Shore Ave, with the Conservation Commissions Standard Special Conditions.
Unanimous in favor**

NOI – 24 Hickory Lane – Steve Maguire

Chairman Bouchard read the Legal Notice into the record. *Jen Silva, Wetlands Scientist, Outback Engineering, was present for the discussion.* Ms. Silva presented the plan. The applicant is proposing construction of a tight tank septic system and well. The proposed activity falls within a 100' Buffer Zone to a Bordering Vegetated Wetland (BVW) and partially within a NHESP Priority and Estimated Habitats of Rare Species and Wildlife. Ms. Yeatts then went over her Agent's Report. The well is only 12' from Long Pond. Even though the Plan calls for a pump truck "if necessary", conditions should mandate this because if the drilling has started and there is a problem a truck might not be able to get there the same day, it needs to be scheduled ahead of time and be onsite before drilling begins. An additional 10' of siltation barrier is needed at the Northern corner of the house where a lot of digging is going on. If straw wattles are being used they need to be trenched in.

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

**VOTED: To close the hearing and issue an Order of Conditions for 24 Hickory Lane, including the Conservation Commissions Standard Special Conditions, a pump truck scheduled to be on site during the drilling of the well, and at the Northern corner of the house an additional 10' feet of straw wattles, (trenched in), pending approval by Natural Heritage and any conditions that they may recommend.
Unanimous in favor**

NOI – 7 South Ave - John Steidinger

Chairman Bouchard read the Legal Notice into the record. *Jamie Bissionnette, Prime Engineering, was present for the discussion.* Mr. Bissionnette provided new plans which included the proposed location of the dewatering basin.

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

**VOTED: To accept the new plans as provided by Prime Engineering with the Dewatering Basin depicted on them.
Unanimous in favor**

Mr. Bissonnette explained that the owner is looking to replace a tight tank in roughly the same area as the failing septic system. There is a well which is shared by a few nearby properties. There is a BVW at the back of the shed. The project will be taking place in the best vicinity

possible. Buoyancy has been calculated with a 100 year flood event. Installation will include commercial grade tanks. A silt sock is being proposed. The silt sock does not have to be entrenched since it is a different type of mulch that will be “blown” into it, which is heavier, so it will “sit” on the ground. If it was to be straw, it would need to be entrenched. Stakes will be placed every 10’ feet. Ms. Yeatts stated that 10’ feet; is rather far way for stakes to be set, however, as long as it is inspected and it does the job it may suffice. Member Chamberlain mentioned that typically it depends on the terrain for how far apart the stakes can be; adjustments can be made in the field. Ms. Yeatts stated that the project will take place 65 feet from Long Pond. Mr. Bissonnette stated that NHESP has been notified and sent a packet and the City of Taunton and City of New Bedford have been notified.

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

VOTED: To close the hearing and issue an Order of Conditions, including the Conservation Commissions Standard Special Conditions, and pending approval from NHESP and any conditions that they may recommend.

Unanimous in favor

NOI – 12 Settler’s Drive – Thomas Sergio

Chairman Bouchard read the Legal Notice into the record. *John Pink, Azor Land Sciences, was present for the discussion.* Ms. Yeatts initially explained that there is a decision that needs to be made. Settlers Drive is a town way that was accepted by the Town. This particular lot has the drainage and in order to allow the crossing of the wetland, there was a condition that a wetland replication area was required. The As-Built for the road has been researched and has not been found. It is to be noted that there is an OOC (Order of Conditions) and a request for a COC (Certificate of Compliance) was never filed. Member Maksy had come in and worked with the Agent on the plans. Member Maksy stated that there are no flags at the property any longer since numerous years have gone by. Ms. Yeatts stated that she could not locate the replication area when she did an onsite visit. Mr. Pink stated that there were actually two (2) replication areas, one at one end and another at the other end and in his opinion the replication has been done. Member Maksy stated that the OOC needs to be closed to help the applicant with the proposed project of construction of a single family dwelling, installation of a septic system and all associated grading within the 100’ buffer zone of a BVW. Mr. Pink stated that he does not know who is still responsible for that. Member Maksy suggested that there must be a way to do this in order to close out the OOC. Ms. Yeatts stated that the area needs to be looked at, and an as-built is needed so that the COC can be issued. Mr. Pink stated that the Replication has been done for about twelve (12) years. Ms. Yeatts stated that the Replication was a condition to allow the Wetland Crossing to take place. Someone needs to submit an as-built and the area needs to be flagged. Mr. Pink asked who would pay for the as-built and wetland flagging? The original OOC (Order of Conditions) was for the road. The Town has accepted the road, so there is no bond now. Mr. Pink stated that if the area is walked, it can be seen that it all wetland. Ms. Yeatts suggested to continue the hearing so that everyone (Agent, Commissioners) can take a look at it. Mr. Pink stated that he did not know if an as-built can be done since it has been 12 years and there is much that has grown in since then. Ms. Yeatts stated that the Commission would only be looking for a few wetland flags. Mr. Pink stated that they may be able to put in

