

FINAL – Approved by the Conservation Commission at their January 10, 2017 Meeting

**Town of Lakeville
Conservation Commission
Tuesday, November 15, 2016
7:00 PM – Lakeville Library**

On November 15, 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, Mark Knox, Katherine Goodrow-Robinson, and Keith Jensen. Derek Maksy and Sarah Kulakovich, Associate, were absent. Also present: Nancy Yeatts, Conservation Agent and Christine Weston, Recording Secretary. LakeCAM was recording the meeting.

7:00 PM

NOI – Stonebridge Homes - LeBaron Boulevard (cont'd from 10-11-16)

Chairman Bouchard acknowledged both Mr. Jeffrey Youngquist and Mr. Tom Morse of Outback Engineering who were present for the discussion. Mr. Youngquist noted that changes have been made and the project will be going back before the ZBA. When the project was initially planned it was to be mainly duplexes. It was to be a 54 unit, elderly housing complex, which satisfied 40B requirements. The density has now been changed and 77 homes will be built instead. Nick Lanney, Engineer, had originally reviewed the project for the ZBA. The wetland flags were previously approved under an ANRAD. DEP has also asked for changes including that the basins be moved out of Zone A. Changes have been made to accommodate that request.

Ms. Yeatts provided her report and comments. The original drainage plans did not identify the Zone A or the setbacks as required by the DEP. When this was originally reviewed by Nick Lanney for the ZBA, his recommendations in letters dated March 11 & March 20, 2016 pointed this out. The DEP also referred to this in their comments when issuing the file number. The new report and plans were not received in the office until October 27, 2016. Don Foster has asked Mr. Lanney to review the new calculations and to work with the Commission on any issues pertaining to the Wetlands Protection Act. There are additional issues in question including the groundwater discharge and an Environmental Impact Report for Phase III. The project has been approved for 58K gallons of discharge, however, as understood from the DEP, the additional tie in for Phase III, needs a permit which will trigger an Environmental Impact Review, if in fact it is needed. It was also questioned by Mr. Lanney, in his original report, how the applicant intends to restrict access to the pond. If any kind of fencing is proposed it should be indicated on the plan, along with how the posts will be dug in, which is in the purview of the Commission. Signage is also to be included on the plan. Areas for stockpiling snow should be identified, and out of the buffer zone. It would be a condition to not stockpile snow inside the buffer zone. There are 22 lots proposed in the buffer zone. The applicant has indicated that they intend to file for these lots individually. The cumulative amount of fill that will be used is questioned and how it affects drainage on the lots. The pre-development and post-development plans are un-attached at the back of the drainage report. They should be stamped by the engineer as per Regulations 10.05(4) (h).

Mr. Youngquist stated that the project has been designed with the fill on the lots. Ms. Yeatts asked about the testing to make sure it will drain? Mr. Youngquist responded that 30-40 test pits have been dug at the site. With the fill and the sand under the fill there has been no problem with sitting water, it has all been draining adequately. Ms. Yeatts asked to continue the hearing until the Conservations' Meeting on December 13, 2016. This will provide time for Mr. Lanney to submit his report for the Commission to review.

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

**VOTED: To continue the hearing for Stonebridge Homes, LeBaron Boulevard, until
Tuesday, December 13, 2016 at 7 PM at the Lakeville Public Library.
Unanimous in favor**

NOI – 303 Kenneth Welch Drive - Knox

Chairman Bouchard read the legal notice into the record. *Mr. Knox reclused himself and took a seat in the audience. Mr. Jamie Bissonnette, Zenith Consulting Engineers, LLC, was present for the discussion.* Mr. Bissonnette provided a brief explanation of the project being proposed for a building with drainage, connected into municipal water, handicapped access, and parking both in front and some in back where there will be a loading bay. To minimize impact in the buffer zone, a retaining wall is being proposed. Since Talbots sheds water towards the site, a swale will help catch the water naturally and bring it around to the wetland. Presently the water is running off and going untreated into the wetlands.

Ms. Yeatts then went over her report with the Commission. The Agent had reviewed the wetland line with Mr. Nyles Zager of Zenith Consulting Engineers, LLC and no changes were made. The proposed silt sock is not enough protection in the areas on the steep bank which are closer than 25' from the wetland line. There should be a silt fence added in areas which the Agent will identify with the Engineer. If at any time a bobcat or dump truck are necessary for cleaning out the infiltration basin, the Commission will be notified prior to the cleaning. The location of the proposed dewatering basin should identified on the plan. The Agent asked that a summarized Operation and Maintenance report be provided of what will be taking place in perpetuity so that it can be recorded with the Order of Conditions. The Agent recommended that the Commission ask for all their Standard Special Conditions, including the two (2) year inspection report by an Engineer.

