

FINAL – Approved by the Conservation Commission at their December 8, 2015 meeting

**Town of Lakeville
Conservation Commission
Tuesday, November 10, 2015
7:00 PM – Lakeville Library**

On November 10, 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: Robert Bouchard, John LeBlanc, Joseph Chamberlain, Peter DeFusco, Mark Knox, 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 at the request of the applicant the hearing has been continued to January 12, 2016

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

VOTED: To continue the hearing to January 12, 2016 at 7 PM.

Unanimous in favor

COC – 26 Plymouth Street SE192-722 (S.Robichaud for Fred&SharonLally)

Ms. Yeatts stated that the Septic System upgrade has been completed and appears to be appropriate.

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

VOTED: To approve the COC for 26 Plymouth Street.

Unanimous in favor

COC – 108 S. Pickens Street SE192-187 (J.Durette/C.Harte Davis Estates)

Ms. Yeatts explained that 108 South Pickens Street is a very old filing. The Agent visited the site and was unable to see any wetlands close to it. It is not known why the applicants had to file. The as-built plan from the Board of Health was used to help the owner file for the COC for her closing. Member Chamberlain mentioned that it may have had something to do with the road, as opposed to the lot.

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

VOTED: To approve the COC for 108 South Pickens Street.

Unanimous in favor

COC – 12 Settler’s Drive SE192-296 (Gene Bartlett/Thomas Sergio)

Ms. Yeatts stated that she had received an as built from John Pink for 12 Settler’s Drive flagging the successful replication area as was required for this specific property. The as-built shows the wetland replication area. The original OOC was for the road. The Agent recommended that a partial COC be approved, specifically this particular lot since the other half of the replication area is on another lot.

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

**VOTED: To issue a partial COC for the portion of the replication area that is on the 12 Settler’s Drive lot only.
Unanimous in favor**

NOI – 12 Settler’s Drive Thomas Sergio – continued from October 13, 2015 meeting

Ms. Yeatts explained that the NOI had been continued until a solution to the COC was found. That has now been settled. Mr. Pink stated that alternatives for the project had been looked into and made. The garage has been shortened, the house was moved closer to property line, and further away from the wetland, the walkout at the end of the house has been removed. The project is now almost a full 50’ away from the wetland. The septic system and the driveway were also adjusted.

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

**VOTED: To close the hearing and issue the Conservation Commissions Special Order of Conditions for 12 Settler’s Drive.
Unanimous in favor**

NOI – 33 Shore Ave – Manny Bugginga – continued from October 13, 2015 meeting

Jen Silva, Wetlands Specialist, was present for the discussion. The Agent stated that this is a continuation of a filing after the fact. An Enforcement Order had been issued and the Commission voted to require an NOI. The Commission asked for plans showing what was there originally and what’s there now. The applicant requested adding additional work at the hearing held in October 2015. The work was not depicted on the plan and also was not noticed in the paper. A new plan with the changes has been received, however it is unknown if it has been sent to Natural Heritage. The patio square footage is depicted on the plan as well as the measurements of the house. New plan has been sent to Natural Heritage. Ms. Yeatts asked about the Chapter 91 license for the large dock that has been installed, if it has not been applied for, it should be a condition placed in the OOC. It is not known if there had been a Chapter 91 license, with the prior owner, no one has supplied any proof. There had been an existing wall on the premises that the Commission did not see. No pictures have been provided of what the property looked like prior to the cement work being done.

Mr. Bugginga poured a new wall without a permit and extended it over to the neighbors. Member Schroeder stated that she has a great deal of difficulty accepting a “done thing”. Mr. Bugginga has put down a great deal of concrete. She felt that the Commission should ask him to remove the concrete patio. If the Commission allows the project to go through; then others will think that they can do the same. Member Chamberlain agreed wholeheartedly with Ms. Schroeder. Member Schroeder added that all the work was entirely in the buffer zone. The lot is a very very small piece of property. Chairman Bouchard stated that his concern was of the environmental impact to remove what was done, it would be worse. Member DeFusco stated that restoration plantings should be a condition.