new flags where the original ones were supposed to have been. Chairman Bouchard stated that the Commission could then do a site inspection and issue an Amended Order of Conditions with the as-built and go from there. Ms. Yeatts stated that the encumbrance only has to come off of one lot. Then, maybe the owner can move forward with a clear title. Mr. Pink then went over the proposal. He stated that it is essentially what was already proposed on the Order of Conditions in 2003. The driveway area has been cleared out and the main trees have been cleared out, but there has been some growth that has come back. The proposed Septic system is partially in the buffer. The project has been filed with Natural Heritage. Ms. Yeatts suggested an alternative analysis, since entire house is presently drawn in the buffer zone, if it was turned sideways, then it wouldn't be in the buffer zone area. She asked what the square represented that is at the far right end of the house drawing? Mr. Pink responded that that is for a few concrete stairs coming out of the cellar. Member Schroeder stated that the impact could be reduced if the house was changed from the direction it has been drawn to another. She added that she did not know what the justification is to have it in the direction that it is in. Mr. Pink stated that the Owner did mention that he may have a front entry garage, if so, then the location of the house would be a little further from the BVW (Bordering Vegetative Wetland). Member Schroeder hoped that the owner will consider some changes. Mr. Pink stated that he can present this information to him, it is not felt that the owner will be doing anything on the property this year. Member Maksy suggested to maybe at least bring the building out of the 50' Buffer Zone. Mr. Pink stated that he did not believe that the owner's plans are; "cast in stone" as of yet. Ms. Yeatts noted that in the past the Commission has asked for an alternative analysis that does not show maximum impact on the wetland. Member Schroeder asked that Mr. Pink ask this of the owner. Mr. Pink stated that since the owner is not living there he may be amendable to changes. Member Maksy suggested that maybe the house could be "L" shaped. Mr. Pink responded that he will ask the owner to look at some options.

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

**VOTED: That an As-Built be provided, and to continue the hearing for 12 Settler's
Drive until Tuesday, November 10, 2015 at 7 PM in order to gather additional
information regarding the COC, etc.
Unanimous in favor**

Mr. Pink stated that he will make a request to Owner, Thomas Sergio, and he will let him know that there is an open Order of Conditions his property which continues onto an abutting property. The Conservation Commission cannot sign off completely since there are two (2) separate replication areas that have been done.

RDA – 263 Bedford Street – John Meleedy/JMM Realty Trust

Chairman Bouchard read the Legal Notice into the record. *John Pink, Azor Land Sciences, was present for the discussion.* Mr. Pink explained that the project would be for the construction of an office building with parking, drainage and associated grading within the 100' buffer zone of a Bordering Vegetated Wetland. The area is zoned commercial. Presently there is an existing garage on the property being use for business purposes. The wetland is basically across the street. All the work is outside of the 50' buffer zone. Loon Pond Road is between the

construction area and the wetland area. The DOA (Determination of Applicability) should include the condition that the contractor shall construct the stormwater management basin first since that is listed on the notes on the plan. The silt fence called for on the plan notes is not shown on the plan. The intention is to protect the basin, so it needs to be shown where the siltation barrier is going to go. Mr. Pink stated that he also noticed some typos on the plan; the lot size is also incorrect. Another set of plans will be provided to the Commission with corrections and additions.

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

**VOTED: To approve the RDA for 263 Bedford Street, pending receipt of a new plan from Azor Land Sciences, depicting a silt fence to prevent infiltration.
Unanimous in favor**

Upon a motion made by Member LeBlanc to amend the original motion; seconded by Member Chamberlain it was:

VOTED: To issue a DOA (Determination of Applicability) for 263 Bedford Street of a Negative 3: *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 requires the filing of a Notice of Intent.*

NOI – 33 Shore Ave – Manny Bugginga

Chairman Bouchard read the Legal Notice into the record. *Jen Silva, Outback Engineering, was present for the discussion.* Ms. Yeatts explained that she had accepted just the front cover for the filing since it had not been fully completed. This was necessary in order to have the Legal Notice provided to the newspaper and to notify the abutters.

