

**Conservation Commission
Meeting Minutes
July 8, 2008**

The Conservation Commission held a meeting on July 8, 2008 in the Lakeville Town Office Building. The meeting was called to order by Chairman Orrall at 7:00 p.m. Members present were Bob Bouchard, Joe Chamberlain, Randall Kenney, Emery Orrall and Martha Schroeder. Jennifer Jewell, recording secretary was also present. Michael Toole was absent with prior notice.

7:00 P.M. – CSX Right of Way

CSX

Chairman Orrall read the legal notice. It was noted that no one was present to represent the applicant. The previous delineation and filing were reviewed. There was question as to the extent of proposed work. Upon motion made by Member Chamberlain and seconded by Member Bouchard the Commission

VOTED: To continue the hearing to August 12, 2008 at 7:00 p.m. Unanimous vote.

7:08 P.M. – Route 140

Mass Highway

Chairman Orrall read the legal notice. It was noted that no one was present to represent the applicant. There was discussion regarding the roadway conditions. Member Schroeder voiced concern regarding the length of time the hay bales are left onsite. Upon motion made by Member Chamberlain and seconded by Member Schroeder the Commission

VOTED: To table the hearing. Unanimous vote.

7:13 P.M. – 11 Halcyon Farm Road

Maroney

Chairman Orrall read the legal notice. Jon Pink, from AZOR Land Sciences, presented a Request for Determination of Applicability for the construction of an addition. There was a review of the plans and the wetland line. Approximately half of the addition is located within the buffer zone. It was stated that because of the additional impervious surface the roof and driveway runoff should be directed toward Azel Road. Upon motion made by Member Chamberlain and seconded by Member Schroeder the Commission

VOTED: To close the hearing and issue a Negative Determination of Applicability with the note that the infiltrating roof drains be directed toward Azel Road. Unanimous vote.

7:22 P.M. – Route 140

Mass Highway

Upon motion made by Member Chamberlain and seconded by Member Schroeder the Commission

VOTED: To reopen the hearing. Unanimous vote.

Tom Maguire, Mass Highway, presented a Request for Determination of Applicability for the cold planing, resurfacing and all related items necessary to rehabilitate the roadway. There was a review of the plans and the scope of work. Two inches of the highway will be removed and replaced. There was discussion regarding the reconstruction of the drainage structures. Concern was voiced regarding the length of time hay bales are left in place. Mr. Maguire noted the difficulty of installing & removing silt fence. It was stated that the drainage structures would be cleaned by a clamshell or vacuum and that the concrete truck washout and grindings would be taken offsite. Linda Grubb, resident, noted the presence of rubbish in the BVW adjacent to the highway. Mr. Maguire stated that rubbish removal is an ongoing project but if there was a specific area of concern to advise him. Upon motion made by Member Chamberlain and seconded by Member Kenney the Commission

VOTED: To close the hearing and issue a Negative Determination of Applicability with the note that the hay bale or silt fence installation should be done as the contractor or agent for the state deems necessary. Unanimous vote.

7:40 P.M. – Rear Kenneth Welch Drive**SE 192-567****Cold Storage Solutions**

Chairman Orrall read the legal notice. Jon Pink, from AZOR Land Sciences, presented a Notice of Intent for the construction of two detention ponds and associate grading within the buffer zone. There was a review of the plans. It was noted that tree clearing is in progress and the wetland line was approved as part of an ANRAD filing. The stormwater system was reviewed. It was noted that the drainage ponds are infiltration basins and the sediment forebay is vegetated. A turtle barrier will stay in place throughout construction. Member Kenney voiced concern regarding the depth of the no-touch zone. George Baloo, CAT Realty, LLC, stated that there is an existing drainage easement on the abutting property and questioned whether it would be needed as the water may not flow there after construction on this site. It was stated that the drainage easement issue should be discussed with the Lakeville Development Corporation. Mr. Pink reviewed the direction of stormwater flow and noted the use of a swale to alleviate any concerns regarding flooding on the CAT Realty site. Upon motion made by Member Bouchard and seconded by Member Chamberlain the Commission

VOTED: To close the hearing and issue an Order of Conditions with the following special conditions: 1.) The Order of Conditions must be recorded at the Plymouth County Registry of Deeds and a stamped receipt returned to the Lakeville Conservation Commission (LCC) before work begins; 2.) Haybale line to be installed and inspected by the LCC agent prior to the start of any activity and remain in place until all disturbed areas have been stabilized; 3.) The property owner must manage the lawn according to organic lawn care standards; 4.) Access to the property will be granted to the Conservation Commission and/or its agents, for site inspections, to determine that the project is in compliance with this Order of Conditions. Four in Favor. One opposed.

