

*FINAL – Approved by the Conservation Commission at their Tuesday, April 11, 2017 Commission Meeting*

**Town of Lakeville  
Conservation Commission  
Tuesday, February 28, 2017  
7:00 PM – Lakeville Town Office Building**

On February 28, 2017, the Conservation Commission held a meeting at 7:00 PM at the Lakeville Town Office Building. The meeting was called to order by Chairman Bouchard at 7:00 PM. Members present: Robert Bouchard, John LeBlanc, Joseph Chamberlain, Mark Knox, Derek Maksy, Katherine Goodrow-Robinson, and Keith Jensen (enter 7:28 PM), and Sarah Kulakovich (enter 7:18 PM), Associate, 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 2-13-17)**

Chairman Bouchard read the request into the record for the hearing to be continued.

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

**VOTED: To continue the hearing for Stonebridge Homes to March 28, 2017 at 7 PM  
in the Town Office Building  
Unanimous in favor**

**NOI – 135 Staples Shore Road – Clayton (cont'd from 2-13-17)**

Chairman Bouchard read the legal notice into the record.

*Ms. Jennifer Silva, of Outback Engineering, Inc., was present for the discussion.* Ms. Silva went over the details of the project. She stated that the Board of Health has signed off on the project.

Ms. Yeatts, Conservation Agent, went over her report regarding the project. She explained that the site does have room for a regular system, it would be to put the system further away from the pond. A tight tank is to only be done as a last resort. However, the Board of Health did approve it.

Member Chamberlain mentioned that tight tanks, are not always tight. In theory there shouldn't be anything going into the resources. Ms. Silva explained that she had discussed the potential of putting in a regular system with Mr. Youngquist. It would have to go across the street where there are wetlands and more chances for things to go wrong.

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

**VOTED: To close the hearing for 135 Staples Shore Road and issue an OOC with the  
Conservation Commission Standard Special Conditions.  
Unanimous in favor**

### **NOI – 8 Priscilla Drive – Poillucci (cont'd 2-13-17)**

Member LeBlanc stated that he is an abutter to the property so he recused himself from the discussion.

Chairman Bouchard read the notice into the record. *Jon Pink, of Azor Land Sciences, and Robert Poillucci, Owner, were present for the discussion.* Mr. Pink explained the project and the work which will take place. It is basically a boat house. The work is being done in the 100 year flood zone, some flood storage will be gained and 12 feet of shoreline will be lost. Excavation for the boathouse will take place first behind the bank, then it will be connected to the water by removing the bank.

Ms. Yeatts stated that everything seems to be in order for the project. The possible negative impacts to the environment have been identified and resolved. Natural Heritage has already signed off. There will be a truck to take away the dirt. Mr. Poillucci stated that there is a company in New Hampshire, and though they won't travel to this area to do a project, their system can be seen at Lake Winnepesaukee on how they do this type of project. Mr. Poillucci will be heading up there to view how the work is done. Tubes will be put in, the rubber material poured and an electric pump run for a few days until it dries. The pump will be electric, not gasoline, which should be considerable less noise for the neighborhood. Mr. Maksy asked what the final floor depth will be. Mr. Poillucci responded, 2-3 feet concrete and about 3-4 feet into the ground.

Ms. Yeatts recommended approval with the Conservations Standard Special Conditions with approval subject to a copy of the approved Chapter 91 license provided before work begins.

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

**VOTED: To close the hearing for 8 Priscilla Drive and issue and OOC (Order of Conditions with the Conservation Commissions Standard Special Conditions and proof of an approved Chapter 91 License provided before work begins. Unanimous in favor**

### **NOI – 2 Pinecrest Drive – Hoadley**

Chairman Bouchard read the notice into the record. *Peter Lyons of Collins Civil Engineering Group, was present for the discussion representing the homeowner.* Mr. Lyons went over the project and what would be taking place on the very small lot, 60 x 100. There is no room for a conventional system on the lot, therefore there will be a tight tank installed. The area where the tank will go has been staked out, as well as, proposed erosion control. The dewatering pit is shown on the plan.

