

**Conservation Commission
Meeting Minutes
August 12, 2008**

The Conservation Commission held a meeting on August 12, 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. Tara Martin, Conservation Agent and Jennifer Jewell, recording secretary was also present. Michael Toole was absent with prior notice.

7:00 P.M. – Nemasket Dam

Assawompset Pond Complex

Nancy Yeatts, Manager of the Assawompset Pond Complex was present for the discussion. It was stated that all debris left during the act of dredging the fish ladder has been removed. This filing was done at the request of the Herring Commission. 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. Unanimous vote.

7:05 P.M. – 13 Twin Oaks

Yeatts

Chairman Orrall read the legal notice. Nancy Yeatts presented a Request for Determination of Applicability for the repair of a retaining wall on the bank of Assawompset Pond. There was a review of the plans and site photos. Temporary supports were constructed in 2007. The proposed work will be done during the low water level from the top of the bank. A tarp will be used to cover the area to prevent erosion. It was stated that pressure treated wood will not be used during construction. Ms. Yeatts will notify the Herring Commission. Upon motion made by Member Schroeder and seconded by Member Chamberlain the Commission

VOTED: To close the hearing and issue a Negative Determination of Applicability with the note that pressure treated wood cannot be used on the project. Unanimous vote.

Membership

Tom Mason, a lawyer formerly employed by the Department of Environmental Protection, has expressed interest in an appointment to the Commission.

Member Kenney left the meeting.

7:20 P.M. – 25 Loon Pond Road

Merrey

There was a review of the revised plans and the letter from Natural Heritage dated May 15, 2008. Upon motion made by Member Chamberlain and seconded by Member Bouchard 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; 4.) Hay bales are not allowed on the project site per the Natural Heritage letter dated May 15, 2008. Unanimous vote.

Auger Purchase

Ms. Martin stated that the Commission no longer has a soil auger and reviewed approximate costs for replacement. Upon motion made by Member Schroeder and seconded by Member Chamberlain the Commission

VOTED: To authorize the purchase of an auger not to exceed \$328.00. Unanimous vote.

Commission Appointments

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

VOTED: To appoint Emery Orrall as chairman of the Lakeville Conservation Commission. Unanimous vote.

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

VOTED: To appoint Emery Orrall as treasurer of the Lakeville Conservation Commission. Unanimous vote.

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

VOTED: To appoint Joseph Chamberlain as secretary of the Lakeville Conservation Commission. Unanimous vote.

7:40 P.M. – 16 Priscilla Drive

SE 192-567

St. Don

Chairman Orrall read the legal notice. Kevin Walker, on behalf of Foresight Engineering, presented a Notice of Intent for the demolition of an existing dwelling and the construction of a new dwelling and garage and the remodeling of an existing cottage. There was a review of the plans. It was noted that the mobile home on the site will be removed. There was discussion regarding the distance from the garage to the Bordering Vegetated Wetland. It was stated that there will be no excavation related to the remodeling of the existing cottage and the plumbing will be removed from that building. The MESA filing has been done but no response has been received. There was a review of site photos and discussion regarding the overhead power lines. The depth to ground water and garage usage were discussed. Site elevations were reviewed. Upon motion made by Member Chamberlain and seconded by Member Bouchard the Commission

VOTED: To close the hearing pending receipt of the Chapter 91 permit and response letter from Natural Heritage 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.

7: 53 P.M. 123 Nelson's Grove Road

Nyberg

There was a review of site photos and the letter from Natural Heritage. The applicant is required to do a detailed wildlife assessment by a qualified mussel biologist before the end of September. Upon motion made by Member Chamberlain and seconded by Member Schroeder the Commission

VOTED: To continue the hearing to September 9, 2008 at 7:00 p.m. Unanimous vote.

7:55 P.M. – Off Rhode Island Road

SE 192-567

LeBaron Residential

Chairman Orrall read the legal notice. The Commission received a request for an Amended Order of Conditions. The applicant originally filed a Notice of Intent requesting that one bog be filled and subsequently filed the Request for an Amended Order of Conditions to fill the adjacent bog. Upon motion made by Member Bouchard and seconded by Member Schroeder the Commission

VOTED: To close the hearing and issue an Amended Order of Conditions with the original special conditions to remain in place. Unanimous vote.

