

Final – Approved by the Conservation Commission at their October 24, 2017 Meeting

**Town of Lakeville
Conservation Commission
Tuesday, September 12, 2017
7:00 PM – Lakeville Public Library**

On September 12, 2017, the Conservation Commission held a meeting at 7:00 PM at the Lakeville Public Library. The meeting was called to order by Chairman Bouchard at 7:00 PM. Members present: Robert Bouchard, John LeBlanc, Joseph Chamberlain, Mark Knox, Katherine Goodrow-Robinson, and Caitlin Canedy. Members absent: Keith Jensen, and Sarah Kulakovich & Richard Hagerman, Associates. Also: Nancy Yeatts, Conservation Agent and Christine Weston, Recording Secretary. LakeCAM was recording the meeting.

7:00 PM

ANRAD – 1 Susan Lane – Vasseur (cont'd from 8-8-17)

This hearing can be continued, at the applicant's request, until September 26, 2017 at 7 PM in the Town Office Building. Ms. Yeatts, Agent, provided an update. The Consultant for the Commission (Brian Madden, LEC Environmental Consultants, Inc.), was supposed to hang additional flags to indicate any changes during their initial peer review of the flagged wetland, however, this was not done. Mr. Madden stated that the work was more extensive than originally agreed upon, however, the contract reads; "LEC will hang additional flags as needed". The Agent contacted his office and Mr. Madden did go out and hang the additional flags. Thus, the Agent would like to revisit the site and review the flags hung by LEC. The Commissioners are invited to attend this site walk if interested and once a date and time is set an email will be sent to the Commission. Member Knox stated that he was interested in attending since he had been on the initial site walk with the Agent.

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

**VOTED: To continue the hearing for 1 Susan Lane until the September 26, 2017
Conservation Commission meeting at the Lakeville Town Office Building at
7 PM in the conference room.
Unanimous in favor**

NOI – 44 Cross St. – Paska, Jr. (cont'd from 8-8-17)

Nyles Zager, P.E., was present from Zenith Consulting Engineers, LLC. Mr. Zager provided a check for the additional Peer Review fee in the amount of \$375. A revised set of plans had been submitted and some minor changes were recommended by Nick Lanney, of HML Associates (Peer Reviewer for the Commission). There was a mistake on the drainage, with one calculation, but as of this point all the storm water requirements have been met. Ms. Yeatts agreed with Mr. Zager that Zenith could submit just the one sheet to add to the Plan of Record.

Ms. Yeatts, Agent, stated that the Turtle Protection Plan has been done; however, she has not seen actual verification from NHESP that it was acceptable. The Agent recommended that pending receipt of final approval from NHESP of the Turtle Protection Plan, the hearing could be closed and an Order of Conditions (OOC) issued. Mr. Zager indicated that he would provide all the necessary information by the end of the week.

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

VOTED: To close the hearing for 44 Cross Street and issue an Order of Conditions pending receipt of the corrected D2 page of the Plan of Record, the corrected page of the drainage report, and acknowledgment of NHESP approval of the Turtle Protection Plan (File # 15-34207) and the Agent will be contacted to schedule a pre-construction meeting.
Unanimous in favor

RDA – 9 Charbonneau Ave. - Lokken

Chairman Bouchard read the legal notice into the record. *Lyman Lokken, owner/applicant, was present for the discussion.* Mr. Lokken provided an explanation of his filing. He is proposing a seasonal dock. Because of the length he is asking for a new Chapter 91 license. The additional length, 16 feet, does not appear to have any “right of passage” issues.

Ms. Yeatts, Agent, stated that the new dock will not exceed 63 feet; the former dock was 46 feet.

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

VOTED: To close the hearing for 9 Charbonneau Avenue and issue a Negative 2 Determination of Applicability.
Unanimous in favor

RDA – 14 Race Course Road – Ambrose

Chairman Bouchard read the legal notice into the record. *Brad Fitzgerald, of SFG Associates, Inc. was present for the discussion.* Mr. Fitzgerald stated that the filing is for a septic system repair. The current septic tank is about 55 feet from existing wetlands. The proposed tank will be about 60 feet from the existing wetlands, and the leaching field will be 80-85 feet away. Upon completion of the project the area will be loamed and seeded.