Ms. Yeatts stated that in this case there is no other choice but a tight tank. She stated that the silt sock needs to be 12" and dug in a little bit. She will do a site visit before work begins. With the dewatering pit, if that is needed, since this is an area which is really wet, a certified pump truck should be on site as part of the OOC. It is not known if the project has been to the BOH or approved by them. Ms. Yeatts stated that the dewatering pit looks like the perc test site, which is not what it usually looks like on a plan. Mr. Lyons noted that he did not do the plan. Ms. Yeatts explained that her concern was that a truck be on site, however, depending on how

the dewatering pit will be constructed it might be alright. The office has not heard back from Natural Heritage yet regarding any conditions that they may want. Ms. Yeatts recommended approval pending Natural Heritage approval and any conditions that they may have.

Ms. Yeatts stated that she would like a work schedule and have a dewatering truck on call if needed.

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

**VOTED: To close the hearing for 2 Pinecrest Drive and issue an OOC (Order of Conditions with the Conservation Commissions Standard Special Conditions, the silt sock will be 12” and dug into the ground, there will be a certified dewatering truck onsite if necessary, and pending comments and conditions by Natural Heritage.  
Unanimous in favor**

**NOI – 146 Howland Road – Costa**

Chairman Bouchard read the notice into the record. *Mr. Lyons of Collins Civil Engineering was present representing the Owner, and Mr. Cook, engineer, were present for the discussion.* Mr. Lyons distributed the revised plans.

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

**VOTED: To accept the new plans for 146 Howland Road as provided by Mr. Lyons of Collins Civil Engineering.  
Unanimous in favor**

Mr. Lyons went over the project with the Commission. Ms. Yeatts explained that it was a four (4) bedroom home downsizing to a three (3) bedroom home. At 8:47 Chairman Bouchard read the notice into the record since the abutter notices could not be found earlier. Mr. Lyons stated that this is a septic repair. No trees are to be removed or disturbed.

Ms. Yeatts noted that the silt sock needs to be 12” wide, which has not been indicated on the updated plan. The previous plans had only called for an 8” silt sock. Member Chamberlain mentioned that when setting up the silt sock, it works best if a small depression is dug so that the silt sock will get more contact with the earth.

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

**VOTED: To close the hearing for 146 Howland Road and issue an Order of Conditions (OOC), with the Lakeville Conservation Commissions Standard Special Conditions.  
Unanimous in favor**

## **Other Business**

Ms. Yeatts stated that she has prepared a Certificate of Compliance (COC) for Greg Maroney indicating that no work was ever done. This will allow him to record the COC so that the conditions can be removed from his deed. The signature page was distributed and signed by the Commission.

- Inlets of Long Pond – Parkhurst Realty Trust – Permit Extension

Member Maksy recused himself from the discussion. The meeting was moved over into the Selectmen's office due to the large amount of people in attendance from Parkhurst. Copies of Ms. Yeatts's report were provided. This is a 14 year old Order of Conditions (OOC). The Commission and Agent have not seen a request for Parkhurst for a while due to the Permit Extension Act. When the request was finally received from Ms. Tuffile, it was emailed to Natural Heritage. They have two (2) weeks to respond on an extension. The Agent displayed a list of all the people she had spoken with about the testing, herbicide's, etc. A lot of Herbicide has been used since 1998. The Agent distributed a list of the amount of herbicide that has been used. The Agent mentioned that another Conservation Commission denied a communities request for applying herbicide. DEP overturned it with the condition that the people implement a lawn care management program. There are about 20 homes in Parkhurst. The herbicides originally approved were Diquat and Sonar and somehow the herbicide Captain has come in as well. Sonar Q is granular and settles quickly to the bottom, whereas with a spray, if there is a wind or movement in the water, it may not treat the area evenly. The Agent would like to see a one (1) year extension with some changes made. Everyone on the list has agreed with the Agent, for a one (1) year extension. The Commission has the authority to extend it anywhere from 1 to 3 years. Also, it would be preferable to have a testing site closer to the drinking water. The Sonar may not be quite as effective as the Diquat on the Watermilfoil but there is documentation that it does contain it. The Agent is proposing that only one herbicide be used, Sonar Q. Then, one year from now this can be reviewed again.