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

**VOTED: To review the plans for 33 Shore Avenue as provided this evening.
Unanimous in favor**

Ms. Silva took the floor to review the plan with the Commission. She stated that Mr. Bugginga had telephoned her today asking to put more stone in, and a walkway. Ms. Yeatts stated that this originally was an Enforcement Order and that if there are further requests for the work they need to be depicted on the plan. She recommended that the hearing be continued for this purpose. Member Chamberlain asked what the present impervious coverage is? Ms. Yeatts responded that that had not been provided and is part of the Conservation Commission submittal requirements. It is to be noted that this is not a reflection on Outback Engineering since the applicant is requesting to do additional work and the Agent has had to make several calls to the Owner regarding the need to file the plan and to the Engineer asking if the plan had been filed. Member Schroeder stated that she would be interested to know the percentage of coverage in just the first 50' feet, and what the dimensions of the house are. Ms. Yeatts again recommended that the hearing be continued based on lack of information to make an informed decision. Any additional requests will need to be included on the plans. The cement patio and cement wall

have already been done. Ms. Silva asked for follow up correspondence regarding the additional information that needs to be provided.

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

**VOTED: To continue to the hearing for 33 Shore Avenue to Tuesday, November 10th at 7 PM at the Lakeville Library on Precinct Street
Unanimous in favor**

COC – 47 Loon Pond Road – Mark Knox – (septic)

Ms. Yeatts explained that the OCC for the septic system project (SE192-578) has been completed. It was recommended to issue the COC

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

**VOTED: To approve request and issue a Certificate of Compliance for 47 Loon Pond Road.
Unanimous in favor**

Linda Grubb – Wetlands Bylaw

Linda Grubb was present for the discussion. Ms. Grubb took the floor and reviewed the highlighted areas in the handout (Proposed Wetland's Bylaws for the Town, last updated May 26, 2014) as distributed. Significant discussion took place regarding the by-laws with input from all members of the Commission. Member Maksy noted that if the Town does adopt what is presented, the state could then change their requirements. There is also the possibility of the State becoming more, as well as, less stringent. Member LeBlanc suggested that the items that Ms. Grubb is looking for the Conservation Commission to put forward a local By-Law and show what is already approved so that people have the knowledge of what is different than what is already contained in the Wetlands Protection Act. Ms. Grubb explained that the Commission needs to agree what those items are. Discussion needs to take place with everyone sitting around the table and presenting ideas. Chairman Bouchard explained that the Commission has been so bogged down attempting to present bylaws in such a way that they are understood that when they still get rejected by Town Meeting it is difficult to know how to present them to the townspeople. Ms. Grubb stated that the Commission needs to keep on trying. Ms. Kulakovich stated that there are many laws that are more complicated and scary than what the Commission presently has before them. Taxes are scary and complicated. The problem right now is that no one is backing the bylaws and the Commission needs allies to go out there and educate the townspeople of why the bylaws would be beneficial for the future of the Town. No one questions the fact that they have to do their taxes each year or new traffic laws that come about. Member Schroeder stated that the Commission needs a totally different strategy. Ms. Grubb stated that the Commission needs to decide what it wants. She then noted that she could take a bylaw as an individual, complete with ten (10) signatures, to Town Meeting and go from there. Member Schroeder stated that the Commission should present a bylaw that only says what it is going to do. It should be clarified of what is *NOT* in the Wetlands Protection Act and why the Commission feels that there should be a bylaw in place for the Town. Ms. Grubb agreed. She added that she has

put in a significant amount of time and energy to get the proposed by-law to this point. It needs to be decided in Lakeville what the townspeople want to protect. Member Schroeder noted that though she is not an attorney, she would be willing to try and write out something simple that people could work on. Not an educational bylaw; just what the Commission deems is not protected. Then, another document could be prepared to show what the bylaw contains. Chairman Bouchard stated that the Commission needs to list the things that the Town needs to protect. That can be the starting point. Member Knox stated that the highlighted areas boil down to just over 2 ½ pages. Basically the bylaw can be summarized in a paragraph. Member Schroeder suggested that the Commission then have this as an agenda topic for its second meeting in November (November 24, 2015). Member Maksy stated that though he does not like any new laws, since they just seem to take away from people, if there is a fix he would be open to it.