Mr. Bissonnette indicated that the long term Operation & Maintenance plan is included in the drainage plan. The Owner of the property will be responsible to abide by it just as they would an Order of Conditions. Mr. Bissonnette mentioned that a few changes have been made based on recommendations from the Planning Board. Once the amendments have been made the updated plan will be provided to the Commission. Also, the retaining wall has not yet been designed, when it has been, a copy of the plan will be provided to the Commission. Ms. Yeatts recommended that the Commission approve the project pending a new plan of record and retaining wall design.

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

VOTED: To close the hearing for 303 Kenneth Welch Drive and issue an Order of Conditions with the following conditions; the Conservation Commission's Standard Special Conditions, if a bobcat or dump truck are necessary to be on site for cleaning out the infiltration basin, the Commission will be notified, the location for the proposed dewatering basin which will be located on the plan outside of the buffer zone, the two (2) year inspection report by an Engineer will be copied to the Commission, the revised plans (for the Plan of Record) will be provided to the Commission, The detailed plan of the retaining wall will be provided, there will be additional silt protection from Point A to Point B as indicated by the Agent, and a simplified Operation & Maintenance plan will be provided to be recorded with the Order of conditions.

In favor 5, Absent 1, Against 0, Abstain 1 (Mr. Knox)

COC – 139 Staples Shore Road – Panettieri

Ms. Yeatts provided an update on the COC. The As-Built plan was received and a site visit was conducted on September 22, 2016. The Agent stated that everything is in order and recommended that the Commission issue a COC.

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

**VOTED: To issue a Certificate of Compliance for 139 Staples Shore Road.
Unanimous in favor**

COC – 34 Cross Street - Sweney

Ms. Yeatts provided an update on the COC. The As-Built plan was received and a site visit was conducted on October 26, 2016. The Agent stated that everything is in order and recommended that the Commission issue a COC.

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

**VOTED: To issue a Certificate of Compliance for 34 Cross Street.
Unanimous in favor**

COC – 57 Long Point Road – Island Terrace

Ms. Yeatts provided a brief update regarding the COC for Island Terrace. The As-Built plan has been received with multiple pictures and a final report. A site visit was conducted on October 26, 2016. The Agent stated that everything is in order and recommended that the Commission issue a COC with the condition in perpetuity being the signed Operation and Maintenance Compliance Statement 19f – 19j.

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

**VOTED: To issue a Certificate of Compliance for 57 Long Point Road/Island Terrace with the condition of perpetuity being the signed Operation and Maintenance Compliance Statement 19f - 19j.
Unanimous in favor**

RDA – 61 Betty’s Neck Road – St. George-Coyle

Chairman Bouchard read the legal notice into the record. *Michelle St. George-Coyle was present for the discussion.* Ms. St. George-Coyle provided an explanation of the proposed project. A second story addition will be put on the house with the intention to not disturb the internal ceiling. The existing front porch is in the buffer zone. Posts will be hand dug. Ms. Yeatts recommended approval of the project with the condition that the silt sock be dug in and staked, with a Negative 2 Determination.

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

**VOTED: To close the hearing for 61 Betty’s Neck Road and issue a Negative 2 Determination of Applicability along with the condition that the 12” silt sock be dug in and staked every 2’ (two feet) around perimeter of work. The posts will be hand dug.
Unanimous in favor.**

NOI – 9 Harding Street – Rocco Realty II

Chairman Bouchard read the legal notice into the record. *Mr. Jamie Bissonnette, Zenith Consulting Engineers, LLC., was present for the discussion.* The Applicant is looking to install a bill board. The site is designated as Commercial therefore the project has had to meet storm water requirements.

Ms. Yeatts asked about the project being in Zone A. Mr. Bissonnette responded that it is at a small location off to the corner. Ms. Yeatts asked about the location of the dewatering basin? Mr. Bissonnette responded that a dewatering basin will not be needed, however, if it is needed, he will let the contractors know that the Agent will need to be notified. Ms. Yeatts stated that she would like a summarized copy of the Operation & Maintenance report so that it can be included on the COC (Certificate of Compliance). (Ms. Yeatts asked what type of fencing would be used.) The type of fencing being recommended is chain link. The bill board will be electronic, which minimizes having people needing to go up and change the signs out. There will be highway access to the sign which will be filed with the DOT (Department of Transportation). With the bill board there comes ten (10) hours of community service for the Town of Lakeville. It is intended that the ten (10) hours will be provided to the Town for PSA’s (Public Service Announcement’s). At this time it is not clear whether the sign will obtain its electricity from TMLP (Taunton Municipal Light Plant) or MG&E (Middleborough Gas & Electric Department). When that is known the electric plan will be provided to the Commission.