Member LeBlanc asked if the project would have been allowed if Mr. Bugginga had come before the Commission with it prior to doing the work. Member Chamberlain responded that it would not have been; there is too much lot coverage. The driveway should be pervious, to let water back into the ground. If the engineering firm, Outback, had drawn up the plan they would have stated that there was too much impervious coverage. Any engineer would have said that there was too much impervious coverage. Ms. Silva mentioned Outback might have suggested that they use the same material as is being used for the sidewalk now. Member DeFusco asked if it had been all lawn. Ms. Yeatts responded that it was grass and it is now dirt. Mr. Bugginga had stated that there was a pre existing wall there but the Commission never saw it. Ms. Silva stated that she has a site plan from 2003 showing the wall at that time. Member Chamberlain stated that Mr. Bugginga had told the Commission that the wall was broken with rebar sticking up out of it. His child had gotten hurt from it and he wanted to cover it up. If it were just the wall it would not have been an issue. An owner is allowed an exemption for maintenance and repair of these types of walls. Chairman Bouchard asked if the runoff from the patio was directed anywhere? Ms. Silva responded that she believes that the water is just running off the patio. Member LeBlanc asked about the elevation of the patio and the wall, is it about even? Ms. Silva responded that the wall was a little above the patio.

Member Maksy stated that he did not feel that the patio should be removed since it would take a machine being brought in back behind the house. Chairman Bouchard stated that is the question, if there would be a greater impact to remove what has been done than to leave it. It is late in the process though now to ask Mr. Bugginga to remove the patio. Ms. Yeatts suggested a compromise, to ask Mr. Bugginga to plant grass, small plants or shrubs rather than adding crushed stone. Having dirt and plantings would allow the water to penetrate the ground more slowly. Member Knox stated that it was a good point, without anything with root mass to capture the water, the water will simply funnel out to the pond. Member Maksy stated that anything rather than concrete, such as loam and seed or plantings should be done. Member Schroeder pointed out that the intent it is to have the water run slowly, not quickly, that is why the plantings are needed.

Chairman Bouchard stated that Mr. Bugginga can provide a plan for various plantings. Ms. Yeatts stated that the crushed stone needs to be removed from the plan. Member DeFusco stated that he is against keeping the concrete patio. It is a lot of concrete. It is understood that damage may be caused to remove it, however, then, it can be restored. Chairman Bouchard stated that it would cause more difficulties to bring in machinery to remove it, it might disturb the new wall and then there is the need to dispose of the concrete. Member Maksy stated that the patio could have

potentially have been allowed, but smaller, if the project had come before the Commission correctly. Member Chamberlain stated that the picture of the site does show that the water will run right down the steps. Ms. Kulakovich suggested to provide Mr. Bugginga with a list of native plants that he could plant. Member Knox asked about the hole in the middle of the patio, was it for a fire pit? Ms. Silva stated that she did not know and has not been to the site. Chairman Bouchard suggested that the Commission request some type of runoff control and have it redirected back to a pervious area. Ms. Silva stated that they may be able to provide ideas from the office of what to do.

Ms. Yeatts expressed her concern of continuing the hearing since the Enforcement Order had been issued on August 5, 2015. It took a significant amount of time for Mr. Bugginga to even file after the Enforcement Order was issued; it will be an additional cost for him to change the plan and what happens if he ops not to do it? Member Chamberlain stated that the Commissions next step would be to go to DEP. Ms. Yeatts suggested to close the hearing and put conditions on the project. Member Chamberlain stated that it should be left open to let the applicant come up with some way to answer the funneling of the water. Member Schroeder stated that Mr. Bugginga needs to realize that he is facing denial, he needs to present some sort of a plan for improvement.

Ms. Silva stated that she will call Mr. Bugginga before she goes to the site tomorrow when it's raining. Member Schroeder stated that plantings would help shrubs and trees do a better job of taking in the water once their roots are established. Ms. Silva agreed. Member Knox asked if the Commission would agree with a trench drain, then loaming and seeding the pond side. Member Schroeder stated that she was not fine with loam and seed. Ms. Robinson suggested a combination would be fine. Member Maksy stated he would accept shrubs, loam and seed. Member Knox stated that with a continuous trench drain, the water will not run over the wall. Member Chamberlain added that it would need to not put pressure on the wall either, though the wall appears substantial.

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

**VOTED: To continue the hearing for 33 Shore Ave. – Manny Bugginga - until Tuesday,
December 8, 2015 at 7 PM at the Lakeville Library on Precinct Street.
Unanimous in favor**

Other Business

Meet with Derek Cronin, Boy Scout-completed project of Trail at Vigers

Derek Cronin, Boy Scout, was present. He stated that he has received his Eagle Badge for the project that he completed of a Trail at Vigers. Mr. Cronin went over the details of the project and depicted his efforts with a display board that he had created. The first phase of the project was to remove the large debris to the side of the trail and make the trail walkable. Next, he created signage for the Trail (Eagle Trail Markers) and named it Eagle Trail. Since he had raised more money than anticipated he made three (3) split log benches to place on the trail for people to be able to rest and enjoy viewing area during their walk. Mr. Cronin credited his father with helping to stencil, trace, cut out the trail markers, and add some wood burning for effect. Boy Scouts from Troop 4 and other younger scouts volunteer time to help out and move debris, etc.