Appoint Representative to the MPIC

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

**VOTED: To recommend to the Board of Selectmen that John LeBlanc be appointed as Representative of the Conservation Commission on the MPIC (Master Plan Implementation Committee).
Unanimous in favor**

Review interested applicants to the ConComm for recommendation to the BOS for their October 14th meeting

Ms. Yeatts stated that the Board of Selectmen placed an ad in the paper to fill the open seat on the Conservation Commission made possible when Hugh Rogers resigned. Peter DeFusco has applied. A copy of his letter of interest was provided to the Commission. Mr. DeFusco took the floor and stated that he grew up in the Freetown-Lakeville area and now permanently resides in Lakeville. He has a background in Natural Resources and would enjoy getting involved in the community. Mr. DeFusco graduated UMass Amherst in 2010 with a Bachelor of Science Degree in Natural Resource Studies and a minor in Wildlife and Fisheries Conservation. While at school he completed the Conservation Law Enforcement Training Program offered through Continuing Education. After school Mr. DeFusco joined the National Park Service where he served as a Law Enforcement Ranger. He worked in three (3) different parks over the course of four years enforcing laws in MT, WY, GA, AL, and MA. Currently Mr. DeFusco works as an Environmental Scientist for the BSC Group, Inc. where he frequently files RDA's and NOI's on the Cape. Mr. DeFusco also works with the Massachusetts Wetlands Protection Act on an almost every day basis. He stated that he is very interesting in what is taking place in the field. Member Maksy asked if Mr. DeFusco may have a potential conflict as he works with the BSC Group, Inc.? Mr. DeFusco stated that from what he has seen thus far he does not feel that there would be any conflicts and if there were he would recuse himself from the matter.

Chairman Bouchard asked if Mr. DeFusco has had any observations or noticed any obstacles that the Town may be facing with regard to the NOI's and other filings that he has been doing. Mr. DeFusco responded that he noticed that the Commission does not have any bylaws. He mentioned that on the Cape they have numerous bylaws and one is that there is no disturbance in

the 50' buffer zone. Their permit fees are also significantly higher. Many of the restoration work proposals are now utilizing "plant pallets" to replace what is disturbed in the wetland areas where work has been allowed. Some towns have an in-lieu-of account in place for when work is done and there is not enough square footage to mitigate. He has worked with beach nourishment, bulkheads, etc. Mr. DeFusco explained that he typically prepares the reports, but does not come before the Boards. He does not have to attend the meetings, however, he does talk to Conservation Agents on a daily basis. The Professional Wetland Scientist attends the meetings. Member LeBlanc asked if there are there any issues that others run into, which have since been resolved, that could help this Board run/operate more efficiently? What issues are people dealing with on the other side of the table? Mr. DeFusco responded that he will certainly ask about that since he will be doing increasingly more work with the Boards. Member Schroeder asked if there is anything about the Town of Lakeville that has Mr. DeFusco concerned? Mr. DeFusco stated that he sees inaccuracies in the new FEMA (Federal Emergency Management Agency) flood maps. They seem to stop suddenly in some areas, and the survey is not continued. He noted that everyone surely notices that Long Pond is changing every day with the raising, replacing, upgrading septic systems, etc., it all affects everything. Mr. DeFusco stated that he was shocked to find out that the Town does not have a no disturb to the pond. Chairman Bouchard stated that the Commission had tried that as well and it did not work. Ms. Kulakovich pointed out that Mr. DeFusco recognizes the problem, it is necessary to educate the people to get behind what the issues are. She asked if he had any interest in presenting workshops and reaching out to the public to convey the information that he has in numerous areas. Mr. DeFusco responded that he did not think that he would have the opportunity to do that, however, he is interested. The Commission can call or email him.

Ms. Yeatts and Chairman Bouchard both thanked Mr. DeFusco for attending the meeting and his interest in serving on the Commission and he exited.

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

VOTED: To recommend to the Board of Selectmen that Peter DeFusco be appointed to the Conservation Commission as a full member of the Commission to fill the remainder of the open term made available by the resignation of Hugh Rogers last month.

