

Approved by the Conservation Commission at their March 24, 2015 meeting

Town of Lakeville
Conservation Commission
Tuesday, February 10, 2015
7:00 PM – Lakeville Public Library – Conference Room

On February 10, 2015, the Conservation Commission held a meeting at 7:00 PM at the Lakeville Public Library – Conference Room. The meeting was called to order by Chairman Bouchard at 7:07 PM. Members present: Linda Grubb, Robert Bouchard, Joseph Chamberlain, Derek Maksy, Ryan Trahan, and Sara Kulakovich, Associate. Members absent: Martha Schroeder, and Hugh Rogers, Jr. Also present: Christine Weston, Recording Secretary. LakeCam was recording the meeting.

7:00 PM
ANRAD

18 Lakeside Avenue/David Horton

Chairman Bouchard read the notice of the hearing into the record:

According to the provisions of Mass. G.L. Ch. 131, sec. 40, the Wetlands Protection Act, there will be a hearing on an Abbreviated Notice of Resource Area Delineation filed by David Horton. The location of the delineation is 18 Lakeside Avenue (map 54 block 2 lot 13). The public hearing will be held on February 10, 2015 at 7:00 pm in the Lakeville Public Library, Conference Room.

It was noted that a continuance of this hearing was requested by the applicant to March 10, 2015.

A motion was made by Member Maksy; seconded by Member Chamberlain and it was:

VOTED: To continue the hearing until March 10, 2015 at 7 PM.

Unanimous in favor

NOI

Water Street/Water Street Crossing LLC

Chairman Bouchard read the notice into the record:

According to the provisions of Mass. G.L. Ch. 131, sec. 40, the Wetlands Protection Act, there will be a hearing on a Notice of Intent filed by Water Street Crossing LLC for a small residential subdivision less than or equal to 4 single family houses or less than or equal to 4 units in a multi-family housing project. The location of the project is Water Street (map 18 block 3 lot 27B). The public hearing will be held on February 10, 2015 at 7 pm in the Lakeville Public Library, Conference Room

Kevin Walker representing Bob Poillucci was present for the discussion. Mr. Walker provided information on the project. It was stated that there are parts of the project that will be in the buffer zone. The existing house been there for about 20 years. It caught on fire and now, just sitting there is the foundation, retaining walls and the existing septic system. It was serviced by a well, which is shown on the bottom of the page of the plans near the driveway. The plan is to remove the septic system, raze the house and put in a 40B development with 14 multi bedroom units. The majority of the work will take place outside the buffer zone. What is within the buffer zone are areas that were previously occupied by lawn, house or the septic system. The

septic system will be outside the buffer zone and drainage, for the most part. The leaching pits will handle roof drainage. One leaching pit is shown between the buildings which will handle water from both buildings. A small portion of trees will be removed behind Unit 1. The tree line is as seen on the plan. Then, there will be a small cut of trees, which are towards the south end of the property. This project has not been to the Zoning Board, it is hoped to go before them in a few months. They have had though, some preliminary discussions with them and the state. More than 25% of the units will be affordable. They will be deemed apartments and will all count towards the town's stock. Foreseeable changes may be that the basin will be a little longer, which may be requested by the Zoning Board, but that should have no impact to Conservation. The site will not be serviced by well, it will be serviced by a water main. There have been preliminary discussions with the City of Taunton about this having a septic system with a public water supply. The existing pole will remain for electricity and go from there, unless it is indicated to make a change.

