

**Conservation Commission  
Meeting Minutes  
Tuesday, January 13, 2015**

On January 13, 2015, the Conservation Commission held a meeting at 7:00 PM at the Lakeville Public Library – Conference Room. The meeting was called to order by Chairman Robert Bouchard at 7:03 PM. Members present: Robert Bouchard, Joseph Chamberlain, Linda Grubb, Hugh Rogers, Jr., Martha Schroeder and Nancy Yeatts. Members absent (not with prior notice): Sara Kulakovich, Associate, Derek Maksy, and Ryan Trahan. Also: Christine Weston, Recording Secretary. LakeCAM was recording the meeting.

**7:00 PM NOI (Notice of Intent)**

**9 Charbonneau Avenue/ Lyman & Vivian Lokken**

Chairman Bouchard read the notice of the hearing into the record:

*According to the provisions of Mass. G.L. Ch. 131, section 40, the Wetlands Protection Act, there will be a hearing on a Notice of Intent filed by Lyman & Vivianne Lokken for a septic upgrade, replacement shed, concrete pads and new fence post all within the 100' buffer zone to Long Pond. The location of the project is 9 Charbonneau Ave (map 036, block 002, lot 014). The public hearing will be held on January 13, 2015 at 7:00 PM in the Lakeville Public Library, Conference Room.*

*Lyman and Vivianne Lokken were present for the hearing.* Mr. Lyman stated that he was present with his wife. In 1952 she bought the land from Heaven Heights (through her brother). Bob Rogers, Structural Engineer, will be here within a few minutes to answer any questions that the Commission may have. The Lokkens were present before the Commission on June 3, 2014 to discuss most of the items that are on the agenda tonight. It had been recommended that rather than piece meal each project that they would like to do, instead put them altogether into one global package. There are four (4) items of work, three (3) will be done by Mr. Lokken and Mr. Rogers will do the fourth, the septic system.

The first project is the replacement shed. There is one presently on the site that is basically falling apart and does not serve anyone's needs. It is less than 200 square feet. The present foundation will be incorporated for the new shed and the Lokkens and will maintain the same non-conforming setbacks as allowed by code.

The second project is a deck, similar to that of their neighbor. It will be a simple Trex deck with concrete footings. It will be made a little bit smaller (30 square feet less) than the present deck, in order to improve the sight lines.

The third project is the removal of the pavers, this will reduce the impervious coverage. Additionally, they plan on inserting some minor concrete pads. They have rewired the house and are in the process of installing an emergency generator switch and propane switch. The pad will be put in for two trash cans. The calculations for lot coverage and impervious coverage have been provided. It is a little less than 20%. The impervious surface coverage is on the second page 1, prepared by Mr. Brackhams.

Ms. Yeatts stated that she has been working with Mr. Lokken. He did follow the recommendations from the Building Inspector, Nate Darling and those from the Board of Health.

The plans were reviewed. A hay bale is shown with Tibbett's Engineering plans and there are also plans on doing some type of plywood retaining wall. Mr. Lokken did provide everything on a flash drive.

The Conservation Commission asked a few questions about the project. Mr. Rogers entered of Tibbett's Engineering. Member Schroeder stated that she could not locate the blocks for the generator. Mr. Lokken responded that they are not identified on the plan, it is noted on the side since they are still waiting on the propane company to provide a response. There are some suggestions as conveyed by the electrical contractor. Member Chamberlain noted that they will probably run it underground. Mr. Lokken agreed, further, they may be the only house that has underground utilities. Member Chamberlain further noted that on the plan, Heaven Heights Associates looks to be an abutter. Mr. Lokken responded that they were mailed a notice but they failed to pick it up. Member Schroeder asked if everything the Conservation Commission was looking for was addressed. Ms. Yeatts stated that the setback was the part of issue. Mr. Rogers stated that the septic was approved in September. It is as far away from the water as it can be. He did speak with a lady at Natural Heritage and that information will be coming about the 25<sup>th</sup> of the month. He added that he did not see them having any objections about what the Lokkens are doing, it is more of a formality. It was hoped that if we had the file number tonight then the public hearing could be closed so that a vote could be taken to issue an order of conditions. That may be when the letter from Natural Heritage is received. Ms. Yeatts stated that it will be part of the standards for her come out and check the hay bale lines.