The Agent, explained that she had not seen a connection to a Bordering Vegetated Wetland which is why she allowed the Request for Determination of Applicability (RDA) vs. a Notice of Intent (NOI).

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

VOTED: To close the hearing for 14 Race Course Road and issue a Negative 3 Determination of Applicability with the condition that there will be erosion controls installed prior to the start of work.
Unanimous in favor

RDA – 311 Pond Lane – Sepersky

Chairman Bouchard read the legal notice into the record. *Leo Bisio, Contractor for the applicant, was present for the discussion.* Mr. Bisio explained that the plans show an increase to the present deck area. Sonar tubes will be installed for the deck.

Ms. Yeatts, Agent, stated that the area is basically flat and Mr. Bisio will install a small erosion control barrier (straw wattle roll). The Agent recommended approval with a Negative 3 Determination.

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

VOTED: To close the hearing for 311 Pond Lane and issue a Negative 3 Determination of Applicability, with the condition that erosion controls will be installed and there will be no large machinery used to do the work.
Unanimous in favor

7:30 PM

NOI – 63B Bedford St. – Trask (Maher)

Chairman Bouchard read the legal notice into the record. He stated that the hearing can be continued, at the applicant's request, to September 26, 2017 at 7 PM at the Town Office Building Conference room.

Ms. Yeatts, Agent, stated that she is waiting for the applicant to provide the funds for a Peer Review of the Drainage Calculations.

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

VOTED: To continue the hearing 63B Bedford Street to the September 26, 2017 Conservation Commission meeting at the Lakeville Town Office Building at 7 PM in the conference room.
Unanimous in favor

Other Business

- Ratify Enforcement Order – 107 Hemlock Shores Rd – Loranger

The landowner was present (Denis Loranger). Ms. Yeatts, Agent, distributed copies of the Enforcement Order and pictures of the site. The Agent explained that the Circuit Rider at DEP and NHESP Staff guided her through writing the Enforcement Order. It was noted that a letter was received today from the Division of Fisheries and Wildlife/Natural Heritage & Endangered Species, signed from Thomas W. French, Ph.D. The letter states that no work or any other activities may be conducted anywhere on the project site until the Division completes its review. Regarding any questions, they may be directed to Misty-Anne Marold, Senior Endangered Species Review Biologist, be contacted at 508-389-6356 or misty-anne.marold@state.ma.us.

A copy of the letter was provided to the Loranger's of which they will also receive in the mail from MassWildlife.

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

VOTED: To ratify the Enforcement Order for 107 Hemlock Shores Road.
Unanimous in favor

Ms. Yeatts provided an update regarding the Enforcement Order. The Loranger's will need to hire a professional to determine the composition and amount of fill that has been deposited in the Buffer Zone. Mr. D. Loranger stated that he did not know what was in the concrete. Mr. S. Loranger stated that there had been a lot of dead trees at the site and people were afraid to walk

down to the water. He also stated that the fill is not permanent and he will be putting in a set of stairs to access the back yard. Member Knox recommended that Mr. S. Loranger hire a Professional Engineer. The work cannot be done without guidance from NHESP. At this time no further work can proceed until Mr. S. Loranger comes back with a plan. The fill deposited there will probably need to be removed. Chairman Bouchard stated that concrete could leach into the groundwater. Mr. D. Loranger said that there is no intention to remove the stumps on the hill since it is a large hill and very steep. The gravel was needed to access the back yard since the rocks there made it impassable. The plan was to get out the wood and then remove the fill. Ms. Yeatts stated that Mr. Loranger will also need a Chapter 91 license, as indicated by DEP, which is needed for the set of stairs and the dock. Member Knox explained that anything involving NHESP is out of the control of the Commission. The engineer will photograph the area and send pictures to NHESP. Then a determination will be made of how to proceed. Ms. Yeatts mentioned that the Loranger's have to inform the Commission of who they will be hiring by the next meeting (September 26, 2017). Mr. D. Loranger asked why the material (fill) could not just be taken out if the Commission is adverse to it being there. Ms. Yeatts stated that the Commission cannot provide a permit until it is conveyed what the composition of that material is. The Enforcement Order is allowing until next June for a growing plan to be in place. An Environmental Consultant is needed to help the Loranger's at this stage, and many engineers have one with their firm. Chairman Bouchard explained that the Commission is simply trying to help the Loranger's move forward. Ms. Yeatts stated that the next meeting of the Commission is September 26, 2017 at the Town Office Building; however, the plan is due on the 25th of September. Member LeBlanc stated that everything is spelled out in the Enforcement Order.