Ms. Yeatts asked if Natural Heritage was involved? Mr. Walker responded that there was no Natural Heritage. Ms. Yeatts expressed her concern about the NOI (Notice of Intent) project description to the DEP. The DEP says that there is to be no drainage in the buffer zone. However, the plan clearly shows that there is drainage in the buffer zone. She asked how do we rectify that. Mr. Walker responded that a recommendation can be submitted to the DEP to modify that and also provided to the Conservation Commission. Ms. Yeatts further noted that the submittal requirements ask for a 25', 50' and 100' outline of the buffer zones. The 50' is missing on the plan. Member Maksy stated that it would be good to also identify the 100' foot on the plans. Mr. Walker stated that he will highlight the 100' buffer line for it to be easier to see. Ms. Yeatts noted that the 50' buffer seems to go along the back of the buildings. Mr. Walker stated that it is 85 feet from the buffer zone. Ms. Yeatts stated that she has not looked at the site due to all the snow. Marcus Phinney is the person who flagged the areas and he is typically pretty thorough. Ms. Yeatts stated that though she is not anticipating any problems, the flags at least need to be viewed. Member Chamberlain stated that the Planning Board also has to provide their input also. He asked if they are all three (3) bedroom units? Member Chamberlain also expressed the fact that 28 parking spaces for fourteen (14) three (3) bedroom units may be cutting it close. Mr. Walker stated that they may see a few more spots; it was a twelve (12) unit layout originally. Another four (4) to six (6) may be added. This project will go before the Zoning Board and the Planning Board will be able to comment on the parking. A Special Permit is needed for the 40B that is why it is going before the ZBA. Mr. Walker stated that the flags were put in long before the snow (June 2014) and should have survived the snowstorms. Member Trahan asked for an explanation regarding the detention basin. Mr. Walker mentioned the swale and stated that they will install some berms and try not to let any sediment get into there. Member Trahan stated that the ground water table is high. Mr. Walker responded that it was high all around and they will have to bring in a few feet of fill. They will also have to submit to the Zoning Board about the water. Member Trahan asked about the septic. Mr. Walker stated that the plans show a conceptual layout, it will really be twice that size. He added that he was not asked to design the septic system. Right now this is the plan of record. Ms. Yeatts that all sets of plans have to match, for all Boards. The Conservation Commission needs a real plan of record and will need to check the flags. Mr. Walker stated that he will forward a copy of the plan as it is completed. Member Maksy stated that the biggest thing is the line at this point. Maybe he could speak with the engineer that did it. Ms. Yeatts stated that one can tell by trees and vegetation about the lines. Ms. Yeatts of the area and would look for the vegetation.

Member Maksy asked how the Commission can make a determination? Member Chamberlain stated that that cannot be done until the flags are checked. It is also not known what recommendations the ZBA will make. Mr. Walker stated that that will not take place until June. He added that Mr. Poilluci is anxious to close this and maybe he can get Marcus Phinney to go out and show you. Ms. Yeatts asked if the DEP did wetland plans? Mr. Walker stated that he mentioned that to him, but does not know. Ms. Grubb asked why the Commission has to go through the snow if this is not happening until June? Mr. Walker responded that Mr. Poilluci wants to have this portion completed. He has been told more than once that if something changes it will have to go back before Conservation. The layout will be as seen, it will not get any closer to the wetlands. It is not anticipated to have more work in the buffer zone. Member Chamberlain stated that they don't know though what they (other Boards, i.e. ZBA, Planning, etc.) will ask for and how it will affect the buffer zone. Mr. Walker stated that the work will not change. The existing tree lines stand. The Basin will not go into buffer zone if it enlarges. Parking will be added outside buffer zone. Member Maksy stated that he felt that the concept is ok. Maybe, that is enough for the applicant to move forward to ZBA. Ms. Yeatts noted that she is in the office on Wednesdays and Thursdays, Mr. Phinney can speak with her then. Mr. Poilluci stated that there was an existing lawn there and "we are not close to 25 feet away so I don't know what we are going to wait for". Ms. Yeatts stated that it is the buffer zone line (50'), notifying DEP since their regulations said no drainage in the buffer zone, thus, that needs to go to DEP. When they respond they provide the number that they need to respond to regarding the situation and the wetland line needs to be verified. The line cannot be verified at this time due to the snow. Ms. Yeatts stated that if she can go over the forms with the DEP it might help. Member Chamberlain stated that he cannot recall approving an NOI before the BOH looked at the project, or the Planning Board or the ZBA. All those Boards can make changes that will affect the Conservation Commission. That has always been the order. If the Conservation Commission does an Order Of Conditions (OOC) then that affects all the other Boards, then they cannot change anything. The Conservation Commission is usually last since all the little changes from the other Boards can add up. This project is not just for a single house. Mr. Walker stated that he did not see the number of unit increasing. Member Chamberlain responded that it is not about the number of units, it is the fact that the Commission does not know what other Boards will ask for in changes. Member Maksy stated that if they ask for a change then the Order of Conditions will have to be amended. Member Trahan was questioning the stormwater, however, technically that is outside the jurisdiction of the ConComm. Ms. Grubb stated that this is a major project and there has been snow on the ground for 17 days. She is feeling the pressure to approve something that has not been on the table very long. Also, the flags were just done in June for the wetlands. Member Chamberlain stated that the Commission doesn't want to approve a set of plans that may ultimately change and all agencies need to have the same set of plans. Ms. Yeatts stated that the office received the plans on January 25th.