7:58 P.M. – CSX Right of Way**CSX**

Steve Herzog, from AMEC, was present for the discussion. There was a review of past filings and it was noted that the previous delineation was still in effect. Mr. Herzog stated that the applicant will be doing a low pressure application of herbicide and that the no-spray zones would remain the same. It was stated that there had been recent development in the area and it was recommended that Mr. Herzog inquire at the Board of Health or on the GIS system about the location of wells. There was a review of area maps. There was question regarding a stream near mile marker 18. Mr. Herzog reviewed the list of herbicides proposed for use. It was stated that mechanical vegetation control would be handled under a separate filing. A copy of the applicator's license was provided to the Commission. Linda Grubb, Pierce Avenue, stated that the current mapping shows a stream under the rail that didn't appear on the earlier delineation. Ms. Grubb requested that the Assonet Cedar Swamp be declared a no-spray zone. Mr. Herzog stated that the rail bed is elevated in these areas. Ms. Martin requested a site visit. Mr. Herzog will verify the locations of new construction and note any trout streams on the plans. Upon motion made by Member Chamberlain and seconded by Member Bouchard the Commission

VOTED: To continue the hearing to September 9, 2008 at 8:00 p.m. Unanimous vote.

8:25 P.M. – Route 79**Town of Lakeville**

Chairman Orrall read the legal notice. Ken Motta, from Field Engineering, presented a Notice of Intent for the construction of 1,625 linear feet of roadway, utilities and stormwater management systems within the buffer zone to a Bordering Vegetated Wetland (BVW). There was a review of the plans. Mr. Motta stated that the relocation of Route 79 is to alleviate unsafe traffic conditions and the location was selected by Mass Highway. The locations of two drainage basins and the resource areas were discussed. Mr. Motta stated that there is no hydrological connection between the ditch and the BVW. The stormwater collection system is in the roadway corridor. It was noted that the retention basin makes use of the well drained soils onsite and the detention basin will release the water. It was stated that the impact to the buffer zone of the large wetland amounts to a 7% disturbance. Ms. Martin noted the difficulty of locating flags in the field and requested a site visit with the engineer. Mr. Motta agreed to restake the center line of the road and stated that the final submittal of the plans could be expected around November 1, 2008. Ms. Martin voiced concern regarding the elevation of the roadway and impact of runoff to the certified vernal pool. Mr. Motta stated that the roadway slopes away from the vernal pool. There was discussion regarding the proposed end of Route 79 and access to the remaining roadway from Route 105. Upon motion made by Member Chamberlain and seconded by Member Schroeder the Commission

VOTED: To continue the hearing to September 9, 2008 at 8:00 p.m. Unanimous vote.

8:42 P.M – 1,3,5 Quequechan**QBI Homes**

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

VOTED: To continue the hearing to September 9, 2008 at 8:00 p.m. Unanimous vote.

8:45 P.M – 3,5,7,8 Quequechan**QBI Homes**

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

VOTED: To continue the hearing to September 9, 2008 at 8:00 p.m. Unanimous vote.

Agent Report

Ms. Martin reviewed past trainings she had attended and her plans for future training opportunities. It was noted that GIS training does not seem to be available. There was discussion regarding the maximum weekly hours.

Hemlocks

The Commission received a complaint regarding erosion of the roadway adjacent to the beach. It was stated that until the ownership issue is resolved the Department of Environmental Protection recommended that the Commission not rule on the matter.

Macon Landscaping

The Commission will draft a letter stating that the Macon filing will be denied for failure to provide requested information and that because the work on the site has not progressed, the applicant is in violation for unpermitted filling and work done in the buffer zone. A new Notice of Intent will be required for any work on the site.

Next Meeting

The next meeting of the Lakeville Conservation Commission will be held on September 9, 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 9:05 p.m. Unanimous vote.