**A motion was made by Member Chamberlain; seconded by Member Schroeder and it was:**

**VOTED: To close the hearing and issue the standard order of conditions per order of the Conservation Agent, pending receipt of a letter from Natural Heritage.  
Unanimous in favor.**

**7:00 PM**                      **NOI (Notice of Intent) Great Cedar Swamp/Assonet River Bridge on the  
Fall River Line – Massachusetts Bay Transportation Authority**

Chairman Bouchard read the notice of the hearing into the record:

*According to the provisions of Mass. G.L. Ch. 131, section 40, the Wetlands Protection Act, there will be a hearing on a Notice of Intent filed by the Massachusetts Bay Transportation Authority for exploratory borings within the Great Cedar Swamp to advance the design of a replacement railroad bridge. The location of the project is the Assonet River Bridge on the Fall River Rail Line. The public hearing will be held on January 13, 2015 at 7:00 PM in the Lakeville Public Library, Conference Room.*

Included in the hearing discussions: *Holly Pomerania of the MBTA, Jean Fox, Manager of the South Coast Rail Project, Mass DOT, Stephanie Kruehl and Nancy Jacobs of VanasseHangenBrustlin, Inc.* Ms. Pomerania took the floor to speak on the South Coast Rail Project. This is the current filing to help with the design in this location. Last summer the T contracted with the CPM Consulting team (of Attleboro?). They will be taking the project from conceptual design forward. The initial designing was through Mass DOT with Jean Fox. The MBTA has started reaching out to communities to meet with them and discuss the project. A meeting has not yet been scheduled with the Town of Lakeville yet, however, it will be taking place to provide a status on what stage the project is at. This particular filing is just for the

exploratory borings. It is hoped to advance the design by 15% this summer and then by 30% next summer and then the MBTA will initiate further filings.

Ms. Krueel stated that the project takes place at the Fall River line, Assonet River, Fall River Bridge. The bridge is the point where the river changes names. On the other side it is the Great Cedar Swamp. The project will be in the Mass DOT right of way. It also goes through a sensitive area, where the dragonfly, the Mocha Emerald is an endangered species. Natural Heritage Endangered Species Program (NHESP) has been notified. The filing states that there will be two borings however, there will actually only be one (1) which impacts .2 square feet of land.

Ms. Nancy Jacobs (?) explained that they will be doing the borings. A boring truck will be used. Everything going into and coming from the bore will be fully contained. Clean water will be used. The casing will be lowered to the mudline, then the drill lowered through the casing. The water goes down and back up and recirculates through the system. The spoils in the tube will be disposed of off-site. There will be minimum disruption to the site itself. There will be a tarp under the tub on some plywood in order to have a working platform. Any spillage will be captured.

Ms. Yeatts mentioned that letters have been received from the Division of Marine Fisheries and Mass Audubon worried about vibrations.

Ms. Jacobs explained that the vibrations will be quite minimal. A casing is used to drive the bore down and the drilling is performed by a rotary drill bit, thus it is quite minor. There may be some initial vibrations only when the first casing begins to go through. The work should take a week to complete so will be done plenty in time by March 1, 2015. The total depth is about 80 feet. The drilling goes until bedrock is reached and into ten (10) feet rock core. Ms. Yeatts asked about the project being exempt from Natural Heritage? Ms. Krueel responded that this is not a 21E (hazardous waste cleanup) site. There is an exemption for customary site investigations and this is for site investigations. Ms. Yeatts stated that she looked up the matter and did not find what Ms. Krueel had said. (10.14) Further, her concern is the letter written to Tom French, December 18, 2014. According to NHESP, he has 30 days to respond and that needs to be part of the record. The Conservation Commission needs to know if he does or does not need to comply with this. Mr. French needs to respond. Member Chamberlain asked, if you are only drilling with rotary drill 80 feet to bedrock why will it take a week to do the work? Ms. Jacobs responded that that is a worst case scenario, the work should be done in three (3) days. However, since it is not know what types of problems they may run into, the additional time has been planned for. A sample will be taken every five (5) feet. Ms. Yeatts duly noted that if the work is not completed they it cannot begin again until June 30, 2015. Also, Ms. Heidi Ricci, Senior Policy Analyst with Mass Audubon needs to be communicated with about the RDA since they did not know about it, this should also be part of the order of conditions, that Mass Audubon be part of that. Ms. Krueel stated that they will work with them as this moves forward. Member Grubb mentioned that there have been some difficulties from the rail line when they are doing work such as cutting, the debris and cuttings go right into the river, along with railroad ties. Therefore, the ConComm wants to make sure that any and all debris gets taken offsite. Ms. Jacobs reported that any debris will be deposited into a big drum barrel and be taken offsite.