Constance Tuffile, 11 Parkhurst Drive, representing the community. We feel very strongly that we have had successful treatments. Keeping the canal open is a life blood for us since everyone on the lake uses it and it doesn't make sense for us to change anything that may put us back in the situation we had in 1998. Ms. Tuffile showed an old weed map of what happened in 1998. The plants were all at the surface. The plants were found in 1995 and the weed control started in 1998. The plants had to be pulled out and brought to the dump. Parkhurst now has open water and it is back to what it was like 25 years ago. The plants were introduced by birds or boats and once they got in, they did not get out. There are 32 families who have pooled together to treat the canal. It costs more than \$300 for each family each time a treatment takes place. In addition to the testing, which runs \$2000-3000 a year.

Fred Tuffile: we have been very sensitive to the fertilizer on the lawns and tell people not to fertilize and we have meetings and tell them that. This is not flagrant pollution of the nutrients into the water. This particular neighborhood does not want to put fertilizer into the water; if we feed the plants then we spend \$10,000 a treatment to get rid of the plants. The variable milfoil is different than the other milfoil. The Senior Biologist can speak to this.

Ms. Tuffile then showed where Long Pond is with respect to Wamsutta inlet and Metacomet inlet. It is about 9.1 acres. Ms. Tuffile showed where the dike is and spoke of how it is all woods. Some homes have walls, some have trees and shrubs to prevent things from getting into the water. The Association has provided things to the community to help prevent things from going into the water. It is not all lawns. There are a lot of trees and a lot of woods. Ms. Tuffile stated that she would venture to say that there is more organic matter that goes into the water in the fall with leaves and she has watched it. The leaves then sink which is the nutrition for the plants to grow. There were three (3) years that no treatments were necessary. If treatments are not done the area will be back in same situation.

Member LeBlanc ask if the water is tested. Ms. Tuffile responded that they test at one inlet and at Long Pond.

Member LeBlanc asked if the results are provided to the Commission. Ms. Yeatts responded that they were. Member LeBlanc asked if there had been any indications of a problem through the testing. Ms. Tuffile responded, none. Ms. Tuffile explained that they had been using Analytical Balance Corp. (ABC) lab. They were not required to test for Diquat until 2004. In 2001 there were tests done for Sonar and 20 tests were done. Diquat is the Reward. Member LeBlanc asked about them putting in an additional chemical. Mr. Keith Gonsoolle (Solitude) stated that wasn't used. Ms. Yeatts stated that it is listed in the reports as one of the herbicides used. Ms. Tuffile stated that though the ChemLawn truck may come in, that does not mean that there is too much fertilizer being put down. Mr. Tuffile stated that the herbicide has been used for almost two (2) decades. There have been no issues with the water testing, the frogs and fish and birds are all there, the kids have all swam in the water and are all healthy, so can someone tell me what problem needs solving since this has worked?

Member Knox stated that the permit is 19 years old and the Commission wants to extend it one (1) more year. Then the Association would have to reapply. It is agreed that the canal is a good spot and should be kept open. But, this is a 19 year old permit and it needs to be revisited. Member LeBlanc added that it needs to be monitored since it is part of the drinking water. Chairman Bouchard stated that the Commission wants to make sure that it is being effective, and that testing and monitoring is being done as should be. Member LeBlanc stated that by the testing data that has been received, there may be a chemical being used that the Association may not know about. Chairman Bouchard stated that when the testing initially started it was ABC lab in Middleborough and they were subbing it out to a California lab. There was one year that they could not get any results since the samples were mistreated. Then, the ABC lab said that they would not accept the samples any longer. Chairman Bouchard mentioned that he thinks that there is a certified lab in RI. Member Chamberlain stated that he was surprised that there is not one closer. Question to Solitude Representative (Kevin Gonsoolle), when you test, do you have to ship far away? Mr. Keith Gonsoolle responded that they do. Chairman Bouchard asked if they have checked with DEP? Ms. Tuffile stated that she has a list with the DEP labs and they are all over the country. Chairman Bouchard stated that DEP has their own lab. Member Chamberlain asked if the weeds develop a resistance to the chemicals after long term use. Mr. Keith Gonsoolle responded that some do. It has been Fluridone with hydrilla in the state of Florida. There is a genetic code in that particular strain on the plant. That is probably why you want to have multiple products to have a more integrated approach, and as conditions change, to be able to have some latitude to effectively address that. There has been seen a shift in the density of the two plants. It is felt that having the Diquat, they will be able to give flexibility with controlling and manage areas of Variable-Leaf Watermilfoil as opposed to Sonar which sets

