

Approved by the Conservation Commission at their April 14, 2015 meeting.

**Conservation Commission
Meeting Minutes
Tuesday, March 24, 2015
7:00 PM – Lakeville Senior Center**

On March 24, 2015, the Conservation Commission held a meeting at 7:00 PM at the Lakeville Council on Aging. The meeting was called to order by Chairman Robert Bouchard at 7:00 PM. Members present: Linda Grubb, Robert Bouchard, Joseph Chamberlain, Linda Grubb, Derek Maksy, Hugh Rogers, Jr. Martha Schroeder, Ryan Trahan, Sara Kulakovich, Associate Member and Nancy Yeatts, Conservation Agent. Also present: Christine Weston, Recording Secretary. LakeCam was recording the meeting.

7:00 PM NOI (Notice of Intent)

Water Street/Water Street Crossing LLC

Bob Poilluci, Applicant, and John Pink, Land Surveyor were present for the discussion. Mr. Poilluci stated that Markus Phinney met with the Conservation Agent at the site and walked the line of flags. Ms. Yeatts stated that two (2) test pits had been dug. She was able to see the ground and everything looks fine. Ms. Yeatts recommended to approve the 14 unit complex project moving forward, noting that the Conservation Commission may want to have permanent markers installed along the wetland line as the Conservation Commission has required for similar projects in the past. Along with requiring that Organic Lawn Care standards be adhered to, an additional item that the Conservation Commission has regularly been recommending. Mr. Pink asked if the Lawn Care Standards should be for the back portion of the property only. It was noted that having two sets of conditions for the lawn care may be difficult to work with and that the Organic Lawn Care standards should be the only standard. Ms. Yeatts further recommended that Before, During, and After Construction Conditions be applied and also the Standard Special Conditions. Discussion took place regarding the type permanent markers that should be placed along the wetland line and the amount needed. It was felt that since there were eleven (11) wetland delineation line markers that eleven (11) permanent concrete markers should be installed. Member Grubb stated that the Conservation Commission should follow what the subdivision regulations have in place for markers. It was mentioned that installation of permanent markers on some sites could be rather expensive depending on the length of the wetlands. Mr. Pink mentioned that the wetland line is only good for about three (3) years since the lines tend to naturally change. Minor discussion took place regarding the buffer zone and water drainage.

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

VOTED: To approve the NOI for Water Street/Water Street Crossing subject to eleven (11) permanent type markers being installed along the flagged wetland delineation line. The type of permanent markers will be agreed upon with the Conservation Agent. Also, the project would adhere to Organic Lawn Care Standards and information will be provided on how this shall be carried out. Approval is also subject to Before, During and After Conditions as set into place by the Conservation Commission and their Standard Special Conditions. Unanimous in favor

NOI 18 Lakeside Avenue/David Horton

At the applicants request this hearing was continued to April 14, 2014 at 7 PM at the Lakeville Library.

RDA Ocean Spray Cranberries/One Ocean Spray Drive

Joseph Benevides, Manager, Ocean Spray, was present for the discussion. Member Derek Maksy recused himself from the discussion since he is a cranberry grower. Member Ryan Trahan abstained from the discussion since he has worked with the engineer. Chairman Bouchard read the hearing notice into the record.

Mr. Benevides took the floor and provided an account of what would be taking place. Ocean Spray has had an 8,000 gallon underground diesel storage tank for a number of years. The fuel was used for the burner and boilers in the building along with providing fuel for the emergency generator. The burner and boilers have been changed over to Natural Gas for the building heating systems. Thus, the diesel fuel is now only needed for the emergency generator and life safety, data systems in the building. Therefore, the 8,000 storage tank is no longer needed and it should be removed. Ocean Spray would like to install a smaller storage tank, 3000 gallons, above ground for what it will now need. Ms. Yeatts stated that the new tank is outside the 100' buffer zone. The delivery entrance of the new tank will be inside the buffer zone, but brought in on an established cranberry bog road. Ms. Yeatts recommended that there be a siltation barrier, such as hay bales. Mr. Benevides stated that they plan to be looking into the silt sock type barriers. Mr. Carl Fahy, who is environmental person at Ocean Spray will be part of the process. Ms. Yeatts stated that another plan will need to be provided with the hay bale lines marked. Member Chamberlain noted that Poquoy is not spelled correctly on one of the sets of plans and should be corrected. It was further noted that the plan is dated 2008. Mr. Benevides stated that this was the plan that had been used for the dam project. It is anticipated that the tank will be delivered early summer, depending when it is approved and bids are solicited. It may not be until August though. The Conservation Agent stated that since this is an RDA the map being used is acceptable, however, there will be a need to submit a new map marking the hay bale lines. Ms. Yeatts expressed her concern of what may be damaged when the 3,000 gallon tank is delivered. Member Rogers expressed his concern that just an RDA does not seem satisfactory. He stated that an NOI should be filed to make sure that conditions are filed and adhered to. He added that he was concerned how one case is being handled one way and another differently. (An RDA was denied at 201 County Road. This particular project was directly in front of the