7: 58 P.M. 123 Nelson's Grove Road**Nyberg**

Upon motion made by Member Chamberlain and seconded by Member Kenney the Commission

VOTED: To continue the hearing to August 12, 2008 at 7:00 p.m. Unanimous vote.

8:00 P.M. – Off Rhode Island Road**SE 192-567****LeBaron Residential**

Chairman Orrall read the legal notice. Jason Youngquist, from Outback Engineering, presented a Notice of Intent for the filling of an existing upland cranberry bog. Tom Reed, from EA Fish and Frank Will, owner, were present for the discussion. There was a review of the plans. It was stated that existing stockpiles would be used to fill the bogs and that the wetland line is the pond line. There was a review of site photos. The silt fence location was discussed. It was stated that the filled area will be used during a later phase of the residential development. The existing irrigation pipe is to be removed. Upon motion made by Member Chamberlain and seconded by Member Kenney the Commission

VOTED: To close the hearing and issue an Order of Conditions with the following special conditions: 1.) The Order of Conditions must be recorded at the Plymouth County Registry of Deeds and a stamped receipt returned to the Lakeville Conservation Commission (LCC) before work begins; 2.) Haybale line to be installed and inspected by the LCC agent prior to the start of any activity and remain in place until all disturbed areas have been stabilized; 3.) Access to the property will be granted to the Conservation Commission and/or its agents, for site inspections, to determine that the project is in compliance with this Order of Conditions. Unanimous vote.

LeBaron Certificate of Compliance**SE 192-399**

It was stated that the invasives removal has not been done but that the Town is holding a bond on the property. Member Schroeder voiced concern regarding reports of work that was done outside of the limit of work. Tom Reed, from EA Fish, stated that no work has been done outside of the siltation barriers. There was discussion regarding the invasive species and the locations of loaming and seeding. Upon motion made by Member Chamberlain and seconded by Member Schroeder the Commission

VOTED: To issue a Certificate of Compliance for SE 192-399. Unanimous vote.

8:38 P.M. – 46 Shore Avenue**SE 192-566****Green**

Chairman Orrall read the legal notice. George Collins, from Collins Civil Engineering Group, presented a Notice of Intent for the installation of a private, deep drinking water well, tight tank, above-ground swimming pool and addition to a single family home. There was a review of the plans. It was stated that the plan has received approval from the Board of Health but is awaiting DEP approval. The haybale/siltfence line was discussed. It was noted that the current well meets drinking water standards but has odor and sedimentation issues. A dewatering pit was discussed. The property is subject to a two bedroom deed restriction. There was discussion regarding the septic tank capacity and alarm system. There was a review of the DEP comments and it was noted that the property predates the Rivers Act and the site is above flood plain elevation. There has been no response from Natural Heritage for this project. Pool drainage was discussed. Upon motion made by Member Chamberlain and seconded by Member Kenney the Commission

VOTED: To close the hearing pending receipt of the Natural Heritage response letter and DEP approval of the tight tank and issue an Order of Conditions with the following special conditions: 1.) The Order of Conditions must be recorded at the Plymouth County Registry of Deeds and a stamped receipt returned to the Lakeville Conservation Commission (LCC) before work begins; 2.) Haybale line to be installed and inspected by the LCC agent prior to the start of any activity and remain in place until all disturbed areas have been stabilized; 3.) There will be no direct dewatering of the pool to the pond; 4.) Well drilling cuttings to be removed as the well is drilled; 5.) Access to the property will be granted to the Conservation Commission and/or its agents, for site inspections, to determine that the project is in compliance with this Order of Conditions. 4 in favor. 1 opposed.

