

**Conservation Commission
Meeting Minutes
April 23, 2013**

The Conservation Commission held a meeting on April 23, 2013 in the Lakeville Public Library Conference Room. The meeting was called to order by Chairman Orrall at 7:00 p.m. Members present were Robert Bouchard, Joseph Chamberlain, Linda Grubb, Emery Orrall, and Ryan Trahan. Nancy Yeatts, Conservation Agent; and Jennifer Jewell, recording secretary were also present. Pam Rasa, Martha Schroeder and Sarah Kulakovich were absent with prior notice.

7:00 p.m. – 36 Central Avenue

Walsh

Jon Pink, from AZOR Land Sciences; Jim Marsh, attorney; and Michael Walsh, applicant were present for the discussion. There was a review of the revised plans. The existing dwelling will be razed and a new home will be built on the foundation. The applicant is also proposing a paver patio and a shed. Ms. Yeatts noted that obvious site disturbance was observed on the first site visit. A consultant was hired to perform a peer review. Sabatia, Inc. submitted a report dated April 19, 2013 which detailed the presence of fill on hydric soils. Mr. Marsh reviewed the test pit sites and stated that his client did not fill the area in question. Chairman Orrall stated that there is a difference of opinion regarding the fill and suggested that the materials be removed and the site restored.

Mr. Walsh presented a notarized letter from the previous homeowner regarding the location of the stone wall and related fill. Mr. Pink noted that the stone wall does not serve as a property boundary. There was discussion regarding the length of time the fill has been in place. Ms. Yeatts stated that Mr. Gray gave a verbal opinion that the fill would be easy to remove as it had not been in place for a long period. Member Rasa noted that the photos show that the fill extends to the stone wall, over the property boundary. Mr. Walsh stated that approximately ten yards of fill were placed over the entire yard. Mr. Marsh voiced concern over the cost associated with the extent of fill requested for removal.

Mr. Pink stated that the site had fill in place during the septic installation in 1997. Ms. Yeatts noted the substantial amount of sand observed on the site. Member Chamberlain stated that the report from Sabatia does not note the presence of additional fill, only the recent work and hydric soil. There was a review of an aerial photo from Google Maps.

There was question as to whether the restoration plan should be completed by the applicant and submitted for review by the Commission or would Sabatia be preparing the plan. Mr. Pink stated that the proposed restoration work would need to be clarified. The Commission received an email from the abutter granting access to the adjacent lot for removal of the fill and restoration of the area. Mr. Walsh maintained that there was no filling on that lot. Member Grubb stated that the violation transfers with ownership. Mr. Marsh noted that the flags and test pits are on the adjacent property which the applicant does not own. It was agreed that Mr. Pink could prepare the plan for review by Mr. Gray. The Commission requested a clarification of property lines. Mr. Marsh and Mr. Trahan debated the validity of the DEP GIS layers. Member Chamberlain suggested that the restoration plan take into consideration what the Commission would allow on a site without violations. Mr. Walsh questioned the hay bale location from the 1997 septic installation.

The Commission agreed to table the discussion regarding 36 Central Avenue so the applicant could discuss the requests made by the Commission with his representatives.

Cedar Pond Pump House

Ms. Yeatts recommended the owners file a Notice of Intent for the removal of the pump house from Cedar Pond. Site access was questioned. Barriers will be used to contain debris in the pond.

Meeting Minutes

There was a review of the minutes from the December 18, 2012 meeting. Upon motion made by Member Chamberlain and seconded by Member Rasa the Commission

VOTED: To approve the December 18, 2012 minutes as amended. Unanimous vote.

There was a review of the minutes from the February 26, 2013 meeting. Upon motion made by Member Chamberlain and seconded by Member Rasa the Commission

VOTED: To approve the February 26, 2013 minutes as amended. Unanimous vote.

There was a review of the minutes from the March 26, 2013 meeting. Upon motion made by Member Chamberlain and seconded by Member Rasa the Commission

VOTED: To approve the March 26, 2013 minutes as amended. Unanimous vote.

CSX Cold Water Trout Stream Impact

Member Grubb requested verification on the direction of stream flow from Box Brook. This area may be re-zoned at Town Meeting and the importance of a cold water habitat was discussed. It was suggested that the Commission set up a site visit with Steve Hurley from the Division of Fisheries and Wildlife.

97 Highland Road

Mr. Hedges will be present at the May Conservation Commission meeting to discuss tree removal and review the status of work on the site.

Vigers Stewardship Plan

Ms. Yeatts stated that the Building Inspector could condemn the Boy Scout House and the Fire Department could set up a controlled burn. It was noted that the foundation would remain in place and plans/funding would be needed to fill it in. There was question as to whether it was a historical cellar hole. Chairman Orrall will visit the site to check the status of the building and foundation and offered to donate construction of a deck or patio.

Ms. Yeatts left the meeting.

36 Central Avenue

Walsh

Mr. Marsh stated that the applicant would like to request a continuance and return to the Commission with a restoration plan. It was stated that the boundaries of the property must be defined and the extent of work detailed. Chairman Orrall requested that the plan reflect the removal of all fill from the wetland. Member Trahan reiterated the need for a plan showing all of the pertinent information. Mr. Marsh stated that there are no hydric soils present on the subject property but that the applicant is attempting to work with the Commission. Site photos were reviewed and the timeline of apparent changes were discussed. It was stated that additional soil borings will be witnessed by the Agent or a Commissioner and the applicant will submit a

restoration plan for review by the Commission. Mr. Walsh stated that the Building Inspector verbally informed him that a shed under 120 square feet can be located on the property line with approval from the abutter. Upon motion made by Member Trahan and seconded by Member Chamberlain the Commission

VOTED: To continue the hearing to May 14, 2013 at 7:00 p.m. Unanimous vote.

Local Wetlands By-Law

There was a review of the draft by-law. It was decided that additional protection of vernal pools would be included in the by-law. It was stated that the 25-foot no touch zone will apply for new construction and there was question as to whether to include it in the by-law or as part of the rules and regulations. It was noted that the term 'vista pruning' must be further defined. The Emergency Certification portion will be edited and combined with the Exceptions and Exemptions section. There was discussion on the wording in the section dealing with Enforcement and it was decided that Member Trahan would look to a 2006 decision on this issue.

The importance of public education prior to Town Meeting was stressed. It was decided that the Commission would prepare a number of press releases, post information to the town website and host an open house in the fall.

Upcoming Meeting

The next meeting of the Lakeville Conservation Commission will be held on Tuesday, May 14, 2013 at 7:00 p.m. in the Town Office Building Conference Room. Upon motion made by Member Chamberlain and seconded by Member Bouchard the Commission

VOTED: To adjourn the meeting at 9:17 p.m. Unanimous vote.