Dr. David Sopa, abutter, introduced himself. Dr. Sopa stated that he owns a piece of land on Cross Street and as an abutter he does not know how close this project comes to it. He would like to make sure that it will be on the correct land since he does not want anything on his land. He added that it may not be known where the property line is. There is also a right-of-way that goes through Muckkeys. The man that owns the Trophy Shop has planted trees there. If this is infringing on Dr. Sopa's property he would like to be made aware of it.

Ms. Yeatts asked about the property having been surveyed. Mr. Bissonnette stated that Mr. Jon Pink, P.L.S., has surveyed the property. The plans can be stamped by him and provided to the Commission.

Ms. Schroeder asked how close the rip rap is to the wetland. Mr. Bissonnette responded that in some areas it is coming within five (5) feet. Ms. Schroeder noted that it had been mentioned by Mr. Bissonnette that the area is a mess and any changes would be an improvement, however, when Ms. Schroeder has walked the parcel previously with the Chairman and there are several acres of pristine land. Mr. Bissonnette agreed that the resource area is nice, yet the buffer zone is a mess with debris that people either threw out of their vehicles or it blows out of trucks. The fencing would help keep some of the debris out of the wetland area. There is guard rail and a steep drop off along the area which he had walked two (2) weeks ago. S. Schroeder stated that it would be nice if people did not use herbicide in that area to keep the vegetation growth down. Mr. Bissonnette stated that any long growth would be cut over the long term, but otherwise the area will be planted with grasses, it may grow for five (5) years before it needs to be cut back. Ms. Yeatts recommended that as part of the conditions it should be listed that there will be Mechanical Vegetation Control only, and *no* herbicides.

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

**VOTED: To close the hearing for 9 Harding Street, and issue an Order of Conditions with the Conservation Commission's Standard Special Conditions, Mechanical Vegetation Control only, no herbicides will be used, the electric plan will be provided to the Conservation Commission prior to that work moving forward, a consolidated Operation & Maintenance Plan will be provided to the Commission, and the plans stamped by a certified Land Surveyor.
Unanimous in favor**

7:30 PM

Pietro Panettieri – 54 Main Street

Mr. Pietro Panettieri was present for the discussion and showed his original plan for 54 Main St. He explained that the retention pond that he was required to put in has always seemed to be significantly larger than necessary. He has been monitoring the amount of water that has entered the retention pond/basin over past 10-12 years and has not even seen water go up to the 4" mark. The basin was put in to collect water from the black top, then, let it drain slowly so that no pollution would enter the wetlands. The Agent stated that she agreed that the basin was far

too large. Member Knox acknowledged that what Mr. Panettieri is saying and indicating on the plan makes sense. He can have this done by an Engineer. Member Chamberlain agreed that this makes sense. Mr. Panettieri added that he also owns a piece of land which he struggles to get across to mow and maintain as required in his order of conditions. He would like to put in a two (2) foot aluminum pipe about 20-30 feet long, so that he can make a driveway to access this other parcel of land. Chairman Bouchard stated that he didn't have a problem with what was being proposed as long as it is Engineered. Member Knox agreed that the Commission would certainly allow that. Ms. Yeatts added that it is been difficult for Mr. Panettieri to comply with one of his perpetual conditions when he cannot access his other parcel of land. Mr. Panettieri stated that he would provide the paperwork to an Engineer to perform the necessary work. Ms. Yeatts noted that the COC for the site was never recorded with the Registry of Deeds, a duplicate copy will be signed tonight by the Commission for Mr. Panettieri to bring to the Registry of Deeds. There is also a second OOC for this property which needs a COC (SE192-656). Mr. Panettieri needs to address this matter before he can proceed with a new project.

8:00 PM

Ratify Enforcement Order – 17 Parkhurst Drive

Michael & Julie St. Don, Owners, were present for the discussion. Ms. Yeatts stated that she had received an email from Dave Cavanaugh a warden from the Middleborough-Lakeville Herring Fishery Commission. They had noticed a lot of silt coming out of a culvert, coming from the Parkhurst Drive area, which then flows into Assawompsett Pond. It was noticed that the silt was not coming from the St. Don's property when the Agent went out to try and determine where the silt was coming from. However, it was noticed that their yard was ripped up all the way to the canal. The Agent knocked on their door and asked them to stop work immediately. The next day the Agent and Member Chamberlain visited the site and a silt fence was already in place. Member Chamberlain had signed the Enforcement Order which was provided to the St. Don's. The Agent recommended that the St. Don's be allowed to finish the work on their property, continue to stabilize the area and to file an after the fact NOI for the December 13, 2016 Conservation Commission meeting.