9:08 P.M. – 7 Pine Bluff**SE 192-568****Marzelli**

Chairman Orrall read the legal notice. Dave Davignon, from N. Douglas Schneider and Associates, presented a Notice of Intent for the demolition of an existing building and the construction of a two bedroom dwelling and expansion of the gravel driveway. There was a review of the plans and the limits of the Lakerim Road layout. It was noted that the plans have been submitted to the Board of Health for review. Walter Hotz, 9 Pine Bluff, stated that access to his lot is restricted because of the changes that have already taken place on 7 Pine Bluff and that the plan does not reflect current conditions. The Commission stated that the access issue is not under the jurisdiction of the Commission and is a ZBA matter. Connie Bebis, 16 Pine Bluff, stated that the redirection of the roadway and construction of berms has caused flooding. The roof runoff will be directed into the leach trenches. Shed construction was discussed. It was stated that certain size buildings require a foundation. The existing docks and walls have received a Chapter 91 permit and have been issued a Certificate of Compliance. Site elevations were discussed. Upon motion made by Member Schroeder and seconded by Member Bouchard the Commission

VOTED: To close the hearing pending receipt of the Natural Heritage response letter and proof of notification to the Cities of Taunton and New Bedford and issue an Order of Conditions with the following special conditions: 1.) The Order of Conditions must be recorded at the Plymouth County Registry of Deeds and a stamped receipt returned to the Lakeville Conservation Commission (LCC) before work begins; 2.) Haybale line to be installed and inspected by the LCC agent prior to the start of any activity and remain in place until all disturbed areas have been stabilized; 3.) Access to the property will be granted to the Conservation Commission and/or its agents, for site inspections, to determine that the project is in compliance with this Order of Conditions. Unanimous vote.

Elder's Pond Road Enforcement Order**Fortunato**

Lucille Fortunato was present for the discussion. The Commission received a complaint and issued an Enforcement Order regarding the cutting and chipping of branches on the property. Ms. Fortunato stated that two dead oaks were cut down and stacked to be cut and chipped and that the work previously handled under an enforcement order had been completed. Member Kenney discussed his site visit and site photos were reviewed. The location of the work as related to the City of Taunton's property line was discussed.

35 Pilgrim Road**Levin**

The Commission received a request for a Certificate of Compliance for 35 Pilgrim Road. The house and septic location were discussed. Upon motion made by Member Chamberlain and seconded by Member Bouchard the Commission

VOTED: To issue a Certificate of Compliance for 35 Pilgrim Road. Unanimous vote.

12 Old Powderhouse Road**Cronin**

The Commission received a request for a Certificate of Compliance for 12 Old Powderhouse Road. Upon motion made by Member Chamberlain and seconded by Member Kenney the Commission

VOTED: To issue a Certificate of Compliance for 12 Old Powderhouse Road. Unanimous vote.

Gravel Removal Permit Application – South Pickens Street**Rubini**

There was a review of a gravel removal permit application that had been received by the Board of Selectmen. A stop work order was issued for the site. It was stated that although the applicant stated that the ground would be leveled for bog construction there is no way to guarantee the work would take place. Rita Garbitt, Town Administrator, requested a letter from the Commission detailing any concerns about the site. It was stated that a letter will be sent to the Town Administrator stating that in absence of a public hearing the Commission has serious concerns regarding possible negative impacts to the hydrogeology on the site.

Conservation Agent

Upon motion made by Member Chamberlain and seconded by Member Kenney the Commission

VOTED: To recommend to the Board of Selectmen that Tara Martin be hired as the Conservation Agent at \$17.35/hour for a probationary period of 133 days. Unanimous vote.

Next Meeting

The next meeting of the Lakeville Conservation Commission will be held on August 12, 2008 at 7:00 p.m. in the conference room at the Lakeville Town Office Building. Upon motion made by Member Chamberlain and seconded by Member Bouchard the Commission

VOTED: To adjourn the meeting at 10:32 p.m. Unanimous vote.