

FINAL – Approved by the Conservation Commission at their Tuesday, January 9, 2018 Meeting

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

On December 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 Keith Jensen (enter 7:02 PM), and Richard Hagerman, Associate. Members absent: Caitlin Canedy, and Sarah Kulakovich. Also: Nancy Yeatts, Conservation Agent and Christine Weston, Recording Secretary. LakeCAM was recording the meeting.

Hearings 7:00 PM

ANRAD – 141 County Street - Moura

Chairman Bouchard read the Legal Notice into the record.

Michael Koska of Koska & Associates, was present for the discussion. Mr. Koska came forward and reviewed the Abbreviated Notice of Resource Area Delineation (ANRAD) with the Commissioners. Mr. Koska provided four (4) large revised sets of plans. He indicated that the smaller plans (11 x 17) will be provided to the office.

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

**VOTED: To look at the new modified changed plan with three (3) new flags.
Unanimous in favor**

Mr. Koska explained the differences between the old plan and the new one. He stated that he is hoping to get the wetland line approved, so that it will be easier to plan what has to be done with the septic system repair, well location and the rest of the property. He added that he understands that any work proposed in the buffer zone, will require a filing with the Commission. Ms. Yeatts walked the wetland line with the Botanist/Wetland Scientist, Ken Thomson. Several flags were added to extend the wetland area beyond the existing stone wall. The Agent agreed with the following flag series: Original Flag series KT 2 through KT 40 and additional flags KT 18a, 18b, & 18c.

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

**VOTED: To close the hearing for 141 County Street and issue and ORAD approving
the following flag series: Original Flag series KT 2 through KT 40 and
additional flags KT 18a, KT 18b, and KT 18c.
Unanimous in favor**

RDA – 43 Main Street – Maksy/Lakeville Mixed Use Development, LLC

Chairman Bouchard read the Legal Notice into the record

Derek Maksy, of Lakeville Mixed Use Development, LLC, was present for the discussion.

Ms. Yeatts noted that fourteen (14) flags had been reviewed when she had gone out on a site visit to the property.

Mr. Maksy reviewed the plan with the Commissioners. Six (6) lots are being proposed on Rhode Island Road/Route 79. An RDA is being filed to verify that there are the necessary uplands available. The Towns zoning by-law requires 52,000 s. f. of upland for a lot for zoning purposes.

Ms. Yeatts explained that the reason the filing is an RDA and not an ANRAD is due to the fact that the wetland line has been previously flagged. A Peer Review also took place in the past. There have been no changes to the wetlands line since it was originally done.

Mr. Maksy asked the Commissions opinion about a wetland crossing and pointed out the area in question on the plan.

The Agent stated that the Commission allowed wetland crossings to take place at two (2) areas recently, 63B Bedford Street and 59 Lakeside Avenue. The Commission is allowed to make approvals on parcels under 5,000 s. f. Mr. Maksy pointed out that the area he is considering would be under 3,000 s. f.

Member Knox stated that he can't speak for the Commission, however, he didn't have a problem with it, provided that it is engineered correctly.

Mr. Maksy noted that it would take away some land from Lot one (1) however; he is more concerned with not distressing the residents at this time on Rush Pond Road. And, there would be wetland replication with the wetland crossing.

Chairman Bouchard asked about the piece of property between 2 of the lots.

Mr. Maksy explained that was the area he was proposing for an access way in and out. At this time it is not known what DEP will be permitting and eventually requiring, therefore, having this area designated as the preferred access to the property behind the lots is being suggested.

Member Chamberlain asked about the borings at the dump site, since at one time many had been done. Mr. Maksy responded that as part of his commitment with Ahold Delhaize Company/Stop and Shop he witnessed 56 holes being bored and was shown what was produced from them. At a later date there will be herbicide, and pesticide tests performed, as well on the borings, however, what has come up now has been clean. Mr. Maksy stated that he will be requesting public water in order to be as safe as possible and hopes to get it from the City of Taunton. The properties would be deed restricted in order to ensure that no one puts in a well. There are also about fifteen (15) monitoring wells and the Licensed Site Professional (LSP-through the Board of Registration of Hazardous Waste Site Cleanup Professionals) has checked them, looking at groundwater quality, etc. and will also be doing some more. Chairman Bouchard mentioned that the United States Geological Survey (USGS) people did have a boring or two which they maintained. Mr. Maksy recognized that, that was true. There is one which can be viewed from online, it has a solar panel. Member Chamberlain mentioned that another one is in the main hospital. Mr. Maksy stated that it is being considered with Charles Kuperson, about moving one closer to Route 105 for better access.

Ms. Yeatts then went over her report. The RDA is for a wetland line which was previously approved after a Peer Review by the Conservation Commission for a different project. The line has not changed. The applicant (Mr. Maksy) has had the area reflagged and the new flags were reviewed on site. The Agent provided a suggested vote: To close the hearing and issue a Positive 2a Determination.