- Ratify Enforcement Order – 8 Oak St – Couture

Ms. Yeatts stated that 8 Oak Street is in Clark Shores. The Building Commissioner and the Board of Health brought the matter to her attention. Ms. Yeatts read the Enforcement Order and explained that leaking fluids are a concern. The wetland comes right up to corner of the property line. The project does not have approval yet from the Board of Health. The Agent has allowed work to continue work on the house since it is out of the Buffer Zone. The wetland has been delineated and the flags will be added to the plan when the NOI is filed.

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

**VOTED: To ratify the Enforcement Order for 8 Oak Street.
Unanimous in favor**

- COC – 77 Pickens Street – Cody (two)

Ms. Yeatts stated that the house has been sold at 77 Pickens St. However, there are two (2) open OOC's.

- SE192-193: the COC has a condition in perpetuity that special care shall be taken to ensure the protection of the wetland area to the left of the driveway.
- SE192-540 has a condition that only flags A15-A19 have been approved.

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

**VOTED: To issue a Certificate of Compliance (COC) for SE192-193 with the ongoing condition that *special care shall be taken to ensure the protection of the wetland area to the left of the driveway* and a Certificate of Compliance (COC) for SE192-540 noting that *only flags A15-A19 have been approved*.
Unanimous in favor**

- COC – 115 Staples Shore Rd

Ms. Yeatts provided pictures of the condition of the property.

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

**VOTED: To issue a Certificate of Compliance for 115 Staples Shore Road.
Unanimous in favor**

- Approval of Minutes of July 25, 2017 & August 8, 2017

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

**VOTED: To approve the Conservation Commission Meeting Minutes of July 25, 2017 as presented.
Unanimous in favor**

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

**VOTED: To approve the Conservation Commission Meeting Minutes of August 8, 2017 as presented.
In favor Abstain 1 (Member LeBlanc)**

Member Knox asked about the Master Plan topic. He asked that it be put on the agenda for the next meeting.

- Approve Bills (if necessary)

An invoice was distributed for signature. (Additional dues for MACC \$120)

- Payment request for table at the Lakeville Arts and Music Festival

Ms. Yeatts explained that she would again like to help the Town receive credit for stormwater education to the public as was done during a recent presentation this spring at the

COA. This time a table would be held for the Commission at the Lakeville Arts & Music Festival (LAMF). The cost though for the table is \$25.

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

**VOTED: To pay the \$25 for the Conservation Commission to have a table at the Lakeville Arts and Music Festival which will be held on Saturday, September 30, 2017 from 10 AM to 4 PM.
Unanimous in favor**

- Request to recommend a business to applicants for a specific type of Silt Sock

Ms. Yeatts stated that she would like to recommend Meadowbrook Garden Center for when applicants must install a siltation barrier/sock, and they do not know who to contact. Meadowbrook Garden Center is the company who installed the siltation barrier for 107 Hemlock Shore Road. Member Knox suggested that a list of suppliers be made to provide to applicants since the Commission should only be providing options not giving recommendations. Ms. Yeatts explained that she is not aware of other companies who provide the type of erosion control barrier that was installed at 107 Hemlock Shore Road. Member Knox agreed and suggested that the Agent offer the company as an option, however, let the applicant know that there may be other companies who can also provide a “like” product.

- Approval of the Agent to hire and sign for paying for Consultants for Peer Reviews

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

**VOTED: That the Agent is allowed to approve payment for consultants that the Commission has approved to hire for Peer Reviews.
Unanimous in favor**

Schedule next meeting.

The next meeting of the Commission was scheduled for Tuesday, September 26, 2017 at the Lakeville Town Office Building on 346 Bedford Street at 7 PM.

Adjournment

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

**VOTED: To adjourn the Conservation Commission meeting at 8:30 PM.
Unanimous in favor**

Josh Faherty, Student, was present for the meeting.

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