Unanimous in favor

Update from Sarah Kulakovich regarding the Vigers Property/Don Bissonnette

Mr. Don Bissonnette was present to provide an update on the work that has been done with the Cowboy Shack/Boy Scout House building. Mr. Bissonnette had provided pictures of the building in various stages of renovation, which were shown to the Commission through LakeCAM. Ms. Yeatts explained that the Commission had voted to tear down the building, however, Mr. Bissonnette and Mr. Darling, Building Commissioner, came forward and provided a plan to save it and an account was set up to receive contributions.

Mr. Bissonnette explained the amount of work that had been done to the building and the amount of people who have volunteered their time, supplies, or a donation in order to assist in some way to the renovation of the building. He asked that the items in the building (old desks, tables, tents, etc.) be removed so that the building could be worked on better inside without

needing to continually move the furniture around and to get the building closed up for the winter. Ms. Kulakovich stated that she had approached the Town and the Highway Department about some possible storage space however there is nothing available. She asked if there might be someone who had some space privately owned. Ms. Grubb stated that if it is just temporary storage for the winter she could store it in her barn, as long as it is only for a temporary basis. Ms. Kulakovich showed a picture of a Sugar Shack with a red roof depicting what the present building will look like once completed. She stated that donations continue to come in. The building could be used to have educational programs for children. There are no definite plans for its use at this time. Mr. Bissonnette stated that he would like the Planning Board to meet there; it is a good place to hold meetings. It is a real nice spot. With heat, the building can be used year round. Gurney's saw mill has donated a lot of wood for this project. Many "Friends" have come out and helped clean up the site as the work was being done. It is hoped to get a Weathervane with a horse & cowboy holding his hat. Member Chamberlain mentioned that the buildings most recent use was as a Boy Scout house, before that the CETA (Comprehensive Employment & Training Act) program used it. The project is obtaining much in the way of free including labor. A local electrician will wire it for free, Peter Conroy will plumb it for free, and it is hoped that the fixtures will be provided for free. Mockingbird Hill will be providing work to remove the dead trees at no cost. The town donated a dumpster for free. If there are enough funds, as the project continues to move forward, it is hoped to put back the original fencing. There are granite fence posts there and looking in history books it was once a wooden fence. Thus, it is hoped to complete the project with a fence, with pressure treated wood rather than vinyl. There is also a stone wall at the corner of Pickens Street and Hill Street where people have been stealing stones. It is hoped to rebuild the stone wall. Since the stones are loose stones, making them easy to remove, a type of cement may be used that looks like drywall to more securely hold the stones in place. Another alternative is to place granite slabs on the top of the wall so that no one can removed any of the stones from the wall. Ms. Yeatts asked, if on the wall with no windows could there be something added so that kids could put up posters or maps and not ruin the walls? Mr. Bissonnette responded that something could be done for that purpose. Ms. Kulakovich announced that \$3100 has been pledged and/or received for the project. Ms. Yeatts offered to have a spaghetti dinner fundraiser at Ted Williams in the near future to raise funds for the project. Mr. Bissonnette noted that the building will come in under what he had originally anticipated. Member Maksy stated that he has a brand new five (5) pound box of antique nails that he could donate to the project if they could be used. Mr. Bissonnette responded that they will be useful for inside the building.

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

**VOTED: To allow the work to continue at the Cowboy Shack/Scout Building.
Unanimous in favor**

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

**VOTED: To recommend to the Board of Selectmen that Mr. Nate Darling, Building Commissioner, be authorized to sign off on the invoices/expenses from the Gifts & Grants Account for the "Cowboy Shack".
Unanimous in favor**

Other Business

Approve meeting minutes of 9-8-15 and 9-22-15

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

**VOTED: To approve the Conservation Commission Meeting Minutes of September 8, 2015 as presented.
Unanimous in favor**

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

**VOTED: To approve the Conservation Commission Meeting Minutes of September 22, 2015 as presented.
Unanimous in favor**

Pay Bills (if necessary)

Ms. Yeatts presented the W. B. Mason invoice dated 10-2-15 in the amount of \$71.18. The Commissioners signed off on the invoice.

Schedule next meeting.

The next meeting was scheduled for Tuesday, November 10, 2015 at 7 PM the Lakeville Library.

Adjournment

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

**VOTED: To adjourn the Conservation Commission meeting at 9:20 PM.
Unanimous in favor**

ConComm10-13-15final