up a concentration in the area and allows the plants to absorb the herbicide in the water. Has mechanical harvesting been looked into? Ms. Tuffile responded that they had in 2004. Mr. Keith Gonsoolle explained that, that would not be a good technique since plants re-seed with fragmentation. Chairman Bouchard mentioned that it was 2010 with the flood and 2011 the years no treatments took place. Ms. Tuffile agreed and added that also in 2007 they did not have to treat. Chairman Bouchard asked what the theory was behind that? Mr. Keith Gonsoolle stated that the weeds were probably there at some level, but not at a level that needed to be treated. Chairman Bouchard suggested to maybe take a year off since it did not rebound those years. Mr. Tuffile stated that a survey is done each and every year and that is how the map is developed. If there is a need to treat then it is done, then another survey is done. There is never a situation where there are no plants. No one wants to spend all this money or put stuff in the water that they don't have to. Ms. Tuffile added that one year they treated very late because the plants were not growing, then they did. Ms. Yeatts stated that since 2014, the reports show that 65 pounds of Sonar and 10 gallons of Diquat are used per application and there is no cutting back being done. Mr. Keith Gonsoolle stated that since Variable-Leaf Watermilfoil is more tolerant to Fluridone it requires a higher concentration and a longer period of time to achieve lethal affects. Also, the concerns to maintain that concentration for a longer period of time might have negative impacts to native plants. So, it needs to be set up for a higher concentration for a longer period of time and multiple treatments. Ms. Yeatts stated that you can only do so much per acre. The reports are showing two (2) and three (3) applications. Mr. Keith Gonsoolle asked to see the reports. Chairman Bouchard stated that this was not a planned hearing and was not scheduled as such, so if there are other concerns let the Commission know, however, the Commission needs to move on with its agenda.

Emil Maksy-12 Parkhurst Drive-So, will you make a decision on this? Our extension will run out in April. Ms. Tuffile asked if the Commission would require another NOI? Mr. Gonsoolle stated that the reports the Commission had were actually not the reports for what is used, it is the permit allowed by DEP of what they can use. If the reports about the specific pesticide use records are wanted they can be provided. The Agent responded that she definitely wanted to see the reports to review them, and to make sure that Captain is not being used. Ms. Yeatts stated that she has an extension ready to go tonight if the Association is willing to do it. The Agent went over the conditions. 1. Relocation of the testing site. 2. Treatment with only one aquatic herbicide, Sonar Q in granular form, for a maximum of three (3) treatments, and 4. that the lawn care management program that the community is buying into be shown to the Commission. All other conditions will remain in place including testing by a certified lab. The next meeting of the Commission is not until March 28<sup>th</sup>. Mr. E. Maksy- That sounds like a threat. As President of the Association, I have to protect our rights. I assume that she has letters that recommend this one (1) year extension. Ms. Yeatts replied that all conversations were on the phone. It was questioned as to whether there was an appeal process for extensions. Chairman Bouchard noted that there may be. He added that this is an option, the Commission is not forcing anything down anyone's throat. Mr. Tuffile stated that the Association should get the extension and do what it has been doing. He asked to let the Association do what will work and in the interim there can be all the discussions and changes the Commission wants. Member Knox stated that he proposed to change the testing site and continue with the experts recommendations for a year.



