

FINAL – Approved by the Conservation Commission at their March 22, 2016 meeting

**Town of Lakeville
Conservation Commission
Tuesday, March 8, 2016
7:00 PM – Lakeville Library**

On March 8, 2016, the Conservation Commission held a meeting at 7:00 PM at the Lakeville Library. The meeting was called to order by Chairman Bouchard at 7 PM. Members present: Robert Bouchard, John LeBlanc, Peter DeFusco, Mark Knox, Derek Maksy, and Martha Schroeder, Katherine Goodrow-Robinson, Associate and Sarah Kulakovich, Associate, Nancy Yeatts, Conservation Agent and Christine Weston, Recording Secretary. Joseph Chamberlain was absent. LakeCAM was recording the meeting.

7:00 PM

RDA – Continued from February 9, 2016 at applicants request– Churchill Shores Lot – end of Sandy Point Road – Craig Cabral

Jamie Bissonnette of Zenith Consulting Engineers, LLC came forward. He stated that he is finishing up the site plan for Mr. Cabral and should be able to provide the plan to the office later this week. He asked that the hearing be continued until the next meeting of the Conservation Commission.

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

**VOTED: To continue the hearing for Churchill Shores Lot – end of Sandy Point Road -
to Tuesday, March 22, 2016 at 7 PM at the Town Office Building.
Unanimous in favor**

NOI –22 Montgomery Street – Pat McGonigle/Robert & Susan Dunn (cont'd from 2-23-16)

Chairman Bouchard stated that an email had been received from Robert Dunn requesting the postponement of his continuance until the next meeting of the Conservation Commission.

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

**VOTED: To continue the hearing for 22 Montgomery Street to Tuesday, March 22,
2016, at 7 PM, at the Town Office Building at the applicants request.
Unanimous in favor**

NOI Revised –3 Court Circle – George & Carla Damato

Chairman Bouchard read the legal notice into the record. Green cards were provided to Ms. Yeatts. Jamie Bissonnette from Zenith Consulting Engineers, LLC was present for the discussion. He went over the plans for the project and explained that he had talked to Ms. Yeatts about republishing the legal ad to include all the work being proposed and making it clearer about the project that is being done. After discussion about the placement of the dewatering pit it was left “as is” on the plan of record.

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

**VOTED: To close the hearing for 3 Court Circle and issue an OOC with the
Conservation Commissions Standard Special Conditions.
Unanimous in favor**

RDA – Ledgewood Estates

Chairman Bouchard read the legal notice into the record. Jennifer Silva, wetlands scientist and Jason Youngquist of outback engineering were present for the discussion with plans. Ms. Silva had one (1) new set of plans regarding the change for the driveway only that was not submitted within 10 days prior to the meeting.

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

**VOTED: To look at the new plan for Ledgewood Estates as provided from Outback
Engineering.
Unanimous in favor**

Ms. Silva then informed the Commission that she and Ms. Yeatts had reviewed the wetlands. Wetland Flags 6a and 6b were added. The only work within the 100' buffer is the drainage buffer/grass swale. Mr. Youngquist explained that the infiltration basins should be adequate to let water flow through during increased rain storms, and smaller rain storms will go directly into first basin.

Resident Linda Grubb asked about the bedrock and if it might cause problems? Mr. Youngquist responded that all lots have perked, there have been no problems. Ms. Yeatts noted that some ledge shows on the plan. Mr. Youngquist stated that the old quarry is on the other side of School Street. Chairman Bouchard noted that there may have been more than one quarry. Member Schroeder stated that if the town takes over the road, the DPW will need a schedule to clean it out. Does the town otherwise usually take over detention basins? Mr. Youngquist responded that it is a fairly small development, and it is planned that the town will be taking it. The changes on the plan were in response to comments from the Planning Board. The intent is for the road to be a public way, not private; it was built to town standards. Member Maksy stated that though this project has been built assuming that the town accepts it, it is to be noted that there have been problems in the past with projects where the town hasn't accepted the roads. Mr. Youngquist stated that the drainage lot will be owned by the developer/contractor until the town takes it and he is aware that there have been problems in the past. Member Maksy then referred to page 6 of the plan and referred to the haybale line. Mr. Youngquist stated that they are proposing to run hay bales along the entire roadway. Member Maksy asked if when they work on Lot 8, should there be additional erosion control? Mr. Youngquist explained that when the house is built it is 200 feet away, and therefore, should not be an issue. Member Maksy noted that it drops 10 feet though. Mr. Youngquist stated that there is a lot less disturbance when a house is built, than when a road is built. Ms. Yeatts stated that though this is an RDA, and it will not require the Conservation Commissions Special Standard Conditions, there will be one

condition on the Determination of Applicability. The Agent will be called to check the hay bale line before work begins.

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

**VOTED: To close the hearing for Ledgewood Estates and to issue a Negative 3 Determination of Applicability with the condition that the Agent be called to check the haybale line before work begins.
Unanimous in favor**

Other Business

1. Wetland ByLaw Review

Member Schroeder went over what she had amended and clarified of the draft wetland bylaw. The updated version was presented and distributed to the Commission.

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

**VOTED: To withdraw the previous draft Wetland Bylaw and to submit the newest Wetland Bylaw with amendments included, to the BOS, (and to correct the word imperious to impervious)
In favor 3, Oppose 3 (Motion did not carry)**

The vote will be presented again at the next meeting of the Commission, when all members are present.

