

FINAL – Approved by the Conservation Commission at their July 11, 2017 Conservation Meeting
Town of Lakeville
Conservation Commission
Tuesday, June 13, 2017
7:00 PM – Lakeville Public Library

On June 13, 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 PM. Members present: Robert Bouchard, John LeBlanc, Joseph Chamberlain, Mark Knox, Caitlyn Canedy and Keith Jensen, also Richard Hagerman Associate, Nancy Yeatts, Conservation Agent and Christine Weston, Recording Secretary. Katherine Goodrow-Robinson and Sarah Kulakovich were absent. LakeCAM was recording the meeting.

7:00 PM

ANRAD – 1 Susan Lane – Vasseur (cont'd from 5-23-17)

Barbara Vasseur was present for the discussion. Ms. Yeatts stated that she had done an initial site visit with Member Goodrow-Robinson, then another, with members LeBlanc and Knox. It is a consensus of the Commission that a peer review is needed for the filing and Evan Watson, P.E., Sr. Project Engineer at Prime Engineering, Inc. was notified. The Agent recommended LEC Environmental Consultants, Inc. as the Town uses them for Town projects. Brian Madden, Wildlife Scientist, of LEC, has provided an estimate and contract. Copies of the contract were distributed to the Commission to review. Member LeBlanc asked if the applicant has a choice of opting out. Ms. Yeatts responded that they did. The cost for the Peer Review is \$2000.

Ms. Vasseur had met with Ms. Yeatts on May 10, 2017, then again on May 17, 2017 in the office, to go over the plan. The concerns were discussed and the fact that Ms. Yeatts had not completed her review all of the flagging.

Member LeBlanc stated that the Commission was concerned enough with some of the things that were seen on the property, so it was felt that a Peer Review was needed. Ms. Vasseur stated that she has already paid the Town. Member LeBlanc explained that Ms. Vasseur had paid the filing fees, for the ANRAD. The Commission has a timeline to follow when a filing is received. The Peer Review consists of a Wetland Scientist going out and verifying that the wetland flags are properly placed. Ms. Vasseur asked why isn't it just identified where the problems are rather than flagging everything again. Member LeBlanc clarified that the Wetland Scientist will look at what has already been done and make changes as needed. He noted that he observed a wetland flag in the middle of a pond on his site visit. It has been determined that assistance is needed regarding the flagging, beyond what the Agent can do.

Chairman Bouchard added that since someone has already done the flagging, our consultant will review and make any necessary corrections. Member LeBlanc stated that the Commission feels that there were problems with what was flagged; thus the Commission is asking for someone to be hired to review the flags and relocate them if necessary. Ms. Vasseur asked if it would be all the flags or just the ones that have been identified? Ms. Yeatts responded that there are some areas where changes need to be made. The cost is \$2000 for the Peer Review. Ms. Vasseur explained that what has taken place so far has cost \$17,000. She would like to make sure that everyone did their job correctly, and who is educated to say what is right and what is

wrong? If the Commission did not have any confidence in Prime Engineering, why weren't the applicants told who to go to? Ms. Yeatts stated that the Commission cannot do that. What took place was done by a Wetlands Scientist, not an Engineer. All the flags will be reviewed. Member Knox stated that if the applicant feels it necessary, after the Peer Review, they may be able to arbitrate the fees with their contractor. Chairman Bouchard explained that this is no reflection on the original wetland scientist. There are just some obvious issues with the wetland line that has been flagged.

Member Knox added that it looks like there is a lot of fill in areas where there is water and there could be hydric soil under the fill. There are several culverts under the road bed. If the wetland crossings were not made properly a road might collapse. It was asked when will the Peer Review start. Ms. Yeatts stated that she has received the estimate and brought the contract this evening. If the Commission approves the Peer Review, it will start as soon as LEC can begin. Member Chamberlain mentioned that the Commission had discussed an alternative about developing the site. Ms. Yeatts explained that when Ms. Vasseur met with her in the office, Nate Darling, Building Commissioner, threw out some ideas. Ms. Vasseur stated that she wants to know where the wetland is. She has been there for 50 years and knows how it flows, but wants it documented. This will not start until the money is received? Ms. Yeatts responded in the affirmative. The Commission can vote for the Agent to sign the contract, however, the work will not start until the check is received. Ms. Yeatts added that she has not asked for LEC to attend a meeting to present their findings as that would have been an additional cost. Ms. Vasseur asked if the person from LEC is from town. Ms. Yeatts explained that it is Brian Madden from LEC, the Town has employed his services in the past.

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

**VOTED: To authorize the Conservation Agent to sign and execute the contract for a peer review for 1 Susan Lane by LEC Environmental Consultants, Inc.
Unanimous in favor**

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

**VOTED: To continue the hearing, at the request of the applicant, for 1 Susan Lane until Tuesday, July 11, 2017 at 7 PM at the Lakeville Public Library on 4 Precinct Street.
Unanimous in favor**

Ms. Vasseur stated that she will call the Agent when she has the funds for the Peer Review. It will not be until the end of July. Ms. Yeatts stated that she does not know when LEC will be doing the work since they will only to put it on their schedule when the funds are received.