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

**VOTED: To close the hearing and issue an Order of Conditions pending receipt of a letter from Natural Heritage ESP and that they will follow any other suggestions, restrictions that are asked to be added. The MBTA has also agreed to work with Mass Audubon with any development plans before the application plans are submitted. Any and all debris, trimmings etc., will be taken offsite, no debris will be left in the river. All standard conditions of the Conservation Commission will be followed.  
Unanimous in favor.**

**A motion was made by Member Schroeder; seconded by Member Chamberlain and it was:**

**VOTED: To amend the above motion that during the dates of March 1, 2015 through June 30, 2015, the area cannot be disturbed.  
Unanimous in favor.**

### **Personnel Update**

Ms. Yeatts provided a Personnel Update. As of today three (3) applications have been received for the position of Conservation Clerk. She indicated that she would personally like to do the interviews with the Town Administrator as soon as possible since there is no one else in the office since the clerk has taken on another position in the Town Office Building. Chairman Bouchard stated that he would also like to be present, however, he is not available next Thursday. Member Chamberlain stated that he would also like to meet with the applicants and asked that the resumes could be made available for review. Ms. Yeatts stated a location in the office where the resumes would be available for review.

### **Other Business**

50 or 80 (?) Staples Shores Road. Ms. Yeatts provided an update regarding this site. The matter went to an adjudicatory hearing and the Conservation Commission won on two lots. The two lots were sold to an abutter and now the abutter has more land. The lots were totally wet, however, now, there is a third lot and the applicant wants to do a perc test. Ms. Yeatts has visited the site and explained that the applicant will need to file before they do a perc test. It is to be noted that even a perc test will do some destruction to the site. It seems that they need an RDA (Request for Determination of Applicability), not a NOI (Notice of Intent). It further seems that when homes were built in this area on fill, the water then had nowhere to go and it has now shifted back to make a new area as a wetland. Chairman Bouchard explained that there had been a filing a few years ago. When they did a presentation it was found out they did test borings and drillings. The Conservation Commission should at least have an RDA to see where the wet line is. Member Chamberlain asked if there has been an ANRAD (Abbreviated Notice

of Resource Area Delineation) done? Ms. Yeatts responded that the Conservation Commission usually doesn't ask for that for such a small parcel.

### **Old Business**

Ms. Yeatts stated that it has been two (2) months since William Garvey retired from the BOH (Board of Health) and since his departure the BOH has decided not any longer send plans out to the Conservation Commission. The BOH voted not to send out any plans. However, this could negatively impact the citizens of Lakeville by shutting down projects and increasing costs to the homeowner. Though the applicant should be aware of the fact that they need to file with the Conservation Commission since it is their responsibility, the process typically goes a lot smoother and quicker when the regulatory agency is aware of the plans and what has been filed. The flow sheet that has been in place for nearly three (3) years has been eliminated. Usually the engineers know what needs to be filed by the homeowner such as an order of conditions, etc. Having the flow sheet in place helps to protect the homeowner through the Conservation Commission. It was noted that the Conservation Commission has been working to expedite permits and not hold them up. Further, over the past two (2) years the Conservation Commission has been more actively involved and more easily available via phone when they have been needed to view a project. Chairman Bouchard suggested to send a letter to the BOH asking to be put on their agenda to discuss reinstating the process due to this matter being of concern. Ms. Yeatts suggested that Chairman Bouchard and Member Chamberlain might also speak with the BOH.

### **New Business**

Ms. Yeatts updated the members on the ORAD (Order of Resource Area Delineation) on Highland Road. It was noted that 71 Highland Street is Alan Butlers property. However, the ORAD was incorrect, therefore, it needs to be corrected and resigned. Ms. Yeatts explained that she had to refer to the tape of the meeting in order to make sure that the ORAD would be accurate.

Discussion took place regarding the McCully Cemetery. Ms. Yeattsexplained that she had passed the matter over to the Army Corps of Engineers. The Board of Selectmen had discussed the matter back on December 22, 2014.

Ms. Yeatts asked about Cody? Jennifer Jewell has conveyed that it is coming, however, it has been a year, and she is ready to ship it off to the DEP (Department of Environmental Protection). The Conservation Commission has reached out two (2) times. Mr. Rogers suggested to try reaching out again or to ask Member Maksy. Ms. Yeatts stated that she will reach out again and if she does not hear back she will put it on the agenda for next months meeting.

Bills were signed next.

### **Schedule next meeting**

The next meeting was scheduled for Tuesday, February 10, 2015 at 7 PM.

### **Adjournment**

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

VOTED: To adjourn the Conservation Commission meeting at 7:56 PM.  
Unanimous in favor

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