A motion was made by Member Maksy; seconded by Member Chamberlain and it was:

VOTED: To continue the hearing until to March 10, 2015 at 7 PM.

Unanimous in favor

RDA

77 Pickens Street/Michael Cody

Chairman Bouchard stated that he has received the submittal from Mr. Cody and it can be approved. He read the hearing notice into the record:

According to the provisions of Mass. G.L. Ch. 131, sec. 40, the Wetlands Protection Act, there will be a hearing on a Request for Determination of Applicability for minor work in a resource area filed by Michael Cody. The location of the determination is 77 Pickens Street (map 16, block 4 Lot 3A). The public hearing will be held on February 10, 2015 at 7 pm in the Lakeville Public Library, Conference Room.

It was noted that the Commission has already reviewed this.

Ms. Yeatts stated that the recommendation is a Negative 2 and the Commission can lift the Enforcement Order. Ms. Grubb suggested to also add that this does not include any future work.

A motion was made by Member Maksy; seconded by Member Trahan and it was:

**VOTED: To lift the Enforcement Order for 77 Pickens Street, the recommendation is a Negative 2 and this does not include any future work at the site.
Unanimous in favor.**

New Business

Ratify Emergency Certification

Ms. Yeatts updated the Commission regarding a situation that she and Member Chamberlain had attended to due to the fact that it was an emergency. At 14 Brookstone Drive (Robert Conway property) there was a small stream that was blocked, since some small trees had come down. This then led to flooding and ice freezing in the road. The Highway Dept called Ms. Yeatts regarding the matter. They were allowed the weekend to do the work which was supervised by the Highway Superintendent. A site visit took place on 1-22-15, the end work date was 1-26-15. This type of emergency requires one commissioner to sign for the work to be done.

A motion was made by Member Maksy; seconded by Member Grubb and it was:

**VOTED: To Ratify the Emergency Certification for 14 Brookstone Drive. (after the fact)
Unanimous in favor**

Associate Member Kulakovich provided an update about a fundraiser/gathering for Cowboy Shack (Vigers Building). She asked if this needs to be on the agenda for a press release, or if the Conservation Commission needs to sign off on it. It is understood that a 501C will need to be filed to cover it. It is indirectly related to conservation. Member Grubb suggested that she speak with the Town Accountant about the matter. Associate Member Kulakovich stated that there is a bank account, the gifts fund that the money is going into, she is not collecting the money, it is going through the Town and procurement. She noted that there have been some people who have donated very generously. It has been itemized who the donors have been with their emails and phone numbers. There has been a lot of excitement about the Boy Scout Building being renovated. The roof has been fortified by the Boy Scouts. Ms. Yeatts also recommended that she speak with Ms. McRae the Town Accountant.

Approve Meeting Minutes of 1-13-15

Member Chamberlain explained that if members of the Commission had not provided notice that they would not be in attendance to a meeting it was to be acknowledged in the meeting minutes as such. It was noted that Member Rogers and Member Schroeder were absent from the present meeting without prior notice. Member Chamberlain also provided corrections to the January 13, 2015 meeting minutes to the clerk.

A motion was made by Member Maksy; seconded by Member Grubb and it was:

**VOTED: To approve the January 13, 2015 Conservation Commission meeting minutes with the
corrections as provided.
Unanimous in favor**

Schedule next meeting.

The next meeting was scheduled for Tuesday, March 10, 2015 at 7 PM at the Lakeville Library in the Conference Room.

Adjournment

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

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

ConComm2-10-15