Adult volunteers assisted with using the power equipment. 143 service hours of manpower went into this project.

Ms. Kulakovich stated that an Open House to allow Derek to speak with public and walk the trail will take place on November 29th. This will be publicized in the newspaper to invite the public and also note the work that Mr. Bissonnette has done. Mr. Don Bissonnette will be present at the walk as well. Ms. Yeatts mentioned that she has been invited to be on the LakeCAM Advisory Board and suggested to have the event filmed, then it can be continually played for additional exposure. Ms. Kulakovich stated that Mr. Cronin worked very hard on the project, was open to any suggestions and requests. He would be a great point person to lead other troops to do other similar projects.

Member Schroeder mentioned that there has been an unintended consequence from the revitalization of trail. The trail has opened up to the Mortons property near their stone wall, and people are using it as an access way to the trail with their horses. It seems that it is the responsibility of the Commission to make some sort of gate to prevent this from taking place since a sign would not be enough to deter people. Ms. Kulakovich added that the trail path had actually been changed to detour people, however, they are still pushing through. People really want to use the trails for horses yet these are foot trails and need to remain foot trails.

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

**VOTED: To send a thank you note to Derek Cronin, Eagle Scout, in appreciation of his work done for the Vigers Walking Trail.
Unanimous in favor**

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

**VOTED: To send a thank you letter to Don Bissonnette, in appreciation of his volunteer work to rebuild the “Cowboy/Scout Shack” for the benefit of the townspeople.
Unanimous in favor**

Request from Selectmen re: Future Staff & Space Needs

Ms. Yeatts stated that she had received a request from the BOS as to what the Commission envisions for future staff and space needs. She wanted to present it to the Commission for their input prior to returning it to the BOS. The Commission felt that in five (5) years time the office may need additional hours for both Clerk and Agent and in 10 years a full time agent and clerk. It was stated that additional file cabinets will also be needed as well as alternatives for storage space. Member Knox suggested that the Commission could purchase a plotter.

DCAM (Department of Capital Asset Management) fence project – Bridge Street

Ms. Yeatts explained that she was contacted about the problem of ATV's driving over the sewer beds at the former Lakeville Hospital Property. DCAM has requested permission to erect a fence around the area. It is in the Buffer Zone. The Agent will be visiting the site with the Building Commissioner to determine what type of barrier should be installed. She has already communicated the fence idea to the Building Commissioner and he was concerned that a fence would restrict the passage of wildlife, thus alternatives will be looked into that will be appropriate.

2016 Meeting Dates & Contact Information

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

**VOTED: To approve the 2016 Meeting Dates and Contact List (for members' use only)
as presented.**

Unanimous in favor

Approve meeting minutes of 10-13-15

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

**VOTED: To correct the word "October" in the heading and to approve the
Conservation Commission meeting minutes of October 13, 2015.**

Unanimous in favor

Pay Bills (if necessary)

The Agent explained and distributed the invoices incurred through W. B. Mason for office supplies. The invoices were signed by the Commission to submit for payment.

Other

Ms. Kulakovich mentioned that the Commission might want to consider changing the seating arrangement at the meetings in order to create a more welcoming environment for applicants and others that come before the Commission in order to allow them to feel more comfortable and relaxed. Ms. Kulakovich conveyed her suggested arrangement. Member Chamberlain stated that the suggestion seemed appropriate and sounded similar to what the BOH does for their hearings/meetings. Ms. Yeatts stated that LakeCAM sets up the seating as necessary for their filming and audio needs. If anything is to be changed it should be done with the assistance of LakeCAM. Member Maksy stated that the Commission also does not want the abutter to feel outside of the conversation, therefore where the abutter is seated also needs to be taken into consideration.

Schedule next meeting.

The next meeting was scheduled for Tuesday, December 8, 2015 at 7 PM at the Lakeville Library.

Adjournment

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

VOTED: To adjourn the Conservation Commission meeting at 8:40 PM.

Unanimous in favor

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