ANRAD – 63B Bedford Street – Maher/Trask (cont'd from 5-23-17)

Ms. Yeatts reviewed the ANRAD with the Commission. The Agent has visited the site twice. There is one area where the wetland is degraded and another area where the wetland is pristine. The applicant wants to build an additional building and add on to an existing one. It was suggested that they change the shape of the additional building because of extensive disturbance to the wetland. Member LeBlanc asked if they can replicate. Ms. Yeatts responded

that they could. The applicant will also be putting in a driveway for access to the buildings. The reason it will be paved is due to their use of forklifts for moving heavy material around. The applicant has also considered putting a Conservation Restriction (CR) on a portion of the property. The applicant will be returning with an NOI for the actual work. A number of flags were relocated while the Agent was out with Robert Forbes from Prime Engineering, Inc. Mr. Forbes was in agreement with the flags that were moved. The replication area would be under 5,000 s. f.

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

**VOTED: To continue the ANRAD, at the request of the applicant, for 63B Bedford Street until Tuesday, June 27, 2017 in the Town Office Building at 346 Bedford Street, at 7 PM.
Unanimous in favor**

RDA – 4 Alberta Lane - Hartman

Chairman Bouchard read the legal notice into the record. *Jennifer and Eric Hartman were present for the discussion; and a neighbor, Robert Lang, from 16 Lang Street.* Ms. Yeatts explained that the applicant was told that they have no wetlands on their property. Actually there is a small portion of wetland on the property. The Hartman property is flat. There is a stone wall at the back of the property, and the property drops off pretty quick behind it. The applicant will be putting in a fence for a horse corral and using a gas post hole digger/auger. Member Chamberlain asked if the horses are at the property and where the waste from them will go. Ms. Hartman stated that the horses are not at the property as of yet and the waste will be put into a trailer and then be taken away by a service.

Robert Lang stated that Carol Louis owns the majority of the wetlands in that area. Are all the wetlands flagged? Ms. Yeatts explained that the Hartman's had brought in Jen Silva, a Wetlands Scientist, who flagged the property.

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

**VOTED: To close the hearing for 4 Alberta Lane and issue a Negative 3 Determination contingent on using no large machinery to put the fence posts in.
Unanimous in favor**

RDA – 139 Staples Shore Road - Maksy

Chairman Bouchard read the legal notice into the record. Madelyn Maksy was present for the discussion. Ms. Yeatts stated that the RDA is straight forward. A Ditch-Witch will be used to do the digging for the gas line.

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

**VOTED: To close the hearing for 139 Staples Shore Road and issue a Negative 3 determination with the condition that no large machinery be used to dig the gas line.
Unanimous in favor**

NOI – 19 Carriage House Drive – Silva (revisit)

Ms. Yeatts explained that though the Commission has already looked at this filing and an OOC has been issued. The wrong date was given on the Notice to Abutters and they missed the opportunity to attend the hearing. The abutters were re-notified and are present tonight to ask any questions on the filing that they might have.

Neighbors, Barry and Marilyn Ledin, of 17 Carriage House Drive, were present for the discussion. Mr. Ledin asked if inspections are done, at least once? Ms. Yeatts responded that she inspects the siltation device prior to the start of work. The Commission mandated both a silt fence and a hay bale line due to the steepness of the slope. It is not known when the applicant will start the project since their OOC is good for 3 years. Mr. Ledin stated that equipment was dropped off today and the haybales are up. Member LeBlanc stated that the Agent, Ms. Yeatts, is supposed to be notified when a project is beginning for inspection of the hay bale line. Ms. Yeatts explained to the abutters that if they have any concerns to let her know and she will go over there right away.

Other Business

- Site Access Consent Form (Old/New)

Ms. Yeatts went over the old and revised Site Consent Form with the Commission. Member Chamberlain suggested having an email address included on the form. Ms. Yeatts was in agreement of adding an email address. She added that she has always been available through her cell phone to do a site inspection, even on the weekends.

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

VOTED: To accept the revised site access form, with the addition of including an email address.

Unanimous in favor

- Summer Schedule

Ms. Yeatts stated that the Commission usually has only one (1) meeting during the months of June, July and August, however, there has been enough work to have two (2) meetings during the month of June. It was the consensus of the Commission to hold one (1) meeting in July (July 11, 2017) and one (1) meeting in August (August 8, 2017) and a second meeting only if really necessary. The engineers will be notified.

- Approval of Minutes of May 23, 2017

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

**VOTED: To approve the Conservation Commission meeting minutes of May 23, 2017
as presented.**

**In favor 5, Abstain 1 (Member Jensen),
Absent 1 (Member Goodrow-Robinson)**

Adjournment

Upon a motion made by Member Canedy; seconded by Mr. Hagerman, it was:

**VOTED: To adjourn the Conservation Commission meeting at 7:55 PM.
Unanimous in favor**

Josh Flaherty, student, was present

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