Minor discussion took place about a petition, and the Board of Selectmen's (BOS) time frame for putting the local wetland bylaw on the warrant etc.

Member DeFusco asked if the Commission would like to discuss what has been presented section by section. Member LeBlanc stated that the Commission went over this at the last meeting. Member Knox stated that though he might vote for a bylaw, he does not like this bylaw since he does not want to include ILSF (Isolated Land Subject to Flooding) and the 25' no disturbance zone should be clear about exactly what is allowed and what is not. There should not be anything that people can interpret differently later down the road. i.e. one can plant indigenous plants in the wetlands, so is it no touch, or some touch? Member Knox asked if anyone has looked at another town that has passed a local wetland bylaw. He further asked about the fines and enforcement of the local bylaw? Chairman Bouchard stated that the Commission wanted to hear back from the BOS on the enforcement and fines aspect. Member Maksy explained the reason that he was not in favor of the bylaw being presented is that if there is an appeal it goes directly to Superior Court and not to DEP. That would be a substantial cost to the resident. Member Schroeder stated that until Member Maksy started making objections about the proposed bylaw; it was working. Member Maksy stated that he wants the Commission to be fair to the residents of the town and he is here to protect the residents. Member DeFusco stated that some towns have a 50' no disturbance. Member LeBlanc asked if with those towns, are the Commissions decisions appealable to DEP or do the residents have to take the town to court? Member DeFusco explained that from what he was aware of, it has never gone that far, the Commission works with the taxpayer. Resident Grubb stated that there is a document online that lists all towns in Massachusetts, providing what they allow and do not allow. Quite a few

towns have a local wetland bylaw, it is not unusual. Member Knox stated that yes, the Commission needs to look at the verbiage that other towns use. Ms. Yeatts offered to provide the Commission with a list of what other towns have in place for no disturbance zones. Member Knox stated that he would be interested in reviewing them.

A revote will take place at the next meeting of the Commission.

2. Update on Vigers – Sarah Kulakovich

Ms. Kulakovich stated that she can provide only a brief update this month; she will have more information next month. Ms. Yeatts stated that the Commission does need to have any information provided in advance so that it can be reviewed to add to the agenda, emailed and copied for the Commission, etc. Chairman Bouchard stated that the Commission has established a policy for reviewing plans prior to a meeting and should do that for anything that is received which will be presented and discussed at a meeting.

Ms. Kulakovich stated that the Town Administrator, Ms. Garbitt, is helping with the signage. It can be made through the firm that Mr. Peck uses for highway department signs. It has taken two (2) years to get signs in place. With the need for new signs, it is hoped that the BOS will approve the signs with the town seal, for them to be official. Either the Commission can supply their own language for the signs or standard boiler plate language will be used. The BOS will be asked at their meeting on Wednesday, March 16th if they will allow the seal on the signs, which will be printed at no cost. Having signs up will hopefully prevent people from wandering into someone's backyard. Member Schroeder asked how the signs would be affixed to the trees? Ms. Yeatts stated that typically staples are used rather than nails so that they can be pulled out easily and not harm the tree. Discussion ensued on the reasons for signs and the fact that the resident (abutter) should be putting up signs so that people are aware of the fact that they are now on private property. It was also noted that signs need to be in place so that people are aware of the fact that the property is only available from dawn to dusk and what is and isn't allowed on the property. Ms. Kulakovich stated that the Stewardship Plan addresses much of what the property is intended for. Member Maksy stated that there is a four (4) page document on what can and cannot go on at the property, but it is not known if the Commission approved it or not. Ms. Kulakovich explained that signs are needed so that people know where and how to park on the property, to make sure people do not wander from one trail to someone's property, etc. There is not a lot to indicate to people that they have left the Vigers property. The property consists of 106 acres with one trail. Member Maksy stated that if the number of signs were under ten (10) he would be in agreement. He also stated that the signs are placed on the Vigers property trees, not those of the abutters. The abutters should also have signs letting people know where their property ends. Ms. Kulakovich stated that she will continue to work with the Town Administrator, Ms. Garbitt, and the BOS to put the official town seal on the signs to be put up in key areas. Member Maksy asked if the police will then patrol the property? If someone violates what is on the sign what happens? Member LeBlanc stated that the signs will act as a deterrent. Ms. Kulakovich stated that the topic can be put on the agenda for additional discussion. Resident Grubb mentioned that she is not aware of who is tracking the Forest Management Plan for the Vigers property. Ms. Kulakovich stated that she is just trying to make sure that people are better

guided through the woods on the property when they start going for their spring and summer walks.

Member Maksy stated that he would like to have the Rules and Regulations for Vigers on the agenda for discussion as well.

3. Approve meeting minutes of 2-23-16

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

VOTED: To approve the February 23, 2016 Conservation Commission meeting minutes with minor amendments.

Unanimous in favor

3. Pay Bills (if necessary)

No bills were presented to sign for payment.

Schedule next meeting.

The next meeting was scheduled for Tuesday, March 22, 2016 at 7 PM at the Lakeville Town Office Building, 346 Bedford Street.

Adjournment

Upon a motion made by Mr. Maksy; seconded by Mr. LeBlanc it was:

VOTED: To adjourn the Conservation Commission meeting at 8:05 PM.

Unanimous in favor

ConComm3-8-16final