water.) Ms. Yeatts stated that she will be monitoring the project and should there be a problem with the conditions not being adhered to, she will have them stop work and request that they file an NOI. Member Chamberlain mentioned that the project Member Rogers was referring to was part of a tributary to a drinking water supply. Also, the conditions set into place for one project is not the basis for what the conditions will be for a different project. Each project is looked at individually. Member Rogers stated that this is a worthy project, but he simply disagrees how it is being filed. Ms. Yeatts stated that the Fire Chief is the Hazmat Person who will be at the site when one tank is being taken out and the other installed. When the new tank is installed it must be made sure that no damage takes place, or if there is, that it is fixed right away. Mr. Benevides explained that Ocean Spray has been forthright in the past. When the old tank is taken out it will be salvaged, if there is any remaining fuel, once the new tank is certified the fuel will be put into that tank. The contractor will be part of that process. Member Chamberlain asked if the soil around the old tank will be tested. Mr. Benevides responded that it would be. Member Kulakovich asked about the type of fill that would be going into the ground where the old tank has been removed from. She expressed the fact that the soil filled in should match the surrounding soils. Mr. Benevides responded that it will be local fill. There will be grading and specifications for the fill that comes in which the contractor will be responsible for.

A motion was made by Member Chamberlain; seconded by Ms. Grubb and it was:

VOTED: To issue a Negative 3 Determination (*The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent*), subject to the following conditions, that there be a new plan provided with the siltation barrier marked accordingly, the word Poquoy will be corrected, when the new tank is ready for installation the Conservation Agent will be notified in order to be on site when that takes place.

In favor 4, Abstain 1 (Member Trahan), Against 1 (Member Rogers), Absent 0, Recuse 1 (Member Maksy).

Other Business

Accept minutes 2-10-15, 3-10-15

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

VOTED: To approve the Conservation Commission Meeting minutes of 2-10-15 as amended.

In favor 5, Abstain 2, (Members Schroeder and Rogers)

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

VOTED: To approve the Conservation Commission Meeting minutes of 3-10-15 as amended.

In favor 6, Abstain 1 (Member Trahan)

Member Chamberlain asked if there was a plan showing the proposed work near the McCully Cemetery. Ms. Yeatts responded that there is a plan filed with the BOH. A septic system is being put in and the Army Corp of engineers has been involved.

Ms. Yeatts stated that she was notified by Ms. Garbitt that the Conservation Agent cannot be the representative for the Zoning Advisory Bylaw Committee; it must be a Conservation Commission Member. Member Maksy stated that he would serve at the representative. Recommendations from the Committee will be made to the BOS. Ms. Grubb asked that any information from the Committee be reported back to the Conservation Commission.

A motion was made by Member Chamberlain; seconded by Mr. Rogers and it was:

**VOTED: To appoint Derek Maksy as the Conservation Commission representative to the Zoning Advisory Bylaw Committee.
In favor 6, Abstain 1 (Member Maksy)**

Discussion – Local Wetland By-Law

Chairman Bouchard stated that the Local Wetland Bylaw should be ready for when the time comes for it to be approved. Ms. Grubb explained that when more is added to a proposed bylaw it tends to make people vote against it, while removing some things makes people see it as less restrictive and therefore more likely to vote for it. Lengthy discussion regarding modifications and changes then took place on the draft Town of Lakeville Conservation Commission Wetlands Protection Bylaws dated May 26, 2014. Specifically to sections; 1.0 – Purpose, 2.0 - Jurisdiction, 3.0 – Exceptions and 4.0 – Promulgation of Regulations. The Conservation Agent explained that the purpose of the bylaw is to provide additional protection to valuable resources areas that are not fully protected under MGL Chapter 131 section 40, the WPA. Ms. Yeatts volunteered to work on 1.0 – Purpose, statement.

It was the consensus of the Conservation Commission to work on the first four sections of the bylaw to then discuss at the next meeting of the Commission.

Schedule next meeting.

The next meeting was scheduled for Tuesday, April 14, 2015 at the Library 7 PM.

Adjournment

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

**VOTED: To adjourn the Conservation Commission meeting at 9:00 PM.
Unanimous in favor**

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