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

**VOTED: To approve a one (1) year extension of the OOC SE192-416 for Parkhurst (Wamsutta & Metacomet) – Inlets of Long Pond with an amendment to the conditions that there be one (1) testing site: location: Assawompsett Pond at the outlet pipe between the entrance to Parkhurst Drive and Pond Cemetery and that testing be continued by a certified lab.  
Unanimous in favor**

Member LeBlanc mentioned that it had been expressed that the Association would provide the Commission a list of what is being put down on the lawns, including the literature, and the literature of what is being used in the water and details of the test results.

Mr. Tuffile asked what else the Association needs to do. Chairman Bouchard explained that the Commission will need the results of the testing. A hearing will be scheduled at some point and hopefully it will be found out if there is a permanent way to do this. The same conditions for the testing will remain in place, 24 hour, 1 week, etc. Member Chamberlain stated that at this time the Association does not know if it will have to apply the herbicide since the survey needs to be done first. Last year the herbicide did not have to be done until August 15<sup>th</sup>.

- Vigers (Rules, Regulations & Signage, etc.)

Ms. Kulakovich stated that she has three (3) questions to go over therefore, she would like to extend the discussion for Vigers to the next meeting of the Commission, March 28<sup>th</sup>. However, there is an old trail which is being revived by an Eagle Scout, and he would like to add a new loop to the trail. Since the new loop would be departing from the existing trail and some of the trail comes close to a river/perennial stream she was bringing this to the Commission to make sure that it is okay. Ms. Yeatts stated that she would be glad to walk the trail with Ms. Kulakovich and the Eagle Scout. Ms. Kulakovich noted that the Commission does have approved trails through wetlands, and this is a walking trail. Ms. Yeatts suggested that the Eagle Scout go through the process of a Request for Determination of Applicability (RDA) so that he could learn the process. The Commission may waive the fee. Ms. Kulakovich added that she didn't want the Eagle Scout spending a lot of time marking up maps to bring before the Commission only to have the trail changed by the Commission. Ms. Yeatts agreed, the topic will be added to the agenda for the Commissions March 28<sup>th</sup> meeting.

- Roberts Rules of Order

Member Knox stated that the Board of Selectmen use Roberts Rules of Order as their parliamentary procedure for conducting their meetings and suggested that the Conservation Commission adopt it to use as well.

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

**VOTED: That the Conservation Commission adopt Roberts's Rules of Order as**

**the Conservation Commissions procedures.  
Unanimous in favor**

- Representative on Zoning Bylaw Review Advisory Committee (ZBRAC) D. Maksy

Discussion took place regarding the Commissions representation on other Committees.

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

**VOTED: To appoint Member LeBlanc as the Conservation Commissions  
representative for ZBRAC (Zoning Bylaw Review Advisory Committee)  
and that Member Jensen be the Conservation Commissions representative  
to the MPIC (Master Plan Implementation Committee).  
Unanimous in favor**

- Approve meeting minutes of: December 13, 2016, January 10, 2017

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

**VOTED: To approve the Conservation Commissions Meeting Minutes of December  
13, 2016 as presented.  
In favor 6, Abstain 1 (Member LeBlanc)**

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

**VOTED: To approve the Conservation Commissions Meeting Minutes of January 10,  
2017 as presented.  
In favor 6, Abstain 1 (Member Maksy)**

- Approve Bills (if necessary)

Ms. Yeatts Northern woodlands re upping the subscription and we give it to the library after a year. \$42 for two years.

Member Knox-we were called in to meet with the BOS and we should put that on the agenda about the master plan. Ms. Yeatts-I have a folder that I started and I think open space has done a lot of our work for us.

### **Schedule next meeting.**

The next meeting was scheduled for Tuesday, March 28, 2017 at 7 PM in the Town Office Building.



**Adjournment**

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

**VOTED: To adjourn the Conservation Commission meeting at 9:11 PM.**

**Unanimous in favor**

ConComm2-28-17final