Ms. Yeatts read the Positive 2a Determination into the record;

The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

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

**VOTED: To close the hearing for 43 Main Street and issue a Positive 2a Determination of Applicability.
Unanimous in favor**

New Business

- COC 12 Settler's Drive – Sergio

Ms. Yeatts's provided an update regarding the request for a Certificate of Compliance for 12 Settler's Drive. The Agent has done a site visit and taken several photos of the property. The photos were distributed for the Commission to view. At this time the lawn doesn't seem to have grown in well enough to issue a COC. Once a COC is issued, the siltation barrier can be removed, however the Agent felt that she would like to see another growing season take place and for the siltation barrier to remain in place through the winter. The Board agreed with the Agents decision.

- Approve minutes of November 14, 2017

No meeting minutes were presented for approval.

- Approve bills (if necessary)

While the Commission was signing invoices, Ms. Yeatts provided an update about another filing which had been left at the office on the wrong form. The filing is for Lake Rim Road, from Connie Bebis. The applicant is looking to do a significant amount of paving. The Agent had visited the site today with Ms. Bebis. The Agent indicated to the applicant that a full Notice of Intent (NOI) would need to be filed with an engineered plan. The concern is, once the roadway is paved all fluids, i.e. gas, oil, etc., will go directly down into Assawompsett Pond, therefore, the road needs to be engineered for proper treatment of the storm water discharge. The site is located within a Natural Heritage & Endangered Species (NHESP) area. The endangered species are the mussels.

- Master Plan

No discussion took place this evening regarding the Master Plan.

- 2018 Meeting Schedule

This topic was included in the Review of Submittal Requirements.

- Review of Submittal requirements for 2018

Ms. Yeatts distributed copies of the submittal requirements. She stated that the areas of concern which had been discussed previously by the Commission had been addressed and modified. The request to have the plans include the amount (percentage) of impervious coverage does remain, however, if the Commission chooses to remove it or adjust it, it can be voted to do so.

Member Knox asked where the requirement of having the applicant, send an email to the Agent, about checking the siltation barrier prior to work beginning was.

Ms. Yeatts responded that it is on the STANDARD Order of Conditions and within the Submittal Requirements.

Member LeBlanc stated that he didn't think that it would hurt to say it twice or in key areas. Ms. Yeatts pointed out that an additional reminder is included in the letter which is placed on top of the Order of Conditions when it is sent out. Member LeBlanc suggested that it be included on the Site Access Form, and Ms. Yeatts agreed.

Ms. Yeatts informed the Commission that the location for the second Conservation meeting each month has yet to be determined. A request had been made for the Library, however, it is unavailable. The COA may be the location for the second meetings of the Commission each month. The Assessors have been relocated to the Conference room at the Town Office Building.

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

**VOTED: To accept the submittal requirements for 2018 as amended.
Unanimous in favor**

Old Business

- Enforcement Order – 107 Hemlock Shore Rd – Loranger (cont'd from 10-24-17)

Denis Loranger was present for the discussion. The letter from NHESP (Division of Fisheries & Wildlife), dated November 15, 2017, had been presented to the Commission. The letter addressed a letter (9/26/17) and a plan (9/27/17) received from Prime Engineering, "Repair Plan", prepared by Evan Watson addressing the Notice of Noncompliance issued by the MA Endangered Species Act and MA Wetlands Protection Act, and the Enforcement Order issued by the Commission for violations. In addition to bringing into compliance the above the following conditions are being requested to be brought into compliance;

- 1) *For each of 3-years following the issuance of this letter (i.e., 2018, 2019, 2020), a qualified biologist or wetland scientist shall submit a brief, annual monitoring report to the Division and the Conservation Commission.*
- *The annual report shall assess the regrowth vigor during the growing season and provide representative photos and a narrative demonstrating that the regrowth along is sufficient to restore the impairment of the Bank.*
- *The monitoring shall include assessment of the vigor of the regrowth and, as needed, provide corrective actions for failing native regrowth and growth of non-native plants novel to the site.*

Member Knox mentioned that he did not see anything about the removal of the processed material. Ms. Yeatts responded that it seems that Natural Heritage is leaving it up to the Commission to have the material removed. There is no timeline for that to be done and the Commission would need that timeline. Mr. Loranger stated that he can have the material removed in two (2) days. Member Chamberlain added that the area would also have to be stabilized.

The Commission asked if the Chairman had received the results of the material. Chairman Bouchard responded that the ph tested between 8 & 15 when mixed with water. There was no acid found. Mr. Loranger stated that either he or Evan Watson, of Prime Engineering, who did the plan, can email the timeline. Member LeBlanc noted that the Commission has already approved the repair plan. Mr. Jensen asked how much material was there overall to be removed? Mr. Loranger responded about 20 tons.

- Signature page for 129 Hackett Ave - Velozo

The signature page was provided for signature since the DEP had not issued a number for the filing to be signed at the previous Commission meeting.

Schedule next meeting

The next meeting was scheduled for Tuesday, January 9, 2018 at 7 PM at the Lakeville Public Library.

Adjournment

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

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

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