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

**VOTED: To Ratify the Enforcement Order for 17 Parkhurst Drive.
Unanimous in favor**

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

**VOTED: To allow the Owners to continue their work and require them to file an after the fact Notice Of Intent by November 30, 2016 to be reviewed at the Conservation Commission's next meeting which is scheduled for Tuesday, December 13, 2016 at 7 PM at the Lakeville Library.
Unanimous in favor**

Other Business

1. 2017 Submittal Dates & Commission Meeting Dates

Member Chamberlain stated that he had provided the 2017 proposed Commission meeting dates to the Town Clerk. The Town Clerk did not foresee any issues with the schedule as it was presented. Member Chamberlain and Member Knox both did note that they may not be able to attend the first Conservation Commission meeting in July.

Proposed dates are as follows: January 10 & 24, 2017, February 14 & 28, 2017
March 14 & 28, 2017 April 11 & 25, 2017, May 9 & 23, 2017
June 13 & 27, 2017 July 11 & 25, 2017, August 8 & 22, 2017
September 12 & 26, 2017 October 10 & 24, 2017 November 14 & 28, 2017
December 12 & 26, 2017

2. Tamarack Park/Mike Schroeder

Ms. Schroeder read her report into the record and provided additional details.

Again, we had six (6) volunteers, averaging six (6) man-hours a week all through June, July and August often beginning early morning to beat this summer's heat. We have worked every other week in September and October. We weeded the meadow and mowed an encircling path (thank you, Joe Chamberlain). In the areas leading down from the meadow to the wetlands we destroyed almost all of the bittersweet, limited the spread of blackberry, planted a few shrubs and infant trees donated from local properties, and created access paths. We plan one more work day to clear bittersweet that has regrown under the oak trees. We feel we made substantial progress, but it must be recognized that keeping invasive exotics under control will be a perennial maintenance issue.

Kathy Nash's second graders from Assawompset School again donated plants, including a small Tamarack tree, and came on a Saturday in June to plant them. Mrs. Nash's class has done this for several years now, and hopefully some of the children returned this year to find their dogwood tree producing copious berries, their white oak fully recovered from a brutal caterpillar attack, and evergreen bearberry spreading steadily over the bank by the entrance driveway.

she is maintaining her application license and pays for it herself and also takes the necessary classes.

I did not make good use of the kiosk this year, leaving one exhibit up till it faded, but hope to use it more effectively next year.

Our need for volunteers continues. To bring more awareness of our project and its message, I am attempting to put together an evening program at the library next April promoting the value of native plantings in our home landscapes. I have applied for a Cultural Council grant to assist with this event.

Ms. Yeatts mentioned that there are several grants that she has been looking at for the possibility of obtaining some funding to do a few projects, such as putting in a handicapped pier on the other side of Tamarack Park for disabled people to be able to fish. Ms. Schroeder noted that they should be able to access the area from the launch. Ms. Yeatts stated that it is difficult for someone in a wheelchair to fish, especially in the areas that fishing is allowed. Ms. Schroeder stated that putting something in for disabled people to fish is not a concern, the concern is any construction machinery that is brought in to do the work and seeds that may be on the equipment which would introduce more invasive growth. Also, there has been seen significant invasive growth which has begun growing in the roadway going up to Betty's Neck.

Since Ms. Schroeder continues to maintain her licenses for handling invasive growth, she indicated that she could do some work in that area.

3. Approve meeting minutes of: September 13, 2016 & October 11, 2016

Member Knox asked about condensing the September meeting minutes when motions and votes were being made to recommend the applicants for a position on the Commission. Maybe, be more concise and mentioned that the Commission attempted to vote on the new applicants but did not come to an agreement. Member Knox added that he would provide the Commission with some information that he had come across regarding parliamentary procedures, the Rule of Necessity, etc.

Ms. Yeatts stated that she wanted to make sure that the Commission did not do anything illegal with the minutes. The most important aspect is recording the motions and votes taken during a meeting. Research will be done to determine what, if anything, can be done.

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

**VOTED: To table the September 13, 2016 Conservation Commission meeting minutes until the next meeting of the Commission.
Unanimous in favor**

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

**VOTED: To approve the October 11, 2016 Conservation Commission Meeting Minutes with the minor amendments as noted.
Unanimous in favor**

4. Approve Bills (if necessary)

There were no invoices presented this evening for signature.

Schedule next meeting.

The next meeting was scheduled for Tuesday, December 13, 2016 at 7:00 PM at the Lakeville Public Library. Josh Faherty, present, was acknowledged by the Agent. Mr. Faherty stated that he lives in Freetown, works for the Lakeville Fire Dept and Lakeville Parks Dept and goes to school for Environmental Science. He was attending the meeting this evening in order to get a feel for what takes place.

Adjournment

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

**VOTED: To adjourn the Conservation Commission meeting at 8:45 PM.
Unanimous in favor**

ConComm11-15-16final